

I-495 AND I-270 MANAGED LANES STUDY

JOINT PUBLIC HEARING

Tuesday, August 18, 2020

Morning Session: 9:00 am to 12:00 pm

Virtual/Online

ANDREW BING: Good morning, everyone. Thank you for attending today's public hearing. We are going to just give another 60-second buffer here. People are dialing in and we want to give them the opportunity to get into the phone call before we actually start with our prepared script and then go to our callers. So you will hear music for just about 60 seconds and then we will get started.

OK. We're going to get started. Good morning. I'm Andrew Bing with the Maryland Department of Transportation State Highway Administration, abbreviated MDOT SHA.

AUTOMATED MESSAGE: Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience.

ANDREW BING: Good morning, I am Andrew Bing with the Maryland Department of Transportation State Highway Administration, abbreviated MDOT SHA.

Today is the first of six joint public hearings that MDOT SHA will be conducting for the I-495 & I-270 Managed Lanes Study, Draft Environmental Impact Statement, or DEIS, the draft Section 4(f) Evaluation and Joint Permit Application, or JPA. I will be the Hearing Officer and I'm responsible for running today's public hearing. Today's hearing is being held jointly by MDOT SHA, the Federal Highway Administration and the Maryland Department of the Environment, or MDE. On behalf of these agencies and the Federal Highway Administration as the lead agency, I welcome you.

The purpose of this hearing is for interested parties to provide official testimony and comments on the Study's proposed alternatives and associated impacts as detailed in the DEIS, and the floodplain, waterway, and nontidal wetland impacts detailed in the Federal/State JPA. Today, I will provide a brief overview of the Managed Lanes Study background and the aquatic resource impacts documented in the JPA. I will introduce the panelists and identify ways for you to comment on the DEIS and JPA. Some panelists will then give statements on behalf of their agency. Finally, I will review the hearing procedures and open the phone line for live testimony. The purpose of the I-495 & I-270 Managed Lanes Study is to develop a travel demand management solution or solutions that addresses congestion, improves trip reliability on I-495 & I-270 within the study limits, and enhances existing and planned multimodal mobility and connectivity.

The needs for the Study are:

- Accommodate existing traffic and long-term traffic growth;
- Enhance trip reliability;
- Provide additional roadway travel choices;
- Improve the movement of goods and services; and
- Accommodate Homeland Security.

In addition, two goals were identified for the Study: incorporate alternative funding sources to achieve financial viability and environmental responsibility.

The study limits include I-495 from south of the George Washington Memorial Parkway in Fairfax County, Virginia, including improvements to the American Legion Bridge over the Potomac River, to west of MD 5 and along I-270 from I-495 to north of I-370, including the east and west I-270 spurs in Montgomery and Prince George's counties, Maryland. In addition to the No Build alternative, there are six build alternatives under consideration for improvements within these limits. Alternatives 8, 9, 9 Modified, 10, 13B, and 13C.

Aquatic resource impacts would range from:

- Between 155,229 and 156,948 linear feet of streams;
- Between 16.1 and 16.5 acres of nontidal wetlands;
- Between 52.7 and 53.6 acres of wetland buffers;
- Between 116.5 and 120 acres of FEMA 100-year floodplains.

Detailed impacts by alternative can be found in the DEIS, the JPA, and JPA Public Notice. Please be reminded that all hearing materials, including online narrated display materials, are available on the Program website at 495-270-P3.com.

I just want to remind people as they're calling in, that if they are in the queue, that if they are calling in to provide testimony, that they need to hit the asterisk (star) for menu options and then the number 3 to enter the hearing. Today's public hearing is being live-streamed and audio-recorded. The official transcript of the joint public hearing testimony will become part of the project record and will be available for public review on the Program website.

I will now introduce representatives of MDOT SHA, the Federal Highway Administration, the Maryland Department of the Environment, and the United States Army Corps of Engineers who are in attendance for today/tonight's hearing. Lisa Choplín, I-495 & I-270 P3 Program Director, MDOT SHA; Jeff Folden, I-495 & I-270 P3 Program Deputy Director, MDOT SHA; Caryn Brookman, I-495 & I-270 P3 Program Environmental Program Manager, MDOT SHA; Shabnam Izadi, Title VI Coordinator, MDOT SHA; Jeanette Marr, FHWA., Project Delivery/ Environment Team Environmental Manager; and Amanda Sigillito, Nontidal Wetlands Division Chief, Maryland Department of the Environment.

And now, on behalf of Shabnam Izadi, the Title VI Officer for today's public hearing, I will explain the significance of Title VI and how it relates to the transportation project planning process. Title VI of the Civil Rights Act of 1964 was put into effect to prohibit discrimination on the basis of race, color or national origin. To support the Act, the United States government designated additional statutes, laws, regulations and executive orders to provide guidance for the effective execution of the objectives of Title VI. As a recipient of federal funds, MDOT SHA is responsible for upholding the principles of Title VI

of the Civil Rights Act of 1964 and related items. MDOT SHA's policies and programs should not discriminate against people on the grounds of race, color, national origin, sex, age, English proficiency, income level, or disability. The MDOT SHA's policies and programs should avoid disproportionately high or adverse impacts on minority populations and low-income populations. MDOT SHA seeks to provide citizens, stakeholder groups and other interested parties with reasonable opportunities to be involved in the planning process.

With that said, MDOT is required to capture this data to demonstrate its compliance with Federal Regulation 23 CFR, 200.9, Subsection (b)(4), and more importantly, to consider the transportation needs of the community by hearing from you. Compliance is voluntary. However, in order to demonstrate compliance with the federal regulation, the information requested must be documented when provided. It will not be used for any other person purpose except to show that those who are affected by the project or have an interest in the project have been given an opportunity to provide input throughout the planning process.

We invite you to take our Voluntary Demographics Survey. This survey will help us to ensure that we are reaching the communities that are affected by the I-495 & I-270 Managed Lanes Study. If you have questions or need assistance, call 410-545-0377. For more information regarding Title VI of the Civil Rights Act of 1964 and other nondiscrimination laws, review the Civil Rights under Title VI brochure. Both the survey and brochure can be found on the Program website by visiting the 'Participate and Provide Feedback' page. Any member of the public has the right to file a discrimination complaint against MDOT SHA if he or she feels MDOT SHA does not comply [with] the Title VI of the Civil Rights Act of 1964 and the related statutes. The process for filing a complaint is outlined in the Title VI brochure located on the website. Lastly, if you or someone that you know speaks limited English and may need translation services to get project information, please call 833-858-5960 for assistance.

At this time I will turn the proceedings to Amanda Sigillito to provide her statement.

AMANDA SIGILLITO: Good morning. My name is Amanda Sigillito and I am chief of the Nontidal Wetlands Division and Maryland Department of the Environment Department. I am the Panelist representing the Department at this public informational hearing for the I-495 & I-270 Managed Lanes Study Joint Permit Application. The department appreciates both your interest and participation in the public comment process. It is the responsibility of the Department to evaluate applications that propose impacts to nontidal wetland buffer and waterways, including the 100-year nontidal floodplain. The Department's authority is found in Subtitles 5 and 9 of the Environment Article.

Each application, received through our regulatory program, has specific and unique issues and impacts that must be considered in relationship to weighing the potential benefits and detriments of the project. The Department is neither a proponent nor opponent of any project. This public informational hearing is being conducted pursuant to Subsection 5-204 of the Environmental Article and Code of

Maryland Regulations 26.23.02.02 and 26.17.04.13. The purpose of this public informational hearing is to provide the applicant with an opportunity to present an analysis of impacts that may be associated with the proposed activity. In addition, the hearing provides the Department with an opportunity to solicit additional information from interested persons.

This public informational hearing is for the Nontidal Wetlands and Waterways Permit Application No. 20-NT-0014/202060649, submitted by the Maryland Department of Transportation State Highway Administration for the proposed construction of managed lanes along the I-495 and I-270 corridor is within Montgomery and Prince George's counties.

Please note that when the Department issues its decision on the permit application, the accompanying information will be sent to the interested persons list as well as to the applicant. At that time, the Department's decision will be a final agency determination. There will be no further opportunity for administrative review. Any person notwithstanding who is either the applicant or who participated in the public participation process through the submission of written or oral comments may petition for judicial review in Circuit Court. The petition for judicial review must be filed within 30 days of the publication of the Department's permit decision. At this time, I will turn the proceedings back to Mr. Bing. Thank you.

ANDREW BING: Thanks, Amanda.

There are multiple ways to comment on the DEIS and JPA. You can provide oral testimony through the public hearing or leave your testimony by voicemail. You can also complete a comment form online or send an email or written letter. Details on ways to comment can be found on the Program website by visiting the 'Participate and Provide Feedback' page.

Comments related to the JPA can be mailed or emailed to the U.S. Army Corps of Engineers – Baltimore District or MDE's Wetlands and Waterways Program. Comments must be received before 11:59 PM on October 8th, 2020. However, the public comment period may be extended 30 days. Please continue to visit the Program website, 495-270-P3.com/DEIS, for updates. All comments received, whether at the hearing, through oral testimony or through other methods, such as a card form, voicemail, email or letter will be given equal consideration.

Again, the purpose of this public hearing is to allow interested parties to provide public comments on the DEIS and JPA. Today's joint public hearing is available for viewing online and also available by phone. The panelists and hearing officer will be visible on the screen and we'll be listening to all public comments, although you may not see all panelists on-screen at one time, all the panelists will be listening to the testimony.

My role as the Hearing Officer is to run a professional and orderly joint public hearing. I understand how important the issues are related to the DEIS and the JPA, and I take my role as Hearing Officer

seriously. I'm committed to providing members of the public an opportunity to provide comments in an organized, fair, professional and orderly manner. Offensive or profane language will not be allowed. After one warning, if offensive or profane language continues, the call will be ended. I also want to let everyone know that the agency representatives ,as well as myself, will not be answering questions or responding to any comments made during the hearing. Responses to comments will be included in the Final Environmental Impact Statement.

If you have joined us today to listen to the public hearing and would like to provide live testimony but have not yet registered, please go to the Program website at 495-270-P3.com/DEIS to register. You may also leave recorded testimony via voicemail by calling 855-432-1483. Registration is not required to leave recorded testimony via voicemail.

The panelists are interested in hearing comments about the Study from all interested individuals. Please remember that we are recording this hearing. Speak directly and clearly into your phone and provide your full name, address and any organization you may represent.

To ensure all will be heard, there will be a 3-minute time limit for public testimony and a 5-minute time limit for elected officials. The time will start after you introduce yourself. A single tone will sound when there are 30 seconds remaining. A double tone will sound when you have 10 seconds remaining, and at this point, you should wrap up your testimony. As the Hearing Officer, if you're unable to conclude your comments at the end of your time period, I will end the call and move on to the next person in the queue. At this time, I will call the first person in the queue to provide comments and I do want to apologize in advance if I mispronounce any names.

OK, so the first caller we have is Janet Gallant. After Janet will be Barbara Coufal. Janet, after the automated message, please state your name, spell your name, and state your address.

Hey, Janet, if you're there, can you say your name?

JANET GALLANT: This is Janet Gallant.

ANDREW BING: Great. Janet. Go ahead. Say your name again, spell your name, state your address, and the 3 minutes will start after you're done doing that.

JANET GALLANT: I'm Janet Gallant, G-A-L-L-A-N-T. I'm representing dontwiden270.org. I live at 664 Azalea Drive in Rockville.

Our organization with over a thousand members does not support the I-495 & I-270 P3 project. We support the No Build option. This is the fourth public comment period. Per MDOT, the public previously submitted over 3,900 comments. We reviewed DEIS source documents to see how MDOT handled the

comments and it's troubling. MDOT undercounted public comments opposing the P3 project. This matters. Agencies can't make informed decisions without accurate data. I'll give examples and document them in my written submission. Here's a specific case of undercounting from the alternative public workshop summary. These are MDOT's own words.

Quote, "Petitions were received from growing East County with 1,323 signatures and Sierra Club Maryland chapter with 627 signatures. Each petition was counted as one comment submission." End quote. 1,950 people counted as 2.

Here's another case. MDOT gave labels to every public comment like, 'supports the project' or 'opposes the project' or something more neutral like, 'commute.' MDOT tallied the labels to summarize public input, but MDOT labeled the comment as 'opposing the project' only if the submitter had used exactly the right words. There was no such rule for comments supporting the project. You can view the rule in MDOT's own words on page 24 of the ARDS summary. To see how this played out, listen to 3 excerpts from public comments in MDOT's files.

1.) Our opposition will never seize to proposals that benefit only the privileged. 2.) We should not be spending resources and time on twentieth century solutions proven to increase car trips. 3.) When is a large road too big? When local citizens, who would be affected by the road are up in arms against this expansion. Not one of these comments was counted as opposing the project. So it's no surprise that the ARDS summary says that of over 3,800 comments, less than 10 percent were opposed to anything. The public has been reaching out to MDOT since 2018, saying this project's too costly, too destructive, and won't fix congestion. If our voices have not been accurately counted, what other MDOT data can't we trust? This is a new comment period so to MDOT, this time, label and accurately count the thousands of public comments telling you, in whatever words they used, this P3 project has to stop. Thank you.

ANDREW BING: Thank you, Janet. Before I go to Barbara, I just want to remind people that if they would like to provide testimony, you need to hit the star button on your phone. And then for menu options, and then the number 3 to enter the hearing. So it's the star, and then number 3. Our next person to provide testimony is Barbara Coufal. Barbara, after the tone, after the automated message, I should say, please state your name, spell your name, and state your address.

BARBARA COUFAL: Hello, my name is Barbara Coufal, C-O-U-F-A-L. I live in Bethesda near Rock Creek Park and the Beltway at 10112 Park Drive in Bethesda. I oppose the project to add private toll lanes to I-495 and I-270. I support a No Build option. I agree with the Maryland-National Capital Park and Planning Commission that the limits of disturbance in the Draft Environmental Statement do not adequately address the likely impacts of the project.

The limits of disturbance in the draft statement are minimized compared with the limits of disturbance shown in earlier maps prepared by the Maryland Department of Transportation because the final

design and engineering won't be prepared until a later stage by the private contractor, it appears that the LODs in the draft statement are optimistic. For example, earlier maps showed a much wider limit of disturbance in Rock Creek Park between Rockville Pike and Stony Brook Drive. Previously, MDOT even anticipated that parts of Rock Creek would have to be moved. Since MDOT does not know what the design will be, how can we trust that the limits of disturbance are realistic and the contractors won't widen them. Since the start,

Governor Hogan and MDOT have stated that there would be no costs for taxpayers for the project. Then we learned that it will cost WSSC customers up to two billion dollars to move water and sewer lines. And now the DEIS states that the State will provide subsidies of up to one billion dollars to the contractor. Given the likelihood that there will be more telework in the future, which will reduce traffic and therefore total revenues, it seems likely that the contractor will seek additional subsidies in order to ensure a profit. But the impact of telework is not considered in the DEIS. Finally, I'll comment on the environmental justice review. Appendix P shows that MDOT did not successfully engage environmental justice populations in Prince George's County at any stage of the process. The entire length of the Beltway in Prince George's County borders communities of color and low-income communities, yet attendance by Prince George's County residents was low at public meetings at each stage, compared with Montgomery County. On pages 14, 28, 46, and 47, MDOT shows the number of participants at public events. In total, participation by Prince George's County residents was just one fifth of the participation of Montgomery County residents. MDOT simply failed to engage the environmental justice population in Prince George's County. Thank you.

ANDREW BING: Thank you, Barbara. OK. Just a couple reminders. In addition to today's public hearing, there'll also be public hearings on Thursday, August 20th; Tuesday, August 25th; Tuesday, September 1st; Thursday, September 3rd; and Thursday, September 10th. Again, as a reminder, if you have registered and you want to get into the queue to provide testimony, you need to press the star button on your phone, and then the number 3. At this time, it is currently 9:24 AM. At this time, there are no more individuals who have registered to provide public testimony. This session will remain open, but in recess until we have someone registered to provide testimony or the session concludes at 12:00. Again, we have a lot of people who did sign up. We'll just wait for them to actually call in and we'll come back in off of recess. In the meantime, you'll hear music while we are in recess and I will check back in periodically.

[IN RECESS]

ANDREW BING: Hold on. I think we may have someone who just called in.

OK, it is now 9:25. We are coming back out of recess. We have someone who was registered to provide testimony, so I am reconvening the session. The next person to provide testimony is Ole Varmer. After you hear the automated message, please state your name, spell your name, and state your address.

OLE VARMER: Hello, my name is Ole Varmer, spelled O-L-E, first name, last name V as in victory, A-R, M as in Mary, E-R. I live in the 9706 Lawndale Drive, Silver Spring, which is part of the Indian Spring Country Club estate that's been determined eligible for historic preservation, as I understand from reading your document. The Beltway construction started in 1957. It was open for traffic in August of 64. And I remember my father loading up the family in our Corvair and driving the entire circumference of this grand, new six-lane Beltway. And it was very exciting. Of course, all of this was before the enactment of the 1969 National Environmental Protection Act and the 1966 National Historic Preservation Act. Public concern about the destruction of historic properties from construction, like the Beltway, was a primary catalyst for the enactment of the National Historic Preservation Act. So we don't have a lot of information about what history or financial environment was destroyed as the adverse effects were just not considered, much less, given the hard look now required under NEPA, that I fear is not taking place. I do know that this community, they had to relocate the golf course, and the last time that WSSC tried to deal with the water storm management problem, it resulted in constant flooding in my basement.

And I had to spend several thousand dollars to create a drainage field so that we were not constantly underwater at every rain. But most important, the DEIS that was compiled before the pandemic, still can't discuss the increase in telework, the reduction in traffic or other strategies and alternatives that should be considered before exacerbating the harm that was already done to the environment and historic properties. Please, finally look at how public-private partnerships is blowing up in our face on the Purple Line. It's hurting students and parents going to the University of Maryland. At NOAA where I used to work, they used public-private partnerships, that had nautical charts to be printed out at local marinas. Well, that worked until it didn't. We realized that a competition clause precluded NOAA from sharing its charts with the United Kingdom, which is the world's largest provider of nautical charts. This resulted in foreign flagged vessels plying U.S. waters with charts not up to date. Please press pause and take a look. And know, I oppose this project and support the No Build, please. Thank you.

ANDREW BING: Thanks very much.

The next caller is A. Katz. After A. Katz, we have a phone number of 8926; would be the following caller. A. Katz, after the automated message, please state your name, spell your name, and state your address.

ARTHUR KATZ: My name is Arthur, A-R-T-H-U-R, Katz K-A-T-Z. I live at 2 Stevenage, S-T-E-V-E-N-A-G-E Circle, Rockville, Maryland, 20850.

Can you hear me?

ANDREW BING: Yes, we can, go ahead, you have 3 minutes.

ARTHUR KATZ: OK. I just want to make sure. Thank you for the opportunity to speak today. I oppose the project and support the No Build. The proposed highway expansion of I-495 and 270 is based on a politically driven, full fantasy, embodied in ‘I built it and you didn’t have to pay for it.’ Think the Purple Line chaos and the one to two billion dollar price for the WSSC to reposition its facilities to accommodate the toll road. It’s even more bizarre is the idea that it’s OK to make billions, make ten billion dollars, fifty year commitments to highway building without understanding the telework and other COVID-19 effects and other transportation options will permanently upend pat, traffic patterns and flatten the peak-hour commute.

To the DEIS specifically, Myth 1.) congestion on I-270, in particular, will get worse and there’s nothing to be done except build more highways. You may be surprised to find that the MDOT’s own number for peak hour travel times southbound and 270 and 495 actually improved by more than 40 percent between today and 2040, without the toll road, because MDOT has a workable traffic management plan that it is currently implementing. Myth 2.) Drivers who don’t use the toll lanes will still have significant time savings. The toll road will look like the existing, the Virginia toll road, 10 percent of the drivers and the toll lanes, nearly 90 percent in the non-toll lanes. In 2014 traveling in the non-toll lanes will be only two minutes faster, only two minutes faster than the No Build option if you are traveling from I-370 to River Road and it will be zero difference when you reach the Clara Barton exit heading towards Virginia. Why doesn’t the toll road help that [INAUDIBLE] than toll lanes more? For people to use the toll lanes, you have to have real, unpredictable congestion in the non-toll lanes. No one will pay the tolls otherwise. Worse, the unpredictable congestion makes the 2- to 3-minute savings useless for planning your life.

Myth 3.) If you are a high 270 commuter from I-370 to the Beltway, the expansion will change your life. No. The reason it’s worth, worth so little is that the non-toll lane trip will be 4 minutes faster than the No Build in the morning toward Virginia, but will be 1 to 6 minutes slower on 270 in the afternoon.

I’m savings 90 percent. Thank you, bye. Even the, can I go? Even the toll lanes users only save six percent, 6 minutes. That cost hundreds of million dollars in construction, transportation chaos during construction because all the interchanges and bridges will have, [INAUDIBLE] families disrupting the I-270 communities. Thank you for the opportunity to speak.

ANDREW BING: Thank you very much.

Our next caller, we don’t have a name, but we have a phone number, which is 8926. I just want to remind people that you, you do have 3 minutes. When there’s 30 seconds remaining, you will hear one tone. When there’s 10 seconds remaining, you will hear two tones. So that just gives you an indication so you know when you need to start wrapping up. So again, we’ll now hear from phone number 8926. After the automated message, please state your name, spell your name, and state your address.

PATRICE DAVIS: Hi, my name is Patrice Davis, D-A-V-I-S. I live at 14 Martins Lane, Rockville, Maryland, 20850. I have a child that attends Julius West Middle School, already too close to I-270. It will be even closer if this is allowed to proceed. I do not support any planned expansion of I-270. I support a No Build option. I do not support any plan that allows wealthier people to bypass traffic while low-wealth people are subject to more traffic and breathing, breathing in more exhaust fumes. In this case, social justice and environmental justice go hand in hand. I believe this project violates Title VI. I would like to see a plan that includes electric-only vehicle expressways and commuter lots to encourage carpooling and group ridesharing in electric vehicles. It should be planned in coordination with the new express lanes for busses on Route 355. This could benefit the environment and people of all income ranges.

Based on the current options, I think a preferred alternative should not be chosen until the true monetary cost and environmental costs are known. Since no one knows how much the for-profit company will charge, I asked people I know in Miami and Virginia where a similar for profit scheme took place. They usually pay between 5 to 20 dollars in tolls to commute one way to work. These for-profit highways have a reverse incentive to cause more traffic and more pollution in order to bring in more profit. The people in Virginia and Miami have only seen increases in traffic and commute times because no one is putting a cap on new construction or investing in other commuting options.

For the sake of argument, let's say it is five dollars one way to commute on I-270, commuting five days a week with two weeks off for vacation, you will pay two thousand five hundred dollars in tolls, also known as a commuter tax. I believe five dollars is a very low estimate. We don't yet know how much Maryland citizens will be required to pay for the privilege of sitting in traffic. If you can easily add two thousand five hundred dollars in tolls to your commuting expenses, good for you. But I ask you to step outside of your bubble for a moment. In 2018, 33 percent of Maryland's workforce earned less than fifteen dollars an hour. The income gap is projected to grow once the dust settles from this pandemic. The people that were determined to be essential workers during this pandemic, such as grocery store employees, janitors, and home health aides usually make minimum wage. You might have put a sign in your car window to thank them. But what they really need is for you to speak out against these unfair practices. This commuter tax is just another way to tax the poor and middle class for not being able to afford to live close to their jobs. Low-income workers can't afford to take a day off to participate in these type of hearings; it's just another luxury they don't have. If you care about Montgomery County and Frederick County, don't allow elected officials to sell us out for a quick buck.

ANDREW BING: Thank you very much. OK. Thank you very much.

So, right now, we do not have any other callers who have signed up and registered. If you have registered for the hearing and you're only able to listen, but you actually want to provide testimony, please end your call and call back. Call 855-925-2801, enter your access code and that's how you will get in. And then hit the, the star and then the number 3 and you'll get into the queue, and we will get to you to be able to provide testimony. So, we will just wait about a minute here to see if anyone else

joins us, and at that point, we will go into recess if we haven't. Again, call 855-925-2801, enter your access code, hit the star button to hear your menu options, and then hit the number 3 to enter the hearing.

[IN RECESS]

ANDREW BING: OK, it is 9:38. At the time, there are no more individuals who have registered to provide public testimony. This session will remain open, but in recess until we have someone registered to provide testimony or the session concludes at 12:00. Again, you will hear music. While we are in recess and I will come back on either when we get someone who signed up to provide testimony or just to provide an update to everyone. So at this point, we are in recess.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience.
[REPEATS]

ANDREW BING: OK. It is now 9:50 AM. We do have someone who has registered to provide testimony, so I'm reconvening this session and coming out of recess. Our next caller is Casey Anthony. I'm sorry, Casey Anderson, Chair, Maryland-National Capital Park and Planning Commission. Casey, you'll have 5 minutes. After the automated message, please state your name, spell your name, and state your address.

CASEY ANDERSON: My name is Casey Anderson. I'm chair of the Maryland National Capital Park and Planning Commission and Montgomery County Planning Board. I'm also a Montgomery County resident. I live at 8731 Avenue in Silver Spring. I want to touch a few substantive points, but there's something that came to our attention last night that we want to put on the record. The M-NCPPC technical staff on July 10th downloaded the Draft Environmental Impact Statement and accompanying material that MDOT published and indicated it was ready for public review and comment, but we learned that just last night that more than sixteen hundred pages have been added to the draft DEIS materials. This was not noticed to the public. We only know about it because members of the press and advocacy groups pointed out to us. We believe that addition of this new material without notice to anyone involved in the process raises serious doubts about whether the comment period must be extended in order to comply with NEPA, and just as importantly, it raises questions about why MDOT failed to disclose the modifications to the materials until they were confronted by members of the press, and even then, initially denied that there'd been any changes to the to the materials.

We believe that it's legally required to extend the deadline for public comment and reset the clock, as well as rescheduling of these public hearings. I want to address just three points briefly and we'll submit

additional written materials for the record. The first is that the draft DEIS that we've reviewed demonstrates a lack of financial viability and incomplete project costs. The DEIS shows it will be almost impossible for this project to be delivered without a significant alternative source of public revenue. That is critical to the NEPA analysis because SHA rejected consideration of transit alternatives on the grounds that they will not pay for themselves without an additional source of revenue, but it's clear now that neither will the addition of toll lanes. That means the decision to exclude transit and other alternatives that would require outside sources of funding is arbitrary and capricious. In addition, the failure to account for likely and foreseeable cost growth and revenue shortfalls mask the true costs of adding managed lanes, both in absolute terms and in comparison to transit. The ICC bypass option that we've offered and other alternatives.

Secondly, it's clear that the limits of disturbance analysis provided in the DEIS is not accurate. It will have to be changed because it changes access points and for reasons of constructability, which means that the draft DEIS LOD cannot be a legally adequate basis for evaluating the environmental impact of the project. Finally, we want to point out that MDOT has failed to advance a reasonable range of alternatives, including at least a standalone transit option or combination of transit, together with the ICC bypass option or some combination of the two that would reduce the environmental impact of the project. It is not legally sufficient to say that neither transit nor the ICC bypass completely fulfilled the purpose and need. The question is whether or not there is a way to produce a less environmentally damaging alternative that at least provides some substantive contribution towards the purpose and needs identified in the project. In addition, we renew our objection to the scoping of the purpose and need in a way that arbitrarily, and we, in our view, makes it legally insufficient for purposes of NEPA analysis. We will provide additional written comments by the written deadline, but I will wrap it up there and refer you to the written submissions that we have already made for more detail on many of these comments. Thank you.

ANDREW BING: Okay. Thank you, Casey.

As a reminder for today's public hearing, the morning session will go from 9:00 to 12:00 noon. The afternoon session will run from 1:00 to 4:00 PM and the evening session will run from 5:00 to 8:00 PM. There are various callers who have registered to provide testimony during those periods, and we do have other people who have registered to provide testimony this morning, but right now we do not have any additional people who have joined us on the line.

So, again, as a reminder, if you could put that reminder back up.

Thank you. Call 855-925-2801, enter your access code. Hit the star to hear all the menu options and then hit the number 3 to actually enter the hearing. So, again, we're going to, it is approximately 9:55 AM. There are no more individuals who have registered to provide public testimony. This session would remain open, but in recess until we have someone registered to provide testimony or the session

concludes at 12:00. So you will hear music while we are in recess and I will come back on either when we have another caller or at a certain period just to let everyone know how everything is going. Thank you. We are in recess.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience.
[REPEATS]

[IN RECESS]

ANDREW BING: OK. Right now, it is 10:15 AM. We still do not have any people have registered to testify, so we will remain in recess, but I did want to just offer a couple reminders. If you are listening to the public hearing and have decided that you would, in fact, like to provide public testimony, the easiest way to do that is to go to the Program website at 495-270-P3.com/DEIS, then click on the 'joint public hearings' button and then click on the 'click to register to provide virtual public testimony' button. That'll get you in to register and then you will be able to come on and provide testimony. If you're interested in just leaving your testimony by voicemail, call 855-432-1483. There is no registration required to leave a recorded testimony via voicemail. So again, right now it is 10:16. We are going to stay in recess until we have someone come on the line to provide testimony. Thank you.

[IN RECESS]

Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today' sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

[IN RECESS]

OK, it is 10:30 AM. We still don't have any additional people who have registered to testify. We will remain in recess and this session will end at 12:00, so in another 90 minutes. If we get any people who call in, we will get them on and we will come back from recess. I do want to just provide a reminder that if you are listening to the hearing and have decided that you would like to provide oral testimony, you go to the Program website at 495-270-P3.com/DEIS. You click on the 'joint public hearings' button and then you click up on the 'register to provide virtual public testimony' button. Additionally, if you'd like to leave a voicemail, you call 855-432-1483. Registration is not required to leave a recorded testimony via voicemail. So, we are again in recess until we receive additional people who dial in and we are now in recess. Thank you.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

ANDREW BING: OK, it is currently 10:48 AM. We still don't have any additional people who have registered to testify, so we will remain in recess until this session either ends at 12:00 or we get additional people who sign up. As a reminder, if you are listening to this and would like to register, go to the Web page. And you can sign up to testify there. Kim, if you could put up that reminder slide, please. Thank you.

So go to the website at 495-270-P3.com/DEIS. Click on the 'joint public hearings' button and then click on the 'click to register to provide virtual public testimony' button. So, again, anyone who would like to provide testimony can follow those steps and come into the morning session. Or you can sign up for one of our future sessions either this afternoon from one to four or this evening from five to eight. Or any of the other days that we're doing public hearings. If you would like to provide testimony by voicemail, simply call 855, 855-432-1483. But right now it is about 10:49 and we will be in recess and I'll come back in approximately 10 to 15 minutes and provide another update. Thank you very much.

[IN RECESS]

AUTOMATED MESSAGE: Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

[IN RECESS]

ANDREW BING: OK, it's 10:52 AM. We do have someone who has registered to provide testimony, so I'm going to reconvene the session. At this time, our caller is Peter Tantisunthorn, and again, I'm sorry if I mispronounced that. After the automated message, please state your name, spell your name and state your address and you'll have 3 minutes.

PETER TANTISUNTHORN: Peter Tantisunthorn, P-E-T-E-R, T as in Tom, A, N as in Nancy, T as in Tom, I, S as in Sam, U, N as in Nancy, T as in Tom, H-O-R, N as in Nancy at 8104 Bonaire Court. B as in boy, O as in Nancy, A-I-R, E as in echo, Court, Silver Spring, Maryland 20910.

ANDREW BING: OK, go ahead. You'll have 3 minutes.

PETER TANTISUNTHORN: I, so, yeah, I'm a resident of Silver Spring, Montgomery County and I oppose the I-270 I-495 expansion. I think that there, while I don't oppose mitigating traffic, I certainly think that multimodal transportation should be considered when we're looking at an environmental impact study.

It's kind of funny that that's even a consideration when we're building a project that is just going to make a larger impact environmentally on this region. And we are doing a disservice to ourselves and future generations because of this plan. I think that a lot, a lot more thought has to go into how we transport people along the 270 Corridor and along 495 in, in modes aside to cars, not that, thanks.

ANDREW BING: OK. Thank you.

Again, at this time, we do not have any other people who have signed up to provide testimony. So we are going to go into recess. It is 10:54 AM. We will remain in recess until we receive another caller or until 12:00 when this session ends. So we are in recess right now. Thank you.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience.
[REPEATS]

[IN RECESS]

ANDREW BING: OK, it is currently 11:15 AM, we still do not have any additional people who have signed on to register. This session again will remain open until 12:00. If anyone does come on to register, we will, we will take them up until 12:00. As a reminder, we do have an afternoon session which will run from 1:00 to 4:00 and an evening session, which will run from 5:00 to 8:00. If you have any interest in providing public testimony, you can go onto the website and register either for the remainder of the morning session, the afternoon session or the evening session. Let me, let me just clarify – at this point, you can register now for either the afternoon or the evening session, but if you have already registered for the morning session, you can come on and provide testimony. So, again, it is 11:16. We'll be in recess until someone registers. I'll come back on approximately 11:30 and check back in. We are in recess. Thank you.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience.
[REPEATS]

[IN RECESS]

ANDREW BING: OK, it is 11:30 AM. We still do not have any people who have signed up to register to testify or logged in again. If you did register to provide testimony for the morning session 9 to 12:00,

we still are here to take your testimony. Just dial in and you will be able to, to come in. It's 8555, let me do that again, 855-925-2801. You enter the access code, you then hit the star symbol, and then hit the number 3. If you do want to provide testimony in a future session, either this afternoon or the evening, you go to the website at 495-270-P3.com/DEIS. You click on the 'joint public hearings' button and then further click on the 'click to register to provide virtual public testimony' button. That is, if you'd like to provide testimony this afternoon or this evening. If you'd like to provide a voicemail, just dial 855-432-1483 and you can leave a voicemail. So we will be in recess. This session will go until 12:00. Again, it is 11:31 right now and we are back in recess. Thank you.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience.
[REPEATS]

[IN RECESS]

ANDREW BING: OK. 11:45 AM. We still do not have anyone else who has signed in to provide testimony during the morning session. This session will end in 15 minutes at 12:00. So if you did register to provide testimony for the morning session, you still do have a couple of minutes to be able to get in to do that. Starting at 1:00 will be our afternoon session. We'll go from 1:00 to 4:00, and then our evening session will go from 5:00 to 8:00 tonight. So at this point, we will remain in recess for, until we either have someone come back on to register to provide testimony or we will end the session at 12:00. Thank you very much.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience.
[REPEATS]

[IN RECESS]

ANDREW BING: OK, it is 12:00 noon, and this concludes the morning session of this public hearing. The next session will begin at 1:00 this afternoon and run from 1:00 to 4:00. And then the evening session will, will run from 5:00 to 8:00 tonight. As a reminder, the public comment period will remain open until October 8th, 2020. We thank you for your participation and for listening to this first session. And we will now be in recess until 1:00. Thank you.

[IN RECESS]

I-495 AND I-270 MANAGED LANES STUDY

JOINT PUBLIC HEARING

Tuesday, August 18, 2020

Afternoon Session: 1:00 pm to 4:00 pm

Virtual/Online

ANDREW BING: OK. Good afternoon, everyone. Welcome to the afternoon session of our Tuesday, August 18th public hearing. We are going to read our opening remarks and then take public testimony. We are going to give people a minute or so just to dial in and get into the queue. So, as a reminder, for those people who have registered to provide testimony during this afternoon session, the 1:00 to 4:00 session, you need to call 855-925-2801, then enter the access code that was emailed to you. Then you'll need to hit the star button and then when prompted, hit the number 3 button and that'll get you in the queue to allow you to be able to provide testimony. So, again, for anyone who has already pre-registered, that will be what you need to do in order to get into the queue. If you're listening to this session of the public hearing and you decide that you would like to provide testimony, what you need to do is go to the Program website in order to register. So the Program website is 495-270-P3.com/DEIS. And then you'll click on the 'joint public hearings' button and then you'll click on the 'click to register to provide virtual public testimony' button. So, that's what you do if you have not yet registered and would like to make a public comment. You can also leave a voicemail by calling 855-432-1483.

OK, so I'm going to move forward with reading my opening statement and then when I'm done, and one of our other panelists provides a statement, we will get going with the actual testimony. So, good morning, I am Andrew Bing with the Maryland Department of Transportation, State Highway Administration, abbreviated MDOT SHA. Today is the first of six public hearings that MDOT SHA will be conducting for the I-495 and I-270 Managed Lanes Study Draft Environmental Impact Statement or DEIS, the Draft Section 4(f) Evaluation and Joint Permit Application, or JPA. I will be the Hearing Officer and I'm responsible for running today's public hearing. Today's hearing is being held jointly by MDOT SHA, the Federal Highway Administration and the Maryland Department of the Environment, or MDE. On behalf of these agencies and the Federal Highway Administration as the lead agency, I welcome you.

The purpose of this hearing is for interested parties to provide official testimony and comments on the Study's proposed alternatives and associated impacts as detailed in the DEIS, and the floodplain, waterway, and nontidal wetland impacts detailed in the Federal/State JPA. Today, I will provide a brief overview of the Managed Lanes Study background and the aquatic resource impacts documented in the JPA. I will introduce the panelists and identify ways for you to comment on the DEIS and JPA. Some panelists will then give statements on behalf of their agency. Finally, I will review the hearing procedures and open the phone line for live testimony. The purpose of the I-495 & I-270 Managed Lanes Study is to develop a travel demand management solution or solutions that addresses congestion, improves trip reliability on I-495 and I-270 within the study limits, and enhances existing and planned multimodal mobility and connectivity.

The needs for the Study are:

- Accommodate existing traffic and long-term traffic growth;
- Enhance trip reliability;
- Provide additional roadway travel choices;
- Improve the movement of goods and services; and
- Accommodate Homeland Security

In addition, two goals were identified for the Study: incorporate alternative funding sources to achieve financial viability and environmental responsibility.

The study limits include I-495 from south of the George Washington Memorial Parkway in Fairfax County, Virginia, including improvements to the American Legion Bridge over the Potomac River, to west of MD 5 and along I-270 from I-495 to north of I-370, including the east and west I-270 spurs in Montgomery and Prince George's counties, Maryland. In addition to the No Build alternative, there are six build alternatives under consideration for improvements within these limits: Alternatives 8, 9, 9 Modified, 10, 13B, and 13C.

Aquatic resource impacts would range from:

- Between 155,229 and 156,948 linear feet of streams;
- Between 16.1 and 16.5 acres of nontidal wetlands;
- Between 52.7 and 53.6 acres of wetland buffers;
- Between 116.5 and 120 acres of FEMA 100-year floodplains.

Detailed impacts by alternative can be found in the DEIS, the JPA, and the JPA Public Notice. Please be reminded that all hearing materials, including online narrated display materials, are available on the Program website: 495-270-P3.com/DEIS. Today's public hearing is being live-streamed and audio-recorded. The official transcript of the joint public hearing testimony will become part of the project record and will be available, and will be available for public review on the Program website.

I will now introduce representatives of MDOT SHA, Federal Highway Administration, and the Maryland Department of the Environment, who are intent, who are in attendance for today's hearing. Lisa Choplín I-495 & I-270 P3 Program Director MDOT SHA; Jeff Folden, I-495 & I-270 P3 Program Deputy Director, MDOT SHA; Caryn Brookman, I-495 & I-270 P3 Program Environmental Program Manager, MDOT SHA; Shabnam Izadi, Title VI Coordinator, MDOT SHA; Jeanette Mar, FHWA Project Delivery and Environment Team Environmental Manager; and Amanda Sigillito, Nontidal Wetlands Division Chief, Maryland Department of the Environment.

And now, on behalf of Shabnam Izadi, the Title VI Officer for today's public hearing, I will explain the significance of Title VI and how it relates to the transportation project planning process. Title VI of the Civil Rights Act of 1964 was put into effect to prohibit discrimination on the basis of race, color or national origin. To support the Act, the United States government designated additional statutes, laws, regulations and executive orders to provide guidance for the effective execution of the objectives of Title VI. As a recipient of Federal Funds, MDOT SHA is responsible for upholding the principles of Title VI of the Civil Rights Act of 1964 and related guidance. MDOT SHA's policies and programs should not discriminate against people on the grounds of race, color, national origin, sex, age, English proficiency, income level, or disability. The MDOT SHA policies and programs should avoid disproportionately high or adverse impacts on minority populations and low-income populations. MDOT SHA seeks to provide citizen stakeholder groups and other interested parties with reasonable opportunities to be involved in the planning process.

With that said, MDOT is required to capture this data to demonstrate its compliance with Federal Regulation 23 CFR 200.9, Subsection (b)(4). And more importantly, to consider the transportation needs of the community by hearing from you. Compliance is voluntary, however, in order to demonstrate compliance with the federal regulation, the information requested must be documented when provided. It will not be used for any other purpose, except to show that those who are affected by the project or have an interest in the project have been given an opportunity to provide input throughout the planning process.

We invite you to take our Voluntary Demographic Survey. This survey will help us to ensure that we are reaching the communities that are affected by the I-495 & I-270 Managed Lanes Study. If you have questions or need assistance, call 410-545-0377. For more information regarding Title VI of the Civil Rights Act of 1964 and other nondiscrimination laws, review the Civil Rights under Title VI brochure. Both the survey and brochure can be found on the Program website by visiting the ‘Participate and Provide Feedback’ page. Any member of the public has the right to file a discrimination complaint against MDOT SHA if he or she feels MDOT SHA does not comply with the Title VI of the Civil Rights Act of 1964 and the related statutes. The process for filing a complaint is outlined in the Title VI brochure located on the website. Lastly, if you or someone that you know speaks limited English and may need translation services to get project information, please call 833-858-5960 for assistance. At this time, I'll turn the proceedings over to Amanda Sigillito to provide her statement on behalf of the Maryland Department of the Environment.

AMANDA SIGILLITO: Good afternoon. My name is Amanda Sigillito, Chief of the Nontidal Wetlands Division at the Maryland Department of the Environment, abbreviated the Department.

I'm the panelist representing the Department at this public information hearing for the I-495 & I-270 Managed Lanes Study Joint Permit Application. The Department appreciates both your interest and participation in the public comment process. It is the responsibility of the Department to evaluate applications, the proposed impacts do nontidal wetlands, the nontidal wetland buffer and waterways, including the 100-year nontidal floodplain. The Department's authority is found in Subtitles 5 and 9 of the Environment Article. Each application, received through our regulatory program, has specific and unique issues and impacts that must be considered in relationship to weighing the potential benefits and detriments of the project. The Department is neither a proponent nor opponent of any project. This public informational hearing is being conducted pursuant to subsection 5-204 of the Environment Article and Code of Maryland Regulations 26.23.02.02 and 26.17.04.13. The purpose of this public informational hearing is to provide the applicant with an opportunity to present an analysis of impacts that may be associated with the proposed activity. In addition, the hearing provides the Department with an opportunity to solicit additional information from interested, interested persons.

This public informational hearing is with Nontidal Wetlands and Waterways Permit Application No. 20-NT-0114/202060649, submitted by the Maryland Department of Transportation State Highway Administration for the proposed construction of managed lanes along I-495 and I-270 corridors within Montgomery and Prince George's counties. Please note that when the Department issues its decision on the permit application, the accompanying information will be sent to the interested persons lists as well as to the applicant. At that time, the Department's decision will be a final agency determination. There will be no further opportunity for administrative review. Any person notwithstanding who is either the applicant or who participated in the public participation process through the submission of written or oral comments may petition for judicial review in Circuit Court. The petition for judicial review must be filed within 30 days of the publication of the Department's permit decision. At this time, I will turn the proceedings back to Mr. Bing. Thank you.

ANDREW BING: On the DEIS and JPA, you can provide oral testimony through the public hearing or leave your testimony by voicemail. You can also complete a comment form online or send an email or written letter. Details on ways to comment can be found on the Program website by visiting the ‘Participate and Provide

Feedback' page. Comments related to the JPA can be mailed or e-mailed to the United States Army Corps of Engineers – Baltimore District or MDE Wetlands and Waterways Program. Comments must be received before 11:59 PM on October 8th, 2020. However, the public comment period may be extended 30 days. Please continue to visit the Program website, 495-270-P3.com/DEIS, for updates. All comments received, whether at the hearing through oral testimony or through other methods, such as a comment form, voicemail, email or letter will be given equal consideration. Again, the purpose of this public hearing is to allow interested parties to provide public comments on the DEIS and JPA. Today's joint public hearing is available for viewing online and also available by phone.

The panelists and hearing officer will be visible on the screen and we'll be listening to all public comments. Although you may not see all panelists on screen at one time, all of the panelists will be listening to the testimony. My role as the Hearing Officer is to run a professional and orderly joint public hearing. I understand how important the issues are related to the DEIS and the JPA, and I take my role as hearing officer seriously. I am committed to providing members of the public an opportunity to provide comments in an organized, fair, professional and orderly manner. Offensive or profane language will not be allowed. After one warning, if offensive or profane language continues, the call will be ended. I also want to let everyone know that the agency representatives, as well as myself, will not be answering questions or responding to any comments made during the hearing. Responses to comments will be included in the Final Environmental Impact Statement. If you have joined us today to listen to the public hearing and would like to provide live testimony but have not yet registered, please go to the Program website at 495-270-P3.com/DEIS to register. You may also leave recorded testimony via voicemail by calling 855-432-1483. Registration is not required to leave recorded testimony via voice mail.

The panelists are interested in hearing comments about the study from all interested individuals. Please remember that we are recording this hearing. Speak directly and clearly into your phone and provide your full name address in any organization you may represent.

To ensure all will be heard, there will be a 3-minute time limit for public testimony and a 5-minute time limit for elected officials. The time will start after you introduce yourself. A single tone will sound when there are thirty seconds remaining. A double tone will sound when you have ten seconds remaining, and at this point, you should wrap up your testimony. As the Hearing Officer, if you're unable to conclude your comments at the end of your time period, we'll end the call and move on to the next person in the queue. So, at this point, we're going to start taking our callers. I just want to, a couple other quick announcements. I apologize in advance if I mispronounce anyone's names. Again, when there are thirty seconds remaining, you'll hear a tone and then when there are ten seconds remaining, you'll hear two tones. For anyone who has registered to provide testimony but is not yet in the queue, what you need to do is dial the phone number 855-925-2801, enter the access code that was sent to you, then hit the star button and then hit the number 3. OK, at this time we are going to start taking our callers. The first caller will be Eric Goldstein. After Eric will be Jackson Hurst. Eric, after the automated message, please state your name, spell your name, and state your address.

EYAL LI: Good afternoon. My name is Eyal Li. Eric Goldstein, my father must have been the phone number you reached. My name is spelled E-Y-A-L and my last name is spelled Li, L-I. My address is 7001 Poplar Avenue in Takoma Park, Maryland. I'm an environmental engineer and an advocate for clean transportation policy with the Union of Concerned Scientists, abbreviated UCS. On behalf of our 24,000 supporters in Maryland and our

network of more than 26,000 scientists, engineers and public health professionals nationwide, you see us strongly opposes the proposed addition of lanes to I-495 and I-270 and supports a No Build option. We urge the MDOT SHA to evaluate additional alternatives for detailed study that provide equitable and sustainable mobility options for Maryland residents, including public transit, transportation, demand management on existing roadways, and transit-oriented land use that weren't considered in-depth in the DEIS.

As detailed in the DEIS, the proposed added lanes would increase vehicle miles traveled, leading to higher global warming emissions and traffic related air pollution. UCS is particularly concerned about the project's disproportionate health impacts on marginalized communities near the highways. The race and ethnicity characteristics of the analysis area reveal that Latino, Asian Americans, and African-Americans are overrepresented by 50, 49, and 9 percent, respectively, while white residents are underrepresented by 37 percent compared to their population statewide. In 2019, UCS released a study showing African-American and Latino Marylanders are exposed to levels of traffic-related air pollution that are 12 and 11 percent higher than the average, while white Marylander's breathe air that is eight percent cleaner than the average Maryland resident. Chronic exposure to particulate matter pollution from vehicles causes increased death rates attributed to cardiovascular disease and respiratory ailments, including COVID-19, among other conditions. Given the systematic oppression of marginalized groups throughout history, we call on the Maryland DOT to shoulder a greater burden of proof that its actions are not harmful to the health and well-being of minority populations, low-income populations and/or indigenous peoples. Furthermore, the DEIS fails to consider the impacts of increased road capacity on land use and on long-term traffic demand. It is misleading to claim the posed new managed lanes would reduce congestion when the overwhelming research on roadway expansions, that they fail to alleviate congestion and actually increase VMT in the long term. The lack of quantification of the effects of induced travel demand calls into question the accuracy of the environmental impact statement as a whole. We can improve mobility and access to opportunity for Maryland residents and the way to do so at I-495 and I-270. Thank you very much for your consideration.

ANDREW BING: Thank you. I appreciate that you said and spelled your name and that we got that correct. Thank you very much. Our next caller will be Jackson Hurst. After Jackson will be Elliot Levine. Jackson, please, after the automated message, please state your name, spell your name, and state your address.

JACKSON HURST: Jackson Hurst, J-A-C-K-S-O-N, H-U-R-S-T, 4216 Cornell, C-O-R-N-E-L-L Crossing, Kennesaw, K-E-N-N-E-S-A-W, Georgia 30144.

ANDREW BING: OK. You can go ahead, you'll have 3 minutes.

JACKSON HURST: Ok, I do approve and support of a couple alternatives in the Draft Environmental Impact Statement. First off, the one that I think that MDOT should completely drop from the DEIS is Alternative 1, the No Build, the alternative, because basically, traffic and congestion on the Beltway and on 270 will get worse in the next two decades. The alternative that I do support and hope move forward are Alternative 9M, the two HOT-managed lanes on west side and east side of 495 and I-270 and the one HOT-managed lane on the top side by 495, and Alternative 8, two express toll lanes managed lanes on I-495, one express toll lane and one HOB-managed lane on I-270. These two alternatives will help decrease traffic congestion greatly, especially as traffic points pick up once we have gotten past COVID-19 and our current situation.

I also love how this will tie into the express lanes network that is going to be in Virginia with VDOT's 495 NEXT study, which is looking at its express toll lanes or managed lanes on I-495 on the Virginia side, from the George Washington Memorial Parkway over to the Dallas toll road. I really love that MDOT is looking to relieve traffic congestion in the Washington, D.C. metropolitan area because that area is one of the biggest traffic headaches in the nation, along with the Atlanta, Georgia area, which is where I live. So, I understand and I can sympathize with you having the traffic congestion problem. We have it down here and we have yet to figure it out, but we are figuring it out with the addition of express lanes in the metro Atlanta area. That is my comment.

ANDREW BING: OK. Thank you very much. OK, the next caller is Elliot Levine. After Elliot will be Gail Landi. Elliot, after the automated message, please state your name, spell your name, and state your address.

ELLIOTT LEVINE: I am Elliot Levine, E-L-L-I-O-T-T, L-E-V-I-N-E, and reside at 7213 Old Stage Road in Rockville. I've had a career in air pollution and renewable energy and hold a graduate degree in environmental science and engineering. My review of the impact statement shows that in many cases the analysis is weak and that when misapplied leads to incorrect conclusions. For this reason since I believe with No Build option is the only acceptable alternative. I live a 3-minute walk from the I-270 forest buffer and the noise from the vehicle traffic is incessant now and the build alternatives would increase this noise. Regarding purpose and need, the COVID-19 pandemic's a game changer. There's no certainty office life and associated traffic will ever return. If it, if it is corrected that a reduction of 12 percent of the traffic results to acceptable congestion, there'd be no need for this highway. Therefore, don't build. Similarly, the impact statement fails to explore reasonable congestion reducing alternatives, including transportation demand measures, forthcoming technologies like synchronicities vehicles and monorail concept that are far less impactful.

Regarding potential impacts, Appendix C, page 123 shows that four of the 10 scenarios, the drive times will actually increase in the general purpose lanes. Hence the speed gained in the toll lanes are compensated by slower drive times than the free lanes. Hence the moniker Lexus lanes for this project. Regarding GHG emissions, I think the analysis is weak. It concentrates on 2025, the day the highway opens, rather than on later years when the roads are clogged again. It mentions the State for affordable fuel efficient vehicles, road railroad backed, but it does not analyze this according to the increase in GHG emissions per. The DEIS completely fails to come in compliance with the Maryland GHG emissions law requiring a 40 percent reduction of emissions by 30. If emissions increases expect the best room for GHG emissions from a new industry, any new industry as the highway gobbles up too much of the GHG allotment than this must be analyzed. The induced demand says there may be less than one percent vehicle mile travel increases. However, the analysis fails to measure the impact of those who abandon the Metro to head to work as well who abandoned existing carpools. The DEIS insufficiently accounts to the GHG impact from clogged arteries leading to the freeways that are acknowledged to occur. Lastly, the forest canopy, the impact statement doesn't say where, where they will replace. And you, as far as nor do they demonstrate where what the cost estimates for the collisions that are going to occur between deer and cars and take that into consideration.

ANDREW BING: Ok Mr. Levine, I need you to finish your sentence and wrap up.

ELLIOTT LEVINE: All right. There are other fires mitigation plan calls for paying 45, 36 per acre instead of replanting to 6.8 million hardcovers the full societal impacts of this forest habitat destruction. Thank you.

ANDREW BING: OK. Thank you. Our next caller is Gail Landy. Gail, after the automated message, please state your name, spell your name, and state your address.

GAIL LANDY: Good afternoon. My name is Gail Landy, G-A-I-L Landy, L-A-N-D-Y, 17600 Silver Dollar Court in Gaithersburg, 20877.

ANDREW BING: OK. Go ahead, you'll have 3 minutes.

GAIL LANDY: I am concerned. OK. I am a concerned citizen of Montgomery County supporting the No Build MDOT alternative for I-495 I-270 Managed Lanes Project. Widening the Capital Beltway and Interstate 270 with four toll lanes who impede on 237 parks, 18 community recreation centers, and four community pools. This would include land acquisition, removal, trees and landscaping, and the addition of concrete noise, noise walls. Even as park property is not next, solidarity at the park will be lost by the proximity to the highway. State and neighborhood parks are identifying features of Montgomery County. Urban Parks provides shade, a shady spot.

ANDREW BING: Ms. Landy are you still there?

GAIL LANDY: Provide access to basketball and tennis courts which are equitable to all income groups, but also infringement on parks is unacceptable to me. I enjoy long hikes. I often follow the trails in Sligo Creek Park, which extends from University Boulevard in Wheaton to Takoma Park. This is one of the parks that will be compromised by the Highway Expansion Project. Another casualty is the CNO National Historic Park, a pristine wilderness locale that encompasses trails for hiking and biking. It is also a sanctuary for wildlife. I am not willing to give up these benefits to Montgomery County living. This is only one of the reasons I oppose the I-4, 495 I-270 Managed Lanes project. Thank you.

ANDREW BING: Thank you very much. Okay, a couple quick reminders here. So, if you are listening to this hearing, and you've registered for the hearing, if you do want to provide your testimony and you have registered, you'll need to end your call and call back. So the number you're gonna want to call is 855-925-2801. You will enter your access code, then you'll hit the star button and then you'll hit number 3. If you have not registered to provide any oral testimony for this afternoon session from 1:00 to 4:00 what you'll need to do is visit the Program website: 495-270-P3.com/DEIS. You'll click the 'joint public hearings' button and then you'll click on the 'click to register to provide virtual public testimony' button. That's what you need to do if you have not registered and you'd like to provide testimony during this afternoon session. You can also do that to register for any of our additional sessions, whether it be the 5:00 to 8:00 session tonight or additional sessions that I will talk about in a moment. If you're interested in leaving your testimony by voicemail, call 855-432-1483 and there is no registration that is necessary in order to do that.

Today is the first of six public hearings that we will be doing the other days that we'll be doing the hearings are Thursday, August 20th; Tuesday, August 25th; Tuesday, September 1st; Thursday, September 3rd; and Thursday, September 10th.

So, right now, it is 1:34 PM and at this time, there are no more individuals who have called in to provide public testimony. This afternoon session will remain open, but in recess, until we have someone registered to provide testimony or the session concludes at 4:00 PM. So for right now, we will go into recess. I will come back

periodically, approximately every 15 minutes, just to check in and let everyone know where the session stands, but until we get an additional caller, we will be in recess. Thank you very much.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience.

ANDREW BING: OK, it is now 1:37. We do have someone who has registered and is on the phone wanting to provide public testimony, so I'm going to reconvene the session. OK, the next caller is Jim Foster. Mr. Foster, after the automated message, please state your name, spell your name, and state your address.

JIM FOSTER: Hello. My name is Jim Foster. I'm president of the Anacostia Watershed Society. We are located at 4302 Baltimore Avenue in Bladensburg, Maryland, 20710. The Anacostia Watershed Society has worked for 30 years to restore the Anacostia River, and we are dedicated to making the river fishable and swimmable and boatable again, hopefully by 2025. So this project caught our attention for its scale and potential impact to the Anacostia River that could be with us for the next 50 years. We have endured impacts from the construction of the original Beltway that was built with no environmental, basically no environmental protections and such. We have endured construction of the Intercounty Connector while one of the greenest roadways in the country, it's also promoting other development along its way.

So, I think briefly, Anacostia Watershed Society is fully supportive of the comments from Maryland-National Capital Park and Planning Commission. We second their comments. We wish to highlight and reinforce the most salient points that will have great impacts on the Anacostia River. Our position is that you can have your pound of flesh, but not a drop of blood. Meaning, we expect you to meet a high standard for environmental and community protection. Frankly, water pollution issues in the Anacostia River are directly attributable to designing our communities around automobiles rather than people. This process is used simply to justify the need to do more than ever downward spiral of unsustainable practices.

So, let's take a second to review the historic damage done by constructing the Beltway to reduce congestion on East West Highway over 50 years ago. Neither roadway was built to any environmental standards. We've been retrofitting for the last 30 years at great expense and with relatively poor outcomes. We are very, very interested in preventing water pollution, not having to clean it up. So we would like to see the environmental impact concerns and considerations take into account the best management practices of having zero discharge from any alternative and all existing highway retrofit to manage the stormwater. Fifty percent just isn't doing anything for our rivers. We strongly request no net loss of tree canopy or wetlands in each sub-watershed, and without mitigation outside the watershed. We need well-funded enforcement of noise, water pollution, management structures, vehicle exhaust, and speed. And then on the alternatives, is there an opportunity to explore a Metro ring under the Beltway to connect each line of the Metro all the way around the Beltway? Thank you very much.

ANDREW BING: Thank you, Mr. Foster. Okay. At this time, we do not have anyone else who has signed up to provide testimony. So we are going to take another recess until we do have someone to sign up. If you are on by phone right now and you're having problems getting into the queue to provide testimony, what you need to

do is hang up, call 855-925-2801. You will then enter your access code, hit the star button, and then the number 3 to enter the hearing. So, again, the afternoon session, we'll be going from 1:00 to 4:00. If you have registered, that's what you need to do, what I just said, and if you have not registered, go to the website and at the website, 495-270-P3.com/DEIS. You click on 'joint public hearings' button and then you click on 'click to register to provide virtual public testimony'. That is how you can still register for this afternoon session. So right now it is 1:42 and we are we'll be in recess. And I will check back in periodically to update everyone. Thank you very much.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience.

ANDREW BING: OK, it is 1:45 PM, we do have someone who has registered to provide testimony, so we're going to go to that right now. Coming back from our recess. So, the next person is Richard Stolz. Richard, after the automated message, please state your name, spell your name, and state your address.

RICHARD STOLZ: Good afternoon, my name is Richard Stolz, it's common spelling of Richard and Stolz is S-T-O-L-Z. I live at 5 Lochness Court in Rockville, 20850 and I think there's a problem with your system because this is the third time I've dialed in and told I was one on the waiting queue. In any case, I'm speaking for myself as a long-term resident of Rockville Montgomery County. I oppose this project and urge you to pursue the No Build option. Fundamentally, I believe that the reported benefits and the various build alternatives will not be achieved in the promotion of the project, as described by the impact statement, has been based on misleading statements and a lack of transparency concerning the data that is used to support the asserted benefits. I also believe that while traffic congestion needs to be addressed, the overall strategy lacks creativity and vision and is fiscally irresponsible.

I will offer only three of my many specific concerns. First, the cost estimates appear to be highly unrealistic, manipulated in a manner to keep the total cost estimate within the nine billion dollar original figure given by Governor Hogan. Second, as the DEIS concedes, consumers returning home driving north on 270 in the evening will face greater commuter times, not less, due to the reduction of the total lanes if it's 8 down to 2. Third, it is not clear at all that the, what the tolls amounts will be during the peak time because the FHA has used misleading average total estimates which, don't you know, take into account or do take into account the fact that the tolls would be minimal during the off-peak times. So there is no clear indication of what the actual tolls would be, which we assume will be extremely high, and it's disappointing that the statement only provides an average figure, which is useless. Thank you for taking my views into consideration. That's all I have to say.

ANDREW BING: Thank you, Richard. We appreciate your comments.

At this time, we do not have anyone else who is registered to provide public testimony. Right now, it is 1:47 PM. We are going to be in recess until we get additional people registered, and in the queue to provide testimony and I'll come back periodically to provide updates. Thank you very much.

[IN RECESS]

ANDREW BING: OK, it's 1:50 PM. We do have someone who is registered to provide testimony, so I'm reconvening the session. The next caller to provide public testimony is Rory Davis. Rory, after the automated message, please state your name, spell your name, and state your address.

RORY DAVIS: Hi, I'm Rory Davis, and I have called multiple times and from multiple phones, have been in the queue, even though it claims there are no more speakers. My name is spelled R-O-R-Y D-A-V-I-S. I live on 14 Martin Square Lanes. I'm sorry, 14 Martins Lanes, Rockville, Maryland, 20850, and I oppose expanding Highway I-270. I was a student at Julius West Middle School last year and from researching over 700 studies done by the Health Effects Institute, they learned that if you live 300 to 500 meters away from a highway, you are at a higher risk of getting asthma as a child, and if you have asthma, it may increase asthma attacks. Also it causes impaired lung function, premature death, and deaths from cardiovascular diseases. Julius West Field is only 35 meters away from I-270. Before Corona, the students were required to run the track lap before PE. The school building is only 253 meters away from the highway. It is already too close. I believe that we should do air quality tests that are done outside, not just inside. Currently, they only do indoor air quality tests. Despite the lack of testing, they're telling us it is safe [inaudible] increased cars on the highway. This can only make air quality worse. This is a problem, especially since they are planning on expanding it and turning it into a for-profit highway that benefits an Australian corporation at the expense of American children and American families that live right next to the highway. Don't ruin the lives of children for the sake of profit. I yield my time.

ANDREW BING: OK, thank you very much, Mr. Davis. And again, at this point, we don't have anyone else who is in the queue in a position to be able to provide testimony. So we will take a quick recess. And it seems that people are coming on one at a time. So we'll come back from recess when we have someone in the queue. It is right now 1:52 and we are in recess. Thank you.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

ANDREW BING: OK, it is currently 2:00 PM and we are back from recess. Right now we do not have any additional callers who have entered the speaker's queue. I do want to provide some additional instructions to help get callers into the speaker crew, queue. Once you call 855-925-2801 and enter your access code, please listen to the entire welcome message. Once the welcome message ends, you will hear 'for more options, press star'. At that point, press the star button and then when prompted, press 3 to enter the speaker queue. The key here is you want to wait until the entire welcome message has played and ended before you hit the star button and then go ahead and hit the 3 to enter the speaker queue. So it is 2:03 PM. This afternoon session will go until 4:00, but for right now. until we get additional callers into the queue.

I think we may have one coming in. So we're gonna just hold here for a minute. Sorry for the delay. Just need a couple more seconds here and we'll have it ready to go. OK, we do have a caller ready to go. So our next caller will be Alice Schindler. Alice, after the automated message, please state your name, spell your name, and state your address.

ALICE SCHINDLER: Hi, my name is Alice. I just wanted to report to you guys that your phone system is not working. Despite pressing all the buttons as indicated in the email, it's not working. I've been on hold for 20 minutes. I'm calling from work and I'm also calling in between patients.

ANDREW BING: OK. Can you state?

ALICE SCHINDLER: My name is Alice, spelled A-L-I-C-E. Yeah, sorry, I just wanted you to know for the record that your phone system is not operating correctly. My name is Alice Schindler. It's spelled A-L-I-C-E. The last name is S-C-H-I-N-D-L-E-R. I live at 9812 Bristol Avenue in Silver Spring, Maryland. My name is Alice Schindler and I live in Silver Spring, literally right next to the Beltway. I am a federal employee and scientist in neurogenetics at the National Institutes of Health in Bethesda, Maryland. I have a background in wildlife science, biology, and genetic counseling. The Draft EIS on the 495 270 plan failed to study the full range of impacts that the highway plan could have on our environment, health, and communities. I do not support the project and I support a No Build option. MDOT SHA must evaluate additional alternatives for detailed study, including public transport, as well as transportation demand management telecommuting that were not considered in-depth. In a progressive state such as Maryland, we should not be solely reliant on road expansion and increasing our dependency on cars and travel. Public transport via busses, shuttles, MARC trains, Metro should be increased to reduce traffic and environmental impact. MDOT SHA should be an innovator and bring light rail to Maryland. According to the American Public Transportation Association of the roughly 30 cities with light rail systems in the US, the light rail systems in Boston, Los Angeles, Philadelphia, Portland, San Diego, San Francisco achieve more than 30 million online passenger transits per year. Building a light or monorail along stretches such as Frederick to D.C. along 270 and Baltimore into D.C., 95 and 495, would be more effective at reducing traffic congestion and pollution than Beltway widening. Light rail presents a substantially different alternative that meets the purpose and the need statement, but was not adequately considered by MDOT SHA. Additionally, we have seen a huge increase in teleworking since March 2020 throughout the entire D.C. Maryland area. An article published August 12th, 2020 and WTOP News reports toll revenues are down 90 percent. Leading private toll companies are having to ask for federal and state bailouts, costing taxpayers more money. Teleworking Tuesday, MDOT SHA should take into account this new information that would change analysis and conclusions. Failure to do so would be fiscally irresponsible. Thank you.

ANDREW BING: Thank you Alice, and we appreciate the constructive feedback. Again, we have received some information from our callers and we think we do have the appropriate way for people to get through the instructions to get into the speaker queue. Again, after you dial the phone number 855-925-2801 and then you enter the access code, you will hear the welcome message. You need to wait until the entire welcome message plays, until it ends, and then you will hear 'for more options, press star'. At that point, you press star, and then when prompted, press the number 3 to enter the speaker queue. The key is, you need to wait until the entire welcome message ends before hitting the star button. But again, we thank you for that constructive feedback.

And at this point, we do not have any other callers that are in the speaker queue, so we will go back into recess. It is 2:09. And when we do have additional callers come in, we will come back from recess. As a reminder, this afternoon, session runs until 4:00. There is still time if you have not already registered to register in order to provide testimony during this afternoon session. Or you can provide, you can register to provide testimony in the evening session, which will run from 5:00 to 8:00 tonight. So there are plenty of spots open and people can register to provide public testimony. So right now it is 2:10 PM and we are in recess. Thank you.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience.

ANDREW BING: OK, we are, we are coming back on because we thought we had someone in the queue, but I believe that person has dropped out of the queue. It was actually someone who had previously provided public comments, so I think there may have been an issue with just removing their name from the queue. So at any rate, it is 2:12 and we will go back into recess at this time until we get additional people in the speaker's queue. Thank you.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

ANDREW BING: Ok, it's currently 2:30. Our afternoon session is going to be running until 4:00 PM, but at this point, we do not have any additional callers who are in the queue ready to testify, so we will stay in recess. For those who are listening, we do want to just point out one helpful hint. When you are signing in to provide oral public testimony, after you dial the 855-925-2801 number and then enter your access code, you need to then listen to the entire welcome message. Once the welcome message ends, you will hear 'for more options, press star'. At that point, press the star button, and then when prompted press 3 to enter the speaker queue. Again, we hope this will alleviate any problems people may have been having getting into the speaker queue. And again, if anyone would like to register to provide testimony, you can go to the Program website and you can still register to provide testimony in this afternoon session. You go to 495-270-P3.com/DEIS. You click on the 'joint public hearings button' and then click on the 'click to register to provide virtual public testimony' button. And if you would like to just provide testimony by voicemail, call 855-432-1483 and there is no registration required in order to do that. So we will remain in recess. It is now 2:33 and we will remain in recess until we receive another caller into the queue. So again, thank you very much.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

ANDREW BING: OK, it 2:47 PM and we still are in recess. We do not have any additional people who have signed into register to provide testimony. This session of the public hearing will remain open until 4:00 PM, so there's still a time to, if you already have registered to dial in and enter the speaker queue. And if you're not registered, there still are a few more minutes that you can do that in order to provide testimony in the one to four session. We will be having a 5:00 to 8:00 session tonight, so people will be able to register to speak at that time. So again, we will remain in recess. It is 2:48 PM, and I will be back to provide updates when necessary. Thank you.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

ANDREW BING: Good afternoon again, everyone. It is currently 3:00 PM. We are still in recess. We have not had any additional callers sign up to testify or to enter the queue in order to provide testimony. At this point, if someone does want to provide testimony, has not registered, you will not be able to do that for this afternoon session. So you will have to sign up for the evening session or one of our sessions on another day. But if you did previously sign up to register for the 1:00 to 4:00 session, you still can come on to the queue and provide testimony. So again, it is just a few minutes after 3:00, we'll be in recess. I will come back on now every 20 minutes to provide an update. So at 3:20 and then 3:40 until session ends at 4:00. Thank you.

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

ANDREW BING: OK, again, good afternoon, everyone. It is 3:20. At this point, we are. Let me repeat myself again. Once again, it's 3:20. We are still in recess. We have not had any callers sign into the queue to who want to provide testimony. So we are going to remain in recess. Again, the afternoon session goes until 4:00 PM. It is currently 3:20, so we still have 40 minutes left. So if you have registered and would like to provide testimony in this afternoon session, just dial into the phone number of 855-925-2801 and enter your access code. Please listen to the entire welcome message. Once the welcome message ends, you will hear 'for more options press star'. At this point, you can press the star button on your phone and then when prompted, press 3 to enter the speaker queue. So we will remain in recess. I will come back on one more time before 4:00 just to check in, but right now it is 3:21 and we will go back into recess. Thank you.

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

ANDREW BING: It is currently 3:40 PM. We are on recess and we still have no additional people who signed up to provide testimony. So we will remain in recess until 4:00. If we do not receive any additional callers in at 4:00, this afternoon session will end. So we are in recess. Thank you.

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

ANDREW BING: It's 4:00 PM and this concludes the afternoon session of this public hearing. The next session will begin at 5:00 PM and run from 5:00 to 8:00. As a reminder, the public comment period will remain open until October 8th, 2020. We thank you for your participation and we look forward to being back on at 5:00 tonight. So the hearing will be in session for one hour until 5:00. Thank you.

I-495 AND I-270 MANAGED LANES STUDY

JOINT PUBLIC HEARING

Tuesday, August 18, 2020

Evening Session: 5:00 pm to 8:00 pm

Virtual/Online

ANDREW BING: Good evening, everyone, and welcome to the evening session for our August 18th public hearing. We are going to get started with some prepared statements at the beginning of the hearing before we welcome callers to provide public testimony. I did want to just make a couple quick announcements. If you have registered to provide public testimony, I just wanted to give some helpful instructions on getting into the queue. So, you first will call the 855-925-2801 phone number and then enter your access code. You need to then listen to the entire welcome message. Once the welcome message ends, you will hear ‘for more options, press star’. At that point, press the star button. And when prompted, press 3 to enter the speaker queue. Again, the most important piece here is that you need to wait until the entire welcome message is played and ends before you press the star key. If you have not registered to provide oral testimony for tonight's five o'clock to eight o'clock session of the public hearing, what you need to do is go to the Program website at 495-270-P3.com/DEIS. You then will click on the ‘joint public hearings’ button and then click on the ‘click to register to provide virtual public testimony’ that will allow you to go in to either register for this evening session or for a future session of one of our hearings. If you're interested in leaving your testimony by voicemail, simply call 855-432-1483. There's no registration required and you can leave your testimony via voicemail.

At this point I'm going to go ahead and start with my prepared remarks, as well as, there will be remarks from a few of our agencies. And then after that, we will go to any callers that we have who have joined us. So, good evening. I am Andrew Bing with the Maryland Department of Transportation State Highway Administration, abbreviated MDOT SHA. Today is the first of six joint public hearings that MDOT SHA will be conducting for the I-495 & I-270 Managed Lanes Study Draft Environmental Impact Statement, or DEIS, the draft Section 4(f) Evaluation, and Joint Permit Application, or JPA. I will be the Hearing Officer and I'm responsible for running tonight's public hearing. Tonight's hearing is being held jointly by MDOT SHA, the Federal Highway Administration, and the Maryland Department of the Environment, MDE. On behalf of these agencies and the Federal Highway Administration as the lead agency, I welcome you.

The purpose of this hearing is for interested parties to provide official testimony and comments on the Study's proposed alternatives and associated impacts as detailed in the DEIS and the floodplain, waterway, and nontidal wetland impacts detailed in the Federal/State JPA.

I will provide a brief overview of the Managed Lanes Study background and the aquatic resource impacts documented in the JPA. I will introduce the panelists and identify ways for you to comment on the DEIS and JPA. Some panelists will then give statements on behalf of their agency. Finally, I will review the hearing procedures and open the phone line for live testimony.

The purpose of the I-495 & I-270 Managed Lanes Study is to develop a travel demand management solution or solutions that addresses congestion, improves trip reliability on I-495 and I-270 within the study limits, and enhances existing and planned multimodal mobility and activity.

The needs for the Study are:

- Accommodate existing traffic and long-term traffic growth;
- Enhance trip reliability;
- Provide additional roadway travel choices;
- Improve the movement of goods and services; and

- Accommodate Homeland Security

In addition, two goals were identified for this Study: Incorporate alternative funding sources to achieve financial viability and environmental responsibility.

The study limits include I-495 from south of the George Washington Memorial Parkway in Fairfax County, Virginia, including improvements to the American Legion Bridge over the Potomac River to west of MD 5 and along I-270 from I-495 to north of I-370 in the east and west I-270 spurs in Montgomery and Prince George's counties, Maryland. In addition to the No Build alternative, there are six build alternatives under consideration for improvements within these limits.

Alternatives 8, 9, 9 Modified 10, 13B, and 13C. Aquatic resource impacts would range from:

- Between 155,229 and 156,948 linear feet of streams;
- Between 16.1 and 16.5 acres of nontidal wetlands;
- Between 52.7 and 53.6 acres of wetland buffers;
- Between 116.5 and 120 acres of FEMA 100-year floodplains.

Detailed impacts by alternative can be found in the DEIS, the JPA, and the JPA Public Notice.

Please be reminded that all hearing materials, including online narrative display materials, are available on the Program website: 495-270-P3.com/DEIS. Tonight's public hearing is being live-streamed and audio-recorded. The official transcript of the joint public hearing testimony will become part of the project record and will be available for public review on the Program website. I will now introduce representatives of MDOT SHA, FHWA, and MDE, who are in attendance for tonight's hearing. Lisa Choplin, I-495 & I-270 P3 Program Director, MDOT SHA; Jeff Folden, I-495 & I-270 P3 Program Deputy Director, MDOT SHA; Caryn Brookman, I-495 & I-270 P3 Program Environmental Program Manager, MDOT SHA; Shabnam Izadi, Title VI Coordinator, MDOT SHA; Jitesh Parikh, FHWA Project Delivery Environment Team Leader; Amanda Sigillito, Nontidal Wetlands Division Chief, Maryland Department of the Environment. And now, on behalf of Shabnam Izadi, the Title VI officer for tonight's public hearing,

I'll explain the significance of Title VI and how it relates to the Transportation Project Planning Process. Title VI of the Civil Rights Act of 1964 was put into effect to prohibit discrimination on the basis of race, color, national origin. To support the Act, the United States Government designated additional statutes, laws, regulations and executive orders to provide guidance for the effective execution of the objectives of Title VI. As a recipient of Federal Funds, MDOT SHA is responsible for upholding the principles of Title VI of the Civil Rights Act of 1964 and related guidance. MDOT SHA's policies and programs should not discriminate against people on the grounds of race, color, national origin, sex, age, English proficiency, income level or disability. The MDOT SHA policies and program should avoid disproportionately high or adverse impacts on minority populations and low-income populations. MDOT SHA seeks to provide citizens, stakeholder groups and other interested parties with reasonable opportunities to be involved in the planning process. With that said, MDOT is required to capture this data to demonstrate its compliance with Federal Regulation 23 CFR 200.9, Subsection (b)(4) and more importantly, to consider the transportation needs of the community by hearing from you. Compliance is voluntary, however, in order to demonstrate compliance with the federal regulation, the information question

must be documented. When printed, it will not be used for any other purpose except to show that those who are affected by the project or have an interest in the project have been given an opportunity to provide input throughout the planning process. We invite you to take our Voluntary Demographic Survey. This survey will help us to ensure that we are reaching the communities that are affected by the I-495 & I-270 Managed Lanes Study. If you have questions or need assistance, call 410-545-0377. For more information regarding Title VI of the Civil Rights Act of 1964 and other nondiscrimination laws, review the Civil Rights under Title VI brochure. The survey and the brochure can be found on the Program website by visiting the ‘Participate and Provide Feedback’ page. Any member of the public has the right to file the discrimination complaint against MDOT SHA if he or she feels MDOT SHA does not comply with Title VI of the Civil Rights Act of 1964 and the related statutes. The process for filing a complaint is outlined in the Title VI brochure located on the website. Lastly, if you or someone that you know, speaks limited English and may need translation services to get project information, please call 833-858-5960 for assistance. At this time, I will turn the proceedings over to Amanda Sigillito of the Maryland Department of the Environment to provide her statement.

AMANDA SIGILLITO: Good evening. My name is Amanda Sigillito. Chief of Nontidal Wetlands Division at the Maryland Department of the Environment, abbreviated the Department. I am. I'm representing the Department at this public informational hearing for the I-495 & I-270 Managed Lanes Study Joint Permit Application. The Department appreciates both your interest and participation in the public comment process. It is the responsibility of the Department to evaluate allocations to proposed impacts to nontidal wetlands. The nontidal buffer and waterways, including the 100-year nontidal floodplain. The Department's authority is found in Subtitles 5 and 9 in the Environment Article. Each application of the regulatory program has specific and unique issues and impacts. It must be considered in relationship to weighing the potential benefits and detriments of the project. The Department is neither a proponent nor opponent of any product.

This public informational hearing is being conducted pursuant to Subsection 5-204 of the Environment Article and Code of Maryland Regulations 26.23.02.02 and 26.17.04.13. The purpose of this public informational hearing is to provide the applicant with an opportunity to present an analysis of impacts that may be associated with the proposed activity. In addition, the hearing provides the Department with an opportunity to solicit additional information from interested persons.

This public informational hearing is for the Nontidal Wetlands Waterways Permit Application No. 20-NT-0114/202060649, submitted by the Maryland Department of Transportation State Highway Administration for the proposed construction of managed lanes along the I-495 and I-270 corridors within Montgomery and Prince George's counties. Please note that when the Department issues its decision on the permit application, the accompanying information will be sent to the interested persons list as well as to the applicant. At that time, the Department's decision will be a final agency determination. There will be no further opportunity for administrative review. Any person notwithstanding, however, who is either the applicant or who participated in the public participation process through the submission of written or oral comments may petition for judicial review in Circuit Court.

The petition for judicial review must be filed within 30 days of the publication of the Department's permit decision. At this time, I will be turning the proceedings back to Mr. Bing. Thank you.

ANDREW BING: Thank you, Amanda. There are multiple ways to comment on the DEIS and JPA. You can provide oral testimony through the public hearings or leave your testimony by voicemail. You can also complete a comment form online or send an email or written letter.

Details on ways to comment can be found on the Program website by visiting the ‘Participate and Provide Feedback’ page. Comments related to the JPA can be mailed or emailed to the United States Army Corps of Engineers – Baltimore District or MDE Wetlands and Waterways Program. Comments must be received before 11:59 PM on October 8th, 2020. However, the public comment period may be extended 30 days. Please continue to visit Program website, 495-270-P3.com/DEIS, for updates. All comments received, whether at the hearing through oral testimony or through other methods such as comment forms, voicemail, email or letter will be given equal consideration. Again, the purpose of this public hearing is to allow interested parties to provide public comments on the DEIS and JPA. Tonight's joint public hearing is available for viewing online and also available by phone. The panelists and hearing officer will be visible on the screen and we'll be listening to all public comments. Although you may not see all panelists on the screen at one time, all of the panelists will be listening to the testimony. My role as the Hearing Officer is to run a professional and orderly joint public hearing.

I understand how important the issues are related to the DEIS and the JPA, and I take my role as Hearing Officer seriously.

I'm committed to providing members of the public an opportunity to provide comments in an organized, fair, professional and orderly manner. Offensive or profane language will not be allowed. After one warning, offensive or profane language continues, it will be ended. I also want to let everyone know that the agency representatives, as well as myself, will not be answering questions or responding to any comments made during the hearing. Responses to comments will be included in the Final Environmental Impact Statement. If you have joined us tonight to listen to the public hearing and would like to provide live testimony, but have not yet registered,

please go to the Program website at 495-270-P3.com/DEIS to register. You may also leave recorded testimony via voicemail by calling 855-432-1483. Registration is not required to leave recorded testimony via voicemail. The panelists are interested in hearing comments about the Study from all interested individuals. Please remember that we are recording this hearing.

Speak directly and clearly into your phone and provide your full name, address, and any organization you may represent. To ensure all will be heard, there will be a 3-minute time limit for public testimony and a 5-minute time limit for elected officials. Time will start after you introduce yourself. A single tone will sound when there are 30 seconds remaining. A double tone will sound when you have 10 seconds remaining. At this point, you should wrap up your testimony. As the hearing officer, if you're unable to conclude your comments at the end of your time period, I will end the call and move on to the next person in the queue. So that is the end of the prepared statements. Right now, we do not have anyone in the speaker's queue looking to provide public testimony. It right now is 5:17 PM. This session will remain open until 8:00 PM. If you are listening to this call and would like to provide public testimony, you do need to register. And again, you go to the Program website at 495-270-P3.com/DEIS. You click on the ‘joint public hearings’ button and then you click on the ‘click to register to provide virtual public testimony’ button. And you can do that right now and get into the queue and

we will take your testimony. If you are listening and you're having any issues getting into the speaker's queue, what you need to do, again, is call the phone number you've been provided, 855-925-2801, and enter your access code. Then you must listen to the entire welcome message. Once the welcome message ends, you will hear 'for more options, press star'. At that point, you press the star button and then when prompted, you press 3 to enter the speaker queue. Again, the most important thing is, you must wait until the entire welcome message ends before you press the star button.

So, at this point, we still do not have any speakers in the queue. We will wait until that happens and we will go into recess. I will come back every 15 or 20 minutes to provide an update and I will come back sooner if we have someone enter the speaker's queue and we will go live and take their testimony. At this point, it is 5:18 and we are in recess.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

ANDREW BING: Good evening. It is 5:40. We are, we have been in recess for a few minutes. We still do not have any speakers who have registered to provide testimony and no one in the speaker's queue. So we will remain in recess until we do have someone who enters the queue in order to provide public testimony. If we get someone before six o'clock, we obviously will come back on to do that testimony. If not, I will come back on at six o'clock to provide another update. So until then, we are in recess.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

ANDREW BING: OK, it's 6:00 PM. We have two hours left in our evening session of our public hearing today on August 18th. We do not have any callers in the queue right now, so we do not have anyone prepared to give public testimony. But again, we will be here for two hours if anyone does decide to provide the public testimony. Again, just some reminders for anyone that may be listening. If you are listening and would like to provide oral testimony but have not yet registered, you can register by visiting the Program website at 495-270-P3.com/DEIS. You go there and click on the 'joint public hearings' button and then click on the 'click to register to provide virtual public testimony' button. If instead, you'd rather leave your testimony by voicemail, you can call 855-432-1483 and you will be able to leave a recorded testimony via voicemail. And there is no registration required to do that. If you are listening and are trying to get into the queue to provide testimony, just want to give a couple quick helpful hints here, or tips, I should say, not hints. Once you call the number 855-925-2801, you will then enter your access code. You then need to listen to the entire welcome message. Once the welcome message ends, you will hear 'for more options, press star'. At that point, press the star button and then when prompted, press number 3 to enter the speaker queue again. The key here is to make sure to listen to the entire welcome message before you then press the star button. So it is 6:02 PM. We will remain in recess until we get any individuals who would like to make comments and provide public testimony.

So we are in recess again until 6:20. I'll come back on and check in. Or if someone signs up to testify, we'll come back before then. Thank you very much.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

ANDREW BING: Good evening again, everyone. It is 6:20 PM. We still do not have anyone who has entered the queue in order to provide public comments and testimony. So we will remain in recess and I will come back on in 20 minutes at 6:40 PM. We have not had anyone sign up to provide testimony, but in the meantime, we are in recess and I will check back in again at 6:40 PM. Thank you.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

ANDREW BING: Good evening, everyone, again, it's 6:40 PM on the October 18th public hearing day, we will be keeping this session open until eight o'clock at night. But right now, we do not have any people in the queue to provide public testimony. So, we will go back into recess and I will check back in at seven o'clock or sooner if someone does register to provide testimony. So we are back in recess. Thank you.

[IN RECESS]

ANDREW BING: OK, everyone, I'm coming back on. By accident I said October 18th. Obviously, I meant August 18th. So this is the August 18th hearing. We'll go until eight o'clock PM and we will be in recess until someone signs in to provide testimony. And I will come back at seven o'clock to provide an update. Thank you.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

ANDREW BING: Good evening, it is 7:00. We are in recess as we do not have any callers currently in the queue to provide public testimony. This hearing, today's hearing and today's session will still be open for another hour until at 8:00. At this point, only those people who have previously registered for tonight's hearing can provide testimony. So, if any of them do decide to call in and enter the queue, we will take their testimony. Again, we will be open until eight o'clock and I will check back in at 7:20 or sooner if someone signs up to provide testimony. Thanks again. And we are in recess.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience.

ANDREW BING: Good evening, everyone. It is 7:30 right now. We still have 30 minutes left in our final session of today's public hearing. We do not have anyone in the queue signed up to provide testimony so we will remain in recess. Again, this hearing will go until eight o'clock. If someone comes on looking to testify, we will come back and take that person and hear their public testimony. If not, we will be in recess until eight o'clock when I will close out the hearing today. Thank you.

[IN RECESS]

AUTOMATED MESSAGE: Thank you for attending the I-495 & I-270 Managed Lanes Study public hearing. Today's sessions begin at 9:00 AM, 1:00 PM, and 5:00 PM. Thank you for your patience. [REPEATS]

ANDREW BING: OK, it is 8:00, and this concludes the evening session of our August 18th public hearing. The next public hearing will take place on Thursday, August 20th. Again, we will have three sessions: a morning session from 9:00 to 12:00, and afternoon session from 1:00 to 4:00, and an evening session from 5:00 to 8:00. As a reminder, the public comment period will remain open until October 8th, 2020. We all would like to thank you and wish you a good night. And today's hearing is closed.