CHAPTER 7: PUBLIC INVOLVEMENT AND AGENCY COORDINATION

Substantive changes to Chapter 7 since the publication of the SDEIS

- Section 7.1.1—Adds “Other Public Comments” section to Purpose and Need White Paper and Project Alternatives—Public Comments section, to include submittals after the comment period on the Draft Range of Alternatives Document.
- Section 7.1.5—Includes the February 8, 2012, meeting with Transit Authority of River City (TARC) in the list of meetings with stakeholders.
- Section 7.1.6—Discusses the telephone survey undertaken to obtain information about residents’ use of the Ohio River bridges, including the bridge usage patterns of environmental justice populations.
- Section 7.1.7—References the December 2011 announcement of the Kentucky and Indiana consensus regarding financing and constructing the project.
- Section 7.1.8—Adds information about the legal notices regarding and news media coverage of the Public Hearings on the project.
- Sections 7.1.9 and 7.2.12—Updates information about the Section 106 public involvement process, including consultation with consulting parties regarding effects findings and mitigation.
- Sections 7.1.10 and 7.1.11—Describes activities associated with the publication of the SDEIS and the conduct of the Public Hearings.
- Section 7.2—Includes a summary of resource agency coordination meetings held on May 26, 2011, and December 14, 2011.
- Section 7.2.9—Adds reference to USFWS concurrence with the amended Biological Assessment, signing of the Indiana Bat Conservation MOA, and coordination regarding nesting bald eagles.
- Section 7.2.10—Updates coordination with USACE related to permits.
- Section 7.2.11—References the Waterfront Development Corporation’s comments on the SDEIS and the meeting to discuss the issues raised therein.
- Section 7.2.12—References the execution of the Section 106 First Amended MOA.
- Section 7.3—Adds the summary of agency and public comments submitted on

Chapter 7 of the 2003 FEIS addressed in detail the public involvement and agency coordination activities that were undertaken as part of the development of both the 2003 DEIS and the 2003 FEIS for the LSIORB Project. This chapter of the SFEIS describes public involvement and agency coordination undertaken as part of the development of the SFEIS for the project. Substantive additions to information provided in the SDEIS are identified in the text box above.
On February 15, 2011, FHWA, KYTC, and INDOT published in the Federal Register a Notice of Intent (NOI, see SFEIS Appendix C.1) to prepare a Supplemental Environmental Impact Statement (SEIS) to evaluate changes to the LSIORB Project since the 2003 FEIS that would be associated with proposed tolling options, cost-reducing design modifications to the FEIS Selected Alternative, and changes in the project area.

Extensive public involvement and agency coordination have occurred since the 2003 FEIS/ROD, and further development and design of the FEIS Selected Alternative and development of the Modified Selected Alternative also have taken place. This chapter of the SFEIS is specific to the public involvement and agency coordination that have occurred since the February 2011 publication of the NOI. Public involvement activities that preceded the NOI pre-date the initiation of the SEIS for this project and, therefore, are not included in this chapter.

7.1 Public Involvement

In April 2011, following the issuance of the NOI, FHWA made contact with agencies that had previously been involved in the project and asked whether they wanted to continue to be involved during the SEIS development process. Invitations were sent to the regulatory agencies identified in a Draft Coordination Plan on April 28, 2011, inviting their participation in the SEIS development process. Invitations also were sent on April 18, 2011, to the consulting parties who participated in the Section 106 consultation process that led to the 2003 ROD and MOA, inviting them to participate in renewed consultation to take into account the potential effects of the proposed project modifications on historic properties. See Appendix C.2 for a copy of the Coordination Plan, and appendices C.3 and C.4 for a list of resource agencies and their letters of acceptance/decline, respectively. See Appendix D.1 for a list of Section 106 consulting parties.

Public involvement opportunities have also been available to the general public. Media coverage and communication tools provided information in the form of newspaper articles, television and radio news stories, and the project website (kyinbridges.com) to give the public up-to-date details about the project and opportunities to provide comment (see Section 7.1.1, below).

Key ongoing elements of the public involvement program, similar to those used during the 2003 FEIS process (see 2003 FEIS p. 7-3), are explained in greater detail in the remainder of this chapter and include the following:

- Public Meetings
- Resource Agency Coordination Meetings
- Regional Advisory Committee Meeting
- Area Advisory Teams / Area Work Groups
- Public Workshops
- Stakeholder Communications
- Environmental Justice Initiatives
- Indirect and Cumulative Effects Analysis
- Communication Tools
- Section 106 Historic Properties Review
  Public Involvement
- Media Relations
- SDEIS Circulation and Public Hearing
7.1.1 Public Meetings/Purpose and Need White Paper and Range of Alternatives

Purpose and Need White Paper and Project Alternatives—Public Comments

As part of the public involvement process for the LSIORB Project, KYTC and INDOT hosted two public meetings to explain and seek input on (1) the potential changes in the project approved in the 2003 ROD, including the alternatives, and (2) the Purpose and Need White Paper (see Appendix A.1).

The public meetings were held on June 27, 2011, at the Holiday Inn Lakeview in Clarksville, Indiana, and on June 28, 2011, at the Holiday Inn Hurstbourne in Louisville, Kentucky. In advance of these public meetings, a news release/announcement was distributed to the media to communicate to the public the purpose of the meetings. The public meetings were also advertised in the Louisville Courier Journal and Clark County, Indiana, News and Tribune on May 31, 2011, and again on June 20, 2011, inviting all citizens to comment on alternatives being studied as part of the ongoing SEIS process.

The meetings were scheduled from 4:00 p.m. to 8:00 p.m. and were conducted as an open house format with exhibits and project staff available to explain the project and alternatives being considered. From 4:00 p.m. to 6:30 p.m. the public had the opportunity to view the exhibits, read the Purpose and Need White Paper, ask questions and document their comments. The 6:30 p.m. to 8:00 p.m. period of each meeting was dedicated to a 13-minute video presentation providing an overview of the project followed by an opportunity for the public to address the audience with project-related comments. A total of 292 members of the public signed in at the Indiana public meeting and 304 signed in at the Kentucky public meeting. Approximately 30 persons spoke publicly at the Indiana meeting and 50 spoke at the Kentucky meeting. The public was invited to attend either or both meetings, regardless of their state of residence.

More than 30 display boards were on exhibit for each of the six project design sections to show the alternatives being recommended for further analysis. Project engineers and project representatives were available to answer questions on a one-on-one basis. Copies of the Purpose and Need White Paper were available for review and the public was encouraged to take the time to view the document. In the presentation, which included the video, and on the boards, the following three alternatives were presented:

- No-Action Alternative
- 2003 Selected Alternative with tolls¹
  - New Downtown I-65 Bridge (with bike/pedestrian lane)
  - New East End Bridge and S.R. 265 linkage (6 lanes)
  - Rebuild Kennedy Interchange to the south
  - I-71 interchange with Frankfort Avenue
- 2011 Modified Alternative with tolls

¹ Since the Purpose and Need White Paper was prepared, consideration of tolls with the 2003 Selected Alternative has been eliminated. The 2003 Selected Alternative without tolls is referred to herein as the “FEIS Selected Alternative.” In addition, the 2011 Modified Alternative with tolls has been renamed as the “Modified Selected Alternative.”
Comments on the alternatives and on the *Purpose and Need White Paper* were solicited in a variety of forms. The public was invited to: (1) provide their comments in writing, (2) sign up to speak at the public meeting, (3) have comments recorded by a court reporter at the public meeting, and/or, (4) enter their comments online on the project website. The public was given a 15-day comment period following the second public meeting in which to submit their comments.

There were a total of 1,231 comments received from the public in response to the public meetings. The comments represent 1,136 individuals or organizations (respondents). Of this total, there were 468 respondents who provided a comment specific to the project alternatives, including 29 who commented on mass transit.

Although the alternatives as presented, were intended to be considered project wide, covering both the Downtown Bridge and the East End Bridge, most comments about the alternatives mention either one or the other bridge. Therefore, for the purpose of explaining the public comments, the alternatives comments were summarized by Downtown Alternatives comments and East End Alternatives comments.

**Downtown**

There were a total of 367 respondents who identified a preference regarding a new downtown bridge and approaches—330 in favor of No-Action downtown or build the East End Bridge only, seven in favor of the FEIS Selected Alternative, and 30 in favor of the Modified Selected Alternative).

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<thead>
<tr>
<th>Downtown Bridge and Approaches</th>
<th>Respondents</th>
<th>Percent</th>
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<tbody>
<tr>
<td>FEIS Selected Alternative</td>
<td>7</td>
<td>0.5%</td>
</tr>
<tr>
<td>Modified Selected Alternative</td>
<td>30</td>
<td>2.6%</td>
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<tr>
<td>No Action (includes East End only)</td>
<td>330</td>
<td>29.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>367</strong></td>
<td><strong>32.2%</strong></td>
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Of the 367 respondents, many were particularly critical of the Kennedy Interchange. Eighty-three percent of these comments (266 respondents), which were the same or virtually the same, were submitted on-line from the website by different individuals who favored building the East End Bridge first and then “removing or realigning interstates away from spaghetti junction.”

**East End**

*East End Bridge.* The most common comment received involved building the East End Bridge first (413 respondents). A total of 74 respondents identified a preference regarding an East End Bridge alternative (18 in favor of the No-Action Alternative, 30 in favor of the FEIS Selected Alternative, and 26 in favor of the Modified Selected Alternative).
Among the comments about the East End Bridge were comments opposed to the proposed tunnel. Twenty-six (26) respondents specifically noted the East End Bridge should be constructed with no tunnel.

**Mass Transit.** There were 29 respondents that specifically mentioned being in favor of some form of improved mass transit (i.e. light rail, enhanced bus service, bike lanes, trains). Twelve of these respondents also selected the No Action Downtown Alternative, preferring nothing done downtown until improvements are made to mass transit. Some support the Big Four pedestrian/bicycle bridge as part of the solution, while others did not consider it to be an acceptable alternative to the pedestrian bridge designed with the FEIS Selected Alternative.

Because the public comments were open response, a variety of topics other than the project alternatives and *Purpose and Need White Paper* were submitted. Many respondents provided comments on multiple topics, therefore the following percentages in the listed summary do not add to 100. Key comments and the corresponding number of respondents included:

- East End Bridge Priority: 413 respondents (36.0% of all respondents)
- No Action Downtown: 330 respondents (29.0% of all respondents)
- Support for the Project: 304 respondents (26.8% of all respondents)
- No Tolls: 290 respondents (25.5% of all respondents)
- Build It Now or ASAP: 163 respondents (14.3% of all respondents)

Four organizations—National Trust for Historic Preservation, Hoosier Environmental Council, Sierra Club, Cumberland Chapter, and River Fields, Inc.—provided detailed comments on the alternatives and on the *Purpose and Need White Paper*. See Appendix F.2 for their comments. Five agencies provided comments on the *Purpose and Need White Paper*. See Appendix C.7 for their comments and Section 7.2.7 for a summary. All substantive comments were reviewed and considered in preparation of the SDEIS, and in finalizing the *Purpose and Need White Paper*. See Appendix F.1 for the *Louisville-Southern Indiana Ohio River Bridges Project Public Comments Report June 27, 2011–July 15, 2011*.

**Draft Range of Alternatives Document—Public Comments**

On August 10, 2011, following the public meetings, the *Louisville-Southern Indiana Ohio River Bridges Project (LSIORB) Supplemental Environmental Impact Statement Draft Range of Alternatives* was open to public comment.
Alternatives Document, dated August 5, 2011, was mailed to the Resource Agency Coordination Team, Regional Advisory Committee members, and Section 106 consulting parties, along with a comparison document showing the differences between the FEIS Selected Alternative and the Modified Selected Alternative and the estimated cost savings for each of the six project design sections. (Information about Resource Agencies Coordination is presented in SFEIS Section 7.2.7, below.)

The documents were made available to the public on the project website (kyinbridges.com) on August 10, 2011. The following two weeks, information was shared through television news coverage and newspaper articles explaining the comment period and directing the public to the website. Comments were received for a 15-day period from August 11–August 25, 2011, from the Regional Advisory Committee, Section 106 consulting parties and the general public. The comment period was open until September 12, 2011, for the resource agencies.

One hundred thirteen comments were received by e-mail from 102 respondents (11 respondents submitted more than one e-mail); and another 13 respondents provided comments in a letter, for a total of 115 respondents. Following the review of comments, the Draft Range of Alternatives Document was revised and finalized as the Alternatives Evaluation Document, available for review in Appendix A.3.

The Draft Range of Alternatives Document described the process used in screening alternatives and proposed evaluating the following range of alternatives in the SEIS: No-Action Alternative, FEIS Selected Alternative, and Modified Selected Alternative. Although the comment period was intended to obtain input on the alternatives screening process and identified alternatives, the majority of comments (87.8%) were on the project in general.

Document-related comments from the Regional Advisory Committee, Section 106 consulting parties, and resource agencies were reviewed and considered in the finalization of the Alternatives Evaluation Document and in development of the SDEIS. Their comments are summarized in the Alternatives Evaluation Document Public Comments Report, October 2011 of Appendix F.7.

Other Public Comments

Following the comment period on the Draft Range of Alternatives Document and prior to the publication of the SDEIS, public comments continued to be submitted regarding the project. Approximately 100 public comments were received from August 26, 2011, through November 24, 2011, although not in response to any particular release of information.

Most of the commenters were opposed to tolls on the I-65 Bridge. Approximately 25 individuals sent emails to FHWA in early September 2011 expressing concern about the negative impact tolls could have on the local Southern Indiana economy. The comment stated:

I stand with other members of this community who are opposed to tolls on I-65. Tolls on I-65 will have a negative impact on the local economy. Public comments are 3-1 against tolls on I-65. There are 9 resolutions from all surrounding local councils opposed to
tolling I-65. Other resolutions against tolls on I-65 include two from local government associations, Southern Indiana Tourism Bureau, Jeffersonville Main Street Association, statements from Jeffersonville Mayor Tom Galligan, and New Albany Mayor Doug England. Over 11,000 people signed petitions opposing tolls on I-65. Those signatures were collected over just 9 weeks.

Approximately 15 emails were sent to the FHWA in October 2011 with the same or similar message regarding the commenters’ belief that their opposition to tolls had not been heard. Other comments received during this period expressed frustration with the closing of the Sherman Minton Bridge, which was shut down for emergency repairs on September 9, 2011. (The bridge was reopened on February 18, 2012.)

7.1.2 Regional Advisory Committee

The Regional Advisory Committee (RAC) (referenced in the 2003 FEIS as the Regional Advisory Council) members represent government agencies; business groups; civic, cultural and environmental organizations; and major employers throughout the Louisville Metropolitan Area (LMA). The RAC consists of approximately 50 member organizations that were involved with the project during development of the 2003 FEIS.

The original members of the RAC were invited to attend a meeting on June 15, 2011, with KYTC, INDOT, FHWA, and the project design consultants. The purpose of the meeting was to provide the members with updated information on the project and give them an opportunity to provide input and ask questions. All of the initial member organizations were sent meeting invitation letters and 15 representatives from member organizations participated in the meeting. In addition, 3 alternate representatives and 13 members of the public attended. The member organizations with representation in attendance included:

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<th>City of Prospect</th>
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<tr>
<td>Clark County Planning, Zoning &amp; Bldg. Commission</td>
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<tr>
<td>Clark-Floyd County Convention and Tourism Bureau</td>
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<tr>
<td>Coalition for the Advancement of Regional Transportation (CART)</td>
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<tr>
<td>Greater Louisville Inc. (GLI)</td>
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<td>Hoosier Environmental Council (HEC)</td>
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<tr>
<td>Kentuckiana Regional Planning and Development Agency (KIPDA)</td>
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<tr>
<td>Kentuckians for Better Transportation (KBT)</td>
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<tr>
<td>Kentucky Center for African American Heritage (KCAAH)</td>
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<tr>
<td>Knob &amp; Valley Audubon Society</td>
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<td>LIUNA, Greater Louisville Central Labor Council</td>
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<tr>
<td>Louisville Codes and Regulations</td>
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<tr>
<td>Louisville Metro Air Pollution Control District (APCD)</td>
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<td>Louisville Metro Public Works</td>
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<td>River Fields, Inc.</td>
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The meeting included a PowerPoint presentation of the project history, an explanation of the need for the SEIS, and a section-by-section explanation of the three alternatives under consideration: No-Action Alternative, FEIS Selected Alternative, and the Modified Selected Alternative. Section Design Consultants (SDCs) described the alternatives in detail and provided graphics for each alternative in their respective section. The six design sections are listed in SFEIS Section 1.5.

Questions and comments were taken from the RAC member representatives and answers were provided by the project officials. Discussion at the meeting included questions about: right-of-way status, public transportation funds, TARC service, impact on tolls, and opportunities for future public comments. The Clark/Floyd Counties Convention and Tourism Bureau representative expressed concerns regarding access for visitors from I-65. In addition there were suggestions regarding potential funding sources (a casino-funded bridge between Indiana and Illinois was referenced), as well as comments regarding the cost effectiveness of a bridges project versus mass transit options such as light rail and bus system improvements.

Also, by request of the RAC, an exhibit was later prepared showing the comparisons between the two build alternatives, for each of the six design sections. A copy was made available on the project website and is provided in SFEIS Appendix A.2, Alternatives Comparison Exhibit (July 2011). A copy of the meeting summary including the questions, comments, and responses are available in Appendix F.3.

The RAC was also provided a copy of the Draft Range of Alternatives Document on August 10, 2011, with a 15-day comment period (August 11–25, 2011). A copy of the comment letters, including those received from the following RAC members are provided in Appendix F.6: Hoosier Environmental Council, Town of Clarksville, Indiana; City of Prospect, Kentucky; River Fields, Inc., and Sierra Club, Cumberland Chapter; and Transit Authority of River City (TARC).

7.1.3 Area Advisory Teams

Area Advisory Teams (AATs) were originally formed as Area Work Groups (like those that were active during the 2003 FEIS process) to focus on local concerns and specific issues in the vicinities of the four possible Ohio River bridge termini. The AATs represent stakeholders in the following four geographic areas associated with the corresponding design sections of the project: Downtown Louisville (Section 1); Jeffersonville/Clarksville, Indiana (Section 3); Eastern Jefferson County, Kentucky (Section 4); and Eastern Clark County/Charlestown/Utica, Indiana (Section 6).

The SDCs made contact with the original AAT members in their sections and updated the list of representatives, and then KYTC and INDOT officials invited them to attend a meeting with project officials. The meetings, one for each of the four sections, were held in June 2011. Representatives from KYTC, INDOT, FHWA, the Bridges Authority, and the SDCs attended each meeting. The AAT meetings followed a format similar to that of the RAC meeting; i.e., a PowerPoint presentation of the project history, an explanation of the need for the SEIS, and a detailed description of the three alternatives under consideration, followed by an open discussion period. The SDCs described the alternatives in detail and provided graphics for each alternative.
in a specific section. In addition, the adjoining design consultants responsible for design of the Ohio River bridges (sections 2 and 5) were present to discuss the alternatives’ relationship with the bridge design. A copy of the “Alternatives Comparison Exhibit” (July 2011) for each section is provided in Appendix A.2.

The **Section 1 AAT** meeting was held on June 20, 2011, at the Mellwood Arts Center in Louisville, Kentucky. Eleven representatives from nine area groups participated. The SDC 1 team described the Modified Selected Alternative (re-building the interchange in-place) and showed the comparison to the FEIS Selected Alternative (building a new interchange to the south), with a potential savings of $800 million. The SDC 2 team attended and provided Ohio River bridge design details of the Modified Selected Alternative, which eliminates the 17-foot-wide pedestrian walkway and bikeway, for an estimated cost savings of $37 million. The pedestrian walkway and bikeway, a feature of the FEIS Selected Alternative, is proposed to be eliminated with the Modified Selected Alternative due to the development of the Big Four Bridge pedestrian/bicycle project nearby (as discussed in SFEIS sections 2.1 and 4.1.4). AAT member groups represented at the meeting included:

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<th>Phoenix Hill</th>
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<tr>
<td>Clifton Community Council</td>
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<tr>
<td>Butchertown Neighborhood Assoc</td>
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<tr>
<td>Downtown Development Corp</td>
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<tr>
<td>Louisville Downtown Mgmt Dist</td>
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<tr>
<td>Louisville Waterfront Mgmt</td>
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<tr>
<td>Louisville Metro Public Works</td>
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<td>Louisville Metro Planning &amp; DSGS</td>
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<td>Louisville Metro Housing Auth</td>
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A sample of topics included questions about the Big Four Bridge pedestrian/bicycle path project, a noise wall in the Clifton area, the project delivery schedule, traffic studies, context sensitive design in the Waterfront Park area, and the Section 106 process. The **Section 1 AAT Meeting Summary**, including all the questions, comments and responses, is located in Appendix F.5.1.

The **Section 3 AAT** meeting was held on June 21, 2011, at the McCauley Nicolas Building in Jeffersonville, Indiana. Five representatives from five neighborhood groups participated. The SDC 3 team described the Modified Selected Alternative (a collector-distributor network that minimizes weaving) and compared it to the FEIS Selected Alternative (a complex network of bridges that eliminates weaving), with a potential cost savings of $215 million. Representatives of SDC 2 (Downtown Ohio River Bridge) attended and provided bridge-related details of the Modified Selected Alternative. AAT member groups represented at the meeting included:

| Greater Clark County Sch      |
| Clark Memorial Hsptl          |
| Southern Indiana Realtors Assoc|
| Jeffersonville Planning & Zoning |
| Jeffersonville City Pride     |
There were no questions from the audience, but a representative of the City of Jeffersonville provided a statement noting the City’s appreciation for project-related work to resolve a design issue. The Section 3 AAT meeting summary, including the questions and responses, is located in Appendix F.5.2.

The Section 4 AAT meeting was held on June 16, 2011, at Gingerwoods, 7611 Rose Island Road in Prospect, Kentucky. Sixteen representatives from fifteen area groups participated. SDC 4 and SDC 5 representatives compared the Modified Selected Alternative (4-lane initial/roadway, tunnel, and bridge) to the FEIS Selected Alternative (6-lane roadway, tunnel, and bridge), with a potential cost savings of $90 million, including changes to the roadway profile through and south of the tunnel. The SDC 5 team also provided details of a reduced roadway section which also includes reduction of the pedestrian/bikeway width on the East End Bridge with the Modified Selected Alternative, for an overall estimated savings of $80 million. AAT member groups represented at the meeting included:

| Bridgepointe Homeowners Association |
| City of Green Spring |
| City of Prospect |
| Harrods Creek Fire Protection District |
| Ken Carla Vista Neighborhood Association |
| Louisville Metro Council |
| Louisville Metro Planning and Design Services Division |
| Louisville Metro Public Works Assets |
| Prospect/Harrods Creek Neighborhood Association |
| Shadow Wood Neighborhood Association |
| Transylvania Avenue Neighborhood |
| Transylvania Beach Neighborhood Association |
| Wolf Creek Community Association |
| Wolf Pen Preservation Association |
| Wolf Pen Woods Community Association |

Questions from the audience related to bridge-deck design, potential noise impacts, the duration of tolling, birds nesting under the bridges, public involvement, drilling, access to U.S. 42 during construction, the grade under Wolf Pen Branch Road, and the right-of-way status. Section 4 AAT meeting summary, including all the questions and responses, is located in Appendix F.5.3.

The Section 6 AAT meeting was held on June 23, 2011, at the Utica Community Center in Utica, Indiana. Six representatives from five area groups participated. SDC 6 and SDC 5 representatives compared the Modified Selected Alternative (4-lane initial roadway, tunnel, and bridge) to the FEIS Selected Alternative (6-lane roadway, tunnel, and bridge), with a potential cost savings of $3 million. The SDC 5 team also provided details of the East End Bridge with the Modified Selected Alternative. AAT member groups represented at the meeting included:
Questions from the audience related to bridge design and public involvement. The Section 6 AAT meeting summary, including the questions and responses, is located in Appendix F.5.4.

7.1.4 Public Workshops

Public workshops were held during development of the 2003 FEIS to explore specific issues associated with the project affecting key project decisions, project milestones, and long-term goals. While no public workshops have been held since the publication of the NOI, the public meetings described in Section 7.1.1, above, and the Public Hearings (see Section 7.1.10) provided a similar opportunity for public involvement.

7.1.5 Stakeholder Communications

In addition to meetings with the advisory groups and the general public regarding the SDEIS, individual meetings and group presentations were held with elected officials, associations, and other stakeholders upon request. A sample of stakeholder meetings and presentations explaining the SEIS process and providing updated project information includes:

- Presentation to the Louisville Metro Council on April 21, 2011.
- Meeting with Transit Authority of River City (TARC) on May 11, 2011, to review their long-range transit plan and to discuss cross-river routes serving southern Indiana. Enhanced bus service is included in both the FEIS Selected Alternative and the Modified Selected Alternative. Options to enhance the bus service were discussed.
- Meeting with Councilman Jon Ackerson, who represents Louisville Metro’s 18th District, on June 21, 2011, followed by a presentation at the councilman’s Town Hall meeting on June 30, 2011.
- Presentation to the Main Street Association on July 12, 2011.
- Presentation to the Oldham County Chamber of Commerce on July 28, 2011.
- Presentation at the Southeastern Association of State Highway and Transportation Officials (SASHTO) annual conference on August 23, 2011.
- Presentation to the Kentucky Society of Professional Engineers on September 16, 2011.
- Meeting with TARC representatives on February 8, 2012, to explore options regarding enhanced bus services issues raised in the agency’s January 9, 2012, letter of comment on the SDEIS (see Appendix C.11). Subsequent coordination includes a TARC letter dated March 9, 2012 and an INDOT and KYTC response dated April 2, 2012 regarding enhanced bus service (see Appendix E).
7.1.6 Environmental Justice Initiatives

In accordance with Executive Order (EO) 12898, FHWA’s Directive 6640.23 and December 2011 supplemental guidance, and USDOT Order 5610.2, the LSIORB Project was evaluated for potential disproportionately high and adverse effects to environmental justice (i.e., minority or low-income) populations.

During the development of the SEIS, U.S. Census data was used to identify environmental justice populations in the project area within the LMPA (see Section 5.1.7.1). A proposal for reaching out to environmental justice populations living in the general area of the proposed LSIORB project was developed and implemented, and included the following elements: a telephone survey (see Appendix B.8.2, Ohio River Bridge Users Study) to gain a better understanding of residents’ use of the Ohio River bridges, including the bridge usage patterns of environmental justice populations, as compared to non-environmental justice populations; an evaluation of impacts that could result from tolling and resulting changes in traffic patterns through environmental justice neighborhoods; and special outreach efforts for public meetings and the Public Hearing, including notices in the Louisville Defender, a weekly metro area publication with a high African-American readership, in the Al Dia, the metro area’s Hispanic weekly newspaper, the Courier-Journal, and the daily newspapers in New Albany, and Clarksville/Jeffersonville. Notices were sent to environmental justice community churches and placed in TARC buses that serve environmental justice areas.

7.1.7 Communication Tools

Project Website
The project website, www.kyinbridges.com, has been an ongoing primary means information about the project made available to the public. It contains information on the project schedule and cost, features of each project section, historic and environmental documents, the Disadvantaged Business Enterprise program, and the proposed right-of-way impacts. There are links to the project newroom; public involvement groups and their meetings; the Bridges Authority website; the project Ombudsmen and a gallery of pictures and videos. Downloadable files are available ranging from meeting summaries to detailed engineering plans. In addition, the site has interactive maps showing the roadway and bridges overlays on aerial photography, and the Bridges Project Update video prepared for the June 2011 public meetings and updated for the December 2011 Public Hearings. Information is updated as the project proceeds. The website postings include documents and information such as:

- Supplemental Draft and Final Environmental Impact Statements (SDEIS and SFEIS)
- 2003 FEIS and ROD
- Project Financial Plans
- Public Meetings and Public Hearings Notices
- Ohio River Bridges Project Map
- Bridge Type Selection Information
The video (described in more detail below) comparing the 2003 FEIS Selected Alternative with the Modified Selected Alternative used at the June and December 2011 public meetings was posted on the website, along with a link to provide comments during the public-comment period. The graphics for the 31 presentation boards, which were used during the public meetings, are located on the website at http://www.kyinbridges.com/pdfs/presentation-boards-june-2011-public-meetings.pdf. In addition, the website provides a slide-show comparing the two build alternatives.

There were 689 comments submitted through the website during the public meeting comment period of June 27–July 15, 2011. The comments were counted and analyzed as part of the Public Meeting Comments in 7.1.1, above.

**Video**
The LSORB Project is inherently complicated, making it difficult to explain to a general audience within the constrained timeframe of public meetings. Therefore, KYTC and INDOT made the decision to produce a video providing an overview of the project. The video was presented to the public at the June 2011 public meetings and the December 2011 Public Hearings, and is available on the project website. The content includes the following:

- History of all Louisville bridges
- Current problems of overcapacity, poor design and incomplete highway linkage
- Basic purpose of the Ohio River Bridges Project—to improve cross-river mobility between Jefferson County, Kentucky, and Clark County, Indiana
- Comparisons between the FEIS Selected Alternative and the Modified Selected Alternative
- Cost
- Tolling
- Future steps

**E-mail**
Since February 15, 2011, when the NOI to develop the SEIS was published, nearly 800 comments have been received by e-mail from the project website as part of the public involvement process: 689 were received within a 15-day period in response to the public meetings of June 27 and 28, 2011; approximately 60 were submitted directly from the website either before or after the public meeting comment period; and 42 were received during the period of comment on the SDEIS.

When comments or questions are submitted directly through the website, the sender is asked if he/she would like a response. The project manager typically responds in less than 24 hours with a message catered specifically to the question or concern raised. Persons who submit comments/questions are also asked if they would like e-mail updates, which are sent periodically to the individuals in the public involvement database. During the SEIS process, the following e-mail notices have been sent:
April 6, 2011—Bridges Project begins final review process with series of public meetings.

April 18, 2011—Conflict of interest guidelines issued for Louisville - Southern Indiana Ohio River Bridges Project.

June 6, 2011—Cost-saving alternatives would cut $1.2 billion from the LSIORB Project.

September 13, 2011—Request for Information issued by the Bridges Authority.

November 10, 2011—FHWA issues the Supplemental DEIS.

December 29, 2011—Kentucky and Indiana reach consensus on responsibilities for financing and constructing the project: Kentucky will assume responsibility for the downtown portion of the project and Indiana for the east end portion.

7.1.8 Media Relations

Since the announcement of the SEIS in mid-February of 2011 until the end of September 2011, there has typically been daily coverage in the media. Some days, as many as 20 media outlets have reported on the project. When the public meetings were underway in late June 2011, the LSIORB Project was often the lead story and front page news, as indicated by the following news headline examples:

- “Public Gets Chance To Weigh In On Bridges Project,” June 27, 2011, MSNBC.com
- “Bridges Project Public Comment Hearings Today And Tomorrow,” June 27, 2011, WFPL-FM (public radio), Louisville, Kentucky
- “Public Hearing In Louisville For New Bridge Design,” June 27, 2011, WHAS TV
- “Project Hearings On Massive Project Set To Begin,” June 27, 2011, Inside Indiana Business
- “Comment Period For Bridges Project,” June 27, 2011, WEKU, Richmond, Kentucky
- “Public Has Their Say: Concerns Of Tolling, Safety Voiced At Indiana Meeting On Ohio River Bridge,” June 27, 2011, News & Tribune, Jeffersonville, Indiana

The news media also provided notice of the December 19 and 20, 2011, Public Hearings, and provided extensive coverage of the hearings. Examples of headlines are as follows:

- “Last chance for public to comment on lower-cost Ohio River Bridges plan before U.S. decision,” December 18, The Courier-Journal, Louisville
Public Invited to Comment on Bridges Project in Meetings This Week,” December 19, WFPL-FM Public Radio, Louisville

“Meetings scheduled to discuss Bridges Project,” December 19, WHAS-TV, Louisville

“First of two public hearings held on Ohio River Bridges Project,” December 20, Indiana Economic Digest, Indianapolis

“Second Ohio River Bridges meeting set for Tuesday,” December 20, Business First, Louisville

“Public encouraged to weigh in on Ohio River Bridges Project,” December 19, WDRB-TV, Louisville

“Public sounds off on 1500 page Ohio River Bridges report,” December 19, WAVE-TV, Louisville

“Ohio River Bridges Project: First public hearing gathers many opinions,” December 19, WHAS-TV, Louisville

“Final say for Kentucky: First of two public input hearings held,” December 20, News & Tribune, Jeffersonville/Clarksville, Indiana

“Speak now or forever hold your peace: Final public comments heard on Ohio River Bridges Project,” December 20, News & Tribune, Jeffersonville/Clarksville, Indiana

Ongoing contact is kept with local news media in Kentucky and Indiana to disseminate information about the project and notify the public about upcoming meetings and events. Media inquiries are directed to appropriate personnel, stories are monitored by the LSIORB team, and media is provided with information on an ongoing basis.

Paid Advertising

To inform the public of the late June 2011 public meetings, in accordance with legal notification requirements, advertisements were placed in the Courier-Journal and the News and Tribune. The quarter-page ads (approximately 8” x 11”) ran in the Metro section of each newspaper on May 31, 2011, and again on June 20, 2011. A sample of the ad is provided as Figure 7-1.
To promote the December 19 and 20, 2011, Public Hearings in Kentucky and Indiana, respectively, paid-for ads and legal notices were run in several publications. On November 18, 2011, and December 11, 2011, legal notices ran in The Courier-Journal, Louisville’s daily newspaper. On November 18, 2011, and December 12, 2011, legal notices ran in the News & Tribune, the daily newspaper for Jeffersonville and Clarksville, Indiana. On December 1, 2011, a half-page ad ran in the Louisville Defender, a weekly metro area publication with a high African-American readership. On December 15, 2011, a full page ad ran in Al Dia, the metro area’s Hispanic weekly newspaper.

In addition, ads were placed on the inside of 50 TARC buses two weeks in advance of the Public Hearings. Because TARC rotates its buses on various routes, the 50 interior panels were able to be seen by mass-transit riders on every TARC route.

**News Releases**

During the development of the SDEIS, news releases were produced to inform the media and public about the proposed changes in the project as well as to notify them of public meetings. The news releases were posted on the project website, including the following:

- April 6, 2011—“Bridges Project Begins Final Review Process With Series of Public Meetings”
- May 11, 2011—“Bridges Project Sets Dates for Public Meetings”
- June 2, 2011—“Cost-Saving Alternatives from Governors, Mayor Would Cut $1.2 Billion from Bridges Project”
- November 17, 2011—“Bridges Project Review Recommends Cost-Saving Alternative for Two New Bridges: Public Hearings Set for December 19 and 20”
- December 29, 2011—“Kentucky Indiana Reach Consensus on Ohio River Bridges Plan” (news release on the two states’ agreement regarding project financing and construction responsibility)

### 7.1.9 Section 106 Historic Resources Review Public Involvement

During the 2003 FEIS process, a public involvement plan specifically to address Section 106 of the National Historic Preservation Act was developed by FHWA, KYTC, and INDOT. The plan included inviting local governments, state historic preservation agencies, Native American Tribes with ties to the project area, and members of the public to become consulting parties in the Section 106 process.

For this SFEIS, the Section 106 consulting party process activities were reinitiated with a letter of invitation to a June 1, 2011, consulting parties meeting. The Draft Range of Alternatives Document, dated August 5, 2011, was mailed to the Section 106 consulting parties on August 10, 2011, along with a comparison document showing the differences between the FEIS Selected Alternative and the Modified Selected Alternative and the estimated cost savings for each of the six project design sections. Comments were received during the 15-day period (August 11–August 25, 2011). Comments by the following agencies and organizations are provided in
Appendix F.6: Kentucky Heritage Council (Kentucky SHPO); Indiana Department of Natural Resources (Indiana SHPO); National Trust for Historic Preservation (NTHP); Town of Clarksville, Indiana; and River Fields, Inc.

Section 7.2.12, Consulting Party Coordination under Section 106, provides more detailed information regarding consulting parties’ activities including the meetings dealing with the Area of Potential Effects (APE), the identification of historic properties eligible for or listed in the National Register of Historic Places (NRHP), the assessment of the effects of the project on the eligible/listed resources, and the resolution of adverse effects (i.e., mitigation).

The general public also had opportunities to provide input on the eligibility and effects findings and other aspects of the Section 106 process through comments on the SDEIS, which included sections on historic and archaeological resources (sections 4.3 and 5.3); as well as through review of Section 106-related documentation on the project website. SFEIS Section 7.3 includes summaries of comments and responses on the SDEIS. Appendix D provides Section 106 documentation and Appendix C includes SHPO coordination correspondence.

7.1.10 SDEIS Circulation and Public Hearings

The SDEIS was published and began to be circulated on November 16, 2011. The SDEIS was provided in both hard copy and electronic copy (DVD) to resource agencies; Native American Tribes; Federal, state and local agencies; and 30 regional libraries, including the Louisville Free Public Library and the Jeffersonville Township Public Library. A total of 140 copies of the SDEIS were circulated. In addition, 94 electronic copies (DVDs) of the SDEIS were produced and sent to the Section 106 consulting parties, Kentucky and Indiana members of the U.S. House of Representatives and U.S. Senate, Kentucky and Indiana State Senators and Representatives, the Regional Advisory Committee members, and Area Advisory Team representatives. For a complete listing of recipients see Chapter 10: Distribution of the Supplemental Draft EIS.

The publication of the Notice of Availability of the SDEIS appeared in the Federal Register on November 25, 2011, which began a 45-day period during which the public could review and comment on the draft document. The public could view the SDEIS on the project website (www.kyinbridges.com), at the local libraries, or on DVD by request. Public Hearings, advertised in the local newspapers and through news organizations, were held on December 19, 2011, in Louisville, Kentucky, and on December 20, 2011, in Clarksville, Indiana.

The Public Hearings were scheduled from 4:00 p.m. to 8:00 p.m. on each day, and offered a combined open house and public hearing format. Project staff was available to explain numerous exhibits that summarized the content of the SDEIS and the project alternatives being evaluated. Copies of the SDEIS and the Appendix documents were available for review. From 4:00 p.m. to 6:30 p.m., the public had the opportunity to view the exhibits, review the SDEIS, ask questions, and document their comments in writing or with a court reporter. The 6:30 p.m. to 8:00 p.m. time period of each meeting was dedicated to a brief video presentation followed by an opportunity for the attendees to make oral public comments to the agency representatives, project staff, and other members of the public present.
There were 132 individuals who attended the December 19 Public Hearing, and 130 individuals who attended the December 20 Public Hearing (based on sign-in sheets). The public was invited to attend either or both meetings, regardless of their state of residence.

Display boards were on exhibit to explain the major components of the SDEIS, including the purpose and need factors, traffic studies, and environmental analyses. In addition, project staff were available to explain the alternative project designs being evaluated in each of the major project sections (e.g., East End Kentucky approach, East End Bridge, etc.). Project engineers, scientists and project representatives were available to answer questions on a one-on-one basis. In the presentation and on the boards, the following alternatives evaluated in the SDEIS were presented:

- **No-Action Alternative**
- **FEIS Selected Alternative**
  - New Downtown I-65 Bridge (with bike/pedestrian lane)
  - New East End Bridge and S.R. 265 linkage (6 lanes)
  - Rebuild Kennedy Interchange to the south
  - I-71 interchange with Frankfort Avenue
- **Modified Selected Alternative**
  - New Downtown I-65 Bridge (without bike/pedestrian lane)
  - New East End Bridge and S.R. 265 linkage (initial 4 lanes; expandable to 6 lanes)
  - Rebuild Kennedy Interchange in place
  - No I-71 interchange with Frankfort Avenue

Comments on the SDEIS were solicited in a variety of forms. The public was invited to: (1) provide their comments in writing, (2) speak at the public hearing, (3) have comments transcribed by a court reporter at the public hearings, and/or, (4) enter their comments online on the project website. The 45-day comment period was from November 25, 2011, to January 9, 2012.

A total of 192 comments were received representing 164 individuals or organizations (commenters). Twenty eight commenters submitted more than one comment. Ninety-three comments were received from the online web-based comment form established on the project website; 34 e-mail comments were sent to either the FHWA or the project manager; and the court reporters transcribed a total of 31 comments, including 27 from those who spoke at the Public Hearings. The project manager received 13 letters from individuals or organizations, and a total of 17 comment forms were submitted at the Public Hearings. In addition to the public comments, 11 comment letters were received from resource agencies (see Appendix C.11).

Most comments included more than one topic. Comments were organized by general topic (purpose and need, alternatives, etc.), and individual responses were provided to specific comments within each topic. Because similar comments were often made by more than one commenter, each response was assigned a specific, alphanumeric topic code so that each individual or organization who made a particular comment can locate in the summary the response to that specific comment. Section 7.3, “Summary of Comments and Responses,”
Supplemental Final EIS  7-19 Chapter 7—
Public Involvement and Agency Coordination

provides summaries of the substantive comments received on the SDEIS and responses to those comments. Concluding Section 7.3 is the “SDEIS Commenters & Comment Type Codes” listing of commenters in alphabetical order, together with their corresponding topic code(s). By referencing their corresponding topic codes on this list, each commenter can locate the responses to each of the topics addressed within their comments.

7.1.11 Summary

The public involvement process that has been developed and implemented in conjunction with this SFEIS has followed the NEPA process for communicating with resource agencies, stakeholders, including meetings with the Regional Advisory Committee, Area Advisory Teams, consulting parties, and the general public. The project team was open and available throughout the SEIS process to update the public, solicit input, provide interviews, and communicate with the media as requested.

In addition, two Public Hearings were held for review of the SDEIS. All comments received from individuals, organizations, and resource agencies are included in the project’s Administrative Record. All substantive comments on the SDEIS were considered and have been summarized and responded to (see Section 7.3).

7.2 Resource Agency Coordination

There was extensive resource agency coordination throughout the 2003 FEIS documentation process that culminated with the 2003 ROD. The coordination process with resources agencies for this SFEIS has involved publication of legal notices, agency briefings and coordination meetings, and solicitation of agency jurisdictional concerns. At the beginning of the SEIS process in 2011, the agencies were contacted and given the opportunity to continue their involvement as either a cooperating agency or participating agency. A Draft Coordination Plan; a Draft Purpose and Need White Paper; and a Draft Range of Alternatives Document were prepared and provided to resource agencies for review and comment, the following subsections summarize this effort.

A Resource Agency Coordination Meeting was held on May 26, 2011, at the Crowne Plaza Hotel in Louisville, Kentucky, to brief them on the development of the SEIS. FHWA, KYTC, and INDOT updated the data on which the Purpose and Need Statement for the project was based, and reviewed the alternatives screening process that would be used to determine whether the decisions documented in the 2003 FEIS for the project remained valid, and whether additional alternatives should be considered as a result of the proposed project modifications, including the potential use of tolling. The environmental analysis methodology detailed the process to be followed to evaluate impacts associated with changes in the project area. Drafts of the Coordination Plan and of the Environmental Analysis Methodology were distributed for review and comment. Attendance at the Agency Coordination Meeting included representatives from the KSNPC, the USACE, the Indiana SHPO, and the Louisville Waterfront Development Corporation. A summary of the meeting and agency comments correspondence are included in appendices C.5 and C.6 of this SFEIS.
On December 14, 2011, a second Resource Agency Coordination Meeting was held at the Crowne Plaza Hotel in Louisville. FHWA, KYTC, and INDOT presented a project update including a review of the SDEIS, which had been provided to each agency prior to the meeting. Detailed presentations were made on each chapter or section of the SDEIS. The agencies were then provided the opportunity to ask questions and provide comments about the presentations and the document. A summary of the meeting is in Appendix C.9 and a matrix of agencies’ comments is included in Appendix C.10.

7.2.1 Notice of Intent (NOI)

As noted previously, FHWA issued a Notice of Intent on February 15, 2011, advising the public that an SEIS was to be prepared for the Louisville–Southern Indiana Ohio River Bridges Project. The notice was given based on a proposal by INDOT and KYTC to modify the Selected Alternative identified in the 2003 FEIS of April 8, 2003, and the ROD issued on September 6, 2003. The proposed modifications include revising several design elements and using innovative financing sources, including collecting tolls. A copy of the NOI is included as Appendix C.1.

7.2.2 Federal Stakeholders Executive Briefing

The Federal Stakeholders Executive Briefing took place in October 1998 at the beginning of the 2003 FEIS process. Another briefing was not necessary for the SEIS because the Federal agencies were already familiar with the LSIORB Project.

7.2.3 Early Coordination

Resource agencies were contacted on April 28, 2011, to determine their willingness to continue involvement on the project. Agencies were invited to join the consultation process for the project as either a cooperating or a participating agency pursuant to Section 6002 of SAFETEA-LU. A draft of the Coordination Plan (Appendix C.2) was sent to the agencies for review and comment. Thirteen agencies accepted the invitation to continue involvement on the project. Two agencies declined.

Invitation letters were mailed on May 3, 2011, for the Resource Agency Coordination Meeting scheduled for May 26, 2011, in Louisville. The FHWA, KYTC, and INDOT updated the data on which the Purpose and Need Statement for the project was based, and reviewed the previous alternatives screening process to determine whether (1) the decisions documented in the 2003 FEIS remained valid, and (2) whether additional alternatives should be considered as a result of the proposed project modifications, including the potential use of tolling. The Environmental Analysis Methodology (Appendix A.4) detailed the process to be followed to evaluate impacts associated with changes in the project area since the 2003 FEIS. Drafts of the Coordination Plan and of the Environmental Analysis Methodology were distributed for review and comment.

While the primary concern of resource agencies at the meeting pertained to the SEIS schedule, several agencies submitted comments, including the following Federal agencies: USEPA submitted an email dated June 8, 2011, noting receipt of the Purpose and Need White Paper, and asking whether all wetland/404 impacts were in Indiana. The U.S. Coast Guard also followed up,
by email dated June 9, 2011, asking how the project crossed Harrods Creek, and providing a comment about the Migratory Bird Treaty Act of 1918. FHWA replied to both on June 10, 2011. On June 21, 2011, the U.S. Army Corps of Engineers (USACE) submitted a comment on the Environmental Analysis Methodology, providing a minor correction to the text.

A list of all resource agencies (including lead agencies, cooperating agencies, and participating agencies) identified as having an interest in the project area is provided in Appendix C.3. The agencies’ letters accepting/declining the invitation to the coordination meeting are available in Appendix C.4, and all follow-up comments by agencies are provided in Appendix C.6.

7.2.4 INDOT–State Agency Coordination Meeting

The INDOT–State Agency Coordination Meeting occurred during the development of the 2003 FEIS to acquaint Indiana resource agencies with information about the project history, schedule, and impact issues and to further define the collaborative, interagency coordination process. This meeting was not necessary to the SEIS process because the Indiana resource agencies had become familiar with the LSIORB Project during the 2003 FEIS process. As noted in discussions in Section 7.2, Resource Agency Coordination, and throughout this SFEIS, coordination with resource agencies has been on-going since the May 2011 Resource Agency Coordination Meeting.

7.2.5 KYTC–State Agency Coordination Meeting

This coordination meeting was not necessary in the SEIS process because the Kentucky resource agencies had become familiar with the LSIORB Project during the 2003 FEIS process, and coordination has been on-going since the initiation of the SEIS process.

7.2.6 Agency Scoping Meeting

An Agency Scoping Meeting occurred during the 2003 FEIS process to provide preliminary information about the project, identify issues of potential concern, and review the Draft Purpose and Need Statement, among other tasks. As noted above, Federal and state agencies had become familiar with the LSIORB Project during the 2003 FEIS process. In addition, the Resource Agency Coordination Meetings (see Section 7.2.3) presented agencies with the opportunity to discuss and comment on the proposed methodology to be used during the environmental analysis associated with the current project, and agencies’ review and comment on the project purpose and need, alternatives development, Section 106 process, and other tasks are on-going.

7.2.7 Purpose and Need White Paper and Draft Range of Alternatives Document

Purpose and Need White Paper—Resource Agency Comments

This SFEIS has been prepared as a result of proposed design changes to the Selected Two Bridges/Highway Alternative (FEIS Selected Alternative) since the 2003 FEIS/ROD. As part of the SDEIS process, and due to the passage of time since the 2003 FEIS/ROD were completed,
the original purpose and need of the project were reevaluated and the supporting data updated to confirm whether or not they remain applicable.

The Draft Purpose and Need White Paper concluded the original purpose and need for the project was still valid. A copy was provided to the cooperating and participating agencies on June 3, 2011, with a 30-day comment period.

Five agencies responded to the request for comment on the document, summarized as follows:

- **United States Coast Guard**: Proposed no changes.
- **Indiana Department of Natural Resources (Indiana SHPO)**: Had no questions or recommended changes, but did comment on the traffic projections on the Sherman Minton Bridge and the Clark Memorial Bridge with respect to proposed tolling.
- **Kentuckiana Planning and Development Agency (KIPDA)**: Offered suggestions and clarifications to references to KIPDA in the document; but had no recommended changes to the five purpose and need factors.
- **Transit Authority of River City (TARC)**: Stated they had no objections.
- **U.S. Environmental Protection Agency (USEPA, Regions 4 and 5)**: In an email dated June 8, 2011, the agency noted both regions’ June 7 receipt of the White Paper. In a June 30, 2011, follow-up letter the agency noted that the DSEIS should evaluate how the proposed reconstruction of the Kennedy interchange in-place would meet the project’s purpose and need.

The agency comments on the purpose and need are provided in Appendix C.7.

The draft document was made available to the public on June 27 and June 28, 2011, as part of the public meetings for the project and was also made available on the project website.

As reported in Section 7.1.1, above, three letters and one comment form regarding the Draft Purpose and Need White Paper were received from the public during the public comment period following the public meetings. An additional 14 comments were received during the Draft Range of Alternatives Document comment period. A summary of those comments can be found in 7.1.1.

The agency and public comments were reviewed and considered in preparation of the SDEIS, and in finalizing the Purpose and Need White Paper. There was no information provided that changed the five factors of the project’s purpose and need. See Appendix A.1 for a copy of the Purpose and Need White Paper and Chapter 2 of this SFEIS for details related to the purpose and need for the project.

**Draft Range of Alternatives Document—Resource Agency Comments**

The Draft Range of Alternatives Document was mailed for review and comment to cooperating and participating agencies on August 10, 2011, with a 30-day comment period. The document was also mailed to the Section 106 consulting parties and the Regional Advisory Committee members on August 10, 2011, with a 15-day comment period.
A total of 115 comments were received. A total of 14 comments were detailed responses specific to the Range of Alternatives development process, of which two were from resource agencies (USEPA and U.S. Coast Guard), nine from Section 106 consulting parties or RAC members, and three were from members of the public who are not part of the member groups. A summary of comments are provided in the Alternatives Evaluation Document Public Comments Report, October 2011, in Appendix F.7. Specific comments can be found in Appendix C.8 for resource agencies and Appendix F.6 for others. Following the review of comments, the Draft Range of Alternatives Document was revised and finalized as the Alternatives Evaluation Document, available for review in Appendix A.3.

7.2.8 Agency Coordination Meeting on Indirect and Cumulative Effects Analysis

Agency coordination on indirect and cumulative effects occurred during the development of the 2003 FEIS, the results of which are still applicable to this SEIS process. In addition, the potential indirect impacts associated with the Modified Selected Alternative are being discussed in the Section 106 process, including consultation with the Kentucky and Indiana State Historic Preservation Officers (SHPOs). (See SFEIS sections 4.3. and 5.3 for a discussion of the indirect effects to historic resources.)

7.2.9 U.S. Fish and Wildlife Service Coordination for Threatened and Endangered Species

Coordination with the U.S. Fish and Wildlife Service (USFWS) occurred following the 2003 FEIS, per Section 7 of the Endangered Species Act (ESA) regarding the preparation of the Biological Assessment (BA) (see SFEIS Section 5.7.3, Federal Threatened and Endangered Species). Amendments were proposed and a revision was being reviewed at the time of the publication of the NOI to prepare a SEIS. In March 2011, USFWS advised in a letter that the effects of the project modifications to federally protected species should be considered in the amended BA. Thus, a revised amended BA was prepared and submitted to USFWS on February 2, 2012. An Indiana Bat Conservation Memorandum of Agreement was also submitted to provide for incidental takes. USFWS concurred with the determinations in the amended BA in a letter dated February 17, 2012. USFWS and KYTC signed the Indiana Bat Conservation MOA on February 17, and 18, 2012, respectively, thereby concluding the Section 7 consultation. Both documents and related correspondence are located in SFEIS Appendix B.3.

After the publication of the SDEIS, it was learned that a nesting pair of bald eagles was located near the project’s East End Corridor. Although bald eagles are no longer on the USFWS list of federally endangered species, they are protected under both the Migratory Bird Treaty Act of 1918 and the Bald and Golden Eagle Protection Act. On March 8, 2012, following field investigations that located the nest and verified the presence of the eagles, USFWS was contacted, a meeting was held on March 29, 2012 (see Appendix B.3.4) and coordination with the agency is ongoing. SFEIS Section 5.7.3.2 provides detailed information about the requirements of the Acts and the status of coordination with USFWS.
U.S. Army Corps of Engineers Wetland Coordination

USACE was a cooperating agency through the 2003 FEIS and ROD. On April 6, 2011, USACE was asked to continue to be a cooperating agency providing decisions that guide the project in development of the SEIS. In letter dated May 11, 2011, the agency agreed to continue to serve in that role, and then attended the May 26, 2011 and the December 14, 2011, Resource Agency Coordination Meetings.

The agency provided a response to the request for comments on the *Environmental Analysis Methodology* on June 29, 2011, requesting the *Eastern Mountains and Piedmont Region (Kentucky) Regional Supplement* for the performance of jurisdictional wetland delineations in Kentucky be added to the *Environmental Analysis Methodology*. The supplement was incorporated and used in development of the SDEIS. The *Draft Range of Alternatives Document* was submitted to USACE for review on August 10, 2011. The agency did not provide a comment, nor did the agency submit comments on the SDEIS.

FHWA, INDOT, KYTC, and project managers met with USACE on April 26, 2011, regarding coordination of the permit approval process. In consideration of the accelerated schedule, USACE agreed to review a draft permit application in advance of the publication of the SFEIS. The submittal of Section 404 permit applications to USACE for advance review has been initiated and permits will be obtained prior to construction.

### 7.2.10 Coordination with Waterfront Development Corporation

Extensive coordination with the Louisville Waterfront Development Corporation (WDC) occurred following the 2003 ROD and through the design of the FEIS Selected Alternative. After the publication of the NOI, the Waterfront Development Corporation was invited to become a participating agency; they replied with acceptance on April 22, 2011. Representatives of the Waterfront Development Corporation attended the June 20, 2011, Section 1 AAT meeting (see Section 7.1.3).

On July 12, 2011, the president of the Waterfront Development Corporation attended a presentation made to the Main Street Association at which time the need for the SEIS was explained and a detailed description of the three alternatives associated with the project was provided. The Waterfront Development Corporation was mailed a copy of the *Draft Purpose and Need White Paper* on June 3, 2011. They had no comments.

The Waterfront Development Corporation provided comments on the SDEIS. A copy of the comments letter, dated December 9, 2011, is included in SFEIS Appendix C.11. A summary of their comments and corresponding responses is included in Section 7.3, which also provides an index identifying the commenters. Coordination with the Waterfront Development Corporation will continue through the construction phase.
7.2.12 Consulting Party Coordination under Section 106

Early in the SDEIS process, the original (2003 FEIS) Section 106 consulting parties, including the State Historic Preservation Officers in Indiana and Kentucky, were contacted to determine their interest and willingness to continue to participate as a consulting party in the renewed Section 106 process. Letters were mailed on April 18, 2011, and a follow up letter sent on June 13, 2011, to those who did not respond. For a list of consulting parties, see Appendix D.1.

The initial meeting for the Section 106 consulting parties for this SEIS process was held on June 1, 2011, at the McCauley Nicolas Building in Jeffersonville, Indiana. Seven consulting party representatives attended along with 25 representatives from KYTC, INDOT, FHWA, the Bridges Authority, and project design consultants. Three individuals from the public attended, including a reporter for The Courier-Journal. This meeting initiated the Section 106 process by introducing the consulting parties to information about the development of the SDEIS, changes to the project, and the steps to be taken to address issues related to historic and archaeological resources. See Appendix D.3 for the meeting summary.

Three additional meetings with consulting parties have been held to address issues associated with the Section 106 process. Appendix D, Section 106 Process and Historic Property Documents, contains the documents referenced below and additional information about the consulting parties’ consultation conducted for the LSIORB Project. SFEIS sections 4.3 and 5.3 discuss in detail the Section 106 process conducted for this project and the consultation with consulting parties.

- The Section 106 Identification of Historic Properties meeting was held on September 29, 2011. On September 14, 2011, the draft workbook identifying historic resources (the Identification Workbook for the LSIORB Section 106 Process and the Area of Potential Effect/Preliminary Eligibility Determinations Report) were made available to the consulting parties and the public via the mail and the project website, respectively. The workbook was reviewed at the meeting, and discussions identified those historic properties in the Original APE and in the Extensions to the Original APE. The consulting parties suggested additional areas to be included in the Extensions to the Original APE and additional properties to be assessed for NRHP eligibility.

- The Section 106 Effects Finding meeting was held on November 18, 2011. On November 3, 2011, in preparation for the meeting, the Section 106 Identification Findings Report, the Effects Recommendations Document, and the Approach to Addressing Consulting Party Comments on the Area of Potential Effect/Preliminary Eligibility Determinations Report were provided to the consulting parties and posted on the website (www.kyinbridges.com/public-involvement/group-sec106.aspx). At the meeting, the identified resources were reviewed and additions of possible resources were suggested by the consulting parties.

- The Section 106 Mitigation of Adverse Project Effects meeting was held on January 27, 2012. In preparation for this meeting, on January 13, 2012, the draft First Amended MOA and the 800.11(e) Report (dated January 12, 2012, which included the Identification
Findings Report and the Effects Finding Report as appendices B and C) were distributed to the consulting parties. The draft First Amended MOA was reviewed in detail at the meeting and comments offered for revision of specific stipulations.

- The First Amended MOA (see SFEIS Appendix D.9) was signed in March and April 2012, as follows: FHWA on March 29, 2012; ACHP on April 4, 2012; the Indiana SHPO on March 28, 2012; the Kentucky SHPO on March 27, 2012; KYTC on March 27, 2012; and INDOT on March 28, 2012. The consulting parties have been given an opportunity to be concurring parties to the MOA, and their responses will be included in the ROD.

The Section 106 process, including consulting party consultation, is discussed in greater detail in sections 4.3 and 5.3 of this SFEIS.

7.3 Listing of Comments and Responses

Substantive comments received on the SDEIS during the 45-day period of public comment on the document, including those received during or following the Public Hearings, have become part of the project’s Administrative Record and are incorporated into this SFEIS, along with FHWA/KYTC/INDOT responses to the comments. (See Section 7.1.11, above, for details regarding the Public Hearings and comment period.) The “Summary of Comment and Responses,” below, provides a summary of the substantive comments on the SDEIS and responses to those comments. Comments received from resource agencies are provided in full in Appendix C.11.

The Summary includes Identification (ID) Codes (e.g., A.1) and, in brackets, the number of comments received on the same topic. Following the Summary is the “SFEIS Commenters & Comment Type Codes,” which lists the names/organizations that submitted comments and the ID Codes that identify the locations of their comments in the Summary.
### SUMMARY OF COMMENTS AND RESPONSES

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Carefully evaluate the feasibility for funding the “Modified Preferred² Alternative” to avoid future delays as the project progresses. The SFEIS should update the project schedule and include current information regarding the progress and status of the Updated Financial Plan. To clarify the priority for constructing each segment of the project, it is understood there are demonstrated safety and traffic issues with the existing downtown bridge and Kennedy Interchange, which serve the majority of the existing and projected vehicle traffic. The SFEIS should provide a construction sequence outline and rationale based on actual available funding in the Bridges Authority’s future recommended financial plan.

**Response**

The Financial Demonstration document in Appendix G.2, the 2010 Updated Financial Plan in Appendix G.3, the Revenue Estimates and Indicative Financial Capacity Memo in Appendix G.5, and KRS 175B Financial Plan in Appendix G.7 demonstrate how the project is reasonably expected to be financially feasible.

The schedule is subject to change based on the procurement process, which has not been completed. This schedule is consistent with the air quality conformity analysis for the Horizon 2030 Metropolitan Transportation Plan, which assumes that all new capacity will be in place by December 31, 2020, and that the entire project will be complete by 2022 (the plans in the KRS 175B Financial Plan call for the project to be open to traffic by 2018).

On December 29, 2011, the Governors of Kentucky and Indiana announced that Kentucky and Indiana had reached consensus on a basic plan to finance and build the LSIORB Project. The following agreement was reached, in principle, by Kentucky Governor Steve Beshear, Indiana Governor Mitch Daniels, and the Bridges Authority.

The following is from press release posted on the Bridges Authority website:

Kentucky would be responsible for financing and constructing the downtown portion of the project—a new I-65 Bridge, a re-decked Kennedy Bridge, modernization of the Kennedy Interchange, and expansion of the I-65 approach in Indiana.

Indiana would be responsible for financing and constructing the east end portion of the project—a new bridge near Utica, Indiana, and Prospect, Kentucky; a new highway linking the Lee Hamilton Expressway and Gene Snyder Freeway; and a tunnel in eastern Jefferson County.

On March 5, 2012, the Governors of Kentucky and Indiana signed a Memorandum of Understanding Between the Commonwealth of Kentucky and the State of Indiana, which defines “the roles and responsibilities for procurement, revenue sharing, financing, construction, tolling, operation and maintenance of the Louisville –

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² In several locations USEPA’s January 9, 2012, letter of comment on the SDEIS references a “Modified Preferred Alternative.” Two build alternatives were studied in the SDEIS, the Modified Selected Alternative and the FEIS Selected Alternative. Based on the context of the comments, it is assumed herein that USEPA intended to reference the “Modified Selected Alternative.”
Southern Indiana Ohio River Bridges Project...under a single comprehensive development plan.” As agreed to in December 2011, Kentucky will oversee the downtown portion of the project, and Indiana will oversee the east end portion. The MOU is provided in SFEIS Appendix G.6.

Kentucky and Indiana both plan to commence construction of their respective phases of the project by late 2012 or early 2013. Both states also anticipate that sufficient funding will be available to each state to pursue the immediate and contemporaneous construction of all elements of the project, including both new Ohio River bridges and the reconstruction of the Kennedy Interchange, and that all elements of the project will be completed within standard highway construction timeframes. The states have no current plans to phase or delay any of the major project elements.

Both states will pursue alternative delivery models to accelerate the completion dates of their respective phases of the project. As details are worked through, a Major Projects Financial Plan will be prepared prior to approval of a project agreement for any construction phase between the State Transportation Department(s) and FHWA. This plan will include all funding sources and project schedule and will be updated annually thereafter until construction has been completed for the entire project. Changes to open-to-traffic dates, costs, and funding sources will be updated as appropriate in the MPO’s Metropolitan Transportation Plan and Transportation Improvement Plan throughout the life of the project.

A.2
Disagree with the financial plans for the project and the contention that there is a reliable source of funding for the project. Amend the Revenue Estimates and Indicative Financial Capacity Memo for the Modified Selected Alternative in Appendix G.5 to include a more conservative scenario.

Response Please see Response to Comment A.1.

A.3
In Appendix G.5, Draft Revenue Estimates and Indicative Financial Capacity, can you provide the detail calculations behind each of the figures (Gross Revenue, Tolling & Roadway O&M and Net Revenue) for each year?

Response The gross revenue is the number of transactions per class of vehicle times the toll rate for that class for an entire year. The number of transactions per year is based on the amount of daily traffic times the number of days in a year. Since the time of day model for the project reflects 2030 volumes, it would be the only connection between the traffic report and the revenue analysis. Since revenue per year is needed in the financial capacity analysis, additional analysis was undertaken to determine the opening year for tolling and the years between and beyond 2030.

A.4
Regarding Open Road Tolling Construction Costs:

- What is the estimated total dollar amount of ORT System Capital Costs and civil related costs?
- Is there a document on your (or the Bridges Authority website) that provides the supporting detail for these costs? If not, where can such a document be reviewed?

Response No decision has been reached regarding the design of the tolling facilities; therefore, the capital costs have not been determined. Based on other applications, a cost of approximately $5 million per bridge might be expected, and design costs are
generally between 5% and 10% of construction costs. Although there are not, as yet, any documents that provide project-specific information about toll facilities, the Bridges Authority website (www.bridgesauthority.com) and LSIORB Project website (www.kyinbridges.com) are recommended as the sources of such information once it becomes available.

B. Purpose and Need

B.1 The LSIORB Project as currently proposed in the SDEIS has extensive support, and there is great interest in constructing the project as quickly as possible. There is also specific support for, and agreement with the purpose and need for the project as stated in the SDEIS. Needs related to safety, improved cross-river mobility, congestion and delay reduction, etc. would be met by constructing the project, and the region would benefit from new economic development opportunities. The closure of the Sherman Minton Bridge has highlighted the recognition of the need for enhanced cross-river mobility. It is urged that the LSIORB Project be constructed without further delay.

Response Comment noted.

B.2 The purpose and need for the two-bridge project as stated in the SDEIS does not take into account the significant social, economic and resource changes that have occurred since the ROD was signed. The focus of the purpose and need is, and has been even during the original EIS, too narrowly defined and oriented toward accommodating existing drivers, trucking interests and land developers. The criteria for evaluating the need of “…improving efficient Mobility” does not take the non-driving public into account. Whereas annual automobile VMT has declined locally and nationally, transit ridership has grown significantly. Although the purpose and need seems to address expected growth in suburban areas, such growth is now discouraged. Need should support energy efficiency and mobility for all citizens. The purpose and need should be changed to address the growing mobility needs of the non-driving public and the changing social, economic, environmental and energy realities that have occurred since the signing of the ROD.

Public discussion about the purpose and need was stifled. There are comment letters about the purpose and need that are not appended to the SDEIS.

Response The purpose and need for the project was re-evaluated based on current data, coordinated with resource agencies and the public, and found to remain valid. The Purpose and Need White Paper is included as Appendix A.1. The project team considered the changes in traffic volumes over the last few years as one of the major reasons to develop new traffic forecasts based on the latest available data including new traffic counts collected in 2010. To account for the changes in traffic volumes, including the noted decline in recent years, a new (2011) LSIORB time-of-day (TOD) model was developed. The TOD model takes into account the socioeconomic and resource changes that have occurred since the 2003 ROD by incorporating new traffic data, a new socioeconomic forecast and a new mode choice model that includes non-driving public options such as ridesharing, transit, etc. (see SDEIS Appendix H.3, Louisville Southern Indiana Ohio River Bridges Time-of-Day Travel Demand Model Phase 2, February 22, 2012). As a result, existing and projected mass transit conditions within the LMPA were included in the analysis of the project’s purpose and need. The existing conditions show that less than 2% of regional trips
are on transit. The TOD Model indicates that the level of transit trip making continues to be less than 2% of the regional trips for the future No-Action Alternative and each of the build alternatives. The socioeconomic data used in the LSIORB TOD model for the No-Action Alternative were developed for this project specifically and are discussed in SFEIS Appendix B.8.5, Socio-Economic Data Adjustment Steps to Reflect 2030 No-Action Development Patterns. The socioeconomic forecast for the build alternatives was prepared by the Louisville Metropolitan Planning Organization (MPO) and is the basis for its Horizon 2030 Transportation Plan. Both socioeconomic forecasts consider the recent economic downturn. The methodology and data used in the development of the LSIORB TOD model were reviewed by FHWA’s traffic modeling experts and represent standard, acceptable, and state-of-the practice methods for transportation planning.

Regarding the omission of the letters, there were over 1,200 submittals of comments resulting from the public meetings and request for comments on the Purpose and Need White Paper. All of the submittals were tallied, their comments categorized, and included in the statistical evaluation that appears in the Public Comments Report in SFEIS Appendix F.1. All submittals will be included in the Administrative Record.

B.3

There is no proven need for the East End Bridge, and the growth projected for population, employment and land use do not support the need for such bridge. Although the purpose and need states that it focuses on regional cross-river mobility needs, the project is actually about two separate projects: a downtown project and an east end project. The call for two new bridges in a local transportation plan does not necessitate joining those two bridges into one project.

There is no factual support that the east end project will achieve economic development objectives for the region has been presented. Two of the “need factors” against which general need for cross-river mobility is measured (i.e., accommodating growth and realizing land use plans related to completion of the interstate loop) are not related to traffic problems and cannot be objectively evaluated using quantifiable data. Attempts to justify the East End Bridge on grounds that it will help solve the current downtown traffic problems and accommodate planned growth and improve accessibility are without merit.

KIPDA’s traffic projections do not justify the extraordinarily high financial cost for the East End Bridge. The East End Bridge accounts for nearly half of the total project cost. Eliminating that bridge would allow for greater investment in making the Downtown Bridge a truly multi-modal facility that serves all types of cross-river traffic.

There is no explanation why the inefficient mobility of the downtown area is related to eastern Jefferson and southeastern Clark counties, and no justification why “freeway rerouting opportunities in the eastern portion of the Louisville Metropolitan Area” must be considered concurrently with the downtown project.

Response

Chapter 2, Purpose and Need, and Appendix A.3, Alternatives Evaluation Document, identify several needs related to improvement of cross-river mobility between Jefferson County, Kentucky, and Clark County, Indiana. Some of those needs relate to the downtown area, while others suggested a potential solution through construction of an eastern bridge. For example, the lack of any river crossing upstream of the downtown Kennedy Bridge forces all cross-river traffic with an eastern orientation
onto the downtown crossings, contributing to downtown congestion, network inefficiency, and increasing travel distances and times. In addition, the lack of cross-river freeway rerouting opportunities can impede mobility for travelers to and from the eastern portions of the area if incidents or construction adversely affect the Kennedy Bridge. At the same time, the eastern areas are showing significant population and employment growth. Promoting economic development is not one of the needs identified in the Purpose and Need Statement (Chapter 2). Accommodating cross-river travel demand associated with current and future population and employment growth in the LMPA, including significant growth in the eastern portion of the LMPA, is part of the project’s purpose and need.

Consideration of potential solutions to all of the cross-river mobility needs in one EIS is consistent with the requirements of NEPA. Potential solutions to a portion of those needs may affect solutions to other, related needs. In addition, the potential solutions may have similar or cumulative environmental effects that should be analyzed together in one EIS to allow an informed decision on any ultimate solution(s). Because these needs are interrelated, and have arisen at the same time and in the same geographic area, evaluation of the full range of potential solutions, or combinations of solutions, in one EIS achieves the intent of NEPA. That evaluation properly included various one- and two-bridge combinations, as well as the no action alternative.

As part of the re-assessment of both the Downtown Bridge Only Alternative and the East End Bridge Only Alternative, it was determined that neither of these alternatives alone would meet the project’s purpose and need (see SFEIS Section 3.1.1.1 and Appendix A.5, One Bridge Alternatives Technical Memo). As a result, both bridges along with the reconstruction of the Kennedy Interchange are needed to meet the project’s purpose and need.

B.4 [5]

Traffic projections, including future growth in bridge crossings for the No-Action Alternative, appear to be overestimated for a variety of reasons, including the fact that actual traffic volumes over the last decade have been down on all three existing bridges, among others. The overestimated traffic forecasts are based on faulty assumptions in socioeconomic forecasts and a simplistic travel demand model. One result of the flawed forecasts is that they cannot be used to support the need for an East End Bridge.

Response

Traffic projections for the SEIS are founded on sound traffic forecasting principles. FHWA and the State Sponsors (KYTC and INDOT) considered the changes in traffic volumes over the last few years to be one of the major reasons to develop new traffic forecasts based on the latest available data including new traffic counts collected in 2010. These new forecasts project that average annual traffic growth rates will be lower than historic growth rates and lower than those predicted in the original EIS (see SFEIS, Appendix H.1, Traffic Forecast, Table 6-3). Historic growth from 1972 to 2010 was 2.51% per year whereas the No-Action Alternative has a 1.44% average annual traffic growth rate and the Modified Selected Alternative has a 1.9% average annual traffic growth rate. Even with these lower growth rates, the revised traffic forecasts indicate the project is still warranted.

Regarding the socioeconomic forecasting methodology, please see Response to Comment B.2. The development of the traffic forecasts, as described in Response to
Comment B.2, was based on information from the 2011 LSIORB Time-of-Day (TOD) Travel Demand Model. This model has been reviewed by FHWA’s traffic modeling experts. The TOD model includes updated socioeconomic forecasts and an updated highway network to match the Horizon 2030 transportation plan. Appendix B.8.5, Socio-Economic Data Adjustment Steps to Reflect 2030 No-Action Development Patterns, has been created and is included in this SFEIS. The model was revised for this SFEIS by including the following tasks:

- **Traffic Counts**—The 2003 FEIS traffic model was based on 200+ counts. For the new (2011) LSIORB TOD Model, traffic counts were collected from existing sources to include nearly 1,400 count locations including truck counts and 24 hour counts. For the project specific roadway links, a total of 56, 24-hour vehicle classification counts and 57 intersection turning movement counts were collected.

- **Regional Origin and Destination Data Collection**—At the model external interstate nodes (five locations where interstates cross the regional boundary of the model), optical license plate readings were collected and compared across nodes to determine regional through traffic (external to external) and traffic originating or terminating within the region (external to internal). At each location 24-hour classification counts were also conducted.

- **Traffic Signals Data Collection**—Traffic signal information was collected at over 1,100 locations and incorporated into the model.

- **Transit Data Collection**—Ridership information was collected from existing sources for 48 routes and over 1,300 stops.

For an additional discussion of the rationale for recommending the two-bridges alternative, please see Response to Comment B.3.

**B.5**

The 2003 FEIS's analysis of future need for an East End Bridge was based solely on a faulty socioeconomic premise, i.e., the East End Bridge was needed to “accommodate” traffic associated with projected growth in eastern Clark and Jefferson counties. Flaws in and problems with this premise include:

- The premise is inconsistent with the study consultant’s observations that the East End Bridge and interstate highway are needed to develop eastern Clark County, not to accommodate inevitable future growth.

- Projected growth is predicated on socioeconomic forecasts that were aggressively inflated in expectation that the East End Bridge would 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.

**Response**

The comment does not accurately describe the statement of purpose and need, which was identified in the 2003 FEIS, and re-evaluated for the SEIS and found to remain valid. (See Appendix A.1, Purpose and Need White Paper, and Chapter 2 of this SFEIS.) Nowhere in the purpose and need is it stated or implied that the “East End Bridge was needed solely to ‘accommodate’ traffic associated with projected growth in eastern Clark and Jefferson counties.” However, it is accurate to state that, as shown in the traffic analysis conducted for this SEIS, the East End Bridge is needed to
serve traffic that is being generated by growth that will continue to occur whether or not the project is constructed (see Appendix H.1, Traffic Forecast). SFEIS Table 3.3-6 shows that vehicle trips between eastern Clark County and eastern Jefferson County are projected to increase 24% from 2007 (34,000 trips) to 2030 (41,000 trips) for the No-Action Alternative. For the Modified Selected Alternative, traffic with an east-east orientation, as shown in Table 3.3-2b, increases by 19,000 from 41,000 to 60,000 between 2007 and 2030.

Regarding the socioeconomic forecast for this project, the forecast was prepared in conjunction with the Louisville Metropolitan Planning Organization (MPO) and its agency coordination and public participation process related to transportation planning in the region. This forecasting occurred within the framework of the MPO’s Horizon 2030 Plan, which is the long-range transportation plan for the LMPA. The MPO’s forecast takes into account the economic conditions over the last several years as well projections for future economic conditions in the LMPA. The Horizon 2030 forecast does assume the construction of the proposed Modified Selected Alternative (including a new Downtown Bridge and East End Bridge) as part of the region’s long-range transportation plan; thus, its population and employment distributions reflect the effects of the construction of new bridges across the Ohio River. However, the socioeconomic forecast for the 2030 No-Action Alternative, which serves as the basis for the purpose and need statement in Chapter 2, was developed separately to reflect a scenario in which the proposed project would not be constructed. As part of this development, the population and employment forecasts were redistributed to reflect expected socioeconomic conditions in the absence of construction of new bridges. Thus, the population and employment distributions for the No-Action Alternative are different than those for the build alternatives. The development of this No-Action forecast was performed specifically for use in this project. The methods and results of this work are contained in Appendix B.8.5.

There is no re-evaluation of the changes in land use since the years when the 2001 DEIS and 2003 FEIS were first completed. Invalid and biased land use assumptions were used in the SDEIS:

- In the SDEIS, the “No Action” forecast assumes that especially high rates of development would occur on both sides of the river in the proximity of the proposed east end bridge even if the east end bridge were not constructed.
- No methodology is given in the main body of the SDEIS as to how these forecasts were developed.
- KIPDA’s forecasting methodology is described in Chapter 3 of Horizon 2030 (adopted in October 2010). The process is described as one strongly influenced by the aspirations of economic development officials.
- Too much employment growth was assumed in the SDEIS; therefore too much traffic growth was forecast.

**Response** Land use changes are reflected in the regional population and employment data, which were obtained directly from the Louisville MPO 10planA socioeconomic data set. The Louisville MPO prepared long-range land use and socioeconomic plans as part of the Horizon 2030 Metropolitan Transportation Plan. Land use planning for Horizon 2030 included reviewing current conditions. The year 2030 land use scenario
was reviewed and updated for the Louisville MPO.

- Forecasted growth in population for 2030 for the No-Action Alternative is shown in Figure 2.2-2. This projected growth in population is consistent with the population growth trends seen between 2000 and 2010, based on Census data, as shown in Figure 2.2-4. The forecasted employment growth shown in Figure 2.2-3 generally reflects planned community development, as documented in Horizon 2030.

- The build alternative socioeconomic forecasts were provided by the Louisville MPO as a component of its regional travel demand model with the most recent version being 10planA. The methodology used by the Louisville MPO in developing its socioeconomic forecasts is documented in Horizon 2030. SFEIS Appendix B.8.5, Socio-Economic Data Adjustment Steps to Reflect 2030 No-Action Development Patterns, describes the methodology used to prepare the No-Action socioeconomic forecasts.

- As stated in the Horizon 2030, the Louisville MPO takes into consideration numerous regional stakeholders. “The purpose of comprehensive land use planning is to develop a community-wide strategy for the future. These land use plans inventory current community conditions and develop strategies for what is needed and wanted in the years to come. Growth, development, protection of resources, infrastructure allocation, affordable housing, industry, etc., are all considered in the long-range land use planning process.”

- Employment forecasts are not used to predict traffic growth. It is the population forecasts that determine the total number of person trips modeled within the study area. The employment forecasts are used to project where the trips are expected to go. For this project the employment forecast was obtained from the Louisville MPO 10planA socioeconomic data set, which was developed through a publicly vetted planning process.

B.7

The only current traffic safety-related need demonstrated in the data supporting the SEIS is related to rebuilding the Kennedy Interchange. The computer freeway operations simulation model (CORSIM) confirmed conclusions that substandard design geometries (merges and weaves) result in both peak period congestion and safety problems within the interchange. Consideration of traffic safety is only applicable to the downtown Kennedy Bridge / Kennedy Interchange area, while the East End Bridge should be evaluated for different factors. A project designed solely for economic development purposes, such as the East End Bridge, should not be characterized as a safety project.

Response

All of the alternatives were developed and evaluated based on their ability to meet all four of the project need factors presented in Chapter 2, including traffic safety within the Kennedy Interchange and on the Kennedy Bridge and its approach roadways. As a result, none of the alternatives were developed and evaluated solely for economic development purposes or solely for safety purposes. The East End Bridge was evaluated based on improving cross-river mobility, including improving cross-river system linkage and freeway rerouting opportunities in the eastern portion of the LMPA. Single bridge alternatives were studied and eliminated as they did not meet all of the needs related to improving cross-river mobility (see Appendix A.3, Alternatives Evaluation Document). Safety was also an evaluation factor in that the new bridges
will provide a safer freeway type facility than local roads, and help relieve congestion, which can contribute to crashes.

B.8

Data presented in the 2003 FEIS refuted any real traffic-related need for the East End Bridge. Now the SDEIS states that there are currently 20,000 trips that take place between the two eastern counties of Clark and Jefferson. It can be assumed that this represents about 10,000 cross-river commuters. The cost effectiveness of the East End Bridge is, therefore, questioned given this number of current users.

Response

Page 3-30 of the SDEIS stated that: “...the number of trips with an east-east orientation is projected to increase approximately 20,000 trips per day, or a 49% increase over the No-Action levels.” The 20,000 is an increase in trips with an east-west orientation (see p.3-32). The future ADT for the East End Bridge is projected to be 52,000 by the year 2030 (see SFEIS Table 3.3-2b).

Please see the Response to Comment B.3 regarding the need for the East End Bridge. SFEIS Table 3.3-6 shows that vehicle trips between eastern Clark County and eastern Jefferson County are projected to increase 24% from 2007 (34,000 trips) to 2030 (41,000 trips) for the No-Action Alternative. For the Modified Selected Alternative, traffic with an east-east orientation, as shown in Table 3.3-2b, increases by 19,000 from 41,000 to 60,000 between 2007 and 2030. These numbers only represent the county to county movement. These numbers are substantially higher than the commenter has indicated.

B.9

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.

Response

Provision of a hazardous materials route is not specified as a project need or justification. However, because the transport of hazardous substances on major roadways is a safety concern, particularly in metropolitan areas, the following information regarding such routes has been added in SFEIS Section 5.12, Hazardous Substances: The state governments of Indiana and Kentucky generally do not designate hazardous materials routes; rather such designations are left to local officials. For example, Metropolitan transportation officials have designated portions of I-65 and I-465 around Indianapolis as a hazardous materials route. In addition, certain types of hazardous materials are prohibited from the Cumberland Gap Tunnel (a non-interstate route) in Kentucky. Any hazardous material route designation in the Louisville metropolitan area would be made in the future, based on input from local jurisdictions, and is not part of the preferred alternative.

B.10

There are very significant deficiencies in the traffic modeling for the Louisville-Southern Indiana Ohio River Bridges Project Supplemental Draft Environmental Impact Statement (SDEIS) including:
1. The SDEIS uses an incorrect definition of roadway capacity which causes volume-to-capacity problems for the 2030 No Action scenario to be overstated.

2. The so called “No Action” land use scenario was developed by economic development officials who certainly were assuming that the bridge would be constructed.

3. The SDEIS fails to adequately describe whether separate No-Action and Build land use scenarios were used in the traffic modeling (as should have been done), and if separate scenarios were used, the SDEIS fails to describe how the scenarios were developed. The information provided about the scenarios is inconsistent with economic and modeling theory.

4. The SDEIS assumes much more regional employment growth than is consistent with projected population growth.

5. There are at least ten factors that are limiting traffic growth that are not considered in the transportation modeling, and that cause future bridge crossings to be overestimated.

6. The model appears to be too insensitive to tolls.

7. Future toll revenue is overestimated.

8. Vehicle Hours of Delay (VHD) is a very poor performance indicator that has been abandoned by FHWA and that amplifies the errors in the modeling into much larger errors.

**Response**

**Regarding Item 1**: Freeway capacities between 2,200 and 2,400 passenger cars/hour/lane are maximum ideal capacities. When the principles of capacity analysis are applied, these numbers are factored down based on the actual roadway conditions. In this case the actual capacities for the No-Action scenario are less than ideal because they include:

- Reduced lane widths
- Limited or no shoulders
- Speeds limits less than 55 mph
- Ramps on both sides of the bridge
- A high percentage of trucks

These factors when considered together result in a decreased maximum capacity of the existing facilities. Similarly, in considering a new facility design the design year capacity reflects acceptable traffic operations generally considered to be Level of Service D and has a much lower capacity than the ideal maximum capacity.

**Regarding Item 2**: The work done for this project was done in conjunction with the Metropolitan Planning Agency (MPO) and its agency coordination and public participation process related to transportation planning in the region—specifically the completion of their Horizon 2030 Plan. The KIPDA forecast used for this project is their 10PlanA, which was used for both of the build alternatives. This forecast includes consideration of the economic conditions over the last several years and the construction of this and other committed projects. The 2030 No-Action Alternative assumes this project would not be constructed. Therefore population and employment forecasts were distributed differently for the No-Action Alternative than for the build alternatives. Since the MPO does not have a forecast for the No-Action condition, one
was created specifically for use in this project. The methods and results of this work are contained in Appendix B.8.5.

**Regarding Item #3:** Whether or not the forecast is inconsistent with economic and modeling theory is a subject that is addressed through the metropolitan planning process. As stated in the response above the population and employment forecasts were publically vetted through the MPO process. This environmental process needs to and should build upon the agreed upon future conditions for transportation planning in the region. Furthermore, as stated in Item 2, separate population and employment forecasts were developed for the No-Action Alternative and the build alternatives.

**Regarding Item #4:** Please see response to items 2 and 3.

**Regarding Item #5:** These ten factors can be grouped into two categories: socioeconomic assumptions (discussed in responses 2 and 3), and the level of sophistication of the travel demand model (page 10 of the comment: “The socioeconomic forecasts and the travel demand model do not account for any of the ten factors…”). Early in this process the states determined that, to better address the most recent trends and conditions, a new Travel Demand Model would be developed. This new Time of Day (TOD) model was developed using new traffic data and updated socioeconomic forecasts; and adding a mode choice model. This TDM is more detailed than any previous model developed in this area. The new model does take into account people changing their commuting patterns based on the amount of congestion that exists. This is shown by the following three growth trends developed during the SEIS process:

- **No-Action**—Not adding capacity results in more congestion and less traffic crossing the river as compared to the build alternatives.
- **FEIS Selected Alternative**—Adding capacity with no tolls results in the largest amount of traffic crossing the river as compared to the No-Action and the Modified Selected alternatives.
- **Modified Selected Alternative**—Adding tolls and capacity results in an increase in traffic crossing the river as compared to the No-Action Alternative, but at a lower volume than that of the FEIS Selected Alternative.

In addition, the growth rates in this SEIS are less than those presented in the 2003 FEIS (see Table 6-3 of the Traffic Forecast report, SFEIS Appendix H.1).

**Regarding Item #6:** The LSIORB Time-of-Day Travel Demand Model Phase 2 Report (see Appendix H.3) details the methodology used in applying tolls as part of the LSIORB TOD Model. The analysis was conducted for the current SEIS process. The methodology is based on standard accepted practice and reviewed by FHWA traffic modeling experts. Sensitivity to tolls is based on the travel time, travel distance, value of time and vehicle operating costs, which are included in the tolling algorithm.

**Regarding Item #7:** The following memos provide additional detail into how toll revenue was developed: Financial Feasibility Revenue Estimates for the FEIS Selected Alternative (SFEIS Appendix G.4), and Revenue Estimates and Indicative Financial Capacity—SEIS Modified Selected Alternative Tolled Scenario (SFEIS Appendix G.5). The purpose of these analyses was not to provide a detailed evaluation, but instead to provide a reasonable expectation of revenue, project feasibility, and potential financial options.
Because no tolling policy has been established for the project, the results are strictly based on the traffic forecast results converted to auto and truck transactions and multiplied by the baseline toll rates (see Toll Sensitive Test, Section 8 of SFEIS Appendix H.1; and Toll Sensitivity Testing Memorandum, Appendix H.4). As the project develops and a tolling policy is defined, more detailed analysis will be conducted to help establish tolling policies.

Regarding Item #8: Vehicle Hours of Delay (VHD) is a measure of congestion and is one of several performance measure use by traffic engineers to analyze the alternatives for this project. Other measures include LOS, daily demand/capacity, time period demand/capacity, Vehicle Hours of Travel (VHT) and Vehicle Miles of Travel (VMT). During the SEIS process FHWA traffic modeling experts conducted a detailed review of the traffic analyses, including the VHD analysis, which is discussed in SFEIS Section 2.3. Regarding the VHD's, FHWA traffic experts who reviewed the traffic model indicated that VHD is frequently used in the industry as a measure of congestion and did not express concern with its use as a congestion indicator for this project. The total number of modeled daily trips is preserved between the No-Action and Build alternatives. Therefore, the forecasted reductions in VHD relative to the No-Action Alternative are either directly or indirectly related to the increased capacities provided by the build alternatives.

B.11

The modified alternative assumes erroneously that adding additional bridge capacity with new ramps and merge areas will significantly address the frequency of daily incidents because it attributes them to roadway capacity limitations. The actual need is to stop one person from causing several thousand to be interrupted in their trip. Mass transportation addresses this root cause by reducing the number of cars.

Response

The current geometry of the Kennedy Interchange and substantially reduced shoulder widths on the Kennedy Bridge contribute to the current high crash rates, as documented in SFEIS Chapter 2, Section 2.2.4. Each of the build alternatives is anticipated to improve safety because each would rebuild the geometric deficiencies of the Kennedy Interchange to current roadway design standards, and include shoulders on the Kennedy Bridge. The safety benefit would be expected from the improved design, not the increase capacity alone. The benefits of enhanced bus service, which is part of any of the build alternatives, are mostly related to reduced congestion.

B.12

SDEIS Table 2.2-5 shows inconsistent results between the 2003 FEIS CORSIM output and the SEIS CORSIM output.

Response

Direct comparison between the 2003 FEIS and SFEIS CORSIM model results is difficult because, as part of the SEIS, the Kennedy Interchange CORSIM model was updated, re-calibrated, and run using new traffic volumes and a newer version of the CORSIM software.

C. Alternatives

C.1

The design changes considered under the supplemental analysis would likely have fewer impacts to resources than the other alternatives that were considered in the Final EIS, because the project footprint would be reduced and/or modified to occur within an already developed area. Therefore, we support the choice of considering
these alternatives in the Supplemental Draft EIS for the proposed project. USDOI has a continuing interest in working with the FHWA, KYTC, and INDOT to ensure impacts to resources of concern are adequately addressed.

Response
Coordination with the appropriate agencies of the USDOI will continue to ensure impacts of concern are adequately addressed.

C.2

The SDEIS page S-2 stated that a major component of the project is enhanced cross-river bus service; however, page S-16 stated that future options for enhanced bus service will be coordinated with the Transit Authority of River City (TARC). Mass transit in metro areas is considered a method of reducing traffic impacts to natural resources; therefore, the Final Supplemental EIS should be more specific about what bus service enhancements would be implemented, especially if it's a "major project component."

Response
Regarding bus service enhancements, since the publication of the SDEIS, KYTC, INDOT, and TARC officials met to explore options that would improve transit service both during and after construction. (See TARC coordination letter dated March 9, 2012, and KYTC and INDOT response dated April 2, 2012, in SFEIS Appendix E.) According the coordination, KYTC and INDOT will provide funding not to exceed $20 million for capital investments and public awareness programs related to enhanced bus service during the life of project construction. The funds will be used for:

- Constructing and/or expanding park and ride facilities.
- Purchasing buses and vans for express and shuttle bus service during construction.
- Purchasing and rehabilitating additional facilities to accommodate the increased fleet.
- Improving and consolidating existing bus stops and constructing new bus stops.
- Developing a public awareness and communications program, including advertising, using emerging technology to communicate with the public to encourage ridership, and informing low-income populations of the enhanced bus service options.

Funds will not be provided to cover operational expenses, which will remain the responsibility of TARC. KYTC and INDOT will (1) include as part of the project design the construction of turning radii and lane widths that meet design criteria for bus usage; and (2) include coordinate with TARC at the end of the project construction to determine how the investment in transit equipment can continue to promote cross-river mobility.

KYTC and INDOT will enter into a Memorandum of Agreement (MOA) with TARC prior to the start of construction on the Downtown Crossing portion of the project. The MOA will detail the final agreed upon funding amounts and years of expenditure to comply with the SFEIS for the project.

C.3

Appropriate project staff should meet with TARC officials to discuss the development of plans and to address other issues such as assurance that TARC and passengers who use public transportation will be exempt from paying tolls associated with the project.

Response
KYTC, INDOT, and TARC officials met on February 8, 2012, to explore options
regarding the tolling and other transit enhancement issues raised by TARC officials in their January 9, 2012, letter of comment on the SDEIS. The issues raised in the letter were the basis of the meeting discussion.

Regarding the issue of toll payments, it was noted that the exact operations for future tolling is not yet known. TARC’s concerns regarding tolling will be taken into account by both states as the tolling plans are developed. The final determinations about tolling will be made by the Commonwealth of Kentucky and the State of Indiana. The other issues that were raised in the letter are identified in Response to Comments C.4 and C.5.

C.4

The potential for enhanced public transportation to help address the project’s purpose and need deserves careful consideration especially in light of plans to scale back the project and rely on tolls to help cover costs. Public transportation can help relieve traffic congestion, thus improving safety, reducing air pollution, and providing a cost-effective means of travel.

Response

Recognizing the potential for enhanced public transportation to help address the project’s purpose and need, the 2003 FEIS included enhanced cross-river bus service as an element of the FEIS Selected Alternative, which was the preferred alternative for the project at that time. This SFEIS incorporates enhanced cross-river bus service as a feature of the Modified Selected Alternative, and, as noted in Response to Comment C.2, project staff have met with TARC officials to explore options regarding tolling and other issues and will develop a TARC MOA to document the final agreements.

C.5

Specifics to be addressed in the construction phase around both bridges and the Spaghetti Junction rebuild should include:

1. Ensure that turning radii, lane widths, and other project features accommodate buses.
2. Include permanent park-and-ride facilities in construction contracts.
3. Establish express and shuttle bus service during construction and options for the service to become permanent between Louisville and southern Indiana.
4. Provide improved and/or new bus stops, shelters, benches, sidewalk access, and pull-off areas for buses; locations to be designated as part of the traffic maintenance and construction plan.
5. Conduct an aggressive public information campaign using technology such as texting and online services to inform the public about transportation service and arrival times of buses.
6. Designate HOV public transportation lanes as part of the traffic maintenance and construction plans.
7. Provide traffic signal priority for public transportation.

Response

The above comments were identified in a TARC letter on the SDEIS dated January 9, 2012. Since that letter, KYTC, INDOT and TARC officials have met to discuss the details of enhanced bus service, and TARC provided a letter dated March 9, 2012, and the states have provide a reply dated April 2, 2012 (see Appendix E) in a letter that includes details of enhanced bus service elements. Response to Comment C.2
provides a summary of those elements, and a commitment to continue coordination with TARC officials to develop an MOA for enhanced bus service. Items 2, 3, 4, and 5, above, are in large part or entirely incorporated into the bus service enhancements identified in Response to Comments C.2.

Item 1: It is noted that INDOT and KYTC design standards for roadways and bridges already include accommodation of buses and other large vehicles. Turning radii will be examined during the final design to assure that bus movements will be accommodated. No additional effort is anticipated to meet this request.

The following items are not proposed as enhancements for reasons that include:

Item 6: Adding HOV lanes is not part of the LSIORB Project and is not feasible within the confines of the construction. Further, due to the lack of sufficient HOV systems in the vicinity of the project, HOV lanes were not incorporated in the project alternatives. During construction, two lanes will be maintained on the main freeways at all times. It is not practical to remove one of these lanes to provide for a separate lane operation. The constraints associated with the convergence of the three interstates, including the individual entrance and exit ramps, would not accommodate an HOV lane in either direction.

Item 7: There are devices that transit and emergency responders can use in their vehicles that can prolong traffic signal timing. In Louisville, signal operations in the project area are operated by Metro Public Works. Use of such equipment would require a commitment by Louisville Metro Public Works to work with TARC to consider the use of such equipment.

C.6[1]

Select an East End Bridge alternative that has fewer environmental impacts than Alternative A-15, which is likely to result in significant environmental harm. Due to the substantial amount of cut and fill required, the forested valley adjacent to the quarry on the north side of the Ohio River would have substantial direct and indirect impacts.

If A-15 is not changed, the road footprint across the forested valleys and uplands east of Utica should be minimized through the use of retaining walls and bridges.

Response

This comment objects to the selection of Alignment A-15 in the East End corridor, based on that alternative's impacts to natural resources on the Indiana side of the Ohio River, including impacts to forested areas containing several headwater streams. The comment recommends selection of "an alternative for the East End Bridge with fewer environmental impacts than A-15." This comment letter did not recommend a specific alternative to be selected instead of A-15. However, in a previous comment letter during this study process (dated August 19, 2011), the commenter (Indiana Department of Natural Resources) recommended selection of Alignment A-9 in the East End corridor because that alignment avoids crossing Lentzier Creek and the large forested area associated with it.

The decision to select Alignment A-15 in the East End Corridor was made in the 2003 ROD, based on analysis in the 2003 FEIS. Alternative A-15 was selected because its alignment “provides the overall best balance in avoiding and minimizing harm to community, natural, and historic resources among the eastern bridge options. Although Alternative A-15 is not necessarily the least harmful option with respect to each and every resource category, it provides the best overall balance and
The alternatives selection decisions made in the 2003 ROD were re-assessed during the development of this SEIS. The results of that re-assessment are presented in the Alternatives Evaluation Document (see SFEIS Appendix A.3). As noted in the Alternatives Evaluation Document, the reassessment did not involve “conducting an entirely new analysis,” but was intended “to determine whether the decisions made in the 2003 FEIS remain valid” considering the changes in the LMPA since 2003, the project design modifications, and tolling. The re-assessment focused on two key decisions made in the 2003 FEIS: (1) “the determination that the Two Bridges/Highway Alternative is the only conceptual alternative that meets the purpose and need; and (2) “the determination that Alignments A-15 and C-1 are the preferred alignments for the East End and Downtown, respectively” (Alts. Eval. Doc., p. 8).

The Alternatives Evaluation Document summarized the evaluation of alternatives in the 2003 FEIS with regard to the Downtown Corridor and the East End Corridor. It noted that, in the East End Corridor, the alternatives carried forward for detailed study in the 2003 FEIS were A2, A9, A13, A15, A16, and B1. It summarized the reasons for selecting A-15 over the other alignments. With regard to A-9, the Document stated that:

Alternative A-9 would have impacted the Country Estates Historic District, would have crossed the buffer areas for the Six Mile Lane Nature Preserve, and would have caused acquisition from the Clark Maritime Center. A-9 passes directly along the Utica-Sellersburg Road in Indiana back to the SR 265–US 62–Port Road Interchange. To the north of Utica-Sellersburg, new residences have been built, while the Port Authority property, which is adjacent to the road on the south side, has also seen the development of additional industries.

After summarizing the findings in the 2003 FEIS, the Alternatives Evaluation Document stated that: "No identified changes have occurred within the project area that affect the decisions reached in the FEIS. Therefore, this re-assessment has reconfirmed the selection of the Two Bridge/Highway Alternative utilizing A-15 and C-1 as the Selected Alternative" (Alts. Eval. Doc., pp.30–31).

As the Alternatives Evaluation Document recognizes, the selection of A-15 was made based on consideration of the relative advantages and disadvantages of several different alignments for the East End Corridor. The impacts on forested habitat on the Indiana side of the river—which are emphasized by IDNR in its comments—were considered in the analysis. Alignment A-9 would have had less impact on those resources, but it would have had other impacts, including impacts on the Country Estates Historic District, which is protected by Section 4(f) of the U.S. Department of Transportation Act. Taking all of those impacts into account, FHWA and the State Sponsors determined that A-15 was the alternative that provides the best overall balance of benefits and impacts.

Regarding the comment, “if A-15 is not changed, the road footprint across the forested valleys and uplands east of Utica should be minimized through the use of retaining walls and bridges”: An un-named tributary to Lentzier Creek, and Lentzier Creek in Indiana will be bridged by alignment A-15. Retaining walls, however, are not anticipated to be used.
The SDEIS does not adequately consider and address Mass Transit Alternatives as a viable option for addressing the project’s purpose and need. Also, there is no guarantee or detailed discussion on funding for enhanced bus service.

Response

As part of the SEIS process, the conclusions from the 2003 FEIS regarding Mass Transit Alternatives were re-assessed to determine if they were still valid. The reassessment determined that the conclusions from the 2003 FEIS are still valid and that the Mass Transit Alternatives would not meet the project’s purpose and need because they would not:

- Improve the geometrics of the Kennedy Interchange and Kennedy Bridge to meet the project’s identified safety needs.
- Provide a cross-river connection in the east end to provide the needed system linkage.
- Be likely to significantly reduce vehicle hours of delay (VHD) in the Louisville Metropolitan Planning Area (LMPA) and, consequently, would not meet the need to improve inefficient mobility in the LMPA.
- Improve the level of service (LOS) on the Kennedy Bridge to LOS D or better.
- Allow cross-river bridge demand to be met on the Kennedy Bridge during peak periods.
- Improve the Kennedy Interchange operating speed during the peak hour to address the need to improve traffic congestion. (See Section 3.1.1.1 and Appendix A.3).

More detailed information regarding the Mass Transit Alternatives that were evaluated for the project is presented in sections 3.2.4 and 3.3.4 of the 2003 FEIS.

Regarding funding for enhanced bus services, since the publication of the SDEIS, KYTC, INDOT, and TARC officials have met to explore options that would improve transit service both during and after construction. Please see Responses to Comments C.2 through C.5 for additional details regarding enhanced bus service commitments.

Downsizing of the original (i.e., the FEIS Selected Alternative) project will only lead to problems in the future. In order to correct the existing problem, do not reduce the lanes on the new bridges or make other reductions. Do not try to cut costs now at the expense of the future. Our infrastructure depends on our roads and we need bigger and better for our future growth. It is already evident that four lanes would be insufficient, especially if the Sherman Minton Bridge or the Kennedy Bridge were to suffer damage or need extensive repairs. The bridge should not be constructed with expansion in mind, but rather, the extra lanes should be built now when they are cheaper to construct.

Response

As discussed in Section 3.1.1.3, the FEIS Selected Alternative is not financially feasible. The combination of design modifications and tolling associated with the Modified Selected Alternative results in a financially feasible alternative that meets the project’s purpose and need. As shown in Table 3.3-4, the East End Bridge with four lanes (i.e., the Modified Selected Alternative) would have a projected LOS D by the year 2030, which is an acceptable LOS for an urban interstate highway. Although the East End Bridge will be originally striped for four lanes, the actual width of the

C.7

Response

As part of the SEIS process, the conclusions from the 2003 FEIS regarding Mass Transit Alternatives were re-assessed to determine if they were still valid. The reassessment determined that the conclusions from the 2003 FEIS are still valid and that the Mass Transit Alternatives would not meet the project’s purpose and need because they would not:

- Improve the geometrics of the Kennedy Interchange and Kennedy Bridge to meet the project’s identified safety needs.
- Provide a cross-river connection in the east end to provide the needed system linkage.
- Be likely to significantly reduce vehicle hours of delay (VHD) in the Louisville Metropolitan Planning Area (LMPA) and, consequently, would not meet the need to improve inefficient mobility in the LMPA.
- Improve the level of service (LOS) on the Kennedy Bridge to LOS D or better.
- Allow cross-river bridge demand to be met on the Kennedy Bridge during peak periods.
- Improve the Kennedy Interchange operating speed during the peak hour to address the need to improve traffic congestion. (See Section 3.1.1.1 and Appendix A.3).

More detailed information regarding the Mass Transit Alternatives that were evaluated for the project is presented in sections 3.2.4 and 3.3.4 of the 2003 FEIS.

Regarding funding for enhanced bus services, since the publication of the SDEIS, KYTC, INDOT, and TARC officials have met to explore options that would improve transit service both during and after construction. Please see Responses to Comments C.2 through C.5 for additional details regarding enhanced bus service commitments.

C.8

Response

As discussed in Section 3.1.1.3, the FEIS Selected Alternative is not financially feasible. The combination of design modifications and tolling associated with the Modified Selected Alternative results in a financially feasible alternative that meets the project’s purpose and need. As shown in Table 3.3-4, the East End Bridge with four lanes (i.e., the Modified Selected Alternative) would have a projected LOS D by the year 2030, which is an acceptable LOS for an urban interstate highway. Although the East End Bridge will be originally striped for four lanes, the actual width of the
bridge will be able to accommodate six lanes if needed in the future by restriping the lanes, which would result in smaller shoulder widths but standard-width driving lanes.

C.9

The modifications associated with the Modified Selected Alternative are an improvement over the original (i.e., FEIS Selected Alternative) design. In particular, the Spaghetti Junction redesign is preferable to the original design.

Response
Comments noted.

C.10

The long-term project includes keeping the Kennedy Bridge, which will need replacing in the future due to its poor condition.

Response
The Modified Selected Alternative will include re-decking of the existing Kennedy Bridge to reconfigure the existing 7-lane Kennedy Bridge to a 6-lane bridge to accommodate I-65 southbound traffic. The new bridge will provide for six lanes of northbound traffic, which will reduce the amount of traffic on the existing Kennedy Bridge and will improve its service life. For the No-Action Alternative, it is forecasted that the 2030 traffic would include approximately 155,000 vehicles per day on the existing Kennedy Bridge. For the Modified Selected Alternative, that number is approximately 52,000. (It is 104,000 for the entire I-65 crossing; half of those would be on the new bridges, and half on the existing Kennedy Bridge. Therefore, construction of the Modified Selected Alternative will significantly reduce traffic and increase the expected life of the Kennedy Bridge.

C.11

Only a project that is affordable and can be financed without tolls should be built. The implementation of tolls on either bridge, but especially on I-65, is unfair and unwanted because the project that is proposed is not the project the community wants. Suggestions for eliminating the need for tolls by reducing overall cost of the project include: constructing only the East End Bridge; constructing the East End Bridge first in order to assess any future need for a Downtown Bridge; or making modifications to the approach to East End Bridge such as eliminating the proposed tunnel in the approach to the East End Bridge.

Response
In order to bridge the funding gap between the cost of the Modified Selected Alternative and the available traditional state and federal funding, the State Sponsors determined that tolls would be needed. As discussed in Section 3.1.1.1 and Appendix A.5, the East End Bridge Only Alternative would not meet the project's purpose and need. Regarding the approach to the East End Bridge, the Drumanard Estate is currently listed on the National Register of Historic Places. The tunnel on the east end approach is being proposed to avoid Section 4(f) use of this historic property (see Construction Options at U.S. 42 and the Drumanard Estate, in SFEIS Appendix I). The overall tolling scenario will be determined by the Commonwealth of Kentucky and the State of Indiana after completion of the NEPA process.

C.12

Existing bridges, such as the I-65 Bridge, should not be tolled. If tolls must be used, it would be more appropriate to toll the East End Bridge only, since it is a new bridge. Only build what can be afforded without tolls, even if that means not building the Downtown Bridge.

Response
The downtown portion of the project would include both the existing I-65 Bridge,
which will be reconfigured to accommodate six southbound lanes, and a new six-lane bridge for northbound traffic. To bridge the funding gap between the cost of the Modified Selected Alternative and the available traditional state and federal funding, the State Sponsors determined that tolls would be needed. Tolling only the East End Bridge would not generate enough revenue to fund the project, which includes both an East End Bridge and a Downtown Bridge, and, therefore, would not be financially feasible. Building only the East End Bridge and not the Downtown Bridge would not meet the project’s purpose and need (see Section 3.1.1.1 and Appendix A.5).

C.13 Move forward with this project and keep all funding options on the table, including tolls. Tolls to be paid by the users is a reasonable approach, since they would benefit most from the project by improved travel time and cross-river options.

Response Comment noted.

C.14 Tolls should be reasonable (e.g., no more than $1 per car or less). Toll rates cannot be guaranteed; the states can only set target rates, which will increase. As an alternative, the cost of each portion of the project (i.e., the East End Bridge, the Downtown Bridge and Spaghetti Junction) should be tolled proportionally. Another alternative would be to only toll trucks, as they are heavier and over time will do more damage to roads and bridges.

Response For the SEIS process, a baseline toll rate structure was assumed for both the Downtown and East End bridges: $1.50 for cars, $3.00 for small trucks, and $6.00 for large trucks (see Section 3.1.1.3 and Appendices G.4 and G.5). Baseline tolling rates were established based on the cost of the entire project and for traffic modeling purposes, only. These tolls rates are preliminary and subject to change and it will be the responsibility of the Commonwealth of Kentucky and the State of Indiana to establish the final toll rates per vehicle type, and tolling methods.

C.15 If Kentucky does not provide adequate funding for their share of the re-building costs of the I-64 / I-71 / I-65 interchange, will the interchange be tolled the same as the two bridges to pay for the rebuilding costs?

Response The current financial plan for the project has been determined to be financially feasible without tolling the Kennedy Interchange Complex. Therefore, only tolling of cross river trips on the East End Bridge and the two one-way I-65 bridges (the new Downtown Bridge and the re-decked Kennedy Bridge) is currently proposed.

C.16 Although frequent users will have electronic prepaid toll passes, casual users will still require some means to pay their tolls; therefore, toll booths will be required, which can slow traffic and cause lane blockages. The cost for such toll collection and an allowance for necessary space and delays should be considered. Examples of problems related to tolling systems include privacy issues, potential administrative fees, mechanisms for billing and payments, signage at toll approaches, etc.

Response Toll booths will not be part of the project. All-electronic, high speed tolling is anticipated, with tolling equipment suspended on gantries built over the roadway. The electronic tolling system will have the capability to read the license plates of vehicles that do not have electronic passes. A bill would then be sent to the addresses of the owners to which the vehicles are registered. The Commonwealth of Kentucky and the State of Indiana will determine billing options and facility type at a later date.
There is little or no discussion regarding traffic diversion in the SDEIS while the Section 106 Process addressed this issue in more detail.

Response

SFEIS Section 3.3.8 discusses potential changes in travel patterns as a result of the tolls and/or the proposed design modifications associated with the Modified Selected Alternative. Figure 3.3-3 shows that, in general, more traffic is projected on the Clark Memorial Bridge (U.S. 31), Sherman Minton Bridge (I-64), the S.R. 62 corridor, and River Road. The potential impacts to Environmental Justice populations associated with changes in travel patterns are discussed in Section 5.1.7. In addition, the potential indirect impacts associated with changes to travel patterns as related to historic resources and noise are discussed in sections 5.3.1.3 and 5.5.5, respectively.

Completion of two new bridges will still leave the I-65 bridges at a low level of service—LOS E; the new east end bridge will be at LOS D from day one; the Clark Memorial Bridge will remain at the same level of service—LOS C; and the Sherman Minton Bridge will remain at a low level of service—LOS E.

Explain how the Sherman Minton and Clark Memorial bridges can show improved or stable LOS with the Modified Selected Alternative (Table 3.3.7) while tolling will inevitably increase traffic on these spans as stated in Section 3.3.8.

Response

As indicated in SFEIS Table 3.3-4, the 2030 LOS for the I-65 bridges with the preferred alternative (Modified Selected Alternative) would be LOS C (not LOS E), as compared to LOS F for the No-Action Alternative. The East End Bridge is expected to operate at an acceptable LOS D by the year 2030 (not “from day one”). The Clark Memorial Bridge would be expected to reduce to LOS D (not LOS C), which is acceptable. The Sherman Minton Bridge would be expected to operate at LOS E, as compared to LOS F for the No-Action Alternative. Even though the daily Sherman Minton Bridge volumes in the Modified Selected Alternative (toll) show an increase over the No-Action Alternative, the peak-hour, peak-direction (worst case) volumes actually decrease slightly from those with the No-Action Alternative. Much of the additional daily traffic occurs in the Midday (12% increase) and Overnight (18% increase) periods.

As indicated by both the comment and the data on SFEIS Table 3.3-2, daily traffic volumes and percent capacity on the Clark Memorial Bridge and the Sherman Minton Bridge would increase with the selection of the Modified Selected Alternative, as compared to the No-Action alternative. However, period demands (as opposed to daily demands) show that on the Sherman Minton Bridge the southbound AM peak-period traffic and the northbound PM peak-period traffic would operate nearly the same with the Modified Selected Alternative and the No-Action Alternative (SFEIS Table 3.3-3). For the Clark Memorial Bridge, the percent capacity during the peak periods would be either improved (northbound PM) or very similar (southbound AM) compared to the No-Action Alternative. The LOS is calculated for peak periods; therefore, the resulting analysis shows little difference in 2030 LOS for the two non-tolled bridges compared with the No-Action Alternative.

For economic reasons or privacy concerns, many travelers will take side roads to an alternate bridge. Has there been an Environmental Impact Statement concerning what this extra traffic will do to side road air and water?
Response

The environmental impacts of the changes in traffic were taken into account. Specifically, the traffic model developed for the Modified Selected Alternative included forecasts for the divergence of traffic due to tolled bridges. A tolling sensitivity test was included in Section 8.0 of Appendix H.1 to determine different levels of diversion based on different toll rates. The conclusions, based on the baseline toll rates (described in Response to Comment C.14), was the identification of general areas where traffic patterns would be different for the Modified Selected Alternative (with tolls) compared to the FEIS Selected Alternative (without tolls). The potential environmental impacts of these differences were evaluated in every applicable section of this SFEIS. For historic resources, the Area of Potential Effect (APE) was expanded to include the “Extensions to the Original APE.” Potential impacts to historic resources in these areas were studied. In addition, potential impacts to the following resources from changes in traffic patterns were also considered: social-economic (including environmental justice populations), air quality, highway noise, vibration, natural resources, water resources, visual impacts, and energy consumption.

C.20

As an option for reducing cost and eliminating the need for tolls on a new I-65 bridge, it is suggested that I-65 be repaired and one or two less expensive local commuter bridges be constructed instead, as has been done in many cities in the U.S. and abroad. In this regard, construction of several local access bridges not constructed to interstate standards (e.g., a new bridge parallel to the Clark Memorial Bridge) could be proposed to fix the downtown congestion problem.

Response

This option on its own would not meet the project’s purpose and need. It would not improve cross-river transportation system linkage and freeway rerouting opportunities in the eastern portion of the Louisville Metropolitan Planning Area (LMPA) (See SFEIS Chapter 2). In addition, this option would not improve safety within the Kennedy Interchange and on the Kennedy Bridge because there would be no design improvements to these facilities.

C.21

Repair and maintain the existing downtown bridge.

Response

Repairing the existing downtown bridge, without making other improvements, would be considered a No-Action Alternative because these repairs would be made regardless of whether or not the Ohio River Bridges Project was constructed. As discussed in Section 3.1.1.1, the No-Action Alternative would not meet the project’s purpose and need. It should be noted that as part of the Modified Selected Alternative, the Kennedy Bridge would be resurfaced, and with the construction of a new downtown bridge, the traffic on the existing bridge would be notably less than the current volumes, as well as future No-Action Alternative volumes.

C.22

The reconstruction of the Kennedy Interchange should not be included in the bridge project.

Response

Any alternative that would not include the reconstruction of the Kennedy Interchange would not meet the project’s purpose and need regarding safety and traffic congestion within the Kennedy Interchange. The Kennedy Interchange would continue to operate under the existing, unacceptable roadway characteristics, which would perpetuate the
congestion and safety problems documented in the Purpose and Need Statement. In addition, in order to provide for adequate traffic operations on the new Downtown Bridge and refurbished Kennedy Bridge, the Kennedy Interchange must be reconstructed. Without an adequate number of lanes and proper roadway geometries on the bridges’ approaches, the bridges themselves will not function properly, causing continued congestion and safety problems.

C.23
Converging all the interstates at the southern end of the project as presently proposed for the Kennedy Interchange redesign would not improve the current chaotic and hazardous merging condition that exists. Attempting to correct the mistake of converging three interstate highways into a pinch point at a downtown river crossing is itself a mistake. I-64 and I-71 should be de-linked from the downtown interchange with I-65, thereby requiring through traffic, including hazardous cargo, to use the outer beltway at I-265.

Response
As discussed in Section 3.3, the reconstruction of the Kennedy Interchange as part of the Modified Selected Alternative would meet the project’s purpose and need of improving traffic congestion and safety within the Kennedy Interchange. Also, see Response to Comment C.22.

C.24
Build an East End Bridge only, or build an East End Bridge and rebuild Spaghetti Junction, only.

Response
As discussed in Section 3.1.1.1 and Appendix A.5, the East End Bridge Only Alternative would not meet the project’s purpose and need. As a result, the traffic congestion and safety issues associated with the existing downtown bridge would continue. In addition, the reconstruction of the Kennedy Interchange without the construction of new lanes across the Ohio River downtown (i.e., a new Downtown bridge) would prevent the new interchange from functioning effectively to reduce congestion and improve safety as desired. The Kennedy Interchange and downtown Ohio River bridge(s) effectively function as a unit. Therefore, reconstructing the Kennedy Interchange without providing additional lanes across the Ohio River will not sufficiently resolve the congestion and safety problems in the interchange.

C.25
The East End Bridge needs to be constructed as quickly as possible, as the lack of such bridge has an economic impact on the region. Manufacturing and distribution companies throughout the region are being negatively affected by growing congestion and lack of cross-river transit routes, and thousands of new jobs are being lost by not having the East End Bridge.

Response
Construction of the Ohio River Bridges Project is estimated to begin by 2013.

C.26
The construction of a tunnel under the Drumanard property in the East End approach is not needed, since the Drumanard property is not historic.

Response
As discussed in Construction Options at U.S. 42 and the Drumanard Estate (Appendix I), a reevaluation of the tunnel was conducted which concluded that the removal of the tunnel would not be reasonable. (Please see Comment E.3 regarding the validity of the NRHP designation for the Drumanard property.)

C.27
Related to the East End Bridge, consider elevating the bikeway/pedestrian path so that all surface lanes could be used by cars/trucks.
Response  A bicycle path elevated above the travel lanes would provide structural and design challenges and add extensive costs to the project. As a result of the bridge type selection process, a center-towered cable stayed bridge was selected (see Appendix B.7.2, Section 5 Bridge Type Selection Executive Summary). This design would not provide an opportunity to construct a bikeway/pedestrian path at a higher elevation than the roads. Further, the proposed path on the East End Bridge would be along the side of the bridge. Replacing that path with a travel lane would result in an unbalanced design that would not be structurally feasible with the selected bridge type design.

C.28 Consider changing the design for a fly-over at U.S. 42 that would impact only a few residents.

Response  Changing the design to include a bridge over U.S. 42 (fly-over) would have a direct effect on the Drumanard property and be in violation of the obligation to avoid impacts to that historic site. The tunnel was determined to be the solution, and it would help minimize impact on local residents.

C.29 From U.S. 42 traveling west from Prospect, will there be a ramp to get on the new bridge to go north to Indiana?

Response  No. Due to design constraints associated with the tunnel under the Drumanard property, there will only be a southbound on-ramp from U.S. 42 to the new highway and a northbound off-ramp from the new highway to U.S. 42.

C.30 A tunnel could be constructed in place of both bridges, which would make the Ohio River less of a challenge and less expensive.

Response  As discussed in Section 3.1.1.1, a River Tunnel/Highway Alternative was considered and dismissed due to excessive costs.

C.31 Support completing the extension of the Gene Snyder Freeway over the Ohio River on the west end of Louisville.

Response  A West Corridor was evaluated in the 2003 FEIS and then reevaluated for the SEIS (see Appendix A.3, Alternatives Evaluation Document). The West Corridor would connect the western terminus of KY 841 (Gene Snyder Freeway) in Kentucky with I-64 near Lanesville, Indiana. This alternative was eliminated without detailed study in the November 2, 2001 DEIS based on a range of considerations, including the fact that this alternative was approximately 10 miles longer than other options and would be substantially more expensive and would involve more environmental impacts. In addition, this option would not provide a cross-river connection in the east end to meet the need for improved system linkage and freeway rerouting opportunities in the eastern portion of the LMPA. These conclusions were confirmed in the Alternatives Evaluation Document (Appendix A.3).

C.32 The eastern bridge is not self-funding, even with tolls, because it satisfies so little traffic demand. The downtown portion of the project is the most needed and should be built as soon as possible.
A single bridge will not meet the purpose and need of the project; both bridges and the reconstruction of the Kennedy Interchange are needed to meet the project’s purpose and need. Both bridges are on a similar time frame for starting construction in 2013 with expected completion of the east end facilities in 2017 and the downtown facilities in 2018. The financial plan for the project as a whole has been determined to be financially feasible, and will allow for the construction of all of the project elements needed to satisfy the purpose and need.

The Public Hearings were defective as a means of engaging citizens, interested parties and stakeholders in a critical dialogue. A true public hearing should allow for full and fair dialogue on available alternative strategies in a debate format rather than limiting presentations to three minutes. It should be recorded and perhaps presented on TV on a public access channel that would allow for direct feedback. A true public hearing also needs to produce a proposal that project sponsors would be obligated to include in future decision making.

Extensive efforts have been made to engage public comment on this project during both the 2003 EIS process and the current SEIS process. Public Hearings were held in both Kentucky and Indiana, and the presentations at the public hearings were placed on the project Websites, as well as an on-line comment form. The three-minute limit on presentations at the public hearings was consistent with other public hearings and meetings held for this project. Regarding open dialogue, such dialogue was encouraged and conducted at other public involvement meetings, such as the Area Advisory Team meetings and public workshops. Regarding the public discussion about transit, all public comments have been taken into consideration. The Louisville MPO transportation planning process, which is used to base policy decisions regarding future mobility projects, also has an extensive public involvement process.

The SDEIS must have a public transit component before it becomes a final EIS. Alleviating congestion on the Kennedy bridge and other stated project needs will not be achieved without a public transit program. The USDOT should assert a direct oversight of the planning process and should consider making Federal Transit Administration (FTA) a joint lead agency or a cooperating participating agency to champion the need for public transit in the LSORB project in time to remedy a fatal flaw in the proposals SDEIS (i.e., it lacks a public sector transit component).

A public transit component has always been and continues to be an element with both of the build alternatives. INDOT and KYTC continue to coordinate with TARC and will develop a memorandum of agreement with TARC on the specific details of the items listed. The TARC MOA will be completed prior to the start of construction. Current details regarding the elements of the enhanced bus service are included in SFEIS Chapter 3.

The FTA has not requested to become a cooperating agency within the 2003 FEIS or this SEIS process.

The Draft SEIS states that doubling tolls from $1 to $2 would produce only a 1% increase in diversion traffic. This assumption lacks credibility, and is inconsistent with the conclusion in the 2003 FEIS that a $3 toll would divert virtually all of the traffic.
Since the SDEIS a revised toll sensitivity traffic analysis has been prepared, and is included as SFEIS Appendix H.4. The analysis documented the changes in traffic based on four tolling scenarios and, shows that the variations in toll rates among the four scenarios would have approximately 1.3% difference in total (all four bridges) cross-river traffic volumes. This represents the largest range of differences among the four tolling scenarios. The data also shows that with the different toll scenarios, the traffic volumes would respond differently for the various bridges crossings.

As one might expect, with the higher toll rates, the traffic volumes increase on the toll-free bridges (I-64 and U.S. 31). Specifically, the higher-rate toll scenario and the “passenger vehicles–frequent users” rate toll scenario result in increases of approximately 10% and 9%, respectively, in daily traffic volumes on the I-64 and U.S. 31 crossings, compared to the lower-rate scenario. Conversely, the traffic volumes on the tolled I-65 bridges decrease approximately 15% with the higher-rate scenario. The variation on the East End Bridge would be less, ranging from approximately 3% to 6% depending on the toll rate scenario. Regarding the differences between the SFEIS baseline scenario ($1.50/$3/$6) and the KRS 175B Financial Plan scenario ($1/$2/$5/$10), the model predicts virtually no difference in total cross-river trips or trips on the East End Bridge, and approximately 2% to 4% differences between the I-65 tolled bridges and the non-tolled I-64 and U.S. 31 bridges. (Please see Appendix H.4.)

The 2003 ROD stated the following on page E-21:

A preliminary toll analysis was undertaken in the early work on this Project to assess the “feasibility” of this option as a source of funding for the Project. The preliminary analysis demonstrated that a radical drop in usage could be expected if a toll of $1 or more was applied to a new eastern bridge because a number of “free” river crossing options would continue through the Sherman Minton, Clark Memorial and Kennedy Bridges. Moreover, FHWA and the states determined that it would not be practical to toll these otherwise “free” pre-existing crossings....This analysis was a purely preliminary, “rough” calculation to determine the basic feasibility of the tolling option. A more refined toll analysis would have included a detailed assessment of the value of time to be used in establishing the toll that would maximize use and revenue.

It should be noted that for this SFEIS a very detailed, state-of-the-art traffic model was developed that is based on current socioeconomic economic conditions and trends. And, unlike the 2003 preliminary model, this model includes tolling the I-65 Downtown Bridge in addition to the East End Bridge.

The SDEIS dismisses without adequate consideration other alternatives which could reasonably achieve the project’s goals. Other feasible alternatives that would provide cross-river mobility at less cost and impact include a combination of one new bridge plus transportation management (TM) components and/or mass transit. Other alternatives could include combinations of rail transit, dedicated bus and high occupancy vehicle lanes, and pedestrian/bicycle facilities on the downtown bridge. Hybrid alternatives that include aspects of both TM and Existing System Improvements should also be developed and evaluated as viable substitutes for the Bridge/Highway Only alternatives.

The 2003 FEIS include evaluation of Transportation Management, mass transit,
including rail transit, enhanced bus service, high occupancy vehicle (HOV) lanes, and bicycle and pedestrian facilities as part of build alternatives, and a one bridge alternative. These alternatives were re-evaluated for the SEIS (see Chapter 3, Alternatives, and Appendix A.3, Alternatives Evaluation Document). Both evaluations concluded light rail, HOV lanes, were not reasonable alternative for addressing the purpose and need, and these alternatives were not carried forward for detailed analysis. Regarding bicycle and pedestrian facilities as an element of a hybrid alternative, the Big Four bridge will address the need for a bicycle and pedestrian facility to cross the Ohio River in the Downtown Corridor. In the East End Corridor, a bicycle and pedestrian facility is included as part of the build alternative. Enhanced bus service, as described in Response to Comment C.2, is included as an element of each of the build alternatives.

C.37

[1]

Building a tunnel as an approach to the East End bridge, next to a river that floods, seems to be a disaster just waiting to unfold. No matter how many pumps are promised to be installed to prevent the flooding of the tunnel next to the river, mistakes will be made, and the tunnel (and hence the approach) will be rendered useless until tunnel repairs can be made. The tunnel is also a major concern from a safety standpoint. One fire firefighting official in 2007 called it 'perhaps Kentucky's most dangerous two thousand feet of roadway'. So, if safety is a priority, why build this hazardous tunnel?"

Response

Regarding flooding, the lowest portal of the east end tunnel is located above the 500-year high-water mark for the Ohio River. The 100-year high water elevation, which is the normal design elevation, for the Ohio River in the Louisville area, is 452.06 feet above mean sea level (msl). The low point of the Kentucky East End Bridge approach is located 120 feet northwest from the north tunnel portal, elevation 459.69 feet msl. The lowest point of the tunnel is at the north portal, elevation 459.87 feet msl. The design of the tunnel and the roadway within will ensure that water from even a heavy rain event would drain off of the road and tunnel into a contained storm system without causing any flooding hazards on the roadway or in the vicinity of the roadway at the tunnel portals. The stormwater would be channeled to collection area away from the tunnel. Therefore, flooding of the tunnel due to flooding of the Ohio River, or even a heavy rain event, is extremely unlikely.

Regarding other safety aspects, the tunnel will be designed to the most current FHWA design standards regarding safety. Incidents can occur within the tunnel, as with any other section of the roadway network. However, there are no indications that an incident is more likely to occur within a tunnel; and at 2,000’ in length, the proposed tunnel is not considered significantly long. Throughout the public involvement efforts for this project, coordination occurred with emergency responders to develop strategies for managing any incidents within or in proximity to the tunnel, as well as the bridge approach structures and the Ohio River crossing. Commitments (see Chapter 8, subsection “Tunnel Design, Construction, and Operation”) associated with tunnel safety issues include:

- Incorporate appropriate crash protection devices at the tunnel portals.
- Develop an Emergency Response Plan as a part of tunnel design that includes emergency response routes for access to both ends of the tunnel during an incident.
• Develop a Training Program for local safety officials on emergency response provisions of the Emergency Response Plan and implement prior to opening of tunnel to traffic.

• Expand ITS system to include equipment for monitoring traffic on the approaches to the tunnel and complement emergency response plan developed for the project.

• Include sufficient video cameras within the tunnels as part of the ITS system expansion with monitors located within local police and fire protection facilities for 24-hour response.

C.38

The data in SDEIS Table 3.3-3 (p. 3-23) flatly contradicts the data in Table 3.3-2 (p. 3-22), and the data appears to be internally inconsistent as well.

Response

Ohio River crossing demand as a percent of bridge capacity was examined to assess cross-river mobility. SFEIS Table 2.2-3a compares these percentages on a daily basis. A key feature of the new travel demand model is that it is a time-of-day (TOD) model as opposed to a 24-hour daily model. This allows the model to produce volumes by key periods of the day instead of just one daily volume (as the travel demand model from the FEIS produced). The new model uses period-specific capacities instead of one daily capacity. To compare these percentages to the forecasts from the FEIS, the new forecasted demands were compared (in Table 2.2-3a) to the daily capacities used by the FEIS model. Daily capacities were used in the 2003 FEIS because that is all that was available from the travel demand model at that time.

SFEIS Table 2.2-3b lists the demand as percent of capacity based on the period (and aggregated daily) capacities consistent with the new travel demand. Daily demand as percent of capacity is lower in Table 2.2-3b than in Table 2.2-3a because different capacities are used as part of the new time of day travel demand model. Ultimately, the period demand as percent of capacity forecasts provide for a more meaningful analysis of the efficiency of cross-river mobility.

C.39

Most of the bridges show a relatively small number of “reverse commuters” – except the Clark Bridge under the 2030 Modified Selected Alternative scenario, where the percent capacity of the off-peak directions are almost as high as the peak directions (e.g., AM northbound percent capacity is currently 20% and projected to be 22% under the FEIS Selected Alternative, but spikes to 71% under the tolled Modified Selected scenario). This seems inconsistent with the AM commuting patterns, which reflect a dramatically lower percentage of reverse commuters.

Response

The projected volumes do show a higher number of “reverse commuters” on the Clark Memorial Bridge when comparing the Modified Selected Alternative to the FEIS Selected Alternative and the 2010 volumes. However, looking at the Kennedy Bridge and the Clark Memorial Bridge as a pair during the same period, the percent capacity of the Kennedy Bridge for the northbound direction increases. Thus, overall proportion of “reverse commuters” in the downtown area during the AM period does not change significantly.

C.40

The 2030 capacity projections for the Sherman Minton Bridge on SDEIS p. 3-23 show virtually identical rush-hour congestion levels for 2030, regardless of whether
the two new bridges are built (119% AM / 126% PM for No-Action, and 119% AM / 125% PM for the Modified Selected Alternative with tolls). This appears inconsistent with Table 3.3-2 on the previous page, which shows 10,000 more trips per day (a 9% increase) on the Sherman Minton Bridge in 2030 if the new toll bridges are built, as compared with No-Action.

Response

Most of the 10,000 more trips under the Modified Selected Alternative are made during the Midday and Night periods, as can be seen in the increases in percent capacities during Midday and Night for the Modified Selected Alternative in Table 3.3-3.

C.41

SDEIS Table 3.3-6 shows that there is virtually no difference between the FEIS Selected and Modified Selected alternatives when comparing Daily Trips, VHT, and VMT, while at the same time, Table 3.3-2 shows 11,000 fewer total daily cross-river trips for the Modified Selected Alternative (with tolls) as compared to the FEIS Selected Alternative. Also, the East End Bridge volume is projected to be 52,000 for the Modified Selected Alternative while there are 61,000 east-to-east trips projected in Table 3.3-6. This is inconsistent.

Response

The 11,000 fewer daily cross-river trips represent a reduction of 3% in total river crossings, which could be attributed to statistical anomaly. While the SEIS TOD model is improved over the previous SEIS model, it is still not perfect when looking at certain statistics.

The decrease in VMT is due to the decrease in volume; however, the average trip length would still be slightly higher for the Modified Selected Alternative when compared to the FEIS Selected Alternative. When considering diversion for east-to-east trips, there are fewer options; therefore, the majority of these trips will still be made using the East End Bridge. Trips would not likely divert to the Kennedy Bridge because it would also be a tolled bridge. Because of trips diverting from the Kennedy Bridge to the U.S. 31 Bridge, it is at or near capacity resulting in congestion. This, in combination with longer distances, makes this route less desirable. The Sherman Minton Bridge is also undesirable because of the extended trip distance and time. In contrast, I-64 through trips, as an example, are more likely to divert to the East End Bridge to the Sherman Minton Bridge because the diversion route is similar and would, therefore, result in minor increases in distance and time. This type of trip accounts for the majority of the 11,000 trips diverting from the East End Bridge, with the majority of the east-to-east trips still choosing to use the East End Bridge.

C.42

Table 2.2-3 projects that, under the 2030 No-Action scenario, the Sherman Minton Bridge would be at 119% of its capacity during the AM rush hour, and 126% of its capacity during the PM rush hour. See also DSEIS, pp. 2-18 and 3-23, Table 3.3-3. If this were the case without the new toll bridges, it is difficult to imagine how the Sherman Minton Bridge would be able to accommodate the additional diversion traffic caused by construction of the project. Table 3.3-2 suggests that current capacity and congestion problems on the Kennedy Bridge would be resolved essentially by shifting the capacity and congestion problems to the Sherman Minton and Clark Bridges.

Response

The addition of capacity associated with the new bridges would result in a reduction in traffic on the Sherman Minton Bridge that is similar to the increase in traffic
associated with the tolls. As can be seen in Table 3.3-3, the peak-period peak-direction (SB AM and NB PM) percent capacity numbers are nearly the same for the No-Action and Modified Selected alternatives. The additional trips on the Sherman Minton Bridge under the Modified Selected Alternative occur mostly (1) in the off-peak periods, or (2) in the off-peak directions within the peak-periods, and thereby use excess capacity.

### D. Socioeconomic

#### D.1

The SFEIS should indicate whether supplemental demographic data or survey information was available for the region, such as the 2007 American Community Survey (ACS), etc. In addition, when the necessary parameters for the 2010 Census data become available at the block group level, it should be incorporated into the SFEIS.

**Response**

Since the publication of the SDEIS the demographic data has been updated to include as much current data as available, including the 2010 Census data for race, population, and other demographic information; the 2006-2010 ACS data for income information at the block group level for the environmental justice analysis; and 2010 HHS data regarding poverty thresholds.

#### D.2

The current SDEIS ignores significant social, economic and resource changes that have occurred since the signing of the original ROD.

**Response**

Chapter 4 of this SFEIS includes updated information and data where necessary to address changes to the project and the affected environment, including socioeconomic conditions, since the approval of the 2003 FEIS/ROD. The socioeconomic forecasts reflect the latest predictions provided by the Louisville MPO through the Horizon 2030 update process, as well as updated predictions made for this project. This SFEIS specifically describes changes that have occurred in each resource category since the 2003 ROD. USEPA in its comments on the SDEIS noted the following: “While EPA’s comments include discussion of areas where additional information is needed, the SDEIS generally makes a methodological effort to identify the many complex issues and environmental impacts associated with this project.”

#### D.3

The SFEIS should provide additional discussion and information regarding potential socioeconomic impacts to environmental justice populations regarding the following concerns:

1. Evaluate and clarify the potential for project-related jobs for low income and minority populations.
2. Discuss impacts to residences and schools in environmental justice communities due to construction activities (e.g., air quality, noise).
3. Discuss impacts to businesses in and serving communities with environmental justice concerns, during both construction and operation of the project.
4. Explain mitigation plans to address potential differential economic impacts of tolling. The SDEIS estimates that 9% of a low-income person's income will be spent on tolls, versus 2% or less of an average wage earner's income will be spent on tolls. This is significant, and suggests a disproportionate and adverse impact to low-income drivers.
5. Provide a more detailed explanation of the cost of time and operating costs calculations that contributed to the analysis that leads to a no economic impact conclusion. It appears the analysis does not take into account that many people are going to be driving further to avoid tolls. If a driver does take a toll bridge, would they incur a larger expense than if they had spent more time traveling to avoid the toll bridge?

6. Provide a more detailed explanation of the conclusion that there will be little or no impact resulting from traffic diversion to avoid paying tolls.

7. Address the key socioeconomic burdens identified in the 2003 FEIS and subsequent mitigations, per Chapter 8.

Response

Regarding Item 1, FHWA has a policy to ensure that federally assisted contracts for highway construction are made available for small business concerns owned and controlled by socially and economically disadvantaged individuals (http://www.fhwa.dot.gov/civilrights/programs/dbess.htm). Likewise, both INDOT and KYTC have policies for the use of disadvantaged businesses enterprises (DBE). DBE plans will be prepared for this project. The estimated economic impacts resulting from planned construction were addressed in Section 5.1.6 of this SFEIS.

Each of the concerns raised in Items 2-6 are addressed in SFEIS Section 5.1.7, and summarized below.

Regarding Items 2 and 3, SFEIS Section 5.1.7, subsection “Assessment of Potential Direct Effects on Environmental Justice Populations,” discusses residential and business displacements in the project area. As noted, there would be no residential relocations in environmental justice communities and, with the exception of Wayside Christian Mission, none of the displaced businesses serve environmental justice populations or other local residents. It is further noted that the Mission can be relocated in the general vicinity. (For more information regarding the relocation of the Wayside Christian Mission, please see Response to Comment D.6.)

To address potential short-term and long-term effects of the project on environmental justice populations, the following nine socioeconomic indicators were studied in the 2003 FEIS process (Section 5.1.7.3, Assessment of Potential Effects): gentrification, institutional resources, economics, community cohesion, vibration, transportation, air quality, noise, hazardous materials, and visual and aesthetic effects. The analyses identified potential impacts to environmental justice populations, specifically institutional, community cohesion, noise, visual and aesthetic, and cumulative. Overall, the 2003 environmental justice analysis concluded the impacts were not disproportionate and stated: “The project will result in significant traffic improvements by reducing congestion and improving safety. The improvements downtown are largely within the existing transportation corridor and have been developed to minimize harm and mitigate impacts where possible. The [FEIS Selected Alternative] is not expected to result in disproportionately high and adverse impacts to minority or low-income populations.” This conclusion for these types of impacts remains valid for the build alternatives addressed in this SFEIS. However, due to higher user costs to environmental justice populations associated with the Modified Selected Alternative, it is likely there would be a disproportionately high and adverse impact, which is address in more detail in SFEIS Section 5.1.7.

Regarding Item 4, based on the analyses presented, in Section 5.1.7 the Modified
Selected Alternative is likely to cause a disproportionate and adverse impact on environmental justice populations. Specifically, this conclusion is reached based on the comparison of the projected increase in estimated user costs between the Modified Selected Alternative and the No-Action Alternative for the low-income populations, and the comparison of those costs to the per capita income for these two population groups. The comparison of the No-Action Alternative to the Modified Selected Alternative indicates that the non-EJ population would experience an 11% increase in average cost per trip for bridge crossings while the EJ population would experience a 21% increase in the average cost per trip for bridge crossings. Further, the annual cost for tolls for a daily commute would include approximately 4% of a low-income person’s annual income compared to approximately 2% for a non-low-income person who uses the bridges. Therefore, during the development of a toll policy, KYTC and INDOT will conduct a more detailed assessment of the potential economic effects of tolls on low-income and minority communities, using the latest publically available population data and traffic forecasts, and will make the results of that study publicly available.

Regarding Item 5, the average cost per trip takes into account not only the out-of-pocket cost of the toll, but also the cost of time (which declines as the trip becomes faster), and the vehicle operating cost (which also declines as the trip becomes faster). To evaluate user costs for environmental justice populations, a separate analysis was done. This analysis examined trips to and from environmental justice areas as well as non-environmental justice areas. This additional analysis has been added to SFEIS Section 5.1.7 since the publication of the SDEIS.

The analysis of vehicle user costs relates to all travel costs for all populations, including both minorities and low income populations, who may respond to the implementation of tolls as part of the Modified Selected Alternative by rerouting their cross-river trips in order to avoid tolls. Vehicle user costs for passenger cars on a tolled facility contain three elements—the cost to operate the vehicle, the cost of the time spent in the vehicle, and cost of tolls. Operating costs were calculated by taking the total miles traveled by passenger cars during the course of the day (calculated by the travel demand model) and multiplying that total by the average vehicle operating costs. The total cost of time spent in a passenger car was calculated by taking the total number of hours that passenger cars are traveling on the network (taken from the travel demand model) and multiplying that total by an average value of time. Toll costs were calculated by taking the number of passenger cars using the toll facilities in a day (taken from the travel demand model) and multiplying by the assumed baseline toll rates for passenger cars.

Regarding Item 6, SFEIS Figure 5.1-3 Environmental Justice Block Groups (2010), shows the locations of environmental justice areas in the project area. The traffic information that forms the basis of the analysis of changes in travel patterns that has been considered with respect to environmental justice areas is included as Appendix H.1, Traffic Forecast. The forecasts indicate the volume of additional traffic in traffic diversion areas would be only 1 to 2 cars per minute per lane. A map has been added to this SFEIS as Figure 5.1-4, which combines the environmental justice areas with the traffic diversion information. SFEIS Section 5.1.7 provides a summary of the traffic analysis, which includes the following:

As shown in SFEIS Figure 5.1-4, the primary routes that are likely to be used
to accommodate the changes in travel patterns due to the bridge tolling are the
S.R. 62 Corridor in Indiana, I-64 and the Sherman Minton Bridge in the
eastbound direction during the PM peak hour only, U.S. 31 on the Clark
Memorial Bridge and River Road in Kentucky. At least three of these routes
(S.R. 62, I-64, and U.S. 31) pass through or near areas that are considered to
be environmental justice communities. These include western New Albany
along S.R. 62/Spring Street, along I-64 in western Louisville, and south of the
Clark Memorial Bridge in downtown Louisville.

The comparison of travel patterns associated with the FEIS Selected
Alternative and the Modified Selected Alternative indicates that drivers may
divert their trips to avoid tolled bridges and travel through environmental
justice communities in western Louisville and New Albany in order to access a
non-tolled bridge. Although some diversion is expected to occur, this change
in travel patterns is not anticipated to cause a disproportionately high and
adverse impact. The traffic diverted through western Louisville would travel
on I-64 and is not expected to exit onto parallel surface streets. The diverted
traffic on I-64 would consist of about 100 to 135 vehicles per hour, and the
interstate has sufficient capacity to absorb this traffic without significantly
increasing congestion. In western New Albany, an additional 922 vehicles per
hour would be expected to divert onto local roadways to avoid tolls. This
change in traffic would be imperceptible. Operationally, this change would
have minimal impacts to traffic movements or flow because each of the existing
six streets has sufficient capacity to handle the projected future increases in
traffic without any noticeable degradation of traffic operations. In eastern New
Albany, an additional 536 vehicles per hour would travel along two parallel
streets that have a total of six lanes, which would be minimally perceptible.
Operationally, this change would not represent a significant change between
alternatives because each of the two streets has sufficient capacity to handle
the projected future increases in traffic without noticeable increases in
congestion.

Regarding Item 7, in the 2003 FEIS potential socioeconomic impacts related to
environmental justice populations were identified in Section 5.1.7 and Chapter 8.
Items 2 and 3 above summarize those indicators. The current status of the 2003 FEIS
commitments for planning/design enhancements in the downtown areas, which would
be expected to be a benefit to environmental justice populations, are as follows:

- Downtown/West Louisville Access Planning: Funding in the amount of
  $150,000 has been provided to the Downtown Development Corporation for the
development of a pedestrian and vehicular access plan for the Louisville
Central Business District and West Louisville Area.

- Minority Historic Rehabilitation Craftsman Training Program: Funding in the
  amount of $1.5 million will be provided to the Kentucky State Historic
Preservation Officer (SHPO) for the establishment of a Disadvantaged Minority
Craftsman Training Program in Historic Preservation. This commitment has
not yet been completed.

- Rehabilitation of Trolley Barn Buildings in West Louisville: Funding in the
  amount of $10 million was provided to the Kentucky Center for African–
American Heritage Foundation for the restoration and adaptive reuse of the
Trolley Barn to house The Kentucky Center for African-American Heritage. The rehabilitation has been completed.

- Clark County Planning: Funding of $300,000 has been granted to the Kentucky Center for African-American Heritage Foundation to conduct community planning activities for Clark County, Indiana.

D.4 Project planning should take into account community concerns. The project team should continue coordinating with communities that will be affected by the project’s construction and operation.

Response Chapter 7 of this SFEIS provides a summary of the public involvement efforts undertaken to date, with specific efforts to involve environmental justice communities identified in Section 7.1.6. Continued coordination with communities that will be affected by the project will occur as the project proceeds, and a public participation plan will be developed and implemented by the Bi-State Management Team. In addition, as stated in Stipulation II.B of the First Amended Memorandum of Agreement associated with Section 106 mitigation and commitments (see executed MOA, SFEIS Appendix D.9):

As part of the best value selection process, contractors will be required to submit a Community Outreach Plan as part of their technical proposal. This Plan shall provide a blueprint for how the contractors will handle public involvement on the design and construction phases of the Project. The Plan will address involvement for the entire community but also specific considerations for historic preservation interest groups.

D.5 Give further consideration to the project's indirect and cumulative impacts related to socioeconomic resources and environmental justice communities.

Response The 2003 FEIS provided an evaluation of potential long-term and short-term effects for the environmental justice areas within the FEIS Selected Alternative. The key socioeconomic indicators that were considered included gentrification, institutional resources, economics, community cohesion, vibration, transportation, air quality, noise, hazardous materials and visual and aesthetic effects. The scope of each indicator and the potential for disproportionately high and adverse effects on the environmental justice areas within the FEIS Selected Alternative were discussed. This SFEIS provides a discussion of new circumstances or relevant information to environmental concerns that have arisen since completion of the 2003 FEIS. This SFEIS discussion focuses on modifications that have occurred in the basic design, effects associated with tolling as a financing mechanism, and environmental elements that may have changed over time since the completion of the 2003 FEIS.

While this SFEIS identifies direct impacts to environmental justice areas by either build alternative, it states that due to higher user costs, only, there is the potential to for a disproportionately high and adverse impact with the Modified Selected Alternative. Potential indirect and cumulative effects are summarized below and have been added to SFEIS Section 5.1.7.

- Regarding indirect impacts—those that are caused by the action and are later in time and further removed in distance, but are still reasonably foreseeable: The only source of such impacts is anticipated differences in traffic patterns between
the FEIS Selected Alternative and the Modified Selected Alternative. The differences would be primarily due to tolling and the removal of the I-71 interchange with Ohio Street. The traffic increase is not expected to adversely affect environmental justice areas or communities due to the low volume of additional traffic per minute (1 to 2 cars per lane). A map illustrating the changes in relation to the environmental justice areas has been included in this SFEIS as Figure 5.1-4. The traffic information that forms the basis of the analysis of changes in travel patterns that has been considered with respect to environmental justice communities is included as Appendix H.1, Traffic Forecast.

- Regarding cumulative impacts—those that could potentially result from incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or not) or organization: To identify the potential for cumulative impacts to environmental justice populations, research and consultation has occurred with agencies including KIPDA, Louisville Metro Government, Louisville Downtown Development Corporation, the City of New Albany, and the U.S. Department of Housing and Urban Development (HUD). The research and consultation resulted in the identification of several local/neighborhood plans geared to improving the quality of life in identified environmental justice areas within the LSIO RB study area, but did not reveal any known reasonably foreseeable projects or activities that would be expected to have an adverse impact to such populations. For example, there are neighborhood plans prepared by Louisville Metro for the environmental justice areas of Butchertown (2008), Phoenix Hill (2008), Portland (2008), and Shawnee (on-going), and there are announced construction projects within downtown Louisville. The announced construction projects include the expansion of Fourth Street Live, and the expansion of the medical center area in the eastern portion of downtown. None of these projects are anticipated to relocate environmental justice populations or to have any known adverse impacts to them. Within New Albany, Indiana, the Consolidated Community Development Plan: Fiscal 2010-2014 (May 11, 2010), which was prepared for the New Albany Redevelopment Commission, identifies proposed re-investment programs and projects to benefit communities primarily within environmental justice areas of the city.

The only known infrastructure project in an environmental justice area of the LSIO RB project is the extension of River Road from 7th Street west to Northwestern Parkway in the Portland area. The project is not anticipated to have any direct or indirect adverse impacts to the environmental justice populations. In addition, various agencies, including HUD, have ongoing Community Development Block Grant (CDBG) programs to improve living conditions in such areas.

D.6 [1]
The SFEIS should indicate what proportion of the relocation impacts are anticipated to occur in communities with environmental justice concerns. The SFEIS should also provide information regarding the availability of alternative placement for the Wayside Christian Mission that will be relocated.

Response
None of the residential relocations associated with the project will be located within environmental justice community areas. The commercial displacements within environmental justice areas are industrial uses, and none are neighborhood resources.
that serve justice populations, such as grocery stores or clinics. The commercial relocations are not total acquisitions. There partial relocations of storage areas and part of an auto salvage yard. These businesses are expected to remain in operation, and the uses within them will be shifted to different locations on the same property. The opportunity for that is there, should the specific businesses choose to do so.

Regarding the Wayside Christian Mission: The Mission is a support organization for homeless people in the Louisville Metro area. They have multiple buildings in the downtown area, including the four-story building on the Jefferson Street parcel that would be acquired with the LSIORB Project, as well as the following facilities that will not be acquired: a child development center on Shelby Street, and the Hotel Louisville on 3rd Street just north of Broadway.

The Jefferson Street building operates as a men’s shelter and provides offices for Wayside Christian Mission’s overall operation. The men’s shelter operation provides a day shelter on one floor, and transitional and supportive housing on the top two floors. The mix of offices and shelter uses will require different relocation approaches in keeping with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act. Requirements include handling non-profit offices as a non-residential move, and providing move benefits to each of the semi-permanent residents based on length of residency.

The Kentucky Commercial Real Estate Alliance listings in April 2012 were researched to determine the availability of buildings in the downtown area that could serve as a replacement site for the relocation of the Mission’s Jefferson Street facility. The research located 6 suitable/comparable buildings (ranging from approximately 21,600 to 81,000 square feet, with most being in the 40,000-square-foot range) that are for sale within a 20-block radius of the Mission’s current location; and 5 of these buildings are within a 15-block radius of the Mission. All of these building are less than 2 travel miles from the Mission’s Jefferson Street building, and all are within the downtown area of Louisville. Because of the availability of buildings in which to relocate and the relocation benefits required through the Uniform Act, this relocation would not result in a disproportionately high and adverse impact on this facility or its residents.

D.7
[1]
There is no meaningful explanation or research on social impacts with the introduction of tolls and tolling.

Response
The socioeconomic impact analysis conducted for this project focused on direct, indirect, and cumulative impacts to the LMPA. Efforts to identify social impacts of tolling included extensive public outreach (see SFEIS Chapter 7), and state-of-the-practice traffic and environmental analyses for the local communities potentially affected by this project, including environmental justice populations (see various sections of chapters 3 and 5). Social benefits of the project were evaluated in the Economic Impact Analysis from planned construction/capital investments for the project (see SFEIS Appendix B.8.1).

D.8
[1]
The “affected population” was unfairly limited to those within the immediate project area. This study, as in the 2003 FEIS, ignores the majority of the environmental justice population that lives outside of the immediate project area. Year 2000 Census data was used for this study, and given the dramatic changes in the last five years we
cannot accept its validity. This project will have regional ramifications for jobs and transportation dollars, as evidenced by the changes forced in the MTP, and thus environmental justice concerns should be considered on that scale.

Response

The affected population was not limited to the immediate project area; it included the LMPA region (Jefferson, Bullitt, and Oldham counties in Kentucky, and Clark, and Floyd counties in Indiana) and the environmental justice analysis and survey includes the same five-county region. The analysis focuses on those areas and individuals within the five-county region who are likely to experience the effects of the project. The analysis focuses on those areas and individuals within the five-county region who are likely to experience the effects of the project.

During the development of the SDEIS, the use of 2010 Census data was evaluated; however, not all 2010 Census data were available. However, since the publication of the SDEIS, 2010 Census data and the 2006-2010 ACS data have been used to evaluate socioeconomic conditions for this SFEIS.

D.9

[1]

The consultants use the survey heavily in their analysis of environmental justice travel. However, it is a questionable survey with questionable conclusions. Five hundred 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 environmental justice populations. Of this 500, 15%, or 75 respondents use TARC but it does not say what number of the TARC users are environmental justice populations. The survey states that 13% of the low income TARC users use the bridges frequently—13% of how many? The number of low income TARC users is not stated.

Response

The IQS Research Telephone Ohio River Bridge Users Study was designed to provide a statistically valid assessment of the usage patterns of the Ohio River bridges. The study was a telephone based research study administered to 500 households. The sample size generated a margin of error of 4.37% at the 95% confidence level.

While the results of the study are reported in this SFEIS, the findings of the environmental justice analysis did not rely solely on the results of the study. Rather, the finding of no disproportionate impact was based on the analysis of traffic, tolling, user-cost, and other direct and indirect impacts, which were independent of the study. Regarding whether there was an overlap in the minority and low-income populations surveyed, the environmental justice Executive Order 12898 applies to minorities regardless of whether they are low-income, and to low-income regardless of whether they are minority. Regarding “13% of low income TARC users, the statement as it appears in the study reads “13% of the people living at the poverty level or below indicate using TARC to cross the bridges.” The study is in SFEIS Appendix B.8.2.

D.10

[1]

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

The approach to the determination of whether or not there would be disproportionately high and adverse impacts on environmental justice populations, due to the introduction of tolling on the new bridges across the Ohio River (East End and I-65), took into account both the actual cost of the tolls and the vehicle user cost. The vehicle user cost includes vehicle operating costs and the cost of time spent in traffic. The environmental justice analysis was evaluated within the same parameters as the 2003 FEIS and included additional analysis to evaluate the potential impacts to environmental justice populations as a result of tolling. To evaluate user costs for environmental justice populations, a separate analysis was done. This analysis examined trips to and from non-environmental justice areas as well as non-environmental justice areas. Because the tolls primarily affect the use of the bridges and cross-river trips, the purpose of this analysis was to identify any disproportionate impacts to environmental justice communities. The analysis of the average costs per trip focused on EJ and Non-EJ community cars that use the bridges and not External cars/trips, regional trips, and trucks. This additional analysis has been added to SFEIS Section 5.1.7 since the publication of the SDEIS, and commitments have been included in Chapter 8, Commitments and Mitigation, that include the following:

The states of Indiana and Kentucky will develop a process for adopting an overall tolling policy that will be sensitive and responsive to the on low-income and minority (environmental justice) populations. The development of this process will include additional outreach and public involvement with the environmental justice populations. During the development of the toll policy, KYTC and INDOT will:

- Conduct a detailed assessment of the potential economic effects of tolls on low-income and minority populations, using the latest publicly available population data, traffic forecasts, and community input.
- Make the results of that study publicly available.
- Identify and evaluate a range of measures for mitigating the effects of tolling on low-income and minority populations.
- Provide an opportunity for additional public input on those potential measures.

D.11

Environmental justice concerns regarding the bridges project have become more pronounced with the rise in home energy, fuel, food, and other costs, which disproportionately impact poor, elderly, and minority populations. These environmental justice concerns were not addressed in the 2003 FEIS.

Response

The tasks undertaken for the 2003 FEIS included identification of environmental justice communities in the LMPA and an evaluation of impacts to these identified communities as a result of the Ohio River Bridges Project. To update the information presented in the 2003 document, an analysis of impacts to environmental justice populations has been conducted for this SFEIS. The basic methodology used for this SFEIS environmental justice update evaluates changes in the environmental justice populations, changes in direct impacts (e.g., physical impacts) of the build alternatives on environmental justice populations since the 2003 FEIS,
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and the traffic diversion and economic effects of tolling on environmental justice populations. For detailed information about indirect and cumulative impacts to environmental justice populations, please see Response to Comment D.5 and Section 5.1.7 in this SFEIS.

D.12

[1]

Modified Selected Alternative does not adequately address social justice needs of connecting Title VI area with jobs. Title VI as codified 42 USC §2000d prohibits discrimination in programs that use federal funds. A less discriminatory alternative would include designing a light rail track on any new bridge and supporting projects to make it a preferable alternative for cross-river travel usable by protected minorities and other users alike.

Response

In the 2003 FEIS potential mass transit alternatives, including light rail and enhanced bus service, were evaluated. These alternatives were re-evaluated for the SEIS (see Chapter 3, Alternatives, and Appendix A.3, Alternatives Evaluation Document). Both evaluations concluded light rail was not a reasonable alternative for addressing the purpose and need, and that alternative was not carried forward for detailed analysis. The 2003 evaluation considered the costs and benefits of a comprehensive light rail system, and concluded that the high cost of implementation and the low projected ridership made light rail unreasonable. Enhanced bus service was identified as the most reasonable transit element of any solution to the identified cross-river mobility needs. The 2003 FEIS and this SFEIS both have included enhanced bus service as a feature of each of the build alternatives. Please see Chapter 3, Alternatives, and Responses to Comments C.2 through C.5 for details regarding enhanced bus service.

D.13

[1]

The analysis of impacts is too narrowly focused on the impact of tolling instead of a broad re-evaluation of the purpose and need and alternatives based on new poverty data and race housing data. The SDEIS ignores the crisis in unemployment and housing as it exists today and relies on 12-year-old Census data. The results of the analysis on bad data fail to meet the requirements of avoiding discrimination in this project and the resulting disparate impact is a knowing action by FHWA.

Response

The purpose and need for the project and the alternatives were re-evaluated based on current data, coordinated with resource agencies and the public, and found to remain valid. (See Appendix A.1 and Chapter 2 of this SFEIS for discussion of the purpose and need, and Chapter 3 and Appendix A.3, for information on the alternatives evaluation.). Regarding unemployment, the data was a factor in the traffic modeling, which was based on the socioeconomic projections. Regarding the Census data, the SFEIS has been updated to evaluate 2010 Census data and the 2006-2010 ACS data for income analysis.

D.14

[1]

According to the IQS Research Telephone Ohio River Bridge Users Study the environmental justice Race members are crossing the bridge more frequently than those not in the environmental justice Race category. The survey indicates there is a greater need for cross-river mass transit by the environmental justice community. The west end has as much as 22% unemployment. The forecast in employment growth from 2007 to 2030 shows that enormous job growth is predicted for the far east outer ring Prospect and Utica area as enabled by the bridge. Low income Title VI residents have no way to get to those jobs on time, now or in the future, with a long commute in older vehicles, spending a larger proportion of income for fuel, insurance and
maintenance. The Modified Selected Alternative continues a racial discriminatory pattern of transportation investment favoring white, high income auto commuters.

**Response**

Due to user cost, there is likely to be a disproportionately high and adverse impact to environmental justice populations with that the Modified Selected Alternative. Please see SFEIS Section 5.1.7 for a detailed discussion of the environmental justice assessment.

As one means to meet the project’s need to improve cross-river mobility, which would facilitate access to jobs throughout the LMPA, the build alternatives include providing enhanced bus service. Since the publication of the SDEIS, KYTC, INDOT, and TARC officials met to explore options that would improve transit service both during and after construction (see Appendix E for coordination documents). The states will enter into a Memorandum of Agreement (MOA) with the TARC to implement the enhanced bus service identified as part of the selected alternative. The items potentially being considered include permanent park and ride facilities; purchase of buses and vans; and improved, consolidated, and new bus stops. Please see Responses to Comments C.2 through C.5 regarding consultation with TARC and potential enhanced bus services.

**D.15**

The SDEIS (figures 5.1-1 and 5.1-2) shows no benefits for Kentucky and that Indiana would be the beneficiary of all the employment and population.

**Response**

The analysis of employment impacts assumed no net growth in employment within the LMPA as a result of the project. The methodology used in the 2003 FEIS, and again in this SFEIS, was intended only to predict the re-allocation of growth; it was not designed to predict any new growth caused by the proposed action.

The Modified Selected Alternative was forecasted in 2030 to result in less population and employment growth in the portion of the region beyond the 10-mile radius of downtown Louisville in comparison to the No-Action Alternative. The forecasted population and employment figures show that more of the region’s overall growth would shift slightly beyond downtown Louisville, but still within a 10-mile radius of downtown, as a result of the construction of the proposed project and the anticipated residential and commercial growth associated with the project.

Clark County, Indiana, is considerably more rural than Jefferson County, Kentucky. There is considerably more undeveloped farmland in Clark County than Jefferson County. The acreage of land in farms is two to three times higher in Clark County than in Jefferson County. As development pressures continue around the Louisville LMPA, farmland is being converted for residential and commercial development. Development pressure is expected to continue in Clark and Jefferson counties. The East End Bridge would provide new cross-river mobility with connectivity to I-64, I-65, I-71, and KY 841 (Gene Snyder Freeway) and provide additional access to the LMPA in eastern Clark and Jefferson counties, which is predicted to result in continued development.

In Indiana, the East End Corridor is located between the Port of Indiana-Jeffersonville to the south and the River Ridge Commerce Center to the north. The East End Corridor in Indiana also includes a proposed interchange at S.R. 62 and Salem Road in Clark County, both of which would increase access to development. The Salem Road interchange will provide access to the River Ridge Commerce Center, the Port of Indiana-Jeffersonville, and southeastern Clark County. The
commerce center and port are expected to play an important role in developing the regional economy and assist in establishing the area as a commerce and transportation hub for the LMPA. Commercial development is expected near the proposed interchanges with S.R. 62 and Salem Road. Residential development is expected to continue in southeastern Clark County and around the Town of Utica. The East End Bridge will provide the necessary cross-river mobility for both Clark County and Jefferson County residents to access employment opportunities in the east end area.

D.16

Projections regarding future jobs and population trends are inconsistent with other assumptions in the DSEIS. In addition, the data appears to demonstrate the building of the bridges would result in no net long-term growth in the Louisville region.

Response

For this SEIS, population and employment forecasts for 2030 for the No-Action build alternatives Forecasts for 2030 were prepared using updated socioeconomic data from the Kentuckiana Regional Planning and Development Agency (KIPDA).

KIPDA’s 2007–2030 population and employment forecasts indicate high growth in eastern Jefferson County (as well as much of adjacent Oldham County), across the Ohio River from the high growth areas of southeastern Clark County. Much of the predicted population growth in eastern Jefferson County over that period is expected to occur in a corridor along the existing KY 841, with several areas of high growth between I-64 and the Ohio River (see SFEIS Figure 2.2-2). Employment in this area also is expected to increase between 2007 and 2030, with several areas of high growth again concentrated along KY 841 from the I-64 interchange to the Ohio River (see SFEIS Figure 2.2-3). A large portion of that growth is predicted to occur in the areas of eastern Jefferson, Oldham, and southeastern Clark counties located opposite each other across the Ohio River. Those areas of growth also tend to be concentrated along or near the existing S.R. 265 in Indiana and KY 841 in Kentucky.

While the KIPDA analysis projects growth in eastern Jefferson, Oldham, and southeastern Clark counties, the analysis of employment impacts conducted for this project did not identify net growth in employment within the LMPA as a result of the project. Rather, the methodology used in the 2003 FEIS, and again in this SFEIS, was intended only to predict the re-allocation (i.e., a shift) of the KIPDA-projected growth; it was not designed to predict any new growth as a result of construction and operation of the proposed action. Conversely, that does not mean that additional growth will not occur as a result of the proposed action; this SFEIS simply was not designed to predict or quantify such growth. Thus, the data in this SFEIS should be construed to neither predict future growth as a result of the project nor conclude that such growth will not occur.

The FEIS Selected Alternative and the Modified Selected Alternative were forecasted in 2030 to contribute to greater population and employment growth (due to population shifts rather than new growth) within a 10-mile radius of the downtown area than would the No-Action Alternative. In addition, as discussed in SFEIS Section 5.1, Social and Economic, these two alternatives are also forecasted in 2030 to result in less population and employment growth in the portion of the region beyond the 10-mile radius of downtown Louisville in comparison to the No-Action Alternative. The forecasted population and employment figures show that more of the region’s overall growth would shift slightly beyond downtown Louisville, but still be within a 10-mile radius of downtown, as a result of the construction of the proposed project.
Clarify how visiting drivers and the local community will be informed of tolling procedures and payment methods. Recognize that some drivers will have burdensome issues with access to and ability to use the technology used to pay tolls.

Response
At present, detailed information on how the drivers and the local community will be informed of tolling procedures and payment methods is not available. KYTC and INDOT will be responsible for making these final determinations and any revisions to them during the implementation of the tolling process. The KYTC and INDOT decision-making process will be open to the public, and efforts will be made to inform the public of the options and payment methods associated with tolling. KYTC and INDOT will take into account the concerns raised about the public’s access to technology as it relates to paying tolls.

The SDEIS states that some drivers will use detours through environmental justice communities to access non-tolled bridges. There is concern that this diverted traffic will add to congestion in these areas. Clarify the locations of the expected detours and provide a map showing the anticipated detours.

Response
A map has been added to this SFEIS as Figure 5.1-4, which combines the environmental justice areas with the traffic diversion information. Please see Response to Comment D.3, Item 6 for a discussion of traffic diversion in environmental justice areas.

Tolling of the bridges will have an adverse impact to area businesses and individuals, in Southern Indiana. Tolls will create a barrier for traffic entering Indiana, reducing access to businesses. This will negatively affect taxes paid to local and state governments and the overall economic climate in Indiana. Tolling will be a new “Hoosier tax” (i.e., cost of being a Hoosier). Southern Indiana is part of the complete Louisville Metro Area, representing about one eighth of the population, yet absorbing 80% of the tolling. Tolls will have a disproportionate impact on Southern Indiana as 40,000 Hoosiers commute to Louisville on a daily basis. Almost all Hoosiers have to travel to Louisville; very few Kentuckians have to travel to Indiana. This will take $50 million a year out of our Southern Indiana economy annually in tolls alone.

The community wants a one-bridge solution with construction of the East End Ohio River Bridge. Nearly one third of the cost of the project, as proposed, will go to rebuild Spaghetti Junction; if it is included in the project, should pay for itself through tolls instead of passing that financial burden to Hoosier who work in Louisville. Eliminating the historic designation afforded the Drumanard Estate and eliminating the cost of the tunnel would bring the project within the scope of being able to be financed without tolls.

Response
Regarding the cost to users, the vehicle user cost analysis states that the incorporation of tolling as part of the Modified Selected Alternative would not result in an overall adverse effect on bridge users, including those in Southern Indiana, because the cost of tolls would be offset by other user cost savings. However, when considering only tolls as an expense, the traffic data and commuter data show there are approximately three times the number of people who live in southern Indiana and work in Louisville Metro than those who live in Louisville Metro and work in Southern Indiana. Therefore, as stated in the comment, commuters who reside in
Indiana would be expected to pay more in tolls, as well benefiting from the improved mobility.

As discussed in Construction Options at U.S. 42 and the Drumanard Estate (SFEIS Appendix I), a reevaluation of the tunnel was conducted which concluded that the removal of the tunnel would not be reasonable. The reevaluation found the removal of the tunnel (i.e., Open Cut) or additional modification to the tunnel design (i.e., Cut and Cover) was not reasonable when considering the potential increase in overall impacts with the cost savings. The Open Cut and Cut and Cover options would result in Section 4(f) use on the Drumanard Estate Historic District. This option would be contrary to the 2003 ROD and Original MOA commitments.

The current financial plan concludes that the project is financially feasible without tolling the Kennedy Interchange Complex. Therefore, only tolling of cross river trips on the East End Bridge and the two one-way I-65 bridges (the new Downtown Bridge and the re-decked Kennedy Bridge) is currently proposed.

Recommendations for offsetting toll impacts on businesses and individuals include: allowing individuals to purchase an affordable monthly/annual pass or implementing a frequent-user discount, and/or requiring payment of tolls by non-residents only. Businesses should be allowed multiple users for a nominal fee. The timetable for removing tolls should be made public.

There are many concerns about using E-Z Pass or a similar system. The pay-toll-by-mail-or-credit-card system involves private businesses collecting the name, home address, phone number, social security number perhaps, credit card number, auto registration details, and more, from the owners (not necessarily the drivers) of cars that cross the bridge.

Response

The KYTC and INDOT will evaluate the various tolling scenarios including the final toll rates, billing options, privacy policies, and the duration of tolls as part of the design and financing process. Specific information on offsetting toll impacts on businesses and individuals and what type of toll collection system will be implemented have not yet been determined.

Do not toll the connection between the “community” of Southern Indiana and Louisville Metro. Toll for optional convenience—East End Bridge only—not for mandatory passage.

Response

Tolling is included on both structures and is necessary to fund the project. To bridge the funding gap between the cost of the Modified Selected Alternative and the available traditional state and federal funding, the State Sponsors determined that tolls would be needed. Tolling only the East End Bridge would not generate enough revenue to fund the project and, therefore, would not be financially feasible. Building only the East End Bridge and not the Downtown Bridge would not meet the project’s purpose and need (see Section 3.1.1.1 and Appendix A.5). The overall tolling scenario will be determined by KYTC and INDOT after completion of the NEPA process, as part of the design and financing development.

To achieve a seamless cross-river connection between Southern Indiana and Louisville without the need for tolls that would adversely affect the local economy, create a series of smaller “street-bridges” connecting selected Louisville surface
streets with those on the Indiana side of the river.

Response
This option on its own would not meet the project's purpose and need. It would not improve cross-river transportation system linkage and freeway rerouting opportunities in the eastern portion of the Louisville Metropolitan Planning Area (LMPA) (see SFEIS Chapter 2). In addition, this option would not improve safety within the Kennedy Interchange and on the Kennedy Bridge because there would be no design improvements to these facilities.

D.23
Tolling would unfairly impact environmental justice populations. As the study points out, almost 40% of low-income persons and almost 60% of minority citizens cross the Downtown Bridge every day or several times a day. The currently proposed toll of $1.50 a trip would increase their annual expense by 6% as compared to a 3% increase compared to the 2000 per capita income of $20,397 for Indiana and $18,093 for Kentucky causing a disproportionate and adverse impact to low-income drivers.

Response
Since the publication of the SDEIS, the KRS 175B Financial Plan has been published, which identifies a new tolling scenario that includes a $1 per trip rate for “frequent users.” Additionally, the income data has been updated to reflect the 2010 income information. The updated results indicate that the tolls would equate to approximately 4% of a low-income person’s 2010 annual income, based on an estimated annual income of $11,139, which is the 2010 HHS poverty threshold. Compared to the 2010 per capita income of $24,058 for Indiana and $22,515 for Kentucky, the toll costs would constitute approximately 2% of the annual per capita income of non-low-income people. The calculations demonstrate that in general, and as one would expect, a low-income person who uses the bridges for a daily commute would have more of their annual income used for tolls than non-low-income populations using the bridges.

Please see the updated discussion of environmental justice issues in Section 5.1.7, Environmental Justice, and Response to Comment D.3, Items 4 and 5.

D.24
The addition of tolls for low income and minority citizens helps to fund the under-utilized and redundant Eastern Bridge. The facts concerning this tax on underprivileged regional citizens should be taken into account by decision-makers.

Response
Please see SFEIS Section 3.2.3, Modified Selected Alternative (which discusses the baseline tolling scenario); Section 5.1.7, Environmental Justice; and Response to Comment D.3, Items 2 through 5, and D.23.

D.25
The eastern bridges do not generate one single new job for Jefferson County or, in fact the region. The project loses 76 jobs according to the SDEIS data.

Response
As noted in Response to Comment D.15, and shown in SFEIS Table 5.1-11, the analysis of employment impacts assumed no net growth in employment within the LMPA as a result of the project. The methodology used in the 2003 FEIS, and again in this SFEIS, was intended only to predict the re-allocation of growth; it was not designed to predict any new growth as a result of construction and operation of the project. The FEIS Selected Alternative and the Modified Selected Alternative are forecasted in 2030 to result in less population and employment growth in the portion of the region beyond the 10-mile radius of downtown Louisville in comparison to the No-Action Alternative. The forecasted population and employment figures show that
more of the region’s overall growth would shift slightly beyond downtown Louisville, but still within a 10-mile radius of downtown, as a result of the construction of the proposed project and the anticipated residential and commercial growth associated with the project. The evaluation was not designed to forecast any gain or loss of jobs, but to predict the re-allocation of employment and population.

D.26 Clarify whether there are sufficient funds available to complete the Big Four Bridge’s pedestrian/bikeway access in Indiana.

Response The Big Four Bridges project is fully funded. The Kentucky approach has been completed and the bridge decking is under construction. The cost estimate for the Indiana approach is approximately $10 million. INDOT has committed $8 million in Federal funds for developing the approach and the City of Jeffersonville, Indiana has agreed to provide an additional $2 million. Construction contracts have been awarded and completion of construction is expected in 2013. This SFEIS has been revised to update the funding status of the Big Four Bridge project (see Section 4.1.4, Pedestrian and Bicycle Facilities).

D.27 In project planning, take into account pedestrians and bicyclists. Crosswalks are dangerous for people on foot and impractical for cyclists. Incorporate safe means for cyclists and pedestrians to negotiate the highways and the interchanges of this project. The pedestrian and bike bridges should not be eliminated from the project.

Response Louisville Metro and the City of Jeffersonville have advanced the conversion of the abandoned Big Four Railroad Bridge to a 22-foot-wide pedestrian and bicycle path, located approximately 1,200 feet upstream from the existing Kennedy Bridge. The Big Four Railroad Bridge project will provide a dedicated bicycle and pedestrian river crossing facility between downtown Louisville and Jeffersonville. The Modified Selected Alternative does not include pedestrian and bicycle access as a feature of the Downtown Bridge.

The ramp on the Kentucky side of the Ohio River lands within Waterfront Park and patrons of the Big Four Railroad Bridge will have access to the existing bicycle and pedestrian path located along the Ohio River on River Road. The ramp on the Indiana side of the Ohio River lands within the City of Jeffersonville, near the Market Street/Mulberry Street intersection. Patrons of the Big Four Railroad Bridge will have access to an existing bicycle and pedestrian path located along the Ohio River in Riverfront Park. Due to these improvements, the Big Four Railroad Bridge is proposed to provide the cross-river, non-motorized connectivity in the downtown Louisville/Jeffersonville area, without any potential for pedestrian/vehicular conflict.

The East End Bridge will also include a pedestrian/bike path that will be included on the downstream side of the East End Bridge. The path will be separated from the roadway with a continuous barrier and will include protective fencing on the downstream side bridge railing. The path will connect to existing trails/bike/ pedestrian paths on both the Indiana and Kentucky sides of the Ohio River. (Please see SFEIS Appendix E for correspondence dated April 16, 2012, from INDOT and KYTC to FHWA documenting the decision regarding the bicycle/pedestrian path proposed for the new Downtown Bridge.)
D.28

I support the introduction of tolling on the Ohio River Bridges provided the toll revenue goes to the new construction and maintenance of all Ohio River bridges, including the Sherman Minton and the Clark Memorial; and that no toll revenue goes to for-profit investors, especially foreign investors; that 2-5% to the toll revenue goes to public transit; and that the toll rate is the same on all the crossings.

Response

KYTC and INDOT will evaluate the various tolling scenarios including the distribution of toll revenues, final toll rates, and policies related to tolling as part of the design and financing process. Please see Response to Comment C.2 for a discussion of public transit commitments associated with providing enhanced bus services.

D.29

The analysis fails to evaluate the indirect and secondary impacts on environmental justice communities as a result of the massive economic disinvestment represented by the loss of 12,000 jobs and many households as well from Kentucky to Indiana.

Response

As noted above (please see Response to Comment D.16), KIPDA socioeconomic (population and employment) forecasts indicate high growth in eastern Jefferson County (as well as much of adjacent Oldham County), across the Ohio River from the high growth areas of southeastern Clark County. Much of the predicted population growth in eastern Jefferson County. The analysis of population and employment impacts conducted for this project predicted the re-allocation (i.e., shifting) of that growth as a result of the project. That does not mean that additional growth will not occur as a result of the proposed action; on the contrary, it would be likely that improvement of cross-river mobility in the area would result in additional growth rather than the “massive economic disinvestment.”

This SEIS evaluated indirect and cumulative effects of the project on environmental justice populations (please see Section 5.1.7.3) and determined the following:

Indirect—Based on the assessment of indirect effects in the environmental justice evaluation in the 2003 FEIS, and the review of potential changes in the project’s impacts based upon the changes associated with the Modified Selected Alternative, the only potential source of indirect impacts on environmental justice populations relevant to this SFEIS is the changes in traffic patterns between the FEIS Selected Alternative and the Modified Selected Alternative. The differences in traffic would be primarily due to tolling and the removal of the I-71 interchange with Ohio Street in Louisville. Because the change in traffic is expected to be imperceptible, with minimal impacts on traffic movements or flow, no indirect adverse effects on nearby environmental justice communities are anticipated as a result of this diversion.

Cumulative—To identify the potential for cumulative impacts on environmental justice populations, research and consultation has occurred with agencies including KIPDA, Louisville Metro Government, the Louisville Downtown Development Corporation, the City of New Albany, and the U.S. Department of Housing and Urban Development (HUD). The research and consultation resulted in the identification of several local/neighborhood plans geared to improving the quality of life in identified environmental justice areas within the LSIORB study area; however, the results did not reveal any known reasonably foreseeable projects or activities that would be expected to have an adverse impact to such populations.
Tables 5.1-1 and 5.1-2 show that, as a result of the bridges project, 2% of the jobs (6,201/231,563) and 0.7% of the households (1,554/211,411) that would otherwise be located more than 10 miles from downtown, would shift closer in to be located less than 10 miles from downtown. This projection seems squarely inconsistent with Table 3.3-6 on p. 3-30, which projects that cross-river trips with an east-to-east origin/destination would increase by 49% as a result of building the bridges.

The data in Tables 5.1-6 and 5.1-7 show significant inconsistencies with the data relied on in the 2003 FEIS, and confirm that many of the assumptions on which the project was originally approved were erroneous.

Response

SFEIS Tables 5.1-1 and 5.1-2 do not present information that is inconsistent with Table 3.3-6. The tables are simply highlighting different potential impacts of adding cross-river capacity. Table 3.3-6 provides information, specifically for the East End Bridge, regarding impacts on trip destination and route choice; whereas Tables 5.1-1 and 5.1-2 highlight the impacts that increasing overall cross-river capacity (Downtown Bridge and East End Bridge) could have on land use development. Tables 5.1-1 and 5.1-2 show a portion of population and employment growth could shift from areas more than 10 miles from downtown to areas within 10 miles of downtown. As shown in figures 5.1-1 and 5.1-2, the shift would mainly occur from eastern Jefferson County (eastern terminus of the East End Bridge) to across the river into Clark County (western terminus of the East End Bridge). Thus the East End Bridge will still provide access to certain trips associated with the shifted population and employment forecasts. Table 3.3-6 indicates that the East End Bridge will allow travelers to make destination choices that result in trips with a more “east-to-east” (eastern Jefferson County – eastern Clark County) orientation in the eastern portion of the region. Previously, this orientation of a trip may have been perceived as too cumbersome or time consuming by travelers. With the East End Bridge, as indicated by Table 3.3-6, destination choices requiring “east-to-east” travel become more practical. Furthermore, as indicated in Table 3.3-6, using the East End Bridge also provides additional accessibility in route choice to existing “east-to-east” travelers as indicated by VMT and VHT increasing at a percentage rate lower than the number trips increases.

The National Cooperative Highway Research Program (NCHRP) has published a Desk Reference for Estimating the Indirect Effects of Proposed Transportation Projects (Special Report 466, 2002). This reference describes several methods for evaluating land use changes from a major transportation project. The most sophisticated of these methods is integration transportation and land use modeling. When the Portland, Oregon Metropolitan Planning Organization, Metro, does integrated land use/transportation modeling, the modelers report:

“Under conditions of increasing congestion, nonresidential land uses increase their decentralization in order to take advantage of attracting labor and customers traveling in the off-peak direction. Over a period of time, this leads to equivalent travel times over a link in both directions of travel. As a result, the capacity of the transportation system is much greater than traditional modeling procedures indicate.”

They report that under congested conditions such as those forecast in the SDEIS in the No-Action scenario, the degree of directional traffic decreases as jobs and housing become more balanced at a sub-regional level. This would be accomplished by
stronger job growth on the Indiana side of the river which would be attraction to Indiana residents that could avoid the congested river crossing and stronger housing growth on the Kentucky side of the river so people could live on the same side of the river as their jobs. These forecasts would improve the jobs/housing balance on both sides of the river and the traffic flow would become more balanced. In contrast, the SDEIS shows both jobs and housing shifting to Indiana from Kentucky in the Build scenario relative to the No-Action scenario. (SDEIS, figures 5.1.1 and 5.1.2, p. 5.4) This doesn’t make sense and is not supported by any evidence or description of methodology. The numbers are simply attributed to the developer of the SDEIS.

Response

The SEIS time-of-day travel demand model (TOD model) used socio-economic scenarios for the build scenarios that were developed and used by the Louisville MPO for their Horizon 2030 Transportation Plan (which includes the Ohio River Bridges Project). The No-Action socio-economic scenario was developed for the SEIS by redistributing the Louisville MPO socio-economic scenario data using the redistribution patterns developed for the 2003 FEIS. The 2003 FEIS No-Action scenario was developed in collaboration with the Louisville MPO, and is documented in their report, “The Socio-Economic, Development and Accessibility Impacts of No-Build and Bridge Build Alternatives for the Ohio River Bridges Project.” The distribution shows that with the project, there is increased accessibility to Indiana and thus more growth in population and employment. Details of the distribution are provided SFEIS Appendix B.8.4. These practices of forecasting growth are subjective. Essentially, the region has been operating under a congested “no-action” condition for years and it could be argued that this balancing of growth and traffic patterns has not yet occurred.

E. Historic and Archaeological Resources

E.1

The Kentucky Heritage Council notes that an applicant must ensure compliance with relevant state and Federal regulations regarding cultural resources, including: the Advisory Council on Historic Preservation’s Rules and Regulations for the Protection of Historic and Cultural Properties (36 CRF, Part 800) pursuant to the National Historic Preservation Act of 1966; the National Environmental Policy Act of 1969; Executive Order 11593; Kentucky Antiquities Act; Kentucky Cave Protection Act; and graves protection legislation. Our office is currently re-evaluating potential impacts relating to this project from the modifications to the original plans and the introduction of tolling. There may be a need for additional consultation to determine how to avoid, minimize, or mitigate any adverse effects to significant cultural resources.

Response

FHWA, INDOT, and KYTC have consulted with the Kentucky and Indiana State Historic Preservation Officers (SHPOs), the Advisory Council on Historic Preservation (ACHP), and other consulting parties to take into account the effects of the project on historic properties listed or eligible for listing in the NRHP. Information on potential impacts to historic and cultural resources has been updated.

3 The comment periods on the Section 106 Effects Findings in regard to historic properties, overlapped with the comment period for the SDEIS. A number of consulting parties submitted comments on both the SDEIS and the Section 106 issues, including eligibility, effects, and mitigation. The comments directed specifically toward the Section 106 issues have been responded to in separate documents that are provided in appendices D.4 (APE and Eligibility), D.5 (Effects), and D.7 (Mitigation).
in this SFEIS based on those consultations and is included in the following SFEIS sections: Chapter 4, Section 4.3 and Chapter 5, Section 5.3 (both titled Historic and Archaeological Resources); Chapter 6, Section 4(f) Evaluation; and Chapter 7, Public Involvement and Agency Coordination, various sections including Section 7.1.10, Section 106 Historic Resources Review Public Involvement, and Section 7.2.12, Consulting Party Coordination under Section 106. In addition, SFEIS Appendix D, Section 106 Process and Historic Property Documents, contains coordination and consultation materials relevant to the Section 106 process conducted for this project, including the executed First Amended Memorandum of Agreement (D.9) and other materials available since the publication of the SDEIS.

E.2 The SFEIS should provide updated information regarding the consultation process under Section 106.

Response Updated information regarding consultation with consulting parties, including the SHPOs and the ACHP, is provided in this SFEIS (see Section 5.3, Historic and Archaeological Resources; various sections in Chapter 7, Public Involvement and Agency Coordination; Section 106 documentation in Appendix D; and letters of coordination with the SHPOs in Appendix E).

E.3 The Drumanard property should be removed from the National Register of Historic Places. Or, at the very least, the boundaries of the existing 55-acre listing should be reduced to those in the original 1-acre listing.

Response The Drumanard property was initially listed in the National Register of Historic Places in 1983 under the name “Fitzhugh/Strater House” and included a one-acre boundary. A name change to that of “Drumanard” and a boundary increase to the existing 55-acres were approved in 1992. Additional information supplementing the Drumanard boundary increase was included in the nomination for the County Estates of River Road Historic District in 1999, which was approved by the Keeper of the National Register of Historic Places. In 2010, a petition was submitted by representatives from the “Say NO to Bridge Tolls” organization to the Keeper of the National Register of Historic Places asking for a re-evaluation of the property’s eligibility. On November 15, 2010, the Keeper upheld Drumanard’s listing on the National Register, stating that “the information provided in the petition does not demonstrate that the property should be removed from the National Register of Historic Places and, therefore the property will remain listed.”

On December 19, 2011, a second petition was submitted to the Kentucky Heritage Council requesting another evaluation of the property’s eligibility. This second petition argued that additional information shows that the property does not meet the National Register criteria; that there was an error in professional judgment in the previous listing process as to whether the property meets the criteria for evaluation; and that there was a prejudicial procedural error in the nomination process. On January 31, 2012, the Kentucky Heritage Council (SHPO) issued a detailed response to the petition, concluding that “(w)e do not find any basis for delisting the subject property ... I will not recommend to the Keeper of the National Register that the property be delisted.” The petitioner can appeal the KHC’s decision, upon receipt of which appeal KHC can either refer the petition to the State Review Board for a decision or apply to the Keeper for a final decision.
FHWA, KYTC, and INDOT will continue to treat the Drumanard property according to its listing in the NRHP unless and until notified of a delisting action by the Keeper.

E.4

The construction of the new Downtown Bridge along with the planned modifications to the approaches on both sides of the river fails to protect the historic resources in Jeffersonville and Louisville.

Response

The Modified Selected Alternative in the downtown area either maintains the same footprint/right-of-way as the FEIS Selected Alternative or has been reduced, depending on location. Both alternatives have received adverse effect determinations for historic resources in Jeffersonville and Louisville. A Memorandum of Agreement (Original MOA) to specify mitigation measures for affected properties was developed with input from consulting parties, including the SHPO’s, and was included in the 2003 FEIS. Among the mitigation elements included in the Original MOA, was the preparation of Historic Preservation Plans (HPPs) for the Butchertown Historic District, the Phoenix Hill Historic District and the Old Jeffersonville Historic District. The plans for the Phoenix Hill Historic District and the Old Jeffersonville Historic District have been completed and the plan for the Butchertown Historic District is substantially complete.

A First Amended MOA has been executed (Appendix D.9) as part of this SFEIS process and includes mitigation measures to address the adverse effects of the Modified Selected Alternative, including many of the mitigation measures included in the Original MOA. Most of the effects of the Modified Selected Alternative on historic resources in the Downtown area (Louisville and Jeffersonville) are substantially the same as the effects of the FEIS Selected Alternative, except for those associated with reconstruction of the Kennedy Interchange, which generally have been reduced as a result of the decision to reconstruct the interchange in its present location. Per Stipulation II.F.2 of the First Amended MOA, all HPPs completed prior to 2012 “will be revised as appropriate to reflect project design changes.”

E.5

The North Field property and the Nuttall House should be referred to the Keeper of the National Register for a formal determination of eligibility.

Response

In response to comments from consulting parties calling for the reevaluation of the Nuttall House and North Field, FHWA submitted requests for official determinations of eligibility from the Keeper of the National Register of Historic Places for the North Field on February 7, 2012, and Nuttall House on February 13, 2012. In those submittals, FHWA requested a determination of non-eligibility for the Nuttall House and the North Field. In a letter signed April 3, 2012, the Keeper concurred with the determination of not eligible under Criterion A, B, or C for the Nuttall House and for North Field, and noted regarding North Field: “There is insufficient information provided to evaluate the property under Criterion D” (which concerns resources that have yielded or may be likely to yield, information important in history or prehistory). Phase 2 investigations on the site were completed and KYTC submitted a management summary to the Kentucky SHPO with a determination that the site is not eligible for inclusion in the NRHP. In a letter dated April 2, 2012, the SHPO concurred that the site is not eligible for the NRHP under Criterion D and noted that the site does not warrant preservation in place, with the concurrence being conditional upon the SHPO’s review and acceptance of the final Phase 2 archaeology report. In a “Determination of Eligibility Notification” dated April 18, 2012, the Keeper issued a
determination of not eligible based on “additional information submitted for the archeological component” of the property. (See Appendix D.8 for documentation and correspondence related to the Keeper’s determination.)

E.6

The eligibility of the Nuttall House should be re-evaluated under Criterion B for its association with W.L. Lyons and under Criterion C now that the 1962 modifications are nearing fifty years in age.

Response

The eligibility of the site has been examined on multiple occasions. As part of the 2003 EIS, FHWA determined the property to be not eligible for listing in the National Register of Historic Places. The Kentucky SHPO concurred with FHWA in this determination. In 2002, the Keeper of the National Register also determined that the Nuttall House is not eligible for listing. The 2010 Survey Update of Butchertown, Phoenix Hill, Downtown Louisville and River Road was performed as stipulated in the Original MOA and also found the property to be not eligible for listing in the National Register.

As part of the ongoing SEIS process, field visits in 2011 were completed and additional historical research was conducted. As a result of this research FHWA has again concluded that the Nuttall House is not eligible for listing in the NRHP. The Kentucky SHPO reviewed FHWA’s eligibility findings for all properties within the APE for the project, including the Nuttall House, and concurred with the FHWA’s determinations in letters dated October 14, 2011, and February 7, 2012. In response to requests from two consulting parties, FHWA submitted a request for an official determination of eligibility for the Nuttall House from the Keeper of the National Register on February 13, 2012. That submittal included detailed documentation evaluating the eligibility of the Nuttall House under Criterion B for its association with W.L. Lyons and under Criterion C for the 1962 modifications, and supporting FHWA’s conclusion that the property is not eligible for listing in the NRHP. Justification for the determination that the Nuttall House is not eligible for listing in the NRHP is presented in detail in Section 4.3 of this SFEIS. In a letter dated April 4, 2012, the Keeper concurred with the not eligible determination for this property. The information packets that were sent to the Keeper and the response letter are in Appendix D.8

E.7

The boundaries of the Extensions to APEs are not expansive enough to cover all secondary and cumulative effects on historic resources.

Response

Extensions to the Original APE were initially developed by FHWA, INDOT, and KYTC to establish the area in which the Modified Selected Alternative might have an impact on historic resources as a result of changes in traffic patterns caused by the introduction of tolling. As part of this SFEIS, FHWA, KYTC, and INDOT conducted an analysis to identify areas that could experience differences in traffic patterns based on the proposed project design modifications and the introduction of tolling to the Downtown (I-65) and East End Bridges. To consider the effects of such changes to traffic patterns as a result of the Modified Selected Alternative, a methodology was developed for identifying areas where increases or decreases in traffic could potentially affect historic properties. This methodology was based on traffic data and output from a travel demand model, and was used to estimate potential changes in traffic conditions. This resulted in the identification of the following five subareas where such changes could occur: portions of Jeffersonville, Clarksville/S.R. 62, New...
Albany, downtown Louisville, and River Road. Based on this analysis, FHWA, KYTC, and INDOT proposed designating these five subareas as part of the APE. To distinguish them from the Original APE, the term “Extensions to the Original APE” was used to refer to these areas outside the Original APE that could be affected by changes in traffic patterns.

On July 14, 2011, the proposed Extensions to the Original APE were presented to the staff of the Kentucky and Indiana State Historic Preservation Officers (SHPOs). As a result of this consultation, the boundaries of the Extensions to the Original APE were revised to include additional areas in downtown Louisville and Jeffersonville. In a letter dated August 11, 2011, the Kentucky SHPO suggested expansion of the boundary along River Road. In a letter of concurrence with the findings and determinations in the 800.11(e) Report (dated February 7, 2012), the Kentucky SHPO concurred with the “identification of the area of potential effect” (which was described in the 800.11(e) Report and which included the Extensions to the Original APE). The Indiana SHPO concurred with the Extensions to the Original APE in a letter dated September 6, 2011. Further details about the travel demand model and the development of the Extensions to the Original APE are provided in the Section 106 Identification Findings Report included as Appendix D.6.

The Extensions to the Original APE were presented to the consulting parties at a consulting parties meeting on September 29, 2011. Comments received during and following the consulting parties meeting primarily focused on the following general themes: (1) extending the boundaries of the Original APE and Extensions to the Original APE to avoid including only portions of historic districts (rather than the entire districts), (2) expanding the boundaries of Extensions to the Original APE along River Road to close a gap between it and the boundaries of the Original APE, and (3) questions and comments related to the NRHP eligibility of various properties within the Original and Extended APEs. See SFEIS Appendix D.4 for additional information. SFEIS figures 4.3-1 and 4.3-2, illustrate the Extensions to the Original APE.

Regarding the East End portion of the project, there were no extensions to the Indiana or Kentucky portions of the Original APE, which are illustrated on figures 4.3-3 through 4.3-6 on pages 4-41 through 4-44 of the 2003 FEIS, because there are no additional areas beyond the Original APE where traffic is anticipated to be different between the two build alternatives.

E.8

[1] The SDEIS fails to explain why, for the Spring Street Freight House (Train Depot), the determination for vibration impacts has been changed from Adverse Effect in 2003 to No Effect.

Response

The Spring Street Freight House was identified as experiencing adverse effects from vibration in 2003. Modifications to the FEIS Selected Alternative and to the property itself since that time have now resulted in a No Effect finding for vibration. Because of the similarity of the Modified Selected Alternative to the FEIS Selected Alternative, a No Effect finding has also been made for the Modified Selected Alternative. The depot was in very poor condition at the time of the 2003 FEIS but has since been reconstructed, with new footings and structural improvements. In addition, the redesign of the 10th Street interchange (for both the FEIS Selected Alternative and the Modified Selected Alternative), eliminated major bridge construction that could
have caused construction vibration concerns (i.e., pile-driving for footings). As a result, no vibration impacts to this property are anticipated for either alternative. See SFEIS Table 5.3-2.

E.9

An objection was raised to the determination of No Adverse Effect from construction activities related to the Modified Selected Alternative on the Old Jeffersonville Historic District.

Response

Due to the proximity of the district to the project footprint, the district is likely to be adversely affected during construction. The 2003 finding of No Adverse Effect for construction impacts has been changed to a finding of Adverse Effect for both the FEIS Selected and Modified Selected Alternatives (see SFEIS Section 5.3).

E.10

Objections and questions have been raised to the determination of effects on various Kentucky East End resources included in Table 5.3-17.

Response

Table 5.3-17 lists the effects determinations for historic properties in the East End Louisville project area that have remained unchanged from the 2003 FEIS, and compares the effect determinations for the FEIS Selected Alternative with the effect determinations for the Modified Selected Alternative. The effects of the FEIS Selected Alternative and the Modified Selected Alternative have been evaluated through the Section 106 process with input from consulting parties. That process has confirmed that the previous effects determinations remain valid, except for the changes documented in this SFEIS. For a description of the various effect determinations on each resource, refer to Section 5.3 of the FEIS and this SFEIS; and to the Effects Findings Report that is appended to the 800.11(e) Report in SFEIS Appendix D.6.

E.11

The numbers of “historic sites impacted” and “historic districts impacted” listed in Tables 5.18-1 and S.3-1 need to be updated.

Response

The numbers of “historic sites impacted” and “historic districts impacted” (i.e., those that would have an Adverse Effect from the project) listed in Tables 5.18-1 and S.3-1 have been updated in this SFEIS.

E.12

Archaeological investigations are necessary for any new rights-of-way and areas of the project that have not been non-historically disturbed or cleared by previous archaeological investigations. If archaeological artifacts or human remains are uncovered during activities associated with construction, the discovery must be reported to IDNR within two business days, and Federal statutes and regulations must also be adhered to.

Response

Stipulations in IV. Archaeological Resources, in the First Amended MOA address the identification and evaluation of archeological resources for inclusion in the NRHP in accordance with applicable Federal and state standards and guidelines, as well as with measures to avoid disinterment and disturbance to human remains and grave goods of religious and cultural significance to Indian Tribes. The executed First Amended MOA is included in SFEIS Appendix D.9.

E.13

The Indiana SHPO stated that the increase in traffic that tolling could cause on the non-tolled Sherman Minton and Clark Memorial bridges in 2030 appears to be significant, and that it is likely there would be an increase in traffic on the Sherman Minton and Clark Memorial bridges and city streets in New Albany and
Jeffersonville/Clarksville. There are historic properties near both bridges in those communities. There could be impacts to historic properties in these areas caused by traffic diverting to avoid paying tolls. Impacts could include difficulty in accessing these areas, noise, and vibration. The SDEIS apparently concludes that none of those kinds of impacts would be adverse. Because it is unclear whether those kinds of impacts are the only impacts that the Modified Selected Alternative could have on historic properties, we are not yet prepared to concur with the SDEIS regarding that alternative’s degree of impact on historic properties.

Response

The SFEIS sections dealing with historic resources (sections 4.3 and 5.3), air quality (Section 5.4), noise (Section 5.5), and vibration (Section 5.11) have been augmented to consider more fully the potential impacts to historic properties as a result of diverted traffic. Consultation with consulting parties, including the SHPOs of both Kentucky and Indiana, has been ongoing since the publication of the SDEIS to determine effects to historic resources and identify mitigation measures. The executed First Amended MOA (signed by both the Kentucky and Indiana SHPOs) recognizes that traffic diversion could cause impacts. Therefore, Stipulation II.Q includes a commitment for the Bi-State Management Team to develop and implement a Traffic Monitoring Plan that includes “pre- and post-construction traffic monitoring studies to assess the extent to which the Project has caused changes in traffic patterns within the Extensions to the APE....”

E.14

[1]

The potential visual impact of noise barriers on historic properties has not been considered. For example, noise barriers proposed for Green Spring/Wolf Creek Subdivisions, Wolf Pen Woods Subdivision, and Harrods Creek have the potential to be visible from nearby historic properties. This potential adverse effect needs to be addressed through Section 106 consultation.

Response

For either build alternative, feasible and reasonable structural noise barriers were found to be warranted for further consideration at the referenced sites (see SFEIS Section 5.5, Study Area 4 subsection). Historic properties that are near the potential barrier associated with the referenced sites and from which a barrier might be seen (based on a comparison of the study area boundary shown on Figure 5.5-9 and the site locations shown on Figure 5.3-4a [and in parentheses here]) are the following: Merriwether House (H); Upper River Rd Bridge Over Harrods Creek (P); James T. Taylor/James Chandler House (N); Bennett/Griesbaum/Lang House (V); Harrods Creek Village Historic District, and Belleview (L). It should be noted that all but the Bennett/Griesbaum/Lang House have Adverse Effects–Visual, for traffic.

The First Amended Memorandum of Agreement, Stipulation II.C., “Context Sensitive Solutions” addresses “Project elements” (which would include noise barriers) that could result in aesthetic impacts:

The roadways, bridges, and other Project elements shall be designed and constructed with sensitivity to aesthetic values, historic cultural landscapes, and the historic context, utilizing the services of professionals with experience in areas related to historic preservation. Design shall include aesthetic treatments to surfaces, structures, portals, appurtenances, and land contours and landscaping that complement the historical contexts of historic properties.

In addition, the above-referenced historic sites are included in the Country Estates Historic District/River Road Corridor, for which an HPP, as set forth in Stipulation
II.F. will be developed that, in part, “identifies the context and provides recommended measures for context sensitive design...which shall be implemented as part of the Project to mitigate adverse effects the historic district and individual properties within the vicinity of the construction of the A-15 Corridor. (See SFEIS Appendix D.9, First Amended MOA, Stipulation II.M.)

Furthermore, SFEIS Chapter 8, Commitments and Mitigation (“Noise” subsection), states the following regarding noise barriers, including those warranted for the above-referenced subdivisions:

During the final design process, detailed barrier analyses and design will be performed. Potentially reasonable and feasible noise barriers will be coordinated with the affected communities to obtain their input and determine whether there is local support for proposed barriers.

F. Air Quality

F.1

The statement that project-level estimates of MSAT emissions and potential effects would not be meaningful or reliable is inconsistent with current practice and published literature by emissions, air quality, and environmental health professionals.

While the project may reduce MSAT emissions, no quantitative evaluation of MSAT emissions is included in the SDEIS. Therefore, an anticipated regional reduction in emissions is uncertain, particularly as it relates to specific project areas.

The projected reduction in emissions resulting from USEPA regulations does not waive the need for evaluation of the potential impacts of each alternative and the need to protect public health from emissions associated with the project by using appropriate mitigation measures.

The SFEIS and ROD should include mitigation commitments for MSAT impacts.

The SFEIS should include an analysis for each alternative that includes an emissions inventory by location in order to identify areas of greater MSAT emissions, including those emissions associated with construction. The ambient concentrations near these sources of greater MSAT emissions should be estimated, and the potential effect on nearby areas, especially those with sensitive populations, should be estimated with a screening level risk assessment of each alternative.

The SFEIS should provide additional information and discussion regarding the potential for any localized MSATs air quality impacts due to the proposed venting of the east end tunnel. MSAT mitigation commitments should be included.

Response

FHWA acknowledges that Mobile Source Air Toxics are pollutants of concern in proximity to the roadway facilities. FHWA has reviewed studies that have attempted to address how MSAT concentration levels change in relation to the distance from the roadway and acknowledge that MSAT pollutants are of greatest concern in proximity to the roadway (up to 660 feet from the roadway). It is the localized impact potential of MSATs that was the basis for the qualitative analyses included in the SDEIS and this SFEIS.

The qualitative MSAT analysis considered the potential for localized MSAT effects for build alternatives in both the downtown and eastern portions of the project corridor. Since MSAT concentrations have the greatest potential for effect close to the roadway
facilities, the eastern portion, which is on new alignment, was considered separately from the downtown area for potential MSAT effects. The project scope and traffic projections were screened to assess the potential for meaningful MSAT effects.

The MSAT analysis concluded that a build alternative in the downtown portion of the corridor will have:

- Traffic volumes that do not meet the FHWA threshold criterion for “projects with higher potential MSAT effects” (greater than 140,000-150,000 AADT) and lower traffic volumes and fewer heavy trucks than the No-Action Alternative;
- Less roadway segments operating at a Level of Service worse than “D” than the No-Action Alternative, reducing congestion; and
- Increased travel speeds (which lower emissions for all MSAT pollutants with the exception of PM\(_{2.5}\)) in relation to the No-Action Alternative (3.6% reduction in Vehicle Hours Traveled and 10.6% reduction in VHD).
- Traffic volumes and the number of trucks projected for the I-65 Downtown Corridor for the Modified Selected Alternative are less than those for the No-Action Alternative.
- Traffic volumes and the number of trucks projected for the I-65 Downtown Corridor for the Modified Selected Alternative are less than the existing (2010) traffic volumes and number of trucks. These factors would serve to reduce MSAT emissions in the downtown portion of the project area in relation to the No-Action Alternative.

The portion of the project on new location, the East End, has a projected AADT of 52,000, which is well below the FHWA threshold for traffic volumes that are generally considered as having a “higher potential MSAT effects.” See FHWA Interim Guidance Update on Mobile Source Air Toxic Analysis in NEPA.

The proposed project is projected to increase the total project AADT by less than 15,000. The overall Vehicle Miles Traveled (VMT) are projected to increase by only 1.3% for the Modified Selected Alternative in 2030 in comparison to the No-Action Alternative for the entire cross-river area (from the I-64 crossing in the west to the new East End crossing). These factors and improvements to the transportation system with regard to congestion in the Modified Selected vs. the No-Action alternative indicate that there would not be meaningful differences in MSAT levels for any of the alternatives.

Though the project is projected to reduce AADT and the number of trucks in the downtown area and the AADT in the east end is well below the threshold for a “Project with Higher Potential MSAT Effects,” the downtown area has AADT that approaches the threshold of 140,000 AADT. A quantitative assessment, consisting of a project area emissions inventory, will be performed to quantify the project area emissions reductions from 2010 to the design year (2030) for the project area travel network. In addition, the quantitative emissions inventory will provide emissions inventories for the project area roadway network with the incorporation of the FEIS Selected Alternative or the Modified Selected Alternative. The quantitative MSAT analysis will be presented in the Revised ROD.

FHWA outlines post-construction mitigation strategies for MSAT emissions, which include:
• Travel Demand Management strategies and techniques that reduce overall vehicle-mile of travel.
• Well-traveled highways with high proportions of heavy-duty diesel truck activity may benefit from active Intelligent Transportation System (ITS) programs, such as traffic management centers or incident management systems.

As a part of the Modified Selected Alternative (see SFEIS Section 3.2.3), the project includes:
• Travel Demand Management in the form of non-motorized facility enhancements and employer-based trip reductions.
• Expanded Intelligent Transportation System applications.
• Enhanced bus service (for more information please see Response to Comment C.2).

These measures also contribute to the Modified Selected Alternative having lower potential for MSAT emissions than the No-Action Alternative.

The 2,000-foot-long tunnel under the Drummanard Estate is below the threshold for tunnel lengths requiring vents. The tunnel will be ventilated with jet fans through the tunnel portals. This tunnel is less than 0.4 mile and would not generate meaningful amounts of emissions for the 52,000 AADT that would use this small section of roadway. Section 5.4, Air Quality, of this SFEIS has been updated to reflect this information.

F.2

The air pollution models are misleading because they address regional levels rather than high concentrations for people adjacent to the traffic corridors and for drivers. This difference is notable in the East End Corridor, where a new road will be introduced into an existing rural area. Further, the MSATs analysis for the project is inadequate.

Response

The project level hot-spot conformity analysis was conducted in accordance with 40 CFR 93.123(b)(1) and has demonstrated that the project will not cause or contribute to a new violation of the PM\textsubscript{2.5} annual NAAQS, or increase the frequency or severity of a violation, or delay the timely attainment of the PM\textsubscript{2.5} annual standard. The procedures for conducting hot-spot analyses are provided in a guidance document that USEPA issued in March 2006, at the same time the conformity regulations were amended (“Qualitative Hot-Spot Guidance”).\textsuperscript{4} The qualitative PM hot-spot analysis was completed for the LSIORB Project according to the Qualitative Hot-Spot Guidance. The full qualitative analysis is in Appendix B.1.1, Final PM\textsubscript{2.5} Project-Level Conformity Analysis, in this SFEIS.

The carbon monoxide (CO) hot-spot analyses assess the potential for CO impacts at intersections with modeled receptors placed adjacent to the roadway. The CO analyses in the 2003 FEIS and the 2011 SEIS do not show any receptors that have predicted levels that exceed the NAAQS for CO.

The qualitative MSAT analysis considered the potential for localized MSAT effects for

\textsuperscript{4} USEPA/FHWA (March 29, 2006). Transportation Conformity Guidance for Qualitative Hot-spot Analysis in PM\textsubscript{2.5} and PM\textsubscript{10} Nonattainment and Maintenance Areas. (http://www.fhwa.dot.gov/environment/air_quality/conformity/policy_and_guidance/pmhotspotguidememo.cfm)
build alternatives in both the downtown and eastern portions of the project corridor. Since MSAT concentrations have the greatest potential for effect close to the roadway facilities, the eastern portion, which is on new alignment, was considered separately from the downtown area for potential MSAT effects in the qualitative analysis. A quantitative project level MSAT analysis will be performed for the existing (2010), No-Action (2030) and Build Alternative (2030) scenarios, and the analysis will be included in the project’s ROD. Please see Response to Comment F.1 for additional discussion regarding MSAT analysis.

F.3

The Barrett Avenue Monitor (surrogate site 1) has been shut down since 2008, and three years of monitoring data has not been obtained. (This monitor is discussed in Appendix B.1.1, Final PM$_{2.5}$ Project-Level Conformity Analysis document, pages 16–26.) Using a surrogate monitor with three full years of data is more appropriate to demonstrate that the area has attaining data for the annual standard.

Response

The qualitative analysis methodology for the project qualitative “hot-spot” analysis was developed in 2007 and approved by Interagency Consultation (IAC), including USEPA, and found to be conforming by the FHWA. This SFEIS updated this analysis with the current design and scope for the project, including the Modified Selected Alternative, and the updated traffic projections. While the Barrett Avenue monitor (one of the monitors that provided data for surrogate site 1 in the PM$_{2.5}$ analysis) closed in 2008, data collected prior to taking the monitor out of service showed that the annual design values had dropped by 12% from 2002–2004 levels. The Barrett Avenue monitoring station was in operation from 2002 through the end of 2008, and was replaced by the Cannon’s Lane monitoring station starting in January 2009. The project level qualitative “hot-spot” PM$_{2.5}$ analysis conducted in 2007 used the data from this monitor (three-year annual design values) to show conformity. The update to that conforming analysis uses the last year (2008) of data for this monitor to show that there were no values that exceeded the NAAQS and was used to demonstrate PM$_{2.5}$ trends in the project area.

In addition to the Barrett Avenue monitor, the Jeffersonville, Indiana PM$_{2.5}$ monitor was used in the qualitative “hot-spot” conformity analysis to provide data for surrogate site 1. This monitor is approximately 5,800 feet from the Kennedy Interchange (surrogate site 1) and is approximately 500 feet closer to the Kennedy Interchange than the location of the Barrett Avenue monitor. This monitor did not have levels that violated either of the PM$_{2.5}$ NAAQS. The three years of data (2008–2010) from the Jeffersonville monitor showed an 18% reduction in annual design values since the 2002–2004 period. The combination of data from the two monitors was used in demonstrating that the project will not cause a violation or delay the timely attainment of the annual PM$_{2.5}$ standard.

A quantitative project level MSAT analysis will be performed for the existing (2010), No-Action (2030) and Build Alternative (2030) scenarios, and the analysis will be included in the ROD. Please see Response to Comment F.1 for additional discussion regarding MSAT analysis.

F.4

The use of the Barrett Avenue and Cannons Lane monitoring stations to assess PM$_{2.5}$ for re-designation and hot-spot analyses does not meet the NEPA requirements for high quality analysis for reasons that include the following: The Barrett Avenue station closed in 2008 after one year of data gathering, and neither the Cannons Lane...
station nor the Barrett Avenue station is close enough to the project area to register the highest concentrations, as required. The Kentucky Division of Air Quality indicates that data used to demonstrate NAAQS attainment should be the product of ambient monitoring representing the area of highest concentrations. In addition, the direction of the prevailing winds in the locations of both stations would prevent monitor readings from registering highest concentrations.

Response

Please see Response to Comment F.3 for a discussion of the air quality monitoring conducted for this project, including use of the Barrett Avenue monitor.

Regarding the assertion that monitor readings not adjacent to the roadway facility do not meet NEPA requirements, the commenter cited data\(^5\) that shows a 50% reduction in some transportation related compounds at distances greater than approximately 500 feet, but the data presented for PM\(_{2.5}\) indicates “less rapid or gradual decay” with distance. The literature included by the comment author shows PM\(_{2.5}\) as one of the three compounds that show “less rapid or gradual decay” with distance and PM\(_{2.5}\) shows the least decay with distance of the three compounds identified. The decay for distances at the limits of the study (approximately 1600 feet) was approximately 15%, or “gradual decay.” The data also shows a leveling trend, indicating that the gradual decay continues at distances greater than those presented. This evidence supports the use of the Jeffersonville monitor for assessing PM\(_{2.5}\) levels for the Kennedy Interchange. It is acknowledged that many mobile source pollutants are mainly a concern for “near road” receptors, but the data presented by the comment author does not support this assertion for PM\(_{2.5}\).

Louisville Metro Air Pollution Control District APCD cites the wind direction to note that the Jeffersonville monitor may be registering barge emissions and point source emissions in addition to that of the vehicular traffic. This data would indicate that the readings at the Jeffersonville monitor would be higher than for those of vehicular traffic alone and therefore if there are no values that exceed the NAAQS at this monitor then the vehicular traffic component alone would not cause values to exceed the NAAQS.

F.5

This area is nonattainment for the PM\(_{2.5}\) annual standard and not the PM\(_{2.5}\) 24-hour standard; therefore, more discussion should be included in the SFEIS regarding complying with the annual standard.

Response

Language has been added in this SFEIS (see Section 5.4) to clarify that the area is in nonattainment for only the annual PM\(_{2.5}\) standard and not the 24-hour standard. All conformity analyses for the project comply with the annual standard.

F.6

In Appendix B.1.1, the downtown truck percentage varies from 11.1 (page 26) to 11.4 (pages 10, 25, and 29). Please clarify this data in the SFEIS for consistency.

Response

The truck percentage data were reviewed and corrected in this SFEIS Appendix B.1.1. The slight discrepancy in truck percentage does not affect the conclusions of the hotspot conformity analysis for the annual PM\(_{2.5}\) standard for the project.

F.7

Since 2001, the peer reviewed literature has shown that the most toxic and cancer

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causing particulate comes from smaller than 2.5 microns into the nano-particulate levels. These ultrafine particulates do not show up in PM$_{2.5}$ gravimetric analysis and are counted as numbers of particles per cubic centimeter.

**Response**

The SFEIS evaluates the criteria air pollutants in accordance with the Clean Air Act and in relation to the pollutants and associated limits set by USEPA in the NAAQS. The project analysis met all conformity requirements associated with PM$_{2.5}$ (particulate matter less than 2.5 microns in diameter), including regional conformity analyses and project level hot-spot analyses for PM$_{2.5}$.

F.8

Re-entrained road dust should be part of any PM$_{2.5}$ analysis because of road salt applications in winter and because road dust makes up a significant portion of particulate in highway corridor ambient concentrations. The construction emissions particulate should be deemed to have the same long range reach and impact as is credited to the regional PM$_{2.5}$ design standards results.

**Response**

The Conformity Rule requires PM$_{2.5}$ hot-spot analyses to include road dust emissions only if such emissions have been found significant by EPA or the state air agency prior to the PM$_{2.5}$ State Implementation Plan (SIP) or as part of an adequate PM$_{2.5}$ SIP motor vehicle emissions budget (40 CFR §93.102(b)(3)). USEPA has not approved a PM$_{2.5}$ SIP for the Louisville KY-IN PM$_{2.5}$ nonattainment area, nor has USEPA or the state air agency made any significance findings related to re-entrained road dust for the PM$_{2.5}$ nonattainment area. Therefore re-entrained road dust is not considered in the analysis, per the Conformity Rule.

F.9

The impact assessments for the Drumanard Estate do not indicate the locations of air vents for the tunnel and, therefore, incorrectly eliminates air pollution impacts as having no effect based on erroneous regional PM$_{2.5}$ and CO hot-spot modeling.

**Response**

Please see Response to Comment F.1.

F.10

CEQ issued draft guidance for public comment on, among other issues, when and how Federal agencies must consider greenhouse gas (GHG) emissions and climate change in their proposed actions.

While this guidance is not yet final (and thus, not required) it is recommended that the assessment explicitly reference and describe the elements of the draft guidance, and to the relevant extent, provide the assessments suggested by the guidance. Project sponsors should thoroughly consider the need for measures to manage potential climate-related impacts due to expected increases in storm frequency and intensity, such as increased floodwater flows and needed drainage capacity in the design of this project.

Response

SFEIS Section 5.4.6, Greenhouse Gas and Climate Change, references the draft guidance issued by the CEQ. As the commenter stated, this guidance has not been finalized and, as noted in this SFEIS, while greenhouse gasses are now subject to regulation by USEPA, the regulations do not directly affect the requirements applicable to the development of transportation projects. If the CEQ guidance is finalized prior to the publication of the ROD for the project, the guidance will be evaluated to determine how FHWA should consider greenhouse gas emissions and climate change for the proposed project.

From a policy standpoint, FHWA’s current approach on the issue of global warming is as follows: On April 2, 2007, the Supreme Court issued a decision in Massachusetts et al. v. Environmental Protection Agency et al. that the USEPA has authority under the Clean Air Act to establish motor vehicle emissions standards for GHG emissions. USEPA has undertaken a range of rulemaking activities as a result of the Supreme Court decision, including adopting regulations establishing GHG emissions standards for light-duty vehicles (passenger vehicles and light trucks) as well as GHG emissions standards for medium- and heavy-duty trucks; in addition, USEPA is currently engaged in another rulemaking process to establish even more stringent GHG emission requirements for light-duty vehicles. These EPA regulations will help to reduce GHG emissions from the transportation system by reducing emissions at the tailpipe. EPA has not adopted any new requirements limiting overall GHG emissions from the transportation system, at the national, State, or regional levels. Therefore, while GHG emissions are now subject to regulation by EPA, the EPA regulations do not directly affect the requirements applicable to the development of transportation projects.

FHWA does not believe it is informative at this point to consider greenhouse gas emissions in an Environmental Impact Statement (EIS). The climate impacts of GHG emissions are global in nature. Analyzing how alternatives evaluated in an EIS might vary in their relatively small contribution to a global problem will not better inform decision-makers. Further, due to the interactions between elements of the transportation system as a whole, emissions analyses would be less informative than ones conducted at regional, state, or national levels. Because of these concerns, FHWA concludes that we cannot usefully evaluate GHG emissions in this EIS in the same way that we address other vehicle emissions.

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6 For additional information on USEPA rulemaking activities that will help to reduce GHG emissions from motor vehicles, refer to USEPA’s website at: http://epa.gov/otaq/climate/regulations.htm.

7 The Council on Environmental Quality issued draft guidance regarding the consideration of GHG emissions in NEPA documents on February 18, 2010, but that guidance has not been finalized.
Regarding the design for stormwater runoff and drainage capacity, both states have developed design policies based on historical climatological data that will be adhered to when developing the final plans. Base design storm evaluations are checked on 100-year storms.

F.11

The SDEIS fails to meet the level of analysis of greenhouse gas emissions required by NEPA. The project should include an analysis of greenhouse gas emissions, as required by 40CFR 1502.9(c)(1)(i).

Response

FHWA acknowledges the need to reduce greenhouse gas emissions and the role of transportation adaptation in response to climate change. Climate change and related effects are complex—there is no one-size-fits-all approach to addressing these issues. Acknowledging this complexity, FHWA focuses its resources on supporting transportation and climate change research. FHWA is actively involved in efforts to initiate, collect, and disseminate climate-change-related research and providing technical assistance to stakeholders, and coordinating its activities within U.S. DOT and with other Federal agencies. For more detailed information please see Response to Comment F.10.

F.12

Many of USEPA's list of approved diesel retrofit technologies (referenced in the SDEIS, Appendix B.1.2) can be deployed as emissions mitigation measures for equipment used in construction as referenced at www.epa.gov/otaq/retrofit/retroverifiedlist.htm. The project should implement overall diesel emission reduction activities through various measures such as: switching to cleaner fuels, retrofitting current equipment with emission reduction technologies, repowering older engines with newer cleaner engines, replacing older vehicles, and reducing idling through operator training and/or contracting policies.

Response

The SFEIS incorporates diesel emission reduction measures in Section 5.4, Air Quality.

Pursuant to KRS Chapter 224 and KRS Chapter 77, Louisville, Kentucky, has established an Air Pollution Control District (APCD) which has jurisdiction over all the Federal, state, and local laws and regulations for air quality and pollution control for the Kentucky portion of the project. A summary of the laws and regulations and authority of the Louisville, Kentucky, APCD can be found at http://www.louisvilleky.gov/APCD/Regulations/. IDEM has jurisdiction over all the regulations for air quality and pollution control for the Indiana portion of the project. The contractor will be expected to obtain the necessary permits from these agencies and to follow the regulations that are cited. Special notes will be established in the project that will encourage the contractor: (1) to maintain equipment to assure the best possible operation; (2) to limit idling times and start-ups such that emissions are reduced; and (3) to encourage the use of clean diesel fuel mixtures. These stipulations are incorporated into SFEIS Section 5.4 Air Quality.

F.13

Kentucky Administrative Regulations (KAR) govern fugitive emissions (401 KAR 63:010) and open burning regulations (401 KAR 63:005). See also the Fugitive Emissions Fact Sheet and the Open Burning Brochure located at http://air.ky.gov/Pages/OpenBurning.aspx.

Response

The following commitments from the 2003 FEIS, Chapter 8.1, Mitigation
Commitments, regarding air pollution remain valid and will be applied to the Modified Selected Alternative.

Construction activities will be performed in a manner that controls emissions from burning (where allowed), drilling, blasting, production of materials, hauling, or any other necessary construction operations of any kind.

Air pollution associated with dust will be effectively controlled through the use of watering, the application of calcium chloride, or other techniques in accordance with the KYTC and the INDOT specifications. Watering work areas to increase moisture and reduce dust will control air pollutants generated by construction.

Contract specifications will dictate that all drilling, grinding, and sawing of rock, shale, concrete, and other similar dust-producing materials be performed with equipment provided with water sprays, fabric-filtered collection systems, or other suitable devices to prevent excessive dust from becoming airborne.

Emissions from construction equipment will be controlled in accordance with emission standards prescribed under state and Federal regulations. Equipment must be maintained in proper mechanical condition.

All construction equipment will be required to comply with OSHA (Occupational Safety and Health Administration) regulations.

No burning of construction wastes will be permitted without proper variance from the Indiana Department of Environmental Management (IDEM) and/or the Kentucky Energy and Environment Cabinet (KEC) as well as any local air agencies regulating these types of activities. All burning will be conducted in accordance with applicable laws, ordinances, rules and regulations.

F.14 Methods that could be used during construction of the project to help Kentucky stay in compliance with the NAAQS include: using alternatively fueled equipment, using other emission controls that are applicable to the equipment, and reducing idling time on equipment.

Response Please see Responses to Comments F.12 regarding idle time reduction and F.13 regarding emissions from construction equipment.

F.15 Concrete industry would like consideration of concrete mixes that are available with photocatalytic cements which actually reduce pollutants.

Response While we understand that some of the technology for photocatalytic cement is gaining wider use in Europe, these techniques have only been introduced into the U.S. in recent years. Currently, the use of this cement in pavements is still in an experimental stage in this country and is noted as being very expensive when compared to conventional cement. Pavement design options that will be considered during the design phase will include current techniques for improving rideability, and opportunities for quiet pavements and other noise reduction capabilities.

F.16 The project will cause more traffic, air pollution, and noise in downtown in proximity to major attractions in downtown Louisville.

Response The project has demonstrated conformity with all criteria air pollutants and will not cause violations or delay the timely attainment of the NAAQS. The proposed project
will reduce congestion in the Kennedy Interchange, and have less traffic than the No-Action Alternative in the Kennedy Interchange, which would be expected to reduce the potential MSAT effects in relation to the No-Action Alternative. A quantitative project level MSAT analysis will be performed for the existing (2010), No-Action Alternative (2030) and build alternative (2030) scenarios, and the analysis will be included in the project’s ROD. Please see Response to Comment F.1 for additional discussion regarding MSAT analysis. Regarding noise impacts please see Response to Comment G.4.

**F.17**

River Fields adopted the air pollution and drinking water pollution analyses as stated by Mr. Hixson in his comments on the SDEIS.  

**Response** The comments by Mr. Hixson on Air Quality have been addressed throughout this section. Please see Responses to Comments F.2, F.4, F.7, F.8, F.9, and F.11.

**G. Highway Traffic Noise**

**G.1**

If noise walls are not feasible, consider other measures such as vegetative barriers and earthen berms to reduce noise to impacted receptors.  

**Response** Mitigation feasibility studies were performed for areas adjacent to the Modified Selected Alternative that were projected to have noise impacts. The results are presented in SFEIS Section 5.5. The mitigation section has been augmented to include additional information about specific mitigation measures proposed for the Modified Selected Alternative. A commitment will be included in the design/build contracts for excess materials to be used to construct berms in areas where there is sufficient right-of-way and where such berms would likely provide some level of noise mitigation. FHWA commits to construction of feasible and reasonable noise walls, in accordance with the respective states’ noise policies.

To serve as an effective traffic noise barrier vegetation must be 61 meters (200 feet) in width, according to FHWA data (“Highway Traffic Noise in the United States: Problem and Response, “April 2000, source: www.drnoise.com/ PDF_files/FHWA/FHWA_Criteria.pdf). It is generally not possible to provide such extensive plantings along roadsides. It is INDOT’s and KYTC’s policy to incorporate context sensitive solutions into the development, construction, and maintenance process for improvements to the state jurisdictional transportation systems. Therefore, KYTC and INDOT may consider plantings during the final design and right-of-way acquisition stages of the project.

**G.2**

Regarding noise impacts, the analysis should consider residents of New Albany, Indiana, as Type I receptors.  

**Response** FHWA’s Highway Traffic Noise: Analysis and Abatement Guidance (June 2010, Revised December 2011) states: “Highway traffic noise is not usually a serious problem for people who live more than 500 feet from heavily traveled freeways or more than 100 to 200 feet from lightly traveled roads.” This statement generally defines “nearby” when evaluating noise receptors for potential impacts and mitigation from a Type I project. The SFEIS evaluates noise sensitive receptors within the above-referenced guidance and in accordance with the states’ noise policies.
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G.3  
[1] In recent years there has been progress in the study of skid resistance and noise reduction with the use of NGCS (next generation concrete surfaces); therefore, they should be considered as a construction option.

Response  
Executed First Amended MOA Stipulation II.E includes a commitment to use a noise reducing roadway surface. The specific surface type will be determined by the contractors.

G.4  

Response  
The SEIS assessed highway traffic noise impacts and abatement in accordance with FHWA guidance and the noise policies of the INDOT and KYTC. The project noise assessment did identify noise impacts in areas of the Waterfront Park, but noise barrier mitigation was not found to be feasible and reasonable at this location. See SEIS Section 5.5.2, Assessment of Impacts and Proposed Mitigation by Study Area, for a detailed evaluation of impacts in noise sensitive areas and proposed mitigation.

G.5  
[1] Traffic noise and construction noise impacts were not fairly assessed for the Bridgepointe Subdivision.

Response  
The highway traffic noise analysis from the 2003 FEIS indicated that the receptors in the northernmost part of the Bridgepointe Subdivision would not be impacted by the build alternative. The proposed roadway is in a cut and in the tunnel under the Drumanard Estate in this area and the noise is attenuated by both the cut and the tunnel. The additional barrier analyses performed for the project showed that this portion of Bridgepointe did not have noise impacts from the proposed project. For this section and the remainder of the subdivision, the highway traffic noise analyses for this SEIS looked at all noise sensitive receptors in accordance with 23 CFR 772. This included the receivers from the original analyses as well as additional modeled receivers used to assess impact and the feasibility and reasonableness for barrier abatement. The analysis included 12 receivers to represent the Bridgepointe Subdivision. As stated in this SFEIS (see STUDY AREA 3, Noise Sensitive Area 3, in Section 5.5.2):  

The Bridgepointe Subdivision was assessed for barrier abatement...for both the FEIS Selected Alternative and the Modified Selected Alternative. The TNM2.5 results indicate that it is not possible to obtain the noise attenuation to be considered acoustically feasible in accordance with KYTC noise policy. The roadway is in a deep cut at this point in relation to the receptors; as a result, any barriers were determined to provide very little additional attenuation beyond what was already being provided by the cut, itself. Therefore for this noise sensitive area structural noise barriers are not warranted for further consideration.

G.6  
[1] FHWA erred in allowing two different standards for “substantial increase” and cost-benefit criteria in regard to highway traffic noise impacts.

Response  
23 CFR 772 directs the states to develop individual noise policies that are reviewed by FHWA for consistency with 23 CFR 772. 23 CFR 772.11(f) directs that highway agencies shall define a substantial noise increase between 5 dB(A) to 15 dB(A) over existing levels. 23 CFR 772.13(d)(2)(ii) states that each highway agency shall
determine, and receive FHWA approval for, the allowable cost of abatement by determining a baseline cost reasonableness value. Highway traffic noise impacts and the feasibility and reasonableness of abatement were analyzed in accordance with 23 CFR 772 and the states’ noise policies.

G.7

The agencies failed to evaluate noise impacts for the following historic properties within 800 feet of the projected project: Cedarbrook, the Edward L. Strater House, and the Nitta Yuma Historic District.

Response

The current state-of-the-practice traffic noise modeling software was used to predict noise impacts for the LSIORB Project. Based on the applicable FHWA “Highway Traffic Noise: Analysis and Abatement Guidance” (December 2011), which contains information on discernable traffic noise in relation to distances from the noise source, receptors within a distance of 800 feet of the project were analyzed. Beyond this distance, other factors (e.g., traffic noise from local roads, atmospheric conditions, variations in ground types, and other localized noises) begin to have a larger influence on noise projections than traffic noise from the project. Project noise at these distances is part of the audible environment, but is not a significant contributor to the overall noise level.

Cedarbrook—Since the 1990 NRHP nomination of the property, much of the acreage within the historic boundary has been converted into modern, single-family residential structures. These create a buffer to the north (between the remaining farm structures and Gene Snyder Freeway) and to the south (between the remaining farm structures and I-71). The remaining historic portions of the site are over 1,000 feet from the alignment, as measured from the northernmost point on the current parcel boundary to the nearest point on KY 841. This is beyond the 800-foot threshold where noise impacts may occur, and further screened by both residential developments and vegetation. Further, changes in traffic along I-71 and Gene Snyder Freeway are not projected to lead to a perceptible noise level increase.

Edward Strater House (a contributing element of the Country Estates Historic District)—The house lies approximately 300 feet southeast of the Drumanard Estate, within the portion of the East End Corridor where a tunnel is proposed. The house is approximately 480 feet from the project right-of-way line and about 910 feet from the mouth of the southbound tunnel. The findings for the larger Country Estates Historic District identify the range of adverse effects that will be experienced within that district (visual, noise, vibration, and construction). Due to the location of the Strater House in proximity to the proposed tunnel (which would reduce project effects as compared to ground level roadways), the effects on the Strater House would be expected to be less than the adverse effects findings for the larger Country Estates Historic District.

Nitta Yuma Historic District—The distance between U.S. 42 and the nearest corner of the Nitta Yuma Historic District is approximately 530 feet. St. Francis in the Fields Church stands between the district and the intersection. This district experiences some traffic noise today from U.S. 42 and Wolf Pen Branch Road; changes in traffic along U.S. 42 and Wolf Pen Branch Road are not projected to lead to a perceptible increase in noise for the property. Mature forested areas screen views of the existing roadway facilities. The distance from the nearest edge of the Nitta Yuma Historic District to the mainline alignment (which falls within the proposed tunnel beneath the Drumanard property) is approximately 1,050 feet, or 950 feet to the edge of the
 easement. It is approximately 1,230 feet to the nearest tunnel portal. This distance falls outside of the established boundaries to experience noise impacts. The changes at U.S. 42/Wolf Pen Branch Road incorporated in the Modified Selected Alternative are not substantial enough to create impacts different from those identified and evaluated in the 2003 Section 106 process and MOA.

### H. Vibration

**H.1** The Modified Selected Alternative’s blasting vibration impacts to the Bridgepointe subdivision were not adequately evaluated: the rock structure likely contains many cracks and voids. Accordingly, the safety risk to people and property in Bridgepointe was not properly studied.

**Response** The study of vibration impacts in the DSEIS was taken in part from an April 12, 2001, technical study entitled “Ohio River Bridges Vibration Study Technical Report,” which concluded that blasting in the vicinity of the Bridgepointe subdivision can be accommodated without damage to existing structures. In addition, as noted in the 2003 FEIS, a blasting plan will be prepared by the contractor prior to initiating any blasting on the project. Measures to be incorporated into the plan include conducting at least one small test charge below the threshold level prior to production blasting, locating seismometers or other devices to monitor vibration levels, and preparing condition surveys for structures within 500 feet of a drill and blast site prior to initiation of blasting and after completion of work.

### I. Water Resources and Floodplains

**I.1** The SFEIS should identify the specific measures INDOT and KYTC will take to help ensure that their construction contractors follow their construction standard specification and special provisions in a timely fashion. Such measures might include requiring an independent environmental monitor with authority to stop construction if adequate sediment and erosion control measures are not being implemented and properly maintained. Construction contracts could include a provision to levy substantial monetary fines when a contractor fails to properly implement appropriate construction BMPs to protect surface and ground water quality.

**Response** Construction Inspectors will be on-site during construction to ensure that contractors comply with plans, regulations, and guidance documents, including construction standard specification and special provisions. INDOT and KYTC contracts would include provisions for monetary fines should a contractor fail to implement appropriate construction BMPs to protect surface and ground water.

**I.2** The SFEIS should clarify the effects of the project on stormwater volumes related to the amount of impervious surfaces to be constructed. Alternative minimization strategies such as pervious concrete or porous pavement should be considered to help offset impacts, in areas where those approaches are feasible and can meet safety requirements.

**Response** The engineering design process has taken into account the amount of stormwater volumes related to the impervious surfaces during the development of design plans completed to date.
Pervious concrete is used primarily in parking lots, driveways and low volume streets. It is not suitable for high volume roadways, such as interstates. Pervious concrete requires the fines (thin gravel and sand layers) that are used in its construction to be cleaned regularly to maintain its porosity. This feature alone makes it infeasible to use in high volume situations.

Open graded surfaces (porous pavement) have been used in limited instances in Kentucky and Indiana. The open grade materials have not proven successful in the test areas in which they have been used. In wet periods, splash from the surface increased, causing limited driver visibility. The surfaces also were more subject to freezing and thawing and subject to more wear and tear from de-icing and plowing during snowy conditions, both resulting in large areas of surface failure that required patching in the early life of the pavement. Therefore, the long-term maintenance of these pavements makes them currently recommended as unsuitable for construction in this area.

National studies on many pavement issues are ongoing. This project is pledged to use Best Management Practices for its pavement designs, including considerations for quiet pavements.

I.3

SDEIS Table 5.10.1 indicates that nine culverts and seven bridges will be constructed for twenty stream channels crossed with the Modified Selected Alternative, but the streams that will be bridged are not identified. Their names and identification numbers should be identified in Table 5.10.1 as the water bodies that must be bridged along with their associated 100-year floodplains; and a firm commitment to do so should be included in SFEIS Chapter 8, Commitments and Mitigation, and in the ROD.

Response

The names and identification numbers of the streams that will be bridged are now included in this SFEIS on Table 5.10-1 and in Section 5.10.2.3, Water Body Modifications. In response to floodplains, please see Response to Comment I.7.

I.4

Updates, if available, should be given regarding the quality and condition of the Ohio River and the various streams in the project area, including identification of any total maximum daily loads (TMDLs) for a particular stream.

Response

The information in the SDEIS regarding the quality and condition of the Ohio River and various streams in the project area is current (as of February 8, 2012), with the exception of Harrods Creek, Muddy Fork of Beargrass Creek, and Beargrass Creek, which are discussed below. If additional updates are available before the Revised ROD is published, they will be included in the Revised ROD.

Regarding TMDLs, in 1995 the TMDL for organic enrichment and dissolved oxygen for Harrods Creek was developed and approved by the Kentucky Division of Water (KDOW) and USEPA. It did not include specific wasteload allocation and load allocation numbers. The TMDL/Water Quality Strategy recommended elimination of eight package wastewater treatment plants in the backwater area of Harrods Creek. Wastewater plants upstream from Sleepy Hollow Lake were also recommended for removal. Flows from those plants would be rerouted to the Hite Creek regional plant.

In December 2011, Final TDMLs for Fecal Coliform for Beargrass Creek and Muddy Fork of Beargrass Creek were published by KDOW. The annual cumulative allocations to achieve the TDMLs for those two streams are:
**Beargrass Creek** (river mile 0.5–1.8): average annual loadings (cfu/yr) –8.70E+14; Sanitary Sewer Outfall sources wasteload allocation (cfu/yr) – 0.00E+00; Combined Sewer Outfall sources wasteload allocation (cfu/yr) – 2.05E+14; Municipal Separate Storm Sewer System sources wasteload allocation (cfu/yr) – 6.41E+13; Kentucky Pollution Discharge Elimination System sources wasteload allocation (cfu/yr) – 1.27E+13; Groundwater Nonpoint sources wasteload allocation (cfu/yr) – 1.03E+13.

**Muddy Fork** (river mile 0.0–6.9): average annual loadings (cfu/yr) –1.01E+14; Sanitary Sewer Outfall sources wasteload allocation (cfu/yr) –0.00E+00; Combined Sewer Outfall sources wasteload allocation (cfu/yr) – 0.00E+00; Municipal Separate Storm Sewer System sources wasteload allocation (cfu/yr) – 9.95E+13; Kentucky Pollution Discharge Elimination System sources wasteload allocation (cfu/yr) – 2.76E+09; Groundwater Nonpoint sources wasteload allocation (cfu/yr) – 1.17E+12.

1.5 The project team should continue to coordinate with the Louisville Water Company and KDOW regarding issues that could potentially impact the wellhead protection area and ground water quality.

**Response**

The project team will continue to coordinate with the Louisville Water Company and KDOW regarding these issues.

1.6 The project’s design modifications will not change the required navigation clearances, and coordination with the Coast Guard will continue in the design phase and throughout the bridge permit process.

**Response**

As noted in SFEIS Section 5.8.3, Special Status Streams, coordination with the U.S. Coast Guard, Eighth District has been ongoing since 2004 to analyze impacts of the new bridges on river and stream transportation and on the McAlpine locks. The bridges will be designed to not adversely impact navigation on these waterways. In addition, the locks will not be impacted by the project. Horizontal and vertical bridge clearances will not impede current or future water transportation. Coordination with the Coast Guard will continue throughout the design phase to ensure that the appropriate permits will be obtained.

1.7 From the application data, KDOW ascertains that the site of the proposed project is not located in a floodplain area; therefore, a floodplain construction permit is not required.

**Response**

There are five potentially involved floodplains associated with the build alternatives, all of which are in the Louisville Metro area:

- The FEIS Selected Alternative would cross the Ohio River floodplain twice; and Harrods Creek, Beargrass Creek, and Muddy and Middle forks of Beargrass Creek once each, for a total of 178.35 acres of floodplain that would experience encroachment impacts.

- The Modified Selected Alternative would cross the Ohio River twice; and Harrods Creek, Beargrass Creek, and Muddy Fork of Beargrass Creek once each, for a total of 80.03 acres of floodplain that would experience encroachment impacts.

As noted in SFEIS Section 5.9.3, the predicted floodplain impacts are storage and conveyance. Where required, compensatory storage will be provided. Mitigation of
impacts to floodplain will be coordinated with KDOE, the Louisville and Jefferson County Metropolitan Sewer District (MSD), and USACE throughout the design phase of the project. Where filling in a floodplain is required, a Construction in a Floodplain Permit will be obtained.

I.8

Best management practices should be used to reduce runoff from the project into the river.

[1] Response

Mitigation measures developed to minimize impacts to waterways and riparian areas within the project area are identified in SFEIS Chapter 8, Commitments and Mitigation (see pp. 8-6 and 8-7). As stated therein:

All KYTC and INDOT Best Management Practices (BMPs) for stream protection will be in place during project construction. The INDOT Standard Specifications and Special Provisions will govern construction activities in Indiana to control erosion and subsequent water pollution. The KYTC Standard Specifications for Road and Bridge Construction will guide construction activities in Kentucky. BMPs will be utilized to prevent non-point source pollution, to control storm water runoff and to minimize sediment damage to water quality and aquatic habitats. BMPs to be utilized are located in the Erosion Control section of this chapter.

I.9

Monitoring wells or water wells that are located within the project area must be properly abandoned (filled with an impermeable seal) by a Kentucky Certified Water Well or Monitoring Well Driller. Contractors may need a Groundwater Protection Plan, depending on the onsite activities.

[1] Response

SFEIS Chapter 8, Commitments and Mitigation, includes a commitment that monitoring of water wells located within the project right-of-way will be properly abandoned by a Kentucky Certified Water Well or Monitoring Well Driller. Contractors will prepare a Groundwater Protection Plan should onsite activities dictate.

I.10

If the construction area disturbed is equal to or greater than 1 acre, the applicant will need to apply for a Kentucky Pollutant Discharge Elimination System (KPDES) storm water discharge permit. Utility line projects that cross a stream will require a Section 404 Permit from USACE and a 401 Water Quality Certification from KDOE.

[1] Response

All required permits will be obtained prior to any construction activities. Advance coordination with KDOE and USACE has occurred to identify potential impacts and mitigation. The sections 401 and 404 permits will be obtained prior to construction.

Permits required from utility relocations or other such items beyond the project construction will be the responsibility of the utility company or the contractor. KPDES permits will also be the responsibility of the contractor.

I.11

KDOE supports the goals of USEPA’s Sustainable Infrastructure Initiative, which seeks to promote sustainable practices that will help to reduce the potential gap between funding needs and spending at the local and national level. The Sustainable Infrastructure Initiative will guide our efforts in changing how Kentucky views, values, manages, and invests in its water infrastructure. The website www.epa.gov/waterinfrastructure/ contains information that will help ensure the facility and operations are consistent with and can benefit from the aims of the
Sustainable Infrastructure Initiative.

Response

Throughout the project, coordination with KDOE has assisted in the development of stormwater collection and management efforts. These efforts will continue in final design. SFEIS Chapter 8, Commitments and Mitigation, identifies Best Management Practices (BMP) commitments supportive of USEPA’s Sustainable Infrastructure Initiative objectives that are designed to prevent or reduce the impact of the project on water and water quality. Section 8.1, Mitigation Commitments, states that BMPs will be used to prevent non-point source pollution, to control stormwater runoff and to minimize sediment damage to water quality and aquatic habitats.

Roadway runoff including salt and other contaminants should be treated before it enters streams and rivers, especially in the vicinity of Harrods Creek and the Louisville Water Company Wellhead Protection Area. Road design should include containment of runoff from both normal and high-intensity storm conditions, as well as containment of hazardous materials spills.

Slugs of road salt contaminated water will flow into Harrods Creek from the treatment vault overflows, joining local area chloride pollution from Prospect shopping areas and roads.

New understandings of water pollution impacts: The Modified Selected Alternative will add 3.5 miles of 4-lane plus shoulder approach and bridge deck impervious surfaces that runoff mobile source polluted storm water. These road surfaces will be treated with deicing chemicals in winter, including chlorides and anti-caaking toxic. The road surfaces will contribute dissolved solids and road deposited chemicals spilled from truck cargo into precipitation flows.

Response

It is the policy of Indiana and Kentucky to apply Best Management Practices regarding roadway runoff. Within the vicinity of Harrods Creek and the Louisville Water Company’s Wellhead Protection Area, collection systems will be installed along the entire approach to the East End Bridge in Kentucky and along the East End Bridge itself. These issues will be addressed in the design of the Modified Selected Alternative. Coordination with the Louisville Water Company and KDOE occurred during the preliminary design regarding the collection and dispensing of runoff, and coordination will continue through final design.

Accidental chemical spills cannot be predicted, but emergency procedures are in place in both states to report, contain, and clean up hazardous materials.

The East End Bridge approach passes through and above the water intakes of the Louisville Water Company’s Riverbank Filtration Project (RBF). An analysis of possible impacts by sinking roadway support piers near the collection tunnel of the RBF identified potential threats to the drinking water facility.


The results indicate that the impact on the RBF tunnel from the bridge pier foundation appears to be minor for the three options proposed by H.W. Lochner Inc., based on the estimated rock properties and the derived equivalent stripe load. However, given the level of accuracy using this simplified analytical method and possible variations in
geotechnical properties of the bedrock, we recommend that the bridge piers be located at least 40 feet away from the tunnel in the horizontal direction, as shown on the attached sketch.

If drilling fluids were used in the pier shaft construction, it is probable that no deleterious effects would accrue. However, the possibility of loss of massive quantities of drilling fluid to the formation cannot be ruled out. If that occurred, use of bentonite could risk flooding the well and clogging the screens and adjacent formation pores, while use of polymers could trigger chemical reactions resulting in undesirable reducing conditions in the affected portion of the aquifer. It would be prudent to eliminate these risks by avoiding the use of drilling fluids in the bridge pier construction. If construction proceeds without the incorporation of drilling fluids, there should be no deleterious side effects that would compromise the integrity of the existing collector well. To ensure the integrity of the CW-3 well screens, the use of drilling fluids should be prohibited for any pier shaft that is constructed within 400 to 500 feet for bentonite and 1,000 feet for polymer fluids (or prohibit the use of polymers altogether).

One of the three drawings showing the pier placement relative to the water tunnel. The section of the tunnel is actually closer to the pier on the right as seen in the overhead view. (indicated by gray dot) As shown in the drawing by H.W. Lochner, Item No. 5-731.00 attached to the Louisville Water Company approval of the bridge pier placement, the north bridge pier is closer than 40 feet to the LWC tunnel in conflict with the engineering recommendations. The drawing in the Appendix do not indicate that the nearest pier will be 40 feet distant horizontally from the underground water tunnel. Post construction testing of the vertical pier mechanical force on the tunnel should be required. An alternative route could avoid this significant threat. The same alternative route could avoid the $39 million added cost of the high angle Harrods Creek bridges.

**Response**

Coordination with the Louisville Water Company has occurred throughout the project development to protect the underground water supply within the wellhead protection area, as documented in Section 5.8.2 of this SFEIS. The north bridge pier will be constructed in compliance with the engineering recommendations, which will be at least 40 feet away from the tunnel in the horizontal direction. In a letter dated September 2, 2011, Louisville Water Company stated it is in agreement with the proposed bridge span and pier placement as specified in the June 2, 2009 letter and May 26, 2009, Technical Memorandum.

I.14

[1]

There is concern that storm water will not be treated as it exits the tunnel on the east end portion of the tunnel, which could ultimately flow into Harrods Creek and the Wellhead Protection Area of the RBF. Regarding the collection of storm water runoff into a vault within the wellhead protection area, the vortex or swirl concentrator and filter media treatment proposed will not remove suspended chlorides and other metals and compounds dissolved in solution in storm runoff.

**Response**

The collection and treatment system proposed along the East End approach will include the collection of stormwater as it enters and exits the proposed tunnels. The proposed collection and treatment system has been coordinated with the Louisville Water Company and the Kentucky Division of Water and found to be acceptable and of adequate design for the proposed project.

Road-salt runoff poses an increasing threat to aquatic ecosystems that are influenced by urban land use and transportation corridors. Four broad issues suggest that road-salt runoff is a serious and increasing threat to the nation’s receiving waters. First, there is a multitude of historical evidence documenting detrimental effects of road salt on water chemistry and aquatic life . . . Second, road salt usage in the United States has increased steadily beginning in the 1940s through the current decade . . . Third, urban development is increasing each year (10), which increases the amount of impervious area on which winter deicing operations are conducted . . . Fourth, chloride, and to a large degree sodium, the two primary ions in road salt, remain in solution, making it difficult with present-day technology to design effective management practices for reduction of road-salt loadings to receiving waters after application. Currently, reduction in usage appears to be the only effective road-salt runoff management strategy.

There is no plan to remove high concentrations of road salt chlorides from the Alternative A-15 runoff. The analysis fails to discuss or model expected chloride concentrations in receiving streams and compare them to total maximum daily load chloride concentrations including background levels and a margin of safety for the protection of aquatic life. There is no discussion of affected fish species already reduced to survivor species in the highly impacted Harrods Creek.

Response

According to the study cited (A Fresh Look at Road Salt: Aquatic Toxicity and Water-Quality Impacts on Local, Regional, and National Scales), “the U.S. Geological Survey historical data were examined for 13 northern and 4 southern metropolitan areas. At southern sites, which include the project, very few samples exceeded chronic water-quality criteria, and no samples exceeded acute criteria. Chloride concentrations exceeded USEPA water-quality criteria at 55% (chronic) and 25% (acute) of the 168 monitoring locations in northern metropolitan areas from November to April. Only 16% (chronic) and 1% (acute) of sites exceeded criteria from May to October.” Therefore, chloride runoff from the project will not result in significant degradation of the water quality of receiving streams, and thus not affect fish species in Harrods Creek.

Please see Response to Comment I.14 for information on the collection and treatment plan.

J. Natural Resources

J.1 The SFEIS should provide updated information regarding the consultation process with USFWS.

Response

Updated information regarding consultation with USFWS is provided in this SFEIS, Section 5.7.3, Federal Threatened and Endangered Species. On February 2, 2012, the amended Biological Assessment was sent to USFWS. USFWS concurred with the determinations in the amended BA in a letter dated February 17, 2012. USFWS and KYTC signed the Indiana Bat Conservation MOA on February 17, and 18, 2012.
respectively, thereby concluding the Section 7 consultation. Both documents and related correspondence are located in SFEIS Appendix B.3.

Since the publication of the SDEIS, a nesting pair of bald eagles has been located near the east end of the project. Bald eagles are protected under the Migratory Bird Treaty Act of 1918 and the Bald and Golden Eagle Protection Act (see SFEIS Section 5.7.3.2 for a discussion of these Acts and the occurrence of the eagles in the vicinity of the project). Coordination is now ongoing with USFWS. In accordance with the protections accorded the bald eagles under the Acts, construction on the project will not commence within proximity of the bald eagle nest until a permit is obtained from USFWS.

Response

J.2 Page 4-134. In the first sentence on the page, the word "habitat" should be replaced by "species."

Response The requested revision has been made.

J.3 Page 5-172: The bullet items 3 through 5 refer to wildlife crossings on the Indiana side of the proposed project. If wildlife crossings are included, the Final Supplemental EIS should provide language about constructing flat shelves for wildlife in culverts and bridges. Further coordination with the USFWS's Indiana Field Office may be necessary to ensure adequate design.

Response SFEIS Chapter 8, Commitments and Mitigation includes the following commitments regarding wildlife passages.

- The area between Utica–Sellersburg Road and Salem Road has at least three distinct passageways that wildlife could use. The project alternatives would bridge two of the three, thereby providing corridors for wildlife passage through the area.

- A tributary of Lentzier Creek flows along the side of the Utica–Charlestown Road. The forested area on either side of the Modified Selected and FEIS Selected Alternatives would be connected by a bridge that would span both the road and the stream tributary. The selection of a bridge span or culvert size will be determined in the final design and will include consideration for wildlife passage.

- During final design, stream crossing structures will be coordinated with IDNR and USFWS Indiana Field Office to address design opportunities for wildlife crossings.

- The amended Biological Assessment (see SFEIS Appendix B.3) provides for use of a culvert with a natural stream bottom. The bridge openings will allow for wildlife crossing.

K. Wetlands

K.1 The wetlands impacts/permitting data for Kentucky and Indiana will be reviewed separately by USEPA Region 4 (Kentucky) and USEPA Region 5 (Indiana); therefore, separate maps/tables for wetlands in each state would be appreciated.

Response The permit applications governing wetland impacts are currently being developed for
each state. Once they are submitted to USACE they will be made available for review by both USEPA regions. The permit applications will include project maps and data specific to the wetlands in each state.

**K.2**

The SFEIS should contain updated information regarding the status of the permitting process, the acreage of wetlands listed by state, and the wetland mitigation plan that was developed during the development of detailed plans that resulted from coordination with USACE.

**Response**

This SFEIS includes the updated information in Section 5.10, Wetlands. Table 5.10-2 has been added to identify acreage of wetlands by state. The Wetland Mitigation Plan is associated with the Indiana East End section. Coordination has occurred with IDNR and USACE on that plan and details are being developed and will be completed in advance of project construction.

**K.3**

The SFEIS should clarify why both build alternatives have the same amount of direct palustrine wetland impacts (4.95 acres), since the Modified Selected Alternative has a reduction in width of the East End Bridge, tunnel and roadway.

**Response**

The two build alternatives have the same right-of-way limits in the East End Corridor. Although the number of lanes will be reduced from 6 to 4, the right-of-way width will remain unchanged in order to accommodate construction activities.

**L. Visual and Aesthetic**

**L.1**

Tub girders should be used instead of traditional girders, as they are more visually appealing, do not provide a roosting space for birds, and are easier to maintain.

**Response**

FHWA and KYTC have determined that the benefits of tub girders do not outweigh their substantial costs. As part of the effort to minimize the toll revenue requirements for the project, FHWA and KYTC have decided to use alternative designs for the elevated portions of the project with the goals of providing an attractive design that also discourages the roosting of birds on the structure. KYTC will work with the Louisville Waterfront Development Corporation on potential aesthetic treatments to complement the new structure and the adjacent Waterfront Park.

**L.2**

Downtown has virtually no aesthetic considerations defining gateway, our central business district, riverfront, and the historical heart of Louisville, and we are building 100-year infrastructure that will define the city by 1950’s style elevated waterfront expressway.

**Response**

Executed First Amended MOA. Stipulation II.C, Context Sensitive Solutions, includes the following “The roadways, bridges, and other Project elements where applicable shall be designed and constructed with sensitivity to aesthetic values, historic cultural landscapes, and the historic context, utilizing the services of professionals with experience in areas related to historic preservation. Design shall include aesthetic treatments to surfaces, structures, portals, appurtenances, and land contours and landscaping that complement the historical contexts of historic properties and in keeping with the HPPs for those areas. The Contractor shall also prepare an Aesthetics and Enhancement Implementation Plan that shall be reviewed in consultation with the BSHCT.”
The current design for the downtown Ohio River Bridge crossing is awful. Build a downtown bridge that would be a major front door to Louisville. A bridge that would be a potentially iconic structure and save money can be viewed on the following website: http://thekentuckianacrossing.us.

Response: A year-long bridge type selection process was undertaken after the completion of the 2003 ROD. The process included open forums and workshops and public opinion surveys to identify the preferred design. The process is summarized in SFEIS Section 5.11 and a summary of the bridge type selection process is included in SFEIS Appendix B.7.

M. Hazardous Materials

M.1 All solid waste generated by this project must be disposed at a permitted facility. If underground storage tanks are encountered they must be properly addressed. If asbestos, lead paint, and/or other contaminants are encountered during this project, they must be properly addressed.

Response: SFEIS Section 5.12.1, Hazardous Substance, Mitigation, addresses mitigation measures for contaminants encountered during the project. The mitigation measures are also included in Section 8.1.

Regarding contaminants such as lead-based paint, asbestos, and underground storage tanks (USTs): Contaminated sites will be remediated in coordination with the appropriate regulatory agencies, including Kentucky Energy and Environment Cabinet (EEC), IDEM, and USEPA. Approved soil and waste management practices will address contamination that would be disturbed during construction. Contaminated soils that exceed government standards and other wastes with regulated substances that are managed off-site will be confined to approved facilities. Any contaminated material removed from the site will be handled in accordance with applicable laws and regulations. All solid waste and contamination will be properly managed in the most cost-effective manner in accordance with all state and federal regulations to ensure protection of human health and the environment. As a result, contaminated sites will be addressed in the contractor’s health and safety plan.

The contractor will be responsible for evaluating contaminated materials in the Kentucky downtown segment and for obtaining any clearances from the Kentucky Division of Waste Management.

N. Section 4(f)—Parks and Recreational Lands, and Historic Properties

N.1 The U.S. Department of Interior (DOI) concurs that there is no feasible and prudent alternative to the Modified Selected Alternative, which would result in use of Section 4(f) properties; however, until the Memorandum of Agreement (MOA) is completed, the Department cannot concur that all possible planning to minimize harm has been completed.

Response: This SFEIS documents the recommendation of the Modified Selected Alternative as the preferred alternative and includes documentation of the Section 106 process. SFEIS Chapter 6 contains a completed Final Section 4(f) Evaluation. Since the publication of the SDEIS, the First Amended Section 106 MOA has been executed, and it is included in SFEIS Appendix D.9.
Reduction of the scope of the project eliminates the excess right-of-way that was to be donated to the Louisville Waterfront Development Corporation (WDC) as mitigation for impacts to the park. If temporary right-of-way is required for project construction, WDC would like to consult for possible transfer of said parcels to the park; such surplus property transferred to the park should contain no use limitations. If excess land is not available for use as mitigation, WDC requested coordination to negotiate cash compensation for the required right-of-way.

Response

SEIS Section 6.2.2, “Parks, Wildlife Refuges, and Recreational Section 4(f) Properties” (see Table 6.2-2), notes that Modified Selected Alternative would require the use of 4.55 acres of Waterfront Park, which is less than the amount of use by the FEIS Selected Alternative (6.86 acres). The overall reduction is associated with the elimination of the widening of I-64 over the Great Lawn from River Road to the western edge of the park, which was proposed as part of the FEIS Selected Alternative but has been omitted from the Modified Selected Alternative.

At this time, it is not known if temporary right-of-way in the vicinity of the park would be available for donation as mitigation. As noted in SFEIS Section 7.2.11, “Coordination with Waterfront Development Corporation,” extensive coordination with WDC has occurred during the course of this project. Negotiations with WDC would be undertaken, as requested, prior to the acquisition of any park property. The acquisition of property from the park would be completed in accordance with the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs Act (49 CFR Part 24).

This project will negatively affect Waterfront Park.

Response

Impacts to Waterfront Park that would result from construction of the Modified Selected Alternative have been minimized to the extent possible. The Kennedy Interchange modifications would be reconstructed on the existing footprint and the Modified Selected Alternative reduces the length of roadway improvements along the I-64 approach compared to the FEIS Selected Alternative.

The area of the park below the new bridge would remain accessible to the public, and there would not be any restrictions on pedestrian access between portions of the park to the east and west of the new bridge. Coordination has occurred among project planners, WDC representatives, USACE, and Louisville Metro. The design of the Modified Selected Alternative would take into account the recreational facilities in order to minimize potential adverse effects. Coordination with the appropriate agencies will continue.

The significance of the North Field and Nuttall House should be re-evaluated for the historic eligibility determination.

Response

Please see Response to Comments E.5. and E.6.

Objections were raised to the determination that no constructive use will occur, based on noise and visual impacts, for properties located on Transylvania Beach Road. All constructive use determinations should be reevaluated.

Response

The conclusion in the 2003 FEIS that there would be no constructive use of any
Section 4(f) historic resource remains valid for this SFEIS. This updated evaluation of potential constructive uses includes an updated assessment of direct highway noise impacts, visual impacts, vibration impacts, and indirect impacts from differences in traffic patterns between the FEIS Selected Alternative and the Modified Selected Alternative, all of which are presented in Chapter 5 of this SFEIS. While adverse effect findings have been made for these historic properties through the on-going Section 106 process (see SFEIS Section 5.3), they would not substantially impair the protected activities, features, or attributes of the historic resources under Section 4(f); therefore, they would not result in a constructive use for any historic property or district, include the eligible properties located on Transylvania Beach Road.

N.6

[1]

The Section 106 consultation process should be used to develop alternatives and modifications to the project design that would embody “all possible planning to minimize harm” to the quarries and their associated kilns, including the potential for avoidance. Also, the Section 4(f) exemption for archaeological resources should not be invoked. The Utica Lime Kilns are eligible under Criterion A in addition to Criterion D. The eligibility under Criterion A makes it inappropriate to apply the archaeological exemption under Section 4(f).

Response

The effects on the kilns were identified in the Section 106 process and were addressed by the mitigation included in the 2003 MOA and in the First Amended MOA (see SFEIS Appendix D.9). A historic preservation plan (HPP) has been developed for the Utica Lime Kilns as required in the 2003 MOA. The HPP will be updated to reflect the expanded boundaries of the kiln districts.

Regarding the Section 4(f) exemption: Coordination (email) from the Indiana SHPO, dated October 25, 2011, states: “Preservation in place is not necessary for the quarry walls or the open spaces within and around the quarries, as long as additional documentation is performed on those quarry walls, floors, and other spaces” (see Appendix I-4). The exception in section 23 CFR 774.13(c) applies to archeological resources that FHWA determines are not valuable for preservation in place. That exception can be applied to any archeological resource; it is not limited to archeological resources that are eligible only under Criterion D. In their March 1, 2005 Section 4(f) Policy Paper, FHWA stated in Q&A 5, Archaeological Resources: “Section 4(f) does not apply if FHWA, after consultation with the SHPO... determines that the archaeological resource is important chiefly because of what can be learned by data recovery (even if it is agreed not to recover the resource) and has minimal value for preservation in place (23 CFR 774.13(b)).”

In this case, FHWA has determined and the Indiana SHPO has concurred that the quarries are an archeological resource and are not valuable for preservation in place, even though it is agreed that the quarries are eligible under both criteria A and D. Therefore, the exception in 774.13(b) applies to the quarries. Commitments to document the quarries can be found in the Section 106 MOA, Stipulation III.H.4.
O. Commitments and Mitigation

O.1 SFEIS Chapter 8, *Commitments and Mitigation*, should identify all 2003 FEIS Mitigation Commitment Categories and corresponding mitigation commitments, as well as the new SDEIS mitigation commitments. If either a 2003 FEIS Mitigation Commitment Category or a specific commitment is no longer relevant, then it should be identified as such in Chapter 8 and a brief explanation provided. For ease of reference, include a "Commitments and Mitigation" table that lists all specific, committed mitigation measures.

*Response* The mitigation information presented in Chapter 8 of this SFEIS clarifies which mitigation has been updated, eliminated, or added since the 2003 FEIS/ROD.

O.2 The SFEIS should identify an environmental justice mitigation commitment category with specific commitments (e.g., percentage of low-income and minority populations that will be hired for project construction).

*Response* Please see response to D.3, above regarding FHWA’s policy for hiring disadvantaged business enterprises. No specific environmental justice commitment regarding the hiring of a specified percentage of individuals can be made at this time. Additional information will be provided as it becomes available.

O.3 Development pressure may result from additional access to the LMPA in Clark and Jefferson counties. In addition, within the Downtown Corridor, there may also be indirect and cumulative effects related to socioeconomics and effects on environmental justice communities associated with tolling and traffic diversion through environmental justice areas. It is recommended that continuing coordination take place as the project proceeds in order to minimize direct, indirect, and cumulative impacts.

*Response* Coordination with resource agencies will continue as the project proceeds. In addition, continued coordination with communities that will be affected by the project will occur as the project proceeds, and a public participation plan will be developed and implemented by the Bi-State Management Team.

In addition, as stated in Stipulation II.B of the First Amended Memorandum of Agreement associated with Section 106 mitigation and commitments (see SFEIS Appendix D.9):

> As part of the best value selection process, contractors will be required to submit a Community Outreach Plan as part of their technical proposal. This Plan shall provide a blueprint for how the contractor will handle public involvement on the design and construction phases of the Project. The Plan will address involvement for the entire community but also specific considerations for historic preservation interest groups.

O.4 USDOI-USFWS has reviewed the final Biological Assessment and provided comments to the FHWA on November 22, 2011. Informal consultation is ongoing as the Service awaits FHWA’s response to the comments and requests for additional information associated with the final BA.
Response

USFWS comments and requests for additional information have been addressed within the revised amended Biological Assessment, which was sent to the USFWS on February 2, 2012. USFWS concurred with the determinations in the amended BA in a letter dated February 17, 2012. USFWS and KYTC signed the Indiana Bat Conservation MOA on February 17, and 18, 2012, respectively, thereby concluding the Section 7 consultation. Both documents and related correspondence are located in SFEIS Appendix B.3.

O.5

The SFEIS does not propose sufficient mitigation for non-wetland forested habitat impacts in the floodway. Whereas the SFEIS states that mitigation for riparian vegetation will be provided by preservation or re-vegetation at a ratio of 1:1, in Indiana the typical ratio for the preservation of wooded habitat is 10:1. In addition, the ratio typically used for re-vegetation is 1:1 for impacts under one acre and 2:1 for impacts greater than one acre.

Response

The mitigation ratios have been updated in the Waterways and Riparian Vegetation section of Chapter 8 of this SFEIS.

O.6

IDNR provided additional recommendations to address potential impacts within the proposed project area regarding stream crossings including use of bridges rather than culverts, bottomless culverts rather than box or pipe culverts, wide rather than narrow culverts, and culverts of short length to maintain fish passage through a crossing structure. A new, replacement, or rehabbed structure should not create conditions that are less favorable than current conditions for wildlife passage under the structure. A level area of natural ground under the structure is ideal and, if no such area is possible, side-slopes or bridge abutments requiring armoring should be armored with a smooth-surfaced material instead of riprap.

Response

Commitments regarding wildlife passages are included in SFEIS Section 5.8, in the Waterways and Riparian Vegetation section of Section 8.1, and in the amended Biological Assessment (SFEIS Appendix B.3). Please see Response to Comments J.3 for additional discussion of wildlife passage.

O.7

IDNR provided additional recommendations to address potential impacts within the proposed project area regarding bank stabilization, including establishing vegetation along the banks for erosion control. Minimize the use of riprap in the channel and on banks, and use alternative erosion protection materials whenever possible to provide bank protection and benefits to fish and wildlife. From the ordinary high water mark to the top of the bank, using erosion control blankets or turf reinforcement mats rather than riprap is recommended. For techniques for stream bank stabilization, see USDA/NRCS document:


Response

A commitment added in SFEIS Chapter 8, Waterways and Riparian Vegetation section, states the IDNR guidelines will be followed for the specific bank stabilization measures included in the Construction-in-a-Floodway permits to be filed.
The following measures should be implemented to avoid, minimize or compensate for impacts to fish, wildlife and botanical resources and will be requirements of a permit:

1. Re-vegetate all bare and disturbed areas with a mixture of native grasses, sedges, wildflowers, and native shrub and hardwood tree species as soon as possible upon completion. Do not use any varieties of Tall Fescue or other non-native plants (e.g. crown-vetch).

2. Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.

3. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.

4. Do not cut any trees suitable for Indiana bat roosting from April 1 through August 16.

5. Do not construct any temporary runarounds or causeways.

6. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.

7. Plant native hardwood trees along the top of the bank and right-of-way to replace the vegetation destroyed during construction.

8. Post "Do Not Mow or Spray" signs along the right-of-way.

9. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.

10. Seed and protect all disturbed slopes that are 3:1 or steeper with biodegradable, heavy-duty erosion control blankets (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.

Response

SFEIS Chapter 8, Commitments and Mitigation, includes detailed listings of minimization and mitigation measures that address items in the IDNR list. In addition, the revised amended Biological Assessment (see SFEIS Appendix B.3.2) includes commitments associated with the Indiana bat.

The City of Prospect emphasizes that Stipulation 4.1.12 (in the 2003 ROD) is of great importance and requests that it be included in all supplemental documents that could in any way change any prior commitments in the area adjacent to Bridgepointe.

Response

The 2003 ROD commitment in Section 4.1.12, Tunnel Design, Construction, and Operation, remains valid for this SFEIS and will be applied to the Modified Selected Alternative. Alternatives to constructing a tunnel under the Drumanard property were considered and rejected during the SEIS process (see Construction Options at U.S. 42 and the Drumanard Estate, SFEIS Appendix I).

Commitments/mitigation related to Bridgepointe Subdivision that appeared in the 2003 FEIS but not in the SDEIS should be included in the SFEIS. The commitments include consultation regarding placement of a safety wall in lieu of an access control
fence; minimizing disruption to access for properties during construction; aesthetic treatment of tunnel portals, Wolf Pen Branch Road Bridge, and the westbound exit ramp bridge to U.S. 42; and provision of a durable and aesthetic transition into the tunnel portals.

Response  Commitments related to Bridgepointe Subdivision that were included in the 2003 FEIS are now included in SFEIS Chapter 8.
# SDEIS Commenters & Comment Types

**Wednesday, April 18, 2012**

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**Chapter 7—Public Involvement and Agency Coordination**

**Supplemental Final EIS**

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