

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

**AQUIFER GUARDIANS IN URBAN)
AREAS, and PEOPLE FOR)
EFFICIENT TRANSPORTATION, INC.)**

Plaintiffs,

v.

No. Civ. SA-05-CA-1170-XR

**US FEDERAL HIGHWAY)
ADMINISTRATION, and MICHAEL W.)
BEHRENS, Executive Director, Texas)
Department of Transportation,)**

Defendants.

DECLARATION OF NEIL BENTON COX

I, Neil Benton Cox, hereby declare:

1. My name is Neil Benton Cox. I am 54 years of age, have never been convicted of a felony, and I am capable of making this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct to the best of my personal knowledge.
2. I currently reside in San Antonio, Texas, and have been a continuous resident since 1988. My home is located at 20719 Wind Springs, San Antonio, TX 78258.
3. I am a member of People for Efficient Transportation, Inc.
4. I reside in The Village on the Glen, one of three subdivisions in Big Springs, which is located on the Southwest corner of Evans Road and US 281.

5. I am on the Board of Directors of Big Springs Homeowners Association, which includes three subdivisions located on the Southwest corner of US 281 and Evans Road.
6. Each day, I travel US 281 to my place of employment, which is located on Blanco Road.
7. My wife, Carol Yager Cox, is the majority owner of a Texas certified small women owned HUB business; we are concerned about the impact on our employee's ability to pay increased tool taxes that will impact their life style.
8. All businesses whose vehicles travel on Loop1604 and US 281 will have to pass the cost of the toll fees on to consumers. It will also cause business owners to have to pay employees increased wages to cover the cost of toll fees as they travel to and from work. These cost factors will be passed on to residents such as myself, which creates further economic hardship. This is occurring at a time when inflation and the rising cost of living is already hurting many citizens of San Antonio.
9. Fewer consumers will wish to patronize businesses located along toll roads when comparable establishments are located on freeways. This will have a negative impact on the economic growth for the area for which consumers must use toll roads. I will have to pay toll fees to do my shopping in my residential area or I will have to travel significantly further, which creates greater transportation costs. Either choice presents a negative economic situation for residents in neighboring subdivisions and myself.

10. Vicki Melton, a San Antonio real estate agent that lives in Big Springs, tells me that she had a customer who decided against buying a home in my area because of the impending toll road. The customer chose to move to another area that is not currently designated to have a toll road. This agent also expressed concern about her own livelihood, both about the cost of traveling on these roads daily as she transports clients and in the viability of this area as a desirable place to purchase a home, which significantly reduces her sales area.
11. I am extremely concerned about the increase noise levels and higher level of air pollution that this high-speed toll road will produce. I am also concerned that the Texas Department of Transportation (“TxDOT”) has not completed an environmental impact study and what the effect this will have on my family and neighborhood. The toll access road is planned to be within approximately 30 feet of an estimated 25 homes in our subdivision with no sound barrier.
12. I have recently been informed that Mr. Sitterlee, the developer of Big Springs area of Stone Oak Master Plan, signed an affidavit over 20 years ago which was sent to TxDOT stating that he was aware of the toll road project and would not fight it. Nothing about this agreement has ever been disclosed to any homebuyer in Big Springs.
13. I am extremely concerned about the very high fly-over crossing on US 281 and Evans Road that will place cars and trucks with direct views looking down into the backyards of many homes and the noise that this will cause. With this, there are NO planned sound or pollution barriers to stop a high level of noise.

14. I am extremely concerned about the amount of traffic diverting into our residential area due to contractors attempting to avoid the tolls that will cause increased danger to our school children and residents. We have Barbara Bush middle school located on Evans Road within one mile west of US 281.
15. Having moved into our dream retirement home four years ago, I am extremely concerned about the negative impact to long-term home value and our subdivision home values, especially the house that will now have a toll road in their back yard.
16. Studies have proven that benzene causes leukemia in human beings. One gallon of benzene will contaminate one million gallons of water. It is extremely difficult to filter benzene out of water. Benzene is ingested in drinking water and it is inhaled when one showers or bathes because it is released as a vapor.
17. Highway traffic leaves benzene, motor oil, antifreeze, transmission fluid, chemical spills, and other water pollutants on the roadways. Rain washes these pollutants off of the highways into the surrounding soil. This storm water runoff then works its way into the Edwards Aquifer.
18. I am extremely concerned about the effect that 6 more lanes of highway will have on the Edwards Aquifer because benzene, a known carcinogen, is contained in gasoline.
19. TxDOT's plan to build six lanes of toll roads on the Edwards Aquifer recharge zone will increase the amount of benzene and other pollutants that enter the Edwards Aquifer. This will increase the health risk for all residents of San Antonio, since this is the city's sole water supply source.

20. I find it reprehensible to build a toll road on a highway for which taxpayers have already paid. This is double taxation. US 281 and Loop 1604 are freeways. If TxDOT wishes to build a toll road, it should be a new road system and not a conversion of an existing highway. Nowhere in America has an existing highway been converted to a toll road.
21. I find it reprehensible that San Antonio Regional Mobility Board plans to collect toll taxes from our middle class area of town and will use these monies to build roads in other non-toll areas of town.
22. I am gravely concerned that some foreign corporation that is awarded the toll project will be authorized to raise toll taxes without any taxpayer representation.

Pursuant to 28 U.S.C. § 1764, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this ___ day of December 2005.

Neil Benton Cox