

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS
OPPOSING THE NON-RADIOACTIVE HAZARDOUS
MATERIALS ROUTE DESIGNATION PLAN**

WHEREAS, Title 49, Code of Federal Regulations (C.F.R.), Part 397, Subpart C, authorizes a political subdivision of a state to establish Non-Radioactive Hazardous Materials (“NRHM”) route designations on roads and highways open to the public under the jurisdiction of the political subdivision; and

WHEREAS, Texas Transportation Code, §644.202 requires a municipality with a population of more than 850,000 to develop a route for commercial motor vehicles carrying NRHM on a road or highway in the municipality and to submit the proposed route to the Texas Department of Transportation (“TxDot”) for approval; and

WHEREAS, as a City with a population over 850,000, the City of Austin is legally required to establish a through route for non-radioactive hazardous material on a road or highway in the municipality; and

WHEREAS, A political subdivision intending to establish a NRHM routing designation shall fully consider and address in writing all the federal standards and factors listed in 49 C.F.R. §397.71(b) in the route determination process; and

WHEREAS, Texas Administrative Code §25.103 requires that the City of Austin contact all political subdivisions within a 25-mile radius of any point along the proposed route; and

WHEREAS, a proposed route was presented to the Pflugerville City Council on January 8, 2019; and

WHEREAS, members of the city council expressed several concerns with the proposed route and made several recommendations; and

WHEREAS, the sub-consultant met with Pflugerville city staff on three occasions where concerns and recommendations regarding the proposed NRHM route were presented by city staff; and

WHEREAS, there is no evidence in the minutes of the governing bodies of other political subdivisions that those concerns or recommendations were acted upon; and

WHEREAS, there are no changes in the proposed plan document that address those recommendations or changes; and

WHEREAS, the description of the feedback from the members of the Pflugerville City Council included in the draft report appears to misconstrue the comments of the Pflugerville City Council; and

WHEREAS, the proposed route neglects to account for the federal standards and factors listed in 49 C.F.R. §397.71(b) which directly affect the health, safety, and welfare of the citizens of the City of Pflugerville; and

WHEREAS, it does not appear that any of the Emergency Services District political subdivisions within a 25-mile radius of any point along the proposed route were contacted as required by Texas Administrative Code §25.103; and

WHEREAS, even though three of Pflugerville's Independent School District's largest schools are located within a quarter mile of the proposed NRHM route, there is no evidence that this fact was considered in establishing the NRHM route; and

WHEREAS, no member of the Stakeholder Working Group appear to represent Pflugerville or Pflugerville Independent School District in effect denying these local political subdivisions the opportunity to directly provide their local knowledge and expertise to the NRHM route proposal; and

WHEREAS, the proposed NRHM route establishes that a huge proportion of the current volume of NRHM traffic will be shifted directly through the center of Pflugerville and outside the City of Austin's jurisdictional authority in direct contradiction to Texas Transportation Code, §644.202 requirement that a municipality with a population of more than 850,000 develop a route for commercial motor vehicles carrying NRHM on a road or highway in the municipality and Title 49, Code of Federal Regulations (C.F.R.), Part 397, Subpart C, authorizing a political subdivision of a state to establish a NRHM route designation on roads and highways open to the public under the jurisdiction of the political subdivision.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

The City of Pflugerville hereby opposes the establishment of a non-radioactive hazardous materials route as described in the proposal by the City of Austin.

Victor Gonzales, Mayor

ATTEST:

Karen Thompson
City Secretary