

# **BOWERS HILL ENVIRONMENTAL IMPACT STATEMENT**

CONTINUED DISCUSSION ON THE NEPA BACKGROUND AND  
IDENTIFICATION OF THE PREFERRED ALTERNATIVE

| Angel Deem, Chief of Policy

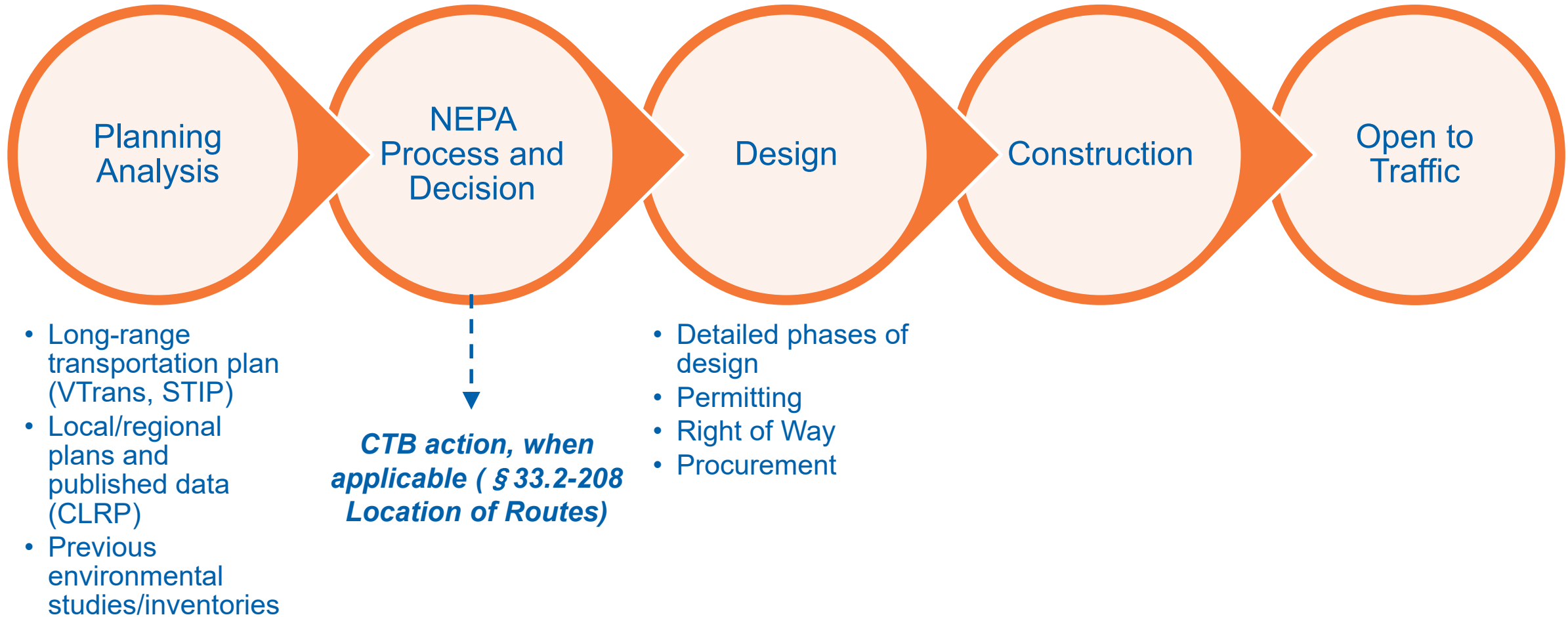
| Scott Smizik, Assistant Environmental Division Director

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# National Environmental Policy Act (NEPA) Background

- **Required for federalized projects**
  - *“NEPA ensures federal agencies consider the significant environmental consequences of their proposed actions and inform the public about their decision making.” - Council on Environmental Quality (CEQ)*
- **Goal is informed decision making**
- **Basic components of NEPA include:**
  - **Data collection and issue identification (scoping)**
  - **Developing a Purpose and Need**
  - **Identifying a reasonable range of alternatives**
  - **Documenting the affected environment and potential impacts**
  - **Identifying a preferred alternative**
  - **Sharing results with the public**

# Project Development and Delivery Process Context



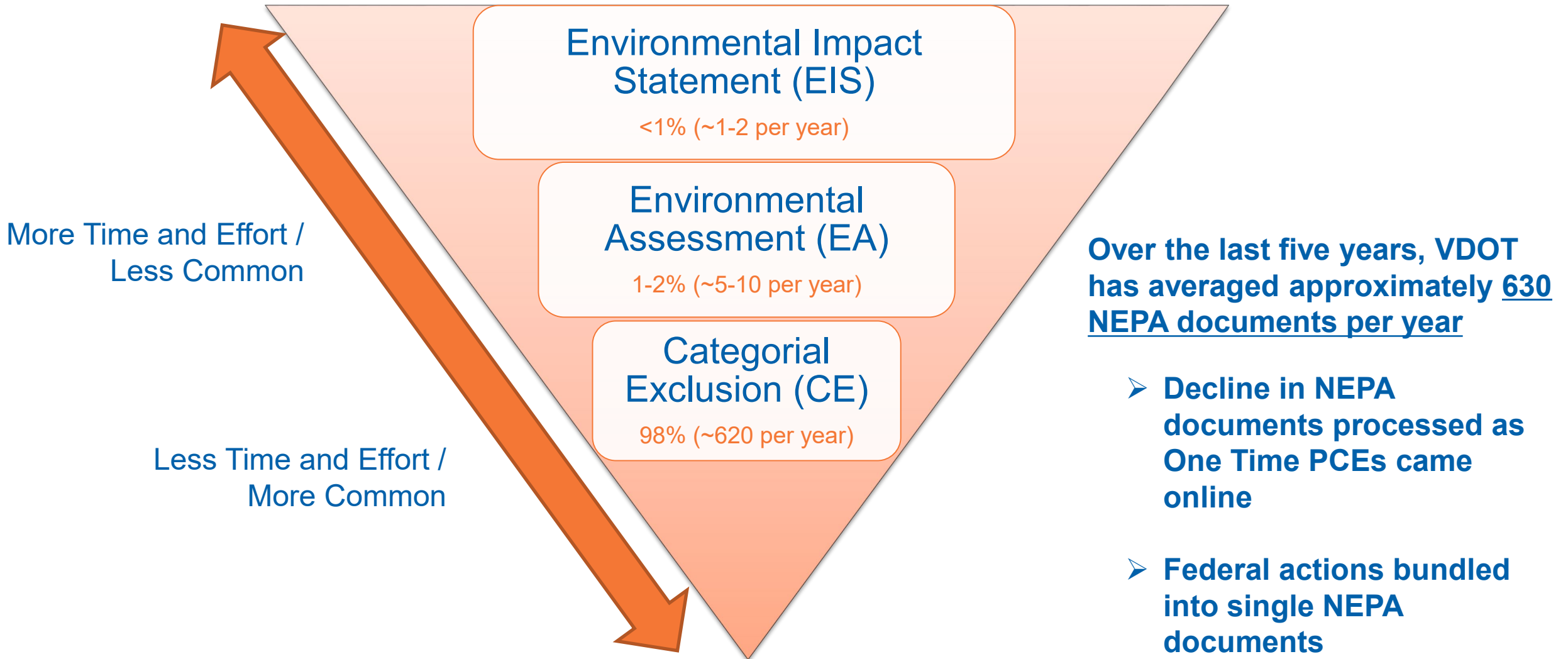
# CTB's Role in the NEPA Phase of Project Development

## The CTB establishes the Location of Routes ( § 33.2-208)

- Applicable in NEPA document when multiple alternatives are analyzed
- FHWA accepts the CTB resolution as the Commonwealth's selection of a preferred alternative, allowing the NEPA process to advance

**Note: The majority of VDOT's NEPA documents do not require analysis of multiple alternatives**

# Summary of NEPA Classes of Action Past 5 Years



## Data Collection and Issue Identification (Scoping)

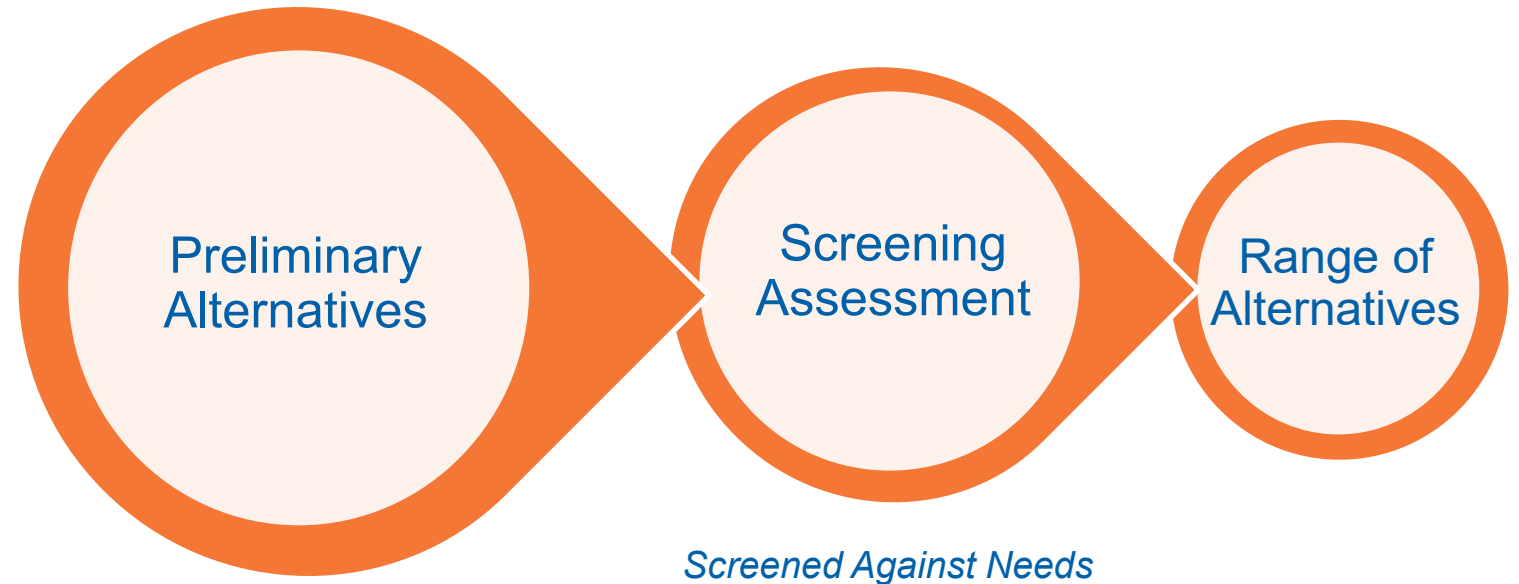
- **Solicit input from agencies, localities, regional planning organizations, and the public**
- **Identify roles and responsibilities in the NEPA process for:**
  - **Federal agencies**
  - **State agencies**
  - **Localities and regional planning organizations**
- **Collect and review data and reports that document the human and natural environment, as well as transportation data and conditions within the study area**

# Developing a Purpose and Need

- **Defines the problem the project is intended to solve**
  - Documents the goals for the project
  - Serves as the primary criteria in the alternatives evaluation process
- **Developed with public and agency input**
- **Based on data and relevant decisions, such as:**
  - Existing traffic data and roadway geometry
  - Current and projected population numbers
  - Planned and programmed projects
  - Locality and/or MPO actions

# Identifying a Reasonable Range of Alternatives

- Developed by FHWA and VDOT with input from other federal, state, and local agencies and public comment
- Reasonable alternatives are those that meet the Purpose & Need and are representative of potential solutions





# Documenting the Affected Environment and Potential Impacts

- **Utilize methodologies established during scoping**
- **Resource assessments and impact analyses reviewed by agencies with regulatory purview over the given topic**
- **Provides an apples-to-apples comparison of impacts for the range of alternatives**
- **NEPA impact estimates are worst-case scenarios and are refined after a NEPA decision when VDOT can advance with detailed design and permitting**

## Identifying a Preferred Alternative

- **CTB identifies the preferred alternative when multiple alternatives are analyzed in NEPA**
- **Preferred Alternative is based on concept level design as allowed in the federal process prior to a NEPA decision**
- **The NEPA decision documents the rationale for the selection of the preferred alternative and can include commitments to minimize and/or mitigate impacts**

## Sharing Results with the Public

- **VDOT public involvement:**
  - Exceeds federal requirements
  - Relies on a variety of methods for citizen engagement
  - Sophisticated system for collecting, documenting, and responding to public comments
- **NEPA documents are required to be made available to the public before a decision is made**
- **Substantive comments are considered, and responses documented**

## Conclusion of NEPA Discussion

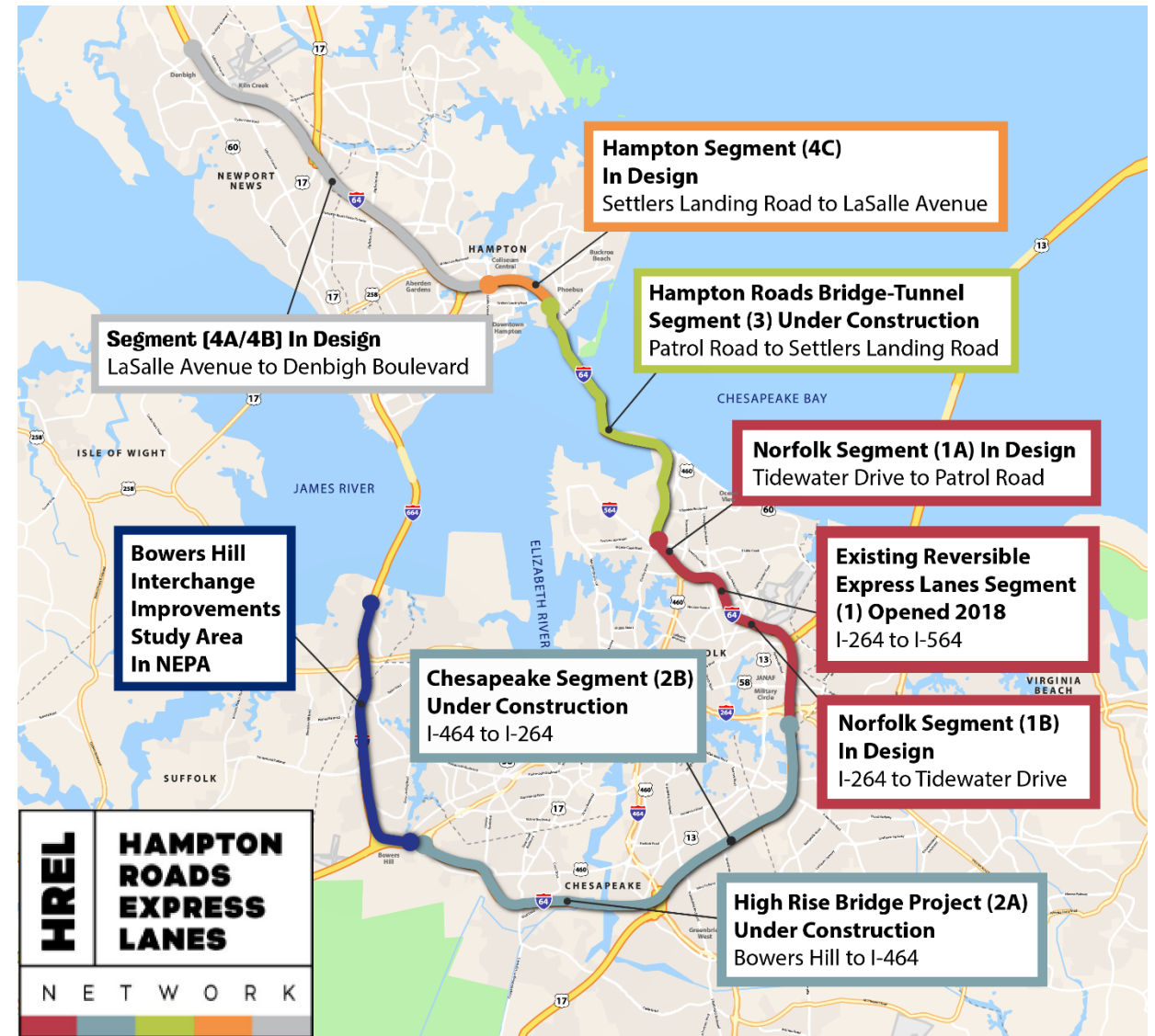
### NEPA is a heavily litigated process

- **Risks are reduced by:**
  - **Maintaining consistency**
  - **Strict adherence to the procedural steps**
  - **Concise documentation**
  - **Continual agency engagement and buy-in at key steps in the process**
  - **Decision rationale being supported by data and input received**

*Input from agencies/stakeholders/public must occur at the right time in the process to be defensible*

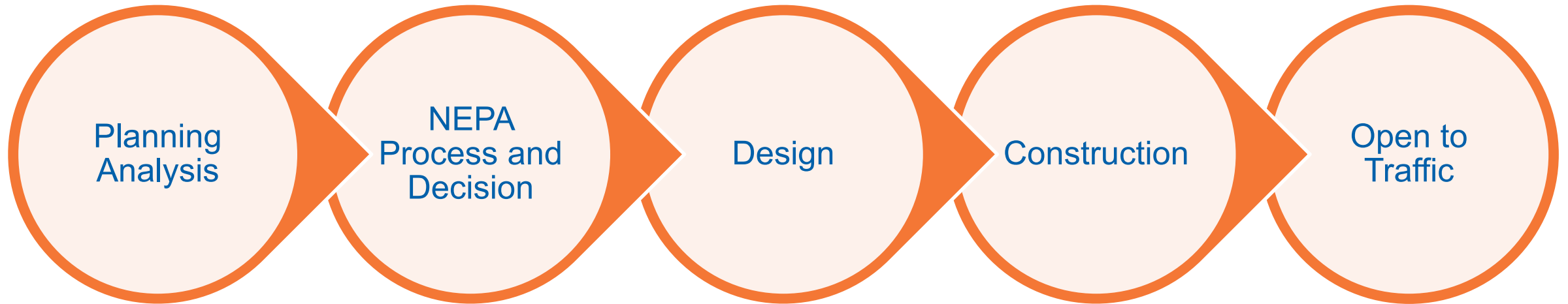
# Regional Context

- Dec. 2016 – CTB location decision for HRBT and directed VDOT to study the Bowers Hill Interchange
- Oct. 2019 – HRTPO resolution identifying I-664/Bowers Hill as part of the HRELN
- Aug. 2020 – CTB, VDOT, HRTAC execute Master Tolling Agreement for current and future components of HRELN



*Note: Color coding used to differentiate location in region*

# Bowers Hill - Development and Delivery Process



- HRTPO Resolution identifying HRELN
- HRTPO Long-Range Transportation Plan
- HRTAC Plan of Finance
- Hampton Roads Crossing Study (HRBT)
- Bowers Hill EA

*CTB action  
( § 33.2-208  
Location of  
Routes)*

## Public involvement

- More than 1,500 public comments
- 10 community meetings
- 3 virtual public meetings
- 1 public hearing

# Bowers Hill EIS – Data Collection and Issue Identification (Scoping)

## Previous Studies and Current Information

- Aligns with many of the VTrans needs as previously presented to CTB
- Consistent with the region's Long-Range Transportation Plan (LRTP) which calls for a variety of transportation options that reduce delay and improve travel efficiency
  - LRTP identifies Bowers Hill as a Regional Priority Project and as an “extension of the Hampton Roads Express Lanes from Bowers Hill to College Drive.”
- Informed by HRTPO resolutions identifying components of the HRLEN
- Funded by and included in HRTAC's Plan of Finance

## Agency and Public Comment

- Agencies provide specific inputs to focus the analyses for this specific study
- Public comment identifies issues and concerns in the area
- August - September 2020: Review and discussion at monthly NEPA agency meetings

# Bowers Hill EIS – Purpose and Need

## Previous Studies and Current Information

- Informed by past studies, outputs from the region’s traffic model, as well as new information collected as part of the EIS
- HRTPO identifies need for “A consistent Express Lanes Network that begins on I-64 at Jefferson Avenue...proceeds along I-64 through Bowers Hill...and continues along I-664 to I-64...” – October 17, 2019 resolution

## Agency and Public Comment

- Agencies and the public were presented with the opportunity to inform the need elements and the Purpose and Need chapter of the EIS
- Record setting public input for this stage of the NEPA process that included response to questions on Express/toll lanes
- September - December 2020: Review and discussion at monthly NEPA agency meetings



# Bowers Hill EIS – Purpose and Need Data and Information

## Approved Traffic Model

- Identifies congestion and travel delay throughout the project area
- Public comment consistent with model outputs
- Incorporates accepted regional traffic metrics for assessing potential improvements

## Input from Department of Rail and Public Transit (DRPT) and HRTPO

- Identifies regional goals to enhance bus service through the project area
- Documents that bus service can only be successful with a travel time advantage that could be provided in a managed-lane system
- Documents that the region's Master Tolling Agreement allows for buses to travel in planned Express Lanes
- Determines that “transit only” lanes need not be considered due to limited influence on congestion

# Bowers Hill EIS – Range of Alternatives

## Previous Studies and Current Information

- Process informed by existing and planned typical sections of adjoining roadway network
- Fresh look at alternatives developed specifically for consideration as part of this EIS

## Agency and Public Comment

- Preliminary range of alternatives was modified based on comments from HRTPO to include a part-time driveable shoulder in the managed lane system to provide a system linkage with HRELN designs
  - Supported by other agencies involved in the EIS and presented to the public on multiple occasions
- Public comment extended over 30 days to consider the range of alternatives and to identify any additional alternatives
  - No additional, unique alternatives were identified
- December 2020 - May 2021: Review and discussion at monthly NEPA agency meetings

# Bowers Hill EIS – Alternatives and Impacts

| Potential Impact Resource                     | Alternative C<br>One Managed Lane and a<br>Part-time Drivable Shoulder | Alternative D<br>Two Managed Lanes |
|---|--|------------------------------------|
| Potential Residential/Commercial Acquisitions | 21   | 23                                 |
| Acreage of Partial Acquisitions               | 60   | 65                                 |
| Estimated Stream Impacts (linear feet)        | 11,356   | 11,674                             |
| Estimated Wetland Impacts (acres)             | 103  | 107                                |

*Impacts shown are a worst-case scenario and will be refined during final design and permitting, which is when avoidance and minimization is appropriately considered and documented.*

# Bowers Hill EIS – Proposed Next Steps

| Activity                                       | Timeframe        |
|--|------------------|
| CTB Action to Identify a Preferred Alternative | October 2022     |
| FHWA/VDOT Issue Draft EIS                      | Winter 2022/2023 |
| Final EIS and Record of Decision (ROD)         | Spring 2023      |

*Final EIS and ROD is the final step in the NEPA process. The project can advance to more detailed designs, traffic analyses, and permitting activities following the ROD.*