



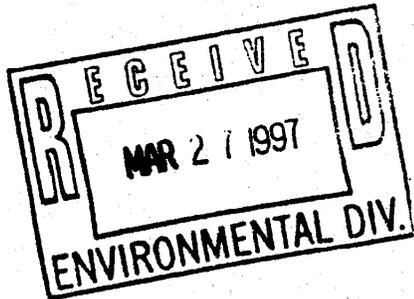
U.S. Department
of Transportation
**Federal Highway
Administration**

Region 3
Virginia Division
(804) 281-5100

The Dale Building, Suite 205
1504 Santa Rosa Road
Richmond, Virginia 23229

IN REPLY REFER TO:

March 26, 1997



Route 58 (Pinners Point
Interchange)/Midtown Tunnel
Record of Decision
Federal No. STP-5403()
Cities of Norfolk and Portsmouth

Mr. J. G. Browder, Jr.
Chief Engineer
Virginia Department of Transportation
Richmond, Virginia

Attention: Mr. Earl T. Robb

Dear Mr. Browder:

Attached for your information is the signed Record of Decision for the Route 58 (Pinners Point Interchange)/Midtown Tunnel. You may proceed with project development in accordance with normal procedures.

Roberto Fonseca-Martinez
Division Administrator

By: 
Edward S. Sundra
Environmental Specialist

Attachment

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U.S. Department
of Transportation

Federal Highway
Administration

Memorandum

Subject: VA - Route 58/Midtown Tunnel
FEIS/Section 4(f) Evaluation and ROD
Cities of Norfolk and Portsmouth

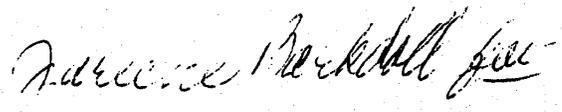
Date: March 18, 1997

From: Director, Office of Planning & Program Development
Baltimore, Maryland

Reply To: HPP-03
Attn of:

To: Mr. Roberto Fonseca-Martinez
Division Administrator (HPR-VA)
Richmond, Virginia

We have reviewed the revised Record of Decision (ROD) prepared for this project. No significant comments were received following the circulation of the FEIS/Section 4(f) Analysis; therefore, no comments were addressed in the ROD. This project was found to be Legally Sufficient by Regional Counsel on November 1, 1996. The ROD accurately describes the project and the decision process with the Section 4(f) Analysis appropriately discussing the balance of values that took place in the Section 106 Process. The conclusion of the analysis is that: (1) although the bridge will create visual impacts upon the Port Norfolk Historic District considered to be adverse by the Section 106 Process, minimization and mitigative measures result in these visual impacts to not be considered *substantial impairment* as defined by Section 4(f) *constructive use* standards. Likewise, neither (2) the proximity impacts the bridge will have upon the activities, features or attributes of the public beach areas off Bayview Boulevard, nor (3) the noise impacts this project will have upon the Historic District constitute *substantial impairment* as defined in Section 4(f) as *constructive use* impacts. Mitigation commitments are clearly spelled out. Therefore, the Region 3 Director of Planning and Program Development has signed the ROD.


David C. Lawton

Attachment

RECORD OF DECISION
Federal Highway Administration
Region 3
Route 58 / Midtown Tunnel
Cities of Norfolk and Portsmouth, Virginia
EIS Number: FHWA-VA-EIS-89-03-F
Federal Project Number: STP-5403 ()

A. Selected Alternative Decision

The Virginia Department of Transportation proposes to construct a limited access highway facility and tunnel that will provide for east-west travel linking Route 58 and Route 164 in Portsmouth to Brambleton Avenue in Norfolk. The proposed project will improve traffic movement between Portsmouth and Norfolk at the Midtown Tunnel crossing and will alleviate long traffic queues and delays which currently exist. The proposed improvements will result in significant benefits to the local and regional transportation network by (1) providing for continuous access to high-type transportation facilities and linking the Midtown Tunnel directly to the regional interstate highway system; (2) removing heavy trucks from neighborhood streets; (3) eliminating conflicts between rail and highway traffic which currently exist at a number of at-grade intersections in the project area; and (4) providing direct access to the port facilities at the Portsmouth Marine Terminal (PMT) thereby ensuring the continued attractiveness of the intermodal terminal and supporting other local industries.

Alternative A4-B4(modified)-C1-D1 was adopted as the preferred build alternative (Final EIS; figure 15; page II-24). The proposed project consists of phased construction of (1) limited access highway facilities at the Pinners Point Interchange and Connector in Portsmouth, (2) improvements to the Hampton Boulevard/Brambleton Avenue Interchange in Norfolk, and (3) a second Midtown Tunnel tube parallel to and just downstream of the existing tube. The proposed project will begin at the east end of the West Norfolk Bridge and proceed eastward with a six-lane roadway for a distance of approximately 2,600 feet to an interchange with Route 58. The interchange will be located just west of the PMT and will be configured as a three-legged directional facility providing local access to the PMT and to the Port Norfolk section of Portsmouth. From the interchange, the project will extend eastward under the Elizabeth River via a tunnel aligned parallel to the existing two-lane Midtown Tunnel. The river crossing will have a length of approximately 4,200 feet and the project will connect in Norfolk to an existing interchange with Hampton Boulevard and Brambleton Avenue. The construction of the Midtown Tunnel is not currently in a conforming Transportation Improvement Program (TIP) or the Year 2015 Fiscally Constrained Long Range Plan even though it was included in the Year 2010 Long Range Plan found to conform by FHWA and FTA. It is recognized that as the scope of the long range plan is extended beyond the year 2015 and as the timetable for the construction of the tunnel approaches reality, the Midtown Tunnel will be included in subsequent conformity determinations of the long range plan. Therefore, approval of this Record of Decision does not constitute location approval for the tunnel. Before any final design work proceeds on the Midtown Tunnel, ~~the evaluation of the project if required will be conducted in accordance with normal~~

~~the evaluation of the project if required will be conducted in accordance with normal~~ The adopted alternative (A4-B4(modified)-C1-D1) was determined to be the least-environmentally-damaging build alternative because it will avoid direct impacts to a Section 4(f) beach and will minimize visual and noise impacts to the Port Norfolk Historic District while meeting the purpose and

need for the project.

The basis for the federal action decision follows a review of (1) pre-design public information meetings, (2) records of the agency scoping process, (3) the Draft Environmental Impact Statement (EIS) approved for public availability in December of 1989, (4) minutes documenting spoken comments provided during location public hearings held in February of 1990, (5) the Reevaluation of the Draft EIS approved in February of 1996, (6) comment letters, and (7) the Final EIS approved for public availability in October of 1996.

B. Alternatives Considered

Three categories of alternative actions utilizing the existing alignment were evaluated. These consist of the (1) the no-build, (2) transportation system management (TSM) and mass transit, and (3) four sets of new alignment segments linked in various combinations to form several build alternatives (Final EIS; figures 6 through 16a; pages II-5 through II-27). The no-build alternative, mass transit alone, and each of the other build alternatives were eliminated from further consideration because they did not best meet the purpose and need for the project and/or would result in relatively greater environmental impacts.

C. Section 4(f) and Section 106

The adopted alternative (A4-B4(modified)-C1-D1) was determined to be the least-environmentally-impacting alternative in part because it will avoid the use of Section 4(f) lands (a beach and associated fringing salt marsh) along Bayview Boulevard. Likewise, there will be no Section 4(f) constructive use of the Port Norfolk Historic District due to proximity impacts of the bridge (Final EIS, pages IV-56 to 57, Figures 30 and 31) or the public beach (Final EIS, Appendix A, pages A16 to 17). In addition, noise impacts to the Port Norfolk Historic District are not considered a Section 4(f) constructive use since the design year noise levels will be reduced below existing noise levels. In addition, a noise barrier will be provided on the bridge to provide even further noise attenuation for the Port Norfolk Historic District. Implementation of the project will not result in the physical destruction, damage, or alteration of any properties listed or eligible for listing on the National Register of Historic Places. A Section 106 Memorandum of Agreement has been developed to minimize visual impacts from the Port Norfolk Historic District (Final EIS; Appendix B). After the Final EIS was circulated for comment, the MOA was amended to clarify the language regarding the height of the bridge structure and to account for the noise wall that is proposed for placement on the bridge structure. The amended MOA was signed by the Advisory Council on Historic Preservation on February 10, 1997. Section 106 impacts have been minimized through adoption of the furthest offshore bridge alternative including height adjustments. Construction of the project will serve to remove truck traffic from streets within and adjoining the Historic District. VDOT's Highway and Bridge Specifications contain special provisions for treatment of previously unknown archeological resources, if encountered during construction.

D. 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:

- Temporary disruptions to water traffic will be minimized through prior coordination of construction phases with major maritime interests, provision of a schedule of anticipated temporary waterway closures, contingency measures to allow immediate channel openings during times of national emergency, and monitoring of VHF/AM Channels 13 and 16.
- The project will displace one single-family residential unit and three businesses employing approximately 47 people. An acquisition and relocation program will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Relocation resources are available to all residential and business relocations without discrimination.
- The project has been developed in accordance with Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations. All minority and low income communities have been identified and fully informed of the project through various means. Likewise, all communities affected by the project have had access to the public hearings and Citizen's Information Meetings (FEIS, pages VII-2 to 6).
- Seventy-two residential properties, one park, and one outdoor picnic facility will receive traffic noise impacts from the project. The installation of noise barriers at five locations appears to be cost effective based on preliminary analysis and will likely be constructed. Additional details on the noise barriers will be addressed during final design. The contractor will be required to conform to the FHWA-approved specification (contained within VDOT's Road and Bridge Specifications) which establishes construction noise limits.
- Time-of-year restrictions to dredging and utilization of best available practices (such as use of hydraulic dredges) will be employed to minimize unavoidable dredging impacts.
- A stormwater management plan and an erosion and sediment control plan will be prepared in accordance with Virginia's Stormwater Management and Erosion and Sediment Control Regulations. During construction, all non-point source controls and Best Management Practices will comply with the requirements of these regulations. A post-construction plan will address volume and water quality also in accordance with these regulations.
- Compensation for 39,660 square feet of unavoidable wetland impacts will be accomplished at a 1:1 ratio for emergent wetlands and a 1.5:1 ratio for scrub/shrub wetlands. If wetlands mitigation within the project vicinity is determined to be impractical, an exchange of credits at the Virginia Department of Transportation's Bowers Hill wetland bank in Chesapeake will be made. Temporary impacts to wetlands will be ameliorated by grading areas to original contours and re-seeding the areas if the areas do not re-vegetate on their own.
- A Section 106 Memorandum of Agreement has been developed and amended to minimize visual impacts to the Port Norfolk Historic District. Section 106 impacts to the Port Norfolk Historic District have been minimized through adoption of the furthest offshore alternative including height adjustments.

E. Monitoring Program

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

F. Document Availability and Comment on Final EIS

A Draft EIS was approved for public availability on 22 December 1989 and was distributed for comment in January of 1990. The project was reevaluated in 1995 to address any changes in site conditions, project design, or environmental regulatory programs which occurred following circulation of the Draft EIS. The Reevaluation document was approved on 23 February 1996. A Major Investment Study/Congestion Management System (MIS/CMS) compliance review was endorsed by the Hampton Roads Metropolitan Planning Organization in 1995. A Final EIS was approved for public availability in September of 1996 and forwarded to EPA for Federal Register publication. The EPA published a Notice of Availability of the Final EIS in the December 20, 1996, Federal Register with the comment period expiring on January 21, 1997. No significant comments have been received or new information obtained or impacts discovered during the circulation of the Final EIS.

3/17/97

Date

David L. Santa

Director, Office of Planning and Development
Federal Highway Administration, Region 3