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VIA EMAIL

Re: I-66 Outside the Beltway Tier 2 Draft EA and 4(f) Evaluation

These comments on the Tier 2 Draft Environmental Assessment (Draft EA) and Draft Section 4(f) Evaluation for the I-66 Corridor Improvements Project from US 15 in Prince William County to I-495 in Fairfax County are being submitted on behalf of the Southern Environmental Law Center, the Piedmont Environmental Council, the Coalition for Smarter Growth, and the Virginia Chapter of the Sierra Club.

We appreciate the focus of Governor McAuliffe, Secretary Layne, and officials at the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT) on improving the I-66 corridor. Our groups have long endorsed improving the vital east-west movement between northern Virginia and Washington, D.C., and we agree it should be the number one priority for efforts to improve multi-modal transportation in the region. However, it is critical to ensure that any projects pursued will not encourage or exacerbate the sprawling development patterns that are a primary cause of traffic congestion on I-66, will not significantly impact natural and historic resources or communities, and will instead bolster the transit-oriented transportation strategies and land uses that are desperately needed in this area.

Our primary concerns with this proposal continue to be its heavy emphasis on managed lanes and highway widening, as well as the geographic extent and adverse impacts of the proposed widening. Although the Draft EA offers useful analysis and explanation of many facets of this extensive proposal, it fails to adequately consider and compare an acceptable array of reasonable alternatives. Further, it offers only incomplete and inadequate analysis of several key impacts that, if properly assessed, would likely rise to the legal threshold of significance and require a full Environmental Impact Statement (EIS) for this project.

We therefore request that you prepare an EIS for this project that considers the issues and impacts discussed below. At the very least, these issues and impacts need to be thoroughly vetted in the Revised EA, which must be shared with the public for an additional comment opportunity before a Finding of No Significant Impact can even be considered or any additional approvals or steps in the procurement process are pursued. We are aware that VDOT has announced an aggressive timeline calling for the selection of a preferred alternative and completion of the environmental review of this project by the end of this year. However, the desire to advance improvements to this corridor must not lead to short-circuiting the requirements of federal laws and the strong public policy interests the McAuliffe Administration

has embraced in protecting natural and historic resources and ensuring that project alternatives and public input are carefully considered so that the most effective transportation projects are selected and taxpayer funds are expended wisely.

I. Review of Alternatives

A. The EA Should Consider a Transit/TDM/Land Use Alternative.

As our groups noted in a joint letter dated December 23, 2014 to Secretary Layne (with copies to other officials at VDOT and DRPT), the Tier 1 EIS conducted by the previous administration for the 25-mile segment of I-66 between Route 15 in Haymarket and the I-495 Beltway in Fairfax is markedly flawed. One important shortcoming of the earlier study is the failure to consider a composite alternative that incorporates more efficient land use and development patterns, transportation demand management (TDM) strategies, and high-capacity transit.

Although the draft Tier 2 EA does include some fresh analysis of the data on transportation, land use, growth and demographic trends pertinent to the proposal to widen I-66 outside the Beltway, it fails to take the important additional step of factoring this information into an evaluation of a composite alternative that includes an alternative land use scenario linking a network of transit-oriented development (TOD—compact, walkable, mixed-use communities linked to transit)¹ with land conservation in rural areas, high-capacity transit, TDM strategies, and an expanded street network in order to maximize transit trips, minimize vehicle trips, and accommodate future growth. Under the National Environmental Policy Act (NEPA), an agency “must consider a range of alternatives that covers the full spectrum of possibilities.”²

We reiterate the concern expressed in our December 2014 letter that HOT lanes remain an untested approach over the long-term, and it is not clear that they will help to shape more efficient land use or reduce vehicle miles traveled (VMT)—and thus reduce greenhouse gas emissions and other air pollutants. The McAuliffe Administration and the Commonwealth Transportation Board have recognized the need to address our transportation problems without sacrificing our communities and harming the environment, and they have also recognized the need to curb greenhouse gas emissions, better link transportation and land use, and to promote more transportation-efficient land uses.³ An integrated land use/transportation/demand reduction strategy offers the best long-term option to reduce vehicle trips, VMT, single occupant vehicle mode share, and harmful pollutants without damaging our communities. It should at the very least be modelled and considered to better ensure informed decision making.

¹ For example, TOD hubs could be established at Gainesville, Centreville/Trinity, Fair Oaks, Vienna.

² *Sierra Club v. Watkins*, 808 F.Supp. 852, 872 (D.D.C.1991) (citing CEQ, “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations,” 46 Fed. Reg. 18026, 18032 (Mar. 17, 1981)).

³ Just yesterday, for example, the Commonwealth Transportation Board voted unanimously to assign 20% of the weight in evaluating proposed transportation projects to be prioritized for funding under HB2 in Northern Virginia to the ability of a proposed project to promote transportation-efficient land use.

B. The EA Should Consider an Alternative Consisting Only of Interchange Improvements and Auxiliary Lane Enhancements.

Both the Tier 1 EIS and the Tier 2 EA for this project acknowledge that deficiencies with existing interchanges are major choke points that cause congestion along the corridor (*see, e.g.*, Draft EA § 2.4.3), but neither document takes a hard look at the improvements to traffic flow that would result from an alternative consisting only of interchange improvements and auxiliary lane enhancements. As we noted in our December letter, it does little good to increase capacity on I-66 without addressing the serious chokepoints that are generating back-ups and causing the existing capacity on I-66 to be used inefficiently. As a result, the Revised EA should also provide the much-needed traffic analysis and impact evaluation of an alternative that consists of interchange improvements and targeted auxiliary lane enhancements—without the wholesale widening being proposed in the two build alternatives.

C. The EA Should Consider a Scaled-Back or “Phased” Managed Lanes Concept.

Our December letter also asked that the Tier 2 analysis consider the alternative of a scaled-back or phased version of the managed lane concept that would focus on the eastern portion of the corridor from the Beltway to US 50 or VA 28. We remain concerned that the extension of four HOT lanes to Haymarket would spur sprawling land development patterns farther west along the corridor and induce longer-distance driving, providing little meaningful traffic relief while harming natural and historic resources. Further, the proposed extension would undermine transit-oriented growth in northern Virginia, while reducing the resources available to resolve other significant congestion problems in Fairfax County, including chokepoints at I-66 interchanges. We therefore request again that you consider lower-impact alternatives that end the HOT lanes at US 50 or VA 28—preferably US 50—and, west of there, analyze fixing the chokepoints at and leading up to the interchanges.

From a traffic needs perspective, the existing (current) traffic conditions referenced in the Draft EA seem to indicate that for the western portion of the study corridor (particularly between US 50 and US 15), congestion and decreases in average speed during the peak periods may be due more to deficiencies with the interchanges along that stretch (such as at the US 50, VA 28, and VA 234 Business interchanges) and the close proximity of signals on some of the main crossroads (such as VA 234 Business and US 29) than they are to inadequate capacity on the mainline of I-66.⁴ If the interchange chokepoints that are slowing traffic or causing vehicles to weave at merging areas are not first addressed, the benefits of adding capacity on I-66 along this stretch—both short- and long-term—are questionable.

If accurate, the travel demand predicted in the EA for 2040 does suggest that some additional capacity would likely be needed on I-66 in the western portions of the study area;

⁴ *See, e.g.*, Draft EA § 2.4.2.1 (entitled “Congestion”) referring to “severe congestion from US 50 that spills back up to the I-495 interchange” and “[c]ongestion at the VA 234 Business interchange” spilling back up to the US 50 interchange during the PM peak period; and Draft EA § 2.4.3 (entitled “Major Points of Congestion”) describing nine chokepoints caused largely by insufficient merge areas and short acceleration lanes at interchanges, lack of weaving lanes between interchanges, and the close proximity of signals on the intersecting roads near the interchanges.

however, it would be risky to premise pursuing the full length of this project on those projected volumes becoming reality. For one thing, despite rapid population growth over the past several decades, the number of vehicle miles traveled (VMT) in Virginia and throughout the nation began to flatten out in the mid-1990s and then experienced a fairly steady decline between 2007 and 2012. Of note, Virginia saw VMT decrease at an annual average rate of 0.05% between 2002 and 2012, despite average annual population growth of 1.1% during that same period.⁵ Although traffic volumes in parts of northern Virginia and along stretches of the I-66 corridor in the western portion of the study area have increased in recent years, it still seems unwise to premise a proposal on the significant increase in traffic volumes this project assumes—such as the 60% increase in volumes projected along the segment between US 15 and US 29 (Gainesville).

Further, even as they continue to grow, if the localities along the western part of the study corridor are successful in implementing the more efficient, transit-oriented land development patterns called for in their Comprehensive Plans, and if a robust network of transit services are implemented on a regional scale, the correlation between population growth and VMT growth is unlikely to be as significant in this region as it may have been historically. Additionally, the latest round of cooperative forecasting of the Metropolitan Washington Council of Governments—which consists of direct representatives of the localities it includes—projects a considerably lower 2040 population for Prince William County than the estimates cited in the land use section of the Draft EA; if the traffic forecasting relied on similarly high projections, this is one more reason the analysis is open to question. Thus, it is reasonable to consider variations of the proposal that would add lanes only in the eastern part of the study area where traffic is currently heaviest, and focus on fixing the main chokepoints that are slowing traffic in the less heavily traveled western portion of the study area.

In addition, impacts to key resources could be reduced significantly if the roadway widening element of the project were to terminate at either US 50 or VA 28. For example (and as discussed further below), ending the widening of I-66 at either of those interchanges would avoid direct impacts from the widening on the Manassas National Battlefield Park and the Manassas Battlefield Historic District. More targeted widening could also significantly cut down the proposed cost of the project, freeing up resources to address other transportation challenges in northern Virginia and in other parts of the Commonwealth.

In short, providing a comparison of the traffic benefits and the environmental impacts of an alternative with more limited widening to the two build alternatives currently under consideration would serve the purposes of NEPA by enabling an informed determination about how best to invest resources and make improvements along the I-66 corridor.

⁵ A number of plausible explanations have been advanced for the national and statewide plateaus in VMT, and these include changing demographics and travel preferences among the “Baby Boomer” and “Millennial” generations, increasing demand for living in mixed-use activity centers that reduce driving, and the emergence of “tele-commuting,” among others. There is ample reason to believe many of the factors altering the trajectory of VMT will continue. Meanwhile, additional factors are cutting against roadway widening as a sensible “default” strategy such as the emergence of autonomous cars, which are predicted to increase significantly the capacity of existing highway infrastructure by decreasing distances between operating vehicles.

D. Selection of Hybrid Preferred Alternative will Require Additional Public Review.

One overarching issue that undermines the utility of the Draft EA and its ability to achieve its purpose under NEPA is its acknowledgment that the preferred alternative that emerges from the NEPA process may not be one of the two build alternatives presented and analyzed in the document. The Draft EA states⁶:

At the conclusion of this Tier 2 study, the selected alternative may be a hybrid selection that includes a combination of elements that have been identified as part of either Alternative 2A or 2B. For example, the Alternative 2A and 2B typical sections may be selected for different sections of the corridor based on potential impacts at particular locations. Similarly, the interchange configurations associated with either Alternative 2A or 2B may be chosen for each interchange location. This method of mixing-and-matching allows for flexibility in the planning and design of I-66 improvements.

While we appreciate the desire for some flexibility, if this approach is not ultimately paired with additional procedural protections it could preclude the informed decision-making that is the primary objective of NEPA. At this point, the public and decision-makers have been provided with information on the benefits and impacts of two build alternatives (2A and 2B). In terms of assessing the impacts of some unknown combination of elements of those two alternatives, the best the public and decision-makers can do with the information currently available is to get a rough sense of best- and worst-case scenarios by piecing together different road segments and interchange and access configurations. However, the impacts of a combination alternative will fall somewhere between the best- and worst-case combination scenarios, and the difference between them can be considerable.⁷ Further, piecing together various elements will not allow for a determination of traffic benefits, where the proposed improvements have to be evaluated as a whole.

As a result, if the agencies decide to select a combination of alternatives presented in the Draft EA as the preferred alternative to pursue further, the public and decision-makers should be provided an analysis of the specific benefits and impacts of the proposal that is actually being advanced—and be given an opportunity to comment on that analysis—prior to any additional approvals or steps to advance the project. This should take place in the full EIS we are urging you to prepare or, at the very least, in comments on a revised draft EA.

⁶ Draft EA at 3-8.

⁷ For example, according to the figures provided in Table 2 of the Draft 4(f) Evaluation, there's a difference of nearly 12 acres of Section 4(f) impacts between a hybrid option composed of the build alternative segments with the most impacts on Section 4(f) resources and one composed of the least impactful segments. Draft 4(f) Evaluation at 21.

E. The Draft EA Provides Insufficient Information on the Project's Transit Component.

Our groups continue to feel strongly that transit is an essential component of any project seeking to improve the I-66 corridor in northern Virginia. We note that 72% of respondents in the *Perception and Benchmark Survey* conducted last summer as part of this project support an express bus service to major employment centers,⁸ and we generally support the transit service recommendations discussed in the *Transit/TDM Technical Report* (although we would prefer to see many of the new and expanded services be implemented much sooner than the Draft EA indicates). Those service recommendations largely boil down to: (1) expanding commuter services along strategic routes to enhance connectivity to major destinations including Tysons, Reston, and Centreville, among others; and (2) establishing a new I-66 rapid bus service that operates with frequent headways and includes weekend service and transit service recommendations.

However, the Draft EA does not include many of the key details regarding the implementation, operation, and funding of the transit service recommendations it discusses. We appreciate that all the implementation details of the services recommended in more distant future years cannot be determined at this time, but there needs to be much more information in the NEPA documentation on how the service recommendations will be realized if the public and decision-makers are to be able to determine whether the recommended transit service improvements can truly be considered as part of this project, and then to base their input and decisions accordingly.

Additionally, the NEPA documentation for this project should provide an evaluation of the benefits and impacts of expanding Virginia Railway Express (VRE) service to Gainesville and Haymarket, and the extent to which that expansion would enhance or undercut usage of some of the transit services considered in the Draft EA (and vice versa). Even though this expansion is being studied separately by VRE and would be an independent decision, presenting a clear evaluation of the benefits and impacts of the extension—and the extent of its synergy with the recommended transit elements—would make it easier for decision makers to understand the choice they are making with respect to limited resources in the corridor.

We are encouraged by recent statements from the Governor and Secretary Layne highlighting the importance of the transit element of this project and assuring the public that the current administration will not allow the transit components to fall by the wayside as has occurred with other HOT lane projects in Virginia. However, it appears that most of the transit service recommendations would not be implemented until long after the current administration has left office. This makes it that much more important that fundamental determinations regarding how those services will be funded, implemented, and operated be made now to the greatest extent possible, discussed in the NEPA documentation, and incorporated into decisions to advance any form of this project to the next stages of development.

⁸ Draft EA at 3-3.

F. The Draft EA Provides Insufficient Information on the Project's Bicycle and Pedestrian Elements.

Although the Draft EA mentions the substantial benefits of enhancing the bicycle and pedestrian networks along the I-66 corridor and includes some general references to including bicycle and pedestrian access to park and ride facilities and along cross streets, it fails to offer much in the way of tangible details on these important components of the project. Instead, it points to VDOT and DRPT's ongoing bicycle and pedestrian planning process and states that the agencies anticipate that process will result in recommended bicycle and pedestrian improvements that will be integrated with other proposed elements of the I-66 project.

The lack of more specific information regarding potential bicycle and pedestrian improvements raises questions about whether these elements will be realized. It also makes it impossible to evaluate and comment on the potential benefits and impacts of this component of the project, and to know whether additional or alternative projects should be considered. The EIS we have requested for this project should include an assessment of the specific bicycle and pedestrian improvements for this project that result from the bicycle and planning process once it is complete.

G. The Compatibility of the Project with Future Metro Extension, Light Rail, or Separate Guideway Bus Rapid Transit is Unclear.

The Draft EA states that “[t]he proposed project has been developed so as not to preclude a future extension of Metrorail or other major transit investments within the corridor.”⁹ More information is needed to demonstrate how implementing Alternative 2B or portions of it would not preclude the expansion of Metrorail along the I-66 corridor, as well as the implementation of light rail or separate guideway Bus Rapid Transit (BRT). The Draft EA further explains that the difference in the typical mainline section between Alternatives 2A and 2B is that Alternative 2A sets aside a 42-foot-wide median for future fixed guideway transit service, whereas Alternative 2B “would essentially eliminate much or most of the existing median in some sections.”¹⁰ With Alternative 2B preserving little to no median, it would seem the only way a Metro extension along the I-66 corridor would not be precluded under this alternative is to assume it would operate in underground tunnels. If that is a correct interpretation of the effect of Alternative 2B, the EA should make that clear and explain the likely implications it has on the feasibility and practicality of a future Metro extension to various spots along the corridor, as well as light rail and BRT.

II. Discussion of Potential Impacts

A. The Lack of Any Evaluation of Greenhouse Gas Emissions is Unacceptable.

We are disappointed with the lack of any analysis of greenhouse gas (GHG) emissions in the Draft EA, which merely states that such analyses are not yet required under state or federal

⁹ Draft EA at 3-3.

¹⁰ *Id.* at § 3.4.2.1.

law.¹¹ Although the Draft EA is correct that the Council of Environmental Quality’s (CEQ) revised guidance on this issue is still in draft form, it is important to note this draft guidance makes clear that “[c]limate change is a fundamental environmental issue, and the relation of Federal actions to it falls squarely within NEPA’s focus.”¹² Further, the guidance indicates it is well within agencies’ current abilities to evaluate these impacts for individual projects.¹³ It goes on to explain why it is useful¹⁴:

[I]f a comparison of...alternatives based on GHG emissions, and any potential mitigation to reduce emissions, would be useful to advance a reasoned choice among alternatives and mitigations, then an agency should compare the levels of GHG emissions caused by each alternative—including the no-action alternative—and mitigations to provide information to the public and enable the decision-maker to make an informed choice.

As currently proposed, this project will have enormous impacts on travel choices and travel demand in the area traversed by this major interstate for decades to come. It will also shape future decisions regarding transportation improvements along this corridor and elsewhere in the region, as well as future land use patterns. With few environmental issues more pressing than climate change—especially in a state that is home to the particularly vulnerable Hampton Roads region—it is unacceptable to sidestep the issue in the environmental documentation for this project.

As Governor McAuliffe noted in explaining his decision to reconvene Virginia’s Climate Change Commission, “climate change is real and we owe it to our children and our grandchildren to take responsible steps to address this critical issue.”¹⁵ Regardless of the current state of federal or state regulatory requirements and guidance, we urge VDOT and DRPT to show its leadership on this issue by undertaking as part of this NEPA review a reasonable assessment of the GHG emissions this project would cause over the study period as compared to the No-Build, transit/TDM/land use, interchange improvement, and the scaled-back HOT alternatives we are asking you to evaluate, as well as potential options to mitigate these effects.

B. The Draft EA Inadequately Analyzes Water Quality Impacts

The Draft EA’s discussion of water quality impacts is also very limited, and fails to adequately consider the impact of the project on impaired waters in the corridor (and downstream, the Chesapeake Bay). It reports that the proposed project would directly cross or come in close proximity to a number of waterways that fail to meet state water quality standards for aquatic life.¹⁶ As the Draft EA notes, stormwater runoff from impervious surfaces is one of

¹¹ *Id.* at § 4.4.3.

¹² See CEQ, “Revised Draft Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews,” 79 Fed. Reg. 77802, 77823 (Dec. 24, 2014).

¹³ See, e.g., *id.* at 77827.

¹⁴ *Id.* at 77828.

¹⁵ Governor Terry McAuliffe, Speech at the Library of Virginia: “First 100 Days” (Apr. 21, 2014).

¹⁶ See *Natural Resources Technical Report* at 2-4 to 2-5.

the main stressors for this type of impairment, and the I-66 widening project has the potential to cause both short- and long-term increases in runoff to impaired waters in the project area.¹⁷ Unfortunately, the Draft EA simply identifies different best management practices that may be implemented to minimize or mitigate these impacts, and summarily concludes that implementing these measures would ensure that the project will avoid “substantial further degradation” of these impaired waters.¹⁸

The lack of any analysis to support this assumption is problematic in and of itself, but it is compounded by the fact that the size of several of the proposed stormwater management measures for this project evidently have been significantly reduced in the last several months, apparently in response to a determination that the agencies are not required to subject the entire project to new and more protective stormwater requirements. This determination should be explained in the NEPA documentation for this project, and much more analysis is needed to demonstrate the impact the project would have on already impaired waterways that flow through the study area. This additional evaluation is essential to ensure that the project will not undermine ongoing efforts to improve these waters.

It is worth noting that four of the waterways within the study area that have aquatic use impairments (Cub Run,¹⁹ Bull Run, Big Rocky Run, and Little Rocky Run) are located in the more western reaches of the project corridor. All of the alternatives we have suggested above (transit/TDM/land use, interchange improvements, and widening I-66 only as far west as VA 28 or US 50) could help reduce the potential impacts of the project on these impaired waters.

We have similar concerns regarding potential impacts to the Chesapeake Bay, which also fails to meet aquatic life standards. The Draft EA provides that the project may increase stormwater runoff into Bay tributaries, implicating the state’s requirements under the historic Chesapeake Bay Total Maximum Daily Load (TMDL). Even if, as the Draft EA notes, this stormwater runoff will be accounted for in VDOT’s MS4 permit under the Bay TMDL, it is nonetheless important to consider whether a scaled-back alternative would lessen these impacts and better protect this threatened resource. In addition, given the significant interest of Governor McAuliffe and the public in the Chesapeake Bay and its TMDL process,²⁰ we believe this subject warrants inclusion in the main NEPA document, rather than only being discussed in the Natural Resources Technical Report.

¹⁷ *Id.* at 3-3.

¹⁸ Draft EA at 4-59.

¹⁹ Although the Draft EA indicates that the segment of Cub Run (in the vicinity of Centreville) that the project will cross over only has a bacterial impairment, it appears that this segment is also impaired for aquatic life. See Virginia DEQ, *Final 2012 305(b)/303(d) Water Quality Assessment Integrated Report*, Appendix 5 at 57 (2013), available at http://www.deq.virginia.gov/Portals/0/DEQ/Water/WaterQualityAssessments/IntegratedReport/2012/ir12_Appendix_5_Category5_Factsheets.pdf.

²⁰ In a December 2014 press release, the Governor stated, “We are continuing the difficult work of meeting our water quality goals under the framework of the Chesapeake Bay Total Maximum Daily Load. The Chesapeake Bay is a national treasure and an enormous economic asset for Virginia and our neighboring states.” (available at <https://governor.virginia.gov/newsroom/newsarticle?articleId=7464>)

C. The Draft EA Fails to Evaluate Significant Cumulative Effects on the Manassas National Battlefield Park and Historic District.

The Draft Section 4(f) Evaluation explains that this project alone would directly use between 31.8 and 33.9 acres of the Manassas Battlefield Historic District, and up to 3.3 acres of the Battlefield Park.²¹ These levels of impact to a national park and the associated historic district are significant in and of themselves and further support the need to prepare an EIS for this project. Further, Section 4(f) prohibits the use of land from these resources unless there is no prudent and feasible alternative, and as discussed further below, a much more robust analysis of avoidance alternative is needed than what has been included in the Draft 4(f) Evaluation.

Further, these impacts would be compounded by the effects of two transportation proposals closely related to this one: the proposed Bi-County Parkway and the Manassas National Battlefield Park Bypass. Previous work conducted on the Bi-County Parkway under Section 106 of the National Historic Preservation Act indicated that project would take up to 36 acres within the Manassas Battlefield Historic District and the American Battlefield Protection Program’s potential National Register boundary for the battlefield associated with the Battle of Second Manassas, as well as 3.8 acres from the Battlefield Park. The Draft EIS for the Manassas National Battlefield Park Bypass indicates that project would also impact significant acreage within the Battlefield Park and Historic District; the route identified as the preferred alternative in the Draft EIS would impact 20.6 acres of land in the Park and 54 acres of land within the Historic District (although some of those impacts could overlap with impacts of the proposed Bi-County Parkway along the stretch where prior discussions indicated the projects have the potential to co-locate).

It is important to bear in mind that these acreage figures are just the anticipated *direct* impacts of the proposed projects; these projects would also likely have substantial indirect effects on these historic resources and visitors’ experience of them, including potential noise effects at the numerous additional sites where the Build Alternatives will cause an exceedance of federal noise abatement criteria.²² As a result, the cumulative effect of these significant impacts—direct and indirect—on the Historic District and Battlefield Park must be evaluated in the NEPA documentation for this project, and an EIS is the most appropriate way to do so.

D. The Draft EA Inadequately Analyzes Induced Growth West of the Proposed I-66/US 15 Terminus and Along Western Crossroads.

The Draft EA’s indirect effects analysis acknowledges that “[t]he proposed Build Alternatives may incrementally increase the attractiveness of locations along the project corridor by reducing travel time and improving access to I-66.”²³ However, this section ultimately concludes that “the project would not substantially encourage or accelerate any changes in land use that are not already expected in any of the jurisdictions within the analysis area.”²⁴ It

²¹ Further, it is not clear that those figures include impacts to acreage located within VDOT’s existing right-of-way along I-66.

²² *Preliminary Noise Analysis* at 43.

²³ Draft EA at § 4.17.

²⁴ *Id.* at 4-72.

appears the Draft EA reached this conclusion by failing adequately to consider induced growth effects in rurally designated areas located west of the proposed terminus at the I-66/US 15 interchange and along the more rural crossroads that connect to that interchange.

Specifically, the Draft EA indicates that the study area for induced development effects was “up to 2 to 5 miles along major crossroads to the interchange.”²⁵ For the I-66/US 15 interchange, this should include portions of US 15, US 29, and VA 55. Although the Draft EA mentions that Haymarket itself is an area of planned growth in Prince William County and that there is significant development clustered around the I-66/US 15 interchange, there does not appear to have been any specific consideration of induced growth effects farther out along the crossroads to that interchange, even though US 15, US 29, and VA 55 traverse rurally designated lands in Prince William and Fauquier counties within 5 miles of the interchange area and link to other roads that access Fauquier’s rural areas.

Instead, after acknowledging that “[p]eople searching for homes may be attracted to areas farther from I-66 by the lower real estate prices and opportunity for more space,”²⁶ the Draft EA summarily dismisses the role the project could have in inducing growth along crossroads in the study area by asserting that “induced development demand is regulated and controlled by the individual jurisdictions through their zoning and comprehensive land use plans.”²⁷ Although zoning does provide some measure of independent, local control over potential induced growth effects, it by no means eliminates the likelihood of induced growth. Transportation projects often generate tremendous pressure to undo planning and alter zoning along and near the improvements, and courts have recognized that NEPA requires more than simply pointing to the existence of a zoning ordinance as a reason to avoid meaningful consideration of induced growth.²⁸ Moreover, there are indications in both Prince William and Fauquier that existing zoning controls are not sufficient to protect their rural areas.²⁹

Additionally, the potential growth inducing effects of a project such as this one—which would increase capacity and provide express lanes along the major east-west interstate that connects the Washington D.C. metropolitan area with suburban areas to the west—goes far beyond the crossroads along the widened portion and a radius of a few miles from the project terminus. If this project provides some of the benefits touted in the Draft EA, it will likely subject areas all along the I-66 corridor to increased development pressure, including along VA 245, US 17 (both north and south of I-66), and VA 55 in Fauquier County.

²⁵ *Id.* at 4-70.

²⁶ *Id.* at 4-72.

²⁷ *Id.*

²⁸ See *Mullin v. Skinner*, 756 F. Supp. 904, 921 (E.D.N.C. 1990) (“Even though zoning changes may be necessary to alter existing uses of land, if a major federal action makes it likely that such changes will occur, the action will have an indirect effect on the environment.”)

²⁹ A recent study commissioned by Prince William County on preserving rural character found that without land use policy changes, suburban development pressure threatened the county’s rural and agricultural character. See Dr. Tom Daniels, *Prince William County Rural Preservation Study Report* at 24 (May 2014) (“The development of 10-acre lots [under the current by-right zoning in the rural area] on land that is surrounded by farms is not only visually obtrusive, but it undermines the long-term viability of farming.”). Similarly, Fauquier County’s Comprehensive Plan notes that fully developing the county pursuant to by-right development allowed in the Rural Area under current regulations would “change the agricultural environment and the valued rural nature of [the county].” Fauquier County Comprehensive Plan, Ch. 8 at 9-10.

As a result, a far more rigorous analysis of the proposed project's potential to induce growth west of the project terminus and along rural crossroads along the western portion of the I-66 corridor is required. This should include the impacts of induced growth on rural lands and sensitive environmental and historic resources located near the proposed western terminus, such as the Thoroughfare Gap and Buckland Mills battlefields and the historic Buckland Farm Community that straddles the border between Prince William and Fauquier. However, it should also include induced growth impacts farther west along the corridor in northwestern Fauquier County. These are important considerations in weighing the costs and benefits of this project, and the results could provide further support for less damaging alternatives and a variation of the current proposal that does not extend HOT lanes as far to the west as currently proposed.

III. Draft Section 4(f) Evaluation

A. A Much More Rigorous Analysis of Battlefield Avoidance Alternatives is Required.

As discussed above, transit is a critical component of this project, and the park and ride facilities are the most tangible component of transit that have been included in the project alternatives described in the EA. However, it is untenable to propose to locate new park and ride lots within the boundaries of Civil War battlefields protected by Section 4(f), as has been done with the proposed lots at Haymarket (lots proposed within Thoroughfare Gap and Buckland Mills battlefields) and Manassas (lots proposed within the Manassas Battlefield Historic District). Locating large surface parking lots within these resources would have a major detrimental impact on them: between 14.8 and 16.8 acres would be used within Thoroughfare Gap Battlefield, between 61.9 and 65.4 acres would be used within the Buckland Mills Battlefield, and between 21.6 and 29.4 acres would be used for a park and ride lot in the Manassas Battlefield Historic District.³⁰ Proceeding with any of these lots in these locations would set an unacceptable precedent for the Commonwealth's treatment of Section 4(f) resources.

Further, it is important for the Section 4(f) Evaluation to consider whether the two park and ride lots proposed in Gainesville (the University Boulevard and the Cushing Road/VA 234 locations) would constitute constructive uses of Section 4(f) resources. Specifically, the Manassas Battlefield Historic District appears to be adjacent to the proposed access road alternatives for the University Boulevard lot, and it also extends along the northern portion of this site just across I-66. Similarly, the Cushing Road/VA 234 lot would be located catty-cornered from the southwestern edge of Manassas National Battlefield Park. The Section 4(f) Evaluation for this project should explore whether the potential noise and visual impacts of these lots and access roads on these two resources could rise to the level of a constructive use under the statute.

Simply eliminating all of these park and ride lots to avoid the battlefield resources would, as the Draft 4(f) Evaluation points out, greatly diminish the ability of the project to meet purpose and need elements related to expansion and improvement of transit service in the corridor. It is

³⁰ Draft Section 4(f) Evaluation at 22, 25.

therefore imperative that a rigorous analysis of alternative locations be carried out, and this analysis must be much more extensive than the two potential avoidance sites given such limited discussion in the Draft 4(f) Evaluation. The analysis should also include the possibility of converting surface lots at existing park and ride locations to parking garages to increase capacity at those existing facilities. Additionally, each of the four park and ride improvements proposed west of VA 28 (three new facilities and one expansion) is proposed as a surface lot; the Section 4(f) Evaluation should analyze whether constructing a parking garage at one or more of the proposed locations could reduce overall impacts to 4(f) resources.³¹

The Section 4(f) Evaluation should also assess the alternatives we suggest above, as these would avoid and mitigate many of the Section 4(f) impacts of the proposed project—particularly the transit/TDM/land use and interchange improvement alternatives we recommend. Compared to those two, the reduction in Section 4(f) impacts would likely be less significant for an alternative that ends the roadway widening element of the project at US 50 or VA 28, but it would at least avoid direct impacts from the widening on the Manassas National Battlefield Park and the Manassas Battlefield Historic District. More targeted widening could also significantly cut down the proposed cost of the project, freeing up resources to address other transportation challenges in northern Virginia and in other parts of the Commonwealth. These are additional reasons why it makes sense to give all of these alternatives a hard look.

B. An Explanation of the Section 4(f) Status of Conway Robinson Memorial State Forest is Needed.

It appears the project would have indirect, and possibly direct, impacts on the Conway Robinson Memorial State Forest, a wildlife and wildflower sanctuary that is used for environmental education, hiking, preservation of historic sites, watershed protection, and timber production. The Draft Section 4(f) Evaluation appears to assume that it is not a Section 4(f) resource.³² Of note, the Draft EIS for the Manassas National Battlefield Park Bypass lists the State Forest as a Section 4(f) property,³³ and it is not clear to us why it would not qualify as a Section 4(f) resource in the I-66 Draft EA as well. The draft Section 4(f) Evaluation should be revised to either provide an assessment of impacts to the State Forest or explain why it is not being considered.

³¹ Even with ending the proposed HOT lanes at US 50 or VA 28, rapid bus service could still be extended to the far western portion of the project corridor in tandem with this project. The buses could use the existing HOV lanes before picking up the HOT lanes at US 50 or VA 28.

³² See Draft EA, Table 4-11 at 4-42.

³³ See FHWA & NPS, *Manassas National Battlefield Park Bypass Study Draft Environmental Impact Statement*, Table 8-1 at 8-2 (2005).

IV. Conclusion

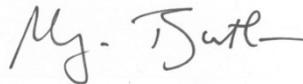
We appreciate the extensive work that has gone into developing the Draft EA, and it offers helpful information on some of the impacts of this major proposal. However, as discussed above, there are significant impacts from this project as proposed that have not been adequately analyzed, and consideration and comparison is needed of a broader range of alternatives – including alternatives that focus on transit/TDM/land use, interchange improvements, and reduced westward widening of I-66. We request that you prepare an EIS to remedy these deficiencies. At the very least, these issues and impacts need to be thoroughly vetted in the Revised EA, which should be shared with the public for an additional comment opportunity before a Finding of No Significant Impact can even be considered or any additional approvals or steps in the procurement process are pursued. Finally, significant additional work needs to be done in the Section 4(f) analysis to consider and analyze avoidance alternatives.

Thank you for your consideration of these comments.

Sincerely,



Trip Pollard, Director, Land and Community Program



Morgan Butler, Senior Attorney

cc: Mr. Aubrey Layne, Secretary of Transportation
Mr. Nick Donohue, Deputy Secretary of Transportation
Mr. Charlie Kilpatrick, Commissioner, VDOT
Ms. Jennifer Mitchell, Director, DRPT