Austin Light Rail Phase 1

Final Environmental Impact Statement

Record of Decision

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Acronyms and Abbreviations

Abbreviation	Definition
ATP	Austin Transit Partnership
CAMPO	Capital Area Metropolitan Planning Organization
CapMetro	Capital Metropolitan Transportation Authority
CFR	Code of Federal Regulations
City	City of Austin
CWA	Clean Water Act
DEIS	Draft Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
FEIS	Final Environmental Impact Statement
FTA	Federal Transit Administration
LWCF	Land and Water Conservation Fund
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NPDES	National Pollutant Discharge Elimination System
Project	Austin Light Rail Phase 1 Project
ROD	Record of Decision
TCEQ	Texas Commission on Environmental Quality
TPWD	Texas Parks and Wildlife Department
USACE	U.S. Army Corps of Engineers
USC	United States Code

Record of Decision

This Federal Transit Administration (FTA) Record of Decision (ROD) is the formal conclusion of the National Environmental Policy Act (NEPA) Environmental Impact Statement process. It documents FTA's decision on the proposed Austin Light Rail Phase 1 Project (Project), consideration of environmental impacts, and commitment to mitigation measures.

1 Decision

The conclusions and decisions set forth in this ROD reflect FTA's independent judgment and final agency decision. FTA has determined, pursuant to 23 Code of Federal Regulations (CFR) Part 771, that the requirements of NEPA have been met for the Project. This ROD also provides findings that the Project meets all other environmentally related federal requirements, including Section 4(f) of the Department of Transportation Act. This ROD applies to the Preferred Alternative, as described in **Chapter 2** of the Final Environmental Impact Statement (FEIS) and in Section 2.3 below.

FTA is the federal lead agency for the NEPA process. As the project sponsor and potential recipient of FTA financial assistance for the Project, Austin Transit Partnership (ATP) served as the joint lead agency with FTA in conducting the environmental review. The Texas Department of Transportation, Texas Parks and Wildlife Department (TPWD), U.S. Army Corps of Engineers (USACE), and U.S. Environmental Protection Agency (EPA) served as the cooperating agencies for the environmental review.

2 Basis for Decision

FTA's decision is based on its independent review of the information presented in the DEIS and supporting documents, as well as the administrative record. This includes consideration of public and agency input, the comparative impacts of the alternatives evaluated, and the ability for the Preferred Alternative to meet the stated purpose and need. The basis for the decision is summarized below through a review of the Project background, purpose and need, alternatives considered, impacts and mitigation, and opportunities for public involvement.

2.1 Project Background

Planning for high-capacity transit in the Austin Metro Area began over two decades ago to address congestion on the capacity-constrained roadway network and to accommodate the significant population and employment growth projected for the area. This planning led to the *Project Connect Long-Term Vision Plan*, which identified high-capacity transit corridors (Capital Metropolitan Transportation Authority [CapMetro] 2018). The vision plan was subsequently included as an integral part of the *Austin*

Strategic Mobility Plan, approved by the Austin City Council in 2019 (City of Austin 2023).

FTA's transportation planning regulations (23 CFR §§ 450.212 and 450.318) encourage a concept known as Planning and Environmental Linkages. Planning and Environmental Linkages provides for integration of the transportation planning and environmental review processes. Information, analysis, and products developed during transportation planning can be incorporated into, and relied upon during, subsequent environmental review. As long as transportation planning products are readily available for agency and public review, they may be incorporated by reference in the environmental review process. Under the Project Connect System Plan (Project Connect), transit planners originally planned for two light rail lines in Austin, one line running through downtown extending to the north and south (Orange Line) and another running downtown and east to the airport (Blue Line). In May 2019, an alternatives analysis commenced, resulting in the selection of light rail as the preferred mode (CapMetro 2020a, 2020b). CapMetro subsequently completed two Planning and Environmental Linkages studies following federal guidance that documented the alternatives analysis, purpose and need, and public and stakeholder outreach, and informed selection of the locally preferred alternatives for the Orange and Blue Line light rail projects (CapMetro 2020c, 2020d).

In November 2020, voters approved Proposition A, an increase in the City of Austin's (City) property tax rate, to provide local funding for the Project Connect program, a program of transit improvements including light rail in Austin. ATP was created following the election and authorized to implement the financing, design, engineering, and construction of the light rail component of Project Connect. ATP's objective is to deliver light rail in a phased approach that is fiscally feasible, aligned with the 2020 tax referendum passed by the voters, and responsive to the needs of the public.

After the election, as the Orange and Blue Lines design advanced, the estimated project construction, operation, and maintenance costs continued to increase. The primary cost drivers were identified as increasing real estate costs, inflation, supply chain cost escalation, and scope change. In response, in July 2022, planning efforts on the Orange and Blue Line projects were suspended in order to evaluate viable project scenarios that were affordable, constructable, maintainable, and continued to address the purpose and need of the 2020 proposed projects.

ATP undertook a planning process in 2022 and 2023 to define an economically feasible and expandable light rail system with independent utility that would meet transportation goals and objectives. On June 6, 2023, the ATP Board of Directors, Austin City Council, and CapMetro Board of Directors unanimously approved the *Austin Light Rail Implementation Plan* (ATP 2023).

In January 2024, FTA published a Notice of Intent in the *Federal Register* to prepare an Environmental Impact Statement for the Project, initiating the NEPA process. In May 2024, informed by comments received during the scoping period, ATP identified six Design Options to be evaluated in the Draft Environmental Impact Statement (DEIS) along with the Build Alternative. The DEIS was published in January 2025. The Project

is included in the Capital Area Metropolitan Planning Organization (CAMPO) *2050 Regional Transportation Plan* (CAMPO 2025).

2.2 Purpose and Need

The purpose of the Project is to address growing corridor travel demand with a reliable, safe, affordable, and time-competitive light rail system that operates in a dedicated guideway.

The Project is needed to:

- increase the transportation network capacity in response to existing travel demand;
- increase transportation choices and capacity to support Austin's population and employment growth;
- improve transit access between housing and jobs; and
- support growth of, and connectivity to, the regional activity centers.

The Project location is shown in **Figure 1**.

Figure 1: Project Location

2.3 Alternatives Considered

The DEIS evaluates the impacts of a Build Alternative and six Design Options in comparison to the No Build Alternative, which represents future conditions without the Project, and identifies a Preferred Alternative (Build Alternative with Selected Design Options). The FEIS evaluates the same Preferred Alternative identified in the DEIS and reflects the design updates that were made after DEIS publication and those made to address public comments. The alternatives considered are summarized below and described in more detail in **Chapter 2** of the FEIS.

2.3.1 No Build Alternative

The No Build Alternative is the environmental baseline for evaluating the benefits and impacts of the Project. The No Build Alternative represents transportation and environmental conditions without light rail in Austin and without the roadway, bicycle, and pedestrian improvements included in the proposed light rail investment. It assumes regionally adopted forecasts for future population and employment growth through the year 2045, as well as adopted land use plans and other transportation investments in the region.

2.3.2 Preferred Alternative (Build Alternative with Selected Design Options)

The Preferred Alternative (identified in the DEIS as the Build Alternative with selected Design Options) includes a 9.8-mile dedicated light rail guideway, 15 stations, 3 park-and-rides, an operations and maintenance facility (OMF), maintenance of way (MOW) shops, and a new light rail bridge with bicycle and pedestrian lanes crossing Lady Bird Lake to connect the neighborhoods in East Austin and South Austin to the central business district and points north.

The North Section of the alignment will extend from 38th Street to Martin Luther King Jr. Boulevard. The Downtown Section will extend from Martin Luther King Jr. Boulevard to Lady Bird Lake. Crossing Lady Bird Lake on a dedicated transit bridge, the South Section will split on the south side of Lady Bird Lake and extend south along South Congress Avenue to Oltorf Street and southeast as an elevated guideway along East Riverside Drive to Travis Heights Boulevard and then at grade to Interstate 35. The East Section will extend along East Riverside Drive from Interstate 35 to Yellow Jacket Lane.

Six Design Options were evaluated, and five of them have been selected to be included as part of the Preferred Alternative. The five selected Design Options are Wooldridge Square Station, Lady Bird Lake Bridge Extension, elimination of the Travis Heights Station, Center-Running Bike/Pedestrian and Shade Tree Facilities on East Riverside, and Grove Station (which includes the Montopolis Station and Grove Station near Grove Boulevard).

FTA's decision for selecting the Preferred Alternative is based on the Project's ability to serve the stated purpose and need of the Project, and least environmental impact compared to other reasonable alternatives considered.

2.4 Project Effects and Avoidance, Minimization, and Mitigation Measures

Chapters 3 and 4 of the FEIS describe the affected environment and disclose the reasonably foreseeable effects of the Project's operation (long-term effects) and construction (short-term effects). Methodologies used in the environmental analysis are presented in the Technical Reports in **Appendices D through I**. The Mitigation Monitoring Plan in **Appendix M** presents the mitigation measures that ATP will implement to avoid or minimize reasonably foreseeable adverse effects. This ROD presents these measures as commitments, which will be incorporated into any grant agreement that FTA may award ATP for construction of the Project. FTA will monitor implementation of mitigation measures during design and construction of the Project. FTA finds that all practicable mitigation measures have been adopted and, with the completion of these mitigation measures, ATP will have taken all reasonable steps to avoid, minimize, and/or mitigate the reasonably foreseeable adverse effects of the Project.

2.5 Public and Agency Review Process

The NEPA scoping process began with a formal notice to prepare an Environmental Impact Statement for the Project in Austin, Texas. On Friday, January 19, 2024, FTA and ATP published a Notice of Intent in the Federal Register. ATP also sent out a media release notifying the community about the start of scoping and published the release on its website. ATP hosted 6 public scoping meetings and participated in 34 outreach events during a Project scoping period between January 19 and March 4, 2024.

On January 19, 2024, FTA notified federal, state, regional, and tribal governments, and other cooperating and participating agencies, of the Project status and upcoming scoping meetings. FTA held public scoping meetings on February 1, 10, 12, 22, 27, and 29, 2024, in Austin.

FTA invited agencies and Project partners to formally participate in the environmental review process by inviting them to be cooperating and participating agencies. The agencies were provided with a Project update and were informed of scoping activities. EPA, the City, and the National Park Service provided comments during the Project scoping period.

Cooperating and participating agencies supported the development of the DEIS (see **Appendix K**), and the DEIS was published in the Federal Register and filed with EPA on January 10, 2025, followed by a 60-day commenting period. The primary engagement activities for the DEIS included the following:

- Project briefings and updates to Boards and Commissions;
- Making the DEIS available online and at six physical locations near the Project;
- Hosting four in-person public hearing open house meetings;
- Advertising public meetings through newspaper and digital advertisements; and
- Sending regular email and social media notifications.

The following cooperating and participating agencies provided comments on the DEIS:

- Capital Metropolitan Transportation Authority;
- City of Austin;
- Downtown Austin Alliance;
- National Park Service;
- Project Connect Community Advisory Committee;
- Texas Commission on Environmental Quality;
- Texas Department of Transportation;
- Texas Historical Commission;
- Texas Parks and Wildlife Department;
- Travis County Commissioners Court;
- Urban Transportation Commission;
- U.S. Army Corps of Engineers;
- U.S. Department of the Interior; and
- U.S. Environmental Protection Agency.

3 Findings and Determinations

NEPA requires federal agencies evaluate the reasonably foreseeable environmental effects of major federal actions. Having carefully considered the analysis of reasonably foreseeable environmental effects of the Project, mitigation measures (provided in **Appendix M**), and public and agency comments, and based on the findings below, FTA has determined that:

- the environmental record for the Project documents the Project's purpose and need, a reasonable range of alternatives (including the No Build Alternative), reasonably foreseeable environmental impacts, adverse effects that cannot be avoided, and mitigation commitments;

- all practical steps are being taken to avoid or minimize the reasonably foreseeable adverse environmental effects of the Project and appropriate monitoring will ensure effective implementation; and

- the Project meets its purpose and need and satisfies the requirements of NEPA.

These conclusions are supported by FTA's independent review of the DEIS, FEIS, associated technical studies, public and agency comments, and the complete administrative record.

3.1 Clean Air Act

Under the Clean Air Act, EPA has established National Ambient Air Quality Standards (NAAQS), which specify maximum allowable concentrations for certain criteria pollutants (42 United States Code [USC] §§ 7401–7431). Proposed transportation projects located in air quality non-attainment areas and requiring federal funding or

approval must demonstrate compliance with EPA's Transportation Conformity Rule (40 CFR Part 93). This rule requires showing that a project will not cause or contribute to any new violation of any NAAQS, increase the frequency or severity of any existing NAAQS violations, or delay timely attainment of the NAAQS.

The Project is not located in a non-attainment area and has been included in region's long-range transportation plan, the *2050 Regional Transportation Plan*, adopted by CAMPO in May 2025.

3.2 Clean Water Act Sections 401 and 402

Discharges into water are addressed in the Clean Water Act (CWA) in Sections 401 and 402 (33 USC §§ 1341–1342). Section 401 provides for EPA certification (delegated to the Texas Commission on Environmental Quality (TCEQ)) that a project's discharges to water or to wetlands will meet state water quality standards. Under Section 402, a discharge of domestic or industrial wastewater into marine or fresh surface water requires a National Pollutant Discharge Elimination System (NPDES) permit (including a General Construction Permit for applicable construction activities).

ATP will obtain CWA Section 401 Water Quality Certification from TCEQ and will comply with conditions of that certification. To mitigate long-term degradation of surface water quality, the Project will direct long-term stormwater runoff into stormwater management facilities created as part of the Project as approved by the local jurisdiction and through final permitting. These facilities will be designed to provide stormwater treatment in compliance with NPDES requirements. An NPDES Construction Stormwater Permit from TCEQ will be required because the Project will disturb 1 acre or more of land. Because the Project will disturb more than 50 acres of land and will produce discharges within 1 mile of impaired waters, ATP will submit the NPDES Construction Stormwater Permit application to TCEQ at least 30 days prior to the start of construction.

To address reasonably foreseeable temporary effects, the Project will include development of a Stormwater Pollution Prevention Plan for implementation prior to and during construction. Short-term mitigation measures will include developing erosion and sediment control plans to control runoff and reduce erosion and sedimentation during construction and to limit the amount of sediment carried into lakes, streams, wetlands, and rivers by stormwater runoff.

Accordingly, FTA finds that, with the mitigation measures identified in **Appendix M**, the Preferred Alternative meets the requirements of Sections 401 and 402 of the CWA.

3.3 Clean Water Act (Section 404) and Executive Order 11990 on Protection of Wetlands

The CWA (33 USC § 1251 et seq.) establishes the basic structure for regulating discharges of pollutants (including dredged materials) into the Waters of the United States and for regulating quality standards for surface waters. It therefore applies to the Project's wetland and stream impacts and stormwater discharges.

USACE reviewed the Project alignment and the Section 404 wetland/waters of the United States delineation report. ATP will obtain all required USACE permits prior to construction and will meet all permit requirements, including achieving no net loss wetland function. Compensatory mitigation will be developed in coordination with USACE, with specific sites and methods to be finalized during the permitting process and prior to construction.

Accordingly, FTA finds that, with the mitigation measures identified in **Appendix M**, the Preferred Alternative meets the requirements of the CWA (Section 404) and Executive Order 11990, *Protection of Wetlands*.

3.4 Floodplain Management

Executive Order 11988, *Floodplain Management* requires federal agencies to avoid, to the extent practicable, long- and short-term adverse impacts of flooding and to preserve the natural and beneficial values of floodplains. DOT Order 5650.2, issued by the U.S. Department of Transportation, established policies and procedures for implementing the executive order and to ensure that projects consider and mitigate potential adverse impacts on floodplains.

The Project is designed to comply with Executive Order 11988 and DOT Order 5650.2. Elevated guideways span floodplain areas above the base flood elevation, minimizing encroachment. Any fill placed within the floodplain will be offset with compensatory flood storage to preserve hydrologic function during flood events.

FTA finds that, with the mitigation measures identified in **Appendix M**, the Preferred Alternative would not result in significant encroachment on floodplains and the Project would comply with the requirements of Executive Order 11988 and DOT Order 5650.2.

3.5 Endangered Species Act

The primary federal law protecting threatened and endangered species is Section 7 of the Endangered Species Act of 1973 (16 USC §§ 1531–1534). Under Section 7 of the Endangered Species Act, federal agencies are required to consult with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service to ensure that the federal agency is not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species or to destroy or adversely modify designated critical habitat.

FTA finds that, with the mitigation measures identified in **Appendix M**, the Preferred Alternative would not affect critical habitat or jeopardize the continued existence of listed species and the Project meets the requirements of the Endangered Species Act.

3.6 Section 106 of the National Historic Preservation Act

Section 106 of the National Historic Preservation Act (54 USC § 300101 et seq.) requires federal agencies to consider the effects of their actions on historic properties

before undertaking a project. The regulations implementing Section 106 are codified in 36 CFR Part 800.

The Texas Historical Commission, as State Historic Preservation Officer, concurred with FTA's determinations of eligibility of, and findings of effect on, historic and archaeological resources, and supported the development of a Section 106 Programmatic Agreement to address archaeological monitoring and inadvertent discovery during construction.

FTA is responsible for compliance with the stipulations in the Programmatic Agreement and will require that ATP carry out the requirements of the agreement as a condition of the award of any federal funding. Based on the cultural resources analysis and coordination with the Texas Historical Commission and consulting parties, FTA finds that there is adequate mitigation for any unidentified adverse effects and suitable procedures to address any inadvertent discovery; therefore, the Project meets the consultation requirements of the National Historic Preservation Act.

3.7 Final Section 4(f) Evaluation

Section 4(f) of the Department of Transportation Act of 1966 (49 USC § 303(c)) is a federal law that protects publicly owned parks, recreation areas, and wildlife and/or waterfowl refuges as well as significant historic sites, whether publicly or privately owned. Section 4(f) requirements apply to all transportation projects that require funding or other approvals by the U.S. Department of Transportation. As a U.S. Department of Transportation agency, FTA must comply with Section 4(f). FTA's Section 4(f) regulations are at 23 CFR Part 774.

Section 4(f) prohibits, with limited exceptions, the use of land from a significant publicly owned park, recreation area, wildlife and/or waterfowl refuge, or historic site unless (1) there is no feasible alternative to use of the land; and (2) the project includes all possible planning to minimize harm to the site. A Section 4(f) Evaluation must be prepared that identifies the affected resources and discusses the direct impacts and proximity impacts that would substantially impair the use of these resources; identifies and evaluates alternatives that avoid such impacts; and identifies measures to minimize or mitigate for unavoidable adverse effects. The Project's Draft Section 4(f) Evaluation was published in the DEIS and the Final Section 4(f) Evaluation is included in **Appendix G**.

Based on consultation with the U.S. Department of the Interior, feedback from officials with jurisdiction, and the Final Section 4(f) Evaluation, FTA concludes that the Project will result in a direct use of the historic Waller Beach at Town Lake Metro Park, and there is no feasible and prudent alternative that would avoid a use of this Section 4(f) historic resource. In addition, FTA has determined, in accordance with 23 CFR § 774.17, that all possible planning to minimize harm has been conducted. The Preferred Alternative would cause the least overall harm because the Travis Heights Station would not be built, thereby avoiding the direct use of Norwood Tract at Town Lake Metro Park.

The Project will have a Section 4(f) *de minimis* impact on six Section 4(f) park/recreational properties:

- Auditorium Shores at Town Lake Metro Park;
- Blunn Creek Trail;
- Country Club Creek Trail;
- Penick Pocket Park;
- Airport Commerce Pocket Park; and
- South Austin Island.

The Project will result in Section 4(f) temporary occupancies during construction of seven Section 4(f) park/recreation properties:

- Auditorium Shores at Town Lake Metro Park;
- Aura Riverside Pocket Park and Trail;
- Country Club Creek Trail;
- Penick Pocket Park;
- Airport Commerce Pocket Park;
- South Austin Island; and
- Wooldridge Square.

The effects of the Project on historic built properties would be modest in scale, and the Texas Historical Commission has made determinations of *"*no adverse effect*"* for the historic built properties affected by the Preferred Alternative based on Section 106 consultation with consulting parties.

FTA obtained concurrence from the officials with jurisdiction regarding its determinations of *de minimis* impacts and temporary occupancy exceptions for the Project's effects on parkland (see **Appendix G**). The Draft Section 4(f) Evaluation was provided to the U.S. Department of the Interior prior to publication of this combined FEIS/ROD and was reviewed on March 11, 2025. The U.S. Department of the Interior concurred that there were no feasible or prudent alternatives that would avoid adverse effects on Waller Beach at Town Lake Metro Park. The U.S. Department of the Interior noted that the evaluation demonstrated that efforts were made to avoid impacts on Section 4(f) resources and that all possible planning needed to minimize harm to Section 4(f) resources was performed. FTA, ATP, and the Texas Historical Commission have executed a Programmatic Agreement to guide the design review process and the protection of historic structures during construction.

The measures to minimize harm to Section 4(f) resources are included in the list of mitigation measures in **Appendix M**. Accordingly, FTA finds that the Preferred Alternative meets the requirements of Section 4(f).

3.8 Final Section 6(f) Evaluation

Section 6(f) of the Land and Water Conservation Fund (LWCF) Act prohibits the conversion of property acquired or developed with LWCF funds to a non-recreational

purpose without the approval of the National Park Service. TPWD administers Section 6(f) of the LWCF Act.

The Project will convert approximately 1.04 acres (3.6 percent) of Waller Beach at Town Lake Metro Park, acquired with LWCF funding, for transportation infrastructure. ATP has consulted with TPWD and the National Park Service regarding the conversion and to ensure that replacement lands of equal value, location, and usefulness are provided as conditions to approval of the conversion. ATP will receive the Section 6(f) conversion approval prior to any Project-related impact on LWCF-funded parkland.

The measures to minimize harm to Section 6(f) resources are included in the list of mitigation measures in **Appendix M**. FTA finds that the Preferred Alternative meets the requirements of Section 6(f).

4 Conclusion

Pursuant to 23 CFR § 771.127, FTA has signed this ROD and thereby determined that the requirements of NEPA have been satisfied for the Project. Based on the FEIS, FTA has chosen the Preferred Alternative, which includes the construction and operation of a light rail transit system extending from 38th Street to Oltorf Street and Yellow Jacket Lane in Austin, Texas. FTA agrees with the identified impacts and associated mitigation commitments. FTA will require ATP to design and build the Project as presented in this ROD. Any changes to the Project inconsistent with this ROD must be evaluated in accordance with 23 CFR §§ 771.129 and 771.130.

5 References

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