

# EXECUTIVE SUMMARY

## Overview

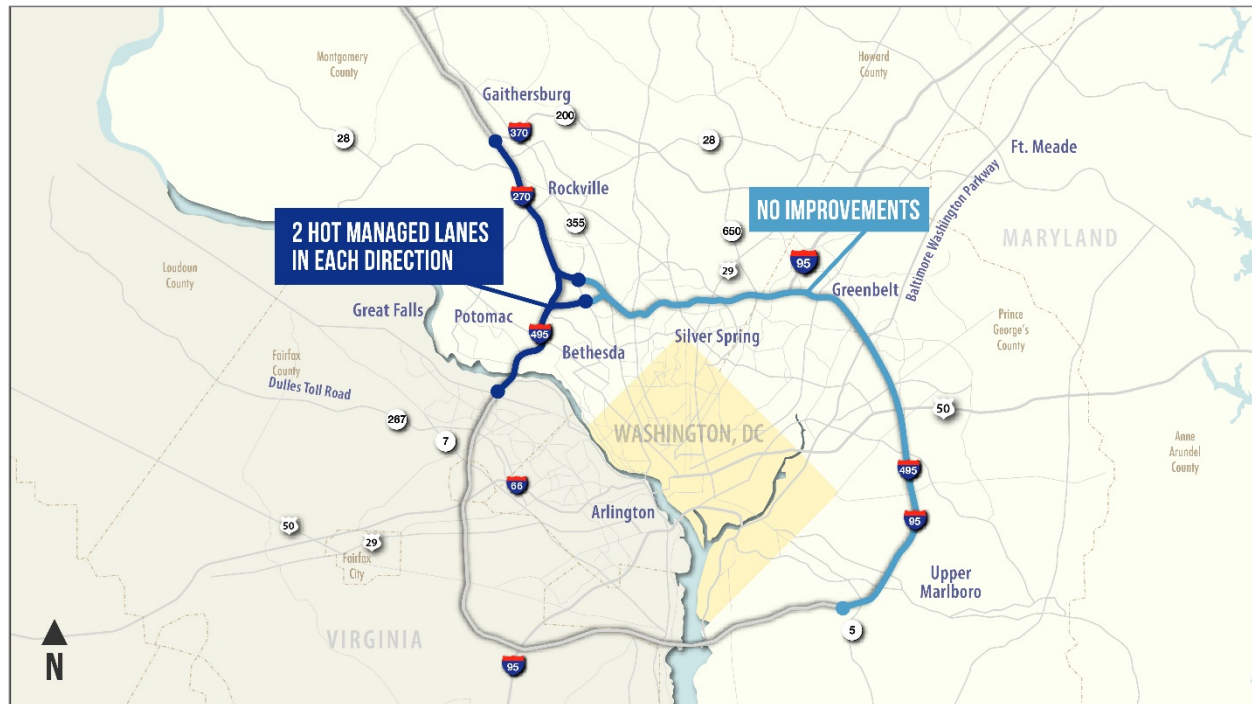
### What is the Purpose of the Supplemental Draft Environmental Impact Statement?

An Environmental Impact Statement (EIS) may be supplemented at any time, in accordance with 23 CFR 771.130, when the Federal Highway Administration (FHWA) determines that changes to the proposed action or new information relevant to environmental concerns or impacts from the proposed action were not evaluated in the Draft EIS (DEIS). This Supplemental Draft Environmental Impact Statement (SDEIS) has been prepared to consider new information relative to the Preferred Alternative, Alternative 9 - Phase 1 South. Building off the analysis in the existing DEIS, the SDEIS discloses new information relevant to the Preferred Alternative focusing on new information while referencing the DEIS for information that remains valid. The SDEIS also describes the background and context in which the Preferred Alternative, Alternative 9 - Phase 1 South was identified. The SDEIS will be available for the public to review and comment on the Preferred Alternative during a 45-day comment period. Following the comment period of the SDEIS, FHWA and the Maryland Department of Transportation State Highway Administration (MDOT SHA) will consider comments received and will respond to substantive comments on the DEIS and SDEIS in the Final Environmental Impact Statement (FEIS).

### What is the Focus of the SDEIS?

The SDEIS focuses on new information related to the Preferred Alternative for the I-495 & I-270 Managed Lanes Study (Study). The Study is considering alternatives that address roadway congestion within the specific Study scope which remains unchanged from the DEIS: I-495 from south of the George Washington Memorial Parkway in Fairfax County, Virginia, including replacement of 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. The Preferred Alternative, Alternative 9 - Phase 1 South (shown in **dark blue** in **ES-Figure 1**), includes build improvements within the limits of Phase 1 South only. There is no action or no improvements included at this time on I-495 east of the I-270 east spur to MD 5 (shown in **light blue** in **ES-Figure 1**). While the Preferred Alternative does not include improvements to the remaining parts of I-495 within the scope of the Study, improvements on the remainder of the interstate system may still be needed in the future and would advance separately, subject to additional environmental studies, analysis and collaboration with the public, stakeholders and local agencies.

### ES-1: I-495 & I-270 Managed Lanes Study Corridors – Preferred Alternative



#### What Is the Study's Purpose and Need?

The Purpose and Need Statement remains the same as presented in the **DEIS, Chapter 1** and in the full Purpose and Need Statement in **DEIS, Appendix A**. However, the purpose and needs are restated below for ease to the reader.

The Study's purpose is to develop a travel demand management solution(s) 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
- Accommodate Homeland Security
- Improve Movement of Goods and Services

Two goals for the Study were also identified in addition to the purpose and needs: (1) the use of alternative funding approaches for financial viability and (2) environmental responsibility. Refer to **Chapter 1** and **DEIS, Appendix A** for additional information on the Study's Purpose and Need.

#### Does the Purpose and Need remain valid with the Preferred Alternative?

Identifying Alternative 9 - Phase 1 South as the Preferred Alternative does not alter the Study's Purpose and Need. The overall need for improvements in the study area remains valid, regardless of the build alternatives evaluated and any potential change to the limits of construction for a preferred alternative. The stated project needs, to accommodate existing and long-term traffic growth, to enhance trip reliability, and to provide additional roadway choices, are still necessary to address transportation

challenges in the study area. In addition, MDOT SHA continues to consider potential changes in traffic and mobility trends as a result of the pandemic, as described in **Chapter 3** of this SDEIS, and will report on those findings in the FEIS.

### Will Comments on the DEIS be Addressed?

All substantive comments received on DEIS and SDEIS will be reviewed and responded to in the FEIS.

Over the last year, MDOT SHA and FHWA have considered the nearly 3,000 comments received on the DEIS and have worked with our partner agencies and stakeholders to address many of the common comments received through the following efforts:

- Aligning the Preferred Alternative and permitting process with the phased delivery approach focusing on addressing the severe congestion at the American Legion Bridge as priority.
- Avoiding and significantly reducing property, community, historic, natural resources and parkland impacts.
- Avoiding all residential and business displacements.
- Avoiding impacts to Morningstar Tabernacle No. 88 Moses Hall and Cemetery.
- Identifying on-site and off-site stormwater management to meet regulatory requirements.
- Monitoring and analyzing traffic impacts associated with the COVID-19 Pandemic to understand any impacts to the Study.
- Committing to priority bicycle, pedestrian, and transit improvements to increase multi-modal options for travel within the study corridors.
- Including toll-free travel under the Preferred Alternative for High Occupancy Vehicles (HOV) with three (3) or more user, transit buses, carpool/vanpool and motorcyclists to reduce the reliance on single occupancy vehicles and provide equitable travel options.

This effort was possible through the extensive agency and stakeholder coordination that occurred since publication of the DEIS in July 2020 including:

- Establishing Economic, Transit and Environmental Justice Working Groups
- Holding over 60 individual stakeholder Meetings with municipalities, non-governmental organizations, elected officials and communities.
- Holding over 80 resource and regulatory agency meetings to discuss DEIS comments, avoidance, minimization, and mitigation opportunities; and
- Holding over 60 field and office meetings with regulatory agencies to discuss natural resource impacts, stormwater management, culvert augmentation and permitting.

Refer to SDEIS **Chapters 4 and 5** for more detail on avoidance, minimization and mitigation efforts and **SDEIS, Chapter 7** for more detail on public and agency coordination.

### How Has the COVID-19 Pandemic Impacted the Study?

The COVID-19 global pandemic had a profound impact on the daily routines of people across the world, affecting the way residents and commuters in the National Capital Region work, travel, and spend their free time. These changes have altered traffic demand, transit use, and traffic volumes on all roadways in

Maryland, the District of Columbia, and Virginia, including I-495 and I-270. MDOT SHA has been closely monitoring the changes in traffic patterns throughout the pandemic. Refer to **SDEIS, Appendix B** for the COVID-19 Travel Analysis and Monitoring Plan. This plan includes a sensitivity analysis that will confirm the need for the project and verify that the Preferred Alternative would provide benefits if future demand is less than projected. Results will be included in the FEIS.

The traffic data shows a severe drop in traffic volumes in April 2020 after stay-at-home orders were issued across Maryland, with daily traffic volumes on I-270 and I-495 reducing by more than 50 percent compared to April 2019. With the rollout of vaccines in early 2021, the corresponding drop in COVID-19 cases, and the gradual reopening of schools and businesses, traffic volumes have continued to recover and are back to over 90 percent of normal as of August 2021. Transit use has been slower to recover, with usage of the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) services still down approximately 50 percent compared to pre-pandemic levels as of August 2021 per data presented on MDOT's coronavirus tracking website.

The COVID-19 Travel Analysis and Monitoring Plan will continue to evaluate transportation trends and confirm that the capacity improvements proposed under the Preferred Alternative would be needed and effective if future demand changes substantially from the pre-pandemic forecasts. MDOT SHA must ensure that transportation improvements are being developed to meet our State's needs not only for today, but for the next 25-plus years. Because long-term travel trends are far from settled and because the most recent data suggests traffic is rebounding close to pre-pandemic levels, the SDEIS forecasts continue to apply models that were developed and calibrated prior to 2020 for use in evaluating projected 2045 conditions in this document. However, MDOT SHA will continue to review new data as it becomes available. The sensitivity analysis evaluating several "what if" scenarios related to future traffic demand due to potential long-term changes to teleworking, e-commerce, and transit use as part of the *COVID-19 Travel Analysis and Monitoring Plan (SDEIS, Appendix B)* is ongoing.

Refer to **Chapter 3, Section 3.1.4 and SDEIS, Appendix B** for additional detail on the impact of the COVID-19 pandemic on the Study. Results will be presented in the FEIS.

## Supplemental Draft Environmental Impact Statement

### What is Included in the Supplemental Draft Environmental Impact Statement vs. the Final Environmental Impact Statement?

This SDEIS has been prepared to present new information relative to the Preferred Alternative, Alternative 9 – Phase 1 South. FHWA and MDOT SHA have identified Alternative 9 Phase 1 South as the Preferred Alternative.

This SDEIS supplements the existing DEIS that was published on July 10, 2020. The SDEIS is limited to focus on new information while referencing the DEIS for information that remains valid. The detailed documentation of existing conditions, methodologies, assessments of effects of the DEIS Build Alternatives, and conceptual mitigation, when applicable, are included in the Study technical reports appended to the DEIS (**Appendices A through S**) and are available through the Program website (<https://495-270-p3.com/deis/#DEIS>).

The SDEIS presents a description of the Preferred Alternative, as well as the associated traffic analysis along with the permanent and temporary impacts associated with the Preferred Alternative. With the advancement of the Preferred Alternative, coordination with the resource agencies on avoidance, minimization, and conceptual mitigation has continued. The SDEIS describes the current efforts from the

July 2020 DEIS publication through summer 2021 on the avoidance, minimization, and conceptual mitigation. Final mitigation and commitments will be included with the Record of Decision (ROD).

The SDEIS is available so that interested citizens, elected officials, government agencies, businesses, and other stakeholders can review and comment on the Preferred Alternative over a 45-day comment period and during a virtual public hearing on November 1, 2021 (refer to [oplanesmd.com/SDEIS](https://oplanesmd.com/SDEIS) for the latest details on the virtual public hearing).

After circulation of the SDEIS and review and consideration of comments received, a FEIS will be developed. The FEIS will focus on any additional analysis and refinements of the data, as well as responding to substantive comments received on the DEIS and SDEIS. Additional analyses or final analyses that will be presented in the FEIS include:

- Final Visual Impacts Assessment for the Preferred Alternative, including renderings and final mitigation
- Final Air Quality Analysis for the Preferred Alternative including CO, MSATs, Greenhouse Gas Emissions and construction related air quality impacts.
- Final Section 4(f) Evaluation with the final Least Overall Harm Analysis.
- Final Environmental Justice Analysis including consideration of mitigation, comparison of adverse effects from the Preferred Alternative within EJ populations to adverse effects within a non EJ population reference community and final conclusion of whether disproportionately high and adverse effects would occur.
- Final Mitigation Package including all final measures to mitigate unavoidable impacts for all resources identified through coordination with jurisdictional agencies.
- Final Wetland and Floodplain Statement of Findings identifying final mitigation for impacts to wetlands and floodplain on National Park Service property.
- Final Application Joint Federal/State Application and supporting documentation for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetlands.

### What is the Format of the SDEIS?

The format of the SDEIS follows the same format as the July 10, 2020 DEIS and contains ten chapters.

- **Chapter 1** presents the Study's Purpose and Need, which is unchanged from the DEIS, but repeated for ease of the reader. This chapter is supported by the *Purpose and Need Statement (DEIS, Appendix A, [https://495-270-p3.com/wp-content/uploads/2020/07/DEIS\\_AppA\\_PN\\_web.pdf](https://495-270-p3.com/wp-content/uploads/2020/07/DEIS_AppA_PN_web.pdf))*.
- **Chapter 2** presents a description of the Preferred Alternative. It also describes other common elements of the Preferred Alternative such as, limits of disturbance (LOD),<sup>1</sup> managed lanes access, stormwater management, culverts, construction and short-term effects, transit elements, pedestrian and bicycle considerations, and tolling.
- **Chapter 3** presents results from the traffic operational analyses conducted for the 2045 No Build Alternative and Preferred Alternative. It also discusses how the effects of the pandemic are being

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<sup>1</sup> The limits of disturbance are the proposed boundary within which all construction, staging, materials storage, grading, clearing, erosion and sediment control, landscaping, drainage, stormwater management, noise barrier replacement/construction, and related activities would occur.

considered in the traffic analysis, as well as the effects to local roadway networks. This chapter is supported by *Traffic Evaluation Memorandum – Alternative 9: Phase 1 South* in **SDEIS, Appendix A**.

- **Chapter 4** presents the permanent and temporary impacts associated with the Preferred Alternative. It also provides an update on the measures to avoid, minimize, and mitigate potential environmental effects, where applicable. Final mitigation will be included in the FEIS.
- **Chapter 5** presents the Updated Draft Section 4(f) Evaluation, which updates the potential Section 4(f) uses and mitigation associated with the Preferred Alternative to significant public parks, recreational areas, and historic properties in compliance with Section 4(f) of the US Department of Transportation (USDOT) Act of 1966. This chapter is a supplement to the *Draft Section 4(f) Evaluation (DEIS, Appendix F, [https://495-270-p3.com/wp-content/uploads/2020/07/DEIS\\_AppF\\_Draft-Section-4f-Eval\\_web.pdf](https://495-270-p3.com/wp-content/uploads/2020/07/DEIS_AppF_Draft-Section-4f-Eval_web.pdf))*.
- **Chapter 6** acknowledges that on January 20, 2021, *Executive Order 13807: Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects*, was revoked in the *Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*.
- **Chapter 7** presents a summary of the public outreach and agency coordination for the Study that has occurred, since publication of the DEIS in July 2020 through summer 2021.
- **Chapter 8** presents the List of Preparers of the SDEIS.
- **Chapter 9** presents the Distribution List of agencies, organizations, and persons to whom the SDEIS was made available for review and comment as well as information on public availability of the SDEIS.
- **Chapter 10** presents the references for the SDEIS.

The SDEIS focuses on new information related to the Preferred Alternative. The complete SDEIS and supporting appendices can be found on the Program website: [oplanesmd.com/SDEIS](https://oplanesmd.com/SDEIS). Existing information from the July 2020 DEIS that has not changed will not be repeated in the SDEIS, but the DEIS and supporting technical analyses are available for review and reference on the Program website: <https://495-270-p3.com/deis/>.

## What are the Ways to Comment on the SDEIS?

FHWA and MDOT SHA invite interested elected officials, state and local governments, other Federal agencies, Native American tribal governments, organizations, and members of the public to provide comments on the SDEIS. The SDEIS for the Study and technical reports can be viewed and downloaded from the project website at: [oplanesmd.com/SDEIS](https://oplanesmd.com/SDEIS).

The public comment period opens on October 1, 2021 and will continue until November 15, 2021. *Written and oral comments will be given equal consideration.* MDOT SHA and FHWA will review all comments, and consider and respond to all substantive comments received or postmarked by that date in the preparation of the FEIS. Comments received or postmarked after that date will be reviewed and considered to the extent practicable. A virtual public hearing will be held on November 1, 2021. Refer to [oplanesmd.com/SDEIS](https://oplanesmd.com/SDEIS) for the latest information on the public hearing details.



Comments on the SDEIS may be made by:

- Oral testimony at the virtual Public Hearing, on November 1, 2021
- SDEIS comment form at [oplanesmd.com/SDEIS](https://oplanesmd.com/SDEIS)
- Email to [MLS-NEPA-P3@mdot.maryland.gov](mailto:MLS-NEPA-P3@mdot.maryland.gov)
- Letters to Jeff Folden, I-495 & I-270 P3 Program Deputy Director, I-495 & I-270 P3 Office, 707 North Calvert Street, Mail Stop P-601, Baltimore MD 21202
- Call-in a comment at 855-432-1483 and leave a voicemail that is limited to three minutes

## Alternatives

### What is the Preferred Alternative?

In January 2021, Alternative 9 was announced as the MDOT SHA Recommended Preferred Alternative based on results of traffic, engineering, financial, and environmental analyses, as well as public comment. After several months of further coordinating with and listening to agencies and stakeholders regarding Alternative 9 as the Recommended Preferred Alternative, MDOT SHA decided to align the Study to be consistent with the previously determined phased delivery and permitting approach which focused on Phase 1 South only. As a result, FHWA and MDOT SHA identified a new Recommended Preferred Alternative: Alternative 9 – Phase 1 South. Alternative 9 – Phase 1 South includes the same improvements proposed as part of Alternative 9 but limited to the Phase 1 South limits only (**Figure ES-1**). This Preferred Alternative was identified after coordination with resource agencies, the public and stakeholders to respond directly to feedback received on the DEIS, and to align the NEPA approval with the P3 Program’s planned project phased delivery and permitting approach. FHWA and Cooperating Agencies<sup>2</sup> concurred on Alternative 9 - Phase 1 South as the Preferred Alternative in June 2021.

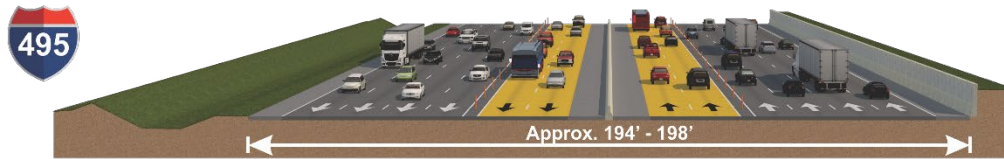
The Preferred Alternative includes a two-lane, High Occupancy Toll (HOT) managed lanes network on I-495 and I-270 within the limits of Phase 1 South only (**Figure ES-2**). On I-495, the Preferred Alternative consists of adding two, new HOT managed lanes in each direction from the George Washington Memorial Parkway to east of MD 187. On I-270, the Preferred Alternative consists of converting the one existing HOV lane in each direction to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. There is no action, or no improvements included at this time on I-495 east of the I-270 east spur to MD 5. Along I-270, the existing collector-distributor (C-D) lanes from Montrose Road to I-370 would be removed as part of the proposed improvements. The managed lanes would be separated from the general purpose lanes using pylons placed within a four-foot wide buffer. Transit buses and HOV 3+ vehicles would be permitted to use the managed lanes toll-free.

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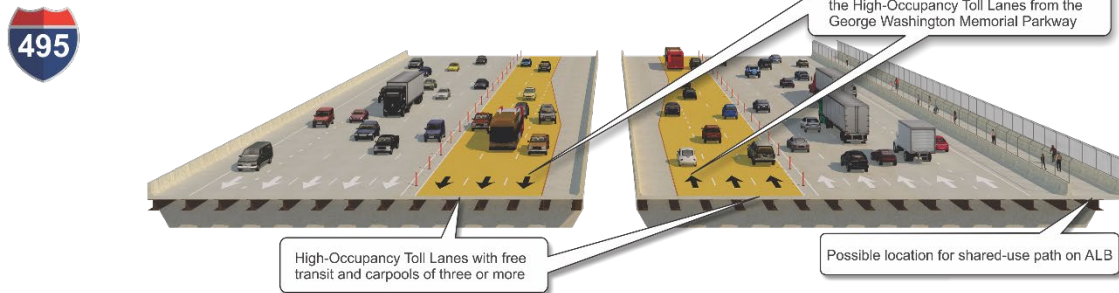
<sup>2</sup> NCP and M-NCPPC did not concur on the Preferred Alternative.

### Figure ES-1: Alternative 9 – Phase 1 South Typical Sections (HOT Managed Lanes Shown in Yellow)

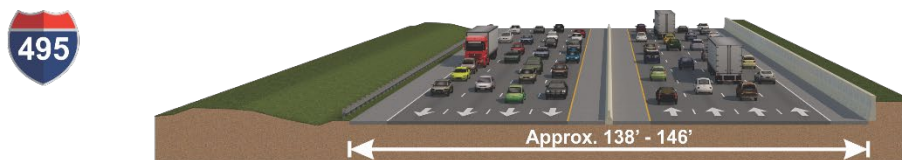
I-495 from the George Washington Memorial Parkway to east of MD 187



I-495: American Legion Bridge (Looking north towards Maryland)



I-495 east of MD 187 to west of MD 5 - NO ACTION AT THIS TIME



I-270 from I-495 to I-370



### What Transit Components Are Included in the Preferred Alternative?

While standalone transit alternatives were found to not meet the Study's Purpose and Need, the Preferred Alternative includes transit elements consistent with the project purpose of enhancing existing and planned multimodal mobility and connectivity. (Refer to **Chapter 2, Section 2.3.7** for additional details on the transit-related elements of the Preferred Alternative.) In furtherance of this key consideration and to address public and agency comments received to-date, MDOT SHA has identified opportunities to enhance transit mobility and connectivity within the Preferred Alternative. These include the following elements:

- Allowing bus transit usage of the HOT managed lanes toll free to provide an increase in speed of travel, assurance of a reliable trip, and connection to local bus service/systems on arterials that directly connect to urban and suburban activity and economic centers.
- Accommodating direct and indirect connections from the proposed HOT managed lanes to existing transit stations and planned Transit Oriented Development at the Shady Grove Metro (I-370), Twinbrook Metro (Wootton Parkway), Montgomery Mall Transit Center (Westlake Terrace), and Medical Center Metro (MD 187).
- Regional transit improvements to enhance existing and planned transit and support new opportunities for regional transit service have been committed to as part of the Preferred Alternative and include:



- Construction of new bus bays at WMATA Shady Grove Metrorail Station
- Increased parking capacity at the Westfield Montgomery Mall Park and Ride

Transit elements were also considered by the Transit Work Group and the joint I-495/American Legion Bridge Transit/Transportation Demand Management (TDM) study by the Virginia Department of Trail and Public Transit and the Maryland Department of Transportation Maryland Transit Administration. Both of these initiatives resulted in reports.

The *Transit Service Coordination Report* completed in coordination with the Transit Work Group was made available to the public in June 2020 on the P3 Program website (<https://495-270-p3.com/transit-benefits/>) and it is being used to inform affected counties and transit providers about the significant transit opportunities offered by managed lanes such as strategies to maximize the benefits of reliability and speed; provide a basis for the evaluation and prioritization of future capital and operating needs in the service area; and initiate discussions about ways to incorporate regional transit services into the P3 Program.

The *I-495/ALB Transit/TDM Final Report and Plan* was completed in March 2021 and was posted online. ([http://www.drpt.virginia.gov/media/3375/i495\\_alb\\_transittdm\\_study\\_finalreport\\_030521\\_combined.pdf](http://www.drpt.virginia.gov/media/3375/i495_alb_transittdm_study_finalreport_030521_combined.pdf)) It identified a series of potential investment packages to provide new mobility choices to service bi-state travel. Each package outlined a combination of transit service elements, technology enhancements, Commuter Assistance Programs, and parking needs. The investment packages offered options to move more people across the American Legion Bridge (ALB) in fewer vehicles.

### **What Additional Transit Commitments Have Been Made through the P3 Agreement?**

On August 11, 2021, in accordance with Maryland law, MDOT and MDTA presented to and received approval from the Board of Public Works to award the Phase 1 P3 Agreement to the Selected Proposer for the predevelopment work related to Phase 1 South of the P3 Program. As part of its proposal, the Phase Developer has committed to provide an estimated \$300 million for transit services in Montgomery County over the operating term of Phase 1 South.

To further support transit services, MDOT has committed, upon financial close of the Section P3 Agreement for Phase 1 South, to fund not less than \$60 million for design and permitting of high priority transit investments in Montgomery County, such as Phase I of the Corridor Cities Transitway, Bus Rapid Transit in the MD 355 Corridor, or other high priority projects and to construct and equip the Metropolitan Grove Bus Operations and Maintenance Facility.

### **Is the Replacement of the American Legion Bridge Part of the Managed Lanes Study?**

Yes, the Preferred Alternative includes the full replacement of the American Legion Bridge (ALB) with a new, wider bridge (not widening of the existing bridge) to accommodate the two HOT lanes in each direction. The existing bridge is nearly 60 years old and would need to be replaced sometime over the next decade regardless of this Study. The new bridge would be constructed in phases to maintain the same number of existing lanes at all times during construction. The new bridge will be replaced in the same existing location.

The reconstructed ALB will include a shared use path to provide bicycle and pedestrian connection between Virginia and Maryland. Refer to **SDEIS, Chapter 2, Section 2.3.8** for the shared use path options under consideration.

## Does the Preferred Alternative Address Stormwater Management?

Yes, a preliminary, conceptual level stormwater management (SWM) analysis was completed for the Preferred Alternative and used to assist with the determination of the LOD. (Refer to **Chapter 2, Section 2.3.2** of this document for additional details.) In accordance with the Maryland Stormwater Management Act of 2007, MDOT SHA will ensure SWM water quantity and quality requirements, and treatment will be provided and will improve current conditions, as required under the SWM Act.

For the Preferred Alternative, the water quantity management requirement will be met within each drainage segment, except one: the ALB drainage segment. Based on typical practice, a quantity waiver could be granted for the ALB due to the direct discharge to the Potomac River, a major waterway.

For water quality requirements, the Preferred Alternative will meet the environmental site design (ESD) requirements to the maximum extent practicable (MEP) on-site. However, due to the amount of impervious area requiring treatment and existing site constraints, the full amount of required water quality could not be provided in all drainage segments. For those drainage segments where water quality could not be met on-site, the deficit will be met using compensatory stormwater management within the same watershed as defined by the MDOT SHA *Sediment and Stormwater Guidelines and Procedures* (SSGP), Section 5.5. Based on the results of an off-site compensatory stormwater management analysis, numerous potential water quality sites were identified to meet and exceed the full impervious area treatment (IAT) required for the Preferred Alternative. (Refer to **Chapter 2, Section 2.3.2** and **SDEIS, Appendix C** for additional details on the compensatory stormwater management.)

## What Happens to the Improvements That Were Studied for I-495, East of the I-270 East Spur to MD 5?

While the Preferred Alternative does not include improvements to the remaining parts of I-495 within the Study limits, improvements on the remainder of the interstate system may still be needed in the future. Any such improvements would advance separately, and would be subject to additional environmental studies, analysis and collaboration with the public, stakeholders and local agencies.

## Tolling

### Why Do the New Lanes Need to Be Tolled and Why Does the State Need a Developer to Build Them?

The State of Maryland does not have the funds to construct improvements of this magnitude with an estimated cost of approximately \$3 to \$3.5 billion as the estimated cost of the Phase 1 South improvements. Additionally, even with the tolls to pay back loans, the State does not have enough bonding capacity to take out loans to pay for the improvements. Therefore, the State has selected a Phase Developer through a competitive process and has entered into a Phase P3 agreement whereby the Developer will design, build, finance, operate, and maintain the managed lanes for a period of time using the toll revenue. MDOT SHA would continue to own all of the lanes on I-495 and I-270 and ensure the highway meets their intended transportation function.

### How Will the Toll Rates Be Set?

The toll-rate range setting process is led by the MDTA. They are the only State entity with the authority to set, revise, and fix toll rates in accordance with Transportation Article §4-312 of the Annotated Code of Maryland and COMAR Title 11 Department of Transportation, Subtitle 07 MDTA, Chapter 05 Public Notice of Toll Schedule Revisions (11.07.05). The MDTA is responsible for setting the toll rate ranges and conducting toll collection operations for the Phase 1 South limits.

The toll rate range setting process is centered around a proposal by the MDTA staff to establish minimum toll rates, maximum toll rates, soft rate caps within the minimum and maximum toll rate ranges, a process for annual toll escalation, and toll discounts for certain types of vehicles.

The process for conducting the public hearings and recording comments from the public is specified in Transportation Article, §4-312, Annotated Code of Maryland. The initial proposal was presented to the MDTA Board on May 20, 2021. Per the process, the Board voted to take the toll proposal to public hearings and a public comment period, thereby ensuring the public is engaged in the toll rate range setting process and complying with State law by providing opportunities for public review and comment.

Public hearings were held on July 12 and 14, 2021 and all public hearing materials, including information and studies used in the analysis to justify the toll rate range proposal, were posted on the MDTA's website and remain available for the public to view at <https://mdta.maryland.gov/ALB270TollSetting>. The comment period lasted from May 20 through August 12, 2021. At the August 26, 2021 MDTA Board Meeting, the MDTA staff presented a summary and analysis of any public comments received at the public hearings. In addition, they responded to questions from the Board members. A summary of the public comments received and the analysis of the comments is available on the MDTA webpage at [mdta.maryland.gov/ALB270TollSetting/PublicParticipation](https://mdta.maryland.gov/ALB270TollSetting/PublicParticipation).

After consideration of the public comments, at the September 30, 2021, MDTA Board Meeting, the MDTA staff presented the final toll rate range proposal. This final toll rate range will be the recommended action for the Board and is available on the MDTA webpage at [mdta.maryland.gov/ALB270TollSetting](https://mdta.maryland.gov/ALB270TollSetting).

## What Could the Toll Rates Be?

Rather than solely focusing on revenue, the Preferred Alternative will be designed to maintain speeds of 45 mph or greater in the HOT lanes. The goal of the HOT lanes is to maintain free-flowing traffic and to use pricing factors to influence traffic flow. As such, the toll rate range will be set to ensure the HOT lanes operate to established operational metrics, which applies the economic principles of supply and demand to influence the utilization of the HOT lanes. The Phase 1 Section Developer will be responsible for setting toll rates within the established toll rate ranges, if approved at the end of the toll rate range setting process.

The proposed toll rate ranges for Preferred Alternative - Phase 1 South limits are available on the MDTA website at <http://mdta.maryland.gov/ALB270TollSetting/TollRateRangeSettingProcessandProposal>. The toll rate ranges will consist of minimum toll rates, soft toll rate caps, and maximum toll rates for the HOT lanes. The rates will also include annual escalation factors to ensure the toll rate ranges are adequate to cover the full term of the P3 Program agreements (anticipated to be 50 years). Toll rates will be set dynamically, meaning they could change up to every five minutes based on traffic volumes or speed in the HOT lanes to provide customers who choose to use the HOT lanes and pay a toll, a faster and more reliable trip. The actual toll rates will change based on real-time traffic within each tolling segment.

## Transportation and Traffic

### What Traffic Analysis Was Updated for the SDEIS?

The traffic analysis was updated from a design year of 2040 to a design year of 2045 for the No Build and Preferred Alternatives using traffic volume projections from an updated version of the MWCOC regional forecasting model, Version 2.3.75. The DEIS used an earlier version of the MWCOC model, Version 2.3.71, which was the latest available model version when the Study was initiated and only projected traffic demand out to the year 2040.

For future traffic conditions, the Preferred Alternative was evaluated and compared to the No Build condition using the updated 2045 forecasts for several key operational metrics, including: speed, delay, travel time, level of service, throughput, and the effect on the local network. These metrics are the same metrics used in the DEIS to evaluate and compare the alternatives. Refer to **Chapter 3** of this SDEIS and **SDEIS, Appendix A** for additional details.

**SDEIS, Chapter 3** also discusses how MDOT SHA is considering the effects of the COVID-19 pandemic on traffic demand and forecasts. Refer to **Chapter 3, Section 3.1.4** and **SDEIS, Appendix B** for additional details.

### What Are the Results of the Traffic Operational Analyses?

The design year 2045 traffic operational evaluation results for the No Build Alternative and the Preferred Alternative are summarized below and presented in **Chapter 3** of this SDEIS and **SDEIS, Appendix A**.

The **No Build Alternative** would not address any of the significant operational issues experienced under existing conditions. It would not be able to accommodate long-term traffic growth, resulting in slow travel speeds, significant delays, long travel times, and an unreliable network. Compared to the 2040 No Build results presented in the DEIS, the 2045 No Build results show higher delays and travel times on I-495 and I-270 due to additional projected traffic growth between 2040 and 2045. This traffic growth is anticipated despite additional transit projects included in the 2045 forecast that help to slightly reduce projected delays on the surrounding local roadway network.

The **Preferred Alternative** is projected to provide tangible operational benefits to the system even though it includes no action or no improvements for a large portion of the study area to avoid and minimize impacts. This alternative would significantly increase throughput across the American Legion Bridge and on the southern section of I-270 while reducing congestion. It would also increase speeds, improve reliability, and reduce travel times and delays along the majority of I-495, I-270, and the surrounding roadway network compared to the No Build Alternative. Although the Preferred Alternative provides less improvement to traffic operations when compared to the Build Alternatives, that included the full 48-mile study limits evaluated in the DEIS (such as Alternatives 9 and 10), it was chosen based in part on feedback from the public and stakeholders who indicated a strong preference for eliminating property and environmental impacts on the top and east side of I-495. Congestion would be present during the PM peak period on I-270 northbound and the I-495 inner loop in the design year of 2045 due to downstream bottlenecks outside of the Preferred Alternative limits.

The FEIS and Interstate Access Point Approval (IAPA), which is an FHWA approval to ensure safety, operations, and engineering acceptability on the interstate system, will include a more detailed assessment of the future mainline and localized operational impacts of the Preferred Alternative. Opportunities to further address safety and operations will be evaluated on the Selected Alternative after the conclusion of NEPA and during final design.

Overall, the Preferred Alternative provides tangible operational benefits that would be significantly better than the No Build.

## Environmental Resources, Consequences and Mitigation

### What Are the Effects of the Preferred Alternative on the Environmental Resources?

The environmental consequences presented in **Chapter 4** are described for the Preferred Alternative. Since the DEIS, design has advanced on the Preferred Alternative. The permanent or long-term and

temporary or short-term, construction-related effects are quantified and presented in this SDEIS. The summary of environmental effects of the Preferred Alternative are presented in **Table ES-1**.

**Table ES-1: Summary of Quantifiable Impacts from the Preferred Alternative**

Resource	Permanent <sup>1</sup>	Temporary <sup>1</sup>	Total <sup>1</sup>
Total Potential Impacts to park properties (acres)	21.0	15.1	36.1
Total Right-of-way Required <sup>2</sup> (acres)	97.2	18.7	115.9
Number of Properties Directly Affected (count)	-	-	501
Number of Residential Relocations (count)	-	-	0
Number of Business Relocations (count)	-	-	0
Number of Historic Properties with Adverse Effect <sup>3</sup> (count)	-	-	11
Noise Sensitive Areas Impacted (count)	-	-	49
Hazardous Materials Sites of Concern (count)	-	-	255
Wetlands of Special State Concern (acres)	0	0	0
Wetlands <sup>4</sup> (acres)	3.7	0.6	4.3
Wetland 25-foot buffer <sup>4</sup> (acres)	6.5	0.6	7.1
Waterways <sup>4</sup> (square feet)	673,757	343,945	1,017,702
Waterways <sup>4</sup> (linear feet)	43,852	2,701	46,553
Tier II Catchments (acres)	0	0	0
100-Year Floodplain (acres)	33.7	15.1	48.8
Forest canopy (acres)	479.6	20.3 <sup>5</sup>	500.1
Rare, Threatened and Endangered Species Habitat (acres)	33.4	23.0	56.4
Sensitive Species Project Review Area (acres)	24.5	20.0	44.5
Unique and Sensitive Areas (acres)	139.2	29.4	168.5

Notes: The impacts in this table are for the mainline improvements for the Preferred Alternative. Any impacts associated with the compensatory stormwater management are preliminary and discussed in SDEIS, Appendix C.

<sup>1</sup> All values are rounded to the tenths place

<sup>2</sup> The right-of-way is based on State records research and filled in with county right-of-way, as necessary.

<sup>3</sup> Refer to Chapter 4, Section 4.7 for additional details on the effects to historic properties.

<sup>4</sup> Refer to **Table 4-25, Section 4.12** for additional details on the impacts to wetlands and waterways.

<sup>5</sup> Temporary forest canopy impacts are cleared forest in areas that will not be permanently acquired or altered by roadway construction. Replanting will occur in these areas. Impacts will be avoided and minimized, and replanting will be maximized within the corridor as determined in final design.

**Blue Text = Adjusted to match Table 4-1, Page 4-3 (11/10/21)**

## What Avoidance and Minimization Opportunities Have Been Considered for Effects to Environmental Resources?

Since the publication of the DEIS, avoidance and minimization opportunities to historic properties, parklands, wetlands, wetland buffers, waterways, forests, and the Federal Emergency Management Agency's 100-year floodplain have advanced through extensive coordination with the regulatory and resource agencies. The Preferred Alternative, with build improvements only within the limits of Phase 1 South, avoids over 100 acres of parkland and hundreds of wetland and stream features. The impacts associated with the Preferred Alternative were avoided and minimized to the greatest extent practicable in all areas at this preliminary stage of the Study, and avoidance and minimization techniques were specifically refined in some areas of sensitive or recreationally valuable resources, such as the NPS park properties around the American Legion Bridge. Refer to **Chapters 2, 4 and 5** of this document for additional details. The effort to avoid, minimize, and mitigate impacts will continue through ongoing and future coordination with the applicable regulatory and resource agencies. The final avoidance, minimization and mitigation will be documented in the FEIS.



### **What Minimization Efforts Have Been Incorporated into the Preferred Alternative LOD at the Morningstar Tabernacle No. 88 Moses Hall and Cemetery Property?**

In response to public, agency and stakeholder comments following the DEIS publication, MDOT SHA refined the LOD at the Morningstar Tabernacle No. 88 Moses Hall and Cemetery property. In late winter 2021, impacts to Morningstar Cemetery were reduced from 0.3 acres (13,068 square feet) reported in the DEIS for Alternative 9 to approximately 14 square feet of temporary area needed for the construction of a noise barrier adjacent to the property. This effort also avoided all ground disturbance within the cemetery boundary. The reduction was in response to public and agency comments and resulted from design modifications, including changes to the Cabin John Parkway interchange ramp configuration, to minimize impacts to the cemetery property. In summer 2021, additional investigation was conducted to detect and map both potential marked and unmarked graves within and adjacent to the Morningstar Cemetery boundary. Further design refinements were made in response to the results of this investigation and complete avoidance of the Morningstar Cemetery property has now been achieved.

### **What Minimization Efforts Have Been Incorporated into the Preferred Alternative LOD at the Park Properties and Associated Resources Around the American Legion Bridge?**

The most significant avoidance and minimization efforts since the Draft Section 4(f) Evaluation and DEIS focused around the ALB. MDOT SHA and FHWA met with the NPS on December 8, 2020, to discuss the LOD in the vicinity of the ALB that was presented in the DEIS. The NPS requested that MDOT SHA re-assess the LOD in the vicinity of the ALB to limit impacts to NPS land and its natural resources. MDOT SHA convened an 'ALB Strike Team' composed of national and local experts on bridge design, natural resources, and cultural resources who were charged with the following mission:

*To develop and evaluate alternatives for the replacement of the ALB to avoid impacts, to the greatest extent practicable, and reduce overall acreage impacts to the C&O Canal National Historic Park and George Washington Memorial Parkway units of the NPS.*

The ALB Strike Team considered bridge construction approaches to determine if any of them could limit the LOD further. The ALB Strike Team conducted detailed investigation on a top-down segmental construction approach; a top-down cable stayed approach; and a slide-in place bridge construction approach. In addition, after field analysis and review of readily available information, MDOT SHA and the ALB Strike Team determined that access to the site at river level could be consolidated to the north side of the river along Clara Barton Parkway, eliminating the construction access from the other three quadrants around the bridge and significantly reducing impacts to NPS land. This would be achieved by constructing a temporary construction access road entrance off of the Clara Barton Parkway in the northwest quadrant and installing a temporary bridge over the C&O Canal and a temporary haul road paralleling the C&O Canal towpath. This effort resulted in a 7.8 acre reduction in impact to the George Washington Memorial Parkway and a 5.3 acre reduction at the Chesapeake & Ohio Canal National Historical Park. Refer to **Chapter 4, Section 4.12.4** for additional details on the ALB Strike Team's efforts.

### **What Mitigation Is Being Considered for Unavoidable Environmental Effects?**

The advancement of conceptual mitigation for unavoidable effects to environmental resources from the Preferred Alternative has occurred since the DEIS. The proposed conceptual mitigation is discussed by applicable resource in **Chapter 4** and further detailed in the *Conceptual Mitigation Plan (DEIS, Appendix Q)* for the following resources: wetlands; forests; rare, threatened, and endangered species; parkland; cultural resources; noise; air; properties; hazardous materials; topography, geology, soils; groundwater; environmental justice; visual aesthetic; aquatic biota; and unique and sensitive areas. Further mitigation

measures will be identified and refined as the Study progresses and in consideration of public, stakeholder, and agency comment on this SDEIS. The final mitigation will be documented in the FEIS.

### What Is the Updated Draft Section 4(f) Evaluation?

Section 4(f) of the USDOT Act of 1966, as amended (49 U.S.C. 303(c)) stipulates that the USDOT, including the FHWA, cannot approve the use of land from a publicly-owned park, recreation area, wildlife or waterfowl refuge, or public or private historic site unless the following conditions apply:

- FHWA determines that there is no feasible and prudent avoidance alternative to the use of land from the property, and the action includes all possible planning to minimize harm to the property resulting from such use (23 CFR §774.3(a)(1) and (2)); or
- FHWA determines that the use of the Section 4(f) properties, including any measures to minimize harm committed to by the applicant, will have a *de minimis* impact on the property (23 CFR §774.3(b)).

Since the publication of the Draft Section 4(f) Evaluation and DEIS in July 2020, the Preferred Alternative has been identified as Alternative 9 – Phase 1 South, which includes the same build improvements proposed as part of Alternative 9 in the DEIS and Draft Section 4(f) Evaluation but limited to the Phase 1 South limits only. No action or no improvements would occur within the study limits outside of Phase 1 South. This decision on the Preferred Alternative considered further coordination with and listening to agencies and stakeholders, including the Officials with Jurisdiction (OWJs) for Section 4(f) properties. The Preferred Alternative is responsive to comments received requesting avoidance of Section 4(f) resources and aligns the Study to be consistent with the previously determined phased delivery and permitting approach.

**Chapter 5** of this SDEIS includes the Updated Draft Section 4(f) Evaluation to provide information on the Preferred Alternative. The information included in this Updated Draft Section 4(f) Evaluation will inform FHWA's consideration of the use of Section 4(f) property by the Preferred Alternative. This chapter of the SDEIS provides updated, supplemental information for the Draft Section 4(f) Evaluation, which was included as **DEIS, Appendix F**. This supplemental information does not replace the Draft Section 4(f) Evaluation; it only provides additional analysis. The Section 4(f) Evaluation and this supplement follows established USDOT regulations at 23 CFR 774, FHWA's 2012 Section 4(f) Policy Paper, and 23 U.S.C. 138 and 39 U.S.C. 303.

### What Are the Section 4(f) Impacts?

A "use" of (or impact to) Section 4(f) property occurs:

- (i) When land is **permanently incorporated** into a transportation facility;
- (ii) When there is a **temporary occupancy** of land that is adverse in terms of the statute's preservation purpose as determined by the criteria in 23 CFR §774.13(d); or
- (iii) When there is a **constructive use** of a Section 4(f) property as determined by the criteria in 23 CFR §774.15.

The Preferred Alternative would avoid the use of 38 Section 4(f) properties totaling approximately 105 acres relative to the DEIS Build Alternatives. The Preferred Alternative would require use a total of 39.1 acres of 21 Section 4(f) properties (including temporary and permanent), compared to a total of 146.8 acres for the DEIS Build Alternative 9.

Refer to **SDEIS, Chapter 5, Section 5.2** and **DEIS, Appendix F** for additional details. Conceptual mitigation for Section 4(f) impacts has been identified, but coordination with the OWJs for the Section 4(f) properties is still ongoing. The Final Section 4(f) Evaluation will reflect ongoing coordination with OWJs to coordinate impacts and mitigation, and *de minimis* coordination with the OWJs. The Final Section 4(f) Evaluation will also include finalization of the analysis to demonstrate all possible planning to minimize harm, and finalization of the Least Overall Harm Analysis, and final mitigation commitments.

### What Are the Next Steps for the Study?

This SDEIS has been approved by FHWA and MDOT SHA and distributed to Federal, state, and local agencies, as well as organizations and other interested parties and is available for public review. There will be a virtual public hearing held during a 45-day review period for the SDEIS; the comment deadline is November 15, 2021. During this 45-day review period, the SDEIS is available in public locations throughout the study corridors and on the Program website [oplanesmd.com/SDEIS](https://oplanesmd.com/SDEIS). Comments on the SDEIS are considered equally regardless of whether received orally or in writing and may be made by:

- Oral testimony at the virtual public hearing on November 1, 2021
- SDEIS comment form at [oplanesmd.com/SDEIS](https://oplanesmd.com/SDEIS)
- Email to [MLS-NEPA-P3@mdot.maryland.gov](mailto:MLS-NEPA-P3@mdot.maryland.gov)
- Letters to Jeff Folden, I-495 & I-270 P3 Program Deputy Director, I-495 & I-270 P3 Office, 707 North Calvert Street, Mail Stop P-601, Baltimore MD 21202
- Call-in a comment at 855-432-1483 and leave a voicemail that is limited to three minutes

Following the 45-day review period, the MDOT SHA and FHWA will review all comments and respond to all substantive comments received or postmarked by the end of the comment period in the preparation of the FEIS. Comments received or postmarked after that date will be reviewed and considered to the extent practicable. In addition to the disposition of all substantive comments received on the DEIS and SDEIS, the FEIS will summarize additional and updated information not refined or quantified in the SDEIS, and mitigation measures. The ROD will document the commitments to be carried forth during final design and construction.

## Public-Private Partnership (P3) Program

### What Is a P3?

A Public-Private Partnership (P3) is an alternative model for delivery of a capital project. A P3 is a partnership between the public or governmental sector with private entities. The P3 seeks to harness private sector expertise, innovation, and funding in order to deliver public infrastructure for the benefit of the public owner and users of the infrastructure. P3s seek to successfully leverage the respective strengths of the public and private sectors to deliver large, complex infrastructure projects in a cost effective and timely fashion. Functions under a P3 agreement may include designing, building, financing, operating, and maintaining a transportation facility. The following definitions of limits are provided to assist in understanding the NEPA and Phase 1 Solicitation process.

- Phase 1: I-495 from south of the ALB to I-270 and I-270 from I-495 to I-70. These are also the limits of the Phase 1 P3 Agreement.
- Phase 1 South: I-495 from south of the ALB to I-270 and I-270 from I-495 to I-370. These are also the limits of the NEPA Preferred Alternative.
- Phase 1 North: I-270 from I-370 to I-70.

## What is the Status of the Phase 1 Solicitation Process and P3 Agreement?

The Maryland BPW originally approved the P3 designation for the P3 Program in June 2019 and provided a supplemental approval in January 2020. These approvals allowed MDOT SHA to use Progressive P3 process to design and construct Phase 1 of the P3 Program, by seeking a Phase Developer for Phase 1. This progressive approach allowed the solicitation process to proceed without final commitment during the NEPA process.

As part of the Progressive P3 solicitation, MDOT followed a Request for Proposal (RFP) process seeking interested phase developers in February 2020. MDOT and MDTA, with participation from local jurisdictions, developed a shortlist of four highly qualified Proposers in July 2020. Three of the four shortlisted firms submitted proposals to enter into the Phased P3 Agreement for Phase 1 to assist in the pre-development work, deliver Phase 1 including I-495 from the ALB to I-270, and along I-270 from I-495 to I-70. In February 2021, MDOT SHA identified the Selected Proposer that could best deliver the project in a manner most advantageous to the State.

On August 11, 2021, in accordance with Maryland law, MDOT and MDTA presented to and received approval from the Board of Public Works to award the Phase 1 P3 Agreement to the Selected Proposer, a jointly owned company created for the project, called Accelerate Maryland Partners, Inc. (AMP). They will be completing the predevelopment work related to Phase 1 of the P3 Program.

In accordance with the terms and conditions of the Phase 1 P3 Agreement, MDOT and AMP will further advance predevelopment work on the first section, which includes from the vicinity of the George Washington Memorial Parkway across the American Legion Bridge to I-270 and on I-270 up to I-370, ("Phase 1 South"). The Preferred Alternative in this SDEIS is aligned with the Phase 1 South limits, which is the first section planned for delivery under the Project. As part of its proposal, the Phase Developer has committed to provide an estimated \$300 million for transit services in Montgomery County over the operating term of Phase 1 South. To further support transit services, MDOT has committed, upon financial close of the Section P3 Agreement for Phase 1 South, to fund not less than \$60 million for design and permitting of high priority transit investments in Montgomery County, such as Phase I of the Corridor Cities Transitway, Bus Rapid Transit in the MD 355 Corridor, or other high priority projects and to construct and equip the Metropolitan Grove Bus Operations and Maintenance Facility.

AMP, as the Phase Developer, is working collaboratively with MDOT, MDTA, and the stakeholders on pre-development work including advancing the preliminary design and due-diligence activities to further minimize impacts. After completion of the predevelopment work with respect to Phase 1 South and, the FEIS, MDOT would seek final approval from the BPW to move forward with the Section P3 Agreement under which a subsidiary of the Phase Developer (called the "Section Developer") will be responsible for the final design, construction, financing, operations, and maintenance of a particular section for an estimated term of 50 years.