



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
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Agenda item # 7

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 17, 2024

MOTION

Made By: Mr. Kasprowicz, **Seconded By:** Mr. Coleman

Action: Motion Carried, Unanimously

Title: Interstate 73 Corridor and Henry County Alternative Location Decision Review

WHEREAS, on September 21, 2022, the Commonwealth Transportation Board (CTB) adopted a policy to review location decisions three years after their respective approval date (the Location Decision Policy); and

WHEREAS, the Location Decision Policy specifies that the CTB will undertake reviews of CTB location decisions and requires the Virginia Department of Transportation (VDOT) to present and recommend, three years after their previous approval date, that location decisions either be affirmed, modified, or rescinded; and

WHEREAS, on May 17, 2001, the CTB first approved the proposed location of the I-73 Corridor, and subsequently approved modifications to the location of the Corridor on June 21, 2001 and July 15, 2004; and

WHEREAS, the Federal Highway Administration (FHWA) issued a Record of Decision (ROD) under the National Environmental Policy Act (NEPA) for the I-73 Corridor in March 2007; and

WHEREAS, on June 15, 2011, the CTB approved a modification to the I-73 Corridor consisting of an alternative alignment for the portion of the Corridor in Henry County (Henry County Alternative); and

WHEREAS, the FHWA issued a Finding of No Significant Impact (FONSI) for the Henry County Alternative under NEPA in December of 2012; and

WHEREAS, the I-73 Corridor Project, including the Henry County Alternative alignment, has not advanced since issuance of the ROD and FONSI, nor has funding been identified for the Project; and

WHEREAS, given the dates of the CTB location approvals for the I-73 Corridor, including the most recent approval relating to the Henry County Alternative, the CTB Location Policy's three-year period for reviewing location decisions has been exceeded and a collective review of those decisions is warranted; and

WHEREAS, VDOT presented the CTB with an update and recommendation on July 16, 2024 to rescind the CTB's location decisions relating to the I-73 Corridor, including the most recent relating to the Henry County Alternative.

NOW THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board, that all prior actions of this Board granting location approvals for the I-73 Corridor, as well as any modifications thereof, are hereby rescinded.

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Commonwealth Transportation Board Decision Brief

Interstate 73 Corridor and Henry County Alternative Location Decision Review

Issue: The Virginia Department of Transportation (VDOT) seeks from the Commonwealth Transportation Board (CTB) a decision to rescind the CTB's previous location decisions for the Interstate 73 (I-73) Corridor and any modifications thereof, including the Henry County Alternative alignment.

Facts: On September 21, 2022, the CTB adopted a policy to review location decisions three years after their respective approval date (the Location Decision Policy). The Location Decision Policy specifies that the CTB will undertake reviews of CTB location decisions and requires VDOT to present and recommend, three years after their previous approval date, that location decisions either be affirmed, modified, or rescinded.

On May 17, 2001, the CTB first approved the proposed location of the I-73 Corridor, and subsequently approved modifications to the location of the Corridor on June 21, 2001 and July 15, 2004.

In 2007, VDOT completed an Environmental Impact Statement (EIS) analyzing environmental consequences of the preferred alternative for the I-73 Corridor pursuant to the National Environmental Policy Act (NEPA). The Federal Highway Administration (FHWA) issued the Record of Decision (ROD) in May 2007.

In 2008, Henry County requested that an alternative alignment be considered for a portion of the approved corridor and in June 2008, the CTB directed VDOT to evaluate an alternate alignment for that portion of the project within Henry County (Henry County Alternative). In December 2009 the CTB directed VDOT to complete an analysis under NEPA for the Henry County Alternative. On June 15, 2011, the CTB approved a modification to the I-73 Corridor consisting of the Henry County Alternative alignment.

An Environmental Assessment (EA) was conducted pursuant to NEPA and the FHWA issued a Finding of No Significant Impact (FONSI) for the Henry County Alternative in December of 2012.

The Purpose identified in the EIS and reaffirmed in the EA for the I-73 Corridor and Henry County Alternative was to:

- Improve the safe movement of goods and people in the U.S. Route 220 corridor;
- Provide for the economic growth, economic vitality, and maintenance of existing economic competitiveness in the study area;
- Improve operations, access, and capacity for vehicular and freight movement in the study area and to other locations between Michigan and South Carolina;
- Enhance general mobility and transportation linkage in the study area and through the broader Michigan to South Carolina travel shed; and,
- Address Congressional intent for the high priority corridor.

No substantive work has occurred since the FONSI to advance the I-73 Corridor, including the HCA. In 2016, federal earmarks for the project were repurposed for access management projects along the corridor, the Route 220 Arterial Management Plan (complete), and Martinsville Southern Connector Study.

Recommendations: There is currently no funding to implement the I-73 Corridor Project, including the Henry County Alternative as approved by the CTB. Advancing the project at the approved location would require a re-evaluation pursuant to NEPA, and demonstration of fiscal constraint, which would include CTB briefings and the opportunity to issue a new location decision. Because the federal earmarks for the project have been repurposed, fiscal constraint cannot be demonstrated. Based on the foregoing, VDOT staff recommends that all prior actions of the CTB granting location approvals for the I-73 Corridor, as well as any modifications thereof, be rescinded.

Action Required by CTB: Approve a Resolution taking the actions recommended herein.

Result if Approved: If the CTB acts to rescind the I-73 location decisions, VDOT will proceed with the steps necessary to document the rescission of the location decision, including removal of any public-facing information maintained by VDOT. Should a project in this area be advanced that requires a location decision, the CTB will be briefed and a new location decision will be sought as appropriate.

Options: Affirm, Modify, or Rescind

Public Comments/ Reaction: The CTB received a briefing on the rescission of this location decision during its April 16, 2024, Workshop Meeting. The public will have an opportunity to comment on the proposed rescission as part of the CTB Action Meeting on September 18, 2024.