

CAUSE NO. D-1-GN-13-003876

SAVE OUR SPRINGS ALLIANCE, INC.,	§	IN THE DISTRICT COURT
	§	
	§	
Plaintiff,	§	
	§	
v.	§	53RD JUDICIAL DISTRICT
	§	
GERALD DAUGHERTY,	§	
In His Official Capacity	§	
as Travis County Commissioner	§	
for Precinct 3,	§	
Defendant.	§	TRAVIS COUNTY, TEXAS
	§	

**PLAINTIFF SAVE OUR SPRINGS ALLIANCE, INC.'S SUPPLEMENTAL
RESPONSE TO RESPONDENT'S PLEA TO THE JURISDICTION**

COMES NOW, Plaintiff, Save Our Springs Alliance (Plaintiff), by and through its undersigned attorneys of record, and hereby files its Supplemental Response to Respondent Gerald Daugherty's Plea to the Jurisdiction, filed April 8, 2015.¹

As discussed in Plaintiff's Response to Respondent's Plea to the Jurisdiction, filed May 21, 2015, this case is not moot, and Defendant's plea should be denied. This Supplemental Response provides further evidence that Defendant committed past violations of the Texas Public Information Act (TPIA) and has yet to come into compliance with the TPIA.

A. Defendant Did Not Read SOS's Public Information Request.

In his deposition, Defendant admitted that he did not initially read SOS's original May 10, 2013 Public Information Request.² In fact, Defendant informed SOS attorney Bill

¹ Although the Plea is styled as "*Respondent's* Plea to the Jurisdiction," and refers to "Respondent" Commissioner Gerald Daugherty throughout, Plaintiff will use the term "Defendant" in reference to Commissioner Daugherty to remain consistent with previous filings in this case.

² Attach. 1, Daugherty Dep. 6:22-7:21.

Bunch, during the deposition, “[t]his is the first time, Bill, that I’ve read [SOS’s public information request] in this much detail.”³

A County Commissioner is the officer for public information and custodian of the information created or received by his office. Tex. Gov’t Code § 552.201. The fact that Defendant did not even bother to read Plaintiff’s very short, one-paragraph public information request until he was asked to do so in litigation involving the request demonstrates a flagrant disregard for the TPIA.

B. Defendant’s Newly Adopted Retention Policies Do Not Moot Plaintiff’s Claim.

Defendant’s contention that this case is moot because his office and Travis County have recently adopted a policy for document-retention lacks merit. As demonstrated in the attached affidavit, SOS staff attorney Kelly Davis submitted a public information request to Defendant’s office and to Travis County on May 12, 2015.⁴

In late March 2015, shortly before filing his Plea to the Jurisdiction, Defendant adopted a records-retention policy for his office and sponsored a County-wide records-retention policy, which passed by a vote of the Travis County Commissioner’s Court.⁵ Defendant argues that these policies moot Plaintiff’s request for an injunction prohibiting Defendant from using personal devices to conduct County business until an appropriate policy is in place.⁶ However, as discussed in Plaintiff’s Motion for Partial Summary Judgment and Response to Respondent’s Plea to the Jurisdiction, these policies are deficient in that they fail to provide sufficiently specific guidance for retaining public information and do not include any procedures for responding to public information requests and assuring that records that are retained are actually located and promptly produced when a public information request is filed.⁷

³ *Id.* 6:25-7:1.

⁴ Davis Aff. ¶¶ 4-5.

⁵ Def.’s Plea to Jurisd. at 18, citing Attach. E, Travis County Code, Chapter 42 County Records; Attach. F, Travis County Precinct 3 Commissioner’s Office Electronic Communication Devices Policy.

⁶ Def.’s Plea to Jurisd. at 17-18.

⁷ Pl.’s Mot. Partial Summ. J. at 19-21; Pl.’s Resp. to Def.’s Plea to Juris. at 13-15

Included in the information responsive to SOS's most recent May 12, 2015 request are at least six text message conversations between Defendant and other public officials referencing SH 45 SW, the subject of Plaintiff's original May 2013 public information request.⁸ Additionally, the response included three text message conversations specifically pertaining to the South MoPac expansion (another Central Texas Regional Mobility Authority toll project in Travis County), and three more conversations about road projects in the area in general.⁹ Yet Plaintiff received zero text messages in response to its May 2013 PIR. The fact that so many text messages reference SH 45 SW in the more recent period of less than two months shows that, more likely than not, there were or still are a significant number of text messages responsive to Plaintiff's May 2013 PIR that Defendant never produced.

Furthermore, neither the Commissioner's office nor the County provided information responsive to part two of Plaintiff's most recent PIR, which asked for documentation of the date each record was forwarded to a County account.¹⁰ Rather, the e-mail response to Plaintiff suggests that this sort of documentation does not exist by citing to Open Records Decisions holding that the TPIA does not require a governmental body to create new information in responding to a request.¹¹ Both the Precinct 3 and County-wide policies state that "[i]f circumstances require a [County or] PCT. 3 employee to use a Personal Device or Personal Account to transmit the County's Public Information, the communication must be forwarded to a County Account for retention..."¹² It is unclear how the information could have been forwarded to a County Account without there being an electronic record of such event. At the very least, assistance should have been requested from the Travis County IT Department, who could have provided the information or

⁸ *Id.* ¶ 10.

⁹ *Id.* ¶ 11.

¹⁰ *See* Davis Aff. ¶¶9-10; Ex. A, B, E, E.2.

¹¹ Davis Aff., Ex. E.

¹² Davis Aff., Ex. C at 2; Ex. D at 2.

explained why such information is not available. Plaintiff specifically requested documentation of the date the record was forwarded to ensure that Defendant and his staff did not simply forward the information to a County Account in reaction to Plaintiff's PIR,¹³ because public information must be maintained in accordance with the law regardless of whether it becomes the subject of a public information request. *See* Tex. Loc. Gov't Code § 201.002 (purpose of Local Government Records Act); *id.* § 203.002 (as records management officer, elected county officer shall "take adequate steps to protect the essential records of the office").

In sum, the recent PIR response demonstrates that Defendant is most likely not following the recently adopted County and Precinct 3 records-retention policies. Rather, Defendant only produced the records when requested—and subject to the spotlight of this pending lawsuit. Regardless, nothing in the adopted policy directs County staff or the officeholder to take those actions necessary to assure that public information held or transmitted on privately owned devices or accounts is searched, located, and produced when a public information request is filed. At a minimum, there is a factual issue as to the Defendant's current and likelihood of future compliance with the TPIA, precluding a finding of mootness on this claim.

Respectfully submitted,

/s/ Kelly D. Davis

Kelly D. Davis
State Bar No. 24069578

/s/ William G. Bunch

William G. Bunch
State Bar No. 0334520
905 W. Oltorf St., Suite A
Austin, Texas 78704
T. (512) 477-2320
F. (512) 477-6410
ATTORNEYS FOR PLAINTIFF

¹³ Davis Aff. ¶ 8.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Plaintiff's Supplemental Response to Respondent's Plea to the Jurisdiction** has been served on the following counsel and parties of record on this 6th day of July, 2015 via electronic service through eFile.TXCourts.gov.

Anthony J. Nelson
Andrew M. Williams
314 West 11th Street
Room 300
Austin, TX 78701

/s/ Kelly D. Davis
Kelly D. Davis

1. I am over the age of 18 and fully capable of making this statement
2. I am a staff attorney with Save Our Springs Alliance, Inc. (SOS).
3. I have served as counsel for Plaintiff in this action since April 2015.
4. On May 12, 2015, I drafted and delivered via e-mail a public information request, on SOS's behalf, to Commissioner Gerald Daugherty's office. A true and correct copy of that request is attached as Exhibit A.
5. On May 12, 2015, I drafted and delivered via e-mail another public information request, on SOS's behalf, to Travis County's County Attorney office. A true and correct copy of that request is attached as Exhibit B.
6. The public information request to Commissioner Daugherty requested a copy of (1) all records concerning Travis County business that were created, received, or

otherwise transmitted on a Personal Device or Personal Account used by Travis County Commissioner Gerald Daugherty and/or his executive assistants since March 23, 2015, and corresponding documentation showing the record was forwarded to a County Account; and (2) all records and/or documentation showing the date that each record, as described above, was forwarded to a County Account.

7. The public information request sent to the Travis County's Attorney Office requested the same information as part 1 of the Daugherty request, as well as (2) documentation showing that each record, as described above, was forwarded to a County Account, and the date such record was forwarded.
8. My purpose in submitting this public information request was to determine the effectiveness of Commissioner Daugherty's and the County's document retention policy, which were enacted in March 2015. A true and correct copy of Commissioner Daugherty's document-retention policy is attached as Exhibit C. A true and correct copy of Travis County's document-retention policy is attached as Exhibit D.
9. On May 27, 2015, I received a response via e-mail to my public information request to the Travis County Attorney's Office from Assistant County Attorney Ann-Marie Sheely. The response stated that the County Attorney's Office does not have responsive information to either part of the public information request. A true and correct copy of this e-mail is attached as Exhibit E.
10. On June 3, 2015, I received a response via e-mail to my public information request to Commissioner Daugherty from Assistant County Attorney Ann-Marie Sheely. A true and correct copy of this e-mail is attached as Exhibit E.2. The e-mail identified information attached to the e-mail that was responsive to part 1 of the public information request. As to part 2 of my request, the e-mail advised that the Public Information Act does not require a governmental body to create new information in responding to a request. But, "in an effort to be of assistance," Ms. Sheely attached screen shots of the information on Daugherty's Executive Assistant's (Madison Gessner) computer hard drive," in the form of PNG attachments. A true and correct copy of the PNG attachments referred to are attached as Exhibit F.
11. I reviewed all of the materials (text messages, e-mails, photographs, and PNG files) provided in response to my public information request. In my review, I noted that there were six text-message conversations referencing State Highway 45 Southwest, three referencing the South MoPac expansion project, and three referencing road-construction policy in Travis County. A true and correct copy of the relevant text-message conversations is attached as Exhibit G.

12. In addition, in reviewing the e-mails provided in response to my public information request, I noted that twelve e-mail threads referenced area road projects, including two specifically referencing SH 45 SW, and three referencing the South MoPac expansion project. A true and correct copy of the relevant e-mail threads is attached as Exhibit H.

AFFIANT SAYS NO MORE

Signed on this the 6th day of July, 2015.

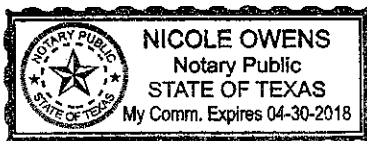


Kelly D. Davis
905 W. Oltorf, Suite A
Austin, Texas 78704
512.477.2320
512.477.6410 fax
kelly@sosalliance.org

THE STATE OF TEXAS

COUNTY OF TRAVIS

SUBSCRIBED AND SWORN TO BEFORE ME on this 6 day of July, 2015, to certify which witness my hand and official seal.



NOTARY PUBLIC, STATE OF TEXAS

My commission expires: 4-30-18

Kelly Davis

From: Kelly Davis <kelly@sosalliance.org>
Sent: Tuesday, May 12, 2015 1:32 PM
To: Gerald.Daugherty@traviscountytx.gov
Cc: madison.gessner@traviscountytx.gov; bob.moore@traviscountytx.gov; Martin.Zamzow@traviscountytx.gov; tony.nelson@traviscountytx.gov
Subject: Public Information Request

Via Email

RE: Request for Public Information

Dear Commissioner Daugherty,

This is a request for public information under Chapter 552 of the Texas Government Code. I request that you make available for inspection and/or copying all information received, delivered, collected, assembled, or maintained by you or your office that is described below.

1. All records concerning Travis County business that were created, received, or otherwise transmitted on a Personal Device or Personal Account used by Travis County Commissioner Gerald Daugherty and/or his executive assistants since March 23, 2015, and corresponding documentation showing the record was forwarded to a County Account.
2. All records and/or documentation showing the date that each record, as described above, was forwarded to a County Account.

Instructions:

You must promptly produce the requested information for inspection and/or duplication. Tex. Gov't Code § 552.221(a). If you wish to withhold any information, you must identify all reasons and request a decision from the Attorney General, with written notice to me asserting any exceptions to the Public Information Act, within 10 business days. Tex. Gov't Code §§ 552.301—.0302. "Records" includes all exchanges of information of any kind, or recordings thereof, including, but not limited to, telephone conference notes, meeting notes, emails, text messages, letters, notices, applications, memoranda, attachments to any of these, or other communications whether or not such information was received on, generated from, or stored on devices or data bases paid for privately or by entities other than your officer or Travis County. It also includes any such correspondence where you were not the primary recipient but were cc'ed or bcc'ed.

The terms "Personal Account," "Personal Device," and "County Account" are defined according to their definitions in the "PCT. 3 Commissioner's Office Electronic Communication Devices Policy," effective March 23, 2015.

The Save Our Springs Alliance is a non-profit, charitable organization dedicated to the preservation of the Edwards Aquifer ecosystem, to conservation of park and natural heritage lands, and to open, responsive government. The Alliance will use the requested information to inform and education the general public as to the County's activities. Release of the information we have requested will primarily benefit the

general public by increasing public awareness and knowledge of these matters. The Alliance therefore requests a waiver or reduction of charges associated with the release of this information, under Tex Gov't Code § 552.267.

Thank you for your cooperation. If you have any questions about this request and/or desire clarification or assistance, please do not hesitate to call me at 512-477-2320 ext. 306.

Sincerely,
Kelly Davis



Kelly Davis
Staff Attorney
kelly@sosalliance.org
(512) 477-2320 ext. 306
905 W Oltorf St., Ste. A
Austin, Texas 78704
SOSAlliance.org

Kelly Davis

From: Kelly Davis <kelly@sosalliance.org>
Sent: Tuesday, May 12, 2015 1:33 PM
To: Open.RecordsCA@traviscountytexas.gov
Cc: bill@sosalliance.org
Subject: Open Records Request

Via Email

RE: Public Information Request

This is a request for public information under Chapter 552 of the Texas Government Code. I request that you make available for inspection and/or copying all information received, delivered, collected, assembled, or maintained by you or your office that is described below.

1. All records concerning Travis County business that were created, received, or otherwise transmitted on a Personal Device or Personal Account used by Travis County Commissioner Gerald Daugherty and/or his executive assistants since March 23, 2015, and that were forwarded to a County Account.
2. Documentation showing that each record, as described above, was forwarded to a County Account, and the date such record was forwarded.

Instructions:

The terms "Personal Account," "Personal Device," and "County Account" are defined according to their definitions in the "PCT. 3 Commissioner's Office Electronic Communication Devices Policy," effective March 23, 2015.

The Save Our Springs Alliance is a non-profit, charitable organization dedicated to the preservation of the Edwards Aquifer ecosystem, to conservation of park and natural heritage lands, and to open, responsive government. The Alliance will use the requested information to inform and education the general public as to the County's activities. Release of the information we have requested will primarily benefit the general public by increasing public awareness and knowledge of these matters. The Alliance therefore requests a waiver or reduction of charges associated with the release of this information, under Tex Gov't Code § 552.267.

Thank you for your cooperation. If you have any questions about this request and/or desire clarification or assistance, please do not hesitate to call me at 512-477-2320 ext. 306.

Thank you,

Kelly Davis

Kelly Davis
Staff Attorney
kelly@sosalliance.org





PCT. 3 Commissioner's Office Electronic Communication Devices Policy

I. Definitions

In this Policy:

- (a) **"County Account"** means any County owned, leased, or controlled account issued to a PCT. 3 employee for communicating or maintaining County Public Information. County Account includes email, text message, social media, and instant message accounts.
- (b) **"County Device"** means a County owned, leased, or controlled device issued to a PCT. 3 employee for communicating County Public Information. County Device includes PCs, tablets, cell phones, and/or laptops.
- (c) **"County Public Information"** means information that is written, produced, collected, assembled, or maintained in connection with the transaction of official County business by a County employee or agent in the employee's or agent's official capacity. ***This includes, but is not limited to PCT. 3 employees.*** County Public Information includes emails, text messages, instant messages, social media content, images, and attachments.
- (d) **"Personal Account"** means an account that a PCT. 3 employee uses for communication that is not County owned, leased, or controlled. Personal Account includes email, text message, social media, and instant message accounts.
- (e) **"Personal Device"** means any device that a PCT. 3 employee uses for communication that is not County owned, leased, or controlled. Personal Device includes tablets, cell phones, and laptops.
- (f) **"Record Retention Period"** means the length of time that County Public Information must be kept according to Texas law as determined by the County's Local Government Records Management Officer, the designated Records Management Officer for PCT. 3 Commissioner's Office.

II. Policy

(a) It is the express policy of the Travis County Precinct 3 Commissioner's Office ("PCT. 3") that whenever feasible PCT. 3 employees will use a County Device or County Account to transmit the County's Public Information.

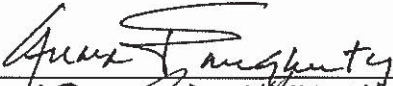
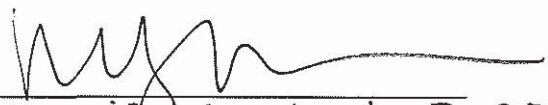

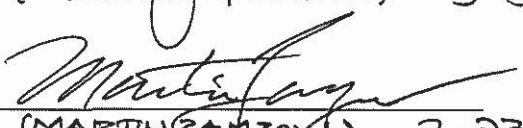
(b) If circumstances require a PCT. 3 employee to use a Personal Device or Personal Account to transmit the County's Public Information, the communication must be forwarded to a County Account for retention, unless there is no administrative value in retaining the communication in accordance with the applicable Records Retention Period. PCT. 3 employees are strongly encouraged to consult with the Director of Travis County Records Management & Communications Resources Department, the designated Records Manager Officer¹ for PCT. 3, or his designee regarding any questions pertaining to the applicable retention period for information that may be subject to this Policy.

(c) Once the County's Public Information has been forwarded to a County Account, the information will be retained according to the applicable Records Retention Period, pursuant to the Travis County and PCT 3 Records Retention Policies. PCT. 3 employees who utilize a Personal Device or Personal Account are responsible for any application or other technology needed to forward the County's Public Information to a County Account if such application or other technology is not available through the Travis County IT Department.

(d) All PCT. 3 employees will acknowledge and comply with this Policy. In addition, PCT. 3 employees will complete any training offered by or through the Travis County's Human Resources Management Department and/or the Travis County Records Management & Communications Resources Department determined to be applicable to this Policy.

III. Effective Date

This Policy is to take effect immediately upon acknowledgment and signing.

 (GERALD DAUGHERTY) 3.23.15	 (MADISON GESSNER) 3.23.15
 (BOB MOORE) 3.23.15	 (MARTIN ZAMZOV) 3.23.15


¹ At the time of adoption of this Policy the designated Records Management Officer for the PCT. 3 Commissioner's Office is Steven Broberg, Director, Travis County Records Management & Communication Resources Department.

**Order of the Travis County Commissioners Court
Amending the Travis County Code**

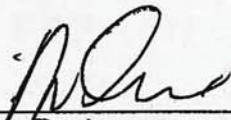
Pursuant to Chapter 2 of the Travis County Code, it is ordered that the Travis County Code is amended by adopting *Chapter 42. County Records* as shown in the attached Exhibit 1

ORDERED on: (date) MARCH 24, 2015

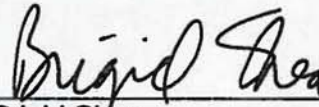
Travis County Commissioners Court



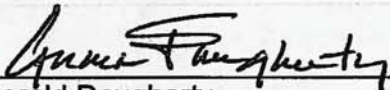
Sarah Eckhardt
Travis County Judge



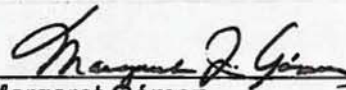
Ron Davis
Commissioner, Precinct 1



Brigid Shea
Commissioner, Precinct 2



Gerald Daugherty
Commissioner, Precinct 3




Margaret Gómez
Commissioner, Precinct 4

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 4/7/15




Dana DeBeauvoir, County Clerk
By Deputy:


Robert Resnick

Chapter 42. County Records¹

Contents:

Subchapter A. General Provisions of Chapter 1		
42.001	Authority	1
42.002	Intent of Chapter	1
42.003	Effective Date	1
42.004	Definitions	1
(42.005 – 42.009 Reserved for Expansion) 2		
Subchapter B. Records on Electronic Communications Devices 2		
42.010	Conducting County Business	2

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 4/7/15
Dana DeBeauvoir, County Clerk
By Deputy 
Robert Resnick

Subchapter A. General Provisions of Chapter

42.001 Authority

The Travis County Commissioners Court adopts this chapter under the authority of the laws of the State of Texas.

42.002 Intent of Chapter

Existing and emerging electronic communications technologies have become an integral part of efficiently and effectively conducting County business. Such technology has the potential to enhance employee productivity and provide a higher level of service to the residents of Travis County. With such technology in the work environment, however, the County must ensure that it continues to meet its legal obligations regarding public information and records retention. To that end, the Travis County Commissioners Court adopts these rules to create a consistent policy for processing written communications regarding county business on electronic communication devices.

42.003 Effective Date

This chapter becomes effective on the date the Commissioners Court adopts it.

42.004 Definitions

In this chapter:

- (1) "County Account" means any County owned, leased, or controlled account issued to a County employee or agent for communicating or maintaining County Public Information. County Account includes email, text message, social media, and instant message accounts.

¹ Chapter 42 was adopted by Travis County Commissioners Court on (DATE), Item (AGENDA ITEM).

- (2) "County Device" means a County owned, leased, or controlled device issued to a County employee or agent for communicating County Public Information. County Device includes tablets, cell phones, and laptops.
- (3) "County Public Information" means information that is written, produced, collected, assembled, or maintained in connection with the transaction of official County business by a County employee or agent in the employee's or agent's official capacity. County Public Information includes emails, text messages, instant messages, social media content, images, and attachments.
- (4) "Personal Account" means an account that a County employee or agent uses for communication that is not County owned, leased, or controlled. Personal Account includes email, text message, social media, and instant message accounts.
- (5) "Personal Device" means any device that a County officer, employee, or agent uses for communication that is not County owned, leased, or controlled. Personal Device includes tablets, cell phones, and laptops.
- (6) "Record Retention Period" means the length of time that County Public Information must be kept according to Texas law as determined by the County's Local Government Records Management Officer.

(42.005 – 42.009 Reserved for Expansion)

Subchapter B. Records on Electronic Communications Devices

42.010 Conducting County Business

- (a) Whenever feasible County employees or agents will use a County Device or County Account to transmit the County's Public Information.
- (b) If circumstances require a County employee or agent to use a Personal Device or Personal Account to transmit the County's Public Information, the communication must be forwarded to a County Account for retention, so long as the information's Record Retention Period requires it to be kept.
- (c) Once the County's Public Information has been forwarded to a County Account, the information will be retained according to the applicable Records Retention Period. The County employee or agent is responsible for any application or other technology needed to forward the County's Public Information to a County Account.
- (d) Executive Managers will ensure that all of their respective employees or agents are trained on this policy. In addition, the County's Human Resources Management Department will train all new hires on this policy at employee orientation. A county employee or agent will acknowledge in a verifiable

I, Dana DeBeauvoir, County Clerk, Travis County,
Texas, do hereby certify that this is a true and
correct copy as same appears of record in my office.
Witness my hand and seal of office on 4/7/15


Dana DeBeauvoir, County Clerk


By Deputy:

Robert Resnick
Robert Resnick

EXHIBIT D

manner the training that was provided to them by their department or at employee orientation, whichever applies.

I, Dana DeBeauvoir, County Clerk, Travis County,
Texas, do hereby certify that this is a true and
correct copy as same appears of record in my office.
Witness my hand and seal of office on 4/7/15
Dana DeBeauvoir, County Clerk
By Deputy: 
Robert Resnick



CERTIFIED MINUTES EXCERPT

The Travis County Commissioners' Court convened on March 24, 2015. The following item was considered:

33. Consider and take appropriate action to approve the order of adoption of Chapter 42. County Records into the Travis County Code. (Commissioner Daugherty)

Members of the Court heard from:

Tony Nelson, Assistant County Attorney

MOTION:	Approve Item 33.
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gerald Daugherty, Commissioner
SECONDER:	Margaret J. Gómez, Commissioner
AYES:	Eckhardt, Davis, Shea, Daugherty, Gómez

I, Dana DeBeauvoir, County Clerk and Ex-Officio Clerk of the Commissioners' Court of Travis County, Texas, do hereby certify that the above is correct information from the Proceedings of the Commissioners' Court of Travis County, Texas.

Witness my hand and seal, this the 25th day of March, 2015.



DANA DeBEAUVOIR
County Clerk and Ex-Officio Clerk
of the Commissioners' Court of
Travis County, Texas

By: _____

Robert Resnick, Deputy

From: [Ann-Marie Sheely](#)
To: kelly@sosalliance.org
Cc: [Ramiro Gonzalez](#); [Madison Gessner](#)
Subject: Response to Request for Information to Commissioner Daugherty and County Attorney's Office
Date: Wednesday, May 27, 2015 5:03:58 PM
Attachments: [330278_1.pdf](#)

Ms. Davis,

I write in response to your public information requests to 1) Commissioner Gerald Daugherty and 2) the Travis County Attorney's Office. As to your request to Commissioner Daugherty, I am attaching a response we filed with the Attorney General. I can tell you that I am in the process of reviewing the responsive information, and we will be releasing most of the information. For information that I raise an objection, those records will be sent to the Attorney General for review, and you will be copied on my brief. I will provide you with the responsive information at the earliest opportunity, after I have finished reviewing and compiling the information for release.

As to your request on May 12th directed to the Travis County Attorney's Office for all records concerning Travis County business created, received, transmitted on a personal device used by Commissioner Daugherty and/or his executive assistant- the County Attorney's office does not have responsive information. Further, the County Attorney's Office does not have responsive documentation showing the information described above was forwarded to a County account.

Ann-Marie Sheely
Assistant County Attorney
Travis County Attorney's Office

P.O. Box 1748
Austin, Texas 78767

Phone: 512.854.9176
Fax: 512.854.4808
email: ann-marie.sheely@traviscountytexas.gov

EMAIL CONFIDENTIALITY NOTICE:

The information contained in this transmission may be privileged or confidential, and (1) subject to the Attorney-Client Privilege; (2) attorney work product; or (3) strictly confidential. It is intended only for the use of the person(s) named above. If you are not the intended recipient, this is notice that any review, distribution, or duplication of this communication is strictly prohibited. And you may not disclose, print, copy or disseminate this information. If you are not the intended recipient, please email the sender and destroy all copies of the original message, immediately.

Kelly Davis

From: Ann-Marie Sheely <Ann-Marie.Sheely@traviscountytx.gov>
Sent: Wednesday, June 03, 2015 3:13 PM
To: kelly@sosalliance.org
Cc: Madison Gessner; Ramiro Gonzalez
Subject: Response to Request for Information
Attachments: 330596_1.pdf; Daugherty Phone Records Combined Released Redacted.pdf; Daugherty Combined Text PDF Released Redacted.pdf; Daugherty Emails Released Redacted.pdf; PIR Request Overall.PNG; County Account- GD email March- May 15.PNG; Capture.PNG; Daugherty Gessner Emails Combined Released Redacted.pdf

Ms. Davis,

Please review the attached response regarding your public information request submitted to Travis County Commissioner, Gerald Daugherty.

I am also attaching information responsive to your request, and for which we did not file objections with the Attorney General. We converted the information received from emails and texts to a PDF format, so that we could redact the information sent to the Attorney General for review. I am attaching five different categories of information:

1. Daugherty Emails
2. Daugherty texts
3. Daugherty phone records (between himself and his executive assistant Madison Gessner)
4. Daugherty-Gessner combined emails
5. Healthy People Healthy Planet photos taken on Daugherty's phone (these will be sent in a separate email because of the large size of the file)

As to part two of your request, you ask for all documents showing the date each record was forwarded to a County Account. Please be advised the Public Information Act does not require a governmental body to create new information in responding to a request. *See* Open Records Decision Nos. 563 at 8 (1990), 555 at 1-2 (1990). In an effort to be of assistance, I am attaching screen shots of the information on Daugherty's Executive Assistant's (Madison Gessner) computer hard drive (these are the PNG attachments). This will show the files/records that we are sending you in response to your request.

Ann-Marie Sheely
Assistant County Attorney
Travis County Attorney's Office

P.O. Box 1748
Austin, Texas 78767

Phone: 512.854.9176
Fax: 512.854.4808
email: ann-marie.sheely@traviscountytx.gov

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Name	Date modified	Type	Size
Fwd chaparral_park Proposed entrance ...	5/27/2015 4:19 PM	Outlook Item	54 KB
Fwd New post New Travis County Court...	5/27/2015 4:19 PM	Outlook Item	57 KB
Fwd 24 diner on the 5th - sh 45 sw.msg	5/27/2015 4:19 PM	Outlook Item	51 KB
Fwd ESD6 funds.msg	5/27/2015 4:19 PM	Outlook Item	47 KB
Fwd FW .msg	5/27/2015 4:19 PM	Outlook Item	324 KB
Fwd FY1 re 360 620.msg	5/27/2015 4:19 PM	Outlook Item	215 KB
Fwd May 2015 Column docx.msg	5/27/2015 4:19 PM	Outlook Item	52 KB
Fwd Parking Mobility report.msg	5/27/2015 4:19 PM	Outlook Item	59 KB
Fwd Parking Mobility.msg	5/27/2015 4:19 PM	Outlook Item	28 KB
Fwd proposed City resolution.msg	5/27/2015 4:19 PM	Outlook Item	67 KB
Fwd Public Access Roadway.msg	5/27/2015 4:19 PM	Outlook Item	49 KB
Fwd Resolution for Mental Health Aware...	5/27/2015 4:19 PM	Outlook Item	50 KB
Fwd Rough draft.msg	5/27/2015 4:19 PM	Outlook Item	148 KB
Fwd sh 45 s w.msg	5/27/2015 4:19 PM	Outlook Item	366 KB
Fwd sh 45 sw.msg	5/27/2015 4:19 PM	Outlook Item	37 KB
Fwd South MoPac.msg	5/27/2015 4:19 PM	Outlook Item	27 KB
Fwd TCAD - False Information and Misgu...	5/27/2015 4:19 PM	Outlook Item	64 KB
Fwd Traffic counters on Brodie Lane.msg	5/27/2015 4:19 PM	Outlook Item	37 KB
Fwd Travis county development questio...	5/27/2015 4:19 PM	Outlook Item	56 KB
Fwd Travis County owned land.msg	5/27/2015 4:19 PM	Outlook Item	1,837 KB

EXHIBIT F



Computer > GESSNEM \\BPOCC\VOL1\BPOCC (L:) > Public information Record Requests > PIR May 15

Search PIR Ma

Organize ▾ Burn New folder

★ Favorites

Desktop

Downloads

Recent Places

Libraries

Documents

Music

Pictures

Videos

Homegroup

Computer

OS (C:)

Agendas And Backups (I:)

GESSNEM \\BPOCC\VOL1\BPOC

COMM3 \\BPOCC\VOL1\CC (M:

Name	Date modified	Type	Size
2015-04-22 HPHP Fair 2015	5/19/2015 4:59 PM	File folder	
GD EMAILS PERSONAL	5/27/2015 4:21 PM	File folder	
GD Texts 5-13	5/26/2015 10:30 A...	File folder	
County Account- GD email March- May 1...	5/27/2015 4:20 PM	PNG image	93 KB
Fw Business Cards - Bob Moore.msg	5/19/2015 5:01 PM	Outlook Item	38 KB
FW He refused to put it on- but he has it...	5/19/2015 5:02 PM	Outlook Item	3,513 KB
GD Texts 5-13.zip	5/26/2015 2:22 PM	Compressed (zipp...	8,277 KB
Here you go!.msg	5/19/2015 5:01 PM	Outlook Item	1,509 KB
MAG Phone Records.msg	5/21/2015 10:57 A...	Outlook Item	163 KB
PIR Request Overall.PNG	5/27/2015 4:23 PM	PNG image	144 KB
RE He refused to put it on- but he has it-...	5/19/2015 5:02 PM	Outlook Item	21 KB

EXHIBIT F

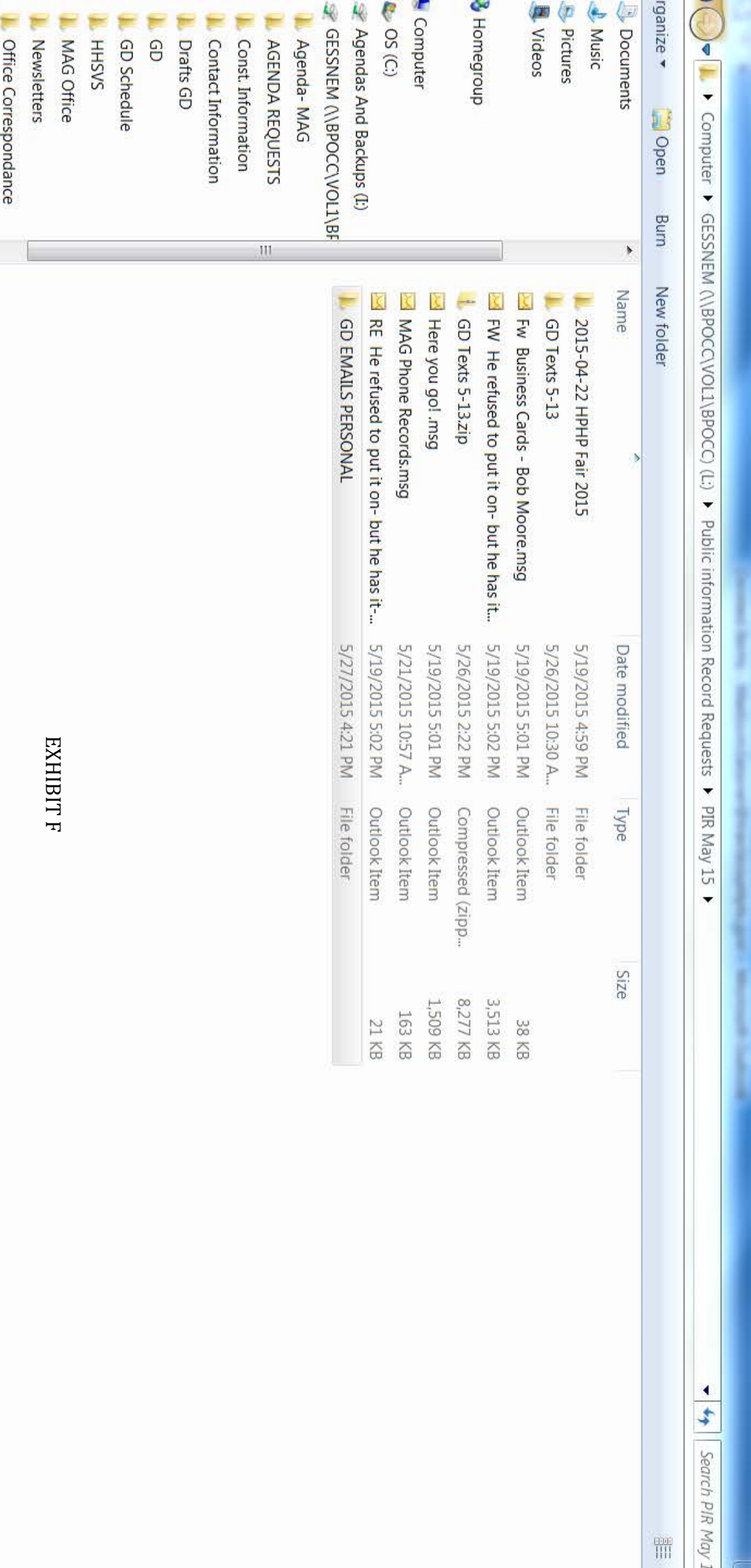


EXHIBIT F

●○○○○ AT&T LTE 1:57 PM 85%
Back (13) Cooke Contact



Sat, Apr 4, 2:48 PM

Headline writer shows colors going from some to MANY

Many residents against MoPac South project
<http://www.myfoxaustin.com/story/28672933/many-residents-against-mopac-south-project>

iMessage Send

●○○○○ AT&T LTE 2:05 PM 82%
Back (13) Angela Contact

Do you want me to copy it into an email for your review? Might be helpful.

Mon, Apr 20, 2:20 PM

Sure...although I'm pretty aware of the feelings and am working on a piece that I can send out to explain several things...I do appreciate your letting me know! Gerald

Delivered

Yes, I am pretty sure you have it covered. One of the posts took up for your efforts, and complimented you ... so I thought it might be interesting for you to see. I'll copy and send in and email. To Madison?

iMessage Send

●○○○○ AT&T LTE 2:05 PM 82%
Back (13) Angela Contact

you got it!

Mon, Apr 20, 11:01 AM

Hi there! so nice to to see you recently. There is a LOT of discussion about the MOPAC issue on our Rollingwood online board. Do you want me to copy it into an email for your review? Might be helpful.

Mon, Apr 20, 2:20 PM

Sure...although I'm pretty aware of the feelings and am working on a piece that I can send out to explain several things...I do appreciate your letting me know! Gerald

Delivered
iMessage Send

●○○○○ AT&T LTE 2:06 PM 82%
Back (13) Carlos Contact

Mon, Apr 20, 10:26 PM

Carlos, I enjoyed our conversation today about how TxDot has built roadways over many sensitive areas that shows no direct degradation to the environment! Gerald

Tue, Apr 21, 11:26 AM

Sorry for the late response...can you be ready to come after lunch? I'll give you a (hopefully)20-30 minute "come on" if that's possible!? Bunch was here this morning so it's OK for you to come. Gerald

Yes. I may iust head over

iMessage Send

●○○○○ AT&T LTE 2:06 PM 82%
< Back (13) Carlos Contact

Yes. I may just head over there about [1:00](#). I'll bring reading material to pass the time.

Or more like [1:30](#)

[1:30](#) will be fine...but I might not be able to dictate the time for your benefit.

No problem.

Are you out in the wait area of the court room?

Yes

Thanks!

📷 iMessage Send

●○○○○ AT&T LTE 2:11 PM 80%
< Back (13) Bill. Contact

Mon, Apr 27, 4:49 PM

Call when convenient

Thu, Apr 30, 9:13 PM

Can you meet Mon at 5 or so for 1 quick one?

We are in [REDACTED] and not coming back until late Mon....I'll call you after Monday to arrange a meeting time. Gerald

Read 4/30/15

Great----- enjoy, headed to NYC tues --sat.

We'll connect on your return..."Have a nice time in the Big Apple!"

Delivered

📷 iMessage Send

●○○○○ AT&T LTE 2:11 PM 80%
< Back (13) Bill. Contact

I will be on cell all weekend----thanks and I have some updates for you. I had a good meeting with the design team this morning on the access points on both 1626 and 45 from Bliss south. I am very positive and cheering hard for you.

Mon, Apr 27, 4:49 PM

Call when convenient

Thu, Apr 30, 9:13 PM

Can you meet Mon at 5 or so for 1 quick one?

We are in [REDACTED] and not coming back until late

📷 iMessage Send

●○○○○ AT&T LTE 2:12 PM 80%
< Back (13) Paul Contact

Thu, Mar 19, 10:46 AM

Can you talk now?

Thu, Mar 19, 4:03 PM

I am finally out if my committee hearing. Call if you can.

Thu, Apr 9, 2:00 PM

Did you hear about the dust up here last night over SH45?

Thu, Apr 9, 4:58 PM

I'm in a hearing right now. I'll call you later. All is well with 45, in fact it may be better.
Paul

📷 Text Message Send

< Back (13) Paul Contact

I'll call you later. All is well with 45, in fact it may be better.
Paul

Sun, May 3, 8:58 PM

Just got back in town...Sarah left me a message...what's your schedule in the morning...got time for a conversation then?

I'll be at the Capitol by 10 and we go on the floor at noon.

Can we talk around 9:00?

Sure. I'll be driving into town about then.

Text Message Send

< Back (13) Paul Contact

Just give me a call.

Mon, May 4, 2:28 PM

We're going to hold for a few days to see where Fraser is. Talked with him earlier.

Just let me know.

Deece came by today and said that TC was officially neutral.

Mon, May 4, 4:00 PM

Yes, that's what he told me as well...so it sounds like it'd be Sarah's opinion...most likely Bridgett's as well!

Text Message Send

< Back (13) Paul Contact

I'll be at the Capitol by 10 and we go on the floor at noon.

Can we talk around 9:00?

Sure. I'll be driving into town about then.

Just give me a call.

Mon, May 4, 2:28 PM

We're going to hold for a few days to see where Fraser is. Talked with him earlier.

Just let me know.

Deece came by today and

Text Message Send

< Back (12) Mike Contact

Wed, May 6, 10:19 AM

Can we get something on roads from RECA? Everyone else is weighing in.

Ward and transportation need to act. AARO has stepped up with resolution passed in record time.

You'd think they were doing something and perhaps they are but I'm going to ask!

Text Message Send

●○○○○ AT&T LTE 2:16 PM 79%
Back (13) Susan Contact

Tue, Mar 31, 5:59 PM

Gerald , what a circus in commissioners court. I'm glad you said what you did on their motives. You sounded really good. Also thank you for your comments on COTA . Those two are just plain nuts. Your comments on Cota's economic gain were spot on.

Tue, Mar 31, 8:04 PM

They are simply playing to their limousine liberals...what a pathetic group they are...they're about to really piss me off which will not be good for having a productive court!!

iMessage Send

●○○○○ AT&T LTE 2:17 PM 78%
Back (13) Clark Contact

Thursday 9:16 PM

Clarke, I appreciate AARO's "public statement" that you sent over to me. I've always felt that with the "right" roadway system in place that public transit could be enhanced...the park and rides in the strategic places also allows "cost effective" opportunities for potential increased ridership. I think we could be on to something here if we can protect the RMA from getting "hi-jacked" from the narrow minded "not if it affects me" group of folks. Bridgett especially wants to torpedo anything that

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●○○○○ AT&T LTE 2:16 PM 79%
Back (13) Susan Contact

They are simply playing to their limousine liberals...what a pathetic group they are...they're about to really piss me off which will not be good for having a productive court!!

Read 3/31/15

They have already really pissed me off. Of course I live in circle c and take Mopac almost every place I go. That of course is inconsequential to there being a shadow over their walking or bike path. Btw Thanks for coming to the ribbon cutting. That road is a really big deal. Thanks for your hard work.

iMessage Send

●○○○○ AT&T LTE 2:17 PM 78%
Back (13) Clark Contact

in place that public transit could be enhanced...the park and rides in the strategic places also allows "cost effective" opportunities for potential increased ridership. I think we could be on to something here if we can protect the RMA from getting "hi-jacked" from the narrow minded "not if it affects me" group of folks. Bridgett especially wants to torpedo anything that really has the chance of offering added movability improvements..."in my opinion of course!" Let's stay the course my friend! "Thanks to AARO!" Gerald

Delivered

iMessage Send

iMessage
Sunday 10:55 AM

"Happy Mother's Day!"...it's your day so don't feel obliged to respond but I wanted you to know that I rec'd a call Fri. afternoon late from John Michael Cortez. He was promoting my support of Steve's resolution on the transportation plan that y'all took up on Thursday...I told him that I'd always look at a deal that the mayor would offer up but wanted to see it (as I had not seen the resolution in it's form that y'all discussed)...he sent it over and after having read it, I have two thoughts...1st

iMessage Send

Fri, Apr 17, 9:38 AM

Please call when you gave a moment.
Pam

Have not gave.

Today 10:57 AM

(1/2) Looks like we have a lot of interest in your being at the SoBro meeting [this Thursday evening](#). I'm not sure how many people will be there, but there are s

(2/2) everal who are pretty excited about it. Look forward to seeing you. If you have any questions give me a call.
Pam

Text Message Send

EXHIBIT G

and most important, I think it was you and Ellen that voted against it(?)which would give me reason to not want to vote in opposition to y'all...2nd, the way it reads to me is that there is too much inference to acquiescing to the COA which I KNOW will always be against 45SW and will have to "cowtow" to the special interest that still controls at least 5-6 members of the council. Would love to talk to you about this tomorrow sometime before CAMPO if possible?! "Again Sherri, have a wonderful Mother's Day!" Gerald

Delivered

iMessage Send

Have not gave.

Today 10:57 AM

(1/2) Looks like we have a lot of interest in your being at the SoBro meeting [this Thursday evening](#). I'm not sure how many people will be there, but there are s

(2/2) everal who are pretty excited about it. Look forward to seeing you. If you have any questions give me a call.
Pam

Today 1:26 PM

See y'all there!

Text Message Send

From: "Bray, Terry" [REDACTED]
Date: May 5, 2015 at 12:54:55 PM CDT
To: Gerald Daugherty [REDACTED]
Subject: RE: 24 diner on the 5th - sh 45 sw

Yes sir – best to you and Charlyn, t

From: Gerald Daugherty [REDACTED]
Sent: Tuesday, May 05, 2015 12:29 PM
To: Bray, Terry
Subject: Re: 24 diner on the 5th - sh 45 sw

I agree...especially since we didn't have enough time to get into the weeds so to speak...I'll have to ask Heilingstein's what he thought of Sarah's ask! I'll be back to you after I get the polling results. "Thanks again for breakfast!"

Sent from my iPhone

On May 5, 2015, at 11:12 AM, "Bray, Terry" [REDACTED] wrote:

I have been listening to the ctrma item hearing – seems like it went as well as possible. wdyt?

From: Gerald Daugherty [REDACTED]
Sent: Monday, May 04, 2015 8:52 PM
To: Bray, Terry
Subject: Re: 24 diner on the 5th - sh 45 sw

[REDACTED]

Sent from my iPhone

On May 4, 2015, at 10:24 AM, "Bray, Terry" [REDACTED] wrote:

What is your cell number?

From: Gerald Daugherty [REDACTED]
Sent: Thursday, April 30, 2015 8:59 AM
To: Bray, Terry
Subject: Re: 24 diner on the 5th - sh 45 sw

10-4!

Sent from my iPhone

On Apr 30, 2015, at 6:27 AM, "Bray, Terry" [REDACTED] wrote:

Yes sir that works for me – see you on the 5th at 7;45 at 24 diner, 6th and Lamar. Travel safe and hugs to Charlyn - t

From: Gerald Daugherty [REDACTED]
Sent: Wednesday, April 29, 2015 10:20 PM
To: Bray, Terry
Subject: Re: sh 45 sw

Terry, we are in [REDACTED] and won't return until 6:00pm Mon...any chance you could do Tues. (5th) at 7:45/24 Diner?

Sent from my iPhone

On Apr 29, 2015, at 8:21 AM, "Bray, Terry" [REDACTED] wrote:

How about coffee at 7;45 on Monday 5/4? I would also like your update on courthouse project status. t

From: Gerald Daugherty [REDACTED]
Sent: Sunday, April 19, 2015 10:21 AM
To: Bray, Terry
Subject: Re: sh 45 sw

Andy Martin is their in-house attorney...but Terry this is a TxDot issue since they are the owners and the ones that did the EIS...we have expected all along that they (SOS, COA and perhaps even Travis County) would do any and all maneuvers to try and stop/stall the project. Let's do coffee/breakfast to discuss further...could you do this Thurs. or Fri. At 7:45/24Diner? Gerald

Sent from my iPhone

On Apr 17, 2015, at 8:31 AM, "Bray, Terry" [REDACTED] wrote:

See attached. who is the lawyer for the ctrma working on usfw matters?

Wm. Terry Bray
512.480.5635 (direct line)
512.480.5835 (direct fax)
[REDACTED]

<image005.png>

401 Congress Avenue, Suite
2200
Austin, Texas 78701
Phone 512.480.5600
[VCard](#) www.gdhm.com

<image006.jpg>
[ACREL](#)

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From: Brad Hagen [REDACTED]
Date: April 3, 2015 at 9:55:19 AM CDT
To: [REDACTED]
Subject: FW: [chaparral_park] Proposed entrance and exit at Bliss Spillar and SH 45SW

Heads up re the chaparral park residents views on sw45sw exit for bliss spilar...

Best Regards,



Brad Hagen
Estimator / Bus. Development
3200 Steck Avenue Suite 260
Austin, Texas 78757
c: [REDACTED] · o: 512.342.2774 x 16
www.eciaustin.com
brad@eciaustin.com

"Constructing Purposeful and Trusting Relationships"

From: [REDACTED] **On Behalf Of**
Carol Pennington [REDACTED] [chaparral_park]
Sent: Friday, April 3, 2015 8:23 AM
To: Chaparral Park Group
Cc: Tom Matthews
Subject: [chaparral_park] Proposed entrance and exit at Bliss Spillar and SH 45SW

Hello neighbors,

In looking over the information on SH 45SW, I noticed they are planning on putting an entrance and exit at Bliss Spillar. I have not talked to anyone about this and don't know what the thoughts are in the neighborhood. I know I would not like one there. I will be happy to drive to 1626 to get on and off to keep people out of the neighborhood.

I contacted them inquiring about this and this is their reply: "TxDOT led the environmental study and preliminary design of SH 45SW. It's our understanding the property owners in the area requested that access at Bliss Spillar Road be provided. The Central Texas Regional Mobility Authority is currently working on final design plans and we would greatly appreciate the opportunity to meet with you and your neighbors to understand your needs and concerns."

My first question is, "Am I alone in not wanting the entrance/exit at Bliss Spillar?"

If not, where can we meet as a group to discuss this with the people from the SH 45SW Project? Now is the time to be pro-active and not complain after the road is finished.

Thank you!

Carol Pennington
Bluebird Dr.

Posted by: Carol Pennington

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From: "Bray, Terry" [REDACTED]
Date: May 4, 2015 at 1:13:52 PM CDT
To: Gerald Daugherty [REDACTED] "Rebecca Bray" [REDACTED]
Subject: FW:

More mopac info – fyi.

From: administrator@gdhm.com [<mailto:administrator@gdhm.com>]
Sent: Monday, May 04, 2015 1:13 PM
To: Bray, Terry
Subject:

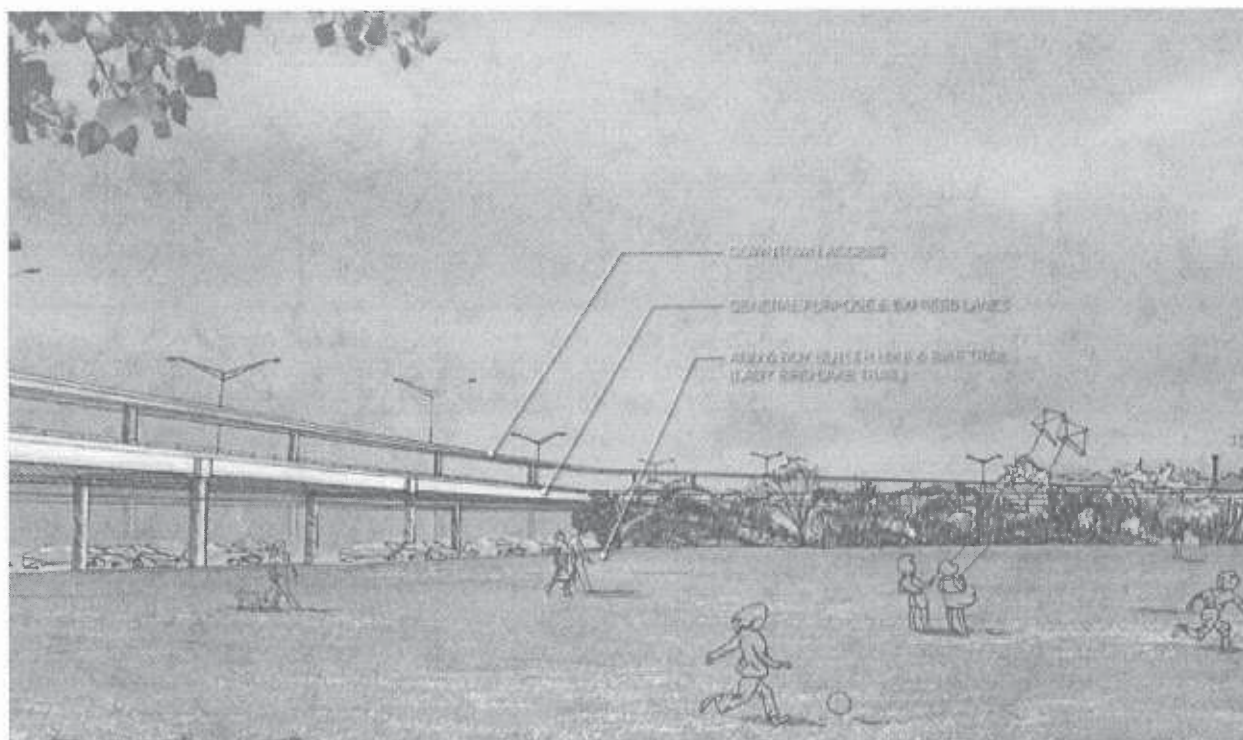
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Monday, May 4, 2015 by Audrey McGlinchy (<http://www.austinmonitor.com/stories/author/audrey-mcglinchy/>)



ROADS

([HTTP://WWW.AUSTINMONITOR.COM/STORIES/CATEGORY/TRANSPORTATION/ROADS/](http://www.austinmonitor.com/stories/category/transportation/roads/))

Opposition to MoPac lanes grows stronger

Opposition to the 2040 Regional Transportation Plan is escalating as members of the Capital Area Metropolitan Planning Organization Transportation Policy Board prepare to take a final vote on the long-range plan next week.

City of Austin and Travis County officials held a rally Saturday urging the Central Texas Regional Mobility Authority to downsize the proposed four toll lanes on MoPac South (<http://www.austinmonitor.com/stories/2015/03/ctrma-plans-add-express-lanes-mopac-south/>) and revert to the area's 2035 plan, which calls for only two toll lanes — one in each direction.

"I'm not against additional lanes," Travis County Commissioner Brigid Shea, whose office organized the rally, told the *Austin Monitor*. "I just want them to benefit the majority of drivers."

The toll lanes, though free to buses and designated van shares, would use fare to manage car traffic: The price rises as more vehicles enter the lanes, theoretically deterring more drivers from taking the express roads and in turn helping maintain a travel speed of 50 mph. In a Land, Facilities and Programs Committee meeting last month, representatives from CTRMA said the price would not have a cap. In other city meetings, CTRMA representatives have said toll prices will be capped between \$12 and \$14.

"These are toll lanes for the 1 percent," said Shea.

While more than 200 people showed up to Saturday's rally, opposition to the 2040 plan has been mounting for months in city meetings and department offices.

At its meeting Tuesday, the Parks and Recreation Board voted 4-0 against recommending that Council approve the plan, with member Sarah Roth abstaining and members Hill Abell and Dale Glover absent. In their decision, board members cited the environmental impact these lanes might have on Zilker Park, including increased noise.

In response to community feedback, CTRMA staff has said it will reconsider these toll lanes — whether there need to be four, and if the lanes need to be elevated. "The elevated structure is not a done deal," CTRMA Deputy Executive Director Mario Espinoza told Parks board members Tuesday. "We're looking at other alternatives to maybe even avoid having to build that alternative structure."

But this openness was not clear at last month's meeting of the CAMPO Transportation Policy Board. CTRMA Executive Director Mike Heiligenstein told members that any toll lanes included in the MoPac South expansion plan would most likely have to be elevated.

Council members will consider the Parks board's recommendation Thursday when they vote on whether to direct the city manager to look at alternatives to these proposed toll lanes. That resolution already says the City of Austin formally opposes four toll lanes being built as part of the plan for MoPac South.

Council members will also consider several objections to the 2040 plan made by the city's Transportation Department. In a memo to Council and Mayor Steve Adler, the department wrote that while it generally supported the plan, staff was concerned about the effect four toll lanes would have on the environment and traffic patterns. The department said it could get behind two lanes, as already approved in the 2035 plan.

Although Shea said next week's vote by CAMPO's Transportation Policy Board is final, amendments are still possible — just harder to make. But the city and county have made clear what they want to happen, said Shea.

"It seems particularly offensive that (CTRMA is) so unwilling to scale this back as the city and county have been requesting," she said.

On Saturday, Heiligenstein released a statement about the plan, and emphasized that the environmental study was still underway.

"We know building a project like this isn't something you can rush into. That's why we are in the midst of a detailed and thorough environmental study — it's mandated by federal law. We started the study a couple of years ago, and we're about a year away before it's complete — so there is plenty of opportunity for citizens to get informed and stay involved. In fact, based on community concerns, we have extended the study period to allow for additional feedback," wrote Heiligenstein. "Other ideas on how to get commuters in and out of downtown are being studied."

Image courtesy of the Central Texas Regional Mobility Authority.

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28

6

42

KEY PLAYERS & TOPICS IN THIS ARTICLE

CAMPO Transportation Policy Board (<http://www.austinmonitor.com/stories/tag/campo-transportation-policy-board/>): CAMPO's governing body. It consists of elected representatives from the region's cities and counties.

Central Texas Regional Mobility Authority (<http://www.austinmonitor.com/stories/tag/central-texas-regional-mobility-authority/>)

RELATED STORIES

From: Bruce Byron <Bruce.Byron@txdot.gov>
Date: March 27, 2015 at 3:30:49 PM CDT
To: Bruce Byron <Bruce.Byron@txdot.gov>
Subject: FYI re 360/620

Drive Smart in Winter Weather





City of Austin

Austin Transportation Department

P.O. Box 1088, Austin, TX 78767
(512) 974-1150

March 23, 2015

Mr. Bruce Byron
Austin District TxDOT
7901 N. IH 35, Austin, Tx 78753
Bruce.Byron@txdot.gov

Dear Bruce,

Thank you for recently briefing City of Austin staff from the Austin Transportation, Planning and Development, Watershed and Water Departments on the upcoming TxDOT corridor studies of RR 620 and Loop 360. We understand that TxDOT primarily is interested in looking at potential mobility and safety improvements within the existing right of way.

From what we heard at the meeting, TxDOT is looking at a no build scenario, as well as modelling six lanes of vehicular travel with stop lights at intersections, and six lanes of travel without stop lights (or a tolling option) and will look at the advantages and disadvantages of managed lanes. This effort is to prepare for potential opportunities for future funding.

As was stated in the meeting, and worth reiterating, we think it is also a good idea to determine - Is it the intersections or the lack of lanes that is causing congestion in the 360 corridor? We recommend modeling the operational aspects of the 360 corridor, in particular, with the stop lights removed, or the use of overpasses as a bypass at lighted intersections. We would ask that this be studied in the absence of additional lane capacity being added so that as a community we can isolate the benefit of simply grade separating all of the intersections. This analysis should be considered along with the potential for adding tolled lanes and additional pavement along the corridor.

Also, as part of the design study, we would ask that we analyze the feasibility of relocating the bike activities along this roadway to the center median, barrier separating this activity from the adjacent main lanes. Locating the biking activities to the center median requires either signaling the bikes at intersections or providing grade separation along with the main lanes at major intersections. Location of the bikes in the center median would allow the outside shoulders to possibly be converted to additional travel lanes. It would also reduce the likelihood of future median breaks for left turns within the corridor – new left turn demands would be restricted to major intersections/interchanges. The barrier separation would increase safety within the corridor, further reducing the likelihood of head-on vehicle crashes within the corridor. Access to the bike lanes could be accomplished at the major intersections via lateral feeder trails or lanes. Location in the center would also remove the risk of rock fall from moving the cycle activities closer to the cliff (the alternate location identified by TxDOT). City of Austin bicycle designers are happy to work with you to consider the possible implications of such a concept and we will soon be testing bicycle signals on the Lance Armstrong Trail at a number of downtown intersections.

*Delivering a safe, reliable, and sustainable transportation system
that enhances the environment and economic strength of the region.*

www.AustinStrategicMobility.com



City of Austin

Austin Transportation Department

P.O. Box 1088, Austin, TX 78767
(512) 974-1150

Mr. Bruce Byron

March 23, 2015

Page 2

For the RR 620 Corridor, Austin Transportation staff requests that the intersection at 2222 and Riverplace Blvd. be examined in conjunction with the 620 mobility improvements. The City of Austin now operates a five minute cycle length at this intersection due to the volumes and geometric characteristics of the at-grade signal. We would request that an arterial grade separation be considered at this location in the form of a diamond interchange. Our Arterial management staff has travel time data in portions of the SH 360 and RR 2222 corridors that we are happy to share for your analyses.

I would also be remiss if I did not state the environmental and community concerns that are likely to be encountered in the Loop 360, RR 620 and RR 2222 Corridors. This Loop 360 corridor is one of our more scenic corridors in Austin and maintaining that natural beauty is likely to be a local concern. We encourage TxDOT to consider what can be done within the existing pavement footprint of the corridor, minimizing the need for major construction and excavation in and around Loop 360. Likewise, the RR 620 and RR 2222 are flanked with environmentally sensitive habitats that should be considered at the foundational stages of this study.

We look forward to working with you and TxDOT on these important mobility corridor studies. Traffic congestion and the lack of viable travel alternatives are putting significant strains on the existing transportation infrastructure in West and Northwest Austin. Working together, I believe we can find viable and reasonable solutions.

Respectfully,

Robert Spillar, P.E.

Director, Austin Transportation Department

Cc: Robert Goode, Assistant City Manager
Mr. Greg Malatek, District Engineer, TxDOT Austin
Terry McCoy, Deputy District Engineer, TxDOT Austin

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that enhances the environment and economic strength of the region.*

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From: "Bray, Terry" [REDACTED]
Date: May 8, 2015 at 1:05:05 PM CDT
To: "Rebecca Bray" [REDACTED] "Gerald Daugherty"
[REDACTED]
Subject: FW: mopac/ctrma

Fyi -

From: administrator@gdhm.com [<mailto:administrator@gdhm.com>]
Sent: Friday, May 08, 2015 12:48 PM
To: Bray, Terry
Subject:

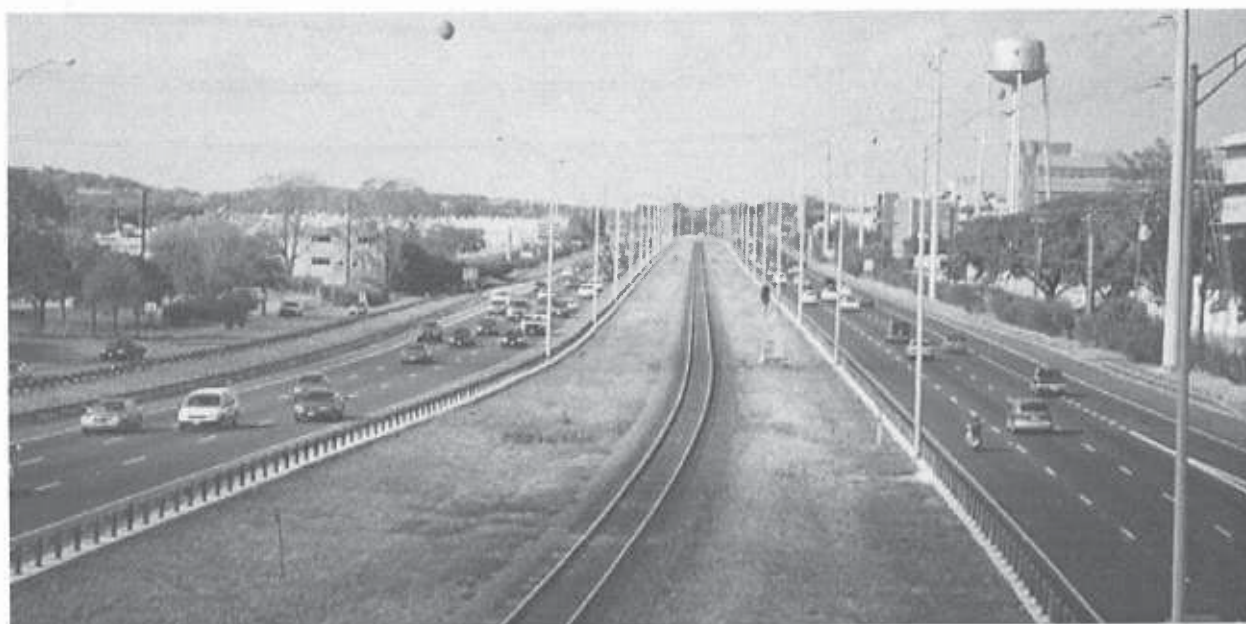
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(<https://www.facebook.com/pages/Austin-Monitor/705048206171979>)



Friday, May 8, 2015 by Tyler Whitson (<http://www.austinmonitor.com/stories/author/tyler-whitson/>)



ROADS

([HTTP://WWW.AUSTINMONITOR.COM/STORIES/CATEGORY/TRANSPORTATION/ROADS/](http://www.austinmonitor.com/stories/category/transportation/roads/))

Council formally weighs in on MoPac South plan

After weeks of mounting tension over what many call a “double-decking” of MoPac Expressway over Lady Bird Lake, City Council has formally asked the regional transportation planning body to modify a proposal to add four express lanes to a section of the highway in its upcoming plan.

Council passed a resolution Thursday requesting that the Capital Area Metropolitan Planning Organization Transportation Policy Board define the MoPac South expansion project in its 2040 Regional Transportation Plan as consisting of a “reconfiguration of South MoPac, with an unspecified or a variable number of lanes, not to exceed two managed lanes in each direction.”

The resolution also requests that the CAMPO board “approve the optimum configuration after completion of the study and analysis now underway” and “after completing and basing the decision on a thorough environmental, traffic and funding study and analysis.”

As currently written, the plan lists the project as consisting of two express lanes in each direction. Council did not request any changes to the project’s boundaries, which are Cesar Chavez Street and Slaughter Lane.

The board will consider adopting the 2040 plan at its regular meeting Monday.

The discussion leading up to adoption centered around concerns that Austin and Travis County residents and elected officials have expressed about a design proposal put forward by the project’s sponsor, the Central Texas Regional Mobility Authority.

That design includes two elevated lanes on MoPac over Lady Bird Lake with a flyover connecting to Cesar Chavez adjacent to Austin High School.

Though CTRMA did not present conceptual renderings of that specific design to the public until late February, the organization’s executive director Mike Heiligenstein said it presented the four-lane alternative as an option to the public in late 2013.

In a public hearing before the vote, citizens argued against the project, saying it would damage the environment, mar the beauty of the riverfront and increase congestion on Cesar Chavez. Others said it would present a safety hazard to Austin High School students, have a minimal impact on mobility and serve those who can afford to pay for variable tolls that may spike during peak hours.

Citizens in support of the project said it is a desperately needed mobility improvement and would encourage transit use and reduce emissions associated with congestion.

Mayor Pro Tem Kathie Tovo, who sponsored the original resolution, said she wanted to make sure the double-deck design is not a “foregone conclusion” and that the CAMPO board would have an opportunity to confirm or deny that design after it adopts the 2040 plan.

Mayor Steve Adler, who proposed the substitute resolution that Council ultimately adopted, said he wanted to ensure that those involved in the project are considering every available option, along with the concerns of Austin residents.

Both Tovo and Adler said they want Transportation Department staff to have an opportunity to propose alternative design and have the CTRMA and CAMPO boards seriously consider those proposals. That request is also included in the adopted resolution, with a requirement that staff present the alternative to the Council Mobility Committee by the end of June.

EXHIBIT H

Heiligenstein told the *Austin Monitor* that CTRMA has expanded the available options and is planning an open house for public input late this summer.

"We've got four or five different concepts that we're going to include in our studies from this point forward," Heiligenstein said. Among those, he continued, would be the current proposal, along with "two lanes in each direction with no downtown connection," "one lane with no connection" and "one lane with a connection."

The options without downtown connections, Heiligenstein said, would not include the elevated lanes and flyover connection with Cesar Chavez. He added that the "no-build" option CTRMA once had available is "off the table."

CAMPO Executive Director Ashby Johnson told the *Monitor* that the safeguards written into the resolution are "already federal law." He said the CAMPO board would have two additional opportunities to confirm the project, which is currently in its environmental study phase.

The first additional opportunity, Johnson said, will come when CTRMA presents its "locally preferred alternative" to the CAMPO board, which will have a chance to review all options and vote to concur with or deny the recommendation.

After that step is complete, and once CTRMA secures funding for the project, either CTRMA or the Texas Department of Transportation would have to come back to the CAMPO board and ask to incorporate the plan into the Transportation Improvement Program, which consists of the first five years, or, as Johnson described it, "the action part of the plan."

The resolution directs staff to work with the mobility authority, Travis County and the City of Rollingwood, which abuts MoPac, to study the transportation and environmental impacts on Cesar Chavez, West Fifth Street, Austin High School, Zilker Park, Lady Bird Lake and adjacent neighborhoods.

[◀ Return to Today's Headlines \(/\)](#)

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95

8

113

KEY PLAYERS & TOPICS IN THIS ARTICLE

From: Bob Moore <Bob.Moore@traviscountytx.gov>
Date: May 4, 2015 at 8:23:53 AM CDT
To: Gerald Daugherty [REDACTED]
Subject: FW: proposed City resolution

Commissioner; See attached

Bob Moore

The Office of Commissioner Gerald Daugherty, Prct. #3
700 Lavaca, Suite 2.400, Austin Texas 78701
512-854-9387 direct
Bob.Moore@traviscountytx.gov

From: Jeremy Martin [<mailto:jmartin@austinchamber.com>]
Sent: Friday, May 01, 2015 6:30 PM
To: Bob Moore
Subject: proposed City resolution

Bob,

FYI, the City officially posted the attached resolution related to the CAMPO 2040 plan, MoPac South, and SH 45 SW for their May 7 Council meeting.

26. [Approve a resolution related to the Capital Area Metropolitan Planning Organization 2040 Plan.](#)

(Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Ann Kitchen CO 2: Council Member Leslie Pool CO 3: Council Member Gregorio Casar CO 4: Council Member Delia Garza)

RESOLUTION NO.

WHEREAS, the proposed Capital Area Metropolitan Planning Organization (CAMPO) 2040 Regional Transportation Plan includes a series of expansions and improvements to MoPac Expressway (MoPac) and State Highway 45 SW (SH 45 SW) that taken together, constitute a single project effectively transforming MoPac from a local commuter highway into a western alternative bypass loop for Interstate 35 traffic; and

WHEREAS, the CAMPO long-range regional transportation plan has included the addition of one managed lane in each direction at the existing deck level on MoPac between Cesar Chavez Boulevard and Slaughter Lane; and

WHEREAS, the Central Texas Regional Mobility Authority (CTRMA) has proposed doubling these lanes in the CAMPO 2040 plan on MoPac between Cesar Chavez Boulevard and Slaughter Lane, and the proposed increase from one to two lanes in each direction represents a significant diversion from the 2035 plan; and

WHEREAS, this proposed project includes the addition of more than a mile of elevated lanes above the existing deck that would cross Lady Bird Lake and Zilker Park and converge with Cesar Chavez Boulevard traffic adjacent to Austin High School; and

WHEREAS, on March 31, 2015, a diverse coalition of more than 250 Austin and Rollingwood residents, environmental activists, and parents of Austin High School students attended a community forum to discuss the proposed regional transportation plan amendment and expressed concerns about the proposed MoPac expansion and Lady Bird Lake crossing; and

WHEREAS, on April 1, 2015, the Austin Transportation Department issued a memo expressing “serious concerns regarding the technical feasibility of the

project and the evaluation of the impacts of the project on connecting roadways, as well as the environmental implications of the surrounding area,”; and

WHEREAS, this proposed project is located entirely within the City of Austin and poses significant negative impacts to both Zilker Park and Auditorium Shores, two of Austin’s premier public amenities, and the City Council should be given the opportunity to understand and evaluate any potential negative impacts; and

WHEREAS, through Resolution 20140515-063 City Council requested a comprehensive study of financial, transportation, and environmental impacts, along with a study of transportation alternatives to proposed expansions and improvements to MoPac, from the southern terminus of MoPac to Cesar Chavez, prior to taking further steps to build SH 45 SW or expand South MoPac; and

WHEREAS, this study has not yet been conducted and should be coordinated among the relevant entities; and

WHEREAS, on May 11, 2015, the CAMPO Transportation Policy Board is scheduled to vote on the adoption of the CAMPO 2040 Regional Transportation Plan, which includes items relating to the proposed expansions of MoPac from Cesar Chavez to the southern terminus as well as the proposed construction of SH 45 SW from Mopac to Interstate 35; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager, in collaboration with Travis County, CTRMA, and Rollingwood, is directed to conduct an analysis of the transportation and environmental impacts of the proposed MoPac expansion and related flyovers on

Cesar Chavez Boulevard, West 5th Street, Austin High School, Zilker Park, Lady Bird Lake, and adjacent neighborhoods.

BE IT FURTHER RESOLVED:

The City Manager is directed to provide a report on a range of alternatives to the proposed expansion of managed lanes on MoPac between Cesar Chavez Boulevard and Slaughter Lane to the Mobility Committee of the City Council no later than June 2015.

BE IT FURTHER RESOLVED:

The City of Austin formally opposes the proposed expansion of MoPac South from one managed lane in each direction to two managed lanes in each direction and requests that the expansion be removed from the CAMPO 2040 Regional Transportation Plan pending the results of the aforementioned study.

BE IT FURTHER RESOLVED:

The City Manager is directed to request that any language setting the scope of a study of the MoPac expansion in the CAMPO 2040 plan include one managed lane in each direction and a no-build option.

ADOPTED: _____, 2015

ATTEST: _____

Jannette S. Goodall
City Clerk

From: Bob Moore <Bob.Moore@traviscountytx.gov>
Date: April 30, 2015 at 8:43:54 AM CDT
To: Tom Nuckols <Tom.Nuckols@traviscountytx.gov>, Gerald Daugherty
[REDACTED]
Subject: RE: Public Access Roadway

Tom; please give me a call and advise.
Commissioner, we did not discuss before you left on your trip.
Anything I need to do before you return?

Bob Moore
The Office of Commissioner Gerald Daugherty, Prct. #3
700 Lavaca, Suite 2.400, Austin Texas 78701
512-854-9387 direct
Bob.Moore@traviscountytx.gov

From: Tom Nuckols
Sent: Wednesday, April 29, 2015 1:41 PM
To: Patrick Poel
Cc: Tom Nuckols; Bob Moore
Subject: Re: Public Access Roadway

Mr. Poel,

The Commissioners Court discussed this yesterday in executive session. I believe Comm. Daugherty's office will be contacting you.

Regards,
Tom

On Apr 27, 2015, at 1:55 PM, "Patrick Poel" [REDACTED] wrote:

Have you had enough time to speak with the court yet? We would all like to have some kind of forward progress on this very soon.

Thanks,
Pat

Sent from my iPhone

On Apr 7, 2015, at 4:41 PM, Tom Nuckols <Tom.Nuckols@traviscountytx.gov> wrote:

The buck stops with the Commissioners Court, so I will need to brief them on the legal issues in executive session in the near future.

From: Patrick Poel [REDACTED]
Sent: Tuesday, March 31, 2015 8:48 PM
To: Tom Nuckols
Cc: Bob Moore
Subject: Re: Public Access Roadway

I completely understand. What does it take to create a satisfactory answer? I'd like to help move this forward.

Sent from my iPhone

On Mar 31, 2015, at 6:03 PM, Tom Nuckols
<Tom.Nuckols@traviscountytx.gov> wrote:

Patrick,

It's not that simple. As you know, a previous Attorney General, which is Texas' highest ranking legal officer, has issued an opinion stating the §251.053, Transportation Code, is unconstitutional. While AG opinions are not legally binding, it does put us in a spot. If we were to move forward with this, any Travis County taxpayer would be within his or her rights to publicly question whether Travis County is breaking the law. We have to be satisfied that we have a good answer to that question.

Regards,
Tom

From: Patrick Poel [REDACTED]
Sent: Monday, March 30, 2015 11:51 AM
To: Bob Moore
Cc: Tom Nuckols
Subject: Re: Public Access Roadway

Excellent. I provided the information that says you can when it is for the public and there does not appear to be anything stating you can not correct?

Sent from my iPhone

On Mar 30, 2015, at 10:34 AM, Bob Moore
<Bob.Moore@traviscountytx.gov> wrote:

Patrick, it is not finding something that says we Can't do something.
In County government we are restricted by specific legislation that says we can.

Bob Moore

The Office of Commissioner Gerald Daugherty, Prct. #3
700 Lavaca, Suite 2.400, Austin Texas 78701
512-854-9387 direct
Bob.Moore@traviscountytexas.gov

From: Patrick Poel [REDACTED]
Sent: Sunday, March 29, 2015 11:29 AM
To: Bob Moore; Tom Nuckols
Subject: Re: Public Access Roadway

How goes the researching? It would appear if it is this difficult to find anything against it that moving forward would not be a problem? As always please feel free to call or email.

Thank you,
Patrick Poel

Sent from my iPhone

On Mar 9, 2015, at 3:26 PM, Bob Moore
<Bob.Moore@traviscountytexas.gov> wrote:

Still researching...and looking at precedents...

From: Patrick Poel [REDACTED]
Sent: Saturday, March 07, 2015 9:15 PM
To: Bob Moore; Tom Nuckols
Subject: Re: Public Access Roadway

Just wanted follow up on our discussions. Any progress / determination on this?

Thank you.
Patrick Poel

Sent from my iPhone

On Feb 19, 2015, at 4:06 PM, Patrick Poel [REDACTED] wrote:

Gentlemen,
Thank you again for taking the time to meet with me today to discuss this. As agreed I am forwarding you PDF's of some of the data I have on this to help give a better visual understanding of the situation and what I am requesting. I have also included a link to the transportation code that I referenced in the meeting.

<http://www.statutes.legis.state.tx.us/Docs/TN/htm/TN.251.htm>

Plat.pdf is a copy of the plat recorded in Travis County for the properties.

GIS100Plat & Lot46GIS200Plat are PDF's of the recorded plat superimposed on satellite imagery to really give a good overview of the roads and where the properties lay.

Please feel free to contact me at [REDACTED] or this [REDACTED] email if there are any questions I may be able to answer or comments you have regarding this. Pending any schedule

conflicts I am
generally available to
meet in person most
any time if that is a
better route as my
office is in Westlake.

Thank you.

Patrick Poel

<GIS100PLAT.pdf>

<Lot46GIS200PLAT.
pdf>

<Plat.pdf>

From: "Bray, Terry" [REDACTED]

Date: April 6, 2015 at 2:53:20 PM CDT

To: Gerald Daugherty [REDACTED]

Cc: "Rebecca Bray" [REDACTED]

Subject: sh 45 s/w

See attached – ugh!

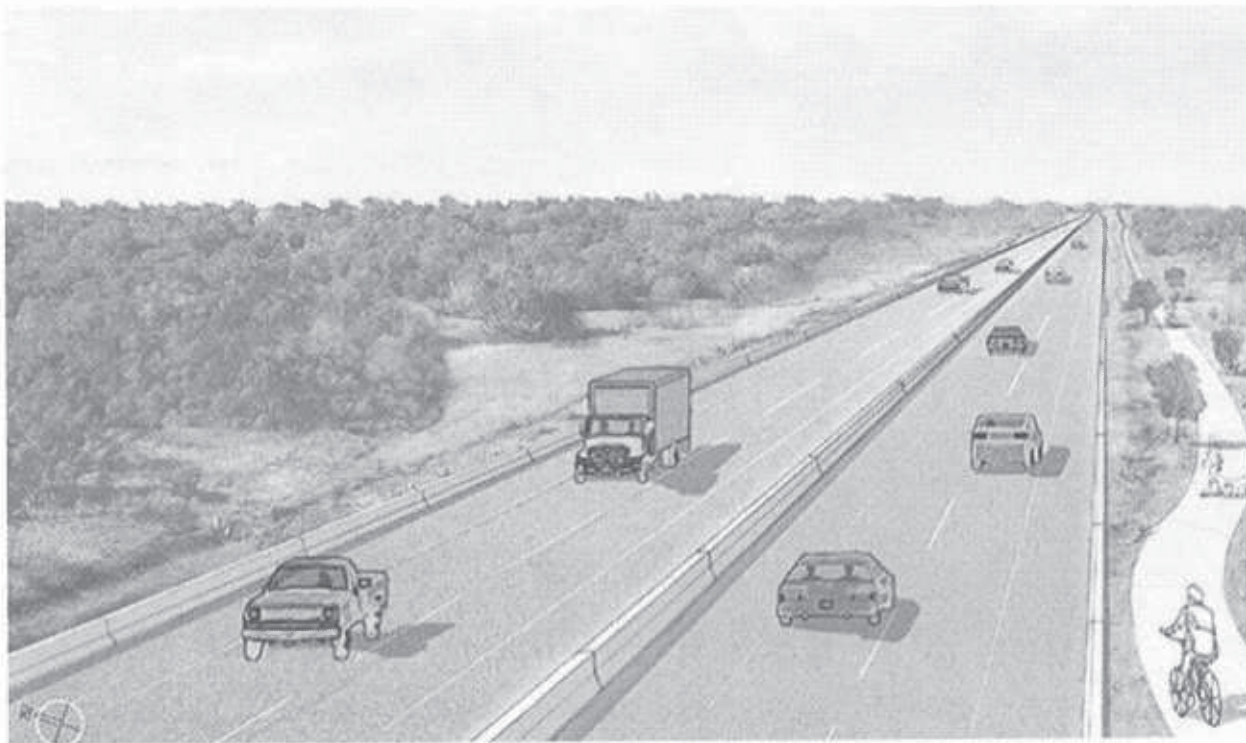
Wm. Terry Bray
512.480.5635 (direct line)
512.480.5835 (direct fax)
tbray@gdhm.com



(<https://twitter.com/austinmonitor>)



(<https://www.facebook.com/pages/Austin-Monitor/705048206171979>)



Monday, April 6, 2015 by Courtney Griffin

(<http://www.austinmonitor.com/stories/author/courtney-griffin/>)



ROADS

([HTTP://WWW.AUSTINMONITOR.COM/STORIES/CATEGORY/TRANSPORTATION/ROADS/](http://www.austinmonitor.com/stories/category/transportation/roads/))

City says SH45 SW environmental study unsound

Austin's Environmental Board is looking at its options after hearing from city staff that the approved environmental impact study, or EIS, for State Highway 45 Southwest is not based on sound science.

The EIS was prepared by TxDOT and CTRMA, with assistance from consultants. Chuck Lesniak, environmental officer with the City of Austin, presented the news to board members Wednesday at their regular meeting.

EXHIBIT H

"What we see a lot of in the draft EIS and we see again, unchanged, in the final EIS, is a lot of unsupported conclusions," Lesniak said. "It's 'we believe' or 'we think,' without providing technical documents or references to scientific studies or data that support those conclusions."

The Texas Department of Transportation gave its final approval March 5 to the Central Texas Regional Mobility Authority to begin construction on the road project (<http://www.sh45sw.com/>). The go-ahead formally ended the environmental component of the process, despite concerns raised by the city more than six months ago.

Lesniak told the *Austin Monitor* that many of the study's statements included sentences such as, "We don't believe there will be impacts to Flint Ridge Cave," without referencing any sort of data or previous scientific studies to support it, which are expected components of reliable reports. Flint Ridge Cave is a federally protected karst feature that is home to several protected invertebrates.

There was an issue with the public comment portion of the process as well, Lesniak said. Officials with TxDOT issued a draft EIS in summer 2014 and opened it for public comment, but the technical report — or the "critical" scientific findings behind the EIS — was issued separately in November. TxDOT notified city, county and other agencies during the December holiday season that they could submit comments, but it did not give this opportunity to the public, he said.

"The technical report looked a lot like the draft EIS," Lesniak said. "There were a lot of poorly supported or unsupported conclusions that weren't based in good scientific studies and data."

"And the final EIS misrepresents city studies and public statements that city staff has made on transportation alternatives, car studies and water quality," Lesniak continued. "In fact, there were a number of cases where they represented the study (as if it) supported a particular position, when in actuality that study came to the opposite conclusion."

Lesniak gave an example of one of the misrepresentations — a fall 2014 city traffic study that concluded the transportation department could make adjustments on Brodie Lane to ease vehicular congestion. In TxDOT's study, the opposite conclusion is stated, he said.

Most of TxDOT's responses to the city, other agencies and concerned residents have been along the lines of "everything is going to be OK, go look at the technical report," without explaining how the technical report supported the conclusions, Lesniak explained.

City officials do not believe the EIS took a hard look at the alternatives or considered the cumulative impacts of other connected roadway projects, like the proposed MoPac and SH 71 expansions. Lesniak also noted that CTRMA officials will build the project slightly above state water quality standards, which are much lower than the city's. In 1992 residents voted to enact an ordinance, known as Save Our Springs, that requires zero-impact in terms of pollutants added to the area.

CTRMA officials said the project would follow Texas Commission on Environmental Quality standards, which require the removal of 80 percent of the added Total Suspended Solids from a new development to ensure nondegradation of water quality. CTRMA's water quality protection measures will remove at least 90 percent of the suspended solids load generated over the Recharge Zone.

Lesniak said that the U.S. Fish and Wildlife Service provided "the most extensive comments on a state EIS" that he has ever seen from a federal agency, and that its comments closely mirrored the city's concerns.

Roy Waley, conservation chair with the Austin Sierra Club, recommended that the board seek federal intervention on the project during the meeting's public comment segment.

"They are proposing putting a highway over the top of one of our most critical and environmentally sensitive Recharge Zone areas for the Barton Springs/Edwards Aquifer," Waley said, referring to the area around Flint Ridge Cave. "Not only does it potentially endangered species that are federally protected, such as the Austin Blind and Barton Springs Salamander, but this is Golden-Cheeked Warbler and Black-Cap (Vireo) habitat."

Lesniak said he was not sure what role the U.S. Fish and Wildlife Service would play in the project, but was certain it would have a role.

CTRMA officials said the Mobility Authority would be responsive to working with any federal agencies as they move forward with project development.

Some of the changes to the project in the final EIS were tweaks to the interchange between MoPac Boulevard and SH45 SW. The road's layout was also adjusted the road's location to avoid sinkholes, caves and other recharge features.

Construction may begin as soon as December 2015. Environmental Board Chair Mary Gay Maxwell suggested board members vote on whether to recommend City Council take action on the item. The Environmental Board will vote on the recommendation at an upcoming meeting.

TxDOT declined to comment on the issue.

Rendering of SH 45 SW courtesy of Central Texas Regional Mobility Authority

[Return to Today's Headlines \(/\)](#)

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52

From: "Bray, Terry" [REDACTED]
Date: May 8, 2015 at 6:56:16 AM CDT
To: "Rebecca Bray" [REDACTED] "Gerald Daugherty" [REDACTED]
Subject: FW: Signed AARO Statement supporting investments in transportation infrastructure

Fyi -

From: Heidrick, Clarke
Sent: Thursday, May 07, 2015 10:25 AM
To: Bray, Terry
Subject: FW: Signed AARO Statement supporting investments in transportation infrastructure

Just fyi

Clarke Heidrick
Direct Phone: (512) 480-5636
Direct Fax: (512) 480-5836



Public Statement in Support of Transportation Investments

Austin Area Research Organization (AARO)¹ believes that investment in mobility infrastructure is critical to the economic and social well-being of the citizens of Central Texas and supports decisions that will increase the capacity of our mobility systems using approaches that are effective, cost-efficient, protect the environment, and maximize mobility throughout the region.

It is noteworthy that:

- Traffic congestion and affordability are the top concerns for Austin residents.
- Efficient mobility is essential to the movement of goods, delivery of public safety and other services, and the ability of residents to go to work.
- Austin's travel time index outpaces peer communities and constitutes one of the worst traffic congestion situations in the U.S.
- Congestion costs commuters lost time, wasted fuel, and increased maintenance and adversely affects air quality and the environment.
- The population of Central Texas is growing and is expected to continue to grow, meaning congestion will only worsen, unless we do something now.

Today, our community stands on the threshold of major transportation decisions. We invite local and regional elected leaders to embrace the following values in their decision-making:

Sustainable environment: AARO considers a sustainable environment to be a fundamental element of the quality of life we all enjoy. We are grateful the Environmental Impact Statement process is integral to all major construction projects and trust the process to protect the natural environment Central Texans treasure.

Roads are not "my" roads; they are "our" roads: Central Texas roadways belong to everyone - not just those who live in close proximity. It is unreasonable to force most north-south traffic onto I-35 when connectivity to MoPac via SH-45 SW would disperse the congestion and permit better mobility for everyone, especially those who cannot afford to live inside the high cost neighborhoods of Austin.

The Need for Transit: AARO supported the 2014 City of Austin transportation bonds that failed to win approval of the voters. We must now regroup as a community (including both those "for" and "against" the 2014 bond referendum) and move ahead aggressively with a transit plan that benefits the entire community. By designing and building new road projects with transit in mind, and putting busses in the managed lanes (on MOPAC north and south and other managed lanes in the future), we will make transit service more reliable and attractive and in turn enable more people - both those with limited resources and those who choose to ride transit - to get out of their cars and use bus transit to commute from outlying areas to jobs in the city core.

Moving forward: Central Texas is behind the game when it comes to transportation infrastructure. We need to move forward on projects urgently and with care, while ensuring the money is spent wisely and in ways that are cost-effective, efficient, and maximize movement of people, goods and services.

Given these values, AARO supports construction of SH-45 SW, 4 tolled lanes on south MoPac to facilitate traffic movement and connectivity to downtown, and inclusion of all projects in the CAMPO 2040 Plan.

Ashton Cumberbatch, President

Clarke Heidrick, Chair
AARO Transportation Committee

¹ AARO, a non-partisan thought leader for Central Texas, has worked behind the scenes in an advisory capacity to decision-makers, and been a part of most major initiatives in the region including construction of the southern extension of MoPac in the mid-80s, the water contract between the City of Austin and the LCRA which secures Austin's 50-year water supply at affordable rates, creation of the Travis County Healthcare District, now known as Central Health, and many others.

From: Phil Dopson [REDACTED]

Date: April 23, 2015 at 9:14:45 AM CDT

To: Gerald & Charlyn Daugherty [REDACTED]

Subject: South MoPac

If and when you have a moment for a cup of coffee or a cold drink - I would like to hear your thoughts on proposals being considered about MoPac south of the bridge. I don't have an agenda nor a better idea. Simply would like to hear your comments about the process and alternatives. If time doesn't permit- I will certainly understand. I represent only me, no one else or group.

Thanks,

Phil Dopson
[REDACTED]

From: "Porras, Mario" <Mario.Porras@austintexas.gov>
Date: April 2, 2015 at 9:57:05 AM CDT
To: [REDACTED]
Subject: FW: Traffic counters on Brodie Lane

Hi Gerald,

As discussed, we are not currently conducting speed studies for traffic calming. If the counting devices are double hoses, it means that the device is collecting speed data. Single hoses typically only count volume. Please see attached email from the Austin Transportation Department's Supervising Engineer to a citizen inquiring about counters on Brodie Lane. If you have any questions please feel free to contact me. Thanks

Mario Porras, E.I.T.
Engineer, Graduate B
Traffic Engineering Division
Austin Transportation Department
(512) 974.7656
mario.porras@austintexas.gov

From: Bollich, Eric
Sent: Wednesday, April 01, 2015 2:15 PM
To: [REDACTED]
Cc: Porras, Mario
Subject: RE: Traffic counters on Brodie Lane

Pamela,

The City of Austin is not currently collecting counts at this location. We believe these counters are part of TxDOT's saturation count program as we have seen many similar counters throughout the City within the last week. Here is information on the program in case you're interested:

<http://www.campotexas.org/plans-programs/traffic-counts/>.

It looks like you had Mario's incorrect email address, so I've copied him.

Eric

Eric Bollich, P.E., PTOE
Managing Engineer

Traffic Engineering Division
Austin Transportation Department
3701 Lake Austin Boulevard
Austin, TX 78703
(512) 974-7767
eric.bollich@austintexas.gov

From: Pamela Baggett [REDACTED]
Sent: Wednesday, April 01, 2015 8:56 AM
To: mario.porez@austintexas.gov
Cc: Bollich, Eric
Subject: Traffic counters on Brodie Lane

As noted in my voicemail messages Monday and again today, we want to know the purpose of the traffic hose/strips on Brodie near Green Emerald and Frate Barker.

Your reply would be greatly appreciated.



Pamela Baggett-Wallis
Coordinator
512.292.3439
[REDACTED]

From: Teresa Breuggeman [REDACTED]
Date: April 8, 2015 at 2:55:27 PM CDT
To: "Gerald.Daugherty@traviscountytx.gov" <Gerald.Daugherty@traviscountytx.gov>, [REDACTED]
Subject: Travis county development questions

Good afternoon Gerald,

I hope you have been well since we last spoke. As I mentioned, I am working for a pool builder in Austin, and I am really enjoying my job.

We are considering developing a 5 acre piece of property just outside of Bee Cave on Hamilton Pool Road at the entrance to Madrone Ranch. OH NO! I said *development* and *Hamilton Pool Road* in the same sentence!! I'm sure I've made someone angry!

I was wondering if you can point me to the person to speak to regarding the plans to widen HPR and any expected easements and setback that will result in the road widening. Having this information before we start developing would be helpful, especially with respect to where we plan to place the septic system on the property.

The actual address is 9208 Madrone Ranch Trail but we will probably want to change it to an HPR address, which is probably another question for your department. From what I read online, the plans are to widen but do not know if they will effect that area just north of RR12. This is not in Bee Cave's ETJ but is inside of Travis County.

The development will consist of an office building, approximately 1,300 sq ft for approximately 10 offices. Eventually we may build more on the property but this is the first phase.

Whatever assistance you could give would be very helpful.

Let's catch up sometime, would love to have lunch or a glass of wine when you are free.

Thanks Gerald, have a great day!
Teresa

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