

Coalition for the Advancement of Regional Transportation (CART)
PO Box 6115
Louisville, KY 40206

Comments on the LIORBP Supplemental Draft EIS

We appreciate the chance to comment on this document and ask that these comments be included in the official Record for the project.

CART has been involved in this planning process since ORMIS. We believe the process has been skewed from inception towards the selected Two Bridge Alternative. In the manipulation of the process to achieve this result the consultants, with complicity of the FHWA, have ignored law and compromised the intent of NEPA. The current effort embodied in this draft SEIS furthers that effort while ignoring the significant social, economic and resource changes that have occurred since the signing of the original ROD.

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Purpose and Need:

Purpose and Need embodies the main justifications for a project. Complaints about the narrow focus of the P&N began with the original DEIS. CART and the Knob and Valley Audubon Society of Southern Indiana, (KAVAS), among others, suggested that the P&N failed to address the needs of the non-driving and transit dependent populations. The P&N focus was, and is, on the convenience of existing drivers and trucking interests, and opportunities for land developers. Claims of the economic benefits have never been substantiated, and this continues even in the face of tolling.

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In the Indiana public hearings leading up the development of the Draft SEIS consultants claimed that the P&N was not open for discussion. Later, that claim was denied, but the damage was done and public discussion was stifled. This may explain the low number of comments on the P&N cited in the SDEIS. The results reflect the consultant's claim. (It is troubling that CART's and the Knob and Valley Audubon Society's comments do not appear in the DSEIS Appendix on this issue.)

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The P&N remains the same as the original. But the criteria by which the need of "... improving efficient Mobility" is evaluated has been "clarified" to eliminate the consideration of the non-driving public. Mobility is now considered in terms of "vehicle hours traveled", ignoring basic and growing mobility needs for the non-driving and transit dependent.

The FHWA apparently believes that conditions have not changed since signing the ROD on this project – but things have changed significantly, as evidenced by the failure of the original financial plan. But more than that has changed:

Locally and Nationally, contrary to FEIS predictions, annual automobile and light truck VMT's have fallen significantly. (Bureau of Transportation Statistics, National Transportation Statistics, 2010)

The price of oil has risen almost 500% above the Energy Information Agency's reference case projection for 2020. (EIA, International Energy Outlook, 1999).

Transit ridership, where transit is available, has grown significantly demonstrating growing transit demand. According to the American Public Transit Assn. 2011 Fact Book, p. 8, Transit has experienced sustained growth since 1995 and transit ridership from 206-2009 is the highest since 1956.

The Federal Highway Trust Fund has been unable to meet programmed costs from revenues since 2008. Columnist Pat Garofalo on June 2 2009 quoting Sen Barbara Boxer, Calif. "The Federal Highway Trust Fund will run out of cash this summer, marking the second year in a row that gasoline tax revenues have failed to meet prior projections and federal spending commitments...." Congressional Budget Office projections show this situation becoming more severe. (Congressional Budget Office testimony to Congress by Joseph Kile: The Highway Trust Fund and Paying for Highways). Most maintenance costs, according to the CBO report, is due to heavy trucks, suggesting that encouraging freight trucking is contributing to the Trust Fund shortfalls.

Suburbs are now experiencing the economic difficulties previously seen only in urban areas resulting in a reversal of housing trends. "The age of suburbanization and growing homeownership is over, The coming decades will be the time of the great reurbanization as 24/7 central cities grow and suburbs around the country are redeveloped with new or revived, walkable, suburban town centers." John McIlwain of the Urban Land Institute report, "Housing In America: the Next Decade"

Serving the expected growth in suburban areas is a "need" in the P&N. Sprawling ex-urban development is now understood as something to be discouraged given its energy and infrastructure economics. This "Need" should be replaced with one that supports energy efficiency and mobility for all citizens.

Given US economic and resource realities there is no evidence to suggest that these trends will suddenly revert to pre -2008 conditions. The assumptions underlying the P&N have proven unreliable if not false. The needs for our transportation dollars and energy resources have vastly changed. The P&N should be changed as well.

Financial Plan and Oil Prices

A basic assumption underlying the SEIS is the validity of the proposed financial plan. Underlying that is the assumption that citizens will continue to drive at current levels. That assumption rests unsteadily on cost of oil. All evidence suggests that improvements in the national economy will result in higher oil and gas prices. (Courier Journal, 12/23/11) This is the result of the decline in world oil production predicted by many of the world's petroleum geologist since the 1970's and evidenced in 2004. The FHWA denied the potential impact of rising oil prices in their analysis of the "CART Light Rail Plan, Sec. 1.0:

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“The recent rise in oil prices has raised some questions as to how the cost of gasoline is reflected in the travel forecasting models. The current practice is to keep the fuel costs constant over time. Studies of automobile trip making characteristics during the oil crises of late 1970;s determined that the only adjustment in travel habits was that people combined a number of short shopping trips, and families took fewer long vacation trips with their automobiles. In Europe, where high fuel taxes are used to raise general revenues, the high cost has not cut traffic congestion.”

As we have seen, the FHWA was wrong in this analysis- (or in their understanding that fewer long trips and fewer short trips means less driving). Predictions of both revenue and travel in the FEIS are invalid.

Oil prices will forever remain a ceiling working against economic recovery – as long as we are oil dependent. Oil dependent infrastructure, such as interstates, will support this limiting factor and be increasingly unsustainable. Investments in alternatives that use less oil, such as transit alternatives, freight and passenger rail systems, and bike/ped infrastructure are recommended hedges against these impacts. Instead of responding to these changed conditions and economic uncertainty, FHWA is asking Kentucky to put all of its financial eggs in a broken basket that serves only a portion of its citizenry while removing resources from the underserved.

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The narrow P&N, and FHWA’s capricious dismissal of transit alternatives has guaranteed that EJ and Title VI requirements will not be addressed, and that the Louisville metropolitan area will be increasingly dysfunctional regarding the mobility of its citizens and utilization of its transportation resources. We are attaching CART’s 2005 SEIS request to the FHWA to this document. It fully explains the manipulations of the transit plan and modeling that discredited light rail as an alternative in the EIS process. It also shows, using accepted research, how the Louisville MSA’s cross-river transit numbers are significantly depressed because of the poor service to S. Indiana. This is significant in that a fair analysis would have significantly raised the base-line numbers used to predict transit ridership.

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In the discussion of financial issues the Draft SEIS, S.2.1.3, claims the “FHWA can reasonably be expected to provide up to 1.9 billion from traditional and state programs.” Given the fact that Kentucky has been borrowing heavily from future Federal allotments via the GARVEE bonds, and that fuel tax revenues continue to drop while costs rise, it is unlikely that this expectation is reasonable without serious shortfalls in other critical areas. As cited above, the Federal Highway Trust Fund cannot reliably be seen as the endless pot it was in the past.

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Rising oil prices are one issue, raising fuel taxes another. It is only by increasing revenue that the Federal Highway Trust Fund can remain viable and provide the revenue assumed for this project. This however is politically very difficult and, as shown earlier, has the reciprocal effect of reducing travel, and therefore revenue. We are caught in a double bind that cannot be ignored, yet is ignored by this funding plan.

Other Impacts

There are other impacts resulting from the financial plan that have not been fairly discussed in the DSEIS. In S.4.1 the DSEIS briefly mentions changes in the MTP (Metropolitan Transportation Plan) to meet the financial needs of this project. It does not discuss what was removed from, or deferred in the plan to achieve this. **All major transit projects were removed from the plan in 2005 to address the fiscal restraint limits exceeded because of this project.** In the latest amendments to the MTP many maintenance projects were deferred for years because of these funding constraints.

In the first case, removing these transit projects from the plan was a serious violation of EJ and Title VI Civil Rights legislation. The Louisville MPO has done little to meet these requirements. Historically, an analysis of expenditure demonstrates that there is a highly disproportionate level of transportation spending between low income and other areas of the region. To remove these projects from the MTP to build a driver-only project further erodes the accessibility of low income populations and is a blatant failure to address Title VI and EJ requirements..

Secondly, by deferring maintenance and improvements the ultimate cost of addressing them will increase significantly, further diminishing our regions options. These increased costs have not been factored into the future planning documents.

Environmental Justice

A serious consideration of the Environmental Justice requirements for this project has not happened. The “affected population” was unfairly limited to those within the immediate project area while the needs of drivers from 5 counties were addressed. The sum total of EJ consideration in the original EIA amounted to the unfunded projection that TARC would expand bus routes to access the jobs predicted to leave the city. Census data from 2000 was used for this study, and given the dramatic changes in the last 5 years we cannot accept its validity.

The DSEIS summarizes the EJ regulations in 5.1.7. ”To Avoid, minimize or mitigate disproportionately high and adverse health and environmental effects, including social and economic effects, on minority populations and low income populations. And, To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority or low income populations.” This study, as in the FEIS, ignores the majority of the EJ population which lives outside of the immediate project area.

CART discussed previously how the financial plan has unfairly burdened the low income populations of the region by forcing the removal of transit projects from the MTP. This certainly qualifies as a denial of those transit benefits – one of the few, and the most important, that EJ populations receive from transportation spending.

There are other areas of concern regarding the treatment of EJ in this study and in the previous FEIS upon which it rests. The FEIS projected that many of the jobs and businesses currently located in the urban area would move to the suburbs with the construction of an East End bridge. This movement can fairly be called urban-disinvestment, which will be born most heavily by the EJ populations of the urban core. Neither the FEIS nor this draft fairly addresses economic impacts or the mobility disadvantages born by EJ populations with this shift.

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The FEIS blithely stated that TARC would simply expand routes to access these areas – without providing the funding for said expansion. Since 2004 TARC has been cutting service on established routes because of funding shortfalls even as ridership demand has grown and fares increased. Without significant funding guarantees such expansion would not take place, or would not be sustainable.. The DSEIS echos the FEIS in this failure. In Sec. 3.2.3, in describing the Modified Selected Alternative, the DSEIS reads: “Mass Transit- enhanced bus service. Future options and funding sources for enhanced bus service will be coordinated with TARC.” In 3.2.1 this service is described as the “Southern Indiana Demo Express Bus Service and Park and Ride.” As in the original FEIS, there is no guaranteed funding for these transit needs, nor is there a dedicated fund for such service. If transit funding guarantees are not included in the ROD it is unlikely that such low density developments will be transit accessible.

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Secondly, the DSEIS offers different standards for “mobility” for drivers and transit users. For the Purpose and Need, the measure of mobility “efficiency” is VHT, or the time it takes for a trip. But for transit users, Section 5.1.7, it is the cost of the trip and ignores the poor service and exceptionally long transit times needed to access any location in S. Indiana. Even with that, the DSIES shows that EJ populations will pay a significantly higher proportion of their income to access jobs and services across the river than others.

We object to the FHWA’s restriction to consideration of EJ populations only within the “project area”. This project will have regional ramifications for jobs and transportation dollars, as evidenced by the changes forced in the MTP, and thus EJ concerns should be considered on that scale. Commuters from 5 counties are counted. Should we not consider the poor in the West End of Louisville, or New Albany?

D.8

Ohio River Bridge Users Survey, Section 5.1.7:

The Consultants use this survey heavily in their analysis of EJ travel. However, it is a questionable survey with questionable conclusions.

500 residents were surveyed of whom 15% were low income and 15% minority from an unspecified part of the region.. It is not clarified if this was an overlapping group. If so there could be as few as 75 representatives of EJ populations.

Of this 500, 15%, or 75 respondents use TARC. It doesn’t say how many of the TARC users are EJ populations. But then goes on to say that 13% of the low income TARC

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users use the bridges frequently. 13% of how many? The number of Low Income TARC users is not stated. While 13% makes it sound like a lot, it cannot be more than 10. We would need to see details of this survey to determine its validity.

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cont.

The Analysis of Vehicle User Costs in the same section is a region-wide, non-specific projection that has nothing to do with EJ issues. The value of time is irrelevant to transit users whose travel time is a function of bus frequency and routes more than congestion. Further, since the majority of EJ populations live closer to the urban core, incorporating region-wide travel into this analysis distorts the impact of tolling on EJ populations who do drive, but don't drive such distances to cross the river. This "effort" reflects the level of attention that EJ has gotten in regional transportation planning and it needs to be redone.

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Air Quality Concerns

CART agrees with the concerns on AQ modeling expressed by Atty Clarence Hixson, and asks that they be included as our comments as well.

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F.11

Major Modeling Flaws:

We look forward to hearing FHWA explain how the Sherman Minton and Clark Memorial Bridges and will show improved or stable LOS (Table 3.3.7) with the Modified Selected Alternative. Tolling will inevitably increase traffic on these spans as is stated in Sec.3.3.8. There are no incentives for *fewer* people to use these bridges than there would be in the No Action scenario. There are plenty of reasons for *more* people to use them. This is an important consideration that has been obfuscated in the SDEIS.

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Discussion

CART has pointed out the various ways in which conditions have changed radically since signing the original ROD. The recent closure of the Sherman Minton interstate bridge has given us a look into travel demand not previously afforded. Since closing the Sherman Minton, there are 40,000 fewer cross river trips each day. Some of these are optional trips, some are lost to carpooling, some to transit, some to moves and/or job loss. An analysis of these "lost trips" could be very revealing as to our needs. But it is clear that the region can continue functioning with 40,000 less trips per day, giving support to more aggressive TDM measures before committing all regional funds to the current plan.

Transportation spending in the last 50 years has been predicated upon an annual increase in driving and low fuel prices. That is not the future, and the highway economics of the last century are no longer sustainable. This project, as nostalgic as it is for the good old days, is foolish in the face of the issues that face our nation today. We need to pitch our transportation dollars toward those projects that will sustain us rather than drain us.

Summary

The FHWA has arbitrarily ignored dramatic changes in our social, environmental and economic realities since the original ROD was signed in 2003.

The original nor current Purpose and Need does not address these changes. Attempts to fund this project will seriously hinder the Louisville Metro Area's future attempts to address the growing mobility needs of the non-driving public and threatens the sustainability of the highway system for all because of the great expense of the project and tenuous financial plan. Sustainable alternatives, such as Light Rail, that address the needs of all citizens need to be revisited .

This study and the previous EIS failed to fairly address EJ and disabled populations. EJ populations were unfairly limited by the scope of analysis, and funding this project will seriously impact transit dependent populations by reducing funds available for transit services – a clear violation of EJ regulations.

There has been no serious study of economic claims of this project.

Modeling of Bridge traffic projections is seriously suspect.

Air Quality projections (see comments by Hixson) are seriously suspect.

The FHWA needs to revisit the Purpose and Need of this project in light of changing US economic, social, and environmental realities to insure that our transportation dollars are spent wisely, rather than politically.

CART understands the momentum of this project. However, momentum is mindless and our current situation requires thoughtful analysis, not thoughtless follow-through.

Sincerely,

David Coyte, President

Below is the 2005 request to FHWA for a Supplemental EIS on this project.

Coalition for the Advancement of Regional Transportation

December, 28, 2005

Federal Highway Administration
Ray LaHood???
400 Seventh Street, S.W.
Washington, DC 20590

Re: Request for a Supplemental Environmental Impact Statement

Louisville-Southern Indiana Ohio River Bridges Project

Dear Administrator:

I am writing on behalf of the Coalition for the Advancement of Regional Transportation (CART) and other organizations to request that your agency initiate a Supplemental Environmental Impact Statement (SEIS) for the Louisville-Southern Indiana Ohio River Bridges Project (Bridges Project). For the reasons stated below, CART believes that supplementing the Final EIS for the Bridges Project is both advisable and required under 23 CFR 771.130.

23 CFR 771.130 provides that a final EIS “may be supplemented at any time,” and that an EIS shall be supplemented whenever the Administration determines that “new information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS.” 23 CFR 771.130(a)(2). CART requests that the EIS be supplemented for two reasons: first, because the transit analysis undertaken before release of the DEIS was inadequate; and secondly, because the significant and sustained increase in oil prices calls into question pivotal assumptions underlying the FEIS. The first resulted in the failure to advance a transit alternative to one or both bridges as one of the alternatives considered in the FEIS. The second calls into question the validity of assumptions concerning travel demand and traffic volume that underpin the justification for the project and range of alternatives to the project that were considered.

I. The Transit Analysis Was Inadequate

In November, 2001 the FHWA released the draft Environmental Impact Statement (DEIS) on the Bridges Project. The document evaluated various alternatives to achieve the stated goals of reducing congestion in the Kennedy Interchange (more commonly known as "Spaghetti Junction") near downtown Louisville, Kentucky, and to enhance cross-river mobility across the Ohio River from and to Louisville and southern Indiana. Throughout the DEIS comment period, the Coalition for the Advancement of Regional Transportation (CART) and others provided comment and documentary evidence suggesting that a comprehensive public transit system centered on light rail transit (LRT) would achieve the stated goals of the EIS. (Louisville's first LRT line was being developed at the time of the EIS) at much lower construction and maintenance costs; a greater reduction of air pollution, traffic congestion, and suburban sprawl; while improving mobility for the growing low income, disabled, and non-driving populations.

In response to these comments, the consultants modeled several light rail transit alternatives, but there were serious deficiencies in the Transit Analysis that resulted in the alternatives failing to meet the ridership and cost criteria required for analysis in the FEIS. As a result, no transit alternatives were analyzed in the FEIS.

Congestion on the existing 3 vehicular bridges connecting Louisville with southern Indiana is primarily a rush hour phenomenon. (DEIS p. 2-5) With this understanding, CART proposed a rail transit system focused on capturing rush hour commuters along the major traffic corridors in S. Indiana. CART's proposal was for a 3 line Light Rail/Commuter Rail system using existing rights-of-way (ROW) on the Indiana side of the river. The three lines would join in Clarksville, Indiana and use the existing L&I rail bridge to cross into downtown Louisville. There the Indiana lines would connect with the planned T-2 Light Rail Line that would run south, paralleling I-65 to the Louisville International Airport and beyond.

Community Transportation Systems, Inc. (CTS), the lead consultants for the EIS, hired the Parsons Transportation Group to conduct the analysis of the transit alternatives for the DEIS. The Parsons Group was tasked with developing and analyzing the CART proposals for a cross-river light rail system (DEIS 3.2.4). However, the Parsons' LRT system deviated significantly from the CART proposal in ways that increased costs and travel time and minimized ridership potential. The Parsons' analysis of LRT proposals failed to predict even regionally proportionate increases in ridership, and serious questions exist as to baseline numbers, system design, the degree of analysis relative to that afforded highway alternatives, and the basis for assumed costs used in that analysis.

The Parsons Study concluded that LRT was not feasible. FHWA, despite receiving significant comments about the deficiencies of this analysis, accepted the study and concluded that LRT was not an option worthy of formal analysis in the FEIS.

The FHWA failed to independently evaluate a transit alternative, instead accepting without question the consultant report as having adequately analyzed the CART alternative. There is no evidence in the record that the Parsons Group study was reviewed for accuracy, deficiencies, or functional design. There are numerous unexplained design decisions, unsupported cost projections, and invalid ridership projections within the LRT analysis. The most significant are discussed below.

The Parsons Light Rail Alternatives were purportedly based upon recommendations from CART. In the DEIS it is referred to as "Analysis of Coalition for the Advancement of Regional Transportation's Cross River Transportation Plan." (DEIS 3.2.4) However, the Parsons system design departed dramatically from CART's without explanation or justification, in ways that increased costs and travel time and reduced ridership potential.

1. The New Albany "West" line.

The Parsons proposal for the New Albany "West" line did not use abandoned rights-of-way (ROW) through New Albany to the western edge of the city as CART proposed. Instead, Parsons proposed that the West line turn north at 15th St. in New Albany and proceed to Indiana University Southeast along a single track ROW heavily used by CSX railway. (Parsons Study, p. 5, Sec 3.4). Besides the heavy freight traffic on this ROW, there is no room to expand the ROW for LRT because of multiple residential and commercial properties abutting the existing ROW. It is physically impractical to consider

LRT and freight together on this ROW. Parsons later proposed a two-track LRT line on this corridor. Parsons never met with local railroad owners in developing the transit alternatives (Parsons 5.3). The proposed routing decision also missed the target populations and destinations it was intended to serve in the first place- commuters driving east on I-64 from Floyd and Harrison Counties, the downtown commercial and government center of New Albany, and casino patrons going to Caesar's west of New Albany.

Though the Parsons analysis purported to be a review of the CART alternative, no explanation was given for the departure from the CART proposed routing, which would have addressed the target populations and have avoided the flawed choice of ROW.

An additional flaw in this choice of routing is in the location of the four stations on the inaccessible rail right-of-way discussed above. (Parsons Study, table 3-6). The Parsons design does not access downtown New Albany to serve the high density residential and business corridor; nor does the design allow for a station at the junction of I-64 and SR111 to serve commuters coming from Harrison County and Caesar's Casino, or a station on Emery Lane in Clark County which would provide convenient access to the River Greenway and Falls of the Ohio State Park recreational areas and the major retail district along SR 131 in Clarksville.

2. The Jeffersonville "North" Line.

The Parsons Jeffersonville "North" Line proposal (Parsons Study Sec. 3.4, Page 6) that parallels I-65 likewise departed from a much more workable CART proposal. Instead of extending service north to Seymour, Indiana as proposed by CART, the Parsons Study terminated the line in nearby Sellersburg; within the area of heavy rush hour congestion. This design would require drivers to enter a heavily congested area with difficult access just 9 miles from Louisville before having access to rail transit. It is of course unlikely that many drivers would drive in from Indiana suburbs along I-65, nearly reach their Louisville destination, exit the highway onto congested roads, park, pay a toll, wait, and embark on a short trip cross river. Limiting the reach of the North line to Sellersburg created a disincentive to park-and-ride.

The relocation of the terminus from Seymour to Sellersburg was not explained or justified.

Additionally, CART recommended consideration of commuter rail on this corridor because of minimum, but existing, freight activity. The Transit Authority of River City, the Louisville region's transit provider had envisioned commuter rail in this corridor during scoping for the T-2 MIS cited by Parsons. Using commuter rail as opposed to light rail would have allowed dramatic extension of service with little infrastructure cost beyond stations. This option would also increase cross-river capacity by accessing the freight rail track on the L&I bridge.

The failure to consider commuter rail as recommended by CART was never explained.

For the Jeffersonville "North Route" the Parsons plan calls for a station at the former Amtrak Station. (Parsons Study, table 3-7) This is a questionable choice as the station is difficult to access from the interstates or from urban Jeffersonville and is located far from either residential or employment centers. Additionally, at least three of the remaining five stops Parsons places on this line are unnecessary, serving much the same low density residential areas and offer no access improvements from I-65 or the surrounding area. A single station near the junction of SR 131 and one in Sellersburg would adequately serve this area. The other 3 stations should have been moved north to Memphis, Henryville and Scottsburg with another considered at Seymour in order to capture more commuters and decrease travel time.

3. The Charlestown "East" line

The Charlestown "East" line (Parsons Study, sec. 3.4, page 6) most closely reflects the CART proposal it purported to analyze. It parallels a highly congested commuter corridor, accessing major employment centers in Jeffersonville and large industrial developments in eastern Clark County. The line also provides access to urban neighborhoods, several rural communities, and provides logical park and ride opportunities. Yet, as with the North Line, CART's suggestion to evaluate less costly commuter-rail on the existing freight track was not explored, thus resulting in unnecessary increases in cost that adversely affected the eligibility of the transit option for study as one of the alternatives in the FEIS.

For the Charlestown "Eastern" line, at least 2 of the proposed stations are redundant. (CTS Study, Table 3-8) The areas around the proposed stations at Prather and Bethany Roads are characterized by low-density rural sprawl with no potential for pedestrian access. Locating a station at Arsenal Gate (entrance to a major industrial park) is a more logical choice that would save money, reduce LRT travel time, and offer parking and reverse-commute benefits.

As with Parsons' route decisions, the station choices did not adequately present the true potential of LRT. Thoughtfully placed, the same number, or fewer, would have dramatically improved access, travel times, and ridership.

Enhanced Bus Service for LRT

CART recommended that a reasonable feeder bus service be developed to support the Indiana LRT lines. Parsons instead proposed an unreasonable system with almost 3 times as many buses as the proposed "All-Bus Network" – 42 vs. 120. (Parsons, p. 11, 6.1 and 6.2). This added many millions of dollars to the cost of LRT in Indiana but showed little to no effect on increasing ridership numbers.

The L&I Railroad Bridge

A key element in the CART proposal submitted to the consultants was the use of the L&I Railroad Bridge. The L&I bridge is perfectly located relative to downtown Louisville and existing ROW's in Indiana to facilitate an efficient rail transit system from Indiana into downtown Louisville. The L&I bridge was built for two sets of track, but only one is currently used. CART proposed using one LRT line over the L&I bridge and use of commuter rail on the existing freight track. Central to CART's proposal was a new LRT span across the Portland Canal on the Kentucky side of the bridge to overcome delays caused when the L&I lift span across the canal was raised for barge traffic. Bridge elevations and canal structures lend themselves to this option. Parsons ignored this proposal, opting instead for a whole new bridge with two sets of track across the Ohio. (Parsons Study, sec. 3.4, page 5.)

CART's recommendation was not analyzed, and instead, Parsons' bridge proposal cost \$300 million more than the CART proposal without increasing ridership beyond what a simpler Portland Canal bypass could achieve.

Inadequate analysis of LRT in Kentucky

CART's complaints about the Parsons design and analysis on the Kentucky side of the river were also ignored. There are two major issues that CART raised which were never addressed. First is the failure of the Parsons Study to connect the Indiana LRT system to the planned T-2 LRT line in Louisville. In addition to the time constraints and inconvenience of transferring, this decision required costly new administrative, maintenance and yard facilities in Indiana, in addition to those already planned for the Louisville T-2 LRT project.

Second, CART complained about how LRT was modeled throughout metro Louisville. For analysis of bridge alternatives all regional capacity projects in the regional 20-year highway plan were considered as if built as highways. For fairness and a comprehensive understanding of LRT potential, CART requested that all such capacity projects be modeled as LRT when rail transit was being analyzed. Ridership potential for the major corridors in Louisville had been identified in the T-2 EIS. The consultants refused saying that this was outside of the scope of the project. However, these same improvements were not beyond the scope of the project for the highway alternatives. We must point out that transit alternatives must be considered for all these "highway" projects in the course of their implementation. This arbitrary decision by the consultant fails to meet NEPA requirements for fair analysis of alternatives.

Both Parsons and FHWA have sidestepped the inconsistency between the T-2 EIS ridership projections and the numbers used in the Parsons Study. The T-2 study projected regional transit ridership in 2025 at 65,377, (Parsons Study, table 4-1.) The Parsons analysis claims that their massive 3 line LRT system with the oversized feeder bus network will generate only 3,189 additional trips per day, 1,617 of which would cross the river. Understanding that the Indiana system Parsons developed accesses perhaps 20 percent of the population covered by the Louisville system, we should expect

about 20% of the regional ridership – approximately 13,000 daily passengers. The disparity of these numbers is too great to be ignored. Unfortunately, the modeling procedures performed by Parsons were not included in the EIS.

Baseline Transit Number Concerns

The Parsons analysis raises questions about the attribution and correlation of baseline transit numbers to this study. (Parsons, pg. 7.) The baseline ridership numbers cited represented existing transit service in S. Indiana that was, and is, extremely poor in bus frequency (headways), hours of operation, and range of service. It appears that the baseline numbers were not adjusted for the improvements in the above categories before running the forecasting models.

Transit service within and from southern Indiana to Louisville was and remains very poor. This is well documented. Parsons, table 3-1, describes this service. The FEIS is not quite so accurate in its characterization, calling regional service “comprehensive” with park and ride lots throughout the area. There are just four park-and-ride lots in Indiana, none further than 5 miles from the river, and service is anything but comprehensive. Of the 6 routes that cross the river, 4 are express routes, only one of the six routes runs after 7:30 PM. None have headways better than 30 minutes at peak, and headways off-peak are more than an hour.

The Potential for Ridership Increases

To better understand the potential for increasing transit ridership in S. Indiana we turned to the “Traveler Response to Transportation System Changes Handbook”- herein referred to as “Handbook”. The Handbook was created by the Transit Cooperative Research Program of the Transportation Research Board, a division of the National Research Council, funded by the Federal Transit Administration. Reading the Handbook it is apparent that transit ridership is sensitive to, and impacted by a wide range of variables. From what we know of the “analysis” produced by Parsons, none of it appears to have been considered. It would have been unreasonable to expect an exhaustive analysis at this level of the process; however, the consultant should have evaluated and identified the potentials for ridership improvement that could be achieved by the proposed changes in levels of service and coverage. In actuality, the poor coverage, long headways, and short hours of Indiana service suggest that any of the proposed transit alternatives had high potential for dramatic ridership increases. For example:

“Analogous to the small city/large city dichotomy, suburbs and suburban “edge cities” with their poorer transit service tend to achieve greater ridership response to service increases than central cities and commuting corridors with their typically better service.” “Large scale suburban bus service expansions undertaken under favorable conditions have, over substantial periods of time produced ridership growth in excess of the increases in service provided.” (Handbook 10-10)

“It may be concluded that response to bus service frequency improvements tends to be greatest when the prior frequency was less than three buses or so per hour.” (Pratt and Bevis, 1971). TCRP Handbook, 9-11.

“The highest observed sensitivity to frequency increases have been in circumstances where diversion from other transit services is not an issue.” (Handbook 9-5)

The level and quality of transit service in Indiana reflect conditions where the Handbook studies suggest that there is the greatest potential for increased ridership. Parsons explains the low ridership projections this way, “Although this alternative envisioned a substantial increase and improvement of the bus routes and service in Indiana, the estimated overall increase in bus ridership was relatively small. The total regional weekday 2025 daily transit trip increased from 65,377 to 66,423, or just slightly more than 1000 trips a day. This indicates that the existing bus routes already provide basic service in areas where there is transit demand, and any significant increase beyond that will be difficult to achieve in Indiana.” (Parsons 4.2) The Handbook case studies suggests otherwise, as do the results from other cities.

The examples of similarly sized metropolitan areas of St. Louis, Missouri, and Portland, Oregon also provide us an idea of what can be expected from similar light rail investment. In 2001 the St. Louis Bi-State Development Commission opened a 14-mile extension of their light rail system into Illinois, an area very similar to southern Indiana. Average weekday ridership for the first year of operation averaged 12,609, 25% above projections. During this first year of operation 3.6 million commuters boarded trains at Illinois stations. (Bi-State Development Agency News Release April 29, 2002). Portland, Oregon opened a 5.8-mile extension of their light rail system in 2004 expecting 14,000 weekday passengers by the end of the year. (TriMet News Release, May 3, 2004) The Louisville Metro area should expect similar, or better results given the greater length and coverage of the proposed system.

The potential for increasing transit ridership suggested by the Handbook, Louisville’s projections for it’s first LRT line, and evidence from similar cities suggest that Parsons may not have accurately evaluated the potential to increase ridership. Reading the Parsons Overview, (Parsons 1.0) the study gives further insight into the thinking behind the Parsons report. Parsons reports that it has not manipulated any of the TSM or TDM variables in the KIPDA travel demand forecasting model, suggesting that doing so would “decrease the credibility of the forecasting procedures.” FHWA certainly understands that these models are tools not totems, and that such manipulations are necessary to understand the potential impact of alternatives. It should also be understood that the KIPDA model is focused primarily upon a highway heavy system. Consideration of a major transportation paradigm shift, as represented by the rail transit alternatives, should be accompanied by a range of TSM and TDM measures that would support it. These measures were certainly maximized for all highway alternatives. (DEIS 3.2.2).

In sum, CART believes that the rail transit alternative was given short shrift, and that it should have been among the alternatives advanced for more thorough assessment.

While the Parsons Group represented that it was analyzing the CART proposal, the transit alternative studied by the Parson Group did not reflect the CART proposal, and instead made design and other changes that had the effect of greatly reducing the viability of the alternative and increasing the costs.

Given the changing conditions addressed in the following section, it would be prudent and appropriate for FHWA to reevaluate what is the most sustainable and cost-effective alternative to address the stated goals of the project. CART requests that the FEIS be supplemented with a new assessment of the feasibility of a transit alternative to either or both of the proposed bridges.

II. Changed Circumstances Support a Supplemental EIS.

Principal among the changed circumstances that warrant a Supplemental EIS are rising fuel and energy prices. Such increases have dramatically changed transportation economics and will dramatically impact the justifications and specific needs meant to be addressed in this EIS process.

All data in the FEIS were based upon oil remaining below \$25 per barrel through 2020. The significant and structural increases in the cost of oil will provoke changes in driving habits and necessitate reconsideration our current reliance on cars and trucks to move people and goods within and between communities. (Parsons 1.0)

Future travel projections justifying the proposed alternatives are already obsolete. Rather than increased VMTs we can expect the following trends:

- Future household transportation needs will shift to transit and other alternatives. TARC's Metro Louisville ridership is up 17% in October 2005 from the previous year. (Conversation with TARC Staff, 12/19/05)
- Freight is moving to significantly more efficient rail carriers when possible – as national trends suggest. (Bureau of Transportation Statistics)
- Employment and housing will shift closer to the urban centers as commuting costs climb.
- Costs for construction and maintenance of the preferred alternatives, and all new highways planned to support them, will soar above the current estimates. The Kentucky Transportation Cabinet currently predicts maintenance costs to inflate by 15% because of high energy costs. (Commissioner Marc Williams, KYT C, email dated 12/20/05). As oil prices remain high these increases will grow.
- Kentucky and Indiana will experience declining road revenues and rising maintenance costs.
There will be declining economic resources to meet growing highway expenses.

Kentucky, as with most states, had serious road fund deficits prior to the energy price increases. Kentucky Transportation Cabinet reports show that the Commonwealth has been losing ground in road maintenance since 1997. A recent study commissioned by the U.S. Chamber of Commerce shows that the federal Highway Trust Fund is facing similar financial problems. (Courier Journal, 11/26/05, P. A3).

There is no highway-based solution to regional mobility needs that can be considered sustainable. Investment in transportation alternatives with lower maintenance and higher efficiencies is required if we are to maintain our mobility.

Rail transit has tremendous advantages in both operational and maintenance efficiencies over highways and bus systems. Transit investment also serves the growing non-driving populations not served by highway investment. According to 2000 Census figures, over 20% of urban Louisville households do not have a motor vehicle. In southern Indiana the number is around 10%. This information was not included anywhere in the EIS documents.

The emphasis on construction of the Ohio River Bridges has raised profound environmental justice concerns, highlighted in the shelving of the expanded transit initiative for want of federal funding and Congressional leadership. Executive Order 12898 (1994), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations requires federal agencies to avoid or minimize disproportionately high social and economic effects on minority and low-income populations in their activities. In its 1997 Order to implement the EO, DOT mandated itself to "make better transportation decisions that meets the needs of all people" and "offer mobility for all citizens whether they own a vehicle or not." Finally, DOT is to "improve the quality and usefulness of transportation in [minority and low-income populations'] lives.

Environmental Justice concerns regarding the Bridges Project have become more pronounced with the rise in energy costs. Increased costs for energy and fuel disproportionately impact poor, elderly, and minority populations. These groups lack the resources to buy, or even use new, efficient vehicles. They will also suffer significantly from rising food and home energy costs as oil, coal, and natural gas price increases reverberate through the economy. Yet these environmental justice concerns were not addressed in the FEIS. While additional transit service has been predicted to access the jobs moving to the suburbs, (FEIS 5.1.7.5), there have been no funding guarantees. The reality is that the regional transit provider, TARC, has been forced to shelve the proposed light rail and to cut service at a time when ridership and demand are growing.

D.11

Conclusion

The FEIS failed to adequately consider transit alternatives to one or both of the bridges. Given the shortcomings in the analysis highlighted above, and given the changed circumstances of the reductions in transit availability in this community and the sustained increases in fuel, the FEIS should be supplemented with accurate data, a

thorough evaluation of transit alternatives, and appropriate attention to changing Environmental Justice concerns.

The Supplemental EIS should include an assessment of oil price impacts on construction costs, long-term maintenance, highway budgets, and the mobility needs of the population. An SEIS which addresses these changed circumstances will more accurately address our needs and insure our investments are logical and sustainable.

We look forward to your reply.

Sincerely,

David Coyte, President
Coalition for the Advancement of
Regional Transportation
1813 Frankfort Ave.
Louisville, KY 40206
502-893-5172

Dean H. Sutton, Esq.
500 W. Jefferson, Suite 1100
Louisville, KY 40202

cc.

FHWA Kentucky and Indiana District Offices
FTA Regions IV and V
Kentucky and Indiana FHWA Civil Rights Program Managers
Kentucky Indiana Planning and Development Agency (MPO)
Metro Louisville Mayor Jerry Abramson
Metro Louisville Council
New Albany Mayor James Garner
Clarksville Town Council
Jeffersonville Mayor Robert Waiz
Surface Transportation Policy Project
American Public Transit Assn