

**FEDERAL HIGHWAY ADMINISTRATION**  
**INTERSTATE 64 PENINSULA STUDY**  
**SECTION A**  
**FROM EXIT 200 TO EXIT 205**  
**NEW KENT COUNTY and HENRICO COUNTY, VIRGINIA**

**RECORD OF DECISION**

This document is the Federal Highway Administration's (FHWA) Record of Decision (ROD) for roadway improvements to Interstate 64 for approximately four miles with termini located at approximately the I-295 Collector-Distributor Lane Northbound Bridge over I-64 Exit 200 in the west and approximately the Route 33/249 Bridge over I-64 Exit 205 in the east (referred herein as Section A). This ROD is the decision document that concludes the National Environmental Policy Act (NEPA) process for Section A of the Interstate 64 Peninsula Study. This project is the fourth phase of Alternative 1, a combination of Alternative 1A and Alternative 1B, which was identified as the preferred alternative in the Final Environmental Impact Statement (FEIS). Future phases of Alternative 1 will all have separate decision documents issued by the FHWA.

**DECISION**

The alternative selected by the FHWA for Section A calls for the addition of one general purpose lane in each direction mostly within the highway median without modifying the existing interchanges (Exit 200 and 205) within the project limits. This alternative was selected because it will contribute to meeting the Purpose and Need as identified in the FEIS, and it reduces environmental and property impacts as compared to constructing lanes to the outside of the existing lanes. This Record of Decision also includes the FHWA's NEPA approval of two projects that are intended to be implemented at the same time as the Section A project. These projects include extending the acceleration and deceleration lanes at the truck weigh station within the Section A project limits (UPC 107459) and restriping of the lanes at the western terminus of the Segment A (UPC 107461). Both projects are within the area analyzed in the FEIS.

**PHASED IMPLEMENTATION**

The approximately 75-mile preferred alternative identified in the FEIS will be constructed in phases as funding is available and identified. Appendix L of the FEIS describes the phased implementation approach and it allows for two different types of phasing. The first type involves constructing individual lengths of roadway within the overall limits of the preferred alternative. An example of this type would be constructing an additional lane in each direction for the first eight miles, and then constructing the next eight miles of lanes as part of a separate project. The second type of phasing involves initially constructing less than the full number of lanes associated with the preferred alternative. For example, if the preferred alternative calls for constructing two additional lanes in each direction in a particular area, this type of phasing

involves initially constructing only one lane in each direction.

Appendix L of the FEIS also describes the steps that need to be followed, particularly updating the environmental analysis and identifying funding in the planning document, prior to the FHWA issuing a ROD for an operationally independent section. The Virginia Department of Transportation's (VDOT) letter dated August 26, 2016 updates the environmental analysis for a project to add one lane in each direction from approximately Exit 205 in the east to approximately Exit 200 in the west. The VDOT's letter also requests a ROD for the project.

## **Previous NEPA Decisions**

### Section 1

This section is approximately six miles with the termini located west of Exit 255 (Jefferson Avenue/Route 143) in the east and east of Exit 247 (Yorktown Road/Route 238) in the west. FHWA issued a ROD on April 21, 2014 and the project is currently under construction.

### Section 2

This section is approximately seven miles with termini located east of Exit 247 (Yorktown Road/Route 238) in the east and west of Exit 242 (Marquis Parkway/State Highway 199) in the west. FHWA issued a ROD on June 8, 2015. VDOT issued a Notice to Proceed (NTP) to a Design-Build contractor on February 17, 2016, and construction started in fall 2016.

### Section 3

This section is approximately eight miles with termini located Exit 242 (Marquis Parkway/State Highway 199) in the east to approximately Exit 234 (Newman Rd/Route 646) in the west. FHWA issued a ROD on August 10, 2016.

## **ALTERNATIVES CONSIDERED**

The alternatives development process for the Environmental Impact Statement began with the identification of the Purpose and Need determined by the FHWA and the VDOT as the lead agencies for NEPA, and the establishment of design criteria, which were then utilized in developing a reasonable range of alternatives. The goals of the alternatives development process were to develop solutions that would meet the Purpose and Need and design criteria while avoiding and minimizing impacts to the environment. The alternatives that were considered included the No Build Alternative, a Transportation Systems Management/Travel Demand Management Alternative, an analysis of future freight/light rail, and a range of highway build alternatives. The alternatives that were retained for detailed analysis in the Draft Environmental Impact Statement included a No Build Alternative and the following five highway build alternatives:

- Alternative 1 A – adding general purpose lanes to the outside of the existing lanes;
- Alternative 1 B – adding general purpose lanes in the median;
- Alternative 2 A – adding lanes to the outside of the existing lanes and tolling all lanes;

- Alternative 2B – adding lanes to the median and tolling all lanes; and
- Alternative 3 – adding managed lanes to the median.

## **PUBLIC AND AGENCY INVOLVEMENT**

**Public.** The FEIS was signed on November 26, 2013 and made available for public review and comment at several locations including libraries, government offices, and VDOT offices. The FHWA and the VDOT requested comments on the FEIS as well as the phased approach for implementing the preferred alternative. The Notice of Availability for the FEIS was published in the Federal Register on December 13, 2013, and comments on the document and the phased approach were due on January 27, 2014. Two public comments were received on the FEIS, and neither of them was substantive. No negative comments were received on the phased implementation approach. VDOT's ROD Request for Section A was made available for public review and comment on August 27, 2016. The ROD Request was also distributed through VDOT mailing lists and posted on VDOT websites as well as social media. Most of the comments are in favor of the project, and some commenters requested noise barriers. No substantive environmental comments were received.

**Agencies.** The FEIS was transmitted to 39 federal, state, and local agencies for review and comment. Comments were received from five agencies, and the VDOT fully and adequately addressed all of the substantive comments in their request for a ROD. In addition, Section A was discussed at a partnering meeting among several federal agencies including the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the U.S. Environmental Protection Agency. None of the agencies entered any objections to the project, and there are no unresolved interagency disagreements. Based on the agency coordination, there is a reasonable expectation that a Clean Water Act Section 404 permit will be obtained. In addition, the project is within the County of New Kent and the County of Henrico, and they do not have any objections to the project.

## **MONITORING OR ENFORCEMENT PROGRAM**

A formal monitoring program is not proposed. Rather, the FHWA will ensure that environmental commitments are accomplished by reviewing the NEPA reevaluation documents and the Environmental Certification/Commitments Checklist prior to construction, and by complying with the applicable provisions of 23 CFR 771.109(b). In addition, 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.

## **MEASURES TO AVOID OR MINIMIZE ENVIRONMENTAL HARM**

All practicable means to avoid or minimize environmental harm at this stage of project development have been adopted.

### Property Acquisition

The FEIS identified 5 residential parcels (0 structures), 1 Central Business District (0 structures), and 2 rural parcels (0 structures) that could be impacted by the proposed section. Any relocations and real property acquisition will be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Displaced property owners would be provided relocation assistance advisory services together with the assurance of the availability of decent, safe, and sanitary housing. Relocation resources would be made available to all displaced property owners without discrimination.

### Cultural Resources

On November 20, 2013, FHWA, the Virginia Department of Historic Resources (DHR), the National Park Service, and VDOT executed a Section 106 Programmatic Agreement (PA) regarding the I-64 peninsula Study corridor. The only historic properties that would be affected by Section are the Savage's Station Battlefield (DHR 043-0308; VA019) and Cold Harbor Battlefield (042-5017; VA062), which occupy much of the property surrounding the project. As documented in the FEIS, DHR concurred that there would be no adverse effect to these resources under the Preferred Alternative. Therefore, no minimization measures are necessary for the battlefields.

### Noise

The FEIS identified potential barriers that would mitigate noise impacts. The noise analysis is considered preliminary, and mitigation decisions will be made during the design phase when better geometric data becomes available.

### Wetlands

Wetland permits and mitigation are anticipated. The mitigation measures for wetland impacts would be identified during the permitting phase of the project. These measures would include avoidance and minimization efforts to the greatest extent practicable. Some measures which may be considered are: the use and appropriate placement of erosion and sediment control measures and best management practices; the use of upgraded erosion and sediment controls in environmentally sensitive areas; bridging or spanning of streams and wetlands; alignment shifts around specific systems; the use of cofferdams; steepening of slopes and the use of retaining walls on steeper slopes; properly countersunk culverts; stream relocation to improve skew angle and shorten culverts if new culverts are necessary; and ensuring groundwater recharge or wetland hydrology maintenance through the location of outfalls and infiltration trenches. In addition, the compensatory mitigation requirements for wetlands would be determined during the permitting phase. The current compensatory mitigation to impact ratios for non-tidal forested, scrub-shrub, and emergent wetlands are 2:1, 1.5:1, and 1:1, respectively. The typical compensatory mitigation to impact ratio for tidal emergent wetlands is 2:1. The approved assessment methodology to determine the required stream compensation would be completed as part of the compensatory mitigation plan. At the time of this ROD, the approved assessment methodology is the Unified Stream Methodology.

### Water Quality

Stormwater management facilities will be designed in accordance with specifications set forth in Section 3.14 of the Virginia Erosion and Sediment Control Handbook (1992) and VDOT's

Annual Erosion and Sediment Control and Stormwater Management Standards and Specifications, as approved by the Virginia Department of Conservation and Recreation.

### Hazardous Waste Sites

Any additional hazardous materials discovered during construction of the project or during demolition of existing structures will be removed and disposed of in compliance with all applicable federal, state, and local regulations. All necessary remediation would be conducted in compliance with 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.

### Measures During Construction

#### Air Quality

The temporary air quality impacts from construction consist primarily of emissions produced by heavy equipment and vehicle travel to and from the site. Earthmoving and ground-disturbing operations would also generate airborne dust. Construction emissions are short-term or temporary in nature. In order to mitigate these emissions, construction activities would be conducted in accordance with the VDOT's Road and Bridge Specifications.

#### Noise

Based on a review of the project area, no considerable, long-term construction-related noise impacts are anticipated. Any noise impacts that do occur as a result of roadway construction measures are anticipated to be temporary in nature and would cease upon completion of the project construction phase. The following provisions are in place to minimize potential construction-related noise impacts:

- The Contractor's operations shall be performed so that exterior noise levels measured during a noise-sensitive activity shall not exceed 80 decibels. Such noise level measurements shall be taken at a point on the perimeter of the construction limit that is closest to the adjoining property on which a noise-sensitive activity is occurring. A noise-sensitive activity is any activity for which lowered noise levels are essential if the activity is to serve its intended purpose and not present an unreasonable public nuisance. Such activities include, but are not limited to, those associated with residences, hospitals, nursing homes, churches, schools, libraries, parks, and recreational areas.
- The VDOT may monitor construction-related noise. If construction noise levels exceed 80 decibels during noise sensitive activities, 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 VDOT may prohibit or restrict certain work activities that produce objectionable noise so that they would not occur between 10:00 p.m. and 6:00 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.

- When feasible, the Contractor shall establish haul routes that direct his vehicles away from developed areas and ensure that noise from hauling operations is kept to a minimum.

These requirements would not be applicable if the noise produced by sources other than the Contractor's operation at the point of reception is greater than the noise from the Contractor's operation at the same point.

#### Waters of the United States and Water Quality

Strict adherence to erosion and sediment control measures and plans would be required throughout all construction practices. The erosion and sediment control plans would address potential issues resulting from ground disturbance, including erosion control, sediment control, stormwater management, dust control, and in-stream work at stream crossings. Best management practices which may be employed include silt fence, straw bales, check dams, sediment basins and other methods to capture potential sediment from exposed soils.

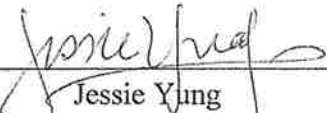
During construction, there is also the potential for nonpoint source pollutants to enter surface waters. To minimize this potential, best management practices for equipment, and materials operation and storage would be followed. The erosion and sediment control measures would also assist in minimizing any potential impacts to waters of the United States and water quality. In the event of accidental spills, the Contractor is required to immediately notify all appropriate local, state, and federal agencies and to take immediate action to contain and remove the contaminant. A Stormwater Pollution Prevention Plan will be prepared and the Virginia Stormwater Management Program Permit will be acquired from the Virginia Department of Conservation and Recreation. A Clean Water Act Section 404 permit will likely be required for impacts to waters of the United States. All permit conditions will be followed during construction. The project is likely to be implemented via a design-build contract, and the design-builder may be required to obtain the project permits.

#### **SECTION 4(f)**

The FEIS identified the potential use of the Cold Harbor Battlefield within proposed section. However, the Section A as currently proposed will occur within the existing median. Therefore, the project would not use any Section 4(f) property.

CONCLUSION

The FHWA has considered the information contained in the FEIS as well as the updated environmental analysis and public comments for Section A. The FHWA determines and finds there are no changes and no new information or circumstances that would result in new significant impacts when compared to the impacts evaluated in the FEIS. In addition, based on the above information, as well as the input received from other agencies and the public, the FHWA hereby selects the addition of one general purpose lane in each direction in the median for Section A of the Interstate 64 Peninsula Study.

  
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Jessie Yung  
Division Administrator  
FHWA - Virginia Division

1/13/17  
Date