SR 7 Extension 2045 LRTP Amendment

The Proposed Amendment Should Not Be Approved

1. SR 7 Amendment is not “consistent, to the maximum extent feasible” with the comprehensive plan of West Palm Beach (§339.175(5)&(7), F.S.)

2. SR 7 Amendment does not address “environmental mitigation activities,” “natural resources, environmental protection, conservation” or “mitigation of water pollution due to highway runoff.” (23 C.F.R. §450.324(f), §339.175(6)(b),(7)(d), F.S.)

3. Public Participation thwarted by lack of transparency (23 C.F.R. §450.316(a), §339.175(7), F.S.)

4. Need for SR 7 Extension has not been demonstrated (23 C.F.R. §450.324(f),(g), §339.175(7)(c), F.S.)

5. SR 7 Extension cost estimates are improper and unreliable (23 C.F.R. 450.105, 23 C.F.R. §450.324(g), §339.175(7)(b)(c), F.S.)
Protection of Grassy Waters Preserve

GWP is Protected in West Palm Beach’s Comp Plan

- Pristine remnant of the Everglades with high-quality water
- Water supply source for over 110,000 citizens of West Palm Beach, Palm Beach, South Palm Beach & unincorporated County
- Regional connection between Lake Okeechobee, Loxahatchee Slough, regional canals & Lake Worth Lagoon
Future Land Use Element

Policy 1.7.5

Development proposed for land adjacent to the City’s Water Catchment Area poses special circumstances due to the importance of maintaining an adequate supply of clean potable water, the close relationship of surface and ground waters, the prevalence of wetland areas which provide water storage and cleansing functions...the City shall utilize the Special Impact Zone, hereby referred to as the Water Catchment Area Special Impact Zone (WCA/SIZ), to ensure heightened site plan review and compatibility analysis TO PROHIBIT LAND USE AND ENVIRONMENTAL INCOMPATILITIES WITHIN THE CITY’S MUNICIPAL BOUNDARIES WITHIN 450 FEET OF THE WATER CATCHMENT AREA as defined by Chapter 67-2169 (Laws of Florida) and as amended.
SR 7 Inconsistent with WPB Comp Plan

Conservation Element

Objective 2.1: The City shall protect and enhance its groundwater and surface water resources including the environmental resources in and around the Grassy Waters Preserve/Water Catchment Area (GWP/ WCA) to provide for adequate water supply, help offset the City’s carbon footprint associated with greenhouse gas emissions, to improve surface water drainage and to provide a means to promote the conservation and reuse of freshwater resources.

Objective 5.1: The City shall preserve and protect that portion of the Loxahatchee Slough and River Watershed which lies within its conservation jurisdiction. This segment is the City’s Grassly Waters Preserve/WCA.

Policy 5.2.4: Any plans for proposed development located contiguous to the GWP/WCA shall include an environmental assessment prior to City Commission approval, to demonstrate the project will not be a detriment to the City’s source of potable water.

Policy 5.2.5: Accordingly, the City shall utilize the Special Impact Zone, hereby referred to as the Water Catchment Area Special Impact Zone (WCA/SIZ), to ensure heightened site plan review and to prohibit land use and environmental incompatibilities for the area located within the City’s municipal boundaries within 450 feet of the Water Catchment Area as defined by Chapter 67-2169 (Laws of Florida) and as amended.
Can’t Construct SR 7 Outside 450’ Buffer

SR 7 Extension

GWP 450’ Buffer Covers Entire SR 7 Extension ROW
SR 7 Inconsistent with WPB Comp Plan

No proof by TPA staff or FDOT that the SR 7 Amendment is consistent with the WPB Comp Plan, much less to the “maximum extent feasible”

Memo

To: Nick Uhren, Executive Director
From: Paul Gougelman, General Counsel
Date: January 28, 2020
Re: Notes Regarding LRTP Amendment

In applying the “plain meaning rule,” one may turn to the dictionary to discern the meaning of various terms. According to Dictionary.com, the term “feasible” is an adjective meaning “capable of being done, effected, or accomplished: a feasible plan.”

Assuming that the Palm Beach County Comprehensive Plan calls for the State Road 7 project, and assuming that the City of West Palm Beach Comprehensive Plan opposes the project, does not include the project in its plan, or contains objectives and policies which would make it virtually impossible to build, it would seem that if the project is to be added to the LRTP, it should include some requirements dealing with objections of the City’s plan so that the project addition to the LRTP could be viewed as being consistent “to the maximum extent feasible” with the goals, objectives, and policies of the WPB Comprehensive Plan.
Federal Regulations and State Law require consideration of “environmental mitigation activities,” “natural resources, environmental protection, conservation” and “mitigation of water pollution due to highway runoff.”
Failure to Address Environmental Requirements

• A 500-gallon spill of a hazardous chemical, such as dry-cleaning fluid (PCE) (600 times greater than the concentration triggering a cleanup response) into the M-Canal would reach Control 4 in 16 hours

• Hazardous chemicals passing Control 4 would potentially shutdown of the City’s water treatment facility

• Notification by emergency responders to the City can take more than 16 hours

• Potential contamination throughout the regional system
Failure to Address Environmental Requirements

- Direct impacts will destroy 58 acres of wetland and secondary impacts will harm 119 acres of wetlands in and around Grassy Waters Preserve.

- Other than the Grassy Waters Ecosystem, which includes the Ibis Preserve, no other oligotrophic wetlands comparable to the historic Everglades exist within the Eastern Palm Beach County Basin.
The Everglades Snail Kite is listed by both the State of Florida and the federal government as an endangered species. Snail kites continue to thrive in the Grassy Waters Ecosystem due to the protection and management of the preserve by the City of West Palm Beach.

The SR7 project, as proposed, will adversely impact water quality, wetlands and snail kites.

All photos taken within Grassy Waters Preserve
<table>
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<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>12/12/19</td>
<td>PBTPA Governing Board Approves deletion of SR 7 Projects, approval of 2045 LRTP</td>
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<tr>
<td>12/13/19</td>
<td>PBTPA staff intends to include a February 20, 2020 agenda item to amend the 2045 LRT to include the SR 7 projects</td>
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| 12/17/19  | - PBTPA staff “potentially look at projected traffic volumes using the 2045 model for the no build and build conditions”  
            - “If we can’t compile the right backup information by the end of January (for Feb TAC agenda) I would defer this to March committee and board meetings” |
| 1/13/20   | “We are requesting Kimley-Horn use the current funding available in our LRTP contract to run the 2045 Exist + Committed model twice:  
            - With the inclusion of State Road 7 widening and extension  
            - Without State Road 7 widening and extension” |
| 1/15/20   | “We have asked our LRTP consultant to perform a couple of SERPM 8 model runs using 2045 SE data on the E+C network, on including the two SR 7 projects and then a second network without the SR 7 projects. We will share that information with you [FDOT] when we receive it for inclusion in your presentation” |
| 1/17/20   | “Attached is the write-up on the SR-7 scenarios that we ran with SERPM 8. The write-up documents the assumptions and model results. You can download the model shapefiles ...” |
### Public Participation – No Transparency

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<tr>
<td>1/24/20</td>
<td>Nick Uhren email to Steve Braun: “I’m also going to send you a summary of the SERPM 8 model outputs on Monday [1/27/2020].”</td>
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| 2/5/20   | WPB Public Record Request to PBTA requesting:  
|          | • All written communications regarding all model runs using the 2045 Long Range Transportation Model that evaluated or assessed traffic with the SR 7 Project and excluding the SR 7 Project.  
|          | • All input model files, output model files, output model files and all other files and documents required to run the 2045 Long Range Transportation Model used to evaluate or assess traffic with the SR 7 Project and excluding the SR 7 Project. |
| 2/14/20  | PBTPA produces emails and model files to WPB                                                   |

### CONCLUSIONS:

- PBTPA modeling showing need for SR 7 Project only provided to FDOT
- PBTPA modeling results only disclosed 9 days after a public record request by WPB
- PBTPA staff kept critical information from public, advisory committees and TPA Governing Board
- PBTPA SR 7 public comment and review process is fatally flawed!
Analysis of TPA Model and Need for SR 7

Paul Gilliam, PE, PTOE
Senior Project Manager
Sain Associates
2045 v/c with SR-7
2045 v/c without SR-7
2040 Traffic Volumes w SR-7
2040 Traffic Volumes w/o SR-7
2045 Traffic Volumes w SR-7
2045 Traffic Volumes w/o SR-7
General Observations TPA Model

- TPA’s model results show SR-7 Extension is not needed
- SR-7 Extension 2045 v/c is less than 0.5
- TPA’s SR-7 Extension forecast at 10,744 ADT in 2045
- TPA’s low forecast consistent with Western developments
- TPA’s model forecast 10,774 ADT is overstated
- Existing grid can support 10,774 ADT
- V/C existing grid in 2045 w/o SR-7 Extension is 0.8 or less
General Observations
FDOT Slides

- Travel Times-Typical OD Pairs
- West Lake to Downtown West Palm Beach
- Palm Beach Gardens to Wellington
- Crashes Occur in Existing Section
- Public Engagement-Performance Measures
- Seminole-Pratt Improvements-Check Model
Unknown Costs of SR 7 Project

FDOT’s estimated construction costs of $50M to extend SR 7 from 60th St. to Northlake Blvd. do not take required changes to the SR 7 into account.

Costs not taken into account:

- Redesign and elevation of bridges and road
- Redesign to address floodplain and compensation
- Redirecting and managing stormwater in another location
- Cost of new wetland impact mitigation
What Will the True Cost of SR 7 Be?

FDOT has not updated its cost estimates to account for necessary changes to SR 7 – FDOT estimates $53 Million for 60th St. to Northlake Blvd.

Updated estimates accounting for needed changes show estimated costs of $117 Million or more.
Conclusion

• SR 7 Amendment and adoption process does not comply with applicable Federal and State regulations and law and should not be approved

• At the very least, consideration should be deferred until consistency with WPB Comp Plan, modeling, cost, project design, and other supporting information is publicly available and there is time for public review and participation