

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

AQUIFER GUARDIANS IN URBAN)	
AREAS,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. SA-08-CA-0154-FB
)	
FEDERAL HIGHWAY)	
ADMINISTRATION; UNITED STATES)	
FISH AND WILDLIFE SERVICE;)	
AMADEO SAENZ, JR., Executive)	
Director, Texas Department)	
of Transportation; TERRY)	
BRECHTEL, Executive Director,)	
Alamo Regional Mobility Authority.)	
)	
Defendants.)	

DECLARATION OF ROBERT L. SARTOR

I, ROBERT L. SARTOR, declare:

1. My name is Robert L. Sartor. [REDACTED]
[REDACTED]. I am over the age of eighteen and give this statement under oath as a true and correct statement of facts within my personal knowledge. I also express some of my personal opinions.

2. I am currently the Mayor of the Town of Hollywood Park, Texas and President of the North Central Alamo Area Sub-Regional Planning Commission (NCAASRPC). I previously served on the City Council of Hollywood Park from 2009 to 2010. In my role as Council Member, Mayor, and as a concerned private citizen, I have met with representatives and contractors of the Alamo Regional

Mobility Authority (ARMA) and the Texas Department of Transportation (TXDOT) on several occasions. In general, numerous "Open Houses" sponsored by the ARMA during 2009 and 2010 and specific meetings of: 11 January 2010-- 1) Meeting with State Representative Corte and TXDOT representatives, 2) Meeting with San Antonio City Council Member Chan (District 9) and TXDOT and ARMA representatives, and 3) ARMA Public Meeting on 281/1604 Interchange (submitted written comments); 6 August 2010-- Meeting with Mayor Francis, Hill Country Village and ARMA representatives. In my efforts to have the planned interchange project serve the best interests of the citizens and businesses of Hollywood Park, with minimum disruption during the construction and post-construction phases, I have researched aspects of the specific details of the design of the planned interchange.

3. I am a retired Marine Corps Officer of 25 years. I am currently self-employed as a consultant. My professional experiences extend from 1983 to the present. I hold a Bachelor of Science degree in Safety Technology from Texas A&M University. While many residents and the Hollywood Park City Council share most, if not all, of the concerns expressed in this declaration, I make this statement in my capacity as a private citizen. My residence is less than 500 feet from the planned interchange expansion project area and less than 1 mile from the center of the intersection at US 281 North and Loop 1604. I drive in and around the interchange project area on a daily basis.
4. Hollywood Park, incorporated as a town in 1955, consists of a diverse population of approximately 3,200 people. US 281 North makes up the majority of our

eastern boundary, while our northern boundary runs along, or just to the south of, Loop 1604. Our primary commercial property is found along US 281, with some property also located along Loop 1604.

5. I attended several of the Open House meetings hosted by the ARMA, speaking with many of the contractors and ARMA staff. I have provided written comments in at least three of the gatherings. Attached as Exhibit 1 to this affidavit is a true and correct copy of the written comments that I submitted at the ARMA Public Meeting on 11 January 2010. Attached as Exhibit 2 to this affidavit is a true and correct copy of the written comments that I submitted to ARMA during the comment period in connection with the Open House meeting of 25 August 2010. I have reviewed the Categorical Exclusion document prepared by the Federal Highway Administration (FHWA) and ARMA from June 2009 and revised February 2010.
6. As I have maintained from the beginning of this process, I am not opposed to significant improvements to US 281, Loop 1604, and to the interchange. On the contrary, in my opinion, the complete interchange (all 8 ramps) should have been completed years ago drawing from the experiences from other key interchanges in the northern San Antonio region. I fully support improvements that enhance traffic flow in our area and along the most critical north-south and east-west travel routes. I only seek that such improvements be undertaken with reliable information, with meaningful public input, and coordination with public officials representing affected jurisdictions, including Hollywood Park, and with all reasonable measures to minimize and mitigate harm to adjacent businesses,

- residents, and communities, and to commuters who depend on US 281 North and Loop 1604 to meet their daily needs. The design should improve capabilities where possible but in no case should there be a loss in any capabilities to travelers from those that are currently available.
7. In consultation with the Mayor of Hill Country Village, immediately south of Hollywood Park with frontage on US 281 and the southern portion of the planned 281/1604 project, we desired to engage ARMA and TxDOT representatives to address the concerns of our cities with respect to the project. While ARMA and TxDOT representatives have met with us, the nature of the meetings has always been by way of ARMA and/or TxDOT representative telling us what they are going to do, and asking us to comment on or help them execute the decisions already made. In affect, it seemed as though the representatives moved through their actions and activities without regard to issues raised by citizens and governmental agencies affected. In my opinion, this is not the kind of “coordination” with local jurisdictions called for by both state and federal law. It barely seems to meet the definition of “consultation.” Coordination with local government should take place prior to public notice. This did not occur with this project. While I am not an attorney, I do not see how TxDOT or ARMA can be in compliance with this legal requirement.
 8. It is my understanding that in the development of this project to include the preparation of the Environmental Assessment, either a Categorical Exclusion or an Environmental Impact Statement, it would require the ARMA and FHWA to coordinate with local jurisdictions and other state and local agencies concerned

with potential impacts from the 281/1604 projects, including the interchange project, in considering and evaluating alternatives, analyzing impacts, and formulating mitigation measures.

9. As set out in my comment letters and meetings with ARMA and TXDOT representatives, I have expressed my primary concerns to FHWA, TXDOT, and ARMA about 1) Building all 8 connector ramps at one time, 2) the configuration of the connector ramp for Eastbound Loop 1604 to Southbound 281 North, 3) increased congestion at Donella and changes in traffic between Donella and Loop 1604, and 4) about increased noise, light and exhaust pollution from the extended and elevated connector ramps. As expressed in my comments, I believe the elevated connector ramps will result in increased noise, light and exhaust pollution into Hollywood Park neighborhoods. Presently this noise, light and exhaust pollution is buffered to some extent by tree cover in the southwest quadrant of Loop 1604/US 281.
10. The scope of the project is too large. The project is supposed to be about an interchange at US 281 North and Loop 1604 not secondary items over 6 miles away. The size of the project diverts funds from the interchange itself. As an example the project calls for resurfacing of existing roadways far away from the actual interchange. Resurfacing should be done with maintenance funds not construction funds. This artificially reduces the available construction funds that would otherwise be made available for building all 8 interchange connectors in the current project.

11. I have expressed major concerns to ARMA, TxDOT, and FHWA on the adverse impacts to Hollywood Park residents and businesses during the multi-year construction phase. Common sense, and personal experience, suggests that adverse impacts from construction caused traffic delays, noise, dust, and diverted or re-routed traffic could be significant on both Hollywood Park businesses and residents. The revised Categorical Exclusion document does not adequately address these impacts or how they might be mitigated. While ARMA has suggested meeting with Hollywood Park and Hill Country Village businesses in January 2011, nothing has been done to date to coordinate that meeting. To date, the ARMA has yet to share with me or other Hollywood Park officials or business owners a plan for managing traffic during construction of the project. In my opinion, this planning and information should have already been shared, with the opportunity for input by Hollywood Park officials and business owners to obtain a construction phase traffic management plan that minimizes harm to adjacent businesses and to the sales and use tax revenues for Hollywood Park.
12. I have asked, and not yet been given significant answers, as to the comparative cumulative delays on US 281 and Loop 1604 commuters resulting from building only the southern interchange connector ramps, auxiliary lanes, and connection reconfigurations now and the connector ramps, auxiliary lanes, and interchange reconfigurations on the northern half of the interchange in later years. Common sense would suggest that three or so years of construction, building all 8 connectors at the same time, would cause significantly less cumulative impacts and construction traffic delays overall than building the southern 4 connectors

followed possibly later by the northern 4 connectors. Having to absorb the construction one time in about a 10 or so year period would be better than twice.

13. I have made repeated efforts to have ARMA and TxDOT add an on-ramp to Loop 1604 from the eastbound Loop 1604 frontage road, east of the Stone Oak Boulevard/Voigt intersection and prior to the eastbound 1604 to south bound US 281 connector ramp so as to allow south bound Stone Oak Boulevard/Voigt traffic access to the new connector ramps. These requests have fallen on deaf ears. Representatives from ARMA insist that doing so would result in “weaving” difficulties or that there is not enough room to incorporate an additional on-ramp. However, the distance from the Stone Oak Boulevard/Voigt intersection to US 281, combined with the availability of undeveloped land to accommodate the connections in this area, do not support the response from ARMA officials. Stone Oak is a major, high traffic arterial. The current design and its failure to accommodate southbound Stone Oak Boulevard traffic will result in significant and unnecessary increased traffic in the Hollywood Park neighborhoods. Nothing in the Categorical Exclusion document provides a reasoned analysis of the adverse impacts of the current design of this connector ramp. Nor has any documentation been provided showing and evaluating an alternative that would allow Stone Oak Boulevard/Voigt traffic access to the southbound US 281 connector ramp. As an informed citizen with some limited expertise in these issues, my interpretation of the insistence that it “can’t be done” is unsupportable. ARMA and TxDOT seem to simply not want to address this issue or attempt to mitigate the reasonably foreseeable issues.

14. I continue to be concerned about the exhaust pollution and how it will change as a result of the extended and elevated ramps. Common sense suggests that such impacts could be significant to the health and welfare of residents living or attending school near the project. It is my understanding that an Environmental Impact Statement, or an Environmental Assessment, would require a reasoned analysis of these impacts.
15. The CE under the Air Analysis, Mobile Source Air Toxics, the sensitive receptors in Hollywood Park may have been left out. Specifically the Emeritus of Hollywood Park, Senior Residential and Assisted Living, 16919 San Pedro Ave, and the Country Home Learning Center, Pre-school, After-school, 104 Galleria Fair.
16. The revised Categorical Exclusion document mentions that there will be an attempt to mitigate noise pollution, but no clear plans or commitments are made except in the vicinity of Redland Road, east of the interchange. Given the absence of specificity, and the nature of the elevated ramps, I am not convinced that the noise impacts have been sufficiently evaluated or that they can or will be mitigated effectively. Northern Hollywood Park residents near Loop 1604 have explained to me that they currently can hear excessive noise from Loop 1604 traffic and fear it will only increase.
17. Under Direct Affects of the Proposed Project, Section 7.7 Social and Economic Impacts, the CE states, "The proposed improvements to this interchange would not fragment neighborhoods within the project area, and travel patterns and accessibility are not anticipated to be adversely impacted by the proposed

project.” Further, “Consequently, the proposed interchange improvements would enhance accessibility to residences and businesses within the project area and enable residents to travel between neighborhoods more efficiently and safely.”

What data and analysis supports these statements? On the contrary, simple understanding of the current traffic pattern and affects on the patterns after completion make it clear that this conclusion is incorrect and not supported by any known facts. The planned elimination of the north and south bound 281 exit ramps between Donella and Loop 1604 will create many changes to travel patterns and accessibility. Accessibility to Hollywood Park residences and businesses will not be enhanced as stated but will be adversely affected. As a resident within the project area, this section seems to clearly be taking the point of view of San Antonio businesses and residents for the most part when it declares no impacts. However, even San Antonio businesses and residents will be affected to some degree. As an example, currently, a southbound 281 N traveler, originating from north of Loop 1604 who is traveling to Hollywood Park, would exit Loop 1604 at the Donella exit after passing under the Loop 1604 intersection. Then, turn right at the signal at Donella to enter Hollywood Park. After project completion, that same traveler would either have to exit before Loop 1604, pass through the signaled interchange at Loop 1604, before proceeding to the Donella signal and turning right, thus doubling the number of signals the traveler would pass through; or the traveler would not exit 281 until the Brook Hollow Blvd. exit, use the “turnaround” at Brook Hollow Blvd., then proceed back to Donella to turn left in to Hollywood Park. Still doubling the signals and significantly increasing


the travel distance. This example also applies to the same traveler desiring to visit any of the Hollywood Park Businesses from Donella to just south of Mecca/Thousand Oaks. Business owners I have spoken to are very concerned with the direct impacts to travel patterns caused by the current project design and are worried that the 281 N ramp changes will effectively cut off access to business, causing customers to go somewhere else. For the northbound 281 N travelers, Hollywood Park residents that use Donella to access the City will now have to compete for roadway with all other traffic that will be exiting 281 N at Donella, just to access their own neighborhood. Suffice it to say, just the elimination of the 281 N exit ramps between Donella and Loop 1604 will have multiple, significant impacts to traffic patterns and access to businesses and neighborhoods.

18. For Changes in Traffic, the statement in the CE that the project is “expected to reduce traffic congestion,” applies only to the connectors. The project in several areas actually increases congestion. Not only at the Donella overpass and surrounding area but within the neighborhoods of Hollywood Park in the vicinity of Voigt and Donella. The statement in the CE of the addition of turnarounds to improve accessibility to some businesses appears to benefit only San Antonio businesses. In fact, the Donella overpass complex with the existing turnaround on the north side of Donella for southbound 281 frontage road traffic turnarounds, is rendered even more congested with the planned changes since it does not have a turnaround on the south side of the complex for northbound 281 frontage road

- traffic. This is the only overpass/underpass north of the Airport that does not have a turnaround on the south of a given complex.
19. For the Cumulative Impacts Analysis the CE statement that the proposed project is not anticipated to have substantial direct or indirect effects to socioeconomic areas is also incorrect. As addressed previously the cutting off of access to businesses and neighborhoods, discouraging customers from visiting businesses, and causing more congestion in the neighborhoods will have impacts on property values, sales and use tax revenues, quality of life, and general inclination of potentially new resident's desire to move in to the Hollywood Park area.
20. The CE clearly slants in all references, analysis, and conclusions for economic and business affects towards the City of San Antonio. Although obviously larger than Hollywood Park and Hill Country Village, for HP and HCV, the affects are proportionally greater. Further, I can not agree with the overall conclusion in the CE that, "...the proposed project would have no significant impact on the natural or man-made environment." Hindering access to businesses, decreasing the traffic capabilities available to drivers after project completion, increasing congestion in neighborhoods, all have impacts on sales revenues, property values, and quality of life to name a few. As a smaller city with a smaller annual budget, Hollywood Park stands to be impacted proportionally worse from this project than San Antonio. The CE conclusion can not be considered accurate.

Pursuant to 28 U.S.C. § 1746 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 16th day of December, 2010


Robert L. Sartor

Comments for ARMA Public Meeting: 11 January 2010

Bob Sartor

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(mailing address)

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San Antonio, TX 78280

(physical address)

43 Ashford Glen

Hollywood Park, TX 78232

Comments on US 281 N / Loop 1604 Interchange; Public Meeting 11 Jan 2010

1. Project size is very large, especially to the West on 1604. Why? Yes, there are always enhancements to make that lead in to the actual intersection, but this is about the intersection. Spend the federal money on all 8 ramps. Then, work on other enhancements that lead in to the physical intersection area as money is available.
2. Diversion of State money to Wurzbach Parkway now, after that project stalled in debates over tolling, seems extremely ill timed and inconsistent. Do not spread State money thin in order to “create” an atmosphere of “not enough money to construct all 8 ramps now.
3. East bound 1604 ramp connector location and the inability for east-bound frontage road traffic, east of Stone Oak Blvd/Voigt intersection, to enter 1604 PRIOR to ramp connection will remain an issue for Stone Oak Blvd traffic desiring to enter 1604 and use the new ramps to transition to south-bound 281 N.
4. Sidewalks on 281 frontage roads must to include Hollywood Park frontage. It will be extremely “curious” if sidewalks are provided in other project areas and not on Hollywood Park frontages.
5. Expand west-bound 1604 frontage road to 3 full lanes from 281 N to Blanco at a minimum. This would provide for an outside lane for transitional business traffic, a center lane for through traffic, and an inside lane to be used throughout the stated length for on/off ramps, connector ramp, and other merging transitional areas. The area is already too crowded today with business and through traffic to not provide this relief for safety.
6. Must consider the traffic implications for the near-future Hardy Oak expansion in the data mix on to the 1604 east-bound frontage road.
7. What plan for traffic flow during the construction? I realize that as the design-build process gets closer to a point where construction may begin that the traffic flow plan may be finalized, but can we begin to see options for the major traffic flow plan?
8. Section 4.0 Need and Purpose on page 6 of the draft CE seems to prove to me that a highest priority would be for completion of all 8 connector ramps at this time. Further, how can TxDOT not have listed 281 N and/or the intersection at 1604 in its top 100 congested roadways last year with the information provided in this section?

EXHIBIT 1

Comments for ARMA Public Meeting: 11 January 2010

Bob Sartor

9. Section 7.7 Social and Economic Impacts; how can the statement be justified that states, "...and travel patterns and accessibility are not anticipate to be adversely impacted by the proposed project." Further, "Consequently, the proposed interchange improvements would enhance accessibility to residences and businesses within the project area and enable residents to travel between neighborhoods more efficiently and safely." What is the data and analysis that support these statements?

10. The draft CE does not seem to analyze or study the noise or air quality impacts throughout the entire project area. Especially in all areas where there is elevated ramp-ways. There does not appear to be any discussion of natural or artificial buffers to compensate.

11. I am concerned with the removal of the current 281 N (north- and south-bound) transitional ramps and the movement of ramps to south of Donella and the affect it might have on the Donella intersection, light sequencing, and access to Hollywood Park.

ATTENTION US 281 / LOOP 1604 INTERCHANGE PROJECT



ALAMO RMA

US 281 Loop 1604 Interchange
Community Open House Comment Form
August 25, 2009 Meeting

Name: **BOB SARTOR**

Address: **43 ASHFORD GLEN**

City, State Zip **SAN ANTONIO (HOLLYWOOD PARK)
TX 78232**

Email: [REDACTED]

Comment: **(COMMENTS ON NEXT PAGE)**

Please include your name and mailing address with all written comments. Comment forms and/or letters should be mailed to US 281 Super Street c/o Alamo RMA, 1222 N. Main Ste 1000, San Antonio, TX 78212. All written comments received or postmarked by Friday, September 4, 2009, will be included in the official record of the community open house.

Comments can be:
Emailed to Interchange@AlamoRMA.org
Faxed to 210-495-5403 attention US 281 / Loop 1604 Interchange Project
If you would like to mail your form, please add postage to this self-addressed form.

US 281 Loop 1604 Interchange Open House comments (25 Aug 09)

Bob Sartor
43 Ashford Glen
San Antonio (Hollywood Park), TX 78232

I am concerned about the additional cut-through traffic through Hollywood Park that will be created during construction AND even after completion due to the current design. I am also concerned with the increased noise, light, and exhaust pollution that will be caused by the EB 1604- SB 281 elevated connection unless added buffers are provided for.

With respect to the cut-through traffic, TXDOT MUST change the planned orientation of the 1604 access and connection ramps so that SB Stone Oak Blvd traffic will be able to take advantage of the EB 1604-SB281 connection ramp. Currently, the plan shows the connection ramp beginning before (to the West) of the EB 1604 frontage road access to EB 1604. This configuration does not allow for the Stone Oak Blvd traffic to use the new connection ramp. Of all the new ramps, this particular ramp has the most available real estate available to allow for the 1604 frontage road access to 1604 ramp to be located between Stone Oak Blvd and the beginning of the EB 1604-SB 281 connection ramp. Stone Oak traffic using Stone Oak Blvd would be able to turn on to the EB 1604 frontage road (as they do now) and then access 1604 then transition to the connection ramp to proceed to SB 281. If the ramps are not adjusted, the Stone Oak traffic will not be afforded the opportunity to take advantage of the new connection ramp and thus either continue to 281 via the crowded frontage road as they do today OR will cut through Hollywood Park, exiting at Donella and 281. This current planned configuration further appears to discriminate against the Hollywood Park businesses located on the Southern 1604 frontage road, East of the Stone Oak Blvd/Voight-1604 interchange.

With respects to the increased noise, light, and exhaust pollution, the elevated EB 1604-SB 281 ramp connector will increase the pollution levels unless mitigated by buffers or some other means. With the current two-level interchange, the trees in the South-West quadrant from the 1604/281 intersection have provided some buffering. With the new ramp connectors, the increased height of the structure will have overflow of noise, light, and exhaust pollution over the trees and in to Hollywood Park.

Submitted