

The Arizona Department of Transportation (ADOT) justifies the purpose and need for the construction of the South Mountain Freeway in Chapter 1 of the DEIS. Most of the conclusions rely on socioeconomic projections for the year 2035 conducted by the Maricopa Association of Governments (MAG) and the Arizona Department of Economic Security (DES). The population growth projections were off by 75-80%, except in central Phoenix. Drivers from central Phoenix would be very unlikely to use this freeway.

The projections relied on in the DEIS to justify the purpose and need for the Loop 202/South Mountain Freeway (“Freeway”) are **fatally flawed**. If appropriate data and inputs are used, it becomes evident that **there is no purpose or need for the freeway** based on socioeconomic factors. In addition, **purpose or need based on regional transportation demand that relies on the same flawed socioeconomic projections renders those conclusions equally suspect**. Using accurate data to evaluate purpose and need based on socioeconomic factors **supports the no build option**. MAG’s modeling, which is relied upon in the DEIS to establish the purpose and need for the Freeway expansion, fails to accurately identify short-range growth and uses outdated (2005 census) data to estimate long-range growth. It reports its projections in a manner that indicates that they are certain to happen, which is not supported by the data and modeling techniques used. Estimates of vehicle miles travelled, which are built into the models, are also based on faulty assumptions about future driving habits. Standard practice in preparing NEPA documents, per CEQ regulations at 40 CFR 1502.24 (“Methodology and Scientific Accuracy”), is to use, and to present to the public, the “best available” scientific and technical information.

[40 CFR 1502.24 - Methodology and scientific accuracy.

§ 1502.24

Methodology and scientific accuracy.

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.]

A very close review of the DEIS indicated that much of what is stated is not substantiated anywhere in it. Completing the regional transportation plan by completing a loop system is not considered a valid reason for building a freeway, despite DEIS assertions.

Almost everything else in the DEIS is based on reports that were completed in 2005 and never updated. Again, the standard practice in preparing NEPA documents, per CEQ regulations at 40 CFR 1502.24 (“Methodology and Scientific Accuracy”), is to use, and to present to the public, the “best available” scientific and technical information.

This may explain why the Technical Reports for the DEIS were not actually available to the public, despite that assertion in the DEIS. It took the threat of federal litigation over access to get ADOT to finally produce them, a process that took three weeks. These were

not available at the public repositories (libraries), nor were the Appendices. This violates NEPA, also, which requires a full and open process.

Freeways cause property devaluation due to noise and pollution, which are misrepresented.

Traffic congestion at the 59th Ave/I-10 interchange will make a new "Broadway Curve" traffic congestion disaster, not alleviate traffic congestion.

The DEIS never mentions hazardous materials transportation on the freeway, even though it was always intended as a truck bypass, with a minimum of two trucks per minute traveling on it. Due to the street layout of Ahwatukee Foothills, characterized as the world's largest cul-de-sac, it would be nearly impossible to evacuate the 78,000 residents, if needed. Studies showing the chemicals being transported on the freeway include chlorine gas. An incident involving a large release from a tanker truck of chlorine would kill many people within 5-10 minutes. As the new freeway would bring that impact, which does not exist now, NEPA law requires mitigation for that. This would mean siren systems, telephone call systems, many shelters in the parks, training for the community. Buildings within a mile of the freeway alignment, and perhaps up to two miles of the freeway alignment, would all need a self-contained breathing apparatus (SCBA) for each person. The risk from chlorine gas is real; this is the only way to mitigate this. Even gasoline tankers can require evacuations within three miles. ADOT hired HDR, the contractor for the freeway DEIS, to specifically examine all the literature about hazardous materials transportation in Arizona, so the agency must know this information, but again, the DEIS never mentions hazardous materials transportation on the freeway.

The Hazardous Materials section of the DEIS is limited to an absurd discussion of contaminated soils that might be encountered during construction, but fails to mention the state superfund site that the freeway would cross near the I-10 interchange, and the economic impacts of the public assuming the clean up liability when that land is condemned by ADOT for the freeway.

There is a discussion of Mobile Sources of Air Toxics (MSAT), which are certain carcinogenic gases in vehicle exhaust with an established threshold for "acceptable" cancer risk. The DEIS downplays these, and intimates a level of uncertainty that comes from some of the modeling for these. But there is a well financed study (the JATAP, Joint Air Toxics Assessment Program) concluded by ADEQ, EPA, and others in 2006 that found two sites adjacent to the freeway route that are already showing levels of MSATs several times higher than the risk standard. In fact, the Phoenix metro area has some of the worst air toxics levels in the entire country, worse than 75% of the rest of the country. Adding a freeway will only add to the problem, but NEPA requires mitigation for that. This alone could lead to a No Build conclusion. EPA will be filing comments about the JATAP, among other comments.

The modeling of air pollution impacts in the DEIS do not include the additional air pollution from truck traffic, and also from truck traffic originating in Mexico that would be using high sulfur diesel fuel that has been banned in the US. The DEIS briefly mentions the issue, but it claims it has no way to know what impact the change in the bypass route would be. That is patently absurd and unacceptable. The number of trucks coming over the border from Mexico is on record, and even if these trucks have hazardous materials in their cargoes is on record. HDR and ADOT simply have to get the data and analyze it.

There are real process issues, also. The NEPA scoping was conducted in 2001, but the DEIS came out 12 years later. There should have been another avenue for scoping, or it should have been re-opened. There was an advisory committee (SMCAT) hand picked by ADOT, but its recommendations were ignored, and when the general public tried to make suggestions or ask questions at SMCAT meetings, this was thwarted or their questions ignored.

ADOT has already spent \$87 million acquiring properties along the freeway route, and \$43 million was along the 59th Avenue alignment, despite pretending that there are three alternatives in the western sector of the proposed freeway. The latter expenditure explains why the SMCAT recommendation to align the freeway with the 101 was summarily dismissed by ADOT.

ADOT ignored an early offer by the GRIC for a route that would prevent South Mountain from being blasted and changed.

The Study Area in the DEIS deliberately and inappropriately excluded the current truck bypass from I-10 south of Casa Grande on I-8 to SR 85 near Gila Bend to I-10 West.

The DEIS is rife with assertions that the freeway route had been decided in an election in the 1980s, but that is a violation of NEPA and its purposes/processes. You don't make all the decisions about a freeway, then do a NEPA process to rubber stamp it.

The first step in the NEPA process is the scoping, in which all interested parties can suggest what should be examined. ADOT conducted the scoping in 2001, and should have done something more recent. Also, ADOT appointed an advisory team to secure more recent comments and suggestions, but refused to allow the general public to participate equally. ADOT still rejected the advisory team's suggestions to make the western alignment at the 101. Probably the \$43 million spent along the 59th Avenue alignment had something to do with that.