

## 7 PUBLIC INVOLVEMENT AND AGENCY COORDINATION

### 7.1 Introduction

A comprehensive public involvement and agency coordination program has been conducted throughout the I-495 and I-270 Managed Lanes Study (Study). This chapter summarizes that program, including regulatory agency consultation, conducted during the NEPA process from the initial scoping in March 2018 to the publication of this Draft Environmental Impact Statement (DEIS). Public and agency engagement will continue during the remainder of the Study and will include, but is not limited to, the solicitation of comments on this document; avoidance, minimization, and mitigation measures; and permitting decisions. Additional detail on the public involvement efforts, outreach materials, summaries from the public meetings, and agency coordination, summarized in the subsequent sections, is provided throughout the *Public Involvement and Agency Coordination Technical Report (Appendix P)*.

### 7.2 Public Involvement

#### 7.2.1 Public Workshops and Comment Periods

The Study's public involvement efforts began immediately after the publication of the Notice of Intent (NOI) in the *Federal Register* on March 16, 2018 to announce the initiation of the Study. Following the NOI, public involvement efforts were organized by subsequent engagement stages: Scoping, Preliminary Alternatives, and Alternatives Retained for Detailed Study (ARDS). Following publication of this DEIS, a full range of public engagement activities will be conducted during the remainder of the Study, leading to the publication of a Record of Decision (ROD). These outreach stages correspond to three Study milestones and associated Public Workshops: Scoping, Preliminary Alternatives and Alternatives Retained for Detailed Study (ARDS).

Since publication of the NOI, 16 Public Workshops with over 2,100 attendees have been held along the study corridors in Montgomery and Prince George's Counties. Specifically, four (two in each County) Scoping Public Workshops were held between April 17, 2018 and April 24, 2018; four (two in each County) Preliminary Alternatives Public Workshops were held between July 17, 2018 and July 25, 2018; and eight (four in each County) ARDS Public Workshops were held between April 11, 2019 and May 16, 2019. A wide range of approaches were employed to notify travelers, commuters, residents, and workers along the study corridors about the 16 Public Workshops. These included:

- Newsletters, postcards, and announcements mailed and emailed to the Study mailing list, including the public, community organizations, and other stakeholders
- Notifications via the I-495 & I-270 P3 Program website (<https://495-270-p3.com/>),
- MDOT SHA press releases
- Local and regional newspaper advertisements and flyers
- Geographically-targeted digital banner advertisements and social media promotion
- Local and regional radio station advertisements
- Emails to Federal, state, and local elected officials in Montgomery, Prince George's, and Frederick Counties

At the Public Workshops, attendees were able to assess Study information and to ask questions and to provide agency officials comments through multiple methods:

- Review display boards and a handout
- View and listen to a presentation with opportunities for Q&A
- Interact with technical staff at small working group tables, interactive online mapping stations; tables of roll maps, and at the display boards
- Comment on the Study via hard copy comment cards, an online comment form, an online contact form, e-mail, mail, and court reporter

Spanish and American Sign Language interpreters were available to assist attendees, as needed. The display boards (in English and in Spanish), narrated presentations/videos of the display boards, and handouts were uploaded to the program website concurrently with the Public Workshops (<https://495-270-p3.com/your-participation/upcoming-events/>). Materials from these Public Workshops are still available on the Program website.

Comment periods were assigned for each series of Public Workshop. Specifically, the public could submit comments related to the Scoping Public Workshops from March 16, 2018 to May 1, 2018, the Preliminary Alternatives Public Workshops from July 17, 2018 to August 27, 2018, and the Alternatives Retained for Detailed Study (ARDS) Public Workshops from April 11, 2019 to June 14, 2019. Over 3,900 comment submissions were received during the Study comment periods and were organized into relevant comment themes and summarized respectively in the *Scoping Report*, the *Summary of July 2018 Alternatives Public Workshops*, and the *Summary of Public and Stakeholder Engagement for the Recommended ARDS* posted to the program website (<https://495-270-p3.com/environmental/resources/>). Comments received outside of the formal comment periods are continuously encouraged, accepted, reviewed, and recorded for the study record.

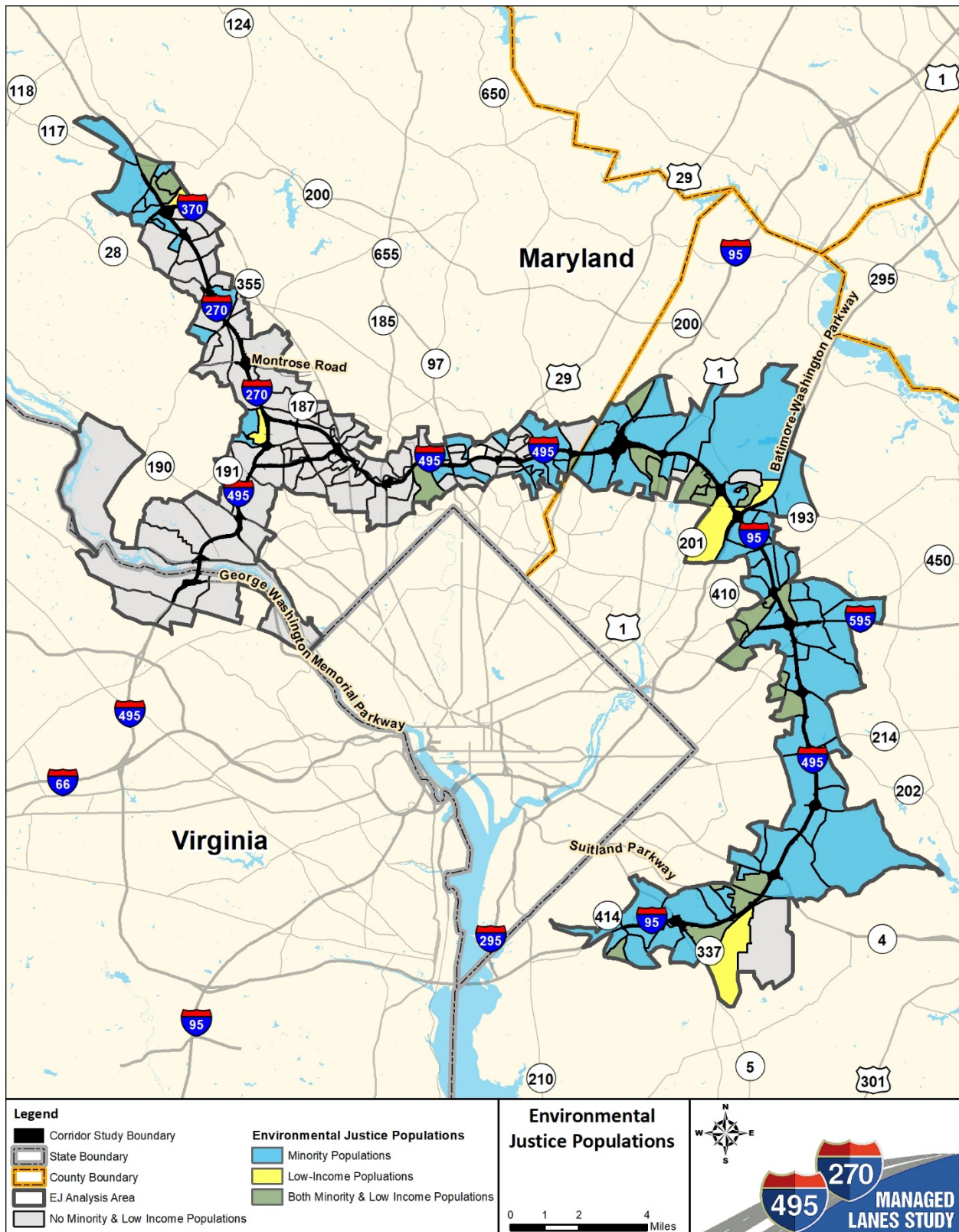
Some common themes emerged in the comments received at the Public Workshops:

- Acknowledgement of problems associated with congestion;
- Environmental considerations, such as natural resources, wildlife habitat, traffic noise levels and sound barriers, air quality, and quality of life;
- Support for transit;
- Bicycle and pedestrian interest, infrastructure, and safety;
- Questions or concerns about tolling;
- Support for additional HOV lanes;
- Concerns about utilizing private industry for public transportation improvements; and
- Public outreach and notification methodology.

### 7.2.2 Public Outreach with Environmental Justice Populations

An Environmental Justice (EJ) population is a population concentration of minority race and ethnicity individuals and/or low-income households that meets federal definitions. Through the EJ Analysis in the **Chapter 4, Section 21**, EJ populations have been identified along the study corridor and are shown in **Figure 7-1**.

**Figure 7-1: EJ Populations along the Study Corridors**



Providing full and fair access to meaningful involvement by low-income and minority populations in project planning and development is an important aspect of EJ. Meaningful involvement means the Lead Agencies invite participation from populations typically underrepresented, throughout all the project stages. Due to the highly diverse demographics composing the population adjacent to and using the study corridors, much of the corridor-wide public involvement efforts conducted for the Study were aimed at reaching this socioeconomically diverse audience.

Over 30 outreach events held between March 2018 and December 2019 were held or attended in communities that contain one or more EJ populations, in locations adjacent to EJ populations, or at events generally serving EJ populations along the study corridors. Refer to **Table 4-25 in Chapter 4, Section 21.4** for a list of these outreach events and additional information on how public involvement efforts aimed to provide full and fair access to meaningful involvement by EJ populations in the Study process.

Based on initial low attendance at Prince George's County events and receipt of fewer public comments compared to Montgomery County, MDOT SHA reached out to the M-NCPPC Prince George's County Planning Department to enhance local engagement during the ARDS Public Workshop outreach campaign. Coordinated local outreach efforts with M-NCPPC Prince George's County Planning Department included, but were not limited to: distribution of the Public Workshops' announcement flyer via Office of Municipalities' community outreach database for display at 45 County community centers; distribution of the Public Workshops' announcement flyer via WMATA Office of Communications for their community update posting; and forwarding of study e-mail blasts to the Community Association database and Office of Planning database. Additional local outreach included distribution of Public Workshops' announcement flyer through Prince George's County Department of Public Works and Transportation e-mail blast; and distribution of Public Workshops' announcement flyer to several large places of worship along the study corridor, including First Baptist Church of Glenarden, the Collective Empowerment Group (an umbrella group for more than 300 churches in the County), Prince George's County Liaison for Faith Connections/Relationship Building, People's Community Baptist Church, Sanctuary at Kingdom Square, and the Transforming Neighborhoods Initiative.<sup>1</sup>

While study awareness, meeting attendance, and the volume of comments received was consistently strong in Montgomery County; additional outreach was conducted that included distribution of the Public Workshops' announcement flyer through the Montgomery County Department of Transportation email blasts.

To further enhance engagement of the Study's identified EJ populations and other underserved populations, and consistent with recommendations in NCHRP Report 710, *Practical Approaches for Involving Traditionally Underserved Populations in Transportation Decisionmaking*, demographic data was used to identify locations for targeted mailing outreach. These locations included EJ Analysis Area schools

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<sup>1</sup> The Transforming Neighborhoods Initiative was an effort by Prince George's County to provide additional services and resources to six underserved communities within the County.



with above-average participation in the Free and Reduced-price Meals Program;<sup>2</sup> places of worship<sup>3</sup> in EJ Analysis Area Communities containing EJ populations; and all affordable-housing complexes<sup>4</sup> in the EJ Analysis Area. In early April 2019, an introductory cover letter asking recipients to display an enclosed Public Workshops' announcement flyer wherever community information is displayed was mailed to the 174 affordable-housing complexes, schools, and places of worship listed in the *Community Effects Assessment and Environmental Justice Analysis Technical Report (Appendix E, Section 4.2)*. English and Spanish versions of the flyer were included with the cover letter.

### 7.2.3 Small-Scale Meetings and Outreach Events

The geographic scope of the study corridors has resulted in a wide variety of stakeholder interests across the region. Therefore, in addition to the Public Workshops, the I-495 & I-270 P3 Program Director, Deputy Director, and technical experts conducted meetings or conference calls with at least 114 community associations, elected officials and legislators, stakeholder organizations, and large, potentially-impacted landowners to present detailed Study information and hold question-and-answer sessions. To provide Study information and capture feedback on community interests and concerns, MDOT SHA staffed 14 several "pop-up" informational booths in Montgomery, Prince George's, and Frederick Counties. The pop-up/informational booth captured attention with project-branded tablecloth, and branded giveaways. The table contained informational boards, and project media which detailed the project scope and timelines. Refer to the *Public Involvement and Agency Coordination Technical Report (Appendix P, Sections 3.4 and 7.1)* for additional information on these meetings.

### 7.2.4 Public Hearings

MDOT SHA will continue to solicit public and agency feedback through a variety of methods as the Study is advanced. The public is invited to stay connected to the Study via the Program website (<https://495-270-p3.com/>), e-mail ([MLS-NEPA-P3@mdot.maryland.gov](mailto:MLS-NEPA-P3@mdot.maryland.gov)), toll-free telephone (833-858-5960), and through signing up for the Study mailing list via the Study website.

After the release of the DEIS, Public Hearings will be held to obtain input and comments from the public on the results presented in this DEIS. All comments received during the associated comment period will be reviewed and considered, and all substantive comments will be formally responded to in the Final Environmental Impact Statement (FEIS).

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<sup>2</sup> The MDOT SHA Office of Equal Opportunity collects public feedback surveys to ensure compliance with Title VI of the Civil Rights Act of 1964. Maryland State Department of Education (*Free and Reduced-Price Meal Statistics for School Year 2017-2018*, <http://marylandpublicschools.org/programs/pages/school-community-nutrition/freereducedpricemealstatistics.aspx>).

<sup>3</sup> Geographic Information Systems (GIS) data sourced from Maryland iMap ([data.imap.maryland.gov/datasets/maryland-land-use-land-cover-land-use-land-cover-2010](http://data.imap.maryland.gov/datasets/maryland-land-use-land-cover-land-use-land-cover-2010)); Prince George's County Open Data Portal ([gisdata.pgplanning.org/metadata/](http://gisdata.pgplanning.org/metadata/)); Montgomery County Planning Department Open Data Portal (Montgomery County Planning Department. Open Data Portal). Corresponding mailing addresses gathered using Google Search.

<sup>4</sup> Sourced from Housing and Urban Development Multifamily Assistance & Section 8 Database, Montgomery County Housing Opportunities Commission, Prince George's County Housing Authority, and Fairfax County Redevelopment and Housing Authority websites. Corresponding mailing addresses gathered using Google Search.

MDOT SHA will perform extensive outreach to notify the public of the upcoming Public Hearings, including the location of the DEIS and Joint Permit Application<sup>5</sup> for public review. MDOT SHA's advertising approach to notify the public includes the following (note: due to COVID-19, these advertising approaches are subject to change):

- Press Release;
- Elected Official E-mail Blast;
- Program-wide E-mail Blast;
- Single-page flyer via US Mail;
- Newspaper Print Ads via:
  - *The Washington Post* Print Ad (Daily),
  - *Frederick News-Post* (Daily),
  - *Laurel Leader* (Thursday),
  - *Howard County Times* (Thursday),
  - *El Tiempo Latino* (Friday),
  - *Washington Hispanic* (Friday),
  - *Sun Gazette Fairfax* (Thursday),
  - *Fairfax County Times* (Friday),
  - *Prince George's Post* (Thursday),
  - *The Enquirer-Gazette* (Thursday);
- Single-page flyer in *The Washington Post* (Thursday);
- Radio Ads via (iHeart and TTVN);
- Pop-up Events at Transit Centers;
- Online Digital Ads with geographic and demographic programmatic targeting:
  - Washingtonpost.com,
  - WTOP.com,
  - DCBlack.com,
  - Afro.com,
  - Eltiempo.com,
  - Fairfaxtimes.com;
- Facebook and Instagram;
- Media promotions (interviews, media kits, word-of-mouth, etc.);
- MDOT SHA News Release and Social Media Channels (Facebook, Twitter, etc.); and
- P3 Program Website (495-270-p3.com).

### 7.3 Agency Coordination

The FHWA and MDOT SHA actively engaged the Federal, state, regional, and local agencies, as well as the adjacent counties, Metropolitan Planning Organizations (MPO), and other stakeholders throughout the Study process, simultaneously with other public involvement efforts. At the initiation of the Study, an Agency Coordination Plan was developed. The plan facilitated the structured coordination with federal, state and local agencies to ensure participation in the Study, including the development of the Purpose

<sup>5</sup> State and federal permits are required for unavoidable impacts to wetlands, wetland buffers, waterways, and the FEMA 100-year floodplain from the I-495 & I-270 Managed Lanes Study. The federal permit decision for these impacts is required to be made within 90 days of the NEPA Record of Decision, per Executive Order 13807-One Federal Decision. The United States Army Corps of Engineers (USACE) and the Maryland Department of the Environment (MDE) are soliciting comments from the public; Federal, State, and local agencies; Native American Tribes; and other interested parties on the impacts as part of the permitting process.

and Need and the range of alternatives, as well as identification of environmental issues. This section categorizes agency coordination into three broad and concurrent efforts: Scoping engagement, Interagency Working Group (IAWG) meetings, and on-going regulatory and resource agency consultation. Additional detail on agency coordination is provided throughout the *Public Involvement and Agency Coordination Technical Report (Appendix P)*.

### 7.3.1 Scoping Outreach

During the Scoping process, potential Cooperating, Participating, and Notified Agencies at the Federal, state, local, and regional levels were initially identified by FHWA and MDOT SHA, in accordance with 40 CFR 1501.6 and 23 U.S.C. § 139. The list of two Lead (Federal Agency and Local Project Sponsor), eight Cooperating, 18 Participating, and seven Notified agencies is provided in **Table 7-1**.

By e-mail, dated February 21, 2018, FHWA and MDOT SHA invited potential Cooperating and Participating Agencies to attend the kickoff Interagency Working Group (IAWG) meeting on March 14, 2018, initiating the Agency Scoping period and inviting input regarding IAWG coordination and the proposed schedule. Throughout the Study process as new information was received and the status of several agencies was revised, these changes were reflected in updates to the Agency Coordination Plan. Refer to *Public Involvement and Agency Coordination Technical Report (Appendix P, Chapter 2)* for additional information.

### 7.3.2 Interagency Working Group Meetings

IAWG Meetings were convened monthly, or as needed, by MDOT SHA and FHWA, and attended by the Cooperating and Participating Agencies and other notified agencies. IAWG Meetings focused on sharing and discussing information and seeking feedback from attendees on the Study approach and results of major study findings at key milestones. Key information discussed and shared at the IAWG meetings included Study process and schedule, methodologies and results from traffic analyses, review of existing environmental resources, development of alternatives, potential environmental and property impacts, permitting schedule, and avoidance, minimization and mitigation strategies. Throughout the Study, all Cooperating and Participating Agencies were encouraged to provide both data and comments to help support analyses and decision-making. Cooperating Agencies were requested to provide concurrence at certain milestones, as outlined in the Agency Coordination Plan, including Purpose and Need and Alternatives Retained for Detailed Study. A total of 12 IAWG meetings have been held since the Study initiation in March 2018. During development of this DEIS, monthly Study updates were emailed to the IAWG participants to keep the agencies up-to-date on the Study's progress. **Table 7-2** provides a summary of the IAWG meetings held to date for the Study. Additional details on the IAWG meetings are provided throughout the *Public Involvement and Agency Coordination Technical Report (Appendix P)*.

**Table 7-1: Lead, Cooperating, Participating, and Notified Agencies for the Study**

<b>Role</b>	<b>Federal Agencies</b>	<b>Maryland / State Agencies</b>	<b>Local Agencies and Regional Stakeholders</b>
<b>Lead Agency</b> - As codified in 23 U.S.C. Section 139, manages the coordination process; prepares EIS; provides opportunity for public & participating/ cooperating agency involvement. Defined as the Department of Transportation (DOT) and, if applicable, any State or local governmental entity serving as a joint lead agency	<ul style="list-style-type: none"> <li>FHWA – Maryland Division</li> </ul>	<ul style="list-style-type: none"> <li>MDOT SHA</li> </ul>	
<b>Local Project Sponsor</b> - a State or local governmental entity receiving funds under 23 U.S.C. Section 139 for the project shall serve as a joint lead agency with the Department for purposes of preparing any environmental document under NEPA		<ul style="list-style-type: none"> <li>MDOT SHA</li> </ul>	
<b>Cooperating Agencies</b>	<ul style="list-style-type: none"> <li>US Army Corps of Engineers (USACE), Baltimore District</li> <li>US Environmental Protection Agency (EPA)</li> <li>National Park Service (NPS)</li> <li>National Capital Planning Commission (NCPC)</li> </ul>	<ul style="list-style-type: none"> <li>MD Department of Environment (MDE)</li> <li>Maryland Department of Natural Resources (MDNR)</li> <li>Virginia DOT (VDOT)</li> </ul>	<ul style="list-style-type: none"> <li>Maryland-National Capital Park and Planning Commission (M-NCPPC)</li> </ul>
<b>Participating Agencies</b>	<ul style="list-style-type: none"> <li>Federal Transit Administration (FTA)</li> <li>US Fish and Wildlife Service (USFWS)</li> <li>Federal Railroad Administration (FRA - Amtrak)</li> <li>National Oceanic and Atmospheric Administration (NOAA)- National Marine Fisheries Service (NMFS)</li> </ul>	<ul style="list-style-type: none"> <li>Maryland Historical Trust (MHT)</li> <li>Maryland Department of Planning (MDP)</li> <li>MDOT Maryland Transit Administration (MTA)</li> <li>MDOT Maryland Transportation Authority (MDTA)</li> <li>Virginia Department of Historic Resources (VDHR)</li> </ul>	<ul style="list-style-type: none"> <li>Prince George's County Department of Public Works and Transportation (DPW&amp;T)</li> <li>Montgomery County Department of Transportation</li> </ul>



Role	Federal Agencies	Maryland / State Agencies	Local Agencies and Regional Stakeholders
	<ul style="list-style-type: none"> <li>• US Department of Defense – Joint Base Andrews (JBA)</li> <li>• US Postal Service (USPS)</li> <li>• Natural Resources Conservation Service (NRCS)</li> <li>• US Navy</li> <li>• US Department of Agriculture Beltsville Agricultural Resources Center (USDA BARC)</li> <li>• US Coast Guard (USCG)</li> </ul>	<ul style="list-style-type: none"> <li>• Virginia Department of Conservation and Recreation (VDCR)</li> </ul>	
<b>Notified Agencies</b>	<ul style="list-style-type: none"> <li>• National Institute of Standards and Technology (NIST)</li> <li>• Federal Emergency Management Agency (FEMA)</li> <li>• Advisory Council on Historic Preservation (ACHP)</li> </ul>	<ul style="list-style-type: none"> <li>• Maryland Commission on Indian Affairs</li> </ul>	<ul style="list-style-type: none"> <li>• Frederick County</li> <li>• MWCOG TPB</li> <li>• WMATA</li> </ul>

**Table 7-2: Summary of Interagency Working Group (IAWG) Meetings**

Meeting	Date/Timeframe	Public or Agencies Involved	Key Topic(s)
IAWG #1	March 14, 2018	Lead, Cooperating, Participating Agencies and other Federal, state agencies and MPO	Introduce study to agencies, including limits, IAWG framework, summary of preliminarily-identified needs.
IAWG #2	April 12, 2018	Lead, Cooperating, Participating Agencies and other Federal, state agencies and MPO	Present preliminary purpose and need, Agency Coordination Plan and Schedule, public scoping materials, and discuss status of Cooperating and Participating Agency Letter responses. <b>Cooperating and Participating Agency invitation acceptance due 4/23-4/26.</b>
IAWG #3	May 16, 2018	Lead, Cooperating, Participating Agencies and other Federal, state agencies and MPO	Summarize scoping meetings and comments; present environmental inventory; present full range of preliminary alternatives. <b>Concurrence on Agency Coordination Plan and Purpose and Need. Agency and public scoping period closes.</b>
IAWG #4	July 11, 2018	Lead, Cooperating, Participating Agencies and other Federal, state agencies and MPO	Present preliminary range of alternatives and screening criteria; present materials for July Preliminary Alternatives Public Workshops; present agency and public comments on Purpose and Need received post concurrence
IAWG #5	September 28, 2018	Lead, Cooperating, Participating Agencies and other Federal, state agencies and MPO	Agency Field Review/Tour of I-495 & I-270 within the study area and significant environmental resources.
IAWG #6	October 10, 2018	Lead, Cooperating, Participating Agencies and other Federal, state agencies and MPO	Present Issue Resolution Process, Executive Order 13807, summary of public comments from July Preliminary Alternatives Public Workshops; revisit IAWG Framework including purpose and protocol; discuss Issue Resolution Process; present list of permits/approvals for the Permitting Timetable.
IAWG #7	February 13, 2019	Lead, Cooperating, Participating Agencies and other Federal, state agencies and MPO	Present recommended Screened Alternatives
IAWG #8	March 13, 2019	Lead, Cooperating, Participating Agencies and other Federal, state agencies and MPO	Discuss agency comments on recommended Screened Alternatives; present public outreach approach for April and May Alternatives Retained for Detailed Study Public Workshops
IAWG #9	April 10, 2019	Lead, Cooperating, Participating Agencies and other Federal, state agencies and MPO	Present recommended Alternatives Retained for Detailed Study
IAWG #10	May 8, 2019	Lead, Cooperating, Participating Agencies and other Federal, state agencies and MPO	Discuss comments on recommended ARDS; present public comment themes received to-date.
IAWG #11	June 12, 2019	Lead, Cooperating, Participating Agencies and other Federal, state agencies and MPO	<b>Request verbal and written agency concurrence on ARDS;</b> present additional public comment themes received to-date (ARDS public comment period April 11 <sup>th</sup> through June 14 <sup>th</sup> )
IAWG #12	October 16, 2019	Lead, Cooperating, Participating Agencies and other Federal, state agencies and MPO	Discuss dropping of Alternative 5; present methodology and results of MD 200 Diversion Alternative analysis.

### 7.3.3 Regulatory and Resource Agency Consultation

Concurrent with the efforts described previously, consultation with regulatory and resource agencies with jurisdiction and/or special expertise over environmental resources potentially affected by the Study was conducted to discuss resource-based issues and to obtain their input on existing resources, potential impacts, avoidance, minimization and mitigation strategies. Resource-specific agency consultation is an ongoing effort that will continue through the FEIS and Record of Decision to the extent appropriate through development and will focus on impact avoidance and minimization strategies and mitigation opportunities for unavoidable impacts. Details on consultation and related correspondence are provided in the respective resource-specific technical reports appended to this DEIS and referenced below.

#### A. Natural Resource Agency Coordination

As documented in the *Natural Resources Technical Report (Appendix L)*, permitting programs required agency consultation for a number of natural resource review processes, including:

- Jurisdictional Determination (JD);
- Permitting strategy;
- Avoidance, minimization, and mitigation;
- Wetland delineation; and
- Rare, Threatened, and Endangered (RTE) Species coordination.

Between April 2018 and May 2020, MDOT SHA has held 56 natural resources-related agency consultation office and field meetings with:

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|---|--|
| • FHWA  | • US Navy  |
| • US Army Corps of Engineers  | • Maryland Department of Natural Resources               |
| • US Department of Agriculture- Beltsville Agricultural Research Center | • Maryland Department of the Environment                 |
| • US Environmental Protection Agency                                    | • Maryland-National Capital Park and Planning Commission |
| • National Park Service   |  |
| • US Fish and Wildlife Service  |  |
| • National Capital Planning Commission                                  |  |

#### B. Section 106 Agency Coordination

*Volume 1* of the *Cultural Resources Technical Report (Appendix G)* documents agency consultation conducted in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 that considers the effects of the proposed action on historic properties. FHWA notified the Advisory Council on Historic Preservation (ACHP) of the Study on March 26, 2018, and the Section 106 process was initiated on April 12, 2018 with a letter to the MHT, the Virginia DHR, and other consulting parties. MDOT SHA met with MHT on April 18, 2018 to discuss the project, the APE, and the proposed Section 106 consultation process. Additional parties, including tribal, Federal, state, and local governments, were invited in 2018 and 2019 to participate as Section 106 consulting parties. Consulting parties have received and continue to receive Study cultural resources documents for review and comment. FHWA and MDOT SHA held three consulting parties' meetings, on May 3, 2018, November 13, 2018, and June 17, 2019. A fourth consulting parties meeting is anticipated in the summer of 2020. Note that Section 106 public involvement is being

fulfilled through the same processes used for general public involvement and NEPA compliance. Refer to **Appendix G** for additional information on the Section 106 Coordination.

### C. Section 4(f) Agency Coordination

Section 4(f) of the US Department of Transportation Act of 1966 mandates that use of a publicly-owned park, recreation area, wildlife/waterfowl refuge, or historic site for a transportation project cannot be approved unless certain conditions are applied. Section 4(f) regulations require the *Draft Section 4(f) Evaluation* be made available for coordination and comment to officials with jurisdiction over the Section 4(f) resource and to the USDA and the Department of Housing and Urban Development (HUD) (23 C.F.R. §774.5). Between March 2018 and May 2020, MDOT SHA has conducted conference calls, meetings, and field reviews with or sent letters to the following agencies with jurisdiction over parkland along the study corridors: NPS, M-NCPPC- Montgomery County, M-NCPPC- Prince George's County, National Capital Planning Commission, City of Rockville, City of Gaithersburg, City of Greenbelt, City of New Carrollton, and Montgomery County Department of Education. FHWA and MDOT SHA have also held meetings and coordinated with the agencies with jurisdiction over historic sites, including NPS, the ACHP, MHT, and the Virginia DHR. Coordination with USDA and HUD is ongoing; the USDA is a participating agency under NEPA and MDOT SHA has notified HUD via letter of the Draft Section 4(f) Evaluation for the MLS. Details on ongoing official with jurisdiction consultation under Section 4(f) are provided in *of the Draft Section 4(f) Evaluation (Appendix F, Section 6)*.

## 7.4 Incorporation of Public and Agency Input into the Study

In response to comments received through the public and agency engagement processes conducted up to this point, MDOT SHA and FHWA enhanced the Study and included many additional elements for review in this DEIS:

### Purpose and Need:

- Amended to include *enhance existing and planned multimodal mobility and connectivity* in the purpose statement;
- MDOT SHA committed to working in good faith with its regulatory agency partners to plan worthwhile mitigation based on identified priorities that would, at a minimum, bring no net loss to impacted resources with a goal of net benefit.

### Alternatives:

- Retained alternatives that support high occupancy vehicle travel (Alternatives 8, 10, and 13C); retained alternatives that support no toll for eligible high occupancy vehicles (Alternatives 9M, 9, and 13B).
- Allowed free bus usage of all Build Alternatives.
- Developed a Transit Work Group to further explore opportunities for new or expanded transit service on managed lanes.

- Included additional direct access that would support direct and indirect access to transit stations and transit-oriented development; added direct access in Equity Emphasis Areas; modified direct access to support priority development and facilities including the University of Maryland (UMD) Capital Region Medical Center/downtown Largo redevelopment in Prince George's County and the new Federal Drug Administration (FDA) center in Montgomery County.
- Committed to constructing a shared-use path on the south side of a new American Legion Bridge to support pedestrian and bicycle connectivity, regardless of the build alternative.
- Analyzed two new alternatives to the same level as the Screened Alternatives to identify opportunities to avoid or minimize sensitive environmental resources and property relocations (MD 200 Diversion Alternative and Alternative 9 Modified). Refer to **Chapter 2, Section 2.5.3** and *Alternatives Technical Report (Appendix B)*.

### Environmental and Property Impacts

- Incorporated a closed roadway section with retaining walls where feasible to avoid and minimize environmental and property impacts.
- Included underground stormwater management vaults to avoid and minimize environmental and property impacts.
- Removed the existing Collector-Distributor system on I-270 to largely stay within the existing roadway footprint on I-270 to avoid and minimize environmental and property impacts.
- Reconfigured direct access ramps and designed signage at the George Washington Memorial Parkway and the Baltimore Washington Parkway to reduce visual intrusions to these important historic parkways.
- Removed or relocated stormwater management facilities from sensitive resources including parks, where feasible.
- Shifted I-495 and added retaining walls to eliminate the need to relocate Rock Creek thus significantly reducing park, stream, and wetland impacts.