

REVISED RECORD OF DECISION

Federal Highway Administration
Virginia Division

**Route 29 Bypass
Albemarle County
EIS Number: FHWA-VA-EIS-90-02-F**

March 13, 2000

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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 In February of 1995, the Commonwealth Transportation Board (CTB) rescinded its previous decision regarding the grade-separated interchanges on Route 29.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 spiny mussel, 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 spiny mussel.

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.

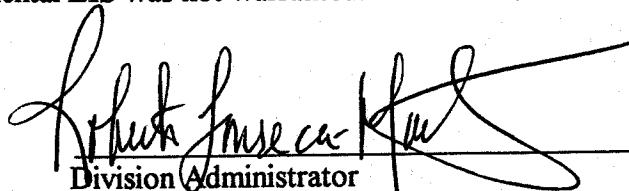
F. Monitoring Program

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



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