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U.S. DEPARTMENT OF TRANSPORTATION
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TRANSPORTATION ISSUES RELATED TO DISNEY'S AMERICA PROJECT

Introduction

Good Morning. I am Jane Garvey, the Deputy Administrator of the Federal Highway Administration (FHWA). I welcome the opportunity to testify before you on the U.S. Department of Transportation's (DOT) role with respect to the proposed "Disney's America" development.

We at the DOT take our stewardship of transportation programs very seriously. This Administration is actively promoting better linkages between transportation and environmental planning; cleaner air and a seamless, balanced transportation system; increased emphasis on multimodal and intermodal solutions to transportation problems; and enhanced public participation in the planning process.

These principles are embodied in Secretary Peña's Strategic Plan. A major goal is to actively enhance our environment through wise transportation decisions and to encourage and reward efforts by State and local governments to integrate transportation and surrounding land uses.

The Proposed Transportation Projects

Let me first outline the transportation projects currently

being considered by the Virginia Department of Transportation (VDOT) in proximity to the Disney's America site. They are:

- (1) Adding a new interchange to I-66 west of Route 15 that will connect with a local public road and provide access to Disney's America;
- (2) Modifying the existing interchange on I-66 at Route 15, and widening Route 15 a short distance;
- (3) Adding lanes on I-66 from Route 234 to west of Route 15, including High Occupancy Vehicle (HOV) lanes (a distance of about 8 miles); and
- (4) Relocating a local road between the new access road and Route 15.

As you know, the Virginia legislature made special provisions for financing the proposed transportation improvements in the area of Disney's America. VDOT has said that there will be no Federal funds involved in any of these projects.

I should also mention that there are two other nearby transportation projects with FHWA involvement which were already in progress when Disney initially came to Virginia officials with its proposal. The first project involves widening I-66 to 8 lanes, including HOV lanes, between the Capitol Beltway and Route 234. The eastern portion is complete; the western portion is currently under construction. The second project is the Route 234 Manassas Bypass. The Supplemental Final Environmental Impact Statement for the bypass has been submitted recently to the FHWA for review.

The Federal Highway Administration's Role

The FHWA's involvement is triggered by the proposed changes in access to I-66, for which our approval will be required. Before I discuss this action specifically, I would like to give you an overview of the FHWA's role.

By law, the FHWA works directly with the State transportation agencies. Federal-aid highway funds are apportioned by legislative formula to each State. The States, in cooperation with metropolitan planning organizations (MPOs), choose the actual projects for which Federal funds will be sought. The State must seek FHWA approval for such projects. Projects subject to these approvals must conform to Federal environmental and civil rights laws, and other Federal requirements. However, matters involving local zoning and development plans are the responsibility of local government.

Ordinarily, a State would not have to obtain approvals from the FHWA for highway projects that do not involve Federal funds. This is because the highways are constructed, owned, operated, and maintained by the States. However, the FHWA must approve all new and major modifications of existing access to Interstate highways even when Federal funds are not used. This requirement is to ensure that modifications in access will not adversely affect the safe and efficient operation of the Interstate facility. VDOT's request for changes in access to I-66 will involve two other FHWA actions; one dealing with planning and air quality conformity, and the other with environmental review.

Planning and Air Quality Conformity

Landmark legislation enacted in the early 1990's, including both the Clean Air Act Amendments of 1990 and the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), have brought dramatic improvements in transportation planning. We seek to integrate land use, air quality, and transportation planning concerns.

Under our regulations, new voices will be heard in the planning process. There will be greater participation by local governments, MPOs, community groups, and interested citizens. We expect to see transportation systems that are more responsive to State and local needs, more efficient, and more sensitive to the environment.

ISTEA requires that metropolitan transportation plans and programs be formulated by the MPO, which is composed of local elected officials, officials of agencies which administer or operate major modes of transportation in the metropolitan areas, and appropriate State officials. The long range metropolitan transportation Plan must be approved by the MPO, and the transportation improvement program (TIP) must be approved by the MPO and the governor. Typically, the Plan covers at least a 20-year period, and the TIP includes 3 to 5 years of scheduled projects. Every 3 years, the FHWA and the Federal Transit Administration (FTA) must certify that this planning process meets ISTEA requirements. However, neither the FHWA nor the FTA approves either the Plan or the TIP itself. In northern

Virginia, the National Capitol Region Transportation Planning Board is the responsible MPO.

In addition, the FHWA and the FTA must determine that both the Plan and the TIP, which includes these transportation projects, conform with Virginia's State Implementation Plan under the Clean Air Act. Conformity is a process to assure that transportation plans and programs contribute to the attainment of the national goals for air quality. This determination is made in consultation with the Environmental Protection Agency (EPA) and is required periodically as new metropolitan Plans and TIPs are developed or amended. The FHWA and FTA must determine that projects we approve come from a conforming Plan and TIP.

For the northern Virginia area, the Plan and TIP are currently being analyzed for air quality conformity by the MPO. The Plan and TIP include the VDOT-proposed projects for purposes of this conformity analysis. The results of the conformity analysis are expected to be available this summer.

The Environmental Process

FHWA action on the proposed changes in access to I-66 necessitates compliance with the National Environmental Policy Act (NEPA). The NEPA process, addressing the proposed transportation improvements, has just begun. We expect that it can be completed by late next year.

Although Interstate access approvals normally do not require a full Environmental Impact Statement (EIS), an EIS is

appropriate when there is significant controversy. An EIS is the most comprehensive form of NEPA document, requiring thorough social, economic, and environmental analyses, and encouraging full public, private, intergovernmental, and intermodal participation.

We want the full participation of all those concerned. Thus the FHWA and VDOT have agreed that the public interest will be best served by preparing an EIS to provide citizens and all interested parties the maximum opportunity to make their concerns known. The FHWA will be the lead Federal agency in this process.

The NEPA EIS process begins with scoping. This will be explained in the Notice of Intent to be published in the Federal Register shortly. The scoping process will determine the critical issues involved in the Federal action and the appropriate levels of analysis to determine the consequences of that action. The FHWA is planning an extensive outreach effort in scoping. In this case, even though the scoping has not yet formally begun, the DOT has already had discussions with the responsible transportation agencies and concerned Federal agencies, and met with numerous interested groups. We have welcomed others--supporters, opponents, observers--to visit with us to express their views. We are planning an extremely open public participation process throughout and are looking forward to continuing close working relationships with other Federal agencies and State and local governments.

The FHWA initiated a productive meeting with other Federal

agencies on June 9. Among those represented were the EPA, the Army Corps of Engineers, the National Park Service, the FTA, the Fish and Wildlife Service, and the Advisory Council on Historic Preservation. A briefing was conducted by the FHWA, Prince William County, the MPO, and VDOT. The issues that were identified for discussion included citizen involvement; development; air quality; transit alternatives and congestion; the scope and scale of the possible impacts, including impacts on the Manassas National Battlefield Park and other historic sites; the relocation of Routes 29 and 234; wetlands; and historic issues.

All these Federal agencies were invited to be cooperating agencies, which have specific responsibilities in the preparation of the EIS. We look forward to having these agencies lend their expertise to allow full consideration and evaluation of all impacts. Several have already expressed interest in becoming cooperating agencies. In addition, the FHWA has met with the Council on Environmental Quality.

Future meetings are being scheduled with the Advisory Council on Historic Preservation, the National Trust for Historic Preservation, the National Park Service, and others to provide all with an opportunity to share their views and concerns about the proposed scope and content of the Environmental Impact Statement.

It is too early to make decisions about the scope of the EIS, but I can assure you that the EIS will address impacts on

historic and natural resources. It will consider transit and transportation demand management as alternatives and as complements to proposed highway projects. In addition, the No Action or No Build alternative will be fully evaluated. According to the best available information from VDOT, a draft EIS will be submitted next March; a public hearing will be held in April; and the final EIS will be submitted in November.

Conclusion

Finally, Mr. Chairman, I want to emphasize that we are only beginning the Department's review process of the transportation issues raised by the Disney development. We want that process to be as open and participatory as we can make it. We have already started the public outreach effort through our meetings with interested parties, and we will continue this important effort as the more formal EIS process begins. Such involvement and participation will lead to more informed policy decisions.

Transportation decisions directly affect our daily lives; they do not exist in a vacuum. We must make these decisions in a way that will enhance the quality of life in our communities and in our Nation. We welcome the views of all parties concerned about these critical issues.