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Executive Summary: Based on our review of the SEIS, a Record of Decision supporting TOLs as the preferred alternative for I-70 is not justified.

The Sierra Club is pleased to submit these comments on the Supplemental Environmental Statement (SEIS) for reconstruction of approximately 200 miles of I-70 in Missouri.

1 - Our Comments on the FTEIS. These comments build on comments that we submitted on September 25, 2001, in response to the First Tier Environmental Impact Statement (FTEIS). We have reviewed those comments, we consider them to be still valid and relevant, and thus we ask that you consider them here as well.

<http://www.improvei70.org/downloads/ROD%20Appendix%20ltr7.pdf>

2 - Existing Record of Decision. In response to the FTEIS, USDOT issued a Record of Decision (ROD) on December 18, 2001, identifying the preferred alternative as a six-lane highway with a wide median. We opposed that alternative on the grounds that it would constitute excess capacity for several sections of the route, because we believed the study had not given adequate consideration to non-highway alternatives for moving people and goods, and because we believed the study had ignored emerging major issues related to rising energy prices (and consequent implications for mode choice for moving both people and goods) and global warming.

Our response to the current SEIS is much the same. The truck-only lanes (TOL) concept is not compatible with a strategic view of future transportation needs in an age of global warming and rising energy prices. It is especially not compatible with the era of severe fiscal challenges – e.g., budget deficits and national indebtedness – that we have entered.

3 - A Major Disconnect. The SEIS recommends truck-only lanes (page 6-2): “The study team recommends implementing the Truck-Only Lanes Strategy as the Preferred Alternative.”

However, the SEIS also states (page 6-4) that, "...there is no empirical data available to know how effectively this type of facility [i.e., the TOL concept] will function." How can these two statements be reconciled? How can the TOL concept be the new preferred alternative if there is no empirical evidence that it will even work?

Consequently, we believe that a ROD identifying the TOL concept as the preferred alternative is not justified.

4 - The Four-State Context. The current SEIS has been funded by a special grant to Missouri under the USDOT "Corridors of the Future Program." The Missouri segment of I-70 is part of a 789-mile stretch of I-70 across Missouri, Illinois, Indiana, and Ohio that is the subject of a study to be led the Indiana DOT. We understand that the four states finally reached agreement on how to proceed with that study in January, 2009, less than two months ago. The TOL concept in Missouri would have significantly less utility in the nation's transportation system if it is not part of a longer corridor. Thus, we submit that a ROD in support of the TOL concept in Missouri would be premature until the four-state study is completed.

5 - A Global Context of Profound Change. The world has changed profoundly since the FTEIS was initiated in 1999, and it is likely to change even more profoundly in the years ahead.

- = There is vastly increased awareness of global warming and the consequent need to reduce greenhouse gas emissions by reducing consumption of carbon-based fuels, in part by using more energy-efficient modes of transportation. This will be further affected by fees or taxes on carbon-based fuels in the near future.
- = There is increased awareness of the fossil fuel supply challenges that lie ahead as easily recoverable petroleum reserves are depleted, and increased awareness of the long-term upward trend in energy prices.
- = There is a global financial crisis that affects everything. (It's useful to note that MoDOT Director Pete Rahn quotes Microsoft CEO Steve Baumer in describing the current recession as a time of "resetting." We agree, and believe this resetting must include a re-examination of all previous assumptions about the future, including how the nation meets its transportation needs.)
- = In brief, never has the past been such an inadequate predictor of the future.

Given these factors, it is reasonable to expect that future movement of people, and especially goods, will be significantly less than past projections have indicated. As transportation energy costs rise, one natural response will be to shift manufacturing closer to markets. That's not to say that fewer tons of freight will be moved – even though that might also be anticipated due to changes in social norms and expectations regarding what constitutes a good quality of life – but rather to suggest that ton-miles of freight movement will decrease. It is also reasonable to expect that more freight will move by more energy-efficient modes such as rail, and less by truck. Trucks may continue to move products the final few miles, but more of the total miles will likely be by other modes. Thus, it is reasonable to anticipate a national commitment to a public-private partnership with the nation's railroads to remove rail bottlenecks and add capacity in order to improve the reliability of freight rail as part of the next Federal transportation authorization bill.

The point is, conclusions reached in the FTEIS based on then-current expectations and projections – from the late 1990s – are no longer valid. It is not prudent to recommend a TOL facility that has the effect of making marginal improvements in the performance of an inherently less efficient mode of transportation (i.e., trucks) rather than investment to improve the reliability and speed of an inherently more energy-efficient mode (e.g., rail).

6 - The Range of Alternatives Is Deficient. The FTEIS considered seven alternative strategies:

- 1 – No Build
- 2 – TSM/TDM
- 3 – Widen Existing I-70
- 4 – New Parallel Facility
- 5 – New Parallel Toll Road
- 6 – High-Occupancy Vehicle Lanes
- 7 – High-Speed Passenger Rail

Note that passenger rail was considered, but that freight rail was not. Note also that a parallel roadway facility was considered. By considering a separate facility for trucks, the SEIS shifts the focus to freight, but it does not give renewed consideration to other strategies for diverting freight from I-70 to other modes on parallel facilities. Thus, the range of alternatives considered is deficient.

7 - Opportunity Costs. We are concerned about two major kinds of opportunity costs – land and financial.

7a - Opportunity Costs – The Median as a Resource. If truck lanes are built in the extra wide median of a reconstructed I-70, that median would no longer be available for passenger or freight rail, or for any another mode of transportation. (MoDOT's Chief Highway Engineer told us with optimism some ten years ago that the wide median would be available for some yet-to-be identified mode of transportation.) Truck lanes don't measure up. High-speed passenger rail may or may not be feasible in the near term, but it should not be ruled out. The need for added capacity for freight rail across Missouri is certainly evident, and even if it's not built within all 200 miles of the median, there's potential for combining sections of the median with existing rail lines to create a new high-capacity cross-state rail corridor.

7b - Opportunity costs – The money. With the Congressional “bailout” of the Highway Trust Fund last year, and with the inclusion of highway spending in the recently-enacted American Recovery and Reinvestment Act, it should be evident that highway users no longer pay the full cost of the nation’s highway system: a highly symbolic line has been crossed by allocating general revenues to highways. When highways become even partly dependent on general revenues, it is obvious that they compete with every other governmental purpose. This is especially significant in a time of unprecedented budget deficits, a national debt that now exceeds \$10 trillion dollars, and a global warming crisis on the horizon that will require very significant investment in money and resources – or, more precisely, a very different investment of money and resources. The added \$400 million or more cost to build the TOL concept for I-70, compared with the six-lane concept, has to be considered in the context of the following question: What other use of \$400 million might make Missouri / the United States more energy-efficient, less reliant on foreign petroleum, and better prepared to mitigate or adapt to climate change?

8 - SEIS Scope is Too Narrow. The SEIS has the same deficiency as the FTEIS in that it construes “environment” too narrowly. The studies have treated “the environment” as the footprint of the project, plus adjacent residents, businesses, and land. The studies do not consider the incremental impact of the proposed project on the broader regional environment – such as residents living within earshot of the highway and thereby subject to increased noise, along with air emissions from the higher levels of traffic that would be carried. Nor do they

consider the impacts of energy use and greenhouse gas emission on the global environment. (There is a discussion of energy and related issues on pages 4-8 thru 4-11, but it is superficial and speculative in nature – a pro forma consideration that is subsequently ignored.). Reasonable consideration of these latter factors would indicate a much more rigorous study of the modal alternatives that the FTEIS summarily dismissed as inadequate.

9 - Safety – Benefits of Separation are Over-stated. Separating trucks from cars is a very appealing feature of the TOL concept to motorists, many of whom have felt intimidated by trucks. While the overwhelming majority of truckers observe the speed limit, a few drive well over the posted speed. The SEIS claims that separation will improve traffic safety (page 2-10): “(The TOL concept provides a greater improvement in safety) due mostly to the separation of trucks from general-purpose traffic that in turn reduces the frequency of crashes resulting from truck-car conflict points.” We submit that this is a serious flaw in reasoning. The SEIS identifies only three interchanges out of 56 that would have separate truck access ramps initially, with such ramps potentially justified at six others. Access to the 53 other exits would be via “slip ramps” whereby trucks would cross general purpose lanes and use the general purpose access ramps. The SEIS further indicates (page 3-7) that several exits might be served by a single slip ramp. The SEIS also appears to underestimate the level of use of such slip ramps as trucks make stops for refueling, food, and driver rest periods. Trucks would make dangerous moves across general purpose lanes during which cars would be in the truck driver’s “blind spot.” Thus, the actual separation of trucks from cars will be significantly less than indicated in promotional material. In effect, trucks will have a separate facility and cars will still be in mixed traffic.

10 - Safety – Truck Speed Differentials. Furthermore, the SEIS gives no apparent consideration to the speed differential between trucks and cars, or between trucks operated by different companies. Several major trucking companies – YRC and Schneider National, to name just two – limit their trucks to 60 or 62 mph by company policy as a fuel conservation measure. Conflicts between 60 mph trucks crossing 70+ mph cars to reach an exit are a serious danger that cannot be denied.

11 - Safety – Strategies Not Considered. Reducing truck-car conflicts is a desirable goal, but the SEIS considered only a separate facility alternative. The SEIS is seriously deficient in that it did not consider strategies for achieving that end as part of the six-lane alternative, such as a mandated lower speed limit for trucks, vigorous enforcement of truck speed limits, and restricting trucks to the outer lane except when passing.

12 - Operating Costs. The SEIS estimates the annual operation and maintenance cost of the TOL concept at \$12 million, compared with \$10 million for the six-lane concept (Figure 2-5, page 2-9). O&M includes factors such as pavement maintenance, snow renewal, and pavement sweeping – costs that are directly related to pavement surface. We estimate pavement surface to be at least 50 percent greater for the TOLC concept than for the six-lane concept, and thus the difference in O&M costs would likely be greater.

13 - Natural Environment -- Wildlife. The SEIS identifies no additional impacts on wildlife (Figure 4.2, Page 4.2), thereby failing to recognize the impact of the continuous median barrier not included in the six-lane concept. Wildlife attempting to cross the highway may be turned back or disoriented, resulting in wildlife death. Nor does SEIS consider the human consequences of increased crashes involving deer or other animals colliding with vehicles. Some percent of

such collisions result in human injury or fatality, and additional crashes occur as vehicles swerve to avoid hitting wildlife.

14 - Natural Environment – Water quality. The SEIS identifies no additional impacts on water quality, even though runoff will be increased owing to the 50 percent or more increase in pavement surface for the TOL concept compared with the six-lane concept: eight travel lanes plus four sets of left and right shoulders compared with six travel lanes plus two sets of left and right shoulders.

15 - Indirect and Cumulative Impacts. The SEIS discusses indirect and cumulative impacts (pages 4-11 thru 4-14) in a superficial and speculative manner. The discussion might be characterized as, Yes, there probably are some indirect and cumulative impacts. That discussion is inadequate

16 - Format of the SEIS. The format of the SEIS biases the reader to favor the TOL concept being studied. The SEIS is presented in an attractive format – perhaps overly attractive. When such a study is presented in this manner it's easy to conclude that it's purpose is to promote the TOL concept as much as to evaluate it. There are illustrations of how slip ramps are intended to function, for example, but there are no illustrations of the truck-car conflicts that will occur during actual operation as trucks merge across general purpose lanes to get to and from ramps. The appendices, including a promotional video, are included on a CD included with the study document. This presents accessibility problems to anyone not having access to a computer. In addition, there is no table of contents (other than one-line titles on SEIS TOC page 2) for the various technical memoranda on the CD. Thus, it's necessary to scroll through each of the TMs in search of detail that might or might not be there.

17 - Public Comments. We note that the SEIS employed several strategies for getting public comments during the study, and that it is significantly better than the FTEIS in making public comments a part of the record. We appreciate that because we believe it is essential that the public gets to know what the public is saying. An online comment period was provided during September, 2008, and the Sierra Club cooperated by providing a link to that site from our home page:
<http://missouri.sierraclub.org/FrontPage2008/trucklanes.htm>

18 - A Notable Public Comment. We call your attention to one very thoughtful online comment (TM4, pages 78-79). We don't know who submitted it, but we believe it deserves full consideration as if it were submitted as a formal comment on the Draft SEIS.

Thank you for putting your I-70 Truck-Only-Lanes-across-Missouri study on your website and thereby making it easier for the public to comment on it. However, your Question #6 above doesn't provide enough options to choose from.

A few years ago MoDOT received a Record of Decision approving its recommendation in its First Tier Environmental Impact Statement" (FTEIS) favoring rebuilding I-70 as a six-lane highway. Your new study apparently rejects that ROD. However, I am not convinced that in spite of the \$2 million FHWA grant to study the feasibility of Truck-Only Lanes across Missouri, that your Supplemental Environmental Impact Statement has justified overturning your previous conclusion, nor that this new SEIS is an adequate procedure for doing so. For one thing, you have not addressed the impact of the more extensive amount of

pavement, nor the impacts of encouraging proportionately more big-truck traffic on Missouri's highways, bridges and roads. Although most folks would rather not have to share the highway with huge trucks, they may agree with me on the following reservations about your proposed Truck-Only Lanes:

-- Your proposal doesn't really separate trucks from cars at the most dangerous points, where trucks are changing lanes in order to enter or exit the highway. The same problem would occur if you put the car lanes in the middle rather than the outside lanes unless you provided entirely separate entrance and exit ramps for cars and trucks. But this would be even more expensive than what you are proposing, which itself is extremely expensive (\$3.4 billion).

-- That brings up my next question: Who is going to pay for this? At a time when taxpayers are being asked to go into another \$10,000 of debt per family to bail out the consequences of stock and bond mismanagement, on top of the debt we have already assumed during the last 5 years of war, it is asking a lot from taxpayers to also pay (and/or go further into debt) to bail out the mistakes of highway planners who willy-nilly built and expanded highways at the behest of suburban and ex-urban land-development interests rather than putting aside funds for maintaining the bridges and highways we already had, and rather than implementing strategies that would encourage smart growth. Even though tens of millions of dollars per year were moved from Missouri's general revenue to its highway building fund starting in 2005, we are again at a point where Missouri legislators are proposing an increase of 1% in the sales tax to pay for rebuilding I-70 and I-44. Such a sales tax would be collected statewide, but the "benefits" would be much more narrowly focused. Truckers already do not pay their fair share, based on the damage they do to the roads. They should be asked to pay for separate Truck-Only Lanes, by increasing weight fees and paying tolls for all or most of the cost.

-- Your original FTEIS gave short shrift to including rail in the I-70 corridor. Now, incredibly, even though the focus of your replacement plan is on moving freight, and even though the cost of truck fuel has doubled or tripled, your new SEIS still gives short shrift to rail. Rail is widely acknowledged to be far more energy- and resource-efficient than trucks. Given the challenge of "Climate Chaos," which is linked to increasing levels of carbon dioxide in the atmosphere (a direct result of burning fossil fuels for transportation and other purposes), I urge you to re-do your study to give adequate attention and priority to increasing freight rail across Missouri. I also urge you to revisit your projections of demand for long-distance freight. Future public policies that address Climate Chaos may encourage more local production of goods and thus less demand for long-distance freight.

19 - Closing Note. At the eastern edge of Pulaski County, just south of Interstate 44 and near the ghost town of Hooker, there's a three-mile segment of Historic Route 66. It's a four-lane divided highway built in the pre-interstate years, and has since been downgraded to a supplemental highway identified as Route Z. It's essentially a highway to nowhere. If Missouri embarks on building TOLs on I-70, it will likely have fragments of "truck-only lanes to nowhere" because it's unlikely that the entire 200 miles will be completed.

Sincerely,

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