

August 29, 2011

DELIVERED VIA CERTIFIED MAIL, AND ELECTRONIC MAIL

John Sacksteder, PE
Project Manager
Community Transportation Solutions--General Engineering Consultant
Louisville - Southern Indiana Ohio River Bridges Project
305 N. Hurstbourne Lane, Suite 100
Louisville, KY 40223

Re: Comments on the Louisville-Southern Indiana Ohio River Bridges Project
Draft Supplemental Environmental Impact Statement Draft Range of
Alternatives Document dated August 5, 2011

Dear Mr. Sacksteder:

The Cumberland Chapter of the Sierra Club and River Fields, Inc. hereby submit their comments on the Louisville-Southern Indiana Ohio River Bridges Project Draft Supplemental Environmental Impact Statement Draft Range of Alternatives Document dated August 5, 2011 (the "Draft").

Notice

Project leaders have said repeatedly that the SEIS is required to be conducted in a public fashion with the greatest transparency. If that is the project's intent, it has failed in this instance. The public was not been given clear notice of the publication of the Draft or the deadline for comments on the Draft. This is a significant failure. There are no federal statutes or regulations which provide for documents like the Draft or set a schedule for providing comments on such documents. Moreover, the Draft is available on the website but the website is silent on the period of comment. While River Fields was told there was a comment period of 15 days after receipt, this was information which was apparently provided only to consulting parties in the 106 process. The general public—including the Cumberland Chapter of the Sierra Club—was told nothing. A comment period should be set by clear and official notice so that interested members of the public will know how long they have to comment.

Publication of Data for Public Comment

Mr. John Sacksteder
August 29, 2011
Page 2

The FEIS was supported by a whole series of studies which were made available to the public for comment as part of the NEPA process. There does not appear to be a plan to make data supporting the SEIS similarly available until it is published in a draft SEIS. This is inconsistent with Project leaders stated goal of a process which is transparent and open to all the public. We are told, for example, that the redesign of Spaghetti Junction which is part of the reason for the SEIS will save a projected \$800,000 but are not given the basis for this calculation. Without the an explanation of the basis of this estimate, the public has no ability to comment on the estimate or its validity or lack of validity. All the data being developed by consultants should be published.

The Expansion of the Alternatives Analysis

On July 15, 2011, River Fields submitted comments in response to an invitation that appeared on the Louisville Southern Indiana Ohio River Bridges Project website as follows:

“The Bridges Project is developing a Supplemental Environmental Impact Statement to address potential changes to the 2003 Record of Decision. Three alternatives are under study:

- **No Action**
- **2003 Selected Alternative with tolls**
 - New Downtown I-65 bridge
 - New East End bridge and I-265 linkage (6 lanes)
 - Rebuild Kennedy Interchange to south
- **2011 Modified Alternative with tolls**
 - New Downtown I-65 bridge (without bike/ped lane)
 - New East End bridge and I-265 linkage (reduce to 4 lanes; expandable to 6 lanes)

Rebuild Kennedy Interchange in place.”

This description was consistent with the plans for the SEIS as they were described at the public meetings held in June, 2011. The DRAFT Range of Alternatives Document has a greatly expanded description of the scope of the SEIS:

Mr. John Sacksteder
August 29, 2011
Page 3

“As stated in the Notice of Intent for the SEIS, the SEIS is being prepared to evaluate the impacts associated with several proposed modifications to the Selected Alternative. As part of this process, FHWA and the State Sponsors are also reviewing the range of alternatives from the FEIS. This analysis is intended to determine whether the decisions made in the FEIS remain valid, taking into consideration the changes in the Louisville Metropolitan area since 2003, project design modifications, and tolling.” Draft at 7. Emphasis supplied.

Pages 9 through 21 then list all of the alternatives which were considered in the FEIS, concluding: “The alternatives, considered in the 2003 FEIS and previously discussed in this document will be reevaluated to the extent necessary to determine if they warrant detailed study as viable alternatives.”

This reevaluation of the entire range of FEIS alternatives is much broader than what the public understood it was commenting on in the June public meetings. Comments might have been expected, for example, from people residing outside the selected alternative alignments who had no notice that all alignments were to be reconsidered. This is especially troubling because the draft does not announce this change clearly, there is no notice on the website that the scope of the SEIS is proposed to expand in this way, and no additional public meetings are planned.

The Sierra Club’s Cumberland Chapter and River Fields believe that a broader study is a good idea but that the full range of public comments should be solicited in public meetings after clear notice has been given that the scope has changed from the scope originally announced.

Changes in Metrics

Although the document being prepared is described as an SEIS, it proposes to change the metrics used in the FEIS in ways which have the potential—if not the certainty—of leading to a confusion of methodology. As the footnote on page 8 of the Draft points out: “In the original EIS, the screening process involved consideration of three criteria—Vehicle Miles of Travel (VMT), Vehicle Hours of Travel (VHT), and VHD [Vehicle Hours of Delay].” The Draft proposes to change these metrics for the determination whether an alternative satisfies the Purpose and Need for the project to a single metric: “Improve Cross-River Mobility. An alternative meets this criterion if it reduces Vehicle Hours of Delay (VHD) within the Louisville Metropolitan Area (LMA) when compared to the No-Action Alternative.” While it is impossible to know at this point, it is entirely possible that an alternative might reduce VHD but not VMT and VHT. Moreover, any bridge would by definition reduce VHD so the metric is essentially meaningless as a measure for satisfaction of the purpose and need for the project.

Changes in Modeling

Footnote 3 on page 8 refers to a new travel demand model which “recognizes increases to VMT and VHT with facility added to transportation system.” The new model is not identified, leaving the public to guess about it. The model should be identified. If a new model is necessary, it will create confusion to use it in conjunction with the old model it replaces.

Bridge Capacity

Footnote 4 on page 8 of the Draft continues define capacity in terms of peak hour travel. This is was a mistake in the FEIS and is still a mistake in that this definition of “capacity” is odds with generally accepted traffic-flow conditions in similar urban areas. Moreover, the congestion problems are, and always have been, peak period/peak direction only (rush hour), they are experienced by less than 10% of all daily vehicle trips, and they are attributable to the poor design of Spaghetti Junction which causes traffic to back up onto the Kennedy Bridge.

Cost Benefit Analysis

A. Financing

The Cumberland Chapter of the Sierra Club and River Fields support the review of Cost/Financial Feasibility described in the Draft. It is important in this regard to remember that the FEIS assumed that the \$1.936 billion estimated cost of the project would be available from “traditional federal formula funds,” an assumption that resulted in the failure of the FEIS to study tolls, which failure has led, in part, to the need for an SEIS. It is just as imprudent to assume that the KIPDA MTA Horizon 2030 estimate of \$1.9 billion in traditional federal formula funds will be available for the project, especially since Kentucky currently has no funds for construction of the project in its six year road plan. A realistic basis for this assumption should, therefore, be demonstrated as part of the cost benefit analysis. Similarly, the SEIS should include an analysis of the point at which the lack of traditional federal formula funds makes all alternatives not financially feasible.

B. Pooling Tolls

The two tolling studies done to date suggest that most of the revenue from tolls would be raised on the downtown bridges, that use of the proposed eastern bridge is extremely sensitive to tolls, and that the eastern bridge could not support its cost on tolls it would raise on its own. Apparently, project proponents assume that they can pool tolls from the two different projects and use tolls from the downtown project to fund the eastern bridge. Tolling is generally prohibited on interstate highways with limited exceptions. Each project may be tolled pursuant to these exceptions, but they each satisfy an different exception. To our knowledge, the FHWA has never stated that tolls may be pooled when they are based on two different exceptions. If pooling is intended, the SEIS should explain the basis of an assumption that tolls may be pooled.

Mr. John Sacksteder
August 29, 2011
Page 5

Studies should also be done which show how the project could be accomplished with and without toll pooling.

C. Sequencing

Regardless of whether tolls may be pooled, the SEIS should consider whether the cost benefit analysis supports sequencing the project. Although the FEIS did not recommend sequencing, the need for tolls to support the project suggests that the downtown project, which provides the greatest amount of tolls, should be begun and built first, especially since the downtown project satisfies the traffic and safety problems which are the only measurable part of the purpose and need for the entire project.

D. Single Bridge Alternatives

The FEIS failed to devote the same attention to single bridge alternatives that it did to the two bridge alternatives. Given the serious financial constraints facing the project, single bridge solutions should be given the same level of study as two bridge alternatives. It would be instructive, for example, to see how much revenue would be raised in tolls if only the eastern bridge and its approaches were tolled and what those tolls would support. Similarly, it would be instructive to see the amount of tolls which would be generated by the downtown project alone and what those tolls would support in construction and maintenance.

The Matrix

The Cumberland Chapter of the Sierra Club and River Fields wish to express their compliments to the Bridges Project for listening to comments at the Regional Advisory Council meeting in June and preparing this important document that more clearly describes in concrete terms the actual changes in the modified alternative as compared to the EIS final alternative. We now know, however, that the plan outlined at the Regional Advisory Council and on the Project's website, that only three alternatives were being considered has now changed and that all the alternatives set out in the FEIS are being reviewed. In light of this significant change, we ask that the same comparison be made for all the alternatives under review. Betsy thinks this is too high a standard to request.

1. Section 1—Kentucky approach to the Kennedy Interchange

This part of the project is the most important as it is the primary section that is under the most traffic stress and because the need for solving the traffic problems here is undisputed. Although we support in principal the reduced impact to the Waterfront Park and the historic neighborhoods of Butchertown, Phoenix Hill and Main Street, it would unquestionably be foolish to make cuts

for the Junction improvements that would compromise safety and traffic benefits of the original plan. It is clear, however, that if this revised plan is effective, there will be some very positive results.

The Draft notes that this change in the project creates cost savings about \$800 million. The project has a long history of underestimating costs and ambitiously over-estimating income. Hope is not a strategy, certainly not in a major road project. It is now widely understood that Project leaders have not accurately estimated expenses in the past. In fact, some observers could say that hope has been the only real financial strategy used in the last 13 years. The Project now has a responsibility to demonstrate that such unrealistic financial planning behavior has changed. The Project must demonstrate that the latest cost estimates do not repeat its past behavior and once again reflect hopeful, but unrealistic financial planning.

The proposed alternative, necessitated by the lack of funding for the project, is based on yet another political agreement in the life of the Project, and proposes changes in the structure of Section I are by far the largest and the most radical of those proposed by the two states' political leaders. The comparison of the FEIS and the alternative clarifies that the following dramatic reductions are planned:

- i. The Right of Way acquisition is reduced by 59 acres to 11 acres.
- ii. The important right side I 65 exits and entrances onto I 64 are eliminated. There is no proposed change in the traffic interaction from I 65 exits to I64 and from I 65 entrances to I 64. These are some of the traffic interactions that cause accidents and slow traffic.
- iii. The entrance/exit ramps to/from I 71 NB at Frankfort Avenue are eliminated.
- iv. Local access to Witherspoon is eliminated.
- v. The provision for facilitating I 64 WB exit movement is also eliminate to WB Story (Downtown Louisville.)
- vi. Additional movements from 2nd Street entrance ramp and the planned new access to I 65 is eliminated.
- vii. The proposed improvements to better facilitate the 3rd Street exit are eliminated.

Clearly, the number of lanes, movements and of entrances and exits is radically reduced in the proposed alternative. This allows for the greatly reduced footprint and, presumably, reduced expense. If this reduction in size, expense, and improvements results in a project that continues to solve safety and traffic problems, we embrace this plan. There is no comment made in the document concerning impact on safety and traffic. Such an impact must be technically documented with data available to the public.

The matrix for Section I states that the alternative will not result in changes in the 50 mph travel speed. With the removal of at least 8 of the exits, entrances, and movements, what is the technical justification that there will be no change whatsoever in the average travel speed? It is counter-intuitive that the traffic improvements originally proposed provided no travel speed improvement. Again, with the Project's history of over-confidence in its projections, the SEIS must provide technically convincing data in support of this projection.

Section 1 Alternative description does not state whether the Section 106 MOA commitments are being addressed and kept under this alternative or whether new commitments will need to be made. This is an important part of any review of the alternative.

2. Section 3—Indiana Approach to the Downtown Bridges

The cost savings for the alternative for section 3 are estimated to be \$220 million, an impressive reduction. The alternative significantly eliminates many of the east-west cross connections that had been requested by Indiana citizens and businesses in the area during the FEIS process. The SEIS should carefully review and evaluate the economic impact of these changes to those businesses and citizens who repeatedly requested and were promised these vital east-west connections.

There is no reference to changes in property acquisition in the Draft . However, the FEIS Alternative proposed a total construction of 674,500 sq. ft. and this Modified Alternative reduces the total bridge construction to 205,500 sq.ft., a reduction of about 470,000 sq. feet! It will be important for the SEIS to explain this enormous reduction in total construction and, again, as with Section 1, to explain whether this dramatic reduction will allow the same level of service and safety as originally proposed in the FEIS.

As with Section 1, there is no reference in description about whether the FEIS Section 106 MOA commitments will be addressed and kept. This is an important part of any review of the alternative.

3. Section 4—Kentucky Approach to the Proposed Eastern Bridge

The Modified Alternative creates an estimated cost savings of approximately \$91 million.. By elevating the northern roadway approach to and through the proposed tunnel, the Project saves the cost of 500,000 cubic yards of tunnel excavation. However, the SEIS must carefully study and document the impacts of this dramatic change to the approach's profile. There will be potentially significant vibration and noise impacts to the immediate communities of BridgePointe, Wolf Creek,, Green Spring and the historic Wolf Pen Branch area. Additionally, the Section 106 process must evaluate additional noise and vibration impacts to the nearby listed properties of the Allison Barrickman House and the Strater House, Drumanard, and Nitta Yuma the last three being within the Country Estates of River Road Historic District. Also study must

Mr. John Sacksteder
August 29, 2011
Page 8

take place for potential increased impacts to the potentially eligible St. Francis in the Fields Episcopal Church.

The Draft also proposes the elimination of the retaining walls. The retaining walls were a hard fought issue and a mitigation that was touted by Project leaders in all of their public communications concerning the Eastern bridge. The SEIS must document the technical impacts of this change.

Finally, the SEIS will be a good opportunity for the Project to correct its omission in the FEIS to address the fact that an interstate is planned over a wellhead protection area that is intended to become the region's main water supply.

4. **Section 6—Indiana Approach to the Proposed Eastern Bridge**

The Draft proposes the fewest cost reduction changes in the project for Section 6, the Southern Indiana/Eastern Clark County portion of the project. Only \$3 million in expenses are proposed to be cut. We would note that although other sections appear to give up significant improvements, no real improvements were reduced for this section. In fact, the "full and free flowing interchange at Port Road" is proposed to be retained. Of the changes that are proposed for the Modified Alternative, we note that the last two changes increase environmental impact by removing culverts which would be vastly preferred by wildlife. We propose that instead of sacrificing environmental mitigation, that the engineering changes be made to reduce costs.

We appreciate the opportunity to participate in this process that will have lasting implications for our region for centuries to come.

Sincerely,



Betsy Bennett
Conservation Chair
Cumberland Chapter, Sierra Club



Lee Cory
President, Board of Trustees
River Fields, Inc.