

TDOT's Decision to Undertake an EIS

Sept 28, 2004

You may have seen the story in the Maryville Daily Times on September 28, 2004 reporting on TDOT's announcement of the decision to undertake an Environmental Impact Statement on the proposed Pellissippi Parkway Extension.

What does this mean?

Our interpretation is that TDOT and the Federal Highway Administration have conceded that CAPPE was right all along: federal regulation requires an EIS for any new, four-lane, limited access highway in a new location, and so an EIS is required for the Pellissippi Parkway.

What will happen now?

FHWA and TDOT will begin the process of research and analysis that an EIS requires. Both the draft EIS and the final EIS are full disclosure documents providing a full description of the proposed project, the existing environment, and analysis of the anticipated beneficial or adverse environmental effects. In the draft EIS stage, all reasonable alternatives-including "no action" or "no build"--must be discussed at a comparable level of detail.

The draft EIS and final EIS contain much more comprehensive and detailed analysis than that done for an EA. Purpose, need, and all areas of potential impacts--traffic, environmental (including air, water, and noise pollution), economic, land use, historical, archeological and social--must be addressed through in-depth study. The impact, or lack of impact, must be substantiated by data. The EIS must also address mitigation of all potential impacts. The EIS also addresses secondary and cumulative impacts. Secondary impacts are those effects that are expected to be "caused" by the proposed action but are later in time and removed in distance, but are still reasonably foreseeable. Cumulative impacts are those which result from the incremental consequences of an action when added to other past and reasonably foreseeable actions--such as the new Alcoa Parkway and the proposed Southern Loop.

The public will have opportunities to review and comment on the draft EIS. TDOT and the FHWA must consider and prepare responses to all substantive comments received on the draft EIS, including comments from the public (hearings or individuals).

What happens to the injunction?

The Sixth Circuit Court ordered Judge Todd Campbell to modify the original injunction to allow FHWA and TDOT to prepare new NEPA documents. All other aspects of the injunction remain in place, which means TDOT cannot acquire Right of Way or do any other work on the PPE until the final EIS is approved.

What does the future hold?

TDOT has said the EIS process may take from 18 to 36 months. CAPPE maintains that objective data documenting the purpose and need for the PPE have never been provided. We have asked TDOT to use the EIS process of study and analysis and the data it

generates to inform a decision whether to proceed, rather than use the EIS to confirm a premature decision on a project for which need has not yet been established.