

## 12.0 DEIS / SDEIS PROCESS

### A. Draft EIS Comments

#### Public Comments

##### Selection of Comparison Years

**Public Comment:** The Project Team's response to the commenter's concern about comparable cost-effective measurements is unacceptable and fails to address the question of whether heavy rail can ever be justified, and at what point within the next 20-25 years would sufficient demand exist to justify cost. A more fiscally feasible approach starts with BRT and transitions to Metrorail after 2015 or 2020. By providing only opening year and 2025 data, the Draft EIS ignores the question of whether 2010 is a more appropriate year to compare BRT and heavy rail investment, than 2015 is. Officials, property owners, et al, need more comparison markers than the Draft EIS provides. (0446 12-1)

**Public Comment:** The *Public Hearings Report* ignores question on page 505 that states "DEIS documents that transit improvements are needed in the corridor in both 2010 and 2025." Disappointing that the DEIS fails to provide more guidance on critical issues and asks stakeholders to believe that 2010 and 2025 are the only relevant years. (0446 12-2)

*Response: The Draft EIS was prepared in accordance with and meets the requirements of the National Environmental Policy Act (NEPA), as amended, and FTA regulations that implement NEPA and govern the transportation planning process. The selection of comparison years (opening and horizon) was based on standard practice for the evaluation of transportation projects. Planning and project development for a major capital investment focuses on those alternatives that will provide the best long-term solution for a corridor or region's needs. Therefore, alternatives are evaluated at a distant horizon year that allows decision makers to better understand each alternative's full potential. Data for interim years do not necessarily provide a true measure of the effectiveness or value of a proposed alternative, and would not accurately reflect the alternative's cost-effectiveness because it would not have yet reached its full potential. BRT was eliminated from further consideration after the public and interagency review and comment on the Draft EIS.*

### B. Supplemental Draft EIS Comments

No comments pertaining to this topic were received.

## 12.1 Concerns Over Study Process

### A. Draft EIS Comments

#### Regional Agency Comments

##### NEPA Compliance

**Regional Comment:** The primary objective for the DEIS is to demonstrate the project's compliance with the National Environmental Protection Act. The WATF believes this objective was met as the statement demonstrates that none of the proposed alternatives need harm the environment, social justice, or preservation. However, the statement falls far short of proposing a plan that would adequately marry modern transit thinking to the long-term land use plans and transportation requirements of the Dulles Corridor. (0133, 0405-L -2)

*Response: The Draft, Supplemental Draft and Final EIS meet the requirements of National Environmental Policy Act (NEPA) and FTA regulations that implement (NEPA) and govern the*

*transportation planning process. Local jurisdictions oversee and have updated their land use plans in response to the Project.*

### **Local Agency Comments**

**Local Comment** The draft EIS has failed to meet the legal requirements of an Environmental Impact Statement regarding significant impact analysis in particular area as required by 40 CFR 1502.14 and 40 CFR 1508.9, including the City of Falls Church, which will be impacted by this proposed Project. The draft EIS has failed to fully assess water, traffic, and transportation impacts on the City of Falls Church and thus propose mitigation of these potential impacts. (0122, 0122-A –2)

**Local Comment:** EIS regulations state that the comprehensive analysis, including the proposed action, is the heart of an EIS (40 CFR 1502.14) and require a rigorous exploration and objective evaluation of reasonable alternatives, including a no action alternative. Reasonable alternatives include those that are practical or feasible from a common sense, technical, and economic standpoint. Federal regulations (40 CFR 1508.9) recommend that the EIS address environmental impacts in proportion to their potential significance. Impact analysis is intended to concentrate on project attributes that have a significant impact or potential for significant impacts. We contend that this EIS overlooked significant impacts as they relate to the City of Falls Church and its environs. (0122, 0122-A –7)

**Local Comment:** The City of Falls Church welcomes this opportunity to present the concerns of the City to the Virginia Department of Rail and Public Transportation (DRPT) regarding the draft Environmental Impact Statement (EIS) for the Dulles Corridor Rapid Transit Project (the Project). Although supportive of the Project, the City has some critical issues with regard to the EIS, which we feel must be addressed before the Project proceeds. Generally, we are concerned that although the City of Falls Church will be impacted by the Project, our community overall has been overlooked in the EIS. The impacts area of the Project includes the East and West Falls Church Metro Stations, which are located on the perimeter of our City limits. We believe that the impact to the citizens and the environment of the City of Falls Church has neither been assessed nor mitigation measures considered or developed. (0122, 0122-A –1)

**Local Comment:** The draft EIS has failed to meet the legal requirements of environmental statement regarding significant impact analysis in particular areas as required by 40 CFR 1502.14 and 40 CFR 1508.9, including the City of Falls Church, which will be impacted by this proposed project. (0122, 0164-T –3)

**Local Comment:** The reality is that Falls Church is the eastern terminus of this project, regardless of which of the alternatives are followed. Our first set of comments, summarized by Mayor Gardner, really relates to the technical, legal and factual issues which must be adequately addressed for a draft EIS and an EIS to pass muster under the law. (0165, 0165-T –1)

**Local Comment:** The City of Falls Church understands the legal requirements in the framework of the environmental impact statement, which is to assure that all issues, alternatives and concerns are weighed and evaluated for remedy. In attempting to meet these specific requirements, we believe that mitigation of the project impact on the city of Falls Church and its immediate surroundings has not been sufficiently addressed. (0122, 0164-T –7) (0122, 0122-A-6)

**Response:** *The Draft EIS, Supplemental Draft EIS and Final EIS fully comply with the regulations cited. Each EIS included a detailed analysis and objective evaluation of a No-Build Alternative as well as the Build Alternatives. All alternatives carried forward for detailed study in the Draft EIS were those deemed to be reasonable from an operational, technical, and economic standpoint, as documented in the Final Alternatives Analysis Report.*

*The Project Team initiated meetings with the City of Falls Church during the course of the NEPA process to more fully understand the concerns and position of the City as it relates to the project and the EIS'.*

*The Project Team is confident in the comprehensiveness of the Draft EIS, having received a positive statement from the U.S. Environmental Protection Agency (EPA). EPA has granted the Draft EIS its highest rating for environmental documentation, and remarked that it has not identified any potential impacts that would require substantive changes to any alternative.*

**Public Comment:** Draft EIS does not satisfy the requirements of the National Environmental Policy Act (NEPA). Data presented and methodology used are not sufficient to support selection of a Locally Preferred Alternative. (0510 12-01)

**Response:** *The Draft EIS fully complies with the regulations cited. The Draft EIS includes a detailed analysis and objective evaluation of a No-Build Alternative as well as four Build Alternatives. All alternatives carried forward for detailed study in the Draft EIS were those deemed to be reasonable from a common sense, technical, and economic standpoint, as documented in the Final Alternatives Analysis Report.*

### **Need for Additional Assessment of Impacts**

**Local Comment:** Our review of the draft EIS indicates that these key concerns have not yet been addressed for the City of Falls Church. The Project, while appearing to be beneficial to the region, has a significant and direct negative impact on the City in a manner not yet fully analyzed in the draft EIS. Additionally, we believe the Project has large-scale and complex impacts on the City. We have previously asked that these impacts be thoroughly studied (Attachments 1-4), however, we have now concluded that they have not been given full consideration. (0122, 0122-A –10)

**Local Comment:** Following our review of the Draft EIS, we are particularly troubled that the impacts to the East Falls Church Metro apparently have never been considered. For this reason, we find the EIS significantly flawed and formally request that this are be examined and fully evaluated. (0122, 0122-A – 11)

**Local Comment:** Page 8 of the summary lists those in four categories: Social effects; environmental effects; economic effects; and transportation effects. We believe that at a minimum this project, regardless of its alternatives, has the following social effects: Community cohesion; displacement and relocation; visual and aesthetic conditions; parklands and recreation areas; and especially safety and security, especially regarding pedestrians and school students in the [Falls Church] area. Secondly, as Mayor Gardner indicated, there may be very significant water resources effect, air quality, noise, vibration, hazardous and contamination materials and other effects. Third, in terms of economic effects, its unequal economic effect is something that deserves additional study. Finally, transportation effects again are inadequately studied under this draft EIS. And they include effects on local and regional roadways, transit parking, and bicycle and pedestrian facilities. And we have a written submission, which we ask be a part of this record. (0165, 0165-T –2)

**Local Comment:** While a limited analysis was performed for the West Falls Church Metro station, we discovered that project impacts were not considered in many of the Technical Reports including Land Use and Socioeconomic, Air Quality and Economics, and Secondary Development Effects. Although West Falls Church Metro is included in the Noise Technical Report, we are concerned that the full impact has not been analyzed. We believe very strongly that the EIS must be revised to consider impacts in all Technical Reports for both the East and West Falls Church Metro areas. This project impacts our resident' quality of life in a myriad of ways and these impacts must be considered in order to be fully compliant with Federal EIS regulations. (0122, 0122-A –12)

**Local Comment:** Finally, it is our position that there is still much work to do in order for the Draft EIS to address the long-range concerns that have been previously raised by the City, including the safety concerns that continue to be paramount in the minds of our citizens, and which have not yet been studied, let alone, resolved. (0122, 0122-A –29)

**Local Comment:** If we address the issues that we have outlined tonight, we believe that this project will

achieve those objectives. If we don't, it fails as an EIS and it will fail as a project that serves the region. (0165, 0165-T –10)

**Local Comment:** Now as a matter of law and as a matter of fact, we believe that additional work needs to be done, and that the draft EIS and any EIS that fails to address these issues would be inadequate and incomplete as a matter of law. (0165, 0165-T –3)

**Local Comment:** So for all the reasons indicated, we urge a much more significant study of the issues that we have talked about, that we urge inclusion of mitigating factors, and finally we urge that, not just for the citizens of Falls Church, but all the citizens of this potential region, because if it works for us, it will work for the region. If it doesn't work for us, it won't work for the region, either. (0165, 0165-T –8)

**Response:** *Implementation of the Project would result in increased off-peak service frequencies for eastbound trains at the East Falls Church Station. However, operating plans for the Wiehle Avenue Extension and Full LPA assume no additional feeder bus service, nor any new parking for the off-peak period for this station. Because the station's existing park-and-ride facilities are typically full by 8:00 AM on most weekdays and parking is controlled on local streets, it is not anticipated that increased off-peak Metrorail frequencies would generate additional traffic in and around the East Falls Church Metrorail Station. While the Project Team does anticipate other effects, as there would be no change from existing conditions, meetings with the City of Falls Church were held to discuss the issues of overflow parking and cut-through traffic due to the selected LPA, the Metrorail Extension.*

## **Public Comments**

### **Need for Additional Assessment of Impacts**

**Public Comment:** Only a systematic approach that considers how the impacts of a change in one part of the system will affect the whole system can have credibility. We feel that this EIS lacks credibility where it assesses environmental impacts. To summarize, we support rail to Dulles. Unfortunately, we believe the EIS as it relates to impacts needs a lot of work. (0145, 0145-T –13)

**Public Comment:** To summarize, we support the expansion of public transit and rail to Dulles. Unfortunately, we believe the EIS, as it relates to impacts and mitigation, is flawed and needs a lot of work. (0145, 0452-E –11)

**Response:** *The Draft EIS, Supplemental Draft EIS and Final EIS document the systematic approach that was undertaken to assess the potential effects of the proposed alternatives. Each EIS document analyses the effects of the alternatives, cites the relevant laws and regulations considered, describes the methodologies used, defines the study areas assessed, summarizes the existing conditions in the study areas, predicts the direct and construction related effects, and proposed mitigation measures available to reduce the effects of unavoidable impacts.*

### **Need for Additional Public Outreach**

**Public Comment:** The citizens in the adjacent Victoria farms are not uniformly aware of the current actions recommended in the DEIS. I believe that no one in the Victoria Farms community has a copy of the DEIS and with the exception of those with whom I recently have made contact, is anyone even aware of its content. That seems strange in view of the potentially serious impact on this community and may be an indication of ill advisability of issuing this ~3000 page document in the middle of the summer with a hurry up agenda for review and approval. (0148, 0463-L –3)

**Public Comment:** Public participation requirements can be found throughout the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508). For example, the Council on Environmental Quality Regulations note that public scrutiny is essential to implementing NEPA. We feel that additional effort should have been made to contact

neighborhoods/ communities to encourage and facilitate public participation. This is evidenced in the list where many of the meetings were with groups who held a business interest. (0147, 0459-L -3)

**Response:** *As documented in Chapter 11 of the Draft EIS, Supplemental Draft EIS and Final EIS, the Project Team has conducted a comprehensive public involvement program. A variety of methods were used to encourage citizens to participate in the project since initiation of the Dulles Corridor Rapid Transit Project, including: public meetings, project displays at shopping centers and fairs, project documents at libraries and community centers, and print, radio, and electronic media, project newsletters and updates, and stakeholder meetings with private citizens, community groups, civic associations, and businesses. In addition, prior to the public hearings on the Draft and Supplemental Draft EIS, all residents and property owners within 500 feet of the proposed improvements were notified about the hearings.*

**Public Comment:** The EIS process must be put on hold. While the EIS is on hold, additional bus service by Fairfax County, Metrobus and Loudoun County ("Yellow") can be put in place to handle additional demand for transit capacity - at much lower cost than any of the "build" alternatives in the DEIS. VDRPT should assist in this regard. (0112, 0462-L -47)

**Response:** *The purpose of the environmental review process is the study of various alternatives that meet the project's purpose and need. Express bus service and enhanced express bus service, which are part of the existing conditions in the Dulles Corridor, were considered in this Draft EIS under the No-Build Alternative.*

**Public Comment:** We do have serious issues, however. These would be about noise and traffic - both during and after construction! For our purposes, neither of these issues is sufficiently addressed, if at all, in the EIS. I and others have personally attended all public meetings on this issue over the last two years, and in speaking with project representatives at such meetings, we were assured that our concerns would be addressed in detail. Sadly, this has not happened. (0126, 0199-M -2)

**Response:** *Traffic and noise issues are addressed in the Final EIS.*

### **Need for Appropriate Mitigation of Impacts**

**Public Comment:** As indicated at the beginning, we are not obstructionists and we are not playing the NIMBY card - in fact quite opposite. However, we urge you please to address the impacts which we have discussed here, and do what needs to be done to mitigate the problems. Let's make a win-win proposition for all concerned. (0126, 0126-E -8)

**Public Comment:** The point here is that as citizens directly affected by a massive public project, the EIS has told us nothing about it's assumptions, it's projections, or it's mitigation plans - as it relates to street traffic, and noise impacts, in the immediate area of West Falls Church Metro Station. We are essentially being asked to "take it on faith" that everything will be taken care of. This is patently unrealistic; there are several levels of government involved here, and experience shows sadly that these entities do not work well in a situation like this. Bottom line, no one is going to mitigate someone else's problem. The game ultimately becomes one of finger pointing, with nobody responsible, and the effected citizens living with the results. (0126, 0126-E -7)

**Public Comment:** The point here is that as citizens directly effected by a massive public project, the EIS has told us nothing about it's assumptions, it's projections, or it's mitigation plans - as it relates to street traffic, and noise impacts, in the immediate area of West Falls Church Metro Station. We are essentially being asked to "take it on faith" that everything will be taken care of. This is patently unrealistic; there are several levels of government involved here, and experience shows sadly that these entities do not work well in a situation like this. Bottom line, no one is going to mitigate someone else's problem. The game ultimately becomes one of fingerpointing, with nobody responsible, and the effected citizens living with the results. As indicated at the beginning, we are not obstructionists and we are not playing the NIMBY card - in fact quite the opposite. However, we urge you please to address the impacts which we have

discussed here, and do what needs to be done to mitigate the problems. Let's make this a win-win proposition for all concerned. (0126, 0199-M –7)

**Response:** *The Final EIS describes the assumptions, existing conditions, potential effects, and measures to mitigate any significant or unavoidable impacts. Proposed mitigation measures are detailed in the Final EIS and formal mitigation commitments will be included in the FTA Record of Decision.*

### Document Bias Towards Heavy Rail

**Public Comment:** I believe the study is biased toward heavy fixed rail partly because of the methodology to computer ridership and alignments chosen for BRT and rail stations, in essence to enhance the values of specific developers. (0112, 0462-L –1)

**Public Comment:** THE DEIS IS SUBSTANTIALLY BIASED TOWARDS RAIL:

The bias towards MetroRail in this DEIS is blatant. Much of the information in the DEIS has been contorted to make heavy rail appear much better than it really is. Some examples are:

- § inflated ridership estimates compared to no build and BRT;
- § exaggerated travel times compared to actual experience on existing MetroRail facilities;
- § counting trips diverted from the Orange Line as new trips and boardings on Dulles Rail;
- § unrealistic land use proposals to create extra density to justify the inflated ridership figures;
- § gerrymandered traffic analysis zones that do not match those used by Fairfax County's plans. (0138, 0476-L –4)

**Public Comment:** THE DEIS IS HEAVILY BIASED AGAINST BRT: The bias against BRT include the following examples:

- § The DEIS fails to assume dedicated express lanes for the entire BRT route;
- § Fails to include BRT stops in Tysons Corner;
- § Insists on assuming BRT is merely a prelude to MetroRail instead of assuming BRT can be the single long-term solution; the assumption that BRT has to lead to MetroRail then leads to cost problems that lead to assumptions of fewer stations per mile than other BRT systems use;
- § fails to locate and design BRT stations in the most cost-effective manner;
- § fails to recognize that BRT routes can terminate anywhere, not just at West Falls Church station, thereby allowing customized routing that rail cannot match;
- § fails to provide frequency of service [headways] comparable to that offered by most existing BRT systems;
- § fails to utilize the flexibility of BRT;
- § failure to recognize and value how quickly BRT can be operating;
- § fails to value the feeder bus-express bus integration that is possible with BRT;
- § in short, fails to design a BRT that uses the advantages the system has exhibited in the cases where it already is in operation. (0138, 0476-L –5)

**Response:** *The ridership forecasts for the various alternatives were conducted using a patronage forecasting model (NVSIM) that was developed for the region and the corridor, and has been approved for patronage forecasting by the Federal Transit Administration. As described in Chapter 6 of the Final EIS, travel demand forecast results are based on the Metropolitan Washington Council of Governments (MWCOC) Round 6.3 Cooperative Land Use Forecasts. The Round 6.3 forecasts represent the regionally adopted population and employment forecasts,*

through 2025, for the metropolitan Washington area, including Fairfax and Loudoun counties. By federal regulation, such regionally approved land use forecasts must be used in the travel demand analysis of each alternative studied in an EIS. More specifically, model assumptions regarding socioeconomic variables and land use must be consistent among alternatives so as to not bias the results of the travel demand forecasting process. Therefore, the ridership estimates presented for the project do not reflect recent amendments to county comprehensive plans to permit additional residential, retail, and office development around stations, and do not reflect the ridership that would be anticipated with increased development in station areas.

Run time analysis data presented in the Transit Operations and Maintenance Plan (June 2002) show that the Full LPA, which includes 11 stations between the end of the line and the East Falls Church Station, has a travel time of approximately 41 minutes from East Falls Church to Route 772, resulting in an average speed of 35.4 mph for this 24-mile segment. WMATA's website shows that for a trip between Shady Grove and Metro Center (a section that includes 13 intermediate stations and no transfers) travel times are 34 minutes for a 17-mile distance. The average speed for this trip would be 30 mph. Although the average speed for the Dulles Corridor is higher, it is not inconsistent with experience on existing Metrorail facilities. The Dulles Corridor line is longer than the Shady Grove-Metro Center section, it includes fewer intermediate stations, and it includes two station-to-station intervals that are approximately 5 to 6 miles in length. Therefore, a slightly higher average speed would be expected.

The ridership estimates presented in Table 6.1-3 of the Final EIS do not count trips diverted from the Orange Line as new transit trips. As described in the Final EIS, the number of regional new riders is calculated by subtracting the total number of transit trips expected under the No-Build Alternative (this include all modes of transit in the region) from the total number of transit trips expected under each Build Alternative. Any increase in the number of regional transit riders is counted as new riders. A person switching from the Orange Line to the Dulles Corridor line would not register as an increase in the number of total transit trips.

The boardings presented in Table 6.1-3 represent a trip maker getting on the Dulles Corridor train at a station in the corridor. Whether this person is a new transit rider or a person that previously boarded the Metrorail Orange Line, the fact that he now boards the train in the Dulles Corridor reflects demand for the Dulles Corridor line. This line is a more convenient travel alternative for this trip maker. And given that the Orange Line currently experiences overcrowding, the Dulles Corridor line's ability to attract riders away from the western end of the Orange Line benefits the regional transit system. Only the analysis of development-related traffic effects in Tysons Corner and the mid-corridor used a refined a more refined geographic data structure. This structure was co-developed by Fairfax County, and allowed a much more detailed analysis than was possible with the land use data structure developed by the MWCOG.

**Public Comment:** A review of the DEIS and the associated technical reports indicate that the analysis reflects a strong support for the metrorail alternative. This is reflected in the analysis of BRT, assessment of social and economic factors and the remaining categories of assessment areas. The DEIS is deficit as evidenced by the lack of specificity in the community and neighborhood impact assessments. (0147, 0459-L -1)

**Response:** The Draft EIS and its Technical Reports did not indicate a preference for any of the alternatives considered. The social, environmental, economic, and transportation related effects of the BRT Alternative were assessed using the same methodologies as the other alternatives studied. The impact assessment for the community and neighborhoods, including the methodologies used, existing conditions, and predicted effects are presented in the Draft EIS in summary form for its four Build Alternatives and in the Final EIS for its two Build Alternatives.

## NEPA Compliance

**Public Comment:** The DEIS failed to address the issues coupled with full implementation of 23 USC 109 (h). The DEIS failed to follow the NEPA process by limiting the geographical study area around the transit stations. (0147, 0459-L –7)

**Response:** Full implementation of 23 USC 109(h) is the responsibility of the Secretary of Transportation and was supplemented by publication of the regulations contained at 23 CFR Part 771. The geographic study areas defined depended on the resource under study as illustrated by the following examples. For example, air quality effects were considered for the entire Washington metropolitan region (to study ozone) as well as areas near transit stations (to study carbon monoxide levels). For noise, a distance of 1,000 feet from the proposed alignments was used to determine the number, location, and types of noise-sensitive receptors along the corridor. For neighborhoods and parklands, the study area was generally 300 feet on both side of the proposed alignments and greater in areas where the noise and/or visual impact assessment predicted effects at distances beyond 300 feet.

**Public Comment:** In the published document I was unable to locate the applicable Federal Regulation cite such as 23 CFR 777, 40 CFR-1502, etc. As a citizen this information should have been contained in the report in order to perform an effective analysis to ensure that the requirements have been complied with fully. (0189, 0448-E –1)

**Response:** The Draft, Supplemental Draft and Final EIS' were developed in accordance with FTA regulations governing the transportation and environmental planning process (23 CFR 771) and Council on Environmental Quality's regulations that implementing the National Environmental Policy Act (40 CFR 1500).

**Public Comment:** Accordingly, in reviewing the DEIS, I found it inadequate as to prevent a meaningful analysis, and as such I am hereby requesting a supplemental DEIS be undertaken to address my concerns and other concerns raised by concerned citizens. (0189, 0448-E –10)

**Response:** The Draft, Supplemental Draft and Final EIS have met the requirements of National Environmental Policy Act (NEPA) and FTA regulations implementing (NEPA) and govern the planning process.

**Public Comment:** Impact of a Potomac River Crossing up-stream of the American Legion Bridge was not considered. It is submitted that such a crossing would impact on the Dulles Corridor transit routes used to enter/exit DIA both the passenger and commercial traffic. (0427, 0427-E –5)

**Response:** A new crossing of the Potomac River upstream from the American Legion Bridge is not part of the Dulles Corridor Rapid Transit Project, as defined in Chapter 2 of the Final EIS. In addition, such a bridge is not part of any program, ongoing planning study, or long-range plan.

## Need for Additional Assessment of Impacts

**Public Comment:** Community impacts deserve serious consideration in project planning and development. Public involvement should be fully integrated within planning and project development. For the community near the Golf Park, I believe the process as implemented failed in this respect. (0148, 0463-L –4)

**Response:** Comment noted. No effects are projected for communities in proximity to the Golf Park located on Hunter Mill Road. The two Build Alternatives of the Final EIS do not result in any changes in this section of the corridor and no noise, vibration, or visual effects are projected. Any increase in densities allowed by Fairfax County as a result of the Project are not anticipated within this neighborhood.



**Public Comment:** The Draft Environmental Impact Statement (EIS) on the Dulles Corridor Rapid Transit Project in the Dulles Corridor is flawed, incomplete and inadequate in its analysis of the impact on Reston residential neighborhoods of this project and accompanying densities. (0454, 0454-E -1)

**Response:** *The Land Use and Socioeconomics Technical Report (June 2002) describes the effects of the alternatives on neighborhoods in Reston. This analysis is supplemented in the Economics and Secondary Development Effects Technical Report (June 2002). The analysis documents that increasing densities in the transit station areas will increase traffic and create the potential for spillover parking that could affect several neighborhoods in Reston, primarily those located along Sunrise Valley Road. These impacts are presented in Sections 3.5 and 3.9 of the Final EIS.*

**Public Comment:** We would like to express our concern that the Draft Environmental Impact Statement for the proposed Dulles Rapid Transit Project does not comprehensively address effects on the human environment, as required by the National Environmental Protection Act. It is our belief that a project of this magnitude will have residual impact on the residential communities of the historic Hunter Mill Road Corridor and that Congress intended those impacts to be identified and thoroughly evaluated before a Dulles transit alternative is chosen. (0460, 0460-L -1)

**Response:** *No effects are projected for communities in proximity to Hunter Mill Road. The two Build Alternatives of the Final EIS do not result in any changes in this section of the corridor and no noise, vibration, or visual effects are projected. Any increase in densities allowed by Fairfax County as a result of the Project are not anticipated within this neighborhood.*

**Public Comment:** The study was conducted using "traditional transit" approaches and estimating procedures; however, an undertaking of this magnitude - and the implications of this study - should not be addressed simply from a "transit" perspective. The social and economic perspectives should be examined. (0235, 0235-E -1)

**Response:** *The effects of the proposed alternatives were assessed from a social, environmental, economic, and transportation perspectives as documented in Chapters 3, 4, 5, and 6 of the Final EIS. In addition, the performance of the two Build Alternatives was assessed against the No-Build Alternative in Chapter 10 of the Final EIS.*

## **B. Supplemental Draft EIS Comments**

### **Public Comments**

#### **NEPA Compliance**

**Public Comment:** I requested the project team to explain how it can avoid comparing rail to express bus, AND publishing a Federal Register notice BEFORE embarking on an SDEIS, when the FTA rules read: "A supplement is to be developed using the same process and format (i.e., draft EIS, final EIS, and ROD) as an original EIS, except that scoping is not required." (0016 12-01)

**Response:** *A Notice of Intent was published for the Dulles Corridor Rapid Transit Project Final EIS in the Federal Register on June 26, 2000 (Volume 65, Number 123). Pursuant to 23 CFR Part 771, Environmental Impact and Related Procedures, a Notice of Intent is not required for a Supplemental Draft EIS.*

**Public Comment:** Because WMATA was selected as the study consultant, the Locally Preferred Alternative recommendation was a forgone conclusion. "Study" and public hearing process nothing more than window-dressing. Federal law requires an independent non-conflicted analysis of the alternatives, and this was not done. (0162 12-1)

**Response:** *The Draft EIS, Supplemental Draft EIS and Final EIS document the systematic approach that was undertaken to assess the potential effects of the proposed alternatives. Each EIS document analyses the effects of the alternatives, cites the relevant laws and regulations considered, describes the methodologies used, defines the study areas assessed, summarizes the existing conditions in the study areas, predicts the direct and construction related effects, and proposed mitigation measures available to reduce the effects of unavoidable impacts.*

**Public Comment:** There was no consideration at all to slug lines or HOT lanes. Combining these with enhancements to existing bus service would meet transit needs for the foreseeable future. (0162 12-2)

**Response:** *While NEPA requires an evaluation of all reasonable alternatives, it allows alternatives to be eliminated prior to detailed studies as long as the reasons for eliminating them are discussed in the EIS. The process used for evaluating the initial list of alternatives for the Dulles Corridor Rapid Transit Project was a two-phase process: initial screening and intermediate screening. The process applied increasingly detailed and comprehensive measures of effectiveness to a decreasing number of alternatives. For the initial evaluation, most measures were qualitative. The alternatives advanced or carried forward for further evaluation at the end of each phase were those alternatives that best met the transportation needs of the corridor, relative to the other alternatives under consideration.*

*Neither the Project Team nor VDOT could develop facilities with the express purpose of encouraging just-in-time ridesharing (also known as “slugging” or casual carpooling) because of the tremendous liability risk associated with such activities. While these agencies recognize the benefits that have been gained in the I-95/I-395 corridor through this informal ridesharing arrangement, the random pairing of drivers and passengers inherent in this form of commuting presents risks that most public agencies are not prepared to assume.*

**Public Comment:** Agrees with the article from the American Planning Association regarding cost overruns, and believes that the Project Team has intentionally underestimated the project costs in order to sway decision-makers. (0162 12-3)

**Response:** *Chapter 8 of the Final EIS discusses the capital cost estimates and capital funding strategies for the two Build Alternatives. Every effort is being made to avoid cost overruns. The ultimate cost of the LPA relies on a number of assumptions, including project schedule, major cost drivers, inflation rates, expenditure forecast, funding availability, and financing requirements. During the Project’s next phase of preliminary engineering, DRPT will prepare a final financial plan for the Wiehle Avenue Extension, which will include an update of the capital cost estimate and a formal risk assessment. Section 8.3 of the Final EIS provides an initial discussion of risks and uncertainties.*

*The recent completion (January 2001) of the original Metro 103-mile system was done on or ahead of schedule and considerably under budget.*

**Public Comment:** Suggests that the Project Team is pushing the Metrorail Alternative because interested parties (i.e., the Project Team and decision makers) have a vested interest and could profit from the selection of Metrorail, thereby side-lining the cheaper alternatives. (0162 12-4)

**Response:** *The Draft EIS, Supplemental Draft EIS and Final EIS document the systematic approach that was undertaken to assess the potential effects of the proposed alternatives. Each EIS document analyses the effects of the alternatives, cites the relevant laws and regulations considered, describes the methodologies used, defines the study areas assessed, summarizes the existing conditions in the study areas, predicts the direct and construction related effects, and proposed mitigation measures available to reduce the effects of unavoidable impacts.*

**Public Comment:** Again suggests that the Project Team is pushing Metrorail by increasing the costs of BRT in comparison to those of light rail. Supports BRT with HOV lanes because it is the cheapest alternative and would benefit the most people. (0162 12-5)

**Response:** *Comment noted. Your participation in the public hearings and opinion as to which alternatives or alignments you think would best serve the needs of the Dulles Corridor and region are important to us and have been considered by the decision-makers in the selection of the Locally Preferred Alternative (LPA).*

### **No Comparisons to Alternatives Other Than No-Build**

**Public Comment:** While rail to Tysons alone might be a good idea this SDEIS is still flawed because it does not compare rail to any other alternative than "no build." (0016 0122-2)

**Response:** *Other modes, including the No-Build Alternative were considered in the Draft EIS published in 2002 for the Dulles Corridor Rapid Transit Project. Based on the analysis contained in the Draft EIS, public hearings held in July 2002, and comments received on the Draft EIS, the Metrorail Alternative (T6/Y15) was selected as the LPA by the Commonwealth Transportation Board (CTB) and by the WMATA Board of Directors in late 2002. The purpose of the Supplemental Draft EIS was to provide additional opportunities for the public and agencies to comment on refinements that have been made to the LPA since the publication of the Draft EIS public hearings report.*

### **Need to Change the Forecast Horizon Year**

**Public Comment:** County staff questions the evaluation of alternatives using a 2025 forecast horizon year. Results for the full LPA should use a broader forecast horizon year given that the full build LPA would be in operation by 2015. County staff does not feel that a 10 year forecast horizon provides an adequate description. (0084 0099-1)

**Response:** *2025 was used as the project horizon year in the Draft EIS, Supplemental Draft EIS, and Final EIS because it allows a comparison to be made of the proposed alternatives in a future year in which they would have achieved their full potential. In addition, the forecast year also reflects the availability of land use, population and economic projections, which are the basis for the technical analyses conducted as part of the NEPA process.*

### **Concerns about "WMATA/DRPT Roles in the Project"**

**Public Comment:** Virginia and WMATA should rethink their use of WMATA as a technical advisor. Much of the project's opposition is vested in a belief that WMATA's involvement in the design and build of the Dulles Corridor extension as a consultant will guarantee massive cost overruns. This concern is vested in the agency's historic record, in its execution of the DEIS as a contractor to Virginia's DRPT and in its executives' attitude towards Virginia as a customer. (0108 0127-11)

**Response:** *DRPT, as the project sponsor, will be the contracting authority for the project's implementation and the recipient of Federal and non-Federal funds. It will acquire right-of-way, apply for environmental permits and bear responsibility for mitigation commitments. DRPT has engaged WMATA as the technical manager for preliminary engineering, final design, construction, and start-up and testing. WMATA has the expertise and resources to assure that the completed project is ready for safe, secure, efficient operations.*

**Public Comment:** The proposed rail based transit system for the Dulles Corridor is projected to cost over \$3.5 billion. Such costly systems provide lucrative long-term contracts, including the contract to WMATA. CEQ Regs Section 1506.5 (c) "prohibits an entity entering into a contract with a federal agency to prepare the EIS when that party has at that time and during the life of the contract pecuniary or other interests in the outcomes of the proposal." Among some, there is a public perception of bias where the LPA is rail.

How were the conflict of interest issues dealt with in regards to WMATA's responsibility for the preparation of the DEIS and SDEIS? Disclosure statements or evaluation of potential conflicts of interest should have been prepared. Are these documents available for public review? (0109 0128-4)

**Response:** *Under the applicable Council on Environmental Quality (CEQ) regulation [40 CFR Sec. 1501.5(b)], WMATA, an interstate compact transit agency, is a joint lead local agency for NEPA purposes, and it is not classified as a retained outside contractor. By its very creation as an interstate compact agency, WMATA's purpose is to plan, finance, construct and operate a comprehensive mass transit system for the Washington metropolitan area, which includes Metrorail, Metrobus and MetroAccess. Thus, it is the most appropriate party to prepare environmental impact statements for transit projects of its system. There is no monetary gain for WMATA or its Compact member jurisdictions from the planning and implementation of the Project. Rather, WMATA will bear additional subsidy payments to operate and maintain the Project. Pertinent WMATA staff members on an annual basis do complete a Confidential Statement of Affiliations and Financial Interests under the policy, Standards of Conduct for WMATA Employees. There has been no disclosure of potential conflicts of interest by WMATA employees. The statements are confidential. As separately required by 40 CFR Sec. 1506.5(c), the WMATA-retained outside contractors, who are involved in the preparation of the EIS documents, signed notarized continuing disclosure statements regarding potential conflicts of interest as to this Project. For project integrity, the lead federal agency, the Federal Transit Administration, will independently review all the EIS documents for NEPA regulatory compliance, among other effects, prior to its final action regarding the proposed Project.*

**Public Comment:** Faulty Sponsorship: The project has inadequate sponsorship. WMATA is barely capable of running the existing MetroRail system, as evidenced by the frequent newspaper reports of its financial problems. Until it gets its own house in order, it should not undertake such a massive and economically risky undertaking. (0072 0150-5)

**Response:** *DRPT is the Project sponsor and initial owner. WMATA is DRPT's technical manager and will be operator of the completed extension. Under its Metro Matters campaign (see [www.wmata.com/about/metro-mattersfactsheet.pdf](http://www.wmata.com/about/metro-mattersfactsheet.pdf)), WMATA is presently seeking the absolute minimum funding of its near-term capital needs to sustain the Metrorail and Metrobus systems.*

**Public Comment:** Apparent conflict of interest: The Project also would result in adoption of a fee schedule that rewards DRPT/WMATA as the project managers for selecting the most expensive system rather than the most cost-effective one under the FTA criteria. (0072 0150-8)

**Response:** *The selection of the Metrorail Build Alternative as the proposed Locally Preferred Alternative by the WMATA Board of Directors and the Commonwealth of Virginia Transportation Board in November and December 2002, respectively, was based on the reasons in the Final Recommendations of the Project Team outlined in the Draft EIS Public Hearing Report Supplement (November 2002).*

### Clarifications Regarding Analysis Process and Documentations

**Public Comment:** Please explain how the failure to model any alternatives to Metrorail in Tyson's Corner is consistent with NEPA's clear requirement to consider all reasonable alternatives. Moreover, please explain the legal and regulatory context used to determine that Phase I has "independent transportation utility" and is an MOS of the full LPA. (0063 0151-3)

**Public Comment:** How were these determinations made, who made them, was there an analysis conducted, and what authority, standards, and guidance were relied upon? If an analysis was conducted, why was it not included in the SDEIS? (0063 0151-4)

**Public Comment:** Did the SDEIS meet the legal requirements of NEPA process by terminating the rail at Wiehle? That is the legal question to be answered. (0109 0147-2)

**Response:** *The Project Team, with FTA and in cooperation with FAA, has prepared the Draft EIS, Supplemental Draft EIS and Final EIS in accordance with the provisions of the National Environmental Policy Act (NEPA), as amended. The Scoping Process Report and the Final Alternatives Analysis Report (and its Addendum) document the identification of alternatives and issues and describe the initial and intermediate screening of alternatives, respectively.*

**Public Comment:** 40 CFR 1502.10 states that index should be detailed enough so that it is useful for the readers. Please explain why the DEIS and the SDEIS did not have an index. (0109 0128-25)

**Response:** *The Council of Environmental Quality (CEQ) guidance regulation cited refers to a recommended format to be used for environmental impact statements. The Draft EIS, Supplemental Draft EIS and Final EIS meet CEQ requirements; the Table of Contents provides a detailed listing of the EIS' contents, tables, and figures.*

**Public Comment:** No bus alternative was compared to the new locally preferred alternative (LPA), i.e., rail from West Falls Church to Wiehle Avenue, yet a "no build" option was studied. Probably more important, it appears that neither FTA for VDRPT and WMATA (henceforth, "the project team") placed a notice in the Federal Register that a supplemental DEIS was being pursued -- as is customary for all FTA projects. Perhaps had the public had an opportunity to provide input on the SDEIS from the get-go, the team would have studied a BRT alternative, as it did with the FTA New Starts Evaluation that went on concurrently. (0016 0122-12)

**Response:** *A Notice of Intent was published for the Dulles Corridor Rapid Transit Project Draft EIS in the Federal Register on June 26, 2000 (Volume 65, Number 123). Pursuant to 23 CFR Part 771, Environmental Impact and Related Procedures, a Notice of Intent is not required for a Supplemental Draft EIS.*

### **Project Phasing Concerns**

**Comment:** The SDEIS relies on phased construction "to spread the costs of construction over a longer period of time to reduce annual funding needs" since FTA "may consider the proposed subsequent phase for FTA funding in the future, but has made no commitment to do so. FTA will make a decision on the funding of the first phase without regard to possible future phases." (SDEIS at 1-2). Under NEPA protocols, a severed project which may never continue into phase 2 cannot masquerade as a phased project and does not qualify as a single, segmented project that could be feasibly implemented. The SDEIS must analyze only what the authors refer to here as Phase 1. (0068 0173-4)

**Response:** *The Supplemental Draft EIS discussed differences in impacts due to phased construction of the LPA. To emphasize the independent transportation utility of the 11.6 mile Metrorail extension to Wiehle Avenue, the FTA and DRPT have renamed 'LPA Phase 1' to be 'Wiehle Avenue Extension'.*

### **DEIS/SDEIS is not adequate**

**Public Comment:** A New DEIS is required: The SDEIS makes such material changes to the previously-submitted DEIS that it is de facto a new project that needs its own complete DEIS. (0072 0150-1)

**Response:** *The Supplemental Draft EIS did not make changes but rather discussed differences in impacts due to phased construction of the LPA.*

**Public Comment:** Deficiencies in claimed environmental benefits: The SDEIS fails to document accurately the environmental impacts that will result from placing the terminus of Phase I at Wiehle Avenue, it fails to properly advance a mitigation plan, and it makes no attempt to show a method to fund the mitigation plan to the extent a rudimentary one is proposed. (0072 0150-9)

**Response:** *The Project Team, with FTA and in cooperation with FAA, has prepared the Draft EIS, Supplemental Draft EIS and Final EIS in accordance with the provisions of the National Environmental Policy Act (NEPA), as amended. DRPT is the project sponsor. In coordination with VDOT, Fairfax County, Loudoun County and the Town of Herndon, it has determined the improvements for station access, the funding of such improvements, and their ownership and maintenance. Section 6.4 of the Final EIS discusses these roadway improvements.*

### **Contractors Used in Preparation of DEIS/SDEIS**

**Public Comment:** Identify the contractors who prepared the DEIS and the SDEIS who presently hold contracts with DRPT or with WMATA. Identify the contractors who prepared the DEIS and the SDEIS and can you categorically confirm right now that to avoid conflict of interests, that none of the contractors nor their substantially related entities will be awarded any contracts for the construction of this project in contravention to the aforementioned CEQ Regs. (0109 0128-5)

**Response:** *The WMATA consulting firms that have prepared the Project's EIS are listed in Appendix A, List of Preparers. The following statement is at the end of Appendix A of the Draft EIS: References throughout this document [Draft EIS] to Capital Transit Consultants refer to a consortium of consulting firms under contract to the Washington Metropolitan Area Transit Authority (WMATA) to provide environmental, planning, engineering, architectural, and management services in support of the preparation of this document. Capital Transit Consultants is a consortium of four firms under separate contract to WMATA. Member firms in the consortium who assisted in the preparation of this document are: DMJM/DELEUW (a joint venture of DMJM+HARRIS, Inc. and Parsons Transportation Group and subconsultants to the joint venture) and Parsons Brinckerhoff Quade & Douglas and subconsultants. The other two members of the Capital Transit Consultants consortium did not participate in the preparation of this document because of potential involvement in the implementation phase of the project. The above three WMATA consulting firms that have prepared the Project's EIS did complete Disclosure Statements on Conflicts of Interest in accord with the CEQ regulation and FTA rule. There was no disclosure of any conflicts of interest. Copies of these disclosure statements are included in Appendix A of the Final EIS.*

### **Project Scoping**

**Public Comment:** Apparently due to the way the rail proponents are conducting their high-stakes and high-cost business, this SDEIS has been manipulated in its scoping. The effect has been to keep out meaningful debate and informative input. In fact, my request for a meaningfully scoped SDEIS was rejected by WMATA months ago. (0068 0076-2)

**Public Comment:** How is this extension of Metrorail one bit different than any other project, independent project, that has ever been considered, Phase 1. How would Phase 2 not be a completely independent separate project? It seems to me these are two completely different projects and, as a different project, an independent project, Phase 1 deserves it own complete DEIS. (0072 0082-2)

**Public Comment:** The scoping of the SDEIS which, we think, is woefully inadequate in that it does not perform the alternatives analysis that is required by the law and the regulations on this topic. (0072 0082-3)

**Response:** *FTA, the lead Federal agency, DRPT and WMATA regard the Project to be the 23-mile Full LPA that will have two construction phases. Therefore, the Project Team with FTA and in cooperation with FAA has properly prepared the Draft EIS, Supplemental Draft EIS and Final EIS in accordance with the provisions of the National Environmental Policy Act (NEPA), as amended.*