Newtown Pike Extension Project
Lexington, Fayette County, Kentucky

KYTC Item 7-593.00
FHWA-KY-EIS-03-01-F

RECORD OF DECISION

Federal Highway Administration

In consultation with:
Kentucky Transportation Cabinet

Cooperating Agencies:
US Department of Housing and Urban Development
Lexington Fayette Urban County Government

October 11, 2007
# Table of Contents

**I. DECISION**

**II. PURPOSE AND NEED**

**III. ALTERNATIVES CONSIDERED**

A. No Build Alternatives

1. No Action Alternative
2. Mass Transit
3. Transportation Systems Management Alternative

B. Build Alternatives

1. Build Alternative 1
2. Build Alternative 2
3. Build Alternative 3

**IV. SELECTED ALTERNATIVE**

A. Environmentally Preferable Alternative
B. Cost

**V. SECTION 4(F)**

A. Southend Park
B. Cincinnati-Southern Railway Freight Depot
C. Coordination
D. Conclusion

**VI. MEASURES TO MINIMIZE HARM**

A. Air Quality
B. Railway Noise
C. Aquatic Resources
D. Residential Relocations/Environmental Justice Mitigation

1. Community Land Trust
2. Southend Park Urban Village Funding Strategies
3. Residential Relocation Plan
   a. Temporary On-Site Housing Process
   b. Relocation and Affordability Plan Process
4. Social Needs Assessment
5. Infrastructure and Public Facilities

E. Commercial/Non-Profit Relocations
F. Historic Structures and Archaeology
G. Pedestrian and Bicycle Environment
H. Railroad Operations
I. Hazardous Materials
J. Construction

**VII. MONITORING OR ENFORCEMENT PROGRAM**

**VIII. SUMMARY OF COMMENTS ON FINAL ENVIRONMENTAL IMPACT STATEMENT / SECTION 4(F) EVALUATION**
IX. RECORD OF DECISION

TABLES
Table 1 – Summary of Selected Alternative Impacts and Mitigation Commitments ............14
Table 2 – Summary of Section 4(f) Impacts........................................................................17

FIGURES
Figure 1 – South Broadway Intersection, Build Alternative 1.................................................10
Figure 2 – South Broadway Intersection, Build Alternatives 2 and 3 ......................................11

EXHIBITS
Exhibit 1 – Selected Alternative ............................................................................................2
Exhibit 2 – Impacts to Section 4(f) Properties......................................................................16
Exhibit 3 – Southend Park Urban Village Conceptual Plan......................................................23

ATTACHMENTS
Attachment 1 – Guiding Principles
Attachment 2 – Section 106 Memorandum Of Agreement And Correspondence
Attachment 3 – US EPA Comment Letter On FEIS
Attachment 4 – Community Land Trust Business Plan
Attachment 5 – Project Finance Plan
Attachment 6 – Community Land Trust By-Laws
Attachment 7 – Correspondence From LFUCG Division Of Community Development
Attachment 8 – Response To FEIS Comments
I. DECISION

The Federal Highway Administration (FHWA), through an extensive public process, in cooperation with the Kentucky Transportation Cabinet (KYTC) and US Department of Housing and Urban Development, and in consultation with Lexington Fayette Urban County Government, the University of Kentucky, and other State and Federal agencies, and in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.) (NEPA), has evaluated the need for improved traffic flow through downtown Lexington and improved access to the University of Kentucky central campus area by way of more efficient vehicular routing.

The proposed Newtown Pike Extension (NPE) will extend existing Newtown Pike from West Main Street to South Broadway and South Limestone. The proposed NPE is a four-lane boulevard with bicycle lanes and sidewalks from West Main Street to Patterson Street, and a four-lane boulevard to South Broadway (US 68). It also contains a two-lane roadway with on-street parking, bicycle lanes, and sidewalks that runs southeast from its intersection at Patterson Street, across South Broadway by way of a new bridge, and along Scott Street, to intersect with South Limestone Street opposite the University of Kentucky’s main entrance gate.

After thoroughly reviewing the information gathered for this project, the Selected Alternative for the proposed Newtown Pike Extension is Build Alternative 1 (Exhibit 1, page below).

The Selected Alternative:
- Maximizes safety compared with Build Alternatives 2 and 3 at its intersection with South Broadway,
- Has the greatest positive effect on congestion because of dual left-turn lanes and better intersection alignment at the South Broadway/Bolivar Street intersection,
- Has similar residential impacts but fewer commercial impacts than the other Build Alternatives, and
- Allows opportunities for economic development at key intersections (especially near South Broadway) that will enhance surrounding neighborhoods.
II. PURPOSE AND NEED

The purpose of the proposed project is to extend and improve Newtown Pike in Lexington, Fayette County, Kentucky in order to (i) improve traffic flow of through traffic and to draw unnecessary traffic out of downtown Lexington and (ii) improve access to the University of Kentucky central campus area via more efficient vehicular routings. The specific elements of the project’s purpose are to:

- Reduce automobile congestion;
- Improve traffic flow by drawing unnecessary traffic out of downtown;
- Provide more efficient vehicle routing to and near the University of Kentucky;
- Improve the pedestrian and bicycle environment;
- Improve safety of vehicle occupants, pedestrians, and bicyclists; and
- Provide an opportunity for redefining and improving the attractiveness of downtown and in surrounding areas, without imposing an undue burden on other areas.

This purpose statement evolved from the project purpose statement developed by the Metropolitan Planning Organization in 1998. In 2002, this purpose was expressed as a set of Guiding Principles and incorporated into a document that was signed in August 2002 by representatives from Lexington Fayette Urban County Government, University of Kentucky, Kentucky Transportation Cabinet, and Federal Highway Administration (Attachment 1).

Because the community of Davistown lies directly in the path of the proposed NPE project, extensive public involvement with local residents and collaboration with local, state and federal agencies and officials have been vital to the project development process. After acknowledging the environmental justice and socioeconomic effects of the roadway project, which were revealed after a Community Impact Assessment was completed, the project’s mitigation footprint was expanded in February 2003 to include the Southend Park Neighborhood. This neighborhood is located within the community of Davistown and is bounded by the abandoned rail spur to the north, Patterson Street to the east, the Versailles Road viaduct to the west, and the Norfolk-Southern railroad embankment to the south.

The neighborhood is anchored by the Nathaniel United Methodist Church and Mission, the Carver Community Center, and Southend Park. The project team moved forward with the development of a mitigation plan for the project’s environmental justice impacts that adheres to the project’s purpose and need. A comprehensive approach to mitigation was developed during the NEPA process, resulting in the Southend Park Urban Village Plan.

III. ALTERNATIVES CONSIDERED

An extension of Newtown Pike has been evaluated as a part of street improvement discussions since the 1930s. Since Newtown Pike ends at West Main Street on the west side of Lexington, all corridors that have been discussed or considered have been on the west side of downtown Lexington. A purpose of the project is to extend and improve Newtown Pike, not to create an inner-city bypass around Lexington, which would be the case if an eastern route were considered. An eastern bypass would also create significant residential,
commercial and institutional impacts. More recently, the creation of two Historic Districts (Gratz Park and Mulberry Hill) would compound these impacts. Thus an eastern bypass is not, nor has ever been, a prudent and feasible alternative.

Until recently, the project was presented as an expressway design with limited access and having significant impacts on residential and commercial properties. Thus all proposals received significant public opposition and were determined unacceptable. In the 1990s, the need for relief of traffic congestion in downtown Lexington led renewed efforts to develop a feasible solution.

In 1997, Lexington Fayette Urban County Government contracted American Consulting Engineers, Inc. to perform a study of feasible corridors (the *Newtown Pike Extension Project, Main Street to Euclid Avenue or Limestone Street Engineering and Environmental Overview* June 2000). By this time, the railroad spur along Combs Street had been abandoned, allowing consideration of a corridor (known as the “Citizens Alignment”) that resulted from a 1970s road plan. The purpose of the *Engineering and Environmental Overview* was to identify logical termini generally acceptable to the public, to identify appropriate typical roadway sections, and to identify the significant impacts of the project. This study considered major planning activities in the community such as the Metropolitan Lexington Transportation Plan, the *South Broadway Corridor Plan*, and the University of Kentucky *Physical Development Plan* (1991). The beginning terminus is logical: at the intersection of the existing Newtown Pike, West Main Street, and Cox Street.

Four potential ending logical termini were identified:
- South Limestone near the Upper Street intersection,
- Connect to Euclid Avenue with improvements of Euclid Avenue to Rose Street,
- South Broadway at Bolivar Street, and
- Patterson Street with a two-lane portion to South Broadway and a two-lane portion to South Limestone along Scott Street.

A thorough *Traffic Study* (1997) evaluated the termini in terms of predicted level of service, intersection delays, and accidents. The *Engineering and Environmental Overview* determined that four lanes were necessary, as were sidewalks. It also found that terminating the proposed extension at South Broadway caused serious congestion near the University of Kentucky. About half of the proposed NPE traffic is destined for South Broadway, and the other half is destined for the University of Kentucky and South Limestone. If the proposed NPE were to end at South Broadway, about 10,000 cars per day would be routed from South Broadway to South Limestone on old, narrow streets. Connecting streets such as Bolivar, Pine, Cedar and Maxwell Streets would become congested with the additional traffic.

Significant opposition from the University of Kentucky and the Chevy Chase neighborhood (located just east of Rose Street on Euclid Avenue) eliminated the Euclid Avenue terminus as an option. Euclid Avenue (recently renamed Avenue of the Champions where it bisects the University of Kentucky North Campus) is a route through the University of Kentucky
campus. This route has a high number of pedestrian crossings and bicyclists because the main campus with classrooms, libraries, and administrative offices is on the south side of Euclid Avenue while dormitories, other living units, and commercial entities are located on the north side. Terminating the proposed NPE at Euclid Avenue would detract from the campus atmosphere and complicate an already congested area. The University of Kentucky also preferred a two-lane intersection at South Limestone rather than the four-lane terminus right at their “front door” to facilitate pedestrian crossings.

The deficiencies associated with the above three potential termini locations suggested that the fourth option, termination of four lanes at Patterson Street with two, two-lane portions provided the best relief for traffic congestion and was generally most acceptable to the public and the University of Kentucky. In 2000 the Lexington Fayette Urban County Government Council endorsed the *Engineering and Environmental Overview* and recommended selection of the four-lane project corridor beginning at West Main Street and splitting at Patterson Street with two, two-lane corridors to South Broadway and South Limestone.

A range of alternatives within the selected corridor discussed above was examined in the Final Environmental Impact Statement and corresponding analysis to meet the project’s purpose and need. Following extensive analysis of the social and natural environmental issues, together with comments received from the public as well as state and federal agencies, the project team concluded that Build Alternative 1 is the Selected Alternative. Analysis of all considered alternatives follows.

The alternatives were grouped as:
- **No Build Alternatives**
  - No Action
  - Mass Transit
  - Transportation System Management
- **Build Alternatives**
  - Build Alternative 1
  - Build Alternative 2
  - Build Alternative 3

Each of these alternatives was evaluated under the following criteria:
1. Does it meet the stated project purpose and need?
2. Does the alternative’s benefits outweigh the negative impacts?

Each alternative is described below.

**A. No Build Alternatives**
The No Build Alternatives are the No Action Alternative, Mass Transit, and Transportation System Management.
1. **No Action Alternative**

The No Action alternative will mean no improvements will be made to the transportation system in the form of new roadway construction, improvements to the mass transit system, or other transportation system improvements. The No Action alternative will result in traffic continuing to increase in downtown Lexington. Cut-through traffic will continue to create air, noise, and pedestrian safety issues in the residential areas of South Hill, Pralltown, Woodward Heights, and around the University of Kentucky. Congestion will continue to increase throughout the project corridor during commuting hours. The intersections of South Broadway at West Vine Street and West Main Street will only get more congested. Pedestrians would continue to contend with the ever-increasing amount of traffic, compromising their safety and making it more difficult to explore the downtown area on foot, a situation at odds with Lexington Fayette Urban County Government’s plans for downtown revitalization. Lexington Fayette Urban County Government wishes to create a downtown community that creates a safe and mobile environment for pedestrian and non-motorized modes of transportation. In this way, sidewalks that encourage more active participation by residents and visitors in the community’s commercial and recreational enterprises serve to enhance a community’s ambience and economic stability.

The No Action alternative will also continue to suppress neighborhood development and accelerate the decline of the Davistown neighborhood community. The No Action alternative has been evaluated during the past four decades. As the proposed NPE project has been discussed but not implemented, the uncertainty of its ultimate path has served to stifle housing and infrastructure improvements in the Davistown neighborhood. Property owners whose lots are located in the project’s path have been unwilling to invest the money necessary to improve their homes or their tenants’ units. This inactivity as a result of uncertainty over the path of the proposed NPE project has resulted in substandard housing along the proposed corridor and infiltration of commercial and industrial uses into residential areas. Because of these factors, the No Action alternative has already imposed an unfair burden on this neighborhood.

The No Action alternative would also not address the problems of narrow streets, inadequate drainage, and lack of emergency vehicle access to Davistown and would involve only routine maintenance of the existing roadways. The No Action alternative is contrary to local planning, as the proposed NPE project is part of an overall transportation plan specified by Lexington Fayette Urban County Government in its *Downtown Revitalization Initiative* (2000), the Lexington Area Metropolitan Planning Organization in its *Year 2025 Transportation Plan*, and Lexington’s adopted *Comprehensive Land Use Plan* (2001), as well as the University of Kentucky’s *Campus Physical Development Plan* (2002). Thus, the No Action alternative does not meet the purpose and need for this project.

2. **Mass Transit**

The mass transit alternative would use public buses or rail to minimize the traffic congestion in downtown Lexington. Prior to 1972, the public transportation system in Lexington was
privately owned by the Lexington Transit Corporation. By the early 1970's, the corporation's expenses began to exceed revenue. In 1972, Lexington Fayette Urban County Government incorporated the system under KRS 96A as the Transit Authority of the Lexington-Fayette Urban County Government, commonly referred to as LexTran. The reorganized Transit Authority began operations early in 1973.

A bus route currently runs along Newtown Pike from Stanton Way just north of I-64/75 to the LexTran terminal in downtown Lexington. However, primary users of this route are employees of the hotels and restaurants located near the interchange. There is no park-and-ride lot at the northern terminus of this bus route to entice residents who are commuting into Lexington from transferring to the transit system.

Much of the traffic in downtown Lexington is through-traffic between I-64/75 north of downtown, to destinations south of downtown, such as the University of Kentucky. These trips originate from and are destined to many various locations. Many of these trips are regional trips that originate from outside of Lexington. These trips would be difficult to serve with mass transit. Attempts by LexTran in the past to attract regional trips have been unsuccessful. Most recently, a Nicholasville Express Route was offered between Nicholasville and Downtown Lexington to reduce congestion on US 27 in Jessamine and Fayette Counties. Even though ridership on the route was offered at reduced fare, the route was discontinued in 1999 after approximately 1.5 years of service due to extremely low ridership. Based on the projected traffic on the proposed NPE, the Mass Transit Alternative would have to accommodate an additional 24,000 riders per day in order to alleviate traffic congestion in downtown Lexington.

LexTran and the Federal Transit Administration were involved in the initial planning of the proposed NPE project, and LexTran was a member of the Stakeholders Committee for the major investment study. It was acknowledged in the major investment study stakeholders meeting that, while improvements to other modes of transportation could have a positive effect on traffic congestion in the area, new road construction was the only significant means to address the problem. Due to these factors, increased bus service in Lexington would not meet the future traffic demands of downtown Lexington.

Because the Mass Transit Alternative alone would not alleviate traffic congestion, it was eliminated from further consideration in the Draft Environmental Impact Statement as a viable alternative independent from the Build Alternatives. The proposed NPE project will provide for more efficient bus routing in Lexington and will accommodate mass transit in its design, increasing the potential for people to use mass transit.

3. Transportation Systems Management Alternative

The Transportation Systems Management Alternative involves minor improvements to the existing roadway system, such as minor alignment shifts, changes in geometric design standards, traffic diversion, additional traffic control devices, and/or the addition of turning lanes at intersections to alleviate traffic congestion in downtown Lexington.
The Transportation Systems Management Alternative does not remove through-traffic from downtown Lexington. Merely widening the existing downtown roads to create additional lanes would create engineering and economic issues that, while not insurmountable, do not address the project’s purpose and need of improving the downtown environment. Additional lanes cannot be added without impacting existing buildings. Additional traffic signals, or additional cycles on existing signals, would add to traffic congestion. While one of the goals for this project is to alleviate traffic congestion, which adding lanes might address, a main goal is to reduce downtown congestion consistent with the overall community development objectives. Adding lanes to existing downtown streets would merely add more traffic to the central business district, diminish downtown development potential, and compromise the pedestrian environment by narrowing sidewalks, thus decreasing safety. The cost of utility relocation and existing street widening, combined with lost economic incentive in the downtown due to increased congestion, make this alternative more costly in the long-term and do not fully address downtown and community transportation problems.

Thus the Transportation Systems Management Alternative, independent of the Build Alternatives, does not address the purpose and need for the proposed NPE project. Due to the built-up urban environment of downtown Lexington, the Transportation Systems Management Alternative is not a feasible alternative to relieving traffic congestion.

However, as part of the Build Alternatives, the following elements of transportation system management will be used to improve intersections with existing streets and along the length of the NPE. It is anticipated that bus service will be provided along the proposed NPE, and passenger loading areas will be included in the roadway design. Bicycle lanes will be included, and wide sidewalks will run along both sides of the proposed NPE, which will be illuminated at night. These measures will encourage alternative transportation uses.

In conclusion, the No Build alternatives of No Action, Mass Transit, and Transportation System Management do not fully support the purpose of this project, which is to extend and improve Newtown Pike in order to relieve congestion in downtown Lexington, improve the pedestrian and bicycle environment, and enhance opportunities for redefining and improving the attractiveness of downtown and surrounding areas.

B. Build Alternatives
Within the corridor that generally follows the abandoned rail spur, three Build Alternatives were selected by the NPE project team for full environmental and socioeconomic analysis. All Build Alternatives included the *Southend Park Urban Village Plan* as mitigation for the environmental justice issues to the community of Davistown.

All three Build Alternatives begin at West Main Street and existing Newtown Pike on the northern terminus of the project and extend south and east to intersect with Manchester Street and Versailles Road, before proceeding to Patterson Street where the roadway divides into two branches. One four-lane branch continues to South Broadway and ties into Bolivar Street on the east side of South Broadway. A two-lane branch proceeds south along Patterson Street.
until it abuts the Norfolk-Southern railway yard, then curves eastward to cross over South Broadway (without access, via a new bridge), and follows Scott Street to a reconstructed intersection with South Limestone. Pine Street will be blocked from access to the proposed NPE, and Merino Street will have right-turn access. Patterson Street will have a four-way signalized intersection with the proposed NPE. DeRoode Street will be reconstructed as part of the Southend Park Urban Village Plan and will access the Scott Street portion of the proposed NPE. Lanes are planned to be 11 feet wide with curbs, gutters, and sidewalks. Bicycle lanes 5 feet wide are planned for the length of the project corridor. The total length of the project corridor is approximately 1.5 miles.

The alignments of the three Build alternatives selected for full environmental analysis are the result of taking into account the project impacts and sensitivities of two Section 4(f) sites, i.e., land that has conditional, restricted use for transportation projects. Section 4(f) impacts are documented below on page 15. The first 4(f) site of concern is the Southend Park including a softball field (a publicly managed recreational facility) located south and east of Versailles Road. Each alignment at this location impacts the ball field and residences along Pine Street. The second 4(f) site of concern is the Cincinnati-Southern Railway (Freight Depot) located on South Broadway across from the Bolivar Street intersection. The State Historic Preservation Office has concurred that the Freight Depot is eligible for inclusion on the National Register of Historic Places (36 CFR Part 800).

1. **Build Alternative 1**

Alternative 1 begins at the south side of West Main Street at Newtown Pike and proceeds southerly, generally along Cox Street and crossing over Town Branch Creek. The creek currently flows through a double 11-foot by 7-foot culvert beneath Cox Street that will be replaced with dual bridges to facilitate the construction of a section of Town Branch Trail at a later time. After crossing Town Branch, the new four-lane boulevard (which includes a landscaped median) intersects with Manchester Street near the existing Cox Street intersection and in the vicinity of the abandoned Cincinnati-Southern Railway spur line. Manchester Street will be raised approximately 5 feet to intersect with the proposed NPE.

Build Alternative 1 of the proposed NPE then proceeds south generally following the Cincinnati-Southern Railway spur line to cross Versailles Road (US 60). This new proposed intersection with Versailles Road will require that the existing Pine Street/Versailles Road intersection be removed. The new Versailles Road intersection with the proposed NPE shifts slightly for each Build Alternative due to the proximity of Southend Park’s current softball field. Build Alternative 1 takes 0.2 acre of unstructured parkland from Southend Park.

Proceeding southeasterly from the park, Build Alternative 1 extends to Patterson Street just south of the Carver Neighborhood Center property located in the northeast corner of the Patterson Street/proposed NPE intersection. At the intersection with Patterson Street, the proposed NPE splits into two branches. The eastern extension proceeds to a tie-in with South Broadway at the existing Bolivar Street intersection and directly impacts the Freight Depot, which has been determined eligible for inclusion on the National Register of Historic Places.
Modifications to South Broadway are necessary – two left-turn lanes on northbound South Broadway are included for access to the proposed NPE. The figure below depicts this intersection for Build Alternative 1.

Figure 1 – South Broadway Intersection, Build Alternative 1

The Scott Street connection of the proposed NPE proceeds south to the Norfolk-Southern Railway yard, then curves to the east and crosses South Broadway over a new bridge to connect with Scott Street. This new bridge will have no access from South Broadway. Build Alternative 1 generally follows Scott Street and proceeds to an intersection at South Limestone. Significant reconstruction is necessary for the Scott Street/South Limestone intersection. Under Build Alternative 1, it is proposed that South Upper Street be relocated closer to the University of Kentucky’s Peterson Maintenance and Operations Building which is located at the current South Upper/South Limestone split and thus create a new intersection with South Limestone. The University of Kentucky’s main administration entrance would then be relocated directly across South Limestone from Scott Street.
2. **Build Alternative 2**

Build Alternative 2 (Figure 2 below) differs from Build Alternative 1 in two respects. First, the centerline in the vicinity of the Southend Park softball field shifts slightly west. The design initiative for this alternative was to incur minimal impact on the Pine Street/Woodward Heights neighborhood areas. This alternative impacts Southend Park and the softball field, taking approximately 0.7 acres.

Second, Build Alternative 2 avoids the Freight Depot, requiring the relocation of the Bolivar Street/South Broadway intersection to the north and realignment of 400 feet of Bolivar Street. Because the Freight Depot would remain in place, only one left-turn lane is included for northbound South Broadway. Build Alternative 2 would acquire a portion of the Clean Sweep Car Wash and Auto Care Center property on the northeast corner of the existing South Broadway/Bolivar Street intersection. Build Alternative 2 also impacts a parcel on the northeast corner of Plunkett and Bolivar Streets. This parcel provides parking for the Liggett

---

**Figure 2 – South Broadway Intersection, Build Alternatives 2 and 3**

Second, Build Alternative 2 avoids the Freight Depot, requiring the relocation of the Bolivar Street/South Broadway intersection to the north and realignment of 400 feet of Bolivar Street. Because the Freight Depot would remain in place, only one left-turn lane is included for northbound South Broadway. Build Alternative 2 would acquire a portion of the Clean Sweep Car Wash and Auto Care Center property on the northeast corner of the existing South Broadway/Bolivar Street intersection. Build Alternative 2 also impacts a parcel on the northeast corner of Plunkett and Bolivar Streets. This parcel provides parking for the Liggett
& Myers historic tobacco warehouse, which was recently converted into loft condominiums. All other features for Build Alternative 2 are the same as described for Build Alternative 1.

While Build Alternative 2 does not impact the park or the Freight Depot, it does not meet the project purposes of improving safety for vehicles, pedestrians and bicyclists at the NPE/South Broadway intersection. Thus Build Alternative 2 is not a prudent and feasible avoidance alternative.

3. **Build Alternative 3**

Build Alternative 3 is the same as Build Alternative 2 with one exception: the centerline shift in the vicinity of Southend Park acquires no land from Southend Park. Build Alternative 3 therefore has no direct impact on the park itself but impacts more houses and commercial properties. While Build Alternative 3 does not impact the park or the Freight Depot, it does not meet the project purposes of improving safety for vehicles, pedestrians and bicyclists at the NPE/South Broadway intersection. Thus Build Alternative 3 is not a prudent and feasible avoidance alternative.

IV. **SELECTED ALTERNATIVE**

Build Alternative 1 is the Selected Alternative (Exhibit 1, page 2). The selection was made by first eliminating those alternatives that did not meet the purpose and need. Then the remaining alternatives were analyzed for avoidance or minimization of social or natural environmental impacts.

It was determined that the No Action and No Build (Mass Transit and Transportation System Management alternatives) did not, in and of themselves, reduce automobile congestion or draw unnecessary traffic from downtown Lexington. Thus they did not meet the project purpose and need. However, it was determined that certain elements of these two alternatives, such as construction of bicycle paths and pedestrian-friendly crosswalks and accommodating the addition of a bus transit line with passenger loading area would be incorporated into the final design of the Selected Alternative.

After thorough evaluation of all Build and No Build alternatives together with all agency and public comments received, the project team selected Build Alternative 1 as best meeting the project purpose and need.

The Selected Alternative:

- Alleviates more congestion than Build Alternatives 2 and 3 because of dual left-turn lanes at South Broadway and Bolivar Street;
- Impacts fewer commercial properties and impacts similar residential properties as the other Build Alternatives;
- Will maximize safety compared with Build Alternatives 2 and 3 at the intersection with South Broadway; and
- Allows opportunities for economic development at key intersections (especially near South Broadway) that will enhance surrounding neighborhoods.

In addition, the Selected Alternative includes appropriate mitigation for the NRHP eligible Cincinnati-Southern Railway Freight Depot, which will be removed by this alternative.

A. Environmentally Preferable Alternative

The Selected Alternative is also the environmentally preferable alternative. As summarized above, it is the only feasible and prudent alternative that will sufficiently address the Purpose and Need for this project while balancing important environmental justice, community, and economic considerations. The proposed road will bisect the economically and socially disadvantaged community of Davistown, thereby creating Environmental Justice impacts that elevated this project from an Environmental Assessment to an Environmental Impact Statement. The *Southend Park Urban Village Plan* was created to mitigate the direct and secondary impacts of the road project to these residents.

The Selected Alternative would also remove the NRHP-eligible Cincinnati-Southern Railroad Freight Depot (Freight Depot), which is located at the intersection of the proposed Newtown Pike Extension and South Broadway (southwest corner). Build Alternatives 2 and 3 would avoid acquiring the historic Freight Depot at the corner of the proposed Newtown Pike Extension and South Broadway. However, in avoiding the Freight Depot, Build Alternatives 2 and 3 expose the Freight Depot to certain destruction without recourse for mitigation because of its prime location in a rapidly developing section of Lexington. The State Historic Preservation Office concurred with this finding. Relevant correspondence is contained in Attachment 2. The Selected Alternative includes certain mitigation measures that will be carried out for the Freight Depot. These measures, which are specified in a Memorandum of Agreement between the Federal Highway Administration, Kentucky Transportation Cabinet, Kentucky Heritage Council (State Historic Preservation Office), and Lexington Fayette Urban County Government, are contained in Attachment 2.

The Selected Alternative impacts another Section 4(f) property, the Southend Park, which is located in the Davistown neighborhood. The park will be acquired in its entirety as part of the *Southend Park Urban Village Plan*. Acquisition of the park will be mitigated by complete reconstruction of the park and with improved facilities for Davistown.

The United States Environmental Protection Agency (US EPA) commends KDOT and FHWA efforts to engage the affected communities in project planning, mitigate EJ impacts and ensure that communities have the opportunity to remain within the project area. EPA recommends that the proposed mitigation measures be documented in the Record of Decision. US EPA also recommends that the project sponsors, the Community Land Trust, and affiliated organizations continue to work with residents to ensure that they will be eligible for the new housing. (US EPA comment letter dated July 23, 2007, Attachment 3).
The Selected Alternative impacts and mitigation commitments are summarized in Table 1 below.

**Table 1 – Summary of Selected Alternative Impacts and Mitigation Commitments**

<table>
<thead>
<tr>
<th>Impact</th>
<th>Number</th>
<th>Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rail Noise</td>
<td>Noise Impacted Receptors</td>
<td>Noise abatement wall</td>
</tr>
<tr>
<td></td>
<td>eligible for mitigation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>37 receptors (rail noise)</td>
<td></td>
</tr>
<tr>
<td>Surface Hydrology</td>
<td>Drainage/Stream Crossing</td>
<td>Letter of Notification, Conditions of Section 401</td>
</tr>
<tr>
<td></td>
<td></td>
<td>KDOW permit, floodplain permit</td>
</tr>
<tr>
<td></td>
<td>Floodplain (acres)</td>
<td>1.55</td>
</tr>
<tr>
<td>UST/Hazardous Materials</td>
<td>Contaminated sites</td>
<td>Implementation of Corrective Action Plans*</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Section 106</td>
<td>Archaeological Resources</td>
<td>Implementation of provisions contained in Memorandum of Agreement</td>
</tr>
<tr>
<td></td>
<td>1 site (15Fa284)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Direct (and Indirect)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Historic Structures</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 (2)</td>
<td></td>
</tr>
<tr>
<td>Section 4(f)</td>
<td>Properties impacted</td>
<td>Implementation of provisions contained in Memorandum of Agreement</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Community</td>
<td>Environmental Justice</td>
<td>Implementation of <em>Southend Park Urban Village Plan</em> and Community Land Trust</td>
</tr>
<tr>
<td>Residential Property Acquisitions</td>
<td>Residential roadway and</td>
<td>Residency in Southend Park Urban Village or standard relocation benefits</td>
</tr>
<tr>
<td></td>
<td>mitigation area</td>
<td></td>
</tr>
<tr>
<td></td>
<td>37 structures</td>
<td></td>
</tr>
<tr>
<td>Commercial Acquisitions</td>
<td>Active Commercial</td>
<td>Standard relocation benefits</td>
</tr>
<tr>
<td></td>
<td>13 businesses</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vacant Commercial</td>
<td>Standard property acquisition benefits</td>
</tr>
<tr>
<td></td>
<td>9 structures</td>
<td></td>
</tr>
</tbody>
</table>

*2 Corrective Action Plans – one for Norman Hodge property for Phase I temporary housing; one for Southend Park neighborhood and roadway portion of project.

**B. Cost**

Because the cost for constructing each alternative was substantially similar due to the nature of the alignments, cost was not a significant factor in the decision-making process. It was determined early on that all alternatives would include mitigation for the social and environmental justice impacts; therefore all alternatives included the Southend Park Urban Village mitigation area in their cost calculations. Therefore, the alignments differed in that Build Alternative 1 acquired an historic resource (the freight depot) and provided for its mitigation, while Build Alternatives 2 and 3 avoided the historic resource but involved partial...
acquisition of a commercial property and realignment of Bolivar Street at the South Broadway intersection.

The following cost estimate includes the NPE roadway and the Southend Park mitigation area. Construction costs have been escalated 4 percent from dollars shown in FEIS based upon anticipated construction year.

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Design: $5,000,000</strong></td>
<td></td>
</tr>
<tr>
<td>Roadway</td>
<td></td>
</tr>
<tr>
<td>Right of Way</td>
<td>$12,010,000</td>
</tr>
<tr>
<td>Utilities</td>
<td>$ 6,801,000</td>
</tr>
<tr>
<td>Construction</td>
<td>$19,118,400</td>
</tr>
<tr>
<td>Estimated Section 106 Mitigation</td>
<td>$  2,000,000</td>
</tr>
<tr>
<td><strong>Mitigation Area</strong></td>
<td></td>
</tr>
<tr>
<td>Temporary Housing (Design)</td>
<td>$ 1,000,000</td>
</tr>
<tr>
<td>Property Purchase</td>
<td>$12,616,900</td>
</tr>
<tr>
<td>Utilities</td>
<td>$  3,665,000</td>
</tr>
<tr>
<td>Construction</td>
<td>$17,306,200</td>
</tr>
<tr>
<td>CLT start-up/operating funding</td>
<td>$  1,250,000**</td>
</tr>
<tr>
<td>Estimated Housing Construction</td>
<td>$  6,255,100***</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>87,023,900</strong></td>
</tr>
</tbody>
</table>

* Case management funds are included in design funds.

** This is funding for initial start-up and operating expenses for the first 10 years. Allotments of $250,000 will be distributed for years 1 through 5. Details are as outlined in the CLT Business Plan (Attachment 4).

*** $2,255,100 in Project Funds; $4,000,000 in HUD, non-profit, and private financing. HUD funding may be used for GAP financing for residential relocations.

A Project Finance Plan dated September 17, 2007, which identifies committed revenue sources, is contained in Attachment 5.

V. SECTION 4(F)
Two properties, the Cincinnati-Southern Railroad Freight Depot and Southend Park, were identified as being potentially used by one or more Build Alternatives (see Exhibit 2 below).
Avoidance alternatives were evaluated for each potential impact. In accordance with CFR 771.135, FHWA determined that there is no prudent and feasible alternative that would avoid the use of these two Section 4(f) properties. In the present case, “use” occurs when a Section 4(f) resource is permanently incorporated into one or more alternative. The Selected Alternative’s impacts to the section 4(f) resources are summarized in the table below.

Table 2 – Summary of Section 4(f) Impacts

<table>
<thead>
<tr>
<th>Resource Name</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cincinnati-Southern Railroad Freight Depot</td>
<td>NRHP Eligible Structure acquired for road project</td>
</tr>
<tr>
<td>Southend Park</td>
<td>Park land acquired for Southend Park Urban Village as mitigation for Environmental Justice and socioeconomic impacts</td>
</tr>
</tbody>
</table>

Archaeology site 15Fa284 was determined eligible under criterion D (data content) for inclusion on the NRHP. Because the site does not warrant preservation in place, Section 4(f) does not apply to this archaeology site pursuant to 23 CFR 771.135(g)(2). A mitigation plan is outlined in the Memorandum of Agreement between FHWA, KYTC, SHPO and LFUCG (Attachment 2) to guide the data recovery.

Impacts to the Section 4(f) resources and mitigation for those impacts are discussed below.

A. Southend Park

Southend Park is located between DeRoode Street and the abandoned railroad right-of-way in the Davistown neighborhood. The park occupies 4.8 acres of land. The Selected Alternative will acquire 0.2 acre from the softball field. However, the entire park (4.8 acres) will be acquired for the Southend Park Urban Village as mitigation for the environmental justice and socioeconomic impacts.

Build Alternative 2 acquires 0.7 acre from the park, and Build Alternative 3 does not acquire any land. However, implementation of the Southend Park Urban Village Plan would acquire the park for community facilities and rebuild it as mitigation. The avoidance alternative – no acquisition of the park - would not allow implementation of the Southend Park Urban Village Plan. If the avoidance alternative were selected, loss of the park and the neighborhood to development would occur after the proposed NPE is constructed. Thus the avoidance alternative does not meet the purpose and need of not creating an unfair burden upon a community.

Mitigation for acquisition of the park is to reconstruct it in approximately the same location. The park will be under the oversight of Lexington Fayette Urban County Government, Division of Parks and Recreation. At the present time, park features have not been identified. Possible areas include a walking trail, basketball court, and green space. The LFUCG
Division of Parks and Recreation will determine what facilities they wish to be included in the park. The project team will be guided by these recommendations.

B. Cincinnati-Southern Railway Freight Depot

The Cincinnati-Southern Railway Freight Depot was constructed in 1925 on South Broadway directly across from Bolivar Street. The structure was last used as it was intended in 1959. A feed merchant occupied the structure for some years after that. A fire destroyed the freight forwarding facility at the rear of the building sometime in the 1970s. The building has been vacant since the late 1990s. By letter dated September 27, 2002, the State Historic Preservation Officer concurred that the structure was eligible for listing on the National Register of Historic Places. The Selected Alternative would acquire the facility in its entirety.

Avoiding the facility would not enhance safety, reduce congestion, improve the pedestrian or bicyclist environment, or allow for opportunities to redefine the area.

The Memorandum of Agreement outlines appropriate mitigation measures through Historic American Buildings Survey (HABS) requirements for state-level documentation for acquisition of the depot. The Historic American Buildings Survey operates under congressional authority from the Historic Sites, Buildings, and Antiquities Act of 1935 (16 USC Sec. 461) to document historic structures and make available to the public an archive of records of America’s architectural heritage. HABS documentation properly records historic structures to preserve a record for posterity through measured drawings, written histories, and large-format photographs and stores the documents in the Library of Congress, for all to review. A more detailed discussion of the mitigation is contained on page 42 below. Thus, acquiring the Freight Depot for the Selected Alternative would provide a mechanism for a record of the resource to be preserved.

C. Coordination

Extensive coordination with the Kentucky Heritage Council (the State Historic Preservation Office) and Lexington Fayette Urban County Government Office of Historic Preservation, with input from the other Section 106 consulting parties, resulted in the above-determination from the State Historic Preservation Office. All parties are in concurrence that the Freight Depot does not warrant renovation and rehabilitation and that state-level HABS documentation is the best means to preserve a record of the structure.

The following agencies were identified as consulting parties under the Section 106 process:

- Lexington Fayette Urban County Government, Office of Historic Preservation,
- Kentucky Heritage Council (State Historic Preservation Officer),
- Bluegrass Trust for Historic Preservation,
- Town Branch Trail, Inc., and
- Manchester Center.

Two meetings were held with the consulting parties to discuss the Freight Depot (and other historic resources). Additional meetings were held with the State Historic Preservation
Office. A field review was held to discuss eligibility. Later meetings were held to discuss appropriate mitigation.

Every effort has been made throughout the planning process to notify agencies as well as the community of the project and to solicit opinions from all concerned parties. The consistently good attendance at the public meetings and at small group sessions, as well as the positive and constructive feedback received from agencies and citizens, promotes confidence that the project will benefit the entire community of Lexington. The schedule of Section 106 notification activities is shown below.

- March 2007 Distribute signed Memorandum of Agreement (MOA) to members of consulting parties
- 30 March 2006 Meeting with Kentucky Heritage Council, Kentucky Transportation Cabinet, Federal Highway Administration, and consulting parties to discuss draft MOA and mitigation of impacts to Freight Depot
- 12 January 2006 Meeting with Kentucky Heritage Council, Kentucky Transportation Cabinet, LFUCG Historic Preservation, and project team to discuss the draft MOA and mitigation measures
- 5 March 2005 Informal meeting with the State Historic Preservation Officer regarding mitigation for impacts to the Cincinnati-Southern Freight Depot and other indirect impacts
- 7 May 2003 Meeting with Federal Highway Administration, Kentucky Transportation Cabinet, Lexington Fayette Urban County Government and all consulting parties regarding Cincinnati-Southern Freight Depot
- 5 Dec 2002 Meeting with Lexington Fayette Urban County Government, Federal Highway Administration, project team to discuss historic resource effects and mitigation. All consulting parties invited to attend; SHPO, Bluegrass Trust, and Town Branch Trail representatives attended.
- 22 May 2002 Informational meeting for Section 106 potential consulting parties
- 13 May 2002 Letters were sent to the Section 106 contacts, inviting them to become consulting parties to the project
- 23 April 2002 Team meeting Lexington Fayette Urban County Government-Historic Preservation to discuss Section 106
As discussed previously, the State Historic Preservation Office has concluded that the Freight Depot is eligible for inclusion on the National Register of Historic Places and that appropriate mitigation for acquisition of the structure would be Historic American Buildings Survey documentation. On March 30, 2006, the Federal Highway Administration, Kentucky Transportation Cabinet, and Kentucky Heritage Council met with the consulting parties to discuss mitigation for the road project’s impacts to the community. As a result of this meeting, the project’s consulting parties were invited to provide comments regarding the historical significance of the Freight Depot.

D. Conclusion
Based upon the detailed assessment of alternatives presented in the Final Environmental Impact Statement and Section 4(f) evaluation for the proposed NPE project, FHWA has determined that Build Alternative 1 is the feasible and prudent alternative with the least harm to Section 4(f) properties and is, therefore, the Selected Alternative. Build Alternatives 2 and 3 would not protect the Freight Depot from future demolition and thus a record of the historic resource could not be preserved. All alternatives acquire the Southend Park to mitigate for the environmental justice impacts, and all alternatives include reconstructing the park for the neighborhood. Avoiding the park would prevent the environmental justice mitigation plan from proceeding. Therefore, the Section 4(f) evaluation concluded that there is no feasible and prudent alternative that would entirely avoid the use of Section 4(f) properties. FHWA concludes that selection of Build Alternative 1 represents the best use of the Section 4(f) resources that minimizes harm to the greatest extent practicable.

VI. MEASURES TO MINIMIZE HARM
Throughout the alternative development process, measures were taken to avoid social or natural environmental impacts, and to minimize or mitigate those impacts if avoidance was not prudent or feasible. Particularly in regards to the environmental justice impacts to the community of Davistown, an extensive and innovative mitigation plan was developed by the
project team. Minimization or mitigation measures are outlined in Sections VI (Mitigation) and VII (Section 4(f)) of the Final Environmental Impact Statement and are summarized below.

A. Air Quality
Fayette County is designated as an attainment area with the Clean Air Act (42 USC 7506) and its amendments for all transportation-related pollutants.
- Standard erosion control measures will be taken during construction to minimize dust.
- Dust during construction activities will be controlled by watering, application of calcium chloride, seeding/sodding, spreading of straw, or other techniques in accordance with KYTC and LFUCG specifications in effect at the time of construction.

B. Railway Noise
The proposed project has rail yard noise impacts on the Southend Park neighborhood.
- A noise barrier shall be constructed along the Norfolk-Southern rail yard embankment and the reconstructed Southend Park Village before residents move into permanent housing.
- Aesthetic considerations of the barrier shall be discussed with the neighborhood residents and shall be incorporated into the barrier’s final design.
- Noise levels shall be monitored after construction to determine the effectiveness of the mitigation and to determine whether future mitigation is needed.

C. Aquatic Resources
The project crosses Town Branch Creek and its associated floodplain. The new bridge will replace the existing culvert and will expose to daylight approximately 100 feet of that section of the creek. The US Army Corps of Engineers in August 2007 has determined that removal of the existing culvert does not represent an impact; rather, it is restoration of the original channel and thus stream enhancement. Therefore, the project does not represent an impact to Town Branch Creek and a USACE permit will not be required. The agency will authorize a Letter of Notification. Additional measures required to address aquatic resource impact include:
- Follow provisions of a Section 401 Water Quality Permit that will be acquired, if necessary, from the Kentucky Division of Water. Due to the small impact area, there is a possibility that this requirement may be waived.
- A No-Rise certificate will be acquired from Federal Emergency Management Agency.
- A Kentucky Pollutant Discharge Elimination System general permit number KYR10 will be applied to the construction activities.
- Erosion control will be accomplished through compliance with the stormwater permit.

D. Residential Relocations/Environmental Justice Mitigation
Specific consideration was given to Executive Order 12898, Federal Actions to Address Environmental justice in Minority Populations and Low Income Populations, as well as Title VI of the Civil Rights Act of 1964 throughout the planning and evaluation of all alternatives for the proposed NPE project. The purpose of Executive Order 12898 is to identify, address,
and avoid disproportionately high and adverse human health or environmental effects on minority and low-income populations. Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin. It was recognized early in the project planning stages that the Southend Park neighborhood community portion of Davistown would receive a disproportionate share of impacts as a result of the project. Construction of the roadway through this neighborhood will cause community disruption and directly impact residents. This impact will result in relocations caused by two conditions: (i) directly by the roadway project itself, and (ii) indirectly by the market forces resulting from land value increases near the new major boulevard. All the residents being relocated represent a low-income population. Indirect impacts cannot be predicted with certainty. It is not known how many residents would lose their homes due to induced growth effects from the roadway, but most of them would likely be affected.

Thus, the proposed NPE project has environmental justice and socioeconomic impacts. This neighborhood has also suffered decades of housing decline, which show that since 1934, when the proposed NPE project was first being considered, the Southend Park portion of the Davistown neighborhood has lost 63 percent of its dwelling units and the entire Davistown neighborhood has lost 76 percent of its dwelling units. Thus the Davistown neighborhood has borne an unfair burden from the proposed NPE for decades.

Mitigation of these impacts can be achieved by creation of an Urban Village in the portion of Davistown known as the Southend Park neighborhood. Local, state, and federal highway agencies, along with the University of Kentucky, agreed that in order to stabilize and protect this fragile and at-risk community, extraordinary effort would be necessary. This extraordinary effort is conceptually outlined in a set of Guiding Principles signed by all above parties on August 12, 2002 (Attachment 1). The result of these Guiding Principles was a common interest in improving the quality of life for those people living in the Southend Park neighborhood, and an Urban Village was agreed upon as the appropriate way to mitigate the effects of the proposed NPE.

The Southend Park Urban Village Plan was developed with extensive involvement of the residents in the Southend Park neighborhood to provide a framework for mitigation of the project’s environmental justice and socioeconomic impacts. The mitigation goals of the Southend Park Urban Village Plan are to:

- Provide affordable housing for those displaced by the roadway project, for Southend Park neighborhood residents affected by the project, and for those who left the neighborhood and would like to return;
- Maintain community cohesion through social services; and
- Improve infrastructure and public facilities.

A map of the Southend Park Urban Village is contained in Exhibit 3 below.
It is the intent of the *Southend Park Urban Village Plan* to provide housing for all residents of the community, whether impacted by the roadway or by construction of the Urban Village, to remain within the affected area.

The *Southend Park Urban Village Plan* incorporates a set of principles, policies and value statements that serve as the social and economic drivers for the redevelopment of the area. The *Southend Park Urban Village Plan*, through this Urban Village concept, is about improving the quality of life by building a better neighborhood. It is about having a mix of housing types, retail, offices, local employment opportunities, community and social service facilities, safe and attractive public spaces, and a good transportation network. The premise of the *Southend Park Urban Village Plan* is to create a livable environment for those residents who currently reside in the neighborhood and to create a sustainable neighborhood by encouraging new residents to relocate into the area as well. Thus the *Southend Park Urban Village Plan* will reverse decades-old neglect endured by this community and mitigate the environmental justice impacts to this community over the past 50 years from the proposed NPE.

The acquisition and relocation program will be conducted in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended; Public Law 91-646, *Title IV of the Surface Transportation Uniform Relocation Act of 1987*; CFR Part 24, *Uniform Relocation Assistance and Real Property Regulations for Federal and Federally Assisted Programs*; and *Final Rule and Notice*, as administered by the Kentucky Transportation Cabinet. Relocation resources, including Last Resort Housing funds obtained through the normal FHWA and KYTC processes, will be made available to all residential relocatees without discrimination in accordance with the *Civil Rights Act of 1964, Title VI*.

For the Southend Park Urban Village, twenty-five (25) acres of the Davistown neighborhood south of the abandoned rail spur will be reconstructed to provide homes and rental units, a relocated Nathaniel Mission, a new park, and commercial space. The 25 acres of the Urban Village area will be acquired and transferred to a Community Land Trust for mitigation, replacement housing, sustained affordability and community cohesion. A Community Land Trust is a non-profit private land holding and management entity governed by an independent board comprising residents from the community as well as representatives from the community at large, city and state. The portion of the 25-acre mitigation area comprising the park, public greenspace and roadway will be donated to LFUCG. Zoning for land use for the 25 acres will be changed for the neighborhood from light industrial to R-3 (Planned Neighborhood Residential) and M-U (mixed use).

Owners of housing units will be compensated for the land and structures acquired under the policies and procedures of the Kentucky Transportation Cabinet’s Division of Right-of-Way and Utilities Relocation Assistance Program and in accordance with the Uniform Relocation Assistance Program and Real Properties Act of 1970, as amended. The normal relocation procedure is summarized below:
The property owner is contacted by an appraiser who determines fair market value of the property.

Fair market compensation is based upon the property value before acquisition. This is the amount of compensation to be offered to the property owner by the state.

The resident owner who has occupied the house for 90 days or more may also be offered relocation benefits to assist with moving costs.

The property owner is responsible for obtaining releases for any encumbrance on the property. A state or local government right of way representative will assist with this, if necessary.

Property taxes will be prorated.

If the owner decides not to accept the state’s offer, the state will initiate a condemnation action, and the matter will be resolved in Fayette County Circuit Court.

Owners and tenants of property to be acquired for this project are also afforded assistance pursuant to the Relocation Assistance Program. The owner benefit is $22,500 under normal relocation. Displaced tenants who have occupied their homes 90 days or more immediately before negotiations begin with the property owner for purchase of the property may be eligible for (i) a rent supplement payment of up to $5,250 over a 42 month period or (ii) down payment assistance for purchase of a new home of up to $5,250. Due to the low-income levels of many of the residents and the lack of affordable decent, safe and sanitary replacement housing in the project area, last resort housing provisions will be used on an individual basis for this project.

For tenants who elect to relocate outside the Southend Park Urban Village, they will be provided a 42-month relocation housing payment (RHP) of $5,250 under normal KYTC procedures that will cover the difference between their existing rent and rent in a comparable safe, decent and sanitary rental unit.

For residents (owners and tenants) electing to relocate back into the Southend Park Urban Village, last resort housing and environmental justice mitigation may be used through the Southend Park Urban Village Plan in a number of ways, depending upon each individual circumstance. These circumstances could include:

- Additional rental assistance to extend rent supplement payments from 42 months to 120 months and relocation into a newly constructed rental unit;
- Construction of a new replacement dwelling for homeowners at the same mortgage they now currently have (through the Southend Park Urban Village Plan);
- Provision of additional benefits to assist with a change in status of the displaced household from tenant to homeowner when possible to do so; and
- Creation of a Community Land Trust to remove the cost of land from the base home price to preserve affordability.

Housing in the new neighborhood will be offered to all residents who have occupied their homes for at least 90 days prior to the start of negotiations. Residents may be renters or owners. If residents do not wish to accept the relocation benefits to live in the Urban Village,
they will be provided standard relocation benefits in accordance with the KYTC Relocation Assistance Program and as outlined above.

A goal of the project’s purpose and need is to not have a disproportionate impact on the neighborhoods. The project has the potential to disrupt community cohesion through the lack of affordable replacement housing in the neighborhood. Thus, one of the goals of the mitigation for the Southend Park neighborhood was to preserve community cohesion. For this reason, and due to the environmental justice and socioeconomic concerns in the neighborhood, additional mitigation – including funding and incentives to compensate resident owners and encourage them to remain in the neighborhood – was determined as essential. For this reason, environmental justice mitigation involves additional funding and incentives to compensate resident owners and encourage them to remain in the neighborhood.

1. **Community Land Trust**

The NPE Project Team determined that it was necessary to protect the integrity of the Southend Park neighborhood as mitigation for the road project. The Southend Park neighborhood is composed in part of some leased and owned residential properties that currently fail to meet the building code standards. The goal of the mitigation effort is to redevelop the Southend neighborhood, yet preserve its affordability for current and future residents and maintain community cohesion. However, affordability as well as community cohesion and the public’s financial investment will be destroyed if traditional transfer of fee simple ownership takes place. For these reasons, the acquisition of the Southend Park area cannot be accomplished by traditional means.

It was determined that a Community Land Trust (CLT) would accomplish one of the purpose and need criteria for the proposed NPE: to construct the roadway without an unfair burden on any neighborhood. A CLT best meets mandatory and desirable elements of the goals of mitigation. Mandatory elements include (a) long-term protection of housing affordability, (b) long term protection of public investment, (c) involvement of community members in land ownership and land use planning, (d) ability to own property and transfer ownership, (e) protection of neighborhood integrity, (f) involvement of non-profits in housing development, (g) capable of providing rental units, and (h) sustainability. Desirable elements include capacity of the entity to provide (a) maintenance equipment, (b) financial assistance, (c) social support, and (d) economic support.

Eligible residents (in order of priority) who may participate in the CLT include:
- Relocatees from the project and mitigation area in Davistown,
- Residents in the other project corridor neighborhoods (Irishtown, Pralltown, Woodward Heights, South Hill, Speigel Heights, Western Suburb, and Lauderman Alley),
- Former residents and relatives of families living in the Davistown neighborhood,
- Fayette County residents, and
- Other qualified residents.
Only relocatees from the project will be eligible for relocation assistance and mitigation funding. If they qualify, other residents will be eligible for HUD programs.

The CLT shall be governed by a Board of Directors that includes representatives from federal and state agencies, LFUCG, Fayette County, and the neighborhood. The CLT by-laws are contained in Attachment 6. The project will acquire 25 acres for the Southend Park Urban Village and transfer ownership to the CLT. The CLT has been structured so that resident owners will own their homes and hold a 99-year land lease from the CLT.

A business plan has been developed to guide the funding strategies and operations of the CLT. The Business Plan, which includes the initial 10-year operating budget, is included as Attachment 4. Provisions of the CLT are summarized below.

- **Organizational Development Strategy**
  - Retain Executive Director in 2009 to coordinate initial activities
  - Retain Housing Services Director by 2012 to assist with marketing of units, screen residents for eligibility, monitor compliance with the terms of the ground lease and affordability restrictions and provide support for the residents of the CLT
  - Retain Executive Assistant about the same time as the Housing Services Director, first part-time, then as needed full-time, to support the activities of the Executive Director and Housing Services Director.

- **Financial Strategy**
  - Project Build-Out Assumptions: The homes of the Southend Park Urban Village will be built and completed between 2011 and 2015. No additional housing development activity is anticipated between 2015 and 2017.
  - Annual Operating Expenses: For the first 10 years, the CLT will be staffed by 3 professionals, phased in through the 2nd through 6th year of the organization’s existence.
  - Reserve Funds: Two reserve funds will be maintained to assist with on-going obligations. (1) An operating reserve equal to 3 months operating expenses at full capacity will be funded in years 2011, 2012 and 2013. (2) A replacement reserve fund will be set aside to maintain the physical assets of the corporation at a level of $50,000 per year during 2011-2014, up to a total of $200,000.

- **Operating Revenue**
  - Revenue generated through organizational operations, such as developer and marketing fees, membership dues, post-occupancy fees (ground lease and resale fees), property management fees, and commercial lease fees.
  - Revenue secured from sources external to the organization, including local government service contracts, private operating grants, individual and corporate donors, and grassroots funding.
  - Revenue provided by the NPE project. Project mitigation funding will provide initial start-up money in the amount of $1.25 million. Because it comes from mitigation funds, there is no obligation for the CLT to repay these funds.

---

27
The LFUCG Division of Community Development shall be responsible for the oversight of the distribution of the project mitigation funding of $1.25 million as well as HUD funding to the Community Land Trust. A letter of commitment from this agency is included in Attachment 7.

It is important to note that long-term sustainability of the CLT suggests that the Board of Directors will need to consider additional funding needs beyond the initial 10-year period. These options may include securing additional multi-year grant funding and/or to develop a strategy to identify and target resources towards development opportunities outside the urban village. It is also important to add that these decisions will be made by the CLT Board – the Newtown project team will at this point no longer be involved with the affairs of the corporation or community.

2. Southend Park Urban Village Funding Strategies

Funding for the Southend Park Urban Village project will involve several funding sources for the various components associated with the Urban Village. Funding will be in the form of public and private sources, or combination of both, including a derivative income approach, using funds derived from the lease of the 3.1 acres of mixed-use land. These funds can then be managed by the non-profit CLT to be leveraged and used for the housing financing programs, maintenance or other uses.

- **Land Purchase and Relocation** – The Southend Park mitigation area will be purchased using Federal and State Transportation funds. Relocation benefits will also be provided to existing residents under applicable state and federal procedures.

- **Infrastructure** – Infrastructure, including utilities, will be constructed using State and Federal Transportation funding. Infrastructure includes the park area and the preliminary site preparation for the institutional and mixed use portion of the mitigation area.

- **Housing** – Housing construction will be financed through several funding sources. HUD funding will be used to subsidize a portion of the construction. The *Southend Park Urban Village Plan* has been designated for HUD funding by the Lexington Fayette Urban County Government in their Consolidated Plan. In addition to HUD funding, private mortgages and non-profit organizations will be used to finance the housing. Financing through organizations such as Kentucky Housing Corporation will be examined for rental units. State and federal transportation dollars will also be used to provide gap financing where HUD dollars cannot be used. This amount is expected to be approximately 2 million dollars depending on the number of residents that remain in the neighborhood.

- **Institutional and Mixed Use Development** – The institutional and mixed-use development portion of the Southend Park will be privately financed. Non-profit housing providers or low income tax credits may be used in addition to the private financing.
Income derived from the sale of remnant parcels on this project (the remainder portion of an acquired property which is not used as roadway right-of-way) and sale of the manufactured homes used for temporary housing will be directed to the Urban Village Community Land Trust as an eligible use of these funds.

The Project Financing Plan is contained in Attachment 5.

### 3. Residential Relocation Plan

Phase I of the project will acquire land on the western side of DeRoode Street and build approximately 30 single-family, duplex, and quadplex housing units for 26 households during two phases of the project. However, before the residents can be moved into their new homes, they must be relocated to temporary housing, which will consist of manufactured homes installed in Southend Park. *Temporary on-site housing is not the same as, nor a part of, relocation and will not use relocation funds.* Project mitigation funds will be used to provide for temporary housing. Temporary on-site housing is needed to fulfill the project’s goal of maintaining community cohesion. Prior to moving into temporary housing, affected residents will decide if they wish to remain in the neighborhood under the CLT, or whether they wish to receive relocation benefits and move outside the neighborhood. Only the residents on the 700 and 800 block of DeRoode Street, Deshort Circle, McKinley Street, and Combs Alley will be moved into temporary housing. For those residents wishing not to relocate back into the Southend Park neighborhood, standard relocation procedures as outlined above will be provided.

#### a. Temporary On-Site Housing Process

For those residents who live in the Phase I construction area as defined above and who wish to remain in the CLT, construction of temporary on-site housing will allow for residents to be moved out of their substandard housing approximately 12 to 18 months sooner than originally scheduled. With temporary on-site housing, residents would be moved to safe, sanitary and decent housing early in the right-of-way process. This action will also preserve community cohesion and keep the residents close to familiar social support agencies. Temporary on-site housing will also remove residents from the unsafe condition of living in a construction zone and will limit access within the community, keeping them away from large construction equipment.

During Phase I, up to 24 manufactured homes, ultimately depending on how many families elect to remain in the neighborhood, will be placed in the Southend Park area to maintain the community’s cohesion. These Phase I residents are primarily renters living in substandard housing. Some infrastructure and utility work will prepare the temporary housing site at an estimated cost of $750,000. The estimated cost of each manufactured home, including utility set-up and storage unit, is approximately $32,500. The homes are 16 feet by 70 feet, with 3 bedrooms and 2 baths (providing 1,034 square feet). A total of up to 24 homes will be purchased in two phases: 16 for the first phase and up to 8 (if needed) when the second property has been purchased. Thus total cost for the temporary housing will be approximately $290,000.
$780,000 (or $1,530,000 with site preparation). Other costs such as moving will also be provided using mitigation funds. LFUCG will let a maintenance contract for maintenance of the temporary housing area. Prior to moving into the temporary housing, residents will be assisted by the project team to organize their belongings to facilitate the move.

Temporary on-site housing will be financed through mitigation funds and will not count against the normal relocation benefits to which the residents are entitled. Relocation benefits will be calculated and “locked in” until the residents actually relocate to their permanent housing in the mitigation area when construction is completed. Residents will be assisted by a contracted agency with moving into the temporary housing. Residents will not pay rent or utilities (water, electric, garbage collection) on the manufactured homes until permanent replacement housing is ready for their relocation. In addition, participation in programs such as credit and homeownership counseling and assistance with voluntary savings programs will be offered during this time to assist in their transition to their new permanent homes. These programs will instruct residents on how to capture current rent payments in a savings program, allowing them to build equity for home ownership or financial security at the time of permanent relocation.

After the residents have been moved into temporary housing, construction of Phase I will be started. It is anticipated that this will take 18 months to 2 years. After the new permanent homes have been constructed, residents will be assisted by the management and social services agencies with their relocation into the permanent housing (owned or rented in accordance with case-by-case basis) and the manufactured homes will be removed. The manufactured homes will have salvage value when they are no longer needed and removed from the neighborhood. The net salvage value will go to the Community Land Trust to assist with long-term sustainability.

b. Relocation and Affordability Plan Process

Last resort housing normally caps the amount of relocation benefits a relocatee may receive to $22,500 for a homeowner and $5,250 for a renter, depending on length of occupancy. However, with this project, project mitigation funds in addition to Federal Housing and Urban Development (HUD) funding will be used to finance new housing and subsidize new rental units for amounts above that normally allowed in transportation project relocation benefits. For those residents electing to remain in the neighborhood, there will be three scenarios that define current residents’ housing situations depending on their financial resources for relocation:

- Currently a Renter to New Renter
- Currently a Renter to New Home Owner
- Currently a Home Owner to New Home Owner
Record of Decision  
Newtown Pike Extension  
Lexington, Fayette County, Kentucky  
KYTC Item No. 7-593.00

Renter to Renter
Existing renters in the Southend Park Urban Village mitigation area and renters in the path of the proposed roadway who wish to remain renters will be given two options as described below:

- Receive the normal relocation benefits and relocate outside the neighborhood. Renters relocating outside the neighborhood will be provided a 42-month relocation housing payment (RHP) under normal KYTC procedures that will cover the difference between a resident’s existing rent and rent in a comparable safe, decent, and sanitary rental unit.
- Relocate in a rental unit within the Southend Park Neighborhood Community Land Trust (CLT). If renters choose to rent within the CLT, rental subsidy will be provided by the Project for 10 years. The first 42 months will be provided through their normal RHP benefits. The remaining 78 months will be provided by the Project through project mitigation funds that will benefit the renter in the CLT and will be provided to the CLT. This funding is intended to help maintain community cohesion. If renters decide to leave the CLT before the expiration of their normal RHP benefits, they will be entitled to the remainder of the money left in the 42 month RHP for use in another safe decent and sanitary rental unit. If residents decide to leave prior to the expiration of their normal RHP benefit, the renters will not be entitled the remaining 78 months of Project mitigation funds. If renters decide to leave the CLT after the initial 42 months, then they forfeit their additional benefits (mitigation funding for months 43 to 78). The following example illustrates how this option works:

<table>
<thead>
<tr>
<th>Average Rental Unit =</th>
<th>$235 per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Comparable =</td>
<td>$650 per month</td>
</tr>
<tr>
<td>RHP to Renter =</td>
<td>$415 per month (for the first 42 months)</td>
</tr>
<tr>
<td>*Mitigation Funding to Renter =</td>
<td>$415 per month (months 43-120)</td>
</tr>
</tbody>
</table>
| *For 78 months after initial 42 month RHP if renter remains within CLT.

Renter to Owner
A number of programs will be implemented to assist renters who wish to become homeowners in the Southend Park Neighborhood CLT.

- Existing renters can apply their 42-month RHP benefit amount towards a down payment for a new housing unit within the Southend Park Neighborhood CLT. It is estimated that the average RHP will be between $10,000 to $20,000, depending on how much rent they are currently paying and how much they would pay for comparable safe, decent, and sanitary housing. Each renter will have a different RHP amount. This down payment will become equity that the renter now homeowner is entitled to upon resale of the housing unit within the CLT.
- Existing renters will be eligible for first time homeowner grants through the HUD HOME program if the income of the existing renters is below 30 percent of the median income for Fayette County. With an income below 30 percent of the median, $30,000
of HOME dollars may be utilized. These funds will remain with the housing unit upon resale to assist in affordability for the next buyer.

- Since the housing units in the Southend Park Neighborhood CLT have been designed with more square footage than the existing rental units, the project will utilize mitigation funding to provide the price per square footage difference between the cost of the smallest single-family house and the size of the existing rental unit. For example, the smallest single-family house that is being designed within the Southend Park Neighborhood CLT is 1,265 square feet and can be constructed for $110,000, or $85 per square foot. The average rental unit in the neighborhood is 880 square feet. The difference, 385 square feet, would be at no additional cost to the renter and will be provided by the project at a cost of \(385 \times 85 = 32,725\) through project mitigation funds. The same formula will apply to the multi-family housing units as well. These funds will remain with the housing unit upon resale to assist in affordability for the next buyer.

- The project will work with lending institutions to provide mortgages for the remainder of the construction of the housing. However, renters wanting to become homeowners must qualify for the mortgage, and will be required by HUD and the lending institution to go through homeownership counseling.

The following example illustrates how rental to homeownership will work:
Rental House A – EXAMPLE House currently located in mitigation area

This is the existing rental house that will be purchased at fair market value by the project

- Rental House is 800 square feet
- Monthly Rent + Utilities = $350 per month

**Rental Unit B: Comparable replacement rental located outside the mitigation area:**

A comparable rental unit is used to calculate the relocation benefit that can be used as a down payment for a housing unit. It is not mandatory that rental unit B be leased or bought by the renter of rental unit House A, but is the comparable value used in the relocation equation.

- Comparable Rental Unit is 900 square feet
- Comparable Monthly Rent + Utilities = $750 per month

**House in CLT**

- Single Family Home in CLT is 1,265 square feet
- Construction Costs = $110,000 ($85 per square foot)

**Calculation of Housing Affordability**

RHP for down payment = ($750 – $350) = $400 * 42 = $16,800

Potential Eligible HUD Benefit = $30,000

Project will provide housing payment for additional square footage

- Existing rental house = 800 square feet
- Smallest single family = 1,265 square feet
- Difference = 465 square feet additional
- Project Housing Payment = 465 * $85/sq ft = $39,525

**Total Available For Down Payment** = $86,325

**Total to Buy House** = $110,000

**Remaining to Finance** = $23,675

- 30 year mortgage at 8 percent interest monthly payment = $175 per month
- Taxes and Insurance estimate = $150 per month
- Total Housing Payment – Utilities = $325 per month

Upon resale of the CLT housing unit to the next buyer, the homeowner will be entitled to take the RHP as equity as well as any of the principal that has been paid on the mortgage by the owner. The homeowner will also be entitled to a percentage of the appreciation as
determined by the CLT ground lease. The final appreciation percentage will be determined by the CLT Steering Committee but will normally be 25 percent. The remaining appreciation, the HUD subsidy and the project mitigation housing payment for additional square footage will remain with the housing unit to maintain the affordability for the next buyer and to ensure the long term affordability of the CLT.

Owner to Owner
Existing resident homeowners in the Southend Park Neighborhood and roadway will be given two options:

- Take the normal relocation benefits and relocate outside of the neighborhood. Residents will own the land outside the neighborhood fee simple.
- Stay in the Southend Park Neighborhood in the CLT under what the Project Team calls the “Equity Plus Option.” The CLT Equity Plus Option makes the resident owners economically whole and provides a financial incentive to remain in the neighborhood by using a different resale formula from the rental to owner situation and the situation of new residents moving into the Southend Park Neighborhood. The financial incentive to home-owners is also intended to help maintain community cohesion by encouraging the long-term established residents to remain in the neighborhood. Although existing owners will not own their land fee simple, they will be entitled to all the equity they bring into the CLT housing unit and the RHP they would receive if they relocated outside of the neighborhood. In addition, the resale formula for existing Southend Park owners has been modified to allow them to take the market appreciation that they would receive if they relocated outside the neighborhood upon resell. The resale formula will be based on the amount of homeowner equity and RHP compared to the total initial construction of the housing unit. The existing homeowner equity and the RHP would be the same regardless of whether residents relocate outside of the CLT or remain in the CLT, making the economic benefit equal for both options. To further encourage residents to stay in the CLT, the formula will be increased by an additional 5 percent, making the financial incentive to stay in the CLT greater than relocating outside.

For example, if the existing homeowner equity is $40,000 and the RHP calculation is $30,000, then the total homeowner equity is $70,000. If the cost to construct the housing unit is $110,000, the resell formula will be 63.6 percent ($70,000/$110,000 + 5 percent). In addition, a $10,000 housing incentives package will also be provided to the existing resident owners to allow for upgrade packages to be spent on the new housing unit. Resident owners will still be given the option to relocate outside the neighborhood with their full relocation benefits and have fee simple ownership of their land.

Under the equity plus option, homeowners will carry the same amount of mortgage that they currently have in their existing home. Property will be purchased from the homeowners at fair market value. The RHP will be determined from a comparable safe, decent, and sanitary housing unit outside the neighborhood. Both the RHP and the purchase price of the existing neighborhood will be applied to the cost of a new housing unit.
The remaining cost to construct the new home will be provided by the project through mitigation funds. The homeowner will be provided the closest comparable housing unit in the CLT. If the homeowner chooses to upgrade to a larger house, they will be responsible for the additional mortgage. In addition, existing homeowners will be given an incentive of housing upgrades. These upgrades will consist of an outside package, such as all brick or a garage, or an inside package and be equivalent to approximately $10,000 and be paid for with mitigation funds. Any upgrade over the $10,000 that the owner wishes to make will be their responsibility.

Upon resale of the CLT house, the existing resident owners in the Southend Park will be entitled to all the equity they brought into the housing unit, their original RHP payment, and the equity they have paid into the housing unit. The resale formula for the existing resident owners will be based on a formula that will allow them the take the market appreciation they would have received outside the CLT plus an additional 5 percent. In order to make the home affordable to the next buyer, a subsidy will be provided by the project to buy back down the cost of the house to the normal resell value in the CLT. This subsidy will be provided by mitigation funding.

The following example illustrates how the homeowner to homeowner scenario will work:

| Value of Current Home = | $40,000 |
| Comparable Home Outside Neighborhood = | $70,000 |
| RHP Calculation = | $30,000 |
| Total Homeowner Equity at Move In = | $70,000 ($40,000 Current Home + $30,000 RHP) |
| Value of CLT Home = | $121,000 ($110,000 + $10,000 upgrade) |
| Homeowner Equity = | $70,000 |
| Project Mitigation Funds = | $51,000 |

At resale of the CLT house, homeowner will receive the full appreciation on the homeowner equity portion of the total appreciation plus 5 percent:

**Homeowners Appreciation Formula**

\[
\begin{align*}
\text{ Owners percentage of appreciation} &= \frac{\text{Difference}}{\text{Original Value}} \\
&= \frac{\$79,096}{\$121,000} \\
&= 63.58\% \text{ (63.58 percent)}
\end{align*}
\]

\[
\begin{align*}
\text{Value of CLT Home at resell} &= \text{Original Value} + \text{Homeowner Appreciation} \\
&= \$121,000 + (\$79,096 \times 63.58\%) \\
&= \$197,096
\end{align*}
\]
Upon resale, the owner would leave with their total homeowner equity at move in, plus any equity that they have paid, plus the owner’s percentage of the appreciation. In this example, the owner would take a minimum of $70,000 + $47,827 = $117,827.

Phase III will acquire housing along Scott Street. The residents in these 5 homes will be offered housing in the Urban Village at the time their homes are acquired.

4. **Social Needs Assessment**

A cultural anthropologist was retained in 2006 to conduct a social needs assessment (SNA) of the current Southend Park neighborhood residents between May and August 2006 (McDonald, *Social Needs Assessment for the Newtown Pike Extension and Southend Park Urban Village Project: Final Report*, 2006). The purpose of the assessment was to:

- Identify relevant social characteristics of the indigenous resident population of Davistown and Southend Park neighborhood;
- Assess social needs with regard to low-income resident community living, home ownership, and life skills;
- Identify and describe preferred aspects of the neighborhood and housing design features from the perspective of the residents;
- Give policy-relevant recommendations to the project team for social program development and efficient delivery of services; and
- Assess impact of development on surrounding low-income neighborhoods.

The social needs assessment was conducted using a multi-method approach to address issues of home ownership, housing design, education, employment, substance abuse, crime, lifestyle, needs of elders, and development delivery of essential programs and services. Data collection techniques included rapid assessment process, community observation, community mapping, and informal social network analysis. The rapid assessment process involved open-ended direct one-on-one interviews with residents conducted by the urban anthropologist and members of the project team. Questions were not predetermined and were based upon a list of topics introduced into the discussion. No time limit on the interviews was imposed. Resident anonymity was assured.

The remaining three methods involved observation through conversations and walks through the neighborhood -- a cultural anthropologist is a highly trained observer who is able to capture cogent characteristics of a community that would normally be overlooked. These data collection methods assured a cost-effective, timely method to reach a comprehensive understanding of the community’s strengths and needs.

The social needs assessment identified the intricate cultural, social, and economic factors that characterize the neighborhood. Residents’ unmet needs and unvoiced concerns about the project and the CLT were clarified and enumerated. The need for better communication was exposed, particularly in connection with the CLT. Extensive intervention and counseling services will be required to assist the residents during all phases of the project – the planning
Record of Decision
Newtown Pike Extension
Lexington, Fayette County, Kentucky
KYTC Item No. 7-593.00

stages, relocation to temporary housing during the construction of their new homes, relocation to their new homes, and settling the community during the remaining construction stages of the project. The ultimate goal is to preserve the community cohesion in the new Urban Village. It should be noted that the perspective of the SNA report was from the residents’ viewpoint – the project team itself was not interviewed regarding public involvement and outreach throughout the course of the project’s development.

Following the submittal of the SNA, the project team determined that a conventional SNA would not be adequate and that follow-up study was required. A Supplement to the Social Needs Assessment: The Newtown Pike Extension and Southend Park Urban Village Project (Godlaski, July 2006) was submitted in July 2007. The supplement was intended to “look at the information available from the research literature in an attempt to anticipate at least some of the most significant factors needing consideration relative to the well-being of residents throughout the lift of the project.” To this end, a survey of current services was undertaken. As with the SNA, the project team was not interviewed regarding outreach work that has already been done with the residents.

Next, the supplement discussed the “wicked” nature of social problems relative to urban planning, social needs, and social policy. This section includes an academic discussion of the nature of “wicked” problems as opposed to “tame” problems. “Tame” problems are addressed by basic science, much of engineering, and mathematics. They often have a single, clear and objective formulation and can be addressed in a logical and essentially linear manner. “Wicked” social problems are not inherently evil but they are rooted in other problems, have no clear and objective formulation, and have no single ultimately correct solution. Social planners often run awry of populations because they treat “wicked” problems like “tame” problems. As evidenced by the work that has been carried out with the residents of the Southend Park neighborhood, this assumption could not be further from the truth.

The supplement concluded with the observation that the project team has appeared to exhibit genuine good will and concern for the future of the neighborhood. The importance of continued dialog with the residents will prevent or alleviate any misunderstandings that may occur during the transition to the new neighborhood.

After reviewing the SNA and recommendations contained in the documents, the project team determined that commitments associated with social needs of the community were appropriate. They are outlined below and are documented by category of commitment, description of commitment, responsible agency, timeframe of execution, and action.

**Communication:**
- **Involve affected individuals in identifying problems, understanding possible causes and formulating solutions.** (Project Team; on-going).
  - Throughout the project, meetings have been held with affected residents to relay information and assist them in understanding various aspects of the project. With community meetings, the use of the Neighborhood Liaison’s office, and the
formation of a neighborhood association, public participation has played a major role. An example of this is the regularly scheduled project team meeting held once a month at the Carver Center to listen to community concerns. These meetings have evolved throughout the project and allow the residents an opportunity to work with the project team in providing solutions to concerns. These meetings, as well as others, will continue through the implementation of the project.

- **One-on-one meetings with every resident - personalized and targeted communication with residents addressing specific concerns and fears.** (Project Team; on-going and prior to right-of-way [R/W] acquisition).
  - One-on-one meetings have been held continually throughout the project, both at the request of affected residents and at the request of the project team. Prior to the R/W authorization, one-on-one meetings will be held with all affected residents to explain the relocation process and listen to specific concerns regarding the project. Based on these concerns, more information will be provided to the residents to assist them with specific problems or needs. The project will also offer case management as needed for residents during the transition to temporary housing and into permanent housing.

- **Provide detailed information on relocation to temporary housing.** (Project Team; on-going and prior to R/W).
  - Information regarding the temporary housing has been presented at several of the monthly meetings with the neighborhood. The Temporary On-Site Housing Mitigation Plan will be developed based on the one-on-one meetings with the residents to ensure the residents are informed and their concerns are addressed.

- **Utilize a cultural broker - the project should maintain an active liaison with residents.** (Project Team; on-going).
  - The liaison position has been maintained throughout the development of the project. As the project progresses, the project will offer case management as needed. Once the CLT is established, the CLT will assume this role.

- **Identify and organize like-minded residents.** (Project Team; on-going).
  - This has been done throughout the project. An example is the creation of the Southend Park Neighborhood Association. The CLT provides another opportunity for citizens to organize.

**Temporary Housing:**

- **Consider social networks in determining who lives where in temporary and permanent housing.** (Project Team; prior to R/W).
  - The project team is addressing this with the neighborhood. The residents have offered suggestions and are currently developing a process they would like to see used. This will also be addressed during the scheduled one-on-one meetings.

- **Allow residents to bring “objects of significance” into temporary housing.** (Project Team; during R/W).
  - Residents will be allowed to bring personal objects into temporary and permanent housing. This will be encouraged during the one-on-one meetings.
- Allow residents input into housing design (beyond paint color and carpet) – individual input. (Project Team; on-going).
  - Residents were involved in the design of the housing. A series of workshops were held with residents and the architects during this process. As further details of the housing are developed, residents will be consulted concerning housing design. They will have options when choosing which housing style suits their needs.

**Services:**
- Consider coordination of services around the Nathaniel Mission; carry out activities in association with Manchester Center, Carver Center and Nathaniel Mission; facilitate Interagency Council. (Project Team with assistance from LFUCG Social Services and various social service agencies; on-going, to start as soon as possible).
  - The project team has coordinated with several of the existing social service agencies throughout the project. Examples of this include co-sponsoring Community Unity Day, meeting with the Nathaniel Mission Board, and referring residents to agencies on a case-by-case basis. The project team will initiate a series of meetings with the agencies to update them on the project, explain the needs assessment and listen to their input. The CLT, once established, will continue coordination with social service agencies in the area.
- Make extensive intervention and counseling services available to residents; provide medical/emotional support to residents with chronic conditions; establish community treatment program based on case management. (Project Team with assistance from LFUCG Social Services; prior to R/W).
  - After reviewing the SNA, the project team determined that case management was needed for the residents of the community to assist them with their transition to the new neighborhood. This type of mitigation is appropriate because it responds to concerns raised by the public from initial review of the Draft and Final EIS. These concerns were that the residents in the Southend Park neighborhood would need help both with the transition and later, particularly those who transitioned from renter to home-owner status. Additionally, federal projects with low-income populations, e.g., Hope VI projects, normally entail case management services. Therefore, the project team has consulted with LFUCG Division of Social Services to provide case management for affected residents. The project proposes to fund the salary and benefits for two caseworker positions under the supervision of LFUCG Division of Social Services for up to three years. LFUCG will cover other overhead expenses related to these positions during this time. The individuals selected for these positions will possess an advanced degree in social work with two years of related work experience. These positions will be dedicated to working exclusively with residents affected by the NPE project.
- Provide job training. (Various Agencies; on-going).
  - Job training for affected residents can be accommodated through case management and agency networking described above.
- Provide a legal aid clinic. (Project Team and Various Agencies; during R/W).
Legal assistance in obtaining mortgages and leases in the Southend Park will be provided to relocated residents. Other legal aid will be referred to the appropriate agencies through case management work.

**Activities:**

- **Assure that normal activities continue during project phases (e.g., daycare, after school recreation, etc.).** (Project Team and Various Agencies; during construction of project phases).
  - The project will be constructed in a manner that ensures that normal activities and access to those activities will continue. The use of temporary housing to remove residents from the construction zone will assist in this. The relocation of the Nathaniel Mission has also been staged to allow the Mission to remain open while they construct a new building.
- **Provide space for adults/seniors to socialize during temporary housing phase.** (LFUCG, Project Team, and Various Agencies, e.g., Nathaniel Mission; during residents’ occupancy of temporary housing).
  - Community spaces will remain open, the Southend Park will be closed, but some open space/common areas such as Carver Center and the Senior Center will remain open. Possible use of the Nathaniel Mission will be explored.
- **Provide appropriate transportation for seniors.** (Various Agencies; on-going).
  - Residents will be referred to agencies that currently provide transportation such as the on-demand service Wheels, provided by the American Red Cross.
- **Provide opportunities for social solidarity in community celebrations.** (Project Team and Various Agencies; on-going).
  - The project has hosted a Community Unity Day for the past four years. These celebrations will continue during the construction of the Phase I Housing. A community celebration will be planned once the new housing is constructed.
- **Look for opportunities to show support (e.g., greater police protection, Park Director and recreation programs).** (Project Team, LFUCG and Various Agencies; on-going).
  - The project team has continually showed support for the affected residents and has assisted them beyond the requirements of the project. Examples include getting overgrown vegetation in the neighborhood cut, providing assistance in obtaining heaters for a resident, and working with Code Enforcement to get illegal dumping sites in the area cleaned up. These opportunities will continue through the implementation of the project.
- **Undertake an Oral History project in the neighborhood.** (Project Team – Dr. McDonald; on-going).
  - This project has been funded and is currently in progress.

**Evaluation:**

- **Establish a systematic method for process and outcome evaluation of the project’s effects on the well being of residents.** (Project Team and LFUCG Social Services Case Workers; on-going).
5. **Infrastructure and Public Facilities**

The local infrastructure within the Southend Park neighborhood is in poor condition, having no sidewalks, storm gutters, or streetlights, and the pavement is quite broken and rough in places. Storms frequently overload the box culvert running alongside the park, which results in flooding in the park and nearby houses. The *Southend Park Urban Village Plan* will provide for reconstruction of the roads within the neighborhood to provide sidewalks and streetlights, and the storm drainage problems will be remedied with a retention basin. The *Southend Park Urban Village Plan* will also provide for improved vehicular and pedestrian connections to surrounding neighborhoods, as well as street and landscape recommendations, by reconstructing DeRoode Street and eliminating McKinley Street and Byars Avenue. The construction of the new road and neighborhood will also include features that deter crime by making spaces friendlier, brighter, and more accessible. For this reason, it was decided that new houses in the Urban Village would not back up to (enclose) the redeveloped Southend Park. By keeping the park visible from the street at all times, residents may use the park at any time of the day or evening with safety.

Southend Park is the site for many community activities, many sponsored by Nathaniel Mission. These activities occur mostly on the playgrounds, picnic shelter, and basketball court. The plan to rebuild the park will take these varied uses into consideration when determining its layout. It is anticipated that it will contain basketball courts, walking trail, and passive green space.

E. **Commercial/Non-Profit Relocations**

The Selected Alternative will acquire 13 active businesses for the road project and the mitigation area.

- Commercial relocations will comply with the policies and procedures set forth in Kentucky Transportation Cabinet’s Division of Right-of-Way and Utilities’ *Relocation Assistance Program* and the *Uniform Relocation Assistance and Real Property Policies Act of 1970* (49 CFR Part 24), as amended.
- Access to existing commercial entities that will not be acquired will be preserved. Cox Street between Manchester and Versailles Roads will be widened to two lanes near the Versailles Road intersection utilizing retaining walls to maintain access to existing commercial properties.
- The CLT Board will be responsible for build-out and management of the commercial sites. Build-out will comply with the LFUCG planning and zoning requirements. The commercial property will be deeded to the CLT. A copy of the CLT by-laws are included in Attachment 6.
- The role of the Nathaniel United Methodist Mission, with its many services geared towards the neighborhood’s residents, will be strengthened. This community resource
will be offered space in a 2-acre parcel near the center of the neighborhood, which has been designated for Community Service use. The Nathaniel Mission will be given right of first refusal to relocate within the neighborhood. If they choose to remain, the Nathaniel Mission will be responsible for construction costs associated with its relocation. The project team will provide the non-profit institutional site for institutional use within the CLT to provide social needs as specified in the Social Needs Assessment. The approximately 2-acre site will be under a 99-year lease. The non-profit agency locating into this site will be expected to continue operation as a non-profit entity providing similar services during the lease period.

- The Project Team will identify appropriately zoned relocation properties for The Bug Doctor shop as close to the neighborhood as possible.
- Additionally, the resident owner of The Bug Doctor business on DeRoode Street will be eligible for relocation of his residence into the CLT.

F. Historic Structures and Archaeology

The roadway portion of the Selected Alternative will impact one eligible historic structure, the Cincinnati-Southern Railroad Freight Depot (‘Freight Depot’) (Exhibit 2, page 16). The Southend Park neighborhood was classified as one archaeology site, 15Fa284. The site will be impacted by the Southend Park Urban Village Plan. A Memorandum of Agreement signed by FHWA, SHPO, KYTC, and LFUCG and dated March 7, 2007 (Attachment 2) details all mitigation measures for impacts to these resources. Mitigation measures are summarized below.

- In order to preserve a record of its history and appearance, the Freight Depot will be recorded by a SHPO-approved professional architect, historian, or architectural historian experienced in the documentation of engineering resources. State Level Historic American Buildings Survey documentation is specified. Costs associated with this mitigation effort shall not exceed $5,000.
  - KYTC shall develop public oriented educational materials related to the significance of the Depot. Costs associated with this mitigation effort shall not exceed $25,000.
- The Carver Center was determined eligible for listing in the National Register of Historic Places under both criteria A and C. Though not adversely affected, the Carver Center is located proximate to the project and is agreed by the parties to be suitable recipient of mitigation funds for the adverse effects to the Depot. Plans and specifications developed for project-related stabilization or improvements to the Carver Center will be developed in consultation with SHPO, LFUCG, and other appropriate parties. Costs associated with this mitigation effort shall not exceed $1.4 million.
- Archaeological and archival investigations (Phase 3 – data recovery) shall be conducted in Areas 3 and 5 of site 15Fa284 as identified in the Phase 1 archaeological report (Rotman and Moore, An Archaeological Survey of the Proposed Newtown Pike Extension, City of Lexington, Fayette County, Kentucky; 2003). Based on the results of the archaeological and archival work, FHWA and KYTC shall consult with SHPO to develop a research, design and data recovery plan in conformance with the Secretary of Interior’s
Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44476-42). Costs associated with this activity, including Phase 3 investigations, are not anticipated to exceed $485,000.

- Hand excavations will be completed as parcels become available. All handwork will be completed before building demolition begins, so that all buildings can be demolished in one mobilization. Cultural Resource Analysts, Inc. will monitor demolition on selected structures as appropriate and direct the demolition contractor on where to stop when needed.
- KYTC shall develop public oriented educational materials and opportunities relating to the significance of archaeological site 15Fa284. Costs associated with this effort shall not exceed $30,000.

- A signage plan identifying important historic events and places in the project area will be developed, and locations for sign erection shall be established where appropriate. Sign number, type, content, appearance, etc., shall be determined in consultation between the parties. Costs associated with this activity shall not exceed $50,000.
- Mitigation funding will be provided on a reimbursable basis using regular federal-aid highway project procedures. Total mitigation funds for the stipulations outlined above and specified in the Memorandum of Agreement shall not exceed $1,995,000.

G. Pedestrian and Bicycle Environment
Improving the pedestrian and bicycle environment fulfills a purpose and need for the project by reducing traffic in the downtown area.

- Bicycle lanes shall be installed for the entire length of the project, including the Scott Street section.
- Wide sidewalks shall be constructed for the entire length of the project.
- Crosswalks shall have distinctive texture and color at all project intersections.
- Pedestrian and bicycle connections shall be provided to the proposed Town Branch Trail.
- The intersection at South Limestone and Scott Street shall be reconstructed to provide safer pedestrian access.
- The project will be constructed to be in compliance with the Americans with Disabilities Act (28 CFR Part 36, 36 CFR Part 1191, 49 CFR Part 37).

H. Railroad Operations
To minimize disturbance of railroad operations, LFUCG will coordinate with Norfolk-Southern and CSX railways with regard to construction activities.

- Flaggers will be used during construction adjacent to the active lines.
- Use of railroad property for a noise abatement wall and the reconstructed rail yard entrance will be coordinated with Norfolk-Southern to facilitate right-of-way acquisition and avoid impacts to operations.

I. Hazardous Materials
Because the project is situated in an urban area with a long history of use and development, a general condition of surface soil impact from urban activities exists in the project area.
Typically, a surface soil sample from this type of setting exhibits elevated levels of polynuclear aromatic hydrocarbon (PAH) compounds, lead, arsenic, and other metals. This condition is created from use of leaded gasoline, heating oil, automotive fluids, coal particulates and ash, and paint film particulate from housing and other structures. It is assumed that all surface soils in the project area will exhibit elevated concentrations of one or more of these contaminants.

The US EPA Region 9 preliminary remediation goal (PRG) values were used as screening standards for pollutant concentrations. These standards establish concentrations that are considered acceptable for use as surface soils in industrial and residential land use settings. It will be assumed that all existing surface soils along the roadway portion and the mitigation area may have metals including lead, arsenic, and PAH compounds present at concentrations above the PRG values.

A Corrective Action Plan (CAP) was developed to protect human health and the environment while meeting the needs of the roadway portion and Southend Park Urban Village Plan. The CAP is in compliance with Commonwealth of Kentucky Standards for the disposal and management of contaminated soils as described in KRS 224.01-400. The CAP combines off-site disposal of listed or characteristically hazardous waste soil with isolation of non-listed contaminated soil to achieve the mitigation goals. Two properties, Harry Gordon Steel and Southern States Cooperative, exhibit conditions that will require the soil to be disposed of off-site.

The material that requires off-site disposal may be regulated as a hazardous waste under US EPA 40 CFR 261.24 and 40 CFR 261.33(d). These regulations outline the characteristics and disposal requirements of hazardous waste. The contractor selected for the excavation and transportation activities of this hazardous waste must meet the health and safety standards outlined in (OSHA) 29 CFR 1910.120. Contaminated soil from Harry Gordon Steel will be removed for off-site disposal in a permitted landfill. The amount of soil removed from Harry Gordon Steel will depend upon the depth of contamination. Rock and uncontaminated soil may be used as fill for the roadway in Phase II or Phase III. Separate and independent environmental covenants will be placed on each property, distinguishing the roadway right-of-way and the Community Land Trust properties. Throughout all removal activities, a qualified Environmental Professional will be on-site to provide technical oversight.

The following measures will be taken during each phase of the project. Because Phases I and IV will be constructed concurrently, they are discussed in order of construction.

**Phase 1 – Relocation Housing**
- Up to two (2) feet of soil will be removed from the temporary housing site on the existing park and from the permanent housing sites along DeRoode Street. The top foot will be removed to a permitted landfill because it is not suitable for structural fill. The other soil will be stockpiled for later use in Phase II as fill.
- Clean soil from off site will be placed in the Phase I residential area.
• At least 3 feet of clean soil will be placed over each lot prior to construction of the slabs for residential structures.

Phase IV – West Main Street to Versailles Road
• The removal of dieldrin, a listed hazardous waste at the Southern States property, will be achieved during Phase IV, but prior to commencement of construction.
• The contractor selected to excavate and transport the listed waste will be required to submit and follow a health and safety plan that complies with OSHA 29 CFR 1910.120.
• The disposal facility shall be permitted to receive P-listed waste (US EPA hazardous waste No. P-037) as described in 40 CFR 261.33(d).
• Excavation at the Southern States site shall proceed as approved by the Kentucky Division of Waste Management in the Corrective Action Plan being developed for the project.

Phase II – Versailles Road to South Broadway
• Soil material with contaminant concentrations at or below the industrial PRGs may be used as fill for this segment of the roadway. No soil from Harry Gordon Steel property will be placed in fill for the mitigation area.
• After purchase of the Harry Gordon Steel property, excavation and disposal of soils designated for disposal at hazardous waste disposal facilities can be completed. Contaminants of concern include lead and PCBs.
• The contractor selected to excavate and transport the listed waste will be required to submit and follow a health and safety plan that complies with OSHA 29 CFR 1910.120.
• The disposal facility shall be permitted to receive D-listed waste as described in 40 CFR 261.34.
• Excavation at the Harry Gordon Steel site shall proceed as approved by the Kentucky Division of Waste Management in the Corrective Action Plan being developed for the project.

Phase III – Scott Street Connector
• No documented locations of contaminants above the PRGs are associated with this phase.

J. Construction
Construction for the roadway as well as for the Southend Park Urban Village will result in short-term impacts.
• A traffic control plan following the Manual on Uniform Traffic Control Devices (FHWA) will be included in all construction contracts.
• Best management practices and erosion control in accordance with Sections 212 (Erosion Control) and 213 (Water Pollution Control) of KYTC’s Standard Specifications for Road and Bridge Construction (2004 edition as supplemented) shall guide minimization of short-term impacts to the environment.
Record of Decision  
Newtown Pike Extension  
Lexington, Fayette County, Kentucky  
KYTC Item No. 7-593.00

- Temporarily stockpiled soil in the Southend Park neighborhood will be seeded and fenced off to prevent resident access. Proper Best Management Practices to control erosion will be adopted.
- Following construction of the temporary housing, a fence will be constructed to protect the residents from the construction zone on DeRoode Street.
- DeRoode Street will be closed to through traffic during construction of Phase I.
- Cox Street will be terminated near the Manchester-NPE intersection. Cox Street will also be widened near the High Street intersection to provide one full travel lane in each direction. Cox Street will become local access only, and access to all properties along it will be maintained.
- An entrance to Hayman Avenue will be provided from the Scott Street connector to expedite emergency response.

VII.  MONITORING OR ENFORCEMENT PROGRAM

As part of the commitment to continue efforts to minimize impacts from the Project, several monitoring and coordination commitments have been made in this Record of Decision, the FEIS/Section 4(f) Evaluation, and the Section 106 MOA. Noise monitoring will be conducted in the Southend Park Urban Village to ensure that noise mitigation is effective and, if not, identify what additional mitigation may be appropriate. Depending on the final approval of the Corrective Action Plan by the Kentucky Division of Waste Management, environmental covenants, deed restrictions, and management in place may be required for each parcel, which would require a five-year review to ensure that hazardous materials mitigation continues to be effective.

To ensure compliance with all appropriate Federal and State regulations, the following permits will be obtained prior to construction:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>USACE</td>
<td>Letter of Notification</td>
</tr>
<tr>
<td>Kentucky EPPC, Division of Water</td>
<td>Section 401 Water Quality Certification*</td>
</tr>
<tr>
<td>Kentucky EPPC, Division of Water</td>
<td>Floodplain Construction Permit</td>
</tr>
<tr>
<td>Kentucky EPPC, Division of Water</td>
<td>Notice of Intent, National Pollution Discharge Elimination System</td>
</tr>
</tbody>
</table>

* Due to the small area of impact, the Section 401 Permit may be waived.

The KYTC and LFUCG, as recipients of project funding, will be responsible for continued oversight on all activities associated with the project.

The Lexington-Fayette Urban County Government, Division of Community Development will track the accounting for the Community Land Trust property acquisition and transfer program. A copy of this agency correspondence is contained in Attachment 7.

Two Corrective Action Plans (CAP) document how to manage the contaminated soil present in the neighborhood and along the roadway. The CAP for the Norman Hodge property just
north of Southend Park has been conditionally approved by the Kentucky Division of Waste Management. The CAP for the Southend Park Neighborhood mitigation area and roadway portion of the project has not yet been finalized but is being reviewed by the Kentucky Division of Waste Management. Possible additional commitments to come from the CAPs include deed restrictions or management in place plans. The deed restriction, or covenant, may reference a hazardous waste management plan that has the owner evaluating on a periodic basis and reporting to the appropriate regulatory agencies of any changes to the condition or land use. Final commitments will be documented in the final CAP for the Southend Park neighborhood and roadway project. These commitments will be implemented upon final approval of the CAP.

VIII. SUMMARY OF COMMENTS ON FINAL ENVIRONMENTAL IMPACT STATEMENT / SECTION 4(F) EVALUATION

The Notice of Availability of the FEIS/Section 4(f) Evaluation was published in the Federal Register on June 29, 2007 with the period of availability ending on July 30, 2007. Comment letters on the Final Environmental Impact Statement were received from one Federal agency (US EPA) and two citizens. The FHWA has considered these comments in making the decision for the Selected Alternative. Responses to the comments are contained in Attachment 8. No comments were received regarding the Section 4(f) evaluation. A summary of the general issues expressed in these comments is as follows:

**US Environmental Protection Agency.** By letter dated July 23, 2007, the US Environmental Protection Agency acknowledged review of the FEIS. The US EPA concurred that environmental concerns that require mitigation include floodplain impacts, railway noise, hazardous waste, and community impacts. Remediation of contaminated soil, noise mitigation and Environmental Justice mitigation were seen as particular concerns.

The US EPA has requested that noise levels should be monitored after construction to determine the effectiveness of the mitigation and to determine whether further mitigation is needed. The agency also commended the Project Team for the efforts they made to engage the affected communities in project planning, mitigation of EJ impacts, and the work they did to ensure that the community could remain in the project area.

In response to these comments, previous mitigation measures and commitments as outlined in the FEIS have been discussed and incorporated in more detail in this document.

**Katheryn L.W. Heinz.** Ms. Heinz expressed concern that the project does not address the social needs of the residents of the Davistown neighborhood. In addition, she felt that the project team has not shown enough respect to the residents and did not provide enough mitigation for displaced residents. Responses to her comments are contained in Attachment 8.
Bernard McCarthy. Mr. McCarthy reviewed the FEIS and provided minor editorial comments. Several comments were helpful but did not substantively change the FEIS document. Responses to his comments are contained in Attachment 8.

IX. RECORD OF DECISION
For the foregoing reasons and based upon consideration of all the social, economic and environmental evaluations contained in the FEIS with the input received from other agencies, organizations, and the public, the FHWA has determined that the Selected Alternative is the environmentally preferable alternative. Therefore, it is my decision to adopt the Selected Alternative (Build Alternative 1) as the proposed action for this project.

Record of Decision Approval:

\[\begin{array}{c}
\text{10/11/07} \\
\text{Date}
\end{array}\]

\[\begin{array}{c}
\text{Jose Sepulveda,} \\
\text{Division Administrator} \\
\text{Federal Highway Administration} \\
\text{Kentucky Division}
\end{array}\]
ATTACHMENTS
Attachment 1 – Guiding Principles
GUIDING PRINCIPLES
NEWTOWN PIKE EXTENSION
AUGUST 12, 2002

The below principles create the foundation for implementing the Newtown Extension Project through a partnership of the Lexington Fayette Urban County Government (LFUCG), University of Kentucky (UK), Federal Highway Administration (FHWA) and Kentucky Transportation Cabinet (KYTC). The Newtown Pike Extension Project is an important local and state transportation need that has the ability to improve the quality of life of all persons using or living within the transportation corridor by:

- Reducing traffic congestion both in the downtown and in neighborhoods within the project corridor by providing alternative routes and lessening traffic diverting through neighborhoods,

- Improving pedestrian safety downtown, along neighborhood streets, and on the north end of the University of Kentucky campus,

- Encouraging greater use of alternative modes of transportation by providing an increase in infrastructure that supports walking, cycling and public transit,

- Recognizing the potential impacts of the proposed Newtown Pike Extension on the surrounding communities through the use of extensive public involvement,

- Mitigating the proposed project impacts through implementation of LFUCG’s Small Area Plans,

- Cooperating and committing to actions that address the transportation needs, environmental justice issues, and affordable housing within the low-income neighborhoods of Davistown, Irishtown, and Pralltown while providing compatible development and cultural / aesthetic enhancements,

- Providing an opportunity for redefining and improving the attractiveness of the downtown

- And, accomplishing the above without imposing an unfair burden on other areas.

We concur with these principles for the continuation of the extension of Newtown Pike as signed on August 12, 2002.

Pam Miller, Mayor
Lexington-Fayette Urban County Government

Lee T. Todd, Jr., President
University of Kentucky

James C. Codell, III
Secretary
Kentucky Transportation Cabinet

Jose Sepulveda
Kentucky Division Administrator
Federal Highway Administration
Attachment 2 – Section 106 Memorandum of Agreement and Correspondence
March 2, 2007

Marc D. Williams, P.E.
Commissioner of Highways
Kentucky Transportation Cabinet
Frankfort, Kentucky 40622

Dear Mr. Williams:

With this letter I am enclosing the Memorandum of Agreement for the Newtown Pike extension project. The MOA has been approved by the Urban County Council and signed by the Mayor. Upon signing by the Kentucky Division Administrator for the Federal Highway Administration and acceptance by the Advisory Council on Historic Preservation, please return a copy of the fully executed document to my attention.

If you have questions please call me at (859) 258-3070 or email me at ireneg@lfucg.com.

Sincerely,

Irene Gooding
Grants Manager

Enclosure

Xc: Andrew Grunwald, Division of Engineering (with Enclosure)
FEDERAL HIGHWAY ADMINISTRATION
AND
KENTUCKY TRANSPORTATION CABINET
MEMORANDUM OF AGREEMENT
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC
PRESERVATION
PURSUANT TO 36 CFR Part 800.6(a)

Newtown Pike Extension
Fayette County, Kentucky
Item No 7-593.00

WHEREAS, the Federal Highway Administration (FHWA) and Kentucky Transportation Cabinet (KYTC) have determined that the Newtown Pike Extension from Main Street to South Broadway and South Limestone in Fayette County, Kentucky (The Project) will result in an adverse effect upon the Cincinnati-Southern Freight Depot (Depot), a structure determined eligible by consensus agreement for inclusion in the National Register of Historic Places under Criterion A, and The Project will result in an adverse effect upon archaeological site 15Fa 284, which has been determined eligible for listing on the National Register of Historic Places under Criterion D; and

WHEREAS, the FHWA has consulted with the Kentucky State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act, as amended (16 U.S.C. 470f); and

WHEREAS, the KYTC and the Lexington-Fayette Urban County Government (LFUCG) participated in the consultation and are both invited signatory parties, per 36 CFR 800.6(c)(2)(iii), to this Memorandum of Agreement (MOA); and

WHEREAS, the consulting parties agree that it is in the public interest to expend public funds to mitigate the adverse effects of The Project on both the Depot and archaeological site 15Fa284; and

WHEREAS, the consulting parties agree that Indian Tribes or native Hawaiian organizations that may attach religious or cultural importance to the affected property have been consulted and have raised no objection to the work proposed;

NOW, THEREFORE, the FHWA and the SHPO agree that The Project shall be accomplished in accordance with the following stipulations in order to take into account the adverse effect of the undertaking on the historic properties.
STIPULATIONS

The FHWA and KYTC will ensure that the following measures are undertaken and completed:

I. Mitigation for Impacts to Historic Properties

A. Freight Depot Recordation

In order to preserve a record of its history and appearance, the Depot will be recorded by a SHPO-approved, professional architect, historian, or architectural historian, experienced in the documentation of engineering resources. State Level Documentation is specified and will include:

1. Developing or updating, as appropriate, a Kentucky Historic Resource Individual Survey form (KHC 91-1) and Intensive Survey Form (KHC 91-3);

2. Conducting an archival search and gathering specific historic information from appropriate data sources, and developing a report describing the history and architectural significance of the Depot and its relationship to the history of the area or neighborhood.

3. Photographically documenting the Depot with a series of digital color images, and black and white photographs showing its architectural and structural elements and any other significant, character defining details. Photographs are to be printed on 5" x 7" archival quality, acid-free paper. Each photo will be labeled with the date, site number, direction, and subject. Photographs, a CD or DVD of the digital images, and all negatives shall be provided in notebook sleeves and submitted in a three-ring binder to the SHPO.

4. Obtaining and organizing, if available, a copy of the original construction plans and details or records maintained about the Depot. If original plans are not available, measured drawings of the structure will be prepared by an architect or architectural historian experienced in producing measured drawings. This work shall be completed in accordance with Historic American Engineering Record (HAER) guidelines.

The completed documentation will be submitted by the KYTC to the SHPO and FHWA for review and acceptance. Upon notification of SHPO acceptance, the KYTC will
provide a copy to a local agency, archive, university or preservation group designated by the SHPO. A copy will also be provided to the State Department of Libraries and Archives.

The costs associated with this mitigation effort shall not exceed $5,000.

B. Freight Depot Public Education

KYTC will develop public oriented educational materials related to the significance of the Depot. This may take the form of a pamphlet, brochure, or other type of written materials. These materials shall be developed by KYTC in consultation with the FHWA, SHPO and LFUCG. Materials shall be printed by KYTC and provided to appropriate parties for use, distribution, etc. The costs associated with this effort shall not exceed $25,000.

C. Carver Center Plans/Improvements

The Carver Center has been determined eligible for listing in the National Register of Historic Places under both criterion A and C. Though not adversely affected, the Carver Center is located proximate to the project and is agreed by the parties to be a suitable recipient of mitigation funds for the adverse effects to the Depot. Any plans or specifications developed for project-related stabilization or improvements to the Carver Center will be developed in consultation with the SHPO, LFUCG, and other appropriate parties. Failure by any party to respond with comments within 30 days of receipt of a plan or specification may be considered as that party’s approval. Contracts for implementation of the improvements shall be administered by LFUCG.

The costs associated with this mitigation shall not exceed $1.4 million.

D. Archaeological Investigations

1. Archaeological site 15FA284 is composed of eleven (11) areas. FHWA proposes to conduct archaeological and archival investigations (Phase 3) in those areas designated as Area 3 and Area 5 in the Phase I archaeological report. Based on the results of the archaeological and archival work, FHWA and KYTC will consult with the SHPO and develop a research, design and data recovery plan in conformance with the Secretary of Interior’s Standards and Guidelines for Archaeology and Historic Preservation (48 FR 444716-42). The data recovery plan will be submitted to the SHPO for review and approval. Unless the SHPO comments or objects within thirty (30) days of receiving the research design and data recovery plan, FHWA and KYTC shall ensure that the plan is implemented. Costs associated with activity, including Phase 3 investigations, are not anticipated to exceed $485,000.
2. KYTC will develop public oriented and educational materials and opportunities relating to the significance of archaeological site 15Fa284. This may take the form of a pamphlet, brochure, or other type of written materials. These materials shall be developed by KYTC in consultation with the FHWA, SHPO and LFUCG. Materials shall be printed by KYTC and provided to appropriate parties for use, distribution, etc. The costs associated with this effort shall not exceed $30,000.

3. Should the projected costs exceed this budgeted funding level, the parties shall consider means to maintain the budget including, but not limited to, modification of the scope of work. Exceeding the budget shall only be authorized in accordance with Section II of this Agreement.

E. Signage Plan

In coordination and consultation with the SHPO, a signage plan identifying important historic events and places in the project area will be developed and locations for sign erection shall be established where appropriate. Sign number, type, content, appearance, etc. shall be determined in consultation between the parties.

Costs associated with the development of the signage plan, including fabrication and installation, shall not exceed $50,000.

II. Mitigation Funding

Mitigation funding will be provided on a reimbursable basis using regular federal-aid highway project procedures. Total mitigation funds for the stipulations outlined above, and summarized in Table 1, shall not exceed $1,995,000. Committed mitigation funds shall not be exceeded unless compelling reasons are documented for KYTC and FHWA consideration and approval. These reasons could include factors such as late discoveries of major archaeological features that would bring new knowledge on a particular study subject, unforeseen structural conditions of a structure undergoing stabilization or improvements., etc.
### Table 1
**Summary of Mitigation Efforts**
*Newtown Pike Extension; Item No. 7-593*

<table>
<thead>
<tr>
<th>Stipulation</th>
<th>Mitigation Item</th>
<th>Action/Deliverable</th>
<th>Schedule for Completion(1)</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.A</td>
<td>Freight Depot Recordation</td>
<td>State level documentation of Freight Depot to include KHC Survey Forms, report of significance of structure and its history, photographic documentation and original construction plans or measured drawings.</td>
<td>ROD + 180 days</td>
<td>$5,000</td>
</tr>
<tr>
<td>I.B</td>
<td>Freight Depot Public Education</td>
<td>Public education materials that convey the significance of the resource will be prepared by KYTC for FHWA and SHPO review.</td>
<td>ROD + 365 days</td>
<td>$25,000</td>
</tr>
<tr>
<td>I.C</td>
<td>Carver Center Stabilization/Improvements</td>
<td>Plans and specifications for improvements to the Carver Center shall be developed by LFUCG in consultation with KYTC, FHWA and SHPO. Improvement contracts to be administered by LFUCG.</td>
<td>ROD + two years</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>I.D.1</td>
<td>Archaeological Investigations</td>
<td>KYTC to conduct Phase III investigations of Areas 3 and 5. Data Recovery Plan to be prepared and submitted for SHPO review.</td>
<td>Data Rec. Plan: ROD + 90 days Field work to be completed within 90 days of ROE to all parcels within each Area Report to be submitted within 365 days of completion of field work</td>
<td>$485,000</td>
</tr>
<tr>
<td>I.D.2</td>
<td>Archaeological Public Education</td>
<td>Public education materials that convey the significance of the archaeological resources will be prepared by KYTC for FHWA and SHPO review.</td>
<td>Acceptance of Phase 3 report plus 365 days</td>
<td>$30,000</td>
</tr>
<tr>
<td>I.E</td>
<td>Signage Plan including Implementation</td>
<td>KYTC to prepare plan for signage describing historic places/events in the project area for SHPO review. Signs to be fabricated and installed by KYTC. Plan to be developed prior to final plans. Installation to be coincidental with construction activities</td>
<td>Plan to be developed prior to final plans. Installation to be coincidental with construction activities</td>
<td>$50,000</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$ 1,995,000</strong></td>
</tr>
</tbody>
</table>

(1) ROD = Date of approval for Record of Decision
III. Professional Qualifications

The KYTC shall ensure that all historic preservation work undertaken and complete pursuant to this MOA is accomplished by or under the direct supervision of a preservation professional meeting the qualifications set forth in the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716-42). The KYTC shall submit a vita of this individual to the SHPO for review and comment.

IV. Resolution of Disagreements

Should the SHPO, or any of the signatory parties, object within 30 days to any plans, specifications, reports or other actions submitted or undertaken pursuant to this MOA, the FHWA and KYTC shall consult with the SHPO to resolve the objection. If the FHWA and KYTC determine that the objection cannot be resolved, the FHWA shall request the further comments of the Advisory Council pursuant to 36 CFR 800.6(b). Any Advisory Council comment provided in response to such a request will be taken into account by the FHWA in accordance with 36 CFR 800.6(c)(2) with reference only to the subject of the dispute; the FHWA's responsibility to carry out all actions under this MOA that are not the subjects of the dispute will remain unchanged.
Memorandum of Agreement
Newtown Pike Extension; 7-593
Page 7

Execution of this Memorandum of Agreement and implementation of its terms evidence that FHWA has afforded the Advisory Council an opportunity to comment on The Project and The Project's effect on historic properties, and that FHWA has taken into account the effects of the undertaking on historic properties.

FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

Jose Sepulveda, Kentucky Division Administrator

Date

KENTUCKY HERITAGE COUNCIL

State Historic Preservation Office

Date

INVITED SIGNATORY PARTIES:

KENTUCKY TRANSPORTATION CABINET

Bill Nighbert, Secretary

Date

APPROVED AS TO FORM AND LEGALITY
KENTUCKY TRANSPORTATION CABINET

Date

LEXINGTON/FAYETTE URBAN COUNTY GOVERNMENT

Date
March 8, 2007

Don L. Klima, Director
Office of Planning and Review
Advisory Council on Historic Preservation
The Old Post Office Building
1100 Pennsylvania Ave., NW, #809
Washington, D.C. 20004

Dear Mr. Klima:

Subject: Determination of Adverse Effect on the Newtown Pike Extension from West Main Street to South Broadway and South Limestone and South Upper Streets in Lexington Fayette County, Kentucky
Item Number: 7-593.00

Pursuant to Section 36 CFR 800.6(a)(1), and the Programmatic Agreement for Implementing Section 106 of the National Historic Preservation Act entered between the Federal Highway Administration (FHWA), the Kentucky Transportation Cabinet, the Kentucky State Historic Preservation Office (SHPO) and the Advisory Council For Historic Preservation, we hereby notify the Council of a determination of adverse effect on the subject project to Site 20, the Cincinnati-Southern Railway Freight Depot. Enclosed is a copy of the Cultural Historic Survey in which the Adverse Effect is identified along with copies of the SHPO Determination of Adverse Effect letters. We concur with the SHPO's recommendation to consider this site eligible for the National Register of Historic Places, as well as their determination of adverse effect. Measures to avoid, minimize, or mitigate adverse effects will be developed and incorporated into a Memorandum of Agreement as the project process proceeds.

Please advise if the Council would like to participate in the resolution of this adverse effect by replying to this office. If you have any questions, please do not hesitate to contact me at 502-564-7250 or email at David.Waldner@ky.gov.
Sincerely yours,

[Signature]

Anthony Goodman
Environmental Specialist
Federal Highway Administration

cc: David Waldner (KYTC)
December 19, 2006

Mr. Don L. Klima, Director
Office of Planning and Review
Advisory Council on Historic Preservation
The Old Post Office Building
1100 Pennsylvania Ave., NW, #809
Washington, D.C. 20004

Dear Mr. Klima:

Subject: Determination of Adverse Effect on the Newtown Pike Extension from West Main Street to South Broadway and South Limestone and South Upper Streets in Lexington Fayette County, Kentucky
Item Number: 7-593.00

Pursuant to Section 36 CFR 800.6(a)(1), and the Programmatic Agreement for Implementing Section 106 of the National Historic Preservation Act entered between the Federal Highway Administration (FHWA), the Kentucky Transportation Cabinet, the Kentucky State Historic Preservation Office (SHPO) and the Advisory Council For Historic Preservation, we hereby notify the Council of a determination of adverse effect on the subject project to Site 20, the Cincinnati-Southern Railway Freight Depot. Enclosed is a copy of the Cultural Historic Survey in which the Adverse Effect is identified along with copies of the SHPO Determination of Adverse Effect letters. We concur with the SHPO’s recommendation to consider this site eligible for the National Register of Historic Places, as well as their determination of adverse effect. Measures to avoid, minimize, or mitigate adverse effects will be developed and incorporated into a Memorandum of Agreement as the project process proceeds.

Please advise if the Council would like to participate in the resolution of this adverse effect by replying to this office. If you have any questions, please do not hesitate to contact me at 502-564-7250 or email at David.Waldner@ky.gov.

Sincerely,

David M. Waldner, P.E., Director
Division of Environmental Analysis

Enclosures

c: R. Polly, R. Thomas, T. Foreman, D-7 (J. Ballinger, P. Logsdon), David Morgan (Kentucky Heritage Council), FHWA (A. Goodman), H. Powell

KentuckyUnbridledSpirit.com
May 8, 2003

Mr. David M. Waldner, Director
Division of Environmental Analysis
Kentucky Transportation Cabinet
125 Holmes Street
Frankfort, KY 40622

Re: Additional Information Requested for Sites Included in A Cultural Historic Survey for Newtown Pike Extended – From West Main Street to South Broadway and South Limestone and South Upper Streets. Fayette County, Kentucky. (Item No. 7-593.00)

Dear Mr. Waldner:

The State Historic Preservation Office has received additional information relating to sites contained within the above referenced Cultural Historic Survey for review. We are in agreement with the reports author that Site 2 (Town Branch and stone retaining walls) has suffered a loss in historic integrity and is no longer eligible for listing. We are also in agreement that Sites 10 and 11 (701 Pine Street, 707 Pine Street, 721 Pine Street, 406 Merino Street, 410 Merino Street) lack significance under the National Register criteria and are also not eligible for listing.

While we are in agreement that sufficient integrity does not exist for Site 7 (Standard Oil Company) to be listed as a complex, we believe that integrity exists for listing the southernmost structure on the property (a two-story brick structure with twin rooflop ventilators) and associated one-story garage with a parapet wall under Criteria C. The boundary for this structure would not extend beyond its footprint and the project will have no effect on its historic significance.

Finally, we continue to agree that Site 20 (Cincinnati-Southern Railway Freight Depot) is eligible for listing under Criteria A. We believe that the structure could be adequately mitigated through HABS documentation should Alternate 1 be chosen as the preferred. Should you have any questions, please do not hesitate to contact Craig Potts of my staff at 502-564-7005, ext. 121.

Sincerely,

David L. Morgan
Director
Kentucky Heritage Council and
State Historic Preservation Officer

300 Washington Street
Frankfort, Kentucky 40601
An equal opportunity employer M/F/D
October 23, 2006

Mr. David M. Waldner  
Transportation Cabinet  
Division of Environmental Analysis  
200 Mero Street  
Frankfort, KY 40622

Re: An Archival History of the Proposed Newtown Pike Extension — Small Area Development Plan, City of Lexington, Fayette County, Kentucky (Item No. 7-593.00) by Tanya A. Faberson.

Dear Mr. Waldner:

The State Historic Preservation Office has received for review and approval the above referenced historic context and data recovery plan for the Davis Bottoms Neighborhood (15Fa284). Site 15Fa284 will be impacted by the proposed Newtown Pike Extension project and has been determined to be eligible for listing in the National Register of Historic Places. Requested revisions to the original historic context and data recovery plan have been accomplished in this report. The report now contains explicit connections between research questions and potential artifact remains from the site, as well as an acceptable sampling strategy for house lots and archaeological features. I concur with the recommendations and look forward to upcoming investigations.

If you have any questions concerning this project, or need to do an archaeological survey, please feel free to contact Lori Stahlgren of my staff at 502-564-7005, extension 118.

Sincerely,

David L. Morgan, Director  
Kentucky Heritage Council and  
State Historic Preservation Officer

cc: Wayna Roach
Mr. Anthony Goodman  
Environmental Specialist  
Federal Highway Administration  
330 West Broadway  
Frankfort, KY 40601

Re: "An Archaeological Survey of the Proposed Newtown Pike Extension – Small Area Development Plan, City of Lexington, Fayette County, Kentucky (Item No. 7-593.00)" By Jennifer with contributions by Amanda Graham and Lori O’Connor

Dear Mr. Goodman:

Thank you for your recent letter concerning the above referenced project. Based on the information provided in this report and discussion among our respective staffs, we concur that the Davis Bottoms Neighborhood (15Fa284) is eligible for listing in the National Register of Historic Places under Criterion D for its scientific data content. As a good example of a mid-nineteenth to early twentieth century Post-Bellum African-American urban neighborhood, additional investigations at this site have the potential to contribute to our understanding of African-American life in central Kentucky and the growth of Lexington. We also concur that the next phase of work should focus on those lots within Areas 3 and 5 that have the best potential to address research questions outlined in the data recovery plan developed for this site.

We look forward to reviewing and commenting on the archival study, the data recovery plan, and other reports generated by this project. Should you have any questions, feel free to contact David Pollack of my staff at (502) 564-7005.

Sincerely,

[Signature]

David L. Morgan, Director  
Kentucky Heritage Council and  
State Historic Preservation Officer

cc. David Waldner
Attachment 3 – US EPA Comment Letter on FEIS
Mr. Andrew Grunwald
Lexington Fayette Urban County Government
Division of Engineering
101 East Vine St., 4th Floor
Lexington, KY 40507

RE: EPA Review Comments on
Final Environmental Impact Statement (FEIS)
Newtown Pike Extension
CEQ No. 20070259

Dear Mr. Grunwald:

The U.S. Environmental Protection Agency (U.S. EPA) Region 4 reviewed the subject Final Environmental Impact Statement (FEIS) pursuant to Section 309 of the Clean Air Act, and Section 102 (2)(C) of the National Environmental Policy Act (NEPA). Thank you for your comprehensive responses to EPA’s comments on the DEIS. The purpose of this letter is to provide you with EPA’s comments on the FEIS.

The FEIS assesses the potential environmental impacts of the no-build alternative, mass transit, transportation system management and build alternatives for the Newtown Pike Extension. The FEIS states that Build Alternative 1 is the preferred alignment.

Based on EPA’s review of the FEIS, environmental concerns exist regarding this project, and will need to be addressed as the project progresses. Specifically, floodplain impacts, noise, hazardous waste, and community impacts resulting from bisecting a low-income neighborhood are areas that need to be addressed. Remediation of contaminated soil, noise mitigation and EJ mitigation are particular concerns.

The FEIS outlines plans for addressing contaminated soils with the development of a Corrective Action Plan. The project will also require a Section 404 Permit from the USACE, and a Section 401 Water Quality Certification from the Kentucky Division of Water. In addition, the proposed project may lead to additional development, and may result in significant cumulative impacts. The Community Land Trust is a measure to protect current residents from the anticipated increase in property values.

The FEIS discusses the implications of increased noise and community bisection impacts on environmental justice (EJ) populations resulting from the project. EPA appreciates the inclusion of an EJ mitigation plan that recommends all new infrastructure. This includes a
redeveloped neighborhood park with expanded facilities and activities; a wall to reduce rail noise in the planned Southend Park Urban Village Area (required due to noise levels that exceed HUD guidelines); mixed-income housing and units with a minimum low-income requirement; and redevelopment of the existing Nathaniel United Methodist Mission and support facilities. The plan also includes mixed-use development, including retail, office and community facilities.

Noise levels should be monitored after construction, to determine the effectiveness of the mitigation and to determine whether further mitigation is needed. We appreciate your consideration of low noise asphalt components as part of the roadway design.

The FEIS addressed our socioeconomic comments regarding affordable housing availability, community cohesion and connection with social structures, and shifting existing neighborhood demographics due to new developments and increased land values. The FEIS also includes a plan that will enable the majority of the affected community to remain and benefit from the proposed mitigation. Per this plan, the cost of land will be eliminated in the housing purchase price for eligible buyers. Housing will be available to residents displaced by the roadway or the urban village, as well as for previous residents that moved away, and the eligible residents of the greater Lexington-Fayette County, respectively.

EPA commends KDOT and FHWA efforts to engage the affected communities in project planning, mitigate EJ impacts and ensure that communities have the opportunity to remain within the project area. EPA recommends that the proposed mitigation measures be documented in the Record of Decision. We also recommend that the project sponsors, the Community Land Trust and affiliated organizations continue to work with residents to ensure that they will be eligible for the new housing.

Thank you for the opportunity to comment on this project. If we may be of further assistance, please contact me or Ramona McConney of my staff at (404) 562-9615.

Sincerely,

[Signature]

Heinz J. Mueller, Chief
NEPA Program Office

cc: Jose Sepulveda, FHWA
    David M. Waldner, KTC
Attachment 4 – Community Land Trust Business Plan
Lexington Community Land Trust
Business Plan
Summary

September 17, 2007
FINAL

Prepared by
Michael Brown
Burlington Associates in Community Development, LLC
Origins of the Lexington Community Land Trust

The Lexington Community Land Trust is a nonprofit, community land trust (CLT) organization being established in 2008 to preserve affordably priced housing in Lexington and Fayette County, Kentucky. The genesis of the Lexington CLT is inextricably tied to the Newtown Pike Extension Project.

In 2002, the Lexington-Fayette Urban County Government (LFUCG) approved the Newtown Pike Extension Corridor Plan, authorizing the expansion of Newtown Pike, a major traffic artery running south from Interstate Highways 64 and 75, toward the center of Lexington and the University of Kentucky campus. One of the primary challenges of the Newtown Pike Extension (NPE) is that the planned extension impacts Southend Park, an existing, predominantly low-income neighborhood. In order to mitigate these impacts for Southend Park residents, a decision was made to develop the Southend Park Urban Village and structure this new mixed-use development through a community land trust.

The project team overseeing the planning and approvals process for the Newtown Pike Extension project determined to use the community land trust (CLT) model because of its ability to assure the construction of the roadway without exacting an unfair burden on the neighborhood. The intent of the community land trust is to assure long-term affordable housing, stabilize the community with the provision of social services, preserve community cohesion, and protect residents from increasing land values by eliminating the cost of the land from the purchase price of individual homes.

Housing Needs

The Southend Park neighborhood is arguably one of the oldest and most distressed neighborhoods in Lexington. Although close to the center of Lexington, the neighborhood is currently extremely isolated – geographically, culturally and economically – from the greater Lexington community.

Less than 40% of the homes in Southend Park and in the path of the proposed highway extension are owner-occupied. Over 95% of the housing units in Davis Bottoms, were classified as having major deficiencies or were dilapidated. The average assessed value of owner-occupied homes in the neighborhood is approximately $20,000.

According to the Southend Park Housing Finance Plan Analysis, completed in 2005, average household income in the neighborhood is $10,697.

SOUTHEND PARK URBAN VILLAGE

The Lexington Fayette Urban County Government (LFUCG) approved the Newtown Pike Extension Corridor Plan in 2002. The plan proposed the Southend Park Urban Village, which is described as an “urban village...combining a mix of single-family, two-family and multi-family rental and ownership dwellings, as well as community service and commercial facilities.”
One of the first priorities of this plan is to protect the community cohesion of the current Southend Park neighborhood and prevent the displacement of neighborhood residents, as a result of the highway expansion. This – along with federal regulations that land sold must be at market value – is why the entire 25 acres encompassing the Southend Park Urban Village (excluding the new park which will be conveyed to – and managed by – LFUCG) will be placed in the ownership of the Lexington Community Land Trust.

As development of the highway extension and the new Southend Park Urban Village is undertaken the current residents of Southend Park will be temporarily transferred into a manufactured housing community that will be located in the present neighborhood. Priority for housing constructed in the new urban village will be given – in this order – to:

1. Current Southend Park homeowners
2. Current Southend Park renters who wish to become homeowners
3. Current Southend Park renter households who decide to remain renters
4. Income-eligible, qualified households who wish to purchase homes in the new Southend Park Urban Village

LEXINGTON COMMUNITY LAND TRUST

As the decision was made to develop a community land trust to ensure the affordable housing in the new Southend Park Urban Village remains affordable permanently, a steering committee was formed to guide the formation process of the CLT. This steering committee, comprised of representatives from the Southend Park neighborhood, Lexington citizens, local and state agencies, the Nathaniel Mission and the neighborhood liaisons office, began meeting in 2005 to deliberate and make initial recommendations regarding the creation and the initial operation of the Lexington Community Land Trust.

<table>
<thead>
<tr>
<th>Community Land Trusts</th>
</tr>
</thead>
<tbody>
<tr>
<td>A community land trust is an organization that exists to serve as the long-term steward of land and to protect the long-term affordability of housing that is produced with scarce subsidy resources. There are over 200 Community Land Trusts (CLTs) in the United States. Typically, a CLT buys or receives donated land and builds housing, selling the homes but retaining long term ownership of the land. CLTs enter into very long-term (99-year) ground leases which give homeowners most of the rights and responsibilities of traditional homeowners but the CLT ground lease generally limits the resale price of CLT homes. Because the buyers don’t have to finance the land cost (and frequently benefit from other subsidies) they are expected to pass that benefit along to subsequent buyers by selling at a reduced price. In this sense, the CLT ground lease functions much like a deed restriction, spelling out the homeowner's rights and responsibilities, and attempting to balance the interests of sellers and future potential buyers. Unlike a deed restriction, a CLT ground lease provides for the CLT to play an active and ongoing role in management of the community asset that is created when permanently affordable homes are built. CLT's typically charge a modest monthly ground rent to support the provision of support to homeowners on an ongoing basis, and especially at the time of resale.</td>
</tr>
</tbody>
</table>

Lexington CLT’s business model focuses it initial participation in both rental and ownership housing in the new Southend Park Urban Village. The affordable, for-sale homes to be built in the new neighborhood will be sold – in accordance with the identified priority targeting –
subject to community land trust ground leases. In these projects, LCLT will act as lessor, maintaining long-term ownership of the land under these homes, and playing a permanent role in protecting their affordability. Additionally, it is likely that the rental housing in the Southend Park Urban Village will be owned by LCLT. In the event, however, that LCLT determines to allow another nonprofit entity to own this rental housing, arrangements will be made to lease the land on which the rental housing sits to that nonprofit owner of the building(s) – under terms designed to protect the long-term affordability of that rental housing.

Organizational Development Strategy

In order to play the crucial roles outlined above, LCLT will need to develop considerable organizational capacity in both staffing structure and governance. For the years in which the Lexington Community Land Trust will focus its efforts on the successful development and completion of the Southend Park Urban Village development, core staffing will be required.

• The most critical and immediate priority is to hire a competent Executive Director, to coordinate the initial activities of the organization and to serve as the public ‘face’ of the Lexington Community Land Trust to its many constituencies.
• Within three years of the hiring of the Executive Director, LCLT will need to hire a high-level, experienced Housing Services Director in order to step immediately into a key role in marketing affordable units, screening residents for eligibility, monitoring compliance with the terms of the ground lease and affordability restrictions and provide backstopping support for the CLT’s residents – most especially the relocatees from the original neighborhood.
• During that same time frame, it will be necessary to hire an Executive Assistant – at first hired on a half-time basis and eventually moving up to full-time – in order to free up sufficient time for the Executive Director to take a more hands-on role in coordinating the successful development of the Southend Park Urban Village and begin settling the first CLT homeowner/lessees into their homes.

The three full-time staff phased in over years the second through seventh of the organization’s operations are the minimum level required to successfully manage the operation of a community land trust with a mission and workplan as ambitious as Lexington Community Land Trust.

Financial Strategy

A set of operating projections have been developed to outline in some detail the expenses that LCLT is reasonably likely to incur, present projected growth in LCLT’s existing revenue sources, and identify the initial capital require to support LCLT’s successful operation and viability in the first ten years of its operations. This 10-year projection, found below, estimates the Lexington Community Land Trust’s build-out projections, operating expenses and reserve obligations and anticipated revenue sources for the period from 2008-2017.
Project Build-Out Assumptions

The homes in Southend Park Urban Village will be built and completed between 2011 and 2015. There is no additional housing development activity anticipated between 2015 and 2017.

Annual Operating Expenses

It is anticipated that for the first ten years of its existence the Lexington CLT will be staffed by a total of three (3) professional staff, phased in between the second through seventh years of the organization’s existence. The projected operating administrative and overhead costs for the Lexington Community Land Trust for the first ten years of its operations are typical of those for any other small nonprofit in the Lexington market. The cost projections begin in 2009, when LCLT hires an Executive Director and begins to accrue expenses.

Reserve Funds

Prudent business planning includes provisions for funding two different reserve funds to be used to help the organization meets its on-going operating obligations. Typically, these reserve funds are funded over the period of time when the need for the funds is accumulating.

- **Operating Reserve Fund** – An operating reserve equal to three month’s operating expenses once the organization is operating at full capacity will be funded in years 2011, 2012 and 2013.
- **Replacement Reserve Fund** – A set-aside fund for expenses related to maintaining the physical assets of the corporation – including, the homes located on CLT- is funded at a level of $50,000 per year during years 2011-2014. The maximum total of the fund is estimated to be $200,000.

Operating Revenue

As is the case with any nonprofit community land trust, revenue to meet operating expenses and the reserve funding comes from two categories of resources:

Revenue generated through organizational operations

LCLT’s ability to generate operating revenue includes several internally generated sources, including:

- Fees earned due to its role in coordinating the development and marketing of homes in the new Southend Park Urban Village – specifically, developers fees and marketing fees
- Membership dues from local businesses, community organizations, and individuals
- Post-occupancy fees, due to its operations as a community land trust – specifically, ground lease fees and resale fees.

It is also possible that Lexington CLT may be able to earn additional revenue due to its internal operations in coordinating the Southend Park Urban Village neighborhood. These potential revenue sources include:
• Property management fees, if LCLT determines to self-manage the rental housing in the new neighborhood
• Commercial lease fees generated by retail and commercial tenants along Newtown Pike.

Revenue secured from sources external to the organization
Any and all revenue required to cover organizational operating expenses that cannot be generated from internal sources must be generated from sources outside the organization. These revenue sources typically come from sources that are either public (typically, city- or county-generated) or private (philanthropic) sources.

• **Local government service contracts and/or grants** - Lexington CLT has been advised by LFUCG that it should not count on receiving on-going operating support grant funding from the municipality.
• **Private operating grants** – It is uncertain the extent to which LCLT will be able to raise funding through grant proposals from private charitable and philanthropic sources.
• **Individual & corporate donors** – It is uncertain the extent to which LCLT will be able to secure individual and corporate donations during its first ten years of operation, particularly given its somewhat limited scope of activities.
• **Grassroots Fundraising** – Fundraising through local events and appeals offers a potential means to raise awareness, good will and community support, in addition to modest amounts of operating revenue.

Revenue provided by the NPE Project
As evidenced by the attached 10-year projected operating budget for the Lexington Community Land Trust, revenue projected to be raised through the internal operations of the organization are not sufficient to meet its expense obligations and sustain the organization over the project-restricted first ten years of its operations. For this reason, the Lexington CLT will require start-up funding in the amount of $1.25 million, to cover on-going organizational operating costs, until the Southend Park Urban Village is successfully completed and the CLT can determine a future course of action. This $1.25 million operational start-up fund will come through funding to mitigate the environmental justice impacts of the project.

### Land Donation and Housing Affordability Subsidies

It is imperative to make sure that all parties are clear about the critical distinction between the funding made available by the project to support the operating budget of the organizations [i.e., proceeds from the sale of project property, if any, plus the $1.25 million in mitigation dollars needed to sustain the organization through its initial ten years of operations] and the project donation of the entire 25-acre parcel encompassing the Southend Park Urban Village to the Lexington Community Land Trust. In order for the Lexington CLT to be able to provide and preserve permanently affordable housing for future residents of the Southend Park Urban Village – for generations to
come – sufficient resources must be committed and secured to create the initial affordability of this housing. Removing the land cost from the purchase price to low-income homebuyers can only happen because the entire parcel encompassing the Southend Park Urban Village (except for the park land – to be donated to LFUCG) is made available – at no cost – as a donation to the Lexington CLT from the project. Additional resources to enhance the affordability of these homes to eligible, qualified households will be made available through the Community Development department of Lexington-Fayette Urban County Government and, perhaps, through the Kentucky Housing Corporation.

The request for operating support – through the sale of project-funded properties and through mitigation dollars, as outlined above – must be regarded as a distinct and separate investment to support the operating capacity of the Lexington Community Land Trust, while the donation of the 25 acres (minus the park) to LCLT will enable the land trust to provide and preserve the housing to be located on that land as permanently affordable for its occupants for generations to come.

Organizational Self-Sustainability

The activities of the Lexington Community Land Trust have been limited to the successful completion of the 100 or so homes in the Southend Park Urban Village for the first ten years of the CLT’s operation. Some have argued that these 100 homes will be the sum total of activity for the Lexington CLT throughout its entire existence. Others have argued that the Lexington CLT’s only focus will be on the Southend Park Urban Village only for the first ten years of its operations, after which the CLT will be able to pursue development opportunities elsewhere in Fayette County. In either case, as long as the Lexington Community Land Trust’s activities are limited to the 100 homes in the Southend Park Urban Village, the organization will likely not be able to reach a point of financial self-sustainability – i.e., the organization will likely not be able to cover operating costs solely through the fees it can earn through these 100 dwelling units. For this reason, the Lexington CLT requires $1.25 million in mitigation funding to sustain its operations over the first ten years of its existence (2008-2017).

As evidenced by the 10-year projected operating budget for the Lexington CLT, the infusion of $1.25 million in mitigation funding will be adequate to sustain the organization over the first ten years of its operations, as cumulative fund balances in the middle years (2010-2013) will cover the annual budget shortfalls in the later years (2014-2017). In addition, LCLT will need to secure supplementary funding to sustain its operations after the initial ten-year period during which its activities will be restricted to the Southend Park Urban Village. It is likely, for example, that LCLT will be able to realize revenue from project-related activities such as the sale of the manufactured homes serving as temporary housing for neighborhood residents, sale of remnant right-of-way properties and lease fees earned through rental, commercial and institutional lease activities. It is difficult at this point, however, to accurately project how much (if any) revenue may be available to LCLT through these sources. Therefore, steps have been taken to assist the project with adequate start-up and operational funding to assure the financial stability of the Lexington CLT through the successful completion of the Southend Park Urban Village initiative.
While all parties are in agreement that LCLT’s activities need to be focused on the successful completion of the Southend Park Urban Village development, the prospects for the long-term viability and sustainability of the Lexington CLT hinge on the strategic decisions to be made regarding the future of the organization once this development is successfully completed.

There appear to be two primary options that will be available to the board of directors and staff of the Lexington Community Land Trust upon the successful completion of the Southend Park Urban Village:

1. To secure multi-year grant funding – at a level of $1 million or more – from one or more sources to cover on-going operational costs going forward into 2018 and beyond. This approach relies on the ability of LCLT to continue to obtain the grant funding needed to support its operations from philanthropic resources from outside the organization.

2. To develop a strategy to identify and target resources towards development opportunities outside of the urban village, to create additional permanently affordable housing in other neighborhoods in Lexington and throughout Fayette County. In this strategy, the Lexington CLT would strive to build the size of its portfolio to a level where revenues generated through its internal programmatic options are sufficient to meet most – if not all – of its on-going operating expense obligations – i.e., to reach a financially self-sustaining ‘break-even’ point.

While these strategic decisions do not need to be made at this time, attention must be paid to assure that adequate planning for LCLT’s future is undertaken by the time development of the homes in the new urban village is underway.
### Lexington CLT Operating Budget

#### A. Project Build-out Assumptions

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Totals</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>15</td>
<td>20</td>
<td>25</td>
<td>25</td>
<td>15</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>cumulative unit totals:</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>15</td>
<td>35</td>
<td>60</td>
<td>60</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

#### B. Program Expenses

<table>
<thead>
<tr>
<th>Personnel</th>
</tr>
</thead>
<tbody>
<tr>
<td>salary: 3.0% Annualized</td>
</tr>
<tr>
<td>Executive Director</td>
</tr>
<tr>
<td>FTE:</td>
</tr>
<tr>
<td>Homebuyer Services Coordinator</td>
</tr>
<tr>
<td>FTE:</td>
</tr>
<tr>
<td>Office Manager</td>
</tr>
<tr>
<td>FTE:</td>
</tr>
</tbody>
</table>

**Benefits**

- Of total salaries
  - 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

**Total Personnel Costs**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>72,306</td>
<td>74,475</td>
<td>76,709</td>
<td>141,561</td>
<td>145,808</td>
<td>167,645</td>
<td>172,674</td>
<td>177,855</td>
<td>183,190</td>
<td>185,468</td>
</tr>
</tbody>
</table>

#### C. Program-Generated Revenue

**Developer Fees**

- 3.0% of total value of each unit developed

**Marketing Fees**

- 3.0% of total value of each unit developed

**Ground Lease Fees (GLF)**

- Initial monthly GLF

**Lease Re-issuance Fees**

- $25 annual lease re-issuance fee

**Membership Dues**

- # members: $25 annual membership dues

**TOTAL PROGRAM REVENUE**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>132,508</td>
<td>121,235</td>
<td>192,858</td>
<td>268,994</td>
<td>275,840</td>
<td>271,237</td>
<td>228,165</td>
<td>225,297</td>
<td>242,659</td>
</tr>
</tbody>
</table>

#### D. Additional Operating Support

**TOTAL FUNDRAISING**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>259,975</td>
<td>265,400</td>
<td>270,921</td>
<td>274,061</td>
<td>279,056</td>
<td>25,821</td>
<td>21,806</td>
<td>15,146</td>
<td>7,925</td>
<td></td>
</tr>
</tbody>
</table>

**Projected Net Income**

- 0 | 128,094 | 145,415 | 137,934 | 95,991 | 128,633 | (104,923) | (99,197) | (173,151) | (187,734) |

*Note: Fund balance operates as temporary reserve for maintenance, curing mortgage defaults, rehabilitation, additional subsidies - in addition to operating reserve, as needed*
Attachment 5 – Project Finance Plan
Newtown Pike Extension
Item # 7-593.00

Updated
Project Financing Plan

September 2007
Estimation of Probable Cost

Costs estimates for both the Newtown Pike Extension roadway and the Southend Park mitigation area have been developed. In addition, costs estimates for each phase of project development and overall project section construction have also been developed. The total breakdown for design, right of way, utility relocation, construction, and housing construction are as follows:

**Design:** $5,000,000

**Roadway**
- Right of Way: $12,010,000
- Utilities: $6,801,600
- Construction: $19,118,400
- Section 106 Mitigation: $2,000,000

**Mitigation Area**
- Temporary Housing (Design): $1,000,000
- Community Land Trust: $1,2500,000
- Property Purchase: $12,616,900
- Utilities: $3,665,700
- Construction: $17,306,200
- Estimated Housing Construction: $6,255,100*

**Total** $87,023,900

* 2,255,100 in Project Funds, $4,000,000 in HUD, non-profit, and private financing

These costs have been adjusted for inflation. All costs occurring after fiscal year 2007 have been inflated using a factor of 4% per year. Costs for Section 106 Mitigation and the Community Land Trust have not been inflated. Project costs have been divided into roadway costs and Southend Park mitigation costs. However, these two components of the project are dependent on the other. The roadway project cannot occur without the mitigation project, and the mitigation project cannot occur without the roadway project. This cost is preliminary and will continue to be refined as the project progresses. The costs per phase per year are shown in the attached table in the Appendix.

Project Financing

The funding for the Newtown Pike project will come from a variety of public and private resources. The following illustrates the project financing responsibilities:

- **Newtown Pike Extension Roadway** – Federal and State Transportation funds will be utilized for the roadway portion of the project.

- **Southend Park Mitigation Area** – The Southend Park mitigation area will be funded from a variety of public and private sources.
  - Land Purchase and Relocation – The Southend Park mitigation area will be purchased utilizing Federal and State Transportation funds. Relocation benefits
will also be provided to existing residents under applicable state and federal procedures.

- **Infrastructure** – Infrastructure, including utilities, will be constructed utilizing State and Federal Transportation funding. Infrastructure includes the park area and the preliminary site preparation for the institutional and mixed use portion of the mitigation area.

- **Housing** – Housing construction will be financed through several funding sources. HUD funding will be utilized to subsidize a portion of the construction. The Southend Park Urban Village Plan has been designated for HUD funding by the Lexington Fayette Urban County Government in their Consolidated Plan. In addition to HUD funding, private mortgages, and non-profit organizations will be utilized to finance the housing. Financing through organizations such as Kentucky Housing Corporation will be examined for rental units. State and federal transportation dollars will also be utilized to provide gap financing where HUD dollars cannot be utilized. This amount is expected to be approximately 2 million dollars depending on the number of residents that remain in the neighborhood.

- **Institutional and Mixed Use Development** – The institutional and mixed use development portion of the Southend Park will be privately financed. Non Profit housing providers or low income tax credits may be utilized in addition to the private financing.

**Revenue Sources**
The project is expected to be financed through a combination of State and Federal Transportation funding sources, as well as HUD funding, as described below:

**Federal and State Transportation Funding**
The Newtown Pike Extension project is identified in the 2030 Transportation Plan for Fayette and Jessamine Counties and listed in the *Enacted 2007 – 2012 Kentucky Six Year Highway Plan*. This listing is included in the Appendix. The *Six Year Plan* is reauthorized every two years. The project is also listed in the Statewide Transportation Improvement Program (STIP), which incorporates the Lexington Area MPO TIP.

Federal Discretionary and Earmarked Funds – Over the past 10 years, the Newtown Pike Extension project has been successful in obtaining $24,822,000 in federal discretionary and earmarked funding. This funding represents approximately one-third of the total funding that will be utilized for the project. This funding is designated in the KYTC *Six Year Plan* as HPP (High Priority Projects) and KYD (Kentucky Federal Demonstration).

Federal Statewide Transportation Funds (STP) – STP funds represent federal funds allocated to Kentucky. Kentucky determines how these funds are allocated. The current *Six Year Plan* currently contains $16,100,000 in STP funding allocated to the Newtown Pike Extension project. All STP funding is allocated
outside the two-year biennium plan and therefore subject to change. This funding contains 80% from the federal government with a 20% match provided by the state.

Other Transportation Funding – The project has also received $136,747 in transportation funding through the use of Congestion Management/Air Quality Funds. These include 80% federal funding with a 20% match that has been provided by KYTC and LFUCG.

HUD Funds

HUD Housing funds are administrated through the LFUCG Division of Community Development. LFUCG is required to prepare a Consolidated Plan to demonstrate how housing funds will be utilized. The Southend Park Urban Village Plan is currently listed in the 3 - 5 year Consolidated Plan (2005) on pages 38-39. These pages are included in the Appendix. The project will be listed in the one-year action plan once housing is in place and the funds can be accessed. The Consolidated Plan addresses decent housing, a suitable living environment, and expanded economic opportunities for low- and moderate-income residents and serves as the application for the three formula grant programs from the U.S. Department of Housing and Urban Development, Community Development Block Grant Program (CDBG), the HOME Investment Partnerships Program, and the Emergency Shelter Grants Program (ESG). The one-year action plan is for the fiscal year from July to June. With the current schedule, it is anticipated that the Southend Park Urban Village Plan will begin utilizing major HUD funding in the fall of 2008 and therefore will first be included in the action plan for July 1, 2008 to June 30, 2009.

HUD HOME dollars will be utilized to assist first time home buyers to purchase housing in the mitigation area. With residents that fall within the 30% median income range, a maximum of $30,000 of HOME dollars can be applied toward the purchase price of the house. This subsidy remains with the house upon resale. This funding will be utilized to assist the current renters in the mitigation area. For new residents coming into the mitigation area, HOME dollars will be utilized to help buy down the purchase price. The amount of funding will be dependent on the median income of the buyer. For example, a buyer with a household income of 80% of the average for Fayette County would be eligible for a $15,000 buy down. The Newtown Pike Extension project is expected to utilize approximately $1 million to $2 million in HUD funding over the next 10 years.

In addition to HUD HOME dollars, the possibility of utilizing HUD funding to provide assisted living within the mitigation area is being explored. These funds would be allocated through a non profit service provider, such as the Nathaniel Mission, to provide this housing. HUD funding has also been utilized by the project to provide for CLT technical assistance and noise studies. Additional funding will be utilized to assist in homeownership counseling.
Future Revenue Sources
The Newtown Pike Extension project currently has approximately $41 million that have been committed. The state Six Year Plan contains over $18 million committed for the fiscal years 2007 and 2008 of HPP funds. This amount is sufficient to begin the Phase I portion of the mitigation area. The Six Year Plan will be renewed in 2008. It is expected that additional funding will be identified in the Lexington MPO TIP and or potential earmark funding from Congress will be allocated to the project to maintain the schedule.
APPENDIX
<table>
<thead>
<tr>
<th></th>
<th>FY 2005</th>
<th>FY 2006</th>
<th>FY 2007</th>
<th>Total Project Phasing Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design</td>
<td>$5,000,000</td>
<td>$1,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ROW</td>
<td>$4,000,000</td>
<td>$520,000</td>
<td>$3,120,000</td>
<td>$1,622,400</td>
</tr>
<tr>
<td>Util</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Const</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing²</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section II</td>
<td>$3,000,000</td>
<td>$1,040,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ROW</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Util</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Const</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing²</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section III</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ROW</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Util</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Const</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing²</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section IV</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ROW</td>
<td>$8,000,000</td>
<td>$3,500,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Util</td>
<td>$6,000,000</td>
<td>$3,250,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Const</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$11,500,000</td>
<td>$6,750,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design</td>
<td>$5,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$2,875,000</td>
</tr>
<tr>
<td>ROW</td>
<td>$3,300,000</td>
<td></td>
<td></td>
<td>$9,826,900</td>
</tr>
<tr>
<td>Utilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Const</td>
<td>$1,800,000</td>
<td>$6,500,000</td>
<td>$4,000,000</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>$250,000</td>
<td>$250,000</td>
<td>$250,000</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

**Inflation Adjustment**: Cost are adjusted for inflation at 4% per year with baseline FY 2007.

**Funds to be Programmed in 2009-2014 Plan**

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004 Omnibus</td>
<td>$0</td>
</tr>
<tr>
<td>Design</td>
<td>$1,322,000</td>
</tr>
<tr>
<td>Const</td>
<td>$1,322,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,322,000</td>
</tr>
<tr>
<td>2005 Earmark HPP</td>
<td>0</td>
</tr>
<tr>
<td>Design</td>
<td>$11,500,000</td>
</tr>
<tr>
<td>ROW</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Utilities</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Const</td>
<td>$0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$15,500,000</td>
</tr>
<tr>
<td>Requested Funds in 6 year plan</td>
<td>$15,516,700</td>
</tr>
<tr>
<td>Design</td>
<td>$2,875,000</td>
</tr>
<tr>
<td>ROW</td>
<td>$9,826,900</td>
</tr>
<tr>
<td>Utilities</td>
<td>$6,100,000</td>
</tr>
<tr>
<td>Const</td>
<td>$10,702,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$25,516,700</td>
</tr>
<tr>
<td>TOTAL Funding</td>
<td>$55,951,900</td>
</tr>
</tbody>
</table>

**Additional Funding Needed in 2007-2012 Six Year Plan**

$39,851,900

**Notes**

1. $5,000,000 is not included in total project fund totals.
2. Housing Cost associated with relocation benefits have been incorporated into Design Funds.
3. Section 106 Mitigation Funds have been incorporated into Design Funds.
Newtown Pike Extension - Item #7-593.00
Preliminary Phasing Cost per Section - Based on Six Year Plan 2007-2012
Cost are adjusted for Inflation at 4% per year with baseline FY 2007

September 5, 2007

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL FUNDS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRANSPORTATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design 1, 2 &amp; 3</td>
<td>$5,000,000</td>
<td>$0</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$2,872,400</td>
<td>$250,000</td>
<td>$250,000</td>
<td>$250,000</td>
<td>$250,000</td>
<td>$6,505,100</td>
</tr>
<tr>
<td>ROW</td>
<td>$0</td>
<td>$0</td>
<td>$7,000,000</td>
<td>$7,800,000</td>
<td>$0</td>
<td>$0</td>
<td>$9,826,900</td>
<td>$0</td>
<td>$0</td>
<td>$24,626,900</td>
</tr>
<tr>
<td>Utilities</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$1,560,000</td>
<td>$0</td>
<td>$0</td>
<td>$5,439,800</td>
<td>$3,467,500</td>
<td>$0</td>
<td>$10,467,300</td>
</tr>
<tr>
<td>Const</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$3,120,000</td>
<td>$6,489,600</td>
<td>$0</td>
<td>$0</td>
<td>$16,059,800</td>
<td>$10,755,200</td>
<td>$36,424,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$0</td>
<td>$0</td>
<td>$2,000,000</td>
<td>$2,000,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>TOTAL FUNDS HUD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$4,000,000</td>
</tr>
<tr>
<td>TOTAL FUNDING</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$82,023,900</td>
</tr>
<tr>
<td>TOTAL PROJECT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$87,023,900</td>
</tr>
</tbody>
</table>

Notes
1 - $5,000,000 is not included in total project Funding Totals
2 - Housing Cost associated with relocation benefits have been incorporated into Design Funds
3 - Section 106 Mitigation Funds have been incorporated into Design Funds
4 - Total Project includes $5M Design (FY2005)
# Newtown Pike Extension - Item #7-593.00

## Preliminary Phasing Cost per Section - Based on Six Year Plan 2007-2012

Cost are adjusted for Inflation at 4% per year with baseline FY 2007

September 5, 2007

<table>
<thead>
<tr>
<th>State Six Year Plan 2007-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type</strong></td>
</tr>
<tr>
<td><strong>HPP</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>KYD</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>STP</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Additional Funding</strong></td>
</tr>
<tr>
<td><strong>Existing Funding</strong></td>
</tr>
<tr>
<td><strong>Total STP</strong></td>
</tr>
</tbody>
</table>

**Sub-Total 2007-2012** | **$78,023,900.00**

**Allocated in Design** | **$5,000,000.00**

**HUD FUNDS** | **$4,000,000.00**

**TOTAL PROJECT** | **$87,023,900.00**

**Year** - Fiscal year in which funds would be available

**Amount** - Amount of Funds Available

**Type** - Funding Source

**HPP** - High Priority Projects

**KYD** - KY Federal Interstate Maint.

**STP** - Fed. Surf. Transp.; Any Area

**Usage** - Designation for Funds

**R** - Right Of Way

**U** - Utilities

**C** - Construction
Phasing
Due to the anticipated costs of the project, the project will be implemented into four separate construction sections. These sections will be constructed sequentially. The following is a description of each sections.

Section I – Relocation Housing
This phase will consist of a small acquisition, in the mitigation area, along the western side of Deroode Street, between the Versailles Road Viaduct and Merino Street. The properties will be used to construct approximately 20 to 25 single and multi family homes for the relocates of the Southend Park Neighborhood (Lower Davistown) and the proposed boulevard.

Section II – Versailles Road to Broadway
This phase will consist of acquisition of the majority of the remaining mitigation area, with the exception of Harry Gordon Steel and the existing Nathanial Mission property. Property will be acquired from Versailles Road to Broadway. Construction of the sites for the commercial space, institutional space, and approximately 25 to 30 single family and multi family homes will be built in the mitigation area. The boulevard will be constructed from Versailles Road to Broadway. The Nathanial Mission will be kept in operation at its existing location while a new mission is constructed.

Section III – Scott Street Connector
This phase will acquire Harry Gordon Steel, finishing out acquisition for the mitigation area, and the property for the Scott Street Connector. Construction of multi family homes will complete the housing for the mitigation area. The boulevard will be constructed from the intersection of Paterson and Newtown Extended to Limestone. This portion of the boulevard will include the construction of the bridge over Broadway as well as the new intersection at Limestone and Scott Street (New entrance for the University of Kentucky).

Section IV – Main Street to Versailles Road
This phase will acquire the property from Versailles Road to Main Street. The final stage of the project will include construction of a new bridge over the town branch and an at grade intersection with Manchester Street. Upon completion of phase IV the boulevard will be finalized and the full benefits of the project will be apparent.
Consolidated Plan
2005

July 1, 2005

FOR FURTHER INFORMATION:
IRENE GOODING, GRANTS MANAGER
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
200 EAST MAIN STREET
LEXINGTON, KY 40507
(859) 258-3070
County: Lexington Habitat for Humanity, Community Ventures Corporation's Lease-Purchase Program, Community Ventures Corporation's Homebuyer Subsidy Program, the R.E.A.C.H. Homebuyer Subsidy Program, Community Reinvestment Alliance of Lexington, Inc.'s Homebuyer Subsidy Program, and the Fayette County Local Development Corporation's (CHDO) Homebuyer Subsidy Program.

Other programs that will be used in this effort are Lexington-Fayette Urban County Housing Authority's Section 8 Homeownership program and Lexington-Fayette Urban County Housing Authority's proposed Bluegrass-Aspendale Hope VI revitalization project.

Housing Counseling
The jurisdiction requires that all first-time homebuyer programs supported with federal funds provide a strong counseling component that includes assistance with credit problems, life skills training for budget, finance, and home purchasing, pre-purchase counseling, and follow-up after purchase to avoid defaults. Over the five-year period, the jurisdiction expects to use no more than 2% of its CDBG revenue for counseling activities; however, the use of CDBG funds for this activity is a service and is included in the Non-Housing Community Development section of the plan. Other funds that will be used to support housing programs include the Lexington-Fayette Urban County Government's general fund, revenue generated by the individual programs, and for HUD-certified counseling programs, the U.S. Department of Housing and Urban Development's Housing Counseling Assistance Program.

Southend Park Urban Village
The Lexington-Fayette Urban County Government also expects to begin Phase I of the redevelopment of the Southend Park Urban Village (Lower Davistown). This development plan is the result of a major transportation project that will extend Newtown Pike from Main Street over to South Limestone Street. The purposes of the plan are to mitigate the social, economic and environmental impacts of this road improvement project on low-income residents living in the area. Phase I consists of the construction of 27 units of single family housing units along the western side of DeRoode Street at the northern edge of this neighborhood. This first phase is designed to meet the needs of those residents who plan to remain in the neighborhood, both owners and renters. To the extent possible, renters will be transitioned into homeownership. This redevelopment represents the demolition of 54 residential units (51 unsound units) along with the installation of new infrastructure, redevelopment of a neighborhood park, redevelopment of the existing Nathaniel United Methodist Mission, and the development of approximately 64,000 square feet of mixed-use development including retail, office and community facilities. When this redevelopment is completed (circa 2015), it is anticipated that in addition to the 27 units of single family housing in Phase I, 128 apartments, townhouses, and single family units will be constructed that are affordable to low- and moderate-income households, from both inside and outside the neighborhood. In order to provide affordable units and to ensure that these units remain affordable, the jurisdiction will organize a community land trust for perpetual ownership of the land as a means of protecting the land from a speculative market and maintaining the units for use by low- and moderate-income households. The development plan will strive for a minimum 35% assisted rental housing and has a goal of 50% homeowners. It is expected that funds for the purchase of the land, relocation benefits, and infrastructure improvements will come from the federal Department of Transportation. Construction Costs for housing are estimated at $9 million.
Financing for housing will come from the HOME Investment Partnerships program, if available, the Federal Home Loan Bank Board, Commonwealth of Kentucky’s Affordable Housing Trust Fund, Low-Income Housing Tax Credits (rental units), and conventional financing.

Rehabilitation of existing units
For the purpose of providing existing low-income (at or below 80% of area median income) owner occupant households with the opportunity to bring their housing up to code, become more energy efficient, and to make modifications for handicap accessibility, the jurisdiction will continue to operate a single family housing rehabilitation program that provices eligible households who are at 50% or below of area median income with deferred loans, and low-interest loans to those households who above 50% of area median income and at or below 80% of area median income. It is anticipated that for the five-year period, 200 units will be rehabilitated using the Community Development Block Grant program and the HOME Investment Partnerships program, if available. It is anticipated that 150 of these units will be owned and occupied by households who are at or below 50% of area median income, and that 50 of these units will be occupied by households that are between 50% and 80% of median income. It is expected that improvements to units will result in higher property values (using Property Valuation Administrator values), lower energy usage, greater comfort and safety to residents due to elimination of code violations, and improved accessibility by persons with disabilities.

The jurisdiction will continue to support with Community Development Block Grant funding, if available, the Bluegrass Realtors Community Housing Foundation, which operates a program providing financial assistance to low-income (80% or below) elderly and disabled homeowners who have exterior housing problems, emergency housing problems, accessibility problems, or roofing problems. This program can also provide assistance with accessibility problems for low-income renter households. It is anticipated that this program will provide assistance to 290 households over the five-year period. The assistance provided by this program enables low-income elderly and disabled residents to remain in their homes through the provision of minimal rehabilitation, help with emergencies, and accessibility alterations. In addition to federal CDBG funding, this organization also conducts private fundraising to support activities.

Housing for Special Populations
It is expected that the increase in rental housing units for households who are at or below 50% of median income will also serve some of the needs of special populations, including the chronic homeless, persons who have severe and persistent mental illnesses, persons with substance problems, persons with co-occurring disorders of severe and persistent mental illnesses and substance abuse problems, persons with HIV/AIDS and persons with HIV/AIDS and a co-occurring disorder of mental illness and/or substance abuse. It is the experience of the agencies that serve these populations that these populations tend to have incomes that are below 50% of median income, and they are most often found to be extremely low-income with incomes at or below 30% of median income. This population is not ready for homeownership and is usually not ready for independent living as renters. Most of this population needs permanent supportive housing with an intense level of support. To the extent possible, funds from the Community Development Block Grant program, if available, will be used to provide supportive services for this population, either in permanent supportive housing or in a transitional setting that is designed to move people into permanent housing. It is anticipated that the jurisdiction, during
<table>
<thead>
<tr>
<th>COUNTY</th>
<th>ITEM NO. &amp; PARENT NO.</th>
<th>ROUTE</th>
<th>LENGTH</th>
<th>DESCRIPTION</th>
<th>FUNDING</th>
<th>PHASE</th>
<th>YEAR</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>FAYETTE</td>
<td>2006 07 279.00</td>
<td>KY-4</td>
<td>PRELIMINARY DESIGN FUNDS FOR RECONSTRUCTION OF KY-4/US-60 (VERSAILLES ROAD) INTERCHANGE.</td>
<td>Total</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
<td>AMOUNT</td>
</tr>
<tr>
<td></td>
<td>Parent No.: 2006 07 279.00</td>
<td></td>
<td>Milepoints: From:4.335 To:4.585</td>
<td>Purpose and Need: RELIABILITY / I-CHANGE RECONSTRUCTION</td>
<td>$500,000</td>
<td></td>
<td>2008</td>
<td></td>
</tr>
<tr>
<td></td>
<td>KY-169 07 357.05</td>
<td></td>
<td></td>
<td>OPERATION OF VALLEY VIEW FERRY AT KY RIVER.</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
<td>AMOUNT</td>
</tr>
<tr>
<td></td>
<td>Parent No.: 2006 07 357.05</td>
<td></td>
<td>Milepoints: From:0 To:1</td>
<td>Purpose and Need: RELIABILITY / FERRY OPERATION</td>
<td>Total</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Milepoints: From:12.411 To:12.511</td>
<td></td>
<td>$145,000</td>
<td></td>
<td>2007</td>
<td></td>
</tr>
<tr>
<td></td>
<td>KY-169 07 357.06</td>
<td></td>
<td></td>
<td>OPERATION OF VALLEY VIEW FERRY AT KY RIVER.</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
<td>AMOUNT</td>
</tr>
<tr>
<td></td>
<td>Parent No.: 2006 07 357.06</td>
<td></td>
<td>Milepoints: From:0 To:1</td>
<td>Purpose and Need: RELIABILITY / FERRY OPERATION</td>
<td>Total</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Milepoints: From:12.411 To:12.511</td>
<td></td>
<td>$150,000</td>
<td></td>
<td>2008</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>TRAFFIC OPERATION IMPROVEMENTS FOR WORLD EQUESTRIAN GAMES.</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
<td>AMOUNT</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parent No.: 2006 07 368.00</td>
<td></td>
<td>Milepoints: From: To:</td>
<td>Purpose and Need: SAFETY / SAFETY</td>
<td>Total</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$5,000,000</td>
<td></td>
<td>2008</td>
<td></td>
</tr>
<tr>
<td>FAYETTE</td>
<td>2000 07 590.00</td>
<td>KY-1927 1.500</td>
<td>LIBERTY ROAD/TODD'S ROAD CADENTOWN BYPASS: RECONSTRUCT FROM 0.2 MILES SOUTH TO MILL LANE, TO BE LET BY LFUCG (SEE 7-225.00 FOR SECTION 2)</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
<td>AMOUNT</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parent No.: 2000 07 590.00</td>
<td></td>
<td>Milepoints: From:1 To:2.45</td>
<td>Purpose and Need: RELIABILITY / RECONSTRUCTION</td>
<td>Total</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$1,000,000</td>
<td></td>
<td>2006</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$1,325,000</td>
<td></td>
<td>2007</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$2,325,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FAYETTE</td>
<td>2002 07 590.01</td>
<td>KY-1927 1.500</td>
<td>LIBERTY ROAD/TODD'S ROAD CADENTOWN BYPASS: RECONSTRUCT FROM 0.2 MILES SOUTH TO MILL LANE, TO BE LET BY LFUCG (SEE 7-225.00 FOR SECTION 2) SUPPLEMENTAL FUNDING FOR C PHASE</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
<td>AMOUNT</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parent No.: 2002 07 590.00</td>
<td></td>
<td>Milepoints: From:1 To:2.45</td>
<td>Purpose and Need: RELIABILITY / RECONSTRUCTION</td>
<td>Total</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$5,720,000</td>
<td></td>
<td>2007</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$5,720,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FAYETTE</td>
<td>2000 07 593.00</td>
<td></td>
<td>NEWTOWN PIKE EXTENSION FROM WEST MAIN ST. TO SOUTH LIMESTONE ST. IN LEXINGTON, (03KYN) NEWTOWN PIKE/KY143 (SEE 7-593.02 FOR ADDITIONAL &quot;HPP&quot; FUNDING)</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
<td>AMOUNT</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parent No.: 2000 07 593.00</td>
<td></td>
<td>Milepoints: From: To:</td>
<td>Purpose and Need: RELIABILITY / NEW ROUTE</td>
<td>Total</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$8,000,000</td>
<td></td>
<td>2007</td>
<td></td>
</tr>
<tr>
<td>FAYETTE</td>
<td>2010 07 593.01</td>
<td></td>
<td>NEWTOWN PIKE EXTENSION FROM WEST MAIN ST. TO SOUTH LIMESTONE STREET IN LEXINGTON. (SEE 7-593.02 FOR &quot;HPP&quot; COMPONENT) TO BE LET BY LFUCG (04CCR)</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
<td>AMOUNT</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parent No.: 2000 07 593.00</td>
<td></td>
<td>Milepoints: From: To:</td>
<td>Purpose and Need: RELIABILITY / NEW ROUTE</td>
<td>Total</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$4,000,000</td>
<td></td>
<td>2010</td>
<td></td>
</tr>
<tr>
<td>FAYETTE</td>
<td>2004 07 593.02</td>
<td></td>
<td>NEWTOWN PIKE EXTENSION FROM WEST MAIN ST. TO SOUTH LIMESTONE STREET IN LEXINGTON. (03KYN) NEWTOWN PIKE/KY143 (SEE 7-593.01 FOR &quot;STP&quot; COMPONENT)</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
<td>AMOUNT</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parent No.: 2010 07 593.01</td>
<td></td>
<td>Milepoints: From: To:</td>
<td>Purpose and Need: RELIABILITY / NEW ROUTE</td>
<td>Total</td>
<td>FUNDING</td>
<td>PHASE</td>
<td>YEAR</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$3,500,000</td>
<td></td>
<td>2008</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$6,000,000</td>
<td></td>
<td>2008</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$3,500,000</td>
<td></td>
<td>2009</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$12,700,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COUNTY</td>
<td>ITEM NO. &amp; PARENT NO.</td>
<td>ROUTE</td>
<td>LENGTH</td>
<td>DESCRIPTION</td>
<td>FUNDING SCHEDULE INFORMATION</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>----------------------</td>
<td>-------</td>
<td>--------</td>
<td>-------------</td>
<td>------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FAYETTE</td>
<td>2004 07 903.03</td>
<td>-</td>
<td>NEWTOWN PIKE EXTENSION, KENTUCKY. (05KYD-KY/93)(SEE 7-593.02 FOR 2009HPP COMPONENT)</td>
<td>FUNDING PHASE YEAR AMOUNT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parent No.:</td>
<td>2004 07 903.03</td>
<td>-</td>
<td>Milepoints: From: To: Furnace and Need: RELIABILITY / NEW ROUTE(0)</td>
<td>KYD C 2006 $1,322,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total $1,322,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FAYETTE</td>
<td>2006 07 903.04</td>
<td>-</td>
<td>NEWTOWN PIKE EXTENSION FROM WEST MAIN ST. TO SOUTH LIMESTONE STREET IN LEXINGTON. (ADDITIONAL &quot;STP&quot; FUNDING FOR C PHASE)</td>
<td>FUNDING PHASE YEAR AMOUNT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parent No.:</td>
<td>2000 07 903.01</td>
<td>-</td>
<td>Milepoints: From: To: Furnace and Need: RELIABILITY / PREFINANCED CONVERSION(0)</td>
<td>STP C 2011 $6,000,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total $6,000,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FAYETTE</td>
<td>2006 07 903.05</td>
<td>-</td>
<td>NEWTOWN PIKE EXTENSION FROM WEST MAIN ST. TO SOUTH LIMESTONE STREET IN LEXINGTON. (ADDITIONAL &quot;STP&quot; FUNDING FOR C PHASE)</td>
<td>FUNDING PHASE YEAR AMOUNT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parent No.:</td>
<td>2000 07 903.01</td>
<td>-</td>
<td>Milepoints: From: To: Furnace and Need: RELIABILITY / PREFINANCED CONVERSION(0)</td>
<td>STP C 2012 $6,100,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total $6,100,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FAYETTE</td>
<td>2000 07 912.00</td>
<td>KY-168I .200</td>
<td>INTERSECTION OF KY168I &amp; ALEXANDRIA DRIVE AT WUB OF LEXINGTON; CONSTRUCT LEFT TURN LAKES AND IMPROVE SIGHT DISTANCE (2009BPP804CCR)</td>
<td>FUNDING PHASE YEAR AMOUNT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parent No.:</td>
<td>1996 99 206.20</td>
<td>-</td>
<td>Milepoints: From:4.5 To:4.7 Furnace and Need: SAFETY / SAFETY-HAZARD ELIMINATION(0)</td>
<td>HES R 2006 $325,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>HES U 2006 $89,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>HES C 2007 $1,089,850</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total $1,304,850</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parent No.:</td>
<td>2004 09 384.07</td>
<td>-</td>
<td>Milepoints: From:0 To:294 Furnace and Need: SAFETY / SAFETY-HAZARD ELIMINATION(0)</td>
<td>HES R 2006 $25,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>HES U 2006 $50,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>HES C 2008 $330,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total $405,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FAYETTE</td>
<td>2002 07 1111.00</td>
<td>CR-1122 .100</td>
<td>REPLACE BRIDGE OVER BOONE CREEK (C10) @ THE CLARK COUNTY LINE. (SR=16.2% ALL WORK BY LFUCG)</td>
<td>FUNDING PHASE YEAR AMOUNT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parent No.:</td>
<td>2002 07 1111.00</td>
<td>-</td>
<td>Milepoints: From:1.639 To:1.739</td>
<td>BRX R 2006 $250,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>BRX U 2006 $109,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>BRX C 2008 $779,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total $1,129,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FAYETTE</td>
<td>2004 07 2415.00</td>
<td>I-75 1.500</td>
<td>REPAIR AND GRIND PAVEMENT ON I-75 FROM MP 110.264 TO MP 111.82.</td>
<td>FUNDING PHASE YEAR AMOUNT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parent No.:</td>
<td>2004 07 2415.00</td>
<td>-</td>
<td>Milepoints: From:110.264 To:111.82 Furnace and Need: RELIABILITY / PAVEMENT REHAB-INT(P)</td>
<td>IM C 2008 $715,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total $715,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FAYETTE</td>
<td>2004 07 2416.00</td>
<td>I-75 6.000</td>
<td>MILL 1' INTERMEDIATE OVERLAY ON I-75 FROM MP 111.82 TO MP 117.80.</td>
<td>FUNDING PHASE YEAR AMOUNT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parent No.:</td>
<td>2004 07 2416.00</td>
<td>-</td>
<td>Milepoints: From:111.82 To:117.80 Furnace and Need: RELIABILITY / PAVEMENT REHAB-INT(P)</td>
<td>IM C 2007 $4,950,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total $4,950,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FAYETTE</td>
<td>2004 07 2417.00</td>
<td>I-64 1.300</td>
<td>REPAIR AND GRIND PAVEMENT ON I-64 FROM MP 81.837 TO MP 82.32.</td>
<td>FUNDING PHASE YEAR AMOUNT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parent No.:</td>
<td>2004 07 2417.00</td>
<td>-</td>
<td>Milepoints: From:81.837 To:82.32 Furnace and Need: RELIABILITY / PAVEMENT REHAB-INT(P)</td>
<td>IM C 2008 $669,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total $669,000</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2030 Transportation Plan for Fayette and Jessamine Counties

“Planning for the future while caring for the past.”

June 2004
3. **Mode usage** predicts how the trips will be divided among the various available modes of travel.

4. **Trip assignment** predicts the routes that the trips will take, resulting in traffic forecasts for the highway system and ridership forecasts for the transit system.

It is very important that travel demand models be "calibrated." To calibrate means to adjust model equations, parameters, validate input data, and other model structures until the models replicate actual travel patterns exhibited by origin destination surveys and actual traffic counts for the "base year". The Census Transportation Planning Package (CTPP) data was available and utilized in this process for the Lexington area travel demand model in 1995. Once a model has been calibrated, it will predict travel with an acceptable degree of accuracy. Only then can various highway alternatives be tested properly. For this plan, year 2000 model traffic flow assignments were checked against available year 2000 data to validate model results.

**EXISTING PLUS COMMITTED SYSTEM**

The existing plus committed system consists of transportation facilities that currently exist and projects that have not been completed but have committed funding and construction phases falling in or before the year 2010. 2010 is the last year of the current Kentucky State Six Year Plan. This plan contains all Kentucky’s programmed transportation projects that have committed federal or state funding. The Existing plus Committed transportation system is the base from which all plan alternatives/scenarios are built upon. Current committed road projects are listed in Figure 4.12.

**Figure 4.12: COMMITTED PROJECTS (Construction by 2010)**

<table>
<thead>
<tr>
<th>MPO #</th>
<th>PROJECT</th>
<th>DESC.</th>
<th>CONS. YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>009.13</td>
<td>Loudon Avenue – Oakhill Drive to Winchester Road (US-60) Widening</td>
<td></td>
<td>2004</td>
</tr>
<tr>
<td>042.83</td>
<td>Liberty Rd. / Todds Rd. (KY-1927) – Cadentown Bypass Widening</td>
<td></td>
<td>2005</td>
</tr>
<tr>
<td>037.33</td>
<td>Harrodsburg Road (US-68) – 4800' S. of Brannon (KY-1980) to KY-29 Widening</td>
<td></td>
<td>2006</td>
</tr>
<tr>
<td>008.13</td>
<td>Leestown Road (US-421) – New Circle Road (KY-4) to Masterson Station Widening</td>
<td>2007</td>
<td></td>
</tr>
<tr>
<td>010.13</td>
<td>Liberty Rd. / Todds Rd. (KY-1927) – Forest Hill to L-75 Widening</td>
<td></td>
<td>2009</td>
</tr>
<tr>
<td>046.22</td>
<td>Citation Boulevard Phase II – Southern Railroad to S. of Leestown Road (US-421) New Road</td>
<td>2009</td>
<td></td>
</tr>
<tr>
<td>043.22</td>
<td>Newtown Pike Extension – W. Main to S. Limestone Street New Road</td>
<td></td>
<td>2009</td>
</tr>
<tr>
<td>012.13</td>
<td>Clays Mill Road – New Circle Road to Man o’War Boulevard Widening</td>
<td></td>
<td>2010</td>
</tr>
</tbody>
</table>

**FUTURE HIGHWAY TRANSPORTATION SYSTEM DEFICIENCIES**

Through the travel demand forecasting process described previously, future highway capacity deficiencies are identified. Proposed highway improvement projects are evaluated to determine their effectiveness in resolving these deficiencies. The process allows the staff to technically prioritize proposed highway improvements or to eliminate them from consideration if they do not prove to be effective. Alternative methods of transportation such as: transit, ridesharing, vanpools, bicycles, pedestrian and aviation are also evaluated, where they may be appropriate.

The year 2030 was chosen as the planning horizon year to analyze the transportation system's ability to serve projected travel demand. The standard planning and design period is a minimum of 20 years. With a 2030 horizon year the Lexington-Area MPO will have the ability to make potential long-range Transportation Plan amendments, if necessary, and maintain a required minimum 20-year planning period.

One of the primary variables used to determine which links will experience future year capacity deficiencies is volume to capacity ratio (V/C). V/C is defined as the ratio of vehicle demand flow to capacity for a traffic facility. Capacity values vary by facility and area type. Facility types range from local streets to collectors to arterials to freeways/expressways. Area types range from Central Business Districts to Rural areas. V/C ratios is a model performance measure that indicates if a certain link in the system is operating under, near, or over its capacity for a given level-of-service. Level-of-service descriptions are given below in Figure 4.13.
CHAPTER 5 – PLAN RECOMMENDATIONS

HIGHWAY ELEMENT

The project selection and prioritization process for the Year 2030 Long-Range Transportation Plan was simplified since the last plan. While some community project priorities have changed, most all of the projects, that have not been implemented, are still valid. The staff analysis of anticipated roadway deficiencies in the future transportation system reinforced the list of proposed projects from the previous Year 2025 Long-Range Transportation Plan. Input was received from the members of the Transportation Technical Coordinating Committee (TTCC) and the Transportation Policy Committee (TPC), which served to adjust “technical” project priorities.

Because of higher anticipated funding, the Year 2025 Long-Range Transportation Plan addressed nearly all identified deficiencies within the planning period. During this plan update process, some new future year transportation system deficiencies emerged with the introduction of newly developed 2025 socioeconomic data. Also, a significant decrease in anticipated funding allowed only the most important projects to be proposed for implementation in Year 2030 Long-Range Transportation Plan. While many projects from the 2025 plan are currently being implemented, the greater issues of the previous 2025 plan are continuing to be addressed effectively in this new plan.

The following is a summary of the existing and carry-over highway projects and their current status in this plan update:

Figure 5.5 - FEDERAL AID PROGRAMS AND PROJECTS Please see project details in tables provided.

<table>
<thead>
<tr>
<th>FUNDING PROGRAMS</th>
<th>Type of Program/Project</th>
<th>Program Fund Source Document</th>
<th>Carry-Over from 2025 Plan</th>
<th>Map ID #</th>
</tr>
</thead>
<tbody>
<tr>
<td>SLX CONTINUING PROGRAMS</td>
<td>Continuing Program</td>
<td>TIP &amp; Six-Year Plan</td>
<td>Yes</td>
<td>NA</td>
</tr>
<tr>
<td>Lexington Bluegrass Mobility Office</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Quality Planning</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lexington Traffic Signal Upgrades</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ITS/CMS Improvements</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SLX ROADWAY PROJECTS</td>
<td>Road Widening</td>
<td>TIP &amp; Six-Year Plan</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Leestown Rd. (New Circle Rd. to Masterson Park)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liberty KY-1927/Todds Rd. - Cadentown Bypass</td>
<td>Road Widening</td>
<td>TIP &amp; Six-Year Plan</td>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>Liberty/Todds Rd. (0.2 miles South of Andover Forest Dr. to I-75) Section 2</td>
<td>Road Widening</td>
<td>TIP &amp; Six-Year Plan</td>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td>Clays Mill Road (Harrodsburg Rd. to New Circle Road) Section 1</td>
<td>Road Widening</td>
<td>TIP &amp; Six-Year Plan</td>
<td>Yes</td>
<td>4</td>
</tr>
<tr>
<td>Clays Mill Road (New Circle Road to Man o’ War Blvd.) Section 2</td>
<td>Road Widening</td>
<td>TIP &amp; Six-Year Plan</td>
<td>Yes</td>
<td>5</td>
</tr>
<tr>
<td>Fayette Mall Road (Man o’ War Blvd. to West Reynolds Rd)</td>
<td>New Roadway</td>
<td>2030 PLAN</td>
<td>Yes</td>
<td>6</td>
</tr>
<tr>
<td>Starshoot Parkway (Connection to Liberty Rd.)</td>
<td>New Roadway</td>
<td>2030 PLAN</td>
<td>Yes</td>
<td>7</td>
</tr>
<tr>
<td>Man o’ War Boulevard (I-75 to Richmond Road)</td>
<td>Road Widening</td>
<td>2030 PLAN</td>
<td>Yes</td>
<td>8</td>
</tr>
<tr>
<td>Alumni Drive (Edgewater Drive to Man o’ War Boulevard)</td>
<td>Road Widening</td>
<td>2030 PLAN</td>
<td>Yes</td>
<td>9</td>
</tr>
<tr>
<td>Man o’ War Blvd. (Richmond Rd. to Armstrong Mill Rd.)</td>
<td>Road Widening</td>
<td>2030 PLAN</td>
<td>Yes</td>
<td>10</td>
</tr>
<tr>
<td>Liberty Road (New Circle Road to Church of God)</td>
<td>Road Widening</td>
<td>2030 PLAN</td>
<td>Yes</td>
<td>11</td>
</tr>
<tr>
<td>Loudon Avenue (Russell Cave Road to Oakhill Drive)</td>
<td>Road Improvements</td>
<td>2030 PLAN</td>
<td>Yes</td>
<td>12</td>
</tr>
<tr>
<td>Russell Cave Road - Park Place to North Broadway</td>
<td>Road Widening</td>
<td>2030 PLAN</td>
<td>Yes</td>
<td>13</td>
</tr>
<tr>
<td>Parkers Mill Rd. (Versailles Rd. to Man o’ War Blvd.)</td>
<td>Road Widening</td>
<td>2030 PLAN</td>
<td>Yes</td>
<td>14</td>
</tr>
</tbody>
</table>
### FUNDING PROGRAMS

<table>
<thead>
<tr>
<th>Type of Program/Project</th>
<th>Program Fund Source Document</th>
<th>Carry-Over from 2025 Plan</th>
<th>Map ID #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Todds Rd. (Codell Drive to Man o’War Boulevard)</td>
<td>Road Widening 2030 PLAN</td>
<td>Yes</td>
<td>15</td>
</tr>
<tr>
<td>Alumni Dr. (Nicholasville Rd. to Chinoe Rd.)</td>
<td>Road Widening 2030 PLAN</td>
<td>Yes</td>
<td>16</td>
</tr>
<tr>
<td>Brannon Road (US 68 to US 27)</td>
<td>Road Widening 2030 PLAN</td>
<td>Yes</td>
<td>17</td>
</tr>
<tr>
<td>Man o’ War Blvd. (Armstrong Mill Rd. to Tates Creek Rd.)</td>
<td>Road Widening 2030 PLAN</td>
<td>Yes</td>
<td>18</td>
</tr>
<tr>
<td>Man o’ War Blvd. (Tates Creek Rd. to Nicholasville Rd.)</td>
<td>Road Widening 2030 PLAN</td>
<td>Yes</td>
<td>19</td>
</tr>
<tr>
<td>Man o’ War Boulevard (I-75 to Winchester Rd.)</td>
<td>Road Widening 2030 PLAN</td>
<td>Yes</td>
<td>20</td>
</tr>
</tbody>
</table>

### TE - FEDERAL TRANSPORTATION ENHANCEMENT

<table>
<thead>
<tr>
<th>Non-SLX AND OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Elkhorn Trail (Nicholasville Rd. to Grassy Creek Rd)</td>
</tr>
</tbody>
</table>

### IM-- FEDERAL INTERSTATE MAINTENANCE PROJECTS

| IM--Federal Interstate Maintenance | Pavement Rehabilitation TIP & Six-Year Plan | Yes | 22 |

### NH-- FEDERAL NATIONAL HIGHWAY SYSTEM PROGRAM

| NH--Federal National Highway System Program--KY 922 Newtown Pike | Minor Widening TIP & Six-Year Plan | Yes | 23 |

### HBP--HIGHWAY BRIDGE PROGRAM

| BRX--Bridge Replacement over Boone Creek (C10) @ the Clark County Line (SR-62) | Minor Widening TIP & Six-Year Plan | No | 24 |

### STP--FEDERAL SURFACE TRANSPORTATION PROGRAM PROJECTS

| Citation Boulevard - Phase II (Southern RR to Leestown Rd.) | New Roadway TIP & Six-Year Plan | Yes | 25 |
| Newtown Pike Extension | New Roadway TIP & Six-Year Plan | Yes | 26 |
| Viley Road Extension- Phase II (Southern RR to Leestown Rd.) | New Roadway TIP & Six-Year Plan | Yes | 27 |
| East Nicholasville Bypass (Section Phase I) | New Roadway TIP & Six-Year Plan | Yes | 28 |
| Georgetown Rd. US-25 (Spurr Road to Etter Ln.) | Road Widening 2030 PLAN | Yes | 29 |

### SP--STATE CONTINUING PROGRAMS

| Operation of Valley View Ferry at KY River | Continuing Program FY 05-08 TIP, Six-Year Plan & 2030 LRTP | Yes | 30 |

### SP--STATE PROJECTS

| Harrodsburg Rd. US-68 (New Circle Rd. to Man o’War Boulevard) | Road Widening TIP & Six-Year Plan | Yes | 31 |
| Harrodsburg Rd. US-68 (KY 29 to Brannon Rd.) | Road Widening TIP & Six-Year Plan | Yes | 32 |

### HPP -- HIGH PRIORITY PROJECTS

| Liberty KY-1927/Todds Rd. - Cadentown Bypass | Road Widening | Yes | 33 |
### HBP--HIGHWAY BRIDGE PROGRAM

#### BRX--Bridge Replacement over Boone Creek (C10) @ the Clark County Line (SR-62)

<table>
<thead>
<tr>
<th>MPO ID #</th>
<th>KYTC ITEM #</th>
<th>STATUS</th>
<th>ROUTE</th>
<th>PHASE</th>
<th>ANNUAL COST</th>
<th>FISCAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>065.72</td>
<td>1111.00</td>
<td>Recommended FY 2005--FY 2010 Six-Year Plan &amp; FY 2005--FY 2008 TIP</td>
<td>KY 922</td>
<td>DESIGN</td>
<td>$125,000</td>
<td>2004</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>RIGHT OF WAY</td>
<td>$250,000</td>
<td>2006</td>
</tr>
</tbody>
</table>

**FUNDING SOURCE:** BRX

**TOTAL FUNDING 2005 to 2030:** $1,050,000

**OPERATIONS**

The bridge replacement project (BRX) will provide a safer crossing for persons traveling along one of Fayette County's scenic rural roadways.

### STP--FEDERAL SURFACE TRANSPORTATION PROGRAM PROJECTS

#### Citation Boulevard - Phase II (Southern RR to Leestown Rd.)

<table>
<thead>
<tr>
<th>MPO ID #</th>
<th>KYTC ITEM #</th>
<th>STATUS</th>
<th>ROUTE</th>
<th>PHASE</th>
<th>ANNUAL COST</th>
<th>FISCAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>RIGHT OF WAY</td>
<td>$8,180,000</td>
<td>2004</td>
</tr>
</tbody>
</table>

**FUNDING SOURCE:** STP

**TOTAL FUNDING 2005 to 2030:** $7,500,000

**OPERATIONS**

This project will continue Citation Boulevard Phase I from the Southern Railroad to just South of Leestown Road (US-421) to meet projected traffic demands in this rapidly developing area.

#### Newtown Pike Extension

<table>
<thead>
<tr>
<th>MPO ID #</th>
<th>KYTC ITEM #</th>
<th>STATUS</th>
<th>ROUTE</th>
<th>PHASE</th>
<th>ANNUAL COST</th>
<th>FISCAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>RIGHT OF WAY</td>
<td>$6,750,000</td>
<td>2007</td>
</tr>
</tbody>
</table>

**FUNDING SOURCE:** STP

**TOTAL FUNDING 2005 to 2030:** $28,850,000

**OPERATIONS**

This project will provide a new extension of Newtown Pike around the west side of Downtown Lexington. The project will relieve unnecessary traffic congestion in the downtown area by providing through trips (with no destination in the downtown area) a route to bypass.
Attachment 6 – Community Land Trust By-Laws
ARTICLE 1: Name and Purpose

1. **Name:** The name of this organization shall be Lexington Community Land Trust, Inc., hereinafter referred to as the “Corporation”.

2. **Primary Purpose:** A primary purpose of the Corporation shall be:

   a. To protect the integrity and viability of the Southend Park Urban Village and its housing stock and neighborhood amenities against unwanted and/or detrimental neighborhood impacts from the Newtown Pike Road Extension Project.

**Other Purposes:** Other purposes of the Corporation shall include:

   b. To provide and preserve opportunities for quality and affordable housing in Southend Park and other areas of Fayette County for low-income and moderate-income people that is controlled by the residents on a long-term basis.

   c. To deter community deterioration in Southend Park Urban Village and in other economically disadvantaged neighborhoods in Fayette County by promoting development, rehabilitation, and maintenance of decent housing in these neighborhoods; by promoting economic opportunities; by making land available for projects and activities that improve the quality of life in these neighborhoods; and by assisting residents of these neighborhoods in improving the safety and well-being of their community.

   d. To protect relationships between neighbors, to preserve relationships between people and place, to promote sound use of land, including residential and commercial uses that enhance and support local neighborhoods, all of which ultimately contribute to the long-term vitality of the community.

ARTICLE 2: Membership

1. **Regular Membership.** Subsequent to the first Annual Meeting, the Regular Members of the Corporation, with full voting rights, shall be:

   a. The Lessee Members, who shall be all persons who lease land or housing from the Corporation or who lease or own housing that is located on land leased by another entity from the Corporation.
b. The General Members, who shall be all other persons eighteen years of age or older, who live within Fayette County and have complied with the following requirements:

(1) Qualification as an Initial Member, as defined in the Articles of Incorporation, or attendance at one of the “orientation meetings” that shall be scheduled from time to time by the Board of Directors for the purpose of introducing prospective members to the purposes and methods of the Corporation.

(2) Submission of a Membership application, including a signed statement of support for the purposes of the Corporation in a form to be determined by the Board of Directors.

(3) Payment of dues as established by the Membership for the current calendar year.

2. Requirements for Continuing Regular Membership. To maintain Regular Membership beyond a person’s first year of Regular Membership, a person must either be a Lessee Member or:

a. Have attended at least one Meeting of the Membership or Board of Directors during the previous twenty-four months, or have shown both good cause for nonattendance and continuing interest in the Corporation; and

b. Have paid dues established for the current calendar year.

3. Membership Dues

a. Annual membership dues shall be assessed for each calendar year by an affirmative vote of a majority of the Regular Members present and voting at the Annual Meeting preceding that year. If no such action is taken to assess dues for a given year, the dues for that year shall be as established for the previous year.

b. Annual dues may be paid either in cash or through a contribution of labor to the organization. The Board of Directors shall determine the hourly rate at which labor will be credited as dues, and shall have the power to designate the types of labor that may be credited.

4. Rights of Regular Members

a. Every Regular Member shall have the right to participate in meetings of the Membership, to cast one vote on all matters properly put before the Membership for consideration, to nominate and participate in the election of the Board of Directors as provided
by these Bylaws, to serve on the Board of Directors or on committees if chosen, and to receive notices and minutes of Membership Meetings and Annual Reports of the Corporation.

b. The assent of the Regular Membership, in accordance with these Bylaws, shall be required before action may be taken on the assessment of membership dues, the sale of land, alteration of the “resale formula,” the amendment of the Articles of Incorporation or certain sections of these Bylaws, and the dissolution of the Corporation.

5. Supporting Membership

a. Any person who has paid the annual dues established for the current calendar year but who does not wish to become a Regular Member or has not met all the requirements of Regular Membership shall be designated a Supporting Member of the Corporation.

b. Supporting Members shall have all the rights of Regular Members except the right to nominate and participate in the election of the Board of Directors and the right to vote on matters put before the Regular Membership.

6. Membership Meetings

a. Notice of Meetings. Written notice of every Membership Meeting shall be given to all Regular and Supporting Members and shall include an agenda for the meeting. Except as otherwise provided in Article 9 of these Bylaws, notice shall be mailed at least fifteen days prior to a meeting. Written notice can be given electronically.

b. Annual Meetings. Subsequent to the First Annual Meeting, the Annual Meeting of the Membership, for reports to the Membership by the Board of Directors and Officers, the election of Directors, the assessment of dues, and the transaction of other business of the membership, shall be held in the fourth quarter of each year. The location and specific time of the Annual Meeting shall be determined by the Board of Directors. Notice of the Annual Meeting shall include a list of those persons nominated for the Board of Directors as provided in Article 3 of these Bylaws.

c. Regular Meetings. Regular Meetings may be scheduled by the Regular Membership at such times and places as they shall establish at the Annual Meeting.

d. Special Meetings. Special Membership Meetings may be called by
the Board of Directors or by a written petition, addressed to the President of the Corporation, signed by at least one-tenth (10%) of the Regular Membership. At a Special Meeting, only those matters stated on the agenda, as included in the notice of the meeting, may be acted upon by the Membership.

e. **Open Meetings.** All Membership Meetings shall be open to any person.

f. **Minutes.** Minutes of all Membership Meetings shall be recorded by the Secretary of the Corporation or by another person designated by the Board of Directors. Minutes for every meeting shall be approved by the Regular Membership at the next Membership Meeting.

g. **Quorum.** A quorum shall consist of one-third of the total Regular Membership, as determined by the Secretary of the Corporation.

h. **Decision-making.** Whenever possible, decisions shall be made at Membership Meetings by the consensus of the Regular Members present, a quorum being assembled. In the event that consensus is not attained, a decision shall be made by an affirmative vote of a majority of the Regular Members present and voting, a quorum being assembled, except as otherwise provided in these Bylaws. Before a vote is held on any motion, the exact language of the motion shall be recorded by the Secretary and read to the Membership, and all Members present shall have a reasonable opportunity to express their opinions on the proposition.

**ARTICLE 3: Board of Directors**

1. **Number of Directors.** Except for the initial Board named in the Articles of Incorporation, the Board of Directors shall consist of twelve (12) Directors.

2. **Composition of the Board.** There shall be three categories of Directors, each consisting of four (4) Directors, or one third of the total Board. The three categories shall be “Lessee Directors” representing people who lease land or housing from the Corporation or who lease or own housing that is located on land leased by another entity from the Corporation, “General Directors” representing members of the Fayette County community, and “Public Directors” representing the interests of the general public. Until the Newtown Pike Extension Project is completed, three of the “Public Directors” shall include a designated representative from the Lexington Fayette Urban County Government, a designated representative from the Kentucky Transportation Cabinet, and a
designated representative from the Federal Highway Administration.

3. Nomination of Directors for the first ten years after Incorporation. For all regular elections for a ten-year period subsequent to the first Annual Meeting of the Membership, Directors shall be nominated as follows:

a. Lessee Directors
   (1) Lessee Members may nominate candidates for Lessee Directors to the Board from among themselves. These nominations must either be submitted in writing to the Secretary of the Corporation at least twenty days prior to the Annual Membership Meeting or be made from the floor at the Annual Meeting.
   (2) If, at the time the notice of the Annual Membership Meeting is to be sent out, the number of nominations is less than the number of Lessee Director seats to be filled, the Board of Directors shall nominate enough candidates so that the total number of candidates is sufficient to fill the number of seats to be filled. To achieve this end, the Board may, at any time prior to the sending out of such notice, approve a list of candidates for Lessee Directors and may instruct the Secretary to draw from this list so as to name a sufficient number of candidates with the notice of the annual Meeting. In making such nominations, the Board shall select actual Lessee Members to the extent that they are available to serve on the Board of Directors. Otherwise the Board shall select persons who can reasonably be expected to represent the normal interests and concerns of Lessee Members.

b. General Directors. At least twenty days prior to the Annual Meeting, the Board of Directors shall make nominations for General Directors to the Board.

c. Public Directors. At least twenty days prior to the Annual Meeting, the Board of Directors shall make nominations for Public Directors to the Board. Until the Newtown Pike Extension project is completed, members representing the Lexington Fayette Urban County Government, the Kentucky Transportation Cabinet, and the Federal Highway Administration shall be selected by those respective agencies. The Lexington Fayette Urban County Government, the Kentucky Transportation Cabinet, and the Federal Highway Administration may opt out of said representation by submitting a notice to the current Board of their desire to do so. In the event
that any or all of these agencies choose to opt out of having a representative, the remaining Public Director shall be selected by Board nomination and subsequent election by members as set out herein.

d. **Nominations.** Person(s) submitting nominations shall submit the nominee’s name, the category of the seat the nominee is requested to fill, a brief summary of the person’s background, and how they believe the person will assist the Corporation in fulfilling the Corporation’s purposes and goals.

e. **Notice of Nominations.** A list of all persons nominated in each of the three categories shall be included with the notice of the Annual Meeting.

4. **Election of Directors for the first ten years after Incorporation.** Directors shall be elected by the members present and voting at the Annual Meeting, a quorum being assembled, in accordance with the following procedures.

a. A separate vote shall be taken for each of the three categories of Board Directors: (1) Lessee Directors, (2) General Directors, and (3) Public Directors. If a person has been nominated in more than one category and is then elected in one category, his or her name shall be removed from the list of nominees in the remaining categories.

b. All Members (Lessee and General) shall elect Lessee Directors, General Directors, and the Public Directors that are not pre-selected by the Lexington Fayette Urban County Government, the Kentucky Transportation Cabinet, and the Federal Highway Administration. Each Member qualified to vote may vote for as many nominees in this category as there are seats to be filled.

c. In each of the three categories, available positions not held by representatives appointed by the Federal Highway Administration, the Kentucky Transportation Cabinet, and the Lexington Fayette Urban County Government shall be filled by those candidates receiving the largest numbers of votes in the category, though such numbers may constitute less than a majority of the total votes cast in the category.

5. **Nomination of Directors after the Corporation’s 10 year anniversary.** For all regular elections subsequent to ten years following the first Annual Meeting of the Membership, Directors shall be nominated as follows:

a. **Lessee Directors**

   (1) Lessee Members may nominate candidates for Lessee
Directors to the Board from among themselves. These nominations must either be submitted in writing to the Secretary of the Corporation at least twenty days prior to the Annual Membership Meeting or be made from the floor at the Annual Meeting.

(2) If, at the time the notice of the Annual Membership Meeting is to be sent out, the number of nominations is less than the number of Lessee Director seats to be filled, the Board of Directors shall nominate enough candidates so that the total number of candidates is sufficient to fill the number of seats to be filled. To achieve this end, the Board may, at any time prior to the sending out of such notice, approve a list of candidates for Lessee Directors and may instruct the Secretary to draw from this list so as to name a sufficient number of candidates with the notice of the annual Meeting. In making such nominations, the Board shall select actual Lessee Members to the extent that they are available to serve on the Board of Directors. Otherwise the Board shall select persons who can reasonably be expected to represent the normal interests and concerns of Lessee Members.

b. General Directors

(1) General Members may nominate General Directors to the Board from among themselves. These nominations must either be submitted in writing to the Secretary of the Corporation at least twenty days prior to the Annual Meeting or be made from the floor at the Annual Meeting.

(2) If, at the time the notice of the Annual Membership Meeting is to be sent out, the number of nominations for General Directors is less than the number of General Director seats to be filled, the Board of Directors shall nominate enough candidates so that the total number of candidates is sufficient to fill the number of seats to be filled. To achieve this end, the Board may, at any time prior to the sending out of such notice, approve a list of candidates for General Directors and may instruct the Secretary to draw from this list so as to name a sufficient number of candidates with the notice of the annual Meeting.

c. Public Directors. At least twenty days prior to the Annual Meeting, the Board of Directors shall make nominations for Public Directors to the Board.
d. **Nominations.** Person(s) submitting nominations shall submit the nominee’s name, the category of the seat the nominee is requested to fill, a brief summary of the person’s background, and how they believe the person will assist the Corporation in fulfilling the Corporation’s purposes and goals.

e. **Notice of Nominations.** A list of all persons nominated in each of the three categories shall be included with the notice of the Annual Meeting.

6. **Election of Directors after the Corporation’s 10-year anniversary.** Directors shall be elected by the members present and voting at the Annual Meeting, a quorum being assembled, in accordance with the following procedures.

a. A separate vote shall be taken for each of the three categories of Board Directors: (1) Lessee Directors, (2) General Directors, and (3) Public Directors. If a person has been nominated in more than one category and is then elected in one category, his or her name shall be removed from the list of nominees in the remaining categories.

b. Only Lessee Members may vote to elect Lessee Directors unless no Lessee members are present at the Annual Membership Meeting. If no Lessee Members are present, then General Members may vote to elect Lessee Directors. Each Member qualified to vote for Lessee Directors may vote for as many nominees in this category as there are Lessee Director seats to be filled.

c. Only General Members may vote to elect General Directors unless no General Members are present at the Annual Membership Meeting. If no General Members are present, then Lessee Members may vote to elect General Directors. Each Member qualified to vote for General Representatives may vote for as many nominees in this category as there are General Director seats to be filled.

d. All Regular Members (both Lessee and General Members) may vote to elect Public Directors. Each Regular Member may vote for as many Public Director nominees as there are Public Director seats to be filled.

e. In each of the three categories, positions shall be filled by those candidates receiving the largest numbers of votes in the category, though such numbers may constitute less than a majority of the total votes cast in the category.
7. Vacancies
   
a. **Election To Fill Vacancies.** If any Director vacates his or her term or is removed from the Board, the remaining Directors (though they may constitute less than a quorum) may elect a person to fill the vacancy, or may, by unanimous agreement, decide to leave the position vacant until the next Annual Meeting of the Membership, provided the Board still includes at least three Directors in each category. Elections to fill vacancies shall be by a majority of the remaining Directors.

b. **Qualifications of Replacements.** Any person elected to fill a vacancy on the Board of Directors must be Regular Member who can be reasonably expected to represent the interests of the constituents in the category (Lessee, General, or Public) in which the vacancy occurs.

c. **Term of Replacements.** Replacement Directors elected by the Board shall serve out the remaining term of the person who has vacated the position.

8. Low-Income Representation. In their actions regarding the nomination and election of Directors and appointment of people to fill vacancies on the Board of Directors, the Membership and the Board of Directors shall at all times ensure that at least one third of the Board is maintained for residents of low-income neighborhoods, other low-income community residents, or elected representatives of low-income neighborhood organizations.

9. Terms of Directors
   
a. **Terms of First Elected Directors.** After the election of Directors at the first Annual Meeting, each Director shall be assigned, by mutual agreement or by lot, to a one-year or two-year term. In each of the three categories of Representatives, two Directors shall be assigned a one-year term and two shall be assigned a two-year term.

b. **Terms of Successor Directors.** Except as otherwise provided in these Bylaws, each Director shall serve a full term of two years.

c. **Commencement of Terms.** The term of office of a regularly elected Director shall commence at the adjournment of the Annual Membership Meeting in which he or she is elected. The term of office of a Director elected by the Board to fill a vacancy shall begin at the time of his or her acceptance of the position.
d. **Reelection.** No person shall serve as a Director for more than three consecutive elected terms. After a two year’s absence from the Board, however, a person who has served three consecutive elected terms may return to the Board, if reelected, and may serve up to three consecutive elected terms.

**10. Resignation**

a. Any Director may resign at any time by giving written or electronic notice to the President. Unless otherwise specified, such resignation shall be effective upon the receipt of notice by the President.

b. A Director shall be considered to have given notice of resignation and his or her position shall be declared vacant by the Board of Directors if he or she fails to attend three consecutive meetings of the Board with the exception of emergency meetings, unless good cause for absence and continuing interest in participation on the Board are recognized by the Board. When a Director has failed to attend three consecutive meetings, the President shall notify him or her in writing that, at the next regular Board meeting, his or her position will be declared vacant unless the Board determines that there has been good cause for the Director’s absences and that the Director continues to be interested in participating on the Board of Directors. The notification by the President shall be mailed no later than seven days prior to the Board meeting at which the position may be declared vacant. At this meeting, the Director in question shall be given the opportunity to show good cause for absence from meetings and continuing interest in participating on the Board. The resignation of a Director who has missed three consecutive meetings shall not become effective until the Board has declared the position vacant as provided herein.

**11. Removal of Directors.** A Director of the Corporation may be removed for good cause by a two-thirds (2/3) majority vote of the Board of Directors of the Corporation when such Director is judged to have acted in a manner seriously detrimental to the Corporation.

**12. Meetings of the Board of Directors**

a. **Notice of Meetings.** Except as provided below for emergency meetings, written notice of a Board meeting shall be mailed or electronically transmitted to all Directors at least seven days prior to the meeting or shall be delivered in person at least five days prior to the meeting. Notice of every meeting shall include an agenda for the meeting.
b. **Waiver of Notice.** Any Director may waive any notice required by these Bylaws. Any Director who has not received notice of a Board meeting but has attended that meeting shall be considered to have waived notice of that meeting, unless he or she requests that his or her protest be recorded in the minutes of the meeting.

c. **Annual Meeting.** The Annual Meeting of the Board of Directors may be held immediately following the Annual Membership Meeting and must be held no later than six weeks following the Annual Membership Meeting.

d. **Regular Meetings.** The Board of Directors shall meet no less often than once every two months, at such times and places as the Board may establish.

e. **Special Meetings and Emergency Meetings.** Special meetings may be called by the President, by any three Directors, or by the collected signatures of not less than 10% of the Regular Members of the Corporation. Notice must be given as provided above, unless any three Directors determine that the matter at hand constitutes an emergency. When so determined, an Emergency Meeting may be called on one day's notice. Notice of Emergency Meetings, including an announcement of the agenda, shall be given by telephone or in person to all Directors. At any Special or Emergency Meeting of the Board, only those matters included in the announced agenda may be acted upon unless all the Directors are present at the meeting and unanimously agree to take action on other matters.

13. **Procedures for Meetings of the Board of Directors**

a. **Open Meetings.** All meetings of the Board of Directors shall be open to any person except when the Board has voted, during an open meeting, to go into executive session.

b. **Executive Session.** A motion to go into executive session shall state the nature of the business of the executive session, and no other matter may be considered in the executive session. No binding action may be taken in executive session except actions regarding the securing of real estate purchase options or contracts in accordance with paragraph (2) below. Attendance in executive session shall be limited to the Directors and any persons whose presence is requested by the Board of Directors. Minutes of an executive session need not be taken; however, if they are taken, they shall be recorded as a part of the minutes of the meeting in
which the Board has voted to go into executive session. The Board shall not hold an executive session except to consider one or more of the following matters.

(1) Contracts, labor relations agreements with employees, arbitration, grievances, or litigation involving the Corporation when premature public knowledge would place the Corporation or person involved at a substantial disadvantage.

(2) Real estate purchase offers and the negotiating or securing of real estate purchase options, contracts, or leases.

(3) The appointment or evaluation of an employee, and any disciplinary or dismissal action against an employee (however, nothing in this section shall be construed to impair the right of the employee to a public hearing if action is taken to discipline or dismiss).

(4) The consideration of applications from persons seeking to lease land and/or housing, purchase housing, or arrange financing from the Corporation.

(5) Relationships between the Corporation and any party who might be harmed by public discussion of matters relating to the relationship.

c. **Quorum.** At any meeting of the Board, a quorum shall consist of a majority of the Board of Directors, provided that at least one representative from each of the three categories of Directors is present.

d. **Decision-making.** The Board shall attempt to reach unanimous agreement on all decisions. In the event that unanimous agreement cannot be achieved, a decision may be made by a majority of the Directors present and voting, except as otherwise provided in these Bylaws.

f. **Minutes.** Minutes of all Board meetings shall be recorded by the Secretary or by such other person as the Board may designate, and shall be approved by the Board at the next Board meeting. All minutes of Board meetings shall be kept on permanent record by the Corporation and shall be open for inspection by any Member of the Corporation.

14. **Duties of the Board of Directors.** The Board of Directors shall carry out the
purposes of the Corporation, implement the decisions of the Regular Membership, and be responsible for the general management of the affairs of the Corporation in accordance with these Bylaws. Specifically, the duties of the Board of Directors shall include:

a. Approve a written Annual Report to the Membership and make this report available to all Members. This report shall include a summary of the Corporation’s activities during the previous year, the Corporation’s most recent financial reports, and a list of all real estate held by the Corporation.

b. Adopt an annual operating budget prior to the beginning of each fiscal year and approve any expenditure not included in the budget.

c. Select all officers of the Corporation.

d. Supervise the activities of all officers, agents, and committees of the Corporation in the performance of their assigned duties and investigate any possible conflicts of interest within the Corporation.

e. Adopt and implement personnel policies providing for the hiring, supervision, and evaluation of employees.

f. Provide for the deposit of funds in accordance with Article 9 of these Bylaws.

g. Determine by whom and in what manner deeds, leases, contracts, checks, drafts, endorsements, notes and other instruments shall be signed on behalf of the Corporation.

h. Acquire such parcels of land, with or without buildings and other improvements, through donation, purchase, or otherwise, as the Board shall determine that it is useful and prudent to acquire in furtherance of the purposes of the Corporation.

i. Convey the right to use land, through leases or other limited conveyances, in accordance with the provisions of Articles 6 and 7 of these Bylaws.

j. Convey ownership of housing and other improvements on the Corporation’s land to qualified lessees, as possible, in accordance with the provisions of Articles 6 and 7 of these Bylaws.

k. Exercise, as appropriate, the Corporation’s option to repurchase (or arrange for the resale of) housing and other improvements belonging to ground lessees in accordance with the terms of the ground lease and Article 7 of these Bylaws.
l. Develop the resources necessary for the operation of the Corporation and for the acquisition and development of land and housing.

m. Ensure the sound management of the Corporation’s finances.

15. Powers of the Board of Directors. In addition to the power to carry out the duties enumerated above, the Board of Directors shall have the power to:

a. Appoint and discharge advisors and consultants.

b. Create such committees as are necessary or desirable to further the purposes of the Corporation. Any member of the Corporation or other person may be appointed to any committee. No committee may take action on behalf of the Corporation except as authorized by the Board of Directors.

c. Call special meetings of the membership.

d. Approve the borrowing and lending of money as necessary to further the purposes of the Corporation and in accordance with Article 10 of these Bylaws.

e. Negotiate and execute Memorandums of Understanding and other related agreements with Council(s) of Neighborhood Stewards, as needed.

f. Exercise all other powers necessary to conduct the affairs and further the purposes of the Corporation in accordance with the Articles of Incorporation and these Bylaws.

16. Limitation on the Powers of the Board of Directors. Action taken by the Board of Directors on any motion for the assessment of membership dues, the removal of Directors, the sale of land, the establishment or alteration of the “resale formula,” the amendment of the Articles of Incorporation or certain sections of these Bylaws, or dissolution of the Corporation shall not become effective unless and until such action is approved by the Regular Membership in accordance with these Bylaws.

17. Conflict of Interest. No member of the Board of Directors shall vote on any matter in which such Director or any parent, spouse, child, partner, employer or similar related business entity has a substantial interest in any property or business that would be substantially affected by such action.

ARTICLE 4. Council(s) of Neighborhood Stewards
1. Local Control by Council of Neighborhood Stewards: The Board of Directors may determine from time to time that it is necessary to delegate to a Council of Neighborhood Stewards the responsibility and authority to determine, develop, and manage specific neighborhood land trust operations. The Board may establish and delegate said operations and responsibilities to a local Council of Stewards when the Corporation owns a cluster of lots within a one-mile radius of each other. The Council(s) shall be comprised entirely of local leaseholders within that cluster. The chair of said Council(s), whenever possible, may hold a seat on the Corporation’s tripartite Board. The framework under which the Council(s) oversees the neighborhood trust is defined below.

   a. Composition of Council of Neighborhood Stewards. When necessary or determined prudent by the Corporate Board of Directors a voluntary Council of Neighborhood Stewards (CNS) will be formed, comprised entirely of leaseholders from a specified neighborhood.

   b. Separation of Powers. The Board of Directors shall maintain ultimate control of the Corporation with assistance from the Council(s) of Neighborhood Stewards.

   c. Flexibility in creation of Council(s) of Neighborhood Stewards. The Corporate Board maintains the authority and flexibility to modify these powers and responsibilities on a neighborhood-by-neighborhood basis, within a Memorandum of Understanding negotiated with each CNS.

   d. Documentation of Powers and Authority. When a Council of Neighborhood Stewards is created, the Board shall enter into a Memorandum of Understanding setting forth the specific powers and authority vested in the Council.

ARTICLE 5: Officers

1. Designation. The officers of the Corporation shall be: President, Vice President, Secretary, and Treasurer and immediate Past President.

2. Election. The officers of the Corporation shall be elected by a majority vote of the Board of Directors, from among themselves, at the Annual Meeting of the Board. The Board shall fill any vacancies occurring in any of these offices for the unexpired term.

3. Tenure. The officers shall hold office until the next Annual Meeting of the
Board after their election, unless, before such time, they resign or are removed from their offices, or unless they resign or are removed from the Board of Directors. Any officer who ceases to be a member of the Board of Directors shall thereby cease to be an officer.

4. **Removal from Office.** The officers shall serve at the pleasure of the Board of Directors and may be removed from office at any time by an affirmative vote of two thirds of the entire Board of Directors.

5. **Duties of the President.** The President shall:
   a. Preside at all meetings of the Board of Directors and the Membership when able to do so.
   b. Consult with the other officers and the committees of the Corporation regarding the fulfillment of their duties.
   c. Ensure that an agenda is prepared for every meeting of the Membership and the Board of Directors.
   d. Give notice to any Director who has been absent from three consecutive regular meetings, as required by these Bylaws.
   e. Call special meetings of the Membership or Board of Directors when petitioned to do so in accordance with these Bylaws.
   f. Carry out the duties assigned to the President regarding the removal of a Director.
   g. Perform such other duties as the Board of Directors may assign.

6. **Duties of the Vice President.** The Vice President shall:
   a. Perform all duties of the President in the event that the President is absent or unable to perform these duties.
   b. Perform those duties assigned to the President regarding the resignation or removal of a Director when the President is disqualified from performing these duties.
   c. Ensure that up-to-date copies of these Bylaws, incorporating any duly approved amendments, are maintained by the Corporation; answer all questions from the Board regarding these Bylaws; and ensure that all actions of the Membership and Board of Directors comply with these Bylaws.
   d. Perform such other duties as the Board of Directors may assign.

7. **Duties of the Past President.** The Past President shall:
a. Ensure that any and all committees established by the Board of Directors are constituted as the Board has directed and meet as necessary and appropriate.

b. Advise President on matters related to policy and programs of the Corporation.

c. Perform such other duties as assigned the President may assign.

8. **Duties of the Secretary.** The Secretary shall:

   a. Ensure that a list of all Members and their mailing addresses is maintained by the Corporation.

   b. Ensure that proper notice of all meetings of the Membership and the Board of Directors is given.

   c. Ensure that motions and votes in meetings of the Membership and Board are accurately represented to those present and are accurately recorded in the minutes.

   d. Ensure that minutes of all meetings of the Membership and the Board of Directors are recorded and kept on permanent record.

   e. Perform such other duties as the Board of Directors may assign.

9. **Duties of the Treasurer.** The Treasurer shall oversee the finances of the Corporation. Specifically, the Treasurer shall:

   a. Ensure that the financial records of the Corporation are maintained in accordance with sound accounting practices.

   b. Ensure that funds of the Corporation are deposited in the name of the Corporation in accordance with these Bylaws.

   c. Ensure that all deeds, title papers, leases, and other documents establishing the Corporation’s interest in property and rights in particular matters are systematically and securely maintained.

   d. Ensure that all money owed to the Corporation is duly collected and that all gifts of money or property to the Corporation are duly received.

   e. Ensure the proper disbursement of such funds as the Board of Directors may order or authorize to be disbursed.

   f. Ensure that accurate financial reports (including balance sheets and revenue and expense statements) are prepared and presented to the Board at the close of each quarter of each fiscal year.
g. Ensure that such reports and returns as may be required by various government agencies are prepared and filed in a timely manner.

h. Ensure that an annual operating budget is prepared and presented to the Board for its approval prior to the beginning of each fiscal year.

ARTICLE 6: Stewardship of Land

1. **Principles of Land Use.** The Board of Directors shall oversee the use of land owned by the Corporation and shall convey the right to use such land so as to facilitate access to land and affordable housing by low-income and moderate-income people. In so doing, the Board shall be guided by the following principles:
   a. The Board shall consider the needs of potential lessees and shall attempt to effect a just distribution of land use rights.
   b. The Board shall convey land use rights on terms that will preserve affordable access to land and housing for future low-income and moderate-income residents of Fayette County.
   c. The Board shall convey land use rights in a manner that will promote the long-term well being of the community and the long-term health of the environment.

2. **Encumbrance of Land.** The decision to mortgage or otherwise encumber land owned by the Corporation shall require the approval of two-thirds (2/3) of the entire Board of Directors and the consent of any parties to whom such land is leased.

3. **Sale of Land.** The sale of land does not conform with the philosophy and purposes of the Corporation. Accordingly, land shall not be sold except in extraordinary circumstances, and then only in accordance with the following guidelines.
   a. A parcel of land may be sold pursuant to a resolution adopted by an affirmative vote by at least two-thirds of the entire Board of Directors at a regular or special Board meeting, provided that (i) the Corporation has owned the parcel for no more than sixty (60) days at the time the vote is taken, (ii) the parcel is not leased to any party, and (iii) the resolution states that the location or character of the parcel is determined to be such that the charitable purposes of the Corporation are best served by selling the land and applying the proceeds to the support of other activities serving those purposes.
b. In all other circumstances a parcel of land may be sold only with:

(1) An affirmative vote by at least two-thirds of the entire Board of Directors at a regular or special Board meeting, provided that written notice of such meeting has described the proposed sale and the reasons for the proposal;

(2) The written consent of any persons to whom the land in question is leased; and

(3) The approval of two-thirds of the Regular Members present at a regular or special Membership Meeting, a quorum being assembled, provided that written notice of such meeting has described the proposed sale and the reasons for the proposal.

ARTICLE 7: Ownership of Housing and Other Improvements Located on the Corporation's Land, and Limitations on Resale

1. Ownership of Housing and Improvements on the Corporation's Land. In accordance with the purposes of the Corporation, the Board of Directors shall take appropriate measures to promote and facilitate the ownership of housing and other improvements on the Corporation's land by low-income and moderate-income people. These measures may include, but are not limited to, provisions for the sale of housing to such people; provisions for financing the acquisition of housing by such people, including direct loans by the Corporation; and provision for grants or other subsidies that will lower the cost of housing for such people.

2. Preservation of Affordability. It is a purpose of the Corporation to preserve the affordability of housing and other improvements for low-income and moderate-income people in the future. Accordingly, when land is leased for such purpose, the Board of Directors shall ensure that as a condition of the lease, housing on the land may be resold only to the Corporation or to another low-income or moderate-income person and only for a price limited by a “resale formula” as described in section 3 below. However, notwithstanding the foregoing, the Board of Directors may determine, for reasons consistent with the charitable purposes of the Corporation, to lease certain parcels of land for uses that do not require continued affordability for low-income or moderate-income people, and in such cases the resale restrictions described above shall not be required as a condition of the lease.

3. The Resale Formula. Whenever its purpose is to preserve affordability, the Corporation shall restrict the price that ground lessees may receive when
they sell housing and other improvements located on the land that is leased to them by the Corporation. A policy establishing such restrictions in the form of a “resale formula” shall be adopted by the Board of Directors, in accordance with the following principles:

a. To the extent possible, the formula shall allow the seller to receive a price based on the value that the seller has actually invested in the property being sold.

b. To the extent possible, the formula shall limit the price of the property to an amount that will be affordable for other low-income and moderate-income people at the time of the transfer of ownership.

4. Procedures for Adoption of the Resale Formula. The adoption of the resale formula shall require an affirmative vote by at least two-thirds of the entire Board of Directors at any regular or special Board meeting, provided that written notice of such meeting has set forth the proposed formula with an explanation thereof.

5. Procedures for Altering the Resale Formula. The consistent long-term application of a resale formula is essential to the purposes of the Corporation. Accordingly, the resale formula shall not be altered unless the Board of Directors and Regular Members of the Corporation determine that the current formula presents an obstacle to the achievement of the purposes of the Corporation. In such an event, the resale formula may be altered only by a two-thirds vote of the entire Board of Directors and a two-thirds vote of the Regular Members present at a Membership meeting (finding a quorum being present), as described above for the adoption of the formula.

ARTICLE 8: Amendment of Articles of Incorporation and Bylaws

1. The Articles of Incorporation may be amended and the following Articles of these Bylaws – Article 1: Name and Purpose; Article 2: Membership; Article 3: Board of Directors; Article 6: Stewardship of Land; and Article 7: Ownership of Housing and Other Improvements Located on Corporation’s Land and Limitations on Resale; and Article 8: Amendment of Articles of Incorporation and Bylaws – may be amended or repealed only by:

a. An affirmative vote by two-thirds of the entire Board of Directors at any regular or special Board meeting, provided that written notice of such meeting has set forth the proposed amendment or replacement, with appropriate explanations thereof; and

b. An affirmative vote by two-thirds of the Regular Members present at
any regular or special Membership meeting, a quorum being assembled, provided that written notice of such meeting has set forth the proposed amendment or replacement, with appropriate explanations thereof.

2. All other Articles may be amended by majority vote of the Board.

ARTICLE 9: Dissolution

A decision to dissolve the Corporation and to distribute the Corporation’s assets in a particular manner in accordance with the Articles of Incorporation shall require:

1. An affirmative vote by two-thirds of the entire Board of Directors at any regular or special Board meeting, provided that written notice of such meeting has included a full description of the plan of dissolution; and

2. An affirmative vote by two-thirds of the Regular Members present at a regular or special Membership meeting, a quorum being assembled, provided that written notice of such meeting, including a full description of the proposed plan of dissolution, has been given to all Members of the Corporation no later than three weeks prior to the meeting.

ARTICLE 10: Miscellaneous Provisions

1. Fiscal Year. The fiscal year of the Corporation shall begin on January 1 of each year, and shall end on December 31 of each year.

2. Deposit of Funds. All funds of the Corporation not otherwise employed shall be deposited in such banks, trust companies, or other reliable depositories as the Board of Directors from time to time may determine.

3. Checks, etc. All checks, drafts, endorsements, notes and evidences of indebtedness of the Corporation shall be signed by such officers or agents of the Corporation and in such manner as the Board of Directors from time to time may determine. Endorsements for deposits to the credit of the Corporation shall be made in such manner as the Board of Directors from time to time may determine.

4. Loans. No loans or advances shall be contracted on behalf of the Corporation, and no note or other evidence of indebtedness shall be issued in its name, except as authorized by the Board of Directors under Article 3, 15 (d). Any such authorization shall relate to specific transactions.

5. Contracts. Any officer or agent of the Corporation specifically authorized
by the Board of Directors may, on behalf of the Corporation, enter into those contracts or execute and deliver those instruments that are specifically authorized by the Board of Directors. Without the express and specific authorization of the Board of Directors, no officer or other agent of the Corporation may enter into any contract or execute and deliver any instrument in the name of the Corporation.

6. **Indemnification.** The Corporation shall, to the fullest extent permitted by, and in accordance with the provisions of, Chapter 273 of the Kentucky Nonprofit Corporation Act (or corresponding provisions of any subsequent state laws), indemnify each director, officer, and employee of the Corporation against expenses (including attorneys’ fees), judgments, taxes, fines, and amounts paid in settlement incurred by such person in connection with, and shall advance expenses (including attorneys’ fees) incurred by such person in defending, any threatened, pending, or completed action, suit, or proceeding (whether civil, criminal, administrative, or investigative) to which such person is, or is threatened to be made, a party by reason of the fact that such person is or was a director, officer, or employee of the Corporation, or is or was serving at the request of the Corporation as a director, officer, member, partner, employee, or agent of another domestic or foreign corporation, partnership, joint venture, trust, or other enterprise. Advancement of expenses shall be made upon receipt of an undertaking, with such security, if any, as the Board of Directors may reasonably require, by or on behalf of the person seeking indemnification to repay amounts advanced if it shall ultimately be determined that such person is not entitled to be indemnified by the Corporation as authorized herein.

a. **Nonexclusivity of Indemnification** The indemnification provided for by this Article 6 shall not be deemed exclusive of any other rights to which directors, officers, or employees of the Corporation may be entitled under any statute, agreement, or action of the Board of Directors of the Corporation, or otherwise, and shall continue as to a person who has ceased to be a director, officer, or employee of the Corporation, and shall inure to the benefit of the heirs, executors, and administrators of such a person.

b. **Insurance.** The Corporation may purchase and maintain insurance on behalf of any person who is or was a director, officer, employee, or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, member, partner, employee, or agent of another domestic or foreign corporation, partnership,
joint venture, trust, or other enterprise, against any liability asserted against such person and incurred by such person in such capacity or arising out of such person’s status as such, whether or not the Corporation would have the power or be obligated to indemnify such person against such liability under the provisions of this Article 6 or Kentucky Revised Statutes Chapter 273 (or corresponding provisions of any subsequent state laws)."

7. **No Capital Stock.** The Corporation shall have no capital stock or stockholders, and its business and affairs shall not be conducted for private pecuniary gain or profit. None of the Corporation’s gain, profit, or property shall inure to the incorporator nor to any officer or director thereof, except as otherwise provided in Section (1)(a) of Article 2 of the Corporation’s Articles of Incorporation with respect to compensation for services rendered. Its entire gain, profit, net earnings, and property shall be devoted exclusively to the charitable and other uses and purposes set forth in Article 2 of the Articles of Incorporation.

8. **Initial Registered Agent.** The Registered Agent for the Corporation is:

---

**ARTICLE 11: Initial Membership and Board, Adoption of Bylaws, First Annual Meeting**

1. **Initial Membership.** The Initial Members empowered to vote at the first annual meeting shall be those persons 18 years of age or older who have attended at least one of the organizational meetings held between date of Incorporation and the time of the First Annual Meeting, as recorded in the minutes of such meetings.

2. **Initial Board of Directors.** The Initial Board of Directors shall be as stated in the Articles of Incorporation. The Initial Board, after approving these Bylaws, shall call the first Annual Meeting of the Membership, and shall serve until the first elected Board of Directors has been seated upon the completion of the First Annual Meeting.

3. **Adoption of Bylaws.** Adoption of these Bylaws as the Bylaws of the Corporation shall require:
   
   a. Approval by a majority of the Initial Board of Directors prior to the First Annual Meeting; and
   
   b. Ratification by two-thirds of the Initial Members present and voting
4. **Nomination of Directors To Be Elected at First Annual Meeting.** In consultation with the Initial Members, the Initial Board of Directors shall nominate a slate of twelve candidates, and shall designate four of these candidates as candidates for “Lessee Directors,” four as candidates for “General Directors,” and four as candidates for “Public Directors.” Additional nominations for any of the three categories of Directors may be made by any Initial Member from the floor at the First Annual Meeting.

5. **First Annual Meeting.** The First Annual Meeting of the Membership, for the ratification of these Bylaws, the election of Directors, the assessment of membership dues, and the transaction of other business, shall be held within twelve (12) months of Incorporation of the Corporation. The location and specific time of the First Annual Meeting shall be determined by the Initial Board of Directors. Notice of the First Annual meeting shall be mailed or electronically transmitted to all Initial Members at least seven days prior to the Meeting and shall include a list of those persons nominated for the Board of Directors in accordance with Paragraph 4 above. Except as otherwise provided in this Article, the election of Directors and other business of the First Annual Meeting shall be conducted in accordance with Articles 2 and 3 of these Bylaws.
Attachment 7 – Correspondence from LFUCG Division of Community Development
November 2, 2006

James Ballinger
Kentucky Department of Highways, District 7 Office
763 West New Circle Road, Building 2
P.O. Box 11127
Lexington, Kentucky 40512

Dear James:

SUBJECT: NEWTOWN PIKE EXTENSION PROJECT
CONSOLIDATED PLAN

As an entitlement community, the Lexington Fayette Urban County Government is awarded HUD funding annually based on a formula allocation to address housing and community development needs as identified in the government’s Consolidated Plan. These funds include Community Development Block Grant (CDBG) program, HOME Investment Partnerships program, American Dream Downpayment Initiative and the Emergency Shelter grant (ESG) program. The 5-year Consolidated Plan is required to identify the needs of the community, priorities to address the problems, a housing market analysis and a one-year action plan for implementation. The Action Plan details the projects that will be funded during the government’s fiscal year. An Action Plan is required every year.

The current Consolidated Plan dated July 1, 2005 includes the increase of homeownership opportunities for low-income households as a priority. The Southend Park Urban Village is included specifically as a housing objective. This project would be eligible for HOME funding, in addition to other sources of revenue not directly administered by the local government. Funds cannot be allocated in an action plan for this project until all of the details have been finalized. The action plan includes funding for projects that are to be implemented in the government’s current fiscal year. The project will probably be funded in multiple years to complete all phases of the project. The government is committed to providing the necessary HOME funds to make this project a success. Funding can be used for the construction of the affordable housing (rental and homeownership) and/or as a direct payment to homebuyers needing assistance to purchase the homes.

If you have additional questions, or need additional information, please let me know.

Sincerely,

Paula King
Director

HORSE CAPITAL OF THE WORLD
200 East Main Street 6th Fl  Lexington, KY 40507  (859)258-3070  (859)258-3081 fax  www.lfucg.com

F:\WP51\HCD\FED\STATE\7814-003.doc
Attachment 8 – Responses to FEIS Comments
Comments received:

<table>
<thead>
<tr>
<th>Page number</th>
<th>Correction noted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Change US 431 to US 421</td>
</tr>
<tr>
<td>55</td>
<td>Change photo caption from South Broadway to South Upper/Limestone</td>
</tr>
<tr>
<td>84</td>
<td>Change order of minimum and maximum feet</td>
</tr>
<tr>
<td>123</td>
<td>Change “two new homes” to “eight new homes”</td>
</tr>
<tr>
<td>181</td>
<td>Change “particular” to “particularly”</td>
</tr>
<tr>
<td>205</td>
<td>No change required</td>
</tr>
<tr>
<td>332</td>
<td>Change “Newtown Commons” to “Newtown Crossing”</td>
</tr>
<tr>
<td>350</td>
<td>No change required</td>
</tr>
</tbody>
</table>

Response:
Thank you for your comments.
Katheryn L. W. Heinz:

I'm addressing this letter to the greater team at large, because I know this document was a collaboration of many over an extended amount of time. I am submitting my comments regarding the Final Environmental Impact Statement for the Newtown Pike Extension as a PDF on the accompanying dist, so that you can see the comments alongside the corresponding highlighted section of the document.

As the document is quite lengthy, there are many comments to share with you. However, perhaps the most pressing comments are as follows:

First, to my knowledge no resident of Davis Bottoms was given a copy of this document with the opportunity for comments. I am not sure why I was mailed a copy, and they weren’t. I passed my copy along to them. This is inexcusable for a team that prides itself in community involvement for a document that is intended for community protection and “revitalization”.

Response: First, this project has adhered to the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.) throughout project development. All transportation projects receiving federal funding must comply with this Act.

The Project Team includes representatives from the Federal Highway Administration for the state (Kentucky), region (Atlanta, Georgia) and federal (Washington, DC) offices; the Kentucky Transportation Cabinet at the state and district level; the Lexington-Fayette Urban County Government; and engineering and environmental consultants. Therefore, when the term Project Team is used below, it refers to all members of these entities.

It was recognized early in the information-collecting phase (referred to as baseline analysis) that the project would have environmental justice impacts upon the residents of the Davistown community due to the low-income population. The 1994 Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, requires federal agencies to address the effects of all programs, policies, and activities on “minority populations and low-income populations.” The purpose of Executive Order 12898 is to identify, address, and avoid disproportionately high and adverse human health or environmental effects on these populations. In 1997, the US Department of Transportation issued the DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations (DOT Order) to summarize and expand upon the requirements of Executive Order 12898.

The Project Team determined that the appropriate mitigation for these environmental justice impacts, which go far beyond standard relocation benefits afforded by the FHWA and KYTC for highway projects, involved the creation of the Southend Park Urban Village, financed and managed by a Community Land Trust (CLT). Because the project is located in an urban area that is experiencing rapid development, it was necessary to find a way to eliminate the cost of land in the replacement housing equation. The CLT
achieves this aim. The mitigation measures ensure that all residents who choose to 
remain in the neighborhood will be relocated into new housing at costs the same as what 
they are paying now, that community resources such as the Nathaniel United Methodist 
Mission and Carver Center will remain cornerstones in the community, and that 
community cohesion will be preserved and strengthened because residents of the 
community will be able to serve on the Board of the CLT and help govern their 
community. This is far removed from their present situation.

All provisions of the mitigation have been exhaustively examined, discussed, modified 
and approved by the Project Team. The Final Environmental Impact Statement (FEIS) 
was reviewed by the US Environmental Protection Agency (US EPA), which has ultimate 
oversight regarding approval of environmental documents. Under Section 309 of the 
Clean Air Act (42 U.S.C. 7401 et seq. (1970)). US EPA is required to review and publicly 
comment on the environmental impacts of major federal actions including actions, which 
are the subject of EISs. In its letter approving the FEIS, US EPA commended the Project 
Team for the efforts they made to engage the affected communities in project planning, 
mitigation of EJ impacts, and the work they did to ensure that the community could 
remain in the project area.

Therefore, it is not correct to state that the Project Team has been negligent in its efforts 
to involve the public.

Regarding your comments, the Project Team responds as follows.

Every resident who provided comments on the Draft EIS was given either a paper copy 
or a CD, or both, of the FEIS, per US EPA requirements. In addition, the community 
liaison was given paper copies and numerous CDs of the document. She indicated that 
many of the residents reviewed the document in her office, and those who had difficulty 
reading or understanding the document were read the contents of the document. Copies 
of the FEIS were also available for review at all branches of the Lexington Public 
Library as well as state transportation and city offices. Anyone who requested a copy 
from the Project Team was given one.

Second, I found many statements in the document that revealed commentary and 
conclusions based on stereotypes of low-income people. Many statements seemed 
patronizing, and others showed a deep lack of understanding of the people and how urban 
communities function. This is an indication that very little was actually learned from this 
study, rather this study was created as project justification or satisfaction for a 
requirement of the project. You must respect a people before you can learn from them.

Response: Thank you for your comment. The Project Team worked closely with the 
community to gain an understanding of the functioning of the Southend Park 
neighborhood.

Third, I never had the sense that this study was an authentic and challenging look at the 
impact of this project upon the people of this community. I never read any real concerns
or problems this project might create. In fact, time and again, the NPE was placed in a position of solution to the current problems of the people. It did not honestly study the impact of the new boulevard or the impact of the new Southend Park Urban Village, nor did it honor the real assets that the community already holds.

Response: Thank you for your comment. The FEIS documents the project’s impacts to the residents of the neighborhood. By recognizing the extent of these impacts, the Project Team determined that standard mitigation measures would not suffice and that the Urban Village, with the Community Land Trust, offered the residents appropriate mitigation for these impacts.

Ultimately, I found that the semantics of the document revealed a lack of respect and empathy for the community. I do believe that there are genuine charitable concerns for the community, but this is vastly different from respect and honor. The law does not require charity from government projects that affect vulnerable communities. The laws, which require such a study like this to be performed, are in place so that those who do not have political, social, or economic resources are respected and honored as people, not to be affected in ways that any person with greater resources (political, social, economic) would refuse to be affected. It is the responsibility of this team to uphold the spirit of those laws and not skirt around them, because they pose challenging situations.

Response: The Project Team has adhered to the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.) throughout project development. The Project Team believes that the mitigation measures agreed upon for the documented impacts were the result of adequate study and compliance with laws and regulations.

[The comments on the document follow; each comment is preceded by the page number of the FEIS in the .pdf version.]

(3) Why didn’t the residents of Davis Bottoms and Irishtown receive copies of this CD?

Response: Every resident who provided comments on the DEIS was given either a paper copy or a CD, or both, of the FEIS, per US EPA requirements. In addition, the community liaison was given paper copies and numerous CDs of the document. She indicated that many of the residents reviewed the document in her office, and those who had difficulty reading or understanding the document were read the contents of the document. Copies of the FEIS were also available for review at all branches of the Lexington Public Library as well as state transportation and city offices.

In addition, any resident who requested a copy was provided one. The residents of Irishtown did not receive a copy because they are not directly impacted by the project and are not directly affected by the mitigation plan.
How has the project insured that adequate and feasible compensation and respect be given to the community affected by the project? There is a mixing of purposes: NPE extension and community development – really two different, but related projects.

Response: There is only one project. The Southend Park Urban Village was created to mitigate for the social and economic impacts to the Davistown community from the road construction. There cannot be one without the other. The project will be completed in four phases. Phases I and IV will be constructed concurrently. Phase I will relocate the residents along DeRoode Street into temporary housing while their new homes are constructed and infrastructure improvements are made in this section of the neighborhood. Then the residents will be moved into their new permanent homes. Phase I is mitigation for the environmental justice impacts. The remaining phases involve the road construction portion of the project. Phase IV, which will be constructed at the same time as Phase I, constructs the boulevard from West Main Street to Versailles Road. Phase II completes construction of the Urban Village and extends the boulevard to South Broadway. Phase III constructs the new bridge over South Broadway and extends the boulevard along Scott Street to South Limestone at the University of Kentucky.

Does making decisions that increase (even slightly) residential displacement in favor of allowing more opportunities for economic development against current eminent domain law? Can economic development ever be used as a beneficial reason and justification for eminent domain? How does this option affect current local business? Isn’t the preference to support local business and to promote mixed use/residential business? In other words, why isn’t Gentry and Kevin McCormick’s shop protected if economic opportunity and neighborhood benefits are seen as positive outcomes of the project?

Response: Economic development is not the reason for the eminent domain decision. This project is an attempt to alleviate traffic congestion in downtown Lexington, and lessen the number of accidents associated with that congestion. It is an attempt to provide safe transport of the traveling public across Lexington. The project is required to accomplish these efforts without having a disproportionate impact on minorities and low-income people. The mitigation effort sets out to improve the drainage in the area, remediate hazardous materials, establish safe avenues of travel for automobiles, pedestrians, and cyclists, enhance the LFUCG’s affordable housing program by establishing long term housing affordability for those affected by the project and other low income citizens, and protect this well established neighborhood from the complete disruption that is sure to come from future development. Because of his critical role as a member of the neighborhood, the Project Team will attempt to relocate Mr. McCormick’s shop near the Urban Village so that he may continue to provide assistance to the residents in the area.

Removal of hazardous materials in the soil would be wonderful for the community. Likewise, if there is demolition of older homes, it is extremely
important that careful attention be given to proper lead and asbestos abatement practice so that further contamination of soil does not occur.

**Response:** Per the Corrective Action Plan, all hazardous soils will be remediated. Demolition of homes will be conducted in a safe manner that will eliminate any risk to human health. Demolition debris will be transported to an approved facility.

(7) There is no mention of compensating affected local business.

**Response:** Businesses will be compensated in accordance with the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended, and by the Kentucky Transportation Cabinet Division of Right-of-Way and Utilities Relocation Assistance Program, as stated on page 287 of the FEIS.

(8) This [housing] cannot be used to fill the middle-class residential gap downtown. How does this protect cohesion? Community cohesion is a social construct that is defined by people. The CLT is set up in such a way that will exclude most of the people who live there.

**Response:** The community land trust is not intended to provide housing for the middle class. The CLT will provide for either rental or ownership units for any resident who chooses to remain in the neighborhood, at a cost equivalent to their current rent or mortgage payments. There is no coercion to remain, however. If the residents wish to accept relocation benefits and move away, they are free to do so. Additionally, the community land trust will extend eligibility to any resident who once lived in the community and wishes to return.

(10) This is incredibly misleading, since the neighborhood has opposed this for decades. There are many citizens of the community who are still strongly opposed to this.

**Response:** Based on direct feedback from current residents – obtained by discussions with them in numerous public and private meetings - most of those living in the neighborhood are not opposed to the CLT and the project. It is therefore difficult to respond further without more information as to which citizens of the community are being referenced. The Project Team is aware of one or two individuals who are not in favor of the project.

(27) What is being done to assist them in doing so [relocation of businesses]? Opportunities for economic development cannot be used to justify projects using eminent domain.

**Response:** Economic development is not the reason for the eminent domain decision. This project is an attempt to alleviate traffic congestion in downtown Lexington, and lessen the number of accidents associated with that congestion. It is an attempt to provide safe transport of the traveling public across Lexington. The project is required...
to accomplish these efforts without having a disproportionate impact on minorities and low-income people. The mitigation effort sets out to improve the drainage in the area, remediate hazardous materials, establish safe avenues of travel for automobiles, pedestrians, and cyclists, enhance the LFUCG's affordable housing program by establishing long term housing affordability for those affected by the project and other low income citizens, and protect this well established neighborhood from the complete disruption that is sure to come from future development.

Businesses will be compensated in accordance with the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended, and by the Kentucky Transportation Cabinet Division of Right-of-Way and Utilities Relocation Assistance Program, as stated on page 287 of the FEIS. Because of his role as a member of the neighborhood, the Project Team will attempt to relocate Mr. McCormick's shop near the Urban Village so that he may continue to provide assistance to the residents in the area.

(31) I'm not sure if these two documents discussed it in these terms, but I do believe that historically these "zoning, housing, commercial, and community issues" were to remove "blighted areas," and the "conflicting issues" involved residents not wanting to lose their homes. Have these issues changed, or has the language surrounding these issues changed?

Response: The issues of the neighborhood have not changed. The neighborhood is currently zoned light and heavy industrial. The recommendation to rezone the neighborhood to residential and commercial has been incorporated into the city's Comprehensive Plan. Construction of the Urban Village will remove run-down or unoccupied structures and preserve the residential community. No resident will lose his or her home as a result of the NPE.

(35) The proposed new housing is nowhere near the current area rates. I appreciate the recognition of the challenge, but there is no solution, or any real ongoing discussion of a solution. There is no affordable rental housing in the current plan, but there are more expensive rental options for those not currently living in the neighborhood. How is this legally viable? To me, this is eminent domain for economic gain.

Response: The assertion that “new housing is nowhere near current area rates” is not correct. Resident owners will receive mitigation funds sufficient to bridge the gap between their current mortgage payment and the mortgage on the new home. Residents who choose to remain in the neighborhood in rental housing will pay a rent approximately equal to the rent and utilities they are currently paying. This mitigation is extensively documented in the FEIS, Residential Relocation and Affordability Plan, page 279 et seq.

(37) This [decline of community because of pending NPE] is misleading. It insinuates that the reason the neighborhood has encountered problems of neglect is that the
NPE project has not been allowed to go through. I would say that the infrastructure problems have been due to neglect by city government.

Response: The text references housing decline in the neighborhood, not infrastructure deficiencies. The decline of the community is due to the long-standing pending nature of the project, not because the project has not been allowed to go through. This decline has been documented in several independent studies contracted by the city and state, including The Psychological Effects of Forced Relocation (Benton 1975), Alternatives for the Social and Physical Redevelopment of the Irishtown and Davistown Neighborhoods (Dunagan and Reynolds 1975), An Archival History of the Proposed Newtown Pike Extension Plan (Faberson 2006), Draft Environmental Impact Statement (Wilbur Smith and Associates 1975), and Irishtown-Davistown Neighborhood Redevelopment Plan (Woolpert Consultants 1981).

(38) This [community cohesion] is a tremendous asset of the community that should be recognized and protected.

Response: The Project Team recognized early in the decision-making process the strength of the community’s bond and sought to preserve it. The CLT preserves community cohesion by allowing the residents to remain in the neighborhood and by allowing citizens to occupy positions on the Board of Directors of the CLT.

(38) Do you really think that the neglect has been out of “waiting for the NPE?” I can point to any low-income neighborhood and show you the same thing. This seems to be a manipulative argument in support of the NPE.

Response: The causes for the neglect of residential properties have been documented and are referenced in the environmental document. These studies include The Psychological Effects of Forced Relocation (Benton 1975), Alternatives for the Social and Physical Redevelopment of the Irishtown and Davistown Neighborhoods (Dunagan and Reynolds 1975), An Archival History of the Proposed Newtown Pike Extension Plan (Faberson 2006), Draft Environmental Impact Statement (Wilbur Smith and Associates 1975), and Irishtown-Davistown Neighborhood Redevelopment Plan (Woolpert Consultants 1981).

(38) This quote is misused in the paragraph. It is used to support a speedier resolution to the NPE, saying that the prolonging of plans has caused problems. The quote actually says that the NPE itself would cause problems. It calls the NPE itself a threat. Not the prolonging of the NPE.

Response: Thank you for your comment. The quote is not used out of context and documents that the pending nature of the roadway has, for many years, suppressed development or improvements to existing properties in the neighborhood.

(40) [Guiding Principles] What does this mean? "without imposing an unfair burden on other areas" What unfair burdens? What other areas? I know several people
within the Davistown community who are faced with unfair burdens due to this project. Please explain how "fair and balanced" was defined. I do believe that the "blighted area" issues of prior NPE plans are just as present in this plan, but hidden in politically correct terminology. I do not believe the displacement of homes and businesses for the aesthetic preference of others is "fair and balanced." Nor is it legal to use eminent domain for this purpose.

Response: Mitigation for the project seeks to protect the residents and make them whole. No substandard housing will be constructed in the mitigation area. Further, the reasons for mitigation are addressed in response to page 5 above. Kentucky law allows cities and municipalities to condemn “blighted” property, but the purposes for acquiring the property for this project are for either right of way or required mitigation.

(43) This [reduce congestion] would be a wonderful benefit of the NPE, however, this can be done in a way that does not "revitalize" the neighborhood in the way designated by the plan.

Response: Thank you for your comment. Options have been reviewed, studied and evaluated throughout the process. The Southend Park Urban Village and the CLT were evaluated by the Project Team, and it was determined that they provided the best plan of action resulting from many factors involved.

(47) The pedestrian environment of the neighborhood will be harmed, because of the size of the boulevard they will have to cross to enter the rest of downtown. Most of these people walk (as do most urban dwellers), and their pedestrian environment must be taken into account.

Response: The project will incorporate wide sidewalks and clear crossing areas throughout the length of the new boulevard. In addition, bus stops will be evaluated as part of the project. The overgrown vegetation, which has already been reduced, will be eliminated due to the reconstruction of the entire area. Thus residents who choose to use sidewalks will be safer.

(48) Accessibility in and out of the residential part of the neighborhood will be very limited. This is of great concern to some of the residents, especially when emergency vehicles are needed.

Response: Access (as well as emergency access) to the Urban Village will be improved due to the wide roads and clearly marked intersections. Bus service stops will also be evaluated as part of the project. The overgrown vegetation, which has already been reduced, will be eliminated due to the reconstruction of the entire area. Thus residents who choose to use sidewalks will be safer.

(50) This is true in some ways. However, the current plan displaces some of the local businesses that had moved there in anticipation of the NPE and the positioning it would give their businesses. These businesses are being forced out, which is
unfair socioeconomic burden. There are no substantial reasons for these businesses being forced out, except that their type of business doesn't fit the plan's vision of business for the area. Likewise, the current owners will not be properly compensated for their land through eminent domain. The land their homes are on is incredibly valuable, but eminent domain prevents them from getting full market value for their land, which only increases after NPE (they will only be compensated for their houses at current slumlord sales rate). This is unfair socioeconomic burden.

Response: Current business owners will be compensated for their property in accordance with the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended, and by the Kentucky Transportation Cabinet Division of Right-of-Way and Utilities Relocation Assistance Program. This mitigation provides compensation for land by the fairest means as established by law and regulations.

(50) Liaison, but not advocate; additionally, she did not communicate with several of the residents who were concerned about the project.

Response: The liaison has been available for consultation and has been an advocate for the residents since she was retained in 2002. If the residents did not speak with her, it was their decision not to do so. Numerous attempts have been made to talk to all residents, which included the use of mailings, personal visits, advertisements, flyers, Community Unity Day, monthly meetings, Third Thursday and Fourth Friday meetings for the past 4 years. Some residents have chosen to become more vocal and involved than others.

(52) The people who were most concerned were hushed time and again. I have personally witnessed this several times with different residents, by different project people, in different situations. Public involvement was only allowed in ways that supported the project.

Response: The thoughts and opinions of the residents were sought throughout project development. Rules of courtesy were established at meetings, and when those rules were not followed, residents were asked to respect the other members of the community present. They were not “hushed” unless their behavior became disruptive at meetings.

(54) I found this [communicating with liaison] not to be the case. I know of residents who were not comfortable, because she had not taken their concerns seriously, and did not communicate with them about upcoming meetings, etc. They did not trust her to be there for their best interests.

Response: Several members of the Project Team were available at any number of meetings. If someone was uncomfortable with speaking to the liaison, they could have approached another team member. In addition, team members (other than the liaison) and consultants interviewed everyone in the neighborhood who was willing to speak with them. The public was notified of meetings via newsletters, flyers, the newspaper and
notices at the Carver Center. There was always the opportunity to talk with representatives of the city, state, or consultants if the residents did not wish to speak with the neighborhood liaison.

(55) Neither realistic assessments of affordability nor accurate assessments of people's ability to purchase and retain homes were conducted. These were very significant concerns of the residents. Likewise concerns of townhouse and multi-unit houses were not adequately addressed.

In the limited interaction I had with the project, and the limited interaction I still have with the project through current residents, I have not witnessed this. The involvement opportunities offered to the residents at large do not allow them significant voices of concern. The decision-making opportunities are not related to major issues. I attended one meeting where questions were taken down but not answered. The residents were told that the meeting was not the time for those to be answered. I'm not sure they ever were answered. So, they were allowed (to some degree) to ask questions, but never given answers. Those with very good and challenging questions were told not to ask those questions, and were additionally told that they were causing problems within the group.

Response: Information on residents’ current housing costs and ability to afford new housing was based on interviews and surveys with them. Home specifications have been established through accurate historical cost data for home construction. Concerns over multi-unit housing were noted, but a CLT must generally include some of these units to sustain its operation as a viable entity. Admission into the CLT will be based on eligibility criteria discussed in the FEIS on page 267. The Urban Village will not become student housing for University of Kentucky students, a concern frequently expressed by the residents.

Some meetings were noted to be information dissemination meetings and others were of a question-and-answer forum. The purpose of the meeting was always stated at the beginning, as were the meeting rules. Residents who attempted to disrupt meetings were asked to comply with meeting rules as a courtesy to all involved. Challenging questions were welcomed, but they had to be addressed civilly. The Project Team has attempted to answer all questions in a timely manner.

(57) True community cohesion never comes through social services. It comes through social interaction among neighbors. This is an example of the paternalistic nature of the plan.

Response: The Project Team has gone to great lengths to provide an opportunity for continued community cohesion given applicable laws and regulations, which constrained to a certain degree the extent of the mitigation. Regardless, the environmental justice mitigation for this project is unprecedented in the Commonwealth of Kentucky.
For most, I doubt this is true. In fact, the Nathaniel Mission has started improvements, knowing that these improvements will increase the amount they will get for their property when the NPE goes through. It is unfair to use the neglect of slumlords (something that is consistent across time and space - thus "slum"lords) in this way. It makes it seem that the neighborhood is just "put on hold" until the NPE happens. No, the slumlords are slumlords. ADDITIONALLY.... "...the infiltration of commercial and industrial uses into residential areas..." This is what the area was zoned for. And, isn't that what the NPE wants? mixed use? Isn't that what an urban area is? That area was ALWAYS connected to industrial use – the railroad. That is why the neighborhood developed in the first place. These are not results of "No Action." They are results of a much more complicated set of socioeconomic structures. This is the kind of obvious bias towards the NPE seen throughout this document, that makes this document seem far more like manipulative and/or justifying propaganda, than a realistic look at how the project will affect an area, and how the project should protect a neighborhood. For the amount of time, money, and pages invested into this study, I expected something that was more honest. However, I believe that the NPE could help the community and that it would connect the community into the city in a much better way. With the current road structure, it is somewhat cut off. People literally drive over the area via a bridge. Those things could be said to have stifled growth in the area, and then "no action" could be seen as a negative. "No action" causing continued segregation is a more valid argument than "no action" causing infiltration of commercial and industrial use into residential areas.

Response: Thank you for your comment. The neighborhood will be more connected to the downtown area via the roadway and walkways. Bus stops will be installed if there is a need. Additional cohesion will be provided by past residents being able to return to the neighborhood as well as possible community activities and expanded community services.

So, the neighborhood "revitalization" must ensure that it is not 1) unfair to neighborhood residents, 2) an environmental injustice to a low-income population, and 3) insufficient to satisfy needs and purposes of project. From the perspective I have gathered from homeowners in the area, neither 1 nor 2 have been solved. From the perspective of others, 3 has been solved in that it will "provide an opportunity for redefining and improving the attractiveness of downtown and in surrounding areas," although not in a "fair and balanced way." If people were legitimately getting new housing that they could afford as they can afford current housing, current business owners could stay, and homeowners could own their property outside of a CLT, then this might be a good solution. However, the solution only looks good if many aspects of reality are ignored.

Response: Thank you for your comment. The Project Team is unsure of your comment’s intent. The housing will be affordable. There are many proven CLTs in the country that provide affordable housing. New houses will be more energy efficient and safer, and they will allow resident owners to build their equity. The community will be
able to stay together, and businesses will be relocated as close as possible to the neighborhood.

(90) I'm not sure that the fairly recent eminent domain bill that was passed to protect homeowners could hold up in court as constitutional. I know that this project was in jeopardy because of that bill, until a last minute addition was made that protected projects funded by government transportation funds from being affected by the law. If the project is funded by transportation dollars, the project - not the people - are protected by the eminent domain law. This is against the spirit of the law as a whole.

Response: Thank you for your comment. The Project Team is unaware of any court challenge to the new legislation. This project was never in jeopardy because of recent legislative changes. Kentucky law has always required that property can only be acquired through condemnation for a public use.

(91) There is a limit to the gap financing that is never discussed, and more gap financing will be needed than is allowed by the limit. Also, just wondering...if HUD dollars are used for housing, then would the eminent domain law apply, protecting the people? Or, is it because transportation dollars will be used "where HUD dollars cannot be used" the way around it? This [institutional and mix-use housing] may be in direct violation of that eminent domain law. If any commercial development is paid for by private funds, then wouldn't the eminent domain law apply?! This is not public use.

Response: All property that is being acquired for the project is for right of way or mitigation of the road project. No property will be paid for with private funds. The Project Team is not aware of any legal opinion that prohibits the use of HUD dollars to assist in making the housing affordable for low-income families. All land in the neighborhood, with the exception of the park, will be retained by the CLT, which will obtain fees from commercial activities to benefit it.

(115) Will walking to downtown for employment be as safe after the NPE? How easy/difficult will it be to walk across the boulevard?

Response: Walking to downtown will be safer than the present situation. Crossing points will be clearly marked and signed. Previously hidden areas will be opened by the removal of overgrown vegetation and better lighting.

(144) All the more reason to honestly analyze the financial situation of the people before promising them that they can buy homes that are priced significantly more than what they can responsibly afford. The current plan for new homes would place the people at an even greater risk for homelessness.
Response: Thank you for your comment. Care has been taken to find out what the residents are living on now. All the calculations of affordability are based on the best information available.

(146) The parking lot purchased by FUMC at the corner of Broadway and High street is worth over $2 million. Since much of the 25 acres acquired by the project will not be used for homes for the people, is it not the land that is being purchased? Also, the CLT, not the homeowners, will own the land. What is being bought is land, not just houses. Land prices, especially 25 contiguous acres worth, in that area is much more expensive than $50-100 K.

Response: All 25 acres except for the park and the public roads will be a part of the CLT, supporting affordable house either by providing leased lots or providing an income stream that will assist the land trust in operating and serving the lessees. Most of the land being purchased by the CLT will ultimately be used for housing.

(147) Then why isn't rental property for these residents included in the plan?

Response: Rental housing has always been considered and will be available as an option for the residents in the CLT. A complete and specific discussion of the project’s housing benefits for (i) home-owner to home-owner, (ii) renter to home-owner and (iii) renter to renter is included on page 279 et seq. in the FEIS and reiterated in Section IV.D in the Record of Decision.

(152) This kind of writing exemplifies the type of bias against this community. This sentence is commentary on the employment situation, not a description of the employment situation. Furthermore, it is commentary that reinforces negative stereotypes of the community, including their work ethic. Instead of explaining why people were unemployed (disabled, retired, etc), this type of unnecessary commentary was written. According to Table 18 only 6.4% are truly unemployed. (I'm guessing that disabled individuals are not included in this count.)

The idea that complex social and economic conditions can be "readily explained" by pointing only to the employment situation of some people in the community is short sighted and naive. It puts all the blame on the individuals in the community, not acknowledging any affect public policy could have had on the community. Poor schools, segregation, bad infrastructure, flooding, slumlords/lack of code enforcement, enabling social services that created and sustained dependence (in order to preserve the social services), etc. have all contributed. That the authors simplified it in this way is incredibly concerning. Is the team that is responsible for ensuring that the community is protected and aided (socially and economically) from this project aware of negative effects of government projects that seemingly appear to the rest of the community as "positive"? Not being able to see how government projects or larger socio-economic patterns have affected social and economic situations in the past, and pointing to the people as the sole and readily seen cause of the problem, indicates that the people writing this report
were either not equipped/experienced, unable to take the time, or for some other reason unable to honestly look at this community for what is there beyond preconceived stereotypes and biases. Nor were they willing to accept blame or vulnerability on behalf of the government for the situation that exists today. Thus, the project appears to be a savior in the midst of despair to those who are not more familiar with the situation.

If commentary was warranted, why wasn't commentary given to commend those who successfully opened local businesses, where other areas of the city have problems doing so? This is equally important in the conversation of employment in this area, and is especially important in terms of how to protect the area. How can the assets of the community be protected if those "protecting" can't see/acknowledge the assets?

Response: The data in Table 18 was obtained from the US Census, which is reflected in the footnote beneath the table. The environmental document does not place “blame” or pass judgment upon the residents of the community for their social and economic conditions. It merely observes and documents the current conditions. The FEIS is an assessment of the natural as well as social environment, and provided a rigorous evaluation of these resources.

(194) Again, I do not think that the impending NPE had anything to do with slumlords not repairing their homes. If this is the honest opinion of the writers, and not just a manipulative plug for the NPE, then the writers have extremely little knowledge or understanding of low-income rental areas in old urban neighborhoods. If anything, the anticipation of the NPE has encouraged some slumlords to buy houses there, hoping to cash in when the project goes through. (I did speak with a slumlord from my neighborhood downtown who told me that very thing, not understanding that I was aligned with the people of Davis Bottoms not slumlords of Davis Bottoms).

Response: Thank you for your comment. Many of the homes have been owned for years by both residents and non-residents. Information in the document was obtained from specific studies, including The Psychological Effects of Forced Relocation (Benton 1975), Alternatives for the Social and Physical Redevelopment of the Irishtown and Davistown Neighborhoods (Dunagan and Reynolds 1975), An Archival History of the Proposed Newtown Pike Extension Plan (Faberson 2006), Draft Environmental Impact Statement (Wilbur Smith and Associates 1975), and Irishtown-Davistown Neighborhood Redevelopment Plan (Woolpert Consultants 1981).

(204) It's not enough just to make the homes available if the people can neither get loans nor afford to buy them. The first step in minimizing demographic shifts is to make sure that the new housing situations are legitimately viable for the people living there.
Response: Rental housing will be available in the CLT for those who cannot or choose not to buy homes. Every effort is being made to assist those who want to own homes. This includes assistance with education, information, financing, and counseling. Assistance with buying a home is based on what the residents have stated as their economic situation and current payments. A complete and specific discussion of the project’s housing benefits for (i) home-owner to home-owner, (ii) renter to home-owner and (iii) renter to renter is included on page 279 et seq. in the FEIS and reiterated in Section IV.D. in the Record of Decision.

(205) This is not a value difference among social classes. It is a value difference among culture that spans across social class. Rural areas ("rural" not "poor") have the same sense. Anyone who works with their land will feel that way. Those who grasp the advantages of community will understand. Just about any church congeration you can find will show this (why do you think so many downtown churches stayed downtown, when their middle-class congregations moved to the suburbs?). This is a human value and is played out differently among communities. I would say lower-economic communities understand this value more, b/c they have to rely on each other, but it is not, at-large, a class distinction. Therefore, it is not a characteristic of being poor.

I comment on this, not to disagree with the importance of maintaining the community within their physical location. I wholeheartedly agree this is important. However, I feel that comments like this add to the "poor person" stereotype that further increases the empathetic distance from those making decisions to those impacted by those decisions.

Response: Thank you for your comment. The quote accurately compares the potential impacts of a road project upon a socially or economically challenged community. The fact that these impacts may be experienced differently across socio-economic levels of society in no way stereo-types the residents. These excerpts were presented to assist the reader in understanding the cultural identity of the Davistown neighborhood. That the present project will not “uproot them from group sanction and security, of being severed from friendly relationships, of being placed in an environment which does not lend itself to providing them with the ‘at home feeling’ or the feeling of belonging’” demonstrates the depth of the Project Team’s commitment to preserving the character and structure of the community.

(206) Will Nathaniel Mission or the United Methodist Church be allowed to own their land? I believe this was in discussion a couple of years ago. Personally, I believe all homeowners should be able to own their land if they so choose, since that is what the homeowner's contract is really about ... the land with all improvements there upon.

Response: Nathaniel Mission will be relocated to another site within the community land trust. All land in the neighborhood will be owned by the CLT. Land leases will be for 99 years, with an option to renew. It has never been an option for National Mission to
own its own property in the CLT. All land – residential, commercial and institutional - within the Urban Village will be owned by the CLT.

(207) Yes, but they also have the opportunity to buy any house for sale in Lexington. That doesn't mean that they can actually do it. The minimal assistance offered by the project will not be enough. Once again, if the writers believe community cohesion comes more effectively through contrived things like CLTs (instead of people), then they are ill-equipped to protect it. Not much equity. This is very limited.

Response: Qualified residents who choose to buy homes will be given homeownership counseling. Renting is always an option if they decide not to do this. For residents who elect to opt out of the CLT, they will be paid for comparable housing if they decide to relocate outside the neighborhood. A comparable house would not be any house but rather one with comparable characteristics with regard to size as they have now. The Residential Relocation and Affordability Plan is discussed extensively in the FEIS on page 276 et seq. The Board of Directors of the CLT will include members of the community who will help govern the operation of the CLT.

(213) Therein lies the truth. It has been said that the plan is to protect the neighborhood, but when people are forced out of the neighborhood, b/c they are "incompatible" with what is planned for the village, then there is a conflict that cannot be described as "protecting the neighborhood."

To say that these businesses are not a part of the neighborhood, or the removal of them would have no affect on the neighborhood, again indicates that the writers do not understand the neighborhood. Nor do they understand mixed use areas, which is a problem, since that is the supposed intention of the plan. If they do not understand how mixed-use neighborhoods function socially and culturally, they will not be able to successfully plan the "new" one. In the process, they will be destroying the current one and the culture required to make mixed use in a low-income area function in a healthy way. It might not look like a tidy suburban neighborhood, but it never was that, nor did it ever want to be that. It is a functioning, mixed-use, low-income, urban neighborhood.

That's what that looks like. Putting in businesses that cater to the larger Lexington community, with apartments overhead, will absolutely not create a healthy mixed use community for the people who live here.

Response: Thank you for your comment. All businesses will be relocated as closely as possible to their present locations if that would best serve the community as well as the businesses. Surveys taken of the residents have indicated that they are not integrally dependent on most of these businesses. The Bug Doctor, which is recognized to be a resource to the community, will be relocated as close to the CLT as possible. Zoning in the neighborhood will allow for mixed-use (residential and commercial) which is
consistent with the character of the neighborhood and surrounding area. To protect the residents, certain types of businesses may not be permitted in the commercial properties.

(215) Again, this is ignorant of how mixed use, low economic, urban neighborhoods function. These businesses and jobs do not serve the function of employment alone. They hold great places of social networking, temporary employment, sharing of resources, anchoring of community, trust, community protection, etc. New businesses that are not owned or employed by those in the community will not likely supply that.

Response: Thank you for your comment. The National Mission and its associated church, and the Carver Center, which now contains the Manchester Center among other social service agencies, are all social centers. The reconstructed park will also provide a place for social gathering. It is entirely feasible for a member of the community to own a business in the CLT provided it meets the standards and goals of the Board of Directors of the CLT.

(221) Again, commercial development is seen as a direct benefit and justification for the project. Eminent domain cannot be used for such purposes.

Response: Commercial development is seen as an inevitable result of growth and improved access: It is not a reason for this project. All land is being acquired either for the right of way or for the required mitigation. The need for the road has been discussed and documented for years. The Project Team has developed a mitigation plan that will preserve the neighborhood as well as build the road.

(246) I think anyone would be highly sensitive to a project that would "bisect and separate [their neighborhood] from the downtown area of Lexington," especially when that area is currently a part of downtown Lexington.

Response: Thank you for your comment. The neighborhood is already separated from downtown Lexington through far less tangible means than a road. Constructing the road will allow the residents to retain their community and sense of identity, yet connect them to the larger community by inviting them in.

(248) This [community was instrumental in planning for the neighborhood] is sorely distorted and biased. What significant planning did they affect? Which of their significant questions or challenges were legitimately and effectively addressed? This statement is incredibly misleading. Substituting the voice of the people with the voice of the Nathaniel Mission or the Carver Center is not community involvement, nor is ignoring incredibly significant concerns and challenges, nor is removing some people by rezoning them out of the neighborhood.

Response: Thank you for your comment. The residents who chose to attend meetings and work with the Project Team (as part of the NEPA process) were consulted with regarding all details of the neighborhood redevelopment. Neither the Nathaniel Mission
nor the Carver Center spoke in place of anyone. Numerous attempts to involve all citizens were made. Every opportunity was granted for providing comments.

(267) Then properties must be purchased at current downtown land value -- not just for the structure.

Response: The owners will be offered fair market value for their property. The fair market value may be stated as the price at which an owner who desires to sell, but is not required to do so, would sell the property in its then condition to a purchaser who desires to purchase but is not compelled to do so. Commonwealth v. Begley, 272 Ky. 289, 114 S.W.2d 127. p. 769

(277) None of these [neighborhood liaison, assistance during residential transitions, empowerment center, CLT] maintain community cohesion. The community did not need any of these to create their cohesion before. These entities do not maintain community cohesion. Can I say this enough? These entities only ensured that the project had more access to the people to "tell them what they need." That's what the liaison told me her job was, nearly verbatim. Community cohesion absolutely must, no exceptions, come from within the people. That is by definition community cohesion. It is a tremendous asset of this community that is being ignored and "replaced" by artificial means.

Response: Thank you for your comment. Early in the project, the citizens voiced their desire to remain a community. The CLT will allow this, even within the constraints of federal laws and regulations that must be followed for a federal action.

(289) There is no provision in the by-laws of what happens to the land if the CLT is dissolved.

Response: Article 9 of the CLT By-Laws states that dissolution of the Corporation shall be by two-thirds majority vote of the Board of Directors. The plan of dissolution will be determined by the Board, which will include resident members of the community.

(304) To this date no one from the team has offered to help Gentry McCormick, owner of The Bug Shop and resident of the neighborhood, find a relocation solution. He is told time and time again, "we don't know what to do with you." Even in this document, I believe I read twice that he is in a unique situation, but that the discussion of that situation would be discussed in Mitigation VI. I'm having trouble finding it. That has been the typical solution to difficult challenges and questions, "we'll deal with it later, but no answers or attempts at answers now."

Response: Mr. McCormick (The Bug Doctor) will be assisted with relocating near the neighborhood. All relocations will be handled during the right-of-way process, which occurs after the environmental document has been approved. If Mr. McCormick’s questions have not been answered, he is free to make an appointment with a member of
the Project Team if he so chooses. The Project Team, as well as the community liaison, has been open and available for discussion at any time.

(324) Passive green space in urban parks is known to draw drug problems. If there is not a specific reason designed by the community for park use, reasons are created. Like drug deals ... your basic urban park. Putting effective parks in urban environments requires more forethought than green space, ball fields, and swing-sets. They have the potential for good and bad, and to assume that all parks are good is, again, naive.

Response: Thank you for your comment. The park will be replaced because the residents who attended the meetings have requested that the Project Team do so. In addition, the park will be replaced in accordance with Section 4(f) of the Department of Transportation Act of 1966, as amended in 1983 (49 U.S.C. 303), which requires mitigation for any use of public parkland.

(370) I have never found this [difficulty of residents to express their feelings or opinions] to be the case. I think they have found it difficult to be in support of the project or to trust the project. I found that they were able to voice their concerns very well, but that the project always interpreted this as "they don't understand that this is good for them," or "they don't know how to express their feelings or opinions." When they express their opinions and then the project people or neighborhood centers tell them that those opinions are wrong, of course it is difficult to express those opinions!

Response: Thank you for your comment. The Project Team has gone to extensive lengths to ensure that they gave the residents many opportunities to discuss their concerns and opinions. The residents were never told their opinions were wrong. However, on many occasions, residents misunderstood certain aspects of the project and were thus given the correct information. Due to the extremely complex nature of the mitigation plan, answers have not always been available when the residents wanted them. This is because the Project Team considered the questions and requests and realized that they could not properly and completely respond to these questions. Rather than giving partial information, which could lead to misunderstandings, the Project Team waited until they could give accurate responses.

In conclusion, the Project Team appreciates the time and effort you have taken to review the document and your passion for the residents of this neighborhood. However, it appears that you are relying on information that is either not current or not correct. It also appears that you are speaking for Gentry McCormick rather than for the neighborhood at large. It would be more helpful if Mr. McCormick could address his concerns to us directly, with your assistance if he so chooses. It should be noted that Gentry McCormick has attended very few of the meetings, thereby receiving his information from other, perhaps less reliable, sources. We suggest he schedule a meeting with a member of the Project Team that he might feel comfortable communicating with.
It is impossible for a project as complex as this to satisfy everyone with the proposed mitigation. However, the Project Team has spent months developing the CLT so that it will best serve all the residents of the neighborhood and the citizens of Fayette County. It has taken a long time for everyone to understand the mitigation – it is decidedly complex! However, based on our feedback from most residents, they are looking forward to the next phase of the project.

Finally, the mitigation proposed by the Project Team as well as the environmental document itself has been approved as sufficient and appropriate by the US Environmental Protection Agency.