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THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

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THE SECRETARY OF TRANSPORTATION'S DECISION ON WHETHER
THE DEPARTMENT OF TRANSPORTATION SHOULD APPROVE THE
CONSTRUCTION OF INTERSTATE ROUTE 66 IN ARLINGTON AND
FAIRFAX COUNTIES, VIRGINIA

The question before me is whether to grant approval, which is required by 23 U.S.C. Section 106(a) and other statutory provisions, to the proposed construction of the segment of Interstate Route 66 (hereinafter referred to as I-66) from Interstate Route 495 (Capital Beltway) through Rosslyn, Virginia to a connection with the Theodore Roosevelt Bridge.

I have summarized the history and relevant facts and set forth the reasons for my decision in some detail because of the substantial public interest in this issue and the delicate state-federal relationships here involved, and what I regard as the obligation of public officials to "set forth convincing reasons for" our decisions "in sufficient detail to allow the validity of those reasons to be critically examined." Public Service Comm'n of New York v. Federal Power Commission, 436 F.2d 904, at 907 (D. C. Cir. 1970)

The relevant facts are:

I-66 is designated as a 75-mile Interstate highway that begins on I-81 at Strasburg, Virginia, and was planned to extend into the District of Columbia. The un-built segment here involved is 9.6 miles long and extends from I-495 (Capital Beltway) through Rosslyn, Virginia. I-66 has been completed for 22 miles west of I-495. At the other

end of the section, I-66 has been constructed from Rosslyn east, across the Potomac River on the Theodore Roosevelt Bridge, to a connection with city streets in the District of Columbia. According to the initial plan, I-66 would have split into two segments. One segment would have continued north toward K Street, where it was to enter a tunnel and run under the central business district to connections with I-95 near Second Street. The southern segment, designated I-695, was to pass beneath the Lincoln Memorial to join the Southwest Freeway, I-95.

I-66 within the District is now built up to a terminus at Pennsylvania Avenue and 24th Street, N.W., with exits at Constitution Avenue, the E Street Expressway, Rock Creek Parkway and Virginia Avenue, and the Whitehurst Freeway.

The District of Columbia had proposed construction of a new Three Sisters Bridge to handle some of the commuter traffic I-66 would carry, but has since announced its intention to drop the bridge from its plans.

Location studies for I-66 were initiated by the Commonwealth of Virginia and the District of Columbia in 1956 and the presently proposed location was approved in June 1959 by the Federal Bureau of Public Roads. The route was placed on the Arlington County General Land Use Plan in 1961 and was shown on the plans of the Transportation Planning Board of the Metropolitan Council of Governments until 1974. By January 11, 1965, acquisition of the right-of-way for the entire Arlington I-66 project had been approved, and by 1968, 85 percent of the right-of-way had been acquired and 499 families had been relocated from the right-of-way.

The decision to locate Dulles Airport at Chantilly, Virginia was based upon a Site Selection Study prepared in 1957. Among the considerations given in that study for the Chantilly location was that "access will be available via the proposed Interstate Route I-66 . . ." In anticipation of I-66, the Federal Aviation Administration acquired the right-of-way to I-66 necessary for the continuation of the Dulles Access Road from its present termination at the Beltway (I-495).

After April 1, 1967, section 4(f) of the Department of Transportation Act prohibited the approval of projects that use parkland unless there is no "feasible and prudent alternative" to such use. As proposed, I-66 would require the taking of public parklands. In 1969, the National Environmental Policy Act (hereinafter referred to as "NEPA") was passed. Litigation was commenced which contended that these statutes were applicable to this road project even though it was planned and partly carried out prior to their effective dates.

On April 4, 1972, the U.S. Court of Appeals for the Fourth Circuit enjoined further acquisition of right-of-way and construction of the highway until the Department of Transportation filed and considered an Environmental Impact Statement (hereinafter referred to as "EIS") pursuant to the National Environmental Policy Act and determined pursuant to section 4(f) that there is "no feasible and prudent alternative" to the use of parkland.

The court also required the Virginia Department of Highways and Transportation (hereinafter referred to as "VDHT") to hold a new public hearing to obtain information about (1) the social effects of the proposed location, its impact on the environment, and its consistency with the community's urban planning goals; and (2) the economic effects of the proposed location in light of the planned rapid transit service (hereinafter referred to as "METRO") in the I-66 corridor. Arlington Coalition on Transportation v. Volpe, 458 F.2d 1323 (1972).

In directing the preparation of an EIS, the Court stated:

When the Secretary decides whether the proposed route for Arlington I-66 should be altered or abandoned because of information contained in the environmental report, he may, of course, take into account previous investment in the proposed route. Arlington Coalition, at 1333. (emphasis added)

The court also stated:

Furthermore, we think that the new hearing on the location of Arlington I-66 must not only seek information about the social effects of the proposed location, its impact on the environment, and its consistency with the community's urban planning goals, but also must seek information about the economic effects of the location in light of the proposed rapid rail service to the Rosslyn area. One line of the proposed Washington Metro will run along the same route as Arlington I-66 to Rosslyn. At the time of the 1958 hearing, this development was not anticipated. From today's vantage point, the economic effects of Arlington I-66 might be significantly different than projected in 1958 -- rapid rail service might better satisfy the needs of this area than would I-66. Moreover, Arlington I-66 has not yet reached the state of completion where alternation siċ or abandonment of the proposed route is impossible. We are certain that Congress intended that if there is a reasonable possibility that a mistake has been made in the planning of a project as expensive, disruptive, and permanent as a highway, and if that project can still be altered or abandoned, the project must be held in abeyance pending determination of whether a mistake has in fact been made. Arlington Coalition, at 1337-38.

The Federal Highway Administration (hereinafter "FHWA") has recommended a modified I-66 proposal reducing the eight-lane recommendation of the VDHT to six lanes. Buses would be permitted on the highway, but truck use would be prohibited. The Metro line to be constructed to Vienna, Virginia would in part run along the median of the proposed highway.

In accordance with the order of the court, an EIS has been completed. The EIS consists of an evaluation and comparison of five alternative answers to the transportation needs of the I-66 corridor. The so-called "base case" alternative consists of improvements to the existing transportation system included in the regional plan of the Transportation Planning Board of the Metropolitan Council of Governments (hereinafter referred to as "TPB"). The plan includes a rapid transit line to Vienna, Virginia; feeder bus service to Metro stations; preferential bus lanes and express bus service; and certain highway improvements planned by the VDHT and by Arlington County. Other options included in the EIS are combinations of the base case, an eight-lane highway alternative and a more intensive development of transit facilities.

Each alternative was evaluated for possible impact on the human and natural environment, including air quality, noise levels, community attitudes, sociological conditions, land use and planning, and economic costs and benefits. A traffic demand and capacity analysis was also performed for each alternative.

Results for each alternative were compared and a detailed presentation of the relative benefits of each alternative was developed.

A supplement to the EIS was prepared for the modified six-lane proposal.

Since the original decision to build this segment of I-66 and the authorization of the right-of-way acquisition, a number of events have occurred that are now relevant to the issue under consideration:

- The metropolitan area has made a commitment to build a ninety-eight mile fixed rail rapid transit system at the cost of \$4.5 billion.
- The nation has faced a serious energy crisis caused by the OPEC oil embargo and the quadrupling of the price of imported petroleum.
- The TPB, the agency designated under section 134(b) of Title 23, U.S.C. to carry out the required continuing comprehensive transportation planning process, has removed I-66 from the regional transportation plan.
- The District of Columbia has announced that it intends to withdraw Routes I-95, I-270, the K Street Tunnel and the Three Sisters Bridge from the Interstate System.
- Air pollution has become a serious problem in the metropolitan area, with excessive levels of hydrocarbons and carbon monoxide in the atmosphere.

- New environmental legislation has placed responsibility on federal officials to give considerable weight to the impacts of their actions on the quality of the human environment.

On June 21, 1975, I held all day public hearings and heard arguments by elected officials and civic organizations both for and against the proposal.

I have reviewed the extensive record and material submitted in connection with this decision, including the final EIS, a supplement to the EIS, the testimony taken at public hearings, legal memoranda and judicial opinions, and memoranda and letters from local, state and federal officials and from concerned organizations and private citizens.

This review led to the identification of several key issues, including inter alia:

1. What does the EIS show concerning the relative effectiveness of I-66 in meeting transportation needs and in minimizing any adverse environmental impact, such as air pollution and the taking of parkland?
2. To what extent is I-66 consistent with metropolitan development goals and coordinated transportation planning, and a product of a continuing, comprehensive planning process?
3. What effect would a decision not to construct I-66 have on the Metro line planned for the median?

4. How important is I-66 to improved access to Dulles Airport from the District of Columbia?

5. What will be the impact of the construction of I-66 on the District of Columbia and the Theodore Roosevelt Bridge?

6. How do the events referred to at pp. 6-7 above affect the earlier decision to build this segment of I-66?

On the basis of the record and after consideration of the relevant issues of law, fact and public policy, I have decided to disapprove FHWA's recommendation to construct this segment of I-66 under the proposal submitted to me for approval. My reasons for disapproval are that (1) the improvement of existing roads and highways in the corridor and the extension of a Metro line to Vienna constitutes a prudent alternative that will meet the transportation needs of the metropolitan area in a manner which is more consistent with metropolitan development goals and planning objectives, and has fewer long term adverse consequences, and (2) the changed circumstances, including the probable end of the plans to build the Three Sisters Bridge and the adoption of the plan to build Metro, make the plans to build this segment of I-66 as an Interstate Highway no longer suitable.

This has been a difficult decision, which I have made reluctantly, because I have great respect for the important role of state governments in the Federal-aid Highway Program. The VDHT has done a creative and thorough job in designing a proposal for a modern multi-modal facility. But this is simply the wrong time and the wrong place for an otherwise excellent project. The reluctance in reaching the decision I have is furthered by the apprehension that my decision, made on the facts of this case and in the interest of these affected com-

munities, might be interpreted as a lessening of the federal commitment to completion of an integrated Interstate System. Far from it, the Department remains totally committed to the completion of a unified and connected Interstate System, and the sensible development of the nation's highways continues to be a top federal priority.

The last few years have brought increasing public awareness of other national transportation priorities that are equally important, particularly in their application to metropolitan areas. The facts and issues involved in this case are representative of the more difficult process we must undertake today in weighing conflicting views and objectives, as well as often irreconcilable interests of different political jurisdictions, in reaching a decision that best meets the needs of the people most affected by it.

Route I-66 was designated as a part of the Interstate System - a system designed to connect principal metropolitan areas, cities and industrial centers and to serve the national defense. The segment of I-66, proposed for construction by FHWA is no longer essential to completion of a unified and connected Interstate System. Although the highway would serve some interstate travelers, the primary purpose for which it would be constructed is to serve local, primarily commuter, traffic in Northern Virginia and between Northern Virginia and the District of Columbia. Substantially over three quarters of the trips would both begin and end within the metropolitan area.

For this reason, the I-66 segment must be considered primarily a commuter road designed to serve people in the Washington metropolitan area. It is quite appropriate that urban segments of the Interstate System meet the needs of the urban area. However, it must be determined whether I-66 will, in fact, serve the broad needs and objectives of the Washington metropolitan area. The Federal-aid highway statute emphasizes the role of local officials in

the decision making process with respect to urban highways, and the need for coordinating highway planning with other forms of transportation "with due consideration for their probable affect on the future development of urban areas." (Section 134(a), Title 23, U.S.C.) The statute similarly calls for the development of "transportation systems, embracing various modes of transportation in a manner that will serve the states and local communities efficiently and effectively."

The following considerations are relevant in the review of a non-essential segment of the Interstate System in an urban area:

- (1) Is there a substantial transportation need for the recommended facility?
- (2) Is the proposal consistent with state and metropolitan goals and objectives, and with the planned improvement of other transportation modes?
- (3) Is there a prudent alternative that will substantially meet the transportation needs in a way that is more consistent with national and metropolitan objectives, such as environmental protection, energy efficiency, the preservation of parkland, minimal community disruption, and the encouragement of mass transit in urban areas?

In my review of the final EIS, I have not been convinced that the construction of a six-lane highway would be substantially more effective in meeting the community's transportation needs than would be some of the alternatives. Although the highway would provide certain commuters with more efficient transportation than the "base case", these incremental benefits do not outweigh the adverse impacts of the highway.

Data from the EIS indicates that the highway option saves about eight minutes of commuter time between the Beltway and Theodore Roosevelt Bridge. Even this projection is subject to variables such as potential delays on the Theodore Roosevelt Bridge for drivers who are destined to the District of Columbia. Although congestion would be alleviated on Arlington suburban streets, improved mass transit would provide a greater overall relief from congestion because it would not be a major artery inducing cars onto the Theodore Roosevelt Bridge. Peak hour traffic on this facility in 1972 was about 6,000 vehicles per hour, or at the level of service F (jammed). For 1995, peak hour traffic would continue at about this level under the "base case", but if the Three Sisters Bridge is not built and I-66 is, travel across the Roosevelt Bridge would be between 6,300 and 7,900 vehicles per hour (well beyond level F) resulting in greatly increased congestion.

Segments of the Interstate system in urban areas must "conform to the particular needs of each locality" (23 U.S.C. 109(a)) and be consistent with metropolitan goals and objectives for the future development of the area. This does not imply that any particular local jurisdiction should have the authority to veto the recommendation of state governments, nor will the Department of Transportation "delegate its statutory responsibility to a local planning agency." D. C. Federation of Civic Associations v. Volpe, 459 F.2d 1231 (D.C. Cir. 1972). Thus I am not rejecting the proposed plan because the TPB removed the highway from the plan in 1974. The law and sound public policy do require, however, that the Secretary take into consideration the views of responsible public officials in the urban area and the consistency of the proposal with metropolitan development goals and coordinated transportation planning.

In my view, the proposed facility does not meet this test. All local Virginia jurisdictions through which the proposed segment would pass now oppose it. The TPB passed a resolution on September 25, 1974, declaring the highway "not compatible with regional goals and objectives including the development of mass transit and achievement of air quality." The District of Columbia City Council and the Mayor have registered opposition. As noted above, the D. C. Government has announced its intention to withdraw several connecting Interstate segments and the Three Sisters Bridge.

Taken together, these actions demonstrate the inconsistency of the proposed highway with the development goals and planning processes of the metropolitan area and with the expressed views of responsible local officials and legislative bodies. The strongly preponderant, although not universal, local opposition to I-66 weighs heavily against a decision to approve a highway primarily proposed to meet the needs of area residents, particularly commuters.

It is true that the views of many jurisdictions in the metropolitan area have changed from support to opposition during the past few years, but the relevant considerations and national priorities have changed as well.

Major new highway construction designed to serve radially-oriented, peak hour commuter traffic to urban centers presents serious environmental issues. Considerations of energy conservation, air quality, noise, conservation of urban and community resources (such as public parks and recreational areas) all suggest the need for lesser emphasis on automobile use in urban areas, particularly for peak hour commuting. We also must consider whether in attempting to meet automobile demand, we are generating additional automobile traffic or promoting land use patterns which tend to generate still further automobile "needs".

Consistent with my responsibilities under NEPA I am concerned about the environmental consequences of I-66 and whether the "base case" alternative would affect the environment less adversely. NEPA requires agencies "to use all practical means, consistent with other essential considerations of national policy" to improve and coordinate federal programs in order to preserve and enhance the environment and "to study, develop, and describe appropriate alternatives to recommended courses of action".

I have concluded that the "base case" provides a prudent alternative that will meet substantially the same transportation needs, have less adverse long term impact on air quality, noise pollution, separation and disruption of communities, energy use and the taking of parkland. Therefore, it should be a preferred course of action.

In reaching this conclusion, I have taken note of the positions of the federal agencies having special expertise. The Environmental Protection Agency has recommended that I not approve I-66 on the grounds that "if this highway segment were constructed as proposed, it would result in concentrations of CO exceeding standards at various points of congestion" and "would also exacerbate the problem of photochemical oxidants in the Washington Metropolitan Area." The Council on Environmental Quality has recommended disapproval on the grounds that "the need for the highway is not sufficiently established in view of the substantial adverse local and regional environmental impacts." The Federal Energy Agency has also recommended disapproval of I-66 on the grounds that it "would be inconsistent with the national goals of reducing our reliance on imported petroleum."

There have also been serious questions raised by the record about the impact of I-66 on the District of

Columbia. These include

- exacerbation of the problem of air pollution that currently exceeds national air quality standards;
- increased congestion on District streets and inadequate parking facilities.
- whether the Three Sisters Bridge would be required in the future to handle I-66 traffic.

These questions are troubling in themselves and are not addressed adequately in the record. Moreover, the policy underlining 23 U.S.C. 109(k), concerning the effect of bridge approaches on adjoining states, adds force to the importance of my consideration of the impact of I-66 on increasing traffic volume in the District of Columbia, particularly where the District has opposed construction of I-66 as inconsistent with its evolving highway system.

I have also considered the relationship of I-66 to the Metro system. The Vienna Metro line planned for the corridor has been designed in conjunction with I-66. If I-66 is not built, Metro may well incur additional costs including the cost of repurchasing the right of way, which, it is maintained by some, under Virginia law, may have to be made available to the original owners or condemnees. Since the estimated cost of the Vienna Metro line is in excess of \$350 million, costs related to I-66 do not appear to be a major part of this total. Over the long term, the presence of an Interstate highway serving the same corridor would divert operating revenues from Metro, and compete with the objectives of a financially sound mass transit system that will be used by increasing numbers of commuters as they see the advantages of fast, safe, and efficient service.

Further, I have considered I-66 as part of the intended access to Dulles International Airport from D. C. While construction of I-66 might improve trip time to Dulles Airport, the reduction in time would not be great (probably less than ten minutes) and there is doubt whether there will be any significant improvement during peak commuter hours. I will instruct the FHWA to continue to review alternative ways of improving access to Dulles, working closely with state, local and Metro authorities. This is an important priority, consistent with the Department's policy of encouraging increased use of Dulles, and we will vigorously seek an alternative solution.

In conclusion, therefore, I disapprove the VDHT-FHWA proposal to build this segment of I-66. I instruct the FHWA to provide every possible assistance to the VDHT in developing any additional proposals, supplementing the "base case", to improve transportation facilities in the corridors.

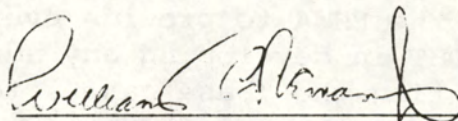
Follow-up Action Required

1. I am requesting the FHWA to work with the FAA, UMTA the VDHT, and the TPB to consider the need for improved access between Dulles and downtown D. C. and to develop recommendations for me.

2. This decision is without prejudice to any further consideration on the part of the VDHT of the need for a non-Interstate commuter highway in the I-66 corridor if, after consultation with appropriate metropolitan authorities, the state finds it in the best interest of the metropolitan area to build a highway in the corridor, and if the proposal meets all the appropriate legal tests.

3. The Deputy Under Secretary for Budget and Program Review will undertake a review of the financial requirements needed to complete the Metro line to Vienna and report to me on whether there are any impediments to completion of this project and whether the timetable for its completion may be accelerated.

4. UMTA should work with Metro, the TPB and the appropriate officials in Virginia to determine whether Federal assistance for any additional mass transit improvements would help to alleviate congestion in the I-66 corridor and make recommendations to me on this issue.



William T. Coleman, Jr.