

APPENDIX E: AGENCY CORRESPONDENCE



US Department
of Transportation
Federal Highway
Administration

Texas Division Office
100 East 8th Street, Rm 826
Austin, Texas 78701

February 5, 1996

In Reply Refer To HN-EX

Section 4(f) Determination
Dallas County
CSJ 0048-01-035
Corinth Street Viaduct at Trinity River in Dallas

Ms. Dianna Noble, P.E.
Director of Environmental Affairs
Texas Department of Transportation
Austin, Texas 78701

Dear Ms. Noble:

The deed for the park land adjacent to the above referenced project has been reviewed by our Regional Counsel and it has been determined that Section 4(f) does not apply on the park issue, since said property was also conveyed for transportation facilities. We believe, however, the Corinth Street Viaduct is a historic bridge structure which is on or is eligible for listing on the National Register of Historic Structures and Section 4(f) would apply to the historic structure. This would probably be a programmatic 4(f) that could be handled by checklist through the FHWA Division Office after completion of the Section 106 process.

If you should have any questions please call David Bartz at 916-5988.

Sincerely yours,

Lubin M. Quiñones
District Engineer



U.S. Department
of Transportation
**Federal Highway
Administration**

Texas Division Office
300 East 8th Street, Rm 826
Austin, Texas 78701

June 2, 1999

**Woodall Rogers Freeway Extension
Spur 366 over Trinity River
Dallas County, Texas
CSJ 0196-07-018**

In Reply Refer To:
HPC-TX-

Mr. Marcus N. Redford, P.E.
Chief, Bridge Administration Branch
Eight Coast Guard District
501 Magazine Street
New Orleans, LA 70130-3396

Dear Mr. Redford:

The Texas Department of Transportation is proposing to construct a new bridge on Spur 366 over the Trinity River near Downtown Dallas, Texas. They provided information to this office supporting their contention that a USCG permit is not required for this location. We note the following points from this and earlier correspondence on the navigability of the Trinity River above Lake Livingston.

1. The Trinity River is not tidal at Spur 366 crossing in Dallas County.
2. Use of the river by small recreational boats at the Spur 366 location is insignificant.
3. There is no commercial use of the Trinity river at this location.

Therefore, we conclude that the Trinity River at Spur 366 is not now used nor is it susceptible to use in its natural condition or by reasonable improvement as a means to transport interstate or foreign commerce. We believe that, pursuant to 23 U.S.C 144 (h), this bridge construction is exempt from the requirements imposed under 33 U.S.C. 401 and 525(b). Further, that this bridge project is exempt from the lighting and signal requirements of 33 CFR 118.40(b). Your concurrence and/or guidance is requested.

Sincerely yours,

Donald E. Harley, P.E.
Structures Team Leader

cc: Tim Nesbith, TxDOT, Dallas District



Commander
Eighth Coast Guard District
Hale Boggs Federal Building

501 Magazine Street
New Orleans, LA 70130-3396
Staff Symbol: ob
Phone: 504-589-2965
FAX: 504-589-3063

16591C
June 11, 1999

Mr. Donald E. Harley, P. E.
Structures Team Leader
Federal Highway Administration
Texas Division Office
300 East 8th Street, Room 826
Austin, Texas 78701

OPTIONAL FORM 98 (7-90)

FAX TRANSMITTAL

of pages **2**

To <i>Tim Nesbitt</i>	From <i>Tamer Ahmed</i>
Dept./Agency <i>Tx DOT - DAL</i>	Phone # <i>512-916-5526</i>
Fax # <i>214-320-4470</i>	Fax # <i>5881</i>

NSN 7540-01-317-7388 5099-101 GENERAL SERVICES ADMINISTRATION

Dear Mr. Harley:

This refers to the proposed construction of a new bridge on Spur 366 across the Trinity River in Dallas, Dallas County, Texas. You have requested concurrence that the project meets the criteria for the Surface Transportation Authorization (STA) Act and qualifies for exemption from Coast Guard bridge permit requirements.

Section 144(h) of Title 23 U.S. Code was enacted in 1978 to reduce paperwork and related costs in the execution of the Coast Guard's bridge permit programs. This section has been amended by the Act of April 2, 1987 (Public Law 100-17), to further reduce paperwork and related costs in the permitting of bridges funded by this Act. By reason of this provision, certain bridges -- which are constructed, reconstructed, rehabilitated, or replaced with federal assistance imposed under Title 23 U.S. Code -- are no longer subject to the permitting requirements imposed under 33 U.S.C. 401 and 525(b). The bridges which fall into this excluded category are those that cross waterways:

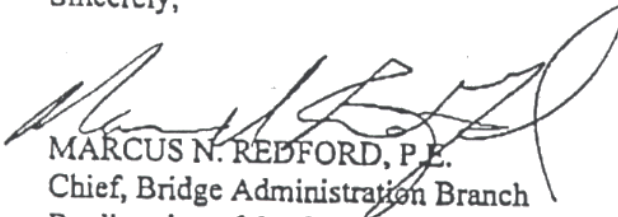
- (1) which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce; and
- (2) which are: nontidal; or if tidal, used by vessels less than 21 feet in length.

Since FHWA has the responsibility for the STA Act, the Coast Guard accepts your determination that the bridge project meets these criteria and is exempted for Coast Guard Bridge Administration purposes.

Additionally, your request that the bridge be exempted from the Coast Guard required lights and other signals required under the provisions of 33 CFR 118 is granted based upon your statement that there is no significant nighttime navigation on the waterway. Should this situation change and navigation begins to use the waterway, you will be required to follow the provisions of 33 CFR 118 for the proper lights and other necessary signals.

If you have any questions, please contact David Frank of my office at (504) 589-2965.

Sincerely,



MARCUS N. REBFORD, P.E.
Chief, Bridge Administration Branch
By direction of the Commander
Eighth Coast Guard District



TEXAS DEPARTMENT OF TRANSPORTATION
 DISTRICT NO. 18
 APR 10 2000
 Dallas, Texas
 RECEIVED
 REPLY TO
 ATTENTION OF

DEPARTMENT OF THE ARMY
 FORT WORTH DISTRICT, CORPS OF ENGINEERS
 P. O. BOX 17300
 FORT WORTH, TEXAS 76102-0300

April 4, 2000

Environmental Division
 Regulatory Branch

SUBJECT: Project Number 199900058

Mr. Charles R. Tucker, P.E.
 Director of Transportation Planning
 and Development
 Texas Department of Transportation
 P.O. Box 3067
 Dallas, Texas 75221-3067

- Dist. Engr. ()
- Asst. Dist. Engr. ()
- Hall* () Action
- Tucker* () Advise
- Tucker* () Comment

FILE

Dear Mr. Tucker:

Thank you for your letter of July 20, 1999, concerning a proposal to construct the Spur 366 Woodall-Rogers Freeway extension across the Trinity River in the city of Dallas, Dallas County, Texas. This project has been assigned Project Number 199900058. Please include this number in all future correspondence concerning this project. Failure to reference the project number may result in a delay.

We have reviewed this project in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Under Section 404, the U. S. Army Corps of Engineers (USACE) regulates the discharge of dredged and fill material into waters of the United States, including wetlands. Our responsibility under Section 10 is to regulate any work in, or affecting, navigable waters of the United States. Based on your description of the proposed work, and other information available to us, we have determined that this project will not involve activities subject to the requirements of Section 10. However, this project will involve activities subject to the requirements of Section 404. Therefore, it will require Department of the Army authorization.

It appears that this project is authorized by nationwide permit 14 for Road Crossings. To use this permit, the person responsible for the project must ensure that the work is in compliance with the specifications and conditions listed on the enclosures. Failure to comply with these specifications and conditions invalidates the authorization and may result in a violation of the Clean Water Act.

Our verification for the construction of an activity under this nationwide permit is valid for two years from the date of this letter, unless prior to that date the nationwide permit is suspended or revoked, or modified such that the activity would no longer comply with the terms and conditions of the nationwide permit on a regional or national basis. Continued confirmation that an activity complies with the specifications and conditions, and any changes to the nationwide permit, is the responsibility of the permittee.

Our review of this project also addressed its effects on endangered species. Based on the information provided, we have determined that this project will not affect any species listed as threatened or endangered by the U.S. Fish and Wildlife Service within our permit area. However, please note that you are responsible for meeting the requirements of general condition 11 on endangered species.

The permittee must sign and submit to us the enclosed certification that the work, including any required mitigation, was completed in compliance with the nationwide permit. You should submit your certification within 30 days of the completion of work.

This permit should not be considered as an approval of the design features of any activity authorized or an implication that such construction is considered adequate for the purpose intended. It does not authorize any damage to private property, invasion of private rights, or any infringement of federal, state, or local laws or regulations.

This letter authorizes the proposed project in accordance with the provisions of Section 404 of the Clean Water Act. This letter does not authorize construction of the project. A separate letter from our Operations Maintenance Branch will address the requirements necessary for approval of the project for construction. That approval will be in accordance with 33 CFR, Section 208.10 (1977).

Please note that the proposed Spur 366 Woodall Rogers Freeway extension project is located within the Trinity River floodplain corridor in Dallas County. The USACE and other local, state, and federal agencies have worked closely with the North Central Texas Council of Governments in the development of a Corridor Development Certificate (CDC) process in an attempt to prevent a regional increase in either the 100-year or the Standard Project Flood for the Dallas - Fort Worth Metroplex. The CDC process requires project proponents within the corridor to contact the local government agency (city) for a pre-permit conference to initiate the CDC process. Please contact Mr. David Dybala, P.E., the floodplain administrator for the city of Dallas at (214)948-4680 to initiate the CDC process.

Please note that the construction of a bridge or causeway over a navigable water of the United States may require U. S. Coast Guard authorization under Section 9 of the Rivers and Harbors Act of 1899. For further information on Section 9 authorization, please contact Mr. David Frank, Bridge Administration Branch, Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396, telephone (504)589-2965.

Thank you for your interest in our nation's water resources. If you have any questions concerning our regulatory program, please contact Ms. Jennifer Riley at the address above or telephone (817)978-7547. If you would like more information about our nationwide permit program, please contact us and we will furnish you with a copy of the nationwide permit regulations.

Sincerely,


for Wayne A. Lea
Chief, Regulatory Branch

Enclosures

Copy Furnished:

Mr. Douglas Perrin, CESWF-OD-M

Mr. Jerry McCrory, CESWF-PM-C

Mr. Elston Eckhardt, CESWF-EC-DH

Mr. David Dybala, P.E.
Acting Assistant Director of Public Works
Floodplain/CDC Administrator
City of Dallas
320 E. Jefferson Blvd., Suite 321
Dallas, Texas 75203

Mr. Jack E. Tidwell, Jr., AICP
North Central Texas Council of Governments
P.O. Box 5888
Arlington, Texas 76005-5888

Commander (OB)
Eighth Coast Guard District
501 Magazine Street
New Orleans, Louisiana 70130-3396



TEXAS
HISTORICAL
COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

August 3, 2001

Mario Sanchez
Environmental Affairs Division
Texas Department of Transportation
118 E. Riverside Drive
Austin, TX 78704

RECEIVED
AUG 09 2001
ENV

Re: Project review under Section 106 of the National Historic Preservation Act of 1966,
*Spur 366: Woodall Rogers Freeway from I35 to Beckley Ave./ Singleton Blvd.,
City of Dallas, Dallas Co.*

Dear Mr. Sanchez:

Thank you for your 26 June 2001 correspondence describing the above referenced project. Section 106 of the National Historic Preservation Act requires federal agencies, or their designated representatives, to take into account the effects of their undertakings on historic properties. Federal agencies, or their designated representatives, must request the comments of this office when they are considering an action, or if they are assisting, permitting, or licensing an action that may affect archeological sites or historic buildings built prior to 1956.

The review staff, led by Monica Penick, has evaluated twenty-seven sites within the noted area of potential affect by applying federal criteria for historical designation.

- We concur that **Site 18**, the Continental Avenue Bridge and **Site 19**, the Greyhound Bus Office Building are **ELIGIBLE** for the National Register of Historic Places. Please contact Linda Roark, Division of Architecture, at 512-463-9122, for a determination of effect on these eligible properties. She may request architectural drawings, specifications, work write-ups, and a complete set of photographs showing all the areas that the proposed work may affect.
- We concur that the remaining twenty-five sites (see attached) are **NOT ELIGIBLE** for listing in the National Register of Historic Places. No further review of these undertakings as they affect these properties is required.

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, please contact me at 512-463-5942.

Sincerely,

Monica Penick, Historian
for F. Lawrence Oaks, SHPO

MEMORANDUM

TO: Ms. Elvia R. Gonzalez
Branch Supervisor
Environmental Affairs Division
Attn. Mario Sanchez

DATE: July 12, 2004

FROM: H. Stan Hall, P.E.

Originating Office:
Dallas APD

SUBJECT: CSJ: 0196-07-018
Spur 366: From IH 35E
To Beckley Avenue / Singleton Boulevard
Dallas County

Please reference the attachments regarding the recent Design Schematic proposed for the subject project. The Signature Bridge portion relates to prior THC determination that the Bridge design would have No Adverse Effect to the nearby Continental Viaduct. However, the Bridge is now revised pursuant to the Santiago Calatrava attachments. The Schematic not only eliminates the previous elevated (Trinity Parkway) connections at the Beckley / Singleton end of the project, but also details two fewer travel lanes than the previous design therefore reducing the Bridge from twin arches, each supporting four lanes, to a single arch supporting six travel lanes.

When speculating the Bridge's subjective relationship to the outdated Viaduct, please keep in mind the City of Dallas / local community's broad plans, momentum and earmarked funding for the progressive transformation of the Trinity River floodplain where multiple Signature Bridges are considered a key revitalization component. Finalization of the Bridge (construction) plans is now being carried out by the City.

The project and associated time frames are politically sensitive both locally and federally with community forecasts calling for a Summer 2005 Signature Bridge ground-breaking. We therefore request an expedited ENV / THC review and approval such that both this aspect and an upcoming ENV review of the revised EA (submitted to ENV by August 2004) allows for a Fall 2004 Public Hearing. Please contact Timothy M. Nesbitt, P.E. at 214.320.6245 for additional information.



H. Stan Hall, P.E.
District Advance Project Development Engineer

Attachments

TMN:tmn, copy to: APD, C-5E (0196-07-018)





CC: CRM 9-01-09

**TEXAS
HISTORICAL
COMMISSION**

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

August 26, 2004

Mario Sanchez
Texas Department of Transportation
125 E. 11th St.
Austin, TX 778701-2483

Re: *Project review under Section 106 of the National Historic Preservation Act of 1966
Calatrava Bridge on Spur 366 of the Woodall Rogers Freeway Extension from IH35 to
Beckley Ave./Singleton Blvd., Dallas, Dallas County (FHWA/106)*

Dear Mario,

Thank you for your correspondence of July 26, 2004 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 Quana Childs, has completed its review of the project documentation provided and determined the project as proposed would have a No Adverse Effect on National Register listed or eligible properties.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective 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 Quana Childs at 512/463-9122.**

Yours truly,

Quana Childs
for: F. Lawrence Oaks, State Historic Preservation Officer

cc: Dallas County Historical Commission
FLO/QC

Post-it® Fax Note	7671	Date	9-1-04	# of pages	1
To	CRAIG HANCOCK	From	M. SANCHEZ		
Co./Dept.	DAL	Co.	TXDOT-ENV		
Phone #		Phone #			
Fax #	214/320.4470	Fax #			