

1 INDEPENDENT REVIEW PANEL MEETING

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PUBLIC COMMENTS

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DOWNTOWN TUNNEL/MIDTOWN TUNNEL/

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MARTIN LUTHER KING FREEWAY EXTENSION

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APRIL 21, 2009

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6:00 P.M. - 7:30 P.M.

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PORTSMOUTH CITY COUNCIL CHAMBERS

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801 CRAWFORD STREET, 6TH FLOOR

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PORTSMOUTH, VIRGINIA

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REPORTING SERVICES PERFORMED BY: SHEILA L. LOWE

1 MR. DICKENS: Okay. I call the meeting
2 back to order and thank you. The Independent Panel will now
3 entertain public comments. Each speaker will be called to
4 the podium in the order as registered on the public comment
5 sign-in sheets. So please listen for your name and proceed
6 to the podium as your name is called.

7 As you approach the podium, please state
8 your name and affiliation, and if you will, we have a
9 stenographer, so please speak clearly. This is not a
10 question and answer period, so the IRP will not answer your
11 comments or your questions. Speakers will be limited to
12 three minutes so we can get through a list of several
13 speakers tonight. You will see a yellow light when you have
14 one minute remaining, and when you see a red flashing light,
15 your time is up and I would ask that you step aside, and I
16 will call you down if you go much beyond your time, so
17 please be mindful.

18 As a reminder, those who prefer to make
19 a verbal comment but not directly to the panel are offered
20 to make a comment to the stenographer in the lobby at the
21 public comment table. Those who prefer to have a written
22 comment may use the forms provided in the lobby to handle
23 that, also.

24 We will now open the public hearing.
25 The first speaker will be Doug Smith, and if there are other

1 elected officials in the audience who would like to speak,
2 if you identify yourself, we'll put you on the roster first.

3 Mr. Smith.

4 MR. SMITH: Good evening, Mr. Chairman
5 and members of the panel. I certainly would like to take
6 this opportunity to welcome you to Portsmouth on behalf of
7 Mayor Holley and the other members of the council. As the
8 chair said, I am Doug Smith, a member of the Portsmouth City
9 Council. I'm going to make some quick comments and keep
10 them brief, some of which you've heard, but I think it's
11 important to get them on the record.

12 As you-all know, the Midtown Tunnel is
13 the most heavily congested two-lane road in Virginia, and
14 the need to have a second tube has been thoroughly
15 documented and is widely supported. The cities of
16 Portsmouth and Norfolk share a disproportionate burden in
17 terms of the constant traffic congestion and its impacts on
18 our air quality and quality of life due to the state's
19 long-term failure to address this critical link in our
20 regional transportation network as well as the spillover
21 congestion from the tunnels into our business and
22 residential districts which make both our cities less
23 attractive for development.

24 We all know there's no public funding
25 available for this project. ERC's proposal estimates that a

1 two to three dollar toll will be required to finance the
2 project. It's certainly significantly higher than the 60
3 cent toll previously estimated in the study conducted by the
4 Hampton Roads Planning District in 2005, and certainly, an
5 amount that our citizens simply cannot bear.

6 The difference between HRPDC's study and
7 ERC's costing is the result of several factors. It's
8 certainly no surprise construction costs have risen
9 dramatically, and interstate justification is more detailed,
10 more bridge structures and measures to meet federal
11 requirements for the MLK freeway, doubling some of the
12 original costs. However, we'd ask you to look hard at the
13 idea that VDOT plans to shift its annual operations and
14 maintenance costs, \$17 million annually, and pass on this
15 backlog of deferred maintenance, \$46 million, to the private
16 operator, and we would ask you to look hard whether that's
17 an appropriate shifting of those responsibilities and a
18 burden to place on our citizens.

19 On July 28th, the Portsmouth City
20 Council passed a resolution conditionally approving the
21 proposed location of the MLK Extension project. I want to
22 give you a couple highlights and some of those conditions
23 that I think you-all have heard. We believe that any tolls
24 that may be imposed in the area of the Pinners Point
25 connector --

1 MR. DICKENS: Mr. Smith, don't worry
2 about the light. Since we're in your house, I'll extend you
3 the courtesy of taking all the time you need.

4 MR. SMITH: You're a good man. I have
5 to tell you, can we leave that light here after you leave?
6 We like that.

7 MR. DICKENS: It's very handy.

8 MR. SMITH: Any tolls that may be
9 imposed in the area of Pinners Point connector and the
10 Martin Luther King Freeway Extension project shall be
11 reasonable and should not impose an undue burden on
12 Portsmouth residents having access to other South Hampton
13 Roads areas consistent with financial considerations of the
14 project.

15 Second, the Portsmouth City Council
16 looks forward to working with the Department of
17 Transportation on all aspects of the proposal, including but
18 not limited to the possible potential of tolls on its
19 roadway, the design of the roadway to facilitate the
20 creation of a convenient, attractive, and harmonious
21 community, ensuring that multimodal forms of transportation
22 are available to Portsmouth residents in the future, and
23 ensuring that the needs of impacted and relocated residents
24 and businesses are met with the greatest extent possible.

25 I think you-all are aware that 12 years

1 ago, the City of Portsmouth pledged use of its urban
2 allocation funds to counter placing tolls on the Pinners
3 Point interchange. VDOT should now consider elimination of
4 Portsmouth's outstanding debt since tolls will be placed on
5 this roadway. The citizens of Portsmouth and Norfolk should
6 not have to unreasonably subsidize a project that's clearly
7 a state responsibility.

8 VDOT should further ensure that tolling
9 is applied to the Elizabeth River traffic only. This is an
10 important point for us and one we've had some confusion on.
11 The construction of the Martin Luther King Extension
12 connecting to the I-264 corridor is a facility to provide a
13 balanced distribution of traffic between the two tunnels and
14 does not provide significant west side transportation
15 improvement beyond that function. The point there is,
16 people in Portsmouth should not have to pay a toll to get
17 from one side of Portsmouth to the other side of Portsmouth.

18 I want to make a couple of comments on
19 light rail and then I'll wrap up. It's important to us that
20 VDOT consider design and provide a separate tunnel lane
21 that's designated for future light rail use. If it's
22 unsuccessful, VDOT should consider adding a sufficient
23 safety shoulder with to allow for mass rapid transit use of
24 the safety lane as a travel way. In support of these
25 measures, VDOT should seek federal funds from FTA, FHWA and

1 Congress.

2 The simple story is, we recognize that
3 light rail adds a significant cost to this project, and we
4 are not necessarily saying that this project should not go
5 forward if light rail cannot come through this Midtown
6 Tunnel. What we are saying is that the western side of the
7 region, Portsmouth, Suffolk, Western Branch, should not be
8 left out of the light rail debate, should not be left out of
9 the light rail study. It's not good enough to simply say
10 that light rail cannot come through the Midtown Tunnel
11 because it creates costs problems. What we are asking of
12 VDOT and the Commonwealth is if it cannot come through the
13 Midtown Tunnel, and we are hoping it can, how does it get
14 here? Don't let us be an afterthought. Don't let us sit
15 here 60 years from now and wonder why folks not plan far
16 enough ahead to link Portsmouth and Northern Suffolk and
17 Western Branch in Chesapeake with light rail.

18 Thank you for your comments. Thank you
19 for the opportunity to make my comments.

20 MR. DICKENS: Thank you, Mr. Smith,
21 appreciate that.

22 The first speaker will be Mr. John
23 Ballard followed by Barry Bishop. Mr. Ballard.

24 MR. BALLARD: Thank you and good
25 evening. My name is John Ballard. I live in Virginia

1 Beach, Virginia. I am the current president of the
2 Portsmouth Partnership speaking tonight on behalf of the
3 Portsmouth Partnership. We are a nonprofit group of 35 to
4 40 private business owners with operations in the City of
5 Portsmouth. Our primary function is to support economic
6 development and public education. We also work with the
7 other like groups in the area on regional issues such as
8 transportation.

9 From our employees commute and our
10 day-to-day use of Hampton Roads' roadway system, we know
11 firsthand of the traffic problems and noise associated with
12 them. The tunnels connecting the cities of Portsmouth and
13 Norfolk are especially challenging. A second parallel tube
14 at Midtown with the Pinners Point and I-264 connector is
15 needed and has our support. We realize, due to the
16 Commonwealth's apparent inability to develop and fund a
17 comprehensive transportation program, tolls will be required
18 for this vital project to be move forward. We therefore
19 reluctantly support tolling for the river crossing at the
20 Midtown and Downtown Tunnels.

21 We understand there are two tolling
22 schemes proposed, one toll for the river crossings and a
23 second lower toll for the Pinners Point/I-264 portion known
24 as the connector. Vehicles who utilize the connector only
25 and not the tunnels never leave the City of Portsmouth. We

1 do not support the connector toll. It would place an undue
2 hardship on our businesses and citizens of the city.

3 From meetings with representatives from
4 the Elizabeth River Crossings and others, we understand the
5 Virginia Department of Transportation has requested an
6 alternate for light rail. This alternate calls for the new
7 tube to be designed and built to accommodate a future single
8 light rail line in one of its two lanes. We do not support
9 this alternate for two reasons; one, it would restrict
10 vehicle traffic to one lane, thus recreating traffic backups
11 we experience today at a greater level than we experience
12 today as a matter of fact; and two, an efficient and functional
13 light rail system needs two parallel tracks, two lanes, not
14 one.

15 We do support and ask that two two-lane
16 tubes be constructed with this project, one for vehicles and
17 the other for future light rail system. The Pinnars Point
18 area appears to be an ideal location for a light rail
19 transfer station. It would serve Churchland and North
20 Suffolk with stops at VMS's modeling and simulation city and
21 the military's Joint Forces Command. Another line from that
22 station would go to Portsmouth's downtown district, also
23 serve the Naval Hospital, the Naval shipyard, and be
24 extendable out to Cradock and Deep Creek. A Pinnars Point
25 transfer station could also provide the most direct route to

1 Chesapeake's Western Branch and Deep Creek neighborhoods.

2 In summary, we support construction of
3 two two-lane tubes, one for vehicles and the other for light
4 rail. We support tolls for the Midtown and Downtown river
5 crossings. We do not support tolls for the Pinners
6 Point/I-264 connector. And an issue not specifically
7 covered in this presentation, we support the City of
8 Portsmouth's position to eliminate the outstanding urban
9 allocation debt associated with the Pinners Point project.
10 Thank you.

11 MR. DICKENS: Thank you, Mr. Ballard.

12 Mr. Barry Bishop followed by Mr. Phillip
13 Parker. I believe it's Parker.

14 MR. BISHOP: Good evening. I'm Barry
15 Bishop and I'm here this evening representing the Greater
16 Norfolk Corporation. As many of you know, our board is
17 composed of approximately 120 senior business leaders,
18 mostly CEO's whose mission is to support efforts to enhance
19 Norfolk's and the region's competitiveness and quality of
20 life. And it goes without saying that the ability to
21 rapidly move people and goods is fundamental to any region's
22 competitiveness. Hampton Roads is no exception, and it's
23 with that in mind, I would like to briefly comment on the
24 project proposal.

25 First and foremost, I want to underscore

1 in the strongest possible terms the urgent necessity for a
2 second Midtown Tunnel and associated improvements. What
3 happens -- I don't need to tell you this -- what happens at
4 both the Midtown Tunnel, the most heavily congested two-lane
5 road in Virginia, the Downtown Tunnel, both morning and
6 afternoon, can best be described as a daily train wreck. It
7 has become, quite simply, a barrier to commerce. And
8 because of the growing uncertainty, companies and
9 individuals alike are adjusting their schedules or, in many
10 cases, are simply not making the trip in the first place,
11 and I can speak from personal experience myself. I frequent
12 a number shops and restaurants in downtown Portsmouth, but
13 because of the uncertainty associated with a tunnel, I
14 simply will not choose to go between 3:00 and even 7:00 in
15 the evening.

16 Suffice to say that we simply cannot let
17 this opportunity slip by us. Not only would two additional
18 lanes at the Midtown Tunnel dramatically reduce congestion
19 at both the Midtown and Downtown Tunnels and facilitate
20 commerce in both Portsmouth and Norfolk, but it would make a
21 huge difference in how the Gilmerton Bridge, the I-64 High
22 Rise Bridge, and even the Hampton Roads Bridge Tunnel
23 operate.

24 And while this critical link in our
25 regional transportation network is clearly a state

1 responsibility, we are all painfully aware that there simply
2 is no hope for public financing, which underscores the
3 necessity for not letting this opportunity to get by us. As
4 you review this proposal, we would offer the following as
5 guiding principles:

6 First, the toll must be as close to one
7 dollar as possible. The citizens of Norfolk and Portsmouth,
8 as has already been stated in reading, do not have to
9 subsidize a project that is clearly a state responsibility
10 beyond something approaching a more reasonable level,
11 particularly since the cities of Portsmouth and Norfolk
12 share a disproportionate burden in terms of traffic
13 congestion impact on quality. At a minimum, the
14 Commonwealth must step up to the plate and continue to pay
15 for the annual operations and maintenance costs of the
16 existing infrastructure. In addition, the state should also
17 fund the approximately \$46 million backlog of deferred
18 maintenance at both tunnels.

19 We understand that the panel has
20 requested that the toll rate and the corporate -- rather,
21 the components of the project be disaggregated, and we
22 certainly support that request. We also believe that VDOT
23 should revisit its decision to begin tolling upon project
24 completion rather than at the time of project authorization.

25 And finally, we concur that the design

1 of Midtown Tunnel should accommodate and not preclude the
2 addition of a light rail component or any other multimodal
3 component at a later date.

4 In summary, the proposal before you
5 represents our best and perhaps only opportunity to move
6 forward with a transportation improvement that is critical
7 to the Norfolk, Portsmouth, and region's competitiveness and
8 quality of life. Thank you.

9 MR. DICKENS: Thank you, Mr. Bishop.

10 Next speaker is Dean McClain followed by
11 Shirley Ybarra. Mr. McClain.

12 MR. PARKER: The next speaker is
13 Mr. Parker.

14 MR. DICKENS: Oh, I'm sorry. You're
15 exactly right, followed by Mr. McClain.

16 MR. PARKER: And I'm Mr. Parker. I'm
17 Pastor at Calgary Baptist Church.

18 MR. DICKENS: My most humble apology,
19 sir.

20 MR. PARKER: That's okay. I would
21 probably be willing to venture that most of our church
22 family is in favor of the tunnel. We desperately need that.
23 That's obvious. We do have some grave concerns about the
24 connector, particularly with regards to its nearness to our
25 church property. The increase in sound and the decrease in

1 visibility because of a sound potential barrier is of great
2 concern to us.

3 Also, the cost of that connector is
4 going to be substantial. Personally, I can't help but
5 wonder if a better approach would be to keep it on the
6 ground with one stoplight at High Street and let it proceed
7 therefore to 264. I think that would serve the same
8 purpose, perhaps add five minutes to truckers and motorists
9 who are making their way from one side to the other, but I
10 don't think that's an impossible burden to place upon them.

11 At the present time, the exit that
12 leaves London Boulevard and goes around to connect with
13 Martin Luther Freeway going towards Norfolk does not meet
14 federal guidelines. It is too narrow. There is not enough
15 turning room, and in order for it to meet federal
16 guidelines, it is my understanding that perhaps VDOT would
17 have to acquire some or all of our current property. So
18 with that in mind, we have some genuine concerns about, not
19 the tunnel, but definitely about the connector. Thank you.

20 MR. DICKENS: Thank you, Mr. Parker.

21 Next speaker is Dean McClain followed by
22 Shirley Ybarra.

23 MR. MCCLAIN: Good evening, members of
24 the Independent Review Panel. My name is Dean McClain, and
25 I'm here today representing the Hampton Roads Chamber of

1 Commerce as a staff director. The Chamber has, for many
2 years, made improving the transportation infrastructure the
3 cornerstone of our legislative agenda. Specifically, we
4 support revenue streams that are broad based, long term,
5 simple and efficient. This simply means that the Hampton
6 Roads Chamber supports tolls and user fees. We have
7 historically supported broad-based revenue streams that
8 support the six major MPO projects including a new Midtown
9 Tunnel and upgrades to the Downtown Tunnel.

10 The business community has long
11 recognized the link between creation of jobs and competitive
12 markets with an improved integrated transportation system.
13 Hampton Roads' future as a competitive region depends upon
14 these above-noted projects as key elements of our multimodal
15 transportation network. We urge you-all to move as
16 expeditiously as possible in your deliberations on the
17 Public-Private Proposal so that these vital improvements are
18 underway in the next two or three years.

19 And I'm going to speak now -- I'm going
20 to take my hat off and put Dean McClain, citizen of some of
21 the Western Branch neighborhoods and who has a wife that's
22 travelled for eight or nine years over to work in the Red
23 Cross and eventually said she'd had enough and she quit.
24 And I asked Karen, I said, Well, how much would it cost,
25 would you, you know, think you'd bear to be able to get

1 through the tunnel on a regular basis? And my wife said, If
2 it was two or three dollars, it would be worth it because I
3 wouldn't be sitting in traffic for an hour and a half,
4 sometimes a half hour, whatever, and the aggravation. So I
5 know it's a difficult thing, but I know you-all have a
6 different -- you're trying to analyze and bring things back,
7 but it is in true life, and that's from my wife, and they
8 usually -- it's who we answer to. Thank you.

9 MR. DICKENS: The higher authority, I
10 think, is what you're referring to. Thank you, Mr. McClain.

11 Ms. Ybarra followed by Judith Brown.

12 MS. YBARRA: Hello. I'm Shirley Ybarra.
13 I'm former a Secretary of Transportation in Virginia and I
14 was Deputy Secretary prior to that. I'm now a senior
15 transportation policy analyst with the Reason Foundation.
16 Many of you may know my colleague, Bob Poole, who has
17 written about toll lanes, HOT lanes, Public-Private
18 Partnerships long before I even knew what they were.

19 The Reason Foundation is -- we're not
20 lobbyists. We take no state or federal money, and I'm here,
21 really, on the policy matter. I was Deputy Secretary of
22 Transportation when me and -- when I and a number of lawyers
23 drafted the PPTA, that thing you're now dealing with, and
24 Virginia has made some improvements to it. I mean, you've
25 got to remember, 1995 in terms of Public-Private

1 Partnerships was the stone age.

2 As I go around the country and testify,
3 I'm asked to testify because so many states are envious of
4 Virginia, that you have this tool in your toolbox, and a lot
5 of states are struggling. There are only about two other
6 states that have a legislation -- supposedly, there's 23,
7 but there's only about two other states that have the
8 capability that Virginia does. So I'm here not -- I'm here
9 to tell you or to endorse the concept and the way you're
10 going about it.

11 I think I congratulate VDOT. You have
12 made some major improvements in the process, and I would
13 also say I enjoyed my trip down here today. I got to drive
14 on 64 without yellow cones. I drove, you know, through the
15 Springfield interchange. I know how long those projects
16 take. I also know the projects we have done under the
17 Public-Private Transportation Act, and those projects that
18 we delivered probably 18 to 20 years earlier than if we had
19 just waited to accumulate the money in the various processes
20 that we go through. Even if VDOT wanted to do this project,
21 they may have to consider tolls also, but then, could they
22 even sell the bonds? My guess is it takes a long -- they'd
23 be way down on the list when there's a lot of other bonds
24 that needed to be issued.

25 I think you have a terrific proposal.

1 You've reviewed it. I congratulate you on what you're
2 doing. I hope it moves forward. I don't know of any other
3 way that you can do it, and as you and I talked about,
4 Ms. Busher, that even with the stimulus money, I mean,
5 that's just a drop in the bucket, and we're all, every state
6 but one, every state is facing the budget crunch you're
7 facing. So many states are envious of Virginia, and you
8 have the tool in your toolbox to bring this important
9 project to fruition, and it will be just another feather in
10 your cap of another PPTA project. Congratulations.

11 MR. DICKENS: Thank you, Madam
12 Secretary, and thank you for making the trip down here and
13 your encouraging words.

14 Next speaker is Judith Brown followed by
15 Scott Leake.

16 MS. BROWN: I'm Dr. Judith Brown. I
17 live at 431 New Hampshire Avenue in Norfolk. I came here by
18 bus this afternoon through the Downtown Tunnel, but when I
19 do drive around the area and I use one of the high cost
20 tunnels or bridges or highways, I feel it's only fair that I
21 pay my way. So I favor tolls.

22 In the first 45 or 50 minutes of the
23 comments earlier this afternoon, the presentation, I kept
24 hearing these things that you're considering right now, but
25 I heard not a single word about what goes through the tunnel

1 much less who goes through the tunnel. Finally, the last
2 five minutes we got to that, and as I checked with people
3 and read the materials and so on, I have quite a list. I
4 see mentioned bicycles, pedestrians, trucks, single
5 occupancy vehicles, high occupancy vehicles, and then, dear
6 to my heart, buses, express buses and rapid transit. There
7 may be others. I think we need to think of all those and
8 think of the people that are in each of those as the plans
9 are being made.

10 I highly favor the rapid transit idea
11 and just wish to read a couple of paragraphs from the
12 Transit Vision Plan for 2035. This is in the section that's
13 called "Corridor 8A" in the version I have, the area that
14 includes the Midtown Tunnel. "Constructing a transit line
15 in this corridor would take advantage of the Midtown
16 Tunnel/Martin Luther King Freeway project. A dedicated
17 transit way would be built as part of this highway project.
18 The Midtown Tunnel/MLK Freeway project offers a unique and
19 immediate opportunity to construct a higher speed, higher
20 capacity transit connection across the Elizabeth River.
21 Another feasible opportunity to make such a transit
22 connection is unlikely to materialize for decades."

23 I highly encourage you to be sure that
24 transit is part of every bit of your planning. Think about
25 the people in the buses and in the rapid transit. I

1 encourage you. Thank you.

2 MR. DICKENS: Thank you, Ms. Brown.

3 Next speaker is Scott Leake followed by
4 Edward Ellis.

5 MR. LEAKE: Mr. Chairman and members of
6 the panel, my name is Scott Leake. I'm with the Thomas
7 Jefferson Institute for Public Policy. The mission of our
8 institute is to provide Virginia's political, business,
9 academic, community, media leadership with thoughtful,
10 realistic analysis of public policy issues confronting our
11 Commonwealth. Since our very first year of activity in
12 1997, the institute has advocated Public-Private
13 Partnerships in the development of infrastructure needs in
14 Virginia. We were among the first to promote high occupancy
15 toll lanes and other innovations that have now become, quite
16 frankly, commonplace in bringing private resources to meet
17 the huge infrastructure needs we now face in our state.

18 The proposed Midtown Tunnel is a perfect
19 example of how private resources can be tapped to meet a
20 very distinct transportation need. Current state resources
21 are simply not plentiful enough to finance the Midtown
22 Tunnel, yet private resources are available.

23 Virginia has been recognized in so many
24 national rankings at or near the top among the 50 states;
25 the best managed state; the best state for business, and

1 most importantly, the best state in which to raise a child.
2 These rankings did not come without a great deal of effort
3 and wise decision making by both the public and private
4 sectors. Among those decisions made were to employ
5 Public-Private Partnerships for a host of infrastructure
6 needs.

7 If Virginia is going to continue to be a
8 Commonwealth of opportunity for our residents, South Hampton
9 Roads must play an integral part in maximizing its potential
10 as an economic engine. A Midtown Tunnel that can be built
11 as quickly, as efficiently, and as cost-effectively as
12 possible cries out for a public and private effort.

13 Mr. Dickens mentioned earlier in the
14 evening how important this is to the region. I'm going to
15 take it a step further. A decision to move forward on this
16 project will not only move South Hampton Roads motorists
17 along, it will move our entire state economy along, and
18 nothing could be more important at this point in time.
19 Thank you all.

20 MR. DICKENS: Thank you, Mr. Leake.

21 Next speaker is Edward Ellis followed by
22 Roosevelt Harmon.

23 MR. ELLIS: Good evening. My name is
24 Edward C. Ellis, and I'm speaking as a citizen. Myself, I'm
25 not really in favor right there of this public-private

1 organization. To be right there, this should be something
2 done right there by the government in order keep away from
3 the tolls, and I find that the two to three dollar tolls,
4 seem to me, very high.

5 The second part there, I haven't heard
6 where, especially watching some of the comments made on
7 Channel 48, there was no cap on what the tolls could go to,
8 only two to three dollars were discussed.

9 The second point I see is this E-ZPass.
10 It seems that they want to use -- make everyone go
11 completely electronic in their collection of tolls. Well, I
12 find that pretty upsetting right there to find that the
13 state would want their people to buy into a system like
14 E-ZPass in order to collect the tolls. Every place that
15 I've travelled across this country, from here to California
16 or even up to Chicago and on up that way, even though they
17 have E-ZPass, they still have a toll booth for people right
18 there who just come through the area on occasion.

19 My other point there is I'd like to
20 know, even though I haven't heard, who's going to be the --
21 who is going to cover liability in case of legal lawsuits in
22 case something should happen like -- which we hope doesn't
23 happen -- but something happens inside the tunnel? Is it
24 the state's responsibility as far as the legality part or is
25 it the private contractor?

1 And the third point I'd make out is the
2 Downtown Tunnel is already been paid for along with the
3 Midtown Tunnel, and I just find that putting tolls on both
4 connections between Portsmouth and Norfolk is going to be
5 pretty hard on the citizens of this area, especially the
6 people right there who work at the bases, like the naval
7 base and also the shipyard. Thank you.

8 MR. DICKENS: Thank you, Mr. Ellis.

9 Mr. Harmon followed by Mr. Yatrofsky.

10 MR. HARMON: Good afternoon,
11 Mr. Chairman and to the members of IRP. My name is
12 Roosevelt Harmon, Jr., and I reside at 3409 Trexler Avenue
13 right here in this good city of Portsmouth, Virginia. My
14 concern is that since there was no real impediment against
15 the MLK project, along with the five homes that will be
16 displaced, we would like to know, one, who will compensate
17 us, the homeowners, and how will the compensation be
18 determined, and when will this process begin?

19 And we raise these questions simply
20 because we were witnesses to the I-264 exchange that's
21 currently across the street from us that removed about 84
22 homes in 1958 and '59, and we were well aware of the pains
23 that many of the homeowners endured. Some were family
24 members who were later displaced and they were not fairly
25 compensated and we have that kind of history in our minds.

1 So we are concerned about this new project today, and quite
2 naturally, we are very, very suspicious, and we have yet to
3 hear anything in that regard. Thank you very much.

4 MR. DICKENS: Thank you, Mr. Harmon.

5 Mr. Partridge, I'd ask you to get
6 together with Mr. Harmon and help him through the process so
7 he understands how this will work, please. Thank you.

8 Mr. Yatrofsky.

9 MR. YATROFSKY: Good evening. I'm Mark
10 Geduldig-Yatrofsky. I'm a citizen of Portsmouth. I don't
11 believe that the Martin Luther King portion of this project
12 is either essential nor desirable. I support the expansion
13 of the Midtown Tunnel to a second tube. I believe that is
14 necessary for the region and for my city, but the Martin
15 Luther King Expansion -- Extension is going to displace 27
16 taxpaying properties in the City of Portsmouth, which as
17 most of you are aware, is a fiscally distressed city. It is
18 a city that has 52 percent of its property untaxable today.
19 We do not need to expand that pool of real estate which is
20 not subject to tax.

21 I don't believe that there is any reason
22 why the other portions of the project could not proceed
23 without the Martin Luther King portion. It would reduce the
24 cost considerably. You would not have the property
25 acquisition costs nor the construction costs. My experience

1 has been that every time an interstate grade highway is
2 constructed in an urban core, the costs go beyond the
3 financial. You have the social costs of fragmented
4 neighborhoods. You have displaced citizens and you have
5 social inequity.

6 As I stated in comments that are part of
7 the record already as part of previous public hearings, if
8 that connector had been slated to go through the upscale
9 neighborhood of Glensheallah, there would have been no way
10 that anybody would have carried it to this point in
11 consideration. But instead, it's going through lower income
12 neighborhoods and so there's a social injustice component
13 here.

14 There's also a criminal justice
15 component because this project will cut off access on the
16 east-west routes other than County Street and Turnpike Road.
17 There are several smaller routes that will essentially
18 become cul-de-sacs. I don't believe this will be beneficial
19 to the City of Portsmouth.

20 So I hope in considering ways to reduce
21 the impact to the users of the road, of the tunnel
22 expansion, you'll consider removal of Martin Luther King.
23 Thank you.

24 MR. DICKENS: Thank you, Mr. Yatrofsky.

25 Our next speaker is Quintin Kendall.

1 Mr. Kendall is the last speaker on the list, so if there's
2 anybody else who would like to speak, get your courage up
3 and we'll let you follow Mr. Kendall.

4 MR. KENDALL: Good evening,
5 Mr. Chairman, members of the IRP. Thank you very much for
6 having me down. I'm Quintin Kendall. I'm the resident vice
7 president for state and community affairs for CSX
8 Transportation.

9 At CSX, we share this region's desire to
10 reduce congestion that cripples the economic well-being of
11 all the cities south and north of Hampton Roads, but we do
12 have concerns about the alignment for the connector as well.
13 I provided you-all a map that shows the arrow coming down
14 from the north is where the proposed connector will come.
15 You can see 264 down at the bottom. The area that's
16 surrounded there in blue is CSX Transportation property.

17 Now, as we were coming to understand
18 what the advancement of this project would mean, I reviewed
19 the environmental assessment and the Federal Highway
20 Administration FONSI to determine what had been done to
21 determine the alignment, and VEA determined impact on a lot
22 of different issues, including historic properties,
23 wetlands, endangered species, wildlife, groundwater, issues
24 such as these, and those are all important, but nowhere in
25 any of these documents did the FHWA consider the equities of

1 an existing business here in Portsmouth, Virginia. We do
2 know that they did look at business, some businesses,
3 because they talked about potential relocation of nine, but
4 no one from Federal Highways or federal government sought to
5 contact CSX and determine the impact that this facility
6 would have on us.

7 Just a little history, CSX
8 Transportation and its predecessor companies have owned
9 parts of this land since probably about 1883, and the total
10 acreage of the property is approximately 57 acres, and we
11 would estimate 70 to 75 percent of that is developable
12 for -- property that can be developed for other purposes. I
13 don't have to tell most of you the value of property that
14 can be developed for industrial or warehouse use this close
15 to the port on a rail line. So I would hope that you --
16 that people would keep in mind about the great opportunities
17 that this is property has to attract business development
18 that could bring great economic benefit to the entire
19 region.

20 Additionally, one last point, there has
21 been a trans-flow facility on the property since the late
22 1990s. At this site, CSX offloads ethanol, food grade
23 products, chemicals, and waste material from rail to truck.
24 And currently, we do about four or five rail cars a day on
25 that, but that probably will double later in the year as we

1 add a new customer. So I wanted to make everyone aware of
2 that.

3 But going forward in the process, I
4 applaud each of you for what you're doing to move this
5 needed project forward, but I ask that everyone be cognizant
6 of the equities of a good corporate citizen that's been here
7 in the region for some time, the economic benefits that
8 potentially could be derived from developing the property
9 unless, in fact, a highway is built through it, and the
10 trans-flow operations that are going on and, hopefully, will
11 continue going on safely. Thanks very much for your time.

12 MR. DICKENS: Thank you, Mr. Kendall.

13 Is there anyone else who would like to
14 address the panel? Seeing no other speakers, I'll close the
15 public hearing. This concludes the public's input for this
16 evening. I want to thank everybody for your comments. I
17 would suggest to you that I've been in a lot of public
18 hearings and this has been a very thoughtful presentation by
19 each and every one of you. I've ask Mr. Partridge and the
20 VDOT folks to take note of the questions that were asked and
21 the concerns that were expressed and do whatever is possible
22 to address those at your earliest convenience.

23 Please note that citizens will have
24 another opportunity to offer comments during a second public
25 comment evening tomorrow evening at 6:00, between 6:00 and

1 9:00 in the Norfolk City Council Chambers, 11th floor at 810
2 Union Street in the City of Norfolk, and thank you,
3 Ms. Williams, for hosting us tomorrow night.

4 All the public comments received tonight
5 and tomorrow evening will be reviewed and considered with
6 the IRP's deliberation with the project. All comments will
7 be posted on VDOT's website prior to our fourth IRP meeting
8 May 13th, 2009.

9 And having said that, I would offer the
10 panel, if anybody has a closing remark, I would entertain
11 it. Seeing none, meeting adjourned.

12
13 (Whereupon, the meeting concluded at
14 7:16 p.m.)

15
16 (Whereupon, the following comments were
17 given orally to Glynis Locks, stenographer, outside the
18 presence of the Independent Review Panel.)

19
20 1) John Walker
21 3081 Stratford Street
22 Chesapeake, VA

23 John Walker: And it seems like ERC is
24 going to be, you know, it seems like they're qualified to do
25 the project; that we're hoping they can do it in a timely

1 manner; that it's not going to be too expensive; that it
2 will keep going on and on where the price of the dollar
3 keeps going higher and higher over time through the interest
4 rate. We need it. We need the project. That's it.

5
6 2) Evelyn Hughes
7 3417 Trexler Avenue
8 Portsmouth, VA 23704

9 What I'm concerned about is their taking
10 our houses on Trexler Avenue; five of them they say. Just
11 the five but they've been through there once before and
12 taken our homes and they want us to have comments to say but
13 I don't know anything to say because they're doing what
14 they're going to do seem like and I think that there should
15 have been some other way.

16 I've been living there 62 years and I'm 90 years
17 old, so I'm not able to work. I'm retired and my income is
18 not that much. So I think something should be done about
19 it. If it just have to be, we need to have someplace to
20 stay and my house is paid for. I don't owe anything on it.
21 I don't have a mortgage on it and I don't want a mortgage
22 but I want a place to stay as well as live and I don't know
23 of anything else I can think of right now but there should
24 be -- something should help. It should help some way or the
25 other to keep our homes or to get homes as well as ones we

1 have and no debt on it. I guess that's all I have to say.

2

3 3) Florine Smith
4 3413 Trexler Avenue
5 Portsmouth, Virginia 23704

5

6 And I just don't like the way they're
7 cheating us of our house, you know, taking our house. Our
8 house is paid for too and I'm up in age and I just don't
9 want to be looking for no more houses. That's about it.

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C E R T I F I C A T E

COMMONWEALTH OF VIRGINIA

CITY OF PORTSMOUTH, to wit:

I, Sheila L. Lowe, do hereby certify
that the foregoing pages are a true and correct transcript
of my Stenotype notes of the public hearing held at the time
and place in the caption mentioned.

This 30th day of April, 2009.

Sheila L. Lowe
Notary Public

My term in office expires January 31, 2010.