June 14, 2022

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Via electronic mail

RE: Comments on Mid-States Corridor draft EIS and proposed selection of Route P as the preferred alternative

Dear Ms. Wheeler and Mr. DuPont,

These are the comments of the Hoosier Environmental Council, Indiana’s largest environmental policy advocacy organization, founded in 1983. Our members and supporters live and recreate in the project area. Our members across the state are supportive of safe, sustainable and effective transportation infrastructure that provides real mobility choices and is designed to reduce the carbon emissions of transportation and minimize damage to our natural environment.

Following is a summary of these comments:

A. The Purpose and Need Statement is impermissibly narrow and leads to selection of a preferred alternative with limited benefits

B. The environmental analysis is inadequate and demonstrates serious environmental harm from the preferred alternative and other alternatives

C. The range of alternatives considered and evaluated is arbitrarily narrow
D. The purported travel time savings and safety improvements are minimal and do not justify building a new highway; nor does the analysis consider all elements of travel needs and concerns

E. The purported economic benefits are not convincingly demonstrated

F. The DEIS does not justify why this project should proceed when earlier studies were rejected

G. Policies and Guidance in the new Bipartisan Infrastructure Law are not considered

Also, we incorporate by reference into these comments our “Preliminary comments on Mid-States Corridor Project Tier 1 Environmental Impact Study – Draft Purpose and Need Statement, Screening of Alternatives, and Impact Assessment; and Request for Suspension of Project Planning Activities in Light of COVID-19 Virus Outbreak” dated April 14, 2020.

A. The Purpose and Need Statement is impermissibly narrow and leads to selection of a preferred alternative with limited benefits

Even if purpose and need are accepted as legitimate (we don’t), the project as described will perform very poorly in achieving the purpose or meeting the need. Local improvements would meet much of need without harm or high cost

The purpose and need statement establishes three core goals for the project:

1) Improve business and personal regional connectivity in Dubois County and Southern Indiana
2) Improve highway connections to existing multimodal locations from Southern Indiana
3) Provide more efficient truck/freight travel in Southern Indiana

There are four other goals established as secondary goals:

- Goal 3 – Reduction in Localized Congestion in Dubois County
- Goal 4 – Reduce Crashes at Key Locations in Southern Indiana
- Goal 5 – Increase Levels of Business Activity within Southern Indiana
- Goal 6 – Increase Personal Economic Well-Being in Southern Indiana
These purposes and goals were developed as a result of interviews, comments and past local, regional and state transportation studies. Yet as envisioned in the various planning documents, including the draft environmental impact statement (DEIS), the resulting focus of the project is to build a new freight truck corridor to serve business interests in Dubois County.

The project’s study area is 12 southcentral/southwest Indiana counties, but as described in the DEIS, the project’s purported benefits would mainly accrue to business interests in the Jasper-Huntingburg area. And even the claimed benefits are minimal at best, and do not justify the expenditure of up $1 billion in transportation funds.

Two of the three stated core goals represent the same outcome – faster travel to major urban areas and their intermodal facilities for truck traffic.

Improved regional connectivity in southern Indiana is the third core goal and would be the best measure – in theory – of the effectiveness of a regional transportation project as the Mid-States Corridor (MSC) claims to be. Yet on this goal, the project as proposed performs poorly, if its total impact on connectivity is fully evaluated.

Several of the secondary goals were dismissed as primary goals because the project would provide limited benefits in meeting these goals.

For example, localized congestion in Dubois County, which has been a topic of concern for the communities for many years, would only marginally benefit from construction of this project. Earlier projects focused almost solely on this goal have failed to gain approval.

Another secondary goal, reducing crash frequency at key locations in southern Indiana, would not be addressed by a new-terrain highway that only serves the US 231 corridor in Dubois and Martin County. Road safety concerns in the other ten counties of the studied region would not be addressed by this project.

Two other secondary goals – “increase Levels of Business Activity within Southern Indiana, and increase Personal Economic Well-Being in Southern Indiana”, are highly unlikely to be achieved to any degree by this project, nor does the DEIS demonstrate that this outcome would occur. Personal economic well-being for residents of southern Indiana will depend much more on improved educational opportunities, health care, housing, broadband access, and quality of life than on a new-terrain freight truck corridor.

Any project that seeks to increase connectivity for all residents of the project region must consider a broader, more multi-modal approach to transportation that serves all commuters, travelers, and local business needs.
The above concerns and criticisms are covered more fully in the following sections.

The Purpose and Need Statement also includes unsupported assumptions about the need for increased accessibility and connectivity. The Statement provides an apparently arbitrary determination that the “ideal” travel time between any two destinations is the time that it would take to travel the distance in a perfectly straight line between the two points at 50-60 miles per hour for the entire trip. It then looks at three origin points within the project area, and how long it is predicted to take in the year 2045 to get to between four and eight destinations with traffic, including destinations as far away as Chicago, Illinois. For each of these origin/destination combinations, the actual travel time was only between 1.1 and 1.8 times the “ideal” travel time. Actual travel time for no trip was more than a 50% increase on a direct, perfectly straight route at 50 miles per hour. Based on these numbers, the Statement concluded that there is an accessibility problem. This is an astonishing conclusion. Under this approach, there is an accessibility problem any time there is not a perfectly straight and direct 50-60 mile per hour (for the entire duration of the trip) transportation option between any two points. It would essentially require a highway entrance and exit ramp at everyone’s front door. This cannot be the basis for determining a need for a new highway project.

The Purpose and Need Statement provides a further surprise when it reveals that even in the year 2045, outside of the urban centers, there will only be very limited congestion in a few discrete areas in the study area. This is entirely inconsistent with the claimed need for a new project. While there is overwhelming evidence that new highway capacity does not solve congestion, it defies common sense to suggest highway construction to solve nonexistent congestion.

*Impermissibly Narrow Purpose and Need Statement*

Furthermore, the Purpose and Need Statement is impermissibly narrow and predetermines the outcome. Under NEPA, an EIS must include a solution-neutral purpose and need statement, so that alternatives are not eliminated simply because they are different from the proposed project. *Simmons v. United States Army Corps of Engineers*, 120 F.3d 664, 666 (7th Cir. 1997). The NEPA analysis cannot adopt a limited purpose and need that acts as a “self-fulfilling prophecy” for this particular proposed highway project and that effectively precludes full and fair consideration of all reasonable alternatives, including non-highway alternatives. *Id.*

One of the stated purposes for the Mid-States Corridor Project is “*improve*[] highway connections to existing major multi-modal locations from Southern Indiana.” By definition, only building a new or expanded highway can improve highway connections. This purpose therefore inappropriately forecloses non-highway alternatives. The Purpose and Need Statement must be re-written to be solution-neutral.

**B. The environmental analysis is inadequate and demonstrates serious environmental harm from the preferred alternative and other alternatives**
Preferred Route P will have significant impacts on regional ecosystems and the fish and wildlife habitats and natural areas found in this region.

The construction and presence of highways have many harmful effects on native wildlife. These effects include: mortality from road construction, mortality from collision with vehicles, modification of animal behavior, alteration of the physical environment, alteration of the chemical environment, and the spread of exotics. Specifically, highways can act as a barrier to wildlife movement and migration, fragment, alter or destroy habitats, increase risk of predation, and reduce genetic diversity among affected wildlife populations. The construction of any Mid-States highway on new terrain alignment will increase these impacts to wildlife in the project area.

As described in the DEIS, “Roadway networks and their effects on wildlife have been well documented in published literature (Forman and Alexander 1998, Trombulak and Frissell 2000, Donaldson 2005, Jaeger et al 2005, IOCOET 2001). Roads have been shown to reduce wildlife populations by direct mortality and habitat loss. Roads also cause habitat fragmentation, reduce habitat patch size and can make habitat required by some species inaccessible.”

And, “Animal populations with low reproductivity rates, low density and large habitat requirements are most susceptible to the effects of a new roadway. Animals that avoid roadways and require different and/or specialized habitats may be impacted by habitat inaccessibility. Animal species that are habitat generalists or attracted to roads will be vulnerable to mortality from vehicle strikes. Species that avoid roads and are grassland or forest understory specialists will be impacted by fragmentation and habitat loss.”

With a new-terrain Route P proposed to generally parallel existing US 231, animals will face double jeopardy when trying to move or migrate across two road corridors adjacent to each other.

During construction, sediment and petroleum-based substances from construction machinery can pollute surface and ground water. Runoff from a highway in use contains metals, solids

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7 Trombulak, Stephen C., Frissell, Christopher A., Review of Ecological Effects of Roads on Terrestrial and Aquatic Communities, Conservation Biology, Pages 18–30, Volume 14, No. 1, February 2000
8 DEIS, Chapter 3.25, page 2
9 DEIS, Chapter 3.25 page 2
10 Water Quality And Quantity Impacts Of Highway Construction And Operation: Summary And Conclusions, Michael E. Barrett, Joseph F. Malina, Jr., Randall J. Charbeneau, Research Report Number 1943-7F, Texas Department of Transportation by the Center For Transportation Research Bureau Of Engineering Research, The University Of Texas At Austin, March 1996
and sediment, and petroleum hydrocarbons.\textsuperscript{11} Spills from tanker truck accidents, involving chemicals, gasoline or other toxic substances may occur. Post-construction, there are also the added risks and costs of future collapses and repairs for the life of the highway.\textsuperscript{12}

The Indiana DNR noted in one of its comment letters, “Road edges increase air pollution, soil erosion, noise, disturbance by human activity, and exotic species introductions, and may induce population changes in the vegetation ad animal communities included in the areas of edge influence. These factors combine to create particularly deleterious habitat situations, and endanger the existence and perpetuation of all native species on the landscape.”\textsuperscript{13}

More specifically, Route P is projected to have these impacts on the region’s communities, farms, forests, rivers and streams, homes and businesses.\textsuperscript{14}

\begin{itemize}
  \item Total right of way consumed: 2,500 acres to 3,200 acres
  \item Potential relocations (homes, farms, businesses taken): 109 to 149
  \item Farm acreage lost: 1,354 to 1,832 acres
  \item Forestland lost: 629 to 923 acres
  \item Stream miles altered or damaged: 8 to 11 miles
  \item Floodplain area lost: 419 to 607 acres
  \item Wetlands lost: 39 to 56 acres
\end{itemize}

*Habitat fragmentation*

Route P has the third highest of the 5 route alternatives in core forest areas and forest areas greater than 10 hectares disturbed, and the second highest number of named streams crossed. Specifically, up to 47 forest blocks over 10 hectares, and as many as 13 core forests, will be fragmented by Route P.\textsuperscript{15}

*Species of Greatest Conservation Need*

Multiple comment letters from the Indiana Department of Natural Resources and the U.S Fish and Wildlife Service (contained in Appendix Z) describe the dozens of species potentially affected by all the Mid-States Corridor alternatives. These affected species and their proximity to Route P are compiled in Table 3.16-2 and Table 3.16-6 of the DEIS.\textsuperscript{16}

\textsuperscript{13} DNR comment letter from J. Matthew Buffington, Division of Fish and Wildlife, September 12, 2019
\textsuperscript{14} DEIS, EIS Summary Table ES-1
\textsuperscript{15} DEIS, Chapter 3.25, Table 3.25-3
\textsuperscript{16} DEIS, Chapter 3.16, Tables 2 and 6
For federally listed species, “[Alternative P] has the least favorable rating for protected species within two miles (11 species).”\(^{17}\)

There are records of 37 state-listed species within the Route P alignment or within 1 mile of the Route P alignment; 24 of these species are endangered. Among these listed species are: six native bat species including the Northern long-eared bat, the Indiana bat, and the Gray bat; one fish (Lake sturgeon); five endangered birds including the Barn owl; one endangered frog, the Northern crawfish frog; and two endangered snakes (mentioned elsewhere).\(^{18}\)

Buffalo Pond Nature Preserve, in the path of Route P, is the only known Indiana location of the endangered Western cottonmouth snake.\(^{19}\)

The state and federally listed Copperbelly water snake (\textit{Nerodia erythrogaster neglecta}) is recorded as present in the project area. “... there are Indiana Natural Heritage Data Center records in Dubois County associated with the Buffalo Pond Nature Preserve, Barnes-Seng Wetland Conservation Area and the Wening-Sherritt Seep Springs Nature Preserve.”\(^{20}\)

\textit{East Fork White River}

Route P would cross the East Fork White River just north of Haysville.

The East Fork White River, in Martin and Dubois Counties, has contained or still contains populations of five federally listed freshwater mussels:\(^{21}\)

- Sheepnose mussel (\textit{Plethobasus cyphyus})
- Fat pocketbook mussel (\textit{Potalmilus capax})
- Rough pigtoe mussel (\textit{Peurobema plenum})
- Fanshell mussel (\textit{Cyprogenia stegaria})
- Rabbitsfoot mussel (\textit{Quadrula quadrula})

According to a 2006 Indiana Department of Natural Resources report, \textit{White River Basin Survey: East Fork White River, 2003}, “the EFWR fish community represents a highly diverse fish community that was comprised of at least 86 species, including one state endangered species (Lake sturgeon) and one state species of special concern (Spotted darter).”\(^{22}\) The East Fork White River, below Williams Dam, is particularly significant as the habitat for what is considered the only Ohio River strain of the Lake sturgeon (\textit{Acipenser fulvescens}) remaining in the entire

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\(^{17}\) DEIS, Chapter 5, page 9; DEIS, Table 3.16-2
\(^{18}\) DEIS, Chapter 3.16, Table 3.16-6
\(^{19}\) Scott Pruitt, Field Supervisor, U.S. Fish and Wildlife Service letter to Jason DuPont, September 10, 2019
\(^{20}\) DEIS, Chapter 3.16 page 24
\(^{21}\) Scott Pruitt, Field Supervisor, U.S. Fish and Wildlife Service letter to Jason DuPont, September 10, 2019
\(^{22}\) White River Basin Survey: East Fork White River, 2003, Kevin Hoffman, Assistant Research Biologist, Division of Fish and Wildlife, Indiana Department of Natural Resources, 2006
Ohio River drainage. The Lake sturgeon, a long-lived fish that can reach 8 feet in length and weigh up to 300 pounds, is currently being considered for federal listing.

In 2021, in response to a lawsuit filed by several non-profit organizations, a U.S. District Court Judge ordered the U.S. Fish and Wildlife Service to “… submit their 12-month finding [deciding whether to list the species] with respect to the Plaintiffs’ Lake sturgeon petition to the Federal Register by June 30, 2024.”

Climate Impacts

The loss of up to 1,000 acres of forestland, and the loss of as much as another 1,800 acres in farmland from this project will eliminate the carbon sequestration benefits of these lands. Coupled with the loss of roughly 1,800 acres of forestland and 4,000 acres of farmland due to the I-69 extension from Indianapolis to Evansville, and the 9,073 acres of forestland lost from 2001 to 2016 in the eight project-area counties through which the Mid-States right of way might pass, this would be a substantial cumulative impact on forest cover – and carbon sequestration capacity -- in southern Indiana. The loss of carbon storage in forests and farms would result from any new-terrain road construction.

Indirect (induced) Impacts

In addition to the direct impacts we have described above, new highways can induce indirect impacts and this is often one of the outcomes – in the form of new land development near highway interchanges -- of these projects. The DEIS estimates indirect or induced impacts at approximately 29 acres for Route P. This includes up to 11 acres of forest loss and 17 acres of farmland loss. This equates to about 1% of the direct impacts to forests and farms from Route P.

In contrast, for the I-69 Evansville to Indianapolis highway, these additional impacts – in loss of acreage -- for forests, farmlands and wetlands ranged from 22% to 44% of the direct acreage impacts.

26 Appendix H, Comparison of Tier 1 And Tier 2 Impacts For Key Resources, Tier 2 Environmental Impact Statement, I-69 Section 6 Martinsville to Indianapolis, September 26, 2017
28 DEIS Appendix Q, Table 1
29 Tier 1 Record of Decision, I-69 Evansville to Indianapolis, Indiana, Federal Highway Administration, U.S. Department of Transportation, March 21, 2004, and Appendix HH, Comparison of Tier 1 And Tier 2 Impacts For Key Resources, Tier 2 Environmental Impact Statement, I-69 Section 6 Martinsville to Indianapolis
If this indirect effects calculation is correct, it tends to confirm that the Mid-States highway will do little to stimulate new commercial or residential land development or increase regional GDP.

**Specific high-quality natural areas and outdoor recreation sites affected:**

**Gantz Woods Nature Preserve**

The 98-acre Gantz Woods Nature Preserve features a range of habitats typical of Daviess County, Indiana. There are short sandstone cliffs on the eastern end of the property, which are typical of the Shawnee Hills Natural Region. Following the stream to the west reveals a rich forest community that supports a high diversity of plants and animals, including scarlet tanagers, eastern box turtles and bobcats, along with many woodland plants such as Jack-in-the-pulpit, Dutchman’s breeches and fire pink.\(^ {30} \) Gantz Woods is identified as the “Indiana Forest Bank Fee” property in the DEIS.\(^ {31} \)

This fairly new nature preserve – designated to protect sandstone cliff communities and forested stream valleys - would be directly affected by Route P, as the route corridor passes right through part of the preserve. The DEIS estimates 5 to 6 acres would be taken by the new highway\(^ {32} \), but the entire property would be adversely affected. Even if Route P is built just outside the nature preserve boundary, it will have substantial harmful effects on the biological value of this preserve.

**Wenning-Sheritt Seep Springs Nature Preserve**

“The Wenning-Sheritt Seep Springs Nature Preserve northwest of Jasper contains high-quality, wet-mesic floodplain forest, upland forest, and marsh and acid seep communities.”\(^ {33} \)

**West Boggs Park**

West Boggs Park is a 1,600-acre Daviess/Martin County Park with a 622-acre lake. The park is popular for fishing, boating, swimming, camping and hiking.\(^ {34} \) The western bypass around Loogootee, as proposed with Route P, would potentially be located at the base of the dam of West Boggs Lake and encroach on the park property.\(^ {35} \) Noise, light and air pollution from fast-moving truck traffic on the new-terrain Route P would have a substantial, direct and harmful effect on the park’s quality, affecting the peace and quiet and the natural surroundings of this high-quality nature and recreational park.

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\(^{31}\) DEIS, Appendix GG, page 5 and Figure 17

\(^{32}\) DEIS, Appendix GG, page 5

\(^{33}\) Scott Pruitt, Field Supervisor, U.S. Fish and Wildlife Service letter to Jason DuPont, September 10, 2019

\(^{34}\) West Boggs Park website, [https://westboggs.com/](https://westboggs.com/)

\(^{35}\) DEIS, Appendix GG, page 5 and Figure 9
Buffalo Pond (Flats) Nature Preserve

“Buffalo Flats Nature Preserve is a high-quality forested wetland located in the Patoka River floodplain. This nature preserve provides substantial wildlife habitat and wildlife travel corridors.” It is “the only known Indiana site for the Western Cottonmouth, one of two endangered snakes residing in Indiana. The other state-listed snake, the copperbelly water snake, has also been documented at Buffalo Flats Nature Preserve.”36

Barnes-Seng Wetland Conservation Area

“Barnes-Seng Wetland Conservation Area is a 146-acre tract of land in Dubois County. It is located south of Jasper, along the east side of Highway 231. The area is aimed at protecting and preserving areas where water exists, such as swamps, marshes, and bogs. The property provides some hunting opportunities along with preserving woodland and wetland habitat.”37

Mt. Calvary Wildlife Area (Martin County)

The state-endangered barn owl has been sighted at Mt. Calvary.38

Wetlands, Patoka River and East Fork White River

Wetlands Reserve Program land located east of Huntingburg would be affected by Route P.39

Comments from resource agencies

All the state and federal natural resource and environmental agencies urged that preference be given to upgrading existing roads rather than building a new-terrain highway.

EPA recommendations in letter of September 12, 2019 to Michelle Allen

“Consequently, an acceptable Tier 1 preferred alternative might be a combination of existing roadway improvements on a variety of existing roadways throughout the 12-county study area (i.e., not just one 2,000 foot wide corridor/facility). We recommend further evaluation, analysis and discussion of this alternative in the Tier 1 study.”40

Indiana Department of Environmental Management

“IDEM prefers alternatives that restrict as much of the project as possible to existing road alignments as the best option for avoiding and minimizing impacts to waters.”41

36 Scott Pruitt, Field Supervisor, U.S. Fish and Wildlife Service letter to Jason DuPont, September 10, 2019
37 https://www.in.gov/dnr/fish-and-wildlife/properties/glendale-fwa/
38 https://avibase.bsc-eoc.org/checklist.jsp?region=USinmn01
39 DEIS, Appendix GG, page 5 and Figure 16
40 Kenneth Westlake, Office of the Regional Administrator, U.S. EPA Region 5 comment letter to Michelle Allen, September 12, 2019
41 Brian Wolff, Branch Chief, IDEM Office of Water Quality letter to Jason DuPont, September 12, 2019
Indiana Department of Natural Resources

IDNR’s March 27, 2020 comment letter stated, “It is strongly recommended that few new highways be created, while existing highways and major roads are enhanced.”42

U.S. Fish and Wildlife Service

“Furthermore, we recommend that new terrain alternatives be avoided to reduce impacts to natural resources and farmland, avoid habitat fragmentation, and minimize new stream and river crossings.”43

C. The range of alternatives considered and evaluated is arbitrarily narrow; there was no full and fair consideration of non-highway alternatives


The DEIS rejected further consideration of a local improvements alternative.44 This is significant for many reasons, given that when travel time and safety benefits are compared to Route P, the completion of the local improvements would significantly reduce the differences in travel time and safety benefits compared to the differences between no-build and building Route P. Thus the comparison of alternatives would be much more meaningful if the outcomes of a local improvement alternative are included in all transportation and economic comparisons, instead of just in the tables in Appendix V.

The DEIS dismisses consideration of non-highway alternatives to the Mid-States highway.45 This is a serious flaw in the planning process, given that many of the regional and local needs identified in scoping for this project cannot be addressed by building a new highway to serve automobiles and trucks.

For example, housing needs will not be addressed by a new highway. For a county with very low unemployment, like Dubois County, the key to attracting more people to live and work there depends on quality housing availability and other factors discussed below.46

The DEIS says, “Housing availability and workforce attraction are inseparable issues in this region. Manufacturing employers require large numbers of entry-level workers. These entry-level workers typically look for apartments or single-family homes. However, such housing is in

42 DEIS, Appendix V page 20
43 Scott Pruitt, Field Supervisor, U.S. Fish and Wildlife Service letter to Jason DuPont, September 10, 2019
44 DEIS, Appendix V page 3
45 DEIS, EIS Summary page ES-7
46 DEIS, Appendix CC page 31
short supply due to the lower profit margins and higher financial risks for builders. **While it is outside the scope of a transportation project to address, this need is described here because it was cited repeatedly in interviews. (emphasis added)**

Weak population growth, or population loss, will not be addressed by the Mid-States Corridor. There are numerous considerations people make when deciding where to live, or whether to stay in their hometown, and the presence of a new freight truck corridor in southern Indiana will be low on the list. In contrast, regional economic programs intended to recruit more residents and businesses -- like the READI program -- focus on improving quality of life, including better educational opportunities, downtown redevelopment, improved health care, and outdoor amenities like parks and trails. “To achieve this vision, regions will develop data-driven, actionable and sustainable development plans that outline strategies focused on improving the quality of place, quality of life and quality of opportunity within their communities.”

Eight of the Mid-States Corridor study region counties are also part of the Indiana Uplands Region and its READI plan.

Personal income and poverty will be only marginally addressed by a new highway, particularly for those not directly involved in the trucking or distribution industries. The DEIS analysis of purported economic benefits including growth in regional GDP, improved personal income and lowered poverty is badly flawed, given that there is no comparison to a baseline when calculating these benefits. Moreover, the metrics used for comparison – “million dollar-years” for GDP and personal income; “total job-years” for increases in employment cannot readily be compared to existing economic data such as average per capita income or regional and local employment statistics, as reported by STATS Indiana.

“Table 1 summarizes the various economic impacts the different alternatives have in the 12-county Study Area. The benefits shown are cumulated over from 2038 to 2057 and hence presented in terms of million dollar-years or job-years. As seen from the table results, Alternatives C (expressway variation), P and M have positive economic impacts on the Study Area. Route P and M result in growth in the total employment and personal income in the 12-county Study Area.”

When evaluating the project’s core goal of connecting with major multimodal facilities, a freight railroad alternative or hybrid rail/road improvement alternative was not considered. Yet, destinations described for project connections include rail yards in Avon, Indianapolis, and river ports in Tell City and Jeffersonville.

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47 DEIS, Appendix CC page 31
48 Indiana Economic Development Corporation, [https://www.iedc.in.gov/program/indiana-readi/about#skip-header](https://www.iedc.in.gov/program/indiana-readi/about#skip-header)
49 Indiana Economic Development Corporation, [https://www.iedc.in.gov/program/indiana-readi/about#skip-header](https://www.iedc.in.gov/program/indiana-readi/about#skip-header)
50 Appendix B, TABLE 1: MID-STATES CORRIDOR ECONOMIC PERFORMANCE MEASURES SUMMARY, DEIS
51 Appendix B, TABLE 1: MID-STATES CORRIDOR ECONOMIC PERFORMANCE MEASURES SUMMARY, DEIS
52 STATS Indiana, the statistical data utility for the State of Indiana, [https://www.stats.indiana.edu/](https://www.stats.indiana.edu/)
53 DEIS, Appendix A, Table A-9
For the project study area, freight rail connections already exist from the Jasper-Huntingburg area to Spencer County, Evansville, Jeffersonville/New Albany/Louisville (and Port of Indiana, Louisville airport), Princeton, and Tell City (Tell City Port). Loogootee is connected by rail to Indianapolis, via Seymour.\(^{54}\)

From the DEIS information, it is difficult to determine how a 3-minute maximum improvement in travel time ascribed to Route P (accounting for travel savings from expected local improvements) would improve workforce accessibility for Jasper, for example. Are potential employees going to choose not to take an attractive job in Jasper because their commute time would be 33 minutes with no new highway instead of 30 minutes with a new highway?\(^{55}\) For commuting times to Evansville, Bloomington, or Indianapolis—communities singled out in the DEIS\(^{56}\)—a 3 to 5 minute savings in travel time will still not bring the commute time from Jasper or Huntingburg within the 30-minute commuting metric.

D. The purported travel time savings and safety improvements are minimal and do not justify building a new highway; nor does the analysis consider all elements of travel needs and concerns

**Highway safety and crash reduction**

Safety goals were withdrawn as a core goal as noted in Appendix CC: “The draft Purpose and Need identified crash reductions as a core goal of the project. Agency input noted that these crash issues are spread throughout the Study Area. This input also cited the limited ability of a single corridor to address these area-wide issues. In addition, on October 23, 2019 FHWA provided project staff with training in Indianapolis on Purpose and Need statements for transportation projects. This training emphasized that safety goals in Purpose and Need statements should focus on specific locations with safety deficiencies. Similar input was received from INDOT staff in late 2021 (see Section 5.1).”\(^{57}\)

Safety benefits were not quantified for the new-terrain alternatives analyzed in the DEIS, but only for the local improvements that were a component of each alternative.

“Specific crash reduction is a measure best quantified based on detailed design elements beyond the Tier 1 design level. Future detailed studies in Tier 2 will provide more detailed crash reduction performance based on additional design; however, safety evaluations were made for the local improvements for the purposes of evaluating potential reductions at this Tier.”\(^{58}\)

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\(^{54}\) State of Indiana 2021 Rail System Map  
\(^{55}\) Table A-5 shows total population and increase in population within 30-minute travel time within the major employment centers for no-build and each of the 10 Mid-States alternatives.  
\(^{56}\) DEIS, Appendix CC, page 31  
\(^{57}\) DEIS Appendix CC page 18  
\(^{58}\) DEIS Appendix A, Page 9
As a result of this limited analysis, the public has no way to know what percentage of safety benefits provided by each new-terrain alternative compare to the benefits produced just by the local road improvement component of each alternative.

We note that the local improvements for the US 231 corridor, evaluated as part of Route P, provide nearly $8.4 million in annual safety benefits.\(^{59}\)

**Travel time savings**

Performance on two of the three core goals is measured by travel time savings.\(^{60}\)

Of note in the comparison of time savings among the alternatives is the low level of time savings between most of the origins and destinations.

For example:\(^{61}\)

- Jasper to Indy saves 5 minutes maximum from a 143-mile trip;
- Jasper to Louisville save 3 minutes maximum maximum from a 103-mile trip
- From Crane to Jasper, Rockport or Louisville – Rockport is the only destination with a meaningful travel time savings.

The travel time savings to multimodal destinations, generally the same destination areas as those in the prior calculation, are therefore limited as well.\(^{62}\)

- Jasper to Avon CSX yard – same as to Indianapolis
- Jasper to Senate Ave. (Indianapolis) rail yard -- 5 minutes from a 140-mile trip
- Jasper to Tell City port --2 minutes saved from 54-mile trip
- Jasper to Port of Indiana -- 2 minutes saved from a 96-mile trip; to Louisville airport, 2 minutes saved from a 102 mile trip
- Crane to intermodal destinations – only destination with savings is the Tell City port

Perhaps the most notable data point is the claimed decrease in truck travel hours, given that this project is at its heart a freight truck highway. If built as a 4-lane highway, Route P would decrease annual truck travel hours – in year 2045 – by only 1% compared to not building a new highway.\(^{63}\)

Moreover, the aforementioned comparison does not tell the full story. The DEIS focuses on the comparison between building no new highway and construction of any of the 5 highway alternatives in evaluating travel time savings.\(^{64}\) Yet since the local improvements component

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\(^{59}\) DEIS, Appendix V page 12  
\(^{60}\) DEIS, Appendix A  
\(^{61}\) DEIS, Appendix A Tables A-1 to A-4  
\(^{62}\) DEIS, Appendix A Table A-9  
\(^{63}\) DEIS, Appendix A Table A-6  
\(^{64}\) DEIS Appendix A; DEIS Chapter 2
for the preferred alternative P is expected to occur whether or not a new-terrain road is constructed, the more appropriate comparison is between US 231 as improved and new-terrain Route P. When this comparison is made, the travel time savings are lowered to the point of being insignificant.

“Even though the Local Improvements do not provide congestion relief per se, they do offer travel time savings. The Local Improvements provide added passing opportunities, allowing both autos and trucks to pass slower-moving vehicles and complete trips more quickly.”

Accessibility and regional connectivity

Apart from marginally faster connections along the north-south US 231 corridor, this project accomplishes little in improving regional connectivity in southern Indiana. As noted earlier, there are few meaningful improvements in travel time to destinations outside of the 231 corridor.

What’s more, none of the alternative routes address existing commuting patterns in the heart of the planning region.

For example, looking at the commuting maps compiled by STATS Indiana (inserted below), over one-third of commuting trips to and from Dubois County travel east or west, not north or south. And commuting to and from Spencer County and Perry County into Dubois County already benefits from four-lane US 231 in Spencer County.

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65 DEIS Chapter 2, Table 2-11
For Martin County, most commuting into the county is headed for Crane NSWC, which except for the small number of Dubois County commuters would not be improved by the Mid-States Corridor.

For Daviess County, preferred Route P would provide virtually no benefit from a connectivity standpoint. And Routes B or C, that would connect Dubois County to I-69 in Daviess County, perform poorly on other measures of project benefit. Daviess County is already connected north and south by I-69.

These commuting patterns were not described or evaluated in the DEIS, even though they directly relate to the questions of workforce accessibility and personal connectivity.
Completing a missing link

The following comment reported in Appendix CC and identified as a key theme developed from public input -- Lack of North-South Connectivity throughout 12-County Study Area -- deserves a response.66

“A north-south connection in this region could serve as the “missing link” in a major transportation artery connecting Northern Indiana with Kentucky, Nashville and as far south as Mobile, Alabama.”

There is no “missing link”. This comment ignores the fact that northern Indiana is already well-connected to Kentucky, Nashville, and Mobile, Alabama via I-65, I-69, I-74/I-75, and US 41.

E. The purported economic benefits are not convincingly demonstrated

The analyses and other documentation in the DEIS do not support the assertion that the Mid-States Corridor will provide the claimed economic benefits. And as noted earlier, most of the economic concerns raised in project scoping cannot be directly improved by a new highway, particularly the narrowly-focused freight truck highway contemplated by this study.

The GDP, income, and employment improvement data presented in Table 1 is not compared to existing data, and therefore it is not possible to determine if these are meaningful improvements.67 The nature of the data also makes comparison to existing data from other sources (STATS Indiana for example) difficult if not impossible.

Other than the modeling program used to determine these “improvements”, there are no studies or other documentation provided to demonstrate how the highway produces the claimed benefits.

It is also critical to examine the assumption that increased highway access will lead to economic growth. Although the first interstate highways had significant economic benefits, as more and more highways were built, the additional benefit brought by each decreased significantly. According to a study conducted for the Federal Highway Administration, the “net social rate of return on total highway capital was high . . . in the 1950s and 1960s, then declined considerably . . . In [the] 1980s the rates of return on total highway capital and private sector capital seem to have converged.”68 In other words, spending tax money on highways has no greater net economic benefit than not collecting that tax in the first place would.

A report by the RAND Corporation reviewing literature on economic impacts of highways stated that “in a developed economy with a comprehensive highway system, such as that of the

66 DEIS, EIS Summary page 31
67 DEIS, Appendix B Table 1
United States, it is inappropriate to expect that each highway investment will have large positive economic effects.”69 Instead, “highway infrastructure varies greatly in its economic effects, and these effects can be highly context-specific.”70 The Congressional Budget Office’s February 2016 report on federal highway spending also acknowledged decreased economic returns on spending on highways, and noted that “[j]ust because highway infrastructure can have . . . positive economic effects does not necessarily mean that it will. Roads, bridges, or other forms of transportation to sparsely populated places or little used infrastructure may provide few of the benefits, let alone enough to offset the costs.”71

Moreover, the Purpose and Need Statement explains that the project area has a combination of higher than average poverty, but relatively low unemployment. While the Statement seems to argue that there are unfilled jobs that could be filled by increased transportation, the high poverty rate suggests that the jobs that exist in the area are low-paying, and that may be the real reason that workers are not commuting into the area. Indeed, bringing in more workers could have the unintended consequence of driving down wages in light of increased labor supply.

F. The DEIS does not justify why this project should proceed when earlier studies were rejected

“On January 27, 2014, a Federal Register Notice withdrew both the 2004 DEIS and the 2011 SDEIS. It stated, “Due to a reevaluation of the traffic information, the project is no longer warranted and the Notice of Intent is rescinded.” This earlier project focused on local needs within Dubois County. The Study Area was approximately 50 square miles, consisting of a two-mile wide band within Dubois County. The Mid-States project’s goals and performance measures are broad and regional in scope. The Mid-States Study encompasses a 12-county Study Area with an area of approximately 4,779 square miles, nearly 100 times larger than the US 231 project Study Area. Although the Mid-States project is very different from the Dubois County US 231 project, some of its information will be useful for the Mid-States project.”72

Notwithstanding this disclaimer in the DEIS, the purported outcomes from building Route P fall far short of justifying the project, as described earlier in these comments.

70 Id. at iii.
72 DEIS Appendix CC page 9
G. Policies and Guidance in the new Bipartisan Infrastructure Law are not considered

The DEIS does not reference the new U.S. transportation law enacted in November 2021 – the “Infrastructure Investment and Jobs Act”, or Bipartisan Infrastructure Law --even though it became effective well before the release of the DEIS.\(^{73}\)

Nor does the DEIS consider the *Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America*, released in December 2021.

As described in the FHWA Memorandum, “The intent of this guidance also is to ensure that the funding and eligibilities provided by the BIL will be interpreted and implemented to the extent practicable under statute, to encourage States and other funding recipients to invest in projects that upgrade the condition of streets, highways and bridges and make them safe for all users, while at the same time modernizing them so that the transportation network is accessible for all users, provides people with better choices across all modes, accommodates new and emerging technologies, is more sustainable and resilient to a changing climate, and is more equitable.”\(^{74}\)

In part, this policy “...prioritizes projects that move more people and freight by modernizing and increasing the operational efficiency of existing roads and highways over projects that expand the general purpose capacity of roads and highways.”\(^{75}\)

CONCLUSION

As described above, the Purpose and Need statement for building Route P for the Mid-States corridor is flawed, the project would provide minimal benefits, even in its principal role as a freight truck corridor and would provide few other travel or economic benefits that would justify spending $735 million to $1.05 billion.

The DEIS and other supporting documents provide no reason to choose a route to the east harming sensitive forest and karst ecosystems, or to the west fracturing rich farms, forests and wetlands or to degrade such lands to the north to meet the stated purpose and need for this project, when targeted roadway and bridge safety improvements to existing US 231 and other existing highways in the region, along with select non-highway alternatives including freight rail, that may provide equivalent improvements in personal mobility, freight movement and access have not been fully analyzed. Improvements to transportation infrastructure should be focused

\(^{73}\) HR 3684, An Act To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

\(^{74}\) U.S. DOT, FHWA Memorandum, Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America, December 16, 2021

\(^{75}\) U.S. DOT, FHWA Memorandum, Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America, December 16, 2021
on improving the movement of people and goods rather than solely the movement of motor vehicles.

We urge that the State of Indiana reject construction of any new-terrain Mid-States Corridor alternatives, and instead focus transportation improvements on making our existing roads and bridges safer and more efficient and expanding access to alternatives such as pedestrian/bicycle lanes and trails, rural transit, and intercity bus and rail service.

Sincerely,

Tim Maloney
Senior Policy Director
Hoosier Environmental Council

Cc: Honorable Eric Holcomb, Governor
    Michael Smith, INDOT Commissioner
    Honorable Mike Braun, U.S. Senate
    Mr. Jerome Hannon, Division Administrator, FHWA