

Free Enterprise Forum

*Providing Citizens of the Charlottesville Region with a
Balanced Perspective on Local Issues*

October 5, 2012

Ms. Angela Deem, Environmental Division
Virginia Department of Transportation
1221 East Broad Street
Richmond, VA 23219

RE: US Route 29 Charlottesville Bypass Environmental Assessment
State Project No.: 0029-002-844, P101; UPC 102419

VIA ELECTRONIC TRANSMISSION

Dear Ms. Deem,

The Free Enterprise Forum, a privately funded public policy organization, appreciates the opportunity to review and comment on the Virginia Department of Transportation (VDOT) Environmental Assessment (EA) of US29 Bypass. By means of background, the Free Enterprise Forum has been an active participant in Central Virginia's land use and transportation discussions for just shy of a decade.

For the better part of the decade we have advocated for transportation solutions. When the Places29 plan was considered by the Albemarle County Board of Supervisors, the Free Enterprise Forum opposed the plan, in part because it failed to even consider the US29 Bypass as a potential solution. We believed then, as we do now, the US29 Western Bypass must be a part of any real transportation solution.

This project has a long history marked by successful delay tactics. The initial Finding of No Significant Impact was issued in 1995, with a reevaluation and Revised Record of Decision was issued in 2000. After litigation, the Final Supplemental Environmental Impact Statement (FSEIS) Record of Decision was issued in 2003. As this project moved through the approvals and litigation, traffic only continued to grow on US29.

Even though some of the areas on US29 North have been rezoned and/or developed since the 1995 study was originally prepared, these areas have been designated for high density growth since at least the 1984 Comprehensive Plan Land Use Plan. This designation was factored in when the original route was developed.

Significantly, the route of the bypass has been on the Comprehensive Plan Land Use maps for many, many years. The most recent map, which was effective up until Places 29 was approved, is entitled "2015 Land Use Map" and is marked "Adopted June 1996, Amended May 2010." So all land use decisions since at least 1984 were made with the expectation that this road follow this route and as

recently as May 2010 Albemarle County's Comprehensive Plan map envisioned this road in this location for its long range planning purposes.

Despite claims to the contrary, the EA correctly notes that "the current forecasts for 2040 confirm that up to 28% of traffic will divert to the proposed bypass from existing Route 29" (page 6). The project will result in significant improvement in traffic flow on the new Business 29. The EA states that "the Route 29/Hydraulic road intersection, the average delay would be reduced by approximately 42% in the AM peak and by approximately 35% in the PM peak" (page 14). Clearly the US29 Bypass continues to meet the identified purpose and need as described in the previously approved National Environmental Policy Act (NEPA) documents.

The Free Enterprise Forum appreciates the level of detail and clarity included in the EA regarding citizen concerns and the metrics used to determine what, if any, mitigation may be required. We believe this document meets or exceeds the requirements and should be forwarded to Federal Highway Administration (FHWA) for approval.

While we anticipate relatively swift approval from FHWA, we also fully anticipate one, if not more, federal lawsuits will challenge this decision. Based on our comprehensive analysis of the EA coupled with the favorable federal court opinion in 2003, the Free Enterprise Forum believes the 2012 Environmental Assessment will be upheld and the project to move forward.

Thank you for the opportunity for the community to comment on this critically important project. Once constructed, the US29 Bypass will provide Virginia with a significantly safer, less congested roadway for all its citizens.

Respectfully Submitted,

Neil Williamson
President