

August 3, 2020

Ms. Angel Aymond
VDOT Environmental Division
1401 East Broad Street
Richmond, VA 23219

**Re: Comments on the Martinsville Southern Connector Study
Draft Environmental Impact Statement**

Dear Ms. Aymond:

The Southern Environmental Law Center, on behalf of the 17 organizations listed below, would like to provide the following comments on the Virginia Department of Transportation's Draft Environmental Impact Statement (EIS) for the Martinsville Southern Connector Study in Henry County.

We appreciate VDOT's recent efforts to prioritize innovative and context-sensitive solutions to address traffic and safety issues throughout the Commonwealth, and this study identifies a number of areas where such solutions may be warranted along Route 220. However, VDOT's proposal in the Draft EIS to build a 7.4-mile, \$615.9 million new bypass primarily through greenfield areas around U.S. Route 220 to the south of Martinsville is a significant and troubling departure from that approach and is contrary to a number of other critical public policy goals. Moreover, VDOT's recent submission to the U.S. Army Corps of Engineers of a Joint Permit Application under the Clean Water Act for the Martinsville Southern Connector suggests that the price tag for the proposed project will be even higher (upwards of \$700 million¹) and some of the impacts even greater than described in the Draft EIS.

We urge VDOT to not advance this proposal. For multiple reasons discussed more fully below, this proposal should be halted. Alternatively, at the very least, this proposal should not proceed any further until a much more comprehensive study is conducted to analyze more cost-effective and less-destructive reasonable alternatives to meet this corridor's traffic and safety needs through upgrades to the existing Route 220.

The Draft EIS shows that VDOT's proposed "Preferred Alternative C" would have significant direct and indirect impacts on the corridor's environment and communities. This includes direct impacts to 21,882 linear feet of streams and 3.7 acres of wetlands, clearing 224 acres of forests, converting 298 acres of farmland, and relocating 25 homes (including 9 in

¹ VDOT, Joint Permit Application, Martinsville Southern Connector Study at 4-14 (July 2020) (estimating the cost of a new Modified Preferred Alternative at \$705.7 million).

minority environmental justice block groups).² And these figures may underestimate some key impacts of the proposal. For instance, the recent permit submission to the Corps of Engineers suggests that the impacts on forests will be roughly twice the estimate in the Draft EIS, while the stream and wetlands impacts may be slightly reduced.

The Draft EIS also identifies potentially significant indirect impacts to these and other resources through induced land development spurred by the project,³ as well as a substantial increase in corridor vehicle miles traveled that is likely to result in increased emissions of greenhouse gases (GHG) and other harmful air pollutants,⁴ with related impacts on public health. The damaging climate impacts of the proposal go beyond the increase in GHG emissions since it will also destroy a considerable amount of forests, farmland, and other natural areas that serve as carbon sinks that currently help to absorb and store carbon dioxide. If these resources are destroyed, not only would they no longer absorb carbon dioxide but the carbon they store would be released. The Draft EIS fails to adequately address any of these impacts. Not only is this failure contrary to federal law, but it is wholly contradictory to the stated commitment of Virginia's public officials to address the climate crisis as well as the various efforts underway to reduce the carbon footprint of Virginia's transportation sector. For all of these reasons, it is crucial that further study and analysis of GHG emissions is included in this study if it continues.

In addition, the Draft EIS indicates that the expected benefits of building this expansive new highway would fall far short of justifying its enormous cost. This study identifies some legitimate safety and traffic issues along Route 220—such as geometric deficiencies, backups at a number of intersections, and the need for greater access management. However, VDOT's proposal to simply build a bypass around these problem areas is an outdated approach that would fail to address these issues for the majority of the corridor's drivers that the Draft EIS shows will continue to use the existing Route 220 even if Alternative C is built.⁵ Indeed, the Draft EIS shows that by 2040, only 12,800 vehicles per day are expected to use this \$615.9 million (or more) new highway at its busiest point, compared to 22,000 vehicles per day that would continue to use the existing, unimproved Route 220.⁶

The limited benefits and significant environmental impacts of the proposed new highway indicate that this project would be highly unlikely to be recommended for funding under SMART SCALE and that it would be an incredibly poor use of Virginia's limited transportation dollars.

These costs and impacts are particularly concerning given the availability of reasonable alternatives to meet the project's purpose and need through upgrades to existing Route 220 that the Draft EIS fails to adequately study. Most importantly, the Draft EIS fails to provide any real analysis of the various improvements to Route 220 in the study area that VDOT itself has

² Draft EIS at 3-1 to 3-2.

³ *Id.* at 3-144.

⁴ Draft EIS, *Air Quality Technical Report* at Table 4-27.

⁵ Draft EIS, *Traffic and Transportation Technical Report* at 8-2 to 8-3.

⁶ *Id.*

recommended in the “Arterial Preservation Plan” it recently developed for the corridor.⁷ The recommendations in this plan would address many of the corridor’s current issues, including correcting geometric deficiencies, improving access management, and implementing innovative intersection solutions to alleviate traffic delays along the corridor. Yet the Draft EIS provides only a brief discussion of this reasonable alternative, and it fails to provide any analysis of how the costs, benefits, or environmental impacts of this alternative compare to—or perhaps negate the rationale for—building VDOT’s proposed new highway.

This is clearly insufficient to satisfy the requirement of the National Environmental Policy Act that agencies “rigorously explore and objectively evaluate all reasonable alternatives to a proposed action” in an EIS.⁸ If this study is advanced any further, a more comprehensive study needs to be undertaken of VDOT’s Arterial Preservation Plan recommendations for this corridor—both as a standalone alternative to VDOT’s proposed new highway and in connection with other reasonable options to upgrade the existing route that we encourage VDOT to explore further. These additional alternatives include, but are not limited to, additional transportation system management (TSM) and transportation demand management (TDM) options, new local road network connections, and potential options to reconfigure Route 220’s existing interchange with Route 58.

Finally, we are concerned by VDOT’s recent announcement that it will now pursue a “Modified Preferred Alternative” that would substantially shift the proposed highway’s northern terminus at Route 58. Despite this significant change in the proposed project, VDOT has said that it will only provide analysis of this new alternative in the Final EIS. While we understand this new alternative is being considered in part to reduce right-of-way impacts, it will still share much of its alignment and impacts with Alternative C and it is unclear to what extent this modification may alter the estimated costs and anticipated benefits of this project. Waiting until the Final EIS to provide this analysis will not allow decision-makers and the public sufficient time to review and comment on this proposed new alternative before a final decision is made on the project.

In sum, we have significant concerns with VDOT’s proposal to build this expansive and costly new highway, which seems completely contrary to the positive direction the Commonwealth has taken in recent years toward prioritizing innovative and context-sensitive solutions. We strongly urge VDOT to not pursue this option any further. At the very least, any further action on this alternative should be halted until far more comprehensive analysis is provided of more cost-effective and less-damaging alternatives based on upgrading the existing Route 220, as well as of VDOT’s recently-proposed Modified Preferred Alternative.

Preparation of a Revised or Supplemental EIS is necessary to ensure sufficient study of these alternatives, as well as to provide sufficient opportunity for decision-makers and the public to review and provide input on this additional information before a Final EIS and Record of Decision are issued for the project.

⁷ VDOT, Studies: Route 220 Preservation and Improvement Plan, https://www.virginiadot.org/projects/salem/route_220_preservation_and_improvement_plan.asp.

⁸ 40 C.F.R. § 1502.14; *see also* 42 U.S.C. § 4331 et seq.; 23 C.F.R. § 771.123(c).

Thank you for your consideration of these comments.

Sincerely,



Trip Pollard
Senior Attorney



Travis Pietila
Staff Attorney

On behalf of:

ALLIANCE FOR THE SHENANDOAH VALLEY

CENTER FOR SUSTAINABLE COMMUNITIES

CHESAPEAKE BAY FOUNDATION

CLEAN FAIRFAX

COALITION FOR SMARTER GROWTH

ENVIRONMENT VIRGINIA

PIEDMONT ENVIRONMENTAL COUNCIL

RAIL SOLUTION

RAPPAHANNOCK LEAGUE FOR ENVIRONMENTAL PROTECTION

ROANOKE RIVER BASIN ASSOCIATION

ROCKBRIDGE AREA CONSERVATION COUNCIL

SIERRA CLUB VIRGINIA CHAPTER

SOUTHERN ENVIRONMENTAL LAW CENTER

SUSTAINABLE ROANOKE

VIRGINIA CLINICIANS FOR CLIMATE ACTION

VIRGINIA CONSERVATION NETWORK

VIRGINIA LEAGUE OF CONSERVATION VOTERS

cc: Mack Frost, FHWA Virginia Division
Kimberly Prisco-Baggett, Norfolk District, Corps of Engineers
Barbara Rudnick, U.S. EPA Region 3
Stephen Brich, Virginia Commissioner of Highways
David Paylor, Director, Virginia Department of Environmental Quality