

Via Email

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Dear Members of the FHWA, ALDOT, RPC, and MPO staff,

The Southern Environmental Law Center appreciates the opportunity to comment on the Birmingham 2050 Regional Transportation Plan (RTP). The RTP illuminates ALDOT's proposal to sink billions of dollars into a black hole – the Birmingham Northern Beltline. This 52-mile project was first proposed in the 1960's, and even though the area has changed dramatically, a small handful of corporate landowners in the path of the road, along with road building, mining, development, and utility interests, continue to drive the support for this \$5 billion project, which has little transportation benefit for the region. The proposed highway will permanently degrade our community, including our drinking water; and it is the most expensive project in the history of Alabama. Taxpayer funding for this highway should instead be spent on other needed projects in the state that can be completed in less than 60 years (the estimated completion time for the Beltline).<sup>1</sup>

Birmingham's air quality, water quality, forested acreage, and wetlands would all be degraded by this highway. Specifically, the Northern Beltline would cross and permanently alter Black Warrior and Cahaba River tributaries in 90 places, and it would impact 35 different wetlands and thousands of football fields' worth of forest. Of particular concern is the fact that the Beltline would impact the tops of both the Cahaba and Black Warrior River watersheds, primary drinking water sources for Birmingham and surrounding communities. The current proposed route is the most environmentally destructive of the seven routes initially considered by ALDOT.

Ironically, proponents have stated that it will dramatically relieve traffic, but there are no studies to support that claim. If completed, the highway would only relieve 1-3% of traffic on I-

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<sup>1</sup> Regional Planning Commission, 2050 Regional Transportation Plan, May 2023 Draft [https://www.dropbox.com/s/8rep5id5qiqn7m3/RTP%202050\\_20230414.pdf?dl=0](https://www.dropbox.com/s/8rep5id5qiqn7m3/RTP%202050_20230414.pdf?dl=0) (last visited May 10, 2023) at Appendix A at 12-13 and 20. (Forty percent of the road is planned to be built in 25 years; therefore, at that rate, it will be completed in 60 years.).

20/59 through downtown Birmingham, and it will not reroute significant truck traffic. In fact, traffic will increase on the heavily-congested section of I-59 through Trussville and Argo.<sup>2</sup>

While we appreciate that ALDOT has decreased the impact of the project by changing it from a six-lane highway to a four-lane highway, the project cost continues to be astronomical. In the next 25 years, ALDOT estimates it will spend \$1.2 billion to complete the 20-mile section of the highway between I-65 and I-59.<sup>3</sup> Yet the FHWA estimates that this section of the highway will actually cost \$1.966 billion.<sup>4</sup> (This cost discrepancy should be explained in the 2050 RTP.) In any case, this means that even with the reduction of lanes, the entire 52-mile project is still estimated to cost more than \$5 billion (\$96.3 million per mile). The large price tag of the road does not take into account the extra cost of sewer and other infrastructure that must be installed for the area to be developed. The additional significant costs of extending water lines, power lines, local roads, public safety services, and schools have yet to be factored into the Beltline's overall price.

Approximately half of the proposed 20-mile section of the Northern Beltline in the RTP will be funded through the Appalachian Development Highway System. The RTP states that “Congressional Appropriations and the IJA allocated approximately \$489 million of Appalachian Development Highway System (ADHS) funds to the Northern Beltline...”<sup>5</sup> However, this is untrue. The IJA allocated a large portion of funding to the Appalachian Development Highway System funds in Alabama (about \$369.3 million over five years),<sup>6</sup> but this funding was not “allocated...to the Northern Beltline.” This funding could be spent on other ADHS projects, such as Corridor V (State Route 2) in Huntsville and Corridor X (Interstate 22) here in Birmingham. This statement should be modified and corrected in the 2050 RTP. According to the Cost to Complete for the ADHS, Alabama still desires to upgrade Corridor V and build a new interchange on this road.<sup>7</sup> Additionally, Corridor X needs upgrades to an 8-lane section and a welcome center.<sup>8</sup> Upgrades and maintenance to these roads should be completed first in order to meet the national goal of “maintaining the highway infrastructure asset system in a state of good repair” before wasting money on projects that are not a priority.

ALDOT claims that the other half of funds for this 20-mile stretch of the Northern Beltline will come from GARVEE bonds. However, ALDOT should not go into debt or waste

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<sup>2</sup> Regional Planning Commission of Greater Birmingham. *Public Involvement Meeting Documentation for 2035 RTP*. April 2010, p. 4-17; Birmingham Northern Beltline Termini Analysis, September 1993, p. 3.

<sup>3</sup> Regional Planning Commission, 2050 Regional Transportation Plan, May 2023 Draft [https://www.dropbox.com/s/8rep5id5qiqn7m3/RTP%202050\\_20230414.pdf?dl=0](https://www.dropbox.com/s/8rep5id5qiqn7m3/RTP%202050_20230414.pdf?dl=0) (last visited May 10, 2023).

<sup>4</sup> FHWA, Cost to Complete, <https://fhwaapps.fhwa.dot.gov/foisp/publicActive.do> (last visited May 10, 2023).

<sup>5</sup> Regional Planning Commission, 2050 Regional Transportation Plan at 177.

<sup>6</sup> USDOT, FY 2022 - FY 2023 Actual and FY 2024 - 2026 Estimated State-by-State Federal Aid Highway Program Apportionments Under the Infrastructure Investment and Jobs Act, [https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/Est\\_FY\\_2022\\_026\\_Formula\\_Programs\\_Infrastructure\\_Investment\\_State-by-State\\_Year-by-Year.pdf](https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/Est_FY_2022_026_Formula_Programs_Infrastructure_Investment_State-by-State_Year-by-Year.pdf) (last visited May 10, 2023).

<sup>7</sup> ADHS, Appalachian Development Highway System - 2021 Cost-to-Complete Estimate Report, March 2021, <https://www.arc.gov/wp-content/uploads/2021/03/ADHS-2021-Cost-to-Complete-Estimate-Report-March-2021-FINAL-1.pdf> (last visited May 10, 2023).

<sup>8</sup> *Id.*

these GARVEE bonds on this frivolous project, but instead invest in needed projects throughout the State. TRIP, a national transportation research organization, completed a list of Alabama's 50 highway projects needed most to support economic growth; the Northern Beltline was not on the list.<sup>9</sup> (The Business Council of Alabama endorsed this list.<sup>10</sup>) And in fact, **all** of the projects on that list could be completed for less than the cost of the Northern Beltline. Additionally, construction of the Northern Beltline has been ranked 36<sup>th</sup> in priority by the Birmingham Regional Planning Commission,<sup>11</sup> yet it is being prioritized by ALDOT over much-needed fixes for current traffic and safety problems.

Finally, ALDOT has not completed its legally mandated environmental review and permitting for this project. Many (if not all) of the environmental documents and permits for this project are expired or outdated. The last Environmental Impact Statement of the entire 52-mile proposed highway was completed in 1997 - 26 years ago. A Reevaluation was completed for approximately half of the highway in 2012 - over 11 years ago. The Corps of Engineers permit issued in 2013 for 1.86 miles of the discharge of dredge and fill material has expired. No other Corps permit for this highway has been issued. Before any new permit can be issued or new construction of this highway can begin, a Supplemental Environmental Impact Statement (SEIS) of the entire road must be completed. However, before wasting substantial resources on a project that only benefits the pockets of a few, funding should instead be spent on upgrades and maintenance to Corridor X or V.

Best Regards,



Sarah Stokes  
Senior Attorney

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<sup>9</sup> TRIP, *The Top 50 Highway Projects to Support Economic Growth and Quality of Life in Alabama*, Feb. 2016, [http://www.tripnet.org/docs/AL\\_Economic\\_Development\\_TRIP\\_Report\\_February\\_2016.pdf](http://www.tripnet.org/docs/AL_Economic_Development_TRIP_Report_February_2016.pdf) (last visited May 10, 2023).

<sup>10</sup> BCA, <https://www.bcatoday.org/local-and-national-speakers-highlight-alabamas-road-needs-and-solutions/>, Feb. 12, 2016 (last visited May 10, 2023).

<sup>11</sup> Regional Planning Commission of Greater Birmingham, *Birmingham 2035 Regional Transportation Plan*, April 2010, Appendix 5D.