

**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 ROBERT M. McKECHNIE

I, Robert M. McKechnie, hereby declare:

1. My name is Robert M. McKechnie. I am 68 years old and I have never been convicted of a felony, and have no impediments that render me incapable of making this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.
2. I reside at 21002 Wild Springs Drive, San Antonio, Texas 78258. I bought this house in June 2001 after an extensive search for a retirement location and I have lived here continuously since April 2002. At the time of purchase of my retirement home I had no awareness that Texas Department of Transportation (“TXDOT”) was planning to build a 16 lane toll road and turn it over to a foreign consortium for the construction and management.
3. I am a member of the Aquifer Guardians in Urban areas.

4. My understanding is that Texas law precludes the conversion of an existing Texas freeway for the purpose of erecting a toll road on the same right-of-way as the public freeway. The Alamo Regional Mobility Authority (RMA) decided that they could ignore the law and ruled that the toll project could proceed as planned by TXDOT. The Federal Highway Administration has written that even if US281 gets a facelift, it is still the same road since it is using an existing right-of-way, contrary to the ruling of the Alamo RMA who supports TXDOT's position.
5. I am extremely concerned about the increase in local traffic on the feeder roads (as people try to avoid the toll road, a fact presented by U.S. Senator Kay Bailey Hutchinson in a speech to the US Senate), decreased road safety caused by this increased traffic, removal of an extra swath of vegetation to accommodate the 16 lanes needed to meet state law which will allow for more road noise and rain runoff not to mention impervious surface, and increased noise levels that this high-speed toll road will produce. I am also concerned that the TXDOT has not completed an environmental impact study and are relying on an old impact statement prepared in 1988 before the area was inhabited as it is now. The toll access road is planned to be within approximately 100 feet of my house with no sound barrier.
6. TXDOT has embarked upon a campaign to pressure and deceive the public and those who use US 281 with misinformation, and by delaying the already funded and approved highway improvement so that they could build it as a toll road. This project was to be a smaller overpass started in 2002 and completed by 2004.

7. I am extremely concerned about the negative impact to long-term home value and our subdivision home values, especially my house that will now have a toll road in its back yard.
8. TXDOT's plan to build this road over Edwards Aquifer recharge zone without adequate environmental controls and due concern for the citizen's of Texas 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. By reverting to the original simpler, smaller, much cheaper plan for a freeway, TXDOT could build a freeway that reduces traffic congestion, helps protect the Aquifer, is less noisy, and safer. An independent audit of this effort was requested at a meeting of the San Antonio Metropolitan Planning Organization (MPO) but was rejected in order to get the toll road effort expedited. Of course this rejection could have been expected since TXDOT has two of its employees as voting board members, which seems like conflict of interest. This independent review would have delayed the project, but would also have answered the questions about cost, need, safety, and the environmental impact
9. This TXDOT plan is double taxation on an already paid for state road which will cost us more than double the original estimate so that they can build it to meet the state law that allows toll roads thus creating more problems than necessary.

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

ROBERT M. McKECHNIE