

**Comments of Transportation Riders United on the Final Environmental Impact Statement for the I-94 Expansion Project, FHWA- MI-EIS-01-01-F**

**Table of Contents**

<b>1</b>	<b>INTRODUCTION .....</b>	<b>3</b>
<b>2</b>	<b>THE NEPA PROCESS .....</b>	<b>5</b>
<b>3</b>	<b>THE PURPOSE AND NEED FOR THIS PROJECT IS IMPROPERLY BIASED IN FAVOR OF EXPANDING I-94, IS NOT JUSTIFIED, AND FAILS TO TAKE INTO ACCOUNT IMPORTANT REGIONAL PLANNING OBJECTIVES.....</b>	<b>5</b>
3.1	The Importance of the Purpose and Need Statement .....	5
3.2	The Purpose and Need for this Project are framed to Predispose Selection of a Pavement Solution to meet Capacity and Safety Needs .....	6
3.3	MDOT has not justified the need for the Project.....	8
3.3.1	Traffic Projections .....	8
3.3.2	The Current and future congestion is not bad enough to justify Expansion.....	10
3.3.3	Compliance with MDOT's Transportation Vision .....	10
3.3.4	Compliance with SEMCOG's 2030 Regional Transportation Plan Goals and Objectives... ..	10
3.4	The Purpose and Need Statement is Also Flawed because it Fails to Take Into Account Important Regional Planning Objectives .....	11
3.4.1	Implementing this expansion project frustrates TEA-21 mandated regional planning objectives.....	11
3.4.2	The Proposed Project Does Not Satisfy Historic Goals for Freeway Rehabilitation in the Region 12	
3.5	MDOT and SEMCOG focus excessively on highways .....	12
<b>4</b>	<b>THE FEIS FAILS TO RIGOROUSLY EXPLORE AND OBJECTIVELY EVALUATE ALL REASONABLE ALTERNATIVES, AS REQUIRED BY THE NATIONAL ENVIRONMENTAL POLICY ACT .....</b>	<b>13</b>
4.1	The Requirement to Rigorously and Objectively Evaluate All Reasonable Alternatives.....	13
4.2	The FEIS did not appropriately consider the alternative of meeting the capacity and safety needs of this Project by implementing mass transit. ....	13
4.3	MDOT should use Construction Traffic Maintenance and Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding to finance transit as a component of the Project .....	14
4.4	Cost Estimates for the various alternatives lack adequate substantiation and detail to make a meaningful comparison of alternatives.....	14
4.5	In Evaluating the Proposed I-94 Expansion and Alternatives, MDOT Should Utilize a "Triple Bottom Line" .....	14
4.5.1	Specific Example of Triple-Bottom Line.....	15
<b>5</b>	<b>MDOT HAS ENGAGED IN UNLAWFUL SEGMENTATION AND FAILED TO CONSIDER THE CUMULATIVE IMPACTS OF OTHER CONNECTED OR FORESEEABLE PROJECTS. 16</b>	
5.1	NEPA Prohibits the Segmentation of Major Federal Actions into Smaller Components.....	16
5.2	TRU Recommends that MDOT Carry Out A Programmatic EIS To Evaluate the Regional Impacts of Geographically And Generally Related Transportation Projects. ....	17
<b>6</b>	<b>MDOT HAS FAILED TO TAKE THE REQUISITE "HARD LOOK" AT SIGNIFICANT ENVIRONMENTAL AND SOCIAL IMPACTS OF THE PROPOSED I-94 EXPANSION PROJECT.....</b>	<b>17</b>
6.1	The Need to Consider the Environmental and Social Impacts of the Proposed Project and its Alternatives.....	17
6.2	The FEIS's assessment of and mitigation for Environmental Justice Impacts is totally inadequate.....	17
6.3	MDOT'S I-94 project significantly interferes with pedestrian access within the I-94 corridor, which will have serious health consequences.....	18
6.4	This project does not provide job access for the transit dependent.....	19

6.5	The FEIS does not appropriately address community noise concerns.....	19
6.5.1	Comparison of Alternatives.....	19
6.5.2	Criteria Used for Noise Barrier Locations .....	20
6.6	Air Quality Impacts: FEIS Section 5.5.....	20
6.6.1	Air Pollution from Cars and Trucks is a Major Health Hazard that MDOT Must Study .....	20
6.6.2	The “No-Build” and Mass Transit Alternatives Are Better For Air Quality.....	20
6.6.3	NEPA Requires MDOT to Carry Out a Corridor Health Study of the Air Quality Health Impacts of the Proposed I-94 Expansion and Alternatives .....	21
6.6.4	Conformity Analysis and traffic counts.....	21
6.6.5	Regional impacts of mobile source emissions.....	21
6.6.6	MDOT Must Address the Increase in Toxic Air Pollutants that Would Result From the Proposed I-94 Expansion.....	21
6.6.7	MDOT Must Address the Increase in NAFTA-related International truck traffic .....	21
6.6.8	According to the EPA, trucks, buses and cars are the largest cancer pollution source,.....	22
6.6.9	MDOT Must Factor in the Increase in VMT that Would Result From the I-94 Expansion in Its Analysis of Air Quality Impacts .....	22
6.6.10	MDOT Must Factor the Induced Travel Demand Effect into Its Air Quality Analysis.....	22
6.7	MDOT’s “Build Alternative” imposes adverse Social and Economic Impacts.....	22
6.7.1	Regional Environmental Impacts of single mode transportation planning.....	22
6.7.2	The I-94 expansion project will cost the region vitality.....	23
6.7.3	At a cost of \$1,200 Million, the Project would drain public money from transit investments.....	23
6.7.4	The local contribution for engineering and building the “recommended alternative” is high.....	23
6.7.5	Failure to invest in transit deprives Metro Detroit of economic development opportunities.....	23
6.8	MDOT Should Carry Out a Cost-Benefit Analysis of the Proposed I-94 Expansion and Its Alternatives.....	23
6.8.1	Need for Comprehensive Cost-Benefit Analysis.....	23
6.8.2	Mode Shift.....	23
6.8.3	Transportation Diversity Benefit.....	23
6.8.4	Community Investment benefit.....	23
6.9	Safety problems in support of the “Build Alternative” are overstated.....	24
6.10	The FEIS fails to address increased energy consumption and potential increases in emissions of greenhouse gases from mobile sources. ....	24
6.11	The Summary comments of Section 2.7 are not justified.....	24
<b>7</b>	<b>SECTION 4(F) PRECLUDES DESTRUCTION OF PROTECTED 4(F) HISTORIC RESOURCES BECAUSE PRUDENT AND FEASIBLE ALTERNATIVE EXIST.....</b>	<b>25</b>
<b>8</b>	<b>MDOT’S PUBLIC PARTICIPATION PROCESS HAS BEEN FLAWED.....</b>	<b>25</b>
8.1	MDOT failed to hold a “town hall” style public hearing .....	25
8.2	Context Sensitive Solutions and Historical Workshops .....	26
8.3	The Project has been Unresponsive to Public Comment Received.....	26
8.4	The Current Public Notice is Flawed.....	27
<b>9</b>	<b>CONCLUSION.....</b>	<b>27</b>
<b>10</b>	<b>EXHIBITS.....</b>	<b>28</b>



## Transportation Riders United, Inc.

500 Griswold Suite 1650 Detroit, MI 48226  
(313) 963-8872, Fax (313) 963-8876

*"Moving Us Forward"*

[www.detroittransit.org](http://www.detroittransit.org)

[trumember@detroittransit.org](mailto:trumember@detroittransit.org)

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April 28, 2005

Abdelmoez Abdalla  
Federal Highway Administration  
315 West Allegan Street, Room 201  
Lansing, MI 48933  
(517) 702-1820  
Fax: (517) 377-1804  
e-mail: [abdelmoez.abdalla@fhwa.dot.gov](mailto:abdelmoez.abdalla@fhwa.dot.gov)

Ms. Margaret Barondess, Section Manager  
Michigan Department of Transportation  
425 W Ottawa St  
PO Box 30050  
Lansing, MI 48909  
Phone: (517) 373-2230  
e-mail: [barondessm@michigan.gov](mailto:barondessm@michigan.gov)

#### 1 INTRODUCTION

Transportation Riders United ("TRU") has evaluated the Final Environmental Impact Statement ("FEIS") for the I-94 Expansion Project. This evaluation of the FEIS is hereby submitted for the public record as part of the public comment period on the FEIS. Please note that TRU submitted extensive comments on the draft EIS and to a large degree, the FEIS did not address these comments.

TRU is a Michigan Nonprofit corporation based in Greater Detroit with both individual and organizational members working in coalition to advocate for transportation access and mobility. The purposes of TRU include to:

1. Inform and educate the public and officials about the importance of public transportation options.
2. Promote discourse on local, regional and state developments related to transportation.
3. Promote improved public transportation.
4. Promote alternatives to highway expansion.

TRU's comments are made in furtherance of these purposes.

Based on its evaluation, TRU has concluded, and hereby respectfully requests, that the Federal Highway Administration ("FHWA") should reject the FEIS as inadequate, incomplete and non-responsive to the public comments received. FHWA should require the Michigan Department of Transportation ("MDOT") to address, correct, and redo the clearly faulty and deficient FEIS, if the study is to proceed at all. Most importantly, MDOT and FHWA should fully and objectively evaluate the lower cost, environmentally preferable, and more effective alternative of addressing transportation issues in the I-94 corridor as outlined in our comments in the draft EIS (section 9.1 of TRU's comments). This would include a combination of:

1. Establishing commuter rail along the I-94 corridor between Mt Clemons, Detroit and Ann Arbor following the routing used in MDOT's 1997 Regional Passenger Rail Study,
2. A street-car system along the Woodward corridor to Royal Oak following TRU's proposal (<http://www.detroittransit.org/woodwardrolley.asp>),

3. Creating a high-quality Speed Link type bus service along Gratiot, Grand River and Michigan and/or
4. Improving the current D-DOT cross-town bus to an express bus type service.

MDOT could analyze all of these, or perform sensitivity analyses to determine the most effective combination, to meet the goals of the I-94 project of improving safety and capacity along the corridor, while reducing the need for other road expansion projects in the region.

TRU has identified several areas in which the FEIS fails to comply with the National Environmental Policy Act (“NEPA”) and its implementing regulations, the Michigan Environmental Protection Act (“MEPA”), the statutory objectives for planning under ISTEA and TEA-21, and other public laws and regulations. After a careful and thorough review of the FEIS and the requirements governing its preparation, TRU is forced to conclude that:

1. The FEIS does not rigorously explore and objectively evaluate reasonable, feasible, prudent, and practicable alternatives to proposed expansion of I-94, including meeting capacity needs through immediate and longer-term high-quality transit investments that could change the pattern of development in Metro Detroit, and reduce the need for additional costly road expansions. MDOT has not provided leadership and creativity to make this project a win-win by using a mix of solutions that enhance the future viability of the region.
2. MDOT has failed to justify its proposed expenditure in excess of \$1,200 million that further limits the transportation options in Greater Detroit
3. The FEIS ignores, underestimates or miscalculates project impacts on the human health and the environment.
4. The FEIS ignores, underestimates or miscalculates the adverse economic impact of the project.
5. The FEIS does not appropriately evaluate the environmental justice implications of this proposed expansion or mitigate the disparate adverse impacts the I-94 Expansion will have on minority and low-income populations.
6. The FEIS does not accurately disclose the increases in air; noise and water pollution the proposed expansion will cause, and does not propose appropriate mitigations.
7. The FEIS does not provide any mitigation to the extensive increase in the use of energy and the production of greenhouse gases that this expansion project would cause.
8. MDOT has totally ignored the cumulative impacts of the project on the larger community of Detroit and the Metro Detroit region both in terms of environmental impacts and the more subtle opportunity costs of investing the large sum of public capital infrastructure dollars for so little economic benefit to the entire region.
9. The FEIS does not discuss the potential duration of construction, how construction would be phased and managed to minimize disruption and reasonable opportunities for high-quality transit investments as a tool for congestion management. Without this information it is impossible to assess the construction impacts on the host communities, and their economic viability.
10. The FEIS fails to provide adequate mitigation for the impacts that it does acknowledge.
11. MDOT has subverted public participation by too narrowly defining stakeholders. MDOT has kept major stakeholders such as Transportation Riders United out of the loop. MDOT has been unresponsive to the comments received.
12. The FEIS fails to properly analyze transportation and mobility needs intermodally or at a systems level within the corridor, such as the role of better rail for freight and passenger movement (including more tracks, signals, road bed) and more transit, whether it be increased and improved bus service, or the implementation of a combination of Bus Rapid Transit, Light Rail and commuter rail. MDOT’s persistent pattern of project by project analysis, e.g. I-75 at the Ambassador Bridge, I-375, I-75 at I-94, I-94, and I-75 Oakland County undercuts SEMCOG’s ability to make a systematic review of the region’s needs and develop integrated, intermodal solutions. All of the projects above focus on attempting to solve mobility and access problems using a 50-year old fix that myopically relies on expanding roads and has proven to have tremendous unsustainable costs to society. Many of these problems could be better solved by a creative mix of rail, transit, water, air options in addition to road based transportation. No such creative alternative was analyzed in this EIS process.

TRU looks forward to the day when MDOT, SEMCOG and the leaders of the region fight for a real balance in our transportation system and for real improvements in quality transit with the same allocation of public resources and the same commitment to success that they have demonstrated in the past to push for this and other road expansion projects in the region. When we start to see this change, we will have hope for the long term viability of the urban environment of Greater Detroit.

## **2 THE NEPA PROCESS**

To provide a framework for analyzing the many shortcomings of the FEIS, we will begin by outlining the purpose and requirements of the primary applicable environmental law, the National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4321, *et seq.*

Through NEPA, Congress declared a “broad national commitment to protecting and promoting environmental quality.” *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 348 (1989). Congress’ chosen tool for achieving such environmental protection is a procedural one – NEPA requires an agency proposing a major project to prepare an environmental impact statement (“EIS”) for such project. The EIS process involves three main elements. First, the agency must define the purpose and goals of the proposed project. Second, the agency must “rigorously explore and objectively evaluate all reasonable alternatives” for achieving the purpose and goals of the project. 40 C.F.R. 1502.14(a). Finally, the agency is required to take a “hard look” at the environmental consequences of the reasonable alternatives. *Baltimore Gas & Elec. Co. v. Natural Resources Defense Council*, 462 U.S. 87, 97 (1983).

The EIS process is supposed to serve two critically important functions. First, it should help agencies make fully informed and well-considered decisions by ensuring that significant environmental impacts are not overlooked or underestimated. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989). Second, the EIS process is designed to provide important information about a project to the public, which may then, in turn, assist the agency in making better decisions through the comment process. *DuBois v. U.S. Dep’t of Agriculture*, 102 F.3d 1273, 1285-86 (1<sup>st</sup> Cir. 1996). The goals of NEPA, however, will be achieved only if the agency fully and objectively analyzes all reasonable alternatives and their environmental impacts, and this analysis is fully provided to the public.

As these Comments will demonstrate, the FEIS for the I-94 Expansion Project fails to satisfy these key requirements of NEPA.

## **3 THE PURPOSE AND NEED FOR THIS PROJECT IS IMPROPERLY BIASED IN FAVOR OF EXPANDING I-94, IS NOT JUSTIFIED, AND FAILS TO TAKE INTO ACCOUNT IMPORTANT REGIONAL PLANNING OBJECTIVES**

### **3.1 The Importance of the Purpose and Need Statement**

An agency’s first step in preparing an environmental impact statement is to “specify the underlying purpose and need” for any project that it proposes. 40 C.F.R. § 1502.13. The purposes and needs identified by an agency are of critical importance because they are the baseline by which the reasonableness of various alternatives are to be measured. *City of Carmel-By-The-Sea v. U.S. Dep’t of Transp.*, 123 F.3d 1142, 1155 (9<sup>th</sup> Cir. 1997); *Simmons v. U.S. Army Corps of Engineers*, 120 F.3d 664, 666 (7<sup>th</sup> Cir. 1997). Therefore, an agency is prohibited from setting forth a purpose and need that is so narrow to exclude what would otherwise be reasonable alternatives. *Simmons*, 120 F.3d at 667.

MDOT’s purpose and need analysis is flawed for three reasons. First, MDOT has framed a purpose and need that improperly attempt to exclude alternatives to the expansion of I-94. Second, MDOT has failed to justify the need for the project. Third, MDOT’s purpose and need fails to take into account important regional planning objectives.

### **3.2 The Purpose and Need for this Project are framed to Predispose Selection of a Pavement Solution to meet Capacity and Safety Needs**

The stated purpose of the proposed action is to “improve capacity, safety, pavement, and bridges in a 6.7 mile segment of I-94 in the city of Detroit.” The written words are such that it predisposes the selection of a pavement expansion. Whether a pavement expansion meets the capacity, safety, pavement quality and bridge maintenance and/or replacement issues best has not been demonstrated in the Final EIS. A reasonable interpretation of this purpose and need statement requires a broad interpretation to allow for the consideration of alternatives that are not solely pavement based in order to meet the goals of NEPA, especially as cited in Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended, Sec. 101(b):

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
4. Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
5. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
6. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

For example, using commuter rail lines, improving the quality of bus service and/or developing light rail connecting trip start and destination points so that commuters have a choice to avoid driving on the 6.7 mile segment of I-94 would certainly “improve capacity and safety along this 6.7 stretch of the I-94 corridor. Note however, that for these transit components to be effective, they would likely need to cross the 6.7 mile study boundary so as to provide service to the trip start points and trip destination points within and beyond this 6.7 mile segment of pavement, in the same way that the 6.7 miles of pavement by itself would not be an effective roadway because it doesn't connect trip start and destination points by itself. This transit-choice component along with the standard bridge and pavement maintenance work is a viable alternative to “improve capacity, safety, pavement and bridges in the 6.7 mile segment of I-94 in the city of Detroit.” Unfortunately, the EIS has not rigorously explored and objectively evaluated this alternative.

Unfortunately, MDOT's has attempted to structure the purpose and need of the project, in a biased manner, to predispose expanding pavement on I-94. In addition, further bias is built into the EIS analysis because MDOT's conventional capacity expansion model for alleviating congestion fails to take into account the phenomena known as induced travel demand. Induced travel demand demonstrates the old adage “if you build it, they will come.” Adding road capacity generates additional vehicle travel that, over time, wipes out any congestion relief that might otherwise occur. In fact, a recent study concluded that the metropolitan areas that had built the most new road capacity over the past decade had experienced nearly the same increases in congestion and travel delays as those areas that had built the least new road capacity. Ex. 1. So while the EIS merrily proposes a preferred alternative of significantly increasing the pavement at huge cost to handle much more traffic, the real result of the project may well be that the system still operates poorly because induced demand was not considered.

Numerous studies have demonstrated the induced travel demand effect. For example, a study of urban highway projects in California found that within 5 years of construction 90% of the capacity of those highways was filled. Ex. 2. Similarly, a study of induced travel demand in the Mid-Atlantic States found that 20% to 60% of increased highway capacity was filled within 2 years. Ex. 3 Reviewing much of the available data on induced travel demand, one author concluded that “increased capacity clearly increases vehicle miles of travel beyond any short run congestion relief that may be obtained.” Ex. 4 A summary of selected studies documenting the induced travel demand effect can be found in the

attachment entitled *Key Studies on Induced Travel Demand*, which was compiled by the Environmental Law and Policy Center of the Midwest. Ex. 5 In addition to these studies, a number of courts have recognized the induced travel demand effect. See, e.g., *Swain v. Brinegar*, 517 F.2d 766, 777 (7<sup>th</sup> Cir. 1975) (“highways often create demands for travel and expansion by their very existence”); *North Carolina Alliance for Transp. Reform, Inc. v. U.S. Dep’t of Transp.*, 151 F. Supp. 2d 661, 690-61 (M.D. N.C. 2001); *Sierra Club v. U.S. Dep’t of Transp.*, 962 F. Supp. 1037, 1043 (N.D. Ill. 1997)

Induced travel demand results from the convergence of both short term and long term factors. In the short term, drivers who for the last five years have avoided I-94 will be lured back to try the fresh pavement in the widened corridor. For example, the newly-expanded highway would lead individuals to take trips that they otherwise would not, to more frequently drive by themselves as opposed to carpooling, to shift their route from local streets to highways, and to change their driving time from off-peak to peak-hour driving. Another typical cause of the induced travel demand effect is mass transit passengers shifting to driving, but this is not a factor in the Detroit metropolitan area because of the lack of a viable mass transit system.

More importantly, induced travel demand is caused by the fact that highway capacity expansion affects land development patterns over the long-term, which in turn increases VMT and creates new congestion and pressures for further capacity expansion down the road. State-of-the-art land use and transportation modeling clearly demonstrates the interdependency of land use decisions and transportation decisions. For example, a just-released study by the U.S. Environmental Protection Agency (“EPA”) concluded that lane additions and low-density growth, rather than alleviating traffic congestion, actually made traffic congestion worse. Ex. 6 In fact, one of the primary examples in the EPA study was the Detroit metropolitan area, where congestion delay rose from 14 hours per year in 1982 to 50 hours in 2000, despite a population growth of only 0.3%, an increase in total lane miles of 13%, and an increase in urbanized land area of 21%. Clearly, the approach of simply widening and building new highways in order to subsidize unchecked sprawl is not working. While in this case, the sprawl may not be immediately adjacent to the 6.7 mile corridor, by making travel along this corridor faster, it provides incentive for people to travel further developing sprawl further out while abandoning the existing urban communities.

Unfortunately, in order to justify the later rejection of alternatives to widening I-94, the purpose and need analysis in the FEIS fails to address this induced travel demand effect. Both MDOT’s and SEMCOG’s planning and forecasting methodologies treat the continuous urban disinvestment feeding an outward, low-density land development pattern, aka sprawl, in the Detroit area as an independent variable, reflective only of natural consumer preferences, as unchangeable as night following day. However, any form of land development—along with its true costs—is completely dependent on the transportation modalities and capacities that are currently available to serve that development, or which can be reliably predicted to be added to serve it in the future. Expanding roads expands opportunities for outward development. Likewise, transit development opens opportunities for spurring economic growth in our existing communities through “transit-friendly development.”

The pattern for decades in the region has been adding highway capacity expansion in order to relieve congestion, but effectively aiding and subsidizing the increase of automobile-dependent sprawl development on the fringe of the region and the draining of vitality from the urban core and inner ring suburbs. But this sprawl development/urban disinvestment pattern has come under increasing criticism from many quarters in the region and the state, and is being increasingly challenged the preferred method of growth. MDOT’s and SEMCOG’s failure to account for the sprawl induction effect of road capacity expansion, or for the dependency of sprawl development on the reliable anticipation of road capacity expansion in response to congestion pressures, necessarily biases both their land use and transportation predictive models towards increased sprawl development and away from urban redevelopment. Their failure to account for the traffic induction effect of road capacity expansion necessarily biases their predictive models towards increased investment in roads and away from investment in alternatives to road expansion.

What remains to be seriously explored are alternative scenarios to the road capacity expansion-traffic induction cycle by including true transportation modal choices, particularly high quality transit. In many regions across the country, investments in transit have resulted in less congestion on the throughways. This FEIS has not evaluated the feasibility of adding capacity through transit because SEMCOG and MDOT do not have a model in place to study the benefits of transit for relieving the congestion burden.

In Section 8.1 of TRU's comments on the Draft EIS, we brought up the need to use the appropriate modeling tools to consider transit fully and fairly as a component of the region's capacity needs. The Final EIS is not responsive to this issue.

These critical mistakes underscore the inadequacy of the FEIS. Whether the next step is redoing the FEIS or a Supplemental EIS, MDOT must have access to appropriate multi-modal modeling tools and apply them to this project. This Final EIS should not be approved until this model has been applied to an integrated regional transit system and utilize land use development patterns that takes into account a preferred future, not the future as outlined in the SEMCOG forecasts.

Modeling for projected needs in 2025 did not test scenarios for alternative land development trends that enhanced fixed route rapid transit, feeder buses and commuter rail would support. Modeling did not take into account growth in the established suburbs and Detroit that would be encouraged by high-quality transit that means a higher percentage of trips could be by foot or transit. For trips by car in these established regions, a higher percentage of the car trip's length can be significantly shorter.

### **3.3 MDOT has not justified the need for the Project**

The proposed expansion is massively over scaled and there is no reduction in design capacity with the slightly revised change in the cross section of the project. TRU wants to avoid the waste of taxpayer money on overbuilding this segment of roadway capacity that will result in bottlenecks at either end of the 6.7 mile segment. These bottlenecks will put into place a stronger basis for expanding the capacity of the pavement to the east and the west, thereby keeping road builders busy for decades to come.

When MDOT decided to rebuild the Davidson Expressway, just 3 miles north, they vastly overbuilt the facility, adding additional lanes and services drives and cutting the heart out of Highland Park. No discussion was provided in using this excess capacity to avoid adding too much capacity to I-94 between the Lodge and I-75. As an example, traffic going southbound on the Lodge and transferring to go eastbound on I-94 should use the Davidson, and I-75, thereby avoiding the left to left interchange connection at the Lodge- I-94 interchange. This left to left ramp could be closed indefinitely. It has been closed for the past 9 months now. In the same way, the left to left ramp from northbound Lodge to westbound I-94 could be closed by using the existing connections from the lodge to I-75 to I-96 to westbound I-94. All this would take is an adjustment in signage.

MDOT has not shown why the I-75 I-94 interchange needs to be totally rebuilt. The current interchange has all right hand turns. While MDOT thinks that it would be nice to have full service drives through the interchange, it would also be nice not to lose the existing street grid by the loss of Ferry, Piquette, and Beaubian connections.

#### **3.3.1 Traffic Projections**

With a shrinking population and job base along the corridor, it doesn't make sense to increase the size of the throughway; rather other transportation options should be considered to increase the vitality of Detroit.

MDOT's error here is that it has based its traffic projections on SEMCOG's flawed 2025 Land Use Projections. Because the only mode of transportation considered was automobiles, the modeling failed to consider the effect on traffic counts from implementation of any of the following:

- Smart-Growth development patterns
- The implementation of the Governor's Land Use Leadership Council recommendations

- Introducing light rail in the corridor
- Restoring commuter rail in the corridor
- Introducing Speed Link in the region
- Reducing commuter trips due to telecommuting
- Reducing trip length due to strengthening the vitality of our existing communities.

These omissions underscore the inadequacy of the FEIS.

Modeling for projected needs in 2025 did not test a scenario that acknowledged the land-use implications of improvements to transit including enhanced public rapid transit, Speed Link, feeder buses and commuter rail. Modeling did not take into account the prospect of strengthening our existing transit-friendly communities and the reduction in trip length due to this.

We fail to see any basis for the statement in the FEIS that “The implementation of the region’s proposed transit system will not reduce traffic congestion.” (page 8.98) We see that quality transit investments are a proven method to manage and reduce traffic congestion. Give people a choice, and they will choose the most beneficial method of transportation for the specific trip. Now the region has extremely limited choice.

The FEIS had no analysis of transit as a method to add capacity to the I-94 transportation system. An analysis of transit would need to address the difference in land use development patterns based on investment in a high-quality transit system and Smart Growth. Failure to account for the effects of expanding transportation accessibility on land use likely result in underestimation of new trips created by higher-than-forecast development growth within a specific area or corridor. It is wrong to assume that the same pattern of development would occur between building extra lanes on I-94 and investing in quality transit for Greater Detroit. The transit alternative would tend to induce development into existing communities, making lane expansions unnecessary. Significant reductions in VMT and energy use would be gained by using Smart Growth methods and developing around transit nodes rather than road based sprawl development. 7

It is inappropriate to design I-94 expansion based on the SEMCOG 2025 Development Forecast or the SEMCOG 2030 Development Forecast. These Forecasts are not a preferred future. **Transportation investments need to drive towards a preferred future, not the forecast of the future.** “The Forecast demonstrates that the SEMCOG region really is not growing. The region is just transferring wealth from Detroit and the inner suburbs to the outer fringe. Through this transfer of wealth, we reduce our quality of life and increase our tax burden as we duplicate infrastructure. The 2030 Regional Development Forecast is a call for action for SEMCOG and our government leaders. For the long-range viability of our region SEMCOG must radically change their actions. SEMCOG must do whatever they can to encourage growth in the center of the region—not at the edges. We need to do this to increase our economic vitality and improve our competitive advantage. We see signs now of what we are losing. As an example, Southeast Michigan is suffering from a brain drain; our brightest young minds are leaving our region in record numbers because they see a better quality of life elsewhere.” Ex. 8.

The City of Detroit has half the population it had in the early 1950’s when this segment of I-94 was built. Southeast Michigan has essentially no more population now than in 1970 when the population was 4.74 million. Over the last 50 years, we have extended our infrastructure significantly. This expansion and resultant sprawl will come to be regarded as the greatest misallocation of resources in the history of the world. This results in added costs to our existing limited source of taxpayers and is not sustainable.

In addition, new census data indicate that Michigan will soon no longer be in the top 10 states in terms of population and population will start to drop, having a significant impact on the future viability of our State. This census data is another call for action. We much look to change the way we develop in the future to increase our viability rather than continuing on the same path that has led us to the sorry state of our region today.

Using transportation modeling with Land-Use Feedback to transportation infrastructure investments is critical to properly characterize options. Under Smart-Growth scenarios, land-use feedback models all predict lower vehicle miles of travel (VMT) growth than the typical traffic model, making the expansion project unnecessary.

Reallocating growth to city-centered or transit-station centered growth would significantly reduce the need for the Project.

### 3.3.2 The Current and future congestion is not bad enough to justify Expansion

Some throughways in Wayne County such as I-94 have minor congestion during the morning and afternoon rush hours, especially in comparison to other peer cities. If Detroit's population and job base continues to shrink, future congestion should be even less. Based on past history, expanding I-94 will likely cause Detroit to continue to shrink both in terms of population and economic vitality. Whatever congestion that currently exists along this 6.7 mile corridor can easily be alleviated by a good mass transit system.

In addition, much of the congestion of the past along the project has been due to replacement projects. Last summer, the "Dodge the Lodge" campaign adversely impacted business within Detroit while the Lodge interchange at I-94 was rebuilt. Businesses impacted by this long project would have much preferred a positive campaign such as "Lodgeability" that would have encouraged access and mobility in the area during the construction.

Other projects that have recently been completed at a great cost in terms of time delay for users of this highway corridor include rebuilding the Woodward bridge, rebuilding the Dequindre bridge, frequent closure of the eastbound ramp just east of Beaubien, rebuilding ramps at I-75, rebuilding ramps at the Lodge, rebuilding the Conner street bridges, and repaving the entire length of the project. By widening I-94, all of these rebuild projects will be for naught and all of the money and time that users have invested will have been wasted.

Based on Section 8.1.1 of TRU's comments of the Draft EIS this "recommended alternative" is vastly oversized. No reduction of capacity is proposed in the Final EIS when the "future use" center section of the throughway was removed, therefore these comments are still appropriate and the Final EIS is not responsive to this issue.

### 3.3.3 Compliance with MDOT's Transportation Vision

The project does not meet Michigan's Transportation Vision. The proposed alternative is not a leading 21<sup>st</sup> century project but rather a poor 20<sup>th</sup> century project. It is not a safe project. It is not efficient. It does not embrace all modes. It is not equitable. It is not a good investment for taxpayers. It is not socially responsible. It is not environmentally responsible.

### 3.3.4 Compliance with SEMCOG's 2030 Regional Transportation Plan Goals and Objectives

The project does not further the Goals and Objectives of the SEMCOG 2030 Regional Transportation Plan Ex. 9, specifically:

Goal—Enhance accessibility and mobility for all people—(for this project, only motorists)

- It does not reduce time spent traveling; rather it encourages longer trip lengths. In addition, there is no analysis of the time cost in terms of added congestion during construction vs. the potential time savings due to added width.
- It does not increase access to public transportation as there is no public transportation component
- It does not increase coordinated development and use of non-motorized facilities, rather it reduces the viability of using non-motorized methods for trips by tending to spread development out, resulting in longer trips that are more difficult to make using non-motorized methods. Overall, there is no improvement in shortening pedestrian or non-motorized distances around the expansion project.

- It does not increase the connectivity of transportation services across the region, and provide multimodal access to major land uses, it relies only on new pavement to increase capacity

Goal—Enhance accessibility and mobility for freight while maintaining community integrity

- By encouraging commuters and motorists to use the project and by not having transportation options, it causes congestion for freight, thereby resulting in no real improvement for freight movement

Goal--Strategically improve the transportation infrastructure to enhance community and economic vitality

- As a highway expansion project, it reduces funds available for highway maintenance.
- It does not focus investment in making existing communities with high concentrations of people and jobs vibrant; rather, it is designed to help drain vitality out of existing communities.
- It does not improve the efficiency and effectiveness of the transportation system. Road-based transportation is extremely costly and inefficient. In Metro-Detroit, progress on this objective would only come with more diversity in transportation options.
- The public meeting format is designed to reduce public involvement and frustrates community interaction

Goal—Promote a safe and secure transportation system

- Using transit is much safer than using automobiles.
- The project does nothing to increase transit safety
- The project does nothing to develop pedestrian-friendly communities and roadways, while there may be some non-motorized improvements, there are also many added hindrances to using non motorized methods adjacent to the expansion

Goal—Protect the environment, both natural and built

- The project does nothing to protect the environment, both natural and built
- It does not minimize air and water pollution
- It does not reduce per capita energy consumption
- It does not ensure balance among all populations in the impacts of the transportation system
- It does not link transportation decisions with land-use decisions, except to encourage bad land use.

### **3.4 The Purpose and Need Statement is Also Flawed because it Fails to Take Into Account Important Regional Planning Objectives**

#### 3.4.1 Implementing this expansion project frustrates TEA-21 mandated regional planning objectives.

“It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.” 23 USC Sec.134(a)(1) (citing planning objectives in the Transportation Equity Act for the 21st Century, [TEA-21])

The goals of TEA –21 are:

- Provide accessibility and mobility for *all* people and goods,
- Invest strategically in transportation infrastructure to enhance the vitality of the community;
- Promote a safe and secure transportation system,
- Protect and enhance the environment.

The project does not meet the general requirements of Title 23, Section 134 for Metropolitan Planning. Our analysis of the FEIS reveals that none of these goals would be furthered by the Project as currently proposed.

3.4.1.1 *The Project does not provide accessibility and mobility for all people and goods.*

- Outside of the expansion of pavement that could be used by buses along service drives that are not conducive to transit, there is nothing in the Project that will increase transportation access for those that do not have access to a car.
- The Project may well increase crash rates that could result in more congestion
- The Project proposes an inefficient, short-term solution for increasing transportation capacity along the study corridor. The design does nothing to diversify and strengthen the transportation system in the corridor and Metro-Detroit, which would have the effect of increasing mobility and reducing congestion in the long run.
- The Project does not provide for a single dime for current transit improvements either during construction or afterward.
- The FEIS does not address induced demand that would result in additional congestion, reducing mobility.

3.4.1.2 *The Project is not a strategic investment that is designed to enhance the vitality of the community*

The Project will not result in efficient development, rather, it will likely result in leapfrog development in outlying regions, coupled with disinvestments in the existing host communities and Detroit. See SEMCOG's 2030 Development Forecast for past and future trends based on the status quo.

3.4.1.3 *The Project does not promote a safe and secure transportation system*

See section 8.2 of TRU's comments on the Draft EIS. The final EIS is not responsive to this issue.

The project does not diversify and strengthen our transportation system but rather continues our dangerously uni-modal model of relying on roads and foreign fuel to keep our economy moving. We continue to "put all of our eggs into one basket" that provides for a huge risk of economic disaster if there are any disruptions in gasoline supplies.

In comparison to light-rail and other transit vehicles, the road cum private driving option is more dangerous to use, even when all safety features are used. Ex. 10 The safety impacts of the aging of the population during the expected life of the project have not been considered.

Higher speeds and higher level of service will result in more crashes that are likely to result in worse injury.

3.4.1.4 *The Project does not protect and enhance the environment*

The Project will result in massive environmental impacts and especially due to air quality impacts, will cause sickness and disease within the City of Detroit, the host community. Increased car and truck traffic will lead to increases in air toxics and pollutants from combustion. Urban air toxics are a significant environmental and health issue and they are hardly addressed.

It is clear from the analysis in the DEIS and the FEIS that this project will cause adverse environmental impacts to be worse than the no-build alternative. MDOT needs to analyze a solution that will cause environmental, economic and social benefits, rather than these adverse impacts to the Host Community.

3.4.2 The Proposed Project Does Not Satisfy Historic Goals for Freeway Rehabilitation in the Region

See Section 4 of TRU comments on Draft EIS. The final EIS is not responsive to this issue.

### **3.5 MDOT and SEMCOG focus excessively on highways**

SEMCOG's focus is to build and expand highways. In executive committee meetings SEMCOG transportation staff have been heard openly obstructing transit projects while acquiescing and shilling for highway expansion. The fact that the 1997 Commuter Rail Study with the Region wasn't given a fair

discussion at the regional level has to do with SEMCOG burying the project. Perhaps, the biased voting structure at SEMCOG helps this occur, as the urban communities are badly underrepresented.

The only reason that the I-94 expansion project is in SEMCOG's plan is that MDOT put it there.

In this FEIS, regional benefits are mentioned multiple times, at the cost of the host community. MDOT seems to be only willing to think regionally about road networks, not giving equal weight to all modes.

#### **4 THE FEIS FAILS TO RIGOROUSLY EXPLORE AND OBJECTIVELY EVALUATE ALL REASONABLE ALTERNATIVES, AS REQUIRED BY THE NATIONAL ENVIRONMENTAL POLICY ACT**

##### **4.1 The Requirement to Rigorously and Objectively Evaluate All Reasonable Alternatives**

The heart of an environmental impact statement is the consideration of alternative means to achieving the purpose of the project. Therefore, agencies are required to "rigorously explore and objectively evaluate all reasonable alternatives" to the proposed action. 40 C.F.R. 1502.14(a). The duty to consider alternatives applies to "all alternatives that appear reasonable and appropriate for study," *DuBois v. U.S. Dep't of Agriculture*, 102 F.3d 1273, 1286 (1<sup>st</sup> Cir. 1996), and extends to significant alternatives presented by other agencies or the public. *Seacoast Antipollution League v. Nuclear Regulatory Comm'n*, 598 F.2d 1221, 1230 (1<sup>st</sup> Cir. 1979). In addition, the consideration of alternatives must "include reasonable alternatives not within the jurisdiction of the lead agency." 42 C.F.R. 1502.14(c); see, e.g., *Muckleshoot Indian Tribe v. U.S. Forest Serv.*, 177 F.3d 800, 814 (9<sup>th</sup> Cir. 1999); *Natural Resources Defense Council, Inc. v. Morton*, 458 F.2d 827, 837 (D.C. Cir. 1972). An environmental impact statement is insufficient if it fails to fully study a reasonable alternative. *Muckleshoot Indian Tribe v. U.S. Forest Serv.*, 177 F.3d 800, 813-14 (9<sup>th</sup> Cir. 1999) ("A viable but unexamined alternative renders [the] environmental impact statement inadequate.").

##### **4.2 The FEIS did not appropriately consider the alternative of meeting the capacity and safety needs of this Project by implementing mass transit.**

MDOT has failed to comply with their legal duty to objectively evaluate and optimize all reasonable alternatives to the I-94 Expansion Project. Most importantly, MDOT failed to rigorously explore and objectively evaluate the alternative proposed by TRU in their comments on the DEIS (Section 9.1 of TRU's comments) that would meet the project purpose and needs through implementing transit as an integral and contemporaneous component of the project. TRU proposed this a version of this alternative in their comments on the draft EIS.

This alternative would be more effective in meeting the underlying purpose and need of the I-94 Expansion Project at a significantly lower economic, social and environmental cost. In particular, such alternative would provide numerous benefits over the proposed I-94 expansion, including:

- Providing needed mobility along the corridor for people, especially the nearly 33% of Detroit residents who do not have a car, and freeing up existing capacity for freight
- Enhance the potential for quality economic development within the Host Community consistent with SmartGrowth philosophy
- Result in beneficial social, environmental and economic improvements to the host neighborhoods and the City of Detroit.
- Significantly reduce taxpayer investment while diversifying our transportation infrastructure.

In TRU's comments on the draft EIS, we showed how transit could be used as a viable method to reduce congestion along the segment of I-94 and is a viable alternative. In addition, the vast majority of comments received on the draft EIS also stated that a problem with the draft EIS was that no transit component was rigorously explored and objectively analyzed. A viable transit alternative is available for

well less than the \$1,200 million contemplated for the widening project. The transit alternative would also provide positive benefits to the host community, rather than the negative impacts that the widened road would provide. The final EIS has been silent on this viable alternative.

In addition to TRU bringing up this issue of meeting capacity and safety with transit, 457 other commenters brought up this issue including Congressman John Conyers, the US EPA, the City of Detroit Planning Commission, and the City of Ferndale, Because of the lack of rigorous exploration and objective analysis of this transit alternative, the final EIS is not approvable.

#### **4.3 MDOT should use Construction Traffic Maintenance and Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding to finance transit as a component of the Project**

See section 9.2 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue.

#### **4.4 Cost Estimates for the various alternatives lack adequate substantiation and detail to make a meaningful comparison of alternatives**

In addition to failing to objectively evaluate various alternatives to the I-94 Expansion, MDOT has also failed to provide detailed information regarding the cost of various alternatives. The only cost estimates provided for this project are outlined in section 4.8 of the FEIS. This is inadequate.

The FEIS needs to include sufficient detail on the costs so that it is possible to determine whether the estimated costs make sense and must also be compared with the cost of a no-build road expansion with quality transit improvements. It may very well be that the state will get more for its hard earned taxpayer contribution by obtaining slightly less modeled utility based on adding capacity and safety through a transit solution at significantly less taxpayer investment.

The FEIS is severely deficient for not providing a more detailed costing analysis. The public is entitled to enough information to be able to evaluate opportunity costs of committing to another 30 years of pavement dependence and continued neglect of transit investment. The public should not be asked to sign a blank check for a project that has the potential to be perpetually under construction and not solve an underlying problem of the region.

In addition, with the major focus of this project to be to reduce travel times, no analysis was provided to show the payback in investment in time due to delays caused by the construction. As an example, if it takes 10 years of reduced travel time to make up the delays caused by the construction of the project, the project wouldn't be efficient.

#### **4.5 In Evaluating the Proposed I-94 Expansion and Alternatives, MDOT Should Utilize a "Triple Bottom Line"**

After decades of governmental incentives that have resulted in draining vitality from urban areas, there is increasing call to use government incentives to bring vitality back to urban areas. We are seeing a clear articulation of this interest in Governor Granholm's "Cool Cities" initiative and the final report of the Michigan Land Use Leadership Council (2003). Investment in transit is an essential component to reinvigorating urban areas, and Detroit is no exception. Many cities in the US and the world faced significant disinvestment burdens and social and economic problems during the latter half of the 20<sup>th</sup> century. But unlike those now increasingly vibrant cities, Detroit continues to decline in population, employment, tax base, and in other indicators of social and economic health. There is no vibrant city anywhere in the world that is not investing in high-quality transit, but Detroit is not amongst them. This is why Detroiters are commenting on this I-94 expansion project. The project has significant ramifications to the entire region.

Until Detroit becomes vibrant and Cool, we need to assume that we are in an ugly game of Chinese Checkers. Building new roads, sewers, schools, homes, offices, hospitals and churches to serve the fringes causes the same facilities to be abandoned in Detroit and the inner-ring suburbs.

As proposed by the Southeast Michigan Sustainable Business Forum ([www.smsbf.org](http://www.smsbf.org)) Ex. 11 companies do well when they use a "triple-bottom line" test. In the public sector, this would mean that public investments should follow this triple-bottom line test:

- 1) Is it good for the *region's* economy?
- 2) Is the investment good for the environment? And
- 3) Does it work to bring people together by building community?

An EIS is supposedly structured to take into account these triple bottom line issues, but the Final EIS totally bypasses a comparative analysis of alternatives.

If this test is used, things become simple. Look for multiple beneficial cycles, rather than the current status quo development process that causes multiple destructive cycles. It becomes very easy when you design for the triple-bottom line.

#### 4.5.1 Specific Example of Triple-Bottom Line

In the TRU conference of April 2002 titled "Moving from a Region in the Red to a Region in the Green," Paul Hawken, author of *Natural Capitalism*, spoke about developing connected urban villages. He emphasized that to do this, all aspects of the work have to be coordinated, the transit system, the zoning, the street and parking design, pedestrian friendly, etc. If you just put a transit line down without providing the other components, it likely would fail.

As a "concrete" example of the triple bottom line, let's compare the proposed investments of an expanded I-94 to a light-rail streetcar system designed to connect dense urban villages from Downtown Detroit to Birmingham or along Gratiot Avenue. (see <http://www.detroittransit.org/woodwardtrolley.asp> for an outline of the streetcar system):

#### **Triple-Bottom Line Assessment of Two Public Investments**

<b>Issue</b>	<b>I-94 Expansion</b>	<b>Light Rail</b>
<b>Economy</b>		
Public Investment	About \$1,200 million.	About \$400 million
Regional Job growth	Encourages job growth in outer regions with disinvestments in existing communities	Encourages job growth in existing communities
Development	Encourages development in outer regions with disinvestments in existing communities	Encourages development in existing communities
Individual operating cost	About \$7000+/year to own and operate an automobile, essential for access (AAA Michigan)	About \$50 per month for a transit pass
Flow of resources	Large percentage of operating money goes out of region to pay for foreign oil and cars	Large percentage of operating money stays in region to pay for high-quality transit jobs
Transportation jobs	Creates jobs during building	Creates jobs both to build and operate

#### **Triple-Bottom Line Assessment of Two Public Investments**

<b>Issue</b>	<b>I-94 Expansion</b>	<b>Light Rail</b>
<b>Environment</b>		
Water quality	Increases tainted urban stormwater and wastewater discharges, reduces	No change in impervious surfaces

	absorption capacity by creating impervious surfaces	
Air quality & Global warming	Increase in number of automobile trips and increase in length of trips results in higher emissions	Reduced need for automobile trips and reduced trip length reduces emissions
Green Space	Road and secondary development consumes green space	Transit and transit oriented development doesn't consume green space, rather uses underutilized "brown space"
"Sprawl"	Encourages auto-oriented, sprawling development	Encourages dense, infill development in our existing communities
<b>Community</b>		
Interactions with others	Encourages being isolated in a steel shell	Encourages associations with the diverse range of people using transit
Physical well being	Hard to get exercise. Obesity (Michigan is 3 <sup>rd</sup> highest) and related diseases rise	Encourages walking and better physical fitness
Health	Residences exposed to dangerous toxics and fine particulate emissions along with excessive noise levels	Extremely low local emissions and quiet operations from modern light rail system.
Safety	Proposed design not embracing best practices for safety and automobile travel is inherently unsafe.	Light rail is proven to be magnitudes safer than automobile travel.
Associations	Encourages economic separation and racial segregation	Encourages diverse neighborhoods and walkable communities
Community development	Encourages sprawl development with limited interactions	Encourages compact, mixed use development, encouraging interactions with others
Schools	Encourages disinvestments in established school systems	Encourages investment in established school systems, resulting in more education per dollar by not duplicating infrastructure

This should be easy, but it is difficult to see the simplicity when we are so emotionally tied to the destructive cycles of more cars, more roads, more sprawl and more separation. The Final EIS has totally avoided this comparison.

## **5 MDOT HAS ENGAGED IN UNLAWFUL SEGMENTATION AND FAILED TO CONSIDER THE CUMULATIVE IMPACTS OF OTHER CONNECTED OR FORESEEABLE PROJECTS.**

See section 12 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue.

### **5.1 NEPA Prohibits the Segmentation of Major Federal Actions into Smaller Components**

NEPA requires an agency to fully consider the environmental impacts of proposed major federal actions such as the proposed I-94 Expansion Project. An agency may not circumvent NEPA by dividing a proposed project into smaller components in order to minimize the significance of the environmental impacts of the total project. *Coalition on Sensible Transportation v. Dole*, 826 F.2d 60, 68 (D.C.Cir. 1987). Under NEPA, "[p]roposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single [environmental] impact statement." 40 C.F.R. § 1502.4(a). Improperly dividing a single project into smaller components in order to circumvent NEPA is commonly referred to as improper "segmentation."

FHWA regulations state that “[i]n order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each EIS or finding of no significant impact (FONSI) shall:

- 1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope;
- 2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
- 3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

23 C.F.R. § 771.111(f) (the “Section 771 factors”). Segmentation occurs where the project component selected for study does not satisfy these Section 771 factors.

The only issue that the final EIS has attempted to address is the issue of independent utility, and TRU is still concerned that widening this segment of road will cause additional pressure to widen segments to the east and to the west as outlined in the project response to Congressman John Conyers Jr. letter where MDOT states that the 5 Year Road and Bridge Program, Vol. VI -2004-2008 does indicate “that I-94 between Wyoming and I-696 is a capacity needed project.”

The FEIS fails to address the congestion created by the capacity reductions at either end of this bloated expansion in this segment that lacks independent utility.

## **5.2 TRU Recommends that MDOT Carry Out A Programmatic EIS To Evaluate the Regional Impacts of Geographically And Generally Related Transportation Projects.**

See section 7 of TRU’s comments on the draft EIS. The final EIS is not responsive to this issue.

## **6 MDOT HAS FAILED TO TAKE THE REQUISITE “HARD LOOK” AT SIGNIFICANT ENVIRONMENTAL AND SOCIAL IMPACTS OF THE PROPOSED I-94 EXPANSION PROJECT**

### **6.1 The Need to Consider the Environmental and Social Impacts of the Proposed Project and its Alternatives**

As part of the NEPA process, MDOT is required to take a “hard look” at the environmental consequences of its proposed action and alternatives. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989). The discussion of environmental impacts is designed to provide a “scientific and analytical basis” for comparing the various alternatives for achieving the agency’s goals. 40 C.F.R. 1502.16; *DuBois v. U.S. Dep’t of Agriculture*, 102 F.3d 1273, 1286 (1<sup>st</sup> Cir. 1996). A proper analysis of the alternatives, therefore, can be carried out only if the agency provides a complete and accurate compilation of the environmental consequences of all reasonable alternatives. Unfortunately, MDOT has not fulfilled this requirement in the FEIS. MDOT has performed no comparison of the expansion project to a transit oriented capacity increasing project.

### **6.2 The FEIS’s assessment of and mitigation for Environmental Justice Impacts is totally inadequate.**

See section 10 of TRU’s comments on the draft EIS. The final EIS is not responsive to this issue.

Executive Order 12898 requires that the project identify, address, and avoid disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

The misallocation of transportation resources to benefit only those with access to automobiles raises grave environmental justice concerns. This project focuses on providing transportation access only to those who have access to cars to the exclusion of transit and pedestrian access. Since Detroit has an

80% minority population and is directly adjacent to the project, this project must be evaluated for its impact on environmental justice must be considered. Thus any infrastructure project that provides only for auto access confers no benefit on one third of the city's residences that cannot use them. Because of the intense poverty level along a large part of the I-94 segment, the access to automobiles by the direct host community is likely somewhat lower.

Unfortunately, building this project will result in access to jobs being even more difficult as the project will encourage the division and separation of Metro Detroit, as has been encouraged through road projects for over the last 50 years, since the first "white flight" throughway was built in Metro Detroit. It will also encourage job providers to locate in the outer regions of the Metro-Detroit area, making it difficult for the vast concentration of poor and minority in the region to access these far-out jobs.

Roads, inherently, encourage division and separation by income and race. Only those that have the economic means to rely on single-occupancy vehicles can fully take advantage of the suburban sprawl that this project encourages. Those too poor to have access to a car or those that prefer not to drive a car are stuck and forced into the underclass, with little possibility to move out of their predicament.

On the other hand, quality transit would be available to everyone who can afford the inexpensive fare, and it can be designed to reduce peak demand on I-94. In addition, this investment would encourage job providers to locate along this corridor, making the commute from Detroit to a close-in, established, transit and pedestrian friendly community much easier.

The Environmental Justice section is also grossly inadequate for its failure to even mention the increase of air toxics due both to the construction of this project that increased traffic burden. The information is not presented in a manner designed to inform the lay reader of the air quality status of the region and the worsening impact this project will have on them. Even if the conformity analysis for criteria pollutants does not require an air toxics analysis, a thorough assessment of disparate impacts on EJ populations would include an air toxics analysis. This Section of the FEIS is clearly deficient for its failure, and therefore must be redone. This is also a safety issue. Air Toxics are addressed in detail below as part of the air quality discussion.

The underlying purpose of an EIS is to develop the best available solution, not to show that a bad solution barely meets certain thresholds. The EIS process is designed to provide important information about a project to the public, which may then, in turn, assist the agency in making better decisions through the comment process. The goals of NEPA, however, will be achieved only if the agency fully and objectively analyzes all reasonable alternatives and their environmental impacts, and this analysis is fully provided to the public. This Final EIS has not attempted to create the best available solution.

### **6.3 MDOT'S I-94 project significantly interferes with pedestrian access within the I-94 corridor, which will have serious health consequences**

See sections 10.5 and 10.6 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue.

The Final EIS touts the sidewalks and service drives as enhancements to pedestrian and non-motorized access, but connections across I-94, I-75 and the Lodge will be lost, especially around the interchanges, making the walk more difficult and less inviting. As an example, for the proposed I-75 interchange, Piquette, Ferry and Beaubien will be closed resulting in a more convoluted pedestrian trip to cross the road. At the Lodge, the Third Avenue Bridge and the pedestrian crossing east of Trumbull will be lost, resulting in longer pedestrian trips. Enhancements to existing pedestrian services such as curb cuts and repaired sidewalks do not require an environmental impact statement process nor do they require spending \$1,200 million.

The final EIS states that a benefit to new pedestrian overpasses is that they also go over the service drives that are at grade level. This means that pedestrians and bicycle riders will need to go up a long

ramp to gain the elevation height needed to clear the service drive. These ramps with these elevation changes are a further hindrance to pedestrian access.

More of the valuable underlying urban road grid will be lost, especially in the Midtown area, with connections lost at 3<sup>rd</sup> Street, Beaubian, John R, Ferry and Piquette.

#### **6.4 This project does not provide job access for the transit dependent**

See section 10.7 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue.

This project frustrates a goal of establishing high quality jobs in our existing communities such as Detroit and the close-in suburbs.

The final EIS touts the multi-lane service drives as being an opportunity for a transit route, but transit routes along service drives are frequently not successful. There are ample opportunities to improve transit through the corridor by improving service on the Warren Cross-town route, along Harper, Gratiot, Woodward and Grand River. These streets are much more transit-friendly having a more human scale and with opportunities for dense business development along both sides.

#### **6.5 The FEIS does not appropriately address community noise concerns.**

##### 6.5.1 Comparison of Alternatives

The noise analysis shows that multiple locations will exceed the Federal Highway Administration's Ambient Noise Level Criterion with noise levels increasing by 2 decibels (this is a sound power level increase of 60 percent) over existing levels due to the MDOT proposal. Rather than make things better in terms of noise, the MDOT proposal will make things worse.

At least the final EIS states that noise will increase. It tries to soften this statement by promising that economical conditions improve (Table 5-23), but based on historical investments in urban expressways, we do not believe that there is any basis for this statement.

The Transportation Riders United (TRU) alternative of maintaining the current design of I-94, reducing speeds and adding capacity through a mix of transit opportunities may have lower noise impacts, along with lower air quality impacts and higher social enhancements.

This alternative needs to be reviewed rigorously. Only by comparing different reasonable alternatives can the public be assured that the best alternative is developed. The chosen design should ensure that community noise levels either meet criterion levels or are the best that can be done. The FEIS states that lowering the speed limits for noise reduction is counter to the purpose of moving people and goods in an efficient manner over the state highway system. However, lower speeds, with appropriate enforcement, can result in a safer and more efficient system, by reducing accident rates and the congestion caused by accidents.

We have a number of concerns with the procedure used to predict noise in the future and determine whether it is acceptable. The calibration factors used as outlined in Table 5-18 are troublesome as no data was presented showing that the factors took into account actual traffic count and speeds observed during the calibration tests. If rather testing was performed when actual speeds were lower than modeled speeds, of course the noise levels would be lower. We know that due to the excessive expansion of the proposed alternative, speeds will be high if it were to be built, so the calibration factors may be flawed, to help justify the expansion project.

In addition, we are very concerned with the statement that any noise increase less than 10 dBA is not considered significant. The emotional and health impacts of a tripling of the sound power levels in a neighborhood can be quite significant, especially if the sound levels are in the range of 60 to 65 dBA as the baseline.

The project should work to reduce ambient noise, not to triple sound power levels as is being proposed.

#### 6.5.2 Criteria Used for Noise Barrier Locations

The criteria for location of noise walls have significant environmental justice aspects. This corridor passes through well-established modest urban neighborhoods. The criteria requiring a minimum length of 590 feet results in difficulty in putting noise barriers along a road in an urban area attempting to maintain an urban street grid with multiple car and pedestrian bridge crossings.

See section 11.2 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue.

### 6.6 **Air Quality Impacts: FEIS Section 5.5**

#### 6.6.1 Air Pollution from Cars and Trucks is a Major Health Hazard that MDOT Must Study

As noted in section 13.5.1 of TRU's comments on the draft EIS, MDOT must fully study both the localized and regional air quality impacts of the I-94 Expansion Project. The final EIS is not responsive to this issue.

Cars and trucks are responsible for 30% of nitrogen oxide and 27% of volatile organic compound emissions nationwide. Both of those pollutants are precursors for the criteria pollutant ozone, a major trigger for asthma attacks. Diesel emissions from trucks and school buses contain particulate matter and nitrogen oxides, and are believed to exacerbate asthmatic conditions in both children riding in school buses and in people living in neighborhoods with high truck traffic. Such pollution is most concentrated in urbanized areas where traffic congestion is higher and development is denser. Information on key studies on air pollution and health effects near high traffic areas is presented in Ex. 12 In addition; a California study found that commuters in their own cars breathed the most polluted air, having sucked in pollution from other vehicles. In Car Air Pollution, International Center for Technology Assessment. Ex. 13.

#### 6.6.2 The "No-Build" and Mass Transit Alternatives Are Better For Air Quality

It is interesting to note that in Tables 5-14 and 5-15, for almost every modeling site, the no-build alternative results in lower carbon monoxide concentrations than the build alternative for the year 2025. This means that not building the "recommended alternative" has positive air quality benefits, contrary to the statement in Tables 5-23 of the Final EIS about the positive impact on air quality due to the project. While the region is currently in attainment for CO, other pollutants from road traffic including volatile organic compounds and oxides of nitrogen cause ozone, for which the region has ambient air quality levels considered dangerous to health based on the NAAQS. In addition, the region has concentrations of PM-2.5 that are dangerous to health. Hot-spot modeling should be done to demonstrate that currently high PM 2.5 levels are not exacerbated by the project.

The "No Build" option will likely have positive air quality benefits in terms of PM 2.5, ozone, and air toxics along with Carbon Monoxide. Tables 5.9 and Tables 5-23 are wrong when they indicate that there are air quality benefits to the recommended alternative. Where else are these tables misleading? It appears that the tables were produced by advocates for the project and were not based on a careful scientific review of the applicable data.

It is unfortunate that the FEIS has not further quantified the positive environmental benefit of the "no build" alternative.

A strong, quality transit investment in the I-94 corridor along with the "no build" alternative would further provide air quality benefits.

With the CO concentrations being so close to the NAAQS for the year 2025, the CO concentration study should be performed for other years such as for 2020 and 2015 to ensure that the worst concentrations were calculated. There is a very good likelihood that the "recommended alternative" would show

exceedances of the NAAQS for other years, while the “no-build alternative” would show positive air quality benefits.

#### 6.6.3 NEPA Requires MDOT to Carry Out a Corridor Health Study of the Air Quality Health Impacts of the Proposed I-94 Expansion and Alternatives

In order to comply with NEPA, MDOT must complete a corridor health study of the air quality health impacts of the I-94 expansion on people living near I-94. A growing body of scientific research has found that people who live near high-traffic areas are exposed to more air pollution and suffer higher rates of cancer, asthma attacks, heart disease, and low birth-weight babies. A study from the Denver metro area shows that children living near streets or highways with just 20,000 vehicles per day are six times more likely to develop childhood leukemia. In addition, a 1997 study in the Journal of Epidemiology and Community Health showed a cancer corridor within 3 miles of highways, airports and other major polluters. Major studies documenting the air quality health impacts on people living near high traffic areas are summarized in the attached *Key Studies on Air Pollution & Health Effects Near High Traffic Areas*, compiled by the Environmental Law and Policy Center, Ex. 12.

As part of the hard look at environmental impacts mandated by NEPA, MDOT must carefully study these air quality related health impacts by performing a corridor health study. In particular, MDOT must quantify the impact of the increased vehicle traffic and air pollution that would result from the I-94 expansion on the health of individuals living near the highway. Such a study would quantify the increase in pollution in the corridor and assess how much such increase would heighten the risk of health problems related to that pollution. The results of the corridor health study must then be factored into the consideration of alternatives and used to determine what steps are needed to mitigate the health impacts of any highway expansion that might occur. This analysis should also be considered in making any claims on safety issues related to the expansion.

#### 6.6.4 Conformity Analysis and traffic counts

See section 13.1.2 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue.

The discussion of expected growth in vehicle traffic in Section 2.5.3 is wrong. It is wrong to state that the “no build alternative” have the same projected population and employment growth factors by area over the next 20 years as the “build alternatives.” The “build alternatives” will encourage developers (including job providers) to locate further out in the suburbs while the “no build alternative” along with quality transit improvements will be a strong signal to developers and job providers to locate in existing communities in the close-in suburbs and Detroit, which will provide investment and vitality into our established communities and help create “Cool Cities.”

When each alternative is modeled based on the land-use pattern and development that the alternative will signal, significant air quality benefits accrue from a transit-based alternative. As shown in exhibit 14 if a scenario were chosen that is designed to limit traffic growth, rather than encourage traffic growth, air emissions due to traffic can be reduced significantly over the proposal for expanding I-94.

#### 6.6.5 Regional impacts of mobile source emissions

See section 13.1.3 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue.

#### 6.6.6 MDOT Must Address the Increase in Toxic Air Pollutants that Would Result From the Proposed I-94 Expansion

See section 13.4 of TRU's comments to the DEIS. The final EIS is not responsive to this issue.

#### 6.6.7 MDOT Must Address the Increase in NAFTA-related International truck traffic

See section 13.5.3 of TRU's comments to the DEIS. The final EIS is not responsive to this issue. In addition, how much of the NAFTA related international truck traffic is associated with importing trash from Canada? With tighter controls on importing this trash along with changing economics, this international truck traffic may be significantly reduced in the near future. It is inappropriate to design a road widening project to handle this temporary increase in traffic.

6.6.8 According to the EPA, trucks, buses and cars are the largest cancer pollution source.

See section 13.5.6 of TRU's comments to the DEIS. The final EIS is not responsive to this issue.

6.6.9 MDOT Must Factor in the Increase in VMT that Would Result From the I-94 Expansion in Its Analysis of Air Quality Impacts

The number of vehicle miles traveled [VMT] have a direct impact on the total amount of emissions. Well-designed, modern, attractive transit is an important and cost effective tool in reducing VMT and aiding in compliance with the ozone standard. Indeed, throughout the Great Lakes states and around the country, mode shifting from roads and single occupancy vehicles to transit is an important component of maintenance plans and attainment demonstrations. See, e.g. Bay Area Air Quality Ex A. Bay Area Air Quality. <http://www.sierraclub.org/sprawl/transportation/air.asp>. To assist in improving the air quality in this region, MDOT must compare the air quality analysis for the MDOT's pavement-only auto-based sprawl-inducing solution to a smart-growth, transit-friendly and nonmotorized modes (pedestrians, bikes, wheelchairs, etc.) solution. It may be that the multimodal solution would result in many tons per year of pollution avoidance. It is impossible to tell without the full analysis of alternatives an EIS will provide.

The overall emissions budget for air pollutants throughout the region includes both mobile and stationary sources. The more pollution from mobile sources- as this project will ensure, the less room in our region's airshed for manufacturing and power generation growth. The more of our emissions budget consumed by emissions from mobile sources, the less ability there is for industry to expand within the region, because major industrial emission sources must meet air quality control requirements known as BACT [best available control technology], which becomes ever more stringent as mobile source contributions grow. Implementing transit with a goal to reduce overall VMT, positions the region to attract more jobs. Failure to implement transit makes us less competitive.

SEMCOG's 2030 Regional Transportation Plan Goals call for a reduction in per-capita energy use. This project frustrates that goal.

6.6.10 MDOT Must Factor the Induced Travel Demand Effect into Its Air Quality Analysis

As discussed above, the evidence demonstrates that there is a real effect of induced demand that stems from the construction of additional highway capacity. This induced demand goes beyond levels of projected travel associated with simple population growth and actually draws vehicle trips that otherwise would not have been made.

In comparing the alternative of enhancing transit to meet capacity to adding pavement, MDOT will need to take into account the different look of the development that follows each of these investments. Adding pavement results in a spread-out, sprawling, auto-oriented development pattern, while adding quality transit stations results in dense, urban, transit-oriented development pattern. The trip start and termination factors look much different in these two scenarios and must be addressed in a rigorous exploration and objective evaluation of these alternatives that includes a hard look at comparing the environmental consequences of these reasonable alternatives.

See section 13.9 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue.

As an example of accounting for a preferred vision and a variation of induced demand, review TRU's whitepaper on the 2030 Community Vision Project. Ex. 15

## **6.7 MDOT's "Build Alternative" imposes adverse Social and Economic Impacts**

6.7.1 Regional Environmental Impacts of single mode transportation planning

See section 13.10.1 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue.

#### 6.7.2 The I-94 expansion project will cost the region vitality.

See section 13.10.2 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue. In the FEIS, MDOT states that the project is expected to encourage investment in the central city. This is not a response based on scientific review of past projects. Highway expansions suck vitality from existing urban communities, destroy neighborhood links, the resulting increase in toxic fumes will further stricken our children. Expanding this truck sewer through the heart of Detroit will further damage the host city with the benefits going to, as admitted, non-host community regional and international interests.

#### 6.7.3 At a cost of \$1,200 Million, the Project would drain public money from transit investments

See section 16.1 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue. Clearly, total transportation dollars in our region are finite and inadequate. If we spend the money unnecessarily on this bloated pavement expansion, it cannot be flexed to transit. We need to avoid bloated projects such as the Davidson Rebuild project. In addition, the state and local hard-earned match for pavement projects would not be available as the needed match for a new-starts transit project.

One of the main purposes of looking at a transit alternative in detail is to reduce the overall cost to the region of needed transportation related maintenance and improvements. Our region needs to start down a new path of transportation spending because clearly the current path has not been beneficial to our existing communities. The FEIS has been silent on making hard-earned taxpayer money work most efficiently for the benefit of the region.

#### 6.7.4 The local contribution for engineering and building the "recommended alternative" is high

MDOT's plan for the I-94 expansion is also financially harmful to Detroit. The usual funding formula for federal highway construction projects is: 80% federal, 17.5% state, 2.5% local. When MDOT decides to put up 100% state money, the local share jumps to 12.5%. This has been proposed for the engineering aspect of the project (\$185 million). Thus, the local share for engineering for I-94 could be up to 5 times more than under the standard formula which relied on federal funds for 80% of the costs.

Even at the much lower 2.5% match, this project would suck over \$30,000,000 from Detroit's general fund. This week, Detroit was forced to cut bus service significantly just to save \$3 million. This project may not be the best project to enhance Detroit's long term viability.

The FEIS is silent on the fact that it could well expect Detroit to pay significantly more of the cost of MDOT's I-94 expansion proposal.

#### 6.7.5 Failure to invest in transit deprives Metro Detroit of economic development opportunities

See section 16.3 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue.

### **6.8 MDOT Should Carry Out a Cost-Benefit Analysis of the Proposed I-94 Expansion and Its Alternatives**

#### 6.8.1 Need for Comprehensive Cost-Benefit Analysis

The FEIS provides insufficient cost detail, and provides no monetary measure of benefit in which to evaluate whether the proposed project is a prudent taxpayer investment. It is thus impossible for anyone to evaluate the Project cost-benefit to the taxpayer.

#### 6.8.2 Mode Shift

See section 16.4.1 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue.

#### 6.8.3 Transportation Diversity Benefit

See section 16.4.2 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue.

#### 6.8.4 Community Investment benefit

See section 16.4.3 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue.

## **6.9 Safety problems in support of the “Build Alternative” are overstated**

See section 8.2 of TRU’s comments on the draft EIS. The final EIS is not responsive to this issue.

The combination of adding lanes and encouraging higher usage results in the likelihood for increasing crashes resulting in more people dying in crashes and more people being badly hurt. It is interesting that transit solutions result in magnitudes less injuries and deaths than road solutions but this option has not truly been considered in the FEIS. On a very basic level, the economic considerations due to increased deaths and injuries should be a strong incentive to invest in high-quality transit along the corridor, including along Gratiot, Grand River and Michigan Avenue along with Warren, but this was not considered in the FEIS.

There is no discussion of the interface between pedestrians and speeding vehicles along the continuous service drives. This will likely result in more unfortunate crashes where vehicles run into pedestrians or bicyclists.

In the discussion of safety, there is no consideration of the safety of the air for our children and nearby residents who live and spend time near the expansion project. A proper study of the proposed expansion would predict the impact to the neighborhood of the additional emissions of air toxics and fine particulate matter. This analysis needs to be performed for both construction and operation impacts.

MDOT seems to rely on its own self serving definition of “safety” and “congestion” so that it can conceal undeserving and excessive projects behind these allegedly unassailable twin excuses.

## **6.10 The FEIS fails to address increased energy consumption and potential increases in emissions of greenhouse gases from mobile sources.**

Capacity increases that induce increases in vehicular miles traveled [VMT] of both passenger vehicles and trucks contribute to increased fuel consumption and the attendant increase in emissions from combustion of gasoline and diesel fuel. Emissions of particular concern are oxides of nitrogen, and carbon monoxide [CO] from both cars and trucks, volatile organic compounds [VOCs], primarily from cars and fine particulate matter [PM2.5] primarily from diesel exhaust.

The FEIS total fails to address the emission of green houses gases, primarily carbon dioxide [CO2]. The expansion of I-94 by adding capacity will increase fuel consumption, decrease energy efficiency by favoring trucks over rail for freight movement, and exacerbate global climate change. THE FEIS does not adequately address any of these cumulative, indirect and secondary impacts and the project frustrates the goal of reducing per capita energy usage as outlined in SEMCOG’s 2030 Regional Transportation Plan.

## **6.11 The Summary comments of Section 2.7 are not justified**

- MDOT has been replacing aged pavement and bridges throughout the corridor without the expansion.
- The expansion project is not a long-term, sustainable solution to existing congestion and does not economically provide for future travel demand, rather diversity in transportation options and reinvigorating Detroit through transit better addresses these issues at lower cost.
- I-94 already exists and is an important connecting route. The project has not demonstrated that it would result in more effectiveness and efficiency, rather the high cost and myopic view could well result in less effectiveness and less efficiency.
- The FEIS has not established that the project would improve safety over other less costly and more effective options. There is a good likelihood that crashes, injuries and deaths would increase by adding pavement capacity on the segment of I-94.
- The existing urban grid pattern of streets provides for very effective local circulation and no analysis was provided showing whether there is an added benefit of full service drives that justifies the cost. Service drives encourage speeding which reduces safety. Service drives do

little to connect community or promote development. Mainly service drives have been proven to improve getaway options for thieves and murderers.

- While there would be an initial impact due to construction, based on past experience in Detroit with building throughways, there is absolutely no basis for stating that expanding I-94 would contribute to the long-term economic climate of Detroit, rather the data is clear that investment in throughways over transit has led to a significant reduction in economic viability of Detroit.
- The FEIS has not fully disclosed the adverse impact to pedestrian and bicyclists and we do not need to spend \$1,200 million to repair a few sidewalks. The existing urban street grid can provide excellent service to pedestrians and bicyclists. This project will further degrade the existing urban street grid.
- The smaller scale of the I-94 corridor as it currently exists provides superior aesthetics to a widened corridor surrounded by fast, dangerous service drives.

Clearly, the summary shown in the final EIS is biased and is not based on a careful scientific analysis of available data, including the data given to the project through TRU's comments on the draft EIS.

## **7 SECTION 4(F) PRECLUDES DESTRUCTION OF PROTECTED 4(F) HISTORIC RESOURCES BECAUSE PRUDENT AND FEASIBLE ALTERNATIVE EXIST.**

See section 14 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue. In addition, since the draft EIS, additional buildings that meet the definition of historic or archeological site. Finally, a lot of work has been performed in the last year by M-DOT to preserve and repair the historic Lodge - I-94 Interchange. It doesn't make sense to preserve a historic structure such as this interchange, and then be proposing to replace it through the "preferred alternative."

## **8 MDOT'S PUBLIC PARTICIPATION PROCESS HAS BEEN FLAWED**

Public input plays a critical function in the NEPA process because, through substantive consultation with the public, agency officials can gain valuable insight on the need for and alternatives to a proposed project. See, e.g., *Coalition of Concerned Citizens Against I-670 v. Damien*, 608 F. Supp. 110, 124-25 (S.D. Ohio 1984); *Keith v. Volpe*, 352 F. Supp. 1324, 1340 (C.D. Calif. 1972). Congress, therefore, included a number of provisions in NEPA to help ensure that the public can make substantive contributions during the EIS process. For example, under NEPA an agency must publish a Final EIS, hold a public hearing, accept and respond to comments on the Final EIS, and consider any reasonable alternatives offered by the public. NEPA's public participation goal will be met, however, only if the agency supports the give-and-take of information and ideas with the public.

### **8.1 MDOT failed to hold a "town hall" style public hearing**

A key step in the planning of any road project is the requirement that the agency hold a public hearing regarding the project. The public hearing requirement is recognized both in the Federal Highway Administration's regulations implementing NEPA, 23 C.F.R. § 771.111(h), and a provision of the Federal-Aid Highway Act, 23 U.S.C. § 128(a). The public hearing provides a means for informing the public about a proposed project. The hearing, however, must be "more than a public presentation by the highway department of its plans and decisions." *Coalition of Concerned Citizens Against I-670 v. Damien*, 608 F. Supp. 110, 124 (S.D. Ohio 1984). Instead, the hearing must serve as a forum for the agency to "be directly and publicly confronted with opposing views" on the project so that the agency can make the best decision. *D.C. Federation of Civic Ass'ns v. Volpe*, 434 F.2d 436, 441 (D.C.Cir. 1970). At least two courts, citing the legislative history of the Federal-Aid Highway Act, have suggested that a public hearing is "meant to be a town-hall type meeting" so that agency officials are publicly confronted with any opposing views. *Coalition of Concerned Citizens Against I-670 v. Damien*, 608 F. Supp. 110, 124 (S.D. Ohio 1984); see also *Lathan v. Brinegar*, 506 F.2d 677, 691 (9<sup>th</sup> Cir. 1974); *City of South Pasadena v. Slater*, 56 F. Supp. 2d 1106, 1132 (S.D. Cal. 1999) (noting that "the plaintiffs have raised serious questions about whether the format of an open house is the equivalent of a public hearing.")

The open house style public hearing held by MDOT on the I-94 Project fails to satisfy the public participation requirements described above. MDOT did not devote any portion of the public hearing to a town-hall style meeting. There was no opportunity for citizens to publicly confront agency officials with their views or for the public to learn about each other's ideas, thoughts, or comments. Instead, MDOT's open house represented little more than a glorified sales pitch, with a biased video, reassuring consultants, and MDOT employees with little knowledge about the project or the local communities. The open house certainly did not lead to the public airing of views on the I-94 Expansion Project envisioned under NEPA.

We believe that MDOT rejected the traditional public meeting format because it was not interested in fostering a "free and contemporaneous exchange of ideas" and or allowing for exploration of the "details and intricacies of controversies." TRU insists that MDOT hold a true public hearing that includes an opportunity for community members to publicly address MDOT and local officials as well as each other. It is acceptable if MDOT chooses to continue with the open house displays and a court reporter for individual comments for those that wish not to speak to everyone in the room, but we insist that there be a change in the format to allow for the traditional public meeting format that provides for the public sharing of comments.

## **8.2 Context Sensitive Solutions and Historical Workshops**

No list of invitees or attendees is presented for these workshops on February 24 and 26, 2004. TRU does not have any records of these workshops ever taking place. Again, with TRU as a significant interested party on this project, we recall no invitation for TRU to attend these workshops. Who actually was invited to these, and why wasn't TRU invited?

It appears from this that the project has not been trying to obtain a full range of input to make it the best project possible.

## **8.3 The Project has been Unresponsive to Public Comment Received**

With the poor opportunity for public comment, this issue of expanding I-94 resonated in the community and MDOT received hundreds of comments, the vast majority of which were totally against the expansion of I-94. The final EIS is not responsive to this issue.

Of the 734 comments received, 458 stated that the expansion was too bloated and that the project needed a transit component. The Final EIS has not reduced the capacity of the expansion. The Final EIS has avoided comparing the costs and benefits of meeting the purpose and need of the project by first investing in quality transit.

Investing in quality transit would build complementary I-94 capacity through the public transportation system, which is better able to meet peak-demand requirements. Certainly, providing drivers the option to use transit would improve safety. Bridge and pavement quality can be maintained through normal maintenance and replacement, much of which has been accomplished since the DEIS was issued.

Why bother having any public comment if the most widely voiced comment is not rigorously explored and objectively evaluated?

If the cost of this one project was flexed to transit, we could implement more than half of SEMCOGs regional transit vision, and motorists wouldn't be delayed by a huge construction project along I-94. Existing communities would be strengthened, environmental and energy impacts would be reduced, and hard-earned taxpayer money would be saved. Speed-link along Grand River, Michigan, and Gratiot and strengthening the Warren cross-town bus can be used to provide the needed capacity, and not just along this 6.7 mile segment, but further to the east and west. Why is it that the Final EIS has refused to look for a better solution?

#### **8.4 The Current Public Notice is Flawed.**

Copies of the FEIS documents were not available at the Neighborhood Town Hall at the Coleman A Young Municipal Building when we visited it at the end of March 2005.

TRU did not automatically receive copies as noted on the distribution list in Section 8, which is flawed as TRU has demonstrated interest in this project.

TRU requested multiple times directly to MDOT for a copy of the FEIS documents, but didn't receive the documents until well into April, a month after they were first available.

The Public Notice referred to a "comment period" but did not specify the end date for the comment period. Therefore, we understand that no Record of Decision preparation may start until an additional Public Notice is published to inform the public of the comment period end date.

### **9 CONCLUSION**

For the last 50 years, Metro Detroit's transportation policy has been to build roads and starve transit. Due to this policy, the region is now suffering and will continue to suffer until a more balanced and robust policy is implemented.

Most of TRU's comments to the Draft EIS have not been properly addressed in the final EIS.

MDOT needs to learn from the past. MDOT needs to see that yesterday's solutions have hurt our existing communities and have cost us dearly. Other solutions used by our competing regions are much more effective in improving transportation access and mobility at reduced cost. We need to change our solutions for the future vitality of our region. The I-94 Expansion project is continuing in the wrong direction. We call on the FHWA to not approve this FEIS.

We are concerned about whether the Michigan office of the Federal Highway Administration will strictly enforce the provisions of the NEPA law and the CEQ regulations regarding the preparation of environmental impact statements, especially based on the lack of quality response to TRU's comments on the draft EIS. Accordingly, the DEIS, the public comments, and the FEIS all need to be reviewed by US DOT headquarters office in Washington before any thought is given to the preparation of a Record of Decision.

## 10 EXHIBITS

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- 1 Surface Transportation Policy Project, *Easing the Burden: A Companion Analysis to the Texas Transportation Institute's Congestion Study* (May 2001).
- 2 Mark Hansen and Yranling Huang, Road Supply and Traffic in California Urban Areas, *Transportation Research A*, 31. 205-218. 1997. (See also EX. 5, ELPC Summary)
- 3 Lewis Fulton, *et al.*, *A Statistical Analysis of Induced Travel Effects in the U.S. Mid-Atlantic Region*, Presented at the 79<sup>th</sup> Meeting of the Transportation Research Board, January 2000. (See also EX. 5, ELPC Summary)
- 4 Robert Noland, *Relationships Between Highway Capacity and Induced Vehicle Travel*, forthcoming in *Transportation Research: A*. [Abstract] see [www.epa.gov/otag/transp/hwycap.pdf](http://www.epa.gov/otag/transp/hwycap.pdf) for full text (See also EX. 5, ELPC Summary)
- 5 Environmental Law and Policy Center: Summary of Key Studies on Induced Travel Demand.
- 6 U.S. Environmental Protection Agency, *Characteristics and Performance of Regional Transportation Systems* (Jan. 2004).
- 7 California Smart Growth Energy Savings MPO Survey Findings, California Energy Commission, P600-01-021F, Sept 2001
- 8 SEMCOG Data Center Advisory Council memo to Executive Committee dated Sept 28, 2001, including public comment.
- 9 SEMCOG 2030 Regional Transportation Plan Goals and Objectives
- 10 Victoria Transport Policy Institute ([www.vtpi.org](http://www.vtpi.org)) Transportation Cost and Benefit Analysis—Safety and Health Costs.
- 11 [www.smsbf.org](http://www.smsbf.org)
- 12 Environmental Law and Policy Center: Summary of Key Studies, Air Pollution & Health Effects near High Traffic Areas.
- 13 In Car Air Pollution, International Center for Technology Assessment
- 14 MOBILE6 Emission Study US31 Corridor for West Michigan Environmental Action Council, prepared by Hands & Associates, Inc. Mar. 2002.
- 15 TRU's Final whitepaper on the 2030 Community Vision Project