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December 4, 2009

Mr. Ed Lewis, Public Hearing Officer
NCDOT, Human Environment Unit
1598 Mail Service Center
Raleigh, NC 27699-1598
elewis@ncdot.gov

Re: Proposed Corridor K Project, Graham County

Dear Mr. Lewis:

WaysSouth is pleased to submit these comments regarding the proposed Corridor K project in Graham County. WaysSouth is a grassroots nonprofit organization working to promote responsible transportation practices that preserve the unique heritage and environment of Southern Appalachia. With more than forty organizations working with us, we represent over 1.2 million citizens.

Western North Carolina in general, and Graham County in particular, are special and unique areas of the South. Their beautiful mountains, rivers, and valleys have supported human and wildlife populations for untold centuries and continue to do so. They deserve a transportation system that provides needed access while still maintaining a high quality of life and the natural environment on which that quality of life depends. We support and applaud efforts to improve the transportation network of this region.

We do not, however, support NCDOT's proposal to build a massive and intrusive four-lane highway from US 129 in Robbinsville to NC 28 in Stecoah, "Corridor K." NCDOT asserts that the proposal will serve four major purposes: improved system linkage, highway capacity, economic development, and safety. In fact, NCDOT's own data shows that the proposed four-lane highway is not only unnecessary to meet these goals, it may actually be counterproductive. And it will come at an extreme cost both financially and to the cultural heritage and environment of this unique and largely pristine area—the very reasons people come to the area in the first place.

We therefore do not support construction of the Corridor K project as proposed, but instead urge NCDOT to employ a program of well-designed, targeted, modest upgrades and improvements to the existing two-lane primary road network in Graham County, so that Graham County can have true economic development reflecting the best of today's thinking rather than an unnecessary and wasteful four-lane highway conceived fifty years ago.

NCDOT's failure to consider a two-lane alternative is unlawful and deprives the public of the opportunity to provide meaningful input on how such an option could be implemented.

I. A Four-Lane Highway Is Not Mandated

In its proposal for Corridor K, exemplified by the Draft Supplemental Environmental Impact Statement, US 74 Relocation, Graham County, North Carolina (“DSEIS”), NCDOT seems to be starting from the proposition that a four-lane highway is required. Nothing justifies that assumption, however.

A. No Law Requires a Four-Lane Highway

No Federal law requires that Corridor K be built as a four-lane highway. Certainly, nothing in the Federal Aid Highway Program requires four-lane highways. Corridor K was conceived as a project of the Appalachian Development Highway System (“ADHS”), but no law requires an ADHS project to be four lanes. Indeed, the Tennessee Department of Transportation is considering two-lane alternatives as part of its proposed Corridor K project in Polk County.

Likewise, state law does not require that Corridor K be four lanes. Although Corridor K might be part of the state’s “Intrastate System,” that does not mandate four lanes. The enabling statute for the Intrastate System provides that “All segments of the routes in the Intrastate System shall have at least four travel lanes *except those for which projected traffic volumes and environmental considerations dictate fewer lanes.*” N.C. Gen. Stat. § 136-178(a) (emphasis added). The latter phrase would allow a two-lane alternative in this instance; at the very least, it requires an analysis of whether traffic and environmental considerations dictate two lanes—an analysis that NCDOT has not undertaken.

B. A Four-Lane Highway Is Not Necessary for Capacity Purposes

In addition, capacity requirements do not dictate a four-lane design. NCDOT’s own estimates show that, even if no improvements are made, roads in the corridor will provide acceptable Levels of Service (LOS) in 2030, with LOS A and C at most locations, and LOS D on NC Highway 143. DSEIS, p. 2-40, Table 2.8.1. These Levels of Service are well within the acceptable range.

NCDOT studies further project that driving the new four-lane road would provide no time savings compared to already existing routes. Stantec Consulting Services, Inc. study for NCDOT, *Traffic Forecast for A-9 US 74 improvements from Robbinsville to Stecoah Gap*, p. 12 (Nov. 2005). Thus, purely from a capacity standpoint, no improvements are necessary. Modest safety and capacity improvements—such as passing lanes, additional lanes and other measures at intersections, better engineering of curves, and better shoulders—can and should be made. Provision of a rail alternative for large freight loads with a concurrent restriction on truck size on existing roads would reduce capacity requirements and improve levels of service even further. But a four-lane highway is unnecessary.

C. NCDOT Is Required to Consider a Two-Lane Alternative

Thus, because NCDOT is not required to build a four-lane highway, it must consider a two-lane alternative. Even if current law did require a four-lane highway, NCDOT would still be obligated to consider a two-lane alternative, because the analysis could show that the law needs to be changed. As shown below, a two-lane alternative, consisting of well-designed and targeted upgrades and improvements to existing roads, would better meet the stated purposes of the project, at far less cost and with far less impact on one of North Carolina's most pristine regions.

II. An Improved System of Two-Lane Roads Is a Better Alternative

Although it is impossible to quantify the advantages of improvements to existing roads over a new four-lane highway, because NCDOT has refused to study the alternative, existing documents show that the advantages are substantial.

A. Improvements to Existing Roads Will Cost Less

NCDOT's proposed four-lane highway for Segments B and C is projected to cost over \$380 million—roughly \$48,000 for each of the approximately 7800 current residents of Graham County. DSEIS, p. 2-34, Table 2.7.1. Over half of that cost is for the proposed tunnels alone. *Id.* NCDOT has not provided cost estimates for Segment A, but since it requires an even longer tunnel than that in Segments B and C, it presumably carries an even higher price tag.

It is impossible to know what a system of targeted upgrades to existing roads would cost because NCDOT did not study it, but it is undoubtedly less expensive. A system of two-lane highways based on improvements to existing roads can be designed to more closely follow the contour of the landscape. It therefore can be built without the tunnels under Stecoah Gap and the Snowbird Mountains and the massive road cuts—in at least one instance up to 160 feet high, DSEIS, p. 4-74—that the four-lane alternative will require. Thus, the cost of the two-lane alternative should be significantly less than half that of the four-lane alternative.

In these difficult economic times, it is foolish to refuse to consider a less-costly alternative in favor of a hugely expensive boondoggle that may never get built because of financial constraints alone. Moreover, some or all of the cost savings of a two-lane alternative could be directed to economic development projects that would have a substantial and direct effect rather than the highly speculative effects of the proposed highway.

B. Improvements to Existing Roads Will Have Equal or Greater Economic Impact

NCDOT's stated goal of economic and social development does not justify its refusal to consider an improved two-lane network. It is far from clear that a four-lane highway will have a greater economic impact on Graham County, and there is reason to believe that improvements to existing roads would actually have a greater effect, even leaving aside the cost savings.

Although NCDOT has no expertise in economic and social development, it has committed itself to those goals by hinging its “need” for this project on the inhibited economic development of Graham County and by making economic and social development a primary purpose of the project. (DSEIS at 1-9, 1-10.) Accordingly, NCDOT must consult with true experts in development and consider alternative approaches to improving economic and social conditions in Graham County. Such an analysis would likely show that a two-lane alternative would have at least as much beneficial impact as the four-lane proposal, for several reasons.

First, the economic reality is that international competition and shifting marketplaces have caused rural counties in North Carolina to see a steady decline in the manufacturing-based jobs that rely on four-lane highways for shipping infrastructure. Thus, a four-lane highway is unlikely to succeed in attracting jobs to Graham County any more than two-lane highways will.

In contrast, the real economic driver of Graham County is and will remain its natural beauty and quality of life, which attract both residents and small businesses, as well as tourists. These attributes will not be enhanced by a visually-scarring four-lane highway, whereas a system of scenic two-lane roads can contribute to this economic engine—as shown by the popularity of the Cherohala Skyway and “Tail of the Dragon” near Robbinsville.

Additionally, the highway as proposed will effectively create a bypass around Robbinsville, stifling rather than encouraging the town’s economic vitality. One need only look to the southern terminus of Corridor K’s Segment A, the town of Andrews, to see the negative effects of bypasses on once-vibrant towns. A four-lane Corridor K is at least as likely to move people past, or out of, Robbinsville as it is to move them to Robbinsville.

One of the stated benefits of the proposed project is that “The improved facility would offer better access to jobs, medical facilities, and educational facilities outside of Graham County.” DSEIS, p. 1-9. This improved access, however, would also allow people to leave for shopping and entertainment, creating a drain on the local economy rather than a boost.

The cost savings of a two-lane alternative could be used to further enhance economic development. For instance, Graham County’s Heritage Development Plan notes that “Tourism is touted as an economic engine for the County, but development of facilities and infrastructure to attract and tempt tourism require capital outlay, a resource not available to the County.” Graham County Heritage Development Plan, p. 3, available at <http://www.blueridgeheritage.com/partners/local-heritage-plans>. Instead of being used to build a highway of marginal utility and questionable economic benefit, funds could be channeled to create the facilities and infrastructure Graham County desires.

C. Improvements to Existing Roads Will Have Less Environmental Impact

A two-lane alternative will also have vastly less environmental impact than the four lane proposal, in part because, as discussed above, it will require fewer or no road cuts and tunnels.

1. The Two-Lane Alternative Is Aesthetically Preferable

The scenic nature of the Corridor K region is itself a significant asset, as NCDOT has recognized: “The area surrounding the project is characterized by extreme topography and heavy forestation. Among the primary attractions of the Appalachian Trail are its scenic overlooks and vistas that are unspoiled by man-made features and development.” DSEIS, p. 3-135. In short, NCDOT concludes, despite existing modifications in the area, “views remain spectacular.” DSEIS, p. 3-137. Although NCDOT purports to mitigate the aesthetic impacts of the proposed highway, it acknowledged, in a refreshing moment of candor:

In one instance, west of Stecoah Creek, the proposed highway cut for the build alternatives would be approximately 160 feet high. A cut slope or rock face of this magnitude would be visible from miles away and be completely out of scale and character with the surrounding “natural-appearing” landscape.

DSEIS, p. 4-74 (emphasis added). In truth, the massive disturbance created by a four-lane highway would be a significant visual intrusion throughout much of the corridor. The two-lane alternative, which would require a much smaller footprint and be able to follow the contours of the land much more closely, would have much less visual impact.

2. The Two-Lane Alternative Will Reduce Resource Impacts

The area that Corridor K traverses is recognized as an ecological, recreational, and cultural treasure. Its forests are home to abundant populations of wildlife, including black bear, and its pristine streams support trout and other aquatic species. Stecoah Gap is known by birders as one of the prime spots in the entire state for viewing migrating birds, and is one of only a few places anywhere where it is possible to encounter both Cerulean and Golden-winged warblers. The Appalachian Trail is nationally known and hiked by millions of people annually. The Cheoah Bald roadless area is a rare and significant resource that receives heavy recreational use. And the Stecoah Valley is known both as a prime agricultural area and a center for cultural arts.

A two-lane alternative, because of its smaller footprint, will certainly have less impact on the streams, wetlands, forests, homes and businesses, cultural resources, and farmlands of this special area. Also, because it will follow existing corridors, it will create no further habitat fragmentation, unlike building on new alignment.

3. The Two-Lane Alternative Will Reduce Water Quality Impacts

Reducing or eliminating the need for road cuts will also reduce water quality impacts caused by contaminated runoff. The western North Carolina mountains contain large deposits of pyritic shale formations that can release heavy metals and sulfuric acid when exposed to weathering (as will occur in road cuts). Other projects in this region having documented impacts on water quality include construction of US 441 near Clingman’s Dome (exposure of acid-producing rock caused low pH and metals contamination leaving streams devoid of life for as long as 10 years after construction), and construction of the Tellico-Robbinsville Road near the western boundary of Great Smoky Mountains National Park (acid drainage from acid-producing

rock used as roadfill increased acidity and metal concentrations creating conditions that caused 100% fish mortality even after 10 years of remediation efforts).

Despite acknowledging that “acidic inputs are substantial concerns in all of the watersheds crossed,” DSEIS, p. 4-29, NCDOT has not studied the potential for acid drainage from exposure of pyritic rock to the elements (in contrast to the studies for other projects such as the North Shore Road or Corridor K in Tennessee). Thus, we do not know to what extent the rocks in the Corridor K region have the potential for producing acid or metal-laden drainage. What can be stated categorically, however, is that less rock disturbed and exposed means less potential for pollution. The two-lane alternative will therefore undoubtedly have less impact on water quality.

D. A Two-Lane Alternative Is More Appropriate to the Geology of the Region

A system of targeted improvements to existing roads would also create less potential for geologic catastrophes. The recent rockslides on I-40 and elsewhere bring home the uncomfortable reality that the rugged terrain of western North Carolina is geologically unstable, especially where the surface has been modified. The same 160-foot high road cut that would be a visual blight could also be a geologic nightmare. By minimizing the cuts associated with construction, an improved two-lane corridor would also minimize the likelihood of rockslides.

E. An Improved System of Two-Lane Roads Will Satisfy “System Linkage” Needs

Although it is unclear exactly what “system linkage” means, it seems likely that the stated desire to improve “system linkage,” DSEIS, p. 1-9, can be met by improved two-lane roads just as well as by a four-lane highway.

To the extent that it means providing new through traffic routes, the new highway will merely be an alternate to existing US 74 between Bryson City and Andrews. Without considering Segment A, which has no timeline for even being studied, much less funded or built, this alternative is over twice as long in mileage and as NCDOT has recognized, *see* Stantec Consulting Services, Inc. study for NCDOT, *Traffic Forecast for A-9 US 74 improvements from Robbinsville to Stecoah Gap*, p. 12 (Nov. 2005), will provide no time savings. Even with Segment A, it will still be longer in mileage than the existing route, and will not necessarily save significant time. *See id.* (“assuming” there will be a time savings).

To the extent that “system linkage” means providing access to Robbinsville, that can, as discussed above, be accomplished by improvements to existing two-lane roads.

III. The Highway as Proposed Does Not Address the Goal of Improving Safety

The four-lane highway as proposed does not adequately address the stated goal of improving safety. Currently, the most dangerous road segment in Graham County is US 129 from Tipton to Robbinsville. Upgrading Segments B and C without addressing US 129 or Segment A will cause Corridor K traffic to be dumped onto US 129, making the safety problems

there even worse. If NCDOT is serious about addressing safety issues in Graham County, it should look at targeted improvements to the existing roads, including US 129, rather than at creating massive new highways.

IV. NCDOT's Consideration of Corridor K Is Improperly Segmented

As we and others have noted repeatedly before, the "Corridor K" currently being studied by NCDOT is but a small part of the real Corridor K, and has but a small part of the impacts of the corridor. Corridor K is touted as a link to Asheville, North Carolina, and as a project stretching from Cleveland, Tennessee, to Dillsboro, North Carolina. DSEIS, p. 1-9. Corridor K could also be a logical part of the proposed Interstate 3 stretching from Savannah, Georgia, to Knoxville, Tennessee.

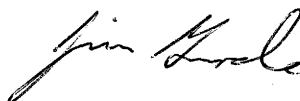
Thus, NCDOT should consider the impacts of these entire corridors, and the impacts of the construction of Segments B and C on the entire corridors. At the very least, NCDOT should consider Segments B and C in conjunction with the other "unfinished" segment of the corridor, Segment A from Robbinsville to Andrews. Not to do so leaves Segments B and C, on the one hand, and the segment west of Andrews, on the other, "stand[ing] like gun barrels pointing into the heartland" of Segment A. *Maryland Conservation Council v. Gilchrist*, 808 F.2d 1039, 1042 (4th Cir. 1986), quoting *San Antonio Conservation Soc'y v. Texas Hwy. Dep't*, 400 U.S. 968 (1970) (Black, J., dissenting from denial of *certiorari*).

Conclusion

In closing, for all the economic, environmental, and safety reasons described above, we urge NCDOT to consider and adopt an alternative for Corridor K that calls for targeted, well-designed improvements to the existing two lane road network in Graham County. Such a system of improvements could include passing lanes, additional lanes and other measures at intersections, better engineering of curves, and better shoulders, among other features. This system would serve the citizens of Graham County, the taxpayers of North Carolina, and the motoring public better than the poorly-thought-out, antiquated four-lane highway that is currently NCDOT's only option. We have attached for your consideration WaysSouth petitions bearing signatures of others who agree with these positions.

Thank you for the opportunity to comment on the Corridor K proposal. If you have any questions regarding these comments, please do not hesitate to contact me.

Sincerely,



WaysSouth
by Jim Grode, Board Member
Asheville, North Carolina