



November 9, 2020

Mr. Gregory Slater, Secretary
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, MD 21076

RE: I-495/I-270 Managed Lanes Study DEIS Comments

Dear Secretary Slater:

The Montgomery County Executive and County Council have been closely following the Managed Lanes Study (MLS) for I-270 and I-495 since its initiation. For ease of reference, we have attached our previous correspondence. We understand that, under your leadership of the Maryland Department of Transportation (MDOT), efforts to have constructive dialogue between the State Highway Administration (MDOT/SHA) and the agencies representing the County have increased. We applaud these efforts to resolve disagreements and encourage you to take further steps to bring transparency and to build understanding and trust within the community about this major initiative.

Detailed technical comments have been provided by both the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the Montgomery County Department of Transportation (MCDOT) on behalf of many County departments. The Executive and Council request your thoughtful consideration of these comments and we encourage you to respond to the questions and concerns identified. We also request that you address the concerns raised by the National Capital Planning Commission (NCPC) and the Metropolitan Washington Council of Governments Transportation Planning Board (MWCOG/TPB) as well as those raised in correspondence and testimony from residents of Montgomery County. Our most significant concerns are identified in the following paragraphs.

Insufficient Alternatives Analysis

Montgomery County recommended the study of the MD-200 Diversion Alternative, which was subsequently endorsed by M-NCPPC and NCPC as a parkland impact avoidance alternative under NCPC's statutory responsibilities, but unfortunately was not given due consideration by MDOT. In our current review of the DEIS, we do not find an alternative that is more attractive than the county's proposed alternative. We did not find any current alternative that was suitable for the entire geographic area of the study. For that reason, we echo our request of October 2019 for a full and detailed analysis of the ability of Maryland 200 to accommodate some of the travel demand on I-495 when coupled with Transportation Systems Management (TSM) for I-495 between the I-270 West Spur and I-95 and for the I-270 East Spur.

We also identified the need for meaningful inclusion of transit in the DEIS. It does not appear that either of these requirements have been fully considered in the DEIS as the Maryland 200 Alternative and the TSM alternative were dismissed from consideration without detailed development of how either alternative, or the alternatives in combination, could work to improve transportation in these corridors.

Furthermore, transit is not a baseline element of the alternatives, but rather appears to be an afterthought. The next steps in this study should include specific and robust exploration of specific TSM strategies--particularly along I-495 between the I-270 West Spur and I-95, and along the I-270 East Spur--and definition of how this project will provide substantial and ongoing support for transit.

Confidence in the Project and the Public Private Partnership (P3) Model

In addition to the concerns about the impacts to natural resources, adjacent property and parkland, agency comments highlight significant uncertainty about the transportation impacts and benefits of the project, its financial viability, and the equity implications of the project as currently conceived. In terms of transportation benefits, in some instances, the No-Build appears to be the best performing alternative. For example, the No-Build condition provides the fastest average speed and the most reliability for the general-purpose lanes on I-270 northbound in the PM peak hour. In terms of financial viability, concerns about utility relocation costs and impacts to rate payers appear to be unaccounted for in the analysis, as mentioned in our May 14, 2020 letter. In terms of equity, without a robust transit component and favorable policy for high-occupancy vehicles (HOVs), we are concerned that this project will further disadvantage those who are unable to afford to use priced managed lanes in their own personal vehicle. MDOT's current experience with the Purple Line reinforces our concerns about the public private partnership model and therefore, we urge extreme caution about embarking on such a significant undertaking without more confidence in the project risks and the protections to the taxpayers from another massive and complex public-private partnership.

Changing Travel Patterns

We acknowledge that these highways were very congested until March 2020, and that travel on these highways impacted the quality of life for residents and constrained access to businesses within Montgomery County. Action to address these problems was warranted; however, we remain concerned about the range of solutions under consideration and the short- and long-term impacts of these strategies. Additionally, MDOT needs to be cautious as the COVID-19 pandemic may have caused permanent changes in regional travel patterns. As an example, a new independent study conducted for the Northern Virginia Transportation Authority predicts far lower vehicle miles traveled across the region in 2025 than previously thought. The study predicts that Northern Virginians will spend 31% less time traveling at all in 2025 than they would have without COVID.

Inadequate Purpose and Need

As the MLS reaches this major milestone, we restate our concerns that the fundamentals of the analysis, including the Purpose and Need and Alternatives Screening are too narrowly framed to allow a full and detailed exploration of the solutions available to meet transportation needs in these corridors. If the Purpose and Need of the project had been broader, this study might have identified solutions to the most pressing highway needs along with other investments that could transform and differentiate Maryland from competitive jurisdictions in the Capital Region.

Instead, the alternatives are constrained to highway investments that mirror those of Northern Virginia, but without the commitment to transit exhibited by Virginia. We urge MDOT to broaden its focus so that this project conforms, at a minimum, to the established practice in the region that new express toll facilities provide meaningful and ongoing support to transit.

Uncertain Environmental Impacts and Mitigation

The environmental focus of this project must also be expanded to address the impacts of the whole facility, not just its expansion. If a project results from this study, all reasonable steps must be taken to avoid harm to, and even improve the condition of, resources along the corridors. More detail is needed on the specific strategies planned to address stormwater runoff, impacts to streams, and other watershed impacts.

The project must also address air quality impacts to nearby communities. Expanded monitoring should be included in the project as the analysis shows that congested operations will continue, and traffic volumes will be increased because of the project. It does not appear that there are any monitoring stations near I-270 or I-495 in Montgomery County. As noted in the DEIS, Mobile Source Air Toxins (MSAT) are projected to be higher in the Build Alternatives than under No-Build conditions. The analysis also shows that all Build alternatives increase Greenhouse Gas (GHG) emissions in comparison to the No-Build, which is counter to our climate change mitigation goals. These findings in the DEIS highlight the importance of strategies to reduce single-occupant vehicle (SOV) travel as part of this project through provision of transit and facilities like park-and-ride. It also highlights that the FEIS needs to address how the project is consistent with the County's Non-Auto Driver Mode Share (NADMS) goals contained in our adopted Master Plans.

Our communities are also deeply concerned with highway noise. The analysis seems to indicate that noise barriers are "feasible and reasonable" or that existing barriers will be replaced for many areas of concern. This analysis must be translated into commitments to provide noise barriers to the maximum extent possible.

There is major concern about impacts to community and cultural resources. Based on the DEIS, impacts to parks and neighborhoods along I-495 east of the I-270 West Spur appear significant and unacceptable. West of I-270, the Moses Morningstar Cemetery is immediately adjacent to I-495 near Seven Locks Road, in a location where a major ramp system is proposed. As emphasized by our Congressional Delegation on October 26, 2020, impacts to this sensitive historic site are unacceptable.

Recommendations for Next Steps

As MDOT/SHA works to address the comments received and considers a Recommended Preferred Alternative (RPA), we offer the following as guidance about the County's perspective on the project:

- The Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) should correspond to the Phase 1 project approved by the Board of Public Works and currently in procurement by MDOT/SHA. The current disconnect between the environmental and procurement processes will continue to cause confusion and is likely to hamper progress on any part of the project if legal challenges to either process occur.

- Agreement about substantial and ongoing funding for transit must be reached and detailed in the FEIS and ROD for Phase 1 and incorporated into the RPA. Additionally, we expect that the P3 project will directly deliver transit supportive infrastructure. The FEIS and ROD should explicitly define the transit elements, such as park-and-ride, transit centers, and transit facilities to be built directly by the project in the RPA.
- All work to reconfigure the highways should occur within the existing noise walls, or within the developed area of the right-of-way where noise walls are missing, to the maximum extent possible. Encroachment of highway facilities toward nearby businesses, residences, and resources and into undeveloped areas of the right of way remain a major concern with any potential changes to I-495 and I-270 for the entirety of the study area. We do not support expansion of the right-of-way and we expect that you will work with adjacent businesses and residents to minimize potential harm to private property from this project. If any businesses are directly or indirectly impacted by construction of the project, State-managed business impact assistance must be provided.
- Reversible Managed Lanes appear to be effective on I-270 between the split and I-370; however, the RPA should only be selected after the completion of alternatives analysis for I-270 north of I-370. This would allow identification of an RPA for the entirety of Phase 1 of the project and avoid unexpected outcomes resulting from the separation of the studies. We note that residents in the surrounding neighborhoods have consistently expressed concerns about unmitigated noise from the existing highway and have expressed opposition to physical expansion of the highway.
- Managed lanes appear to help meet the traffic demands between the project limit at the George Washington Memorial Parkway (GWMP) and the I-270 split, although it is not clear exactly what configuration best balances the transportation needs with the need to protect community, cultural and environmental resources, like the Carderock Springs Elementary School and Moses Morningstar Cemetery, along this section of the corridor. Our residents in this area continue to express concerns about project noise and stormwater impacts. It appears that the most significant impacts result from proposed interchange ramps and alternative configurations that avoid these impacts should be explored. We agree with the concerns about unacceptable impacts to the Moses Morningstar Cemetery raised by members of our Congressional Delegation on October 26, 2020.
- If retained in the FEIS, improvements to I-495 between the I-270 West Spur and I-95 and to the I-270 East Spur should be limited to Transportation Systems Management (TSM) including ramp metering, variable speed limits, peak period shoulder use, merge/diverge lane adjustments, and potential interchange reconfigurations as contemplated in the recently adopted Montgomery Hills/Forest Glen master plan.
- Direct ramps between the managed lanes and River Road, Westlake Terrace, Wootton Parkway, and Gude Drive appear to improve the benefits to auto users and transit passengers alike. The RPA must include mitigation measures for traffic impacts within the community associated with the increased traffic volumes and new connections generated by the project. Vision Zero requires that mitigation measures must enhance the safety performance of local roads.
- We support your earlier decision for transit to use the managed lanes at no charge. We also encourage you to adopt a High Occupancy Toll (HOT) lane policy consistent with Virginia, where

High Occupancy Vehicles with three or more people (HOV3+) are permitted to use the managed lanes free of charge.

- We support including a shared use trail in the reconstructed American Legion Bridge and the RPA should detail other pedestrian and bicycle facility improvements to be implemented with this project including master-planned facilities and improved pedestrian/bicycle safety around existing and proposed interchanges. These facilities are essential if the project is to comply with Vision Zero.
- As was done for the Woodrow Wilson Bridge, the replacement of the American Legion Bridge should include design provisions that allow for the addition of new transit modes, like rail transit, without requiring reconstruction of the bridge.

We welcome your continued engagement on this important project.

Sincerely,



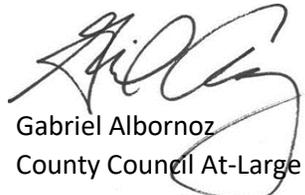
Marc Elrich
County Executive



Sidney Katz
Council President, County Council District 3



Tom Hucker
Council Vice President, County Council District 5



Gabriel Albornoz
County Council At-Large



Andrew Friedson
County Council District 1



Evan Glass
County Council At-Large



Will Jawando
County Council At-Large



Nancy Navarro
County Council District 4



Hans Reimer
County Council At-Large



Craig Rice
County Council District 2

cc: Tim Smith, Administrator MDOT/SHA and Lisa Choplin, MLS Project Director

Attachments: October 23, 2019 County Letter to MDOT Secretary Rahn re MD-200 Diversion Alternate
May 14, 2020 Letter to MDOT Secretary Slater re WSSC
October 26, 2020 Congressional Delegation Letter re Moses Morningstar Cemetery



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Marc Elrich
County Executive

October 23, 2019

Pete K. Rahn, Secretary
Maryland Department of Transportation
P.O. Box 548
7201 Corporate Center Drive
Hanover, MD 21076

RE: Clarification of the County Position on the MDOT/SHA I-495/I-270 Managed Lanes Study

Dear Secretary Rahn:

In July, the County Executive wrote to Chairman Nohe of the Transportation Planning Board (TPB) of the Metropolitan Washington Council of Governments requesting inclusion of a new alternative for the I-495/I-270 Managed Lanes Study in the Visualize 2045 Long Range Transportation Plan Air Quality Conformity Analysis. At that time, MDOT/SHA agreed to consider a similar alternative, calling it the Maryland 200 Diversion Alternative, and we appreciate your team's decision to add this alternative to the National Environmental Policy Act (NEPA) analysis. Since that time, members of the community have approached County officials expressing concern that the County no longer supports reversible lanes on I-270 and that the County has endorsed an alternative for the MDOT/SHA Managed Lanes project. We want to be clear that this is not the case.

While we believe that the Maryland 200 Diversion Alternative is worthy of study, we have not endorsed any alternative for this project and remain concerned about the potential impacts of all of the project alternatives still under consideration. In particular, we maintain that the MDOT/SHA NEPA study dismissed the transit and transportation systems management (TSM) alternatives without adequate consideration of how these approaches could meet the transportation needs of the study area. Additionally, the alternative the County provided to the TPB includes several transit, transportation demand management (TDM), and TSM measures that complement the highway elements included in the MDOT/SHA Maryland 200 Diversion alternative. We believe these are essential elements of any congestion relief plan.

For I-270 specifically, the MDOT/SHA Alternatives Retained for Detailed Study (ARDS) include reversible lanes (Alternatives 13B and 13C) and we support continued evaluation of reversible lanes for all of I-270 since this configuration should have a smaller environmental footprint compared to other ARDS. I have attached a revised map for your reference clarifying a preference for reversible lanes. While the preliminary MDOT/SHA analysis shows that a more efficient configuration of I-270 is possible within the limits of the existing highway, we remain very concerned about expansion of I-270 as planning and design progresses. Much like along I-495 where the County has clearly-stated concerns about impacts to communities and parkland, homes in many neighborhoods along I-270 are very close the highway and we do not support further expansion of the highway toward neighborhoods and sensitive resources.

October 23, 2019

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We would appreciate an update on your plan to communicate with affected communities while the NEPA Study advances. Many community members have indicated that they do not feel engaged in the study process and have expressed a great deal of uncertainty and fear regarding MDOT's plans for this project.

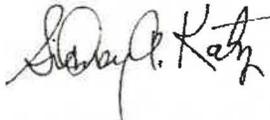
Additionally, we reiterate that transit needs to be part of the solution for meeting the transportation needs of the I-270 corridor. Your decision to eliminate the Corridor Cities Transitway (CCT) from the draft FY 2020 – 2025 Consolidated Transportation Program is troubling to us as it seems counter to the transportation strategy envisioned for this corridor for the last two decades and undercuts the potential for economic growth of the life-sciences sector in Maryland. We ask that you reconsider this decision and commit to developing multimodal solutions to meet travel needs along the I-270 corridor that include the CCT, MARC Rail, Bus Rapid Transit on Maryland 355 and other transit projects.

Sincerely,

Marc Elrich, County Executive



Sidney Katz, Council Vice President



Evan Glass, Councilmember



Will Jawando, Councilmember



Hans Riemer, Councilmember



Nancy Navarro, Council President



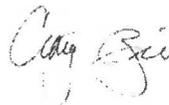
Gabe Albornoz, Councilmember



Tom Hucker, Councilmember



Craig Rice, Councilmember



c: Greg Slater, MDOT SHA Administrator
Kevin Quinn, MDOT MTA Administrator

Regional Transportation Improvement Plan

PROGRAM OVERVIEW

-  New Managed Lanes
-  Reversible Managed Lanes Preferred
-  Existing Variable-Priced Lanes
-  Local-Serving Transit
-  Active Traffic Mgt & Spot Improvements
-  MARC Improvements
-  Park & Ride Improvements
-  Added Activity Center Connections
-  VDOT I 495 Existing Express Toll Lanes
-  VDOT I 495 Untolled Lanes

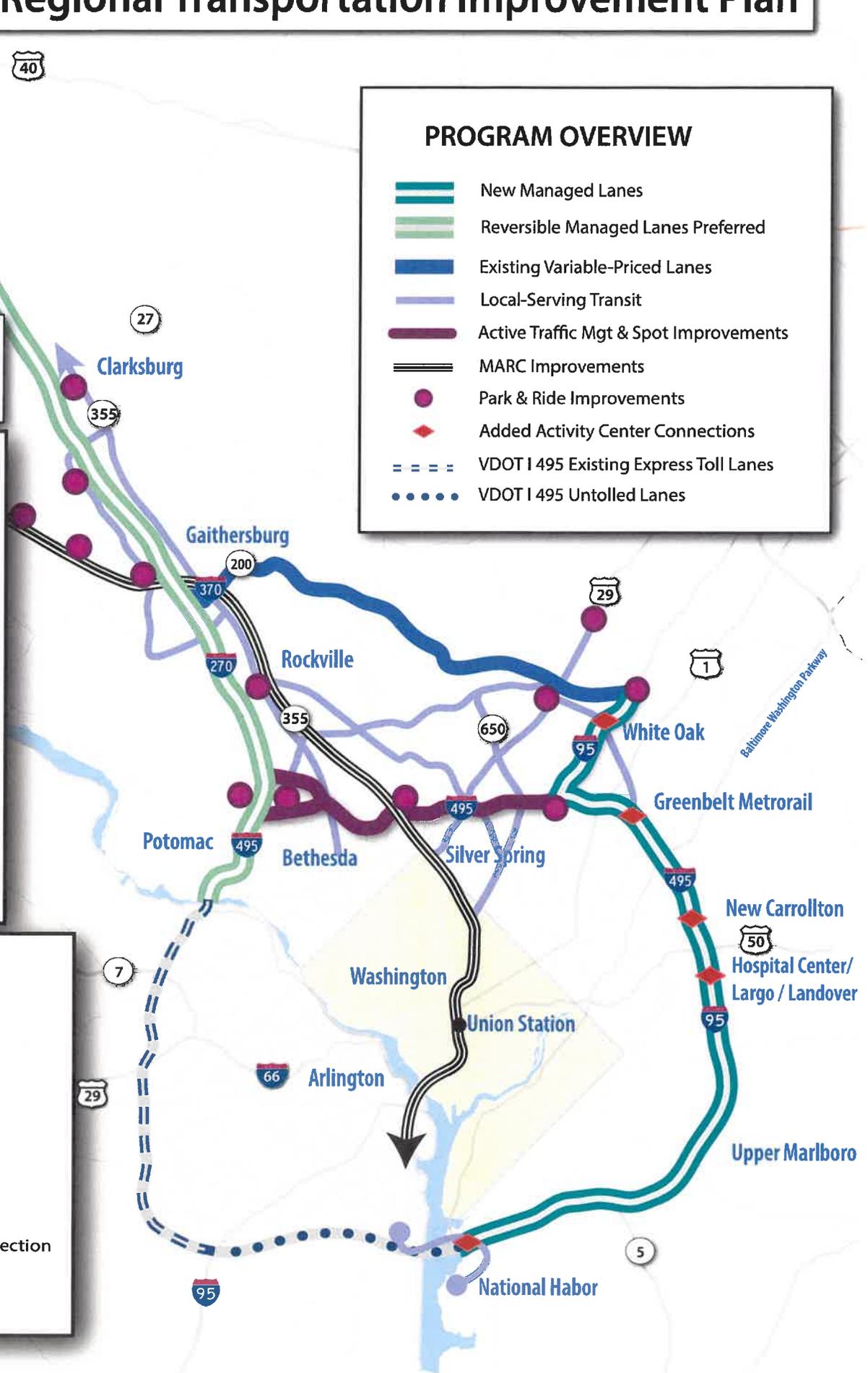
TRANSPORTATION DEMAND MANAGEMENT

PARK & RIDE IMPROVEMENTS

- Frederick
- Urbana
- Clarksburg
- Germantown
- Boys MARC
- Germantown MARC
- Metro. Grove MARC
- Rockville Metro
- Westfield
- Rock Spring
- Forest Glen
- White Oak
- Burtonsville
- Briggs Chaney
- Tech Road
- I-95 Terminus
- Konterra

LOCAL-SERVING TRANSIT*

- US 29 Flash
 - MD 355 BRT
 - Corridor Cities Transitway
 - Veirs Mill BRT
 - North Bethesda Transitway
 - New Hampshire Ave BRT
 - University Blvd BRT
 - Randolph Road BRT
 - National Harbor Metro Connection
- *example projects





MONTGOMERY COUNTY
ROCKVILLE, MARYLAND

May 14, 2020

Mr. Gregory Slater, Secretary
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, MD 21076

Re: I-495 & I-270 Managed Lanes P3 Project Potential Impacts on the Washington Suburban Sanitary Commission Infrastructure

We write on behalf of the Montgomery County Council regarding the potential financial and other impacts of the Maryland Department of Transportation's ("MDOT") I-495 & I-270 Managed Lanes P3 Project ("Managed Lanes Project") on the infrastructure of the Washington Suburban Sanitary Commission ("WSSC Water") in Prince George's and Montgomery counties.

The Transportation and Environment Committee of the Montgomery County Council and the Transportation, Infrastructure, Energy and Environment Committee of the Prince George's County Council conducted a joint briefing on March 12th with WSSC Water on this yet discussed issue. WSSC Water staff presented a scenario where the widening of I-495 and I-270 in both counties could – if MDOT selects and proceeds with the most impactful design alternative - require spending up to \$2 billion to relocate water and/or sewer infrastructure. In addition, WSSC Water staff detailed the potential impacts to its network, the most alarming of which was WSSC Water's belief that its portion of the associated cost to relocate water and/or sewer infrastructure will be borne by ratepayers in the two counties under the current agreement with MDOT.

The Committees were informed that a 1958 memorandum of understanding, which remains in effect, between WSSC Water and the then-Maryland State Roads Commission - now the Maryland State Highway Administration (SHA) within MDOT - states that the cost responsibility for the water and/or sewer infrastructure relocation required by modifying or widening a state road is determined by which agency first occupied an easement or "prior rights". Under the 1958 memorandum, the agency holding prior rights is not responsible for the relocation costs of the WSSC Water's infrastructure resulting from SHA's roadway improvements.

WSSC Water has estimated its cost responsibility in the Managed Lanes Project to be \$1 billion (approximately 50% of the relocation costs) based on historical data. As you are familiar, when the proposed Managed Lanes Project was announced by Governor Hogan and MDOT three years ago, he promised that the project would be constructed at no cost to taxpayers, and that the private concessionaire would bear the costs and risks of constructing the new lanes, paying down those costs over time through toll collections. It is fair to say that the likes of the Managed Lanes Project was not contemplated in the 1958 memorandum, particularly relocation costs.

It is our understanding that WSSC Water has had initial discussions with MDOT who has provided some cost estimates for water and/or sewer infrastructure relocations. At this time, MDOT has neither

confirmed nor indicated that the concessionaire would cover these relocation expenses. We also understand that MDOT has stated that relocation costs were included in their preliminary project cost calculations, but the estimates provided are far less than what WSSC Water has estimated in the most impactful design scenario. Again, it remains unclear whether WSSC Water relocation costs will be borne by ratepayers or the P3 concessionaire.

This Council strongly believes that our residents should not be responsible for the cost of these private toll lanes in any way, specifically if WSSC Water ratepayers will face significant increases to their water and sewer bills to cover all costs (construction, design and administrative) associated with infrastructure relocation. If MDOT proceeds with the project and WSSC Water remains responsible for any associated relocation costs of its water and/or sewer infrastructure, the Montgomery County Council joins the Prince George's County Council in not entertaining any WSSC Water Capital Improvements Program that includes such costs and associated rate increases.

I am heartened to learn that you and members of your team have met with WSSC Water leadership, and that you are creating a joint working group to address these concerns. We encourage you and MDOT Project Team to work with WSSC Water to: (1) enter into a new or amended agreement or memorandum on the true estimated costs associated with relocation of its water and/or sewer infrastructure for this project; and (2) ensure that the private concessionaire selected to build and operate any new toll lanes is aware of these cost estimates and is responsible for paying all utility relocation costs as part of the project.

Thank you for your consideration and action in this matter. We look forward to your prompt resolution to the issues raised in this correspondence. Please feel free to contact my office should you have any questions or need additional information.

Sincerely,



Sidney Katz
President



Tom Hucker
Vice President



Gabe Albornoz
Councilmember At-Large



Evan Glass
Councilmember At-Large



Will Jawando
Councilmember At-Large



Hans Riemer
Councilmember At-Large



Nancy Navarro
Councilmember District 4

Congress of the United States
Washington, DC 20510

October 26, 2020

The Honorable Nicole R. Nason
Administrator
Federal Highway Administration
1200 New Jersey Ave. SE
Washington, D.C. 20590

The Honorable Aimee Jorjani
Chairman
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, D.C. 20001

Dear Administrator Nason and Chairman Jorjani:

We are writing to express our concerns about the potential impacts of Maryland's proposed Capital Beltway-widening project on sites of historic and cultural significance. In particular, Morningstar Tabernacle No. 88 Moses Hall and Cemetery and the Gibson Grove A.M.E. Zion Church are National Register-eligible sites in an historically African American community that has already suffered the impacts of the Beltway's initial construction. If the project were to proceed with new impacts to the site, it would add to the cumulative damage caused by the Beltway's construction through the Gibson Grove community that isolated its church from the cemetery grounds.

Without urgent attention to the Moses Hall site and its significance early in the environmental and historic preservation review process under the requirements of NEPA and Section 106 of the National Historic Preservation Act, we risk once again committing the error of building roads without regard to the historic, cultural, and social values of vulnerable communities, especially those of African American heritage. Instead of repeating past mistakes, we should pursue infrastructure development that promotes inclusivity, connectivity, and uplift, rather than further isolation and erosion of historic and cultural assets.

We urge you, therefore, to use your role in the historic preservation and environmental review process to emphasize the importance of avoiding to the greatest extent possible physical impacts to the Moses Hall property and the Gibson Grove A.M.E. Zion Church as part of any agreement to construct new lanes on the Beltway. Furthermore, we hope that you will work with stakeholders to advance the goal of historic and cultural preservation for the Gibson Grove community. Besides simply avoiding further harm, a major infrastructure project should be an

occasion to promote recovery from earlier impacts by enhancing the visibility and access of the cemetery site and its connection to the community.

At minimum, we hope that you will use your platform to ensure a rigorous and thorough historic preservation review process that establishes the full scope and significance of historic sites that could be impacted by the construction of new roadways, with stipulations that the consulting parties have the ability to review design documents, advocate fully for the community, and that the future private partner commit to the requirement to avoid harmful physical impacts to these fragile historic sites.

Your role in this process is even more important given that a public-private partnership (P3) was chosen in advance as the approach to delivering the proposed Beltway-widening/managed lanes project. With a P3 structure, the details of many design decisions with consequences for historic sites will be in the hands of the private sector entity that wins a contract with the State. Therefore, it is imperative to establish early on in the review process certain priorities in the public interest that must be fully considered in any project that moves forward.

Thank you for your attention to this matter and for your work to ensure the integrity of the historic preservation review process.

Sincerely,



Benjamin L. Cardin
United States Senator



Chris Van Hollen
United States Senator



Jamie Raskin
Member of Congress



David Trone
Member of Congress