

January 9, 2012

John Sacksteder
Community Transportation Solutions
305 North Hurstbourne Parkway, Suite 100
Louisville, KY 40222

Dear Mr. Sacksteder:

Following are our comments regarding the Supplemental Draft Environmental Statement ("SEIS") issued for the Ohio River Bridges Project.

Fundamentally, we believe the SDEIS fails to adequately and objectively evaluate many environmental impacts on the community of Bridgepointe created by Alignment A-15.

Inaccurate Relocation Count:

One of the most egregious failings is the Conceptual Stage Relocation Report ("CSRR") failure to include Bridgepointe relocations in the total for Alternative A-15 by using the guidelines prescribed in the CSRR. When this was pointed out to Community Transportation Solutions Inc. ("CTS"), they responded by saying they carved out an "exception to the **rule**", and that Bridgepointe relocations should not be defined by the same rule prescribed for other communities. In their 1/29/02 letter to us, they attempted to justify their '*exception*' by describing properties in Bridgepointe in certain false and inaccurate terms. Had the relocations in Bridgepointe been defined by the same rules applied to other communities, Alternative A-15 would have had more relocations than Alternatives A-2, A-9, and A-16.

Traffic Noise Impacts not Fairly Assessed:

In the DEIS noise evaluation, three noise receptors (#28-30) were located very close to each other on the extreme south/east end of Bridgepointe, at almost the furthest point from the Interstate tunnel proposed near the north/west end of Bridgepointe. Three other receptors (#31-33) were located on the opposite, extreme north/west end of Bridgepointe. These receptors, at the extreme end of the community (almost 'behind' the tunnel portal) were significantly shielded from the significant noise pollution that will emanate from the proposed interstate tunnel, and they are not representative of the noise impacts which most properties in Bridgepointe will suffer along the proposed interstate. Because receptors 31-33 were shielded during the DEIS study, they registered only small incremental noise impacts, and were therefore excluded from the updated noise study in the SDEIS. Receptors 28-30 were re-evaluated in the SDEIS. These receptors were 'bunched' at an extreme point away from the tunnel, and they did register/project excessive incremental noise levels. However, the SDEIS claims it is not feasible to mitigate this incremental noise. In addition to being 'bunched' at an extreme 'end' of Bridgepointe, these receptors are also beyond ('around') a curve in the interstate, leading to the tunnel, and therefore also significantly shielded from much of the noise pollution that will impact other properties in Bridgepointe. Had the noise receptors not been 'bunched' at the two extreme ends of Bridgepointe, we believe much more representative, and much more severe traffic noise impacts would have been identified.

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Traffic Noise Impacts - Proposed Modification Impacts Not Evaluated:

The proposed modifications to Alternative A-15 include a significant increase in the highway grade beside Bridgepointe, leading to the proposed tunnel under U.S. 42. This increase (steepening) in the grade will significantly reduce highway excavation costs. However, this steepening will also significantly increase noise impacts, particularly from large trucks expending significantly more engine power to climb up the steeper grade from the tunnels, and from large trucks using their engine 'jake' brakes to slow as they descend this steeper grade going into the tunnel. The noise impact from this steeper grade is more pronounced for the majority of homes along the central interstate border of Bridgepointe. However, the only SDEIS noise receptor locations (28-30) are on the extreme south/east end of Bridgepointe, and are much less impacted by this design modification. Accordingly, we believe revised noise receptor locations should have been selected in Bridgepointe to adequately and more fairly evaluate the impact of this proposed design modification. Likewise, we believe these additional, and more representative pre-construction measurements should be taken, so they can be compared to the post-construction noise levels as required, to evaluate mitigation effectiveness.

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Construction Noise Impacts not Adequately Evaluated:

The FEIS and SDEIS do not adequately evaluate **construction noise** impacts, particularly the impacts from Alignment A-15 on Bridgepointe. Following are excerpts from the scant FEIS/DEIS assessment:

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The major construction elements of this project are expected to consist of land clearing, earth moving, hauling, grading, paving, and bridge construction. During certain phases of construction (for example, land clearing) and **during certain seasons of the year**, there would be areas along the project where **no construction activity would be taking place**. Also, **considering the relatively short-term nature of construction noise** at any one location, **impacts are not expected to be substantial**. However, for brief periods of time some construction noise levels could be substantial, even with existing interstate traffic noise levels being high. **These episodes usually occur during daytime work hours**. As a result, these impacts would be minimized to adjacent residents.

This assessment makes no mention of the constant drilling and blasting noise that will be extremely acute for Bridgepointe residents as up to 3.4 million cubic yards of rock and other material is blasted/excavated along and adjacent to the Bridgepointe interstate border, and within existing residential lots in Bridgepointe. The FEIS does commit to adhering to the Louisville construction noise ordinance, which permits potentially unlimited construction noise between 7:00 AM and 9:00 PM. Bridgepointe previously requested more restrictive construction time limits. We believe a more reasonable time limit would be 7:00 PM, and believe the FEIS and SDEIS are deficient for not clearly communicating the proposed construction time limits, or lack thereof. We believe this evaluation is inadequate and accordingly does not provide a basis for fairly comparing Alternative A-15 with other alternatives and it does not serve as an adequate basis for determining appropriate mitigation.

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Blasting Vibration Impacts not Adequately Evaluated:

The FEIS and SDEIS do not adequately evaluate **blasting vibration** impacts. Following are excerpts from the scant FEIS/DEIS assessment:

The study concluded that blasting could be accommodated without damage to the existing structures on the property.

Within the FEIS Selected Alternative, no structure within 500 feet of any of the construction activities where vibration could be produced was determined to be in the “extremely fragile” category. This conclusion remains valid for the Modified Selected Alternative. As a result, it is expected that vibration impacts for the build alternatives can be managed, to avoid damage, by using performance-based specifications.

This evaluation did not assess the rock structure under Bridgepointe which likely contains many cracks and voids. This likelihood is supported by findings from the extensive horizontal drilling evaluation performed along the A-15 alignment. Accordingly, the safety risk to lives, and the assessment of potential damage to homes, yards, and other property in Bridgepointe was not fully nor properly evaluated - including our child's large elevated playhouse/treehouse.

Lot Re-grading / Mitigation Not Adequately Addressed:

Section 5.11.5 of the FEIS included the provisions below, requiring consultation with homeowners to re-grade lots disturbed by construction (shaping the land). We believe this is a critical mitigation that needs to be reflected in the revised FEIS/MOA/ROD.

The following measures to mitigate visual impacts will be considered during final design.

1. New landscaping and revegetation to restore slopes and woodland edges to soften roadway appearance and frame views from the road.
2. Shaping of the land at edges of the grading to smooth the transition to existing grades and to screen views of the roadways from adjacent land uses.

SDEIS Ambiguity / Deficiency Regarding Mitigation Commitments:

As we previously communicated, we believe the SDEIS is very ambiguous regarding whether mitigation commitments from the original FEIS, MOA, and ROD will be carried forward into the SFEIS and revised MOA and ROD. We and others communicated particular concern that previous mitigation commitments relative to Alternative A-15 could be deemed void, based on language in the SDEIS. However, we appreciate you evaluating this matter and communicating that you received full assurance from authorized Kentucky officials that none of the previous mitigation commitments impacting Bridgepointe would be excluded from the revised MOA and ROD, and accordingly it would not be necessary to publicly issue a revised SDEIS.

Construction Blasting Impacts not Adequately Evaluated:

The FEIS and SDEIS do not adequately evaluate **construction blasting** impacts, particularly the impacts from Alignment A-15 on Bridgepointe. The FEIS contains a brief and seemingly trivial construction blasting section that deals primarily with blasting vibration. Aside from specifying use of certified contractors, this evaluation totally ignores blasting safety, particularly evaluating

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and controlling the danger of projecting the official "blasting danger zone" onto private residential property. Since Bridgepointe, and our home in particular, will be exposed to more blasting danger than any other property - for potentially three to five years, we certainly believe this is a **major FEIS and SDEIS deficiency**.

Improper Relocation Assessment:

As noted above, the Conceptual Stage Relocation Report ("CSRR") did not include relocation of any homes in Bridgepointe. However, our home is much more severely impacted by Alternative A-15 than any other home in Bridgepointe. All other homes 'back-up' to KY 841 and the proposed Interstate I-265, while we are at the end of a cul-de-sac and our entire side/rear yard borders directly on the proposed interstate. Likewise, over one-third of our residential lot is to be taken by Alternative A-15. This taking represents well over half of the yard which we use most frequently. After carefully selecting this truly unique, park-like lot, we built our home twenty-four years ago. We have invested a tremendous amount of money, energy, and care into this home and the lot.

However, per the Section 4(f) evaluation, it is clearly stated that **"Alternative A-15 has been shifted to the northeast to avoid any use of the Allison-Barrickman property"**. As you know, this shifting caused A-15 to veer away from the existing adequate right-of-way for this project, and consume the existing 60-foot wide highway berm along our property, and veer sharply into our property, consuming one-third, to one-half of our lot and absolutely destroying the utility of our home. This will also destroy 75, irreplaceable mature trees on our lot and many other trees along our lot border. Likewise, the construction blasting noted above will likely project the legally-defined blasting danger zone onto our lot for up to five years, confiscating much if not all of our property value. We testified at the DEIS Public Hearing that the CSRR improperly excluded our home, and we have been attempting to get the Kentucky Transportation to look at this matter in a fair and objective manner for over ten years. As you know, Kentucky is obligated to complete a full taking if the remainder property has little or no value to the homeowner. Also as you know, we bought this property primarily for its park-like features and have nurtured it for over twenty-four years. Accordingly, raping and destroying our yard, and telling us to 'live with it', is just as devastating to us as the State bulldozing through our bathroom, and telling us to continue living in this home, because we have several other rooms still available.

We have finally gotten some attention from Kentucky, after repeatedly asking that they honestly look at the impacts of the issues and deficiencies noted above. It is clear to us that the DEIS, FEIS, and the SDEIS have not properly evaluated the impacts on our property as required by Federal and State law, and we ask that you consult with Kentucky, and honestly re-look at the appropriateness of including our property on the list of proposed relocations.

Sincerely,

Brent & Diana Nemec
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Prospect, KY 40059