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Firing, reprimands follow tainted study for 281 tollway

By [Patrick Driscoll](#) - Express-News

Two months after a lawsuit revealed a conflict of interest that spoiled yet another environmental study for the U.S. 281 tollway, the Texas Department of Transportation has responded by firing a biologist and disciplining other staffers.

A recent internal audit said TxDOT biologist Valerie Collins, based in San Antonio, was involved with several contract jobs being done for the U.S. 281 study by a consulting company her husband works for.

Her supervisor, Transportation Planning Director Judith Friesenhahn, and other TxDOT employees knew about the relationship, the audit says.

“District staff attempted to implement controls to mitigate a conflict,” TxDOT’s San Antonio manager, Mario Medina, said in a memo Friday to agency Director Amadeo Saenz. “But the controls were insufficient and in some instances were circumvented by” Collins.

TxDOT fired Collins on Nov. 13, more than seven weeks after the in-house probe started, Medina said. Other employees were put on probation or reassigned and will undergo extra training on the agency’s conflict of interest policy.

Also, TxDOT is reviewing other projects involving the firm Collins’ husband works for, SWCA Environmental Consultants, to see if there might be other conflicts. That report is due next month.

Collins, her husband and SWCA officials didn’t return phone calls.

Flubbing the environmental study put the 8-mile U.S. 281 tollway behind at least three more years, and doing another will cost an estimated \$8 million. A bruised TxDOT, under pressure from lawsuits, has now let two federal clearances on the project slip away since 2006.

“Incidents like this one ... are an affront to the thousands of TxDOT employees who strive conscientiously every day to be good stewards of the state’s resources,” Saenz said in a statement.

Toll critics, who suspect the agency’s problems are more widespread, have called for a housecleaning.

“It’s been obvious to us from day one that TxDOT was willing to do and say anything to get a toll road on U.S. 281,” said Terri Hall of Texans Uniting for Reform and Freedom. “I don’t think one biologist

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should take the fall. It should be management that pays the price.”

Hall lately has pointed to a copy of an alleged e-mail, received by mail from an anonymous source, as an example that shows TxDOT predetermined the outcome of the U.S. 281 study. Such a fix would violate federal regulations.

But a separate TxDOT audit cast doubt on the authenticity of the e-mail, which on its face implies Friesenhahn told Collins that a “finding of no significant impact,” known as a FONSI, is wanted to avoid a more detailed “environmental impact statement,” or EIS.

The alleged e-mail says:

“pls do whatever you need and make sure this handled .. based on the emails i have seen so far we have a problem. We have been directed to get a FONSI and get this project on its way .. nothing else will work per David . something like this could send us into an eis per (scratched out)”

TxDOT investigators couldn't find proof that the e-mail ever existed, says the audit, which was released late last week along with the audit covering Collins' conflict of interest. The e-mail also included a tag line that records show Friesenhahn hadn't started using until several months later.

“The department is seeking to hire an independent forensic specialist in an attempt to validate the existence of the e-mail,” the audit concluded.

TxDOT discovered the conflict involving Collins and her husband while gathering documents in response to a lawsuit filed in February by TURF and Aquifer Guardians in Urban Areas. The groups challenged the FONSI from the U.S. 281 environmental study.

After coming across e-mails that raised suspicions, TxDOT ordered the audit Sept. 22.

On Oct. 1, citing possible contract irregularities, the agency asked the Federal Highway Administration to pull the U.S. 281 environmental approval. Two days later, Collins and Friesenhahn were placed on administrative leave.

While with TxDOT, Collins wasn't allowed to choose consultants, negotiate fees or approve payments, but that wasn't enough to avoid conflicts, according to the audit. E-mails show she worked with SWCA and reviewed three jobs that her husband also worked on.

Collins corresponded often with SWCA, sometimes copying her husband or communicating directly with him, the report says.

She once asked that time and money be added to a work authorization, and another time offered to work with her husband to meet a deadline.

Friesenhahn said she knew about the wife and husband connection but had assumed Collins' husband didn't work on the U.S. 281 project, the audit says. However, it adds, an e-mail the husband sent to Friesenhahn indicates otherwise.

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