Appendix A
List of Recipients
APPENDIX A – LIST OF RECIPIENTS

FEDERAL AGENCIES (Hard Copy)
U.S. Army Corps of Engineers (USACE)
• Colonel David C. Weston, Commander, Galveston District

U.S. Environmental Protection Agency (EPA)
• Dr. Alfredo Armendariz, Regional Administrator, Region 6
• Mike Jansky, NEPA Environmental Review Coordinator, Region 6

Advisory Council on Historic Preservation (ACHP)
• Blythe Semmer, Program Analyst, Office of Federal Agency Programs, Old Post Office Building

Housing and Urban Development (HUD)
• C. Donald Babers, Deputy Regional Director, Region VI

Federal Railroad Administration (FRA)
• John Megary, Regional Administrator, Region V

Federal Emergency Management Agency (FEMA)
• Gary Jones, Acting Regional Administrator, Region VI

U.S. Department of the Interior (DOI) (Hard Copy and 9 CD’s)
• Willie R. Taylor, Director, Office of Environmental Policy and Compliance

U.S. General Services Administration (GSA),
• Duc M. Le, Supervisory Project Manager, Houston Office

U.S. LEGISLATORS (Executive Summary and CD)
• Senator John Cornyn, U.S. Senator
• Senator Kay Bailey Hutchison, U.S. Senator
• Representative John Culberson, U.S. Representative (7th District)
• Representative Al Green, U.S. Representative (9th District)
• Representative Sheila Jackson Lee, U.S. Representative (18th District)
• Representative Gene Green, U.S. Representative (29th District)

STATE AGENCIES (Hard Copy)
Texas Commission on Environmental Quality (TCEQ)
• Mark R. Vickery, P.G, Executive Director

Texas Parks and Wildlife Department (TPWD)
• Carter Smith, Executive Director

Texas Historical Commission (THC)
• Mark Wolfe, Executive Director and State Historic Preservation Officer (+1 CD – Attn: Elizabeth Butman, Architecture Review Section, Division V)
State of Texas Governor's Office
• Mary Katherine Stout, Director, Governor's Office of Budget, Planning and Policy Division

Texas Department of Transportation (TxDOT)
• Delvin Dennis, P.E., District Engineer, Houston District
• Dianna F. Noble, P.E., Director, Director, Environmental Affairs Division

Railroad Commission of Texas
• John J. Tintera, Executive Director

STATE LEGISLATORS (Executive Summary and CD)
• Governor Rick Perry, Texas
• Senator Mario Gallegos, Jr., Texas State Senator (6th District)
• Senator Dan Patrick, Texas State Senator (7th District)
• Senator Rodney Ellis, Texas State Senator (13th District)
• Senator Joan Huffman, Texas State Senator (17th District)
• Representative Ellen Cohen, Texas House of Representatives (134th District)
• Representative Beverly Woolley, Texas House of Representatives (136th District)
• Representative Scott Hochberg, Texas House of Representatives (137th District)
• Representative Carol Alvarado, Texas House of Representatives (145th District)
• Representative Garnet F. Coleman, Texas House of Representatives (147th District)

LOCAL Elected OFFICIALS (Executive Summary and CD)
• Judge Ed Emmett, Harris County Judge
• Harris County Commissioner El Franco Lee, Precinct 1
• Harris County Commissioner Sylvia R. Garcia, Precinct 2
• Harris County Commissioner Steve Radack, Precinct 3
• Harris County Commissioner Jerry Eversole, Precinct 4
• Mayor Annise D. Parker, City of Houston
• Council Member Stephen C. Costello, At Large Position 1
• Council Member Sue Lovell, At Large Position 2
• Council Member Melissa Noriega, At Large Position 3
• Council Member C.O. "Brad" Bradford, At Large Position 4
• Council Member Jolanda Jones, At Large Position 5
• Council Member Anne Clutterbuck, District C
• Council Member Wanda Adams, District D
• Council Member Al Hoang, District F
• Council Member Oliver Pennington, District G
• Council Member James G. Rodriguez, District I

REGIONAL AGENCIES (Hard Copy)
Houston-Galveston Area Council (H-GAC) (+2 CDs)
• Alan Clark, Director of Transportation Planning

LOCAL AGENCIES (Hard Copy)
City of Houston
• Michael S. Marcotte, Director, Public Works & Engineering Department
• Marlene L. Gafrick, Director, Planning and Development
• Joe Turner, Director, Park and Recreation Department
• Randy Pace, Preservation Officer
Harris County
- Arthur L. Storey, Jr., Executive Director, Public Infrastructure Department

Harris County Flood Control District
- Mike Talbott, Director

Harris County Toll Road Authority
- Gary Stobb, Director

Port of Houston Authority
- Alec G. Dreyer, Executive Director

Houston Independent School District (HISD)
- Adriana Támez, Regional Superintendent Central
- Samuel Sarabia, Interim Regional Superintendent East
- Barbara Thornhill, Regional Superintendent West

University of Houston
- Renu Khator, Chancellor/President, University of Houston

Texas Southern University
- John M. Rudley, President, Texas Southern University

University of St. Thomas
- Robert Ivany, University President

Houston Community College (HCC)
- Mary S. Spangler, Chancellor, Houston Community College
- William Cathey, Campus Manager, HCC Southwest, West Loop Center

City of West University Place
- Michael Ross, City Manager

City of Bellaire
- Bernie Statterwhite, City Manager

INTERESTED ORGANIZATIONS (Executive Summary and CD)
- Afton Oaks Civic Club – Rhonda Terracini, President
- Association for the Advancement of Mexican Americans – Beatrice G. Garza, Executive Director and Chief Operating Officer
- Audubon Place Civic Association – Daniel Haworth, President
- Avondale Association – Greg LeGrande, President
- Boulevard Oaks Civic Association – Phil John, President
- Castle Court Neighborhood Association – Alan Foley
- Cherryhurst Civic Club – Carol Rensink, President
- Chinese American Citizen’s Alliance, Houston Lodge – Dorothy Chow, President
- Citizens’ Transportation Coalition – Robin Holzer
- Commerce Residential Towers – Susan Williams
- Courtland Place Civic Association – Robert Taylor, President
Appendix A

University Corridor

List of Recipients

Final Environmental Impact Statement

- Crescent Real Estate Equities, Ltd. – Jane Page, Sr. Vice President
- Cuney Homes Residential Council – Dianne Sheffield, President
- East Downtown Management District – Tina Araujo, Consulting General Manager
- East Montrose Civic Association – Márquez Agelia Pérez, President
- First Montrose Commons – Jason Ginsburg, President
- Galleria Chamber of Commerce – Don P. Sweat, President
- Greater East End Management District – Hedy Wolpa
- Greater Houston Partnership – Jeff Moseley, President and CEO
- Greater Southeast Management District – Jason McLemore
- Greater Southwest Houston Chamber of Commerce – Toni Franklin, President and CEO
- Greenway Condominiums – Barbara O’Connell
- Gulf Freeway/Pine Valley Civic Association – Berti Barba, President
- Houston Downtown District/Central Houston/Downtown TIRZ – Robert M. Eury
- Houston East End Chamber of Commerce – Diane Lipton
- Houston Tomorrow – David Crossley, President
- Houston West Chamber of Commerce – Jeannie Bollinger, President and CEO
- John Hansen Investment Builder – John Andell
- Kirby Corridor Coalition and Super Neighborhood #28 (University Place) – Kathryn C. Easterly, Co-Chair
- Lamar/ST. George Place TIRZ #1 – David Hawes, Hawes Hill Calderon
- Larchmont Civic Association – Steve Burdette
- League of United Latin American Citizens (LULAC) – Francisco B. Rodriguez III, District VIII Director
- Mandell Place Civic Association – Greg Purser, President
- Midtown Civic Club – Susan Neal
- Midtown Management District/ RDA/TIRZ #2 – Matt Thibodeaux, Executive Director
- Montrose Boulevard Conservancy – Claude F. Wynn
- Museum Area Municipal Association – Julia Smith Wellner
- Museum District Business Alliance – Claude F. Wynn, President
- Neighborhood Recovery Community Development Corporation (CDC) – Rev. William A. Lawson, President
- North Cherryhurst Civic Association – Kirby Mears
- OST / Almeda TIRZ 7 – Theola Petteway, Executive Director
- Park Civic Association – Karen Mulvey, President
- Project Row Houses – Linda Shearer, Executive Director
- Quality of Life Coalition – Deborah January-Bevers, Executive Director
- Re-Ward Third Ward CDC – Rev. L. David Punch
- Richmond Rail.org – Doug Childers, Chair
- Richwood Place Civic Association – Rebekah Maddux El-Hakam
- River Oaks Chrysler – Alan Helfman
- Riverside Health Center – Donna Travis
- Row House, CDC – Alain Lee, Executive Director
- Sharpstown Civic Association – Peggy Dykes, Office Administrator
- Sierra Club – Jim Williams, Houston Group Chair
- Southeast Houston CDC – Rev. Manson Johnson
- Southwest Houston RDA/TIRZ #20 – Bill Calderon, Hawes Hill Calderon
- St. George Civic Place Association – Gary Baumgartner
- Sunset Terrace/Montclair Place Civic Association – Mike Malley
• Super Neighborhood #20 (Midwest) – Jerry Hill, President
• Super Neighborhood #23 (Afton Oaks/River Oaks) and #87 (Greenway/Upper Kirby) – Buddy Bailey, President
• Super Neighborhood #24 (Neartown/Montrose) – David Robinson, President
• Super Neighborhood #27 (Gulfon) – Tammy Rodriguez, President
• Super Neighborhood #28 (University Place) – Julie Tyser, President
• Super Neighborhood #64 and #88 (Greater Eastwood) Lawndale – Bryan Vezey President
• Super Neighborhood #67 (Greater Third Ward) – Norma Bradley, President
• Super Neighborhood #83 (MacGregor) – Tomaro Bell
• Third Ward Multi-Service Center – Cheryl Shepherd, Senior Program Manager
• Trees for Houston – Barry Ward, Executive Director
• TREK – Janet Redeker, Executive Director
• Union Pacific Railroad – Joseph Adams, Vice President Public Affairs
• Upper Kirby Management District/RDA/TIRZ 19 – Jamie Brewster, Executive Director
• Uptown Houston District/TIRZ #16 – John Breeding, President
• Washington Terrace Civic Association – Renita Thornton, President
• West Lane Place Civic Club – Ted Richardson
• Wheeler Place Home Association – Lajon Jackson, President
• William A. Lawson Institute for Peace and Prosperity (WALLP) – Cheryl Lawson, Executive Director
• Winlow Place Civic Association – Mary Needham, President

LIBRARIES (Hard Copy and CD)
Houston Public Libraries
• Julia Ideson Branch, 500 McKinney Street
• Smith Neighborhood Library, 3624 Scott Street
• Freed-Montrose Neighborhood Library, 4100 Montrose Boulevard
• Jungman Branch, 5830 Westheimer Road
• Clayton Library Center of Genealogical Research, 5300 Caroline Street

Harris County Public Library
• West University Branch Library, 6108 Auden Street

Texas Southern University
• Robert James Terry Library, 3100 Cleburne Street

University of Houston
• M.D. Anderson Library (Main Library), 114 University Libraries

University of Houston – Downtown
• W.I. Dykes Library, 5th Floor, One Main Street

University of St. Thomas
• Doherty Library, 1100 West Main Street

Houston Community College
• Central Campus, 1300 Holman Street, 2nd floor

Rice University
Appendix A
List of Recipients

University Corridor
Final Environmental Impact Statement

- Fondren Library, 6100 Main Street

U.S. POSTAL SERVICE (Executive Summary and CD)
- University Station, 1319 Richmond Avenue

SUBSTANTIAL COMMENTORS ON THE JULY 2007 DEIS (Executive Summary and CD)
(A complete mailing address was provided by these commentors.)

- Antony
- Yara S. Aceituno
- Henry Adams
- Julia Aguirre
- Sam Akers
- Lima Ali
- Stanley Almoney
- Diane Andrews
- Cheryl Y. Armitige
- Heather Asselin
- Ken Baines
- O.N. Baker
- Ed Banks
- Daniel Barnum
- Jessica Bass
- Johnnie Bass
- Bill Baumeyer
- Gilda Bayegan
- Thomas Bazan
- Chris Bello
- Herminia Bello
- Trevor Bello
- Robert Dale & Victoria Benincasa
- Frank Blake
- Wyn Bomar
- H. Boxie
- Charlie Bracht
- Kyle Bradell
- H. L. Bradford
- Duane Bradley
- Joshua Breier
- Paul W. Brown
- Robert L. Brown, Jr.
- Martin Bucci
- Clyde Burleson
- Catherine Buter
- Susan C.
- William & Virginia Camfield
- Louis & Janice Caplan
- Jaime Carreon
- Marisol Casares
- Young Fa Chang
- Judy Chapman
- Thomas G. Chappell
- Jane Chastant & James Chastant
- Craig S. Cheney
- Carla Cheshire
- Arthur Ciampi
- John Cleary
- Wade Cline
- Lizette Cobb
- Susan Cole
- John Collier
- Felipe Contreras
- Ray Cook
- Aurora Cortez
- Jeff Crawford
- Dan Cromack
- Jay Blazek Crossley
- Adelina Cruz
- William Cunningham
- Elisa Damian
- Bill Davis
- Andrea de Vera
- Jim L. DeFoyd
- Kathy DeLange
- Carondelet Dember
- Adis Diaz
- Paula Djabbarah
- James Dougherty
- John Jay Douglass
- Jack Drake
- Kristy Duprey
- Peter J. Durkin
- Avon Ruson
- Kenneth & Mable Dyer
- Babara Eaves
- Truman C. Edminster
- C. A. Edwards
- D. Glen Eisen
- Moustapha El-Hakam
- Dorris Ellis
- James Engelbrecht
- Reyna Ensautigue
- Barbara F
- Kirk Farris
- Beatrice Faulkner
- Ali Fazeli
- Maria Fernandez
- Don Flech
- George Flores
- Stephanie Fox
- George Framing
- Richard Franke
- Kristina Frankel
- Don Gallagher
- Yanira Gamero
- Clara Garcia
- Oriana Garcia
- Lester Gellespie
- Jason & Rebecca Ginsburg
- Nell Gitichnec
- Otto Glaser
- Alfred C. Glassell, III
- Oliver Goldesbersy
- Adelma S. Graham
- Michael Griffin
- Florence Gross
- Mable Guidry
- Stella Gustavson
- Scott Haig
- Louis L. & Gayla C. Hamilton
- Scott Harbers
- J.W. Harding
- Charles Harris
- Charles T. & Laurie Lindemulder Harris
- Juanita Harris
- Abby Harrison
- Birtie Hart
• Doris Durbin Heard
• Kathy L. Heard
• Cliff Helmcame
• Alberta Henderson
• Dorthea Smith Henderson
• Sally B. Henke
• Mary Lou Henry
• Henry's Barber Shop
• Claudia Hernandez
• Alton Hill
• Vandi Hodges
• Willie Mae Holmes
• Jeff Holtorf
• Adra Beth Hooks
• Donald Hooper
• Jeff Hooten
• Katherine Howe
• Hugh Heslep
• Fred & Kaye Hyde
• Jean Iersel
• Linda Inyamah
• Ann Iverson & Clifton Iverson
• Darlene Johnson
• Lillie Johnson
• Jolanda Jones
• R.W. Jordan
• Lawrence Katz
• Fivos Kazilas
• Barbara Keener
• Mavis P. Kelsey, Jr.
• Stuart Roben
• Kensinger
• Cholla Kepner
• James Kirksey
• Nata Koerber
• Wayne Krouse
• David Lambert
• Renee Landers
• Sean Lane
• Jeniffer Lange
• Sacha Lazarre
• Lorraine Leavell
• Polly Ledvina
• Abe Lee
• Erica Lee
• Liz Leifeste & Arlee Leifeste
• Donna Leonard
• Paul Lester
• Esther Levit
• Darrin B. Lewer
• Allen Lewis, Jr.
• Rev. Ben Roy Lillie, Sr.
• Jason Lillie
• Nita Lindley
• Kristin Lindquist
• Larissa Lindsay
• James Timothy Linean
• John P. Littlejohn
• Linda Lively
• Steve Longmire
• Eduardo Lopez
• Guillermina Lopez
• Maria Lopez
• Monica Lopez-Manteca
• Stephanie Lopez-Monteca
• Sam Lott
• Todd Maddox
• Paul Magaziner
• Alysheia Mallity
• Dawn Mallow
• Brandt Mannchen
• Eula Faye Mapps
• Dottie Marlin
• Dr. & Mrs. Andrew S. Martin
• Roger Matice
• Beverly Maurice
• Tosha Mayer
• Michele Mays
• Norman Mazoniegos
• Kevin McAlpin
• Mary Ann McBrayer
• Robert McClain
• Sims McCutchan
• Joel McGlasson
• Tom McKitrick
• Barney M. McMahon
• D.M. McStravick
• Lucia Medina
• Luz Maria Mendez
• Ann Mengden
• Neal Meyer
• Yvonne Mikulencak
• Weston Mikulich
• Holly Miller
• Randy Moncrieffe
• Andrea N. Moore
• S. Moore
• Mike Moran
• Joan Morgenstern
• Jessica Morrow
• Zohra Mousselli
• Cedar Murphy
• Lance O. & Katherine Murphy
• Mychal Murray
• Socorro Nadera
• JoAnn Nawlings
• Joe Nawlings
• S.J. Nawlings
• Wilbert Nawlings
• Ida Neal
• Isabelle Norman
• Mac Nouri
• Elizabeth Nowling
• Rocio Ochoa
• Barbara & Bill O'Connell
• Julie Orser Odermatt
• Weston Garrett O'Neal
• Janie Ortiz
• Edward J. Osowski
• Noel Pacheco
• Elaine Paleologo
• John E. Parkerson
• James Pary
• Jim L. Patterson
• Patricia Patterson
• Jonathan Paull
• Paul Peacock
• Charles N. Pendergraft
• Dean Peniche
• Edward Peniche
• Pepino's Italian Restaurant
• Patrick Peters
• Scott Peveto
• Irving Phillips
• Bartley Pickron
• Planned Parenthood

January 2010
Appendix A

List of Recipients

University Corridor

Final Environmental Impact Statement

- Ann Plantowsky
- Mike Potter
- Carol J. Pouncy
- Marianela Pozuelos
- Lisa Prado
- Alex Ragsdale
- Mashur Ragsdale
- Jason Ramsey
- Morgan Rauch
- Mrs. Louis C. Ray
- Brian Redman
- Robert P. Reid
- Marty Reiner
- Carol Resh
- Joanne Resh
- Margaret Resh
- Matthew Resh
- Edward Richardson
- Christina & Barclay Ridge
- Susan J. Rinyu
- Virginia Rivera
- Emma Roberts
- David Robinson
- Peggy R. Roe
- Miguel Roe
- Shirley Rollins
- Maria Rosa
- Ian Rosenberg
- Mark Russell
- Cathy Sabalac
- John Sajewski
- Don Sanders
- Mavis Sanders
- A. L. Sands
- Daphne Scarbrough
- Frankie Schiel
- Gabrielle Schram
- Dr. Herman J. Schultz
- Ron Schultz
- Ron Scott
- Drel Setzer
- Carol Shackelford
- Diane M. Sheffield
- Donald Sheppard
- George Shoupe
- Sandra Shoupe
- Stella Sikes
- Ruth Simmons
- Vinson Skelton, Jr.
- Franchesca Skiles
- Lawrence A. Skiles
- Donna Kay Smith
- Kathy Smith
- Tim Smith
- Woody Speer
- Christof Spieler
- William Spitz
- Mark Stamey
- Susan Stasney
- Paul A. Stern
- Anna Stevens
- Lewis Strauss
- Judy Sultan
- Leslie J. Swift, Jr.
- Joana Tagaropulos
- Alicia Tahay
- Maria Tahay
- Terry Thompson
- Michael P. Tortrice
- Kimberly Tovar
- Allen Ueckert
- Sara Urbina
- Tom Valega
- Francisco Valle
- Brian Van Tubergen
- Maria Vasquez
- Sally Vaughn
- Marie-Louise Viada
- Carlos Villagran
- Donald Wade
- Stephanie Jacko-Wade
- Gloria Walker
- James S. Walker
- David Waller
- Sandra Walsh
- Candice Walton
- Peter Wang
- Kay Warhol
- Alida Washington
- Bobby Washington
- Joe Douglas Webb
- Julia Smith Wellner
- Ginger Wheless
- Angeli Williams
- O'Banion Williams, Jr.
- Charles Winault
- Phillip Winston
- Kathleen Wolfe
- Martha Wong
- Beverly J. Mims
- Woods
- Ella Wright
- Deborah Wynn
- Edward Yi
- Susan Young

COMMENTORS REGARDING THE LPA REVISION (NOVEMBER 2008 PUBLIC HEARING) (Executive Summary and CD)

(A complete mailing address was provided by these commentors.)

- Henry Denkins
- James Williams
Appendix B
List of Preparers
APPENDIX B – LIST OF PREPARERS

PUBLIC AGENCIES

Federal Transit Administration
Federal agency responsible for reviewing methodology. Key personnel include:

Region VI Office, Fort Worth, Texas
– Robert C. Patrick, Regional Administrator
– Peggy Crist, Director of Planning and Development
– Timothy Lidiak, Community Planner
– John Sweek, Community Planner*
– Laura Wallace, Community Planner

Office of Planning and Environment, Washington, D.C.
– Joe Ossi, Environmental Planner
– Brian Jackson, Community Planner

The Metropolitan Transit Authority of Harris County, Texas (METRO)
Client agency responsible for project. Key personnel include:

– Kimberly Slaughter, Associate Vice President for Planning
– Clint Harbert, Director of Short Range Planning
– Miki Milovanovic, Director of Capital and Environmental Planning**
– Ujari Mohite, Project Manager
– Edmund Petry, Manager of Environmental Planning
– Rhonda Boyer, Manager of Environmental Planning*
– Scott Barker, Manager of Capital Planning*

CONSULTANTS

Jacobs (formerly Carter & Burgess). Primary consultant for the project. Key personnel include:

Janet Kennison*
– Project Manager
– Bachelor of Arts, Environmental Studies, Trinity University
– Master of Science, Environmental Management, University of Texas at San Antonio

* No longer with the agency or firm
** No longer with the department
Appendix B

University Corridor

List of Preparers

Final Environmental Impact Statement

Sandy Wesch-Schulze, P.E., AICP*
- Project Manager/EIS Task Manager
- Bachelor of Science, Civil Engineering, Texas A&M University

Athena B. Bolton*
- Project Manager/FEIS, Visual Assessment
- Bachelor of Science, Civil Engineering, Texas A&M University

Darren Dodson*
- GIS Analysis
- Bachelor of Art, Geography, Texas A&M University
- Master of Science, Biology, Southwest Texas State University

Sandra Williams
- Hazardous/Regulated Materials
- Bachelor of Science, Chemistry, Prairie View A&M University

Jeff Casbeer
- Ecosystem, Parklands, Cultural Resources, and Water Quality
- Bachelor of Science, Biology, Texas A&M University

Amanda Breitling, R.E.M.
- Hazardous/Regulated Materials
- Bachelor of Science, Environmental Science, Texas Christian University

Lisa DelaCruz
- Air Quality and Socioeconomic
- Bachelor of Science, Marine Biology, Texas A&M University - Galveston

Nathan Drozd*
- Parking
- Bachelor of Science, Wildlife and Fisheries Ecology, Texas A&M University

Kim Kendrick*
- Public Involvement
- Bachelor of Science, Geology, University of North Texas

David Balmos, P.E.*
- Hydrology and Water Quality
- Bachelor of Science, Civil Engineering, Texas A&M University

Harris Miller Miller & Hanson, Inc.

Carl E. Hanson, P.E.
- Noise and Vibration
- Bachelor of Science, Aeronautical Engineering, University of Minnesota
- Master of Science, Mechanical Engineering, Massachusetts Institute of Technology
- Doctorate of Philosophy, Acoustics, Massachusetts Institute of Technology

* No longer with the agency or firm

January 2010
Lance D. Meister, P.E.
- Noise and Vibration
- Bachelor of Science, Civil Engineering, Temple University

Gregory M. Barr*
- Noise and Vibration
- Bachelor of Science, Mechanical Engineering, University of Michigan
- Master of Science, Mechanical Engineering, University of Michigan

Jason Ross, P.E.
- Noise and Vibration
- Bachelor of Science, Mechanical Engineering, University of Colorado at Boulder

Timothy M. Johnson
- Noise and Vibration
- Bachelor of Science, Mechanical Engineering, University of Hartford

Roberta F. Burroughs & Associates

Roberta F. Burroughs, AICP
- Land Use, Socioeconomic, Public Involvement
- Bachelor of Arts, Sociology, Hampton University
- Masters in Regional Planning, Cornell University

Eric Laube
- GIS Analysis and Mapping
- Bachelor of Arts, Political Science, Guilford College
- Masters in Urban Planning, University of Michigan, Ann Arbor

Milady Ogando*
- Land Use, GIS Analysis, Public Involvement
- Bachelor of Science, Computer Science, Kentucky State University
- Candidate, Masters in Urban Planning and Environmental Policy, Texas Southern University

Darnetta Nelson
- Land Use, Socioeconomic
- Bachelor or Arts, History and English, Prairie View A & M University
- Masters in Community Development, Prairie View A & M University

Paul M. Suckow
- GIS Analysis and Mapping
- Associate Degree, Liberal Arts, Concordia University
- Master of Architecture, University of Michigan
- Candidate, Doctor of Philosophy, Urban Planning and Environmental Policy, Texas Southern University

* No longer with the agency or firm
Richard DeBose, AICP
- GIS Analysis and Mapping
- Bachelor of Science, Design, Massachusetts Institute of Technology
- Masters in Urban Planning, Texas A & M University
- Doctoral Student, Urban Planning, University of Illinois, Champagne-Urbana

Hicks and Company

Kurt Korfmacher
- Cultural Resources
- Bachelor of Arts, Anthropology, University of California at San Diego
- Master of Science, Architectural Studies, University of Texas at Austin

Jason Buntz
- Cultural Resources
- Bachelor of Arts, Geography, University of California, Berkeley

Susan Lassell*
- Historic Resources
- Bachelor of Sciences, Environmental Design, University of California at Davis
- Master of Arts, Historic Preservation Planning, Cornell University

Jan Root*
- Historic Resources
- Bachelor of Arts, American History, University of Texas at Austin

Rachel Feit*
- Archeology
- Bachelor of Arts, Anthropology, The University of Chicago
- Master of Arts, Anthropology, The University of Texas at Austin

Jeff Allen
- Urban Forestry
- Bachelor of Science, Forestry, Stephen F. Austin State University
- Masters of Agricultural Range Science, Texas A&M University

Kevin Contrino
- GIS Analyst
- Bachelor of Science, Geography, Texas State University

Ximenes & Associates

Linda Ximenes
- Public Involvement, Meeting Facilitation
- Bachelor of Arts, Latin American Studies, University of Texas at Austin
- Masters of Arts, Bilingual Bicultural Technical Training, University of Texas at San Antonio

* No longer with the agency or firm
Sonia Jimenez
- Public Involvement, Meeting Facilitation
- Bachelor of Arts, Psychology, University of Texas at San Antonio
- Juris Doctorate, University of Saint Thomas Law School

The Clifford Group

Margaret Menger
- Public Involvement, Environmental Justice
- Music Education at Samford University, Birmingham, Alabama

Ellen Feely
- Public Involvement
- Bachelor of Arts, Communications, Loyola College

HDR/S.R. Beard & Associates

Stephen R. Beard
- Financial Analysis, Management Oversight
- Bachelor of Aviation Management, Auburn University
- Masters of Science Planning, Florida State University

Janet Kennison
- Transportation Conditions, Management Oversight
- Bachelor of Arts, Environmental Studies, Trinity University
- Master of Science, Environmental Management, University of Texas at San Antonio

Clint Harbert, AICP*
- Economic Analysis, Land Use
- Bachelor of Arts, Public Affairs and Administration, University of Oklahoma
- Master of Arts, Regional and City Planning, University of Oklahoma

Vijay Mahal, Ph D
- Travel Demand Forecasting
- Bachelor of Technology (Civil Engineering), Indian Institute of Technology, India
- Master in Transportation Science, University of Calgary, Canada
- Doctorate in Transportation Engineering, University of Minnesota

Kimberly Slaughter*
- Demographics and Transportation Conditions
- Bachelor of Art in Political Science, University of Texas
- Masters of Science in Community and Regional Planning, University of Texas

Christine Luthi
- Public Involvement
- Bachelor of Science, Political Science, Sam Houston State University
- Master of Science, Political Science, Sam Houston State University

* No longer with the agency or firm
Michael Rose
- Travel Demand Modeling and GIS Analysis
- Bachelor of Science, Electrical and Computer Engineering, University of Houston

Mike Hochschild, AICP
- Bus Operations and Analysis
- Bachelor of Science, Political Science, University of Houston
- Bachelor of Arts, Economics, University of Milwaukee

Steve Granson
- Economic Analysis, Land Use
- Bachelor of Business Administration, Texas Southern University
- Master of Science, Transportation Planning and Management, Texas Southern University

Stella Gustavson
- Socioeconomic, Quality Assurance/Quality Control, FEIS Preparation
- Bachelor of Environmental Studies, Urban and Regional Planning/Political Science, University of Waterloo
Appendix C

List of Acronyms
# APPENDIX C – LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACHP</td>
<td>Advisory Council on Historic Preservation</td>
</tr>
<tr>
<td>ACT</td>
<td>Antiquities Code of Texas</td>
</tr>
<tr>
<td>ADA</td>
<td>Americans with Disabilities Act</td>
</tr>
<tr>
<td>ADT</td>
<td>Average Daily Traffic</td>
</tr>
<tr>
<td>AERCO</td>
<td>Area Emission Reduction Credit Organization</td>
</tr>
<tr>
<td>AHCT</td>
<td>Advanced High Capacity Transit</td>
</tr>
<tr>
<td>AIRSAFS</td>
<td>Aerometric Information Retrieval System/Air Facility Subsystem</td>
</tr>
<tr>
<td>ANSI</td>
<td>American National Standards Institute</td>
</tr>
<tr>
<td>APE</td>
<td>Area of Potential Effects</td>
</tr>
<tr>
<td>AREMA</td>
<td>American Railway Engineering and Maintenance-of-Way Association</td>
</tr>
<tr>
<td>AASHTO</td>
<td>American Association of State Highway and Transportation Officials</td>
</tr>
<tr>
<td>AST</td>
<td>Aboveground Storage Tank</td>
</tr>
<tr>
<td>ASTM</td>
<td>American Society for Testing and Materials</td>
</tr>
<tr>
<td>BAN</td>
<td>Bond Anticipation Note</td>
</tr>
<tr>
<td>B.O.N.D.</td>
<td>Blocks Organized for Neighborhood Defense</td>
</tr>
<tr>
<td>BCCA</td>
<td>Business Coalition for Clean Air</td>
</tr>
<tr>
<td>BEA</td>
<td>Bureau of Economic Analysis</td>
</tr>
<tr>
<td>BMP</td>
<td>Best Management Practice</td>
</tr>
<tr>
<td>BNSF</td>
<td>Burlington Northern and Santa Fe Railroad</td>
</tr>
<tr>
<td>BOF</td>
<td>Bus Operating Facility</td>
</tr>
<tr>
<td>BRS</td>
<td>Biennial Report System</td>
</tr>
<tr>
<td>BRT</td>
<td>Bus Rapid Transit</td>
</tr>
<tr>
<td>BSA</td>
<td>Brownfield Site Assessment</td>
</tr>
<tr>
<td>BTUs</td>
<td>British Thermal Units</td>
</tr>
<tr>
<td>CAA</td>
<td>Clean Air Act</td>
</tr>
<tr>
<td>CAAA</td>
<td>Clean Air Act Amendments</td>
</tr>
<tr>
<td>CAB</td>
<td>Capital Appreciation Bond</td>
</tr>
<tr>
<td>CAGR</td>
<td>Compound Annual Growth Rate</td>
</tr>
<tr>
<td>CALF</td>
<td>Closed and Abandoned Landfill Inventory</td>
</tr>
<tr>
<td>CAMS</td>
<td>Continuous Air Monitoring Station</td>
</tr>
<tr>
<td>CBD</td>
<td>Central Business District</td>
</tr>
<tr>
<td>CCC</td>
<td>Coastal Coordination Council</td>
</tr>
<tr>
<td>CCTV</td>
<td>Closed-Circuit Television</td>
</tr>
<tr>
<td>CDA</td>
<td>Community Development Area</td>
</tr>
<tr>
<td>CDCs</td>
<td>Community Development Corporations</td>
</tr>
<tr>
<td>CDBG</td>
<td>Community Development Block Group</td>
</tr>
<tr>
<td>CEQ</td>
<td>Council on Environmental Quality</td>
</tr>
<tr>
<td>CERCLIS</td>
<td>Comprehensive Environmental Response, Compensation, and Liability Information System</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>CHDOs</td>
<td>Community Housing Development Organizations</td>
</tr>
<tr>
<td>CIB</td>
<td>Current Interest Bond</td>
</tr>
<tr>
<td>CIH</td>
<td>Communication Instrument House</td>
</tr>
<tr>
<td>CIP</td>
<td>Capital Improvement Plan</td>
</tr>
<tr>
<td>CMAQ</td>
<td>Congestion Mitigation and Air Quality</td>
</tr>
<tr>
<td>CMZ</td>
<td>Coastal Management Zone</td>
</tr>
</tbody>
</table>
Appendix C  University Corridor  List of Acronyms  Final Environmental Impact Statement

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>CNG</td>
<td>Compressed Natural Gas</td>
</tr>
<tr>
<td>CO</td>
<td>Carbon Monoxide</td>
</tr>
<tr>
<td>CO₂</td>
<td>Carbon Dioxide</td>
</tr>
<tr>
<td>COHGIS</td>
<td>City of Houston Geographic Information System</td>
</tr>
<tr>
<td>COP</td>
<td>Certificate of Participation</td>
</tr>
<tr>
<td>CORRACTS</td>
<td>Corrective Action Report Sites</td>
</tr>
<tr>
<td>CP</td>
<td>Commercial Paper</td>
</tr>
<tr>
<td>CPI</td>
<td>Consumer Price Index</td>
</tr>
<tr>
<td>CPTED</td>
<td>Crime Prevention Through Environmental Design</td>
</tr>
<tr>
<td>CSN</td>
<td>Construction Site Notice</td>
</tr>
<tr>
<td>CTMS</td>
<td>Computerized Transportation Management System</td>
</tr>
<tr>
<td>CWA</td>
<td>Clean Water Act</td>
</tr>
<tr>
<td>CWR</td>
<td>Continuous Welded Rail</td>
</tr>
<tr>
<td>CZMA</td>
<td>Coastal Zone Management Act</td>
</tr>
<tr>
<td>DAP</td>
<td>Department of Antiquities Protection</td>
</tr>
<tr>
<td>dB</td>
<td>Decibels</td>
</tr>
<tr>
<td>dBA</td>
<td>Decibels (A-weighting)</td>
</tr>
<tr>
<td>dbh</td>
<td>Diameter at Breast Height</td>
</tr>
<tr>
<td>DEIS</td>
<td>Draft Environmental Impact Statement</td>
</tr>
<tr>
<td>DNPL</td>
<td>Delisted National Priority List</td>
</tr>
<tr>
<td>DOCKETS</td>
<td>EPA Docket Data</td>
</tr>
<tr>
<td>DOD</td>
<td>Department of Defense</td>
</tr>
<tr>
<td>DOQ</td>
<td>Digital Orthophoto Quadrangle</td>
</tr>
<tr>
<td>DOT</td>
<td>Department of Transportation</td>
</tr>
<tr>
<td>EIS</td>
<td>Environmental Impact Statement</td>
</tr>
<tr>
<td>EMS</td>
<td>Emergency Medical Services</td>
</tr>
<tr>
<td>EPA</td>
<td>Environmental Protection Agency</td>
</tr>
<tr>
<td>ERNS</td>
<td>Emergency Response Notification System</td>
</tr>
<tr>
<td>ERNSs</td>
<td>Emergency Response Notification Systems</td>
</tr>
<tr>
<td>ERP</td>
<td>Emissions Reduction Plan</td>
</tr>
<tr>
<td>ESA</td>
<td>Environmental Site Assessment</td>
</tr>
<tr>
<td>FEIS</td>
<td>Final Environmental Impact Statement</td>
</tr>
<tr>
<td>FEMA</td>
<td>Federal Emergency Management Agency</td>
</tr>
<tr>
<td>FHWA</td>
<td>Federal Highway Administration</td>
</tr>
<tr>
<td>FIRM</td>
<td>Flood Insurance Rate Map</td>
</tr>
<tr>
<td>FM</td>
<td>Farm to Market Road</td>
</tr>
<tr>
<td>FTA</td>
<td>Federal Transit Administration</td>
</tr>
<tr>
<td>FUDS</td>
<td>Formerly Used Defense Sites</td>
</tr>
<tr>
<td>FY</td>
<td>Fiscal Year</td>
</tr>
<tr>
<td>GIS</td>
<td>Geographic Information System</td>
</tr>
<tr>
<td>GHASP</td>
<td>Galveston-Houston Association for Smog Prevention</td>
</tr>
<tr>
<td>GLO</td>
<td>General Land Office</td>
</tr>
<tr>
<td>GRT</td>
<td>Guided Rapid Transit</td>
</tr>
<tr>
<td>GSMD</td>
<td>Greater Southeast Management District</td>
</tr>
<tr>
<td>HB&amp;T</td>
<td>Houston Belt &amp; Terminal Railroad</td>
</tr>
<tr>
<td>HCAD</td>
<td>Harris County Appraisal District</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>HCC</td>
<td>Houston Community College</td>
</tr>
<tr>
<td>HCCS</td>
<td>Houston Community College System</td>
</tr>
<tr>
<td>HCFCD</td>
<td>Houston County Flood Control District</td>
</tr>
<tr>
<td>HCT</td>
<td>High Capacity Transit</td>
</tr>
<tr>
<td>HCTRA</td>
<td>Harris County Toll Road Authority</td>
</tr>
<tr>
<td>H-GAC</td>
<td>Houston-Galveston Area Council</td>
</tr>
<tr>
<td>HGCSFD</td>
<td>Houston-Galveston Coastal Subsidence District</td>
</tr>
<tr>
<td>HISD</td>
<td>Houston Independent School District</td>
</tr>
<tr>
<td>HMIRS</td>
<td>Hazardous Materials Incident Reporting System</td>
</tr>
<tr>
<td>HOV</td>
<td>High Occupancy Vehicle</td>
</tr>
<tr>
<td>HSVPA</td>
<td>High School for Performing and Visual Arts</td>
</tr>
<tr>
<td>HUD</td>
<td>Housing and Urban Development</td>
</tr>
<tr>
<td>Hz</td>
<td>Hertz</td>
</tr>
<tr>
<td>IH</td>
<td>Interstate Highway</td>
</tr>
<tr>
<td>IH-45</td>
<td>Interstate Highway 45/North Freeway</td>
</tr>
<tr>
<td>IH-610</td>
<td>Interstate Highway 610</td>
</tr>
<tr>
<td>IHW</td>
<td>Industrial and Hazardous Waste</td>
</tr>
<tr>
<td>INDLPSTR06</td>
<td>Indian Petroleum Storage Tanks – Region 6</td>
</tr>
<tr>
<td>IOP</td>
<td>Innocent Owner/Property Program</td>
</tr>
<tr>
<td>ITEA</td>
<td>Intermodal Surface Transportation Act of 1991</td>
</tr>
<tr>
<td>ITS</td>
<td>Intelligent Transportation Systems</td>
</tr>
<tr>
<td>LARA</td>
<td>Land Assemblage Redevelopment Authority</td>
</tr>
<tr>
<td>LBJ Hospital</td>
<td>Lyndon Baines Johnson Hospital</td>
</tr>
<tr>
<td>LCI</td>
<td>Livable Communities Initiative</td>
</tr>
<tr>
<td>Ldn</td>
<td>Day-Night Sound Level</td>
</tr>
<tr>
<td>LEP</td>
<td>Limited English Proficiency</td>
</tr>
<tr>
<td>Leq</td>
<td>Equivalent Sound Level</td>
</tr>
<tr>
<td>LOC</td>
<td>Letter of Credit</td>
</tr>
<tr>
<td>LOS</td>
<td>Level of Service</td>
</tr>
<tr>
<td>LPA</td>
<td>Locally Preferred Alternative</td>
</tr>
<tr>
<td>LPIS</td>
<td>Locally Preferred Investment Strategy</td>
</tr>
<tr>
<td>LPST</td>
<td>Leaking Petroleum Storage Tank</td>
</tr>
<tr>
<td>LQG</td>
<td>RCRIS Large Quantity Generators</td>
</tr>
<tr>
<td>LRT</td>
<td>Light Rail Transit</td>
</tr>
<tr>
<td>MBTA</td>
<td>Migratory Bird Treaty Act</td>
</tr>
<tr>
<td>METRO</td>
<td>Houston Metropolitan Transit Authority of Harris County, Texas</td>
</tr>
<tr>
<td>MIS</td>
<td>Major Investment Study</td>
</tr>
<tr>
<td>MLK</td>
<td>Martin Luther King</td>
</tr>
<tr>
<td>MMD</td>
<td>Municipal Market Data</td>
</tr>
<tr>
<td>MOA</td>
<td>Memoranda of Agreement</td>
</tr>
<tr>
<td>MOS</td>
<td>Minimum Operable Segment</td>
</tr>
<tr>
<td>MPH</td>
<td>Miles Per Hour</td>
</tr>
<tr>
<td>MPO</td>
<td>Metropolitan Planning Organization</td>
</tr>
<tr>
<td>MS4</td>
<td>Municipal Separate Storm Sewer System</td>
</tr>
<tr>
<td>MSA</td>
<td>Metropolitan Statistical Area</td>
</tr>
<tr>
<td>MSAt</td>
<td>Mobile Source Air Toxics</td>
</tr>
<tr>
<td>MTFP</td>
<td>Major Thoroughfare and Freeway Plan</td>
</tr>
<tr>
<td>MTP</td>
<td>Metropolitan Transportation Plan</td>
</tr>
<tr>
<td>MUD</td>
<td>Municipal Utility District</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>NAAQS</td>
<td>National Ambient Air Quality Standards</td>
</tr>
<tr>
<td>NCHRP</td>
<td>National Cooperative Highway Research Program</td>
</tr>
<tr>
<td>NEPA</td>
<td>National Environmental Policy Act</td>
</tr>
<tr>
<td>NFPA</td>
<td>National Fire Protection Association</td>
</tr>
<tr>
<td>NFRAP</td>
<td>No Further Remedial Action Planned</td>
</tr>
<tr>
<td>NGS</td>
<td>National Geodetic Survey</td>
</tr>
<tr>
<td>NHPA</td>
<td>National Historic Preservation Act</td>
</tr>
<tr>
<td>NOI</td>
<td>Notice of Intent</td>
</tr>
<tr>
<td>NO\textsubscript{X}</td>
<td>Nitrogen Oxide</td>
</tr>
<tr>
<td>NPDES</td>
<td>National Pollutant Discharge Elimination System</td>
</tr>
<tr>
<td>NPL</td>
<td>National Priorities List</td>
</tr>
<tr>
<td>NRHP</td>
<td>National Register of Historic Places</td>
</tr>
<tr>
<td>O&amp;M</td>
<td>Operations and Maintenance</td>
</tr>
<tr>
<td>OCC</td>
<td>Operational Control Center</td>
</tr>
<tr>
<td>OCS</td>
<td>Overhead Catenary System</td>
</tr>
<tr>
<td>ODI</td>
<td>Open Dump Inventory</td>
</tr>
<tr>
<td>OHWM</td>
<td>Ordinary High Water Mark</td>
</tr>
<tr>
<td>OMB</td>
<td>Office of Management and Budget</td>
</tr>
<tr>
<td>OST</td>
<td>Old Spanish Tail</td>
</tr>
<tr>
<td>Pb</td>
<td>Lead</td>
</tr>
<tr>
<td>PCN</td>
<td>Preconstruction Notice</td>
</tr>
<tr>
<td>PCPMPL</td>
<td>Passenger Car Per Mile Per Lane</td>
</tr>
<tr>
<td>PE</td>
<td>Preliminary Engineering</td>
</tr>
<tr>
<td>P&amp;I</td>
<td>Principal and Interest</td>
</tr>
<tr>
<td>PIHW</td>
<td>Permitted Industrial Hazardous Waste Sites</td>
</tr>
<tr>
<td>PM 10</td>
<td>Particulates less than or equal to 10 microns</td>
</tr>
<tr>
<td>PM 2.5</td>
<td>Particulates less 2.5 microns or less</td>
</tr>
<tr>
<td>PMT</td>
<td>Passenger Miles Traveled</td>
</tr>
<tr>
<td>PPB</td>
<td>Parts Per Billion</td>
</tr>
<tr>
<td>PPM</td>
<td>Parts Per Million</td>
</tr>
<tr>
<td>PPV</td>
<td>Peak Particle Velocity</td>
</tr>
<tr>
<td>PST</td>
<td>Petroleum Storage Tank</td>
</tr>
<tr>
<td>RCI</td>
<td>Roadway Congestion Index</td>
</tr>
<tr>
<td>RCRA</td>
<td>Resource Conservation and Recovery Act</td>
</tr>
<tr>
<td>RCRIS</td>
<td>Resource Conservation and Recovery Information System</td>
</tr>
<tr>
<td>RDA</td>
<td>Redevelopment Authorities</td>
</tr>
<tr>
<td>RIMS</td>
<td>Regional Input-Output Modeling System</td>
</tr>
<tr>
<td>RMS</td>
<td>Root Mean Square</td>
</tr>
<tr>
<td>ROC</td>
<td>Rail Operating Center</td>
</tr>
<tr>
<td>ROD</td>
<td>Record of Decision</td>
</tr>
<tr>
<td>RRS</td>
<td>Revenue Ready Status</td>
</tr>
<tr>
<td>RTP</td>
<td>Regional Transportation Plan</td>
</tr>
<tr>
<td>SAC</td>
<td>Stakeholder Advisory Committee</td>
</tr>
<tr>
<td>SAFETEA-LU</td>
<td>Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users</td>
</tr>
<tr>
<td>SAL</td>
<td>State Archeological Landmark</td>
</tr>
<tr>
<td>SEL</td>
<td>Sound Exposure Level</td>
</tr>
</tbody>
</table>

January 2010
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEP</td>
<td>State Energy Program</td>
</tr>
<tr>
<td>SH</td>
<td>State Highway</td>
</tr>
<tr>
<td>SHPO</td>
<td>State Historic Preservation Officer</td>
</tr>
<tr>
<td>SIEC01</td>
<td>State Institution/Engineering Controls</td>
</tr>
<tr>
<td>SIP</td>
<td>State Implementation Plan</td>
</tr>
<tr>
<td>SO$_2$</td>
<td>Sulfur Dioxide</td>
</tr>
<tr>
<td>SOV</td>
<td>Single Occupancy Vehicle</td>
</tr>
<tr>
<td>SPARK</td>
<td>School Park Program</td>
</tr>
<tr>
<td>SPILLS</td>
<td>Spills Database/List</td>
</tr>
<tr>
<td>SQG</td>
<td>Resource Conservation and Recovery Information System Small Quantity Generators</td>
</tr>
<tr>
<td>SSPP</td>
<td>System Safety Program Plan</td>
</tr>
<tr>
<td>STEP</td>
<td>State Transportation Enhancement Project</td>
</tr>
<tr>
<td>SWP3</td>
<td>Storm Water Pollution Prevention Plan</td>
</tr>
<tr>
<td>TAC</td>
<td>Texas Administrative Code</td>
</tr>
<tr>
<td>TAKS</td>
<td>Texas Assessment of Knowledge and Skills</td>
</tr>
<tr>
<td>TC</td>
<td>Transit Center</td>
</tr>
<tr>
<td>TCEQ</td>
<td>Texas Commission on Environmental Quality</td>
</tr>
<tr>
<td>TCM</td>
<td>Transportation Control Measures</td>
</tr>
<tr>
<td>TCMP</td>
<td>Texas Coastal Management Plan</td>
</tr>
<tr>
<td>TEA-21</td>
<td>Transportation Equity Act for the 21st Century</td>
</tr>
<tr>
<td>TEKS</td>
<td>Texas Essential Knowledge and Skills</td>
</tr>
<tr>
<td>THC</td>
<td>Texas Historical Commission</td>
</tr>
<tr>
<td>TIFIA</td>
<td>Transportation Infrastructure Finance and Innovation Act</td>
</tr>
<tr>
<td>TIP</td>
<td>Transportation Improvement Program</td>
</tr>
<tr>
<td>TIRZ</td>
<td>Tax Increment Reinvestment Zone</td>
</tr>
<tr>
<td>TMA</td>
<td>Transportation Management Area</td>
</tr>
<tr>
<td>TMUTCD</td>
<td>Texas Manual on Uniform Traffic Control Devices</td>
</tr>
<tr>
<td>TOD</td>
<td>Transit-Oriented Development</td>
</tr>
<tr>
<td>TPDES</td>
<td>Texas Pollutant Distribution Elimination System</td>
</tr>
<tr>
<td>TPSS</td>
<td>Traction Power Substations</td>
</tr>
<tr>
<td>TPWD</td>
<td>Texas Parks &amp; Wildlife Department</td>
</tr>
<tr>
<td>TREK</td>
<td>Trip Reduction Efficiency Council</td>
</tr>
<tr>
<td>TRI</td>
<td>Toxics Release Inventory</td>
</tr>
<tr>
<td>TRZ</td>
<td>Tax Increment Redevelopment Zone</td>
</tr>
<tr>
<td>TSARP</td>
<td>Tropical Storm Allison Recovery Project</td>
</tr>
<tr>
<td>TSD</td>
<td>Non-Corrective Action Treatment, Storage, and Disposal</td>
</tr>
<tr>
<td>TSM</td>
<td>Transportation Systems Management</td>
</tr>
<tr>
<td>TSP</td>
<td>Traffic Signal Priority</td>
</tr>
<tr>
<td>TSU</td>
<td>Texas Southern University</td>
</tr>
<tr>
<td>TSUB</td>
<td>Transportation System Under Benefits</td>
</tr>
<tr>
<td>TTI</td>
<td>Texas Transportation Institute</td>
</tr>
<tr>
<td>TxDOT</td>
<td>Texas Department of Transportation</td>
</tr>
<tr>
<td>TXDRC</td>
<td>Texas Dry Cleaner Registration</td>
</tr>
<tr>
<td>TXEAP</td>
<td>Texas Edwards Aquifer Permits</td>
</tr>
<tr>
<td>TXLANDAPP</td>
<td>Texas Land Applications</td>
</tr>
<tr>
<td>TXLIENS</td>
<td>Texas Commission on Environmental Quality Liens</td>
</tr>
<tr>
<td>TXLPG</td>
<td>Texas Liquified Petrol Gas Bulk Storage</td>
</tr>
<tr>
<td>TXMSD</td>
<td>Texas Municipal Settings Designation Report</td>
</tr>
<tr>
<td>TXMSWLF</td>
<td>Texas Municipal Solid Waste Landfill Sites</td>
</tr>
<tr>
<td>Acronym</td>
<td>Definition</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------------------------------------------------------</td>
</tr>
<tr>
<td>TXRRCVCP</td>
<td>Texas Railroad Commission Voluntary Cleanup Program Sites</td>
</tr>
<tr>
<td>TXRWS</td>
<td>Texas Radioactive Waste Sites</td>
</tr>
<tr>
<td>TXSF</td>
<td>State Superfund</td>
</tr>
<tr>
<td>TXSF</td>
<td>Texas Superfund Registry</td>
</tr>
<tr>
<td>U.S.</td>
<td>United States</td>
</tr>
<tr>
<td>UST</td>
<td>United States Treasury</td>
</tr>
<tr>
<td>UH</td>
<td>University of Houston</td>
</tr>
<tr>
<td>UH-D</td>
<td>University of Houston Downtown</td>
</tr>
<tr>
<td>UPRR</td>
<td>Union Pacific Railroad</td>
</tr>
<tr>
<td>USACE</td>
<td>United States Army Corps of Engineers</td>
</tr>
<tr>
<td>USBF</td>
<td>United States Brownfield Management System</td>
</tr>
<tr>
<td>USDA</td>
<td>United States Department of Agriculture</td>
</tr>
<tr>
<td>USEC</td>
<td>Federal Institution/Engineering Controls</td>
</tr>
<tr>
<td>USGS</td>
<td>United States Geological Survey</td>
</tr>
<tr>
<td>USICIS</td>
<td>Integrated Compliance Information System [Formerly Dockets]</td>
</tr>
<tr>
<td>USNFRAP</td>
<td>United States No Further Remedial Action Planned</td>
</tr>
<tr>
<td>USNPL</td>
<td>United States National Priority List</td>
</tr>
<tr>
<td>USPNPL</td>
<td>United States Proposed National Priority List</td>
</tr>
<tr>
<td>USRCRAC</td>
<td>United States Resource Conservation &amp; Recovery Act – Corrective Action</td>
</tr>
<tr>
<td>USRCRAG</td>
<td>United States Resource Conservation &amp; Recovery Act – Generator</td>
</tr>
<tr>
<td>USRCRAT</td>
<td>United States Resource Conservation &amp; Recovery Act – Treatment, Storage &amp; Disposal</td>
</tr>
<tr>
<td>UST</td>
<td>Underground Storage Tank</td>
</tr>
<tr>
<td>V/C</td>
<td>Volume to Capacity Ratio</td>
</tr>
<tr>
<td>VA Hospital</td>
<td>Veterans Affairs Hospital</td>
</tr>
<tr>
<td>VCP</td>
<td>Voluntary Cleanup Program</td>
</tr>
<tr>
<td>VdB</td>
<td>Decibels - Vibration</td>
</tr>
<tr>
<td>VHT</td>
<td>Vehicle Hours of Travel</td>
</tr>
<tr>
<td>VMT</td>
<td>Vehicle Miles of Travel</td>
</tr>
<tr>
<td>VOC</td>
<td>Volatile Organic Compound</td>
</tr>
<tr>
<td>VPD</td>
<td>Vehicles Per Day</td>
</tr>
<tr>
<td>WATERWLL</td>
<td>Combined Water Well Database</td>
</tr>
<tr>
<td>WSE</td>
<td>Water Surface Elevation</td>
</tr>
<tr>
<td>YMCA</td>
<td>Young Men’s Christian Association</td>
</tr>
<tr>
<td>YOE</td>
<td>Year of Expenditure</td>
</tr>
</tbody>
</table>
Appendix D
Agency Coordination
APPENDIX D - AGENCY COORDINATION
AGENCY CORRESPONDENCE
<table>
<thead>
<tr>
<th>Date</th>
<th>To</th>
<th>From</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 25, 2006</td>
<td>See list attached to the letter</td>
<td>Miki Milovanovic, METRO</td>
<td>Invitation to Agency Scoping Meetings</td>
</tr>
<tr>
<td>June 29, 2006</td>
<td>METRO</td>
<td>State Representative Martha Wong</td>
<td>Recommendations of items to be included in the University line study</td>
</tr>
<tr>
<td>July 5, 2006</td>
<td>James E. Bruseth. Texas Historical</td>
<td>Robert C. Patrick, FTA</td>
<td>Section 106 Consultation for University Corridor, Houston, TX</td>
</tr>
<tr>
<td>July 6, 2006</td>
<td>Miki Milovanovic, METRO</td>
<td>Lavonne Collins, USACE</td>
<td>Acknowledgement receipt</td>
</tr>
<tr>
<td>July 7, 2006</td>
<td>Miki Milovanovic, METRO</td>
<td>Marcus N. Redford, U.S. Coast Guard</td>
<td>Response to scoping letter</td>
</tr>
<tr>
<td>July 11, 2006</td>
<td>Rhonda Boyer, METRO</td>
<td>B.Z. Karachiwala, Harris County Public</td>
<td>Issues to be considered in the DEIS for the University Corridor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Health and Environmental Services</td>
<td></td>
</tr>
<tr>
<td>July 18, 2006</td>
<td>Miki Milovanovic, METRO</td>
<td>F. Lawerence Oaks, THC</td>
<td>Response to scoping letter</td>
</tr>
<tr>
<td>July 20, 2006</td>
<td>Rhonda Boyer, METRO</td>
<td>Alan Clark, H-GAC</td>
<td>Issues to be considered in the DEIS for the University Corridor</td>
</tr>
<tr>
<td>July 28, 2006</td>
<td>Rhonda Boyer, METRO</td>
<td>Daniel Kruger, City of Houston</td>
<td>Issues to be considered in the DEIS for the University Corridor</td>
</tr>
<tr>
<td>August 31, 2006</td>
<td>Mark Chino, Mescalero Apache Tribe</td>
<td>Rhonda Boyer, METRO</td>
<td>Tribal Coordination Letters</td>
</tr>
<tr>
<td>August 31, 2006</td>
<td>Tarpie Yargee, Alabama-Quassarte Tribal</td>
<td>Rhonda Boyer, METRO</td>
<td>Tribal Coordination Letters</td>
</tr>
<tr>
<td>August 31, 2006</td>
<td>Andele Worthington, BIA-Anadarko</td>
<td>Rhonda Boyer, METRO</td>
<td>Tribal Coordination Letters</td>
</tr>
<tr>
<td>August 31, 2006</td>
<td>Nathan Tselee, Apache Tribe of Oklahoma</td>
<td>Rhonda Boyer, METRO</td>
<td>Tribal Coordination Letters</td>
</tr>
<tr>
<td>August 31, 2006</td>
<td>Ronnie Thomas, Alabama-Coushatt Tribe</td>
<td>Rhonda Boyer, METRO</td>
<td>Tribal Coordination Letters</td>
</tr>
<tr>
<td>August 31, 2006</td>
<td>LaRue Parker, Caddo Nation of Oklahoma</td>
<td>Rhonda Boyer, METRO</td>
<td>Tribal Coordination Letters</td>
</tr>
<tr>
<td>Date</td>
<td>To</td>
<td>From</td>
<td>Reference</td>
</tr>
<tr>
<td>--------------------</td>
<td>-----------------------------------------</td>
<td>-----------------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>August 31, 2006</td>
<td>Fred Nahwooksy, Comanche Nation of Oklahoma</td>
<td>Rhonda Boyer, METRO</td>
<td>Tribal Coordination Letters</td>
</tr>
<tr>
<td>August 31, 2006</td>
<td>Billy Evan Horse, Kiowa Indian Tribe of Oklahoma</td>
<td>Rhonda Boyer, METRO</td>
<td>Tribal Coordination Letters</td>
</tr>
<tr>
<td>September 25, 2006</td>
<td>Rhonda Boyer, METRO</td>
<td>Ruth Toahty, Comanche Nation</td>
<td>Response to tribal coordination letters</td>
</tr>
<tr>
<td>October 10, 2006</td>
<td>Rhonda Boyer, METRO</td>
<td>Bruce Bennett, USACE</td>
<td>Response to scoping letter</td>
</tr>
<tr>
<td>October 17, 2006</td>
<td>Hanna Vaughan, THC</td>
<td>Rhonda Boyer, METRO</td>
<td>Request for APE coordination</td>
</tr>
<tr>
<td>November 16, 2006</td>
<td>Rhonda Boyer, METRO</td>
<td>Hanna Vaughan, THC</td>
<td>Concurrence of APE coordination</td>
</tr>
<tr>
<td>March 7, 2007</td>
<td>David Weston, USACE</td>
<td>Rhonda Boyer, METRO</td>
<td>Invitation to Participate</td>
</tr>
<tr>
<td>March 7, 2007</td>
<td>Patrick Bauer, FHWA</td>
<td>Rhonda Boyer, METRO</td>
<td>Invitation to Participate</td>
</tr>
<tr>
<td>March 7, 2007</td>
<td>Gary Trietsch, TxDOT</td>
<td>Rhonda Boyer, METRO</td>
<td>Invitation to Participate</td>
</tr>
<tr>
<td>March 7, 2007</td>
<td>Donald Fairley, FEMA</td>
<td>Rhonda Boyer, METRO</td>
<td>Invitation to Participate</td>
</tr>
<tr>
<td>March 7, 2007</td>
<td>Diane DeWare Bumpas, THC</td>
<td>Rhonda Boyer, METRO</td>
<td>Invitation to Participate</td>
</tr>
<tr>
<td>March 7, 2007</td>
<td>Mike Talbott, HCFCD</td>
<td>Rhonda Boyer, METRO</td>
<td>Invitation to Participate</td>
</tr>
<tr>
<td>March 7, 2007</td>
<td>Margie McAllister, TCEQ</td>
<td>Rhonda Boyer, METRO</td>
<td>Invitation to Participate</td>
</tr>
<tr>
<td>March 7, 2007</td>
<td>Ed Emmett, Harris County</td>
<td>Rhonda Boyer, METRO</td>
<td>Invitation to Participate</td>
</tr>
<tr>
<td>March 7, 2007</td>
<td>Alan Clark, H-GAC</td>
<td>Rhonda Boyer, METRO</td>
<td>Invitation to Participate</td>
</tr>
<tr>
<td>March 7, 2007</td>
<td>David Visney, FRA</td>
<td>Rhonda Boyer, METRO</td>
<td>Invitation to Participate</td>
</tr>
<tr>
<td>March 7, 2007</td>
<td>Richard Greene, EPA</td>
<td>Rhonda Boyer, METRO</td>
<td>Invitation to Participate</td>
</tr>
<tr>
<td>March 20, 2007</td>
<td>Rhonda Boyer, METRO</td>
<td>Michael Snyder, DOI</td>
<td>Decline to participate</td>
</tr>
<tr>
<td>March 20, 2007</td>
<td>Rhonda Boyer, METRO</td>
<td>Gary Trietsch, TxDOT</td>
<td>Agree to participate</td>
</tr>
<tr>
<td>March 23, 2007</td>
<td>Rhonda Boyer, METRO</td>
<td>Stephen Parris, DOI</td>
<td>Decline to participate</td>
</tr>
<tr>
<td>April 5, 2007</td>
<td>Rhonda Boyer, METRO</td>
<td>Donald Davis, FHWA</td>
<td>Request to be a cooperating agency</td>
</tr>
<tr>
<td>Date</td>
<td>To</td>
<td>From</td>
<td>Reference</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------------------</td>
<td>---------------------------</td>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>April 24, 2007</td>
<td>Rhonda Boyer, METRO</td>
<td>FEMA</td>
<td>Public Notice Review</td>
</tr>
<tr>
<td>May 8, 2007</td>
<td>Janice Brown, FHWA</td>
<td>Robert C. Patrick, FTA</td>
<td>FHWA as a cooperating agency</td>
</tr>
<tr>
<td>May 9, 2007</td>
<td>Paul Derowski, METRO</td>
<td>Gary Trietsch, TxDOT</td>
<td>Review of Alignments</td>
</tr>
<tr>
<td>May 11, 2007</td>
<td>F. Lawerence Oaks, THC</td>
<td>Rhonda Boyer, METRO</td>
<td>Request for Determination of Eligibility</td>
</tr>
<tr>
<td>June 12, 2007</td>
<td>Rhonda Boyer, METRO</td>
<td>F. Lawerence Oaks, THC</td>
<td>Determination of Eligibility</td>
</tr>
<tr>
<td>August 3, 2007</td>
<td>Bryan Pennington, METRO</td>
<td>Blythe Semmer, ACHP</td>
<td>Comments on the DEIS</td>
</tr>
<tr>
<td>August 15, 2007</td>
<td>Bryan Pennington, METRO</td>
<td>John Machol, USACE</td>
<td>Comments on the DEIS</td>
</tr>
<tr>
<td>August 22, 2007</td>
<td>Bryan Pennington, METRO</td>
<td>Michael Talbott, Harris County Flood District</td>
<td>Comments on the DEIS</td>
</tr>
<tr>
<td>September 11, 2007</td>
<td>Rhonda Boyer, METRO</td>
<td>Christopher Harm, U.S. Department of Commerce, NOAA</td>
<td>Comments on the DEIS</td>
</tr>
<tr>
<td>September 14, 2007</td>
<td>John Sweek, FTA</td>
<td>Willie Taylor, U.S. Department of Interior</td>
<td>Comments on the DEIS</td>
</tr>
<tr>
<td>September 17, 2007</td>
<td>Rhonda Boyer, METRO</td>
<td>Daniel Menendez, City of Houston</td>
<td>Comments on the DEIS</td>
</tr>
<tr>
<td>November 8, 2007</td>
<td>Frank Wilson, METRO</td>
<td>Thomas Weber, TCEQ</td>
<td>Air Quality</td>
</tr>
<tr>
<td>November 30, 2007</td>
<td>Robert Patrick, FTA</td>
<td>Alan Clark, H-GAC</td>
<td>Certification of Status of LRT in 2035 MTP</td>
</tr>
<tr>
<td>February 12, 2008</td>
<td>John Sedlak, METRO</td>
<td>Alan Clark, H-GAC</td>
<td>Air Quality Conformity Determination</td>
</tr>
<tr>
<td>June 26, 2008</td>
<td>METRO</td>
<td>City of Houston</td>
<td>Consent Agreement</td>
</tr>
<tr>
<td>August 29, 2008</td>
<td>Tim Lidiak, FTA</td>
<td>Kim Slaughter, METRO</td>
<td>LPA Revised</td>
</tr>
<tr>
<td>September 24, 2008</td>
<td>Elizabeth Butman, THC</td>
<td>Rhonda Boyer, METRO</td>
<td>Request for Determination of Eligibility and Determination of Affects</td>
</tr>
<tr>
<td>October 27, 2008</td>
<td>Don Klima, ACHP</td>
<td>Rhonda Boyer, METRO</td>
<td>Memorandum of Agreement</td>
</tr>
<tr>
<td>October 30, 2008</td>
<td>Rhonda Boyer, METRO</td>
<td>Charlene Dwin Vaughan, ACHP</td>
<td>ACHP Review</td>
</tr>
<tr>
<td>December 1, 2008</td>
<td>Robert Patrick, FTA</td>
<td>Raymond Wallace, ACHP</td>
<td>ACHP Review</td>
</tr>
<tr>
<td>December 12, 2008</td>
<td>Rhonda Boyer, METRO</td>
<td>Elizabeth Butman, THC</td>
<td>Review of Final Determination of Effects Report</td>
</tr>
<tr>
<td>Date</td>
<td>To</td>
<td>From</td>
<td>Reference</td>
</tr>
<tr>
<td>-----------------</td>
<td>---------------------------</td>
<td>-----------------------------</td>
<td>----------------------------------------------------------------</td>
</tr>
<tr>
<td>January 29, 2009</td>
<td>Bridgette Towns, METRO</td>
<td>Mark Loethen, City of Houston Floodplain Administrator</td>
<td>Floodplain Development Permit Requirements</td>
</tr>
<tr>
<td>February 1, 2009</td>
<td>METRO</td>
<td>THC &amp; FTA</td>
<td>Executed FTA, THC and METRO MOA</td>
</tr>
<tr>
<td>February 17, 2009</td>
<td>Joe Turner, City of Houston Parks and Recreation</td>
<td>Kimberly Slaughter, METRO</td>
<td>Peggy’s Point Plaza Park Section 4(f) Temporary Occupancy Request</td>
</tr>
<tr>
<td>March 25, 2009</td>
<td>Elizabeth Butman, THC</td>
<td>Kimberly Slaughter, METRO</td>
<td>Revised Determination of Effects Request</td>
</tr>
<tr>
<td>March 31, 2009</td>
<td>Ujari Mohite, METRO</td>
<td>Katherine Barnes, METRO</td>
<td>Grant of Easement for Parking by Harris County to METRO</td>
</tr>
<tr>
<td>April 9, 2009</td>
<td>Kimberly Slaughter, METRO</td>
<td>Elizabeth Butman, THC</td>
<td>Determination of Effects Concurrence</td>
</tr>
<tr>
<td>May 5, 2009</td>
<td>Kimberly Slaughter, METRO</td>
<td>Joe Turner, City of Houston Parks and Recreation</td>
<td>Peggy’s Point Plaza Park Section 4(f) Temporary Occupancy Concurrence</td>
</tr>
<tr>
<td>May 28, 2009</td>
<td>METRO</td>
<td>Elizabeth Butman, THC</td>
<td>Executed FTA, THC and METRO Amended MOA</td>
</tr>
</tbody>
</table>
May 25, 2006

Mr. Arturo Blanco
Chief of Bureau AQ Control
City of Houston
7411 Park Place Blvd., Room 103
Houston, TX 77087

Dear Mr. Blanco:

The Metropolitan Transit Authority (METRO) and the Federal Transit Administration (FTA) request your participation in an agency scoping meeting on June 28, 2006 to initiate corridor-specific planning studies for the METRO Solutions University Corridor Environmental Impact Statements (EIS) in accordance with the National Environmental Policy Act (NEPA) in metropolitan Houston.

The area being studied, known as the University Corridor, extends approximately ten miles from the vicinity of the University of Houston – Central Campus to the Uptown/Galleria area in southwest Houston. METRO is proposing to construct a light rail transit line on one of several possible alignments in the corridor. The EIS will examine and evaluate a number of transit alternatives including various Build Alternatives, consisting of guided rapid transit technologies (e.g. hybrid and electrical powered vehicles) and alignment sub-options within the corridor; and any additional alternatives generated by the scoping process. The need for ancillary facilities, such as maintenance facilities, will also be considered.

The purpose of the EIS is to evaluate the environmental consequences of alternative means of accomplishing the purpose and need for transit in the University Corridor study area in advance of a decision to commit substantial financial or other resources toward the project implementation. The EIS will examine the extent to which the study alternatives result in adverse environmental and community impacts and corresponding actions to reduce, mitigate, or eliminate such impacts. METRO and the FTA will evaluate all social, economic, and environmental impacts of the alternatives analyzed in the EIS. Mitigation options for all adverse impacts will be developed and presented in the EIS.

The environmental process begins with a series of scoping meetings requesting participation from interested persons, organizations, and federal, state, and local agencies. We encourage all agencies to participate in the agency scoping meeting on June 28th and to provide written comments pertaining to the proposed project. The meeting details are provided below:
June 28, 2006
2:00 pm – 4:00 pm
Houston-Galveston Area Council
3555 Timmons Lane – 2nd Floor Conference Room C
Houston, TX 77027

The main goal of scoping is to provide agencies and the public an opportunity to communicate issues and concerns to our project team early in the planning process. A Scoping Information Package for the corridor offering additional information about the corridor study will be sent to you in advance of the agency scoping meeting. Specific dates and times of the additional public scoping meetings are included in this package.

Written comments on the scope of alternatives and impacts to be considered in the EIS should be sent to the address listed below by the close of business July 28, 2006. E-mailed comments may be sent to Rhonda Boyer at RB15@ridemetro.org.

Rhonda Boyer, Manager of Environmental Planning
METRO
P.O. Box 61429
Houston, Texas 77208-1429

We look forward to your participation in our planning process. If you have any additional questions or comments about the scoping process please call Rhonda Boyer at 713-739-6836.

Sincerely,

[Signature]

Miki Milovanovic
Acting Director
Capital & Environmental Planning

Attachments

xc: John Sweek, Federal Transit Administration
    Alan Clark, Houston-Galveston Area Council
<table>
<thead>
<tr>
<th>SAL 1</th>
<th>First Name</th>
<th>Last Name</th>
<th>Title</th>
<th>Agency</th>
<th>Phone</th>
<th>Address</th>
<th>City</th>
<th>Texas</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Captain</td>
<td>Bender</td>
<td>Captain</td>
<td>Mobility Incident Management</td>
<td>City of Houston Police Department</td>
<td>713-247-4044</td>
<td>611 Riesner</td>
<td>Houston</td>
<td>Texas</td>
<td>77002</td>
</tr>
<tr>
<td>Ms</td>
<td>Marlene</td>
<td>Gaetrick</td>
<td>Director, Planning &amp; Development</td>
<td>City of Houston Police Department</td>
<td>713-837-7760</td>
<td>611 Walker</td>
<td>Houston</td>
<td>Texas</td>
<td>77002</td>
</tr>
<tr>
<td>Ms</td>
<td>Mina</td>
<td>Gerall</td>
<td>Administrative Director, Planning Services</td>
<td>City of Houston</td>
<td>713-837-7858</td>
<td>611 Walker</td>
<td>Houston</td>
<td>Texas</td>
<td>77002</td>
</tr>
<tr>
<td>Dr</td>
<td>Carol A.</td>
<td>Lewis</td>
<td>Exec., Assistant to the Mayor for Transportation P.</td>
<td>City of Houston Police Department</td>
<td>713-437-6944</td>
<td>901 Bagby, 3rd Floor</td>
<td>Houston</td>
<td>Texas</td>
<td>77002</td>
</tr>
<tr>
<td>Mr</td>
<td>Michael</td>
<td>Marzorati, P.E., D.E.E.</td>
<td>Director of PWRE</td>
<td>City of Houston</td>
<td>713-837-0037</td>
<td>611 Walker, 25th Floor</td>
<td>Houston</td>
<td>Texas</td>
<td>77002</td>
</tr>
<tr>
<td>Mr</td>
<td>Joe</td>
<td>Turner</td>
<td>Director of Parks &amp; Recreation</td>
<td>City of Houston</td>
<td>713-837-1101</td>
<td>2992 South Wayside Dr.</td>
<td>Houston</td>
<td>Texas</td>
<td>77023</td>
</tr>
<tr>
<td>Mr</td>
<td>Arturo</td>
<td>Blanco</td>
<td>Chief of Bureau AQ Control</td>
<td>City of Houston</td>
<td>713-640-4214</td>
<td>7411 Park Place Blvd., Rm 103</td>
<td>Houston</td>
<td>Texas</td>
<td>77087</td>
</tr>
<tr>
<td>Mr</td>
<td>Robert</td>
<td>DeShurley</td>
<td>Assistant Director for Traffic and Transportation</td>
<td>City of Houston Police Department</td>
<td>713-837-7460</td>
<td>611 Walker, 5th Floor</td>
<td>Houston</td>
<td>Texas</td>
<td>77002</td>
</tr>
<tr>
<td>Ms</td>
<td>Pam</td>
<td>Berger</td>
<td>Bureau Chief, Public Health Engineering</td>
<td>City of Houston</td>
<td>713-794-2922</td>
<td>7411 Park Place Blvd.</td>
<td>Houston</td>
<td>Texas</td>
<td>77087</td>
</tr>
<tr>
<td>Mr</td>
<td>Neal</td>
<td>Bradford</td>
<td>Airport Envir. Specialist</td>
<td>Federal Aviation Administration</td>
<td>817-222-5607</td>
<td>2601 Meacham Blvd</td>
<td>Fort Worth</td>
<td>Texas</td>
<td>76137</td>
</tr>
<tr>
<td>Mr</td>
<td>Donald</td>
<td>Davis</td>
<td>District Engineer</td>
<td>Federal Highway Administration</td>
<td>512-536-5900</td>
<td>300 East 8th Street, Rm 626</td>
<td>Austin</td>
<td>Texas</td>
<td>78701</td>
</tr>
<tr>
<td>Mr</td>
<td>Gary</td>
<td>Johnson</td>
<td>Houston Major Projects Engineer</td>
<td>Federal Highway Administration</td>
<td>512-536-5900</td>
<td>300 East 8th Street, Rm 626</td>
<td>Austin</td>
<td>Texas</td>
<td>78701</td>
</tr>
<tr>
<td>Mr</td>
<td>Jose</td>
<td>Campos</td>
<td>Interim Team Leader</td>
<td>Federal Highway Administration</td>
<td>512-536-5900</td>
<td>300 East 8th Street, Rm 626</td>
<td>Austin</td>
<td>Texas</td>
<td>78701</td>
</tr>
<tr>
<td>Mr</td>
<td>Clarence</td>
<td>Runyan</td>
<td>Environmental / Transportation Planning Coordinator</td>
<td>Federal Highway Administration</td>
<td>512-536-5946</td>
<td>300 East 8th Street, Rm 626</td>
<td>Austin</td>
<td>Texas</td>
<td>78701</td>
</tr>
<tr>
<td>Mr</td>
<td>Mike</td>
<td>Leary</td>
<td>Director of Planning and Program Development</td>
<td>Federal Highway Administration</td>
<td>512-536-5946</td>
<td>300 East 8th Street, Rm 626</td>
<td>Austin</td>
<td>Texas</td>
<td>78701</td>
</tr>
<tr>
<td>Mr</td>
<td>Justin</td>
<td>Ham</td>
<td>Area Engineer</td>
<td>Federal Highway Administration</td>
<td>512-536-5946</td>
<td>300 East 8th Street, Rm 626</td>
<td>Austin</td>
<td>Texas</td>
<td>78701</td>
</tr>
<tr>
<td>Mr</td>
<td>Randy</td>
<td>Paulk</td>
<td>Area Engineer</td>
<td>Federal Highway Administration</td>
<td>512-536-5946</td>
<td>300 East 8th Street, Rm 626</td>
<td>Austin</td>
<td>Texas</td>
<td>78701</td>
</tr>
<tr>
<td>Mr</td>
<td>John</td>
<td>Stewiuk</td>
<td>Community Planner, Region VI</td>
<td>Federal Transit Administration</td>
<td>817-978-0550</td>
<td>819 Taylor Street, Rm 833</td>
<td>Fort Worth</td>
<td>Texas</td>
<td>76102</td>
</tr>
<tr>
<td>Mr</td>
<td>Timmy</td>
<td>Lambright</td>
<td>Planning Manager</td>
<td>Harris County</td>
<td>713-576-2043</td>
<td>5401 Lantern Point</td>
<td>Houston</td>
<td>Texas</td>
<td>77004</td>
</tr>
<tr>
<td>Mr</td>
<td>Jackie</td>
<td>L.</td>
<td>Freeman</td>
<td>Director, Engineering</td>
<td>Harris County</td>
<td>713-755-4972</td>
<td>1001 Preston, 7th Fl.</td>
<td>Houston</td>
<td>Texas</td>
</tr>
<tr>
<td>Mr</td>
<td>Mike</td>
<td>Talbot</td>
<td>Director, Texas Flood Control District</td>
<td>Harris County</td>
<td>713-684-4000</td>
<td>9900 Northwest Fwy.</td>
<td>Houston</td>
<td>Texas</td>
<td>77092</td>
</tr>
<tr>
<td>Mr</td>
<td>Glenn W.</td>
<td>Laird</td>
<td>Environmental Manager</td>
<td>Harris County Flood Control District</td>
<td>713-684-4050</td>
<td>9900 Northwest Fwy.</td>
<td>Houston</td>
<td>Texas</td>
<td>77092</td>
</tr>
<tr>
<td>Dr</td>
<td>Omar A.</td>
<td>Shah</td>
<td>Deputy Director, Public Health &amp; Environmental Services</td>
<td>Harris County</td>
<td>713-439-6184</td>
<td>2225 W. Loop South</td>
<td>Houston</td>
<td>Texas</td>
<td>77072</td>
</tr>
<tr>
<td>Mr</td>
<td>Al</td>
<td>Davis</td>
<td>Chairman</td>
<td>Harris County Historical Commission</td>
<td>713-465-0771</td>
<td>510 Waawmyrtle Lane</td>
<td>Houston</td>
<td>Texas</td>
<td>77079</td>
</tr>
<tr>
<td>Mr</td>
<td>Mike</td>
<td>Strotz</td>
<td>Director</td>
<td>Harris County Toll Road Authority</td>
<td>512-901-7010</td>
<td>330 Meadowlawn</td>
<td>Houston</td>
<td>Texas</td>
<td>77076</td>
</tr>
<tr>
<td>Mr</td>
<td>Richard</td>
<td>Baca</td>
<td>Director of Aviation</td>
<td>Houston Airport System</td>
<td>281-233-1999</td>
<td>18630 John F Kennedy Blvd.</td>
<td>Houston</td>
<td>Texas</td>
<td>77032</td>
</tr>
<tr>
<td>Mr</td>
<td>The Honorable</td>
<td>Denton</td>
<td>McGuire</td>
<td>Houston Airport System</td>
<td>281-233-1872</td>
<td>18630 John F Kennedy Blvd.</td>
<td>Houston</td>
<td>Texas</td>
<td>77032</td>
</tr>
<tr>
<td>Mr</td>
<td>Alan</td>
<td>Clark</td>
<td>Director of Transportation Planning</td>
<td>Houston-Galveston Area Council</td>
<td>713-993-4586</td>
<td>3955 Timmons Lane Suite 120</td>
<td>Houston</td>
<td>Texas</td>
<td>77027</td>
</tr>
<tr>
<td>Mr</td>
<td>Keith</td>
<td>Hensley</td>
<td>Transportation Program Manager</td>
<td>Houston-Galveston Area Council</td>
<td>713-993-4586</td>
<td>3955 Timmons Lane Suite 120</td>
<td>Houston</td>
<td>Texas</td>
<td>77027</td>
</tr>
<tr>
<td>Mr</td>
<td>Jeff</td>
<td>Taebel</td>
<td>Director of Community &amp; Environmental Planning</td>
<td>Houston-Galveston Area Council</td>
<td>713-993-4560</td>
<td>3955 Timmons Lane Suite 120</td>
<td>Houston</td>
<td>Texas</td>
<td>77027</td>
</tr>
<tr>
<td>Ms</td>
<td>Charlene</td>
<td>Huntner-James</td>
<td>Director</td>
<td>Harris County Agency on Aging</td>
<td>713-754-0006</td>
<td>8000 N. Stadium Drive</td>
<td>Houston</td>
<td>Texas</td>
<td>77077</td>
</tr>
<tr>
<td>Ms</td>
<td>Sue</td>
<td>Ashburn</td>
<td>Supervisor, Environmental Projects</td>
<td>Texas Department of Transportation</td>
<td>713-402-5479</td>
<td>P.O. Box 1386</td>
<td>Houston</td>
<td>Texas</td>
<td>77251-1386</td>
</tr>
<tr>
<td>Mr</td>
<td>Stanley</td>
<td>Cooper</td>
<td>Environmental Projects Manager</td>
<td>Texas Department of Transportation</td>
<td>713-402-5244</td>
<td>P.O. Box 1386</td>
<td>Houston</td>
<td>Texas</td>
<td>77251-1386</td>
</tr>
<tr>
<td>Mr</td>
<td>Gabriel</td>
<td>Johnson</td>
<td>Director, Transportation Planning &amp; Development</td>
<td>Texas Department of Transportation</td>
<td>713-402-5031</td>
<td>P.O. Box 1386</td>
<td>Houston</td>
<td>Texas</td>
<td>77251-1386</td>
</tr>
<tr>
<td>Mr</td>
<td>Eric</td>
<td>Dunn</td>
<td>Director, Advanced Project Development</td>
<td>Texas Department of Transportation</td>
<td>713-402-5479</td>
<td>P.O. Box 1386</td>
<td>Houston</td>
<td>Texas</td>
<td>77251-1386</td>
</tr>
<tr>
<td>Mr</td>
<td>Carol</td>
<td>Nicos</td>
<td>Director, District Advanced Transportation Planning</td>
<td>Texas Department of Transportation</td>
<td>713-402-5301</td>
<td>P.O. Box 1386</td>
<td>Houston</td>
<td>Texas</td>
<td>77251-1386</td>
</tr>
<tr>
<td>Mr</td>
<td>George</td>
<td>Glave</td>
<td>Coordinator</td>
<td>Texas General Land Office</td>
<td>281-471-9897</td>
<td>11911 North-D</td>
<td>Austin</td>
<td>Texas</td>
<td>78758</td>
</tr>
<tr>
<td>Mr</td>
<td>Cynthia</td>
<td>Roseman</td>
<td>Director of History Programs</td>
<td>Texas Historical Commission</td>
<td>512-463-5584</td>
<td>P.O. Box 12276</td>
<td>Austin</td>
<td>Texas</td>
<td>78711-2276</td>
</tr>
<tr>
<td>Ms</td>
<td>Bob</td>
<td>Brinkman</td>
<td>Historian</td>
<td>Texas Historical Commission</td>
<td>512-463-8769</td>
<td>P.O. Box 12276</td>
<td>Austin</td>
<td>Texas</td>
<td>78711-2276</td>
</tr>
<tr>
<td>Ms</td>
<td>Hannah</td>
<td>Vaughn</td>
<td>Project Reviewer</td>
<td>Texas Historical Commission</td>
<td>512-463-6046</td>
<td>P.O. Box 12276</td>
<td>Austin</td>
<td>Texas</td>
<td>78711-2276</td>
</tr>
<tr>
<td>Mr</td>
<td>Derek</td>
<td>Batchel</td>
<td>Project Reviewer</td>
<td>Texas Historical Commission</td>
<td>512-463-7687</td>
<td>P.O. Box 12276</td>
<td>Austin</td>
<td>Texas</td>
<td>78711-2276</td>
</tr>
<tr>
<td>Mr</td>
<td>James</td>
<td>Bruseth</td>
<td>Director, Archaeology</td>
<td>Texas Historical Commission</td>
<td>512-463-6096</td>
<td>P.O. Box 12276</td>
<td>Austin</td>
<td>Texas</td>
<td>78711-2276</td>
</tr>
<tr>
<td>Mr</td>
<td>Mark</td>
<td>Denton</td>
<td>Archeologist</td>
<td>Texas Historical Commission</td>
<td>512-463-5711</td>
<td>P.O. Box 12276</td>
<td>Austin</td>
<td>Texas</td>
<td>78711-2276</td>
</tr>
<tr>
<td>Mr</td>
<td>David</td>
<td>Schanbacher</td>
<td>Deputy Director of Chief Engineers Office</td>
<td>Texas Commission on Environmental Quality</td>
<td>512-236-1228</td>
<td>P.O. Box 13087</td>
<td>Austin</td>
<td>Texas</td>
<td>78711-3087</td>
</tr>
<tr>
<td>Mr</td>
<td>Matt</td>
<td>Marriott</td>
<td>Natural Resource Specialist</td>
<td>Texas Commission on Environmental Quality</td>
<td>512-239-1807</td>
<td>P.O. Box 13087</td>
<td>Austin</td>
<td>Texas</td>
<td>78711-3087</td>
</tr>
<tr>
<td>Mr</td>
<td>Mark</td>
<td>Fisher</td>
<td>Mgr. Water Quality Assessment</td>
<td>Texas Commission on Environmental Quality</td>
<td>512-239-4586</td>
<td>P.O. Box 13087</td>
<td>Austin</td>
<td>Texas</td>
<td>78711-3087</td>
</tr>
<tr>
<td>Ms</td>
<td>Kathy</td>
<td>Boydston</td>
<td>Program Leader</td>
<td>Texas Parks &amp; Wildlife</td>
<td>512-389-4638</td>
<td>4200 Smith School Road</td>
<td>Austin</td>
<td>Texas</td>
<td>78744-3251</td>
</tr>
<tr>
<td>Mr</td>
<td>Mike</td>
<td>Jansky</td>
<td>Regional EIS Coordinator</td>
<td>Environmental Protection Agency</td>
<td>214-665-7451</td>
<td>1445 Ross Avenue, Suite 600</td>
<td>Dallas</td>
<td>Texas</td>
<td>75202-2733</td>
</tr>
<tr>
<td>Mr</td>
<td>Dolan</td>
<td>Dunn</td>
<td>Chief, Planning, Environmental, and Regulatory</td>
<td>U.S. Army Corps of Engineers</td>
<td>409-766-3059</td>
<td>16930 John F Kennedy Blvd.</td>
<td>Houston</td>
<td>Texas</td>
<td>77032</td>
</tr>
<tr>
<td>Mr</td>
<td>Robert</td>
<td>Heinly</td>
<td>Planning Lead</td>
<td>U.S. Army Corps of Engineers</td>
<td>409-766-3992</td>
<td>16930 John F Kennedy Blvd.</td>
<td>Houston</td>
<td>Texas</td>
<td>77032</td>
</tr>
<tr>
<td>Mr.</td>
<td>Rick</td>
<td>Medina</td>
<td>Chief, Planning &amp; Environmental Branch</td>
<td>U.S. Army Corps of Engineers, Chief, Planning &amp; Environmental Branch</td>
<td>409-766-3065</td>
<td>U.S. Army Engineer District Galveston, CESWG-Executive Office, P.O. Box 1229</td>
<td>Galveston, Texas</td>
<td>77551</td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>------</td>
<td>----------------------</td>
<td>----------------------------------------</td>
<td>---------------------------------------------------------------------</td>
<td>-------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>-----------------</td>
<td>-------</td>
<td></td>
</tr>
<tr>
<td>Colonel</td>
<td>Steven P.</td>
<td>Haustein</td>
<td>D.E. and Commanding Officer</td>
<td>U.S. Army Corps of Engineers</td>
<td>409-766-3001</td>
<td>U.S. Army Engineer District Galveston, CESWG-Executive Office, P.O. Box 1229</td>
<td>Galveston, Texas</td>
<td>77551</td>
<td></td>
</tr>
<tr>
<td>Mr.</td>
<td>Lane</td>
<td>Lanford</td>
<td>Executive Director</td>
<td>Public Utility Commission of Texas</td>
<td>512-936-7040</td>
<td>P.O. Box 13326</td>
<td>Austin, Texas</td>
<td>78711-3326</td>
<td></td>
</tr>
<tr>
<td>Mr.</td>
<td>Tom</td>
<td>Ogas</td>
<td>Section Chief of Air Planning Section</td>
<td>Environmental Protection Agency</td>
<td>214-555-7714</td>
<td>1445 Ross Avenue (6th Fl)</td>
<td>Dallas, Texas</td>
<td>75212</td>
<td></td>
</tr>
<tr>
<td>Ms.</td>
<td>Edith</td>
<td>Brilling</td>
<td>Fish &amp; Wildlife Biologist</td>
<td>U.S. Fish &amp; Wildlife</td>
<td>281-286-6282</td>
<td>17629 El Camino Real</td>
<td>Houston, Texas</td>
<td>77058</td>
<td></td>
</tr>
<tr>
<td>Mr.</td>
<td>Brian</td>
<td>Cain</td>
<td>Acting Field Supervisor</td>
<td>U.S. Fish &amp; Wildlife</td>
<td>281-286-6282</td>
<td>17629 El Camino Real</td>
<td>Houston, Texas</td>
<td>77058</td>
<td></td>
</tr>
<tr>
<td>Mr.</td>
<td>Marcus</td>
<td>Redford</td>
<td>Bridge Administration Branch</td>
<td>U.S. Coast Guard-8th Coast Guard District</td>
<td>500 Poydras</td>
<td>New Orleans, Louisiana</td>
<td>70130-3310</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr.</td>
<td>Phil</td>
<td>Johnson</td>
<td>Commander (OPR)</td>
<td>U.S. Coast Guard-8th Coast Guard District</td>
<td>500 Poydras #1513</td>
<td>New Orleans, Louisiana</td>
<td>70130-3310</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ms.</td>
<td>Elizabeth</td>
<td>Jones</td>
<td>Chairman</td>
<td>Railroad Commission of Texas</td>
<td>512-463-7140</td>
<td>P.O. Box 12967</td>
<td>Austin, Texas</td>
<td>78711-2907</td>
<td></td>
</tr>
<tr>
<td>Mr.</td>
<td>Michael</td>
<td>Williams</td>
<td>Commissioner</td>
<td>Railroad Commission of Texas</td>
<td>512-463-7144</td>
<td>P.O. Box 12967</td>
<td>Austin, Texas</td>
<td>78711-2907</td>
<td></td>
</tr>
<tr>
<td>Mr.</td>
<td>Victor G.</td>
<td>Carillo</td>
<td>Commissioner</td>
<td>Railroad Commission of Texas</td>
<td>512-463-7131</td>
<td>P.O. Box 12967</td>
<td>Austin, Texas</td>
<td>78711-2907</td>
<td></td>
</tr>
<tr>
<td>Mr.</td>
<td>Phil</td>
<td>Boraskie</td>
<td>Office of the Fire Chief</td>
<td>City of Houston Fire Department</td>
<td>713-247-8217</td>
<td>1605 Daff</td>
<td>Houston, Texas</td>
<td>77007</td>
<td></td>
</tr>
<tr>
<td>Dr.</td>
<td>Karen</td>
<td>Soehnge</td>
<td>Chief Academic Officer</td>
<td>Houston Independent School District</td>
<td>713-556-6900</td>
<td>4000 W 18th Street</td>
<td>Houston, Texas</td>
<td>77002</td>
<td></td>
</tr>
<tr>
<td>Mr.</td>
<td>Michael J.</td>
<td>Turco</td>
<td>Chief</td>
<td>U.S. Geological Survey - Texas Water Science Commission</td>
<td>203-271-5312</td>
<td>1841 David Memorial Suite 180</td>
<td>Shenandoah, Texas</td>
<td>77385</td>
<td></td>
</tr>
<tr>
<td>The Honorable</td>
<td>Jerry</td>
<td>Patterson</td>
<td>Commissioner</td>
<td>Texas General Land Office</td>
<td>512-463-5256</td>
<td>P.O. Box 12873</td>
<td>Austin, Texas</td>
<td>78711-2873</td>
<td></td>
</tr>
<tr>
<td>Mr.</td>
<td>Jack</td>
<td>Whaley</td>
<td></td>
<td>Transtar</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
METRO
1900 Main Street
P. O. Box 61429
Houston, Texas 77208-1429

I recommend that the following items be included in the scope of the study for the University line:

1. Metro's budget for the cost of land.

2. Estimate the cost to acquire land to build the rail in the University Corridor on both Richmond and Westpark.

3. The cost to keep businesses open and fully operational during the construction of the light rail in the University Corridor and how much Metro will pay.

4. How Metro will determine how much to reimburse businesses for the loss of dollars during construction.

5. Metro's cost to replace the trees along Richmond, if Richmond is used. Houston has a "tree ordinance" for replacement of trees.

6. The cost of replacing other landscaping.

7. Review the costs to locate light rail on the sides of streets, versus placement in the middle of the street, versus the use of an elevated rail line.

8. How will the fire trucks north of Richmond (2 stations) get to the properties south of Richmond? The cost of building a fire station on the north side of Richmond.

9. Will Emergency vehicles have a way to stop the train for a safe crossing?
10. The cost and feasibility of using HOV lanes for the light rail.

11. The feasibility of crossing from Westpark to HOV at Edloe.

12. The cost and feasibility of having covered moving sidewalks, like in the airports, from Richmond to the HOV lanes, to Westpark and to the northside of the Southwest Freeway.

13. The feasibility of using the north side of the Southwest Freeway to the Main Street Rail.

14. What kind of sound barrier will be used behind the homes along Westpark?

15. The design at Westpark and Edloe to make the entrance to Sunset Terrace attractive.

16. Keep four lanes of traffic open on Richmond.

17. Develop Metro's policy of how they will compensate people who will lose homes and businesses?

18. Determine the number, location and size of terminals.

Thank you for considering the above points in the scope of your study for the University line.

Best regards,

Martha Wong
July 5, 2006

Mr. James E. Bruseth  
Archeology Director  
Texas Historical Commission  
P.O. Box 12276  
Austin, TX  78711-2276

Re: Section 106 Consultation for University Corridor, Houston, TX

Dear Mr. Bruseth:

The Federal Transit Administration (FTA), in accordance with the regulation of the Advisory Council on Historic Preservation (36 CFR Part 800 – Protection of Historic Properties, Section 800.2(c)) hereby authorizes the Metropolitan Transit Authority (METRO), as an FTA grant applicant, to initiate the Section 106 Consultation on its behalf for the proposed University Corridor project in Houston, Texas. This delegation does not extend to making determinations of effects or to resolving adverse effects through an Agreement document. FTA remains responsible for these determinations and any Agreement that may be necessary.

METRO will be contacting your office regarding these projects in the near future. The METRO contact is Rhonda Boyer, Manager of Environmental Planning, 713-739-6836. FTA contact is John Sweek, Community Planner, 817-978-0559.

Sincerely,

Robert C. Patrick  
Regional Administrator

Cc: Rhonda Boyer, METRO
DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON TX 77553-1229

July 6, 2006

Evaluation Section

SUBJECT: Acknowledgement – Department of the Army Permit Application – Request for Draft EIS Review – University Corridor

Miki Milovanovic
Acting Director
Capital & Environmental Planning
Metropolitan Transit Authority
P. O. Box 61429
Houston, Texas 77208-1429

This is to acknowledge receipt of your request, dated June 22, 2006, for a Department of the Army review of the Draft Environmental Impact Statement for the proposed transportation project referenced as University Corridor. The site is located in Houston, Harris County, Texas. Please note the items listed below.

Date Request Received: June 22, 2006
Applicant (if other than Requestor):
Application Number Assigned: D-18816
Fee Required (if Permit is Issued): No Fee
Project Manager Assigned: Mr. Ryan Fordyce
Telephone Number of Project Manager: 409-766-3114
Mailing Address:
Ryan Fordyce
CESWG-PE-RN
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Please reference the above application number in all future correspondence with our office related to this request. You may contact the project manager at the listed address or telephone number. You may also contact me regarding this assignment at 409-766-3945. As always, we are here to assist you in any manner we can regarding this request.

Sincerely,

Lavonne L. Collins
Lavonne L. Collins
Legal Instruments Examiner
METROPOLITAN TRANSIT AUTHORITY
ATTN: MR MIKI MILOVANOVIC
P O BOX 61429
HOUSTON TX 77298-1429

Dear Mr. Milovanovic:

We were unable to attend the June 28, 2006 agency scoping meeting, but will provide input concerning navigability and permitting requirements for any identified waterways crossed by the project on a Light Rail Transit in the University Corridor area.

Please note that the Coast Guard is undergoing changes to better serve the public. Some of the changes will create some minor inconveniences but will ultimately improve service. Our office symbol has changed from "ocb" to "dpb". Our phone line is now (504) 671-2128 and our fax is (504) 671-2133. Our e-mail addresses have also changed and will be provided under separate cover to our customers. Thank you for your patience and understanding as we strive to improve our service. If we can be of any further assistance, please contact this office.

Sincerely,

MARCUS N. REDFORD, P.E.
Chief, Bridge Administration Branch
U.S. Coast Guard
By direction
Ms. Rhonda Boyer  
METRO  
P.O. Box 61429  
Houston, Texas 77208

Re: Metro Solutions University Corridor-Environmental Impact Statement (EIS) Scoping Issues

Dear Ms. Boyer,

Thank you for providing an opportunity to review and comment on the Metro Solutions University Corridor scoping information packet. Harris County Public Health and Environmental Services (HCPHES) has reviewed the information and is providing the following list of scoping issues for draft EIS consideration.

Air Quality: During the construction phase, fugitive dust and mobile source emissions are expected. The EIS should include a construction phase air quality impact analysis that includes particulate modeling. The impact analysis should also include a discussion regarding air monitoring for particulate during the construction phase. Mitigation measures should also be proposed.

Noise: Conduct a noise assessment, determine impacts and propose mitigation measures both during the construction and operational phases. Once operational, determine how noise levels will be monitored and enforced per the City of Houston Noise Abatement Ordinance. Employee safety measures for noise should also be addressed.

Vibration: Conduct a vibration assessment, determine impacts and propose mitigation measures.
Surface Water Quality Impacts: Conduct an assessment to determine impacts to surface waters as a result of construction activities. Determine mitigation/inspection measures to insure MS4 permit compliance as well as compliance with General Permit TXR 150000.

Groundwater Quality Assessment: Conduct a groundwater quality assessment and propose mitigation factors if necessary.

Historical Contamination: The draft EIS should include a contaminant screening methodology during the construction phase and a delineation/remediation plan to address the contaminant extent and proper contaminated soils removal and disposal. Employee safety measures should also be included.

Ecosystems: Identify threatened or endangered vegetative species or wildlife. Identify impacts to environmental receptors during construction and operational phase. Identify mitigation measures.

Emergency Response/Evacuation Plans: Identify integration of the University Corridor Project with the City/County emergency response and evacuation plans and procedures, including animals. Evaluate consistency of the University Corridor Project with the overall City/County emergency response and evacuation plans and procedures.

If you have any questions or need additional information regarding this matter, please contact Bob Allen at 713-740-8720.

Sincerely,

B.Z. Karachiwala, Director
Environmental Public Health Division

cc: Herminia Palacio, M.D., M.P.H., Executive Director,
Harris County Public Health and Environmental Services

www.harriscountyhealth.com
July 18, 2006

Miki Milovanovic
Capital & Environmental Planning
Metropolitan Transit Authority
P. O. Box 61429
Houston, TX 77208-1429

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, Scoping Meeting for the Proposed University Corridor EIS, Surveys Needed (FTA/Houston METRO)

Dear Mr. Milovanovic:

Thank you for your correspondence concerning the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

We could not attend the June 28, 2006 scoping meeting and we have no specific comments at this time, but we anticipate that METRO will be performing a cultural resource survey for the "Build Alternatives" and we look forward to review coordination concerning the specifics of those investigations. Additionally, please insure that in depth historic archival research is performed in association with any and all cultural resource surveys.

Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. If you have any questions please contact Mark H. Denton of our staff, at (512) 463-5711.

Sincerely,

Mark H. Denton
for
F. Lawerence Oaks
Executive Director
Texas Historical Commission

LO/MHD
Ms. Rhonda Boyer  
Metropolitan Transit Authority of Harris County  
1900 Main Street  
P.O. Box 61429  
Houston, Texas 77208-1429

RE: Agency Comments on the University Corridor Scoping Process

Dear Ms. Boyer:

Thank you for providing the opportunity to comment on the University Corridor Draft Environmental Impact Statement (DEIS) Scoping process. Many of the important issues for consideration have been noted from previous public scoping meetings. From the Metropolitan Planning Organization (MPO) perspective the important issues are outlined below:

- A traffic management plan should be developed to mitigate construction impacts.
- Roadway and transit operating plans should be developed to mitigate the potential conflicts with light rail vehicles, automobiles, trucks and pedestrians in mixed flow traffic at grade.
- Land use impacts should be examined to identify both right of way impacts on existing land uses and economic development opportunities. Does METRO envision the need for a detailed corridor level assessment of land use impacts similar to the effort that was used for the South Main corridor?
- An ongoing public participation and involvement plan is needed. Corridor plans will continue to evolve after selection of the Locally Preferred Alternative (LPA). The businesses and residents in the corridor will also change over time. Therefore, continuing dialog with both will reduce the likelihood of future conflicts.
- The identification of an LPA is needed by December 2006 for the 2035 Regional Transportation Plan (RTP) now under development. After December, absence of an LPA will delay final adoption and federal approval of the 2035 RTP.
- Identification of roadway or pedestrian improvements for access to and from proposed transit stations is also needed to ensure consistency with the RTP.
The development of two-way managed lanes in the Southwest Freeway is included in the 2025 RTP consistent with the METRO Solutions plan. How will this improvement be considered, if at all, in this environmental determination?

A schedule of briefings to be presented to the H-GAC Technical Advisory Committee (TAC) and the Transportation Policy Council (TPC) would be helpful to ensure their timely consideration of a preferred alternative.

Please contact my office if you have any questions about the issues outlined above and also to let us know how we can assist your efforts.

Sincerely,

[Signature]

Alan C. Clark.
MPO Director

cc: Ashby Johnson

ACC/kh
July 28, 2006

Mrs. Rhonda Boyer
Metropolitan Transit Authority of Harris County (METRO)
Manager of Environmental Planning
1900 Main Street, 12th Floor
Houston, Texas 77002

Re: Agency Input for University Corridor Environmental Impact Statements for METRO Solutions, Phase 2

Dear Mrs. Boyer:

The City of Houston recognizes the importance of the Federal Transit Administration (FTA) process and looks forward to reviewing the completed Draft Environmental Impact Statement (DEIS) that adheres to the requirements of the FTA Policies and Procedures.

As requested in the METRO letter (dated May 25, 2006) the City of Houston is providing the following input as areas of interest during the University Corridor Environmental Impact Statement for METRO Solutions, Phase 2.

Critical elements of importance to the City for consideration during the University Corridor DEIS have been identified in the Consent Agreement drafted by the City of Houston, Department of Public Works and Engineering. Additionally, the City of Houston requests that the point paper by Council Members Holm, Edwards, and Clutterbuck on the Criteria for Light Rail Transit Construction in the Proposed University Corridor (enclosure 1), as well as the items identified by our Deputy Director for Traffic and Transportation (enclosure 2), be reviewed and addressed by the DEIS.

Further, the METRO funded City of Houston Urban Corridor Plan will need to be taken into consideration to ensure that the construction of the University Corridor integrates the goals and objectives set by this city-wide plan.

If you have any questions or require further information regarding the above matters, please contact me at (713) 837-0540 or Mr. Daniel Menendez, COH Transit Coordinator at (713) 837-0189.

Sincerely,

[Signature]

Daniel W. Krueger, P.E.
Deputy Director
Engineering and Construction

c: Michael S. Marcotte, P.E., DEE

2 Enclosures
1. Criteria for Light Rail Transit Construction in the Proposed University Corridor (dated June 6, 2006)

Council Members: Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M.J. Khan, P.E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovett, Shelby Sekula-Gibbs, M.D., Ronald C. Green, Michael Berry, Controller; Annise D. Parker
June 7, 2006

Mayor Bill White
City of Houston
901 Bagby
Houston, Texas 77002

Pam Holm
Council Member District G

Metro Chairman David Wolff
METRO
1900 Main St.
P.O. Box 61429
Houston, TX 77208-1429

Dear Mayor, Mr. Wolff, and Mr. Wilson,

Over the past several months as District C, D, and G Council Members, we have participated in many public and individual meetings listening to citizens' concerns regarding the proposed University Corridor.

From these meetings, we have heard several messages consistent among the diverse communities across the corridor and have gathered criteria based on the public dialogue gained from the meetings. Throughout the culmination of this transit system planning, the public has consistently approached Metro to submit ideas. In the many public meetings there were two distinct positions, either for or against the line, but the overarching consensus from the public linking both opinions was a third position recognizing Houston's need for transportation options achieved through a clear and objective process that studies the routes and environmental impacts of the proposed light rail line affecting these communities.

As their elected representatives, we have heard what the citizens have tried to communicate through the many individual and public meetings we have facilitated and with this letter we are presenting and support the following elements citizens want applied to the proposed line including:

1) City facilitated planning and development;
2) Protection and enhancement of residential neighborhoods, local businesses and institutions;
3) Protection and enhancement of community mobility; and
4) Properly managed construction activities.

The City should take an active role in the planning and development of this project. Many residents continue to express their confidence in you, Mayor, to work closely with the Council Members representing these communities, the Department of Planning & Development and the Department of Public Works & Engineering to assure a transit system that would affect city infrastructure used by citizens and maintained by taxpayers, is executed in the best interest of the City today, yet flexible enough to be adaptable to future transportation, mobility and community needs.

Respect for neighborhood character is a high priority of many of the citizens that participated in the public meetings. Maintaining trees, landscaped medians, and sidewalks are important to residents' pedestrian mobility as well as preservation of the integrity of the neighborhood. Communities have also requested any transit facilities or street designs that may be planned are sensitive to the atmosphere of the neighborhood.
The established businesses, organizations and institutions along the proposed corridor are also a priority of the communities that will be affected by a transit system. Business owners request access to their locations be maintained both during construction and after installation of a transit system. Business owners want to work with contractors to ensure temporary access routes during construction have the proper signs in place to direct traffic.

In regards to mobility, coordination of a transit system with existing pedestrian behavior, traffic patterns, and signals is a top citizen priority as well. Maintaining or increasing the number of lanes and turning lanes so that mobility is improved rather than compromised is also a concern for the growing Houston population.

Well-managed construction is an element citizens want Metro to be conscious of as well. Citizens have expressed concerns about right-of-way procurement, requesting phased construction in segments, construction activity communication of planned disruptions of utilities and access, and the most basic practice of keeping sites clean and orderly throughout the construction process.

As District Council Members, we agree the neighborhoods and businesses must be a part of this process. Most of all, neighborhoods and businesses desire honest and transparent communication of the Metro Solutions plan and an opportunity to have these criteria truly adapted to fit within the prescribed local and federal process. The comments we have gathered from the many public meetings and individual meetings between citizens and Metro represent many diverse perspectives, but remain consistent in advocating for a clear and objective process. These messages are consistent and unmistakable and deserve to have weighted significance as part of the final route decision. This is a high priority for our offices as we continue to work towards a transit system that truly serves the public and meets our transportation and mobility needs.

We will continue to be advocates of the diverse concerns our District citizens have expressed through public comment. We remain committed to a well-planned transit system promoting the preservation of the quality of life, mobility, and public safety for the neighborhoods and businesses within Districts C, D and G along the proposed University Corridor.

Sincerely,

Anne Clutterbuck
Council Member, District C

Ada Edwards
Council Member, District D

Pam Holm
Council Member, District G

Enclosures: 1 Criteria for Light Rail Transit Construction in the Proposed University Corridor
Criteria for Light Rail Transit Construction
in the proposed University Corridor

In April and May 2006, public meetings hosted by Council Members Clutterbuck, Edwards, and Holm, were held to seek community input on the proposed Metro light rail University Corridor. Across the corridor the public expressed several consistent ideas at each forum, urging objective criteria for the selection of the line. The following criteria are also consistent with existing standards for neighborhoods and businesses within Districts C, D, and G:

1. Protect and enhance residential neighborhoods along corridor.
   - Enhance quality of place; e.g., respect for neighborhood character, trees, landscaping and sidewalks. Maintain or improve landscaped medians.
   - Ensure that transit facilities and street designs are sensitive to surrounding current and future neighborhoods.
   - Provide mitigating improvements to areas that are negatively impacted by transit facilities and operations.

2. Protect and enhance local businesses and institutions.
   - Maintain access to businesses and institutions in design of streets and transit facilities.
   - Ensure that temporary access routes are well and properly signed.
   - Provide mitigating improvements to areas that are negatively impacted by transit improvements and operations sensitive to character of surrounding areas.

3. Protect and enhance community mobility.
   - Maintain or increase the number of moving lanes on major streets.
   - Maintain or improve level of service of all intersections.
   - Coordinate pedestrian, transit & vehicular signal operations— as opposed to signal preemption—in order to enhance overall mobility.
   - Maintain access to neighborhoods, businesses and institutions.
   - Maintain number and length of turning lanes with medians wherever possible.
   - Procure sufficient R.O.W. to accommodate all street functions including transit, vehicles, pedestrians, and landscaped areas.
   - Review and approval by the City of Houston Director of Public Works & Engineering of all traffic and mobility plans – temporary construction and permanent impacts.

4. Properly manage construction activities.
   - Rebuild entire streets and sidewalks.
   - Phase construction in 2,000-ft. segments reaching completion before moving to the next segment.
   - Review and approval by the City of Houston Director of Public Works & Engineering of all street and utility designs and construction scheduling.
   - Minimize impacts with flexible daily construction work periods.
   - Utilize a partnership of resources to communicate construction activities well in advance to affected parties.
   - Communicate planned interruption of utilities and access in advance to affected properties.
   - Keep construction areas clean and orderly.
The Traffic and Transportation Division offers the following comments for University Corridor DEIS.

1. Traffic safety of the line is a major concern. Enforcement and education for the general public. Use lessons learned from Main Street Red Line. Left turn prohibition is widely used for the Main Street corridor. What is the pedestrian plan for this corridor?

2. Intermodal Facility-How will facility operate? How will this intermodal Facility be made attractive enough to encourage the driver to change erratic behavior?

3. What are the ridership projections for the University Corridor line?

4. Where will line end? The reversible lane on Alabama put in place for the Spur 527 construction may be impacted by this University Corridor.

5. Traffic signal operations along the University Corridor are a major concern for the City, basically balancing transit vs. arterial progression.

6. How will the City's roadway system capacity be impacted? How many lanes will be left for vehicles and where will existing traffic go?

7. What will roadway cross section look like?

8. Transit priority-resolve issue with transit priority software system.

9. Construction staging impacts to businesses and neighborhoods. Traffic control, detours, preserving continuous operation to neighborhoods and businesses are concerns as well.

10. Parking impacts for both during construction and operation phases.
11. Access management for businesses along corridor.

12. Pedestrian and bikeway connectivity to aid in ridership.

13. How will final alignment be decided?

14. Coordination of efforts with CIP projects that may occur along corridor during construction phase.

Thank you.

[Signature]
Raymond D. Chong, P.E., PTOE

RDC: mm

c: Jeffrey Weatherford, P.E., Traffic and Transportation Division
   David Worley, P.E., Traffic and Transportation Division
   Katherine Parker, Traffic and Transportation Division
August 31, 2006

Dear Mr. Chino:

On May 22, 2006 a Notice of Intent (NOI) was published in the Federal Register and in local publications, announcing the intent of the Metropolitan Transit Authority of Harris County (METRO), on behalf of the Federal Transit Administration (FTA), to prepare an Environmental Impact Statement for the University Corridor project. The University Corridor study area, which is within Houston city limits, is defined as beginning at the University of Houston - Central Campus and extending westward to the inner southwest part of Houston, generally bounded by Calhoun Street on the east, Chimney Rock on the west, Westheimer on the north and Bissonnet on the south. The University Corridor extends approximately 10 miles east to west and includes the Greenway Plaza, Uptown/Galleria, University of Houston - Central Campus, Texas Southern University, and St. Thomas University areas (see attached map).

The FTA has given METRO delegation to initiate Section 106 Consultation on its behalf for this proposed project. This delegation does not extend to making determinations of effects or to resolving adverse effects through an agreement document. FTA remains responsible for these determinations and any agreement that may be necessary. METRO respectfully requests your input and any comments pertaining to traditional religious and cultural importance and/or potential historical resources and any specific issues or concerns within the study area. We are also requesting guidance on the area of potential effects that should be addressed in the DEIS in terms of secondary and cumulative impacts for these resources.

We would like to incorporate your input in the Environmental Impact Statement. Your attention regarding this matter is greatly appreciated. If you need any additional information, or if you have any questions regarding this project, please call me at (713) 739-6836.

Sincerely,

Rhonda Boyer
Manager, Environmental Planning

cc: John Sweek, FTA Region VI

Enclosures
Dear Mr. Yargee:

On May 22, 2006 a Notice of Intent (NOI) was published in the Federal Register and in local publications, announcing the intent of the Metropolitan Transit Authority of Harris County (METRO), on behalf of the Federal Transit Administration (FTA), to prepare an Environmental Impact Statement for the University Corridor project. The University Corridor study area, which is within Houston city limits, is defined as beginning at the University of Houston - Central Campus and extending westward to the inner southwest part of Houston, generally bounded by Calhoun Street on the east, Chimney Rock on the west, Westheimer on the north and Bissonnet on the south. The University Corridor extends approximately 10 miles east to west and includes the Greenway Plaza, Uptown/Galleria, University of Houston - Central Campus, Texas Southern University, and St. Thomas University areas (see attached map).

The FTA has given METRO delegation to initiate Section 106 Consultation on its behalf for this proposed project. This delegation does not extend to making determinations of effects or to resolving adverse effects through an agreement document. FTA remains responsible for these determinations and any agreement that may be necessary. METRO respectfully requests your input and any comments pertaining to traditional religious and cultural importance and/or potential historical resources and any specific issues or concerns within the study area. We are also requesting guidance on the area of potential effects that should be addressed in the DEIS in terms of secondary and cumulative impacts for these resources.

We would like to incorporate your input in the Environmental Impact Statement. Your attention regarding this matter is greatly appreciated. If you need any additional information, or if you have any questions regarding this project, please call me at (713) 739-6836.

Sincerely,

Rhonda Boyer
Manager, Environmental Planning

cc: John Sweek, FTA Region VI
Enclosures
August 31, 2006

Dear Mr. Worthington:

On May 22, 2006 a Notice of Intent (NOI) was published in the Federal Register and in local publications, announcing the intent of the Metropolitan Transit Authority of Harris County (METRO), on behalf of the Federal Transit Administration (FTA), to prepare an Environmental Impact Statement for the University Corridor project. The University Corridor study area, which is within Houston city limits, is defined as beginning at the University of Houston - Central Campus and extending westward to the inner southwest part of Houston, generally bounded by Calhoun Street on the east, Chimney Rock on the west, Westheimer on the north and Bissonnet on the south. The University Corridor extends approximately 10 miles east to west and includes the Greenway Plaza, Uptown/Galleria, University of Houston - Central Campus, Texas Southern University, and St. Thomas University areas (see attached map).

The FTA has given METRO delegation to initiate Section 106 Consultation on its behalf for this proposed project. This delegation does not extend to making determinations of effects or to resolving adverse effects through an agreement document. FTA remains responsible for these determinations and any agreement that may be necessary. METRO respectfully requests your input and any comments pertaining to traditional religious and cultural importance and/or potential historical resources and any specific issues or concerns within the study area. We are also requesting guidance on the area of potential effects that should be addressed in the DEIS in terms of secondary and cumulative impacts for these resources.

We would like to incorporate your input in the Environmental Impact Statement. Your attention regarding this matter is greatly appreciated. If you need any additional information, or if you have any questions regarding this project, please call me at (713) 739-6836.

Sincerely,

Rhonda Boyer
Manager, Environmental Planning

cc: John Sweek, FTA Region VI

Enclosures
August 31, 2006

Dear Mr. Tselee:

On May 22, 2006 a Notice of Intent (NOI) was published in the Federal Register and in local publications, announcing the intent of the Metropolitan Transit Authority of Harris County (METRO), on behalf of the Federal Transit Administration (FTA), to prepare an Environmental Impact Statement for the University Corridor project. The University Corridor study area, which is within Houston city limits, is defined as beginning at the University of Houston - Central Campus and extending westward to the inner southwest part of Houston, generally bounded by Calhoun Street on the east, Chimney Rock on the west, Westheimer on the north, and Bissonnet on the south. The University Corridor extends approximately 10 miles east to west and includes the Greenway Plaza, Uptown/Galleria, University of Houston - Central Campus, Texas Southern University, and St. Thomas University areas (see attached map).

The FTA has given METRO delegation to initiate Section 106 Consultation on its behalf for this proposed project. This delegation does not extend to making determinations of effects or to resolving adverse effects through an agreement document. FTA remains responsible for these determinations and any agreement that may be necessary. METRO respectfully requests your input and any comments pertaining to traditional religious and cultural importance and/or potential historical resources and any specific issues or concerns within the study area. We are also requesting guidance on the area of potential effects that should be addressed in the DEIS in terms of secondary and cumulative impacts for these resources.

We would like to incorporate your input in the Environmental Impact Statement. Your attention regarding this matter is greatly appreciated. If you need any additional information, or if you have any questions regarding this project, please call me at (713) 739-6836.

Sincerely,

Rhonda Boyer
Manager, Environmental Planning

cc:  John Sweek, FTA Region VI

Enclosures
August 31, 2006

Mr. Ronnie Thomas  
Chairperson  
Alabama-Coushatta Tribe of Texas  
575 State Park Rd 56  
Livingston, TX 77351

RE: METRO Solutions - University Corridor, Houston, Harris County, Texas  
Draft Environmental Impact Statement (DEIS)

Dear Mr. Thomas:

On May 22, 2006 a Notice of Intent (NOI) was published in the Federal Register and in local publications, announcing the intent of the Metropolitan Transit Authority of Harris County (METRO), on behalf of the Federal Transit Administration (FTA), to prepare an Environmental Impact Statement for the University Corridor project. The University Corridor study area, which is within Houston city limits, is defined as beginning at the University of Houston - Central Campus and extending westward to the inner southwest part of Houston, generally bounded by Calhoun Street on the east, Chimney Rock on the west, Westheimer on the north and Bissonnet on the south. The University Corridor extends approximately 10 miles east to west and includes the Greenway Plaza, Uptown/Galleria, University of Houston - Central Campus, Texas Southern University, and St. Thomas University areas (see attached map).

The FTA has given METRO delegation to initiate Section 106 Consultation on its behalf for this proposed project. This delegation does not extend to making determinations of effects or to resolving adverse effects through an agreement document. FTA remains responsible for these determinations and any agreement that may be necessary. METRO respectfully requests your input and any comments pertaining to traditional religious and cultural importance and/or potential historical resources and any specific issues or concerns within the study area. We are also requesting guidance on the area of potential effects that should be addressed in the DEIS in terms of secondary and cumulative impacts for these resources.

We would like to incorporate your input in the Environmental Impact Statement. Your attention regarding this matter is greatly appreciated. If you need any additional information, or if you have any questions regarding this project, please call me at (713) 739-6836.

Sincerely,

Rhonda Boyer  
Manager, Environmental Planning

cc: John Sweek, FTA Region VI  
Enclosures
August 31, 2006

Ms. LaRue Parker
Chairperson
Caddo Nation of Oklahoma
P.O. Box 487
Binger, OK 73009

RE: METRO Solutions - University Corridor, Houston, Harris County, Texas
Draft Environmental Impact Statement (DEIS)

Dear Ms. Parker:

On May 22, 2006 a Notice of Intent (NOI) was published in the Federal Register and in local publications, announcing the intent of the Metropolitan Transit Authority of Harris County (METRO), on behalf of the Federal Transit Administration (FTA), to prepare an Environmental Impact Statement for the University Corridor project. The University Corridor study area, which is within Houston city limits, is defined as beginning at the University of Houston – Central Campus and extending westward to the inner southwest part of Houston, generally bounded by Calhoun Street on the east, Chimney Rock on the west, Westheimer on the north and Bissonnet on the south. The University Corridor extends approximately 10 miles east to west and includes the Greenway Plaza, Uptown/Galleria, University of Houston – Central Campus, Texas Southern University, and St. Thomas University areas (see attached map).

The FTA has given METRO delegation to initiate Section 106 Consultation on its behalf for this proposed project. This delegation does not extend to making determinations of effects or to resolving adverse effects through an agreement document. FTA remains responsible for these determinations and any agreement that may be necessary. METRO respectfully requests your input and any comments pertaining to traditional religious and cultural importance and/or potential historical resources and any specific issues or concerns within the study area. We are also requesting guidance on the area of potential effects that should be addressed in the DEIS in terms of secondary and cumulative impacts for these resources.

We would like to incorporate your input in the Environmental Impact Statement. Your attention regarding this matter is greatly appreciated. If you need any additional information, or if you have any questions regarding this project, please call me at (713) 739-6836.

Sincerely,

Rhonda Boyer
Manager, Environmental Planning

cc: John Sweek, FTA Region VI
Enclosures
August 31, 2006

Mr. Fred Nahwooksy
Comanche Nation of Oklahoma
P.O. Box 908
Lawton, OK 73502

RE: METRO Solutions - University Corridor, Houston, Harris County, Texas
Draft Environmental Impact Statement (DEIS)

Dear Mr. Nahwooksy:

On May 22, 2006 a Notice of Intent (NOI) was published in the Federal Register and in local publications, announcing the intent of the Metropolitan Transit Authority of Harris County (METRO), on behalf of the Federal Transit Administration (FTA), to prepare an Environmental Impact Statement for the University Corridor project. The University Corridor study area, which is within Houston city limits, is defined as beginning at the University of Houston - Central Campus and extending westward to the inner southwest part of Houston, generally bounded by Calhoun Street on the east, Chimney Rock on the west, Westheimer on the north and Bissonnet on the south. The University Corridor extends approximately 10 miles east to west and includes the Greenway Plaza, Uptown/Galleria, University of Houston - Central Campus, Texas Southern University, and St. Thomas University areas (see attached map).

The FTA has given METRO delegation to initiate Section 106 Consultation on its behalf for this proposed project. This delegation does not extend to making determinations of effects or to resolving adverse effects through an agreement document. FTA remains responsible for these determinations and any agreement that may be necessary. METRO respectfully requests your input and any comments pertaining to traditional religious and cultural importance and/or potential historical resources and any specific issues or concerns within the study area. We are also requesting guidance on the area of potential effects that should be addressed in the DEIS in terms of secondary and cumulative impacts for these resources.

We would like to incorporate your input in the Environmental Impact Statement. Your attention regarding this matter is greatly appreciated. If you need any additional information, or if you have any questions regarding this project, please call me at (713) 739-6836.

Sincerely,

Rhonda Boyer
Manager, Environmental Planning

cc: John Swcock, FTA Region VI

Enclosures
August 31, 2006

Dear Mr. Evans Horse:

On May 22, 2006 a Notice of Intent (NOI) was published in the Federal Register and in local publications, announcing the intent of the Metropolitan Transit Authority of Harris County (METRO), on behalf of the Federal Transit Administration (FTA), to prepare an Environmental Impact Statement for the University Corridor project. The University Corridor study area, which is within Houston city limits, is defined as beginning at the University of Houston – Central Campus and extending westward to the inner southwest part of Houston, generally bounded by Calhoun Street on the east, Chimney Rock on the west, Westheimer on the north and Bissonnet on the south. The University Corridor extends approximately 10 miles east to west and includes the Greenway Plaza, Uptown/Galleria, University of Houston – Central Campus, Texas Southern University, and St. Thomas University areas (see attached map).

The FTA has given METRO delegation to initiate Section 106 Consultation on its behalf for this proposed project. This delegation does not extend to making determinations of effects or to resolving adverse effects through an agreement document. FTA remains responsible for these determinations and any agreement that may be necessary. METRO respectfully requests your input and any comments pertaining to traditional religious and cultural importance and/or potential historical resources and any specific issues or concerns within the study area. We are also requesting guidance on the area of potential effects that should be addressed in the DEIS in terms of secondary and cumulative impacts for these resources.

We would like to incorporate your input in the Environmental Impact Statement. Your attention regarding this matter is greatly appreciated. If you need any additional information, or if you have any questions regarding this project, please call me at (713) 739-6836.

Sincerely,

Rhonda Boyer
Manager, Environmental Planning

cc: John Sweek, FTA Region VI

Enclosures
September 25, 2006

Rhonda Boyer, Manager, Environmental Planning
Metropolitan Transit Authority
1900 Main
PO Box 61429
Houston, Texas 77208-1429

Re: METRO Solutions – University Corridor, Houston, Harris County, Texas
Draft Environmental Impact Statement (DEIS)

Dear Ms. Boyer:

Thank you for your letter of August 31st regarding the Environmental Impact Statement as referenced above.

At this time, the Comanche Nation has no immediate concerns or issues regarding the project; however, please keep us informed of the project’s progress. We look forward to reviewing any additional reports and any other information regarding the project.

If in the process of the project human remains or archaeological items are discovered, we request that you immediately cease the project work and notify us so that we may discuss appropriate disposition with you and the other Tribal Nations that may be affected by such discoveries.

We look forward to your reports as activities proceed.

September 25, 2006

Rhonda Boyer, Manager, Environmental Planning
Metropolitan Transit Authority
1900 Main
PO Box 61429
Evaluation Section

SUBJECT: METRO Light Rail Transit, University Corridor, Scoping Information Package; Determination D-18816(01)

Metropolitan Transit Authority
Attn: Miki Milovanovic
Post Office Box 61429
Houston, Texas 77206-1429

Dear Mr. Milovanovic:

This is in reference to your June 22, 2006 invitation to attend an agency scoping meeting and to participate in the review of your Scoping Information Package. The scoping is to identify concerns in evaluating a light rail transit from the University of Houston-Central Campus to the US 59 and I-610 intersection, in Harris County, Texas.

The Corps of Engineers regulates the work or structures in navigable waters of the U.S. under Section 10 of the Rivers and Harbors Act of 1899 and the discharge of fill material into waters of the U.S. under Section 404 of the Clean Water Act.

After review of the proposed corridor, there appear to be several unnamed tributaries identified on the USGS topography maps that may be determined to be jurisdictional waters of the U.S. Any discharge of fill material into a jurisdictional water of the U.S. will require a Department of Army Permit.

A crossing of a water of the U.S. along the University Corridor may be authorized under Nationwide Permit 14 for linear transportation crossings and/or Nationwide 33 for temporary construction access.

If you have any questions concerning this matter, please contact Ryan Fordyce at the letterhead address or by telephone at (409) 766-3114. Please reference the above determination numbers in any future correspondence pertaining to this project.

Sincerely,

[Signature]

Bruce H. Bennett
Leader, North Evaluation Unit
October 17, 2006

Ms. Hanna Vaughan
Texas Historical Commission
1511 Colorado Street
Austin, Texas 78701

Re: Request for APE coordination under the Texas Antiquities Code and Section 106 of the National Historic Preservation Act of 1966, as amended, for the Metropolitan Transit Authority of Harris County, Texas, "University Corridor Project"

Dear Ms. Vaughan:

Metropolitan Transit Authority (METRO) of Harris County, Texas requests coordination from the Texas Historical Commission (THC) for an undertaking that is governed by the Texas Antiquities Code and Section 106 of the National Historic Preservation Act of 1966, as amended. The Federal Transit Administration (FTA) has delegated to METRO the responsibility for carrying out its responsibilities under Section 106 of the National Historic Preservation Act of 1966. Preliminary cultural resources studies conducted during the background research for the above referenced project have indicated that the proposed project has the potential to impact National Register of Historic Places (NRHP) listed or eligible resources under Section 106. METRO will also identify and work with Consulting Parties pursuant to 36 CFR 800.3.

The project area covers a 10-mile corridor near downtown Houston, from the University of Houston to the Uptown/Galleria area. For the purpose of these coordination efforts the current project area is bound by Caihoun Street on the east, Chimney Rock Road on the west, Westheimer Road on the north and Bissonnet Road on the south (Exhibit 1). As this project is in the development stage, minor project area boundary changes may occur. The THC will be apprised of these changes. This letter presents a description of the proposed undertaking, identification of historic-age resources near the location of the proposed undertaking, and a request for concurrence on a proposed area of potential effects.

**Description of Undertaking**

The 10-mile project area is characterized by fairly dense residential and commercial development. The master plan for the development of the area is being produced with input from the community and other interested parties. The project is to provide public transportation improvements (light rail) in the project corridor.

The specific undertaking addressed in this letter is to provide a transit connection of major population, employment, and entertainment centers, including Downtown Houston, Uptown/Galleria, and Greenway Plaza. This transit improvement would provide a high capacity transit alternative to the automobile traffic congestion in the corridor.

**Background Information**

The project area west of Main Street includes residential neighborhoods dating from the early 20th century, retail commercial development and office commercial developments. The southern alternative alignment and crossover alternatives closely relate to the U.S. 59 Southwest Freeway and associated industrial/
commercial/residential development. A search in the Texas Historic Sites Atlas (THSA) by map address showed neighborhood survey sites at numerous locations along Richmond Avenue between Kirby and Main Streets, indicating the potential for historic resources requiring survey.

The project area located southeast of downtown Houston and known as Third Ward, was one of the earlier African-American communities formed after the emancipation of slaves on June 19, 1865. Although primarily a residential area, businesses and institutions also developed here. It is the home of Texas Southern University, the first state-supported institution in the City of Houston and the first to house a law school for African-Americans (http://www.tsu.edu/about/history/). Four other institutions of higher learning, Rice University (1912), the University of Houston – central campus (1927), St. Thomas University (1945), and the Houston Community College – central campus (1971) are also located in this project area. Another institution to develop in this area is the Houston Negro Hospital. Officially opened in July 1926, it was the first nonprofit hospital for African-American patients in Houston and allowed admitting privileges for African-American doctors. Closely related to the hospital was the Houston Negro School of Nursing, which opened in 1931, but closed by 1935 due to the lack in the number of patients (TSHA). Emancipation Park is also located in the project area and is one of the city’s earliest parks. Donated in 1872 by prominent African-American civic leader, the Reverend Jack Yates and other former enslaved people, it was purchased as a site for Juneteenth celebrations and is still in use today (http://www.soulofamerica.com/cityfldr2/houston4.html).

Historic Resources
The Texas Historic Sites Atlas (THSA) was consulted, as well as the National Register of Historic Places (NRHP), to determine if any buildings, structures, objects, or state historic markers lie within or near the APE. Three buildings within the APE are listed in the NRHP are enumerated in Table 1 and are shown in relationship to the current project area in Exhibit 2.

Table 1
Previously Documented Historic-Age Resources Within the Proposed APE

<table>
<thead>
<tr>
<th>Map Key</th>
<th>Address</th>
<th>Name and Date of Construction</th>
<th>NRHP Significance</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3204 Ennis Street</td>
<td>Houston Negro Hospital, built 1926</td>
<td>Eligible for NRHP</td>
<td>Listed on NRHP 12/27/1982</td>
</tr>
<tr>
<td>2</td>
<td>Holman Avenue and Ennis Street</td>
<td>Houston Negro Hospital School of Nursing Building, built 1931</td>
<td>Eligible for NRHP</td>
<td>Listed on NRHP 12/27/1982</td>
</tr>
<tr>
<td>3</td>
<td>4515 Yoakum Boulevard</td>
<td>Sterling-Berry House</td>
<td>Eligible for NRHP</td>
<td>Listed on NRHP 07/14/1983</td>
</tr>
<tr>
<td>4</td>
<td>615 W. Alabama</td>
<td>The Blue Bird Circle, built 1949</td>
<td>N/A</td>
<td>THC Marker No. 12492</td>
</tr>
</tbody>
</table>

Recommendations for Historic Architectural Resources Investigations
It is proposed that a reconnaissance-level survey of historic-age resources be performed for the proposed METRO project. The recommended APE for the reconnaissance survey along the 10-mile project area will include adjacent parcels of at-grade project activities, parcels within 200 feet of grade-separated locations, and one block in all directions surrounding station locations. This will allow project architectural historians to document any historic-age resources that could be affected by the undertaking. Due to the nature of the undertaking, this APE will take into account potential visual impacts. An architectural historian meeting the Secretary of Interior’s qualifications will perform the reconnaissance survey. The survey will include, but is not limited to, the following information:

- Project description;
- Project area background and historic context;
- Previously documented historic-age resources within and immediately adjacent to the APE;
- Documentation of each historic-age resource within the APE; including
Address or location,
- Historic and current name, if any,
- Date of construction,
- Style,
- Historic and current use,
- Property type and subtype,
- Preliminary NRHP eligibility recommendations,
- Condition, and
- Digital photographs (minimum of two views) of each historic-age resource; and

- Summary and Recommendations.

To assist the SHPO in determining the existence of undocumented potential historic districts that may include those properties in the APE, the historical resources investigation will also:

- Examine available documentation for historical resources in the adjacent neighborhoods.
- Perform cursory "windshield" inspections of adjacent neighborhoods to determine potential likelihood of National Register eligible districts and estimate the probable boundaries of such districts.
- Develop a probability statement of historical significance and period of historical significance for each potentially eligible district.
- Include representative streetscape photos to characterize each potentially eligible district.

A draft report will be submitted to the THC for comment. Upon receipt of these comments, a final report will be drafted and sent to the THC.

**Archaeological Resources**
Potential archaeological resources are currently being coordinated with the Archeology Division of the THC under separate cover.

**Request for Concurrence**
METRO respectfully requests the concurrence of the THC for the proposed project APE as described above and concurrence for the proposed survey and report methodology. If the undertaking is altered such that it has the potential to affect the adjacent historic-age resources either physically, or by changing the setting in ways not covered by this coordination letter, METRO will not proceed with their undertaking until additional review and clearance by the THC has been completed.

Sincerely,
Metropolitan Transit Authority

Rhonda Boyer
Manager of Environmental Planning

Enclosures

cc: Susan Lassell, Hicks & Company
References

City of Houston

Soul of America

Texas Historic Sites Atlas (THSA)
November 16, 2006

Rhonda Boyer
Manager, Environmental Planning/ METRO
1900 Main
Houston, TX 77208

Re: APE coordination under the Texas Antiquities Code and Section 106 of the National Preservation Act of 1966: Metropolitan Transit Authority, Harris Co. TX, "University corridor Project"

Dear Ms. Boyer,

Thank you for your correspondence regarding the above referenced project. The Texas Historical Commission History Programs Staff, led by Hannah Vaughan, has reviewed your letter regarding the above reference project. We concur with your proposed Area of Potential Effect (APE): adjacent parcels of at-grade project activities and parcels within 200 feet of grade-separated locations for the project corridor and a block in all directions of for station locations (including park and ride or other associated uses). We also concur with your recommendations for historic architectural resources investigations.

If you have any questions, or we may be of further assistance, please contact Hannah Vaughan at hannah.vaughan@thc.state.tx.us or 512/463-6046.

Sincerely,

Hannah Vaughan
Historian
March 7, 2007

David C. Weston
Commander
U.S. Army Corps of Engineers, Galveston District
2000 Fort Point Road
Galveston, TX 77550

Re: Invitation to Participate in the Environmental Review Process for University Corridor Fixed Guideway Project

Dear Commander Weston:

The Federal Transit Administration (FTA), in cooperation with the Metropolitan Transit Authority of Harris County (METRO) has initiated the preparation of an Environmental Impact Statement for the proposed University Corridor Fixed Guideway Project. The proposed project is the implementation of high capacity transit service in the form of guided rapid transit (GRT) within the University Corridor which extends approximately 10 miles from the vicinity of the UH-Central Campus to the Hillcroft Transit Center in Houston, Texas. The purpose of the project, as currently defined, is to provide a high capacity transit connection to major population, employment, and entertainment centers such as Downtown Houston, Uptown/Galleria, Greenway Plaza, University of Houston, Texas Southern University, Houston Community College, and the University of St. Thomas. The proposed transit improvement would also provide a high capacity transit alternative to the automobile traffic congestion in the corridor. The enclosed draft Purpose and Need for the Proposed Action provides more details. A preliminary coordination plan and description of alternatives considered are also enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process. Your agency has been identified preliminarily as one that may have an interest in this project, because of potential Section 404 permitting requirements; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:
- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

If you wish to decline to become a participating agency, you must decline this invitation in writing. The declination may be transmitted electronically to Rhonda Boyer at rb15@ridemetro.org or mail to 1900 Main Street, Houston, TX 77002; please include the title of the official responding. Written responses declining designation as participating agencies should be transmitted to this office not later than March 23, 2007.

If you have questions regarding this invitation, please contact Rhonda Boyer at (713) 739-6836.

Sincerely,

[Signature]

Rhonda Boyer
Manager of Environmental Planning

Attachments: Draft Purpose and Need for the Proposed Action
Draft Coordination Plan
Draft Alternatives Considered

cc: John Sweek, FTA
March 7, 2007

Patrick Bauer
District Engineer
Federal Highway Administration, Texas Division
300 East 8th Street, Rm 826
Austin, Texas 78701

Re: Invitation to Participate in the Environmental Review Process for University Corridor Fixed Guideway Project

Dear Mr. Bauer:

The Federal Transit Administration (FTA), in cooperation with the Metropolitan Transit Authority of Harris County (METRO) has initiated the preparation of an Environmental Impact Statement for the proposed University Corridor Fixed Guideway Project. The proposed project is the implementation of high capacity transit service in the form of guided rapid transit (GRT) within the University Corridor which extends approximately 10 miles from the vicinity of the UH-Central Campus to the Hillcroft Transit Center in Houston, Texas. The purpose of the project, as currently defined, is to provide a high capacity transit connection to major population, employment, and entertainment centers such as Downtown Houston, Uptown/Galleria, Greenway Plaza, University of Houston, Texas Southern University, Houston Community College, and the University of St. Thomas. The proposed transit improvement would also provide a high capacity transit alternative to the automobile traffic congestion in the corridor. The enclosed draft Purpose and Need for the Proposed Action provides more details. A preliminary coordination plan and description of alternatives considered are also enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process. Your agency has been identified preliminarily as one that may have an interest in this project, because of potential impact to US 59 S; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:
Mr. Patrick Bauer  
March 7, 2007  
Page 2

- Provide input on the impact assessment methodologies and level of detail in your agency’s area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

If you wish to decline to become a participating agency, you must decline this invitation in writing. The declination may be transmitted electronically to Rhonda Boyer at rb15@ridemetro.org or mail to 1900 Main Street, Houston, TX 77002; please include the title of the official responding. Written responses declining designation as participating agencies should be transmitted to this office not later than March 23, 2007.

If you have questions regarding this invitation, please contact Rhonda Boyer at (713) 739-6836.

Sincerely,

Rhonda Boyer  
Manager of Environmental Planning

Attachments: Draft Purpose and Need for the Proposed Action  
Draft Coordination Plan  
Draft Alternatives Considered

cc: John Sweek, FTA
March 7, 2007

Gary Trietsch, P.E.
District Engineer
Texas Department of Transportation
7721 Washington Avenue
Houston, TX 77007

Re: Invitation to Participate in the Environmental Review Process for University Corridor Fixed Guideway Project

Dear Mr. Trietsch:

The Federal Transit Administration (FTA), in cooperation with the Metropolitan Transit Authority of Harris County (METRO) has initiated the preparation of an Environmental Impact Statement for the proposed University Corridor Fixed Guideway Project. The proposed project is the implementation of high capacity transit service in the form of guided rapid transit (GRT) within the University Corridor which extends approximately 10 miles from the vicinity of the UH-Central Campus to the Hillcroft Transit Center in Houston, Texas. The purpose of the project, as currently defined, is to provide a high capacity transit connection to major population, employment, and entertainment centers such as Downtown Houston, Uptown/Galleria, Greenway Plaza, University of Houston, Texas Southern University, Houston Community College, and the University of St. Thomas. The proposed transit improvement would also provide a high capacity transit alternative to the automobile traffic congestion in the corridor. The enclosed draft Purpose and Need for the Proposed Action provides more details. A preliminary coordination plan and description of alternatives considered are also enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process. Your agency has been identified preliminarily as one that may have an interest in this project, because of potential impacts to US 59 S; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:
Mr. Gary Trietsch, P.E.
March 7, 2007
Page 2

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

If you elect to decline to become a participating agency, you must decline this invitation in writing. The declination may be transmitted electronically to Rhonda Boyer at rb15@ridemetro.org or mail to 1900 Main Street, Houston, TX 77002; please include the title of the official responding. Written responses declining designation as participating agencies should be transmitted to this office not later than March 23, 2007.

If you have questions regarding this invitation, please contact Rhonda Boyer at (713) 739-6836.

Sincerely,

Rhonda Boyer
Manager of Environmental Planning

Attachments:  Draft Purpose and Need for the Proposed Action
                Draft Coordination Plan
                Draft Alternatives Package

cc:     John Sweek, FTA
Mr. Donald Fairley
Federal Emergency Management Agency
FRC 800 North Loop 288
Denton, TX 76209-3698

Re: Invitation to Participate in the Environmental Review Process for University Corridor Fixed Guideway Project

Dear Mr. Fairley:

The Federal Transit Administration (FTA), in cooperation with the Metropolitan Transit Authority of Harris County (METRO) has initiated the preparation of an Environmental Impact Statement for the proposed University Corridor Fixed Guideway Project. The proposed project is the implementation of high capacity transit service in the form of guided rapid transit (GRT) within the University Corridor which extends approximately 10 miles from the vicinity of the UH-Central Campus to the Hillcroft Transit Center in Houston, Texas. The purpose of the project, as currently defined, is to provide a high capacity transit connection to major population, employment, and entertainment centers such as Downtown Houston, Uptown/Galleria, Greenway Plaza, University of Houston, Texas Southern University, Houston Community College, and the University of St. Thomas. The proposed transit improvement would also provide a high capacity transit alternative to the automobile traffic congestion in the corridor. The enclosed draft Purpose and Need for the Proposed Action provides more details. A preliminary coordination plan and description of alternatives considered are also enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process. Your agency has been identified preliminarily as one that may have an interest in this project, because of potential drainage and flooding concerns; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:
- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

If you wish to decline to become a participating agency, you must decline this invitation in writing. The declination may be transmitted electronically to Rhonda Boyer at rb15@ridemetro.org or mail to 1900 Main Street, Houston, TX 77002; please include the title of the official responding. Written responses declining designation as participating agencies should be transmitted to this office not later than March 23, 2007.

If you have questions regarding this invitation, please contact Rhonda Boyer at (713) 739-6836.

Sincerely,

Rhonda Boyer
Manager of Environmental Planning

Attachments:  Draft Purpose and Need for the Proposed Action
               Draft Coordination Plan
               Draft Alternatives Considered

cc: John Sweek, FTA
March 7, 2007

Diane DeWare Bumpas
Texas Historical Commission
1511 Colorado
Austin, TX 78701

Re: Invitation to Participate in the Environmental Review Process for University Corridor Fixed Guideway Project

Dear Ms. Bumpas:

The Federal Transit Administration (FTA), in cooperation with the Metropolitan Transit Authority of Harris County (METRO) has initiated the preparation of an Environmental Impact Statement for the proposed University Corridor Fixed Guideway Project. The proposed project is the implementation of high capacity transit service in the form of guided rapid transit (GRT) within the University Corridor which extends approximately 10 miles from the vicinity of the UH-Central Campus to the Hillcroft Transit Center in Houston, Texas. The purpose of the project, as currently defined, is to provide a high capacity transit connection to major population, employment, and entertainment centers such as Downtown Houston, Uptown/Galleria, Greenway Plaza, University of Houston, Texas Southern University, Houston Community College, and the University of St. Thomas. The proposed transit improvement would also provide a high capacity transit alternative to the automobile traffic congestion in the corridor. The enclosed draft Purpose and Need for the Proposed Action provides more details. A preliminary coordination plan and description of alternatives considered are also enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process. Your agency has been identified preliminarily as one that may have an interest in this project, because of potential impacts to historic and archeological resources; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:
- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

If you wish to decline to become a participating agency, you must decline this invitation in writing. The declination may be transmitted electronically to Rhonda Boyer at rb15@ridemetro.org or mail to 1900 Main Street, Houston, TX 77002; please include the title of the official responding. Written responses declining designation as participating agencies should be transmitted to this office not later than March 23, 2007.

If you have questions regarding this invitation, please contact Rhonda Boyer at (713) 739-6836.

Sincerely,

Rhonda Boyer
Manager of Environmental Planning

Attachments: Draft Purpose and Need for the Proposed Action
Draft Coordination Plan
Draft Alternatives Considered

cc: John Sweek, FTA
Mike Talbott
Director
Harris County Flood Control District
9900 Northwest Freeway
Houston, TX 77092

Re: Invitation to Participate in the Environmental Review Process for University Corridor Fixed Guideway Project

Dear Mr. Talbott:

The Federal Transit Administration (FTA), in cooperation with the Metropolitan Transit Authority of Harris County (METRO) has initiated the preparation of an Environmental Impact Statement for the proposed University Corridor Fixed Guideway Project. The proposed project is the implementation of high capacity transit service in the form of guided rapid transit (GRT) within the University Corridor which extends approximately 10 miles from the vicinity of the UH-Central Campus to the Hillcroft Transit Center in Houston, Texas. The purpose of the project, as currently defined, is to provide a high capacity transit connection to major population, employment, and entertainment centers such as Downtown Houston, Uptown/Galleria, Greenway Plaza, University of Houston, Texas Southern University, Houston Community College, and the University of St. Thomas. The proposed transit improvement would also provide a high capacity transit alternative to the automobile traffic congestion in the corridor. The enclosed draft Purpose and Need for the Proposed Action provides more details. A preliminary coordination plan and description of alternatives considered are also enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process. Your agency has been identified preliminarily as one that may have an interest in this project, because of potential drainage concerns; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:
- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

If you wish to decline to become a participating agency, you must decline this invitation in writing. The declination may be transmitted electronically to Rhonda Boyer at rb15@ridemetro.org or mail to 1900 Main Street, Houston, TX 77002; please include the title of the official responding. Written responses declining designation as participating agencies should be transmitted to this office not later than March 23, 2007.

If you have questions regarding this invitation, please contact Rhonda Boyer at (713) 739-6836.

Sincerely,

Rhonda Boyer
Manager of Environmental Planning

Attachments:  Draft Purpose and Need for the Proposed Action
               Draft Coordination Plan
               Draft Alternatives Considered

cc: John Sweek, FTA
March 7, 2007

Margie McAllister
Mobile Source Division (MC206)
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, TX 78753

Re: Invitation to Participate in the Environmental Review Process for University Corridor Fixed Guideway Project

Dear Ms. McAllister:

The Federal Transit Administration (FTA), in cooperation with the Metropolitan Transit Authority of Harris County (METRO) has initiated the preparation of an Environmental Impact Statement for the proposed University Corridor Fixed Guideway Project. The proposed project is the implementation of high capacity transit service in the form of guided rapid transit (GRT) within the University Corridor which extends approximately 10 miles from the vicinity of the UH-Central Campus to the Hillcroft Transit Center in Houston, Texas. The purpose of the project, as currently defined, is to provide a high capacity transit connection to major population, employment, and entertainment centers such as Downtown Houston, Uptown/Galleria, Greenway Plaza, University of Houston, Texas Southern University, Houston Community College, and the University of St. Thomas. The proposed transit improvement would also provide a high capacity transit alternative to the automobile traffic congestion in the corridor. The enclosed draft Purpose and Need for the Proposed Action provides more details. A preliminary coordination plan and description of alternatives considered are also enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process. Your agency has been identified preliminarily as one that may have an interest in this project, because of potential impacts to air quality; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:
Ms. Margie McAllister  
March 7, 2007  
Page 2

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

If you wish to decline to become a participating agency, you must decline this invitation in writing. The declination may be transmitted electronically to Rhonda Boyer at rb15@ridemetro.org or mail to 1900 Main Street, Houston, TX 77002; please include the title of the official responding. Written responses declining designation as participating agencies should be transmitted to this office not later than March 23, 2007.

If you have questions regarding this invitation, please contact Rhonda Boyer at (713) 739-6836.

Sincerely,

Rhonda Boyer
Manager of Environmental Planning

Attachments:  Draft Purpose and Need for the Proposed Action  
Draft Coordination Plan  
Draft Alternatives Considered

cc: John Sweek, FTA
March 7, 2007

The Honorable Ed Emmett
County Judge
Harris County
1001 Preston, Suite 911
Houston, TX 77002

Re: Invitation to Participate in the Environmental Review Process for University Corridor Fixed Guideway Project

Dear Judge Emmett:

The Federal Transit Administration (FTA), in cooperation with the Metropolitan Transit Authority of Harris County (METRO) has initiated the preparation of an Environmental Impact Statement for the proposed University Corridor Fixed Guideway Project. The proposed project is the implementation of high capacity transit service in the form of guided rapid transit (GRT) within the University Corridor which extends approximately 10 miles from the vicinity of the UH-Central Campus to the Hillcroft Transit Center in Houston, Texas. The purpose of the project, as currently defined, is to provide a high capacity transit connection to major population, employment, and entertainment centers such as Downtown Houston, Uptown/Galleria, Greenway Plaza, University of Houston, Texas Southern University, Houston Community College, and the University of St. Thomas. The proposed transit improvement would also provide a high capacity transit alternative to the automobile traffic congestion in the corridor. The enclosed draft Purpose and Need for the Proposed Action provides more details. A preliminary coordination plan and description of alternatives considered are also enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process. Your agency has been identified preliminarily as one that may have an interest in this project, because of potential social impacts and drainage concerns; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:
The Honorable Ed Emmett
March 7, 2007
Page 2

- Provide input on the impact assessment methodologies and level of detail in your agency’s area of
  expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to
  communicate any concerns of your agency on the adequacy of the document, the alternatives
  considered, and the anticipated impacts and mitigation.

If you wish to decline to become a participating agency, you must decline this invitation in writing. The
decletion may be transmitted electronically to Rhonda Boyer at rb15@ridemetro.org or mail to 1900 Main
Street, Houston, TX 77002; please include the title of the official responding. Written responses declining
designation as participating agencies should be transmitted to this office not later than March 23, 2007.

If you have questions regarding this invitation, please contact Rhonda Boyer at (713) 739-6836.

Sincerely,

Rhonda Boyer
Manager of Environmental Planning

Attachments: Draft Purpose and Need for the Proposed Action
Draft Coordination Plan
Draft Alternatives Considered

cc: John Sweek, FTA
March 7, 2007

Alan Clark
Director of Transportation
Houston-Galveston Area Council
3555 Timmons Lane, Suite 500
Houston, TX 77027

Re: Invitation to Participate in the Environmental Review Process for University Corridor Fixed Guideway Project

Dear Mr. Clark:

The Federal Transit Administration (FTA), in cooperation with the Metropolitan Transit Authority of Harris County (METRO) has initiated the preparation of an Environmental Impact Statement for the proposed University Corridor Fixed Guideway Project. The proposed project is the implementation of high capacity transit service in the form of guided rapid transit (GRT) within the University Corridor which extends approximately 10 miles from the vicinity of the UH-Central Campus to the Hillcroft Transit Center in Houston, Texas. The purpose of the project, as currently defined, is to provide a high capacity transit connection to major population, employment, and entertainment centers such as Downtown Houston, Uptown/Galleria, Greenway Plaza, University of Houston, Texas Southern University, Houston Community College, and the University of St. Thomas. The proposed transit improvement would also provide a high capacity transit alternative to the automobile traffic congestion in the corridor. The enclosed draft Purpose and Need for the Proposed Action provides more details. A preliminary coordination plan and description of alternatives considered are also enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process. Your agency has been identified preliminarily as one that may have an interest in this project, because of potential impacts to air quality and secondary and cumulative effects of the proposed action; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:
- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

If you wish to decline to become a participating agency, you must decline this invitation in writing. The declination may be transmitted electronically to Rhonda Boyer at rb15@ridemetro.org or mail to 1900 Main Street, Houston, TX 77002; please include the title of the official responding. Written responses declining designation as participating agencies should be transmitted to this office not later than March 23, 2007.

If you have questions regarding this invitation, please contact Rhonda Boyer at (713) 739-6836.

Sincerely,

[Signature]

Rhonda Boyer
Manager of Environmental Planning

Attachments: Draft Purpose and Need for the Proposed Action
Draft Coordination Plan
Draft Alternatives Considered

cc: John Sweek, FTA
March 7, 2007

David Visney
Regional Manager
Federal Railroad Administration
4100 International Plaza, Suite 450
Fort Worth, TX 76109-4820

Re: Invitation to Participate in the Environmental Review Process for University Corridor Fixed Guideway Project

Dear Mr. Visney:

The Federal Transit Administration (FTA), in cooperation with the Metropolitan Transit Authority of Harris County (METRO) has initiated the preparation of an Environmental Impact Statement for the proposed University Corridor Fixed Guideway Project. The proposed project is the implementation of high capacity transit service in the form of guided rapid transit (GRT) within the University Corridor which extends approximately 10 miles from the vicinity of the UH-Central Campus to the Hillcroft Transit Center in Houston, Texas. The purpose of the project, as currently defined, is to provide a high capacity transit connection to major population, employment, and entertainment centers such as Downtown Houston, Uptown/Galleria, Greenway Plaza, University of Houston, Texas Southern University, Houston Community College, and the University of St. Thomas. The proposed transit improvement would also provide a high capacity transit alternative to the automobile traffic congestion in the corridor. The enclosed draft Purpose and Need for the Proposed Action provides more details. A preliminary coordination plan and description of alternatives considered are also enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process. Your agency has been identified preliminarily as one that may have an interest in this project, because of potential impacts to the Union Pacific Railroad as it crosses Richmond Avenue and Westpark Street; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:
- Provide input on the impact assessment methodologies and level of detail in your agency’s area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

If you wish to decline to become a participating agency, you must decline this invitation in writing. The declination may be transmitted electronically to Rhonda Boyer at rb15@ridemetro.org or mail to 1900 Main Street, Houston, TX 77002; please include the title of the official responding. Written responses declining designation as participating agencies should be transmitted to this office not later than March 23, 2007.

If you have questions regarding this invitation, please contact Rhonda Boyer at (713) 739-6836.

Sincerely,

Rhonda Boyer  
Manager of Environmental Planning

Attachments:  Draft Purpose and Need for the Proposed Action
Draft Coordination Plan
Draft Alternatives Considered

cc: John Sweek, FTA
March 7, 2007

Richard Greene
Regional Administrator
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Suite 1200
Dallas, Texas 75202

Re: Invitation to Participate in the Environmental Review Process for University Corridor Fixed Guideway Project

Dear Mr. Greene:

The Federal Transit Administration (FTA), in cooperation with the Metropolitan Transit Authority of Harris County (METRO) has initiated the preparation of an Environmental Impact Statement for the proposed University Corridor Fixed Guideway Project. The proposed project is the implementation of high capacity transit service in the form of guided rapid transit (GRT) within the University Corridor which extends approximately 10 miles from the vicinity of the UH-Central Campus to the Hillcroft Transit Center in Houston, Texas. The purpose of the project, as currently defined, is to provide a high capacity transit connection to major population, employment, and entertainment centers such as Downtown Houston, Uptown/Galleria, Greenway Plaza, University of Houston, Texas Southern University, Houston Community College, and the University of St. Thomas. The proposed transit improvement would also provide a high capacity transit alternative to the automobile traffic congestion in the corridor. The enclosed draft Purpose and Need for the Proposed Action provides more details. A preliminary coordination plan and description of alternatives considered are also enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process. Your agency has been identified preliminarily as one that may have an interest in this project, because of potential environmental impacts associated with the proposed action; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.
As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

If you elect to decline to become a participating agency, you must decline this invitation in writing. The declination may be transmitted electronically to Rhonda Boyer at rb15@ridemetro.org or mail to 1900 Main Street, Houston, TX 77002; please include the title of the official responding. Written responses declining designation as participating agencies should be transmitted to this office not later than March 23, 2007.

If you have questions regarding this invitation, please contact Rhonda Boyer at (713) 739-6836.

Sincerely,

Rhonda Boyer
Manager of Environmental Planning

Attachments: Draft Purpose and Need for the Proposed Action
draft Coordination Plan
draft Alternatives Considered

cc: John Sweek, FTA
Rhonda Boyer  
1900 Main St.  
P.O. Box 61429  
Houston, TX 77208-1429

Dear Ms. Boyer,

Thank you for the invitation to be a participating agency on the Metropolitan Houston University Corridor Major Transit Improvements project. The National Park Service respectfully declines to be a participating agency because no National Park Service units are expected to be affected.

Sincerely,

Michael D. Snyder  
Regional Director,  
Intermountain Region

Rhonda Boyer  
1900 Main St.  
P.O. Box 61429  
Houston, TX 77208-1429

Dear Ms. Boyer,
March 20, 2007

Mr. Boyer:

I am in receipt of your invitation to participate in the environmental review process for the University Corridor Fixed Guideway Project. The Texas Department of Transportation will actively participate in this endeavor.

If you should have any questions concerning this matter, please contact Mr. Delvin L. Dennis, P.E., Deputy District Engineer, at (713) 802-5011.

Sincerely,

[Signature]
Gary K. Trietsch, P.E.
District Engineer
Houston District

cc: Mr. Delvin Dennis, P.E.

Ms. Rhonda Boyer
Manager of Environmental Planning
Metropolitan Transit Authority
1900 Main
Houston, Texas 77208-1429
United States Department of the Interior  
FISH AND WILDLIFE SERVICE  
Division of Ecological Services  
17629 El Camino Real #211  
Houston, Texas 77058-3051  
281/286-8282 / (FAX) 281/488-5882

March 23, 2007

Rhonda Boyer  
Manager of Environmental Planning  
Metropolitan Transit Authority  
1900 Main Street  
Houston, Texas 77002

Dear Ms. Boyer:

This responds to your March 7, 2007 invitation to Jonathan Cleason, U.S. Department of the Interior, to participate in the Environmental Review Process for the University Corridor Fixed Guideway Project. The proposed project is a high capacity, guided rapid transit system extending approximately ten miles from the vicinity of the UH-Central Campus to the Hillcroft Transit Center in Houston, Harris County, Texas.

The U.S. Fish and Wildlife Service declines your invitation to become a participating agency, as no fish and wildlife refuges or dedicated wetland areas will be impacted by the proposed project. The proposed project will be located within existing street right-of-way in a highly urbanized area.

If you have any questions, or if we can be of further assistance, please contact Edith Erfling at 281/286-8282.

Sincerely,

Stephen D. Parris  
Field Supervisor, Clear Lake ES Field Office
Harris County
University Corridor Fixed Guideway Project

Ms. Rhonda Boyer
Manager of Environmental Planning
Metropolitan Transit Authority
1900 Main
P.O. Box 61429
Houston, Texas 77208-1429

Dear Ms. Boyer:

We are in receipt of your March 7, 2007, letter inviting the Federal Highway Administration (FHWA) to be a participating agency during the development of an Environmental Impact Statement (EIS) for the proposed University Corridor Fixed Guideway Project. The proposed project has potential impacts to US 59 which is designated as a Federal-aid Highway. Therefore, the FHWA has significant interest in the proposed project.

In accordance with 23 CFR 810 Subpart C, Making Highway Rights-of-Way Available for Mass Transit Projects, there are regulations in place that govern the use of publicly acquired rights-of-way of any Federal-aid highway for a rail or other nonhighway public mass transit facility. The regulations essentially require the publicly-owned mass transit authority to submit an application to the State highway agency. After reviewing the application, the State highway agency may request the FHWA to authorize the State to make available the land needed for the proposed facility. The request shall be accompanied by evidence that utilization of the land will not impair future highway improvements or the safety of the highway users. Based on the criteria in 23 CFR 810.208, the FHWA may authorize the State to make available to the publicly-owned mass transit authority the land needed for the proposed facility.

Since the FHWA must authorize the use of any US 59 rights-of-way for rail or other non-highway use, we respectfully request to be a cooperating agency and a signature party to the proposed EIS. If we are not a signature party to the EIS, a separate environmental document
would have to be prepared and approved by FHWA prior to an approval of the use of the right-of-way.

We look forward to working with you on the proposed project. If you have any questions or need any additional information please contact Mr. Donald Davis at (512) 536-5960. Also, please address future correspondence to Ms. Janice Brown, Division Administrator.

Sincerely yours,

[Signature]

Donald E. Davis
District Engineer

Cc: Gary K. Trietsch, District Engineer, TxDOT, Houston District
    Dianna Noble, Director, Environmental Affairs Division, TxDOT
    John Sweek, Community Planner, Federal Transit Administration

[Signature]

Donald E. Davis
District Engineer

Cc: Gary K. Trietsch, District Engineer, TxDOT, Houston District
    Dianna Noble, Director, Environmental Affairs Division, TxDOT
    John Sweek, Community Planner, Federal Transit Administration
Region VI
Federal Insurance and Mitigation Administration

Public Notice Review

Re: Metropolitan Transit Authority
Houston, TX

- We offer the following comments:

Please contact the City of Houston Floodplain Administrator (phone number 713-837-7114) for a determination as to whether a Floodplain Development Permit is needed.

Reviewer

Date

If further information is required, please write to the address above or call (940) 898-5463.
May 8, 2007

Ms. Janice Brown
Division Administrator
U.S. Department of Transportation
Federal Highway Administration
Texas Division office
300 E. 8th St., Rm. 826
Austin, TX 78701

Re. University Corridor Fixed Guideway Project

Dear Ms. Brown:

We have reviewed your letter of April 4, 2007, regarding your request to the Metropolitan Transit Authority of Harris County (METRO) to be a cooperating agency and a signature party to the Draft Environmental Impact Statement (DEIS) for the subject project. We have also reviewed METRO’s response dated April 24, 2007.

METRO has acknowledged that multiple alignments interface with Federal Highway Administration (FHWA) funded facilities, particularly, US Highway 59, to varying degrees. METRO has also acknowledged that they are aware that the approval of both the Texas Department of Transportation (TxDOT) and FHWA are necessary to use right-of-way from a federal highway project.

As a result, FTA agrees that FHWA should be a cooperating agency and will request that METRO send you a copy of the administrative draft of the DEIS for your review and comment immediately. Please feel free to share the document with the TxDOT for their input, too. To help meet the streamlining goals for this project, we ask that you review the administrative draft concurrently with FTA. We expect to complete our review in approximately three weeks or no later than the week of June 4, 2007.

FTA does not agree that FHWA should be a signature party to the EIS. However, it is FTA’s goal that FHWA, like all stakeholders, will be able to rely on the document to satisfy all applicable environmental review requirements for any decision making responsibilities that FHWA may have in this regard. The University Corridor Fixed Guideway Project is a transit project. The FTA will nonetheless respectfully consider all of FHWA’s comments and ensure that METRO follows the requisite requirements of both TxDOT and FHWA.
If you have any questions regarding this letter, please contact Mr. John Sweek, Community Planner, at 817-978-0571.

Sincerely,

[Signature]

Robert C. Patrick
Regional Administrator
May 9, 2007

Mr. Paul Derkowski, P.E.
Project Director
Metropolitan Transit Authority
P.O. Box 61429
Houston, TX 77208-1429

Dear Mr. Derkowski:

Your correspondence of April 27, 2007 forwarded, for our review, six alternative alignments for the above referenced corridor. We offer the following comments in reference to the environmental planning process in which METRO is currently engaged.

For Alternatives 11 & 12, 19 & 20, 33 & 34, 35 & 36 and 39 & 40, we note that the proposed University Corridor crosses under multiple highway corridors. These include SP 527, US 59, IH 610, SH 288 and SP 5. In addition, the proposed corridor overpasses US 59, west of Buffalo Speedway (Alternative 11 & 12) and at Cummins (Alternative 19 & 20). Conceptually, we agree that these routes be further developed so that METRO can more definitively determine the horizontal and vertical impacts to our facilities.

For the Alternative West Composite, we note that the proposed alignment, in part, absorbs the westbound outside shoulder of US 59 from Montrose to east of Kirby. Since the Federal Highway Administration (FHWA) must authorize the use of US 59 rights-of-way for rail or any other non-highway use, we will have to defer to the process as outlined in 23 CFR 810 Subpart C, Making Highway Rights-of-Way Available for Mass Transit Projects. Our stance, at this point, is that the proposed alignment utilizing the US 59 shoulder should be avoided.

METRO Solutions University Corridor
Harris County

Mr. Paul Derkowski, P.E.
Project Director
Metropolitan Transit Authority
P.O. Box 61429

CONTACT: DE
With regards to the remainder of the proposed alignment, further development by METRO will be needed to assess potential impacts to our facilities, namely, the overpass of US 59 east of Kirby, and the underpasses at IH 610 and US 59 at West Park.

If you should have any questions concerning this matter, please contact Mr. Delvin Dennis, P.E. at (713) 802-5011.

Sincerely,

Gary K. Trietsch, P.E.
District Engineer
Houston District

cc: Mr. Delvin L. Dennis, P.E.
Mr. Gabriel Y. Johnson, P.E.
Mr. Pat Henry, P.E.
May 11, 2007

Mr. F. Lawerence Oaks
Executive Director
Texas Historical Commission
1511 Colorado Street
Austin, Texas 78701

RE: Request for review of draft report and determinations of eligibility under the Texas Antiquities Code and Section 106 of the National Historic Preservation Act of 1966, as amended, for the "University Corridor Project"

Dear Mr. Oaks:

Metropolitan Transit Authority (METRO) of Harris County, Texas requests review and determinations of eligibility from the Texas Historical Commission (THC) for an undertaking, known as the University Corridor Project, that is governed by the Texas Antiquities Code and Section 106 of the National Historic Preservation Act of 1966, as amended. METRO initiated coordination of this project in a letter dated October 17, 2006, requesting approval of an Area of Potential Effect (APE) (Boyer to Vaughan, October 17, 2006). This APE was approved on November 16, 2006 (Vaughan to Boyer, November 16, 2006).

In accordance with the methodology set out in the initial coordination letter referenced above, METRO has performed a reconnaissance survey of architectural and engineering resources in the approved University Corridor APE to identify any resources that may have potential to impact National Register of Historic Places (NRHP) listed or eligible resources in accordance with the Texas Antiquities Code. The results of the reconnaissance survey are presented in the enclosed draft report, entitled Historic Resources: Survey Report University Corridor Project, Metropolitan Transit Authority of Harris County, Texas.

Request for Determinations of Eligibility

METRO respectfully requests the review of the enclosed draft report and formal determinations of eligibility of the historic-age resources within the approved APE as described therein. Upon receipt of the THC's comments and determinations, METRO will revise the report and distribute a final copy to the THC.

May 11, 2007

President & Chief Executive Officer
Frank J. Wilson
June 12, 2007

Rhonda Boyer
Environmental Planning
Metropolitan Transit Authority
PO Box 61429
Houston, Texas  77208-1429

Re: University Corridor Historic Resources Survey Report, Houston, Harris County, TX

Dear Ms. Boyer:

Thank you for your correspondence describing the above-referenced project. This letter serves as comment on the proposed undertaking from the Texas Historical Commission.

The History Programs review staff, led by Gregory Smith, has reviewed the materials you submitted, and we concur with the report regarding the National Register eligibility of properties within the project area. We recognize that the properties listed on page 19 of Volume I were determined eligible for listing in the National Register in 2006:

- Third Ward West Historic District, bounded by Gray, Scott, St. Emanuel and Alabama
- Third Ward East Historic District, bounded by I-45, Leek, Elgin, and Scott
- Third Ward North Historic District, bounded by Scott, Coyle, Leeland and Pease, Sampson and Roberts

Based upon the findings of your survey and site visits made by THC staff in the Spring of 2007, the following districts are also eligible for listing in the National Register:

- **Third Ward South Historic District**, bounded by Hutchins, Blodgett, Texas Southern University, the UPRR tracks, and Alabama. Eligible under Criterion A in the areas of Ethnic Heritage/Jewish, Ethnic Heritage/Black, and Community Planning and Development; eligible under Criterion C in the area of Architecture.
- **Richmond Modern Commercial Historic District**, on both sides of Richmond Avenue, between Buffalo Speedway and Eastside Street. Eligible under Criterion C, in the area of Architecture, as an intact example of a mid-twentieth-century commercial district designed according to the principles of International Style planning and design.

Based upon the findings of your survey and site visits made by THC staff in the Spring of 2007, we concur that the following properties are individually eligible under Criterion C in the area of Architecture:

- Southwestern Bell Telephone Building, 1308 Richmond Avenue
- Sandman Building, 2111-2115 Richmond Avenue
• HISD Contemporary Learning Center, 1906 Cleburne Street

No individual properties or districts within the surveyed areas other than those identified above appear to be eligible for listing in the National Register; no further review of this undertaking’s impact on non-eligible buildings, structures, or districts is required.

It is possible that buried cultural materials may be present in the project area. If such materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue in the project area where no cultural materials are present. Please contact the Texas Historical Commission’s Archeology Division (512/463-6096) to consult on further actions that may be necessary to protect the cultural remains.

The Texas Historical Commission appreciates the high-quality documentation carried out for this project, and commends both METRO and the survey consultants for completing a report that not only fulfills the requirements of Section 106, but will also serve as reference for future projects in Houston. We would very much appreciate an electronic copy of the survey report, especially an inventory table that could be sorted by address. If an electronic copy of the previous Third Ward survey inventory is available (for the east, west, and north districts), we would very much appreciate it if you could share a copy of it as well.

If you have any questions concerning this review or if we can be of further assistance, please contact Gregory Smith at (512) 463-6013. Thank you for your interest in preserving the rich heritage of Texas.

Sincerely,

[Signature]

for: F. Lawerence Oaks
Executive Director, Texas Historical Commission
August 3, 2007

Mr. Bryan Pennington
Vice President
Planning, Engineering and Construction
Metropolitan Transit Authority
P.O. Box 61429
Houston, TX 77208-1429

Re: DEIS for University Corridor Project
   Harris County, Texas

Dear Mr. Pennington:

On July 27, 2007, the Advisory Council on Historic Preservation (ACHP) received a copy of the Draft Environmental Impact Statement/Draft Section 4(f) Evaluation for the referenced undertaking. Our comments pursuant to the National Environmental Policy Act of 1969 (NEPA) were requested. We have no comments regarding the NEPA review at this time.

While the documentation provided indicates that the proposed undertaking may adversely affect historic properties, we have no record of receiving notification of adverse effects from the Federal Transit Administration (FTA) regarding this undertaking as is required under our regulations, “Protection of Historic Properties” (36 CFR Part 800). Please continue to consult with the Texas State Historic Preservation Office (SHPO) and other consulting parties to complete the requirements of the Section 106 process. Should FTA make an adverse effect finding regarding this undertaking, the agency should provide the required notification and documentation to ACHP in accordance with 36 CFR §800.6 and §800.11(e).

If you have any questions or would like to discuss this matter, please contact me by telephone at (202) 606-8552 or by e-mail at bsemmern@achp.gov.

Sincerely,

Blythe Semmer
Historic Preservation Specialist
Office of Federal Agency Programs
Policy Analysis Section

SUBJECT: University Corridor D-18816(01)

Mr. Bryan Pennington
Vice President
Metropolitan Transit Authority
1900 Main
P.O. Box 61429
Houston, Texas 77208-1429

Dear Mr. Pennington:

This is in regard to your July 27, 2007 letter, requesting a review of Department of the Army requirements for the construction of the University Corridor of the Metropolitan Transit Authority project, as described in your Draft Environmental Impact Statement (DEIS). The project site is located in Houston, Harris County, Texas.

We have reviewed the DEIS for your project and have concluded that your proposed project does not impact navigable waterbodies or wetlands, it is not subject to our jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 or Section 404 of the Clean Water Act. As such, a Department of the Army permit is not required.

Please reference determination number D-18816(01) in future correspondence pertaining to this subject. If you have any questions concerning this determination or possible appeal of this determination, please contact me at the letterhead address or by telephone at 409-766-3944.

Sincerely,

John Machol
Policy Analysis Section
August 22, 2007

Mr. Bryan Pennington
Vice President
Planning, Engineering & Construction
Metropolitan Transit Authority
1900 Main
P.O. Box 61429
Houston, TX 77208-1429

RE: Draft Environmental Impact Statement (DEIS)
University Corridor

Dear Mr. Pennington:

Thank you for the opportunity to examine the Draft Environmental Impact Statement (DEIS) for the University Corridor. Following are Harris County Flood Control District comments on the subject DEIS:

Section 4.2 – Any Tributary channels must be studied to determine impacts induced by the proposed improvements.

All work proposed within existing and future HCFCD right-of-way must be designed and constructed in accordance with the HCFCD Policy, Criteria, and Procedure Manual.

All proposed detention basins must be designed in accordance with the HCFCD Policy, Criteria, and Procedure Manual in order for the basins to be eligible for HCFCD acceptance for maintenance.

Thank you for coordinating this project with the Flood Control District. If you have any questions regarding the technical comments, please contact Mr. Myron Harris.

Sincerely,

Michael D. Talbott, P.E.
Director

MDT:MMH:dy

cc: Gary Green, P.E.
    Glenn Laird
    Burton Johnson, P.E.
    Myron Harris, P.E.
September 11, 2007

Ms. Rhonda Boyer
METRO
P.O. Box 61429
Houston, TX, 77208-1429

Dear Ms. Boyer,

We have provided comments on the DEIS regarding the University Corridor Fixed Guideway Project, To Implement Transit Improvements from Hillcroft Transit Center to the Vicinity of the University of Houston - Central Campus or the Eastwood Transit Center, City of Houston, Harris Co, TX (20070326).

The DEIS has been reviewed within the areas of the National Oceanic and Atmospheric Administration, National Geodetic Survey's (NGS) geodetic responsibility, expertise, and in terms of the impact of the proposed actions on NGS activities and projects.

If there are any planned activities which will disturb or destroy geodetic control monuments, NGS requires notification not less than 90 days in advance of such activities in order to plan for their relocation. NGS recommends that funding for this project includes the cost of any required relocation(s).

All available geodetic control information about horizontal and vertical geodetic control monuments in the subject area is contained on the homepage of NGS at the following Internet address: http://www.ngs.noaa.gov. After entering this website, please access the topic “Products and Services” then “Data Sheet.” This menu item will allow you to directly access geodetic control monument information from the NGS database for the subject area project. This information should be reviewed for identifying the location and designation of any geodetic control monuments that may be affected by the proposed project.

We hope our comments will assist you. Thank you for giving NGS the opportunity to review your DEIS.

Sincerely,

Christopher W. Harm
Program Analyst
NOAA's National Geodetic Survey
Office of the Director
1315 East-West Highway
SSMC3 8729, NOAA, N/NGS
Silver Spring, Maryland 20910
Mr. John Sweek  
Federal Transit Administration, Region VI  
819 Taylor Street, Room 8A36  
Fort Worth, Texas 76102

Dear Mr. Sweek:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) and Section 4(f) Evaluation for University Corridor Fixed Guideway in Houston, Texas. The Department of the Interior (Department) reviewed the document and submits the following comments.

GENERAL COMMENT

There are no references cited in the DEIS. The final EIS would be enhanced if supporting references for statements of fact could be incorporated into the document. For example, the statement made on pages 4-12 and 4-13, "Habitat for the state-listed threatened Rafinesque’s big-eared bat (Corynorhinus rafinesquii) and the rare southeastern myotis bat (Myotis austroriparius) includes concrete culverts and abandoned man-made structures..." should be supported by references.

SECTION 4(f) COMMENTS

Because there is no Preferred Alternative selected, we cannot concur that there is no feasible or prudent alternative to the Preferred Alternative selected in the document, and that all measures have been taken to minimize harm to these resources. We recommend that once you have selected a Preferred Alternative, specific mitigation measures should be solidified for each of the affected Section 4(f) properties and documented in the Section 4(f) Evaluation.

If you need further assistance, please contact Lloyd Woosley, USGS, at (703) 648-5028 or, for questions concerning Section 4(f) resources, please contact Cheryl Eckhardt, NPS, at (303) 969-2851.
We appreciate the opportunity to provide these comments.

Sincerely,

Willie R. Taylor
Director, Office of Environmental Policy and Compliance

cc:
Mr. Scott Barker
METRO Capital Planning
1900 Main Street
Houston, TX 77002-5600
September 17, 2007

Ms. Rhonda Boyer
Metropolitan Transit Authority of Harris County (METRO)
Manager of Environmental Planning
1900 Main Street, 12th Floor
Houston, Texas 77002

Re: Agency Input for University Corridor Draft Environmental Impact Statement for METRO Solutions, Phase 2

Dear Ms. Boyer:

The City of Houston (COH) recognizes the importance of the Federal Transit Administration (FTA) process and looks forward to reviewing the completed Draft Environmental Impact Statement (DEIS) that adheres to the requirements of the FTA Policies and Procedures.

As requested by METRO the City of Houston is providing the following input as issues that require additional evaluation and appropriate actions prior to the finalization of the University Corridor Environmental Impact Statement for METRO Solutions, Phase 2, and conclusion of NEPA process.

Critical elements of Importance to the City for consideration during the University Corridor DEIS have been identified in the draft Consent Agreement proposed by the City of Houston, June 2006. Additionally, specific areas the City of Houston has concern for inclusion of treatment in the final environmental impact statement are bikeways, waterline infrastructure, general utility impacts, traffic impacts, and construction access. A summary of these issues follow.

Bikeways: Impacts to the existing bikeways will need to meet three requirements.

1) Maintain or enhance connectivity to the bikeway network.
2) Meet American Association of State Highway and Transportation Officials (AASHTO) guidelines for bicycle facilities.
3) Meet America Disabilities Act (ADA) requirements.

Waterline Infrastructure: 66-inch Waterline along Richmond

1) If METRO proceeds with building the rail line directly above the existing 66-inch waterline, as well as other utilities, along Richmond there will be accelerated requirements for rehabilitation and/ or reconstruction of the waterline, for which METRO should be responsible. These will have significant impacts on the rail line and METRO’s operation of that future line.

2) The City will require METRO to perform evaluation of the specific impacts to the 66-inch waterline. This evaluation must include a current static assessment (condition of existing pipeline and cathodic protection) as well as installation of dynamic assessment capability, resulting in a monitoring system for continuous assessment which can measure any decay in the condition of the waterline attributed to the induced current environment, and readings due to transit operations. Alternatively, METRO could provide for relocation of the existing waterline facility, similar to other utility relocations.

3) METRO should refer to the Draft Conceptual Design on the 66-inch waterline provided by the City of Houston to METRO on September 23, 2008 for additional information on the location of the waterline and concerns of its susceptibility based on the planned METRO alignment.
4) METRO must note that the 66-inch waterline does not have a redundant system to supply water to the southwest pump station and further points in the system. Additionally, any outage of the 66-inch waterline would significantly reduce water service along the corridor area. In such an event the City would exercise primacy within the corridor in order to correct the emergent situation immediately.

General Utility Impacts:
1) The City anticipates that METRO will perform, and provide for review and approval, a comprehensive engineering analysis, during the design of the proposed facilities, in order to take into account the vibration, access for maintenance/repair, and load distribution.
2) METRO’s underground utilities impact mitigation should include the addition of encasement to crossings, vertical / horizontal adjustments to meet required clearances, and for relocation.
3) Any addition of offset sewer manholes by METRO, which would include elimination of direct vertical access, as well as relocation of waterline valve stacks, will preclude acceptable maintenance of existing City utilities.

Traffic Impacts: The following issues should be further considered and addressed within the EIS.
1) The project will have adverse traffic impacts at our intersections and these should be mitigated. Specifically, impacts for levels of service along Richmond where major thoroughfares cross should be further analyzed and mitigated, to include consideration of grade separated crossings if necessary to maintain acceptable levels of service.
2) The increase from 17 intersections (No Build Alternative) to 26 intersections (Build Alternative) to unacceptable levels of service during a.m. peak hour is a significant adverse traffic impact.
3) The increase from 20 intersections (No Build Alternative) to 32 intersections (Build Alternative) to unacceptable levels of service during p.m. peak hour is a significant adverse traffic impact.
4) The installation of 47 new traffic signals may affect traffic flows on the major thoroughfares. METRO should evaluate their traffic operations for mobility.
5) METRO should study the effect of traffic diversion and its associated traffic impacts to parallel corridors during construction and during operation of the University Line, in particular, West Alabama. A more comprehensive traffic operation study is necessary.
6) METRO’s proposed lane width of 10 feet is substandard; request and justify variances for substandard lane widths.
7) Any proposed new traffic signals (47 total) should be justified by warrants under the Texas Manual of Uniform Traffic Control Devices.
8) Metro should apply for an amendment of the City’s Major Thoroughfare & Freeway Plan since they are changing the capacity of major thoroughfares.

Construction Access: Though the project will restrict access METRO must at all times provide access throughout construction for all adjacent properties.

Please note that the Transportation Systems Management (TSM)/Baseline alternative will have impacts on utilities and distribution systems; contrary to the statement in paragraph 8.5.9. Supplementary to the above comments please note the comments provided during the scoping of the University DEIS on July 28, 2006 which included Criteria for Light Rail Transit Construction in the Proposed University Corridor (drafted by City of Houston Council Members), as well as additional items identified by our Deputy Director for Traffic and Transportation.

Further, the METRO funded City of Houston Urban Corridor Plan will need to be taken into consideration to ensure that the construction of the University Corridor integrates the goals and objectives set by this city-wide plan.

Thank you for the opportunity to provide comments on the University Corridor rail project. If you have any questions or require further information regarding the above matters, please contact me at (713) 837-0169.

Sincerely,

Daniel M. Menendez, P.E.
COH Transit Coordinator
Engineering and Construction Division

c: Michael S. Marcos, P.E., DEE
   Daniel W. Krueger, P.E.
   Eric K. Dargan
   Joe Turner
   Marlene Gafriek
   Andy Ickin
   Jeff Teylor
   Raymond Chong, P.E., PTOE
Mr. Frank J. Wilson  
President, Chief Executive Officer  
Metropolitan Transit Authority  
P.O. Box 61429  
Houston, TX 77208-1429

Re: TCEQ Grant and Texas Review and Comment System (TRACS) #7827, the Richmond /US 59/ Westpark Alignment from Stations 345+00 to 445+00

Dear Mr. Wilson:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above-referenced project and offers following comments:

A review of the project for General Conformity impact in accordance with 40 CFR Part 93 and Title 30, Texas Administrative Code § 101.30 indicates that the proposed project is located in Harris County, which is currently classified as a moderate ozone nonattainment area. Therefore, general conformity rules apply.

The two criteria pollutants of concern as precursors to ozone formation are volatile organic compounds (VOCs) and nitrogen oxides (NOx). An increase of 100 tons per year for VOCs or NOx, resulting from the proposed project, could trigger general conformity analysis. However, the emissions from the proposed project are expected to be well below the 100 tons per year significance level. Therefore, a general conformity analysis will not be required.

Although any demolition, construction, rehabilitation or repair project will produce dust and particulate emissions, these actions should pose no significant impact upon air quality standards. Any minimal dust and particulate emissions should be easily controlled by the construction contractors using standard dust mitigation techniques.

Thank you for the opportunity to review this project. If you have any questions, please call Ms. Betty Thompson at (512) 239-1627.

Sincerely,

[Signature]

Thomas W. Weber, Manager  
Water Programs, Chief Engineer's Office
November 30, 2007

Mr. Robert Patrick
Regional Administrator
Federal Transit Administration
819 Taylor Street, Room 8A36
Fort Worth, Texas 76102

RE: Clarification of the Status of Light Rail Transit (LRT) in H-GAC's 2035
Regional Transportation Plan (RTP)

Dear Mr. Patrick:

This letter confirms that the 2035 Regional Transportation Plan (RTP) as amended includes Light Rail Transit in the North, East End, Southeast, Sunnyside, University, Uptown, and Inner Katy corridors.

The 2025 RTP, adopted by the region’s Transportation Policy Council on June 25, 2004, included the METRO Solutions Plan and the LRT development in the North, Southeast, Sunnyside, East End (Harrisburg), Uptown, University (Westpark) and Inner Katy corridors (see attachment). The 2035 RTP, recently adopted by the Transportation Policy Council on August 24, 2007, includes Light Rail Transit as the transit mode for all corridors by milestone year 2025 and the plan’s horizon year (2035). Guided Rapid Transit (bus rapid transit in an exclusive right of way) was shown in the 2035 RTP only for the initial operable segments of the North, East End, Southeast and Uptown corridors in milestone year 2015 with subsequent conversion to LRT technology by 2025.

At its November 16th meeting, the Transportation Policy Council amended the 2035 RTP to replace initial deployment of Guided Rapid Transit in designated portions of the North, East End, Southeast and Uptown corridors with Light Rail Transit. In this same meeting, the Policy Council also adopted the Locally Preferred Alternative for the University Line as adopted by the METRO Board of Directors.
H-GAC is completing its analysis of the consistency of these changes with the Regional Transportation Plan's air quality conformity determination. Because transit ridership is greater with the approved changes, it is my expectation that vehicle emissions will be further reduced by these refinements to the RTP. H-GAC will initiate a review with and seek comment from our conformity consultation agencies (Texas Department of Transportation, Texas Council on Environmental Quality, Federal Highway Administration, Federal Transit Administration and the Environmental Protection Agency) as soon as possible. It is my expectation that their concurrence with our finding of consistency will be complete before the end of this calendar year.

Please find enclosed a table summarizing the actions taken by the Transportation Policy Council since the inception of the METRO Solutions program. Should you require further clarification or have additional questions, please contact me at your earliest convenience.

Sincerely,

[Signature]

Alan C. Clark
MPO Director

Attachment

By facsimile and electronic mail

cc: Brian Jackson, Community Planner, FTA Headquarters
    Frank Wilson, Chief Executive Officer, METRO
    John Sediak, Executive Vice President, METRO
# H-GAC Transportation Policy Council Resolutions
## METRO Solutions Plan

<table>
<thead>
<tr>
<th>CORRIDOR</th>
<th>North</th>
<th>Southeast</th>
<th>Sunnyside (Harrisburg)</th>
<th>East End</th>
<th>Uptown</th>
<th>University (Westpark)</th>
<th>Inner Katy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TPC ACTION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>February 27, 2004</td>
<td>TPC approves the corridor LPIS for inclusion in the RTP</td>
<td>LRT selected LPIS technology</td>
<td>LRT selected LPIS technology</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June 25, 2004</td>
<td>TPC adopts the 2025 RTP, which includes the METRO Solutions Transit Plan</td>
<td>LRT identified in plan for all milestone years</td>
<td>LRT identified in plan for all milestone years</td>
<td>LRT identified in plan for all milestone years</td>
<td>LRT identified in plan for all milestone years</td>
<td>LRT identified in plan for all milestone years</td>
<td>LRT identified in plan for all milestone years</td>
</tr>
<tr>
<td>December 16, 2005</td>
<td>TPC Approves Bus Rapid Transit as LPA for transit development in 2015 milestone year and inclusion in RTP and TIP</td>
<td>BRT approved following METRO Board adoption of BRT as the LPA for designated portions of corridor</td>
<td>BRT approved following METRO Board adoption of BRT as the LPA for designated portions of corridor</td>
<td>BRT approved following METRO Board adoption of BRT as the LPA for designated portions of corridor</td>
<td>BRT identified in 2015 milestone year</td>
<td>LRT identified in plan for all milestone years</td>
<td>LRT identified in plan for all milestone years</td>
</tr>
<tr>
<td>August 26, 2007</td>
<td>TPC adopts the 2035 RTP and 2006-11 TIP, which includes the METRO Solutions Transit Plan</td>
<td>BRT identified in 2015 milestone year</td>
<td>BRT identified in 2015 milestone year and LRT identified in 2025 and 2035 milestone years</td>
<td>BRT identified in 2015 milestone year and LRT identified in 2025 and 2035 milestone years</td>
<td>BRT identified in 2015 milestone year</td>
<td>LRT identified in plan for all milestone years</td>
<td>LRT identified in plan for all milestone years</td>
</tr>
<tr>
<td>November 16, 2007</td>
<td>TPC approves an amendment to the 2035 RTP and the 2008-2011 TIP to reflect LRT as the LPA</td>
<td>Amendment to RTP and TIP replacing BRT-Convertible with LRT in 2015 milestone year</td>
<td>Amendment to RTP and TIP replacing BRT-Convertible with LRT in 2015 milestone year</td>
<td>Amendment to RTP and TIP replacing BRT-Convertible with LRT in 2015 milestone year</td>
<td>Amendment to RTP and TIP replacing BRT-Convertible with LRT in 2015 milestone year</td>
<td>LRT was approved as the LPA technology</td>
<td>LRT was approved as the LPA technology</td>
</tr>
<tr>
<td>November 16, 2007</td>
<td>TPC approves the University Corridor LPA for inclusion in the 2035 RTP and the 2008-2011 TIP</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
February 12, 2008

John Sedlak
Executive Vice President
Metropolitan Transit Authority
1900 Main
P.O. Box 61429
Houston, Texas 77208 – 1429

Re: TPC Approval of the University Line Locally Preferred Alternative

Dear Mr. Sedlak:

On November 16, 2007, the Houston Galveston Area’s Transportation Policy Council approved the Locally Preferred Alternative (LPA) for the Metropolitan Transit Authority’s (METRO) University Corridor Light Rail line. This action amended the region’s 2035 Regional Transportation Plan to identify the alignment, operating schedule and transit stops consistent with the LPA contained in METRO's Draft Environmental Impact Statement dated August 2007.

The Houston-Galveston Area Council is completing a finding of consistency with our air quality conformity determination for the 2035 Regional Transportation Plan. I anticipate having federal approval for our revised conformity determination in the May to June timeframe of this year.

Please contact me at 713.993.4585, or Shelley Whitworth, Program Manager of Air Quality at 713.499.6695, should you have further questions concerning this letter.

Sincerely,

[Signature]

Alan C. Clark
Transportation Director

cc: Frank Wilson, METRO
    Miki Milovonovic, METRO
    Steve Howard, H-GAC
CONSENT AGREEMENT
FOR PHASE 2 METRO RAIL AND THE
METRO SOLUTIONS PLAN
# Table of Contents

**ARTICLE 1** SCOPE AND DEFINITIONS .............................................................. 2  
1.1 Scope of Agreement ........................................................................... 2  
1.2 Definitions ..................................................................................... 2

**ARTICLE 2** RIGHT-OF-WAY AND CONSTRUCTION RIGHTS ..................... 6  
2.1 Consent to Use Public Streets and Rights-of-Way for Project .......... 6  
2.2 No Charge for Consent ................................................................. 7  
2.3 Duration of Consent ...................................................................... 7

**ARTICLE 3** PROJECT MANAGEMENT .......................................................... 7  
3.1 Design and Construction ............................................................... 7  
3.2 Project Management .................................................................. 8  
3.3 The City Project Coordinator ....................................................... 8  
3.4 Code Compliance Determination ................................................ 8  
3.5 Collaborative Review Process ..................................................... 9  
3.6 Accessibility .............................................................................. 9  
3.7 Corrective Actions ..................................................................... 9  
3.8 Traffic Control During Construction ....................................... 10

**ARTICLE 4** DESIGN AND PLAN REVIEW .................................................. 10  
4.1 Access to Project Design Documents ........................................... 10

**ARTICLE 5** FACILITY IMPACTS ................................................................. 10  
5.1 Protection of Existing Facilities .................................................. 10  
5.2 Rearrangement of City Facilities ............................................... 11  
5.3 Rearrangement of City Transmission Mains .............................. 11  
5.4 Station or Terminal Complex .................................................... 12  
5.5 Costs in Lieu of Permit Fees ...................................................... 12

**ARTICLE 6** DESIGN, CONSTRUCTION, RELATED COSTS, CITY INSPECTION AND ACCEPTANCE .................................................. 12  
6.1 Construction of the Project ......................................................... 12  
6.2 Cost of Private Utility Rearrangements ..................................... 13  
6.3 Inspection and Acceptance of City Facilities ............................. 13

**ARTICLE 7** RIGHT TO CONTEST ACTIONS ............................................. 13  
7.1 Right to Contest Retained .......................................................... 13

**ARTICLE 8** AS-BUILT DRAWINGS .............................................................. 14  
8.1 As-Built Drawings ................................................................... 14

**ARTICLE 9** OPERATIONS AND MAINTENANCE OF PROJECT FACILITIES .... 14  
9.1 METRO Operations and Maintenance ...................................... 14  
9.2 City Operation and Maintenance ............................................. 15  
9.3 Operation and Maintenance of Traffic Signal System .............. 17

L:\CONTRACT\2008\metroconsent\Consent Final.doc

June 23, 2008
9.4 METRO Permit Review

ARTICLE 10 LIMIT OF APPROPRIATION
10.1 Original and Supplemental Allocation

ARTICLE 11 INSURANCE
11.1 METRO and METRO's Contractors Insurance

ARTICLE 12 INDEMNIFICATION
12.1 General Indemnification
12.2 Street Abandonments and Indemnification

ARTICLE 13 TERMINATION OF PROJECT
13.1 Default
13.2 Dispute Resolution

ARTICLE 14 TERM
14.1 Initial Term and Renewal

ARTICLE 15 MISCELLANEOUS PROVISIONS
15.1 Maintenance of Records
15.2 Audit and Inspection of Records
15.3 Documents
15.4 Notice
15.5 Waiver
15.6 Severability
15.7 Entire Agreement; Modification
15.8 Force Majeure
15.9 Non-Assignment
15.10 Governing Law and Venue
15.11 No third Party Beneficiaries
15.12 Headings
15.13 Survival

ATTACHMENT 1 CITY DESIGN REQUIREMENTS AND CRITERIA
ATTACHMENT 2 CITY REVIEW TIME COMMITMENTS AND COORDINATING REQUIREMENTS
ATTACHMENT 3 METRO SOLUTIONS PLAN
ATTACHMENT 4 COMPREHENSIVE CITY CODE COMPLIANCE CERTIFICATE
ATTACHMENT 5 CITY INSPECTION PROCEDURES
CONSENT AGREEMENT
FOR PHASE 2 METRO RAIL AND THE
METRO SOLUTIONS PLAN

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This Agreement made and entered into by and between the City of Houston, a Texas home rule city, hereinafter called "City," and the Metropolitan Transit Authority of Harris County, Texas, a metropolitan rapid transit authority under the laws of the State of Texas, hereinafter called "METRO."

WITNESSETH:

WHEREAS, the City Charter of the City of Houston grants to the City the authority to establish, maintain, improve and regulate the use of streets, alleys and other municipal property within the City; and

WHEREAS, pursuant to Section 451.056 of the Texas Transportation Code, METRO may "acquire, construct, develop, own, operate, and maintain a transit authority system in the territory of the Authority, including the territory of a political subdivision," and pursuant to Section 451.058(a) of the Texas Transportation Code, "as necessary or useful in the construction, repair, maintenance or operation of the transit authority system, METRO may: (1) use a public way, including an alley; and (2) directly, or indirectly by another person, relocate or reroute the property of another person or alter the construction of the property of another person;" and

WHEREAS, pursuant to Section 451.058(e) of the Texas Transportation Code, unless the power of eminent domain is exercised, METRO may not begin an activity authorized under Section 451.058(a) or alter or damage the property of the City without having first received written permission from the City; and

WHEREAS, a majority of the METRO voters participating in the November 4, 2003 election approved the METRC Solutions Plan which includes a comprehensive set of transportation improvements (including the construction, operation and maintenance of a rail system) intended to improve mobility, relieve traffic congestions, improve air quality, contribute to the economic vitality of the region and generally improve the quality of life along the transit corridors; and

WHEREAS, by virtue of the METRO election and pursuant to the Houston City Charter, the City Council of the City of Houston has the authority to grant its consent to METRO for the alteration of its streets and its approval of the use of its property in relation to the construction, operation and maintenance of the METRO Solutions Plan under the provisions of this Agreement; and

L:\CONTRACT\2008\metro\Consent\Consent Final 1.doc

June 23, 2008
WHEREAS, the goal of METRO is to implement the METRO Solutions Plan in a manner that will minimize property acquisitions, construction impacts, utility/drainage impacts and to maintain existing street capacity while protecting neighborhood aesthetics and characteristics; and

WHEREAS, METRO will seek to implement the METRO Solutions Plan in a manner so as to maintain the METRO Solutions Plan scope, schedule, budget commitments and eligibility to receive federal funds; and

WHEREAS, the City is supportive of the development of transit and desires through its authority over the public right-of-way to balance the needs of transit with all other activities and facilities within the right-of-way, while taking into account the current and future services provided by the City; and

WHEREAS, this Agreement is executed to give full City consent for the alteration and use of its streets and properties for the Project and to delegate to the Director of the City’s Public Works and Engineering Department the authority to grant such consent and approval for future phases of the METRO Solutions Plan according to the criteria and procedures set out herein; and

WHEREAS, it is the intent of this Agreement to establish herein the rights and responsibilities, as well as the general guidelines and working relationships between METRO and the City so that the Project and the METRO Solutions Plan may be implemented within the City;

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements and benefits to the parties herein named, it is agreed as follows:

ARTICLE 1
SCOPE AND DEFINITIONS

1.1 Scope of Agreement

This Agreement specifies (a) the consent granted by the City to METRO in connection with the Project, (b) the procedures that METRO and the City will follow in identifying, planning, designing, constructing, maintaining, and operating the Project, and (c) the responsibilities of each party for such activities. The parties agree that each will cooperate and coordinate with the other in all activities covered by this Agreement.

Notwithstanding any language to the contrary, the parties agree that under no circumstances is it intended for this Agreement to be an agreement for METRO to provide goods or services to the City.

1.2 Definitions

For the purpose of this Agreement, the following terms shall have the meanings set forth below:

1.2.1 "Additional Right-of-Way" means the additional real property that is required for the Project in order to maintain adequate street capacity required by Ch 42
"Betterment" means and includes any new City Facility or upgrading of City Facilities, requested by and paid by the City and approved by the City Council, which will increase or upgrade the service capacity, capability, appearance, efficiency, or function of City services over that which currently exists. Notwithstanding the foregoing, Betterments do not include the following:

(a) Replacement of a Conflicting City Facility that requires an upgrade to meet current design standards as identified in Attachment 1.

(b) Mitigation of any environmental impact (1) identified in the Project’s final environmental impact report or statement (including any amendments or additions thereto) or (2) as required by a City ordinance, policy, procedure or design standard identified in Attachment “1”, as modified by any variance approved by the City. The City shall not unreasonably withhold approval of a METRO-requested variance and shall determine all requests within the time limits set out in Attachment “2”; or

(c) Traffic signal equipment that the City would typically install as part of any new permanent traffic signal installation.

1.2.3 "Business Day" means any day where the offices of the City are open for the conduct of business.

1.2.4 "City" means the City of Houston, Texas, and its officers, departments, boards, employees, agents, contractors and subcontractors.

1.2.5 "City Project Coordinator" means the person designated by the City to serve as the lead project coordinator and single-point of contact on the City's behalf for a successful and expeditious completion of the Project.

1.2.6 "City Facility" means any structure, improvement, system, or other property under the jurisdiction of the City and shall include, but not be limited to, roadways, pavements, alleys, curbs, signage, surface markings, and landscaping. "City Facilities" shall also include, but are not limited to, lines, facilities and systems for transmitting water, wastewater, reclaimed water, storm water, highway drainage, and other similar commodities or materials; publicly owned lighting systems; and communication systems.

1.2.7 "Conflicting Facility" means an existing City Facility or Private Facility (as herein defined) that is so situated as to require Rearrangement due to its conflict with the construction and operation of the Project, as determined jointly by METRO and the City before the completion of construction and pre-revenue testing.

1.2.8 "Design" means the engineering and architectural work that results in the production of maps, plans, drawings, computer software, estimates and
specifications in connection with the effectuation and construction of the Project and any necessary construction under the terms of this Agreement.

1.2.9 "Design Standards" means the federal, state, local, agency, national and industry standards applicable to the Project, set forth in Attachment 1.

1.2.10 "Director" means the Director of the City's Public Works & Engineering Department.

1.2.11 "Emergency Maintenance" means METRO, METRO's Contractors and City maintenance activities that require immediate action for the resumption of the scheduled operation of traffic or light rail transit or utility service, which generally results from unplanned or unscheduled work needed to maintain safety or functional conditions.

1.2.12 "Good Neighbor Practices" means best efforts to maintain good relations between METRO, the City, and the Community through the success of the Project by protecting the safety and welfare of the public, improving mobility, relieving traffic congestion, mitigating business impacts during construction, minimizing the disruption of utility service and inconvenience to the travelling public, improving air quality and the general quality of life for area residents.

1.2.13 "Highway, street or road" means the entire area within the right-of-way of a public way affected or included within the Project, owned, claimed, held or maintained by the City for public vehicular or pedestrian travel.

1.2.14 "Hybrid Delivery System Contract" means a contract with a contractor selected using the Hybrid Delivery System of procurement authorized by Chapter 451, Subchapter Q of the Texas Transportation Code.

1.2.15 "Intermodal Terminals" means transportation facilities set out in Attachment 3.

1.2.16 "Light Rail System" or "LRT" means the electric railway system constructed by METRO for operation in the Transit Corridors in the Project, described in Attachment 3. For purposes of this Agreement, the Light Rail System includes the electrically powered rail cars that will operate in the Corridors and those passenger stations, transit shelters, traction-power substations tracks, the overhead contact system and other transit devices constructed in the Corridors specifically to support the operation of the Light Rail System.

1.2.17 "METRO" means the Metropolitan Transit Authority of Harris County, Texas.

1.2.18 "METRO Rail Safety Zone" means that area of the Trackway, and the margin beyond the Trackway, as agreed to by the Parties.

1.2.19 "METRO's Contractors" means all persons, consultants, vendors, contractors (including facility providers under Subchapter Q of Chapter 451 of the Transportation Code) and other entities furnishing work, property, or services to METRO in connection with the Project.
1.2.20 "METRO's Project Director" means the person designated by METRO to serve as the lead project coordinator with single point responsibility and authority to act on METRO's behalf for a successful and expeditious completion of the Project.

1.2.21 "METRO Solutions Plan" means the entire transit system created by METRO pursuant to its METRO Solutions Plan as approved in the election of November 4, 2003.

1.2.22 "Non-Scheduled Maintenance" means METRO, METRO's Contractors and City maintenance activities performed within the METRO Trackway on an irregular or infrequent basis, which cannot generally be planned in advance.

1.2.23 "Private Facilities" means all structures, improvements, systems and other properties owned, operated, held or claimed by any investor-owned private utility company, cable or fiber optic company, telecommunications or other company, that uses or occupies any public right-of-way affected by the Project pursuant to State law or a franchise granted to such company by the City.

1.2.24 "Project" means Phase 2 of the METRO Solutions Plan as defined in Attachment 3.

1.2.25 "Rearrangement" means the adjustment of a Conflicting Facility required by the Project, including the removal and reinstallation of the facility at a new location, or moving, constructing, reconstructing, supporting, abandoning or protecting an existing Conflicting Facility. It shall also mean constructing either a permanent or temporary replacement facility or a substitute facility functionally equal to an existing Conflicting Facility.

1.2.26 "Scheduled Maintenance" means METRO, METRO's Contractors and City maintenance activities performed periodically or as needed which are generally performed on the Trackway Maintenance Zone during non-revenue hours, or during non-peak scheduled hours which can be coordinated so as to avoid interruption of regularly scheduled service.

1.2.27 "Special Event" means a public event or activity held infrequently and of a short duration such as a major sporting event, large convention, parade or marathon, including but not limited to activities described in the City's Special Events Ordinance, which generally draws a large number of spectators and/or participants.

1.2.28 "Trackway" means the fixed structure on which the light rail vehicle operates.

1.2.29 "Trackway Allocation Standard Operation Procedures" means those procedures, as determined by METRO which set forth the process for management of access to the Light Rail System and the METRO Rail Safety Zone so that there is minimal interference with light rail operations.
1.2.30 "Trackway Maintenance Zone" means the area on either side of the Trackway agreed to by the Parties required to maintain the system.

1.2.31 "Traffic Signal System (TSS)" means the integrated network of traffic control and communications devices that regulate vehicle and pedestrian movement adjacent to or in the immediate vicinity of the Transit Corridors. Components of the Traffic Signal System include traffic signals, pedestrian signals, lighted traffic control signs, electric metering equipment, electrical conduit and cable, communications fiber optic cable and network devices, computerized signal controllers, poles and equipment cabinets. It does not include gates and associated equipment providing a temporary barrier between the Trackway, vehicles and pedestrians.

1.2.32 "Transit Corridor" means a designated route of METRO Solutions to accommodate the transit facilities, as shown in Attachment 3.

ARTICLE 2
RIGHT-OF-WAY AND CONSTRUCTION RIGHTS

2.1 Consent to Use Public Streets and Rights-of-Way for Project

2.1.1 The City does hereby consent to the construction, maintenance and operation of the Project by METRO upon, over, under, across or within the City public streets and properties, more particularly described in Attachment 3.

Nothing in the consent granted under this agreement shall permit METRO’s use of any property that is park land or dedicated for park purposes in a manner that is inconsistent with park purposes unless legal requirements applicable to such use of park lands or lands dedicated to park purposes have been complied with.

2.1.2 The City’s consent to such construction, maintenance and operation by METRO includes its consent to entry upon, over, under, across, or within the street rights-of-way and other property necessary for the construction, reconstruction, repair, maintenance and operation of the Project as well as consent to entry upon, over, under, across or within any adjacent City properties on a temporary basis for any such purposes, provided in the case of such temporary entry upon adjacent properties that such entry (a) does not permanently and negatively impact any City use of such properties or any further use by the City of such properties that is approved and in existence at the time notice of such entry is given and (b) METRO has first given City at least five Business Days’ notice of its need for a temporary use, setting forth the nature, extent and duration of the temporary use. It is a condition to the City’s consent under this subsection that METRO shall agree to restore all property affected to a condition at least as good as that existing before METRO’s entry thereon.

2.1.3 METRO and the City agree that the Project constitutes a METRO transit project and not a joint enterprise, joint venture or any other type of joint undertaking between METRO and the City, nor is it a joint utility, roadway or infrastructure project.
2.1.4 The City acknowledges the importance of the Project and METRO's lead role in the progress of the work. METRO and City representatives will engage in meaningful face-to-face conversations to enable the application of Design Requirements and Criteria contained in Attachment 1 to ensure Project implementation in keeping with METRO's scope of work, schedule and budget commitments and obligations and with the City's commitment to minimize utility service disruption and inconvenience to the traveling public.

2.1.5 Acquisition of Additional Right-of-Way for the City. It will be necessary to acquire additional right-of-way in connection with the Project. METRO shall notify the City of any additional right-of-way purchases by METRO. METRO will undertake to acquire such additional right-of-way by purchase, gift, donation or exercise of the power of eminent domain. METRO shall pay all costs associated with the acquisition of such additional right-of-way. Upon approval by the Director, METRO shall transfer to the City, and the City shall accept title to such additional right-of-way. Upon acceptance of title, the City shall maintain the right-of-way in the same manner as other City right-of-way. In conjunction with such transfer of title, METRO shall provide the City with all surveys, geotechnical test results, environmental assessments and any other information or data in METRO's possession regarding the additional right-of-way.

2.2 No Charge for Consent

The use by METRO of streets and properties for the Project is a public use of the streets and properties that inures to the benefit of the people of the State; no charge or fee for such consent is authorized by law and none shall be charged or imposed.

2.3 Duration of Consent

The City's consent to the construction, maintenance, and operation of the Project shall remain in effect until METRO's Board adopts a resolution approving METRO's total and permanent abandonment of the Project. Nothing in this provision shall limit, abrogate or interfere with the City's general and corporate powers pursuant to Article II § 4 & 5 of the Houston City Charter over streets and railways not governed by § 451.056 of the Texas Transportation Code.

ARTICLE 3
PROJECT MANAGEMENT

3.1 Design and Construction

METRO and the City herein acknowledge that the Project has time performance requirements. METRO and the City shall work together in good faith and cooperation to carry out expeditiously and to timely perform their respective obligations. If METRO requires expedited or additional services from the City that require an increase in staffing capacity in excess of City capacity existing at the time of such request by METRO, METRO shall advise the Director in writing and shall pay any reasonable costs to the City of providing such expedited or additional services.
3.2 Project Management

Responsibility for the overall administration and direction of this Agreement is assigned to METRO's Project Director. METRO will be responsible for meeting all applicable legal, regulatory, and code requirements for the Project.

3.3 The City Project Coordinator

The City will designate a City Project Coordinator who will be the City's representative with overall responsibility for assuring the City's participation with METRO in the design and construction of the Project. The City Project Coordinator will serve as the City's single contact point for all communications between the City and METRO relating to the Project, and will further serve as a central point of contact. The City Project Coordinator will be given access to all materials in METRO's possession necessary to carry out his or her responsibilities under this Agreement. The City and METRO agree that the City Project Coordinator will be responsible for (a) acting as the City's facilitator to direct communications with METRO in regard to design and construction of the Project; (b) advising and guiding METRO relative to the applicability of codes; and (c) monitoring all actions taken by METRO, METRO's contractors and the City to ensure compliance with this Agreement and to work toward timely completion of the Project.

3.4 Code Compliance Determination

The City acknowledges that METRO will use its authority under Texas law, including a Hybrid Delivery System Contract to design and construct the Project.

METRO will promptly submit and the City will promptly review METRO's designs for the Project for compliance with City Design Requirements and Criteria in conformity with the City Review Time Commitments and Coordinating Requirements set out in Attachment 2 ("Code Compliant"). METRO shall not proceed to construct any part of the Project until the City has determined that METRO's design for such part is Code Compliant. If the City fails to determine whether METRO's designs are Code Compliant within the timelines set out in Attachment 2, METRO may proceed with construction at risk of the consequences set out in sections 3.7 and 6.3. METRO shall construct the Project in accordance with the designs the City has determined are Code Compliant, according to reasonable and customary standards of care and adhering to all applicable rules, codes and regulations. Upon the City's determination that METRO's plans are Code Compliant, the City shall issue a comprehensive code compliance certificate as set out in Attachment 4 without further action by METRO subject to METRO's compliance with all of the coordination and notice requirements set out in Attachment 2.

In addition to the submittals required to determine Code Compliance, METRO shall submit designs for all Transit Corridors that are not 60% complete at the time of City Council approval of this Agreement to the City for preliminary review and comment immediately upon execution of this Agreement. The City, through the Director, may make preliminary comments on the designs, within 20 days of receipt. METRO and the City shall work in good faith to resolve issues relating to the Director's comments. Nothing in this paragraph shall limit or modify METRO's or the City's responsibilities or approval rights under other sections of this Agreement.
3.4.1 If the City determines that METRO’s plans are not Code Compliant, METRO may request a variance which the City shall approve or disapprove within the time set out in Attachment 2 and for which an approval will not be unreasonably withheld. If the City fails to approve or disapprove METRO’s request for variances within the timelines set forth in Attachment 2, METRO may proceed with construction at risk of the consequences set out in §3.7 below if the variance request is disapproved.

3.4.2 METRO will submit advance requests for variances for all work shown in the plans that deviate from the City design standards. The City will promptly review such requests for variances and shall provide METRO with its decisions within the time set out in Attachment 2. The Parties acknowledge that time is of the essence and the City’s approval shall not be unreasonably withheld.

3.5 Collaborative Review Process

The City Project Coordinator may review and comment on Project documents and plans directly to METRO and its contractors. The Project Coordinator shall review and comment on all appropriate Project matters, including but not limited to safety, code compliance, and the Good Neighbor Practices. Under the collaborative review process, the City may exercise the following responsibilities:

3.5.1 stop METRO construction activities where the public health, safety and welfare are compromised.

3.5.2 advise METRO if there has been noncompliance with City Codes and standards or with the Good Neighbor Practices. In such event, METRO shall be responsible for planning and directing remedial action.

3.6 Accessibility

During construction, all Project structures and facilities upon, over, under, across or within City rights-of-way and property shall be designed and constructed in such a manner which will permit access by the City's employees, agents, contractors, and their employees and subcontractors, to City Facilities for the purpose of inspection, by the City. City representatives will comply with all safety requirements of METRO or its Contractors at the site.

3.7 Corrective Actions

If the City determines that there are any significant deviations from the Code or the intended scope of work as set out in the construction plans previously approved by the City or if METRO determines that there are any significant deviations from industry standards of care, in the design, construction or post-construction phases of the Project, METRO shall promptly correct such deviations to comply with Code, the approved construction plans or applicable industry standards, and shall hold the City harmless for any expense necessary to make such corrections. METRO will seek relief by having any repairs or remediation work performed by the responsible party and the filing of claims in various forms such as errors and omissions, warranties, liquidated damages or penalties.
3.8 Traffic Control During Construction

3.8.1 As an essential part of the design effort, METRO shall develop construction staging plans that will provide for the safe handling of vehicular and pedestrian traffic within or adjacent to the Project boundaries. Such staging plans shall describe construction phasing, temporary road or traffic lane closing, detours, warning devices and traffic control plans.

3.8.2 METRO shall prepare traffic control plans in a form acceptable to the City and shall include them in the Project plans. The traffic control plans shall provide that METRO will schedule all construction, repair, or reconstruction of the Project upon, over, under, across or within City right-of-way in such a way as to minimize traffic disruption. In the event of a substantive change in METRO’s plan or schedule, METRO shall submit an updated traffic control plan for the City’s approval. The plan shall include provisions to promote public awareness of traffic arrangements and to assist affected parties in complaint resolution. METRO shall obtain the City’s approval of all traffic control plans, including any amendments or modifications, prior to implementation of the plan by METRO. The City shall not unreasonably withhold such approval. METRO shall pay the cost of implementation of any such revised traffic control plans.

3.8.3 METRO shall use its own contractors to perform any modifications to traffic signal equipment necessary under this section. The City will allow, under supervision, METRO’s contractors access to traffic facilities and equipment to perform necessary modifications. All operational changes to traffic signals and their timing plans shall be subject to the approval of the City prior to their implementation.

ARTICLE 4
DESIGN AND PLAN REVIEW

4.1 Access to Project Design Documents

METRO will provide the City access to METRO’s designs through a web-based documentation control system. METRO shall notify the City of such design posting if it is intended for review and approval by the City. Upon submission by METRO, the City will review the Project design plans in accordance with Article 3. METRO and its contractors will make available to the City Project Coordinator plans showing the location of any Conflicting Facility and the proposed Rearrangement thereof.

ARTICLE 5
FACILITY IMPACTS

5.1 Protection of Existing Facilities

To the extent practicable, METRO shall use its best efforts to preserve existing City Facilities in place and in their current operating condition and to maintain continuity of utility service to the public. METRO shall not designate any existing City Facility as a Conflicting Facility or proceed with implementation of any Rearrangement or Relocation.

L:\CONTRACT2008\metro\consent\Consent Final.doc
10

June 23, 2008
involving a City Facility without first giving notice to the City, and complying with Article 3.

5.2 **Rearrangement of City Facilities**

5.2.1 In those instances where the construction of the Project requires a Rearrangement, METRO will notify the City Project Coordinator who shall provide METRO with available plans and all other relevant information and documentation in the City's possession required for the design and/or Rearrangement. METRO or its Contractors shall prepare plans for the design and/or rearrangement of City Facilities based on the applicable City standards and in keeping with the Design Requirements and Criteria set forth in Attachment 1. Rearrangements shall include extension of the replacement facility to the nearest existing or newly installed manhole or valve located within:

5.2.1.1 the new City right-of-way parallel to METRO's Trackway;
5.2.1.2 at intersections or within existing utility easements, within the new City right-of-way plus half the width of the new City right-of-way.

The City Project Coordinator shall inform METRO whether services must be maintained during Rearrangement.

5.2.2 Except as provided in 5.3 below, METRO shall perform the required Rearrangement of the City's Conflicting Facilities at METRO's sole cost and expense.

5.3 **Rearrangement of City Transmission Mains**

Should METRO's Project plans require rearrangements to transmission mains identified below that will necessitate shutdown and evacuation of the mains, METRO will notify the City as early as possible, but not less than 90 days ahead of the proposed shutdowns so that City can appropriately plan and prepare for system adjustments. Due to system requirements and water quality standards, the City may approve some shutdowns to only occur during the periods of low water demand months; October through March. Unless otherwise approved by the Director, no simultaneous shutdown of any water transmission main may occur. METRO shall provide notification of all excavation or other construction activities in close proximity to any transmission main a minimum of one (1) week prior to the activities taking place so that the City may observe such work.

1. 84-inch main along Harrisburg from Engelke to Dowling
2. 24-inch main along Post Oak Blvd, from Westheimer to IH-610 West Loop
3. 36-inch main along Westpark, from Edloe to Newcastle
4. 84-inch main along English and Link at Fulton
5. 66-inch main along Wheeler and Richmond, from SH 288 to Cummins

This list may be amended by the City as the design of the proposed transit improvements progresses.

5.4 Station or Terminal Complex

The City approves of the location of the station or terminal complexes set out in Attachment 3 as to conformity with the general plans of the City.

5.5 Costs in Lieu of Permit Fees

In lieu of charging METRO for City permit fees, permit coordination, inspection fees, Project Plan review, Lane Closure Fees and any other fee for City approval associated with the Project ("City Fees"), the City shall assign a workforce of City employees or contract for professional services for the Project ("METRO Workforce") and METRO shall pay the City the annual lump sum amount of $600,000 in equal quarterly installments for all City Fees on the basis of Phase II constructed value of $600 million.

Quarterly payments shall begin within 30 days of countersignature of this Agreement and shall continue for 5 years or the actual period of construction, whichever is greater. If construction continues past 5 years or exceeds a total of $600 million in total constructed value, the parties will negotiate in good faith to recalculate the City Fee.

ARTICLE 6
DESIGN, CONSTRUCTION, RELATED COSTS, CITY INSPECTION AND ACCEPTANCE

6.1 Construction of the Project

6.1.1 METRO and its contractors shall perform all the functions or work in connection with the design and construction of the Project, all its appurtenant structures and facilities including but not limited to all necessary safety structures at its own cost and expense in accordance with the final plans and specifications.

6.1.2 METRO may design any Betterments in the vicinity of the Project as requested by the City. However, METRO will have no obligation to design or construct any Betterments until the City has first provided payment for the costs of such design and construction. Betterments requested by the City shall not cause any delays to the schedule of the Project.

6.1.3 METRO and the City specify and agree that any payment made by the City to METRO under this Agreement is in an amount that fairly compensates METRO for governmental services or functions performed under this Agreement.
6.1.4 METRO will have priority in the access to and occupation of the Project work sites. City work by third-party contractors or utility contractors in the vicinity of the Project (work site) will be coordinated with the METRO Project Director.

6.1.5 METRO shall construct the Project so that City’s existing drainage system will not experience increases in hydraulic grade lines as compared with the system’s pre-construction condition.

6.1.6 METRO will maintain existing lane widths to the maximum extent practicable, but not less than ten feet.

6.2 Cost of Private Utility Rearrangements

Unless otherwise mutually agreed, METRO shall bear the costs of Private Utility Rearrangements incurred in connection with the construction of the Project. Where the City has the right by Franchise or other contract or by law to require utility companies to relocate their facilities at their own cost in conjunction with the construction of the Project, the City agrees to so direct those utility companies. However, unless the City has a contractual or statutory right to compel a private utility company to perform such a relocation for the purpose of construction of the Project at no cost to the City, it shall have no obligation to require a facility to be relocated on METRO’s behalf. METRO shall pay on behalf of the City any costs the City incurs in enforcing the relocation requirements described above.

6.3 Inspection and Acceptance of City Facilities

The City shall inspect all Project Facilities that are subject to the Building Code in accordance with standard City procedures and METRO shall make all corrections necessary identified by such procedures at METRO’s expense.

In addition to the City inspection rights set out in Section 3.7 above, the City shall inspect any City Facilities as they have been constructed or reconstructed by METRO, which must be accepted or maintained by the City (“City Impact Items”) for compliance with plans previously determined Code compliant by the City in accordance with the process set out in Attachment 4. If the City Impact Item complies with such plans, the City shall accept it for City maintenance and operation. If the City Impact Item does not comply with such plans, METRO shall, at its own expense make all corrections necessary to bring it in compliance with the approved plans.

ARTICLE 7
RIGHT TO CONTEST ACTIONS

7.1 Right to Contest Retained

No provision of this Agreement shall be construed to limit the right of either party to contest the validity or application of any law, ordinance, regulation, plan, or policy.
ARTICLE 8
AS-BUILT DRAWINGS

8.1 As-Built Drawings

METRO shall maintain a set of "as-built" plans of the Project and all Rearrangements of Facilities performed by METRO during the progress of the construction. After completion of the Project and all Rearrangement work or any part thereof, METRO shall furnish the City with electronic copies of "as-built" drawings and Microstation-compatible computer disks showing all elements of the completed work, including all City Facilities installed by METRO as a result of Rearrangements.

Upon acceptance of reconstruction of all or any part of City Facilities, METRO shall assign to the City all construction contractor and design engineer warranties related thereto. The City shall assume full ownership of and responsibility for the maintenance and repair of the City Facilities resulting from any Rearrangement by METRO to the extent and in the same manner as for other like facilities within the City.

ARTICLE 9
OPERATION AND MAINTENANCE OF PROJECT FACILITIES

9.1 METRO Operations and Maintenance

9.1.1 METRO's Operation and Maintenance

Subject to the terms of this Agreement, METRO shall provide or shall contract with a third party to provide all labor, materials and equipment, to operate and maintain all facilities constructed or reconstructed pursuant to the Project that are not City-accepted facilities.

9.1.2 METRO Maintenance Work

METRO or its Contractors shall provide five Business Days' advance notification to perform any scheduled or non-scheduled maintenance, repair or improvement work that is on the City right-of-way or other City property, or that may affect the operation of City Facilities or utility or communication facilities in place. Such activity includes work above the City water, wastewater or storm drainage lines or across streets which would affect traffic for a time period of more than two hours. Notification to City is not required if the maintenance, repair or improvement work does not occur on City right-of-way or other City property or does not affect operation of City Facilities or utility or communication facilities.

9.1.3 Emergency Notice by METRO

For emergency maintenance or repairs, verbal notification shall be given to the City prior to the commencement of the work.
9.1.4 Safety Standards and Warning Signs

If METRO or its Contractors perform maintenance, repair, or improvement work on or near City property or City Facilities, or that may affect operation of City Facilities, adequate construction warning signs shall be installed which comply with all applicable City requirements. When work is performed within the City's right-of-way, City's safety standards and practices shall also be followed. In the event of a variance between METRO and City safety standards or practices, the more restrictive shall be followed. All maintenance, repair or improvements by METRO or its contractors shall meet then current City standards and specifications. If the METRO maintenance, repair or improvement work damages City property or Facilities, METRO shall immediately notify the Director and shall give the City, within 24 hours, an outline or a process for restoration of the damaged City property or City Facilities.

9.1.5 Restoration and Reconstruction at METRO Expense

If METRO or its Contractors do not notify the Director within 24 hours of the damage to City property or Facilities, present an outline for the restoration to the Director or if the damaged property or Facilities are not completely restored and reconstructed within the time period set out in its outline, then the City may complete the restoration and reconstruction of the damaged City property or Facilities, and METRO shall reimburse the City for the cost of such work.

If METRO damages the TSS, or Traffic Signs, then METRO shall immediately take steps to protect public safety and shall within two hours of the damage present the Director a plan for complete restoration. The City may restore and reconstruct the damage at the sole cost of METRO, if METRO (fails) to begin repairs in accordance with the restoration plan within 24 hours of the damage, or if METRO fails to complete restoration and construction as outlined in the approved plan.

METRO shall restore and reconstruct the damaged City property or Facilities to their condition prior to the work and at the sole cost of METRO or its Contractors.

9.2 City Operation and Maintenance

9.2.1 City Maintenance Work

The City shall provide five Business Days' advance notification for scheduled or non-scheduled maintenance, repair or improvement work on any City Property or Facilities, performed by City or its Contractors within the Trackway Maintenance Zone or METRO Rail Safety Zone.
9.2.2 **METRO Safety Certification**

METRO shall provide safe access by the City for the maintenance and repair of City Facilities within the METRORail Safety Zone covered by this Agreement in a manner generally consistent with Trackway Allocation Standard Operation Procedure for the Main Street Line.

9.2.3 **Emergency Notice by City**

For emergency maintenance or repairs, verbal notification shall be given to METRO prior to the commencement of the work.

9.2.4 **City Restoration and Reconstruction**

If City maintenance, repair or improvement work damages Project Facilities or equipment, other than traffic signals or components, then the City shall immediately notify METRO or its Contractors, within 24 hours of the damage to Project Facilities, and present an outline of a process for restoration and reconstruction of the damaged Project Facilities. The City shall be responsible for the complete restoration and reconstruction of the damaged facilities and equipment to their condition prior to the start of the maintenance, repair or improvement by City.

If the City damages Traffic Signals or any other component of the TSS along the Light Rail System, the City shall immediately take steps to protect public safety and then notify METRO so as to safeguard and correct both vehicular and rail operations affected.

9.2.5 **Restoration and Reconstruction at City Expense**

If the City does not notify METRO or its Contractors, and present an outline for restoration or the damages of the Project Facilities or equipment within 24 hours, or if the City does not complete the restoration and reconstruction in the time set out in its outline, METRO or its Contractors may complete the restoration and reconstruction of the damaged Project Facilities or equipment, and the City shall reimburse METRO for such costs.

The City shall restore and reconstruct the damaged METRO property or facilities to their condition prior to the work and at the sole cost of the City or its Contractors.

9.2.6 **Operations**

The City of Houston, subject to METRO’s authority to use public streets and property for transit purposes under state law and the City’s consent to METRO’s use of certain land for the Project, shall retain final authority over the use of City property for the operation and maintenance of the METRORail system including the right to suspend METRO’s operation when and where necessary to protect the public health and safety.
9.2.7 **Correction of Deficiencies**

In the event that either party determines that there is a defect in or improper maintenance of METRO equipment or facilities or the City's facilities that impact METRO's operation that poses a threat to the public health, safety and welfare, either party shall immediately notify the other of the defect or deficiency. The responsible party shall immediately correct the defect or deficiency.

9.2.8 **Law Enforcement**

METRO and the City may establish written agreements for law enforcement, public safety and security for the Project. The Mayor of the City of Houston and the President & Chief Executive Officer of METRO, or their designees, are authorized to negotiate, execute and administer such agreements on behalf of the City and METRO.

9.3 **Operation and Maintenance of Traffic Signal System**

9.3.1 **Operation and Maintenance of Traffic Signal System**

The City will operate and maintain the Traffic Signal System, except as otherwise provided in this Agreement.

The City and METRO will designate Traffic Signal System coordinators who will work together to optimize mobility along the Transit Corridors to optimize rail, auto and pedestrian traffic. If either coordinator notifies the other of a delay in train or traffic movements in excess of 15% of the mutually agreed level of speed for trains and traffic movement, the coordinators will promptly meet and consider Traffic Signal System control initiatives that will eliminate or mitigate the delay(s).

The City, at the option of the Director of Public Works, may contract with METRO for the operation and maintenance of the Traffic Signal System on one or more of the rail corridors. The contract shall be subject to City Council approval and appropriation of sufficient funds to pay the costs of such operation and maintenance.
9.4 **METRO Permit Review**

The City shall notify METRO of any construction, special event or other activity within the METRORail Safety Zone that requires any City permit for METRO's review and concurrence for any effect that such construction, special event or other activity may have on the operation of the Light Rail System including, but not limited to, building permits, sidewalk closures, street construction permits or lane closure permits. If the City grants any application for such a permit, the City shall require that the permit holder comply with METRO's Trackway Allocation Standard Operating Procedures.

**ARTICLE 10**

**LIMIT OF APPROPRIATION**

10.1 **Original and Supplemental Allocation**

The City's duty to pay money to METRO for any obligation under this Agreement is limited in its entirety by the provisions of this section.

10.1.1 In order to comply with Article II, Sections 19 and 19a of the City's Charter and Article XI, Section 5 of the Texas Constitution, the City has appropriated and allocated the sum of $0 (zero) to pay money due under this Agreement (the "Original Allocation"). The executive and legislative officers of the City, in their discretion, may allocate supplemental funds for this Agreement, but they are not obligated to do so. Therefore, the parties have agreed to the following procedures and remedies:

10.1.2 The City makes a Supplemental Allocation by issuing to Contractor a Service Release Order, or similar form approved by the City Controller, containing the language set out below. When necessary, the Supplemental Allocation shall be approved by motion or ordinance of City Council.

**NOTICE OF SUPPLEMENTAL ALLOCATION OF FUNDS**

By the signature below, the City Controller certifies that, upon the request of the responsible director, the supplemental sum set out below has been allocated for the purposes of the Agreement out of funds appropriated for this purpose by the City Council of the City of Houston. This supplemental allocation has been charged to such appropriation.

$__________

**ARTICLE 11**

**INSURANCE**

11.1 **METRO and METRO's Contractors Insurance**

The Insurance Program for the Project will include (1) insurance purchased by METRO under an Owner Controlled Insurance Program, and (2) insurance coverage provided by METRO Contractors (collectively "Project Insurance Program"). The Project Insurance
Program will include a requirement that each insurer providing coverage under the Project Insurance Program will name the City of Houston as an Additional Insured, excluding Workers' Compensation, Employer's Liability, Professional Liability and any other coverage which because of the type of coverage would preclude doing so. METRO shall timely provide the Director with copies of its Owner Controlled Insurance Program and of its Contractors' Project insurance Policies, if any.

The insurance program for the Operation and Maintenance of the Project Facilities ("O & M Phase") will consist of insurance provided by METRO and/or insurance provided by METRO’s O & M Contractor (collectively "O & M Insurance Program"). The O & M Insurance Program will name the City of Houston as an additional insured, excluding Worker’s Compensation, Employer’s Liability, Professional Liability and any other coverage which because of the type of coverage would preclude doing so. METRO’s O & M Insurance Program certificates will be submitted to the City prior to commencement of operations.

ARTICLE 12
INDEMNIFICATION

12.1 General Indemnification

EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH AND TO THE EXTENT AUTHORIZED BY LAW, METRO SHALL BE SOLELY RESPONSIBLE FOR, AND SHALL INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY FROM AND AGAINST ALL CLAIMS, DAMAGES, LAWSUITS, JUDGMENTS, COSTS, ATTORNEYS’ FEES AND EXPENSES, INCLUDING BUT NOT LIMITED TO, LOSSES OR DAMAGES TO METRO OR THE CITY, RELATED TO THE CONSTRUCTION OR OPERATION OF THE PROJECT AND ARISING OUT OF:

A. ANY ACTUAL OR ALLEGED NEGLIGENT OR INTENTIONAL ACT OR OMISSION OF METRO OR ITS CONTRACTORS OR ANY JOINT OR CONCURRENT NEGLIGENT ACT OR OMISSION OF THE CITY, ITS ELECTED OR APPOINTED OFFICIALS, OFFICERS, REPRESENTATIVES, OR EMPLOYEES, IN BOTH THEIR PUBLIC AND PRIVATE CAPACITIES (COLLECTIVELY, "THE CITY"), AND METRO OR ITS CONTRACTORS, AND/OR

B. THE CONSENT BY THE CITY TO THE IMPLEMENTATION, CONSTRUCTION AND/OR OPERATION OF THE PROJECT WITHIN CITY OF HOUSTON STREETS AS SET OUT IN THIS AGREEMENT AND/OR ANY OTHER CITY REAL OR TANGIBLE PERSONAL PROPERTY BY METRO, ITS OFFICERS, EMPLOYEES AND CONTRACTORS (COLLECTIVELY "METRO"); AND/OR

C. THE CONTRACT OR PROPERTY RIGHTS OF ABUTTING AND/OR ADJACENT LAND OWNERS AND/OR THEIR TENANTS
Notwithstanding the foregoing, METRO'S obligations shall not include indemnifying the City where damages or loss result from the actual sole negligent acts of the City or where the City is found by a court of competent jurisdiction to be grossly negligent and METRO is found not to be grossly negligent. The provisions of this paragraph are solely for the benefit of the City and METRO, and their indemnified officers and employees, and not intended to create or grant any rights, contractual or otherwise, to any other entity or person.

12.2 Street Abandonments and Indemnification

If required by the final Design of the Project and requested by METRO, the City agrees to initiate and pursue its usual procedures to address any mutually agreed-upon street right-of-way or public utility easement abandonment(s) within the time periods set forth in Attachment 2; PROVIDED, HOWEVER, THAT METRO SHALL FULLY DEFEND, INDEMNIFY AND HOLD HARMLESS THE CITY FOR ALL DAMAGES (DIRECT, CONSEQUENTIAL AND/OR INDIRECT), FINES AND PENALTIES, COSTS AND EXPENSES (INCLUDING BUT NOT LIMITED TO ATTORNEYS FEES, EXPERT WITNESS FEES, AND COURT COSTS), ARISING FROM OR IN ANY WAY RELATED TO ANY ACTION BY THE CITY TO ABANDON ANY STREET OR PUBLIC UTILITY EASEMENT AGREED TO BY THE PARTIES UNDER THIS PARAGRAPH, REGARDLESS OF ANY FAULT OR NEGLIGENCE (INCLUDING SOLE, JOINT OR CONCURRENT AND/OR GROSS NEGLIGENCE), OR INTENTIONAL OR UNINTENTIONAL CONDUCT ON THE PART OF THE CITY. FOR PURPOSES OF THIS SECTION, "CITY" SHALL INCLUDE ITS ELECTED OR APPOINTED OFFICIALS, OFFICERS OR EMPLOYEES (IN BOTH THEIR PUBLIC AND PRIVATE CAPACITIES), AGENTS, OR REPRESENTATIVES. NOTHING IN THIS SECTION SHALL BE DEEMED TO LIMIT OR ABROGATE THE INDEMNITY PROVIDED IN ARTICLE 12.1 OF THIS AGREEMENT REGARDING INDEMNIFICATION.

ARTICLE 13
TERMINATION OF PROJECT

13.1 Default

13.1.1 Except as otherwise provided herein, the City or METRO shall be deemed in default under this Agreement if the City or METRO in any material respect fails to perform, observe or comply with any of its covenants, agreements or obligations or breaches or violates any of its representations contained in this Agreement.

13.1.2 Before any failure of either the City or METRO shall be deemed to be a breach of this Agreement, the party claiming such failure shall notify, in writing, the party alleged to have failed to perform of the alleged failure and shall demand that the party cure the default within 30 days. If the allegedly failing party has not cured the default within 30 days, that party will be deemed to be in default of this Agreement, unless METRO and the City agree to extend the time for cure.
13.2 Dispute Resolution

In the event of dispute(s) regarding this Agreement, except dispute(s) involving City permitting or engineering standards under Article 3 or METRO transit facility engineering standards that do not conflict with City permitting or engineering standards, such dispute(s) may be referred in writing by METRO or the City to an arbitration panel. The arbitration panel will be comprised of three (3) members. One member of the arbitration panel will be selected by the City. One member of the arbitration panel will be selected by METRO. The third member of the arbitration panel, who will also serve as Chairperson, will be an independent party selected by METRO and the City. The arbitration panel will hear the dispute(s) in accordance with such reasonable procedures as it may establish, and will provide its written findings.

ARTICLE 14
TERM

14.1 Initial Term and Renewal

The initial term of this Agreement shall be from the date this Agreement is executed and delivered by both parties until December 31, 2020; and this Agreement shall thereafter be deemed automatically renewed for additional terms of one year each, unless not less than ninety days before the end of the then-current term of this Agreement, the governing body of METRO or the City acts to terminate this Agreement. The consent and permissions granted under Article 2 are irrevocable and shall survive any termination of this Agreement but only to the extent that they apply to actions taken under this Agreement.

ARTICLE 15
MISCELLANEOUS PROVISIONS

15.1 Maintenance of Records

The City and METRO shall maintain records to show actual time involved in accomplishment of the Project and the cost incurred for the period of time specified. To the extent applicable to the Project, the City shall cooperate in good faith with METRO and the Federal Transit Administration (FTA) to provide records in a form satisfactory to FTA. METRO shall take the lead for compliance with FTA requirements.

15.2 Audit and Inspection of Records

The City and METRO shall permit the authorized representatives of METRO, the United States Department of Transportation, and the Controller General of the United States to inspect and audit all data and records of the City relating to its performance under the Agreement. METRO shall be responsible for all auditing costs.
15.3 Documents

All records, reports, data, documents, systems, and concepts, whether in form of writings, figures, graphs, or models, which are prepared or developed in connection with this Project, shall be the property of METRO, unless otherwise provided herein. Nothing herein shall prevent METRO from retaining original design drawings and documents and providing reproducible copies to the City.

15.4 Notices

Any notices required or permitted to be given under the terms of this Agreement shall be in writing and shall be deemed to be given as of the time of hand delivery to the addresses set forth below, or five (5) days after deposit in the United States mail, postage prepaid, by registered or certified mail, return receipt requested, addressed as follows:

To METRO: Metropolitan Transit Authority of Harris County, Texas
1900 Main Street
Houston, Texas 77002
Attn: ____________________ Project Director

The City: City of Houston
611 Walker St., 5th Floor, Annex
Houston, Texas 77002
Attn: ____________________, City Project Coordinator

15.5 Waiver

The failure of any party at any time or times to require performance of any provision hereof shall in no manner affect the right at a later time to enforce the same. No waiver by any party of any condition, or of any breach of any term, covenant, representation, or warranty contained herein, in any one or more instances, shall be deemed to be or construed as a further or continuing waiver of any such condition or breach of waiver of any other condition or of any breach of any other term, covenant, representation or warranty.

15.6 Severability

In the event that any portion hereof is determined to be illegal or unenforceable, such determination shall not affect the validity or enforceability of the remaining provisions hereof, all of which shall remain in full force and effect.

15.7 Entire Agreement; Modification

This Agreement contains the entire agreement of the parties with respect to the matters addressed herein. This Agreement may not be amended, modified, superseded or canceled, nor may any of the terms, covenants, representations, warranties or conditions hereof be waived, except by a written instrument executed by the party against which such amendment, modification, supersedeure, cancellation or waiver is to be charged.
15.8 **Force Majeure**

Neither party shall be held liable for any loss or damage due to delay or failure in performance of any part of this Agreement from any cause beyond its control and without its fault or negligence, such causes may include acts of God, acts of civil or military authority, government regulations (except those promulgated by the party seeking the benefit of this section), embargoes, epidemics, war, terrorist acts, riots, insurrections, fires, explosions, earthquakes, nuclear accidents, floods, strikes, power blackouts, other major environmental disturbances or unusually severe weather conditions.

15.9 **Non-Assignment**

METRO shall not assign any of its rights and duties under this Agreement without the prior consent of City Council; provided, however, that METRO shall have the right to the extent permitted by law, to take actions required by it under this Agreement and otherwise construct, operate and maintain the Project by using contractors, subcontractors and agents designated by METRO.

15.10 **Governing Law and Venue**

This Agreement shall be constructed and entered in accordance with the laws of the State of Texas. Any legal action to enforce the terms of this Agreement shall be brought in Harris County, Texas.

15.11 **No Third Party Beneficiaries**

This Agreement is between METRO and the City, both governmental bodies. There are no third party beneficiaries to this Agreement and no expressed or implied third party beneficiary status that gives rise to any cause of action or standing for any one other than METRO and the City.

15.12 **Headings**

Headings and captions contained herein are inserted for convenience and of reference only, and are not to be deemed part of or to be used in constructing this Agreement.

15.13 **Survival**

METRO shall remain obligated to the City and the City shall remain obligated to METRO under all clauses of this Agreement that expressly or by their nature extend beyond the expiration or termination of this Agreement, including but not limited to, the indemnity provision.

**IN WITNESS WHEREOF,** the parties have caused this Agreement to be executed as of the date first written above.

*(Signature page follows)*
IN TESTIMONY OF WHICH, this Agreement, in duplicate originals, each having equal force has been executed on behalf of the parties hereto as follows, to wit:

a. It has on the __ day of __________, 2008, been executed on behalf of the City by the Mayor of the City of Houston pursuant to an ordinance of the City Council authorizing such execution.

b. It has on the 26 day of June, 2008, been executed on behalf of METRO by its President and Chief Executive Officer and attested by its Assistant Secretary, pursuant to the Resolution of its Board of Directors authorizing such execution.

CITY OF HOUSTON, TEXAS

By: Hon. Bill White
   Mayor

METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS

By: Frank J. Wilson
   President and Chief Executive Officer

ATTEST:

By:
   City Secretary

Executed for and on behalf of the Metropolitan Transit Authority pursuant to Resolution No. ___, the Board of Directors passed on the 26th day of June, 2008, and on file in the office of Assistant Secretary of METRO.

APPROVED:

Director of the Department of Public Works and Engineering

APPROVED AS TO FORM:

Sr. Assistant City Attorney

COUNTERSIGNED:

City Controller

DATE COUNTERSIGNED: ____________

APPROVED AS TO FORM:

Vice President
Planning, Engineering and Construction

General Counsel

Chief Financial Officer
ATTACHMENT 1

CITY DESIGN REQUIREMENTS AND CRITERIA

Design Requirements and Criteria (as may be amended from time to time by agreement of the Parties)

- 2006 City of Houston Building Code
- City of Houston Infrastructure Design Manual (July 28, 2006)
- (Project) Basis of Design Report
- Manual for Railway Engineering — AREMA
- Institute of Electrical and Electronic Engineers — IEEE
- American Society of Civil Engineers — ASCE
- American Society of Heating, Refrigeration, and Air Conditioning Engineers - ASHRAE
- National Electric Code — NEC
- National Fire Protection Association - NFPA
- National Transportation Safety Code — NTSC
- Occupational Safety and Health Administration — OSHA
- APTA Recommended practices and guidelines for Vehicle Procurement and System Safety
- A Policy on Geometric Design of Highways and Streets — AASHTO
- Highway Capacity Manual — ITE
- Manual on Uniform Traffic Control Devices (MUTCD)
- TCRP Report 57, Track Design Handbook for Light Rail Transit — TCRP
- Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines (ADAAG)
- Texas Department of Transportation (TxDOT) Highway and Roadway Design Standards
• METRO’s Corrosion Control Criteria as approved by the parties and on file in the office of the Director.

**METRO Design Requirements and Criteria** *(the following are informational only; the City shall not certify METRO’s compliance with the following METRO Standards.)*

• METRO Design Principles
• METRO Architectural Standards for Park-Ride Lots and Transit Centers
• METRO Design Criteria Manual, Rev. 0, 02/07
• METRO Urban Design Guidelines 07/25/89
• METRO Solutions CADD Standards Manual 06/02/06
• METRO Safety and Security Certification Plan
• METRO System Safety & Security Program Plan
• METRO System Safety & Security Management Plan
• METRO Quality Assurance Requirements, Rev. 2, 05/01/07
• METRO Crime Prevention Through Environmental Design (CPTED) 1996

Other applicable standards to be determined by METRO's contractor and included in the Basis of Design Report. (METRO's contractor shall, at a minimum, investigate the requirements of TxDOT, City of Houston, Harris County Flood District, Texas Department of Licensing and Regulation, Federal Transit Administration and the United States (US) Army Corps of Engineers in determination of the appropriate codes, standards and order of precedence to be used on the project.)
ATTACHMENT 2

CITY REVIEW TIME COMMITMENTS AND COORDINATING REQUIREMENTS
Review Response for COH Acknowledgement of Compliance

ROW Improvements

<table>
<thead>
<tr>
<th>Size of Submission</th>
<th>Extent of ROW</th>
<th>Underground Utilities (Water &amp; WW)</th>
<th>Parking and Drainage (Including behind the curb)</th>
<th>Proposed Transit Facility’s Corrosive Protection</th>
<th>Facilities Outside of the Public ROW</th>
<th>Traffic Control System</th>
<th>Building Code Review</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small</td>
<td>One Block Area</td>
<td>15</td>
<td>10</td>
<td>10</td>
<td>15</td>
<td>10</td>
<td>1114</td>
<td>10</td>
</tr>
<tr>
<td>Medium</td>
<td>3,000 ft</td>
<td>15</td>
<td>15</td>
<td>N/A</td>
<td>15</td>
<td>N/A</td>
<td>1114</td>
<td>15</td>
</tr>
<tr>
<td>Large</td>
<td>Greater than 3,000 ft</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>N/A</td>
<td>20</td>
<td>1114</td>
<td>20</td>
</tr>
</tbody>
</table>

Note: - The timelines reflected are working days. Based on submissions meeting COH graphic standards. If multiple types of submissions are combined, review may be run concurrently, to an extent. - Intermodal Terminal is considered a Large submission.

Building Code Process

Code Enforcement: CRP (Collaborative Review process).

Large Segments: Electronic plan submittals must be accomplished through a third party contractor, as we currently have no e-review capabilities and must include sufficient plan sets for simultaneous review by all applicable reviewing groups. The initial submittal plan review would be completed within 10 business days or less (assuming pre-defined milestones are met). The plan will then be released with notices of necessary corrections. Within 3 business days, a collaborative review meeting will be held. If METRO records any design change professional, they will be on the table to issue necessary plan changes for immediate review. An acknowledgement of compliance will be issued at meeting conclusion. The total City time (including notification) is 14 business days, and is the "out period" for METRO correction before the CRP meeting.

Small Segments: The process outlined above would apply, except that the initial review period would be 5 business days or less, reducing total City time to 9 business days. Further improvements (with only 10-20% of plan changes) can be reviewed together from a master plan. Subsequent submissions of plan differences only for a further, but undefined, small section of City time.

Inspection: All inspections will be accomplished as soon as they are due, generally within the next business day following the call for inspection by METRO. Substantive changes to the plans previously acknowledged as compliant and necessitated by unforeseen and existing field conditions may require an additional submittal and review.

Coordinating Requirements

The activities listed are a baseline. METRO needs to note if there are activities which their contractor will need that are not listed, as well as note which activities METRO delegates to the City to streamline in order to support the METRO Solutions Project.

<table>
<thead>
<tr>
<th>Activities Requiring Coordination</th>
<th>Reference</th>
<th>Standard Lead Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Abandonment</td>
<td>JRC Procedure</td>
<td>90</td>
</tr>
<tr>
<td>Roadway Obstruction (Lane Closures)</td>
<td>COH Ordinance, Ch. 44</td>
<td>5</td>
</tr>
<tr>
<td>Street Cut</td>
<td>COH Ordinance</td>
<td>2</td>
</tr>
<tr>
<td>Sidewalk Impairment (CDI)</td>
<td>COH Ordinance</td>
<td>5</td>
</tr>
<tr>
<td>Parking Meter Hinging / Removal</td>
<td>COH Ordinance</td>
<td>5</td>
</tr>
<tr>
<td>Pressure Testing</td>
<td>COH Spec. 02515</td>
<td>3</td>
</tr>
<tr>
<td>Chlorination</td>
<td>COH Spec. 02514</td>
<td>3</td>
</tr>
<tr>
<td>Bacterial Testing</td>
<td>COH Spec. 02514</td>
<td>3</td>
</tr>
<tr>
<td>Valve Assistance</td>
<td>COH Spec. 01732</td>
<td>2</td>
</tr>
<tr>
<td>Taps and Meters</td>
<td>COH Ordinance</td>
<td>15</td>
</tr>
<tr>
<td>Wastewater Capacity Reservation</td>
<td>ECD Procedure</td>
<td>15</td>
</tr>
<tr>
<td>Tree Removal / Damage</td>
<td>COH Ordinance</td>
<td>10</td>
</tr>
<tr>
<td>Substantial Completion / Final Inspection</td>
<td>COH Division 1</td>
<td>30</td>
</tr>
</tbody>
</table>

Building Code Inspections: Lead time of 1 Working Day

Structural, Electrical, Mechanical (HVAC), Plumbing, Occupancy, Multi-Discipline, and Demolition
ATTACHMENT 3
METRO SOLUTIONS PLAN
ATTACHMENT 4

COMPREHENSIVE CITY CODE COMPLIANCE CERTIFICATE

THE ATTACHED PLANS FOR ____________________________.
CONSISTING OF ___ PAGES HAVE BEEN REVIEWED AND FOUND COMPLIANT WITH THE CITY DESIGN STANDARDS SET OUT IN CONTRACT NO. ________ BETWEEN THE CITY OF HOUSTON AND METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY (“METRO”).

METRO OR ITS CONTRACTOR MUST OBTAIN ALL CITY PERMITS REQUIRED FOR CONSTRUCTION OF THE PROPERTY COVERED BY THESE PLANS.

___________________________________________________________________________________________________________________________________________________________________________________________________________

Water ________________________________________________________________________ Contractor ______________________________________________________________________

Wastewater ____________________________________________________________________ Signs ______________________________________________________________________

Storm Water ____________________________________________________________________ Traffic and Transportation ______________________________________________________________________

Street and Bridge __________________________________________________________________________ Park – Forestry Department ______________________________________________________________________

City Engineer __________________________ Date __________________________ Director of PW &E __________________________ Date __________________________

L:\CONTRACT\2008\metro\consent\Consent Final1.doc

June 23, 2008
ATTACHMENT 5
CITY FINAL INSPECTION PROCEDURES
FINAL INSPECTION AND ACCEPTANCE

Complete Construction of Project / Stage / Phase

Submit Pre- & Post-TV Inspection (Sanitary and Storm)

Set Inspection date for ROW

SUBSTANTIAL COMPLETION INSPECTION (Joint METRO and City): Inspect project for code and drawing compliance

Deficiencies noted?

Yes

1. Provide punchlist to METRO within 7 days.
2. Correct punchlist items.

No

FINAL INSPECTION (Joint METRO and City)

Deficiencies noted?

Yes

1. Provide punchlist to METRO within 7 days.
2. Correct punchlist items.

No

METRO will provide As-Buils to the City.

Issue Final Acceptance by City

City resumes maintenance of City Facilities within and impacted by the project
August 29, 2008

Mr. Timothy Lidiak
Regional Administrator
Federal Transit Administration, Region VI
819 Taylor Street, Suite 8A36
Fort Worth, Texas 76102

RE: LPA revision for the University Corridor

Dear Mr. Lidiak,

I have enclosed a draft of the technical memorandum requested by you in your email dated August 5, 2008. This technical memorandum summarizes the anticipated impacts of the July 2008 alignment revision to the Locally Preferred Alternative (LPA) for the METRO University Corridor. This memorandum provides brief information on the project, potential environmental issues, public involvement, and associated public comments.

As you are aware, METRO is pursuing a very aggressive schedule to complete the necessary environmental documentation and achieve a Record of Decision. We would appreciate your assistance in prompt review and decision about the environmental documentation necessary for this change to be incorporated in the Final EIS. My staff stands by to respond to any comments quickly to keep the project on schedule.

Please feel free to call me at (713) 652-4365 if you have any questions.

Sincerely,

Kimberly Slaughter,
Associate Vice President of Planning/METRO

Cc: Robert Patrick, Regional Administrator, Region VI/FTA
    Brian Jackson, TPE-21, FTA Headquarters/FTA
    John Sediak, Executive Vice President / METRO
    Bryan Pennington, Senior Vice President, Engineering & Construction / METRO
    John Haley, Vice President, Infrastructure & Service Development / METRO
The purpose of this technical memorandum is to summarize the anticipated impacts of the July 2006 alignment revision to the Locally Preferred Alternative (LPA) for the METRO University Corridor. This memorandum provides brief information on the project, potential environmental issues, and public involvement and comments.

**Project Background**
Based on the analysis in the July 2007 University Corridor Draft Environmental Impact Statement (DEIS) and public and agency comments received on the document, the METRO Board of Directors selected a LPA technology and alignment in October 2007. The METRO Board of Directors selected the Light Rail Transit (LRT) Alternative with an alignment consisting of Richmond/Westpark (Cummins) on the west (Segments I and II) paired with a combination of Wheeler (Ennis/Alabama/University of Houston (UH)) and Wheeler (Ennis/Elgin/Eastwood Transit Center) in Segment III (see Figure 1). The LPA selected would result in the highest ridership and provide good service to the Hillcroft Transit Center, Houston Community College – West Loop Center, Greenway Plaza, the University of St. Thomas, Texas Southern University (TSU), Yates High School, CuneY Homes, the UH – Main Campus, and Eastwood Transit Center.
Since the adoption of the LPA at the end of the DEIS process, METRO has continued to meet and coordinate with stakeholders all along the alignment while the design was being advanced. Continuing dialogue with the stakeholders produced no changes to the LPA in Segments I and II.

Within Segment III, a particular area of community concern was the Wheeler Street alignment within the Washington Terrace neighborhood. Several members of this community expressed concerns about noise, access, safety, and parking impacts along Wheeler Street east of SH 288. This segment of Wheeler Street is predominately a single-family residential area.

In response to the concerns expressed by the Washington Terrace community, METRO convened a series of community workshops to develop and evaluate alternative alignments along side the previously adopted LPA. Invitations to participate in the workshops were extended to elected officials, area residents, local community leaders, Washington Terrace Civic Club leadership, the University of Houston, and Texas Southern University. METRO provided staff and consultant resources to address the concerns and issues expressed by the participants in the workshops.

A series of four workshops were conducted (June 24th, July 9th, July 17th, and July 22nd). The workshops typically lasted 2-3 hours. Opportunity was provided for all participants to air their issues and concerns. Workshop participants proposed alternative alignments and METRO staff and consultants developed technical information on the costs, ridership, and potential environmental impacts of those alternatives. The results of the analyses were brought back to the participants at the subsequent workshop for discussion and refinement of the alternatives under consideration. At the final workshop on July 22, 2008, the participants reached consensus on an alignment that the community judged would be preferable to the Wheeler Street alignment in the LPA.

In July 2008, at the request of staff that had been working with the Washington Terrace community, the METRO Board of Directors revised the LPA in Segment III of the alignment. Segments I and II of the LPA alignment (west of Wheeler Station) remained unchanged. The revised LPA alignment will continue from the existing Wheeler Station along Wheeler Street, to just east of SH 288, then turn north onto Hutchins Street, turn east onto Cleburne Street, turn north onto Dowling Street, and then turn east onto Alabama Street. The alignment then proceeds to the UH-Main Campus, and turns north onto Scott Street. Figure 2 shows the alignment adopted in October 2007 and the revised LPA alignment that was adopted in July 2008 as a result of community input.
Potential Environmental Issues
The July 2007 DEIS studied alignments along both Wheeler and Alabama Streets. The new section of the revised LPA alignment that was not covered in the DEIS is approximately 2,100 feet in length along Hutchins, Cleburne, and Dowling Streets. The section on Alabama Street between Dowling and Ennis was studied in the DEIS. (see Figure 2). Below is a summary of the potential environmental impacts anticipated for the new section of the LPA.

- Right-of-Way/Displacements: The revised LPA alignment has been adopted to reduce residential and commercial displacements. The alignment revision between Wheeler and Alabama Streets would require the partial acquisition of six parcels, five of which are vacant. The revised LPA alignment would not separate or isolate any community or neighborhood, nor disproportionately impact environmental justice or limited English proficient populations.

- Cultural Resources: The July 2008 LPA alignment would traverse the potential Third Ward Historic District, but would not impact any structures listed or eligible for listing on the National Register of Historic Places. The LPA uses street right-of-way to minimize property acquisitions. Of the six parcels from which right-of-way would be acquired, only one has a structure. This parcel was previously surveyed and was not found to be historic or contributing to a historic district. Historic surveys will be coordinated with the Texas Historical Commission (THC) and would be conducted prior to submittal of the FEIS.

- Noise and Vibration: The land use along Hutchins Street includes predominately vacant/undeveloped land with some single-family residences. Along Cleburne and Dowling Streets, the land uses include a mixture of single-family, commercial, and vacant land. It is
anticipated that noise and vibration impacts from the alignment shift would be similar to the impacts described in the July 2007 DEIS. A noise and vibration analysis will be included in the FEIS.

- Transportation Impacts: Hutchins and Cleburne Streets have 80 feet of right-of-way with one-lane in each direction and allows for on-street parking. Dowling Street has 80 feet of right-of-way with two lanes in each direction and no on-street parking. It is estimated that the alignment shift will include five additional intersections that will require traffic signals. Hutchins, Cleburne, and Dowling Streets have lower traffic volumes than Wheeler and Alabama Streets; therefore, minimal to no traffic impacts are anticipated.

No parklands or water resources (floodplains or wetlands) would be impacted. Table 1 summarizes and compares impacts between the July 2008 LPA alignment and the Alabama Street and Wheeler Street alignments studied in the July 2007 DEIS.

<table>
<thead>
<tr>
<th>Table 1. Segment III (Main Street to Scott Street) – Summary of Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use</strong></td>
</tr>
<tr>
<td>Compatible with Local Plans</td>
</tr>
<tr>
<td>Acres of Land Needed for Right-of-Way</td>
</tr>
<tr>
<td><strong>Property Acquisition (Number of Parcels)</strong></td>
</tr>
<tr>
<td>Businesses</td>
</tr>
<tr>
<td>Residential</td>
</tr>
<tr>
<td>Other (i.e., government, religious, vacant)</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td><strong>Number of Displacements</strong></td>
</tr>
<tr>
<td>Businesses</td>
</tr>
<tr>
<td>Residential</td>
</tr>
<tr>
<td>Other (i.e., government, religious)</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td><strong>Historic and Archeological Resources</strong></td>
</tr>
<tr>
<td>Historical Sites Adversely Affected</td>
</tr>
<tr>
<td>Potential Historic Districts/Contributing Structures Adversely Affected</td>
</tr>
<tr>
<td>Archeological Sites Adversely Affected</td>
</tr>
<tr>
<td><strong>Biotu and Habitat</strong></td>
</tr>
<tr>
<td>Number of Trees Removed</td>
</tr>
<tr>
<td><strong>Noise/Vibration</strong></td>
</tr>
<tr>
<td>Residential Impacts</td>
</tr>
<tr>
<td><strong>Construction Impacts</strong></td>
</tr>
<tr>
<td>Length (miles)</td>
</tr>
<tr>
<td>Number of Stations</td>
</tr>
<tr>
<td>Ridership</td>
</tr>
<tr>
<td>Capital Cost</td>
</tr>
</tbody>
</table>

* Based on information from the July 2007 University DEIS
** Preliminary assessment, a detailed assessment will be included in the FEIS.

**Public Involvement and Comments**
The community overwhelmingly requested moving the alignment from Wheeler Street between SH 288 and Ennis Street. During the development of the revised LPA, METRO held 16 meetings with east side residents, stakeholders, and elected officials. This includes the four
workshops. The consensus at the end of the public involvement process was in support of the revised LPA.

**Conclusion**

Based on this information, the impacts of the revised LPA alignment shift are not expected to be unique or controversial. The impacts are at the level that can be adequately addressed in the FEIS, with no need for supplemental NEPA documentation. Your concurrence is requested that the proposed LPA revision be incorporated into the University Corridor FEIS.

Concur: ________________________________  ________________________________
Federal Transit Administration  Date
September 24, 2008

Ms. Elizabeth Butman  
Texas Historical Commission  
P.O. Box 12276  
Austin, TX 78711-2276

RE: Metropolitan Transit Authority of Harris County – Proposed University Corridor transit improvements

Dear Ms. Butman,

In accordance with 36 CFR 800, METRO is continuing Section 106 coordination for the above referenced project, which will be carried out with federal funding. Previous coordination efforts consisted of reconnaissance-level survey of historic-age properties within the project’s Area of Potential Effects (APE) and determinations regarding National Register of Historic Places (NRHP) eligibility. We received your letter dated June 12, 2007 concerning with the determinations.

Subsequent to the THC’s review and concurrence with the Historic Resources Survey Report, the alignment of the Locally Preferred Alternative (LPA) was modified, altering the APE and the inventory of historic-age properties potentially affected by the project. The modified alignment added 29 historic-age resources to the APE and eliminated 117. In addition, six other historic-age resources, which are not included in the original reconnaissance-level survey inventory, have also been added. Of these six properties, one was determined to be individually eligible by the THC through their review and approval of the African-American Heritage of the Third Ward Multiple Property Submission, and one is recommended eligible.

- Cuney Homes (Site 723), bounded by Tierwester Street, Cleburne Street, Briley Street, Truxillo Street, Burkett Street, and Winbern Street, 1938, determined eligible by THC under Criterion A.
- Jack Yates Senior High School (Site 728), 3703 Sampson Street, 1958, recommended eligible under Criterion A.

The other four properties (Sites 724-727), are not individually eligible, but are considered contributing resources to the Third Ward West Historic District. The 29 properties added to the APE due to the modified LPA are also not individually eligible, but are considered contributing to the Third Ward South and Third Ward West Historic Districts.
Ms. Elizabeth Butman  
September 25, 2008  
Page 2

We are requesting agency review regarding the eligibility of the 34 properties that have been added to the inventory and for which eligibility has not yet been determined. We are also requesting review of the determination of effects for all of the properties along the LPA, including these newly added properties. All of this information is included in the attached Draft Determination of Effects Report for the University Corridor.

In addition to the non-archeological historic properties, we are also transmitting a letter documenting the potential effects to archeological resources within the corridor and request your review of that information as well. If you have any questions, or if you need additional information, please feel free to contact me at (713) 739-6836.

Sincerely,

Rhonda Boyer  
METRO Environmental Planning
October 27, 2003

Mr. Don L. Klima
Office of Planning and Review
Advisory Council on Historic Preservation
The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

Subject: University Corridor Memorandum of Agreement between the Federal Transit Administration, the Texas Historical Commission, and the Metropolitan Transit Authority - Houston, Texas

Dear Mr. Klima:

The Metropolitan Transit Authority of Harris County (METRO) and the Federal Transit Administration (FTA) are in the process of finalizing Environmental Impact Statement (EIS) for proposed University Corridor Light Rail Transit (LRT) project in Houston, Texas. The proposed project is part of the METRO Solutions Plan for improving transit in Houston, Texas. For reference, the Draft EIS is posted on METRO’S website at www.ridemetro.org.

The EIS is being prepared for FTA by METRO pursuant to the National Environmental Policy Act (NEPA). The NEPA documents assess a wide range of concerns, including impacts on the social, economic, and ecological environment and to cultural resources, such as historic buildings or archaeological sites.

FTA has designated the responsibility for carrying out its responsibilities under Section 106 of the National Historic Preservation Act to METRO. Cultural resources studies have been conducted and ongoing coordination has taken place with the Texas Historical Commission (THC). In-depth cultural resources studies have indicated that the proposed projects have the potential to adversely impact National Register (NRHP) listed or eligible resources under Section 106.

By this letter, METRO is notifying your agency that we are initiating a Memorandum of Agreement process with the THC to mitigate the impact the project may have on identified cultural resources. Please inform METRO of the level of participation desired by the Advisory Council in the Section 106 Consultation process for these projects.

Sincerely,

Rhonda Boyer
Environmental Planning

cc: Kim Slaughter, Vice President, Capital & Environmental Planning/METRO
Tim Lidiak, Community Planner/FTA Region V
Elizabeth Butman, Project Reviewer/Texas Historical Commission
October 30, 2008

Ms. Rhonda Boyer
Environmental Planning
Metropolitan Transit Authority
P.O. Box 61429
Houston, TX 77208-1429

Re: Federal Transit Administration funding for University Corridor Project
Houston, Harris County, Texas

Dear Ms. Boyer:

On October 28, 2008, the Advisory Council on Historic Preservation (AHP) received your letter notifying the AHP that the Metropolitan Transit Authority of Harris County (METRO) and the Federal Transit Administration (FTA) will develop a Memorandum of Agreement (MOA) to resolve adverse effects from the referenced undertaking. We understand this letter to be your notification to AHP of an adverse effect in accordance with 36 CFR §800.6(a)(1) of our regulations, "Protection of Historic Properties" (36 CFR Part 800).

The documentation included with your submission does not meet the specifications in Section 800.11(e) of the AHP's regulations. We, therefore, are unable to determine whether Appendix A of the regulations, Criteria for Council Involvement in Reviewing Individual Section 106 Cases, applies to this undertaking. AHP received a copy of the DEIS in July 2007. We request that FTA provide updated information about the effects of the undertaking on historic properties, including the following:

- A description of the undertaking's effects on historic properties;
- An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects;
- An evaluation of other measures considered, but rejected, to avoid or minimize the undertaking's adverse effects; and
- Copies or summaries of any views provided by consulting parties, the public, and the Texas State Historic Preservation Officer.
Upon receipt of the additional information from FTA, we will notify the federal agency within 15 days of our decision.

If you have any questions or would like to discuss this matter, please contact Blythe Semmer by telephone at (202) 606-8552 or by e-mail at bsemmer@achp.gov.

Sincerely,

[Signature]
Charlene Dwin Vaughn, AICP
Assistant Director
Office of Federal Agency Programs
Federal Permitting, Licensing, and Assistance Section
December 1, 2008

Mr. Robert C. Patrick
Regional Administrator
Federal Transit Administration
Region VI
819 Taylor Street, Suite 8A36
Fort Worth, TX 76102

REF: Proposed University Corridor Project
Houston, Harris County, Texas

Dear Mr. Patrick:

The Advisory Council on Historic Preservation (ACHP) recently received the additional information in support of your notification regarding the adverse effects of the referenced project on properties listed on and eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, Criteria for Council Involvement in Reviewing Individual Section 106 Cases, of our regulations, “Protection of Historic Properties” (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Texas SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions, please contact Blythe Semmer at 202-606-8582, or via email at bsemmer@achp.gov.

Sincerely,

Raymond V. Wallace
Historic Preservation Technician
Office of Federal Agency Programs
December 12, 2008

Ms. Rhonda Boyer, Manager
Environmental Planning
Metropolitan Transit Authority (METRO)
1900 Main
P.O. Box 61429
Houston, TX 77208-1429

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, Review of the Final Determination of Effects Report for the Proposed University Corridor Project, Houston, Harris County (FTA)

Dear Ms. Boyer,

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Elizabeth Butman, has completed its review of the final determination of effects report for the University Corridor, received November 19, 2008. Based on this material:

1. We concur with the eligibility determinations for the 35 newly surveyed resources, as listed in Table 1 and Appendix A.

2. We concur that the proposed undertaking will have an ADVERSE EFFECT upon the properties found in Table 2, page 10 of the report, which are eligible for NRHP listing as contributing members of the Third Ward West Historic District.

3. We concur with your anticipation that the undertaking will have NO ADVERSE EFFECT upon the remaining NRHP listed, eligible, and contributing properties located within the APE, found in Table 3, page 10 of the report.

We look forward to finalizing the Memorandum of Agreement (MOA) for this project. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review or if we can be of further assistance, please contact Elizabeth Butman at 512/463-7687.

Sincerely,

[Signature]

A. Elizabeth Butman, Project Reviewer
For: F. Lawerence Oaks, State Historic Preservation Officer

FLO/eb

Cc: Randy Pace, Historic Preservation Officer, City of Houston
    Patrick Van Pelt, Chair, Harris County Historical Commission
January 29, 2009

Ms. Bridgette J. Towns, P.E.
Project Director
Metropolitan Transit Authority of Harris County
1900 Main Street
Houston, Texas 77208

RE: METRO Solutions University Corridor Final EIS

Dear Ms. Towns:

This letter is prepared in response to Comment No. 18 in the Federal Transit Administration Comments to the University Corridor Final Environmental Impact Statement.

Attached, you will find a drawing titled “Floodplain Vicinity Map” which shows the proposed corridor alignment and floodplain within the general vicinity of the proposed project. The proposed corridor does not lie within the boundaries of the regulatory (100-year) floodplain, and therefore the development is not subject to regulation under Chapter 19, Floodplain, of the City of Houston Code of Ordinances. No floodplain development permit will be required for construction in this location.

Please contact me at (713) 837-0724 if you have any questions or require any further information.

Sincerely,

Mark L. Lothen, P.E.
City Engineer
Floodplain Administrator

January 29, 2009

Ms. Bridgette J. Towns, P.E.
Project Director
Metropolitan Transit Authority of Harris County
1900 Main Street
Houston, Texas 77208

RE: METRO Solutions University Corridor Final EIS

Dear Ms. Towns:
January 27, 2009

Mr. Mark Loethen PE
City of Houston
611 Walker, 19th Floor
Houston, Texas 77002

Subject: METRO Solutions University Corridor Final Environmental Impact Statement (FEIS)

Dear Mr. Loethen,

TCB Transit has been requested by the Metropolitan Transit Authority of Harris County (METRO) to coordinate with the City of Houston Floodplain Administrator to address a comment made to the subject document.

FEMA, through the FTA, has requested that METRO coordinate with the COH floodplain administrator to determine if a floodplain permit is required for this project.

We have prepared an exhibit illustrating the project area with floodplain limits in the general vicinity. As you can see, the proposed corridor does not lie within the boundaries of the regulatory (100-year) floodplain. We request that you send a letter to METRO stating that a floodplain development permit is not required.

Please contact me (713-267-2748) if you have any questions or need additional information.

Sincerely,

John I. Taylor
Project Manager

Mr. Mark Loethen PE
City of Houston
611 Walker, 19th Floor
Houston, Texas 77002

Subject: METRO Solutions University Corridor Final Environmental Impact Statement (FEIS)

Dear Mr. Loethen,

TCB Transit has been requested by the Metropolitan Transit Authority of Harris County (METRO) to coordinate with the City of Houston Floodplain Administrator to address a comment made to the subject document.
<table>
<thead>
<tr>
<th>Section/Page changed</th>
<th>Department Responsible</th>
<th>Action</th>
<th>METRO response/FEIS Change</th>
<th>Contact</th>
<th>Due Date</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix D</td>
<td>Engineering</td>
<td>TRIO must consult for determination. There seems to be correspondence to Appendix D.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appendix D</td>
<td>Engineering</td>
<td>Agree to Cooperation letter with CTD</td>
<td>John von Briesen</td>
<td>7/31/2000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE TEXAS STATE HISTORIC PRESERVATION OFFICER, AND
METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS,
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO CFR § 800.6(b)(1) (iv)
REGARDING THE UNIVERSITYCORRIDOR FIXED GUIDEWAY PROJECT IN
HOUSTON, TEXAS
December, 2008

WHEREAS, the U.S. Department of Transportation, Federal Transit Administration (FTA), is
considering a grant application for financial assistance to the Metropolitan Transit Authority of
Harris County (METRO), a regional transit authority organized under the laws of the State of
Texas, for the construction of University Corridor Fixed Guideway Project (University Corridor
or Project), which is located in Houston, Texas; and

WHEREAS, the University Corridor consists of the construction of a east-west Light Rail
Transit (LRT) project extending approximately 11.3 miles east from the Hillcroft Transit Center
to the Eastwood Transit Center within the City of Houston, Harris County, Texas. A more
detailed description of the University Corridor alignment is set forth in Attachment A to this
Agreement; and

WHEREAS, the Texas State Historic Preservation Officer (SHPO) is authorized to enter in this
Agreement in order to fulfill its role of advising and assisting Federal agencies in carrying out
their Section 106 responsibilities under the following Federal statute: Section 101 and 106 of the
National Historic Preservation Act of 1966, as amended, 16 USC § 470(f), and pursuant to 36
CFR Part 800, regulations implementing Section 106 at § § 800.2(c)(1)(i) and 800.6(b); and

WHEREAS, the FTA and METRO have established the University Corridor’s Area of Potential
Effects (APE), as defined at 36 CFR § 800.16(d), and identified in the Determination of Effects
Report dated June 12, 2006 and Final Determination of Effects Report dated December 12, 2008,
to be the designated area shown in Attachment B; and

WHEREAS, the FTA and METRO, in consultation with the SHPO, have determined that
various properties located within the APE for the University Corridor are considered eligible for
listing in the National Register of Historic Places, either individually or as contributing elements
of a historic district, pursuant to 36 CFR § 800.4(c) prior to commencement of the undertaking;
and

WHEREAS, the FTA and METRO, in consultation with the SHPO, have determined that the
construction of the University Corridor will have an effect on historic properties within the
boundaries of the University Corridor APE; and have consulted with the SHPO pursuant to 36
CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act,
(16 USC § 470(f)); and
WHEREAS, the FTA and METRO, in consultation with the SHPO, have determined that the University Corridor alignment set out in Attachment A will have an adverse effect on the historic properties listed in the Final Determination of Effects Report dated December 12, 2008, shown in Attachment C, and further, whereas the Parties have developed measures outlined in the Stipulations below to reduce or mitigate the identified adverse effects of the University Corridor pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act, as amended (16 USC § 470); and

WHEREAS, METRO has compiled a Multiple Property Submittal documentation package entitled “The African-American Heritage of the Third Ward”; and

WHEREAS, METRO has contacted several Indian Tribes whose traditional lands may be affected and received a response only from the Comanche Nation that indicated that they had no immediate concerns or issues regarding the project; and

WHEREAS, METRO has contacted the City of Houston Historic Preservation Officer who participated in the development of the Project; and

WHEREAS, METRO has notified the Advisory Council on Historic Preservation (Council) that the Project will have an adverse effect, and the Council has chosen not to participate in the Section 106 consultation; and

WHEREAS, the FTA and METRO have coordinated and consulted with the public and agencies in accordance with 36 CFR § 800.8(c)(iv) including inviting public comment on the Draft Environmental Impact Statements and Section 4(f) Evaluation for the Project; and

WHEREAS, METRO has participated with the FTA in the consultation with the SHPO and has been invited to concur in the Memorandum of Agreement to reflect its commitment to the measures described in this Agreement and to its obligations in a grant that will fund the construction of the Project; and

NOW, THEREFORE, FTA, METRO, and the SHPO agree that the following measures and stipulations shall be implemented to take into account the effects of the undertaking on the historic properties:

STIPULATIONS

The FTA shall ensure the following measures and stipulations are implemented for the Project:

I. UNIVERSITY CORRIDOR PROJECT

   A. METRO will ensure that the design of the fixed guideway structures and all other construction undertaken or funded by METRO related to this undertaking, including but not limited to station platforms and canopies, bridges or overpasses, artwork and gateways, tracks, catenary poles, overhead traction and power systems, traction power
stations, communication bungalows, and sound insulation fences or other construction that may have an effect on historic properties will be designed to be compatible with affected historic properties and conform to the guidance contained in the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (U.S. Department of the Interior, National Park Service, 1995 or as most recently amended). METRO will further ensure that all such designs are developed in consultation with the SHPO and submitted to the SHPO for comment prior to construction. Proposed designs will be provided to the SHPO for review at approximately the 30%, 60% and 90% design stages as stated in Stipulation II.D.

B. As part of the mitigation for contributing properties in the Third Ward affected by the separate Southeast Corridor Fixed Guideway Project, by agreement between the FTA, METRO and the SHPO executed in June 2008, METRO conducted the necessary research and prepared a Multiple Property Nomination submittal for the Third Ward West entitled "The African American Heritage of the Third Ward". By mutual agreement between METRO and the SHPO, this documentation is considered sufficient to mitigate the adverse effects of the University Corridor Project on historic properties contributing to the Third Ward West Historic District, listed in Attachment C. METRO has submitted the Multiple Property Nomination to the SHPO, who confirmed that the Multiple Property Nomination fulfills the intent and specific requirements of this and the aforementioned agreement between METRO and the SHPO. METRO and FTA shall have no further responsibility with respect to the Package.

C. If the University Corridor affects previously undisturbed (non-street) right of way parcels, METRO shall, either directly or through a qualified contractor, conduct in-depth historic archival research on the affected properties. This information shall then be forwarded to the SHPO for review and the SHPO will determine whether archeological investigations will be warranted in advance of any alteration of the site in any way.

D. Other than the historic properties and contributing elements listed in Attachment C, no historic property or contributing element will be adversely affected by the project. Should the University Corridor affect other historic properties or elements not listed in Attachment C of this document, METRO shall coordinate with FTA and SHPO as stated in Stipulation II.C.

II. ADMINISTRATIVE STIPULATIONS

A. Definition. For the purposes of this Agreement the terms "Party" or "Parties" mean the FTA, METRO, and the SHPO, each of which has authority under 36 CFR § 800.7 to terminate the consultation process.

B. Professional supervision. The FTA shall ensure that all activities carried out pursuant to this Agreement are carried out by or under the direct supervision of a person or
persons meeting at a minimum the appropriate Professional Qualifications Standards set forth in the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation. However, nothing in this stipulation may be interpreted to bar the FTA, METRO or any agent or contractor of the FTA from utilizing the properly supervised services of employees and volunteers who do not meet the above standards.

C. Neither the FTA nor METRO shall make any substantial design modifications and/or alter any plan or scope of services to the University Corridor that will affect historic properties without first affording the Parties of this Agreement the opportunity to review the proposed change and determine whether it shall require that this Agreement be amended. If one or more such Party determines that an amendment is needed, the Parties to this Agreement shall consult in accordance with 36 CFR § 800.6 to consider such an amendment.

D. Design review. The reviews set out in this Agreement shall be completed as early in the process as possible so that measures to avoid, minimize, or mitigate the effects of the University Corridor on historic properties can be taken into consideration by the SHPO during design and prior to construction. Design review submittals will be provided to the SHPO through final design for those elements of the University Corridor. Stipulations D.1(ii), D.2(ii) and D.3(ii) clarify how concerns raised by SHPO will be addressed for each phase of design review.

1. Preliminary Engineering Design Review (approximately 30% submittal) would be the first review.
   
   i. METRO’s responsibility will be to provide the SHPO with the Preliminary Engineering design plans that clearly identify the location of all historic properties, to note the application of any mitigation, and if requested by the SHPO, to be available to make a detailed presentation of the plans.

   ii. SHPO’s responsibility will be to notify METRO in writing within 30 days of receipt of the Preliminary Engineering design plans of any potential impacts that diminish the integrity of an historic property’s significant historic features or its historic setting, make a recommendation about how any concerns may be addressed, and be available for consultation with METRO should further clarification or detail be needed.

2. In Progress Design Review (approximately 60% submittal) would be the second review.

   i. METRO will provide the SHPO with an In Progress set of design plans and make SHPO aware of any significant changes from the Preliminary Engineering plans in the vicinity of historic properties,
and request the SHPO’s approval or comment on these changes. To facilitate the SHPO’s mitigation monitoring and design review, METRO will also note the application of any mitigation.

ii. SHPO will notify METRO in writing, within 30 days of receipt of the In Progress review materials, of approval or comment on the significant project changes, mitigation monitoring, or design review presented.

3. Pre-Final Design Review (approximately 90% submittal) would be the third review.

i. METRO will provide the SHPO with a Pre-final set of design plans and make the SHPO aware of any significant project changes from the 60 percent plans in the vicinity of historic properties, and request the SHPO’s approval or comment on these changes. METRO will also note how the SHPO’s concerns, if any, have been addressed.

ii. SHPO will notify METRO in writing within 30 days of receipt, of approval or comment on the Pre-Final materials submitted.

iii. SHPO at its option may request a copy of the final bid set for each Project for documentation purposes. SHPO will notify METRO in writing within 30 days whether it intends to open consultation on any design-related issue previously identified but has remained unchanged and/or not previously raised as a concern.

III. WORKER EDUCATION PROGRAM

METRO will conduct a Worker Education Program for construction personnel. The program is designed to inform contractors and workers of requirements for the protection of historic properties and unanticipated archaeological discoveries during construction.

IV. DURATION

This Agreement shall continue throughout the development and implementation of the Project. Prior to such time, FTA, METRO or the SHPO may consult with the other signatories to reconsider the terms of the Agreement and amend in accordance with Stipulation VII below. At the end of one year following the execution of this Agreement, and annually for a period of five years, METRO shall provide all signatory parties to this Agreement a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in METRO’s efforts to carry out the terms of this Agreement. Beginning the sixth year following the execution of this Agreement, METRO will periodically report, as deemed needed by any signatory party, as to the
status of compliance with this Agreement until it expires or is terminated. Failure to provide such summary report may be considered noncompliance with the terms of this Agreement pursuant to Stipulation VII, below.

V. POST-REVIEW DISCOVERIES

In the event of discovery of archeological materials during any of its activities, METRO shall immediately stop work in the area of discovery and notify the SHPO. METRO shall comply with 36 CFR § 800.13(b) and any other legal requirements to include consultation in accordance with Section 106 of the National Historic Preservation Act. METRO will provide site information and a determination of National Register eligibility for the location to SHPO. SHPO shall have 30 days to review and concur with the determination of eligibility and any treatment needed.

VI. DISPUTE RESOLUTION

Should any Party to this Agreement object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, FTA shall consult with the objecting Party to resolve the objection. If FTA determines, within 30 days, that such objection(s) cannot be resolved, FTA will:

A. Forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council) in accordance with 36 CFR § 800.2(b)(2). Copies of this documentation shall be provided simultaneously to the SHPO. Upon receipt of adequate documentation, the Council shall review and advise FTA on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the Parties to the Agreement, will be taken into account by FTA in reaching a final decision regarding the dispute.

B. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, FTA may render a decision regarding the dispute. In reaching its decision, FTA will take into account all comments regarding the dispute from the Parties to the Agreement.

C. FTA’s responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged. FTA shall notify METRO and SHPO of its decision in writing before implementing that portion of the Project subject to dispute under this stipulation. FTA’s decision will be final.

VII. AMENDMENTS AND NONCOMPLIANCE

If any signatory to this Agreement, including any invited signatory, determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that Party shall immediately consult with the other Parties to develop an amendment to this Agreement pursuant to 36 CFR § 800.6(c)(7) and 800.6(c)(8). The amendment will
be effective on the date a copy signed by all of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend the Agreement, any signatory may terminate the Agreement in accordance with Stipulation IX below. Notwithstanding the foregoing, changes in technology and design refinements of a minor nature may be accomplished, at the discretion of the Parties, through a letter agreement signed by all the Parties.

VIII. TERMINATION

If the Agreement is not amended following the consultation set out in Stipulation VII, it may be terminated by any signatory or invited signatory. Within 30 days following termination, the FTA shall notify the signatories if it will initiate consultation to execute an agreement with the signatories under 36 CFR § 800.6(c)(1) or request the comments of the Council under 36 CFR § 800.7(a) and proceed accordingly.

Execution of this Memorandum of Agreement by FTA, METRO and SHPO, the submission of documentation and filing of this Memorandum of Agreement with the Council pursuant to 36 CFR § 800.6(b)(1)(iv) prior to FTA’s approval of the Project, and implementation of its terms constitutes evidence that METRO has taken into account the effects of these Project on historic properties and afforded the Council an opportunity to comment.

SIGNATORIES TO MEMORANDUM OF AGREEMENT

FEDERAL TRANSIT ADMINISTRATION

BY: [Signature]

Robert C. Patrick
Regional Administrator, Region VI

DATE: 12/12/08

METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS

BY: [Signature]

Frank J. Wilson
President & Chief Executive Officer

DATE: 1/7/09

TEXAS STATE HISTORIC PRESERVATION OFFICER

BY: [Signature]

F. Lawerence Oaks
State Historic Preservation Officer

DATE: 2/1/09

University Corridor Project
Memorandum of Agreement Page 7
ATTACHMENT A
The University Corridor is an east-west project located near Downtown Houston. The proposed project extends approximately 11.3 miles east from the Hillcroft Transit Center to the Eastwood Transit Center within the City of Houston, Harris County, Texas. The proposed action is the implementation of high capacity transit service in the form of light rail transit (LRT) within the University Corridor. The LRT is generally proposed to be at grade in City of Houston street right-of-way and METRO-owned Westpark right-of-way with limited sections of elevated structure. The logical termini for the project are from Hillcroft Transit Center to the Eastwood Transit Center. Though planned as a part of an integrated transit system, the proposed project exhibits independent utility without the benefits of the implementation of other programmed fixed guideway service. The proposed project has independent utility because the project would function as a usable LRT line, does not require the implementation of other fixed guideway projects to operate, and would not restrict the consideration of alternatives for other foreseeable transportation improvements. The University Corridor could provide connections with the planned Southeast LRT Line, the METRORail Red Line, and the planned Uptown/Galleria LRT Line.
ATTACHMENT B
Attachment B

University Corridor Area of Potential Effect (APE)

The project area covers an 11.3-mile corridor near downtown Houston, from the University of Houston to the Uptown/Galleria area. The project area is bound by Calhoun Street on the east, Chimney Rock Road on the west, Westheimer Road on the north and Bissonnet Road on the south.

The project area west of Main Street includes residential neighborhoods dating from the early 20th century, retail commercial development and office commercial developments. The southern alternative alignment and cross-over alternatives closely relate to the U.S. 59 Southwest Freeway and associated industrial/commercial/residential development.

The project area located southeast of downtown Houston and known as Third Ward, was one of the earlier African-American communities formed after the emancipation of slaves on June 19, 1865. Although primarily a residential area, businesses and institutions also developed here. It is the home of Texas Southern University, the first state-supported institution in the City of Houston and the first to house a law school for African-Americans (http://www.tsu.edu/about/history/). Four other institutes of higher learning, Rice University (1912), the University of Houston – central campus (1927), St. Thomas University (1945), and the Houston Community College – central campus (1971) are also located in this project area. Another institution to develop in this area is the Houston Negro Hospital. Officially opened in July 1926, it was the first nonprofit hospital for African-American patients in Houston and allowed admitting privileges for African-American doctors. Closely related to the hospital was the Houston Negro School of Nursing, which opened in 1931, but closed by 1935 due to the lack in the number of patients (TSHA). Emancipation Park is also located in the project area and is one of the city’s earliest parks. Donated in 1872 by prominent African-American civic leader, the Reverend Jack Yates and other former enslaved people, it was purchased as a site for Juneteenth celebrations and is still in use today.

The APE will include adjacent parcels of at-grade project activities, parcels within 200 feet of grade-separated locations, and one block in all directions surrounding station locations.
## ATTACHMENT C

**Summary of Adverse Impacts to Historic Properties under the LPA**

<table>
<thead>
<tr>
<th>Address/Current Use</th>
<th>NRHP Status</th>
<th>Description of Effects under Section 106</th>
</tr>
</thead>
<tbody>
<tr>
<td>3525 Attucks Street (#0724), Residential</td>
<td>Contributing to the Third Ward West Historic District</td>
<td>The LPA alignment will result in demolition of the structures on the property.</td>
</tr>
<tr>
<td>3528 Canfield Street (#0725), Residential</td>
<td>Contributing to the Third Ward West Historic District</td>
<td>The LPA alignment will result in demolition of the structures on the property.</td>
</tr>
<tr>
<td>3526 Napoleon Street (#0726), Residential</td>
<td>Contributing to the Third Ward West Historic District</td>
<td>The LPA alignment will result in demolition of the structures on the property.</td>
</tr>
<tr>
<td>3527 Napoleon Street (#0727), Residential</td>
<td>Contributing to the Third Ward West Historic District</td>
<td>The LPA alignment will result in demolition of the structures on the property.</td>
</tr>
<tr>
<td>3717 Alabama Street (#0020), Residential</td>
<td>Contributing to the Third Ward West Historic District</td>
<td>The LPA alignment will result in demolition of the structures on the property.</td>
</tr>
</tbody>
</table>

Source: Hicks & Company, September 2008

---

1 Mitigation for these contributing properties has been addressed as described in 1.B of this MOA.

*University Corridor Project*

*Memorandum of Agreement Page 13*
February 17, 2009

Mr. Joe Turner
Director – Parks & Recreation
City of Houston
601 Sawyer
Houston, Texas 77007

RE: Peggy Point Plaza Park – University Corridor LRT Project

Dear Mr. Turner:

Peggy’s Point Plaza Park is located on the west side of the Main Street and Richmond Avenue/Wheeler Street intersection and is split by the existing roadway. The majority of the park property is located on the north side of Wheeler Street. A small sliver (approximately 250 feet by 25 feet) of Peggy’s Point Plaza parkland is located on the south side of Wheeler Street. The proposed guideway will straddle the small southern portion of Peggy’s Point Plaza Park (the Light Rail Transit (LRT) tracks will be on either side of the narrow sliver) and will not require any acquisition of the right-of-way from the park (see attached Peggy’s Point Plaza Park exhibit). As the southern portion is very small (approximately 0.14 acres) and narrow with a single park bench and no other recreational amenities, the LRT guideway is not expected to have an impact on the usage and function of the park as a whole. A crosswalk has been incorporated into the project design to allow access to both sections of Peggy’s Point Plaza Park.

The construction of the Locally Preferred Alternative (LPA) may temporarily occupy Peggy’s Point Plaza Park and/or restrict access, especially to the southern section of the park. This short-term, temporary use and/or access restriction (e.g., for a construction easement) of the parkland will be shorter than the construction period for the entire project. No right-of-way would be required from the park; therefore, there would be no change in ownership. The changes or effects to the parkland will be minimal and there will be no permanent adverse impacts resulting from the temporary use. The land will be fully restored to its pre-construction condition following completion of the LPA construction. The inclusion of a crosswalk will further lessen the potential impact on the park.

February 17, 2009

DCN: 00008
FBS #: 1.030.4.1
Response Required: Yes
Response Due: 2-27-09
make a special effort to preserve the natural beauty of the countryside, including parks and recreation land, wildlife and waterfowl refuges, and historic sites. Peggy’s Point Plaza Park is considered a Section 4(f) resource. While there would be no permanent use of Peggy’s Point Plaza Park, a temporary occupancy and/or restricted access during construction are anticipated. According to 23 CFR 774.13(d), the FTA may grant a Section 4(f) exception for temporary occupancies of Section 4(f) land that are so minimal as to not constitute a use within the meaning of Section 4(f). The following conditions must be satisfied:

(1.) Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
(2.) Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
(3.) There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
(4.) The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and
(5.) There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

We believe that the first four conditions are satisfied for the University Corridor and are requesting your concurrence with this determination in order to satisfy the fifth condition. If you concur, please sign and date on the concurrence line below and return this letter by no later than February 27, 2009.

Please contact Edmund J. Petry at (713) 739-4613 should you have any questions or concerns.

Sincerely,

[Signature]
Kimberly Slaughter
Associate Vice President
Infrastructure & Service Development

CONCURRENCE SIGNATURE:
Signature: ___________________________
Print Name: _________________________
Title: _______________________________
Date: _______________________________

Cc: Edmund J. Petry, Sr. Environmental Planner/ Infrastructure & Service Development/METRO
   Ujari Mohite, Sr. Transit Planner/ Infrastructure & Service Development/METRO

wildlife and waterfowl refuges, and historic sites. Peggy’s Point Plaza Park is considered a Section 4(f) resource. While there would be no permanent use of Peggy’s Point Plaza Park, a temporary occupancy and/or restricted access during construction are anticipated. According to 23 CFR 774.13(d), the FTA may grant a Section 4(f) exception for temporary occupancies of Section 4(f) land that are so minimal as to not constitute a use within the meaning of Section 4(f). The following conditions must be satisfied:

(1.) Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
(2.) Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
(3.) There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
March 25, 2009

Ms. A. Elizabeth Butman
Project Reviewer
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276

DCN: 00021
FBS #: 1.030.2.1
Response Required: Yes
Response Due: 04-10-09

RE: Determination of Effects for the Proposed University Corridor Project,
Houston, Harris County, Texas

Dear Ms. Butman:

On December 12, 2008, you provided concurrence with the Determination of Effects Report for the University Corridor in Houston, Texas (November 2008) prepared for the University Corridor Project. Based on the report that was prepared, it was determined that the proposed undertaking would have an ADVERSE EFFECT on five individual properties that were considered eligible for listing in the National Register of Historic Places (NRHP) as contributing to the eligible Third Ward West Historic District. These five properties are located along the north side of Alabama Street between Attucks Street and Scott Street and include:

- 3525 Attucks Street (Site 724)
- 3528 Canfield Street (Site 725)
- 3526 Napoleon Street (Site 726)
- 3527 Napoleon Street (Site 727)
- 3717 Alabama Street (Site 20)

At the time the report was prepared, all five of these properties were to be demolished as a result of the construction of the University Corridor. Since that time, detailed design work has led to an alternative cross section that would no longer require any right-of-way (ROW) from these eligible properties. The proposed cross section of the University Corridor has been reduced along this section (and along other sections) to minimize impacts to resources along the route. No additional ROW will be required along this section of Alabama Street between Tierwester Street and Scott Street.
We have reviewed and applied the Criteria of Adverse Effect, as presented in the Determination of Effects Report for the University Corridor in Houston, Texas (November 2008), to these five properties and have determined that there would be:

- No physical destruction, damage or alteration of all or part of the properties;
- No removal or isolation of the properties from or alteration of the character of the historic location;
- No change of the properties’ use or physical features;
- Minimal to no introduction of visual, audible or atmospheric elements;
- No neglect of the properties due to project construction; and,
- No transfer, lease or sale of the properties.

As none of the criteria for an adverse effect determination have been met, we request your concurrence that the proposed University Corridor would have NO ADVERSE EFFECT on these five properties.

Jack Yates Senior High School (Site 0728) is located at 3703 Sampson Street, directly across Alabama Street from the five properties identified above. Under the revised alignment as with the previous corridor alignment, no ROW will be required from the high school. The revised alignment will continue to provide for access to the school and its parking lot along Alabama Street at Sampson Street, Canfield Street and Napoleon Street. These intersections will have a traffic signal and/or other traffic control devices to safely manage traffic flow in and out of the school. METRO met with the principal of Yates Senior High, Mr. Ronald Mumphrey, on March 9, 2009, to discuss the proposed alignment change. Mr. Mumphrey did not have any objections to the proposed changes. In your December 12, 2008, letter, you concurred that the proposed University Corridor would have NO ADVERSE EFFECT on Jack Yates Senior High School and we believe that this determination remains valid.

Additionally, as the proposed University Corridor is anticipated to have NO ADVERSE EFFECT on any of the eligible structures adjacent to the corridor, we would like to request concurrence that the proposed University Corridor would have NO ADVERSE EFFECT on the Third Ward South, Third Ward West and Third Ward East Historic Districts through with the corridor runs or is located adjacent to.

Attached to this letter are the following documents which should assist you in assessing our request:

- Determination of Effects Report for the University Corridor in Houston, Texas (November 2008);
- December 12, 2008, letter from A. Elizabeth Butman (THC) to Ms. Rhonda Boyer (METRO) concurring with the determinations contained in the Determination of Effects Report for the University Corridor in Houston, Texas (November 2008);
- Site Survey Forms for the five properties discussed above as well as for Jack Yates Senior High School [contained within the Determination of Effects Report for the University Corridor in Houston, Texas (November 2008)]; and,
Exhibits showing the original alignment presented in the Determination of Effects Report for the University Corridor in Houston, Texas (November 2008) [contained within the Determination of Effects Report for the University Corridor in Houston, Texas (November 2008)] and the revised alignment which no longer requires any additional ROW acquisition.

As you are aware, a Memorandum of Agreement (MOA) was prepared for this project but has yet to be finalized with all the appropriate signatures. If you concur that the revised alignments would have NO ADVERSE EFFECT on any of the eligible properties or districts, we believe the seventh paragraph of the MOA would no longer be valid as it discusses the properties for which an ADVERSE EFFECT determination had been previously made. We propose to remove this paragraph from the MOA as well as other references to adverse effects and Attachment C which listed the five adversely affected properties and re-circulate it for signature. We request your concurrence with this proposal as well.

We appreciate your timely response to our request. If you have any questions, please contact Mr. Edmund J. Petry at (713) 739-4613.

Sincerely,

Kimberly Slaughter
Associate Vice President
Infrastructure & Service Development

CONCURRENCE SIGNATURE:

Signature: __________________________
Print Name: _______________________
Title: ______________________________
Date: ______________________________

cc: Edmund J. Petry, Sr. Environmental Planner/ Infrastructure & Service Development /METRO
    Ujari Mohite, Sr. Transit Planner/ Infrastructure & Service Development /METRO
    Bridgette Towns, Project Director/Engineering & Construction/METRO
    Timothy Mills, Project Engineer l/Engineering & Construction /METRO
    John Von Briesen, Sr. Director/Engineering & Construction/METRO
    Jeff Casbeer/ Jacobs Engineering
    Janet Kennison/ HDR
    Document Control/METRO
December 12, 2008

Ms. Rhonda Boyer, Manager
Environmental Planning
Metropolitan Transit Authority (METRO)
1900 Main
P.O. Box 61429
Houston, TX 77208-1429

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, Review of the Final Determination of Effects Report for the Proposed University Corridor Project, Houston, Harris County (FTA)

Dear Ms. Boyer,

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Elizabeth Butman, has completed its review of the final determination of effects report for the University Corridor, received November 19, 2008. Based on this material:

1. We concur with the eligibility determinations for the 35 newly surveyed resources, as listed in Table 1 and Appendix A.

2. We concur that the proposed undertaking will have an ADVERSE EFFECT upon the properties found in Table 2, page 10 of the report, which are eligible for NRHP listing as contributing members of the Third Ward West Historic District.

3. We concur with your anticipation that the undertaking will have NO ADVERSE EFFECT upon the remaining NRHP listed, eligible, and contributing properties located within the APE, found in Table 3, page 10 of the report.

We look forward to finalizing the Memorandum of Agreement (MOA) for this project. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review or if we can be of further assistance, please contact Elizabeth Butman at 512/463-7687.

Sincerely,

[Signature]

A. Elizabeth Butman, Project Reviewer
For: F. Lawerence Oaks, State Historic Preservation Officer

FLO/cb

Cc: Randy Pace, Historic Preservation Officer, City of Houston
    Patrick Van Pelt, Chair, Harris County Historical Commission
December 12, 2008

Ms. Rhonda Boyer, Manager
Environmental Planning
Metropolitan Transit Authority (METRO)
1900 Main
P.O. Box 61429
Houston, TX 77208-1429

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, Review of the Final Determination of Effects Report for the Proposed University Corridor Project, Houston, Harris County (FTA)

Dear Ms. Boyer,

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Elizabeth Butman, has completed its review of the final determination of effects report for the University Corridor, received November 19, 2008. Based on this material:

1. We concur with the eligibility determinations for the 35 newly surveyed resources, as listed in Table 1 and Appendix A.

2. We concur that the proposed undertaking will have an ADVERSE EFFECT upon the properties found in Table 2, page 10 of the report, which are eligible for NRHP listing as contributing members of the Third Ward West Historic District.

3. We concur with your anticipation that the undertaking will have NO ADVERSE EFFECT upon the remaining NRHP listed, eligible, and contributing properties located within the APE, found in Table 3, page 10 of the report.

We look forward to finalizing the Memorandum of Agreement (MOA) for this project. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review or if we can be of further assistance, please contact Elizabeth Butman at 512/463-7687.

Sincerely,

A. Elizabeth Butman, Project Reviewer
For: F. Lawerence Oaks, State Historic Preservation Officer

FLO/eb

Cc: Randy Pace, Historic Preservation Officer, City of Houston
Patrick Van Pelt, Chair, Harris County Historical Commission
From: Katharine Barnes
Sent: Tuesday, March 31, 2009 2:57 PM
To: Ujari Mohite
Cc: Thomas Hemingway
Subject: Grant of Easement for Parking - Hillcroft Transit Center

Ujari:

Per your request this afternoon please find attached a PDF file of the Grant of Easement for Parking document from Harris County to METRO.

Please let us know if you need anything or have any other questions.

Thanks!

Katharine M. Barnes
Consultant to Metropolitan Transit Authority of Harris County, Texas
1900 Main Street, Room 14123
P.O. Box 61429
Houston, TX 77208-1429
713.652.4379
713.758.9491 FAX
kbarnes@ridemetro.org
GRANT OF EASEMENT FOR PARKING

THE STATE OF TEXAS §
COUNTY OF HARRIS §

EFFECTIVE DATE: August 12, 2002

GRANTOR: Harris County, a political subdivision of the State of Texas

GRANTOR’S MAILING ADDRESS:

1001 Preston
Houston, Texas 77002
Attn: Executive Director
Harris County Toll Road Authority

GRANTEE: Metropolitan Transit Authority of Harris County, Texas

GRANTEE’S MAILING ADDRESS:

Metropolitan Transit Authority of Harris County Texas
1201 Louisiana
Houston, TX 77002
Attn: Senior Director & Chief Engineer,
Engineering & Construction Management

With a copy to:

Metropolitan Transit Authority
1201 Louisiana
Houston, TX 77002
Attn: General Counsel

Harris, TX 77002
Attn: General Counsel

EASEMENT AREA:

Being 3.117 acres of land situated in the Robert Vince Survey, Abstract 77, Harris County, Texas, said 3.117 acres of land more or less being more particularly described in Exhibit “A” attached hereto and made a part hereof.

EASEMENT PURPOSE:

So!e to provide for the construction, installation, maintenance, repair, inspection, testing, replacement, removal, operation, and use of an uncovered, all-weather, paved parking deck or platform for the parking, above the Grantor’s detention area, of buses and other METRO
vehicles, and automobiles and light trucks of METRO patrons, together with such surfacing materials, driveways, ramps, retaining walls, below-grade columns and other support structures, gutters, culverts, drains, landscaping and such other related fixtures, devices, and improvements as may be necessary and which are customarily used for the construction, installation, testing, inspection, maintenance, repair, replacement, removal, operation and use of such uncovered all-weather parking deck or platform and for providing surface ingress and egress to and from for automobiles, light trucks, and pedestrians. It is expressly understood and agreed among the parties, such understanding and agreement being of the absolute essence to this Easement Agreement, that the Easement Purpose is for the benefit of Grantee to provide additional parking for Grantee's property located adjacent to the Easement Area and commonly known as Grantee's Hillcroft Transit Center facilities.

CONSIDERATION: A one time payment of Ten and No/100 Dollars ($10.00), the receipt of which is hereby acknowledged; and the additional non-cash consideration of Grantee's grant and conveyance to Grantor of certain easements across Grantee's Hillcroft Transit Center facilities.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE WARRANTY:

All valid and subsisting covenants, restrictions, reservations, exceptions, rights-of-way, and easements of record in the Official Public Records of Real Property of Harris County, Texas; all building and zoning ordinances; and all laws, regulations, and restrictions by municipal or other government authority (but only to the extent the same are valid, applicable to and enforceable against the Grantee); and such other matters as may be apparent to Grantee from an inspection of the Easement Area including by way of description, and not limitation, any and all improvements of Grantor affixed or attached to the land as of the Effective Date hereof. Grantor makes no representation, warranty, or guarantee with respect to the condition of the Easement Area; Grantee accepts the Easement Area "as is, where is and with all faults."

Grantor, for the consideration above recited and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee an unassignable, nonexclusive easement (the "Easement") over, upon and across the Easement Area for the Easement Purpose.

The following terms, covenants and limitations shall apply to the Easement:

1. **Duration of Easement.** The Easement shall be perpetual.

2. **Improvements and Maintenance.** Grantee shall perform all actions required for

1. **Duration of Easement.** The Easement shall be perpetual.

2. **Improvements and Maintenance.** Grantee shall perform all actions required for improvement and maintenance of the Easement Area at no expense to Grantor. After Grantor has constructed Grantor's detention facility, Grantee shall have the right to construct improvements, structures and fixtures for the Easement Purpose (collectively, the "Permitted Improvements"), over and above all or any portion of the Easement Area. Prior to commencing construction of any Permitted Improvements, all matters concerning or relating to said Permitted Improvements, their design, proposed configuration and the construction thereof are to be submitted to Grantor for Grantor's approval in writing to ensure that said Permitted Improvements will not materially interfere with Grantor's use of the Easement Area for flood control and detention purposes, as determined by
Grantor. In connection with such parking deck or platform and any of the other Permitted Improvements and/or the construction thereof, Grantee shall have the right to remove or relocate any fences located within the Easement Area, or along or near the boundary lines of property owned by Grantor, as may be reasonably necessary in order to construct said Permitted Improvements or in order for a driveway, accessway or other Permitted Improvements to connect and provide ingress and egress to and from Grantee’s Hillcroft Transit Center facilities located adjacent to the Easement Area, subject to Paragraph 3 hereinbelow. To the extent that it is necessary to remove and relocate any fence for the reasons cited herein, Grantee agrees, at the request of Grantor, to relocate such fence in such a manner and at such location in the Easement Area as Grantor may instruct.

3. **Reserved Rights.** Grantee hereby covenants and it is agreed and understood by and between Grantor and Grantee that notwithstanding anything contained herein to the contrary, no use and/or Permitted Improvements to be constructed on or over the Easement Area shall be implemented, constructed and/or maintained by Grantee so as to materially interfere with the construction, maintenance, or use of the Easement Area by Grantor for flood control or detention purposes, and provided further that the plans and specifications for any such use and/or improvements to be implemented and/or constructed will be submitted to and approved by Grantor prior to the initiation of any such use or construction. Nothing contained herein is intended to circumvent or relieve Grantee of any existing permit or approval requirements. Grantee understands and agrees that nothing contained herein shall be construed as conveying or granting to the Grantee a right superior to that of Grantor, it being understood and agreed that the rights granted or conveyed are subordinate and inferior to the rights of Grantor.

Grantee has advised Grantee and Grantee is aware that Grantor acquired its right, title and interest in the Easement Area for purpose of flood control and detention. Grantor contemplates using the Easement Area for the construction, maintenance and use as a detention facility. Grantor hereby expressly reserves to itself, its lessees, successors, assigns, officers, employees, agents, and contractors, the right to enter upon the above described Easement Area at any time and from time to time, for any purposes necessary or convenient in connection with flood control and detention work, to flood the above described Easement Area, and/or to make such other use of the Easement Area as Grantor deems necessary or desirable in connection with flood control and detention work; without further notice to Grantee or the public and with no duty or obligation on the part of Grantor to pay any compensation to Grantee, including, but not limited to the payment of monetary damages, and to remove all or as much of the paved surface and other Permitted Improvements as is necessary for current or future flood control and detention improvements. Notwithstanding anything to the contrary contained herein, the continued use of the Easement Area by Grantee for the Easement Purpose, in the manner and form provided for herein, shall be subject to the use and application by the Grantee of the following construction techniques, design characteristics, materials, and/or specifications:
1) The surface of that portion of the Easement Area (above top of bank) to be used for the parking deck or platform shall be paved with either concrete or asphalt utilizing curbs and gutters.

2) Any and all plans and specifications for any Permitted Improvement which shall materially interfere with or alter the existing backslope swale, in any manner or form, shall include a redesign of such system in a form acceptable to Grantor.

3) An internal drainage system shall be constructed by Grantee that shall permit runoff and/or drainage from the Easement Area to enter the adjacent channel improvement or canal through an outfall structure the design and construction of which shall be subject to the prior written approval of Grantor and which shall be designed so as to permit the drainage of the Easement Area, during an extreme storm event, in such a manner that does not cause overflow of the channel sides. Overbank drainage from any Permitted Improvements will not be allowed.

4) Curbs shall not be placed along the boundaries of the Easement Area in a manner that would limit access by Grantor to the adjacent lands owned by Grantor.

5) Gates of a design and installation that comply with the standards established by Grantor shall be placed by Grantee along the boundaries of the Easement Area so as to limit access to Grantor's adjacent lands by Grantor only.

6) No timber ballard and/or rail barricades shall be used for the purpose of enclosing all or part of the parking surface.

7) The paved surface and associated components shall be of a design and construction which does not impede the drainage from or to the Easement Area.

4. Rights Limited to Easement Area. Except as otherwise specifically set forth herein, or as otherwise permitted by law, Grantee shall have no right to go or travel upon, over or across any lands of Grantor except for the Easement Area.

4. Rights Limited to Easement Area. Except as otherwise specifically set forth herein, or as otherwise permitted by law, Grantee shall have no right to go or travel upon, over or across any lands of Grantor except for the Easement Area. Nothing contained herein shall grant or be construed to grant to Grantee the right (i) to use the Easement Area for any purpose other than for the Easement Purpose set forth herein or (ii) to change the dimensions or location of the Easement Area.

5. Damages to Other Lands. The consideration paid to Grantor by Grantee in connection with the execution of this Agreement is solely for the grant of the Easement and the rights herein granted, and does not cover any damages which may accrue to Grantor's other lands resulting from the initial construction by Grantee of any of the Permitted Improvements upon the Easement Area or by reason of the subsequent operation, maintenance, repair, replacement, removal and/or servicing of such Permitted Improvement or any other damages incurred.
from time to time, and Grantee shall pay and agrees to pay Grantor any and all other such damages promptly as they may accrue. Without limitation on its obligation to pay damages, Grantee specifically agrees that all property, ditches, canals, berms, fences, roads, gates or other structures of Grantor shall be promptly repaired and restored to their original condition in the event of damage by Grantee. The reference to Grantee shall include, without limitation, all of Grantee's employees, contractors, subcontractors, agents and materialmen.

6. **Compliance with Laws.** Grantee shall take no action that does not comply with, or that otherwise subjects Grantor to an obligation under, any and all applicable federal, state and local laws, rules, regulations and safety standards in connection with Grantee's activities hereunder, including, without limitation, the initial construction, use, operation, testing, maintenance, inspection, repair, removal, service of any of the Permitted Improvements.

7. **Damages to Easement Area.** Grantee shall not take any action that damages the Grantor's planned detention facility, berms, backslope swales, backslope drains, roads, fences, gates and other such structures or items, or causes erosion.

8. **Damages Resulting from Subsequent Entry.** Should it become necessary at any time subsequent to the completion of the construction of the Permitted Improvements for Grantee to enter upon the Easement Area for the purposes of maintaining, repairing, operating, servicing, replacing or removing the all weather, paved surface, or any of the Permitted Improvements as permitted herein, Grantee shall not cause, or allow to be caused, erosion or damage to the planned detention facility, berms, backslope swales, backslope drains, roads, fences, gates and other such structures or items that may be situated in the Easement Area, or any other lands of Grantor. The reference to Grantee shall include, without limitation, all of Grantee's employees, contractors, subcontractors, agents, and materialmen.

9. **Right to Grant Easements.** The Easement is non-exclusive, and Grantor specifically reserves the right (i) to grant additional easements or rights-of-way upon or across the Easement Area to such other parties and for such purposes as Grantor may desire, and (ii) to construct or locate upon or across the Easement Area underground pipelines, utility and telecommunication lines, provided that, in specifically reserves the right (i) to grant additional easements or rights-of-way upon or across the Easement Area to such other parties and for such purposes as Grantor may desire, and (ii) to construct or locate upon or across the Easement Area underground pipelines, utility and telecommunication lines, provided that, in all such cases, Grantee shall not be unreasonably disturbed in the use and enjoyment of the Easement and related rights granted to Grantee herein.

10. **Use of Surface.** Except only for the use of the surface necessary for the installation, construction, repair, inspection, testing, maintenance, replacement and removal of any of the Permitted Improvements, Grantee shall not use, construct or install any surface equipment, property or facilities on the Easement Area.

11. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Grantee's rights
hereunder may also be exercised, at Grantee’s option, by Grantee’s employees, contractors and agents; however, the exercise of such rights by Grantee’s employees, contractors or agents shall not relieve or modify the obligations and liability of Grantee to Grantor, its Grantors, successors and assigns under the terms of this Easement.

12. **Effect of Waiver or Consent.** No waiver or consent, express or implied, by any party to or of any breach or default by any party in the performance by such party of its obligations hereunder shall be deemed or construed to be a consent or waiver to or of any other or subsequent breach or default in the performance by such party of the same or any other obligations of such party hereunder. Failure on the part of a party to complain of any act of any party or to declare any party in default, irrespective of how long such failure continues, shall not constitute a waiver by such party of its rights hereunder until the applicable statute of limitation period has run to the extent and only the extent a party may be subject to a limitation statute.

13. **Integration.** This Agreement contains the complete agreement between the parties and cannot be varied except by the written agreement of the parties. The parties agree that there are no oral agreements, understandings, representations or warranties which are not expressly set forth herein.

14. **Legal Construction.** In case any or more of the provisions contained in this Agreement shall for any reason be invalid, illegal or unenforceable in any respect, to the extent such invalidity or unenforceability does not destroy the basis of the bargain among the parties, such invalidity, illegality or unenforceability shall not affect any provisions hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein. Whenever required by the context as used in this Agreement, the singular number shall include the plural and the neuter shall include the masculine or feminine gender, and vice versa. Paragraph headings appearing in this Agreement are for convenient reference only and are not intended, to any extent or for any purpose, to restrict or define the text of any paragraph. This Agreement shall not be construed more or less favorably between the parties by reason of authorship or origin of language.

15. **Notice.** Any notices or communication required or permitted hereunder shall be deemed to be delivered, whether actually received or not when deposited in the United States mail, postage fully prepaid, registered or certified mail and addressed to the intended recipient at the address shown herein, and if not so shown then at the last known address according to the records of the party delivering the notice. Notice given in any other manner shall be effective if and when received by the addressee. Any address for notice may be changed by ten (10) days’ prior written notice delivered as provided herein.

TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto anywise belonging, including all necessary rights of ingress,
egress and regress, unto the said Grantee and its successors forever, subject to the reservations, exceptions, covenants, and limitations contained herein, and Grantor does hereby bind itself, its successors and assigns, to WARRANT and FOREVER DEFEND said Easement unto Grantee and its successors against all persons whomsoever lawfully claiming or to claim the same or any part thereof, by, through and under Grantor, but not otherwise, subject to the reservations, exceptions, covenants, and limitations contained herein.

[Remainder of this page intentionally left blank; signature page follows.]
EXECUTED effective as of August 12, 2002.

APPROVED AS TO FORM:

MIKE STAFFORD
County Attorney

By: JAMES C. JONES
Senior Assistant County Attorney

GRANTOR:
HARRIS COUNTY

By: ROBERT ECKELS
County Judge

GRANTEE:
METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS

By: Shirley Delibero
Name: Shirley Delibero
Title: President and CEO

After recording, return to:

Cassie B. Stinson
Andrews & Kurth
Mayor, Day, Caldwell & Keeton L.L.P.
700 Louisiana, Suite 1900 600 Travis, Suite 4200
Houston, Texas 77002
THE STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on \_Aug\_ 1\_2\_ 200\_ by Robert Eckels known to me as County Judge of Harris County, Texas and the presiding officer of the Commissioner Court of Harris County, Texas on behalf of the Commissioners Court of Harris County, Texas, as the governing body of Harris County for the purposes described herein.

[Signature]
Notary Public in and for the State of Texas

THE STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on \_Aug\_ 1\_2\_ 200\_ by \_Janet Kay Summers\_ known to me as \_Titular\_ of the Metropolitan Transit Authority on behalf of the Metropolitan Transit Authority of Harris County, Texas for the purp\_es described herein.

[Signature]
Notary Public in and for the State of Texas
Description

Being a tract of land containing 3.117 acres (135,776 square feet) situated in the Robert Vince Survey, Abstract No. 77, Harris County, Texas and being all of a called 3.1134 acre tract of land conveyed to Storage Trust Properties, L.P. in deed dated June 21, 1993 as recorded under File Number R449212, Film Code Number 504-25-3016 of the Harris County Official Public Records of Real Property (H.C.O.P.R.R.P.); said 3.117 acre tract of land being more particularly described by metes and bounds as follows with all bearings referenced to the Texas State Plane Coordinate System, South Central Zone. All distances and coordinates herein are surface and may be converted to grid by multiplying by a combined scale factor of 0.9998324:

BEGINNING at a 1/2-inch iron rod (X = 3,113,079.39, Y = 703,330.05) found for the southeast corner of said 3.1134 acre tract, being an angle point in the easterly line of a called 9.7644 acre tract of land described as Restricted Reserve "B" conveyed to Metropolitan Transit Authority as shown on the map or plat thereof recorded under Film Code Number 350106 of the Harris County Map Records (H.C.M.R.), and being a point in the existing northwesterly right-of-way line of U.S. Highway 59 (U.S. 59) (Southwest Freeway) (width varies),

THENCE, along the line common to said 3.1134 acre tract and said 9.7644 acre tract, the following courses:

South 87°33'59" West, a distance of 269.17 feet to an angle point;

North 25°18'07" West, a distance of 19.41 feet to a 5/8-inch iron rod found for an angle point;

North 41°55'45" East, a distance of 629.24 feet to a bent 5/8-inch iron rod found for the common northerly corner of said 3.1134 acre tract and said 9.7644 acre tract, being a point in the southerly line of a called 16.93 mile long strip of land described in deed from Southern Pacific Transportation Company to Metropolitan Transit Authority (METRO) North 41°55'49" East, a distance of 829.24 feet to a bent 5/8-inch iron rod found for the common northerly corner of said 3.1134 acre tract and said 9.7644 acre tract, being a point in the southerly line of a called 16.93 mile long strip of land described in deed from Southern Pacific Transportation Company to Metropolitan Transit Authority (METRO) of Harris County, Texas, dated December 31, 1992 as recorded under File Number P023668, Film Code Number 117-43-3256 of the Harris County Official Public Records of Real Property (H.C.O.P.R.R.P.);

THENCE, North 82°58'07" East, along the line common to said 3.1134 acre tract and said 16.93 mile long METRO strip, a distance of 298.68 feet to an iron rod with plastic cap stamped "SURVCON INC." set for the northeast corner of said 3.1134 acre tract and being a point in said existing northwesterly right-of-way line of U.S. 59;
THENCE, along said existing northwesterly right-of-way line of U.S. 59, the following courses:

South 42°43'06" West, a distance of 289.65 feet to an iron rod with plastic cap stamped "SURVCON INC." set for an angle point;

South 33°20'22" West, a distance of 152.06 feet to a 1/2-inch iron rod found for an angle point;

South 42°59'20" West, a distance of 233.89 feet to the POINT OF BEGINNING, containing a computed area of 3.117 acres (135,776 square feet) of land.

Compiled by:
SURVCON INC.
5757 Woodway
Houston, Texas 77057
(713) 780-4123
Job No. 5478-05
August 28, 2000
Revised: January 18, 2001

[Signature]

AUG 16 2002

[Stamp]
COUNTY CLERK
HARRIS COUNTY, TEXAS
April 9, 2009

Ms. Kimberly Slaughter  
Associate Vice President of Planning, Infrastructure & Service Development  
Metropolitan Transit Authority (METRO)  
1900 Main  
P.O. Box 61429  
Houston, TX 77208-1429  

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, Review of Revised Determination of Effects and Amendment to the Memorandum of Agreement for the Proposed University Corridor Project, Houston, Harris County (FTA)

Dear Ms. Slaughter,

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Elizabeth Butman, has completed its review of the material presented at our meeting on March 25, 2009. Based on this information, the alignment of the University Corridor has been revised to avoid acquisition and demolition of five properties on the north side of Alabama Street that contribute to the eligible Third Ward West Historic District. We concur with your determination that the University Corridor will now have NO ADVERSE EFFECT on these properties, and the shift in alignment will not have an adverse effect on the individually eligible Jack Yates Senior High School. We also concur that the proposed light rail project will have NO ADVERSE EFFECT on the Third Ward South, Third Ward West, and Third Ward East Historic Districts, provided that our agency is afforded an opportunity to review the design of the light rail system and associated structures to ensure their compatibility with surrounding historic properties.

To that end, we look forward to finalizing an amended Memorandum of Agreement for this project. The draft document prepared at our meeting is acceptable, and we ask that you circulate the agreement for signatures.

Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review or if we can be of further assistance, please contact Elizabeth Butman at 512/463-7687.

Sincerely,

A. Elizabeth Butman, Project Reviewer
For: F. Lawerence Oaks, State Historic Preservation Officer

FLO/eb

Cc: Randy Pace, Historic Preservation Officer, City of Houston  
Patrick Van Pelt, Chair, Harris County Historical Commission
Mr. Joe Turner  
Director – Parks & Recreation  
City of Houston  
601 Sawyer  
Houston, Texas 77007  

DCN: 00025  
FBS #: 1.030.4.1  
Response Required: Yes  
Response Due: May 19, 2009  

RE: Peggy Point Plaza Park – University Corridor LRT Project

Dear Mr. Turner:

Peggy’s Point Plaza Park is located on the west side of the Main Street and Richmond Avenue/Wheeler Street intersection and is split by the existing roadway. The majority of the park property is located on the north side of Richmond Avenue. A small sliver (approximately 250 feet by 25 feet) of Peggy’s Point Plaza parkland is located on the south side of Richmond Avenue. The proposed guideway will straddle the small southern portion of Peggy’s Point Plaza Park (the Light Rail Transit (LRT) tracks will be on either side of the narrow sliver) and will not require any acquisition of the right-of-way from the park (see attached Peggy’s Point Plaza Park exhibit). As the southern portion is very small (approximately 0.14 acres) and narrow with a single park bench and no other recreational amenities, the LRT guideway is not expected to have an impact on the usage and function of the park as a whole. A crosswalk has been incorporated into the project design to allow access to both sections of Peggy’s Point Plaza Park.

The construction of the Locally Preferred Alternative (LPA) shall not occupy Peggy’s Point Plaza Park except to provide a protective barrier to preserve the parkland during construction. The barrier shall allow for a point of access to the park during construction. Furthermore, the Peggy’s Point Plaza Park shall not be used as a construction staging area.

Specifically, METRO’s construction activities would be conducted in the public street right of way of Richmond Avenue abutting the north boundary line of the southern section of the park and on the tract of non-park property abutting the south boundary line of the southern section of the park. At no time would any entry into the park be made by METRO’s contractor in connection with construction of the project, and no temporary construction easement is needed. Furthermore, during construction of the project, METRO’s contractor would be required to erect temporary fences along the entire perimeter of the southern section of the park to prevent inadvertent entry therein, and at all times to provide a point of access into the southern section of the park through the temporary fences.
METRÒ’s project design would provide for construction of concrete curbs along the entire perimeter of the southern section of the park, in addition to the crosswalk in the street right of way as improvements for the benefit of the park. However, all activities for the installation of such curbs and crosswalk would be conducted outside the park’s boundaries.

Projects using United States (U.S.) Department of Transportation (DOT) funds or requiring a license from its agencies, in this case the Federal Transit Administration (FTA), must meet the requirements of Section 4(f) of the DOT Act of 1966 [49 U.S. Code (U.S.C.) 5303]. Section 4(f) declares it a national policy to make a special effort to preserve the natural beauty of the countryside, including parks and recreation land, wildlife and waterfowl refuges, and historic sites. Peggy’s Point Plaza Park is considered a Section 4(f) resource. While there would be no permanent use of Peggy’s Point Plaza Park, a temporary occupancy and/or restricted access during construction are anticipated. According to 23 CFR 774.13(d), the FTA may grant a Section 4(f) exception for temporary occupancies of Section 4(f) land that are so minimal as to not constitute a use within the meaning of Section 4(f). The following conditions must be satisfied:

1. Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
2. Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
4. The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and
5. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

We believe that the first four conditions are satisfied for the University Corridor and are requesting your concurrence with this determination in order to satisfy the fifth condition. If you concur, please sign and date on the concurrence line below and return this letter by no later than May 18, 2009. Your concurrence by this date is critical for inclusion in the University Corridor Final Environmental Impact Statement.

Please contact Edmund J. Petry at (713) 739-4613 should you have any questions or concerns.

Sincerely,

Kimberly Slaughter
Associate Vice President
Infrastructure & Service Development

CONCURRENCE SIGNATURE:

Signature: [Signature]
Print Name: [Print Name]
Title: [Title]
Date: [Date]

[Signature]
Joe Turner
Director
5/18/09
Cc: Edmund J. Petry, Sr. Environmental Planner/ Infrastructure & Service Development /METRO  
    Ujari Mohite, Sr. Transit Planner/ Infrastructure & Service Development /METRO  
    Clint Harbert, Director of Short Range Planning/ Infrastructure & Service Development /METRO  
    Bridgette Towns, Project Director/Engineering & Construction/METRO  
    Timothy Mills, Project Engineer I/Engineering & Construction /METRO  
    John von Briesen, Sr. Director/Engineering & Construction/METRO  
    Document Control/METRO
May 28, 2009

Ms. Kimberly Slaughter  
Associate Vice President of Planning, Infrastructure & Service Development  
Metropolitan Transit Authority (METRO)  
1900 Main  
P.O. Box 61429  
Houston, TX 77208-1429

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, Amended Memorandum of Agreement for Proposed University Corridor Project, Houston, Harris County (FTA/106)

Dear Ms. Slaughter,

Thank you for providing us with three (3) original copies of the amended Memorandum of Agreement for the above referenced project. This letter serves as final comment on the proposed document from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

We are returning two (2) of the originals, which include the signature of the Chief Deputy State Historic Preservation Officer of the Texas Historical Commission. We have retained one original for our records. Please note that one of the originals should be provided to the Federal Transit Administration for their files, and a copy of this amended document should also be forwarded to the Advisory Council on Historic Preservation.

Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review or if we can be of further assistance, please contact Elizabeth Butman at 512/463-7687.

Sincerely,

A. Elizabeth Butman

A. Elizabeth Butman, Project Reviewer  
For: Mark Wolfe, Chief Deputy State Historic Preservation Officer

MW/eb

Cc: Patrick Van Pelt, Chair, Harris County Historical Commission
AMENDED MEMORANDUM OF AGREEMENT AMONG THE FEDERAL TRANSIT ADMINISTRATION, THE TEXAS STATE HISTORIC PRESERVATION OFFICER, AND METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS, SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION PURSUANT TO CFR § 800.6(b)(1)(iv) REGARDING THE UNIVERSITY CORRIDOR FIXED GUIDEWAY PROJECT IN HOUSTON, TEXAS
March 2009

WHEREAS, the U.S. Department of Transportation, Federal Transit Administration (FTA), is considering a grant application for financial assistance to the Metropolitan Transit Authority of Harris County (METRO), a regional transit authority organized under the laws of the State of Texas, for the construction of University Corridor Fixed Guideway Project (University Corridor or Project), which is located in Houston, Texas; and

WHEREAS, this Amended Memorandum of Agreement (Amended MOA) is necessitated by changes to the University Corridor that avoid adverse impacts to historic resources; and,

WHEREAS, the FTA and METRO have followed the stipulations in the original MOA of December 2008 from the date of its execution to the effective date of this Amended MOA; and,

WHEREAS, the Amended MOA supersedes the original MOA of December 2008 in its entirety; and,

WHEREAS, the University Corridor consists of the construction of a east-west Light Rail Transit (LRT) project extending approximately 11.3 miles east from the Hillcroft Transit Center to the Eastwood Transit Center within the City of Houston, Harris County, Texas. A more detailed description of the University Corridor alignment is set forth in Attachment A to this Agreement; and

WHEREAS, the Texas State Historic Preservation Officer (SHPO) is authorized to enter in this Agreement in order to fulfill its role of advising and assisting Federal agencies in carrying out their Section 106 responsibilities under the following Federal statute: Section 101 and 106 of the National Historic Preservation Act of 1966, as amended, 16 USC § 470(f), and pursuant to 36 CFR Part 800, regulations implementing Section 106 at § § 800.2(c)(1)(i) and 800.6(b); and

WHEREAS, the FTA and METRO have established the University Corridor’s Area of Potential Effects (APE), as defined at 36 CFR § 800.16(d), and identified in the Determination of Effects Report dated June 12, 2006 and Final Determination of Effects Report dated December 12, 2008, to be the designated area shown in Attachment B; and

WHEREAS, the FTA and METRO, in consultation with the SHPO, have determined that various properties located within the APE for the University Corridor are considered eligible for
listing in the National Register of Historic Places, either individually or as contributing elements of a historic district, pursuant to 36 CFR § 800.4(c) prior to commencement of the undertaking; and

WHEREAS, the FTA and METRO, in consultation with the SHPO, have determined that the construction of the University Corridor will have an effect on historic properties within the boundaries of the University Corridor APE; and have consulted with the SHPO pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act, (16 USC § 470(f)); and

WHEREAS, METRO has compiled a Multiple Property Submittal documentation package entitled “The African-American Heritage of the Third Ward”; and

WHEREAS, METRO has contacted several Indian Tribes whose traditional lands may be affected and received a response only from the Comanche Nation that indicated that they had no immediate concerns or issues regarding the project; and

WHEREAS, METRO has contacted the City of Houston Historic Preservation Officer who participated in the development of the Project; and

WHEREAS, METRO has notified the Advisory Council on Historic Preservation (Council) that the Project will have an effect, and the Council has chosen not to participate in the Section 106 consultation; and

WHEREAS, the FTA and METRO have coordinated and consulted with the public and agencies in accordance with 36 CFR § 800.8(c)(iv) including inviting public comment on the Draft Environmental Impact Statements and Section 4(f) Evaluation for the Project; and

WHEREAS, METRO has participated with the FTA in the consultation with the SHPO and has been invited to concur in the Amended Memorandum of Agreement to reflect its commitment to the measures described in this Agreement and to its obligations in a grant that will fund the construction of the Project; and

NOW, THEREFORE, FTA, METRO, and the SHPO agree that the following measures and stipulations shall be implemented to take into account the effects of the undertaking on the historic properties:

STIPULATIONS

The FTA shall ensure the following measures and stipulations are implemented for the Project:

I. UNIVERSITY CORRIDOR PROJECT

A. METRO will ensure that the design of the fixed guideway structures and all other construction undertaken or funded by METRO related to this undertaking, including
but not limited to station platforms and canopies, bridges or overpasses, artwork and gateways, tracks, catenary poles, overhead traction and power systems, traction power stations, communication bungalows, and sound insulation fences or other construction that may have an effect on historic properties will be designed to be compatible with affected historic properties and conform to the guidance contained in the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (U.S. Department of the Interior, National Park Service, 1995 or as most recently amended). METRO will further ensure that all such designs are developed in consultation with the SHPO and submitted to the SHPO for comment prior to construction. Proposed designs will be provided to the SHPO for review at approximately the 30%, 60% and 90% design stages as stated in Stipulation II.D.

B. As part of the mitigation for contributing properties in the Third Ward affected by the separate Southeast Corridor Fixed Guideway Project, by agreement between the FTA, METRO and the SHPO executed in June 2008, METRO conducted the necessary research and prepared a Multiple Property Nomination submittal for the Third Ward West entitled “The African American Heritage of the Third Ward”. By mutual agreement between METRO and the SHPO, this documentation is considered sufficient to mitigate the effects of the University Corridor Project on historic properties contributing to the Third Ward West Historic District. METRO has submitted the Multiple Property Nomination to the SHPO, who confirmed that the Multiple Property Nomination fulfills the intent and specific requirements of this and the aforementioned agreement between METRO and the SHPO. METRO and FTA shall have no further responsibility with respect to the Package.

C. If the University Corridor affects previously undisturbed (non-street) right of way parcels, METRO shall, either directly or through a qualified contractor, conduct in-depth historic archival research on the affected properties. This information shall then be forwarded to the SHPO for review and the SHPO will determine whether archeological investigations will be warranted in advance of any alteration of the site in any way.

D. No historic property or contributing element will be adversely affected by the project. Should changes to the University Corridor design change the previously reported affects on historic properties or elements, METRO shall coordinate with FTA and SHPO as stated in Stipulation II.C.

II. ADMINISTRATIVE STIPULATIONS

A. Definition. For the purposes of this Agreement the terms “Party” or “Parties” mean the FTA, METRO, and the SHPO, each of which has authority under 36 CFR § 800.7 to terminate the consultation process.

B. Professional supervision. The FTA shall ensure that all activities carried out pursuant to this Agreement are carried out by or under the direct supervision of a person or
persons meeting at a minimum the appropriate Professional Qualifications Standards set forth in the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation. However, nothing in this stipulation may be interpreted to bar the FTA, METRO or any agent or contractor of the FTA from utilizing the properly supervised services of employees and volunteers who do not meet the above standards.

C. Neither the FTA nor METRO shall make any substantial design modifications and/or alter any plan or scope of services to the University Corridor that will affect historic properties without first affording the Parties of this Agreement the opportunity to review the proposed change and determine whether it shall require that this Agreement be amended. If one or more such Party determines that an amendment is needed, the Parties to this Agreement shall consult in accordance with 36 CFR § 800.6 to consider such an amendment.

D. Design review. The reviews set out in this Agreement shall be completed as early in the process as possible so that measures to avoid, minimize, or mitigate the effects of the University Corridor on historic properties can be taken into consideration by the SHPO during design and prior to construction. Design review submittals will be provided to the SHPO through final design for those elements of the University Corridor. Stipulations D.1(ii), D.2(ii) and D.3(ii) clarify how concerns raised by SHPO will be addressed for each phase of design review.

1. Preliminary Engineering Design Review (approximately 30% submittal) would be the first review.

   i. METRO’s responsibility will be to provide the SHPO with the Preliminary Engineering design plans that clearly identify the location of all historic properties, to note the application of any mitigation, and if requested by the SHPO, to be available to make a detailed presentation of the plans.

   ii. SHPO’s responsibility will be to notify METRO in writing within 30 days of receipt of the Preliminary Engineering design plans of any potential impacts that diminish the integrity of an historic property’s significant historic features or its historic setting, make a recommendation about how any concerns may be addressed, and be available for consultation with METRO should further clarification or detail be needed.

2. In Progress Design Review (approximately 60% submittal) would be the second review.

   i. METRO will provide the SHPO with an In Progress set of design plans and make SHPO aware of any significant changes from the Preliminary Engineering plans in the vicinity of historic properties,
and request the SHPO’s approval or comment on these changes. To facilitate the SHPO’s mitigation monitoring and design review, METRO will also note the application of any mitigation.

ii. SHPO will notify METRO in writing, within 30 days of receipt of the In Progress review materials, of approval or comment on the significant project changes, mitigation monitoring, or design review presented.

3. Pre-Final Design Review (approximately 90% submittal) would be the third review.

i. METRO will provide the SHPO with a Pre-final set of design plans and make the SHPO aware of any significant project changes from the 60 percent plans in the vicinity of historic properties, and request the SHPO’s approval or comment on these changes. METRO will also note how the SHPO’s concerns, if any, have been addressed.

ii. SHPO will notify METRO in writing within 30 days of receipt of approval or comment on the Pre-Final materials submitted.

iii. SHPO at its option may request a copy of the final bid set for each Project for documentation purposes. SHPO will notify METRO in writing within 30 days whether it intends to open consultation on any design-related issue previously identified but has remained unchanged and/or not previously raised as a concern.

III. WORKER EDUCATION PROGRAM

METRO will conduct a Worker Education Program for construction personnel. The program is designed to inform contractors and workers of requirements for the protection of historic properties and unanticipated archeological discoveries during construction.

IV. DURATION

This Agreement shall continue throughout the development and implementation of the Project. Prior to such time, FTA, METRO or the SHPO may consult with the other signatories to reconsider the terms of the Agreement and amend in accordance with Stipulation VII below. At the end of one year following the execution of this Agreement, and annually for a period of five years, METRO shall provide all signatory parties to this Agreement a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in METRO’s efforts to carry out the terms of this Agreement. Beginning the sixth year following the execution of this Agreement, METRO will periodically report, as deemed needed by any signatory party, as to the
status of compliance with this Agreement until it expires or is terminated. Failure to provide such summary report may be considered noncompliance with the terms of this Agreement pursuant to Stipulation VII, below.

V. POST-REVIEW DISCOVERIES

In the event of discovery of archeological materials during any of its activities, METRO shall immediately stop work in the area of discovery and notify the SHPO. METRO shall comply with 36 CFR § 800.13(b) and any other legal requirements to include consultation in accordance with Section 106 of the National Historic Preservation Act. METRO will provide site information and a determination of National Register eligibility for the location to SHPO. SHPO shall have 30 days to review and concur with the determination of eligibility and any treatment needed.

VI. DISPUTE RESOLUTION

Should any Party to this Agreement object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, FTA shall consult with the objecting Party to resolve the objection. If FTA determines, within 30 days, that such objection(s) cannot be resolved, FTA will:

A. Forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council) in accordance with 36 CFR § 800.2(b)(2). Copies of this documentation shall be provided simultaneously to the SHPO. Upon receipt of adequate documentation, the Council shall review and advise FTA on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the Parties to the Agreement, will be taken into account by FTA in reaching a final decision regarding the dispute.

B. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, FTA may render a decision regarding the dispute. In reaching its decision, FTA will take into account all comments regarding the dispute from the Parties to the Agreement.

C. FTA’s responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged. FTA shall notify METRO and SHPO of its decision in writing before implementing that portion of the Project subject to dispute under this stipulation. FTA’s decision will be final.

VII. AMENDMENTS AND NONCOMPLIANCE

If any signatory to this Agreement, including any invited signatory, determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that Party shall immediately consult with the other Parties to develop an amendment to this Agreement pursuant to 36 CFR § 800.6(c)(7) and 800.6(c)(8). The amendment will
be effective on the date a copy signed by all of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend the Agreement, any signatory may terminate the Agreement in accordance with Stipulation IX below. Notwithstanding the foregoing, changes in technology and design refinements of a minor nature may be accomplished, at the discretion of the Parties, through a letter agreement signed by all the Parties.

VIII. TERMINATION

If the Agreement is not amended following the consultation set out in Stipulation VII, it may be terminated by any signatory or invited signatory. Within 30 days following termination, the FTA shall notify the signatories if it will initiate consultation to execute an agreement with the signatories under 36 CFR § 800.6(c)(1) or request the comments of the Council under 36 CFR § 800.7(a) and proceed accordingly.

Execution of this Amended Memorandum of Agreement by FTA, METRO and SHPO, the submission of documentation and filing of this Amended Memorandum of Agreement with the Council pursuant to 36 CFR § 800.6(b)(1)(iv) prior to FTA's approval of the Project, and implementation of its terms constitutes evidence that METRO has taken into account the effects of these Project on historic properties and afforded the Council an opportunity to comment.

SIGNATORIES TO AMENDED MEMORANDUM OF AGREEMENT

FEDERAL TRANSIT ADMINISTRATION

BY: [Signature]
Robert C. Patrick
Regional Administrator, Region VI

DATE: 5/7/09

METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS

BY: [Signature]
Frank J. Wilson
President & Chief Executive Officer

DATE:

TEXAS STATE HISTORIC PRESERVATION OFFICER

BY: [Signature]
Mark Wolfe
Deputy State Historic Preservation Officer

DATE: 5/25/09
AMENDED MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE TEXAS STATE HISTORIC PRESERVATION OFFICER, AND
METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS,
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO CFR §800.6(b)(1)(iv)
REGARDING THE UNIVERSITY CORRIDOR FIXED GUIDEWAY PROJECT
IN HOUSTON, TEXAS
MARCH 2009

METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY

By: __________________________
Name: __________________________
Title: President & CEO
Date: __________________________

ATTEST:

By: __________________________
Name: __________________________
Title: Assistant Secretary
Date: __________________________

APPROVED AS TO FORM:

By: __________________________
Name: __________________________
Title: Senior Vice President/General Counsel

APPROVED:

By: __________________________
Name: __________________________
Title: Vice President/Chief Financial Officer
ATTACHMENT A
The University Corridor is an east-west project located near Downtown Houston. The proposed project extends approximately 11.3 miles east from the Hillcroft Transit Center to the Eastwood Transit Center within the City of Houston, Harris County, Texas. The proposed action is the implementation of high capacity transit service in the form of light rail transit (LRT) within the University Corridor. The LRT is generally proposed to be at grade in City of Houston street right-of-way and METRO-owned Westpark right-of-way with limited sections of elevated structure. The logical termini for the project are from Hillcroft Transit Center to the Eastwood Transit Center. Though planned as a part of an integrated transit system, the proposed project exhibits independent utility without the benefits of the implementation of other programmed fixed guideway service. The proposed project has independent utility because the project would function as a usable LRT line, does not require the implementation of other fixed guideway projects to operate, and would not restrict the consideration of alternatives for other foreseeable transportation improvements. The University Corridor could provide connections with the planned Southeast LRT Line, the METRORail Red Line, and the planned Uptown/Galleria LRT Line.
Attachment B

University Corridor Area of Potential Effect (APE)

The project area covers an 11.3-mile corridor near downtown Houston, from the University of Houston to the Uptown/Galleria area. The project area is bound by Calhoun Street on the east, Chimney Rock Road on the west, Westheimer Road on the north and Bissonnet Road on the south.

The project area west of Main Street includes residential neighborhoods dating from the early 20th century, retail commercial development and office commercial developments. The southern alternative alignment and cross-over alternatives closely relate to the U.S. 59 Southwest Freeway and associated industrial/commercial/residential development.

The project area located southeast of downtown Houston and known as Third Ward, was one of the earlier African-American communities formed after the emancipation of slaves on June 19, 1865. Although primarily a residential area, businesses and institutions also developed here. It is the home of Texas Southern University, the first state-supported institution in the City of Houston and the first to house a law school for African-Americans (http://www.tsu.edu/about/history/). Four other institutes of higher learning, Rice University (1912), the University of Houston – central campus (1927), St. Thomas University (1945), and the Houston Community College – central campus (1971) are also located in this project area. Another institution to develop in this area is the Houston Negro Hospital. Officially opened in July 1926, it was the first nonprofit hospital for African-American patients in Houston and allowed admitting privileges for African-American doctors. Closely related to the hospital was the Houston Negro School of Nursing, which opened in 1931, but closed by 1935 due to the lack in the number of patients (TSHA). Emancipation Park is also located in the project area and is one of the city’s earliest parks. Donated in 1872 by prominent African-American civic leader, the Reverend Jack Yates and other former enslaved people, it was purchased as a site for Juneteenth celebrations and is still in use today.

The APE will include adjacent parcels of at-grade project activities, parcels within 200 feet of grade-separated locations, and one block in all directions surrounding station locations.
SCOPING INFORMATION
University Corridor
Environmental Impact Statement

Scoping Information Package

Prepared for:
Metropolitan Transit Authority of Harris County, Texas

June 2006
Introduction
The Houston region has the seventh largest economy in the country and also ranks among the fastest growing. Strong growth in population and jobs strains the transportation infrastructure of the region making future mobility a major concern. The Houston-Galveston Area Council (H-GAC), the Texas Department of Transportation (TxDOT), the Metropolitan Transit Authority of Harris County (METRO), and other area transportation providers work closely together to address the growing concern for future mobility needs.

Within this multimodal planning framework, METRO’s long-term transit plan, METRO Solutions, offers transportation alternatives in major corridors throughout the region. The plan offers better connections, faster, shorter trips, and longer hours of service. METRO is undertaking multiple environmental and preliminary engineering studies in several corridors. METRO is initiating the preparation of an Environmental Impact Statement (EIS) for transit improvements in the University Corridor.

Project Study Area
The University Corridor study area is defined as beginning at the University of Houston – Central Campus and extending westward to the inner southwest part of Houston, generally bounded by Calhoun Street on the east, Chimney Rock on the west, Westheimer on the north and Bissonnet on the south. The University Corridor extends approximately 10 miles east to west and includes the Greenway Plaza, Uptown/Galleria, University of Houston – Central Campus, Texas Southern University, and St. Thomas University areas.
What is Scoping?

The purpose of the scoping process is to determine the scope of the Environmental Impact Statement (EIS) to ensure that issues are identified early and properly studied. The end result of scoping is to ensure that the draft EIS produced for public review and comment is thorough and balanced. The scoping process should identify concerns of both the agencies and the affected public and should clearly define the environmental issues and alternatives to be examined in the EIS. If there are important environmental or social impacts that the public wants considered, the time to raise these issues is at the scoping meeting. If there are alternatives to be considered, the scoping meeting is the place to ask that they be analyzed. If there are concepts for minimizing environmental harm that the public would like to see evaluated, these alternatives should be raised at the scoping meeting. In this way, the EIS can be structured to better address public and agency concerns and help lead to better decisions in the end.

All reasonable alternatives and potentially significant project impacts are identified and examined early in the process.

This scoping process will be conducted by the Federal Transit Administration (FTA) and the Metropolitan Transit Authority of Harris County (METRO). The scoping process will include some or all of the following activities:

- Development of proposed alternatives and alignments for evaluation, and identification of environmental issues to be addressed.
- Public and agency scoping meetings to receive input to help refine proposed alternatives and identify potential environmental issues.
- Communications with affected local, regional, state, and federal agencies and other organizations regarding issues within their jurisdiction or concern.
- Careful consideration of written and oral comments made during the scoping comment period.
- Meetings with groups, organizations, and individuals to identify major project issues early in the process.
- Scoping Information Report describing the results of the scoping process, including comments received.
- Ongoing public and agency communication regarding the continued refinement of design alternatives.

The dates, times and locations of the public and agency scoping meetings are described in the “How To Get Involved” section (see page 4).

All earlier informational meetings are also part of the scoping process, and all input received from the public and agencies at these informational meetings will have the same consideration as those received during the formal scoping meetings. Additionally, written comments are encouraged from all interested parties and will be accepted by the project staff throughout the scoping comment period, which ends July 14, 2006. Any comments received after July 14, 2006 will be considered during the planning studies, but may not be included in the Scoping Information Report.
**Scoping Comment Opportunities**

**Public Involvement Program**

The public involvement program for the University Corridor includes a unique, well-planned outreach effort with a variety of public involvement tools and techniques to ensure that the diverse interest groups in the corridor have the opportunity to participate and provide input. In addition to the scoping meetings, public meetings will be held at various locations along the corridor at key milestones during this study, in order to provide information and to obtain input. Members of the study team will also be available to meet with the many established residential, community, and business organizations within the area to make presentations about the study and to hear about the issues that are important to stakeholders.

All comments that are received during the study process will be considered in the decision-making process.

**Study Schedule**

The following is an overview of the schedule for the studies. Meetings with stakeholders will be held during each phase of the studies.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Analysis</td>
<td>Summer/Fall 2006</td>
</tr>
<tr>
<td>Prepare Draft Environmental Impact Statement (DEIS)</td>
<td>Fall/Winter 2006</td>
</tr>
<tr>
<td>Public Hearing on DEIS</td>
<td>Spring 2007</td>
</tr>
<tr>
<td>Prepare Final Environmental Impact Statement</td>
<td>Late 2007</td>
</tr>
</tbody>
</table>

**How to Get Involved**

Public scoping meetings (in open house format) will be held during June 2006 to communicate information about the study and to seek input from the community. Please attend the meeting that is most convenient to you. More meetings will be scheduled later in the year as the studies progress.

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 27, 2006</td>
<td>4:00 – 7:00 p.m.</td>
<td>Public Agency Scoping</td>
<td>Third Ward Multi-Service Center, 3611 Ennis Street, Houston, TX 77004</td>
</tr>
<tr>
<td>June 28, 2006</td>
<td>2:00 – 4:00 p.m.</td>
<td>Public Agency Scoping</td>
<td>Houston Galveston Area Council (H-GAC), 3555 Timmons Lane, Suite 200, Houston, TX 77027</td>
</tr>
<tr>
<td>June 29, 2006</td>
<td>4:00 – 7:00 p.m.</td>
<td>Public Agency Scoping</td>
<td>Holiday Inn Express*, 2712 S.W. Freeway, Houston, TX 77098</td>
</tr>
</tbody>
</table>

* Self-parking at the Holiday Inn Express paid by METRO (valet parking not included).
You can also obtain information and contact us about issues for the University Corridor planning study from the project website at www.ridemetro.org.

**Planning Process**

The University Corridor is being advanced in accordance with the project development process through which federal, state, and local officials plan and make decisions regarding transit and highway capital investments. The development process contains the following phases listed below.

2. Preliminary Engineering/Final Environmental Impact Statement  
3. Final Design  
4. Construction  
5. Operation

In the first development phase, alternatives are evaluated based on planning, cost, community input and financial issues. At the conclusion of the DEIS, a public hearing will be held to take comments on the technical findings and recommendations. The METRO Board of Directors will select/adopt an Locally Preferred Alternative (LPA) in full consideration of public and agency input on the technical recommendation. The project is further refined and mitigation measures finalized during preliminary engineering and the development of Final EIS. Following receipt of environmental clearance from FTA, and funding commitments, the project would be advanced into final design, property acquisition (if required) and construction.

**Project Alternatives and Issues**

**Description of Corridor**

The University Corridor study area is defined as beginning at the University of Houston – Central Campus and extending westward to the inner southwest part of Houston, generally bounded by Calhoun Street on the east, Chimney Rock on the west, Westheimer on the north and Bissonnet on the south. The University Corridor extends approximately 10 miles east to west and includes the Greenway Plaza, Uptown/Galleria, University of Houston – Central Campus, Texas Southern University, and St. Thomas University areas. The corridor is divided into two segments: the west, which extends from the METRORail Wheeler Station to Chimney Rock (approximately six miles), and the east, which extends from Wheeler Station to Calhoun Street by the University of Houston - Central Campus (approximately four miles).

From Calhoun Street to Chimney Rock, the corridor is characterized by fairly dense residential and commercial development. New development and redevelopment is occurring along the corridor and is expected to generate increases in travel demand. Two major employment centers, Uptown/Galleria and Greenway Plaza, will be directly served by improvements in the University corridor. Downtown and the Texas Medical Center may be reached by a light rail connection at the Wheeler station. The corridor
will also provide direct service to four major universities: University of Houston –
Central Campus, Texas Southern University, Houston Community College – Central
Campus, and St. Thomas University.

METRO provides quality bus service throughout much of the corridor. Current local bus
routes that operate in the University Corridor study area tend to be heavily utilized and
represent a significant share of the regional daily local bus ridership. Express bus
service is provided via the High Occupancy Vehicle (HOV) land on the Southwest
Freeway HOV.

**Purpose & Need for Transportation Improvements**

Data gathering efforts and discussions with stakeholders to identify the transportation
needs of the corridor are underway. A preliminary list of these transportation needs has
been compiled and is included below to stimulate discussion throughout the scoping
process.

Connecting major population, employment, and entertainment centers, including
Downtown Houston, Uptown/Galleria, and Greenway Plaza, is a key purpose of this
proposal. Transit improvements in the corridor would provide a high capacity transit
alternative to the automobile. FTA and METRO seek public and agency comment on
the purpose and need for transit improvements in the University Corridor.

**Preliminary List of Transportation Needs for the University Corridor:**
The corridor has many transportation challenges and opportunities. The following is a
sampling of the corridor issues that may be addressed by the studies:

- Regional transit system connectivity between the University Corridor and major
  activity centers and destinations;
- Existing and future traffic congestion on corridor freeways and thoroughfares;
- Slow bus speeds due to traffic congestion;
- High existing bus ridership and projected future transit demand;

Other transportation needs will be identified and described as the scoping process
proceeds.

A key component of the University Corridor is the regional connectivity the transit
improvement would offer. A number of travel destinations are located along the
corridor. The alignment would provide a transfer opportunity at the Wheeler Station
providing a direct connection to the existing Main Street Light Rail line, which
provides service to Downtown, Midtown, the Museum District, and the Texas Medical
Center. A transfer opportunity to the proposed Southeast Corridor Guideway Rapid
Transit (GRT) project would be provided at Scott Street. A transfer opportunity to the
proposed Uptown Corridor BRT project would be provided at Post Oak Boulevard.
Definition of Alternatives
The scoping process addresses the general definition of alternatives to be considered by the EIS. For purposes of stimulating discussion during the scoping process, an initial list of conceptual alternatives is presented, as follows:

- **Future No Build Alternative:** Outside the study area, this alternative consists of the transportation network in the metropolitan transportation plan adopted by the Houston-Galveston Area Council (H-GAC). Inside the study area, this alternative assumes that transit service will be continued and expanded to meet future population and employment growth in accordance with existing service policies.

- **Transportation Systems Management (TSM) Alternative:** Defined as the best that can be done for mobility without constructing a new transit guideway.

- **Light Rail Transit (LRT) on Westpark and US 59:** Rail vehicles and tracks on Westpark and US 59 west of Wheeler Station, and with one of three alignments east of Wheeler Station on Elgin, Alabama, or Wheeler.

- **LRT on Richmond:** Rail vehicles and tracks on Richmond with one of three alignments for transitioning to Westpark west of Wheeler Station on either Edloe, Weslayan, or the Bellaire Juncture Railroad; and with one of three alignments east of Wheeler Station on Elgin, Alabama, or Wheeler.

Issues to Be Addressed
A number of issues will be addressed in the EIS. The following is an initial list of the issues identified to-date:

- land acquisition, displacement and relocation of existing residences and businesses
- historic, archaeological, and cultural resources
- parklands and recreation areas
- adverse impacts on neighborhoods and communities
- transit vehicle noise
- vibration due to rail vehicles
- traffic impacts
- other
Appendix

Notice of Intent
DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Intent to Prepare an Environmental Impact Statement for Major Transit Improvements in the University Corridor of Metropolitan Houston, TX

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The Federal Transit Administration (FTA) and the Metropolitan Transit Authority of Harris County (METRO) intend to prepare an Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA), to evaluate proposed public transportation improvements in the Houston metropolitan area. The area being studied, known as the University Corridor, extends approximately ten miles from the vicinity of the University of Houston—Central Campus to the Uptown/Galleria area in southwest Houston. METRO is proposing to construct an electric-powered light rail transit line on one of several possible alignments in the corridor. The EIS will examine and evaluate a number of transit alternatives including a Transportation Systems Management Alternative and various Build Alternatives, consisting of light rail vehicles powered from overhead wires, by an internal diesel-electric system, or by an alternative fuel hybrid-electric system and alignment options within the corridor; and any additional alternatives generated by the scoping process. The location and design of needed ancillary facilities, such as maintenance facilities, will also be considered. Scoping of the EIS will be accomplished through a series of public meetings and stakeholder meetings, through correspondence with interested persons, organizations, and Federal, State, and local agencies, and through posting a scoping information packet on the internet and distributing the packet in hardcopy upon request.

DATES: Written comments on the scope of the EIS, including the purpose and need for transit improvements in the corridor, the alternatives to be studied, and the environmental and community impacts to be considered should be sent to the Metropolitan Transit Authority of Harris County at the address under ADDRESSES below no later than July 14, 2006.

Scoping Meeting Dates: Public scoping meetings to discuss the scope of the EIS will be held on June 27, 2006 and June 29, 2006. See ADDRESSES below for meeting times and locations. Formal presentations of the proposed scope of the study will be made at the meetings, and will be followed by an opportunity for the public to comment on the purpose and need, alternatives to be evaluated, and environmental and community impact issues to be assessed. METRO staff will be available for informal questions and comments throughout the meeting. Scoping information material will be available at the meetings and may also be obtained in advance of the meeting by contacting METRO at the address or e-mail identified in ADDRESSES below. The scoping information will also be available on the project Web site at http://www.metrosolutions.org/go/doc/1068/112145/. Oral or written comments may be given at the scoping meetings. A court reporter will be present at the meetings to record oral comments. Any person who requires language interpretation or communication accommodations is encouraged to contact Karen Marshall at METRO at (713) 739–4980 or by 2-mail at METROSolutions-University@ridemetro.org at least 72 hours prior to the scoping meetings. Every reasonable effort will be made to meet special needs. The location for the meetings will be accessible to persons with disabilities. A scoping meeting for the public agencies invited to serve as participating agencies in the EIS study will be organized later through direct mailouts or telephone invitations.

ADDRESSES: Written comments on the scope of the EIS should be sent to the following address by July 14, 2006: Rhonda Boyer, 1900 Main St., P.O. Box 61429, Houston, Texas 77208–1429, METROSolutions-University@ridemetro.org.

The public scoping meetings will be held at the following locations and times:

1. Third Ward Multi-Service Center, Tuesday, June 27, 2006, 4 p.m. to 7 p.m. at 3611 Ennis, Houston, Texas 77004.
2. San Jacinto Girl Scout Headquarters, Thursday June 29, 2006, 4 p.m. to 7 p.m. at 3110 S.W. Freeway, Houston, Texas 77098.

FOR FURTHER INFORMATION CONTACT: John Sweek, Community Planner, FTA, Region VI, 819 Taylor Street, Ft. Worth, Texas 76102, Telephone (817) 978-0550.

SUPPLEMENTARY INFORMATION:

I. Scoping

METRO and FTA invite all interested individuals and organizations, and Federal, State, regional, and local agencies to participate in defining the purpose and need for transit action in the University Corridor, in developing alternatives to be evaluated to meet that purpose and need, and in identifying any social, economic and environmental issues related to the alternatives. During the scoping process, comments should focus on refining the purpose and need statement, developing alternatives to meet the purpose and need that have comparable or lower cost and less adverse impact, and identifying specific social, economic, or environmental impacts to be evaluated.

II. Purpose and Need

The University Corridor study area is defined as beginning at the University of Houston—Central Campus and extending westward to the inner southwest part of Houston, generally bounded by Calhoun Street on the east, Chimney Rock on the west, Westheimer on the north and Bissonnet on the south. The University Corridor extends approximately 10 miles east to west and includes the Greenway Plaza, the Uptown/Galleria, the University of Houston—Central Campus, the Texas Southern University, and the St. Thomas University areas. Portions of the alignment are densely developed. New development and redevelopment is occurring along the corridor and is expected to generate increases in travel demand.

A key component of the University Corridor is the regional connectivity the transit line will offer. A number of travel destinations are located along the corridor. The alignment will provide a transfer opportunity at the Wheeler Station providing a direct connection to the existing Main Street LRT line, which provides service to Downtown, Midtown, the Museum District and the Texas Medical Center. A transfer opportunity to the proposed Southeast Corridor BRT project will also be provided at Scott Street.
From Calhoun Street to Chimney Rock, the corridor is characterized by fairly dense residential and commercial development. Two major employment centers, Uptown/Galleria and Greenway Plaza, will be directly serviced by the University line, and Downtown and the Texas Medical Center may be reached by a light rail connection at the Wheeler station. The corridor will also provide direct service to four major universities: University of Houston—Central Campus, Texas Southern University, Houston Community College—Central Campus, and St. Thomas University.

Current local bus routes that operate in the University Corridor study area tend to be heavily utilized, and represent a significant share of the daily local bus ridership.

Transit connection of major population, employment, and entertainment centers, including Downtown Houston, Uptown/Galleria, and Greenway Plaza, is a key purpose of this proposal. FTA and METRO seek public and agency comment on the purpose and need for transit action in the University Corridor.

III. Alternatives

The alternatives presently proposed for consideration in the EIS are:

- Future No Build Alternative—Outside the study area, this alternative consists of the transportation network in the metropolitan transportation plan adopted by the Houston-Galveston Area Council (H-GAC). Inside the study area, this alternative assumes that transit service will be continued and expanded to meet future population and employment growth in accordance with existing service policies.
- TSM Alternative: Bus service improvements beyond those of the Future No Build Alternative, which represent the best that can be done to meet the project’s purpose and need without constructing a new transit guideway.
- LRT on Westpark and US 59: Rail vehicles and tracks on Westpark and US 59 with one of three alignments for transitioning west of Spur 527 in the vicinity of Edloe, Weslayan, or the Bellaire Juncture Railroad right-of-way and with one of three alignments for transitioning east of Spur 527 on Elgin, Alabama, or Wheeler. The impacts and costs alternative traction-power technologies for the light rail vehicles, including electric power from overhead wires, an on-vehicle diesel-electric system, and an alternative fuel hybrid-electric system, will be studied. A hybrid-powered LRT system has not yet been used elsewhere in the United States.
- LRT on Richmond: Rail vehicles and tracks on Richmond with one of three alignments for transitioning west of Spur 527 in the vicinity of Edloe, Weslayan, or the Bellaire Juncture Railroad right-of-way and with one of three alignments for transitioning east of Spur 527 on Elgin, Alabama, or Wheeler. As with the Westpark/US 59 LRT alignment, alternative traction-power LRT technologies will be studied.

Additional reasonable alternatives suggested during the scoping process, including those involving other modes or alignments, will also be considered. Alternative locations and designs for ancillary facilities, such as the transit vehicle storage and maintenance facility, traction power substations for electrically-powered vehicles, and stormwater management facilities, will be developed and presented in the EIS.

IV. Probable Effects and Potential Impacts for Analysis

The purpose of the EIS is to evaluate the environmental consequences of alternative means of accomplishing the purpose and need for transit in the University Corridor study area in advance of a decision to commit substantial financial or other resources toward the project implementation. The EIS will examine the extent to which the study alternatives result in adverse environmental and community impacts and corresponding actions to reduce, mitigate, or eliminate such impacts.

METRO and the FTA will evaluate all social, economic, and environmental impacts of the alternatives analyzed in the EIS. Primary issues known to the study team at present include:

- Land acquisition, displacement and relocation of existing residences and businesses;
- Historic, archaeological, and cultural resources;
- Parklands and recreation areas;
- Adverse impacts on neighborhoods and communities;
- Transit vehicle noise;
- Vibration of buildings due to rail vehicles; and
- Traffic impacts.

Mitigation options for all adverse impacts will be developed and presented in the EIS. To ensure that all significant issues related to this proposed project are identified and addressed, comments and suggestions are encouraged from all interested parties during scoping. Comments or questions concerning the impacts of the various alternatives should be directed to METRO at the address given under ADDRESSES above.

V. FTA Procedures

FTA and METRO will combine the draft EIS with the planning Alternatives Analysis required for New Starts projects (projects proposed for funding assistance through 49 U.S.C. 5309(d)). Following the public hearing and comment period for the draft EIS, METRO and H–GAC will select a locally preferred alternative (LPA), and METRO will apply to FTA for entry into the Preliminary Engineering (PE) phase of project development. It is conceivable that the LPA may be combination of one or more alternative options studied.

Wherever the LPA has adverse impacts, METRO and FTA will develop additional alignment and design alternatives during PE to avoid those adverse effects. If avoidance is determined not to be feasible and prudent, then minimization and mitigation options will be developed and evaluated. The final EIS will present the alternatives developed and evaluated during PE and commit to specific mitigation of adverse impacts.

In accordance with FTA policy, all Federal laws, regulations and executive orders affecting project development, including but not limited to the regulations of the Council on Environmental Quality and FTA implementing NEPA (40 CFR parts 1500–1508 and 23 CFR part 771), the project-level conformity provisions of the Clean Air Act, Section 404 of the Clean Water Act, Executive Orders 11990 regarding wetlands, 11988 regarding floodplains, and 12898 regarding environmental justice, Section 106 of the National Historic Preservation Act, Section 7 of the Endangered Species Act, and Section 4(f) of the Department of Transportation Act (49 U.S.C. 303), will be addressed to the maximum extent practicable during the NEPA process.

Issued on: May 17, 2006.

Robert C. Patrick,
Regional Administrator, Federal Transit Administration, Fort Worth, Texas
[FR Doc. 06–4730 Filed 5–19–06; 8:45 am]
BILLING CODE 4910–57–M
This Page Intentionally Left Blank.
COORDINATION PLAN
This Page Intentionally Left Blank.
University Corridor
Coordination Plan

The purpose of this Coordination Plan (CP) is to identify the coordination that the Metropolitan Transit Authority of Harris County (METRO) is going to undertake with Federal, state, and local agencies and the public during the National Environmental Policy Act (NEPA) process for the University Corridor for which the NEPA process began after the passage of the Safe, Accountable, Flexible, Efficient Transportation Equity Act-A Legacy for Users (SAFETEA-LU) on August 10, 2005.

Coordination Plans are a new requirement set out in SAFETEA-LU.

**Elements of this Coordination Plan include:**

A. Definition of various agency roles
B. Expectations of agencies
C. Commitment to review at specific milestones
D. Issues resolution process

**A. Agency Definitions**

**Federal Lead Agency:** The Federal Transit Administration (FTA) will be conducting the NEPA analysis.

**Joint Lead Agency:** The Metropolitan Transit Authority of Harris County, Texas (METRO) will assist in the preparation of the environmental analysis in accordance with SAFETY-LU section 6002.

**Cooperating Agencies:** Federal agencies other than the Lead Agency who have jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. For the University Corridor, there are none identified at this time:

**Participating Agencies:** Federal, state or local agencies who may have an interest in the project. For the University Corridor Program, these are:

- Federal Highway Administration
- Federal Railroad Administration
- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency
- U.S. Department of Interior
- Federal Emergency Management Agency
- Texas Department of Transportation
- Texas Commission on Environmental Quality
- Texas Historical Commission
- City of Houston (Public Works and Engineering, Planning and Development, Parks)
B. Agency Expectations

The expectations for Lead and Joint Lead Agencies are:

- Take such action as is necessary and proper to facilitate the expedited review of the environmental review process.
- Ensure that any EIS or other document required under NEPA is completed in accordance with SAFETEA-LU and applicable federal law.
- Provide (in cooperation with the Project Sponsor) as early as practicable in the process project information on purpose and need, environmental resources, alternatives and proposed methodologies at appropriate project milestones.
- Provide a Coordination Plan to Participating and Cooperating Agencies
- Make information available as early as practicable.
- Lead federal agency will have ultimate responsibility for:
  1. Review and adoption of a NEPA document.
  2. Ensuring the Project Sponsor complies with all design and mitigation commitments.
  3. Development of a project purpose and need, the range of alternatives to be considered and other procedural matters.
- Involve tribal governments in the NEPA process.
- Approve the request from the Project Sponsor to advance a Preferred Alternative to a greater level of detail.

The expectations for Participating Agencies are:

- Identify as early as practicable any issue of concern regarding the project’s environmental or socioeconomic impacts.
- Identify as early as practicable any issues that could substantially delay or prevent an agency from granting a permit or other approval needed for the project.
- Provide input on purpose and need, methodologies, alternatives within 15 days of receipt thereof.
- Respond affirmatively in writing to the letter of invitation (for non-federal agencies) within 30 days of receipt thereof.
• Respond in writing to the letter of invitation if you wish to decline the invitation and opt out of the role/process (for federal agencies) within 30 days of the receipt thereof.

• Work cooperatively with METRO to identify and resolve issues that could delay completion of the environmental review process or could result in denial of any approvals for the project.

• Provide input on this CP and schedule.

• Participate as needed in Issues Resolution Process described in Section D.

Coordination with the U.S. Army Corps of Engineers will occur as defined in the January 2006 Memorandum of Agreement with FTA.

C. Specific Milestones Review Process

METRO and FTA commit to the following coordination with Participating and Cooperating agencies:

• Request to participate (by letter) will be sent to potential participating parties along with information about the project and specific direction to flag any issues of concern (at the beginning of scoping process).

• Request for review of the project purpose and need (response to be provided within 15 days of receipt thereof). This information on purpose and need will be provided to participating Agencies by METRO as a part of the scoping process.

• Provision of pertinent information about environmental and socioeconomic resources in the area. This information will be provided by written correspondence or in a meeting.

• Provision of the following information related to alternatives:
  1. Proposed range of alternatives (including relationship to previous planning studies)
  2. Proposed methodologies for screening of alternatives
  3. Proposed methodologies for determining impacts
  4. Proposed DEIS alternatives
  5. Proposed Preferred Alternative
  6. Proposed avoidance, minimization and mitigation measures.

This information will be provided in meetings and/or by written correspondence. Response to be provided back to METRO about each of these within 15 days of receipt thereof.
Provision of Draft EIS (Response to be provided within 30 days of receipt thereof).

The form the milestone review process will take for state and federal agencies is described in the proposed sequence for Milestone Review.

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Anticipated Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice of Intent</td>
<td>May 22, 2006</td>
</tr>
<tr>
<td>Request to participate</td>
<td>Letter of invitation and scoping package – May 25, 2006</td>
</tr>
<tr>
<td>Public Scoping Meetings</td>
<td>June 27 &amp; 29, 2006)</td>
</tr>
<tr>
<td>Agency Scoping Meeting</td>
<td>June 28, 2006</td>
</tr>
<tr>
<td>Purpose and need, methodology for alternatives screening</td>
<td>During Scoping Process – June through August 2006</td>
</tr>
<tr>
<td>Range of alternatives, screening</td>
<td>September – December 2006</td>
</tr>
<tr>
<td>Proposed DEIS Alternatives, environmental and socio-economic resources</td>
<td>Spring 2007</td>
</tr>
<tr>
<td>Completion of Draft EIS</td>
<td>Summer 2007</td>
</tr>
<tr>
<td>Locally Preferred Alternative</td>
<td>Summer 2007</td>
</tr>
<tr>
<td>Completion of the FEIS</td>
<td>Winter 2007</td>
</tr>
<tr>
<td>Completion of the ROD</td>
<td>TBD</td>
</tr>
<tr>
<td>Completion of permits, license, or approvals after the ROD</td>
<td>TBD</td>
</tr>
</tbody>
</table>

D. Issues Resolution Process

The Lead agency, Cooperating Agencies and the Participating Agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or could result in denial of any approvals required for the project under applicable laws.

Based on information received from the Lead Agency, Participating and Cooperating Agencies shall identify, as early as practicable, any issues of concern regarding the project’s potential environmental or socioeconomic impacts. Issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

The following issues resolution process will be followed:
Meetings will be held as needed during the course of the NEPA process to discuss and resolve issues.

If issues are not being resolved in a timely manner:

1. An official issues resolution meeting will be scheduled.

2. If resolution cannot be achieved within 30 days following such a meeting and a determination has been made by the Lead Agency that all information necessary to resolve the issues has been obtained... then

3. FTA will notify the heads of all Participating Agencies, Cooperating Agencies, METRO, the Governor, the Committee on Environment and Public Works of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives and the Council of Environmental Quality, and

4. FTA will publish such notice in the Federal Register.
WESTPARK RAILROAD DEED
SPECIAL WARRANTY DEED AND GRANT OF EASEMENT

THE STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS §

THAT SOUTHERN PACIFIC TRANSPORTATION COMPANY, a Delaware corporation ("Grantor"), for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration in hand paid to Grantor by METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS, whose address is 1201 Louisiana, P. O. Box 61429, Houston, Texas 77208-1429 ("Grantee"), the receipt and sufficiency of which consideration are hereby acknowledged, hereby GRANTS, SELLS and CONVEYS unto Grantee:

(a) the land described in EXHIBIT A attached hereto and by this reference made a part hereof (the "Land"); and (b) all buildings, structures and other improvements on the Land, including but not limited to bridges, tunnels, culverts, grading, embankments, dikes, pavement and drainage facilities (collectively, the "Improvements"); and (c) all of Grantor’s right, title and interest in and to (i) all fixtures attached to the Land and the improvements, including but not limited to all railroad tracks and related facilities including but not limited to all rail fastenings, switches and frogs, bumpers, ties, ballast, signaling devices and communications equipment (collectively, "Fixtures"); and (ii) all appurtenances and hereditaments relating to the foregoing Land, Improvements and Fixtures, including but not limited to all aerial rights, utility commitments, development rights, wastewater capacity reservations, franchise agreements, strips and gores, easements and rights of way (the "Appurtenances") (the Land, Improvements, Fixtures, and Appurtenances are collectively referred to herein as the "Property"), subject to the Permitted Encumbrances relating to the Property (as defined in the Purchase and Sale Agreement dated December 30, 1992, between Grantor and Grantee).

In addition, Grantor hereby grants and conveys to Grantee, its successors and assigns, subject to the Permitted Encumbrances, a perpetual, exclusive easement for a grade-separated crossing for general transportation purposes (the "Crossing Easement") located as described on EXHIBIT B attached hereto, on, under, over, through and across which area Grantee, its successors or assigns, shall have the right, without changing the alignment or grade of Grantor’s existing main rail line (the "Main Line"), to construct, maintain, repair, relocate, reconstruct, use, operate and remove a road, toll road, railroad or other structures; provided, however, that Grantee shall submit its design for the grade-separated crossing to Grantor for Grantor’s approval prior to commencing any construction of the grade-separated crossing (which approval shall not be unreasonably withheld and which approval or disapproval shall be given within forty-five (45) days of Grantee’s written request for such approval), and Grantee shall give Grantor prior written notice of any activities of Grantee in the Crossing Easement area which Grantee reasonably expects may interrupt or impede Grantor’s activities on the Main Line, in which event Grantee shall conduct its activities in the Crossing Easement area so as to minimize, to the extent feasible, conflict with Grantor’s activities on the Main Line.

Grantor hereby excepts from the Property hereby conveyed and reserves unto itself, its successors and assigns the following:
(a) all minerals and mineral rights, interests and royalties, including, without limitation, all oil, gas and other hydrocarbon substances, as well as metallic or other solid minerals of whatever kind or character, whether now known or hereafter discovered in and under the Land below 500 feet from the surface without regard to the manner in which the same may be produced or extracted from the Land, but without any right to enter upon or through the surface down to 500 feet below the surface to extract, drill, explore or otherwise exploit such minerals or mineral rights and without any right to remove or impair lateral or subjacent support; and

(b) a perpetual, exclusive easement (the "Railroad Easement") in, on, under, over and through a portion of the Property for purposes of conducting Grantor's freight rail operations and to otherwise fulfill Grantor's obligations as a common carrier railroad under applicable laws and regulations. Grantor and its licensees, successors and assigns shall have the right to use this Railroad Easement, to operate, use, construct, reconstruct, maintain, repair, relocate and/or remove existing and/or future railroad, rail and railroad-related equipment, facilities, and transportation systems necessary for and related to Grantor's freight rail operations. This Railroad Easement shall include the portion of the Property located within an area twelve and one-half feet (12.5') on either side of the center line of the existing railroad tracks attached to the Land, together with access thereto across all other Property as reasonably necessary for Grantor's use and enjoyment of this Railroad Easement; provided, however, that Grantee shall have the right to relocate any of such Railroad Easement within the Property upon construction, at Grantee's expense, of Fixtures and other railroad facilities comparable in quality and utility to those used by Grantor prior to such relocation, so long as such relocation does not interfere with Grantor's freight rail operations within the Property. Grantor shall be entitled to all revenues derived from all current and future agreements to which Grantor is a party affecting freight rail operations. This Railroad Easement shall terminate automatically at such time as an order, decision or notice of the Interstate Commerce Commission granting authority for Grantor to abandon all of its freight rail services on the Property has become effective and has been voluntarily consummated by Grantor. Upon the termination of the Railroad Easement, Grantor shall, at the request of Grantee, execute and deliver to Grantee a recordable document terminating and reconveying to Grantee all of Grantor's right, title and interest in, to and under the Railroad Easement. Grantee shall have the right to enter and use any part of the Property including any part thereof subject to the Railroad Easement; provided, however, that such use by Grantee shall not interfere with Grantor's conduct of its freight rail operations or its fulfillment of its obligations as a common carrier railroad; and provided that prior to constructing any improvement on the Railroad Easement Grantee shall be required to obtain prior written consent from Grantor, which consent shall not be unreasonably withheld.

The Property conveyed herein is hereby expressly restricted so that, and by Grantee's acceptance of delivery of this Deed Grantee expressly covenants that, neither Grantee nor any
other person or entity other than Grantor, its licensees and successors, shall have the right to use any part of the Railroad Easement or any other part of the Property for purposes of providing, or the right to hold itself out as providing, freight rail operations or other railroad service provided by common carrier railroads.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereunto in anywise belonging and subject to all of the terms and conditions described herein, unto Grantee, its successors and assigns, forever; and Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend all and singular, the Property unto Grantee, its heirs, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, subject, however, to the matters set forth herein.

GRANTOR:

SOUTHERN PACIFIC TRANSPORTATION COMPANY, a Delaware corporation

By: ____________________________

S. D. Steel, Vice President

THE STATE OF TEXAS §

$  

COUNTY OF HARRIS §

$  

This instrument was acknowledged before me on the ___ day of December, 1992, by S. D. Steel, Vice President of Southern Pacific Transportation Company, a Delaware corporation, on behalf of said corporation.

_______________________________

Notary Public in and for the State of Texas
EXHIBIT B

PROPERTY DESCRIPTION OF WESTPARK LINE
Exhibit "A"

I.

Those certain parcels of land situated in the County of Harris, State of Texas, being that portion of the Bellaire Branch of the Southern Pacific Transportation Company (successor to the San Antonio and Aransas Pass Railway Company) lying westerly of the easterly line of Duniav Street (60 feet wide) in the City of Houston, said easterly line being also the westerly line of the 2.951 acre parcel of land described in deed dated October 4, 1974 from Southern Pacific Transportation Company to Houston Lighting and Power Company, recorded in the Official Public Records of Real Property of Harris County, Film No. 112-04-2474, File No. E294357, the original located center line of the main track of said Bellaire Branch intersects the easterly line of said Duniav Street at Engineer's Station 183+11.7 (M.P. 3.47), and extending westerly along said center line of main track a distance of 16.93 miles to the southwesterly boundary of said Harris County at Engineer's Station 1076+91.2 (M.P. 20.40).

Said parcels of land are described in deeds to the San Antonio and Aransas Pass Railway Company, Grantee, more particularly described by deed reference or description as follows:

<table>
<thead>
<tr>
<th>SPTCo Acquisition Deeds - Grantor</th>
<th>Harris County Deed Recording</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Vol or Book</td>
</tr>
<tr>
<td>George L. Porter</td>
<td>41</td>
</tr>
<tr>
<td>J.L. Watson</td>
<td>41</td>
</tr>
<tr>
<td>Elizabeth H. Baxter</td>
<td>41</td>
</tr>
<tr>
<td>Jane Connell</td>
<td>41</td>
</tr>
<tr>
<td>SPTCo Acquisition Deeds - Grantor</td>
<td>Harris County Deed Recordation</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td></td>
<td>Vol. or Book</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Alphonse Stude</td>
<td>73</td>
</tr>
<tr>
<td>James Veasey, et ux.</td>
<td>72</td>
</tr>
<tr>
<td>Theodore Meineke</td>
<td>41</td>
</tr>
<tr>
<td>W.J. Aubertin, Executor, Estate of Mary Noble</td>
<td>72</td>
</tr>
<tr>
<td>Theodore Meineke</td>
<td>41</td>
</tr>
<tr>
<td>John W. Maxey, et al.</td>
<td>158</td>
</tr>
<tr>
<td>W.J. Aubertin, Executor, Estate of Mary Noble</td>
<td>72</td>
</tr>
<tr>
<td>George H. Hermann</td>
<td>41</td>
</tr>
<tr>
<td>D.M. Walker</td>
<td>41</td>
</tr>
<tr>
<td>F. Rhode</td>
<td>51</td>
</tr>
<tr>
<td>J. Meder</td>
<td>41</td>
</tr>
<tr>
<td>T.M. Stone</td>
<td>59</td>
</tr>
<tr>
<td>T.M. Stone</td>
<td>59</td>
</tr>
<tr>
<td>W.J. Settegast, et al.</td>
<td>42</td>
</tr>
<tr>
<td>Marion McAllister, et al.</td>
<td>52</td>
</tr>
<tr>
<td>W.H. Bailey, et al.</td>
<td>55</td>
</tr>
<tr>
<td>P.L. Barziza</td>
<td>56</td>
</tr>
<tr>
<td>C.B. Powell, et al.</td>
<td>53</td>
</tr>
<tr>
<td>John McCue</td>
<td>42</td>
</tr>
<tr>
<td>William Quinsell</td>
<td>41</td>
</tr>
<tr>
<td>D.M. Thurston</td>
<td>51</td>
</tr>
<tr>
<td>South End Land Company</td>
<td>243</td>
</tr>
<tr>
<td>L.W. Allen (Judgment No. 13334)</td>
<td>M.BK.&quot;W&quot;</td>
</tr>
<tr>
<td>L.W. Allen (Judgment No. 13334)</td>
<td>M.BK.&quot;W&quot;</td>
</tr>
<tr>
<td>Isaac Austey</td>
<td>43</td>
</tr>
</tbody>
</table>

* District Court Minutes
<table>
<thead>
<tr>
<th>SPTCo Acquisition Deeds - Grantor</th>
<th>Harris County Deed Recordation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Vol. or Book</td>
</tr>
<tr>
<td>Conrad Bering</td>
<td>42</td>
</tr>
<tr>
<td>W.E. Ford, et al.</td>
<td>53</td>
</tr>
<tr>
<td>L.A. Ellis</td>
<td>52</td>
</tr>
<tr>
<td>L.A. Ellis</td>
<td>52</td>
</tr>
<tr>
<td>T.U. Lubbock</td>
<td>55</td>
</tr>
<tr>
<td>U. Arsenaux, et ux.</td>
<td>53</td>
</tr>
<tr>
<td>A.B. Nibbs</td>
<td>53</td>
</tr>
<tr>
<td>A.B. Nibbs</td>
<td>53</td>
</tr>
<tr>
<td>J.S. Dougherty</td>
<td>46</td>
</tr>
<tr>
<td>J.S. Dougherty</td>
<td>46</td>
</tr>
<tr>
<td>J.S. Dougherty</td>
<td>430</td>
</tr>
<tr>
<td>J.S. Dougherty</td>
<td>46</td>
</tr>
<tr>
<td>L.A. Stafford</td>
<td>51</td>
</tr>
<tr>
<td>George H. Hermann</td>
<td>74</td>
</tr>
<tr>
<td>Branch T. Masterson</td>
<td>61</td>
</tr>
<tr>
<td>H.F. Ring</td>
<td>83</td>
</tr>
<tr>
<td>H.F. Ring</td>
<td>83</td>
</tr>
<tr>
<td>H.F. Ring</td>
<td>83</td>
</tr>
</tbody>
</table>

II.

A strip of land, 100 feet wide, lying equally 50 feet on each side of the following described center line:

Beginning at the point of intersection of said original located center line of Southern Pacific Transportation Company's main track (Bellaire Branch) at Engineer's Station 906+88, with the westerly line of land described in deed dated March 15, 1894, from George H. Hermann to the San Antonio and Aransas Pass Railway Company, recorded
March 22, 1894, in Volume 74, Page 483, Records of said County; thence westerly along said center line of main track, 6872 feet to a point of intersection thereof at Engineer’s Station 975+60 with the easterly line of land described in deed dated September 26, 1892, from Branch T. Masterson to the San Antonio and Aransas Pass Railway Company, recorded December 2, 1892, in Book 61 of Deeds, Page 612, Records of said County.

The side lines of said 100 foot wide strip of land terminate in said westerly line of land described in deed recorded March 22, 1894, and in said easterly line of land described in deed recorded December 2, 1892.

EXCEPTING ALL OF THE FOLLOWING PROPERTY:

All of the 1.28 acres described in deed dated November 14, 1936, from the Texas and New Orleans Railroad Company to W.E. White, recorded in the Official Public Records of Real Property of Harris County, Texas at Vol. 1036, Page 450, County Clerk’s File No. 88470.

Those portions of the lands conveyed in deed dated June 29, 1944, from Texas and New Orleans Railroad Company to Houston Lighting & Power Company, recorded in the Official Public Records of Real Property of Harris County, Texas at Vol. 1943, Page 256. and described First, Second, Third and Fourth in said deed.

That portion of the 100 foot wide strip of land described in deed dated June 6, 1888 from William Quinsell to the San Antonio and Aransas Pass Railway Company, recorded
July 3, 1888, in Book 41 of Deeds, Page 281, Records of said County, lying equally 50 feet on each side of the original located center line of said Railway Company, and extending from a line parallel with and distant 100 feet easterly, measured at right angles from the westerly line of the A.C. Reynolds Survey (said center line intersects said parallel line at Engineer's Station 328+77), westerly, measured along said center line to said westerly line of said A.C. Reynolds Survey.

All of the 6735.38 square foot parcel of land described in deed dated October 30, 1958, from the Texas and New Orleans Railroad Company to John E. Cooper, recorded in the Official Public Records of Real Property of Harris County, Texas at Vol. 3603, Page 40, County Clerk's File No. 72397A.

That portion of the 0.80 of an acre parcel of land described in deed dated December 23, 1964, from Southern Pacific Company to Wald Transfer & Storage Company, recorded in the Official Public Records of Real Property of Harris County, Texas at Vol. 5849, Page 72, County Clerk's File No. CO51624, Film Code No. 026-32-1066.

Those certain 2 strips of land described in deed dated June 2, 1949, from Texas and New Orleans Railroad Company to Texas Town Lot Company, described as follows:

(1) A strip of land 3.5 feet wide, the southerly line thereof lying contiguous with and distant 21.5 feet northerly, measured at right angles, from said original located center line of said Railway Company.
(2) A strip of land 3.5 feet wide, the northerly line thereof lying contiguous with and distant 21.5 feet southerly, measured at right angles, from said original located center of said Railway Company.

The side lines of said 2 strips of land terminate in the westerly and easterly lines of the Buffalo Speedway, 100 feet wide.
Crossing Easement

Exhibit 3

A parcel of land situated in the County of Harris, State of Texas, more particularly described as follows:

That portion of the 100 foot wide strip of land described in deed dated June 6, 1888 from William Quinsell to the San Antonio and Aransas Pass Railway Company, recorded July 3, 1888, in Book 41 of Deeds, Page 281, Records of said County, lying equally 50 feet on each side of the original located center line of said Railway Company, and extending from a line parallel with and distant 100 feet easterly, measured at right angles from the westerly line of the A.C. Reynolds Survey (said center line intersects said parallel line at Engineer’s Station 328+77), westerly, measured along said center line to said westerly line of said A.C. Reynolds Survey.

ILAC17.9266w
This Page Intentionally Left Blank.
Appendix E
Engineering Drawings
APPENDIX E – ENGINEERING DRAWINGS
(UNDER SEPARATE COVER, SEE VOLUME 3)