



U.S. Department  
of Transportation

**Federal Highway  
Administration**

Virginia Division  
(804)775-3320

P.O. Box 10249  
400 N. 8th Street Rm. 750  
Richmond, Virginia 23240

**IN REPLY REFER TO:**

July 10, 2007

Route 58/Midtown Tunnel (including  
Pinnars Point Interchange);  
Final Environmental Impact Statement;  
Cities of Norfolk and Portsmouth,  
Virginia;  
**REVISED RECORD OF DECISION**

Mr. Malcolm T. Kerley  
Chief Engineer  
Virginia Department of Transportation  
1401 East Broad Street  
Richmond, Virginia 23219

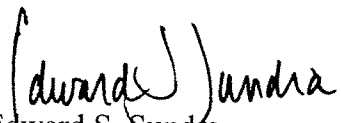
Attention: Mr. Rick Walton

Dear Mr. Kerley:

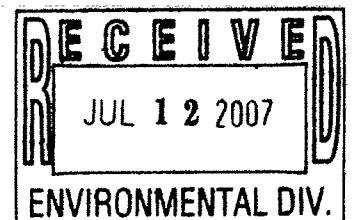
Attached for your use and files is the revised Record of Decision issued by the Federal Highway Administration for the Route 58/Midtown Tunnel (including Pinnars Point Interchange) Environmental Impact Statement. Please take appropriate action in accordance with 40 CFR Part 1506.6(b) to notify the public that the Record of Decision has been revised. In accordance with 23 CFR Part 771.129(b), the revised ROD should be provided to all persons, organizations and agencies that received a copy of the final Environmental Impact Statement, to the extent practicable. If you have any questions, please contact me at (804) 775-3338.

Sincerely,

Roberto Fonseca-Martinez  
Division Administrator

By:   
Edward S. Sundra  
Environmental Specialist, Sr.

CC: Earl Robb, VDOT  
Chris Collins, VDOT



# REVISED RECORD OF DECISION

Federal Highway Administration

Virginia Division

Route 58/Midtown Tunnel (including Pinners Point Interchange)

Cities of Norfolk and Portsmouth, Virginia

## A. Introduction

This revised Record of Decision (ROD) is being prepared in accordance with 23 CFR §771.127(b). This regulation states, "If the Administration subsequently wishes to approve an alternative which was not identified as the preferred alternative but was fully evaluated in the final EIS, or *proposes to make substantial changes* to the mitigation measures or *findings* discussed in the ROD, a revised ROD shall be subject to review by those Administration offices which reviewed the final EIS under §771.125(c). To the extent practicable the approved revised ROD shall be provided to all persons, organizations, and agencies that received a copy of the final EIS pursuant to §771.125(g)." With this revised ROD, FHWA is proposing to make substantial changes to the findings discussed in the ROD for the Route 58/Midtown Tunnel project, which was issued in 1997. When that ROD was issued, location approval was given for only a portion of the project (Route 58) because the remaining portion (Midtown Tunnel) was not included in a fiscally constrained Long Range Transportation Plan (CLRP) found to conform by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). Since then, the remaining portion of the project has been included in a CLRP found to conform by FHWA and FTA on August 22, 2006, which represents a "substantial change to the...findings presented in the [original] ROD."

## B. Project History

The Route 58/Midtown Tunnel (including Pinners Point Interchange) final Environmental Impact Statement (EIS) was approved for public availability on November 8, 1996. The proposed project was developed to provide improved traffic flow between the cities of Portsmouth and Norfolk, from Route 58 and the east end of the West Norfolk Bridge (Route 164) in Portsmouth to Brambleton Avenue in Norfolk. The project would be accomplished with limited access highway facilities at the Pinners Point Interchange and Connector in Portsmouth, improvements to the Hampton Boulevard/Brambleton Avenue interchange in Norfolk, and a second Midtown Tunnel tube parallel and just downstream of the existing tube.

A Record of Decision (ROD) was issued for the project on March 17, 1997. The ROD was signed by Mr. Dave Lawton, Director of the Office of Planning and Environment for the Region 3 Office of FHWA. The ROD identified Alternative A4-B4(modified)-C1-D1 as the selected alternative. However, location approval for the parallel tube of the Midtown Tunnel and its eastern approach (which is represented by segments C and D of the selected alternative: A4-B4(modified)-C1-D1; these two segments will hereafter be referred to as the 'Midtown Tunnel improvements') was not granted with the 1997 ROD because the Midtown Tunnel improvements were not included in a conforming CLRP; instead, the Midtown Tunnel improvements were outside the horizon year of the CLRP, which was 2015 at the time. The transportation air quality

conformity issue aside, all other environmental issues for the Midtown Tunnel improvements were evaluated and impacts disclosed in accordance with the National Environmental Policy Act when the final EIS was issued. Since issuance of the ROD, fiscal constraint issues in the Hampton Roads area have prevented the Midtown Tunnel improvements from being added to updated versions of the CLRP until recently. Last year, the Hampton Roads Metropolitan Planning Organization (MPO) amended the 2026 CLRP to include the Midtown Tunnel improvements. Transportation air quality conformity was run on the amended CLRP, and FHWA and FTA issued a conformity finding on August 22, 2006. The Midtown Tunnel is also included in the 2030 CLRP update currently being completed by the MPO.

On May 9, 2007, FHWA completed a re-evaluation of the Route 58/Midtown Tunnel final EIS in accordance with 23 CFR §771.129(b). As a result of that effort, FHWA concluded that a supplemental EIS was not required.

Except for the Midtown Tunnel improvements, the rest of the project has been constructed (which is represented by segments A and B of the selected alternative: A4-B4(modified)-C1-D1) and open to traffic.

### **C. Purpose and Need**

The purpose and need for the project identified in the EIS involves several components including the need to improve system linkage, the need to increase capacity of the transportation network, and the need to address transportation demand in the project area as well as the greater regional area. With the purpose and need in mind, four primary goals were identified to be accomplished by the project: 1) provide additional capacity at the existing Midtown Tunnel; 2) provide a direct connection between the eastern terminus of the Western Freeway, Midtown Tunnel, and Martin Luther King Freeway via an interchange at Pinners Point; 3) remove Western Freeway-related traffic from residential streets in the historic Port Norfolk District of Portsmouth; and 4) alleviate traffic on the other river crossings, particularly the downtown tunnel.

### **D. Selected Alternative Decision**

The alternative selected by FHWA for the Route 58/Midtown Tunnel (including Pinners Point Interchange) project is Alternative A4-B4(modified)-C1-D1 (see Figure 15 in the final Environmental Impact Statement). However, as stated above, the ROD that was issued in 1997 did not grant location approval for the Midtown Tunnel improvements. With this revised ROD, location approval is being granted for the remaining segments of Alternative A4-B4(modified)-C1-D1, also known as the Midtown Tunnel improvements or segments C and D.

### **E. Alternatives Considered**

A variety of alternatives were considered during the development of the EIS for the Route 58/Midtown Tunnel project. These alternatives included the No-build Alternative, Transportation System Management (TSM) Alternative, Mass Transit Alternative, and several Build Alternatives. The No-Build, TSM, and Mass Transit Alternatives were not carried forward

for detailed analysis in the EIS because they either failed to address the purpose and need of the project or because they did not address the purpose and need as effectively as the build alternatives and failed to accomplish the goals of the project.

For purposes of developing build alternatives, the project was divided into four segments represented by the letters A, B, C, and D. For each segment, a number of alternatives were developed. These segment alternatives were then subjected to a multi-disciplinary evaluation by the project study team. This resulted in some of the segments alternatives being dropped from consideration while others were modified and retained. The segment alternatives were then combined to form end-to-end alternatives that were carried forward for consideration in the EIS.

**F. Section 4(f) and Section 106**

The only Section 4(f) and Section 106 issues identified for the project were associated with segments A and B of the selected alternative, which have already been constructed. In summary, a Section 4(f) Evaluation was prepared at the time that the EIS was developed for the Route 58/Midtown Tunnel project. That Section 4(f) Evaluation covered the Bayview Boulevard Beach Area and looked at avoidance alternatives and measures to minimize harm. The selected alternative avoided any use of the Bayview Boulevard Beach Area. In addition, Section 4(f) constructive use of the Port Norfolk Historic District was also considered as it relates to proximity and noise impacts at the time the EIS was developed. However, it was determined that the selected alternative would have no constructive use of this resource.

In the course of re-evaluating the final EIS, two new Section 4(f) resources were identified in the study area in the vicinity of segments C and D: Plum Point Park and the Elizabeth River Trail. Plum Point Park has an extensive wetland restoration area with walking trails and is located to the east of the Midtown Tunnel portal entrance. No property from the park will be used for the Midtown Tunnel improvements since the park lies outside the anticipated construction limits of the project. Noise levels at the park will increase slightly, but this increase is not considered a constructive use since serenity and a quiet setting are not characteristics of the park given that it is located in an urban setting adjacent to the portal entrance of the existing tunnel. The Elizabeth River Trail is a publicly owned trail located on the Norfolk side of the Midtown Tunnel and crosses over the existing portal entrance. The trail is located on right-of-way owned by the City of Norfolk, which was granted to them from the Norfolk Southern Corporation as part of a local match for a Transportation Enhancement project implemented by VDOT. The new portal entrance will lengthen the span over which the trail passes, but the Midtown Tunnel improvements will not use any land from the trail since construction in this location will tunnel underneath the trail; VDOT will not acquire any interest in property upon which the trail is located. There will be a temporary disruption to the trail during construction but the disruption should not last the duration of the project. Every effort will be made to maintain trail connectivity and the safety of the trail users during construction to the degree practicable. When this is not possible, the trail will be temporarily closed. As with Plum Point Park, noise levels on the trail will increase slightly because of the project, but this increase is not considered a constructive use since serenity and a quiet setting are not characteristics of the trail given that it is located in an urban setting over the portal entrance of the existing tunnel.

A Section 106 Memorandum of Agreement (MOA) was developed to minimize adverse visual effects from the project on the Port Norfolk Historic District. After the final EIS was circulated for comment, the MOA was amended to clarify the language regarding the height of the bridge structure and to account for a noise barrier that had been proposed for placement on the bridge. The amended MOA was executed by the Advisory Council on Historic Preservation on February 10, 1997, and its stipulations implemented. There are no Section 106 issues associated with the Midtown Tunnel improvements (segments C and D)

#### **G. Miscellaneous Issues**

There is only one miscellaneous issue that warrants discussion in the ROD:

Air Toxics: A qualitative mobile source air toxic analysis was prepared when the project was re-evaluated earlier this year. That analysis was attached to the re-evaluation and concluded that the mobile source air toxic issue is a continuing area of research and a developing issue which at present, is not fully understood to the point that it would allow one to quantify the health effects that the Midtown Tunnel improvements would have on the surrounding environment. The technical capability of quantifying such effects with any degree of confidence are years away. Consequently, the mobile source air toxic issue does not inform the decision makers for this project as it relates to the significance of the issue and its environmental impacts. Despite the inability to assess the health effects of mobile source air toxics let alone the health effects directly attributed to a specific project, substantial reductions in air toxics are expected over the life of the project due to EPA's vehicle and fuel regulations coupled with fleet turnover; therefore, any potential for the project to increase mobile source air toxic emissions is not considered significant given this context.

#### **H. Mitigation and Minimization Measures**

The selected alternative included all practicable measures to minimize environmental harm. When the ROD was issued in 1997, it identified mitigation and minimization measures that would be implemented during final design and construction. Of those mitigation and minimization measures, the following are applicable to the Midtown Tunnel improvements:

- Temporary disruptions to water traffic will be minimized through prior coordination of construction phases with major maritime interests, provision of a schedule of anticipated temporary waterway closures, and contingency measures to allow immediate channel openings during time of local, state or national emergency.
- Time of year restrictions of dredging and utilization of best available practices will be employed to minimize unavoidable dredging impacts.
- A stormwater management plan and an erosion and sediment control plan will be prepared in accordance with Virginia's Stormwater Management and Erosion and Sediment Control Regulations. During construction, all non-point source controls and Best Management Practices will comply with the requirements of these regulations. A post-construction plan will address volume and water quality also in accordance with these regulations.
- Mitigation for unavoidable wetland impacts will be in accordance with current U. S. Army Corps of Engineers sequencing guidance. Temporary wetland impacts will be ameliorated by

grading areas to original contours and re-seeding the areas that do not re-vegetate on their own.

**I. Other Federal Actions Required**

Federal and state laws and regulations require that various environmental permits or approvals be acquired prior to the start of project-related construction activities. The following permits or compliances are anticipated for the Midtown Tunnel improvements:

- Permit from the U. S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act;
- Discharge authorization from the U. S. Army Corps of Engineers under Section 404 of the Clean Water Act;
- Section 401 Water Quality Certification (issued on behalf of the U. S. Environmental Protection Agency by the Virginia Department of Environmental Quality under the Virginia Water Protection Permit Program);
- Approval from the U. S. Army Corps of Engineers to dispose of dredged material at the Craney Island Facility generated by tunnel trench excavation;

**J. Monitoring or Enforcement Program**

A formal monitoring program is not proposed. Permit conditions and coordination with permitting agencies during design development, right-of-way acquisition, and construction will ensure consistency with applicable environmental laws and regulations.

**K. Document Availability**

A draft EIS was approved for public availability on December 22, 1989. A written re-evaluation of the draft EIS was completed in February of 1996, and FHWA concluded that a supplemental EIS was not required. A final EIS was approved for public availability in September of 1996 and copies sent to the Environmental Protection Agency for publication in the *Federal Register*. The Environmental Protection Agency published a Notice of Availability of the final EIS in December of 1996. Another re-evaluation of the EIS was completed in May of 2007. With this re-evaluation, FHWA again concluded that a supplemental EIS was not required.

**L. Comments on the Final EIS**

No substantive comments were received or new information submitted when the final EIS was made available to the public.

**M. Decision**

Based on the foregoing information, the Federal Highway Administration has selected the A4-B4(modified)-C1-D1 Alternative to address the identified purpose and need for the subject

project. This revised ROD adds segments C and D to the alternative identified as the selected alternative in FHWA's 1997 ROD.

7/9/07  
Date

  
Roberto Fonseca-Martinez  
Division Administrator



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
1401 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219-2000

David S. Ekern, P.E.  
COMMISSIONER

April 23, 2007

Mr. Roberto Fonseca-Martinez  
Federal Highway Administration, Virginia Division  
400 North 8<sup>th</sup> Street  
Richmond, Virginia 23240

Re:    Reevaluation:        Midtown Tunnel  
      Federal Number:     STP-5403( )  
      State Project Number: 0058-965-102, PE-100  
      FHWA EIS Number:    FHWA-VA-EIS-89-03-F  
      FEIS Date            November 8, 1996  
      ROD Date             March 17, 1997

Dear Mr. Fonseca:

The Virginia Department of Transportation has concluded its reevaluation of the above referenced FEIS. The alternative selected by the Commonwealth Transportation Board (CTB) and approved by FHWA in the ROD for the Route 58 / Midtown Tunnel (Including Pinners Point) is the alternative identified in the FEIS as the preferred alternative, A4-B4(modified)-C1-D1 (see Figure 15 on page II-24 of the FEIS). Details of the reevaluation effort are as follows:

#### Land Use Changes

A field review of the project area was conducted to determine if the area has changed from the FEIS conditions (e.g., new housing or commercial developments, new industrial developments, etc.). Based on the field review, we conclude that changes to the affected environment have occurred due to changes in land use in the study area. These changes have been investigated and although land use changes have occurred and a new section 4(f) resource is present in the study area, no impacts are anticipated due to the proposed improvements.

#### Consistency with Regional Plans

The region's current constrained long-range plan (CLRP) was reviewed to determine if the proposed improvements were consistent with regional plans. Construction of the Midtown Tunnel portion of the proposed Route 58 / Midtown Tunnel (Including Pinners Point) project as documented in the FEIS was not included in previously conforming plans. In addition to reviewing the CLRP, local planning authorities were contacted to verify that the construction of the proposed Midtown Tunnel Preferred Alternative is still consistent with their comprehensive plans and zoning ordinances even though there has been some growth in the study area. Based on discussions with planning staff from the City of Norfolk and regional agencies, we conclude that although land use plans have changed and regional air quality studies have been updated to meet new regulatory requirements, the proposed improvements are

Mr. Roberto Fonseca-Martinez  
November 10, 2006  
Page 2

still identified as a priority locally and regionally and that the proposed improvements are still consistent with all regional and local plans (see attached checklist for details).

#### Legal and Regulatory Review

NEPA-related laws and regulations were evaluated to determine if regulatory changes have occurred and, if so, how they would affect the previous FEIS results. This effort did not involve re-initiating agency coordination (e.g., FWS Section 7, ACOE, EPA, etc.). New CAAA regulations have been adopted for air quality analysis since the FEIS was completed including the use of new modeling techniques for project level analyses. However, there are no anticipated design changes associated with the proposed improvements that would change the traffic patterns and associated air quality analysis prepared for the FEIS. In addition, the recent regional modeling conducted for the Constrained Long Range Plan that includes the new lanes for the Midtown Tunnel projects lower volumes than presented in the FEIS for all routes leading to, and including, the Midtown Tunnel even though the projected year has been extended from 2015 to 2026. Since future volumes are projected to be lower than those documented in the FEIS, the project is not expected to cause any violations of the NAAQs for CO. Since the CO analysis included in the FEIS also indicated that emission levels resulting from this project were well below the NAAQS for CO, changes to traffic are not expected to cause any violations of the CO standard. We do not anticipate any increases in air quality impacts (see attached checklist for details and Appendix A for MSAT discussion) and feel that the analysis from the FEIS stands. No additional study is required.

#### Section 4(f) Resources

Two new Section 4(f) resources, the Elizabeth River Trail and Plum Point Park, are present in the study area. However, no long-term permanent use of these resources is anticipated and any temporary construction impacts would be minimal and would have no permanent adverse physical effects and no interference with the purpose of the resources or the activities within them. Further, the duration of any temporary occupancy would be less than the time needed to construct the project and there would be no change in ownership of the lands containing the Section 4(f) resources. Therefore no additional Section 4(f) analysis or documentation is required.

There have been no changes in the proposed alternative, as presented in the FEIS and ROD. Since there have been no changes to the proposed alternative or the proposed mitigation measures that require additional documentation, it is our opinion that the findings of the FEIS and ROD remain valid, and that no Supplemental DEIS or new DEIS is needed. Attached is the completed checklist that documents our reevaluation findings.

Thank you for your attention to this matter. Should you have questions, please call me at 804-225-4249.

Sincerely,  
VIRGINIA DEPARTMENT OF TRANSPORTATION



Christopher G. Collins  
Project Studies Manager

Attachment  
cc: Mr. Raymond Partridge

I concur:

May 9, 2007



(for) Roberto Fonseca-Martinez  
Division Administrator