



Revised Record of Decision

Appendix A

Quantitative Analysis of Mobile Source Air Toxics

June 2012

Appendix A
REVISED RECORD OF DECISION Quantitative
Analysis of Mobile Source Air Toxics June 2012

A.0 Introduction

USEPA has assessed the list of 188 air toxics in their latest rule—FR Vol. 72, No. 37, page 8430, February 26, 2007 (*2007 EPA rule*)—and (1) identified 93 compounds emitted from mobile sources that are listed in their Integrated Risk Information System and (2) identified seven compounds with large contributions from mobile sources that are among the national and regional-scale cancer risk drivers from their 2005 National Air Toxics Assessment. These seven are acrolein, benzene, 1,3-butadiene, diesel particulate matter plus diesel exhaust organic gases (diesel PM), formaldehyde, naphthalene, and polycyclic organic matter (POM). The 2007 EPA rule requires controls on vehicles that will dramatically decrease MSAT emissions through cleaner fuels and cleaner engines. According to an FHWA analysis using USEPA’s MOBILE6.2 model, even if vehicle activity (expressed as vehicle-miles traveled, VMT) increases by 145%, as projected for the LSIORB Project, a combined reduction of 72% in the total annual emission rate for the seven priority MSAT compounds is projected from 1999 to 2050 due to the 2007 EPA rule that will enforce the reduction of MSATs from vehicles.

Technical shortcomings of emissions and dispersion models and uncertain science with respect to health effects prevent meaningful or reliable estimates of MSAT emissions and the associated health effects of this project. However, even though reliable methods do not exist to credibly predict direct health impacts of MSATs at the project level, it is possible to assess the potential changes of future MSAT emissions under the project based on the qualitative and quantitative assessments performed for the project, including the comparison of the build alternatives in relation to the No-Action Alternative. The quantitative assessment, contained in this Revised ROD, provides an emissions inventory of the seven MSAT compounds identified by USEPA and compares emissions levels from the 2010, 2030 No-Action Alternative and 2030 build alternatives.

A discussion of incomplete or unavailable information for project-specific health impacts analysis was included in Appendix B.1.2 of the SFEIS, in accordance with Council on Environmental Quality (CEQ) regulations (40 CFR 1502.22(b)).

A.1 Project Related Emissions Inventory of MSAT Compounds

The threshold for a “Project with Higher Potential MSAT Effects,” for which a project-level MSAT analysis is warranted, is 140,000 average annual daily traffic (AADT). As noted in the SFEIS, in the East End Corridor the projected AADT is well below that threshold; however, in the Downtown Corridor, although the project is projected to reduce AADT and the number of trucks (a main source of MSATs), the projected AADT would approach the threshold of 140,000. Therefore, a quantitative assessment, consisting of a project area emissions inventory, was performed to quantify the emissions reductions from 2010 to the design year (2030) for the project-related travel network. The quantitative emissions inventory provides emissions

inventories for the roadway network links associated with either the incorporation of the FEIS Selected Alternative or the Modified Selected Alternative and provides a comparison of these emissions to the 2030 No-Action Alternative (Table A.3-1).

A.2 MSAT Analysis Methodologies

A.2.1 Project Area Roadway Network Links and Analysis

The purpose of dispersion modeling is to identify locations along the corridor with higher concentrations of MSATs and how these concentrations would change with the alternatives. As stated in the FEIS, some locations along the corridor will have higher roadside concentrations than others, based on the variability of traffic volumes, speeds, and proximity. What is not clear is the extent to which these MSAT “hotspots” impact overall rates of adverse health effects from MSAT exposure in the project area. EPA’s estimated cancer and non-cancer risk values for MSATs are based on 70-year lifetime exposure to these pollutants. Changes in concentrations at an individual location are not a meaningful indicator of changes in health risk, because people do not spend an entire year or 70-year lifetime at an individual location. People are exposed to different concentrations of these pollutants at the different locations they visit over the course of a day, year, or lifetime; in-vehicle exposure is an important component; and as HEI found, mobile sources are not necessarily the primary source of exposure for most of the 21 MSAT pollutants. HEI studies were unable to define the potential significance of highway specific MSAT hotspots. The overall conclusions of these efforts were that variations in the ambient, indoor and occupational, meteorological and surrounding land-use conditions are all significant factors in the composition of our daily exposures and made finding a MSAT hotspot illusive. (See Health Effects Institute Publication #160, #158, and #156: <http://pubs.healtheffects.org/topics.php?topic=1>)

Thus, while FHWA does state in the NEPA document that concentrations of MSATs at individual locations may change, in the interest of disclosure, changes in concentrations at these locations are not indicative of changes in overall lifetime health risk. While EPA sometimes expresses concern about MSAT hotspots in relation to proposed highway projects, no one has yet been able to link these potential changes (positive and negative) in localized concentrations to changes in health risks that are based on 70-year lifetime exposure.

Furthermore, the methodologies for forecasting localized health impacts include emissions modeling; dispersion modeling; exposure modeling; and then final determination of health impacts – each step in the process building on the model predictions obtained in the previous step are encumbered by technical shortcomings or uncertain science that prevents a more complete determination of the MSAT impacts attributable to a highway project. FHWA’s assessment of the potential uncertainties associated with highway MSAT modeling analysis and risk assessment indicates that these uncertainties are orders of magnitude larger than the changes in traffic and emissions due to projects, and that emissions analysis provides a meaningful indication of the likely changes in health risk associated with individual projects.

Section 1500.1(b) of the CEQ NEPA regulations stipulates that “NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.” The emissions analysis conducted for this project demonstrates that MSAT emissions in the project area will decline regardless of which alternative is selected. Recognizing that emissions and their resulting health impacts will decrease regardless of the alternative, it is not clear how further analysis of MSATs using tools with increasing levels of uncertainty will help decision makers in selection of an alternative.

For the MSAT analysis, two subsets of the roadway network links, one for each build alternative, were developed from the LSIORB traffic model (SFEIS Appendix H.1). The subset links were determined by analyzing the entire 2030 No-Action Alternative roadway network for emissions and comparing the results to the entire roadway network emissions for each of the two build alternatives. A link was identified as belonging to a build alternative's road network subset if the link had emissions that were equal to, or greater than, plus or minus 10% of the corresponding link in the No-Action Alternative's network. The resulting roadway network links for the FEIS Selected Alternative's MSAT analysis are shown in Figure A.2-1 and for the Modified Selected Alternative's MSAT analysis in Figure A.2-2.

Each of the two subsets of links were analyzed for existing (2010) traffic emissions, No-Action (2030) traffic emissions, and the respective build alternative (2030) traffic emission for a total of six different scenarios, which are presented in Table A.3-1. It is important to note that the roadway network subset for the existing traffic emissions did not include the LSIORB project or any other future road project, and the network subset for the No-Action traffic emissions did not include the LSIORB project.

A.2.2 Traffic Projections Used for the MSAT Analysis

Congestion Speeds

To compute congestion travel time, the travel times in the LSIORB traffic model were updated iteratively by link using a volume delay function (VDF), which describes the relationship between travel time and link volume. The Bureau of Public Roads (BPR)¹ volume delay function (BPR function) was the VDF selected for use in the LSIORB model. The BPR function is one of the most commonly used functions for a quantitative MSAT analysis because it can represent a wide variety of flow-delay relationships. Specifically, the BPR function relates link travel time as a function of the volume-to-capacity ratio (v/c) to compute congestion time. The congestion speed calculation was used during the "traffic assignment" stage of the LSIORB model development for each time of day period. This resulted in congestion speeds by time of day.

¹ The Bureau of Public Roads was renamed the Federal Highway Administration (FHWA) with the establishment of the U.S. Department of Transportation in 1966.

Vehicle Miles Traveled

The vehicle miles of travel (VMT) were obtained from LSIORB traffic model by multiplying the link distance in miles by the link volume. (The equation is as follows: $VMT = Length * Volume$). This produced vehicle-miles for each link in the roadway network. The congestion speed calculation was performed as a post processing step in the “traffic assignment” stage of the LSIORB model for each time of day period. Daily VMT is calculated by summing the VMT results by time of day.

The congestion speed and VMT calculations used in the quantitative MSAT assessment are the same as those used in the other traffic and environmental analyses conducted during this SEIS process.

A.2.3 Emission Factors

EPA’s Office of Federal Activities issued a memorandum on February 8, 2011, providing guidance on the applicability of the MOVES model in the NEPA process. This memo indicated that MOVES should be used for NEPA analysis once it is required for use in carbon monoxide and particulate matter hotspot analysis for conformity. Any conformity or NEPA analysis initiated after December 20, 2012 must use MOVES; any analyses begun prior to that date may be based on either MOBILE6.2 or MOVES. In addition, the guidance addresses cases where a DEIS based on MOBILE6.2 is issued prior to December 20, 2012; in these cases, the FEIS may also rely on MOBILE6.2, as long as the FEIS is released no more than three years after the DEIS. Thus, pursuant to EPA guidance, use of MOBILE6.2 is appropriate for this project.

MOBILE6.2 was used to generate annual emission factors for each of the seven priority MSAT pollutants (or pollutant class) and included: acrolein, benzene, 1,3-butadiene, formaldehyde, naphthalene, diesel particulate matter, and polycyclic organic matter (POM). The MOBILE6.2 model was run using local data for the LMPA. The model was run for 2010 as the base year and 2030 as the design year. Monthly emission factors were developed via mathematical interpolation between January and July and summing the monthly emission results, per USEPA guidance² and modified to reflect local project parameters based on input by the Louisville Metro Air Pollution Control District. The monthly models included temperature and humidity parameters that are applicable to the LMPA. The emission factors were generated for a range of speeds from 2.5 mph, 5 mph, and each additional 5 mph up to 70 mph.

The input parameters for the MOBILE6.2 model are shown in Table A.2-1.

² *Technical Guidance on the Use of MOBILE6.2 for Emission Inventory Preparation*, EPA420-R-04-13 (EPA 2004)

**TABLE A.2-1
MOBILE6.2 Emission Factor Input Parameters³**

MONTH		EVALUATION MONTH	TEMPERATURE		HUMIDITY		STARTS	DIESEL SULFUR (ppm) ⁴	CALENDAR YEAR
			MAX	MIN	Abs (gr/lb)*	Rel (%)			
January	1	1	38.0	21.2	20.0	16.3	No Starts (= 0)	43	2010
February	2	1	48.5	30.3	20.0	22.7	No Starts (= 0)	43	2010
March	3	1	60.5	40.8	21.2	32.6	No Starts (= 0)	43	2010
April	4	7	68.0	48.1	25.5	39.0	No Starts (= 0)	43	2010
May	5	7	75.8	57.1	38.4	56.2	No Starts (= 0)	43	2010
June	6	7	85.0	66.8	55.1	78.7	No Starts (= 0)	11	2010
July	7	7	81.8	65.5	53.7	73.7	No Starts (= 0)	11	2010
August	8	7	84.0	66.4	54.5	76.7	No Starts (= 0)	11	2010
September	9	7	79.1	62.2	47.0	65.6	No Starts (= 0)	11	2010
October	10	7	62.7	46.2	25.1	35.6	No Starts (= 0)	11	2010
November	11	7	60.5	41.2	23.0	35.2	No Starts (= 0)	11	2010
December	12	7	43.6	29.3	20.0	21.4	No Starts (= 0)	11	2010
January	1	1	38.0	21.2	20.0	16.3	No Starts (= 0)	11	2030
February	2	1	48.5	30.3	20.0	22.7	No Starts (= 0)	11	2030
March	3	1	60.5	40.8	21.2	32.6	No Starts (= 0)	11	2030
April	4	7	68.0	48.1	25.5	39.0	No Starts (= 0)	11	2030
May	5	7	75.8	57.1	38.4	56.2	No Starts (= 0)	11	2030
June	6	7	85.0	66.8	55.1	78.7	No Starts (= 0)	11	2030
July	7	7	81.8	65.5	53.7	73.7	No Starts (= 0)	11	2030
August	8	7	84.0	66.4	54.5	76.7	No Starts (= 0)	11	2030
September	9	7	79.1	62.2	47.0	65.6	No Starts (= 0)	11	2030
October	10	7	62.7	46.2	25.1	35.6	No Starts (= 0)	11	2030
November	11	7	60.5	41.2	23.0	35.2	No Starts (= 0)	11	2030
December	12	7	43.6	29.3	20.0	21.4	No Starts (= 0)	11	2030

* Abs (gr/lb) = absolute humidity measured grains of water per pound of air

³ Parameters were developed by Louisville Metro Air Pollution Control District (APCD) (Mobile Suite G6) using MOBILE6 in accordance with Inter-Agency Consultation (IAC) agreements. The above parameters were developed for seasonal runs using the latest available meteorological data from the National Oceanic and Atmospheric Administration (NOAA) station located at the Louisville International Airport. Fleet mix and age distribution data were last updated with 2007/2008 local county registration data (updates are performed no later than every five years). Years 2011 and 2031 fleet data (year plus one per EPA methodology) were simulated by using July (7) evaluation month to maintain fleet age distribution shift from the prior year. Fuel formulation data is from most recent (2006) USEPA fuel distribution data.

⁴ Diesel sulfur changes from 43 parts per million (ppm) to 11 ppm in June 2010 due to the implementation of USEPA's Ultra Low Sulfur Diesel (ULSD) Program. The program stipulated that beginning June 1, 2010; all highway diesel fuel must be ULSD.

A.2.4 Emission Inventory Calculations

The LSIORB Project traffic model provided the VMT, the period (in hours) applicable to that VMT, and speed for that VMT/period combination. Each roadway link had VMT totals that covered a 24-hour period. The emission factors, expressed in grams/VMT for each MSAT and for the speed determined for each link in the network subsets, were multiplied by the VMT to generate the grams of emissions for that period for each individual roadway link. This methodology was applied to each roadway link so that each roadway link covers the VMT for a 24-hour period and represents varying speeds based on congestion parameters. The emissions for each of the seven MSAT pollutants were summed to provide grams per day for each roadway segment for the network subsets for both of the build alternatives. The total for all segments were summed and multiplied by 365 to provide yearly emissions and are reported in tons per year for each pollutant.

A.3 MSAT Emission Inventory Results

See discussion on section A.2.1. The emissions inventories for each pollutant were calculated for the existing (2010), 2030 No- Action and 2030 Build Alternative scenarios, by network subset and the results are in the following table.

**TABLE A.3-1
MSAT Emissions by Pollutant for the Project (in tons per year)**

Pollutant	FEIS Selected Alternative MSAT Network Subset			Modified Selected Alternative MSAT Network Subset		
	Existing (2010)	No-Action (2030)	FEIS Selected Alternative (2030)	Existing (2010)	No-Action (2030)	Modified Selected Alternative (2030)
Diesel PM	28.40	4.09	4.47	25.50	3.63	3.99
Benzene	16.55	13.38	13.08	14.50	11.42	11.58
1,3-Butadiene	2.53	2.22	2.22	2.23	1.90	1.96
Formaldehyde	12.44	11.13	11.09	10.89	9.46	9.76
Acrolein	0.54	0.47	0.47	0.47	0.40	0.41
Naphthalene	1.12	1.04	1.12	1.00	0.92	0.99
POM	0.15	0.14	0.15	0.14	0.12	0.13
Totals	61.73	32.47	32.60	54.73	27.85	28.82

The emissions inventories show reductions in MSAT levels in the design year (2030) for all pollutants in comparison to the existing condition (2010). The reductions from the existing levels are calculated from the results in Table A.3-1 and are shown in Table A.3-2.

**TABLE A.3-2
MSAT Percent Emissions Reductions from Existing, by Pollutant**

Pollutant	FEIS Selected Alternative MSAT Network Subset		Modified Selected Alternative MSAT Network Subset	
	% reduction by 2030 due to 2007 USEPA rule, only (i.e., % reduction from Existing vs. No-Action)	% reduction by 2030 due to 2007 USEPA rule, plus FEIS Selected Alternative (% reduction from Existing vs. Build)	% reduction by 2030 due to 2007 USEPA rule, only (i.e., % reduction from Existing vs. No-Action)	% reduction by 2030 due to 2007 USEPA rule, plus FEIS Selected Alternative (% reduction from Existing vs. Build)
Diesel PM	-85.6%	-84.3%	-85.8%	-84.4%
Benzene	-19.1%	-20.9%	-21.2%	-20.1%
1,3-Butadiene	-12.3%	-12.4%	-14.6%	-11.9%
Formaldehyde	-10.5%	-10.8%	-13.1%	-10.4%
Acrolein	-13.0%	-13.3%	-15.4%	-12.8%
Naphthalene	-6.8%	-0.4%	-8.0%	-0.7%
POM	-9.9%	-1.6%	-10.8%	-2.2%
Total	-47.4%	-47.2%	-49.1%	-47.3%

The analysis indicates that a substantial decrease in MSAT emissions can be expected in the LSIORB project area from existing (2010) levels through future (2030) design year levels. The quantitative analysis also validated that there would be no appreciable difference in overall MSAT emissions among the build alternatives, in comparison to the No-Action Alternative. The major mitigating factor in reducing MSAT emissions is the implementation of the USEPA’s control standards of motor vehicle emissions and fuels. These include the reformulated gasoline program, the national low-emission vehicle standards, the Tier 2 motor vehicle emission standards and gasoline sulfur control requirements, and the heavy-duty engine and vehicle standards plus on-highway diesel fuel sulfur control requirements.

The ability to discern remarkable differences in emissions among project alternatives is difficult given the uncertainties associated with forecasting travel activity and emissions 20 years into the future. However, some differences in total MSAT emissions between the No-Action and build

alternatives were found. Overall, reductions in MSAT emissions of over 47% are predicted (47.2% to 47.3% for the build alternatives and 47.4% to 49.1% for the No-Action Alternative).

Of the MSAT compounds analyzed, diesel PM contributes most to existing emission levels, but by the design year, a substantial decline is predicted. Benzene and formaldehyde account for the majority of estimated MSAT emissions in the design year, although at reduced levels compared to the existing conditions. There are slight variations in emissions among the alternatives due to changes in vehicle activity patterns (i.e., speeds and vehicle-miles traveled) between build and No-Action alternatives.

The quantitative MSAT analysis demonstrates that the project will not have a meaningful impact on levels for any of the seven primary MSAT pollutants and that MSAT levels will be reduced in the design year, in comparison to the existing condition, due to USEPA's vehicle and fuel regulations, coupled with fleet turnover.

Substantial construction-related MSAT emissions are not anticipated for this project as construction is not planned to occur over an extended building period (more than five years) in any one localized area. However, construction activity may generate temporary increases in MSAT emissions in the project area.

Figure A.2-1

FEIS Selected Alternative
MSAT Emissions - Roadway Network Links



Legend

- FEIS Selected Analysis Links (2030)
- Roadway Network

INDIANA

Downtown Area

East End Area

KENTUCKY

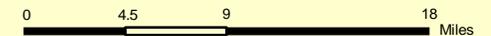
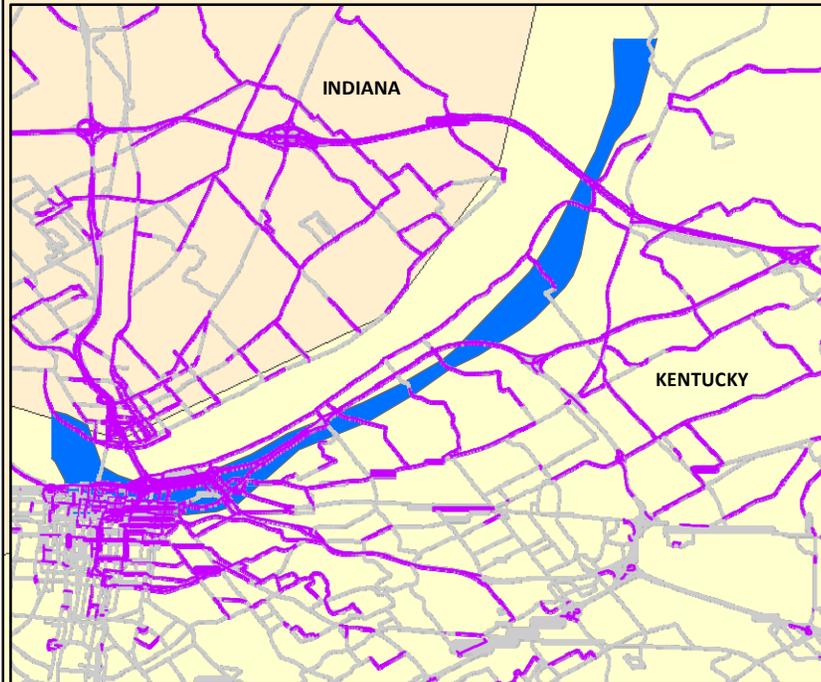
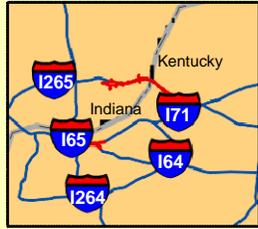


Figure A.2-2

Modified Selected Alternative
MSAT Emissions - Roadway Network Links



Legend

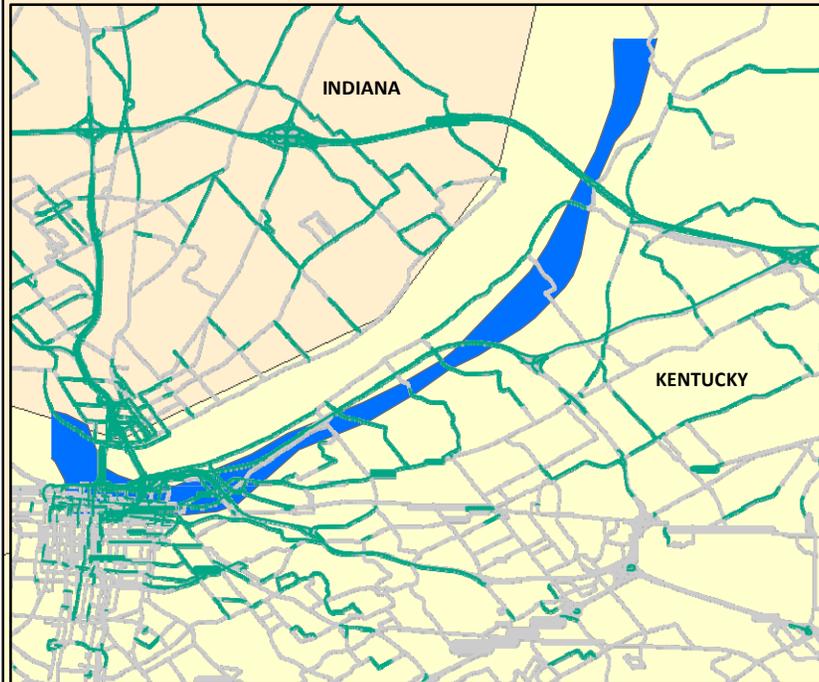
- Roadway Network
- Modified Selected Analysis Links (2030)

INDIANA

Downtown Area

East End Area

KENTUCKY





New study for Bridges Project shows reduction in air pollution by

LOUISVILLE, Ky. (June 7, 2012) -- Air quality in the Louisville area will improve dramatically over the next two decades, according to a report prepared for the Louisville-Southern Indiana Ohio River Bridges Project (LSIORBP), which was filed today with the Federal Highway Administration. In the year 2030, emissions of major pollutants will be reduced 47% compared to levels in 2010, according to the study.

[CLICK HERE TO SEE REPORT](#)

The report – called a Quantitative Analysis of Mobile Source Air Toxics (MSAT) – looks at traffic volume and congestion speeds by time of day, as well as improvements expected in cleaner fuels and more efficient engines, then predicts the levels of several major toxic emissions.

The report compared projected emissions levels under three scenarios -- do nothing or build the Bridges Project based on the scaled back \$2.6 billion dollar plan or build it based on the original \$4.1 billion dollar plan. The report states “there would be no appreciable difference in overall MSAT emission among the build alternatives.”

Cleaner burning fuels and new performance standards on engines are cited as the primary reasons for the predicted reduction in air pollution.

The Bridges Project will create the ability to handle more vehicles without any appreciable increase in pollution because of improved traffic. The report also concludes that there will be no substantial MSAT emissions created by construction work during the building of the project. The report validates previous qualitative analysis that was provided with the Final Supplemental Environmental Impact Statement.

The entire report can be found on the Bridges Project's website, www.kyinbridges.com. The report will be open for review until June 15.

The Ohio River Bridge calls for building two new bridges in the Louisville metro area and reconstructing the Kennedy Interchange, which is where several interstates merge near downtown.

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Louisville-Southern Indiana Bridges Project
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Revised Record of Decision

Appendix B1

Agency Organization Public Comments with Codes



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

MAY 25 2012

ER-11/1069

Mr. Jose Sepulveda
Division Administrator, Kentucky Division
Federal Highway Administration
John C. Watts Federal Building
330 West Broadway
Frankfort, Kentucky 40601

Dear Mr. Sepulveda:

The Department of the Interior (Department) has reviewed the Final Supplemental Environmental Impact Statement and Section 4(f) Evaluation for the Louisville-Southern Indiana Ohio River Bridges Project, Jefferson County, Kentucky and Clark County, Indiana. The Department offers the following comments and recommendations for your consideration:

Section 4(f) Evaluation Comments

The Louisville-Southern Indiana Ohio Bridges Project is the result of years of study by the Federal Highway Administration (FHWA), the Kentucky Transportation Cabinet (KYTC) and the Indiana Department of Transportation (INDOT) on how to improve mobility across the Ohio River between Jefferson County, Kentucky and Clark County, Indiana. The selection of the preferred alternatives would result in impacts to properties eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303§ 771.135), including five historic properties and three park/recreational facilities. The Department did concur there were no feasible or prudent avoidance alternatives to the preferred alternatives presented which would result in impacts to section 4(f) properties. However, the Department could not concur at that time that all possible planning needed to minimize harm to the 4(f) resource had been employed until evidence that the impacts to historic properties had been properly addressed in a Memorandum of Agreement (MOA). We note the inclusion of the fully executed MOA contained in Appendix D of the Supplemental Final EIS, and therefore remove our objection.

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Mr. Jose Sepulveda

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The Department has a continuing interest in working with the FHWA, KYTC and InDOT to ensure impacts to resources of concern to the Department are adequately addressed. For continued consultation and coordination with the issues concerning historic resources identified as section 4(f) resources, please contact Regional Environmental Coordinator Nick Chevance, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102, telephone (402) 661-1844.

We appreciate the opportunity to provide these comments.

Sincerely,



for

Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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June 4, 2012

Ms. Janice Osadcuk
Team Leader, Environmental Services
U.S. Department of Transportation
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

SUBJECT: EPA review and comments for the
Supplemental Final Environmental Impact Statement (SFEIS) for the
Proposed Louisville-Southern Indiana Ohio River Bridges Project
CEQ No. 20120129

Dear Ms. Osadcuk:

The U.S. Environmental Protection Agency (EPA) Regions 4 and 5 jointly reviewed the SFEIS for the Ohio River Bridges Project pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act. We appreciate your continuing coordination with us, and your responses to our comments on the Draft SEIS, which are included in this SFEIS. Region 4 has been designated as the EPA lead region for the project. The purpose of this letter is to provide you with the results of the EPA review.

In order to alleviate existing safety problems and traffic congestion and meet planned growth needs, the Federal Highway Administration (FHWA), the Indiana Department of Transportation (INDOT) and the Kentucky Transportation Cabinet (KYTC) proposed that new bridges be constructed in the metropolitan Louisville area, along with reconstruction of the existing Kennedy Interchange (also termed Spaghetti Junction), and implementation of non-motorized facility measures to facilitate traffic flow. The SFEIS is required in order to update environmental impact data and project plans that have changed since the earlier EISs and the 2003 Record of Decision for this project.

The SFEIS identifies the Modified Selected Alternative as the SFEIS Preferred Alternative. The Modified Selected Alternative includes tolling on both proposed bridges and 1) reconstructs the Kennedy Interchange within its existing footprint, 2) reduces the East End Bridge, roadway and tunnel from six to four lanes, and 3) eliminates the pedestrian/bike path from the Downtown Bridge because a similar facility will be provided on the nearby Big Four Bridge as a separate project.

EPA recognizes the priority of the Louisville-Southern Indiana Ohio River Bridges Project to address long-term, cross-river transportation needs in metropolitan Louisville, Kentucky and Southern Indiana. While EPA continues to have some environmental concerns

regarding the project, we appreciate your methodical effort to identify the many complex issues and environmental impacts associated with this project, and your efforts to avoid and mitigate impacts. We appreciate SFEIS Chapter 8 – Mitigations, a list of all mitigation commitments to date. In addition, we note that the SFEIS includes the air quality conformity finding and supporting documentation. The air quality analysis results demonstrate conformity for PM2.5 and ozone, and adhere to the transportation conformity regulations.

Please see our enclosed detailed comments. In particular, we have some remaining comments regarding the Modified Selected Alternative concerning air quality/mobile source air toxics (MSATs), construction/clean diesel practices, stormwater/drainage capacity, noise impacts, Environmental Justice (EJ), wetlands/streams/floodplains, and pedestrian/bike access issues that should be addressed as the project progresses. Please address the remaining issues and document the mitigation commitments in the Record of Decision (ROD).

Thank you for the opportunity to comment on this project. We appreciate your continued coordination as this project progresses. Please send a copy of the ROD to Region 4 and Region 5 when it becomes available. If you have questions, please contact Ramona McConney, EPA Region 4 at (404) 562-9615, or Virginia Laszewski, EPA Region 5 at (312) 886-7501.

Sincerely,



Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosure

Cc: Mr. Jose Sepulveda, P.E., FHWA- KY
Mr. Gary Valentine, KYTC
Mr. Paul Boone, INDOT

EPA review and
comments for the
Supplemental Final Environmental Impact Statement
(SFEIS) for the
Proposed Louisville - Southern Indiana Ohio River
Bridges Project

Modified Preferred Alternative

The SFEIS identifies the Modified Selected Alternative as the SFEIS Preferred Alternative. The Modified Selected Alternative includes tolling on both proposed bridges, and 1) reconstructs the Kennedy Interchange within its existing footprint, 2) reduces the East End Bridge, roadway and tunnel from six to four lanes, and 3) eliminates the pedestrian/bike path from the Downtown Bridge, because a similar facility will be provided on the nearby Big Four Bridge as a separate project. The SFEIS Modified Preferred Alternative appears to have the least amount of direct impacts to resources of concern among alternatives analyzed in this SEIS.

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Mobile Source Air Taxies (MSATs)

The SFEIS did not respond to all our comments, but does state in the response to comment F.1, (pages 7-80 through 7-82), that an emissions inventory for the project area travel network will be prepared.

USEPA
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A qualitative MSATs assessment is provided in SFEIS Section 5.4.4 and Appendix B.1.2. The SFEIS, Page 7-81 states,

"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 reduction 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."

Page 4-152 states, "A quantitative MSAT assessment is currently being developed and will be included in the ROD. Any updates required for this section will be included in the ROD. The quantitative assessment will provide a project-level emissions inventory of the seven MSAT compounds identified by USEPA and compare emissions levels from the 2010, 2030 No-Action, and 2030 build scenarios. "

We are pleased that the project team will conduct a quantitative MSAT analysis. The SFEIS states (Section 5.4.4, page 5-137), *"The quantitative emissions inventory will provide emissions inventories for the project area roadway network for the No-Action Alternative, the FEIS Selected Alternative, and the Modified Selected Alternative."*

Recommendations: As part of that quantitative MSAT analysis, we encourage the project team to identify the locations of the sources in the emissions inventory and to prepare a screening level risk assessment for areas in the vicinity of the roads. The quantitative MSAT analysis should recognize that MSATs are local in nature, and the analysis should therefore model the impacts along the entire project area travel network, with special consideration for the locations of populations, particularly sensitive populations such as hospitals, schools, etc. EPA recommends that prior to the ROD, the FHWA, INDOT and KYTC give the public and agencies an opportunity to review and comment on the MSATs analysis.

Evaluating the entire network with a screening level risk assessment, including those segments that are heavily traveled as well as those with lower annual average daily traffic (AADT) values, will help the public understand the potential impacts of the different alternatives along the roadway network, and possibly allay the concerns of many people near the lesser traveled roads.

Although Section 1.3 of Appendix B.1.2 lists several mitigation options, the SFEIS commits to only a few. For example, Section 5.4.5 states that the construction contractor will be encouraged to maintain equipment, limit idling, and use clean diesel fuel. The ROD should be more explicit concerning mitigation approaches, not only for the construction period, but also for the operational period.

The SFEIS (pages 5-137, 5-138 and 7-81) outlines post-construction mitigation strategies for MSAT emissions. As a part of either build alternative (see SFEIS sections 3.2.2 and 3.2.3), the project includes:

- Travel Demand Management, in the form of non-motorized facility enhancements and employer-based trip reductions, to reduce overall vehicle-mile of travel.
- Expanded Intelligent Transportation System applications, such as traffic management centers or incident management systems.
- Enhanced bus service.

EPA recommends that prior to the ROD, the FHWA, INDOT and KYTC give the public and agencies an opportunity to review and comment on any additional MSAT mitigation measures identified. Any additional MSAT mitigation measures should be committed to in the ROD.

USEPA
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EPA recommends that the signed Memorandum of Agreement (MOA) with the Transit Authority of River City (TARC) to implement the enhanced bus service identified as part of the selected alternative be included in the ROD.

USEPA
-4

Construction/Clean Diesel Measures

Exposure to diesel exhaust by construction workers and those who live or spend a substantial amount of time near a construction site can have serious health implications. This is especially important in the highly populated urban area of Southern Indiana- Louisville, Kentucky.

Page 7-87 and/or page 8-13 of the SFEIS state: 1) The contractor will be expected to obtain the necessary permits from [Indiana and Kentucky permitting agencies] and to follow the regulations that are cited, and 2) [s]pecial notes will be established in the project that will encourage the contractor: (1) to maintain his 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. There is no explanation as to why Indiana and/or Kentucky will not mandate the use of these clean diesel strategies by their contractors in their construction contracts in order to help ensure the protection of human health during project construction.

Recommendations: We recommend that the ROD identify any updated commitments by FHWA, INDOT and KYTC to implement diesel emission reduction strategies during project construction. EPA also continues to recommended that the project team implement overall diesel emission reduction activities through various measures such as: switching to cleaner fuels, retrofitting current equipment and emission reduction technologies, repowering older engines with newer clean engines, replacing older vehicles, and reducing idling through operator training and/or contracting policies. EPA can assist in the future development or implementation of these options.

USEPA
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Climate Change Adaptation

The SFEIS states, "[regarding the design of 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. "

Our climate is changing. Historical climate data will not be sufficient in predicting future storm events. 100-year storms are occurring with increasing frequency. The number of storm events occurring with greater intensity is also increasing. Designs based on historical 100-year storms may not be sufficient in the future.

USEPA
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EPA suggests this may be particularly applicable for designing adequate handling of stormwater runoff and drainage of the proposed roadway and tunnel in order to protect the health and safety of the public who use the tunnel and roadway, or live/work near it during an intense storm event.

Recommendations: EPA recommends that INDOT and KYTC account for increased storm frequency and intensity in the design of this project in order to help insure the health and safety of the public. The ROD should commit to accounting for increased storm frequency and intensity in the design of this project.

USEPA
-6

Environmental Justice (EJ)

The census data provided in this SFEIS uses 2010 demographic data when available; otherwise, the 2000 Census data is used (page 4-5).

Page 5-43 if the SFEIS states, "... FHWA has concluded that the Modified Selected Alternative is likely to have disproportionately high and adverse effects on minority and low-income populations. Although the impacts would not be "predominantly borne" by environmental justice populations, the impact would be appreciably more severe or greater in magnitude for these populations. Therefore, in accordance with FHWA Order 6640.23, it is necessary to consider strategies for minimizing and mitigating the economic effects of tolling on minority and low- income populations. "

The SFEIS (pages 7-57 and 8-20) mentions that KYTC and INDOT will conduct a more detailed assessment of the potential economic effects of tolls on low-income and minority communities, and make the results of the study publicly available. Ideally, this assessment should have already been performed and the results and specific mitigation measures committed to in the SFEIS and ROD. It appears that this assessment will be performed after the ROD. Please explain in the ROD what methods will be used, and what mitigation measures will be studied.

USEPA
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Recommendations: EPA recommends that additional details regarding the proposed assessment of the potential economic effects of tolls on low-income and minority communities be identified, and the specific roles and responsibilities of INDOT, KYTC and FHWA be identified in the ROD.

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In the response to EPA's SDEIS EJ comment regarding traffic diversions, (D.3 and D.18 responses on pages 7-57, 7-58, and 7-67), the SFEIS states that traffic will be diverted into EJ areas of concern from 100 to 922 vehicles per hour. While this increase in vehicles may not be estimated to cause congestion, it may cause disproportionate noise and local mobile source air impacts in these areas.

USEPA
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EPA recommends INDOT and KYTC look at mitigation measures, such as vegetation planting to reduce noise and diesel pollution in new higher traffic areas. We recommend the ROD include INDOT and KYTC commitments to reduce noise and diesel pollution in new higher traffic areas, whether or not these areas are covered under the historic properties First Amendment MOA.

Water Quality

We commend INDOT and KYTC for committing to include provisions in the INDOT and KYTC contracts for monetary fines should a contractor fail to

USEPA
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implement appropriate construction best management practices (BMPs) to protect surface and ground water (SFEIS, pages 5-196,5-198,5-216,5-217,5-220,7-92 and 8-8).

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Wetlands/Streams/Floodplains

The SFEIS provides a commitment to bridge across the following rivers/creeks: Lentzier Creek, unnamed tributary to Lentzier Creek, Harrods Creek, Bear Grass Creek and the Ohio River, and to span their 100-year floodplains when feasible. However, the proposed wetland mitigation plan identified in the SDEIS and mentioned in the SFEIS is not included in the SFEIS, as we requested.

USEPA
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EPA reserves its right to provide further review comments during the U.S. Army Corps of Engineers (USACE) Clean Water Act (CWA) Section 404 permitting process for this project.

Pedestrian/Bikeway Access

Pages 4-19 and 4-20 state, "[t]he ramp, which is within Waterfront Park, was completed in 2010. Construction on the bridge decking is currently underway and is expected to be completed in 2013. For the Indiana side, a FONSI was approved by FHWA on October 19, 2011. The FONSI included an Individual Section 4(/) Evaluation for both sides of the river and the bridge, itself INDOT has committed to allocating \$8 million in Federal funds for developing the approach to the bridge in Jeffersonville. The City of Jeffersonville has agreed to provide an additional \$2 million, which, together with INDOT funding, will fully fund the Big Four Bridge project. INDOT sought bids for construction of the Indiana approach in February 2012."

Recommendations: Since the Big Four Bridge pedestrian/bike path is being substituted for a pedestrian/bike path being incorporated into the design of the proposed new downtown bridge, the ROD should provide an update regarding the status of the construction on the Indiana side of the Big Four Bridge pedestrian/bikeway and provide a projected completion date.

USEPA
-11

From: Ramona McConney [<mailto:Mcconney.Ramona@epamail.epa.gov>]
Sent: Friday, June 15, 2012 01:01 PM
To: jsacksteder@ctsgec.com <jsacksteder@ctsgec.com>; Valentine, Gary (KYTC-D05); RHEUSTIS@indot.IN.gov <RHEUSTIS@indot.IN.gov>; Linda.Amidon@dot.gov <Linda.Amidon@dot.gov>; Diane.Mobley@dot.gov <Diane.Mobley@dot.gov>; Ruth.Rentch@dot.gov <Ruth.Rentch@dot.gov>; Michael.Claggett@dot.gov <Michael.Claggett@dot.gov>; Thomas, Duane (FHWA); Janice.Osadczyk@dot.gov <Janice.Osadczyk@dot.gov>
Cc: Virginia Laszewski <Laszewski.Virginia@epamail.epa.gov>; Kenneth Westlake <Westlake.Kenneth@epamail.epa.gov>
Subject: attached EPA comments --MSATs

Thank you for providing the *Quantitative Analysis of Mobile Source Air Toxics (MSAT)*. We appreciate your coordination with us. EPA reviewed this document and is submitting the attached comments for your consideration. EPA's review was conducted by staff available during the weeklong review period, and we note that if significant changes to the project occur, we may have additional comments.

Ramona K. McConney
NEPA Program Office
EPA Region 4
(404)562-9615

=

Comments on Quantitative Analysis of Mobile Source Air Toxics
Revised Record of Decision
Appendix A, June 2012
Louisville-Southern Indiana Ohio River Bridges Project

Page A-1, Section A.0 Introduction

The first paragraph references the 1999 National Air toxics Assessment (NATA). The most recent NATA was for the year 2005. The first paragraph also notes that the MSAT analysis was conducted using EPA's older MOBILE 6.2 model. We would suggest the analysis be conducted with EPA's current model, MOVES.

Revised
ROD
USEPA-12

Revised
ROD
USEPA-13

Page A-2, Section A.2.1 Project Area Roadway Network Links and Analysis

The first paragraph in this section notes that the no action alternative and the two build alternatives were analyzed to identify those roadway network links in the build alternatives where modeled emissions differ from the no action links by at least 10%. This information could support a project level comparison of potential impacts of MSAT emissions associated with the different alternatives. We suggest that the roadway network link emissions information be used to develop a local-scale screening level analysis of potential health impacts of emissions for the different alternatives. This analysis could be done for the no-action 2030 emissions, and the build alternative 2030 emissions.

Revised
ROD
USEPA-14

It is important to conduct this local-scale analysis because MSATs concentrations can vary locally, leading to local impacts that might be overlooked if the alternatives are compared based only on their respective emissions from the entire roadway network as a whole. This analysis would be consistent with the statement on page A-1, Section A.0,

... it is possible to assess the potential impacts and changes of future MSAT emissions under the project based on the qualitative and quantitative assessment performed for the project, including the comparison of the build alternatives in relation to the No-Action Alternative.

Page A-3, Section A.2.3 Emission Factors

This section says that MOBILE 6.2 was used to obtain emission factors for MSATs. EPA now uses MOVES for mobile source modeling. We recommend the analysis be redone using MOVES. If this is not possible, we recommend including a discussion of how using MOVES might impact the outcome of the analysis.

Revised
ROD
USEPA-13

Page A-5, Section A.3, MSAT Emission Inventory Results

It is fortunate that emissions will decrease over the next several years. It is important to keep in mind that while there may be significant decreases in emissions network-wide, the project could result in local areas where MSAT concentrations increase. A local scale screening level analysis to identify these locations and the potential health impacts associated with MSATs would improve the Quantitative

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Analysis of Mobile Source Air Toxics in this document. This kind of analysis is especially important when the near-road exposures might involve heavily populated areas or vulnerable populations such as schools, nursing homes, hospitals, and environmental justice communities. This analysis should be conducted for the construction as well as the operational phase of the project.

Revised
ROD
USEPA-14



ENERGY AND ENVIRONMENT CABINET

Steven L. Beshear
Governor

DEPARTMENT FOR ENVIRONMENTAL PROTECTION
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Leonard K. Peters
Secretary

R. Bruce Scott
Commissioner

June 1, 2012

Jack Sacksteder
Project Manager
Community Transportation Solutions
305 M. Hurstbourne Parkway, Suite 100
Louisville, KY 40223

Re: Supplemental Final Environmental Impact Statement for the Louisville-Southern Indiana Ohio River Bridges project (SERO 2012-20)

Mr. Sacksteder,

The Energy and Environment Cabinet serves as the state clearinghouse for review of environmental documents generated pursuant to the National Environmental Policy Act (NEPA). Within the Cabinet, the Commissioner's Office in the Department for Environmental Protection coordinates the review for Kentucky state agencies.

We received your letter dated April 20, 2012 requesting our review of your project for the Supplemental Final Environmental Impact Statement for the Louisville-Southern Indiana Ohio River Bridges. We distributed copies to the Kentucky Heritage Council, the Department of Fish and Wildlife Resources, the Division of Water, the Division for Air Quality, and the Division of Waste Management. Comments were received from the Division of Water, the Division of Air Quality and the Division of Waste Management.

Comments from the Division of Waste Management:

All solid waste generated by this project must be disposed at a permitted facility. If underground storage tanks are encountered they must be properly

KDWM
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addressed. If asbestos, lead paint, and/or other contaminants are encountered during this project, they must be properly addressed.

Comments from the Division of Water:

Best management practices shall be utilized to reduce runoff from the project into adjacent surface waters. In-stream disturbances shall be minimized. Reconstruction of interchange areas in Kentucky should be done without impacts to Beargrass Creek and Goose Creek, where *Orconectes jeffersoni* lives.

KDOW-1

Any water or monitoring wells discovered in the construction area will need to be properly abandoned by a certified Water or Monitoring well driller. The construction contractors may need a Groundwater Protection Plan depending on the onsite construction activities.

The Division of Water, Floodplain Section, is coordinating with the KYTC on this project.

Comments from the Division of Air Quality:

The Division for Air Quality has reviewed SERO 2012-20. In Section 4.4 (page 4-145), the first bulleted item indicates the attainment status for different pollutants. The fourth sentence reads,

KDAQ-1

"The project area is still in attainment for carbon monoxide, but is now in a maintenance status for ozone (under the 8-hour standard), non-attainment status for PM2.5 under the annual standard, and non-attainment status for sulfur dioxide."

Please amend this sentence to read,

"The project area is still in attainment for carbon monoxide, but is now in a maintenance status for ozone (under the 1997 8-hour standard), nonattainment status for PM2.5 under the annual standard (however, a redesignation request has been submitted to EPA), and anticipated to be designated nonattainment for sulfur dioxide in 2012."

This review is based upon the information that was provided by the applicant through the State Environmental Review Process. An endorsement of this project does not satisfy, or imply, the acceptance or issuance of any permits, certifications or approvals that may be required from this agency under Kentucky Revised Statutes or Kentucky Administrative Regulations. Such endorsement means this agency has found no major concerns from the review of the proposed project as presented other than those stated as conditions or comments.

If you should have any questions, please contact me at (502) 564-2150, ext. 3125.

Sincerely,

A handwritten signature in black ink that reads "Ronald T. Price". The signature is written in a cursive style with a clear, legible font.

Ronald T. Price
State Environmental Review Officer



Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov

May 25, 2012

John Sacksteder, P.E.
Project Manager
Community Transportation Solutions
305 North Hurstbourne Parkway, Suite 100
Louisville, Kentucky 40223

Federal Agency: Federal Highway Administration (“FHWA”)

Re: “Louisville-Southern Indiana Ohio River Bridges Project Supplemental Final Environmental Impact Statement and Appendices” (April 2012; “SFEIS”) (FHWA-KY-SEIS-12-01-F; INDOT Des. Nos. 0300799, 0201294, 0300798, 0201296, 0201297; DHPA No. 1774)

Dear Mr. Sacksteder:

Pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. § 4321, *et seq.*) and Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f), and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO”) has reviewed the SDEIS document submitted under the cover letter of April 20, 2012 from Gary Valentine, P.E., of the Kentucky Transportation Cabinet and Ron Heustis of the Indiana Department of Transportation, which we received on April 25, regarding the aforementioned project in Clark County, Indiana and Jefferson County, Kentucky. We note that the comment deadline, based on the publication date of the SFEIS, has been established as Sunday, June 3.

In regard to archaeology, we do have some comments. Since the Utica Lime Kilns are archaeological, as well as structural resources, we suggest that, for their protection, figures depicting the locations of these resources, such as 4.3-7 and 5.3-2a, should not remain in the document. Also, regarding the Utica Lime kilns, the October 25, 2011 statement from Dr. James A. Glass was that “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 to be impacted within lime kiln districts 48003 and 48004.” This should be clarified in the SFEIS, in tables 4.3-7 and 5.3-23: In table 4.3-7 for 12-CL-551 (or 48001) to which the aforementioned statement does not refer, it appears in the table that the kiln and quarry do not merit preservation in place; and in both tables for 12-Cl-934 (or 48004) where it appears that the kiln does not warrant preservation in place.

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If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

INSHPO
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The addition of Table 3.3-2b (reflecting the time of day model, which was introduced into this project since the 2003 FEIS) and the revisions to tables 3.3-3 and 3.3-4 help to clarify the changes that the Modified Selected Alternative is projected to have on vehicular traffic on the bridges. We are hopeful that new Stipulation II.Q. regarding traffic monitoring in the “First Amended Memorandum of Agreement . . .” will identify any traffic congestion impacts in New Albany, Clarksville, or Jeffersonville that at the present time are not foreseen by the federal and state transportation agencies.

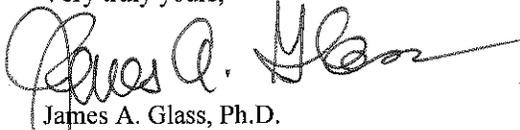
INSHPO
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Other than the issues on which we have commented above, we do not have any concerns about the conclusions about impacts on significant historical or archaeological resources in Indiana.

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If you have questions about issues pertaining to above-ground historic properties, then you may contact John Carr of my staff at (317) 233-1949 or jcarr@dnr.IN.gov. Questions about archaeological issues should be directed to Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. In all future correspondence regarding the Louisville-Southern Indiana Ohio River Bridges Project, please refer to DHPA No. 1774.

Very truly yours,



James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:JLC:JRJ:jlc

emc: MaryAnn Naber, Federal Highway Administration, Washington, D.C.
Janice Osadczuk, Indiana Division, Federal Highway Administration
Duane Thomas, P.E., Kentucky Division, Federal Highway Administration
Carol Legard, Advisory Council on Historic Preservation
Ron Heustis, P.E., Indiana Department of Transportation
Kevin Hetrick, P.E., Indiana Department of Transportation
Laura Hilden, Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation
Gary Valentine, P.E., Kentucky Transportation Cabinet
Lindy Casebier, Acting Kentucky State Historic Preservation Officer
Craig Potts, Kentucky Heritage Council
Vicki Birenberg, Kentucky Heritage Council
John Sacksteder, P.E., Community Transportation Solutions
James Hilton, P.E., Community Transportation Solutions
Jeffrey Vlach, Beam, Longest and Neff, L.L.C.
John Metille, CDM Smith
Rebecca Thompson, CDM Smith



THE BRIDGES COALITION

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May 17, 2012

Mr. John Sacksteder
Community Transportation Solutions
305 N. Hurstbourne Parkway, Suite 100
Louisville, KY 40222
Email: jsacksteder@ctsgec.com

RE: SEIS Public Comment

To the Ohio River Bridges Project management team:

See SFEIS Section 7.3,
B.1 and C.13

We'd like to express support for the efforts of the Commonwealth of Kentucky and the State of Indiana to build the Ohio River Bridges Project, which includes the construction of two new bridges to connect Kentucky and Indiana, and the re-building of an improved interchange of I-65, I-64 and I-71. With the recent approval of the Supplemental Environmental Impact Study (SEIS), I'd like to encourage the issuance of a final Record of Decision.

We agree with the findings of the Supplemental Environmental Impact Statement (SEIS), which demonstrates that the project's purpose and need has not changed. This community is still plagued by traffic congestion, accidents, injury and delay and we do not have adequate cross-river mobility. Moving forward with this project without further delay will ensure that these issues are remedied completely and effectively.

The Bridges Project, with the revisions proposed in the 2011 modified alternative, clearly will meet the community's most pressing need of safety and mobility. The modified project will deliver all three needed components, two new bridges and a rebuilt Kennedy Interchange, at significantly lower cost. In addition, there will be less need for right-of-way and property acquisition and less impact on Waterfront Park and other important assets. The findings of the approved SEIS support these notions.

We understand and accept that tolling will be used as part of the funding of the Bridges Project. Our community is already paying a high toll in terms of time lost in traffic, accidents and injury, as well as excess fuel costs and pollution.

The need for new cross-river infrastructure in our region is glaring – a constant reminder that without reliable bridges our regional community and economy will come to a screeching halt. We stand to gain much from construction of this project, including the secured economic future for our entire region. We've already begun to reap the benefits of this impending project, already seeing business growth in the eastern portion of Clark County, Indiana, which will have significantly improved access upon completion of this project.

These congestion and safety issues are already hindering the region's 147,000 jobs that rely on transportation, manufacturing and logistics. And the impact is felt far beyond this community. As a vital transportation gateway from north to south, and with Louisville serving as nationwide center for logistics

and distribution, our current congestion is harming interstate commerce. If the Bridges Project does not move forward, our region's congestion issues will further choke our economy and our future.

The leadership of Kentucky and Indiana has made significant progress in the last eighteen months, working in a bi-partisan manner to agree on project construction responsibilities and funding. Additionally, both states have taken major steps toward construction by beginning the contracting process.

Now that a finance plan is in place, the states have secured the needed funding to begin and construction firms are waiting in the wings. It's time to move the project forward with a record of decision. Thank you.

Sincerely,



Bill Samuels
Chairman
The Bridges Coalition



Mark Scherrens
Executive Director
The Bridges Coalition

From: John Sacksteder [mailto:jsacksteder@ctsgec.com]
Sent: Monday, June 04, 2012 8:13 AM
To: 'Betsy Bennett'
Cc: srice@hmbpe.com; ckowalski@ctsgec.com; jhilton@ctsgec.com; tspringer@qk4.com
Subject: RE: Bridges SEIS Comments

Dear Ms. Bennett:

Thank you for your comments. They will be included in the project record.

The evaluation of the affect of the white noise syndrome was reviewed at the end of last year and are part of the environmental assessment that was approved by USFW.

John Sacksteder, PE
Project Manager
Community Transportation Solutions -
General Engineering Consultant
Louisville - Southern Indiana Ohio
River Bridges Project
305 N. Hurstbourne Lane, Suite 100
Louisville, KY 40223
502-394-3847

From: Betsy Bennett [mailto:bruddben59@gmail.com]
Sent: Sunday, June 03, 2012 9:23 PM
To: jsacksteder@ctsgec.com
Subject: Bridges SEIS Comments

Sierra Club-1

The following additional comment is submitted on behalf of the Cumberland (Kentucky) Chapter of Sierra Club: P. 4-161 mentions the presence of Gray and Indiana Bats in the affected area of the proposed East End Bridge. Although the SEIS simply states that the MOU signed with USFWS covers this issue, Sierra Club would urge the consultant to conduct a new biological assessment of the cumulative impacts of the proposal because of the White Nose Syndrome affecting the bat population in Kentucky. All direct and indirect impacts on possible cave and foraging bat habitat need to be carefully evaluated, as does the potential for the fungus that causes white nose syndrome.

Thank you for the opportunity to comment,

Betsy Bennett
Conservation Chair
Cumberland Chapter, Sierra Club

The Coalition for the Advancement of Regional Transportation, CART, submits these comments on the Supplemental Final EIS for inclusion into Record on the Louisville-Indiana Ohio River Bridges Project (LIORBP). Accept also our support of those comments submitted by Atty. Clarence Hixson on this project.

CEQ 1502.9(c) Agencies:

1. **Shall** prepare supplements to either draft or final environmental impact statements if:
 - (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or
 - (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

1) The FHWA and consultants have failed to meet the regulatory demands in developing the scope of the SEIS.

They have chosen to address only the changes in the project plan, created by the financial difficulties of funding the original two bridge alternative, as required by CEQ 1502.9, C, (1)(i) But FHWA is ignoring the more significant changes to our economy and resource realities that triggered those financial difficulties. These changes, and new information about Climate Change, are profound and penetrate deep with in the fabric of our economy and environment. They are required to be studied in 1502.9, C(1)(ii).

Revised
ROD
CART-1,
Hixson-5,
also see
SFEIS
Section
7.3, D.2

The decision not to address the real issues forcing the Supplemental EIS process has left in place the original Purpose and Need. Embodied in this are the original assumptions about the benefits of this project, mobility needs of our regional population and the resources to meet those needs. The P&N also includes assumptions about annual VMT's, growth, predicted demographic changes, and national security issues involving oil resources. Yet, these have all changed and new information about oil and climate suggest dramatic changes in our infrastructure investments are in order:

- *A) Oil prices are 500% above what they were when this process was initiated in 1998, and are expected to remain at these levels for the foreseeable future. (EIA – International Energy Outlook 1999, March 1999)**
- B) Annual VMT's have declined significantly since 2006 – contrary to the FHWA's previous predictions of fuel price impacts on travel. (FHWA comments on Light Rail Alternative modeled in original DEIS, and FHWA's 2006 response to CART's request for a Supplemental EIS.)**
- C) Freight movement has shifted significantly to rail because of fuel cost efficiencies.**
- D) Household incomes are stagnant at best and household costs are rising.**

E) Mobility options for the non-driving population have declined significantly since the ROD was signed in 2003. Transit costs are up and transit service has declined.

F) Population demographics have also reversed from the original EIS projections with the trend back to urban.

G) The first economic benefit study on this project was completed this spring and shows job “growth” is actually job shifting to suburban facilities, resulting in more travel, increased sprawl, decreased job access, and urban disinvestment.

H) The viability of the Federal Highway Trust Fund to meet future obligations to the States is highly questionable and undermines the economic validity of this project.

I) Rigorous scientific research has now established Climate Change as a reality with human origins.

The economic impacts of Climate Change are just beginning to be felt and should be seriously considered in this and all transportation studies. The EIA now accepts that World Oil production may have peaked, resulting in ever increasing prices and persistent caps on economic expansion.

It is impossible to predict the full impact of Climate Change on our economy, or the long term impact of declining oil resources. But transportation accounts for almost one-third of US CO2 emissions and two-thirds of US oil consumption. Reviewing this project with these issues in mind is both prudent and required by law. **Given the tentative nature of our economy and the range of uncertainties in the future, caution rather than the FHWA’s unfounded optimism would be prudent.**

Together these “new circumstances and information” demand a serious reconsideration of the Purpose and Need for this project and a thorough evaluation of a range of alternatives, including those dismissed in the original EIS. This is required in 1502.9(C)(1)(ii).

2) The SEIS process manipulated and obfuscated the discussion of the Purpose and Need Statement

FHWA did open the P&N to review in the SDEIS Process. However, there are problems and inconsistencies in how this was handled. . The Purpose and Need White Paper was in circulation independent of the SDEIS and comments for it was handled away from the public meetings. In fact, during the 6/27/2011 public meeting in Clarksville, IN, the consultant declared from the floor that the P&N was not open for review. This public act significantly quelled discussion. Conveniently, the DSEIS claims that there were few comments about the P&N Statement. In fact, CART’s comments on the P&N, are not included in the discussion of that issue in the SFEIS. They were instead relegated to another section of the document. This misrepresentation and manipulation of the public process is deeply troubling.

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Section
7.3, B.2.

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3) The consultants capriciously claim that they have addressed all the relevant changes in personal income, aging demographics, sprawl, loss of farmland, state, local, and national economic concerns, oil price rises and climate science with a new Time of Day (TOD) traffic forecasting model. These are big claims for a model which has not undergone peer review to judge its validity.

“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.” (B.2)

CART contends that it is absurd to suggest that the SFEIS can address the changing needs, conditions, and cumulative impacts that CART has enumerated with a traffic model. This model has only recently been created for this project and there is no evidence offered of peer review of its validity, at any level. CART does not have faith in the consultant’s integrity in this matter given their track record of having developed transit alternatives that were engineered to fail.

4) The SFEIS erroneously attempts to justify the lack of attention to mobility concerns. *“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 Alternatives and each of the build alternatives.”* This is a self-justifying argument. There are less than 2% of trips on transit because of the low quality of regional transit – not the low interest, or low potential. In spite of EIS predictions and declining service, local transit ridership is still showing increases - demonstrating real need and real potential for growth. Of course there will be no increase in ridership if “no-action” is taken, and of course there will be no increase if only highway travel is funded as is proposed.

5) The suggestions that there are viable “mode-choices” available in the region is laughable.

Apparently, without improved transit, the elderly can ride bikes across the river, blind people can walk or drive each other, and children can hitch-hike. This region doesn’t have viable modes to choose from. The existing low transit ridership numbers are a result of that failure and should not be used as a baseline to justify lack of action on issues that are of national importance – particularly, the mobility of citizens, oil consumption, and climate change. The concerns addressed by this project’s Purpose and Need are insignificant in comparison, and need to be abandoned, or rolled into a more comprehensive solution.

6) The consultant’s claim that they have reviewed the Transit Alternatives Analysis from the original study is specious and fails the standard of “rigorous and objective” required by law.

CART outlined specific and blatant failures and omissions in the design and modeling of the transit alternatives of the original FEIS that were never addressed. Those failures,

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which were responsible for the projected low ridership numbers and excessive cost, have still not been honestly addressed. Among the most grievous of those failures was the decision **not** to connect to the previously planned T-2 Light Rail line in downtown Louisville, (stopping a block away) thereby increasing both travel time and costs. Not connecting to the T-2 line forced the construction of a new maintenance facility in Indiana when one was already programmed for the T-2 line. The consultant’s design also included a whole new bridge over the Ohio River parallel to an exiting rail bridge with independent capacity adequate to handle LR. These and a number of other illegal and illogical design and modeling decisions were enough to wreck the Light Rail alternative. Attached to this document is CART’s 2006 request to the FHWA for a Supplemental EIS on this project. In that request is a thorough discussion of transit analysis failures in the original FEIS and studies that demonstrate the deficiencies in the current baseline numbers deriving from poor service. FHWA needs to revisit this request.

See
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Section
7.3, C.36
and
D.12.

7) The SFEIS fails to address the long term needs for transit while promoting the movement of jobs and services away from the urban core, and EJ and Title VI populations

See
SFEIS
Section
7.3, D.12

SFEIS Response D. claims “ *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.(Response D.5) 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 LSIORB 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.*”

CART cannot believe that the consultants were sincere in their search for indirect and cumulative impacts. It is impossible not to see that moving jobs from the urban core, where most EJ populations reside, to suburban developments reachable only by auto, will have not impacts. Neither is there a serious consideration of the impacts of urban disinvestment on these populations as jobs shift cross-river to suburban Indiana as predicted, or the increased urban congestion generated by additional traffic on the Clark Bridge (US31) or Sherman Minton (I-64) by those seeking to avoid tolls. Another impact is the decrease in the transit provider’s budget. TARC will lose revenue from the payroll tax as jobs move to Indiana, further impacting their ability to provide service to the non-driving populations. Finally, the issue of Sprawl, which is known to have negative economic impacts on infrastructure economics, is completely ignored.

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7.3, D.16.

In Response D.14 below, the consultants recognize disproportionate impacts. But in this case they defer action to avoid addressing the issue.

D.14 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 (emphasis added) 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.

Reading responses C.2 and C.5, and the correspondence between TARC and the consultants in Appendix E, it is apparent that there is no intention of guaranteeing cross-river transit access beyond the construction period for this project. It is after the project is finished and jobs have moved to the suburbs that the need to address these disproportionate impacts will truly be felt. If there was a serious concern to address these disproportionate impacts on EJ populations, or serve the non-driving public at large, or support on-going efforts to reduce AQ, and GHG emissions, these issues would have been fully addressed within the EIS public process, rather than left as afterthoughts with no real commitments on the part of the FHWA.

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The bottom line is that the “transit plan” is only for the duration of construction. And there are no guarantees that there will be adequate funds even for that. There are a number of problems with the SFEIS transit proposal beyond the obvious failures to guarantee future service:

A) Operational costs are a significant issue for TARC – more so at this time than usual with TARC cutting service and raising fees.

The SFEIS claims it will not provide operating funds. While they offer capitol resources this leaves TARC with the burden of providing fuel and drivers – resources currently unavailable and unlikely to be forthcoming given state resources. This is particularly true for service to rural Clark County, the direction of most developmental energy, because of the low density and increasing distances. A further hit to TARC’s budget will come with jobs moving out of Jefferson County. Their principle income is from a percentage of the Jefferson County employment tax. As jobs move to Indiana their budget to provide decreases, further impacting mobility for EJ and low income populations.

B) Indiana has recently changed the regulations and no longer provides a dedicated fund for transit.

Cross-river transit will now compete for General Funds in Indiana for existing cross river service as well as any future service. Given economic conditions this will likely result in less rather than more funding.

C) The LIORBP itself is consuming many of the regional funds that would normally go to support transit.

The 2003 update of the Horizon 2020 regional Transportation Plan removed all advanced transit projects in the document so this project would meet the Federal Budget restrictions. The most recent update, Horizon 2030, has removed and/or deferred many additional projects for the same reason. Regionally, the LIORBP will suck millions from the upkeep of our roads and transit services. This is hardly justified by the shallow Purpose and Need. “Highway Connectivity” and Rural Development do not justify the cost and long term economic problems this project will bring.

8) “The Financial Plan” is an optimistic exercise in denial over the likelihood of cost over-runs, future toll revenues, future travel projections, and the Federal Highway Trust Fund’s ability to meet future state allotments.

Since 2006 the Federal Highway Trust Fund has needed to borrow to meet programmed obligations. It is now apparent that fuel prices do indeed impact VMT’s contrary to the Consultant’s claims in the FEIS. Given that fuel prices are unlikely to drop significantly (EIA 2012,) and may indeed continue rising whenever our economy attempts to do so, we should not assume that there will be future increases in either the FHTF or VMTs.

“Real imported sweet crude oil prices (2010 dollars) in the AEO2012 Reference case rise to \$120 per barrel in 2016 (Figure 5) as pipeline capacity from Cushing, Oklahoma, to the Gulf Coast increases, the world economy recovers, and global demand grows more rapidly than the available supplies of liquids from producers outside the Organization of the Petroleum Exporting Countries (OPEC). In 2035, the average real price of crude oil in the Reference case is about \$145 per barrel in 2010 dollars, or about \$230 per barrel in nominal dollars.” Energy Information Agency, Annual Energy Outlook 2012, Early Release.

The consultants projections of toll revenues is therefore optimistic, as is Kentucky’s assumptions that Federal Highway allotments will remain at forecasted levels. GARVEE Bonds, upon which the funding of this project depends, is borrowing from future Federal allotments to the Commonwealth. This funding mechanism will seriously jeopardize the financial stability of Kentucky’s highway system and future transit funding..

A) 2003 GAO report pointed out that 50% of large highway projects were 25% over budget. (GAO-03-764t)

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CART-6

While a number of corrections to the rules have helped with this situation, it remains highly likely that this project, with so many unresolved financial issues and design decisions will not suffer similar problems. The report also notes that FHWA does not consider the impact of financing large projects on the rest of a state's transportation budget.

B) Toll prices are guesses, using the most optimistic of assumptions and ignoring a range of problems with the proposed toll collection methods.

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The SFEIS assumes a constantly growing economy, increasing travel, and adequate oil resources. It assumes a healthy Federal Highway Trust Fund that can maintain the existing and expanding highway system. These are all tenuous and potentially fatal assumptions. World Oil Production has apparently peaked. Oil costs will continue to remain a ceiling that will limit oil dependent economies as they attempt to expand. We are included in this category. It is only when we significantly reduce our oil dependence that our economy will be able to grow. Transportation accounts for two-thirds of our oil consumption. Interstates are the most oil dependent infrastructure to both use and to maintain. The FHWA continues to ignore these most important realities relative to highway construction and maintenance. They continue to ignore the likelihood of continued shortfalls in the Federal Highway Trust Fund which will turn the financing of this project on its head.

C. Toll collection is poorly considered in this study and will result in significant decreases in projected income and increased costs for the community.

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A significant portion of non-local traffic will use the East End Bridge to by-pass the urban area. Most of these folks won't even realize a toll is being charged. What is the likelihood that someone in Wisconsin, or Georgia will respond to a mailed notice for a \$1.50 fee? From Appendix H.2 of the SFEIS it can be derived that there are approximately 20,000 pass-thru vehicles crossing the river each day. The appendix also notes over 20% of the plates are not captured by the cameras, and that the cameras are unable to discern between all types of vehicles. It is also questionable from the pictures from the cameras in Appen. H.2 whether the cameras can distinguish between different state license plates, or just read numbers. Cumulatively, this will make meeting the proposed tolling conditions and projected tolling revenues difficult to achieve. There are too many unanswered questions on this issue.

How many people will be required to watch the films to address errors, write down license numbers and then put together the bills for mailing out the weekly(?), monthly(?), or yearly(?) statements. We will need a whole new level of the court system to prosecute the scofflaws, \$1.50 at a time. Will the tolls also pay for the additional burden on our legal system? What about mistaken license numbers. What kind of grief will we be visiting up citizens' whose license number get confused with another's. The consultant's report demonstrates significant problems with the accuracy of the proposed toll collection system. This is going to be one major cluster of fun. I can see a whole

series of lawsuits from mistaken vehicle identities. Traffic lawyers may become the number one job growth sector in the region.

9) SFEIS admits that the Modified Selected Alternative puts a disproportionate burden on EJ and Title VI populations, but fails to address the issue.

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The SFEIS admits that tolling puts an unfair burden on low income, EJ, and Title VI populations. “Due to user cost, (tolls) there is likely to be disproportionately high and adverse impact on environmental justice populations with that the Modified Selected Alternative.” Response D.14. On the issue of transit availability, in Response C.2 the SFEIS states: “*Funds will not be provided to cover operational expenses, which will remain the responsibility of TARC.....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.*” (Note that the SFEIS does not address transit service beyond construction – the point at which job access to the suburban developments would be needed.)

First CART asks why must this MOA with TARC wait? This agreement needs to be up front and part of the ROD. Otherwise, fiscal realities will inevitably leave TARC without the resources to provide these necessary services. Secondly, why aren’t the long term service needs created by this project addressed rather than just for the construction phase. In response C.2 the SFEIS claims,

“ 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.”

Reading this response one would think the SFEIS is going to support on-going transit. Careful reading of the entire response section makes it obvious it isn’t. Transit is considered in the SFEIS only during project construction. Further, that consideration carries no guarantees of viable funding.

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CART-7

10) Toll rates are undecided and could be at almost any level, with or without accommodations for frequent users or low income/Title VI populations.

Another problematic issue is the “plan” for dealing with the disproportionate impact of tolling on EJ populations. The SFEIS at first talked about a special rate for low income, EJ and Title VI populations. (response D.16). In the SFEIS it has changed this to a “frequent user” rate instead, that ducks the issue of “disproportionate impacts”. The SFEIS discusses at length rates and models, but ultimately as noted in footnote 6, S-16,

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CART-8

that “ *these assumptions and estimates are draft and used for preliminary analyses. The final tolling decisions will be made as the project progresses.*”

The consultants use of the lowest possible toll figures in this document is hardly the “rigorous and objective analysis” that is required.

If at some point “frequent user rates”, or other special rates are implemented we again have a bureaucratic nightmare of determining who is eligible, changing status when an individual’s financial status changes, verifying eligibility, etc. The mechanisms and community’s cost for addressing these issues has not been included in the financial plan. The bureaucratic tangle to verify income/travel status for these special rates will probably rival the congestion delays the project managers hope to reduce on the highways.

11) A real tolling plan with fixed numbers and appropriate cost accounting for implementation should have been a part of the SEIS process.

See
SFEIS
Section
7.3, A.1

It certainly should be included in the ROD. Otherwise, the region cannot know what it is buying. We have been sold the “Design/ Build” method for this project. Without predetermined costs, there are no advantages with this method for the citizens of this region. At what point are the tolls too high? At what point do the costs for this project outweigh the potential benefits?. The consultants act as if these issues are not important. They are and should be settled upon prior to the ROD.

12) Climate Change could have long term impacts on the financial health of this project and the nation.

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The plan ignores Climate Change which is the other side of the oil coin. According to the EPA, transportation accounts for one-third of US CO2 releases – almost as much as from power plants. Climate Change is already impacting our economy in negative ways with increasing numbers of extreme weather events that affect food production and energy delivery, and raise household and governmental costs at every level. This project ignores those realities at great risk. The consultants acknowledge that the EPA is working on guidance to address climate change, but claims it should not be held to any consideration since that guidance has not been finalized, and claims, in response F.11

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. While this sounds supportive of emission control efforts, the SFEIS response F.10 is more honest about how this issue is being handled.

“Analysing how alternatives evaluated in an EIS might vary in their relatively small contribution to a global problem will not better inform decision makers.”

This statement might be true when only highway alternatives are considered. Transit investment, however, can make a significant impact in GHG emissions – just as it does

with oil consumption and AQ effects. The FHWA is attempting to ignore real effects in an effort to support their chosen alternative and avoid an honest review of this project. This does not meet the standard of “rigorous and objective analysis” set forth in NEPA.

Cumulatively, these issues result in a significant disenfranchisement of EJ, Title VI, and other non-driving populations, all of which are growing segments of our society. They also move our nation in the wrong direction relative to GHG emissions and oil dependence, and urban sprawl.

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CART-9

13) FHWA is inherently biased against transit alternatives that compete for funding and reduce VMT’s, and therefore fuel taxes – FHWA’s principle revenue source. Their bias against transit is blatant in this project in their repeated failures to rigorously and objectively consider alternatives, and resistance to support even the most minimal transit investments. Given this bias, the EPA and US DOT need to consider a more neutral arbiter for future EIS projects to insure that our nation’s mobility and energy concerns, and Climate Change issues are more honestly addressed. CART recognizes that tolling will become a more common means of supporting highway infrastructure as more efficient vehicles and decreases in travel impact Federal Highway Funds. However, changing our infrastructure investments to reflect the needed changes in energy consumption, and to guarantee baseline mobility for all citizens should be a priority given the realities of climate, energy, and economy that will characterize this century.

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CART-10

14) In summary, the Purpose and Need and Modified Preferred Alternative are deficient and no longer relevant to the social, environmental, economic, and mobility needs of our region and our nation.

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CART-1

The proposed action will seriously impact the fiscal health of Metropolitan Louisville, and the state of Kentucky by committing transportation dollars well beyond suggested benefits and resulting in a denial of mobility services to the non-driving population of all groups.

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ROD,
CART-6

The EIS process has been politically driven toward the two bridge alternative from the beginning. The consultants and FHWA have conspired to unfairly dismiss reasonable alternatives through intentional design and modeling decisions that raised costs and lowered ridership projections.

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ROD,
CART-3

The Financial Plan for the project is incomplete and leaves significant issues to be resolved outside of the EIS public process, with no guarantee of fair and reasonable resolution.

See
SFEIS
Section
7.3, A.1

The financial plan sets no upward bound on project costs, or tolls, leaving the citizens with no certainty of their future costs or obligations.

The proposed action compounds the segregation of Title VI and EJ populations and denies them fair access to job and services projected to move from the urban area.

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The proposed action will seriously undermine the economic health of Urban Louisville and its residents by encouraging jobs and businesses to move to undeveloped land outside of the city. AKA sprawl.

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ROD,
CART-4

CART requests a new Supplemental EIS process with a Purpose and Need that is focused on the sustainability of our whole community. It should incorporate an environmental and energy vision that will ensure our long term viability and support our Nation's need to reduce oil consumption and GHG emissions.

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CART-1

Respectfully Submitted,

David Coyte, President
Coalition for the Advancement of Regional Transportation
(CART)

Attached here is the December 2005 (Mailed 2006) SEIS request from CART to FHWA requesting an SEIS on this project. Included in this is a critique of the consultant's transit alternatives and arguments for increasing baseline ridership number for future analysis.

Federal Highway Administration
J. Richard Capka, Acting Administrator
400 Seventh Street, S.W.
Washington, DC 20590

Re: Request for a Supplemental Environmental Impact Statement
Louisville-Southern Indiana Ohio River Bridges Project

Dear Administrator:

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

23 CFR 771.130 provides that a final EIS "may be supplemented at any time," and that an EIS shall be supplemented whenever the Administration determines that "new information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not

evaluated in the EIS.” 23 CFR 771.130(a)(2). CART requests that the EIS be supplemented for two reasons: first, because the transit analysis undertaken after release of the DEIS was inadequate; and secondly, because the significant and sustained increase in oil prices. The first resulted in the failure to advance a transit alternative to one or both bridges as one of the alternatives considered in the FEIS. The second calls into question the validity of assumptions concerning travel demand and traffic volume that underpin the justification for the project and range of alternatives to the project that were considered.

I. The Transit Analysis Was Inadequate

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

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

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

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

numbers, system design, the degree of analysis relative to that afforded highway alternatives, and the basis for assumed costs.

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

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

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

1. The New Albany “West” line.

The Parsons proposal for the New Albany “West” line did not use abandoned ROW through New Albany to the western edge of the city as CART proposed. Instead, Parsons proposed that the West line turn north at 15th St. in New Albany and proceed to Indiana University SE along a single track ROW heavily used by CSX railway. (Parsons Study, p. 5, Sec 3.4). Besides the heavy freight traffic on this ROW, there is no room to expand the ROW for LRT because of multiple residential and commercial properties abutting the existing ROW. It is physically impractical to consider LRT and freight together on this ROW. Parsons later proposed a two-track LRT line on this corridor. Parsons never met with local railroad owners in developing the transit alternatives (Parsons 5.3). The proposed routing decision also missed the target populations and destinations it was intended to serve in the first place- commuters driving east on I-64 from Floyd and Harrison Counties, the downtown commercial and government center of New Albany, and casino patrons going to Caesar’s west of New Albany.

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

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

River Greenway and Falls of the Ohio State Park recreational areas and the major retail district along SR 131 in Clarksville.

2. The Jeffersonville “North” Line.

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

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

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

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

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

3. The Charlestown “East” line

The Charlestown “East” line (Parsons Study, sec. 3.4, page 6) most closely reflects the CART proposal it purported to analyze. It parallels a highly congested commuter corridor, accessing major employment centers in Jeffersonville and large industrial developments in eastern Clark County. The line also provides access to urban neighborhoods, several rural communities, and provides logical park and ride

opportunities. Yet, as with the North Line, CART's suggestion to evaluate less costly commuter-rail on the existing freight track was not explored, thus resulting in unnecessary increases in cost that adversely affected the eligibility of the transit option for study as one of the alternatives in the FEIS.

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

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

Enhanced Bus Service for LRT

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

The L&I Railroad Bridge

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

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

Inadequate analysis of LRT in Kentucky

CART's complaints about the Parsons design and analysis on the Kentucky side of the river were also ignored. There are two major issues that CART raised which were never

addressed. First is the failure of the Parsons Study to connect the Indiana LRT system to the planned T-2 LRT line in Louisville. In addition to the time constraints and inconvenience of transferring, this decision required costly new administrative, maintenance and yard facilities in Indiana, in addition to those already planned for the Louisville T-2 LRT project.

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

Both Parsons and FHWA have sidestepped the inconsistency between the T-2 EIS ridership projections and the numbers used in the Parsons Study. The T-2 study projected regional transit ridership in 2025 at 65,377, (Parsons Study, table 4-1.) The Parsons analysis claims that their massive 3 line LRT system with the oversized feeder bus network will generate only 3,189 additional trips per day, 1,617 of which would cross the river. Understanding that the Indiana system Parsons developed accesses perhaps 20 percent of the population covered by the Louisville system, we should expect about 20% of the regional ridership – approximately 13,000 daily passengers. The disparity of these numbers is too great to be ignored. Unfortunately, the modeling procedures performed by Parsons were not included in the EIS.

Baseline Transit Number Concerns

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

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

The Potential for Ridership Increases

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

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

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

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

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

The examples of similarly sized metropolitan areas of St. Louis, Missouri, and Portland, Oregon also provide us an idea of what can be expected from similar light rail investment. In 2001 the St. Louis Bi-State Development Commission opened a 14-mile extension of their light rail system into Illinois, an area very similar to southern Indiana.

Average weekday ridership for the first year of operation averaged 12,609, 25% above projections. During this first year of operation 3.6 million commuters boarded trains at Illinois stations. (Bi-State Development Agency News Release April 29, 2002). Portland, Oregon opened a 5.8 mile extension of their light rail system in 2004 expecting 14,000 weekday passengers by the end of the year. (TriMet News Release, May 3, 2004) The Louisville Metro area should expect similar, or better results given the greater length and coverage of the proposed system.

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

In sum, CART believes that the rail transit alternative was given short shrift, and that it should have been among the alternatives advanced for more thorough assessment. While the Parsons Group represented that it was analyzing the CART proposal, the transit alternative studied by the Parson Group did not reflect the CART proposal, and instead made design and other changes that had the effect of greatly reducing the viability of the alternative and increasing the costs.

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

II. Changed Circumstances Support a Supplemental EIS.

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

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

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

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

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

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

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

Executive Order 12898 (1994), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations requires federal agencies to avoid or minimize disproportionately high social and economic effects on minority and low-income populations in their activities. In its 1997 Order to implement the EO, DOT

mandated itself to "make better transportation decisions that meets the needs of all people" and "offer mobility for all citizens whether they own a vehicle or not." Finally, DOT is to "improve the quality and usefulness of transportation in [minority and low-income populations'] lives.

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

Conclusion

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

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

We look forward to your reply.

Sincerely,

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FTA Regions IV and V
Kentucky and Indiana FHWA Civil Rights Program Managers
Kentucky Indiana Planning and Development Agency (MPO)
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Metro Louisville Council
New Albany Mayor James Garner
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June 2, 2012

Comments to the SFEIS of the LSIORBP by Bud Hixson budhix@iglou.com

I am the attorney for CART in the federal District Court Bridges Lawsuit. These comments are made in my individual capacity as a resident of the LMA and CART Comments are tendered separately by President David Coyte. These comments are based on my study of project documents related to Title VI Environmental Justice direct, indirect and cumulative impacts. I obtained and reviewed the ORMIS Comments and Responses, the 2003 EIS documents, the discussion in Chapter 5 of the SFEIS and the impact of tolling on E-J populations discussed in Response to Comments in Chapter 7 such as Response D.3 and others.

1. Since 1997, the planning process leading ultimately to the preferred alternative of the 2012 FSEIS, eliminated fair consideration of transportation projects addressing the connectivity needs of the impoverished Title VI area. This occurred despite repeated and serious demand that the agencies and contractors recognize that sprawl and economic redistribution will occur, causing disproportionately high and adverse impacts to the minority or low-income populations. Traffic congestion may be relieved allowing people to flee more quickly from riots in the west end.

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The public participation record contained in the Appendix of the 2003 EIS archives shows that from the earliest planning meetings in the ORMIS process, and continuing through the current SFEIS process, two conflicting points of view emerged between residents and transportation planners over the scope of the “*disproportionately high and adverse impacts to minority or low-income populations,*” of what is now, the modified preferred alternative.

Public voices insisted repeatedly during the process that the state transportation agencies and the engineering firms were biased towards adopting a bridge project that served sprawl growth in the east end. Building an east end bridge would draw economic vitality out of the urban core towards the east county and southern Clark County, Indiana. But this point of view has never been embraced by the project planners, who continue to analyze the effects of the project in terms of environmental impacts to areas directly adjacent to the project construction corridors. Thus, planners doggedly refused to analyze the LSIORBP from the standpoint of discriminatory economic redistribution—that the bridges project would rob the urban core of economic vitality even as a downward spiral of joblessness, crime and foreclosure is destroying the community cohesion of the west end. The persistent view of the agencies is that Title VI issues are raised only by construction impacts adjacent to project segments and by traffic diversions caused by the desire to evade tolls or the cost of tolling on weekly commuters. This view is arbitrarily narrow, but consistently adhered to.

The FSEIS Title VI discussion should have accurately portrayed the scope and extent of the social and economic crisis in the Title VI area, providing numbers of households in poverty, education levels, the history of discrimination, segregation and unemployment. That accurate history and characterization of past discrimination and present economic distress would have led to a detailed discussion of appropriate regional planning.

The SFEIS explored a reduced set of E-J impacts:
Page 5-25 SFEIS

The methodology used for the environmental justice analysis for this SFEIS included the following steps:

- **Identify any changes in the environmental justice populations within the LMPA since the 2003 FEIS.**
- *Identify any changes in direct impacts (e.g., physical impacts) of the build alternatives on environmental justice populations since the 2003 FEIS.*
- **Identify the effects of any changes in traffic patterns on environmental justice populations as a result of tolling (that is, increased or decreased traffic through environmental justice communities).**
- **Identify any economic effects of tolling on environmental justice populations, by analyzing the effects of the alternatives on the average cost per trip in the region and on the Ohio River bridges**

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Instead of a hard look at economic redistribution in the context of a booming east end and a collapsing west end, the FSEIS serves up more inadequate discussion of people driving through the west end to reach a non-tolled bridge—concluding that even that crossing will bring no substantial economic benefit to the west end.

The overly narrow Title VI analysis in the FSEIS serves to exculpate a massively discriminatory appropriation of present and future transportation funds by the white elites of the powerful business interests. These same interests populate the ranks and control the CTS- NEPA process and are determined to manipulate the process to get approval for funding an east end bridge.

They organized cross river coalitions of elected and appointed officials to lobby Metro Council and champion the east end bridge in the media as a necessary component of “regional development.” For ten years, business interests have been investing in east Jefferson and southern Indiana in anticipation of building an east end bridge. These economic forces are focused on success in the east end in spite of any discriminatory impact in the urban core that will be a result. Thus there is a prejudice among powerful economic elites against a frank recognition of the crisis in the Title VI area and an active program to suppress the issue from the SFEIS.

The economic analysis presented in Appendix B.8.1 Economic Impact Analysis of the Louisville – Southern Indiana Ohio River Bridges Construction Expenditures-Related Impacts doesn’t have geo spatial distribution data, doesn’t give any indication of how many west end people will be employed by the project or forecast any economic benefits for the Title VI area. The words “Title VI” do not appear in the document.

See SFEIS
Section 7.3,
D.3, Item 1.

“Speculation about the planned bridge has already had an impact on Charlestown. The City has been planning for 12 years, including building some new infrastructure at River Ridge.”

Economic Impact Study of the Ohio River Bridges Project, Economic Development Research Group prepared for IFA and INDOT page 23

In 2012, Louisvillians are seeing a rollback in civil rights progress led by east end economic interests obsessed with developing warehouse industrial park projects and gated communities in the east county.

The photo below from the 2003 EIS appendix shows Reps Paul Bather and Jim Wayne presenting arguments found in their Title VI complaint issued from the General Assembly dated February 25, 2002. The well written complaint included:

Because an eastern bridge will open new land to development—increasing land values in some areas while decreasing land values in the urban core—it will induce additional sprawl, shift billions in public and private investment away from established communities, and contribute to economic and social decline for the urban core and older suburbs.

These observations and claims made in 2002 are still relevant and true today. Only, in the ten years that ensued after 2002, west Louisville saw more economic disinvestment, more foreclosures and poverty, and more intentional discrimination against the Title VI population.

In looking at the FEIS and SFEIS archives, it is clear that for a decade, the agencies have been aware that economic redistribution-- falling disproportionately upon the Title VI population --would result from building the modified preferred alternative. CTS and the agencies are fully noticed of the *disproportionately high and adverse impacts to minority or low-income populations.*"

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Drawing away people and jobs detracts from the quality of these neighborhoods for those who are left and do not want to or cannot leave. The DEIS's definition of environmental justice includes "economic effects" of the proposed action., DEIS, p. 5-33, while FHWA's Community Impact Assessment guidance provides that, in defining the study area, a project may have social consequences to communities well beyond the immediate geographic area and provides that the economic impact category includes effects on the tax base from changes in property values, changes in business activity, property values from changes in land uses. CTS DID NOT DO THIS—the DEIS does not evaluate the social effects on communities within the urban core that will not be directly impacted by construction of the bridges and does not evaluate changes in property values, business activity, or effects on the tax base within the urban core.

Based on extensive analysis by urban affairs expert David Rusk an eastern interstate bridge and beltway would accelerate excess housing construction, which would depress the growth in value of existing homes owned by Louisville-area residents. In addition, the eastern bridge could undermine the fiscal health of older communities, including the City of Louisville and the soon-to-be-consolidated Louisville-Jefferson County.

"The wealthiest areas in the Louisville metropolitan area are growing richer, while poorer areas fall behind. The most affluent portions of the LMA are in the easterly suburbs of Jefferson County and most heavily concentrated in the northeast. An easterly bridge is likely to shift the center of economic gravity further from the poorer and minority populations. *Report 3: Ohio River Bridges Project: Sprawl and Urban Disinvestment*, Savitch and Vogel Consultants, Louisville, Kentucky, February 2002.

In an August 2011 letter to Josh Suiter at KIPDA I stated:

*"This issue requires your immediate attention because of the cumulative disproportionately high adverse effects to Louisville's low income and minority populations due to ten years impact from the deficiencies in KIPDA's Horizon 2030 plan. The data supports the conclusion that **an emergency exists** in the Title VI area, and the adverse effects are caused by intentional denial of adequate transportation planning for more than ten years that has resulted in the collapse of the Title VI economic vitality resulting in disruption of community cohesion, separation and isolation of the minority low income community, and loss of employment opportunities to the protected population.*

One cannot escape the conclusion that Horizon 2030 does not reasonably mitigate disparate impacts when the Title VI community has suffered an extreme loss of economic vitality.

Though the Title VI area is a discreet area of some metropolitan city blocks, KIPDA prefers to rely on outdated census data rather than undertaking a process to gather relevant data using surveys or other tools or using IPL, PVA or other sources including auto registrations. 23 U.S.C. § 134 (k)(5)(A)(ii) would appear to require a determination that the Horizon 2030 meet environmental justice and Title VI protections at least every four years.

*In April, 2011, the Louisville Metro Property Valuation Administration staff, and Inspections Permits and Licenses staff, jointly with other concerned organizations and groups presented relevant data --**Louisville Vacant, Abandoned and Underutilized Property Summit - Problems and Challenges** (attached below).*

The data showed evidence of an economic collapse in the Title VI area including

- **6,684 home foreclosures from 2008-2010.**



BY DAVID R. LUTMAN, SPECIAL TO THE COURIER-JOURNAL
State Reps. Paul Bather, left, and Jim Wayne, second from left, shown in an April 2002 photo, are leading a coalition that says an eastern Jefferson County bridge would hurt Louisville's urban center.

- **vacant structures with IPL citations and large fines, 4,640 as of April 2011, and**
- **1,174 Abandoned urban properties as of April 2011.**

The PVA report noted that the area suffered from “Lack of employment and retail in hardest hit areas,” and called upon all government agencies to engage in “a comprehensive plan for redevelopment.”

*A necessary principal focus was identified --, “Employment, retail, and **transportation issues** (possible development of a business park or intermodal cargo distribution center).”*

Disproportionately high and adverse effects on persons on the basis of race, color, or national origin are occurring with devastating loss of community cohesion and economic viability in the Title VI area at the end of ten years of Horizon 2030.

Nowhere do I see a competent analysis of relevant factors designed to provide the transportation projects to quickly address this emergency to avert further loss of property and community cohesion that Metro Louisville agencies have identified?

*Horizon 2030 fails as a regional transportation plan when it lacks Title VI mitigation to the extent that local Metro agencies declare a **CRISIS** in foreclosures in the Title VI area and call for direct transportation projects to try and salvage the remaining economic viability and neighborhood cohesion.*

In this case, mitigation under the Plan has failed to avoid disparate adverse effects and immediate modification is necessary. Local citizens should certainly consider a federal class action lawsuit for their injury if KIPDA will not give full and immediate consideration of projects to address the economic collapse.

I truly feel the neglect of the Title VI area has resulted in isolation of the minority population which appears intentional and actionable. In this context it is not clear why KIPDA and its planning partners would seek to provide the infrastructure to build a new east end city of mostly Caucasian population with an increase of 75,000 in the Metro outer belt, and supporting a vast River Ridge Commerce Center without an explicit transportation connection plan to connect the minority population to jobs?

The human suffering in the Title VI area can be quantified with a number of statistics and studies including compilations by Metro Housing Coalition, the Property Valuation Administrator, Metro Inspections Permits and Licenses, and the Criminal Justice Commission. Structural racism has been admitted in west Louisville and \$ 1million dollar Kellogg Foundation grant was made to Metro Council for programs to address it. But band aid programs will not address the structural racism caused by a regional transportation plan and its projects that seem to deliberately prolong segregation of minorities in the impoverished west end.

The two Bridges Mega-Project is bad social planning and must be discarded as required by Title VI and for general regional benefit.

It should be replaced by a program of economic investment in the west end coupled with regional transportation connection projects such as a fixed rail rapid transit line that could get poor people out of the Title VI area in a daily commute to the far east end or south end to factory jobs. A one bridge project coupled with a light rail project was the better prescription for the MPA but was rejected.

The **Indiana Economic Impact Study** forecast benefits to the region that will be enjoyed by eastern Jefferson County and Southern Indiana workers, developers and businesses, outside the E-J area.

Revised
ROD
Hixson-2

“Overall, from 2012 to 2042, the Project is expected to generate an average of 17,796 jobs per year and a cumulative total of \$27.3 billion in personal income and \$78.0 billion in economic output (in constant 2012 dollars) in the regional economy.” Page 3

*“River Ridge currently has over 3,000 acres of land within an existing commerce park and expects to add 2,700 additional acres over time. This park is unrivaled in size in the region and in the nation. The River Ridge Development Authority believes that the **Ohio River Bridges Project will lead to the development** of an additional 2 million square feet of new space per year.*

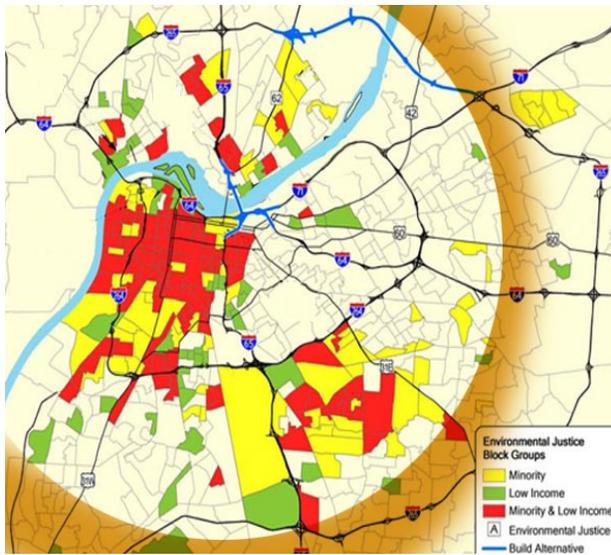
*Based on the site visit and the observations further reported in **Chapter 3**, the Project can be expected to directly result in an estimated 9,342 Indiana jobs in the 30-year analysis period. The 9,342 jobs estimate is based on the size of developable land that will be made accessible by the Project, the industries expected to occupy that land and the average jobs per square foot for development of this type in the industries anticipated to be attracted. These jobs are the —direct jobs that are expected to be attracted to the Indiana portion of the study area over a 30-year period. As a result of these 9,342 —direct jobs, by 2030 an additional 10,548 jobs will result from the increase in population and the increased consumption of local goods and services associated with the establishments and people that these 9,342 —direct jobs bring to the region”. Page 6*

Economic Impact Study of the Ohio River Bridges Project, Economic Development Research Group prepared for IFA and INDOT The Indiana study has no specific discussion of the needs, character and composition of the Title VI area nor does it perform any analysis of any disparate impact.

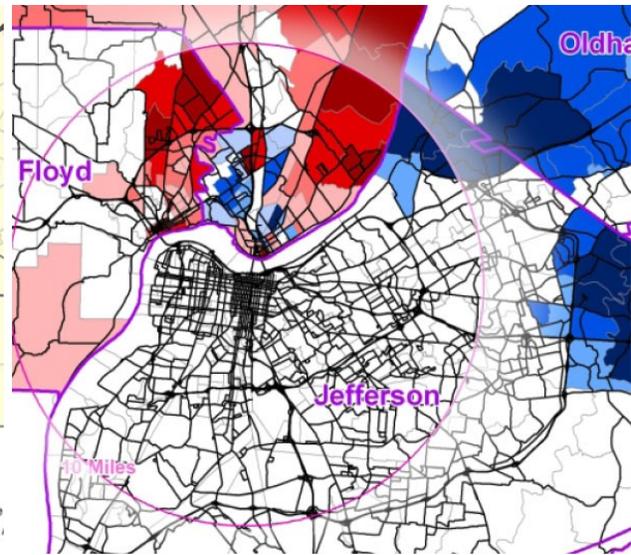
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The E-J populations are located as the Map 5.1-3 on page 5-30 shows, predominantly in west and south west Louisville based on the 2010 U.S. Census and 2006-2010 ACS data, page 337

These areas are roughly 10-12 miles from southern Clark County where map 5.1-1 and 5.1-2 on page 5-6 shows Build -no action job and population growth in Clark County, IN page 313



Map 5.1-3



Map 5.1-2

These maps show that the direct economic benefits of the project will be enjoyed principally by the upper income white population of the sprawling Floyd's Fork and Prospect areas located some 10 miles away from the Title VI populations located in West Louisville.

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Hixson-2

“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.”

Response to Comments D.15

It is not merely the burden of paying tolls but also the impossibility of low income minorities using high cost automobile transportation or failing TARC transportation to commute to the jobs that are forecast for the economic growth caused by the East End bridge. The length of the daily commute, the cost of bridge tolls, and the drive time, constitute a very high burden for Title VI populations to enjoy the benefits of any jobs created in the east.

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Hixson-2

This does not answer the question of whether low income minorities will be able to enjoy a proportionate share of the new jobs and incomes produced. A similar economic expansion is forecast for the Kentucky side.

“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.”

Response to Comments D.29

The SFEIS lacks a detailed discussion of how enhanced transit service will reasonably connect the Title VI area to these benefits of the project. The long commute distances, unaffordable tolls, high gasoline prices, high cost of automobile ownership, licenses and insurance seem to preclude Title VI area people making less than \$ 30 per day from participating in these distant markets.

Revised
ROD
Hixson-3

2. **LSIORBP Title VI analysis by highway engineers is superficial, inaccurate and deliberately avoids a discussion of the actual disproportionately high and adverse impacts of the mega-project on low-income and minority groups by economic redistribution.**

Revised
ROD
Hixson-4

KIPDA and now LSIORBP presume in the SFEIS without providing serious analysis, that there is no discrimination in committing almost the entire federal assisted transportation funding stream for years to come to building a project that does not alleviate the existing Title VI crisis. The need for affordable public transit into and out of the Title VI area is plain. But the planners set a course going the wrong way.

"But TARC's director says there's not much he can do. Ridership is up 10%. But Barry Barker says TARC's 70-million dollar a year budget has been busted by increases in fuel and personnel costs, and flat tax revenues. "What we continue to do is we continue to prune the service and cut it here and cut it there. It's like a bush or a tree, if you overprune it, it's going to die." But if TARC is looking to city hall to help ease its budget problems, it will have to look elsewhere, at least in the short-term.

*TARC gets 2-tenths of one percent of the occupational tax. It's been that way since 1974. And councilman Tom Owen, who sits on the transportation committee, says that will not change, unless the public demands it. "It is a painful dilemma. **And until the community sets its priorities to include a significant role, an increasing role for public transportation, I don't see anything but band aids and duct tape.**" In other words, Barker says, more fare increases, more cuts and more public hearings like this one. "The reality is we'll be back here next year doing the same sort of thing. **What we're doing is wrong. It's the wrong way to go.**"*

TARC seeking to raise fares and cut routes Posted: May 16, 2012 4:47 PM EDT
Updated: May 21, 2012 11:02 AM EDT By Lawrence Smith, WDRB.com

Trapping poor people behind transportation barriers that exclude them from participating in the economic benefits of the LSIORBP seems to fit hand in glove with other discrimination and disparate impacts of Metro Louisville policy and programs.

3. **The planners adopted a too narrow Purpose and Need Statement deliberately constructed to exclude Title VI issues from guiding alternatives selection. By elevating "relieving cross river automobile traffic congestion" for the elite, above alleviating human suffering for the poor, planners have struck a deep scar in the community --with costly consequences.**

Revised
ROD
Hixson-5

"After studying these alternatives in detail, the FEIS concluded that only the Two Bridges/Highway Alternatives met the purpose and need of the project:

"The Two Bridges/Highway Alternative provides the greatest improvement to cross-river mobility and best satisfies the needs identified in Chapter 2. None of the other alternatives (Single Bridge/Highway, Transportation Management or No-Action) sufficiently meet all of the needs identified in Chapter 2 so as to constitute a feasible and prudent long-term solution to the region's cross-river mobility needs."

Page 7 Supplemental Environmental Impact Statement Alternatives Evaluation Document
October 17, 2011

"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."

Response to Comments D.12

The deficiencies of the Regional Transportation plan Horizon 2030, with its resulting LSIORBP FSEIS are never accurately discussed because the agencies use the Purpose and Need section focused on automobile congestion as a measuring stick to exclude Title VI concerns. The lack of Title VI connectivity, the failing regional transit bus system, high crime and foreclosure are not evaluated by the highway engineers, nor have they employed urban planners to provide the necessary analysis to present the metrics of the scope of the social economic problem and its reasonable mitigation. The character of the crisis in Metro Louisville is kept off the page and out of the discussion to avoid the obvious conclusion that the LSIORBP is the wrong plan for the region.

Revised
ROD
Hixson-1

Louisville-Southern Indiana Ohio River Bridges Project
Supplemental Environmental Impact Statement
Alternatives Evaluation Document October 17, 2011 pg 3

Review of Purpose and Need

*The original Purpose and Need statement, documented in the FEIS, has been revalidated through an update of the supporting data (See SDEIS Appendix A.1, Purpose and Need White Paper). The preliminary analysis leads us to recommend that the purpose of the proposed project should remain unchanged from the original EIS, which was to **improve cross-river mobility** between Jefferson County, Kentucky and Clark County, Indiana. Specific factors demonstrating the continuing purpose and need for this project include:*

- *Inefficient mobility for existing and planned growth in population and employment in the Downtown area and in eastern Jefferson and southeastern Clark Counties;*
- *Traffic congestion on the Kennedy Bridge and within the Kennedy Interchange;*
- *Traffic safety problems within the Kennedy Interchange and on the Kennedy Bridge and its approaches;*
- *Inadequate cross-river transportation system linkage and freeway rerouting opportunities in the eastern portion of the Louisville Metropolitan Area;*
- *Locally approved transportation plans that call for two new bridges across the Ohio River and the reconstruction of the Kennedy Interchange.*

The LSIORBP adopts and incorporates in the Purpose and Need from ORMIS. The discriminatory regional plans of the MPO constructed without NEPA oversight, gave little weight to the connectivity problems of the Title VI area and the failing TARC system. The regional politicians on the TPC were too attentive to east end and southern Indiana business interests when they formulated the Purpose and Need, and gave little heed to the discriminatory effect of the two bridges plan. The FSEIS perpetuates the discrimination. This is an adoption of right wing trickle down theory –that by giving all the support to economic growth in outer rings of the suburban region, poor people trapped in the ghetto will eventually benefit. The past ten years have shown this to be a sham.

Revised
ROD
Hixson-9

The true impact of the LSIORBP will be further transportation barriers that consign another generation of minorities to poverty and joblessness that could have been alleviated by effective regional transportation planning.

Revised
ROD
Hixson-2

“Plans and programs have the potential of being discriminatory in more subtle ways than projects. The major area of impact by plans and programs is through decisions which identify one or more planned improvements over other options. This consequence may result from procedures and processes that exclude a group from the process, or from the failure to consider the impacts of various transportation system alternatives and programs or projects on one or more identified

groups. To the extent that plans and programs include proposed improvements with disproportionate beneficial impacts or reflect decision processes that exclude certain groups, the long-term agenda for transportation improvements may be inappropriately biased. This could lead to project implementation that is inconsistent with nondiscrimination requirements. The actual impacts may only be experienced as projects are implemented. The planning process represents a comprehensive perspective from which to assess the potential consequences of developing and operating the transportation system.”

FHWA Title VI Desk Reference Introduction, Nondiscrimination in the Federal-aid Highway Program

Race discrimination caused by KIPDA selecting highway projects that benefit the interests of white economic elites is a recognized Title VI concern as the FHWA quote above shows. The discrimination caused by funding and constructing the LSIORBP while leaving the Title VI area festering in poverty is blatant and with so much evidence of human suffering staring planners in the face, is apparently purposeful noncompliance.

See **23 CFR § 200.5** defining (f) **Discrimination** and (i) **Noncompliance**.

4. The proposed mitigation measures are insufficient and unfocused

The Chapter 8 Mitigations are surreal and out of proportion to the scope of the Title VI crisis that needs to be addressed.

Revised
ROD
Hixson-6

Environmental Justice

*--The states of Indiana and Kentucky will develop a process for adopting an overall tolling policy [**for poor automobile commuters driving 20 mile round trips**] 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.

*-- Following consideration of public input, and prior to the implementation of tolling, KYTC and INDOT will incorporate practicable measures for **minimizing impacts of tolling on low-income and minority communities**. In determining practicability, KYTC and INDOT may take into account the financial requirements of the project, the technical and logistical issues associated with toll collection methods, and other needs.*

The lack of accurate characterization of the poverty of the Title VI area and its isolation throws into doubt, the effectiveness of proposed mitigation in the form of enhanced bus service that is only vaguely referred to in the mitigations section.

Revised
ROD
Hixson-10

Enhanced bus service referred to on page 5-43, and in Comment Response C.2 is a band-aid for the economic collapse in the west end. It is not sufficient to mitigate the scope of the economic redistribution caused by the modified alternative.

Revised
ROD
Hixson-3
and 4.

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.

This is a promise --not a plan.

There is no map showing proposed service routes to River Ridge from the Title VI area or charts showing timely schedules to get Title VI people to work in Southern Indiana on time. TARC letters indicate that the proposed \$20 million for buses does not adequately fund the enhanced bus service operation.

Revised
ROD
Hixson-3
and
Blank-1.

Mitigation in the form of a proposed training program of unknown duration and enrollment is not sufficient to mitigate the scope of the economic redistribution caused by the modified alternative.

The modified alternative will produce a costly automobile dependent system that will be beyond the means of jobless people in the Title VI area, and so the proposed mitigation will not bridge the income gap or allow Title VI populations to enjoy the benefits of the economic wealth being created as a result of the East End Bridge.

Revised
ROD
Hixson-6

There is no thorough analysis showing mitigation in the form of enhanced bus service or whether Title VI populations could reasonably access bus routes that would dependably and timely convey them to River Ridge jobs. These 12 mile away jobs will be out of reach by bus transit on congested morning commute roadways. These same objections were raised in 2002 in the Bather Wayne Title VI complaint and have not been sufficiently addressed.

Revised
ROD
Hixson-11

The system requires a fixed rail rapid transit line to solve the problems of the Title VI area, but at the finish of the LSIORBP all the federal money will be gone and the chronic poverty and joblessness will remain concentrated in the Title VI areas.

Revised ROD
Hixson-12 and
SFEIS Section
7.3, D.12

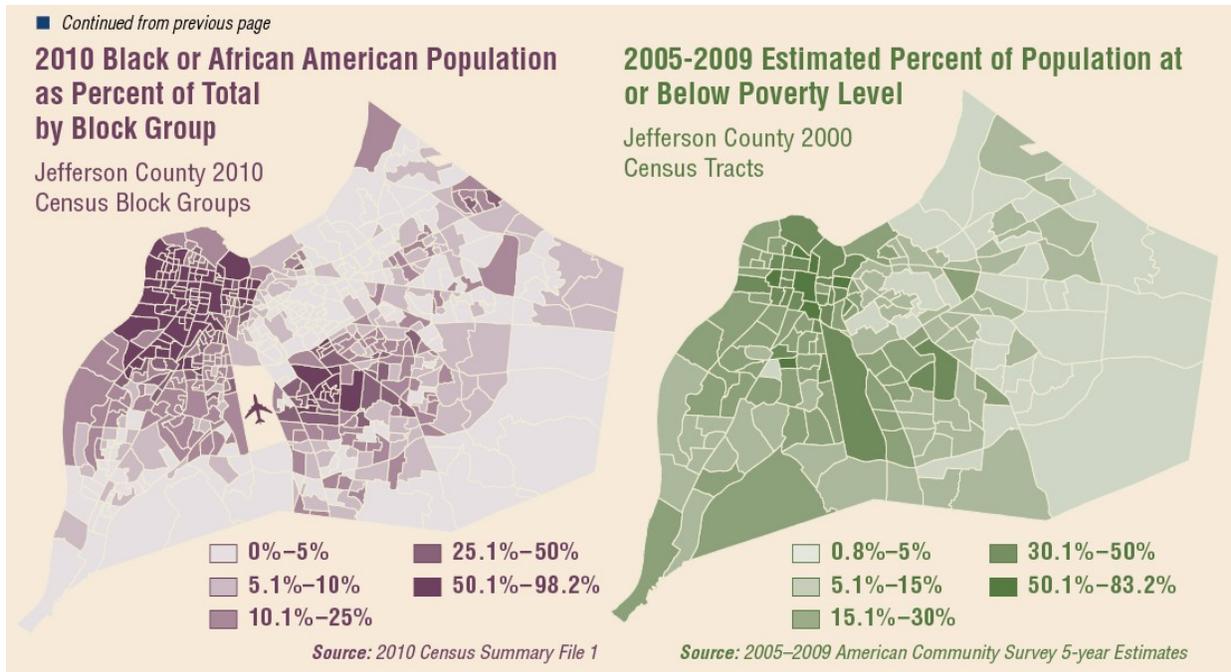
The Purpose and Need statement based on highway traffic levels of service, cross river travel projected demand, but without Title VI analysis was used to reject the public transit project options. Only public transit projects with fixed rail corridors can connect distant jobs in east Clark County with Title VI minorities in West Louisville while reducing cross river traffic volumes. When Title VI is added to P/N the resulting analysis favors the rejected fixed rail corridor development.

Revised ROD
Hixson-2 and
Hixson-12

5. Public transit is a critical component to address both regional transportation needs and historic discrimination. Only a fixed rail mode can connect the Title VI area to distant jobs

The only meaningful mitigation to the disparate impact of building such a vibrant economic center 12 miles from the Title VI area, is to provide affordable public transit that moves the Title VI population in a timely way to the jobs created. A combination of light rail and bridges alternative would have emerged from a public process where the significance of the Title VI crisis was integrated into the Purpose and Need statement.

The crisis in the Title VI area is acute and is the tail wagging the dog of public policy. Mayor Fischer is forced to allocate 46% of Total Appropriations in the 2012-2013 Metro Budget for crime and security, and must convene a study group of local leaders to deal with the causes of violent crime there. No one gives voice to the obvious role of regional transportation planning to give poor people access out of the ghetto to jobs in the booming east end. Poverty rates of 50-98 % overlap minority population of 50-83 %.



Metro Housing Coalition maps

The SFEIS continues the pattern of the 2003 FEIS to obfuscate and minimize the significant social damage caused by KIPDA excising a Title VI prong from a central position in regional transportation planning, a discriminatory practice adopted in whole by the LSIORBP and perpetuated by excluding Title VI from the Purpose and Need statement. KIPDA's and now the LSIORBP practice of ignoring the connectivity needs of the ghetto and portraying the effect of the project as an easily mitigated matter of disparate impact in bridge toll fees avoids a serious discussion of the need to revamp the regional transportation plan and do what should have been done before 2003. The voice of the low income and minority population in a very significant Metro area has gone unheard in this process. Its continued exclusion is racist.

Revised
ROD
Hixson-1.

Nearly three fourths of the Metro Louisville budget, more than \$ 256.6 million, must be allocated to EMS, Corrections and the Police force because of the income disparity, and resulting crime that recur in the Title VI area. The persistence of this pattern and the deliberate elimination of any Title VI element from the Purpose and Need to address it, by the KIPDA MPO in the ORMIS and Horizon 2030 Regional Plan, smack of intentional discrimination.

LSIORBP use of language in the SFEIS quantifying and characterizing the scope of the Title VI crisis is antiseptic and reduced to self serving conclusions without support:

5.1.7.2 on page 5-29

The 2003 FEIS provided an evaluation of potential long-term and short-term effects of the FEIS Selected Alternative on environmental justice areas. The key socioeconomic indicators that were considered included gentrification, institutional resources, economics, community cohesion, vibration, transportation, air quality, noise, hazardous materials, visual and aesthetic effects. The scope of each indicator and the potential for disproportionately high and adverse effects on environmental justice areas caused by the FEIS Selected Alternative were evaluated. Overall, the conclusion of that evaluation—that the environmental justice areas would not be expected to experience adverse effects from transportation for these indicators—remains valid for the Modified Selected Alternative and FEIS Selected Alternative. This conclusion is based on the fact that those socioeconomic indicators have not changed since the 2003 FEIS and, because of the similarity of their design, their impacts would be similar. Nevertheless, the introduction of tolling and the removal of the I-71 interchange at Frankfort

Avenue from the Modified Selected Alternative, require additional analysis for potential effects on environmental justice populations for the Modified Selected Alternative.

The modified alternative will create a deeper division along race and economic lines in Metro Louisville and the KIPDA area, will cause by its failure to provide connectivity, more serious crime and unrest, and cause more tax dollars to be spent arresting disaffected youth trapped in the ghetto, who will become longterm prisoners of the state.

Revised
ROD
Hixson-1.

By eliminating Title VI from the Purpose and Need statement, KIPDA as MPO, and now the Bridges Project, completely missed addressing the most crucial socio economic challenge facing Metro Louisville. The resulting two bridges plan fails to address the connectivity needs of the low income poverty population which must be addressed by affordable rapid transit. Fixed rail corridors are the transportation mode that moves large numbers of people past traffic congestion from one part of the community to another.

Revised
ROD
Hixson-1
and 2.

In its guidance FHWA demands more:

FHWA Title VI Desk Reference page 2-11

Issue 3: Whether the potential for disproportionate or discriminatory impacts has been adequately addressed.

Project teams sometimes think that because there is no discriminatory intent on the highway agency's part, impacts of the various alternatives under consideration are not discriminatory or do not fall disproportionately on a particular segment of society. This can be a faulty assumption on some projects—an assumption that can lead to misunderstandings and mistrust. Therefore, it is important to be aware of the signs that a potentially discriminatory situation might exist. Such signs include:

- *Demographic profiles that show whether the impacted population has a concentration of minority individuals;*
- *A history of impacts from governmental projects on a particular minority group or community in the project area. This might include not just highway projects but other governmental projects as well; and*
- *Complaints or assertions of disproportionate impacts that are unveiled during public involvement activities.*

Mitigation:

- *Each community impact assessments should include a compilation and analysis of demographic data, including breakdowns by characteristics protected under Title VI and related statutes;*
- *The project team should become aware of other actions that have occurred in the impacted area and of how these actions were perceived by members of the community;*
- *The project team should effectively utilize public involvement techniques to identify issues of discriminatory potential as early as possible in the project development process; and*
- *The project team should study avoidance, minimization, mitigation and enhancement strategies, working with the affected community on the specifics as a definite proposal begins to take shape.*

6. Pollution objections to the modified alternative remain valid and have not been sufficiently characterized or mitigated.

I hereby incorporate by reference my comments on ultrafine particulate made on January 7, 2012 to the draft DSEIS.

In relevant part, 40 CFR 1502.9(c)(1) provides:

(c) Agencies:

(1) Shall prepare supplements to either draft or final environmental impact statements if:

(i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or

(ii) **There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.**

Significant new circumstances and information relevant to environmental concerns that have not been integrated into the SFEIS require analysis.

The SFEIS fails to integrate new scientific understanding in air pollution health risks into the NEPA analysis of project effects.

Revised
ROD
Hixson-7

Since 2001, the peer reviewed literature has shown that the most toxic and cancer causing particulate comes from those smaller than 2.5 microns --the nano-particulates.

The present gravimetric analysis methods upon which the findings of conformity and the hot spot analysis for PM 2.5 reported in the SFEIS are based on, are invalid and do not protect human health.

In Response to Comments F.4 the SFEIS appear to adopt and endorse some of the near roadway findings in the peer reviewed article:

"This evidence supports the use of the Jeffersonville monitor for assessing PM2.5 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 PM2.5."

--citing for support the graphs of PM 2.5 decay versus distance from roadway from,

KARNER, A.A., EISINGER, D.S., and NIEMEIER, D.A.,
Near Roadway Air Quality: Sythesizing the Findings from Real World Data,
Environmental Science & Technology, Vol. 44, 5334-5344 (2010).

The same article uses ultrafine particulate number counts which show very high concentrations near roadway edge but rapid decay to 50% concentration at 150 meters distance. The same peer reviewed literature supports a finding that the SFEIS has failed to consider a major human health impact from highly concentrated UFP along the roadways and 150 meters proximate.

The science of ultra-fine particulate detection and health effects has advanced and the literature now describes with more particularity the health risk from particles previously undercounted and not fully evaluated. These ultrafine particles were not included in any SFEIS "hard look" at air pollution which continues to rely on out-dated gravimetric analysis. The modeling of particulate concentrations and human health effects and deaths, hot spots and conformity are erroneous and understate the risks.

Revised
ROD
Hixson-7

Dense clouds of ultrafine particles surround and flow downwind of major traffic arteries. See,

Hu, S., S. Fruin, et al. (2009).

"A wide area of air pollutant impact downwind of a freeway during presunrise hours."
Atmospheric Environment, vol. 43(16): 2541-2549.

Synthesizing monitoring results near highways from 41 monitoring studies published in the peer reviewed literature from 1978 to 2008. Generally, new scientific studies show that a cloud of ultra-fine particulate increases from background level concentrations at points distant, to elevated concentrations at the roadway edge. While regional design standards PM 2.5 readings based on gravimetric analysis, the federal standard method, show little to no increase from background levels as one approaches the edge of the road, both Carbon Monoxide and ultrafine particulate show dramatic increases.

“In this study, real-time air pollutant concentrations were measured along a 3600 m transect normal to an elevated freeway 1–2 h before sunrise using an electric vehicle mobile platform equipped with fast response instruments. In winter pre-sunrise hours, the peak ultrafine particle (UFP) concentration (~95 000 cm⁻³) occurred immediately downwind of the freeway. However, downwind UFP concentrations as high as ~40 000 cm⁻³ extended at least 1200 m from the freeway, and did not reach background levels (~15 000 cm⁻³) until a distance of about 2600 m. UFP concentrations were also elevated over background levels up to 600 m upwind of the freeway. Other pollutants, such as NO and particle-bound polycyclic aromatic hydrocarbons, exhibited similar long-distance downwind concentration gradients.”

Hu, S. et al, “A wide area” supra.

CO readings at the edge of the highway were 20 times the concentrations of 150 meters distant. Ultrafine particulates were six times or more concentrated at the highway than background levels.

Ultrafine particulate are more toxic than PM 2.5 particulate and properties and residents adjacent to highway affected areas risk health impacts not discussed in the SFEIS.

Regional level PM 2.5 analysis as metered by distant located federal method PM 2.5 gravimetric analysis is discredited as an indicator of health risk from proximate location to high volume highways where human exposure is highest.

The scientific basis of the SFEIS PM 2.5 analysis is invalid and outdated without the inclusion of data showing particulate counts of ultrafine particulate and calculations and modeling that incorporate UFP counts as a human health risk.

Revised
ROD
Hixson-7

Use of the gravimetric PM 2.5 data from an air monitoring unit positioned six mile away from the Northern Kentucky surrogate site is bad, inaccurate science both misleading and meaningless because the air monitoring unit is not reading surrogate site conditions and the gravimetric method fails to capture UFP concentrations.

Page 25 of the updated Final PM_{2.5} Project-Level Conformity Analysis for the Louisville-Southern Indiana Ohio River Bridges Project in Louisville, Kentucky.

EPA has stalled enacting more rigorous standards for protecting human health from PM. A federal judge May 31 ordered the Environmental Protection Agency to sign a proposed rule setting air pollution standards for particulate matter by June 7 (*American Lung Ass'n v. EPA*, D.D.C., No. 1:12-cv-243, 5/31/12).

7. Road salt contamination from the modified alternative is not discussed and is serious and will have very significant effect to aquatic wildlife and may contaminate the well head area of the Louisville Water Company artesian well collection system feeding the Payne Water Treatment plant.

Revised
ROD
Hixson-8

The vortex concentrator and filter media treatment vault proposed by Lochner will not remove suspended chlorides and other metals and compounds dissolved in solution in storm runoff.

Peer reviewed literature provides new information about road salt impacts:

<<http://pubs.acs.org/doi/abs/10.1021/es101333u>>

Corsi, S., Graczyk, Geis, Booth and Richards, **A Fresh Look at Road Salt: Aquatic Toxicity and Water-Quality Impacts on Local, Regional, and National Scales**, *Environ. Sci. Technol.*, 2010, 44 (19), pp 7376– 7382.

“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 roadsalt 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.”

Despite this well established scientific understanding, there is no plan to remove high concentrations of road salt chlorides from the A-15 runoff.

The analysis fails to model expected concentrations 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.

Thank you for the opportunity to comment on the SFEIS for the modified Selected Alternative.

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June 13, 2012

Comments to the SFEIS of the LSIORBP by Bud Hixson budhix@iglou.com

Re: Appendix A
REVISED RECORD OF DECISION
Quantitative Analysis of Mobile Source Air Toxics
June 2012

I am the attorney for CART in the federal District Court Bridges Lawsuit. These comments are made in my individual capacity as a resident of the LMA.

In the Quantitative Analysis of Mobile Source Air Toxics FHWA adopts discredited and invalidated MSAT emissions modeling methods that under-estimate the impacts of the project on residents health. Cancer rates caused by MSAT will increase --not decrease --for residents in the area of the project

Revised
ROD,
Hixson-13

The conclusion:

“The quantitative MSAT analysis demonstrates that the project will not have a meaningful impact on levels for any of the seven primary MSAT pollutants and that MSAT levels will be reduced in the design year, in comparison to the existing condition, due to USEPA’s vehicle and fuel regulations, coupled with fleet turnover.”

--is erroneous and misleading and masks a serious impact to human health as a result of the project.

Total annual emissions rates are given in tons per year.
The emissions factors are computed from a gravimetric analysis using micro grams/ cubic centimeter or cubic meter.

This analysis method has been invalidated by subsequent scientific developments showing that gravimetric measurements do not accurately quantify human health risk caused by inhalation of ultra fine particulates of nano-meter scale that penetrate more deeply into the lungs but have very low mass.

See peer reviewed journal articles list below

FHWA has previously been made aware in prior comment to the SEIS of the need to model UFP. EPA has failed to require standards protective of human health and the environment by not requiring FHWA to model ultra-fine particulate counts with increasing vehicle miles. Increasing vehicle miles will increase UFP counts and the MSAT health risk will increase.

Revised
ROD,
Hixson-14

FHWA ignores current accepted scientific advancement by not modeling particulate counts in a build and no build scenario.

The commenter agrees with the introductory statement so much as says:

USEPA has assessed the list of 188 air toxics in their latest rule—FR Vol. 72, No. 37, page 8430, February 26, 2007 (2007 EPA rule)—and (1) identified 93 compounds emitted from mobile sources that are listed in their Integrated Risk Information System and (2) identified seven compounds with large contributions from mobile sources that are among the national and regional-scale cancer risk drivers from their 1999 National Air Toxics Assessment.

Revised
ROD,
Hixson-15

These seven are acrolein, benzene, 1,3-butadiene, diesel particulate matter plus diesel exhaust organic gases (diesel PM), formaldehyde, naphthalene, and polycyclic organic matter (POM).

Revised
ROD,
Hixson-15

The Commenter objects to and denies:

*The 2007 EPA rule requires controls on vehicles that will **dramatically decrease MSAT emissions** through cleaner fuels and cleaner engines. According to an FHWA analysis using USEPA's MOBILE 6.2 model, **even if vehicle activity (expressed as vehicle-miles traveled, VMT) increases by 145%, as projected for the LSIORB Project, a combined reduction of 72% in the total annual emission rate for the seven priority MSAT compounds is projected from 1999 to 2050 due to the 2007 EPA rule that will enforce the reduction of MSATs from vehicles.***

By using an outdated and self-serving analytical and modeling method, FHWA masks human health risk directly resulting from the build scenario.

TABLE A.3-1
MSAT Emissions by Pollutant for the Project (in tons per year)

Revised
ROD,
Hixson-15

*"The analysis indicates that a **significant decrease** in MSAT emissions can be expected in the LSIORB project area from existing (2010) levels through future (2030) design year levels. The quantitative analysis also validated that that there would be no appreciable difference in overall MSAT emissions among the build alternatives, in comparison to the No-Action Alternative. The major mitigating factor in reducing MSAT emissions is the implementation of the USEPA's control standards of motor vehicle emissions and fuels. These include the reformulated gasoline program, the national low-emission vehicle standards, the Tier 2 motor vehicle emission standards and gasoline sulfur control requirements, and the heavy-duty engine and vehicle standards plus on-highway diesel fuel sulfur control requirements."*

Louisville – Southern Indiana A-6 Revised ROD
Ohio River Bridges Project Appendix A

The analysis takes no account that the actual particle counts of toxic and hazardous particulates in the nano-particulate range will increase with increases in vehicle miles during the same period –immersing Louisville in an ever denser sea of low mass ultra-fine particulates that are more toxic to human health.

Mass based reductions are irrelevant in comparison to particulate count numbers of UFP. The commenter objects to and denies that the following conclusions are based on sound science or are even reasonable interpretations of available data:

"Overall, reductions in MSAT emissions of over 47% are predicted (47.2% to 47.3% for the build alternatives and 47.4% to 49.1% for the No-Action Alternative)."

Of the MSAT compounds analyzed, diesel PM contributes most to existing emission levels, but by the design year, a substantial decline is predicted.

Benzene and formaldehyde account for the majority of estimated MSAT emissions in the design year, although at reduced levels compared to the existing conditions. There are slight variations in emissions among the alternatives due to changes in vehicle activity patterns (i.e., speeds and vehicle-miles traveled) between build and No-Action alternatives.

The quantitative MSAT analysis demonstrates that the project will not have a meaningful impact on levels for any of the seven primary MSAT pollutants and that MSAT levels will be reduced in the design year, in comparison to the existing condition, due to USEPA's vehicle and fuel regulations, coupled with fleet turnover.

Revised
ROD,
Hixson-15

Louisville – Southern Indiana A-7 Revised ROD
Ohio River Bridges Project Appendix A

Reporting reduced MSAT emissions based on gravimetric derived emissions factors to produce tons per year reductions, endangers human health and misrepresents the MSAT health risk of the project.

VI. An increasing number of published, peer reviewed studies demonstrate ultrafine particles are more toxic and particulate numbers must be controlled by standards.

Revised
ROD
Hixson-17

Aggarwal, Jain, Marshal, Real-time prediction of size-resolved ultrafine PM on freeways, Environmental Science & Technology, just accepted manuscript, January 31, 2012.

While there are no US regulations for PM 0.1 (“ultrafine particles”, UFP; diameter less than 0.1 µm), recent research raises the concern that these particles may be especially toxic (1,2)

1. Oberdörster, G. Pulmonary effects of inhaled ultrafine particles. *Int. Arch. Occup. Environ. Health* 2000, 74, 1-8.

2. Ibaldo-Mulli, A.; Wichmann, H.E.; Kreyling, W.; Peters, A. Epidemiological evidence on health effects of ultrafine particles. *J. Aerosol Med.* 2002, 15, 189-201.

UFP can penetrate deeply into the lung and can cross the lung lining (3, 4), which is ~ 0.1-20 µm thick (5).

Revised
ROD,
Hixson-18

3. Geiser, M.; Rothen-Rutishauser, B.; Kapp, N.; Schürch, S.; Kreyling, W.; Schulz, H.; Semmler, M.; Im Hof, V.; Heyder, J.; Gehr, P. Ultrafine particles cross cellular membranes by nonphagocytic mechanisms in lungs and in cultured cells. *Environ. Health Perspect.* 2005, 113, 1555-60.

4. Choi, H.S.; Ashitate, Y.; Lee, J.H.; Kim, S.H.; Matsui, A.; Insin, N.; Bawendi, M.G.; Semmler-Behnke, M.; Frangioni, J.V.; Tsuda, A. Rapid translocation of nanoparticles from the lung airspaces to the body. *Nat. Biotechnol.* 2010, doi:10.1038/nbt.1696.

5. Crapo, J.D.; Barry, B.E.; Gehr, P.; Bachofen, M.; Weibel, E.R. Cell number and cell characteristics of the normal human lung. *Am. Rev. Respir. Dis.* 1982, 126, 332-337.

The European Union has proposed to regulate tailpipe number concentrations as part of Euro 5 and Euro 6 standards for light passenger and commercial vehicles. In typical ambient and on-roadway conditions, UFPs have high number concentrations but low mass concentrations, relative to other particles (6).

Revised
ROD,
Hixson-19

6. Tuch, T.; Brand, P.; Wichmann, H.E.; Heyder, J. Variation of particle number and mass concentration in various size ranges of ambient aerosols in Eastern Germany. *Atmos. Environ.* 1997, 31, 4193-4197.

Vehicles and other combustion sources are important contributors to urban UFP. UFP concentrations (particle number per volume of air) can be an order of magnitude higher on freeways than in background urban air (7-9).

Revised
ROD,
Hixson-20

7. Hu, S.; Fruin, S.; Kozawa, K.; Mara, S.; Paulson, S.E.; Winer, A.M. A wide area of air pollutant impact downwind of a freeway during pre-sunrise hours. *Atmos. Environ.* 2009, 43, 2541-2549.

Revised
ROD
Hixson-20

8. Westerdahl, D.; Fruin, S.; Sax, T.; Fine, P.M.; Sioutas, C. Mobile platform measurements of ultrafine particles and associated pollutant concentrations on freeways and residential streets in Los Angeles. *Atmos. Environ.* 2005, 39, 3597-3610.

9. Zhu, Y.; Hinds, W.C.; Kim, S.; Shen, S.; Sioutas, C. Study of ultrafine particles near a major highway with heavy-duty diesel traffic. *Atmos. Environ.* 2002, 36, 4323-4335.

Variations in vehicle speed and density, type and age of vehicles, roadway topography, meteorology, and particle dynamics create spatially and temporally heterogeneous distributions of UFPs. Real-time estimation of UFP concentration on freeways is important for understanding UFP exposures and for identifying UFP hotspots.

Revised
ROD,
Hixson-21

Murray A. Mittleman, Annette Peters, David Siscovick, Sidney C. Smith, Jr, Laurie Bhatnagar, Ana V. Diez-Roux, Fernando Holguin, Yuling Hong, Russell V. Luepker, Robert D. Brook, Sanjay Rajagopalan, C. Arden Pope III, Jeffrey R. Brook, Aruni

Particulate Matter Air Pollution and Cardiovascular Disease : An Update to the Scientific Statement From the American Heart Association

free full text at: <<http://circ.ahajournals.org/content/121/21/2331.full>>

Several new studies have also demonstrated that residing in locations with higher long-term average PM levels elevates the risk for cardiovascular morbidity and mortality. Some recent evidence also implicates other size fractions, such as ultrafine particles (UFPs) <0.1 μm, gaseous co-pollutants (eg, ozone and nitrogen oxides [NO_x]), and specific sources of pollution (eg, traffic).

In addition, there have been many insights into the mechanisms whereby PM could prove capable of promoting CVDs (cardiovascular diseases).

Revised
ROD,
Hixson-22

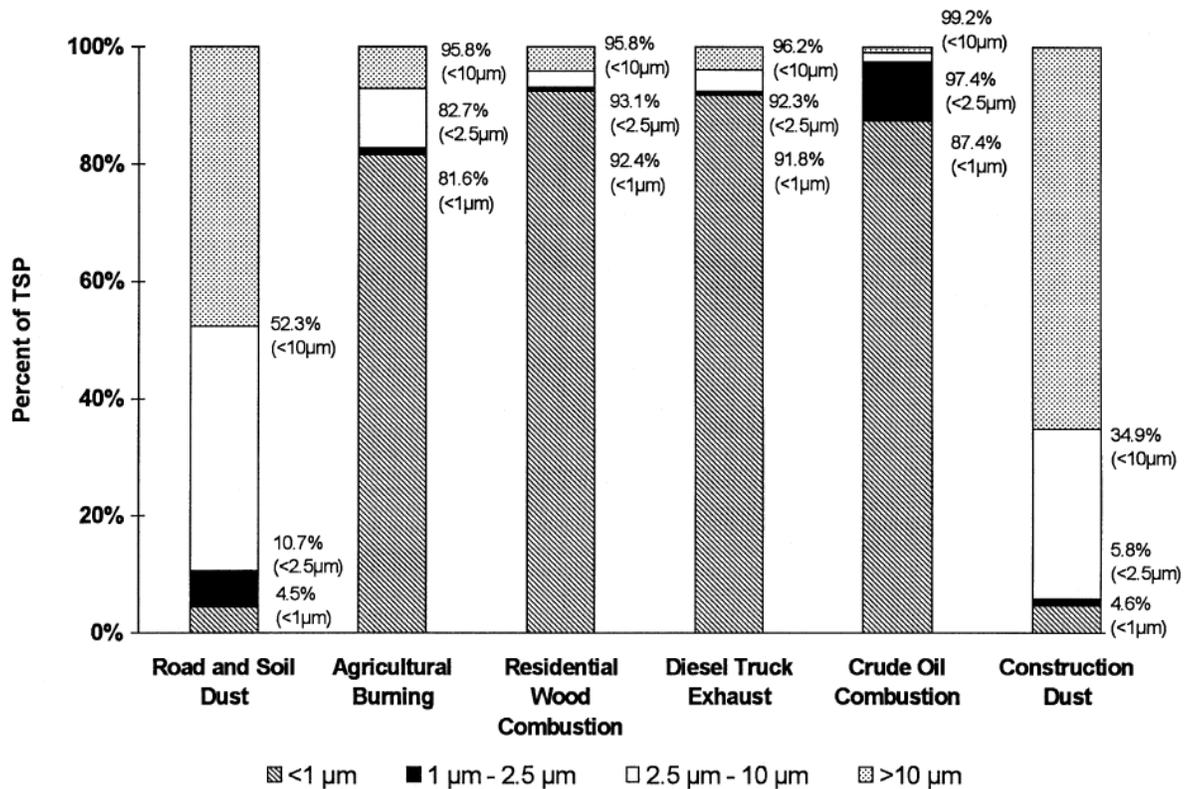


Figure 2.1.3. Size distributions of several particulate source emissions (Ahuja *et al.* 1989; Houck *et al.*, 1989, 1990).

This graphic shows that 91 % of mobile source combustion emission particles are sized less than 1 micro meter and mass gravimetric Federal Reference Method measurements do not provide an adequate measure of high counts of low mass ultrafine particulate.

“Particulate matter (PM) in ambient air is an important risk factor for acute and long-term adverse effects related to pulmonary and cardiovascular diseases, cancer, and mortality (Pope and Dockery 2006). Traffic-related PM may be particularly relevant to these health effects, as indicated by studies on both acute and long-term effects (Hoek *et al.* 2002; Peters *et al.* 2004). The ultrafine particle (UFP) fraction of PM with a diameter of < 100 nm typically consists of “fresh” combustion emissions of which vehicle engines are the primary source in urban areas (Sioutas *et al.* 2005). For UFPs, the size, surface area, chemical composition, and ability to translocate through the epithelium of terminal bronchioles and alveoli are thought to be important in relation to adverse health effects (Delfino *et al.* 2005; Oberdörster *et al.* 2005). The mechanisms of action of PM are thought to involve inflammation and oxidative stress, with small particles being more potent than larger particles because of their higher surface area and reactivity (Borm *et al.* 2004; Knaapen *et al.* 2004).”

Brauner, Forchhammer, Møller, Simonsen, Glasius, Wåhlin, Raaschou-Nielsen, and Loft, Exposure to Ultrafine Particles from Ambient Air and Oxidative Stress–Induced DNA Damage, *Environmental Health Perspectives*, p. 1177, Volume 115, Number 8, August 2007

Valavanidis A, Fiotakis K, Vlachogianni T., Airborne particulate matter and human health: toxicological assessment and importance of size and composition of particles for oxidative damage and carcinogenic mechanisms. *J Environ Sci Health C Environ Carcinog Ecotoxicol Rev.* 2008 Oct-Dec;26(4):339-62.

In this review, the results of the most recent epidemiological and toxicological studies are summarized. In general, the evaluation of most of these studies shows that the smaller the size of PM the higher the toxicity through mechanisms of oxidative stress and inflammation.

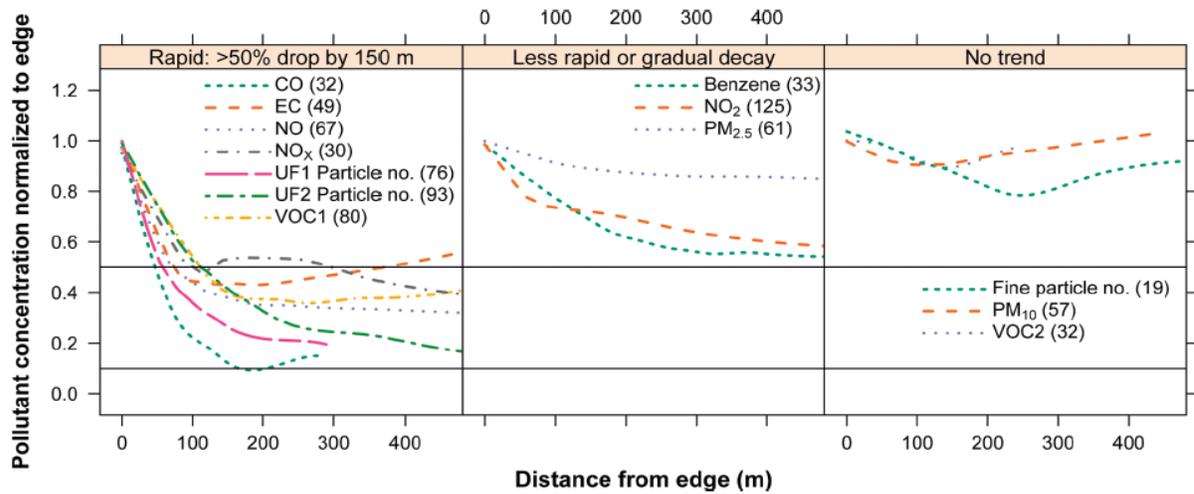


FIGURE 3. Local regression of edge normalized concentrations on distance. The horizontal black lines show a reduction from the edge-of-road concentration of 90% (at 0.1) and 50% (at 0.5). A loess smoother ($\alpha = 0.70$, degree = 1) was fitted to pollutant data which was placed in one of three groups. The regression sample size, n , is given in parentheses after each pollutant. The n includes an estimated (not in the literature) edge-of-road value to facilitate normalization.

June 3, 2012

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

Dear Mr. Sacksteder:

Following are our comments regarding the Supplemental Final Environmental Impact Statement ("SFEIS") issued for the Ohio River Bridges Project. We believe the SFEIS fails to adequately and objectively evaluate many environmental impacts on the community of Bridgepointe created by Alignment A-15.

1). Failure to Address Substantive SDEIS Comments in the SFEIS:

In a prior letter e-mailed to you on January 9, 2012 we identified and commented upon several substantive deficiencies in the SDEIS. However, Section 7.3 of the SFEIS (Listing of Comments and Responses) fails to address several of these substantive comments. Accordingly, we have added additional information to items 6/9, 8, and 10 below and ask that you adequately address these deficiencies in the ROD and/or by contacting the Kentucky Transportation Cabinet ("KYTC") and recommending they correct improper right-of-way decisions that were based on this deficient FEIS/SFEIS.

In item #6 and #9 below - we added the language from Section 5.7.1 (Soils and Geology) of the 2003 FEIS. This language emphasizes the extreme amount of cracks, voids, and associated karst activity in the rock in the Bridgepointe area. We have repeatedly described this to KYTC, noting that blasting in this rock will be exceedingly dangerous - especially for our home which has its full side perimeter directly, and immediately exposed to months/years of planned blasting activity. However, the SFEIS makes no mention of this danger, and it FAILS TO RECOMMEND ANY REASONABLE MITIGATION OF THE DANGER ASSOCIATED WITH BLASTING IN THIS TYPE OF ROCK. Likewise, in item #10 below, we noted that KYTC has failed to provide this information to their appraiser, and accordingly a fair and just decision has not been made regarding the importance of completing a full taking of our property. We ask that you review revised items #6, 9, and 10 below in detail and act appropriately to correct these deficiencies.

See
SFEIS
Section
7.3, H.1
and
2003
FEIS
Section
7.3, I.7

Additionally below are additional items that we believe need to be corrected in the ROD:

- we added two paragraphs at the end of item #8 below to further clarify a substantive deficiency in the SFEIS
- although the SFEIS includes general comments regarding item #3 below, the comment that noise mitigation would not be effective seems to be based on an expedient and general presumption rather than based on a thorough and serious evaluation of the facts
- the SFEIS did not address the following substantive comments that we previously provided: #2, #4, #5, #7

2).InaccurateRelocation Count:

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

See
2003
FEIS
Section
7.3, R.6

3).TrafficNoiseImpacts notFairlyAssessed:

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

See
SFEIS
Section
7.3, G.5

4).TrafficNoiseImpacts -ProposedModification Impacts NotEvaluated:

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

See
SFEIS
Section
7.3, G.5

Revised
ROD
Nemec-
1

5).ConstructionNoiseImpacts notAdequately Evaluated:

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

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

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

See
SFEIS
Section
7.3, H.1

6).BlastingVibrationImpacts notAdequately Evaluated:

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

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

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

This evaluation did not assess the rock structure under Bridgepointe which likely contains many cracks and voids. This likelihood is supported by findings from the extensive horizontal drilling evaluation performed along the A-15 alignment and by Section 5.7.1 of the 2003 FEIS shown below. Accordingly, the safety risk to lives, and the assessment of potential damage to homes,

yards, and other property in Bridgepointe was not fully nor properly evaluated - including our child's large elevated playhouse/treehouse. Therefore, the number of relocations required for Bridgepointe appears to have been intentionally understated.

2003FEIS -Section5.7.1-SoilsandGeology(page300)

The Louisville Limestone, Sellersburg and Jeffersonville Limestones occur in the project area. Typically, these types of limestone are known for sinkhole developments and karst activity. Voids, clay seams, springs, sinkholes, underground streams and other solution features are common characteristics of karst activity. Caverns and shallow sinkholes are concentrated along joints in the limestone units, particularly along the bluffs of the Ohio River. Numerous sinkholes are shown on the geological mapping through much of the project area, particularly in east Jefferson County. These features are visible at the surface in much of the area. In Indiana, a limestone stratum underlies the quarried site north of the town of Utica. The INAAP property in Indiana is located in karst topography with sinkholes, caves and springs common in the area. Sinkholes are visible on the geologic maps in Indiana, but to a lesser degree than on the Kentucky side of the Ohio River within the project area.

7).LotRe-grading/Mitigation NotAdequately Addressed:

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

Revised
ROD
Nemec-
2

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

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

8).SDEIS Ambiguity /Deficiency Regarding Mitigation Commitments:

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

See
SFEIS
Section
7.3, O.9
and
O.10

However, it is noted that the original ROD contains the following commitment language which appears to be excluded from the SFEIS. Accordingly, we ask that you confirm this language will be included in the revised or supplemental ROD as you committed.

Revised
ROD,
Nemec-3

4.1.5 Noise

Barriers for the neighborhoods below are likely, however, as part of the final design process, more detailed barrier analyses and design will be performed utilizing the more detailed design information that will be available at that time. Potentially reasonable and feasible noise barriers will be coordinated with the affected communities for their input to determine if there is local support for proposed barriers. Those communities whose input will be sought include the following, but not necessarily limited to:

- Bridgepointe Neighborhood (receptors 28, 29 and 30) ...

9). Construction Blasting Impacts not Adequately Evaluated:

The FEIS and SFEIS do not adequately evaluate construction blasting impacts, particularly the impacts from Alignment A-15 on Bridgepointe. The FEIS contains a brief and seemingly trivial construction blasting section that deals primarily with blasting vibration. Aside from specifying use of certified contractors, this evaluation totally ignores blasting safety, particularly evaluating and controlling the danger of projecting the official "blasting danger zone" onto private residential property. Since Bridgepointe, and our home in particular, will be exposed to more blasting danger than any other property - for potentially three to five years, we certainly believe this is a major FEIS and SFEIS deficiency. Also see impacts regarding Section 5.7.1 (Soils and Geology) quoted above in #6 from the 2003 FEIS.

See
SFEIS
Section
7.3, H.1

10). Improper Relocation Assessment:

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

See
2003
FEIS
Section
7.3, R.6

However, per the Section 4(f) evaluation, it is clearly stated that "Alternative A-15 has been shifted to the northeast to avoid any use of the Allison-Barrickman property". As you know, this shifting caused A-15 to veer away from the existing adequate right-of-way for this project, and consume the existing 60-foot wide highway berm along our property, and veer sharply into our property, consuming one-third, to one-half of our lot and absolutely destroying the utility of our home. This will also destroy 75, irreplaceable mature trees on our lot and many other trees along our lot border. Likewise, the construction blasting noted above will likely project the legally-defined blasting danger zone onto our lot for up to five years, confiscating much if not all of our property value. However KYTC has failed to evaluate this taking impact and has concealed these facts from their appraiser. We testified at the DEIS Public Hearing that the CSRR improperly excluded our home, and we have been attempting to

See
2003
FEIS
Section
7.3, R.8

get the Kentucky Transportation to look at this matter in a fair and objective manner for over ten years. As you know, Kentucky is obligated to complete a full taking if the remainder property has little or no value to the homeowner. Also as you know, we bought this property primarily for its park-like features and have nurtured it for over twenty-four years. Accordingly, raping and destroying our yard, and telling us to 'live with it', is just as devastating to us as the State bulldozing through a room in our house, and telling us to continue living in this home, because we have several other rooms still available. Kentucky has not complied with the legal requirement to evaluate this issue from the "homeowners perspective".

It is clear that the DEIS, FEIS, and the SFEIS have not properly evaluated the impacts on our property as required by Federal and State law, and we ask that you consult with Kentucky, and recommend that our property be fully acquired.

Sincerely,

Brent & Diana Nemec
7001 New Bern Court
Prospect, KY 40059

2012 Supplemental Environmental Impact Statement

June 1, 2012 Citizen's Input of:

Dr. David Eugene Blank, Ph. D
2119 Baringer Avenue
Louisville, KY 40204-1403
(502) 452-1081
davideblank@yahoo.com

To: John Sacksteder
Project Manger
Community Transportation Solutions
305 N. Hurstbourne Parkway –Suite 100
Louisville, KY 40223

Janice Osadczuk,
Federal Highway Administration
575 North Pennsylvania Street – Room 254
Indianapolis , IN 46204

jsacksteder@ctsgec.com

Janice.Osadczuk@dot.gov

[Also For Hand Delivery to CTS on June 1, or June 2, 2012]

RE: Need To Stipulate in a 2012 Supplemental ROD [Record of Decision] or in a revised SEIS :

[1] that as part of any and all Tolling scenarios in the LSIORB [Louisville –Southern Indiana Ohio River Bridges] Project impacting on all bridges to be tolled - that the Bi-State Bridges Authority, accepts explicitly that a designated small percentage of all annual toll revenue [perhaps 0.25 % to 0.50 %] of such toll revenues be designated – on a permanent basis - for use of TARC, and

Revised
ROD,
Blank-1

Further, that this fund pays for operational expenses as well as capital investments of TARC – involved in providing public transit/public transportation over the Ohio River bridges - for the life of all toll arrangements made by the States of Indiana and Kentucky, and not just for a limited period of construction [estimated to be about six years].

Further that the SEIS stipulates that all TARC buses , van pools and carpools mentioned in the March 9, 2012 TARC letter found in Appendix E of the SEIS be exempt from tolls.

[2] That to ensure in the future, TARC need not stand alone in its negotiations - with INDOT, KYTC and the FHWA, being treated as an “orphan ugly duckling,” the FTA [Federal Transit Administration] be designated a.s.a.p [as soon as possible] as a “Joint lead agency along with the FHWA in all future planning and decision –making for the project.

The writer – based on some conversations with TARC staff – senses that TARC was placed under undue pressure to accept a minimal , grossly inadequate INDOT and KYTC funding [according to documents made part of Appendix E of the SEIS and Chapter 3 – specifically page 3-14- 3.15, dealing with “Alternatives,” and pages 8-18 and 8-20 dealing with “Commitments and Mitigation.”] True support of TARC requires support of operating expenses.

Revised
ROD,
Blank-2

That without the FTA championing public transit/ public transportation in all future decisions, the LSIORB, the project will fail to meet its Environmental Justice obligations.

The stipulated \$20 million that INDOT and KYTC will give to TARC is inadequate to ensure “enhanced bus service” consistent with achieving environmental justice [EJ]. Again, The FTA must be made a joint lead agency acting along side of the FHWA to ensure EJ.

See
SFEIS,
Section
7.3, C.34

The FTA is needed to also facilitate an efficient and equitable resolution to the question as to whether a HOV lane is needed on the I-65 bridges, and on vicinity highways in Indiana and Kentucky.

See
SFEIS,
Section
7.3, C.36

Dear Ms. Osadczuk and Mr. Sacksteder:

I. The Need for a Designated TARC share of All LSIORB Toll Revenue:

Revised
ROD,
Blank-3

The writer accepts that the April, 2012 Supplemental Environmental Impact Statement [herein - after - SFEIS] stipulated in Chapter 3, and Chapter 8, specifically on pages 3-14 and 3-15 and pages 8-19 and 8-20; as well as in the documents made part of Appendix E, that both the “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.” [p. 3-14 of 2012 SEIS] Further that on page [p. 3-15] there is the following statement that, “Funds will not be provided to cover operational expenses, which will remain the responsibility of TARC.” (The TARC coordination letter of March 9, 2012 and KYTC and INDOT response dated April 2, 2012 are found in Appendix E of the SEIS)

The writer however argues that this very limited funding – arranged through a future MOU [Memorandum of Understanding/ MOA [Memorandum of Agreement] fails in its time duration and **amount** of funding to “**enhance bus service**” on a permanent and sustainable fashion, as called for by the USDOT Environmental Justice Order 5610.2 (a) of May 2, 2012, signed by USDOT Secretary, Ray LaHood.

With Regards for the need for a permanent and sustainable funding of TARC public transit and public transportation service on the Ohio River bridges connecting Metro Louisville and Southern Indiana, what is needed is a **permanent, secure, and certain**, source of funds which is best achieved by stipulating that a certain small percentage of all Toll Revenue on any and all Ohio River bridges be designated to fund TARC’s both capital investment and operating expenses.

The writer further suggests that this fund be at least 0.25 % of all Toll Revenue, and that its funding has priority over all other claims including retiring whatever debts and contractual obligations the states of Kentucky and Indiana assume with regards to this bridges project.

Accepting that the final decision of all Tolling Scenarios appears to be in the hands of the Bi-State Bridges Authority the revised SFEIS or Supplemental ROD should stipulate that FHWA funding would be conditioned upon the Bi-State Bridges Authority accepting this earmarking of at least 0.25 % of all Toll Revenue to TARC. Page 3-18 of the SEIS states,

“The toll rates will be determined by the Ohio River Bridges Authority after completion of the NEPA process, as part of the design and financing process.”

However, the Federal Government - through the FHWA – [and as proposed the FTA] should make it clear to this Bi-State Bridges Authority that future federal funds will be conditioned upon its accepting federal guidelines relating to Environmental Justice [EJ] with regards to ensuring low-income, disabled and minority residents full and complete access to cross-Ohio River travel.

That the best way to ensure this full and fair EJ access to all regardless of income is to have a robust TARC capability on the Ohio River Bridges that meets the following standards:

- A. During peak commutation periods, a TARC bus - every 15 minutes - crossing both the Kennedy [I-65] and Sherman Minton [I-64] bridges,
- B. On non-peak weekdays, and on week-ends, a TARC bus every 40 minutes, and a permanent
- C. Night Owl TARC bus service that has a TARC bus on the hour between 12:00midnight and 6:00am.

Only with such a Toll Revenue supported TARC capability can the EJ requirements be met. Further, many states such as California have laws designating a share of toll revenue be earmarked for public transit/public transportation and these laws should guide the States of Kentucky and Indiana.

In addition, all TARC related van services such as TARC 3 [disability paratransit service] and the TARC-KIPDA “Ticket to Ride “ vanpool and car pools be exempt from tolling.

In addition, all future prospective private sector ventures, or faith-based innovative jitneys or shared taxi services that might be developed in cooperation with TARC – with the intent of offering a regular cross Ohio River travel service should also be exempt from tolls.

What is needed as suggested above is that either a revised SEIS or the forthcoming Supplemental ROD [Record of Decision] must explicitly stipulate that all toll scenarios devise by the Bi-State Bridges Authority accepts that a designated percentage – no less than 0.25 % of all annual toll revenues be given to TARC.

Proof that the proposed – future – MOU/MOA between INDOT and KYTC , on one hand, and the “orphaned ugly duckling,” TARC, on the other will be grossly inadequate to ensure EJ compliance as outlined in the SEIS, is found in the Courier-Journal May 23, 2012, the news story, “TARC: Its first across-the boards fare increases in four years,” [Sheldon Shafer]

TARC’s Executive Director, Barry Barker is quoted as saying in the article, “We are doing everything we can to address our budget shortfall with the least amount of negative impact.” In the list of routes proposed for elimination we find,

“Southern Indiana Express, ... Charlestown Road Express and Jeffersonville Park and Ride.”

In addition, we find that “reduced service, such as fewer bus runs... on these lines...Jeffersonville and Clarksville-New Albany.”

This reality check found in the Courier-Journal, of May 23, 2012, strongly suggests that the reported future MOU/MOA relating to a paltry sum of INDOT and KYTC funding of TARC for a few years may have been merely for show and a sham effort to falsely claim EJ compliance. The claims made in the SEIS discussed above about this future MOU/MOA \$20 million funding of some of TARC’s expenses - appears to have been disingenuous at best, and again merely a pretext to claim EJ compliance.

See
SFEIS
Section
7.3, C.3,
and
Revised
ROD
Blank-3

The writer will also make part of this Citizen Input/Comment 's hard copy three letters to LEO, the alternative weekly newspaper for Metro Louisville, called Louisville Eccentric Observer, and founded by now Congressman, John Yarmuth.

April 4, 2012: Letter of David Eugene Blank, regarding a sincere proposal by KY State Rep., Jim Wayne [D-35] to allow exemption from tolling for motorists who are low-income. In the alternative, the writer proposed the use of Toll Revenue to subsidize TARC.

April 11, 2012: Responsive Letter of Wini M. Moyen, New Albany IN:

This letter complains that while there is an INDOT supported TARC bus route crossing the Sherman Minton Bridge, its schedule does not allow commuters to really use it because of inordinate delays and the fact that up to 40 minutes between bus runs.

April 25, 2012: Response to a Response by David Eugene Blank

The writer agreed that in rush hours, no more than a 15 minute interval between bus runs is adequate. Also to facilitate TARC bus passages, it appears that HOV lanes would be needed in Indiana and on the bridges.

[A copy of the three LEO letters and CJ news story are made part of the hard copies that will be hand-delivered or mailed on June 1, or June 2, 2012.]

Questions about the viability of TARC's cross – Ohio River public transit/public transportation capability – especially the issue of its operating expenses must be dealt with – prior to moving on to a final ROD [Record of Decision]. TARC's isolation and its reputation as a "Poor People Mover," suggest again that the FTA needs to be made a "Joint Lead Agency.

II. The Need For the FTA [Federal Transit Administration] to be made a "Joint Lead Agency" alongside of the FHWA in all future decisions for the LSIORB project:

See
SFEIS
Section
7.3,
C.34

The Bi-State Metropolitan Area of Louisville is heavily urbanized on both sides of the Ohio River. This reality demands that public transit and public transportation be given equal footing in the LSIORB as soon as possible. Unfortunately, the project has been allowed to proceed ignoring the environmental justice dictate recently articulated in US DOT Order 5610.2 (a) of May 2, 2012. The dire needs of low-income and minority households and bread winners without access to ownership of a vehicle or ability to lease a vehicle have been denied access to this project. The grossly inadequate MOU/MOA that might have INDOT and KYTC give TARC \$20 million for a short duration fails to correct this violation of environmental justice [EJ].

The planned MOU/MOA cited above:

- [1] Fails to avoid, minimize or mitigate disproportionately high and adverse health and environmental effects on low-income and minority population.
- [2] Fails to ensure full and fair participation in decision-making,
- [3] Fails to prevent the denial of, or reduction in, or significant delay in the receipt of benefits by the low-income and minority populations. [See also USDOT FHWA Directive 6640.3]

Revised
ROD,
Blank-4

The survey cited in chapter 5 of the SEIS indicate that a full 13 % of all households and 25 % of all low-income households interviewed for the SEIS - lack ownership of, or ability to lease a vehicle for access to jobs, health, shopping and recreation. They are dependent on TARC to cross the Ohio River. The same data reported in chapter 5, suggest that 10 % of TARC users in cross river transit are low-income and that many low-income households fail to access jobs, health and shopping needs because of the inadequate TARC cross river service.

As indicated above, the writer –based on some conversations- with TARC staff and a brief exchange with TARC Executive Director, Barker, senses that TARC was placed under undue pressure to “go along” with the paltry and inadequate MOU/MOA cited above in large part because it lacked a Federal champion such as the FTA which could also champion the need to ensure full and fair access to the Ohio River bridges to all low-income, disabled and minority persons.

See
SFEIS,
Section
7.3,
C.34

TARC is perceived by many in the KYTC as an “orphaned ugly duckling – who might be a beautiful Black Swan,” but these Black Swans live in only Metro Louisville and perhaps in Lexington, KY. The KYTC has been historically indifferent to the public transit needs of Kentucky’s large cities. The KYTC is also notorious for mismanagement that often is recorded in the press and court filings. The KYTC traditionally serves wealthy people who drive cars, not low-income and minority people who are dependent on TARC’s public transit.

To the credit of those who wrote the SEIS and were responsible for making certain that public input was made part of the SEIS, the writer was recognized on page 7-108, and on page 7-50. – Comment 34, [to be attached to the hard copies to be hand delivered to the CTS] his insistence that the FTA be made a “Joint Lead Agency” to ensure EJ was recorded – literally word-for-word. The quotation follows:

“The USDOT should assert a direct oversight of the planning process and should consider making [the] Federal Transit Administration [FTA] a joint lead agency... to champion the need for public transit.”

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

The response of the SEIS was however both disingenuous and bureaucratic. It was disingenuous in falsely claiming that “a public transit component” has always been ... an element with both of the build alternatives.” Again, TARC officials have over the years informed the writer that this was not the case. Only a vague reference to “enhance bus service” could be found in all LSIORB reports until the 2012 SEIS. With regards to the entrance of the FTA as a Joint Lead Agency, well in a democracy, that should result from grass roots pressure and very possibly pressure exerted by elected Congressmen such as the Hon. Todd Young [IN 9th] and John Yarmuth [KY 3rd]

In fact, the writer has already spoken with Congressman Yarmuth and plans to copy this Citizen’s Input/Comments to both him and to Congressman Young. In his letter to the FHWA, Congressman Young took note that many of his constituents oppose tolling.[See Appendix E]. Designating that small percentage of toll revenue to ensure environmental justice that dictates that all may cross the Ohio River – even those who do not own a vehicle may be attractive to both Congressmen, who have faced grass roots pressure from the organized “No Bridge Tolls on I-65,” organization. [A copy of a May 30,2012 email notice of this group – No Bridge Tolls on I-65” - to its members will be attached to the hard copy hand delivered to the CTS]

The FTA as the champion of public transit could also play a critical role in the issue of whether or not HOV lanes will be needed on the I-65 bridges. In its January 9, 2012 letter TARC’s , Executive

Director, J. Barry Barker, felt that HOV lanes will be needed. Perhaps the FTA can facilitate a resolution to this issue that is both efficient and equitable.

IN CONCLUSION: I thank the SEIS people for reading this Citizen's Comment, and to appreciate that in a democracy it, "Ain't over until the Fat Lady sings," and in 2012, an election year, the real deadline is in November, not on June 3. That is when the real "Fat Lady" will sing!

There is the need to truly fund a robust public transit component in the LSIORB, and to accept that the proposed MOU/MOA INDOT-KYTC \$20 million funding of TARC appears to be a phony ploy, and is inadequate to truly make public transit/public transportation an integral part of the project . Also, asap [as soon as possible] the FTA must be made a joint Lead Agency.

In conclusion, the writer respectfully requests that FHWA's Janice Osadcuk, and the CTS' John Sacksteder acknowledge the receipt today [May 31, 2012] of the email version of this citizen's comments. Finally, for the purposes of this letter, the writer conflated the concepts of public transit and public transportation. He means to suggest buses, vans, shared -taxis, that move on roadways and NEVER a costly, light-rail.

Sincerely,

David Eugene Blank, Ph.D.

cc.: Hon Todd Young and Hon. John Yarmuth

Personal Note: I meet briefly with Ms. Osadcuk on December 19, 2012 at the Public Comment hearing, and have also met Mr. Sacksteder on several occasions. Both know that I am 75 years of age and my eye-sight may not always find and correct typos. I apologize for the typos that get through, but citizens do not have to be perfect in exercising their rights.

Also why don't you two start considering giving your FTA colleagues a heads-up. The last I heard that both the FTA and FHWA work for the same boss, the American people.

I am also researching transportation planning and may end up writing a book

From: barbara strahm [mailto:bcstrahm@insightbb.com]
Sent: Thursday, May 31, 2012 8:24 PM
To: jsacksteder@ctsgec.com
Subject: tolling on ohio bridges

See SFEIS Section 7.3, D.19
and D.21

Proposing a toll on any of the bridges is totally lopsided as Indianans will bear the larger part of the burden. Hundreds of people travel from Indiana to Kentucky to work or school every day, anything more than a nickel toll will pose a hardship as it is hard enough to pay for the gas to get across the bridge. The tolls will continue long after the bridges are paid for and Indianans will pay for them for many generations. Louisvillians will just choose not to cross the bridge and utilize Indiana businesses....thereby causing Indianans to pay in a second way.

----- Original Message -----
From: billopt@aol.com
To: paul@clarkcountyyaa.com
Sent: Monday, May 28, 2012 10:02 PM
Subject: Re: Toll Comment

See SFEIS Section 7.3, D.21

Dear Paul

You send it to them, please !!!!!!!!!!!!!!!

Bill Scott billopt@aol.com
Sign my name

God bless !!!!!!!!!!!!!!!

-----Original Message-----
From: Paul Fetter <paul@clarkcountyyaa.com>
To: billopt <billopt@aol.com>
Sent: Thu, May 17, 2012 9:24 am
Subject: Toll Comment

Bill,
If you have not done so already, please forward your comments to:
Email:

John Sacksteder at Ohio River Bridges Project
jsacksteder@ctsgec.com

and

Janice Osadczuk at FHWA
Janice.Osadczuk@dot.gov

See SFEIS Section 7.3, D.21

To FHWA:
The east end bridge was proposed in the 1950s when I was on the jeff city council
How much easier and cheaper it would be now if that proposal would have been activated
Tolls are a threat to both sides of the river
The redoing of the plats on the Louisville side are NOT necessary
Remove all three interstates from downtown Louisville - the largest area in the US (16th) with THREE
interstates meeting DOWNTOWN
Shame on you

Thank You
Paul Fetter
Clark County Auto Auction
Sales Manager
(812) 283-5555 Ext 27
paul@clarkcountyyaa.com

From: [John Sacksteder](#)
To: ckowalski@ctsgec.com; [Jim Hilton](#); tspringer@qk4.com
Subject: Fwd: comment
Date: Monday, May 14, 2012 11:20:04 PM

----- Original Message -----

Subject:comment

Date:Sat, 12 May 2012 07:42:40 -0400

From:Bill Sizemore <bill.sizemore@insightbb.com>

To:<jsacksteder@ctsgec.com>

i know that you are making plans for rebuilt spaghetti junction why not make plans to make lanes in ky and ind for stright therw louville and jeffsonville with no getting off. this would help until the bridge is builded and add lane for getting off .how was that eazy ha""ha""BILL

From: Bob Eppler [mailto:bob.eppler@gmail.com]
Sent: Tuesday, May 22, 2012 8:07 AM
To: jsacksteder@ctsgec.com; Janice.Osadczyk@dot.gov
Subject: Ohio River Bridges Project

Revised
ROD, M.1

As a daily commuter across the I-65 Kennedy Bridge, I feel the traffic pains first hand. I do not feel that an additional downtown toll bridge would benefit me or any of my family living on either side of the bridge and don't understand how the bridge issue became a decades long bloated and over-thought process.

I plead that all involved listen to the public and resolutions passed by all of the communities surrounding the proposed bridges which express their dissatisfaction with the downtown bridge & associated tolls. Occam's razor teaches us that the simplest answer is usually the best, in this case that is a single east end bridge built without tolling.

Thank you for supporting the wishes of the public!

Robert (Bob) Eppler

----- Original Message -----

From: "Deppert, Bonnie L." <bldepp01@louisville.edu>

To: <paul@clarkcountyaa.com>

Sent: Friday, June 01, 2012 7:02 AM

Subject: Bridges project

Revised
ROD, M.1

NO TOLL: Build the East bridge only and you will see a great improvement.

Bonnie Deppert
11 Abby Chase
Jeffersonville, IN

From: C. Lee Hornung [mailto:snowmann@insightbb.com]
Sent: Wednesday, May 30, 2012 6:13 PM
To: jsacksteder@ctsgec.com; Janice.Osadczyk@dot.gov; paul@clarkcountyaa.com
Subject: new bridges

Revised
ROD, M.1

I am against any tolls on the I65 corridor. Build the east end bridge first and do minor changes on the downtown interchanges. Then we can see if we need anything else done downtown. But whatever you do I am strictly opposed to TOLLS on I65 corridor.
Tolls will divide the Ky and In community and adversely affect our economy.

C. Lee Hornung (snowmann@insightbb.com)

From: CATHY MCCARTY [mailto:cathleenmccarty@insightbb.com]
Sent: Wednesday, May 30, 2012 10:16 AM
To: jsacksteder@ctsgec.com; Janice.Osadczyk@dot.gov
Subject: Build East End Bridge, no tolls and hold on the downtown bridge--1% improvement does not support it

To the FHWA:

1. The need for a second Downtown Bridge is unfounded:

Revised
ROD, M.1

In 2008 the Kentucky Transportation Cabinet sponsored a traffic study that showed only a 1% improvement in traffic improvement with both bridges compared to only an East End Bridge with Kennedy Interchange improvements.

\$1 billion dollars for a Downtown Bridge for a 1% traffic improvement

2. How this project is unfair:

Hoosiers will pay a disproportionate amount of tolls for new infrastructure-bridges, while Kentucky residents will NOT pay tolls for new infrastructure-Kennedy Interchange

Tolling will negatively affect low income residents disproportionately

See SFEIS D.19, and C.15

Tolling this Downtown Bridge for 1% improvement will divide the community

See SFEIS D.10 and D.11

3. SFEIS and Public Comments:

The three most prevalent comments received during Public Comment Periods sponsored by the project were:

Build the East End Bridge

No Tolls

No Downtown Project

Everyone, these comments were negated by the comment evaluators rather than being properly addressed, corrupting the SFEIS process.

From: [John Sacksteder](#)
To: ckowalski@ctsgec.com; [Jim Hilton](#); tspringer@qk4.com
Subject: Fwd: East End Bridge
Date: Monday, May 14, 2012 11:21:52 PM

----- Original Message -----

Subject: East End Bridge
Date: Fri, 11 May 2012 13:02:38 -0700 (PDT)
From: David Aikens <highlndr06@yahoo.com>
Reply-To: David Aikens <highlndr06@yahoo.com>
To: jsacksteder@ctsgec.com <jsacksteder@ctsgec.com>

Mr Stacksteder-

See SFEIS Section 7.3, B.1

Please put me down as yet another local resident who feels very strongly to proceed;
Build the Bridge! And tolls are fine!

The EIS is too lengthy to digest, however, having driven downtown daily for many years tells me that getting traffic out of downtown, especially large truck volume, will more than offset any environmental impact from building the bridge. So lets go!

Best.

David Aikens
502-905-9066

-----Original Message-----

From: David Coyte [mailto:dvdct2@gmail.com]
Sent: Monday, June 04, 2012 8:24 AM
To: jsacksteder@ctsgec.com
Cc: budhix@iglou.com; lwalker@kyombuds.com; ckowalski@ctsgec.com;
jhilton@ctsgec.com; tspringer@qk4.com
Subject: Re: CART Comments

John,

I am glad to hear your website is working fine. I am just old enough to distrust tech and I do get an error message on my computer when I use it. So I just want to make sure

As to "Peer Review" of the TOD Model I recommend you talk to KIPDA about the process they go through to validate their models. The study makes some pretty extravagant claims about this model - yet the SFEIS only mentions the most basic results consistency with KIPDA's model as validation.

David Coyte

See SFEIS Section 7.3,
B.2 and B.4

On Jun 3, 2012, at 3:13 PM, John Sacksteder wrote:

> Dear Mr. Coyte:
>
> I have received many comments through the project web site, so I
> have no
> idea why your comments could not go through.
>
> You reference that I did not get back to you yesterday, so I
> assume you
> made a call to my office. I was in Frankfort for a meeting on
> Friday and
> was away from the office. I am unsure what you mean by peer review.
> The TOD
> model, as well as all aspects of the traffic model were reviewed and
> approved by FHWA before any aspect of the model was incorporated
> into the
> environmental documentation.
>
> As I noted in the response to you and Mr. Hixson, your comments
> will be
> added to the public record.
>
>
> John Sacksteder, PE
> Project Manager
> Community Transportation Solutions -
> General Engineering Consultant
> Louisville - Southern Indiana Ohio
> River Bridges Project
> 305 N. Hurstbourne Lane, Suite 100
> Louisville, KY 40223
> 502-394-3847

> -----Original Message-----

> From: dcoyte@juno.com [mailto:dcoyte@juno.com]
> Sent: Saturday, June 02, 2012 12:40 PM
> To: jsacksteder@ctsgec.com; budhix@iglou.com; lwalker@kyombuds.com
> Subject: CART Comments

> John,
> I get a funny message when I send thru your site, so I am sending

- > directly.
- > Comments are attached.
- > Sorry you didn't get back to me yesterday. I must assume that the
- > TOD model
- > was not peer reviewed. If I am wrong please send me the peer
- > reviews by
- > mail or email.
- > Thanks.
- > David Coyte
- > 203 N. Clifton, B
- > Lvl, 40206
- >
- >

From: DF46@aol.com [mailto:DF46@aol.com]
Sent: Wednesday, May 30, 2012 10:38 AM
To: jsacksteder@ctsgec.com
Subject: No Tolls on Existing Bridges

Dear Mr. Sacksteder

I agree with the comments below and have copied them into my email because I think the points are well taken. As an individual who lived in Southern Indiana and worked in downtown Louisville for over 25 years - I would have been horribly impacted by tolls. I had to work and I was raising a family. Because of gas prices, I am not sure I would be able to do this now but while my children were teens, I came back and forth from downtown to New Albany sometimes a couple of times a day several days a week. My job entailed work during the day and sometimes into the late evening so when I had a break, I came home and fixed meals, made sure my children were doing their homework, etc. If the Sherman Minton Bridge had been tolled, I would have not been able to effectively do my job and parent at the same time.

My daughter and her husband lived in New Albany and worked in Louisville. This would be an unfair burden on them. This area has always been considered a "Metro" area with both sides of the river dependent on each other. For example it has never been long distance to call between Louisville and Southern Indiana. That is why the businesses could thrive. Much different than say, for example, Henderson, Ky and Evansville, In. They have stayed two separate entities over the years and have not really been able to prosper with the other community because it is too separate.

The following was copied from Organization for a better Southern Indiana and I agree with these facts.

1.The need for a second Downtown Bridge is unfounded:

In 2008 the Kentucky Transportation Cabinet sponsored a traffic study that showed only a 1% improvement in traffic improvement with both bridges compared to only an East End Bridge with Kennedy Interchange improvements.

\$1 billion dollars for a Downtown Bridge for a 1% traffic improvement

Revised
ROD, M.1

2. How this project is unfair:

Hoosiers will pay a disproportionate amount of tolls for new infrastructure-bridges, while Kentucky residents will NOT pay tolls for new infrastructure-Kennedy Interchange

See SFEIS D.19, and C.15

Tolling will negatively affect low income residents disproportionately

Tolling this Downtown Bridge for 1% improvement will divide the community

See SFEIS D.10 and D.11

3. SFEIS and Public Comments:

The three most prevalent comments received during Public Comment Periods sponsored by the project were:

Build the East End Bridge

No Tolls

No Downtown Project

Everyone, these comments were negated by the comment evaluators rather than being properly addressed, corrupting the SFEIS process.

Debra Farmer
New Albany Indiana
812-944-5021

From: Janice.Osadczyk@dot.gov [mailto:Janice.Osadczyk@dot.gov]
Sent: Tuesday, June 05, 2012 11:15 AM
To: darnett14@insightbb.com
Cc: jsacksteder@ctsgec.com; Gary.Valentine@ky.gov; rheustis@indot.in.gov
Subject: RE: Who can the taxpayers count on?

Thank you Dennis for your comment on the bridges project. It will be added to the project record.

From: Dennis Arnett [mailto:darnett14@insightbb.com]
Sent: Saturday, June 02, 2012 4:43 PM
To: Osadczyk, Janice (FHWA)
Subject: Who can the taxpayers count on?

Hello,

[See SFEIS Section D.19](#)

My name is Dennis Arnett. I am an Indiana resident who crosses the bridges frequently. I'll make this short.

- 1 trillion and counting since 2001 to Iraq and Afghanistan.
- 1 trillion in 2009 to bail out the banks and businesses who made poor investments.

The American taxpayers of Indiana and Kentucky need 2.6 billion to build new bridges and improve existing infrastructure of its interstate highways. We are being told there is no money for us. We are being told to just shut-up and pay the tolls. Well, we can pay the tolls but we should not have to. At some point, someone in this government needs to take care of the hardworking taxpayers of this country instead of the people of other countries and banks and businesses that do not know how to run themselves properly.

Thank you.

Dennis Arnett

From: [John Sacksteder](mailto:John.Sacksteder@ctsgec.com)
To: ckowalski@ctsgec.com; [Jim Hilton](mailto:Jim.Hilton@ctsgec.com); [Springer, Tom](mailto:Springer.Tom@ctsgec.com); seis@ctsgec.com
Subject: Fwd: Funding for Bridges project.
Date: Wednesday, May 16, 2012 10:16:57 AM

----- Original Message -----

Subject: Funding for Bridges project.

Date: Tue, 15 May 2012 22:08:02 -0400 (EDT)

From: Dennis Arnett <darnett14@insightbb.com>

To: jsacksteder@ctsgec.com

Whether it is federal funding or state funding, I think we can safely say most Americans pay their taxes into the system. In a perfect world, that system should then take care of the American taxpayers. Instead, that system has paid 634 billion dollars into Afghanistan since 2001. That same system has paid approximately 700 billion into Iraq since that war started. There is the funding that the American taxpayer has paid into the system. Kentucky and Indiana, 2 states right here in the good ol' USA need 2.6 billion. Why are the taxpaying citizens of this country less entitled to their own money than countries on the other side of the world full of people who see us as their enemy?

I guess the American taxpayers just do not deserve the benefits of the taxes they pay. Just tax us and toll us until we don't have any more money to fund bailouts and wars. I support the east-end bridge, but not the tolls. There has got to be a better way to treat the hardworking, taxpaying citizens of our own country. We can pay the tolls, but we shouldn't have to.

Revised
ROD, M.1

Sincerely,

Dennis Arnett

From: Donald Stahl [mailto:dstahl41@insightbb.com]
Sent: Wednesday, May 30, 2012 5:02 PM
To: jsacksteder@ctsgec.com
Cc: Janice.Osadczyk@dot.gov
Subject: Ohio River Bridges Project - Tolling and Downtown Bridge

Mr. Sacksteder and Ms.Osadczyk,

Revised
ROD, M.1

I am a long time Southern Indiana resident and lived until the age of 23 in and around Louisville, KY. I have commuted to and from work using the I-65 bridge since moving to Indiana in 1982. I am acutely aware of the problems with congestion on this link between my home and my place of employment. I understand that there must be change for our metropolitan area to progress and again be a viable business destination. The proposed east-end bridge is a long overdue connection that will complete the circle of progress that most urban areas have had the benefit of for decades. I can't understand the elitist and out of touch groups that have blocked this project for many years at the cost of business expansion and more jobs to the people in our area that are struggling to support themselves.

See SFEIS
Section 7.3,
C.11 and
C.26

However, I cannot support the idea of building a downtown bridge. The smart thing would be to focus all efforts on building the east end connector at its original size and design (Without tunneling under the Way Over-Valued Drummanard Estate - 4acres of undeveloped land of the 50 acres is a small price for progress, but that's a whole other problem.) Traffic patterns could then be realistically studied and solutions to the remaining problems addressed at that time. I can't understand why there is a pervasive thought that it's all or nothing (Both or None in this case) when discussion is made about this/these project(s).

My experience with I-65 bridge congestion has shown me that whenever truck traffic is prohibited from crossing the bridge, there is minimal to no problem with congestion. I know Nashville, Atlanta and several other cities restrict truck traffic to certain routes during the rush hours. This seems much more economical than building another bridge when money is already very expensive to borrow and we are searching for ways to reduce transportation volume overall.

If the total overall expenditures are reduced then there is a chance that tolls would not be necessary or would be greatly reduced. I have to state the obvious, that tolls are disproportionately higher for Hoosiers when they are only placed on the bridge crossing. Another way to reduce the amount of tolls would be to place them on ALL roads that are being re-built and streamlined during this project. It is totally unfair that commuters from the East, South and West pay nothing in tolls for rebuilding the downtown interchange (Spaghetti Junction) that will provide them with better access to their jobs and amenities. The statistics provided by the Bridges Authority at the public meeting in Jeffersonville stated that 75% to 80% of local residents that use the bridge on a regular basis live in Indiana. That translates to 75% to 80% of the cost being paid by Hoosiers when 35% of the cost when building both bridges and the approaches is for rebuilding spaghetti junction alone! Any tolling proposal should include all routes that access the downtown interchange. Maybe the bridge crossing should be more expensive, but the access to 35% of the budget should NOT BE FREE!

See SFEIS
Section 7.3,
D.19

See SFEIS
Section 7.3,
C.15

My hope is that forward thinking individuals and decision makers that are not involved with local politics are able to rein-in the runaway, build it no matter how long it takes the Hoosiers to pay for it thinking and design a plan of action that addresses the immediate need for the East end bridge.

Thank You For Your Efforts and Attention To This Matter,
Donald M. Stahl dstahl41@insightbb.com
361 Allen Road, Sellersburg, IN
Republican Party Precinct Committeeman - Silver Creek 04

From: Janice.Osadczyk@dot.gov [mailto:Janice.Osadczyk@dot.gov]
Sent: Monday, May 21, 2012 9:31 AM
To: reedersclnr@yahoo.com
Cc: jsacksteder@ctsgec.com; Gary.Valentine@ky.gov; rheustis@indot.in.gov
Subject: RE: no I65 tolls

Thank you Doug for your comments on tolling. It will be added to the project record.

From: doug nalley [mailto:reedersclnr@yahoo.com]
Sent: Thursday, May 17, 2012 10:35 PM
To: Osadczyk, Janice (FHWA)
Subject: no I65 tolls

Revised
ROD, M.1

Here again we in Indiana are not given a sympathetic ear concerning the economic impact of tolling the dominant crossing between us and the center of the metropolitan area. We have spent years building businesses and co-operations within the metro area. Now the bridges (and Ky's spaghetti junction) are to be funded predominantly on the backs of the residents if the Indiana side of the metro area. Let's look for some fairness in this. If the tolls were to include spaghetti junction I could see some fairness in this scheme. But the politicians on the Kentucky side of the plan are a little clever in their planning.
DON'T TOLL I-65. BUILD THE BRIDGE WHEN WE SEE IT IS TRULY NEEDED AND CAN BE AFFORDED.
Build the east end bridge asap.
Thank you.
(Local resident and business owner trying to provide jobs and affordable services.)
Doug Nalley

----- Original Message -----

Subject: no toll I-65

Date: Thu, 17 May 2012 19:49:22 -0700 (PDT)

From: doug nalley <reedersclnr@yahoo.com>

Reply-To: doug nalley <reedersclnr@yahoo.com>

To: jsacksteder@ctsgec.com <jsacksteder@ctsgec.com>

Revised
ROD, M.1

Has there been any consideration of other methods of financing the bridge?

I have followed this closely and seen from the start that tolling was given first priority for funding.

Let's build the needed east bridge which has been held up for 25 years.

THEN reconsider the downtown bridge and how to fund it.

Tolls will fall disproportionately on Indiana residents and businesses.

It will make cross river competition unfair to Hoosiers who will be charged for doing business in Kentucky.

Indiana will be funding a larger share of reconstruction of spaghetti junction.

Thank you for consideration.

Douglas Nalley

From: Ehandlebars@aol.com
Date: May 31, 2012 11:27:37 PM EDT
To: jsacksteder@ctsgec.com
Subject: Two Bridges Project

A downtown bridge is not needed ! Reroute all through north and south bound trucks to the east end bridges, as is done in most cities ie Atlanta, Georgia, Cincinnati, Ohio, Indianapolis, Indiana.
In these austere times, more taxes and tolls are not needed.

Ed Franklin

Borden, In

Revised
ROD, M.1,
also see
SFEIS
Section 7.3,
C.11

From: [John Sacksteder](mailto:John.Sacksteder)
To: ckowalski@ctsgec.com; [Jim Hilton](mailto:Jim.Hilton); [Springer, Tom](mailto:Springer.Tom); seis@ctsgec.com
Subject: Fwd: RE: No2bridgetolls
Date: Thursday, May 17, 2012 9:03:53 AM

----- Original Message -----

Subject: RE: No2bridgetolls

Date: Thu, 17 May 2012 10:57:39 +0000

From: <Janice.Osadczyk@dot.gov>

To: <ebirchwilk@gmail.com>

CC: <jsacksteder@ctsgec.com>, <Gary.Valentine@ky.gov>, <rheustis@indot.in.gov>

Dear Elizabeth - thank you for your comments concerning tolling. It will be included in the project record.

-----Original Message-----

From: Elizabeth Wilkerson [<mailto:ebirchwilk@gmail.com>]

Sent: Wednesday, May 16, 2012 3:36 PM

To: Osadczyk, Janice (FHWA)

Subject: No2bridgetolls

I have been an Indiana resident for 7 years and have worked in Jefferson county during that time. I find it appalling that I would be tolled to enter a state that I pay taxes to work and shop in. No Tolls!

Elizabeth Wilkerson

See SFEIS
Section 7.3,
C.11

From: [John Sacksteder](mailto:John.Sacksteder@ctsgec.com)
To: ckowalski@ctsgec.com; [Jim Hilton](mailto:Jim.Hilton@ctsgec.com); tspringer@qk4.com
Subject: FSEIS Comment
Date: Monday, May 14, 2012 10:58:35 PM

----- Original Message -----

Date: Mon, 14 May 2012 07:36:16 -0700 (PDT)
From: Eva Hamilton <chavvah1932@yahoo.com>
Reply-To: Eva Hamilton <chavvah1932@yahoo.com>
To: jsacksteder@ctsgec.com <jsacksteder@ctsgec.com>

See
SFEIS
Section
7.3, C.13

Hello Mr. Jacksteder,
the article in the CJ made me respond.
I am of the opinion that the people who use the bridge, should help pay for it.
That is only fair - I don't understand why they complain. If you don't like it,
move to the other side.
Greetings,
Eva Hamilton

From: [John Sacksteder](#)
To: "Paul Fetter"
Cc: ckowalski@ctsgec.com; jhilton@ctsgec.com; "Springer, Tom"; "Valentine, Gary (KYTC-D05)"; "Heustis, Ronald"
Subject: FW: Letter SFEIS
Date: Monday, June 04, 2012 10:54:33 AM
Attachments: [C-ville Resolution Revision.doc](#)
[Jeff Resolution Revision.doc](#)
[Annotated Letter of Concern.doc](#)

Dear Mr. Fetter:

Thanks for providing the Clarksville & Jeffersonville City resolutions. These resolutions and your comments will be made part of the project record.

John Sacksteder, PE
Project Manager
Community Transportation Solutions -
General Engineering Consultant
Louisville - Southern Indiana Ohio
River Bridges Project
305 N. Hurstbourne Lane, Suite 100
Louisville, KY 40223
502-394-3847

From: Paul Fetter [mailto:paul@clarkcountyyaa.com]
Sent: Monday, June 04, 2012 8:57 AM
To: John Sacksteder; Janice Osadczuk
Subject: Letter SFEIS

John Gilkey
Clarksville Town Council President
jgilkey@townofclarksville.com
Phone: (502) 643-1918

Jim Keith
Southern Indiana Tourism Bureau
jpkeith@sunnysideoflouisville.org
(812) 282-6654

Paul Fetter
Clarksville Town Council
Organizatón for a Better Southern Indiana, Inc.
Clark County Auto Auction
(812) 283-5555 Ext 27
(502) 777-4089
paul@clarkcountyyaa.com

From: [John Sacksteder](#)
To: ckowalski@ctsgec.com; [Jim Hilton](#); [Springer, Tom](#); seis@ctsgec.com
Subject: Fwd: RE: No Tolls on I-65 Bridges Project
Date: Wednesday, May 16, 2012 10:13:55 AM
Attachments: [ATT00072.png](#)

----- Original Message -----

Subject: RE: No Tolls on I-65 Bridges Project

Date: Wed, 16 May 2012 10:55:48 +0000

From: <Janice.Osadczyk@dot.gov>

To: <gary@gcaaccountingandtax.com>

CC: <jsacksteder@ctsgec.com>, <Gary.Valentine@ky.gov>, <rheustis@indot.in.gov>

Dear Gary, Thanks for comment concerning tolling. It will be added to the record for the project.

From: Gary C. Armstrong [<mailto:gary@gcaaccountingandtax.com>]

Sent: Tuesday, May 15, 2012 3:09 PM

To: Osadczyk, Janice (FHWA)

Subject: No Tolls on I-65 Bridges Project

I am a small business owner in southern Indiana who would be greatly affected by tolls placed on the Ohio River Bridges, especially I-65. This is an unfair tax to our residents and businesses who live on the Indiana side of the river.

See SFEIS
Section 7.3
D.19

I also work with small business owners that will lose business, if not lose their business due to this unnecessary burden.

Forward thinking people should understand that there is a need for a bridge north of Jeffersonville, but why can't we see the results of that before we go and build another bridge that may or may not even be needed. The traffic flow without one bridge (while the Sherman Minton Bridge was out of commission last fall and winter) was hectic, but after it reopened traffic was flowing even better than before the closure. It stands to reason that one additional crossing would be sufficient, at least to determine the ultimate need.

Please change the scope of the project to build one bridge that we can afford first. The Kennedy Bridge supporting I-65 will have less traffic if some is diverted to another, additional bridge. We don't need to expand it just to satisfy Kentucky lawmakers in getting their screwed-up Spaghetti Junction straightened out!

Revised
ROD M.1,
also see
SFEIS
Section 7.3,
C.11

Gary C. Armstrong, PTP
Phone: 502.216.5704
Fax: 812.283.3490

From: George Dudley [mailto:dudleyg@gmail.com]
Sent: Wednesday, May 30, 2012 1:03 PM
To: jsacksteder@ctsgec.com
Subject: the bridge project...

PLEASE>>>>

1.The need for a second Downtown Bridge is unfounded:

In 2008 the Kentucky Transportation Cabinet sponsored a traffic study that showed only a 1% improvement in traffic improvement with both bridges compared to only an East End Bridge with Kennedy Interchange improvements.

\$1 billion dollars for a Downtown Bridge for a 1% traffic improvement

Revised
ROD, M.1

2. How this project is unfair:

Hoosiers will pay a disproportionate amount of tolls for new infrastructure-bridges, while Kentucky residents will NOT pay tolls for new infrastructure-Kennedy Interchange

Tolling will negatively affect low income residents disproportionately

See SFEIS D.19, and C.15

Tolling this Downtown Bridge for 1% improvement will divide the community

See SFEIS D.10 and D.11

3. SFEIS and Public Comments:

The three most prevalent comments received during Public Comment Periods sponsored by the project were:

Build the East End Bridge

No Tolls

No Downtown Project

Everyone, these comments were negated by the comment evaluators rather than being properly addressed, corrupting the SFEIS process.

From: Greg Redden [mailto:gregsredden@gmail.com]
Sent: Wednesday, May 30, 2012 10:36 AM
To: jsacksteder@ctsgec.com
Subject: Ohio Bridge Project - Tolls

Mr. Sacksteder

I am a concerned citizen from Greenville, Indiana. Both my wife and I work in Louisville therefor we cross one of the bridges on a daily basis. Due to the nature of our work and our family we are unable to carpool. I agree that we need another bridge but paying for the bridges with tolls is not the answer. We have heard different amounts concerning the proposed tolls on the bridges. At a cost of just \$1 per crossing, that will add up to over \$1000 per year for our family providing that we do not cross outside of our work week. This will be yet another added economic stress added to our family and the families of other citizens in Indiana.

I work one of the larger employers in Louisville. Most if not all of the residents that live in Louisville and the surrounding areas do not come to Indiana. Those who do said that the likely hood of them crossing the river will decrease if they have to pay a toll. With that being said, the residents of Indiana will be paying the majority of tolls for the bridges project. There must be another option to fund the project or a different plan for charging the local residents tolls to use the local bridges.

Please feel free to contact me to discuss this further.

See SFEIS
Section 7.3,
C.11

Sincerely,

Greg Redden
502-762-5056

From: zengr@juno.com [mailto:zengr@juno.com]
Sent: Tuesday, May 22, 2012 4:24 PM
To: jsacksteder@ctsgec.com
Cc: zengr@juno.com
Subject: (SFEIS) notice and comment submittal

Mr Sacksteder,
I would like to submit the following comments and questions.

I note that on page 1-11, it is stated:

"In response to the amount of \$2.2 billion shortfall in revenue needed to complete the 2003 FEIS Selected Alternative" and then it goes on about selected cost reductions.

My question is why is the cost reduction of just building one bridge not included?

This would be an easy cost reduction and much less complicated than the ones submitted.

And before someone responds that this is not possible, please refer to my other questions.

Revised
ROD, M.1

I attended several meetings and it was always, always, strongly stated that no changes were possible. It would set the project back to the beginning, it cannot be done, etc, were among many of the 'reasons' given. But then low and behold, changes and cost reductions are suddenly imposed on the project. So, if changes were allowed all along,

Why was the public lied to? (It is public record that no changes were to be allowed.)

Past history has always looked at "a" bridge expansion. Going from 2 interstate highway bridges to adding a 3rd. But agreement could not be reached on where to put this "1" bridge, so to some a compromise perhaps, to others an obstruction to never getting the project completed, "2" bridge locations were decided upon. No fiscally reasonable person with 2 driveways to their home and needing more capacity would just go out and double their capacity. They would first build "1" more driveway and see how that helps.

So my question that I have asked before and that still remains unanswered is,

How can taxpayer money be justified to double our capacity of interstate bridges and go from 2 to 4, bypassing 3?

Greg Zahradnik
1239 Royal Ave
Louisville KY 40204

From: John Sacksteder [mailto:jsacksteder@ctsgec.com]
Sent: Sunday, June 03, 2012 3:54 PM
To: HSeni5@aol.com
Cc: ckowalski@ctsgec.com; jhilton@ctsgec.com; tspringer@qk4.com
Subject: RE: Ref Logic on Eastend Bridge

Dear Mr. Senior,

Thank you for your comments. They will be added to the public record.

John Sacksteder, PE
Project Manager
Community Transportation Solutions -
General Engineering Consultant
Louisville - Southern Indiana Ohio
River Bridges Project
305 N. Hurstbourne Lane, Suite 100
Louisville, KY 40223
502-394-3847

From: HSeni5@aol.com [mailto:HSeni5@aol.com]
Sent: Friday, June 01, 2012 12:12 PM
To: jsacksteder@ctsgec.com
Subject: Ref Logic on Eastend Bridge

See SFEIS
Section 7.3,
C.11 and
C.26

This would seem like a no brain decision to remove the Drumanard property from the National Register. Logic tells me that very few people even had knowledge of this property being such. Why waste the tax payers money and extra time drilling such an expensive tunnel? It's time we learned to economize and quit the wrangling about this and "get ur done". I have noise from the Gene Snyder but glad it's there. Make the cut.

H.E. Senior,
6701 Old New Cut Rd
Louisville, Ky 40118

From: Jeff Carey [mailto:jeffc@sourceint.com]
Sent: Wednesday, May 30, 2012 10:54 AM
To: jsacksteder@ctsgec.com
Subject: Bridges (No Tolls & No New Downtown Bridge)

Revised
ROD, M.1

Mr. Sacksteder,

I live in Southern Indiana & am opposed to adding tolls to ANY bridge & am opposed to adding a new downtown bridge if tolls are included...for years Indiana & Kentucky were fully aware of the need for new bridges & did nothing to budget for such new bridges (believe me when I tell you I don't want to hear any excuses or reasons for not budgeting for bridges). For years I have watched government mismanage money-I'm sick of it.

By trade I am an Engineer & spent many years in the Financial Industry. Personally I am 100% debt free, I have zero debt including no mortgage. I expect Federal, State & Local governments to do the same...I made sacrifices & expect governments to do the same.

Build the East-End Bridge which is desperately needed, pay for the bridge but not taxing the US people (tolls is nothing more than an excise tax). Downtown bridge not necessary particular if you plan to add tolls... makes zero sense.

Thanks for your time.

Jeff Carey
Source International, Inc. GM-Engineering & Quality

2201 River Road
Louisville, Kentucky 40206
Tel 502-589-7900
Toll Free 1-888-589-7900
Fax 502-581-1528
China Cell 13850080840

From: John Sacksteder [mailto:jsacksteder@ctsgec.com]
Sent: Sunday, June 03, 2012 2:49 PM
To: 'Jim McDonnell'
Cc: ckowalski@ctsgec.com; tspringer@qk4.com; jhilton@ctsgec.com
Subject: RE: Bridge

Dear Mr. McConnell:

Thank you for your comments. They will be added to the project record.

John Sacksteder, PE
Project Manager
Community Transportation Solutions -
General Engineering Consultant
Louisville - Southern Indiana Ohio
River Bridges Project
305 N. Hurstbourne Lane, Suite 100
Louisville, KY 40223
502-394-3847

From: Jim McDonnell [mailto:jmmcdonnell@live.com]
Sent: Saturday, June 02, 2012 2:32 PM
To: jsacksteder@ctsgec.com
Subject: Bridge

Our comment on the question of tunnel or not is this.

First, this is taxpayer money and there is not nearly enough to go around.
Therefore the least expensive option should be used.

See SFEIS
Section 7.3,
C.11 and
C.26

Second, the tunnel is called for because this is a historic area. My wife and I
have lived here for 64 and 66 years respectively and never heard of this " Historic Area ".
We believe it became important only because area residents don't want this project in " their backyard" .

Third, this city has long been controlled by a few wealthy families in the area of construction.
They have done much for this city, but only when it was in their best interests, it's time the best
interest of the entire community be looked at, and that involves conserving taxpayer money,
be it Federal, State or Local taxes.

My wife and I are both well educated professionals, now retired, but feel strongly that the majority be
represented.

Jim & Linda McDonnell
619 Willowhurst Pl
Louisville, KY 40223

From: JKrueger88@aol.com [mailto:JKrueger88@aol.com]

Sent: Wednesday, May 30, 2012 4:55 PM

To: jsacksteder@ctsgec.com; Janice.Osadczyk@dot.gov

Cc: david.duggins@yahoo.com; david@blankenbekerandson.net; dcroft310@yahoo.com; dngdongmom812@aol.com; ecoombs@ikrcc.com; edmeyer@insightbb.com; edwardflaugh@yahoo.com; fayallen@hotmail.com; gary@lewellynssealcoating.com; hla1611@yahoo.com; huckster1@insightbb.com; ingrannyx3@insightbb.com; j.hall08@insightbb.com; j.paddocks@insightbb.com; janethurst@wcrtc.net; janiscaldwel@insightbb.com; jeanettajackson@att.net; jmlbyers@insightbb.com; johndperkins224@aol.com; johngrannan@gmail.com; johngrannanlaw@insightbb.com; jrenschler@live.com; jthigdon@hotmail.com; karen.jeffcitycourt@yahoo.com; kenp2@hotmail.com; kent_marlin@yahoo.com; legalrats@aol.com; lincoln@reachlincoln.com; lvrlps69@aol.com; mbell8888@hotmail.com; mhall1046@aol.com; mjenkins@co.clark.in.us; nmill1@sbcglobal.net; ohjean65@att.net; okennyray@aol.com; princess_duckie730@sbcglobal.net; prosatty@aye.net

Subject: No tolls and the east end bridge. Please act.

Revised
ROD, M.1

1. The need for a second Downtown Bridge is unfounded:

In 2008 the Kentucky Transportation Cabinet sponsored a traffic study that showed only a 1% improvement in traffic improvement with both bridges compared to only an East End Bridge with Kennedy Interchange improvements.

\$1 billion dollars for a Downtown Bridge for a 1% traffic improvement

2. How this project is unfair:

Hoosiers will pay a disproportionate amount of tolls for new infrastructure-bridges, while Kentucky residents will NOT pay tolls for new infrastructure-Kennedy Interchange

Tolling will negatively affect low income residents disproportionately

See SFEIS D.19, and C.15

Tolling this Downtown Bridge for 1% improvement will divide the community

See SFEIS D.10 and D.11

3. SFEIS and Public Comments:

The three most prevalent comments received during Public Comment Periods sponsored by the project were:

Build the East End Bridge

No Tolls

No Downtown Project

Please take the proper action to implement the above. Thanks...John Krueger

From: Janice.Osadczyk@dot.gov [mailto:Janice.Osadczyk@dot.gov]
Sent: Monday, May 21, 2012 7:38 AM
To: audiojoe1@aol.com
Cc: jsacksteder@ctsgec.com; Gary.Valentine@ky.gov; rheustis@indot.in.gov
Subject: RE: Tolling

Dear Joseph, Thank you for your comment concerning tolling. It will be added to the project record.

From: audiojoe1@aol.com [mailto:audiojoe1@aol.com]
Sent: Sunday, May 20, 2012 12:42 PM
To: Osadczyk, Janice (FHWA)
Cc: paul@clarkcountyaa.com
Subject: Tolling

Ms. Osadczyk

Please listen to the public and stop any consideration of tolling on the Ohio Bridges.

Not only will it hurt my business due to the large amount of daily crossings my patients must make, it will hurt all businesses in the area, and not improve the flow of traffic one bit.

Thank you,

Joseph Koenigsmark
Regional Medical Director
The Coleman Institute
1035 Wall Street, Suite 204
Jeffersonville, Indiana 47130

See SFEIS
Section 7.3,
C.11

From: Justin Davis [mailto:ravi_davi@hotmail.com]
Sent: Tuesday, May 22, 2012 1:49 PM
To: jsacksteder@ctsgec.com

Subject: Ohio River Bridges Project

Revised
ROD, M.1

Mr. Sacksteder,

As a citizen of New Albany, IN who is fortunate to have full-time employment in Louisville, KY, I'd like to let you know how the ORBP will hurt me if I'm forced to pay what is essentially another bill every month (should tolling take place).

I feel like the ORBP project is being built on the backs of those in Southern Indiana who rely on Louisville, Kentuckiana's largest metropolitan area, for their livelihood. In fact, studies have show that tolling will disproportionately affect those that live in So. Indiana. I already pay taxes to Kentucky and Jefferson County for the privilege of working in Louisville. Why should I pay yet another fee in order to fund a behemoth of a project whose planners seem to pay no attention to the disastrous economic consequences that will be inflicted?

I do believe the East End Bridge should be built to divert non-thru traffic away from downtown Louisville but I see no need for any more bridges in downtown. I also think that if you look at projections, there will be less car traffic on our roadways in the coming decades. For a fraction of the cost of the ORBP, we could fund a world-class public transit system. Now, that would indicate some true vision and forward-thinking for our community.

-Justin Davis

From: [John Sacksteder](#)
To: ckowalski@ctsgec.com; [Jim Hilton](#); [Springer, Tom](#)
Subject: Comment
Date: Tuesday, May 15, 2012 5:33:34 PM

----- Original Message -----

Date: Tue, 15 May 2012 11:45:35 -0700 (PDT)
From: Karen Graviss <karengraviss@sbcglobal.net>
To: jsacksteder@ctsgec.com

Mr.Sacksteder:

Please consider the public comment in the Bridges Project and also the current resolution against tolling as recommended by New Albany, Jeffersonville and Clarksville. I live in Clarksville and I will be hesitant to cross the bridge to Louisville on the tolling bridges. I would like to see all citizens in this area be responsible for the financial aspect of these new bridges. That is, make it so that everyone has to financially contribute to the new bridges' existence. Like we all participate in supporting public schools whether we have a child in them or not.

Revised
ROD, M.2

Again I would appreciate your consideration of backing the building of the East End Bridge first while a solution is developed to pay for the Downtown Bridge and Junction.

Revised
ROD, M.1

Thank you. By your decision you could help me put faith back into the state governments involved.

Sincerely,

Karen Graviss

From: [John Sacksteder](mailto:John.Sacksteder)
To: ckowalski@ctsgec.com; [Jim Hilton](mailto:Jim.Hilton); tspringer@qk4.com
Subject: Fwd: My Bridge Comment
Date: Monday, May 14, 2012 11:18:37 PM

----- Original Message -----

Subject: My Bridge Comment
Date: Sat, 12 May 2012 07:15:07 -0700 (PDT)
From: Karen Napolilli <knapolilli@yahoo.com>
Reply-To: Karen Napolilli <knapolilli@yahoo.com>
To: jsacksteder@ctsgec.com <jsacksteder@ctsgec.com>

Hello John,

I'm 57 years old and I have always lived within (or beneath) my means. It's no secret that we cannot afford a bridge (and many other expensive things that our generation thinks we need) at this time. Please do not take away "character development and creativity" from the next generation by handing them an unaffordable liability and expect them to pay for our generation's impulsiveness. How can there be any time for their personal creativity left over if they are busy, busy, busy working and feeling mundane and disillusioned about paying their parents' debt? I feel so sorry for the kids.

You know there is no realism in all of the long-term job creation that is being touted, so let's not be disingenuous by telling our children this will be so for them. Let's return our nation to its former glory by showing them fiscal responsibility. We can and should have a bridges project one day -- but now is just not the time. We all grew up with the wise teaching, "Let the little children come unto you." They will come to us one day, John, but just not now. It's just not the right time. We just aren't showing respect to our children (or even Southern charm and politeness for that matter) when we argue and bicker over the bridges project.

Let's wait until our love of a community bridges project can be paid for because we took a step back and decided to love our children enough to say that we need to push the project out a bit longer until we are willing to personally pay for the bridge. It's not our children's burden to bear. Can you hear what I'm saying?

Please think about realistic ways to encourage businesses to grow along the routes we do have. We will be our children's heroes if we can figure that out. Anyone can borrow millions/billions to build a bridge, but a true hero thinks honorable methods to move the world in a better direction.

Thank you, John, and I hope you have a very nice day.

Karen Napolilli
6410 Transylvania Beach Road
Prospect, KY 40059

From: [John Sacksteder](#)
To: ckowalski@ctsgec.com; [Jim Hilton](#); ckowalski@ctsgec.com; seis@ctsgec.com
Subject: Fwd: RE: Bridges
Date: Wednesday, May 16, 2012 10:15:32 AM

----- Original Message -----

Subject: RE: Bridges

Date: Wed, 16 May 2012 10:52:53 +0000

From: <Janice.Osadczyk@dot.gov>

To: <kathy@prestonartscenter.com>

CC: <jsacksteder@ctsgec.com>, <Gary.Valentine@ky.gov>, <rheustis@indot.in.gov>

Kathryn, Thank you for your comment. Please be assured that we are focusing on providing the citizens of the Louisville/southern Indiana area a high quality, safe transportation solution to ensure the continued connectivity of the area.

From: kathy@prestonartscenter.com [<mailto:kathy@prestonartscenter.com>]

Sent: Tuesday, May 15, 2012 5:03 PM

To: Osadczyk, Janice (FHWA)

Subject: Bridges

Please do what you need to do to build the bridges.

See SFEIS Section 7.3,
C.13

Kathryn E Brennan
Preston Arts Center, Inc.
Gardiner Lane Shopping Center
3048 Bardstown Road
Louisville, KY 40205
502-454-9954
502-454-4082 fax
www.prestonartscenter.com

 [Facebook](#)

From: Kelly K Khuri [mailto:kelly.khuri@insightbb.com]
Sent: Wednesday, May 30, 2012 11:06 AM
To: jsacksteder@ctsgec.com
Cc: Janice.Osadczyk@dot.gov
Subject: ORBP comment for the record.

Ms Osadczyk and Mr. Stacksteder:

Please review the facts stated below and consider them my comment:

I would also like a notice of receipt of these comments.

The need for a second Downtown Bridge is unfounded:

In 2008 the Kentucky Transportation Cabinet sponsored a traffic study that showed only a 1% improvement in traffic improvement with both bridges compared to only an East End Bridge with Kennedy Interchange improvements.

\$1 billion dollars for a Downtown Bridge for a 1% traffic improvement

This project is unfair:

Hoosiers will pay a disproportionate amount of tolls for new infrastructure-bridges, while Kentucky residents will NOT pay tolls for new infrastructure-Kennedy Interchange

Tolling will negatively affect low income residents disproportionately

Tolling this Downtown Bridge for 1% improvement will divide the community

Revised
ROD, M.1

See SFEIS D.19, and C.15

See SFEIS D.10 and D.11

The three most prevalent comments received during Public Comment Periods sponsored by the project were:

Build the East End Bridge

No Tolls

No Downtown Project

In Addition :

Please add the followings comments for the record.

I am vehemently opposed to this boondoggle of a project.

I am adamant when I say that we only need one bridge built now and FIRST.....THE EAST END BRIDGE. PERIOD!!!!

I will be watching this play out and if the East End Bridge gets side tracked and delayed due to the River Fields Litigation (as they have repeatedly promised) the citizens of Southern Indiana will proceed with their own response.

We do not need another downtown bridge and if there had been a team of Southern Indiana Hoosiers instead of Hoosier representatives that live outside of any southern Indiana county (except one) we might have had appropriate representation. This is a FARCE!!!

Kelly Khuri
4819 Salem Noble Rd.
Jeffersonville Indiana 47130
502-296-4226

-----Original Message-----

From: KENT ZEMKE [mailto:kwz_bcz@sbcglobal.net]

Sent: Friday, June 01, 2012 8:35 PM

To: jsacksteder@ctsgec.com

Subject: Bridge!

Revised
ROD, M.1

Please accept this correspondence as my personal dissent for a second Downtown Bridge. Based on traffic studies conducted by the Kentucky Transportation Cabinet, this is a HUGELY costly project that will only minimally improve the traffic situation. Alternatively, the common sense approach is to complete the I265 Loop by building the East End Bridge. This is the opinion which has been prevalently voiced by the public. As for tolling, I am adamantly opposed to paying any additional taxes or user fees which have already been levied in the form of gasoline/diesel taxes at the pump! Tolls are a regressive tax that our citizens and businesses cannot afford...this will adversely affect the local economy, disproportionately affecting Southern Indiana

From: [John Sacksteder](#)
To: ckowalski@ctsgec.com; [Jim Hilton](#); [Springer, Tom](#)
Subject: Fwd: I am against tolling on the bridges project
Date: Wednesday, May 16, 2012 5:55:03 PM

----- Original Message -----

Subject: I am against tolling on the bridges project
Date: Wed, 16 May 2012 10:46:49 -0700 (PDT)
From: Lettie Heer <lmheer@yahoo.com>
To: jsacksteder@ctsgec.com

Revised
ROD, M.1

I live in Jefferson County, KY. Please register me against tolling to fund this project. Thanks. Lettie Heer, 29 Sterling Rd. Louisville, KY 40220

From: John Sacksteder [mailto:jsacksteder@ctsgec.com]
Sent: Sunday, June 03, 2012 3:18 PM
To: 'Linda Book'

Cc: ckowalski@ctsgec.com; tspringer@qk4.com; jhilton@ctsgec.com
Subject: RE: Tunnel

Dear Ms. Book,

Thank you for your comments. They will be added to the public record.

John Sacksteder, PE
Project Manager
Community Transportation Solutions -
General Engineering Consultant
Louisville - Southern Indiana Ohio
River Bridges Project
305 N. Hurstbourne Lane, Suite 100
Louisville, KY 40223
502-394-3847

From: Linda Book [mailto:lbook@cellularadvantage.net]
Sent: Friday, June 01, 2012 7:56 PM
To: jsacksteder@ctsgec.com
Subject: Tunnel

I am emailing to voice my opinion on the East End Tunnel. I think it is absolutely ludicrous and an outrage that we would spend 200 million additional dollars in this tough economic times for the tunnel to save 1 estate & to satisfy the wealthy East end families. On top of the money is the additional 2 years that it will take to do this which will slow down the economic growth that our communities will get once this bridge is done, as well as help all families spend less on gas and have better transportation & less traffic turmoil.

What ever happened to "eminent domain" and that sometimes tough decisions have to be made for the greater good of all. We need politicians that will fight for that....not bow down to the wealthy in our community. And I can promise that I will ONLY vote for those who do that, as well as express my outrage to all my friends, family and co-workers and encourage them to vote the same.

NO TUNNEL....save the \$200 million and get the job done 2 years earlier. All in this area are so tired of the delays & politics that have been absurd for the last 20 years & this just tops it off.

Linda Book

See
SFEIS
Section
7.3,
C.11
and
C.26

From: Linda Uhl [mailto:linda@adfxllc.com]
Sent: Wednesday, May 30, 2012 12:49 PM
To: Osadczuk, Janice (FHWA)
Subject: Re: No to Tolls for bridges

Thanks for the corrections. But this doesn't address the waste, it doesn't address being penalized for having to cross multiple times daily, and perhaps I'm mistaken, but the toll is being placed on the existing Kennedy Bridge, not just new bridges.

On 5/30/12 12:42 PM, "Janice.Osadczuk@dot.gov" <Janice.Osadczuk@dot.gov> wrote:

Thank you Linda for your comment concerning the tolling of the bridges. It will be added to the project record, however I would like to make a couple of corrections. There will be no toll collection booths; the process will be entirely electronic. Likewise all users of either the downtown bridge or the east end bridge will pay tolls, not just Indiana users.

From: Linda Uhl [mailto:linda@adfxllc.com]
Sent: Wednesday, May 30, 2012 12:38 PM
To: jsacksteder@ctsgec.com; Osadczuk, Janice (FHWA)
Subject: No to Tolls for bridges

Revised ROD M.1,
also see SFEIS
Section 7.3, D.19

I believe the East End Bridge should have been built long before now and I support building it. However, I have a very difficult time swallowing the proposed tolls. Having watched huge amounts of money wasted on Kennedy Bridge painting fiascos, study after study costing exorbitant amounts, money wasted left and right it is difficult for me to find the justification in putting the burden on residents of Southern Indiana to cover the waste. My office is in Louisville, I live in Southern Indiana and I am going to be penalized to cross the river. I'm going to have to routinely sit in traffic to wait in line to pay a toll because so much money was wasted before now. So my cost is not simply the "toll" itself, but the time and gas to sit in line waiting to pay. There will no doubt be traffic jams because there isn't enough room to adequately spread out numerous booths to speed the traffic through.

I have clients on both sides of the bridge. Allowing time to navigate through the traffic to visit them is going to eat up valuable business hours. And of course, I will have to pay a toll every time I need to be in front of my Indiana clients.

And I'm sorry, I don't understand why Indiana residents will need to pay a toll, but Kentucky residents won't. Hmmm, don't all of us get to use the bridges?

Build the East End Bridge
No Tolls
No Downtown Project

Linda Clark Uhl
President
ADFX LLC
118 South Sherrin Avenue
Louisville, KY 40207
502-897-0552

<http://www.adfxllc.com>

Linda Clark Uhl
President

118 South Sherrin Avenue
Louisville, KY 40207
502-897-0552
<http://www.adfxllc.com>

----- Original Message -----

Subject:RE: NO TOLL

Date:Thu, 17 May 2012 19:42:57 +0000

From:<Janice.Osadczyk@dot.gov>

To:<Lois@mastersframe.com>

CC:<Gary.Valentine@ky.gov>, <sjsacksteder@ctsgcc.com>, <rheustis@indot.in.gov>

Thank you Lois, for your comment. It will be added to the project record.

From: Lois Lewis [<mailto:Lois@mastersframe.com>]

Sent: Thursday, May 17, 2012 3:38 PM

To: Osadczyk, Janice (FHWA)

Subject: NO TOLL

Don't understand why KY/IN want to build 2 bridges at the same time.

If they would get the east end bridge finished, it will relieve a lot of traffic on the Kennedy, then they can do repair/replace on any of the downtown bridges.

It is true IN will get the blunt of the tolls!

What ever happened to ALL the money for the bridges that was available several years ago???

If there are tolls, I will do everything in my power to NOT cross for business and/or pleasure. And I would think this would be the same for both sides, for people that are watching what they spend. The tolls will hurt the small businesses & the employees that live opposite sides.

Lois Lewis

Revised ROD
M.1,
also see SFEIS
Section 7.3, D.19

From: Haven, Lynn (L.) [mailto:lhaven@ford.com]
Sent: Wednesday, May 30, 2012 10:09 PM
To: jsacksteder@ctsgec.com
Subject: FHWA

Revised
ROD, M.1

To the FHWA:

1. The need for a second Downtown Bridge is unfounded:

- In 2008 the Kentucky Transportation Cabinet sponsored a traffic study that showed only a 1% improvement in traffic improvement with both bridges compared to only an East End Bridge with Kennedy Interchange improvements.

- \$1 billion dollars for a Downtown Bridge for a 1% traffic improvement

2. How this project is unfair:

- Hoosiers will pay a disproportionate amount of tolls for new infrastructure-bridges, while Kentucky residents will NOT pay tolls for new infrastructure-Kennedy Interchange

See SFEIS D.19, and C.15

- Tolling will negatively affect low income residents disproportionately

- Tolling this Downtown Bridge for 1% improvement will divide the community

See SFEIS D.10 and D.11

3. SFEIS and Public Comments:

The three most prevalent comments received during Public Comment Periods sponsored by the project were:

- Build the East End Bridge
- No Tolls
- No Downtown Project

From: Lynn Rhodea [mailto:lynn@gottago-now.com]
Sent: Wednesday, May 30, 2012 4:41 PM
To: jsacksteder@ctsgec.com; Janice.Osadczyk@dot.gov
Cc: Joseph; Alma Bryant; Paul Fetter on behalf of No2BridgeTolls.org; Alanisimon@Aol.Com; candice.dawes@yahoo.com; Jay Ellis; 'Ella Murphy'; Dad; Mom; JKrueger88@aol.com; kelly.khuri@insightbb.com; 'Kelley Curran'; Norma King; Lisa Morris; Larry Richardson; 'Teresa J. Ballew'; martinapwebster@gmail.com; Jerry McHugh; mjk@baldknob.us; Geri; paul@clarkcountyaa.com; 'Rebecca Busick'; 'Kate Miller'; Teresa Ballew; wes@buckheadmanagement.com; janice47sink@yahoo.com
Subject: SFEIS
Importance: High

To the FHWA:

Revised
ROD, M.1

1. The need for a second Downtown Bridge is unfounded:

In 2008 the Kentucky Transportation Cabinet sponsored a traffic study that showed only a 1% improvement in traffic improvement with both bridges compared to only an East End Bridge with Kennedy Interchange improvements.

\$1 billion dollars for a Downtown Bridge for a 1% traffic improvement

2. How this project is unfair:

Hoosiers will pay a disproportionate amount of tolls for new infrastructure-bridges, while Kentucky residents will NOT pay tolls for new infrastructure-Kennedy Interchange

See SFEIS D.19, and C.15

Tolling will negatively affect low income residents disproportionately

Tolling this Downtown Bridge for 1% improvement will divide the community

See SFEIS D.10 and D.11

3. SFEIS and Public Comments:

The three most prevalent comments received during Public Comment Periods sponsored by the project were:

Build the East End Bridge

No Tolls

No Downtown Project

Sincerely,

Mrs. Lynn Rhodea
5652 Split Rail Drive
Jeffersonville IN 47130
Home: 812-280-1767
Office: 812-280-1767

From: MARIELLEN SHEA [mailto:shea432@insightbb.com]
Sent: Wednesday, May 30, 2012 10:55 AM
To: jsacksteder@ctsgec.com
Subject: KY-IN Downtown Bridge

Revised ROD M.1,
also see SFEIS
Section 7.3, C.11

There does not need to be a downtown bridge. If you lived where I live, you would know that once the east end bridge is completed, the traffic on 65 will decrease significantly. Also, should the downtown bridge be built, and there is tolling, Indiana will be on the receiving end of a royal stab by Kentucky. Hoosiers will be paying for both bridges, one through taxes and the other through taxes and tolling. If Kentucky wants tolling to pay for its portion of the bridge, then the tolling should be placed on Kentucky soil, out by Gene Snyder to capture all the traffic coming into the Louisville area. Also, tolling should be placed on the Spaghetti Junction area. Where there is new concrete, then toll it. I don't believe there has been tolling between states. There is a major problem with this plan. Does anybody ever think with their brains anymore? There is no common sense that will prevail here. What a shame. But you know what? I do know who I will not vote for in future elections from Indianapolis on down to the Kentucky state line. We have no support in the political arena. Just a bunch of yes people. My husband and I are not happy campers, but then again, who would be in this situation.

Pete and Mariellen Shea

From: Janice.Osadczyk@dot.gov [mailto:Janice.Osadczyk@dot.gov]
Sent: Tuesday, June 05, 2012 11:14 AM
To: mfitzharris@bellsouth.net
Cc: jsacksteder@ctsgec.com; Gary.Valentine@ky.gov; rheustis@indot.in.gov
Subject: RE: bridges project

Dear Mary, thank you for your comment on the bridges project. It will be added to the project record.

From: mfitzharris [mailto:mfitzharris@bellsouth.net]
Sent: Sunday, June 03, 2012 5:21 PM
To: Osadczyk, Janice (FHWA)
Subject: bridges project

Revised
ROD, M.1

this is my stance on the bridges:
Build the East End Bridge
No Tolls
No Downtown Project

Mary ann fitzharris
843 lake forest parkway
louisville, ky 40245

From: [John Sacksteder](#)
To: ckowalski@ctsgec.com; [Jim Hilton](#); [Springer, Tom](#)
Subject: Fwd: RE: tolls
Date: Wednesday, May 16, 2012 10:07:34 AM

----- Original Message -----

Subject: RE: tolls

Date: Wed, 16 May 2012 11:57:14 +0000

From: <Janice.Osadczyk@dot.gov>

To: <marylawson98@gmail.com>

CC: <Gary.Valentine@ky.gov>, <jsacksteder@ctsgec.com>, <rheustis@indot.in.gov>

Dear Mary – thanks for your comment concerning tolling. Your comment will be added to the project record.

From: Mary Lawson [<mailto:marylawson98@gmail.com>]
Sent: Wednesday, May 16, 2012 7:43 AM
To: Osadczyk, Janice (FHWA)
Subject: tolls

See SFEIS
Section 7.3,
C.11 and D.21

please no tolls for any bridge that connects southern indiana with louisville. that would greatly impact all citizens of southern in. and metro louisville in a negative way!!!

From: [John Sacksteder](mailto:John.Sacksteder)
To: ckowalski@ctsgec.com; [Jim Hilton](mailto:Jim.Hilton); [Springer, Tom](mailto:Springer.Tom); seis@ctsgec.com
Subject: Fwd: RE: Ohio River Bridges Project
Date: Thursday, May 17, 2012 9:03:03 AM

----- Original Message -----

Subject: RE: Ohio River Bridges Project
Date: Thu, 17 May 2012 10:55:44 +0000
From: <Janice.Osadczyk@dot.gov>
To: <cvilleflrs@aol.com>
CC: <jsacksteder@ctsgec.com>, <Gary.Valentine@ky.gov>, <rheustis@indot.in.gov>

Dear Meredith, thank you for your comments. It will be added to the project record.

From: cvilleflrs@aol.com [<mailto:cvilleflrs@aol.com>]
Sent: Wednesday, May 16, 2012 6:25 PM
To: Osadczyk, Janice (FHWA)
Subject: Ohio River Bridges Project

Hello,

I do not believe putting tolls on any existing bridges is a good idea for Kentuckiana. Clarksville Flowers & Gifts pays both Indiana and Kentucky sales tax. Half of my company's delivery area is in Louisville and we would lose half of our business.

Revised
ROD, M.1

First, I urge this community to build the East End Bridge first with the funds available now.

Second, I beg for NO new Downtown bridge. Please leave the parks and historical landscapes as is and complete the pedestrian walkway on the Big Four Bridge ASAP.

See SFEIS,
Section 7.3,
C.31

Third, I propose a second New Bridge to be built down river to connect in Kentucky at Cane Run Road/Greenbelt Hwy to Hwy 111 by the casino boat in Indiana.

Finally, to help with the lack of funding, I propose the community pay a ONE TIME \$2 fee on their next license plate renewal for all of the surrounding counties.

Revised
ROD, M.2

I have many concerns about the bridge projects including the cost of installing toll booths and car devices, the time and money already wasted planning this project, the possibility of abuse with toll revenue, the loss of the scenic riverfronts, and the likelihood another downtown bridge would not solve any traffic issues only increase the area of congestion.

See SFEIS,
Section 7.3,
C.16

Sincerely,
Meredith Frerman
Clarksville Flowers & Gifts, Inc.

From: John Sacksteder [mailto:jsacksteder@ctsgec.com]
Sent: Sunday, June 03, 2012 3:04 PM
To: 'Pat Welsh'
Cc: ckowalski@ctsgec.com; tspringer@qk4.com; jhilton@ctsgec.com
Subject: RE: Bridges comments

Dear Pat Welsh:

Thank you for your comments. They will be added to the public record.

To answer a few of a your questions:

Buy American is a project requirement.
Women are not double counted as a minority.
Training will be part of the project construction.
Traffic lanes are 12' throughout the US for all interstate and major roadway facilities.
Modern tolling will be used on this project, which means that all tolls are collected electronically – there are no toll booths or toll booth workers.

John Sacksteder, PE
Project Manager

From: Pat Welsh [mailto:pjwelsh@insightbb.com]
Sent: Sunday, June 03, 2012 2:48 PM
To: jsacksteder@ctsgec.com
Subject: Bridges comments

For your consideration

Use American made materials. (Buy American..... The job you save may be your own)

Hiring minorities and women --
American citizens
When that minority is a woman, is she counted twice to get the target percentage?
Do they have basic skills? English, math, safety

Apprenticeship program --
This is a perfect opportunity to develop a skilled workforce for future infrastructure projects.
Result - less unemployment

Tunnel --
Many years ago, I doubt there was any hint of a national interstate highway system being developed.
Is the Drum nard property another old place where only a few visit?
There are many places along the roads where a 'trench' was the most logical and less cost solution.
What has happened to 'Common Sense'? Maybe it should be 'Common Cents'.

Traffic lanes --
Keep traffic lanes 14 feet wide to allow for 'wiggle room'.
Consider yourself in a big rig truck, motor home or RV trailer with only 3 foot clearance until you cross the line.
Is there an 'Emergency' access lane in the event of an accident.

Tolls --
Tolls appear to only support the company administration, benefits, profits, and finally the toll booth workers.

Thanks for listening

Revised
ROD,
Welsh-1

See SFEIS Section
7.3, C.11 and C.26

Revised
ROD,
Welsh-1

See SFEIS Section
7.3, C.16

From: Janice.Osadczyk@dot.gov [mailto:Janice.Osadczyk@dot.gov]
Sent: Wednesday, June 06, 2012 6:56 AM
To: paul@clarkcountyya.com
Cc: jsacksteder@ctsgec.com; Gary.Valentine@ky.gov; RHEUSTIS@indot.IN.gov
Subject: RE: SFEIS-Ohio River Bridges Project

Thank you Paul for your comment concerning the bridges project. It will be added to the project record.

From: Paul Fetter [mailto:paul@clarkcountyya.com]
Sent: Tuesday, June 05, 2012 6:43 PM
To: Osadczyk, Janice (FHWA)
Subject: SFEIS-Ohio River Bridges Project

Revised
ROD, M.1

Janice,

I am sure you may make recognize my name, if not I respond or comment on many aspects of the Ohio River Bridges Project. I am opposed to ANY tolling of I-65. You have probably seen many like comments from other people in our area.

If you asked any 10 random people in our area that will be affected by the tolling of I-65 what they think, 7 out of 10 will say they are against tolling I-65 and a second downtown bridge should not be built, 2 out of 10 did not realize they were going to toll I-65, but are very opposed it, and every now and then 1 out of ten say build it and toll it.

There is a solution that works without tolling I-65: Build the East End Bridge and Rebuild the Kennedy Interchange, no Downtown Bridge. Tolling I-65 does not work for our river city community. The Federal Highway Administration must step in, almost all Kentucky leadership connected to this project have political conflicts of interest that will not allow them to make this decision. Indiana's leadership agreed to this all or nothing deal in sole hopes of getting an East End Bridge, knowing Kentucky leaders would not give up the irrational Downtown Bridge. Recommend the states honor this project change for the benefit of their community.

See
SFEIS
Section
7.3,
C.24

Please take time to read some these and browse others and pass along.

What you may not see are comments from people in our local publications (online versions), and from local blogs.

<http://newsandtribune.com/local/x1968181165/What-the-public-said-about-the-bridges-project>
(Search tolls in the local paper, there is probably over 100 stories, Editorials and opinion pieces relative to this topic)
<http://fatlip.leoweekly.com/2012/04/06/polls-for-tolls/>

Local Websites/Facebook/Bloggers

<http://www.no2bridgetolls.org/>
<http://www.facebook.com/pages/No2BridgeTolls/160386417337040?v=wall>
<http://www.cityofnewalbany.blogspot.com/>
<http://www.facebook.com/pages/Say-NO-to-Bridge-Tolls/210274862347057>
<http://louisvillecourant.blogspot.com/2012/06/well-take-two-tunnels-of-death-with.html>
<http://brokensidewalk.com/2012/01/19/indianas-bridge-boondoggle-part-4-a-better-plan/>
<http://savelouisville.net/>
<http://www.8664.org/>
<http://thevillevoice.com/category/ohio-river-bridges/>
<http://www.louisvillepolitics.com/kentucky-bridges-fiasco-continues/>
<http://insiderlouisville.com/news/2012/03/30/surprise-daniels-and-beshear-agreed-to-tolling-the-sherman-minton-bridge-but-oops-forgot-to-tell-you/>
(There are more)

National Blogger

<http://www.urbanophile.com/2009/06/28/louisville-the-case-for-8664/> (There are several stories here)
<http://www.urbanophile.com/2012/04/05/hoosiers-to-pay-80-of-local-tolls-for-ohio-river-bridges->

project/

Hundreds of stories, Google search: ohio river bridges project tolls

There is more if you look. Tolling has been by far our most prevalent news story for almost 3 years.

Thank You
Paul Fetter
Town of Clarksville
Organization for a Better Southern Indiana, Inc.
Clark County Auto Auction
Sales Manager
(812) 283-5555 Ext 27
paul@clarkcountyaa.com

Change in Purpose and Need/ROD Required

The Democratic process is a wonderful thing to behold when it works properly and a sad tragedy to witness when it goes awry. Unfortunately, this letter addresses the latter.

The administrative process used to develop the scope and process for the Ohio River Bridges process has been compromised so significantly that we feel the process is now fundamentally flawed and should be review from both an administrative and legal perspective.

Our concern is that there has been a concerted effort on the part of the planners and other engaged in this process to misrepresent the financial impact of the Downtown Bridge portion of the project and in so doing, mitigate comments from the general public in opposition to the project.

Had it not been for an independent assessment funded by the Ogle Foundation in southern Indiana, many of the negative impacts of the project would not have come to light. While evidence of the server fiscal impact on Clarksville and Jeffersonville were buried within documents of the Ohio River Bridges Project, they were never brought to light by those hell bent on moving the downtown bridge portion of the project forward “at any cost.”

The negative impacts are so server in the case of Clarksville and Jeffersonville that they will force companies to go out of business, result in layoffs on a significant scale in southern Indiana and saddle Indiana residents with the costs of a highway project, the re-build of Spaghetti Junction, situated in Louisville, Kentucky. The financial burden now brought to light by the financial impact study sponsored by the Indiana Finance Authority, (completed by Economic Development Research Group) combined with the Ogle study paints a picture so fiscally egregious as to have misrepresented information of this nature borders on criminality.

The Indiana Finance Authority’s Economic Impact Study Is Flawed:

The Economic Development Research Group, Boston, MA, preformed the study. Their Economic consultant, Adam Winston, who traveled to Southern Indiana to interview key groups, stated that his group was under a very short timeline to complete this study. Only 29 people were interviewed with only 81 electronic respondents to their survey. Those chosen to be interviewed were handpicked members of the business organization, One Southern Indiana, whose mantra has been “We need these bridges whatever it takes, if you want bridges you have to have tolls”. The electronic questionnaire itself leaned its questions heavily pro-

Revised
ROD,
Fetter-1,
also see
SFEIS
Section 7.3,
D.16 and
D.29

build and pro toll. There were 15 questions, only 2 related to tolling, and the questions looking for jobs changes and economic impact were written for a positive response, creating the inevitability for false positives.

The study focused on the result of building the entire project, combining the positive economic impact results of the East End Bridge with the negative impacts of the Downtown Bridge to negate the negative impact of the Downtown Bridge.

“The adverse impact of tolling can be seen as the ‘price paid’ for the positive impacts of the project,” according to the study.

This is flawed in that the two bridges are located over five miles apart, are demographically polar opposite, and will have no shared economic impact. The East End Bridge will be located in rural Clark County in Indiana and rural Jefferson County in Kentucky, while the Downtown Bridge, as so named is urban.

The reality of the economic impact is that the negative impact of the Downtown Bridge will be debilitating to the Southern Indiana residents, businesses, and community that fall in its \$7.78 billion cash vacuum.

Revised
ROD
Fetter-1,
also see
SFEIS
Section 7.3,
D.16 and
D.29.

Purpose and Need 2012

According to the SFEIS, the “Purpose and Need” show the Ohio Bridges Project Team did not take the necessary step to remove Infrastructure Implementation (Second Downtown Bridge) where need is unfounded due to lack of traffic mitigation. According to Wilbur Smith and Associates study preformed for the Kentucky Transportation Cabinet, a second Downtown Bridge will only possibly improve traffic mitigation by 1%. The East End Bridge with a reconfigured Kennedy Interchange will mitigate traffic as well as the entire project. The lack of traffic mitigation a second Downtown Bridge offers, combined with the opposition by the community, local government, and business, as well as the severe economic consequences created by the tolling needed for construction, is more than justification for its omission from this project. The actual Purpose and Need for this project has changed, requiring the official Purpose and Need to be amended as well as the ROD.

Revised
ROD M.1

Studies and Public Meetings Initiated by the Ohio River Bridges Project Team Identify Key Information that Changes the Purpose and Need of the Ohio River Bridges Project, Necessitating Further Amending of the ROD

- A 2008 study commissioned by the Kentucky Transportation Cabinet directly compared traffic and congestion results between the two-bridge plan and a single, East End bridge plan.
This study was conducted Wilbur Smith and Associates, the same traffic

- firm responsible for the Ohio River Bridges Project traffic analysis and many other bridges project projections, found that the single eastern bridge configuration provided essentially the same level of congestion mitigation as the two-bridge scheme, only 1% difference, easily within statistical margin for error, and thus indistinguishable from one another in terms of system performance.
- The Economic Impact Study performed by the Economic Development Research Group, commissioned by The Indiana Finance Authority, found that the Downtown Bridge would have a negative financial impact of \$7.78 billion.
 - The Ohio River Bridges Project Teams initiated several public comment forums. As a crucial part of the SFEIS, Public Comment, it is shown in the record that those comments received, that were not supportive of the complete project were all negated. Overwhelmingly the comment evaluators found these three most prevalent responses:
 - Build the East End Bridge
 - No tolling (specifically to I-65)
 - No Downtown BridgeClose behind was “No Tunnel”
- Also found in public comment:
- 9 Resolutions from local governmental councils opposing tolling I-65
 - 2 Resolutions from Southern Indiana Government Business Organizations that opposed tolling I-65
 - Petitions from over 11,000 citizens opposed to tolling I-65
 - Petitions from 170 businesses opposed to tolling I-65
- (Validation of a process that requires comments, requires putting the Process into perspective of the comments, not the other way around)

Modification of the Ohio River Bridges Project and Purpose and Need and ROD:

To meet the demands of the community it is to serve, as identified in the public comment, addressing the severe negative economic impact created by a tolled I-65, that offers little or no traffic mitigation, while still addressing planned growth, employment, traffic congestion, traffic safety, and adding cross-river system linkage, and in meeting the demands of the communities it is supposed to serve, Necessitates the amendment of the Purpose and Need/ROD, further changing the project, by the elimination of the Downtown Bridge, justified by:

- Its lack of traffic mitigation, offering only **possibility** of a 1% improvement
- Public opposition
- Local Government opposition, due to its lack of funding, creating the need to toll the bridges being built
- The severe negative economic impact created by its tolling in excess of \$7.78 billion

-Inclusion of the Downtown Bridge connected with the Kennedy Interchange and tolled, creates an environment where Indiana residents will be paying for infrastructure improvements for the State of Kentucky, which is unfair, and likely illegal.

Amended Purpose and Need/ROD:

(The amended purpose and need will address planned growth, employment, traffic congestion, traffic safety, and adding cross-river system linkage)

- New East End Bridge and S. R. 265 linkage (initial 4 lanes; expandable to 6 lanes)
- Rebuild Kennedy Interchange in-place (Kentucky Legislature has approved adequate funding for this improvement)
- No I-71 interchange with Frankfort Avenue
- No Downtown I-65 Bridge

Conflicts of Interest: Kentucky and Indiana, and the Federal Highway Administrations Responsibility

It is a matter of public record that nearly every Kentucky official that has influence over the Ohio River Bridges Project, including the Ohio River Bridges Project Team by association, has conflicts of interest that would hinder their judgment in making a rational unprejudiced decision related to this further change in the project and how it best suits the community it is to serve. The Indiana officials have also agreed to “what ever it takes” to get an East End Bridge, also prejudicing their decision as to how this project actually best serves the community.

We would ask that our elected officials in both states put away politics and take another look at what is right and works, being fiscally responsible and listening to the community which demands a fair solution. It is never easy to do what is right when there is so much pressure to do what a few powerful people want instead.

If that is not immediately possible, it is at this point in time that that, given the merits of the information provided, that the Federal Highway Administration insist that this last change in the project be made for FHWA approval.

See Attachments:

-Resolutions from Clarksville and Jeffersonville

RESOLUTION NO. _____

A RESOLUTION URGING THE FEDERAL HIGHWAY ADMINISTRATION IN REGARDS TO THE OHIO RIVER BRIDGES PROJECT, TO RECOMMEND BUILDING THE EAST END BRIDGE IMMEDIATELY AND DENY TOLLING OF INTERSTATE 65, OR ANY OTHER RELATED EXISTING BRIDGE OR INTERSTATE; WHILE ALLOWING THE DELAY OF THE DOWNTOWN BRIDGE UNTIL OTHER FUNDING OR FINANCING OPTIONS PRESENT THEMSELVES.

Revised
ROD, M.1

WHEREAS, in the financing of Ohio River Bridges Project, when existing bridges or interstates are tolled, creates a real and direct negative economic impact upon the citizens, businesses, cultural and well-being of our community; and

See
SFEIS
Section
7.3,
D.19
and
D.21

WHEREAS, the federally mandated Economic Impact Study (EIS) specifically shows the downtown Bridge portion of this project creates a huge negative impact resulting in a net loss of jobs while taking hundreds of millions of dollars out of the local economy thru tolling needed to support its construction and offers very limited increase in capacity because of lane limitations of choke points on the Interstate connectors in both states, and is not needed to address the purpose and need of the Ohio River Bridges Project; and

See
SFEIS
Section
7.3,
D.16

WHEREAS, a financial plan proposed by the Bi-State Authority, involves various tolling scenarios that could result in the imposition of tolls on a new I-65 bridge and existing Ohio River bridges as well as tolls on the Interstate connectors of I-64, I-65, and I-71 and the Kennedy Interchange commonly known as “Spaghetti Junction” all of which have received strong opposition from the citizens and businesses of this community; and

See
SFEIS
Section
7.3,
D.19
and
D.21

WHEREAS, the East End Bridge offers almost all of the positive economic impact for the project creating the majority of jobs and new opportunity for our community; and

Revised
ROD M.1

WHEREAS, The East End Bridge addresses the vast majority of the capacity increase while also serving the purpose and need of the Ohio River Bridges Project:
and

WHEREAS, the Ohio River should serve as the center of unity, not as a barrier: tolling these Bridges, Interstates, and Connectors will create social division in the metropolitan area, and impede cross community commerce; and

See
SFEIS
Section
7.3,
D.21

WHEREAS, it is flawed policy to place tolls on existing transportation infrastructure, or new structures on existing federal highways; and

WHEREAS, it is fundamentally wrong to force tolls on hard-working citizens from Southern Indiana whose livelihood depends on jobs in Kentucky, or Kentucky residents whose livelihood depends on jobs in and Southern Indiana; and

WHEREAS, the bridges (Sherman Minton, Clark Memorial and I-65) connecting Kentucky and Indiana are essential links in the growth and economic development of the community; and

WHEREAS, according to the Environmental Impact Statement, the imposition of tolls on existing or new transportation infrastructure will financially harm business and working families of this community.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CIVIL TOWN OF CLARKSVILLE:

That the Civil Town of Clarksville, by and through this resolution, supports amending the Ohio River Bridges Project to build The East End Bridge immediately, and delaying construction of the downtown portion of the Ohio River Bridges Project until a means of constructing the downtown bridge without the need for tolls on Interstate 65, the Clark Memorial Bridge, Sherman Minton Bridge, the I-64, I-65, and I-71 Connectors and “Spaghetti Junction” presents itself.

Revised
ROD,
M.1

RESOLUTION NO. _____

A RESOLUTION URGING THE FEDERAL HIGHWAY ADMINISTRATION IN REGARDS TO THE OHIO RIVER BRIDGES PROJECT, TO RECOMMEND BUILDING THE EAST END BRIDGE IMMEDIATELY AND DENY TOLLING OF INTERSTATE 65, OR ANY OTHER RELATED EXISTING BRIDGE OR INTERSTATE; WHILE ALLOWING THE DELAY OF THE DOWNTOWN BRIDGE UNTIL OTHER FUNDING OR FINANCING OPTIONS PRESENT THEMSELVES.

Revised
ROD
M.1

WHEREAS, in the financing of Ohio River Bridges Project, when existing bridges or interstates are tolled, creates a real and direct negative economic impact upon the citizens, businesses, cultural and well-being of our community; and

See
SFEIS
Section
7.3,
D.19
and
D.21

WHEREAS, the federally mandated Economic Impact Study (EIS) specifically shows the downtown Bridge portion of this project creates a huge negative impact resulting in a net loss of jobs while taking hundreds of millions of dollars out of the local economy thru tolling needed to support its construction and offers very limited increase in capacity because of lane limitations of choke points on the Interstate connectors in both states, and is not needed to address the purpose and need of the Ohio River Bridges Project; and

See
SFEIS
Section
7.3,
D.16

WHEREAS, a financial plan proposed by the Bi-State Authority, involves various tolling scenarios that could result in the imposition of tolls on a new I-65 bridge and existing Ohio River bridges as well as tolls on the Interstate connectors of I-64, I-65, and I-71 and the Kennedy Interchange commonly known as “Spaghetti Junction” all of which have received strong opposition from the citizens and businesses of this community; and

See
SFEIS
Section
7.3,
D.19
and
D.21

WHEREAS, the East End Bridge offers almost all of the positive economic impact for the project creating the majority of jobs and new opportunity for our community; and

Revised
ROD
M.1

WHEREAS, The East End Bridge addresses the vast majority of the capacity increase while also serving the purpose and need of the Ohio River Bridges Project:
and

WHEREAS, the Ohio River should serve as the center of unity, not as a barrier: tolling these Bridges, Interstates, and Connectors will create social division in the metropolitan area, and impede cross community commerce; and

See
SFEIS
Section
7.3,
D.21

WHEREAS, it is flawed policy to place tolls on existing transportation infrastructure, or new structures on existing federal highways; and

WHEREAS, it is fundamentally wrong to force tolls on hard-working citizens from Southern Indiana whose livelihood depends on jobs in Kentucky, or Kentucky residents whose livelihood depends on jobs in and Southern Indiana; and

WHEREAS, the bridges (Sherman Minton, Clark Memorial and I-65) connecting Kentucky and Indiana are essential links in the growth and economic development of the community; and

WHEREAS, according to the Environmental Impact Statement, the imposition of tolls on existing or new transportation infrastructure will financially harm business and working families of this community.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF JEFFERSONVILLE:

That the Common Council of the City of Jeffersonville, by and through this resolution, supports amending the Ohio River Bridges Project to build The East End Bridge immediately, and delaying construction of the downtown portion of the Ohio River Bridges Project until a means of constructing the downtown bridge without the need for tolls on Interstate 65, the Clark Memorial Bridge, Sherman Minton Bridge, the I-64, I-65, and I-71 Connectors and “Spaghetti Junction” presents itself.

Revised
ROD
M.1

From: [John Sacksteder](mailto:John.Sacksteder)
To: ckowalski@ctsgec.com; [Jim Hilton](#); [Springer, Tom](#)
Subject: Fwd: TOLLS ON BRIDGES
Date: Tuesday, May 15, 2012 5:31:22 PM

----- Original Message -----

Subject: TOLLS ON BRIDGES

Date: Tue, 15 May 2012 15:29:05 -0400

From: Paul Kinzer <pk@bonnycastleappliance.com>

To: <jsacksteder@ctsgec.com>

I AM A RESIDENT OF SOUTHERN INDIANA
I DO NOT WISH TO SEE TOLLS ON KENNEDY OR CLARK BRIDGE
BEING I WORK IN LOUISVILLE I WILL BE PAYING GOING AND COMMING HOME
I THINK THIS IS A HARD SHIPP ON SOUTHERN INDIANA RESIDENTS

BUILD THE EAST END BRIDGE AND SEE HOW MUCH TRAFFIC IT ELIINATES
FROM THE KENNENEDY BRIDGE

THANKS
PAUL KINZER
300 W BOWNE BLVD
CLARKSVILLE IN 47129

Revised
ROD M.1,
also see
SFEIS
Section 7.3,
D.19

From: [John Sacksteder](mailto:John.Sacksteder@ctsgec.com)
To: ckowalski@ctsgec.com; [Jim Hilton](mailto:Jim.Hilton@tspringer@qk4.com); tspringer@qk4.com
Subject: Fwd: A long overdue bridge !
Date: Monday, May 14, 2012 11:16:54 PM

----- Original Message -----

Subject: A long overdue bridge !
Date: Sun, 13 May 2012 13:35:24 -0400
From: rlsexton <rlsexton@insightbb.com>
To: <jsacksteder@ctsgec.com>

Email to John Sacksteder

See SFEIS Section
7.3, C.24

As a former resident of Louisville, we now live in Florida and would be unlikely to ever travel on the proposed bridge in eastern Jefferson Count-if it is ever built. The original studies and topography layout must be 65 years old, showing the extension of Outer Loop ending exactly where the Snyder Freeway ends and the topography to the proposed bride as it is now shown.

A lot of Florida friends from the northern states and Canada drive through Louisville as they commute to Florida or to their homes in the north. Invariably they mention how distressing it is to drive through Louisville. For those headed north and west via I-75 or I-64, the Snyder Freeway and I-71 does help.

Consider traffic coming from the east and continuing north on I-65 or west on I-64. They could by-pass Louisville via an eastern bridge and Indiana's I-265, and of course southbound via Snyder Freeway to I-65 would by-pass Louisville.

In Short, an eastern bridge and inner change would route a substantial amount of traffic from downtown Louisville. With the prevailing south or southwest wind a great deal of the auto pollution could be blown to Cincinnati and allow Louisville to sell non-ethanol fuels. An eastern bridge just seems like a winner to me.

Cheers,
R. Sexton
Miramar Beach, FL 32550
Email: rlsexton@cox.net

-----Original Message-----

From: John Sacksteder [mailto:jsacksteder@ctsgec.com]
Sent: Monday, June 04, 2012 11:23 AM
To: esnowberg@juno.com
Cc: ckowalski@ctsgec.com; jhilton@ctsgec.com; 'Springer, Tom'
Subject: RE: To tunnel or not or tunnel

Dear Mr. Snowberger:

Thank you for your comments. They will be included in the public record.

John Sacksteder, PE
Project Manager
Community Transportation Solutions -
General Engineering Consultant
Louisville - Southern Indiana Ohio
River Bridges Project
305 N. Hurstbourne Lane, Suite 100
Louisville, KY 40223
502-394-3847

-----Original Message-----

From: esnowberg@juno.com [mailto:esnowberg@juno.com]
Sent: Sunday, June 03, 2012 9:25 PM
To: jsacksteder@ctsgec.com
Subject: To tunnel or not or tunnel

The proposed tunnel will be 10% of the total project cost, pure waste, \$255 million to hide a road from a \$8.5 million house that apparently is unoccupied!
Most of the tunnel would be beneath trees. Remember the Cochran Hill tunnels to preserve the trees the 1974 tornado destroyed!
Canyon noise? Many areas have 10 foot walls along the sides of the roads to funnel the noise up.
Most of the people have well insulated air conditioned homes that will block out most of the noise.
Cut and cover. foolish, the cover would have to be able to support all kinds of loads atop it.
1940 feet of tunnel . How long is the house?
Was the estate put on the National Register for the purpose of preventing the road and bridge in the neighborhood? I've often wondered.

Ralph B Snowberger
502-895-3826

See SFEIS
Section 7.3,
C.11 and
C.26

From: John Sacksteder [mailto:jsacksteder@ctsgec.com]
Sent: Sunday, June 03, 2012 2:51 PM
To: 'Randall Davis'
Cc: ckowalski@ctsgec.com; tspringer@qk4.com; jhilton@ctsgec.com
Subject: RE: Tunnel

Dear Mr. Davis,

Thank you for your comment. It will be added to the project record.

John Sacksteder, PE
Project Manager
Community Transportation Solutions -
General Engineering Consultant
Louisville - Southern Indiana Ohio
River Bridges Project
305 N. Hurstbourne Lane, Suite 100
Louisville, KY 40223
502-394-3847

From: Randall Davis [mailto:rdavis51@hotmail.com]
Sent: Saturday, June 02, 2012 9:09 AM
To: jsacksteder@ctsgec.com
Subject: Tunnel

See SFEIS
Section 7.3, C.11
and C.26

Hello John,
I just wonder who's relative is going to get rich and doing all this unnecessary work to make a tunnel. The other options are so much faster and cheaper. It make no sense to me to take 1 or 2 more years and 80 to 200 million more to do the tunnel, especially when the annual maintenance is \$1.5 million per year. I suggest you reconsider the open cut option and do it.

Thanks,
Randall Davis
12407 Brightfield Dr.
Louisville, KY 40243

502-494-0159

From: Janice.Osadczyk@dot.gov [mailto:Janice.Osadczyk@dot.gov]
Sent: Monday, May 21, 2012 8:59 AM
To: ray471@yahoo.com
Cc: jsacksteder@ctsgec.com; Gary.Valentine@ky.gov; rheustis@indot.in.gov
Subject: RE: NO TOLLS!!

Thank you Mr. Davis for your comment concerning tolling. It will be added to the project record.

From: Raymond Davis [mailto:ray471@yahoo.com]
Sent: Friday, May 18, 2012 1:34 PM
To: Osadczyk, Janice (FHWA); jsacksteder@ctsgec.com
Subject: NO TOLLS!!

To:

John Sacksteder at Ohio River Bridges Project
jsacksteder@ctsgec.com

Janice Osadczyk at FHWA
Janice.Osadczyk@dot.gov

- The Indiana Finance Authority has proven what we have said all along! Tolling I-65 will cost Indiana residents and business BILLIONS of dollars and cause jobs losses! Revised ROD Fetter-1
- The SFEIS (Supplemental Final Environmental Impact Study) results of the "Public Comments overwhelmingly show public sentiment: "**East End Bridge Only**, No Action Downtown, and **No Tolls !** Revised ROD M.1
- The Ogle Foundations Study supports these results! Revised ROD Fetter-1
- Still we have tolling on the Kennedy Bridge and a Downtown Bridge that is not wanted and will not increase traffic delivery!

The Project Team Ignored the Public Comment part of the process!

New Albany follows Jeffersonville with a resolution against tolling

Revised ROD M.1

"...The resolution calls for the construction of a downtown bridge to be delayed until other funding or financing options beyond tolling are presented. But in the interim, the measure urges the Federal Highway Administration to deny tolling on Interstate 65 and any existing bridges or interstates, and for the east-end bridge to be built..." Read the entire *New Albany Tribune* article [here](#).

The tolling proposed in this project is unfair to Hoosiers. Tolling is unacceptable.

See SFEIS Section
7.3, D.19

I Demand that the FHWA adhere to the demands of the community which through public comment has said "**No Tolls...**", and to the public, local business, and local government that has had:

11,000 citizens sign petitions opposed to tolling

170 businesses sign petitions opposed to tolling

11 "**No Toll!**" resolutions passed representing almost all local government entities surrounding the ORBP:

1. New Albany City Council
2. Louisville Metro Council
3. Clark County Council
4. Sellersburg Council
5. Clark County Commissioners

6. Clarksville Town Council
7. Jeffersonville City Council
8. Utica Town Board
9. Greenville Town Board
10. Southern Indiana Tourism Bureau
11. Jeffersonville Main Street Association

~~~~~

Why is tolling still part of the Ohio River Bridges Project?

One reason is the East End approach is too expensive.

The East End approach (the road to the East End Bridge) alone is \$798 million. That is about \$100,000 a foot! The East End Bridge, which crosses the Ohio River and Indiana's approach combined are \$558 million. The East End Bridge and Indiana's approach are \$240 million less than a 1.4 mile stretch of road on the Kentucky side?

How has that happened?

River Fields and the Kentucky Heritage Council

These two organizations have worked together from the beginning to keep an East End Bridge from becoming a reality.

These two have manipulated the East End approach part of this project using their influence to drive up project cost in effort to make it unaffordable.

River Fields has a lawsuit against the East End Bridge.

If we want a bridges project our community can afford, then we need to encourage serious reductions to the East End approach. This approach is nearly three times the amount of the bridge. This approach could be reduced over \$500 million.

"I do not believe my voice and opposition to tolls has been heard because of bureaucratic process and disinformation by the Bridges Project Team. My position remains: No tolls-build what we can afford beginning with the East End Bridge."

**NO TOLLS ON ANY BRIDGE**

None of the tolling options are acceptable. I am in favor of building a bridge project that can be built without tolls beginning with the East End Bridge.

If the modified project cannot be built without tolls, other alternatives should be considered including, eliminating the tunnel, building just the East End Bridge, and other cost-saving measures.

The Sherman Minton Bridge closure should not be used as an excuse to implement tolling.

I support improving the infrastructure. Spending more than we have is why America is in financial trouble. Build what we can afford and start with the East End Bridge. **Do not finance with tolls!**

Tolling will be a new "Hoosier tax" (cost of being a Hoosier) in this river city community. Southern Indiana is part of the complete Louisville Metro Area, representing about 1/8 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.

We should not think that tolling solves problems, when in reality **tolling**

See SFEIS Section 7.3, C.11 and C.26

Revised ROD CART-5, also see SFEIS Section 7.3, C.11, C.26, D.19 and D.21

has resulted in so many problems. We should not allow tolling to take place. Keep reading to see examples of the many, many problems that have resulted from tolling:

## Toll Bridge Problems in the News

Audit: Grand Isle toll bridge system fraught with problems

*A toll-collection system in south Louisiana is riddled with problems and may take \$10 million to replace, the legislative auditor said.*

<http://www.theadvocate.com/news/112586279.html>

Tacoma Narrows bridge tolling contractor has had problems in other states

*Thousands of bridge toll violations arrive in mailboxes, touching off a public uproar among residents who say they don't deserve the fines.*

<http://www.thenewstribune.com/2011/06/12/1702662/tolling-contractor-has-had-problems.html>

Florida Toll Bridge Agency in Dire Straits

*The authority is the second toll agency in the Southeast that is in severe financial trouble.*

[http://www.bondbuyer.com/issues/119\\_408/florida-toll-bridge-agency-1016207-1.html](http://www.bondbuyer.com/issues/119_408/florida-toll-bridge-agency-1016207-1.html)

Toll bridge threatened by bankruptcy

*...unless some sort of miracle happens soon, the bridge is going to default on its debts and its ownership will be snatched from the Santa Rosa Bay Bridge Authority.*

<http://www.nwfdailynews.com/articles/bridge-37323-bay-rosa.html>

La 1 toll bridge has collections issues

*A \$161 million toll bridge in far south Louisiana, which is embroiled in new controversy, has been plagued with troubles since it was authorized in 2005.*

<http://www.theadvocate.com/blogs/politicsblog/113945909.html>

What's behind the Delaware River Joint Toll Bridge Commission's sudden toll increase plan?

*Should the toll bridge commission, to secure its surplus, be raising car tolls 33 percent and hitting truckers harder with gas prices nearing \$4 a gallon?*

[http://www.lehighvalleylive.com/tony-rhodin/index.ssf/2011/05/the\\_morning\\_note\\_whats\\_behind.html](http://www.lehighvalleylive.com/tony-rhodin/index.ssf/2011/05/the_morning_note_whats_behind.html)

Audit of New Orleans toll bridges unveils problems

*According to the Louisiana Legislative Auditor, the electronic toll system used on the bridges does not work properly...*

<http://www.intheknowla.com/voiceology/headline-news/1460-audit-of-new-orleans-toll-bridges-unveils-problems.html>

E-toll problems on Carquinez bridge CA

*Electronic tolling is getting a bad name in the Bay area.*

<http://www.tollroadsnews.com/node/1922>

Consultants handling Seattle bridge tolling have history of problems

*Listen to this story from Cindy Christianson of Minneapolis, Minnesota: After she got a notice in the mail she owed \$104 to the Illinois Toll Road Authority - a state she hadn't visited in years.*

<http://www.king5.com/news/local/Tolling-company-hired-by-WSDOT-has-history-of-problems-123781509.html>

Ron Angle wants resolution to abolish Delaware River Joint Toll Bridge Commission

*Northampton County Councilman Ron Angle has some words for the Delaware River Joint Toll Bridge Commission:*

See ya!...

...a New Jersey state legislator said he plans to submit legislation today to abolish the commission following Monday's vote to increase bridge tolls.

[http://www.lehighvalleylive.com/northampton-county/index.ssf/2011/05/northampton\\_county\\_councilman\\_4.html](http://www.lehighvalleylive.com/northampton-county/index.ssf/2011/05/northampton_county_councilman_4.html)

Delaware River Bridge Tolls Increase July 1<sup>st</sup>

**The toll jumps from \$4 to \$5** to use the Walt Whitman, Ben Franklin, Commodore Barry and Betsy Ross Bridges.

<http://philadelphia.cbslocal.com/2011/05/18/105557/>

From Good Intentions to Common Corruption

According to Dyble, a large portion of bridge toll revenue went to lobbying, including a major campaign to stop rapid transit, which might cut into toll profits. It also went to fund lavish parties, tours of Europe and a fleet of Cadillacs for Golden Gate Bridge and Highway District officials....

...The Golden Gate Bridge and Highway District initially denied Dyble's request to access its archives: "They told me to go away.

[http://uscnews.usc.edu/politics\\_society/from\\_good\\_intentions\\_to\\_common\\_corruption.html](http://uscnews.usc.edu/politics_society/from_good_intentions_to_common_corruption.html)

Delaware River Joint Toll Bridge Commission approval of hike without public input 'outrageous,' legislators say

New Jersey State Sen. Michael Doherty said it's "outrageous" that the Delaware River Joint Toll Bridge Commission approved a rate change Monday without first giving members of the public an opportunity to weigh in on the plan.

[http://www.lehighvalleylive.com/today/index.ssf/2011/05/post\\_62.html](http://www.lehighvalleylive.com/today/index.ssf/2011/05/post_62.html)

Toll Roads, Bridges Targeted for MAJOR FARE HIKES – FoxNews.com

Travelers and commuters feeling the pain at the pump should prepare for another financial hit — at the tolls.

...the state plans to jack up the Chesapeake Bay Bridge toll from \$2.50 to \$8 by summer 2013.

<http://sroblog.com/2011/06/18/toll-roads-bridges-targeted-for-major-fare-hikes-foxnews-com/>

Transportation officials say ICC is not to blame for toll hikes

**Large increases in tolls on Maryland's bridges and tunnels** were proposed last week, but Transportation Secretary Beverley Swaim-Staley said angry motorists should not be directing their blame at the new Intercounty Connector.

They should look around at the state's other toll roads, bridges and tunnels...

<http://marylandreporter.com/2011/05/15/transportation-officials-say-icc-is-not-to-blame-for-toll-hikes/>

M.T.A. Approves Bridge and Tunnel Toll Increases

Drivers who pay cash to traverse many of the region's major tunnels and bridges **will pay significantly more** by the end of this year, while E-ZPass users will see more modest increases, as the Metropolitan Transportation Authority on Wednesday approved the final stage of this year's big toll and fare increases.

<http://cityroom.blogs.nytimes.com/2010/10/27/m-t-a-approves-bridge-and-tunnel-toll-increases/>

US: Foreign Companies Buy U.S. Roads, Bridges

Roads and bridges built by U.S. taxpayers are starting to be sold off, and so far foreign-owned companies are doing the buying.

On a single day in June, an Australian-Spanish partnership paid \$3.8 billion to lease the Indiana Toll Road. An Australian company bought a 99-year lease on Virginia's Pocahontas Parkway, and Texas officials decided to let a Spanish-American partnership build and run a toll road from Austin to Seguin for 50 years.

<http://www.corpwatch.org/article.php?id=13909>

Port Authority proposes 25 percent toll increase on bridges, tunnels

Goethals and Bayonne bridges, Outerbridge Crossing would be **\$8 for cash payers** if approved

[http://www.silive.com/news/index.ssf/2011/06/post\\_238/2039/comments-newest-3.html](http://www.silive.com/news/index.ssf/2011/06/post_238/2039/comments-newest-3.html)

Anti-toll group sends petition to U.S. Dept. of Transportation

*The grassroots Say No To Bridge Tolls (SNTBT) group has gathered more than 10,000 signatures in an effort to petition the federal government to stop — please god, stop — the prospect of using tolls to pay for the \$4.1 billion Ohio River Bridges Project.*

<http://fatlip.leoweekly.com/2010/11/23/anti-toll-group-sends-petition-to-u-s-dept-of-transportation/>

*Related:* Report: Indiana Toll Road operator may default

...The apparent financial difficulties have come about despite dramatic hikes in tolls since the 157-mile road was leased to a private consortium backed by Spain-based conglomerate Cintra and Australia-based Macquarie in June 2006.

Tolls for cars driving the length of the road are now \$8.80 as compared to \$4.65 when the lease was signed. Tolls for large semitrailer trucks are now \$35.20, as compared to \$18 when the lease was signed. Tolls are scheduled for another increase July 1....

[http://www.nwitimes.com/business/local/article\\_9f320f01-4eed-5633-877a-f01cc7a7060e.html](http://www.nwitimes.com/business/local/article_9f320f01-4eed-5633-877a-f01cc7a7060e.html)

////////////////////////////////////

SFEIS Section 7.3, D.20

There are many questions about this idea (E-Z Pass or 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.

- Police no longer need Probable Cause to check those papers because they can do it from their car, without a court order, by computer. But the private bridge business administrators have no police authority and are not deputized, yet will do that search (without Probable Cause, as if that matters) anyway. Ordinary citizens or even un-authorized government employees cannot go that far into Motor Vehicle records and the personal information they contain.

- Many, for understandable reasons, do not want any persons (including, or especially, corporate "persons") being able to trace their name and address just by checking license plate numbers.

- What absolute assurances, enforced by what penalties, are there to forbid the use of private information for anything except toll collection?

- What penalties would there be if the information was used for commercial purposes for, say, advertising tourist or automotive services? What about using it to enforce auto insurance patronage or to find parking ticket scofflaws or those in default of alimony or student loan payments, or on and on? Can the info be used to find immigrants, Mexican or Irish or etc., who've over-stayed their visas? Will Homeland Security use this to monitor road travels of those on "no fly" lists or whatnot? Will opponents of this idea be branded "pro-terrorism"? Of course.

- If the toll for cars is to be a dollar, or two dollars, (it's not settled) that fee is increased not only by the 44 cent (for now) stamp needed to mail the toll payment (unless done by revealing credit card info to this private business on-line), but also there may be an added "administrative fee"...how much, not known...for those who don't use E-Z Pass.

- Yes, there may be a penalty for not patronizing E-Z Pass, a private business, not part of any public highway department or other agency. To restate...public government officials will penalize drivers for not contributing to the

profits of a private business....

- Does this camera-toll system have reciprocal agreements with motor vehicle departments in every state and every Province of Canada? Will all those states and Provinces do this info retrieval for free?
- Tourists and others may be away from their home address for months and months...perhaps entire semesters at school....perhaps as "snowbirds" off to un-oiled beaches in Florida . How can people pay without having to go home to find the bill in the mail? What will be the penalty if the bill is months late? How soon must the bill be paid? Will Private Collection Agencies be used? Will one's credit rating be affected?
- Many people drive others' cars....parents', boyfriends', etc. This toll-bill-mailing system then requires the car owner (who may or not be home for months, perhaps being away for the winter) to forward the bill to the driver thus increasing the chances of it being lost in the mail or overlooked.
- A car owner, not the driver, will have to prove innocence for not driving across that bridge and not paying a toll bill. The bridge administrators will not have to prove guilt. This is Napoleonic Law...not part of the US legal system. In fact, that is contrary to the US justice system. It's like Salem witch trials. Can you prove that you didn't cause that hail storm that wiped out the crops? Good luck.
- As for rental cars, rental business will be hit with the added task of either forwarding the bill to the renter, or somehow adding that toll fee to the renter's credit card...that is, IF the renter is even still using the same credit card. It isn't likely that Rental firms will do this chore for free...thus effectively raising the bridge toll even more...perhaps many times the cost of the base toll.
- Shipping and other delivery firms will simply **add the toll costs to bills of every customer**, even those who don't use the bridge or who don't even drive.
- Will it be the state that will do the billing enforcement (at public expense) for the private bridge business?
- How much of the toll goes to cover the **cost of mailing the bills to tens of thousands of people** (the non-EZ Pass travelers) each day? That's millions of notices a year....
- Will there be a sign informing motorists where to send the payment so they don't have to rely on the mail to make the transaction? Will addressed, pre-paid return envelopes be made available for that?
- Will there be adequate signage well before the bridge, before the last exit, to warn drivers that they will have their license plate photographed and the bill sent to address of registration, and with advice about how to avoid that if they wish?
- For economic reasons or privacy concerns or whatever reason, many 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? Do local highway engineers and residents approve of this inevitable extra traffic, noise and exhaust? Have they had any say in this plan?

Raymond Davis  
Jeffersonville, IN 47130

**From:** [John Sacksteder](#)  
**To:** [ckowalski@ctsgec.com](mailto:ckowalski@ctsgec.com); [Jim Hilton](#); [Springer, Tom](#); [seis@ctsgec.com](mailto:seis@ctsgec.com)  
**Subject:** Fwd: RE: Bridge tolls  
**Date:** Wednesday, May 16, 2012 10:10:06 AM

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----- Original Message -----

**Subject:** RE: Bridge tolls

**Date:** Wed, 16 May 2012 10:57:52 +0000

**From:** <[Janice.Osadczyk@dot.gov](mailto:Janice.Osadczyk@dot.gov)>

**To:** <[ronnieusery@gmail.com](mailto:ronnieusery@gmail.com)>

**CC:** <[jsacksteder@ctsgec.com](mailto:jsacksteder@ctsgec.com)>, <[Gary.Valentine@ky.gov](mailto:Gary.Valentine@ky.gov)>, <[rheustis@indot.in.gov](mailto:rheustis@indot.in.gov)>

Dear Ronnie, thank for your comment concerning tolling. It will be added to the project's record.

---

**From:** Ronald L Usery Jr [<mailto:ronnieusery@gmail.com>]

**Sent:** Tuesday, May 15, 2012 2:30 PM

**To:** Osadczyk, Janice (FHWA)

**Subject:** Bridge tolls

See SFEIS Section 7.3, D.19  
and D.21

I am writing you because I completely disagree with the bridge tolls. My job just happens to be across the bridge in Indiana which that means I get charged twice everyday just to go to work. I already have a hard time with the rise in gas prices let alone another bill to pay. I'm sure my commute will take longer and acquire more gas for the long lines with people paying. This will inevitably impact my family in a negative way. Just say no to bridge tolls!

Sincerely, Ronnie

**From:** [John Sacksteder](mailto:John.Sacksteder)  
**To:** [ckowalski@ctsgec.com](mailto:ckowalski@ctsgec.com); [Jim Hilton](mailto:Jim.Hilton); [Springer, Tom](mailto:Springer.Tom); [seis@ctsgec.com](mailto:seis@ctsgec.com)  
**Subject:** Fwd: RE: Tolling  
**Date:** Wednesday, May 16, 2012 10:09:06 AM

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----- Original Message -----

**Subject:** RE: Tolling  
**Date:** Wed, 16 May 2012 10:59:11 +0000  
**From:** <[Janice.Osadczyk@dot.gov](mailto:Janice.Osadczyk@dot.gov)>  
**To:** <[rlamping@att.net](mailto:rlamping@att.net)>  
**CC:** <[jsacksteder@ctsgec.com](mailto:jsacksteder@ctsgec.com)>, <[Gary.Valentine@ky.gov](mailto:Gary.Valentine@ky.gov)>, <[rheustis@indot.in.gov](mailto:rheustis@indot.in.gov)>

Dear Rosalie, thanks for your comment concerning tolling. It will be included in the project record.

---

**From:** Rosalie Lamping [<mailto:rlamping@att.net>]  
**Sent:** Tuesday, May 15, 2012 3:40 PM  
**To:** Osadczyk, Janice (FHWA)  
**Subject:** Tolling

Gentlemen:

Revised  
ROD M.1

I am opposed to tolling of the Bridges Project. Let's build the East End Bridge and go from there.

The economy we are in now is the "New Normal" according to Suze Orman. Let's wait to see if the Downtown Bridge is needed.

Rosalie Lamping  
Lamping Real Estate & Insurance  
Serving Southern Indiana Over 50 Years  
(812) 283-0754

From: SVicar@aol.com [mailto:SVicar@aol.com]  
Sent: Sunday, May 27, 2012 4:26 PM  
To: lwalker@kyombuds.com  
Subject: Ohio River Bridges project

Revised  
ROD M.2

I would like yo suggest that alternate funding be used for the Bridges project. Tolls will slow down traffic significantly because of the large number of on off ramps etc near the bridge on both Ind and Ky sides of the river. I believe the public would support a tax on motor vehicle registration or license tags to support the project. I do not have access to numbers but believe this would allow more general participation by all who will use the bridges no matter how much they travel. Likewise commercial and infrequent users would not have to stop to pay a toll.

I attempted to send this message to Mr. Sacksteder via comment on e-mail and was not successful. Thank you for allowing me to comment.

-----Original Message-----

From: John Sacksteder [mailto:jsacksteder@ctsgec.com]  
Sent: Sunday, June 03, 2012 3:19 PM  
To: 'Sandra Scott'  
Cc: ckowalski@ctsgec.com; tspringer@qk4.com; jhilton@ctsgec.com  
Subject: RE: Ohio River Projects

Dear Ms. Scott,

Thank you for your comments. They will be added to the public record.

John Sacksteder, PE  
Project Manager  
Community Transportation Solutions -  
General Engineering Consultant  
Louisville - Southern Indiana Ohio  
River Bridges Project  
305 N. Hurstbourne Lane, Suite 100  
Louisville, KY 40223  
502-394-3847

-----Original Message-----

From: Sandra Scott [mailto:louise62@sbcglobal.net]  
Sent: Friday, June 01, 2012 7:36 PM  
To: jsacksteder@ctsgec.com  
Subject: Ohio River Projects

I would like to go on record as stating NO to two bridges. We need to build the east end bridge and when it is finished do a study to see if in deed another bridge is necessary. At this time I am able to travel freely and easily across the I-65 bridge from Indiana to Kentucky any time except during rush traffic. An easy solution for this difficulty of traffic would be to keep truckers off the highway from 6:30 until 9:00a.m. and then the rush would be over and people could travel easily. NO to any tolls on these bridges. The people are already paying enough!

Revised  
ROD M.1

**From:** [John Sacksteder](mailto:John.Sacksteder)  
**To:** [ckowalski@ctsgec.com](mailto:ckowalski@ctsgec.com); [Jim Hilton](#); [Springer, Tom](#)  
**Subject:** Fwd: Bridge Tolls  
**Date:** Tuesday, May 15, 2012 5:29:33 PM

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----- Original Message -----

**Subject:** Bridge Tolls  
**Date:** Tue, 15 May 2012 16:57:50 -0400  
**From:** Shah Javid <[Shah@MastersFrame.com](mailto:Shah@MastersFrame.com)>  
**Organization:** Masters Frame Shop Supply  
**To:** <[jsacksteder@ctsgec.com](mailto:jsacksteder@ctsgec.com)>, ""[Janice.Osadczyk@dot.gov](mailto:Janice.Osadczyk@dot.gov):""  
**CC:** <[paul@clarkcountyaa.com](mailto:paul@clarkcountyaa.com)>

To whom it may concern,

Placing a toll to cross the Kennedy bridge, translates to over \$500 out of pocket money for an average employee that lives on one side of the bridge and works on the other, over the course of the year. This is a very large sum of money for people that make \$8-\$12 an hour.....We employ a few of them...

Revised  
ROD M.1

Why not complete the bridge on the East End, and see if there is really a need to even build a new bridge on 65.

A lot of drivers have changed their driving habits after the Sherman Minton closure, and if you notice, the level of traffic on Kennedy is less now than it was before the Sherman Minton closure.

Just build one bridge on East End, which is the continuation of the 265, and you will see the truckers passing through will all take that route, reducing the traffic on 65 even less.

Shah Javid  
Master's Frame Shop

**From:** [John Sacksteder](mailto:John.Sacksteder)  
**To:** [ckowalski@ctsgec.com](mailto:ckowalski@ctsgec.com); [Jim Hilton](mailto:Jim.Hilton); [Springer, Tom](mailto:Springer.Tom); [seis@ctsgec.com](mailto:seis@ctsgec.com)  
**Subject:** Fwd: RE: No toll PLEASE.....  
**Date:** Wednesday, May 16, 2012 5:56:26 PM

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----- Original Message -----

**Subject:** RE: No toll PLEASE.....  
**Date:** Wed, 16 May 2012 16:17:14 +0000  
**From:** <[Janice.Osadczyk@dot.gov](mailto:Janice.Osadczyk@dot.gov)>  
**To:** <[Shahla@hearthcraft.com](mailto:Shahla@hearthcraft.com)>  
**CC:** <[jsacksteder@ctsgec.com](mailto:jsacksteder@ctsgec.com)>, <[rheustis@indot.in.gov](mailto:rheustis@indot.in.gov)>, <[Gary.Valentine@ky.gov](mailto:Gary.Valentine@ky.gov)>

Dear Mr. Javid, Thank you for your comment concerning tolls. It will be added to the project record.

---

**From:** Shahla Javid [<mailto:Shahla@hearthcraft.com>]  
**Sent:** Wednesday, May 16, 2012 12:02 PM  
**To:** Osadczyk, Janice (FHWA)  
**Subject:** FW: No toll PLEASE.....  
**Importance:** High

**Attention: Janice Osadczyk at FHWA**

Revised  
ROD M.1

**Kentucky is not ready for this project. Why are we putting the burden on the residents of Kentuckiana, who have to go back and forth in order to get to their jobs? This is most unfair.**

**Why do we need 2 bridges to begin with? If the East-end bridge is built, that would tremendously reduce the traffic and should be enough to forget about a second one. It has taken over 10 years talking about this project, while material prices keep going up and "us" the residents are being punished by paying tolls. If need be, we could add the 2nd one after the East End Bridge is built (in perhaps 2020).**

**Please stop these arguments once and for all. Go for the East End and start building rather than tolling.**

**Your support is very much appreciated.**

**Shahla Javid**

From: Shane Bennett [mailto:shaneb789@hotmail.com]  
Sent: Wednesday, May 30, 2012 4:51 PM  
To: jsacksteder@ctsgec.com; janice.osadczuk@dot.gov

Subject: Ohio River Bridges Project

See SFEIS Section 7.3,  
D.19, and D.21

I just wanted to email to let you know of my concerns for the plans to build another bridge in downtown louisville. As a commuter who lives in Harrison county IN and works in Louisville I just do not see the benefit of adding another bridge downtown. When the Sherman Minton was closed down having another bridge in the downtown area would not have helped the situation much at all in my opinion. There are no plans to add an additional interstate in the downtown area so what would adding an additional bridge to have traffic flowing to the same interstates do for commuters? And as an indiana resident I would seek employment in Indiana if this bridge was built with the expectation that I pay tolls to drive across the river everyday. I would not mind paying the tolls if it was something that was going to benefit me, like an east end bridge would. Thank you for your time and consideration of my comments in your decision.

Respectfully,

Shane Bennett

From: Ross, Sherry A [mailto:sherry.ross@louisville.edu]  
Sent: Wednesday, May 30, 2012 10:25 AM  
To: jsacksteder@ctsgec.com; Janice.Osadczyk@dot.gov  
Subject: Comment on the Ohio River Bridges Project

Revised  
ROD M.1

The three most prevalent comments received during Public Comment Periods sponsored by the project were:

Build the East End Bridge

No Tolls

No Downtown Project

Why were these comments negated by the comment evaluators rather than being properly addressed, corrupting the SFEIS process?

Please respond.

Thank you,  
Sherry Ross

From: Steve WiserAIA <wiseraiia@hotmail.com>  
Date: June 1, 2012 6:54:02 AM EDT  
To: John Sacksteder <john.sacksteder@ky.gov>, John Sacksteder <jsacksteder@ctsgec.com>, Gary Valentine <gary.valentine@ky.gov>  
Subject: Tunnel costs article

Please enter my comments below for the EIS feedback.

Best regards,

Steve Wiser, AIA  
WiserAIA@hotmail.com  
www.WiserDesigns.com

From: wiseraiia@hotmail.com  
To: magreen@courier-journal.com; magreen@louisvil.gannett.com  
Subject: Tunnel costs article  
Date: Fri, 1 Jun 2012 06:47:49 -0400

Marcus

Enjoyed your article on the tunnel costs this morning, although all of this is now a 'done deal'.

Several observations:

See SFEIS  
Section 7.3,  
C.11 and  
C.26

1. Still don't understand why Olmsted is credited for any portion of the Drumanard landscape since his plan was never built, and the 'view shed' that Ms. Shull continues to reference has been altered by construction of the Shadowbrooke subdivision, as well as other subsequent building additions. Why are the facts of this property constantly ignored?

2. Maintenance of the tunnel, over 100 years at 3% inflation rate, is about \$200 Million MORE than an Open Cut would be. Seems like the same folks doing the math on the Arena project did this deal as well. : - (

While all of this is bad, I think the really bad outcome of all of this debacle is that we are limiting Louisville's future growth and permanently dividing our community in half. Very unfortunate situation.

Steve Wiser, AIA  
WiserAIA@hotmail.com  
www.WiserDesigns.com

From: stuart noland [mailto:stunoland@yahoo.com]  
Sent: Sunday, June 03, 2012 6:44 PM  
To: jsacksteder@ctsgec.com; Janice.Osadczyk@dot.gov  
Subject: ORBP

Revised  
ROD M.1

Every scientific poll ever conducted on the 2 tolled downtown bridges component of the ORBP showed overwhelming opposition. Splitting the project would not delay the construction of the east end bridge. Prevent the biggest urban planning mistake of the 21st century. Divide the project, not the community.

Thanks,

Stu Noland  
322 S Wenzel St  
Louisville, KY 40204  
502-472-6879

From: stuart noland [mailto:stunoland@yahoo.com]  
Sent: Sunday, June 03, 2012 6:45 PM  
To: jsacksteder@ctsgcc.com; Janice.Osadczyk@dot.gov  
Subject: Ohio River Bridges Project comment

See SFEIS  
Section 7.3  
C.11 and  
C.26

Kentucky and Indiana state officials must be honest with the public and admit to the inevitable tolling of the existing Sherman-Minton bridge. In fact, the Beshear/Daniels ORBP Memorandum of understanding allows for not just tolling of the existing Sherman-Minton bridge, but other points as well. With the denial of the petition to delist the fraudulently historically designated Drumanard estate the \$300+ million tunnel increases the need for a tolled Spaghetti Junction. It is not legal or ethical to intentionally distort important financial projections. The only reasonable conclusion from the facts presented is that those who support the downtown Ohio River Bridge Project are endorsing fraud.

The Federal Government needs to take an interest in the fraud being perpetrated on the people of the Louisville metro area. Wilbur-Smith's, now CDSmith's 2010 final preliminary tolling study didn't just use optimistic assumptions, it used ludicrous assumptions. The Value Of Time assumption was 66% higher than was used by Wilbur-Smith for the Washington D.C. metro area, median income \$72,800, in 2009. One tolling study actually assumed the same number of total bridges crossings in a \$3 tolling scenario as in a toll-free scenario. This fails the common sense test. Now that CDsmith's financial model is 100% proprietary we are supposed to just assume that these "independent" consultants are using realistic numbers. Wilbur-Smith's last 12 tolling studies have been off by a collective 127%. This is what Terry Maynard, an economist working for the Reston Citizens Association, had to say about the accuracy of Wilbur-Smith's tolling studies:

See SFEIS  
Section 7.3,  
B.10, Item 7.

"The forecasts of revenue seem tailored to what the operators want to be forecasted as a revenue stream rather than its real world potential - which is going to be the same regardless of who is looking for revenue and why. In other words they look more like a dressing up of the client's wishful thinking in the garb of professional analysis than an objective assessment of revenue potential. Selling bonds on this basis looks problematic."

Louisville could definitely use more urban cross-river capacity but not at the cost of the economically disastrous downtown Ohio River Bridge Project. This project is undeniably regressive in that our central business district has been stripped of what little aesthetic improvements had been budgeted while the east end project retains the absurd \$795 million 1.4 mile, 4-lane luxury highway. Even worse this project builds 100 year infrastructure that exclusively connects to a 1950s style elevated waterfront expressway on the city's central business district riverfront. The priorities in this project are undemocratic, economic detrimental, and socially unjust.

Project backers are intentionally creating a financial time bomb. The Beshear/Daniels Memorandum of understanding allows for delaying and defusing the inevitable fiscal judgement day through 2 important stipulations. The first is a clause that creates a debt service reserve fund (DSRF) that allows the Kentucky Transportation Cabinet to cover toll revenue shortfalls at a guaranteed 5% per annum rate of return. State government can delay the financial time bomb, shielding those responsible from political repercussions. There is another stipulation that specifically allows for tolling the existing Sherman-Minton bridge. In fact this stipulation allows for tolling any other points deemed necessary (Spaghetti Junction).

Should our city and states leadership succeed in subverting democracy there is a committed group of Louisville area residents who will be ubiquitous and relentless in demanding that this grave injustice be rectified. We will demand financial measures be made to somewhat balance the undeniably regressive and economically detrimental budgeting priorities in the overall project. We will not allow our city's leadership to live in a childish fantasy world where Louisville can compete with a 1950s style elevated waterfront expressway on the city's central business district riverfront.

Thanks,

Stuart Noland  
322 S Wenzel St.  
Louisville, KY 40204  
502-472-6879

From: Teresa Ballew [mailto:tjballew01@insightbb.com]  
Sent: Thursday, May 31, 2012 8:02 PM  
To: jsacksteder@ctsgec.com; Janice.Osadczyk@dot.gov  
Subject: SFEIS

Subject: SFEIS

To the FHWA:

Revised  
ROD M.1

1. The need for a second Downtown Bridge is unfounded:

In 2008 the Kentucky Transportation Cabinet sponsored a traffic study that showed only a 1% improvement in traffic improvement with both bridges compared to only an East End Bridge with Kennedy Interchange improvements.

\$1 billion dollars for a Downtown Bridge for a 1% traffic improvement

2. How this project is unfair:

Hoosiers will pay a disproportionate amount of tolls for new infrastructure-bridges, while Kentucky residents will NOT pay tolls for new infrastructure-Kennedy Interchange

Tolling will negatively affect low income residents disproportionately

See SFEIS D.19, and C.15

Tolling this Downtown Bridge for 1% improvement will divide the community

See SFEIS D.10 and D.11

3. SFEIS and Public Comments:

The three most prevalent comments received during Public Comment Periods sponsored by the project were:

Build the East End Bridge

No Tolls

No Downtown Project

Sincerely,

Teresa J. Ballew  
472 Kensington Dr.  
Clarksville, IN 47129  
812/282-2601

**From:** [John Sacksteder](mailto:John.Sacksteder)  
**To:** [ckowalski@ctsgec.com](mailto:ckowalski@ctsgec.com); [Jim Hilton](mailto:Jim.Hilton); [Springer, Tom](mailto:Springer.Tom); [seis@ctsgec.com](mailto:seis@ctsgec.com)  
**Subject:** Fwd: RE: Ohio Bridges Project.  
**Date:** Wednesday, May 16, 2012 10:12:49 AM

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----- Original Message -----

**Subject:** RE: Ohio Bridges Project.

**Date:** Wed, 16 May 2012 10:57:02 +0000

**From:** <[Janice.Osadczyk@dot.gov](mailto:Janice.Osadczyk@dot.gov)>

**To:** <[rmoore125@gmail.com](mailto:rmoore125@gmail.com)>

**CC:** <[jsacksteder@ctsgec.com](mailto:jsacksteder@ctsgec.com)>, <[Gary.Valentine@ky.gov](mailto:Gary.Valentine@ky.gov)>, <[rheustis@indot.in.gov](mailto:rheustis@indot.in.gov)>

Dear Russell, Thanks for your comment concerning the Ohio River Bridges project. It will be added to the project's record.

---

**From:** Russell Moore [<mailto:rmoore125@gmail.com>]  
**Sent:** Tuesday, May 15, 2012 2:32 PM  
**To:** Osadczyk, Janice (FHWA)  
**Subject:** Ohio Bridges Project.

Fix the current bridges we have. Forget the new east end bridge no one wants anyway. Don't impose tolls which unfairly affect Indiana when Kentucky will be receiving the lion's share of benefit without paying for the improvements. PEOPLE ARE HURTING FINANCIALLY HERE, but no one seems to care. Having to keep putting out more and more to travel to earn an honest living doesn't seem to garner sympathy anymore. We are told to do with what we have. We have bridges, fix them. Enough said.

Sincerely,  
Tierni Moore

See SFEIS Section 7.3,  
C.21 and D.19

**From:** [John Sacksteder](mailto:John.Sacksteder)  
**To:** [ckowalski@ctsgec.com](mailto:ckowalski@ctsgec.com); [Jim Hilton](mailto:Jim.Hilton); [Springer, Tom](mailto:Springer.Tom); [seis@ctsgec.com](mailto:seis@ctsgec.com)  
**Subject:** Fwd: RE: Tolling for the Ohio River Bridges Project!  
**Date:** Wednesday, May 16, 2012 10:14:43 AM

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----- Original Message -----

**Subject:** RE: Tolling for the Ohio River Bridges Project!

**Date:** Wed, 16 May 2012 10:54:46 +0000

**From:** <[Janice.Osadczyk@dot.gov](mailto:Janice.Osadczyk@dot.gov)>

**To:** <[tim\\_schooler@yahoo.com](mailto:tim_schooler@yahoo.com)>

**CC:** <[jsacksteder@ctsgec.com](mailto:jsacksteder@ctsgec.com)>, <[Gary.Valentine@ky.gov](mailto:Gary.Valentine@ky.gov)>, <[rheustis@indot.in.gov](mailto:rheustis@indot.in.gov)>

Dear Tim – thanks for your comment concerning tolling. It will become part of this project's record.

---

**From:** Tim Schooler [[mailto:tim\\_schooler@yahoo.com](mailto:tim_schooler@yahoo.com)]

**Sent:** Tuesday, May 15, 2012 4:31 PM

**To:** Osadczyk, Janice (FHWA)

**Subject:** Tolling for the Ohio River Bridges Project!

**I am against the downtown bridge and tolls or user fees on the I-65 Corridor/Kennedy Bridges System, which will divide our community, be a regressive tax that our citizens and businesses cannot afford, and will adversely affect the local economy, disproportionately affecting Southern Indiana.**

**Tim Schooler  
302 Brentford Ct.  
Louisville, KY 40243**

See SFEIS Section 7.3,  
D.19, and D.21

From: Tom Chambers  
To: jsacksteder@ctsgec.com ; Janice.Osadczyk@dot.gov  
Cc: paul@clarkcountyaa.com  
Sent: Wednesday, June 06, 2012 10:46 AM  
Subject: I say NO to tolls on Ohio River Bridges, Louisville to Southern Indiana

Revised  
ROD M.1

Please count me as a citizen that opposes the idea of tolls on the Ohio River Bridges.

Thomas R. Chambers  
P. O. Box 4880  
Louisville, KY 40204

502 451 8669  
trcinky@gmail.com

From: John Sacksteder [mailto:jsacksteder@ctsgec.com]  
Sent: Sunday, June 03, 2012 3:56 PM  
To: 'Wendy Peay'  
Cc: ckowalski@ctsgec.com; tspringer@qk4.com; jhilton@ctsgec.com  
Subject: RE: Ohio River Bridges Project

Dear Ms. Peay,

Thank you for your comments. They will be added to the public record.

John Sacksteder, PE  
Project Manager  
Community Transportation Solutions - General Engineering Consultant  
Louisville - Southern Indiana Ohio River Bridges Project  
305 N. Hurstbourne Lane, Suite 100  
Louisville, KY 40223  
502-394-3847

From: Wendy Peay [mailto:wpeay@hotmail.com]  
Sent: Friday, June 01, 2012 10:15 AM

To: jsacksteder@ctsgec.com; janice.osadczuk@dot.gov  
Subject: Ohio River Bridges Project

Revised ROD  
M.1, also see  
SFEIS Section  
7.3, D.19

Dear Sir and Madam,

Please accept this correspondence as my personal dissent for a second Downtown Bridge. Based on traffic studies conducted by the Kentucky Transportation Cabinet, this is a HUGELY costly project that will only minimally improve the traffic situation. Alternatively, the common sense approach is to complete the I265 Loop by building the East End Bridge. This is the opinion which has been prevalently voiced by the public. As for tolling, I am adamantly opposed to paying any additional taxes or user fees which have already been levied in the form of gasoline/diesel taxes paid at the pump! Tolls are a regressive tax that our citizens and businesses cannot afford...this will severely affect the local economy, disproportionately affecting Southern Indiana!

Thank you for your consideration,

Wendy Peay  
Floyds Knobs, IN

From: John Sacksteder [mailto:jsacksteder@ctsgec.com]  
Sent: Sunday, June 03, 2012 3:23 PM  
To: 'William Fritz'  
Cc: ckowalski@ctsgec.com; tspringer@qk4.com; jhilton@ctsgec.com  
Subject: RE: Bridges

Dear Mr. Fritz:

Thank you for your comments. They will be added to the project record.

John Sacksteder, PE  
Project Manager  
Community Transportation Solutions -  
General Engineering Consultant  
Louisville - Southern Indiana Ohio  
River Bridges Project  
305 N. Hurstbourne Lane, Suite 100  
Louisville, KY 40223  
502-394-3847

From: William Fritz [mailto:fritzwia@att.net]  
Sent: Friday, June 01, 2012 11:19 AM  
To: jsacksteder@ctsgec.com  
Subject: Bridges

See SFEIS  
Section 7.3,  
C.26

I think we should get moving on the east end bridge project & use the least costly method (open cut). My first preference would have been bulldoze the mansion if it stood in the way. The Preservation Historical Society have too much say in what is good or not good for the community, the community should decide what is good for them, not a few "do gooders" who push their own agenda.  
W.A. Fritz fritzwia@hotmail.com



Revised Record of Decision

**Appendix B2**

Appendix B2 Resource Agency Coordination



## TRANSPORTATION CABINET

Frankfort, Kentucky 40622  
www.transportation.ky.gov/

**Steven L. Beshear**  
Governor

**Michael W. Hancock, P.E.**  
Secretary

May 2, 2012

Mr. Lindy Casebier, Acting Executive Director and  
State Historic Preservation Officer  
Kentucky Heritage Council  
300 Washington Street  
Frankfort, KY 40601

**SUBJECT:** Management Summary: NRHP Evaluations of Sites 15Jf679 and 15Jf719 for the Louisville-Southern Indiana Ohio River Bridges Project, by Paul G. Avery and Alexandra D. Bybee, Cultural Resource Analysts, Inc., dated April 23, 2012; and Management Summary: NRHP Evaluation of Site 15Jf720 for the Louisville-Southern Indiana Ohio River Bridges Project, by Alexandra D. Bybee, Cultural Resource Analysts, Inc., dated April 25, 2012. KYTC Item Number 5-118.00

Dear Mr. Casebier,

The Kentucky Transportation Cabinet (KYTC), on behalf of the Federal Highway Administration (FHWA), is submitting for your staff's review two management summaries for Phase II archaeological testing conducted at three sites in the Eastern End of the Louisville-Southern Indiana Ohio River Bridges Project (LSIORB) area. Because the schedule calls for a Record of Decision to be signed in July 2012, the environmental schedule is accelerated. I am requesting your concurrence with the recommendations of these summaries on the condition that acceptable final reports are produced in a timely manner.

Site 15Jf679 is a Early Archaic, Woodland, and historic site associated with the National Register of Historic Places (NRHP)-listed Rosewell (aka Barber-Barbour) House. Much of the site has been disturbed by recent construction of two large homes west of the Rosewell House. The Phase II work identified scattered lithic debris, generally concentrated in the southern part of the site, a few potsherds, and a single Kirk Serrated hafted biface fragment, and a Lecroy Cluster hafted biface. One possible pit feature and two possible prehistoric post holes were excavated. There was no evidence of intact prehistoric midden or cultural deposits. Few historic features were found that appear to be related to any structures that were part of the Rosewell Plantation. The report's authors recommend that the portion of site 15Jf679 examined during this investigation are not eligible for inclusion in the NRHP. KYTC agrees with that recommendation.

Site 15Jf719 (aka "The Neck") is a historic site located southeast of Harrods Creek. The site was recorded as having been an African-American farmstead by the late nineteenth century. Phase II work at the site provided little additional information about the structures and remnants of structures on the property. It provided little information about the activities that had occurred on the property. One feature was documented that indicated a house stood within the retaining wall

**Kentucky**  
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Management Summaries for 15Jf679, 719, and 720 – LSIORB Project  
Jefferson County, KY, KYTC Item No. 5-118.00  
May 2, 2012

of a second structure and that a cellar was filled during the mid-late 20<sup>th</sup> century. Fuel tanks are present in and around this second structure, suggesting its use as an equipment storage or maintenance area. Artifacts date suggest an ephemeral late nineteenth century occupation, but do not provide enough information to infer a more detailed scenario.

Site 15Jf719 has been heavily disturbed by flooding and demolition of structures, leading to a significant lack of integrity at this site. For this reason, the authors recommend that this site does not qualify for inclusion in the NRHP.

Site 15Jf720 is located on Louisville Water Company property and is a prehistoric site with an intact Woodland component. After trenching and hand excavation during the Phase II evaluation, at least two intact occupation zones were identified. Prehistoric thermal features are present. The 2012 investigation revealed little additional information about the Archaic and the possible sub-Riverton components (at a depth extending to at least 150 cm below ground surface) previously identified. This site is being recommended as eligible for inclusion in the NRHP and for data recovery work, if the site cannot be avoided by project activities. Based on previous discussions following earlier Phase II work, it appears the site cannot be avoided. KYTC agrees with the author's recommendations for Phase III data recovery work so that the project can proceed as expeditiously as possible.

Sites 15Jf679 and 15Jf719 are not eligible for the NRHP because they lack integrity and do not have the potential to yield information significant to local or regional prehistory or history. Site 15Jf720 does possess integrity of two prehistoric deposits and possible a third prehistoric deposit, and is eligible for the NRHP. This site should be subjected to Phase III data recovery before any ground disturbing activities occur.

Electronic copies of these management summaries were provided to Nicholas Laracuate of your staff on May 2 by Susan Neumeyer, Archaeologist Coordinator, of my staff, so that he may begin his review. I am requesting your comments and/or conditional concurrence by May 18, 2012 if at all possible. Should you have any questions, please contact Susan Neumeyer of my staff at 564-7250.

Sincerely,



David M. Waldner, P.E., Director  
Division of Environmental Analysis

DMW/sn  
Attachments

c: D5:Andy Barber (w/a)  
D5: Gary Valentine      FHWA: Greg Rawlings (w/a)  
CTS-GEC: John Sacksteder  
Reading Files (w/a)  
Archaeology Files (w/a)



Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739  
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov



May 10, 2012

Andrew V. Martin  
Director of Operations - Indiana  
Cultural Resource Analysts, Inc.  
151 Walton Ave.  
Lexington, Kentucky 40508

Federal Agency: Federal Highway Administration

Re: Phase Ia and Ic archaeological work plan (Martin, 5/2/12) for the Louisville-Southern Indiana Ohio River Bridges Project - Downtown Jeffersonville Phase 3 (Des. No. 0300798) in Clark County, Indiana (Designation No. 0300798; DHPA No. 1774)

Dear Mr. Martin:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation, the Indiana State Historic Preservation Officer regarding the implementation of the Federal Aid Highway Program in the State of Indiana," the staff of the Indiana State Historic Preservation Officer has conducted an analysis of the materials dated and received on May 3, 2012, for the above indicated project in Jeffersonville, Clark County, Indiana.

Thank you for providing the Phase Ia and Ic archaeological plan for the above project. The plan is acceptable with the following conditions:

1. All investigations must be directly supervised in the field and laboratory by a qualified professional archaeologist meeting the supervisory qualifications in the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation" (48 F.R. 44716) and 312 IAC 21-3-4.
2. If any human remains dating on or before December 31, 1939 are encountered, the discovery must be reported to the Indiana Department of Natural Resources within two (2) business days. The discovery must be treated in accordance with IC 14-21-1 and 312 IAC 22. In that event, please call 317-232-1646.
3. Adequate documentation and/or justification for determination of substantial, non-historical disturbance of portions of the project area must be provided, and given the proximity of the proposed project area to three historic districts, adequate judgment or assessment for the potential for any archaeological sites at or below grade in the urban areas should be made.
4. Any proposed revisions to the archaeological plan must be submitted in writing to the DHPA prior to implementation in the field or laboratory.
5. Archaeological site forms for all archaeological sites discovered must be submitted electronically to the state SHAARD database.
6. A report detailing the methods, techniques, analysis, and results of the archaeological investigations must be submitted to the DHPA for review and comment within the time frame specified in the plan.
7. This plan is not transferable.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

*A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at [www.achp.gov](http://www.achp.gov) for your reference. If you have questions about archaeological issues please contact Dr. Rick Jones at (317) 233-0953 or [rjones@dnr.IN.gov](mailto:rjones@dnr.IN.gov). Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA No. 1774.*

Very truly yours,



James A. Glass, Ph.D.  
Deputy State Historic Preservation Officer

JAG:JRJ:jj

emc: MaryAnn Naber, Federal Highway Administration, Washington, D.C.  
Janice Osadczuk, Indiana Division, Federal Highway Administration  
Duane Thomas, P.E., Kentucky Division, Federal Highway Administration  
Carol Legard, Advisory Council on Historic Preservation  
Laura Hilden, Indiana Department of Transportation  
Staffan Peterson, Ph.D., Indiana Department of Transportation  
Mary Kennedy, Indiana Department of Transportation  
Shaun Miller, Indiana Department of Transportation  
Patrick Carpenter, Indiana Department of Transportation  
Melany Prather, Indiana Department of Transportation  
Kevin Hetrick, Indiana Department of Transportation  
Paul Boone, Indiana Department of Transportation  
Lindy Casebier, Acting Kentucky State Historic Preservation Officer  
Craig Potts, Kentucky Heritage Council  
John Sacksteder, P.E., Community Transportation Solutions-General Engineering Consultant  
Jeffrey Vlach, Beam, Longest & Neff, L.L.C.  
John Mettille, CDM Smith  
David Kroll, Ratio Architects, Inc.



Rec'd 5/15/12

STEVEN L. BESHEAR  
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET  
KENTUCKY HERITAGE COUNCIL**

MARCHETA SPARROW  
SECRETARY

THE STATE HISTORIC PRESERVATION OFFICE  
300 WASHINGTON STREET  
FRANKFORT, KENTUCKY 40601  
PHONE (502) 564-7005  
FAX (502) 564-5820  
www.heritage.ky.gov

LINDY CASEBIER  
ACTING EXECUTIVE DIRECTOR AND  
STATE HISTORIC PRESERVATION OFFICER

May 10, 2012

Mr. David Waldner, P. E., Director  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street  
Frankfort, KY 40622

Re: **Management Summary: NRHP Evaluations of Sites 15Jf679 and 15Jf719 for the Louisville-Southern Indiana Ohio River Bridges Project**, by Paul G. Avery and Alexandra D. Bybee, Cultural Resource Analysts, Inc. dated April 23, 2012

**Management Summary: NRHP Evaluation of Site 15Jf720 for the Louisville-Southern Indiana Ohio River Bridges Project**, by Alexandra D. Bybee, Cultural Resource Analysts, Inc. dated April 25, 2012

KYTC Item No. <sup>S</sup>10-118.00

Dear Mr. Waldner:

Thank you for your letter concerning the above referenced management summaries. Archaeological investigations at 15Jf679 entailed test unit excavation, and mechanical stripping. Thirty-four historic and prehistoric features (including eighteen possible post holes) were identified as a result of this work. Four post holes and six of the other features were excavated. These investigations demonstrated that much of the site has been disturbed by the construction of two large homes south of the Rosewell house. Due to the lack of intact deposits, disturbance from home construction, and dearth of artifacts recovered from good depositional context the authors recommend that site 15Jf679 is not eligible for inclusion on the National Register of Historic Places (NRHP). They recommend no further archaeological investigations of this site.

Archaeological investigations at 15Jf719 entailed screened shovel tests and test unit excavation. These archaeological investigations yielded little additional information about the structures and activities associated with this site. Due to disturbance and the lack of intact soil deposits, the authors recommend that site 15Jf719 is recommended as not eligible for the NRHP. They recommend no further archaeological investigations of this site.

Archaeological investigations at 15Jf720 entailed test unit excavations, mechanical trenching, and bucket auguring. Three features were identified and a variety of artifacts were recovered as a result of this work. Intact archaeological deposits associated with the Woodland-period were documented. Investigations of the Late Archaic deposits and a possible earlier component of the site yielded limited information due to hazardous

Re: Management Summary: NRHP Evaluations of Sites 15Jf679 and 15JF719 for the Louisville-Southern Indiana Ohio River Bridges Project, by Paul G. Avery and Alexandra D. Bybee, Cultural Resource Analysts, Inc. dated April 23, 2012 and Management Summary: NRHP Evaluation of Site 15JF720 for the Louisville-Southern Indiana Ohio River Bridges Project, by Alexandra D. Bybee, Cultural Resource Analysts, Inc. dated April 25, 2012  
KYTC Item No. 10-118.00

conditions in the excavation trenches. Due to the presence of at least two intact cultural horizons and archaeological features, the author recommends site 15Jf720 as eligible for the NRHP. Further, the author recommends data recovery excavations if the site cannot be avoided. KYTC agrees with the recommendations for data recovery work so the Louisville-Southern Indiana Ohio River Bridges Project can proceed as expeditiously as possible.

In an effort to expedite the consultation process, we are prepared to offer concurrence with these findings and recommendations; our concurrence is conditional upon the review and acceptance of the final archaeological reports by July 1, 2013. Should the project plans change, or should additional information become available regarding cultural resources or citizens' concerns regarding impacts to cultural resources, please submit that information to our office as additional consultation may be warranted. Should you have any questions, feel free to contact Nick Laracuenta of my staff at 502.564.7005, extension 151.

Sincerely,



Lindy Casebier,  
Acting Executive Director and State Historic Preservation Officer

LC:nrl

cc: Susan Neumeyer (KYTC-DEA)  
Alexandra D. Bybee (CRAI)  
Paul G. Avery (CRAI)  
Dr. George Crothers (OSA)



STEVEN L. BESHEAR  
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET  
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LINDY CASEBIER  
ACTING EXECUTIVE DIRECTOR AND  
STATE HISTORIC PRESERVATION OFFICER

May 16, 2012

Mr. David Waldner, P. E., Director  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street  
Frankfort, KY 40622

**Re: *Section 106 Coordination for Archaeological Recommendations for the Downtown Louisville Phase of the Louisville-Southern Indiana Ohio River Bridges Project* by Dan Davis, Carl Shields, and Susan Neumeyer, KYTC-DEA, dated May 1, 2012  
KYTC Item No. 5-118.00**

Dear Mr. Waldner:

Thank you for your letter concerning the above referenced document. A review of the document, and the data provided in the associated Geographic Information System, indicates that the proposed project area will impact areas that have not been assessed for the presence of archaeological resources. Based on the presence of HAZMAT, parcel integrity, and archaeological potential, the authors recommend archaeological survey of 25.61 acres of the 195 acre project area. Also, they do not recommend further archaeological work at the Grocers Ice and Cold Storage Company or the American Machine Company / Vermont American Buildings due to disturbance, HAZMAT, and the low potential for these sites to yield significant archaeological deposits. I concur with these recommendations. However, it is important to note that areas affected or potentially affected by HAZMAT are not precluded from archaeological survey solely by the presence of hazardous materials.

HAZMAT and disturbance of early archaeological deposits were the result of industrial activities characteristic of the Industrial and Commercial Consolidation period in the Ohio River Valley Urban Centers Cultural Landscape. Archaeological deposits were created by these industries, however the authors document the disturbance of these industrial deposits via the KYTC demolition plans associated with the construction of the Kennedy interchange. Furthermore, as supported by additional GIS layers from Carl Shields (via his May 16<sup>th</sup>, 2012 email to our office), even if there are intact deposits associated with these industries they would not be considered eligible for inclusion on the NRHP because their low research potential.

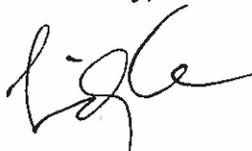
Clarification of the role of HAZMAT in these archaeological recommendations is critical because of the 9.58 acres (6 parcels) recommended for archaeological survey that fall in Assessment Category 3. The recommended method to approach these parcels is "Test soils for HAZMAT, if clear then bucket auger, STPs". The authors recommend that if the soils test positive for HAZMAT then no further archaeological work is necessary. I do not concur with this recommendation because these parcels appear to lack the level of

disturbance documented in most of the project area. Additionally parcels, such as 178, contain residential areas that may contain deposits with significant research potential. In the event that the soils in these parcels test positive for HAZMAT additional consultation will be needed.

I concur with the authors' recommended investigation methods for the remaining 16.03 acres (36 parcels) of the 25.61 acres that the authors recommend be surveyed for archaeological resources.

Should the project plans change, or should additional information become available regarding cultural resources or citizens' concerns regarding impacts to cultural resources, please submit that information to our office as additional consultation may be warranted. Should you have any questions, feel free to contact Nick Laracuate of my staff at 502.564.7005, extension 151.

Sincerely,



Lindy Casebier,  
Acting Executive Director and State Historic Preservation Officer

LC:nrl

cc: Susan Neumeyer (KYTC-DEA)  
Carl Shields (KYTC-DEA)  
Dan Davis (KYTC-DEA)

Michael J. Heitz, AIA  
Director

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Louisville, Kentucky  
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email [parks@louisvilleky.gov](mailto:parks@louisvilleky.gov)

June 14, 2012

Mr. Gary Valentine  
Project Manager  
Kentucky Transportation Cabinet  
8310 Westport Road  
Louisville, KY 40242

Subject:  
Louisville – Southern Indiana  
Ohio River Bridges Project  
Butchertown Greenway

Dear Mr. Valentine:

Per our conversation on Friday, this is to acknowledge that Louisville Metro Government understands that widening of I-71 in the vicinity of the Butchertown Greenway will be required as part of the construction of the Louisville – Southern Indiana Ohio River Bridges Project. The widening of I-71 will involve construction of piers and placement of beams over the Greenway. Furthermore, the construction associated with the widening will require temporary closure of the Greenway. Our understanding of the proposed temporary closure includes the following specific elements:

- While the overall Downtown Crossing construction is estimated to take up to five years to complete, the work in the area of the Butchertown Greenway would last no more than two months and will require only intermittent closures during that construction period
- There will be no changes to the Section 4(f) resource.
- If damaged during widening of the I71 Bridge above the Butchertown Greenway, the damage will be fully restored.

Evaluating this information, Louisville Metro Government concurs that there are no temporary or permanent adverse effects to the Greenway resulting from this temporary closure.

Sincerely,



Michael J. Heitz A.I. A  
Director, Metro Parks and Recreation



Greg Fischer  
Mayor  
Louisville  
Metro Council





Revised Record of Decision

**Appendix C**

Appendix C Louisville MPO Amendment 5



**A Resolution of the Kentuckiana Regional Planning and Development Agency  
Transportation Policy Committee adopting  
*Amendment #5 of the FY 2011 – FY 2015 Transportation Improvement Program  
for the Louisville (KY – IN) Metropolitan Planning Area.***

**Whereas**, the Kentuckiana Regional Planning & Development Agency (KIPDA) Transportation Policy Committee is designated by the governors of the state of Indiana and the Commonwealth of Kentucky under state and federal laws, as the Metropolitan Planning Organization (MPO) for the Louisville (KY-IN) Metropolitan Planning Area (MPA) encompassing Clark and Floyd counties and a portion of Harrison County in Indiana, and Bullitt, Jefferson, and Oldham counties in Kentucky; and

**Whereas**, consistent with federal and state mandates, states' environmental requirements, and with the KIPDA Transportation Policy Committee's Memorandum of Agreement, *Participation Plan, Title VI: Environmental Justice Plan*, and other operating procedures, the KIPDA Transportation Policy Committee has worked with local, state, and federal jurisdictions and agencies in a continuing, cooperative, and comprehensive planning process; and has incorporated the work of local governments, and the suggestions of citizens, businesses, and interests throughout the MPA in this document; and

**Whereas**, the *FY 2011 – FY 2015 Transportation Improvement Program for the Louisville (KY – IN) Metropolitan Planning Area* is a subset of *Horizon 2030*, the Louisville (KY-IN) MPO Metropolitan Transportation Plan, which has been determined to conform to the State Implementation Plans of Indiana and Kentucky; and

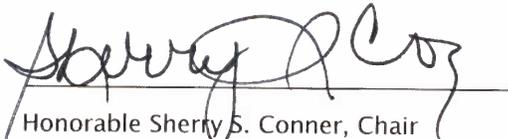
**Whereas**, this amendment will result in a Transportation Improvement Program that remains fiscally constrained. The Kentucky and Indiana non-dedicated funded projects identified in this TIP have been requested by KYTC and INDOT. The required funds will become part of the Kentucky 2011 – 2014 Statewide Transportation Improvement Program, and the Indiana FY 2012 – FY 2015 Statewide Transportation Improvement Program, respectively, and will become part of the end of fiscal year "fiscal constraint" recalculations; and

**Now, therefore be it resolved**, by the Transportation Policy Committee of KIPDA that Amendment #5 of the *FY 2011 – FY 2015 Transportation Improvement Program for the Louisville (KY – IN) Metropolitan Planning Area*; is adopted by official action at the May 24, 2012 meeting. This action is contingent upon and effective when a conformity finding is made by the appropriate federal agencies.

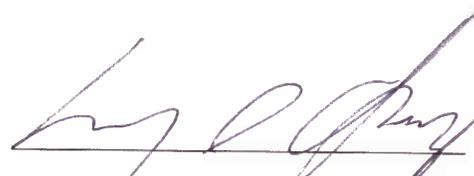
**Be it further resolved**, that the KIPDA staff is authorized to transmit Amendment #5 of the *FY 2011 – FY 2015 Transportation Improvement Program for the Louisville (KY – IN) Metropolitan Planning Area* to the Federal Transit Administration, Federal Highway Administration, and the Environmental Protection Agency to make the federal conformity determination in accordance with the Clean Air Act and the Environmental Protection Agency's transportation conformity regulations, and for review based on the planning process requirements, and other federal regulations;

Be it further resolved, that the KIPDA staff is authorized to transmit Amendment #5 of the *FY 2011 - FY 2015 Transportation Improvement Program for the Louisville (KY - IN) Metropolitan Planning Area* to the Governors of the State of Indiana and Commonwealth of Kentucky and to the Indiana Department of Transportation and the Kentucky Transportation Cabinet in compliance with federal and state requirements;

Adopted by the KIPDA Transportation Policy Committee this 24<sup>th</sup> day of May, 2012.



Honorable Sherry S. Conner, Chair  
Transportation Policy Committee



Larry D. Chaney, Recording Secretary  
KIPDA Transportation Director

**Amendment 5 of Horizon 2030 Metropolitan Transportation Plan  
Amendment 5 of FY 2011 - FY 2015 Transportation Improvement Program**

May 2012

| IPDA ID                  | State ID | Project Name                               | Project Description                                                                                                                                                                                                | Project Sponsor | Description of Plan Amendment                             | Description of TIP Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Effect on AQ Analysis           |
|--------------------------|----------|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>INDIANA PROJECTS</b>  |          |                                            |                                                                                                                                                                                                                    |                 |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                 |
|                          |          | Edwardsville-Galena Road-Extension Project | Construction of new road to connect Edwardsville-Galena Road to Tunnel Hill Rd., N. Luther Rd., and W. Knable Rd.                                                                                                  | Floyd County    | Add project to Plan, \$1,395,000, Open to Public in 2017. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Local road - No Change to Model |
| <b>KENTUCKY PROJECTS</b> |          |                                            |                                                                                                                                                                                                                    |                 |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                 |
| 446                      | KY 1931  |                                            | Widen KY 1931 (Manslick Road) from 2 to 4 lanes from KY 1931 (Saint Andrews Church Road) to I-264 (Henry Watterson Expressway).                                                                                    | KYTC            |                                                           | Move FY 2012 Design to FY 2013 and reduce to \$600,000 federal; Delete FY 2015 ROW; STP-Urban funds.<br><br>Additional funding: Delete FY 2012 ROW \$15,100,000 federal and FY 2012 Utilities \$14,300,000 federal, NHS funds; Delete FY 2012 ROW \$12,300,000 federal and FY 2012 Utilities \$11,700,000 federal, IM funds. Add FY 2012 Design \$1,560,000 federal STP-State funds; Add FY 2013 Construction \$25,000,000 federal IM funds; Add FY 2013 Construction \$26,050,000 federal NHS funds; Add FY 2013 Construction \$23,380,000 federal, Garvee Bonds; Add FY 2014 Construction \$25,000,000 federal, IM funds; Add FY 2014 Construction \$26,100,000 federal, NHS funds; Add FY 2014 Construction \$175,876,000 federal, Garvee Bonds; Add FY 2015 Construction \$25,000,000 federal, IM funds; Add FY 2015 Construction \$25,000,000 federal, NHS funds; Add FY 2015 Construction \$36,744,000 federal, Garvee Bonds; Add FY 2015 Construction \$165,450,000, IF funds. | Non-Exempt No change to model   |
| 185                      | 700.00   | Ohio River Bridges Project                 | Construction of 2 new Ohio River bridges, 1 in downtown (I-65) corridor and 1 in the far east (I-265) corridor and reconstruction of the Kennedy interchange. Also included are enhanced bus service improvements. | KYTC            |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Non-Exempt No change to model   |

**Administrative Modification 15  
 FY 2011 - FY 2015 Transportation Improvement Program**

**March 2012 - Revised**

LSIORB Revised

| KIPDA ID                | State ID | Project Name               | Description                                                                                                                                                                                                                                                                                                                                    | Project Sponsor            | Change to TIP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------|----------|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>INDIANA PROJECTS</b> |          |                            |                                                                                                                                                                                                                                                                                                                                                |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 52                      | 1297150  | US 31                      | District Bridge Rehabilitation consisting of a bridge deck overlay on US 31, Veterans Parkway, and L&I Railroad at RP 4+75.                                                                                                                                                                                                                    | INDOT                      | Add as part of KIPDA #1596 Various Bridge Replacements. Add FY 2012 PE \$14,862 federal and \$18,577 total; Add FY 2013 Construction \$148,617 federal and \$185,771 total; STP-State funds.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Appendix C              |          | Ohio River Bridges Project | Construction of 2 new Ohio River bridges, 1 in the downtown (I-65) corridor and 1 in the far east (I-265) corridor.                                                                                                                                                                                                                            | INDOT                      | Combine all funding in associated "baby projects", and delete "baby projects" including KIPDA #1165, #1166, #1215, #1241, #1813, and #1882. Show TIP funding as: FY 2012 PE \$5,752,000 federal and \$7,190,000 total; FY 2012 ROW \$200,000 federal and \$250,000 total; FY 2012 Utilities \$20,000 federal and \$25,000 total, all STP-State funds; FY 2013 ROW \$4,280,000 federal and \$5,350,000 total, NHS funds; FY 2013 Construction \$43,200,000 federal and \$54,000,000 total, STP-State funds; FY 2014 Construction \$43,200,000 federal and \$54,000,000 total, STP-State funds; FY 2015 Construction \$43,200,000 federal and \$54,000,000 total, STP-State funds. |
| 1165                    | 0201294  | I-65                       | New bridge construction on I-65, new bridge over Ohio River.                                                                                                                                                                                                                                                                                   | INDOT                      | Combine with KIPDA #52 (as shown above) and delete this project from the TIP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1166                    | 0201296  | I-265                      | New bridge construction on IN 265, IN 265 bridge over Ohio River (joint project with KY).                                                                                                                                                                                                                                                      | INDOT                      | Combine with KIPDA #52 (as shown above) and delete this project from the TIP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1215                    | 0201297  | I-265                      | New road construction on PR265, East End alignment to new bridge over Ohio River.                                                                                                                                                                                                                                                              | INDOT                      | Combine with KIPDA #52 (as shown above) and delete this project from the TIP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1241                    | 0300798  | I-65                       | New bridge, other construction on I-65, approach work for new bridge over Ohio River.                                                                                                                                                                                                                                                          | INDOT                      | Combine with KIPDA #52 (as shown above) and delete this project from the TIP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1813                    | 0810242  | I-265                      | Construct new interchange on I-265 at Salem Road, Section 6 East end approach, Ph I Salem Road interchange                                                                                                                                                                                                                                     | INDOT                      | Combine with KIPDA #52 (as shown above) and delete this project from the TIP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1882                    | 0300799  | I-65                       | Ohio River Bridge GEC for I-65 and SR265.                                                                                                                                                                                                                                                                                                      | INDOT                      | Combine with KIPDA #52 (as shown above) and delete this project from the TIP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1556                    | 0901275  | Market St./Spring St.      | Upgrade and designate Market Street and Spring Street as two-way streets from IN 111 to State Street; also includes the two-way conversion of Elm Street, Pearl Street, and Bank Street; as well as the installation of landscaped medians, bicycle lanes, and railroad crossing improvement as well as traffic calming devices and sidewalks. | New Albany                 | Move FY 2011 Design to FY 2012; STP-Urban funds.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1773                    | 0900143  | IN 62                      | Replace traffic signal at IN 62 and Salem Noble Road                                                                                                                                                                                                                                                                                           | River Ridge Dev. Authority | Move FY 2010 Construction to FY 2012 \$250,000; STP-State funds.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

**Administrative Modification 15  
FY 2011 - FY 2015 Transportation Improvement Program**

**March 2012 - Revised**

| KIPDA ID                 | State ID | Project Name                                  | Description                                                                                                                                                                                                                                                        | Project Sponsor               | Change to TIP                                                                                                                                                  |
|--------------------------|----------|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>KENTUCKY PROJECTS</b> |          |                                               |                                                                                                                                                                                                                                                                    |                               |                                                                                                                                                                |
|                          | 998.00   | I-65 Cable Barrier Installation               | Install cable barrier on I-65 from KY 44 at Shepherdsville to the Jefferson County line. Project termini from milepoint 116.9 to 123.6.                                                                                                                            | KYTC                          | Add project as part of KIPDA #1633 Various Safety Projects. Add FY 2012 Construction \$1,400,000; HSIP funds.                                                  |
| 1423                     |          | River Road Bicycle & Pedestrian Improvements  | River Road Bicycle and Pedestrian Improvements from downtown Louisville to the city of Prospect (US 42), 8.5 miles.                                                                                                                                                | Louisville Metro Public Works | Split out PE from Design. Add FY 2014 PE \$53,000 federal and \$66,250 total; Reduce FY 2014 Design to \$175,800 federal and \$219,750 total; STP-Urban funds. |
| 1423                     | 293.00   | KY 1494                                       | Widen travel lanes (no additional travel lanes) on KY 1494 in Bullitt County, and relocate road from 2000 feet west of KY 61 to KY 61.                                                                                                                             | KYTC                          | Add FY 2012 Design \$100,000; Reduce FY 2012 Construction to \$2,560,000; STP-Urban funds.                                                                     |
| 1229                     | 440.00   | Various Sidewalks on State Routes in Kentucky | Installation of sidewalks to fix gaps in pedestrian network on various state maintained roads in Oldham, Jefferson and Bullitt counties.                                                                                                                           | KYTC                          | Reduce FY 2012 Construction to \$25,323 federal; STP-Urban funds.                                                                                              |
| Appendix C               |          | KY 44 ADA Sidewalk Updates                    | Replace approximately 2200 linear feet of sidewalk, 500 linear feet of entrance pavement and 11 handicap accessible ramps at various locations along KY-44 between I-65 and Reesor Avenue in Shepherdsville, KY. Project will include minor drainage improvements. | KYTC                          | Add as part of KIPDA #1229 Various Sidewalks on State Routes in Kentucky. Add FY 2012 Design \$15,000; Add FY 2012 Construction \$170,000; STP-Urban funds.    |



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Kentucky Division**

May 24, 2012

330 West Broadway  
Frankfort, KY 40601  
PH (502) 223-6720  
FAX (502) 223 6735  
<http://www.fhwa.dot.gov/kydiv>

In Reply Refer To:  
HPD-KY

Mr. Jack Couch, Executive Director  
Louisville Area Metropolitan Planning Organization  
c/o Kentuckiana Regional Planning and Development Agency  
11520 Commonwealth Drive  
Louisville, KY 40299

Dear Mr. Couch:

The Kentucky Division Office of the Federal Highway Administration (FHWA) and Region 4 of the Federal Transit Administration (FTA), in consultation with the Indiana Division Office of the Federal Highway Administration and Regions 4 and 5 of the United States Environmental Protection Agency (EPA), have reviewed the following documents:

**Amendment 5 to the 2011-2015 Transportation Improvement Program (TIP) and  
Amendment 5 to the 2030 Metropolitan Transportation Plan (MTP) for the  
Louisville Area Metropolitan Planning Organization (MPO)  
(MPO resolution approval date May 24, 2011)**

The Kentucky Environmental and Public Protection Cabinet's Division for Air Quality, the Kentucky Transportation Cabinet's Division of Planning, the Kentucky Transportation Cabinet's Office of Transportation Delivery, the Louisville Metro Air Pollution Control District, and the Transit Authority of River City also had an opportunity to review and comment on the aforementioned documents.

We found that this amendment can rely on the regional emissions analysis that was used to support the most recent conformity determination made on January 17, 2012.

**Therefore, a new air quality conformity determination is not required under the Transportation Conformity Rule.**

Sincerely yours,

Bernadette S. Dupont  
Transportation Specialist

c: Robert Talley, FHWA-IN  
Scott Davis, EPA-R4  
John Lyons, EPPC-DAQ  
Lauren Anderson, Louisville APCD  
Barry Barker, TARC  
Michael Hancock, KYTC-Administration  
Steve Waddle, KYTC – Administration  
Ron Rigney, KYTC-Program Management  
Keith Damron, KYTC-Planning



Revised Record of Decision

**INDOT-KYTC ROD transmittal to FHWA**

June 2012



Ph: 502-394-3840 Fax: 502-426-9778 Toll Free: 1-800-513-6691

Project Office: Forum Office Park III, 305 N. Hurstbourne Parkway, Suite 100, Louisville, KY 40222

June 19, 2012

Mr. Jose Sepulveda  
Division Administrator  
Federal Highway Administration, Kentucky Division  
330 West Broadway, Rm. 264  
Frankfort, KY 40601

Subject: Louisville – Southern Indiana  
Ohio River Bridges Project  
Revised Record of Decision

Dear Mr. Sepulveda,

The Indiana Department of Transportation and the Kentucky Transportation Cabinet have reviewed and approved the Revised Record of Decision (ROD) prepared for the Louisville – Southern Indiana Ohio River Bridges Project. Upon issuance, INDOT and KYTC will implement the decisions and commitments included in this revised ROD. INDOT and KYTC therefore request that the Federal Highway Administration (FHWA) approve and issue the Revised ROD for the Bridges Project. The issuance of this Revised ROD will also include the publication of a Notice of Final Federal Action in the Federal Register. We are also providing three copies of this notice for your signature.

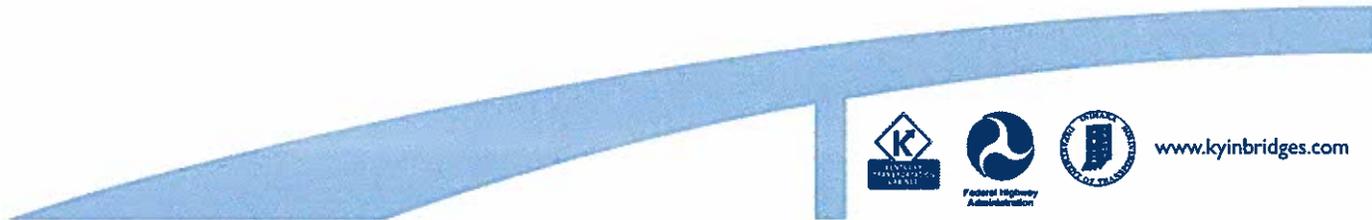
If you have any questions or concerns with this request, please contact us immediately so that they can be addressed and resolved.

Thank you for your prompt attention to this important matter.

Very Truly Yours,

Ronald Heustis  
Project Manager  
Indiana Department of Transportation

Gary Valentine  
Project Manager  
Kentucky Department of Transportation



[www.kyinbridges.com](http://www.kyinbridges.com)