U.S. Department of Transportation
Federal Highway Administration

FINAL SECTION 4(f) EVALUATION

Albemarle County School Properties

ROUTE 29 BYPASS
State Project Number: 6029-002-F22, PE 101; RUVA-002-001, PE 101
Federal Project Number: NH-037-2 (130)
Albemarle County, Virginia

Prepared by
FEDERAL HIGHWAY ADMINISTRATION
and
VIRGINIA DEPARTMENT OF TRANSPORTATION

The proposed project involves construction of a new four-lane, limited access bypass to the west of existing Route 29 to relieve congestion on existing Route 29 and to facilitate the movement of through traffic. Included in the project is a new access road into the North Grounds of the University of Virginia. This Section 4(f) Evaluation addresses the project's effects on Albemarle County School Properties that have been identified as Section 4(f) resources.

REVISED RECORD OF DECISION

Federal Highway Administration
Virginia Division
Route 29 Bypass
Albemarle County
EIS Number: FHWA-VA-EIS-90-02-F

A. Project History

Between 1987 and 1993, VDOT, in cooperation with Albemarle County and the City of Charlottesville, conducted the Route 29 Corridor Study which looked at alternatives to relieve traffic congestion and improve the movement of traffic on Route 29 in Albemarle County north of Charlottesville. On April 8, 1993, the Federal Highway Administration (FHWA) issued its Record of Decision (ROD) for the Route 29 Corridor Study in which the selected alternative was identified as "a combination of improvements to be implemented over a number of years in three phases to serve immediate, medium range and long-term transportation needs." The immediate needs were addressed by implementing the base case improvements which provided for six lanes with turn lanes on existing Route 29. The medium-range improvements would be addressed by three grade separated interchanges on Route 29 at Hydraulic Road, Greenbrier Drive, and Rio Road. The long range needs would be addressed by alternative 10 which was modified to eliminate proposed interchanges at Route 654 and Route 743. Shortly after FHWA issued its ROD, changes were made to the selected alternative. More specifically, changes were made to the southern and northern termini of alternative 10. The southern terminus was moved to allow for a direct connection into the North Grounds of the University of Virginia. The northern terminus was modified by shifting it more than a mile to the north side of the South Fork Rivanna River to avoid a planned school and reduce business relocations. These changes and their associated impacts were addressed in an Environmental Assessment in accordance with 23 CFR 771.130(c) to determine the need for a supplemental Environmental Impact Statement (EIS). In February of 1995, the Commonwealth Transportation Board (CTB) rescinded its previous decision regarding the grade-separated interchanges on Route 29. In July of 1995, FHWA issued a Finding of No Significant Impact concluding that a supplemental EIS was not warranted for the modifications to the southern and northern terminus. In 1996, VDOT approached FHWA regarding several minor design revisions that were under consideration at the suggestion of the Route 29 Design Advisory Committee. At that time, the decision was made to reevaluate the changes that occurred on the project since the ROD was issued in 1993 to determine the need for a supplemental EIS. This Reevaluation was signed on March 13, 2000, and concluded that a supplemental EIS was not warranted. In 1998, the Albemarle County School Complex was identified as a Section 4(f) resource. Accordingly, a separate Section 4(f) Evaluation was developed and circulated in February of 1999 in accordance with 23 CFR 771.135(m). The Final Section 4(f) Evaluation was approved on March 13, 2000, also.

Because of the CTB action to eliminate the grade-separated interchanges, the selected alternative has changed. Also, due to the identification of a Section 4(f) property affected by the bypass alignment, there have been changes to the mitigation measures and a new Section 4(f) finding. Accordingly, this Revised ROD is being issued in accordance with 23 CFR 771.130(b)(2) which requires that a Revised ROD be issued when a new alternative is selected that was fully evaluated in the EIS but was not identified as the preferred alternative.

B. Selected Alternative Decision

The final EIS for the Route 29 Corridor Study demonstrated that no single alternative by itself will satisfy all of the identified needs for the project. Instead, a combination of improvements over a number of years was identified as the best solution. The final EIS (pages S-5 to S-6) identified the selected, or preferred, alternative as:

> For the short range, construct the Base Case and begin planning for grade-separated interchanges at Hydraulic Road, Rio Road, and Greenbrier Drive. Access to the North Grounds of the University of Virginia is recommended to be developed as soon as possible. Alternative 10 modified to eliminate interchanges at Route 654 and 743, is approved as a corridor for future development and Albemarle County is requested to assist in preserving the necessary right-of-way.
>
> For the medium range improvements, grade-separated interchanges are to be constructed on existing U.S. Route 29 at Hydraulic Road, Greenbrier Drive, and Rio Road, as traffic and economic conditions allow. Right-of-way for alternative 10 is to continue to be preserved, with advance acquisition of right-of-way procedures exercised as needed and as economics permit.
>
> For the long term improvements, the Alternative 10 bypass, modified to eliminate interchanges at Route 654 and Route 743, is to be constructed when traffic conditions dictate and economic conditions permit. The interchanges were eliminated due to objections from Albemarle County officials and citizens.

The originally selected alternative was a combination of alternatives analyzed in the final EIS. This combination included the base case with grade-separated interchanges alternative (page II-8 of the final EIS) and alternative 10 (page II-7 of the final EIS). The new or revised selected alternative also includes a combination of alternatives analyzed in the final EIS but not identified as the selected or preferred alternative. This includes that combination of the base case alternative (page II-2 of the final EIS) and alternative 10 (page II-7 of the final EIS). More specifically, this alternative entails:

> Construct the base case alternative. The base case improvements to widen Route 29 to six lanes with turning lanes has already been completed.
>
> Construct alternative 10 with modifications at the southern and northern terminus as addressed in the EA/FONSI dated July 1995. Alternative 10, with modifications, is a four-lane divided, limited access bypass to the west of existing Route 29. It would extend from the Route 250 Bypass and the North Grounds of the University of Virginia on the south end to existing Route 29 north of the South Fork Rivanna River on the north end. Alternative 10 is approximately 6.24 miles long with no intermediate access points to crossroads or adjacent properties.

C. Alternatives Considered

When the Route 29 Corridor Study was developed, several alternatives were evaluated to meet the purpose and need for the project. These included the Base Case Alternative (The No-Build Alternative which assumed programmed improvements to widen Route 29 to six lanes with turn lanes would be implemented), the Base Case Alternative with three grade-separated interchanges (at Hydraulic Road, Greenbrier Drive, and Rio Road), seven corridor alternatives for a bypass on new location, an Expressway Alternative along existing Route 29, a Mass Transit Alternative, and a Transportation System Management Alternative.

D. Section 106 and Section 4(f)

At the time the ROD was issued for the Route 29 Corridor Study, a Memorandum of Agreement (MOA) had been executed between the Virginia Department of Historic Resources (VDHR), the Advisory Council on Historic Preservation (ACHP), the Federal Highway Administration and the Virginia Department of Transportation for a no adverse effect on Westover and an adverse effect on Schlessinger Farm. The MOA documented how the adverse effect would be taken into account. Despite the changes to the southern and northern termini, no additional districts, buildings, structures, or objects on or eligible for the National Register of Historic Places were identified. However, two archeological sites eligible for the National Register of Historic Places were identified near the revised northern terminus. The VDHR and ACHP concurred with a determination of no adverse effect for these two sites. Another archeological site was identified northwest of Stillhouse Mountain in connection with design efforts to shift the alignment to minimize impacts at this location. VDHR determined that the site was not eligible for the National Register of Historic Places. Finally, during additional studies of design modifications at the northern terminus, another structure, Brook Hill, was identified as being eligible for the National Register of Historic Places. VDHR concurred with a no effect determination on this site.

When the ROD was issued for the selected alternative, it avoided any use of known Section 4(f) properties including the playgrounds and recreational facilities associated with Jack Jouett Middle School, Albemarle High School, and Mary Greer Elementary School. Accordingly, there were no known Section 4(f) impacts associated with alternative 10, either direct or constructive. As the changes were made to the southern and northern termini, no Section 4(f) impacts were identified at these locations either. The current design, however, uses land from the Albemarle County School Complex which has been identified as a "district park." In total, approximately 12.43 acres (after implementing measures to minimize harm – see below) of the 218 acre site will be used by the project. Despite extensive coordination with Albemarle County throughout the development of the Route 29 Corridor Study and the subsequent Environmental Assessment for the design modifications to the southern and northern termini, the Albemarle County School Complex was never identified as a "district park." Documentation of the significance of the Albemarle County School Complex as a significant recreational resource was not provided by county officials until August of 1998. Shortly thereafter, FHWA decided to subject the complex to the provisions of Section 4(f). In accordance with 23 CFR 771.135(m), a separate Section 4(f) Evaluation was developed and circulated to all individuals, agencies and organizations that received a copy of the final EIS. After receiving a large volume of comments, the comments were addressed as appropriate in the Final Section 4(f) Evaluation. Despite comments from the U.S. Department of the Interior on a draft of the Final Section 4(f) Evaluation that they did not believe that all possible planning to minimize harm had been done, FHWA addressed the U.S. Department of the Interior's concerns in a letter dated March 7, 2000. On March 8, 2000, FHWA legal

counsel issued a legal sufficiency determination for the Section 4(f) Evaluation prepared for the Albemarle County School Complex. The Final Section 4(f) Evaluation was approved on March 13, 2000.

Aside from the Albemarle County School Complex, there will be no Section 4(f) direct or constructive use of the Agnor-Hurt Elementary School and the historic sites of Westover, Schlessinger Farm, and Brook Hill.

E. Measures to Minimize Harm

All practicable measures to minimize environmental harm have been incorporated into the decision. The following mitigation measures have been considered and are to be implemented during final design and construction:

To minimize harm to the Albemarle County School Complex, the cross section of the bypass at this location has been reduced by eliminating the median, crossing the property on a bridge instead of a fill, and by suppressing the roadway to minimize visual and noise impacts. In addition, the alignment has been shifted to the degree possible to avoid any direct use of the trail behind Jack Jouett Middle School on the Albemarle County School Complex, and the trail behind Mary Greer Elementary School will be reconnected outside of the highway right-of-way. Finally, a fence will be installed along the right-of-way to prevent pedestrian access and disturbed slopes revegetated.

A Section 106 Memorandum of Agreement was executed in 1992 which documents how the adverse effect to Schlessinger Farm will be taken into account.

To minimize impacts to the federally listed endangered James spinymussel, there will be time-of-year restrictions on construction and erosion and sedimentation control measures implemented. In addition, the fact that the bypass will cross this location on a bridge instead of a fill will further minimize impacts to the James spinymussel.

The design modification at the southern terminus has helped to reduce the length of the bypass in the South Fork Rivanna River Reservoir watershed from 4.2 miles to 3.3 miles. An extensive stormwater management plan has been developed to protect the South Fork Rivanna River Reservoir. This includes 17 stormwater retention ponds which have been designed as wet ponds to achieve a higher pollutant removal efficiency. In addition, concrete curb will be incorporated along fill sections within the reservoir watershed in order to capture 100 percent of the roadway runoff. The runoff will be collected through a series of curb, median, and ditch inlets and conveyed to the stormwater management facilities through concrete pipe systems. A monitoring program will be established to measure pollutant concentrations at several outfall locations before, during and after construction. A dry sump area will also be created at the outfall of each drainage system where runoff is conveyed to a wet pond. The sump area will be sized to hold a volume equal to the capacity of a tanker truck, approximately 1,100 cubic feet. Because of these efforts, runoff from approximately 10 acres of existing development outside the project right-of-way in the vicinity of Woodburn Road will be collected and taken to the proposed ponds for treatment. This runoff currently drains into the reservoir untreated. Finally, rock check dams will be used in all of the fill ditches of the proposed roadway within the reservoir's watershed. Turbidity curtains will be used at three locations along the reservoir during construction.

A variable-width median will be employed to reduce environmental impacts at sensitive locations and to provide a more aesthetic appearance. In addition, retaining walls will be used to reduce right-of-way impacts.

The alignment has been shifted to eliminate impacts to a pet cemetery on property owned by the

Society of the Prevention of Cruelty to Animals. In addition, the alignment has been shifted to avoid impacts to the Agnor-Hurt Elementary School which was located in the path of the selected alignment.

F. Monitoring Program

A formal monitoring program was not proposed. Routine project coordination during the remainder of final design development, the completion of right-of-way acquisition, and construction will ensure that environmental commitments will be adhered to.

G. Document Availability

The draft EIS prepared for the Route 29 Corridor Study was approved by FHWA on May 11, 1990, and circulated for review and comment on May 17, 1990. On May 25, 1990, a notice of availability of the draft EIS appeared in the *Federal Register*. On January 20, 1993, the final EIS was approved by FHWA. On March 5, 1993, a notice of availability of the final EIS appeared in the *Federal Register*. On April 8, 1993, FHWA issued its ROD for the Route 29 Corridor Study. On November 4, 1994, FHWA approved a draft EA for design modifications at the southern and northern terminus and made it available to the public. On July 6, 1995, FHWA issued a Finding of No Significant Impact for the EA. On February 18, 1999, the Draft Section 4(f) Evaluation for the Albemarle County School Complex was circulated for review. All comments received on the Draft Section 4(f) Evaluation were incorporated in the Final Section 4(f) Evaluation which was approved on March 13, 2000. A Reevaluation of environmental impacts and previous environmental documents was approved on March 13, 2000, and concluded that a supplemental EIS was not warranted.

3/13/2000
Date

Division Administrator
Federal Highway Administration
Virginia Division

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Approved by:

3/13/2000
Date

Division Administrator
Federal Highway Administration

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A. INTRODUCTION

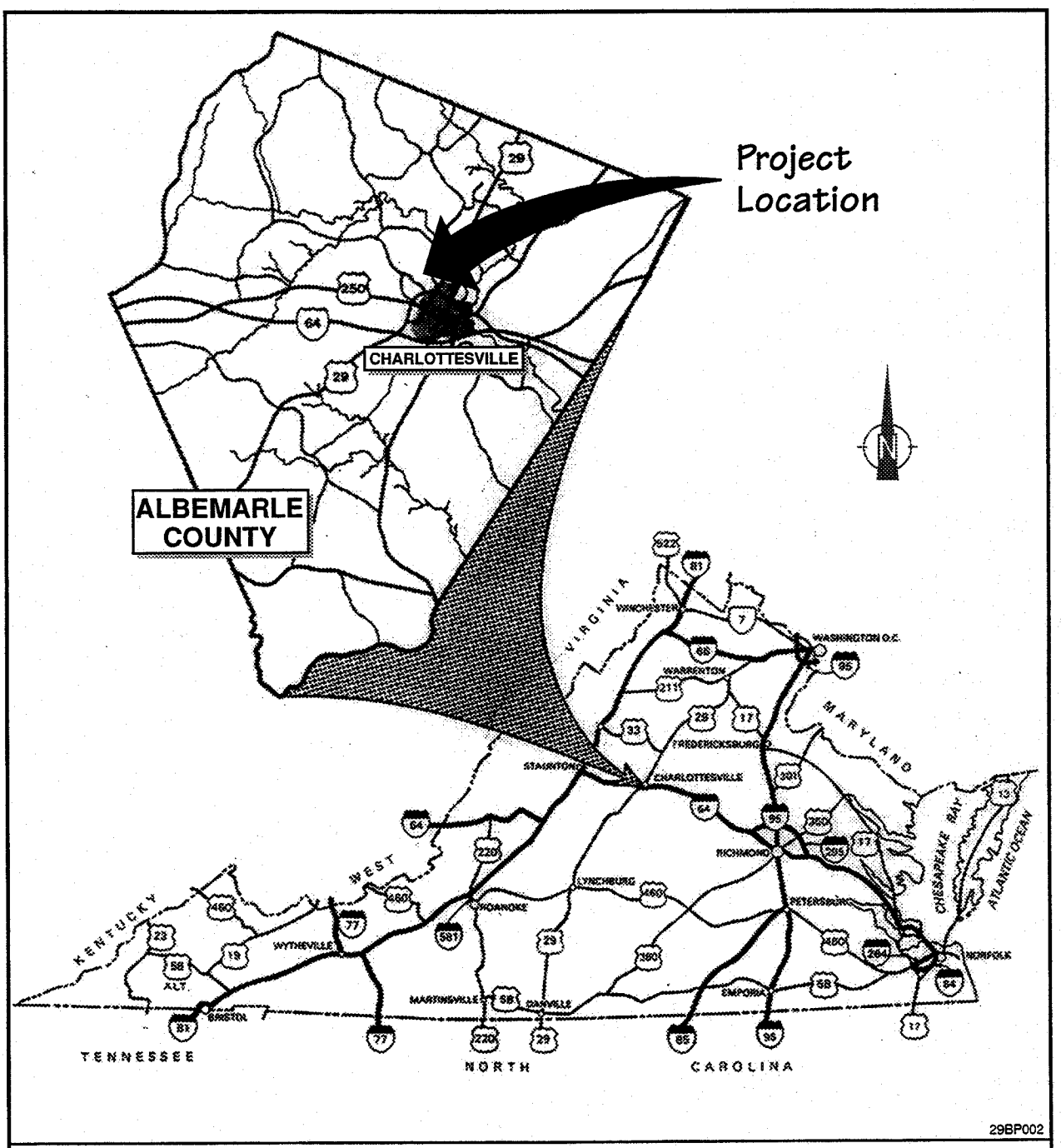
Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 U.S.C. 303(c)) states that the Secretary of the U.S. Department of Transportation may approve a transportation program or project requiring the **use** of **publicly owned** land of a **public** park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance only if:

(1) there is no prudent and feasible alternative to using that land; and,
(2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

The Secretary has delegated this authority to the Federal Highway Administration (FHWA), and FHWA's regulations (23 CFR 771.135) specify the procedures for implementing Section 4(f) on federal-aid highway projects. The regulations identify the historic sites that are subject to Section 4(f) as those that are on or eligible for the National Register of Historic Places (NRHP), except for archaeological sites that are important chiefly for the information they may contain. The regulations also provide procedures for evaluating Section 4(f) involvements that are discovered late in the project development process, as occurred with this project.

The proposed Route 29 Bypass is located in Albemarle County as shown on Figures 1 and 2. A Final Environmental Impact Statement (FEIS) approved in 1993 discussed the environmental effects of the proposed bypass. A Final Environmental Assessment (FEA) approved in 1995 discussed the environmental effects of changes to the proposed bypass termini locations. The current design of the Route 29 Bypass, adopted in 1997 after detailed design work and a design public hearing, would involve the use of a portion of property identified in 1998 as Section 4(f) property. The property is the Albemarle County School Complex. As designated by Albemarle County, the Complex encompasses the recreational areas at Albemarle High School, Jack Jouett Middle School, Greer Elementary School, and the Piedmont Regional Education Program (PREP) School, as well as the school buildings, parking lots, bus maintenance facilities, and other appurtenances, and also the wooded areas surrounding these facilities. Although FHWA is charged with determining the reasonableness of applying Section 4(f) to the entire parcel, it has not done so in this case because impacts would be limited to recreational trails and wooded areas on the northern edge of the property. However, based on comments received from County officials upon circulation of the *Draft Section 4(f) Evaluation*, the entire property encompassing the School Complex is being treated as a Section 4(f) property. The total area of the School Complex property designated by the County as a park is approximately 218 acres. A more complete description of the property is provided in Section F, Descriptions of Section 4(f) Properties. Another County school property adjacent to the project, Agnor-Hurt Elementary School, also has been identified in its entirety as a Section 4(f) property. A more complete description of it is also provided in Section F. The current design of the bypass does not require the use of land from the Agnor-Hurt Elementary School property.

Studies conducted in support of the FEIS (see discussion in Section C.3., Route 29 Corridor Study) examined the effects of the proposed bypass on public recreational facilities on public school property at the Albemarle County School Complex. These facilities were not discussed specifically as Section 4(f) involvements because, although the bypass would involve wooded land along the



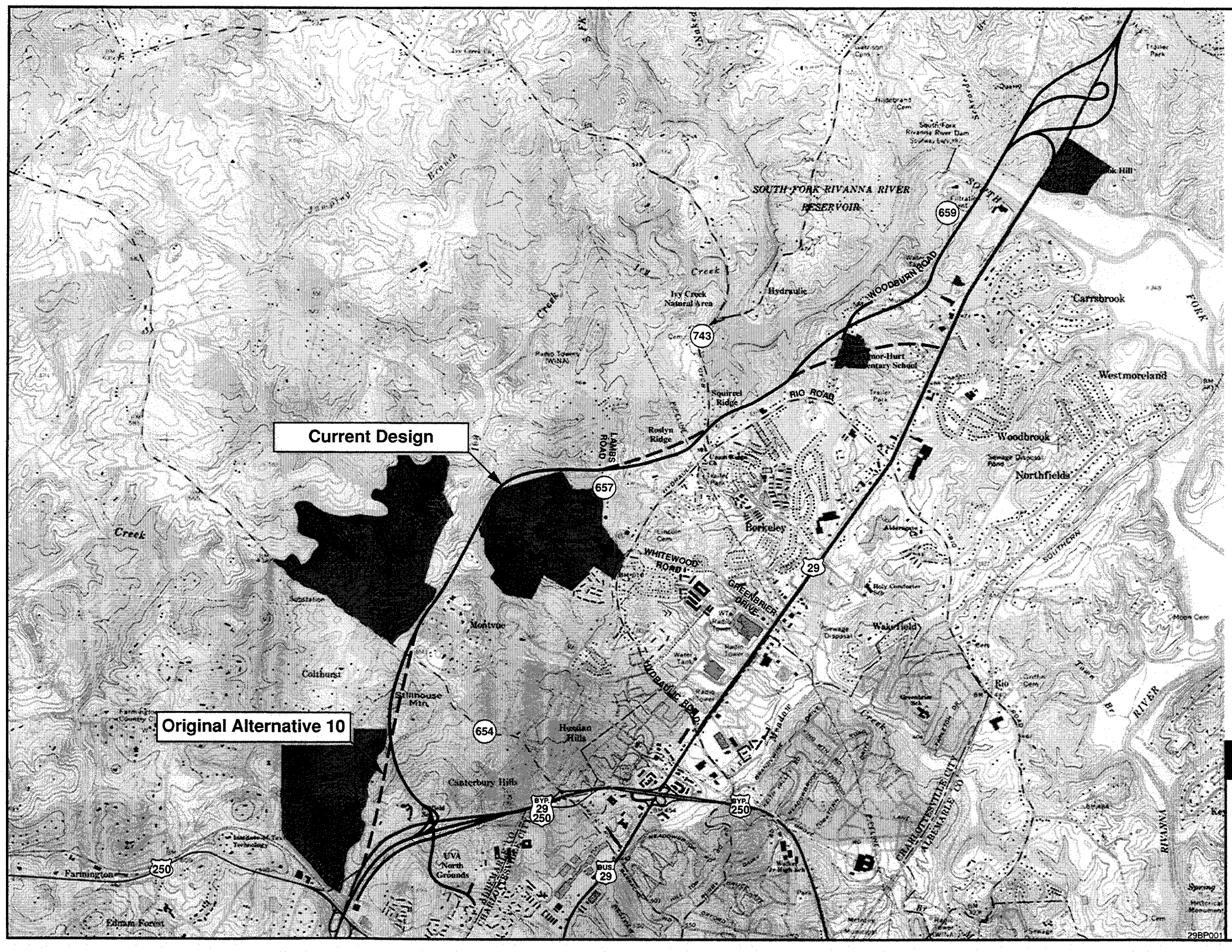
Project Location

Figure 1

Route 29 Bypass

Project: 6029-002-F22, PE 101
RUVA-002-001, PE 101
Albemarle County, Virginia

Source: Route 29 Corridor Study FEIS Fig. I-1



Section 4(f) Properties Along Project Alignment

Proposed Project Alignment

Figure 2

Route 29 Bypass

Project: 6029-002-F22, PE 101
RUVA-002-001, PE 101
Albemarle County, Virginia

SCALE (FEET)
0 1250 2500

Reference: USGS Quadrangles, Charlottesville West, Charlottesville East

edge of the property, no **use**, direct or constructive, of the recreational facilities had been identified at that time. This was consistent with FHWA's regulations and policies wherein, for multiple use properties such as schools, Section 4(f) applies only to portions designated in the plans of the administering agency as being for significant 4(f) purposes such as parks and recreation (23 CFR 771.135(d) and FHWA Section 4(f) Policy Paper). The Agnor-Hurt Elementary School did not exist when the original alignment for the bypass was selected by the Commonwealth Transportation Board. The FEIS noted that a portion of the property would be required for the bypass right of way and, again, this encroachment was not discussed specifically as a Section 4(f) involvement because there would be no use, direct or constructive, of the recreational facilities on the property. Subsequent design work has resulted in no use of property from the Agnor-Hurt Elementary School.

In 1998, information was received that there are recreational trails in the Albemarle County School Complex that had not been identified during previous studies. It was determined that the proposed bypass would displace (i.e., use) a portion of some of the trails, thereby invoking Section 4(f). Otherwise, the physical impacts of the bypass on the School Complex remained substantially the same as reported in the FEIS. After collecting additional information from County officials, a *Draft Section 4(f) Evaluation* was prepared for the bypass's involvement with the trails and it was circulated for review and comment in February 1999 to all who received copies of the FEIS.

Based on comments received and other information obtained after circulation of the *Draft Section 4(f) Evaluation*, the entire School Complex property is now being treated as a Section 4(f) property. County officials stated that the entire parcel encompassing the Albemarle County School Complex (approximately 218 acres) is significant for public recreation and should be considered in its entirety as Section 4(f) property. The Albemarle County Code includes in the definition of "park" any public school parcel of land designated for public recreational use (Sec. 11-100 Albemarle County Code). The County's current Comprehensive Plan designates school properties to function also as district or community parks. Based on these considerations, the entire Agnor-Hurt Elementary School property encompassing approximately 19.5 acres also now is being treated as a Section 4(f) property.

This *Final Section 4(f) Evaluation* takes into account the additional information and comments obtained as a result of circulation of the *Draft Section 4(f) Evaluation*, as well as other data collected subsequently. The following sections of this document provide background on the history of project development, describe the project and its purpose and need, describe the Section 4(f) properties in the project area, discuss the project's impacts to them, and present avoidance alternatives and measures to minimize harm.

B. DESCRIPTION OF PROPOSED ACTION

On April 17, 1997, the Commonwealth Transportation Board (CTB), the decision-making body for the Virginia Department of Transportation (VDOT), approved the major design features of the proposed Route 29 Bypass as presented at the Design Public Hearing of February 25, 1997, with modifications to the interchange design at the north end. The proposed project would provide a new four-lane divided, limited access bypass to the west of existing Route 29. It would extend from the Route 250 Bypass and the North Grounds of the University of Virginia on the south end to existing Route 29 north of the South Fork Rivanna River on the north end. The project also would include construction of a connector road into the North Grounds of the University of Virginia, located on

the south side of the Route 250 Bypass. Access to the new highway would be via interchanges at both ends, with no intermediate access points to crossroads or adjacent properties. The proposed bypass would be approximately 6.24 miles long; its proposed alignment is shown on Figure 2. This alignment is referred to throughout this document as the "Current Design." As presented in the FEIS, the proposed action had also included construction of grade-separated interchanges at three locations (Hydraulic Road, Greenbrier Drive, and Rio Road) along existing Route 29. These interchanges previously proposed for existing Route 29 are no longer part of the project.

C. BACKGROUND

1. Earlier Studies

Planning, design, and construction of transportation improvements for the Route 29 corridor have been going on for a number of years. A study completed by VDOT in January 1979 recommended widening Route 29 to six lanes, building an eastern residential collector (now known as the proposed Meadow Creek Parkway), and building a limited access western bypass. These recommendations were unanimously adopted by the Albemarle County Board of Supervisors in May of 1979. The Board of Supervisors later voted to rescind approval of the western bypass.

The Piedmont Highway Corridor Study was prepared by VDOT to identify the types and locations of improvements needed for north-south transportation through central Virginia. The study, provided to Albemarle County officials in 1984, included a proposed 21-mile-long western bypass. When made public, this proposal drew strong opposition and was rejected by Albemarle County.

The Charlottesville Area Transportation Study (CATS) Year 2000 Transportation Plan was approved by the Charlottesville-Albemarle Metropolitan Planning Organization (MPO) in August 1985. The initial plan had included both six-laning of existing Route 29 (which only had four lanes at that time) and construction of a western bypass. However, the plan ultimately adopted by the MPO did not include the proposed western bypass.

In a 1985 study of the Route 29 corridor, from the Route 250 Bypass to the Greene County line, VDOT examined nine alternatives involving various widening schemes, service roads, and an eastern bypass. None of the nine alternatives considered at that time appeared to provide adequate capacity to accommodate projected year 2000 travel demands in the corridor.

In April 1986, the City of Charlottesville and Albemarle County made a joint presentation to the Governor's Commission for Transportation in the Twenty-First Century requesting funding for an eastern bypass. In May 1986, in response to a request by the Commission, Albemarle County indicated support for widening existing Route 29.

2. Base Case

In July 1986, FHWA approved a Draft Environmental Assessment for widening Route 29. The widening was to entail expansion of the road, which at that time was four lanes with a graded median, to provide six through lanes and continuous right-turn lanes between Hydraulic Road and the South Fork Rivanna River, with additional left-turn and right-turn lanes at selected intersections.

A grade-separated interchange was proposed at Rio Road. Following the October 1986 Location and Design Public Hearing, it was recommended to proceed with the proposed improvements, except that the interchange at Rio Road would not be included. The interchange was to be eliminated because of opposition expressed at the hearing, and because of the impacts to businesses and disruption of access to the businesses surrounding the proposed interchange. These improvements came to be called the "Base Case" in subsequent studies. In July 1991, a Final Environmental Assessment and Finding of No Significant Impact (FONSI) were approved by FHWA for the Base Case, and construction of these improvements was completed in 1997.

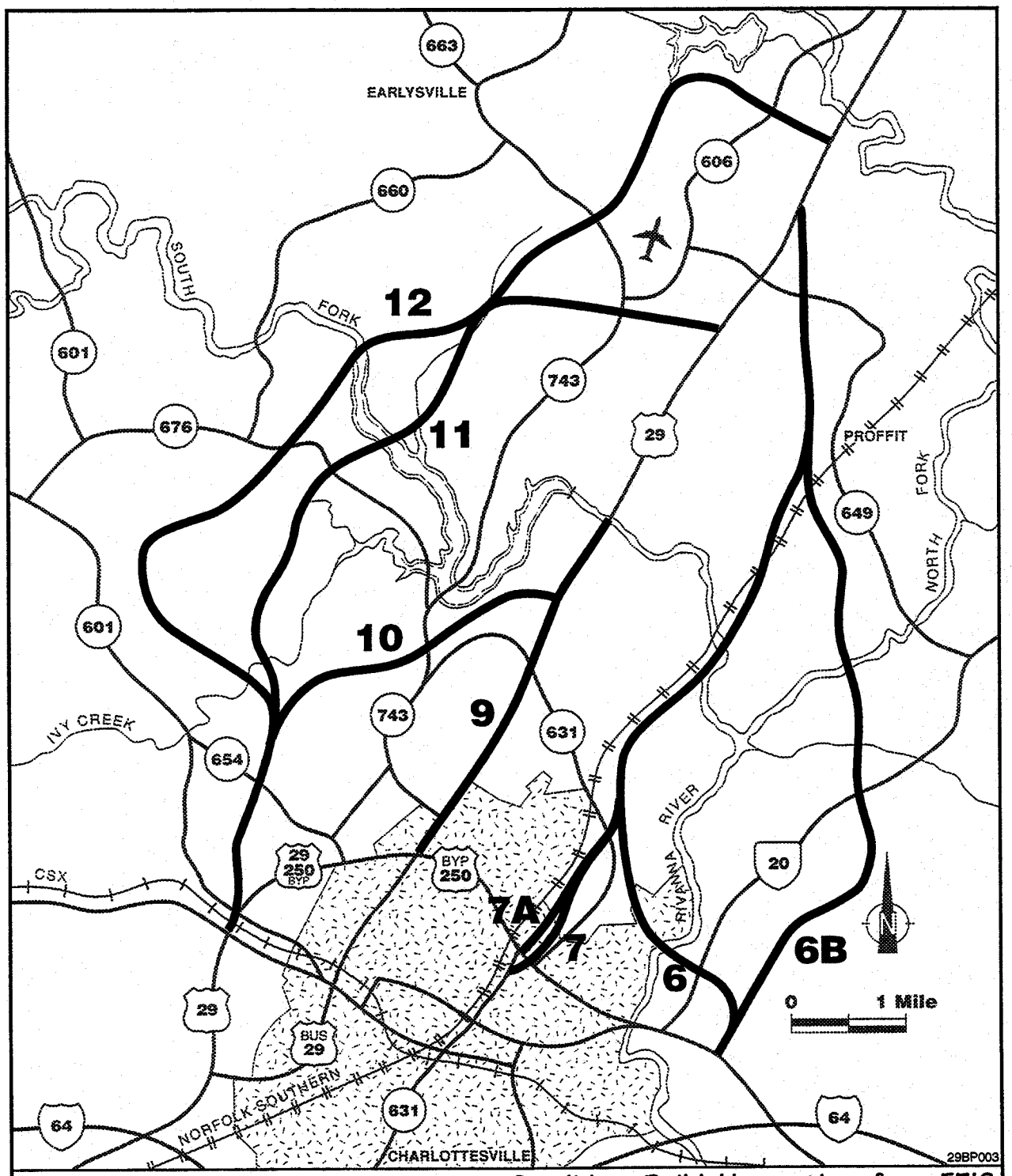
3. Route 29 Corridor Study

Shortly after the Location and Design Public Hearing in 1986 for the Base Case improvements, representatives of Albemarle County asked VDOT to evaluate an "expressway" concept within the existing Route 29 Corridor. The City and County recommended to VDOT that construction of the Base Case improvements be held in abeyance until a comprehensive study of the Route 29 corridor in Albemarle County north of Charlottesville could be performed. In October 1987, VDOT hired a consultant to conduct such a study, which would include comprehensive analyses of traffic volumes and patterns and a thorough evaluation of alternatives, including expressway alternatives.

In November 1987, a Notice of Intent to prepare an Environmental Impact Statement for the Route 29 Corridor Study was published in the *Federal Register* pursuant to 40 CFR 1501.7 and 23 CFR 771.123. Scoping letters announcing the study and soliciting input were sent to federal, state, and local agencies with jurisdiction by law, special expertise, or potential interest in the project.

During the Route 29 Corridor Study conducted between 1987 and 1993, numerous alternatives to relieve traffic congestion on Route 29 and expedite the movement of through traffic were evaluated. An iterative screening process was used to develop and evaluate alternatives, and to identify the reasonable alternatives to be considered in detail and documented in the Draft Environmental Impact Statement (DEIS). Identification of Section 4(f) resources was an integral part of this process. Efforts to identify such resources included consultation with local officials, reviews of local land use mapping and comprehensive plans, field reconnaissance, public information meetings, meetings with local interest groups, and a comprehensive cultural resources identification survey that included coordination with the Virginia Department of Historic Resources. The alternatives presented in the DEIS included the already-programmed Base Case improvements (which served as the No-Build Alternative), eight Candidate Build Alternatives (seven alignment alternatives for a bypass on new location and an Expressway Alternative along existing Route 29 as shown on Figure 3), and mass transit and transportation system management alternatives.

MINUTP, a widely used commercial software model for traffic forecasting, was used to generate traffic projections for the alternatives. This is the same model used by the MPO for its regional traffic forecasting in developing and updating the regional transportation plan. Inputs to the model included land use and socioeconomic data provided by the County and City for traffic analysis zones. The model was calibrated using counts of existing traffic and origin/destination survey data.



Candidate Build Alternatives from FEIS

Figure 3

Route 29 Bypass

Project: 6029-002-F22, PE 101
RUVA-002-001, PE 101
Albemarle County, Virginia

Source: Adapted from Route 29 Corridor Study FEIS Fig. II-2

Based on consideration of the relevant factors, including information in the DEIS, comments on the DEIS following its circulation, and comments received during and after the Location Public Hearing, the CTB on November 15, 1990 selected a combination of improvements for the Route 29 corridor (see resolution in Appendix A). These improvements were to be implemented in three phases:

- **Phase I - Short-Range Recommendations.** Construct the Base Case improvements, reserve rights of way for the grade-separated interchanges on Route 29, restriction by Albemarle County and the City of Charlottesville of further development within areas needed for the rights of way for the interchanges, acquire rights of way as necessary through advance acquisition procedures, develop a North Grounds access facility, and, with assistance of the County, preserve rights of way needed for the Alternative 10 Bypass.

- **Phase II - Medium-Range Recommendations.** Construct the grade-separated interchanges on Route 29 and continue right of way preservation for the Alternative 10 Bypass with advance acquisition as needed.

- **Phase III - Long-Range Recommendation.** Construct the Alternative 10 Bypass.

An agreement executed in December 1991 by County and City officials, and in February 1992 by the University of Virginia, supported those improvements and requested that the improvements be implemented in the sequence listed, with the additional request that the Meadow Creek Parkway be constructed as soon as funding was available. On February 18, 1992, the MPO passed a resolution amending the CATS Plan to include the improvements adopted by the CTB. A Final Environmental Impact Statement (FEIS) documenting the CTB's decision and the reasons for it was approved by FHWA on January 20, 1993, and a Record of Decision (ROD) was issued by FHWA on April 8, 1993. (It should be noted here that neither the CTB's resolution nor the ROD mentioned the Meadow Creek Parkway because it was not part of the selected improvements. As an element of the CATS Plan, the Meadow Creek Parkway was considered as part of the future transportation network for the Route 29 Corridor Study. The Parkway is a separate project being advanced independently under different funding sources).

4. Modifications to Alignment of Selected Bypass Alternative

Shortly after issuance of the ROD, Albemarle County officials approached VDOT regarding modifying the northern terminus of the Alternative 10 Bypass because of ongoing commercial development along existing Route 29 that would be disrupted by the proposed interchange at the selected northern terminus. VDOT conducted studies of the requested modification, along with studies of additional modifications at the southern terminus associated with reducing impacts to St. Anne's Belfield School and with the access into the University's North Grounds. As a result of these studies, the bypass alignment at the southern terminus was shifted from the west side to the east side of St. Anne's Belfield School and the northern terminus was shifted to the north side of the South Fork Rivanna River (see Figure 2 showing Current Design and Original Alternative 10). A Draft Environmental Assessment was prepared to determine the need for a Supplemental Environmental Impact Statement for the modifications. The Draft Environmental Assessment was presented to the public, along with other information, at a Location Public Hearing on February 13, 1995. After a decision by the CTB to adopt the changes (see resolution in Appendix A), a Final Environmental

Assessment was prepared and, because no significant environmental impacts were identified as a result of the modifications, a FONSI was issued by FHWA in July 1995.

5. Elimination of Grade-Separated Interchanges

Also in 1995, another change involved eliminating the grade-separated interchanges at Hydraulic Road, Greenbrier Drive, and Rio Road from the proposed improvements. As part of the design activities for these interchanges, a Public Information Meeting was held on October 26, 1994. Substantial citizen opposition was expressed at the meeting, particularly from the business community that would be most directly affected by the interchanges. Of the 4,372 citizens who submitted comments during or following the meeting (approximately 1,100 actually attended the meeting), 3,270 opposed construction of any of the interchanges and 2,297 requested that the bypass be constructed rather than the interchanges. VDOT received correspondence from local groups, such as the North Charlottesville Business Council and from individuals suggesting that the three interchanges be cancelled and that the bypass be advanced instead. The City of Charlottesville passed a resolution on January 17, 1995 requesting that the proposed Hydraulic Road interchange be eliminated because of impacts to businesses within the City, the disruptions to the Base Case improvements then under construction, and other impacts. Local groups supporting the interchanges and opposing the bypass, such as the Charlottesville/Albemarle Transportation Coalition (CATCO) also weighed in on the discussions. Local officials, including the Chairman of the Albemarle County Board of Supervisors, the County Executive, the Mayor and the City Manager of Charlottesville, and the MPO were notified that discussion of the interchanges would be an item on the CTB's upcoming workshop agenda and the CTB's February 1995 meeting. MPO staff attended the workshop. VDOT's Chief Engineer gave an extensive presentation to the CTB covering the history of the project, preliminary plans for the grade-separated interchanges, traffic considerations, the status of the Base Case improvements then under construction, and the extensive public comments from the October 1994 public information meeting.

The CTB passed a resolution (see Appendix A) on February 16, 1995 terminating further design and development of the interchanges based on City and citizen opposition and other considerations involving traffic benefits less than anticipated, projected construction costs, available funding, and the apparent need to reconstruct a substantial portion of the Base Case improvements (which were then nearing completion) to accommodate the interchanges. The CTB also reassigned funds allocated for interchange design and construction to enhancements of the Base Case improvements, and to plan development and right of way acquisition for the bypass so that the selected corridor could be protected from ongoing development. About this time, County officials had indicated that they did not have the ability to preserve right of way under their zoning and land use regulations.

6. Additional Design Modifications

In mid-1995, VDOT began development of right of way and construction plans for the proposed bypass. Additional refinements and environmental enhancements to the bypass design features have been developed in close coordination with a Design Advisory Committee comprised of local community and County representatives. Recommendations from citizens at several Citizens Information Meetings and at the Design Public Hearing, held February 25, 1997, were also considered in adjusting the design at several locations.

7. Current Status

The bypass is now in final design, which is approximately 65% complete. Approximately 80% of the necessary right of way has now been acquired, including all of the homes in the path of the proposed alignment. At present, the Albemarle County Board of Supervisors has withdrawn support for the bypass by a resolution passed on April 9, 1997, citing the CTB's 1995 action to eliminate the interchanges as one of the reasons. The MPO's currently approved Transportation Improvement Program includes funding for engineering and right of way acquisition for the bypass and withholds federal funding for construction. Among the conditions cited by the MPO under which it would approve construction funding is the reinclusion of the grade-separated interchanges, excluding the one at Hydraulic Road, into the planned improvements.

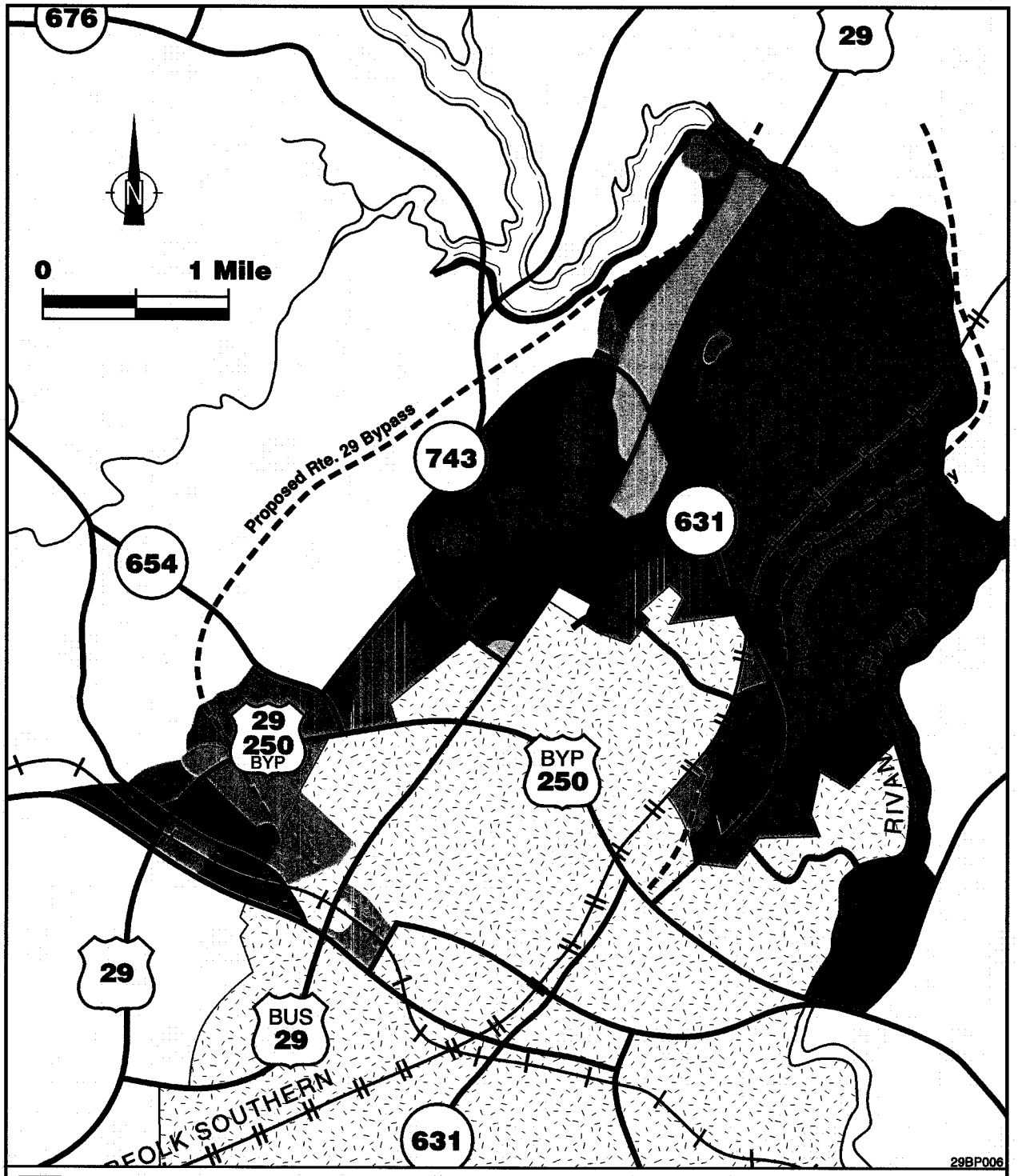
D. PURPOSE AND NEED FOR THE PROJECT

The need for the proposed project is based on the inability of existing Route 29 to adequately accommodate projected traffic volumes, particularly through traffic volumes. As stated in the FEIS:

> The purpose of the Route 29 Corridor Study is to find a solution to existing and future traffic congestion on a three-mile section of U.S. Route 29 between U.S. Route 250 Bypass and the South Fork Rivanna River in the City of Charlottesville and Albemarle County north of Charlottesville. A secondary purpose of the study is to complete a gap in ongoing improvements to U.S. Route 29 through central Virginia.

Route 29 serves as a major thoroughfare providing access to the main commercial and residential areas of Albemarle County. Existing Route 29 between the Route 250 Bypass and the South Fork Rivanna River has eight lanes (three through lanes and a continuous right-turn lane in both directions) with a variable-width median of concrete or grass. It serves as "Main Street" for "downtown" Albemarle County. There are 13 signalized intersections and 10 unsignalized intersections on this 3.5-mile stretch of Route 29. The posted speed limit is 45 miles per hour. There are approximately 28 curb cuts on the east side of Route 29 and approximately 32 curb cuts on the west side providing ingress and egress to businesses. Lining Route 29 are four regional shopping centers, three industrial sites, a Wal-Mart, a Sam's Club, a post office, and numerous gas stations, motels, fast food outlets, restaurants, and grocery stores. Behind the commercial areas are some of the most densely developed residential areas of Albemarle County. Figure 4 illustrates the intensive land uses in this corridor. These land uses generate large volumes of traffic on Route 29 and adjacent streets. Some of this traffic circulates within the corridor and some of it travels beyond the immediate area.

The reference to completing a "gap in ongoing improvements to U.S. Route 29" has to do with the fact that, for most of its length through Virginia, Route 29 is a four-lane divided highway, with controlled or limited access features through or around urbanized areas. Route 29 has long been identified as part of the State Arterial System, mandated by the Virginia General Assembly to provide multi-lane divided, high-speed highways serving major towns and cities in the state. Route 29 is the only north-south highway linking the urbanized areas through and beyond central Virginia (Danville, Lynchburg, Charlottesville, Culpeper, Warrenton, Fairfax, Falls Church, and Arlington,



Parks and Greenways
Community Service
Regional Service
Office Service
Neighborhood Density *(Recommended 3–6 DU/AC)*
Transitional
Industrial Service
Neighborhood Service
Institutional
Urban Density *(Recommended 6.01–34 DU/AC)*

Source: Adapted From County of Albemarle Land Use Plan, a component of the Comprehensive Plan, adopted June 5, 1996.

Albemarle County Land Use Plan

Figure 4

Route 29 Bypass

Project: 6029-002-F22, PE 101
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Albemarle County, Virginia

Virginia; Greensboro, North Carolina; and Washington, D.C.). As such, it provides mobility and vital linkage for economic and personal activities throughout central Virginia, as well as connections among other arterial and interstate routes that enable travel throughout the state and the nation. As discussed in the FEIS, Charlottesville remains the last metropolitan area along Route 29 where traffic would not be able to bypass the most congested areas. Regional and interstate traffic passing through the Charlottesville area have no alternative but to stay on Route 29. The closest other major north-south routes are I-81 approximately 30 miles to the west across the Blue Ridge Mountains, and U.S. Route 15, a two-lane road through rural areas approximately 17 miles to the east. Neither of these routes are satisfactory substitutes for Route 29 because they are in different corridors, serve different traffic needs, and do not serve the areas served by Route 29.

The importance of Route 29 beyond the limits of Charlottesville and Albemarle County has been recognized in the route's designation by Congress as part of the National Highway System and also as a Highway of National Significance. This importance also is attested to by the resolutions passed by at least a dozen other localities along Route 29 supporting a bypass of Charlottesville to enhance mobility for through traffic. However, mobility is reduced by the interruption of flow by traffic signals and by the friction caused by traffic entering and leaving the roadway at numerous intersecting streets and access points serving adjacent properties. The existing section of Route 29 between the Route 250 Bypass and the South Fork Rivanna River functions as a low-speed urban street and no longer adequately serves the mobility function intended for the State Arterial System and the National Highway System. This section is one of only a handful of sections along the 230 miles of Route 29 between North Carolina and Interstate 66 in Northern Virginia with a posted speed limit of less than 55 mph. It has a greater density of traffic signals than any other section except for one north of Lynchburg. These features represent a bottleneck that causes delays and inconvenience for traffic with origins and destinations beyond this urbanized section of roadway. Every other metropolitan area along Route 29 has, or soon will have, a limited access bypass to provide the mobility needed for moving people and goods efficiently through the corridor.

During the Route 29 Corridor Study, intensive traffic analyses were conducted. These analyses included an origin and destination survey containing more than 23,000 records, nearly 1,200 telephone surveys on travel characteristics and patterns, traffic counts, and traffic modeling using inputs derived from the surveys, the counts, and socioeconomic and land use data. The study area for the traffic analyses was defined as the CATS region, which encompasses the City of Charlottesville and the urbanized portions of Albemarle County, extending to the North Fork Rivanna River 6.5 miles north of Charlottesville on the north, to the Shadwell area 3.3 miles east of Charlottesville on the east, to areas south of and along I-64 on the south, and to the Mechums River 8.3 miles west of Charlottesville on the west. Around the perimeter of the study area, traffic counting and survey stations were established on major roads entering the study area (e.g., Route 29 from the south and north, I-64 from the west and east, Route 250 from the west and east). Through traffic was defined as traffic passing entirely through the study area, from one external station to another. Local traffic was defined as traffic with origins or destination within the study area. Some people have misconstrued "local" traffic to mean only traffic with origins and destinations along the section of Route 29 between Route 250 Bypass and the South Fork Rivanna River, the section of roadway to which the Route 29 Corridor Study was addressed. This section of Route 29 is the most heavily travelled highway in the Charlottesville area, carrying more than twice as much traffic as I-64. Through traffic, as a percentage of total traffic, is about 10% just north of Hydraulic Road. Farther north, for example in the vicinity

of Route 649 near the airport, the volume of through traffic as a percentage of total traffic increases to about 19%. This change in percentage reflects the increasing volumes of automobile traffic generated by development closer in to the City of Charlottesville.

Approximately 71% of through traffic entering or leaving the north end of the study area at Route 29 originates from or is destined to Route 29 south of the study area or I-64 west or east of the study area. Approximately 86% of that traffic was identified as using the western leg of the Route 250 Bypass west of existing Route 29 to reach I-64 or Route 29 south.

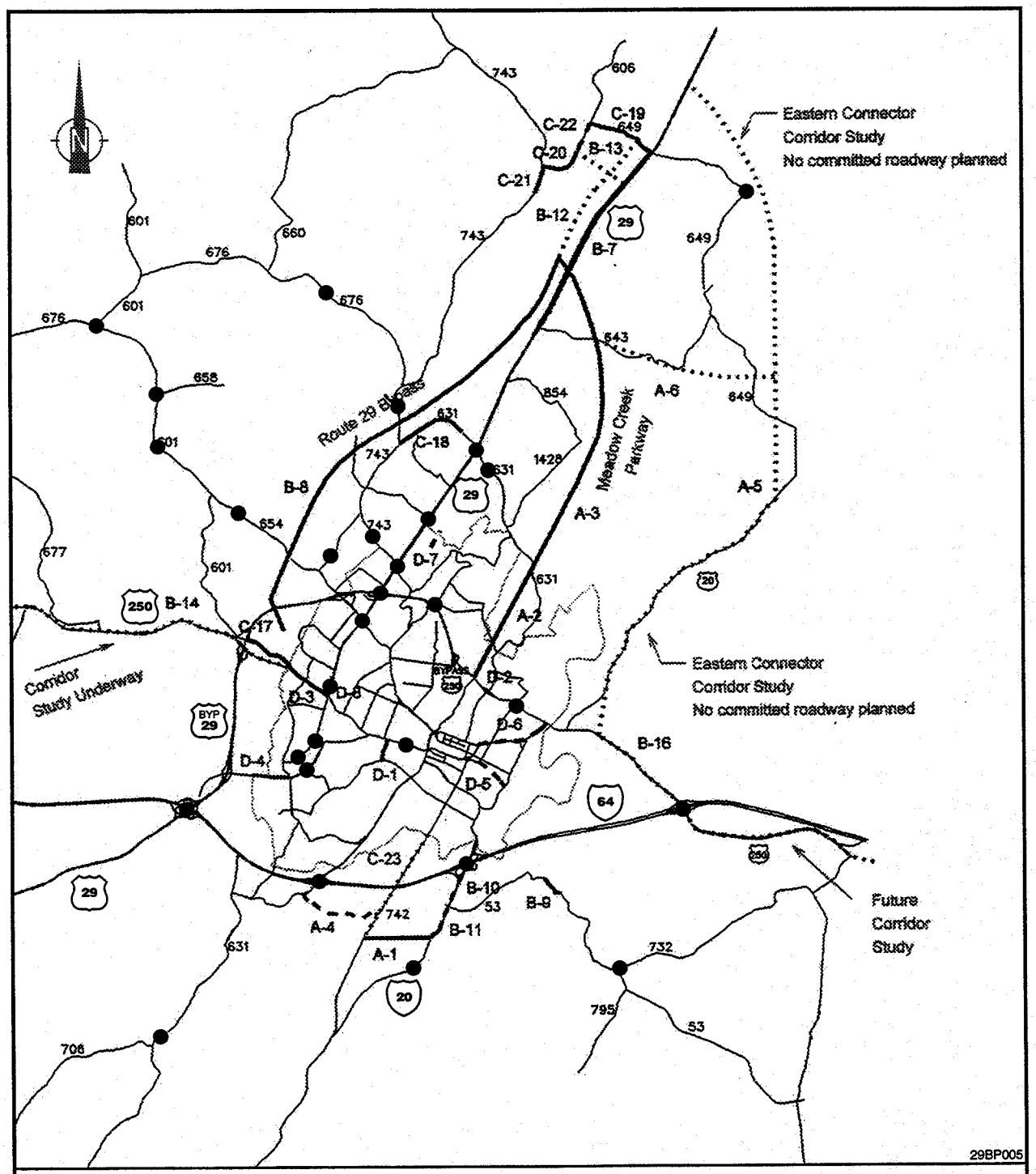
The FEIS reported 1987 traffic volume on Route 29 between Hydraulic Road and Rio Road at 50, 680. Projections for year 2010 indicated a volume of 61,000. Projections for year 2015 in the CATS Plan indicate a volume of 71,500 just north of Rio Road. As the volume increases, travel speeds decline, delays at signalized intersections increase, and congestion increases. These conditions make it impossible for existing Route 29 to simultaneously serve as a local business access route and a regional and interstate throughway.

By diverting traffic to an alternate route, the proposed bypass would relieve congestion on existing Route 29. Year 2010 traffic estimates in the FEIS indicated a total volume on the proposed bypass of approximately 17,900 vehicles per day, with reduction of approximately 10,600 to 14,000 vehicles per day on existing Route 29 (approximately 16% to 27% of the total traffic). By the year 2022, the bypass is projected to carry approximately 24,400 vehicles per day. These are vehicles that would otherwise travel on existing Route 29 or other local streets. The bypass also would provide a high-speed route for through traffic to avoid the low-speed conditions on existing Route 29 through the business district, thus enhancing the mobility of traffic with origins and destinations beyond the local Charlottesville area. Direct access into the North Grounds of the University would expedite movement of traffic into facilities there. The County, the City, and the University endorsed the bypass as part of the selected improvements and the MPO included the bypass in the regional transportation plan.

Although the Albemarle County Board of Supervisors recently passed a resolution withdrawing support for the bypass, the bypass remains a component of the *County of Albemarle Land Use Plan* (see Figure 4), adopted in June 1996:

> The Western Bypass is a proposed 6 mile long roadway from the interchange of Route 29 and 29/250 Bypass to just north of Route 643 (Polo Grounds Road). It is planned to connect with Route 29 and the proposed Meadow Creek Parkway. The purpose of the Bypass is to alleviate traffic on Route 29 North and allow the roads network to operate at a higher level of service in the State. (p. 175)

And, although the Charlottesville-Albemarle MPO has withheld federal funding for construction of the bypass, the bypass remains a committed project in the MPO's regional transportation plan (*Charlottesville Area Transportation Study Year 2015 Project Plan*, or CATS Plan, adopted in January 1998; see Figure 5). It is identified as among a group of projects intended to "improve the existing network of primary roads for local and through travelers." (p.37). Figure 6 illustrates traffic data from the CATS Plan showing the differences in projected traffic volumes in the year 2015 on



● Transportation System Management Improvements (Bridge, Spot, and Intersection Improvements)

— Committed Projects

- - Recommended for Development

···· Recommended for Study

Source: Charlottesville Area Transportation Study Year 2015. Adopted by Charlottesville-Albemarle Metropolitan Planning Organization January 5, 1998

CATS Plan Roadway Improvements

Figure 5

Route 29 Bypass

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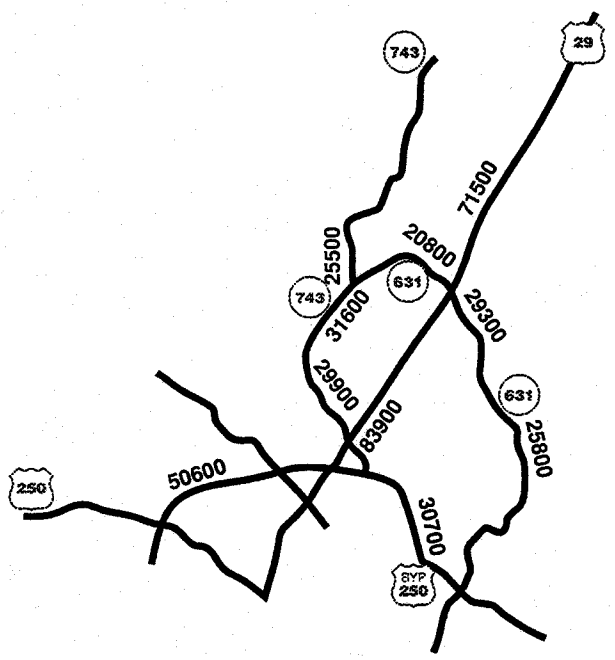
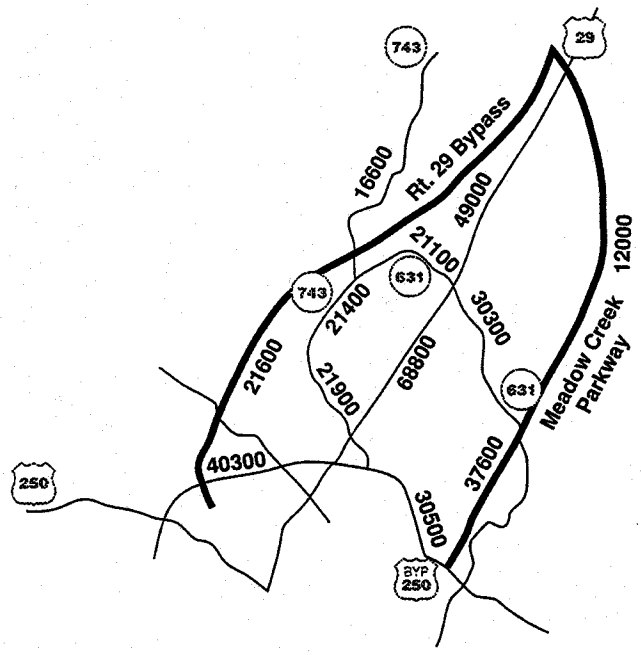
Albemarle County, Virginia



(71500) Year 2015 No Build
Average Daily Traffic



(71500) Year 2015 Build
Average Daily Traffic

29BP009

Traffic Data

Figure 6

Route 29 Bypass

Project: 6029-002-F22, PE 101
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Albemarle County, Virginia

Source: Charlottesville Area Transportation Study Year 2015.
Adopted by Charlottesville-Albemarle Metropolitan
Planning Organization January 5, 1998

existing Route 29 with and without the transportation improvements included in the CATS Plan. The proposed bypass clearly is an important element of the overall improvements included in the Plan.

In addition to the local and regional planning, the proposed Bypass also has remained an important element of statewide transportation planning as evidenced by its continued inclusion in VDOT's *Six-Year Improvement Program.*

Several comments received on the *Draft Section 4(f) Evaluation* referred to the Route 29 Corridor Development Study and substantial increases in traffic forecasted for Route 29 if a freeway were to be built from the north end of the Charlottesville Bypass to I-66, roughly 75 miles to the north. That Corridor Development Study was the Charlottesville-to-Warrenton phase of a transportation planning study mandated by Congress in the Intermodal Surface Transportation Efficiency Act (ISTEA) to evaluate multimodal transportation needs in the Route 29 corridor between Greensboro, North Carolina and Washington, DC. The freeway alternative that was evaluated in that study would involve a completely limited access (interstate-type) highway with a posted speed limit of 65 miles per hour. This is in contrast to the current corridor, which is posted at 55 miles per hour and has uncontrolled access to adjacent properties except on the bypasses of Madison, Culpeper, and Warrenton. Given the higher design standards and the higher speed associated with a freeway, the study found that such a facility would induce additional traffic into the Route 29 corridor, primarily as a result of diverting traffic from I-81. Some of the local officials and elected representatives who participated in the study agreed that such a facility would not be appropriate through all of this part of the Route 29 corridor. The outcome of the study therefore was that Albemarle, Greene, and Madison Counties would conduct additional investigations as to how best to preserve the mobility functions of Route 29 by implementing land use and access controls at the local level. VDOT's current *Six-Year Improvement Program* includes funding for such investigations in Albemarle and Greene Counties. Advancement of any additional improvements in the corridor would be subject to detailed engineering and environmental analyses and the necessary documentation required by the National Environmental Policy Act. Under these circumstances, construction of a freeway along the entire length of Route 29 from Charlottesville to I-66 is unlikely for the foreseeable future.

E. OVERVIEW OF SECTION 4(f) INVOLVEMENTS

The FEIS signed by FHWA on January 20, 1993 contained Section 4(f) Evaluations for three publicly owned public parks (McIntire Park, Pen Park, and Rivanna Park [now Darden Towe Park]) and two historic properties eligible for the NRHP (Schlesinger Farm and The Barracks Historic District). These properties, along with other recreational (including school playgrounds and athletic fields) and historic properties, environmental and engineering constraints, and suggestions from citizens, public officials, and agency representatives, all were taken into account in developing and evaluating alternatives to meet the identified transportation needs.

Based on information available at the time the decision was made, the Selected Alternative (the Alternative 10 Bypass and the grade-separated interchanges on existing Route 29) was the only prudent and feasible alternative that would both meet the transportation needs and avoid the use of any Section 4(f) properties. Since that time, additional information has determined that the Alternative 10 Bypass portion of the Selected Alternative, which has evolved to the Current Design, also would have a Section 4(f) involvement.

This involvement concerns the Albemarle County School Complex, which encompasses Albemarle High School, Jack Jouett Middle School, Mary C. Greer Elementary School, and the Piedmont Regional Education Program (PREP) School. Figure 2 shows the locations of the schools. The entire School Complex is designated by the County as a park. The Current Design of the bypass requires the use of approximately 15.17 acres of land (about 7% of the total property acreage) from the School Complex and approximately 1,316 linear feet of recreational trails (about 10% of the total trail system) on school property. The Current Design would not encroach on any of the athletic fields, tennis courts, hard court areas, track, playgrounds, or buildings on the School Complex. Except for the impacts to the trails, the physical impacts of the bypass on the School Complex are substantially the same as those reported in the FEIS. Complete descriptions of the property, the trails, and other facilities on the property are contained in subsequent sections of this Evaluation.

Another school property, the Agnor-Hurt Elementary School between Woodburn Road and Berkmar Drive as shown on Figure 2, also is designated by the County as a park. Complete descriptions of this property and its associated recreational facilities are also presented later in this Evaluation. The proposed bypass, though located adjacent to the property, would not use any land from this property.

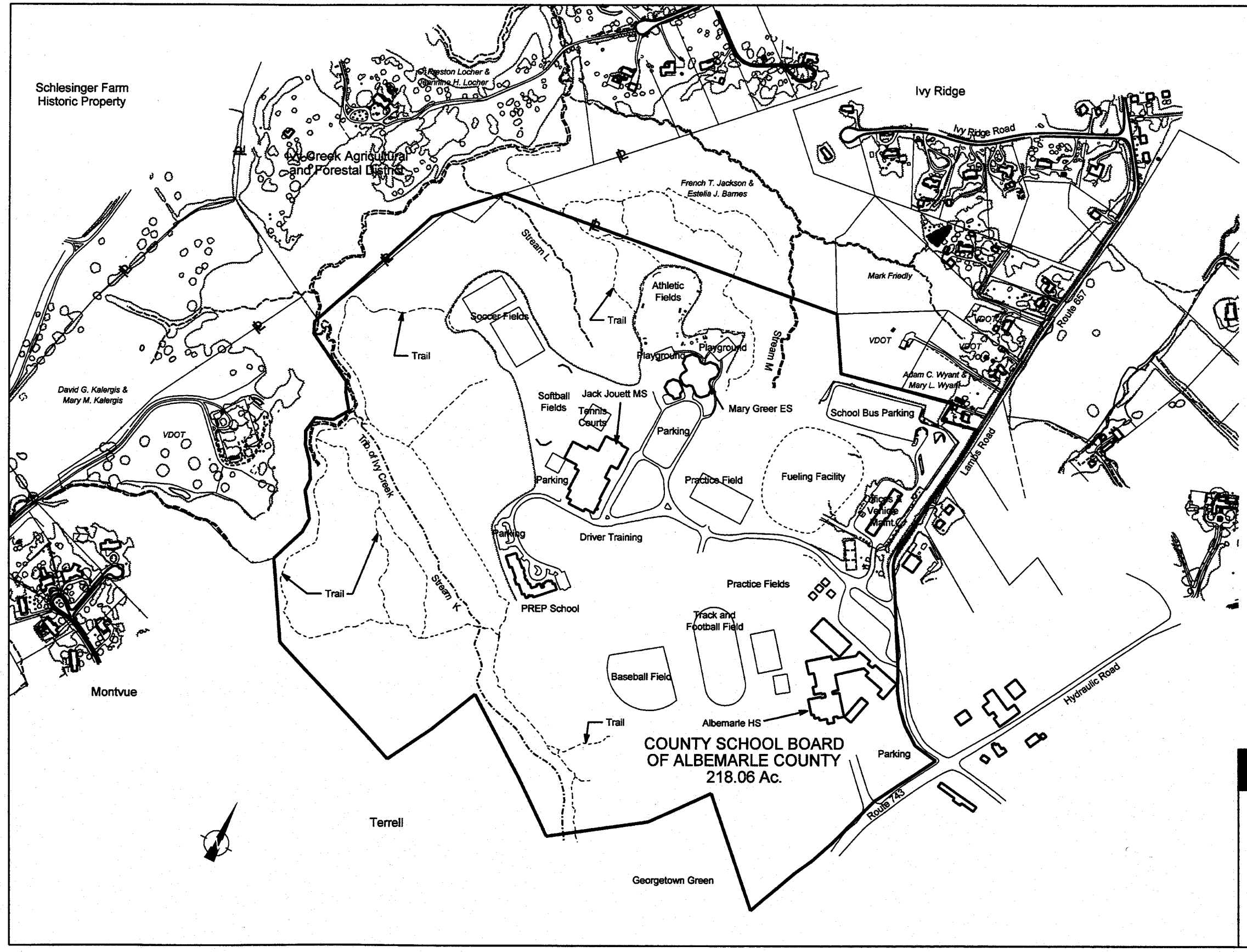
F. DESCRIPTIONS OF SECTION 4(f) PROPERTIES

As noted in the Introduction, Section 4(f) pertains to publicly owned public parks and recreation areas, publicly owned wildlife and waterfowl refuges, and historic sites on or eligible for the National Register of Historic Places. Efforts to identify properties meeting these criteria were undertaken early in project development, when alternatives were under study. These efforts included consultations with federal, state, and local officials; reviews of maps and aerial photographs; reviews of City and County Comprehensive Plans and Land Use Plans; consultations with the Virginia Department of Historic Resources (VDHR); intensive historic resources surveys, and field reconnaissance. Extensive coordination with County and City representatives, community representatives, interest groups, and others serving on study committees, as well as the extensive public involvement activities, provided numerous opportunities for the identification of these types of properties as issues or concerns. During project development, all known public school and recreational facilities near the selected bypass alternative were avoided.

Despite all these efforts, the trails on the Albemarle County School Complex property, the discovery of which initiated this new Section 4(f) Evaluation, had not been identified as a recreational facility. The coordination and other efforts also did not result in the entire School Complex being identified as a park. Even during preparation of the *Draft Section 4(f) Evaluation* and associated coordination with County officials (see correspondence in Appendix B), only the recreational facilities on the school property, not the entire property, were recognized as Section 4(f) resources. Now, based on additional information and comments received after circulation of the *Draft Section 4(f) Evaluation*, these two public school properties located adjacent to the approved alignment, as shown on Figure 2, are considered as Section 4(f) properties in their entireties.

1. Albemarle County School Complex

As shown on Figure 7, the Albemarle County School Complex includes Albemarle High School, Jack Jouett Middle School, Mary C. Greer Elementary School, and the Piedmont Regional Education



Albemarle County School Complex

Figure 7

Route 29 Bypass

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RUVA-002-001, PE 101
Albemarle County, Virginia

SCALE (FEET)

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Program (PREP) School. The Albemarle County School Board owns the complex, which has a total acreage of 218.06 acres according to the recorded deed (DB 287 P414, 11/23/49). The Complex is designated in the *Albemarle County Community Facilities Plan, 1990-2000* (May 1991) as a District Park. Hours of availability for public recreational use are after 6 p.m. (after school hours) on school days and from 8:00 a.m. until dark on weekends. The facilities at the Complex provide a variety of recreational activities such as tennis, field sports, and walking.

Albemarle High School is one of four County high schools. The school was first occupied in 1953 and has an enrollment of 1,528. Facilities include two gymnasiums, four lighted tennis courts, a 440-yard running track, a multi-purpose hard court area, a large multi-purpose field, and a lighted baseball field.

Jack Jouett Middle School is one five County middle schools. The school was occupied in 1966 and has an enrollment of 500. The school has a gymnasium, two multi-purpose fields, two softball fields, a hard court area, and two tennis courts. According to County officials, these facilities, along with those at Greer Elementary School, are used every day of the week for recreational programs, 10 months of the year. They are open for public use from 6:00 p.m. until dark on weekdays and from 8:00 a.m. until dark on Saturdays and Sundays. They are used for youth soccer, youth football, youth lacrosse, Little League baseball, and girls' softball. According to County officials, on a typical Saturday, approximately 1,000 people will be at these fields as participants or spectators.

Mary C. Greer Elementary School is one 15 County elementary schools. The school was first occupied in 1974 and has an enrollment of 503. Facilities include two play areas, a hard court area, and multipurpose fields.

The **PREP School** is a new school completed in 1999. It provides regional special education programs for five school systems in Central Virginia. Programs include services for the vision-impaired and hearing-impaired, the emotionally disturbed, and the disabled.

The **trails behind Jack Jouett Middle School and Albemarle High School** consist of a system of unpaved paths roughly 3 to 8 feet wide and approximately 2.09 miles long. The trails are located on wooded portions of school property west and south of Jack Jouett Middle School, and south of Albemarle High School, as shown on Figure 7. According to County officials, there were crude trails in existence here in 1983/84. Between 1984 and 1990, the trails were opened up and improved, primarily by Albemarle High School's cross-country team. Other participants in developing the trails have included the Monticello Area Community Action Agency, the Boy Scouts, and various service fraternities and volunteer groups. The character of the trails varies from steep inclines on hillsides, to flat sections along streams in the bottoms of deep ravines, to relatively flat sections on ridgetops. The surrounding deciduous forest is comprised of hickory, tulip poplar, and various species of oaks. Figure 8 shows a typical view of the trail. There are two wooden footbridges across streams. Maintenance of the trails is performed primarily by the track team. There are no signs designating the trail, nor are there any facilities, equipment, interpretive stations, or other similar appurtenances associated with the trails. The trails are also not listed in the Comprehensive Plan among the recreational facilities at the schools nor are they listed in the County's Open Space Plan.

Typical View of Trail at
Jack Jouett Middle School
Figure 8

Route 29 Bypass

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RUVA-002-001, PE 101
Albemarle County, Virginia

County officials have stated that the trails are used by Albemarle High School's cross country and track teams (approximately 60 students), as well as other sports teams (soccer, lacrosse) for training purposes. The trails also are used by the earth science classes at the schools. The trails are available to the general public from 6 p.m. until dark on school days and from 8:00 a.m. until dark on weekends. According to the County's Chief of Community Development, the trails provide a "soft track facility in a natural setting for walking and jogging near the most populated and densely developed part of the County." No organized events are held on the trails and "There are no definite plans for the future other than maintenance to the existing trails and use." Also, according to County officials, public use ranges from 20 to 35 persons per day (fewer in the summer due to warmer temperatures, and fewer in the winter due to early darkness), and school athletic teams who use the trails three to five times a week in season may have 40 to 50 team members on the trail at once.

Access to the western portion of the trail is gained from the Jack Jouett Middle School athletic field. Access to the eastern portion of the trail is from the Georgetown Green residential development or by walking around the outside of the fence surrounding the baseball field. Access to the middle portion is south of the PREP School. Parking is available in a parking lot between Jack Jouett Middle School and Mary Greer Elementary School, a small lot behind Jack Jouett Middle School, and another lot at the PREP School. Parking is available also at Albemarle High School. No public parking is available at Georgetown Green.

The trails behind Greer Elementary School consist of a system of unpaved paths roughly 3 feet wide and approximately 1.0 mile long. The trails are located on wooded portions of school property and private property west and north of Greer Elementary School as shown on Figure 7. Approximately 0.39 mile of the trail is on school property and approximately 0.61 mile is on private property. An attorney for one of the private landowners has noted that there is no written agreement pertaining to school or public use of the trails on private property. No information was available on whether there are any agreements with the other private landowner regarding use of the trails.

These trails are not as wide and do not appear to receive as much use as the trails behind Jouett Middle School. The character of the trails is mostly narrow, relatively flat in some places, or inclined on hillsides in other places. The surface of the trails is composed primarily of leaf litter, and fallen trees lie across the trails at several locations. The surrounding deciduous forest is comprised of hickory, tulip poplar, and various species of oaks, with a few small stands of Virginia pine. Posts at various locations identify tree species. Some of the posts have been pulled up and were observed lying on the ground. There are no signs designating the trail, nor are there any facilities, equipment, or other appurtenances, except for the posts noted above. County officials have stated that the trails are used by earth science classes during the week and by the general public. Hours of availability to the public are from 6 p.m. until dark on school days and from 8 a.m. until dark on weekends. No use estimates or maintenance records were available for these trails. Access to the trails is gained from the south and west sides of the athletic field behind Greer Elementary School and from a clearing on the north side of the school. A parking lot is available on the east side of the school.

Other facilities on the Albemarle County School Complex include offices, a vehicle maintenance facility, a fueling facility, and a driver-training course.

2. Agnor-Hurt Elementary School

As shown on Figure 9, Agnor-Hurt Elementary School is located on approximately 19.55 acres between Woodburn Road (Route 659) and Berkmar Drive. The property was acquired by the Albemarle County School Board in October 1990 (DB1128 P650, 10/31/90). The school was first occupied in 1992 and has an enrollment of 542. The school play areas, baseball/softball field, basketball courts, and soccer field serve as a community park after 6:00 p.m. (after school hours) on school days and from 8:00 a.m. until dark on weekends. The entire property is designated by the County as a publicly owned public park and recreation area. No information was available on how many people use the recreational facilities. Access to the property is from Woodburn Road and Berkmar Drive, with parking areas on both sides of the building.

G. RELATIONSHIPS TO OTHER SIMILAR PROPERTIES

There are a number of other school properties, public parks and recreation areas, and historic sites in Albemarle County and the City of Charlottesville that come under the purview of Section 4(f). Table 1 lists the public parks and recreation areas, including school properties that the County has designated as parks, in the vicinity of the project. Figure 10 shows their locations. Those within a couple of miles of the School Complex are described below.

The public park closest to the Albemarle County School Complex is Whitewood Road Park. This is a 20-acre wooded park approximately 0.2 mile east of the Albemarle High School parking lot. No designated public parking is available at the park, but an adjacent business site appears to have sufficient vacant parking spots to accommodate users of the park. The park is within easy walking distance of nearby neighborhoods. Trails through the park are either paved or gravel and are approximately 6 to 10 feet wide. This park was originally to be the site of an elementary school. However, County officials decided to use the site as a park for nearby residents and to build the school at the site where Agnor-Hurt Elementary School now stands. The park is open daily from 6:30 a.m. until dark.

The 215-acre Ivy Creek Natural Area on the south bank of the South Fork Rivanna River Reservoir, approximately 1.3 miles north of the Albemarle County School Complex, contains more than 6 miles of walking trails and a 3/4-mile paved trail for visitors with special needs. Jogging and biking are not permitted on the trails. The trails are free and open to the public from 7:00 a.m. until dusk. The Natural Area features a mix of pine and hardwood forests, old fields, streams and natural springs, and 2 miles of shoreline. The volunteer Ivy Creek Foundation assists in the management and care of the area and operates nature programs throughout the year. More than 3,000 local schoolchildren participate in educational nature walks at the Natural Area on Monday, Thursday, and Friday mornings between 9:00 a.m. and noon, and over 40 programs are offered each year to the general public. A restored 19th-century barn provides office and education space.

There are other trail facilities on private property in the vicinity of the project. Because they are not publicly owned, they do not come under the purview of Section 4(f). They are, however, open for public use and are therefore available to citizens for recreational use. These trails were established by the Rivanna Trails Foundation, a nonprofit volunteer organization supported by membership

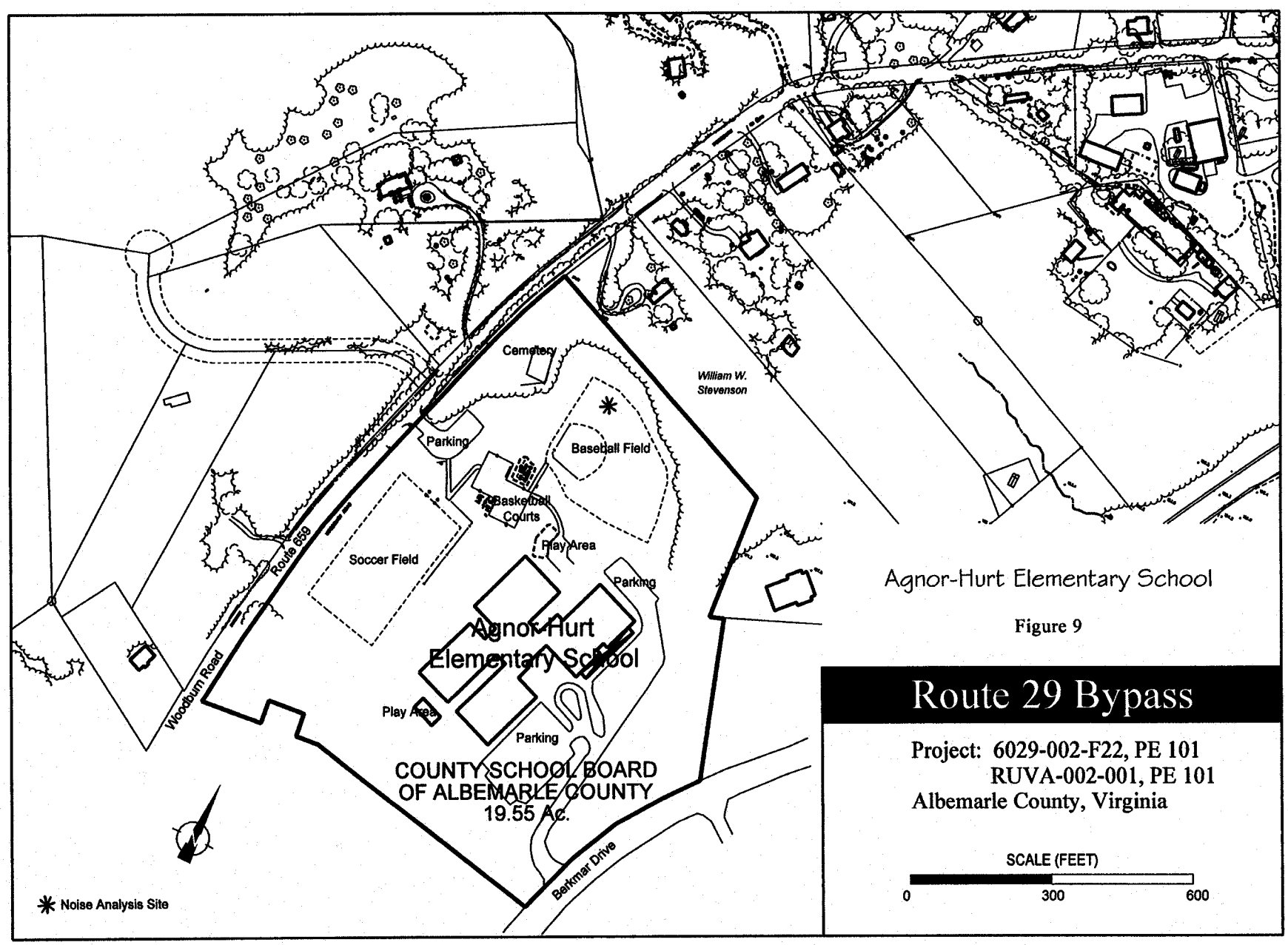
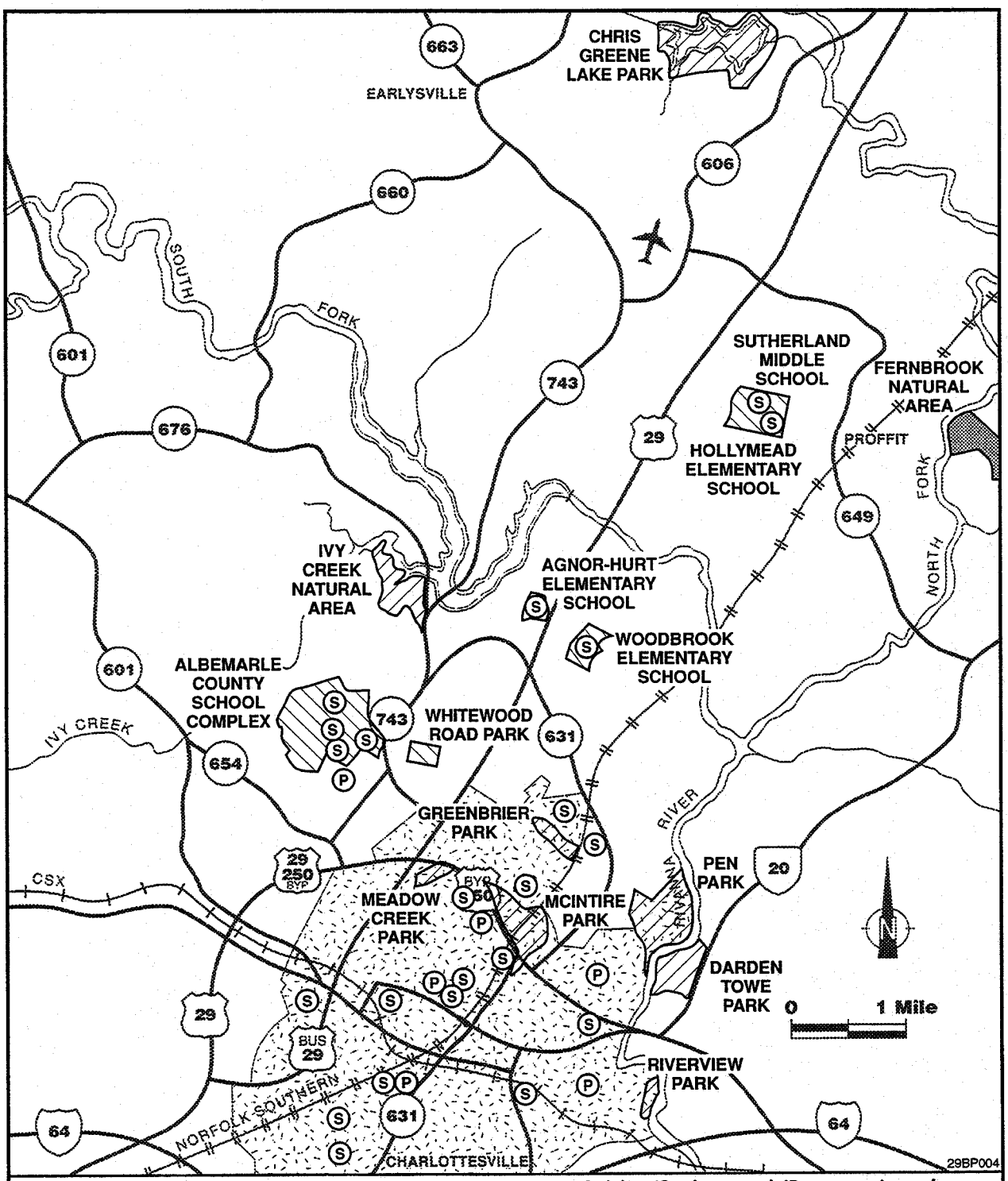

Cemetery
William W. Stevenson
Parking
Baseball Field
Basketball Courts
Play Area
Soccer Field
Route 659
Parking
Agnor-Hurt Elementary School
Woodburn Road
Play Area
Parking
COUNTY SCHOOL BOARD OF ALBEMARLE COUNTY 19.55 Ac.
Berkmar Drive
Noise Analysis Site
Agnor-Hurt Elementary School
Figure 9
Route 29 Bypass
Project: 6029-002-F22, PE 101
RUVA-002-001, PE 101
Albemarle County, Virginia
SCALE (FEET)
0
300
600

Table 1
OTHER SECTION 4(f) PARKS AND RECREATION PROPERTIES IN THE STUDY AREA

Name	Owner	Acreage	Jogging Trails	Walking Trails	Bicycling	Tennis Courts	Playground/ Play Area(s)	Baseball Diamond(s)	Other
Chris Greene Lake Park	Albemarle County	182 (62 water acres)					X		swimming, canoe rentals, picnic shelters, boat launch, fishing pier
Ivy Creek Natural Area	Albemarle County/City of Charlottesville	215		X					observation areas, educational outings, school programs
Pen Park	City of Charlottesville	267	X	fitness/ nature trail		X	X	X	golf course, club house, picnic shelters
Darden-Towe Park	Albemarle County/City of Charlottesville	111	X	X	X	X	X	X	4 multi-purpose fields, picnic shelter, river access
McIntire Park	City of Charlottesville	143				X	X	X	wading pool, golf course, picnic shelters
Meadow Creek Park	City of Charlottesville	16.7							community garden plots
Greenbrier Park	City of Charlottesville	35.8	X	X					none
Whitewood Road Park	Albemarle County	20	X	X					none
Riverview Park	City of Charlottesville	26.6	X	X			X		picnic areas, interpretive nature trails
Woodbrook Elementary School	Albemarle County	12					X		multi-purpose fields
Sutherland Middle School	Albemarle County	21				X	X	X	multi-purpose fields
Hollymead Elementary School	Albemarle County	20					X	X	3 multi-purpose fields



County and City Parks

County School/Park Properties

(P) Neighborhood Parks

(S) Schools

Source: Adapted from FEIS Fig. III-7

Public Parks and Recreation Areas

Figure 10

Route 29 Bypass

Project: 6029-002-F22, PE 101
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Albemarle County, Virginia

dues, contributions, and grants from private foundations. This organization obtains agreements with private property owners to allow public use of trails established on their properties by the Foundation. Figure 11 shows a system of trails established and maintained by the Foundation along Meadow Creek, approximately 1.3 miles southeast of the Albemarle County School Complex.

A future trail along the South Fork Rivanna River is called for in the County's Land Use Plan and Open Space Plan. No location for the trail has been established and the County does not own property on which to place the trail. Therefore, the planned trail is not in the purview of Section 4(f). The proposed design for a bridge to carry the bypass over the South Fork Rivanna River would have sufficient space underneath on either side of the river to accommodate any trail the County may wish to put there in the future.

Table 2 lists historic properties in the vicinity of the project and Figure 12 shows their locations. All Section 4(f) historic properties in the project area are privately owned and are not open to the public.

H. IMPACTS TO SECTION 4(f) PROPERTIES

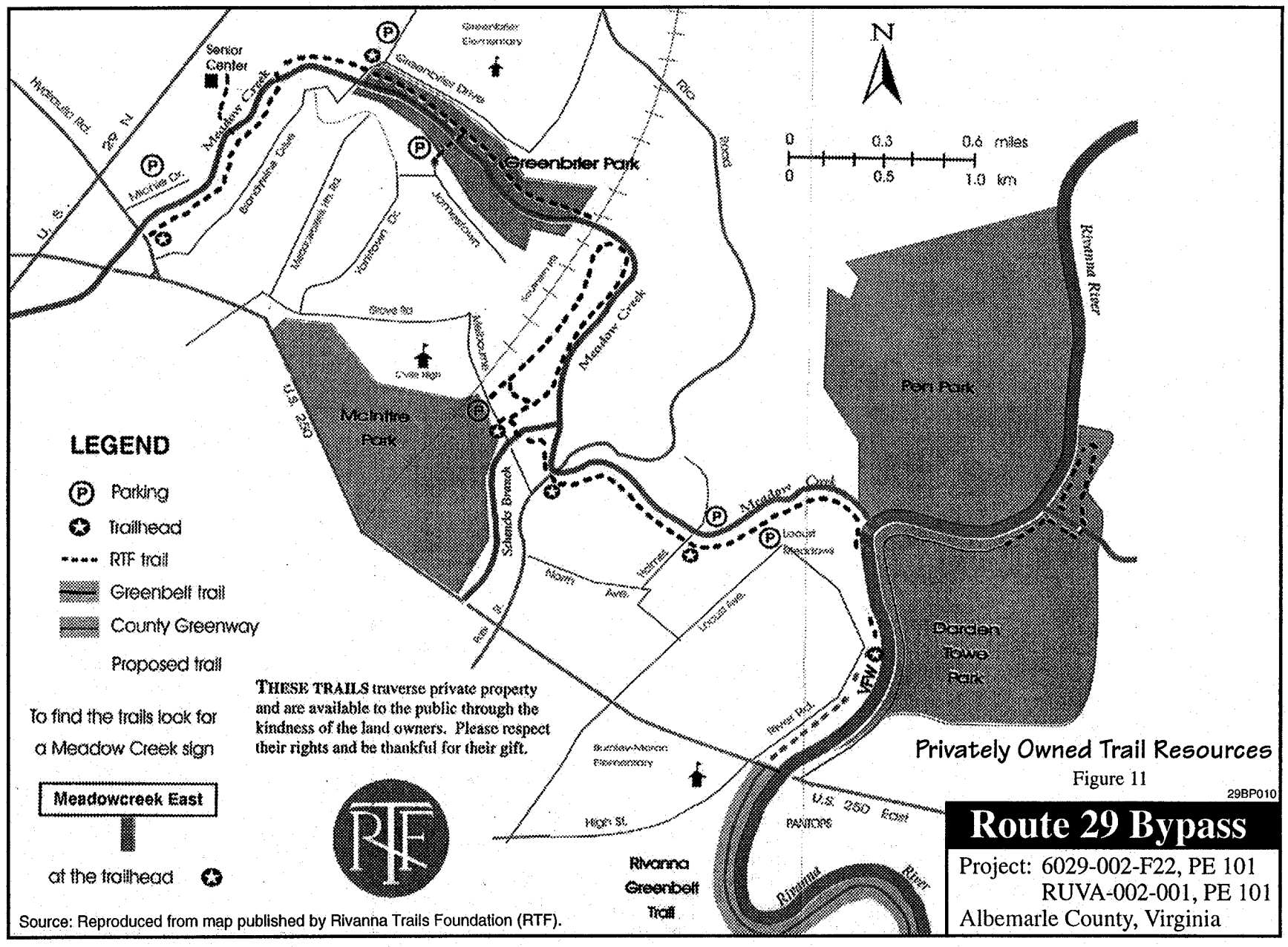
1. Albemarle County School Complex

Direct Use of the Property. The Current Design of the project, as shown on Figure 13, would require the use and acquisition of approximately 15.17 acres of wooded land from the northern edge of the property. This constitutes approximately 7% of the 218-acre School Complex parcel. This use would displace approximately 545 linear feet of the trail west of the Jouett Middle School soccer field, which is approximately 5% of the 2.09-mile-long system on the portion of the School Complex below Jouett Middle School, the PREP School, and Albemarle High School. Approximately 771 feet (about 38% of the total 2,054 feet) of trails on school property west and north of Greer Elementary School would be displaced. The use of the property would not displace or encroach on any of the athletic fields, tennis courts, hard court areas, track, playgrounds, or buildings on the School Complex.

Displaced portions of the trails on school property would be reestablished outside the project right of way during construction. Use of these portions of the trail system would likely be interrupted for a period of time during construction. Such disruption is not without precedent as a portion of the trail system was severed to accommodate a stormwater pond during construction of the PREP School.

The project would also displace approximately 1,975 feet (about 61% of the total 3,222 feet) of trails on private property north of the School Complex. The trails on private property near Greer Elementary School are not considered as Section 4(f) resources because they are not publicly owned and there are no agreements in place for public use of these trails on private property. The impacts to them are reported here to provide complete information.

Noise Levels. In noise analyses conducted for the School Complex, projected worst-case noise levels were determined at various locations on the property shown on Figure 13. The noise analyses were conducted in accordance with FHWA standards (23 CFR 772). The FHWA-approved



Source: Reproduced from map published by Rivanna Trails Foundation (RTF).

Privately Owned Trail Resources

Figure 11

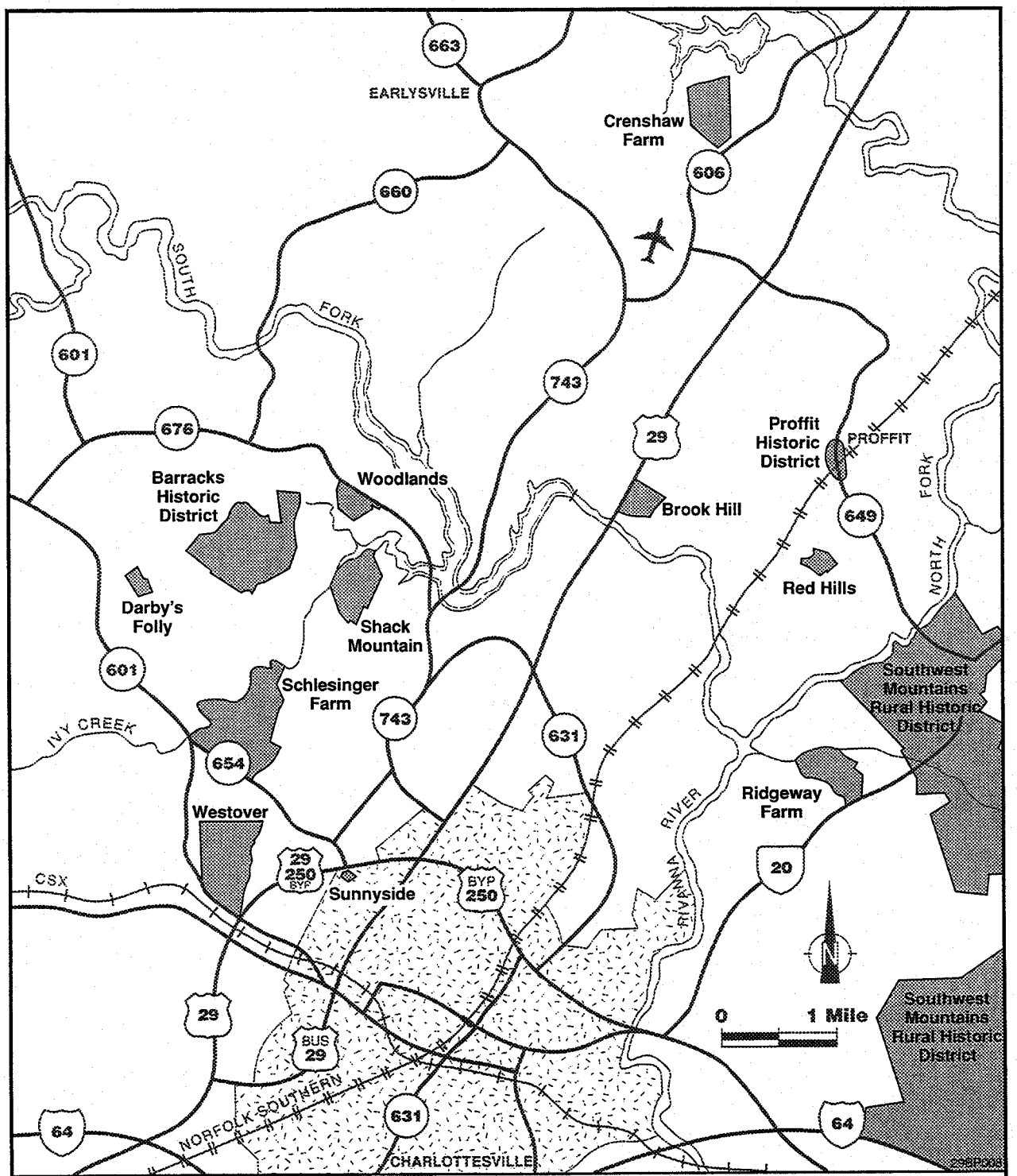
29BP010

Route 29 Bypass

Project: 6029-002-F22, PE 101
RUVA-002-001, PE 101
Albemarle County, Virginia

Table 2
SECTION 4(f) HISTORIC PROPERTIES IN THE STUDY AREA

Name	VDHR #	National Register Eligibility	Description
Westover	02-0925	Criterion C – architectural characteristics	200-acre property containing a Classical Revival-style mansion built in 1915
Schlesinger Farm (a.k.a. Haffner Farm)	02-1736	Criterion A – representative of 20th century rural development context (Depression-era farm)	270-acre property containing dwelling and several outbuildings built in 1941
Darby's Folly	02-0125	Criterion C - rare extant example of 18th century house	18.7-acre property closely associated with locally prominent Garth family; contains mid-18th-century dwelling
The Barracks Historic District	02-0119	Criterion C - quality and integrity of architecture	334-acre property encompassing 2-story Federal-style brick dwelling built in 1819, several other 19th-century dwellings and outbuildings
Shack Mountain	02-0200	Criteria B and C – outstanding example of Jeffersonian architecture adapted for 20th century residence	National Historic Landmark; associated with Fiske Kimball, noted U.S. architectural historian
Woodlands	02-0621	Criteria B and C – association with John Richard Wingfield, a politician of statewide significance; high degree of architectural integrity	270-acre 19th-century farmstead containing 1840s dwelling, antebellum barn, and early 20th-century outbuildings
Crenshaw Farm	Earlysville Quad.	Criterion C – excellent example of County's 19th-century farms	130-acre property with an early 19th-century dwelling and several outbuildings
Brook Hill	02-0008	Criterion C - intact example of late Georgian-early Federal style house	38-acre property with circa 1810 dwelling, 1 of 8 antebellum dwellings in Albemarle County with molded brick cornices and double pile plans
Ridgeway Farm	02-0068	Criterion C - sophisticated introduction of Italianate architectural elements into earlier structure	128.8-acre property containing late 19th-century house and two outbuildings
Red Hills Farm	02-0066	Criterion B - association with historically prominent Carr family; Criterion C - distinctive architecture	20.6-acre property
Southwest Mountains Rural Historic District	02-1832	Criteria A through D - association with historical figures in local, state, and national history; historic buildings and structures retaining structural integrity; unchanged nature of rural landscape	Approximately 31,975-acre area containing broad range of 18th- and 19th c. architecture as well as early 20th-century estates and smaller domestic and farm complexes
Proffit Historic District	02-2156	Criterion A - representative of mining/industrial operations in the County	Four contributing sites of former pyrite mining and sulfur refining operations
Sunnyside	104-0006	Criterion C - rare example of carpenter Gothic Revival style	Approximately 4.5-acre portion of UVA North Grounds



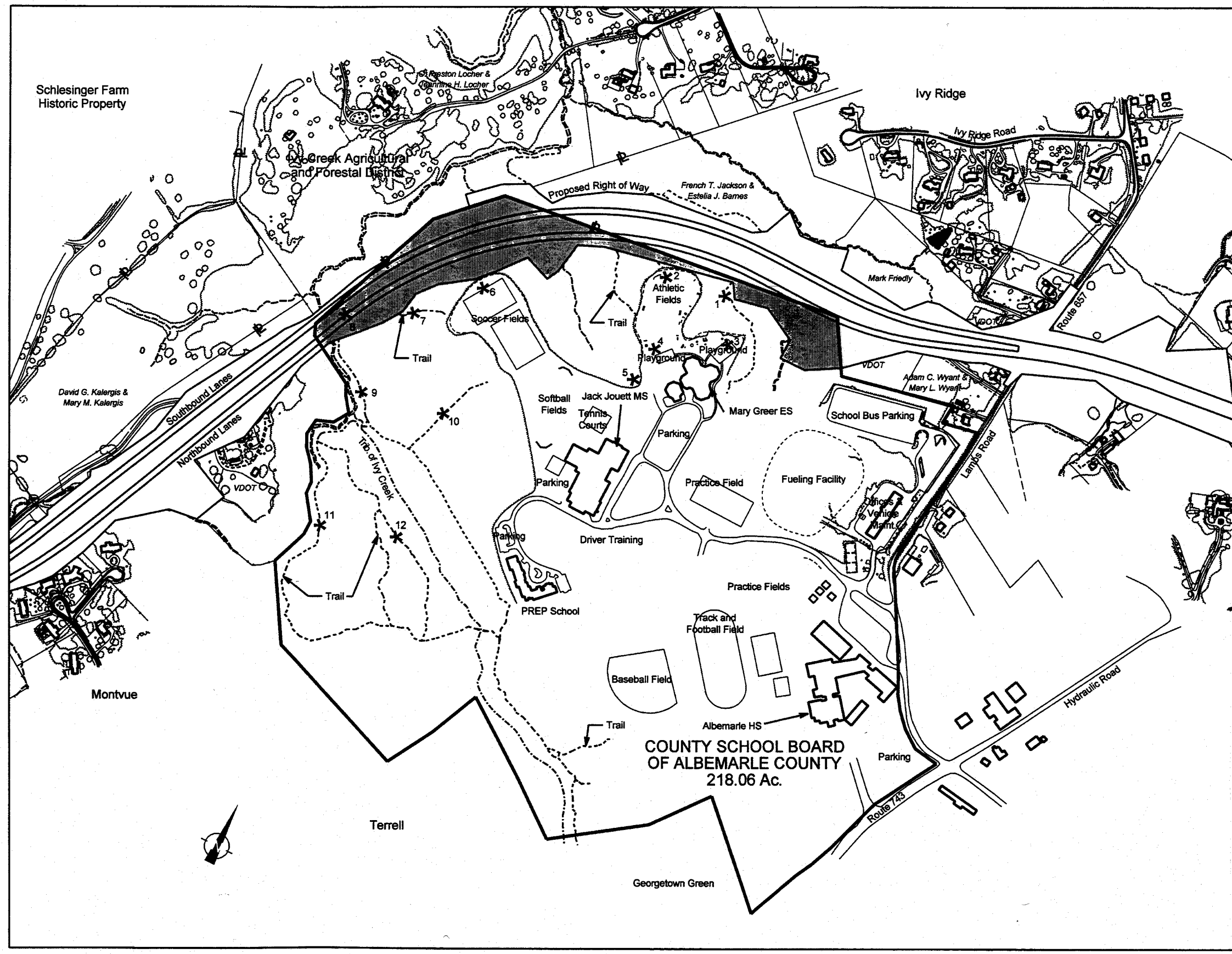
Historic Properties

Figure 12

Route 29 Bypass

Project: 6029-002-F22, PE 101
RUVA-002-001, PE 101
Albemarle County, Virginia

Sources: FEIS, Phase II Historic Architectural Investigations Report, VDHR records.



Impacts to
Albemarle County School Complex
Figure 13

Route 29 Bypass

Project: 6029-002-F22, PE 101
RUVA-002-001, PE 101
Albemarle County, Virginia

STAMINA/OPTIMA computer noise model was used to compute year 2022 noise levels based on roadway geometry and peak-hour traffic data inputs. Table 3 shows the calculated noise levels. The analyses show that the northernmost edge of the athletic fields at Greer Elementary School would experience a peak-hour noise level in the year 2022 that exceeds FHWA's noise abatement criterion (NAC) by 1 dBA (the applicable NAC is 67 dBA). Portions of the fields closer to the school and the playgrounds would experience noise levels well below the NAC, but substantially higher than existing noise levels (substantially higher means 10 or more dBA higher). Similarly, the northernmost edge of the athletic fields at Jouett Middle School would experience a peak-hour noise level in the year 2022 equaling FHWA's NAC of 67 dBA, a level that is also substantially higher than the existing noise level. Portions of the fields and the other facilities closer to the school would experience noise levels well below the NAC and not substantially higher than existing noise levels.

Table 3
PROJECTED YEAR 2022 PEAK-HOUR NOISE LEVELS ON SCHOOL COMPLEX

Site Number	Location	Description	Noise Level (dBA, $L_{eq}h$)
1	Greer Elementary School	Trail between athletic field and proposed project.	67
2	Greer Elementary School	Athletic field near batting backstop.	68
3	Greer Elementary School	Play area on north side of school.	62
4	Greer Elementary School	Play area west of school near trail head.	60
5	Jack Jouett Middle School	Amphitheater north of School.	56
6	Jack Jouett Middle School	In athletic field near woods along western edge of field.	67
7	Jack Jouett Middle School	Trail halfway down hillside west of athletic field.	68
8	Jack Jouett Middle School	Trail at bottom of ravine at the location nearest to the project.	70
9	Jack Jouett Middle School	Trail at point alongside Stream K in bottom of ravine, approximately 250 feet from project.	63
10	Jack Jouett Middle School	Trail at approximate midpoint between Stream K and athletic field to the north.	57
11	Jack Jouett Middle School	Trail at point where it parallels the tributary of Stream K.	58
12	Jack Jouett Middle School	Trail at point on hilltop.	55

None of the facilities at Albemarle High School would experience noise levels either approaching the NAC or substantially exceeding existing noise levels as a result of the project.

After construction of the project, the nearest remaining portion of the trail system on the Jouett/PREP/High School portion of the Complex would be approximately 50 feet from the bridge

carrying the northbound lanes of the bypass over the stream valley (a point between analysis sites 8 and 9 near the edge of the proposed right of way). The noise analyses indicate that this portion of the trail would experience a peak-hour noise level in the year 2022 of approximately 70 dBA ($L_{eq}h$). Portions of the trail farther away from the road would experience incrementally lower noise levels, as shown in the table. Thus, the closest portion of the trail would experience future peak-hour noise levels approximately 22 dBA higher than the measured existing noise level of 48 dBA. This represents a substantial increase in the noise level and an exceedance by 3 dBA of FHWA's NAC of 67 dBA. Approximately 27% of the trail system on the Jouett/PREP/High School portion of the Complex would experience peak-hour noise impacts (increases of 10 dBA or more) in the year 2022.

Virtually all of the trail system at Greer Elementary School would experience peak-hour noise impacts in the year 2022 as a result of substantial exceedance of existing noise levels. Only those portions of the trails closest to the project would experience noise levels approaching or exceeding the NAC (e.g., noise levels at site 1 would equal the NAC).

The noise impacts reported above probably overstate the actual impacts that would be experienced by most members of the public utilizing the recreational facilities on the School Complex. This is because the analyses used peak-hour traffic volume, the highest volume of the day, which would result in the highest noise levels. Yet, most users from the public at large would be using these facilities during off-peak hours, on weekends and after 6:00 p.m. on weekdays.

An evaluation of noise abatement measures is provided in Section J, Measures to Minimize Harm.

Air Quality. Air quality analyses conducted for the project included estimates of carbon monoxide concentrations resulting from traffic on the new roadway. The results reported in the FEIS for a site near the proposed roadway (athletic field at Mary Greer Elementary School) are well below the National Ambient Air Quality Standards (NAAQS) and only 0.1 part per million (ppm) or less above background levels (background levels were estimated at 6 ppm for 1 hour and 3 ppm for 8 hours; the NAAQS are 35 ppm for 1 hour and 9 ppm for 8 hours). In its comments on the Draft Environmental Impact Statement, the Virginia Department of Air Pollution Control stated that the "air pollution control issues have been adequately addressed." Therefore, the project would have a negligible effect on air quality on the property.

Visual. The project would change the character of the view from western portions of the trail system at Jack Jouett Middle School by introducing a four-lane freeway where woods and streams are currently present. Users of a portion of the trails near the new road below Jack Jouett Middle School would see bridges crossing the stream valley. A trail user approaching from the northeast would, upon entering the trail at the edge of the athletic field, initially be able to look over and beyond the road; however, upon reaching the westernmost part of the trail the view to the west would be underneath the bridges. A trail user approaching on the southern portion of the trail would travel northwestward along the stream valley and then encounter a view of the bridges carrying the roadway over the stream valley. These views are in contrast to the current views of the stream valley forested with medium-age to mature hardwoods. The steep slopes of the valley rise roughly 100 feet above the elevation of the stream. Users of the southern and eastern portions of the trail system would not see the road because of intervening terrain and vegetation.

Although there are no particularly spectacular views or unusual natural or manmade features, County officials have emphasized that the quiet wooded setting is rare in the highly urbanized surrounding area, and thus the trails provide a unique recreational opportunity to nearby residents. Although these trails do provide a pleasant setting, they are not the only recreational opportunity of this type available to nearby residents. Individuals seeking areas with quiet wooded settings can visit the 20-acre Whitewood Road Park 0.2 mile to the east, the 215-acre Ivy Creek Natural Area 1.3 miles to the north, or the Meadow Creek Trails 1.3 miles to the southeast. If they are willing to travel a little farther, there are Greenbrier Park 1.6 miles to the southeast, Riverview Park 3.7 miles to the southeast, Darden Towe and Pen Parks 3.1 miles to the east, and the 980-acre Ragged Mountain Natural Area 5.0 miles to the southwest. These other resources do not have time-of-day restrictions on their use as do the trails on the School Complex (use is prohibited on school days before 6:00 p.m.).

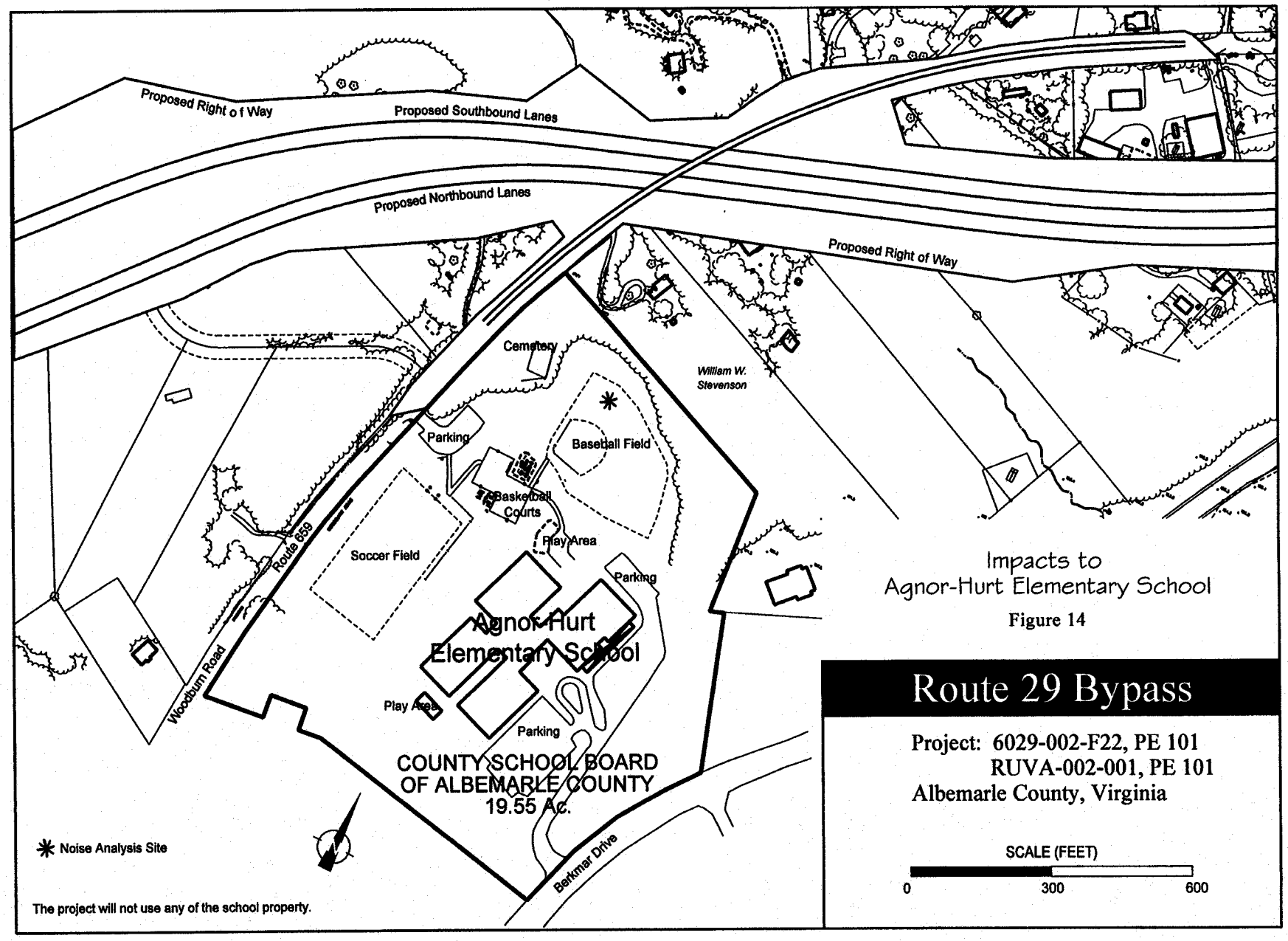
2. Agnor-Hurt Elementary School

Direct Use of the Property. The Current Design of the project, as shown on Figure 14, would not require the use or acquisition of any land from the Agnor-Hurt Elementary School property. After being informed of the establishment of the school on property within the original selected alignment, VDOT shifted the bypass alignment as requested by the County to avoid use of school property.

Noise Levels. The projected peak-hour noise level on the baseball field at Agnor-Hurt Elementary School in the year 2022 would be approximately 62 dBA. This projected noise level would not approach or exceed FHWA's NAC, but it would be a substantial increase over the existing level of 49 dBA. Therefore, abatement measures have been considered for this location. A noise barrier providing meaningful attenuation of the projected noise level would be approximately 1,340 feet long and 28 feet high and would cost an estimated $600,000. This barrier is not recommended for construction because the activities at the site are not dependent on low-noise conditions. The projected noise levels, though substantially higher than existing noise levels, would still be well below the NAC, and the cost is excessive in relation to the benefits that would be provided. Also, the County built this school and associated recreational facilities after the CTB selected the Alternative 10 Bypass alignment, and thus had full knowledge that the proposed bypass would be routed within close proximity of the property.

Air Quality. Air quality analyses conducted for the project included estimates of carbon monoxide concentrations resulting from traffic on the new roadway. The results reported in the FEIS for a site similar to this one (athletic field at Mary Greer Elementary School) are well below the NAAQS and only 0.1 part per million or less above background levels (background levels were estimated at 6 ppm for 1 hour and 3 ppm for 8 hours; the NAAQS are 35 ppm for 1 hour and 9 ppm for 8 hours). Therefore, the project would have a negligible effect on air quality on the property.

Visual. Both the bypass and the Woodburn Road overpass over the bypass would be below the elevation of the recreational facilities at Agnor-Hurt Elementary School. They also would be beyond a wooded area at the north end of the school property. Therefore the new roadways would have minimal visual effect on the facilities on the property.


Proposed Right o f Way
Proposed Southbound Lanes
Proposed Northbound Lanes
Proposed Right of Way
Cemetery
William W. Stevenson
Parking
Baseball Field
Basketball Courts
Play Area
Soccer Field
Route 659
Parking
Agnor-Hurt Elementary School
Woodburn Road
Play Area
Parking
COUNTY SCHOOL BOARD OF ALBEMARLE COUNTY 19.55 Ac.
Berkmar Drive
Noise Analysis Site
The project will not use any of the school property.
Impacts to Agnor-Hurt Elementary School
Figure 14
Route 29 Bypass
Project: 6029-002-F22, PE 101
RUVA-002-001, PE 101
Albemarle County, Virginia
SCALE (FEET)
0
300
600

Constructive Use. Constructive use occurs when a project does not physically incorporate land from the Section 4(f) property, but the proximity impacts (e.g., due to noise or visual intrusion) are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired [23 CFR 771.135(p)(2)]. Based on the discussion above, the Current Design will not substantially impair activities, features, or attributes that qualify the Agnor-Hurt Elementary School property for protection under Section 4(f). None of the recreational activities occurring there are particularly noise-sensitive or dependent on low-noise conditions. The projected noise levels from the project would not substantially interfere with the use and enjoyment of the facilities. The new roadway would be screened from the property by the differences in elevations and the existing wooded buffer on the north end of the property. Based on these factors, there will be no Section 4(f) constructive use of the Agnor-Hurt Elementary School property by the proposed project.

I. AVOIDANCE ALTERNATIVES

1. Overview of Considerations in Evaluating Avoidance Alternatives

With the discovery of Section 4(f) resources not previously identified as such along the Selected Alternative, avoidance alternatives must be evaluated. Avoidance alternatives can include location alternatives (other alignments) and design alternatives (design shifts or other measures that enable avoidance of Section 4(f) property). In evaluating the feasibility and prudence of such alternatives, the following factors are considered:

- How well the identified transportation needs would be met by the alternative.
- Other environmental constraints, including other Section 4(f) properties and other resources that receive a comparable level of protection under the law, such as agricultural and forestal districts and federally listed threatened or endangered species.
- The magnitude of community disruption.
- Other unique or unusual factors or costs.

Meeting Purpose and Need. As noted earlier, the Route 29 Corridor Study involved a comprehensive evaluation of numerous location and design alternatives to relieve traffic congestion and expedite through traffic movement. Location alternatives included the existing Route 29 alignment, near and far western bypass alignments, and near and far eastern bypass alignments. Alternatives following the existing Route 29 alignment had to be able to accommodate both the local access function in the heavily developed commercial and residential areas and the mobility function for through traffic on the same roadway. One approach was to separate the two functions by putting through traffic on an expressway and putting local traffic on service roads on either side of the expressway. This was Alternative 9 as presented in the FEIS. Another approach was to expedite the through movements by constructing grade-separated interchanges at crossroads that represented the greatest conflicts between through and crossing traffic. This was the Base Case with Grade-Separated Interchanges at Hydraulic Road, Greenbrier Drive, and Rio Road, as presented in the FEIS. The Base Case improvements, which involved the already-programmed, and since completed,

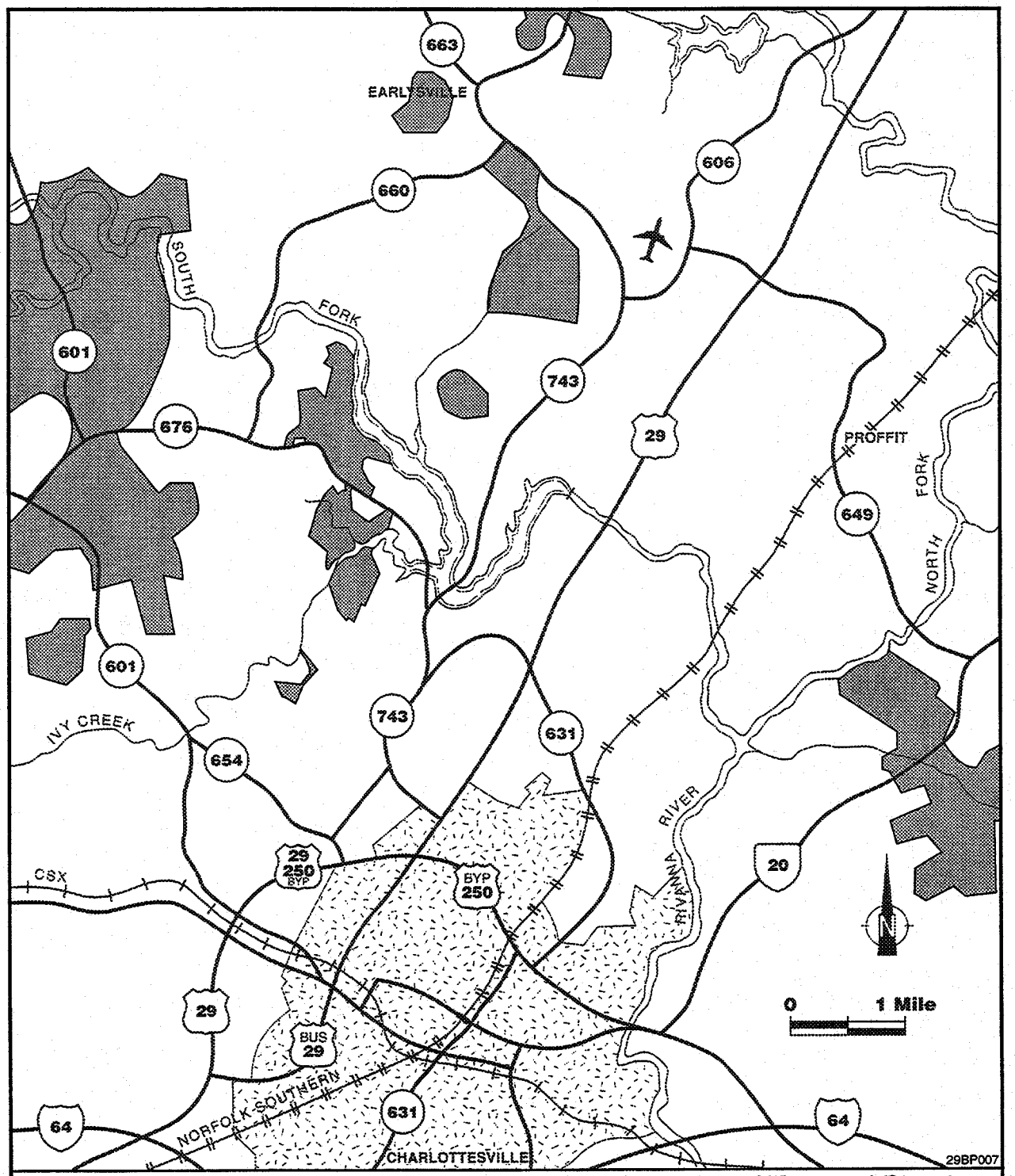
widening of Route 29 to six lanes and continuous right-turn lanes between Hydraulic Road and the South Fork Rivanna River, served as the No-Build Alternative.

Conceptually, potential bypass alternatives on new location would meet the transportation needs by diverting traffic from existing Route 29, thereby reducing volumes on the existing road and reducing the attendant delays, and by providing a new high-speed roadway separate from the low-speed roadway through the urbanized area to enhance mobility for through traffic. In modeling the traffic movements associated with various possible bypass alignments, it was found that bypass alignments farther away from existing Route 29, whether to the west or to the east, would divert less traffic from existing Route 29, and therefore would not meet project needs as well as alignments closer to Route 29. Alignments to the east in particular would divert less traffic because they are too far removed from the principal travel desire lines for through traffic or for local traffic oriented to developed areas beyond the section of Route 29 addressed in the study. Approximately 65% of traffic interchanging between Route 250 bypass and Route 29 north of the Route 250 Bypass was found to be oriented to the west leg of the Route 250 Bypass. The characteristics of the Route 250 bypass differ west and east of Route 29. and therefore offer different attractiveness for traffic traveling to I-64 and beyond. West of Route 29, the Route 250 Bypass is a fully limited access roadway with a posted speed limit of 55 mph. East of Route 29, the posted speed drops to 45 mph and there are several at-grade signalized intersections. With an eastern alignment, traffic in and out of the University of Virginia's North Grounds would continue to use existing Route 29. Likewise, traffic oriented to residential areas out Route 250 to the west and traffic oriented to the growing commercial/office development near the interchange of the existing Route 29 Bypass and Route 29 Business just north of I-64 would continue to use existing Route 29 rather than an eastern bypass.

Environmental Constraints. The parks and recreation areas and historic properties in the project area have already been discussed. Other major constraints included the agricultural and forestal districts shown on Figure 15, which have been established by Albemarle County in accordance with the Virginia Agricultural and Forestal Districts Act. The Act established a state policy to conserve and protect agricultural and forestal lands of the Commonwealth for production of food and other products and as valued natural and ecological resources. State agencies, such as VDOT, are precluded from acquiring more than minor amounts of land from such districts unless there is no more economic and practical alternative and there will not be an unreasonably adverse effect upon state or local farmland protection policy.

Other constraints include newly recorded populations of James spinymussel, a federally listed endangered species. The FEIS reported that there were no federally listed threatened or endangered species within the proposed alternative corridors. This finding was based on consultations with state and federal agencies with jurisdiction over endangered species and field work conducted during the location study. The subsequent FEA for the termini modifications repeated this conclusion based on additional agency coordination and field investigations.

In February 1997, concerned citizens in the area hired an ecologist to conduct a survey for the James spinymussel (*Pleurobema collina*), a federally listed endangered species. The ecologist surveyed a portion of Ivy Creek, which is downstream from the proposed project, and a portion of one tributary of Ivy Creek (designated as Tributary K during the stream and wetland analysis) that is crossed by the proposed project. He searched on February 22, 1997 in Tributary K from the project



Agricultural/Forestal Districts

Source: Albemarle Co. Comprehensive Plan, Chapter 2, Natural Resources and Cultural Assets

Agricultural/Forestal Districts

Figure 15

Route 29 Bypass

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crossing location to the confluence with Ivy Creek, and in Ivy Creek from the confluence to 700 meters (2,297 feet) downstream. Search efforts were limited primarily to areas considered most likely to represent suitable habitat for the James spinymussel. He found two shells of James spinymussel, one approximately 40 meters (131 feet) downstream from the confluence and one approximately 700 meters (2,297 feet) downstream from the confluence. In a second survey conducted in September and October 1997, he surveyed approximately 100 meters (328 feet) of Ivy Creek upstream of Tributary K and 1,400 meters (4,593 feet) of Ivy Creek downstream of Tributary K. He found two live specimens approximately 70 meters (230 feet) upstream of the confluence of Tributary K and Ivy Creek, two shells at unreported distances upstream of the confluence of Tributary K and Ivy Creek, one live specimen approximately 600 meters (1,969 feet) downstream of the confluence, and one shell approximately 1,000 meters (3,280 feet) downstream of the confluence.

VDOT had a survey conducted by a malacologist on July 1 and 2, 1997, to verify the reported occurrence of James spinymussel and to determine if the species or its habitat occurs within the project limits and, if so, to take appropriate actions in accordance with the Endangered Species Act to ensure that the project would not jeopardize the continued existence of the species. Ivy Creek was surveyed from approximately 100 meters (328 feet) upstream to approximately 700 meters (2,297 feet) downstream of Tributary K. Tributary K and 13 other tributaries also were surveyed. The survey found one fresh dead specimen of James spinymussel in Ivy Creek approximately 175 to 200 meters (574 to 656 feet) downstream from Tributary K.

The two investigators differed in their opinions about the potential effects of the proposed project on the species. One contended that any activities that would increase the silt load into Ivy Creek would negatively affect the remaining populations of James spinymussel there and recommended consultation with the U.S. Fish and Wildlife Service (USFWS). The other contended that the proposed project would have no significant adverse effect on mussel populations in Ivy Creek.

Because of these conflicting opinions, on January 5, 1998, FHWA requested input from USFWS regarding the need for formal consultation. FHWA met with a USFWS representative on March 27, 1998, to discuss data collected and additional consultations needed. On April 1, 1998, USFWS notified FHWA that formal consultation would be required and that a Biological Assessment should be prepared. FHWA submitted the Biological Assessment and requested formal consultation on April 10, 1998. The Biological Assessment concluded that the Current Design would not have a significant adverse effect on the mussel populations of concern and would not pose a significant threat of extinction to the James spinymussel, based on the following:

1. The 14 surveyed tributaries in the Ivy Creek drainage area that would be crossed by the project had no mussels and were unsuitable for mussels because of small size and insufficient flow.

2. Tributary K contained no mollusks and there were obvious sediment and nutrient inputs into the lower reach resulting from livestock activity adjacent to and in the stream.
3. Although live individuals were found in Ivy Creek, the proposed project involves no work in Ivy Creek and the nearest site of roadwork on the project would be more than 1,000 feet from Ivy Creek.

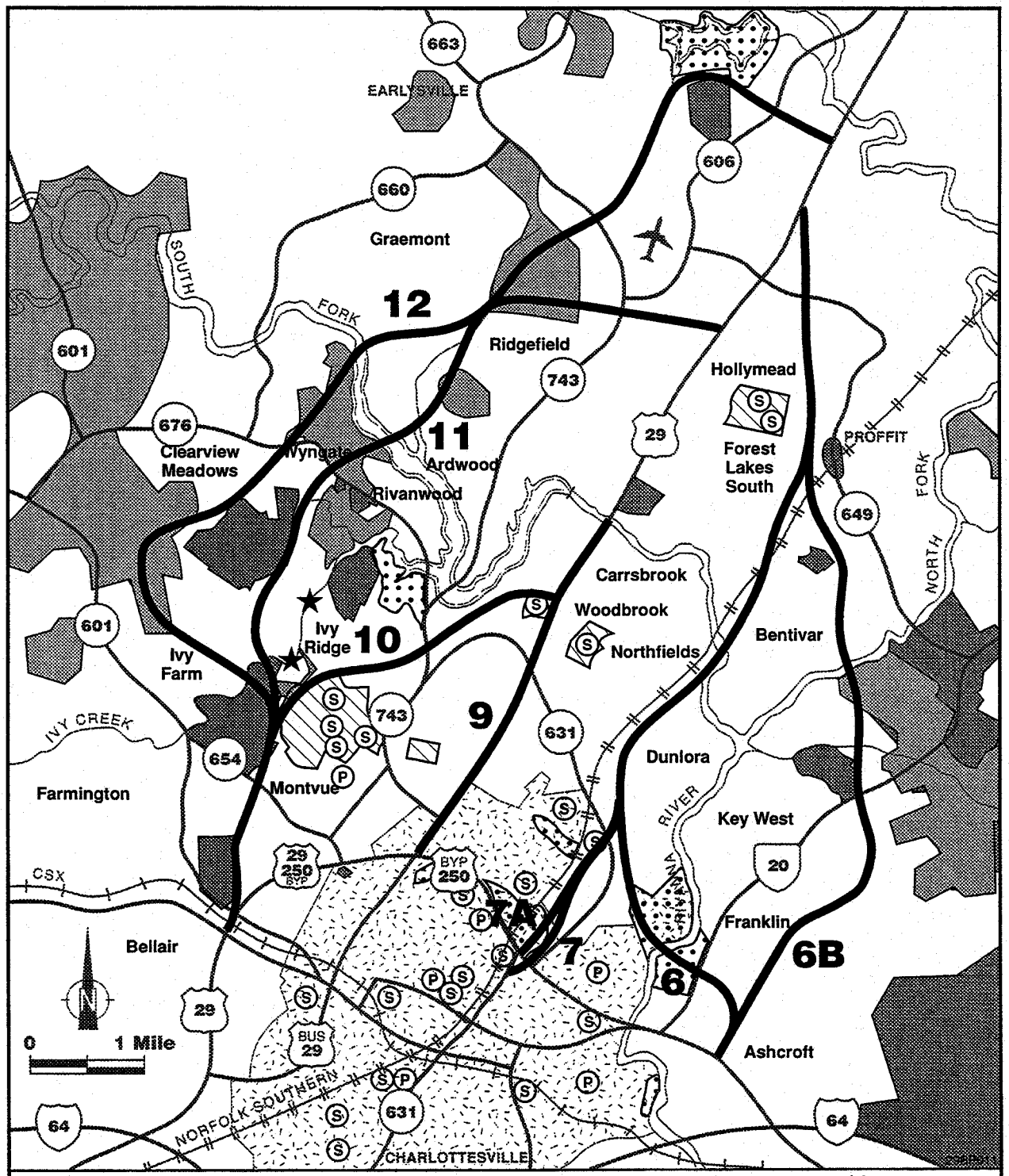
4. Few mussels, no snails, and evidence of allochthonous silt in Ivy Creek are indicative of some ongoing environmental degradation in the watershed.
5. There are documented occurrences of 11 other populations of James spinymussel outside the Ivy Creek watershed.
6. Because the project would have no intermediate interchanges between the termini, the project is not likely to be a catalyst for secondary development within the Ivy Creek watershed.
7. Extensive stormwater management provisions are incorporated into the project design to reduce the risks of immediate and long-term impacts from highway runoff.
8. Extensive erosion and sediment control measures will be implemented and maintained before, during, and after construction.

USFWS conducted a field inspection of the project site and adjacent areas with VDOT representatives on April 21, 1998. On June 5, 1998, USFWS issued its Biological Opinion that the project is not likely to jeopardize the continued existence of the James spinymussel and is not likely to destroy or adversely modify its critical habitat because no critical habitat exists for this species. USFWS imposed several conditions that must be implemented during project construction. They include time-of-year restrictions on construction and erosion and sedimentation control measures. USFWS also indicated that any modifications to the Current Design that might cause effects on the James spinymussel populations would require reinitiation of formal consultation.

Lands farther to the west of the study area have major terrain limitations as the land rises into the foothills of the Blue Ridge Mountains. These lands also represent more rural and undisturbed land uses. They lie in an area designated by the County for low growth and consist primarily of farmland and forestland. These lands also contain 261 square miles of watershed for the South Fork Rivanna River Reservoir, a major water supply for Charlottesville and Albemarle County. Lands to the west closer to the study area that are not historic properties or agricultural and forestal districts are nearly all developed into residential subdivisions (e.g., Ivy Farm, Ivy Ridge, Farmington). All lands between the Current Design and existing Route 29 are completely covered by dense residential and commercial developments.

Lands farther to the east likewise have major terrain limitations, primarily the Southwest Mountains, which rise as much as 1,000 feet above the surrounding lands. These lands too are more rural and undisturbed and lie outside the designated growth areas. The Rivanna River and its South and North Fork tributaries, and their associated floodplains, are generally oriented in a north-south direction between the Southwest Mountains and the densely developed area of Albemarle County north of Charlottesville. Lands that are not in the river floodplain between Route 20 and Route 29 south of the South Fork Rivanna River are almost completely occupied by residential and commercial development.

Figure 16 is a composite map showing Section 4(f) properties, agricultural and forestal districts, James spinymussel locations, and residential community locations, along with the alignments of alternatives that were presented in the FEIS. These alternatives are discussed in the next section.



Agricultural/Forestal Districts
Historic Properties
Parks
County School/Park Properties
Neighborhood Parks
Schools
Recorded Occurrences Federally Listed Endangered James Spinymussel

Source: Adapted from Route 29 Corridor Study FEIS Figs. III-7, III-9, VIII-1, and County & VDHR records.

Constraints & Previous Alternatives

Figure 16

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2. Previous Alternatives from FEIS

From the hundreds of possible alternatives identified initially, a set of 27 conceptual alternatives was derived. Those 27 were then further screened and reduced to a set of Candidate Build Alternatives to be carried forward for detailed analysis and documentation in the DEIS. These alternatives were endorsed by the Joint Transportation Committee (Route 29 Task Force), which included County and City officials, as the reasonable alternatives to be considered.

Agency and citizen input also was reflected in the alternatives carried through and reported in the FEIS. As might be expected, citizens preferred alternatives that did not affect their neighborhoods. Consequently, the business owners and residents of neighborhoods along existing Route 29 strongly objected to the Expressway Alternative along the existing alignment, while residents along each bypass alternative strongly objected to that alternative. Environmental agencies expressed preferences for those alternatives with the least impact to resources under their jurisdiction. The FEIS thus presented a range of alternatives both east and west of the existing alignment as well as alternatives along the existing alignment.

Alternatives discussed in the FEIS included seven bypass alternatives (Alternative 6, 6B, 7, 7A, 10, 11, and 12) on new alignments, and an Expressway Alternative (Alternative 9) in the existing Route 29 corridor. Figure 16 shows the locations of these alternatives in relation to the locations of Section 4(f) properties. Other alternatives included the No-Build, or Base Case Alternative, the Base Case with Grade-Separated Interchanges Alternative, the Mass Transit Alternative, and the Transportation System Management Alternative. All but Alternative 10 (selected by the CTB as part of the overall improvements, and upon which the Current Design is based) would avoid use of land from the Albemarle County School Complex.

The environmental impacts of the alternatives were tabulated and a comparative summary was presented in the FEIS. The Selected Alternative represented a balanced consideration of transportation needs, environmental impacts, and citizen input, and, based on information available at the time, it was the only alternative that met the project needs without Section 4(f) impacts.

Alternative 10. Alternative 10, from which the Current Design was derived, was the nearest new-location alternative west of existing Route 29. Approximately 5.4 miles long, its southern terminus was at the interchange of Route 29 Bypass, Route 29/250 Bypass, and Route 250 Business (Ivy Road). Its northern terminus was at Route 29 near Woodbrook Drive. Traffic forecasts indicated that this alternative would divert between 16% and 27% (approximately 10,600 to 14,000 vehicles per day) of the traffic on existing Route 29 by the year 2010. Alternative 10 passed along the northern edge of the Albemarle County School Complex. This alternative would require a small piece of this property (a wooded area on the edge of the property) but would not directly affect any of these schools. It would pass about 600 feet from Greer Elementary School and within 1,200 feet of Jouett Middle School. At the time of the FEIS preparation, only the recreational facilities known to be on the property were considered to be subject to Section 4(f). This alternative did not require the use, direct or constructive, of any of the recreational facilities known at that time to exist on the property. Consequently, there was no Section 4(f) involvement determined for the property. There was no knowledge at that time upon which to base a determination that the entire School Complex property should be treated as a park. Nor was there any knowledge of recreational trails existing at

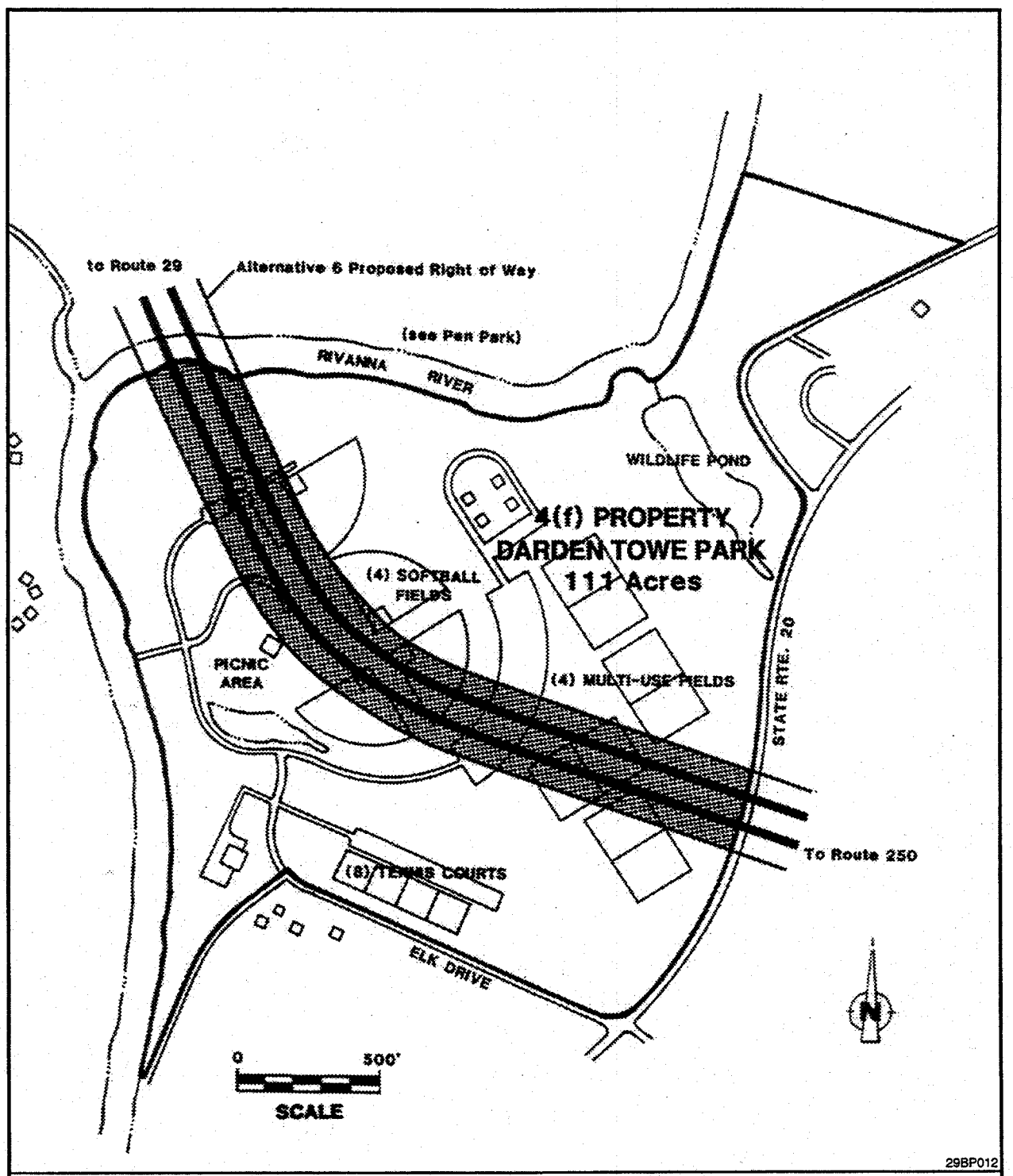
that time on the property. Pursuant to Section 106 of the National Historic Preservation Act (NHPA), Alternative 10 was determined to have no adverse effect on Westover and to have an adverse effect on the Schlesinger Farm, both properties determined to be eligible for the NRHP. There would be no direct or constructive use of either property by Alternative 10; therefore, no Section 4(f) involvement was identified. Alternative 10 did not cross the South Fork Rivanna River Reservoir, but would cross the reservoir watershed for approximately 4.2 miles.

Alternative 6. Alternative 6, approximately 8.1 miles long, was located east of existing Route 29. Its southern terminus was at Route 250 in the Pantops area east of the Rivanna River and its northern terminus was at Route 29, just north of Route 649. Traffic forecasts indicated that this alternative would divert between 2% and 5% (about 1,400 to 2,600 vehicles per day) of the traffic on existing Route 29 by the year 2010. Alternative 6 is not a feasible and prudent avoidance alternative because it would not adequately serve the identified transportation needs. This alternative would not divert enough traffic away from existing Route 29 to provide meaningful relief of congestion and it would provide a less direct route for through traffic. Also, as shown on Figures 17 and 18, Alternative 6 would require use of more than 30 acres of Section 4(f) lands from two publicly owned public parks, including displacement of two athletic fields, two softball fields, and several holes of a golf course.

Alternative 6B. Alternative 6B, approximately 7.8 miles long, had the same termini as Alternative 6 but for most of its length would be located farther east. Alternative 6B was developed to avoid the Section 4(f) impacts of Alternative 6 on Darden Towe Park and Pen Park. Traffic forecasts indicate that this alternative would divert between 3% and 4% (about 2,000 to 2,600 vehicles per day) of the traffic on existing Route 29 by the year 2010. Alternative 6B is not a feasible and prudent avoidance alternative because it would not adequately serve the identified transportation needs. This alternative would not divert enough traffic away from existing Route 29 to provide meaningful relief of congestion and it would provide a less direct route for through traffic. Also, as shown on Figure 19, it would require the use of 16 acres of land from the Section 4(f) historic property, Ridgeway, determined by VDHR to be eligible for the NRHP. This alternative would also encroach on a portion of the Southwest Mountains Rural Historic District, another Section 4(f) historic property.

Alternative 7. Alternative 7, approximately 7.3 miles long, followed the general corridor planned for the Meadow Creek Parkway, a controlled access highway included in the regional transportation plan. At its southern end, it would relocate a short section of McIntire Road and connect with existing McIntire Road south of Route 250 Bypass. It had the same northern terminus as Alternatives 6 and 6B. This alternative was designed to avoid the impacts that Alternative 7A would have on McIntire Park. Traffic forecasts indicated that this alternative would divert approximately 4% (about 2,000 to 2,700 vehicles per day) of the traffic on existing Route 29 by the year 2010. Alternative 7 is not a feasible and prudent avoidance alternative because it would not adequately serve the identified transportation needs. This alternative would not divert enough traffic away from existing Route 29 to provide meaningful relief of congestion and it would provide a less direct route for through traffic. This alternative also is incompatible with City and County plans to provide a low-speed, parkway-type facility in this corridor.

Alternative 7A. Alternative 7A, approximately 7.0 miles long, was identical to Alternative 7, except for the southern terminus. Instead of remaining east of McIntire Park, this alternative passed through the eastern third of the park and connected with Route 250 Bypass just opposite McIntire



Area of Potential 4(f) Involvement (18 Acres)

Alternative 6 and Darden Towe Park

Figure 17

Route 29 Bypass

Project: 6029-002-F22, PE 101
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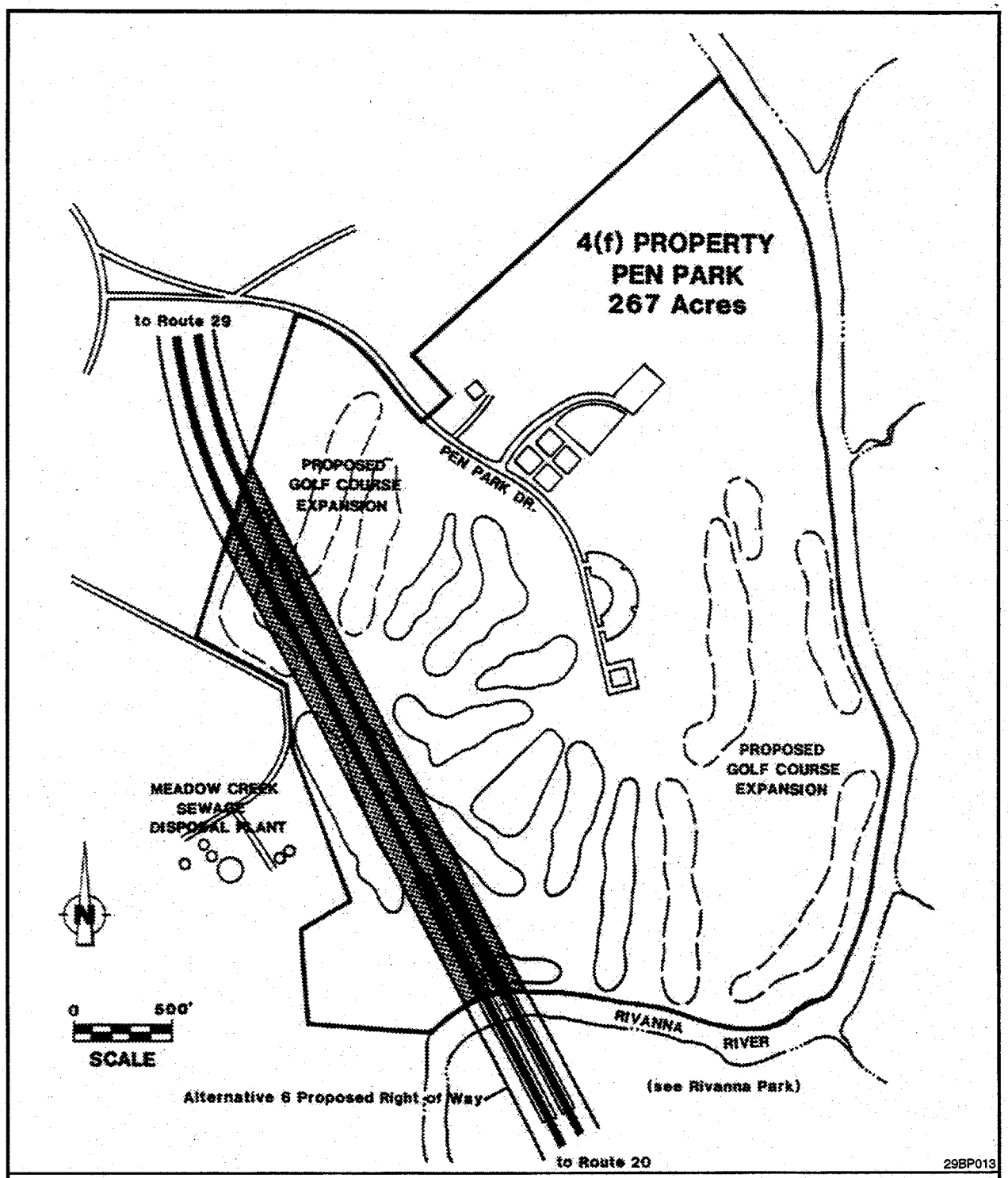
Albemarle County, Virginia

Source: Adapted From FEIS Fig. VIII-4



Area of Potential 4(f) Involvement (12.6 Acres)

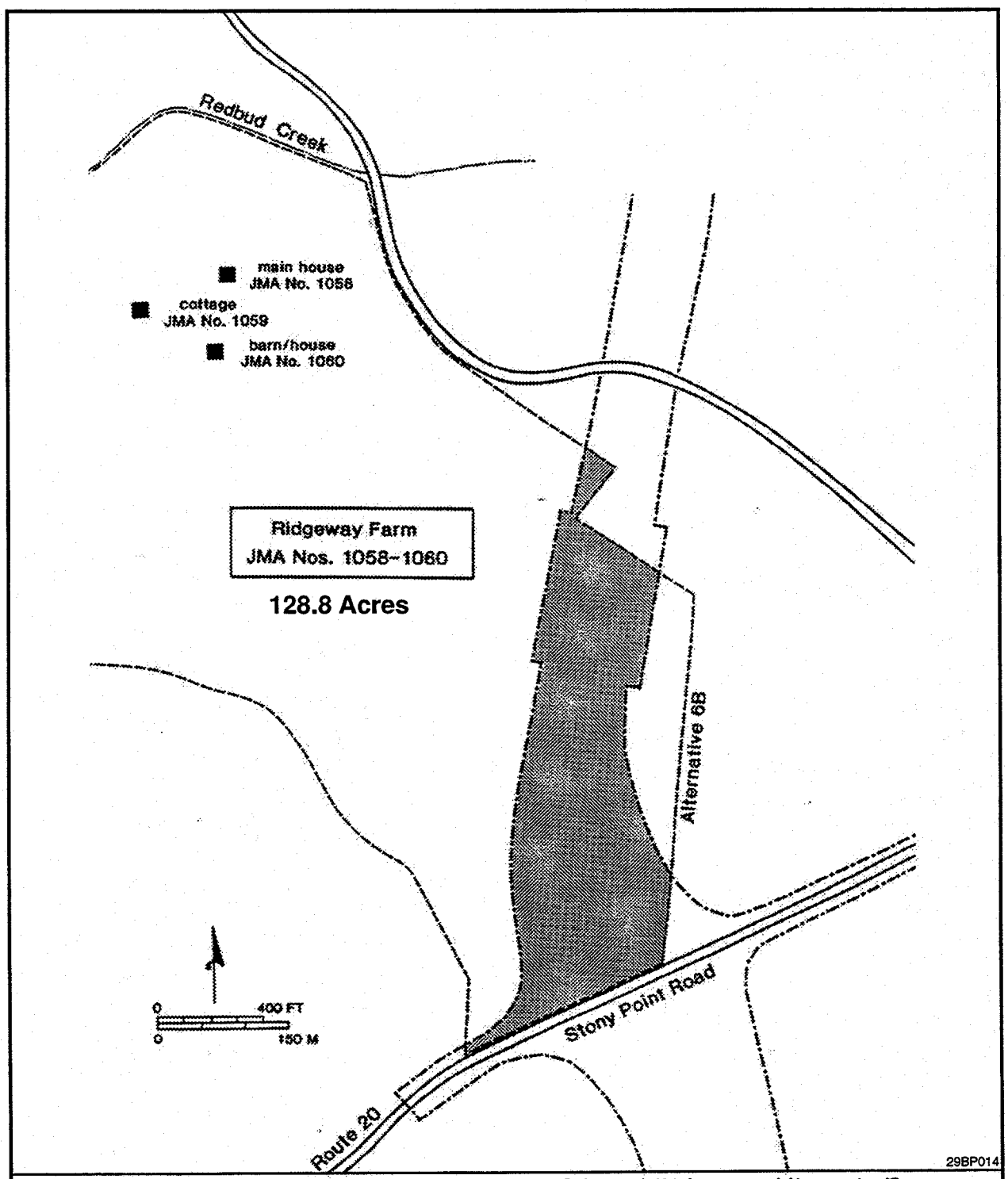
Source: Adapted From FEIS Fig. VIII-5

Alternative 6 and Pen Park

Figure 18

Route 29 Bypass

Project: 6029-002-F22, PE 101
RUVA-002-001, PE 101
Albemarle County, Virginia



Alternative 6B and Ridgeway Historic Property

Figure 19

Existing Road/Right-of-Way

Proposed Right-of-Way

Property Boundary

Area of Potential 4(f) Involvement (16 Acres)

Building Location

Source: Adapted From Phase II, Historical Architectural Investigations, Figure 3

Route 29 Bypass

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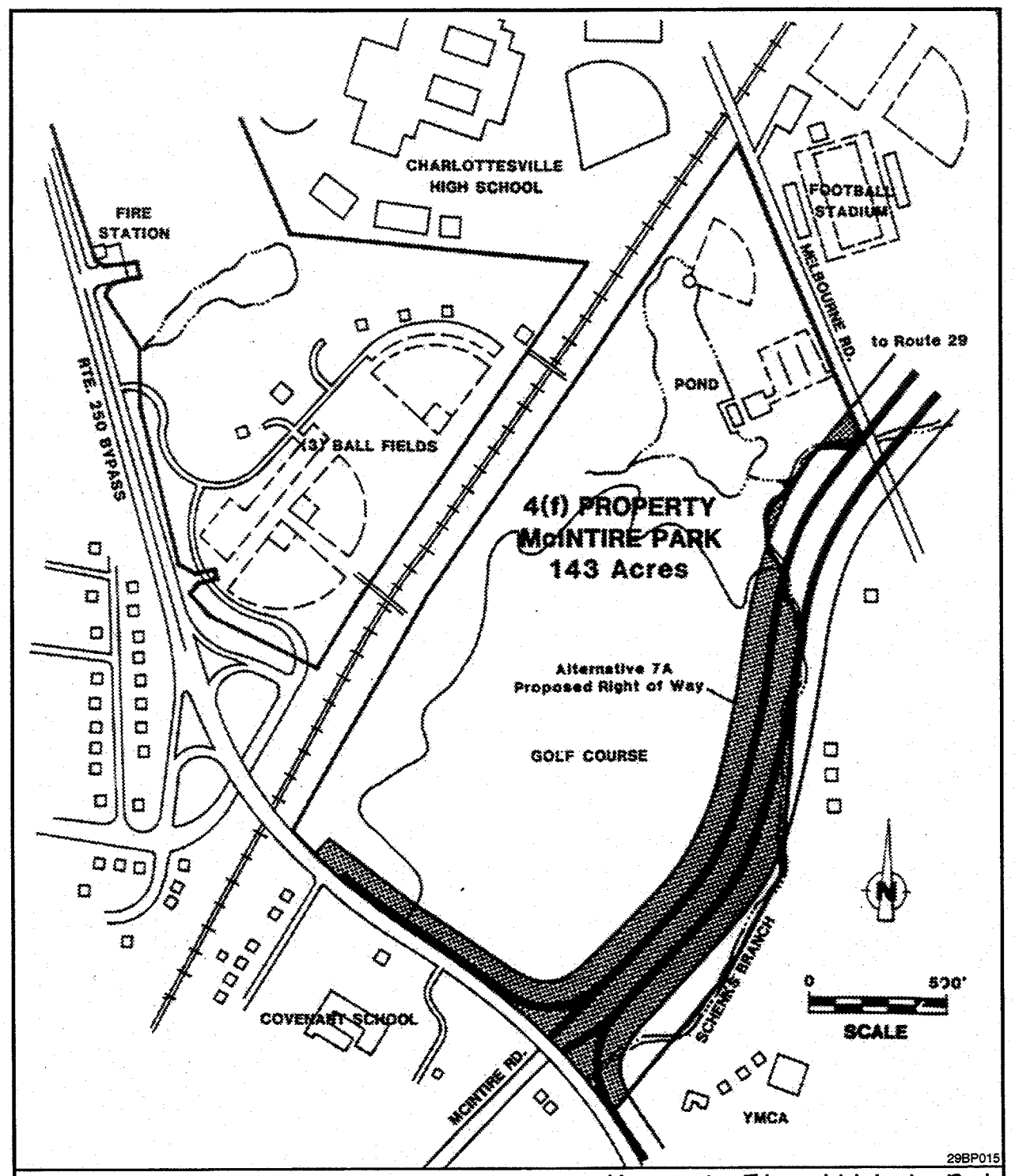
Road. Alternative 7A followed the general corridor planned for the Meadow Creek Parkway, a controlled access highway included in the regional transportation plan. Traffic forecasts indicated that this alternative would divert between 1% and 8% (about 700 to 4,300 vehicles per day) of the traffic on existing Route 29 by the year 2010. Alternative 7A is not a feasible and prudent avoidance alternative because it would not adequately serve the identified transportation needs. This alternative would not divert enough traffic away from existing Route 29 to provide meaningful relief of congestion and it would provide a less direct route for through traffic. This alternative is incompatible with City and County plans to provide a low-speed, parkway-type facility in this corridor. Also, as shown on Figure 20, approximately 11 acres of Section 4(f) land in McIntire Park would be used by the project and the alignment would traverse the park for approximately 2,000 feet. Three holes of the nine-hole golf course would be displaced.

Alternative 9 (Expressway). Alternative 9, approximately 3.3 miles long, followed the existing corridor of Route 29 from the intersection of Route 250 Bypass to the South Fork of the Rivanna River. It would consist of two separate roadways totaling 10 lanes: a 50 mph, four-lane, limited access freeway running in the middle of the facility and generally depressed below existing ground level, and northbound and southbound service roads, three lanes each, on each side of the freeway. Access to businesses on the west side of Route 29 would be from the southbound service road, and to businesses on the east from the northbound service road. Intersections would be provided at the service roads and 10 major cross streets, with the central freeway passing under these intersections. At the intersections, additional lanes would be provided on the service roads to accommodate turning movements. Slip ramps at various locations would allow traffic to move between the express lanes and the service roads. At the southern terminus, the freeway lanes would be elevated on a flyover bridge structure that would veer off the Route 29 corridor to join the Route 250 Bypass corridor to the west. The freeway lanes would come back to grade in the median of the Route 250 Bypass in the vicinity of the Barracks Road interchange.

Alternative 9, the Expressway Alternative, would have no Section 4(f) impacts and therefore represents a location avoidance alternative to the Section 4(f) involvement at the Albemarle County School Complex. However, it is not a feasible and prudent alternative because it would not adequately serve the identified transportation needs. It would not serve through traffic as well as the Current Design of the bypass because speeds would be slower, the level of traffic service would be lower, and the slip ramps between the freeway lanes and the local lanes would introduce conflict points between local and through traffic. The traffic analyses reported in the FEIS indicated that this alternative would have the worst level of traffic service of all the build alternatives. Because the expressway would be in a cut of limited width due to lateral constraints imposed by roadside commercial areas, snow removal and other maintenance activities would be difficult. Construction of this alternative now would require complete demolition of the Base Case improvements that were completed recently at a cost of at least $32 million. The construction would severely disrupt traffic movements for several years and would interrupt access to businesses. Maintenance of traffic during construction also would be complicated and costly. At least 11 businesses, and probably more, would be displaced. This alternative was strongly opposed by the local business community and, as reflected in the City's resolution against an interchange at Hydraulic Road, also would be unacceptable to City officials.



Area of Potential 4(f) Involvement
(11 Acres)

Alternative 7A and McIntire Park
Figure 20

Route 29 Bypass

Project: 6029-002-F22, PE 101
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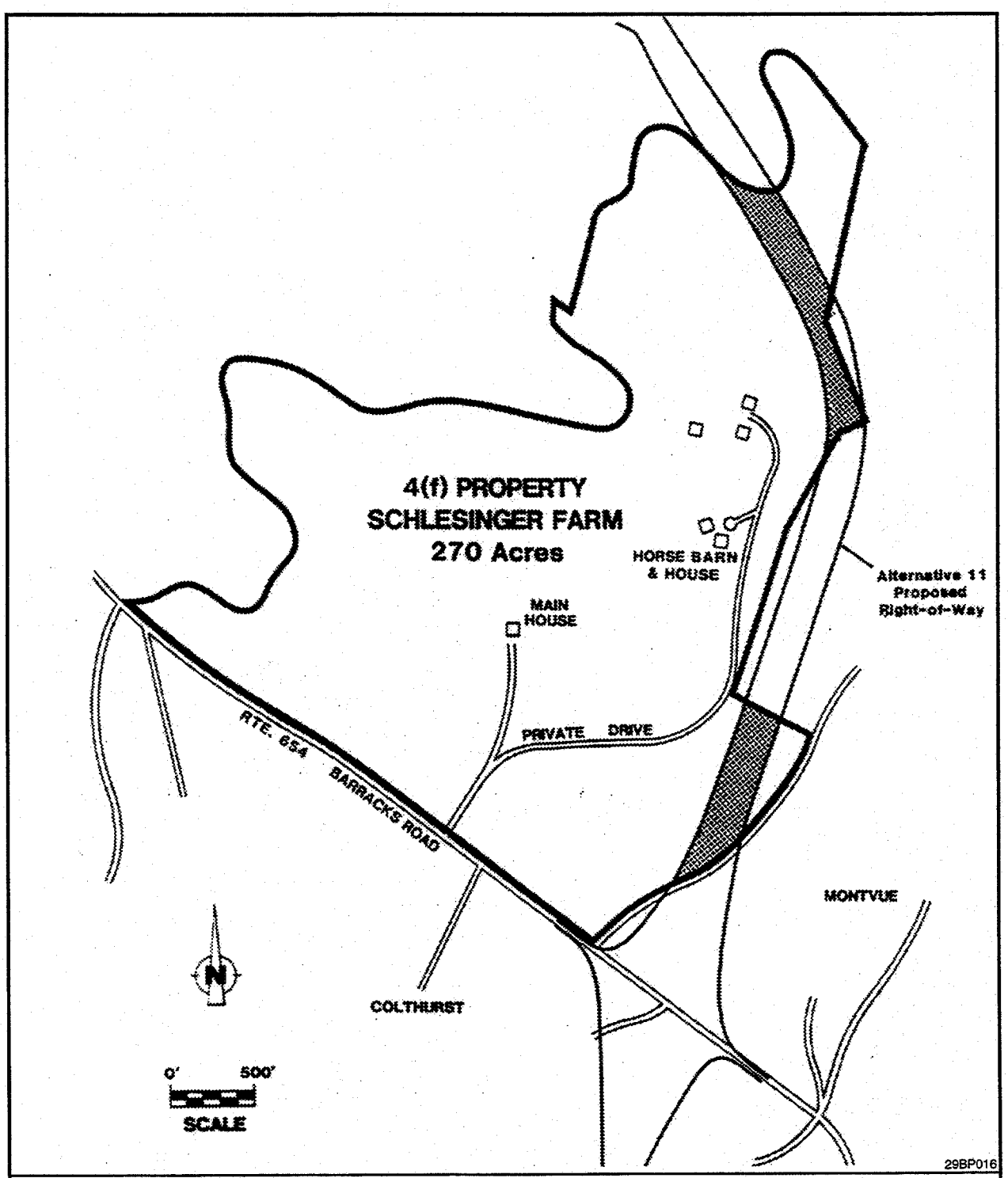
Source: Adapted From FEIS Fig. VIII-6

Alternative 11. Alternative 11, approximately 9.4 miles long, had the same southern terminus as Alternative 10. It crossed the South Fork Rivanna River Reservoir and connected with Route 29 south of the Charlottesville-Albemarle Airport. Traffic forecasts indicated that this alternative would divert between 10% and 13% (about 5,200 to 7,800 vehicles per day) of the traffic on existing Route 29 by the year 2010. It would meet the identified transportation needs, but not as well as the Current Design because it would not divert as much traffic from existing Route 29. It is not a feasible and prudent avoidance alternative because it would require the use of land from two Section 4(f) historic properties (Schlesinger Farm and the Barracks Historic District) as shown on Figures 21 and 22.

Approximately 17.7 acres along the eastern edge of the Schlesinger Farm historic property would be used and the roadway would be about 800 feet from the main house. The use of this historic property would constitute an adverse effect under Section 106 of the NHPA. Approximately 30.6 acres along the eastern edge of The Barracks Historic District would be used and the alignment would be about 450 feet from the Farm Manager's House and about 1,600 feet from the main Barracks house. The use of property in the District, along with the visual and noise impacts, would constitute an adverse effect under Section 106 of the NHPA. This alternative also would require the use of approximately 116 acres of agricultural/forestal district land, would cross Ivy Creek where populations of federally listed endangered James spinymussel have been recorded, and would destroy the community cohesion of the Ivy Farm subdivision. It also would cross 7.4 miles of the South Fork Rivanna River Reservoir watershed and the reservoir itself. In balancing the Section 4(f) and other impacts of this alternative against the Section 4(f) impacts of the Current Design, it is clear that this alternative would have much more severe impacts.

Alternative 12. Alternative 12, at a length of approximately 12.9 miles, was the farthest west and the longest of the bypass alternatives described in the FEIS. It had the same southern terminus as Alternatives 10 and 11, crossed the South Fork Rivanna River Reservoir, and connected with Route 29 approximately 0.3 mile north of the North Fork Rivanna River. Traffic forecasts indicate that this alternative would divert between 7% and 9% (3,900 to 5,600 vehicles per day) of the traffic on existing Route 29 by the year 2010. Alternative 12 is not a feasible and prudent avoidance alternative because it would not adequately serve the identified transportation needs. This alternative would not divert enough traffic away from existing Route 29 to provide meaningful relief of congestion and it would provide a less direct route for through traffic. Also, it would require use of nearly 42 acres of land from three Section 4(f) historic properties (Schlesinger Farm, Darby's Folly, and Crenshaw Farm) as shown on Figures 23, 24, and 25. This alternative also would require the use of approximately 174 acres of agricultural/forestal district land, would cross Ivy Creek where populations of federally listed endangered James spinymussel have been recorded, and would destroy the community cohesion of the Ivy Farm subdivision. It also would cross 8.4 miles of the South Fork Rivanna River Reservoir watershed and the reservoir itself.

No-Build (Base Case) Alternative. The No-Build Alternative would leave Route 29 in its existing condition between the Route 250 Bypass and the South Fork Rivanna River (i.e., with the Base Case improvements completed). Existing Route 29 has eight lanes (three through lanes and a continuous right-turn lane in both directions). There are 13 signalized intersections and 10 unsignalized intersections on this 3.5-mile stretch of Route 29. The posted speed limit is 45 miles per hour. There are numerous curb cuts providing ingress and egress to businesses that line both sides of the road. These conditions impede mobility of through traffic in the Route 29 corridor.



Area of Potential
4(f) Involvement
(17.7 Acres)

Alternative 11 and Schlesinger Farm Historic Property
Figure 21

Route 29 Bypass

Project: 6029-002-F22, PE 101
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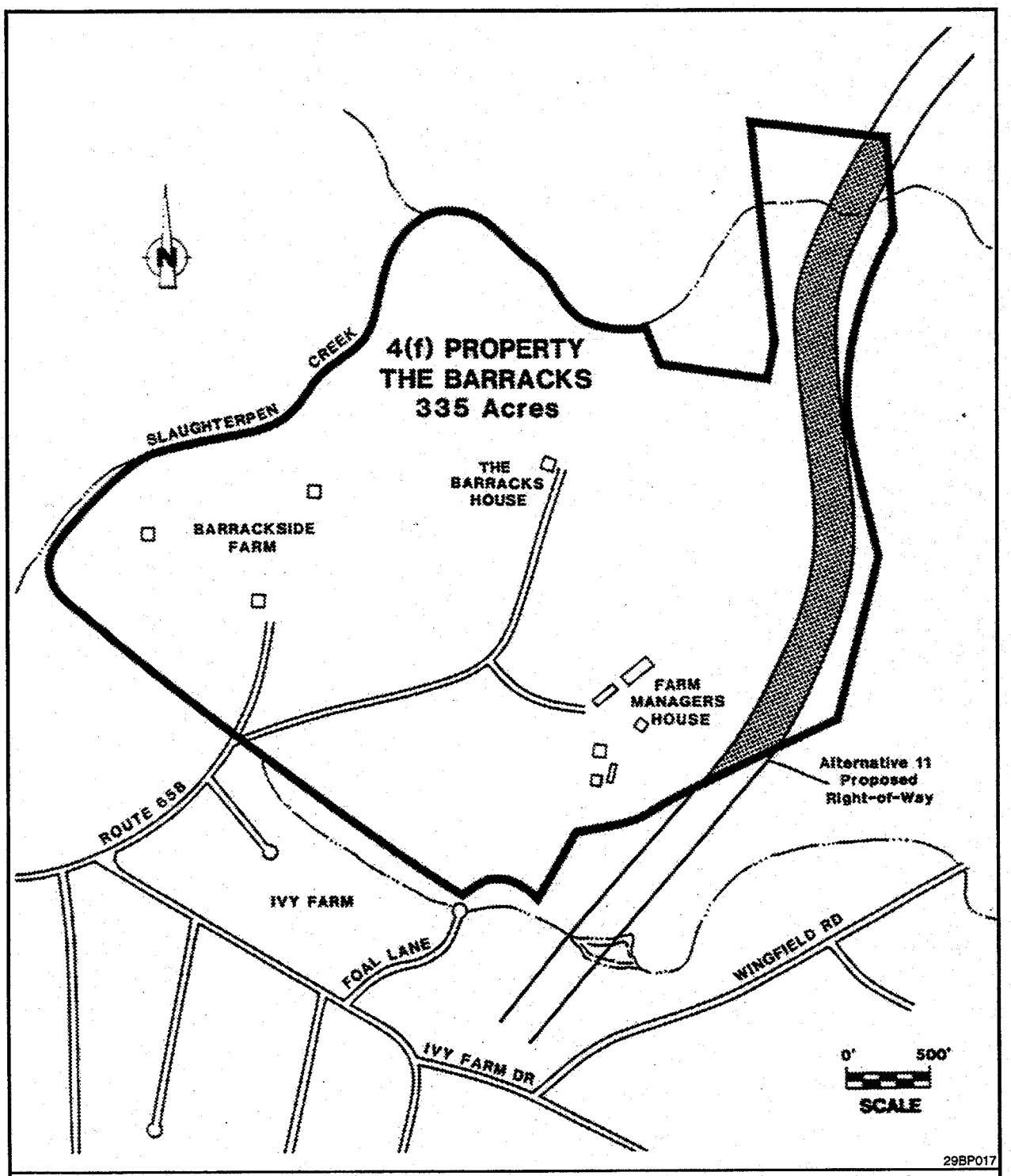
Source: Adapted From FEIS Fig. VIII-7



Area of Potential 4(f) Involvement (30.6 Acres)

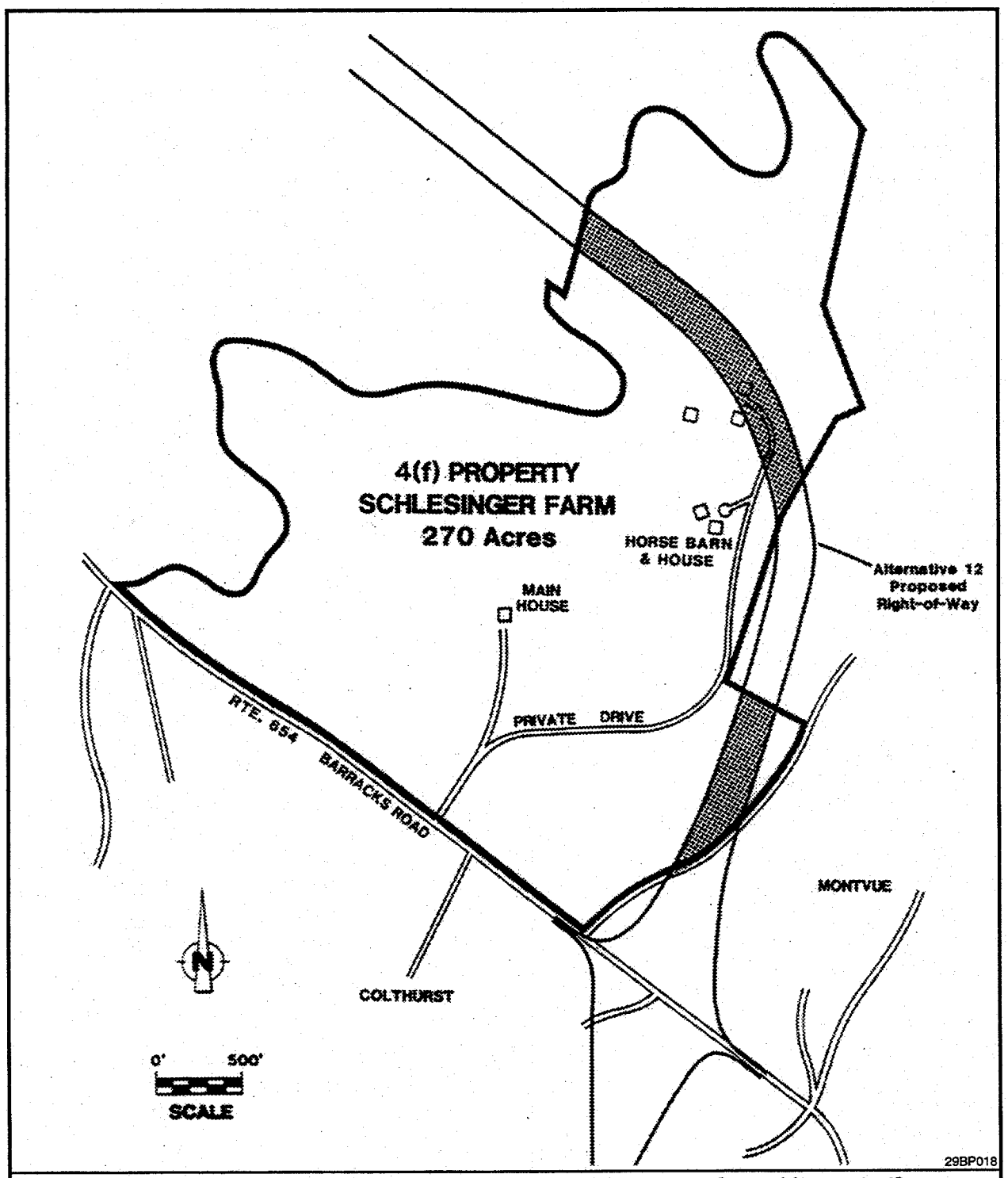
Alternative 11 and The Barracks Historic District

Figure 22

Route 29 Bypass

Project: 6029-002-F22, PE 101
RUVA-002-001, PE 101
Albemarle County, Virginia

Source: Adapted From FEIS Fig. VIII-8



Area of Potential 4(f) Involvement (25.2 Acres)

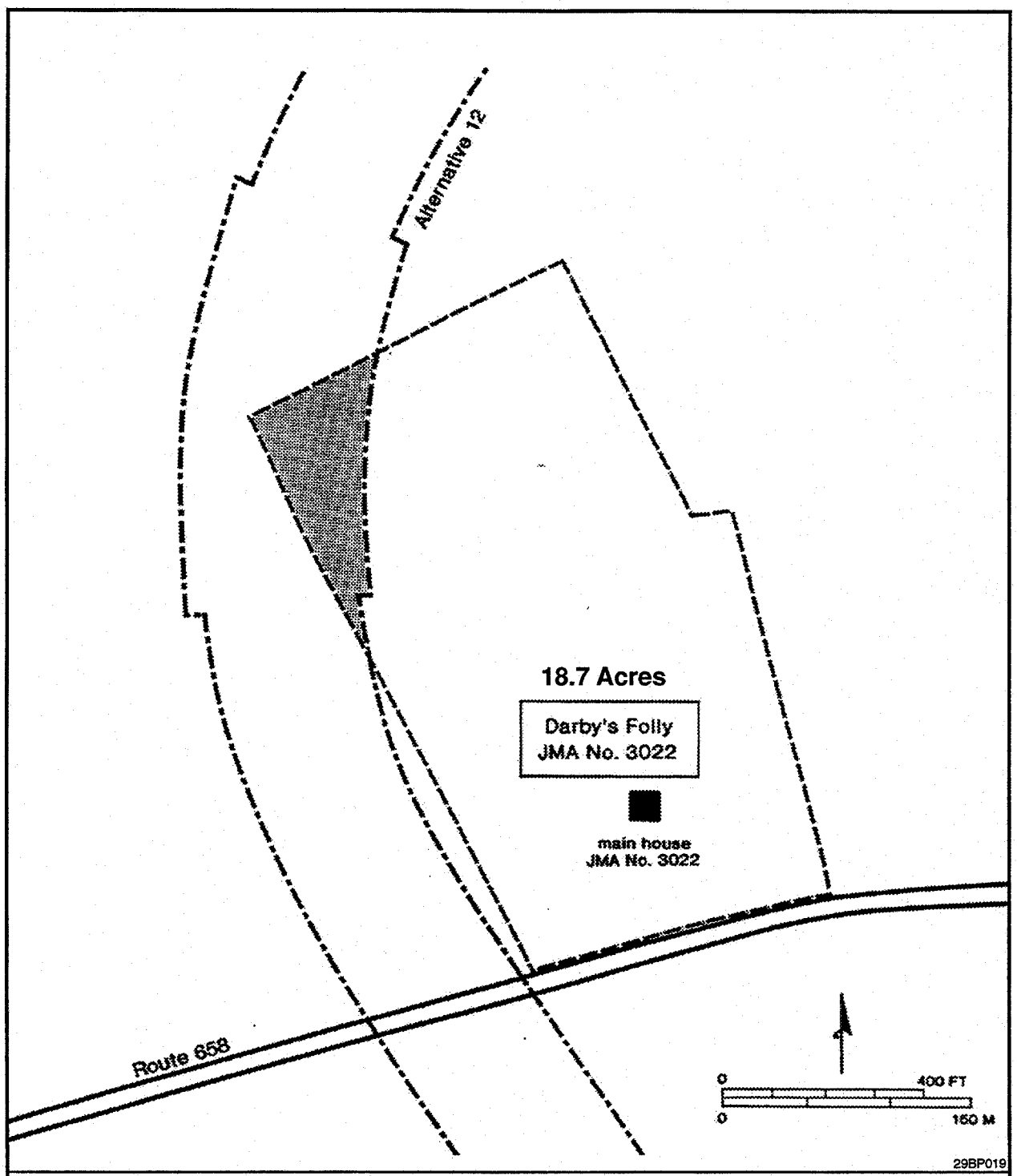
Alternative 12 and Schlesinger Farm Historic Property

Figure 23

Route 29 Bypass

Project: 6029-002-F22, PE 101
RUVA-002-001, PE 101
Albemarle County, Virginia

Source: Adapted From FEIS Fig. VIII-9



Existing Road/Right-of-Way

Proposed Right-of-Way

Property Boundary

Area of Potential 4(f) Involvement (1.6 Acres)

Building Location

Source: Adapted From Phase II, Historical Architectural Investigations, Figure 13

Alternative 12 and Darby's Folly Historic Property

Figure 24

Route 29 Bypass

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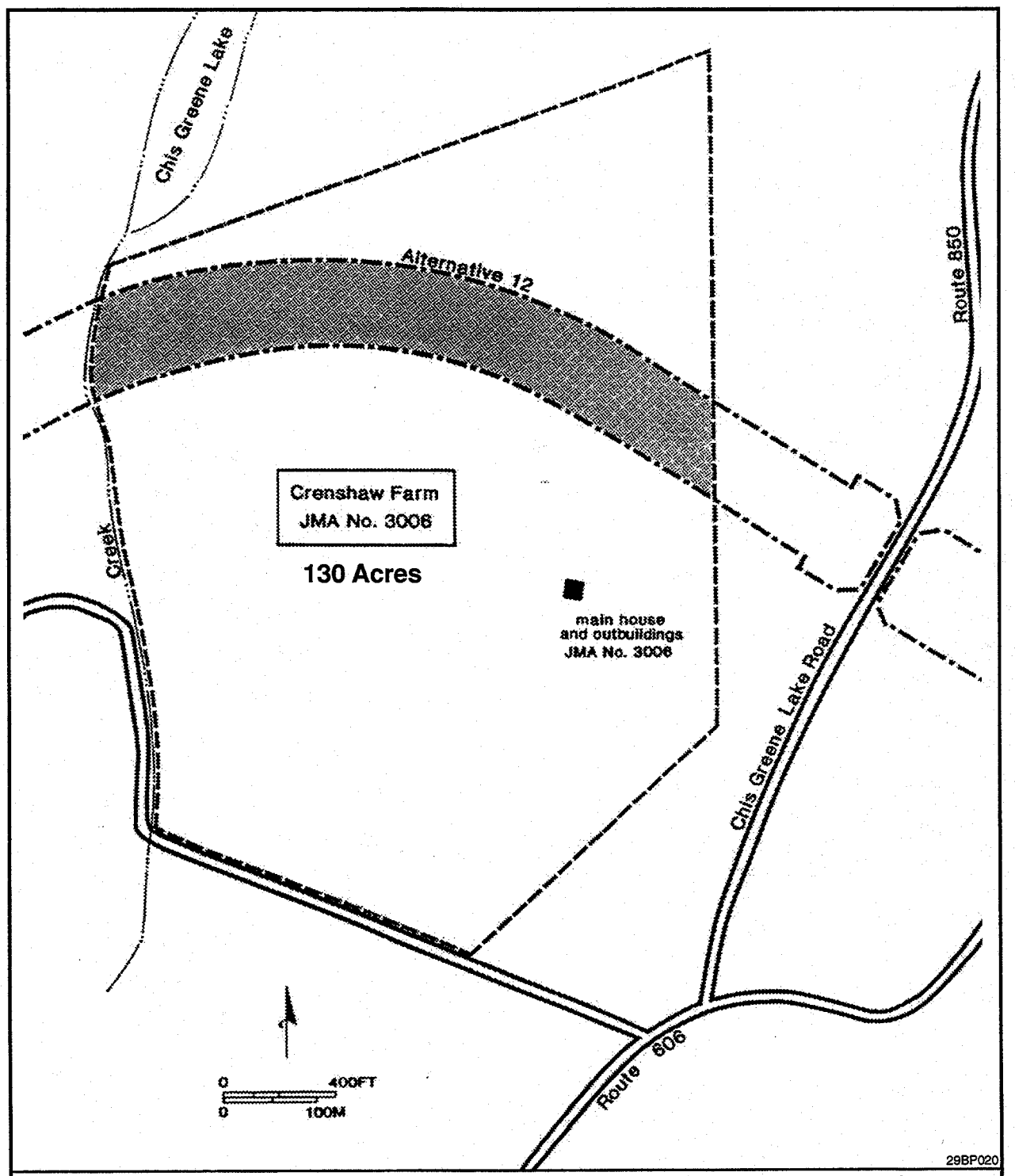

Existing Road/Right-of-Way

Proposed Right-of-Way

Property Boundary

Area of Potential 4(f) Involvement (15 Acres)

Building Location

Source: Adapted From Phase II, Historical Architectural Investigations, Figure 9

Alternative 12 and Crenshaw Farm Historic Property

Figure 25

Route 29 Bypass

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Albemarle County, Virginia

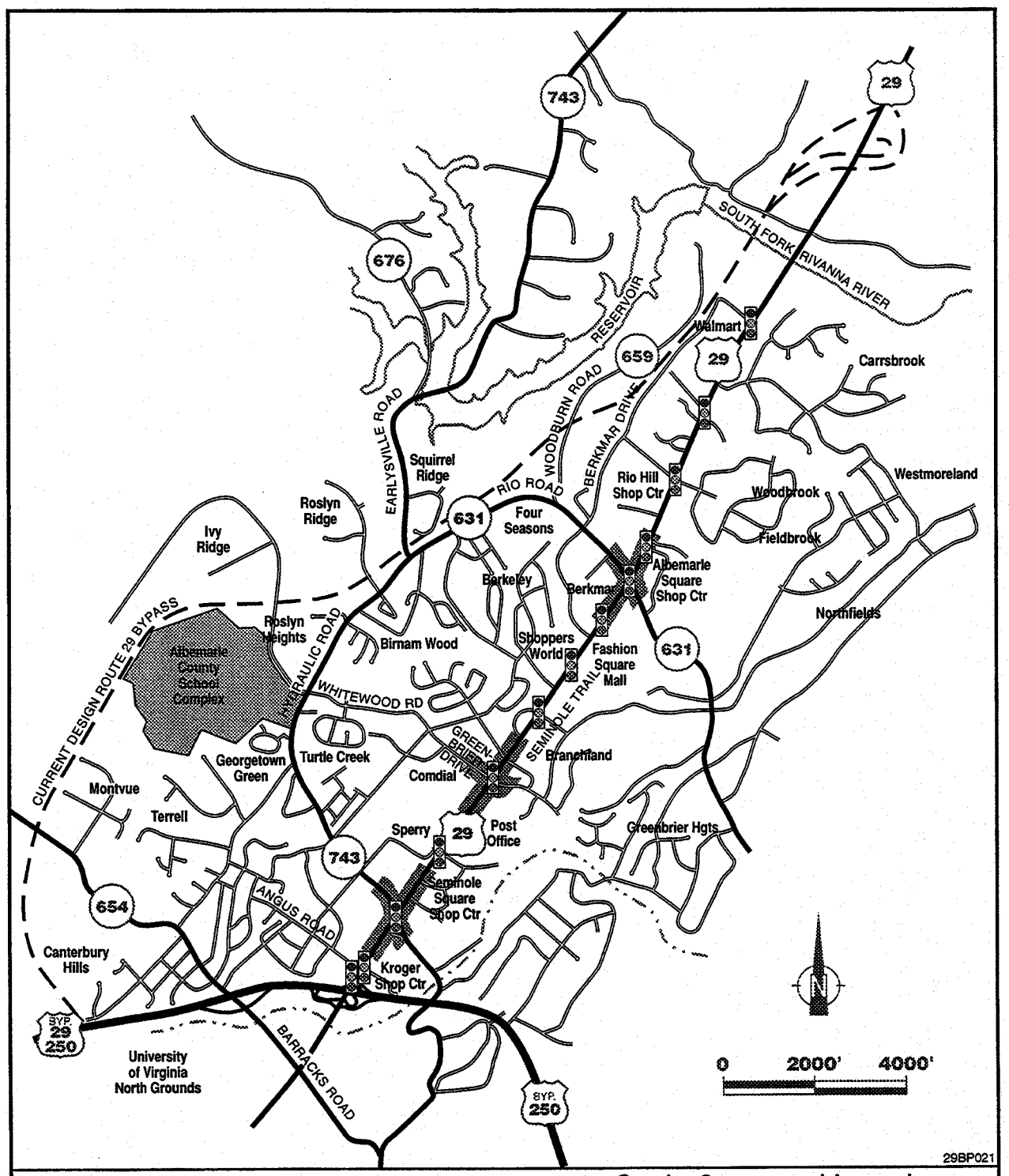
The No-Build Alternative would have no Section 4(f) involvements and therefore represents a total Section 4(f) avoidance alternative as well as an avoidance alternative to the involvement at the Albemarle County School Complex. However, it is not a feasible and prudent avoidance alternative because it would not satisfy the identified transportation needs. It would not relieve congested conditions projected for this roadway and no accommodation would be provided for through traffic.

Base Case with Grade-Separated Interchanges. This alternative would involve adding three grade-separated interchanges to the now-completed Base Case improvements on existing Route 29. As shown on Figure 26, the interchanges would be at Hydraulic Road, Greenbrier Drive, and Rio Road. Each interchange would be constructed in a tight urban diamond configuration to achieve the least impact to adjacent businesses. This alternative would eliminate the at-grade crossings of Route 29 by Hydraulic Road, Greenbrier Drive, one of the Fashion Square Mall entrances, Rio Road, and Albemarle Square Court, and thereby eliminate the conflicts of crossing traffic with mainline Route 29 traffic, and the traffic signals regulating those conflicts, at those locations. Implementation of this alternative including the interchanges would improve the flow of through traffic on the 1.5 miles of Route 29 that would be involved in the construction, and thus improve the overall average travel speed on Route 29 between the Route 250 Bypass and the South Fork Rivanna River. The CTB originally included these improvements as part of the overall selected improvements (in addition to the Alternative 10 Bypass).

The Base Case with Grade-Separated Interchanges Alternative would have no Section 4(f) involvements and therefore represents a total Section 4(f) avoidance alternative as well as an avoidance alternative to the involvement at the Albemarle County School Complex. However, it is not a feasible and prudent avoidance alternative because it would not satisfy the identified transportation needs. As noted in the FEIS, the average operating speed by the year 2010, though faster than it would be without the interchanges, would remain low in the range of 30 to 33 miles per hour, with stop-and-go conditions still persisting at the remaining eight signalized intersections. As further noted, these conditions are not consistent with an arterial route's function as a high-speed facility for uninterrupted travel. Also, although conditions for through traffic on Route 29 would be incrementally improved, turning movements onto and off of the cross streets at the interchange ramp termini would still be controlled by traffic signals. In essence, the intersection congestion would be relocated from the existing intersection locations to the interchange ramp termini. So, although the interchanges would improve travel conditions on segments of existing Route 29, they would not do so to the extent that the bypass would not be needed, and so the selected alternative also included the bypass.

Additional traffic analysis for the year 2015 conducted during the design of the three interchanges showed that the interchanges alone would improve the intersection level of traffic service at only three of the nine intersections analyzed. Average travel speeds would remain in the range of 15 to 17 mph and average delay would be reduced approximately 17%. In contrast, the bypass alone would improve the intersection level of traffic service at eight of the nine intersections analyzed and would reduce average delay for vehicles remaining on existing Route 29 by approximately 23%. The vehicles using the bypass would experience no delay.

The CTB subsequently withdrew its approval of the grade-separated interchanges and terminated their design and development in a resolution dated February 16, 1995. Among the reasons cited were



Proposed Interchange Area

Existing Traffic Signal

Source: Adapted From ADC Map of Albemarle County

Grade-Separated Interchanges

Figure 26

Route 29 Bypass

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citizen opposition, citizen requests to proceed with the Route 29 Bypass instead of the interchanges, a request from Charlottesville's City Council to stop development of the Hydraulic Road interchange, cost (approximately $15 million per interchange) and available funding considerations, the need to reconstruct more than 60% of the Base Case improvements (then nearing completion), inconvenience to the local and arterial traveling public and businesses during construction, and the minimal improvement in the ultimate level of service that construction of the interchanges would produce. Construction of the interchanges would still leave eight traffic signals in place. No traffic would be diverted from existing Route 29, and the 24,400 vehicles per day projected to use the proposed bypass would continue to contend with low speeds on sections not included as part of the interchange improvements. Construction of the interchanges would displace at least 11 businesses, and possibly as many as 23 depending on whether impacts to parking and access would render the businesses nonviable, and it would reduce available parking for 36 other businesses. It would take about two years to build each interchange and, during that time, the local and through traffic would be disrupted by temporary constrictions and detours. Access to businesses also would be disrupted during the construction period. In addition, this alternative would require substantial reconstruction of a major portion of the Base Case improvements that were recently completed at a cost of $32 million.

3. Other Location Alternatives

There are no other feasible and prudent location alternatives east of existing Route 29. Alternatives 6, 6B, 7, and 7A represent the reasonable alternatives east of Route 29 evaluated and described in the FEIS. The problems with these alternatives already have been discussed. These alternatives would not adequately serve the identified needs and their Section 4(f) and other environmental impacts render them not prudent. Any other alternatives east of Route 29 would have even greater impacts on the human and natural environment because of the numerous residential developments, parks and recreation areas, historic properties, natural resources, and other constraints. Any alternative between existing Route 29 and Alternatives 7 and 7A would pass through the most densely developed part of Albemarle County, causing considerable community disruption. Any alternative east of Alternative 6B would divert even less traffic than Alternative 6B and would get involved in the rugged terrain of the Southwest Mountains as well as the Southwest Mountains Rural Historic District.

There are no other feasible and prudent location alternatives west of existing Route 29. Alternatives 11 and 12 represent the reasonable alternatives west of Route 29 evaluated and described in the FEIS. The problems with these alternatives also have been discussed. Alternative 12 would not adequately meet the project needs. Alternative 11 would have Section 4(f) and other environmental impacts that, when balanced against the Section 4(f) impacts of the Current Design, are so severe as to render this alternative not prudent. Any other alternatives west of Alternative 12 would not meet the project needs and would have even greater impacts on the human and natural environment because of the numerous residential developments, historic properties, agricultural and forestal districts, natural resources, and other constraints. Any alternative between existing Route 29 and the Current Design would pass through the most densely developed part of Albemarle County, causing considerable community disruption. Any alternative west of Alternative 12 would divert even less traffic than Alternative 12 and would involve rougher terrain while moving to the west as well as a greater portion of the reservoir's watershed and the more pristine rural areas of the county.

Two modified versions of Alternative 11 were investigated that would avoid all direct uses of Section 4(f) properties. These modifications would involve shifting the Alternative 11 alignment to avoid the Section 4(f) uses of the Schlesinger Farm historic property and The Barracks Historic District. One version would shift the alignment to the east away from the Section 4(f) Schlesinger Farm historic property to run between the Schlesinger Farm and the Albemarle County School Complex. A shift would also be made to the east away from The Barracks Historic District to run between The Barracks and the Woodlands historic property. These shifts would avoid direct use of the Albemarle County School Complex, the Schlesinger Farm historic property, and The Barracks Historic District. However, there would be a constructive Section 4(f) use of the westernmost portion of the Albemarle County School Complex because of the substantial increase in noise levels that would occur on that portion of the property under this alternative. Constructive use occurs when a project does not physically incorporate land from the Section 4(f) property, but results in proximity impacts (e.g., due to noise or visual intrusion) that are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired [23 CFR 771.135(p)(2)]. County officials have stated that serenity and quiet are important attributes of the trails on the School Complex and indicated that substantial increases in noise levels on the trails should be considered a constructive use. This alternative would cross Ivy Creek at a location with recorded occurrences of the federally listed endangered James spinymussel, and could result in the loss of individuals of the species as well as suitable habitat. This alternative would increase the acreage of agricultural and forestal district impacts to approximately 119 acres, a level of impact that is precluded by state law with which VDOT must comply. This alternative would destroy community cohesion in the Ivy Farm subdivision by splitting the neighborhood and displacing at least 14 homes. Other impacts associated with this alternative include traversal of more than 7 miles of reservoir watershed, and a crossing of the reservoir. In balancing these impacts against the Section 4(f) impacts of the Current Design, the impacts of this alternative are clearly more severe. Therefore, this is not a feasible and prudent avoidance alternative.

The second version of a modified Alternative 11 would involve shifting the alignment to the west to run around the south and west sides of the Schlesinger Farm, and then following the above-mentioned shift to the east away from The Barracks Historic District. This alternative would avoid all direct and constructive uses of Section 4(f) properties. However, this alternative too would involve a crossing of Ivy Creek upstream of the recorded populations of James spinymussel and could adversely affect individuals of the species and its habitat. This alternative also would require the use of approximately 116 acres of agricultural and forestal district lands, a level of impact that is precluded by state law with which VDOT must comply. This alternative would negatively impact community cohesion in the Colthurst Farms neighborhood due to splitting the subdivision. It would destroy community cohesion in the Ivy Farm subdivision by splitting the neighborhood and displacing at least 15 homes. Other impacts associated with this alternative include traversal of more than 7 miles of reservoir watershed, and a crossing of the reservoir. In balancing these impacts against the Section 4(f) impacts of the Current Design, the impacts of this alternative are clearly more severe. Therefore, this is not a feasible and prudent avoidance alternative.

4. Modifications to Current Design

Modifications to the Current Design would involve shifts of a portion of the alignment to the east or west of the Albemarle County School Complex a sufficient distance to avoid any direct or constructive use of the property.

Shift to the East. Figure 27 shows a shift that would move the alignment to the south and east of the School Complex. This shift would result in splitting the Montvue and Terrell subdivisions, encroachment on dense residential and commercial developments east of Hydraulic Road, two bridge crossings of Hydraulic Road, and displacement of the Roslyn Heights subdivision. More than 35 additional residential displacements and at least five business displacements would occur. Clearly, this is not a prudent avoidance alternative.

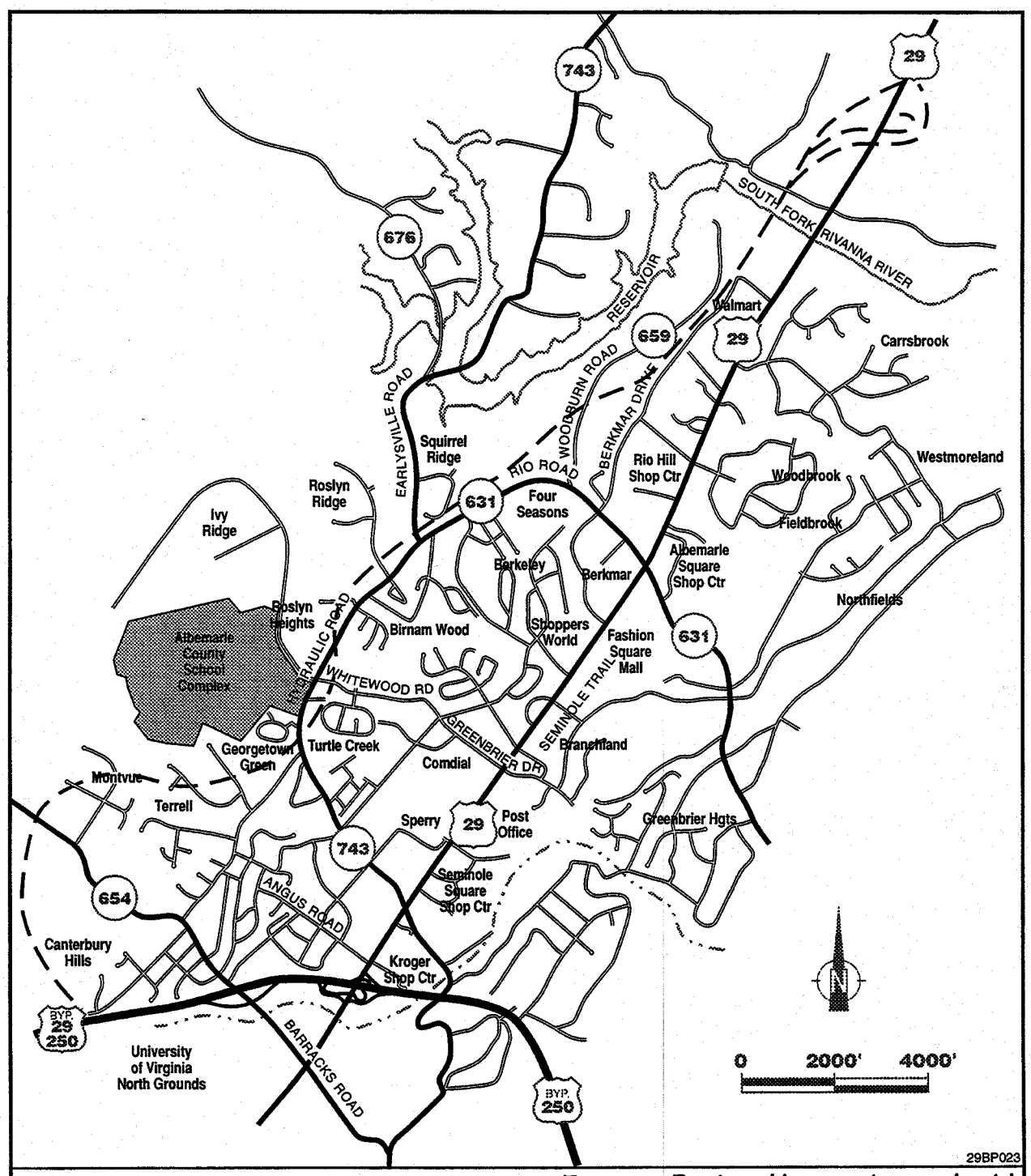
Shift to the West. A shift to the west has been developed to avoid direct use of the Albemarle County School Complex (see Figure 28). This alternative would entail a shift of approximately 1.3 miles of the alignment a maximum distance of approximately 700 feet to the west. With this alternative, the northbound lanes would be approximately 350 feet from the School Complex at their closest point. Noise impacts from the Bypass would be reduced but not eliminated.

Although this alternative would avoid the direct Section 4(f) use of the School Complex, it would still have a constructive use. Based on the assertion by County officials that noise impacts would substantially impair the trail's value as a quiet place to walk, jog, or enjoy the woods, any alignment close enough to substantially increase noise levels over existing noise levels would have a constructive use. Consequently, based on noise impacts, this alternative would constructively use roughly 13 acres of the School Complex property (about 6%) and approximately 900 feet of the trail system (about 8%) below Jouett Middle School. This, along with the additional impacts listed below, make this alternative not a prudent avoidance alternative.

- The crossing of tributary K would be within 500 feet of its confluence with Ivy Creek (compared to over 1,000 feet under the Current Design). This closer proximity to Ivy Creek may heighten the concern for potential effects on downstream populations of James spinymussel, a federally listed endangered species recorded in Ivy Creek. The determination of no jeopardy to the mussel made by the U.S. Fish and Wildlife Service (USFWS) for the Current Design would need to be revisited with additional formal consultation with USFWS.

- The encroachment on the Ivy Creek Agricultural and Forestal District would increase to approximately 5.6 acres, more than the minimal amount allowed under state law. Agricultural and forestal districts are established to conserve and protect agricultural and forestal lands of the Commonwealth for production of food and other products and as valued natural and ecological resources. State agencies are precluded from acquiring more than minor amounts of land from such districts unless there is no more economic and practical alternative and there will not be an unreasonably adverse effect upon state or local farmland protection policy.

- One residence would be displaced that has already been relocated beyond the limits of the existing previously acquired right of way.



— — Avoidance Alternative for Route 29 Bypass

Eastern Design Alternative to Avoid Albemarle County School Complex

Figure 27

Route 29 Bypass

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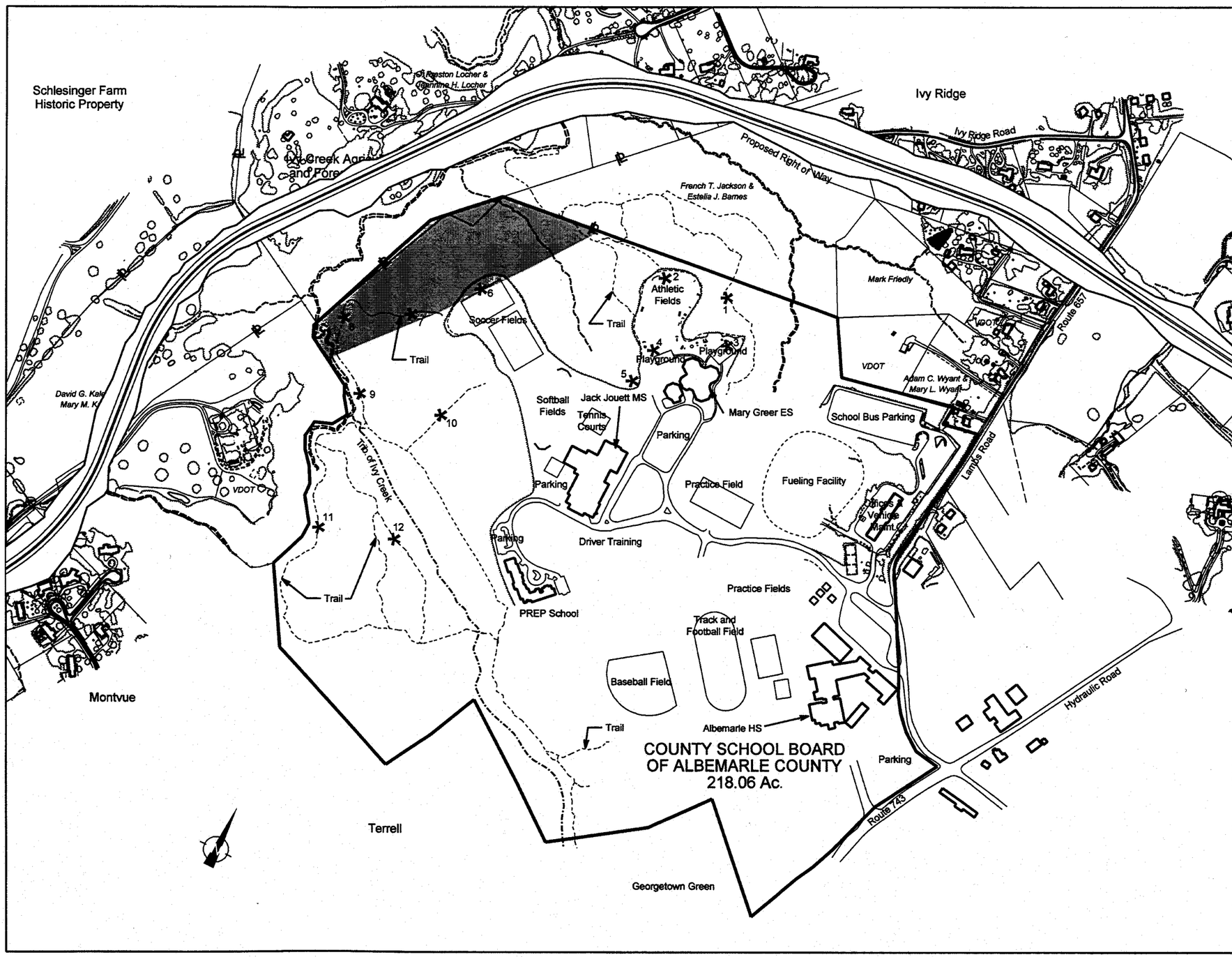
Albemarle County, Virginia

Source: Adapted From ADC Map of Albemarle County



Western Design Alternative I for
Albemarle County School Complex
Figure 28

Route 29 Bypass

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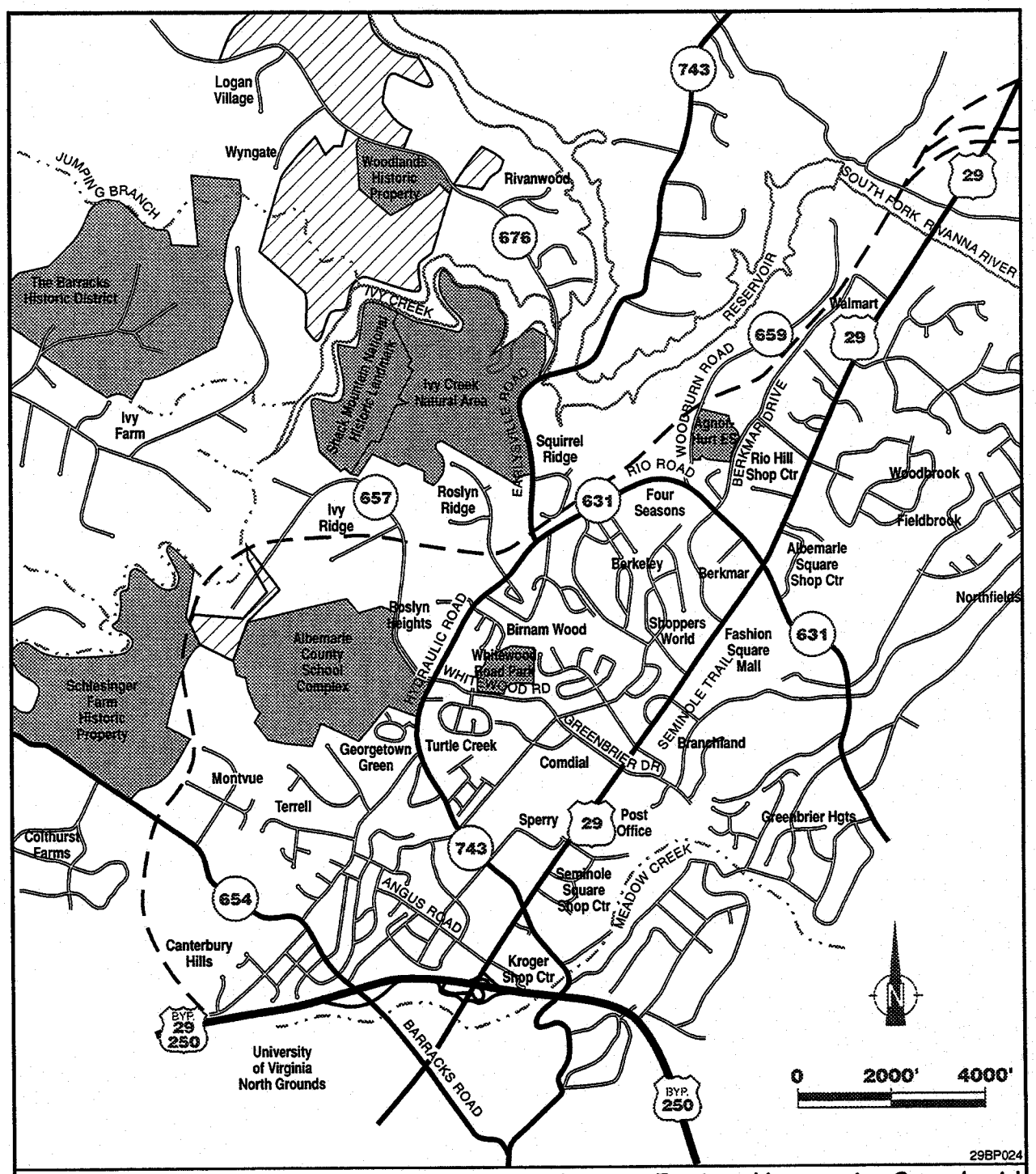
- Community cohesion in the Ivy Ridge subdivision would be negatively impacted and seven homes in that neighborhood would be displaced.

To avoid both direct and constructive use of the School Complex, another design shift to the west was evaluated (see Figure 29). This alternative would require a shift of approximately 2.1 miles of the alignment for a maximum distance of approximately 1,400 feet to the west. With this alternative, the northbound lanes would be approximately 1,100 feet from the School Complex at their closest point. Noise impacts from the Bypass would be eliminated and virtually all of the alignment would be hidden from view by intervening terrain and vegetation.

This alternative would push the alignment onto the Schlesinger Farm historic property, resulting in a Section 4(f) direct use of approximately 6.7 acres of the property. This shift and use would constitute an adverse effect under Section 106 of the NHPA because it would physically damage a portion of the property, would change the character of some of the property's features that contribute to its historical significance, and would introduce visual and audible elements that would diminish the integrity of the property's historic features. This impact is considered more severe than the impact on the School Complex by the Current Design because the historical significance of the site is intrinsic in the property and cannot be replicated elsewhere; whereas the recreational attributes of facilities on the School Complex can be recreated elsewhere. This alternative also would involve two crossings of Ivy Creek at the location of recorded occurrences of the federally listed endangered James spinymussel, which could result in losses of individuals and suitable habitat of the species. This alternative also would involve a longitudinal encroachment of nearly 1,000 feet on a tributary of Ivy Creek. In addition, it would negatively impact community cohesion in the Ivy Ridge and Roslyn Ridge subdivisions. This alternative is not a feasible and prudent avoidance alternative because it would have more severe impacts on another Section 4(f) property and could adversely affect a federally listed endangered species.

J. MEASURES TO MINIMIZE HARM

VDOT has attempted throughout the project's development to minimize impacts to public school properties by avoiding them entirely, as in the case of Agnor-Hurt Elementary School, or by limiting encroachment on them to the minimum amount necessary, as in the case of the Albemarle County School Complex. VDOT also has avoided other nearby and equally sensitive resources, and has satisfied the identified transportation needs within established design criteria. County officials were regular participants throughout the Route 29 Corridor Study, which established the initial location of the proposed bypass, and endorsed the selected alternative running across the edge of the Albemarle County School Complex. County officials also were closely involved in the design development of the selected alignment. Input from these officials was instrumental in locating, designing, and minimizing the impacts of the proposed bypass so that it would not encroach on recreational or educational facilities found on school properties (as indicated previously, the presence and encroachment of the trails was a late discovery). The Current Design uses only about 7% of the School Complex property and that is restricted to the northern edge of the property. Less than 10% of the trail systems on the property would be displaced by the Current Design, and only at the extremities of the trail systems near the property's edge. Less than 40% of the trail systems would experience noise impacts in the peak hour under the Current Design and only those areas nearest the road would experience noise levels approaching or exceeding the NAC. When viewed in the context



— — Avoidance Alternative for Route 29 Bypass

Section 4(f) Property

Agricultural & Forestal District

Source: Adapted From ADC Map of Albemarle County and Albemarle County Tax Maps

Western Design Alternative 2 to Avoid Albemarle County School Complex

Figure 29

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of the limited hours of availability to the public and the relatively low reported usage by the public of the trails in such a densely populated area, these impacts become even less substantial.

After discovery of the trails and initiation of the preparation of the Section 4(f) Evaluation, County officials were initially receptive to discussing potential mitigation measures. However, after circulation of the *Draft Section 4(f) Evaluation*, County officials stated in their review comments that "This beautiful area will be totally destroyed in ways that cannot be mitigated" and that "No amount of landscaping can turn this [a landscaping plan] into a substitute for the current experience of walking in a quiet woods along a stream." The County Department of Planning and Community Development noted that "The County will essentially lose the only multi-use trail system within an undisturbed naturalsetting near this densely populated area." The County's Director of Parks and Recreation suggested that "With the proposed bypass in place, no one would walk the trails just to get away from the hectic and noisy 'hubbub' of everyday life." He further noted that "There is no way any landscaping plan can begin to mitigate the intrusion into this beautiful area." These statements are in contrast to earlier statements during project development wherein suggestions were made by school officials to reduce harm to the school properties and statements during early coordination immediately following discovery of the trails (see correspondence in Appendix B).

It should also be noted that the measures to minimize harm identified below are not intended to completely mitigate the impacts of the Section 4(f) use of the trail. Nevertheless, the following additional measures have been developed to minimize harm to the School Complex:

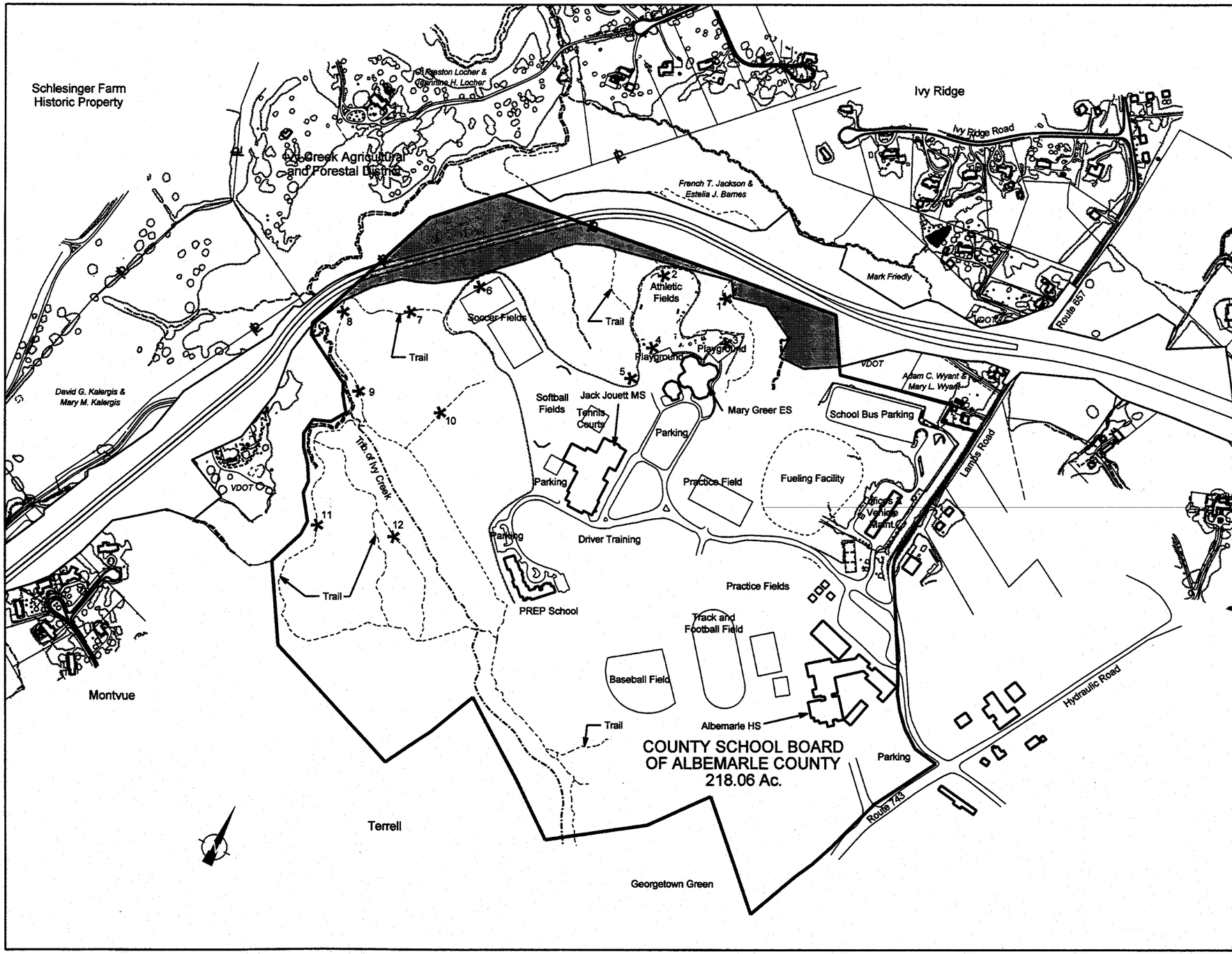
- The alignment will be shifted slightly to the west as shown on Figure 30 to avoid the trail system at Jack Jouett Middle School. Only 771 feet of the trails at Greer Elementary School would be displaced (about 6% of all the trail systems on the School Complex). Despite a County official's statement that "This area is very steep and not conducive to placement of a trail," the displaced sections of the trails will be reconstructed on portions of the property outside the proposed right of way. Although the setting of the trails at this location would be diminished, the recreational needs that the trails meet for walkers and joggers would be reestablished by reconnecting the trail outside the highway right of way.

- The cross section will be reduced by narrowing the median's width.

- The cross section will be reduced by crossing the stream on bridge instead of earthen fill.

- The roadway profile will be lowered to reduce the amount of fill and to further reduce the visibility of the new road from activity areas on the school property. Such lowering also would reduce noise levels by 1 to 7 dBA within various locations on the property. This would reduce the peak-hour noise level on the edge of the Jouett Middle School athletic fields to 64 dBA, which is 3 dBA below the NAC. It would reduce the peak-hour noise level on the edge of the Greer Elementary School athletic fields to 61 dBA, which is 6 dBA below the NAC.

- The design changes would reduce the total acreage of direct use from approximately 15.17 acres to approximately 12.43 acres.



Area of Potential 4(f) Involvement (12.43 Acres)

Noise Analysis Sites

Minimization Measures

- Alignment shifted to West to avoid Trail at Jack Jouett Middle School,
- Cross section reduced by reducing median width,
- Cross section reduced by crossing stream on bridge instead of fill,
- Lower vertical alignment to reduce noise impacts and amount of fill,
- Added fence to prohibit pedestrian access.

Measures to Minimize Harm

Figure 30

Route 29 Bypass

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- As suggested by school officials earlier in project development, a fence will be constructed along the right of way to prohibit pedestrian access onto the roadway.

- To minimize the visual effects of the new road, cut and fill slopes will be revegetated with indigenous tree species, beginning with plantings of seedlings or nursery stock that would gradually mature into larger trees that would help to screen most of the roadway from view.

- The County will be fully compensated for property required for the proposed right of way.

Noise barriers have been considered to reduce noise levels on the School Complex. However, it is not possible to provide cost-effective barriers under the state noise abatement policy because of the high cost relative to the benefits that would be received. Barriers providing reductions in noise levels of 3 - 15 dBA would cost between $1.02 million and $1.30 million, and noise levels from the project would still represent a substantial increase over existing levels at several locations.

Installation of a more permanent surface (paving) on the trails was considered as an enhancement measure; however, County officials have said they prefer the current natural surface.

Although the quality of portions of the trail network would be reduced by introduction of noise and a view of the project, the intended uses of the trail network (defined by County officials as walking, jogging, environmental education, and sport teams practice) would not be precluded by the project. The major portion of the trail system would remain intact and undisturbed in its natural wooded setting. None of the other recreational or athletic facilities would be displaced and none would be subject to noise or visual impacts that would compromise continued use for their present purposes.

K. COORDINATION

1. Coordination with local officials after identification of new 4(f) involvement

After the trails on the Albemarle County School Complex were identified as a Section 4(f) resource, County officials were consulted as part of the development of the Section 4(f) Evaluation. A synopsis of their comments is provided below. Copies of the actual correspondence are included in Appendix B.

Date	Coordination with Albemarle County officials
6/11/98	Letter from Patsy Napier of VDOT to Albemarle County Executive Robert W. Tucker, Jr. VDOT requested responses to 13 questions regarding the trail behind Jack Jouett Middle School and any other trails or recreational facilities, existing or planned, that are or could be affected by the project.
8/14/98	Letter from Albemarle County Chief of Community Development, David Benish. Provided responses to the questions in Patsy Napier's letter, outlining the role of the trail in Albemarle County's overall recreational facilities and programs and providing information on trail users.

11/3/98 Letter from Albemarle County Director of Parks and Recreation, Pat Mullaney. Expanded on Mr. Benish's responses to the questions.

11/17/98 VDOT's consultant met with Mr. Benish and Mr. Mullaney for further discussion. Reviewed project design, potential avoidance alternatives, and potential mitigation measures.

A *Draft Section 4(f) Evaluation* on the trails was prepared following receipt of the above comments. The document was circulated for review and comment to the County and others who had received and commented on the original FEIS for the project. Comments on the draft document are summarized below and copies of the correspondence are provided in Appendix C. This *Final Section 4(f) Evaluation* has incorporated additional information and considerations that resulted from these comments.

4/16/99 County Attorney on behalf of the Albemarle County Board of Supervisors. The School Complex is a District Park and therefore should be treated in its entirety as a 4(f) property. The Evaluation should discuss constructive use of other park and recreation areas on the School Complex, constructive use of park and recreation areas on the Agnor-Hurt Elementary School property (a Community Park), more detail on the project purpose and need, more information on the no-build alternative and other alternatives that would avoid use of the 4(f) property, and more information on the impacts of the proposed project on the trail.

4/16/99 Albemarle County Planning and Community Development Department. The Evaluation should include discussion of the trail system behind Greer Elementary School, impacts to other recreational facilities at the School Complex, recognition of the quality of the natural wooded setting of the trails, and other avoidance alternatives.

3/18/99 Albemarle County Parks and Recreation Department. The entire School Complex should be treated as a park. The Evaluation should discuss impacts to other recreational facilities on the Complex. Recreation facilities on the complex are restricted to school use until 6:00 p.m. The natural setting of the trails and the impacts to that setting by the project should be recognized.

2. Coordination with local officials before identification of new 4(f) involvement

Over the past 12 years of planning and design on this project, extensive coordination has been conducted with Albemarle County officials. During the location study, regular meetings were held with a Joint Task Force with members representing the Board of Supervisors, the County Executive, the County Planning Commission, the County Planning Department, and the County's representatives on the MPO. These meetings were open to the public and were regularly attended by interested citizens, community association representatives, Piedmont Environmental Council representatives, and local print and broadcast media. During the bypass design, regular meetings were held with a Design Advisory Committee appointed by the MPO with members representing the County Planning Department, the County Planning Commission, the County's representatives

on the MPO, and citizens from neighborhoods along the alignment. These meetings were also open to the public and local news media. In addition, a large volume of correspondence has passed between County officials and VDOT throughout project development. These meetings and pertinent correspondence are summarized below. Copies of correspondence relative to the School Complex are included in Appendix B.

Date	**Joint Task Force Meetings**
11/30/87	Joint Task Force meeting #1 to introduce study team and discuss the study process and major concerns of local officials.
1/29/88	Joint Task Force meeting #2 to review study status, discuss the methods and criteria to be used in identifying potential alignments, and review the results of the citizens information meetings held December 14 and 15, 1987.
2/26/88	Joint Task Force meeting #3 to review the study status and discuss traffic analysis methodology, the traffic surveys that had been conducted, the criteria to be used in screening conceptual alternatives, and a set of preliminary conceptual alternatives.
3/14/88	Joint Task Force technical working group meeting to discuss route selection process.
3/25/88	Joint Task Force meeting #4 to discuss study process, screening process for conceptual alternatives and the screening criteria to be used, traffic data (including sources, results of surveys, model to be used, and parameters to be determined), and definition of the no-build alternative as the base case improvements.
5/5/88	Joint Task Force meeting #5 to discuss traffic data, expressway options, and criteria for screening the conceptual alternatives.
5/27/88	Joint Task Force meeting #6 to review the 27 conceptual alternatives considered, discuss the recommended Candidate Build Alternatives (6, 7, 9, 10, 11,12) and the bases for recommending them, and the public information meeting scheduled for June 1988.
7/8/88	Joint Task Force meeting #7 to discuss public information meeting held June 15 and 16, 1988, the traffic model, the road network to be used in the model, and the recommended Candidate Build Alternatives.
9/23/88	Joint Task force meeting #8 to discuss refinements to Candidate Build Alternatives, the road network to be used in the traffic forecast model, and the study status.
4/20, 21/89	Joint Task force meeting #9 to discuss preliminary year 2010 traffic forecasts for Candidate Build Alternatives and the features of the alternatives.

5/21/90	Joint Task Force meeting #10 to review the Draft EIS and the dates and format for the upcoming Location Public Hearing. An aerial mosaic showing the alternatives was displayed and the relative impacts of the alternatives were presented.

Date	**Design Advisory Committee Meetings**
3/795	Design Advisory Committee meeting to discuss overpass configurations, design evaluation criteria, and potential for hazardous material spills and emergency response.
10/17/95	Design Advisory Committee meeting to review study process and to discuss relationship to Route 29 Corridor Development Study, Committee criteria for screening design alternatives, and public information meeting plans.
11/14/95	Design Advisory Committee meeting to discuss traffic model data, study process, public involvement plan, and Committee criteria for screening design alternatives.
12/12/95	Design Advisory Committee meeting to discuss measures of effectiveness, other studies in the area (Route 29 Corridor Development Study, CATS Year 2015, and Meadow Creek Parkway).
2/1/96	Design Advisory Committee meeting to discuss topographic considerations and plans for the community "drop-in" sessions.
2/28/96	Design Advisory Committee meeting to discuss alternatives, grades, truck noise, southern terminus design, Squirrel Ridge relocations, right-of-way acquisition, median design, effects on Montvue due to Schlesinger Farm avoidance, concerns about curves in the design, Berkmar Drive impacts, costs, and impacts on reservoir. Information was also presented on traffic data and local interchanges.
3/27/96	Design Advisory Committee meeting to discuss March 11, 1996 public information meeting, alternative designs, and presentations by committee members on sections of alignment assigned to them.
4/24/96	Design Advisory Committee meeting to discuss conceptual design alternatives and their advantages and disadvantages.
6/18/96	Design Advisory Committee meeting / community drop-in meeting to discuss North Grounds Connector, southern interchange modifications, tunnel potential at Colthurst/ Stillhouse Mountain, potential modifications at Schlesinger Farm historic site, potential interchange at Hydraulic Road, noise analysis, and public information process. Drop-in informational session for the public was held at University Village.
8/29/96	Design Advisory Committee meeting to discuss study progress, suggestions for bypass name, materials for the community drop-in session in October, design issues at the Squirrel Ridge subdivision, and funding revisions from MPO.

10/24/96	Design Advisory Committee meeting / community drop-in meeting to discuss study progress, stormwater management, and MPO resolution limiting construction funds. Drop-in informational session for the public was held at University Village.

Date	**Selected Correspondence**
6/15/88	1" = 600' scale drawings of new-location alternatives delivered to County Planning Department.
7/1/88	Letter from Margaret Ballard of Sverdrup Corp. to Robert Tucker of Albemarle County transmitting information on the screening of conceptual alternatives (*Route 29 Corridor Study, Screening of Conceptual Alternatives*, June 1988, and *Feasibility of Route 29 Expressway Alternatives*, May 1988).
12/8/88	Summary of meeting between Richard Brown of Sverdrup Corp. and Tim Lindstrom and Rick Bowie of the Joint Task Force to discuss issues regarding alternatives, socioeconomic data for the traffic forecasts, and the format and content of the task force meetings.
4/14/89	Meeting with Albemarle County planning staff to discuss technical details and operational structure of the transportation model to be used in traffic forecasting for alternatives.
7/5/89	Letter from Andrew Overstreet of Albemarle County to Ken Wilkinson of VDOT expressing concern over the impact of bypass alternatives on the safety and learning environment of students at Albemarle County Schools.
6/13/90	Letter from K. E. Wilkinson of VDOT to Robert Tucker of Albemarle County transmitting a complete set of technical reports for the Route 29 Corridor Study.
12/18/91	Letter from F. R. Bowie, Chairman of Albemarle County Board of Supervisors, to J. C. Milliken, Chairman of the CTB, requesting refinements to Alternative 10 to avoid impacts to Agnor-Hurt Elementary School which is under construction.
12/20/91	Letter from Clifford Haury of Albemarle County Public Schools to J. S. Hodge of VDOT requesting that Alternative 10 be shifted approximately 1,000 feet to avoid lands acquired to be the site of the new Agnor-Hurt Elementary School. This land was acquired after the last round of public discussions on the project.
11/23/93	Letters from Loretta Cummings of VDOT to multiple addressees informing them of the revisions to Alternative 10 and requesting input on various planning issues: Nancy O'Brien, Thomas Jefferson PDC Robert Tucker, Albemarle County Administrator Andrew Overstreet, Albemarle County Public Schools

12/6/93	Letter from L. A. Reaser of Albemarle County Public Schools to Loretta Cummings of VDOT requesting a larger scale map to evaluate the impacts of the Route 29 Bypass modifications.
12/8/93	Letter from Loretta Cummings of VDOT to L. A. Reaser of Albemarle County Public Schools providing the requested mapping.
12/22/93	Letter from Wayne Cilimberg of Albemarle County to Loretta Cummings of VDOT responding to her November 23, 1993 request for information on planning issues related to the Alternative 10 modifications. "There is no significant additional impact to the schools from the modified alignments."
5/3/94	Letter from Loretta Cummings of VDOT to L. A. Reaser of Albemarle County Public Schools providing additional information on revisions to the northern terminus of Alternative 10 near Agnor-Hurt Elementary School.
5/31/94	Letter from L. A. Reaser of Albemarle County Public Schools to Loretta Cummings of VDOT responding to her May 3, 1994 letter and suggesting measures for inclusion in the design of the Alternative 10 modifications to minimize impacts (guardrails where appropriate to prevent vehicles from veering onto school property, 6' chain link fence along right of way to ensure that children from school site do not wander onto the road, appropriate landscaping, avoid encroachment on the property if possible).
12/7/94	Letters from J. S. Hodge of VDOT to multiple addressees informing them that the CTB has put on its agenda a discussion of the comments received at the Oct. 26, 1994 Citizens Information Meeting regarding the proposed grade-separated interchanges on existing Route 29: Chairman Walter Perkins, Board of Supervisors
2/16/95	Letters from E. C. Cochran of VDOT to multiple addressees informing them of the CTB's decision on the grade separated interchanges: Chairman, Albemarle County Board of Supervisors Clerk of Court, Albemarle County
3/23/95	Letters from E. C. Cochran of VDOT to multiple addressees informing them of the CTB's approval of the location of the Alternative 10 modifications: Chairman, Albemarle County Board of Supervisors
3/7/97	Letter from Kevin Castner of Albemarle County Public Schools to Donald Askew of VDOT transmitting comments from the School Board on the design of the bypass adjacent to schools and suggesting mitigation measures (additional shrubbery and trees should be planted, 6' chain link fence along the right of way, guard rails where appropriate to prevent vehicles from veering onto school properties).

4/17/97	Memorandum from J. T. Mills of VDOT to the Chairman of the Albemarle County Board of Supervisors informing them that the CTB had approved the major design features of the Route 29 Bypass.
12/9/97	Letter from Charles Cayton of Parsons Brinckerhoff to Wayne Cilimberg of Albemarle County transmitting a full size set of plans and cross sections for the Route 29 Bypass.

3. Public Involvement

Extensive efforts have been made throughout all the studies related to the project to keep the public involved and informed. These efforts included citizen information meetings, presentations to special interest groups, newsletters, and telephone "hotlines." Approximately 1,100 names were on the mailing list for newsletters during the location study. Approximately 17,000 names were included on mailing list for newsletters during the design. The public meetings and hearings held during the course of the various studies are summarized below.

Date	Description
10/2786	Public Information Meeting on Route 29 widening held at Albemarle High School, approximately 65 people attended.
10/29/86	Public Information Meeting on Route 29 widening held at Albemarle High School, approximately 75 people attended.
10/30/86	Location and Design public hearing at Albemarle High School for widening project, approximately 230 people attended.
12/14&15/87	Public Information Meeting. Purpose was to familiarize residents with study process and obtain comments on initial range of alternatives. Approximately 300 people attended.
6/15&16/88	Public Information Meeting. Purpose was to present 27 conceptual alternatives and the 6 alternatives that were recommended to be carried forward for further study. Materials presented included displays of mapping with the alternatives, reports on the screening of alternatives, a quantitative comparison of the alternatives, and study process information. Approximately 823 people attended.
6/8&9/89	Public Information Meeting. Purpose was to present preliminary drawings (scale 1" = 200") of alternatives to be studied in Draft EIS and to present traffic data. Following this open house, the maps and data remained at the County Office Building where they were available for review by the public and local agencies.
6/26, 27, &28/90	Location Public Hearing. Purpose was to present the findings of the studies on the alternatives considered and their comparative environmental impacts and to receive comments. The Draft EIS was available for public review

along with technical reports and other supporting data. Displays included 1" = 200' aerial-photo-based mapping of the alternatives, comparative summary of impacts, explanations of resources impacts (Section 4(f), agricultural and forestal districts, cultural resources, noise, land use, farmland, the reservoir and its watershed), typical cross sections, artists' renderings superimposed on oblique aerial photos, and traffic data. A summary brochure explained the study process, the project purpose and need, the alternatives, and the environmental consequences of the alternatives. Approximately 645 people attended.

10/26/94 Public Information Meeting for Route 29 Interchange Design for Hydraulic Road, Greenbrier Drive, and Rio Road.

2/13/95 Location Public Hearing for termini revisions. Approximately 600 people attended.

3/11/96 Public Information Meeting for design. Purpose was to present four design alternatives. Approximately 524 people attended.

7/30/96 Public Information Meeting for design. Purpose was to present design to be carried forward into next stages of more detailed design development. Approximately 497 people attended.

2/25/97 Design Public Hearing. Approximately 1,636 people attended.

L. SUMMARY AND CONCLUSION

A Section 4(f) involvement was identified late in the project development process, long after completion of the FEIS and after approval of the project design by the CTB. In accordance with 23 CFR 771.135(m)(2), this separate Section 4(f) Evaluation has been prepared to discuss the involvement, alternatives to avoid it, and measures to minimize harm.

The property involved is the Albemarle County School Complex, a publicly owned 218-acre parcel containing four schools and associated recreational facilities that are open to public use during non-school hours. In addition, the County has designated the entire property as a district park. The Current Design would encroach on the northern edge of the property, resulting in the use of approximately 1,316 feet of trails (approximately 10% of the total trail system on the property) and approximately 15.17 acres of wooded land (approximately 7% of the total acreage in the property). No other facilities on the property would be used by the project. Except for the use of the trails, which were unknown at the time of the FEIS, and the designation by the County of the entire property as a park, also unknown at the time of the FEIS, the physical impacts to the property would be substantially the same as reported in the 1993 FEIS.

Location and design alternatives to avoid the Section 4(f) involvement have been evaluated. They include alternatives previously considered in the FEIS (No-Build Alternative or Base Case, Base Case with Grade-Separated Interchanges, Expressway Alternative, and the six other bypass alternatives) and additional alignments and design variations. None of the eastern bypass

alternatives (Alternatives 6, 6B, 7, and 7A) were found to adequately meet the needs for the project and therefore they are not feasible and prudent avoidance alternatives. In addition, all but one of the eastern bypass alternatives previously considered in the FEIS would have Section 4(f) involvements with other properties, all of which would be greater than the Section 4(f) involvement of the Current Design with the School Complex. There are no other potential location or design alternatives to the east of existing Route 29 that would meet the project needs.

All of the western bypass alternatives would have Section 4(f) involvements. Alternatives 11 and 12 both would have Section 4(f) involvements greater than that of the Current Design. In addition, Alternative 12 would not adequately meet the project needs. Therefore, these are not feasible and prudent avoidance alternatives. Other potential western bypass alternatives have been considered, including two modifications of the Alternative 11 alignment that would avoid direct use of Section 4(f) properties. Both of the modified Alternative 11 alignments would involve crossings of Ivy Creek, which contains recorded populations of a federally listed endangered species, the James spinymussel. They also would have impacts to agricultural and forestal districts that are precluded by state law. Other potential alternatives farther west, besides not adequately serving the project needs, would also involve crossings of Ivy Creek, large involvements with agricultural and forestal district lands, involvements with larger portions of the watershed of the South Fork Rivanna River Reservoir, crossings of the Reservoir, and large disruptions to communities and community cohesion.

Alternative 9 (Expressway Alternative) along the existing Route 29 alignment would not adequately meet the needs for the project. Therefore, it is not a feasible and prudent avoidance alternative. The Grade-Separated Interchanges previously proposed at Hydraulic Road, Greenbrier Drive, and Rio Road would not by themselves meet the needs for the project. Therefore, this is not a feasible and prudent avoidance alternative. The No-Build Alternative (i.e., the Base Case improvements that have already been built) also would not meet the needs for the project and is therefore not a feasible and prudent avoidance alternative.

Design alternatives involving shifts of segments of the Current Design to the west are not feasible and prudent avoidance alternatives because of impacts to the federally listed endangered James spinymussel, agricultural and forestal district impacts, or other Section 4(f) impacts that would be more severe than those of the Current Design. Design alternatives involving shifts of segments of the Current Design to the east are not feasible and prudent avoidance alternatives because of large disruptions to communities and community cohesion.

Measures to minimize harm have been considered and all possible measures will be incorporated into the proposed design. Design adjustments have been made to minimize the acreage of Section 4(f) property required for the proposed right of way and to minimize the encroachment on trails on the property, the only recreational facility affected on the property. Displaced portions of the trail will be reconstructed on areas outside the proposed right of way. Landscaping will be installed to minimize the visual impacts to the property. Fencing will be installed to minimize the potential for school children wandering onto the proposed roadway. The County will be fully compensated for the lands required for the proposed right of way. VDOT will meet with County officials to discuss these measures to minimize harm to the property.

Based upon the above considerations, there is no feasible and prudent alternative to the use of land from the Albemarle County School Complex Section 4(f) property. There are unique problems and unusual factors involved in alternatives that would avoid this property and the cost, social, economic, and environmental impacts and community disruption resulting from such alternatives would reach extraordinary magnitudes. Table 4 provides a comparison of the alternatives.

The proposed action includes all possible planning to minimize harm to the property that may result from its use. Mitigation measures will be incorporated into the design for the project as discussed in Section J, Measures to Minimize Harm.

Table 4
SUMMARY OF ALTERNATIVES

Alternative	Feasible and Prudent	Use of 4(f) Land	Harm to Section 4(f) Land (After Mitigation)
Current Design	Yes	Yes	15.17 acres from School Complex 1,316 linear feet of trails displaced
Minimization Alternative	Yes	Yes	12.43 acres from School Complex 771 linear feet of trails displaced
Eastern Design Alternative	No	No	None
Western Design Alternative 1	No	Yes (constructive use)	Constructive use of approximately 13 acres of School Complex
Western Design Alternative 2	No	Yes	6.7 acres from Schlesinger Farm historic property
FEIS Alternative 6	No	Yes	30.6 acres from 2 parks
FEIS Alternative 6B	No	Yes	16 acres from historic property
FEIS Alternative 7	No	No	None
FEIS Alternative 7A	No	Yes	11 acres from McIntire Park
FEIS Alternative 9	No	No	None
FEIS Alternative 11	No	Yes	48.3 acres from 2 historic properties
FEIS Alternative 11 Modified	No	Yes (constructive use)	Constructive use of approximately 6 acres of School Complex
FEIS Alternative 11 Modified	No	No	None
FEIS Alternative 12	No	Yes	41.8 acres from 3 historic properties
No-Build	No	No	None
Grade Separated Interchanges	No	No	None
Other location alternatives west of existing Route 29	No	Yes	Other Section 4(f) properties west of Route 29 include Schlesinger Farm, Whitewood Road Park, Darby's Folly, The Barracks Historic District, Shack Mountain National Historic Landmark, Ivy Creek Natural Area, Agnor-Hurt Elementary School, Woodlands, Crenshaw Farm, and Chris Greene Lake Park. Many of the possible alternatives that would avoid the School Complex would require use of one or more of these properties.
Other location alternatives west of existing Route 29	No	No	Alternatives to the west that would avoid the above-noted Section 4(f) properties would have involvements with agricultural and forestal districts that are precluded by state law and/or would involve other unique factors or extraordinary impacts.
Other location alternatives east of existing Route 29	No	Yes	Other Section 4(f) properties east of Route 29 include the Southwest Mountains Historic District, Ridgeway Farm, Red Hills, Proffit Historic District, Darden-Towe Park, Pen Park, McIntire Park, Greenbrier Park, Woodbrook Elementary School, and Hollymead Elementary/Sutherland Middle School. Many of the possible eastern alternatives would require use of one or more of these properties.
Other location alternatives east of existing Route 29	No	No	Alternatives to the east that would avoid the above-noted Section 4(f) properties would not adequately meet the project needs, would have involvements with agricultural and forestal districts that are precluded by state law and/or would involve other unique factors or extraordinary impacts.

ROUTE 29 BYPASS
State Project Number: 6029-002-F22, PE 101; RUVA-002-001, PE 101
Federal Project Number: NH-037-2 (130)
Albemarle County, Virginia

APPENDIX A

RESOLUTIONS OF THE COMMONWEALTH TRANSPORTATION BOARD

1998

1/15/98	Resolution for modifying CTB's April 17, 1997 action regarding the design of the North Grounds Connector.

1997

4/17/97	Resolution for CTB approval of major design features of Route 29 Bypass.

1995

3/16/95	Resolution for CTB approval of the location of Alternative 10 termini modifications.
2/16/95	Resolution for CTB recission of grade-separated interchanges from the Route 29 improvements

1992

1/16/92	Resolution approving design of Base Case improvements

1991

12/19/91	Resolution directing VDOT to make all efforts to complete the projects approved in its November 15, 1990 resolution

1990

11/15/90	Resolution to select the location for the Route 29 Corridor Study

Moved by Mr. Neale,

Seconded by Mr. White that,

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation a resolution was passed on April 17, 1997 approving the Design Public Hearing held on Tuesday, February 25, 1997 for the purpose of considering the proposed major design features of the Route 29 Bypass, from 1.12 km (0.7 mile) north of Route 29/250 interchange to 0.8 km (0.5 mile) north of Rivanna River in Albemarle County, State Project 6029-002-F22, PE-101, RW-201, C-501; and the North Grounds Connector State Project RUVA-002-101, PE-101; and

WHEREAS, the approval of the major design features of the North Grounds Connector road was a modification to the plan as presented at the public hearing as noted:

> Modification to the North Grounds Connector road, which shall be no wider than 33'-0" curb to curb, and its right of way no wider than would be appropriate for a roadway of that width;

WHEREAS that in accordance with concurrence from the Board of Visitors, of the University of Virginia, by letter dated December 17, 1997 the University of Virginia has requested design modifications from that as approved by the Commonwealth Transportation Board on April 17, 1997.

NOW, THEREFORE BE IT RESOLVED that based on the request from the University of Virginia the Commonwealth Transportation Board rescinds the following from the April 17, 1997 approval:

Modification to the North Grounds Connector road, which shall be no wider than 33'-0" curb to curb, and its right of way no wider than would be appropriate for a roadway of that width;

NOW, THEREFORE BE IT FURTHER RESOLVED that the North Grounds Connector should be designed as presented at the public hearing as a four-lane, divided roadway with appropriate consideration as to noise abatement and with heavy landscaping on its margins and median giving the appearance of a well landscaped urban street.

Motion Carried; Mr. Myers disqualified himself and did not participate in the discussion or vote on this issue.
1-15-98

Moved by Mr. Roudabush _____,

Seconded by Mr. Byrd _____ that,

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Design Public Hearing was held in the Sheraton Inn Charlottesville located in Albemarle County, Virginia, on Tuesday, February 25, 1997 between 2:00 P.M. and 8:00 P.M. for the purpose of considering the proposed major design features of the Route 29 Bypass, from 1.12 km (0.7 mile) north of Route 29/250 interchange to 0.8 km (0.5 mile) north of Rivanna River in Albemarle County, State Project 6029-002-F22, PE-101, RW-201, C-501; and RUVA-002-101, PE-101; and

WHEREAS, proper notice was given in advance, and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed project as presented, and their statements being duly recorded; and

WHEREAS, the economic, social, and environmental effects of the proposed project have been examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed.

NOW, THEREFORE, BE IT RESOLVED that the major design features of this project be approved in accordance with the plan as proposed and presented at the said Design Public Hearing by the Department's Engineers with:

Modification in the final design phase to modify the interchange at the northern termini to eliminate impacts to the Brook Hill property which is likely eligible for listing in the National Register of Historic Places;

Modification in the final design phase to reduce the Hydraulic Road bridge to reflect a two lane design;

Approval of the selection of the "Central Design Alternative" (as designated on the attached map) that shifts the Stillhouse Mountain alignment out of the mountain side.

A shift in the alignment of Lambs Road to the east to lessen impact to the west side of the proposed roadway in the final design phase;

An evaluation of ramp "D" on the south end of the project to see if the existing south bound Route 29 Bypass can be utilized in lieu of constructing a whole new ramp "D";

Modification to the North Grounds Connector road, which shall be no wider than 33'-0" curb to curb, and its right of way no wider than would be appropriate for a roadway of that width;

The northbound access ramps "E" and "F" to the Route 250 Bypass revised to be relocated northward as close as is physically possible to the new alignment of the Route 250 Bypass, i.e., as far distant as is possible from the new Darden School of Business and Law School;

Every possible aesthetic measure taken to preserve and enhance the University's considerable investment in the setting and appearance of its new Darden School of Business and the Law School, including visual buffering using plant materials of appropriate size and scale, and density of coverage, as well as acoustic buffering using sound walls faced with materials compatible with those historically in use at the University. In addition, any stormwater detention ponds which may be required in the vicinity of the University as a result of the new Bypass or the North Grounds Connector road shall be designed in conformance with the principles of the University's Water Resources Management plan.

Concurrence from the Board of Visitors, of the University of Virginia, with the proposed design modifications on or before July 15, 1997.

NOW, THEREFORE, BE IT FURTHER RESOLVED that in the interest of public safety, pedestrian, persons riding bicycles or mopeds, horsedrawn vehicles, self-propelled machinery or equipment, and animals led, ridden or driven on the hoof be prohibited from using this highway.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Route 29 Bypass be designated as a Limited Access Highway from 1.12 km (0.7 mile) north of Route 29/250 interchange and 0.8 km (0.5 mile) north of Rivanna River as designated on the public hearing plans and in accordance with the statutes of Virginia and in accordance with the Commonwealth Transportation Board Policies.

NOW, THEREFORE, BE IT FURTHER RESOLVED that in accordance with Article 4, Chapter 1, Title 33.1, Section 33.1-34 of the 1950 Code of Virginia and State Highway and Transportation Board Policy, the herein approved 10.04 km (6.24 mile) segment of Route 29 Bypass be added to the Primary System of Highways and designated Virginia Route 29 Bypass.

MOTION CARRIED
4-17-97

Moved by Mr. Newcomb

Seconded by Mrs. Brooks that,

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Location Public Hearing was held in the Sheraton Inn 2350 Seminole Trail, Charlottesville Va., on February 13, 1995 between 2:00 p.m. and 8:00 p.m. for the purpose of considering the proposed modifications to the location of the Northern and Southern Terminus of Alternative 10 of the Route 29 Bypass. The Northern terminus project limits extend Alternative 10 (500) south of the original intersection with Woodburn Road (Route 659)and terminates approximately 3000 feet north of the South Fork of the Rivanna River. The Southern terminus begins at the proposed tie-in point for the North Grounds connector approximately (3,500) feet north of the existing Route 29/Business 250 (Ivy Road) interchange and terminates with the Approved Alternative 10 Bypass across from Colthurst Farms, in the city of Charlottesville and Albermarle County, State Project 6029-002-F22,PE-100 and

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Location Public Hearing was held in the Days Inn Charlottesville Hotel on June 26 and June 27, 1990, and in the Performing Arts Center, Charlottesville, on June 28, 1990, for the purpose of considering the proposed location of Route 29 from Route 29/250 Bypass (City of Charlottesville) to 0.31 mile north of the North Fork Rivanna River (Albemarle County) in the City of Charlottesville and Albemarle County, State Project 6029-002-122, PE-100; and

WHEREAS, the Commonwealth Transportation Board by resolution of November 15, 1990, approved the location of this project; and

WHEREAS, the Commonwealth Transportation Board by resolution dated December 19, 1991, reaffirmed the location of the Alternative 10 Bypass; and

WHEREAS, proper notice was given in advance, and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed project as presented, and their statements being duly recorded; and

WHEREAS, the economic, social, and environmental effects of the proposed project have been examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed; now therefore

BE IT RESOLVED, that the location of the Northern and Southern Terminus of Alternative 10 as approved by the Commonwealth Transportation Board on November 15, 1990 and reaffirmed on December 19,1991 be rescinded; and

BE IT RESOLVED, that the modifications to the Northern and Southern Terminus as presented at the February 13, 1995 Location Public Hearing be approved as presented; and

BE IT FURTHER RESOLVED, that as final design proceeds that staff be instructed to consider the design presented by the Canterbury Hills Association to minimize impacts and that a complete traffic analysis be conducted to determine if the proposed at grade intersection of the Northern Terminus will function adequately or will a grade separated interchange be required.

MOTION CARRIED.
March 16, 1995

Moved by William S. Roudabush,

Seconded by, Mr. Byrd, that

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Location Public Hearing was held in the Days Inn Charlottesville Hotel on June 26 and June 27, 1990, and in the Performing Arts Center, Charlottesville, on June 28, 1990, for the purpose of considering the proposed location of Route 29 from Route 29/250 Bypass (City of Charlottesville) to 0.31 mile north of the North Fork Rivanna River (Albemarle County) in the City of Charlottesville and Albemarle County, State Project 6029-002-122, PE-100; and

WHEREAS, the Commonwealth Transportation Board by resolution of November 15, 1990, approved the location of this project (attached); and

WHEREAS, the Commonwealth Transportation Board by resolution dated December 19, 1991, explained in more detail how the Virginia Department of Transportation would follow the schedule as set forth in the November 15, 1990, resolution, and as more fully set out in a letter to F. R. Bowie dated November 4, 1991, from John G. Milliken (attached); and

WHEREAS, phase II of these resolutions more specifically called for the construction of the interchanges at Rio Road, Greenbrier Drive, and Hydraulic Road and identified the traffic and economic conditions under which this would occur; and

WHEREAS, the city of Charlottesville by resolution dated January 17, 1995, requested the Virginia Department of Transportation to stop all design work and construction plans for the proposed grade separated interchange at Hydraulic Road; and

WHEREAS, a Citizen Information Meeting was held at the Sheraton Inn Charlottesville on October 26, 1994, for the purpose of considering the design of the proposed grade-separated interchanges at Hydraulic Road, Greenbrier Drive, and Rio Road, State Project 6029-002-F19, PE-103; and

WHEREAS, 4,372 citizens provided comment at the Citizens Information Meeting of which 3,270 citizens opposed construction of any of the interchanges and of the 3,270 citizens in opposition 2,297 directed the Virginia Department of Transportation not to construct the interchanges but construct the Alternative 10 Bypass; and

WHEREAS, the Commonwealth Transportation Board has reviewed the citizens' comments and those of the city of Charlottesville, the University of Virginia, and local government of Greene County; and

WHEREAS, the State's needs exceed the ability to fund many priority projects and the construction cost of each interchange is estimated between 12 and 15 million dollars; and

WHEREAS, the construction of the interchanges would result in the total reconstruction of more than 60 percent of the base case widening; and

WHEREAS, the construction of each of the interchanges would again result in inconvenience to both the local and arterial traveling public and businesses for a minimum period of two years per interchange; and

WHEREAS, only minimal improvement in the ultimate level of service would result from the construction of the interchanges; and

WHEREAS, the Commonwealth Transportation Board supports continuation of the construction of the Base Case improvements, the continued development of projects in the Charlottesville/ Albemarle Area Transportation Study (CATS) Plan, construction of the Meadow Creek Parkway, and reaffirms its support of the Route 29 Bypass (Alternative 10); now therefore

BE IT RESOLVED, that the design and development of the interchange study be terminated immediately and the Consultant agreement for the development of these plans be terminated; and

BE IT FURTHER RESOLVED, those remaining funds assigned to the interchange study be reassigned as needed to construct sidewalks and landscaping and beautification options throughout the Base Case improvements in accordance with Department and Commonwealth Transportation Board policies and procedures; and

BE IT FURTHER RESOLVED, that the remaining funds be reassigned to the development of the final design plans and acquisition of hardship right of way for the Route 29 (Alternative 10) Bypass; and,

BE IT FURTHER RESOLVED, that the actions of the Board taken at its meetings of November 15, 1990 and December 19, 1991, as well as the actions described in a letter dated November 4, 1991 from Secretary Milliken to Mr. F. R. Bowie, which relate to the interchanges at Rio Road, Greenbrier Drive, and Hydraulic Road be rescinded; and

BE IT FURTHER RESOLVED, that the actions taken by the Board at said meetings and discussed in said letter relating to the phasing of construction for the Route 29 bypass based on increases in traffic and economic conditions be rescinded and that the Department continue the design of the Route 29 (Alternative 10) Bypass.

Motion carried 2/16/95; Mr. Myers disclosed that he has a written disclosure on file.

Moved By Mrs. Kincheloe, Seconded by Dr. Thomas, that

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Location and Design Public Hearing was held in the Albemarle High School Auditorium on October 30, 1986 at 7:30 p.m. for the purpose of considering the proposed Location and Design of Route 29 from Route 743 (Hydraulic Road) to the South End of the Bridge over the South Fork of the Rivanna River in Albemarle County. State Project 6029-002-119, C-501, C-502, Federal Project F-037-2 ( ), and

WHEREAS, proper notice was given in advance and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed project as presented, and their statements being duly recorded, and

WHEREAS, the economic, social and environmental effects of the proposed project have been examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed, and

WHEREAS, on November 15, 1990 the Commonwealth Transportation Board approved the Location of the Route 29 Corridor Study in three phases, and

Whereas, this project, identified as the Base Case, (Phase I improvements) was given Location Corridor approval by the Board's action of November 15, 1990, now therefore

BE IT RESOLVED, that the Design of this project be approved in accordance with the plan as proposed and presented at the said Location and Design Public Hearing by the Department's Engineers with modifications to provide for six lanes plus continuous right turn lanes with signalized at-grade intersections.

Motion carried.

01/16/92

Moved by Mrs. Kincheloe

Seconded by Mr. Davies, that

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, the Commonwealth Transportation Board by resolution dated November 15, 1990, approved the location of Project 6029-002-122, PE-100 in three phases; and

WHEREAS, the three phases provided for short range, medium range, and long range recommendations for the construction of the project in conjunction with other projects in the city of Charlottesville and Albemarle County; and

WHEREAS, by letter dated August 1, 1991, the Albemarle County Board of Supervisors has requested that this Board take positive steps to commit to the priorities which were set forth in the Board's resolution of November 15, 1990; and

WHEREAS, the Board believes that the orderly development and funding of the various projects in accordance with the three phases as set forth in the Board's resolution of November 15, 1990, is in the public interest; and

WHEREAS, the Board recognizes that state and local transportation priorities should be harmonized where possible; and

WHEREAS, it is the sense of this Board that the Department of Transportation adhere to the schedule of improvements as set forth in the November 15, 1990, resolution; and

WHEREAS, the Board strongly believes that the Route 29 Bypass should be constructed in concert with the remaining construction projects of the CATS Plan after Phase 1 and Phase 2 recommendations of the Board's November 15, 1990, resolution has been completed; now therefore

BE IT RESOLVED, that the Commonwealth Transportation Board direct the Department of Transportation to take all steps and make all efforts to complete the projects approved in its resolution of November 15, 1990, as more fully set out in a letter to F. R. Bowie dated November 4, 1991, from John G. Milliken, which is attached hereto and made a part of this resolution.

Motion carried.

12/19/91

Moved by Mrs. Kincheloe, Seconded by Dr. Howlette, that

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Location Public Hearing was held in the Days Inn Charlottesville Hotel on June 26 and June 27, 1990 and in the Performing Arts Center on June 28, 1990, for the purpose of considering the proposed location of Route 29 from Route 29/250 Bypass (City of Charlottesville) to 0.31 mile north of the North Fork Rivanna River (Albemarle County) in the city of Charlottesville and Albemarle County, State Project 6029-002-122, PE-100; and

WHEREAS, proper notice was given in advance, and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed project as presented, and their statements being duly recorded; and

WHEREAS, the economic, social, and environmental effects of the proposed project have been examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed; now therefore

BE IT RESOLVED, that the location of this project be approved in accordance with the plan as proposed and presented at the said Location Public Hearing by the Department's Engineers in three phases as indicated:

Phase I - Short Range Recommendations

BE IT RESOLVED, that to construct Route 29 Base Case improvements from Hydraulic Road to the South Fork Rivanna River. These improvements will provide six lanes plus continuous right turn lanes with signalized at-grade intersection. These improvements will help satisfy the immediate needs for additional highway capacity on existing Route 29.

BE IT FURTHER RESOLVED, that right of way necessary for the construction of interchanges as they may be needed at Rio Road, Greenbrier Drive, and Hydraulic Road should be reserved initially.

BE IT FURTHER RESOLVED, that Albemarle County and the city of Charlottesville should be encouraged to restrict, to the extent possible, further development on the needed right of way in these areas.

BE IT FURTHER RESOLVED, that should it be necessary, we recommend that the Department acquire any needed right of way under our advanced acquisition policies.

BE IT FURTHER RESOLVED, that we recommend the North Grounds access facility be developed as soon as possible, along with additional mass transit, to immediately begin to improve traffic conditions along Route 29, Emmet Street between the Route 250 Bypass and the university, and free up parking around the grounds of the university.

BE IT FURTHER RESOLVED, that we recommend Alternative 10 be approved as a corridor for future development and Albemarle County assist in preserving the necessary right of way - developing local plans to minimize any future adverse impacts associated with the future development of this corridor.

BE IT FURTHER RESOLVED, that refined preliminary plans for Alternative 10 will be provided to Albemarle County to aid local officials in the preservation of the corridor and development of compatible land use plans.

BE IT FURTHER RESOLVED, that the preservation of the Alternative 10 corridor will assist the county in a no-growth position in the watershed. Access to the corridor would only be provided at the request of the county.

Phase II - Medium Range Recommendations

BE IT RESOLVED, that as traffic continues to increase and economic conditions allow, we recommend interchanges at Rio Road, Greenbrier Drive, and Hydraulic Road be constructed.

BE IT FURTHER RESOLVED, that we recommend continuation of the preservation of right of way for recommended Alternative 10 and the advanced acquisition of right of way procedures be exercised as needed and economics permit.

Phase III - Long Range Recommendations

BE IT RESOLVED, that as such time traffic conditions along the Route 29 corridor become unacceptable and economic conditions permit, we recommend the construction of the preserved corridor - Alternative 10.

Motion carried. Messrs. Wells, Warner and Smalley voting No.

11/15/90

ROUTE 29 BYPASS
State Project Number: 6029-002-F22, PE 101; RUVA-002-001, PE 101
Federal Project Number: NH-037-2 (130)
Albemarle County, Virginia

APPENDIX B

COORDINATION WITH LOCAL OFFICIALS

1998

11/18/98	File Memorandum from Stuart Tyler of consultant, De Leuw, Cather & Company, regarding meeting with Pat Mullaney, Albemarle County Director of Parks and Recreation and David Benish, Chief of Community Development.
8/14/98	Letter from David Benish, Chief of Community Development, Albemarle County Department of Planning and Community Development, to Patsy Napier of VDOT responding to her questions regarding trails at County School Complex.
11/3/98	Letter from Pat Mullaney, Albemarle County Director of Parks and Recreation, to Patsy Napier of VDOT responding to her questions regarding trails at the County school complex.
6/11/98	Letter from Patsy Napier of VDOT to Robert Tucker, Albemarle County Executive, regarding trails at Jack Jouett Middle School.

1997

3/7/97	Letter from Kevin Castner, Division Superintendent of Albemarle County Public Schools, to Donald Askew of VDOT transmitting comments from the School Board on the design of the bypass adjacent to Albemarle County Schools.

1994

5/31/94	Letter from L.A. Reaser, Director of Building Services, Albemarle County Public Schools, to Loretta Cummings of VDOT responding to her May 3, 1994 letter and suggesting measures for inclusion in the design of Alternative 10 to minimize impacts on Agnor-Hurt Elementary School.

1993

12/22/93	Letter from Wayne Cilimberg, Director of Albemarle County Planning and Community Development, to Loretta Cummings of VDOT providing comments on questions about modifications to the alignment of the Route 29 Bypass.
12/6/93	Letter from L.A. Reaser of Albemarle County Public Schools to Loretta Cummings of VDOT requesting additional information so he can evaluate the impacts of the Route 29 Bypass modifications.

1991

12/20/91	Letter from Clifford Haury of Albemarle County Public Schools to J. S. Hodge of VDOT requesting that Alternative 10 be shifted to avoid the Agnor-Hurt Elementary School property.
12/18/91	Letter from F.R. Bowie, Chairman of Albemarle County Board of Supervisors to John Milliken, Chairman of the CTB, requesting refinements to Alternative 10 to avoid impacts to an elementary school under construction (Agnor-Hurt Elementary School).

1989

7/5/89	Letter from Andrew Overstreet, Division Superintendent of Albemarle County Public Schools to Ken Wilkinson of VDOT expressing concern over the impact of bypass alternatives on Albemarle County Schools.
7/5/89	Letter from Andrew Overstreet, Division Superintendent of Albemarle County Public Schools to Richard Brown of consultant, Sverdrup Corporation, expressing concern over the impact of bypass alternatives on Albemarle County Schools.

DE LEUW, CATHER & COMPANY OF VIRGINIA

11320 Random Hills Road, Suite 100 • Fairfax, Virginia 22030 • (703) 352-1163 • Fax (703) 385-1147

MEMORANDUM

Date: 11/18/98

To: File 660817

From: Stuart Tyler

Subject: Route 29 Bypass
Project: 6029-002-F22, PE-101
Albemarle County
Meet w/County Officials re Section 4(f)/Trail behind Jack Jouett Middle School

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On November 17, 1998, I met with Mr. Pat Mullaney, Director of Parks and Recreation, and Mr. David Benish, Chief of Community Development (the two who wrote letters responding to Patsy Napier's 6/11/98 letter about the trail).

I showed them a map with the project alignment and the school property, and with a line sketched in where I thought the trail was. Mr Mullaney noted that the sketched position of the trail looked about right (he has been on the trail) and he said there are no maps official or otherwise that depict the trail.

I explained what Section 4(f) is and what its requirements are regarding examining avoidance alternatives and measures to minimize harm. I explained how, since the school property is a multi-use property, the 4(f) provisions apply only to those portions that are actually used for recreation (i.e., the trail, the soccer fields, the tennis courts, etc.) and not the entire property. I explained what avoidance alternatives we would probably evaluate, including a shift to the west, a shift to the east, a shift with bridges, and a bridge over the trail (aerial crossings are not 4(f) involvements unless piers or other appurtenances are placed on the site or the bridge harms the purposes for which the lands were established, according to FHWA's policy paper).

I pointed out the other constraints nearby, namely, the ag/forestal district on the Locher property, the Haffner Farm historic property (which would also be 4(f)), the tributary of Ivy Creek and the associated potential concerns relative to the James spinymussel (a federally listed endangered species), residential areas, and other recreational facilities at the schools (which would also be 4(f) resources).

I asked what mitigation measures they might deem appropriate. They suggested minimizing the width of the right of way swath to reduce the amount of forest that would be removed. I asked about landscaping and they agreed that it would be desirable, provided that it didn't create a sharp contrast between the landscape plantings and the natural vegetation. I suggested that if avoidance of the trail is determined not to be prudent and feasible, that the displaced portion of the trail could probably be relocated. I asked whether resurfacing of the trail to provide a more permanent surface would be desirable and they said no, it would be preferable to leave it natural as it currently is. They asked about noise barriers and I said that I thought that previous analyses had concluded that constructing noise barriers at this location would not be cost effective based on the estimated cost and amount of attenuation that would be provided.

I asked if they would like to meet again after we have more detailed information on the alternatives and their consequences and they said yes.

COUNTY OF ALBEMARLE
Dept. of Planning & Community Development
401 McIntire Road
Charlottesville, Virginia 22902-4596
(804) 296-5823

TO: Patsy Napier, Project Manager
FROM: David Benish, Chief of Community Development
DATE: August 14, 1998
RE: Response to questions regarding existing trails at County School Complex

The following are responses to your questions regarding the above noted trails:

1. *What is the major purpose of the trails?*

The trails are used for school athletic team training, academic programs and general public use. The trails are used for training by Albemarle High School's cross-country and track teams, as well as other sports teams (soccer, lacrosse) for training purposes. The trails are also used by earth science classes at the three schools. As provided by County policy, all school facilities function as public park/recreation facilities to serve the general public. The trails are open after school hours for public use and are actively used for by the public for walking and jogging.

2. *Are the trails a recreational resource for public use?*

Yes (see above).

3. *If so, do they constitute a significant recreational resource in the County?*

The County, as a general practice, does not designate recreational facilities as "significant." Recreational facilities are provided to address identified or perceived school or public needs. The trails provide a soft track facility in a natural setting for walking and jogging near the most populated and densely developed part of the County. This trail system serves to help meet the demands from this part of the County and compliment other existing facilities in the area to provide a variety of trail types and settings for walking and running opportunities.

The trails are also seen as a major resource to the high school's cross-country, track and other sport teams. There is a need for safe convenient soft surface trails for training runs. According to School Board policy, Albemarle school athletes are prohibited from practicing on most public roads. In particular, the cross-country team has been forced to travel to other locations around the County to train (participation on the Albemarle cross-country team recently has approached 60 students).

4. *If so, what is the basis for that significant determination in the light of the fact that the trails are not identified in the Comprehensive Plan as a public recreational resource at the school?*

All public schools are identified as public recreational facilities in the Comprehensive Plan. This has been the case since the adoption of the Community Facilities Plan (May, 1991) and was reaffirmed in the updated Land Use Plan component of the Comprehensive Plan, adopted June 1995 (excerpts from both documents are attached). Neither document inventories all facilities at County parks, so this trail system is not specifically mentioned in either document. However, standards for the development of each category of park, including the number and type of facilities to be provided, are established in the Community Facilities Plan. The standards for District Parks (which are to be provided at middle and high schools) call for the development of an "open space area with walking or jogging trail...if the opportunity and demand exists for this type of facility (p. 38, Community Facilities Plan)." The purpose and need for this facility is documented in the responses to other questions.

5. *When were the trails constructed?*

There were crude trails in existence in 1983-84. The cross-country team has held several trail-building activities at different points in time. Between 1984 and 1990, the trails were opened up and improved significantly. The lower trail behind Jouett Middle School was upgraded in 1990 when the cross-country team and athletic department pooled funds ($5,000) to pay a contractor to level and expand the existing trail. The primary group behind the initial trail development has been the Albemarle cross-country team and boosters. Their interest was generated by the limited training opportunities/facilities available in the County at the time. Over time, the participants in trail development have included the Monticello Area Community Action Agency (MACAA), the Boy Scouts, and various service fraternities and volunteer groups. Since they have been in existence, there has also been steady and consistent use for school academic exercises and general public use for walking and running.

6. *Who were they constructed for and what purposes do they use them?*

See the responses to questions 1, 3, and 5.

7. *Who uses the trails now and for what purposes do they use them?*
AND
8. *How many people use the trails and how frequently do they use them?*

The trails are still used for athletic team training and academic programs. The trails are also regularly used by residents of neighborhoods along (and within) the Rio/Hydraulic Road "loop" and Georgetown and Barracks Roads. According to the cross-country coach, actual numbers vary with the season. Summer use is more moderate due to warmer temperatures. During cooler periods he estimates 20 to 30 users (mostly runners) per day. During the cross-country season, the team makes use of the track 3 to 5 times a week, with anywhere from 40 to 50 team members at once.

9. *Are there organized events for which the trails are used?*

No. To date, there have been no organized *events* scheduled at this facility (trail area). It is considered a back-up facility for Albemarle cross-country meets.

10. *Is there any program to disseminate information to the public regarding the trails as a recreational resource?*

Information is distributed through the local track/trail clubs. The trails have been highlighted in the Charlottesville Track Club newsletter on several occasions.

11. What are the future plans for the trails?

There are no definite plans for the future other than maintenance to the existing trails and use. The future of the trail system after construction of the bypass will be considered at that time.

12. To what extent would this project's effects on the trails affect county recreational programs?

The bypass would eliminate, or severely impact, major portions of the existing trail system, and will reduce the attractiveness and utility of the remaining trails to the general public. This will result in increased use of Whitewood Park and Ivy Creek Natural, both already receiving a high level of use (jogging is not permitted the in the Ivy Creek Natural Area).

13. Are there any other trails or other recreational facilities, either existing or planned, that are or could be affected by this project?

Yes. The County's Land Use Plan and Open Space Plan call for the development of a linear greenway park along the South Fork Rivanna River and reservoir. It is my understanding that the greenway proposal has been discussed with the Bypass Design Committee.

If you need any further information or have additional questions, please do not hesitate to contact me.

Cc: Wayne Cilimberg
Al Reasor
PatMullaney

Planning.RE

COUNTY OF ALBEMARLE
Parks and Recreation Department
County Office Building
401 McIntire Road
Charlottesville, Virginia 22902-4596
Telephone (804) 296-5844

RECEIVED

NOV 1 0 1998

DELEUW, CATHER & COMPANY
FAIRFAX, VA.

MEMORANDUM

TO: Patsy Napier, Project Manager

FROM: Pat Mullaney, Director of Parks and Recreation PM

DATE: November 3, 1998

RE: Response to questions regarding existing trails at County School Complex

Albemarle County school grounds serve a dual function as Albemarle County parks. This arrangement is defined in the Parks and Recreation section of the Albemarle County Code and is recognized by policy in the Community Facilities Plan, which is a component of the Comprehensive Plan. As Director of Parks and Recreation it is my responsibility to oversee the provision, supervision, use, maintenance, and protection of all park and recreation facilities in the County. Therefore I would like to take this opportunity to expand and elaborate on some of the responses of August 21, 1998 by David Benish, Chief of Community Development to your questions regarding the trails at the County school complex.

1. What is the major purpose of the trails?

The provision of trails for public recreation is a major function of the Parks and Recreation Department. The trails are used very heavily by the community because of their location in the most densely developed area of the County. The trails also serve a major function for the school system for athletic team training and for academic use.

3. If so, do they constitute a significant recreational resource in the County?

Yes, this trail system and the wooded area in general, particularly in this very high developed area

of the County, constitute a significant recreational resource. As stated in the Community Facilities Plan, the provision of parks and recreation facilities can serve to achieve a variety of community objectives. Two of the most common purposes are, (1) the provision of activity related recreation opportunities; and , (2) the preservation of environmental or historically significant resources. Due to the extensive development of the surrounding land, this wooded area and trails are definitely a significant recreation and environmental resource. The school complex and a nearby 20 acre parcel known as Whitewood Park are the only park facilities serving this densely populated area.

4. If so, what is the basis for that significant determination in the light of the fact that the trails are not identified in the Comprehensive Plan as a public recreational resource at the school?

As state earlier, the Albemarle County School grounds also serve as Albemarle County parks, as recognized in the Community Facilities Plan, which is a component of the Comprehensive Plan, and as defined in the Albemarle County Code. In the Comprehensive Plan, page 132, trails are mentioned. "District parks provide additional facilities and recreational opportunities beyond what is provided in smaller community parks. There should be a reasonable variety of recreational facilities and opportunities; tot lots, tennis courts, lighted playing fields, and jogging/walking trails or tracks are a few examples. These parks are provided at secondary schools in Albemarle County." The Albemarle High School Complex, which includes Jouett Middle School and Greer Elementary School, is designated a District Park on page 49 of the Albemarle County Community Facilities Plan 1990 - 2000. The school playgrounds, fields, and trails at this facility play an important role in meeting the objectives as established in the Community Facilities Plan and they constitute a major resource.

The portion of this site that includes the trails and woods is particularly significant in this highly developed area of the County. The importance to the County of protecting undeveloped land in this area was underscored in 1990 when the decision was made to not build a new elementary school on the nearby County owned Whitewood Road site in order to preserve the wooded area and trails on that site. Instead the County spent in excess of $1,000,000 to purchase the current Agnor Hurt school site. Since that the time the County has placed a conservation easement on the Whitewood site. In my opinion, it would make little sense to allow impact to a nearby site of similar character when such efforts have been made to protect the Whitewood site. I think this clearly shows the significance this land has as a recreational resource to the County.

8. How many people use the trails and how frequently do they use them?

The trails are in the most densely populated area of the County and receive steady and consistent use by the public as well as regular use by the Albemarle athletic teams and Albemarle, Jouett, and Greer academic programs. Sign up sheets at the trails indicate that public use is approximately 30 to 35 persons/day. School athletic teams who use the trails 3 to 5 times a week in season may have as many as 50 team members on the trails at once.

The athletic fields, trails and other outdoor recreational facilities in this most densely populated area of the County are extremely important in meeting our recreational objective and goals. All the

facilities at this complex are used extensively.

11. What are the future plans for the trails?

The trails will continue to be maintained for public and school use. Discussions between parks and recreation and school staff are ongoing as to how to improve these trails and other facilities to enhance school and public use.

12. To what extent would this project's effects on the trails affect county recreational programs?

As David stated the bypass would eliminate, or severely impact, major portions of the existing trails system, and will greatly reduce the attractiveness of what remains. Any loss of trails in this area will further burden existing facilities that are already overused. The Ivy Creek Natural Area is used to the point now that the additional public use could result in consideration of new policies to restrict use to protect the natural area. Loss of the trails at this County School Complex would negate much of what the County gained with its investment and effort to preserve a similar area at Whitewood Road.

Thank you for this opportunity to comment. If you have any questions please do not hesitate to contact me.

Cc: Wayne Cilimberg
Al Reaser
David Benish

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JUN 1 8 1998
ENVIRONMENTAL DIV.

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, 23219

DAVID R. GEHR
COMMISSIONER

J.T. MILLS
DIVISION ADMINISTRATOR

June 11, 1998

RECEIVED
JUL 1 5 1998
DELEUW, CATHER & COMPANY -
FAIRFAX, VA.

Mr. Robert W. Tucker, Jr.
Albemarle County Executive
401 McIntire Road
Charlottesville, VA 22901

SUBJECT: **Route 29 Bypass**
State Project Number: 6029-002-F22, PE101
Albemarle County

Dear Mr. Tucker:

In the suit filed by the Sierra Club and the Piedmont Environmental Council against this project, one of the issues pertains to the trails behind the Jack Jouett Middle School. The attached map shows the approximate location of the trails.

In the numerous formal and informal dealings with county school, administrative, and planning staff over the years this project has been under development, no one has previously expressed concerns about the trails or even mentioned them. Likewise, in all the extensive coordination with the public through citizens information meetings, public hearings, and citizen advisory committees, no one has previously mentioned the trails as a concern. The trails are not identified in the county's Comprehensive Plan as recreational resources although other facilities on the school grounds are identified. There are no indications anywhere that the trails are promoted for public recreation or that they are even open to the public.

In order to address this issue now, we request that you coordinate with appropriate county departments and provide us the following information.

1. What is the major purpose of the trails?

2. Are the trails a recreational resource for public use?

3. If so, do they constitute a significant recreational resource for Albemarle County?

4. If so, what is the basis for that significance determination in light of the fact that the trails are not identified in the Comprehensive Plan as a public recreational resource at this school?

5. When were the trails constructed?

6. Who were they constructed for and for what purpose were they constructed?

7. Who uses the trails now and for what purposes do they use them?

8. How many people use the trails and how frequently do they use them?

9. Are there any public organized events for the which the trails are used?

10. Is there any program to disseminate information to the public regarding the trails as recreational resources?

11. What are the county's future plans for the trails?

12. To what extent would this project's effects on the trails affect county recreational programs?

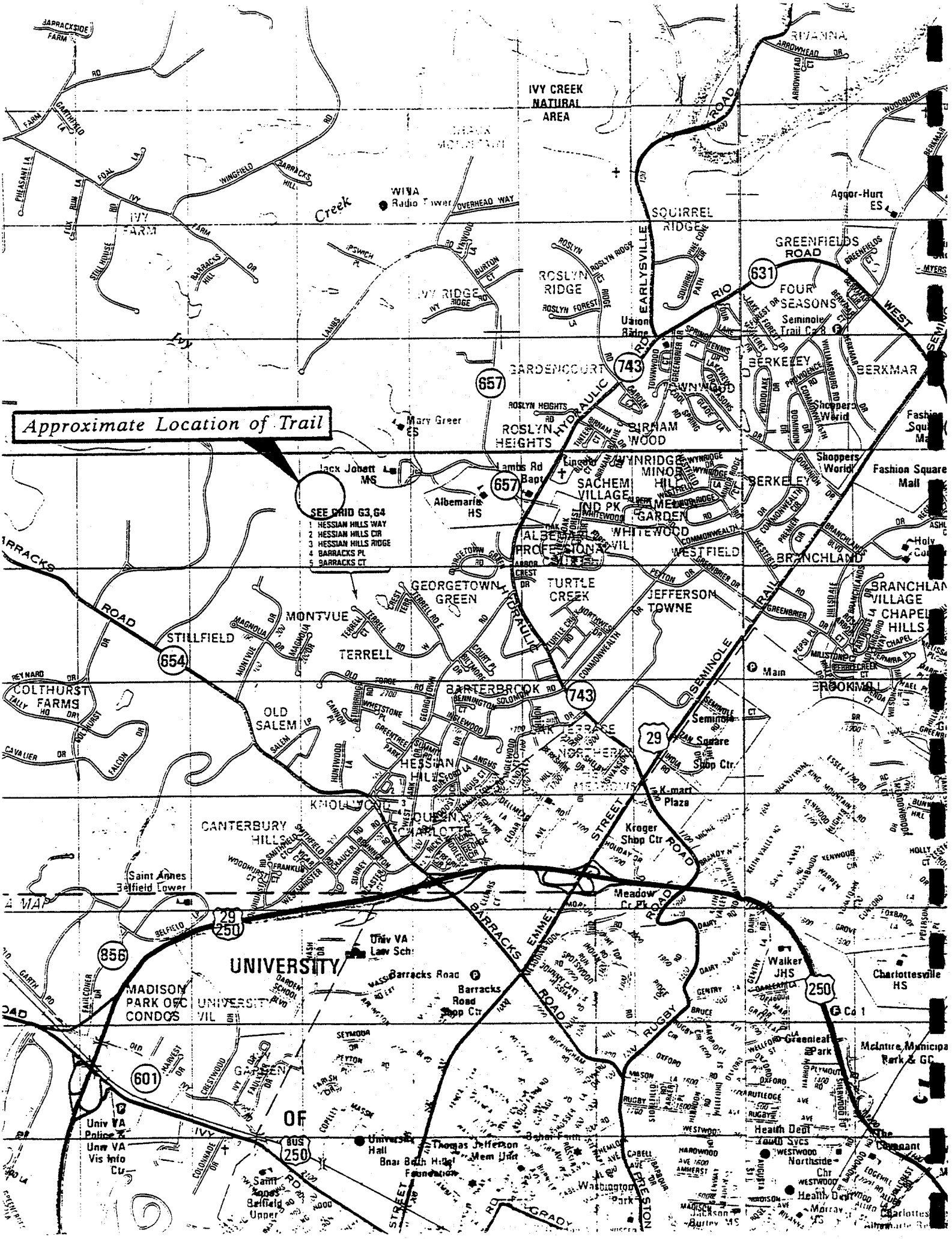
13. Are there any other trails or other recreational facilities, either existing or planned, that are or could be affected by this project?

Thanks for your help in this matter. Please call me if you have any questions about this request.

Sincerely,

Patsy Napier

Patsy Napier
Project Manager


Approximate Location of Trail
SEE GRID G3,G4
1 HESSIAN HILLS WAY
2 HESSIAN HILLS CIR
3 HESSIAN HILLS RIDGE
4 BARRACKS PL
5 BARRACKS CT
IVY CREEK NATURAL AREA
Ivy Creek
WINA Radio Tower
IVY FARM
IVY RIDGE
ROSLYN RIDGE
SQUIRREL RIDGE
EARLYSVILLE
GREENFIELDS ROAD
FOUR SEASONS
Seminole Trail Ca 8
Agnor-Hurt ES
GARDENCOURT
BERKELEY
BERKMAR
Mary Greer ES
ROSLYN HEIGHTS
BIRHAM WOOD
Jack Jouett MS
Lambs Rd Bapt
Albemarle HS
WYNRIDGE
MINOR HILL
SACHEM VILLAGE IND PK
WHITEWOOD
WESTFIELD
Shoppers World
Fashion Square Mall
BRANCHLAND
GEORGETOWN GREEN
TURTLE CREEK
JEFFERSON TOWNE
BRANCHLAN VILLAGE
CHAPEL HILLS
MONTVUE
STILLFIELD
TERRELL
COLTHURST FARMS
OLD SALEM
BARTERBROOK
BROOKMILL
Seminole Square Shop Ctr
HESSIAN HILLS
K-mart Plaza
KNOLLWOOD
CANTERBURY HILLS
Kroger Shop Ctr
Saint Annes Belfield Lower
Meadow Cr Pk
Univ VA Law Sch
UNIVERSITY
Barracks Road
Barracks Road Shop Ctr
MADISON PARK OFC CONDOS
UNIVERSITY VIL
Walker JHS
Charlottesville HS
Greenleaf Park
McIntire Municipal Park & GC
Univ VA Police
Univ VA Vis Info Ctr
Thomas Jefferson Mem Hall
Bnai Beth Hillel Foundation
Washington Park
Health Dept
Northside Chr
Saint Jones Belfield Upper
Jackson Burley MS
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RIO
WEST
SEMINOLE
BARRACKS
EMMET
RUGBY
PRESTON
GRADY

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2138.

ALBEMARLE COUNTY PUBLIC SCHOOLS
Office of the Superintendent
401 McIntire Road
Charlottesville, Virginia 22902-4596

March 7, 1997

Donald Askew, District Administrator
Virginia Department of Transportation (VDOT)
1601 Orange Road
Culpeper, Virginia 22701

RE: Route 29, 6029-002-v22, p101

Dear Mr. Askew,

At the direction of the Albemarle County School Board, I am responding to the information presented at the public hearing on February 25, 1997 regarding the Route 29 Bypass. In reviewing the impact of the Bypass on the three Albemarle County Schools, we appreciated the opportunity to provide input throughout the project and the obvious efforts made by VDOT to skirt school property.

In discussing the project, the School Board voiced several concerns and requested the following comments be forwarded:

1. By VDOTs calculation, there will be a significant noise impact on the outside play areas of Agnor-Hurt, Greer and Jouett Schools. Additional shrubbery and trees should be placed to minimize the impact of noise, light, dirt and exhaust emissions on the school properties.

2. As noted in our May 31, 1994 letter to Loretta Cummings, a copy attached, we requested a 6' chain link fence to be installed along the right of way to insure the safety of school children on the play areas. Although the fence is not shown on the current preliminary drawings, at the public hearing the gentlemen at the Right of Way table indicated that the fence would be installed.

3. We request that guard rails be placed where appropriate to prevent vehicles from veering onto school properties.

We appreciate the opportunity to participate in the design process. You may contact Al Reaser, Director of Building Services, at (804) 973-3677, should you have any questions or require additional information.

Sincerely,

Dr. Kevin C. Castner
Division Superintendent

RECEIVED
MAR 11 1997
CULPEPER

KCC/ab
1-970307.2
attachment

cc: R. Tucker
A. Tucker
A. Reaser

"We Expect Success"

DEPT. OF TRANSPORTATION
MAR 11 1997
DISTRICT OFFICE

5089

ALBEMARLE COUNTY PUBLIC SCHOOLS
Building Services Department
2751 Hydraulic Road
Charlottesville, Virginia 22901

May 31, 1994

Loretta B. Cummings
Environmental Specialist
Commonwealth of Virginia
Department of Transportation
P. O. Box 671
Culpeper, VA 22701

RE: Route 23, 6029-002-v22, P101

Dear Ms. Cummings:

Thank you for your May 3, 1994 letter, which provided us with the current design plans for the Route 29 - Alt. 10 modifications. I appreciate your efforts to minimize the project impact on Agnor-Hurt Elementary School.

It is a great relief to discover that the ball fields will not be disturbed, as the northern most corner of the property, near the cemetery, is not used for recreation. Therefore, to minimize the total impact on the property, the following concerns should be incorporated into the design:

1. Guard rails along the road for the entire length of our property should be installed to prevent any vehicles from accidently veering onto school property.

2. A 6' chain link fence should be installed along the right of way, to insure that children on the school site do not enter the road right of way.

3. Appropriate landscaping should be completed to minimize the impact of noise, light, dirt and exhaust emissions on the school.

4. In the design phase, we would request that you continue to pursue shifting the road to the north to avoid our property.

Please review this information and forward your comments. Again, I do appreciate your flexibility in this matter. Please do not hesitate to contact me on 973-3677, should you have any questions regarding this matter.

Sincerely,

L. A. Reaser

L. A. REASER
Director

JUN 1994
Received
Culpeper District
Environmental
Section

LAR/sjc

cc: Dr. Paskel, Superintendent
Dr. Hastings, Ass't Superintendent
Dr. Behrens, Principal, Agnor-Hurt

4981

COUNTY OF ALBEMARLE
Dept. of Planning & Community Development
401 McIntire Road
Charlottesville, Virginia 22902-4596
(804) 296-5823

RECEIVED
DEC 27 1993
ENVIRONMENTAL SECTION

December 22, 1993

Lorretta B. Cummings
Environmental Specialist
Virginia Department of Transportation
P. O. Box 671
Culpeper, VA 22701

RE: Route 29 Bypass Proposed Modifications (6029-002-V22,P101)

Dear Ms. Cummings:

The following are comments to questions concerning the modifications to the alignment for the Route 29 Bypass:

1. **Do you anticipate citizen opposition to this project?**

   It is difficult to anticipate whether there will be opposition to these proposed modifications. The modifications reduce or eliminate the impact to some properties while increasing the impact to others. There has been opposition in general to the Route 29 Bypass project as well as opposition to the proposed Alternative 10 alignment. The Route 29 North Business Council has indicated their support of the proposed modification to the northern terminus.

2. **Will it disrupt a community or its planned development?**

   The southern modification will run along the eastern side of St. Anne's - Belfield School property. However, the original alignment ran along the western boundary and also impacted use of the site. The proposed modification is closer to the Canterbury Hills subdivision although it will not directly impact properties within the development. This modification does minimize the potential impact to the Bellair subdivision by no longer connecting the proposed bypass into the interchange of the existing Route 29/250 Bypass and Route 250 West.

The northern alignment modification traverses an area which is designated in the Comprehensive Plan for medium and high density residential development. Most of the proposed modification is located on undeveloped property. The proposed modification overlaps a significant portion of the extension of Berkmar Drive, which is scheduled for construction in Spring 1994. The proposed modification appears to avoid significant impact to the existing SPCA facilities. However, it runs through a portion of their property which is currently under design for facility expansion. This modification is also located adjacent to the Rivanna Water & Sewer Authority's South Fork Rivanna Water Treatment Plant. The alignment runs very close to an existing water tower located along Woodburn Road. The existing access to the water plant will be eliminated by this modification. The modification also crosses major trunk lines for water service near the tower location.

3. **Is consistent with community goals, such as land use? What is the zoning for the area?**

The land use located along the proposed modifications is designated primarily for residential use (See response to question #2). Other existing land uses include schools (St. Annes-Belfield and Agnor-Hurt Elementary). However, there is no significant additional impact to the schools from the modified alignments. A limited access bypass would not be considered entirely consistent with proposed land uses. Location of the northern modification in its proposed alignment will require County reconsideration of the residential land use designations. The northern alignment's location consumes most of the developable area between Berkmar Drive Extended and Woodburn Road.

The properties along the southern modification are zoned R-4, Residential, R-1, Residential, and PUD, Planned Unit Development. Along the northern modification the properties are zoned R-6, Residential, HC, Highway Commercial, CO, Commercial Office, R-15, High Density Residential, and RA, Rural Areas.

4. **Is this project endorsed by the Board of Supervisors and in the County Comprehensive Plan?**

   The Route 29 Bypass is not identified in the County's Comprehensive Plan nor in the Charlottesville Area Transportation Study (CATS). The County Board of Supervisors, Charlottesville City Council and the University of Virginia previously have entered into an agreement supporting a sequence of improvements to the Route 29 Corridor which includes the construction of the Route 29 Bypass (Alternative 10) if deemed necessary after all other CATS projects have been completed.

5. **Are there any agricultural/forestal districts in the project?**

   No.

If you should have any questions or comments regarding the above, please do not hesitate to contact me.

Sincerely,

V. Wayne Cilimberg
Director of Planning & Community Development

VWC/jcw

cc: Robert W. Tucker, Jr.

497

ALBEMARLE COUNTY PUBLIC SCHOOLS
Building Services Department
2751 Hydraulic Road
Charlottesville, Virginia 22901

RECEIVED
DEC 08 1993
ENVIRONMENTAL SECTION

December 6, 1993

Loretta B. Cummings
Environmental Specialist
Commonwealth of Virginia
Department of Transportation
P. O. Box 671
Culpeper, VA 22701

RE: Route 23, 6029-002-v22, P101

Dear Ms. Cummings:

In response to your November 23, 1993 letter to the Division Superintendent of Albemarle County Public Schools, currently Dr. Robert W. Paskel, I would like to request that you forward to me, at the above address, a larger scale map of the area so that I may further evaluate the impact of the Route 29 Bypass modifications. An overlay of the enclosed map would also be acceptable.

Please note that there is a cemetery located in the northwest corridor of the Agnor-Hurt site. I may be reached on 973-3677, should you have any questions regarding this matter.

Sincerely,

L. A. Reaser

L. A. REASER
Director

LAR/sjc
Attachment

cc: Dr. Paskel, Superintendent
C. Hastings, Assistant Superintendent
W. Smith, Director of Transportation

4425

ALBEMARLE COUNTY PUBLIC SCHOOLS
Office of the School Board
401 McIntire Road
Charlottesville, Virginia 22901-4596

December 20, 1991

Mr. Jack S. Hodge
Chief Engineer
Department of Transportation
Commonwealth of Virginia
1401 E. Broad Street
Richmond, VA 23210

Dear Mr. Hodge:

In examining the proposed right of way and road path for the Route 29 Bypass the Albemarle County School Board has discovered that the road cuts across the northwest portion of a new school site (attachment 1). The land for this school, Agnor-Hurt Elementary, was acquired by the County after the last round of public discussion on the proposed Route 29 Bypass.

We hereby request that the Virginia Department of Transportation alter its proposal by shifting the Bypass center line north approximately 1,000 feet to avoid the school property line. The Albemarle County School Board has authorized this correspondence.

If you have any questions, please contact us.

Sincerely,

Clifford W. Haury

Clifford W. Haury
Chairman

CWH/cs

Enclosure

cc: Dan Roosevelt
Robert W. Paskel
School Board Members

441

Edward H. Bain, Jr.
Supervisor

David P. Bowerman
Chairman

F. R. Rick Bowie
Supervisor

COUNTY OF ALBEMARLE
Office of Board of Supervisors
401 McIntire Road
Charlottesville, Virginia 22901-4596
(804) 296-5843 FAX (804) 979-1281

December 18, 1991

John C. Milliken, Chairman
Commonwealth Transportation
607 9th Street Office Building
Richmond, Virginia 23219

Dear Secretary Milliken:

After further review of the alignment plans for the Route 29 North Western By-Pass, Alternative 10, it appears to have a significant negative impact on Albemarle County's newest elementary school which is currently under construction. The attached aerial photograph is overlayed with both the proposed road alignment and the school site plan. The result of the proposed alignment severely reduces this site in addition to impacting a cemetery adjacent to the school property.

As you continue to refine the alignment of this By-Pass, the Board of Supervisors and School Board request the alignment not impact these sites.

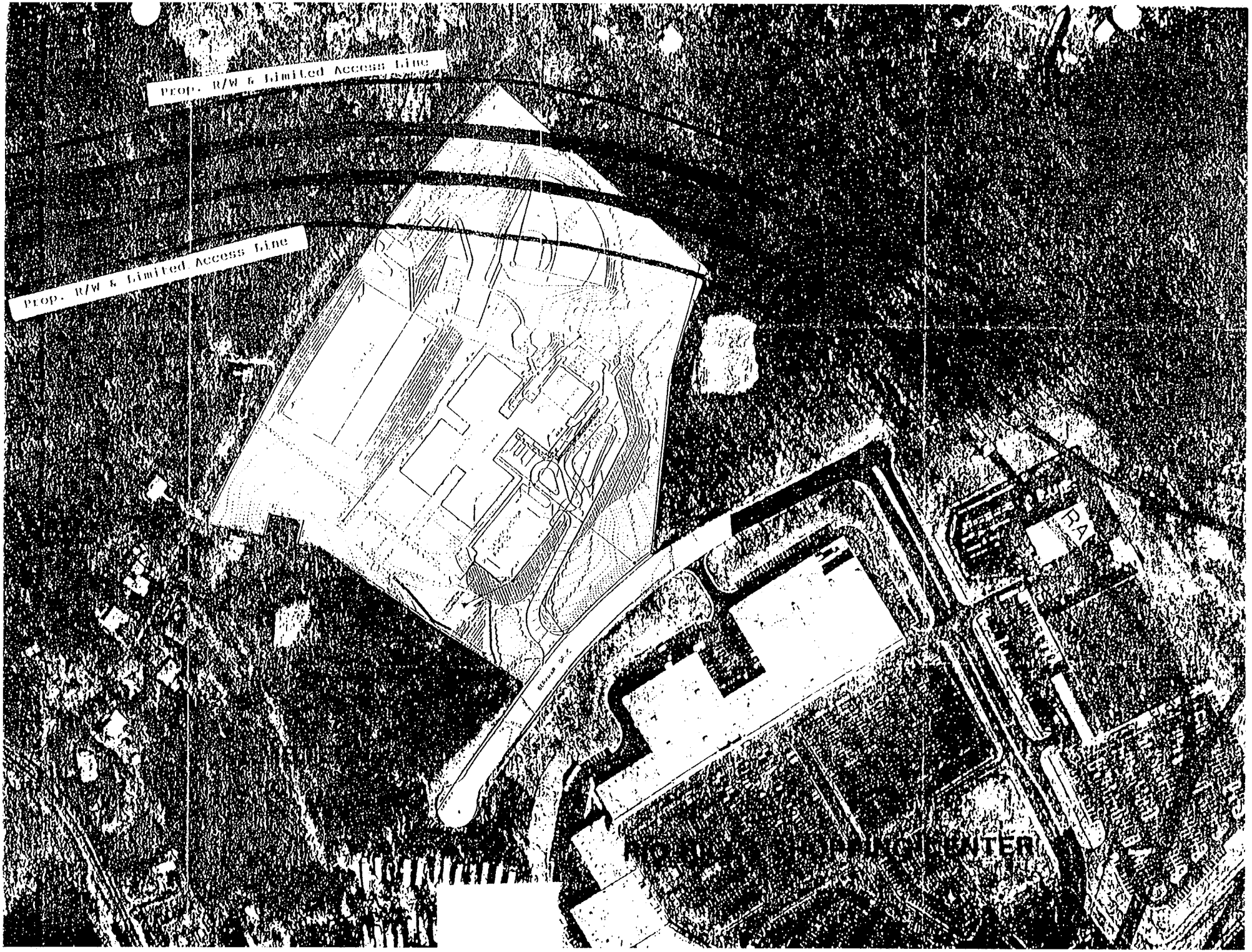
Thank you for your consideration of this matter.

Sincerely,

F R Bowie

F. R. Bowie
Chairman

FRB/dbm
91.12
Attachment


Prop. R/W & Limited Access Line
Prop. R/W & Limited Access Line
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ENVIRONMENTAL DIV.

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ALBEMARLE COUNTY PUBLIC SCHOOLS
Office of the Superintendent
401 McIntire Road
Charlottesville, Virginia 22901-4596

July 5, 1989

Mr. Ken Wilkinson
Virginia Department of Transportation
Environmental Division
1401 E. Broad Street
Richmond, VA 23219

Dear Mr. Wilkinson:

The Albemarle County School Board discussed some of the alternate routes proposed as bypasses for Route 29 North at recent meetings. The Board adopted the following resolution at its meeting on June 27, 1989:

"Noting that one or more of the proposed alternatives for a "by-pass" route in Charlottesville comes close to some Albemarle County schools, the School Board wishes to express concern that the safety and learning environment of our students will be compromised.

We specifically request that the consultants and the State Department of Transportation provide detailed information on possible noise and safety problems to the School Board as soon as possible, but certainly prior to any Public Hearing so that the Board can reach an informed position relative to such construction.

Please keep us informed of any changes in the various alternatives which might have impact on our schools."

Please forward any information to my office so that I can make it available to the School Board. Thank you for your attention to this matter.

Sincerely,

N. Andrew Overstreet
Division Superintendent

cc: Sverdrup Corporation
Albemarle County Planning Department

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ALBEMARLE COUNTY PUBLIC SCHOOLS
Office of the Superintendent
401 McIntire Road
Charlottesville, Virginia 22901-4596

July 5, 1989

Mr. Richard Brown
Sverdrup Corporation
7799 Leesburg Pike
Suite 700 South Tower
Falls Church, VA 22043

Dear Mr. Brown:

The Albemarle County School Board discussed some of the alternate routes under consideration as a bypass for Route 29 North at recent meetings. The Board adopted the following resolution at its meeting on June 27, 1989:

"Noting that one or more of the proposed alternatives for a "by-pass" route in Charlottesville comes close to some Albemarle County schools, the School Board wishes to express concern that the safety and learning environment of our students will be compromised.

We specifically request that the consultants and the State Department of Transportation provide detailed information on possible noise and safety problems to the School Board as soon as possible, but certainly prior to any Public Hearing so that the Board can reach an informed position relative to such construction.

Please keep us informed of any changes in the various alternatives which might have impact on our schools."

Please forward any information to my office so that I can make it available to the School Board. Thank you for your attention to this matter.

Sincerely,

N. Andrew Overstreet
Division Superintendent

cc: Virginia Department of Transportation
Albemarle County Planning Department

ROUTE 29 BYPASS
State Project Number: 6029-002-F22, PE 101; RUVA-002-001, PE 101
Federal Project Number: NH-037-2 (130)
Albemarle County, Virginia

APPENDIX C

COMMENTS ON
DRAFT SECTION 4(f) EVALUATION

Albemarle County

4/16/99	Larry W. Davis, County Attorney (On behalf of the Albemarle County Board of Supervisors)
4/16/99	David Benish, Chief Albemarle County Planning and Community Development Department (Attachment A to Albemarle County Attorney's comments)
3/18/99	Pat Mullaney, Director Albemarle County Parks and Recreation Department (Attachment B to Albemarle County Attorney's comments: Comments contained in memo to Wayne Cilimberg, Albemarle County Director of Planning and Community Development)

Metropolitan Planning Organization

4/21/99	Sally Thomas, Chair Charlottesville-Albemarle Metropolitan Planning Organization

State/Federal Agencies

2/26/99	John R. Tate, Endangered Species Coordinator Office of Plant and Pest Services Virginia Department of Agriculture and Consumer Services, Division of Consumer Protection
3/5/99	Dawn McGrain, Environmental Impact Review Coordinator Virginia Department of Environmental Quality
3/5/99	Jay M. Woodward, Environmental Engineer Virginia Marine Resources Commission
3/10/99	Derral Jones, Acting Planning Bureau Manager Virginia Department of Conservation and Recreation Division of Natural Heritage Division of Soil and Water Conservation Division of Planning and Recreational Resources
3/11/99	Lesa Berlinghoff, Project Review Coordinator Virginia Department of Conservation and Recreation
3/16/99	Tracey Harmon, Environmental Engineer Virginia Department of Environmental Quality, Office of Permit Support

2/24/99	Asif K. Malik, Chief of Technical Services Virginia Department of Health, Division of Wastewater Engineering
4/12/99	Thomas R. Ballou, Technical Services Administrator Office of Air Data Analysis Virginia Department of Environmental Quality
4/19/99	Willie R. Taylor, Director Office of Environmental Policy and Compliance Office of the Secretary U. S. Department of the Interior

Citizens and Other Interested Parties

4/5/99	Deborah Murray, Senior Attorney Southern Environmental Law Center (On behalf of Piedmont Environmental Council and Sierra Club)
4/20/99	George R. Larie, President Charlottesville-Albemarle Transportation Coalition, Inc.

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APR 19 1999
ENVIRONMENTAL DIV.

LARRY W. DAVIS
COUNTY ATTORNEY

PHONE (804) 972-4067
FAX (804) 972-4068

COUNTY OF ALBEMARLE
Office of County Attorney
401 McIntire Road
Charlottesville, Virginia 22902-4596

MARK A. TRANK
DEPUTY COUNTY ATTORNEY

GREG KAMPTNER
KIMBERLY E. WOLOD
ASSISTANT COUNTY ATTORNEYS

April 16, 1999

Roberto Fonseca-Martinez, Division Administrator
Federal Highway Administration
Virginia Division
P.O. Box 10249
400 North 8th Street, Room 750
Richmond, VA 23240-0249

J. Mark Wittkofski
Environmental Planner
Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 23219-1939

Re: Comments on the Draft Section 4(f) Evaluation of the Trail at Jack Jouett Middle School; Route 29 Bypass; Albemarle County, Virginia

Dear Mr. Fonseca-Martinez and Mr. Wittkofski:

The County of Albemarle has reviewed the draft Section 4(f) evaluation (hereinafter, the "Evaluation") of the trail at Jack Jouett Middle School. The following comments are submitted on behalf of the Albemarle County Board of Supervisors. The comments of David Benish, the County's Chief of Community Development, and Pat Mullaney, the County's Director of Parks and Recreation, are attached hereto as Attachments A and B and are incorporated herein.

1. The Evaluation violates Section 4(f) and 23 C.F.R. § 771.135 because it fails to consider the constructive use of other significant park and recreation areas on the Albemarle High School Complex.

   A. The Albemarle High School Complex is a significant publicly owned park and recreation area.

The Albemarle High School Complex (hereinafter, the "School Complex"), which includes Albemarle High School, Jack Jouett Middle School, and Greer Elementary

School, is identified as a district park in the County's Comprehensive Plan. (Albemarle County Community Facilities Plan 1990-2000, hereinafter, the "Facilities Plan", 49) District parks provide diverse recreational opportunities for all age groups and are intended to be capable of withstanding intensive use, while maintaining open space. (Facilities Plan, 37) A district park such as the School Complex has multiple playgrounds, basketball courts, multi-purpose fields equipped with soccer goals, softball/baseball fields, additional major sports complexes, and an open space area with walking or jogging trails. (Facilities Plan, 37) (*See* Attachments C and D photographs) District parks, in conjunction with neighborhood and community parks, are intended to provide the majority of close-to-home recreational opportunities in the County. (Facilities Plan, 37)

In his November 3, 1998, letter to Patsy Napier, the VDOT Project Manager, Pat Mullaney, the County's Director of Parks and Recreation, stated:

> The Albemarle High School Complex, which includes Jouett Middle School and Greer Elementary School, is designated a district park on page 49 of the Albemarle County Community Facilities Plan 1990-2000. The school playgrounds, fields, and trails at this facility play an important role in meeting the objectives as established in the Community Facilities Plan and they constitute a major resource. (November 3, 1998 Letter, Response to Question 4.)

Mr. Mullaney also clearly identified the significance of all of the recreational facilities at the School Complex:

> The athletic fields, trails, and other outdoor recreational facilities in this most densely populated area of the county are extremely important in meeting our recreational objective and goals. All the facilities at this complex are used extensively. (November 3, 1998 Letter, Response to Question 8).

The Evaluation recognizes that the trail at Jack Jouett Middle School is "a component of a larger assemblage of recreational facilities" at the School Complex. (Evaluation, 8) Mr. Mullaney identified all of the recreational facilities described above as being significant. Yet, without any explanation, the Evaluation ignores the other recreational facilities identified above located at Greer Elementary School and Jack Jouett Middle School that would be constructively used by Alternative 10.

All of the recreational facilities on the School Complex constitute a significant publicly owned park and recreation area. Significance determinations are made by the officials having jurisdiction over the land. (Section 4(f) Policy Paper, revised June 7, 1989, 10) The Evaluation's failure to consider these other facilities is error. The Board's response to the Evaluation's criticism that the County failed to timely inform the FHWA and VDOT of the existence of Section 4(f) property is addressed in Section 7.

B. The park and recreation areas of the School Complex not otherwise permanently incorporated into Alternative 10 will be constructively used by Alternative 10.

In consultation during the preparation of the Evaluation, the County stated that all of the recreational facilities at the School Complex, including the trails at Greer Elementary School and the playing fields, were significant park or recreation facilities. (Evaluation, 8) Nevertheless, the Evaluation erroneously concludes that the "only recreational facility encroached on by the project is the trail" and that "only the trail itself, and not the encompassing school property, constitutes the Section 4(f) resource." (Evaluation, 4) These conclusions are in error both in fact and as a matter of law.

Alternative 10 will take additional trails than the one studied in the Evaluation. (*See* Attachment E) The proximity of Alternative 10 to the park and recreation areas at the School Complex will substantially impair those portions not actually taken by Alternative 10. For example, the batting cage on the ball field at Greer Elementary School will be only 65 feet from the Alternative 10 right-of-way, and only 155 feet from the Alternative 10 northbound lanes. (*See* Attachment C photographs) As another example, the soccer field at Jack Jouett Middle School will be only several feet from the Alternative 10 right-of-way and only 130 feet from the Alternative 10 northbound lanes. (*See* Attachment C photographs)

The Final Environmental Impact Statement for the Route 29 Corridor Study approved January 20, 1993 (hereinafter, the "FEIS"), failed to identify the impairments to these recreational facilities because it erroneously failed to identify the School Complex as a district park or as having recreational facilities. The FEIS says little more than the following about the impact of Alternative 10 on the School Complex:

> Alternative 10 passes alongside the County schools complex that includes Albemarle High School, Jack Jouett Middle School, and Greer Elementary School. Shifts have been made to minimize any impacts to these schools. This alternative would require a small piece of this property (a wooded area on the edge of the property) but would not directly impact any of these schools. It would pass about 600 feet from Greer School and within 1,200 feet of Jouett School. (FEIS, IV-15; *see also*, FEIS S-7)

Because the FEIS failed to identify any part of the School Complex as Section 4(f) property, neither the FEIS nor its Section 4(f)/106 Evaluation analyzed the School Complex as Section 4(f) property. The FEIS contains no valid analysis regarding the noise, air quality, nor aesthetic impairments to the recreational facilities identified above as Section 4(f) property. Therefore, the FEIS is not an informational document upon which the Evaluation could rely on the issues of whether the proposed project would constructively use the recreational facilities, or the extent of the impairments to those facilities as a result of the proposed project.

The noise analysis conducted for the FEIS included a site location on the playground at Greer Elementary School, 250 feet east of Station 653. (FEIS, Table IV-10) At that distance from the bypass, the ambient noise level was 49 dBA, and the 2010 design year noise level (at an estimated traffic level of 17,900 vehicle trips per day) was estimated to be 61 dBA (all dBA references are as "Leq(h)"). (FEIS, Table IV-11) The Final Design Noise Report, dated February 1997, included a site from the "school playgrounds" and concluded that the ambient noise level was 48 dBA, and the 2022 design year noise level (at an estimated traffic level of 24,000 vehicle trips per day) was estimated to be 64 dBA. (Final Design Noise Report, Table 4A) The noise levels may be substantially greater because the traffic levels may be much greater. A technical report from the Route 29 Corridor Study (Charlottesville-Warrenton) concluded that, given a series of facility upgrades such as limited access bypasses, the number of vehicles on Route 29 in the Charlottesville area could grow by as much as 19,000 vehicle trips per day. As the FEIS states more than once, an increase of 10 dBA or more is considered a substantial increase in noise. (FEIS, IV-22) The FEIS concluded:

> With the selected alternative, exterior noise levels will increase substantially over existing noise levels . . at the Greer Elementary School playground. (FEIS, IV-24, IV-25)

The receptor on the Greer Elementary School playground also was identified as equaling or exceeding the FHWA's noise abatement criteria. (FEIS, Table IV-12) The Final Design Noise Report similarly concluded that the "outer edges of the playing fields of the Jack Jouett Middle School and the Mary Greer Elementary School (represented by site 65) will experience a substantial increase (10 dBA or more) in traffic noise with the project." (Final Design Noise Report, 19)

The mitigation measure proposed in the FEIS (FEIS, IV-29) – that the cut slope will serve as an effective sound barrier – is deficient because it is based on a noise level obtained 250 feet from the centerline of the closest lane, much farther than many park and recreation areas located on the School Complex. Section 5 contains a more complete criticism of the noise, visual and air quality impact analyses contained in the Evaluation, and is incorporated herein by reference.

Finally, neither VDOT nor the FHWA has consulted with County officials to determine the degree of impairment to the School Complex because of the proposed project. (23 C.F.R. § 771.135(p)(6)(iii); Section 4(f) Policy Paper, 8) For the foregoing reasons, the Evaluation violates Section 4(f) and 23 C.F.R. § 771.135 because it fails to consider the constructive use of other significant park and recreation areas at the School Complex.

2. <u>The Evaluation violates Section 4(f) and 23 C.F.R. § 771.135 because it fails to consider the constructive use of significant park and recreation areas on the Agnor-Hurt Elementary School property</u>.

Agnor-Hurt Elementary School opened during the 1992-1993 school year, and is identified as a community park in the County's Facilities Plan 1990-2000. (Facilities Plan, 49) The western portion of Agnor-Hurt Elementary School consists of a soccer field, basketball courts, a playground and a baseball/softball field. The FEIS states that Alternative 10 takes a portion of the property of the proposed Agnor-Hurt Elementary School. (FEIS, IV-15) The current Alternative 10 alignment will not require the actual use of the school property. However, there is substantial evidence that there will be a constructive use of the school's park and recreation areas. The Final Design Noise Report determined that the ambient noise level at the receptor site has an ambient noise level of 49 dBA, and estimated the 2022 design year noise level to be 62 dBA, based upon the estimated 24,000 vehicle trips per day. (Final Design Noise Report, Table 4A) The Final Design Noise Report concluded that "[t]he play facilities at the Agnor-Hurt Elementary School on Woodburn Road (site 102, east of the Bypass) also will experience a substantial increase in noise level with the project." (Final Design Noise Report, 19) If traffic levels reach the 43,000 vehicle trips per day estimated in the technical report from the Route 29 Corridor Study (Charlottesville-Warrenton), the noise levels will be substantially greater.

For all of the reasons identified in Section 1, above, the Evaluation violates Section 4(f) and 23 C.F.R. § 771.135 because it fails to consider the constructive use of the significant park and recreation areas at Agnor-Hurt Elementary School.

3. <u>The Evaluation does not sufficiently explain the project need and, therefore, its analysis of feasible and prudent alternatives violates Section 4(f) and 23 C.F.R. § 771.135</u>.

An evaluation must address the purpose and need for the project. (Section 4(f) Policy Paper, 4) The need for the project must be sufficiently explained to show that the no-build alternative and any alternative that does not serve that need result in unique problems. (Section 4(f) Policy Paper, 4) At best, the Evaluation's explanation of the project need is confusing:

> The need for the proposed project is based on the inability of existing Route 29 to adequately accommodate projected traffic volumes, particularly through traffic volumes. Although the recently completed Base Case improvements (widening to six lanes plus continuous right turn lanes) have improved travel conditions in the corridor, existing Route 29 still passes through a heavily developed commercial area and the flow of through traffic is impeded by congestion and a number of traffic signals. (Evaluation, 3)

The Evaluation then notes that the proposed bypass will be an important link in the State Arterial System. The Evaluation concludes its description of the project need by stating:

> The proposed project addresses local and regional transportation needs and continues to be consistent with local and regional planning. The project remains a component of the Albemarle County Land Use Plan and the MPO's regional transportation plan (Charlottesville Area Transportation Study Plan, or CATS Plan). (Evaluation, 3)

The Evaluation's statements describe the proposed project considered by the FEIS – a multi-phased project that would address both local and regional transportation needs by adding grade-separated interchanges on Route 29 and providing a high-speed highway as part of the State Arterial System through the Charlottesville area. (FEIS, I-1 through I-8). A bypass would be constructed later only if the grade-separated interchanges on Route 29 were not sufficient to accomplish these purposes. (FEIS, I-1 through I-8). The Evaluation describes a project that no longer exists. The Commonwealth Transportation Board significantly redefined the scope and purpose of the proposed project on February 16, 1995, and it now consists only of a bypass that will be located in Alternative 10. (*See* Section 4.B. for a more detailed discussion of the change in the scope and purpose of the proposed project.)

The current proposed project is described as a "limited access bypass" to which access will be gained only "via interchanges at both ends, with no immediate access points to crossroads or adjacent properties" (Evaluation, 1), and will provide no improvement to the existing and projected level of service (hereinafter "LOS") on Route 29. (FEIS, Table IV-3) The current proposed project certainly does not address local transportation needs. Section 6 responds to the statement in the Evaluation that the proposed project is consistent with local and regional planning and a component of local and County and regional plans.

Because of the Evaluation's outdated, confusing and vague statement of the proposed project's purpose and need, it fails to demonstrate that the no-build alternative and the alternatives that do not serve the project need result in unique problems.

4. <u>The Evaluation violates Section 4(f) and 23 C.F.R. § 771.135 because it fails to properly consider feasible and prudent alternatives</u>.

The Evaluation notes that the FEIS concluded that Alternative 10 was the only feasible and prudent bypass alternative that avoided using any Section 4(f) property. (Evaluation, 3) This fundamental error of fact laid the foundation for the unlawful choice of Alternative 10 as the selected alternative. This error also caused the FEIS and the Evaluation to fail to consider any alternatives that satisfied the identified transportation needs without affecting Section 4(f) property. As a result, the Evaluation's analysis of feasible and prudent alternatives is nothing more than a *post-hoc* rationalization to justify an unlawful decision that has already been made.

A. <u>There were no feasible and prudent alternatives under study when the Evaluation was conducted</u>.

In keeping with Section 4(f)'s purpose to avoid public park and recreation areas, the use of Section 4(f) property must be evaluated early in the development of the action when alternatives to the proposed action are under study. (23 C.F.R. § 771.135(b)) Although the regulations acknowledge that late discovered Section 4(f) property may be evaluated separately from the environmental review process, there is at least an expectation that when a Section 4(f) evaluation is conducted, alternatives will still be under study so that it is possible to consider feasible and prudent alternatives and, if none are found, to determine whether additional alternatives should be considered. In addition, the approach taken in a Section 4(f) evaluation must demonstrate a reasoned methodology for narrowing the field of alternatives to a number sufficient to support a sound judgment that the study of additional variations is not worthwhile. (Policy Paper, 4) The Evaluation fails on all accounts.

The Evaluation first considers the alternatives considered in the Route 29 Corridor Study (Alternatives 6, 6B, 7, 7A, 9, 10, 11 and 12) and concludes that none of the previously considered alternatives to Alternative 10 are feasible and prudent:

> [T]he No-Build Alternative and Alternatives 6, 6B, 7, 7A, 9, and 12 were deemed not feasible and prudent because they would not adequately satisfy the identified transportation needs. Alternative 11, the only other alternative considered feasible and prudent, would have Section 4(f) impacts to other resources (two historic properties) and, therefore, cannot be considered a total Section 4(f) avoidance alternative. Therefore, none on the previously considered alternatives to the Selected Alternative represent feasible and prudent Section 4(f) avoidance alternatives. (Evaluation 11)

The Evaluation's analysis regarding these alternatives is unlawful. The Evaluation may not rely on the FEIS's analysis of the build alternatives because the field of alternatives considered to satisfy the identified transportation needs, and the selection of Alternative 10 as the selected alternative, were based on the factual error that Altnernative 10 did not affect Section 4(f) property. Neither VDOT nor the FHWA considered a build alternative that would both satisfy the identified transportation needs and not affect Section 4(f) property. Given the erroneous parameters under which the Evaluation is based, it was inevitable that it would conclude that there were no feasible and prudent alternatives to Alternative 10.

The backwards approach employed in the Evaluation is directly contrary to the intent of Section 4(f) and precludes the FHWA from making an informed decision under 23 C.F.R. § 771.135(a)(1)(i). Once it became known that there were no alternatives that satisfied the identified transportation needs without affecting Section 4(f) property, it was incumbent upon VDOT and the FHWA to consider other, new, alternatives. The Evaluation fails to explain a reasoned methodology for narrowing the field of alternatives to those identified and rejected in the FEIS. The Evaluation also fails to consider other alternatives in light of the revelation that the FEIS was based upon fundamental errors of

fact (*i.e.*, that Alternative 10 was the *only* alternative that satisfied the identified transportation needs that *did not affect* Section 4(f) property). (Policy Paper, 4)

B. The basis upon which the Evaluation dismisses Alternatives 6, 6B, 7, 7A, 9, and 12 as not being feasible and prudent is erroneous and, therefore, the conclusion that no feasible and prudent alternative exists is invalid.

The Evaluation also errs in relying on the conclusions of the FEIS as to whether other alternatives would adequately satisfy the identified transportation needs. The FEIS described the project need in various ways, but the proposed project's scope and purpose was two-fold: (1) to reduce congestion on a three-mile section of Route 29 between the Route 250 Bypass and the South Fork Rivanna River in the City of Charlottesville and Albemarle County north of Charlottesville; and (2) to provide a high-speed highway as part of the State Arterial System through the Charlottesville area. (FEIS, I-1 through I-8)

In considering the alternatives, the FEIS stated:

> [T]he principal objective of each Candidate Build Alternative is to ease traffic congestion along Route 29 north, a comparison between the Base Case and each Candidate Build Alternative was undertaken. (FEIS, IV-2)

Providing a high-speed highway as part of the State Arterial System was identified as the secondary purpose for the project. (FEIS, I-1) The FEIS then concluded that Alternatives 6, 6B, 7, 7A, 9, and 12 failed to adequately satisfy the identified transportation needs because those alternatives failed to reduce sufficient traffic on Route 29. (FEIS, IV-2, IV-3)

The principal objective of the proposed project was dramatically and fundamentally changed on February 16, 1995, when the Virginia Commonwealth Transportation Board unilaterally rescinded the mid-range improvements to Route 29 (grade-separated interchanges) and the phasing of the construction of a bypass only if needed. (FEIS, II-10) Without grade-separated interchanges on Route 29, the level of service on that route will remain LOS F even with the construction of Alternative 10. (FEIS, Table IV-3) The deletion of the grade separated interchanges also prevents any improvement to the east-west LOS at each of the interchange locations.

The Commonwealth Transportation Board's February 16, 1995 decision fundamentally changed the scope and purpose of the proposed project to one that merely provides a highway that is part of the State Arterial System through the Charlottesville area. The alternatives analysis in the FEIS no longer is valid. The basis upon which the Evaluation dismissed Alternatives 6, 6B, 7, 7A, 9, and 12 is fundamentally flawed and unlawful. The issue of whether there are feasible and prudent alternatives to Alternative 10 must be reexamined.

C. The Evaluation fails to address why Alternatives 6, 6B, 7, 7A, 9, and 12, or other alternatives that should have been considered to avoid the Section 4(f) property, are not feasible and prudent.

An evaluation must address the reasons why the alternatives to avoid a Section 4(f) property are not feasible and prudent. (23 C.F.R. § 771.135(j)) Because the project is now a high-speed highway that is part of the State Arterial System through the Charlottesville area, the Evaluation's erroneous summary dismissal of Alternatives 6, 6B, 7, 7A, 9, and 12 (Evaluation, 11), and failure to consider any other alternatives, does not satisfy the requirements of 23 C.F.R. § 771.135(j).

D. The Evaluation fails to demonstrate that there are unique problems or unusual factors involved in the use of Alternatives 6, 6B, 7, 7A, 9, and 12, or any other alternatives that should have been considered to avoid the Section 4(f) property, or that the cost, social, economic, and environmental impacts or community disruption resulting from such alternatives reach extraordinary magnitudes.

Supporting information in an evaluation must demonstrate that there are unique problems or unusual factors involved in the use of alternatives that avoid these properties or that the cost, social, economic, and environmental impacts, or community disruption resulting from such alternatives reach extraordinary magnitudes. (23 C.F.R. § 771.135(a)(2)) Again, the Evaluation's erroneous summary dismissal of Alternatives 6, 6B, 7, 7A, 9, and 12 (Evaluation, 11) and failure to consider any other alternatives, fails to satisfy the requirements of 23 C.F.R. § 771.135(a)(2).

E. The Evaluation fails to consider the no-build alternative.

In comments to the draft EIS, the Environmental Protection Agency recommended a non-bypass alternative (Alternative 9 – an expressway along the existing Route 29 Corridor), stating that Alternative 9 "will satisfy the purpose and need for the project while minimizing the potential impacts to farmlands, Agricultural and Forestal preserve areas, water quality and communities." (FEIS, VII-5). The Department of Interior, in its comments, also recommended that, "of the build alternatives, alternative 9 [should] be selected as the preferred alternative since it would have the least impact to public park, historic, and fish and wildlife resources." (FEIS, VII-5)

The Evaluation must also examine the alternative consisting of a combination of the Base Case (the widening of Route 29, which has now occurred) with grade separated interchanges on Route 29. This alternative is prudent and feasible, and would serve the primary purpose of the project identified in the FEIS – to alleviate local traffic congestion. VDOT's own study shows that the interchanges are critical to achieving that purpose. Equally important, this alternative would pose the least environmental harm and would avoid using Section 4(f) property. Without grade separated interchanges on Route 29, the level of service on Route 29 in the study area remains LOS F, even after the construction of Alternative 10 or any other bypass. (FEIS, Table IV-3) With the grade

separated interchanges on Route 29, the level of service on Route 29 would improve to LOS A. (FEIS, Table IV-3)

F. Alternatives A, B, C, D and E are not alternatives.

The decision to select Alternative 10 was based, in part, on two fundamental and erroneous premises: (1) that the two-fold purpose of the project was to reduce congestion on a three-mile section of Route 29 and to provide a high-speed highway as part of the State Arterial System through the Charlottesville area; and (2) that Alternative 10 did not affect any Section 4(f) property. Given that these two premises are erroneous, and that neither the FEIS nor the Evaluation attempted to consider any other alternatives outside of Alternative 10, Alternatives A, B, C, D and E are not true alternatives within the meaning of 23 C.F.R. § 771.135(a)(1)(ii), but merely a series of equally destructive and unpalatable options within Alternative 10.

Alternatives A and B would, among other things, encroach on other Section 4(f) property. (Evaluation, 11-16) Alternatives C and D would, among other things, either use or constructively use the trail and its surrounding environment by placing a bridge over the lower portions of the trail. (Evaluation, 16-19) Alternative E, which would also place a bridge over the lower portions of the trail, would shift the alignment 2,000 feet to the east so that it displaces a public school currently under construction, and would split the School Complex (a County district park). (Evaluation, 19) All five of these "alternatives" would affect Section 4(f) property.

It is not surprising that the Evaluation failed to find any of these "alternatives" within Alternative 10 to be feasible and prudent. Because Alternative 10 uses Section 4(f) property, it should never have been selected in the first instance. With knowledge that the selection of Alternative 10 was based on fundamental errors of fact (*i.e.*, that Alternative 10 was the *only* alternative that satisfied the identified transportation needs that *did not affect* Section 4(f) property), the Evaluation should have explained a reasoned methodology as to why other alternatives were not considered. For all of the foregoing reasons, the Evaluation's analysis of Alternatives A, B, C, D and E is unlawful.

5. The Evaluation violates Section 4(f) and 23 C.F.R. § 771.135 because it fails to properly analyze the impacts of the proposed project on the trail, thereby precluding the provision of all possible planning to minimize the harm to the trail resulting from the use.

The proposed project would severely impact the trail at Jack Jouett Middle School.

The Evaluation concludes that "[t]here are no unusual characteristics associated with this trail." (Evaluation, 8) This conclusion is plainly wrong. The trail is part of a large area covered with dense woods, mainly hardwoods, that have not been recently harvested. The trails on the School Complex, including the trail studied in the Evaluation, wind through these woods up and down hilly terrain. In several valleys, very

active streams and trails wind through massive rock outcroppings. The valleys are particularly quiet and serene.

These characteristics of natural and quiet simplicity are unusual not only because they are in close proximity to what is described by the County's Director of Parks and Recreation as the "most densely developed area of the County" (November 3, 1998 Letter, Response to Question 1), but also because they are irreplaceable. (*See* Attachment D photographs) The Director noted the importance of siting the recreational facilities in a tranquil and wooded setting as follows: "The school complex and a nearby 20 acre parcel known as Whitewood Park are the only park facilities serving this densely populated area." (November 3, 1998 Letter, Response to Question 3). He further stated: "Due to the extensive development of the surrounding land, this wooded area and trails are definitely a significant recreation and environmental resource." (November 3, 1998 Letter, Response to Question 3)

The attributes of the trail and its surrounding environment will be destroyed by the proposed project. As the County's Director of Parks and Recreation stated in his November 3, 1998 letter:

> [T]he bypass would eliminate, or severely impact, major portions of the existing trails' system, and will greatly reduce the attractiveness of what remains. (November 3, 1998 Letter, Response to Question 12)

For example, the trail area beside tributary "K" of Ivy Creek will be covered with fill to a height of 60 feet. (*See* Attachment D photographs) This area, which is situated in a narrow valley, is one of the most beautiful spots in Albemarle County with its babbling brook, surrounding forest, and dramatic rock outcroppings.

In addition to physically taking some of the trail, the proposed project will substantially impair those parts of the trail not physically taken, as hereafter discussed.

A. <u>Noise impacts</u>.

(1) <u>The Evaluation fails to adequately identify the noise impacts</u>.

The Evaluation's noise analysis concludes that the existing noise level on the remaining part of the trail is 48 dBA, and estimates that that the people using the trail in 2022 after the construction of the proposed project would experience noise levels of up to 68 dBA. (Evaluation, 10) A noise level of 68 dBA is nearly equivalent to the sound of a constantly running vacuum cleaner at a distance of 10 feet. (Route 29 Corridor Study Noise Analysis, dated April 1990, Figure 3) The Evaluation concedes that these noise levels exceed the FHWA's noise abatement criteria. (Evaluation, 10)

In addition to this constant level of increased noise, which is an hourly average, the analysis of the noise generated by a single truck conducted by VDOT for the Route 29 Bypass Design Advisory Committee showed that there would be bursts of noise from

each passing truck at an additional 13 to 14 dBA. The noise on the remaining part of the trail would quite frequently approach 82 dBA, a level of noise that is between the sound of a moving freight train at a distance of 100 feet and the sound of a moving subway train at a distance of 20 feet. (Route 29 Corridor Study Noise Analysis, Figure 3) This level of noise would substantially impair the trail's value as one of the rare quiet places in which area residents can walk, jog, and enjoy the woods, and could make it difficult for children to hear coaches, referees, and physical education teachers during practices and games on the nearby playing fields. If traffic levels reach the 43,000 vehicle trips per day estimated in the technical report from the Route 29 Corridor Study (Charlottesville-Warrenton), the noise levels will be substantially greater.

The noise analysis in the Evaluation must analyze and identify the noise impacts resulting from the current proposed project, and consider the strong possibility that the greater traffic levels identified in the Route 29 Corridor Study (Charlottesville-Warrenton) will exist on Alternative 10.

(2) <u>The Evaluation erroneously fails to conclude that the noise impacts would result in a constructive use of the remaining parts of the trail</u>.

Because the trail and its surrounding environment is an urban park where serenity and quiet are significant attributes, it is a noise-sensitive facility. (23 C.F.R. § 771.135(p)(4)(i)) The trail and its surrounding environment also match the qualities of lands that qualify as Activity Category A in the FHWA's Noise Abatement Criteria (23 C.F.R. part 772):

> Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.

Remarkably, the Evaluation nevertheless concludes that:

> Noise levels would not substantially interfere with the use and enjoyment of the trail because serenity is not a significant attribute of the trail for the activities that occur there. The recreational uses of walking and jogging and the school's use of the trail for cross country training are not dependent on low noise conditions (as, for example, an amphitheater or a campground would be). (Evaluation, 19)

The noise levels from the proposed project will substantially impair the noise-sensitive attributes of the remaining part of the trail and will exceed the FHWA's noise abatement criteria. Therefore, a constructive use is established. (23 C.F.R. § 771.135(p)(4))

(3) Because the Evaluation fails to properly conclude that the noise impacts would result in a constructive use of the remaining parts of the trail, the Evaluation erroneously precludes all possible planning to mitigate the impacts to the remaining parts of the trail.

In order to use Section 4(f) property, the action must include "all possible planning to minimize harm to the property resulting from such use." (23 C.F.R. § 771.135((a)(1)(ii)) The Evaluation must specifically address all measures that will be taken to minimize harm to the Section 4(f) property. (23 C.F.R. § 771.135(j))

The Evaluation does not indicate that all possible planning has been considered to minimize the harm to the trail and does not address all measures that will be taken. In its analysis of the noise levels, the Evaluation states:

> An evaluation of noise abatement measures concluded that construction of a noise barrier in this area would not be cost-effective, as noted in the Final Design Noise Report prepared for the current design. (Evaluation, 10)

The Final Design Noise Report was completed in 1997, before the School Complex was identified as having Section 4(f) property. In its analysis of mitigation measures for the noise impacts, the Evaluation simply states: "Providing noise abatement at this location does not appear to be cost effective. ~~feasible at this time~~." (Evaluation, 21) There is no explanation as to how this conclusion was reached, or whether it was reached with the Section 4(f) property in mind. The Final Design Noise Report identified the receptor site as "school playgrounds" and simply states, without any discussion or explanation that noise abatement measures are "not cost effective." (*See*, Final Design Noise Report, Table 6, Receptor No. 65). The Evaluation's conclusion appears to be a carryover of the conclusion reached in the FEIS before the School Complex was identified as Section 4(f) property. (*See*, FEIS, IV-25 through IV-29, where the only noise abatement considered for the School Complex is "normal excavation to achieve proper grades.)." Thus, it is clear that no planning has been performed to minimize the harm to the trail.

The manner in which the Evaluation addresses the mitigation measures for the noise impacts also is contrary to the FHWA's own guidance. The planning to minimize harm is supposed to be determined through consultation with the officials of the agency who own or administer the land. (Policy Paper, 5) County officials were not so consulted.

B. Visual impacts.

(1) The Evaluation fails to adequately identify the visual impacts.

The Evaluation's analysis of the visual impacts of the proposed project concludes that users of the trail would see embankments of 10 to 58 feet high where natural woods

and streams now exist. (Evaluation, 10-11) The visual impacts of the proposed project will destroy the very essence of the trail – its natural and serene setting.

(2) The Evaluation erroneously fails to conclude that the visual impacts would result in a constructive use of the remaining parts of the trail.

As stated previously, the trail is part of a large area covered with dense woods, streams, hills and rock outcroppings. The trail winds through the woods up and down hilly terrain, and runs along streams. (*See* Attachment D photographs) A proposed project constructively uses Section 4(f) property when its proximity to that property substantially impairs its aesthetic features or attributes. (23 C.F.R. § 771.135(p)(4)(ii)) A substantial impairment to the visual or aesthetic qualities of a park exists when a proposed project is located in such proximity that it substantially detracts from the setting of the park. (23 C.F.R. § 771.135(p)(4)(ii))

The introduction of a four-lane freeway where woods and streams are currently located (Evaluation, 10) will substantially detract from the setting of the trail and its surrounding environment. The present views of a stream valley forested with hardwoods will be replaced by views of embankments 10 to 58 feet in height. (Evaluation, 11) Nevertheless, the Evaluation concluded that these improvements "would not substantially detract from the aesthetics of the trail, which has no particularly spectacular views or unusual natural or man-made features." (Evaluation, 19)

The proposed project will substantially detract from the setting of the trail. Therefore, a constructive use is established. (23 C.F.R. § 771.135(p)(4)) The trail and its surrounding environment fit precisely the example in 23 C.F.R. § 771.135(p)(4)(ii). The Evaluation's analysis of the proposed project's visual impacts to the trail might be appropriate for a sidewalk in an urban environment; however, it is inappropriate in this case.

(3) Because the Evaluation fails to properly conclude that the visual impacts would result in a constructive use of the remaining parts of the trail, the Evaluation erroneously precludes all possible planning to mitigate the impacts to the remaining parts of the trail.

As stated previously, in order to use Section 4(f) property, the action must include "all possible planning to minimize harm to the property resulting from such use." (23 C.F.R. § 771.135((a)(1)(ii)) The Evaluation must specifically address all measures that will be taken to minimize harm to the Section 4(f) property. (23 C.F.R. § 771.135(j))

The Evaluation does not indicate that all possible planning has been considered to minimize the harm to the trail and does not address all the measures that will be taken. In its analysis of the visual impacts, the Evaluation states:

> To lessen the visual effects of the new road, a landscaping plan would be incorporated into the design. The intent of the plan would be to reestablish a successional forest on the road embankment, beginning with plantings of seedlings or nursery stock that would gradually mature into larger trees that would screen the roadway from view. (Evaluation, 11)

In its analysis of mitigation measures for the visual impacts, the Evaluation says nothing more than that "[a]nother measure would be to provide landscaping on the fill slopes that would screen the roadway from the trail." (Evaluation, 19) Although landscaping may screen the roadway, it will do nothing to mitigate the impact of introducing a man-made embankment reaching 58 feet in height into a natural environment. The idea of replacing woods and streams with a four-lane freeway on top of that embankment presents an unacceptable visual impact. It is doubtful that any amount of landscaping could replicate the trail's natural beauty and usefulness.

It is also significant that the Evaluation refers to the landscaping plan as a measure that will "lessen" the visual impacts. Once again, the Evaluation reveals that no planning has been performed to *minimize* the visual harm to the trail, as required by 23 C.F.R. § 771.135(a)(1)(ii). The landscaping plan to gradually fill in a steep wall of fill dirt might be appropriate for sections of a bypass in an urbanized area, but not in this area. Trail users would be walking right alongside an embankment or looking up at the underside of a bridge. The stream would be buried in a culvert under the wall of dirt. No amount of landscaping can turn this into a substitute for the current experience of walking in a quiet wood along a stream.

Again, the manner in which the Evaluation addresses the mitigation measures for the visual impacts also is contrary to the FHWA's own guidance. The planning to minimize harm is supposed to be determined through consultation with the officials of the agency who own or administer the land. (Policy Paper, 5) County officials were not so consulted.

C. <u>Air quality impacts must be re-evaluated</u>

Based upon an analysis conducted for the FEIS, the Evaluation concludes that the proposed project would have a negligible effect on air quality along the trail. (Evaluation, 10)

Since the air quality analysis was concluded in April 1990, the scope and purpose of the proposed project has changed. At that time, traffic levels were estimated to be 17,900 vehicle trips per day in the 2010 design year. More recent estimates project traffic levels of up to 43,000 vehicle trips per day in the 2022 design year. (Route 29 Corridor Study (Charlottesville-Warrenton)) If traffic levels reach 43,000 vehicle trips per day, the air quality impacts will be substantially greater than the estimate contained in the Evaluation. The prevailing westerly winds will mean that fumes from bypass vehicles will continually affect the entire School Complex, including not only the trails but also the playing fields.

The air quality analysis in the Evaluation must analyze and identify the air quality impacts resulting from the current proposed project, and consider the strong possibility that the greater traffic levels identified in the Route 29 Corridor Study (Charlottesville-Warrenton) will exist on Alternative 10.

6. The proposed project does not address local and regional transportation needs and is not consistent with local and regional planning.

The Evaluation states that the "proposed project addresses local and regional transportation needs and continues to be consistent with local and regional planning." (Evaluation, 3) This statement misrepresents the County's and the Charlottesville-Albemarle Metropolitan Planning Organization's (hereinafter, "MPO") support for the current proposed project (*i.e.*, Alternative 10 alone).

The FEIS and the Record of Decision, dated April 8, 1993, identified as the selected alternative a "combination of improvements" to be implemented in phases over time. The first phase (or Base Case) consisted of the widening of Route 29; the second phase included the construction of grade-separated interchanges at the three most heavily used intersections on Route 29 in the Charlottesville area; and the third phase consisted of the bypass, but if and only if, traffic and economic conditions so warranted after evaluation of the other phases as implemented. (FHWA, Region 3, Record of Decision, Route 29, FHWA-VA-EIS-90-02-F, April 8, 1993; FEIS, S-5) This combination of improvements was based on an extensive traffic analysis performed by VDOT's own consultant, which showed that most of the traffic congestion on Route 29 is local and that the three grade-separated interchanges are the key to relieving such congestion. The study showed also that a bypass would do nothing to alleviate local traffic congestion, and, by itself, would leave traffic congestion at the worst possible rating (LOS F) in the projected time frame. (*See also*, FEIS, Table IV-3)

The FHWA approved the sequencing or phased approach as the selected alternative in its Record of Decision. The local jurisdictions involved – Albemarle County, the City of Charlottesville, and the University of Virginia – agreed to the sequencing approach. The Commonwealth Transportation Board thereafter unilaterally eliminated the construction of grade-separated interchanges on Route 29 from the proposed project. This decision was made without prior notice to the public or the affected localities, and without benefit of any technical analysis or study. Both the County and the MPO have taken strong stands against the Commonwealth Transportation Board's decision to scrap, in effect, the sequencing agreement and proceed instead with the bypass alone.

While it is true that the bypass appears on the MPO's Charlottesville-Albemarle Transportation Study plan, it appears with caveats regarding the sequencing described above. For several years, the MPO has included a resolution in its Transportation Improvement Plan that withholds approval of federal funds for construction (or accrual of construction funds) of the bypass until several important issues are resolved.

The current proposed project is not consistent with either the County's or the MPO's plan and priorities, which continue to reflect the sequencing recommended in the FEIS.

7. The Evaluation's reference to the County's prior failure to identify the trail as Section 4(f) property is inappropriate.

The Evaluation's repeated statements that the County previously failed to identify the trail as Section 4(f) property is disingenuous. VDOT has known that County schools are Section 4(f) property since at least 1993. In a July 7, 1993 internal memorandum to Earl T. Robb, VDOT's Environmental Administrator, Loretta B. Cummings, a VDOT Environmental Specialist, described her field observations to assist in evaluating revisions to the Alternative 10 alignment. Regarding Agnor-Hurt Elementary School, Ms. Cummings stated in part:

> The school is 1-2 years old and includes extensive recreation space. Included are soccer fields, a baseball diamond, basketball courts, and many pieces of playground equipment. The area is posted for public use after 6 p.m. It appears that the revised corridor will cross the recreational area and will require 4(f) coordination. (Memorandum to Earl T. Robb, July 7, 1993, 1)

Ms. Cummings' memorandum did not refer to the trails and other recreation facilities at the School Complex, presumably because the portion of Alternative 10 on and near the School Complex was not part of the realignment. Nevertheless, the memorandum reveals that VDOT knew that County school properties are used as park and recreation areas. Therefore, VDOT was obliged to conduct a further inquiry as to whether the School Complex contained Section 4(f) property. In fact, it was obliged to conduct such an inquiry much earlier in the process while alternatives to the proposed action (Alternative 10) were still under study. (23 C.F.R. § 771.135(b)) In a November 16, 1994 internal memorandum to Patsy Napier, the VDOT Project Manager, regarding the environmental assessment for the modified alignment of Alternative 10, Ms. Cummings cautioned:

> Please make it clear to the consultant designers that we can not use any recreational land or we will be in a 4(f) situation which could jeopardize the FHWA approval of the project. (Memorandum to P.G. Napier, November 16, 1994, 1)

Moreover, prior to the preparation of the Evaluation, the County's Director of Parks and Recreation submitted a complete explanation of the School Complex's status as a district park and the variety of recreational activities that take place on the property. This explanation is mentioned in the Evaluation. (Evaluation, 7) Nevertheless, with blinders on, the Evaluation's analysis is limited only to the trail at Jack Jouett Middle School.

For all of the foregoing reasons, VDOT's criticism of the County's prior failure to identify the trail as Section 4(f) property is inappropriate and irrelevant. A properly conducted environmental assessment that included field observations of the County school property would have easily identified the School Complex and Agnor-Hurt Elementary School as potential Section 4(f) property. If that had been the case, the FEIS would have been valuable as an informational document to guide appropriate decision making, and the Section 4(f) evaluation would have been meaningful to the decision making process.

8. Conclusion

The Evaluation violates Section 4(f) and 23 C.F.R. § 771.135.

The Evaluation describes the project as it existed in the outdated and flawed FEIS – a project that has since been fundamentally changed in scope and purpose. The Evaluation relies on an FEIS that recommended Alternative 10 as the selected alternative because it satisfied the identified transportation needs and did not affect Section 4(f) property. Neither of those factual premises are now correct. In addition, the technical report from the Route 29 Corridor Study (Charlottesville-Warrenton) now is the source of relevant information pertaining to estimated traffic levels, which will be much greater than previously projected. It is unquestionable that a large percentage of the increased traffic will be tractor-trailer truck traffic diverting from Interstate 81 and Interstate 95. Therefore, the noise and air quality impacts need to be re-evaluated. Because of the change in the scope and purpose of the proposed project, a new environmental review is required.

Without any analysis or explanation, the Evaluation fails to consider the other park or recreational areas on the School Complex, even though the only evidence in the record is that there are large portions of the School Complex that are significant publicly owned park and recreation areas that will be used or constructively used by the proposed project.

The Evaluation compounds the erroneous conclusion in the FEIS that Alternative 10 did not affect any Section 4(f) property by limiting its analysis of feasible and prudent alternatives to those considered and rejected in the FEIS. Given this error, the Evaluation does not explain why other alternatives outside of Alternative 10 were not considered. Alternatives A, B, C, D and E are not true alternatives within the meaning of 23 C.F.R. § 771.135(a)(1)(ii), but merely a series of equally destructive and unpalatable options within Alternative 10. As a result, the Evaluation's analysis of feasible and prudent alternatives is nothing more than a *post-hoc* rationalization to justify a decision already made. The Evaluation does not enable the FHWA to make an informed decision as to whether there are *no* feasible and prudent alternatives to using the School Complex's Section 4(f) property.

Finally, the Evaluation's analysis of the noise, visual and air quality impacts of the remaining portions of the trail is invalid. The studies for the Evaluation did not

analyze any of the recreational facilities as Section 4(f) property. As a result, the mitigation measures briefly discussed in the Evaluation do not enable the FHWA to make an informed decision as to whether all possible planning has been done to minimize harm to the remaining trail.

Unless a new environmental review is performed and the Evaluation is completely revised based upon current, relevant information that addresses all of the issues identified herein, the Evaluation is inadequate as an informational document, and violates 23 C.F.R. § 771.135(a)(1). The Board of Supervisors requests your consideration of these comments.

Sincerely,

Larry W. Davis
County Attorney

Cc: Cynthia Wilkerson, National Park Service
Charlottesville-Albemarle Metropolitan Planning Organization

Comments of the Albemarle County
Department of Planning and Community Development
to the Draft Section 4(f) Evaluation
of the Trail at Jack Jouett Middle School, Route 29 Bypass
Albemarle County, Virginia
April 16, 1999

The Albemarle County Department of Planning and Community Development has reviewed the Draft 4(f) Evaluation and provides the following comments:

- As noted in the comments of Pat Mullaney, the County's Director of Parks and Recreation, the Draft 4(f) Evaluation did not address impacts to the trail system behind Greer Elementary School. The County's previous comments have addressed potential impacts to the "school complex" (Albemarle High, Jouett Middle, and Greer Elementary Schools) trails, not just the trails behind Jouett Middle School. The portion of the trail system located behind Greer is also an important component of the overall trail system and should be considered as part of this evaluation of the impact of the Bypass project on the existing trail system.

  Staff also questions whether other recreational facilities at the school complex should be subject to a 4(f) Evaluation since they will likely be impacted by the Bypass project (noise, air quality, and visual impacts). All school facilities are considered County Park facilities and are used by the general public after school hours.

- Page 8, "Unusual Characteristics" fails to adequately recognize the quality of the natural setting/environment of the open space area that is the location of the trails. It is this environment that significantly contributes to making this trail system such a valuable part of the County's open space and park trail system.

- Regarding the section under the heading "Impacts to Trail" (p.8-10), our opinion is that the evaluation does not accurately emphasize the significant noise, visual and air quality impacts the Bypass project will have on the trails and the open space system within which it is it is located. The Evaluation fails to recognize that not only is the trail facility being impacted, but also, more importantly, the setting for the trails is being impacted. This area provides a series of recreational trails supporting a variety of uses (nature walks, jogging, and school educational and athletic uses) in a natural setting within easy access of the most densely populated area of the County. The significant noise and visual impacts, and likely potential air quality impacts, would significantly change the character and quality of the environment. The County will essentially lose the only multi-use trail system within an undisturbed natural setting near this densely populated area. The ICNA does not permit jogging or athletic events.

- Page 11, "Avoidance Alternatives:"

  1. None of the alternatives provided in this evaluation adequately address or will significantly change the impacts to the trails and open space area. The construction of the Bypass is an intrusion into a quiet, mostly undeveloped area, and will drastically change its character and the quality of the remaining natural environment. The visual, noise and likely air pollution impacts (odors/exhaust fumes) will be significant from any of the modifications to the proposed alignment (avoidance alternatives A-D). Alternatives A and B require shifts onto the adjacent properties within historic and/or an agricultural and forestal districts, which are other "significant" areas to be avoided. Would another 4(f) Evaluation be required for further impacts to those areas? The proposed alternative alignment (Alternative E) is not a viable or feasible option and should be deleted. This alternative alignment is shown through the existing school bus maintenance facility and a new school currently under construction. It would also likely impact other school/park recreation facilities, including other sections of the trail, possibly creating the need for another 4(f) Evaluation.

  2. This section dismisses all previous alternatives as being not feasible as they would not adequately satisfy the identified transportation needs, or in the case of Alternative 11 would have 4(f) impacts. In the case of Alternative 11, those potential 4(f) impacts may be more easily mitigated than this impact to the trail system, since mitigation requires further negative impacts to an adjacent agricultural and forestal district, which is another area in which impacts should be avoided. It would seem appropriate at this time for the 4(f) Evaluation process to reassess all alternatives in light of what is now known about the impacts of Alternative 10. These include impacts to: 1) the trails; 2) watersupply watershed and impoundment; 3) the watershed of an endangered species habitat; 4) an agricultural and forestal district; and 5) four (4) major school sites (three public and one private) due to the proximity of the Bypass alignment. Specifically, Alternative 9 (expressway) has no environmental impacts. A more comprehensive and thoughtful evaluation of the previous alternatives, which balances transportation goals and efficiencies with environmental impacts and local concerns, is needed.

- Regarding comments provided under "Constructive Use" (p.19), we disagree strongly with the statement that "the noise levels will not substantially interfere with use and enjoyment of the trail because serenity is not a significant attribute for the activities that occur there." As noted previously here, and in Mr. Mullaney's memo, the trail is used not only for athletic practice/events but also for passive recreational use. The existing quality of the environment and natural setting, along with its convenient location near population concentrations, combine to make it an important facility within our overall trail system. The quiet, undisturbed natural setting <u>IS</u> an important attribute of this facility.

- Comments provided under "Coordination" (p. 23) indicate that the trails were never raised as an issue. In general, the impact of the Bypass to all the schools (and school facilities) in the corridor has been an issue with the County. These trails are located on school property and there is a reliance on the part of the County that project designers will take into account facilities found on properties during field work related to project design. These trails have been constructed (and modified and upgraded) mostly with volunteer work, over a long period of time as the need and opportunity has arisen. Trail development post-dated any site plan development for the schools, so there is very little information in the form of surveyed plans or plats that accurately depict the trail location. The impact to trails was not clear to the County until those very familiar with the trail location began to realize that Bypass location and trial locations were in significant conflict. Identification of the trails earlier on the Bypass design drawings would have brought this issue to the surface sooner.

COUNTY OF ALBEMARLE
Parks and Recreation Department
County Office Building
401 McIntire Road
Charlottesville, Virginia 22902-4596
Telephone (804) 296-5844

MEMORANDUM

TO: Wayne Cilimberg, Director of Planning and Community Development

FROM: Pat Mullaney, Director of Parks and Recreation PM

DATE: March 18, 1999

RE: Draft Section 4(f) Evaluation - Comments

I have reviewed the draft 4(f) evaluation made by FHWA and VDOT on the impact on the district park facilities at the Albemarle, Jack Jouett, and Greer school complex.

In general I find the evaluation to be extremely biased towards continuing on with building the road as planned. The evaluation does not fairly consider 4(f) protection and the impact on the other recreational facilities at the complex, and severely minimizes the importance and the impact on the trail system. The evaluation appears to have totally missed the trails behind Greer school which are directly impacted and seems to blame the County for not informing VDOT as to the existence of the trails. As Parks and Recreation Director I don't make it a habit to keep myself informed on proposed plans for the State Arterial System.

The strongest evidence that this is not a fair evaluation is on page 19 under **Constructive use** which says "Noise levels would not substantially interfere with the use and enjoyment of the trail because serenity is not a significant attribute of the trail for the activities that occur there". Later in that section it goes on to say "Likewise, these alternatives would not substantially detract from the aesthetics of the trail, which has no particularly spectacular views or unusual natural or manmade features". These trails are in the one of the few remaining patches of woods in the most densely developed area of the County. The section of the trail by the stream is as pretty as any site in our entire park system. That section including the stream will be covered by fill. I would consider the

stream to be a significant natural feature and I definitely think a major highway through this section, in anyone's estimation, would substantially detract from the aesthetics of the trail.

To cite specific examples which make me question the fairness of this Evaluation I offer the following:

On page 4, first paragraph, the rationale for stating that because only the trail is encroached on by the bypass, then only the trail itself, and not the encompassing school property, which is by County policy a district park, constitutes the Section 4(f) resource, may possibly be faulty. According to "Section 4(f) -- Policy Paper" dated September 24, 1987 and revised June 7, 1989, the segment titled "Section 4(f) - Applicability" states the following:

- "No. 10. School Playgrounds. (p. 15-16)

Question: Are publicly owned playgrounds subject to the requirements of Section 4(f)?

Answer: While the primary purpose of school playgrounds is for structured physical education classes and recreation for students, such lands may also serve public recreational purposes and as such, may be subject to Section 4(f) requirements. When the playground serves only school activities and functions, the playground is not considered subject to 4(f). However, when the playground is open to the public and serves either organized or recreation purposes (walk on activity), it is subject to the requirements of Section 4(f) if the playground is determined to be significant for recreational purposes. In determining the significance of the playground facilities, there may be more than one official having jurisdiction over the facility. A school official is considered to be the official having jurisdiction of the land during school activities. However, the school board may have authorized the city's parks and recreation department or a public organization to control the facilities after school hours. The actual function of the playground is the determining factor under these circumstances. Therefore, documentation should be obtained from the official(s) having jurisdiction over the facility stating whether or not the playground is of local significance for recreational purposes.

- "No. 2. Public Parks, Recreation Areas, Wildlife and Waterfowl Refuges. (p. 9-10)

"Question B: How should the significance of public parks, recreation areas, wildlife and waterfowl refuges be determined?

Answer B: "Significance" determinations (on publicly owned land considered to be park, recreation area, or wildlife and waterfowl refuge pursuant to Answer A above) are made by Federal, State, or local officials having jurisdiction over the land. For the most part, the "officials having jurisdiction" are officials of the agency owning or administering the land. For certain types of Section 4 (f) lands, more than one agency may have jurisdiction over the site. The significance determination must consider the significance of the entire property and not just the portion of the property being used for the project. The meaning of the term "significance" for purposes of Section 4(f) should be explained to the officials having jurisdiction. Significance means that in comparing the availability and function of the recreation, park, or wildlife and waterfowl refuge area with the

recreational, park, and refuge objectives for that community, the land in question plays an important role in meeting those objectives. If a determination from the official with jurisdiction cannot be obtained, the Section 4(f) land will be presumed to be significant. All determinations (whether stated or presumed) are subject to review by FHWA for reasonableness."

Now that the FHWA has designated the trails, in October 1998, as Section 4(f), does not this last answer mean that the entire recreation facilities of the schools are qualified or are also now designated 4(f)? If this is true, would there not be a "constructive use" taking argument with regard to the playing fields immediately adjacent to the bypass?

In regards to the above information which is taken directly from the Section 4(f) Policy Paper, the recreation facilities at the school complex are extremely significant as they are the only such facilities in the most densely populated area of the County. The two most heavily used recreational facilities on the site are going to be seriously impacted by the proximity of the Bypass. Those facilities are the soccer field at Jouett which is 130' from the NB lane and the Greer baseball field where the batting cage is 155' from the NB lane. The Albemarle County Parks and Recreation Department is responsible for the scheduling and the oversight of these facilities after school hours. These facilities are used every day of the week for recreational programs, 10 months out of the year. They are used from 6pm until dark on weekdays and from 8am until dark on Saturday and Sundays. They are used for youth soccer, youth football, youth lacrosse, little league baseball and girls softball. On a typical Saturday approximately 1,000 people will be at these fields as a participant or spectator for these recreation programs. The location of a major roadway within 40 yards (or the width of the smallest youth soccer field) raises serious concerns about the noise, air quality, and visual impacts.

On page 4, the report seems to imply negative connotations because there are no signs advertising the trails. There were signs for the trails and they were stolen by vandals. There are signs indicating the recreation facilities at the school are restricted to school use until 6 pm. These signs cover all the facilities including the trails.

On page 7, the first paragraph questions the public use of the trails, citing VDOT investigations. It is obvious by the comment "observation indicated use by students", that the investigation occurred during the school day when public use is restricted. Public use would then most certainly be incidental during school hours. The responses that Mr. Benish and I made, which are included as an attachment in the report, thoroughly explain the school and public use. Sign up sheets along the trail indicate public use of 30 to 35 persons per day which is not considered to be incidental.

On page 7, the first paragraph also questions the identification of the trails by signs and the trails not being mentioned in the County's Land Use Plan. I think my Answer #4 in the attachment satisfactorily addresses this.

On page 7, the last paragraph seems to be critical of the lack of nearby parking facilities, citing distances away for several locations. However, the parking lot behind Jouett, only a hundred feet or so from one of the trail heads, was omitted from the VDOT analysis. This is a ridiculous

issue anyway. The parking areas at the school serve all of the recreational facilities. Recreation space is at a premium in this area of the County and to take up additional space for special parking for this type of trail would be foolish. It is anticipated that anyone who could walk or run the trail could easily walk the relatively short easy distance from any of the parking lots at the facility to do so.

On page 8, the second paragraph states, ... "Information provided by the County indicates that there are no other existing recreational trails that would be affected by the project." Any information provided by the County assumed that the trails behind Greer were also considered. It seems VDOT did not include these trails in the evaluation. The attached map shows both the Jouett and Greer trails impacted by the proposed bypass.

On page 8, under "#9. Unusual Characteristics," the one sentence paragraph states that, .. "There are no unusual characteristics associated with this trail." Unusual characteristics are in the eye of the beholder. The trail area beside tributary "K," which is to be covered with fill to a height of 60 feet, is one of the most beautiful spots in Albemarle County. With the babbling brook, extreme quietness and tranquillity, and enclosed by a forest of large and small trees and huge outcroppings of magnificent rocks in a narrow valley, this provides a serene and peaceful setting for the public to enjoy, providing a calmness of the soul. Yet this wonderful area, with pleasing aesthetics, is located a short distance from the most densely populated area in the County. The whole trail system is extremely well maintained and a joy to walk/jog, but the jewel of the system is the segment by the creek to be located underneath a fill, 60 feet high.

On pages 8 and 10, under "#10. Impacts on Trail," there are three sections labeled; Noise Levels, Air Quality, and Visual. The Evaluation stresses the minimal or negligible impacts.

- Noise levels all along the trail would be drastically increased above the estimated noise level of 48 dBA. Today, one of the most attractive features of the trail is its serenity and tranquility. With the proposed bypass in place, no one would walk the trails just to get away from the hectic and noisy "hubbub" of everyday life.

- Concerning air quality, it is stated that, ... "the project would have a negligible effect ...along the trail." The proposed bypass would be located in a generally western direction from the trails. With the prevailing winds coming from the southwest and west directions, the exhaust fumes from traffic would consistently be blowing towards the walkers and joggers on the trails and also blowing towards the playing fields and towards both Jouett and Greer schools.

- Under visual, the Evaluation blandly states that, ... "the project would change the character of the view from the trail by introducing a four-lane freeway where woods and streams are currently present." Also, ... "To lessen the visual effects of the new road, a landscaping plan would be incorporated....". There is no way any landscaping plan can begin to mitigate the intrusion into this beautiful area.

On Page 19, under "#12. Measures to Minimize Harm," the Evaluation suggests that,

- ... "The severed portions would be reconnected by building a new section of trail along or near the toe of the fill embankment." This area is very steep and not conducive to placement of a trail.

- ... "Another measure would be to provide landscaping on the fill slopes that would screen the roadway from the trail." How can anything screen a 60 feet high, 360 feet wide and 1000 feet long fill, that contains a volume equivalent of 7.3 Monticello Hotels, and is carrying possibly 43,000 vehicles per day (many of which would be heavy trucks)?

I think the above information clearly shows that this Evaluation was an effort to minimize the significance and the impact on this area so the Bypass could proceed as planned. The impact on the area is clear. This beautiful area will be totally destroyed in ways that cannot be mitigated. As for significance, the importance to the County of protecting undeveloped land in this area was underscored in 1990 when the decision was made not to build a new elementary school on the nearby County owned Whitewood Road site in order to preserve the wooded area and trials there. Instead the County spent in excess of $1,000,000 to purchase the current Agnor Hurt site. Since that time the County has placed a conservation easement on the Whitewood site. In my opinion, it would make little sense to allow impact to a nearby site of similar character, when such efforts have been made to protect the Whitewood site. I think this clearly shows the significance this land has as a recreational resource to the County. If you have any questions about any of this please feel free to call me.

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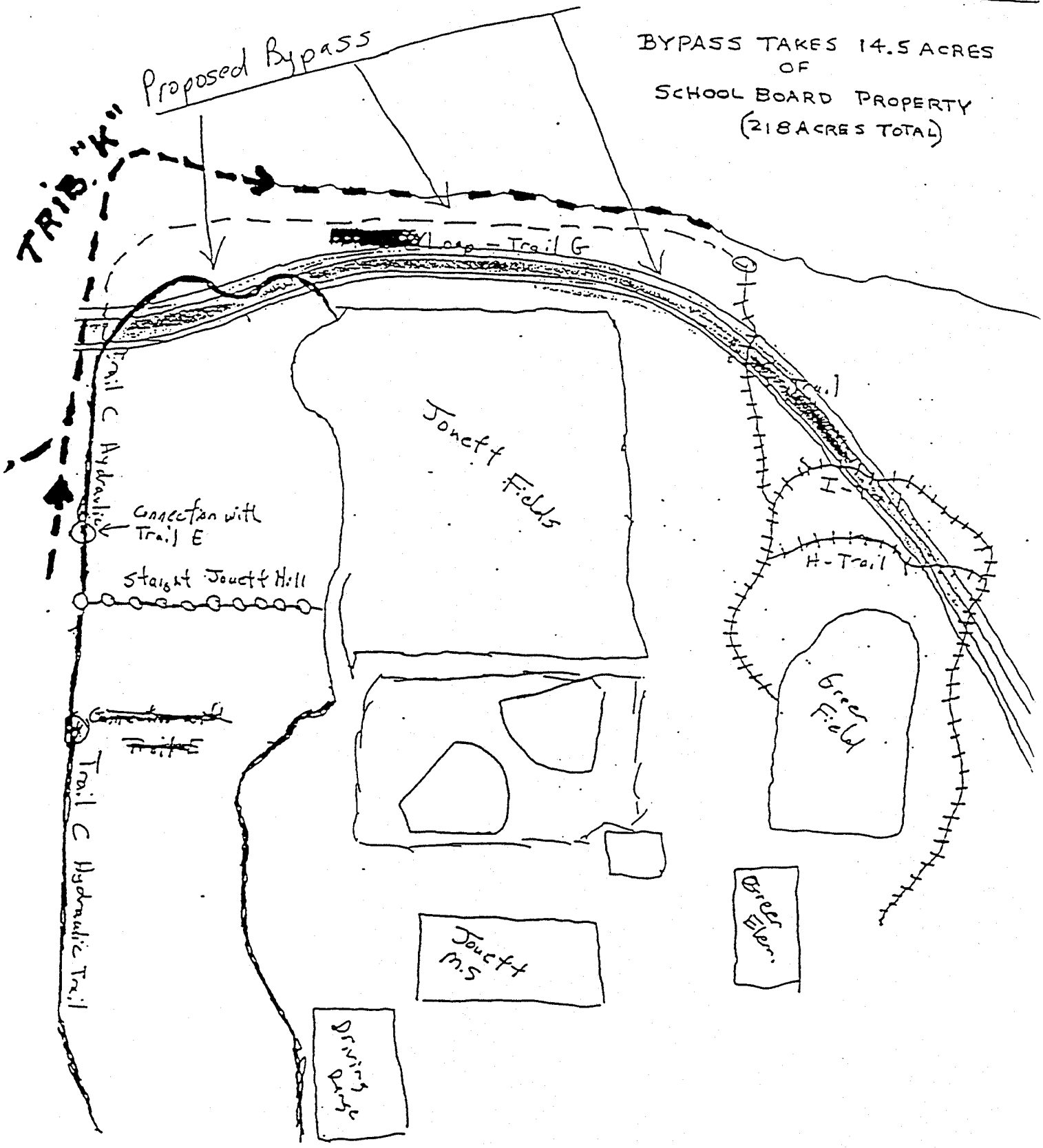
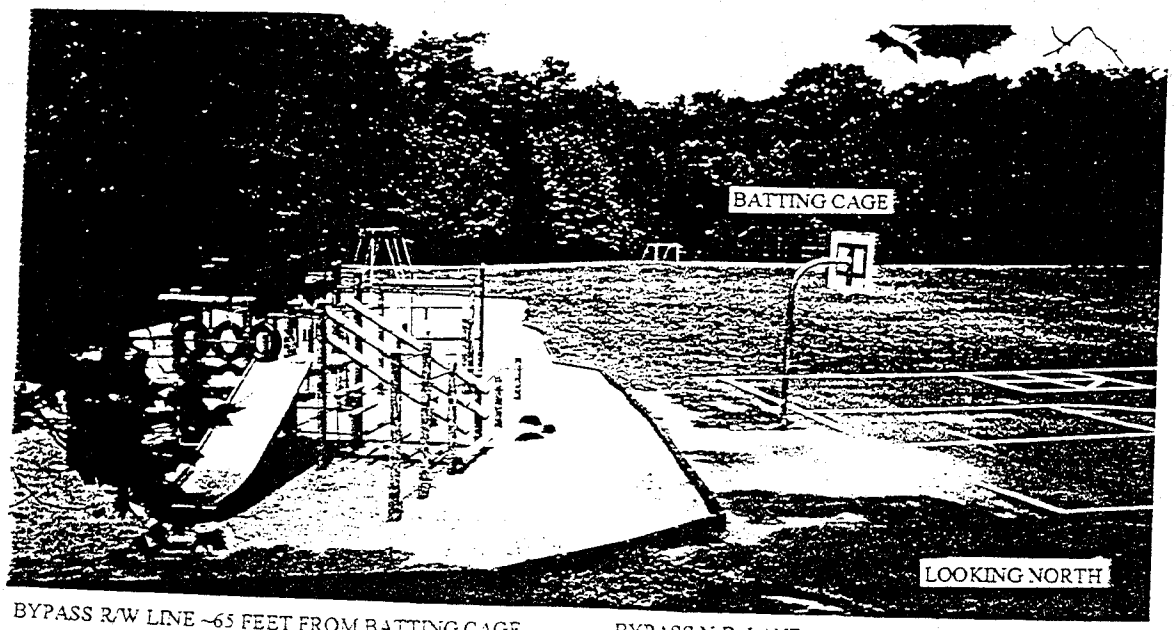
To AL Reasor	From David Benich
Co./Dept.	Co.
Phone #	Phone # 296-5823
Fax # 973-9545	Fax #

BYPASS TAKES 14.5 ACRES
OF
SCHOOL BOARD PROPERTY
(218 ACRES TOTAL)

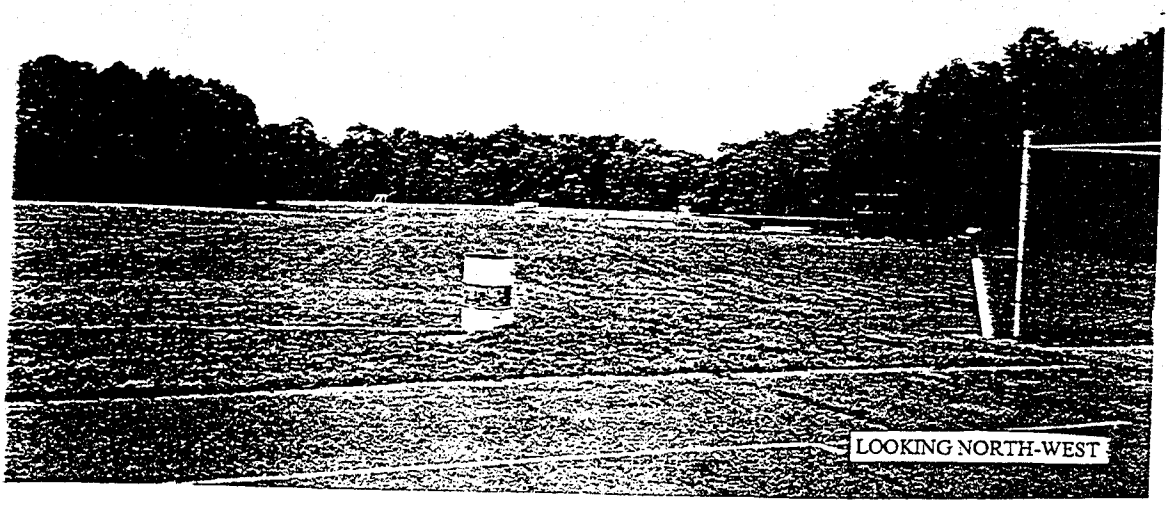




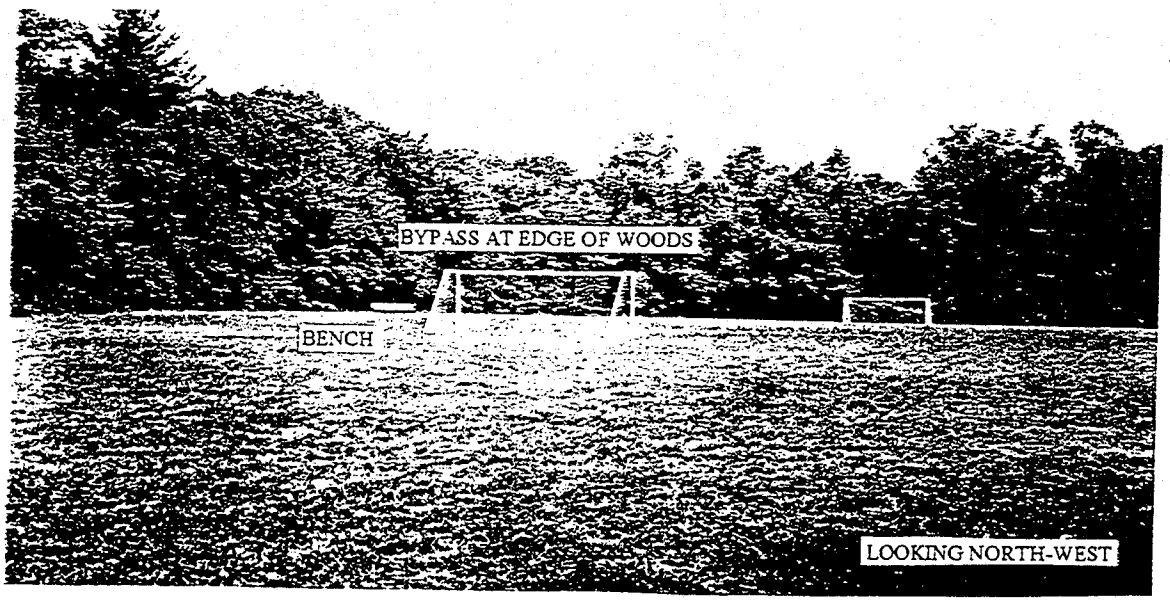
GREER SCHOOL PLAY GROUND

BYPASS R/W LINE ~65 FEET FROM BATTING CAGE

BYPASS N.B. LANE ~155 FEET FROM BATTING CAGE



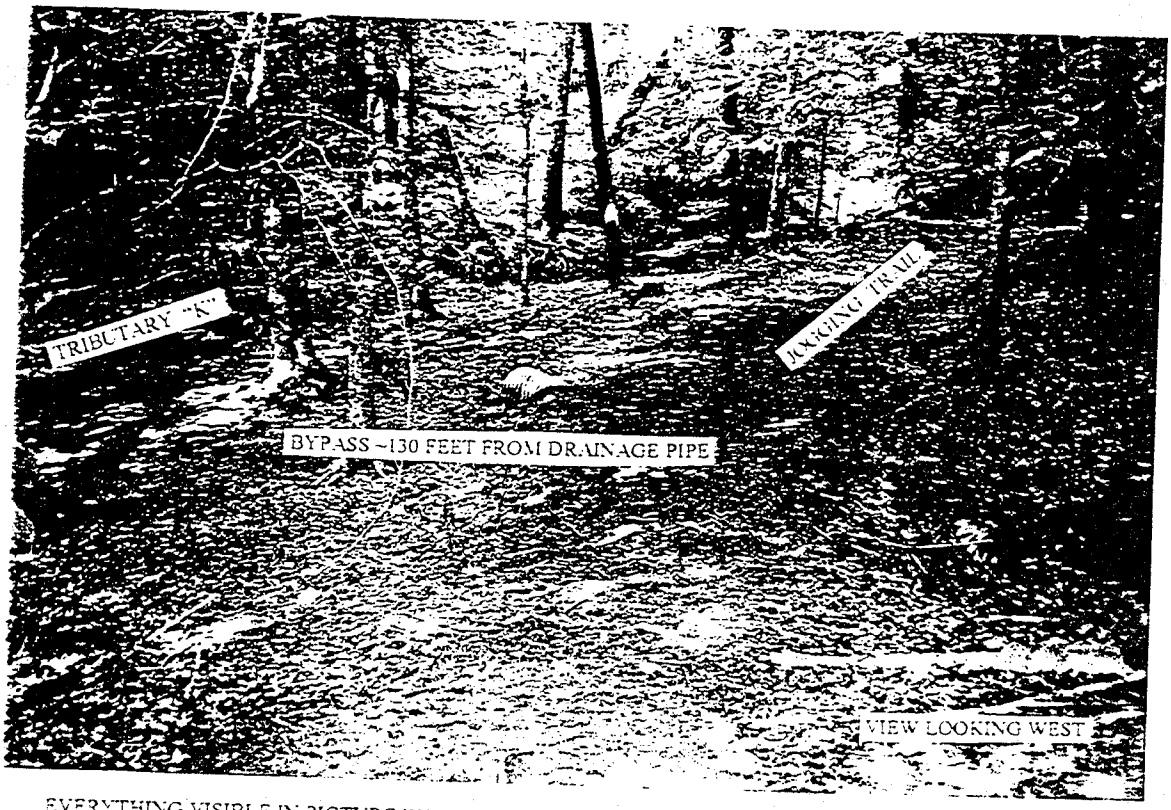
JACK JOUETT PLAYING FIELDS



WESTERN-MOST PART OF JOUETT PLAYING FIELD

BYPASS R/W LINE AT EDGE OF WOODS NEAR BENCH AREA

BYPASS N.B. LANE ~130 FEET FROM BENCH AREA

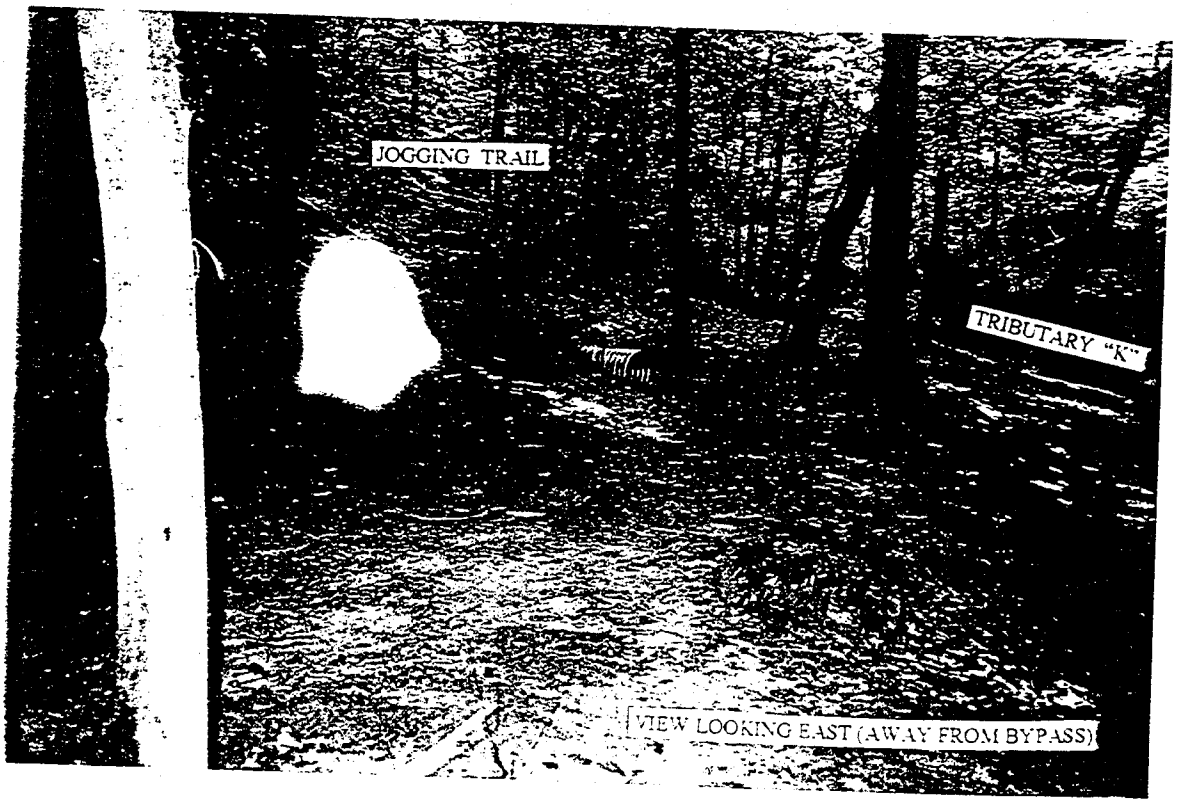


JOGGING TRAIL NEAR JOUETT PLAYING FIELD

EVERYTHING VISIBLE IN PICTURE WOULD BE UNDER FILL

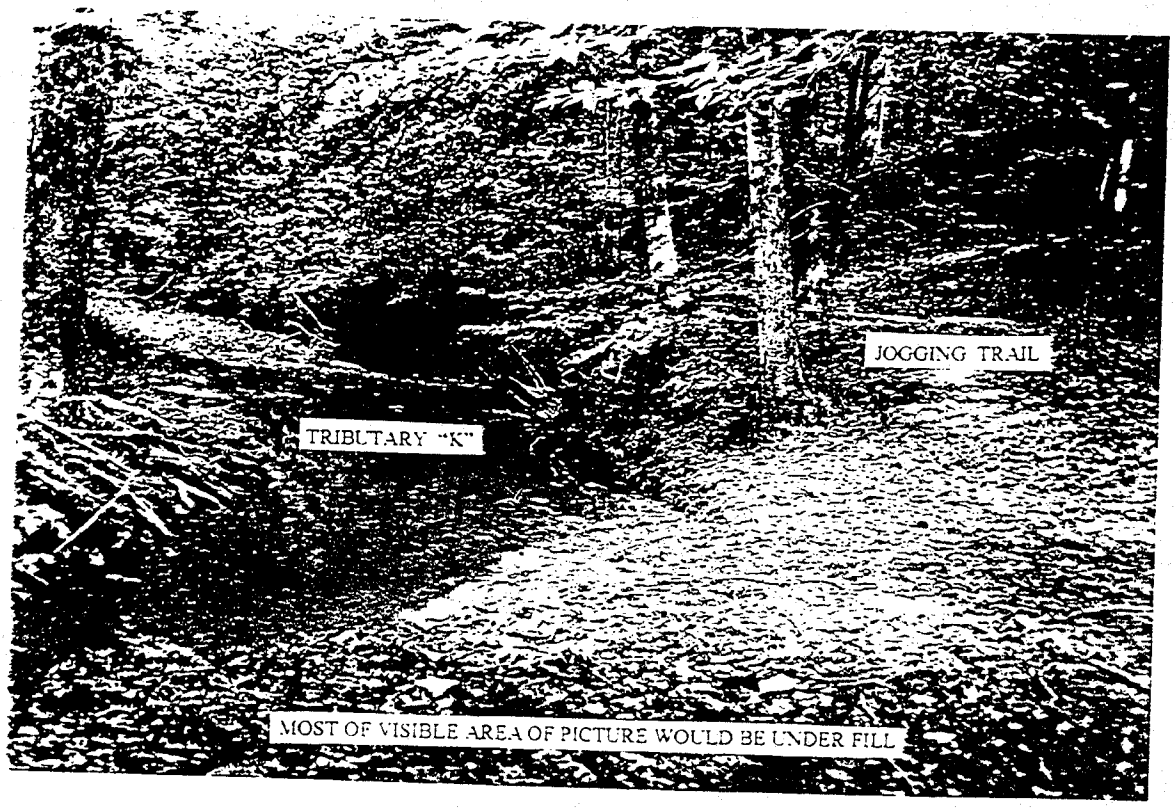
MAX FILL HEIGHT = 61 FEET

FILL VOLUME = ~7 "MONTICELLO HOTELS"

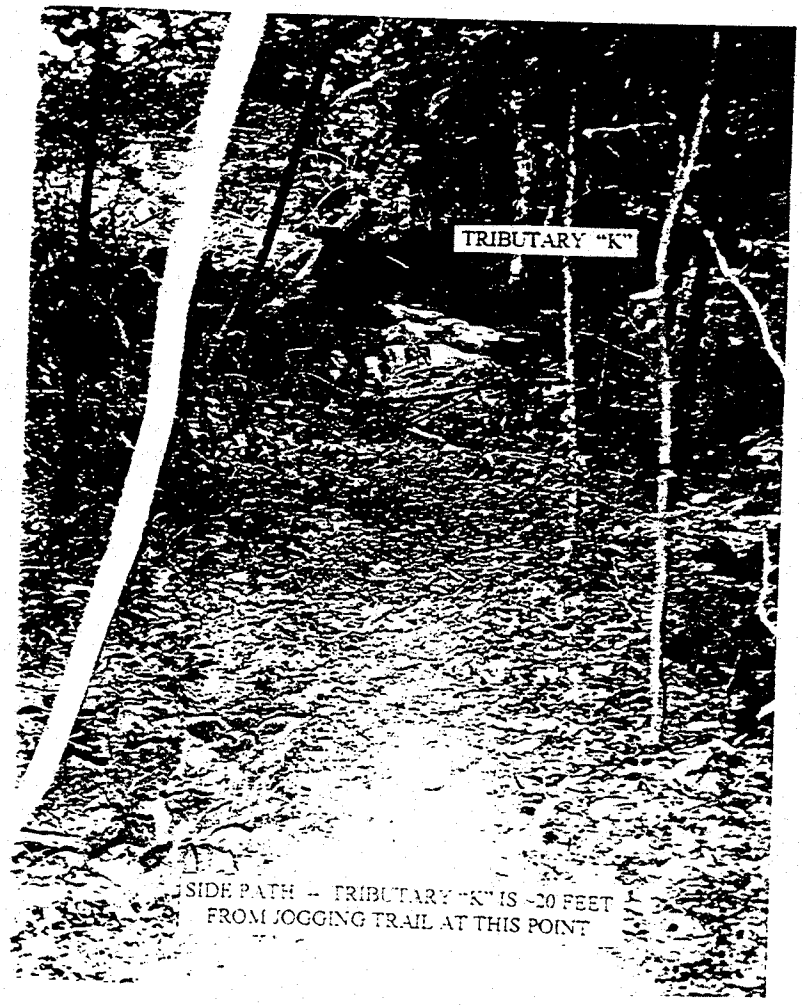


JOGGING TRAIL NEAR JOUETT PLAYING FIELD

MOST OF VISIBLE AREA OF PICTURE WOULD BE UNDER FILL

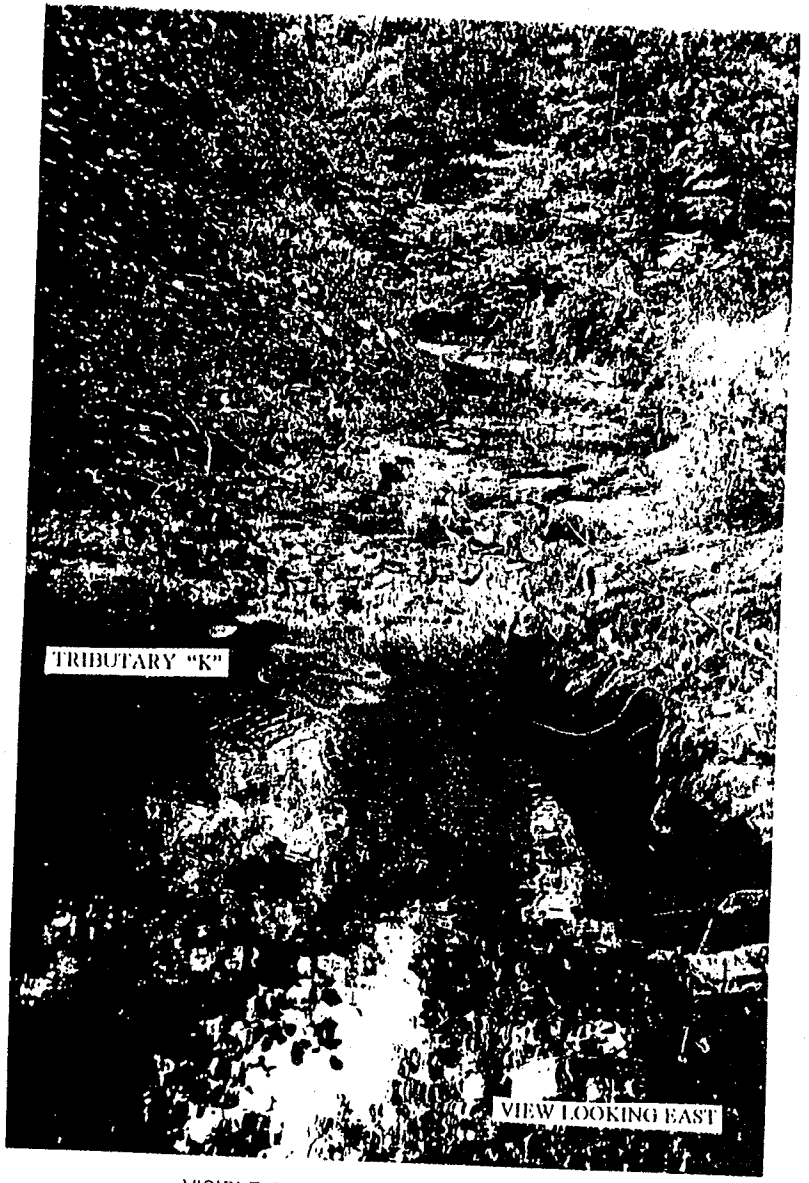


JOGGING TRAIL NEAR JOUETT PLAYING FIELD



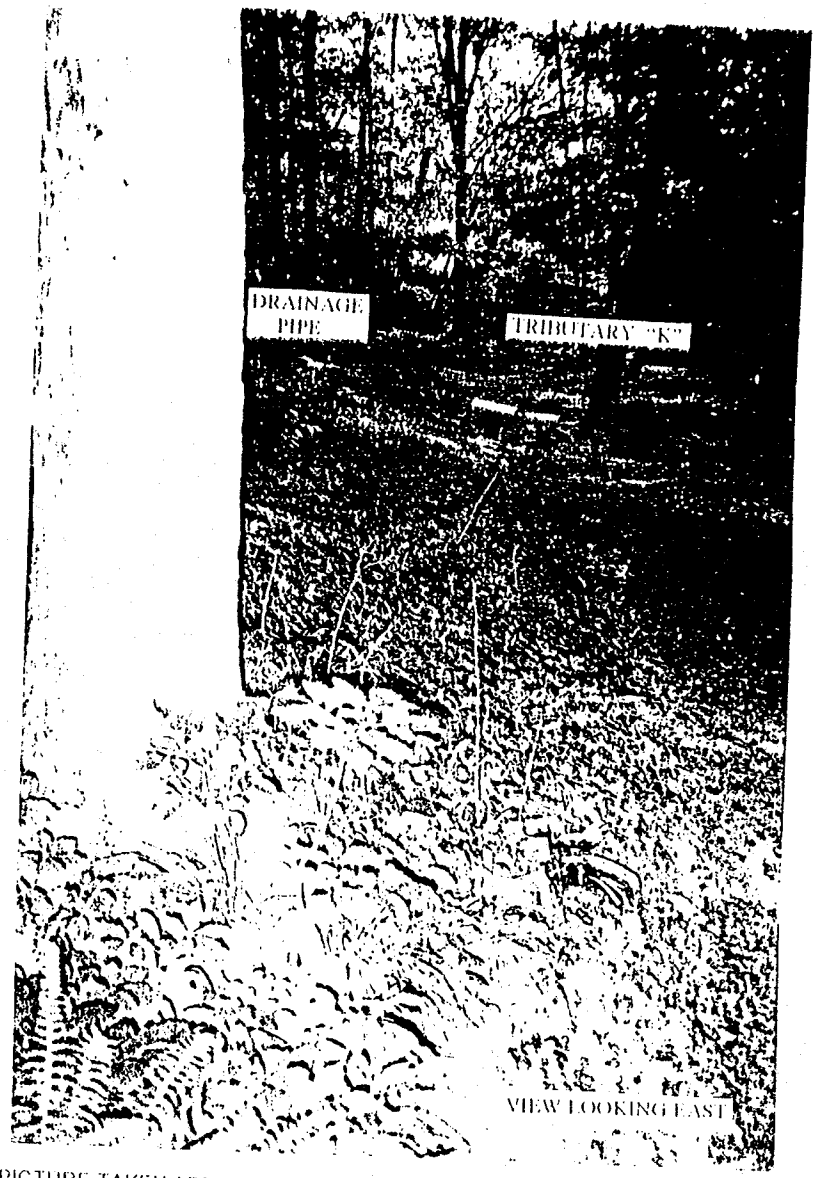
JOGGING TRAIL NEAR JOUETT PLAYING FIELD

THIS STREAM WOULD LIKELY BE COVERED BY FILL



VISIBLE CREEK WOULD BE UNDER FILL

ADJACENT TO JOGGING TRAIL



PICTURE TAKEN APPROXIMATELY DIRECTLY UNDER N.B. LANE OF BYPASS
MAX HEIGHT OF FILL = 61 FEET

JOGGING TRAIL

JOGGING TRAIL NEAR JOUETT MIDDLE SCHOOL

JOGGING TRAIL NEAR GREER SCHOOL

Charlottesville-Albemarle Metropolitan Planning Organization
POB 1505, Charlottesville, VA 22902; (804) 979-7310; fax: (804) 979-1597
Virginia Relay Center for hearing impaired: (800) 828-1140 (voice); (800) 828-1120 (TDD)
email: tjpd@state.va.us; website: http://avenue.org/tjpdc

RECEIVED
APR 2 2 1999
DIV.

TO: Mr. Earl T. Robb, Environmental Administrator
Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 23219

FROM: Sally Thomas, Chair, Charlottesville-Albemarle Metropolitan Planning Organization

DATE: April 21, 1999

RE: Comments on Draft Section 4(f) Evaluation of the Route 29 Bypass Impacts Upon the Trail at Jack Jouett Middle School
Federal No. NH-037 (130)
State No. 6029-002-F22, PE 101
Albemarle County, Virginia

Thank you for the opportunity to comment upon the draft Section 4(f) Evaluation, and for granting us permission to submit the comments after April 19 so that we could discuss them at our April 20 meeting. Enclosed is the full text of the MPO's comments. The most important findings are as follows:

- **The evaluation should be re-assessed to include the entire school recreational complex, which is defined as a County District Park and thus qualifies in its entirety as a Section 4(f) property**. This complex includes the Jouett Trail, a trail behind Greer Elementary School, and the playing fields and other recreational facilities shared by the three schools, all of which are used extensively by the public on evenings and weekends. The report states that the school recreational fields were not included in the assessment because they were not "encroached upon" by the bypass. The statement lacks any foundation since the report only considers the Jouett Trail as Section 4(f) property. The regulations make it quite clear the entire park is the protected site.

- **Based on the existing evaluation, the trail and surrounding County District Park clearly qualify as directly and constructively used by the bypass. VDOT and FHWA should conduct a complete evaluation of all possible alternatives for prudence and feasibility.** None of the design modifications or measures to minimize harm adequately protects the natural, quiet environment which is the most valuable feature of this facility. An evaluation of the entire Section 4(f) property would, we are confident, result in a finding of direct and constructive use for the entire property. Once it has completed the evaluation of the entire 4(f) property in order to establish a complete analysis of mitigation alternatives and costs, VDOT will be required to examine all possible alternatives for prudence and feasibility. This analysis should include the additional impacts and costs which have come to light concerning the Alternative 10 alignment since it was selected, including mitigation strategies to avoid two other historic sites, the findings of the noise study, and what is known to date about costs and strategies to mitigate effects upon the regional water supply.

Attached is a summary of the action items recommended in our report. Enclosed is the full report. Please feel free to contact our staff if you have questions.

CC: MPO Route 29 Bypass Design Advisory Committee

Summary of Recommended Actions

Charlottesville-Albemarle MPO Comments on Route 29 Bypass Jouett Trail 4(f) Evaluation, April 21, 1999

A. Description and Need for the Project

A-1) The statement of purpose should be corrected to quote the original purpose and recommendation of sequenced projects from the FEIS.

A-2) The statements regarding consistency with local and regional plans should add information about the significant changes to the clustering and sequencing of projects included in the Record of Decision for Alternative 10 and the important MPO caveats placed upon that approval.

B. Overview of Section 4(f) Involvement

B-1) Given the growing awareness of the fiscal, environmental, and community impacts of Alternative 10, VDOT and FHWA should analyze all possible alternatives for prudence and feasibility.

B-2) The report should include an explanation for the conclusion that other alternatives were not prudent and feasible.

B-3) The property defined as protected by Section 4(f) should include the entire County District Park in this area, which includes the Jouett Trail, the Greer Trail, and the recreational fields at the school complex. The evaluation should be revised to encompass this entire property.

C. Section 4(f) Evaluation of Trail at Jouett Middle School

Section C3: Ownership

C3-1) The investment of money and labor in this trail system by community and school groups should be included in the description of ownership.

Section C4: Function

C4-1) The observations in the first paragraph should be corrected such that they accurately describe the role and importance of this facility as a public park.

C4-2) The statement that the trail is not included in the County Comprehensive Plan should be corrected to note that the trail is contained within a County District Park, which is referenced generally in the Comprehensive Plan and in more detail on page 49 of the 1990-2000 Community Facilities Plan.

Section C6: Access:

C6-1) The parking lot behind Jack Jouett Middle School should be added to the inventory of parking facilities and assessed for impacts from the proposed roadway.

C6-2) The unique opportunity the trails present for frequent and spontaneous class trips to study nature should be noted as a factor in their overall value to the community.

Section C7: Relationship to Similarly Used Lands

C7-1) The report should document the scarcity of quiet, natural trails in this area, including the fact that the Ivy Creek Natural Area is not open to joggers and is already overused.

C7-2) The report should document the considerable sacrifices the County has made to protect the natural areas in this part of the community, including spending a million additional dollars to locate Agnor-Hurt school away from Whitewood Park and dropping long-established plans for Greenbrier Drive Extension in order to avoid impacting the park.

Section C9, Unusual Characteristics:

C9-1) The report should be revised to note that the very simplicity and quiet natural setting of this trail is quite an unusual characteristic in this heavily developed area.

See also C6-2.

Section C10: Impacts on Trail, Noise Levels and Air Quality:

C10-1) The report should include the noise impacts of frequently passing trucks, which create a burst of sound 13 to 14 decibels higher than the ambient level.

C10-2) The report should include an analysis of the apparently strong possibility that this road will attract a much higher number of trucks than forecasted in the FEIS, based on its opening remarks about the importance of this highway in the state and national system and the projections of potential increased traffic in the US 29 Charlottesville-Warrenton Corridor Study.

C10-3) Because the noise and air impacts would ruin the quiet, natural setting of the area under study, regardless of any modifications to the highway design, FHWA should consider this alternative constructively, as well as directly, uses this property and should initiate a review of the prudence and feasibility of all possible alternatives.

C10 (continued) Visual Impacts:

C10-4) Because of the visual impacts, which cannot be mitigated by landscaping, this alternative is not compliant with Section 4(f) regulations; VDOT and FHWA should conduct a rigorous review of the prudence and feasibility of other alternatives.

C11. Avoidance Alternatives

C11-1) The report should document the reasons other alternatives were not deemed feasible or prudent.

C11-2) Given the number of critical changes to the known environmental and Section 4(f) impacts and the sequencing included with the Alternative 10 proposal, the FEIS alternatives analysis should no longer be considered valid.

C11 (continued) Modifications to Current Design:

C11-3) None of the proposed alternatives modifying the existing alignment, including the measures to avoid harm, meet the Section 4(f) regulation to protect this resource. All would result in such significant physical disruption and noise, visual, and air quality impacts that the trail and its surrounding environment will be sharply and permanently rendered unusable for their current purposes as quiet natural areas for recreation and learning. VDOT and FHWA should investigate the prudence and feasibility of all possible alternatives.

C11 (continued) Constructive Use:

C11-4) A finding of direct and constructive use is warranted. FHWA and VDOT should proceed with examining all possible alternatives for prudence and feasibility.

Section C 12: Measures to Minimize Harm

C12-1) The proposed landscaping plan is a poor substitute for the existing woods and stream. This is not an adequate measure to mitigate the visual and physical intrusions onto the natural environment.

C12-2) The report should clarify that the bridge alternatives are really a variation of Alternative D, and are not measures which could be employed in conjunction with any of the alternatives.

D. Coordination

D -1) VDOT should re-assess its inventory and make every effort to ensure it has examined all the possible Section 4(f) impacts associated with all alternatives which address the purpose and need for this project.

Charlottesville-Albemarle Metropolitan Planning Organization
POB 1505, Charlottesville, VA 22902; (804) 979-7310; fax: (804) 979-1597
Virginia Relay Center for hearing impaired: (800) 828-1140 (voice); (800) 828-1120 (TDD)
email: tjpd@state.va.us; website: http://avenue.org/tjpdc

Comments on Draft Section 4(f) Evaluation of the Route 29 Bypass Impacts to the Trail at Jack Jouett Middle School, April 21, 1999
Federal No. NH-037 (130)
State No. 6029-002-F22, PE 101
Albemarle County, Virginia

A. DESCRIPTION AND NEED FOR THE PROJECT: The description of purpose and need on page 3 is significantly different from the statement of purpose and need from the Route 29 Corridor Study (the Final Environmental Impact Statement (FEIS) for this project). It puts emphasis on the need to accommodate through traffic on Route 29. The actual statement gave primary weight to flow on existing Route 29, with the accommodation of through traffic as a secondary goal. It read as follows:

> The purpose of the Route 29 Corridor Study is to find a solution to existing and future traffic congestion on a three-mile section of US Route 29 between US Route 250 Bypass and the South Fork Rivanna River in the City of Charlottesville and Albemarle County north of Charlottesville. A secondary purpose of the study is to complete a gap in ongoing improvements to US Route 29 through central Virginia.

This description indicates VDOT's perception of the primary purpose of the package of solutions recommended in the FEIS, of which the bypass was last in a series, has shifted such that the bypass has become the project of principal importance. This is not consistent with local and MPO plans and priorities, which continue to reflect the sequencing recommended in the FEIS and agreed to in the early 1990's.

The FEIS found that the great majority of traffic on US 29 was local, not through, traffic and that the bypass by itself would not improve conditions on US 29. The only solution recommended in the FEIS which significantly improved traffic flow on US 29 was widening the existing route and constructing three grade-separated interchanges at Hydraulic, Greenbrier, and Rio Roads, after which the need for a bypass would be reconsidered. This phasing was recommended in the FEIS in section S-5 and in the FHWA Record of Decision on this project (FHWA-VA-EIS-90-02-F). The City of Charlottesville, Albemarle County, and VDOT all formally agreed upon this sequencing, including the construction of the Meadow Creek Parkway from Route 29 to the Route 250 bypass prior to the re-evaluation of the need for the bypass. The MPO adopted this sequencing as an amendment to the Charlottesville Area Transportation Study Year 2000.

In 1995, the Commonwealth Transportation Board deleted plans for the grade-separated interchanges in response to a resolution from the City asking that plans for the Hydraulic Road interchange be discontinued because of concerns over its size and scale and possible impacts to local businesses. This decision was made without a public hearing or comments from the MPO or the County. Funding for

the interchanges was shifted towards landscaping and sidewalks on the newly widened Route 29 and towards bypass design and construction. Meanwhile, funding for the second phase of the Meadow Creek Parkway is completely inadequate with no sign from the Commonwealth Transportation Board that it will ever be funded despite continuous requests and attempts by the County to fund the project. At this point, only the widening of Route 29 and the bypass are fully funded and in active stages of development. This is not consistent with local plans and priorities, nor with the recommendation of the FEIS and Record of Decision for the Alternative 10 location.

The draft 4(f) report also notes that the proposed project is consistent with local and regional plans. While it is true that the bypass appears in the MPO CATS Year 2015 plan, it should be noted that it appears with caveats regarding the sequencing described above (see Attachment A: Section of CATS plan). In addition, the MPO has, for three years now, included a resolution in its TIP which withholds approval of federal funds for construction (or accrual toward construction) of the bypass until several important issues are resolved (see Attachment B: TIP Resolution).

Actions:

A-1) The statement of purpose should be corrected to quote the original purpose and recommendation of sequenced projects from the FEIS.

A-2) The statements regarding consistency with local and regional plans should add information about the significant changes to the clustering and sequencing of projects included in the Record of Decision for Alternative 10 and the important MPO caveats placed upon that approval.

B. OVERVIEW OF SECTION 4(F) INVOLVEMENT: The penultimate paragraph on page 3 notes: "The Selected Alternative was the only prudent and feasible bypass alternative that avoided use of any Section 4(f) properties." Section 4(f) regulations require that the evaluation include an explanation of why other alternatives were not prudent and feasible.

Since this Alternative was selected, it has come to light that it did not, in fact, avoid any Section 4(f) properties. The alignment has had to be adjusted twice to avoid historic properties: the corrected boundaries of the Westover property near Stillhouse Mountain and the Brookhill property at the northern interchange. The latter required quite an extensive revision to the original plan. This is the third time a Section 4(f) impact has been found which caused additional expenditures in design and will make the project more expensive to construct. One of the engineering options for mitigating the trail impacts, for example, would add nearly $20 million to the project cost.

The environmental, community and dollar costs of the selected Alternative are also growing due to the increased needs for mitigating effects on not only 1) this park, but also 2) watershed supply and impoundment; 3) the habitat of an endangered species; 4) an agricultural and forestral district; and 5) six school sites in the proximity of this alignment.

Given these growing costs we request that VDOT and FHWA conduct an analysis of all alternatives for prudence and feasibility. A new analysis may show that another alternative is more prudent and feasible. For example, the FEIS Base Case with grade-separated interchanges and Alternative 9 (the expressway) both addressed the traffic needs and had no impacts related to the above five issues. The Department of the Interior and the US Environmental Protection Agency both recommended Alternative 9 because of its lesser environmental impacts (FEIS VIII-5).

This section also asserts that only the trail, and not the other public recreational facilities such as the playing fields, is considered in the Section 4(f) evaluation, because the other facilities are not "encroached upon" by the project. This is not supportable for two reasons; 1) the definition of the 4(f) property does not depend upon whether or not the project developers believe it will impact an area; the regulations make it clear in this case that the entire District Park should be considered the 4(f) property; 2) since the entire District Park was not, in fact, evaluated for 4(f) impacts, the project developers have no basis for stating that the project does not encroach upon them.

B-1) Given the growing awareness of the fiscal, environmental, and community impacts of Alternative 10, VDOT and FHWA should analyze all possible alternatives for prudence and feasibility.

B-2) The report should include an explanation for the conclusion that other alternatives were not prudent and feasible.

B-3) The property defined as protected by Section 4(f) should include the entire County District Park in this area, which includes the Jouett Trail, the Greer Trail, and the recreational fields at the school complex. The evaluation should be revised to encompass this entire property.

C. SECTION 4(F) EVALUATION OF TRAIL AT JOUETT MIDDLE SCHOOL

Sections C1-2: Relationship to Proposed Project, and Size/Location: As noted above, the evaluation should include the entire school recreational area, including the playing fields and the Greer School trail, in order to be compliant with federal regulations. The County has made this need clear throughout its comments during the information-gathering stage of this report.

Action: See Action B-3.

Section C3: Ownership: The report states that the trail is owned by the Albemarle County School Board, which is correct. However, it should also note that significant amounts of fund-raising and work to improve and maintain the trail have been done by a variety of school and community groups, as noted in the letter from the Community Development Chief cited in the draft evaluation. The public has made a considerable investment of money, time and energy in this trail which should be noted in this section.

Action:

C3-1) The investment of money and labor in this trail system by community and school groups should be included in the description of ownership.

Section C4: Function The first paragraph indicates that the trail is not a major source for public recreation. Notes to this effect include observations that the trail did not appear to be heavily used by the public during an initial observation, did not have signage for the public, and was not specified in the County Land Use Plan. The letters from Albemarle County Chief of Community Development and the Parks and Recreation Director belie these findings however, and show conclusively that the trail is in fact an important resource for a large number of people in this heavily developed area.

Data supplied in these letters notes that there are sign-up sheets for public use of the trail, and they indicate an average of 30-35 public users every day, in addition to the variety of athletic teams and science classes from the three schools in the complex. Signage is also posted on the school property which identifies that public use is allowed during non-school hours. The letters also note that there are only two other facilities for this urban population which allow for walking in a natural environment, both of which are already heavily used.

Regarding the apparent absence of this trail in the County's Comprehensive Plan, they explain that no trails at schools are specified in the County Comprehensive Plan, but are included in the entire set of public recreational facilities at schools which are classified as District Parks; these are planned in more detail in the County's Community Facilities Plan. This trail, according to the Parks and Recreation Director, is included as part of the Albemarle High School Complex on page 49 of the 1990-2000 plan.

Actions:

C4-1) The observations in the first paragraph should be corrected such that they accurately describe the role and importance of this facility as a public park.

C4-2) The statement that the trail is not included in the County Comprehensive Plan should be corrected to note that the trail is contained within a County District Park, which is referenced generally in the Comprehensive Plan and in more detail on page 49 of the 1990-2000 Community Facilities Plan.

Section C5: Facilities: No comment.

Section C6: Access: The trail is most easily accessed by a parking lot behind Jack Jouett Middle School which is not mentioned here. This lot can easily accommodate the estimated number of public users each day. It should be added to the inventory of parking facilities.

It should also be noted that the Jouett and Greer trails are the only facilities within walking distance of the schools. This is very important to the school science classes which use the trails quite often to study the changing seasons or to take a spontaneous trip outside. If the classes had only Whitewood or Ivy Creek parks available, the class trips would all have to be arranged weeks in advance using buses. This

would surely cut down considerably on the amount of time students spend outside studying nature. While use of parks by school children during the day is not a criterion for evaluation under Section 4(f), this should be noted as a very important value these trails offer to our local community.

Actions

C6-1) The parking lot behind Jack Jouett Middle School should be added to the inventory of parking facilities and assessed for impacts from the proposed roadway.

C6-2) The unique opportunity the trails present for frequent and spontaneous class trips to study nature should be noted as a factor in their overall value to the community.

Section C7: Relationship to Similarly Used Lands The report notes that the County's Land Use and Open Space Plan includes a trail along the South Fork Rivanna River (the Rivanna River Greenbelt), but it has not been specifically located nor has land been purchased for it, so it is not subject to a Section 4(f) review. In fact, the County has included sections of the Greenbelt in a recent TEA-21 Enhancement Grant application, excluding areas affected by the bypass.

The report also discusses the Whitewood Park, and the fact that the County changed its plans for a new elementary school in order to protect this park. It should be noted that the County spent an additional $1 million to relocate the planned school (as noted in the letter from the Parks and Recreation Director), and placed a conservation easement on Whitewood Park. The County made an additional sacrifice to protect this park by dropping long-held plans for an extension to Greenbrier Drive which would have created a local connecting street to alleviate congestion on Hydraulic Road, but which would have taken the park. The County transferred the unspent funds from the Greenbrier Drive project to financially support the environmental assessment for the northern half of the Meadow Creek Parkway, the importance of which is discussed in the opening section of these comments. All of these actions indicate the importance the County places on the limited trail and park space in this heavily developed area.

The report notes that Ivy Creek Natural Area is an area available for walking, but not for jogging, which is accurate. The Parks Director pointed out that this park is becoming so heavily used that the County may need to consider limiting its usage further. This places even greater importance on the school trail system as a unique community resource.

This section should note the scarcity of quiet, natural trails, especially for jogging, and the important sacrifices the County has made to protect these resources. As the Parks Director stated in his closing remarks: " The bypass would eliminate, or severely impact, major portions of the existing trails system and will greatly reduce the attractiveness of what remains.... Loss of the trails at the County School Complex would negate much of what the County gained with its investment and effort to preserve a similar area at Whitewood Park."

Actions

C7-1) The report should document the scarcity of quiet, natural trails in this area, including the fact that the Ivy Creek Natural Area is not open to joggers and is already overused.

C7-2) The report should document the considerable sacrifices the County has made to protect the natural areas in this part of the community, including spending a million additional dollars to locate Agnor-Hurt school away from Whitewood Park and dropping long-established plans for Greenbrier Drive Extension in order to avoid impacting the park.

Sections C8, Applicable Clauses: No Comments

Section C9, Unusual Characteristics: This section states the trail has no unusual characteristics, apparently drawing upon previous descriptions of the trail as a wooded natural area. However, it is important to realize that the presence of a simple, wooded natural area is in fact unusual within this highly developed urban center. It is this very quality of quiet simplicity which makes this trail system such an important, irreplacable part of the County's open space and park resources.

We note again the importance of these trails to school science classes as the only facility which allows for frequent and spontaneous trips outside to study nature (see section C6).

Actions:

C9-1) The report should be revised to note that the very simplicity and quiet natural setting of this trail is quite an unusual characteristic in this heavily developed area.

See also C6-2.

Section C10: Impacts on Trail

Displacement: No Comment.

Noise Levels and Air Quality: The MPO has twice taken exception to the accuracy of the noise study conducted for this project and requested a revised analysis, which VDOT has refused to conduct. Concerns included issues such as the limited number and placement of receptors; the possible undercounting of forecasted numbers of vehicles; broad generalizations instead of more specific factors used in the formulas to calculate impacts; and the use of average hourly noise rates without accounting for the frequent spikes of much higher noise levels caused by single trucks, especially when braking and accelerating.

According to the data based on the existing analysis, which the MPO thinks may be underestimating the impacts, the people using this trail would experience noise levels of up to 68 decibels. This is nearly

equivalent to the sound of a constantly running vacuum cleaner, compared to an existing noise level of 48 decibels, which is equivalent to the sound of a quiet conversation at home or in a library. In addition to this constant level of increased noise, which is an hourly average, the analysis conducted by VDOT for the Route 29 Bypass Design Advisory Committee of the noise generated by a single truck showed that there would be bursts of noise from each passing truck at an additional 13 to 14 decibel levels. Given the anticipated attractiveness of the bypass to trucks, this means the noise would quite frequently approach 82 dBa. This compares to the sound of a freight train moving at 15 miles per hour, and possibly can cause hearing damage. (See Attachment C: Noise Levels in Decibels).

This amount of noise would render the trail useless for science classes, since students would not be able to hear each other or the teacher. It would also eliminate the area's value as one of the rare quiet places in which area residents can walk, jog, and enjoy the woods, and could make it difficult for children to hear coaches, referees, and physical education teachers during practices and games on the nearby playing fields.

The opening of the report points out (page 2) the critical importance of this project as a link in the state's and nation's arterial system, stating that every other metropolitan area along US 29 has, or soon will have, a bypass for moving people and goods throughout the corridor. This raises the question of whether the amount of trucks forecasted to be using this road is accurate.

A technical report from the Route 29 Corridor Study Charlottesville-Warrenton showed that, given a series of facility upgrades such as limited access bypasses, the number of vehicles on US 29 in the Charlottesville area diverted from I-81 and I-95 could add as many as 19,000 more vehicles per day to the bypass, many of which would be trucks. This scenario, by the way, was not favored by local officials who called for managing congestion through access management rather than more bypasses and expanded road capacity. This study was done after the FEIS for the bypass was complete. Therefore, these increased vehicle estimates have never been considered in the noise or air quality analyses for this road. Yet, if plans continue as they appear to be moving for this corridor, it is quite likely this area will see such an increase. The report should analyze and identify the impacts of the apparently strong possibility of greater numbers of trucks, as identified in the Route 29 Charlottesville-Warrenton Corridor Study, on noise and air quality.

In any case, the prevailing westerly winds will mean that fumes from bypass vehicles will continually affect the entire school area, including not only the trails but also the playing fields. The report should investigate more clearly the actual air quality impacts that will be felt by children and adults running, walking, and playing on the fields and trails.

Overall, the evaluation of air and noise impacts fails to recognize that not only is this trail being impacted, its setting is being fundamentally changed. This area provides a series of recreational trails supporting a variety of uses (nature walks, jogging, and school education and athletic uses) in a natural setting within easy access of the most densely populated areas of the County. The significant noise and visual impacts, and likely potential air quality impacts, would greatly change the character and quality

of the environment. The County will essentially lose the only multi-use trail system within an undisturbed natural setting near this densely populated area.

The report clearly states that these noise increases exceed federal noise abatement criterion, but quickly adds that no noise mitigation measures will be cost effective; therefore, none will be included. Given the importance of quiet for the character and use of this trail and the surrounding district park, the FHWA should consider that this alternative constructively uses this trail and should initiate a review of the prudence and feasibility of all possible alternatives.

Actions:

C10-1) The report should include the noise impacts of frequently passing trucks, which create a burst of sound 13 to 14 decibels higher than the ambient level.

C10-2) The report should include an analysis of the apparently strong possibility that this road will attract a much higher number of trucks than forecasted in the FEIS, based on its opening remarks about the importance of this highway in the state and national system and the projections of potential increased truck traffic in the US 29 Charlottesville-Warrenton Corridor Study.

C10-3) Because the noise and air impacts would ruin the quiet, natural setting of the area under study, regardless of any modifications to the highway design, FHWA should consider this alternative constructively, as well as directly, uses this property and should initiate a review of the prudence and feasibility of all possible alternatives.

C10 (continued) Visual Impacts: The report states "The project would change the character of the view from the trail by introducing a four-lane freeway where woods and streams are currently present." It suggests a landscaping plan which, over the course of years, would screen the road from view, at least to an extent. But given the points made above about the rare resource offered by this trail as an undeveloped wooded area in the middle of an urban center, the concept of replacing woods and streams with a freeway presents an unacceptable visual impact. No amount of landscaping could replicate the trail's natural beauty and its usefulness as a resource for school science classes.

Actions:

C10-4) Because of the visual impacts, which cannot be mitigated by landscaping, this alternative is not compliant with Section 4(f) regulations; VDOT and FHWA should conduct a rigorous review of the prudence and feasibility of other alternatives.

C11. Avoidance Alternatives

Previous Alternatives: The report notes that only Alternative 10 adequately satisfied the identified transportation needs. This is not accurate. Several of the other alternatives also met the transportation

needs. The selection of Alternative 10, to the best of our understanding, was based on cost, traffic, and impacts to the watershed. At the time, it was believed that it had the least impact of the western alternatives on the watershed, although this was before the northern terminus was moved further north causing the road to cross the river and pass much closer to the reservoir. No EIS (only an Environmental Assessment) was completed for this change, so a complete comparison of watershed impacts has never been conducted. Similarly, no comparison of alternatives based on Section 4(f) impacts was ever conducted, although this is the third such impact found since the FEIS for which the Alternative 10 location is now being redesigned.

In the original FEIS, the near-eastern alternatives were as attractive to traffic as Alternative 10, but were more expensive because of the mountainous terrain, and/or had 4(f) impacts. Alternative 9 (the Expressway) also carried traffic adequately, and was less expensive than Alternative 10 since it incorporated the Base Case as part of its construction. The US Department of the Interior and Environmental Protection Agency favored Alternative 9. The Albemarle County Attorney asserts in his comments upon this Section 4(f) Evaluation that Alternative 10 was not lawfully selected in compliance with Section 4(f) regulations (see Attachment E, Albemarle County Comments and Attachment F, Letter from Deborah Murray, Southern Environmental Law Center).

The Base Case with grade-separated interchanges was actually the best solution for improving traffic on US 29, and was recommended to be constructed first, after which an evaluation would be conducted to see if Alternative 10 was still needed. The Commitment by the City, County, MPO, and VDOT to follow this sequencing, which also included development of the Meadow Creek Parkway from Route 250 to Route 29 before final consideration of the need for the Route 29 bypass, was a major factor in the County's and MPO's acceptance of the Alternative 10 location, and the subsequent sequencing change is a major issue in the MPO's resolution withholding approval of federal funds for bypass construction.

In sum, the number of environmental and Section 4(f) impacts of the Alternative 10 location, the estimated costs to mitigate them, and the recommended project sequencing have changed to such a degree that the FEIS alternatives analysis should no longer be considered valid.

Actions:

C11-1) The report should document the reasons other alternatives were not deemed feasible or prudent.

C11-2) Given the number of critical changes to the known environmental and Section 4(f) impacts and the sequencing included with the Alternative 10 proposal, the FEIS alternatives analysis should no longer be considered valid.

C11 (continued) Modifications to Current Design: None of the alternatives provided in this evaluation adequately addresses the impacts to the trail and open space area. The construction of the bypass in a violent intrusion into a quiet, mostly undeveloped area, and will drastically change the

character and the quality of the remaining natural environment. The visual, noise, and air pollution impacts will be significant regardless of which alternative is selected. VDOT and FHWA should re-examine the prudence and feasibility of all possible alternatives.

Of the five options shown, Alternatives A and B are not likely to succeed because they move onto the Schlesinger (Haffner) property which is eligible for the national historic register. The MPO worked very hard several years ago to try to have the alignment shifted into a ravine on the corner of this property which would make the road far less intrusive to both the historic parcel and the adjacent community of Montvue. Even given this proposal's lesser overall impacts on the historic property, the request to revise the historic area boundaries or allow use of the corner of the parcel was rejected by the Department of Historic Resources. It is very unlikely that an effort to do so in order to avoid the school trail system would be any more successful. If VDOT does choose to pursue either of these options, the MPO would request that the design include the proposal made several years ago for the alignment to be lowered into the ravine between the designated historic area and Montvue.

Alternative E is not feasible because it would take a school, which is not acceptable to the County.

Alternatives C (moving the highway away from the trail and bridging it where necessary) and D (simply bridging over the trail) appear to be more feasible from an engineering standpoint. However, their costs are rather astonishing, ranging from nearly $9 million for Alternative D to almost $20 million for Alternative A. They do not include the additional costs of building a new section of trail (to avoid severing it into two dead-ended halves) and landscaping. However, although these solutions address the problem from an engineering standpoint, they do not protect the natural environment of the trail system from irreparable damage, so they cannot be considered feasible in terms of the Section 4(f) regulation.

The measures to avoid harm suggested in the section after "Constructive Use" comprise essentially another alternative, and should be listed in this section. They cannot be used in conjunction with any of the above alternatives. See the comments below on these measures.

Actions:

C11-3) None of the proposed alternatives modifying the existing alignment, including the measures to avoid harm, meet the Section 4(f) regulation to protect this resource. All would result in such significant physical disruption and noise, visual, and air quality impacts that the trail and its surrounding environment will be sharply and permanently rendered unusable for their current purposes as quiet natural areas for recreation and learning. VDOT and FHWA should investigate the prudence and feasibility of all possible alternatives.

C11 (continued) Constructive Use: The MPO strongly disagrees with the following statements in the report:

> Noise levels would not substantially interfere with the use and enjoyment of the trail because serenity is not a significant attribute of the trail for the activities that occur there. The recreational uses of walking and jogging and the school's use of the trail for cross country training [no mention is made of its use for school science classes] are not dependent on low noise conditions (as, for example, an amphitheater or a campground would be). Likewise, these alternatives would not substantially detract from the aesthetics of the trail, which has no particularly spectacular views or unusual natural or man-made features.

In fact, it is clear that the noise, air quality, and aesthetic impacts will irreparably damage the trail and its natural setting, and that a finding of constructive use is warranted. As noted in several other sections of these comments, this trail is one of only two natural areas open to the public for running in this heavily developed urban area. Its very simplicity and natural state, which are pointed out as features which make it appear rather unremarkable in the above comments, are in fact the features which make a rare resource that will be directly and constructively used by the proposed bypass.

The statement which makes the trail appear to be less noise sensitive than an amphitheater or a campground is simply erroneous. The section 4(f) regulation specifically gives examples of noise-sensitive facilities including amphitheaters, campgrounds, and "enjoyment of an urban parks where serenity and quiet are significant attributes." (23 C.F.R. section 771.135(p) (4) (I)). The County District Park in which this trail system is located clearly fits within that definition.

The regulations regarding constructive use also state that it may occur when the proximity of a proposed road substantially impairs aesthetic features "where such features or attributes are considered important contributing elements to the value of the resource." Examples of substantial impairment to visual or esthetic qualities would be the location of a proposed transportation facility in such proximity that it obstructs or eliminates the primary views of an architecturally significant historical building, or substantially detracts from the setting of a park or historic site which derives its value in substantial part due to its setting." The principal element of the value of this park complex, particularly the trail system, is its quietness and natural beauty, which would be irreparably damaged by the proposed bypass.

The federal regulation also notes that a finding of constructive use is related to whether or not the project exceeds federal noise impact criteria. The draft evaluation acknowledges that the project does, indeed, exceed those criteria (see comments C10, 1-3, Noise Impacts). It simply goes on to state that mitigation is not cost effective. This acknowledgment and the lack of a plan for mitigation make it clear that a finding of constructive use is warranted.

Actions:

C11-4) A finding of direct and constructive use is warranted. FHWA and VDOT should proceed with examining all possible alternatives for prudence and feasibility.

Section C12: Measures to Minimize Harm: The first strategy proposed is a relocation of the severed portion of the trail along the stream, which would be necessary given Alternative C or D, or the bridge option proposed as the second strategy below. The report should note that this would not be necessary if Alternatives A, B, or E were used. The relocated portion of the trail would be on a very steep slope. This would make it difficult and possibly too dangerous to be considered as an adequate physical substitute for the existing section.

The landscaping plan calls for gradually filling in the steep wall of fill dirt under which the stream would be buried in a culvert. Trail users would be walking right alongside this embankment, looking up at the underside of a bridge. No amount of landscaping can turn this into a substitute for the current experience of walking in quiet woods along a stream.

The bridges proposed as a third measure to avoid harm are really a variation of Alternative D, substituting open space under a bridge for some of the large embankment and covered stream. However, it would not be possible, as the report notes, for the open bridges to completely span the trail. The trail would still be cut into two dead ends which ran into a large wall of fill dirt. It does not seem to offer significantly more benefits than Alternative D.

The report should include descriptions of these measures in the appropriate section on Alternatives, and include the bridges as a variation of Alternative D. This would make the comparison and evaluation of their effects clearer.

Actions:

C12-1) The proposed landscaping plan is a poor substitute for the existing woods and stream. This is not an adequate measure to mitigate the visual and physical intrusions onto the natural environment.

C12-2) The report should clarify that the bridge alternatives are really a variation of Alternative D, and are not measures which could be employed in conjunction with any of the alternatives.

D. COORDINATION We are very concerned about the fact that the trail's presence was discovered only because of a lawsuit. The County staff notes the following in their comments:

> The impact of the bypass to all the schools (and school facilities) in the corridor has been an issue with the County. These trails are located on school property and there is a reliance on the part of the County that the project designers will take into account facilities found on properties during field work related to project design. These trails have been constructed (and modified and upgraded) mostly with volunteer work over a long period of time as the need and opportunity arose. Trail development post-dated any plan development of the schools, so there is very little information in the form of surveyed plans or plats that accurately depict the trail location. The impact to trails was not clear to the County until those very familiar with the trail location began to realize that bypass location and trail locations were in significant conflict.

Identification of the trails earlier on the bypass design drawings would have brought this issue to the surface sooner.

It would be easy for a professional trained to look for environmental facilities to see this trail when walking along the proposed bypass's course. In addition, the County has always been clear that school recreation areas also serve as public parks (and thus would qualify for Section 4(f) evaluation). Furthermore, the Albemarle County Attorney points out in his comments (Attachment E) that VDOT Environmental staff did, in fact, raise questions about the need to evaluate possible Section 4(f) impacts on the playing fields at Agnor-Hurt School during the 1993 environmental assessment of proposed modifications to Alternative 10, but they were not acted upon by VDOT. Had a Section 4(f) analysis been conducted at that time, as it should have been, the analysis of prudence and feasibility now being called for could have been conducted before significant expenditures of time and money were made on design and purchase of right of way.

Given the stated importance, expense, and community impacts of this project, VDOT should be more intimately familiar with such features, and should proceed with greater attention to the laws protecting them.

Actions:

D -1) VDOT should re-assess its inventory and make every effort to ensure it has examined all the possible Section 4(f) impacts associated with all alternatives which address the purpose and need for this project.

Attachments

A. Section of CATS Plan
B. MPO TIP Resolution
C. Noise Levels in Decibels
D. Comments from MPO Route 29 Bypass Design Advisory Committee Members Ann Rooker, Milton Moore, Joe Cragwall, and Robert Garland.
E. Statement from Larry Davis, Albemarle County Attorney
F. Statement from Deborah Murray, Southern Environmental Law Center
G. Statement from George Larie, Charlottesville Albemarle Transportation Coalition

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J. Carlton Courter, III
Commissioner

COMMONWEALTH *of* VIRGINIA

Department of Agriculture and Consumer Services
Division of Consumer Protection
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http://www.state.va.us/~vdacs/vdacs.htm

February 26, 1999

Mr. Earl Robb
Environmental Administrator
Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 23219-1939

RE: Trail at Jack Jouett Middle School

Dear Mr. Robb:

We have reviewed the Section 4(f) Evaluation for a trail at Jack Jouett Middle School in Albemarle County, Virginia. Based on information in our database, we do not anticipate the project will have any adverse impacts as it relates to VDACS' responsibilities for the preservation of agricultural lands and the protection of listed endangered or threatened plant and insect species.

Thank you for the opportunity to comment on the Section 4(f) Evaluation and if you have any questions or need additional information, please contact me at (804)786-3515.

Sincerely,

John R. Tate
Endangered Species Coordinator

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COMMONWEALTH of VIRGINIA

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY
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Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

March 5, 1999

Mr. J. Mark Witkofski
Environmental Planner
Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

RE: Route 29 Bypass - Draft Section 4(f) Evaluation on the Trail at Jack Jouett Middle School, Albemarle County.

Dear Mr. Witkofski:

The Department of Environmental Quality, Office of Environmental Impact Review, does not have any comments regarding the Draft Section 4(f) Evaluation on the Trail at Jack Jouett Middle School in Albemarle County. A copy of the Draft Section 4(f) Evaluation will be sent to Albemarle County, Office of Engineering and Public Works, who has not yet received a copy.

Thank you for the opportunity to review this evaluation.

Sincerely,

Dawn McGrain
EIR Coordinator

cc with copy of evaluation
David Hirschman, Albemarle County

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COMMONWEALTH of VIRGINIA

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John Paul Woodley, Jr.
Secretary of Natural Resources

Marine Resources Commission
2600 Washington Avenue
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William A. Pruitt
Commissioner

March 5, 1999

Mr. Earl T. Robb
Environmental Administrator
Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219-1939

RE: Section 4(f) Evaluation
Route 29 Bypass
Trail at Jack Jouett Middle School

Dear Mr. Robb:

In response to your request for our review of the above-referenced Section 4(f) Evaluation, and on behalf of Robert W. Grabb, I would like to offer the following comments.

The Marine Resources Commission's jurisdiction over this project is limited to road crossings and associated impacts to State-owned submerged lands along the proposed alignment. While it appears that the roadway will cross Ivy Creek, the Commission will not require a permit for this impact unless the creek drains an area greater than 5 square miles upstream or possesses a mean annual flow rate greater than 5 cubic feet per second. We will, however, need to issue a permit for the proposed crossing of the South Fork Rivanna River associated with the project. Accordingly, we have no formal comments relative of the impacts to the trail itself.

Thank you for the opportunity to review the evaluation. Should you have any questions, please don't hesitate to call me at (757) 247-8032.

Sincerely,

Jay M. Woodward
Environmental Engineer

JMW/kr
HM

Mark Witkofski

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

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David G. Brickley
Director

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

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MEMORANDUM

DATE: March 10, 1999

TO: Mr. Earl Robb, Virginia Department of Transportation

FROM: Derral Jones
Derral Jones, Acting Planning Bureau Manager

REFERENCE: Route 29 Bypass, Trail at Jack Jouett Middle School, Section 4(f) Evaluation, Albemarle County

PROJECT: State No.: 6029-002-F22, PE101, Federal No.: NH-037 (130)

Comments are provided herein on the above referenced project.

DIVISION OF NATURAL HERITAGE

The Department of Conservation and Recreation (DCR) has searched its Biological and Conservation Data System (BCD) for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

BCD documents the presence of the James spinymussel (*Pleurobema collina*, G1/S1/LE/LE) in Ivy Creek near the project location. The James spinymussel is endemic to the James River watershed and occurs in a variety of substrata ranging from sand and silt mixtures to gravel and sand mixed with rubble and in a variety of flow regimes (Clarke & Neves, 1984; Hove & Neves, 1994). It is now restricted to small headwater streams of this watershed (Neves, 1991). Threats to this species include competition with the exotic clam (*Corbicula fluminea*), erosion and sedimentation from logging, road construction, and livestock grazing, sewage effluent, and water quality degradation (Neves, 1991).

Please note that the James spinymussel is currently classified as endangered by the United States Fish and Wildlife Service (USFWS) and the Virginia Department of Game and Inland Fisheries (VDGIF). Any changes in the alignment should be coordinated with the USFWS and the VDGIF. In addition, any measures selected to minimize or avoid impacts to the trail should not further affect the James spinymussel through increased erosion or sedimentation to Ivy Creek or its tributaries.

Any absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks other natural heritage resources. New and updated information is continually added to BCD. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

DIVISION OF SOIL AND WATER CONSERVATION

The Virginia Department of Transportation is required to adhere to the state erosion and sediment control and stormwater management requirements as contained in their annual specifications already approved by the Department of Conservation and Recreation, Division of Soil and Water Conservation.

DIVISION OF PLANNING AND RECREATION RESOURCES

The proposed project is not anticipated to have any adverse impacts on existing or planned recreational facilities nor will it impact any streams on the National Park Service Nationwide Inventory, Final List of Rivers, potential Scenic Rivers or existing or potential State Scenic Byways.

Thank you for the opportunity to comment on this project.

/saw

cc: William Hester, USFWS
Ray Fernald, VDGIF
Rebecca Wadja, VDGIF

Literature Cited

Clarke, A.H. and R.J. Neves. 1984. Status survey of the James River spinymussel, *Canthyria collina*, in the James River, Virginia. Unpublished report on file with the United States Fish and Wildlife Service, Newton Corner, Massachusetts.

Hove, M.C. and R.J. Neves. 1994. Life history of the endangered James spinymussel *Pleurobema collina* (Conrad, 1837). American Malacological Bulletin 11:29-40.

Neves, R.J. 1991. James spinymussel. In Virginia's Endangered Species: Proceedings of a Symposium. K. Terwilliger ed. The McDonald and Woodward Publishing Company, Blacksburg, Virginia.

Virginia Department of Conservation and Recreation
Definition of Abbreviations Used in Natural Heritage Resource Lists

Natural Heritage Ranks

The following ranks are used by the Virginia Department of Conservation and Recreation to set protection priorities for natural heritage resources. Natural Heritage Resources, or "NHR's," are rare plant and animal species, rare and exemplary natural communities, and significant geologic features. The primary criterion for ranking NHR's is the number of populations or occurrences, i.e. the number of known distinct localities. Also of great importance is the number of individuals in existence at each locality or, if a highly mobile organism (e.g., sea turtles, many birds, and butterflies), the total number of individuals. Other considerations may include the quality of the occurrences, the number of protected occurrences, and threats; however, the emphasis remains on the number of populations or occurrences so that ranks will be an index of known biological rarity.

S1 Extremely rare and critically imperiled, with 5 or fewer occurrences or very few remaining individuals in Virginia; or because of some factor(s) making it especially vulnerable to extirpation in Virginia.

S2 Very rare and imperiled, with 6 to 20 occurrences or few remaining individuals in Virginia; or because of some factor(s) making it vulnerable to extirpation in Virginia.

S3 Rare to uncommon in Virginia with between 20 and 100 occurrences; may have fewer occurrences if found to be common or abundant at some of these locations; may be somewhat vulnerable to extirpation in Virginia.

S4 Common and apparently secure, with more than 100 occurrences; may have fewer occurrences with numerous large populations.

S5 Very common and demonstrably secure in Virginia.

SH Historically known from Virginia, but not verified for an extended period, usually > 15 years.

SU Status uncertain, often because of low search effort or cryptic nature of the element.

SX Apparently extirpated from Virginia.

S#B Breeding status of an animal within Virginia.

S#N Non-breeding status within the state. Usually applied to winter resident species.

Global ranks are similar, but refer to a species' rarity throughout its total range. Global ranks are denoted with a "G" followed by a character. Note that GA and GN are not used and GX means apparently extinct. A "Q" in a rank indicates that a taxonomic question concerning that species exists. Ranks for subspecies are denoted with a "T". The global and state ranks combined (e.g. G2/S1) give an instant grasp of a species' known rarity. ***These ranks should not be interpreted as legal designations.***

Federal Legal Status

The Division of Natural Heritage uses the standard abbreviations for Federal endangerment developed by the U.S. Fish and Wildlife Service, Division of Endangered Species and Habitat Conservation.

LE - Listed Endangered - threatened with extinction throughout all or a significant portion of its range
LT - Listed Threatened - likely to become endangered in the foreseeable future
PE - Proposed Endangered **PT** - Proposed Threatened
E(S/A) - treat as endangered because of similarity of appearance **T(S/A)** - treat as threatened because of similarity of appearance
C - Candidate - enough information is available to propose for listing, but listing is "precluded by other pending proposals of higher priority"

State Legal Status

The Division of Natural Heritage uses similar abbreviations for State endangerment.
LE - Listed Endangered **LT** - Listed Threatened
SC - Special Concern - animals that merit special concern according to VDGIF (not a regulatory category)

For information on the laws pertaining to threatened or endangered species, contact:

U.S. Fish and Wildlife Service for all FEDERALLY listed species

Virginia Department of Agriculture and Consumer Services Plant Protection Bureau for STATE listed plants and insects

Virginia Department of Game and Inland Fisheries for all other STATE listed animals

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

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David G. Brickley
Director

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

217 Governor Street, 3rd Floor
TDD (804) 786-2121 Richmond, Virginia 23219 (804) 786-7951 FAX (804) 371-2674
http://www.state.va.us/~dcr/vaher.html

March 11, 1999

MAR 1999
Received
Culpeper District
Environmental
Section

Earl T. Robb
Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 23219-1939

Re: Trail at Jack Jouett Middle School, 6029-002-F22,PE101

Dear Mr. Robb;

The Department of Conservation and Recreation (DCR) has searched its Biological and Conservation Data System (BCD) for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

BCD documents the presence of the James spinymussel (*Pleurobema collina*, G1/S1/LE/LE) in Ivy Creek near the project location. The James spinymussel is endemic to the James River watershed and occurs in a variety of substrata ranging from sand and silt mixtures to gravel and sand mixed with rubble and in a variety of flow regimes (Clarke & Neves, 1984; Hove & Neves, 1994). It is now restricted to small headwater streams of this watershed (Neves, 1991). Threats to this species include competition with the exotic clam (*Corbicula fluminea*), erosion and sedimentation from logging, road construction, and livestock grazing, sewage effluent, and water quality degradation (Neves, 1991).

Please note that the James spinymussel is currently classified as endangered by the United States Fish and Wildlife Service (USFWS) and the Virginia Department of Game and Inland Fisheries (VDGIF). Any changes in the alignment should be coordinated with the USFWS and the VDGIF. In addition, any measures selected to minimize or avoid impacts to the trail should not further affect the James spinymussel through increased erosion or sedimentation to Ivy Creek or its tributaries.

Any absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks other natural heritage resources. New and updated information is continually added to BCD. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

Thank you for the opportunity to comment on this project.

Sincerely,

Crystal D. Nance for

Lesa Berlinghoff
Project Review Coordinator

cc: William Hester, USFWS
Ray Fernald, VDGIF
Rebecca Wadja, VDGIF

Literature Cited

Clarke, A.H. and R.J. Neves. 1984. Status survey of the James River spinymussel, *Canthyria collina*, in the James River, Virginia. Unpublished report on file with the United States Fish and Wildlife Service, Newton Corner, Massachusetts.

Hove, M.C. and R.J. Neves. 1994. Life history of the endangered James spinymussel *Pleurobema collina* (Conrad, 1837). American Malacological Bulletin 11:29-40.

Neves, R.J. 1991. James spinymussel. In Virginia's Endangered Species: Proceedings of a Symposium. K. Terwilliger ed. The McDonald and Woodward Publishing Company, Blacksburg, Virginia.

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COMMONWEALTH of VIRGINIA

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY
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Fax (804) 698-4500 TDD (804) 698-4021
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Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

March 16, 1999

Mr. J. Mark Wittkofski
Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

RE: Rt. 29 Bypass
Trail at Jack Jouett Middle School

Dear Mr. Wittkofski:

We have reviewed your request for comments concerning the Section 4(f) Evaluation for the trail located at Jack Jouett Middle School in Albemarle County, Virginia. We have no comment on the Section 4(f) impacts. We do continue to encourage the avoidance, minimization and mitigation of water quality impacts associated with the Rt. 29 Bypass project.

We appreciate the opportunity to comment on this project. If we can be of any further assistance, please feel free to contact me at (804) 698-4105.

Sincerely,

Tracey E. Harmon
Environmental Engineer
Office of Permit Support

cc: File

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COMMONWEALTH of VIRGINIA

OFFICE OF THE STATE
FEB 22 1999
HEALTH COMMISSIONER

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, 23219-1939

DAVID R. GEHR
COMMISSIONER

EARL T. ROBB
ENVIRONMENTAL ADMINISTRATOR

February 18, 1999

Route 29 Bypass
Trail at Jack Jouett Middle School
Section 4(f) Evaluation
Federal No. NH-037(130)
State No. 6029-002-F22,PE101
Albemarle County, Virginia

FEB 1999

Dr. Robert B. Strobe
State Health Commissioner
Virginia Department of Health
1500 East Main Street
Richmond, Virginia 23219

Dear Dr. Strobe:

Enclosed for your review and comment is a copy of the Section 4(f) Evaluation for a trail located at Jack Jouett Middle Scholl in Albemarle County. The Route 29 Bypass under the current design would use a portion of this trail. The presence of this trail was only recently brought to the attention of the Federal Highway Administration (FHWA) and the Virginia Department of Transportation (VDOT) after years of coordination and environmental and design work. When the location of the trail was brought to our attention, the FHWA reviewed the applicability of Section 4(f) to the trail and asked VDOT to coordinate with the Albemarle County to determine its significance as a recreational resource. Based on the results of this coordination, FHWA concluded that the trail represented a Section 4(f) resource.

Your timely and expeditious review of this Section 4(f) Evaluation is respectively requested. Please provide us with any comments that you might have within the 45-day review period, which will expire, on or about April 19, 1999. If you have any questions, please contact Mr. J. Mark Wittkofski at (804) 371-6867.

Sincerely,

Earl T. Robb
Environmental Administrator

By: J. Mark Wittkofski
Environmental Planner

This project has no adverse impact on our program
A.K. Malik 2/24/99
Asif K. Malik, P.E.
Chief of Technical Services
Division of Wastewater Engineering
Virginia Department of Health
Virginia Department of Health

Enclosure

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ODA-105-99

COMMONWEALTH of VIRGINIA

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY
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Dennis H. Treacy
Director

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April 12, 1999

Mr. Earl T. Robb
Environmental Administrator
Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 23219-1939

RE: Route 29 Bypass, Trail at Jack Middle School, Section 4(f) Evaluation, State No. 6029-002-F22,PE101

Dear Mr. Robb:

This is in response to your February 18, 1999 letter to Ms. Dona Huang requesting comments on the Route 29 Bypass, Trail at Jack Middle School, Section 4(f) Evaluation, State No. 6029-002-F22, PE101.

The Office of Air Data Analysis has reviewed the draft Section 4(f) evaluation and finds that the comments previously submitted for the Final Environmental Impact Statement (FEIS) and those submitted through the State Environmental Review Process (SERP) continue to apply. The project site is located in an attainment area. The state air pollution regulations applicable to the construction of this project, or to any of its alternatives, are: fugitive dust and emission control (9 VAC 5-50-60 through 120) and open burning restrictions (9 VAC 5-40-5600 through 5645).

Sincerely,

Thomas R. Ballou
Technical Services Administrator
Office of Air Data Analysis

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

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ER-99/147

APR 19 1999

Mr. Roberto Fonseca-Martinez
Division Administrator
Federal Highway Administration
The Dale Building
1504 Santa Rosa Road, Suite 205
Richmond, Virginia 23229

Dear Mr. Fonseca-Martinez:

This is in response to the request for the Department of the Interior's comments on the Draft Section 4(f) Evaluation for the Trail at Jack Jouett Middle School, Route 29 Bypass, Albemarle County, Virginia.

Section 4(f) Evaluation Comments

We cannot at this time concur that there are no prudent and feasible alternatives to the proposed alignment which would impact the Trail behind the Jack Jouett Middle School.

This trail appears to have very heavy public recreation use from both the school-aged population as well as the public in general. It has been identified by the County as a major recreation resource which offers passive recreation in a natural setting to residents of a rapidly urbanizing part of Albermarle County.

The November 3, 1998, letter from the Parks and Recreation Department of the County of Albemarle indicates that the proposed project would eliminate, or severely impact, major portions of the existing trails system, and will greatly reduce the attractiveness of what remains. Therefore, we believe that further analysis, in cooperation and coordination with the Parks and Recreation Department, should be made in search of avoidance alternatives which would employ grade separated interchanges and/or alignment shifts to the West of the current alignment. Although there may be some danger of impacting other 4(f) properties if a western alignment were used, we believe that the impacts on these other properties can be more easily and appropriately mitigated through use of retaining walls for cuts or fills, for example, than can the current impacts on the Trail at Jack Jouett Middle School.

We strongly recommend that the Final Section 4(f) Evaluation present a broader range of alternatives and mitigation measures than is available in this draft.

Endangered Species Act Comments

The U.S. Fish and Wildlife Service (FWS) completed formal consultation on Route 29 with submission of a biological opinion to the Federal Highway Administration (FHWA) dated June 5, 1998. The biological opinion regarded potential impacts of the project on the James River spinymussel (Pleurobema collina).

Changes to the alignment of Route 29, Virginia Department of Transportation project number 6029-002-F22-PE101, in the vicinity of Ivy Creek and its tributaries may require re-initiation of formal consultation with the FWS on this project as required by Section 7(b) of the Endangered Species Act.

The biological opinion dated June 5, 1998, authorized incidental take of the James River spinymussel associated with the construction of Route 29 in Albermarle County, Virginia. As required by 50 CFR 402.16, re-initiation of formal consultation by the FHWA with the FWS is required if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the action that may impact listed species or critical habitat in a manner or to an extent not considered in the opinion; (3) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action.

Depending on which alternative is selected by the FHWA, the modified construction of Route 29 may affect the James River spinymussel. Once a Preferred Alternative is selected, the FHWA should notify the FWS in writing and submit an updated biological assessment on this project.

Fish and Wildlife Coordination Act Comments

Based on a review of the subject document, the FWS supports selection of Alternative E as the Preferred Alternative for this modified project. Alternative E may result in fewer potential impacts to the James River spinymussel than the current alignment.

Please contact Mr. William Hester of the FWS at (804) 693-6694, extension 134, if you have questions or would like additional information.

Summary Comments

The Department of the Interior does not concur that there are no prudent and feasible alternatives to the proposed Route 29 Bypass project or that all possible planning has been done to mitigate harm to Section 4(f) resources.

We will provide you with further comments on the 4(f) aspects of this project when the Final Section 4(f) Evaluation is circulated for public review and comment.

We appreciate the opportunity to provide these comments.

Sincerely,

Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc: Ms. Pat Mullaney,
Director, Parks and Recreation Department
County of Albemarle
401 McIntire Road
Charlottesville, Virginia 22902-4596

Southern Environmental Law Center

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804-977-4090
Fax 804-977-1483
selcva@selcva.org

5 April 1999

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APR 8 1999
ENVIRONMENTAL

J. Mark Wittkofski
Environmental Planner
Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 23219-1939

Re: COMMENTS ON THE DRAFT SECTION 4(F) EVALUATION OF THE TRAIL AT JACK JOUETT MIDDLE SCHOOL

Dear Mr. Wittkofski:

These comments are submitted for the record by the Southern Environmental Law Center on behalf of The Piedmont Environmental Council and the Sierra Club. We filed a law suit in federal district court on behalf of these groups on 8 January 1998 on the grounds that proceeding with the proposed Bypass would violate both the National Environmental Policy Act (NEPA) and section 4(f) of the U.S. Department of Transportation Act of 1966.

One of the section 4(f) violations set forth in the complaint concerns FHWA's and VDOT's failure to undertake a 4(f) evaluation of the recreational facilities in the Albemarle County High School complex. The complex consists of three schools: the high school, Jack Jouett Middle School and Greer Elementary School. The recreational facilities associated with these schools are an important component of the Albemarle County park system and are widely used by the general public.

In response to the complaint that we filed, the FHWA and the Virginia Secretary of Transportation initially denied that the school recreational facilities constituted section 4(f) property. Subsequently, the FHWA reversed its position with respect to the Jack Jouett cross-country trail, conceding that the trail does constitute section 4(f) property and directing VDOT to conduct a section 4(f) analysis.

The draft section 4(f) evaluation at issue is completely inadequate and illegal. First, the draft evaluation is legally insufficient because it narrowly considers only the Jack Jouett trail and ignores the other recreational facilities in the

school complex that also fall within section 4(f) protection. Second, the proposed bypass will severely impair the use of the trail, contrary to the conclusion in the draft evaluation. Third, the assumption that there is no prudent and feasible alternative to the proposed bypass is completely flawed given that the evaluation relies on information that is no longer valid. Finally, the suggested mitigation measures would be completely ineffective in minimizing harm to the Jack Jouett trail.

Rather, use of the trail as well as use of the other school recreational facilities will be irreparably and substantially impaired if the proposed Route 29 Bypass is constructed. These points are elaborated below.

THE DRAFT EVALUATION IS LEGALLY INSUFFICIENT BECAUSE IT IMPROPERLY CONSIDERS ONLY THE JACK JOUETT TRAIL AND COMPLETELY IGNORES ALL OF THE OTHER RECREATIONAL FACILITIES IN THE SCHOOL COMPLEX THAT ALSO FALL WITHIN SECTION 4(f) PROTECTION.

The draft 4(f) evaluation looks only at the Jack Jouett trail and ignores the other recreational facilities in the school complex that serve the public as well. These include the jogging and walking trails at Greer Elementary School as well as the athletic playing fields at Greer and Jack Jouett Middle School. Thus, the statement on page 8 of the draft evaluation that information provided by the County indicates that there are no other existing recreational trails that would be affected by the project is erroneous.

Rather, the County has made clear that all of the recreational facilities in the school complex, including the trails at Greer Elementary School and the school playing fields, constitute a significant community resource. As the Albemarle County Director of Parks and Recreation stated in a 3 November 1998 letter to the VDOT Project Manager:

> "The Albemarle High School Complex, which includes Jouett Middle School and Greer Elementary School, is designated a district park on page 49 of the Albemarle County Community Facilities Plan 1990-2000. The school playgrounds, fields, and trails at this facility play an important role in meeting the objectives as established in the Community Facilities Plan and they constitute a major resource."

3 November 1998 Letter, Response to Question 4.

Later in this letter, the Director clearly underscored the significance of all the recreational facilities in the school complex:

> "The athletic fields, trails, and other outdoor recreational facilities in this most densely populated area of the county are extremely important in meeting our recreational objective and goals. All the facilities at this complex are used extensively."

3 November 1998 Letter, Response to Question 8.

Thus all of the recreational facilities in the school complex are protected under section (4), and would be substantially impaired as a result of the bypass. The bypass would come within very close proximity to the athletic fields at Jack Jouett Middle School and Greer Elementary School, and thus would adversely affect those facilities in addition to the impacts on the Jack Jouett trail.

THE PROPOSED BYPASS WOULD SEVERELY IMPACT THE JACK JOUETT TRAIL AND THE OTHER SECTION 4(f) RECREATIONAL FACILITIES IN THE SCHOOL COMPLEX.

As a preliminary matter, I would also note that the draft evaluation implicitly attempts to minimize the importance of the trail by asserting several times in the document that the trail was never mentioned as an issue until recently. Such attempt is completely inappropriate and irrelevant, given FHWA's admission that the trail constitutes section 4(f) property, and thus, by definition, is significant for public recreational use.

Moreover, such assertions are disingenuous. The County's documents establish their unequivocal policy that county school recreational facilities are and have been an important component of the County's park and recreational facilities for the public. Moreover, it is important to note that VDOT has yet to finalize the design for the bypass, and the information provided thus far has not been sufficiently clear for the community to determine the exact path of the bypass.

Finally, the assertion in the draft evaluation that, once the 4(f) issue was brought to their attention through the lawsuit, an investigation was undertaken is self-serving. In fact, after we filed the Complaint in January 1998, FHWA and VDOT initially denied the allegations in the complaint that the school recreational facilities constitute section 4(f) property.

It was only some several months later that the FHWA reversed its position and conceded that the Jack Jouett trail constitutes section 4(f) property.

Turning to the assessment of impacts on the trail set forth in the draft evaluation, the drafters erroneously conclude that the impacts of the bypass would be negligible or could be minimized. The draft evaluation concedes, however, that noise levels on the Jack Jouett trail would be substantially increased and would exceed FHWA's noise abatement criterion. Draft at 10. Notwithstanding, the drafters conclude that noise levels would not substantially interfere with the use and enjoyment of the trail on the grounds that "serenity is not a significant attribute of the trail for the activities that occur there." Draft at 19. Likewise, the drafters assert that the recreational uses of walking and jogging "are not dependent on low noise conditions (as, for example, an amphitheater or a campground would be)." The drafters also conclude that the bypass would not substantially detract from the aesthetics of the trail, asserting that the trail "has no particularly spectacular views of unusual natural or manmade features." Id.

Such assertions are completely unfounded. The bypass, with its corresponding increased noise and pollution levels, in fact will severely impact the use and enjoyment of the trail and the other school recreational facilities in the complex. Noise levels all along the trail would be drastically increased above the estimated existing noise level of 48dBA. In addition, the proposed bypass would be located in a generally western direction from the trails. With the prevailing winds coming from the southwest and west directions, the exhaust fumes from traffic would consistently be blowing toward the trails and school playing fields.

Moreover, one of the most attractive features of the trails and recreational facilities is the serenity, beauty, and tranquility of the setting, which will be destroyed by the bypass. For example, the trail area beside tributary "K" of the Rivanna River will be covered with fill to a height of 60 feet. This area, which is situated in a narrow valley, is one of the most beautiful spots in Albemarle County with its babbling brook, surrounding forest, and dramatic rock outcroppings.

The bypass would thus destroy those attributes of the school recreational facilities that make them attractive to the general public. As the Director of the County Parks and Recreation stated in the November 1998 letter to the VDOT Project Manager:

"[T]he bypass would eliminate, or severely impact, major portions of the existing trails' system, and will greatly reduce the attractiveness of what remains."

3 November 1998 Letter, Response to Question 12.

Further, the Director noted the importance of siting the recreational facilities in a tranquil and wooded setting as follows: "The school complex and a nearby 20 acre parcel known as Whitewood Park are the only park facilities serving this densely populated area." Id., Response to Question 3. He further stated: "Due to the extensive development of the surrounding land, this wooded area and trails are definitely a significant recreation and environmental resource." Id., Response to Question 3.

Finally, the assertions in the draft evaluation that the aesthetic impacts are insignificant and that the use of the trails does not depend on low noise conditions are contrary to the FHWA's own section 4(f) regulations. These regulations provide that a constructive use occurs when the projected increase in noise levels attributable to the project interferes with the use and enjoyment of a noise-sensitive facility of a resource protected by section 4(f). The regulation gives as an example the "enjoyment of an urban park where serenity and quiet are significant attributes." 23 C.F.R. section 771.135(p)(4)(i).

Further, the regulation provides that the proximity of the proposed project substantially impairs aesthetic features or attributes of a resource protected by section 4(f), "where such features or attributes are considered important contributing elements to the value of the resource." Id. § 771.135(p)(4)(ii). The regulation states that substantial visual impairment occurs where the proximity of the project "substantially detracts from the setting of a park or historic site which derives its value in substantial part due to its setting." Id. § 771.135(p)(4)(ii). The recreational facilities in the school complex fit precisely within the examples set forth in the regulations.

THE ASSERTION THAT THERE IS NO PRUDENT AND FEASIBLE ALTERNATIVE TO THE PROPOSED BYPASS IS INCORRECT AND UNFOUNDED.

Based on the analysis in the 1990 draft EIS and 1993 Final EIS, the draft 4(f) evaluation concludes that the bypass (identified as Alternative 10 in the EIS documents) poses the least harm to section 4(f) properties. This finding in the EIS documents was certainly questionable at the time it was made, as

both the Environmental Protection Agency and the Department of Interior, among others, noted in their comments on the draft EIS. EPA recommended a non-bypass alternative instead (Alternative 9, an expressway along the existing Route 29 corridor), stating that such alternative "will satisfy the purpose and need for the project while minimizing the potential impacts to farmlands, Agricultural and Forestal preserve areas, water quality and communities." 1993 Final Environmental Impact Statement, Agency Comments and Responses VII-5, U.S. Environmental Protection Agency, Region 3, Phoebe Robb, Team Leader (17 July 1990). The Department of Interior, in its comments, also recommended that, "of the build alternatives, alternative 9 [should] be selected as the preferred alternative since it would have the least impact to public park, historic, and fish and wildlife resources." 1993 FEIS, Agency Comments and Responses VII-5, U.S. Department of Interior, Director of Office of Environmental Affairs (31 July 1990).

Moreover, without question, the alternatives analysis in the EIS no longer is valid, given that the impacts on the school recreational facilities were not even considered in these documents. Thus the issue of whether there are prudent or feasible alternatives to the bypass must be reexamined.

Equally important, the selected alternative identified in the EIS and approved in the Record of Decision has fundamentally changed. The EIS and the ROD identified as the selected alternative a "combination of improvements" to be implemented in phases over time. The first phase (or Base Case) consisted of the widening of Route 29; the second phase included the construction of grade-separated interchanges at the three most heavily used intersections on Route 29; and the third phase consisted of the bypass, but if and only if, after evaluation of the other phases as implemented, traffic and economic conditions so warranted. FHWA, Region 3, Record of Decision, Route 29, FHWA-VA-EIS-90-02-F (8 April 1993); 1993 Final EIS, at S-5.

This combination of improvements was based on an extensive traffic analysis performed by VDOT's own consultant, which showed that most of the traffic congestion on Route 29 is local and that the three grade-separated interchanges are the key to relieving such congestion. Likewise the study showed that the bypass would do nothing to alleviate local traffic congestion, and, by itself, would leave traffic congestion at the worst possible rating in the projected time frame.

The FHWA approved the sequencing or phased approach as the selected alternative in its Record of Decision dated 8 April 1993. The local jurisdictions involved, Albemarle County, the City of Charlottesville, and the University of Virginia, agreed to the sequencing approach. Subsequently, however, in 1995, the Commonwealth Transportation Board unilaterally eliminated the second phase of constructing the interchanges, and determined instead to proceed with the bypass. Such decision was made without prior notice to the public or the affected localities, and without benefit of any technical analysis or study. Both Albemarle County and the Metropolitan Planning Organization have taken strong stands against the CTB's decision to scrap, in effect, the sequencing agreement and proceed instead with the bypass.

As a result of the CTB's action, the fundamental nature of the project, as well as the premises and assumptions in the EIS, have entirely changed. Before the bypass may go forward, a new EIS must be prepared analyzing the project as it now is identified, which in turn must entail a reexamination of the range of alternatives.

One alternative that must be examined is the combination of the Base Case (the widening of Route 29, which has now occurred) with grade separated interchanges on Route 29. This alternative is prudent and feasible, and would serve the primary purpose of the project, as stated in the EIS, to alleviate local traffic congestion. As stated above, VDOT's own study shows that the interchanges are critical to achieving that purpose. Equally important, such alternative would pose the least environmental harm and would avoid the section 4(f) impacts.

THE MEASURES TO MINIMIZE HARM ARE COMPLETELY INEFFECTIVE.

The bypass will destroy the tranquil and beautiful setting that is at the core of the recreational facilities' attraction to the general public. Moreover, the proposed mitigation measures would be completely ineffective in alleviating the harm to these facilities.

The primary mitigation measure relied upon in the draft evaluation is landscaping to screen the roadway from the trail. No amount of landscaping, however, will be able to screen the enormous size of the fill that will be required to construct the bypass in this area - the fill will be some 60 feet high, 360 feet wide, and 1000 feet long. Likewise other measures that are suggested would be ineffective. Although the evaluation concedes

that the bypass would sever the trail, it provides that "the severed portions [of the trail] would be reconnected by building a new section of trail along or near the toe of the fill embankment." Even a cursory examination of the terrain shows that this area is very steep and not conducive to the placement of a trail. In fact no mitigation measures would be effective, underscoring the urgency to reexamine other feasible and prudent alternatives to the bypass.

CONCLUSION

In conclusion, the draft 4(f) evaluation is completely inadequate and legally insufficient. To meet section 4(f) requirements, the evaluation must be redone to include all of the school recreational facilities, to provide an objective and thorough analysis of the impacts on these facilities, and to reexamine the range of feasible and prudent alternatives. Such an analysis would reveal the severe impacts on the use of the recreational facilities as a result of the bypass. Equally important, an objective reanalysis of alternatives, including the Base Case with interchanges, is necessary to comply with section 4(f), as well as NEPA in the light of the fundamental change in the nature of the project.

I appreciate your consideration of these comments.

Sincerely,

Deborah M. Murray

Deborah M. Murray
Senior Attorney

DMM/cas
cc: Robert Fonseca-Martinez, FHWA, Division Administrator
Edward S. Sundra, FHWA, Virginia Division

CHARLOTTESVILLE-ALBEMARLE TRANSPORTATION COALITION, INC.

April 20, 1999

J. Mark Wittkofski
Environmental Planner
Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 23219-1939

Re: Draft Section 4(f) evaluation Of Trails at Jack Jouett School, Albemarle County, VA

Dear Mr. Wittkofski:

The Charlottesville-Albemarle Transportation Coalition (CATCO) believes that the Draft Section 4(f) Evaluation contains many errors and omissions and is completely self-serving to VDOT's purposes.

CATCO has prepared a detailed analysis and commentary on the Evaluation, together with supporting documents. Enclosed are copies of this material, which can be helpful in your deliberations.

VDOT has justified construction in the Alternative 10 Corridor by its own misrepresentations and claims that there were no 4(f) properties involved, as well as no significant environmental impacts, no agricultural/forestal districts involved and no endangered species in the corridor path. The original CTB resolution in 1990 adopting Alternative 10 as the last in an established sequence of improvements could not have been made if this information had been known. It is time to rectify this totally discredited justification for the Alternative 10 Corridor and determine other prudent and feasible alternatives.

We know you will consider all of the comments you receive in an open-minded manner and make the proper legal decision.

Sincerely,

George R. Larie

George R. Larie, President
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(804) 971-5714

CHARLOTTESVILLE-ALBEMARLE TRANSPORTATION COALITION, INC.

April 19, 1999

Comments on Draft Section 4(f) Evaluation of Trails at Jack Jouett Middle School in Albemarle County, VA

The Charlottesville-Albemarle Transportation Coalition, Inc. (CATCO) has been very involved with the bypass issue for the past 10 years and is well aware of the area involved in this issue. Overall, we find this Draft Section 4(f) Evaluation to be completely self-serving to VDOT's purposes. The document contains many errors and omissions. In an effort to help you make an objective analysis and meaningful comment on this matter, we provide here some background information and list some of our concerns.

- Contrary to the D4fE report, there ARE other prudent and feasible alternatives, namely, the Base Case (widen a segment of Route 29 from 4 to 8 lanes) with grade separated interchanges at Rio Road, Greenbrier Drive and Hydraulic Road. This would satisfy the primary purpose of the DEIS and the FEIS (p.I-1). The total through traffic constitutes less than 10 % of the total traffic at Hydraulic Road and Route 29, according to the DEIS, thus indicating essentially a local traffic problem. The level of service on Route 29 without the grade separated interchanges would be "F", but would be an "A" with grade separated interchanges, with or without the bypass. At much less expense ($180-200 million for the 6.2 mile long bypass and $45 million for the grade separated interchanges), this option is very much a prudent and feasible alternative with no Section 4(f) involvement.

- Also, the comments of various agencies quoted in the FEIS showed that the Department of Forestry, the State Water Control Board, the Department of the Army and the Piedmont Environmental Council all recommended the Base Case with grade separated interchanges. The U.S. Environmental Protection Agency and the U.S. Department of the Interior recommended Alternative 9, an Expressway, similar to and on the same footprint as but more elaborate than, the Base Case with grade separated interchanges.

The FEIS stated that:

1. "No threatened or endangered species would be affected by any of the Candidate Build Alternates." (p.IV-34)
2. "...the selected Alternative takes no Agricultural/Forestal District land." (p. IV-36)
3. "The selected alternative ...Alternative 10, will have no Section 4(f) impacts." (p. VIII-1)

The above three statements are all false.

1. The federally endangered James spinymussel was found nearby in the drainage path of nine tributaries crossed by Alternative 10.
2. Alternative 10 has apparently always passed through an Agricultural/Forestal district. VDOT evidently incorrectly assumed that, when one landowner removed his property from the Ivy Creek Agricultural/Forestal District, all of the other property in the Ivy Creek Agricultural/Forestal District in the bypass corridor was also removed. However, the adjacent landowner did not and does not intend to remove his property from this District.

3. Alternative 10 has apparently always passed through potential Section 4(f) property, namely, the jogging trails and recreation property at issue in the D4fE and belonging to the Albemarle County School Board. VDOT is trying to blame Albemarle County for VDOT's own oversight, because it is VDOT's responsibility to perform a proper Environmental Impact Statement and identify ALL impacts of the proposed bypass. (Also, the fact that the Brookhill House, located in the Northern terminus area, is eligible for Historic designation and thus Section 4(f) protection, was not discovered by VDOT until late 1996, two years after the Environmental Assessment study of the termini modifications.)

- The Commonwealth Transportation Board and VDOT have broken agreements and resolutions of 1990 and 1991 on transportation improvements projects. The 3rd paragraph of page 3 of the D4fE implies an image of a satisfied and harmonious local and regional planning process. Such is not the case. The Charlottesville-Albemarle Metropolitan Planning Organization has banned federal construction funds for the bypass from the Transportation Improvement Plan (TIP) for each of the past three years, until specified conditions (water quality, noise, etc.) requiring CTB/VDOT action are met.

- The D4fE states (p. 4, 1st paragraph) that, "only the trail itself, and not the encompassing school property, constitutes the Section 4(f) resource." This, apparently, is also incorrect because the "Section 4(f) Policy Paper" indicates that, "the entire property and not just the portion of the property being used for the project" be considered in the significance determination. This implies that the adjacent school playing fields, also heavily used by the public and less than 150 feet from the north bound lane of the proposed bypass, would also come under the Section 4(f) definition and would be subject to a "constructive use" argument. The D4fE completely evades and ignores this aspect.

- The D4fE (p. 7, last paragraph) omits the fact that one of the trails' eastern portion access points is near Albemarle High School and omits the fact that ample parking is available behind Jack Jouett Middle School. This parking lot is much closer to several of the trailheads than the parking lots described in the D4fE.

- The D4fE (p. 8, 2nd paragraph) does not address the fact that additional areas of the complex trail system behind the nearby Greer Elementary School are impacted by the project.

- The D4fE (p. 8, #9) makes a very subjective and self-serving conclusion that "There are no unusual characteristics associated with this trail." This School Board property is about 217 acres and the bypass is to take 14.5 acres. Except for the three school buildings, the playing fields and parking areas, most of the remaining acreage is covered with dense woods, mainly hardwoods which have not been harvested in recent times. The trails wind through these woods, up and down the hilly terrain. In several deep valleys, very active streams and the trails wind through massive rock outcroppings. The valleys are particularly quiet and serene, yet still close and available to the most densely populated area of the urban region of Albemarle County. Indeed, the characteristics of this trail are extremely unusual and attractive for such an urban area. The peace and tranquillity of the trails are a magnet for those desiring to get away from today's hectic pace.

- The D4fE (p.10, 1st paragraph) discusses the noise impact on the trails. The VDOT noise study indicated that the project will create noise levels for near portions of the trail which exceed the FHWA's noise abatement criteria of 20 dBA or more, compared to the estimated background noise level of 48 dBA. For comparison, a fright train 100 feet away produces a noise level of

approximately 72 dBA. Historically, VDOT characterizes sound levels in units of equivalent decibels (dBA) or the average sound level over a one-hour period. This method works for most applications such as large numbers of vehicles continuously passing by. However, this method does not indicate the maximum or peak sound level, which is generally 10 to 15 dB above the value noted with the averaging technique. For example, according to the VDOT noise consultant, the noise from a single tractor trailer truck will produce a maximum or peak noise level that is 13 to 14 dBA greater than the average noise level calculated. This means that, whereas the VDOT noise study indicates that an average noise level of 68 dBA would be experienced 131 feet away from the centerline of the nearest lane, the peak noise level experienced from each heavy truck passing by would be about 82 dBA, lasting for several seconds. This noise level is approximately equivalent to a pneumatic drill operating 50 feet away. This would be a very significant and extreme change in noise level from an estimated background today of 48 dBA. In addition, an independent noise study by a recognized authority, indicated that the actual noise levels for the bypass were much higher than the VDOT noise report presented, because VDOT used minimal assumptions throughout, instead of the maximum assumptions required by federal regulations, so as to minimize the impacts. Moreover, if the Route 29 Corridor is transformed into an interstate-like facility in the future, as VDOT desires, then an additional 19,000 vehicles per day have been predicted to be diverted to Route 29 from I-81 and I-95, including many large tractor trailer trucks. This would severely escalate the noise level problem. This projected additional traffic was not mentioned or studied in the noise analysis.

- The D4fE (p.10, 2nd paragraph) discusses the <u>air quality impact</u> on the trails. The bypass is currently situated west of the trails and most of the winds blow from the west. Thus, the traffic exhaust fumes will be blowing toward and across the trails and also across the playing fields toward the Greer and Jack Jouett Schools. The impact on air quality from the projected increase in traffic due to an upgraded Route 29 Corridor, as mentioned above, was not considered.

- The D4fE (p.10, last paragraph) discusses the <u>visual impact</u> on the trails. It is very difficult to even grasp the concept that, "To lessen the visual effects of the new road, a landscaping plan would be incorporated..." No landscaping plan could possibly lessen the severe effects of a four lane limited access highway passing through a previously serene and peaceful wooded area.

- The D4fE (p.11 and 14) discusses <u>Avoidance Alternatives A and B</u>. These two avoidance alternatives entail a westward shift of the bypass at the trail area of 150 feet and 85 feet respectively. Both increase the encroachment onto the Agricultural/Forestal District and also create new Section 4(f) impacts on the Schlesinger Farm historic site. This historic site is approximately 2000 feet south of the trail area. The bypass design plans of January 1997 indicate that the distance of the bypass right of way line to the Schlesinger property line is about 47 feet at the nearest point, which is 2000 feet from the trail area. Without detailed maps, not shown in the D4fE, it is difficult to understand how the roadway could be shifted 150 feet (Alternative A) or 85 feet (Alternative B) at the trail area and cause a much greater than 47 feet shift of the alignment 2000 feet south, thus creating new 4(f) involvements on the Schlesinger historic site. When the bypass alignment was shifted less than 100 feet at Stillhouse Mountain in 1996 to avoid the Section 4(f) Faulconer property, 50 foot high retaining walls in a 50 foot deep cut were placed in the design to eliminate the sloped edges of the original design. This was apparently a simple design issue then, and retaining walls for either a cut or a fill section could easily avoid a new Section 4(f) involvement with the Schlesinger property in this trails issue. Other problems are still present with these two avoidance alternatives, but this points out VDOT's lack of thorough analysis in design possibilities.

- The D4fE (p.19) discusses the noise issue under "constructive use" and again makes a simplistic statement that, "Noise levels would not substantially interfere with the use and enjoyment of the trail because serenity is not a significant attribute of a trail ..." This statement is ridiculous because it is, indeed, the serenity, peacefulness and tranquillity of the trails that act as a magnet which attracts the public. Serenity is not a significant attribute for jogging or walking beside a busy highway, but it is probably the main characteristic of a trail through quiet woods.

- The D4fE (p.19) mentions the aesthetics under "constructive use" and again makes a simplistic statement that, "Likewise, these alternatives would not substantially detract from the aesthetics of the trail, which has no particular spectacular views or unusual natural or manmade features." This statement is also ridiculous, for all the reasons given above. Webster's Dictionary defines aesthetics as: "perceptive, esp. by feeling. The branch of philosophy dealing with the beautiful, chiefly with respect to theories of its essential character, tests by which it may be judged, and its relation to the human mind; also the branch of psychology treating the sensations and emotions..." There is simply no way that a nearby limited access four lane high speed highway would not substantially detract from the aesthetics of the trail, which today has the characteristics one perceives, feels and expects to experience on a serene, wooded walking/ jogging trail.

- The estimated background noise level of 48 dBA (Leq) used in the Draft Evaluation appears to be significantly higher than a measured background level of 42 dBA. Sound pressure levels were recently measured, using a Larson-Davis Laboratories, Model 800B - Sound Level Meter, near tributary "K" on the Jack Jouett jogging/walking trail. Thus, trails and playing fields up to 328 feet distance (instead of 131 feet) from the centerline of the near lane, at Jack Jouett and Greer Schools will experience future noise level increases of 20 dBA or greater, thus, an exceedance of FHWA's Noise Abatement Criteria (NAC).

- The measured noise level of 42 dBA is probably high by several dBA, since the noise from seven airplanes was included in this value. According to Mr. McSherry's (VDOT Environmental Division – Noise Analysis) statement to the Bypass Design Advisory Committee on September 25, 1997, the procedure for taking noise measurements was to acquire data only from highway traffic; noise from planes or construction equipment was edited out on the recorder.

- It appears that in Table I, on page 10 of the Draft Evaluation, that the drop-off rate of noise attenuation used was ~4.5 db for a doubling of distance. This value is not applicable for an elevated roadway, for which a 3 db drop-off rate should be used. Most of the proposed bypass is elevated in the vicinity of the Jouett trails. This error leads to greatly decreased noise level predictions at greater distances from the bypass.

- The MPO has twice requested that VDOT perform a re-analysis of its Final Design Noise Report of February 1997, because of suspected deficiencies and omissions. These requests have been refused. Lack of documentation concerning the noise data taking, assumptions, traffic counts used, mix of vehicles, etc. leads to a complete lack of confidence in the Draft Evaluation noise data. The data in the Draft Evaluation supports the need for a complete re-analysis of the Final Design Noise Report.

- Costs of the proposed Route 29 Bypass continue to mount rapidly as more is revealed about design problems not heretofore acknowledged or perhaps ignored. The 1998-99 Six-Year Improvement Program cost, including the North Grounds Connector and hardship homes purchased prior to 1994, is $177.4 million. A more accurate total cost for the scheduled construction date of July 2002 is almost $200 million, using an inflation rate of 2.7%, as

recommended by The Commission on the Future of Transportation in Virginia in September 1997, for construction costs only. The argument that this project must be pursued because of the funding already put into it fails because only about 7 % of the total project cost would be unrecoverable if the project were to be completely terminated at this point in time. The Preliminary Engineering and Design costs ($11.0 million), re-location costs (estimated $30,000 per household = ~$0.9 million) and maybe some loss (~$2 million) on re-selling the right-of-way properties already purchased are costs which would not be recovered. Thus, the total amount unrecoverable would only be approximately $14 million out of the total project cost of $200 million.

This letter has attempted to give some background for the Draft Section 4(f) Evaluation and provide our responses to most of the many very serious inaccuracies and omissions in this document. I hope that this information is helpful. Please do not hesitate to call me if you have any questions.

Sincerely,

George R. Larie, President
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(804) 971-5714

Attachments:

1. FEIS, dated January 20, 1993 (p. I-1), stating Project Purpose and Need;
2. FEIS Table IV-3, showing that the level of service on Route 29 without the grade separated interchanges would be "F", but would be an "A" with grade separated interchanges, with or without the bypass;
3. FEIS Table II-4 showing a cost summary of various alternatives;
4. VDOT Primary System Improvement Six-Year Programs FY '92 through FY '04, a compilation showing costs for the proposed Route 29 Bypass;
5. FEIS Table III-1 showing the Route 29 at Hydraulic Road intersection traffic in vehicles trips per day determined from origin-destination studies;
6. FEIS (p. VII-5), presenting an introduction of various federal, state and local agencies' comments on the DEIS of 1990;
7. FEIS (2 p.), comments from Commonwealth of Virginia, Department of Agriculture and Consumer Services;
8. FEIS (1 p.), comments from Commonwealth of Virginia, Department of Forestry;
9. FEIS (2 p.), comments from Commonwealth of Virginia, State Water Control Board;
10. FEIS (2 p.), comments from Department of the Army;
11. FEIS (5 p.), comments from the Piedmont Environmental Council;
12. FEIS (3 p.), comments from the U.S. Environmental Protection Agency, Region III;
13. FEIS (3 p.), comments from the U.S. Department of the Interior; and,
14. DEIS, Technical Memorandum dated March 1990 "Traffic and Transportation Analysis" – Appendix C, Table 2.4, showing Year 2010 Triangular Trip Table indicating 2204 vehicles per day of through traffic on U.S. Route 29.

FHWA-VA-EIS-90-02-F
State Project No. 6029-002-122, PE 100

Virginia Department of Transportation

U.S. ROUTE 29 CORRIDOR STUDY
CITY OF CHARLOTTESVILLE AND ALBEMARLE COUNTY

FINAL ENVIRONMENTAL IMPACT STATEMENT

SECTION 4(f)/106 EVALUATION

Submitted Pursuant To: 42 U.S.C. 4332(2) (c), 23 U.S.C. 128(a)
49 U.S.C. 303(c), and 16 U.S.C. 470(f)

U.S. Department of Transportation
Federal Highway Administration
and
Virginia Department of Transportation

12/14/92
Date of Approval

Chief Engineer, Virginia Department of Transportation

1/20/93
Date of Approval

Director, Office of Planning and Program Development
Federal Highway Administration, Region 3

The following persons may be contacted for additional information concerning this document:

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The proposed project is to provide relief from current and anticipated traffic congestion on the Route 29 north corridor in the City of Charlottesville and Albemarle County. A Base Case alternative with eight corridor construction alternatives have been considered in addition to Mass Transit and Transportation System Management (TSM) alternatives. An alternative has been selected following circulation of the Draft Environmental Impact Statement, a Location Public Hearing, and a full consideration of comments received.

I. PROJECT PURPOSE AND NEED

A. PROJECT PURPOSE

The purpose of the Route 29 Corridor Study is to find a solution to existing and future traffic congestion on a three-mile section of U.S. Route 29 between U.S. Route 250 Bypass and the South Fork Rivanna River in the City of Charlottesville and Albemarle County north of Charlottesville. A secondary purpose of the study is to complete a gap in ongoing improvements to U.S. Route 29 through central Virginia.

South of this section of Route 29 the existing U.S. 29/U.S. Route 250 Bypass is a four-lane limited-access facility with currently adequate capacity. At the northern end, the bridge over the South Fork of the Rivanna River is a four-lane facility with adequate capacity for traffic projected through the year 2010. North of the bridge, development along Route 29 is more limited and traffic congestion is not now a problem, though it will be necessary to limit additional access to the road to prevent future traffic congestion.

For most of its length through Virginia, Route 29 is a four-lane divided highway, with controlled access features on some sections. It connects the Washington, D.C. metropolitan area with other urbanized areas through central Virginia such as Warrenton, Culpeper, Lynchburg, and Danville. The section of Route 29 under study is an uncontrolled access, four-lane-divided highway with a grass median and at-grade signalized intersections. This facility provides direct access to the numerous businesses located along both sides of the road.

This section of Route 29 is the most heavily travelled highway in the Charlottesville area, carrying twice as much traffic as Interstate Route 64. It is the only major north-south highway serving the expanding development north of Charlottesville and surrounding portions of Albemarle County. Route 29 is the only major route connecting this development with other population and employment centers in Charlottesville. It also is the only route connecting points north of Charlottesville with points south of Charlottesville.

The growing development, increasing traffic volumes, and the inadequate capacity of the existing road are causing increasing congestion as this section of Route 29 has become overloaded.

Other factors also contribute to the congestion. For example, there are no bus turnouts along the existing route and buses stopping to pick up or discharge passengers interfere with traffic flow while they are stopped. Also, trucks (two-axle, four tire and larger) currently constitute approximately 17 percent of the total traffic. Tractor trailers make up approximately three percent of the total traffic.

TABLE IV-3

ARTERIAL LEVELS OF SERVICE

Alternative	On alternative	On Existing Route 29: All Intersections at Grade	On Existing Route 29: Grade Seperations at Rio, Hydraulic, Greenbrier
1987 Existing	—	B (24 mph)	—
2010 Base Case	—	F (<10 MPH)	"A" B (30 mph)
Alt. 6	B (≥57mph)	F (<10 mph)	B (29 mph)
Alt. 6B	B (≥57mph)	F (<10 mph)	A (32 mph)
Alt. 7	C (≥54mph)	F (<10 mph)	A (32 mph)
Alt. 7A	C (≥54mph)	F (<10 mph)	A (31 mph)
Alt. 9 Express Lanes	D (≥42mph)	—	—
Service Lanes	F (<10mph)	—	—
Alt. 10	A (≥60mph)	F (<10 mph)	A (33 mph)
Alt. 11	A (≥60mph)	F (<10 mph)	A (33 mph)
Alt. 12	A (≥60mph)	F (<10 mph)	A (33 mph)

NOTES:

1. See page I-5 for definitions of levels of service.
2. Alternative 9 (Expressway Alternative) would provide the worst level of service of all of the build alternatives.
3. Western bypass alternatives (10, 11, & 12), along with implementation of the Base Case with grade-separated interchanges, would provide the best levels of service and operating speeds for both through traffic and local traffic.

CATCO NOTE: The Level Of Service (LOS) is determined from procedures found in VDOT's "Highway Capacity Manual (1985)." This manual states, for this class of highway, that LOS "A" is designated for traffic moving at average speeds of ≥30 mph. As noted in the FEIS chart above, for 30 mph, the LOS on existing Route 29 for the year 2010 Base Case with no Bypass but with grade separated interchanges should be an "A" instead of a "B."

TABLE II-4

COST SUMMARY

Alternative	Cost ($1000) Construction & Engineering	Right of Way	Utility	Total
Base Case	$ 17,584	$ 8,487	$ 343	$ 26,414
6	103,287	10,078	927	114,292
6B	108,304	9,802	836	118,942
7	87,732	12,095	745	100,572
7A	89,395	8,102	567	98,064
9	133,859	23,618	3,684	161,161
10	77,523	44,466	1,317	123,306
11	98,338	16,890	1,359	116,587
12	180,315	16,064	2,228	198,607
Base Case w/Interchanges	32,304	14,441	2,829	49,574

Note: Costs of Candidate Build Alternatives do not include Base Case Improvements.

BY6YRPRG.XLS

PRIMARY SYSTEM IMPROVEMENT SIX-YEAR PROGRAMS -- FY '92 THRU '04

(In thousands of dollars)

FUNDING HISTORY OF CHARLOTTESVILLE ROUTE 29 BYPASS -- ALTERNATIVE 10

Fiscal Year	Description	Estimated Cost	Previous Funding	Add'l Funds Required	1991-1992	1992-1993	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	Balance to Complete
					PROJECTED ALLOCATIONS													
1991-1992	(partial PE & RW)	PE 1,000 RW 2,000 CN — TO 3,000	—	3,000	Actual Alloc. 700	600	600	1,100	—	—								—
1992-1993	(partial PE & RW)	PE 6,000 RW 7,600 CN — TO 13,600	700	12,900	—	Actual Alloc. *5,000	2,000	2,000	2,000	900	1,000							—
1993-1994	(partial PE & RW)	PE 6,000 RW 15,292 CN — TO 21,292	700 *5,000	15,592	—	—	Actual Alloc. 2,000 (1) 1,000	2,000 (1) 1,000	2,000 (1) 1,000	900	1,000	—						4,692
1994-1995	(PE thru PH stage, RW plans for hardship acquisitions)	PE 6,000 RW 15,292 CN — TO 21,292	2,700 *5,000 (1) 1,000	12,592	—	—	—	Actual Alloc. 2,000 (1) 1,000	2,000 (1) 1,000	900	1,000	—	—					4,692
1995-1996	(PE & RW only)	PE 6,000 RW (3) 33,953 CN — TO 39,953	(2) 8,429 * 5,000 (1) 2,000	24,524	—	—	—	—	Actual Alloc. 2,320 *2,000 (1) 660	1,300 *1,000	1,850	3,747	4,060	5,360				2,167
1996-1997	—	PE (2) 11,008 RW 23,842 CN 83,231 TO 118,079	10,672 *8,906 (1) 2,680	95,821	—	—	—	—	—	Actual Alloc. 1,300 * 1,000	1,850	3,747	4,060	4,360 (1) 1,000	8,510			69,974
1997-1998	accrual of funds toward construction	PE (2) 11,011 RW 27,560 CN 129,857 TO 168,428	11,972 * 8,906 (1) 2,680	143,870	—	—	—	—	—	—	Actual Alloc. 1,850 (1) 5,000	3,747	4,060	4,360	8,510	10,000		105,323
1998-1999	accrual of funds toward construction	PE (2) 11,011 RW 27,448 CN 130,013 TO 168,472	13,522 * 8,906 (1) 7,680	137,064	—	—	—	—	—	—	—	Actual Alloc. 3,747	4,060	4,360	8,510	10,000	10,000	96,367

(2) Includes 3,721 Overdrup Report (3) Includes 10,117 error

Notes: Funding Sources: State Funds + * National Highway System Funds + (1) STP Statewide Allocations

For 1996-97: PE and RW fully funded in 1998-99; 6-yr. Plan Projected Allocations accrued by 2001-02 for construction = 13,257 (10% of total construction)

For 1997-98: PE and RW fully funded in 2000-01; 6-yr. Plan Projected Allocations accrued by 2002-03 for construction = 23,534 (16% of total construction)

For 1997-98: TO (total cost) is listed as 168,428. But this does not include 11 homes already purchased = 4,427 and North Grounds Connector cost = 4,474, so actual "official VDoT" 1997-98 Total Cost = $177,329.

For 1998-99: PE and RW fully funded in 2000-01; 6-yr. Plan Projected Allocations accrued by 2003-04 for construction = 33,646 (20% of total construction)

For 1998-99: TO (total cost) is listed as 168,472. But this does not include 11 homes already purchased = 4,427 and North Grounds Connector cost = 4,474, so actual "official VDoT" 1998-99 Total Cost = $177,373.

CATCO

6/15/96

FEIS 1/20/93

TABLE III-1

VEHICLE TRIPS PER DAY 1987

	Total Vehicles	Through Vehicles	Percent Through
Route 29 at North Fork Rivanna			
Autos	23,638	4,143	18%
Trucks (TRACTOR TRAILER)	2,338	792	34%
Total	25,976	4,935	19%
Route 29 at Hydraulic Road			
Autos	46,117	4,143	9%
Trucks (TRACTOR TRAILER)	3,525	792	22%
Total	49,642	4,935	10%

****

From Table III-1 in the FEIS as shown above, the Modified Table III-1 given below can be obtained.

Modified Table III-1 TRAFFIC ORIGIN - DESTINATION INFORMATION

Type of Traffic	Route 29 Traffic at Hydraulic Road Intersection
Heavy truck traffic as a percentage of total traffic	7 %
Through heavy truck traffic as a percentage of total traffic	1.6 %
Through heavy truck traffic as a percentage of total through traffic	16 %
Through traffic of all types as a percentage of total traffic	9.9 %
Local heavy truck traffic as a percentage of total heavy truck traffic	78 %

- This chart dramatically demonstrates that most (78 %) of the heavy truck traffic has local destinations and therefore will continue to travel the congested Route 29 North corridor.
- While the "through" heavy truck traffic comprises about 16% of the total "through" traffic, it accounts for only 1.6% of the total traffic.

6. Location Public Hearing

The formal Location Public Hearing was held in Charlottesville over three days, June 26, 27 and 28, 1990. For the first two days, Tuesday and Wednesday, June 26 and 27, the hearing was held at the Days Hotel, 1901 Emmet Street, between the hours of 2:00 p.m. and 8:00 p.m. The format on these two days included a slide show shown continuously in one room, displays and exhibits set up for viewing and discussion in an adjacent room, and an area screened off where citizens could provide their statements to a stenographer for the official Public Hearing Record. In the area of the display materials, members of the study team and other VDOT staff were present at all times to explain the material, answer questions from the public and discuss the project.

The third day of the Location Public Hearing, Thursday, June 28, the hearing was held at the Performing Arts Center at Charlottesville High School, from 4:00 p.m. to 8:30 p.m. The same exhibits and displays as shown the first two days were available in the lobby. Speakers were given the opportunity to present their testimony for the official Public Hearing record in the auditorium, where testimony and statements were recorded by a court reporter. Stenographers were also available on this day to take individual statements from people in an area in the lobby. A Location Public Hearing transcript consisting of two volumes of written comments and one volume of oral comments was compiled. All comments received at the hearing during the official comment period which ended August 15, 1990, are included in the transcript. Section D of this chapter presents public hearing comments and responses.

The number of people attending the hearing was estimated to be 115 on June 8, 180 on June 27, and 350 on June 28.

C. AGENCY COMMENTS AND RESPONSES

The Route 29 DEIS was widely distributed to appropriate federal, state and local agencies. The agencies are listed in Chapter VI. This section provides copies of the agency comments on the DEIS. The comments are reprinted on the following pages in chronological order. Each agency letter is reprinted in a reduced size on the left side of the page. Specific comments that warrant a response are indicated and numbered in the left hand margin. The responses to these numbered comments are provided on the right half of the page.

AGENCIES/ORGANIZATIONS COMMENTING ON DRAFT EIS

	5/22/90	×	Virginia Department of Aviation
	5/22/90	×	Virginia Outdoors Foundation
	5/23/90	×	Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services
	6/05/90	×	U.S. Department of Commerce, National Oceanic and Atmospheric Administration
	6/07/90	×	Virginia Department of Historic Resources
p.7-8	6/19/90	✓	Virginia Department of Agriculture and Consumer Services
p 9	6/22/90	?	U.S. Department of Health and Human Services, Public Health Service
p 10	6/28/90	✓	Virginia Department of Forestry
	7/02/90	×	Virginia Department of Air Pollution Control
p 12-13	7/03/90	✓	Virginia State Water Control Board
	7/03/90	×	U.S. Department of Transportation, Office of the Secretary
p.15-16	7/09/90	✓	Virginia Department of Conservation and Recreation
p.17-18-19	7/09/90	✓	U.S. Army Corps of Engineers, Norfolk District
	7/12/90	×	Virginia Department of Mines, Minerals, and Energy
p.22-26	7/14/90	✓	Piedmont Environmental Council
p27-30	7/17/90	✓	U.S. Environmental Protection Agency
	7/18/90	×	U.S. Department of Housing and Urban Development
p.32-34	7/31/90	✓	U.S. Department of the Interior, Office of the Secretary
p 35-36	8/10-90	✓	City of Charlottesville, City Council Resolution
p37-38	8/13/90	✓	County of Albemarle, Office of Board of Supervisors
	8/14/90	×	Virginia Department of Historic Resources
p 40	8/14/90	✓	Virginia Marine Resources Commission
p 41-42	8/15/90	✓	University of Virginia
p 43-44	8/16/90	✓	Piedmont Environmental Council
	8/28/90	×	Virginia Department of Game and Inland Fisheries
p 46-47	8/31/90	✓	Virginia Council on the Environment
	10/25/90	×	U.S. Department of Agriculture, Soil Conservation Service

S. MASON CARBAUGH
COMMISSIONER

MARK D. TUBBS
DIRECTOR

COMMONWEALTH of VIRGINIA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Policy Analysis and Development
P. O. Box 1163, Richmond, Virginia 23209

RECEIVED
JUN 20 1990
ENVIRONMENTAL DIV.

June 19, 1990

Mr. R.L. Hundley
Environmental Engineer
Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

RE: Route 29 Corridor Study -- Draft Environmental Impact Statement and Section 4(f)/106 Evaluation
Your Project 6029-002-122, PE100

Dear Mr. Hundley:

This agency has reviewed the captioned draft environmental impact statement (EIS) and has the following comments:

1. Pesticides

① The draft EIS contains no discussion regarding the use of pesticides in connection with the project that is the subject of the EIS. This agency suggests that the EIS disclose whether pesticides will be used in connection with the construction or maintenance of the project. If pesticides are expected to be used, this agency suggests that a plan be formulated for such pesticide use which would emphasize the use of the least toxic pesticides that are appropriate for the project and employment of any of the principles of integrated pest management that would be effective. If your agency has adopted a policy regarding pesticide use in all of its projects, including a summary of that policy in environmental impact statements and a discussion of whether the project in question can be operated in accordance with that policy would be an acceptable alternative.

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES 6/19/90

1. No pesticide use is anticipated in connection with construction or maintenance of the project. Herbicides and growth retardants may be used for vegetation maintenance on the completed facility. All chemical use will be performed by applicators certified by the Virginia Department of Agriculture and Consumer Services in accordance with the specifications for each product used.

2. As shown in Table IV-21, the selected alternative takes fewer acres of prime farmland soils than any of the other alternatives except the Expressway (Alternative 9). The selected alternative has been refined so that it will not impact any Agricultural/Forestal District.

COMMONWEALTH of VIRGINIA
DEPARTMENT OF FORESTRY
P. O. Box Q
Charlottesville, VA 22903
(804) 977-6555

RECEIVED
JUL 2 1990
ENVIRONMENTAL DIV.

June 28, 1990

R. L. Hundley
Environmental Engineer
Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

Project: 6029-002-122,PE100

Dear Mr. Hundley:

It is evident that a great deal of work and study have gone into the Route 29 Corridor Study. The Department of Forestry does not have the manpower to properly evaluate the many alternatives in this study.

1 As a general statement we would favor the alternative that would cause the least amount of disturbance to the environment and still accomplish the major objectives of the project. It appears that the widening of 29 and creating three over-passes at Rio, Hydraulic, and Greenbrier Drive with no additional by-pass, either east or west, may fit the bill. We will be glad to do our usual evaluation of the effects to forest products when an alternative has been selected.

If additional information is required, please do not hesitate to contact us.

Very truly yours,

Brian W. Edson

Brian W. Edson
District Forester

cc: Griffin
Coffman

/sks

VIRGINIA DEPARTMENT OF FORESTRY 6/28/90

1. The widening of Route 29 and building of three overpasses alone would not meet the objectives of the project, one of which is to provide a route for through traffic to bypass the congested sections of Route 29. As can be seen from Table IV-20, the selected alternative takes fewer acres of high-value habitat than any alternative except the Expressway, Alternative 9.

2. Endangered Species

The EIS states that the list maintained by the Virginia Natural Heritage Program has been consulted to determine whether any specimens of rare, threatened or endangered species are known to exist within the areas that would be affected by the proposed alternatives. Since the Virginia Natural Heritage Program's list includes specimens of those species under the protection of this agency, this agency has no comment at this time regarding this matter. *

DEIS/FEIS STATED:

"No Threatened or endangered species would be affected ...."

FALSE

3. Agricultural Lands and Agricultural/Forestal Districts

The EIS discloses that significant amounts of prime agricultural land would be affected by several of the proposed alternatives. This agency encourages your agency to give greater weight in choosing a preferred alternative to those alternatives that would not involve the loss of significant amounts of prime agricultural land. Several of the proposed alternatives could also affect existing agricultural/forestal districts by channeling growth to those districts. This agency encourages your agency to give greater weight in choosing a preferred alternative to those alternatives that would have less or no effect on agricultural/forestal districts. *

FEIS STATED:

"The selected alternative takes no Agricultural/Forestal District land."

FALSE

I appreciate the opportunity to comment on the EIS.

Sincerely,

Mark

Mark D. Tubbs

cc: Mr. S. Mason Carbaugh

COMMONWEALTH of VIRGINIA

STATE WATER CONTROL BOARD

2111 N. Hamilton Street

Richard N. Burton
Executive Director

Post Office Box 11143
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BOARD MEMBERS
William F. Cooper
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Ronald M. Pence
Verna M. Smith
Patricia G. Standing
W. Bagnall Wall, Jr.
Robert C. Wininger

July 3, 1990

Mr. R. L. Hundley
Environmental Engineer
Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

RE: Draft EIS - Route 29 Corridor Study

Dear Mr. Hundley:

We have reviewed referenced document and the Associated Aquatic Resources and Water Quality Technical Memorandum and have the following comments:

Section III-F-7 "Wetlands", Page III-13, first paragraph. The sentence "All three must be present for an area to be wetlands." is incorrect. Generally speaking, all three parameters of hydrophytic vegetation, hydric soil, and positive hydrologic indicators must be present. However, in certain exceptional and rare cases, field indicators of one or more of the parameters could be missing, yet the area is still a wetland. Special procedures are required to determine the status of certain disturbed or "problem area" wetlands. We suggest that the sentence be revised to read: "Generally, all three parameters must be present for an area to be wetlands."

Section IV-A "Traffic Impacts", Page IV-3. The last two paragraphs of this section discuss grade separated intersections along Route 29. Its inclusion in this section is problematical. This proposal is apparently not considered part of the Base Case alternative, nor as part of Alternative 9 (expressway). It is addressed in none of the other impact sections. However, according to the information given, this alternative would solve the traffic problems that none of the other alternatives can solve. We suggest that this proposal be discussed at the level of detail that the other alternatives have been accorded.

RECEIVED JUL 5 1990

VIRGINIA STATE WATER CONTROL BOARD 7/3/90

1. The Federal Manual for Identifying and Delineating Jurisdictional Wetlands (January 1989) states that "The three technical criteria specified [hydrophytic vegetation, hydric soils, and wetland hydrology] are mandatory and must all be met for an area to be identified as wetland." Where one or more of the criteria are not readily apparent in disturbed or problem area wetlands, special procedures are provided for determining their presence. The sentence in Section III.F. has been revised as suggested.

2. The grade separated intersections along Route 29 are included in the selected alternative. They are discussed in Section G, the description of the selected alternative in Chapter II, and the effects of their construction have been included in the comparison of the alternatives throughout the FEIS.

3. The pattern and extent of new development will depend more on local economics, land use, and development policies than on any of the highway alternatives. Albemarle County has been vigorous in its attempts to channel most new development into designated growth areas. None of the alternatives would be expected to require or promote any additional related road improvements beyond those shown in the CATS regional transportation plan and included in the future highway network assumed for the traffic analysis.

4. During the project design phase, provision will be made for management of highway runoff in accordance with Commonwealth of Virginia Storm Water Management Regulations. The selected alternative does not include a crossing of the South Fork Rivanna River Reservoir.

5. The road names commonly used in the text are shown in Figure I-3.

6. Levels of service for the Candidate Build Alternatives are as follows:

Alternative	Level of Service
Alt. 6	B (≥57 MPH)
Alt. 6B	B (≥57 MPH)
Alt. 7	C (≥54 MPH)
Alt. 7A	C (≥54 MPH)
Alt. 9 Express Lanes	D (≥42 MPH)
Service Lanes	F (<10 MPH)
Alt. 10	A (≥60 MPH)

Q: RT 29 = "F" w/o 3GSIs

3 Section IV-V-3, "Land Use", Page IV-8. The last paragraph discusses the potential for additional development being encouraged as a result of highway construction. Such development can be considered a secondary impact of the project. This document should assess the extent that this development is likely to occur with and without each alternative. One aspect of this should be a discussion of the additional road improvements promoted by each alternative.

4 Section IV-H-1, "Streams and Watersheds", Page IV-27. We commend VDOT for including the FHWA predictive procedures to estimate pollutant loadings to waters adjacent to highways due to highway use. During the project design phase, we would expect VDOT to develop specific information showing that long term highway runoff will be adequately managed to minimize pollutant loading to streams. This is particularly important in the case of any crossings of the South Fork Rivanna River Reservoir.

5 Figure II-2. It would help the reader if this figure included the road names commonly used in the text, such as Hydraulic Road, as well as those improvements identified in the Base Case Alternative, such as the Meadow Creek Parkway.

6 Figures IV-1 through IV-9. Values for "Level of Service" should be shown on these figures to improve understanding.

7 It is suggested that much of the air, noise, and energy technical information be placed in a separate technical document in order to simplify the EIS. A synopsis of this technical information could be provided in the primary document.

Thank you for the opportunity to comment.

Sincerely,

C. E. Easlick
Environmental Programs Analyst
Office of Water Resources Management

ed203/sph

Alternative	Level of Service
Alt. 11	A (≥60 MPH)
Alt. 12	A (≥60 MPH)

This information was included in the brochure distributed at the Public Hearing, June 26-28, 1990.

7. Additional technical documentation on air quality and noise was presented in separate technical memoranda. It was felt that the information presented in the DEIS was necessary to discuss adequately the impacts of the alternatives.

DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096

REPLY TO ATTENTION OF

July 9, 1990

Permits Section

Mr. R. L. Hundley, Environmental Engineer
Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

Dear Mr. Hundley:

This is in response to your letter of May 17, 1990, requesting comments on the Draft Environmental Impact Statement (DEIS) prepared for the Virginia Department of Transportation's (VDOT) proposed extension of and/or conversion to an expressway for Route 29 in the City of Charlottesville and Albemarle County (6029-002-122,PE100). As indicated in our November 9, 1988 letter commenting on this project (copy enclosed), the Norfolk District of the Corps of Engineers is participating as a cooperating agency in the preparation of documents. We have the following comments and recommendations to make concerning the DEIS.

Our regulations state that no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse consequences. Practicability can be dependent upon a number of factors, such as engineering constraints, cost, safety, etc. Our regulations state that an alternative is considered practicable if it is available and capable of being accomplished after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

If the activity associated with a discharge (proposed for waters of the United States) does not require access or proximity to or siting within waters of the United States to fulfill its basic purpose, practicable alternatives that do not involve waters of the United States are presumed to be available, unless clearly stated otherwise. In providing this information, applicants should be aware that the Corps will establish and evaluate practicable alternatives in terms of the project's basic purpose. While we will fully consider the applicant's views and information regarding the project's purpose and the existence of practicable alternatives, this review must be performed without undue deference to the applicant's wishes.

This project has been assessed in terms of meeting the needs and purpose for which it is designed while at the same time avoiding impacts to waters of the United States. A variety of public interest factors, such as traffic pressures, socioeconomic issues (particularly displacements), noise, and historical sites are given considerable weight in our evaluation of a project. However, the Corps' primary concern in reviewing the project is the impact to wetlands located within the project corridor.

(1) Based on the information provided, a relatively small area of wetlands will be impacted by each of the alternatives. In our 1988 letter, we requested that wetland delineation data sheets be provided to the Corps with the DEIS. As we stated, you should submit the data sheets both for areas determined to be wetlands and areas determined to be nonwetlands. In particular, we need to review data sheets for any areas determined to contain hydric soils, but which you determined were nonwetlands on the basis of plants or hydrology. We would appreciate the submittal of these sheets at the earliest possible date.

(2) In terms of the natural environment, Alternative 9 appears to be the preferable alignment, because it will have minimal or no impact on wetlands, streams, reservoirs, floodplains, forested land, or wildlife habitat. In addition, it minimizes noise impacts, will not displace any families, and will not impact any archaeological sites, parks, or historic sites. Furthermore, it is stated on page IV-2 that it carries the maximum traffic compared to other alternatives.

(3) However, Table IV-3 indicates that the addition of grade-separated interchanges dramatically improves the levels-of-service (LOS) for all of the alternatives except Alternative 9. Apparently, grade-separated interchanges cannot be incorporated into the design of Alternative 9, since it is an expressway along the existing alignment whereas the other alternatives are bypasses. If you determine that grade-separated interchanges must be constructed in order for your project to serve its basic purpose, and that Alternative 9 will not serve that purpose, we recommend that the Base Case be given consideration. With grade separations at the interchanges, the Base Case provides traffic improvements similar to the Candidate Build Alternatives, while minimizing other impacts (wetlands, cultural resources, displacements, reservoirs, etc.).

(4) Alternative 6 impacts the greatest area of wetlands (1.5 acres). However, it is stated on page IV-28 that the riverine wetland which accounts for 1.3 acres of this impact could be avoided altogether by a slight shift in the alignment. If you select Alternative 6, we recommend that that minor shift in the alignment be included in the design.

Wetland impact minimization measures should be incorporated into the design of your selected alignment. In addition to alignment shifts such as that described above, you should investigate including each of the following in the final design of the roadway: reduced fill slopes, elimination or reduction of the median, bridging, and/or retaining walls. Considering the relatively small wetland impacts of the alternatives, it may be determined that these minimization measures are not practicable due to structural, logistical, or economic constraints. That information should be provided in the FEIS.

Compensatory mitigation must be provided for any wetland impacts which remain after the incorporation of avoidance and minimization measures. The FEIS should identify potential mitigation sites and include a plan for the construction of the site, showing grades and the planting scheme.

Bridges are preferred to other structures for stream crossings. Our standard bridge comments (copy enclosed) should be incorporated.

Thank you for the opportunity to review the DEIS. Should you have any questions regarding our comments, please telephone Ms. Alice Allen-Grimes at (804) 441-7219. You should also send the wetland delineation data sheets to her attention.

Sincerely,

W H Poore Jr

William H. Poore, Jr.
Chief, Regulatory Branch

Enclosures

Copies Furnished (w/o encl)

U. S. Fish and Wildlife Service, Annapolis
U. S. Fish and Wildlife Service, White Marsh
Environmental Protection Agency, Philadelphia
National Marine Fisheries Service, Oxford
Virginia Marine Resources Commission, Newport News

U.S. ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT 7/9/90

1. The wetland delineation data sheets were submitted to the Corps of Engineers in August, 1990.

2. While Alternative 9 would have the fewest natural environment impacts, it would have other drawbacks, including impacts to businesses and residents along Route 29 and considerable disruption during construction. It would not fully meet the needs of the project, and would not provide satisfactory service for local traffic on Route 29. The express and local lanes under Alternative 9 would carry more traffic than Alternative 10 and Route 29 combined because Alternative 9 would divert more traffic from the Meadowcreek Parkway. Alternative 10 plus Meadowcreek and Route 29 would carry more north-south traffic than Alternative 9 plus Meadowcreek.

3. The Base Case with grade separated interchanges is included as a part of the selected alternative. It alone, however, will not meet the needs of the project, which include providing a means for through traffic on Route 29 to bypass the congested and highly developed area between the Route 250 Bypass and the South Fork Rivanna River. For this reason, a future bypass on the Alternative 10 alignment is also a part of the selected alternative.

4. Alternative 6 was not included as a part of the selected alternative.

5. The bypass on the Alternative 10 alignment is a long-range part of the selected alternative and final design will not take place for a number of years. At this point it is premature to determine specific design measures to minimize wetland impacts, such as reduced fill slopes, reducing the median, or retaining walls. These measures will be considered during the phase design.

6. Again, since construction of the Alternative 10 bypass portion of the selected alternative is a long-range project, it is prematuare at this time to identify mitigation sites and provide a detailed mitigation plan. When more detailed design is begun, VDOT will begin to identify and acquire potential mitigation sites as necessary.

7. The Corps of Engineers' standard bridge comments will be considered and incorporated wherever possible in bridge design for this project.

PIEDMONT ENVIRONMENTAL COUNCIL
28-C Main Street, Box 460, Warrenton, Virginia 22186/703-347-2334/FAX 703-349-9003
1010 Harris Street, Suite I, Charlottesville, Virginia 22901/804-977-2929

RECEIVED
JUL 18 1990
ENVIRONMENTAL DIV.

Mr. R. L. Hundley
Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

July 14, 1990

Re: Route 29 Corridor Study
Project 6029-002-122, PE 100

Dear Mr. Hundley:

Thank you for sending the Piedmont Environmental Council a copy of the May 1990, DEIS pertaining to the Route 29 Corridor Study, and for inviting its comment on the DEIS. The extension of time for public comment to August 15, 1990, is also greatly appreciated.

PEC staff have reviewed the DEIS as well as the extensive supplemental documentation contained in the technical reports. PEC staff have also reviewed both the questions posed by the Joint Transportation Committee and VDOT's answers to those questions. A member of our staff attended both of the public information sessions provided by VDOT at the Days Hotel in Charlottesville, as well as the public hearing. Finally, PEC staff have extensively consulted the PEC's transportation expert, Joseph Passonneau, regarding the information presented in the DEIS, in the technical reports and at the public information meetings. Mr. Passonneau attended the first of these information meetings and will be providing a separate report of his analysis as a supplement to this letter.

1 The PEC believes that the DEIS as currently constituted fails to properly examine the "no-build" alternative as required by Federal law, and that the information contained within the DEIS is neither adequate, nor sufficiently organized to provide those who must review and comment upon the document, or make decisions based thereon, with a proper or fair comparison of all of the alternatives.

2 Although the PEC appreciates the opportunity given members of the public to present their views at the "public hearing" conducted by VDOT staff on June 28, the PEC questions whether such a meeting satisfies the requirements of the Constitution of Virginia, as none of the members of the Commonwealth Transportation Board charged with the responsibility for making a final decision in this matter, with the exception of Mrs. Kinchloe, were present during the hearing. Full review by all of the Board's members of the extensive transcript of this "hearing" is, in the opinion of the PEC, neither likely, nor an adequate substitute for attendance of a majority of the Board members at the hearing.

Protecting The Environment Is Everybody's Business

PIEDMONT ENVIRONMENTAL COUNCIL 7/14/90

1. The no build alternative was included in the analysis presented in the DEIS. Data for the no build or Base Case was included where appropriate in the tables in the DEIS that compared impacts of the alternatives. The tables in the FEIS have been revised to include additional data on the Base Case with grade-separated interchanges.

2. The transcript of the public hearing was made available to the members of the Commonwealth Transportation Board. VDOT staff have kept the Board members informed on the project and on the issues. The public hearing was conducted in accordance with all applicable federal and state requirements.

3. This project has followed the Federal Highway Administration's environmental procedures and is consistent with the guidance provided in FHWA Technical Advisory T6640.8A. It is in compliance with the National Environmental Policy Act (NEPA) and with the FHWA's Environmental Impact and Related Procedures (23 CFR 771), as well as all federal and state requirements for public and agency comment and coordination.

4. The Base Case improvements on Route 29 will be built initially with the interchanges to be added at a later date.

5. The Meadowcreek Parkway is a part of the adopted regional transportation plan, and it was included in the transportation network used in the traffic analysis. Construction of the Meadowcreek Parkway is consistent with the selected alternative.

6. The Rio Road Connector is also a part of the adopted regional transportation plan. It can be deleted from the plan with the agreement of Charlottesville and Albemarle County acting through the Metropolitan Planning Organization (MPO).

7. The Base Case includes only the improvements programmed for Route 29 (widening to six lanes plus a continuous turn lane). The other roadway improvements in the regional transportation plan, including the Meadowcreek Parkway and the Rio Road Connector, were included in the future highway network used in the traffic model to analyze all of the alternatives, including the Base Case. These other roadway improvements, however, were not a part of the Base Case.

8. The Base Case improvements along with three grade-separated interchanges will provide an adequate level of service for local traffic in the year 2010, but the 30-mph travel speeds along Route 29 would not be adequate for through traffic and would not meet the project needs of providing a means for through traffic on Route 29 to bypass the congested area around Charlottesville.

9. The assumptions and data used in the study were the basis for the decision on the selected alternative. The bypass along the Alternative 10 alignment is included in

Mr. A. L. Huntley
Page two

(3) The PEC also questions the constitutionality of the exemption from independent environmental review afforded projects of the Department of Transportation.

The PEC's position as set forth hereafter is based upon the information which was made available to it, but the PEC reserves the right to change its position when and if information about a true "no-build" alternative is provided and when and if further information is made available in the DEIS to facilitate comparison of the alternatives.

(4) 1. The PEC supports the "Base Case" improvements to Route 29 (six laning with two continuous right turn lanes), including grade separated interchanges at Rio, Greenbrier and Hydraulic Roads.

(5) 2. The PEC supports the construction of the Meadowcreek Parkway utilizing the parkway design being developed by the City of Charlottesville and County of Albemarle. Because construction of this facility appears necessary to the proper functioning of Route 29 in the future, PEC advocates the funding of construction of this facility with State and Federal primary road funds, rather than out of secondary and urban funds.

(6) 3. The PEC does not support the construction of the "Rio Road Connector" because it does not appear from the data provided to have a significant effect upon Route 29, and because it would require the taking of land from two public parks. Alternatives which would avoid the parkland could be very environmentally damaging due to the topography in the area, and could intrude upon the Southwest Mountains Rural Historic District currently under consideration and which has been under consideration since prior to the commencement of the current Route 29 study.

(7) 4. The PEC takes no position on other elements of the "Base Case" included in the Charlottesville/Albemarle Transportation Study. We recognize that none of the elements of the "Base Case" improvements beyond those proposed on Route 29 itself have been considered by this study, including the Meadowcreek Parkway and the Rio Road Connector.

(8) 5. From the data provided it is apparent that the "Base Case" improvements to Route 29, the three grade separated interchanges, and the Meadowcreek Parkway offer a system of roads which will provide an adequate level of service for arterial traffic on Route 29 in the year 2010. Representatives of Comsis also stated that the three grade separated interchanges can be designed to provide acceptable intersection levels of service in the year 2010 as well.

the selected alternative as a long-range project, to be constructed when future traffic demands require and economic conditions permit. If traffic grows faster than projected, it will be constructed more quickly, and if traffic grows slower than projected, it will be constructed at a later time.

10. The selected alternative, which includes the bypass Alternative 10 as well as grade-separated interchanges on Route 29, will provide an arterial level of service "A" on Route 29.

11. The travel speeds along Route 29 with the Base Case and grade-separated interchanges would be acceptable for an urban arterial street, but not for a major statewide arterial route such as Route 29.

12. Additional through traffic connects between Route 29 and Interstate 64 or Route 250, and this traffic would also use a bypass route. In addition, much of the local and regional traffic would also use a bypass of congested Route 29.

13. At another point along Route 29, a bypass would reduce traffic by 26.9 percent. Even the 16.4 percent reduction, at the most congested point, would make a considerable difference in improving traffic flow.

14. The cost of Alternative 10 is estimated to be $123,306,000. The Base Case with grade-separated interchanges is estimated to cost $49,574,000. Same $173 million

15. The Alternative 10 bypass, included as a part of the selected alternative, would have fewer overall impacts than the other bypass alternatives.

16. Alternative 10 goes through less of the reservoir watershed than any of the other western bypass alternatives.

17. The pattern and extent of development will depend more on local economics and on local land use and development policies than on any of the highway alternatives. Albemarle County has been vigorous in its attempts to channel most new development into designated growth areas.

18. This comment apparently refers to the Washington Bypass Study, conducted jointly by the Federal Highway Administration, the Virginia Department of Transportation and the Maryland Department of Transportation. This study looked at alternatives for a major regional highway improvement in a study area of more than 5,100 square miles. It analyzed potential changes in development patterns and estimated changes in population and land use on a county by county basis. The Scope of the Washington Bypass Study is not comparable to the route 29 study, and this type of analysis is not appropriate for Route 29. Since the Route 29 project will not alter regional transportation patterns, it is not expected to result in noticeable changes in population or employment in Charlottesville, Albemarle County or any adjoining counties.

It is understood that the adequacy of this network depends upon the validity of certain fundamental assumptions about land use and about the construction of the remainder of roads recommended in the Charlottesville/Albemarle Transportation Study. It is apparent that VDOT is skeptical about the validity of these assumptions and that VDOT anticipates more traffic demand than the study projects. The PEC believes that it is just as reasonable to guess that future demand will be lower than indicated using these assumptions as it is to guess that future demand will be higher than indicated using these assumptions.

9 The PEC believes that recommendations to and decisions of the Commonwealth Transportation Board in this matter must only be made upon the basis of the assumptions upon which this $3,000,000 study was conducted. If these assumptions are not considered reliable then a new DEIS should be developed based upon other logically derived assumptions. To make decisions or recommendations based upon assumptions not included within the parameters of this statutorily mandated study process would throw into further question the validity of any final decision in this matter by the Commonwealth Transportation Board.

6. The PEC opposes the construction of any of the eastern or western "by-pass" alternatives considered in the DEIS for the following reasons:

10 a. The data shows that none of the by-pass alternatives will provide an acceptable level of service on Route 29.

11 b. The data shows that construction of any of the by-pass alternatives will only improve by one grade the already acceptable levels of service achieved by the construction of the "Base Case" together with the grade separated interchanges at Rio, Greenbrier and Hydraulic Roads.

12 c. The data shows that north-south through traffic continuing on Route 29 beyond the Charlottesville area (including traffic destined to or from the Lynchburg and Danville areas) amounts to less than 2400 vehicles per day, or less than 4% of total Route 29 traffic projected for the year 2010.

13 d. The data shows that the most effective by-pass reduces Route 29 traffic at its most congested point by only 16.4%.

14 e. The data shows that the least expensive by-pass alternative (including the cost of necessary "Base Case" improvements) will exceed $180,000,000.

19. U.S. Route 29 is a major part of the State Arterial System designated by the Virginia General Assembly. The state has made extensive investments in improving Route 29 and in bypassing the most congested areas. With plans nearing completion for a bypass at Lynchburg, Charlottesville will remain as the principal bottleneck on Route 29 between I-66 and the North Carolina line.

20. Alternative 9, the expressway, would provide a marginally acceptable level of service on the express lanes and an unacceptable level of service on the service lanes.

21. The expressway would provide a marginal level of service "D" on the express lanes and an unacceptable level of service "F" on the local lanes. To provide a valid comparison with the bypass alternatives, the same criteria for levels of service were applied to the expressway through lanes as to the bypasses.

22. Alternative 10 and the Base Case with Interchanges are estimated to cost a total of approximately $173 million while Alternative 9 alone is estimated to cost approximately $161 million.

23. The adjustments would include additional turning and through lanes, which would increase the cost of the expressway and its impacts upon adjacent businesses. Even with these adjustments, the through lanes would operate at only a marginal level of service and they could not be expanded to accommodate additional future traffic increases.

(15) f. In addition to the cost of engineering, right of way and construction, the by-pass alternatives will have substantial negative impacts upon existing residential areas now far removed from any major road, and upon rural land including farmland, forestland and wildlife habitat.

(16) g. All of the western by-passes will pass through the watershed of the primary water supply for the County and City.

All of this data, chronicled through hundreds of pages of the DEIS and technical reports, provide the basis for the PEC's opposition to the by-pass alternatives. These alternatives are simply are not cost effective.

(17) In addition to the foregoing concerns, the PEC is greatly concerned that construction of any of the by-pass alternatives will prompt inappropriate development patterns in what Albemarle County has for over twenty years designated in its Comprehensive Plan as Rural.

In spite of the DEIS assertion that the land use impacts of the by-pass alternatives can be effectively controlled by the County through its zoning ordinance, the history of the law of land use is to the contrary. Courts are generally sympathetic to the rezoning requests of landowners whose property has been divided by new roads. Courts hearing such cases are likely to consider local regulations which deny such landowners the right to use their land for other than rural uses to be invalid upon a number of grounds. Localities have no control over such decisions, and once made, they set a pattern of use virtually impossible to control through further restrictive zoning.

(18) Information about the impact of the "candidate build alternatives" on surrounding land use should be included in the DEIS, as it is understood has been done in studies of the "Outer Beltway" in Northern Virginia.

7. The PEC opposes the construction of any new facility in the Route 29 corridor whose primary effect is to facilitate north-south through traffic. The data shows that all of the "candidate build alternatives," including by-passes and an expressway, have such an effect and do little to improve local conditions. Such facilities are not justified by current or projected traffic volumes, as reported by the DEIS and technical reports. Furthermore, development now occuring in the Route 29 corridor north of the Charlottesville area; the unlimited access (19) to Route 29; and the geometry of the south bound lanes of substantial sections of Route 29 south of Gainesville make Route 29 unsuitable as a major link between Maryland and North Carolina.

(20) 8. If VDOT determines to construct a non-stop through facility in the Charlottesville area in spite of the failure of the Route 29 study to provide justification for such a project, the PEC believes that this facility should be Alternate 9, the expressway. Our reasons for taking this position are based upon the data provided and are as follows:

a. The expressway is less environmentally damaging than any of the by-pass alternatives.

b. The expressway takes no residences and will not result in the construction of a new road in the vicinity of any residences which are not now situated proximate to a major road.

c. The expressway will take no farmland, no forestland, and no land from any subdivision.

d. The expressway does not pass through the watersheds of any public drinking water impoundments.

e. The expressway has no impact upon structures eligible for the National Register nor does it have an impact upon any archaeological sites.

f. The expressway takes fewer businesses than any of the by-pass alternatives.

g. The expressway takes 282 acres less right of way than the shortest by-pass alternative.

h. The expressway will increase decibel levels along Route 29 by no more than 2 decibels over those projected to result along Route 29 in the event of construction of the "Base Case." This is less than the noise impact of any of the by-pass alternatives which would in many locations increase decibel levels by more than 10 decibels in residential areas.

(21) i. The expressway provides through traffic and local commuter traffic with a facility which has no stop lights and which is 40% faster than the "Base Case" with the three interchanges. Using the standards applied to the level of service analysis of the "Base Case," the express lanes provide a level of service "A," according to Comsis representatives.

j. The expressway is the only "candidate build alternative" providing an improvement to the existing interchange of Route 29 and the 29/250 By-pass.

k. The expressway requires simpler and fewer interchanges at its northern and southern terminii than any of the by-pass alternatives.

22 l. The expressway will cost approximately $19,000,000 less than the network of improvements necessary for the cheapest by-pass alternative.

m. The expressway is 14% less costly per vehicle served than the cheapest by-pass alternative.

23 Although the expressway is rated at a level of service "F" on its local lanes due to congestion at the Rio and Hydraulic Road intersections, it appears from further analysis undertaken by Joseph Passonneau that these intersections may operate at acceptable service levels with only minor adjustments in the proposed design. Passonneau will provide a separate report on this matter.

If the local lane intersections of the expressway at Rio and Hydraulic Roads can be made to function at acceptable service levels, then the expressway is clearly superior to all of the by-pass alternatives in each of the categories of analysis provided in the DEIS.

24 Although an apparent shortage of construction funds makes it unlikely that any of the "candidate build alternatives" will be built in the near future, the PEC urges that any improvements to Route 29 itself be designed to allow construction of the expressway in the future.

Again, thank you for giving the Piedmont Environmental Council the opportunity to comment on this project.

Sincerely

Robert T. Dennis,
President

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

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JUL 17 1990

Mr. James M. Tumlin
Division Administrator
Federal Highway Administrator
400 N. Eighth Street
Richmond, Virginia 23240

Re: Route 29, City of Charlottesville
Albemarle County, Virginia

Dear Mr. Tumlin:

In accordance with the National Environmental Policy Act and Section 309 of the Clean Air Act, EPA has reviewed the Draft Environmental Impact Statement (DEIS) for the above-referenced project. We have rated the project EC-2 on EPA's rating scale, a copy of which is enclosed for your information. Our rating is based on the potential for the alternatives to impact farmland, forestal and agricultural preserve areas, wildlife habitat, and water quality, as well as, potential residential and business displacements. The following comments are provided for your consideration in the Final Environmental Impact Statement (FEIS).

NEED

As stated in the DEIS (IV-1), the principal objective of this project is to ease traffic congestion along Route 29 north of Charlottesville. However, based on the information presented in Section IV of the DEIS, the proposed candidate build alternatives will not relieve the traffic congestion problem without the construction of grade separated interchanges at Rio, Hydraulic, and Greenbriar Roads. Since the proposed build alternatives would not improve the Level of Service of Route 29, we question the need for a highway on a new alignment. It appears that Alternative 9 would satisfy the need of the project as well as any of the alternatives on a new location. (1)

ALTERNATIVES

The DEIS states that Alternatives 6, 6B, 7, and 7A follow the general location of the programmed Meadowcreek Parkway. The Meadowcreek Parkway and the Rio Road/Route 250 Bypass Connector are included as part of the Base Case or No-build alternative. Since the Meadowcreek alignment is already included in the base case analysis, evaluating alternatives 6, 6B, 7, and 7A, may be redundant. The DEIS should clearly show the portions of the

U.S. ENVIRONMENTAL PROTECTION AGENCY 7/17/90

1. The selected alternative, which includes three grade-separated interchanges along Route 29, will provide a satisfactory level of service on Route 29. Alternative 9 would grade separate the express lanes on Route 29, but the intersections of the service lanes with the cross streets would be at grade and would not operate at an acceptable level of service. Alternative 9 would also cause adverse impacts to the businesses and residences along Route 29 and would cause serious disruption to traffic during construction.

2. The alternatives that follow the Meadowcreek Parkway alignment were included in the analysis at the request of local officials acting through the Joint Transportation Committee. The Meadowcreek Parkway and Rio Road Connector are included in the Charlottesville Area Transportation Study (CATS) plan, the area's long-range transportation plan. In accordance with FHWA procedures, all of the roads in this adopted plan were included in the roadway network used to analyze future traffic impacts of the alternatives. The Base Case (no-build alternative) includes the costs and impacts of the improvements already programmed for Route 29 (widening to six lanes plus continuous right turn lane). The roadway network used to analyze traffic impacts of the Base Case also includes all the other roads in the adopted transportation plan, but the Base Case itself does not include the costs and impacts of those other roads.

3. Alternative 10, the selected bypass alignment, has less impact on the reservoir watershed, stream crossings, agricultural lands, and historic properties than the other western bypass alternatives. When compared to the eastern bypass alternatives, Alternative 10 has substantially fewer displacements and noise impacts and much better traffic service.

4. Alternative 9 would have fewer natural environmental impacts than the other Candidate Build Alternatives, but it would have adverse impacts on businesses along the existing Route 29 corridor. It would not adequately meet the needs of the project and would not provide a satisfactory level of service for traffic on the local lanes along Route 29.

5. Atmospheric concentrations of CO resulting from motor vehicle emissions from each of the proposed project alternatives were calculated using VACAL 3, a microcomputer program developed by the Virginia Department of Transportation from the Federal Highway Administration's Mobile 3/CALINE 3 Graphic Assessment Procedure. The Mobile 3 Emission Factors used in the VACAL 3 program were developed by the U.S. Environmental Protection Agency (EPA). These factors were published in EPA's "Mobile Source Emission Factors", June, 1985. The percentages of hot and cold starts were set at normal default values: 27.3% hot transient vehicle miles traveled by catalyst-equipped vehicles and 20.6% cold transient vehicle miles traveled by both catalyst and noncatalyst vehicles. The

alternatives which coincide with Meadowcreek Parkway. In addition, the traffic analysis for the western alternatives (10,11,12) include both the Meadowcreek Parkway and Rio Road/Route 250 connector, as well as, the proposed alternative alignment (10,11,or 12). We believe that due to the way the analysis was structured, it may be biased against the eastern alternatives (6, 6B, 7, 7A). (2)

The western bypass alternatives have the potential for greater impacts on the South Fork Rivanna River Reservoir, streams, Agricultural and Forestal Districts, Prime farmland, and National Register Historic structures. The eastern bypass alternatives have the potential for greater noise impacts, residential displacements, impacts on forest lands, high quality wildlife habitat and parklands. Alternative 9 minimizes impacts to natural resources and residential displacements but has the potential for greater business displacements. (3)

One of our concerns is the ultimate selection of the preferred alternative. It is EPA's strong feeling that whenever possible, improvements to a highway network should utilize existing alignments in order to minimize environmental impacts. In light of the options presented in this study, EPA recommends the selection of Alternative 9 to satisfy this goal. Since none of the build alternatives relieve the traffic congestion along Route 29 without the construction of grade separated interchanges, we believe that Alternative 9 will satisfy the purpose and need for the project while minimizing the potential impacts to farmlands, Agricultural and Forestal preserve areas, water quality and communities. (4)

AIR QUALITY

The FEIS should briefly describe the types of models used to predict the potential air quality impacts. CALINE 4 and MOBILE 4 are the air quality models presently in use. The assumptions used in the models should also be provided, as well as, the source for the existing or background air quality conditions. (5)

In general a major shortcoming of air quality monitoring is the lack of intersection modeling. As the result of the lack of intersection modeling, the carbon monoxide concentrations may be underestimated. Since Route 29 has a severe problem with intersection congestion, intersection modeling should be completed for this project. (6)

TERRESTRIAL

Table IV-19 and IV-20 indicate the types of habitats which are potentially impacted by the project. The FEIS should explain how the habitat types included on Table IV-19 are converted to the high, medium, and low quality catagories in Table IV-20. (7)

VACAL 3 program incorporates meteorological conditions that would promote CO concentrations. These conditions include:

- Low wind speed of one meter per second which inhibits turbulence and mixing,
- Low wind angle of 10 degrees which reduces dispersion away from the road and increases concentrations along the road, and
- Average temperature of 30 degrees Fahrenheit for the coldest month in Virginia based on National Oceanic and Atmospheric Administration 30-year averages. Vehicular emissions of CO are higher during colder weather.

6. The project is located in an attainment area for carbon monoxide and ozone. The maximum concentrations of carbon monoxide are very low and are expected to remain low based on the air quality analysis for the proposed project. The selected alternative, which includes three grade-separated interchanges along Route 29 will provide a satisfactory level of service on Route 29. Intersection modeling is not considered necessary on this project.

7. Lands that are barren, urban, suburban, or consist of roadways and open water are considered of low value for wildlife. Agricultural fields are of moderate wildlife value, ranging from small fields with adjacent forests and hedge rows that provide better wildlife habitat, to large, unbroken fields that are of poorer value. Lands that are of highest value to wildlife are forested, old fields/shrub areas and wetlands.

8. The arterial level of service on Route 29 for each of the build alternatives is shown in Table IV-3.

9. The Base Case is described in Chapter II, Section B. Computer plots showing the 2010 ADT on the future roadway network were displayed at public meetings and were made available to the Joint Transportation Committee for their use. The LOS for selected area roadways for 1987 and 2010 was presented in Tables 5 and 7 of the technical memorandum, "Traffic and Transportation Analysis, " March 1990. These data were not repeated in the DEIS in an attempt to limit the size of the document and eliminate unnecessary detail.

10. The analysis did not identify any drinking water wells that would be impacted by the build alternatives. Should any be encountered during final design, they will be capped as described by State Water Control Board standards and techniques.

11. The model used in this study was the STAMINA 2.0 model developed by the Federal Highway Administration. The model calculates noise levels for each noise receptor resulting from a series of straight-line roadway segments. Inputs to the model included coordinates for the site-roadway geometry and traffic data. Traffic data included volumes and speeds of automobiles, medium trucks, and heavy trucks. The data were developed from existing traffic counts, origin-destination studies, and land-

TRAFFIC

(8) The FEIS should show the Level of Service (LOS) improvements on Route 29 associated with each of the proposed build alternatives. This will allow for a more direct comparison of the improvements associated with Alternative 9. The change in the Average Daily Traffic (ADT) values associated with Alternative 9 does not provide adequate information on the improvements to the traffic conditions on Route 29.

(9) In addition, the FEIS should clearly identify the programmed improvements included in the Base Case. Also, the ADT and LOS (Figure III-1) for the area roadways should be provided for the 2010 Base Case and each of the build alternatives.

GROUNDWATER

(10) The FEIS should indicate whether any drinking water wells will be impacted by the Build alternatives. Mitigation for any potential impacts should be described in the FEIS.

NOISE

(11) The noise model used to predict the future noise conditions should be identified and the assumptions described in the FEIS.

HISTORIC

(12) We suggest that the Advisory Council on Historic Preservation be contacted regarding the development of a Memorandum of Agreement for project impacts to National Register Historic Places.

FARMLAND

(13) The FEIS should explain the information needed to complete the impact rating score sheet required by the Farmland Protection Policy Act of 1981. Also, the FEIS should explain how the information will be attained and when the score sheet will be completed.

Thank you for allowing EPA the opportunity to comment on this project. If you have any questions concerning our comments, please contact Denise M. Rigney at (215) 597-7336.

Sincerely,

Phoebe C. Robb, Team Leader
NEPA/309 Review Team

Enclosure

use and population projections. Maximum volumes (peak-hour) were used to produce worst-case conditions except for church and school sites where lower volumes were used to more fairly represent conditions during normal activity times for these facilities. Speeds used were representative of the analysis hour, in most cases the peak hour. The traffic data used in the modeling are presented in the technical memorandum, "Noise Analysis", April 1990.

12. One property eligible for the National Register of Historic Places will be adversely affected by the selected alternative. An executed Section 106 Memorandum of Agreement is incorporated in the FEIS.

13. The Agricultural Resources section of Chapter IV, Section K, has been revised to reflect the Farmland Conversion Impact Rating score sheet and additional coordination with the Soil Conservation Service's District Conservationist. See Soil Conservation Service letter of 10/29/90.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

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JUL 31 1990

Mr. James M. Tumlin
Division Administrator
Federal Highway Administration
400 North Eighth Street
P.O. Box 10045
Richmond, VA 23240-0045

Dear Mr. Tumlin:

This responds to a request for the Department of the Interior's comments on the draft Environmental/Section 4(f) Statement for US-29 Corridor Study, City of Charlottesville and Albermarle County, Virginia.

SECTION 4 (f) STATEMENT COMMENTS

The draft document discusses nine project alternatives; however, none is identified as the preferred alternative. The Section 4(f) evaluation does not provide sufficient evidence for us to conclude that there is no feasible and prudent alternative to the use of Section 4(f) resources. Selection of alternatives 6B, 7, 9, 10, or Base Case, would be the most desirable from the standpoint of public parks and historic sites since all direct impacts would be avoided. ①

ENVIRONMENTAL STATEMENT COMMENTS

Fish and Wildlife Resources - Depending on the alternatives selected between 0.1 acres (alternatives 6B, 9 and 10) and 1.5 acres (alternative 6) of wetlands will be impacted. Nontidal wetlands provide a variety of functions. These include water pollution abatement, flood protection, groundwater discharge and recharge, and aesthetic, cultural, and fish and wildlife habitat values. Forested wetlands in particular play a major role in stream ecology by helping to control water temperature, contributing food matter, and stabilizing stream banks. Forested wetlands also provide nesting; escape, and feeding habitat for wildlife species including migratory birds, deer, beaver and other small mammals, reptiles, amphibians, and invertebrates.

32

U.S. DEPARTMENT OF THE INTERIOR, OFFICE OF THE SECRETARY 7/31/90

1. The selected alternative avoids taking any properties with Section 4(f) involvement.

2. The selected alternative will impact approximately 0.138 acres of palustrine forested wetland from a single wetland site. This loss is unavoidable and will be compensated for.

3. Because of the small size and low functional value of the wetlands impacted by all of the alternatives, wetland impacts were not major determinant in the selection of an alternative. A Breakdown of wetland types and acreages of impacts for the candidate alignments is presented in tables IV-16 and IV-17. More detailed information is presented in the Aquatic Resources and Water Quality Technical Memorandum. Detailed mitigation measures for unavoidable impacts will be developed during the design phase.

4. Geotechnical studies will be conducted as necessary at the time of the final design for the project. Structures on the project will be designed in accordance with applicable seismic standards to minimize risks of geologic hazards.

5. Mineral production in Albemarle County is limited to crushed stone and sand. Crushed stone of greenstone is produced near Shadwell, and crushed stone of granite gneiss is produced at Red Hill. Sand is produced by two companies at four locations on the Rivanna River. The Shadwell, Red Hill and Rivanna river locations are not impacted by the proposed alignments. Other minerals and rocks found within Albemarle County which have been produced in the past include iron ore, slate, clay, sandstone, and limestone. Other minerals known to exist in the county, but relatively unimportant, are amethysts, asbestos, barite, copper, felsite, garnets, gold, limonite, hematite, and pyrite. No adverse impacts to pipelines from the selected alternative have been identified.

6. The ratios for providing replacement wetlands will be determined at the time of final design of the Alternative 10 bypass. According to Table 4.1 in the technical memorandum, "Aquatic Resources and Water Quality", April 1990, Alternative 10 would require less wetland area than Alternative 9 (0.138 acres vs 0.146 acres). Alternative 10 also does not cross the South Fork Rivanna River.

7. In choosing the selected alternative, it was necessary to achieve a balance among a number of factors, including natural environmental impacts, socio-economic and community impacts, transportation benefits, and project costs. While Alternative 9 would have the least impact in some areas, it would not effectively meet the transportation needs and it would have an adverse effect on communities and businesses along Route 29 and result in excessive disruption to traffic during construction.

Mid-Atlantic forested wetlands are experiencing a dramatic decline. In Virginia alone, between 1956 and 1977, approximately 57,000 acres of palustrine vegetated wetlands, most of which were forested, were destroyed (Tiner and Finn 1986). Construction of replacement wetlands is normally required where a project causes unavoidable wetland impacts. Such creation of palustrine forested wetlands has not reached a high level of success. Even in successful cases, it may take up to 30 years for planted saplings to grow to the size of mature trees.

The Department is especially concerned about losses of this wetland type because of the ecological importance, the rapid rate of their destruction on a region-wide scale, and the general lack of success in attempts to replace lost acreage. Although losses of wetlands caused by this project were not documented by wetland type and amount, we presume that forested areas comprise the bulk of the rights-of-way and wetland impacts. We consider large, unfragmented tracts of woodland habitat to be superior to smaller tracts for the maintenance of species diversity. Several of the alternatives proposed will fragment these forested areas, thereby reducing the quality of the remaining habitat. (2)

The final document should provide the following: (3)

> Detailed diagrams depicting locations and boundaries of existing wetlands, streams, and ponds, in relation to the proposed roadway alignments.
>
> A breakdown of wetland types and acreages of impacts for the candidate alignments.

Of the build alternatives, the Department finds alternative 9, construction of an expressway along the existing Route 29, to be the least damaging from a fish and wildlife resources standpoint.

Literature Cited

Tiner, R.W., and J.T. Finn. 1986. Status and Recent Trends of Wetlands in Five Mid-Atlantic States. U.S. Fish and Wildlife Service, Fish and Wildlife Enhancement, National Wetlands Inventory Project. Newton Corner, MA.

Geological Resources - The Terrestrial Ecology Technical Memorandum, cited on p.111-10 was not included for review and the the draft EIS does not address the geologic character of the study corridor. The document should state the intention to conduct detailed geotechnical studies along the proposed project corridor. The project lies in Seismic Risk Zone II of the Uniform Building Code, indicating that a potential for moderate damage to structures exists in the event of a recurrence of the Charleston earthquake of 1886. Mitigation of this and other potential geologic hazards, if they exist, should be addressed in the final document. (4)

Mineral Resources The draft document does not mention mineral resources, and according to the Bureau's Minerals Yearbook for 1987 crushed stone is produced in Albermarle County. In addition, a map by Palmer C. Sweet, (Mineral Industries and Resources of Virginia, 1983) shows four crushed stone quarry's west of Charlottesville. According to PennWell Publishing Co., Natural Gas Pipelines map (1983) of the United States and Canada, a pipeline is located in the northwest part of the county and one in the northern part. Mineral resources, impacts to those resources, and plans for relocating or protecting pipelines, if they pass through the project area, should be discussed in any subsequent reports or environmental documents. If no adverse impacts to mineral resources or pipelines are identified, a statement to that effect should be include in the final document. (5)

FISH AND WILDLIFE COORDINATION ACT COMMENTS

The U.S. Fish and Wildlife Service's (FWS) most probable position on a U.S. Army Corps of Engineers permit for recommended alternative 9 would be that of no objection, provided that wetland impacts are minimized and compensation for unavoidable wetland impacts is provided. The FWS recommends that replacement wetlands be provided on a 2:1 basis for losses of palustrine forested wetlands and a 1:1 basis for other wetland types. Implementation of other alternative alignments is not satisfactory, since they either do not avoid impacts to wetlands or require a new crossing of the South Fork Rivanna River. (6)

SUMMARY COMMENTS

The Department of the Interior recommends that, of the build alternatives, alternative 9 be selected as the preferred alternative since it would have the least impact to public park, historic, and fish and wildlife resources. (7)

As this Department has a continuing interest in this project, we are willing to cooperate and coordinate with you on a technical assistance basis in further project evaluation and assessment. For matters pertaining to recreational and cultural resources, please contact the Regional Director, National Park Service, Mid-Atlantic Region, 143 South Third Street, Philadelphia, Pennsylvania 19106, (telephone: FTS 597-7013, commercial 215/597-7013). For matters pertaining to fish and wildlife resources please contact the Field Supervisor, U.S. Fish and Wildlife Service, 1825 Virginia Street, Annapolis, MD 21401 (telephone: FTS 922-2007, commercial 301/269-5448). For matters pertaining to geologic resources, please contact the Acting Assistant Director for Engineering Geology, U.S. Geological Survey, Reston, VA 22092 (telephone: 703/648-4422). For matters pertaining to mineral resources, please contact the Chief, Intermountain Field

Operations Center, Bureau of Mines, P.O. Box 25086, Building 20, Denver Federal Center, Denver, Colorado 80225 (telephone: FTS 776-0263, commercial 303/236-0263).

We appreciate the opportunity to provide these comments

Sincerely,

for William R. Taylor
Jonathan P. Deason
Director
Office of Environmental Affairs

cc:
Robert L. Hundley
Environmental Engineer
Virginia Dept. of Transportation
1401 East Broad Street
Richmond, VA 23219

Va. SHPO
Va. SLO

CATCO

ROUTE 29

CORRIDOR STUDY

CITY OF CHARLOTTESVILLE AND ALBEMARLE COUNTY

TECHNICAL MEMORANDUM
FOR ENVIRONMENTAL IMPACT STATEMENT

TRAFFIC AND TRANSPORTATION ANALYSIS

6029-002-122, PE 100

U.S. Department of Transportation
Federal Highway Administration
and
Virginia Department of Transportation

March 1990

APPENDIX C

TRAFFIC AND TRANSPORTATION ~~REPORT~~ ANALYSIS

Table 2.3

2000 Triangular Trip Table

External Stations

Districts

Table 2.4

2010 Triangular Trip Table

External Stations

Districts

U.S. Rt 29 S

2204

ROUTE 29 BYPASS
State Project Number: 6029-002-F22, PE 101; RUVA-002-001, PE 101
Federal Project Number: NH-037-2 (130)
Albemarle County, Virginia

APPENDIX D

U.S. DEPARTMENT OF THE INTERIOR COMMENTS ON DRAFT *FINAL SECTION 4(f) EVALUATION*

Federal Highway Administration Response

3/700 Roberto Fonseca-Martinez, Division Administrator, to Willie R. Taylor

U. S. Department of the Interior

1/13/00 Willie R. Taylor, Director, Office of Environmental Policy and Compliance, Office of the Secretary

U.S. Department
of Transportation

**Federal Highway
Administration**

Virginia Division
(804)775-3320

P.O. Box 10249
400 N. 8th Street Rm. 750
Richmond, Virginia 23240

IN REPLY REFER TO:

March 7, 2000

Route 29 Bypass;
Albemarle County School Complex;
Section 4(f) Evaluation ;
Albemarle County, Virginia;
Federal No. NH-037-2(130)
State No. 6029-002-F22-PE101
ER-99/985

Mr. Willie R. Taylor, Director
Office of Environmental Policy and Compliance
Department of the Interior
Main Street Building, MS 2340
1849 C Street, NW
Washington, D. C. 20240

Dear Mr. Taylor:

We have received your letter dated January 13, 2000, transmitting comments on the subject Section 4(f) Evaluation. The purpose of this letter is to respond to your comments and let you know how we intend to proceed in light of those comments.

As you are aware, we are required to coordinate with the U.S. Department of the Interior under the 1966 Department of Transportation Act on matters related to Section 4(f). At issue is whether the Federal Highway Administration and Virginia Department of Transportation (VDOT) have pursued all possible planning to minimize harm to the Albemarle County School Complex. We believe that we have.

Ever since the initiation of the Route 29 Corridor Study in the late-1980s, Albemarle County officials have been extensively involved in the planning of what is now known as the Route 29 Bypass. Accordingly, VDOT has worked with county officials to identify and avoid and minimize impacts to sensitive resources in the area. County officials were regular participants throughout the development of the Route 29 Corridor Study which established the initial location of the proposed bypass, and they initially endorsed the selected alternative that impacted the Albemarle County School Complex. Following issuance of a Record of Decision in 1993, county officials were closely involved in the development of the design of the selected alternative. During this time, VDOT worked with county officials to reduce harm to the school complex and avoid other school properties. Despite these initial efforts with county officials, neither FHWA or VDOT knew of the presence or significance of recreational trails located on school property. In addition, neither FHWA nor VDOT knew of the decision by county officials, through their adoption of the Community

Facilities Plan in 1991, to designate all public schools as public recreational facilities. It wasn't until January 1998 with the filing of a lawsuit by the Southern Environmental Law Center that FHWA and VDOT became aware of the presence of the trails and their significance. In August of 1998, county officials finally provided VDOT with information on the trails and information on their designation of public school property as "district parks."

Once FHWA made a decision that use of the trails on the Albemarle County School Complex were subject to the provisions of Section 4(f), we requested mapping of the trails from Albemarle County so that avoidance and minimization alternatives could be developed. To date, we have not received a response from the county. As documented in Appendix B of the Section 4(f) Evaluation, VDOT's consultant met with county officials on November 17, 1998, to discuss avoidance and minimization alternatives and potential mitigation. Although county officials were receptive to discussing mitigation efforts at that time, they later responded in their comments on the draft Section 4(f) Evaluation dated April of 1999 that impacts to the trail could not be mitigated. Notwithstanding the comments of County officials, VDOT has explored measures to minimize harm to the Albemarle County School Complex although it is noted that these minimization efforts are not intended to completely mitigate the impact of the project. Based on these efforts, VDOT has committed to the following minimization efforts which will reduce the total use of the school complex from 15.17 acres to 12.43 (approximately 7% of the school complex) and avoid any use of the trail behind Jack Jouett Middle School:

* The alignment has been shifted to the west to the degree permissible without encroaching upon Schlesinger Farm, another Section 4(f) resource, and without moving the alignment closer to Ivy Creek which contains occurrences of the federally endangered James spinymussel. In April of 1998, we entered into formal consultation under the Endangered Species Act with the U.S. Fish and Wildlife Service due to potential impacts to the James spinymussel. In June of 1998, the U.S. Fish and Wildlife Service issued their biological opinion which imposed several conditions required to be implemented during construction.

* The cross section has been reduced (as requested by the county officials) by reducing the width of the median.

* The cross section has been reduced (as requested by county officials) by crossing the stream on bridge instead of fill.

* The vertical alignment has been lowered to reduce noise impacts, the amount of fill, and the overall visual intrusion of the roadway on the school. Because of the topography, the road sits below the level of the school and associated playing fields in a natural valley.

* In order to further minimize visual impacts, cut and fill slopes will be revegetated and landscaped (as requested by county officials) with indigenous tree species, beginning with seedlings or nursery stock, that will help block the view of the road and allow it to blend in with the surrounding landscape over time.

* A fence has been added to prohibit pedestrian access (as requested by county officials).

* Although there is some question whether the trails behind Mary Greer Elementary School are functioning as a recreational resource since the majority of the trails are on private property, maintenance of the trails is not readily apparent, and the portion of the trails on school property are not completely contiguous, the trail will be reconnected outside the highway right-of-way for those who use it for recreational purposes.

* As is standard practice, Albemarle County will be fully compensated for all right-of-way acquired for the project.

A few other minimization efforts have been considered but will not be incorporated into the project for the reasons indicated:

* Noise barriers to reduce noise impacts on the school complex have been considered but rejected by VDOT because of the cost and the limited benefit they will provide. Barriers costing between $1.02 and $1.3 million dollars have been considered but rejected because they would not completely eliminate the noise impact.

* VDOT offered to provide a more permanent surface on impacted portions of the trail but county officials rejected the offer.

To summarize, FHWA and VDOT believe that they have explored all possible planning to minimize harm to the Albemarle County School Complex. Since the inception of the Route 29 Corridor Study, FHWA and VDOT has worked with county officials in a good-faith effort to identify and avoid Section 4(f) resources including public schools. Upon being made aware of the presence of the trails at the school complex, FHWA and VDOT took the appropriate steps to address it in accordance with the provisions of Section 4(f). At this time, we plan to make some minor changes and finalize the Section 4(f) Evaluation. Once the document is finalized, we will provide you with a copy. As per your request, we will meet with the County prior to the acquisition of right-of-way and address any outstanding issues. However, we do not anticipate any additional minimization measures as a result of such a meeting. The Southern Environmental Law Center, in papers filed with the court, characterized the County's position as such: "...the concurrence of the County, and therefore the removal of DOI's objections, is not likely to occur any time soon, if ever."

Sincerely,

Roberto Fonseca-Martinez
Division Administrator

By: Edward S. Sundra
Environmental Specialist, Sr.

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

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Mr. Roberto Fonseca-Martinez
Division Administrator
Federal Highway Administration
Post Office Box 10249
400 North 8th Street, Room 750
Richmond Virginia 23240

Dear Mr. Fonseca-Martinez

This is in response to the request for the Department of the Interior's comments on the revised Section 4(f) Evaluation for the Albemarle County School Complex, Route 29 Bypass, Albemarle County, Virginia.

Section 4(f) Evaluation Comments

We are pleased that the proposed project has been revised to avoid the trail system at Jack Jouett Middle School. However, we do not believe that all possible planning has been done to minimize harm to the Albemarle County School Complex. Correspondence from the County and other groups expresses very serious concerns about the direct and constructive use of the School Complex by the proposed project because it will take approximately 12.43 acres from an undisturbed natural setting of school property and 771 linear feet of multi-use trails under the minimization alternative. Also, there is no indication that this large acreage will be replaced or compensation will be paid to the County to be earmarked for park and recreational purposes. We share those concerns and recommend that officials from the Federal Highway Administration and the Virginia Department of Transportation meet with Albemarle County Officials in order to reach a written agreement concerning project alternatives, including impacts and mitigation measures to Section 4(f) resources, which should encompass the Albemarle County School Complex (approximately 218 acres) and the entire Agnor-Hurt Elementary School property of approximately 19.5 acres. We would continue to oppose the project until such an agreement is reached to the satisfaction of County officials. A signed copy of the agreement should be included in the Final Section 4(f) Evaluation.

Fish and Wildlife Resource

The U.S. Fish and Wildlife Service (FWS) completed formal consultation on Route 29 with submission of a biological opinion to the Federal Highway Administration (FHWA) dated June 5, 1998. The biological opinion detailed potential impacts of the project on the James River spinymussel (Pleurobema collina).

The biological opinion authorized incidental take of the James River spinymussel associated with the construction of Route 29 in Albemarle County, Virginia. As required by 50 CFR 402.16, reinitiation of formal consultation by FHWA with FWS is required if: (1) the amount or extent of incidental take is

exceeded: (2) new information reveals effects of the action that may impact listed species or critical habitat in a manner or to an extent not considered in the Opinion: (3) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the Opinion or (4) a new species is listed or critical habitat designated that may be affected by the action.

Since there are no changes to the alignment in the vicinity of Ivy Creek and Jouett Middle School, re-initiation of formal consultation with the FWS on this project will not be required.

Summary Comments

We would be pleased to review and comment on any agreement signed with County officials concerning project alternatives, impacts and mitigation to the School Complex when circulated for public review and comment.

We appreciate the opportunity to provide these comments.

Sincerely,

Willie R. Taylor

Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:
Mr. Earl T. Robb
Environmental Administrator
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Richmond, Virginia 23219-1939

Ms. Pat Mullaney
Director of Parks and Recreation
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