



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431**

FEB 26 1997

**Mr. J.G. Browder, Jr., Chief Engineer
Virginia Department of Transportation
1401 East Broad St.
Richmond, Virginia 23219**

**Re: Route 29, City of Charlottesville
Albemarle County, Virginia**

Dear Mr. Browder:

During recent months the Environmental Protection Agency (EPA) has been contacted by concerned citizens regarding the rationale and procedure used by the Virginia Department of Transportation (VDOT) to select Alternative 10 for the Route 29 by-pass in Charlottesville. As you know EPA has reviewed this proposal under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act in 1990. At that time EPA raised concerns similar to those that are currently in question. After review of the Final Environmental Impact Statement (FEIS) EPA is requesting that a couple of responses to our initial concerns be further clarified. Additional issues brought to our attention relate to the public and local government participation process. In order that the concerned citizens may benefit from your response we request that our letter and your response be made part of the public record for the upcoming public hearing.

Our inquiry focuses on the traffic analysis provided in the FEIS and selection of Alternative 10 in light of the potential for impacts to a public water supply and in the face of high level of citizen and local government opposition.

In our letter of July 17, 1991 commenting on the Draft Environmental Impact Statement, EPA observed that Alternative 9, which would improve the existing alignment, would serve the transportation need "as well as any of the alternatives on a new location." Your office responded that while the through traffic on the existing Route 29 would indeed benefit from those improvements, local traffic on service roads would still be congested. While this is shown in Table IV-3 of the FEIS, also indicated in this table is the equally poor levels of service (LOS) on Rt. 29 even after a by-pass is constructed unless three expensive and disruptive grade-separated interchanges are included on Rt. 29. There was no similar comparison of LOS with and without grade-separated interchanges associated with Alt. 9. No clear explanation of this was presented in the FEIS.

In addition, Alt. 10 removes approximately 11,000 to 14,000 vehicles from Rt. 29 (FEIS, Table IV-2) yet only improves traffic on main stem Rt. 29 with the inclusion of three grade separated interchanges on the main stem Rt. 29. Looking at the same table, Alternative 9 removes between approximately 9,000 and 31,000 vehicles from the proposed service road

network which would essentially replace the local function of Rt. 29, without the benefit of grade separated interchanges. Moreover, the Alt. 9 expressway carries significantly more volumes than the other alternates, which in other highway projects is often a major reason that an alternate is selected.

These observations raise some question regarding the selection of Alternative 10 as the clear choice over Alternative 9. We ask that you clarify these points.

Another concern raised during the DEIS review was in regard to potential adverse impacts to the public water supply. Alternative 10 poses long-term risks to the South Fork Rivanna River Reservoir, the only drinking water source for the County for the foreseeable future.

In your response to our concerns about water quality as raised in our letter of July 17, 1991, your office compared the selected alternative, Alternative 10 to the other western bypass alternatives. This comparison was incomplete since it did not include the alternatives on the existing Route 29 alignment, which are not in the watershed of the reservoir. Indeed, in response to EPA's stated preference for Alternative 9 (along the current alignment), FHWA acknowledged that "Alternative 9 would have fewer natural environmental impacts than the other Candidate Build Alternatives, but it would have adverse impacts on businesses along the existing Route 29 corridor."

EPA believes that the risk to business and residences from potential contamination of the County's water supply, which may impose significant costs on existing businesses and greatly limit the ability of the County to advance its economic development, is a major concern that warrants serious consideration of alternatives to avoid this potential. This view is consistent with the County's own actions over the last decade to preserve the South Fork Rivanna River Reservoir at considerable cost.

EPA requests that VDOT revisit the comparison of water quality impacts between Alternatives 9 and 10 and that VDOT work with Albemarle County to develop and implement a framework for assessing potential impacts and mitigation measures from possible reservoir contamination due to these alternatives.

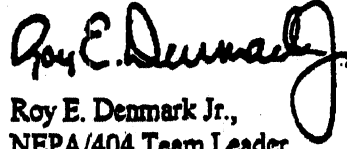
Finally EPA has heard many concerns from the local citizens regarding with the planning and decision making process for this project. While transportation planning is always controversial, the degree of local unanimity in opposition to Alternative 10 has been remarkable. For example, at a 1990 hearing 3212 citizens rose to oppose the project and only 51 to support it. Only last year Albemarle County passed a resolution opposing the project as now conceived, and the local metropolitan planning organization removed the project from its Transportation Improvement Plan.

More troubling still is the Commonwealth Transportation Board's 1994 decision to reverse a previous agreement with the City of Charlottesville, the County of Albemarle, and the University of Virginia not to proceed with the bypass until ongoing improvements to the existing Route 29 alignment are completed.

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EPA believes that the public would benefit from additional dialogue explaining VDOT's continued determination to proceed with Alternative 10 construction in light of the potential adverse impacts to the public water supply and strong local opposition when, from our point of view, a less damaging and controversial alternative may exist. We respectfully request that VDOT address our questions and concerns and make them available to the public.

Sincerely,



Roy E. Denmark Jr.,
NEPA/404 Team Leader