

TTCC Written Submission — US-42 / Story—Mellwood Two-Way Projects (Projects 05-9049, 05-9050, 05-9055)

Submitted by:

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Respectfully submitted for inclusion in the public record

Thank you for the opportunity to submit comments regarding the current US-42 two-way conversion projects along Story Avenue, Mellwood Avenue, and the associated segments of Main Street. I am writing to note several technical concerns with the currently proposed Area of Potential Effect (APE) and the segmentation approach being used during Section 106 review.

My intent is not to oppose the project, but to ensure the federal review process is based on a complete and accurate understanding of where effects originate and how they propagate through the local network.

1. The relevant geometric discontinuity lies inside the active project footprint

The central issue is simple and factual.

Between **Spring Street** and **Frankfort Avenue**, the corridor contains **two opposite one-way restrictions**:

1. **Mellwood Avenue is one-way northbound**, preventing southbound movement from Frankfort back toward Spring.
2. **Story Avenue is one-way southbound**, preventing northbound movement from Spring back toward Frankfort.

This creates a **bidirectional discontinuity** at the same location.

These restrictions are not hypothetical—they are mapped, signed, and physically present **inside the currently funded blue/green project footprint** shown on KYTC's materials.

Because of this discontinuity, through-traffic attempting to continue north–south through the corridor cannot do so and is displaced onto adjacent neighborhood streets, primarily within the Clifton Historic District (National Register-listed). This displacement is a **direct, reasonably foreseeable result of the roadway geometry inside the active project limits**, not an incidental neighborhood preference or voluntary cut-through behavior.

2. The proposed APE does not include the area where the effect is experienced

The Cultural Historic APE shown in KYTC's documentation is drawn tightly around the Story–Mellwood construction frontage. It excludes the Clifton Historic District entirely, despite the following:

- The **source** of the diversion (the one-way breaks) is inside the project footprint.
- The **effect** (traffic displacement, noise, vibration, and setting changes) is experienced in a National Register district directly downstream.
- The **routing behavior** has been observed consistently for years and is not speculative.

Under 36 CFR 800.4(a)(1) and 800.5(a)(1), the APE must include **all areas where the undertaking may cause direct or indirect effects**, including those that occur:

- later in time,
- removed in distance, or
- indirectly caused by the undertaking.

Because the diversion originates inside the project footprint, Clifton must fall inside the APE.

3. Kentucky's own Section 106 Guidelines reinforce this requirement

The Kentucky Section 106 Handbook states explicitly that **even “small” or “minor operations” projects** must evaluate all **indirect, cumulative, and reasonably foreseeable effects**, including changes in:

- traffic circulation,
- noise,
- setting,
- vibration,
- and character.

The Handbook does **not** allow agencies to restrict the APE to the construction footprint simply because a project is resurfacing, restriping, or operational in scope. The APE is defined by **effects**, not by **contract boundaries**.

The reliance on the project’s “small project” designation to justify a narrow APE is therefore inconsistent with Kentucky’s own procedural guidance.

4. Project segmentation cannot limit federal review obligations

KYTC may argue that the Frankfort–Spring connector (“purple segments”) belongs to a future phase and therefore lies outside the APE for this project. Segmentation, however, does not limit federal responsibility under NEPA, Section 106, or Section 4(f). The regulatory standard examines:

- **Where the effect originates**,
- **Whether the condition is correctable**, and
- **Whether the undertaking perpetuates an adverse effect on a protected resource**.

Here, the diversion mechanism lies **inside the funded phases**, regardless of whether the corrective segment lies in a different project number. Because the current design retains the one-way discontinuity, the undertaking **continues a harmful, correctable condition**, which is considered an effect of the project under federal regulations.

5. Section 4(f) obligations are automatically triggered once Clifton is within the APE

Under 23 CFR 774:

- The Clifton Historic District is a **Section 4(f) resource**.

- The continued diversion of arterial traffic through the district constitutes a **constructive use** if it results in substantial impairment of historic setting or character.
- If a feasible and prudent avoidance alternative exists, it must be evaluated.

The **one-block Frankfort–Spring reconnection** (or interim channelized alternative) is the only alternative that removes the diversion mechanism. Therefore, it qualifies as the required **avoidance alternative**.

Section 4(f) does not allow FHWA to dismiss avoidance simply because the corrective work lies in a later phase or requires coordination.

6. Requested consideration by TTCC

TTCC is not responsible for conducting Section 106 or 4(f) reviews.

However, the MPO and its technical committees play an essential role in:

- ensuring project documentation reflects **actual network behavior**,
- identifying segmentation issues that affect regional planning,
- and ensuring that federal reviews proceed with a **complete and accurate planning context**.

Given the clear relationship between the discontinuity inside the active project area and the downstream impacts to a National Register district, I respectfully ask that TTCC:

1. **Acknowledge that the proposed APE does not capture the full area of effect**, consistent with federal and state guidelines; and
2. **Recommend that KYTC re-evaluate the APE** to include the Clifton Historic District so that SHPO may assess any indirect effects appropriately.

This does not presuppose any outcome of the review. It simply ensures the process is aligned with existing federal and Kentucky standards.

Thank you for your time and consideration.

U.S. 42 (Mellwood Avenue and Story Avenue) Traffic Reconfigurations



CULTURAL HISTORIC SURVEY FOR THE PROPOSED US 42 (MELLWOOD AVENUE AND STORY AVENUE) TRAFFIC RECONFIGURATIONS PROJECT IN LOUISVILLE, JEFFERSON COUNTY, KENTUCKY (ITEM NUMBERS 5-9049, 5-9050, AND 5-9055)

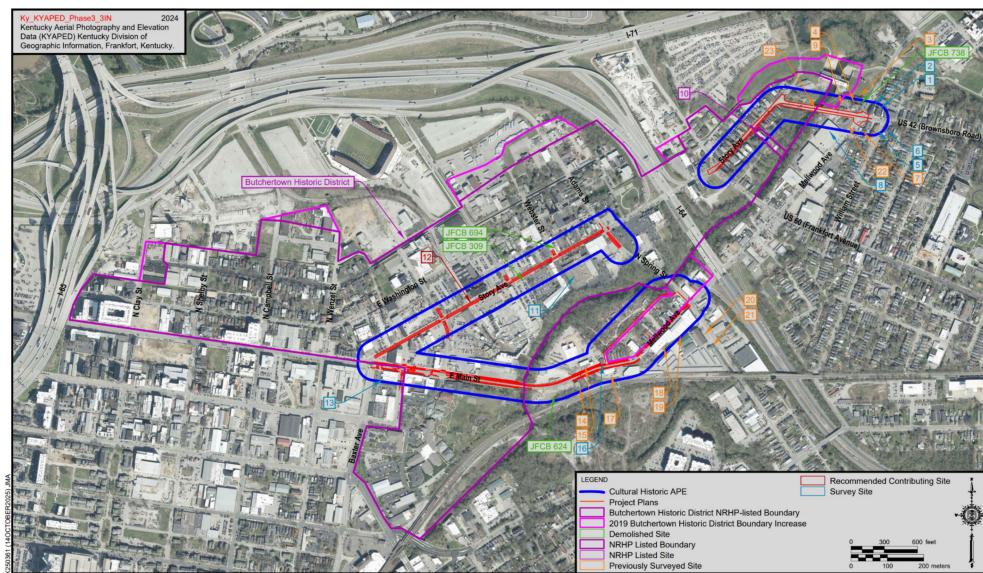


Figure 3. Aerial photographs depicting the APE, the NRHP-listed Butchertown Historic District, and the locations of Sites 1-23.