

RECORD OF DECISION
Federal Highway Administration
Virginia Division
Harrisonburg Southeast Connector Location Study
Rockingham County and City of Harrisonburg, Virginia
EIS Number: FHWA-VA-EIS-06-01-F

A. Study Description and Summary

The Harrisonburg Southeast Connector Location Study arose out of a perceived need on the part of local officials and legislators for a connector road between U.S. Route 11 and U.S. Route 33 in Rockingham County southeast of the City of Harrisonburg. A Notice of Intent to Prepare an Environmental Impact Statement (EIS) was published in the Federal Register on May 7, 2004. Local, state, and federal agencies were contacted early in the study and asked to identify issues of concern and to provide information about environmental resources within the study area. The public was notified about the study and given opportunities to provide comments about transportation needs, potential alternatives, and environmental concerns. The agency and public comments received in response to these coordination efforts were instrumental in defining the scope of the Environmental Impact Statement.

The study area boundaries encompass a portion of the City of Harrisonburg and part of Rockingham County southeast of the City limits. A range of alternatives were evaluated to address two principal needs in the study area: east-west mobility and accommodation of increasing travel demand arising from existing and future development in the study area. Five Candidate Build Alternatives were analyzed in detail in the Draft EIS and presented to interested parties and the public. The Draft EIS was signed on March 23, 2006 and was available for review and comment prior to and at the Location Public Hearing that was held on May 11, 2006. The Draft EIS was also available for review on the internet, and a Notice of Availability of the Draft EIS was published in the Federal Register on April 7, 2006. All substantive comments on the Draft EIS were addressed in the Final EIS.

The Final EIS was determined legally sufficient by FHWA legal counsel, and the document was signed on October 18, 2007. The Preferred Alternative is described in the Final EIS and consists of Candidate Build Alternative (CBA) 4 and Candidate Build Alternative 1 Modified. CBA 4 involves construction a four lane divided roadway between Stone Spring Road and U.S. Route 33, and CBA 1 Modified involves improving Route 682 between Interstate 81 and Route 276. The Commonwealth Transportation Board endorsed this alternative on November 6, 2006, and the Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO) supports the Preferred Alternative.

B. Selected Alternative Decision

The alternative selected by the Federal Highway Administration for the Harrisonburg Southeast Connector Location Study is CBA 4 and CBA 1 Modified. The basis for the selecting this alternative includes the following factors:

CBA 4

- CBA 4 responds to travel needs in the northern portion of the study area by:
 - Enhancing east-west mobility;
 - Providing additional travel capacity in an area that has experienced considerable recent and continuing growth and development, including the new Rockingham Memorial Hospital currently under construction;
- CBA 4 is supported by City and County governments, many citizens participating in the Location Public Hearing process, and agencies commenting on the Draft EIS;
- CBA 4 is included in HRMPO's Constrained Long Range Transportation Plan;
- The environmental consequences of CBA 4 are relatively low in comparison to those of other alternatives;
- A substantial portion of the right of way needed to implement CBA 4 has been proffered by landowners proposing substantial developments along the route, including the Rockingham Memorial Hospital at its relocation site;

CBA 1 Modified

- CBA 1 Modified responds to battlefield concerns by eliminating the portion of CBA 1 following existing Route 276 between Route 682 and U.S. Route 33, yet also responds to travel needs in the southern part of the study area by:
 - Enhancing east-west mobility by substantially upgrading a narrow secondary road that has no shoulders and eliminating a dogleg at Friedens Church by constructing a short section on new location;
 - Providing additional travel capacity along the proposed four-lane section to accommodate current and future travel demand within the area closest to I-81 that is identified in the local Comprehensive Plan for future development; and
- The HRMPO has adopted revisions to its Constrained Long Range Plan to include all of CBA 1 Modified.

C. Alternatives Considered

A full range of alternatives were considered based on the purpose and need, suggestions received from citizens, proposals included in other local and regional planning efforts, and the conditions and constraints of the study area. A screening process was used to identify the alternatives to be considered in detail. Alternatives that

were considered but eliminated from detailed study include: Transportation System Management Alternative, Mass Transit Alternative, HATS Alternative, and several segments of build alternatives. The EIS contains a description of all of these alternatives as well as the reasons why they were eliminated. The alternatives considered in detail include the No-Build Alternative and five Candidate Build Alternatives. Pursuant to 40 CFR 1505.2(b), the No-Build Alternative is identified as the environmentally preferable alternative. However, the No-Build Alternative does not adequately address the two principal needs of east-west mobility and accommodation of increasing travel demand arising from existing and future development in the study area. Therefore, the No-Build Alternative is not being selected.

D. Miscellaneous Issues

There are no outstanding substantive issues or concerns. At the onset of the study, there was considerable public interest due in large part to a prior planning study that depicted a large bypass around Harrisonburg that would have impacted the Cross Keys Battlefield. However, such an alternative was rejected early in this study, and there is no controversy on environmental grounds regarding the Preferred Alternative.

E. Mitigation and Minimization Measures

The selected alternative includes measures to minimize environmental harm that can be practicably determined at this stage of project development. Detailed mitigation plans for impacts to resources such as wetlands and waters of the United States would be developed after final design and prior to construction. Table 1 provides a detailed summary of the mitigation and minimization measures that will be implemented on this project.

F. Other State and Federal Actions Required

Federal and state regulations require that several environmental permits be acquired prior to the start of construction activities. The following permits will be required for this project:

- Authorizations from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act for discharges of fill material into waters of the United States, including wetlands.
- Authorizations from the Virginia Department of Environmental Quality pursuant to Sections 401 (Virginia Water Protection Permit) and 402 of the Clean Water Act for discharges into waters of the United States.
- Authorizations from the Virginia Marine Resources Commission pursuant to Virginia Water Law for encroachments on subaqueous state-owned stream bottoms.

G. 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.

H. Comments on the Final EIS

The Final EIS was signed on October 18, 2007 and made available to the public. Copies of the Final EIS were mailed to all entities that received a copy of the Draft EIS. In addition, the Final EIS was available for review on the internet. On November 9, 2007, the Environmental Protection Agency published a Notice of Availability of the Final EIS in the Federal Register. The 30-day wait period, which marks the earliest date that FHWA could issue a Record of Decision, ended on December 10, 2007. The U.S. Environmental Protection Agency (EPA) was the only entity to provide comments on the Final EIS. Each of EPA's comments is addressed below:

Comment: Based on the response to our May 24, 2006 comments and our review, the FEIS adequately addressed our concerns.

Response: Comment noted.

Comment: We appreciate that the FEIS was developed in a condensed format, however some additional information could have been provided in the document in order to provide the reader a complete overview of the project and its impacts on the human environment, especially in the description of the preferred alternative that relates back to information contained in the Draft EIS.

Response: The chief elements and features of CBA 4 were included in Table S-1 and the alignment is illustrated in Figure S-3. While the full description of CBA 4 from the Draft EIS could have been repeated in the Final EIS, FHWA believed that the table and graphic were sufficient. In contrast, CBA 1 Modified represents a change in the alternatives as presented in the Draft EIS and FHWA believed that a fuller verbal description was warranted in the Final EIS to ensure clarity regarding the changes.

Comment: Page 1-1 states that since completion of the DEIS, the county has revised its Comprehensive Plan such that a smaller portion of the study area is now designated for future development and the urban growth boundary was shifted closer to the City of Harrisonburg. It is unclear if the traffic studies and projections were revised based on this new information. Although the FEIS concludes that travel demand is still expected to grow the FEIS does not quantify the difference in the growth estimates that were described in the draft and changed in the final.

Response: Traffic studies and projections were not revised following the revision to Rockingham County's comprehensive plan. The basis for not updating the projections is reflected in the basis for the Preferred Alternative. As explained in Section S.3.4 of the Final EIS, CBA 4 responds to travel needs in the northern portion of the study area which

does remain squarely within the designated growth area. In contrast, CBA 1 Modified responds largely to geometric deficiencies of an existing road rather than capacity issues that might be related to future growth.

Comment: Page 4-9 states that the Preferred Alternative would impact less than one acre of wetlands, but should also describe the specific type of wetlands and sizes. The type of impact should also be described.

Response: The impacts to wetlands would consist chiefly of direct displacement due to roadway fill and culvert placement. The types of wetlands involved are described at the bottom of page 4-8 and the top of page 4-9, including representative species. With the small sizes of wetlands involved and the wide corridors used to calculate impacts, it is not necessary for the location decision to list each wetland site by specific type and size. At such time as the specific design of the project within the location corridor is undertaken, a more specific delineation of wetlands and quantification of impacts on them will be developed for permitting purposes.

Comment: Page 4-11 describes the activities to date for the investigation of the loggerhead shrike habitat assessment, however makes no mention of any avoidance, minimization, or mitigation efforts that will be undertaken if the species may be impacted. The document could indicate that the project team will continue coordination with the Virginia Department of Game and Inland Fisheries.

Response: As noted on page 4-11, a survey for breeding shrikes will be conducted within suitable habitat areas. Coordination with VDGIF will continue as appropriate to discuss findings of any surveys or potential mitigation measures, which may include time of year restrictions for construction.

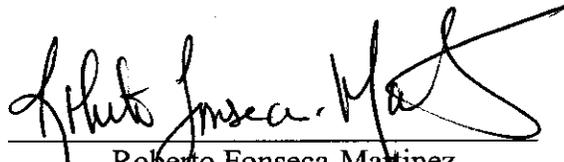
Comment: The project team should continue coordination with the appropriate parties regarding any historic and environmental resource impacts and avoidance, minimization, and mitigation issues.

Response: Coordination with appropriate parties will continue as necessary throughout the remaining steps of project development, which include, but are not limited to, design public hearings and water quality permitting.

I. Decision

Based on the above information and reasons cited, the Federal Highway Administration has selected Candidate Build Alternative 4 and Candidate Build Alternative 1 Modified and will continue to assist VDOT in the development of the project.

12/21/07
Date


Roberto Fonseca-Martinez
Division Administrator

**TABLE 1
MITIGATION MEASURES**

<p>RELOCATIONS</p> <p>63 Residential (Planning corridor)</p> <p>28 Residential (Design Corridor)</p> <p>1 Business (Planning Corridor)</p> <p>0 Businesses (Design Corridor)</p> <p>0 Nonprofit organizations</p> <p>0 Farms</p>	<p>Based on current real estate multiple listing services (MLS), there appears to be adequate housing and business replacement sites in the Harrisonburg/Rockingham area. VDOT has the ability and, if necessary, is willing to provide housing of last resort, including the purchase of land or dwellings; repair of existing dwellings to meet decent, safe, and sanitary conditions; relocation or remodeling of dwellings purchased by VDOT; or construction of new dwellings.</p> <p>All displaced families and individuals would be relocated to suitable replacement housing, and all replacement housing would be fair housing available to all persons without regard to race, religion, sex, or national origin and would be within the financial means of the displacees. Each person would be given sufficient time to negotiate for and obtain possession of replacement housing. No residential occupants would be required to move from property needed for the project until comparable decent, safe, and sanitary replacement dwellings have been made available to them. A detailed relocation plan would be developed upon more in-depth design to ensure that orderly relocation of all displacees can be accomplished in a satisfactory manner. The acquisition of right-of-way and the relocation of displacees would be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Relocation resources would be available to all residential and business displacees without discrimination.</p>
<p>POTENTIAL HAZARDOUS MATERIALS SITES</p> <p>5 (Planning Corridor)</p> <p>1 (Design Corridor)</p>	<p>Prior to the acquisition of right-of-way and construction, thorough site investigations would be conducted to determine whether any of the sites are actually contaminated and, if so, the nature and extent of that contamination. All necessary remediation would be conducted in compliance with applicable Federal, state, and local environmental laws and would be coordinated with the U.S. Environmental Protection Agency, the Virginia Department of Environmental Quality, and other Federal or state agencies as necessary.</p>
<p>GROUNDWATER</p>	<p>Stormwater management measures will be implemented in accordance with the policies and criteria in VDOT's <i>Drainage Manual</i> and Section 107.14 of VDOT's <i>Road and Bridge Specifications</i>.</p>

**TABLE 1
MITIGATION MEASURES**

<p>SURFACE WATER AND WETLANDS.</p> <p>Stream impacts (feet) 2,558 (Planning Corridor) 1,381 (Design Corridor)</p> <p>Wetland impacts (acres) 0.64 (Planning Corridor) 0.08 (Design Corridor)</p>	<p>Temporary and permanent stormwater management measures, including detention basins, vegetative controls, and other measures would be implemented to minimize potential degradation of water quality. These measures would reduce or detain discharge volumes and remove pollutants. The requirements and special conditions of any required permits for work in and around surface waters would be incorporated into construction contract documents. The construction contractor would be required to comply with those conditions and with pollutant control measures specified in VDOT's <i>Road and Bridge Specifications</i>.</p> <p>Box culverts would be countersunk to provide for low flow conditions and so that natural bottoms could reestablish inside the culverts. Any unavoidable stream relocations would be performed using natural stream design, which means that the channel should mimic the dimension, pattern, and profile of a representative reference stream reach. All practicable efforts will be made to ensure that stormwater management facilities are not located in streams. All available measures to avoid and minimize impacts to wetlands would be implemented where feasible, and all impacts to wetlands would be mitigated based on what the permitting agencies determine acceptable.</p>
<p>INVASIVE SPECIES</p>	<p>The potential for the establishment of invasive species during construction would be minimized by following provisions in VDOT's <i>Road and Bridge Specifications</i>. These provisions require prompt seeding of disturbed areas with seeds that are tested in accordance with the Virginia Seed Law and VDOT's standards and specifications to ensure that seed mixes are free of noxious species.</p>
<p>CONSTRUCTION IMPACTS</p>	<p><i>Wildlife and Habitat</i></p> <p>Grasses would be reestablished quickly. Temporary and permanent revegetation establishment in accordance with VDOT's <i>Road and Bridge Specifications</i> would minimize the extent and duration of undesirable plant species.</p> <p><i>Water Quality</i></p> <p>A project-specific Erosion and Sediment Control Plan will be prepared in accordance with VDOT's <i>Erosion and Sediment Control Annual Plan</i>, which encompasses VDOT's erosion and sediment control standards, specifications, policies, and design guidelines as outlined in the <i>Road and Bridge Standards, Road and Bridge Specifications, Drainage Manual, Instructional and Informational Memoranda</i>, and other associated directives. The <i>Annual Plan</i> is submitted each year for review and approval by the Virginia Department of Conservation and Recreation.</p>

**TABLE 1
MITIGATION MEASURES**

<p>CONSTRUCTION IMPACTS (Cont.)</p>	<p>Erosion and sediment control measures would be implemented throughout the construction period to minimize water quality impacts. Construction impacts to in-stream aquatic habitats would be minimized by crossing streams at right angles where possible.</p> <p><i>Air Quality</i></p> <p>Impacts would be minimized by enforcement of construction specifications and adherence to Virginia Department of Environmental Quality (VDEQ) regulations. VDOT's <i>Road and Bridge Specifications</i> require the contractor to comply with all applicable local, state, and Federal laws, ordinances, regulations, orders, and decrees. The <i>Specifications</i> were reviewed by the VDEQ and were found to conform to the <i>State Implementation Plan</i>.</p> <p><i>Noise</i></p> <p>To minimize the effects of construction noise, VDOT's <i>Road and Bridge Specifications</i> contain noise control provisions which include the following:</p> <ul style="list-style-type: none"> • Equipment shall in no way be altered so as to result in noise levels that are greater than those produced by the original equipment; • The contractor's operations shall be performed such that the exterior noise levels measured at a noise-sensitive activity shall not exceed 80 dBA during periods of such activity; and • VDOT reserves the right to prohibit or restrict to certain portions of the project any work that produces objectionable noise during normal sleeping hours, 10 p.m. to 6 a.m., unless other hours are established by local ordinance, in which case the local ordinance shall govern.
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