

Read the Central Group’s officially submitted NEPA and TIP comments on the proposed Northwest Loop Road – the “Road to Nowhere”



NEPA Scoping comments

Sierra Club
Rio Grande Chapter
Central Group
P.O. Box 25342
Albuquerque, NM 87125-0342

D. Pennington & Associates
6605 Uptown Blvd., Suite 260
Albuquerque, NM 87110

dave@dpenningtonassociates.com

Re: Northwest Loop Draft Environmental Impact Statement

February 27, 2009

Dear Mr. Pennington:

We appreciate the opportunity to submit the following comments on behalf of the members of the Central Group of the Rio Grande Chapter of the Sierra Club, the nation's oldest and largest environmental advocacy organization. The Central Group covers central New Mexico, with its membership concentrated in the Albuquerque metropolitan area. Since the purpose of the NEPA scoping process is to assist Federal agencies in determining the alternatives, issues and environmental impacts to be analyzed in an Environmental Impact Statement (EIS), we would like to point out several eminently foreseeable direct and indirect effects of the proposed Northwest Loop that must be considered to comply with the law.

The proposed Northwest Loop would be constructed on absolutely vacant and undeveloped land, and would without any doubt induce residential and commercial development on the northwest outskirts of Albuquerque and Rio Rancho. Indeed, the Notice of Intent (NOI) for the first tier EIS noted that the proposed transportation corridor would provide a "beltway for the expanding Albuquerque/Rio Rancho metropolitan area." It is certainly likely that the metropolitan area will continue to experience population and economic growth; however, it is far from inevitable that the growth must be characterized by a rapid geographic expansion of low-density growth into "Greenfield" areas, otherwise known as "sprawl."

Consultants who helped prepare the City of Albuquerque's Planned Growth Strategy examined the costs of different growth patterns and concluded that there was enough room within the region's existing framework to accommodate expected rates of growth for several decades and that low-density sprawl is unsustainable. Similarly, an article reporting on several studies of Albuquerque's growth trajectory, available at <http://www.mrcog-nm.gov/content/view/7/210/>, noted that the metropolitan area ranks at the bottom of the 100 largest metro areas in the country in density—at less than one-fifth the national urban average—and not coincidentally, in the upper two-fifths in vehicle miles traveled per capita. Inducing more diffuse growth at the area's fringes will exacerbate the social, economic and environmental impacts of sprawl, such as higher transportation costs, dependence on private vehicles rather than public transportation, loss of open space, more vehicle emissions, higher per capita water use, and resources diverted from established communities in need to finance outward infrastructure expansion.

All of these impacts must be included in an EIS to comply with NEPA. CEQ regulations require an agency to consider all reasonably foreseeable indirect effects of a project, including "growth inducing effects and other effects related to induced changes in the

pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.” 40 C.F.R. § 1508.8 (2008). As established by the landmark NEPA case *City of Davis v. Coleman*, 521 F.2d 661 (9th Cir. 1975), when a highway project is planned not to meet existing needs but to facilitate access to undeveloped areas—when the growth-inducing effects of a highway project are its “raison d’etre”—then an agency must consider the full range of “growth’s problems”: “increased population, increased traffic, increased pollution, and increased demand for services such as utilities, education, police and fire protection, and recreational facilities.” It would be “bureaucratic doubletalk,” which “stands reality on its head,” to gloss over any of the more unpleasant environmental, social and economic impacts of sprawl by attempting to portray new highway projects as an “accommodation to inevitable development.”

Finally, the Governor’s Climate Change Advisory Group’s Final Report, available at www.nmclimatechange.us/ewebeditpro/items/O117F10150.pdf, includes a menu of Transportation and Land Use Sector policy recommendations, which if implemented would promise to reduce New Mexico’s greenhouse gas emissions profile and save the state upwards of \$1.6 billion by 2020. These include more attention to infill and brownfield development, transit-oriented development, and smart growth planning. As both reducing climate change impacts and eliminating needless costs assume greater prominence in both state and federal policy, any thorough analysis of the Northwest Loop’s impacts should include an in-depth analysis of how inducing still more sprawl development will doubtless be detrimental to the achievement of these goals.

Please add me to your list of interested persons requesting notice of future updates on this project. Thank you.

Sincerely,

Patrick Redmond
Central Group Chair
Sierra Club – Rio Grande Chapter
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505-730-5045

Comments to Metropolitan Planning Organization on Transportation Improvement Program

Sierra Club
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Central Group
P.O. Box 25342

Albuquerque, NM 87125-0342

TIP Coordinator
Mid-Region Metropolitan Planning Organization
809 Copper Avenue NW
Albuquerque, NM 87102

Via Email tipcomments@mrcog-nm.gov

RE: Public Comment on FY 2010-2015 TIP

Dear TIP Coordinator:

We appreciate the opportunity to submit the following comments on the draft FY 2010-2015 Transportation Improvement Program (“TIP”) on behalf of the members of the Central Group of the Rio Grande Chapter of the Sierra Club, the nation’s oldest and largest environmental advocacy organization. The Central Group covers central New Mexico, with its membership concentrated in the Albuquerque metropolitan area.

Our organization and members are primarily concerned with the proposed allocation of federal and state transportation dollars to the “Northwest Loop Road” connecting U.S. Highway 550 to Interstate 40 near the Rio Puerco crossing, a project that is listed as “private” in the 2030 Metropolitan Transportation Plan. Its sudden emergence as an apparently publicly subsidized “priority” flouts the notions of government accountability and transparency being so prominently advanced by the Obama Administration. According to the Federal Highway Administration’s own “Briefing Book” on *The Transportation Planning Process* (at pp. 39-40):

The MPO is responsible for actively involving all affected parties in an open, cooperative, and collaborative process that provides meaningful opportunities to influence transportation decisions. Transportation has a profound influence on the lives of people. Decision-makers must consider fully the social, economic, and environmental consequences of their actions, and assure the public that transportation programs support adopted land use plans and community values.

These are fine words, but any steps forward with the Northwest Loop Road would represent a betrayal of their values.

Procedurally, the draft FY 2010-2015 TIP indicates approximately \$1 million has been allocated to the NW Loop Road Environmental Review for FY 2009, as an amendment to the FY 2008-2013 TIP [\$202,180 from Severance Tax (p.12); \$335,700 from the State General Fund (p.12); \$454,818 from a Congressional earmark (p.6)]. How can the public stay informed about proposed TIP amendments and be afforded “meaningful

opportunities to influence transportation decisions” if these decisions are enacted before public review can even occur?

More substantively, the Albuquerque/Bernalillo County Comprehensive Plan includes as one of its Goals “to expand and strengthen concentrations of *moderate and high-density* mixed land use and social/economic activities which *reduce urban sprawl, auto travel needs, and service costs*” (emphases added). The Northwest Loop Road is precisely the sort of project—a classic “sprawl-inducer”—that can defeat such responsible transportation and land use planning for a generation; it would be constructed on absolutely vacant and undeveloped land, and would without any doubt induce low-density residential and commercial development on the northwest outskirts of Albuquerque and Rio Rancho, to the benefit of a few developers and landowners but to the immediate and long-term detriment of the entire region and its stated land use and planning priorities.

Indeed, as the Central Group of the Sierra Club has already commented to the Northwest Loop Road’s project manager, the Notice of Intent (NOI) for the first tier EIS noted that the proposed transportation corridor would provide a “beltway for the expanding Albuquerque/Rio Rancho metropolitan area.” It is certainly likely that the metropolitan area will continue to experience population and economic growth; however, it is far from inevitable that the growth must be characterized by a rapid geographic expansion of low-density growth into “Greenfield” areas, otherwise known as “sprawl.”

Consultants who helped prepare the City of Albuquerque’s Planned Growth Strategy examined the costs of different growth patterns and concluded that there was enough room within the region’s existing framework to accommodate expected rates of growth for several decades and that low-density sprawl is unsustainable. Similarly, an article reporting on several studies of Albuquerque’s growth trajectory, available at <http://www.mrcog-nm.gov/content/view/7/210/>, noted that the metropolitan area ranks at the bottom of the 100 largest metro areas in the country in density—at less than one-fifth the national urban average—and not coincidentally, in the upper two-fifths in vehicle miles traveled per capita. Inducing more diffuse growth at the area’s fringes will exacerbate the social, economic and environmental impacts of sprawl, such as higher transportation costs, dependence on private vehicles rather public transportation, loss of open space, more vehicle emissions, higher per capita water use, and resources diverted from established communities in need to finance outward infrastructure expansion.

Finally, the Governor’s Climate Change Advisory Group’s Final Report, available at www.nmclimatechange.us/ewebeditpro/items/O117F10150.pdf, includes a menu of Transportation and Land Use Sector policy recommendations, which if implemented would promise to reduce New Mexico’s greenhouse gas emissions profile and save the state upwards of \$1.6 billion by 2020. These include more attention to infill and brownfield development, transit-oriented development, and smart growth planning. As both reducing climate change impacts and eliminating needless costs assume greater prominence in both state and federal policy, any thorough consideration of the Northwest

Loop Road should include an in-depth analysis of how inducing still more sprawl development will doubtless be detrimental to the achievement of these goals.

If the Mid-Region Council of Governments and the Metropolitan Transportation Board are truly committed to providing an “open, cooperative, and collaborative process that provides meaningful opportunities to influence transportation decisions,” it will undertake a candid and transparent study of the Northwest Loop Road’s “social, economic, and environmental consequences” before undertaking or authorizing any further action in this direction. This should be akin to a NEPA review, though perhaps with a more locally democratic attention to the region’s land use priorities. When a highway project is planned not to meet existing needs but to facilitate access to undeveloped areas, and when the growth-inducing effects of a highway project are its “raison d’etre,” federal law—not to mention common sense and responsibility to the public—dictates that a public entity must consider the full range of “growth’s problems”: “increased population, increased traffic, increased pollution, and increased demand for services such as utilities, education, police and fire protection, and recreational facilities” (*City of Davis v. Coleman*, 521 F.2d 661 (9th Cir. 1975)). So much the more should this be the MRCOG and MTB’s preference, in view of the apparent direct conflict between the Northwest Loop Road’s unavoidable impacts and the City and County’s plainly stated planning goals.

Please add me to your list of interested persons requesting notice of future updates on this project. Thank you.

Sincerely,

Patrick Redmond
Central Group Chair
Sierra Club – Rio Grande Chapter
PRedmond121@gmail.com
505-730-5045

Metropolitan Planning Organization Response

Mr. Redmond:

Thank you for your comments regarding the TIP and the Northwest Loop. I wanted to clarify a couple of things for your information.

The Northwest Loop is a project proposed by Sandoval County that extends from I-40 to US 550, passing through Bernalillo County, unincorporated Sandoval County, and the City of Rio Rancho. There is a substantial portion (a little more than half) that is not inside the Albuquerque Metropolitan Planning Area (AMPA) and is not included in the 2030 Metropolitan Transportation Plan (2030 MTP). The portion that is inside the AMPA was included in the 2030 MTP as a privately funded facility. Since the time of adoption of the 2030 MTP, Sandoval County successfully obtained a federal earmark for about \$955,000. The earmark came from the federal 2008 appropriations and, in addition to some 2007 and 2008 state severance tax and general fund monies, the project has almost \$2.2 million in public funding. As a result of these funds becoming available, we amended the 2008-2013 Transportation Improvement Program (TIP) last fall to include a little over \$1.042 million in program year 2009 so that Sandoval County could conduct the environmental documentation and preliminary engineering phases for the project. So to be clear, the Northwest Loop project is in the current 2008-2013 TIP for preliminary engineering and environmental documentation. But the project is not going to be included in the 2010-2015 TIP because the funds were programmed in FY 2009 and have been obligated by Sandoval County. If at some future point funding is identified to conduct final design, right-of-way acquisition or construct any part of the roadway inside the AMPA, we will have to include it in the TIP.

Regarding public involvement, the TIP is a program of projects to be funded and is extracted from the 2030 Metropolitan Transportation Plan (MTP). All TIP projects must be consistent with the MTP. The MTP had a very extensive public involvement process throughout its development and prior to its adoption; subsequently, all projects in the TIP went through an extensive public involvement process as well. In addition, the TIP has a supplemental public notification process. As you know, the TIP is amended quarterly with changes that are usually routine ones. All proposed TIP amendments are posted on the MRCOG website www.mrcog-nm.gov with an opportunity to comment via email and at the Metropolitan Transportation Board (MTB) meeting. This generally affords a public comment period of at least 14 days. Also, we include in our email distribution, anyone who wishes to be notified about TIP amendments.

Per your request, I have added your email address to my distribution list for TIP information.

Again, thank you for your comments. They have been presented to the members of the Metropolitan Transportation Board.

Sincerely,

Dave

David R. Pennella

Senior Transportation Planner

Mid-Region Metropolitan Planning Organization

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The Transportation Improvement Program (TIP) for the Albuquerque Metropolitan Planning Area is available online at www.mrcog-nm.gov (click on "Transportation" then "Metro Planning" then "Short Range-TIP"). In addition other TIP related documents are also available.

MID-REGION COUNCIL OF GOVERNMENTS

Mid-Region Metropolitan Planning Organization, NM Rail Runner Express, Rio Metro Regional Transit District, Mid-Region Rural Transportation Planning Organization, Workforce Connection of Central New Mexico, Economic Development & Agribusiness, NM Region III Housing Authority