



February 1, 2010

By First Class Mail and Email

Kevin Skeels
Delaware River Joint Toll Bridge Commission
110 Wood & Grove Streets
Morrisville, PA 19067
scudderfallsbridgeEAcomments@hntb.com

Dear Mr. Skeels,

On behalf of the Bicycle Coalition of Greater Philadelphia (BCGP), we are writing to the Delaware River Joint Toll Bridge Commission (Commission) to provide comments on the Environmental Assessment/Draft Section 4(f) Evaluation Document (hereinafter, EA) for the I-95 Scudder Falls Bridge Improvement Project (Project).

BCGP is a regional non-profit education and advocacy organization with 1600 members throughout Southeastern Pennsylvania and New Jersey that promotes bicycling as a healthy, low-cost and environmentally friendly form of transportation and recreation. BCGP was identified in the EA as a project stakeholder and has been an active member of the Transportation Group that was created in connection with the Project.

1. The Project should include a pedestrian/bicycle facility.

A safe walking and bicycling environment is an essential part of improving public transportation and creating more livable and active transportation communities.

BCGP urges the Commission to make this Project's final design serve all users: motorists, bicyclists, and both able-bodied and disabled pedestrians who need access on the bridge for commuting, transportation and recreation. BCGP believes that the Commission should include a pedestrian/bicycle facility in the final design because: a) several federal and state laws and policies require the inclusion of such facilities as long as their cost is not unreasonable; b & c) including a pedestrian/bicycle facility is consistent with state Complete Streets policies and regional master plans, and d) this type of facility enjoys widespread public support.

Given that this new bridge has at least a 50 year lifespan, the Commission has only one opportunity to include a pedestrian/bicycle facility. We urge the Commission to take the historic opportunity afforded by this re-design to make the bridge accessible to all users.

a. Federal law mandates the inclusion of a pedestrian/bicycle facility.

Federal law pertaining to bicycle transportation and pedestrian walkways provides that:

In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway on which bicycles are permitted to operate at each end of such bridge, and the Secretary determines that the safe accommodation of bicycles can be provided at reasonable cost as part of such replacement or rehabilitation, then such bridge shall be so replaced or rehabilitated as to provide such safe accommodations.¹

The EA does not suggest that a pedestrian/bicycle facility would not be safe, so BCGP assumes that the indecision about whether to include such a facility in the final design is related to whether its cost is reasonable. On that score, other related regulations and guidance suggest that the cost of accommodation is reasonable when it is 20 percent or less than the total cost of the project. For example,

- **FHWA Bicycle and Pedestrian Policy Statement**² – The Federal Highway Administration has a policy that bicycle/pedestrian facilities should be established in new construction projects unless one or more conditions are met. “Bicycle and pedestrian ways shall be established in new construction and reconstruction projects in all urbanized areas unless one or more of three conditions are met: (1) bicyclist and pedestrians are prohibited by law from using the roadway; (2) the cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. Excessively disproportionate is defined as exceeding twenty percent of the cost of the larger transportation project; (3) where sparsity of population or other factors indicate an absence of need.....” We don’t believe the Project has any of these three conditions.
- **ADA Path of Travel**³- The Americans for Disability Act Design Standards requires that when alterations are made to facilities, that they provide access to the disabled. It also states that alternations with costs 20% of the project or less should be considered reasonable. “Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area. (28 CFR 36.405)”
- **New Jersey’s Complete Streets Policy**⁴: This policy states that accommodations to a project would only be considered excessively disproportionate if they cost more than 20% of the project.

The EA estimates that the cost of the pedestrian/bicycle facility is \$18 million, 6 percent of the \$300 million the EA estimates to be the total cost of the Project. Because the projected cost of the pedestrian/bicycle facility is well below 20 percent of the total cost of the Project, the final design should include the pedestrian/bicycle facility.

¹ 23 United States Code § 217(e) <http://www.fhwa.dot.gov/environment/bikeped/sec217.htm>

² Design Guidance - Accommodating Bicycle and Pedestrian Travel: A Recommended Approach - A US DOT Policy Statement Integrating Bicycling and Walking into Transportation Infrastructure. <http://www.fhwa.dot.gov/environment/bikeped/design.htm>

³ ADA Standards for Accessible Design -- Department of Justice ADA Title III Regulation 28 CFR Part 36 <http://www.ada.gov/reg3a.html>

⁴ New Jersey Department of Transportation Policy 703 <http://www.440study.com/PDF%20Documents/Complete%20Streets%20Adopted.pdf>

b. Inclusion of a pedestrian/bicycle facility would be more consistent with relevant state policies.

Applicable state policies espouse the concept of Complete Streets⁵, which are streets designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. New Jersey and Pennsylvania both have policies that embrace this concept, as follows:

New Jersey's Complete Streets Policy⁶, which can be found at the Route 440 Study website, provides that “[T]he New Jersey Department of Transportation shall implement a Complete Streets policy through the planning, design, construction, maintenance and operation of new and retrofit transportation facilities, enabling safe access and mobility of pedestrians, bicyclists, transit users of all ages and abilities. This includes all projects funded through the Department’s Capital Program. The Department strongly encourages the adoption of similar policies by regional and local jurisdictions who apply for funding through Local Aid programs.”

Pennsylvania’s complete streets policy, which is contained in a PennDOT memo dated April 2007 and referred to as “The Strike-Off letter⁷,” requires that that all new projects be evaluated to determine how bicyclists and pedestrians are accommodated, and that a Bicycle/Pedestrian Checklist⁸ be used as one means of doing the evaluation. The Strike-Off letter states explicitly that “efforts should be made to evaluate and accommodate all existing projects, including existing projects that have not received environmental clearance in the design process, and projects that were placed on the [Transportation Improvement Program] prior to the effective date.”

For consistency with these state level Complete Streets policies, the Project should include a pedestrian/bicycle facility.

c. Inclusion of a pedestrian/bicycle facility would be more consistent with regional plans.

Bicycle and pedestrian access to bridges are encouraged in all regional transportation plans including the Delaware Valley Regional Planning Commission’s (DVRPC) Long Range Plan as well as the respective New Jersey and Pennsylvania Bicycle and Pedestrian Plans.

DVRPC’s Regional Plan for a Sustainable Future Connections 2035⁹ cites as important benefits of “establishing a modern, multi-modal transportation system” the following:

- Allows for greater mobility of people, products, and services.
- Saves drivers in vehicle maintenance costs.
- Provides safer conditions for all modes.
- Reduces automobile congestion, dependence, and associated pollution.

One of the goals of the 2007 PennDOT Bicycle and Pedestrian Plan¹⁰ is to double the number of bicycle and pedestrian trips by 2015.

⁵ National Complete Streets Coalition <http://completestreets.org>

⁶ New Jersey Department of Transportation Policy 703

⁷ PennDOT Memo Dated April 4, 2007 from M.G. Patel, P.E., Chief Engineers to District Executives on Integration of Pedestrian and Bicycle Modes of Transportation into Planning and Design Processes (hardcopy format only)

⁸ PennDOT Form D-310 (4-06) <ftp://ftp.dot.state.pa.us/public/PubsForms/Forms/D-310.pdf>

⁹ Connections 2035 <http://www.dvrpc.org/connections/>

The 2004 New Jersey Statewide Bicycle/Pedestrian Master Plan Phase 2¹¹ envisions New Jersey as a state “where people choose to walk or bicycle; residents and visitors are able to conveniently walk and bicycle with confidence and a sense of security in every community; [and] both activities are a routine part of the transportation and recreation systems and support active, healthy life styles.”

BCGP urges that the final design of the Project include a pedestrian/bicycle facility that meets the vision, goals, and objectives of these three state-level and regional plans.

d. The pedestrian/bicycle facility enjoys widespread public support.

The public overwhelmingly supports the inclusion of a pedestrian/bicycle facility. By way of example:

- Ewing Township, New Jersey¹², and Lower Makefield Township, Pennsylvania¹³, have passed resolutions supporting inclusion of a pedestrian/bicycle facility;
- Congressman Patrick Murphy supports the inclusion of a pedestrian/bicycle facility;
- 1503 individuals have signed a public online petition¹⁴ for the inclusion of a pedestrian/bicycle facility.
- 114 letters have been sent (thus far) to the Commission as part of this EA public comment period asking for inclusion of the pedestrian/bicycle facility in the final bridge design.

2. The EA should enumerate, qualify and quantify the beneficial impacts of a pedestrian/bicycle facility.

Council on Environmental Quality (CEQ) regulations state that an environmental assessment “[s]hall include brief discussions . . . of the environmental impacts of the proposed action and alternatives . . .” 40 C.F.R. § 1508.9(b) (emphasis added). Those same regulations define the term “impacts” to include “those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.” 40 C.F.R. § 1508.8 (defining both “effects” and “impacts,” which the regulations use interchangeably) (emphasis added).

Further, Federal Highway Administration, Department of Transportation (FHWA) regulations require the preparation of an Environmental Impact Statement (EIS) if an action is likely to have a significant impact on the environment. See, e.g., 23 C.F.R. § 771.119(i). In making that determination, CEQ regulations call for consideration of “[i]mpacts that may be both beneficial and adverse” and advises that “a significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.” 40 C.F.R. § 1508.27(b)(1) (emphasis added). If it does not consider beneficial impacts, an agency has no way of knowing whether all of the impacts (both beneficial and adverse) constitute a “significant effect” giving rise to the need to prepare an EIS.

BCGP does not believe that the EA sufficiently documents the beneficial and positive impacts of including the pedestrian/bicycle facility and urges the Commission to consider, evaluate and document its short and long term environmental and public benefits. Because the Commission has deferred the decision on whether or not to

¹⁰ 2007 PennDOT Bicycle and Pedestrian Plan <ftp://ftp.dot.state.pa.us/public/pdf/BPPlan.pdf>

¹¹ New Jersey Statewide Bicycle/Pedestrian Master Plan Phase 2 <http://www.bikemap.com/RBA/NJBikePed.pdf>

¹² Ewing Township [Resolution #076-161](http://www.scribd.com/doc/6973600/Council-Minutes-20071127) <http://www.scribd.com/doc/6973600/Council-Minutes-20071127>

¹³ Lower Makefield Township [Resolution 2159](http://www.lmt.org/bos/2008/BOSFEB20.pdf) <http://www.lmt.org/bos/2008/BOSFEB20.pdf>

¹⁴ http://www.petitiononline.com/mod_perl/signed.cgi?scudrfls

include a pedestrian/bicycle facility in the final design, BCGP believes a thorough evaluation of the positive benefits is imperative.

Positive benefits of a pedestrian/bicycle facility that the Commission should consider, evaluate and document include, without limitation:

- Provide an alternative means of transportation for commuters. Although p. 91 of the EA acknowledges that the bicycle/pedestrian pathway will provide alternative transportation modes, it does not go into much detail or analysis.
- Decrease vehicular traffic and congestion. P. 91 of the EA claims that a bicycle/pedestrian pathway will provide little traffic relief, but provides no evidence. The final EA should quantify mode shift, especially into the future.
- Increase access to car-free households – The proposed bicycle/pedestrian pathway will be an important bike/pedestrian access point within a 12 mile distance of the river.
- Improve air quality through reduced vehicle miles traveled
- Shift trips to lower-carbon modes by fostering more bicycling and walking in the Bucks County/Mercer County area. According to the 2008 U.S. Census Bureau’s American Community Survey, both Mercer and Bucks counties have bicycle commuting mode shares that are less than 1%. Mercer County’s is 0.93% and Bucks County’s 0.16%. These low mode shares make a case for why the Bridge should have a bike/pedestrian pathway as a means to encourage more bicycle riding and pedestrian activity.
- Health benefits. The National Institute of Medicine recommends fighting childhood obesity by constructing sidewalks, bikeways, and other places for physical activity.
- Favorable impacts on local tourism by connecting the two canals that are destination recreation areas and providing a needed river crossing.
- Existing, potential and latent needs of bicyclists and pedestrians.
- Allow Ewing PA residents to access future Route 1 bus rapid transit at the park and ride without driving.
- Reduced demand for parking spaces at the Park & Ride.
- Improve community livability by reconnecting Ewing Township with Lower Makefield and Yardley Borough, which were severed with the destruction of the Yardley-Wilburtha Bridge in 1961.

3. Funding that the Commission is planning to spend on some components of the Project would be better spent on a pedestrian/bicycle facility.

While BCGP has no reason to dispute that reconstruction of the bridge is necessary to address structure and safety problems, the need for the future bridge to have six travel lanes, three “auxiliary” travel lanes, two inside shoulders for future bus rapid transit (BRT) and two additional side shoulders is highly questionable and one that BCGP does not believe is fully justified. In total, the Commission is proposing to widen the bridge from four (4) lanes to thirteen (13) lanes. BCGP believes this proposed number of travel lanes is excessive.

Nationally, since 2004, vehicle miles traveled (VMT) has leveled off; indeed, VMT declined in 2008¹⁵. There are many indicators that suggest the EA’s 2030 motor vehicle traffic projections may be too robust. Factors that should be taken under consideration include the proposed PA Turnpike/I-95 Interchange, bus rapid transit, tolling, urban revitalization, an increasingly elderly population and uncertain energy prices. The Commission

¹⁵ Brookings Institute. “The Road Less Traveled: An Analysis of Vehicle Miles Traveled Trends in the U.S.”, December 16, 2008 http://www.brookings.edu/reports/2008/1216_transportation_tomer_puentes.aspx

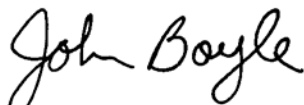
also should anticipate that over the lifespan of this bridge, municipalities, states and the nation will have to reduce greenhouse gas emissions, especially carbon, and must implement measures to reduce those emissions from the transportation sector. This means that transportation facilities will have to be designed to shift travel modes away from inefficient single-person drivers to car pooling, mass transit and bicycling and walking. For all of these reasons, BCGP urges the Commission to re-evaluate these factors thoroughly and consider whether funding that the Commission is planning to spend on some components of the Project would be better spent on a pedestrian/bicycle facility that likely will help to obviate the need for those other components.

4. The EA should describe in greater detail the design and dimension of the pedestrian/bicycle facility.

In the EA's cross section of the bridge (p. 38), there is no lane width designated for the pedestrian/bicycle facility. Elsewhere, on p. 50, the EA states that the facility would be 10-12 feet. The final EA should include the width of the facility in the cross section of the preferred alternative.

BCGP thanks the Commission for its careful consideration of these comments. If the Commission has any questions or wishes to discuss any of these comments further, please contact either of us at 215-242-9253, x2 or x6.

Sincerely yours,



John Boyle, Advocacy Director



Sarah Clark Stuart, Campaign Director

cc: Honorable Patrick Murphy, U.S. Congressman
Honorable Rush Holt, U.S. Congressman
Brian Glass, Staff Attorney, Citizens for Pennsylvania's Future (PennFuture)
Sheree Davis, New Jersey DOT Bicycle and Pedestrian Coordinator
Steve Dunlop, PennDOT District 6 Bicycle and Pedestrian Coordinator