

RECORD OF DECISION
Federal Highway Administration
Virginia Division
Capital Beltway Study (a.k.a. Capital Beltway HOT Lanes)
Fairfax County, Virginia

A. Project History

In the late 1980's, the Virginia Department of Transportation (VDOT) developed a series of short-term and long-term recommendations for the Capital Beltway. These studies were followed by a Major Investment Study (MIS), which was completed in 1994. The MIS recommended that highway improvements promoting the use of High-Occupancy Vehicles (HOV) and bus transit would be the most effective investment to serve current and future demand on the 14-mile segment of the Capital Beltway between the Springfield Interchange and the American Legion Bridge. The Beltway in this segment is currently composed of eight general-purpose lanes and ten major interchanges.

In 1998, FHWA and VDOT launched location and environmental studies for a wide range of potential improvements for the Capital Beltway. Initially, after consulting with the FHWA Region 3 Office in Baltimore, an Environmental Assessment (EA) was undertaken to determine if the proposed improvements would result in significant environmental impacts, warranting the preparation of an EIS. As preliminary engineering and environmental studies progressed, and as input from citizens and agencies was collected, it became apparent that the footprint of the proposed improvements would be larger than originally envisioned and that the resulting environmental consequences would be greater than originally anticipated. Therefore, a decision was made to elevate the EA to an EIS, and a Notice of Intent was published in the Federal Register on July 11, 2000.

The draft EIS, which was approved by FHWA on March 15, 2002, and presented to the public for comment at three public hearings that were held in May of 2002, covers three mainline HOV alternatives and 15 concepts to improve the interchanges within the study area. Although each of the build alternatives addressed the purpose and need for the improvements, comments from the general public and local government suggested that the cost and the environmental impacts were greater than they were willing to bear. At that time, the cost for the proposed alternatives were estimated to be between \$2.68 and \$3.25 billion based on 2002 dollars. In addition, the need to acquire up to 170 acres of new right-of-way would have displaced nearly 300 residences, impact up to 32 commercial properties, and impact up to eight different Section 4(f) resources (six public parks, one school athletic complex, and one historic resource) .

In response to these public and local government concerns, VDOT scaled back substantially the build alternatives to reduce costs and minimize impacts to the natural and man-made resources in the Capital Beltway corridor. Right-of-way requirements for each of the revised alternatives were reduced by minimizing shoulders, replacing physical lane barriers with painted strips, and limiting the scope of the interchange improvements. With these modifications, the revised alternatives could be accommodated almost entirely within the existing VDOT-owned right-of-

way. As a consequence, less than 10 acres of new right-of-way is needed along the entire 14-mile corridor and only up to three residences would potentially be displaced. The cost of the proposed alternatives were also significantly reduced to \$786 to \$899 million, based on 2002 dollars.

In addition to these design modifications, each of the revised build alternatives was evaluated for their compatibility with High-Occupancy Toll (HOT) operations based on a proposal that was submitted under Virginia's Public-Private Transportation Act. This did not require any design modifications to the revised alternatives but rather involved consideration of the potential "selling" of excess capacity on the proposed HOV lanes of the alternatives under consideration to vehicles that do not meet the HOV restriction. VDOT then took the one revised HOV-alternative and the one HOV-HOT lane alternative that was the most effective at addressing the purpose and need for the project and presented them to the public at a series of public meetings in June 2004. In January of 2005, the HOV-HOT lane alternative was selected as the preferred alternative by the Commonwealth Transportation Board and is presented in the pre-final EIS as such.

Due to the extensive amount of time that was expended taking into account the comments from Fairfax County and the general public on the draft EIS as well as the consideration of the HOT lane concept, the final EIS was not completed within three years of the draft EIS being circulated for public comment. Therefore, in accordance with 23 CFR §771.129, a written re-evaluation of the draft EIS was prepared to determine if the draft EIS was still valid. This written re-evaluation was completed on September 8, 2005, and it was concluded that a supplemental draft EIS was not needed. Specifically, the re-evaluation found that the revised HOV build alternatives that had been scaled back in response to public and local government comments during the public involvement process resulted in a sizeable reduction in right-of-way impacts that significantly reduced environmental and social impacts as well as costs. Therefore, in accordance with 23 CFR §771.130(b)(1), it was concluded that a supplemental EIS was not needed to address these changes in the scope of the project. Further, there has been little change in the heavily developed corridor since the circulation of the draft EIS and as a result, newly identified impacts were limited and not considered significant. Finally, the application of the HOT lane concept was considered an operational issue, which has not fundamentally changed the alternatives under consideration. The operational impact on traffic resulting from the implementation of the HOT lane concept and the resulting impact on air and noise has been considered in preparing the final EIS, and this impact on air and noise has been found to be insignificant. Therefore, in conclusion, a supplemental draft EIS has not been prepared because:

1. Changes to the scope and concept of the project in response to public and local government comment has resulted in a significant reduction in adverse impacts to the natural and social environment;
2. Changes to the environment in the study area has not resulted in significant environmental impacts because there has been little change to the existing environment let alone change that will be impacted by the project; and
3. Operational changes to the project represented by the HOT lane concept has not resulted in significant air and noise impacts;

On April 18, 2006, the final EIS was signed by FHWA and made available to the public. Copies of the final EIS were mailed to everyone that received a copy of the draft EIS and those that submitted substantive comments. On April 28, 2006, the Environmental Protection Agency published a Notice of Availability of the final EIS in the *Federal Register*. The 30-day review period, which marks the earliest date that FHWA may issue a Record of Decision, ended on May 28, 2006.

B. Purpose and Need

The purpose and need for the project identified in the draft EIS involved several components, which consist of the following:

- * Provide safer travel on the Capital Beltway;
- * Correct problems with the existing roadway design and interchange configurations;
- * Accommodate growing travel demand and changes in regional trip characteristics;
- * Ease congestion on the Beltway and reduce “cut-through” traffic on local roadways and neighborhood streets;
- * Complete the regional HOV network and enhance connections with other existing roadways;
- * Accommodate expanded availability of mass transit and improve access to other transportation modes;
- * Serve the diverse mix of land uses in Northern Virginia more effectively and improve mobility between regional activity centers;
- * Help sustain the regional and local economy;
- * Upgrade the region’s transportation structure in accordance with local and regional plans;

Because the scope of the alternatives under consideration in the draft EIS were scaled back substantially, the preferred alternative presented in the final EIS is not as effective at addressing the purpose and need of the project as the draft EIS alternatives were. For example, the draft EIS alternatives were more effective at reducing the number of hours of severe and moderate congestion, improving travel speeds, increasing through-put and reducing cut-through traffic on local roadways and neighborhood streets, and improving safety by correcting design deficiencies with the existing roadway and interchange configurations. However, as stated above, scaling back the alternatives was a decision made in response to public and local government concerns over the cost and impacts of the alternatives under consideration.

C. Selected Alternative Decision

The alternative selected by FHWA for the Capital Beltway Study is the alternative identified in the final EIS as the preferred alternative. This alternative consists of improvements to the mainline as well as improvements at the interchanges located within the project limits. Figures 2-2a to 2-2i on pages 2-13 to 2-21 of the final EIS show the preferred alternative graphically from the American Legion Bridge to the Backlick Road.

Specifically, the main line of the preferred alternative consists of four general-purpose lanes and two HOV-HOT lanes in each direction (a.k.a. the 4-2-2-4 HOT-HOV lane concept). As proposed, the general-purpose lanes would be separated from the HOV-HOT lanes by a four-foot painted strip. Opposing traffic would be physically separated by a jersey barrier. Along those sections of the Beltway where collector-distributor roads/auxiliary lanes are needed, the lanes would be physically separated from the general-purpose lanes by a jersey barrier. For additional information, see Figure 2-1 on page 2-12 of the final EIS for a cross section of the preferred alternative.

When it comes to the improvements at the interchanges, there were multiple improvement concepts under consideration at many of them. See Table 2-6 on page 2-23 of the final EIS for a list of the concepts that were considered as well as identification of the preferred concept at each interchange location. Specifically:

<u>Interchange</u>	<u>Preferred Concept</u>
Braddock Road	Revised E – Partial Cloverleaf with Center HOV
Little River Turnpike	E – improved Cloverleaf
Gallows Road	Revised A – Improved Partial Diamond
Arlington Boulevard	A – Improve Full Cloverleaf
Interstate 66	Modification to Existing Interchange
Leesburg Pike	Modifications to Existing Full Cloverleaf Interchange
Chain Bridge Road	Revised C – Partial Cloverleaf w/modified Loop Ramp
Dulles Access/Toll Road	Modification to Existing Interchange
Georgetown Pike	Revised A – Diamond
GW Parkway	None

Figures 2-2a to 2-2i on pages 2-13 to 2-21 of the final EIS show plan drawings of the preferred alternative from the Backlick Road to the American Legion Bridge, including the interchange improvements.

The following locations for direct access for HOT-HOV use are identified in the final EIS: Braddock Road, Interstate 66, Chain Bridge Road, and Dulles Access/Toll Road. In addition, partial HOT-HOV access would be provided at the Lee Highway (Route 29) crossing of the Capital Beltway. This access would involve two center access ramps for HOT-HOV traffic only: one from the Interstate 495 HOT-HOV lanes northbound to Lee Highway in either direction and one from Lee Highway to Interstate 495 HOT-HOV lanes southbound in either direction. These direct access point locations for HOT-HOV use are the same as the direct access point locations for HOV use that were presented in the draft EIS.

Implementation of the preferred alternative may require several design exceptions, which were incorporated into the conceptual design to further reduce impacts to parks, residential areas, and Metro’s Orange line tracks. These potential design exceptions, which are identified in Appendix D of the final EIS, would primarily involve the radius and design speed of interchange ramps as well as the length of auxiliary lanes. Although the design being proposed in many of the instances represents an improvement above existing conditions, the proposed design would still represent an exception to the 2001 AASHTO *A Policy on Geometric Design of Highways and*

Streets and VDOT's *Road Design Manual* (Revised 7/05) . VDOT has been reminded and the final EIS states that the design exceptions used in the conceptual design have not been approved by FHWA. Consequently, VDOT will need to submit a formal design exception request to FHWA before any design exceptions can be incorporated into the final design plans.

The preferred alternative has been selected because it is the most effective at addressing the purpose and need for the project while balancing those benefits against impacts to the natural and social environment. Specifically, the preferred alternative is more effective at reducing congestion. Compared to the 4-1-1-4 HOV alternative, the preferred alternative would increase free flow conditions on the main line by 2 hours a day. In addition, the preferred alternative would increase throughput by 20% and 7% over the no-build and 4-1-1-4 HOV alternatives, respectively. Finally, the preferred alternative, by providing greater capacity, will more effectively remove cut-through traffic on the local streets. While the preferred alternative has more impacts in many areas when compared to the 4-1-1-4 HOV alternative presented in the final EIS (i.e. noise impacts, residential displacements, parkland acreage, linear feet of stream impacts, and floodplain encroachments), the difference in those impacts are marginal.

D. Alternatives Considered

In 1998, efforts to develop the range of reasonable build alternatives were initiated based on the recommendations that came out of the MIS. During this process, 14 different mainline configurations involving HOV lanes and more than 40 different interchange concepts were developed and evaluated. Based on this effort, many of the main line and interchange alternatives were eliminated from further consideration due to engineering, environmental, and operational considerations. The three most viable mainline HOV alternatives were carried forward for detailed analysis in the draft EIS: concurrent HOV (4-1-1-4), express/local with HOV (2-3-3-2), and barrier-separated HOV (4-2-2-4). In addition, 15 interchange alternatives were carried forward for detailed analysis. The operational effects and environmental impacts of these alternatives and concepts were documented in the draft EIS and presented to the public for comment.

Following the public hearings and after considering the comments that were received, VDOT scaled back the HOV alternatives that were considered in the draft EIS as previously documented. In addition, they applied the HOT lane concept to each of the HOV alternatives. VDOT then evaluated the reduced HOV alternatives and identified the 4-1-1-4 alternative as the most promising. They also evaluated the HOV-HOT lane alternatives and identified the 4-2-2-4 alternative as the most promising. These two alternatives were presented to the public in a series of Citizen Information Meetings in June of 2004 and were carried forward in the final EIS. In January of 2005, the Commonwealth Transportation Board selected the 4-2-2-4 HOV-HOT lane alternative as their preferred alternative.

In addition to main line alternatives and interchange concepts that were presented in the draft EIS but scaled back (see the final EIS beginning on page 2-51) as well as the many main line and interchange concepts that were eliminated and not carried forward for consideration in the draft EIS (see the final EIS beginning on page 2-66), the following alternatives were considered during

the alternatives development process but eliminated: conversion of general purpose lanes to HOT-HOV use, rail transit, express bus service and transportation system management.

E. Section 106 and Section 4(f)

In the draft EIS, the alternatives under consideration impacted between 15 and 20 acres associated with eight different Section 4(f) resources. With the reduction in the scope of the alternatives and the significant reduction in adverse environmental impacts, impacts to section 4(f) resources from the preferred alternative have been reduced to less than three acres from a maximum of 19.4 acres associated with the draft EIS alternatives. In addition, the number of Section 4(f) resources impacted have been reduced to five from eight. Specifically, the following Section 4(f) resources will be used by the preferred alternative:

Wakefield Park	1.54 acres
Fitzhugh Park	0.48 acres
Accotink Stream Valley Park	0.30 acres
Jefferson District Park	0.11 acres
W&OD Railroad Regional Park	0.07 acres

The impact to Accotink Stream Valley Park represents a new Section 4(f) impact that was not reported in the draft EIS. The impacted land in question was purchased by the Fairfax County Park Authority in July of 2004, after the draft EIS was approved and released to the public.

The USDOJ did not have any comments on the draft EIS. On April 28, 2006, FHWA transmitted the final EIS to the USDOJ, noting the Section 4(f) and Section 6(f) issues associated with the project. On June 23, 2006, I contacted DOJ (Ethyl Smith) to inquire about the status of their review comments on the final EIS. She stated, "We have no comments." She added that she had not received any comments from the various bureaus within DOJ as a result of their internal review, noting that they had established June 5, 2006, as the deadline for comments. Finally, she stated that DOJ did not have any comments on the draft EIS therefore, it is not surprising that they don't have any on the final.

The substantial reduction in the scope of the project represents a prudent and feasible alternative that includes all planning to minimize harm. As documented in the Section 4(f) Evaluation (see chapter 8 of the final EIS), additional measures were examined that would avoid some of the Section 4(f) impacts all together while reducing others. However, those measures have not proven to be prudent and feasible for reasons that they would result in extraordinary impacts or would require substandard design elements creating undesirable safety and operational concerns. Based upon the considerations in the Section 4(f) Evaluation, there is no feasible and prudent alternative to the use of land from the Section 4(f) properties listed above, and the proposed project includes all possible planning to minimize harm to these Section 4(f) resources resulting from such use.

There are two resources located in the study area of the project that are eligible for the National Register of Historic Places: the Holmes Run Acres Historic District and the W&OD Railroad Historic District. Neither resource will be adversely affected by the proposed project.

F. Miscellaneous Issues

The more prominent miscellaneous issues on this project included the following:

Transportation Air Quality Conformity

The preferred alternative has been included in the current CLRP (FY 2005) and TIP (FY 2006-2011), and the Capital Region's Transportation Planning Board (the MPO for the Washington, D.C. Metropolitan Area) has conducted a conformity assessment for the 8-hour ozone standard on the CLRP and TIP. TPB's conformity assessment was reviewed by the EPA in accordance with the procedures and criteria of the Transportation Conformity Rule. Based on their review, EPA determined on December 7, 2005, that TPB's 8-hour ozone conformity assessment meets the requirements of the Clean Air Act and the applicable regulations promulgated under 40 CFR Part 93. On December 21, 2005, FHWA and FTA jointly found the 2005 CLRP and FY 2006-2011 TIP for the Washington, D.C. Metropolitan Area to be in conformance with the Transportation Conformity Rule for the 8-hour ozone standard. The TPB also completed a conformity assessment of the 2005 CLRP and FY 2006-2011 TIP for fine particles (PM_{2.5} direct and precursor NO_x emissions). Their assessment demonstrates that the estimated levels of fine particles for the 2010, 2020, and 2030 analysis years of the CLRP and TIP will be well below the 2002 base year levels of PM_{2.5} and NO_x emissions. That conformity assessment has also been reviewed by EPA in accordance with the procedures and criteria of the Transportation Conformity Rule. Based on their review, EPA determined on February 3, 2006, that TPB's fine particles conformity assessment meets the requirements of the Clean Air Act and the applicable regulations promulgated under 40 CFR Part 93. On February 21, 2006, FHWA and FTA jointly found the 2005 CLRP and FY 2006-2011 TIP for the Washington, D.C. Metropolitan Area to be in conformance with the Transportation Conformity Rule for the PM_{2.5} standard.

On March 10, 2006, EPA published the Final Rule on PM_{2.5} and PM₁₀ Hot-Spot Analyses in Project-level Transportation Conformity Determinations for the New PM_{2.5} and Existing PM₁₀ National Ambient Air Quality Standards in the *Federal Register*. The new rule requires a hot-spot analysis and project level conformity determination for projects in PM_{2.5} nonattainment areas that are "of air quality concern," effective April 5, 2006. Qualitative hot-spot analyses are required for these projects until such time as EPA releases its future quantitative modeling guidance and announces that quantitative PM_{2.5} hot-spot analyses are required under 40 CFR 93.123(b)(4). On March 29, 2006, EPA and the FHWA issued joint guidance for conducting qualitative hot-spot analyses to meet the requirements established in the March 10th final Transportation Conformity Rule. Accordingly, a draft hot-spot qualitative analysis and project level conformity determination were prepared for the Capital Beltway Study and included in Appendix E. Based on a review of monitoring data and the regional PM_{2.5} conformity analysis, FHWA has concluded that the Capital Beltway improvement project will not cause or contribute to a new violation of the PM_{2.5} NAAQS, or increase the frequency or severity of a violation.

Air Toxics

On February 3, 2006, the FHWA HQ Office issued Interim Guidance on Air Toxic Analysis in NEPA Documents. The guidance expects that projects with a design year AADT in excess of 140,000 that expand capacity and are located in proximity to populated areas and for which the

completion of the NEPA process is more than six months off will prepare a project-level quantitative air toxic analysis. For other projects that are already in the pipeline and nearing completion, the guidance recognizes that given the timing and amount of resources already invested, a quantitative analysis may not be practicable. A qualitative air toxic analysis was prepared for the Capital Beltway Study, and the decision was coordinated with our HQ Office.

That qualitative analysis concluded that the mobile source air toxic issue is a continuing area of research and a developing issue which at present, is not fully understood to the point that it would allow one to quantify the health effects that the Capital Beltway improvement project would have on the surrounding environment. The technical capability of quantifying such effects with any degree of confidence are years away. Consequently, the mobile source air toxic issue will not inform the decision makers for this project as it relates to the significance of the issue and its environmental impacts. Likewise, there are limited differences between the build alternatives included in the final EIS based on their operational characteristics. Since mobile source air toxic emissions are sensitive to these operational issues, this limited difference and its impact on air toxics is not expected to have any influence on the selection of an alternative by FHWA. Further, despite the increase in VMT associated with the preferred alternative, the preferred alternative provides greater benefits in reducing congestion, increasing travel speeds during peak periods, and removing traffic from local streets. When these benefits are taken into account with the reductions in air toxics that are expected over time due to EPA's vehicle and fuel regulations coupled with fleet turnover, the potential of the project to increase mobile source air toxic emissions is not considered significant.

Traffic Data

The draft EIS was developed using 2020 traffic data. While it is recognized that there is no requirement for design years for purposes of NEPA analyses, we do try to develop NEPA documents using a design year that will satisfy VDOT and FHWA design requirements that will minimize the need to update traffic during the design process and consequently, the need to re-evaluate our NEPA documents. It is further recognized that during the course of corridor studies that span multiple years, socioeconomic forecasts for the region can be updated several times at the local level. These forecasts are usually reviewed to ensure that modifications to the forecasts do not represent a change that would alter the comparative evaluation of the alternatives and their relative ranking in terms of operational performance. For the Capital Beltway Study, the review of socioeconomic forecasts concluded that the change in forecasts over the years does not change the relative relationship between alternatives. Based on the forecasts, both population and employment will continue to increase adjacent to the Beltway and in Northern Virginia as a whole. Increasing employment in the Tyson's Corner area and the extension of the forecast horizon year to 2030 would result in higher daily forecasts of travel demand, exacerbating the problems already identified in the draft EIS. However, as areas served by the Beltway reach a state of maturity and saturation, the rate of growth will slow. Without additional transportation improvements, the duration of congestion will increase on the Beltway and the surrounding road network. However, relative performance of the alternatives and their relationship to the transportation network will remain substantially unchanged.

Despite predictable increases in travel demand up to 2030, the increased travel demand will not effect the scope of the project since the decision has been made to limit the scope of

improvements to 12 lanes as well as scale back those improvements to minimize adverse impacts to the natural and social environment. The final EIS documents that if the Beltway improvements were designed to address 2020 travel demand let alone 2030, the Beltway would need to be designed to accommodate 14 to 16 lanes to achieve the Level of Service D criterion recommended by AASHTO for Interstate facilities located in an urbanized area. As discussed above, the costs and adverse environmental impacts associated with improvements of that magnitude are not something that the public and local government are willing to bear.

Notwithstanding the above discussion, when final design is conducted on the preferred alternative, the traffic forecasts will be updated to reflect a 20-year design horizon, minimally. When this update is done, the environmental document will need to be re-evaluated to determine if the change in traffic forecasts will result in significant impacts not already addressed in the EIS (most notably in the area of air and noise). When the noise analysis is updated to reflect a 20-year design year, the noise barriers that have been found to be feasible will be reviewed to determine if they are reasonable and still feasible. In contrast, updating the traffic during final design will have no bearing on the regional 8-hour ozone and PM2.5 conformity analyses since these are driven by the transportation planning process for the region.

Cost-Estimate

Prior to the release of the final EIS, the cost-estimate for the preferred alternative was updated in keeping with recently issued major projects guidance, and the estimate was reviewed by the Major Projects Office in the FHWA Headquarter's Office. Based on the effort to update the cost estimate, the cost of the preferred alternative (including right-of-way) has gone from \$899 million, which was based on year 2002 expenditures, to \$980 million in 2006 costs or \$1.180 billion based on year 2009 expenditures.

G. Mitigation and Minimization Measures

The selected alternative includes all practicable measures to minimize environmental harm. Coordination throughout the project development process has resulted in agreement on measures to mitigate and minimize adverse impacts to environmental resources. These measures are described in detail in the attached table.

H. Other Federal Actions Required

Federal and state laws and regulations require that various environmental permits or approvals be acquired prior to the start of project-related construction activities. The following permits or compliances would be required:

- Compliance with Executive Order 11990 (protection of wetlands) and Section 404 permits (Clean Water Act) from the U.S. Army Corps of Engineers
- Conversion of Section 6(f) under the Land and Water Conservation Fund Act by the U.S. Department of the Interior

I. Monitoring or Enforcement Program

A formal monitoring program is not proposed. Permit conditions and coordination with permitting agencies during design development, right-of-way acquisition, and construction will ensure consistency with applicable environmental laws and regulations.

J. Document Availability

The draft EIS was signed on March 15, 2002, and made available to the public at several locations including libraries, government offices, and VDOT offices. Further, there has been extensive public involvement and coordination during the development of this project. These efforts included but were not limited to a project hot line; a project website; newsletters; more than 40 meetings with interest groups, homeowners associations, community organizations, and property owners; a series of citizen workshops and informational meetings held in November 1998, June 1999, and June 2004; and a series of public hearings held in May 2002. On April 18, 2006, the final EIS was signed by FHWA and made available to the public. Copies of the final EIS were mailed to everyone that received a copy of the draft EIS and those that submitted substantive comments on the of the draft EIS. On April 28, 2006, the Environmental Protection Agency published a Notice of Availability of the final EIS in the *Federal Register*. The comment period for the final EIS ended May 28, 2006. The comments that were received on the final EIS are discussed below.

The preliminary-final EIS was reviewed by FHWA's legal counsel in the Resource Center. On February 2, 2006, FHWA's legal counsel found the pre-final EIS for the Capital Beltway Study to be legally sufficient. The Washington Office of FHWA has not invoked their right to prior concurrence on the final EIS.

K. Comments on the Final EIS

Comments on the final EIS were received from the following agencies and are addressed below as appropriate:

Virginia Department of Historic Resources:

Comment: VDHR identified several historic and archeological sites not included in the final EIS. According to VDHR, their records further show several identified archeological sites in the corridor that have not been assessed for eligibility to the National Register. Finally, they state that the preferred alternative is likely to impact, directly and indirectly, several significant historic properties listed in or eligible for the National Register, many of which are not discussed in the EIS.

Response: The VDHR appears to be confused about the termini of the project, thinking that it encompasses the entire Capital Beltway from the American Legion Bridge to the Woodrow Wilson Bridge. This conclusion is based on the fact that all of the historic and archeological sites identified by VDHR in their letter are located adjacent to the Woodrow Wilson Bridge, approximately 8 miles outside of the project termini for the Capital Beltway. A response has been sent to VDHR addressing the confusion.

Virginia Department of Environmental Quality:

Comment: DEQ trusts that the alternative chosen is the most feasible alternative although not the alternative that impacts the least surface waters. Additional alternatives should be considered to further avoid and minimize impacts to surface waters (i.e. bridges and bottomless culverts).

Response: The selected alternative is the most feasible alternative at addressing the purpose and need of the project while balancing costs and impacts to the natural and social environment. Other feasible alternatives were considered in the draft EIS, but none of these alternatives were selected following the public hearing process because the cost and impacts to the natural and social environment were greater than the decision makers were willing to bear. Design alternatives will be further considered during the permitting process to see if impacts to surface waters can be further reduced.

Comment: Mitigation should be provided within one of the three impaired watersheds.

Response: Mitigation will be provided within one of the impaired watersheds if feasible and if coordination with the permitting agencies determines that to be the best approach to addressing surface water impacts.

Comment: This project will likely require a Virginia Water Individual Permit, including coordination of the project with the Virginia Marine Resources Commission, the Army Corps of Engineers, and the DEQ through the Joint Permit Application (JPA) process. The JPA must include documentation of all avoidance and minimization efforts and a conceptual plan for appropriate compensatory mitigation.

Response: The permit requirement and associated coordination is noted. The JPA will include the information required by the permitting agencies.

Comment: We recommend strict adherence to erosion and stormwater management practices.

Response: Erosion and stormwater management practices will be strictly followed.

Army Corps of Engineers:

Comment: Section S.7 states that the preferred alternative is the only practicable alternative. It is not clear what is intended by that description.

Response: We agree that this statement is unclear and as such, can be misleading. This statement is not intended to be a reference to the USACOE's LEDPA finding. Instead, this statement is a reference to the finding that federal agencies are required to make under Executive Order 11990 that there is no practicable alternative to the proposed construction in wetlands. In other words, recognizing that we are dealing with proposed improvements to an existing facility with natural and social environmental resources located immediately adjacent to and sometimes within the highway right of way, avoidance of wetland impacts (e.g. by shifting the alignment) is not possible without significant impacts to those resources and a major disruption to the traveling public. Further, wetland impacts have been minimized to the extent practicable at this stage of project development. The reduction in the scope of the project from the draft EIS represents more than a 50% reduction in the original cost of the project. Given the level of engineering and design that has occurred in support of the development of the EIS, the proposed action includes all practicable measures that can be developed at this point to minimize impacts to those wetlands. As final design is developed, additional design measures will be examined to determine if wetland impacts can be reduced further.

Comment: Bridges are preferred over pipes, culverts, fill and other structures. Channel relocation should be avoided through alignment shifts, bridging, reducing the width of the median, or other means. For unavoidable channel relocations, natural stream design based on a representative reference reach should be used. All box culverts and pipes should be countersunk, including any temporary pipes placed during construction, although extensions of existing pipes are generally not countersunk in order to align with the existing structure.

Response: Comment noted. Many of these identified design features will be considered when final design is initiated in order to determine if impacts to wetlands and aquatic resources can be further reduced. However, shifting the alignment is not a practicable measure for the reasons cited in the previous response. Also, the median cannot be reduced because there is no median to speak of. The 26 feet shown in the typical section in Figure 2-1 that divides opposing lanes of traffic represents two 12-foot interior shoulders and a 2-foot wide jersey barrier.

Comment: The project proponents should make finding suitable stream compensation a priority, because finding acceptable compensation for 4,000 linear feet of stream, which may be required for this project, will not be easy in northern Virginia.

Response: Comment noted. Since publication of the final EIS, the linear feet of stream impacts have been revised for both the 12-Lane HOT Alternative and the 10-Lane HOV Alternative included in the final EIS. Specifically, the linear feet of stream impacts for the 12-Lane HOT Alternative increased from 4,452 feet to 6,877 feet. The linear feet of stream impacts for the 10-Lane HOV Alternative increased from 4,235 feet to 6,660 feet. These figures still represent a reduction in stream impacts when compared to the draft EIS alternatives on the magnitude (worst-case) of approximately 17% for both the 12-Lane HOT and 10-Lane HOV Alternatives. The project sponsor will make it a priority to find suitable stream compensation if it is required for this project.

Comment: The discussion of cumulative effects does not fully address past effects and actions. While it does not outline several future projects, it is clear from a review of Table 4-23 that the cumulative effects of past actions and the resulting existing conditions were not appropriately considered...The document discusses some of these past effects earlier on pages 3-67 and 68 in describing the affected environment, but does not include them in the cumulative effects discussion.

Response: While FHWA may not have not fully addressed past effects and actions in the cumulative effect section, chapter 3, which describes the existing environment, represents a discussion of the effects from past actions in the general sense. Further, FHWA does not believe that a more rigorous cumulative effects analysis will aid in decision-making. In their June 24, 2005, Guidance on the Consideration of Past Actions in Cumulative Effects Analysis, CEQ states that a "review of past actions is required to the extent that this review informs agency decision-making regarding the present action." CEQ further states that in determining what information is necessary for a cumulative effects analysis, agencies should focus on the extent to which information is..."essential to a reasoned choice among alternatives." Because the two alternatives addressed in the final EIS have comparable aquatic resource impacts as acknowledged in the USACOE letter, a more rigorous cumulative effects analysis is not essential to a reasoned choice among alternatives. Finally, the purpose of an EIS, in part, is to focus on the anticipated impacts that may be significant, whether they be direct, indirect, or cumulative.

The NEPA process requires agencies to address the significant environmental issues deserving study while deemphasizing insignificant issues. In the judgment of FHWA, the cumulative effects associated with the project are not significant given the substantial reduction in environmental impacts that has occurred by scaling back the scope of the project and given the modest impact on aquatic resources that the project will have. In addition, it is the judgment of FHWA that the present effects of past actions are not relevant and useful because they do not have a significant cause-and-effect relationship with the effects of this project.

Comment: Table 4.23 also states that there are no cumulative effects to terrestrial biota and habitat. Again, this analysis does not consider the decades of development that have resulted in substantial losses of habitat in the study area. In our opinion, a cumulative effects analysis should not omit discussion of substantial past effects to resources simply because impacts of the project under consideration may be minimal.

Response: Cumulative effects are defined as “an impact on the environment resulting from *the incremental impact of the action* when added to other past, present and reasonably foreseeable future actions.” If our project does not have an incremental impact on a particular resource, then our project will not have a cumulative impact on that resource.

Environmental Protection Agency:

Comment: The final EIS did not include our July 10, 2002, comments on the draft EIS. This has two significant ramifications. First, the public has not had access to EPA comments or concerns. Secondly, the final EIS fails to acknowledge, address, or respond to our comments. EPA urges FHWA to consider our comments on both the draft and final EIS and address them as appropriate in the Record of Decision for the project. It may be beneficial to post our comments on the draft EIS in the electronic version on your web site.

Response: The FHWA did not have any record of EPA’s comments on the draft EIS but have since received a copy. Comments on the draft EIS have been addressed and those responses, along with the comments, have been posted on the final EIS website. In addition, a copy of EPA’s comments on the draft EIS along with the responses have been sent to all agencies and parties that received a copy of the final EIS.

Comment: Although impacts were reduced, this was accomplished at least partially, by utilizing a less aggressive interchange design. This raises a question regarding the performance of the preferred alternative. Presumably, the design chosen in the draft EIS was the optimal design and scaling back the design will lead to less traffic flow and more congestion. The final EIS did not specifically address this issue.

Response: The design in the draft EIS was not the optimal design. The draft and final EIS documents that if the Beltway improvements were developed to address travel demand in the design year at a level that satisfies AASHTO recommendations for Interstate facilities in urbanized areas, then the Beltway would need to be designed to accommodate 14 to 16 lanes. However, the costs and adverse environmental impacts associated with improvements of that magnitude were too great and consequently, were eliminated from further consideration during the alternatives development process. Further, because the scope of the alternatives under consideration in the draft EIS were scaled back substantially following the public hearing process, the preferred alternative presented in the final EIS is not as effective at addressing the purpose and need of the project as the draft EIS alternatives were. For example, a comparison of

Figures 2-5 through 2-7 in the draft and final EIS demonstrates the impact that scaling back the alternatives have had on the operational issues considered in the development of the project. Notwithstanding, the selected alternative still represents an improvement over the no-build alternative. The preferred alternative has been selected because it is the most effective at addressing the purpose and need for the project while balancing those benefits against costs and impacts to the natural and social environment.

Comment: The final EIS includes HOT lanes for the first time. It is unclear how this will be implemented. Moreover, this seems to be a serious policy issue in that paid non-HOV users could fill up the HOT lanes preventing HOVs from using them. How will this encourage car pooling and reduce congestion and pollution on the Beltway. While FHWA didn't consider this a large enough change in scope from the draft EIS to warrant a supplemental draft EIS, EPA questions whether, procedurally, this should have been a supplement for public comment in a NEPA document.

Response: The technical details of how the HOT lanes would function have not been worked out at this time. However, the HOT lanes will use the concept of variable pricing where the toll on non-HOV users will vary with demand with higher tolls being charged during periods of greater demand. Therefore, prices will be set in order to maximize the capacity of the HOT lanes while maintaining an acceptable level of service. In general, HOT lanes are intended to maximize the throughput of the existing facility by selling unused capacity in the HOV lanes to non-HOV users. Accordingly, the HOT lane concept, when compared to the HOV only concept (all other things being equal), is more effective at reducing congestion, moving traffic more efficiently, and reducing cut-through traffic on local roadways and neighborhood streets. A written re-evaluation was prepared to address changes to the project, including the HOT-lane concept, in 2005. FHWA approved this re-evaluation on September 8, 2005, concluding that a supplemental draft EIS was not needed. A copy of the re-evaluation can be found in Appendix C of the final EIS. Further, VDOT held two public workshops in June of 2004 where they presented, in part, the results of studies on the feasibility and effectiveness of HOT lanes on the Capital Beltway. Over 200 written comments were received during the public workshops.

Comment: The FEIS leaves some uncertainty regarding FHWA coordination of the Maryland and Virginia projects and if they will seamlessly fit together with the HOT lane concept. It was also unclear if HOT lanes are not carried seamlessly around the beltway what, if any, bottlenecks may be caused as HOT lane riders are dumped on to the general purpose lanes and where this would likely occur.

Response: First, the HOT lanes that would be built as part of the preferred alternative would terminate prior to the Georgetown Pike Interchange (Route 193), approximately one and a half miles south of the Virginia/Maryland state line, providing sufficient distance to allow traffic to safely merge with the general purpose lanes and safely transition to any improvements that Maryland may propose. Likewise, the HOT lane project would tie into the existing HOV lanes located on I-95 and I-395 at its southern terminus allowing for a smooth transition for HOV users. Non-HOV users would need to exit and merge with traffic on the general propose lanes. However, there is a study currently underway to manage the I-95 and I-395 HOV lanes as HOT lanes, which would then allow for a smoother transition for non-HOV users. Finally, there are two other studies currently underway: the South Side Joint Mobility Study and the West Side Joint Mobility Study, which are scheduled for completion in the spring of 2007. The studies are

being carried out jointly by VDOT and the MDSHA with the stated purpose of evaluating the compatibility of proposed improvements in Maryland with proposed improvements in Virginia. Specifically, the south side and west side studies will evaluate the compatibility between the Virginia I-95 HOT Lane Study and the Springfield Interchange/Woodrow Wilson Bridge/MD 5 Interchange and the Virginia Capital Beltway Study and Maryland's Capital Beltway Study/Maryland's I-270 Multi-Modal Study, respectively. Therefore, at this time, the Maryland Capital Beltway Study is on hold pending the results of these two mobility studies. While Maryland has identified alternatives to be carried forward for detailed study as part of the Maryland Capital Beltway Study, they have not completed a draft EIS or identified a preferred alternative that would allow one to evaluate how the Virginia HOT Lanes will connect or transition to their proposed improvements. Secondly, the purpose and need of the Virginia improvements and the Maryland improvements differ in many respects, which dictates the alternatives that have been carried forward. For example, one of the primary components of the purpose and need of the Capital Beltway improvements in Virginia is to expand the regional HOV system. The Capital Beltway improvements in Maryland do not have this purpose and need and consequently, none of the alternatives that they are considering accommodate HOV users and transition isn't an issue. This is not to say that additional improvements can't be made to the Capital Beltway between the Georgetown Pike and the Virginia/Maryland state line to allow for a more seamless transition when the Maryland improvements come to fruition, but it has been determined that the preferred alternative will address the purpose and need of this project regardless of any improvements made in Maryland.

Comment: EPA is still concerned about the increased noise levels generated by a larger beltway coupled with cutting down vegetation within the existing right of way. EPA urges FHWA to ensure adequate funds are available for noise barriers and re-vegetation efforts.

Response: A review of Table 4-7 shows that approximately 70% of the receptors located along the preferred alternative where noise is an issue, will experience a difference in noise between 0 and 3 decibels compared to the no-build alternative. A 3 decibel difference is considered the lowest change perceptible by humans under ordinary conditions. A review of Table 4-11 demonstrates that the number of homes impacted under the preferred alternative have been reduced by approximately 25% when compared to the draft EIS alternatives. Further, based on preliminary design information, the total number of homes that would be protected by feasible cost-effective noise barriers exceeds the number impacted by the project by 21%. All feasible noise barriers will be evaluated in accordance with Virginia's FHWA-approved Noise Abatement Policy when final design plans are developed and incorporated into the project if they are found to be reasonable in accordance with that policy. In accordance with FHWA's regulations, all reasonable and feasible noise barriers are required to be incorporated into the plans and implemented as part of the project. Finally, no dense forested areas are associated with the 10 acres of right-of-way will be required for this project

TABLE 1
PROPOSED MITIGATION AND MINIMIZATION MEASURES

Relocations

(based on preliminary engineering)

3 Residential

0 Businesses

Acquisition and relocation will be carried out in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Any individual or family displaced because of the acquisition of real property, in whole or in part, is eligible to receive reimbursement for fair market value of property acquired as well as moving costs. Displaced property owners will be provided relocation assistance advisory services. Relocation resources would be made available to all residents and businesses without discrimination.

Decent, safe, and sanitary replacement housing is available within and adjacent to the project area, and last resort housing is not anticipated. Notwithstanding, last resort housing will be provided as necessary; last resort rent supplements and last resort replacement housing payments will also be provided as necessary. Under any event, decent, safe and sanitary replacement housing would be provided for all displacements.

Noise

3,113 Dwelling Units Impacted

Twenty-three noise barriers have been found to be feasible and appear to be reasonable for the selected alternative based on 2020 traffic. These barriers will protect and benefit more than 4,000 dwelling units. Recognizing that the determination that these barriers are feasible and appear reasonable is based upon preliminary engineering and limited design information, this determination may change once traffic is updated and a detailed barrier analysis is conducted during final design. Notwithstanding, it is FHWA's intent to construct all noise barriers that are found to be feasible and reasonable during final design in accordance with the Virginia Noise Abatement Policy. In support of this effort, the noise analysis will be updated to reflect a 20-year design year.

In addition to the barriers discussed above, reasonable barriers could not be developed to protect three receptors representing 44 dwelling units. In addition, feasible barriers could not be constructed to protect the apartments located along the southeastern quadrant of the Route 7 interchange adjacent to Marshall High School, single family homes in the northeastern quadrant of the Route 7 interchange, and some of the Yancey Drive townhouses adjacent to Lee Highway.

It is possible that barriers determined to be feasible and appear to be reasonable during the environmental process based on preliminary engineering could fall out during final design. Likewise, it is possible that barriers that have not been found to be feasible and that do not appear to be reasonable based upon preliminary engineering could be found to be so during final design.

Any existing noise barriers removed as a result of this project will be replaced with this project.

Floodplains

10.4 acres of longitudinal encroachment in the Scotts Run floodplain

In accordance with Executive Order 11988 and 23 CFR 650 Subpart A, it has been determined that there is no practicable alternative to the proposed construction in floodplains, and the proposed action will include all practicable measures to minimize harm to floodplains which may result from such use. The impacted floodplain, the Scotts Run floodplain, runs adjacent to the eastern edge of the Capital Beltway for over a mile. Most of the longitudinal encroachment can be attributed to fill outside of the actual pavement area and cannot be avoided by bridging.

During final design, a detailed Location Hydraulic Study will be performed in accordance with 23 CFR 650. The study will determine if the 100-year base flood elevations will increase due to the expansion of the existing facility within the impacted floodplain. The detailed hydraulic analysis will demonstrate that adequate measures will have been taken to ensure that any floodplain encroachments will not increase the risk of flooding to adjacent properties and comply with all federal, state, and local floodplain regulations (44 CFR Part 60.3, Floodplain management criteria for flood prone areas, and Part 65.12, Revision of Flood Insurance Rate Maps to Reflect Base Flood Elevations Caused by Proposed Encroachments).

Construction of the selected alternative will conform to applicable state and local floodplain protection standards. Control of stormwater runoff, during both the construction and operational phases, will be achieved by incorporation of stormwater management controls into the design plans. During final design, a stormwater management plan will be developed to retain additional floodwater discharges created by an increase in impervious land cover.

Wetlands

	<u>Acres</u>
Jurisdictional	3.01
Isolated	<u>0.02</u>
Total	3.03

Type (Jurisdictional)	<u>Acres</u>
PEM	0.64
PFO	2.28
PSS	<u>0.09</u>
Total	3.01

Function/Value Impacts (highest-lowest):

Sediment/Toxicant Retention

Nutrient Reduction

Floodflow Alteration

Wildlife Habitat

Sediment Stabilization

In accordance with Executive Order 11990, it has been determined and the final EIS documents that there is no practicable alternative to the proposed construction in wetlands and the proposed action includes all practicable measures to minimize harm (that can be developed at this point given the limited amount of engineering and design work that has taken place), which may result from such use. Of the alternatives considered in the draft EIS and the revised alternatives considered in the final EIS, the selected alternative has the least impact to wetlands. The selected alternative represents a substantial reduction in the scope of the project from the alternatives presented in the draft EIS. This was done to not only minimize wetland impacts, but to also minimize residential and business relocations, right-of-way impacts, parkland impacts, stream impacts, floodplain encroachments, hazardous material impacts, and cost. The majority of wetland impacts for the selected alternative occur at two locations immediately adjacent to the Capital Beltway. Since the project entails improvement to an existing facility, efforts to minimize impacts such as shifting the alignment and bridging wetlands are not practicable. As the Selected Alternative is developed during

final design and coordinated for permits, additional design measures will be explored to minimize wetland encroachments and potential harm to wetlands, as much as practicable. Even after this effort, unavoidable wetland impacts are expected to remain. It is anticipated that these wetland impacts will be mitigated in accordance with the compensatory ratios for wetland losses that are typically accepted by the USCOE:

- ◆ 1 acre for each acre of emergent wetland impacted
- ◆ 1 ½ acres for each acre of palustrine shrub-scrub wetland impacted
- ◆ 2 acres for each acre of palustrine wetland impacted

Notwithstanding, appropriate compensatory mitigation will be developed in coordination with the USACOE during the permitting process. Usually, mitigation is sought as close to the impacted wetlands as possible. If this proves impracticable, mitigation is sought within the watershed. If this proves impracticable, then mitigation banks remain an option. Presently, there are several wetland mitigation banks serving the watersheds within the project area.

During construction, some mitigation measures that will be used to avoid impacting wetlands adjacent to the highway right-of-way, where warranted, include:

- Implementation of an Erosion and Sedimentation Pollution Control Plan prepared in accordance with all federal, state, and local regulations;
- Staking wetlands and buffer areas that are not within the construction limits to prevent construction equipment from being used or stored in wetland areas unnecessarily.

The selected alternative represents a substantial reduction in the scope of the project from the alternatives presented in the draft EIS. Consequently, linear feet of stream impacts have been reduced by about half when compared to the draft EIS alternatives.

Mitigation for stream impacts has not been determined at this time and is typically handled on a case-by-case basis during the permitting process. FHWA will participate in any mitigation for stream impacts developed in coordination with the USACOE. Mitigation could involve incorporating natural stream designs that replicate stream length, meanders, and riparian features that have been lost as a result of the project or other past actions. Mitigation could also include restoration of riparian buffers or restoration of degraded streams elsewhere in the project area or within watersheds affected by the project.

The selected alternative will impact the pedestrian bridge that carries the W&OD Trail over the Capital Beltway and Interstate 66. This bridge does not currently meet Northern Virginia Regional Park Authority's standards for width. In conjunction with the selected alternative, this

Streams

	<u>Feet</u>
Accotink Creek & tributaries	2,181
Cameron Run & tributaries	3,567
Scotts Run & tributaries	<u>1,129</u>
Total	6,877

Section 6(f) Resources

W&OD RR Regional Park 0.07 acres

bridge will be replaced with a new bridge that improves access and meets design standards; the new bridge will be constructed before the existing bridge is removed in order to maintain the continuity of the trail during construction and minimize disturbance to users. While the new bridge will be constructed before the existing bridge is removed from service, there may still be some temporary disruption to trail users during construction so that their safety is not compromised. In addition, the impacted acreage will be replaced in accordance with the provisions of Section 6(f) that require that converted Section 6(f) land be replaced with land of equal fair market value and with reasonably equivalent usefulness, function, and location.

Invasive Species

VDOT's *Road and Bridge Specifications* Manual will be followed during construction to minimize the potential for the establishment of invasive terrestrial or aquatic animal or plant species in the project corridor.

Construction Impacts

Air Quality

Construction activities can have a short-term impact on local air quality during periods of site preparation, with particulate matter, also known as fugitive dust, having the greatest impact. This impact will occur in association with excavation and earth moving, cement, asphalt, aggregate handling, heavy equipment operation, use of haul roads and wind erosion of exposed areas and material storage piles. The effect of fugitive dust will be temporary and will vary in scale depending on local weather conditions, the degree of construction activity and the nature of the construction activity.

VDOT's *Road and Bridge Specifications* regulate construction procedures on all projects. The *Specifications* require contractors to comply with all applicable local, state, and federal laws, ordinances, regulations, orders and decrees. This includes compliance with emission standards for construction equipment and adherence to regulations for burning of materials from clearing and grubbing, demolition, or other operations. The *Specifications* have been reviewed by VDEQ and found to conform to the SIP. The *Specifications* prohibit burning of tires, asphalt materials, used crankcase oil, or similar materials that produce dense smoke. Provisions will be included in the contract to minimize airborne dust.

Noise

An increase in project area noise levels will occur during the construction of the proposed improvements. Although construction noise will be temporary and of shorter duration, noise receptors sensitive to highway traffic noise will also be sensitive to construction noise. The degree of noise impact during construction will be a function of the number and types of equipment being used, and the distances between the construction equipment and the noise-sensitive areas.

To minimize the effect of construction noise, VDOT's *Road and Bridge Specifications* contain noise control provisions which include, but are not limited, to the following:

- ◆ "The Contractor's operations shall be performed so that exterior noise levels measured during a noise-sensitive activity shall be not more than 80 decibels. Noise sensitive activity is any activity for which lowered noise levels are essential if the activity is to serve its intended purpose. Such activities include, but are not limited to, those associated with residences, hospitals, nursing homes, churches, schools, libraries, parks, and recreational areas."
- ◆ "The Department may monitor construction-related noise. If construction noise levels exceed 80 decibels, the Contractor shall take corrective action before proceeding with operations. The Contractor shall be responsible for costs associated with the abatement of construction noise and the delay of operations attributable to noncompliance with these requirements."
- ◆ "The Department may prohibit or restrict to certain portions of the project any work that produces objectionable noise between 10 P.M. and 6 A.M. If other hours are established by local ordinance, the local ordinance shall govern."
- ◆ "Equipment shall in no way be altered so as to result in noise levels that are greater than those produced by the original equipment."

Water Quality and Pollution Control

Effects to water quality resulting from erosion and sedimentation, as well as from pollutants such as chemicals, fuels, lubricants, bitumens, raw sewage, and other harmful waste, will be strictly controlled in accordance with VDOT's *Specifications*. The Contractor will exercise every reasonable precaution necessary during construction to prevent pollution of rivers, streams, or impoundments. Erosion and sediment control measures will be implemented to minimize water quality impacts from increased levels of sedimentation and turbidity. Control measures may include berms, dikes, sediment basins, fiber mats, straw silt barriers, netting, mulch, temporary and permanent seeding, and other measures. In the event the contractor dumps, discharges, or spills any contaminant, which may affect water quality, he/she will immediately notify all appropriate local, state, and federal agencies and will take immediate action to contain and remove the contaminant.

L. Decision

Based on the information provided and the reasons cited, the Federal Highway Administration has selected the 4-2-2-4 HOV-HOT lane alternative to address the identified purpose and need for the project from the I-95/I-395/I-495 interchange to the American Legion Bridge.

6/29/06
Date

SIGNATURE ON FILE

Roberto Fonseca-Martinez
Division Administrator