

July 15, 2011

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

Re: Comments on Proposed Changes to Ohio River Bridges Project and Proposed Purpose and Need for Draft Supplemental EIS

Dear Mr. Sacksteder:

On behalf of the National Trust for Historic Preservation in the United States, we appreciate the opportunity to submit comments on the issues to be addressed in the future Draft Supplemental Environmental Impact Statement (SEIS) for the Ohio River Bridges Project. According to the project web-site (www.kyinbridges.com), comments are being invited on the "proposed changes to the project," as reflected in a variety of slides and powerpoint presentations, as well as a "Purpose and Need White Paper."

This project continues to represent a political shot-gun marriage between a downtown transportation improvement package (new bridge and interchange reconstruction), which is designed to address specific safety, congestion, and traffic needs, on the one hand; and a sprawl-generating eastern beltway, which is designed to induce economic development in southern Indiana that will be detrimental to downtown Louisville. The combination of these projects is unfundable and unsustainable. Collecting tolls from drivers will be essential in order to have any hope of financing the combined package of projects. Yet, as the transportation agencies clearly recognize, the imposition of tolls will reduce the number of drivers who choose to use the new bridges, thus altering the cost-benefit calculation for the project and reducing the traffic demand (i.e., need) for the project.

The governors of the two states recently announced modifications to the project in an effort to scale back the \$4.1 billion cost estimate. The most significant of these changes is the proposal to rebuild the Kennedy Interchange in place, rather than reconstructing the interchange to the south. The National Trust strongly supports this modification to the proposed project, as it will reduce adverse effects on historic districts. The remaining modifications, by contrast, appear to present either minimal cost savings or potential exacerbation of adverse effects on historic properties. For example, more information is needed regarding changes to the proposed tunnel under Drumanard in order to evaluate what appears to present an increase in adverse effects.

The consideration of effects on historic properties under Section 106 of the National Historic Preservation has barely begun, and additional information will need to be developed through that review process as well. Issues that need to be addressed under Section 106 will include the reevaluation of National Register eligibility for

certain properties. Nearly a decade has passed since the Section 106 review was previously initiated.

The passage of time, changing perceptions of significance, or incomplete prior evaluations may require the agency official to reevaluate properties previously determined eligible or ineligible.

36 C.F.R. § 800.4(c)(1). In our view, the Nutall House and the north field of the Belleview property at a minimum must be reassessed for their National Register eligibility.

Additional Alternatives Need to be Included Within the Scope of the SEIS

The powerpoint presentations that have been shared with the public propose only two basic alternatives for consideration (other than the mandatory “no action” alternative): (1) the original package of projects, but with tolls; and (2) the projects as modified by the governors (i.e., interchange rebuilt in place, slimmed down bridges, etc.), also with tolls. In our view, additional alternatives need to be addressed within the scope of the Supplemental EIS:

- **Transit.**

In the 21st century it is irresponsible to develop a transportation plan on this scale for an important and growing urban area without even considering the potential for transit to address a portion of the transportation needs. Transit must be an element added to the evaluation in the SEIS.

- **Single-bridge alternatives, with tolls.**

In the original EIS, single bridge alternatives were evaluated for both the downtown bridge and the eastern bridge. In our view, it would be important and useful to include those single-bridge alternatives within the scope of the SEIS as well. As you know, there is a great deal of public debate in the greater Louisville area (most of it not very civil) about the relative transportation merits of an eastern bridge vs. a downtown bridge. Some support the construction of only the downtown bridge and interchange, while others support the construction of only an eastern bridge. Some groups (e.g., “8664”) even support the removal of a 1.8-mile section of I-64 along the riverfront. Since an important function of the National Environmental Policy Act is to inform public debate,¹ it is essential, in our view, for the studies to include both of the single-bridge alternatives (as toll-funded projects). Otherwise, the agencies and the public will be deprived of accurate, current information regarding the true costs and benefits and impacts of these alternatives, which will continue to be hotly debated. The public will continue to push for these single-bridge alternatives during the NEPA

¹ See *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).

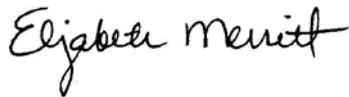
process, but the agencies will not be disclosing any data that would permit an apples-to-apples comparison of costs and benefits and impacts, unless the scope of the studies is expanded. In any event, there is no guarantee that a two-bridge project will ultimately be fundable, so the states may be forced to choose between the two bridges in the future. Failing to include single-bridge alternatives within the scope of the current SEIS would further delay the project by requiring yet another study if it is not included within the scope of this one.

- **Sequenced construction.**

Under the two-bridge scenarios, it is well-understood that the traffic volumes and toll revenue would be different for the two bridges. Therefore, the SEIS and the tolling studies should evaluate and disclose the impact on the costs of financing depending on which bridge is built first.

Thank you again for the opportunity to comment. We look forward to submitting further comments once the Draft Alternatives Evaluation and Methodology is released. We also look forward to participating as a consulting party in the Section 106 review.

Sincerely,



Elizabeth S. Merritt
Deputy General Counsel

cc: Mary Ann Naber, Federal Preservation Officer, FHWA
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