



## **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)

### **Comments of Transportation Riders United on the Final Environmental Impact Statement for the I-75 Expansion Project, FHWA- MI-EIS-03-01-F**

August 04, 2005

#### ***Presented to***

Mr. Abdelmoez Abdalla  
Federal Highway Administration  
315 West Allegan Street, Room 207  
Lansing, MI 48933  
(517) 702 1820

Ms. Margaret Barondess  
Michigan Department of Transportation  
PO Box 30050  
Lansing, MI 48909  
Phone 517 335 2621

# Comments of Transportation Riders United on the Final Environmental Impact Statement for the I-75 Expansion Project, FHWA- MI-EIS-03-01-F

August 04, 2005

## 1 INTRODUCTION

Transportation Riders United ("TRU") has evaluated the Final Environmental Impact Statement ("FEIS") for the I-75 Expansion Project. This evaluation of the FEIS is hereby submitted for the public record as part of the public comment period on the FEIS.

TRU is a Michigan Nonprofit corporation based in Metro 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") reject the final EIS as inadequate and incomplete.

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. MDOT has failed to justify its proposed expenditure in excess of \$570 million that further limits the transportation options in Metro Detroit and southern Oakland County.
2. The full cost and scope of this project is not appropriately disclosed as this project requires additional spending on arterial roads and interchange expansions within and adjacent to the project corridor; and sets the stage for expansion of I-75 north of the project area.
3. The FEIS does not adequately consider reasonable, feasible, prudent, and practicable alternatives to proposed expansion of I-75, 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.
4. The FEIS ignores, underestimates or miscalculates project impacts on the human health and the environment.
5. The FEIS ignores, underestimates or miscalculates the economic impact of the project.
6. The FEIS fails to provide adequate mitigation for the impacts that it does acknowledge.
7. MDOT has subverted public participation by too narrowly defining stakeholders. 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.
8. 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-94 at I-75 and I-75 Oakland County as well as I-94 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 strictly road and private vehicle solutions to mobility and access problems. Many of these problems could be better solved by creative mix of rail, transit, water, air options in addition to road based transportation. Such a system wide assessment is an essential part of the cumulative impacts analysis, but has not been done.

9. The FEIS does not appropriately evaluate the environmental justice implications of this proposed expansion or mitigate the disparate adverse impacts the I-75 expansion will have on minority and low-income populations.
10. 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.
11. 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.

Highway officials frequently lecture transit advocates that policy discussions have no place among the issues to be addressed in a project specific EIS. Transit advocates are advised that policy discussions such as urban vitality, air quality, obesity, infrastructure disinvestment, balancing transportation options and economic development region wide are programmatic and raise concerns too broad to be raised within the context of a narrowly scoped inquiry about the expansion of a single stretch of highway. Yet no road expansion project's impacts are limited to the narrow corridor in which it is the built. Any highway expansion has impacts regionwide.

The problem in this dysfunctional region is that there has been a systematic failure by the officials of MDOT and SEMCOG to ask the programmatic policy questions that by rights ought to be addressed before any single road expansion project is considered in any given corridor. The consistent failures of the regional and state officials to ask the policy questions up front compel members of the public to raise policy questions within the context of project specific EIS's, because the EIS process is the last opportunity to make a record of the deleterious effects of the project both within the corridor and region wide.

TRU looks forward to the day when MDOT, SEMCOG and the leaders of the region implement 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**

See section 2 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

## **3 THE PURPOSE AND NEED FOR THIS PROJECT IS IMPROPERLY BIASED IN FAVOR OF EXPANDING I-75, IS NOT JUSTIFIED, AND FAILS TO TAKE INTO ACCOUNT IMPORTANT REGIONAL PLANNING OBJECTIVES**

See section 3 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

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

MDOT's purpose and need analysis is flawed for three reasons. First, MDOT has framed a purpose and need that improperly excludes alternatives to the expansion of I-75. 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

See section 3.2 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

For a fair comparison between a transit solution and a road solution, it is imperative that induced travel demand be taken into account. 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-75 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.

More importantly, induced travel demand is caused by the fact that highway capacity expansion and/or quality transit investments affect land development patterns over the long-term. In the case of highway expansions, induced travel demand increases VMT and creates new congestion and pressures for further capacity expansion down the road. In the case of quality transit investments, development patterns are shifted towards investments in our existing communities, and transit users relocate along the corridor. State-of-the-art land use and transportation modeling clearly demonstrates the interdependency of land use decisions and transportation decisions.

The model that the consultant used to predict the benefit of using transit as an option was flawed.

- The analysis of transit was badly flawed because there was no analysis of the difference in land-use development patterns based on investment in a high-quality transit system. Failure to account for the effects of expanding transportation accessibility on land use results 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-75 and investing in transit between Birmingham and Detroit. The transit alternative would induce development into existing communities, reducing development pressure in outer areas, making lane expansions unnecessary.
- In addition, it is totally inappropriate to design I-75 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 because they see a better quality of life elsewhere" *SEMCOG Data Center Advisory Council memo to Executive Committee dated Sept. 28, 2001.*

Part of the rationale for the expansion project is that Oakland County is a leading job producer, but this is not the correct rationale. Overall, the region is losing jobs. Much of Oakland County's job gain is at the cost of relocating existing jobs from existing, established communities to the fringes of Oakland County. The region is actually shrinking. Why is the State of Michigan supporting the simple relocation of jobs from our existing communities to the outer fringes of Oakland County? Oakland County is not a job producer; it is essentially sucking jobs out of the established communities at great expense to the region. Take for example the historic relocation of Daimler Chrysler Headquarters from Highland Park to

Oakland County. Were new jobs created? No. Highland Park is now an economic disaster, while taxpayer dollars were used to encourage this destruction. MDOT needs to propose projects that encourage development to return to the urban center, that strengthen our existing communities, and that support the urban environment. This project fails at supporting our existing communities and the urban environment.

These critical mistakes underscore the inadequacy of the FEIS. MDOT must use appropriate multi-modal modeling tools and apply them to this project. The Federal Highway Administration should not issue a record of decision 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.

Perhaps this is part of the reason that the major host communities of Ferndale, Madison Heights and Royal Oak were not satisfied with the flawed analysis of mass transit provided. Note also that even SEMCOG stated in their comments on the project that the transit alternative "will provide real travel options and allow I-75 ... to operate at even better levels of service and enhance mobility throughout the entire corridor."

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

In addition to being improperly constrained, MDOT's stated purpose and need for this project is not justified. In fact, there are a number of flaws with the purpose and need statement. For example:

#### **3.3.1 Traffic Projections**

Due to the failed road and sprawl-causing decisions of the past, there is a shrinking population and job base along the corridor. In addition, SEMCOG's 2030 Regional Transportation Plan includes a goal to reduce per-capita energy consumption in the region. It really doesn't make sense to increase the size of the throughway, thereby encouraging energy-intensive automobile travel and energy-intensive work, home and shopping location decisions. Rather other transportation options should be considered to increase the vitality of southern Oakland County and Detroit.

Looking at SEMCOG's population data, the Wayne, Oakland and Macomb region of Greater Detroit contained 4.2 million people in 1970 and in 2000 the population had dropped to 4.0 million people. We are a region with a stagnant population, but developed land in the SEMCOG region has increased during this time from 565 thousand acres to 1 million acres. Developed land requires roads, sewers and taxpayer money to maintain. Each taxpayer has almost twice the developed area to maintain now as in 1970. By expanding I-75, MDOT and the government will be continuing this pattern of market skew, thereby subsidizing the sprawl development patterns that have resulted in urban disinvestment, while inducing sprawl, separation, segregation and homogenization.

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 SpeedLink 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.

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.

Projects that work to reallocate 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

Throughways in Oakland and Wayne counties are definitely congested during the morning and afternoon rush hours, but throughways in this region are nowhere near as congested as those in other regions. The worst congestion along the proposed project is at the I-75 and I-696 intersection that ranked only 110 to 144 of the nation's worst traffic bottlenecks, hardly sufficient to justify the project. Due to the shrinking population and job base along the study corridor, conditions should naturally improve with time.

In fact, TRU member experience in traveling I-75 through Oakland County is that traffic from Eight Mile Road to M-59 typically moves pretty well. The badly congested area of I-75 through Oakland County seems to be between M-59 to Joslin Road, where the throughway is already built out to 4 travel lanes. This proposed project will do nothing to reduce the sprawl-oriented congestion produced along this stretch of I-75 north of the project.

### 3.3.3 Compliance with MDOT's Transportation Vision

See section 3.3.3 of TRU's comments on the draft EIS. The final EIS response to this issue is flawed.

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

See section 3.3.4 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

## **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

See section 3.4.1 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS. In the final EIS, the writers just say yes, it meets Section 134, without responding to any of the specific issues that TRU used to show how the project doesn't meet Section 134 requirements.

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

See section 3.4.2 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

The issues have not changed since 1990 when transit was proposed as part of the solution. Unfortunately MDOT's I-75 expansion proposal ignores them. The \$570 million that MDOT is proposing to spend on this project will work to impede these goals rather than advance them.

#### **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**

See section 4.1 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS. In the final EIS, the writers indicate that they considered reasonable and prudent alternatives, but it is obvious that the alternatives were not rigorously and objectively evaluated.

##### **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-75 Expansion Project. Most importantly, TRU calls on MDOT to fully consider the following alternatives both individually and in combination:

- Add transportation capacity along the corridor and target new growth to established communities by investing \$400 million in a modern streetcar or light rail system along the Woodward Corridor from Birmingham, through Royal Oak, to the Zoo, Ferndale, Highland Park, New Center, the train station, through Wayne State University and into Downtown Detroit.
- Further add transportation capacity along the corridor by investing in a modern commuter rail system as was evaluated, costed, and recommended in an MDOT study concluded in 1997. Regional Passenger Rail – a concept for Southeastern Michigan, Summary Report, Southeastern Michigan Regional Rail Study, June 1997. See also Modern Detroit Renaissance Center – Oakland County Commuter Rail Service, Dietrich R. Bergmann, PhD, PE, April 25, 2001 as provided in TRU's comments on the draft EIS
- Better utilize existing Amtrak service, which currently runs 6 trains between Pontiac, Detroit and Ann Arbor by reducing fares and enhancing schedules for commuter traffic.
- Improve and link the existing bus system to support the light rail and commuter rail systems.
- Selectively upgrade the current I-75 system design and implement Transportation System Management (TSM), Travel Demand Management (TDM), and ITS techniques to improve the effectiveness of the existing capacity on I-75.
- Reducing speeds along the project section to maximize capacity, reduce noise, reduce pollution, reduce crashes and improve energy efficiency.

This alternative would be more effective in meeting the underlying purpose and need of the I-75 Expansion Project at a significantly lower economic and environmental cost while providing strong positive social benefits. In particular, such alternative would provide numerous benefits over the proposed I-75 expansion, including:

- Providing needed mobility along the corridor for people, especially the nearly 33% of Detroit residents who do not have a car, and freight.
- Enhance the potential for economic development within existing communities, 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. See TRU's Transit Vision with estimated capital and operating costs. May 10, 2001, as provided in our comments on the Draft EIS
- Significantly improving safety. Typically in the United States, commuting on a train or bus is 10 times safer than commuting by car. In addition, transit is proven to get many of the worst drivers off the road if given a choice.

#### **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 4.3 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue, except for providing a "pie crust promise" concerning maybe doing some extra buses if we can find someone else to pay for it during construction, and for stating that Woodward Avenue with a rebuilt controversial bridge over 8 Mile Road will be able to handle traffic during construction.

Residents and communities along the corridor are concerned over the heavy, economically disruptive and polluting traffic congestion for multiple years during any expansion or rebuilding of I-75 and the arterial roads that feed it. No adequate construction mitigation plan has been proposed. The true remedy to the above concern is to **first** construct a rapid transit system on the Woodward Corridor to provide congestion mitigation during the construction process.

By not seriously looking at construction mitigation or temporary or permanent alternatives or complementary systems to the expansion of I-75 in Oakland County, MDOT and the Federal Highway Administration, through the inadequate FEIS:

- will proceed to further increase metro-Detroit's dependence on mid-east oil,
- will further aggravate the well-documented reality that Metro-Detroit is the most racially and economically segregated region in the country,
- will accelerate southeast Michigan's status as practicing the most unsustainable sprawl and unplanned, uncoordinated development patterns in America,
- will miss golden opportunities and public needs, to diversify the economy, and
- will perpetuate the highest unemployment rates in America.

TRU also reminds MDOT and the Federal Highway Administration that said studies and expansions are being viewed and approved through an MPO that has been documented to be highly discriminatory against investment in the region's central city (Detroit) and the proximate inner ring suburbs.

#### **4.4 HOV Lanes**

MDOT should be commended for proposing that the extra lane, if built, be an HOV lane. This would improve taxpayer return for this inefficient road-based project. TRU is concerned that trying to enforce HOV usage for only 4 hours per day will be difficult. It would make more sense to have the HOV lanes enforced over a longer period of the day.

The FEIS states that for the HOV lane to be effective, enforcement must be strict. Currently, MDOT and Metro Detroit do not have a good reputation for ensuring that drivers are penalized for illegal actions such as speeding and unsafe driving. Enforcing the HOV lane usage is another requirement. As such, if the expansion project were to go forward with this pavement-based construction, it should not be approved without a permanent and dedicated source of funding for proper enforcement of speed limits, unsafe driving and the HOV lane usage. The final EIS should be rejected for not outlining the source of a permanent and dedicated source of revenue to enforce the HOV lane, especially in this region with the current status of political will and resources for enforcement of current rules of the road.

In fact, TRU is concerned that the proposal to add an HOV lane is a ruse to expand to the forth lane at favorable terms with the federal government. The State lacks the political will and the mechanism to enforce the HOV requirement and certainly the local municipalities cannot be asked to enforce the HOV requirement.

TRU would expect that the entire expansion project be paid for by users by establishing a toll lane or a HOT lane instead of a HOV lane and appropriately pricing the toll. If the pricing to pay the entire project cost is too high to be palatable to users on a toll-lane basis, then the project should not go forward. With Michigan's excellent ITS system, toll lanes or HOT lanes would be relatively easy to establish since a significant portion of the needed infrastructure is already in place. Make Southeast Michigan's ITS

system start being a revenue generator. We have invested very heavily in this system. Assuming a cost of \$572 million, a life of 20 years and interest at 5%, the annual capital cost would be \$46 million. Add \$20 million per year for maintenance and enforcement to obtain the needed revenue of \$66 million per year. Assume that 500 toll-subject vehicles/hr each way choose to use the special lane for each of the 6 hours per day of peak usage assuming 6 days per week of peak travel times. Using standard engineering economy calculation methods, this results in a required toll of \$35 per vehicle to travel the 15 mile length on the special lane to cover the cost of the expansion.

As documented in numerous studies nationwide, TRU is convinced that in Metro Detroit, a higher return to taxpayers would be realized by investing in high-quality transit.

#### **4.5 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-75 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 4.20 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 a transit solution at significantly less taxpayer investment, and significantly more for quality-growth.

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. The lack of quality transit in this region is “the elephant in the living room”.

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 won't be efficient.

#### **4.6 In Evaluating the Proposed I-75 Expansion and Alternatives, MDOT Should Utilize a “Triple Bottom Line”**

See section 4.6 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue, especially because the “triple bottom line” is acknowledged in both MDOT's mission statement and the Michigan Land Use Leadership Council's report.

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

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

See section 5.1 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

#### **5.2 MDOT Has Engaged in Improper Segmentation**

See section 5.2 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

As MDOT and the county move to follow through on the numerous connected road expansions envisioned along this corridor, the region loses the potential to better diversify transportation infrastructure at much less cost. The region also

- will proceed to further increase metro-Detroit's dependence on mid-east oil,
- will further aggravate the well-documented reality that Metro-Detroit is the most racially and economically segregated region in the country,
- will accelerate southeast Michigan's status as practicing the most unsustainable sprawl and unplanned, uncoordinated development patterns in America,
- will miss golden opportunities and public needs, to diversify the economy, and
- will perpetuate the highest unemployment rates in America.

### **5.3 NEPA Requires the Consideration of the Cumulative Impacts of Reasonably Foreseeable Future Actions**

See section 5.3 of TRU's comments on the draft EIS and the section above. The final EIS does nothing to correct the inadequacy of the draft EIS.

### **5.4 MDOT Has Failed to Consider the Cumulative Impacts of the Entire I-75 Expansion, Along with Other Reasonably Foreseeable Highway Expansions in the Detroit Metropolitan Region**

See section 5.4 of TRU's comments on the draft EIS and the section above. The final EIS does nothing to correct the inadequacy of the draft EIS.

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

See section 5.5 of TRU's comments on the draft EIS. The final EIS is not responsive to this issue, especially in light of the systematic failure by the officials of MDOT and SEMCOG to ask the systematic programmatic policy questions that by rights ought to be addressed before any single road expansion project is considered in any given corridor. The consistent failures of the regional and state officials to ask the policy questions up front compel members of the public to raise policy questions within the context of project specific EIS's, because the EIS process is the last opportunity to make a record of the deleterious effects of the project both within the corridor and region wide.

## **6 MDOT HAS FAILED TO TAKE THE REQUISITE "HARD LOOK" AT SIGNIFICANT ENVIRONMENTAL AND SOCIAL IMPACTS OF THE PROPOSED I-75 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.

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

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 summary of Section 4.3 states that Impacts will largely be positive as access to jobs will be improved.

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.

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 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 or are unable to drive are stuck and forced into the underclass, with little possibility to move out of their predicament.

On the other hand, a light-rail system between Birmingham and Detroit would be available to everyone who can afford the inexpensive fare. 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 how this project will further worsen air quality. Even if the conformity analysis for criteria pollutants does not require an air toxics analysis, a thorough assessment of disparate impacts on EJ populations does. This Section of the FEIS is clearly deficient for its failure, and therefore must be redone. Air Toxics are addressed in detail below as part of the air quality discussion.

## **6.3 MDOT'S I-75 project significantly interferes with pedestrian access within the I-75 corridor, which will have serious health consequences**

See section 6.3 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS. In addition, it is very difficult to determine the scope of changes proposed in the FEIS. There is no figure showing the proposed design overlaid on the existing system. Pedestrian and bicyclist access is impacted when the limited number of crossovers is reduced further. Certainly, pedestrians and bicyclists are impacted by the loss of the Dallas Street bridge in Madison Heights. What other crossovers are eliminated?

For cyclists, I-75 is Oakland County's longest contiguous barrier to safe, efficient cycling. Only one safe crossing currently exists between 12 Mile and M-59. (See: Cycling Accessibility: I-75 Corridor, South Oakland County Revision 1.1, November 23, 2000). If I-75 acts as an unsafe barrier to cyclists, it is also an unsafe barrier for pedestrians.

The throughway when built adversely impacted the existing urban street grid. How much more of this urban street grid is cut with the expansion project? This was not discussed.

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

See section 6.4 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

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

See section 6.5 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS. Current noise along this road segment is unacceptable and the proposed alternative will make it even worse. The final EIS provides inadequate documentation of plans for noise attenuation and no predictions of noise increases due to more and faster traffic.

#### **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

See section 13.1.2 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS. The FEIS cavalierly dismisses US EPA and National concerns that indicates fine particulate matter generated by vehicles contributes significantly to increased health problems as demonstrated by the established national ambient air quality standards for PM-2.5. At the very least, a modeling study is required to show that ambient air quality standards for PM-2.5 are protected along the I-75 corridor. The FEIS is silent on the impact that I-75 has to modeled exceedances of this standard in the host communities. A complete EIS would compare the air quality and other impacts of MDOT's proposed project to the transit oriented development vision proposed by TRU, and include the differences in development patterns that could be obtained with both scenarios.

Both the US EPA and the Michigan Department of Environmental Quality (MDEQ) requested that the FEIS include an analysis of the impacts of PM2.5 and air toxics on the host communities adjacent to the expansion. MDEQ has developed established mechanisms to review and approve the impact of expanded emission sources on the neighboring host communities and offered their services to assist the project in this analysis. Even SEMCOG noted that the provided discussion on PM2.5 and air toxics was weak. TRU can only infer that the reason the Project did not present the results of a PM2.5 analysis or an air toxics analysis is that the project would be shown to have unacceptable impacts on the residents of the host communities. As such, this project should not be approved to move forward until a careful risk analysis on PM-2.5 and air toxics be performed to ensure that residents of the host communities are not subjected to high levels of pollutants and high risks of disease.

A recent study concludes "Our findings suggest that levels of air pollutants in Detroit, which are above the current National Ambient Air Quality Standards, adversely affect lung function of susceptible asthmatic children." *Air Pollution-Associated Changes in Lung Function among Asthmatic Children in Detroit*. Environ Health Perspect 113:1068-1075 (2005) Ex 1

It appears that MDOT willing to sacrifice the health of the children in the host communities for this project.

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

It is interesting to note that in Table 4-11, in almost every modeling site, the no-build alternative results in lower carbon monoxide concentrations than the build alternative for both years 2015 and 2025. This would likely be true for PM2.5 and for air toxics once the study on these issues is performed. This means that not building the Project has positive air quality benefits, contrary to the statement in Section 4.7 about the positive impact on air quality due to the project. Note that SEMCOG pointed out this disconnect in their comment (p 6-79), but the text of the FEIS was not corrected. 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 is nonattainment for PM-2.5 that is

dangerous to health. 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.

Failure of the FEIS to further quantify the positive environmental benefit of the “no build” alternative compels disapproval and rejection of the FEIS in the record of decision.

A strong, quality transit investment in the I-75 corridor along with the “no build” alternative would further provide 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-75 Expansion and Alternatives

See section 6.6.3 of TRU’s comments on the draft EIS. In addition, the US EPA and the MDEQ requested that this study be performed. The final EIS should be rejected for failure to perform the air quality and health study as requested by US EPA and MDEQ.

#### 6.6.4 Conformity Analysis and traffic counts

See section 6.6.4 of TRU’s comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

The discussion of expected growth in vehicle traffic in Section 2.2.3 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 in the northern sections of Oakland County 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 Southern Oakland County 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 33 of TRU’s comments on the draft EIS, 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-75.

#### 6.6.5 Regional impacts of mobile source emissions

See section 6.6.5 of TRU’s comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

#### 6.6.6 MDOT must verify that the cold start default average is appropriate.

See section 6.6.6 of TRU’s comments on the draft EIS. No basic modeling protocol information was readily provided in the DEIS, The Air Quality conclusions are suspect and do not support approval of the FEIS. Incorrect and misleading interpretation of the air quality modeling results, as noted by SEMCOG on page 6-79 of the FEIS undermines the public confidence in the validity of the underlying assumptions. Responding to comments is not enough. The final EIS must show change. The final EIS does nothing to correct the inadequacy of the draft EIS.

#### 6.6.7 MDOT needs to use proper Mixing Heights

See section 6.6.7 of TRU’s comments on the draft EIS. No basic modeling protocol information was readily provided in the DEIS. The Air Quality conclusions are suspect and do not support approval of the FEIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

#### 6.6.8 Increasing travel speeds by adding capacity actually increases CO and VOC emissions

See section 6.6.8 of TRU’s comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

6.6.9 MDOT Must Address the Increase in Toxic Air Pollutants that Would Result From the Proposed I-75 Expansion

See section 6.6.9 of TRU's comments on the draft EIS and section 6.6.1 above. The final EIS does nothing to correct the inadequacy of the draft EIS. The Final Environmental Impact Statement is almost totally silent about the increase in toxic pollutants during construction and from the increased traffic. Likewise, there is no discussion of the impact of mobile source toxics on human health or on the Great Lakes ecosystem due to air deposition.

Based on the words in the FEIS, it appears that MDOT is willing to sacrifice the host communities to potentially dangerous levels of toxic air pollutants just because: 1) guidelines for analysis are not firm, but could be transferred from such guidelines as Michigan's air toxic rules, and 2) Leaders want to continue to expand roads.

The host communities deserve to know the exposure levels and the results of a comprehensive risk assessment to help understand the full cost of the expansion. The final EIS needs to be rejected.

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

See section 6.6.10 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

6.6.11 The community must be protected from adverse air quality impacts during construction.

See section 6.6.11 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS. The FEIS does not address emissions during construction and mitigation measures to be adopted, nor does it model health impacts due to construction.

The host communities deserve to know the exposure levels and the results of a comprehensive risk assessment based on construction activities to help understand the full cost of the expansion.

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

See section 6.6.12 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

6.6.13 MDOT Must Factor in the Increase in VMT that Would Result From the I-75 Expansion in Its Analysis of Air Quality Impacts

See section 6.6.13 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

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

See section 6.6.14 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS. Based on this evidence, TRU requests that the I-75 project expressly address this phenomenon in the regional planning process and in making conformity determinations under the Clean Air Act, and in all corridor-level estimates of VMT or ADTs that are made available to implementing agencies for the purpose of preparing EISs under NEPA. The failure to account for this effect will merely invite frequent legal challenges to regional plans, conformity determinations and EISs on the ground that these analyses are fundamentally flawed by the failure to adequately address this statistically proven effect of new capacity. The failure to address this effect has often contributed to conflict and need for reanalysis of controversial transportation projects and has been a major source of delay to transportation project implementation. 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 as was provided in our comments on the Draft EIS.

## **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 6.7.1 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

The Project will increase our dependency on autos and trucks and provide for a dangerous lack of transportation diversity. . The Project is not in the best interest of the public trust and is not a robust solution to the transportation problem along the I-75 corridor in Oakland County.

### 6.7.2 The I-75 expansion project will cost the region vitality.

See section 6.7.2 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

### 6.7.3 At a cost of \$570 Million, the Project would drain public money from transit investments

See section 6.7.3 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

### 6.7.4 MDOT's Decision to finance Preliminary Engineering with Build Michigan III dollars increases the financial burden on local taxpayers.

See section 6.7.5 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

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

See section 6.7.5 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

The FEIS concedes that Metro Detroit will lose tax revenues as privately held property is converted to MDOT ownership. . Clean air falls just behind clean water and crime as the third most important factor people consider when deciding where to live, according to Money Magazine. Based on that, the increased emissions that this project will generate will actually reduce community development opportunities, not enhance them, and will result in the lowering of property values and reduce the Metro Detroit's tax base. By contrast, transit oriented development [TODs] encourages more efficient development in existing communities and leads to less traffic, more travel choices, and less air pollution.

## **6.8 MDOT Should Carry Out a Cost-Benefit Analysis of the Proposed I-75 Expansion and Its Alternatives**

See section 6.8 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

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

## **6.9 Safety is neglected to reduce the cost of the Project**

See section 6.9 of TRU's comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS. The combination of not fixing curves, maintaining undersized shoulders width, adding lanes and encouraging higher usage results in the likelihood for increasing crash statistics resulting in more mothers, fathers, children and seniors dying in crashes and more people being badly hurt.

Transit solutions result in 10-fold fewer deaths and injuries as compared to road solutions but the transit option was not fairly considered. Transit increases safety to motorists by providing alternatives to driving for those with physical and mental impairations and substance abuse problems who shouldn't be driving but may choose to endanger others because there are no transportation alternatives. 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 to solve this problem along the corridor, but this was not considered in the final EIS.

Likely, the existing crash rates would be significantly increased with the Project. The existing lower frequency of crashes is due to the need for lower speeds and higher level of driver caution through this area of the proposed project. Lowering the speed limit to 45-50 mph permanently would probably reduce the number of crashes further while increasing the carrying capacity of the existing design.

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. Why is MDOT trying to cover up this issue?

In addition, there is no analysis of the potential for crash increases during the construction of the project as traffic is diverted to local surface roads such as Woodward Avenue.

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.**

See section 6.10 of TRU’s comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

#### **7 MDOT’S PUBLIC PARTICIPATION PROCESS WAS INADEQUATE BECAUSE THE AGENCY FAILED TO HOLD A “TOWN HALL” STYLE PUBLIC HEARING**

See section 7 of TRU’s comments on the draft EIS. The final EIS does nothing to correct the inadequacy of the draft EIS.

#### **8 THE PROJECT HAS BEEN UNRESPONSIVE TO PUBLIC COMMENT RECEIVED**

Reviewing promises made at the scoping meeting of August 29, 2002, many promises were not met including:

- Promise to review air toxic impacts
- Promise to consider population shifts based on various alternatives
- Promise to include in the Environmental Justice section an analysis of the effect of the project to further separate and segregate our community with the expansion biased towards serving high-income housing and jobs that are not adjacent to transit at the northern end of Oakland County coupled with disinvestments in our existing communities and trapping of the poor within Detroit and the inner suburbs.
- Promise to include a full analysis of the economic impacts of HOV lanes
- Promise to include US EPA’s concern about the effects of diesel exhaust on special groups.
- Promise by SEMCOG to work with the congressional delegation to obtain federal funding for an alternative analysis of rapid transit along the Woodward Corridor

In addition, in a letter dated May 23, 2003, the US EPA requested that the purpose and need be framed broadly enough so that other alternatives such as transit along the Woodard Avenue that could improve travel efficiency and could result in not expanding I-75 be considered. Nothing in the EIS considers improvements to travel efficiency (i.e., reduction of VMT in the corridor).

Investing in quality transit would build complementary I-75 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 money for this one project were flexed to transit, we could likely build a complete light rail system from downtown Detroit to Royal Oak or Birmingham, and motorists wouldn't be delayed by a huge construction project along I-75. Existing communities would be strengthened, environmental and energy impacts would be reduced, and hard-earned taxpayer money would be saved. The Final EIS has refused to look for a better solution, and therefore must be rejected.

## **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.

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-75 Expansion project is continuing in the wrong direction. We call on the FHWA to not approve this FEIS.

Most of TRU's comments to the Draft EIS have not been properly addressed in the final EIS. The Federal Highway Administration should carefully review all comments received. Though this careful review, the only option for the Federal Highway Administration is to reject the final EIS for the Proposed Widening of I-75 from M-102 to M-59 in Oakland County.

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**

---

1 Air Pollution-Associated Changes in Lung Function among Asthmatic Children in Detroit. Environ Health Perspect 113:1068-1075 (2005) <http://ehp.niehs.nih.gov/members/2005/7533/7533.html> Toby C. Lewis Thomas G. Robins, J. Timothy Dvonch, Gerald J. Keeler, Fuyuen Y. Yip, Graciela B. Mentz, Xihong Lin, Edith A. Parker, Barbara A. Israel, Linda Gonzalez, and Yolanda Hill