Citizens Against the Pellissippi Parkway Extension, Inc.

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TO: Public Comments, Tennessee Department of Transportation

FROM: Citizens Against the Pellissippi Parkway Extension, Inc.

DATE: November 18, 2015

RE: Comments for the Public Record on Final Environmental Impact Statement on the proposed Pellissippi Parkway Extension

CAPPE is submitting these formal comments on the 2015 FEIS as part of the NEPA process.

We note that the FEIS contains new material that was not presented in the 2010 DEIS. Much of this new material is directly responsive to CAPPE’s formal comments on the DEIS. However, significant deficiencies remain. These comments outline those deficiencies. Our comments refer directly to the FEIS, with reference to attachments, appendices and other documentation as appropriate.

**I. Introduction and Summary**

The FEIS continues the decade-long record of illustrating, at each stage in the NEPA process, further reduction in the marginal benefits of the proposed and costly Pellissippi Parkway Extension. The Purpose and Need for this project have been revised multiple times over the past 12 years, with each revision adjusting the objectives of the PPE downward to conform to traffic studies illustrating little to no benefit to Levels of Service, traffic congestion, and safety.

The FEIS does not alter two conclusions of 2010 DEIS that the Preferred Alternative:

“Does not substantially improve corridor LOS on existing network” (Table 2-4)

Does not address the identified need of “Poor local road network with substandard cross sections (with narrow lanes, sharp curves, and insufficient shoulders) in the eastern portion of the county.” (Table 2-3 p 2-9, also Table 2-8, p 2-22)1

1 Table 2-3 is from the 2010 DEIS. The FEIS notes that changes in impacts since the approval of the FEIS

are described in Section 2.3.2 and Chapter 3 of the FEIS and the 2014 reevaluation of the DEIS. However neither Section 2.3.2, Chapter 3, nor the 2014 reevaulation show the range of impacts that appear in Table 2-3, nor is there any subsequent attention to the impact of the Preferred Alternative on the poor local road network with substandard cross sections. The FEIS states that new information or circumstances identified in the reevaluation would not result in significant environmental impacts that were not identified in the DEIS.

Even more noteworthy, TDOT’s own data and analysis as presented in the FEIS and supporting documents demonstrate that the Preferred Alternative fails to yield benefits in any of the categories expected from new road projects.

Compared to No-Build, using the data provided in the FEIS, the Preferred Alternative:

 **Increases** vehicle hours of travel (VHT) in the year 2040

 **Increases** vehicle miles of travel (VMT) in the year 2040

 **Increases** crashes in the year 20402

2 Applying crash rates (*2015 FEIS* Table 1-5) to the year 2040 vehicle miles of travel (VMT) as given in the *2014 Addendum*, Tables 5 and 7 results in an increase of 21 crashes in the year 2040.

Significant for the NEPA process, the FEIS:

 fails to meet NEPA requirements to “rigorously explore and objectively evaluate all reasonable alternatives,” 40 C.F.R. § 1502.14(a), in at least the following respects:

◦ fails to rigorously explore and compare alternatives

◦ falls far short of objectively evaluating Alternative D

◦ applies inconsistent methodologies

◦ fails to project traffic for Alternative D

◦ lacks computable measures of accomplishment of purpose and need statements

The FEIS fails to provide a “full and fair discussion of significant environmental impacts,” 40 C.F.R. § 1502.1, it at least the following respects:

 presents internal contradictions in reported traffic information and analyses;

 misrepresents project impacts by not reporting conclusions supported by the data provided, including negative impact on safety,

 demonstrates the project has a benefit/cost ratio of zero or negative

 is deficient in evaluation of geology and likely impacts on water and threatened and endangered species

 reports selectively on economic and fiscal impacts, visual impacts, air, noise, and farmland

Details of these failures and deficiencies are provided in these comments. Fundamentally, this FEIS failed to take a hard look at the potential environmental effects of this project and did not adequately consider and disclose the environmental impacts of this proposed project. Kentucky Riverkeeper, Inc. v. Rowlette, 714 F. 3d 402, 407, 411 (6th Cir. 2013).

TDOT has publicized for more than a year the $6+ billion backlog of transportation projects in Tennessee. Spending $165 million (and likely to be more) on a project with such marginal and short-lived benefit is irresponsible stewardship of the public’s resources. Tennessee has pressing maintenance and safety needs that should be priorities for spending our limited transportation funds. A benefit/cost analysis based on the data in the FEIS shows that the PPE is a colossal waste of limited taxpayer dollars for transportation projects. We further address the benefit/cost relationship later in these comments. The FEIS also failed to serve the public interest in two respects:

* The analysis presented in the FEIS demonstrates that the PPE does not fulfill the requirements of NEPA.
* The FEIS shows that the PPE does not satisfy TDOT’s stated priorities of “‘Fix it First’3 and safety, particularly where there is consensus in our community about the priority of improving safety on US 129/Alcoa Highway.

**II. Project rationale (Purpose and Need) undermined by repeatedly diminished objectives and questionable analysis.**

The Purpose and Need for this project have been revised and reduced multiple times over the past 12 years. Original objectives have been challenged in agency comments, then abandoned by TDOT and replaced with less significant objectives. The ever-shifting and evanescent purpose and need for this project is indicative of an arbitrary decision to proceed with this project whether it meets any transportation needs or not.

The traffic studies in the 2010 DEIS showed the PPE would produce little or no benefit to traffic congestion, no improvement to poor levels of service on major arterial roads, no change to the poor local road network with substandard cross sections, and questionable impact on safety. In response to evidence that the project would not improve roadway LOS, the 2015 FEIS now diminishes expectations even further and shifts attention away from roadway LOS to other measures, the analysis of which is suspect.

For the 2015 FEIS, project objectives have been reduced and new, smaller scale objectives have been substituted for former objectives that the project clearly will not fulfill. Even with dramatically reduced traffic volumes, the project will not improve LOS on major arterials, and conditions that lead to crashes will not be altered.

**2.a. Purpose and Need in the 2015 FEIS are substantially diminished from the 2010 DEIS.**

**2.b. Significantly reduced volumes undermine the need for the project**

**2.c Determination of need is impossible because the FEIS provides no origin/destination data and only a very limited select/link analysis**

**2.d. Project contributes to unsafe conditions**

**2.e. Changes in the area road system further undermine the “need” for PPE**

**2.f. The FEIS reports none of the usual benefits of transportation projects**

**2.g. The PPE Preferred Alternative benefit/cost ratio is near zero or possibly negative**

**2.h. The Pellissippi Parkway (I-140/SR162) already has a logical terminus**

**III. Flaws in Transportation Analysis**

The many deficiencies in the FEIS transportation analysis listed in this section indicate that TDOT and the FHWA failed to take a “hard look” either Alternative D or the Preferred Alternative.

**3.1 The FEIS fails to meet NEPA’s requirement to “rigorously explore and objectively evaluate all reasonable alternatives.”**

**3.1.a. The *2015 FEIS* fails to rigorously explore and compare alternatives.**

**3.1.b. The *2015 FEIS* falls far short of objectively evaluating Alternative D**

**3.1.c. The FEIS fails to apply consistent methodologies**

**3.1.d. Failure to project traffic for Alternative D**

**3.1.e. The FEIS lacks computable measures of accomplishment of purpose and need statements that would enable reviewers to “evaluate their comparative merits”**

**3.2. FEIS relies on traffic forecasting and capacity analysis methods that do not conform to standard practice.**

**3.2.a. The FEIS relies on unsupported assertions and assumptions (not data) to reject Alternative D**

**3.2.b. Unexplained forecasting procedures for Alternative D**

**3.2.c. Continued use of incorrect Level of Service (LOS) procedures for Alternative D**

**3.3. The FEIS fails to compute the safety impact of the Preferred Alternative**

**3.4. Failure to obtain basic origin/destination data misrepresents transportation needs in the study area**

**3.5. The 2015 FEIS reports internally contradictory information**

**3.5.a. Contradiction between Intersection LOS and traffic model results produces overstatement of traffic and overstatement of delay**

**3.5.b. Inexplicable variations in screenline volumes for Alternative D undermine traffic assignment figures and therefore undermine traffic analysis in the 2015 FEIS**

**3.6. The 2015 FEIS presents “new” information that is not included in its supporting**

**Attachments or Appendices**

**3.6.a Select Link Analysis Percentages cannot be duplicated from information provided**

**3.7. The 2015 FEIS misrepresents project impacts by not reporting conclusions supported by the data provided**

**3.7.a. The Preferred Alternative adds area-wide VMT and VHT**

**3.7.b. The Preferred Alternative increases (not decreases) the number of crashes area-wide**

**3.8 Uncertain time horizons render the entire analysis unreliable**

**3.9 Accessibility and time savings benefits rely on speculation, not data**

**IV. Geology**

The FEIS’s studies of geologic and hydrologic conditions failed to take a hard look at these likely impacts because the reported studies are inadequate to assess direct, indirect, and cumulative impacts of the PPE. 40 C.F.R. §§ 1502.16(a), 1502.16(b), 1508.7. Thorough field studies were not performed to assess impact of the project on geologic and hydrologic conditions for water quality and threatened and endangered species. These additional investigations should have been performed *prior* to selecting a preferred alternative route for public comment and review because all direct, indirect, and cumulative impacts could not be defined by the studies in the DEIS.

**4.a. The 2015 FEIS reports on geological studies done after the 2010 DEIS but still fails to thoroughly explore and document the impacts of the project on geologic and hydrologic conditions and water quality.**

**4.b. The FEIS does not include a detailed karst inventory and field survey completed outside of the proposed corridor (i.e., between the corridor and possible receiving streams).**

**4.c. FEIS has not adequately identified sinkhole groundwater discharge points and therefore the FEIS’s report on impact on receiving streams is inadequate. TDOT will not be able to avoid these areas and impacts on receiving streams during design, construction, and post-construction development.**

**4.d. Field investigations should be performed to inspect the habitat between the corridor and receiving streams to locate actual threatened and endangered species relative to groundwater discharge points.**

**4.e. FEIS is inconsistent and contradictory in its definition and assessment of sinkholes**

**V. Impacts on Water**

**5.a. The FEIS gave the wrong watershed location for the project and its impacts on water.**

**5.b. The FEIS and Reevaluation of the DEIS are inconsistent regarding the impacts to streams.**

**5.c. The calculation for linear feet of streams that will be impacted by the Preferred Alternative should include "braided" stream channels that are currently in the wetland adjacent to Flag Branch (WTL-6; FEIS, Figure 3-18).**

**5.d. Questions stemming from TDOT’s delineation of waterways during the 2008 field study remain unanswered.**

**5.e. The FEIS did not adequately address the broader consequences of wetland disturbance and loss**

**5.f. The FEIS failed to adequately address the potential hazards to aquatic ecosystems that could result from groundwater contamination & siltation.**

**VI. Threatened & Endangered Species**

NEPA recognizes the unique importance of threatened and endangered species and consequent significance of thorough and adequate analysis and consideration of these species. 40 C.F.R. §§ 1502.25, 1508.27(9). The following sections outline the multiple ways in which the Final EIS failed to take a hard look at threatened and endangered species.

**6.a. TDOT did not adequately survey for the presence of Indiana bats (*Myotis sodalis*) or long-eared bats (*Myotis septentrionalis*) within the corridor of the Preferred Alternative.**

**6.b. The FEIS failed to adequately address the direct, indirect, and cumulative impacts of the Preferred Alternative on aquatic species found in Little River that are rare, threatened, or endangered (RTE).**

**6.c. TDOT’s “not likely to adversely affect” conclusion is not supported by the 2013 *Biological Assessment* (TDOT 2013) or TDOT’s long history of failures to control sediment runoff.**

**6.d. The FEIS failed to acknowledge the updated status of the Sickle Darter (*Percina williamsi*; formerly the Longhead Darter, *Percina macrocephala*) which is currently petitioned for federal listing, and neglected to consider other rare species that should be considered important assessment indicators of the Exceptional Tennessee Water status of the Little River.**

**VII. Impacts on Air and Health**

**7. The FEIS, like the 2010 DEIS, is inadequate in its dismissal of likely impacts of the PPE on air quality.**

**7.a. The FEIS relies on speculation about the future regarding reductions in emissions**

**7.b. The FEIS fails to address health risks of proximity to high volume traffic**

**VIII. Visual Impacts**

**8.a. The FEIS presents a “visual impact assessment” but provides no evidence of consulting with ‘associated viewers’ and fails to acknowledge the scope and impact of the project on the visual environment and on the physical and mental health of residents.**

**8.b. The FEIS failed to address the contradiction between the proposed project and the values expressed in the Blount County Green Infrastructure Plan (July 2009).**

**IX. Impacts on Farmland**

**9.a. The FEIS relied on flawed assumptions about local zoning and planning practices.**

**9.b. The FEIS continues to fail to recognize farms as businesses and fails to assess displaced farmland as displaced businesses.**

**9.c. The FEIS’s discussion of project impacts on farmland does not include input from farmers.**

**X. Noise**

**10.a. The FEIS’s deference to local regulation and local developers to avoid or limit noise-sensitive development near the project is unrealistic.**

**10.b. The FEIS gives insufficient attention to noise abatement other than one physical barrier**

**XI. Economic and Fiscal Impacts**

The most significant changes in economic and fiscal impacts from the 2010 EEIS come from dramatically reduced projections for growth in population, employment and traffic. Even with these updates and associated reductions in projected economic benefits, the FEIS failed to take a hard look because it relied on unsupported assertions and incomplete analysis regarding the economic impacts of the PPE.

**11.a. FEIS asserted positive economic impact from taxpayer funds spent to construct the project but there are no requirements that funds be spent locally.**

**11.b. Blount County already has an enviable record of recruitment of new business investment and job growth without the Pellissippi Parkway Extension.**

**11.c. The 2015 FEIS continues the failure of the 2010 DEIS to recognize that farming operations are businesses, to assess the economic impact of the project on those businesses, or to include farming businesses in assessments of displacement of existing businesses.**

**11.d. The FEIS projects positive economic impact on the Knoxville airport but fails to note this would generate increased traffic on unimproved US411N, adding to already unsafe driving conditions.**

**11.e. The FEIS’s projected travel time savings, used as a factor in projecting induced growth from the project, is based on assumptions, not data, and is therefore entirely speculative and unreliable.**

**11.f. Different models were used for analysis of Economic and Fiscal Impacts in the DEIS and the FEIS, rendering comparison between the DEIS and the FEIS needlessly complex for members of the public, and the explanation given in the FEIS for the change in methods is not sustainable.**

**XII. Conclusion**

This FEIS violated NEPA because it failed to take a hard look at multiple aspects of this project, including (1) inadequate consideration of and failure to objectively evaluate Alternative D, and inadequate analysis of the Preferred Alternative; (2) a constantly-shifting and evanescent purpose and need because the project carries little, if any, transportation benefits, and (3) multiple flaws in the analyses of environmental impacts, as described in these comments. Accordingly, TDOT should choose the no action alternative and spend its limited resources on other, more effective projects. If TDOT continues to pursue this project, it should prepare a supplemental EIS that complies with NEPA by addressing the flaws outlined in these comments.