



COALITION FOR SMARTER GROWTH

September 21, 2011

Ray LaHood
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Sean Connaughton
Secretary of Transportation
Virginia Department of Transportation
P.O. Box 1475
Richmond, VA 23218

Re: I-95 HOT Lanes Project Environmental Assessment

Dear Secretary LaHood and Secretary Connaughton:

We have reviewed the Virginia Department of Transportation and U.S. Department of Transportation's Federal Highway Administration Environmental Assessment for the I-95 HOT Lanes Project. We find the document to be completely inadequate for evaluating the best approach to transportation issues in the I-95/I-395 Corridor and for evaluating whether or not to proceed with potential privatization of the lanes for up to 75 years.

Failure to Analyze Alternatives

The short Environmental Assessment fails to evaluate any alternatives other than the HOT lanes project terminating at Edsall Road and "No Build." In effect, the EA starts from the conclusion, that a Public-Private Transportation Act (PPTA) project as proposed by Fluor-Transurban is the only build alternative. The EA reflects how PPTA negotiations can undermine the need for full consideration of alternatives. In Section 1.2 (History), the EA lists the March 2004 submission by Fluor-Transurban and the December 2005 negotiations with the company leading to an EA that looks only at the Fluor-Transurban project. The mere submission of a highway proposal by a private company should not exempt VDOT from conducting a thorough analysis of transportation and land use alternatives, and should not be used to undermine the purposes of the National Environmental Policy Act.

The described history of the project is not entirely accurate when it refers to "environmental studies" conducted between 2006 and 2010. The FHWA and VDOT agreed to allow a "Categorical Exclusion" and therefore did not conduct an analysis of alternatives or of community and environmental impacts. A primary reason behind the Arlington County lawsuit was the shared concern by Arlington, Alexandria and Fairfax that VDOT had not addressed many questions about the project including community and environmental impacts.

Alternatives That Need to Be Considered

The selection of a new terminus for the HOT lane project -- at Edsall Road instead of the 14th Street Bridge -- was arbitrary and politically motivated. A thorough and objective analysis of the transportation needs of the Corridor should include analysis of both a terminus at the eastern end of the 14th Street Bridge and the terminus selected by Secretary Connaughton at Edsall Road. In order to compare the two termini, the EA should fully evaluate the origins and destinations of commuters in the corridor to determine the relative demand to travel to jobs along 395 in Arlington, Alexandria, and the District of Columbia, as compared to the demand to exit I-95 to travel to jobs along the Capital Beltway. VDOT should consider the comparative effect of the two termini on both the general purpose lanes (particularly north of Edsall Road after toll payers reenter the General Purpose lanes) and on carpooling/slugging and bus/vanpool services.

Just as they should have done with the original HOT lanes proposal, VDOT should consider non-HOT lane build alternatives. These should include an extended and enhanced HOV and bus transit facility as well as improvements to Virginia Railway Express service. Given the additional funds available to VDOT as part of the nearly \$4 billion addition of funds to the Six-Year Plan, VDOT could publicly fund the extension of the HOV lanes to the south and expand/enhance HOV/bus capacity and service throughout the corridor. This approach should result in higher throughput of people during peak hours as compared to the HOT lanes proposal.

A combination of extended HOV lanes, investment in bus and carpool facilities and service, investment in VRE service, enhanced ride-matching technologies and approaches, and integration with land use could offer the most effective long-term approach that moves the most people through the corridor with lower overall vehicle miles traveled, lower greenhouse gas emissions, and fewer toxic air pollutants. In addition, a full consideration of alternatives would include evaluation of a return to HOV-4 from HOV-3 and a publicly owned toll road option.

Failure to Analyze the Full Range of Impacts

In addition to failing to analyze a full range of alternatives, the EA fails to consider a range of potential impacts. Foremost among these are the impact on levels of carpooling/slugging and the relative effectiveness of different alternatives in addressing traffic from the Base Realignment and Closure (BRAC).

The addition of thousands of single-occupant vehicles into the HOV lanes could so crowd the lanes that carpooling becomes less desirable. This crowding could be particularly severe north of the Springfield Interchange up to Edsall Road. Certainly, the financial interest of the private toll road owner/operator in revenues could supersede the interests of carpoolers (in the case of the Beltway HOT lane PPTA, Virginia taxpayers must pay the private toll road operator if more than a certain number of vehicles are carpools). Even the mere shift of a certain percentage of current sluggers/carpoolers to HOT/SOV vehicles could interrupt the current volume of slugging/carpooling and cause it to lose critical mass and functionality, even collapsing the system to the point that it would be hard to restore. The potential impact on slugging/carpooling has not been analyzed.

One of the most important issues facing the corridor is the traffic from BRAC, particularly at the Mark Center at Seminary Road and I-395 and at Fort Belvoir and the Engineering Proving Ground. Will the focus on HOT/SOV users lead to more vehicles, not fewer, in the corridor, and negative impacts on carpooling? Given that the Department of Defense agencies have significant authority to require and implement carpooling and transit use among its employees and given that the limited parking at the Mark Center is designed specifically to function in conjunction with high levels of carpooling and transit

use, the EA should study the impact of HOT lanes on BRAC related traffic and congestion and compare it to alternatives using enhanced HOV and transit service.

In looking at environmental impacts, particularly air quality, the limitation to just one build alternative means that the EA fails to consider the relative performance of alternatives in terms of per capita VMT, greenhouse gas emissions, and ozone, particulate and toxic air pollutants.

Failure to Evaluate the Potential Financial Terms and Public Policy Implications of a Private Toll Road Compared to other Alternatives

The EA fails to outline the draft terms of the contract between Fluor-Transurban and the Commonwealth of Virginia including the potential contribution by state taxpayers, the extent of government subsidized loans, potential toll rates, contributions (if any) to transit service, and allocation of future revenues to future transportation needs in the corridor. Nor does it evaluate the proposal's costs and benefits compared to other alternatives. The financial and cost information should be compared to the financials for the alternatives we have outlined above, including state investment in HOV and transit expansion and public ownership of the toll way. Both the costs and the benefits including person-throughput and air quality performance should be compared between the alternatives.

It is our understanding that the promised transit investments from the original HOT Lanes proposal have been stripped from the current proposal, but that is not mentioned in the EA, nor is there any discussion about the need to fund additional bus service.

Failure to Allow for Adequate Public Input

We are not aware that the public and key stakeholder groups in the non-profit and private sectors were consulted during the critical early phases of the EA, particularly in the scoping and selection of alternatives to be studied. By the time the EA is concluded and released, as it has been here, the value of public input is significantly undermined and the public lacks adequate information regarding alternatives and impacts.

Conclusion

The Environmental Assessment for the I-95 HOT Lanes Project is inadequate and should be redone to evaluate the full range of alternatives and impacts for the I-95 corridor and consider the full range of costs and benefits for alternative approaches. A decision involving \$1 billion or more in publicly subsidized spending and the transfer of public right of way to a private company to collect tolls for up to 75 years merits far more thorough analysis. We urge you to reject this Environmental Assessment.

Sincerely,



Stewart Schwartz
Executive Director

Cc: Federal Highway Administration
Council on Environmental Quality