

Interstate 81 Corridor Improvement Study

Tier 1 Record of Decision

FHWA-VA-EIS-05-04-T1F

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Date

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for Division Administrator
Federal Highway Administration
Virginia Division

TIER 1 RECORD OF DECISION
Federal Highway Administration
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Interstate 81 Corridor Improvement Study

A. Process Streamlining Agreement Between the Virginia Department of Transportation and the Federal Highway Administration on the Interstate 81 Corridor National Environmental Policy Act Process (Agreement)

On November 6, 2003, the Federal Highway Administration and the Virginia Department of Transportation entered into an agreement to follow a tiered decisionmaking process for the Interstate 81 Corridor Improvement Study. Tiering is a staged approach to the National Environmental Policy Act of 1969 (NEPA) process described in the Council on Environmental Quality's (CEQ) *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* (40 CFR 1500-1508) and in the Federal Highway Administration's (FHWA) *Environmental Impact and Related Procedures* (23 CFR 771). Tiering addresses broad programs and issues in an initial (Tier 1) or systems level analysis, and analyzes site-specific proposals and impacts in subsequent tier studies. The tiered process supports decision-making on issues that are ripe for decision and provides a means to preserve those decisions.

The Agreement defines the decisions to be made and the approvals to be granted at specific milestones of the tiered NEPA process, and defines the study approach and elements to be included in each stage of the tiered analysis. The process consists of a Tier 1 Draft Environmental Impact Statement (EIS), a Tier 1 Final EIS, and a Tier 1 Record of Decision to conclude Tier 1. As specified in the Agreement, upon completion of Tier 1, decisions are to be made on:

- The improvement concepts to be advanced;
- Advancing I-81 as a toll pilot facility under Section 1216(b) of the Transportation Equity Act of the 21st Century (TEA-21);
- Projects with independent utility and logical termini to be studied in Tier 2;
- The types of Tier 2 NEPA document(s);
- The location of the corridor for studying alignments in Tier 2; and
- Possible purchase of certain right-of-way parcels on a case-by-case basis.

Upon completion of Tier 2 studies, decisions would be made on individual projects and would include:

- Approval of conceptual design features for improvements;
- Authority to use Federal funds on final design of the improvements;
- Authority to acquire right-of-way;
- Eligibility for Federal funding of construction; and
- Approval to modify access to I-81.

B. Improvement Concepts Considered

A broad range of reasonable improvement concepts¹ was considered. Some concepts emerged from the scoping process, some came from previous studies, and others were developed by FHWA, VDOT, and the consultant team. The improvement concepts considered included:

- No-Build Concept;
- Transportation system management (TSM);
- Four Rail Concepts
- Five Roadway Concepts
- Five Combination Concepts
- Five Separated Lane Concepts

Five different toll scenarios were considered for each improvement concept. In total, 211 combinations of improvement concepts and toll scenarios were analyzed. The concepts' ability to meet the capacity needs was identified in the form of the number of miles of I-81 that would continue to operate below the level of service standard after the concept was constructed, and the number of miles where excess capacity would be provided. Each concept was evaluated for 650 miles, which comprises 325 miles of I-81 in each direction. The results of the analysis are contained in section 3.2 of the Tier 1 Final EIS.

C. Tier 1 Decisions

As noted in Section A, the Agreement specified the types of decisions to be made at the conclusion of the Tier 1 study. This section describes FHWA's Tier 1 decisions and the rationale for those decisions. These decisions are being made pursuant to NEPA and are considered final with respect to Tier 1 within the meaning of 23 USC 139(I)(1). FHWA does not plan to revisit these decisions during the Tier 2 NEPA process unless substantial new information arises that is material to these decisions.

1. Improvement concept to be advanced

The concept that FHWA is advancing into Tier 2 is a non-separated variable lane highway facility that involves constructing no more than two general purpose lanes in each direction, where needed, to address 2035 traffic demands. Subsequent Tier 2 NEPA documents prepared for individual, independent projects along I-81 would evaluate site-specific conditions and impacts before specific design and location decisions are made by FHWA. The rationale for selecting this improvement concept is as follows:

- The Final EIS indicates that the vast majority of I-81 needs additional highway capacity by 2035, but that no consistent corridor-length solution meets the future travel demand needs without providing excess or insufficient capacity.

¹ The term "improvement concept" is used in this Tier 1 study rather than the traditional NEPA term "alternative" because the improvements developed for this study are conceptual.

- Analysis indicates that a varying number of general purpose highway lanes would most efficiently address the future travel demand.
- A variable lane concept minimizes the social, economic, and environmental impacts as compared to consistent lane concepts and provides an opportunity to limit cost by not providing more lanes than are needed.
- The addition of general purpose lanes would cost substantially less than the separated lane concepts in order to achieve the same level of service benefit. In addition, there was strong public opposition to the separated lane concepts.

Safety and Operational Improvements

Along with the concept that is being advanced into Tier 2, there is an immediate need for smaller, independent safety and operational improvements along I-81. These include, but are not limited to, the construction of truck climbing lanes, the extension of entrance and exit ramps at various interchanges, and the installation and upgrading of guardrail. FHWA is advancing these types of short-term improvements independent of the Sections of Independent Utility identified below. These short term improvements include truck climbing lanes from approximately Milepost 195 to Milepost 202 northbound and Milepost 128 to Milepost 119 southbound with funding identified in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Tier 2 Decisionmaking

It should be noted that even though FHWA is advancing an improvement concept for further study in the Tier 2 NEPA Process, this decision does not mean that the concept or the short-term safety and operational improvements will be implemented. The No-Build Alternative will be under consideration for each Tier 2 project. Even though transportation needs have been identified along most of I-81 in Virginia, other factors may outweigh the need for transportation improvements. Prior to implementation, projects would have to be programmed by the Virginia Department of Transportation and included in appropriate planning documents.

2. Advancing I-81 as a toll pilot facility under Section 1216(b) of the Transportation Equity Act of the 21st Century (TEA-21)

The Tier 1 Final EIS demonstrates that the impacts of U.S. Route 11 and other roads (both local roadways and other Interstate facilities) from traffic that is diverted from I-81 as a result of tolls are low. In addition, the environmental impacts on other Interstate facilities caused by tolling would be inconsequential. FHWA is advancing I-81 as a toll pilot facility which allows tolling to continue to be pursued as a possible funding mechanism for improvements to I-81. If a toll option is considered for a particular Section of Independent Utility (SIU), the localized effects of toll facilities will be studied for the SIU in Tier 2. It should be noted that tolls could not be implemented until completion of the Tier 2 NEPA process for a particular SIU.

The tolling application process under Section 1216(b) of TEA-21 is independent of the NEPA process and requires additional and separate Federal approval.

3. Projects with independent utility and logical termini to be studied in Tier 2

Sections of Independent Utility

Based upon traffic exchanges and service demands, eight sections of independent utility (SIU) have been identified for subsequent Tier 2 analysis. Each SIU is independent and useful within the framework of the Tier 1 Final EIS and this Tier 1 Record of Decision. The SIUs are as follows:

- SIU #1: From the Tennessee state line to Exit 72;
- SIU #2: From Exit 72 to Exit 81;
- SIU #3: From Exit 81 to Exit 118;
- SIU #4: From Exit 118 to Exit 143;
- SIU #5: From Exit 143 to Exit 221;
- SIU #6: From Exit 221 to Exit 247;
- SIU #7: From Exit 247 to Exit 300; and
- SIU #8: From Exit 300 to the West Virginia state line.

Safety and operational improvements

As stated above, FHWA is advancing short-term safety and operational improvements independent of the SIUs, including truck climbing lanes from approximately Milepost 195 to Milepost 202 northbound and Milepost 128 to Milepost 119 southbound with funding identified in SAFETEA-LU.

4. Types of Tier 2 NEPA document(s)

Sections of Independent Utility

The Tier 1 Final EIS provides information on the nature of the concept to be advanced and the potential impacts associated with the concept. The significance of the actual impacts of the individual SIUs is currently unknown, and will not be known until detailed, project-specific roadway design is conducted in Tier 2. Therefore, Environmental Assessments (EA) are the type of Tier 2 NEPA document that will be initiated for each SIU. The EAs would be the means through which the detailed analysis associated with Tier 2 would be conducted. If significant impacts are identified at any point in the process during the study of an SIU, then FHWA will initiate an EIS.

Safety and operational improvements

For these improvements, such as projects to construct truck climbing lanes, documented Categorical Exclusions will be prepared provided that the projects meet the criteria for a Categorical Exclusion in FHWA's regulations implementing NEPA.

5. Location of the corridor for studying alignments in Tier 2

The location of the corridor for most of the Tier 2 studies will be the existing I-81 highway corridor. However, there are two locations along I-81 where the potential impacts for the concept being advanced, especially displacements, may rise to the level where a corridor on new location may be prudent. These sections are the Interstate 77 overlap section near Wytheville (Milepost 72 to 81) and a section in Harrisonburg (Milepost 243 to 251). At these two locations, FHWA will evaluate corridors on new location as well as widening the existing roadway facility during Tier 2.

6. Possible purchase of certain right-of-way parcels on a case-by-case basis

FHWA is not making a decision to purchase specific right-of-way parcels at this point. Notwithstanding, the Tier 1 Final EIS provides information to support decisions on hardship acquisitions or protective purchases of specific right-of-way parcels in the future on a case-by-case basis.

D. Mitigation and Minimization Measures

As stated throughout the Tier 1 Final EIS, this study evaluated conceptual improvements, and possible mitigation measures were discussed for certain resources consistent with the Tier 1 level of analysis (see, for example, section 5.9 of the Tier 1 Final EIS). Additional environmental analysis will be conducted in Tier 2 as appropriate, and practicable measures to minimize environmental harm will be developed and incorporated at that point when the actual environmental impacts of individual projects are known. A formal monitoring program would be developed in Tier 2 if necessary. A context sensitive solutions approach will be evaluated in the development of Tier 2 improvements. In addition, the Virginia Commonwealth Transportation Board's policies pertaining to multi-modal transportation and land use planning will also be considered as appropriate in the development of Tier 2 improvements.

E. Public Involvement

1. Environmental Document Availability

A Notice of Intent to prepare a Tier 1 Environmental Impact Statement was published in the *Federal Register* on November 14, 2003. The Tier 1 Draft Environmental Impact Statement was signed on November 28, 2005, and it was available for review on VDOT's web site for six months and was available at the public hearings, numerous VDOT offices, and libraries. The comment period for the Tier 1 Draft EIS was extended 30 days based on a request from interested parties.

The Tier 1 Final EIS was signed on March 21, 2007 and was distributed to approximately 680 Federal and state agencies, local governments, and other interested parties and individuals who submitted substantive comments on the Tier 1 Draft EIS. In addition, the Tier 1 Final EIS is available on the VDOT's website. On April 6, 2007, the U.S. Environmental Protection Agency published a Notice of Availability for the Tier 1 Final EIS in the *Federal Register*. The 30-day wait period, which marks the earliest date that FHWA could issue a Tier 1 Record of Decision, ended on May 7, 2007.

FHWA legal counsel reviewed the preliminary Tier 1 Final EIS and found that the document appropriately addressed Tier 1 issues. In addition, following a thorough, multidisciplinary review of the preliminary Tier 1 Final EIS, FHWA Headquarters concurred in the approval of the Tier 1 Final EIS.

2. Main Comment Themes

Two main comment themes from the public and agencies were raised throughout the Tier 1 NEPA process: support for rail and questions regarding level of detail in the Tier 1 document. The following discussion describes how these common themes have been addressed.

Rail

Many comments were received that supported improvements to Norfolk Southern's rail lines, and 58% of the comments received during the public hearing process listed rail as the preferred concept. In order to take a hard look at rail, substantial coordination occurred among FHWA, VDOT, the consultant team, the Virginia Department of Rail and Public Transportation, Norfolk Southern, and the Federal Railroad Administration to appropriately model freight rail traffic and develop rail improvement concepts for analysis. The rail coordination and analysis were a major part of the study and are summarized in section 7.2.2 of the Tier 1 Final EIS. The traffic analysis indicated that even if 100% of the trucks were removed from I-81 and put onto rail, the majority of I-81 in Virginia would still need additional highway lanes. In addition, FHWA has no control

or responsibility over privately owned rail lines and, pursuant to Title 23 of the United States Code, cannot fund improvements to those lines in Virginia.

Many commenters also requested that the Tier 1 EIS evaluate multi-state rail improvements. FHWA initially addressed this issue in a May 2004 memorandum, whereby FHWA concluded that it was not reasonable for this Tier 1 EIS to evaluate multi-state rail improvements. In sections E.S.6 and 6.2 of the Tier 1 Final EIS, FHWA reaffirms that conclusion and provides the rationale supporting the conclusion. However, it should be noted that the Virginia Department of Rail and Public Transportation, whose responsibilities include working with the railroad companies to improve freight operations, has initiated a multi-state rail study in cooperation with the Virginia Office of the Secretary of Transportation and Norfolk Southern to expedite short-term rail improvements and to study the potential long-term diversion of truck traffic along I-81 to rail. If funded rail improvements emerge from that study, FHWA would evaluate the effects of those rail improvements on the projections of future travel demand along I-81 as appropriate during Tier 2.

Level of Analysis

Several Federal and state agencies provided comments on the Tier 1 Draft EIS. Some agencies fully understood the concept of a Tier 1 EIS and tiered decision-making, while others were expecting the level of detail that is provided in traditional, non-tiered EISs. Similarly, numerous citizens and other interested parties were expecting a more traditional level of analysis. Finally, several entities believed that more analysis was needed pursuant to environmental laws other than NEPA.

From the onset of the study, FHWA and VDOT understood that one of the challenges would be to communicate to all interested parties that this study is not a traditional EIS. To address potential misunderstandings, the tiered NEPA process was described at the scoping meetings and on VDOT's web site, and an entire chapter in the Tier 1 Draft EIS and Tier 1 Final EIS was devoted to the tiering process. It is important to keep in mind that the Tier 1 study was designed to provide enough information so that FHWA could make informed decisions pursuant to NEPA on the six issues identified in the Agreement. The level of analysis and information in the Tier 1 Final EIS is sufficient to allow FHWA to make informed decisions on those items in this Tier 1 Record of Decision.

3. Comments on the Tier 1 Final EIS

A total of 17 comments were received on the Tier 1 Final EIS, including comments received after the expiration of the 30-day wait period. Comments were received from two Federal agencies, four interest groups, and 11 citizens. No comments were received from any state agencies, local governments, or regional entities.

All comments on the Tier 1 Final EIS have been considered, and although there is no regulatory requirement to address comments on a Final EIS, FHWA does so as a matter

of practice. The majority of the substantive comments describe issues that were already presented in comments submitted on the Tier 1 Draft EIS and, therefore, were already addressed in detail in the Tier 1 Final EIS. FHWA reaffirms the responses to those comments, and many of those issues are not re-addressed here. Rather, this section largely focuses on new and substantive comments that were submitted since approval of the Tier 1 Final EIS. The hard copy comments from agencies and interest groups are included as Appendix A of this Tier 1 Record of Decision.

In general, the vast majority of comments on the Tier 1 Final EIS – as well as the Tier 1 Draft EIS – were written as if this study were a traditional EIS and that FHWA would be selecting an alternative for construction. FHWA reiterates that this Tier 1 Record of Decision is not a decision to construct any improvements on I-81. Rather, as explained throughout the study process as well as in the Tier 1 Final EIS, FHWA is making a decision to advance a concept to the next level of study. More detailed environmental studies would need to be conducted in Tier 2 prior to FHWA approving any construction, and the No-Build alternative will be under consideration for each Tier 2 project.

Citizen Comments

General Summary: For the most part, the citizens' comments showed concern about FHWA's proposed Tier 1 decisions, rather than providing specific information or criticisms, or raising specific issues not previously considered regarding study methodology, analysis, results, or conclusions. The comments generally can be characterized by the following:

- Opposing the widening of I-81 to eight lanes;
- Opposing a Harrisonburg bypass;
- Opposing the use of tolls to pay for roadway improvements;
- Requesting adoption of smaller-scale improvements to I-81;
- A desire for more evaluation of realistic rail alternatives;
- Urging greater consideration of future fuel prices; and
- Urging consideration of multi-state rail.

Response: These comments were already appropriately addressed in Appendix E of the Tier 1 Final EIS.

Comment: The Tier 1 Final EIS ignores the fact that the NS Piedmont line is the preferred route for NS freight movement.

Response: This statement is incorrect. Rail Concepts 1, 2, and 3 were all developed in consultation with Norfolk Southern, and Rail Concept 3 consists of several improvements along the Piedmont line. In addition, section 3.2.9 of the Tier 1 Final EIS indicates that Rail Concept 3 would provide the most diversion of freight from truck to rail per dollar of investment.

Comment: The construction on I-81 should be delayed until the completion of the I-81 Freight Rail Study.

Response: This issue is addressed in the Tier 1 Final EIS Executive Summary. Evaluating out-of-state rail improvements would not alter FHWA's Tier 1 decision to advance conceptual-level improvements to the second tier of study. If funded rail improvements emerge from the multi-state I-81 Freight Study, FHWA and VDOT would evaluate the effects of those rail improvements on the projection of future travel demand along I-81 as appropriate in Tier 2. Roadway construction could not occur until after the completion of the Tier 2 NEPA process for an individual roadway project.

Comments from Agencies and Interest Groups

U.S. Army Corps of Engineers (May 7, 2007)

Comment: Regarding the first decision about which we expressed concern, the improvement concepts for highway and rail facilities, we are satisfied with your response and the process you followed to identify the Sections of Independent Utility (SIUs), excluding your process regarding the two new location sections (which we discuss below), and the analysis of various build options (truck lanes, separated lanes, etc). We also defer to FHWA in its decisions regarding rail concepts as part of this study, based on the information provided.

Response: Comment noted.

Comment: We continue to question that there is sufficient information from the Tier 1 EIS to determine the types of Tier 2 documents...It appears very likely that the two sections along I-81 where new location facilities may be needed will have significant impacts...

Response: As stated in section 6.4 of the Tier 1 Final EIS, the significance of the actual impacts of individual SIUs is currently unknown. Therefore, EAs are the appropriate level of document to initiate the Tier 2 NEPA process for each SIU. If significant impacts are identified at any point in the process, then FHWA will initiate an EIS.

Comment: The other decision to be made in Tier 1 about which we expressed concern is the location of the corridors for studying alignments in Tier 2. The primary corridor has been determined to be the existing route, and we are not concerned about that. We are assuming that within that primary corridor, whether it is the Minimum of Maximum option, you will analyze shifts from one side of the road to the other as well as widening into the median in order to minimize impacts to aquatic and other resources.

Response: Measures to minimize impacts to aquatic and other resources would be evaluated as necessary during Tier 2. Water quality permit requirements would be addressed in consultation with the U.S. Army Corps of Engineers.

Comment: We are however, concerned about the general location of "potential corridors" for the two new location sections, which are briefly discussed on page 6-9 and shown in Figures 6-2 and 6-3. The basis for those general "potential" location corridors is not provided.

Response: There are two locations along the existing I-81 corridor that have extensive development adjacent to the I-81 right-of-way. The impacts from potential I-81 improvement concepts, especially displacements, may rise to the level where a corridor on new location may be prudent. At these two locations, FHWA and VDOT would evaluate corridors on new location as well as widening existing I-81, in Tier 2. The Tier 1 Final EIS delineates the geographic extent of the general areas on either side of I-81 where these corridors on new location may be located and discusses the environmental resources within these general areas (see section 6.5 of the Tier 1 Final EIS). The actual location of those corridors on new location within these general areas, and the specific alignments within those corridors and their impacts have not yet been identified. This detailed analysis would occur in Tier 2 before the selection of any specific alignments.

Comment: As we noted in our comments on the DEIS, identifying only “potential corridors” for the new segments and delaying the identification of the actual corridors appears contrary to the statement in the Tier 1 DEIS (based on the process agreement between VDOT and FHWA) that the corridor location decisions will be an outcome of Tier 1.

Response: The Tier 1 EIS was designed to take a broad look at the entire I-81 corridor. As stated above, the primary corridor is the existing I-81 highway corridor. In two locations, however, the impacts from potential I-81 improvement concepts, especially displacements, may rise to the level where a corridor on new location may be prudent (see section 6.5 of the Tier 1 Final EIS). For these locations, FHWA and VDOT determined that it is appropriate to defer the decision on the location of the corridor until Tier 2 when site-specific information is available.

Comment: However, the Tier 1 study should have presented more information regarding the resources that may be impacted by the new location sections, including whether these “larger expanses of wetland areas” occur within those “potential corridors.”

Response: Comment noted. The Tier 2 NEPA documents would evaluate impacts to wetlands and other resources in more detail. Wetland impacts would be an important consideration in the evaluation of alternatives on new location.

Comment: As we stated in our comments on both the preliminary and final versions of the DEIS, if it is found that impacts to waters of the U.S. are substantial for any of the segments on new location, we will require evaluation of all alternatives that avoid and minimize those impacts.

Response: Comment noted.

U.S. Environmental Protection Agency (May 7, 2007)

Comment: EPA appreciates the effort made to address issues put forward in our letter on the DEIS. As stated in the correspondence, EPA agrees with the selection of Sections of Independent Utility (SIU) presented in the Tier 1 DEIS. There are no objections to evaluation of a pilot project for tolling on the roadway. Proceeding with documentation for further study of the SIUs, customizing the design of the highway to the needs of the

specific area is appropriate and beneficial from an economic and environmental viewpoint.

Response: Comment noted.

Comment: It is expected by our agency that alternatives that are proposed and evaluated in later documentation will thoroughly investigate avoidance and minimization of environmental, particularly aquatic, resources.

Response: Measures to minimize impacts to aquatic and other resources would be evaluated as appropriate during Tier 2.

Comment: It has been indicated by FHWA that it is the preferred course of action to move to EAs or Categorical Exclusions (CE) for Tier 2 studies. It is of concern that this decision is being made in the absence of any level of detailed field study of resources. Although it is clearly understood that a higher level of study (an EIS) can be prepared after the completion of an EA, it is often a costly and controversial decision. EPA has stated in the correspondence on the DEIS our concern about proceeding with EAs for Tier 2. EPA strongly suggests that evaluation and documentation at the level of an EIS be performed for SIUs where a corridor on new location will be evaluated. The level of data collection, impact analyses for the human and natural environment will be significant. These sections overlap complex issues of highway design, residential and commercial displacements, aquatic and other environmental and historic resources impacts. It would be prudent to evaluate these issues in an EIS.

Response: Comment noted. Regarding the lack of detailed field study, section 6.4 of the Tier 1 Final EIS indicates that the significance of actual impacts of individual SIUs is currently unknown. Therefore, EAs are the appropriate level of document to initiate the Tier 2 NEPA process for each SIU. It should be noted that an EA-level study can be transitioned to an EIS at any time, not simply after the completion of an EA. If significant impacts are identified at any point in the process during the study of an SIU, then FHWA will initiate an EIS. For the smaller safety and operational improvements, a documented CE would be prepared for projects only if they meet the criteria for a CE in FHWA's regulations implementing NEPA, including the lack of significant impacts.

Rail Solution (May 3, 2007)

In general, many of Rail Solutions' concerns were already addressed in Appendix E of the Tier 1 Final EIS, and many others are not substantive in the context of NEPA and the I-81 Corridor Improvement Study. Many comments are opinions and generalizations about the study, but do not provide any new information.

Comment: The FEIS retains all the deficient, flawed rail analysis of the DEIS plus an editorial overlay of gratuitously derogatory comments about rail in general; e.g., how it can make little difference in the highway construction needed, how FHWA cannot fund unreasonable alternatives, and how even if 100% of the trucks were diverted from I-81, highway improvements would still be required in 7 of the 8 study segments.

Response: The comments regarding flaws in the analysis are general in nature and neither specifically describe the perceived problems nor recommend specific improvements to the analysis. These types of concerns were already addressed in Appendix E of the Tier 1 Final EIS, and Rail Solution provides no new information to substantiate their claims.

Comment: Frequently a statement has been included in the response that no alternative was suggested. This is patently false. As far back as the Scoping Process in October, 2004, Rail Solution described in detail what a rail study needed to include to be able to ensure meaningful comparison of economic and environmental costs with those of new highway capacity.

Response: Rail Solution misunderstands the response to their comments. The responses they are citing (for example, responses 49.11, 49.12, and 49.28) were addressing perceived inadequacies with the freight modeling, not the evaluation of rail concepts. The responses consistently indicated that Rail Solution had not provided any alternative approaches to modeling or inputs to the model itself, and the responses did not indicate that Rail Solution did not suggest any alternative rail concepts.

Comment: The FEIS contains similar declarations on the futility of including a rail concept, saying that rail would make hardly any difference on the lanes needed to be added to I-81: "In fact, even if 100% of the trucks were removed from I-81 in Virginia and their freight put onto rail, the majority of the roadway – including seven of the eight sections of independent utility (SIUs) – would still need additional highway lanes." In spite of its obvious oversimplification and generalization, this statement appears multiple times in the FEIS to explain why rail will be looked at no further. The implication, of course, is that even diversion of 100% of trucks would be of no real significance. While it is possible that by 2035 some additional highway lanes would be needed in some areas, diversion of significant truck volumes to rail would have a huge bearing on the scope and urgency of highway construction. Utterly rejecting the rail possibility in the I-81 Corridor of Virginia deprives Virginians of significant potential cost savings and environmental benefits.

Response: Diversion of truck volumes may have a bearing on the future highway needs. To that end, FHWA and VDOT will evaluate the effects of funded rail improvements on the projection of future travel demand along I-81 as appropriate in Tier 2.

Comment: With no showing whatsoever that rail is not practical or feasible from the technical and economic standpoint, the acknowledged NEPA criterion, the FEIS concludes, 'It is not in the best overall public interest to authorize Federal highway funds on the exploration of unreasonable alternatives.'

Response: The Tier 1 FEIS references the criterion for reasonableness in section ES.6. Further, considering the fact that FHWA has no control or responsibility over privately owned rail lines and, pursuant to 23 United States Code, cannot fund improvements to the Piedmont and Shenandoah lines in Virginia, it is not reasonable to further study rail improvements as part of this tiered NEPA process.

Comment: A Record of Decision with all the negative rail references intact, on the other hand, might someday be cited to foreclose or constrain options that the CTB would want to consider. Fortunately, this can be avoided, and the Commonwealth's interests protected, with a simple precaution: Take rail out the EIS altogether...VDOT and FHWA should revise the FEIS prior to the Record of Decision to delete all rail references.

Response: The Tier 1 Final EIS has already been signed, and, therefore, references to rail cannot be removed from that document. No changes have occurred subsequent to the signing of Tier 1 Final EIS that would warrant a Tier 1 Supplemental Final EIS. In addition, localized alternatives would be evaluated during Tier 2 as necessary.

Sierra Club (May 7, 2007)

Two new issues were raised by the Sierra Club in addition to those already addressed in the Tier 1 Final EIS.

Comment: Global warming is a critical factor that has gained new impetus since the DEIS was written. The science for global warming has gained strength and the Supreme Court has ruled that it should be considered a pollutant under the Clean Air Act. A rail option would have greatly reduced carbon emissions and consequences.

Response: From a policy standpoint, FHWA's approach to the issue of global warming is as follows: To date, no national standards have been established regarding greenhouse gases, nor has EPA established criteria or thresholds for greenhouse gas emissions. On April 2, 2007, the Supreme Court issued a decision in *Massachusetts et al v. Environmental Protection Agency et al* that the USEPA does have authority under the Clean Air Act to establish motor vehicle emissions standards for CO₂ emissions. The USEPA is currently determining the implications to national policies and programs as a result of the Supreme Court decision. However, the Court's decision did not have any direct implications on requirements for developing transportation projects. FHWA does not believe it is informative at this point to consider greenhouse gas emissions in an Environmental Impact Statement (EIS). The climate impacts of CO₂ emissions are global in nature. Analyzing how alternatives evaluated in an EIS might vary in their relatively small contribution to a global problem will not better inform decisions. Further, due to the interactions between elements of the transportation system as a whole, emissions analyses would be less informative than ones conducted at regional, state, or national levels. Because of these concerns, FHWA concludes that we cannot usefully evaluate CO₂ emissions in this EIS in the same way that we address other vehicle emissions. FHWA is actively engaged in many other activities with the DOT Center for Climate Change to develop strategies to reduce transportation's contribution to GHGs—particularly CO₂ emissions—and to assess the risks to transportation systems and services from climate change. FHWA will continue to pursue these efforts as productive steps to address this important issue. FHWA will review and update its approach to

climate change at both the project and policy level as more information emerges and as policies and legal requirements evolve.

With regard to this study, during Tier 2 a detailed air quality analysis will be conducted as necessary. Any individual projects will have to conform to the National Ambient Air Quality Standards before they can be implemented.

Comment: The preponderance of commenters opposed this option. Most local jurisdictions along the corridor and many stakeholder organizations recognize that there is a better way to address the perceived problems on I-81, these opinions should not be ignored.

Response: It is uncertain to which option the commenter is referring. Notwithstanding, opinions were not ignored. All comments were considered, and all substantive comments on the Tier 1 Draft EIS were addressed in Appendix E of the Tier 1 Final EIS.

Coalition for Smarter Growth and Shenandoah Valley Network (May 7, 2007)

Comment: Our groups wish to register our strongest possible objection to the analysis and conclusion of the FEIS, as drafted, and to urge delay, additional consultation with the public and commenting agencies, and reevaluation before FHWA proceeds to a Record of Decision.

Response: No changes have occurred subsequent to the signing of Tier 1 Final EIS that would warrant a Tier 1 Supplemental Final EIS.

Comment: The FEIS fails to adequately respond to the issues raised by numerous citizens groups and government agencies. The CD representing the full FEIS and appendices does not include the full written comments provided by each and agency and only includes selective extracts which fail to capture the full thrust and logic of the arguments made the submitters.

Response: All comments were considered and, in accordance with 40 CFR 1503.4(b), all substantive comments on the Tier 1 Draft EIS were addressed in the Tier 1 Final EIS. Due to the voluminous number of comments, in an effort to reduce paperwork only the substantive comments were included in the Tier 1 Final EIS itself. This decision was made after consultation with FHWA legal counsel, and this approach fully meets all regulatory requirements.

Comment: In the case of SVN/CSG, the FEIS fails to address all of the issues raised by our comments, and does not respond at all to the analysis of our technical consultant, Mr. Norm Marshall of Smart Mobility.

Response: The Tier 1 Final EIS addressed comments made by CSG/SVN in the body of their letter dated May 29, 2006, but an analysis of the attachment from Mr. Marshall of Smart Mobility was inadvertently not included in the Tier 1 Final EIS. Mr. Marshall's comments on the Tier 1 Draft EIS as well as responses to substantive comments are included in Appendix B of this Tier 1 Record of Decision.

Comment: Selected Alternative Ignores Overwhelming Public Preferences.

Response: Public preferences were not ignored. All comments were considered, and all substantive comments on the Tier 1 Draft EIS were addressed in the Tier 1 Final EIS.

Comment: Selective Alternative Fails to Address the Specific Problems of I-81. While the FEIS concludes that a single concept would not address the purpose and need, it ends up adopting a single concept of end-to-end widening to 6 and 8 lanes, contrary to what the traffic data shows.

Response: This comment was raised by CSG/SVN in comments on the Tier 1 Draft EIS, and was addressed in response 39.8 in Appendix E of the Tier 1 Final EIS.

Comment: It is impermissible to base the need for the project on expected traffic to be generated by the selected alternative's significant additional lane capacity.

Response: The purpose and need was not based on the concept that is being advanced. Rather, as described in chapter 2 of the Tier 1 Final EIS, the purpose and need is based on the existing and 2035 No-Build conditions.

Comment: Current traffic and safety conditions do not justify the expenditure of billions of dollars on the corridor. Less than 10% of the 325 mile corridor operates below the even the unnecessarily high level of service (LOS) set by FHWA/VDOT for this project – B for rural areas and C for urban areas.

Response: *A Policy on Geometric Design of Highways and Streets*, published by the American Association of State Highway and Transportation Officials (AASHTO), is used to provide the LOS standards for highways on the National Highway System, which includes I-81. The level of service for mainline operations of I-81 is LOS B in rural areas and LOS C in urban areas. The policies published by AASHTO were the result of proven engineering research and experience, based on studies conducted by FHWA, the National Cooperative Highway Research Program (NCHRP), state research laboratories, and universities. These recommendations are, therefore, reasonable criteria for a Tier 1 analysis.

Comment: The FEIS fails to account for numerous projections of rising energy prices which would potentially reduce both truck and auto travel, while shifting freight to much more energy efficient rail.

Response: This comment is addressed numerous times in Appendix E of the Tier 1 Final EIS. NEPA procedures direct federal agencies to analyze effects to the extent that they are reasonably foreseeable and not speculative. While energy trends could affect the traffic projections, it is impossible to predict these dynamic issues with certainty, and speculative on them would not contribute to informed decision-making. Notwithstanding, traffic forecasts will be reassessed and updated as appropriate for the Tier 2 studies for each SIU.

Comment: Smart Mobility concludes that the EIS factors in the heavy share of peak traffic from developed areas to support corridor-length alternatives, when in fact this heavily local traffic is best suited to local land use and street network solutions, not

corridor-length expansion. Stated another way, peak local traffic inflates the overall traffic numbers and amplifies the trend lines.

Response: The forecasts of traffic growth for the I-81 corridor in Virginia was based on a variety of historical data, as well as recent transportation and socioeconomic indicators and the land use assumptions of the Virginia statewide transportation plan (which includes US Census population estimates). As such, the traffic forecasting approach was reasonable. The needs along I-81 are due to the increasing volume of traffic regardless of their origin and destination.

Comment: The FEIS fails to consider multi-state rail improvements, which could reduce truck freight traffic by as much as 30%.

Response: This issue is fully addressed in the Executive Summary of the Tier 1 Final EIS and in numerous places in Appendix E of the Tier 1 Final EIS.

Comment: The FEIS underestimates the traffic reductions that could occur due to tolls because it excludes diversion to roadways outside Virginia, uses an overly high value of time for trucks, and underestimates the additional shift to rail that might take place.

Response: The study evaluated freight diversion to roadways outside Virginia. The Tier 1 EIS Freight Diversion and Forecast Technical Report contains the details of the freight diversion analysis. The second part of the comment is general in nature and neither specifically describes perceived problems nor recommends specific improvements to the analysis.

Comment: Many of the resources are Section 4(F) properties including many Civil War Battlefields, historic houses and other sites. Yet, the use of the “Tiering” process to select the 6-8 lane expansion alternative precludes the option of selection a prudent and feasible alternative that would reduce the impact on these resources – like the three-part composite alternative that we have proposed.

Response: This issue was raised by CSG/SVN in comments on the Tier 1 Draft EIS, and was fully addressed in response 39.7 in Appendix E of the Tier 1 Final EIS.

Comment: Section 106 Historic Resource Consultations Undermined and Avoidance Options Foreclosed... So for both Section 106 and Section 4(f), FHWA and VDOT are foreclosing alternatives which could avoid harm to a treasure trove of historic resources.

Response: This issue was raised by CSG/SVN in comments on the Tier 1 Draft EIS, and was fully addressed in response 39.7 in Appendix E of the Tier 1 Final EIS.

Comment: The risk of environmental harm is rendered even greater by the FHWA/VDOT proposal to use Categorical Exclusions (no environmental review) or Environmental Assessments (less environmental review with a potential Finding of No Significant Impact or FONSI.) This approach is contrary to the clear recommendation in the comments of three key federal agencies including EPA, Army Corps of Engineers and the Department of the Interior. In fact with clear impact to historic battlefields and other historic resources directly adjacent to the highway, these agencies have indicated that an EIS is the appropriate study for the Tier 2 analysis. The FHWA has allowed a CE for a widening segment near Bristol (they do not report the length but it may have been less

than 10 miles and may even be less than 5 miles), has little relevance to segments of up to 78 miles in length and/or to segments with significant impacts, including impacts to Section 4(f)-protected resources.

Response: For the smaller safety and operational improvements, a documented CE would be prepared for projects only if they meet the criteria for a CE in FHWA's regulations implementing NEPA, including the lack of significant impacts. Documented CEs indeed undergo environmental review; all applicable environmental laws must be addressed regardless of the level of NEPA document. Whereas CEs or EAs were suggested in the Tier 1 Draft EIS for the SIUs, FHWA has now decided that EAs will be initiated for each SIU. Since the significance of the actual impacts of individual SIUs is currently unknown, EAs are the appropriate level of document to initiate the Tier 2 NEPA process. It should be noted that an EA-level study can be transitioned to an EIS at any time, not simply after the completion of an EA. If significant impacts are identified at any point in the process during the study of an SIU, then FHWA will initiate an EIS. Comments from the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers on the Tier 1 Final EIS are included in Appendix A of this Tier 1 Record of Decision. The U.S. Department of the Interior did not submit comments on the Tier 1 Final EIS.

Comment: The selection of Segments of Independent Utility and specific breakpoints for these segments appears to be designed to facilitate tolling, but not to address the specific traffic problems identified in the study...In fact, they will foreclose consideration of local land use and local street network improvements that would reduce local traffic in the urban sections of I-81.

Response: The rationale for the limits of the SIUs is described in section 6.4 of the Tier 1 Final EIS. The limits represent logical breakpoints in traffic and are not related to tolling. Land use changes by local governments and local street improvements are not foreclosed by advancing a concept to the next level of study.

Comment: The FEIS proposes two potential new bypasses, one of which is around Harrisonburg, Virginia, but as noted by the commenting federal agencies, the FEIS fails to study or evaluate the impact on resources in those areas.

Response: There are two locations along the existing I-81 corridor that have extensive development adjacent to the I-81 right-of-way. The impacts from potential I-81 improvement concepts, especially displacements, may rise to the level where a corridor on new location may be prudent. At these two locations, FHWA and VDOT would evaluate corridors on new location as well as widening existing I-81, in Tier 2. The Tier 1 Final EIS delineates the geographic extent of the general areas on either side of I-81 where these corridors on new location may be located and discusses the environmental resources within these general areas (see section 6.5 of the Tier 1 Final EIS). The actual location of those corridors on new location within these general areas, and the specific alignments within those corridors and their impacts have not yet been identified. This detailed analysis would occur in Tier 2 before the selection of any specific alignments.

Comment: Despite overwhelming support for multi-state rail improvements and available information that shows a large percentage of trucks are traveling all the way

through Virginia and at distances which are very amenable to rail shipment, the FHWA and VDOT continue to refuse to evaluate this alternative.

Response: This issue is fully addressed in the Tier 1 Final EIS, including the rationale for not evaluating a multi-state rail concept and not advancing a rail concept to Tier 2 of this NEPA study. See section ES.6 of the Tier 1 Final EIS.

Comment: FHWA states that “In fact, even if 100% of the trucks were removed from I-81 in Virginia and their freight put onto rail, the majority of I-81 in Virginia – including 7 of the 8 SIUs – would still need additional highway lanes.” This comment is not supported by any of the analysis and discussion in the FEIS.

Response: This conclusion is based on the traffic analysis of Separated Lane Concept 2, which consists of the addition of two exclusive truck lanes in each direction. Under this concept, 348 of the 625 miles of car lanes would be deficient and need additional lanes (see Table 5-5 of the Transportation Technical Report).

Southern Environmental Law Center (May 7, 2007)

Comment: The bottom line is that the FEIS fails to provide the information necessary to comply with the National Environmental Policy Act, and may limit consideration of alternatives necessary to comply with other statutes...NEPA requires a more complete examination of alternatives and impacts before a project or projects should go forward.

Response: The level of analysis and information in the Tier 1 Final EIS and Tier 1 Record of Decision is sufficient to allow FHWA to make informed decisions on the Tier 1 items in the Agreement.

Comment: Far more should be done to document and distinguish between the role local traffic and through traffic play in causing congestion in the corridor.

Response: This issue is addressed in the Tier 1 Final EIS, including response 62.3 in Appendix E of the Tier 1 Final EIS.

Comment: Capacity need estimates are based on relatively high level of service target standard – LOS B in rural areas and LOS C in urban areas.

Response: This issue is addressed in response 62.4 in Appendix E of the Tier 1 Final EIS.

Comment: The lengthy time horizon used for modeling raises concerns about the reliability of the modeling and may lead to overestimating capacity needed in the corridor, as EPA and others have pointed out.

Response: This issue is addressed in response 62.5 in Appendix E of the Tier 1 Final EIS.

Comment: Alternative projections of travel demand should be made based on several varying economic scenarios in order to provide decision-makers with information regarding the sensitivity of traffic demand forecasts to economic growth assumptions and to better assess the need for capacity improvements and the effectiveness of different alternatives.

Response: This issue is addressed in response 62.6 in Appendix E of the Tier 1 Final EIS.

Comment: The potential impact of rising energy prices and further price hikes on travel demand and mode choice should be analyzed to give a more accurate picture of the purpose and need for the project and the effectiveness of various alternatives.

Response: This issue is addressed in response 62.5 in Appendix E of the Tier 1 Final EIS.

Comment: Travel demand forecasts are also likely inaccurate because of the failure to consider more than one set of future land use assumptions.

Response: This issue is addressed in responses 62.5, 62.6, and 62.8 in Appendix E of the Tier 1 Final EIS.

Comment: Projected truck diversion rates if the tolls considered in the FEIS to pay for the massive cost of the various Build concepts are adopted appear to be too low, as truckers and other transportation experts have noted.

Response: This issue is addressed in response 62.9 in Appendix E of the Tier 1 Final EIS.

Comment: Since no single alternative can provide needed improvements, a mix of alternatives tailored to the problems in different parts of the corridor should be the preferred alternative and there is no reason to place such heavy emphasis on the Build Alternatives.

Response: This issue is addressed in response 62.10 in Appendix E of the Tier 1 Final EIS.

Comment: Yet the FEIS fails to consider interstate rail improvements that offer the greatest potential to reduce truck traffic on I-81, and FHWA and VDOT declined to wait for the results of the interstate rail study the General Assembly has directed before releasing the FEIS.

Response: This issue is addressed in response 62.1 in Appendix E of the Tier 1 Final EIS. No changes have occurred subsequent to the signing of Tier 1 Final EIS that would warrant a Tier 1 Supplemental Final EIS.

Comment: The FEIS concludes that the Transportation System Management (TSM) alternative of safety improvements, truck climbing lanes, Intelligent Transportation System elements, law enforcement, and park-and-ride projects do not satisfy the Purpose and Need by itself, and marginalizes this alternative. Yet the FEIS also shows that the most serious safety problems are concentrated in a small portion of I-81, particularly 8 miles with crash rates twice the state average (2-7). Solutions should be targeted to these particular problems; the FEIS merely states that such improvements will be pursued.

Response: This issue is addressed in response 62.1 in Appendix E of the Tier 1 Final EIS. Safety and operational improvements are indeed being advanced by FHWA.

Comment: The FEIS largely ignores alternatives that could address local traffic problems (such as improving local street networks and providing greater transit services) and these improvements would not be carried over into Tier 2 with the primacy they deserve. As noted in the preceding section, much more should be done to document and distinguish between the role local traffic and through traffic play in causing congestion in the corridor.

Response: This issue is addressed in responses 62.3 and 62.10 in Appendix E of the Tier 1 Final EIS.

Comment: The FEIS ignores major, foreseeable direct, indirect, and cumulative impacts by limiting analysis of impacts to Virginia.

Response: The level of analysis and information in the Tier 1 Final EIS and Tier 1 Record of Decision is sufficient to allow FHWA to make informed decisions on the Tier 1 items in the Agreement.

Comment: Direct, indirect, and cumulative impacts will be greater than forecast since the diversion of trucks and cars likely to result if tolls are imposed on I-81 is underestimated.

Response: This analysis of toll diversion is described in the Tier 1 EIS Toll Impact Study and Freight Diversion and Forecast Technical Report. This comment was also addressed in response 62.14 in Appendix E of the Tier 1 Final EIS. The level of analysis and information in the Tier 1 Final EIS and Tier 1 Record of Decision is sufficient to allow FHWA to make informed decisions on the Tier 1 items in the Agreement.

Comment: There is virtually no analysis of the impact on the unique cultural resources of the region.

Response: The analysis of the potential impacts to historic properties is described in sections 4.7 and 5.7 of the Tier 1 Final EIS. This comment was also addressed in responses 62.15 and 62.16 in Appendix E of the Tier 1 Final EIS. The level of analysis and information in the Tier 1 Final EIS and Tier 1 Record of Decision is sufficient to allow FHWA to make informed decisions on the Tier 1 items in the Agreement.

Comment: Water quality impacts have not been adequately assessed, including the failure to consider potential impacts on ground water due to the fragile karst geology in many areas.

Response: The analysis of potential impacts on water quality and groundwater is described in sections 4.8 and 5.9 of the Tier 1 Final EIS. This comment was also addressed in response 62.17 in Appendix E of the Tier 1 Final EIS. The level of analysis and information in the Tier 1 Final EIS and Tier 1 Record of Decision is sufficient to allow FHWA to make informed decisions on the Tier 1 items in the Agreement.

Comment: Air quality impact analysis is grossly inadequate, due to the failure to adequately take into account the topography of the area, the failure to consider many pollutants (such as carbon monoxide, sulfur dioxide, and air toxins), and failure to consider pollution during construction (which could last decades).

Response: The analysis of potential impacts to air quality is described in sections 4.9 and 5.10 of the Tier 1 Final EIS. This comment was also addressed in response 62.18 in

Appendix E of the Tier 1 Final EIS. The level of analysis and information in the Tier 1 Final EIS and Tier 1 Record of Decision is sufficient to allow FHWA to make informed decisions on the Tier 1 items in the Agreement.

Comment: The FEIS completely ignores greenhouse gas emissions despite increasing evidence of the threat and potential severity of global climate change.

Response: From a policy standpoint, FHWA's approach to the issue of global warming is as follows: To date, no national standards have been established regarding greenhouse gases, nor has EPA established criteria or thresholds for greenhouse gas emissions. On April 2, 2007, the Supreme Court issued a decision in *Massachusetts et al v.*

Environmental Protection Agency et al that the USEPA does have authority under the Clean Air Act to establish motor vehicle emissions standards for CO₂ emissions. The USEPA is currently determining the implications to national policies and programs as a result of the Supreme Court decision. However, the Court's decision did not have any direct implications on requirements for developing transportation projects. FHWA does not believe it is informative at this point to consider greenhouse gas emissions in an Environmental Impact Statement (EIS). The climate impacts of CO₂ emissions are global in nature. Analyzing how alternatives evaluated in an EIS might vary in their relatively small contribution to a global problem will not better inform decisions. Further, due to the interactions between elements of the transportation system as a whole, emissions analyses would be less informative than ones conducted at regional, state, or national levels. Because of these concerns, FHWA concludes that we cannot usefully evaluate CO₂ emissions in this EIS in the same way that we address other vehicle emissions. FHWA is actively engaged in many other activities with the DOT Center for Climate Change to develop strategies to reduce transportation's contribution to GHGs—particularly CO₂ emissions—and to assess the risks to transportation systems and services from climate change. FHWA will continue to pursue these efforts as productive steps to address this important issue. FHWA will review and update its approach to climate change at both the project and policy level as more information emerges and as policies and legal requirements evolve.

With regard to this study, during Tier 2 a detailed air quality analysis will be conducted as necessary. Any individual projects will have to conform to the National Ambient Air Quality Standards before they can be implemented.

Comment: The analysis of direct land use impacts is inadequate. Among other things, limiting the study area to a 500 foot wide area measured from the outside edge of I-81 will not capture the impacts of the Build Alternatives, especially around interchanges. The analysis of indirect land use impacts is virtually non-existent... Federal regulations recognize that "Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate..." 40 C.F.R. 1508.8(b). Yet the FEIS dismisses and minimizes the potential for induced development with no real analysis and by dumping it in the lap of local governments (5-83).

Response: The analysis of potential impacts to land use is described in sections 4.1 and 5.1 of the Tier 1 Final EIS. This comment was also addressed in responses 62.8, 62.19,

and 62.20 in Appendix E of the Tier 1 Final EIS. The level of analysis and information in the Tier 1 Final EIS and Tier 1 Record of Decision is sufficient to allow FHWA to make informed decisions on the Tier 1 items in the Agreement.

Comment: As the FEIS shows, no uniform solution will meet the needs of the corridor. Thus, decisions made in Tier 1 must not eliminate reasonable alternatives from consideration in Tier 2. However, as noted above, the FEIS seems to rule out or at best relegate some of the most effective potential solutions to the status of add-ons to the Build Alternatives. This is improper and unjustified.

Response: This issue is addressed in response 62.10 in Appendix E of the Tier 1 Final EIS.

Comment: The FEIS suggests that much of the analysis of adverse impacts of the Build Alternatives be deferred to Tier 2. Yet it also appears that many of these impacts will not be studied since the FEIS expresses the intent to proceed in Tier 2 with only Categorical Exclusions or with Environmental Assessments. (ES-xix). This is not acceptable, as three commenting agencies have noted. The FEIS should be revised to abandon the push for minimal environmental review, and FHWA and VDOT should commit to undertaking full environmental studies of any concept carried forward in Tier 2.

Response: The Tier 1 Final EIS indicates that the significance of actual impacts of individual SIUs is currently unknown (see section 6.4 of the Tier 1 Final EIS). Therefore, EAs are the appropriate level of document to initiate the Tier 2 NEPA process for each SIU. If significant impacts are identified at any point in the process during the study of an SIU, then FHWA will initiate an EIS. For the smaller safety and operational improvements, a documented Categorical Exclusion would be prepared for projects only if they meet the criteria for a Categorical Exclusion in FHWA's regulations implementing NEPA, including the lack of significant impacts.