

# MEETING SUMMARY

Section 106 Consultation Meeting  
Louisville Southern Indiana Ohio River Bridges Project (LSIORB)  
Sheraton Hotel  
Jeffersonville, IN  
November 18, 2011 at 10:00 a.m.

## ATTENDEES

### Section 106 Consulting Parties

- Andy Tandale, Boston Development Group (Colgate-Palmolive property)
- Ann Simms, City of Prospect
- Brian Fogle, City of Jeffersonville
- Carl Percy, Indiana Ombudsman
- Craig Potts, Kentucky Heritage Council (KY SHPO)
- Cynthia Johnson, Louisville Metro
- David Coyte, CART
- Elizabeth Merritt, National Trust for Historic Preservation
- Emily Boone, Butchertown Neighborhood Association
- Greg Sekula, Indiana Landmarks
- Jay Ellis, Jefferson Main Street
- John Carr, IDNR Division of Historic Preservation and Archaeology (IN SHPO)
- Laura Renwick, New Albany & Jeffersonville Historic Preservation Commissions
- Lee Douglas Walker, Kentucky Ombudsman
- Marianne Zickuhr, Preservation Louisville
- Meme Runyon, River Fields
- Peggy Duffy, City of Jeffersonville
- Rachel Kennedy, Preservation Kentucky
- Richard Jett, Louisville Preservation
- Scott Wood, New Albany Planning Commission
- Steven Kersey, Phoenix Hill Neighborhood Association
- Vicki Birenberg, Kentucky Heritage Council

### State/Federal Agencies

- FHWA: Janice Osadczuk, MaryAnn Naber (by phone)
- ACHP: Carol Legard
- KYTC: Gary Valentine, Andy Barber, David Waldner, Susan Neumeyer (by phone)
- INDOT: Paul Boone, Laura Hilden, Mary Kennedy, Angela Nichols, Kevin Hetrick (by phone), Jennifer Jansen (by phone)

## **Project Team Members**

- CTS: Jim Hilton, John Sacksteder, Mitch Green, David Kroll, Ben Ross, Jackie Turner,
- Bridges Authority: Charles Buddeke
- Frost Brown Todd: Tim Hagerty
- QK4: Tom Springer
- WSA: John Mettille, Tim Sorenson, Samantha Wright, Rebecca Thompson,
- Doe Anderson: Bob Lauder, Rich Glasser, Whitley Edwards, Nicole Steeves, Kaleb Lay

## **Other Attendees**

- Richard W Moore, RW Moore Consulting Engineers
- Deb Johannes, for Congressman Todd Young

## **PRESENTATION/DISCUSSION**

### **1. Welcome & Introductions**

John Mettille & Janice Osadczuk opened the meeting, welcoming attendees. Bob Lauder provided a brief explanation of technical issues (microphones, webinar, etc.) John Mettille presented the agenda and ground rules.

### **2. Overview of Section 106 Process**

John Mettille presented a brief overview of the 106 process. This is the third meeting in the Section 106 process, focusing on Project Effects on historic properties. Information on eligible historic resources and project effects has been sent to consulting parties earlier in the month. Comments on the *Draft Effects Recommendations* and *Draft 800.11(e) Report* are requested by December 5. DVDs of the SDEIS were recently mailed to all consulting parties; it is also available online. Comments on the SDEIS are requested by January 9.

### **3. Recap of Section 106 Consultation to date**

John Mettille described recent consultation and coordination undertaken as part of the Section 106 process. The Extensions to the APE, presented at the previous meeting, were developed in consultation with the SHPOs and were modified slightly (as shown in slide 12) based on this input. Dave Kroll identified eligible resources in the Original APE that have been added since 2003.

Meme Runyon: What portion of Stone Place Stables is considered eligible? This is a 600 acre farm with 155 buildings. It is preserved via an easement with Riverfields; the former SHPO viewed the property and indicated he believed it would be eligible.

David Kroll: The project team will follow-up and respond.

John Sacksteder presented the two alternatives covered by the SDEIS: the FEIS Selected Alternative and the Modified Selected Alternative. Key differences on the Modified Selected Alternative include rebuilding the Kennedy Interchange within the existing footprint, constructing surface connections rather than flyover ramps in Clarksville, and reducing the six-lane East End link to four lanes. The limits along I-65 and I-64 were shortened in the Modified Selected Alternative. Additionally, elevations are generally lower and the Frankfort Avenue interchange has been eliminated. While traditional funding sources were considered in 2003, tolling is the main financing tools now under consideration to make the project financially feasible.

Tim Sorenson gave a brief overview of the traffic modeling work for the Project. In 2003, the 5-county KIPDA daily traffic model was used. A time-of-day model was developed in 2011, which considers the AM peak, PM peak, midday, and overnight time periods. Extensive data collection was undertaken in the development of the new model. It adds a truck model, incorporates new socioeconomic data, and includes a transit model. The model is a macro model and is the basis for traffic forecasts for the alternatives. It looks at the impacts of tolling and the design changes – how these affect traffic flow. This is included in the Traffic Modeling and Forecasting Reports, appended to the SDEIS. Toll rates aren't set by the modeling process; actual rates will be established by the Bridges Authority. A reasonable assumption has been made, coupled with a sensitivity analysis to see how rates affect the model results and the effects of the Project. Truck patterns don't change much; trucks may choose a different river crossing but tend to stay on the interstates.

David Coyte: When was the TOD modeling completed? Was it prior to the Sherman Minton Bridge closure?

Tim Sorenson: Within the last 6-12 months – prior to the closure.

Tim Sorenson explained the three level screening process used to define the Extensions to the APE. It considers the change in volumes between alternatives, the volume-to-capacity (V/C) of roadways, and the change in V/C. Affects to lower volume roads determined by considering whether traffic doubled or halved. This approach represents a systematic, conservative approach to identifying locations where potential changes occur.

David Coyte: If the traffic projections are built upon KIPDA's assumptions, where can these be found?

Tim Sorenson: These should be in the Traffic Modeling reports, and through KIPDA directly.

Meme Runyon: If the v/c is at least 0.6, then you look again for 0.15?

Tim Sorenson: The 0.15 is a change between the scenarios, not a total rating. If the change increases V/C from 0.7 to 0.75, this link wouldn't carry forward since the difference is less than 0.15.

Craig Potts: Does the model build on the existing conditions on secondary roads? Is congestion accounted for?

Tim Sorenson: Yes, this is a 2030 model and compares the FEIS Selected with the Modified Selected. It does not consider the No-Build.

Meme Runyon: Is the socioeconomic data public?

Tim Sorenson: Yes, the data is referenced in the modeling report, in the appendix of the SDEIS.

John Mettill explained that in the Extensions to the APE, all properties 45 years and over were treated as NRHP eligible for the purposes of this project. In these areas, indirect effects related to the changes in traffic patterns are considered, rather than direct effects.

David Coyte: Could you explain indirect, rather than direct?

John Mettill: Indirect effects would include traffic, noise, and vibration. Direct effects would be physical impacts due to construction. Because they are removed from the Project itself, only indirect effects might potentially occur in the Extensions to the APE.

David Coyte: Has the economic impact of moving business out of downtown been considered as far as impacts to historic properties? A large percentage of the population will lose access to jobs as businesses move away from downtown, particularly the low income portion of the population. This should be considered and addressed.

John Mettill: We are here to focus on effects to historic properties, and we will consider your comment and respond to it.

John Mettill summarized comments received from consulting parties on the eligibility materials. The workbook update – the *Identification Findings Report* – incorporates the updates. All correspondence received to date on eligibility determinations are included in the 800.11(e) appendices.

Meme Runyon: There was so much conversation in the last meeting about whether one part of a historic district could be divided for the APE. Please review item #7 in your responses.

MaryAnn Naber: The APE will not be expanded to include an entire district. The context/size of the full district must be considered when assessing effects on the district. Therefore, effects on historic districts are considered on the entire district, even if it isn't entirely within the APE.

Meme Runyon: On Response #8, is 1500 ft for vibration correct?

John Mettill: We are going to cover vibration, could we come back to this? (*See vibration discussion page 5-6*)

#### **4. Effects Methodology within the Original APE**

John Mettill stepped through the methodologies used for the six impact categories, which are consistent with the 2003 analysis. Encroachment (physical right-of-way takings) for both alternatives is

shown on maps in the *Effects Recommendations Document*. Specific properties were discussed later in the presentation.

Mitch Green discussed the noise methodology. The 2003 methodology was used as a starting point, comparing it to the current state of the project.

Betsy Merritt: It seems overly simplistic to say that traffic must double to increase noise by 3 dBA. This does not consider trucks or geography.

Mitch Green: Within the expanded APE, we wanted to consider the change in traffic patterns. The 3 dBA assumes no change in the vehicle mix. The modeling shows us that trucks are not diverting off interstate facilities due to tolling, so the vehicle mix is not expected to change on the surface streets. For this reason, the doubling of traffic would be an appropriate measure to identify locations where noise may change in the Extensions to the APE.

John Mettelle discussed the methodology to determine visual impacts, which follows the 2003 process. Mitch Green and Jim Hilton described the methodology to measure vibration impacts. Mitch explained the 2003 FEIS analysis was conducted based on FTA guidance to consider three types of vibration: traffic, construction, blasting. The team looked at whether resulting vibration was perceptible, as well as whether it could cause damage. Jim Hilton explained that when construction starts, the team will run tests to determine how the underlying material will propagate the vibration in order to control vibration limits. This may involve limiting charge loads as small as 2 pounds.

Betsy Merritt: If blasting vibration is based on underlying strata materials, what would be the normal amount for a charge load?

Jim Hilton: It varies. In conventional residential areas, it could be as much as 100 pounds. In fragile areas, it could be 14 pounds.

Betsy Merritt: Is 500 feet really adequate to ensure that the 0.2 or 0.12 thresholds will be achieved? Do charges have to be limited to X pounds for this statement to be valid?

Jim Hilton: When we get into the actual development of the specifications for the contract, we can assume the type of strata, but will also include a process for the contractor to test blast a very low charge and have monitoring to see what the vibration will be. Generally, 14 pounds of charge at 300 feet would cause a 0.2 peak particle velocity, so the 500 feet would be conservative.

Betsy Merritt: Is 14 pounds what would be used to blast a tunnel?

Jim Hilton: That is undetermined at this point, but there will be specifications in the contract to control this.

Meme Runyon: Why was the house (Strater House) next to Country Estates was not listed as being fragile? This was the original house on the Drumanard property.

Jim Hilton: We will provide additional information on this topic.

Gary Valentine emphasized that the process used in 2003 to determine adverse vibration effects is the same as we are using today.

Mitch Green explained the air quality analysis. The process requires a conformity plan to show the Project won't cause the area to not meet attainment; this is done through the MPO planning process. The MPO's *Long Range Transportation Plan* and *Transportation Improvement Program* demonstrate conformity for these pollutants. The current design/scope of the project has been reassessed in Amendment #3, which is out for review currently.

David Coyte: There were a significant number of ozone exceedences this summer, so the city is going to be reevaluated. The air quality situation is not as benign as you imply.

Mitch Green: This MPO analysis shows the ozone and PM<sub>2.5</sub> budgets will be met locally. The amendment is available through KIPDA for review/comment now.

Meme Runyon: Have you sent Amendment #3 to KIPDA?

Mitch Green: It is KIPDA's amendment. The project team worked with KIPDA to include the LSIORB project and scope in their air quality analysis.

Meme Runyon: How are the traffic diversion and air quality effects assessed on the west end? This area is already experiencing air quality issues today.

John Mettillie: We used the KIPDA plan, the hot spot analysis, and the traffic diversion information to consider air quality effects. The team looked for trends passing through the screening process to find changes that could cause proximity effects. The results didn't identify trends in the West End of Louisville.

Meme Runyon: If you analyze all that traffic in a completely healthy, neutral landscape (e.g. Western KY), impacts from those traffic volumes would be neutral. But since parts of the West End Louisville community have serious pollution issues, it seems you should give more weight to a smaller diversion level in these areas.

John Mettillie: We considered 1-2 cars per minute as a very conservative change before moving to the next level of the screening. Then we considered how that change affects V/C. The areas outlined by the Extensions to the APE show – conservatively – where trends were identified.

David Coyte: Was there air quality analysis in the west end? Was there a localized study for the west end?

John Sacksteder: Yes, the MPO takes a regional look at the project and all of the traffic involved. I will defer to the air quality folks on the local study. Specific to the potential for air quality impacts on historic properties in Louisville, traffic stays up on the interstate and doesn't diverge onto local streets in West Louisville. As the team looked at local intersections for hot spots, we analyzed what happens at major intersections and determined 1-2 cars per minute does not have an impact on air quality locally.

David Coyte: Has the downtown capacity been considered?

Mitch Green: The localized hotspot analysis for CO does consider traffic and the highest traffic intersections. There was also a project level hotspot analysis for PM<sub>2.5</sub> that considered traffic, comparing impacts at similar intersections in similar cities. In addition, stronger regulations will reduce PM<sub>2.5</sub> emissions by over 50% by 2030.

MaryAnn Naber: The discussion of air quality in this meeting is for assessing effects on historic properties, and there will be additional opportunities in the public meetings and SDEIS comment period to comment on the overall air quality.

John Mettille stated that the methodology to identify construction impacts mimics the 2003 process.

Betsy Merritt: Some of the construction impacts that are shown as temporary could be permanent impacts.

## **5. Effects Recommendations within the Original APE**

John Mettille opened the floor to discuss the effects recommendations at specific properties in the Original APE, which are presented in the summary matrix of the *Effects Recommendations Document*. Most determinations are the same as the 2003 findings.

Betsy: I want to talk about the Lime Kilns. What steps will be taken to preserve the kilns outside of the direct impact area of the project? Where are the indirect effects assessments for these resources, such as the potential for third party development? A column should be added to the summary tables in the Effects Document to summarize these as well, plus an annotated map showing the ground disturbance limits at the lime kilns.

John Mettille: We will note your comments on this.

Greg Sekula: We have a preservation plan for this site, where does this stand?

John Sacksteder: We have met with the developers; the question still remains what will happen at this site.

Betsy Merritt: Let's park this and come back to this at the mitigation meeting. We want the mitigation to be handled in a holistic way.

John Mettillle: Some properties were identified in 2003 as fragile or very fragile. Are there properties you would like the team to resurvey to determine their fragility?

Meme Runyon: There are some fragile resources that should be noted: Wolf Pen Branch Mill Farm and the Strater House. We are gravely concerned that even slight vibrations could dramatically impact the mill structure. We would like at least a site visit so engineers understand how fragile it is. It's in a conservation easement where the owner is required to keep it up to the Secretary of the Interior's standards. If there are impacts, the land owner would be required to repair them. This is outside the current APE, but we asked the APE be expanded in 2003.

Craig Potts: Could you do vibration monitoring at the outermost point of the APE near Wolf Pen Branch Mill Farm to cover this?

John Mettillle: We will park this for the mitigation meeting.

John Carr: George Rogers Clark Bridge – have the effects changed with the changes in the project? Will the first approach span be replaced? Will the pylons be relocated?

Jim Hilton: Correct. Based on the 30% plans, the impacts will be the same as described in 2003.

Betsy Merritt: Could explain whether there has been a change in effect on the administration building?

Jim Hilton: The design change still takes about 0.1 acres but it is a slimmer shaped piece, so the impacts should be less.

Meme Runyon: For visual impacts, there were a number of properties omitted from 2003 that we disagreed with then. What level of visual impact is an adverse effect? It seems very subjective.

John Mettillle: The setting, relationship with the new facility, feeling, and sense of place were all considered. The 2-mile range was used as in 2003, and anything that had changed that would change the original assessment of effects. It is the judgment of the professional on a property-by-property basis. Let us know if there are properties you would like us to take another look at.

MaryAnn Naber: Does the structure intrude on the values of the historic properties? What is the setting? What is the current condition of the setting? All of these things are considered.

Rachel Kennedy: What about toll booths, how were these assessed?

John Sacksteder: There are no toll booths; it is all electronically collected.

Greg Sekula: If the Effects determination has not changed since 2003, are we precluded from talking about further mitigation for these?

John Mettill: The appropriateness of the mitigation will be looked at as we move forward.

Janice Osadczuk: Mitigation will have to be tied to an effect of the project.

Meme Runyon: For construction staging, can we prohibit this on historic properties?

John Mettill: This could be discussed in the mitigation meeting.

Janice Osadczuk: It would be appropriate to ban this type of operation on historic properties.

Betsy Merritt: For St. Francis in the Fields church, was the church considered as a property that is extra-sensitive to noise?

John Mettill: We will follow-up this.

MaryAnn Naber: This was the case in 2003, due to its use as a church and the surrounding landscape. We will check if there are any noise changes in this area.

Betsy Merritt: Any changes to the tunnel as they change effects to Drumanard should be considered in the mitigation meeting – different mitigation may be appropriate.

Meme Runyon: The approach to the Drumanard tunnel is now higher in the landscape. How has this been addressed?

John Sacksteder: Everything between the tunnel and the river is the same. Between the tunnel and I-71, the grade is steeper coming out of the tunnel. The tunnel itself doesn't change. This reduces the amount of rock excavation needed and the costs of the project.

Betsy Merritt: If you are coming up at a steeper angle, wouldn't you emerge from the ground faster? (John Sacksteder provided a sketch of the grades coming out of the tunnel.)

Meme Runyon: What that really means is that the cut is more shallow, more quickly. Have you evaluated increased noise and vibration for the more shallow cut on historic properties, particularly the Allison-Barrickman property?

John Sacksteder: We are still in a significant cut, it just may be 50-60 feet deep at Allison-Barrickman, rather than 80 feet in the FEIS Selected Alternative.

Betsy Merritt: The width of the tunnel would not change?

John Sacksteder: The entire approach roadway would be narrower. More or less, it is going from a 60' footprint to a 48' footprint in each bore of the tunnel. In the future, it could be striped for a third lane without additional construction.

Laura Renwick: For the Extensions to the APE, you mention economic impacts. I don't see this in the impacts for the Original APE.

John Mettillie: This was looked at for the areas in the Extensions to the APE. The team looked whether there was there a sufficient change to have a potential economic effect. The changes didn't rise to a level that the team thought would result in an effect.

Meme Runyon: You have not addressed diversion on the East End. With a \$2 toll per direction, there will be different traffic patterns.

Tim Sorenson: At a big picture level, the addition of tolling sends vehicles back to the routes they were using before. If you toll the East End Bridge, traffic goes back to crossing the river at I-64. Some people choose to use I-64 when you toll I-65. This primarily happens during the off peak hours; peak hours don't vary as much.

Meme Runyon: What about induced trips?

Tim Sorenson: Building the project leads to more cross-river trips than the No-Build scenario. Many trips are regional rather than local so the impact of induced trips is not as great. Details of the traffic analysis are in the SDEIS appendix.

Betsy Merritt: It seems unlikely that Old Jeffersonville will experience no adverse effect due to construction in light of its proximity. I can see where you might develop conditions to protect it, but this seems like something we should discuss at the mitigation meeting.

## **6. Effects Methodology within the Extensions to the APE**

John Mettillie explained that the Extensions to the APE are further removed from the project; there would be no encroachment or construction effects. Air quality was measured regionally; based on the

KIPDA analysis, no impacts are projected. To quantify visual impacts, the team considered whether 1-2 cars per minute per lane would lead to perceptible changes and potential effects. Would these changes diminish the character of the subareas? Vibration considered whether changes in heavy truck patterns could lead to ground borne vibration.

## **7. Effects Recommendations within the Extensions to the APE**

The final section of the *Effects Recommendations Document* presents the team's findings for the Extensions to the APE. In Jeffersonville, there was a minimal change in traffic, less than 1 car per lane per minute. The remaining subareas resulted in a No Adverse Effect determination for visual based on the minimal change in traffic patterns.

Emily Boone: With the Sherman Minton bridge closed, have you done any noise studies on this?

Tim Sorenson: It is hard to compare the closure of the Sherman Minton bridge to the new alternatives; the new alternatives address some of the operational issues that we are seeing out there now.

Emily Boone: The noise level now should represent a doubling of traffic in the future. Why haven't you considered this?

Tim Sorenson: We are not saying the traffic will double throughout downtown.

John Sacksteder: I think we are talking about 2 different things.

John Carr: For the impacts in the Extensions to the APE, I was thinking the study would focus on the nuisance aspect of traffic congestion. The report analyzes some things but may be missing the nuisance factor.

John Mettillie: That may be a better way to address the issue. The team defined the nuisances of traffic through the visual, noise, and vibration categories.

Tim Sorenson: When we talked about the screening, we set up the screening levels to consider the nuisance levels of traffic.

Greg Sekula: It seems like the analysis that has been done is appropriate for direct effects. It doesn't seem like the practitioners have captured what the indirect effects might be. As a user, I don't know if it meets your screening, but I know it is a quality of life issue and has a direct economic impact on the community. I don't buy that this wouldn't have an adverse effect on New Albany.

Scott Wood: The SR 62 corridor needs to be reconsidered. Harrison County trips should be examined; it is a unique situation how SR 62 converts from a free-flowing expressway to a surface street with intersections in such a short space.

Janice Osadczuk: We will look at this situation again.

Greg Sekula: The team needs to reexamine the descriptions of the Clarksville and New Albany subareas. They do not seem to be appropriate.

Craig Potts: Is there a cumulative effect for the 1-2 cars/minute impact? The 2<sup>nd</sup> Street corridor seems like it will be a pretty popular route, and I am worried about what improvement projects would be needed in the future to handle this traffic.

Tim Sorenson: We tried to cover this in the v/c ratio screening.

Greg Sekula: With the I-64 Bridge closure, Old Clarksville has experienced significant impacts due to traffic diversion, particularly along Harrison Avenue and Clark Boulevard. The team should look at New Albany and Clarksville area to make sure we have assessed effects appropriately.

Tim Sorenson: Just to clarify, the I-64 Bridge will reopen. Traffic patterns today are not the same as we anticipate for the Project.

John Mettille: We will take another look at Clarksville.

Meme Runyon: What about urban disinvestment and the decay of resources in western Louisville? This was not resolved the first time in the ORB process. It is a cumulative/indirect impact we would like to see discussed further.

## **8. Archaeology Sites**

John Mettille provided an overview of archaeological sites. The footprint is essentially the same in both alternatives. We have identified the current status of site investigations at each site, plus whether it lies within the footprint of the project.

Meme Runyon: Is the first site in Indiana from 2003? If so, why haven't you done the additional investigations yet?

John Sacksteder: The table is incorrect - this site is outside the footprint.

John Mettille: We will have to check this information with INDOT.

Meme Runyon: Send this out when you have verified it.

Meme Runyon: For the KY sites in the footprint, what does 'pending right of entry' mean?

John Sacksteder: We are waiting until properties are acquired before we can complete the data collection activities.

Meme Runyon: How can you determine what the mitigation will be, if you have not assessed effects?

Susan Neumeyer: Normally, mitigation for an archaeological site would be a data recovery plan. Once we have access to these properties, we can do Phase 2 and then determine with the SHPO what the eligibility is. If needed, then we could do Phase 3.

Betsy Merritt: For the next meeting, some of the archaeology sites could be affected by related activities or development. Is there some way to protect these?

## **9. Next Steps**

John Mettillle described the next steps for the Project. Additional comments on the Effects Recommendations Document and Draft 800.11(e) Report are requested by December 5. A meeting to discuss the development of mitigation measures is proposed for December 15. The SDEIS is available online; comments are requested by January 9. Public hearings are tentatively set for December 19 (Papa John's Stadium) and December 20 (Holiday Inn in Clarksville) from 4 to 8 PM.

Several consulting parties expressed concern that the December 15 date for a mitigation meeting is rushed, especially if it occurs prior to the public hearings.

Meme Runyon: All future Section 106 meetings should be scheduled for 4-6 hours with a lunch break. It does not seem like a meaningful process.

Meme Runyon: We have asked you look again at some resources that need to be included (Wolf Pen Branch Mill) and would like to ask for a site visit to that property. What is the process for getting back to us on this information, and on the reassessment of effects in some of the subareas?

John Mettillle: We will send out info as it is developed by the team. We will send out the materials two weeks before the next meeting.

Carol Legard: In developing your response to effects in New Albany and other areas, please coordinate with the Advisory Council and the SHPOs in developing responses.

Janice Osadczuk thanked attendees for their participation and reiterated the importance of feedback to the Section 106 process. The meeting adjourned at 2:05.

Items listed on Parking Lot during meeting (for future discussion)

- Vibration
- Fragile Properties: why is the Strater House not listed as fragile?
- Lime kilns (mitigation)
- Vibration monitoring at edge of APE (Wolf Pen Branch Mill)
- Noise at St Francis of the Fields Church
- Changes to tunnel (specific)
- Old Jeffersonville
- Economic/Urban Deterioration
- Archaeological Site preservation