

# **I. Introduction and Summary**

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## *Record of Decision*

## I) INTRODUCTION AND SUMMARY

This document is the Federal Highway Administration's (FHWA's) Record of Decision (ROD) for the proposed US 301 project, located in southern New Castle County, Delaware. This ROD approves the selection of the Preferred Alternative (Green North + Spur Road) for US 301, as depicted on *Figure 1* and *Figure 2* (see **pages 11 and 12**) of this ROD and described in *Section II.A*, **pages II-1 to II-10** of the Final Environmental Impact Statement (Final EIS) approved on November 30, 2007 and issued on December 14, 2007. As set forth in this ROD, the Selected Alternative best serves the project's Purpose and Need. FHWA will require the Delaware Department of Transportation (DelDOT), as part of this approval, to implement the mitigation features planned for this project and described more fully in this ROD. Federal funding for the project is conditioned on the implementation of these mitigation features.



**Figure 1: The Selected Alternative**

The basis for this FHWA decision is the information presented in the Final EIS and supporting technical documents; the associated administrative record; and input received from the public and interested local, State, and Federal Resource Agencies. In making this decision, the FHWA considered the potential impacts of the project and alternative courses of action under the National Environmental Policy Act (NEPA), Section 4(f) of the Federal-Aid Highway Act of

1968, and dozens of other State and Federal laws, balancing the need for safe and efficient transportation with national, state, and local environmental protection goals. FHWA also has a statutory responsibility under 23 U.S.C. 109 (h) to reach a project decision that is in the best overall public interest, taking into account the need for safe, fast, and efficient transportation and public services, while avoiding, minimizing, and mitigating adverse natural environmental and community effects.

The US 301 project has a long history dating to the 1950s. Any decision made would be controversial to some members of the community and public officials due to the difficulty in balancing transportation, environmental, and socio-economic needs. FHWA's decision to approve the Preferred Alternative is largely the result of an extraordinary effort by DelDOT to avoid, minimize, and mitigate potential impacts of the proposed highway. The selected route minimizes potential harm to the natural and human environment, wherever possible, through engineering modifications made to the proposed highway. Context-sensitive design principles will further minimize harm, as the project engineers prepare the final design plans and specifications for the highway. A comprehensive mitigation package for the Selected Alternative compensates for unavoidable impacts to environmental resources in the study area. With these comprehensive mitigation commitments in mind, construction of the Selected Alternative is in the best overall public interest because it will best satisfy the Purpose and Need identified for the project and will minimize environmental impacts. This ROD explains the rationale and key values that were central to the FHWA's decision.

This ROD begins with a summary of the history leading to this decision followed by a detailed discussion of the actual approval action including: the Selected Alternative with expected impacts and mitigation measures; plans for monitoring the mitigation commitments; and an overview of the next steps in the project development process. Next, the ROD summarizes the other alternatives that were considered during development of the Environmental Impact Statement (EIS), followed by the rationale for the Selected Alternative and interchange/alignment options, and the reasons why the other alternatives were rejected. Finally, the ROD includes a discussion of comments submitted in response to the Final EIS.