

**VIRGINIA LEAGUE OF CONSERVATION VOTERS · VIRGINIA CONSERVATION NETWORK
ALBEMARLE-CHARLOTTESVILLE NAACP · SIERRA CLUB VIRGINIA CHAPTER
SOUTHERN ENVIRONMENTAL LAW CENTER · THE PIEDMONT ENVIRONMENTAL COUNCIL
PIEDMONT GROUP OF THE SIERRA CLUB · THE COALITION FOR SMARTER GROWTH
ADVOCATES FOR SUSTAINABLE ALBEMARLE POPULATION
CHARLOTTESVILLE ALBEMARLE TRANSPORTATION COALITION
RIVANNA CONSERVATION SOCIETY**

December 17, 2013

Terry McAuliffe, Governor-Elect
Commonwealth of Virginia
1001 E. Broad Street, Suite 305
P.O. Box 426
Richmond, VA 23218-0426

Re: Termination of the Proposed Charlottesville Route 29 Bypass

Dear Governor-Elect McAuliffe:

Congratulations on being elected the next Governor of Virginia. One of the most important opportunities you will have over the next four years is to improve the Commonwealth's transportation system, reforming policies and pursuing forward-looking and fiscally responsible projects that ensure our long-term economic competitiveness without sacrificing Virginians' quality of life.

We strongly support your Election Night pledge to prove to taxpayers that the funding generated by last year's transportation bill can be invested effectively and efficiently, and we applaud your commitment to take a fresh, objective look at many of the costly, destructive, and unnecessary highway proposals that have been among the McDonnell administration's top transportation priorities. One such proposal that deserves your immediate attention is the proposed Charlottesville Route 29 Bypass. We jointly request that you terminate this proposal as soon as possible so that the funding it has locked up can be reallocated to better projects.

The current Charlottesville "Bypass" proposal dates back decades, and has been widely recognized as an obsolete and ineffective project. It has generated enormous public opposition, and Taxpayers for Common Sense has repeatedly identified the proposal as one of the most wasteful and destructive highway projects in the country. The Bypass would inflict an unacceptable level of damage on the Charlottesville-Albemarle community as it weaves its way around six K-12 schools and through six established neighborhoods, brings tractor-trailers within about 500 feet (and uphill) of the area's main drinking water reservoir, bisects an area that contains the remnants of a significant Emancipation-era African-American community, and cuts through five different watersheds that are impaired due largely to excessive sedimentation—which a new highway would only exacerbate.

From a fiscal perspective, VDOT has estimated that the project would cost taxpayers close to \$250 million, which amounts to roughly \$60 million for each of the 4.3 miles of Route 29 that it would bypass. According to recent studies of the corridor, only about 10% of the drivers on this stretch of Route 29 are using it to pass through the area. The Bypass would do little to help the 90% of drivers on Route 29 north of Charlottesville, and the modest time savings the Bypass might provide to the small number of drivers passing through the area is trivial in comparison to the benefits that would be provided to *all* drivers—those who live in the Charlottesville-Albemarle area as well as those just passing through—if the money were invested instead into key improvements to the existing highway. For example, VDOT’s own analysis showed that even after constructing the Bypass, there would still be an average afternoon rush hour delay of 3 minutes and 15 seconds at Route 29 and Rio Road, compared to an average delay of just 40 seconds if an overpass were constructed at Rio instead.

Further, the cost of building the outdated Bypass proposal is likely to grow. In the McDonnell administration’s rush to get this project under contract and within the proposed budget, it quickly put out a request for proposals and entered into a design-build contract with the lowest bidder (Skanska-Branch). Very soon after the contract was signed, VDOT and its consultants began raising serious concerns with this bargain design and the concept for the southern terminus in particular, and VDOT now appears poised to request substantial design changes that could significantly increase the project cost.

Unanticipated changes (and expenses) to the middle of the route are also likely following a recent determination by the Keeper of the National Register that historic resources through which the Bypass would be built qualify for protection under federal historic preservation laws. VDOT had previously overlooked a Reconstruction-era African-American family cemetery (the Sammons-Ferguson cemetery) within the Bypass right-of-way. As soon as the cemetery was discovered, historians alerted VDOT to the historic significance of two of the men buried there. VDOT and the Federal Highway Administration argued that the site did not qualify as “significant,” but the Keeper overruled both agencies, finding that both the cemetery and the homestead surrounding it are historically significant. This episode has raised a larger concern among historic preservation groups and the NAACP about the adequacy of VDOT’s previous investigations and evaluations of historic and cultural resources along the Bypass route. The Sammons-Ferguson cemetery is the *fourth* visible, historic cemetery that VDOT’s 1988 Phase I survey—its primary survey of historic and archeological resources in the project area—failed to document.

Many of the problems with the project stem from the rush to approve this proposal. After nearly two decades of opposition to the Bypass from the Albemarle Board of Supervisors, and a long and successful community effort to develop a comprehensive transportation strategy for Route 29, the McDonnell administration took advantage of a short-lived majority of support for the Bypass on the County Board to strike a deal the Board approved in an unscheduled late night vote in June 2011. This vote was not announced or advertised to the public in advance, and the public was not allowed to comment. That led to a 3-2 vote by the area’s Metropolitan Planning Organization to remove from the region’s transportation plans a longstanding prohibition on federal funds being used to build the Bypass. (Neither Charlottesville City Councilor on the MPO voted to remove the prohibition, reflecting the City’s general opposition

to the project over the years.) However, as a result of this year's Albemarle County Board of Supervisors elections in which the Bypass was the main issue distinguishing the candidates, all four pro-Bypass candidates lost by significant margins, meaning the Albemarle County Board will have a strong majority against the Bypass when the newly-elected members take office in January.

Local groups and citizens have opposed the Bypass for decades and promoted more effective and less destructive alternatives. A solid plan has been developed and approved for improving the Charlottesville-Albemarle stretch of Route 29 without building a wasteful and ineffective bypass. Before the recent resurrection of the Bypass proposal, the Charlottesville-Albemarle community had worked with VDOT to develop the "Places29" master plan, which lays out a comprehensive solution to the congestion and anticipated growth along the Route 29 corridor. The plan was unanimously approved by the Albemarle Board of Supervisors in February 2011. For the stretch of Route 29 that the proposed Bypass would circumvent, this solution includes enhancing the parallel and connecting roadway network, making significant improvements to two key intersections, and making other targeted improvements to smooth the flow of traffic—all at a substantially lower cost than the proposed Bypass. Further, because these projects are designed to promote the smart growth land use patterns the County desires in this area, they would enhance community vitality in a way that building an obsolete bypass simply would not.

In short, a plan is in place for addressing the traffic issues on the Route 29 corridor by maximizing the efficiency of the infrastructure that taxpayers have paid for already. It is affordable over both the short-term and the long-term, it augments the community's assets rather than damaging them, and it can serve as a model for other Virginia communities. Most important, it does *not* include sinking \$250 million worth of taxpayers' funds into the wasteful Charlottesville Bypass. We request that you take quick action to terminate this archaic proposal and redirect its funding to the priority transportation projects identified in the Places29 master plan, including Berkmar Drive Extended, and improvements to the intersections of Route 29/Rio Road and Route 29/Hydraulic Road.

Thank you for your attention to this important issue. We look forward to working with your Administration on the sustainable transportation solutions that Virginians deserve, and we would welcome the opportunity to meet with you or members of your staff to share more detail on this project and the much better alternatives to it.

Sincerely,

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