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## Paving the Way for Better Highways By Samuel Jones (/full-blog/2012/04/paving-way-for-better-highways-by.html)



(<http://lh3.ggpht.com/-58MUFBPec5M/T4362jAXCc1/AAAAAAAAADs/Q1Wp8vdwpP8/s1600-h/asphalt2%25255B2%25255D.jpg>)

*Image Source (<http://www.dakota-asphalt.org/asphalt2.jpg>)*

By: Sam Jones, Staff Member

Recently, agents of the Chesapeake Bay Trust and the Environmental Protection Agency (EPA) met collectively to discuss different ways to incorporate environmental conservation techniques with common activities and services.[1] ([file:///C:/Users/Steve/Dropbox/Education/Law Journal/Blog/Staffer Blog Posts/2L/Jones, Sam/2012/#\\_edn1](file:///C:/Users/Steve/Dropbox/Education/Law%20Journal/Blog/Staffer%20Blog%20Posts/2L/Jones,%20Sam/2012/#_edn1)) One issue concerned the development of “green streets,” or ways to create more environmentally friendly paved roadways and reduce the amount of pollutant runoff that seeps into water wells and streams that sustain human and animal life.[2] ([file:///C:/Users/Steve/Dropbox/Education/Law Journal/Blog/Staffer Blog Posts/2L/Jones, Sam/2012/#\\_edn2](file:///C:/Users/Steve/Dropbox/Education/Law%20Journal/Blog/Staffer%20Blog%20Posts/2L/Jones,%20Sam/2012/#_edn2)) As a key natural resource, water supply and quality deserve federal and state attention alike, as well as heavy investment.

Certain types of paving that water cannot seep through, like asphalt, are known to cause massive water overflows with heavy rains or simple sewage drainage. Since the water, which picks up pollutants and foreign substances from anthropogenic sources, cannot adequately drain into the ground, it spills these unnatural substances into streams, lakes, and waterways, creating cesspools of filth and pollutants and affecting the plant and animal life that are sustained by it.[3] (file:///C:/Users/Steve/Dropbox/Education/Law Journal/Blog/Staffer Blog Posts/2L/Jones, Sam/2012/#\_edn3) Storm water transports a multitude of substances including “motor oil, engine coolant, brake linings, rust, nutrients, litter, animal waste, sand, salt, and other materials found on roads, parking lots, and sidewalks.[4] (file:///C:/Users/Steve/Dropbox/Education/Law Journal/Blog/Staffer Blog Posts/2L/Jones, Sam/2012/#\_edn4) This diversion of water also prevents water from collecting in underground reservoirs or aquifers that are relied upon by thousands.[5] (file:///C:/Users/Steve/Dropbox/Education/Law Journal/Blog/Staffer Blog Posts/2L/Jones, Sam/2012/#\_edn5) Agents from the EPA, Chesapeake Bay Trust, and other related organizations, have begun to advocate for reduced use of asphalt, impenetrable paving, and more for porous, pervious types of pavement that can act as road material and filters simultaneously.

While the cost of renovating current highways and installing pervious pavement will not be cheap, the environmental impact and increase of retained, usable water will certainly improve the quality of life and reduce the litigation over the limited supply of water, especially in the western U.S. Pervious pavement use will also reduce the amount of money invested in protecting and maintaining water runoff systems and flood controls, shifting those controls back to the natural ground runoff systems and soil filters.

Currently, the state of Kentucky is debating the adoption of the 2012 Recommended Highway Plan and the allocation of over \$4 billion towards four major state road projects including bridge and pavement repair.[6] (file:///C:/Users/Steve/Dropbox/Education/Law Journal/Blog/Staffer Blog Posts/2L/Jones, Sam/2012/#\_edn6) It is quite obvious that the repairing of Kentucky’s highways is being heavily considered by the Legislature, but there is no evidence that such repairs will be different from the impervious asphalt technology used today that causes many of the problems sought to be remedied by this budget allocation. With adequate research and planned implementation of innovative paving technology, such an investment would net a positive impact, both environmentally and socially, for many more decades down the road.

[1] (file:///C:/Users/Steve/Dropbox/Education/Law Journal/Blog/Staffer Blog Posts/2L/Jones, Sam/2012/#\_ednref1) Jana Davis, Green Streets: Using One Approach to Tackle Multiple Environmental, Social, and Economic Goals, ENERGY, CLIMATE CHANGE, AND OUR ENVIRONMENT (Feb. 15, 2012, 1:30 PM), <http://www.whitehouse.gov/blog/2012/02/15/green-streets-using-one-approach-tackle-multiple-environmental-social-and-economic-g>.

[2] (file:///C:/Users/Steve/Dropbox/Education/Law Journal/Blog/Staffer Blog Posts/2L/Jones, Sam/2012/#\_ednref2) Mary Logan Barmeyer, The Promise of Permeable Paving, NATIONAL RESOURCES DEFENSE COUNCIL (July 29, 2010), <http://smartercities.nrdc.org/articles/promise-permeable-paving>.

[3] (file:///C:/Users/Steve/Dropbox/Education/Law Journal/Blog/Staffer Blog Posts/2L/Jones, Sam/2012/#\_ednref3) *Id.*

[4] (file:///C:/Users/Steve/Dropbox/Education/Law Journal/Blog/Staffer Blog Posts/2L/Jones, Sam/2012/#\_ednref4) Symposium, *Impervious Surfaces in the New York City Watershed*, 12 Fordham Envtl. L. Rev. 489, 496-497 (2001).

[5] (file:///C:/Users/Steve/Dropbox/Education/Law Journal/Blog/Staffer Blog Posts/2L/Jones, Sam/2012/#\_ednref5) Barmeyer, *supra* note 2.

[6] (file:///C:/Users/Steve/Dropbox/Education/Law Journal/Blog/Staffer Blog Posts/2L/Jones, Sam/2012/#\_ednref6)Kentucky Transportation Cabinet, Appendix CL FY 2012-2018 Recommended Highway Plan (2012), <http://transportation.ky.gov/Program-Management/Pages/2012-Recommended-Highway-Plan.aspx>.

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