

**TIMELINE**

- 2009-05-15** LCRA Open Houses Landowners notified
- 2009-06-01** CVA goes live on world wide web
- 2009-09-24** Motion to Delay & Expand Study Area
- 2010-02-15** 1/4 scale model lattice tower tours region
- 2010-02-15** LCRA Open Houses second round
- 2010-04-19** LCRA / Fish & Wildlife Scoping Meetings
- 2010-07-28** Filing of CCN
- 2010-09-01** Hearing on the Merits, Austin Conv. Center
- 2010-12-17** ALJ issued PFD recommendation to PUC
- 2010-12-23** CVA filed Exceptions to PFD
- 2011-01-13** PUC routing deliberations / Final Order

**TERMS**

- PFD** Proposal for Decision
- ALJ** Administrative Law Judge
- CVA** Clear View Alliance
- LCRA** Lower Colorado River Auth
- PUC** Public Utilities Commission
- CCN** Certificate of Convenience & Necessity
- TPWD** Tx Parks & Wildlife Dept.
- PURA** Public Utility Regulatory Act
- CREZ** Competitive Renewable Energy Zones
- CTO** CREZ Transmission Optimiz

**Habitable Structures** [www.ClearViewAlliance.org](http://www.ClearViewAlliance.org)



**Habitable Structures**

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# HABITABLE STRUCTURES



## Habitable Structures

In contrast to the community value of preservation of rural spaces, the ALJs identify some intervenors who are concerned with habitable structures and city development. Those intervenors all oppose routes that travel through Kerrville, citing limiting impacts to residences as a strongly held community value.

CVA recognizes that the Commission must consider habitable structures when selecting a transmission line route. In this case, however, the habitable structures are near major highways and many of them are non-residential. Notably, none of the residents of Kerrville intervened in this proceeding. No homeowner in Kerrville submitted testimony expressing concern about the proposed transmission line. The voices for the “strongly held community values” were a car dealer and local governmental representatives whose concerns were expressed in terms of adverse impacts on potential future commercial developments along the interstate and speculation as to future tax revenues.

With respect to the proximity of the line to residences, these parties would have the Commission believe that “a habitable structure is a habitable structure” and that any structure identified by LCRA TSC as a habitable structure should be protected from being in proximity to the transmission line. CVA is not contending that a mansion deserves more protection than a modest home. CVA is contending that the facts of this case, where habitable structures already are near a highway, include mobile homes in an RV park, and include commercial businesses do not justify rejecting MK33 and MK32.



Of the 153 habitable structures on MK33, nine are located on the side of the highway opposite from the proposed route. While each of those structures is within 500 feet of the transmission line, it is logical to expect that the impact in many ways would be less if the transmission line is across a U.S. Highway or Interstate Highway from a habitable structure than if the line is constructed in the yard of a home. Of the remaining 142 habitable structures on MK33:

- A total of 16 are commercial and industrial structures, including an RV park office, a road construction workshop, a towing service, a car dealership, and an Exxon gas station.
- A total of 47 are mobile homes and 23 of those mobile homes are in one location.
- The remaining structures are 73 single-family residences, one church, one cabin and 12 uncategorized structures.

Along Routes MK33 and MK32, habitable structures are located in clusters, with the largest number of such structures being located in the vicinity of the City of Kerrville. Fifty-nine (59) habitable structures are located on Links Y18 and Y19b, near I-10 in the vicinity of Kerrville. Of these 59 habitable structures, 17 would need to be relocated. Of the 17 habitable structures identified as being located within the right-of-way near I-10 in the vicinity of Kerrville, only six would be within the right-of-way if LCRA TSC constructed the line using monopoles and used a 100' instead of a 140' right-of-way for this portion of the line.

To be clear, CVA agrees that each habitable structure is important to its owner, but it is CVA's position that an analysis of the data allows one to conclude that not all habitable structures are the same. A towing service or a road construction workshop along an interstate highway is unlikely to be affected in the same manner as a dream home built in the rural Texas Hill Country with one's retirement savings. CVA witness Ted McGavran testified that "if a natural corridor exists, it should be used because there are facilities already in place. The impacts on a location that already has a transmission line or major highway would be of a marginal nature as opposed to impacts on land not already affected." Mr. McGavran also testified that the number of habitable structures is relatively low on any of the routes, approximately 1 or less per mile.

The focus on comparing the count of number of habitable structures on the various routes ignores the obvious fact that being close to a major highway, particularly an interstate, is neither an undisturbed environment nor a quiet area desirable for residential development. Instead, areas along such highways are targeted for commercial development for which proximity to the highway is a major draw. Indeed, the City of Kerrville and Kerr County both are focused on commercial development of the interchange of U.S. 16 and I-10. For many businesses, including car dealerships, a location near a major highway is a plus. Over time, gas stations, fast food restaurants, motels and strip malls will gravitate to the highway; putting a transmission line adjacent to a highway has a far less intrusive and negative impact on these structures than does placing a line near a small country road and an otherwise largely undisturbed rural area. The fact that there are more habitable structures along U.S. 277 and along I-10 than there are in the middle of the Hill Country, and more structures from which the line will be visible, is not a reason by itself to reject MK33 with construction above ground on Link Y11 or to bypass I-10 near Kerrville.

