



TEXAS DEPARTMENT OF TRANSPORTATION



WELCOME

**VIRTUAL PUBLIC HEARING WITH
IN-PERSON OPTION**

US 281 (Military Highway)

From FM 732 to FM 1421

Cameron County, Texas

CSJs: 0220-04-049 & 0220-04-050

October 12, 2022

SCRIPT:

Hello, and welcome to the virtual public hearing with in-person option for the proposed improvements to US 281 (Military Highway) from FM 732 to FM 1421 in Cameron County, Texas. My name is Samantha Champion, and I am the Planning Program Manager for Hicks and Company, a subconsultant for this project. I will be presenting on behalf of the Texas Department of Transportation, or TxDOT. This presentation has been pre-recorded.

Thank you for participating in this virtual public hearing with in-person option. Public participation is important in the transportation planning process, and TxDOT appreciates your input on the proposed project.

Public Hearing Agenda

- **Public Hearing Purpose**
- **Project Limits**
- **Project Need and Purpose**
- **Proposed Project Description**
- **Environmental Studies**
- **Right-of-Way Acquisition Process**
- **Next Steps in Project Development**
- **How to Provide Comments**

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SCRIPT:

This virtual public hearing with in-person option will include the following topics of discussion: the purpose of the public hearing; the project limits; the need for and purpose of the proposed improvements; a description of the proposed project; a description of the environmental studies being prepared; a description of the right-of-way acquisition process; the next steps in project development; and how to provide comments.



SCRIPT:

November 7, 2000, was the last deathless day on roadways in Texas. That means for nearly 22 years, at least one person has died every single day. We all have a part to play to change that. This message is that reminder – to End the streak of deaths on Texas highways. We need drivers and passengers to act more responsibly and help us reach our goal of zero deaths by 2050. Texans can play a major role in ending fatal crashes with a few simple driving habits: wear seatbelts, drive the speed limit, put away the phone and other distractions, and never drive under the influence of alcohol or drugs. So please do your part and share this message with your friends and family.

Public Hearing Purpose

- Encourage and maintain effective communication with the public
- Provide project information on the US 281 (Military Highway) project
- Follow an important step in the environmental process
- Receive public input and comments



US 281 (Military Highway) near the FM 732 intersection

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SCRIPT:

The purpose of this virtual public hearing with in-person option is to encourage and maintain effective communication with the public and provide project-specific information as it relates to the US 281 (Military Highway) improvements in Cameron County.

Your input and comments are an important part of this process, and we encourage you to provide comments on this project. As I mentioned earlier, your continued participation throughout the planning and development of the project is very important. You are encouraged to talk to your neighbors and refer them to TxDOT so they can also make comments and be included in this process.

Project Limits



SCRIPT:

This project is in Cameron County and traverses the limits of Brownsville, San Pedro, Encantada-Ranchito El Calaboz, and La Paloma. The project is located just south of the limits of San Benito and crosses portions of the Lower Rio Grande Valley National Wildlife Refuge. The proposed project would reconstruct and widen US 281 (Military Highway) from a two-lane to a four-lane rural highway with intersection improvements from approximately 0.3 miles west of FM 732 to 0.18 miles west of FM 1421.

The project is approximately 5.85 miles in length, and the estimated construction cost is approximately \$24.5 million. The proposed project would be constructed in phases. The approximate limits of the first phase are from FM 1421 to FM 1577, and the limits of the second phase are from FM 1577 to FM 732.

The map shown on your screen shows the general vicinity of the proposed project.

Project Need and Purpose

Project Need:

- Increased traffic is leading to higher levels of congestion, decreased mobility, and decreased efficiency along this stretch of US 281 (Military Highway)

Project Purpose:

- Improve mobility and increase operational efficiency by adding capacity and making operational improvements along the roadway

Project Objective:

- Ensure the capacity of US 281 (Military Highway), which serves as a designated Hurricane Evacuation Route, is sufficient to support fleeing residents and associated emergency services during extreme weather events

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SCRIPT:

As the population of the project area and surrounding region have continued to increase, so have traffic volumes and resulting congestion. In turn, mobility along this stretch of US 281 (Military Highway) as well as the operational efficiency of the roadway have decreased. The purpose of the project is to improve mobility and increase operational efficiency by constructing additional travel lanes and making operational improvements, such as constructing left-turn lanes and shoulders. The proposed project would also help to ensure the capacity of US 281 (Military Highway), which serves as a designated Hurricane Evacuation Route, is sufficient to support fleeing residents and associated emergency services during extreme weather events.

Memorandum of Understanding

National Environmental Policy Act (NEPA) Assignment to TxDOT

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.

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SCRIPT:

The proposed project it is anticipated to be programmed with both state and federal funds. Because of this, TxDOT is required to assess the potential environmental effects of the proposed project in accordance with federal standards. The process that is followed is called the National Environmental Policy Act process, otherwise known as NEPA. The NEPA process provides analyses of the potential impacts to the natural and manmade environment and helps the decision maker to make an informed decision on whether or not to proceed with the project. On December 9, 2019, TxDOT received a signed Memorandum of Understanding from the Federal Highway Administration that permits TxDOT to assume responsibility from the Federal Highway Administration for reviewing and approving certain assigned NEPA projects. This review and approval process applies to this project.

Environmental Documentation

- **Environmental technical reports prepared for the proposed project assessed potential impacts to the following resource categories:**
 - Biological resources, including threatened and endangered species and their habitats
 - Water resources, including waters of the U.S. and wetlands
 - Cultural resources, including historic and archeological resources
 - Hazardous materials
 - Traffic noise
 - Community resources, including Environmental Justice populations
 - Air quality
 - Parklands protected under Section 4(f) of the DOT Act and Chapter 26 of the Parks and Wildlife Code

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SCRIPT:

Since the proposed project would utilize state and federal funds, it is required to adhere to the National Environmental Policy Act. NEPA requires analysis of potential impacts to the human and natural environment as a result of the proposed project.

As part of the environmental process, technical analyses were completed to document the potential environmental impacts of the project. The resource categories studied include:

- Biological resources, including threatened and endangered species and their habitats;
- Water resources, including waters of the U.S. and wetlands;
- Cultural resources, including historic and archeological resources;
- Hazardous materials;
- Traffic noise;
- Community resources, including Environmental Justice populations;
- Air quality; and
- Parklands protected under Section 4(f) of the Department of Transportation Act and Chapter 26 of the Parks and Wildlife Code.

The technical reports are available for review upon request at the TxDOT Pharr District Office. All environmental documentation was developed in accordance with NEPA, TxDOT, and FHWA standards.

Environmental Documentation

- Approximately 3.1 acres of new right of way would be required to construct the proposed improvements
- Potential displacements include two outbuildings (carports) and two commercial structures
- No residential displacements are anticipated
- U.S. Army Corps of Engineers Section 404 Permit for impacts to waters of the U.S. and wetlands, if necessary

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SCRIPT:

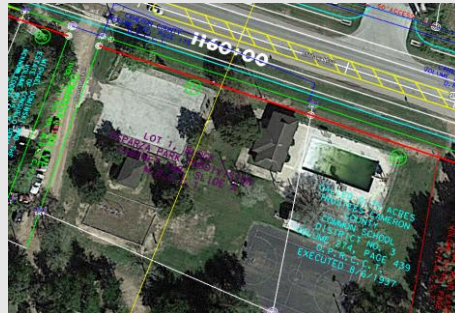
The proposed project would require approximately 3.1 acres of new right of way. Potential displacements include two outbuildings, or carports, and two commercial structures. No residential displacements are anticipated as a result of the proposed improvements. Also, the proposed project requires a U.S. Army Corps of Engineers Section 404 Permit, if necessary. The U.S. Army Corp of Engineers Section 404 Permit establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. This pertains to infrastructure development projects, such as highways or airports.

Environmental Documentation

- The proposed project would require approximately 0.0725 acres of right of way from Don Jose Esparza Park adjacent to the existing US 281 (Military Highway) right of way
- No recreational structures associated with the park would be impacted
- Anticipated to be a *de minimis* determination under Section 4(f) of the Department of Transportation Act of 1966



Photo courtesy of Cameron County; <https://www.cameroncounty.us/esparza-domanski-community-park/>



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SCRIPT:

The proposed project would require the acquisition of approximately 0.0725 acres of right of way from Don Jose Esparza Park. The right of way to be acquired is located adjacent to the existing right of way of US 281 (Military Highway), and no recreational structures associated with the park would be impacted. This small community park is maintained by Cameron County and is located at the intersection of FM 1577 with US 281 (Military Highway). TxDOT anticipates making a *de minimis* determination under Section 4(f) of the Department of Transportation Act of 1966 regarding the impacts of the project on the park property. A Section 4(f) *de minimis* finding means that the proposed project would not adversely affect the activities, features, or attributes that qualify the park for protection under Section 4(f). Cameron County and TxDOT will consider comments received during the environmental process before making a final Section 4(f) *de minimis* determination. Public comments on the effects of the proposed project on the activities, features, or attributes of Don Jose Esparza Park may be submitted as described at the end of this presentation.

Right-of-Way Acquisition Process

- Follow federal state laws and policies
- The Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (Uniform Act)
- Right-of-Way Brochures are available on the TxDOT Website:
<http://txdot.gov/inside-txdot/forms-publications/publications/landowner-rights.html>
- Information about the benefits, services and Right of Way Acquisition schedule can be obtained by calling the TxDOT District Office at (956) 702-6287.

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SCRIPT:

Property acquisitions will follow federal and state laws and policies. The Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 (The Uniform Act) is the federal law that is followed for appraisals, negotiations, and relocation of families or businesses. Right-of-Way Brochures are available on the TxDOT website.

Titles II and III of the Uniform Act discuss the rights of property owners. Independent fee appraisers will appraise each individual property needed as additional right of way. Each affected property owner will receive a certified letter from the appraiser requesting a meeting with him/her in order to inspect the property and provide them the opportunity to accompany them to perform a pre-appraisal inspection. They will also request permission to enter a property for inspection of improvements. The appraiser will determine the land value, improvement value and damages to the remainder (if any) of the property to be acquired. With the initial offer, an appraisal will be provided. This will be forwarded to the landowner by certified, return receipt requested mail as dictated by state law.

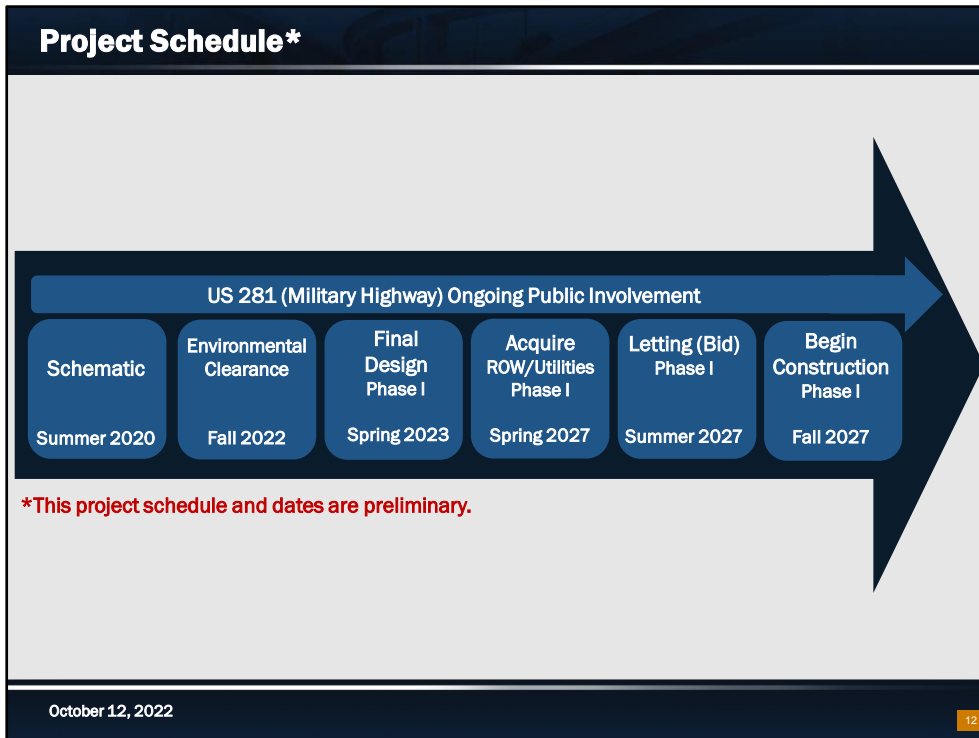
The project currently has available money for construction and right-of-way acquisition. The acquiring agency will start the acquisition process once the environmental clearance is obtained. The property owner can accept the offer based on the appraisal or submit a written counteroffer based on information that can be supported by documentation, such as appraisals or bids which must be submitted by the property owner for review.

If, for some reason, the property cannot be acquired through negotiations, the acquiring agency has the authority to proceed with condemnation proceedings and continue with a Special Commissioner's Hearing, but only as a last resort. Three Special Commissioners are appointed by County Court at Law Judge to hear the evidence of both the landowner and the acquiring agency. The hearing is generally informal and not in a court room, but rather in a public meeting room. A property owner may hire an attorney, at their own expense, to represent them or they may wish to represent themselves. Based upon the testimony given, the Special Commissioners issue an award, which would be their determination of value. Once the acquiring agency has deposited the amount of this award in the registry of the court that property is now in possession of the state in order to continue with construction of the project. Either the landowner or the acquiring agency can appeal the award of Special Commissioners, and a court proceeding would then be scheduled to resolve the issue of the value by a jury.

Property owners will be reimbursed for any reasonable, incidental expenses incurred in transferring title of their property to the state. Expenses eligible for reimbursement generally include recording fees, processing fees to obtain a lien release, and similar required expenses to convey the real property along with any penalties that are required for prepayment of any pre-existing recorded mortgage entered into in good faith encumbering the property.

If it is necessary to relocate persons from their homes and/or businesses, the acquiring agency would be required to comply with the provisions mandated by federal and state law to minimize the impact and financial hardships to persons who are being displaced.

Information about the benefits, services and Right of Way Acquisition schedule can be obtained by calling the TxDOT District Office at (956) 702-6287.



SCRIPT:

The schematic for both phases of the project was completed in Summer 2020. Currently, TxDOT is finalizing the environmental documentation and completing the public involvement process for both phases in compliance with NEPA and Chapter 26 of the Parks and Wildlife Code. Public involvement will continue throughout the environmental documentation process, and environmental clearance for both phases is expected in Fall 2022. Final design for the first phase of the project from FM 1421 to FM 1577 is expected to be completed in Spring 2023, followed by right-of-way acquisition and utilities coordination in Spring 2027. The first phase will let, or be open to contractors for bidding, in Summer 2027, and construction is expected to begin in Fall 2027. The schedule for the second phase of the project from FM 1577 to FM 732 will follow the same process from final design through the beginning of construction, the dates of which are still to be determined. Please note that the project schedule and dates are subject to change.

How to Provide Comments

Submit comments by:

- **Emailing:** nolan.nicolas@txdot.gov
- **Calling:** (956) 215-8305 to leave verbal testimony
- **Downloading and filling out a comment card and mailing it to:**
TxDOT Pharr District Office
600 W. I-2
Pharr, TX 78577
- **Online:** Visit www.txdot.gov, search “US 281 Military Highway,” and click on the “Submit Your Comment” button.



While comments are always welcome, they must be received on or before **Friday, October 28, 2022**, to be included in the official hearing documentation. You may call project staff at (956) 702-6209 during regular office hours or email project staff at any time in the project development process.

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SCRIPT:

Written comments from the public regarding the proposed project are requested and may be submitted via email to nolan.nicolas@txdot.gov, or via mail by downloading and filling out a comment card available on the project website and sending to the TxDOT Pharr District Office, 600 W. I-2, Pharr, Texas 78577. Comments can also be submitted by visiting the project website, searching “US 281 Military Highway,” and clicking on the “Submit Your Comment” button. Verbal comments can also be submitted by calling (956) 215-8305 to leave a voicemail. All comments must be received on or before Friday, October 28, 2022. Responses to comments received will be available online at www.txdot.gov, keyword search: “US 281 Military Highway” once they have been prepared.

if you have any general questions or concerns regarding the virtual hearing or in-person option, please contact Ezekiel Gonzalez, P.E., at (956) 702-6209 between 9 a.m. and 5 p.m. or email ezekiel.gonzalez@txdot.gov.

Conclusion of Public Hearing

**Thank you for your participation in the
US 281 (Military Highway)
Virtual Public Hearing!**

**We would also like to thank
La Encantada Elementary School
for allowing us to use this facility.**

***Please remember to submit your comments by
Friday, October 28, 2022.***

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On behalf of the Texas Department of Transportation, I sincerely thank you for your participation in this public hearing for the US 281 (Military Highway) project. We would also like to thank La Encantada Elementary School for allowing us to use this facility for the hearing. **Please remember to submit your comments by Friday, October 28, 2022.**