

Please vote to approve [HB557 \(Northern Virginia Transportation Authority; preservation of public parklands, recreation areas, etc.\)](#) when the Transportation Infrastructure and Funding Subcommittee of the House Transportation Committee considers it on Tuesday, January 23. HB557 would prohibit the Northern Virginia Transportation Authority (NVTa) from approving any program or project that requires the use of publicly owned land in a significant public park, recreation area or wildlife or waterfowl refuge unless there is no feasible and prudent alternative, and the program or project includes all possible planning to minimize harm to the facility resulting from such use.

The language in HB557 resembles that in [23 U.S. Code § 138 - Preservation of parklands](#). Congress enacted the first version of that section of the Code in 1966, when the U.S. Department of Transportation was funding the first interstate highway projects. Congress enacted that legislation because some of those projects were damaging or destroying the parks, recreation areas and wildlife/waterfowl refuges through which they were traveling.

**The same type of damage is now taking place in Northern Virginia because of a defect in the legislation that the General Assembly enacted when establishing the NVTa.** As a result of that legislation, [§ 33.2-2500 of the Code of Virginia](#) now states in regard to the NVTa (the Authority):

*"The Authority shall evaluate all significant transportation projects, including highway, mass transit, and technology projects, in and near Planning District 8, to the extent that funds are available for such purpose. The evaluation shall provide an objective, quantitative rating for each project according to the degree to which the project is expected to reduce congestion and, to the extent feasible, the degree to which the project is expected to improve regional mobility in the event of a homeland security emergency."*

Based on the requirements of § 33.2-2500, the NVTa rates and ranks its projects on their "Congestion Reduction Relative to Cost (CRRC)" ratios. An [NVTa web page entitled "Evaluating Regionally Significant Transportation Projects"](#) states that the CRRC ratios are project-level ratios that are derived from an analysis of the reduction in person hours of delay (in 2025 and 2040) divided by estimated total project cost.

That web page specifically states:

*"Congestion Reduction Relative to Cost (CRRC). As required by the Virginia Code, the Authority must give priority to projects with the highest CRRC ratios";*

**Potential environmental impacts therefore do not affect the rankings or approval of projects that the NVTa funds.** This is true even when the projects will damage or

destroy trees, wildflowers, wildlife, other environmental elements, create stormwater run-off, and remove recreational facilities from public parks.

As an example, using NVTA funds, the [Northern Virginia Regional Park Authority \(NOVA Parks\)](#) completed in 2021 a project that more than doubled the width of a 1.5-mile-long section of the W&OD Trail in the City of Falls Church from about 10 feet to about 21 feet (see the [October 12, 2021, Sun Gazette article](#) for information about this event). The W&OD Trail is a bicycle/pedestrian facility that travels within the Washington and Old Dominion Railroad Regional Park through several Northern Virginia jurisdictions

The project (termed “Falls Church W&OD Dual Trail” project or “Falls Church W&OD Trail Enhancement” project) replaced with paved impermeable surfaces much of the natural area that previously existed there. It created a substantial adverse environmental impact that NOVA Parks did not adequately mitigate.

Among other things, the project removed many mature ornamental trees and shrubs that a Falls Church gardening club had planted soon after W&OD Trail opened in 1974. It also removed a number of exercise areas and other recreational facilities from the park.

The project area now contains only a small number of new young trees and other vegetation that will take years to mature. Featureless mowed lawns occupy about 40% of the project's unpaved area.

The project removed much milkweed, which feeds monarch butterfly caterpillars but did not replace any of that plant. It therefore accelerated the demise of Virginia’s monarch butterfly population, which is now endangered throughout the United States.

Enactment of HB577 will not increase the NVTA’s operational costs or need for new personnel. The legislation would simply prohibit the NVTA from approving projects on public lands that would damage the environment. The NVTA always receives more funding requests than it can approve. Other projects would therefore replace those that HB577 prohibits.

Please therefore vote to approve HB577.