

July 17, 1995

Mr. David Bender, Division Administrator  
Federal Highway Administration WV  
550 Eagan Street, Suite 300  
Charleston, WV 25301



Re: Appalachian Corridor H: Elkins, WV to Interstate 81, VA (Federal Project APD-484 (59))

Dear Mr. Bender:

Thank-you for meeting with me on Monday June 19, 1995 to tour the area in Virginia impacted by this WV road project. I am grateful to you and to the other members of the FHWA "scouting party" for their interest and willingness to listen to citizens and their appointed representatives voicing their concerns.

Representing Virginia's Shenandoah County, a consulting party in the Section 106 process for the above mentioned highway project, we recently received a copy of a draft Programmatic Agreement for review and comments. Although I view the discussion of specific terms of a Programmatic Agreement (PA) to be premature due to unresolved questions about the identification of historic resources within the Area of Potential Effects (APE), I will attempt in these comments to identify the major issues to be addressed in the context of this Section 106 consulting process.

## Area of Potential Effects

In Virginia, the APE proposed in the Draft PA would stop at the Virginia state line, due to the decision of the Commonwealth Transportation Board(CTB) not to pursue any build alternative of Corridor H in Virginia. However, the WVDOT's most recent state highway map also shows Corridor H to be built all the way to the Strasburg I-81 intersection, further indicating the intent which would affect resources in and adjoining the proposed corridors. The Virginia section of Route 55 has been placed on the National Highway System by FHWA, though the VDOT did not place it on their list (see enclosed April 26, 1993 Proposed NHS map).

The FHWA, in it's May 5, 1995 letter to Frank Wolf, conceded that the NHS designation was made "to provide a logical connection with the Corridor H route" despite the CTB decision, the consensus of the appointed CAC, the citizen position of overwhelming opposition in the hearings conducted in Middletown, and the absence of Corridor H from the state six-year transportation plan, heavy improvements will in all likelihood be necessary or a new road built along Route 55, to accommodate additional traffic in Virginia generated by Corridor H.

This indicates that Corridor H will clearly have an adverse affect on Virginia historic resources. Its construction will necessitate transportation improvements to route 55 that are inconsistent with the nomination and acceptance of Route 55 as a scenic byway by the counties traversed by Rt. 55, and the stated intention within each of the comprehensive plans of the 3 counties most impacted, to develop the area for heritage tourism. There is a recorded economic vision contemplated by local and state officials for this area, which by right of self determination takes preeminence over another state's plan for a project in another state's jurisdiction. FHWA (see enclosed letter) has allowed West Virginia to overrule this plan.

A four-lane truck route, Corridor H, dumping onto route 55 at the state line would be a significant erosive force on this intended heritage tourism plan, impacting route 55's qualities as a scenic byway, and may eventually force the building of a truck route to satisfy safety and congestion concerns. This would further exacerbate the current problem of growing traffic congestion on I-81, a situation that the FHWA is well aware of. Therefore, any impacts to historic properties and or the heritage development potential in Virginia resulting from either increased traffic at the state line, improvements to Route 55, or a new road should be considered to be impacts of Corridor H. The APE must therefore examine the effects of adverse traffic, noise, visual, long range air quality on historic resources within the Shenandoah Valley. The APE not only should include all of the 3 proposed 2000 foot Corridor options in Virginia, but also affected properties outside the corridor which are important viewsheds and have already received

acknowledgment in the 1994 published "A Map of Scenic Roads in Virginia" where the scenic route 55 road crosses 5 Virginia Counties. The secondary and cumulative impacts in Virginia have never been addressed satisfactorily. Corridor H will have a significant effect on secondary roads in Virginia creating congestion and this too has been largely ignored. Also, I have yet to see logical termini being developed.

The draft PA only proposes to examine the effects on WV historic resources to the Virginia state line. As stated above, this is incorrect. The PA must plan for the identification of resources in Virginia as well, including the Cedar Creek Battlefield and any potential impacts on long range planning and economic development as related to heritage tourism. The potential development of the Shenandoah National Battlefield Park is, in Virginia's view, preeminent over and above any external state's transportation plan, especially when the counties' comprehensive plans are clear in their intent. Therefore the Virginia SHPO must have a full role as a participating consulting party in the agreement.

Each of the individuals serving as consulting parties should be provided simultaneously, by mail, determination of eligibility reports and Phase I archaeological investigations.

The PA must give all consulting parties, including the Virginia SHPO and other potentially impacted Virginia resources, i.e. Cedar Creek Battlefield, Fishers Hill Battlefield, Belle Grove, the opportunity to consult on the assessment of effects, avoidance or mitigation recommendations.

The draft of the PA is very inadequate because it defers issues of adverse effects, and measures to avoid or mitigate them, until after FHWA already funds the project. This does not fulfill the required function of Section 106, which is supposed to give information for agency decision "prior to the expenditure of any Federal funds." This lack of assessment of effects or substantive mitigation commitments reflects the fact that the resources have not yet been completely identified.

The Latest draft once again over looks Shenandoah County as a full consulting party despite the letter sent acknowledge me as their appointed representative. I am sure it is just another oversight and one you will remedy immediately.

We also have great concerns about the segmentation of the project. If the highway is analyzed and constructed one segment at a time, this reduces options for avoiding or mitigating adverse effects in other segments. This is particularly important to us at the Virginia line.

Sincerely yours,



Tony Coogan for  
Shenandoah County

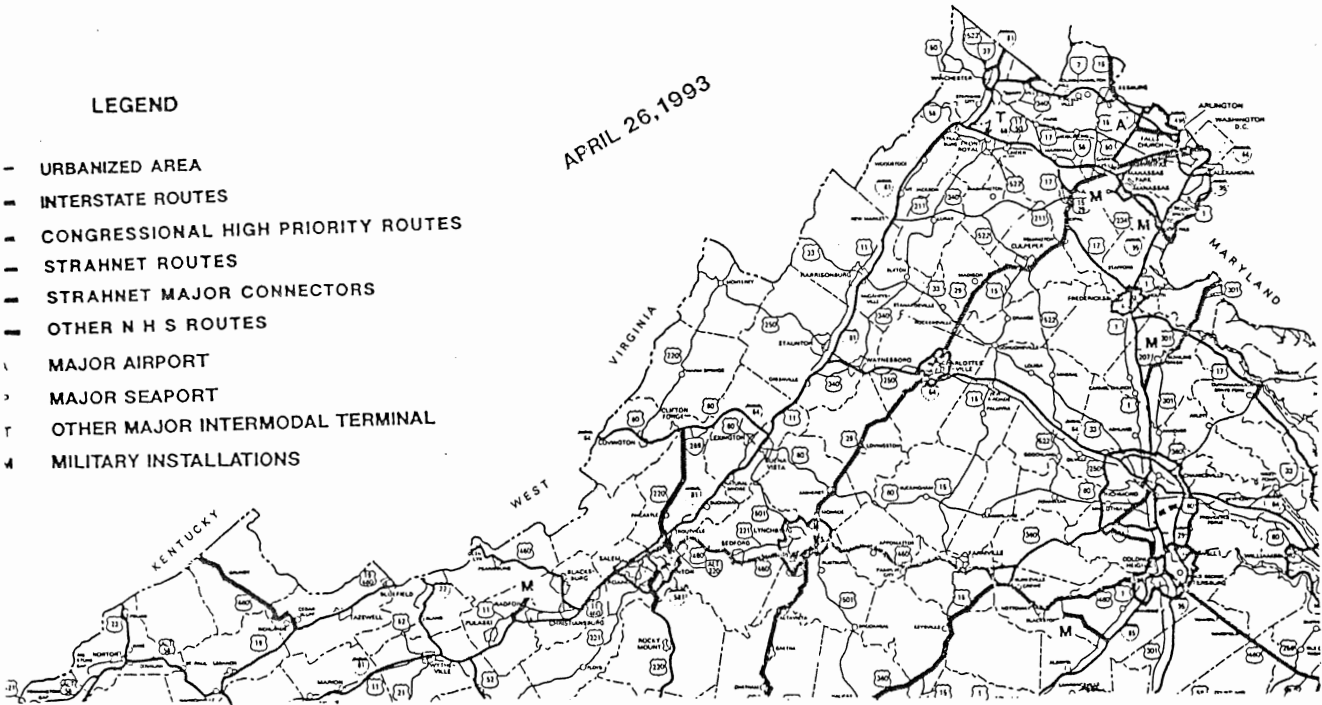
cc: Mr. Roberto Fonseca-Martinez Division Administrator FHWA  
Mr. Robert Martinez, VDOT  
Congressman Frank Wolf  
Mr. John Cutlip, Shenandoah County Administrator  
Ms. Sally Oldham, Scenic America  
Mr. H. Alexander Wise Jr., DHR  
Mr. Tom Lewis, Cedar Creek Battlefield Foundation (CCBF)  
Mr. Jeff Driscoll, Fishers Hill (APCWS)  
Dr. Robert Bush, Advisory Council on Historic Preservation  
Mr. Fred Van Kirk, WVDOT  
Mr. King W. Gee, FHWA  
Mrs. Susan Pierce, WV SHPO  
Mr. Richard Moe, National Trust for Historic Preservation  
Governor George Allen

# PROPOSED NATIONAL HIGHWAY SYSTEM

APRIL 26, 1993

## LEGEND

- URBANIZED AREA
- INTERSTATE ROUTES
- CONGRESSIONAL HIGH PRIORITY ROUTES
- STRAHNET ROUTES
- STRAHNET MAJOR CONNECTORS
- OTHER N H S ROUTES
- ( MAJOR AIRPORT
- > MAJOR SEAPORT
- T OTHER MAJOR INTERMODAL TERMINAL
- M MILITARY INSTALLATIONS



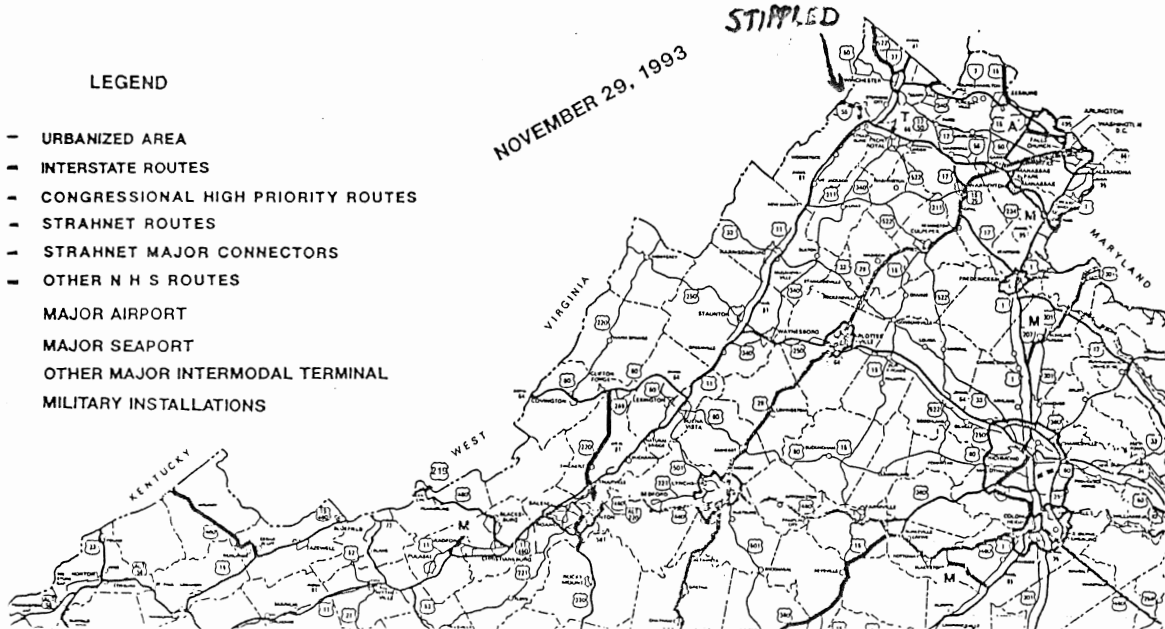
# PROPOSED NATIONAL HIGHWAY SYSTEM

STIPPLED

NOVEMBER 29, 1993

## LEGEND

- URBANIZED AREA
- INTERSTATE ROUTES
- CONGRESSIONAL HIGH PRIORITY ROUTES
- STRAHNET ROUTES
- STRAHNET MAJOR CONNECTORS
- OTHER N H S ROUTES
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- T OTHER MAJOR INTERMODAL TERMINAL
- M MILITARY INSTALLATIONS



July 17, 1995

The Honorable George F. Allen  
Governors Office, Third Floor  
The State Capitol  
Richmond, Va. 23212

Dear Governor Allen,

We live in fear filled times! Though the general consensus is that the problem is gone, Corridor H still boils away across the border and is still seriously threatening to scald our valleys future in the process. If you review the enclosed documents, you will learn why we are concerned.

What can you do to help alleviate these fears? Mr. Bender of FHwAs' Charleston office has stated in a letter to Mr. Don Klima (see USDOT to Ad Council 7/5/95) that the "Virginia SHPO has elected not to be a signatory to the agreement, based on their determination that there will not be any effects to cultural resources in Virginia". How can they be so sure, when FHWA Chief Administrator Rodney Slater states in a letter to Rep. Wolf (see USDOT to Wolf 5/5/95), that VDOT & WVDOT are cooperating on "improvements" to route 55? The public has yet to be told the nature of these planned improvements or their cost to the Commonwealth? Has the VASHPO decided to not participate? Will route 55 be widened? Will houses be knocked down? Will additional truck stops be built? What other threats to Virginia will result from this *federally funded* and, so far, sanctioned pork project?

The best legal handle citizens can have right now is the federally mandated Section 106 Review. To let go of the reins too early is to loose control of what is coming at you. I am still seated at the table shaping this issue, but a few critically placed words from you to the right place would be manna to those defending the Shenandoah Valley from Corridor H's impacts to this region of the state. The VASHPO needs to be a full consulting party to the 106 review, and I am asking you to have them re-seat themselves exercising their charge of protection of Virginia resources.

You should know that WVDOT has chosen to interpret the Virginia Commonwealth Transportation Board (CTB) resolution of opposition to Corridor H passed February 16, 1995 as an *endorsement* of their project and are avidly selling it to the Federal government as such. VDOT, apparently on it's own, has been working to keep open the door of possibility for this project in Virginia as made clear by its inclusion of route 55 in the NHS (see enclosure), thus assuring a funding conduit to our national

highway piggy bank, the FHWA. (So much for controlling the national debt.) CTB board member James Rich informed me that the dept. insisted on the inclusion of improvements to Route 55 even though it is the safest section of the entire proposed Corridor H according to the SDEIS. This to facilitate any WV created problems. A green light to West Virginia. These VDOT actions took place despite overwhelming citizen and elected representatives' recorded opposition.

You kindly responded to me in your pre-election May 17, 1993 position letter stating that federal money and the bank account of Virginia should be controlled by and allocated **first**, for Virginia projects which meet the "critical needs" standard. This is still the issue with Corridor H. By neglecting to participate in the section 106 process, Virginia is loosing control of its future on route 55. We are being set up to be forced to deal with what West Virginia puts at our state line (see WV highway map). We need to keep hands on Corridor H to avoid negative impacts to Virginia's economic development and, specifically, the Battlefield Legislation of Congressman Wolf. I concur with Representative Wolf that Corridor H is a threat to the publicly chosen and local government endorsed position of promoting this area for its' obvious National Heritage significance. Review any of the newspapers in the area to see first-hand the scale of interest in Civil War tourism activity by all local governments.

Thousands of Virginians and West Virginians have written letters opposing Corridor H. Belle Grove Plantation, Cedar Creek Battlefield, the Shenandoah, Frederick and Warren County Boards of Supervisors, the towns of Middletown and Stephens City have spoken out loud and clearly against it. All of these counties and towns have supported the Battlefield Legislation and sent letters of resolution to the CTB, **Resolutions of Opposition**. They have collectively chosen a direction toward Civil War tourism, yet a four-lane Corridor H truck route dumping into Virginia as proposed will seriously erode many opportunities for valley heritage economic development. Route 55 has been nominated as a state Scenic Byway (see A Map of Scenic Roads in Virginia) and the increased traffic would spoil the quality of life for the residents and the overall enjoyment of those looking at its scenic qualities.

Former Transportation Secretary John Milliken once told me at an I-81 Corridor Council meeting at JMU that he sees little or no economic benefit to be reaped by Virginia. As a citizen appointed on August 27, 1993 by and to represent Shenandoah County to advise VDOT, last month again to represent Shenandoah (see Shenandoah Co. to FHWA 6/14/95) during the ongoing Section 106 Review, I have been disappointed in the VDOTs' lack of sensitivity to citizens. The potential threat to cultural resources in Virginia by Corridor H induced improvements to Virginia 55 is still a real concern. As the leader and chief financial officer of the Commonwealth, we

believe this issue needs your attention at this crucial time. This is an opportunity for you to take a strong position against a classic example, if not the definitive one, of national debt loading and abuse of power by the senior West Virginia senator and his pied piper delegation. Please activate the Virginia SHPO in the 106 process as a full signatory as soon as possible. Otherwise the section 106 programmatic agreement (see enclosure) will continue to go through without Virginias' input and Virginia will have no say in future damage caused by Corridor H to Virginias' historic resources.

We in the Shenandoah Valley of Virginia take our responsibility as stewards of this precious resource seriously and are committed to the development of the area in an aesthetically traditional approach, tastefully sensitive to the preservation of our charge. We anticipate that you share this concern and will help insure a profitable future for the Shenandoah Valley, and make sure we not let go of the wheel prematurely.

Respectfully yours,

Tony Coogan

cc: Representative Frank Wolf  
Dr. Daphyne S Thomas  
Mr. James E. Rich  
VASHPO  
APCWS  
FHWA  
Shenandoah County Board of Supervisors  
Mr. Roberto Fonseca-Martinez FHWA







U.S. Department  
of Transportation

**Federal Highway  
Administration**

Office of the Administrator

400 Seventh St., S.W.  
Washington, D.C. 20590

May 5, 1995

Refer to: HPD-1

The Honorable Frank R. Wolf  
House of Representatives  
Washington, DC 20515-4610

Dear Mr. Wolf:

Thank you for your April 13 letter on behalf of Mr. Anthony P. Coogan of Strasburg, Virginia. He asked if State Route (SR) 55 is included in the recommended National Highway System (NHS).

The SR 55 corridor is included on the proposed NHS. The Virginia Department of Transportation (VDOT) did not initially propose inclusion of the route. However, the Federal Highway Administration included the route, with the VDOT's concurrence, to provide a logical connection with the Corridor H route proposed by the West Virginia Department of Transportation (WVDOT). In concurring with the designation, the VDOT requested that the Virginia portion of the route be shown as proposed (dashed line) to reflect the overall uncertainty of future improvements. That is the way the route is identified on the Virginia NHS map (copy enclosed).

A few brief comments about the NHS might be helpful to Mr. Coogan. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) directed the Secretary of Transportation to submit a recommended NHS for approval by Congress. The NHS was required to include the entire Interstate System, other routes of importance to national defense, routes identified in ISTEA as high priority corridors of the NHS, and selected principal arterials identified in consultation with State and local officials. We submitted our recommended NHS, including the SR 55 link to Corridor H, to Congress in December 1993. Congress has not yet completed action on legislation designating the NHS.

The NHS is not intended to be a new Interstate Highway Program, with a Federal commitment to complete all designated routes to Interstate standards. Instead, funding for the NHS is made available to the State transportation agencies to develop projects, by priority, to the standards appropriate for expected traffic and other factors. Most NHS routes that have two lanes today will remain two-lane roads, although NHS projects may provide, for example, a new pavement and elimination of safety hazards--generally within the existing right-of-way.

Inclusion of a route on the NHS establishes eligibility for NHS funding but does not require that any action be taken to improve the route. State transportation officials work with local officials to determine which NHS projects will be developed. Decisions on whether an improvement is needed and what type of improvement may be appropriate to meet identified needs are based on planning and environmental studies. In addition, all Federal-aid highway projects, including those on the NHS, must meet Federal planning and environmental requirements, including the National Environmental Policy Act of 1969.




In February 1995, the Virginia Transportation Board voted not to support the four-laning of SR 55 or improved roadway alternatives to link with Corridor H in West Virginia. However, the board did agree to include a study of safety improvements to SR 55 in the State's 6-year plan. The safety improvements will likely be eligible for NHS funding. I understand that the VDOT and the WVDOT are working together to determine how transportation needs should be addressed in the SR 55 corridor.

Because public involvement is an important part of any project, I encourage Mr. Coogan to express his concerns about SR 55 to VDOT Secretary Robert Martinez. Secretary Martinez and his staff can discuss the safety improvements they will be considering for the route. They also can let Mr. Coogan know of any opportunities that will be offered for formal public involvement during the study. The VDOT's address is 1221 East Broad Street, Richmond, Virginia 23219.

In conclusion, we believe that the SR 55 corridor should be included on the NHS. As a principal arterial, the route meets the eligibility requirements for the NHS and is consistent with objectives established by ISTEA that the NHS serve interstate and interregional travel. However, through our Division Office in the State, I will provide a copy of this correspondence to VDOT officials so they will be aware of Mr. Coogan's concern about the inclusion of SR 55.

Sincerely yours,

  
Rodney E. Slater  
Administrator

Enclosure

PROPOSED

RESOLUTION OPPOSING CORRIDOR H

**WHEREAS**, the West Virginia Department of Transportation is proposing to construct a controlled access dual-lane highway, identified as Corridor H, from Elkins, West Virginia to connect with I-81 and/or I-66 in Virginia; and

**WHEREAS**, one of the proposed routes being considered for construction of said Corridor H highway parallels or is in the proximity of Route 55 from the Virginia-West Virginia boundary, east of Wardensville, West Virginia, through Shenandoah County to connect with I-81 and/or I-66 near Strasburg, Virginia; and

**WHEREAS**, said route through Shenandoah County would likely be disruptive to farms, private homes, and public-use facilities such as churches, community centers, lodges, etc; and

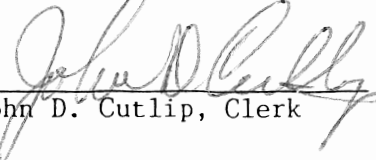
**WHEREAS**, there does not appear to be direct economic benefit accruing to the citizens of Shenandoah County as a result of constructing said Corridor H highway to connect with I-81 and/or I-66 near Strasburg, Virginia; now therefore

**BE IT RESOLVED** that plans to construct the Corridor H highway through Shenandoah County, heretofore described, are opposed by the Shenandoah County Board of Supervisors.

\* \* \* \*

Preceding Resolution approved by the Shenandoah County Board of Supervisors in regular meeting held April 13, 1993.

ATTEST:

  
John D. Cutlip, Clerk