

APPENDIX

F

SAMPLE RECORD OF DECISION

Record of Decision

11th Street Bridges

Anacostia Freeway (I-295/DC 295) to Southeast/Southwest Freeway (I-695)

Washington, D.C.

Decision

The following sets forth the basis for the Selected Alternative for the 11th Street Bridges Project. The Selected Alternative is the Preferred Alternative from the Final Environmental Impact Statement (FEIS). It follows the existing alignment and provides a now missing linkage to DC 295 north of the 11th Street bridges across the Anacostia River. As documented in the FEIS, the Selected Alternative satisfies the Purpose and Need and is the environmentally preferable alternative as it does the least harm to the biological and physical environment. All practicable means to avoid and minimize environmental harm have been adopted. Refer to Attachment E. The estimated cost of the Selected Alternative is 465 million dollars, the lowest cost build alternative investigated in the FEIS.

In consideration of the 11th Street bridges undertaking, the FHWA in partnership with the District Department of Transportation (DDOT) and other Federal agencies have studied and evaluated a range of alternatives consistent with earlier planning efforts as required by the provisions of SAFETEA-LU. FHWA concurs in the alternative selected by DDOT.

This decision is based upon full consideration of information contained in the Draft Environmental Impact Statement (Draft EIS) and Draft Section 4(f) Evaluation approved June 16, 2006, the Public Hearings held July 26th and 27th, 2006, the Final EIS and Final Section 4(f) Evaluation approved September 25, 2007, public and agency comments, other alternatives considered, environmental consequences, and other issues related to the proposed action. This environmental review process is in full compliance with the National Environmental Policy Act, the Council on Environmental Quality Regulations, and all other applicable Federal regulations.

Alternatives Considered

Alternatives are addressed in Chapter 5 of both the Draft EIS and the Final EIS.

No-Build Alternative

The No-Build Alternative would contain no new major construction resulting from a project action, although other planned and committed projects in the area would move forward. Improvements implemented under this alternative would be limited to short-term restoration and maintenance of the existing freeway and the river-crossing bridges. The inherent structural deficiencies of the bridges crossing the Anacostia River would not be corrected. The proposed ramps to and from Anacostia Freeway north of the 11th Street Bridges complex would not be connected to the 11th Street Bridge crossings, and existing

geometric and operational deficiencies would remain in place. These deficiencies are expected to result in increased travel on neighborhood streets, increased traffic congestion throughout the project area, and an increased number of traffic crashes.

The No Build Alternative does not reduce congestion, improve mobility, increase safety, or replace deficient infrastructure and roadway design, and thus does not meet the “Purpose and Need” as described in Chapter 4 of both the Draft EIS and the Final EIS.

Other Alternatives

In addition to the four Build Alternatives in the Draft EIS, a Preferred Alternative was considered in preparation of the Final EIS. The Preferred Alternative was developed following the public comment period and takes advantage of desirable traffic and connectivity features of Draft EIS Build Alternative I west of the Anacostia River and Draft EIS Build Alternative II east of the river. The match line for combining these alternatives to develop the Preferred Alternative is generally the west bank of the Anacostia River. All of the build alternatives would meet the purpose and need.

Common Features of Alternatives

All of the build alternatives, including the Preferred Alternative, have common features and elements that address the current transportation problems and reflect the project’s context and purpose and need. They are all designed to the same design criteria, which address current design deficiencies. They all provide the same basic traffic service by providing eight freeway traffic lanes and four local traffic lanes over the Anacostia River along the same basic alignment as the current crossings. The freeway lanes include three through lanes and one auxiliary lane in each direction. They all achieve separation of freeway traffic from local traffic, and they all provide a safe river crossing for pedestrians and bicyclists.

Every build alternative, including the Preferred Alternative, is designed to be compatible with the proposed conversion of a segment of the Southeast/Southwest Freeway to a surface arterial (referred to as Southeast Boulevard). This separate project includes the proposed removal of freeway ramps to/from Pennsylvania Avenue along the Southeast/Southwest Freeway west of the river at Barney Circle.

Every build alternative, including the Preferred Alternative, is designed to provide direct system ramp connections, which do not currently exist, to and from the Anacostia Freeway north of the 11th Street Bridge as well as maintaining the connections to the freeway south of the bridge.

Different or Unique Features of Alternatives

The five build alternatives differ primarily with respect to designs for local access east of the river, the manner in which local and freeway traffic is separated, and how the local street system west of the river ties to I-295.

Build Alternatives I, II, III, and the Preferred Alternative would have one eight-lane, two-way freeway bridge and one four-lane, two-way local bridge. Build Alternative IV would have two six-lane, one-way bridges with local and freeway traffic separated by barriers.



Build Alternative I would not provide direct access from the historic Anacostia neighborhood to the Anacostia Freeway. Access from the neighborhood to the Anacostia Freeway would continue to be via the Howard Road interchange, Pennsylvania Avenue, or the Suitland Parkway. Build Alternatives II, III, IV, and the Preferred Alternative would provide a new service interchange between the Anacostia Freeway and an extension of 11th Street and Martin Luther King, Jr. Avenue. This new interchange would provide direct access to historic Anacostia via Martin Luther King, Jr. Avenue, and direct access to the local bridge.

In Build Alternative I and the Preferred Alternative, ramps from the Southeast/Southwest Freeway, the Southeast Boulevard, and 11th Street would connect through at-grade intersections on the local street grid. In Build Alternative II, these facilities would connect through a traffic circle. In Build Alternatives III and IV, the continuity of traffic from the Southeast/Southwest Freeway to Southeast Boulevard would be maintained and traffic would continue free-flow via a provided underpass.

Build Alternatives I, II, III, and the Preferred Alternative would extend two-way traffic on both 11th and 12th Streets from M Street to the river. Because of the river-crossing bridge configuration, Build Alternative IV requires that 11th Street (southbound) and 12th Street (northbound) operate as one-way roadways between approximately K Street and the Anacostia Freeway.

Description of Selected Alternative

The Selected Alternative is the Preferred Alternative of the Final EIS. This is also the environmentally preferable alternative and incorporates all practicable means to avoid or minimize environmental harm. As noted, the Preferred Alternative was developed following the public comment period and takes advantage of desirable traffic and connectivity features of Draft EIS Build Alternative I west of the Anacostia River and Draft EIS Build Alternative II east of the river. The match line for combining these alternatives to develop the Preferred Alternative is generally the west bank of the Anacostia River.

The number of freeway lanes entering and leaving the project area (on the Southeast/Southwest Freeway, on I-295, and on the Anacostia Freeway) would remain unchanged with the Selected Alternative. Likewise, the number of freeway lanes crossing the river would remain constant at four in each direction. The freeway lanes include three through lanes and one auxiliary lane. The lane capacity of the freeway system serving this area of Washington, D.C. would not change.

A separate four-lane low speed bridge would provide new capacity for local traffic and transit buses to cross the river. This local bridge would include shared use sidewalks for pedestrians and bicycles. On the downstream side, this sidewalk would be 14 feet wide. The upstream sidewalk would be 6 feet wide. The local bridge design would accommodate a proposed streetcar system (not part of this project) that would not be practical on the shared local and freeway traffic lanes of the existing bridges.

West of the river, ramps from the Southeast/Southwest Freeway, the Southeast Boulevard, and 11th Street would connect through at-grade intersections on the local street grid. Continuity of traffic from the Southeast/Southwest Freeway would be eliminated and

traffic going from the Southeast/Southwest Freeway to the Southeast Boulevard would exit the freeway via a ramp and go through a traffic signal.

East of the River, the Selected Alternative would provide a service interchange between the Anacostia Freeway and an extension of 11th Street and Martin Luther King, Jr. Avenue. This interchange would provide direct access to historic Anacostia and the local bridge.

The local bridge would have two travel lanes in each direction and a 2-foot shoulder adjacent to each of the sidewalks. The freeway bridge would have a full barrier separating opposing lanes of traffic; a 12-foot shoulder adjacent to the right side lanes and a 2-foot shoulder adjacent to the left side lanes (see Final EIS Chapter 5 for a detailed description).

Changes to the Selected Alternative since Publication of the Final EIS

In response to public comments, the Selected Alternative has been modified so that Good Hope Road under I-295 will be open to vehicles as well as pedestrians and bicyclists.

Summary of Features of the Selected Alternative:

The Selected Alternative satisfies the purpose and need for the project. Direct ramp connections are provided to/from the Anacostia Freeway north of the 11th Street Bridge complex. Freeway traffic will then have the option of staying on the freeway. Access is provided to/from the Southeast/Southwest Freeway and the local street grid through at-grade intersections on the west side of the river. The Selected Alternative is the least costly of the reasonable alternatives considered. The cost estimate was confirmed in a Cost Review Meeting facilitated by the Federal Highway Administration (FHWA) on December 5 and 6, 2007. The objective of the review was to verify the accuracy and reasonableness of the cost estimate, and to develop a probability range to represent the current stage of design. The review indicated that the estimate was consistent with an 80th percentile probability that the year-of-expenditure project cost would not exceed 465 million dollars.

It is the environmentally preferred alternative. Only 1.5 acres of additional right-of-way is required, all from Anacostia Park. As a result of extensive coordination with National Park Service officials throughout the development of the project, a net benefit to the Park will be realized. No property from Virginia Avenue Park will be required. The existing structural, operational and design deficiencies will be corrected. There will be a safer river crossing for pedestrians and bicyclists. There will be a new service interchange between the Anacostia Freeway and an extension of 11th Street and Martin Luther King Jr., Avenue that responds to the community desires of additional access to Anacostia neighborhoods, businesses, and other local land uses. Access to the 11th Street Bridge will be removed from 13th Street on the east side of the river, and relocates it farther from residential communities, a strong desire expressed by the Fairlawn neighborhood.

Section 4(f) Considerations

Section 4(f) Properties

Section 4(f) properties in the project area include publicly owned land of a public park of national, State, or local significance, and land of an historic site on or eligible for listing on the National Register of Historic Places (NRHP).



Section 106 Properties

The Selected Alternative will not use any property from the nearby historic districts listed on the NRHP. In the project area, NRHP listed properties include the Capital Hill Historic District, the U.S. Marine Corps Barracks, the Washington Navy Yard Historic District, and the Anacostia Historic District. The Selected Alternative will use 1.5 acres from Anacostia Park which is eligible for listing on the NRHP. A Phase I archaeological examination recognized the potential for the project to encounter prehistoric resources in several locations.

Parks and Recreation Areas

Anacostia Park is a publicly owned park and recreation area that qualifies as a Section 4(f) property. The Selected Alternative will use 1.5 acres from Anacostia Park, and will require the temporary relocation of a recreation use, a boathouse, from the area on the west bank between the bridges. These properties are discussed in detail in the Draft EIS and Final EIS, Chapter 9.0, Section 4(f) Evaluation and Approval for Transportation Projects that have a Net Benefit to a Section 4(f) Property. Boathouse operations are detailed in Section 7.3, Relocation Impacts.

Section 4(f) Summary

DDOT and FHWA have worked closely with NPS to create a win-win solution to the need for additional right of way from Anacostia Park by taking advantage of the relatively new “Section 4(f) Evaluation and Approval for Transportation Projects That Have a Net Benefit to a Section 4(f) Property.”

No Prudent and Feasible Alternatives

All reasonable alternatives satisfying the project purpose and need require property from Anacostia Park. An avoidance build alternative that meets the project purpose and need was developed to investigate the consequences of avoiding all permanent right-of-way acquisition from the Section 4(f) resources within Anacostia Park on the east side of the river. This alternative would require the destruction of homes and businesses for the first two or three blocks of 13th Street, Good Hope Road, and Martin Luther King Jr., Avenue east of the Anacostia Freeway. Structures would be removed along Fairlawn Avenue, Ridge Place, S Street, T Street, 13th Street, Good Hope Road, Martin Luther King Jr., Avenue, U Street, V Street, Shannon Avenue, and Railroad Avenue. Residents in this area who would be directly impacted by this avoidance alternative are predominately low income and minority. Because the Anacostia neighborhood is a historic district listed on the National Register, avoiding impacts to one 4(f) property, Anacostia Park, would result in impacts to another 4(f) property, Historic Anacostia. The avoidance alternative is not a prudent alternative.

Similarly to the avoidance alternative, there is no alternative at another location that satisfies the project purpose and need and avoids an impact to Anacostia Park. Final EIS Section 4.2 explains in detail the deficiencies and operational problems associated with the existing location, primarily the result of the two missing freeway movements that cause freeway and local traffic to share facilities.

Planning to Minimize Harm

Since there is no prudent and feasible alternative to using the existing alignment and taking adjacent property where additional right-of-way is necessary, the Selected Alternative includes all possible planning to minimize harm. Measures to minimize harm include keeping the roadway alignment within the existing right-of-way to the maximum extent possible and using retaining walls to reduce the amount of parkland needed for construction. Newly graded slopes will be landscaped. Elevated sections of the roadway will be as low as possible to minimize visual intrusions into the park. Stone veneer will be used in all places where walls, ramps, and bridge abutments face the park or are located along pedestrian access routes.

While it is possible to avoid removal of either of the buildings located between the western abutments of the existing bridges, temporary relocation of activities of the Anacostia Community Boathouse Association (ACBA) in those buildings is necessary for safety reasons due to proximity to planned construction activities. Extensive coordination has occurred between DDOT, ACBA, and NPS to identify acceptable temporary sites where ACBA operations could be maintained during construction. Both the NPS and the ACBA identified a preferred site, which is the former Washington Gas tanker site in the 1200 block of Water Street, SE.

All possible planning to minimize harm has been completed and the Selected Alternative is a feasible and prudent alternative with the least harm to the Section 4(f) resources after considering mitigations.

Net Benefit

The Net Benefits 4(f) Programmatic Evaluation may be used if there is a finding that the No-Build and avoidance alternatives are not feasible and prudent. For the 11th Street Bridges project, the No-Build Alternative is the only alternative that avoids use of all Section 4(f) resources but it is not feasible and prudent because it would neither address nor correct the transportation needs cited in the project's purpose and need.

The avoidance alternative would impact an even larger area of a separate Section 4(f) property, the Anacostia Historic District, than the Selected Alternative. The avoidance alternative would also have substantial impacts on homes and businesses in a low-income, minority neighborhood. It is not considered prudent for these reasons.

In addition to the mitigation measures and incorporation of all possible planning to minimize harm, a series of enhancements will be implemented to create an overall net benefit to Anacostia Park. A budget of \$2 million, adjusted annually for inflation until construction begins has been established for this purpose. The budget will be used to:

- ◆ Compensate NPS for the full appraised value of \$980,000 for the 1.5 acres
- ◆ Add 12 inches of soil amended to facilitate turf growth to three ball fields
- ◆ Incorporate storm water management facilities at the base of retaining walls to protect the ball fields from storm water runoff
- ◆ Provide formal park entrance signs and entrance features at park entrances



- ◆ Apply soil amendments and provide plantings in select areas of the park
- ◆ Install new picnic shelters at select locations
- ◆ Design and install an exercise trail with exercise facilities

Formal Coordination

Coordination between NPS and DDOT has been ongoing regarding the assessment of impacts, the proposed measures to minimize harm, the mitigation necessary to preserve the values of Section 4(f) resources, and enhancements appropriate to achieve a net benefit for the park. The culmination of this effort is Attachment A – Memorandum of Agreement between the DDOT and the NPS Relative to Section 4(f) Properties.

A Programmatic Agreement (PA) between the FHWA, DDOT, District of Columbia State Historic Preservation Office (SHPO), and NPS relative to Section 106 properties has been negotiated and signed to document the results of the coordination described in Section 9.5 of the Final EIS. The PA includes the measures that will be carried out to minimize the adverse effects to the historic properties that are included in the attached Environmental Commitments. Since the Section 106 PA applies to the same properties addressed by the Final Section 4(f) Evaluation, the measures to minimize adverse effects described in the PA will also apply to the Section 4(f) properties. A copy of the PA is included as Attachment B – Programmatic Agreement between the Federal Highway Administration, the District Department of Transportation, the District of Columbia State Historic Preservation Office, and the National Park Service Relative to Section 106 Properties on the 11th Street Bridges Project, District of Columbia.

The District has concurred with plans for the temporary relocation of operations of the ACBA. A copy of the letter from the Deputy Mayor of Planning and Economic Development specifying the District's commitment is included in Attachment C.

Section 4(f) Conclusion

Based on the considerations in the Final EIS, there is no feasible and prudent alternative to the use of land from the Anacostia Park. The Selected Alternative includes all possible planning to minimize harm to the park. Additional measures negotiated by the DDOT and the NPS will result in a net benefit to the park from implementation of the Selected Alternative.

Measures to Mitigate Harm

Chapter 7.0 of the Final EIS addresses mitigation measures for the selected alternative. Section 7.21 summarizes all the environmental commitments. Attachment D to this Record of Decision incorporates all of these final commitments.

Comments on the Final Environmental Impact Statement

Comments on the Final EIS and responses to each are included in Attachment E to this Record of Decision.

Statute of Limitations Notice

FHWA, in cooperation with DDOT, intends to issue a “statute of limitations” (SOL) notice in the Federal Register, pursuant to 23 U.S.C. Section 139(l), indicating that one or more Federal agencies have taken final action that grant permits, licenses, or approvals for this transportation project. This SOL notice establishes that claims seeking judicial review of those Federal agency actions will be barred unless such claims are filed on or before 180 days after publication of the notice in the Federal Register.

DDOT will also make the SOL notice available on the project website.

7/2/08

Date


For the Federal Highway Administration

7/2/08

