

In the case of:

BRIDGE REPLACEMENT PROJECT v

February 26, 2015



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PFC ABRAHAM G. SAMS MEMORIAL ("CAMP CREEK TRUSS")

BRIDGE REPLACEMENT PROJECT

PUBLIC HEARING

FEBRUARY 26, 2015

TRANSCRIPT of proceedings had and testimony adduced on February 26, 2015, held at H. E. White Elementary School, commencing at 7:04 p.m., Bomont, West Virginia, before Karon L. Vorholt, Certified Court Reporter and Notary Public.

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APPEARANCES: MR. LOVELL FACEMIRE

MR. RAYMOND "R. J." SCITES

I N D E X

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1 MR. FACEMIRE: We just finished the informal part of
2 our session here tonight. And this is the formal part of
3 our presentation. And we're going to ask people to come
4 up after we get started. But we have a few words to say
5 first.

6 But first I'd like to say good evening. My
7 name's Lovell Facemire, with the West Virginia Division of
8 Highways.

9 Tonight's Public Hearing is being held in
10 cooperation with the Federal Highway Administration and
11 the West Virginia Division of Highways.

12 On behalf of these agencies, I welcome you here
13 tonight. And appreciate you being present tonight for the
14 hearing.

15 This evening's proceedings are being recorded by
16 a court reporter. And the transcript will become a part
17 of the official record.

18 For those of you who prefer to submit written
19 comments, forms for this purpose are available. Comments
20 can be submitted here tonight, through the mail, or on our
21 website.

22 Any written comments or supporting materials
23 submitted during the comment period will also become part
24 of the project record. The purpose of this hearing is to

1 provide an opportunity to comment on the Environmental
2 Assessment -- also called an "EA" -- prepared for the
3 PFC Abraham G. Sams Memorial Bridge Project. This bridge
4 is also known as the "Camp Creek Bridge."

5 With me this evening is Mr. R. J. Scites of the
6 West Virginia Division of Highways. Mr. Scites is the
7 Hearing Officer for this evening.

8 At this time, I'd like to turn over the hearing
9 to Mr. Scites.

10 MR. SCITES: Thank you. The purpose of this hearing
11 is to provide an opportunity to comment on the EA,
12 prepared for the PFC Abraham G. Sams Memorial Bridge
13 Replacement Project. Also known as "Camp Creek Truss."

14 The purpose of this project is to replace the
15 existing bridge so that the replacement meets current
16 design standards to efficiently and effectively serve the
17 transportation needs of first responders,
18 through-travelers, and the residents of the community.

19 The existing bridge is only wide enough to allow
20 one lane of travel at a time. And the last complete
21 bridge inspection found rust and wear to such an extent
22 that complete replacement was recommended.

23 Over the years the bridge's deteriorating
24 condition has led to the placement of increasingly strict

1 weight limits. And eventually the bridge will be closed
2 for safety reasons.

3 To avoid a permanent 16-mile detour along narrow
4 and windy roads on the southern side of the river, the
5 Division of Highways has considered a wide range of
6 alternatives for replacing the bridge.

7 While the display boards and handouts provided
8 tonight present an overview of the analysis, copies of the
9 complete EA are also available here tonight for you to
10 review. And are also available on the Division of
11 Highways website.

12 The document provides information on the
13 development of preferred alternative, its potential impact
14 on the environment, and proposed mitigation efforts.

15 Preferred Alternative 2C will replace the
16 existing bridge downstream and adjacent to the existing
17 location.

18 The new bridge will have two 10-foot lanes and
19 two 5-foot shoulders. And will meet current design
20 standards. And will not require a posted weight
21 restriction.

22 The existing bridge will remain open to traffic
23 during construction, thus avoiding the need for a
24 prolonged detour. After the new bridge is built, the old

1 bridge will be removed. Brief bridge closures and one
2 full-day closure will be required for safety reasons
3 during demolition.

4 Preferred Alternative 2C will cost approximately
5 \$3.4 Million, and will not require the relocation of any
6 residence. And will take approximately ten months to
7 construct.

8 A particularly important component of the
9 environmental assessment process has been the minimization
10 of impacts to mussels in the river.

11 A federally listed endangered species of mussels
12 are known to inhabit the Elk River in the vicinity of the
13 project.

14 Regardless of which alternative is selected,
15 impacts to mussels cannot be entirely avoided. Therefore,
16 the Division of Highways and the Federal Highway
17 Administration has entered into what is called a Formal
18 Consultation with the United States Fish and Wildlife
19 Service. And that process is anticipated to be completed
20 this spring.

21 Comments on the project and on the EA will be
22 accepted until March 30th of 2015.

23 Following the close of the comment period, the
24 project team will address any comments, and prepare a

1 final environmental document.

2 The final environmental document will also be
3 made available for public review when completed and
4 approved by the Federal Highway Administration.

5 Our purpose tonight is to listen to your
6 comments and place them in the official record.

7 All the information you provide is important.
8 But questions from the floor will not be answered directly
9 during your testimony.

10 However, any questions you ask during your
11 testimony will become part of the official record, too.

12 Perhaps you have spoken already with our
13 representatives from our agencies during the workshop
14 portion of tonight's meeting. But, please, remember that
15 only comments recorded at this hearing or written comments
16 submitted during the comment period will become part of
17 the official record.

18 The West Virginia Division of Highways and the
19 Federal Highway Administration have been working
20 diligently to ensure proposed project needs are met while
21 minimizing impacts to the environment.

22 We look forward to further success in advancing
23 this project. I will now turn the hearing over to
24 Mr. Facemire, who has a few instructions before calling

1 the first speaker.

2 MR. FACEMIRE: Please remember that we are recording
3 this hearing. When offering testimony please speak
4 directly into the mic. And provide your full name, your
5 address, and any organization you may represent.

6 Now, we are going to call the first public
7 official to the microphone. And that person is Mr. Jim
8 Samples.

9 MR. SAMPLES: Good evening. I appreciate the
10 opportunity to be able to address the Hearing Examiner and
11 the Department of Highways with respect this matter. I
12 appreciate the opportunity to speak to the public
13 regarding this matter.

14 With respect to this bridge location -- when
15 I arrived here today I expected the Department of Highways
16 to be forthright and truthful with the people that cared
17 enough to come out to inquire about the bridge and the
18 replacement project.

19 But when I arrive here, and look at the poster
20 boards and review the materials, I realize that the
21 Department of Highways has either been dishonest with
22 their presentation here tonight, or that they've been
23 dishonest with the property owners that are affected by
24 the relocation of the bridge project.

1 Specifically the Department of Highways has been
2 negotiating with me, on behalf of my mother, for the
3 acquisition of part of her property for the construction
4 of the bridge.

5 As the map show, the preferred option is of
6 course through her front yard.

7 The Department of Highways proposes to take
8 approximately a quarter of an acre of her property for the
9 bridge. As well as highway relocation of the Camp Creek
10 Road.

11 As I look at that, and I try to reconcile that
12 with what the Department of Highways told me and the other
13 people that were in the meetings regarding the
14 negotiations, and what they were telling us -- and even
15 walked us through her property, of where the location of
16 the bridge was going to go, and so forth -- there's no
17 reconciliation.

18 You know they're telling us here that the bridge
19 construction will take approximately ten months. They
20 even have a chart back there which says that the bridge
21 will be open in fall of 2016.

22 But in our negotiations, they tell us that it
23 will be at least -- at least two years. Well, that's
24 certainly not the fall of '16. And also it's certainly

1 longer than ten months.

2 What the Department of Highways also fails to
3 say is, is that the preferred option -- it's not a
4 preferred option. It is the decided option of the
5 Department of Highways. They've already made the
6 decision. Okay.

7 This is simply a sham, quite frankly, meeting to
8 attempt to give the community input -- that the community
9 really doesn't have.

10 What the Department of Highways has failed to
11 tell us is that they've already acquired access from some
12 of the adjoining property owners, if what they have told
13 us during our meetings with them -- if what they've told
14 us is true.

15 If what they've told us is true, they've already
16 acquired right of way from the railroad -- to the old
17 railroad grade. Moving the road.

18 They've also already acquired -- to come to a
19 price agreement with the Sams, who are located on the
20 other side of the railroad from my mother.

21 They've also come to an agreement with the folks
22 -- with Ruby Shamblin on the other side of the road, as to
23 what they will pay her for a temporary easement --
24 temporary easement through her property.

1 And the preferred option is the only option that
2 the Department of Highways is here tonight to consider,
3 quite frankly.

4 With respect to the bridge construction project,
5 what we were told at the last meeting -- at the Burke
6 Church -- and what they were able to tell us during the
7 meetings with us, was that one of the options that they
8 don't tell you about is constructing a temporary bridge
9 through the adjoining piece of land -- my mother -- which
10 she offered to give them temporary easement through the
11 property for free.

12 Ms. Ruby Shamblin offered to sell her property
13 to the Department of Highways for the construction of the
14 bridge.

15 Elaine Goodwin, who was here earlier tonight,
16 also offered to sell her property, two acres, to the
17 Department of Highways for relocation of the bridge.

18 And a gentleman -- I don't know his name -- he
19 was at the Burke meeting -- at the Burke Church. He
20 lives, I believe, two -- two or three doors upriver from
21 the bridge, in a trailer -- he did at that time. He
22 offered to sell them that lot for the construction of the
23 bridge.

24 They did not desire to take any of those

1 options. Instead, they chose to take someone's property
2 who did not want to sell the property.

3 They chose to take someone's property in total
4 disregard -- for desires of other people in the community
5 -- for the property owner herself. And in turn have
6 offered her little of nothing in exchange for her
7 property.

8 The Department of Highways has advised us that
9 one of the possibilities would be to construct a temporary
10 bridge.

11 The floor in that bridge would then become the
12 permanent floor in a bridge that would be located exactly
13 where the existing bridge is now. And would have minimal
14 impact of the property owners, as well as the mussel beds
15 that they have mentioned here tonight.

16 And that the timeline for that would be
17 essentially the same as the timeline for construction of
18 the bridge downstream.

19 And what they would do is construct a temporary
20 bridge, pave the runways, divert the traffic over the
21 temporary bridge, deconstruct the old bridge, construct
22 new piers. And then simply with cranes move the floor of
23 the temporary bridge over onto the piers, where the
24 existing bridge is. Then deconstruct the temporary

1 bridge, pave the runways. Total bridge closure, according
2 to the engineers in our meetings, was approximately two
3 weeks.

4 Have minimal impact on the mussel beds and
5 minimal impacts to the adjoining landowners. But that's
6 not a -- that's not an option that they're interested in,
7 quite frankly.

8 The decision's already been made. They've
9 already acquired property, they've already acquired
10 temporary easements.

11 They have one property owner that is quite
12 frankly left -- again, if what they tell us is true -- and
13 that, of course, is my mother.

14 With respect in the manner I urge everyone to
15 ask the Department of Highways to consider the safety of
16 the community, consider the constitutional rights for our
17 citizens to own property in this state. And against
18 governmental interference in their property rights, and
19 consider the rights of the landowners, as well as the
20 environmental impact that their decisions have on our
21 community. Thank you very much.

22 MR. FACEMIRE: Next we have Mr. Greg Fitzwater.

23 MR. FITZWATER: Yes, I'm Greg Fitzwater. President
24 of Clay County Commission.

1 I'm concerned about this bridge as far as -- Jim
2 covered pretty much everything with me. But I don't like
3 losing people's property when they're not willing to --
4 to let it go.

5 I mean, I know you all can take it, and that
6 stuff. If you've got people willing to sell property,
7 I would think it would be better to try and negotiate with
8 them, and buy their property if that's an option. Which
9 it looks like it is an option.

10 There's not much difference in the cost. And
11 I know the mussel habitat is a little bit more affected if
12 you put it on the upriver side.

13 But to me it would be better. But, I mean, like
14 Jim said you all are probably going to do what you want to
15 do anyway.

16 So -- but we would, you know, like to have you
17 to look at that anyway as far as, you know, doing what's
18 right, and not take Ms. Sample's property.

19 You know she's been a resident there as long as
20 I can remember. I don't know how long that's been. But
21 I'm 56 years old.

22 So -- and I hauled water, which -- in this area
23 over here with my water truck. People have seen me.

24 But I just don't like the idea -- I was on the

1 Public Service Commission Board for eight years in Clay.
2 And we had -- had to take -- we thought we was going to
3 have to take a piece of property. But we finally
4 negotiated it out, and didn't have to take the property.

5 We might have had to pay a little bit more for
6 it. But you know they finally agreed to sell. And I
7 really -- if you are going to take her property, I think
8 you definitely need to pay her market value price for it.
9 And that's about all I've got to say. Thank you.

10 MR. FACEMIRE: Thank you for your comments. Do we
11 have any other public officials that we happened to miss
12 when we came in the door?

13 (No response.)

14 MR. FACEMIRE: Okay. Now we're going to start with
15 the citizens. Please remember to provide your full name
16 and your address. And if you have -- if you're
17 representing an organization, please state that.

18 So next we're going to call the members of the
19 public to testify in the order in which they've signed in.
20 Please come to the microphone, and state your name when
21 it's called.

22 To provide an equal opportunity for everyone to
23 speak, we have allotted each person five minutes. And we
24 will use the traffic light in the back to signal what the

1 schedule is.

2 After coming to the microphone, we'll turn the
3 light green. And you may start. You'll get a yellow
4 light after -- when you have one minute left. And a red
5 light when the five minutes is over.

6 Please yield the microphone as soon as you see
7 the red light, or at anytime before that, that you wish to
8 stop your testimony.

9 The first person that I have signed up tonight
10 is Scott Mudie -- Mudie. I apologize, Scott.

11 MR. MUDIE: I'm Scott Mudie. We have the property
12 just on the far side of the bridge, on the north side of
13 the river.

14 And what I want to speak about tonight is the
15 choice of the replacement bridge.

16 When we think about -- someone had asked me what
17 I think about when I think of Prociuous. And it's hard to
18 put my finger on any one thing, other than our bridge at
19 Camp Creek.

20 And it seems to me to be the closest we have to
21 a landmark or a monument of any sort. There are a few
22 other things. But it's -- kind of gives the immediate
23 community some personality.

24 And I would just wish that whatever bridge is

1 chosen for replacement, wherever you put it, that try to
2 come up with a way to build something that's got a little
3 character to it.

4 Cement and I-beam structure, this kind of looks
5 like an overpass to me. And, umh -- umh, kind of lacks on
6 character.

7 And it would be nice to have some kind of
8 structure that you could feel some kind of connection
9 with. Thank you.

10 MR. FACEMIRE: Thank you. Next up we have Joanna
11 Samples.

12 MS. SAMPLES: I'm Joanna Samples. And I'm number one
13 on the map -- other than the bridge that's there already.

14 My question is, how long will my electric and
15 water be off in those two years that you plan to make this
16 bridge? Do we have anybody that can answer that?

17 MR. FACEMIRE: During the hearing that we're having
18 here tonight, we do not respond to comments.

19 MS. SAMPLES: You're not answering any questions?

20 MR. FACEMIRE: No, ma'am. We do that during the
21 informal part of the presentation -- of the meeting.

22 MS. SAMPLES: Okay. I'm finished then.

23 MR. FACEMIRE: The next person we have is Mr. Randy
24 White.

1 MR. WHITE: Yes. My name is Randy White. I live at
2 348 Elk River Road, Prociuous, West Virginia. I've been a
3 resident of that area for about 55 years.

4 I had Joann in school. So I know about the
5 community. And I'm here basically probably to represent
6 the church and the community there as a whole.

7 I think the biggest thing is we want a -- we
8 want something that is -- with the bridge -- and there's
9 always options there.

10 And we have seen -- and I don't know all the
11 legalities that Jim maybe brought up. And some that were
12 brought up this evening. I don't know all those things.
13 I really don't.

14 It's -- by looking -- when you look at the map,
15 and you look at the details, you look at the cost -- you
16 look at everything, it seems to be -- and most of the
17 people in the church, to be honest -- there, again, we
18 don't know all the ins-and-outs.

19 And most of the people in the church did seem to
20 think that 2C, which is the preferred alternative route
21 here to take, was the one that most people thought was the
22 most feasible.

23 Very little change in any way. But I'd like to
24 first of all say I don't want to see -- and I'm sure no

1 one wants to see people's land taken.

2 I don't care -- and I've made that note to
3 Lovell and the other ones. I don't like to see anybody's
4 land taken. I don't care if it's 10 feet, 20, 30.
5 Whatever the case may be.

6 If there's a way to keep from that from
7 happening -- I don't think it's feasible -- the route that
8 we wanted to take, that would just put a -- we can't shut
9 down our bridge. I think everybody would agree with that,
10 for the most part.

11 We cannot shut down that bridge, because our
12 community -- we have many elderly residents. My dad and
13 mom included. Ms. Joann Samples included.

14 We don't want that shut down to where we could
15 not get in there in case of an ambulance, and so forth.
16 It's too far.

17 So our concerns is that we get a bridge that's
18 feasible. 2C definitely is as far as the route, as far as
19 the -- I know it cost less.

20 I don't know, it doesn't cost much more to go to
21 the left of that, to go on the upper side. Which is
22 Ms. Ruby Shamblin's.

23 I don't know if Ruby -- like you all say, I
24 don't know if Ruby has agreed to sell that to the State --

1 to take care of that. I hadn't heard that. To me there
2 wouldn't be that much difference.

3 But I am also here to say that 4C, the one up at
4 the church was not one that anybody at our church thought
5 was a good idea at all, whatsoever. And would go right
6 through our parking lot.

7 And then the State basically would have to buy
8 everybody's land from there on down. Because it would be
9 taking a lot of the front yards.

10 Utilities would be a problem there also, that
11 you'd have to deal with.

12 So 2C, or what's -- what's the other one right
13 above that? What's the one which is into Ruby's? Which
14 is the green there. I'm not -- I can't --

15 VOICE: Alternate --

16 VOICE: Alternate 3.

17 MR. WHITE: Then one of those two by far has to be
18 the most feasible ones to do. I mean common sense has to
19 tell us that.

20 So I'll leave the legalities and all that up to
21 you all. But I do -- and I have talked to most of the
22 members of the church. And I do say most of them. I
23 can't say every one.

24 But most of the members have definitely thought

1 that 2C seemed to be the most feasible route to take.

2 But, again, if that means taking Joann's land --
3 and if you can go to 3C, which is right beside of it, and
4 see no problems -- the only thing I would see is, I don't
5 know about the -- once you come off of there -- are you
6 going to have to cut the hillside out?

7 You may have to cut the hillside out there. I
8 don't know what that -- again, it doesn't seem to be that
9 much of a cost.

10 But I'm just here to say we -- we need a new
11 bridge. Everybody would agree with that. And -- so --
12 I thank -- I thank you all for coming.

13 I thank everyone for coming this evening,
14 because we do have a legitimate concern. I know you do.
15 And we just want what's best for our community. So thank
16 you very much.

17 MR. SCITES: Does anyone else wish to comment?

18 (No response.)

19 MR. SCITES: If not, let the record show that no
20 further verbal comments were offered. Thank you for
21 attending tonight's hearing. This hearing is adjourned.

22 (WHEREUPON, the hearing was concluded
23 at 7:32 p.m.)

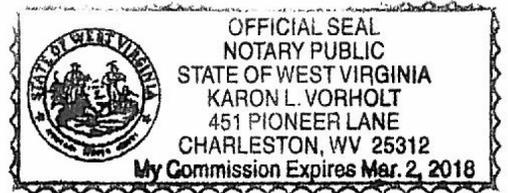
24

REPORTER'S CERTIFICATE

I certify that the foregoing is to the best of my ability a correct transcript of the record of proceedings in the above-entitled matter, and that the attached transcript meets the requirements set forth within article twenty-seven, chapter forty-seven of the West Virginia Code.

My commission expires March 2, 2018. Given under my hand this 5th day of March 2015.

Karon L. Vorholt, Notary Public



OFFICIAL SEAL

Karon L. Vorholt

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