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John Hosek
Northeast Areawide Coordinating Agency
1299 Superior Avenue
Cleveland, Ohio 44114

December 9, 2009

Dear Mr. Hosek:

Like millions of Americans, I enjoy cycling as healthy recreation and transportation. As a League Certified Instructor and member in the League of American Bicyclists, I have worked to help people ride more often and more safely. The development of a bike and pedestrian lane for the bridge is a cost-effective investment for NE Ohio, representing only a small portion of the expense committed to the Interstate 90/71 Bridge. A bike/walk lane should be incorporated into the plan to take a small step towards greater equity in funding cycling and pedestrian infrastructure projects, address health and environmental goals and provide the public with transportation options to address 21st century needs. I encourage NOACA to utilize ODOT's "design/build" process to continue to review the project and require ODOT to develop cycling and pedestrian lane options for the bridge. A coalition of organizations has developed several design options and ODOT should embrace public involvement and ideas.

During the development of the bridge project, ODOT has raised several elements in its rationale to exclude cyclists and pedestrians, including cost, demand and engineering. Despite its obligations under federal transportation and environmental law, ODOT released few details to support its rationale.

Cost Evaluation

By any standard and calculation, bicycle and pedestrian accommodation on the Interstate Highway Bridge will stand up to rigorous analysis. During development of bridge options, ODOT posted acceptable cost ranges for all bridge options, yet successful cyclist and pedestrian accommodation has already been acknowledged to be well below these acceptable cost ranges. ***ODOT's own data shows bike/walk accommodation is, literally, less than the margin of error for the full bridge project.***

Further, in 2008, the US Federal Highway Administration issued Design Guidance Accommodation Bicycle and Pedestrian Travel and a US DOT Policy Statement that "Bicycle and pedestrian ways shall be established in new construction and reconstruction" and that where bicyclists and pedestrians are prohibited from the roadway "a greater effort may be necessary to accommodate bicyclists and pedestrians elsewhere within the right of way or within the same transportation corridor." FHWA elaborated that establishing bikeways or walkways may not be necessary if cost was disproportionate to the need or probable use, with ***excessively disproportionate "defined as exceeding twenty percent of the cost of the larger transportation project."***

This FHWA policy statement ***suggests a cost ceiling for a cyclist/pedestrian lane on the Interstate Bridge of approximately \$90 million, a cost no one anticipates approaching*** in this accommodation opportunity.

Obligation to Review, Study and Prepare Cycling and Pedestrian Options

ODOT, as well as NOACA, are under substantial obligation to analyze cycling and pedestrian accommodation options, yet failed to do so, including:

- In general - Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively.
23 USC § 217
- The purposes of this subpart are to implement the provisions of 23 U.S.C. 134 and 49 U.S.C. 5303, as amended, which: (a) Sets forth the national policy that the MPO designated for each urbanized area is to carry out a continuing, cooperative, and comprehensive multimodal transportation planning process, including the development of a metropolitan transportation plan and a transportation improvement program (TIP), that encourages and promotes the safe and efficient development, management, and operation of surface transportation systems to serve the mobility needs of people and freight (including accessible pedestrian walkways and bicycle transportation facilities) and foster economic growth and development, while minimizing transportation-related fuel consumption and air pollution.
23 CFR 450.300
- The safe accommodation of pedestrians and bicyclists should be given full consideration during the development of Federal-aid highway projects, and during the construction of such projects.
23 CFR 652.5
- The responsible agency is required to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. ***A rigorous exploration and an objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, are essential. Sufficient analysis of such alternatives and their environmental benefits, costs, and risks should accompany the proposed action through the review process in order not to foreclose prematurely options which might enhance environmental quality or have less detrimental effects.***
§102(2)(D) , National Environmental Policy Act

Despite these obligations, ODOT refused to explain its decisions to reject cycling and pedestrian accommodation. NOACA should exercise an oversight opportunity and its role in channeling federal infrastructure spending locally to require ODOT to develop and share bicycle and pedestrian options with the public.

ODOT has created a plan deleterious to the health and safety of Northeast Ohio cyclists, pedestrians and other Cleveland residents, without discharging its obligations under federal transportation and

environmental laws. The ODOT plan places the safety and health of Ohioans at risk, compounds costs, creates additional impediments and forfeits time in which to craft a successful plan which complies with ODOT's obligations under the law.

Investing in active transportation is a fiscally responsible step to help neighborhoods thrive, fully consistent with the needs of Northeast Ohio and the federal highway goals. Cyclists and pedestrians are taxpayers too.

Sincerely,

Kevin Cronin