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Congress of the United States
House of Representatives

June 18, 2010

wolf.house.gov

Ms. Irene Rico
Administrator, Virginia Division
Federal Highway Administration
400 N 8th St Ste 750
Richmond VA 23219-4825

Dear Ms. Rico:

My constituents in northern Virginia have substantial concerns about Virginia Department of Transportation (VDOT) project UPC #52327, to widen and realign the entrance to the western end of Georgetown Pike, the Categorical Exclusion prepared by VDOT for this project, and the need for an Environmental Impact Statement. These are outlined in the attached correspondence from the Great Falls Citizens Association to VDOT. At the present time, VDOT has submitted its proposed responses to public comment on the Categorical Exclusion to your office for approval prior to issuance. Therefore, I would appreciate if you would brief me on the intended action before you act. My constituents would be present at the meeting.

Thank you for your attention to this matter.

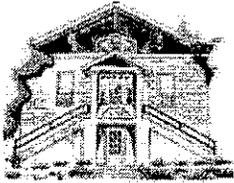
Best wishes.

Sincerely,

Frank R. Wolf
Member of Congress

FRW:cr
enclosure

Frank Wolf



Ralph Apton
President
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Great Falls Citizens Association
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Great Falls, VA 22066

April 24, 2010

Steven Varner
Virginia Department of Transportation
14685 Avion Parkway
Chantilly, VA 20151
Steven.Varner@VDOT.Virginia.gov

Re: Categorical Exclusion (CE) – Project UPC #52327

Dear Mr. Varner:

The Great Falls Citizens Association has reviewed the Categorical Exclusion for Project UPC 52327 dated April 9, 2010. The purpose of this letter is to submit our comments and requests for action for the record under such regulations and guidance issued pursuant to the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), among others.

We find that the project, its public involvement process, and environmental assessment are not in harmony with the purpose, policy and mandate of the NEPA. We further find that the project fails to comply with the NHPA (including section 106) and the SAFETEA-LU (including section 6009). Specifically,

- 1) We disagree with the Logical Termini and Independent Utility determination that the Rt. 7 improvements are justifiable and are a reasonable expenditure of funds even if no additional transportation improvements are made and that the project termini are rational end points for environmental review and are considered logical.

The logical terminus is located at Reston Parkway, a four-lane road functionally classified as a Minor Arterial A. This was the terminus specified for the project that was the subject of the 2003 public hearing and the subject of public review and comment. However, the terminus specified in this environmental review is Reston Avenue, which is effectively a terminus at Georgetown Pike - both two-lane roads through predominately residential areas (with limited local serving commercial areas). This change in terminus is significant to the environmental impacts of the project and was not the subject of public hearing and comment. The discrepancy between what termini are used for the project and its environmental assessment and those used for public comment must be reconciled to be valid. We request this be resolved by reinstating the Reston Parkway project terminus and revising the NEPA evaluation accordingly. This is also consistent with FHWA guidance to consider the project in the context of other infrastructure improvements in the area – in this case, that includes the Wiehle Avenue Metrorail Station to which Reston Parkway provides the logical access.

This project is not a reasonable expenditure of funds independently. While the project is represented as widening Route 7, much of the project scope is associated with accommodating increased traffic on Route 193. This is to be done by doubling the number and length of turn lanes to and from Route 193, as well as realigning

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it. This redirection of the project focus and expenditures from widening the through lanes of Route 7 results in a projected cost for this one-mile project of \$37 million - unreasonably higher than the "typical/average" \$8-10 million for one mile of urban arterial widening. The construction of this project will not alleviate existing or future congestion but instead shift it to areas for which the adverse environmental impacts are even greater than the current situation. According to VDOT's traffic forecasts for the project (January 2008 memorandum), by constructing the project traffic will actually increase some 7% over the do-nothing design year 2032 ADT (as-is condition). The increase in traffic and its relocation can only be reasonably addressed by constructing the full project called for in the 2020 CLRP. That 8 mile project is not funded and is not in VDOT's SYIP. Thus, the expenditure of these funds for this segmented project without the required extensions staged for construction is unreasonable and without independent utility.

2) We object to the determination that this project meets the criteria for a Categorical Exclusion pursuant to 40 CFR 1508.4 and 23 CFR 771.117 and will not result in significant impacts to the human or natural environment.

The CE lacks adequate documentation for such a determination. And further,

This project meets the criteria of 23 CFR 771.117 (b) (1)-(4) below and we request that FHWA require, and the Commonwealth of Virginia or other appropriate entities, conduct the necessary environmental studies.

- **There is substantial controversy on environmental grounds** and we strongly disagree with the "no" determination contained in the Public Involvement element of the CE document. This is substantiated by the record of testimony, comments and correspondence from November 2000 to date. This record reflects consistent and continuing controversy over the environmental effects/impacts NEPA delineates. Specifically:
 - Over 2,000 citizens have signed a petition (April-December 2008) objecting to this project design and two citizens associations representing over 30,000 households in the project area have voted in opposition to project design elements negatively impacting the environment.
 - In letters dated December 2009 and January 2010, Federal, state and local elected officials have communicated their concerns to the Virginia Secretary of Transportation.
 - Extensive comments were submitted in response to the November 2000 and 2001 citizens information meetings and June 2003 public hearing as well as correspondence sent in March 2002; hearing testimony was submitted to the Virginia Commonwealth Transportation Board (May 2007 and 2008, December 2009) and the Northern Virginia Transportation Authority (January 2008), and these citizen concerns were brought before the Fairfax County Board of Supervisors in May 2008.
 - Of the 150 people in attendance at an unadvertised VDOT November 2009 meeting on the project, only two members of the public indicated any support – all others were in opposition to the negative impacts.
- **There are significant impacts on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act** and we strongly disagree with the "no adverse effect" Section 106 Effect Determination in the Cultural Resources element of the CE document and the determination that there is no Use of 4(f) Property. Specifically:
 - An historic resource protected by sections 106 and 4(f) is omitted entirely from the CE document. Georgetown Pike (designated Virginia's first Byway in 1974) was determined eligible

for the National Register of Historic Places and Virginia Landmarks Register in August 1993. The impact on this resource must be determined and made available for public comment.

- Project UPC 52327 includes major realignments and pavement expansions to Virginia Route 193, Georgetown Pike. These realignments and expansions have a significant adverse impact on the historic 1813 engineered roadbed. The alignment of the roadbed is integral to the historic value of this resource. The identification and analysis of alternatives to the proposed alignment and expansion are required in order to mitigate this impact. We are requesting that these be made available for public comment.
 - The project makes use/constructive use of Georgetown Pike and therefore the evaluations required under section 4 (f) must be conducted and made available for public comment.
- **There are significant environmental impacts.** These are either omitted from the CE or inadequately addressed. We request that studies that respond to the following be made available to the public for review.

- The project increases the Route 7 volume of traffic 7% over the “no action” alternative. This increased level of traffic is redistributed from Virginia Route 7 to Route 193 by a proportion of 5%. The project terminus is effectively at Route 193 creating a “bottleneck” at that location. Virginia and Fairfax County planning documents do not identify this scenic and historic byway for future transportation improvements. Contrary to these planning documents, engineering and operational modifications to Virginia Route 193 are included within the scope of project 52327. The project is designed to accommodate a 57% increase in traffic volumes over the current level. Analysis of current traffic volumes according to federal guidelines indicates Route 193 already exceeds the designated capacities. A significant impact on travel patterns will result from these factors and this effect will adversely impact the Route 193 natural and human environment.

- The resulting increase in congestion is expected to have a significant impact on air, noise and water quality (emissions, non-point source runoff, engine noise, etc.). Route 193 bisects a land use area classified as including ecologically significant areas. However, the CE document fails to address these significant impacts related to Route 193.
- The CE document acknowledges that impacts include increased localized traffic but we disagree that these are indirect/secondary. These impacts are direct and primary results of the project scope and design that create significant impacts on travel patterns. The project creates “bottlenecks” by design within areas for which the only relief is the creation of “cut through” traffic on local two-lane roads not planned for improvement. Citizens have asked repeatedly for an analysis of these impacts, specifically including those on Georgetown Pike and Seneca Road. No data has been provided in this document or previously upon which a determination of the degree of this impact has been made or that it is indirect/secondary. We request a quantitative report of the traffic increases and impacts of those increases for these two roads and all others referred to in the VDOT comment above. Impacts must address the safety impacts of the increased conflict points created by a series of dual turn lanes on Georgetown Pike at Seneca Road; delay and safety to the ingress/egress of the hundreds of properties with these two roads as their only access; impacts to local access traffic circulation at all signalized Georgetown Pike intersections, and LOS analysis for the road network in the adjacent area.

- Community services (fire and rescue; school buses and stops) on Route 193 will be significantly impacted by the bottlenecks and congestion created. The impacts on fire and rescue response times (critical in this area not served by fire hydrants) and school bus services/expenses as well as the safety of the bus stops must be evaluated and alternatives for mitigation presented.
 - Route 193 has been designated a Virginia Byway based on its scenic and historic character. The elements underlying that designation include: provides opportunity for variety and leisure in motoring and provides for user safety. The Virginia General Assembly commissioned the 1999 Georgetown Pike, Route 193 Traffic Calming Study and funded its implementation in furtherance of those objectives. The impacts of this project threaten to degrade the byway function, undermine these previous efforts and negate the expenditures of public funds to accomplish them. These impacts must be evaluated for public comment.
- The document states for Air quality – Mobile Source Air Toxics, “it is possible that some localized areas may show an increase in emissions and ambient levels of these pollutants due to locally increased traffic levels associated with the project.” The examination of alternatives that mitigate this identified impact has not been provided and we are requesting that this be done.
- The CE states the outer lanes have curb and gutter on the outside edge. Both Route 7 and Route 193 currently have vegetated “ditch section” profiles that are proposed to be converted to “curb and gutter” thereby increasing non-point source runoff that must be mitigated by costly stormwater management facilities. The environmental document fails to address an analysis of maintaining the ditch section in this environmentally sensitive Potomac River watershed. We request that evaluation of this alternative to mitigate the impact be made available for public comment.
- The CE indicates Septic Systems or Wells are Present with impacts and that if onsite sewage disposal systems or wells are impacted by project construction, they will be relocated onsite, or a possible connection to water or sewer in the area will be evaluated. As relocation often is not possible in this area and the adverse impacts of sewer/water connections can be significant, the specific properties should be identified and solutions evaluated in the CE prior to project approval.
- The project location (both Routes 7 and 193) is within the area of a civil war event known as the Action at Dranesville. In addition to the existing Virginia historical marker, a federal transportation enhancement program project has been approved for funding that includes elements to delineate this historic area and present information about the events that occurred there to the public. An evaluation of the impacts of the project on this area and mitigation alternatives must be addressed in the NEPA documentation.
- Section 1508.4 and Section 1508.7 require the consideration of the Cumulative Impacts of a proposed action, along with the impacts of other related actions that may reasonably be foreseen. We note specifically that this proposed widening of Route 7 for 1.2 miles is just a part of a planned 8.1 mile widening of Route 7 from Rolling Holly Drive to the Dulles Toll Road. FHWA guidance states that “related improvements within a transportation facility should be evaluated as one project.” In addition, the Dulles Metrorail project is widening Route 7 to eight lanes at the Dulles Toll Road where the road will then bottleneck down to four lanes. The assessment of those impacts directly affects the utility of this segment and must be evaluated.

We further note that the design for the proposed project has obvious characteristics which are inimical to the narrow winding 12 miles of the Historic Byway, Georgetown Pike. In particular, the widening of the western terminus portion of Route 193 in the east and west directions alone, but especially in conjunction with the HOT lanes project at its mid-point, clearly shows intent to more fully use Route 193 as a major commuter route in the future. These cumulative impacts of this extension have not been assessed by VDOT, but would clearly be environmentally significant and environmentally controversial and must be evaluated before this project proceeds.

- **There are inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.**
 - The CE determination relies on the public involvement record from the 2003 hearing. The scope and context of the current project (including logical termini, independent utility and cumulative impact) are materially different from that presented at the hearing and that difference results in a significant adverse environmental impact. Due to the impact of these changes, citizens requested but were denied the opportunity for a public hearing on the revised project. Instead an unadvertised "project update meeting" was held for which no official record of comments was made. Were the comments made at that meeting, including the statements of current and former elected officials in attendance, in a hearing record, they would warrant revisions to the determinations in the CE. We again request that a formal public hearing on the updated project be held.
 - In the 2003 public hearing handout it is stated "no federal environmental document is required at this time due to the use of state funding sources." It also did not identify that the requirement for a NHPA section 106 review was applicable due to the federal water quality permits associated with the project or that a section 4 (f) evaluation was applicable. Based on this, the public did not provide comments for the record for these purposes. Thus the hearing record upon which this CE is based is inadequate with regard to environmental and historic resource impacts.

3) Regarding additional elements addressed in the CE document:

- We disagree with the determination that no commercial, residential, or non profit organizations are present within the R/W and none will be displaced by this project. Second Holly Knoll Homeowners Association (HOA) is located within the proposed R/W and beneficial use of its common property will be adversely impacted by the proposed project. Over 55,000 square feet is proposed as a storm water management dry pond on Holly Knoll HOA common property. This proposal destroys a mature buffer protecting this community from Route 7 noise and pollution. The HOA recreational facility and "tot lot" are adjacent to the proposed SWM pond and the existing tree buffer provides a peaceful area for residents. The community responsibly provided for its own recreation needs without requiring publicly funded facilities but the VDOT proposal destroys that foresight. The proposed SWM pond should be relocated to mitigate these adverse impacts and the displaced use of this property by the association for recreation.
- We note that the CE does not contain any reference to lighting. The project engineer has stated that the project does not include roadway lighting. Should any change in the project lighting occur, an evaluation of the impacts of it must be conducted and made available to the public for comment. It must specifically address that Route 7 is the border of Fairfax County's Springvale and Hickory community planning sectors and that the Comprehensive Plan land use recommendations for these

sectors state that the night sky in the area surrounding an astronomical observatory located at Turner Farm Park for public educational and recreational use, should be protected. Reference to Turner Farm Park should be added to the socio-economics comments element of the CE document.

- We are unable to comment on the noise element without the "noise study" that is referred to, including identification of the location of the six barriers under consideration. We have made a request for this study (April 21, 2010) and were told it would be treated as a "Freedom of Information Act request". Because the requested study was not provided under FOIA prior to the April 24 due date for comments on the CE we request an extension of the time to comment on this element.
- The areas of wetlands and waters of the U.S. "present with impacts" are not delineated on the project plans provided to the public with the CE document. We have made a request for identification of these locations (April 21, 2010) and were told it would be treated as a "Freedom of Information Act request". Because the requested information was not provided under FOIA prior to the April 24 due date for comments on the CE we request an extension of the time to comment on this element.

NEPA requires an identification of alternatives to a proposed action, and a comparison of the environmental impacts of these alternatives. The VDOT documentation neither identifies nor compares any alternatives. We have identified several reasonable alternatives, which would mitigate the environmental impacts we have identified above, and, if given the opportunity, would intend to work constructively with VDOT to evaluate alternatives.

Such an evaluation is consistent with the value engineering principles applicable to federal/state transportation projects and the proposed collaborative approach is the most effective means to achieve a context sensitive design solution as called for by VDOT's policies.

As provided for under 36 CFR PART 800, the Great Falls Citizens Association requests to be designated a "consulting party" in the process related to this project. If this request should be directed elsewhere, please advise me of the proper actions to take.

Thank you in advance for your consideration of these comments and response to them.

Sincerely,



Ralph Apton
President

cc:
Secretary Connaughton
Director Kilpatrick
FHWA, Virginia Division
Senator Howell
Delegate Comstock
Congressman Wolf
Supervisor Foust
Chairman Bulova