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### We can deal with new TDOT, TDEC pact

**March 29, 2004**

A straightforward agreement between two state departments concerning roads and the environment could have a long-lasting impact on the future of transportation and the quality of life for Tennesseans.

Earlier this month, the commissioners of the state departments of Transportation on the one hand and Environment and Conservation on the other signed a \$10 million pact that protects the environment during the construction of roads. The agreement replaces a court decree from December 2002 and a tentative accord last year.

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The new pact officially puts to rest several years of disputes and court battles between the departments over erosion control and other environmental problems connected with road building. As Gov. Phil Bredesen noted at the signing, "When one state agency sues another state agency, something is wrong."

Bredesen vowed during his 2002 gubernatorial campaign that he would change the prevailing build-it-at-any-cost culture at TDOT, and with the appointment of Commissioner Gerald Nicely, he has done that. In preparation for highway projects, there has been more attention to environmental concerns and a general willingness to listen to those affected by new roads.

The feuding between the two departments for the most part concerned the construction of the southern loop of Highway 840, which runs from Interstate 40 east of Nashville and continues southwest connecting with I-24 and I-65 before linking back with I-40 west of the capital city. The lawsuits resulted in a lengthy and expensive delay.

Since 1999, TDOT has been assessed \$4.5 million in fines for violating environmental regulations.

The new agreement will require TDOT to obtain environmental permits before beginning a project, to put storm water and erosion control plans in place and to hire quality-control teams and erosion specialists. TDOT also will have to give TDEC \$350,000 for supplemental projects the next two years and provide the department's state water pollution control division with \$200,000 within the next month.

Provisions in the agreement will add an estimated 2.3 percent to the cost of each project - a significant amount for high-priced and extensive road work. However, as Nicely put it, the additional cost could save taxpayer money over the long run by ensuring the environment is protected on the front end of a project.

The agreement comes at a time when Knoxville and Knox County as well as other metropolitan areas in the state are developing plans to deal with air

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pollution. The state's major cities have been cited on more than one occasion as having bad air, Knoxville being among the 10 smoggiest in the nation.

The plans to deal with air pollution - by the urban areas and by the state - stem more from necessity than choice. Without improvements in air quality, the state will not issue permits for industries with air emissions to expand.

TDEC Commissioner Betsy Child, speaking in Knoxville Thursday to about 50 business and government leaders, also noted there is a potential loss of federal highway dollars because of heavy ozone pollution from automobiles. Addressing the new environmental standards, Child said, "This is a cultural change that you and I will have to deal with."

The compromise agreement reached between the two departments might mark the end of one era, but it signals the beginning of another one, a positive one that enlists the state on the side of environmental protection in the building of roads and highways. That is an era we should not merely have to deal with but one we should welcome with every breath we take.

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