



Proposed Report¹

DEPARTMENT OF THE ARMY
CHIEF OF ENGINEERS
2600 ARMY PENTAGON
WASHINGTON, DC 20310-2600

DAEN

SUBJECT: Atlantic Intracoastal Waterway, North Landing Bridge Replacement, Chesapeake, VA and Virginia Beach, VA

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on improvements for the North Landing Bridge Replacement. It is accompanied by the report of the District Commander. The project was originally authorized by the Rivers and Harbor Acts of 1910, 1912, 1917, 1918, and 1933. These authorizations included the acquisition of the Atlantic Intracoastal Waterway (AIWW) project and included provisions for constructing bridges across it. Subsequently, a swing bridge was built in 1951 at the North Landing crossing and has since been maintained. This study is being conducted under the authority of Section 216 of the Flood Control Act of 1970 (Public Law 91-611), which authorizes the review of completed projects in the interest of navigation and related purposes to determine the feasibility of further improvements. The bridge is owned, operated and maintained by the U.S. Army Corps of Engineers.

2. The cargo transportation industry continues to heavily rely on the AIWW as a freight transportation system while local traffic over various crossings has continued to grow. The North Landing bridge services vehicular traffic traveling Route 165 between the cities of Chesapeake and Virginia Beach and crosses the AIWW near the boundary line between the two cities, about 150 miles southeast of Washington D.C. The existing North Landing Bridge does not meet Virginia Department of Transportation standards as it does not conform to either existing traffic level of service standards or current design vehicle load limits for traffic volumes. The bridge has been determined to be structurally deficient and functionally obsolete. The reporting officers recommend authorizing a high rise, two-lane, fixed bridge to the east of the current bridge. The recommended plan is the National Economic Development (NED) Plan which includes a bridge with a width of 46 feet 4 inches, a length of 3,360 feet, a minimum vertical clearance of 69.45 feet, a structure depth of 8 feet, and a roadway elevation of 78 feet.

3. The City of Chesapeake is the non-federal sponsor and will assume ownership and future operation and maintenance of the new bridge once construction has been completed.

4. Project costs for the recommended plan are based on Fiscal Year 2020 (October 2019) price levels.

¹ This report contains the proposed recommendation of the Chief of Engineers. The recommendation is subject to change to reflect Washington-level review and comments from federal and state agencies.

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a. Project First Cost. The estimated project first cost of construction is \$98,494,000.

b. Estimated Federal and Non-Federal Share. The first cost of the project will be 100% federal.

c. Operation and Maintenance Costs. The non-federal sponsor is responsible for the annual operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction, estimated at \$185,000 per year.

5. Traffic and fleet projections were used to examine potential impacts on navigational traffic, vehicular traffic, and the frequency of operation and maintenance for the North Landing Bridge. Ship simulations will be used for further refinement of the dimensions and alignment of the bridge prior to developing final designs during Preconstruction Engineering and Design.

6. In accordance with the U.S. Army Corps of Engineers policy on the review of decision documents, all technical, engineering, and scientific work underwent an open, dynamic, and rigorous review process to ensure technical quality. This included District Quality Control, Agency Technical Review, and headquarters policy and legal review. All comments from the above referenced reviews have been addressed and incorporated into the final documents.

7. Washington level review indicates that the plan recommended by the reporting officers is technically sound, environmentally and socially acceptable, and economically justified. The plan complies with all essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies and complies with other Administration and legislative policies and guidelines. The views of interested parties, including Federal, state and local agencies, have been considered.

8. I concur in the findings, conclusions, and recommendation of the reporting officers. Accordingly, I recommend that the replacement of the North Landing Bridge be authorized in accordance with the reporting officers' recommended plan at an estimated cost of \$98,494,000, with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to financing, and other applicable requirements of federal and state laws and policies, including Section 101 of WRDA 1986, as amended (33 U.S.C. 2211). The Federal Government will provide the funding for all lands, easements, and rights of way, including those necessary for the performance of all relocations, including utility relocations. This recommendation is subject to the non-federal sponsor agreeing to comply with all applicable federal laws and policies and other requirements including but not limited to:

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- a. Accept full ownership of the recommended AIWW replacement bridge, with ownership rights subordinate to the Federal Government's right to operate, maintain, repair, and rehabilitate the Albemarle and Chesapeake Canal (ACC) portion of the AIWW;
- b. Assume responsibility for OMRR&R, currently estimated at \$185,000 annually, of the project or completed functional portions of the project, including mitigation features without cost to the Government, in a manner compatible with the project's authorized purpose, and in accordance with applicable federal and state laws and specific directions prescribed by the Government in the OMRR&R manual and any subsequent amendments thereto;
- c. Give the Government a right to enter, at reasonable times and in a reasonable manner, upon land that the local sponsor owns or controls for access to the project for the purpose of inspection, and, if necessary, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the project;
- d. Pay all Government costs to accomplish any project betterments or other features requested by the Sponsor that cost in excess of the Government-recommended plan;
- e. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended, and Section 103 of the Water Resources Development Act of 1986, Public Law 99-662, as amended, which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-federal sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element;
- f. Hold and save the Government free from all damages arising for the construction as well as OMRR&R of the project and any project-related betterments, except for damages due to the fault or negligence of the Government or the Government's contractors;
- g. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601-9675, that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be necessary for the initial construction, periodic nourishment, operation and maintenance of the project;
- h. Assume, as between the Federal Government and the non-federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under lands,

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easements, or rights-of-way required for the initial construction, periodic nourishment, or operation and maintenance of the project; and

i. Agree, as between the Federal Government and the non-federal sponsor, that the non-federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and, to the maximum extent practicable, operate, maintain, repair, replace, and rehabilitate the project in a manner that will not cause liability to arise under CERCLA.

9. The recommendations contained herein reflect the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the Executive Branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the Congress, the Commonwealth of Virginia, the Cities of Chesapeake and Virginia Beach, interested federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.

TODD T. SEMONITE
Lieutenant General, USA
Chief of Engineers