

November 17, 2014

Ms. Angel Deem
VDOT Environmental Division
1401 E. Broad Street
Richmond, VA 23219

Mr. Ed Sundra
Federal Highway Administration
400 North 8th Street, Suite 750
Richmond, VA 23219

VIA E-MAIL AND U.S. MAIL

Ms. Alice Allen-Grimes
Norfolk District
U.S. Army Corps of Engineers, Regulatory Branch
803 Front Street
Norfolk, VA 23510

Re: Comments on Route 460 Draft Supplemental Environmental Impact Statement

Dear Ms. Deem, Mr. Sundra, and Ms. Allen-Grimes:

The Southern Environmental Law Center (SELC) would like to provide the following comments on the Draft Supplemental Environmental Impact Statement (SEIS) for the U.S. Route 460 Corridor Improvements Project. SELC works throughout Virginia to promote transportation and land use decisions that strengthen our communities, protect our natural resources, and improve our quality of life.

We have closely followed the proposed new Route 460 for over 15 years, and we have provided comments, met with federal and state decision-makers, and otherwise provided input throughout the various reviews and discussions of this proposal. An initial Draft EIS was completed in 2005, followed by a Final EIS in 2008, in which the Virginia Department of Transportation (VDOT) and the Federal Highways Administration (FHWA) selected as their preferred alternative the construction of a new 55-mile highway parallel to the existing, lightly-traveled Route 460 between Petersburg and Suffolk. We shared the concerns of the U.S. Army Corps of Engineers (Corps) during this process about the Corps' ability to issue a required Clean Water Act Section 404 permit for this proposal due to its severe aquatic resource impacts and the availability of less-damaging alternatives.

These concerns escalated last fall, when additional analysis for the Section 404 permit application revealed that the initial EIS seriously underestimated this proposal's potential

impacts on wetlands and streams. The National Environmental Policy Act (NEPA) requires the preparation of a Supplemental EIS whenever “[t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.”¹ The new information revealed last fall confirmed that there were serious shortcomings with the previous environmental review of this project, and made clear that a thorough second look at the impacts to this corridor and alternatives was necessary.

NEPA requires agencies to take a “hard look” at the environmental consequences of a proposed action,² and to “[r]igorously explore and objectively evaluate all reasonable alternatives.”³ Although we have noted a few issues with the information presented in the Draft SEIS below, we believe that, overall, this new analysis goes a long way toward addressing the shortcomings in the previous review of this proposed project, and provides important new information to help guide the public and decision-makers in weighing alternative options for this corridor.

The Draft SEIS indicates that both the environmental impacts and estimated costs of building the former preferred alternative for a new Route 460 would be much greater than previously thought. It now seems that this proposal should not be able to obtain required federal permits to move forward, and we believe the Draft SEIS shows more clearly than ever that the costs of this proposal to taxpayers and our environment would far outweigh its limited benefits. The same is true of a proposed northern new Route 460 and options to build lengthy bypasses around towns along the existing highway. And, while it is apparent that these costs and impacts can be greatly reduced by focusing our attention on the current Route 460, extensive upgrades to the entire existing route are also difficult to justify in light of its large price tag and the impacts it could have on communities along the highway.

As you finalize this SEIS, we urge you to instead choose as the preferred alternative an option that focuses on making targeted improvements in key areas of the corridor where flooding or safety is a major concern, and incorporates the No-Build option for much of the rest of the corridor. This approach would greatly reduce the costs and impacts to the region’s environment, communities, historic resources, and businesses, while still addressing the corridor’s most pressing issues.

In addition, we urge you to include information (or more complete information) in the Final EIS on: climate change-related impacts and considerations; other proposed measures to address hurricane evacuation in the region; particular areas of safety concern and potential targeted solutions to address them; more targeted stormwater improvements and potential non-road measures to address flooding on the existing Route 460; and proposed side-street improvements along the existing Route 460 (which are ill-defined and difficult to locate in the Draft SEIS, yet appear to be the cause of nearly all of the historic resource impacts in towns along the existing highway). These issues are discussed in more detail below.

¹ 40 C.F.R. § 1502.9(c)(1).

² See *Marsh v. Oregon Natural Res. Council*, 490 U.S. 360, 374 (1989).

³ 40 C.F.R. § 1502.14(a).

I. THE DRAFT SEIS DEMONSTRATES THE SEVERE ENVIRONMENTAL IMPACTS OF THE BUILD ALTERNATIVES

The Draft SEIS shows that the environmental impacts of building a new Route 460 or lengthy new bypasses around towns along the existing highway would be severe, including extensive impacts to wetlands and streams, and the loss of thousands of acres of forests, wildlife habitat, and farmland. It also shows that these impacts would be substantially reduced by focusing on improvements to the existing corridor.

A. Wetlands and Streams

As mentioned above, the Corps has consistently raised serious concerns about its ability to issue a Section 404 permit that is required to build the former preferred alternative for a southern new Route 460 (“Alternative 1” in the Draft SEIS). The Corps has noted the extensive impacts of this proposal on wetlands and other aquatic resources, as well as the availability of less destructive alternatives such as improving the existing highway. The results of the new analysis in the Draft SEIS—showing even greater impacts than previously estimated—confirm the Corps’ misgivings, and make clear that a Section 404 permit should not be issued for this proposal.

The magnitude of the potential wetlands loss is staggering. The Draft SEIS reports that Alternative 1 would destroy 613 acres of wetlands—nearly *five times* the amount estimated in the 2008 Final EIS (129 acres),⁴ including significant impacts to high quality bald cypress and tupelo-dominated swamp systems.⁵ To the best of our knowledge, this would represent the largest authorized destruction of wetlands in Virginia since the Clean Water Act was passed over 40 years ago. It would also be a significantly greater level of wetlands impacts than a number of other proposed projects that were terminated due largely to the severity of the aquatic resource impacts they would cause: the proposed Ware Creek Water Supply Impoundment (425 acres),⁶ the King William Reservoir (403 acres),⁷ and the Southeastern Parkway and Greenbelt (170 acres).⁸ In fact, the Draft SEIS indicates that Alternative 1 would destroy far more wetlands in the Blackwater River Watershed (432.5 acres) than the

⁴ Draft SEIS at 3-113; 2008 Final EIS at 4-39.

⁵ Draft SEIS at 3-112 to 3-113. The Draft EIS reports that 10% of Alternative 1’s 613 acres of impacts would be to “high quality” wetlands, translating into roughly 60 acres of impacts to these high quality wetland systems alone. In addition, although Alternative 1 is considered to have avoided a number of other high quality wetlands areas through bridging at 17 sites, the Draft SEIS notes that “wetlands under a bridge incur a certain amount of impact due to placement of footers, piers or pilings, shading, or temporary construction measures.” *Id.* at 3-136.

⁶ See EPA, *Final Determination of the U.S. Environmental Protection Agency’s Assistant Administrator for Water Pursuant to Section 404(c) of the Clean Water Act Concerning the Proposed Ware Creek Water Supply Impoundment James City County, Virginia* at 31 (July 10, 1989).

⁷ See Corps of Engineers, Norfolk District, *Record of Decision Memorandum for Permit Application Number 93-0902-12 (Norfolk District) by the City of Newport News, Virginia for the King William Reservoir Project* at 23 (July 29, 2005).

⁸ See “Termination of Environmental Review Process Cities of Chesapeake and Virginia Beach, VA,” 75 Fed. Reg. 70351 (Nov. 17, 2010).

total amount that the Corps has authorized in the 181 permits it has issued for this watershed since 1999 (97.22 acres).⁹

The other proposed new highway construction alternatives would also result in major wetlands impacts and would raise similar Section 404 permitting issues. Alternative 3, a proposed northern new Route 460 alignment, would destroy 516 acres of wetlands.¹⁰ Alternatives 2N and 2S, which would include building bypasses around towns along the existing highway, would destroy 372 and 434 acres, respectively—mainly due to construction of the bypasses.¹¹ For example, the proposed bypass of Ivor alone would impact 119 acres, and the proposed southern bypass of Windsor under Alternative 2S would impact 107 acres of wetlands.¹² Each is more than the entirety of wetlands impacts from Alternative 4 (91 acres), which would focus improvements entirely on the existing Route 460.¹³

The impacts of Alternative 1 on streams are also significant, and have also jumped considerably. According to the Draft SEIS, the proposed southern new Route 460 would impact over 13 miles (70,869 linear feet) of streams,¹⁴ more than double the amount estimated in the 2008 Final EIS (33,088 linear feet).¹⁵ As in the case of wetlands, the stream impacts of the proposed Alternative 3 (58,191 linear feet), Alternative 2N (39,230 linear feet), and Alternative 2S (38,102 linear feet) would also be substantially greater than those of focusing improvements on the existing corridor under Alternative 4 (20,216 linear feet).¹⁶

Further, the potential effects of these impacts are not limited to the study area. The majority of these aquatic resource impacts would occur in the Blackwater and Nottoway watersheds, which form a substantial component of the Chowan Watershed, a major tributary to Albemarle Sound—one of the largest estuaries on the East Coast. The Blackwater and Nottoway watersheds are also home to ecologically-significant forest habitat, as described further below. Substantial wetland and stream impacts would also occur in the Nansemond watershed, a tributary to the Chesapeake Bay, implicating Virginia's obligations under the recently-developed Chesapeake Bay Total Maximum Daily Load.

B. Forests, Wildlife Habitat, and Farms

Building a new Route 460, or a series of bypasses around the towns along the existing highway, would also result in the loss of thousands of acres of forests, wildlife habitat, and farmland in the project area—impacts that would be greatly reduced by focusing improvements on the existing corridor.¹⁷ According to the Draft SEIS, Alternative 1 would

⁹ Draft SEIS at 3-137, 4-39.

¹⁰ *Id.* at 3-113.

¹¹ *Id.*

¹² Draft SEIS, *Natural Resources Technical Report* at 204.

¹³ Draft SEIS at 3-113.

¹⁴ *Id.* at 3-117.

¹⁵ 2008 Final EIS at 4-34.

¹⁶ Draft SEIS at 3-117.

¹⁷ *See id.* at 3-5 to 3-6.

impact 1,241 acres of forested habitat, as well as nearly 1,000 additional acres of potential wildlife habitat in agricultural and brush lands.¹⁸ This includes impacts to the three rare or unique (“biodiversity ranked”) ecological communities of Manry Wakefield, Zuni Pine Barrens, and Antioch Swamp, which have all been deemed to be of “high” or “very high” significance in terms of biodiversity.¹⁹ It also includes impacts to hundreds of acres of potential habitat for numerous threatened and endangered species.²⁰

Moreover, Alternative 1 would jeopardize important conservation efforts in the corridor. The Nature Conservancy currently conducts prescribed burn activities at its 3,200-acre Piney Grove Preserve—activities deemed by the Conservancy to be essential to the survival of the federally-endangered red-cockaded woodpecker in this preserve, as well as a number of rare plants and natural communities. The Draft SEIS notes that Alternative 1 will come within close proximity to Piney Grove, and its construction could restrict prescribed burn activities here due to smoke management issues, as well as potentially limit any future northward expansion of this important preserve.²¹ Alternative 1 could also restrict prescribed burn activities and potential northern expansion of the preserves at Zuni Pine Barrens.²²

C. Induced Growth

In addition to direct impacts, NEPA requires consideration of the “indirect effects” of a project, which include “growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate.”²³ For example, one court has noted that “[i]t is obvious that constructing a large interchange on a major interstate highway in an agricultural area where no connecting road currently exists will have a substantial impact on a number of environmental factors.”²⁴

The Draft SEIS does indicate that building the numerous proposed new rural interchanges on a new Route 460 or new bypasses outside of existing towns along the corridor would put significant additional natural resources at risk due to expected induced growth. In contrast to improvements focused on the existing Route 460, which are not expected to induce any growth, new development related to Alternative 1’s nine interchanges are estimated to put at risk nearly 15,000 additional acres of wetlands and 19,000 acres of wildlife habitat, as well as over a hundred miles of streams.²⁵

¹⁸ *Id.* at 3-121 to 3-122.

¹⁹ *Id.* at 3-123.

²⁰ *See id.* at 3-127 to 3-132.

²¹ *Id.* at 4-33.

²² Draft SEIS, *Natural Resource Technical Report* at 249.

²³ 40 C.F.R. § 1508.8(b).

²⁴ *City of Davis v. Coleman*, 521 F.2d 661, 675 (9th Cir. 1975).

²⁵ Draft SEIS at 4-34.

II. THE DRAFT SEIS DEMONSTRATES THE LACK OF NEED FOR A NEW HIGHWAY OR BYPASSES

According to the Draft SEIS, the cost to build a southern new Route 460 (Alternative 1) has risen to \$1.8 billion²⁶—a \$400 million increase over previous estimates, and an increase that would likely fall to Virginia taxpayers, who were to foot the vast majority of the bill under the previously-executed design-build contract for this proposal. The price tags to build a northern new Route 460 or a series of bypasses around the towns in the corridor—each running well over a billion dollars—are similarly large.²⁷ No compelling evidence has been presented for the need for such extensive, expensive, and destructive proposals. While there are clearly some issues—such as safety and flood protection—that need to be addressed in this corridor, these needs can be addressed through targeted, less costly, and less damaging improvements to the existing corridor.

A. Limited Traffic Needs and Benefits

This Draft SEIS acknowledges more clearly than any previous environmental review that traffic congestion is generally not an issue on existing Route 460, noting that “[t]he need to address congestion is not a central component of the Purpose and Need for this project, as it is not a systemic problem along the existing Route 460 corridor.”²⁸ Traffic volumes on Route 460 today range from just 9,900 to 15,600 vehicles per day.²⁹ Although they are expected to rise to between 19,250 and 26,700 vehicles per day by the year 2040 under the No-Build scenario,³⁰ even these figures appear to be well below the capacity of the existing highway, as evidenced by its continuing to maintain a level-of-service of “A” or “B” for every roadway segment.³¹ The Draft SEIS also indicates that most of the highway’s intersections currently operate at level-of-service “A” or “B,” and will continue to operate at acceptable levels-of-service in the 2040 No-Build, with the few exceptions largely limited to its eastern connection to US 58.³²

In addition, plans to implement tolls to fund any of the alternatives to build a new highway would significantly limit the number of car and truck drivers who would see travel time savings from these proposals, and would result in little improvement to conditions on the existing Route 460. Previous VDOT estimates of traffic on Alternative 1’s new Route 460 alignment without tolls ranged from 34,500 to 58,500 vehicles per day in 2040.³³ But the

²⁶ *Id.* at 4-34.

²⁷ *Id.*

²⁸ *Id.* at 2-20.

²⁹ Draft SEIS, *Traffic and Transportation Technical Report* at 56.

³⁰ *Id.*

³¹ *Id.* at 61. The Draft SEIS’s *Traffic and Transportation Technical Report* explains that the volume-to-capacity ratio is one of the two components (vehicle density is the other) used to determine roadway segment level-of-service. *Id.* at 31, 34-35.

³² *Id.* at 38-39; *see also* Draft SEIS at 2-20.

³³ *See* VDOT, *Traffic Technical Report for Reevaluation for US Route 460 Location Study EIS* at 8-9 (Sept. 21, 2012).

Draft SEIS estimates that these volumes will drop to 20,780 to 34,700 with tolls in place³⁴—meaning that tolling a new Route 460 would result in nearly half of all vehicles choosing alternative routes. This would leave significantly more traffic on the existing, unimproved Route 460, which in some places would continue to handle nearly the same volume of traffic as the new \$1.8 billion parallel facility.³⁵ Moreover, the Draft SEIS indicates (utilizing a 2012 tolling study) that the percentage of freight trucks that would choose the tolled new Route 460 would be even less, with only roughly 30-35% of truck drivers being expected to choose this route given the expected toll rate and time savings.³⁶

The benefits of proposed bypasses would also be limited if these facilities were tolled. The Draft SEIS indicates that if the bypasses were tolled, most drivers would avoid many of these short, tolled segments, instead choosing to continue along existing Route 460 through the towns.³⁷ For example, the tolled bypass of Wakefield is only expected to attract between 3,750 and 4,000 drivers, leaving over 21,000 vehicles on existing Route 460.³⁸ In fact, it is only for the northern bypass of Windsor in Alternative 2N that more drivers are expected to select a tolled bypass over the existing highway.³⁹ But even in that case, the number of vehicles using the bypass remains modest and would exceed traffic on the existing Route 460 by only a minor amount.⁴⁰

B. Freight Movement

There are also substantial questions about the need for a new Route 460 to improve freight movement, and the potential benefits of doing so. As noted above, the benefits of a proposed new Route 460 in facilitating freight movement would be substantially limited by the institution of tolls. In addition, an increasing percentage of freight shipments from the Port of Virginia are being handled by rail,⁴¹ and freight being moved by trucks in Hampton Roads is primarily being handled by nearby routes such as I-64 and US 58,⁴² the latter of which already connects to I-95 and I-85 to the west, eliminating the need for a new parallel facility. The Draft SEIS also indicates that since 1990, the Route 460 corridor has seen a

³⁴ Draft SEIS, *Traffic and Transportation Technical Report* at 57.

³⁵ For example, the Draft SEIS's *Traffic and Transportation Technical Report* projects that for Alternative 1 in the year 2040, 17,100 vehicles will continue to travel along existing Route 460 from Route I-295 to Route 156, whereas 21,700 will utilize the new highway. *Id.* at 56.

³⁶ See Draft SEIS, *Traffic and Transportation Technical Report* at 74 (showing that at the estimated total toll rate of \$11 and the estimated time savings of 25 minutes for Alternative 1 compared to the No-Build, approximately 30-35% of freight truck drivers would be expected to divert from the existing Route 460 onto the new highway).

³⁷ *Id.* at 56.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ An estimated 16,600 vehicles would use the tolled bypass here, compared to 12,400 staying on the existing Route 460. *Id.*

⁴¹ As the Draft SEIS notes, 34% of port-related freight moved by rail in 2013 (up from 29% in 2005) and the Virginia Port Authority has set a long-term goal to increase this to 50%. Draft SEIS at 1-11.

⁴² See HRTPO, *Hampton Roads Regional Freight Study 2012 Update* at 89 (Sept. 2012) (showing that in 2011, on average 38.3% of freight trucks (6,338) used I-64 each day, 19.5% (3,228) used US 58, and just 11.8% (1,955) used Route 460); see also HRTPO, *Traffic Impact of an Inland Port in Hampton Roads* at 19 (Sept. 2011) (showing that in 2008, approximately 46% of long-distance port-related freight trucks used I-64, 25% used US 58, and just 13% used Route 460).

reduction in both the overall volume of truck traffic, as well as in the percentage of overall vehicle traffic that are trucks.⁴³

The extent to which freight traffic related to the Port of Virginia may increase as a result of the Panama Canal expansion is also unclear. Delayed opening of the new canal until 2016 may give other East Coast ports time to complete planned improvements making them more competitive with Hampton Roads.⁴⁴ Studies on this issue have also noted uncertainties regarding the extent to which West Coast ports will retain their dominance over shipping from East Asia, the effects of the still-unknown post-expansion tolling structure on route choice, and a number of other factors.⁴⁵ Overall, John Reinhart, executive director of the Virginia Port Authority, recently stated that the canal expansion is not likely to be “a game changer” for U.S. ports.⁴⁶

C. Hurricane Evacuation

It also does not appear that building a new Route 460 or a series of bypasses is necessary, or even particularly effective, for hurricane evacuation. The Draft SEIS references a 2010 USDOT study finding that flood-prone infrastructure is one of the top five impediments to effective evacuation in Hampton Roads, along with a lack of traffic signal timing, limited water crossings, lack of intelligent transportation systems, and insufficient human resources.⁴⁷ Others have noted that bottlenecks on local roadways and highways approaching Route 460 are also a major impediment, such as the Bowers Hill area in Chesapeake.⁴⁸ Building a new Route 460 would do little to address the bottlenecks in Hampton Roads for drivers trying to reach this evacuation route, and would do nothing to fix flooding issues on existing Route 460 for residents who need to utilize the existing highway.

The Draft SEIS indicates that targeted improvements can be made to address the major flooding issues along existing Route 460, and it seems clear that significant evacuation potential may be realized by reversing lanes on Routes 58 and 460 during an emergency. Recent studies by the Hampton Roads Transportation Planning Organization (HRTPO) and

⁴³ See Draft SEIS at 1-11 (showing 1,980 trucks per day traveling Route 460 comprising 21% of all traffic in 1990, 2,040 trucks per day comprising 21% of all traffic in 2002, and 1,570 trucks per day comprising 16% of all traffic in 2012).

⁴⁴ See J. Elias O’Neal, *How will Panama Canal expansion affect the Port of Virginia*, Daily Press (July 20, 2014) (noting that the ports of New York-New Jersey, Charleston, Savannah, and Miami are also expected to be ready to accommodate post-Panamax ships by 2015).

⁴⁵ See generally USDOT, Maritime Administration, *Panama Canal Expansion Study Phase I Report: Developments in Trade and National and Global Economies* (Nov. 2013); U.S. Army Corps of Engineers, Institute for Water Resources, *U.S. Port and Inland Waterways Modernization: Preparing for Post-Panamax Vessels* (June 20, 2012); Dr. Jean-Paul Rodrigue, Van Horne Institute, *Factors Impacting North American Freight Distribution in View of the Panama Canal Expansion* (2010).

⁴⁶ *Port Experts Doubt Panama Canal Expansion Will Be “Game Changer”* (July 2014), http://www.odu.edu/news/2014/7/iame_conference#.VGpqqU10y70.

⁴⁷ See Draft SEIS at 1-16; USDOT, *Highway Evacuations in Selected Metropolitan Areas: Assessment of Impediments* at 33-34 (Apr. 2010).

⁴⁸ See, e.g., Letter from Robert Hume, Corps of Engineers, to Kenneth Myers, FHWA and Earl Robb, VDOT at 3 (Aug. 8, 2005).

the Virginia Department of Emergency Management (VDEM) have identified additional cost-effective improvements that would significantly improve emergency response in the region.

Last spring, HRTPO found that the \$10 million Bowers Hill Route 168/64/58 Southside Reversal project could reduce evacuation times by 40% (up to 19 hours) for the nearly 100,000 vehicles utilizing these facilities, and that a simple \$20,000 emergency-specific traffic signal timing plan for Route 17 could reduce clearance times by 25% for the 26,000 vehicles using this route.⁴⁹ It also recommended consideration of a similar signal timing plan for Route 460 and other evacuation routes in the region.⁵⁰

And last summer, VDEM determined that some of the most effective improvements to the Commonwealth's emergency response in Hampton Roads would be efforts to give residents more time to respond (such as moving up the timeline for evacuation-related decisions), reducing the number of people needing to evacuate (by improving shelter capacity and identifying "evacuation zones" to better target the most vulnerable populations), and better educating and communicating with the public.⁵¹

III. THE SEIS SHOULD RECOGNIZE THAT THE BEST OPTION IS TO MAKE TARGETED IMPROVEMENTS TO EXISTING ROUTE 460

The results of the Draft SEIS make clear that instead of building an entirely new Route 460 or lengthy new bypasses around the towns along the current route, we should be focusing our efforts on the existing highway. The best option appears to be to make targeted improvements in key areas of existing Route 460 where flooding or safety is a major concern, and to adopt the No-Build option for much of the rest of the corridor. This would greatly reduce the costs and impacts to the region's environment, communities, historic resources, and businesses compared to the more expansive options being proposed, yet would still address the corridor's most pressing issues.

The Draft SEIS shows that many of the substantial impacts to environmental resources in this corridor (wetlands, streams, forests, habitat, etc.) can be avoided by focusing improvements on the existing highway, as evidenced by the far lower impact figures of proposed Alternative 4 mentioned above. However, we believe the extensive upgrades to the existing Route 460 proposed under Alternative 4 are still too costly to taxpayers and communities along the corridor for the benefit provided.

While it would be significantly less expensive than the new highway construction options, Alternative 4 is still estimated to cost \$974 million to upgrade this lightly-traveled and relatively uncongested corridor.⁵² And despite its reduced environmental impacts, the extensive upgrades proposed under Alternative 4 would require the relocation of a significant

⁴⁹ HRTPO, *Prioritizing Highway Projects for Improvement of Evacuation* at 11, 13 (Mar. 2014).

⁵⁰ *Id.* at 14.

⁵¹ VDEM, *2014 In-Season Review of Hurricane Preparedness for Hampton Roads* at 5 (Aug. 2014).

⁵² Draft SEIS at 2-19.

number of residences and businesses within towns along the existing highway,⁵³ and would adversely affect a number of historic sites and districts.⁵⁴ These impacts appear to be due largely to the assumption of significant across-the-board median expansions within the towns, as well as fairly expansive footprints for as-yet-undefined side street improvements.⁵⁵

Safety concerns are identified as a primary reason for the extensive upgrades being proposed under Alternative 4, including significant widening due to the introduction of generous medians and recovery areas. The Draft SEIS notes that this section of Route 460 had a 60% higher fatal crash rate than like facilities across the state from 2010 to 2012 (based on 11 fatal accidents, 5 of which involved tractor-trailers).⁵⁶ Although this is clearly a significant problem, the Draft SEIS also indicates that this section of Route 460 had less than 1/4 the total crash rate and 1/7 the injury crash rate of like facilities across the state during this period, as well as lower overall and injury crash rates than the state's four-lane, divided, full-access-controlled facilities.⁵⁷ In addressing safety concerns for this corridor, we believe more work needs to be done in this SEIS to identify those areas of particular safety concern and potential targeted improvements to address them—rather than the across-the-board approach being proposed—to help minimize impacts on communities, businesses, and historic resources in the corridor.

Flooding is another key concern in the corridor, and another area in which we believe additional work should be done in this SEIS to identify additional potential solutions. The Draft SEIS notes that there are four major flooding problem areas along existing Route 460—Waverly (west of downtown), Wakefield (near the Virginia Diner), Zuni (at the Blackwater Bridge), and Windsor (at the intersection of Routes 460/610/603), as well as a number of minor flood-prone areas along the corridor.⁵⁸ We appreciate the significant attention paid in the Draft SEIS to identifying the problems and specific solutions for the major flood-prone areas, but we would like to see more discussion of potential solutions for the remaining flood-prone areas, beyond the major corridor-wide reconstruction proposed under Alternative 4. This includes potential stormwater retrofits for the existing Route 460, as well as potential non-road solutions, such as reducing the elevation of the Norfolk Southern railroad line (as part of this or a separate project), which at its current elevation is a substantial contributor to flooding issues in the corridor.⁵⁹

⁵³ *Id.* at 3-5; Draft SEIS, *Right of Way and Relocations Technical Report* at 20.

⁵⁴ Draft SEIS at 3-6; *see also* Draft Section 4(f) Evaluation at 74-75.

⁵⁵ The Draft Section 4(f) Evaluation notes that maps depicting impacts of Alternative 4 on historic resources “show that the majority of impacts to the historic districts are from proposed but undefined improvements to side streets as opposed to the main line Route 460.” Draft Section 4(f) Evaluation at 76.

⁵⁶ Draft SEIS at 1-9.

⁵⁷ *Id.*

⁵⁸ *Id.* at 2-15.

⁵⁹ *Id.* at 2-16.

IV. CLIMATE CHANGE SHOULD BE ADDRESSED IN THIS SEIS

Finally, while we appreciate the thoroughness of analysis provided on many of the relevant issues in this Draft SEIS, we are disappointed to see very little recognition of climate change in the consideration of alternatives for this project, despite the fact that the U.S. Environmental Protection Agency flagged in its scoping comments a number of climate change-related issues that it thought should be addressed in this review.⁶⁰ The new highway construction alternatives, especially those requiring the construction of a new Route 460, could substantially undermine the Commonwealth's efforts to reduce greenhouse gas emissions by spurring additional driving, as well as undermine this region's natural resiliency to storm events and flooding by destroying and fragmenting significant amounts of wetlands and forests. We urge you to address these and other relevant climate change related issues in the Final SEIS, and in your review of other transportation projects moving forward.

CONCLUSION

In summary, it would be unreasonable to pursue proposed alternatives to build a new Route 460 to the north or south, or a series of bypasses around towns along the existing highway, in light of their exorbitant costs and severe environmental impacts, as well as serious doubt that these proposals could even obtain required federal permits. Making extensive upgrades to the existing Route 460 also appears to be too costly to taxpayers and communities for the limited benefit provided. We believe that a combination of Alternative 4 and the No-Build option is the best approach, improving the existing highway through targeted, cost-effective improvements to address flooding and safety issues.

Thank you for your consideration of these comments.

Sincerely,



Trip Pollard
Senior Attorney



Travis Pietila
Associate Attorney

⁶⁰ These included analysis of the potential effects of the loss and fragmentation of wetlands and forest systems, consideration of greenhouse gas emissions and potential climate change adaptations for proposed alternatives, and other issues identified in draft guidance issued by the Council on Environmental Quality on the consideration of climate change under NEPA. *See* Comments of Jeffrey Lapp, U.S. EPA in Chapter 7 of the Draft SEIS.

cc: Colonel Paul Olsen, Norfolk District Commander, Corps of Engineers
Irene Rico, Administrator, FHWA Virginia Division
Jeff Lapp, Associate Division Director, EPA Region 3
Aubrey Layne, Virginia Secretary of Transportation
Charlie Kilpatrick, Virginia Commissioner of Highways
Molly Ward, Virginia Secretary of Natural Resources
David Paylor, Director, Virginia Department of Environmental Quality