



Travis County Commissioners Court Agenda Request

Meeting Date: October 29, 2013

Prepared By: Chiddi N'Jie, P.E., Engineer Senior **Phone #:** (512) 854-7585

Division Director/Manager: Steve Sun, P.E., Assistance Public Works Director

Department Head: Steven M. Manilla, P.E., County Executive-TNR

Sponsoring Court Member: Commissioner Daugherty, Precinct Three

Commissioner Gomez, Precinct Four

AGENDA LANGUAGE: Consider and take appropriate action on a request to transplant a 30 inch diameter oak tree instead of replacing it with an equivalent total diameter of oaks to facilitate the completion of improvements to Frate Barker Road, in Precincts One and Four.

BACKGROUND/SUMMARY OF REQUEST:

The court is being asked to consider and select 1 of 2 tree mitigation options for a large oak tree located in the center of the proposed widening of Frate Barker Road. The first option is to transplant the tree to a nearby location. A rigorous maintenance program will be needed to improve survivability of the relocated tree. The court would need to approve using project funds, as discussed below, and direct TNR to work with The Purchasing Office and The County Attorneys Office to develop a Maintenance Service Agreement with members of the Rancho Alto Homeowner's Association that have offered to pay for this service. The second option is to replace the tree with a total number of smaller trees having a cumulative diameter of 30 inches (example 3-10" oak trees). The second option is what is typically done on our projects.

The Frate-Barker Road Improvement Project is funded jointly by the Federal Highway Administration (FHWA), TxDOT, and Travis County on an 80/20 cost share basis. As such it was required to follow the National Environmental Policy Act (NEPA) procedures which required impacts analyses, alternatives analyses, and public hearings. The result was the issuance of a finding of no significant impact and FHWA authorization to proceed with construction.

STAFF RECOMMENDATIONS:

The bid price for relocating the tree is \$245,000.00. TxDOT has been asked if this will be eligible for 80% reimbursement and their response is as follows: "According to tree experts, if tree wasn't intentionally planted at this location, it's transplant success rate is extremely low and thus is not worth the dollars to relocate. However, transplant costs are potentially eligible for reimbursement". TNR obtained the services of an arborist who believes that the tree can be successfully transplanted.

TxDOT approval of this expense reduces the county's cost to \$49,000.00 plus any additional unforeseen cost. The projected cost associated with the replacement option is \$20,000.00. TxDOT approval of this expense reduces the county's cost to \$4,000.00 plus any additional unforeseen cost.

Staff recommends not to relocate the tree but to replace it with the equivalent total diameter size of smaller trees. Staff bases its recommendation upon the excessive cost of transplanting and the fact that the NEPA process was correctly followed and FHWA authorization to proceed obtained.

ISSUES AND OPPORTUNITIES:

Travis County, under the oversight of the Texas Department of Transportation (TxDOT), is developing the project to improve Frate Barker Road from Brodie Lane to Manchaca Road. This section of Frate Barker Road, about 1.3 miles long, is a 2 lane rural arterial roadway. The proposed improvement includes the widening of the road to 5 lanes from Manchaca Road to Buckingham Gate Drive, and 3 lanes from Buckingham Gate Drive to Brodie Lane. This curb and gutter roadway section will also include a bicycle lane and sidewalk on each side of the road.

This project is consistent with the local transportation plan. The Capital Area Metropolitan Planning Organization (CAMPO) is the designated transportation planning organization for the Austin-area. CAMPO produces the long-range transportation plan and included in the plan is a network of arterial roadways that are considered essential for meeting the transportation needs of this area. The existing and proposed arterial roadway is needed to distribute traffic as efficiently as possible within the network so that no one road takes the full burden.

After the FHWA clearance and 80% design complete, a tree advocate group started an effort to terminate the roadway project and another to save the tree. They requested information to substantiate that the NEPA notification process was followed since they assert never seeing or hearing anything about the project. Through an open records request, the county provided them access to all our files and provided them copies of materials they wanted to take with them. This group agreed that the county followed the process but will still want the road to be left as is, and another group wanted the road to be aligned around the tree. In response to the mounting support for keeping the tree TNR agreed to include in the construction contract options to relocate or replace the tree. TNR also advised that it would not recommend transplanting the tree because of high costs and after having correctly completed a lengthy NEPA process, obtaining TxDOT, and FHWA approvals to proceed with the recommended alternative.

This project has been approved for construction by TxDOT (and FHWA) after nearly 5 years of investigations, analyses, design, and right-of-way acquisition.

The NEPA process required the investigation of alternatives. Of the three options developed, considered, and vetted through the environmental process, Alternate 1, (the one with the 30" tree to be removed) was selected. The public involvement process included the Open House held on January 24, 2008, and the public hearing held on March 3, 2011. This alternative was deemed safer than Alternate 3 and the No Build Alternative, and also had less displacement impact upon property owners.

FISCAL IMPACT AND SOURCE OF FUNDING:

This project is funded jointly by the Federal Highway Administration (FHWA) and Travis County on an 80/20 Surface Transportation Project Metropolitan Mobility(STP MM) grant. The estimated project cost is \$11,500,000.00, with FHWA committing to a maximum of \$9,200,000.00, and the county committing to the rest of the cost and TxDOT administrative cost for a current projected total of \$2,390,000.00. The project will also utilize \$555,038.60 of fiscal posted by developers of the property abutting the roadway. Design and right-of-way acquisitions have been completed. Bids for the construction contract were received on July 23, 2013 and there are adequate funds to proceed with the construction and to fund either option for the tree.

If the court decides to fund the tree relocation under the 80-20 Grant Agreement, TxDOT must also approve the request. TxDOT has indicated in the past that reimbursement eligibility will be looked at when requested, and that the cost is potentially eligible for reimbursement. If TxDOT denies the request, the county will need to fund the total amount, including any change order relating to the relocation efforts.

ATTACHMENTS/EXHIBITS:

Attachment "A" : Project Location Map

Attachment "B": Study Alignment Alternatives

REQUIRED AUTHORIZATIONS:

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Steven M. Manilla	County Executive	TNR	(512) 854-9429

CC:

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