

T&E COMMITTEE #1
October 26, 2020

MEMORANDUM

October 21, 2020

TO: Transportation and Environment Committee

FROM: Glenn Orlin, Senior Analyst

SUBJECT: Comments on I-495/I-270 Managed Lanes Study (MLS) Draft Environmental Impact Statement (DEIS), including County Preferred Alternative¹

PURPOSE: Worksession

In July the Maryland Department of Transportation/State Highway Administration (MDOT/SHA) released MLS DEIS for review and comment, and it ultimately extended the deadline for public comment, including for elected bodies, to November 9. The purpose of this worksession is to begin to develop what will hopefully be a joint Executive/Council position on a Preferred Alternative. The T&E Committee's recommendations will go before the full Council on November 5, and staff will then craft a letter reflecting the (hopefully) joint recommendations in time for the comment deadline. Our understanding is that MDOT will complete the Final EIS—responding to the public comments, selecting its Preferred Alternative, and reaching a Record of Decision—by May 2021.

Public hearing comments. In August and early September MDOT/SHA held several virtual public hearings and two in-person hearings, one of which was in Montgomery County. Carol Rubin, the Planning Department's lead for this project, has created a summary of the testimony (©1-3). Generally, the comments were overwhelmingly for the No Build option (Alternative 1). The relatively few who supported a build option preferred Alternative 9, which would add two toll lanes in each direction on the Beltway and one lane in each direction—plus redesignating the existing HOV lanes—as toll lanes on I-270 up to I-370. Ms. Rubin also compiled a detailed summary of each piece of testimony (©4-34).

Because SHA was not able to share the testimony quickly, the Council and Executive asked the public who were testifying or corresponding with the State about the DEIS to forward a copy of their testimony or correspondence to managed.lanes@montgomerycountymd.gov by October 16. The County received 87 pieces of testimony and correspondence on the site, largely mirroring the feedback from the hearings.

¹ Key words: #ManagedLanesStudy, I-495, I-270

Deficiencies in the DEIS. Technical staff from the bi-county Maryland-National Capital Park and Planning Commission (M-NCPPC) have outlined several problems with the DEIS process and the document itself (©35-43). Among the major deficiencies they identify are:

- construing the purpose and need of the project too narrowly, resulting in insufficient consideration of the ICC (MD 200) Diversion Alternative, Transportation Demand Management (Alternative 2), and the four Transit-Only Alternatives, especially the Dedicated Bus Managed Lane Network (Alternative 15);
- inadequate definition of limits of disturbance, especially pertaining to aquatic impacts;
- insufficient compliance with Section 106 of the National Historic Preservation Act;
- insufficient evaluation of social equity and environmental justice implications of the alternatives (see the commentary by Delegate Sara Love: <https://www.marylandmatters.org/2020/09/24/del-sara-love-why-does-environmental-justice-matter>);
- evaluation of stormwater management that ignored runoff from existing roadways; and
- the financial viability to complete this project, even without a State government subsidy.

The Executive and Council could confine their comments to a critique of the DEIS and recommend delaying a decision until these concerns are satisfactorily address. Despite the length of the document, there is certainly more information that needs to be developed before a final alternative is selected. However, this is the one time under the NEPA process where the Executive and Council can formally weigh in on what it wants out of the project.

In this vein, Council staff believes it would be prudent to signal to SHA what specific elements of a Preferred Alternative it could support, and which elements it would oppose, in as definitive terms as possible. What follows is a set of points that, together, could comprise the County’s Preferred Alternative. Council staff conferred with Planning and DOT staff about this, and each has reviewed the DEIS exhaustively. The staffs, however, are not yet in a position to make a recommendation, so what follows are solely Council staff’s suggestions, although they are informed by much of the Planning and DOT staff’s analyses.

Elements of a Preferred Alternative to consider. These suggestions are offered in the spirit of getting the conversation started among the Council and Executive.

- *No Build (Alternative 1) and elements of transportation system management (TSM, Alternative 2) on the Beltway between the I-270 West Spur and I-95, and on the I-270 East Spur.* Most of the negative impacts on homes, parkland, noise, and other environmental impacts are related to this portion of the MLS. There may be some TSM elements that would ease congestion modestly but would not have such negative impacts, such as ramp metering and extending exit lanes in selected locations. The Intercounty Connector is a reasonable option for drivers traveling between the mid-to-upper I-270 Corridor and Prince George’s County portion of the Beltway.

Whether part of the P3 or not, SHA should construct the I-495/MD 97 Short-Term Design Alternative in the Forest Glen/Montgomery Hills Sector Plan that would eliminate the loop ramp in the southeast quadrant of the interchange and relocate the eastbound-to-northbound movement to the same off-ramp used for eastbound-to-southbound traffic. This is part of Alternative 5B Modified that has received NEPA Approval and until recently has been under design.

- *Add 2 managed lanes in each direction on the Beltway between Virginia and the I-270 West Spur (Alternative 9), a total increase of 4 lanes.* This would be a continuation of the cross-section planned in Virginia, where VDOT anticipates extending its existing toll lanes. The forecasted traffic volumes are roughly equal in each direction during the morning and evening peaks, and the projected use of these lanes is larger than can be accommodated by only one lane in each direction:

Alternative 9: 2040 Peak Hour Volumes (capacity \approx 2,000 vehicles/lane)

	Inner Loop, AM	Outer Loop, AM	Inner Loop, PM	Outer Loop, PM
<i>I-495 north of River Road</i>				
General Use Lanes	9,065	9,685	7,755	7,150
Managed Lanes	3,090	3,590	3,175	3,120
<i>I-495 @ Potomac River</i>				
General Use Lanes	9,105	8,900	7,895	8,145
Managed Lanes	3,175	3,015	2,650	2,755

The right-of-way in this segment of the Beltway is generally 100’ wider than the segments east of the I-270 West Spur and so can accommodate some widening.

As currently planned, there is a likely negative impact of this project on the Moses Morningstar Cemetery, an African-American site of historic significance that was separated from the Gibson Grove AME Church by the construction of the Beltway in the early 1960s. The cemetery of unmarked graves sits just south of the Beltway and west of Seven Locks Road. The issue is described in a recent Washington Post article:

https://www.washingtonpost.com/local/trafficandcommuting/maryland-beltway-expansion-might-require-moving-part-of-historical-african-american-cemetery/2020/10/17/ae4696ca-0da5-11eb-8a35-237ef1eb2ef7_story.html

It appears that the additional impact may be caused primarily by the direct ramp from the Beltway to River Road. *The County should insist that the design be modified with the goal of avoiding this historic resource.*

- *The American Legion Bridge should be wide enough to carry a shared use trail.* There is potentially a large demand for bicycling, especially between the C&O Canal Park/MacArthur Boulevard on the Maryland side of the Potomac and the parks on the Virginia side.

The managed lanes, together with the North Bethesda Transitway and the master-planned direct ramp from Westlake Terrace to the I-270 West Spur, will comprise a fast, congestion-free transit link between the Red Line and Tysons Corners and other Virginia locations along the Beltway. The Planning staff has regularly recommended that if the American Legion Bridge were ever rebuilt, extra width should be provided to carry a potential rail line as well, such as an extension of the Purple Line. This was done when the Woodrow Wilson Bridge was reconstructed.

- *On the mainline of I-270, repurpose the two existing HOV lanes as reversible managed lanes—southbound in the morning peak, northbound in the evening peak (Alternative 13B) plus an additional one general use lane in the southbound direction south of MD 28—a total increase of*

one lane. Unlike the Beltway, the traffic volumes become more uneven on the mainline of I-270 as one moves north.

Alternative 13B: 2040 Peak Hour Volumes (capacity \approx 2,000 vehicles/lane)

	Southbound, AM	Northbound, AM	Southbound, PM	Northbound, PM
<i>I-270 south of I-370</i>				
General Use Lanes	9,215	5,960	7,045	10,365
Managed Lanes	2,095	N/A	N/A	2,275
<i>I-270 north of Montrose Rd</i>				
General Use Lanes	9,490	8,750	8,400	10,745
Managed Lanes	2,550	N/A	N/A	2,805
<i>I-270 north of Lane Divide</i>				
General Use Lanes	9,330	8,935	7,975	10,010
Managed Lanes	3,340	N/A	N/A	3,130

As with all the I-270 build options, the northbound and southbound roadway would no longer be separated into express and local lane. So instead of the current 2-4-4-2 lane arrangement, Alternative 13B would have a 5-2-5 arrangement, with the middle 2 lanes as reversible managed lanes. The analysis of the forecasted traffic suggests that 5 general use lanes would be sufficient in the northbound (off-peak) direction in the morning rush period, but that 5 general use lanes would not be sufficient in the southbound (off-peak) direction in the evening rush period south of MD 28, probably due to the heavy weaving activity approaching the Lane Divide. Hence the recommendation to add one more southbound lane south of MD 28, rendering the cross section as 6-2-5 between Lane Divide and MD 28 and 5-2-5 (no additional lane) north of MD 28.

- *Between the Beltway and the mainline of I-270, add one managed lane in each direction, and repurpose the existing HOV lanes as managed lanes—2 total added lanes.* Like the western portion of the Beltway, the I-270 West Spur will have roughly equal traffic in each direction in each peak and enough volume to warrant 2 managed lanes in each direction. North of Westlake Terrace would be the best location to transition between the cross-sections on the western Beltway and the mainline of I-270. Thus, the analysis suggests that there be 4 managed lanes on the West Spur—repurposing the 2 existing HOV lanes and adding 2 more.
- *Concur with SHA to have direct ramps to/from the managed lanes and Gude Drive, Wootton Parkway, Westlake Terrace (where the northern leg already exists) and River Road.* These ramps would be how toll-paying motor vehicles and non-toll-paying transit buses would access to and exit from the managed lanes without the lost time of weaving back and forth across several congested general-use lanes. A complication of Alternative 13B is that off-peak-direction autos and buses would have to use alternate routes, since they would not be able to enter the managed lanes, but when weighed against the cost and impact of adding 2 more lanes, this is not as serious a disadvantage.

At the Gude Drive, Wootton Parkway, and River Road locations, SHA should construct a bus transit center like the existing transit center on Westlake Terrace. If there is sufficient land adjacent to these centers, SHA should also provide park-and-ride capacity.

- *Proceed on the American Legion Bridge, I-495 West, and I-270 West Spur segments first. Do not proceed with improvements north of the I-270 Lane Divide until a Preferred Alternative is selected for I-270 between I-370 and Frederick.*
- *Stipulate that a specific portion of toll revenue—either a particular amount or percentage of receipts—be allocated annually to support transit improvements in the I-270/Western Beltway Corridor. This allocation should begin from Year 1 of the initiation of tolls. The nature of this contribution is currently under negotiation.*

There are many options to which to direct these funds: new express bus service utilizing the managed lanes, the Corridor Cities Transitway, the MD 355 Bus Rapid Transit Line, the North Bethesda Transitway and its extension to Virginia along the managed lanes, improvements to MARC Commuter rail service, and/or establishment of the six regional bus routes identified in the Transit Service Coordination Report published earlier this year. The Planning Department has already begun its work on the I-270 Corridor Forward Master Plan to identify and prioritize transit options along the I-270 Corridor.

- *State that the County will not participate financially to this project.*

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Analysis of Public Concerns by the Numbers¹: 127 people testified over the course of six public hearings, of which 15 showed support for a Build Alternative, and 112 indicated their preference for the No-Build Alternative.

Build Alternative

- Of the 6 people who weighed in on a particular Alternative, **Alt. 9 was preferred** because:
 - it motivates non-SOV use through HOV and created less burden on the local roads,
 - it does not eliminate any of the GP lanes, and
 - it ties in best to VA managed lanes system.

- 9 people support the MLS for **economic development through jobs creation**. Most of the comments came from local construction or construction supply companies looking for a boost in their businesses.

- 6 people specifically pointed out the **financial benefit of relying on a P3 to fund the project** without independent review of the conclusions presented in the DEIS.

- Otherwise, the rationale for support was scattered with the following justifications:
 - Agreement with the DEIS for the need and solution to resolve congestion, and although the universal position is to begin with the American Legion Bridge, some would prefer that I-270 improvements start on the northern Phase 1 because increased capacity on I-270 is a major priority for upper MoCo businesses (with one person suggesting to start with an Urbana to Frederick segment).
 - Don't delay what has been studied for 30 years, although many in favor of the No-Build Alternative have challenged whether the actual results of those studies are consistent with the likely Preferred Alternative.
 - Good design will correct the environmental issues of the existing improvements, although the DEIS makes no commitment to do so, particularly with stormwater management.
 - Only one person pushed back on the ICC Alternative as creating a bottleneck at the I-270 to I-495 merge, which is why the County has pushed so hard for Phase 1 to be implemented before moving forward with future phases.

No-Build Alternative. Most of the comments, which are very interconnected, challenge the data as incomplete or outdated, and the analyses as incomplete, flawed or simply non-existent.

- 65 people indicate the Preferred Alternative must have **transit as a specific component and travel demand management (TMD)** such as telework (evident per COVID), land use planning to reduce congestion rather than increase capacity.

- More than 100 comments support project **delay to supplement the DEIS** with more up-to-date data and analysis, mainly as a result of COVID and the unknown traffic results, but also the financial viability due to uncertain revenue projections, and simply the lack of transparency and appropriate standards in the DEIS by SHA:
 - **COVID (45):**
 - 4 independent studies indicate 30-40% reduction in congestion;

¹ See attached chart with the number of times a specific issue was raised. This summary provides some context to how they are interrelated.

- revenue projections from tolls will also be reduced resulting in overstated benefits resulting in P3 default and unplanned burden on the taxpayer;
 - Need to consider unanticipated budget deficiencies from loss in tax base.
 - 24 people raised the **Purple Line** as a demonstration of the unexpected risks of a P3, specifically that the dust must settle on that project solution into a more complex and costly P3.
 - **Financial viability** is questionable (34), and preference for funds allocated on greater needs.
 - **DEIS is below standards** of government transparency and inclusion (24).
 - **LOD is flawed** (23) and impacts cannot be determined until some more engineering and design work is complete, and the mitigation plans are too vague (17). However, because the P3 private partner is designing the project, the actual impacts cannot be clear until the P3 partner is already selected and the P3 Agreement inked.
 - Impact to **local road system** (17) has not been addressed, how that simply shifts congestion off the highway but into neighborhoods and who pays for the relief.
- There were 113 comments that based on either incomplete assessments, or analyses provided, the risk to long-term public health and quality of life is not worth the reward of congestion relief, if any:
 - **Climate change** has not been addressed.
 - MD is requiring **Greenhouse Gas emissions** be reduced by 40% by 2030.
 - **Air quality** will suffer, and respiratory conditions, particularly in light of COVID such as asthma have not been addressed.
 - **Stormwater treatment** as proposed in insufficient, particularly in light of climate change causing additional flooding.
 - Loss of **natural resources**, parkland, tree canopy, wildlife habitat – with COVID demonstrating the need for such resources as quality of life issues (likely more important than saving a few hours in annual commuting time).
 - Other than proposals for sound walls, addressing **noise pollution** has not been raised – of particular concern for outdoor activities at schools and parks.
 - Impact during long construction period has not been addressed for **particulates** adding to the air quality concerns and **hazardous soil disposal**.
- 24 specific challenges were made to the DEIS conclusions about **congestion relief**, and another 15 about the lack of **induced demand** impact to that analysis.
- 24 concerns naming **specific communities** impacted by the project were raised, but SHA claims those could be handled through design. However, 20 additional comments made the general statement that the changes in residential and commercial properties due to **full or partial takings will change the character of the neighborhoods**. And because the project is not yet designed (working with expected impacts within the LOD), 16 comments raised that the **mitigation plan is too vague**.
- 23 comments indicated the lack of appropriate **Environmental Justice** analysis which is supposed to provide low-income and minority populations who have been historically marginalized from government decision-making an opportunity to be a factor in the decisions of a project before the impacts are established. Acknowledging the impacts after a Preferred Alternative is selected with an attempt to mitigate rather than avoid is too late to require certain obligations be met by the private concessionaire as it moves through design and plans for operations, and repeats the process of systemic racism of decades past.

The alternative to a No Build must focus first on the **American Legion Bridge** (3), make sure it is designed to accommodate rail (5), and **create bike/ped access** to reduce reliance on driving by providing access to transit and breaking down the barriers caused by urban highways (6). Further, **the ICC** would serve as an effective way to avoid so much environmental impact on 495 (7). It is also critical to note that on page 7 of the DEIS, it says:

"Management strategies were evaluated in several prior studies for these corridors: Capital Beltway Study, I-270 Multi-modal Corridor Study, and the West Side Mobility Study. The management strategies previously evaluated in these prior studies include HOV, high-occupancy toll (HOT), or express toll lanes (ETLs)."

What the DEIS does not mention is that in **every one of those studies only an expansion of one lane a side in Maryland was considered**. Where two lanes were contemplated and retained for consideration, an existing lane would have to be converted to a toll lane. The studies talked about an additional two lanes a side for Virginia but only one lane a side in Maryland. The idea of two additional lanes a side was consistently ruled out for Maryland. This includes for the American Legion Bridge, the American Legion Bridge up to the I-270 spur, I-270 from MD 121 up to I-70 in Frederick, and I-495 from the I-270 spur around to the Woodrow Wilson Bridge.

Supplemented by written comments (only new issues are included below):

1. Village of North Chevy Chase (9/21/20) raised many of the same concerns, but focused on the impact from adding Conn. ramping onto the MLS and how that would impact the local traffic patterns/congestion in light of changes already happening due to the Purple Line.:
 - Environmental Impact
 - Purple Line
 - Lack of Governmental transparency
2. Preference for an outer beltway crossing the Potomac.
3. Audubon Naturalist Society testimony was included in the summary. However, they stressed that further shrinking vital urban habitats corridors will further threaten the already stressed wildlife.
4. Favors more lanes on 270, but opposes tolls in general

DEIS Public Testimony

8/18/20 – Morning Session

No.	Name	Affiliation/Address if Individual	Issues	Notes
1	Janet Gallant	Rockville	<ul style="list-style-type: none"> • Undercount and inaccurate report of previous comments 	
2	Barbara Caufal	SS (CABE)	<ul style="list-style-type: none"> • LOD does not address impact • Financial viability flawed due to missing WSSC charges and need for gov't subsidies • Telework due to COVID has not been considered • No environmental or social justice review demonstrated due to lack of public outreach to engage PG residents 	
3	Ole Varmaer	Indian Spring (SS)	<ul style="list-style-type: none"> • Existing SWM must be dealt with • No consideration to COVID • P3 problems with Purple Line will be the same 	
4	Arthur Katz	Rockville	<ul style="list-style-type: none"> • Costs will be borne by taxpayer • COVID changes in traffic • Generates more congestion in GP Lanes 	
5	Patrice Davis	Rockville	<ul style="list-style-type: none"> • Violate Title VI due to lack of social/environmental justice analysis • Wants electric vehicle only lanes • Toll is “commuter tax” • Lack of information on toll costs 	
6	Casey Anderson	M-NCPPC	<ul style="list-style-type: none"> • DEIS was altered after 7/10 publication • Lack of financial viability and project costs demonstrate that toll lanes, like transit can't pay for themselves • Insufficient range of Alternatives • LOD inadequate 	

7	Peter Tausandborn	SS	<ul style="list-style-type: none"> • “transport people, not cars” • Need multi-modal Alternative to reduce impact on environment 	

8/18/20 – Afternoon Session

No.	Name	Affiliation/Address if Individual	Issues	Notes
1	Eyle Lei	Takoma Park (UCS)	<ul style="list-style-type: none"> • More options for transit, TMD, land use • No discussion of air pollution and other health impacts on marginalized populations • Induced demand and increased VMT through increased capacity on land use 	
2	Jackson Hurst	Georgia	<ul style="list-style-type: none"> • Compared to success of managed lanes in Atlanta • Prefers 9M 	
3	Elliott Levine	Rockville (Environmental Scientist)	<ul style="list-style-type: none"> • Lack of honest GHG analysis • Noise pollution • COVID is game changer • Consider TMD, synchronized entry and other TMD currently being applied on 270, transit • Drive time increases in GP lanes (evening North 270) • No clear mitigation plan for loss of tree canopy 	
4	Gail Landry	Gaithersburg	<ul style="list-style-type: none"> • Avid park and trail user is concerned about impact to parkland, rec facilities • Additional impervious surfaces 	
5	Jim Foster	Anacostia Watershed Society	<ul style="list-style-type: none"> • Need to treat and repair existing conditions for SWM and other environmental conditions – already playing catch-up to protect the watershed 	

			<ul style="list-style-type: none"> • Supports MNCPPC comments to date 	
6	Richard Stolz	Rockville	<ul style="list-style-type: none"> • Lacks creativity and vision • Cost estimates are flawed • North 270 will get worse • Toll amounts not provided 	
7	Rory Davis	Rockville (recent Julius West graduate)	<ul style="list-style-type: none"> • Air quality testing should be done indoors, as Asthma concerns due to clean air issues • Too close to schools with outdoor activities 	
8	Alice Schindler	SS (NIH Scientist)	<ul style="list-style-type: none"> • Per APT, light rail works and it needs to be studied as alternative 	

8/18/20 – Evening Session: No testimony

8/20/20 – Morning Session

No.	Name	Affiliation	Issues	Notes
1	Tony Hausner	SS	<ul style="list-style-type: none"> • Needs transit solutions • Impacts too great (loss of significant property, loss of recreation and parks) • Chapter 3 Traffic Analysis should have included north 270 to Frederick • No commitment to the transit included in the report • Rail on ALB • ICC should be studied more • COVID shows 5-10% decrease in traffic 	
2	Jerry Garson	Potomac/Seven Locks Citizen's Assoc.	<ul style="list-style-type: none"> • In favor of Phase I using Alt 9 now and the rest later • He believes traffic is returning to pre-COVID, but not transit • Only 20% of highway users are commuters 	
3	Susan Nerlinger	Olney	<ul style="list-style-type: none"> • Toll lanes are not equitable/create more of a benefit to the few wealthy; DIES did not address social justice analysis • TDM is best solution as stated by the TPB in their study of the best 10 solutions including toll lanes • GHG analysis is lacking • Appendix C, pg. 123 shows more congestion on GP lanes 	
4	Susan Gordsky	Rockville near Montrose entrance	<ul style="list-style-type: none"> • COVID • No cost to taxpayers is a fallacy (ref. Purple Line issues related to P3 problems) 	
5	Brian Lewalt	N. Chevy Chase	<ul style="list-style-type: none"> • COVID must be studied • Purple Line mistakes need application • Existing condition for noise is insufficient • Need better mitigation proposed for tree loss 	

			<ul style="list-style-type: none"> • 9M is best of the bad 	
6	Seth Glinski	Bethesda	<ul style="list-style-type: none"> • As a construction development professional, sees all the seasoned developers putting development on hold until the backside of COVID brings understanding of future conditions; delay any decision for at least one year after COVID • Effect of losing 3 of 7 houses in his neighborhood, and loss of 175 foot tulip poplars as barrier changes the character of his neighborhood and the loss will impact property values 	
7	Thomas James	Upper Marlboro	<ul style="list-style-type: none"> • In favor of the project based on his experience sitting in traffic • Likes the P3 	

8/20/20 – Afternoon Session

No.	Name	Affiliation	Issues	Notes
1	Jennifer Spreitzer	Carderock Springs Citizens Assoc.	<ul style="list-style-type: none"> • Noise mitigation. Existing noise is already unbearable. FEIS should include optimization for noise barriers with vegetation maintained. • Require Construction Management Plan • Before moving forward need to understand local roads and traffic patterns (River Road and Clara Barton Pkwy) 	
2	Joseph Esposito	Carderock Springs	<ul style="list-style-type: none"> • Naïve about no cost to taxpayers in both actual dollars and lifestyle impacts • Hold until local traffic patterns are understood • Carderock Springs Elem has too much impact and increase in already unacceptable noise levels • Look for other public works projects 	
3	Daniel Ring	Rockville	<ul style="list-style-type: none"> • As economics educator, he understands that toll lanes are a regressive tax • Addressing climate change should be priority in selected Alternative – transit is better 	
4	Frank Pierce	W. Hillandale	<ul style="list-style-type: none"> • Impact to Holy Cross Hospital • More roads is not good transportation policy moving forward • Concerned about creating a monopoly for private toll operators 	
5	Gabriela Kock	Mt. Ranier	<ul style="list-style-type: none"> • Trained as a civil engineer with transportation planning (worked for COG) • No benefit to toll lanes with increase in emissions and impervious surfaces • Regressive tax • ICC is better option and must be further analyzed • Cost to taxpayers did not address social costs 	

8/20/20 – Evening Session

No.	Name	Affiliation	Issues	Notes
1	Brian Ditzler	MD Sierra Club	<ul style="list-style-type: none"> • “Financial and environmental disaster” • Analysis and reporting of the avoidance, minimization and mitigation of environmental impacts is missing from the DEIS • Financial goal in the P&N is no longer relevant since the analysis is missing actual costs of the project – i.e., hazardous waste disposal costs • Failure of SHA to openly share underlying documents was a disservice to the public • GHG Act compliance is missing as there is no analysis of impact to the air through emissions 	
2	Jennifer Russel	SMTA Suburban Maryland Transportation Alliance/Citizens for Traffic Relief	<ul style="list-style-type: none"> • Efforts to delay for COVID are not appropriate since this is a long-range study • P3 is unique opportunity for financing when State funds are not available • Prefers Alt 9, then 10 	
3	Zaida Jocson	SS	<ul style="list-style-type: none"> • Noise and pollution concerns • Not enough detail on any mitigation • SW runoff already deficient will get worse • COVID 	
4	Nichole Salinger	Kensington	<ul style="list-style-type: none"> • Struck by time savings compared to costs – just not worth it • Take a lead from Europe in their TMD such as metered entry, dynamic signage, speed limit changes • Tolls do not serve the lower income communities that most need a relief from congestion and even Alt 9 does not serve them well 	

			<ul style="list-style-type: none">• Traffic modeling is based on decades old assumptions and data	

No.	Name	Affiliation	Issues	Notes
1	Margaret Bowles	Mitchellville	<ul style="list-style-type: none"> • Impact to low income housing • air, water and forest impacts since COVID traffic reduction has showed the benefits of less congestion on air pollution • financial impacts to taxpayers 	
2	Emiliana Delgato	Montgomery County	<ul style="list-style-type: none"> • traffic study shows an increase on I-270N after the MLS is built • DEIS fails to address the reduction in traffic due to telework • does not provide estimated rush hour toll costs 	
3	Jeanne Braha	Rock Creek Conservancy	<ul style="list-style-type: none"> • Lacks specificity of and accounting for impacts • Limited travel time savings does not warrant risks and costs to taxpayers • Limited or no discussion of loss to wetlands or migratory bird habitat • Need more qualitative assessment of impacts rather than quantitative report • Protect recreational park users from noise • SW runoff already detrimental to Rock Creek must be improved • Alts. 5 and MD 200 were eliminated, but would have significantly reduced environmental impacts while meeting P&N • Offsite mitigation will not meet the needs of Rock Creek 	
4	Lisa Alexander	Audubon Naturalist Society	<ul style="list-style-type: none"> • Shortsighted ARDS in light of climate change and COVID 	

			<ul style="list-style-type: none"> • Green open space has been a sanctuary for people during COVID • Environmental impacts/mitigation does not address water quality, GHG, or wildlife habitats • Need transit alternatives 	
5	Kit Gage	Friends of Sligo Creek	<ul style="list-style-type: none"> • Need transit Alternative • COVID demonstrates value of parkland • Not ample discussion/mitigation for tree canopy loss, SWM, impact to wildlife, Clean Water Act 	
6	Jane Lyons	Coalition for Smarter Growth	<ul style="list-style-type: none"> • No accounting for induced demand; GP Lanes congestion will increase • Not financially viable • Not sufficient mitigation • Transit and TMD must be reevaluated • True environmental impact will increase LOD • Ignores climate crisis 	
7	Denisse Guitarra	Audubon Naturalist Society	<ul style="list-style-type: none"> • Need transit option • Rail on ALB • Telework should be studied as alternative • Failure of outreach to marginalized communities since not much participation AND DEIS does not address • No analysis of climate change, GHG, air pollution, or impact to wildlife habitats 	
8	Sandra Demeski	Carderock Springs	<ul style="list-style-type: none"> • DEIS indicates no impact to this historic community. Impossible due to tree loss and impact to historic setting • Sound barriers are critical to Carderock ES and recreational amenities of community 	
9	Steve Oriol	Indian Springs (SS)	<ul style="list-style-type: none"> • Increase in impervious surfaces increases noise and runoff so figure best solution to move people • pause for analysis of COVID impacts 	

			<ul style="list-style-type: none"> • Deferred maintenance is part of the problem • Hard to adequately respond since SHA did not make much of the information available to the public 	
10	Elizabeth Brandt	Chevy Chase	<ul style="list-style-type: none"> • Already dangerous pedestrian travel on Conn. Ave will be exacerbated; no analysis to local roads • Air quality and climate impacts resulting in greater health crises to our children • “Drivers before public health concerns!” 	
11	Tom Hucker	VP, Montgomery County Council; Chair, T&E Comm.	<ul style="list-style-type: none"> • County will develop and submit a preferred alternative • Insufficient time for review • Short shrift to Md 200 Diversion Alternative, and I-95 should not have been added • LOD will be enlarged due to impacts • SWM approach is deficient • Social Equity plan is lacking, particularly in the current times • Financial implications are professional malpractice with what is omitted (WSSC) and lacking in revenue analysis • Focus first on ALB and then consider the balance • COVID: See VDOT Study that concludes 31% reduction in VMT in 2025 	
12	Maya Houser	Carderock Springs	<ul style="list-style-type: none"> • Carderock ES already has unacceptable noise and air pollution; expansion of 495 will worsen • Noise impact on the entire community must be dealt with 	
13	Russ Gestl	Darnestown	<ul style="list-style-type: none"> • Supports improvements to 270 for economic development: Although he avoids 270, his employees cannot, and he has attrition and hiring problems 	

14	Katherine Wall	Mt. Rainier	<ul style="list-style-type: none"> • 2019 study by Intergovernmental Science Platform indicated loss of 1M species due largely to habitat destruction. • COVID is a result of zoonotic spillover event, jump from wildlife to humans due to habitat destruction • Loss of biodiversity and increasing climate change are more critical than alleviating traffic congestion by road widening. Seek more environmentally appropriate alternatives. 	

8/25/20 – Afternoon Session

No.	Name	Affiliation	Issues	Notes
1	Marion Dombrosky	Cheverly	<ul style="list-style-type: none"> • Use existing ROW and committed facilities • Prioritize health and future of Marylanders 	
2	Becky Batt	Rockville	<ul style="list-style-type: none"> • Public health and economy are in crisis, and more important than the devastating impacts of the proposal • Noise and air pollution exacerbates current crisis • Purple Line debt • Current P3s are looking for federal bailout money • DGP lanes 	
3	Lauren Brown	Chevy Chase	<ul style="list-style-type: none"> • Incomplete and inadequate analyses • No analysis of construction and flood issues • Public transit • SW runoff and water pollution • Proposal to use offsite water quality trade-off credits is unacceptable as it will not resolve even current risks to down-County waterways 	

			<ul style="list-style-type: none"> • How will this impact the GHG reductions required under the Act? 	
4	Janna Bialek	N. Chevy Chase	<ul style="list-style-type: none"> • Her property has the sole remaining spring-fed pond in the area, and the wildlife that depends on it for their water will disappear. • The pond is not shown on map of natural resources. And the permanent stream on her property is listed as intermittent in error. • Engineering does not consider already difficult placement of sound barriers due to slopes and grading 	
5	Jon Peterson	The Peterson Cos.	<ul style="list-style-type: none"> • NoVA is demonstration of project success • Environmental design will correct problems with existing infrastructure • Congestion is keeping business out of MD region • Supports Alt. 9 	
6	John Townsend	AAA	<ul style="list-style-type: none"> • DEIS quantifies why build options work • Status quo is not sustainable • Recent studies (TRIP) conclude that 3 sections of the highways under the plan are worst in the country 	
7	Lucy Duff	Lanham	<ul style="list-style-type: none"> • Emissions are already a problem • Consider Transit viability 	
8	William Ward	Germantown	<ul style="list-style-type: none"> • D/n resolve the actual cause of the congestion – lack of access into DC • Mo. Co. should not bear burden of long distance commutes from far out communities, and he travels 270 every day 	
9	Kenneth Winer	Rockville	<ul style="list-style-type: none"> • Understand post-COVID telework before moving forward - Do not destroy precious natural resources without understanding the long-term impacts on traffic patterns 	

10	Brad German	CABE	<ul style="list-style-type: none"> • No Build Alternative is what was supported in the 2005 environmental analysis of expansion proposals for I-495 due to cost and difficulty of avoiding, minimizing or mitigating environmental damage. No new details in this DEIS. • DEIS lacks a full analysis of air contamination during and after construction, hazardous waste disposal, storm water runoff, stream valley damage, and other impacts to public health, communities, and the environment • Rush hour worsens on 270 or saves minimal time • monetize congestion for private investors at significant taxpayer risk, P3 doesn't work: taxpayers funded 83 percent of the I-495 express lanes in Virginia via grants, federal loans or loan guarantees 	
11	Matthew Conte	Kensington	<ul style="list-style-type: none"> • Minimal benefit to travel times when not sure of the financial implications is too risky • Environmental risks are higher than financial benefits • Need to understand impact from the Purple Line before moving forward with such a large investment • Uncertainty in current economic times 	

8/25/20 – Evening Session

No.	Name	Affiliation	Issues	Notes
1	Neil Harris	Councilmember, Gaithersburg City	<ul style="list-style-type: none"> • Supports P3 Plan because benefits outweigh environmental impact • Emissions will decline with electric cars 	

		Council (Rep. to TPB)	<ul style="list-style-type: none"> • Solid fiscal plan • Transit is available in the managed lanes • Enables job creation • COVID impact is temporary 	
2	Jack Orrick	Carderock Springs CA	<ul style="list-style-type: none"> • No need for 2 lanes in each direction. Supports no-build or Alt. 5 • Historic status of community must be respected with design of noise barriers • DEIS d/n identify noise barriers on River Road ramp flyover • LOD needs closer review • Particularly concerned about tree loss • DEIS d/n address Carderock Springs ES • DEIS d/n address arterial road impacts 	
3	Petra Jacobs	Carderock Springs	<ul style="list-style-type: none"> • Sound barriers/noise abatement has been a longstanding issue • Minimize impact on arterial roads • Elevated ramp at River Rd will extend noise further into the community • Verify LOD and limit property acquisition • CSES needs 4(f) review as a public recreational facility since community relies on the fields 	
4	Marilyn Balcombe	Germantown Chamber of Commerce	<ul style="list-style-type: none"> • Supports Alt. 9 & 19 (prefers 9 to maintain carpooling and limit SOV) • Demonstrates better level of service on arterials • GP lanes will perform better • ALB should be first priority • Opposes ICC Alternative since it will dump more cars onto 270 • Fast track the 270N Study 	

5	Christopher Oswald	National Park Seminary Master Association	<ul style="list-style-type: none"> • Protection of historical structures, historic setting and affordable housing is priority • All Build options negatively impact the historic setting with no scoping or mitigation • DEIS and P&N are insufficient with minimal public input for the size and impact 	
6	Stephanie Land	Carderock Springs	<ul style="list-style-type: none"> • Roads will again fill to capacity • Natural beauty will be lost forever • Enforce traffic laws, telework and technology solutions 	
7	Myles Cooper	Frederick County	<ul style="list-style-type: none"> • Works for Climate Change non-profit • Need comprehensive review of TMD and transit component • No analysis of air pollution – only looking at fuel efficiencies • Will exacerbate climate change and violate GHG reduction policy • No consideration of particulate emissions during and after construction • Every issue that is kicked to the FEIS prevent meaningful public review 	
8	Jason Neuringer	Rockville	<ul style="list-style-type: none"> • 70% of residents in MoCo, PG and Frederick support MLS • Environmental pandering • Build it now 	
9	Linda Keenan	SS	<ul style="list-style-type: none"> • Unacceptable impact to parkland, businesses and Sligo Golf Course • Concerns about design of Rte 29 ramping • Not forward thinking • Outdated traffic analysis 	
10	Susan Yaffe-Oziel	Rockville	<ul style="list-style-type: none"> • No analysis of noise pollution during construction • Quality of life for residents needs to consider impact to homes along highway 	

			<ul style="list-style-type: none">• Cost to taxpayers that may not reduce congestion• No Social Equity included• No consensus that tolls will help	
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9/1/20 –No Morning Session

9/1/20 – Afternoon Session

No.	Name	Affiliation	Issues	Notes
1	Terry Belamy	Dir, PG DPWT	<ul style="list-style-type: none"> • Public outreach does not meet transparency expectations from the state • Does not address contact sensitive economic drivers • Segmentation at Rte. 5 needs better blending • Access to downtown Largo at 202 and 214 is insufficient to address community needs 	Cut off at 3 minutes. See Vic Weissberg testimony in evening session to add.
2	Gary Hodge	Regional Policy Advisors	<ul style="list-style-type: none"> •Fails to address the stated “purpose and need” of the project—to relieve traffic congestion •Project results in no significant time savings •Congestion would continue on free lanes and the use of toll lanes would be costly •Financial viability is questionable without public funding, which would count against the State’s debt limit •Shifts risk from private sector to the State, requiring taxpayer subsidies of \$482 million to \$1 billion, and future toll revenues unknown •Reduces the State’s fiscal capacity for investment in transit infrastructure •Construction costs are incomplete and likely to exceed estimates •Cost of moving water and sewer infrastructure could be additional \$1-2 billion •Loss of parkland, and impact on 1,500 properties •Limits of disturbance will have to be expanded •Increase in stormwater runoff to rivers and streams •Public transit options were omitted from consideration 	

			<ul style="list-style-type: none"> •Details of the Capital Beltway Accord between Maryland and Virginia are unknown •No provision for rail transportation on the new American Legion Bridge •Rush-hour traffic congestion would be worse on I-270, not better •Upper I-270 is included in Phase 1 of the project, but is excluded from the DEIS •Impact of design and location of toll lanes on local road network, with fixes up to local governments •Effect of increased highway capacity on I-495, I-270, and connected arterial roads on long-term traffic demand 	
3	Bill Orleans	Greenbelt	<ul style="list-style-type: none"> • Has been asking for a paper copy of the DEIS as he cannot review otherwise. None provided for his review • Likes good roads, but not at the expense of the natural environment • Need better way to transport 	
4	Denvia Johnson	Bowie	<ul style="list-style-type: none"> • Tolls. Doesn't want to pay to use the highway. Commutes to Walter Reed and prefers to sit in traffic rather than pay for tolls or impact the natural environment • Any part of private property taken will impact character of peoples' homes 	

9/1/20 – Evening Session

No.	Name	Affiliation	Issues	Notes
1	Vic Weissberg	PG, DPWT	<ul style="list-style-type: none"> • Public outreach does not meet transparency standards expected from the state 	Continuation of PG, DPWT

			<ul style="list-style-type: none"> • Length of document creates burden on average resident, so expect state to continue to work throughout the community • More comprehensive incorporation of transit • Collaboration between VA and MD to connect the region at WWB and ALB • Access to connect economic drivers/employment centers of the region • Does not address contact sensitive economic drivers • Segmentation at Rte. 5 needs better blending • Access to downtown Largo at 202 and 214 is insufficient to address community needs with better access to the hospital at Arena Dr. • Needs complete bike/ped connections 	

9/3/20 – Morning Session

No.	Name	Affiliation	Issues	Notes
1	Bob Hackman	ReadyMix Concrete Assn.	<ul style="list-style-type: none"> • Supports MLS for jobs creation 	
2	Robert Soreng	Washington Biologists' Field Club	<ul style="list-style-type: none"> • Plummers Island, already degraded by the ALB will be destroyed. It was conveyed to NPS in 1959 with caveat that the Club has perpetual access as a natural wild area for scientific research. Full of rare species and topographical diversity. 	See wbfc.science
3	Elizabeth Malone	SS	<ul style="list-style-type: none"> • "Narrowness" is theme: <ul style="list-style-type: none"> ○ ARDS too limited ○ P&N is just about how to add lanes • Solutions like expanded and better coordinated bus service, thoughtful planning omitted • Induced demand • No attention to uncertainty in the future • LOD is insufficient • Feeder roads are already clogged waiting to enter highways 	
4	James Laurenson	Wingate CA and various Environmental Groups	<ul style="list-style-type: none"> • DEIS fails to take hard look at environmental impacts (air pollution, EJ, etc.) • ARDS are just variations on a theme and not legally sufficient in difference (?? v. Norton) • NEPA requires supplemental DEIS due to changes from COVID • No climate crisis plan 	
5	James Titus	Glen Dale	<ul style="list-style-type: none"> • DEIS misstates the impact to Henson Creek and Henson Creek Trail. Longstanding agreement between PG Parks and SHA to replace the culvert with a bridge. The culvert is failing and letter agreement to replace with bridge when beltway is expanded. 	

			<ul style="list-style-type: none"> EJ Issue: In PG <u>all</u> crossings are by culvert. In MoCo many crossings are by bridge. 	
6	Pamela Liptak	Carderock Springs Education Foundation	<ul style="list-style-type: none"> Noise is detrimental to the long-term health of children. Already significant. Fields at CSES should be included in the 4(f) analysis since they are used on a regular basis by the general public 	
7	Tina Slater	SS	<ul style="list-style-type: none"> Tolls create an EJ concern Telework should be supported to reduce the congestion. UMD Study demonstrates that 5% reduction in travel = 32-58% reduction in congestion. GHG should be supported through encouraging telework. 	

9/3/20 – Afternoon Session

No.	Name	Affiliation	Issues	Notes
1	Kyle Hart	National Parks and Conservation Assn.	<ul style="list-style-type: none"> Impact to 47 parks and +100 acres National Parklands. 130 acres of parks to imperviousness is unacceptable Study less impactful Alternatives again 	
2	Nancy Soreng	League of Women Voters	<ul style="list-style-type: none"> Insufficiently transparent due to lack of actual design EJ misses the mark LOD needs more design to understand impacts Finances are unclear Tolls Telework SWM insufficient to protect natural resources 	
3	Janet Glengold	Upper Marlboro	<ul style="list-style-type: none"> Downstream issues if SWM is not sufficient Climate change COVID demonstrates disparities and disproportionate risk to health for EJ Communities Phase out SOV 	

			<ul style="list-style-type: none"> • Environmental costs are too high 	
4	Mark Holt	Ft. Washington	<ul style="list-style-type: none"> • Henson Creek needs bridge crossing • Bike/ped connections from Henson trail to new Branch Ave. Metro 	
5	Barry Catterton	Linthicum	<ul style="list-style-type: none"> • Works for local engineering firm in Frederick – Specialized Engineering that relies on road and bridge projects • Job creation and safety of well-maintained roadways 	
6	Jason Stanford	NoVA Transportation Alliance (business coalition)	<ul style="list-style-type: none"> • TPB adopted managed lanes as a high priority for regional transportation system • Alt. 9 to tie into VA system • Looking for reliability and reduced travel time 	
7	Patricia Jackman	New Carrollton	<ul style="list-style-type: none"> • Added traffic on arterial roads needs to be included in study • 550 acres of new impervious surface will generate too much SW runoff • Encourages more driving • Runs contrary to the Prince George’s Environmental Plans 	
8	Kara Cunzeman	Cabin John	<ul style="list-style-type: none"> • Failure of innovation because this is a 20th Century solution • Need more comprehensive transportation solutions • Data is too old to rely on • Impact to historic Cabin John community 	
9	Charles Skinner	Towson	<ul style="list-style-type: none"> • Traffic volume projections no longer valid • Too much cost and risk to taxpayers • See KPMG Study about traffic reductions • Public health costs to EJ Communities 	
10	Peter Placke	MD Transportation & Builders Assn.	<ul style="list-style-type: none"> • Support to alleviate congestion • New job creation • No other viable financial model than P3 	
11	Rodolfo Perez	SS	<ul style="list-style-type: none"> • Civil engineer focused on transportation for USDOT • Ignores assessment of regional corridor plans • TDM and land use planning initiatives perform better than toll lanes 	Great testimony to listen

			<ul style="list-style-type: none"> • Contrary to modern travel management • Takes focus and money away from existing infrastructure repairs and maintenance 	
12	Ross Capon	Wingate CA	<ul style="list-style-type: none"> • Concerned about air quality, sustainability • Telecommute • Need to stay within existing ROW to avoid loss of property • Increased flood risks 	
13	Ramin Amin	Bethesda	<ul style="list-style-type: none"> • Too many cost factors not included • As a civil engineer, he knows that expansion will promote more vehicles and cycle will continue • COVID • Encourage gov't to promote telework and flextime through tax incentives • Need to spend funding on existing infrastructure maintenance 	
14	Susan Shipp	Cabin John CA	<ul style="list-style-type: none"> • Historic community is directly threatened by takings, noise and SWM Failures • Adverse visual impact to community not addressed • 10% greater delays on connector roads • Concern about impact to Moses Cemetery 	
15	Eliza Cava	Director of Conservation, Audubon Naturalist Society	<ul style="list-style-type: none"> • Vague mitigation proposals, no SWM • Impacts are too optimistic to hide actual costs • Fails to discuss treatment of existing infrastructure for SWM • Climate change will cause more SW impacts • Increase in GHG 	
16	Shekhar Murkuti	Ellicott City	<ul style="list-style-type: none"> • Owner of Pioneer Civil Engineering Services and former SHA employee who opened his own business to get construction business from the state 	I thought he would understand flooding impact
17	Michele Riley	Woodmoor Pinecrest CA	<ul style="list-style-type: none"> • LOD will need to be broader and have greater impact • SSYMCA 	

			<ul style="list-style-type: none"> • Montgomery Blair (an EJ School) will lose athletic fields and suffer noise and environmental impacts to outdoor activities • Colesville widening will destroy the walkable character of Four Corners • Loss of parkland and trees 	
18	Melvin Tull	Montgomery Village	<ul style="list-style-type: none"> • Commutes to SS and Frederick, so build it to give more options 	
19	Sarah Leshar	SS	<ul style="list-style-type: none"> • P3 is the wrong approach because the values of the private sector do not mesh with the needs of the public • Economic and health issues (no mention of asthma) • Tolls and cars are unaffordable to EJ populations • Removal of urban trees with mitigation in forest outside of urban areas does not mitigate/replace impact 	

9/3/20 – Evening Session

No.	Name	Affiliation	Issues	Notes
1	Amanda Dewey	Mayor, Town of Berwynn Heights	<ul style="list-style-type: none"> • All true financial and environmental impacts should be known before seeking comment to the DEIS per NEPA requirements • Telework, transit, TDM etc. not considered • Data use is flawed throughout; inaccurate use of traffic outcomes, air quality impacts • No SWM or cultural impacts • Too limited time to review and understand the DEIS • Errors in logic with pre-ordained conclusion 	Good testimony from an environmental policy Phd. Potential legal insufficiency
2	Danielle Glaros	PG Council District 3	<ul style="list-style-type: none"> • District has 9 Purple Line stops so she is familiar with the flaws • Excludes many costs 	

			<ul style="list-style-type: none"> • Property acquisition costs are underestimated • Lack of particulate review, CO2, global warming • Local governments will be burdened with flooding results due to lack of SWM • 1,500 acres of tree canopy loss • P3 partners helped draft study parameters • Interchanges need to conform 	
3	Hannah Wald	Rockville	<ul style="list-style-type: none"> • Don't increase 270 footprint • P3 projects are failing throughout the world • Telework will impact toll revenues • Up to \$1B in gov't subsidies • Purple Line should be a cautionary tale 	
4	Birro Gifford	Carderock Springs	<ul style="list-style-type: none"> • Sound barriers/elevated ramp on River Road • Minimize impact on arterials/analyze impact on arterials • LOD is optimistic • CSES qualifies for 4(f) review due to public use 	
5	Daniel Flores	Greater Wash. Bd. Of Trade	<ul style="list-style-type: none"> • Supports alleviation of congestion with BoT priorities: ICC, HOT lanes as a regional system (Alt. 9) 	
6	Ron Bialek	Chevy Chase	<ul style="list-style-type: none"> • Public Health Professional • No data to support health impacts • DEIS must consider human health, but no discussion • Chap. 4, App 8 – no health discussion about EJ Communities • No analysis about increased emissions on arterials • No expertise on the DEIS team to deal with health impacts 	Good testimony about public health concerns. Is there a legal issue here?
7	Charlotte Troupe Leighton	Friends of Moses Hall Cemetery and Evergreen Neighborhood	<ul style="list-style-type: none"> • SWM is omitted • Need commitment for noise barriers with detailed placement and design to fit within character of neighborhood 	

			<ul style="list-style-type: none"> • Visual impact from River Road flyover has not been addressed • Impacts from LOD not defined 	
8	Andrew Gallant	??	<ul style="list-style-type: none"> • Traffic improvements through TDM • Flawed assumptions and NEPA and Procurement should match up – deliver study integrating the Phase 1 • P3 funding provided foregone conclusion • Selection is pre-ordained • Decouple traffic from financial assumptions 	
9	Majalie Salas	Adelphi	<ul style="list-style-type: none"> • Outreach to Latino community was insufficient bcs omitted St Camilla with 4,000 parishioners • EJ analysis is incomplete 	
10	Ellen Ryan	Rockville	<ul style="list-style-type: none"> • Financial disaster calls for government subsidy even before WSSC or reconstruction of overpasses • VA 2012 w? TransUrban does not allow additional improvements with more congestion • Telework 	
11	Bill Sandmeyer	Chevy Chase Rec. Association	<ul style="list-style-type: none"> • Prefers No-Build, but 2nd choice is 9M • Traffic is unknown post COVID • Uncertainty of P3 costs • Extend current noise wall but plant trees 	
12	Charles Whitaker	Rockville	<ul style="list-style-type: none"> • Reckless and shortsighted during climate crisis • No framework to reduce emissions • Tolls are not equitable 	
13	Daniel Marcin	Wheaton	<ul style="list-style-type: none"> • Economist • Supports all toll on existing without expansion 	Now that is an EJ problem
14	Kris Hannah	Rockville	<ul style="list-style-type: none"> • Wooded buffer at 270/Montrose would be lost • Expansion leads to more SOV so better to convert to HOV • Climate crisis • Noise pollution • COVID habits 	

15	Linda Herman	Bethesda (Locust Hill)	<ul style="list-style-type: none"> • Significant property loss will change character of neighborhood • Telework • Impact to state budget after COVID • P3 instability 	
16	Lynn Marble	Rockville	<ul style="list-style-type: none"> • Toll roads were foregone conclusion and studies were pro-forma • Folly to undertake south of 370 before north of 370 • COVID commuting patterns need supplemental consideration 	
17	Cecile O'Connor	SS	<ul style="list-style-type: none"> • P&N unreasonably eliminated 4(f) analysis by taking TSM off the table bcs. it doesn't pay for itself or provide alternative roadway choices, so pre-determined solution • Induced demand • Four Corners is a bottleneck to enter 495, so expansion of 495 will not help with arterial traffic • How were contractors selected? • Parkland impact is too much 	
18	Kate Smith	Falls Church VA	<ul style="list-style-type: none"> • Tolls are a regressive tax • P3's don't pan out • Use of toll roads do not meet projections • Telework • 18,000 page document is an affront to people who need to review it (perhaps intentional) 	
19	Blake Dewey	Berwyn Heights	<ul style="list-style-type: none"> • Needs financial analysis before RPA • more alternatives that include transit 	

9/10/20 – Afternoon Session

No.	Name	Affiliation	Issues	Notes
1	Bridget Donnell Newton	Mayor, City of Rockville	<ul style="list-style-type: none"> • COVID will create permanent 40% decrease in traffic per AEC Study for MDTA • Deal first with bottleneck north of Gaithersburg • P3 is not a panacea • EIS must consider benefits as well as impacts • As 2018 Chair of TPB, minimized other goals for 2045 at expense of congestion relief 	
2	Nino Vaghi	Kensington	<ul style="list-style-type: none"> • DC Traffic has not changed in 50 yrs with same number of lanes (3) on Conn. Ave.. 6,500 cars before and after project onto Conn. Ave, (See Table 3-2) • Impact to arterial and secondary roads has not been analyzed or even considered in the DEIS 	
3	Ben Ross	Montgomery Transit Opportunity Coalition	<ul style="list-style-type: none"> • Rigged for TransUrban • Will not relieve congestion • Tolls are too costly • Cost to taxpayers • Predicted travel times to and from Frederick is omitted • Need to expand transit 	
4	Richard Levine	Locust Hill HOA	<ul style="list-style-type: none"> • Need more segmented analysis for Alt. 9M (different points of termini) • Need EA Process for final design • Impacts to Elmhirst park and trail • Reconstruct Ceder Ave. bridge 	
5	Sally Stolz	Rockville	<ul style="list-style-type: none"> • Study alternative congestion relief measures (telework, shifting peak hours) • Inequitable • Cost/Impacts outweigh benefits 	

6	Gary Hodge	White Plains		Repeat performance

9/10/20 – Evening Session

No.	Name	Affiliation	Issues	Notes
1	Amy Thaler	Bethesda (Locust Grove)	<ul style="list-style-type: none"> • Purchased home with large backyard to raise and train service dogs. Not listed as taking because only impacting yard, but devalues and loss of livelihood. • DEIS doesn't address impact due to partial takings • COVID telework 	
2	Linda Herman	Bethesda (Locust Grove)	<ul style="list-style-type: none"> • DEIS doesn't address impact due to partial takings • COVID telework • COVID reduction in projected revenues 	
3	Linda Thorndyke	Bethesda (Locust Grove)	<ul style="list-style-type: none"> • DEIS doesn't address impact due to partial takings • COVID telework • COVID reduction in projected revenues • Loss in air quality • Instability of P3 demonstrated by Purple Line 	
4	Justin Gallardo	Parkville MD	<ul style="list-style-type: none"> • UMD Grad visits the area regularly • Has done streamwater quality testing at Rock Creek, and there is no SWM to existing • COVID telework • No discussion of benefits to low income communities and individuals 	
5	Marc Elrich	CE, Montgomery County	<ul style="list-style-type: none"> • COVID • "All or Nothing" proposal for toll lanes. Although ALB improvements are acceptable to all, the DEIS is not structured to allow phased or segmented consideration of alternatives. 	

			<ul style="list-style-type: none"> • Purple Line was at least partially designed and laid out at time of public comment • Purple Line shows State can't manage a complicated P3 • Better use of resources • Travel time analysis shows minimal improvement for high cost and risk (financial and environmental) • Not equitable • No analysis of interchanges, arterials and secondary roads that will still back-up the ramps • Induces driving over transit 	

To: The Maryland-National Capital Park and Planning Commission

Date: October 19, 2020

From: Carol S. Rubin, Special Project Manager
I-495 & I-270 Managed Lanes Study

Debra Borden, Deputy General Counsel
Office of the General Counsel

Subject: Briefing and Discussion for October 21, 2020, Full Commission Meeting:
I-495/I-270 Managed Lanes Project - Comments to DEIS and Joint Permit Application

Recommendation

For the reasons described further below, we recommend that the Maryland-National Capital Park and Planning Commission (Commission or M-NCPPC) authorize the Chair, Vice-Chair, designated officers, staff and/or counsel to transmit correspondence necessary and appropriate to:

- (a) Express the substantive and technical comments developed by Commission staff detailing the deficiencies in the Draft Environmental Impact Statement (DEIS) issued by the Federal Highway Administration (FHWA) and Maryland Department of Transportation's State Highway Administration (MDOT SHA) in connection with the I-495 and I-270 Managed Lanes Study (Project); and,
- (b) Contest the approval of any joint permit application (JPA) made by FHWA and MDOT SHA to the U.S. Army Corps of Engineers (USA-COE) and the Maryland Department of Environment (MDE) for alteration of a floodplain waterway tidal or nontidal wetland in Maryland.

Background

Current Status. As we have previously reported during Commission briefings, our agency staff has identified a number of serious deficiencies in FHWA/MDOT SHA plans for the Project, and invited the responsible authorities to cure or ameliorate those deficiencies several times – most recently during Chair Anderson's testimony during the public hearing convened by the MDOT SHA hearing officer on August 18, 2020.

At this juncture, MDOT SHA and FHWA issued the Draft Environmental Impact Statement (DEIS) and, in addition, to pursue approval of a joint federal/state permit for the alteration of a floodplain, waterway, tidal or nontidal wetland. Even though FWHA/MDOT SHA have elected to conflate the two processes, and several of the environmental issues do indeed overlap, the environmental impact statement is

required by the National Environmental Policy Act (NEPA) and the permits are mandated by Section 404 of the Clean Water Act, and a number of interrelated federal statutes. Public comments are due, respectively on November 9, 2020 and November 6, 2020, and the balance of this memorandum outlines our recommendations separately – to correlate with each of the distinctive processes at issue.

Disparate Scopes of Pending Activities. Although the Board of Public Works (BPW) authorized MDOT SHA to move forward with procurement activities to establish a P3 with a private concessionaire, it is for a limited segment of the Project Study Area referred to as Phase 1 (from the Virginia side of the American Legion Bridge north on I-495 and up the western spur of I-270 to I-370, then combining that segment with the northern extension of I-270 from I-370 north to I-70 in Frederick).

Even so, the DEIS as part of the NEPA process and the JPA address the entire Project area including I-495 east of I-270 to MD 5 in Prince George’s County.

Once again, to allow sufficient time for your discussion, we are prepared to address the major comments/issues as identified for the DEIS and the JPA that we believe need your greatest attention, that are consistent with the Commission’s role and responsibility for comment to both the DEIS and the JPA, and preserve the Commission’s interests with regard to the Final Environmental Impact Statement (FEIS), the Record of Decision (ROD), and the noted permits, if issued. However, we will include all of our continuing technical comments as an Appendix to the formal comment letters for appropriate response and inclusion in the ROD.

MDOT SHA plans to recommend a Preferred Alternative after it has received and considered all public comment to the DEIS. We continue to object to MDOT SHA’s omission of the MD 200 Diversion Alternative as well as transit options having advanced for further detailed study. And as we have indicated previously, MDOT SHA continues to rely on the private concessionaire to be responsible for the design, engineering and construction of the highway improvements. Therefore, the impacts presented in the DEIS are rudimentary and based on a limit of disturbance (LOD) as determined by MDOT SHA’s preliminary planning and design without detailed engineering and constructability analyses, adding layers of complexity and nuance to staff’s review and analysis of the DEIS. In that vein, many of the major issues we brought forth in July are still applicable as we prepare the Commission’s formal comments.

- A. **JPA Comments:** To obtain a Clean Water Act, Section 404 permit from the USA-COE, MDOT SHA and FHWA must show that it has taken reasonable and practicable steps to avoid impacts to wetlands, streams and other aquatic resources; potential impacts have been minimized; and appropriate mitigation will be provided for all remaining unavoidable impacts. Regulations implementing Section 404 require the USA-COE to ensure that the project will not cause any significantly adverse effects to human health or welfare; aquatic life, and aquatic ecosystems; or recreational, aesthetic or economic values. Maryland law spells out similar preconditions for nontidal wetland permits to be issued by MDE. MDOT SHA must show that “practicable alternatives have been analyzed and that the regulated activity has no practicable alternative.”

The USA-COE and MDE should not approve the requested permits for the following reasons:

1. MDOT SHA and FHWA have eliminated alternatives from detailed study, including the MD 200 Diversion Alternative, transportation demand management and transit alternatives, that are practicable and would be much less damaging to the environment.

MDOT SHA rejected the MD 200 Diversion Alternative as not meeting the Project's Purpose and Need of accommodating long-term traffic growth, enhancing trip reliability, or improving movement of goods and services. However, based on information provided in the DEIS, and as acknowledged by MDOT SHA staff during a briefing to the Commission about why that Alternative was not advanced as an Alternative Retained for Detailed study (ARDS), the MD 200 Diversion Alternative does in fact meet Purpose and Need, *perhaps just not as well as some of the other Build Alternatives*. MDOT SHA found that although the MD 200 Diversion Alternative would require a public subsidy of approximately \$310 million, it acknowledged that public subsidies of up to \$1 billion may be needed for other Build Alternatives.

The Section 404(b)(1) Guidelines prohibit the issuance of permits where there is an alternative available that has less adverse impact on the aquatic ecosystem and is capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. The failure of MDOT SHA to advance the MD 200 Diversion Alternative with sufficient analysis to determine whether it meets these factors fails to meet Section 404.

Maryland law spells out similar preconditions for nontidal wetland permits. MDOT SHA must show that "practicable alternatives have been analyzed and that the regulated activity has no practicable alternative." MDOT SHA acknowledges that the MD 200 Diversion Alternative is in a less vulnerable part of the aquatic ecosystem.

The Public Notice for the JPA notes that the six alternatives studied in detail in the DEIS all have substantial direct impacts to streams, wetlands and floodplains. However, the MD 200 Diversion Alternative would avoid impacts to environmental resources and property relocations within this area. Although the MD 200 Diversion Alternative would include improvements to I-95 that would result in some environmental impacts (i.e., to Paint Branch, Paint Branch Park, Little Paint Branch, and Little Paint Branch Park), those impacts are not "significant" compared to the impacts along the topside of I-495 under any Build Alternative. Furthermore, those improvements to I-95 are not necessary to meeting the Project's Purpose and Need, so the impacts to the MD 200 Diversion Alternative would be even less.

Furthermore, Alternative 15—a dedicated bus managed lane network—would also avoid environmental impacts compared to the Build Alternatives. The LOD would be relatively small because the alternative would use the existing roadway (as opposed to the other transit alternatives) and add only one lane in each direction. And, as the DEIS acknowledges, "[a] dedicated managed bus lane would result in higher operating speeds than a bus traveling in a [general purpose] lane." Despite these recognized benefits, the lead agencies concluded the alternative did not meet other aspects of Purpose and Need and elected not to retain it for further study. Finally, all transit options have been taken off the table.

2. The limits of disturbance (LOD) in the DEIS do not adequately address the likely impacts of the project on aquatic resources.

As discussed in the DEIS, MDOT SHA made efforts to minimize the LOD for each of the Build Alternatives. As an example that staff presented at the July 15 briefing, MDOT SHA shifted the LOD closer to I-495 to avoid the need to relocate segments of Rock Creek at Rock Creek Park between Rockville Pike and Stony Brook Drive, opting instead for a retaining wall to protect the creek from the Beltway. However, staff is concerned that the proposed change will require removal of all vegetation along the stream edge. Because MDOT SHA will not finalize the design until after it awards a contract to a private partner to engineer, design and construct, there is significant risk that the LOD will be much larger than what is reflected in the DEIS. For example, stream impacts identified on the Impact Plates¹ severely underestimate the true impacts that will be required to address the existing drainage channels and waterways surrounding the proposed project. Staff expects the LOD to increase in many areas to allow for work to restore, stabilize, and protect natural resources, as well as for construction access, staging, grading, and materials storage. An important aspect of avoidance and minimization is minimizing the roadway footprint while keeping a larger LOD to address environmental issues and adequately restore disturbed areas to ensure that they can handle the increased drainage pressures that would result from a Build Alternative. Ongoing design of this project must ensure stable tie-in for outfalls, protection and restoration of stream banks, and improvements to resources on-site that are impacted by the project. Based on the limited information available, M-NCPPC has identified numerous locations where the LOD does not appear adequate for construction of these outfalls, necessary perennial stream stabilization, and roadway infrastructure.

Furthermore, the LOD may also be inaccurate for other reasons as more fully discussed during the July 15 briefing².

- a. The LOD does not adequately address likely environmental impacts to natural resources, some that occur outside the limits of the LOD;
- b. Inventory of cultural and historic resource impact is incomplete;
- c. Access decisions are flawed; and
- d. Constructability concerns have not been appropriately addressed.

Finally, to the extent the LOD minimization efforts in the DEIS were too ambitious or optimistic in an attempt to downplay the Project's impacts, the final design may not reflect the DEIS LOD due to funding, engineering, and/or safety concerns.

3. The JPA and supporting documents fail to adequately address required mitigation.

¹ As a general matter, the layout of the supporting documents, particularly the impact plates, makes it extremely difficult to accurately review the quantity and type of impacts for each location. Currently, one has to search for the plate, the impact quantities, the Wetlands and Waterways Features Table, the Impact ID Designation Key, and the Wetland Delineation Data Sheets in multiple separate locations. The Corps and MDE should revise the impact plates such that impacts are shown on the applicable plate itself.

² Please refer to issue #2 in the Memorandum dated June 8, prepared for the June 15 briefing.

The DEIS states that the USA-COE and MDE will not issue their permits until a detailed compensatory mitigation package, including final mitigation design, is developed and approved. Since the private partner will be responsible for developing a Final Mitigation Plan as part of its final design of the project, the USA-COE and MDE should delay their JPA review until after MDOT SHA and FHWA produce an acceptable mitigation package.

Second, staff objects to the proposed on-site stream mitigation strategy which outlines a credit ratio for impacts to stream resources classified as having “medium” function value. The impacted streams are classified as less than high quality primarily because of degradation caused by lack of stormwater and environmental treatment from existing runoff from I-495, as well as inadequate and inconsistent maintenance of the current outfalls. MDOT SHA cannot cause the degradation, then use the degradation it caused to suggest that less mitigation is needed. The stream features should be treated in the same way as the high quality resources are treated. The highly urbanized nature of the Project area must be accounted for and the extremely high functional value ecosystem functions of these resources must be appropriately mitigated.

Finally, all mitigation sites and privately-owned mitigation bank credits that the USA-COE or MDE requires must be located within M-NCPPC jurisdictions.

4. The JPA and supporting documents do not comply with Section 106 of the National Historic Preservation Act.

Prior to the issuance or authorization of any permit under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act, the USA-COE, in consultation with the State Historic Preservation Officer and the Advisory Council on Historic Preservation must consider the effect the permit may have on Historic Properties, which include historic districts, sites, buildings, structures, objects, sacred sites, and traditional cultural places that are included in, or eligible for inclusion in, the National Register of Historic Places (NRHP). But first, the USA-COE must go through a rather detailed and arduous process, including identification, consultation, and determination of eligibility for the NRHP. The USA-COE must also define the Area of Potential Effect (APE) and assess the effects of any permits on Historic Properties to establish if they are adverse. The USA-COE must resolve adverse effects by developing and evaluating alternatives that could avoid, minimize, or mitigate these impacts on historic resources.

As indicated at the July 15 briefing³, MDOT SHA and FHWA have not even completed the identification phase of Section 106. And once fully identified, the impacted sites will require additional evaluation.

The permits MDOT SHA and FHWA are seeking from the USA-COE and the MDE would negatively impact Rock Creek Park, Sligo Creek Park and Cabin John Stream Park, parkland administered by M-NCPPC. While Rock Creek Park and Sligo Creek Parkway have officially been designated as historic resources in the NRHP, Cabin John Stream Valley Park should also be eligible for designation within the broader park system that includes Rock Creek Park and Sligo Creek Parkway. These parks are part of the same cultural landscape system that M-NCPPC created to preserve the watersheds of the

³ Please refer to issue #8 in the Memorandum dated June 8, prepared for the June 15 briefing.

Anacostia and the Potomac Rivers and will be negatively impacted if the proposed permits are granted.

5. The Clean Water Act Section 401 Water Quality Certification and the Coastal Zone Management Act (CMZA), Section 307 consistency should be reviewed prior to the FEIS.

Prior to issuance of the Section 404 permit, the Corp must receive Clean Water Act, Section 401 certification from MDE that any discharge into the impacted waters (Rock Creek, Sligo Creek, etc.) will comply with applicable effluent limitations and water quality standards. Also, federal actions that have reasonably foreseeable effects on coastal uses or resources must be consistent with the policies of an approved coastal management program. MDOT SHA expects to apply for both the 401 certification from MDE and the CZMA consistency finding concurrent with publication of the FEIS with public comment being requested at that time. This is contrary to law and established practice.

MDOT is required to request a Section 401 Water Quality Certification before the Corp may issue an individual Section 404 permit because the authorization process must be completed concurrently with the NEPA process. Delaying these applications until publication of the FEIS would increase the likelihood that the outcome of each certification is predetermined.

Furthermore, the JPA and its supporting documents do not follow MDE's Nontidal Wetlands and Waterways Checklist Guidelines for a complete permit application in several other respects: i) no identification whether temporary or permanent impact, ii) maps omit key details, and iii) construction access and methodology must be described.

- B. **DEIS Comments:** As the regional planning agency and the steward of the natural and built environments in Montgomery and Prince George's Counties, M-NCPPC is responsible for making well-reasoned and informed decisions with regard to any impact from the Project on parkland, including the cultural and historic resources held in trust for the residents of both Counties. Both under the Transportation Act, Section 4(f) analysis, and in accordance with Park Policy, M-NCPPC must hold MDOT SHA to the highest standards to first avoid such impacts; and if avoidance cannot reasonably meet the Purpose and Need (P&N) of the project, by minimizing impact to the greatest extent practicable, and only then is mitigation appropriate. Mitigation must be at equal or greater natural, cultural or recreational value. Therefore, M-NCPPC fully expected MDOT SHA to provide a comprehensive analysis of the proposed project that includes best practices in transportation and land use planning.

Many of the comments to the DEIS and the JPA overlap, and although they will be included in each of the official comment letters, we will not repeat them. Also, since there was no significant change from the Administrative Draft of the DEIS in response to our comments, many of the same issues remain from the July 15 briefing to you. We refer you to the July 8 memorandum prepared for that briefing and sent to you for review on October 16, which included the following issues:

1. **Insufficient Accounting for the ICC.** MD 200 Diversion Alternative should be studied in more detail as a reasonable and practicable technique to avoid impact to critical environmental resources.

Various modeling assumptions should be considered in the analyses with and without the I-95 segment.

2. **LOD Modifications after FEIS and ROD.** The LOD as currently proposed by MDOT SHA is unrealistic to depend on to understand impacts to parkland as it is a preliminary planning tool.
 - a. The LOD does not adequately address likely environmental impacts to natural, resources, some that occur outside the limits of the LOD.
 - b. Inventory of cultural and historic resource impact is incomplete.
 - c. Access decisions are flawed.
 - d. Constructability concerns have not been appropriately addressed.
 - e. The final design may not reflect the DEIS LOD due to funding, engineering, and/or safety concerns.
3. **Making Parks Whole Again.** Environmental responsibility must expressly address both the Federal Transportation Act Section 4(f) requirements and the Montgomery County Parks Policy for Parks - Park, Recreation and Open Space (PROS) Plan 2017. They require that if avoidance of an impact is deemed unreasonable – minimization of an impact must be explored. Once minimization of an impact has been reasonably exhausted, mitigation at equal or greater natural, cultural or recreational value must be sought and agreed upon.
4. **Adherence to the Capper-Cramton Act.** M-NCPPC will need a complete understanding and commitment from MDOT SHA regarding parkland impacts and mitigation before approval from NCPC is sought for change in use or ownership of Capper-Cramton parkland.
5. **Social Equity.** The DEIS does not sufficiently address impact to economically challenged populations or social equity as required under NEPA.
6. **Alternative Modes of Travel.** The DEIS does not meet the stated goal of leveraging other modes of transportation.
7. **Non-auto driver mode share (NADMS).** NADMS is a primary performance metric and a goal in many Montgomery County master plans, particularly for the urban centers, yet the DEIS does not address how the project will impact those goals or how negative impacts to these goals will be mitigated.
8. **Non-Conformance with the Historic Preservation Act.** The DEIS does not adequately fulfill the Historic Preservation Act, Section 106 requirements as part of the NEPA process.
9. **Inadequate stormwater treatment.** The storm water management (SWM) approach presented in the DEIS is insufficient and ignores decades of degradation that the existing highways have inflicted on local land.

In addition, we recommend raising the following additional major issues as comments to the DEIS as MDOT SHA moves forward toward a Final Environmental Impact Statement and Record of Decision. Ultimately, we strive to hold MDOT SHA accountable to address our concerns in the P3 Agreement, in addition to the P3 Concessionaire responsible for design and development of the Project accordingly.

10. **In addition to omitting the MD 200 Diversion Alternative from further study, MDOT SHA and FHWA have construed the purpose and need so narrowly as to exclude from consideration a number of reasonable alternatives.**

M-NCPPC raised this concern as part of the reason it did not concur with the selection of the ARDS, either as initially proposed, or as revised. Although the MDOT and FHWA as the Lead Agencies enjoy deference in determining the Project's purpose and need and do not need to advance alternatives for detailed study that are not consistent therewith, NEPA requires the Lead Agencies to define the purpose and need broadly enough to ensure that the review does not eliminate from consideration otherwise reasonable alternatives. Agencies must consider all alternatives that are "practical or feasible from a technical and economic standpoint." Despite this statutory mandate, the Purpose and Need has been defined so narrowly as to exclude from consideration a number of reasonable alternatives such as the MD 200 Diversion Alternative, transit options and transportation demand management. As a result, Alternatives that are reasonable and could have fewer environmental impacts have been given the short shrift. More than the six Build Alternatives warrant further consideration at the DEIS stage

11. MDOT SHA and FHWA have failed to consider the Project's impacts from phasing.

If a Build Alternative is selected, the Project construction will take place in phases. Yet MDOT SHA and FHWA refuses to align the NEPA review process with the State's procurement process under the P3 Act, and the DEIS does not consider the impacts that phased construction will have. The DEIS does not adequately account for local transportation issues, travel demands, and constraints on I-495 and 1-270 in Montgomery County. It also fails to account for Prince George's County's land use and transportation plans, such as the development of the University of Maryland Capital Region Medical Center off of I-495. As MDOT SHA's planning process moves towards completion, so must consideration of the phased project's impacts from diverting traffic to use the Inter-County Connector, which requires the completion of the I-270 Managed Lanes expansion and south on I-495 through the bottleneck over the American Legion Bridge.

NEPA requires that potentially significant impacts from phasing must be adequately studied during the NEPA process with the impacts from the planned phasing addressed, particularly for projects such as this one that may span many years from start to finish, particularly since the implementation phasing that must be approved by the Board of Public Works leaves so much about the Project in question.

12. Lack of financial viability and incomplete project costs.

The revenue model as presented in the DEIS demonstrates that toll roads, much like transit can't be paid for without some level of government subsidy. Not only are the financial assumptions on which MDOT SHA relies too speculative, but the basic project costs are omitted, such as a lack of consideration to relocate utilities and water and sewer lines, likely project delays due to litigation, design difficulties and land acquisition challenges— similar to what has happened with the Purple Line.

The DEIS states the financial analysis considered preliminary capital costs, initial revenue projections, preliminary operations and maintenance costs, and construction methods, masking the true costs of adding managed lanes both in absolute terms, and in comparison to transit and the MD 200 Diversion Alternative. Furthermore, projected revenues are likely to be overestimated due to changes in travel behavior as a result of the pandemic.

The DEIS shows it will be difficult or impossible for this project to be delivered without a significant source of public contribution. MDOT SHA is not considering transit because transit will not pay for itself without a significant source of revenue to cover the cost. However, as demonstrated in the DEIS, neither can the addition of toll lanes to I-495 and I-270 pay for itself. The analysis in the DEIS demonstrates that the cost of building and operating the managed lanes is likely to exceed the toll revenue generated by the project, making the state's decision to exclude transit and other alternatives that would require outside sources of funding arbitrary and capricious.

Anticipated NEPA and Procurement Schedules:

- **9/2020: Notice of Intent to begin NEPA process for I-270 North portion of the project**
- **5/2021: FEIS and ROD for Project**
- **5/2021: Final selection of Private Partner for Phase 1**