



Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
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January 9, 2012

Janice Osadczyk
Engineering Services Team Leader
Federal Highway Administration
Federal Office Building, Room 254
575 North Pennsylvania Street
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: "Louisville-Southern Indiana Ohio River Bridges Project Supplemental Draft Environmental Impact Statement and Section 4(f) Evaluation," (FHWA-KY-SEIS-11-01-D; INDOT Des. Nos. 0300799, 0201294, 0300798, 0201296, 0201297; DHPA No. 1774)

Dear Ms. Osadczyk:

Pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. § 4321, *et seq.*) and Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f), and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed the SDEIS document submitted under the cover letter of November 16, 2011 from Jose Sepulveda, P.E., of the Kentucky Division of Federal Highway Administration, which we received on November 17, regarding the aforementioned project in Clark County, Indiana and Jefferson County, Kentucky.

In regards to archaeology, we suggest it be made clear that archaeological investigations are necessary for any new rights-of-way and areas of the project area that have not been previously and substantially, non-historically disturbed, and that have not been cleared by previous archaeological investigations. All necessary archaeological investigations (including Phase I, II, and III, if necessary) will be conducted for the archaeological sites identified in the document that merit additional investigations.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

Table 3.3-2 in the SDEIS indicates that the Sherman Minton Bridge was operating at 76% of capacity in 2010 and that the Clark Memorial Bridge was operating at 73% of capacity in that same year. Under the No-Action Alternative, the Sherman Minton Bridge is projected to be at 104% of capacity in 2030, and the Clark Memorial Bridge is projected to be at 83%. If the Modified Selected Alternative (i.e., tolling) is implemented, in 2030 the Sherman Minton Bridge (which would not be tolled) is anticipated to be at 113% of capacity and the Clark Memorial Bridge (which also would not be tolled) is anticipated to be at 117%. The increases in traffic that tolling apparently would cause on both bridges in 2030 (from 104% to 113% for the Sherman Minton and from 83% to 117% for the Clark Memorial) appear to be significant. Perhaps some of that increase in traffic would use I-265 to I-64 to reach the Sherman Minton Bridge, instead of crossing the river on one of the I-65 bridges, but that route might be too far out of the way to be attractive to many who commute between Clark and Floyd counties in Indiana and Jefferson County in Kentucky. For those who do not use the I-265 to I-64 route, we would think that they would add to the traffic on city streets and local roads.

We are unsure how to harmonize the increases in percent of capacity, as shown in Table 3.3-2, in 2030 between the No Action Alternative and the Modified Selected Alternative (from 104% to 113%) on the Sherman Minton Bridge and on the Clark Memorial Bridge (from 83% to 117%) with the projected 2030 levels of service reported in Table 3.3-4. The

latter table indicates that the level of service on the Sherman Minton Bridge would improve from F to E under the Modified Selected Alternative and that the level of service on the Clark Memorial Bridge would remain at C under the Modified Selected Alternative. Even so, we wonder whether the level of service on those bridges, as reflected in Table 3.3-4, would be a less-significant predictor of increased traffic on city streets and local roads than the demand-to-capacity ratio, as reflected in Table 3.3-2.

Based on the information reported in Table 3.3-2, it seems likely that some part of the noteworthy increase in traffic on the Sherman Minton Bridge would travel on city streets in New Albany. Because the Clark Memorial Bridge carries a four-lane city street, it seems likely that much of that bridge's greatly-increased traffic would be approaching or leaving it largely on city streets in Jeffersonville and Clarksville. A number of historic above-ground properties are known to lie near the Clark Memorial Bridge (which is, itself, historic), and a number of known or presumed historic above-ground properties lie to the north and north-east of the Sherman Minton Bridge in New Albany.

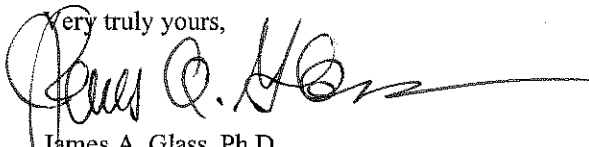
As we have commented previously in the Section 106 consultation on the SDEIS's Modified Selected Alternative, we are uncertain whether the studies conducted to assess the impacts of the Modified Selected Alternative within the 2011 expanded area of potential effects for historic properties take into consideration the increased difficulty of drivers in reaching or departing from historic properties that tolling might cause, as a result of drivers choosing alternative routes across the Ohio River in order to avoid paying tolls. Please refer to the attached copies of our December 2 and December 6, 2011 Section 106 comment letters. As we have indicated above, it appears to us that the Modified Selected Alternative could also cause significant increases in traffic within the vicinity of the Clark Memorial Bridge, which is within the 2003 FEIS area of potential effects.

The SDEIS relies on a traffic diversion study to project increases in traffic on city streets as a result of tolling, which applies established guidelines for acceptable and unacceptable noise and vibration impacts and describes and applies what apparently are newly-crafted guidelines for visual impacts. The SDEIS apparently concludes that none of those kinds of impacts would be adverse. However, because it is unclear to us whether those kinds of impacts are the only impacts that the Modified Selected Alternative could have on historic properties, we are not yet prepared to concur with the SDEIS regarding that alternative's degree of impact on historic properties.

Other than with respect to the issues we have raised above, we concur with the conclusions drawn in the SDEIS regarding impacts on historic properties that are partly or entirely within Indiana.

If you have questions about our comments here, then you may contact John Carr of my staff at (317) 233-1949 or jcarr@dnr.IN.gov. Questions about archaeological issues should be directed to Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. In all future correspondence regarding the Louisville-Southern Indiana Ohio River Bridges Project, please refer to DHPA No. 1774.

Very truly yours,



James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:JLC:JRJ:jlc

Attachments (2)

emc: MaryAnn Naber, Federal Highway Administration, Washington, D.C.
Janice Osadczuk, Indiana Division, Federal Highway Administration
Duane Thomas, P.E., Kentucky Division, Federal Highway Administration
Carol Legard, Advisory Council on Historic Preservation
Laura Hilden, Indiana Department of Transportation
Staffan Peterson, Ph.D., Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation

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Gary Valentine, Kentucky Transportation Cabinet
Lindy Casebier, Acting Kentucky State Historic Preservation Officer
Craig Potts, Kentucky Heritage Council
John Sacksteder, P.E., Community Transportation Solutions-General Engineering Consultant
Jeffrey Vlach, Beam, Longest & Neff, L.L.C.
John Mettillie, CDM Smith
Rebecca Thompson, P.E., CDM Smith
David Kroll, Ratio Architects, Inc.



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December 2, 2011

Janice Osadczyk
Federal Highway Administration, Indiana Division
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: "Draft 800.11(e) Report" and "Effects Recommendations Document" for the Louisville-Southern
Indiana Ohio River Bridges Project (HDA-IN; INDOT Des. Nos. 0300799, 0201294, 0300798,
0201296, 0201297; DHPA No. 1774)

Dear Ms. Osadczyk:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f), and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer has reviewed the "Draft 800.11(e) Report" which we received on November 4, 2011; the "Identification Findings Report," the comment summary, and the "Effects Recommendations," which we received on November 7; the slides of the Section 106 Effects Meeting, which we received at the November 18 meeting; and the meeting summary for November 18, the availability of which we received notice on November 30—all of which pertain to the aforementioned project in Clark County, Indiana and Jefferson County, Kentucky.

Given the volume of information that we have received since we last commented on this project, and given our desire to honor your request that we respond by 9:00 AM on December 5 to the "Effects Recommendations" and the "Draft 800.11(e) Report," we are focusing our comments here on one particular issue, the Indiana results of the traffic diversion study for the Modified Selected Alternative with Tolls as compared to the 2003 Selected Alternative.

The results of the Modified Selected Alternative traffic diversion study were reported in terms of visual, noise, and vibration effects. While these kinds of effects are worthy of consideration, we are unsure whether they reflect the kind of effect that an increase in traffic on certain streets within the extensions of the area of potential effects in Indiana, as a result of this project, would have on the ability of motorists to travel to or from historic properties, such as residences, churches, or commercial buildings. Our concern is that if it were to become significantly more difficult to reach or to depart from historic properties, they could suffer an unfavorable "change in the character of the property's use" (see 36 C.F.R. § 800.5[a][2][iv]), which, in turn, could lead to their neglect and deterioration. At the November 18 meeting, the consulting parties were advised by Community Transportation Solutions-General Engineering Consultant ("CTS-GEC") team members that this kind of effect was taken into consideration but it had been reported in terms of visual, noise, and vibration effects. It is not yet clear to us how those three kinds of effects capture fully the potential for increased difficulty of travel, about which we and other consulting parties are concerned. Seeing, hearing, or feeling increased traffic would seem to us to be related to, but distinguishable from, having to sit in a long line of traffic at a traffic signal or stop sign or having to wait more than a few moments to cross or to enter a busy street from a side street or driveway.

If there is a way to draw conclusions from the data already generated by the traffic diversion study that speak more directly to the potential for the kind of travel delay effect about which local consulting parties and we have expressed concerns, we think that would help to clarify the results of the study. We have not yet examined closely the November 10, 2011 "Louisville-Southern Indiana Ohio River Bridges Supplemental Draft Environmental Impact Statement," but perhaps the data that would be needed to draw such conclusions can be gleaned from Appendix H of that document.

Scott Wood of the New Albany Planning Commission indicated at the November 18 meeting that there are few east-west streets between Floyd and Clark counties south of I-265 that local residents can use to travel between the communities,

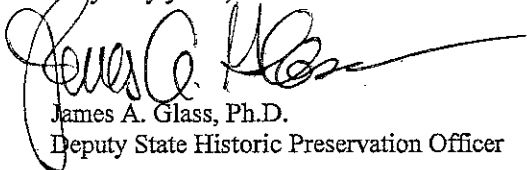
and he mentioned, in particular, former SR 62 (East Spring Street in New Albany and Brown's Station Way in Clarksville). Mr. Wood expressed concern about the increased traffic he has observed on local streets since the I-64 Sherman Minton Bridge has been closed for repairs.

Greg Sekula of Indiana Landmarks referred on November 18 to his daily commute from New Albany through Clarksville to Jeffersonville. He expressed concern about increased traffic in New Albany since the Sherman Minton Bridge closure and mentioned that he has observed increased traffic in Old Clarksville around the Colgate-Palmolive Historic District and the Ohio Falls Car and Locomotive Company Historic District, in particular.

You and John Mettelle of CTS-GEC agreed at the November 18 meeting to look again at the traffic situations in those communities, and we applaud that intention. We acknowledge that the closure of the Sherman Minton Bridge takes traffic toward the I-65 John F. Kennedy Bridge and the US 31 George Rogers Clark Bridge, whereas any traffic diversion from tolling under the Modified Selected Alternative intuitively seems likely to increase traffic on the George Rogers Clark and Sherman Minton bridges. Of course, closing a major bridge such as the Sherman Minton is not the same as tolling the I-65 Kennedy Bridge and its newly constructed I-65 downtown pair. Despite the imperfect analogy between the current situation and that of the Modified Selected Alternative, we think this is an opportune time to take a closer look at what the Sherman Minton closure is doing to traffic right now in New Albany, Clarksville, and Jeffersonville to see whether any insights can be gleaned that could supplement the traffic diversion study that has been completed for the Louisville-Southern Indiana Ohio River Bridges Project. It is our impression that traffic diversion studies for tolling have not been used frequently. The CTS-GEC team explained at the November 18 meeting that the Kentuckiana Regional Planning and Development Agency daily traffic model was used as a starting point but also that a time of day model and other features had to be added in order to generate the outputs needed for a study of this sort. Considering that new ground may have been plowed here, we would suggest that it might be enlightening to compare the results of the study to empirical observations about what is currently happening on local streets when the bridges are not equally available.

If you have questions about our comments here, then you may contact John Carr of my staff at (317) 233-1949 or jcarr@dnr.in.gov. Questions about archaeological issues should be directed to Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. In all future correspondence regarding the Louisville-Southern Indiana Ohio River Bridges Project, please refer to DHPA No. 1774.

Very truly yours,



James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:JLC:jlc

emc: MaryAnn Naber, Federal Highway Administration, Washington, D.C.
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December 6, 2011

Janice Osadczuk
Federal Highway Administration, Indiana Division
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: "Draft 800.11(e) Report" and "Effects Recommendations" for the Louisville-Southern Indiana Ohio River Bridges Project (HDA-IN; INDOT Des. Nos. 0300799, 0201294, 0300798, 0201296, 0201297; DHPA No. 1774)

Dear Ms. Osadczuk:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f), and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer has reviewed the "Draft 800.11(e) Report," which we received on November 4, 2011, and the "Effects Recommendations," which we received on November 7, both of which pertain to the aforementioned project in Clark County, Indiana and Jefferson County, Kentucky.

Dr. Staffan Peterson of the Indiana Department of Transportation advised us yesterday that comments of a more comprehensive scope than we provided in our December 2, 2011 letter are needed.

Effects on Indiana Properties within the Extensions to the Original Area of Potential Effects

We commented in some detail in our December 2 letter on our uncertainty about whether the traffic diversion study assesses the increased difficulty of travel, to and from historic properties, on or across streets within the Indiana extensions to the original area of potential effects ("APE") that the Modified Selected Alternative with Tolls might have. We refer you to that letter for our comments on that subject.

For the most part, we have no basis on which to question the findings proposed in the "Effects Recommendations" for any of the three Indiana subareas of the extensions to the APE, with regard to visual, noise, and vibration effects. We acknowledge, however, that it is sometimes difficult for those of us who are laypersons with respect to the technologies employed in making those evaluations to understand fully the results of studies of those kinds. For example, the threshold for a visually perceptible change in traffic was established at "1-2 additional vehicles per lane per minute during the peak hour," according to "Effects Recommendations." If we understand correctly, that threshold means that for a two-lane street, an increase of fewer than 120 vehicles per hour would not be perceptible. For a four-lane street, an increase of fewer than 240 vehicles per hour would not be perceptible. An increase of almost 240 vehicles per hour on first impression sounds as though it might be noticeable, if not significant. Perhaps the answer to gaining a better understanding lies in studying more closely Appendix H of the November 10, 2011 "Louisville-Southern Indiana Ohio River Bridges Supplemental Draft Environmental Impact Statement," which we intend to do by the January 9, 2011 deadline for commenting on that SDEIS.

Effects on Indiana Properties within the Original Area of Potential Effects

The summary of the November 18, 2011 consulting parties meeting on effects indicates that John Sacksteder said that projection slide 37 shown on November 18 is incorrect to the extent it indicates that archaeological site 12-CL-559 is within the footprint of the project. That slide and a similar table in the "Draft 800.11(e) Report" both indicate that additional investigations will be needed before the eligibility of that site for inclusion in the National Register of Historic

Places can be determined. If it has been verified that the site is outside the footprint and not subject to either direct or indirect effects, then that should be indicated in the next revision of the "Draft 800.11(e) Report" or in whichever appropriate formal document follows that report.

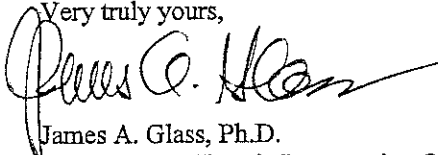
Formal Findings and Determinations

The "Federal Highway Administration's Section 106 Findings and Determinations: Area of Potential Effect, Eligibility Determinations, and Proposed Effect Findings: Louisville-Southern Indiana Ohio River Bridges Project" has been referred to in various other documents as the "Draft 800.11(e) Report," on the one hand. On the other hand, at the end of that document is a request for the state historic preservation officers' "written concurrence with the determinations contained in this report," signed by John Ballantyne of FHWA and dated November 3, 2011, which is similar to *formal* Section 106 finding documents with which we are familiar. In light of that request for concurrence, we are treating this document as a formal finding, and we concur with the proposed effect findings for the FEIS Selected Alternative and for the Modified Selected Alternative with respect to the National Register-listed or -eligible properties in Indiana, as those findings are characterized in the "Draft 800.11(e) Report" and in the "Effects Recommendations." For the purposes of Section 4(f) of the Department of Transportation Act of 1966, we also concur that the Old Jeffersonville Historic District and the US 31 Bridge & Louisville Municipal Bridge Building, historic properties that lie partly or entirely within the State of Indiana, will be adversely affected by both the FEIS Selected Alternative and the Modified Selected Alternative of this project.

We defer to the Kentucky State Historic Preservation Officer with regard to determinations and findings for historic properties lying entirely within the Commonwealth of Kentucky.

If you have questions about our comments here, then you may contact John Carr of my staff at (317) 233-1949 or jcarr@dnr.in.gov. Questions about archaeological issues should be directed to Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. In all future correspondence regarding the Louisville-Southern Indiana Ohio River Bridges Project, please refer to DHPA No. 1774.

Very truly yours,



James A. Glass, Ph.D.
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