

# CHAPTER 1 – PROJECT DESCRIPTION AND HISTORY

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## *Substantive changes to Chapter 1 since the publication of the DEIS*

- Section 1.1 – Added discussion about the DEIS Notice of Availability, public hearing, public comment period, the development of Central Alternative 1B Modified as the Selected Alternative, and the format of this FEIS

This chapter provides a brief description of the proposed action (i.e., the project) and the limits of the project area. It also provides a summary of the legislative history of the Interstate 69 (I-69) Corridor and previous studies completed.

## 1.1 PROJECT DESCRIPTION

The Federal Highway Administration (FHWA), Indiana Department of Transportation (INDOT), and Kentucky Transportation Cabinet (KYTC) issued a revised Notice of Intent (NOI) in the *Federal Register* on February 13, 2017 for the preparation of an Environmental Impact Statement (EIS) for the I-69 Ohio River Crossing (ORX) project in the Evansville, IN and Henderson, KY area. The NOI revised the original NOI that was issued for the project on May 10, 2001. Under the original NOI, a Draft Environmental Impact Statement (DEIS) was completed in 2004, but the project was subsequently suspended in 2005. Following the revised NOI, early agency coordination was conducted via letters and an Interagency Advisory Committee (IAC) meeting to identify cooperating and participating agencies and to define the EIS scope. In addition, initial public and stakeholder meetings were held to present the project scope to the public and obtain their input. More detailed information regarding the agency and public scoping process is provided in **Chapter 8**.

The Notice of Availability (NOA) of the DEIS was published in the *Federal Register* on December 14, 2018. Following publication of the DEIS, INDOT and KYTC provided a public comment period, which ended on February 8, 2019 and included public hearings on January 7 and 8, 2018 in Henderson and Evansville, respectively. In addition to the public hearing testimony, comments on the DEIS were accepted via mail, email, the project website, and at the project offices.

In March 2019, a Value Engineering (VE) Study was conducted on the Preferred Alternatives from the DEIS (i.e., Central Alternatives 1A and 1B)<sup>1</sup> via a series of workshops. The purpose of the VE

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<sup>1</sup> Central Alternatives 1A and 1B (Preferred) have the same design and, therefore, the same construction and right-of-way limits. The only difference is that Central Alternative 1A would include tolls on the remaining US 41 bridge and Central Alternative 1B would not. See in **Chapter 3, Section 3.3**.

Study was to identify design modifications to the Preferred Alternatives that may further reduce costs, improve traffic performance, and minimize impacts, while still meeting the project's purpose and need, as documented in the *Value Engineering Study Report* (INDOT and KYTC 2019b) (**Appendix S-1**). In addition, in 2020, the Kentucky legislature adopted *Kentucky's FY 2020 – FY 2026 Highway Plan* (KYTC 2020a) that included funding for the design and construction of the first section of the I-69 ORX project (i.e., Section 1), which includes all work from KY 425 to the US 60 interchange. KYTC led the preliminary design study of Section 1 of the Preferred Alternatives from the DEIS, as documented in the *Planning Study Report (Final) for the I-69 Ohio River Crossing Project, Henderson: Section 1* (INDOT and KYTC, 2021a) (**Appendix T-1**).

Based on the recommendations from the VE Study and the Section 1 Planning Study, and with consideration to the public and agency comments received on the DEIS, design modifications were made to the Preferred Alternatives. In addition, based on potential impacts that tolling the US 41 bridge would have on the local residents, businesses, and environmental justice populations as well as comments from the public on the DEIS that opposed tolls on the US 41 bridge, INDOT and KYTC determined that the US 41 bridge should not be tolled (i.e., Central Alternative 1B). As a result, and with the incorporation of the design modifications, Central Alternative 1B was renamed Central Alternative 1B Modified and identified as the Single Preferred Alternative. INDOT and KYTC subsequently provided both the public and agencies an opportunity to review and comment on the Single Preferred Alternative during a 15-day comment period which included a virtual public meeting on April 1, 2021. Subsequently, Central Alternative 1B Modified was identified as the Selected Alternative for evaluation in this Final Environmental Impact Statement (FEIS) and the accompanying Record of Decision (ROD).

This FEIS and the accompanying ROD for the I-69 ORX project were prepared by FHWA, INDOT, and KYTC in accordance with the following:

- *National Environmental Policy Act* (NEPA) of 1969
- FHWA Technical Advisory T 6640.8A, *Guidance for Preparing and Processing Environmental and Section 4(f) Documents* (FHWA 1987)
- *Procedural Manual for Preparing Environmental Documents* (INDOT 2008)
- *Environmental Analysis Guidance Manual* (KYTC 2014b)
- 23 U.S.C 139(n)

In accordance with the above, as well as the US Department of Transportation *Guidance on the Use of Combined Final Environmental Impact Statements/Records of Decision and Errata Sheets in National Environmental Policy Act Reviews* (April 25, 2019), the I-69 ORX project meets the criteria for combining the FEIS and ROD: the FEIS does not include substantial changes to the proposed action in terms of environmental or safety concerns, nor are there significant new circumstances or information relevant to environmental concerns of the proposed action or its impacts. Other factors that were considered when making this determination included the following:

1. There are no coordination activities that would be more effectively completed after the FEIS is available.

2. There are no unresolved interagency disagreements over issues that need identification in the FEIS.
3. There is no substantial degree of controversy.
4. The DEIS identified preferred alternatives among comparatively evaluated reasonable alternatives.
5. There are no compliance issues with substantive requirements that must be resolved before issuance of the ROD, or that FHWA wants to resolve before signing the ROD.

Therefore, a ROD has been completed and approved at the same time as the FEIS and is included with this FEIS.

The format of this FEIS includes the original format and content of the DEIS, incorporating any substantive changes that have occurred since the publication of the DEIS. In addition to the original DEIS content, this FEIS includes responses to DEIS comments and the development, evaluation, and identification of Central Alternative 1B Modified as the Selected Alternative. At the beginning of each chapter, there is a blue box that lists all the substantive changes for that chapter.

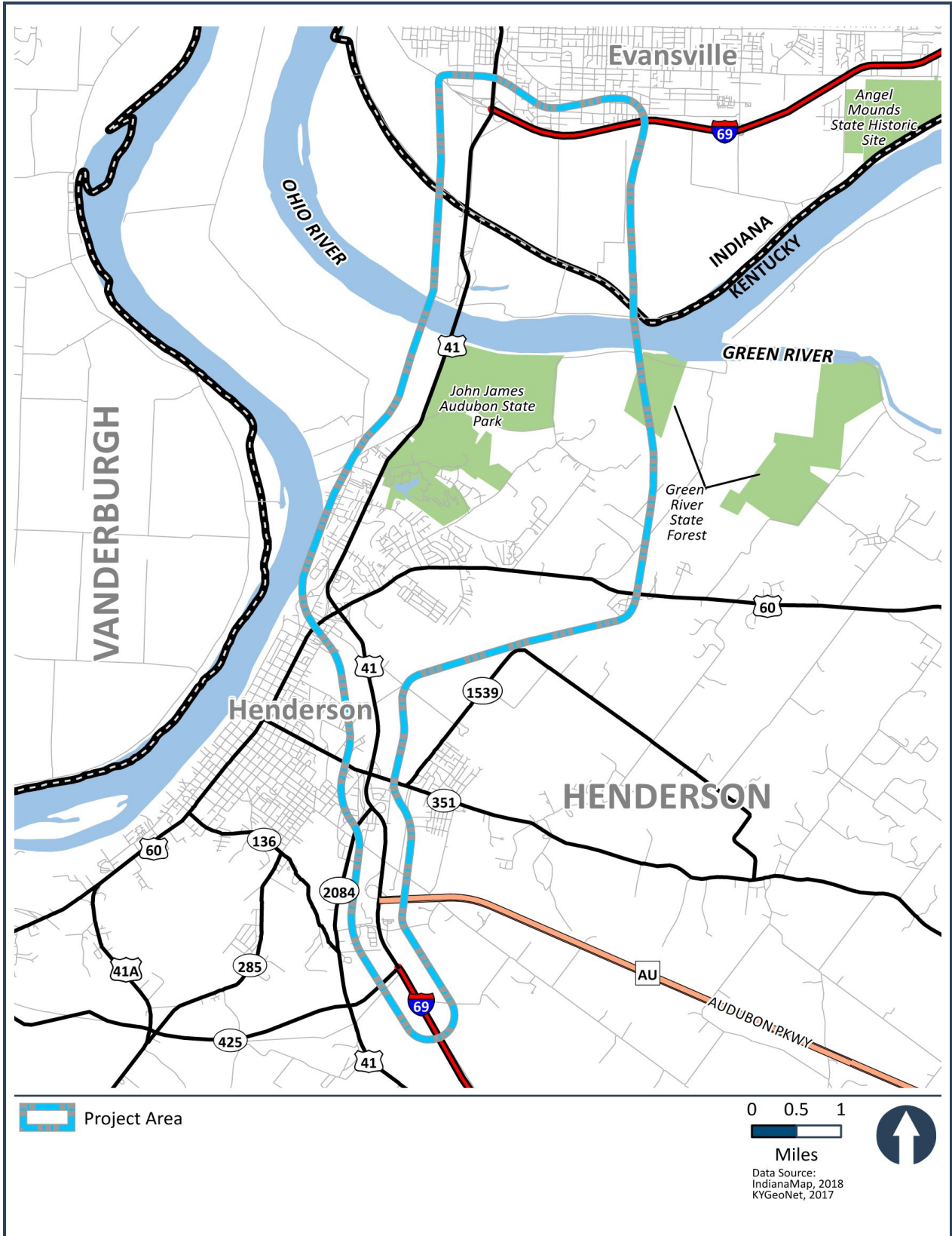
The proposed action includes the development of an interstate across the Ohio River that would connect the southern terminus of I-69 in Indiana with the northern terminus of I-69 in Kentucky. Currently, cross-river traffic is limited to two US 41 bridges, which are classified as principal arterials, and do not meet interstate design standards. The I-69 ORX project is needed because there is a lack of system linkage across the Ohio River for the National I-69 Corridor, which extends between Mexico and Canada. The purpose of the project is to provide system linkage and connectivity between I-69 in Indiana and I-69 in Kentucky that are compatible with the National I-69 Corridor.

The I-69 ORX project area extends from I-69 (formerly I-164) on the south side of Evansville, IN (i.e., northern terminus) across the Ohio River to I-69 (formerly Edward T. Breathitt Pennyrile Parkway) at the KY 425 interchange southeast of Henderson, KY (i.e., southern terminus) (**Figure 1.1-1**). The section of Edward T. Breathitt Pennyrile Parkway between KY 351 and KY 425 that was not re-designated as I-69 was recently re-designated as US 41. The western limit of the project area is parallel to and extends a maximum of about 2,000 feet west of US 41. The eastern limit of the project area extends from about 1,500 feet to 3.4 miles east of US 41.

## **1.2 HISTORY OF I-69**

### **1.2.1 I-69 ROUTE DESIGNATION**

As part of the National Highway System (NHS), the U.S. Congress specifically designated “high priority corridors.” The NHS includes all interstates, principal arterial routes, connector highways, and the strategic highway network (STRAHNET) and its major connectors. These routes serve major population centers, international border crossings, ports, airports, public and other intermodal transportation facilities, major travel destinations, and interstate and inter-regional travel. In addition, these routes serve as a national defense transportation network.



**Figure 1.1-1. Project Area**

In the *Intermodal Surface Transportation Efficiency Act* of 1991 (ISTEA), a route from Indianapolis to Memphis via Evansville, which includes the I-69 ORX project area, was designated as one of these high priority corridors. This route became known as Corridor 18.

As part of subsequent amendments to ISTEA and then the *Transportation Equity Act for the 21<sup>st</sup> Century* (TEA-21) of 1998, Corridor 18 was extended north to the border with Canada at Port Huron, MI and south to the Texas/Mexican border in the Lower Rio Grande Valley. TEA-21 also designated Corridor 18 as I-69. As a result, this legislation codified that Corridor 18 would be developed as a continuous interstate highway (i.e., the National I-69 Corridor) linking Canada to Mexico. In 1999, the *I-69 (Corridor 18) Special Environmental Study – Sections of Independent Utility* (I-69 Steering Committee 1999) identified the section of the National I-69 Corridor through the Evansville-Henderson area between I-64 and the Edward T. Breathitt Pennyryle Parkway as Section of Independent Utility (SIU) #4.

Subsequent to TEA-21, the following transportation acts continued to fund the development of the National I-69 Corridor but did not make any significant changes to its limits or designation:

- *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU) (2005)
- *Moving Ahead for Progress in the 21st Century* (MAP-21) Act (2012)
- *Fixing America's Surface Transportation* (FAST) Act (2015)

### 1.2.2 NATIONAL I-69 CORRIDOR STUDIES

Following the enactment of ISTEA, a National I-69 Steering Committee was established. This Committee is composed of the seven state Departments of Transportation (DOTs) along the National I-69 Corridor, with Arkansas DOT as the lead agency. The I-69 DOTs have been working together successfully through the Steering Committee since 1993 and have guided I-69 through all stages of development.

The I-69 Steering Committee has managed several studies that investigated the need for, and feasibility of, the National I-69 Corridor. The following is a summary of some of the National I-69 Corridor studies since 1994:

- **1994 – Corridor 18 Feasibility Study, Task B, Existing Conditions (I-69 Steering Committee 1994)** – This study, initiated by the Steering Committee, investigated whether Corridor 18 was a feasible project based on its potential cost, impacts, and benefits. This study concluded that such a corridor contained feasible termini and Corridor 18 was indeed feasible.
- **1997 – Corridor 18 Special Issues Study (Steering Committee 1997)** – This study, based on the direction of the Steering Committee, identified potential traffic impacts, potential river crossings, state crossings, and other economic information.
- **1999 – I-69 (Corridor 18) Special Environmental Study, Section of Independent Utility (Steering Committee 1999)** – This study established the SIUs along the entire length of

the National I-69 Corridor. This report further identified two sections within Indiana and two sections within Kentucky. A section between Indianapolis, IN and Evansville, IN was identified as SIU #3; the section between Evansville, IN and Henderson, KY was identified as SIU #4; and the section between Henderson, KY and Eddyville, KY was identified as SIU #5.

- **2000 – I-69 (Corridor 18) Special Environmental Study, Statement of Purpose and Need for Interstate Highway 69 (Steering Committee 2000)** – This document identified seven goals of the National I-69 Corridor as well as the needs of the highway. The following are the goals of the National I-69 Corridor:
  - Goal 1:** To improve international and interstate movement of freight by ensuring a safe transportation system that is accessible, integrated, and efficient while offering flexibility of transportation choices in mid-America.
  - Goal 2:** To enhance the regional and local transportation systems by providing transportation capacity to meet current and future needs.
  - Goal 3:** To facilitate economic development and enhance economic growth opportunities domestically and internationally through efficient and flexible transportation with particular emphasis being given to economic growth in the Lower Mississippi Delta Region.
  - Goal 4:** To facilitate connections to intermodal facilities and major ports along the corridor.
  - Goal 5:** To facilitate the safe and efficient movement of persons and goods by fostering a reduction in incident (crash) risk.
  - Goal 6:** To upgrade existing facilities to be utilized as I-69 within the corridor to design standards suitable for an interstate highway and commensurate with projected demand.
  - Goal 7:** To directly connect the urban areas named by Congress (the “named cities” of Indianapolis, Evansville, Memphis, Shreveport/Bossier City, Houston, and the Lower Rio Grande Valley) with an interstate highway connection.
- **2013 – I-69 Innovative Financing Study** (Arkansas Highway and Transportation Department [AHTD] 2013) – The AHTD, as the project manager for the seven-state I-69 Steering Committee, studied the costs and innovative financing options, including tolls, for the I-69 corridor from Indianapolis, IN to the Mexican border. The study concluded that toll revenue alone would be insufficient to fully cover the cost to complete, operate, and maintain I-69 and that significant federal assistance, such as a subordinate Transportation Infrastructure Finance and Innovation Act (TIFIA) loan and some form of credit enhancement, would be required to enhance financial feasibility.

### 1.2.3 I-69 SIU #4 STUDIES

The following are previous studies performed specifically for SIU #4:

- **2004 – *Interstate 69 Henderson, Kentucky to Evansville, Indiana Draft Environmental Impact Statement*** (INDOT and KYTC 2004) – INDOT and KYTC completed a DEIS in 2004 that initially identified 10 highway alternatives, comprising six alternatives west of the Evansville/Henderson area; one alternative following existing US 41; one alternative using the Edward T. Breathitt Pennyryle Parkway north to US 41 and continuing north on US 41 to I-164 (now designated as I-69); and two alternatives east of US 41. The northern terminus for all of the alternatives was I-64 north of Evansville. The southern terminus for all of the alternatives was the Breathitt Parkway (now designated as I-69) southeast of Henderson. Based on its ability to meet the project’s purpose and need, and in consideration of environmental impacts, costs, and public and agency input, Alternative 2 was identified as the Preferred Alternative in the DEIS . Alternative 2 was 30.2 miles in length and used 18.6 miles of the existing I-164 (now I-69). Following the completion of the DEIS in 2004, the project was suspended in 2005 due to the lack of funding.
- **2008 – *Technical Memorandum, Conceptual Financing Plan for I-69 Henderson, Kentucky and Evansville, Indiana*** (KYTC 2008) – KYTC conducted a study to determine the financial feasibility of the 2004 DEIS Preferred Alternative 2 and to identify a variety of funding mechanisms, including tolling, to fund the project. The study determined that tolling the new bridge would not generate enough revenue to fund the project because there would be substantial traffic diversion to the un-tolled, existing US 41 bridges. If both of the existing US 41 bridges and the new I-69 bridge were tolled, there would be a more equal distribution of vehicles on both facilities. The study identified additional potential funding sources that could be used to fill the funding gap, including TIFIA loans, Grant Anticipation Revenue Vehicle (GARVEE) bonds, and the Kentucky gasoline motor fuel tax.
- **2014 – *I-69 Feasibility Study, SIU #4, Final*** (KYTC 2014a) – KYTC conducted a feasibility study in 2014 that re-examined the possibility of providing a single, new Ohio River bridge at Henderson, replacing the existing US 41 bridges. The study was limited to Kentucky and did not extend into Indiana. Seven alternatives, some with variations, were developed and evaluated. The study also introduced a modified version of the 2004 DEIS Preferred Alternative, designated as Alternative 1, that used the same Ohio River crossing location; however, the modified alternative connected to the Breathitt Parkway just south of Henderson and farther north than the 2004 DEIS Preferred Alternative to take advantage of the improvements to, and the designation of, the Breathitt Parkway as I-69. The study recommended that the build alternatives presented in the study be considered in any renewed NEPA studies for an I-69 Ohio River crossing.

### 1.2.4 I-69 SIU #3 AND SIU #5 STATUS

As previously mentioned, SIU #3 is adjacent to and north of SIU #4 (i.e., I-69 ORX project) in Indiana. It extends from Evansville to Indianapolis and was divided by INDOT into six sections for development and construction. Sections 1 through 4 (i.e., Evansville to Bloomington) have

been completed and are open to traffic as I-69. As of the date of this DEIS, Section 5 (i.e., Bloomington to Martinsville) is under construction and Section 6 (Martinsville to Indianapolis) is in the final design phase. SIU #5 is adjacent to and south of SIU #4 in Kentucky. It extends from Henderson to Eddyville. This section has been completed and is open to traffic as I-69.