

PA Agreement – 3rd Draft Comments by GTCA

The General Trimbles Community Association is pleased to have an opportunity to participate as a consulting party in the Section 106 Programmatic Agreement process. We have extensively reviewed previous drafts of the PA, meeting minutes and correspondence and comments from both signatories and other consulting parties.

GTCA's analysis centers on the probable (i.e., quantifiable effects) that proposed mitigation measures will have on the adverse effects of the undertaking. While we are not experts in the Section 106 process, it seems clear that the objective of the PA and various stipulations is to "avoid, minimize or mitigate" the documented adverse effects. Consequently, the evaluation of the content and commitments in the PA document must be tied to a clear understanding of what these actions are likely to produce. Said another way, the signatories should not equate proposed mitigation activities, as accomplishing tangible mitigation, unless there is clear quantifiable data to measure the effects. The PA draft makes clear, and VDOT repeatedly emphasized during the Sept. 5th meeting that the actual effects (i.e. mitigation outcomes) could not be accurately assessed or predicted until significant design engineering has been completed.

Why is this point so important? Because the public needs to be assured that the design requirements and associated elements of the stipulations do not become mere actions with no significant diminution of the underlying problem: the documented; significant impact that the construction of the BCP will have on cherished historical resources.

Recent comments by Ms. Kathleen Kilpatrick, Virginia Department of Historic Resources and Charlene D. Vaughn, Advisory Council on Historic Preservation, buttress the conclusion that FHWA/VDOT have not provided a clear and convincing analysis of what levels of mitigation will be achieved.

Ms. Kilpatrick, in an email dated Sept. 13, 2013 to Mary Ann Ghadban stated:

"Within my area of focus, for example, I continue to question whether the overall mitigation now under discussion is sufficient to offset proposed project impacts and the nature of the effect that the bypass will have on resources, including the district. Impacts and off-setting mitigation should be proportional."

Ms. Vaughn, in a letter to Irene Rico dated Sept. 13, 2013 comments:

"It is a matter of concern to the ACHP that commitments to developing the BCP in a context sensitive manner and to close Route 234 within the boundaries of the Manassas National Battlefield Park (MNBP) remain poorly defined (emphasis added). The PA contains many excellent mitigation measures. However, we remain concerned that key aspects of the mitigation and project design, including determining how noise and visual impacts will be minimized are deferred until after the Record of Decision."

Reading through the PA and other background material, it is obvious that the visual and auditory impacts will be extremely significant, otherwise there would be little need nor controversy regarding the PA document. Strategies identified to mitigate these effects (depressed roadbed, quiet pavement, narrowed rights of way, berms) are deemed to be effective without any quantifiable data to support that conclusion. It was clear from the September 5, 2013 meeting that empirical benchmarks for mitigation of various adverse effects have either not been developed or that they do not exist as objective standards. In fact, many of the stipulated mitigation measures work at cross-purposes to each other. Narrowed ROW is inconsistent with berms to control noise effects. Depressed roadbeds require more extensive ROW and berms and greater ROW negatively affect visual impacts and destroy the existing view shed. Taken in this context, the PA stipulations do not demonstrate that there will be true mitigation, nor even significant mitigation.

GTCA believes that VDOT and FHWA must provide a more robust quantitative model to forecast the actual outcomes of various mitigation strategies, before preliminary engineering and design phases are undertaken. These benchmarks should be used not only to guide the design phase, but to provide a fixed point of reference to assess how well the actual design elements meet the test of mitigation. GTCA agrees with ACHP's recommendation that "establishing performance standards or using Memoranda of Agreements (MOAs) to document agreed upon mitigation measures" is vital to the integrity and transparency of the Section 106 process. (Letter from Charlene D. Vaughn, Advisory Council on Historic Preservation to Irene Rico 9/13/13).

Several speakers representing signatories stated "mitigation might not be possible". The signatories should understand that many if not all of the consulting parties are fearful that the BCP will proceed without any real commitment to effective mitigation and that decision makers will simply declare that effective mitigation is either impractical, not cost effective or irrelevant to the ultimate decision to construct the road due to "purpose, need and viability" criteria trumping all other considerations.

GTCA's comments that follow are directed at specific areas of the PA document, but should be interpreted in light of our broader concern that the overall commitment to effective mitigation is lacking any quantification standards.

Line 451-453: "...this Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties,

Mary Ellen Norrisey H..., 6/18/13 1:37 PM
Deleted: in satisfaction of their respective NHPA responsibilities

GTCA – If the legal obligation is to satisfy the requirement that adverse effects (already acknowledged in whereas clauses), have in fact been adequately mitigated by the PA, why doesn't this whereas clause state that directly? Taking into account is not the same as taking actions to mitigate.

Lines 630-649 Stipulation I G. Route 20 Crossing

Lines 646-649: "...In designing the crossing, VDOT shall minimize its height for the purpose of minimizing the crossing's visual effects on MNBP and MBHD, while also addressing other factors, including appropriate clearance, safety, and cost"

Mary Ellen Norrisey H..., 8/26/13 9:17 AM
Comment [1]: Change from NPS reflecting comments of coalition groups.

Mary Ellen Norrisey ..., 6/14/13 10:32 AM
Deleted: give consideration to

Mary Ellen Norrisey ..., 6/14/13 10:32 AM
Deleted: ing

Mary Ellen Norrisey H..., 7/23/13 4:17 PM
Deleted: allowing for

GTCA: How are the various factors ranked in relationship to each other? IS visual impact more important than the width of ROW? What weight is given to cost vs. safety? Is there some finite limit on cost, as for example, the noise abatement calculation that concluded virtually all noise barriers were unreasonable due to cost?

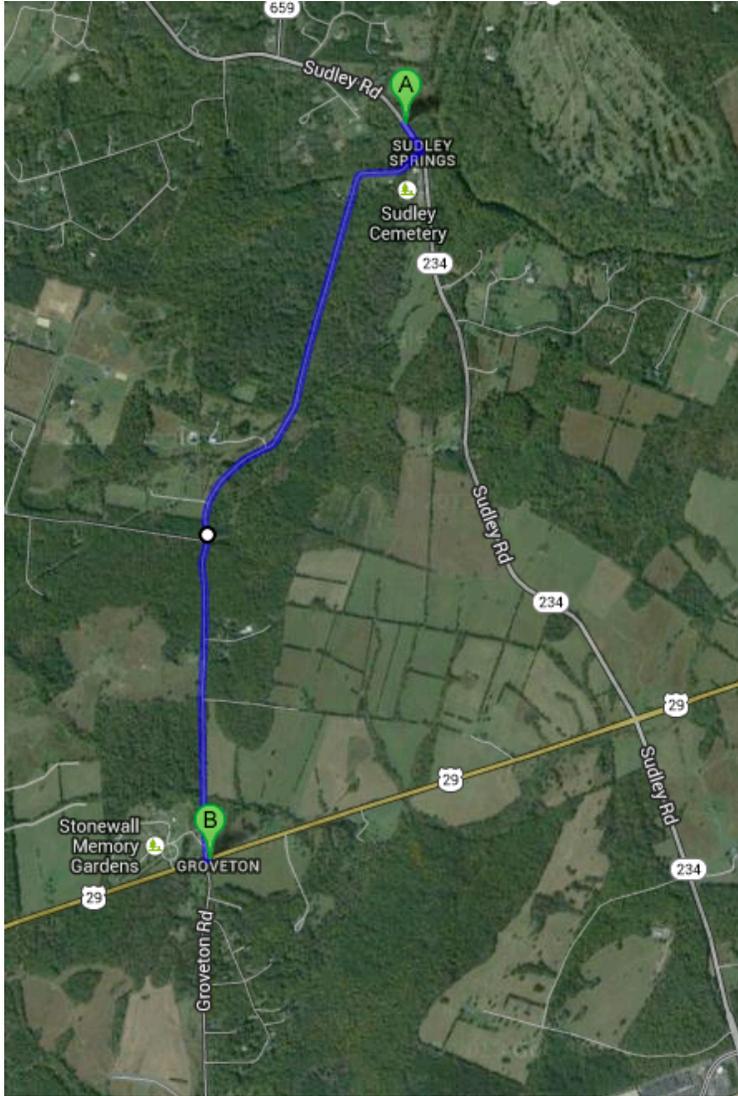
Lines 706-722 Stipulation I.I. Application of Flexibility in Establishing Design Standards

Lines 717-722: "...In evaluating any input the Chief Engineer shall take into account social and environmental factors, including the location and impact of the BCP in relation to MNBP and MBHD, and the purpose, need, and viability of the Undertaking as a full service highway *that shall also effectively remove traffic from the core and approaches of the MNBP in order to preserve better the historic park and enhance unrestricted access to park users.*

Mary Ellen Norrisey ..., 6/13/13 12:07 PM
Deleted: TCP

GTCA: The premise that the BCP will "effectively remove traffic from the core and approaches of the MNBP" is severely compromised due to the traffic that will be diverted from 234 to Featherbed Lane and Groveton Road. The PA agreement fails to recognize that by blocking non-local traffic to 234 southbound at Featherbed Lane an incentive will be created for cut through traffic through a core historical feature and key interpretative areas on Featherbed Lane. (Featherbed Lane is 2.3 miles) Because traffic will not be restricted on Featherbed or Groveton Road; nor on 29 in either direction from the intersection of 29 and Featherbed/Groveton, cut through traffic will be able to utilize a shorter distance of travel to transit east west through the park. Cut through traffic will be

amplified by restrictions at the intersection of 29 and BCP whereby southbound traffic will be prohibited from exiting north on 29. GTCA recommends that the PA be modified to include a stipulation that VDOT will take measures to ensure that cut through traffic on Featherbed Lane and Groveton is prohibited. The current “No Through Trucks” prohibition on Featherbed Lane is not enforced and routinely ignored.



Lines 777-786 Stipulation I. K.2. (Consultation on Further Design)

Lines 777-782: "...After consideration of all comments received, as well as the constructability and cost effectiveness of the proposed design, and **the effectiveness of the design** in minimizing effects on historic properties and meeting the purpose and need of the Undertaking, the FHWA and VDOT shall make final decisions as outlined under Stipulation I.K **of this Agreement** on the design of the Undertaking.

Mary Ellen Norrissey Ho..., 8/6/13 2:45 PM
Deleted: its

GTCA: What is the methodology to be used to determine the relative weights of constructability vs. cost effectiveness as compared to the primary objective of the PA which remains mitigation of the known adverse effects? How will VDOT, FHWA, ACHP and Consulting Parties be able to assess the analysis, including trade-offs among competing criteria? If comments are ignored or deemed impractical, does this constitute "demonstration"? GTCA's concern is that there is no objective standard against which to judge final design factors.

Transparency in the evaluative criteria will instill public confidence that an objective analysis is being performed and not simply a pre-ordained conclusion that the BCP is required regardless of the relative success or failure of the mitigation measures to achieve their intended outcome. VDOT should identify the quantitative model that will be employed to assess the effects of the design. At the very least, VDOT should include examples of the methodology used for other similar projects so that Signatories and Consulting Parties are made aware of how the calculations are to be performed for the BCP. The current vague standard for evaluation and decision making is unacceptable.

Lines 1004-1012 Stipulation III. D. Paragraph 2. (Traffic Calming)

1. "Within one (1) year following the VDOT's abandonment and the NPS's implementation of restrictions on through-traffic on any section of Route 234 described in Stipulation III.F.2.a of this Agreement, the VDOT shall conduct a traffic study for the purpose of determining whether traffic volume rises on Groveton Road and Featherbed Lane as a result of these actions. The VDOT shall provide the results of this study to the Signatories, Prince William County, and Consulting Parties for review and comment pursuant to the requirements of Stipulation VIII.B of this Agreement.

GTCA: VDOT must commit to implementing traffic calming measures for Groveton Road and Featherbed on the same terms as provided for Route 29. Waiting to assess traffic impacts on these roads for a full year after completion of the BCP has no practical benefit, and is antithetical to achieving the NPS stated objective of diverting non local traffic from the park. The language of this paragraph lacks any remediation or enforcement provisions and therefore has no impact. In an email dated August 14, 2013 Mr. Nies responded to questions from

GTCA regarding traffic calming measures particularly for Featherbed Lane. He referred us to the following websites for further information:

FHWA: http://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm
VDOT: <http://www.virginiadot.org/programs/faq-traffic-calming.asp>

The information and examples displayed on those sites have no relevance for gravel roads. The PA agreement should specify what traffic calming measures are considered appropriate for a state maintained dirt road, and how such measures would contribute to prohibiting cut through traffic from utilizing Featherbed Lane. In the absence of real world examples, it is disingenuous for VDOT to suggest that traffic-calming measures exist that have been or will be effective for gravel roads like Featherbed.

Lines 1022-1031: Stipulation III. D. Paragraph 3

“Should the VDOT determine in the course of consultation with the Signatories, Prince William County, and Consulting Parties that (1) additional traffic calming measures on Route 29 through MNBP, beyond those that can be designed and constructed within the VDOT’s funding limit of \$300,000 (Three hundred thousand dollars), are desirable, or (2) traffic calming measures are warranted to mitigate higher volumes of traffic on Groveton Road or Featherbed Lane within MNBP resulting from abandonment of any section of Route 234 within MNBP, the VDOT shall explore obtaining additional, third-party funding (e.g., grant funding) to cover the cost of implementing these additional measures.

Mary Ellen Norrissey H.... 6/14/13 1:40 PM
Deleted: this

GTCA: Mr. Nies email of August 5 responded to GTCA questions regarding the updated traffic analyses, particularly Page 28 of the ADT_076_PrinceWilliam_2012.

In his email Mr. Nies stated:

“I have also included the recently completed Traffic Analysis Memo for the Reevaluation of the Draft Environmental Impact Statement. Traffic volumes in this memo are shown for the existing year (2013) as well as 2040 No-Build and 2040 Build conditions. It should be noted that this analysis focuses on the West Two Alternative (approved BCP corridor) as well as those roadways in proximity to the project that were most likely to be affected. The Traffic Analysis Memo was developed using forecasts from the regional transportation demand model; this model is primarily validated and geared towards forecasting traffic on major roadways. Featherbed Road is not discussed in the memo because it is an unpaved minor local roadway and regional model results for such roadways need to be considered in context. For such roadways, factors such as whether it is paved, speed limits and enforcement, presence of traffic calming, how connections to other roadways are configured, etc. can result in very wide variations in forecast results (in percentage terms). It is important to note, however, that the Traffic Analysis Memo does indicate that the BCP provides relief to parallel north-south roadways (of which Featherbed Road is one) and it most likely will reduce pressures on Featherbed Road to serve such traffic...”

It is worth noting that traffic counts on Featherbed are from 2004 and cannot be used to assess either current or future impacts. VDOT has not adequately investigated or evaluated the impact of the BCP and related PA stipulations will have on Featherbed Lane. This deficiency must be rectified before any final PA document is signed.

Virginia Department of Transportation
Traffic Engineering Division
2012
Annual Average Daily Traffic Volume Estimates By Section of Route
Prince William Maintenance Area

Route	Length	AADT	QA	4Tire	Bus	Truck				QC	K Factor	QK	Dir Factor	AAWDT	QW	Year
						2Axle	3+Axle	1Trail	2Trail							
Prince William County																
621 Devlin Rd	1.52	9100	R			76-619 Linton Hall Rd								NA		01/05/2010
621 Devlin Rd	0.44	11000	R			76-1705 Jennell Dr								NA		02/01/2010
621 Balls Ford Rd	0.71	19000	R			76-674 Wellington Rd								NA		01/05/2010
621 Balls Ford Rd	0.43	15000	G	91%	1%	2%	3%	3%	0%	F	NA			16000	G	2012
621 Balls Ford Rd	0.81	14000	G	91%	1%	2%	3%	3%	0%	F	0.081	F	0.600	14000	G	2012
621 Balls Ford Rd	0.99	15000	G	91%	1%	2%	3%	3%	0%	C	0.08	F	0.619	16000	G	2012
621 Balls Ford Rd	0.12	23000	G	91%	1%	2%	3%	3%	0%	F	0.072	F	0.587	25000	G	2012
621 Balls Ford Rd	1.40	8300	R			Bus SR 234 Sudley Rd								NA		01/06/2010
						Dead End										
622 Groveton Rd	0.58	3200	G	98%	0%	1%	0%	0%	0%	C	0.128	F	0.826	3300	G	2012
622 Groveton Rd	0.82	3800	G			76-705 Pageland Lane								3800	G	2012
622 Featherbed Rd	0.60	500	R			US 29 Lee Hwy								NA		01/05/2010
622 Featherbed Rd	1.61	3100	R			0.60 MN US 29								NA		11/30/2004
						SR 234 Sudley Rd										

VDOT has not made any effort to determine the impact that closing 234 will have on diverting traffic onto Featherbed Lane. Traffic counts are almost 10 years old.

VDOT has asserted, without any supporting data, that current traffic utilizing 234 will be diverted to the “relocated” 234 and BCP. It is unreasonable to conclude that traffic will not increase on Featherbed Lane and Groveton Road as a result of construction of the BCP and in conjunction with restrictions to traffic on 234 and the design of the BCP/29 intersection. Existing commuter cut-through traffic has reached the level where any further increase would be create an unacceptable impact upon the historic setting on Featherbed and Groveton roads, and create unacceptable damage to the experience of visitors exploring the Second Manassas battlefield.

We believe that the PA stipulations must ensure that traffic on Featherbed Lane and Groveton Road be restricted to park visitors and local residents, their visitors and vendors, and maintain the current level of use. Mitigation efforts should

ensure that all of the commuter traffic that damages the historical setting at the 234/29 interchange will be shifted to the BCP, rather than simply moved halfway, where such increased traffic will create new damage to the historic district.

Groveton and Featherbed should remain open for public use, but appropriate measures should be implemented, *prior to the closure of current Route 234*, to direct commuters to the new highway, and to block any increase above current 2013 levels of traffic.

Commitments to implement effective measures to prohibit cut through traffic must be part of the stipulations and not left to some vague future date. VDOT's strategy to "explore obtaining additional third party funding" is not acceptable. Since the BCP is a VDOT project, it must be responsible for the cost of corrective actions reasonably required to mitigate the effects of the BCP.

GTCA recommends that VDOT commit funds to study the safety and suitability of Featherbed Lane to accommodate both current traffic volumes and projected volumes once the BCP is constructed and restrictions on 234 are enforced. This study must be done as part of the traffic calming activities in stipulation III. D.

Lines 1156-1185 Stipulation III. F. Abandonment and Restriction of Through-Traffic on Route 234 within MNBPF – Paragraph 2. Abandonment of Road

a) “For the purposes of this Agreement, four sections of the segment of existing Route 234 that transects MNBPF, from the north side of the Northern Virginia Community College, Manassas Campus, entrance road northward to the south side of Featherbed Lane (Route 622), have been defined as follows (Attachment 7):

(i) Section A is that portion of existing Route 234 from the north side of the Northern Virginia Community College, Manassas Campus, entrance road to existing Route 29 having no private property ownership, and to which NPS owns the underlying property interests and presently grants to VDOT, under a permit agreement, the permission to operate and maintain existing Route 234,

(ii) Section B is that portion of existing Route 234 from existing Route 29 to a point approximately 0.9 miles north of existing Route 29 having no private property ownership,

(iii) Section C is that portion of existing Route 234 from approximately 0.9 miles north of existing Route 29 to the south side of Poplar Ford Trail, and

(iv) Section D is that portion of existing Route 234 from the south side of Poplar Ford Trail to the south side of Featherbed Lane.

b) The VDOT and the NPS hereby agree and determine that VDOT shall abandon Section A and Section B of Route 234 immediately upon the opening and acceptance of the BCP replacement project, as further defined herein, into the State System of Highways, in accordance with the authority granted to VDOT under law.

Mary Ellen Norrisey ..., 8/26/13 10:29 AM

Comment [2]: Changes requested by coalition groups.

GTCA: GTCA believes the draft PA does not adequately preserve the rights of local residents to maintain their transit patterns and access to private properties. Specifically, we cannot endorse any measures that would prohibit travel on Section A by local residents who access their properties located off Groveton Road or Featherbed Lane. Local residents, their visitors and vendors should be able to utilize Section A, as they do today. Superintendent Clark made this verbal commitment in a meeting with Barry Cline on July 8, 2013. However, at the Sept. 5th meeting Mr. Clark disavowed this commitment. NPS should explicitly agree to allow local residents unimpeded access to section A. We do not oppose restrictions on commuter traffic.

Moreover, this part of the PA does not directly address how NPS will control access to Sections A & B of 234 once abandonment is completed. However, since local resident access must be preserved, NPS should delineate the methods that will be utilized. GTCA opposes barrier gates, requirements for electronic transponders or other similar technologies. We need assurances that transit through whatever entranceway NPS chooses to construct, now or in the future will permit access 24 x 7. The PA must address these practical aspects of local resident access to park roads being abandoned. The NPS has wide experience with various mechanisms to manage park access and should not be permitted to defer identification of the preferred approach to some unspecified date in the future.

Similarly, the PA document does not address maintenance requirements or standards for abandoned sections of 234. GTCA believes that this must be addressed in the final PA. NPS should be required to maintain the road in a condition similar to what VDOT has in the past.