

SOURCE

Save Our Unique River,
Communities & Environment

P. O. Box 182 • Clay, Alabama 35048 • (205) 681-0591

October 13, 2011

Mr. Brian C. Davis, Division Engineer
Alabama Department of Transportation
P. O. Box 2745
Birmingham, AL 35202-2745

Subject: Birmingham Northern Beltline (SR-959)
Disapproval of Project

Dear Mr. Davis:

Save Our Unique River, Community and Environment (SOURCE) is a grassroots group of citizens from throughout Jefferson County. We submit these comments with regard to the Northern Beltline, the Summary of Preliminary Analysis of Reevaluation of the Birmingham Northern Beltline and the September 27th and September 29th, 2011 public hearings.

OVERVIEW OF COMMENTS

- We disapprove of the Northern Beltline project. Our opposition is based on its potentially extensive impacts to our natural environment, communities and homes; lack of compliance with the National Environmental Policy Act, lack of justification for traffic needs and exorbitant cost.
- The Federal Highway Administration (FHWA) classifies a \$500 million highway as a “major” highway project, yet the projected cost of the Northern Beltline is \$4.734 billion.
- The project is being promoted by Beltline proponents for potential economic benefits and creation of jobs based on inaccurate information, including projected cost and timeline for completion, both of which are critical in determining accurate economic projections.

Incredibly, at the beginning of each public hearing forum, the public was misinformed by the Alabama Department of Transportation (ALDOT) Third Division Engineer of an inaccurate cost of \$3 billion, while having knowledge of the currently projected cost of



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\$4.734 billion, as documented in a FHWA Cost Estimate Review (CER).¹ The CER states that ALDOT participated in determining the current \$4.734 billion cost: A “review team (Team) of the Federal Highway Administration (FHWA) and the Alabama Department of Transportation (ALDOT) conducted a Cost Estimate Review (CER) to evaluate the cost and schedule estimates for the Birmingham Northern Beltline (BNB) Project.”² CER sign-in sheets show that ALDOT Montgomery Headquarters and Birmingham Third Division staff members attended presentations of the CER on January 24 – 27, 2011.³

- The public hearings were publicized as “regarding the Environmental Reevaluation document for the Birmingham Northern Beltline project”, leading the public to believe that the long overdue Northern Beltline environmental impacts reevaluation and analysis had been completed.

That was not the case. The document is a Summary of Preliminary Analysis Conducted for Reevaluation of the Birmingham Northern Beltline. It does not begin to adequately address impacts of the project. It acknowledges federal requirement of a reevaluation of the Final Environmental Impact Statement (FEIS) considering the entire route and acknowledges the reevaluation has not been completed.

The document also acknowledges “changes to the affected environment in the following areas: land use and relocations, environmental justice, air quality, water quality, threatened and endangered species, and indirect effects and cumulative impacts.” It further acknowledges “the changes in the affected environment are still being analyzed. . . .”

- ALDOT has posted preliminary project letting information on the S.R. 79 – S.R. 75 section without its environmental impacts having been fully determined, as acknowledged throughout the recently released Summary of Preliminary Analysis, including this: “. . . . a Reevaluation for the section of the project located between SR 79 and SR 75 was approved in August 2006. The August 17, 2006 Reevaluation will be superseded by the FEIS Reevaluation of the entire 52-mile project.”

BASIS OF OPPOSITION

LACK OF COMPLIANCE WITH FEDERAL ENVIRONMENTAL REGULATIONS:

The Northern Beltline is not in compliance with the National Environmental Policy Act (NEPA) or the FHWA Major Project Process and Major Project Deliverable Timelines. NEPA process and NEPA approval are required prior to the Final Project Management Plan, Cost Estimate Review, Initial Financial Plan and authorization of federal funding for construction.⁴

The January 2011 Cost Estimate Review states, “Only one significant schedule risk was determined for Segments 4 & 5 The delay was due to uncertainty related to the

¹ Birmingham Northern Beltline Cost Estimate Review, January 2011, p.3

² Birmingham Northern Beltline Cost Estimate Review, January 2011, p.2

³ Birmingham Northern Beltline Cost Estimate Review, Appendix F

⁴ Birmingham Northern Beltline Project, FHWA Cost Estimate Review, Appendix A

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outcome of project studies (FEMA Map Study, NEPA Reevaluation, Indirect and Cumulative Impacts (ICI) Study).”

NEPA regulations mandate that analysis of direct, indirect and cumulative impacts be conducted early in the process, prior to choosing the route of a federal-aid highway project, and incorporated in the FEIS. That is documented extensively by the Council on Environmental Quality (CEQ) and FHWA.⁵

The most blatant and disturbing violation of the NEPA is that those impacts to the natural environment, personal properties and communities were not fully and properly analyzed prior to choosing the planned Northern Beltline route. To make matters worse, impacts have still not been fully analyzed, ALDOT moves ahead and no agency with oversight responsibility has intervened on behalf of the public to ensure adherence to regulations.

NEPA also requires that a FEIS be reevaluated if no action has taken place within three years. There has been no reevaluation of the woefully inadequate 1997 FEIS.

ALDOT knowingly violated NEPA regulations while proceeding with the initial Northern Beltline section, S.R.79 – S.R.75:

“ALDOT is committed to performing an analysis of the indirect and cumulative impacts (ICI) of the Beltline project before advancing future sections of the Beltline to the ROW acquisition phase. ALDOT recognizes that any analysis of indirect impacts must be comprehensive in nature. Therefore omitting the ICI analysis for this section of the Beltline would represent a segmented approach which is inconsistent with FHWA and CEQ guidance for ICI.”⁶

The initial 3.4 mile section, connecting two parallel state highways, and at a projected cost exceeding \$306 million, cannot be justified as a “stand alone” project and it will lock in other segments, tying down the route; all of which violate NEPA.⁷

Also, during a November 2006 meeting with SOURCE and FHWA staff, ALDOT admitted to buying property prematurely before it could legally do so, meaning prior to completion of the reevaluation document for the S.R. 79–S. R. 75 project.

IMPACTS TO NATURAL AND BUILT ENVIRONMENT: The Northern Beltline (Alternate A) is the longest and most environmentally destructive of the seven routes considered and, therefore, opposed by the U. S. Environmental Protection Agency (EPA).⁸

It will pollute and otherwise degrade local waterways by erosion, toxic chemicals, petroleum and other pollutants during construction and forever, as documented by ALDOT, itself.⁹

⁵ [Questions and Answers About the NEPA Regulations; Executive Order 13274, Indirect and Cumulative Impacts; Secondary and Cumulative Impact Assessment in the Highway Development Process, A NEW EMPHASIS; FHWA Overview of Project Development; Executive Order 13274, Indirect and Cumulative Impacts, 4.2.9\)](#)

⁶ Reevaluation Statement, Birmingham Northern Beltline, West of S.R. 79 to East of S. R. 75, pp. 3-5, 3-6, 8/17/06

⁷ 23 CFR 771.111(f)

⁸ 1997 EPA Letter; ALDOT, The Birmingham News, 12/13/09

⁹ ALDOT Final Environmental Impact Statement (FEIS), p. 4-57; RTP, p. 7-19



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Jefferson County is not in attainment of Clean Air Act standards for particulate matter and barely meets ozone requirements. This is a highly significant issue in view of conformity requirements of federally supported highway and transit projects. Yet, the Northern Beltline will worsen Jefferson County's air pollution, caused largely by traffic emissions. Furthermore, routing interstate traffic into outlying areas will result in additional air pollution.

As of 2010, ALDOT estimates 485 residences and 35 businesses will be taken for this project.¹⁰

LACK OF NEED: The Northern Beltline was not evaluated for need, as required by the Appalachian Regional Commission (ARC), prior to designation by Congress for Appalachian Development Highway (APD) funding.¹¹ Both the Northern Beltline and its extension to I-20 were designated for APD funding through a 2004 appropriations bill.¹²

The planned route is not warranted for traffic needs, as shown by ALDOT's own traffic studies.¹³ Their studies show it will carry the least volume of traffic of all routes considered.¹⁴

It will actually increase traffic congestion significantly on I-59 through Trussville and Argo.¹⁵ This area has been experiencing serious congestion for some time, which is resulting in traffic standstills and accidents, and is in need of additional lanes.

The Northern Beltline does not rank as a Birmingham Metropolitan Planning Organization priority, as only 1% – 3% of downtown interstate traffic and insignificant truck traffic will be diverted to the Northern Beltline.¹⁶

The 2035 Birmingham Regional Transportation Plan includes opinion that the Northern Beltline, as planned, is not needed: "It has been suggested that the Corridor X-1/Northern Beltline has been "over designed" and does not need to be built to interstate standards, at least not for its entire length. An alternative design proposal suggests that the roadway be constructed as an at-grade parkway which would achieve many of the project's goals for mobility, accessibility, connectivity, and economic development while minimizing both the physical footprint of the roadway and its impact on the natural and built environment."¹⁷

COST: At the currently projected cost of \$4.734 billion¹⁸, over \$90 million per mile, Northern Beltline Alternate A is the most costly of all routes considered¹⁹ and one of the most costly in U. S. history.²⁰

¹⁰ Birmingham Northern Beltline Summary of Preliminary Analysis Conducted for the Reevaluation of the Birmingham Northern Beltline, p.5

¹¹ Louis Segesvary, ARC, PBS Blueprint America, 8/09; Hubert Sparks, ARC, 8/4/11;

¹² House Report 108-401, Sec. 123(a)(b), 2003;

¹³ ALDOT 1997 FEIS

¹⁴ 1997 FEIS, p. 2-37; The Birmingham News, 12/13/09

¹⁵ Birmingham Northern Beltline Termini Analysis, September 1993. FEIS, p. 2-25

¹⁶ Project Evaluation, 2035 Birmingham Regional Transportation Plan

¹⁷ 2035 Birmingham Regional Transportation Plan, June 2010, p. 4-98

¹⁸ FHWA Project Status Report

¹⁹ 1997 FEIS; The Birmingham News, 12/13/09

²⁰ American Road and Transportation Builders Association



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At a 20% cost to the State of Alabama, \$947 million would come from ALDOT's budget for all state projects, leaving many needed transportation projects unfunded. In addition, local governments would have to fund supporting infrastructure of secondary roads, water mains and sewer expansion. State and local transportation funds would be better used for public transit system and maintenance of the state's deteriorated roads and bridges.

Neither the state nor Jefferson County, which is on the brink of bankruptcy, is in a financial position to fund the exorbitant costs of the Northern Beltline. The federal government does not have funds on hand to pay for this project, which means the cost will be added to the nation's nearly \$15 trillion debt. The fact that federal funding of only \$1.3 billion is expected over the next 25 years²¹ is indicative of lack of available funding.

PUBLIC OPPOSITION: Eighty percent of written public comments following a Design Hearing in November 2006 voiced opposition to the Northern Beltline project.²²

Citizens and groups that have expressed opposition and/or serious concerns regarding impacts to the built and natural environment include the U. S. EPA, World Wildlife, Southern Environmental Law Center, Alabama Environmental Council, Alabama Rivers Alliance, Audubon Society, Black Warrior Riverkeeper, Cahaba River Society, Cahaba Riverkeeper, Greater Birmingham Alliance to Stop Pollution (GASP), Greater Birmingham Ministries, I Believe in Birmingham and SOURCE.

Representatives of at least ten groups spoke in opposition at the September public hearings. Numerous citizens also publicly opposed the project.

CONCLUSION

Many unresolved issues with regard to the Northern Beltline and lack of adherence to environmental and public involvement regulations have been called to the attention of ALDOT and FHWA by the Southern Environmental Law Center (SELC) and a dozen other organizations, as well as many citizens. Consequently, the SELC has filed a federal lawsuit against ALDOT and the FHWA²³, which has not reached legal resolution.

ALDOT and FHWA are fully aware that the Northern Beltline project is not in compliance with NEPA regulations, as documented in the ALDOT Summary of Preliminary Analysis of Reevaluation of the Birmingham Northern Beltline, released in September 2011, and the FHWA/ALDOT Cost Estimate Review of January 2011.

ALDOT proceeds with the Northern Beltline project apparently unconcerned and as though it is in full compliance with federally mandated regulations for protection of citizens, their homes, businesses, natural resources and quality of life. Even while still in the process of analyzing direct, indirect and cumulative impacts and a reevaluation of the Final

²¹ RTP Summary Response, p. 4-11, 4-12; RTP p. 4-98; p. 6-23

²² ALDOT Design Hearing Summary Letter, 3/9/07

²³ http://www.southernenvironment.org/uploads/fck/file/northern_beltline/Complaint_4_11_11_Final.pdf

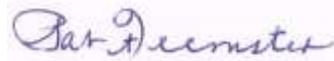
Environmental Impact Statement, ALDOT moves ahead, even publicizing preliminary project letting of construction bids.

For all of these reasons, the Alabama Department of Transportation should curtail the Birmingham Northern Beltline project until it has been determined that the project should take priority over other transportation needs for the metro Birmingham region and the state and that it is the best investment of federal and State of Alabama transportation dollars. The project should not be continued unless and until it is proven to be in full compliance with the National Environmental Policy Act.

Life-sustaining natural resources, personal property rights and quality of life are of such significance as to merit protection under federal regulations. State agency adherence to the regulations and federal agency oversight and enforcement of the regulations are imperative. We are insisting on no less.

Thank you for your consideration of the issues we have raised.

Sincerely,

A handwritten signature in blue ink that reads "Pat Feemster". The signature is written in a cursive style.

(Mrs.) Pat Feemster