



RIVER FIELDS

July 15, 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 Purpose and Need for of the Draft Supplemental
Environmental Impact Statement; Louisville-Southern Indiana Ohio River
Bridges Project

Dear Mr. Sacksteder:

River Fields, Inc. hereby submits its Response to the invitation that appears 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."

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Mr. John Sacksteder
July 15, 2011
Page 2

As you know, the study consultant, Community Transportation Solutions ("CTS" or the "study consultant"), has been working on this Project since September 1998. During that time, CTS has developed rooms full of data and a two-volume DEIS which is over four and a half inches thick. The DEIS was modified into a Final Environmental Impact Statement which was then accepted in a Record of Decision published in 2003.

As River Fields repeatedly predicted since the late 1990s, the false optimism that projected with no basis in fact, enough money to build two bridges and rebuild Spaghetti Junction proved to be misplaced. Nine years after our comments on the DEIS and eight years after the issuance of the ROD, there is, in fact, no viable financial plan for the project that is financially constrained and apparently no construction funding for the project in Kentucky's Six Year Road Plan. In recognition of this fact, Kentucky and Indiana have created a Bi-State Tolling Authority to create a financial plan for the project through the use of tolls. Now that Authority is poised to become the "sole owner" of the Project although the Executive Director, Steve Schultz, reported at the last meeting of the Authority, that it is currently under-staffed to take on that task. All agencies agree that tolling is necessary for the Project to take place. The addition of tolling is another significant change since the original Project was approved.

Moreover in January 2011 the governors of Kentucky and Indiana announced that they had asked project administrators to explore changes in the rebuild of Spaghetti Junction and the proposed eastern bridge to lower costs. As these changes had not been studied in any of the alternatives proposed in the FEIS or approved in the ROD, a Supplemental EIS was mandated.

Background

River Fields, which is celebrating its 52nd anniversary this year, is one of the oldest river conservation organizations in the United States. We are both an advocacy group and a land trust. In its advocacy role, River Fields is not opposed to development. Instead, we promote environmentally sensitive land and water use arrived at by fact-based, reasoned decision-making conducted with appropriate opportunity for public comment. We are proud of our reputation as a willing negotiator that works toward creative solutions.

Although River Fields boasts over 2,100 members from over 104 zip codes in Kentucky and Indiana, its primary area of activity extends on both sides of the Ohio River corridor from Westport, Kentucky to West Point, Kentucky. The proposed Project falls within that area. In the early 1990s, River Fields played a major role in focusing the attention of our community on the Ohio River as one of its most important resources. Through this advocacy, River Fields, Jefferson County, and the Louisville Metropolitan Sewer District funded and developed the Ohio River Corridor Master Plan as part of the Louisville and Jefferson County comprehensive land use planning process. Its goals have been officially adopted as part of the Louisville and Jefferson County Cornerstone 2020 Comprehensive Plan. In recent years, River Fields was a primary stakeholder and member of the Steering Committee for the development of the Upper

Mr. John Sacksteder
July 15, 2011
Page 3

River Road Scenic Corridor Master Plan, a plan to enhance and preserve the only state-designated Scenic Byway in Metro Louisville. We also have been active in the eastern corridor area of this Project through advocacy in planning and zoning cases, monitoring site cleanup and redevelopment activities at the Indiana Army Ammunition Plant in eastern Clark County, and participating in technical task forces convened by the regional public water supply provider involving the study of the Ohio River alluvial aquifer, a source of public drinking water in the eastern corridor area. We engage in similar initiatives throughout the Organization's mission area, from West Point to Westport.

As a land trust, River Fields owns property in the river corridor, accessible to the public, worth \$2 million. We also hold conservation easements permanently protecting 2200 acres in the river watershed from new development. Several of our properties would experience proximity impacts from the eastern bridge. As a significant landowner in this area, River Fields identified and sponsored the National Register of Historic Places nomination for what has become listed as the Country Estates of River Road. This nomination was encouraged by the Kentucky State Historic Preservation Officer and supported with a grant from the Kentucky Heritage Council. Country Estates of River Road is a nationally renowned 729-acre Historic District along upper River Road in eastern Jefferson County that encompasses a contiguous, uninterrupted landscape of approximately 31 country estate properties (dating between 1875-1938), featuring high-style designed landscapes, with architecturally designed residences in settings chosen for their natural features, and four independent Historic Districts.

River Fields has a long history of commitment and activity to the downtown portion of the waterfront. River Fields trustees and the former executive director lobbied tirelessly for the development of the Waterfront Strategy that created the Waterfront Plan. During the Waterfront planning process, the current director and Board were involved in the numerous public meetings that took place throughout the community to seek public input on their desire for the future of the Waterfront. The overwhelming public desire was for green space. (In that reality, River Fields welcomes the reduced impact on the Waterfront Park in the new alternative.)

During the DEIS and Section 106 process River Fields has aggressively advocated for the protection of Butchertown, Phoenix Hill and the Main Street area, including that National Register District. As a stakeholder in Main Street from a mission perspective, we also have the unique vantage point that our office is on Main Street. These historical areas and the Waterfront Park are treasures for today and for future generations.

This Project is the single largest transportation project ever planned for the state of Kentucky. Since this proposed Project, if undertaken, will have the most serious impact on the Ohio River and its corridor that will occur in our lifetimes, River Fields has devoted more effort and resources toward studying, participating in, and commenting on this Project than on any other in its history. River Fields participated in the Regional Mobility Task Force, a citizen planning process convened in the early 1990s by the Kentuckiana Regional Planning and

Mr. John Sacksteder
July 15, 2011
Page 4

Development Agency ("KIPDA"), our metropolitan planning organization. We participated in the 1994 Metropolitan Louisville Ohio River Bridge Study for KYTC and INDOT, the May 1994 Analysis of Economic Benefits of Alternative Ohio River Bridge Crossings for the Downtown Development Corporation, the August 1994 Kennedy Interchange Complex study for KYTC, and the April 1997 Ohio River Major Investment Study for KIPDA.

In connection with the currently proposed Project, and the revised Project now under study, we have asked for the opportunity to participate in the public process and have taken advantage of every opportunity we have been given to comment in the NEPA process and the Section 106 process. We were the first party to request Consulting Party designation in the National Historic Preservation Act Section 106 process conducted as part of the earlier studies. We have participated in every public hearing, including the 12 hours of formal DEIS hearings on February 6 and 7, 2002. After the issuance of the ROD, we have continued our involvement in the Kentucky Historic Advisory Team which was created by the section 106 Memorandum of Agreement. Our participation has included meetings with CTS very early in the process, with representatives the Federal Highway Administration, with representatives of the state transportation agencies, and with other federal, state, and local agencies who are commented on this DEIS and FEIS. Finally, we joined the National Trust for Historic Preservation in challenging the ROD in an appeal filed in the United States District Court for the Western District of Kentucky. Through this participation, we have come to know the factual background of this Project and the area it may affect on both sides of the river, downtown and eastern corridors, perhaps better than any other community organization.

River Fields trustees care deeply about the future success of this region and for that reason have always insisted that its position on this crucially important Project be in the best interests of the entire community, including its citizens on both sides of the river. The Ohio River is the single most important centerpiece of the metropolitan Louisville region. It is the reason Louisville exists and its corridor contains the richest cultural resources in the Commonwealth of Kentucky. The river itself is the largest, most complex natural resource in the region. The first goal of the Ohio River Corridor Master Plan, now adopted in Cornerstone 2020, is: "The river belongs to the people." It is in the spirit of that goal that River Fields approaches this new SEIS study. It is River Fields' position that any proposal, particularly one of this enormity, must be scrutinized in order to justify irreversible impacts to the critically important resource of the Ohio River and its corridor.

To ensure that our position is based on facts and not emotion, and so we can decide our position based on reality, not dreams, River Fields has funded its own research on this Project, hiring professionals who are nationally respected in their fields. Indeed River Fields hired Cambridge Systematics, Inc. of Cambridge, Massachusetts to prepare an independent analysis of the traffic and economic data developed in the state and local studies in the early 1990s that had looked at the problems associated with the Kennedy Interchange and Kennedy Bridge.

When all KYTC officials, including the Secretaries of Transportation, insisted that the Kennedy Interchange could not be rebuilt, River Fields hired Wallace Floyd & Associates, Boston, Massachusetts, to study that question. Their work product was a critically important conceptual plan for redesign of the Kennedy Interchange (locally known as "Spaghetti Junction"). This plan, among other things, demonstrated that contrary to previous assumptions, it is possible to rebuild the Kennedy Interchange to relieve congestion on approaches to the Kennedy Bridge. There is little debate today that the Kennedy Interchange can be rebuilt in a manner that will relieve congestion on the Kennedy Bridge approaches. In partnership with downtown leaders, River Fields began that evaluation process.

Simply put, no citizens' group has been more actively involved in the Project, has been more concerned about the facts which surround it, or has spent more of its own money in participating in the studies concerning it which have taken place to date. River Fields' goal throughout this process has been to ensure that this vitally important community decision be based on a wholly objective analysis of the best quantitative and qualitative data available.

We are mindful that there is a widely held perception in the community that River Fields is being an obstructionist as to the eastern bridge component of this Project. We want to assure you that simply is not the case. Rather, River Fields believes that the issues surrounding the proposed project are so complex that they are not easily understood. The process has continued for so long and become so divisive that many decision makers have adopted a "let's just get on with it" attitude that may have long-term irreversible and detrimental effects on the character, economy, and resources of this community. River Fields has therefore dedicated itself to ensuring that the fullest possible analysis is made based upon the best data and information available. It is this overriding principle that has governed, and will continue to govern, all of River Fields' actions concerning this Project, including our review of the SEIS. When the facts justify the construction of an eastern bridge, River Fields will reconsider its position.

The Organization of this Response

1. Comments on the Process to Date
2. Comments on the Draft Purpose and Need White Paper
3. Comments on the Proposed Changes to the Project
4. Apparent Omissions from the Process

The Process to Date

NEPA requires that there be a "hard look" at the elements of a project, a requirement that is as applicable to an SEIS as it was to the original project documents. Unfortunately it is now

Mr. John Sacksteder

July 15, 2011

Page 6

evident from the many comments of Bridges Authority members complaining about the requirement for additional studies and from the schedule published in the April 7, 2011 Bridges Authority meeting that far from taking a "hard look," project leaders have decreed that construction of the project begin in September 2012, a self-imposed, artificial deadline that will be impossible to meet and which insures that the required "hard look" will also be impossible, tainting the entire process for public relations and political ends.

The resulting scramble by transportation cabinet employees and consultants to meet the demands of their leaders has already resulted in confusion about what is being done. For example, the project website, as quoted at the beginning of this letter, solicits comments on three alternatives but does not provide any information on how the alternatives being studied differ from those studied in the original studies other than the obvious fact that all alternatives other than the no action alternative will include tolls. Outside of PowerPoints with a few lists and a lot of photos and maps, citizens who attended the public meetings received no additional information on these changes. At the Regional Advisory Committee meeting on June 15, a River Fields representative was advised that a list of changes would be prepared and would be forwarded to the RAC in enough time for the RAC members to make meaningful comment by the July 15 deadline. This document has yet to be received. Neither was the document described at the public meetings. At the last public hearing the River Fields representative was told that the document would be complete within several days. No document was received during that time frame. No public meetings are to be held on this document, however. We now know from a message sent to the National Trust for Historic Preservation on July 14, 2011, that a list of changes is actually being prepared, that it will be put on the project website, and that there will be fifteen days for comments on the list. Members of the public who demonstrated their interest in the project by attending the public meetings know nothing of this anticipated but important document. Citizens, many of whom would be older or economically challenged who do not own or use computers will apparently never know about these changes or about their ability to comment on them. Members of the public who use computers but do not maintain an earnest vigil on the project website will know nothing of this public comment period. This does not satisfy the legal requirements for notice under NEPA. Worst of all, comments are being solicited on these changes without an approved purpose and need statement, the ultimate measure of the choice of a preferred alternative since every alternative must meet the project's purpose and need.

In the same message, the National Trust was also advised that comments are due today on a draft "White Paper" on the purpose and need for the project. This draft is published on the project website, but the website does not solicit comments on the draft much less advise the public that comments on the draft White Paper are due today. Citizens who attended the public meetings were advised that they should comment on the purpose and need for the project and "the direction we're taking" whatever that means.

The original purpose and need was statement first adopted in the original process. Since that time, the housing bubble has collapsed with a resulting recession that is the worst since the Great Depression and gasoline prices have soared. The result has been a steep decline in automobile traffic, a fact well-known to the Kentucky Transportation Cabinet and the Indiana Department of Transportation but which is ignored in the White Paper. These facts call for a complete reevaluation of the need for such a massive project, especially for its eastern bridge component which was never presented as a solution to traffic or safety problems in any study and whose projected usage is extremely vulnerable to tolls.

Comments on the Purpose and Need for the Project

As the website states: "A draft of a white paper has been developed showing the original purpose and need are still valid. . ." River Fields has therefore attached its comments to the DEIS submitted on February 25, 2002, to this letter and incorporates them in these comments. River Fields original position on the purpose and need for the project are summarized as follows.

A. Defining Need: Two Separate Projects are Combined in this Study

The current purpose and need statement for this project states that its scope is about regional cross-river mobility needs, current and future. The White Paper does not propose to change this statement. In reality, this Project has always been and continues to be two separate projects: (1) a downtown project to address current traffic safety and congestion problems; and (2) an eastern project to satisfy economic development objectives for a portion of the region. In evaluating proposed traffic projects, traffic safety projects and economic development projects should not be placed on an equal footing and given equal priority. More importantly, a project that is solely for economic development purposes should not be characterized as a safety project in order to increase the project's priority status or to skew the cost/benefit analysis.

B. Analyzing Need

1. The only current traffic safety-related need identified in the data supporting the ROD is rebuilding the Kennedy Interchange.

It is not a surprise that the FEIS data only demonstrated one need related to current traffic safety, i.e. the need for a rebuild of Spaghetti Junction. The computer freeway operations simulation model (CORSIM) used for the FEIS confirmed conclusions formed in previous studies that recognized that substandard design geometrics (merges and weaves) result in both peak period congestion and safety problems within Spaghetti Junction. These results were verified by River Fields' transportation consulting firm, Smart Mobility, Inc. ("Smart Mobility").

The FEIS further claimed, however, that the Kennedy Bridge traffic demand resulted in the bridge being "over capacity," specifically, that it is currently at 106% of its design capacity

(DEIS, pg. 2-24). This conclusion was misleading because the definition of "capacity" in this context is incorrect and at odds with generally accepted traffic-flow conditions in similar urban areas. Moreover, the congestion problems were, and remain 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. In 2002, the Kennedy Bridge itself, however, was not currently a congestion problem except as it related to Spaghetti Junction.

2. There was no current traffic-related need for an eastern interstate bridge and highway.

The FEIS stated that travelers currently incur "additional travel times and distance when traveling between the eastern portions of the metropolitan area" but presented no data on congested travel, travel time, and traveler delay for people or trucks with these origins and destinations. As a basis for making decisions, FHWA might conclude from this "problem statement" that 20 bridges are needed, not just one or two. In fact, data existed which refuted any real current traffic-related need for an eastern bridge: 1) a regional travel origin and destination survey that was conducted by KIPDA in 2000 of almost 5,000 households in the 5-county transportation planning area; and 2) a corridor analysis conducted by KIPDA in 1999 of the 8-mile Indiana State Route (SR) 62. Inexplicably, the FEIS did not use these studies. The household travel survey showed that less than 5% of the trips made by the 5-county residents surveyed required a river crossing; when disaggregated into trips by state of residence, the survey showed that 2% of trips made by the Kentucky residents surveyed were cross-river trips and 15% of the trips made by the Indiana residents surveyed were cross-river trips. The Indiana SR 62 Plan showed that, except for a 1-mile segment within Jeffersonville, corridor capacity and levels of service, including eastern Clark County, Indiana, were adequate.

No analysis of current productivity needs was made in the FEIS. However, using the document's own data on the percentage of through trucks with origins and destinations that might lead a trucker to take the eastern project as a "bypass" shows such diversions would represent about 1% of all Kennedy Bridge traffic. In fact, since the publication of the FEIS, CTS's project manager admitted in an article which appeared in February 24, 2002's Courier Journal that the eastern bridge cannot be justified as a truck bypass.

Representatives of the FHWA, KYTC, and INDOT heard repeatedly that an eastern interstate beltway is currently "needed" to route hazardous materials, particularly away from the I-65 curve adjacent to the Louisville medical complex. The FEIS is silent on this point, from either a safety or productivity standpoint. This is undoubtedly because the volume of hazardous materials transported by trucks within the entire metropolitan area, much less those that could bypass and in this particular portion of a bypass, do not warrant a billion dollar expenditure on an eastern bridge for this sole purpose. Further, the FEIS would have needed to analyze the impacts

of hazardous materials truck routing on the Ohio River alluvial aquifer used in the eastern corridor as a public drinking water source, which it did not do.

3. The FEIS's analysis of future need for an eastern bridge was based solely on a faulty socio-economic premise.

The underlying premise of the FEIS's future need analysis was a socioeconomic one: that the eastern bridge was needed to "accommodate" traffic associated with projected growth in eastern Clark and Jefferson Counties. However, there were and are many flaws in and problems with this premise, such as:

- The premise is inconsistent with the study consultant's own observations that the eastern bridge and interstate highway are needed to *develop* eastern Clark County, not to accommodate inevitable future growth:
 - "A sizeable wedge, in this area of Indiana, can develop if appropriate transportation is provided." al Chalabi Report at 2.
 - One of the needs for the eastern bridge is to "enhance the opportunities for industrial/business growth and job development in Indiana." al Chalabi Report at 47.
- The premise is inconsistent with the "no build" jobs forecast which show Clark County with a current and projected jobs deficit.
- Projected growth is predicated on socioeconomic forecasts that were aggressively inflated in expectation that the eastern bridge would be built.

The FEIS itself acknowledged that highways will not add to this region's net new job growth (in other words, no net new regional job growth can be demonstrated by providing new capacity), but that it can influence the distribution of growth, sometimes substantially within a region if the local climate is encouraging it.

In this case, the FEIS says that the socioeconomic projections developed by the study consultant for the year 2025 were based on locally adopted land use plans and transportation plans which assume two bridges will be built. The forecast updating for this Project was based on flawed methodology and unsupported and biased input. This is not just a process problem, since the forecast affects the projected traffic numbers and the socioeconomic impacts analysis.

Key examples of the problems and errors in the forecasting process include:

- The study consultant solicited input from individual jurisdictions in a letter and email writing campaign. As a result, it compiled a conglomeration of individual wishes (including a number for the southern third of the Indiana Army Ammunition Plant that was based on "soul searching" by one planner) and biases (growth in Louisville and Jefferson County was determined to be capped). Additionally, the forecast is based on linear extrapolations of arithmetic projections, ignoring births, deaths, longevity, and migratory patterns within the region.
- Despite questioning the input, the study consultant initially accepted erroneous assumptions that Louisville and Jefferson County are built out. This error was repeatedly brought to the attention of the study consultant, but neither the socioeconomic or traffic forecasts, nor the impacts analyses, were changed.
- A more defensible way to adopt a socioeconomic forecast would have been a Delphi method where everyone works together on a realistic evaluation that equally emphasizes the local land use plans and revitalization efforts of the entire region. The study consultant actually convened an "expert panel" of local planners from the region in late August 2001 to review the study assumptions and findings and were told by those local planners that they were erroneous, including the development assumptions for eastern Clark County. Inexplicably, however, the FEIS did not use any of this information.

There are several major problems with the FEIS's traffic projection methodology. First, a significant mathematical error was made in the computer modeling process: the total employment numbers that were input into the model are overstated by almost 20,000 jobs compared to the sum of retail and non-retail employment in the forecast tables and the computer model files themselves. Further, even with the inflated and unsupported socioeconomic projections and the math error, the traffic projections that are outputs of the computer model were not used by the study consultant. Rather, the consultant added "off model adjustments" to inflate future bridge crossings by 16%. Finally, the most significant traffic benefit shown in the entire Project—reduction in Vehicle Hours of Delay—from the eastern bridge was not a performance metric used by FHWA anymore because it is inaccurate. River Fields' analysis shows why it is inaccurate and misleading—future congestion improvements claimed in the FEIS from the eastern bridge result from the FEIS's arbitrary reallocation of projected jobs rather than remediation of traffic system inadequacies.

The "purpose and need" chapter states the general need as being increased cross-river mobility, but identifies four "need factors" against which the general need for cross-river mobility is to be measured. Two of those need factors relate to traffic safety and traffic congestion in the downtown Kennedy Bridge/Kennedy Interchange area. Those two factors are legitimately related to traffic conditions that should be considered in evaluating a highway project. Those two factors are also capable of being objectively evaluated using quantifiable data. The other two factors (accommodating growth and realizing land use plans calling for completion of the interstate loop), however, are not related to traffic problems and cannot be objectively evaluated using quantifiable data. The result is that the FEIS attempts to justify the eastern bridge on the grounds that it will help solve the current downtown traffic problems and that it will accommodate planned growth and improve accessibility in the east end. These justifications are totally without merit. In fact, all reliable data developed over the last 23 years indicate the opposite. First, there is no reliable data presented that demonstrates that the downtown problems would not be solved by a rebuild of the Kennedy Interchange and a new downtown bridge only. Second, the growth and accessibility assumptions underlying the purported need for an eastern bridge are based on forecasts and modeling that are so flawed and biased that they cannot be used to support the supposed need for an eastern bridge.

Comments on the Proposed Changes to the Project

Although the project website invites comments on proposed changes to be studied in the SEIS, it does not provide a list of those changes. Based on correspondence from Andy Barber to the National Trust for Historic Preservation received on July 14, 2011, a list of all proposed changes in the FEIS and ROD is being prepared and will be posted on the project website for public comment. River Fields will make its comments on these changes when that document is received.

Additional Issues which need to be addressed in the SEIS

1. The effect of tolling on traffic patterns.

Two different tolling studies conducted by the project have now shown that the public is sensitive to tolls and will adjust its traffic patterns to avoid them. The eastern bridge in particular would suffer enormous diversion of potential traffic if it is tolled. While project proponents had suggested that they would simply toll all of Louisville's Ohio River bridges to make diversion impossible, they have now conceded that the law will not permit tolling of the Sherman Minton Bridge. At the least, the existence of a toll free interstate bridge could have an effect on traffic patterns which must be explored in the SEIS since this diversion has the possibility of affecting the need for the project and the projected use of the proposed bridges.

The potential diversion over the Sherman Minton Bridge also has the potential to increase the environmental impacts, including section 106 impacts, in West Louisville which were not

studied in the earlier NEPA process. This also raises environmental and social justice issues in Louisville's West End which must be addressed. It is essential also that socio-economic impacts of traffic diversion also be studied for both West Louisville and New Albany.

2. Sequencing.

The Proposed Project is in fact three different projects, two of which are downtown and one of which is miles upriver in eastern Metro Louisville. These three projects have, in turn, been divided into six sections. One of the most important decisions in the Project is the sequencing of the construction. In its comments on the DEIS, River Fields urged that this important aspect of the project be the subject of study. This was not done, and neither the FEIS nor the ROD addressed this issue.

At the time the FEIS and ROD were issued, project and political leaders announced repeatedly that both projects would be built simultaneously, as a cursory study of the massive news coverage of this issue will confirm. As the project has unfolded, however, the proposed sequencing became construction of the eastern bridge first and the downtown portion of the project last, a sequence which was not studied in the FEIS and which has never been part of the public process required by NEPA. This sequencing means that the project that has the least benefit to traffic and safety issues, the eastern bridge, is built first, while the project which resolves the most critical issues--the majority of which are downtown in Spaghetti Junction and on the Kennedy Bridge—is built last—if at all.

The introduction of users fees or tolls, the fiscal impact of the Great Recession and the downturn both in the suburban housing boom and in miles travelled all point to the need to evaluate which project should be built first.

It is clear from every tolling study that has taken place that the downtown project is the largest revenue producer. In this recessionary reality, one of the alternatives that should be evaluated is the alternative of building the downtown bridge first, as it would produce dramatically increased revenue. River Fields' position is that this is essential to evaluate from a financial perspective, within the tolling study, in order to evaluate how much the public would be saving in the following areas:

- Savings on the cost of financing or borrowing money to build the project, as the income stream would be dramatically improved in the first years of the life of the Project
- Savings of the cost of financing most importantly would reduce the cost of tolls as the price of tolls will be governed in large part by the price of financing.
- Savings for citizens in the cost of gasoline, as the downtown project is the most direct and shortest trip for the majority of the population.

The SEIS must otherwise answer why the lowest income producer would be constructed when that sequencing increases the cost of the Project, the cost of financing, the cost of tolls and the expense of local trips for area citizens.

Unless the SEIS includes this evaluation of building the top revenue producer, the downtown Project first, it is River Fields belief that this will be a fatal flaw in the SEIS.

Project proponents may suggest that tolling on the downtown project can begin immediately and that money used to build and support the eastern bridge, which all knowledgeable parties concede cannot pay for itself with tolls it would generate. There is no reason to assume, however, that tolls from the downtown project can be used in this way since it is illegal to toll an interstate bridge without an exception to a general prohibition and the downtown and eastern bridge projects rely on different exceptions. River Fields and state legislators have asked the FHWA for its position on this important question and it has yet to take a position.

It is River Fields' position that the SEIS should include an evaluation of and an explanation of the methodology in its process. This would require widening the scope of the currently proposed SEIS. The evaluation of sequencing is no especially urgent at this time due to the dramatically changed federal funding realities, potential inclusion of user fees (tolls) and the dramatic downturn in traffic, VMTs and VHTs in the region and throughout the country.

3. New listed or eligible national register properties must be considered.

In the eight years since the ROD was issued, enough time has passed that there are new properties which are eligible for National Register Listing which were previously ineligible. Among the obvious examples are the Nutall House and the north field on "Bellevue" farm. An analysis of the eligibility of, impacts on, and mitigation for any newly eligible properties should be part of the new section 106 study. Such evaluation should be thorough in both corridors with detailed study of all potentially eligible resources including but not limited to the surrounding neighborhoods of the National Register Districts of Butchertown, Phoenix Hill, West and East Main Street, The Country Estates of River Road and the eligible James Taylor subdivision and the Jacobs School eligible district. Again, the ambitious SEIS schedule must not abbreviate these evaluations.

4. Mass transit should be studied as an alternative.

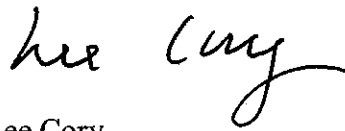
Mass transit was dismissed as a serious alternative for study early in the previous NEPA process. River Fields continues to believe that this was a mistake. Given the steep drop in traffic arising from escalating gasoline prices and the lingering recession—widely described as the worst since the Great Depression—the time to study mass transit as an alternative for the purpose and need has arrived.

Mr. John Sacksteder
July 15, 2011
Page 14

Conclusions

Thank you for affording us the opportunity to comment on this important project, one which will have lasting implications for our region for centuries to come.

Sincerely,

A handwritten signature in cursive script, reading "Lee Cory". The signature is written in dark ink and is positioned above the printed name and title.

Lee Cory
President, Board of Trustees

Attachments