

T.2 COMMUNITY ORGANIZATION COMMENTS AND RESPONSES

T.2.A Draft Environmental Impact Statement Community Organization Comments and Responses

<p>350MOCO – LISA JO FINSTROM</p> <hr/> <p>From: Lisa Jo Finstrom <lisajofinstrom@gmail.com> Sent: Monday, November 9, 2020 10:24 AM To: MLS-NEPA-P3 Subject: Comments on DEIS for Beltway Expansion Attachments: letter opposing beltway expansion.docx</p> <p>November 9th, 2020</p> <p>Attention Maryland Department of Transportation:</p> <p>My name is Lisa Jo Finstrom and I am commenting on the DEIS on behalf of 350MoCo and our nearly 2000 supporters. 350MoCo is an offshoot of 350.org, the international environmental group co-founded by Bill McKibben that is dedicated to working towards a just and renewable future without fossil fuels.</p> <p>350MoCo strongly opposes the proposed for-profit expansion of the Beltway and I-270. We support a no-build option.</p> <p>We oppose the for-profit expansion for many reasons. First and foremost, the for-profit expansion project represents a move in the wrong direction for the planet, a move towards greater dependence on cars and fossil fuels in an age when the very survival of our species depends on reducing carbon emissions. In addition to polluting the air, the proposed expansion threatens the loss of green space and recreation areas. 550 new acres of impervious surface area will mean greater runoff, flooding, and pollution. Nowhere in the report's over 19,000 pages is the full environmental impact of this pro-fossil fuel plan truly analyzed.</p> <p>As we've seen with the Purple Line, these kinds of projects are often plagued by cost overruns. WSSC is already estimating that it will cost at least \$2 billion just to move water and sewer lines to accommodate the Beltway expansion. Who will end up paying that money? We worry that the cost will be passed along to all consumers -- many of whom won't be able to afford the additional fees. The added expense will be especially burdensome for residents already suffering the economic fallout from COVID, especially from low-income communities, which tend to be disproportionately Black and Brown residents.</p> <p>We are dismayed that the Draft Environmental Impact Statement does not consider other viable options to relieve traffic. There is really no logical way to know if the expansion is the region's best approach to addressing traffic congestion without comparing expansion to other viable options. This is a fundamental flaw in project evaluation.</p> <p>In addition, If other projects of this nature are any indication, traffic will only be reduced for a few years before increasing again. So we don't see this solution as strategic. And during the few years of reduced traffic, low-income people will be denied the full benefit of reduced traffic because they generally won't be able to afford the luxury toll lanes.</p> <p>As we all know, traffic has gone down during COVID. It apparently takes only a small drop in the number of cars on the road to see rather dramatic improvements in traffic flow. The long-term consequences of COVID on our traffic patterns will probably result in fewer cars on the road as many people continue working from home. It's anticipated that many companies will be cutting rather than expanding office space in the coming years.</p> <p>350MoCo stands firmly against the proposed 11 billion dollar public-private Beltway expansion project. This highly flawed study must start over from the beginning and honestly evaluate the environmental impact of the project. It must also study viable alternatives to for-profit toll roads. It must consider that expensive tolls</p>	<p>Response to DEIS Comment #1 NEPA's CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, "Visualize2045", adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. Refer to DEIS, Chapter 3 and DEIS Appendix C.</p> <p>Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.</p> <p>Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.</p> <p>Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p> <p>Response to DEIS Comment #2 Refer to Chapter 9, Section 3.4.E for a response to impact analysis and mitigation of water resources, including wetlands, waterways, and stormwater management.</p> <p>Chapter 9, Section 3.4.F for a response to adverse impacts to air quality.</p> <p>Response to DEIS Comment #3 Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</p> <p>Response to DEIS Comment #4 Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.</p> <p>Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.</p>
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disadvantage low-income communities. It must also consider the COVID "wild card" factor. Most likely, telework will result in fewer cars on the road. Last but not least, the new study must be transparent.

Sincerely,

Lisa Jo Finstrom
Steering Committee
www.350moco.com

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November 9th, 2020

Attention Maryland Department of Transportation:

My name is Lisa Jo Finstrom and I am commenting on the DEIS on behalf of 350MoCo and our nearly 2000 supporters. 350MoCo is an offshoot of 350.org, the international environmental group co-founded by Bill McKibben that is dedicated to working towards a just and renewable future without fossil fuels.

350MoCo strongly opposes the proposed for-profit expansion of the Beltway and I-270. We support a no-build option.

We oppose the for-profit expansion for many reasons. First and foremost, the for-profit expansion project represents a move in the wrong direction for the planet, a move towards greater dependence on cars and fossil fuels in an age when the very survival of our species depends on reducing carbon emissions. In addition to polluting the air, the proposed expansion threatens the loss of green space and recreation areas. 550 new acres of impervious surface area will mean greater runoff, flooding, and pollution. Nowhere in the report's over 19,000 pages is the full environmental impact of this pro-fossil fuel plan truly analyzed.

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We are dismayed that the Draft Environmental Impact Statement does not consider other viable options to relieve traffic. There is really no logical way to know if the expansion is the region's best approach to addressing traffic congestion without comparing expansion to other viable options. This is a fundamental flaw in project evaluation.

In addition, If other projects of this nature are any indication, traffic will only be reduced for a few years before increasing again. So we don't see this solution as strategic. And during the few years of reduced traffic, low-income people will be denied the full benefit of reduced traffic because they generally won't be able to afford the luxury toll lanes.

As we all know, traffic has gone down during COVID. It apparently takes only a small drop in the number of cars on the road to see rather dramatic improvements in traffic flow. The long-term consequences of COVID on our traffic patterns will probably result in fewer cars on the road as many people continue working from home. It's anticipated that many companies will be cutting rather than expanding office space in coming years.

350MoCo stands firmly against the proposed 11 billion dollar public-private Beltway expansion project. This highly flawed study must start over from the beginning and honestly evaluate the environmental impact of the project. It must also study viable alternatives to for-profit toll roads. It must consider that expensive tolls disadvantage low-income communities. It must also consider the COVID "wild card" factor. Most likely, telework will result in fewer cars on the road. Last but not least, the new study must be transparent.

Duplicate comment, please see responses to these comments received via an email presented above.

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Sincerely,

Lisa Jo Finstrom
Steering Committee
www.350moco.com

AFSCME Maryland Council 3 – LANCE KILPATRICK


From: Lance Kilpatrick <lkilpatrick@afscmemd.org>
Sent: Friday, November 6, 2020 6:23 PM
To: MLS-NEPA-P3
Cc: Patrick Moran
Subject: Re: DEIS for I-495 and I-270
Attachments: DEIS letter Nov.[1].pdf

Please see the attached from President Patrick Moran.

Lance C. Kilpatrick
Legislative & Political Director
410-547-1515 x216 (w)
443-562-1118 (m)



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<div>#1</div> <div>#2</div> <div>#3</div>	<div>  <p>190 West Ostend St., #101 Baltimore, MD 21230 Phone: 410.547.1515 Fax: 410.837.5436</p> </div> <div> <p>November 6, 2020</p> </div> <div> <p>Patrick Moran President</p> <p>Flo Jones Secretary-Treasurer</p> <p>Executive Vice-Presidents:</p> <p>Lisa James-Henson Local 1427</p> <p>Patrick Okafor Local 1678</p> <p>Moe Said Local 539</p> <p>Regional Vice-Presidents:</p> <p>Larry Chriscoe Central Region</p> <p>Charlotte Leach Central Region</p> <p>Geron Mackall Central Region</p> <p>Anissa Pierce-Sessoms Eastern Region</p> <p>Jody Curry Southern Region</p> <p>Frederick Olawoye Southern Region</p> <p>Jeff Grabenstein Western Region</p> <p>Ginger Noble Western Region</p> <p>Unit Vice-Presidents:</p> <p>Cherrish Vick DHS</p> <p>Denise Henderson DJS</p> <p>Wynton Johnson DOT</p> <p>Ronnie Stevens DPSCS</p> <p>Sally Davies Higher Education</p> <p>Mildred Womble MVA</p> <p>Rai Douglas PBP</p> <p>Jason Suggs SUPE</p> <p>Trustees:</p> <p>Jeff Fiory Local 1072</p> <p>Pat Davis Local 3655</p> </div> <div> <p>Ms. Lisa B. Choplin, DBIA Director I-495 and I-270 P3 Office Maryland Department of Transportation State Highway Administration 707 North Calvert St. Mail Stop P-601, Baltimore, MD 21202</p> </div> <div> <p>Dear Ms. Choplin,</p> <p>On behalf of the members of the American Federation of State, County and Municipal Employees (AFSCME) Council 3, I am writing to comment on the draft Environmental Impact Statement (DEIS) of the I-495 and I-270 Managed Lanes Study and the Governor's plan to add private toll lanes to these highways through a public-private partnership (P3). AFSCME Council 3 opposes this P3 project and supports the no-build option among the alternatives presented in the DEIS.</p> <p>Governor Hogan and the Maryland Department of Transportation (MDOT) have repeatedly promised that the State would not use taxpayer resources to fund this project. On the basis of this promise, the DEIS only includes options that would add private toll lanes to these highways and fails to evaluate other options for relieving traffic congestion.</p> <p>However, the DEIS reveals that all of the build alternatives will require a state subsidy to the developer ranging from \$482 million to more than \$1 billion. Moreover, this subsidy does not include billions of additional taxpayer dollars that will be needed for this project. Although not included in the DEIS, the Washington Suburban Sanitation Commission revealed earlier this year that it will cost ratepayers at least \$1 billion and up to \$1.8 billion to relocate water and sewer lines. According to an October 28 report in <i>Maryland Matters</i>, there may be as many as 21 utilities with underground lines that would be impacted by the project. In addition to water and sewer lines, this includes electricity, gas, oil, internet and cable lines. The DEIS provides no discussion of these underground assets and no estimate of the potential cost to Maryland taxpayers to move them.</p> <p>The promise of free infrastructure is an alluring one. But as we've seen in other jurisdictions, including Northern Virginia, P3s do not deliver on the promise. The Commonwealth of Virginia did not plan to subsidize their I-495 Express Lanes, but was forced to do so in order to reach a deal with developers. In the era of COVID-19, the bargaining climate for Maryland may be even worse. There is significant uncertainty over the level of telework that will continue over the long term. Even small reductions in traffic could have a significant impact on tolls collected. The risk of reduced tolls will lead private investors to seek to shift financial burden onto the State. Yet, the DEIS does not evaluate the impact that telework may have on traffic congestion and the financing of the I-495/I-270 project.</p> <p>Every AFSCME Maryland State and University contract guarantees a right to union representation. An employee has the right to a union representative if requested by the employee. 800.492.1996</p> <div> <p>Find us: afscmemd.org Like us: facebook.com/AFSCMEMD Follow/Tweet us: @afscmemaryland</p> </div> </div>	<div> <p>Response to DEIS Comment #1</p> <p>NEPA's CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, "Visualize2045", adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. Refer to DEIS, Chapter 3 and DEIS Appendix C.</p> <p>Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.</p> <p>Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.</p> <p>Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p> <p>Response to DEIS Comment #2</p> <p>Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</p> <p>Response to DEIS Comment #3</p> <p>MDOT has closely monitored changes in traffic patterns throughout the pandemic, and as of early 2022, daily traffic volumes have already recovered back to over 90 percent of pre-COVID levels. Although there is still uncertainty surrounding traffic projections resulting from the COVID-19 pandemic, transportation experts have analyzed pandemic traffic conditions and future traffic demand inputs and note that traffic volumes have continued to recover since the rollout of the vaccines in early 2021. Traffic volumes are anticipated to return to pre-COVID levels before the time the HOT lanes are operational. Given the ultimate 2045 design year, the HOT lanes will be required to accommodate long-term traffic.</p> <p>Given the uncertainty surrounding resolution of the pandemic and how travel patterns will adjust, and over what time period, no definitive traffic model exists to predict how the global pandemic will affect long-term mobility patterns. To adapt to the ongoing and potential long-term travel impacts associated with the pandemic, MDOT SHA developed a COVID-19 Travel Analysis and Monitoring Plan. Refer to FEIS, Appendix C for a copy of the latest version of that plan and results. The plan included three components:</p> <ul style="list-style-type: none"> Monitoring: tracking changes in roadway and transit demand during the pandemic, i.e., how travel varies in response to infection figures, vaccine distribution, unemployment rates, school closings, and policy changes; Research: reviewing historical data and projections from the Transportation Research Board and the National Capital Region Transportation Planning Board; and Sensitivity Analyses: evaluating "what if" scenarios, including potential changes in teleworking, eCommerce, and transit use on projected 2045 travel demand and operations. <p>The monitoring effort included tracking changes in traffic volumes and transit usage throughout the pandemic, and the corresponding impact on speeds and congestion along I-495 and I-270. The data shows a severe drop in traffic volumes</p> </div>
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Patrick Moran
President

Flo Jones
Secretary-Treasurer

Executive Vice-Presidents:

Lisa James-Henson
Local 1427

Patrick Okafor
Local 1678

Moe Said
Local 539

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Central Region

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Central Region

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Central Region

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DOT

Ronnie Stevens
DPSCS

Sally Davies
Higher Education

Mildred Womble
MVA

Rai Douglas
PBP

Jason Suggs
SUPE

Trustees:

Jeff Fiory
Local 1072

Pat Davis
Local 3655

(2)

The National Environmental Policy Act requires that agencies consider whether the harmful impact of a project is borne disproportionately by Environmental Justice (EJ) communities, or communities primarily made up of residents who are people of color or have low-incomes. NEPA requires that a DEIS evaluate the impacts of a project on EJ communities compared with non-EJ communities. But there is no such comparison in the DEIS.

Almost the entire length of the Beltway in Prince George's County is bordered by EJ communities. We know that their proximity to the Beltway exposes these residents to increased air pollutants which are linked to negative impacts to health. But the DEIS fails to identify or evaluate the adverse impact of construction activities and increased traffic on EJ communities.

The DEIS also fails to assess the impact of congestion pricing on EJ communities compared with non-EJ communities. Managed lanes benefit those who can afford to pay the tolls. In order to maximize toll revenue, it is necessary for developers to maintain congestion in the public lanes. Yet, the DEIS does not discuss whether those who cannot afford to pay tolls will experience worse traffic congestion and whether this has a broadly negative impact on EJ communities compared with non-EJ communities.

The consequences for moving the I-495/I-270 project forward on the basis of a highly flawed environmental impact statement are significant. Despite even greater study and preparation, the Purple Line is in disarray because the private partner abandoned the project. The Maryland Department of Transportation should not rush forward on an even larger and more complicated P3 with an insufficient DEIS and before the contractual failure of the P3 for the Purple Line is fully understood.

Sincerely,

Patrick Moran
President, AFSCME Council 3

Every AFSCME Maryland State and University contract guarantees a right to union representation. An employee has the right to a union representative if requested by the employee.
800.492.1996

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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. After the stay-at-home order was replaced with a "safer at home" advisory in May 2020, traffic volumes gradually increased throughout the summer, stabilizing at approximately 15 percent less than typical conditions during Fall 2020. As cases began to surge in November/December 2020, traffic volumes dipped again through the winter. With the rollout of vaccines in early 2021, the corresponding drop in COVID-19 cases, and the gradual reopening of schools and businesses, daily traffic volumes have continued to recover. Statewide, weekly traffic volumes were only down five (5) percent for the week of November 8, 2021 compared to the same week in 2019, per MDOT's coronavirus tracking website, linked below. <https://www.mdot.maryland.gov/tso/Pages/Index.aspx?PageId=141>. Transit use has been slower to recover, with use of Maryland Transit Administration (MTA) services statewide down over 40 percent compared to pre-pandemic levels as of October 2021 (see link above).

Based upon historic research of other similar dramatic societal effects on travel and the most recent data suggesting that traffic is rebounding close to pre-pandemic levels, the 2045 forecasts and results presented in **FEIS, Section 4.3** using models that were developed and calibrated prior to the onset of the COVID-19 pandemic have been determined to be reasonable for use in evaluating projected 2045 conditions. However, MDOT SHA acknowledges that residual effects of some of the near-term changes in travel behavior could be carried forward into the future. Therefore, a 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 was also conducted. The first part of the sensitivity analysis involved modifying input parameters in the MWCOG regional forecasting model based on observed changes in travel behavior during the pandemic to evaluate a range of potential long-term scenarios. The second part of the sensitivity analysis involved re-running the 2045 No Build and 2045 Build VISSIM models that were used to generate the operational results presented **Chapter 4, Section 4.3** of this FEIS, but with reduced demand volumes to account for potential sustained impacts from the pandemic. The results of the MWCOG and VISSIM sensitivity analyses confirm that the capacity improvements proposed under the Preferred Alternative would be needed and effective even if future demand changes from the pre-pandemic forecasts based on potential long-term impacts to teleworking, ecommerce, and transit use that are not formally accounted for in the current regional forecasting models. **Refer to FEIS, Appendix C.**

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need, effects of the Pandemic, and impact of teleworking/remote working.

Response to DEIS Comment #4

As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. Therefore the EJ populations in Prince George's County are located outside the Preferred Alternative limits of build improvements, potential impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.

<div>#1</div> <div>#2</div>	<p>ANACOSTIA WATERSHED SOCIETY – JIM FOSTER</p> <p>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</p> <p>Name: Jim Foster</p> <p>Joint Public Hearing Date: 8/18/2020</p> <p>Type/Session: Live/Afternoon</p> <p>Transcription:</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Response to DEIS Comment #1</p> <p>Thank you for your comment concerning impacts to the Anacostia Watershed. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Anacostia Watershed is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.</p> <p>Response to DEIS Comment #2</p> <p>Refer to Chapter 9, Section 3.4.E for a response to impact analysis and mitigation of water resources, including wetlands, waterways, and stormwater management.</p>
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AUDUBON NATURALIST SOCIETY – LISA ALEXANDER	
	I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony
	<p>Name: Lisa Alexander</p> <p>Date/Hearing: 8/25/20</p> <p>Type/Session: Live/Morning</p> <p>Transcription:</p>
#1	<p>Hello. My name is Lisa Alexander (L-I-S-A A-L-E-X-A-N-D-E-R) and I'm the Executive Director of the Audubon Naturalist Society located at 8940 Jones Mill Road in Chevy Chase, Maryland. We do not support the Beltway and I-270 Expansion Project. The Audubon Naturalist Society and the 10,000 members we represent stand in favor of the No Build option for the following reasons:</p>
#2	<p>In the face of the dual crises of climate change and the COVID pandemic, expanding a roadway at the expense of water quality, parkland, and tree cover is short-sighted. The MDOT SHA has done a woefully inadequate job of evaluating additional alternatives, especially for public transit. In the wake of the pandemic our region's work patterns will be changed forever with telework taking a leading role. By rushing through the planning and NEPA process, MDOT SHA's plans recommend a 20th century solution to a pressing and rapidly evolving 21st century problem. Let me be specific. During the pandemic, Woodend, ANS's headquarters and 40 acres Nature Sanctuary located just 1,000 feet from I-495 has seen unprecedented use. People have flocked to Woodend and all of our regions scarce remaining green spaces to find respite. This project will negatively impact both the humans and wildlife that rely on Woodend for sanctuary. Construction noise followed by additional highway noise will despoil a rare 40-acre parcel of natural land that is free and open to the public 365 days a year inside the Beltway. The DEIS estimates up to a 135 acres of parkland will be negatively impacted, degrading or eliminating scares and critical habitat for wildlife. It will shrink public green space pushing people into ever smaller parcels of green and open land, thus making overcrowding of our natural resources a permanent problem for the region.</p>
#3	
#4	<p>The project plan does not properly mitigate negative impacts, especially on air and water quality. Construction will destabilize stream banks and add sediment to our local streams. These are the very streams where ANS teaches people of all ages to value water quality. More lanes will add vehicles that pour additional CO₂ into the air and will accelerate negative climate impacts experienced in our region and at our sanctuary, including flooding, high winds, and tree damage. Increased traffic will impede our staff, visitors, rental customers, shoppers, preschool families, and school field trips from reaching our sanctuary. And of course, this ill-conceived project will heap hardship on our already struggling urban wildlife by shrinking vital habitat corridors that support migrating birds, scarce reptiles and amphibians like frogs, and mammals like opossums that find shelter in our green spaces and eat thousands of ticks each year. In summary on behalf of Audubon Naturalist Society, I request that MDOT SHA pursue sustainable transit alternatives that reduce traffic congestion without exacerbating climate change or encroach wildlife habitat and accessible green space that people in our region need more than ever now.</p>
#5	<p>Thank you.</p>
	<p>Response to DEIS Comment #1 NEPA's CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, "Visualize2045", adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. Refer to DEIS, Chapter 3 and DEIS Appendix C.</p> <p>Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.</p> <p>Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.</p> <p>Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p> <p>Response to DEIS Comment #2 Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.</p> <p>Response to DEIS Comment #3 Thank you for your comment concerning impacts to the Woodend Sanctuary. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Woodend Sanctuary is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.</p> <p>Response to DEIS Comment #4 Refer to Chapter 9, Section 3.4.E for a response to impact analysis and mitigation of water resources, including wetlands, waterways, and stormwater management.</p> <p>Refer to Chapter 9, Section 3.4.F for a response to adverse impacts to air quality.</p> <p>Response to DEIS Comment #5 Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.</p>

AUDUBON NATURALIST SOCIETY – ELIZA CAVA	
	I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony
	Name: Eliza Cava Joint Public Hearing Date: 9/3/2020 Type/Session: Live Testimony/Afternoon Transcription:
#1	<p>Hello, my name is Eliza Cava, E-L-I-Z-A, C like Charles, A-V-A and I'm the Director of Conservation at the Audubon Naturalist Society, located 8940 Jones Mill Road in Chevy Chase, Maryland. I'm also the Co-Chair of the Storm Water Partners Network of Montgomery County, a coalition of 37 organizations committed to healthy watersheds. As an organization and as a co-chair of the network, I do not support the Beltway and I-270 expansion project. The Audubon Naturalist Society and our 10,000 members stand in favor of the No Build option for the following reasons. In addition to those previously said by my colleagues [INAUDIBLE] and Lisa Alexander. Mainly in the DEIS and MDOT and SHA mitigation measures were vague, insufficient and let me see. I will detail a few examples around stormwater. First, the DEIS fails to include stormwater management requirements in Virginia by omitting Fairfax County and VDOT from Section 2.7.2. This is inappropriate as all impacts should be considered in the environmental impact study. Second, at this high-level stage of NEPA planning a proper impacts evaluation should be overly conservative rather than optimistic. Instead of, the DEIS assumes very optimistically that all shoulders and twenty five percent of existing lanes will need to be reconstructed. Really, the project should assume that all lanes will be reconstructed and stormwater management applied accordingly and then plan to scale back and reduce budget expectations later during more detailed design. Not doing so creates a potentially very large hidden costs that will need to be paid for later. As an engineer might say get all your pipes done at once. Don't make Montgomery and Prince George's counties continue to pay for the damage caused by old state highway infrastructure, when if you're going to be working on the highway, you can fix it now. Third, the DEIS fails to consider the locations that upgrade needs, even of existing stormwater management facilities. The treatment and storage of any existing facilities within the limits of disturbance, such as those with the traffic lights where I-270 meets Monocacy Boulevard, which you can see on Appendix D map 99 may need to be replaced, moved or upgraded. Those impacts and costs are not included in the DEIS.</p>
#2	<p>And finally, there is no mention of the increased need for stormwater management due to heavier and more frequent rainstorms due to climate change. Adding more pavement, even treated to current standards would degrade water quality in our streams. An Environmental Impact Study should take this extra impact into account and clearly this one does not. Without adequate stormwater management now, we will fail to protect the health of our people and our streams in the future. I want to mention one more concern out of many that go beyond stormwater and that is climate change. Many have made this point before, but it is, frankly, the height of societal irresponsibility to be increasing our reliance on highways, single passenger vehicles, the fossil fuels. We are in a climate emergency and we need to act like it. The DEIS Appendix I, page 110 said in general greenhouse gas emissions are expected to increase for all screened alternatives when compared to the No Build conditions for 2040. That is more truthful than what the Hogan administration said last year. When MDE Secretary Grumbles told the Board of Public Works.</p>
#3	<p>Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.</p> <p>Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.</p> <p>Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p> <p>Response to DEIS Comment #2 A conceptual identification of stormwater management (SWM) needs was considered in the DEIS, refer to Chapter 2, Section 2.7.2. The conceptual stormwater analysis was updated based on the Preferred Alternative in the SDEIS and FEIS. Refer to SDEIS, Chapter 2, Section 2.3.2 and SDEIS, Appendix C Draft Compensatory Stormwater Management Plan and FEIS, Chapter 3, Section 3.1.6 and FEIS, Appendix D Final Compensatory Stormwater Management Plan for details. Maryland Stormwater Management Law is relatively strict with the goal of maintaining post development runoff as nearly as possible to pre-development runoff characteristics. Water quantity is required to be managed onsite to match existing conditions for the 10-year storm. Water quality is required to treat all new impervious area and 50% of reconstructed existing impervious area to match the runoff characteristics of woods in good condition.</p> <p>Coordination with VDOT on the 495 Express Lanes Northern Extension (495 NEXT) project is on-going and will continue through final design. Virginia Department of Environmental Quality (DEQ) requires the 2-year storm be managed for erosion control and requires the 10-year storm be managed to match existing conditions if there are documented downstream flooding concerns. For water quality treatment, DEQ requires that nutrient loading based on land cover be calculated and that a minimum of 75 percent of the difference between existing and proposed nutrient loads be treated on-site. The remaining 25 percent can be purchased from a Nutrient Credit Bank. A preliminary stormwater management evaluation was completed for the Virginia section of the Preferred Alternative. Since the 495 NEXT project will be constructed first, the proposed conditions for the 495 NEXT project were used as the existing land cover for the Preferred Alternative. The SWM evaluation resulted in a required reduction of approximately 20 pounds of phosphorus to meet water quality requirements.</p> <p>The redevelopment assumption of both shoulders and 25% of existing lanes is a conservative assumption since existing lanes only need to be reconstructed if the subbase is in poor condition. All lanes will be milled and overlaid, however, this is considered a maintenance activity and certain exemptions may apply.</p> <p>This project will base stormwater runoff estimates on NOAA Atlas 14 historical rainfall averages, per MD requirements.</p> <p>Refer to Chapter 9, Section 3.4.E for additional information related to impact analysis and mitigation of water resources, including wetlands, waterways, and stormwater management.</p> <p>Response to DEIS Comment #3 Refer to Chapter 9, Section 3.4.G for a response to climate change and greenhouse gas considerations.</p>

<p>#3 Con't</p>	<p>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</p> <p>We believe you're going to see some improvements in the right trajectory in greenhouse gas emissions, including with this large project. That statement was unbelievable at the time. And as the DEIS now finally makes clear, it is shameful to see a government supposedly committed to fighting climate change, instead trying to ram through this giant highway project. In summary, on behalf of Audubon Naturalist Society [INAUDIBLE] pursue sustainable transit alternatives that reduce traffic congestion without exacerbating climate change or harming critical wildlife habitat and greenspace that people in our region need more than ever now. Thank you.</p>	<p>See response to Comment #3 above.</p>
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AUDUBON NATURALIST SOCIETY – DENISSE GUITARRA	
	I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony
	Name: Denisse Guitarra Date/Hearing: 8/25/20 Type/Session: Live/Morning Transcription: Hello. My name is Denisse Guitarra, spelled D-E-N-I-S-S-E G-U-I-T-A-R-R-A. I am here representing Audubon National Society as a Maryland conservation advocate. I live in Germantown Maryland. For a 123 years ANS's mission has been to inspire people to enjoy, learn about, and protect nature. Today, we're here to testify against the Beltway I-270 expansion. We support the No Build option in the Beltway Managed Lanes Study DEIS due to the following three reasons: First, the DEIS dismisses transit alternatives, like sustainable transportation demand management, when in fact, the DEIS should consider all alternatives at this stage. The expansion should accommodate rail and public transportation, especially at the American Legion Bridge. Given the context of today's pandemic, teleworking must also be considered as one of the alternatives. On Appendix P, page 16, it says that during the scoping period, people were concerned that the highway expansion could bring more environmental damage, noise, air pollution, loss of property, and degrade the quality of life, and instead, supported more transit alternatives such as expanding the Metro and local bus routes. We share these concerns. 2.) The DEIS failed to conduct outreach to communities of color and failed to complete a full environmental justice review. MDOT SHA did not include a full cumulative effects and impact study on the DEIS. During the scoping and commenting period, outreach and informational material, like interpretation messages, are still largely available in English only. And multilingual fact sheets are hard to find on the website. On Appendix P, page 18, it shows that the percentages of people who provided input during the scoping of the Project was significantly less in Prince George's County, which is majority African-American and Latin mix than in Montgomery County. These are clear violations to the principles of environmental justice. 3.) Climate change. MDOT SHA fails to include any specific wildlife or environmental mitigation, resilience, and adaptation requirements as part of the expansion. There are numerous wetlands, waterways, and wildlife impacts not listed on the DEIS. On Appendix O, page 66, it states that the review identified 243 state- and federally-listed threatened and endangered species, but these are not listed anywhere. Under our 4.), Concurrent public health climate and economic and social crises. It just does not make sense to add more air polluting lanes. We ask MDOT SHA to seek more sustainable transit-oriented solutions that reduce our traffic congestion and our greenhouse gases. We won't exchange our precious lands for pricey luxury lanes. Thank you.
#1	Response to DEIS Comment #1 NEPA's CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, "Visualize2045", adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. Refer to DEIS, Chapter 3 and DEIS Appendix C. Refer to Chapter 9, Section 3.1 for a response on Purpose and Need. Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process. Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study. Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.
#2	Response to DEIS Comment #2 Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns. Refer to Chapter 9, Section 3.7 for a response to comments related to public involvement and engagement.
#3	Response to DEIS Comment #3 The FEIS includes the final mitigation plan, including mitigation for historic properties, parklands, wetlands, waterways, forests, rare thretheaded and endaganered species, and floodplains. Refer to FEIS, Chatper 7 for the comprehenisve list of mitigation and commitments. Refer to Chapter 9, Section 3.4.G for a response to climate change and greenhouse gas considerations.
#4	Refer to Chapter 9, Section 3.4.E for a response to impact analysis and mitigation of water resources, including wetlands, waterways, and stormwater management. Response to DEIS Comment #4 Refer to Chapter 9, Section 3.4.L for a response to public health impacts.

CABIN JOHN CITIZENS ASSOCIATION – SUSAN SHIPP (EMAIL)

From: Charlotte Troup Leighton <troupleighton@gmail.com>
Sent: Friday, October 16, 2020 4:14 PM
To: Lisa Choplin <LChoplin@mdot.maryland.gov>
Cc: Treasurer@treasurer.state.md.us; pfranchot@comp.state.md.us; governor.mail@maryland.gov; senator@cardin.senate.gov; senator@vanhollen.senate.gov; jamie@jamieraskin.com; marc.elrich@montgomerycountymd.gov; Lee, Susan Senator <susan.lee@senate.state.md.us>; Kelly, Ariana Delegate <ariana.kelly@house.state.md.us>; Korman, Marc Delegate <marc.korman@house.state.md.us>; Love, Sara Delegate <sara.love@house.state.md.us>; SUSAN SHIPP <jsishipp3@verizon.net>
Subject: DEIS Comment Letter from the Cabin John Community

Good afternoon,

Attached please find the DEIS comment letter of the Cabin John Citizens Association on behalf of the Cabin John Community.

Thank you for your consideration.

Sincerely,
Susan Shipp
President, Cabin John Citizens Association
jsishipp3@verizon.net

Thank you for your comment, responses are provided on the following pages.

CABIN JOHN CITIZENS ASSOCIATION

P.O. BOX 31, Cabin John MD 20818

Organized 1919 Charter Member Montgomery County Civic Federation

October 15, 2020

Lisa B. Choplin, DBIA

Director, I-495 & I-270 P3 Office

Maryland Department of Transportation State Highway Administration

I-495 & I-270 P3 Office

707 North Calvert Street

Baltimore, MD 21201

RE: I-495/I-270 Managed Lane Study Draft Environmental Impact Statement, Draft Section 4(f) Evaluation, and Draft Section 106 Assessment of Effects Report

Dear Ms. Choplin:

My name is Susan Shipp and serve as president of the Cabin John Citizens Association (CJCA), which represents the more than 700 families that reside in Cabin John. The community is geographically defined, in part, by the highways that touch its borders – I-495 to the west and north, the Cabin John Parkway to the east and the Clara Barton Parkway, which runs along the southern edge.

However, these highways do not define us as a community. We are a close-knit community whose residents greatly appreciate and take advantage of our proximity to the Potomac River, the C&O Canal National Historical Park and Cabin John Creek parklands. We consider ourselves stewards of the natural beauty that makes Cabin John so unique. We also are committed to preserving the Moses Hall & Cemetery – a site that is not only of historical significance as the first known Moses organization and burial ground in Montgomery County, but also of significance to current Cabin John families who are descendants of Moses Hall and have family buried in its cemetery.

We have serious concerns regarding many of the impacts identified in the Draft Environmental Impact Statement (Draft EIS) for the I-495/I-270 Managed Lane Study. The Evergreen neighborhood in Cabin John, which includes the Moses Hall & Cemetery property is directly threatened by this project. They also face serious noise, stormwater and tree canopy impacts as does other parts of Cabin John.

We also found the analysis to be inadequate or missing in several crucial areas, especially when it comes to traffic issues. This is cause for significant alarm as we are already impacted daily by the traffic congestion on I-495 and I-270 as well as the roads that feed those highways. Our major access roads are Clara Barton Parkway, Seven Locks Road and MacArthur Blvd., which also serves as Cabin John's main street.

With Cabin John's identity inexorably entwined with our local natural and cultural resources, we are quite concerned by the impacts of the project on our parklands and the C&O Canal. We wish to reinforce any concerns that the National Park Service and Maryland-National Capital Park and Planning Commission may raise regarding park impacts in their comment letters and briefly summarize the issues that we have identified below.

1

Response to DEIS Comment #1

Since the publication of the DEIS, additional and successful avoidance and minimization efforts also involved the Morningstar Tabernacle No. 88 Moses Hall and Cemetery. Through additional investigation and survey including ground penetrating radar (GPR), MDOT SHA identified potential unmarked graves within state-owned right-of-way adjacent to I-495. The Preferred Alternative incorporates design refinements that minimized the overall width of the improvements to completely avoid the cemetery property and the known area of state-owned right-of-way that has the potential for unmarked graves.

Response to DEIS Comment #2

Updated traffic analysis for the design year of 2045 indicates that the Preferred Alternative will provide operational benefits compared to the full No Build Alternative in six key metrics (system-wide delay, corridor travel time and speed, density and level of service, travel time index, vehicle throughput, and local network delay). Refer to FEIS, Appendix A. The Preferred Alternative would significantly increase throughput across the ALB and on the southern section of I-270 while reducing congestion. The net impact of the project will be an overall reduction in delay on the surrounding arterials, despite some localized increases in arterial traffic near the managed lane access interchanges. Specific areas, such as MD 190/Cabin John, were evaluated in more detail as part of the FEIS, and mitigation is proposed where needed to maintain acceptable operations per FHWA Interstate Access Point Approval guidelines. Refer to FEIS, Appendix B, for MDOT SHA's Application for Interstate Access Point Approval.

The traffic results showing delay increases on River Road and Clara Barton Parkway were preliminary and were based on draft designs. Now that the Preferred Alternative has been identified and the design has been updated, these results have been updated. The results indicate that the net impact of the Preferred Alternative will be an overall reduction in delay on the surrounding arterials, including a 4.8 percent reduction in daily delay on the arterials in Montgomery County, despite some localized increases in arterial traffic near the managed lane access interchanges. The portions of the local road network with an anticipated increase in volumes were evaluated in more detail as part of this FEIS, and mitigation was proposed where needed to maintain acceptable operations and safety per FHWA Interstate Access Point Approval guidelines. Refer to FEIS Appendix B. Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.

Response to DEIS Comment #3

In addition to the significant work to avoid all direct impact to the Morningstar Tabernacle No.88 Moses Hall and Cemetery property, the SDEIS and FEIS describe reduction of impacts to the other resources that you have noted. Significant avoidance and minimization efforts also focused around the American Legion Bridge and adjacent National Park Service (NPS) properties. MDOT SHA and FHWA met with the NPS on December 8, 2020, to discuss the limits of disturbance (LOD) in the vicinity of the ALB that was presented in the DEIS. 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 Chesapeake and Ohio 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 additional 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 Chesapeake and Ohio Canal and a temporary haul road paralleling the Chesapeake and Ohio 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 *SDEIS, Chapter 4, Section 4.12.4* for additional details on the ALB Strike Team's efforts.

Based on the current design and as presented in the FEIS, the Preferred Alternative would have an estimated permanent impact of 1.0 acres to the Chesapeake and Ohio Canal National Historical Park, and an estimated temporary impact of 9.1 acres during construction.

The Preferred Alternative would have an estimated permanent impact of 1.1 acres to Clara Barton Parkway, and an estimated temporary impact of 0.7 acres during construction.

The Preferred Alternative would have an estimated permanent impact of 5.7 acres to Cabin John Regional Park, and an estimated temporary impact of 0.6 acres during construction.

Refer to Chapter 9, Section 3.4.C for a response to analyses of parklands and historic resources.

<p>#4</p> <p>#5</p> <p>#6</p>	<p style="text-align: center;">CABIN JOHN CITIZENS ASSOCIATION P.O. BOX 31, Cabin John MD 20818 <i>Organized 1919 Charter Member Montgomery County Civic Federation</i></p> <p>First, I would like to state that the CJCA, on behalf of the community, is unable to support any of the alternatives analyzed in the DEIS. Furthermore, we question the need for the project given the massive shift in traffic patterns due to the novel coronavirus pandemic. As of March 2020, commuter traffic became a tiny fraction of what it had been. With a vaccine for COVID-19 not expected to be widely available until mid-2021, there is no telling how profoundly different workplaces, jobs and, consequently, traffic will be in a post-pandemic world. The State Highway Administration (SHA) should, therefore, re-evaluate the need, purpose, approaches and alternatives of this project.</p> <p>I will now shift to commenting on specific aspects of the Draft EIS.</p> <p>Traffic Impacts The traffic impacts to our local community are inadequately evaluated or described in the Draft EIS. Both construction period impacts and long-term impacts must be further evaluated. Additionally, the long-term impacts on local traffic conditions in our area that can be inferred from the Draft EIS are severe and must be mitigated.</p> <p>Construction Impacts During the construction period, the replacement of I-495 bridges over local roadways or the reconstruction of local roadway bridges over the highway could have substantial impact on our community's commutes and quality of life.</p> <p>In particular, we noted that the I-495 bridges over MacArthur Boulevard and Seven Locks Road would need to be rebuilt. The Draft EIS does not provide information about the impacts to the local roadways below. The Persimmon Tree bridge over I-495 would be rebuilt. The Draft EIS does not provide information regarding the approach to this reconstruction or the impact to operations on Persimmon Tree.</p> <p>While the construction approach likely remains in early stages of planning, the Final EIS must include information concerning potential roadway closures and modifications that would be needed in these locations. Given the constrained access to our community, these closures must be coordinated so that multiple access points are available to residents at all times. Failure to do so could lead to unacceptable detours and diversions.</p> <p>We also note scant information regarding construction means and methods and staging. Along the 1.2 miles of I-495 between MacArthur Boulevard and Seven Locks Road, we wish to understand how construction materials would be stored and staged. While the Draft EIS indicates that the <i>Environmental Resources Mapping</i> (Appendix D) provides the location of staging and materials storage (Section 4.23, Pg. 4-157), a review of Appendix D does not offer clarity on what that means for our geographic area of concern.</p> <p>The Draft EIS provides only two pages of substantive discussion of construction impacts (Pgs.4-157-158). This discussion is inadequate for the scale and scope of the undertaking. 40 CFR 1502.9 requires the Draft EIS to adequately describe the impacts of the Project in the Draft EIS. The current construction analysis fails in that regard.</p> <p>In fact, the substantial quantitative construction information needed to appropriately assess the construction impacts, which SHA promises to provide in the Final EIS, are substantial enough to</p>	<p>Response to DEIS Comment #4 Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and the effects on the Pandemic.</p> <p>Response to DEIS Comment #5 Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.</p> <p>Response to DEIS Comment #6 It is anticipated that construction will last approximately five to six years. Details related to precisely when and where construction related activities will occur will be determined in final design, however, the project will likely require night work to occur when activities could not be completed safely during the day. Advanced notice of construction related activities would be provided and all reasonable efforts to minimize impacts to residential communities would be undertaken. Impacts associated with construction that will be further evaluated for the Selected Alternative in final design include traffic congestion associated with construction maintenance of traffic, utility disruptions, construction vibration, erosion and sediment and control, and construction related noise.</p> <p>The management of construction impacts is addressed in an agreement between MDOT SHA and the Developer. Pursuant to that agreement, coordination with the neighboring communities will continue through final design and construction. The agreement includes requirements to minimize impacts to surrounding communities and the traveling public, while completing construction as soon as possible. Work hours and duration of construction will be identified to minimize impacts to traffic in an effort to reduce construction related congestion and in consideration of noise and vibration impacts to adjacent communities. Construction methods and materials will comply with contract, state and federal regulation, and environmental permits and mitigation requirements. Careful attention will be taken to assure that material placement will occur when weather conforms to industry standards and regulation. In addition to required governmental inspections, the Developer is required by contract to provide independent environmental, quality, and safety oversight of its contractor's performance. Refer to Final Phase 1 P3 Agreement, https://oplanesmd.com/p3-information/phase-1-agreement/. Once the Developer has selected a Design-Build Contractor(s), the schedule and duration for Phase 1 South construction will be made available to the public.</p> <p>Refer to Chapter 9, Section 3.4.I for a response to construction impacts.</p> <p>Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</p>
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CABIN JOHN CITIZENS ASSOCIATION

P.O. BOX 31, Cabin John MD 20818

Organized 1919 Charter Member Montgomery County Civic Federation

require that SHA produce a Supplemental Draft EIS to report these impacts and disclose them to the public for comment and feedback. 40 CFR 1502.9(c)(ii) requires an agency to prepare a supplemental EIS if "there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or impact." The unreported construction impacts pass the second part of that test, meriting further disclosure before a Final EIS is prepared.

In addition to these disclosures in the Final EIS or a Supplemental Draft EIS, a Construction Management Plan will need to be developed as a mitigation to the construction-period impacts. Further, our community would object to any staging and storage that causes disruption for our residents and/or affects sensitive areas like parkland. Such uses should be avoided, and such avoidance should be committed to in the Final EIS.

Long-Term Impacts

Over the long-term, the induced traffic created by the Project could cause substantial harm to our neighborhood. We are concerned that these impacts are not adequately evaluated in the Draft EIS. Rather, claims made regarding traffic impacts to local roadways are misleading.

The *Traffic Technical Report* (Appendix D) provides the evaluation of the detailed traffic impacts of the Project, including those on local roadways. While Section 5.9 indicates that, in the aggregate, local roadway congestion would be reduced (Pg. 148), Figure 5-73 indicates that the local roadways most relevant for our community, Clara Barton Parkway and River Road, would see greater than 10% increases in delays as a result of the Project. Despite this clear impact, this effect is not reported in the Draft EIS and is not proposed for mitigations. This failure must be addressed in a Supplemental Draft EIS and the impacts to our community substantively resolved.

Upon more detailed evaluation of the data presented in the *Traffic Technical Report*, we are further concerned that the traffic impacts from the managed lanes on our local roadways have not been adequately considered for several reasons.

First, the analysis of arterials that do not intersect I-495 is limited and inconsistent, as reported in Figure 5-73. While MD 410 is analyzed for the traffic impacts, other east-west state highways like MD 188 or MD 614 are not evaluated.

Further, critical non-state roads that serve as major commuting routes, such as Seven Locks Road or MacArthur Boulevard, do not receive any analysis for the traffic impacts. The modeling performed to estimate the local traffic impacts are insufficient for adequately describing them to the public. This modeling should be expanded and refined in a Supplemental Draft EIS.

The failure to analyze MacArthur Boulevard is a significant concern. As SHA is aware, MacArthur Boulevard sits atop the Washington Aqueduct and has weight restrictions as a result of the sensitive infrastructure. Continued traffic pressure on the roadway could cause deleterious impacts to the water infrastructure in the region. While the *Cultural Resources Technical Report* (Appendix G) identifies potential for impacts from a construction standpoint (Pg. 33), there is no consideration of how induced traffic could create impacts. SHA must coordinate with the U.S. Army Corps of Engineers (USACE) to consider this impact.

3

Response to DEIS Comment #7

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). A Supplemental Draft Environmental Impact Statement (SDEIS) was 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 disclosed new information relevant to the Preferred Alternative focusing on new information while referencing the DEIS for information that remains valid. The SDEIS also described the background and context in which the Preferred Alternative, Alternative 9 – Phase 1 South was identified. The SDEIS was available for the public to review and comment on the Preferred Alternative during a 60-day comment period.

Response to DEIS Comment #8

MDOT understands the phenomenon of induced demand, and it is a consideration on all of our large roadway projects. In this case, MDOT is recommending adding capacity via managed lanes (HOT lanes) instead of widening with additional general purpose lanes. Managed lanes do a better job at regulating demand, including induced demand, due to dynamic pricing.

Our study shows that there could be some induced demand as a result of this project, but the impact will be small (less than 1% increase in vehicle miles traveled (VMT) in the region) and those effects are fully accounted for in the regional traffic models COG and TPB use. Even with these effects, the proposed managed lanes would reduce regional congestion delays and significantly improve travel times along both freeway corridors and on local roads throughout the region. MDOT SHA will coordinate with USACE to consider the impacts on MacArthur Boulevard.

As noted in Section 3.3.6 of the DEIS, the net impact of the project will be an overall reduction in delay on the surrounding arterials, despite some localized increases in arterial traffic near the managed lane access interchanges. Information in the DEIS was based on preliminary design that did not include direct access at Gude Drive or Wootton Parkway. Since that time, MDOT SHA has coordinated with various stakeholders, including the City of Rockville, and has updated the design to include direct access connections to the managed lane system at these two interchanges. The results presented in the SDEIS and FEIS account for these updates. The results indicate that the net impact of the Preferred Alternative will be an overall reduction in delay on the surrounding arterials, including a 4.8 percent reduction in daily delay on the arterials in Montgomery County, despite some localized increases in arterial traffic near the managed lane access interchanges. The portions of the local road network with an anticipated increase in volumes were evaluated in more detail as part of this FEIS, and mitigation was proposed where needed to maintain acceptable operations and safety per FHWA Interstate Access Point Approval guidelines. In addition, based on follow-up meetings between MDOT SHA and Rockville, additional improvements were considered and incorporated where feasible, including modifications to the right-turning movement from the I-270 off-ramp onto eastbound MD 189, and additional turn lanes at Wootton Pkwy at Seven Locks Rd, Gude Dr at Research Blvd, and MD 189 at Great Falls Road. All these enhancements will help manage and/or improve the function of the local roadway network. Mitigation as presented in FEIS Appendix B-Interstate Access Point Approval has been coordinated with NPS and USACE, where appropriate.

<div>#8</div> <div>Cont</div>	<div> <div> <div>CABIN JOHN CITIZENS ASSOCIATION</div> <div>P.O. BOX 31, Cabin John MD 20818</div> <div>Organized 1919 Charter Member Montgomery County Civic Federation</div> </div> <div> <div> <p>Second, the specific volumes identified in the <i>Traffic Technical Report</i> are cause for concern. As indicated in Appendix A of the <i>Traffic Technical Report</i>, the MD 190, Cabin John Parkway, and Clara Barton Parkway exit ramps will see large increases in volumes – up to 55% increases over existing volumes and up to 40% over volumes in the No-Build Alternative. With no substantial modifications to these roads planned by SHA, Montgomery County Department of Transportation, or National Park Service (NPS), it is unclear how these additional volumes would be successfully accommodated on these roadways. The failure to analyze local traffic impacts sufficiently is magnified by the scale of the traffic volume increase.</p> <p>The future traffic volumes on Clara Barton Parkway are likely to make use of MacArthur Boulevard at the Cabin John and Glen Echo exits. The existing peak-hour operating conditions at those exits are already unacceptable. At Cabin John, traffic queues regularly back from MacArthur across the overpass, down the on-ramp, and even onto the main line of the Clara Barton Parkway. During the PM peak hour, the queue to exit at Glen Echo can cause 15-30-minute delays for drivers to get off the highway. Increased volumes would only exacerbate these conditions.</p> <p>Due to the constrained infrastructure in the area, including the Union Arch Bridge and the reversible lane management at the Glen Echo exit, there are limited opportunities to address these increased volumes. Historic and cultural resource considerations represent a challenge for improvements. The Supplemental Draft EIS and then the Final EIS must include appropriate mitigations to reduce the likelihood of impacts for our community as regional commuter traffic spills over into our neighborhood.</p> <p>These mitigations should be coordinated with NPS and USACE. Mitigations should also include policy measures that can reduce the volume of traffic making use of Clara Barton Parkway and access control policies, developed in concert with MCDOT, that can reduce the risk of spillover from increased arterial congestion onto known cut-through routes like Tomlinson Avenue. Such mitigation steps are needed to adequately address the impacts to our community revealed, but not described, in the Draft EIS.</p> </div> <div> <div>Moses Hall & Cemetery</div> <p>The Moses Hall & Cemetery property is described in the DEIS as being “adversely affected” by all six build alternatives. According to MDOT SHA, the work proposed at this location includes widening along the outside of the I-495 inner loop to construct two new managed lanes and a new ramp to connect the managed lanes with River Road at the existing interchange.</p> <p>As currently designed, the limits of disturbance (LOD) would impact the historic property, including portions of the Moses Hall foundation wall, a section of the former access road from Seven Locks Road, as well as potential grave locations. MDOT indicates that the agency is continuing to examine engineering avoidance alternatives at this location. This is unacceptable and the final EIS must offer mitigation that protects this historic property.</p> </div> <div> <div>Noise Analysis and Barriers</div> <p>Past promises to provide noise barriers along I-495 in our vicinity have not been kept. While we are pleased that the Noise Analysis Technical Report (Appendix J) indicates that it is feasible and reasonable to construct noise barriers along both sides of I-495 between Persimmon Tree</p> </div> </div> </div>	<div> <div> <div>Response to DEIS Comment #9</div> <p>See response to Comment #1 above.</p> </div> <div> <div>Response to DEIS Comment #10</div> <p>As part of this project, a new barrier system is proposed along the inner loop of I-495 from MacArthur Boulevard to just south of Cabin John Parkway, with a break at Persimmon Tree Road. The new barrier system will be constructed as close to the roadway as possible to minimize or avoid property impacts. As described in the Supplemental DEIS (SDEIS) and the supporting Noise Analysis Technical Report Addendum the noise analysis is based on the current preferred alternative design and MDOT SHA’s Highway Noise Abatement Planning and Engineering Guidelines (“Noise Guidelines”), which detail implementation guidance, critical background information, rationale, and other comprehensive criteria associated with a highway noise study. The noise policy and guidelines are based upon the provisions contained in Title 23 of the Code of Federal Regulations Part 772 (23 CFR 772), Procedures for Abatement of Highway Traffic Noise and Construction Noise and the Federal Highway Administration (FHWA) report FHWA-HEP-10-025, Highway Traffic Noise: Analysis and Abatement Guidance and subsequent revisions.</p> <p>The DEIS, SDEIS and FEIS all include the “Statement of Likelihood” that is required by FHWA regulation 23 CFR 772.13(g)(3):</p> <p>“A statement of likelihood shall be included in the environmental document since feasibility and reasonableness determinations may change due to changes in project design after approval of the environmental document. The statement of likelihood shall include the preliminary location and physical description of noise abatement measures determined feasible and reasonable in the preliminary analysis. The statement of likelihood shall also indicate that final recommendations on the construction of an abatement measure(s) is determined during the completion of the project’s final design and the public involvement processes.”</p> <p>Because we are in the NEPA phase of this project, we do not yet have detailed engineering plans, including soil borings and field surveyed topography. This level of detail is obtained during the final design phase of a project. The design, appearance and final alignment of the sound barriers will also be finalized during final design. The project must receive NEPA approval before final design is initiated, per 23 CFR 771.113(a).</p> <p>As shown in SDEIS Noise Analysis Technical Report Addendum figure, Land Uses and Receptors Build Condition, Page 4 of 18, the ramp movements for the I-495 and MD 190 proposed interchange were accounted for in our noise analysis. At this time there is no sound barrier proposed along the flyover ramps at River Road, however this area will continue to be evaluated during final design.</p> <p>At this time, there is no mechanism for the state to provide noise abatement to your community outside of a roadway improvement project such as the Managed Lanes Study. While MDOT SHA does participate in FHWA’s voluntary Type 2 noise abatement program, there is currently no funding programmed for Type 2 noise abatement projects.</p> </div> </div>
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<div>#10</div> <div>Cont</div>	<div> <div> <div>CABIN JOHN CITIZENS ASSOCIATION</div> <div>P.O. BOX 31, Cabin John MD 20818</div> <div>Organized 1919 Charter Member Montgomery County Civic Federation</div> </div> <div> <div> <div>Lane and Seven Locks Rd., the Final EIS, Record of Decision, and project implementation need to see the SHA should ensure that the noise barriers are constructed along this section of I-495 on both the north and south sides of the highway and at no direct cost to local residents.</div> <div>The noise barrier design should be advanced to provide sufficient information to our community about the location, height, grading, tree takings, and acoustical effectiveness of the noise barrier. Additionally, the noise study must also include "barrier optimization guidance" based on this advanced noise barrier design and input from the community to provide adequate information to the P3 contractor to design and build an acceptable noise barrier.</div> <div>Properly sited and designed noise barriers are essential mitigations for the noise impacts associated with this project. Even if the project not move forward, we need noise mitigation to manage the daily impacts faced by the residents in the homes adjacent to I-495. The community implores SHA and our local Montgomery County officials to develop a program and associated funding to provide the resources for so-called "Type II" noise barrier projects.</div> </div> <div> <div> <div>Adverse Impact of a new River Rd. (MD190) Off-Ramp</div> <div>The noise impacts as well as the visual impacts of the new MD 190 off-ramp are inadequately analyzed in the Draft EIS. A Visual Impact Assessment should be prepared before moving forward and incorporated into a Supplemental Draft EIS for review and comment.</div> <div>The MD 190 off-ramp would negatively affect sensitive wetlands and parkland, as shown in Appendix D. Section 4(f) considerations require the evaluation of approaches to avoid the use of such parkland. Because of the unacceptable visual and property impacts, the Final EIS should remove an eastbound flyover off-ramp onto MD 190 and replace it with an at-grade exit.</div> </div> <div> <div>Park Impacts</div> <div>We are concerned by the impacts to parks surrounding our community and insufficient efforts to avoid their use. Consistent with Section 4(f) of the Department of Transportation Act, use of Federal and local parkland should be avoided wherever possible. As indicated in the Environmental Resource Mapping (Appendix D), the construction of the Project would affect meaningful portions of the C&O Canal and the Clara Barton Parkway.</div> <div>In particular, the off-ramp from I-495 to MD 190 would require substantial use of Cabin John Park. The <i>Draft Section 4(f) Evaluation</i> (Appendix F) fails to document any efforts to avoid this use. Further avoidance measures must be pursued and described in the Final EIS.</div> </div> <div> <div>Stormwater Impacts</div> <div>The stormwater analysis in the Draft EIS is inadequate to provide our community with adequate assurances that stormwater associated with the Project will be addressed in a way that ensures that existing and future stormwater and runoff issues are managed. According to the <i>Natural Resources Technical Report</i> (Appendix L), the Cabin John Creek watershed would see substantial impacts (Table 2.3-8). These impacts would result from additional impervious surfaces from the Alternatives (Table 2.9-60). Meanwhile, the stormwater approaches detailed in the technical report remain highly conceptual (Section 2.3.4.B).</div> </div> </div> </div></div>	<div> <div> <div>Response to DEIS Comment #11</div> <div>The Preferred Alternative does not include an elevated structure to implement the HOT managed lanes at Seven Locks Road. Between Persimmon Tree Road and Seven Locks Road, the Preferred Alternative includes four general purpose lanes and two high-occupancy toll managed lanes in each direction. An acceleration lane will also be built along the outer loop for approximately 1000-feet east of Seven Locks Road. No ramps are proposed in this area. The proposed typical section serves to minimize the roadway footprint between the Carderock Springs Historic District and Gibson Grove Church along the outer loop and the Morningstar Tabernacle No. 88 Moses Hall & Cemetery along the inner loop. The centerline of I-495 will be relocated such that it gradually shifts away from the Cemetery as it moves north from Persimmon Tree Road; at the Cemetery the proposed median barrier between inner loop and outer loop traffic will be approximately 25 feet further from the Cemetery than the existing median barrier. Flyover ramps are no longer proposed in this area and thus will not create a visual impact. A noise barrier in this area is anticipated to be located close to the existing right of way line. Vegetation will need to be removed within the Limit of Disturbance to facilitate this construction.</div> </div> <div> <div> <div>Since the DEIS, the Preferred Alternative eliminates of flyover ramps at MD 190/River Road by adjusting the location of the HOT lane direct access ramps between I-495 and MD 190. All HOT lanes direct access ramps within this interchange are now proposed to connect at a new intersection on the MD 190 bridge over I-495 without the use of flyover ramps.</div> <div>Between Seven Locks Road and MD 190/River Road, the general purpose lanes and managed lanes separate to allow space for highway ramps. The existing Cabin John Parkway bridges will be replaced with new north-facing ramps to I-495 general purpose lanes, and I-495 managed lanes, and MD 190. New ramps connecting to Cabin John Parkway will be provided below existing I-495 grades, avoiding additional visual impacts to adjacent communities. The existing loop ramps at the MD 190 interchange will be replaced by diamond ramps. This configuration typically allows ramps to be located further from adjacent houses than the SDEIS ramp configuration.</div> </div> <div> <div>Response to DEIS Comment #12</div> <div>See response to Comment #3 above.</div> </div> <div> <div>Response to DEIS Comment #13</div> <div>Impacts to receiving waters, including Cabin John Creek, will be addressed through the Maryland permitting process, which this project will be required to follow. Maryland Stormwater Management Law is relatively strict with the goal of maintaining post development runoff as nearly as possible to pre-development runoff characteristics. Water quantity is required to be managed onsite to match existing conditions for the 10-year storm. Water quality is required to treat all new impervious area and 50% of reconstructed existing impervious area to match the runoff characteristics of woods in good condition. Refer to Chapter 9, Section 3.4.E for additional information on impact analysis and mitigation of water resources, including wetlands, waterways, and stormwater management.</div> </div> </div> </div>
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CABIN JOHN CITIZENS ASSOCIATION

P.O. BOX 31, Cabin John MD 20818

Organized 1919 Charter Member Montgomery County Civic Federation

While we are pleased to see a commitment to best management practices and environmental site design in the document (Section 2.4.4.C), the Final EIS must contain more detailed information regarding the Preferred Alternative approach to addressing stormwater in the areas around our community.

Thank you for your consideration of these comments. Our community will remain involved through the EIS process and the Board of Public Works review. We look forward to seeing the steps that SHA takes to address the issues raised.

Sincerely,



Susan Shipp
President, Cabin John Citizens Association

CC: Governor Lawrence J. Hogan
Comptroller Peter V.R. Franchot
Treasurer Nancy Kopp
Senator Ben Cardin
Senator Chris Van Hollen Jr.
Representative Jamie Raskin
County Executive Marc Elrich
Councilmembers Andrew Friedson, Gabe Albornoz, Evan Glass, Will Jawando, and Hans Riemer
Senator Susan Lee and Delegates Ariana Kelly, Marc Korman, and Sara Love

See response to Comment #13 above.

CABIN JOHN CITIZENS ASSOCIATION – SUSAN SHIPP (ORAL TESTIMONY)	
	I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony
	Name: Susan Shipp Joint Public Hearing Date: 9/3/2020 Type/Session: Live Testimony/Afternoon Transcription: <p>Well, I'm very confused. Hello? For some reason, you have the wrong name for me, which is why I'm totally confused. Ok, let me let me start. My name is Susan Shipp, it's S-U-S-A-N, S-H-I-P-P. I live at 7725 Tomlinson Avenue in Cabin John. As the president of the Cabin John Citizens Association, I'm providing comments today on behalf of the Cabin John community. We will be submitting more specific written comments prior to the November nine deadline. Cabin John, a bucolic, historic community with some 2,200 residents located in the triangle created by Cabin John Parkway, the CNO Canal and I-495 from the American Legion Bridge to just past the bridge over Seven Locks Road. Cabin John's Evergreen neighborhood, which backs up to the Beltway, is directly threatened by this project and the Citizens Association stands united with these families in opposition to property takings as part of this project and with the need for effective noise barriers and stormwater management, which has never been addressed despite more than a quarter million vehicles using this stretch of I-495 every day. We also agree with the other very critical concerns they are raising in their testimony, also backing up to the Beltway is the Moses Hall and cemetery property, historically significant for the role it played in Cabin Jones African-American community during the segregated post slavery era. This property is also directly linked to the current Cabin John residents who have family buried in the cemetery. The Draft EIS says that the properties, including grave locations, is adversely affected by all six build alternatives. This is unacceptable to the community, as is the inadequate study of this site that has been conducted today under Section 106 and Section 4(f).</p> <p>The construction of a flyover ramp from the managed lanes to River Road would adversely impact the Evergreen Homes. The Moses Hall and cemetery property and nearby parklands highly utilized by the community. It also would have adverse visual impacts for the Cabin John community as a whole. The draft EIS does not evaluate this in any meaningful way. Another major concern is the traffic impacts both during construction and longer term. The Environmental Resource Mapping Appendix B appears to indicate that both the Persimmon Tree Lane Bridge over I-495 and the I-495 bridge over Seven Locks Road will need to be replaced. The construction period information presented in the draft EIS does not adequately describe the disruptions that residents will experience. Even more alarming, the traffic analysis technical report Appendix C indicates that both the River Road and the Clara Barton Parkway, two major thoroughfares used by the community to access Washington, will see a greater than 10 percent increase in delay with managed lanes on I-495. This is a major adverse impact for Cabin John residents. Evidence that the DEIS documents the impacts on critical local connector roads, including Persimmon Tree Road, Seven Locks Road, MacArthur Boulevard, which is Cabin John's Main Street, and where commuter traffic has already slows to a crawl due to the historic one lane Union Arch Bridge. The impacts to these roads must be thoroughly evaluated and final mitigation incorporated through improvements to these roadways. Thank you very much for your consider, excuse me, your consideration.</p>
#1	Response to DEIS Comment #1 Sliver impacts to properties along I-495 within the Carderock Springs community are proposed for elements such as roadside grading, retaining wall construction, on-site drainage and stormwater management, and noise barrier replacement/construction. These partial property acquisitions are considered ones that do not cause a business or residential relocation and have been assumed where a principle building of a residence, business, or community facility is located more than 20 feet from the Preferred Alternative limits of disturbance.
#2	As part of this project, a new barrier system is proposed along the inner loop of I-495 from MacArthur Boulevard to just south of Cabin John Parkway, with a break at Persimmon Tree Road. The new barrier system will be constructed as close to the roadway as possible to minimize or avoid property impacts. As described in the Supplemental DEIS (SDEIS) and the supporting Noise Analysis Technical Report Addendum the noise analysis is based on the current preferred alternative design and MDOT SHA's Highway Noise Abatement Planning and Engineering Guidelines ("Noise Guidelines"), which detail implementation guidance, critical background information, rationale, and other comprehensive criteria associated with a highway noise study. The noise policy and guidelines are based upon the provisions contained in Title 23 of the Code of Federal Regulations Part 772 (23 CFR 772), Procedures for Abatement of Highway Traffic Noise and Construction Noise and the Federal Highway Administration (FHWA) report FHWA-HEP-10-025, Highway Traffic Noise: Analysis and Abatement Guidance and subsequent revisions.
#3	Refer to Chapter 9, Section 3.4.E for a response to impact analysis and mitigation of water resources, including wetlands, waterways, and stormwater management.
#4	Response to DEIS Comment #2 Since the publication of the DEIS, additional and successful avoidance and minimization efforts also involved the Morningstar Tabernacle No. 88 Moses Hall and Cemetery. Through additional investigation and survey including ground penetrating radar (GPR), MDOT SHA identified potential unmarked graves within state-owned right-of-way adjacent to I-495. The Preferred Alternative incorporates design refinements that minimized the overall width of the improvements to completely avoid the cemetery property and the known area of state-owned right-of-way that has the potential for unmarked graves.
	Response to DEIS Comment #3 Since the DEIS, the Preferred Alternative eliminates of flyover ramps at MD 190/River Road by adjusting the location of the HOT lane direct access ramps between I-495 and MD 190. All HOT lanes direct access ramps within this interchange are now proposed to connect at a new intersection on the MD 190 bridge over I-495 without the use of flyover ramps.
	Between Seven Locks Road and MD 190/River Road, the general purpose lanes and managed lanes separate to allow space for highway ramps. The existing Cabin John Parkway bridges will be replaced with new north-facing ramps to I-495 general purpose lanes, and I-495 managed lanes, and MD 190. New ramps connecting to Cabin John Parkway will be provided below existing I-495 grades, avoiding additional visual impacts to adjacent communities. The existing loop ramps at the MD 190 interchange will be replaced by diamond ramps. This configuration typically allows ramps to be located further from adjacent houses than the SDEIS ramp configuration.
	Refer to Chapter 9, Section 3.4.I for a response to construction impacts.
	Response to DEIS Comment #4 Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.

CARDEROCK SPRINGS CITIZENS ASSOCIATION – GIDFAR FIROOZ

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From: firooz gidfar <Firoozg@yahoo.com>
Sent: Monday, September 21, 2020 9:33 PM
To: MLS-NEPA-P3
Subject: DEIS Carderock testimony
Attachments: DEIS Carderock testimony FG.pdf

To whom it may concern;

Kindly find attached to be introduced into records regarding DEIS feedback / testimony.

Thank you,

Firooz Gidfar

#1	<p>Testimony on behalf of the Carderock Springs community at the I-495 & I-270 Managed Lanes Study Joint Public Hearing, September 2020</p> <p>My name is Firooz Gidfar and I live at 7511 Hamilton Spring Road in Carderock Springs, MD.</p> <p>Our community is greatly concerned about the negative impact of the highway on our health and property value. The Carderock Springs Citizens Association has commented on each step of SHA's process open to the public and requested in multiple letters that:</p> <ul style="list-style-type: none">- 1. Sound barriers must be installed,- 2. The SHA shouldn't carry forward any alternative that would add 2 lanes in each direction and- 3. The SHA should minimize impacts of the Beltway expansion on arterial roads. <p>Since my neighbors have given testimony on item #3, I will mainly discuss the first two points.</p> <p>We were surprised to learn in the SHA public workshop on April 13th 2019 that SHA plans to add an elevated ramp to connect the Managed Lanes with River Road. This addition will significantly expand the areas impacted by noise from the Beltway. We were assured at the same meeting by SHA staff that the SHA will provide necessary analyses in order to plan for effective noise abatement. Unfortunately, the current EIS fails to do so. We request that such analysis be provided, and effective noise abatement be planned and built.</p> <p>Despite our requests to not proceed with alternatives that are adding 2 lanes in each direction, SHA proceeded only with those options. Four lanes will greatly increase</p>	<p>Response to DEIS Comment #1</p> <p>Sliver impacts to properties along I-495 within the Carderock Springs community are proposed for elements such as roadside grading, retaining wall construction, on-site drainage and stormwater management, and noise barrier replacement/construction. These partial property acquisitions are considered ones that do not cause a business or residential relocation and have been assumed where a principle building of a residence, business, or community facility is located more than 20 feet from the Preferred Alternative limits of disturbance. The Preferred Alternative would not eliminate access or provide new access to properties, nor would it impede access between residences, community facilities, and businesses as no properties are accessed directly from I-495 or I-270. MDOT SHA will continue to make minimizing impacts a priority through design and construction and is committed to further coordination with neighboring communities and individual property owners. Based upon the overall project benefits and strong values of communities currently located near the Study, any projected decline or increase in property values related to the construction of the Project but not directly impacted is speculative. Where MDOT SHA acquires property, property owners are compensated for decreases in value to the remainder of the property.</p> <p>Refer to Chapter 9, Section 3.4.L for a response to public health impacts.</p> <p>Response to DEIS Comment #2</p> <p>The Preferred Alternative does not include an elevated structure to implement the HOT managed lanes at Seven Locks Road. Between Persimmon Tree Road and Seven Locks Road, the Preferred Alternative includes four general purpose lanes and two high-occupancy toll managed lanes in each direction. An acceleration lane will also be built along the outer loop for approximately 1000-foot east of Seven Locks Road. No ramps are proposed in this area. The proposed typical section serves to minimize the roadway footprint between the Carderock Springs Historic District and Gibson Grove Church along the outer loop and the Morningstar Tabernacle No. 88 Moses Hall & Cemetery along the inner loop. The centerline of I-495 will be relocated such that it gradually shifts away from the Cemetery as it moves north from Persimmon Tree Road; at the Cemetery the proposed median barrier between inner loop and outer loop traffic will be approximately 25 feet further from the Cemetery than the existing median barrier. Flyover ramps are no longer proposed in this area and thus will not create a visual impact. A noise barrier in this area is anticipated to be located close to the existing right of way line. Vegetation will need to be removed within the Limit of Disturbance to facilitate this construction.</p> <p>Since the DEIS, the Preferred Alternative eliminates of flyover ramps at MD 190/River Road by adjusting the location of the HOT lane direct access ramps between I-495 and MD 190. All HOT lanes direct access ramps within this interchange are now proposed to connect at a new intersection on the MD 190 bridge over I-495 without the use of flyover ramps.</p> <p>Between Seven Locks Road and MD 190/River Road, the general purpose lanes and managed lanes separate to allow space for highway ramps. The existing Cabin John Parkway bridges will be replaced with new north-facing ramps to I-495 general purpose lanes, and I-495 managed lanes, and MD 190. New ramps connecting to Cabin John Parkway will be provided below existing I-495 grades, avoiding additional visual impacts to adjacent communities. The existing loop ramps at the MD 190 interchange will be replaced by diamond ramps. This configuration typically allows ramps to be located further from adjacent houses than the SDEIS ramp configuration.</p> <p>As part of this project, the existing sound barrier that crosses Seven Locks Road along the outer loop of I-495 will be replaced and extended along the outer loop of I-495 to Persimmon Tree Road. A new barrier is proposed along the inner loop of I-495 from just south of Cabin John Parkway to Persimmon Tree Road. The new barriers will be constructed as close to the roadway as possible to minimize or avoid property impacts. As described in the FEIS and the supporting Final Noise Analysis Technical Report (FEIS, Appendix L) the noise analysis is based on the current preferred alternative design and MDOT SHA's Highway Noise Abatement Planning and Engineering Guidelines ("Noise Guidelines"), which detail implementation guidance, critical background information, rationale, and other comprehensive criteria associated with a highway noise study. The noise policy and guidelines are based upon the provisions contained in Title 23 of the Code of Federal Regulations Part 772 (23 CFR 772), Procedures for Abatement of Highway Traffic Noise and Construction Noise and the Federal Highway Administration (FHWA) report FHWA-HEP-10-025, Highway Traffic Noise: Analysis and Abatement Guidance and subsequent revisions.</p> <p>The DEIS, SDEIS and FEIS all include the "Statement of Likelihood" that is required by FHWA regulation 23 CFR 772.13(g)(3):</p> <p>"A statement of likelihood shall be included in the environmental document since feasibility and reasonableness determinations may change due to changes in project design after approval of the environmental document. The statement of likelihood shall include the preliminary location and physical description of noise abatement measures determined feasible and reasonable in the preliminary analysis. The statement of likelihood shall also indicate that final recommendations on the construction of an abatement measure(s) is determined during the completion of the project's final design and the public involvement processes."</p>
#2		

<div>#3</div> <div>#4</div> <div>#5</div>	<div> <p>disturbances in our neighborhood. We request that the need for adding four lanes be re-evaluated to better reflect current changes in travel needs and future automotive technological advances that will allow for more efficient use of current infrastructure.</p> <p>If the only reason to add four lanes is to generate more revenue, it shouldn't proceed. LOD in the EIS for our area is overly optimistic as it appears to be nearly overlapping with the location of the noise barrier. We request SHA review the appropriate LOD in this corridor and where property impacts are shown, the Final EIS should be clear on how SHA will eliminate the need for property acquisition.</p> </div> <div> <p>Furthermore, Carderock Springs Elementary School provides publicly accessible playing fields and therefore qualifies as a public recreation area for Section 4(f) review under 23 CFR 774.17. We remind that Section 4(f) analysis of Carderock Springs Elementary School be provided in the Final EIS.</p> </div> <div> <p>In general, I would also like to voice my opposition to this project. Highway expansions have historically proven to be ineffective as long term solutions to commute time reduction. The minimal projected impacts on commute time savings will end up being zero if policies are not undertaken that lead to a reduction of the number of commutes by single occupant vehicles. The solution is not increased arterial capacity. If that were the case, we wouldn't be going through these exercises every few years.</p> <p>Thanks again for providing the Carderock community with an opportunity to voice our concerns and requests.</p> </div>	<p>Because we are in the NEPA phase of this project, we do not yet have detailed engineering plans, including soil borings and field surveyed topography. This level of detail is obtained during the final design phase of a project. The design, appearance and final alignment of the sound barriers will also be finalized during final design. The project must receive NEPA approval before final design is initiated, per 23 CFR 771.113(a). MDOT SHA is sensitive to the visual impact of a sound barrier when it is located directly adjacent to a residence. Sound barriers are most effective when placed directly adjacent to either the noise source (the highway) or the receiver (the residence). Ideally sound barriers are placed close to the highway, but in some cases, they must be located close to a residence in order to maximize the effectiveness. Sound barriers have a height limitation of 40 feet, and any structure over 24 feet requires a significantly larger foundation (which leads to more ground disturbance and environmental impacts). MDOT SHA will make every effort to keep the sound barriers as close to the highway as possible, but because of the varied topography of the Carderock Springs Community, it may be necessary to locate the walls at the top of the slope in order for them to effectively reduce the highway noise levels.</p> <p>Response to DEIS Comment #3</p> <p>Chapter 2 of the DEIS summarizes the process by which MDOT SHA considered and evaluated a full range of potential alternatives; greater detail is provided in Appendix B to the DEIS. This alternatives analysis process included Alternative 5 which consisted of adding one HOT managed lane in each direction on I-495 and converting the one existing HOV lane in each direction to a HOT managed lane on I-270. Based on additional analysis, FHWA and MDOT SHA found that Alternative 5 would fail in certain aspects and in others would perform so poorly in addressing the Study's Purpose and Need that it was not a reasonable or feasible alternative. During the alternatives screening process, Alternative 5 was rated "low" for system-wide delay, TTI in the GP lanes, density, LOS, and vehicle-throughput. In addition, Alternative 5 was determined to not be financially viable. Consequently, it was determined that Alternative 5 did not meet the Study's Purpose and Need and would not be one of the ARDS. However, Alternative 5 was evaluated to the same level as other ARDS and was included in Chapters 3 and 4 of DEIS as a useful means of comparison to the Build and No Build Alternatives.</p> <p>Response to DEIS Comment #4</p> <p>MDOT SHA appreciates your comment regarding impacts to Carderock Springs Elementary School and the applicability of Section 4(f) protection to the school's recreational facilities. The Preferred Alternative would have an estimated 0.2 acres of impact to the Carderock Springs Elementary School property. There would be no impact to the recreational facilities present on the school campus. In accordance with the 2012 FHWA Section 4(f) Policy Paper (Policy Paper), school playgrounds and other recreational facilities on school campuses are eligible for Section 4(f) protection. The Policy Paper state":</p> <p>"When a public school playground is open to the public and serves either organized or substantial walk-on recreational purposes that are determined to be significal[...] it will be subject to the requirements of Section 4(f)". (Part II, #14)</p> <p>The Policy Paper includes this further clarification:</p> <p>"The term playground refers to the area of the school property developed and/or used for public park or recreation purposes such as baseball diamonds, soccer fields, tennis courts, track and field facilities, and other features such as jungle gyms or swing sets. This can also include open space or practice fields if those areas serve a park or recreation function. Section 4(f) would apply to the playground areas only and not the entire campus, unless the school and campus are also significant historic "sites." (Part II, #14)</p> <p>Therefore, because the recreational facilities present on the Carderock Springs Elementary School campus would not be impacted by the Preferred Alternative, no Section 4(f) use would occur.</p> <p>Response to DEIS Comment #5</p> <p>NEPA's CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, "Visualize2045", adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. Refer to DEIS, Chapter 3 and DEIS Appendix C. Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.</p> <p>Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.</p> <p>Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p> <p>MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 Phase I South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.</p>
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CARDEROCK SPRINGS CITIZENS ASSOCIATION – PETRA JACOBS (EMAIL)

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From: Petra Jacobs <petraejacobs@gmail.com>
Sent: Tuesday, August 25, 2020 6:14 PM
To: MLS-NEPA-P3; Lisa Choplin
Cc: Caryn Brookman (Consultant); Orrick, Jack
Subject: oral testimony: text to include into today's P3 hearing records
Attachments: DEIS Carderock testimony for 8-25 final.docx

Dear Lisa and SHA representatives,
Would you please include the enclosed text to the oral testimony records from today's 5 pm I-495 & I-270 hearing?
Please let me know if I need to contact anyone else in order to incorporate my testimony into today's records.
Thanks in advance.
Petra

Petra Jacobs, 7508 Hamilton Spring Rd., Carderock Springs.

Testimony on behalf of the Carderock Springs community at the I-495 & I-270 Managed Lanes Study Joint Public Hearing, August 25, 2020

My name is Petra Jacobs and I live at 7508 Hamilton Spring Road in Carderock Springs. I am here today as a Maryland resident, a parent, and a board member of the Carderock Springs Citizens Association representing the Carderock community, who together with many other neighbors has spent countless hours working to protect the Carderock Springs and South Carderock neighborhoods against dangerous air and noise pollution caused by the Beltway. I would like to thank SHA for the opportunity to be part of this hearing.

The Carderock Springs and South Carderock neighborhoods are located directly adjacent to the Beltway, between the River Road and Clara Barton Parkway exits. In addition to 569 households, there is also an elementary school with its play areas and ball fields located virtually next to the Beltway. Like many others, we are greatly concerned about the air pollution from highways on children's lung development and the impact of highway noise on the general health, cardiovascular systems and quality of life of the residents of our community as well as the impact on our property. We are experiencing these impacts today which have been getting worse each year. If the Beltway is expanded, the impacts on our community will be severe. Not only will there be more cars and trucks, but traffic will be even closer to sensitive receptors such as our children, Carderock Springs Elementary School, and our homes. Given what is at stake, our community has commented on each step of SHA's process and requested in many letters (incl. October 1, 2018) 1. Installation of sound/air pollution barriers, 2. That SHA shouldn't carry forward any alternative that would add 2 lanes in each direction as these alternatives would reduce the distance between the Beltway and school/residencies and significantly increase noise/air pollution harms. 3. SHA should ensure that its project includes measures to minimize impacts on arterial roads (River Rd,

Response to DEIS Comment #1

Due to extensive coordination and consultation with local, state, and federal resource agencies and stakeholders throughout the NEPA process, MDOT SHA was able to advance avoidance and minimization measures for regulated and sensitive resources and property displacements along I-495 and I-270. This process resulted in an LOD that significantly avoided and minimized impacts associated with the DEIS Build Alternatives while appropriately addressing a wide range of water resources, parkland, and historic and/or cultural resources. MDOT SHA accomplished this through a number of approaches, including the elimination or relocation of managed lane access points, shifting the centerline alignment, reducing lanes, changing interchange configurations and other design refinements. Refer to **DEIS, Appendix B, Alternatives Technical Report, SDEIS, Chapter 2 and FEIS, Chapter 3**. Sliver impacts to properties along I-495 within the Carderock Springs community are proposed for elements such as roadside grading, retaining wall construction, on-site drainage and stormwater management, and noise barrier replacement/construction. These partial property acquisitions are considered ones that do not cause a business or residential relocation and have been assumed where a principle building of a residence, business, or community facility is located more than 20 feet from the Preferred Alternative limits of disturbance.

Refer to Chapter 9, Section 3.4.L for a response to public health impacts and see response to Comment #2 below regarding proximity impacts and noise mitigation.

<div>#2</div> <div>#3</div> <div>#4</div>	<p>Seven Locks Rd). Since my fellow CSCA Board member commented on #3 and partially on #1, my testimony will focus on the rest.</p> <p>Ad 1. Installation of sound/air pollution barrier.</p> <p>We were shocked to learn in the SHA public workshop on April 13th 2019 that in addition to the Beltway expansion SHA plans to add an elevated ramp to connect Managed Lanes with River Road. This addition will significantly expand the area of noise and air pollution to places not previously impacted by the Beltway. However, we were assured at the same meeting by SHA personnel that SHA will provide necessary analyses in this area to plan for effective noise abatement. Unfortunately, the current EIS fails to adequately evaluate a noise wall to address impacts in this area for Carderock Springs residents along Seven Locks Road. We request that such analysis be provided, and effective noise/pollution abatement be included in the Final EIS, Record of Decision, and project implementation.</p> <p>Ad 2. Selected alternatives: Despite our (and other) communities requests during the SHA comment process to not proceed with alternatives that are adding 2 lanes in each direction, SHA proceeded only with those options, affecting negatively adjacent properties and elementary school. This is an important comment especially now, during the COVID pandemic, when employment and infrastructure is being re-designed to minimize the need for people to travel. We request that the need for adding four lanes (two lanes in each direction) be re-evaluated to better reflect revolutionary changes in travel needs. If the only reason to add total four lanes is to generate more revenue, it shouldn't proceed. Such a decision has a crucial impact on the limits of disturbance (LOD) in our area. As shown in the Environmental Resource Mapping (Appendix D, Maps 59 and 126), LOD for the Project appear to be overly optimistic at the current level of design. For areas of I-495 adjacent to properties along Hamilton Spring Rd and Stone Trail Drive, the LOD appears to be nearly overlapping with the location of the noise barrier. At the current level of planning, at least 10-15 feet of LOD should be assumed, in order to capture potential slope and grading</p>	<p>Response to DEIS Comment #2</p> <p>The Preferred Alternative does not include an elevated structure to implement the HOT managed lanes. Between Persimmon Tree Road and Seven Locks Road, the Preferred Alternative includes four general purpose lanes and two high-occupancy toll managed lanes in each direction. An acceleration lane will also be built along the outer loop for approximately 1000-feet east of Seven Locks Road. No ramps are proposed in this area. The proposed typical section serves to minimize the roadway footprint between the Carderock Springs Historic District and Gibson Grove Church along the outer loop and the Morningstar Tabernacle No. 88 Moses Hall & Cemetery along the inner loop. The centerline of I-495 will be relocated such that it gradually shifts away from the Cemetery as it moves north from Persimmon Tree Road; at the Cemetery the proposed median barrier between inner loop and outer loop traffic will be approximately 25 feet further from the Cemetery than the existing median barrier. Flyover ramps are no longer proposed in this area and thus will not create a visual impact. A noise barrier in this area is anticipated to be located close to the existing right of way line. Vegetation will need to be removed within the Limit of Disturbance to facilitate this construction.</p> <p>Between Seven Locks Road and MD 190/River Road, the general purpose lanes and price managed lanes separate to allow space for highway ramps. The existing Cabin John Parkway bridges will be replaced with new north-facing ramps to I-495 general purpose lanes, and I-495 managed lanes, and MD 190. Third-level flyover bridges above the existing beltway grades will be avoided by providing median ramps from the price managed lanes to MD 190 which connect into the center of the MD 190 bridge over I-495. New ramps connecting to Cabin John Parkway will be provided below existing I-495 grades, avoiding additional visual impacts to adjacent communities. The existing loop ramps at the MD 190 interchange will be replaced by diamond ramps. This configuration typically allows ramps to be located further from adjacent houses than the SDEIS ramp configuration.</p> <p>As part of this project, the existing sound barrier that crosses Seven Locks Road along the outer loop of I-495 will be replaced and extended along the outer loop of I-495 to Persimmon Tree Road. A new barrier is proposed along the inner loop of I-495 from just south of Cabin John Parkway to Persimmon Tree Road. The new barriers will be constructed as close to the roadway as possible to minimize or avoid property impacts. As described in the FEIS and the supporting Final Noise Analysis Technical Report (FEIS, Appendix L) the noise analysis is based on the current preferred alternative design and MDOT SHA's Highway Noise Abatement Planning and Engineering Guidelines ("Noise Guidelines"), which detail implementation guidance, critical background information, rationale, and other comprehensive criteria associated with a highway noise study. The noise policy and guidelines are based upon the provisions contained in Title 23 of the Code of Federal Regulations Part 772 (23 CFR 772), Procedures for Abatement of Highway Traffic Noise and Construction Noise and the Federal Highway Administration (FHWA) report FHWA-HEP-10-025, Highway Traffic Noise: Analysis and Abatement Guidance and subsequent revisions.</p> <p>The DEIS, SDEIS and FEIS all include the "Statement of Likelihood" that is required by FHWA regulation 23 CFR 772.13(g)(3):</p> <p>"A statement of likelihood shall be included in the environmental document since feasibility and reasonableness determinations may change due to changes in project design after approval of the environmental document. The statement of likelihood shall include the preliminary location and physical description of noise abatement measures determined feasible and reasonable in the preliminary analysis. The statement of likelihood shall also indicate that final recommendations on the construction of an abatement measure(s) is determined during the completion of the project's final design and the public involvement processes."</p> <p>Because we are in the NEPA phase of this project, we do not yet have detailed engineering plans, including soil borings and field surveyed topography. This level of detail is obtained during the final design phase of a project. The design, appearance and final alignment of the sound barriers will also be finalized during final design. The project must receive NEPA approval before final design is initiated, per 23 CFR 771.113(a). MDOT SHA is sensitive to the visual impact of a sound barrier when it is located directly adjacent to a residence. Sound barriers are most effective when placed directly adjacent to either the noise source (the highway) or the receiver (the residence). Ideally sound barriers are placed close to the highway, but in some cases, they must be located close to a residence in order to maximize the effectiveness.</p>
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Sound barriers have a height limitation of 40 feet, and any structure over 24 feet requires a significantly larger foundation (which leads to more ground disturbance and environmental impacts). MDOT SHA will make every effort to keep the sound barriers as close to the highway as possible, but because of the varied topography of the Carderock Springs Community, it may be necessary to locate the walls at the top of the slope in order for them to effectively reduce the highway noise levels.

Response to DEIS Comment #3

Chapter 2 of the DEIS summarizes the process by which MDOT SHA considered and evaluated a full range of potential alternatives; greater detail is provided in Appendix B to the DEIS. This alternatives analysis process included Alternative 5 which consisted of adding one HOT managed lane in each direction on I-495 and converting the one existing HOV lane in each direction to a HOT managed lane on I-270. Based on additional analysis, FHWA and MDOT SHA found that Alternative 5 would fail in certain aspects and in others would perform so poorly in addressing the Study’s Purpose and Need that it was not a reasonable or feasible alternative. During the alternatives screening process, Alternative 5 was rated “low” for system-wide delay, Travel Time Index (TTI) in the general purpose lanes, density, Level of Service (LOS), and vehicle-throughput. In addition, Alternative 5 was determined to not be financially viable. Consequently, it was determined that Alternative 5 did not meet the Study’s Purpose and Need and would not be one of the ARDS. However, Alternative 5 was evaluated to the same level as other ARDS and was included in Chapters 3 and 4 of DEIS as a useful means of comparison to the Build and No Build Alternatives.

Response to DEIS Comment #4

MDOT SHA employed a conservative approach to defining the LOD for all the DEIS Build Alternatives and Preferred Alternative. The LOD represent the proposed boundary within which all construction, mainline widening, managed lane access, intersection improvements, construction access, staging, materials storage, grading, clearing, erosion and sediment control, landscaping, drainage, stormwater management, noise barrier replacement/construction, stream stabilization, and related activities to the proposed roadway and interchange improvements. Property impacts associated with the LOD were broken into permanent (long-term) and temporary (short-term) areas. This conservative approach to defining the LOD fairly captured the full scope of potential impacts. Moreover, the methodology used to assess impacts to a number of key resources appropriately considered a broader geographic area than the LOD immediately surrounding the anticipated construction and related activity boundaries. When the project advances to final design, it is anticipated that the design will closely adhere to the LOD defined in the FEIS, as the LOD was established to include a reasonable area to construct the Preferred Alternative. For complete graphic descriptions of the Preferred Alternative LOD across the entire span of study limits, refer to the FEIS, Appendix E- Environmental Resource Mapping. Refer to Chapter 9, Section 3.4.A for a response on Limits of Disturbance.

Specifically at Stoney Trail Drive and Hamilton Spring Road, the LOD is set to account for the noise barrier and construction of the noise barrier. The LOD is set with a design assumption of 10 feet behind the noise barrier for construction. Refer to FEIS, Appendix E- Environmental Resource Mapping, Map 7. As presented in the DEIS, SDEIS, and FEIS, preliminary determination of horizontal and vertical alignment for the noise barriers was made based on the latest design concept; however, final determination of noise barrier feasibility, reasonableness, dimensions and locations will be made in final design. Engineering changes reflected in final design could alter the conclusions reached in this analysis, leading to recommendations to add or omit noise barrier locations. A Final Design Noise Analysis will be performed for this Study based on detailed engineering information during the final design phase. Refer to FEIS, Chapter 5, Section 5.9 and FEIS, Appendix L for more details.

<p>#4 Cont</p>	<p>issues. Our concern about the LOD is analogous to a similar LOD concern expressed by the staff of the Maryland-National Capital Park and Planning Commission (M-NCPPC) in their July 15 memorandum. The result of this LOD approach is that property impacts and potential tree loss from noise barrier construction may be understated. We request SHA review the appropriate LOD in this corridor and provide further documentation of why the LOD is located where it is. Where property impacts are shown, particularly along Thornley Court and on the Carderock Springs Elementary School property, the Final EIS should include, as mitigation, the direction that SHA take practicable steps to eliminate the need for property acquisition in this section of the Project.</p>	<p>See response to Comment #4 above.</p>
<p>#5</p>	<p>Furthermore, Carderock Springs Elementary School provides publicly accessible playing fields and therefore qualifies as a public recreation area for Section 4(f) review under 23 CFR 774.17. No analysis of the impacts of the Project on the Elementary School is provided in the Draft Section 4(f) Evaluation.</p> <p>However, there is potential for use of the Section 4(f) resource.</p> <p>For the Action Alternatives under consideration, all envision some use of the southwest corner of the public school property, as shown in the maps in the Environmental Resource Mapping (Appendix D). At the scale of the drawings provided and due to the larger issue related to an appropriate LOD, it is difficult to determine whether any impacts to the parking lot would occur. The loss of spaces in the parking lot may diminish access to the public playing fields, which are regularly used for weekend recreational sports. We request that Section 4(f) analysis of Carderock Springs Elementary School BE provided in the Final EIS.</p> <p>Thanks again for providing the Carderock community with an opportunity to voice our concerns and requests.</p>	<p>Response to DEIS Comment #5 MDOT SHA appreciates your comment regarding impacts to Carderock Springs Elementary School and the applicability of Section 4(f) protection to the school's recreational facilities. The Preferred Alternative would have an estimated 0.2 acres of impact to the Carderock Springs Elementary School property. There would be no impact to the recreational or parking facilities present on the school campus. In accordance with the 2012 FHWA Section 4(f) Policy Paper (Policy Paper), school playgrounds and other recreational facilities on school campuses are eligible for Section 4(f) protection. The Policy Paper states:</p> <p>"When a public school playground is open to the public and serves either organized or substantial walk-on recreational purposes that are determined to be significant [...] it will be subject to the requirements of Section 4(f)". (Part II, #14)</p> <p>The Policy Paper includes this further clarification:</p> <p>"The term playground refers to the area of the school property developed and/or used for public park or recreation purposes such as baseball diamonds, soccer fields, tennis courts, track and field facilities, and other features such as jungle gyms or swing sets. This can also include open space or practice fields if those areas serve a park or recreation function. Section 4(f) would apply to the playground areas only and not the entire campus, unless the school and campus are also significant historic sites." (Part II, #14)</p> <p>Therefore, because the recreational facilities present on the Carderock Springs Elementary School campus would not be impacted by the Preferred Alternative, no Section 4(f) use would occur.</p>

CARDEROCK SPRINGS CITIZENS ASSOCIATION – PETRA JACOBS (ORAL TESTIMONY)		
	I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony	
	<p>Name: Petra Jacobs</p> <p>Date/Hearing: 8/25/20</p> <p>Type/Session: Live/Evening</p> <p>Transcription:</p> <p>Can you hear me? [FACILITATOR SPEAKS]. Yes, this is Petra Jacobs. Good evening. Can you hear me OK? [FACILITATOR SPEAKS]. OK. I will do that. Thank you. So my name is Petra Jacobs (P-E-T-R-A J-A-C-O-B-S). And I live at 7508 Headmilton Springs Road in Carderock Springs. And as the previous speaker, I am here today as a Maryland resident, a parent, and a board member of the Carderock Springs Citizens Association. Our community is greatly concerned about the negative impact of the high rate on our health and properties. We commented on each step of SHA’s process and requested in many letters. Number 1, installation of sound barrier; Number 2, that SHA shouldn’t carry forward any alternative that would add two lanes in each direction; and Number 3, SHA should minimize the impacts of the [INAUDIBLE] expansion on arterial roads.</p>	<p>Response to DEIS Comment #1</p> <p>The Preferred Alternative does not include an elevated structure to implement the HOT managed lanes. Between Persimmon Tree Road and Seven Locks Road, the Preferred Alternative includes four general purpose lanes and two high-occupancy toll managed lanes in each direction. An acceleration lane will also be built along the outer loop for approximately 1000-feet east of Seven Locks Road. No ramps are proposed in this area. The proposed typical section serves to minimize the roadway footprint between the Carderock Springs Historic District and Gibson Grove Church along the outer loop and the Morningstar Tabernacle No. 88 Moses Hall & Cemetery along the inner loop. The centerline of I-495 will be relocated such that it gradually shifts away from the Cemetery as it moves north from Persimmon Tree Road; at the Cemetery the proposed median barrier between inner loop and outer loop traffic will be approximately 25 feet further from the Cemetery than the existing median barrier. Flyover ramps are no longer proposed in this area and thus will not create a visual impact. A noise barrier in this area is anticipated to be located close to the existing right of way line. Vegetation will need to be removed within the Limit of Disturbance to facilitate this construction.</p>
#1	Since my fellow association board member commented on August 20 on number three and partial number one, I will talk with what’s on the rest. Number one, we were shocked to learn on the SHA public workshop on April 13, 2019 that SHA plans to add an elevated ramp to connect managed lanes to River Road. This addition will significantly expand the area of noise to places not previously impacted by the Beltway. We were assured at the same meeting by SHA personnel that SHA will provide necessary analysis to plan for effective noise abatement. Unfortunately, the current EIS fails to evaluate a noise wall for our residents affected by the abated ramp. We request that such analysis be provided and effective noise	Between Seven Locks Road and MD 190/River Road, the general purpose lanes and price managed lanes separate to allow space for highway ramps. The existing Cabin John Parkway bridges will be replaced with new north-facing ramps to I-495 general purpose lanes, and I-495 managed lanes, and MD 190. Third-level flyover bridges above the existing beltway grades will be avoided by providing median ramps from the price managed lanes to MD 190 which connect into the center of the MD 190 bridge over I-495. New ramps connecting to Cabin John Parkway will be provided below existing I-495 grades, avoiding additional visual impacts to adjacent communities. The existing loop ramps at the MD 190 interchange will be replaced by diamond ramps. This configuration typically allows ramps to be located further from adjacent houses than the SDEIS ramp configuration.
#2	abatement be included. Number two, despite the request to not proceed with alternative that adding two lanes in each direction SHA proceeded only with those options. We requested the need for adding four lanes be aberrated to better reflect current Covid and post-Covid changes and travel needs. If the only reason to add total four lanes is to generate more revenue, it shouldn't proceed. Such a decision has a crucial impact on the limits of disturbance in our area, although DEIS—sorry, OK— is overly optimistic as	As part of this project, the existing sound barrier that crosses Seven Locks Road along the outer loop of I-495 will be replaced and extended along the outer loop of I-495 to Persimmon Tree Road. A new barrier is proposed along the inner loop of I-495 from just south of Cabin John Parkway to Persimmon Tree Road. The new barriers will be constructed as close to the roadway as possible to minimize or avoid property impacts. As described in the FEIS and the supporting Final Noise Analysis Technical Report (FEIS, Appendix L) the noise analysis is based on the current preferred alternative design and MDOT SHA's Highway Noise Abatement Planning and Engineering Guidelines ("Noise Guidelines"), which detail implementation guidance, critical background information, rationale, and other comprehensive criteria associated with a highway noise study. The noise policy and guidelines are based upon the provisions contained in Title 23 of the Code of Federal Regulations Part 772 (23 CFR 772), Procedures for Abatement of Highway Traffic Noise and Construction Noise and the Federal Highway Administration (FHWA) report FHWA-HEP-10-025, Highway Traffic Noise: Analysis and Abatement Guidance and subsequent revisions.
#3	it appears to be overly overlapping with the location of noise barriers. We request that SHA review the appropriate LOD in this corridor and where property impacts are shown, the Final EIS should include how SHA will eliminate the need for property acquisition. Furthermore, Carderock Springs Elementary School provides publicly accessible playing fields and therefore qualifies as a public recreation area for Section 4(f) under 23 CFR 774.17. We request that Section 4(f) analysis of Carderock Springs Elementary School be provided in the Final EIS. Thanks again for providing the Carderock community the opportunity to voice other concerns and requests.	The DEIS, SDEIS and FEIS all include the "Statement of Likelihood" that is required by FHWA regulation 23 CFR 772.13(g)(3):
		"A statement of likelihood shall be included in the environmental document since feasibility and reasonableness determinations may change due to changes in project design after approval of the environmental document. The statement of likelihood shall include the preliminary location and physical description of noise abatement measures determined feasible and reasonable in the preliminary analysis. The statement of likelihood shall also indicate that final recommendations on the construction of an abatement measure(s) is determined during the completion of the project's final design and the public involvement processes."
		Because we are in the NEPA phase of this project, we do not yet have detailed engineering plans, including soil borings and field surveyed topography. This level of detail is obtained during the final design phase of a project. The design, appearance and final alignment of the sound barriers will also be finalized during final design. The project must receive NEPA approval before final design is initiated, per 23 CFR 771.113(a). MDOT SHA is sensitive to the visual impact of a sound barrier when it is located directly adjacent to a residence. Sound barriers are most effective when placed directly adjacent to either the noise source (the highway) or the receiver (the residence). Ideally sound barriers are placed close to the highway, but in some cases, they must be located close to a residence in order to maximize the effectiveness. Sound barriers have a height limitation of 40 feet, and any structure over 24 feet requires a significantly larger foundation (which leads to more ground disturbance and environmental impacts). MDOT SHA will make every effort to keep the sound barriers as close to the

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highway as possible, but because of the varied topography of the Carderock Springs Community, it may be necessary to locate the walls at the top of the slope in order for them to effectively reduce the highway noise levels.

Response to DEIS Comment #2

Chapter 2 of the DEIS summarizes the process by which MDOT SHA considered and evaluated a full range of potential alternatives; greater detail is provided in Appendix B to the DEIS. This alternatives analysis process included Alternative 5 which consisted of adding one HOT managed lane in each direction on I-495 and converting the one existing HOV lane in each direction to a HOT managed lane on I-270. Based on additional analysis, FHWA and MDOT SHA found that Alternative 5 would fail in certain aspects and in others would perform so poorly in addressing the Study's Purpose and Need that it was not a reasonable or feasible alternative. During the alternatives screening process, Alternative 5 was rated "low" for system-wide delay, TTI in the GP lanes, density, LOS, and vehicle-throughput. In addition, Alternative 5 was determined to not be financially viable. Consequently, it was determined that Alternative 5 did not meet the Study's Purpose and Need and would not be one of the ARDS. However, Alternative 5 was evaluated to the same level as other ARDS and was included in Chapters 3 and 4 of DEIS as a useful means of comparison to the Build and No Build Alternatives.

Response to DEIS Comment #3

Due to extensive coordination and consultation with local, state, and federal resource agencies and stakeholders throughout the NEPA process, MDOT SHA was able to advance avoidance and minimization measures for regulated and sensitive resources and property displacements along I-495 and I-270. This process resulted in an LOD that significantly avoided and minimized impacts associated with the DEIS Build Alternatives while appropriately addressing a wide range of water resources, parkland, and historic and/or cultural resources. MDOT SHA accomplished this through a number of approaches, including the elimination or relocation of managed lane access points, shifting the centerline alignment, reducing lanes, changing interchange configurations and other design refinements. **Refer to DEIS, Appendix B, Alternatives Technical Report, SDEIS, Chapter 2 and FEIS, Chapter 3.** Sliver impacts to properties along I-495 within the Carderock Springs community are proposed for elements such as roadside grading, retaining wall construction, on-site drainage and stormwater management, and noise barrier replacement/construction. These partial property acquisitions are considered ones that do not cause a business or residential relocation and have been assumed where a principle building of a residence, business, or community facility is located more than 20 feet from the Preferred Alternative limits of disturbance.

MDOT SHA appreciates your comment regarding impacts to Carderock Springs Elementary School and the applicability of Section 4(f) protection to the school's recreational facilities. The Preferred Alternative would have an estimated 0.2 acres of impact to the Carderock Springs Elementary School property. There would be no impact to the recreational or parking facilities present on the school campus. In accordance with the 2012 FHWA Section 4(f) Policy Paper (Policy Paper), school playgrounds and other recreational facilities on school campuses are eligible for Section 4(f) protection. The Policy Paper states:

"When a public school playground is open to the public and serves either organized or substantial walk-on recreational purposes that are determined to be significant [...] it will be subject to the requirements of Section 4(f)". (Part II, #14)

The Policy Paper includes this further clarification:

"The term playground refers to the area of the school property developed and/or used for public park or recreation purposes such as baseball diamonds, soccer fields, tennis courts, track and field facilities, and other features such as jungle gyms or swing sets. This can also include open space or practice fields if those areas serve a park or recreation function. Section 4(f) would apply to the playground areas only and not the entire campus, unless the school and campus are also significant historic sites." (Part II, #14)

Therefore, because the recreational facilities present on the Carderock Springs Elementary School campus would not be impacted by the Preferred Alternative, no Section 4(f) use would occur.

CARDEROCK SPRINGS CITIZENS ASSOCIATION – JACK ORRICK (EMAIL)

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From: Orrick, Jack <Jack.Orrick@offitkurman.com>
Sent: Tuesday, October 6, 2020 12:57 PM
To: MLS-NEPA-P3
Cc: governor.mail@maryland.gov; pfranchot@comp.state.md.us;
Treasurer@treasurer.state.md.us; councilmember.friedson@montgomerycountymd.gov;
councilmember.albornoz@montgomerycountymd.gov;
councilmember.glass@montgomerycountymd.gov;
councilmember.jawando@montgomerycountymd.gov;
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marc.korman@house.state.md.us; sara.love@house.state.md.us;
ariana.kelly@house.state.md.us
Subject: Comments of Carderock Springs Citizens Association - I-495/I-270 Managed Lane Study -
Draft Environmental Impact Statement
Attachments: 2020 10 05 DEIS comment letter signed.pdf

Attached is the comment letter of Carderock Springs Citizens Association to the I-495/I-270 Managed Lane Study - Draft Environmental Impact Statement, Section 4(f) Evaluation and Draft Section 106 Assessment of Effects Report.

Jack Orrick
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October 5, 2020

Lisa B. Choplin, DBIA
Director, I-495 & I-270 P3 Office
Maryland Department of Transportation State Highway Administration
I-495 & I-270 P3 Office
707 North Calvert Street
Mail Stop P-601
Baltimore, MD 21201

RE: I-495/I-270 Managed Lane Study Draft Environmental Impact Statement, Draft Section 4(f) Evaluation, and Draft Section 106 Assessment of Effects Report

Dear Ms. Choplin:

I am President of the Carderock Springs Citizens Association, a community organization that represents Carderock Springs and Carderock Springs South, which together include approximately 600 homes. Carderock Springs is designated as a National Historic District as a notable example of “situated modernism,” and Carderock Springs South is indicated in the *Cultural Resources Technical Report* (Appendix G) as an eligible historic district.

We have closely followed the I-495/I-270 Managed Lanes Study environmental process and have been pleased to participate as a Consulting Party in the Section 106 consultation process. This letter provides our comments regarding the Draft EIS, the Section 4(f) analysis, and the Section 106 analysis. A brief summary of our concerns is followed by a more detailed discussion of the policy issues raised by the study documents.

Based on our review of the materials provided at this juncture, we wish to highlight nine central concerns related to the impacts and effects of the Project on the Carderock Springs community.

- 1) We are unable to support any of the retained Alternatives analyzed in the DEIS and, at this juncture, would recommend that the State Highway Administration (SHA) not proceed with the Project. Given the fundamental shifts in travel demand due to Covid 19 and work from home trends, SHA must re-evaluate the purpose and need, and alternatives in the light of these changed conditions. Further, we believe that SHA erred in its rejection of Alternative 5 earlier in the environmental process.**

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Thank you for your comments. Responses to the 9 issues highlighted in your letter are addressed on the following pages.

<div>#1</div>	<div><div>Lisa B. Choplin, DBIA October 5, 2020 Page 2</div><div><div>2) The noise analysis for the Draft EIS indicates that it is feasible and reasonable to construct a noise wall along both sides of I-495 between Persimmon Tree Lane and Seven Locks Road. The statement of likelihood provided in the Draft EIS does not address whether and how further analysis of the feasibility and reasonableness of the barrier extension would be conducted during the final design of the project given that it is expected to be procured using a public-private partnership (P3) project delivery. The construction of an appropriate noise wall in this location must be committed to as a mitigation in the Final EIS and Record of Decision and incorporated into the P3 Concessionaire's designs. The cost of the wall must be included within the construction budget at no cost to the community.</div><div>3) The noise analysis fails to adequately evaluate a potential noise wall on the I-495 entrance ramp off of MD 190 to address impacts for certain Carderock Springs residents along Seven Locks Road. The analysis must be augmented to consider the feasibility and reasonableness of noise abatement for these residents as planned and discussed at an SHA public meeting on April 13, 2019.</div><div>4) The design and the impacts of the noise walls must be further refined. The proposed 30-foot wall's size, location, and aesthetics must be further evaluated for compatibility with the neighborhood and historic setting, particularly for residents whose homes are located above the grade of the Beltway.</div><div>5) The LOD indicated on the Environmental Resource Mapping (Appendix D) appears to be overly optimistic with noise barriers being located essentially at the LOD limit. This may result in additional potential for property takings and additional tree loss in these areas.</div><div>6) Regarding the Section 106 analysis, the potential aesthetic and tree loss impacts from the construction of the noise wall is likely to have an adverse impact on the setting of the Carderock Springs Historic District.</div><div>7) The Section 4(f) analysis fails to consider potential use of Carderock Springs Elementary School, a public recreation site, or the constructive use of the Historic District due to noise.</div><div>8) The traffic analysis associated with construction and long-term impacts is inadequate and potential impacts are not addressed.</div><div>9) The DEIS failed to analyze the impacts of the "Elevated Option" as part of an alternative. Its potential for additional visual and noise impacts means that the option should be eliminated.</div><div><div>Please find a more detailed discussion of these issues below.</div><div><div>Alternatives Analysis</div><div>Due to the impacts that the Project would have on our community, both during the operational and construction periods, Carderock Springs Citizens Association is unable to support any of the retained Alternatives. We encourage SHA to push pause on this Project.</div></div><div><div>Carderock Springs Citizens' Association</div><div>P.O. Box 237, Cabin John, MD 20818-0237</div><div>www.carderocksprings.net</div></div></div></div></div>	<div>This page is intentionally left blank.</div>
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<div data-bbox="46 479 139 546" data-label="Text"> <p>#1 Cont</p> </div> <div data-bbox="46 1104 139 1137" data-label="Text"> <p>#2</p> </div>	<div data-bbox="1100 288 1317 370" data-label="Text"> <p>Lisa B. Choplin, DBIA October 5, 2020 Page 3</p> </div> <div data-bbox="341 395 1317 778" data-label="Text"> <p>If SHA does continue the process, we also note two fundamental issues with the analysis of the alternatives that must be addressed in a Supplemental Draft EIS and that should affect how SHA seeks to make a decision on this project. First, as SHA is well-aware and notes briefly and perfunctorily in the Executive Summary (ES-3), the COVID-19 pandemic has substantially altered the transportation landscape, with significant decreases in tripmaking. Not only has this shift in transportation demand affected the use of roadways generally, and therefore the need for potential expansion, the drop in demand has altered the financial context of privately-operated infrastructure. For example, Transurban has reported an 88% reduction in toll revenues in Q2 2020.¹ The type of P3 approach envisioned by SHA depends on a reliable stream of users to generate necessary revenues. The current conditions call into question the suitability of projections made earlier in this process. 40 CFR 1502.9(c)(ii) requires an agency to prepare a supplemental EIS if “there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or impact.” These conditions merit such a re-analysis provided in a supplemental document.</p> </div> <div data-bbox="341 792 1317 1026" data-label="Text"> <p>As part of SHA’s consideration of the significant new circumstances, SHA should consider whether the Purpose and Need for the Project is still appropriate. Changing travel patterns may fundamentally alter the current traffic baseline and the long-term traffic growth in the region. These changes, such as increased telecommuting, may fundamentally reduce the need for highway expansion to address roadway travel choices or trip reliability. SHA should evaluate this information consistent with the direction in 40 CFR 1502.22 regarding incomplete information. Above all, SHA should give this issue the “hard look” required by NEPA case law (for example, <i>Marsh v. Oregon Natural Resources Council</i>).</p> </div> <div data-bbox="341 1040 1317 1423" data-label="Text"> <p>Second, we believe that SHA erred in excluding Alternative 5 from further consideration, particularly in light of changing conditions. While the DEIS indicates that any change in inputs would affect all Alternatives equally (Appendix B, Pg. 112), the economic impact to the current P3 market suggests that SHA should reconsider whether the financial viability metric for evaluation remains reliable. In a time of uncertain conditions, Alternative 5 achieves approximately half of the estimated travel time benefits (Appendix B, Table 6-7) and has substantially fewer negative impacts (Appendix B, Table 6-19). While Alternative 5 is 86% of the cost of Alternative 10, the most costly alternative, we are concerned that the cost numbers are insufficiently justified – it beggars belief that alternatives that double the lanes constructed, substantially increase the new impervious surface, and require additional grading and sitework would only be 10-14% more expensive than Alternative 5. However, even if Alternative 5’s relative costs were correct, we believe that the social and economic costs of the avoided impacts of Alternative 5 would support its consideration on a cost-benefit analysis basis.</p> </div> <div data-bbox="341 1437 1317 1497" data-label="Text"> <p>Should the Project move forward, we would see Alternative 5 as a viable compromise approach that could ease some of our concerns about the detrimental effects of this Project.</p> </div> <div data-bbox="341 1564 1171 1622" data-label="Footnote"> <p>¹ Transurban. 2020. <i>FY20 Results</i>. https://www.transurban.com/content/dam/investor-centre/01/FY20-ResultsPresentation.pdf</p> </div> <div data-bbox="357 1647 696 1729" data-label="Text"> <p>Carderock Springs Citizens’ Association P.O. Box 237, Cabin John, MD 20818-0237 www.carderocksprings.net</p> </div>	<div data-bbox="1569 254 1939 286" data-label="Section-Header"> <p>Response to DEIS Comment #1</p> </div> <div data-bbox="1569 288 3005 592" data-label="Text"> <p>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). A Supplemental Draft Environmental Impact Statement (SDEIS) was 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 disclosed new information relevant to the Preferred Alternative focusing on new information while referencing the DEIS for information that remains valid. The SDEIS also described the background and context in which the Preferred Alternative, Alternative 9 - Phase 1 South was identified. The SDEIS was available for the public to review and comment on the Preferred Alternative during a 60-day comment period.</p> </div> <div data-bbox="1569 606 3005 880" data-label="Text"> <p>New information related to MDOT SHA’s monitoring of COVID-19 related traffic impacts was included in the SDEIS and has been updated in this FEIS. MDOT has closely monitored changes in traffic patterns throughout the pandemic, and as of early 2022, daily traffic volumes have already recovered back to over 90 percent of pre-COVID levels. Although there is still uncertainty surrounding traffic projections resulting from the COVID-19 pandemic, transportation experts have analyzed pandemic traffic conditions and future traffic demand inputs and note that traffic volumes have continued to recover since the rollout of the vaccines in early 2021. Traffic volumes are anticipated to return to pre-COVID levels before the time the HOT lanes are operational. Given the ultimate 2045 design year, the HOT lanes will be required to accommodate long-term traffic.</p> </div> <div data-bbox="1569 895 3005 1034" data-label="Text"> <p>Given the uncertainty surrounding resolution of the pandemic and how travel patterns will adjust, and over what time period, no definitive traffic model exists to predict how the global pandemic will affect long-term mobility patterns. To adapt to the ongoing and potential long-term travel impacts associated with the pandemic, MDOT SHA developed a COVID-19 Travel Analysis and Monitoring Plan. Refer to FEIS, Appendix C for a copy of the latest version of that plan and results.</p> </div> <div data-bbox="1569 1084 3005 1155" data-label="Text"> <p>Refer to Chapter 9, Section 3.1 for a response on Purpose and Need, effects of the Pandemic, and impact of teleworking/remote working.</p> </div> <div data-bbox="1569 1205 1939 1237" data-label="Section-Header"> <p>Response to DEIS Comment #2</p> </div> <div data-bbox="1569 1239 3005 1614" data-label="Text"> <p>Chapter 2 of the DEIS summarizes the process by which MDOT SHA considered and evaluated a full range of potential alternatives; greater detail is provided in Appendix B to the DEIS. This alternatives analysis process included Alternative 5 which consisted of adding one HOT managed lane in each direction on I-495 and converting the one existing HOV lane in each direction to a HOT managed lane on I-270. Based on additional analysis, FHWA and MDOT SHA found that Alternative 5 would fail in certain aspects and in others would perform so poorly in addressing the Study’s Purpose and Need that it was not a reasonable or feasible alternative. During the alternatives screening process, Alternative 5 was rated “low” for system-wide delay, Travel Time Index (TTI) in the general purpose lanes, density, Level of service (LOS), and vehicle-throughput. In addition, Alternative 5 was determined to not be financially viable. Consequently, it was determined that Alternative 5 did not meet the Study’s Purpose and Need and would not be one of the ARDS. However, Alternative 5 was evaluated to the same level as other ARDS and was included in Chapters 3 and 4 of DEIS as a useful means of comparison to the Build and No Build Alternatives.</p> </div>
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Lisa B. Choplin, DBIA
October 5, 2020
Page 4

Noise Analysis and Barriers

Our community is particularly concerned about noise impacts associated with the Project. Past promises to provide barriers along I-495 in our vicinity have not been kept. While we are pleased that the *Noise Analysis Technical Report* (Appendix J) indicates that it is feasible and reasonable to construct noise barriers along both sides of I-495 between Persimmon Tree Lane and Seven Locks Road, we have a number of concerns that the State Highway Administration (SHA) should address in the Final EIS, Record of Decision, and project implementation.

First, SHA should ensure that the noise barriers are constructed along I-495 between Persimmon Tree and Seven Locks Road, on both the north and south sides of the highway and at no direct cost to local residents. Construction of barriers in this location is a necessary mitigation for the adverse noise impacts that we would experience. We believe that, given the findings of the Noise Analysis Technical Report, failure to provide noise barriers under the P3 Project would violate SHA's noise policy, as indicated in Appendix I of the *SHA Highway Noise Abatement Planning and Engineering Guidelines*. The noise barrier design should be advanced to provide sufficient information to our community about the location, height, grading, tree takings, and acoustical effectiveness of the noise barrier. This information is necessary for our community build consensus around the noise barrier approach or, if necessary, to vote on said walls prior to the P3 procurement process. Additionally, the noise study must also include "barrier optimization guidance" based on this advanced noise barrier design and input from the community to provide adequate information to the P3 contractor to design and build an acceptable noise barrier.

Second, SHA should evaluate whether noise barriers would be appropriate along the MD 190 entrance ramp onto the managed lanes from the west side of I-495. Impacted receptors R2-1-1, R2-1-2, and R2-1-3 would receive little insertion loss (1 dB) from the proposed barriers along I-495, yet their noise levels exceed the threshold for mitigation. These impacted receptors are important members of our community who deserve appropriate mitigation. Further, the change in the nature of that ramp to an elevated flyover of the roadway may alter the noise impacts to the detriment of those who live along Seven Locks Road. Representatives of SHA previously indicated at a meeting held on April 13, 2019 that these impacts would be evaluated. There is no evidence in the *Noise Analysis Technical Report* that noise abatement for these impacts has been appropriately considered. Based on the noise conditions, the flyover entrance ramps must include noise barriers that are committed to as mitigations in the Record of Decision and included in the P3 Concessionaire's design.

Third, flaws in the Draft EIS underestimate the benefits of noise barriers for Carderock Springs. We note that the noise study does not include Traffic Noise Model (TNM) modeling of the loudest-hour existing or design-year no-build noise conditions at receptors, which is inconsistent with best practice. Additionally, the noise study does not compare the noise reduction benefits of the replacement noise barrier against the noise barrier that exists near Seven Locks Road today. Further, the below data gaps and errors in the *Noise Analysis Technical Report* should be addressed:

- Neither the noise impact assessment results (Table D-1) nor the noise barrier analysis tables (Tables 4-9 & 4-10) indicate the number of residences that are assigned to each receptor

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Response to DEIS Comment #3

As part of this project, the existing sound barrier that crosses Seven Locks Road along the outer loop of I-495 will be replaced and extended along the outer loop of I-495 to Persimmon Tree Road. A new barrier is proposed along the inner loop of I-495 from just south of Cabin John Parkway to Persimmon Tree Road. The new barriers will be constructed as close to the roadway as possible to minimize or avoid property impacts. As described in the Supplemental DEIS (SDEIS) and the supporting Noise Analysis Technical Report Addendum the noise analysis is based on the current preferred alternative design and MDOT SHA's Highway Noise Abatement Planning and Engineering Guidelines ("Noise Guidelines"), which detail implementation guidance, critical background information, rationale, and other comprehensive criteria associated with a highway noise study. The noise policy and guidelines are based upon the provisions contained in Title 23 of the Code of Federal Regulations Part 772 (23 CFR 772), Procedures for Abatement of Highway Traffic Noise and Construction Noise and the Federal Highway Administration (FHWA) report FHWA-HEP-10-025, Highway Traffic Noise: Analysis and Abatement Guidance and subsequent revisions.

The DEIS, SDEIS and FEIS all include the "Statement of Likelihood" that is required by FHWA regulation 23 CFR 772.13(g)(3):

"A statement of likelihood shall be included in the environmental document since feasibility and reasonableness determinations may change due to changes in project design after approval of the environmental document. The statement of likelihood shall include the preliminary location and physical description of noise abatement measures determined feasible and reasonable in the preliminary analysis. The statement of likelihood shall also indicate that final recommendations on the construction of an abatement measure(s) is determined during the completion of the project's final design and the public involvement processes."

Because we are in the NEPA phase of this project, we do not yet have detailed engineering plans, including soil borings and field surveyed topography. This level of detail is obtained during the final design phase of a project. The design, appearance and final alignment of the sound barriers will also be finalized during final design. The project must receive NEPA approval before final design is initiated, per 23 CFR 771.113(a). MDOT SHA is sensitive to the visual impact of a sound barrier when it is located directly adjacent to a residence. Sound barriers are most effective when placed directly adjacent to either the noise source (the highway) or the receiver (the residence). Ideally sound barriers are placed close to the highway, but in some cases, they must be located close to a residence in order to maximize the effectiveness. Sound barriers have a height limitation of 40 feet, and any structure over 24 feet requires a significantly larger foundation (which leads to more ground disturbance and environmental impacts). MDOT SHA will make every effort to keep the sound barriers as close to the highway as possible, but because of the varied topography of the Carderock Springs Community, it may be necessary to locate the walls at the top of the slope in order for them to effectively reduce the highway noise levels.

As shown in SDEIS Noise Analysis Technical Report Addendum figure, Land Uses and Receptors Build Condition, Page 4 of 18, the ramp movements for the I-495 and MD 190 proposed interchange were accounted for in our noise analysis. At this time there is no sound barrier proposed along the flyover ramps at River Road, however this area will continue to be evaluated during final design. The noise levels that were shown in the DEIS, as well as the 66 dBA contour line, were developed assuming the existing sound barrier was not there. This was done in order to get a baseline worst case future noise level for design of the replacement sound barrier. As shown in the above referenced mapping and described in the SDEIS, the receptors along Seven Locks Road north of I-495 are not impacted by noise under future build conditions.

Future No-Build noise levels are included in the FEIS. Existing noise levels are not modeled for each receptor, because they are not required to determine reasonableness in this location. Per the MDOT SHA Noise Guidelines, cost reasonableness is assessed using a square footage per benefited residence (sfpr) metric rather than cost. This is because materials costs fluctuate based upon market and supply chain conditions, and MDOT SHA believes that all communities should be evaluated equally regardless of the materials costs at the time of the noise analysis. The Carderock Springs communities along the inner and outer loop of I-495 both qualify for the highest square footage threshold allowable in the MDOT SHA Noise Guidelines: 2,700 square feet per benefited residence.

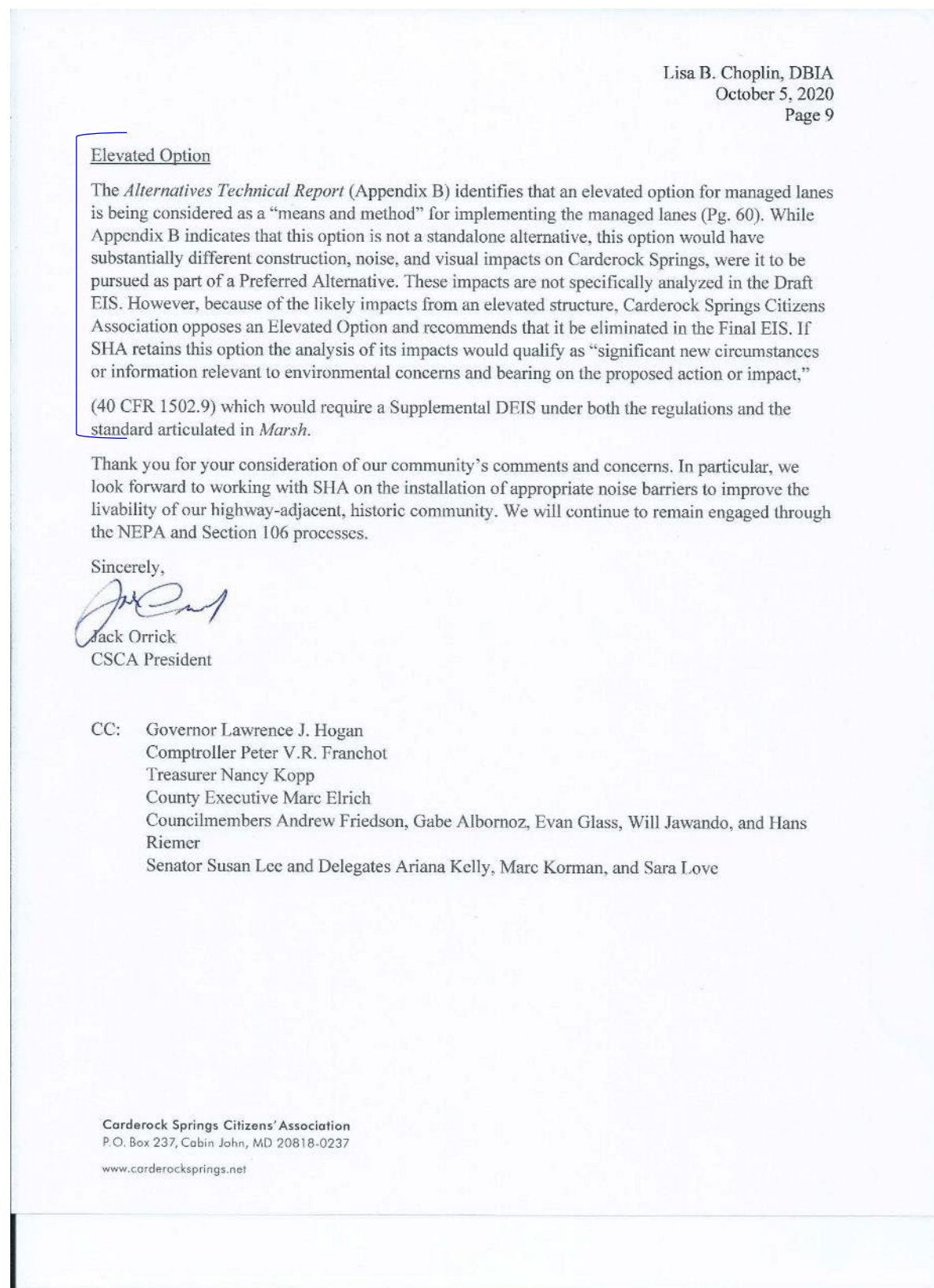
<div>#3 Cont</div>	<div><div>Lisa B. Choplin, DBIA October 5, 2020 Page 5</div><div><p>location. This information should be disclosed to allow the community to properly understand the impact of the proposed project and the feasibility and reasonableness of potential noise abatement. The noise study report does not disclose the number of impacted residences for each receptor, within each NSA, or within the overall project. The study also does not identify the Activity Category of the receptors.</p><ul style="list-style-type: none">• In NSA 2-01, there are generally minor differences (i.e., 1 dB) between the noise impact assessment results (Table D-1) and the noise barrier analyses table (Table 4-10) without the existing noise barrier. This is assumed to relate to zero-foot noise barriers rather than no noise barriers being used in the TNM model. True no-barrier sound levels should be used to evaluate the insertion loss to more accurately predict insertion loss and the potential benefit of proposed noise barriers.• There is an inconsistency in the results for receptor R2-01-05 between the impact assessment results (67 dBA for Alts 8, 9, 10, 13B and 13C) and the noise barrier analysis results (55 dBA). The noise barrier analysis indicates there would be no impact and no noise reduction offered to this receptor by a noise barrier that raises the barrier area per benefitted receptor. The noise study should correct this inconsistency.• In NSA 1-03, there are several receptors (i.e., M1-03-02, M1-03-03, R1-03-04, R1-03-07, R1-03-08, R1-03-09, and R1-03-10) with substantial differences (i.e., approximately 6 to 10 dBA) between results reported for the noise impact assessment (Table D-1) and the noise barrier analyses (Tables 4-9 and 4-10). It is possible that these differences relate to zero-foot noise barriers being modeled rather than no noise barriers in the barrier analysis runs. It is important to properly assess noise barrier insertion loss since it relates to two factors used to determine the reasonableness of a noise barrier; 1) whether noise levels exceed 75 dBA and 2) whether at least 50% or three (whichever is greater) impacted residences are benefited by the barrier.• The results for R1-03-02 are not included in the noise impact assessment results (Table D-1) and should be reported.<p>These issues matter because we believe that the calculation of total barrier area per benefited resident is too low for the proposed noise walls. A higher calculation of benefit would improve likelihood of ultimate implementation and would provide opportunity for refinement of design while meeting noise reduction goals. Certain homes on Hamilton Spring Road and Stone Trail Drive are located above the existing grade of I-495, which exposes the residents in these homes to a high level of noise under existing conditions.</p><p>As suggested above, the design, placement, and aesthetics of the noise barriers must be considered as part of the mitigation process. The <i>Noise Analysis Technical Report</i> calls for 30' walls on ground</p><div>Carderock Springs Citizens' Association P.O. Box 237, Cabin John, MD 20818-0237 www.carderocksprings.net</div></div></div>	<div><p>MDOT SHA has modeled existing noise levels at locations that do not qualify for the maximum square footage threshold to determine whether there is a 3 dBA increase that would allow for a higher square footage threshold.</p><p>To address your comment about the square footage per benefited residence being too low, the DEIS listed the outer loop barrier system as 2,578 sfpr and the inner loop barrier system as 2,211 sfpr; the SDEIS listed the outer loop barrier system as 2,026 sfpr and the inner loop barrier system as 2,380 sfpr. The sfpr value is used only in determining whether the barrier is reasonable to construct and is influenced by the density of residences as much as by the size of the barrier. This value will be further refined during the final design process as the barrier panel heights are optimized. Having a sfpr value below the threshold allows the design-builder the flexibility to increase panel heights if necessary (for example, by locating the barrier closer to the roadway rather than upslope to avoid tree impacts). If the sfpr is very close to the threshold, there is not much flexibility allowed for shifting the alignment to avoid other resources. Also note that the sfpr is not calculated for replacement sound barriers because MDOT SHA has committed to replacing all impacted sound barriers regardless of whether they are cost effective.</p><p>R1-03-02 is no longer a valid receptor and is not included in the SDEIS or FEIS. This receptor location was evaluated in the 2005 analysis, prior to the major renovation of Carderock Elementary School in 2010. For the DEIS, MDOT SHA added additional receptor locations but did not remove any from the 2005 analysis. When preparing the SDEIS, MDOT SHA noted the conflicting location of R1-03-02 in regard to the current school building and opted to remove this receptor location from the analysis.</p><p>Regarding your comment about Tables D-1, 4-9 and 4-10, aside from R1-03-02, the missing information has been included in the SDEIS. Tables 4-6 and 4-8 in the SDEIS Noise Analysis Technical Report Addendum list equivalent residences for each modeled receptor. Regarding your comment about discrepancies between Tables D-1, 4-8 and 4-10 for NSAs 1-03 and 2-01, these tables have been updated in the SDEIS and FEIS and the data matches.</p><div><div>Response to DEIS Comment #4</div><div>See Response to Comment #3.</div></div></div>
<div>#4</div>		

<p>#4 Cont</p>		
<p>#5</p>	<div data-bbox="1100 290 1317 370"> <p>Lisa B. Choplin, DBIA October 5, 2020 Page 6</p> </div> <div data-bbox="354 399 1277 600"> <p>and 22' walls on structure. The <i>Environmental Resources Mapping</i> document (Appendix D) indicates that the noise wall would be located along a relative high point that largely corresponds with the right-of-way line. The proximity of a large wall to existing homes, when combined with potential tree loss, could have a negative visual impact on properties and should be addressed through design refinements committed to in the Final EIS. Specifically, we recommend that the noise barriers be built in front of the existing tree line, where possible, to save trees and meet the noise reduction goals.</p> </div> <div data-bbox="354 620 770 647"> <p><u>Limit of Disturbance and Property Impacts</u></p> </div> <div data-bbox="354 667 1308 895"> <p>As shown in the <i>Environmental Resource Mapping</i> (Appendix D, Maps 59 and 126), the limits of disturbance (LOD) for the Project appear to be overly optimistic at the current level of design. For areas of I-495 adjacent to properties along Hamilton Spring Road and Stone Trail Drive, the LOD appears to be nearly overlapping with the location of the noise barrier. At the current level of planning, at least 10-15 feet of LOD should be assumed, in order to capture potential slope and grading issues. Our concern about the LOD is analogous to a similar LOD concern expressed by the staff of the Maryland-National Capital Park and Planning Commission (M-NCPPC) in their July 15 memorandum.</p> </div> <div data-bbox="354 915 1317 1116"> <p>The result of this LOD approach is that property impacts and potential tree loss from noise barrier construction may be understated. We request SHA review the appropriate LOD in this corridor and provide further documentation of why the LOD is located where it is. Where property impacts are shown, particularly along Thornley Court, Stone Trail Drive, Hamilton Spring Road and on the Carderock Springs Elementary School property, the Final EIS should include, as mitigation, the direction that SHA take practicable steps to eliminate the need for property acquisition in this section of the Project.</p> </div>	<p>Response to DEIS Comment #5</p> <p>MDOT SHA employed a conservative approach to defining the LOD for all the DEIS Build Alternatives and Preferred Alternative. The LOD represent the proposed boundary within which all construction, mainline widening, managed lane access, intersection improvements, construction access, staging, materials storage, grading, clearing, erosion and sediment control, landscaping, drainage, stormwater management, noise barrier replacement/construction, stream stabilization, and related activities to the proposed roadway and interchange improvements. Property impacts associated with the LOD were broken into permanent (long-term) and temporary (short-term) areas. This conservative approach to defining the LOD fairly captured the full scope of potential impacts. Moreover, the methodology used to assess impacts to a number of key resources appropriately considered a broader geographic area than the LOD immediately surrounding the anticipated construction and related activity boundaries. When the project advances to final design, it is anticipated that the design will closely adhere to the LOD defined in the FEIS, as the LOD was established to include a reasonable area to construct the Preferred Alternative. For complete graphic descriptions of the Preferred Alternative LOD across the entire span of study limits, Refer to the FEIS, Appendix E- Environmental Resource Mapping. The Preferred Alternative limits of disturbance results in sliver impacts to properties along I-495 on Thornley Court within the Carderock Springs community. Sliver impacts are proposed for elements such as roadside grading, retaining wall and bridge construction, on-site drainage and stormwater management, and noise barrier replacement/construction. These partial property acquisitions are considered ones that do not cause a residential relocation and have been assumed where a principle building of a residence is located more than 20 feet from the Preferred Alternative limits of disturbance.</p> <p>Specifically at Stoney Trail Drive and Hamilton Spring Road, the LOD is set to account for the noise barrier and construction of the noise barrier. The LOD is set with a design assumption of 10 feet behind the noise barrier for construction. Refer to FEIS, Appendix E- Environmental Resource Mapping, Map 7. As presented in the DEIS, SDEIS, and FEIS, preliminary determination of horizontal and vertical alignment for the noise barriers was made based on the latest design concept; however, final determination of noise barrier feasibility, reasonableness, dimensions and locations will be made in final design. Engineering changes reflected in final design could alter the conclusions reached in this analysis, leading to recommendations to add or omit noise barrier locations. A Final Design Noise Analysis will be performed for this Study based on detailed engineering information during the final design phase. Refer to FEIS, Chapter 5, Section 5.9 and FEIS, Appendix L for more details.</p>
<p>#6</p>	<div data-bbox="354 1137 562 1163"> <p><u>Section 106 Analysis</u></p> </div> <div data-bbox="354 1183 1308 1445"> <p>The <i>Cultural Resources Technical Report</i> (Appendix G) identifies that the potential adverse effects to Carderock Springs Historic District cannot be fully determined (Table 3-2), while acknowledging that the Project “may result in loss of tree and landscape buffer that could create a diminishment of the design and setting of contributing elements of the district” (Pg. 27). We believe that this loss <i>would</i> have an adverse effect on the Historic District. Trees are a character-defining feature of the Historic District. Their substantial removal would alter the visual character of the community, in addition to its bucolic setting. Avoidance measures must be taken to reduce the number of trees affected by the Project and these measures should be documented in detail in the Programmatic Agreement.</p> </div> <div data-bbox="354 1465 1308 1606"> <p>However, this analysis fails to identify the adverse effect that noise would have on the Historic District. This effect could be minimized through the proposed noise barriers. However, if not appropriately designed, the noise barriers may be incompatible with the design character of the neighborhood. In conjunction with an effective, “right-sized” barrier, as a neighborhood we would like to see avoidance measures that maintain as many trees as possible since these play such an</p> </div> <div data-bbox="354 1655 696 1735"> <p>Carderock Springs Citizens’ Association P.O. Box 237, Cabin John, MD 20818-0237 www.carderocksprings.net</p> </div>	<p>Response to DEIS Comment #6</p> <p>Project activities within the Carderock Springs Historic District are unchanged since the publication of the DEIS, but design advancement and further analysis of the limits of disturbance have resulted in a finding of no adverse effect for the property, with concurrence from the Maryland Historical Trust. The Preferred Alternative would result in impacts of less than 0.1 acre of the historic district, including permanent and temporary impacts. These actions will not disturb the original topography and natural vegetation within the District itself, and the proposed noise wall will further screen the district from visual and audible effects already present along I-495. No diminishment of location, design, materials, association, and workmanship will occur, and setting and feeling will remain consistent with the existing highway facility. See response to Comment #3 regarding noise analysis and mitigation. Refer to Chapter 9, Section 3.4.C for a response to analyses of parklands and historic resources.</p>

<p>#6 Cont</p>	<div> <div> <div></div> <div> <p>Lisa B. Choplin, DBIA October 5, 2020 Page 7</p> </div> </div> <div> <p>important role not only as character-defining features of the neighborhood, but also as an effect means of reducing noise and pollution impacts.</p> <p>We look forward to continuing to participate in the Section 106 consultation process to resolve the Programmatic Agreement and address these issues. However, we have concerns about the current level of information regarding the Programmatic Agreement and the process ahead. The outline of the Programmatic Agreement is at an extremely high level. The opportunity for Consulting Parties to have meaningful input into the process is not explained, and the proposed processes to address to avoid and minimize impacts are similarly not described. Our community needs more clarity on the proposed next steps to address these, and other issues, in the Programmatic Agreement.</p> </div> </div>	<p>Response to DEIS Comment #7 See response to Comment #5 regarding no adverse effect to the Carderock Springs Historic District.</p> <p>MDOT SHA appreciates your comment regarding impacts to Carderock Springs Elementary School and the applicability of Section 4(f) protection to the school's recreational facilities. The Preferred Alternative would have an estimated 0.2 acres of impact to the Carderock Springs Elementary School property. There would be no impact to the recreational or parking facilities present on the school campus. In accordance with the 2012 FHWA Section 4(f) Policy Paper (Policy Paper), school playgrounds and other recreational facilities on school campuses are eligible for Section 4(f) protection. The Policy Paper states:</p> <p>"When a public school playground is open to the public and serves either organized or substantial walk-on recreational purposes that are determined to be significant [...] it will be subject to the requirements of Section 4(f)". (Part II, #14)</p> <p>The Policy Paper includes this further clarification:</p> <p>"The term playground refers to the area of the school property developed and/or used for public park or recreation purposes such as baseball diamonds, soccer fields, tennis courts, track and field facilities, and other features such as jungle gyms or swing sets. This can also include open space or practice fields if those areas serve a park or recreation function. Section 4(f) would apply to the playground areas only and not the entire campus, unless the school and campus are also significant historic sites." (Part II, #14)</p> <p>Therefore, because the recreational facilities present on the Carderock Springs Elementary School campus would not be impacted by the Preferred Alternative, no Section 4(f) use would occur.</p>
<p>#7</p>	<p><u>Section 4(f) Evaluation: Historic District and Elementary School</u></p> <p>The <i>Draft Section 4(f) Evaluation</i> (Appendix F) indicates that there is "No Use" of the Carderock Springs Historic District. This determination is premature due to the unresolved questions related to the appropriateness of the Limits of Disturbance (LOD) and inconsistent with the findings of the Draft Section 106 analysis. As noted above, more design work is needed to determine whether there are any adverse effects to the Historic District from the construction of the Project. Advancement of this design and resolution of the LOD is needed to confirm that there is no use of the Historic District.</p> <p>In the absence of such resolution, there are potential Section 4(f) uses, including constructive use, to the Historic District:</p> <ul style="list-style-type: none"> • Incorporation of property in the Historic District for the construction of noise barriers and other Project elements. • Constructive use of the Historic District due to the noise impacts associated with the Project. The National Register nomination form identifies the Historic District as a defining example of "situational modernism." This term denotes a style of modernist design that emphasized modern architecture in the context of a pastoral setting. Disruption to the pastoral setting from the noise impacts of the Project could result in a constructive use of the historic site if not appropriately mitigated through noise barriers. <p>Carderock Springs Elementary School provides publicly accessible playing fields, and therefore qualifies as a public recreation area for Section 4(f) review under 23 CFR 774.17. No analysis of the impacts of the Project on the Elementary School is provided in the Draft Section 4(f) Evaluation. However, there is potential for use of the Section 4(f) resource.</p> <p>For the Action Alternatives under consideration, all envision some use of the southwest corner of the public school property, as shown in the maps in the <i>Environmental Resource Mapping</i> (Appendix D). At the scale of the drawings provided and due to the larger issue related to an appropriate LOD, it is difficult to determine whether any impacts to the parking lot would occur. The loss of spaces in the parking lot may diminish access to the public playing fields, which are regularly used for weekend recreational sports.</p> <p>Carderock Springs Citizens' Association P.O. Box 237, Cabin John, MD 20818-0237 www.carderocksprings.net</p>	

<p>#7 Cont</p>	<div> <div> <p>Lisa B. Choplin, DBIA October 5, 2020 Page 8</p> </div> <div> <p>Additionally, noise disturbances from the Project may create a constructive use of the property. As a public play area designed for younger children, users of the fields at Carderock Springs Elementary School are particularly sensitive to noise disturbance.</p> <p>Further, the Environmental Protection Agency in its report entitled <i>Best Practices for Reducing Near-Road Pollution Exposure at Schools</i> has identified the inclusion of roadside barriers and vegetation along the right-of-way as means to reduce the adverse impact of air pollutants generated by traffic, which has been linked to a wide variety of short- and long-term health effects, including asthma, reduced lung function, impaired lung development in children and cardiovascular effects in adults.² While the macroscopic air quality analysis indicated corridor-wide air quality benefits, the microscopic impacts on schools like Carderock Springs Elementary School should be considered.</p> <p>Section 4(f) analysis of Carderock Springs Elementary School should be provided in the Final EIS. A 4(f) use could be avoided through the installation of an appropriately sited noise barrier and preservation of trees and other vegetation protecting the Elementary School.</p> </div> </div>	<p>Response to DEIS Comment #8</p> <p>Impacts during construction are a key consideration for the overall project. As the design is finalized, constructability reviews will be completed, and a Transportation Management Plan will be developed to assess operations during construction and lay out a set of strategies that will be implemented to manage work zone impacts.</p> <p>It is anticipated that construction will last approximately five to six years. Details related to precisely when and where construction related activities will occur will be determined in final design, however, the project will likely require night work to occur when activities could not be completed safely during the day. Advanced notice of construction related activities would be provided and all reasonable efforts to minimize impacts to residential communities would be undertaken. Impacts associated with construction that will be further evaluated for the Selected Alternative in final design include traffic congestion associated with construction maintenance of traffic, utility disruptions, construction vibration, erosion and sediment and control, and construction related noise.</p> <p>The management of construction impacts is addressed in an agreement between MDOT SHA and the Developer. Pursuant to that agreement, coordination with the neighboring communities will continue through final design and construction. The agreement includes requirements to minimize impacts to surrounding communities and the traveling public, while completing construction as soon as possible. Work hours and duration of construction will be identified to minimize impacts to traffic in an effort to reduce construction related congestion and in consideration of noise and vibration impacts to adjacent communities. Construction methods and materials will comply with contract, state and federal regulation, and environmental permits and mitigation requirements. Careful attention will be taken to assure that material placement will occur when weather conforms to industry standards and regulation. In addition to required governmental inspections, the Developer is required by contract to provide independent environmental, quality, and safety oversight of its contractor's performance. Refer to Final Phase 1 P3 Agreement, https://oplanesmd.com/p3-information/phase-1-agreement/. Once the Developer has selected a Design-Build Contractor(s), the schedule and duration for Phase 1 South construction will be made available to the public.</p> <p>The results showing delay increases on River Road and Clara Barton Parkway were preliminary and were based on draft designs. Now that the Preferred Alternative has been identified and the design has been updated, these results have been updated. The results indicate that the net impact of the Preferred Alternative will be an overall reduction in delay on the surrounding arterials, including a 4.8 percent reduction in daily delay on the arterials in Montgomery County, despite some localized increases in arterial traffic near the managed lane access interchanges. The portions of the local road network with an anticipated increase in volumes were evaluated in more detail as part of this FEIS, and mitigation was proposed where needed to maintain acceptable operations and safety per FHWA Interstate Access Point Approval guidelines. Refer to FEIS Appendix B. In addition, based on follow-up meetings between MDOT SHA and Rockville, additional improvements were considered and incorporated where feasible, including modifications to the right-turning movement from the I-270 off-ramp onto eastbound MD 189, and additional turn lanes at Wootton Pkwy at Seven Locks Rd, Gude Dr at Research Blvd, and MD 189 at Great Falls Road. All these enhancements will help manage and/or improve the function of the local roadway network.</p>
<p>#8</p>	<p><u>Traffic and Construction Impacts</u></p> <p>The <i>Environmental Resource Mapping</i> (Appendix D) appears to indicate that the existing Persimmon Tree Road bridge over I-495, the I-495 bridge over Seven Locks Road, and the River Road (MD 190) bridge over I-495 would all need to be replaced. There would also be substantial reconstruction of the MD 190/I-495 interchange (Exit 39). The construction period information presented in the Draft EIS is insufficient to understand what impact these disruptions may have on Persimmon Tree Road, Seven Locks Road, and MD 190. In particular, the construction of the new entrance and exit ramps at elevated levels at the MD 190 interchange would likely impact traffic proceeding along the main line of MD 190, as well as access onto and off of I-495. The Final EIS should provide more information regarding these construction-period roadway impacts. As mitigation for the expected disruption, any impacts to these roadways should be mitigated through appropriate construction communication and coordination activities documented in a Construction Management Plan.</p> <p>The <i>Traffic Analysis Technical Report</i> (Appendix C) indicates impacts to local roadways in the vicinity of Carderock Springs (Figure 5-73). According to the information provided, both River Road (MD 190) and Clara Barton Parkway would see a greater than 10% increase in delay due to the implementation of two managed lanes. This increase in delay represents a major adverse impact for Carderock Springs. These two routes represent the main arterials into the District of Columbia from the neighborhood. These impacts are not documented in the Draft EIS. Rather, the Draft EIS only notes the regional positive impacts to local road traffic (Pg. 4-17). The impacts to these local roads must be further discussed in the Final EIS and must be mitigated, either through improvements to these roadways or policies to reduce their levels of traffic congestion.</p> <p>² EPA. 2015. <i>Best Practices for Reducing Near-Road Pollution Exposures at Schools</i>. Accessed at: https://www.epa.gov/sites/production/files/2015-10/documents/ochp_2015_near_road_pollution_booklet_v16_508.pdf.</p> <p>Carderock Springs Citizens' Association P.O. Box 237, Cabin John, MD 20818-0237 www.carderocksprings.net</p>	

#9



Response to DEIS Comment #9

The Preferred Alternative does not include an elevated structure to implement the HOT managed lanes. Between Persimmon Tree Road and Seven Locks Road, the Preferred Alternative includes four general purpose lanes and two high-occupancy toll managed lanes in each direction. An acceleration lane will also be built along the outer loop for approximately 1000-feet east of Seven Locks Road. No ramps are proposed in this area. The proposed typical section serves to minimize the roadway footprint between the Carderock Springs Historic District and Gibson Grove Church along the outer loop and the Morningstar Tabernacle No. 88 Moses Hall & Cemetery along the inner loop. The centerline of I-495 will be relocated such that it gradually shifts away from the Cemetery as it moves north from Persimmon Tree Road; at the Cemetery the proposed median barrier between inner loop and outer loop traffic will be approximately 25 feet further from the Cemetery than the existing median barrier. Flyover ramps are no longer proposed in this area and thus will not create a visual impact. A noise barrier in this area is anticipated to be located close to the existing right of way line. Vegetation will need to be removed within the Limit of Disturbance to facilitate this construction.

Since the DEIS, the Preferred Alternative eliminates of flyover ramps at MD 190/River Road by adjusting the location of the HOT lane direct access ramps between I-495 and MD 190. All HOT lanes direct access ramps within this interchange are now proposed to connect at a new intersection on the MD 190 bridge over I-495 without the use of flyover ramps.

Between Seven Locks Road and MD 190/River Road, the general purpose lanes and managed lanes separate to allow space for highway ramps. The existing Cabin John Parkway bridges will be replaced with new north-facing ramps to I-495 general purpose lanes, and I-495 managed lanes, and MD 190. New ramps connecting to Cabin John Parkway will be provided below existing I-495 grades, avoiding additional visual impacts to adjacent communities. The existing loop ramps at the MD 190 interchange will be replaced by diamond ramps. This configuration typically allows ramps to be located further from adjacent houses than the SDEIS ramp configuration.

CARDEROCK SPRINGS CITIZENS ASSOCIATION – JACK ORRICK (ORAL TESTIMONY)	
<div>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</div> <div><p>Name: Jack Orrick</p><p>Date/Hearing: 8/25/20</p><p>Type/Session: Live/Evening</p><p>Transcription:</p><p>Yes, I believe you have the name of my law firm, my name is Jack Orrick (O-R-R-I-C-K). I live at 8212 Fenway Road in Carderock Springs and I am testifying on the behalf of the Carderock Springs Citizens Association, a community association representing approximately six-hundred homes located in Carderock Springs and Carderock Rock Springs South. These neighborhoods are located directly adjacent to the Beltway between River Road and Persimmon Tree Road. And Carderock Springs has been designated an historic district. The Carderock Springs Citizens Association is a Section 106 Consulting Party in the NEPA process. We will be providing written comments on the Draft Environmental Impact Statement, and I wanted to summarize some of these points today.</p><p>First, we do not believe that there is a need for two additional lanes to be constructed in each direction of the Beltway given the reduced traffic load and more spread out commuting patterns after COVID-19. We support the no-build alternative or if necessary, the one lane alternative 5. If the if there is to be construction, we strongly believe that there is a need for a noise barrier along both sides of the Beltway. While the DEIS indicates that the construction of such a barrier is quote reasonable and feasible close quote. We would like to receive assurances that the noise barriers will in fact be constructed. There is a history of the SHA promising noise barriers along the Beltway near Carderock Springs, which have not been fulfilled. The DEIS fails to indicate that there will be a noise barrier along the to be constructed fly over ramps coming from River Road onto the Beltway. As we understand that these will be elevated the noise impacts on the residents living along Seven Locks Road will be enhanced and therefore a noise barrier needs to be included to protect those residents. The DEIS also does not clearly indicate that the design of the noise barrier, what the design will be.</p><p>Given that Carderock Springs is in a historic district, we believe that it is imperative that the barrier be designed to incorporate elements that are compatible with our historic district status. We believe that the boundaries for the limits of disturbance shown on the maps accompanying the DEIS are overly optimistic given that the line for the LOD overlaps the line for the location of the noise barrier walls. We believe that this needs to be closely examined in order to assure there will not be additional property takings from private residence along the Beltway and the tree loss will be mitigated. In that regard, we would strongly advocate for the retention of a replanting of trees along the noise barriers, as these can mitigate the impacts of noise, as well as mitigate air pollution. In that regard, we also note that the section 4(f) analysis does not address the existence of or impacts on Carderock Springs Elementary School, which itself is adjacent to the Beltway and provides playing fields for the public. Finally, we we believe that the DEIS also does not adequately address the potential for traffic delays located along the arterial roads adjoining our neighborhoods such as, River Road and MacArthur Boulevard due to construction work on the interchange of River Road and Beltway and the bridges over the Beltway along Persimmon Tree Road and Seven Locks Road. Thank you very much.</p></div>	
#1	<p>Response to DEIS Comment #1</p> <p>As part of this project, the existing sound barrier that crosses Seven Locks Road along the outer loop of I-495 will be replaced and extended along the outer loop of I-495 to Persimmon Tree Road. A new barrier is proposed along the inner loop of I-495 from just south of Cabin John Parkway to Persimmon Tree Road. The new barriers will be constructed as close to the roadway as possible to minimize or avoid property impacts. As described in the Supplemental DEIS (SDEIS) and the supporting Noise Analysis Technical Report Addendum the noise analysis is based on the current preferred alternative design and MDOT SHA's Highway Noise Abatement Planning and Engineering Guidelines ("Noise Guidelines"), which detail implementation guidance, critical background information, rationale, and other comprehensive criteria associated with a highway noise study. The noise policy and guidelines are based upon the provisions contained in Title 23 of the Code of Federal Regulations Part 772 (23 CFR 772), Procedures for Abatement of Highway Traffic Noise and Construction Noise and the Federal Highway Administration (FHWA) report FHWA-HEP-10-025, Highway Traffic Noise: Analysis and Abatement Guidance and subsequent revisions.</p> <p>The DEIS, SDEIS and FEIS all include the "Statement of Likelihood" that is required by FHWA regulation 23 CFR 772.13(g)(3):</p> <p>"A statement of likelihood shall be included in the environmental document since feasibility and reasonableness determinations may change due to changes in project design after approval of the environmental document. The statement of likelihood shall include the preliminary location and physical description of noise abatement measures determined feasible and reasonable in the preliminary analysis. The statement of likelihood shall also indicate that final recommendations on the construction of an abatement measure(s) is determined during the completion of the project's final design and the public involvement processes."</p>
#2	<p>Because we are in the NEPA phase of this project, we do not yet have detailed engineering plans, including soil borings and field surveyed topography. This level of detail is obtained during the final design phase of a project. The design, appearance and final alignment of the sound barriers will also be finalized during final design. The project must receive NEPA approval before final design is initiated, per 23 CFR 771.113(a). MDOT SHA is sensitive to the visual impact of a sound barrier when it is located directly adjacent to a residence. Sound barriers are most effective when placed directly adjacent to either the noise source (the highway) or the receiver (the residence). Ideally sound barriers are placed close to the highway, but in some cases, they must be located close to a residence in order to maximize the effectiveness. Sound barriers have a height limitation of 40 feet, and any structure over 24 feet requires a significantly larger foundation (which leads to more ground disturbance and environmental impacts). MDOT SHA will make every effort to keep the sound barriers as close to the highway as possible, but because of the varied topography of the Carderock Springs Community, it may be necessary to locate the walls at the top of the slope in order for them to effectively reduce the highway noise levels.</p>
#3	<p>As shown in SDEIS Noise Analysis Technical Report Addendum figure, Land Uses and Receptors Build Condition, Page 4 of 18, the ramp movements for the I-495 and MD 190 proposed interchange were accounted for in our noise analysis. At this time there is no sound barrier proposed along the flyover ramps at River Road, however this area will continue to be evaluated during final design. The noise levels that were shown in the DEIS, as well as the 66 dBA contour line, were developed assuming the existing sound barrier was not there. This was done in order to get a baseline worst case future noise level for design of the replacement sound barrier. As shown in the above referenced mapping and described in the SDEIS, the receptors along Seven Locks Road north of I-495 are not impacted by noise under future build conditions.</p>
#4	<p>Future No-Build noise levels are included in the FEIS. Existing noise levels are not modeled for each receptor, because they are not required to determine reasonableness in this location. Per the MDOT SHA Noise Guidelines, cost reasonableness is assessed using a square footage per benefited residence (sfpr) metric rather than cost. This is because materials costs fluctuate based upon market and supply chain conditions, and MDOT SHA believes that all communities should be evaluated equally regardless of the materials costs at the time of the noise analysis. The Carderock Springs communities along the inner and outer loop of I-495 both qualify for the highest square footage threshold allowable in the MDOT SHA Noise Guidelines: 2,700 square feet per benefited residence. MDOT SHA has modeled existing noise levels at locations that</p>

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do not qualify for the maximum square footage threshold to determine whether there is a 3 dBA increase that would allow for a higher square footage threshold.

To address your comment about the square footage per benefited residence being too low, the DEIS listed the outer loop barrier system as 2,578 sfpr and the inner loop barrier system as 2,211 sfpr; the SDEIS listed the outer loop barrier system as 2,026 sfpr and the inner loop barrier system as 2,380 sfpr. The sfpr value is used only in determining whether the barrier is reasonable to construct and is influenced by the density of residences as much as by the size of the barrier. This value will be further refined during the final design process as the barrier panel heights are optimized. Having a sfpr value below the threshold allows the design-builder the flexibility to increase panel heights if necessary (for example, by locating the barrier closer to the roadway rather than upslope to avoid tree impacts). If the sfpr is very close to the threshold, there is not much flexibility allowed for shifting the alignment to avoid other resources. Also note that the sfpr is not calculated for replacement sound barriers because MDOT SHA has committed to replacing all impacted sound barriers regardless of whether they are cost effective.

R1-03-02 is no longer a valid receptor and is not included in the SDEIS or FEIS. This receptor location was evaluated in the 2005 analysis, prior to the major renovation of Carderock Elementary School in 2010. For the DEIS, MDOT SHA added additional receptor locations but did not remove any from the 2005 analysis. When preparing the SDEIS, MDOT SHA noted the conflicting location of R1-03-02 in regard to the current school building and opted to remove this receptor location from the analysis.

Regarding your comment about Tables D-1, 4-9 and 4-10, aside from R1-03-02, the missing information has been included in the SDEIS. Tables 4-6 and 4-8 in the SDEIS Noise Analysis Technical Report Addendum list equivalent residences for each modeled receptor. Regarding your comment about discrepancies between Tables D-1, 4-8 and 4-10 for NSAs 1-03 and 2-01, these tables have been updated in the SDEIS and FEIS and the data matches.

Response to DEIS Comment #2

Project activities within the Carderock Springs Historic District are unchanged since the publication of the DEIS, but design advancement and further analysis of the limits of disturbance have resulted in a finding of no adverse effect for the property, with concurrence from the Maryland Historical Trust. The Preferred Alternative would result in impacts of less than 0.1 acre of the historic district, including permanent and temporary impacts. These actions will not disturb the original topography and natural vegetation within the district itself, and the proposed noise wall will further screen the district from visual and audible effects already present along I-495. No diminishment of location, design, materials, association, and workmanship will occur, and setting and feeling will remain consistent with the existing highway facility. See response to Comment #1 regarding noise analysis and mitigation.

Sliver impacts to properties along I-495 within the Carderock Springs community are proposed for elements such as roadside grading, retaining wall construction, on-site drainage and stormwater management, and noise barrier replacement/construction. These partial property acquisitions are considered ones that do not cause a business or residential relocation and have been assumed where a principle building of a residence, business, or community facility is located more than 20 feet from the Preferred Alternative limits of disturbance.

Response to DEIS Comment #3

MDOT SHA appreciates your comment regarding impacts to Carderock Springs Elementary School and the applicability of Section 4(f) protection to the school's recreational facilities. The Preferred Alternative would have an estimated 0.2 acres of impact to the Carderock Springs Elementary School property. There would be no impact to the recreational facilities present on the school campus. In accordance with the 2012 FHWA Section 4(f) Policy Paper (Policy Paper), school playgrounds and other recreational facilities on school campuses are eligible for Section 4(f) protection. The Policy Paper states:

"When a public school playground is open to the public and serves either organized or substantial walk-on recreational purposes that are determined to be significant [...] it will be subject to the requirements of Section 4(f)". (Part II, #14)

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The Policy Paper includes this further clarification:

"The term playground refers to the area of the school property developed and/or used for public park or recreation purposes such as baseball diamonds, soccer fields, tennis courts, track and field facilities, and other features such as jungle gyms or swing sets. This can also include open space or practice fields if those areas serve a park or recreation function. Section 4(f) would apply to the playground areas only and not the entire campus, unless the school and campus are also significant historic sites." (Part II, #14)

Therefore, because the recreational facilities present on the Carderock Springs Elementary School campus would not be impacted by the Preferred Alternative, no Section 4(f) use would occur.

Response to DEIS Comment #4

Impacts during construction are a key consideration for the overall project. As the design is finalized, constructability reviews will be completed and a Transportation Management Plan will be developed to assess operations during construction and lay out a set of strategies that will be implemented to manage work zone impacts.

It is anticipated that construction will last approximately five to six years. Details related to precisely when and where construction related activities will occur will be determined in final design, however, the project will likely require night work to occur when activities could not be completed safely during the day. Advanced notice of construction related activities would be provided and all reasonable efforts to minimize impacts to residential communities would be undertaken. Impacts associated with construction that will be further evaluated for the Selected Alternative in final design include traffic congestion associated with construction maintenance of traffic, utility disruptions, construction vibration, erosion and sediment and control, and construction related noise.

The management of construction impacts is addressed in an agreement between MDOT SHA and the Developer. Pursuant to that agreement, coordination with the neighboring communities will continue through final design and construction. The agreement includes requirements to minimize impacts to surrounding communities and the traveling public, while completing construction as soon as possible. Work hours and duration of construction will be identified to minimize impacts to traffic in an effort to reduce construction related congestion and in consideration of noise and vibration impacts to adjacent communities. Construction methods and materials will comply with contract, state and federal regulation, and environmental permits and mitigation requirements. Careful attention will be taken to assure that material placement will occur when weather conforms to industry standards and regulation. In addition to required governmental inspections, the Developer is required by contract to provide independent environmental, quality, and safety oversight of its contractor's performance. Refer to Final Phase 1 P3 Agreement, <https://oplanesmd.com/p3-information/phase-1-agreement/>. Once the Developer has selected a Design-Build Contractor(s), the schedule and duration for Phase 1 South construction will be made available to the public.

The results showing delay increases on River Road and Clara Barton Parkway were preliminary and were based on draft designs. Now that the Preferred Alternative has been identified and the design has been updated, these results have been updated. The results **indicate** that the net impact of the Preferred Alternative will be an overall reduction in delay on the surrounding arterials, including a 4.8 percent reduction in daily delay on the arterials in Montgomery County, despite some localized increases in arterial traffic near the managed lane access interchanges. The portions of the local road network with an anticipated increase in volumes were evaluated in more detail as part of this FEIS, and mitigation was proposed where needed to maintain acceptable operations and safety per FHWA Interstate Access Point Approval guidelines. Refer to **FEIS Appendix B**. In addition, based on follow-up meetings between MDOT SHA and Rockville, additional improvements were considered and incorporated where feasible, including modifications to the right-turning movement from the I-270 off-ramp onto eastbound MD 189, and additional turn lanes at Wootton Pkwy at Seven Locks Rd, Gude Dr at Research Blvd, and MD 189 at Great Falls Road. All these enhancements will help manage and/or improve the function of the local roadway network.

<div>#1</div> <div>#2</div> <div>#3</div>	<div>CARDEROCK SPRINGS CITIZENS ASSOCIATION – JENNIFER SPREITZER</div> <div><div>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</div><div>Name: Jennifer Spreitzer Joint Public Hearing Date: 8/20/2020 Type/Session: Live / Afternoon Transcription: Jennifer Spreitzer (S-P-R-E-I-T-Z-E-R). I live at 8212 Thomlinson Avenue, Bethesda, Maryland. I'm a board member of the Carderock Springs Citizens Association, which will be submitting written comments and providing additional testimony in these hearings. Today, I'm speaking primarily as a resident of Carderock Springs South, which lies directly south of the Beltway. First, let me say, we are strongly in favor of the No Build option until the State has a much clearer idea of what future traffic patterns will be. Should the state vote to proceed with construction, the three issues of most concern to us in Carderock Springs South are the mitigation of noise, traffic, and construction impacts caused by Beltway expansion. First – noise barriers. My house is approximately 250 yards from I-495. Beltway noise now is loud enough that we rarely open our windows or socialize in our yard and expanding the number of lanes on the Beltway and increasing traffic will make it much louder. The DEIS confirms this, deeming it reasonable and feasible for noise barriers to be built both north and south of I-495 between Persimmon Tree and Seven Locks Roads. I'm here today to ask the SHA to ensure that these noise barriers be constructed and at no cost to local residents. The noise barrier design should be advanced in the Final EIS to provide much more information to our community about the noise barriers to be built. Additionally, the DEIS must also include barrier optimization guidance, directing the P3 contractor to construct right-sized barriers that maintain as many trees and plantings as possible. My second area of concern today regards construction impacts for our neighborhood. The DEIS appears to indicate that the bridges over I-495 at Persimmon Tree at Seven Locks Road will need to be replaced. The Final EIS needs to adequately describe the disruptions that residents will experience. These disruptions should be mitigated through appropriate construction, communication, and coordination activities documented in a construction management plan shared with impacted residents. Third, my final comment regards the long-term traffic impacts for our neighborhood. The DEIS indicates that should Beltway expansion proceed, drivers on both River Road and the Claire Barton Parkway will see a greater than 10 percent increase in traffic delay. This is a major adverse impact for residents of our neighborhood and adjoining communities since these are the two major roads used by residents to access Washington, D.C.. The impacts to these local roads must be further documented and discussed and must be mitigated either through improvements to these roadways or policies to reduce their levels of traffic congestion. In summary, the No Build option is preferable until future traffic patterns have been adequately assessed. Should construction proceed, the Final EIS needs to include appropriate noise barriers to be built at no cost to residents, minimization of construction impacts, and mitigation for traffic delays on River Road and the Clara Barton Parkway. Thank you.</div></div>	<div>Response to DEIS Comment #1 As part of this project, the existing sound barrier that crosses Seven Locks Road along the outer loop of I-495 will be replaced and extended along the outer loop of I-495 to Persimmon Tree Road. A new barrier is proposed along the inner loop of I-495 from just south of Cabin John Parkway to Persimmon Tree Road. The new barriers will be constructed as close to the roadway as possible to minimize or avoid property impacts. As described in the Supplemental DEIS (SDEIS) and the supporting Noise Analysis Technical Report Addendum the noise analysis is based on the current preferred alternative design and MDOT SHA's Highway Noise Abatement Planning and Engineering Guidelines ("Noise Guidelines"), which detail implementation guidance, critical background information, rationale, and other comprehensive criteria associated with a highway noise study. The noise policy and guidelines are based upon the provisions contained in Title 23 of the Code of Federal Regulations Part 772 (23 CFR 772), Procedures for Abatement of Highway Traffic Noise and Construction Noise and the Federal Highway Administration (FHWA) report FHWA-HEP-10-025, Highway Traffic Noise: Analysis and Abatement Guidance and subsequent revisions. The DEIS, SDEIS and FEIS all include the "Statement of Likelihood" that is required by FHWA regulation 23 CFR 772.13(g)(3): "A statement of likelihood shall be included in the environmental document since feasibility and reasonableness determinations may change due to changes in project design after approval of the environmental document. The statement of likelihood shall include the preliminary location and physical description of noise abatement measures determined feasible and reasonable in the preliminary analysis. The statement of likelihood shall also indicate that final recommendations on the construction of an abatement measure(s) is determined during the completion of the project's final design and the public involvement processes." Because we are in the NEPA phase of this project, we do not yet have detailed engineering plans, including soil borings and field surveyed topography. This level of detail is obtained during the final design phase of a project. The design, appearance and final alignment of the sound barriers will also be finalized during final design. The project must receive NEPA approval before final design is initiated, per 23 CFR 771.113(a). MDOT SHA is sensitive to the visual impact of a sound barrier when it is located directly adjacent to a residence. Sound barriers are most effective when placed directly adjacent to either the noise source (the highway) or the receiver (the residence). Ideally sound barriers are placed close to the highway, but in some cases, they must be located close to a residence in order to maximize the effectiveness. Sound barriers have a height limitation of 40 feet, and any structure over 24 feet requires a significantly larger foundation (which leads to more ground disturbance and environmental impacts). MDOT SHA will make every effort to keep the sound barriers as close to the highway as possible, but because of the varied topography of the Carderock Springs Community, it may be necessary to locate the walls at the top of the slope in order for them to effectively reduce the highway noise levels.</div> <div>Response to DEIS Comment #2 The Preferred Alternative does not include an elevated structure to implement the HOT managed lanes. Between Persimmon Tree Road and Seven Locks Road, the Preferred Alternative includes four general purpose lanes and two high-occupancy toll managed lanes in each direction. An acceleration lane will also be built along the outer loop for approximately 1000-feet east of Seven Locks Road. No ramps are proposed in this area. The proposed typical section serves to minimize the roadway footprint between the Carderock Springs Historic District and Gibson Grove Church along the outer loop and the Morningstar Tabernacle No. 88 Moses Hall & Cemetery along the inner loop. The centerline of I-495 will be relocated such that it gradually shifts away from the Cemetery as it moves north from Persimmon Tree Road; at the Cemetery the proposed median barrier between inner loop and outer loop traffic will be approximately 25 feet further from the Cemetery than the existing median barrier. Flyover ramps are no longer proposed in this area and thus will not create a visual impact. A noise barrier in this area is anticipated to be located close to the existing right of way line. Vegetation will need to be removed within the Limit of Disturbance to facilitate this construction.</div>
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Since the DEIS, the Preferred Alternative eliminates of flyover ramps at MD 190/River Road by adjusting the location of the HOT lane direct access ramps between I-495 and MD 190. All HOT lanes direct access ramps within this interchange are now proposed to connect at a new intersection on the MD 190 bridge over I-495 without the use of flyover ramps.

Between Seven Locks Road and MD 190/River Road, the general purpose lanes and managed lanes separate to allow space for highway ramps. The existing Cabin John Parkway bridges will be replaced with new north-facing ramps to I-495 general purpose lanes, and I-495 managed lanes, and MD 190. New ramps connecting to Cabin John Parkway will be provided below existing I-495 grades, avoiding additional visual impacts to adjacent communities. The existing loop ramps at the MD 190 interchange will be replaced by diamond ramps. This configuration typically allows ramps to be located further from adjacent houses than the SDEIS ramp configuration.

Impacts during construction are a key consideration for the overall project. As the design is finalized, constructability reviews will be completed and a Transportation Management Plan will be developed to assess operations during construction and lay out a set of strategies that will be implemented to manage work zone impacts.

It is anticipated that construction will last approximately five to six years. Details related to precisely when and where construction related activities will occur will be determined in final design, however, the project will likely require night work to occur when activities could not be completed safely during the day. Advanced notice of construction related activities would be provided and all reasonable efforts to minimize impacts to residential communities would be undertaken. Impacts associated with construction that will be further evaluated for the Selected Alternative in final design include traffic congestion associated with construction maintenance of traffic, utility disruptions, construction vibration, erosion and sediment and control, and construction related noise.

The management of construction impacts is addressed in an agreement between MDOT SHA and the Developer. Pursuant to that agreement, coordination with the neighboring communities will continue through final design and construction. The agreement includes requirements to minimize impacts to surrounding communities and the traveling public, while completing construction as soon as possible. Work hours and duration of construction will be identified to minimize impacts to traffic in an effort to reduce construction related congestion and in consideration of noise and vibration impacts to adjacent communities. Construction methods and materials will comply with contract, state and federal regulation, and environmental permits and mitigation requirements. Careful attention will be taken to assure that material placement will occur when weather conforms to industry standards and regulation. In addition to required governmental inspections, the Developer is required by contract to provide independent environmental, quality, and safety oversight of its contractor's performance. Refer to Final Phase 1 P3 Agreement, <https://oplanesmd.com/p3-information/phase-1-agreement/>. Once the Developer has selected a Design-Build Contractor(s), the schedule and duration for Phase 1 South construction will be made available to the public.

Response to DEIS Comment #3

The results showing delay increases on River Road and Clara Barton Parkway were preliminary and were based on draft designs. Now that the Preferred Alternative has been identified and the design has been updated, these results have been updated. The results indicate that the net impact of the Preferred Alternative will be an overall reduction in delay on the surrounding arterials, including a 4.8 percent reduction in daily delay on the arterials in Montgomery County, despite some localized increases in arterial traffic near the managed lane access interchanges. The portions of the local road network with an anticipated increase in volumes were evaluated in more detail as part of this FEIS, and mitigation was proposed where needed to maintain acceptable operations and safety per FHWA Interstate Access Point Approval guidelines. Refer to FEIS Appendix B. In addition, based on follow-up meetings between MDOT SHA and Rockville, additional improvements were considered and incorporated where feasible, including modifications to the right-turning movement from the I-270 off-ramp onto eastbound MD 189, and additional turn lanes at Wootton Pkwy at Seven Locks Rd, Gude Dr at Research Blvd, and MD 189 at Great Falls Road. All these enhancements will help manage and/or improve the function of the local roadway network.

	<p>CARDEROCK SPRINGS ELEMENTARY SCHOOL EDUCATIONAL FOUNDATION – PAMELA LIPTAK</p> <p>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</p> <p>Name: Pamela Liptak</p> <p>Joint Public Hearing Date: 9/3/2020</p> <p>Type/Session: Live Testimony/Morning</p> <p>Transcription:</p> <p>Morning. Hope everyone's staying healthy. My name is Pamela Liptak. That's P-A-M-E-L-A L-I-P, P like Peter, T like Tom, A-K and I live at 8121 Lily Stone Drive, Bethesda, Maryland, 20817. This is a statement in support of Beltway noise and pollution mitigation from the Carderock Springs Elementary School Educational Foundation.</p> <p>#1 The Carderock Springs Elementary School Education Foundation is committed to fostering a healthy, positive and effective teaching and learning environment for every student at Carderock Springs Elementary School. At CSES, we are situated in close proximity to Interstate 495, the Beltway. Traffic noise emanating from the Beltway can be heard throughout the school grounds at significant volume. Scientific studies have demonstrated that prolonged exposure to traffic noise has numerous harmful impacts on children, including impaired cognitive, attentional span, reading comprehension, speech intelligibility, memory learning, and problem solving, as well as increased frustration. The current proposal will cause detrimental harm to the children of CSES if the additional noise and air pollution that the proposed expansion will cause are not addressed.</p> <p>#2 In addition, the playing field of Carderock Springs Elementary School are publicly accessible to the larger community and used by both the larger area and the local community. No analysis of the project's impact to CSES has been provided in Draft Section 4(f), even though the school and its grounds will be directly impacted. The foundation believes that as public educational institution is being directly affected, the current proposals neglect to take into consideration the disparate impact the expansion will have on this community's school. Must be pleased addressed. We thank you for your time and consideration and hope you'll have a lovely day. Take care.</p>	<p>Response to DEIS Comment #1</p> <p>As part of this project, the existing sound barrier that crosses Seven Locks Road along the outer loop of I-495 will be replaced and extended along the outer loop of I-495 to Persimmon Tree Road. A new barrier is proposed along the inner loop of I-495 from just south of Cabin John Parkway to Persimmon Tree Road. The new barriers will be constructed as close to the roadway as possible to minimize or avoid property impacts. As described in the Supplemental DEIS (SDEIS) and the supporting Noise Analysis Technical Report Addendum the noise analysis is based on the current preferred alternative design and MDOT SHA's Highway Noise Abatement Planning and Engineering Guidelines ("Noise Guidelines"), which detail implementation guidance, critical background information, rationale, and other comprehensive criteria associated with a highway noise study. The noise policy and guidelines are based upon the provisions contained in Title 23 of the Code of Federal Regulations Part 772 (23 CFR 772), Procedures for Abatement of Highway Traffic Noise and Construction Noise and the Federal Highway Administration (FHWA) report FHWA-HEP-10-025, Highway Traffic Noise: Analysis and Abatement Guidance and subsequent revisions.</p> <p>The DEIS, SDEIS and FEIS all include the "Statement of Likelihood" that is required by FHWA regulation 23 CFR 772.13(g)(3):</p> <p>"A statement of likelihood shall be included in the environmental document since feasibility and reasonableness determinations may change due to changes in project design after approval of the environmental document. The statement of likelihood shall include the preliminary location and physical description of noise abatement measures determined feasible and reasonable in the preliminary analysis. The statement of likelihood shall also indicate that final recommendations on the construction of an abatement measure(s) is determined during the completion of the project's final design and the public involvement processes."</p> <p>Because we are in the NEPA phase of this project, we do not yet have detailed engineering plans, including soil borings and field surveyed topography. This level of detail is obtained during the final design phase of a project. The design, appearance and final alignment of the sound barriers will also be finalized during final design. The project must receive NEPA approval before final design is initiated, per 23 CFR 771.113(a). MDOT SHA is sensitive to the visual impact of a sound barrier when it is located directly adjacent to a residence. Sound barriers are most effective when placed directly adjacent to either the noise source (the highway) or the receiver (the residence). Ideally sound barriers are placed close to the highway, but in some cases, they must be located close to a residence in order to maximize the effectiveness. Sound barriers have a height limitation of 40 feet, and any structure over 24 feet requires a significantly larger foundation (which leads to more ground disturbance and environmental impacts). MDOT SHA will make every effort to keep the sound barriers as close to the highway as possible, but because of the varied topography of the Carderock Springs Community, it may be necessary to locate the walls at the top of the slope in order for them to effectively reduce the highway noise levels.</p> <p>Response to DEIS Comment #2</p> <p>MDOT SHA appreciates your comment regarding impacts to Carderock Springs Elementary School and the applicability of Section 4(f) protection to the school's recreational facilities. The Preferred Alternative would have an estimated 0.2 acres of impact to the Carderock Springs Elementary School property. There would be no impact to the recreational facilities present on the school campus. In accordance with the 2012 FHWA Section 4(f) Policy Paper (Policy Paper), school playgrounds and other recreational facilities on school campuses are eligible for Section 4(f) protection. The Policy Paper states:</p> <p>"When a public school playground is open to the public and serves either organized or substantial walk-on recreational purposes that are determined to be significant [...] it will be subject to the requirements of Section 4(f)". (Part II, #14)</p> <p>The Policy Paper includes this further clarification:</p> <p>"The term playground refers to the area of the school property developed and/or used for public park or recreation purposes such as baseball diamonds, soccer fields, tennis courts, track and field facilities, and other features such as jungle gyms or swing sets. This can also include open space or practice fields if those areas serve a park or recreation function."</p>
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<p><i>This page is intentionally left blank.</i></p>	<p>Section 4(f) would apply to the playground areas only and not the entire campus, unless the school and campus are also significant historic sites." (Part II, #14)</p> <p>Therefore, because the recreational facilities present on the Carderock Springs Elementary School campus would not be impacted by the Preferred Alternative, no Section 4(f) use would occur.</p> <p>Sliver impacts to properties along I-495 within the Carderock Springs community are proposed for elements such as roadside grading, retaining wall construction, on-site drainage and stormwater management, and noise barrier replacement/construction. These partial property acquisitions are considered ones that do not cause a business or residential relocation and have been assumed where a principle building of a residence, business, or community facility is located more than 20 feet from the Preferred Alternative limits of disturbance.</p>
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CHESAPEAKE BAY FOUNDATION – LEE EPSTEIN

From: Lee Epstein <LEpstein@cbf.org>
Sent: Monday, July 27, 2020 1:51 PM
To: MLS-NEPA-P3
Subject: I-495 and I-270 P3 EIS

Sir/Madam:

In light of the COVID-10 pandemic, will the state be making available on-line various EIS documents? People over 60 or those with certain health conditions or compromised immune systems would otherwise need to put their health at risk in order to view such documents live, in libraries or other locations.

Lee Epstein

Lee R. Epstein
Lands Program Director and Special Counsel
Chesapeake Bay Foundation
6 Herndon Avenue
Annapolis, MD 21403
410-268-8816
lepstein@cbf.org



Response to DEIS Comment #1

Recognizing the importance of providing access to the DEIS and supporting documents in a time with COVID-19 restrictions, MDOT SHA provided the opportunity for persons without electronic access to view the DEIS in hard copy at multiple locations across the study area. The agency employed innovative approaches to identify locations that were convenient to affected communities, despite widespread closures of many public facilities as a result of the pandemic. The DEIS was available for viewing at 21 public locations. Temporary facilities to house the DEIS for public review were provided and staffed at eight public library parking lot locations along the study corridors, as well as one location in Washington, DC. Lobbies at six centrally located post offices in Montgomery and Prince George's Counties were also used for DEIS viewing locations. Locations were available during the week and weekend days, with day and evening hours to provide adequate options for the public to view the documents. Lastly, six select MDOT SHA, Maryland Transportation Authority (MDTA), and Virginia Department of Transportation (VDOT) offices within or near the study area were also open to the public for viewing the DEIS and Technical Reports. Each DEIS viewing location was compliant with the Americans with Disabilities Act (ADA), provided hard copy documents and computers for electronic viewing, and were equipped with required Personal Protective Equipment (PPE), including masks, hand sanitizers, and antibacterial cleaning solution. A strict safety protocol, in compliance with the State-mandated COVID-19 guidelines, was followed to ensure the safety of the public and study staff. DEIS comments were accepted through the following ways:

- Oral testimony at one of the public hearings in the main hearing room
- Oral testimony to a verbatim recorder at a private room at the public hearing
- Written comments on a comment form at the public hearing
- Letters to the P3 Program Office
- Online comment forms
- Emails to the P3 Program Office
- Voicemail

The DEIS was also made available on the I-495 & I-270 P3 Program webpage (<https://495-270-p3.com/deis/>) and on the US Environmental Protection Agency (EPA) EIS Database webpage. The DEIS comment period was 123-days, from July 10, 2020 to November 9, 2020. With the extended formal comment period and a continuous series of wide-ranging informal efforts to ensure a variety of safe opportunities to participate in the NEPA process, sufficient time was allowed for public consideration of and comment on the DEIS and SDEIS.

Refer to Chapter 9, Section 3.7 for a response to comments related to public involvement and engagement.

CHESAPEAKE CLIMATE ACTION NETWORK – MYLES COOPER (EMAIL)

From: Myles Cooper (myles@chesapeakeclimate.org) Sent You a Personal Message <automail@knowwho.com>
Sent: Monday, August 31, 2020 12:56 PM
To: MLS-NEPA-P3
Subject: I have concerns about the Draft EIS on the I-495 and I-270 plan

Dear Lisa Choplin,

DEIS on I-495 and I-270 Expansion

Good afternoon.

My name is Myles Cooper, Policy Associate for the Chesapeake Climate Action Network.

Thank you for allowing me to have the opportunity to comment on the Draft Environmental Impact Statement (DEIS) on the I-495 and I-270 expansion lanes. CCAN, along with the Sierra Club, are concerned that this proposed project threatens the region's capability to successfully reduce Maryland's greenhouse gas emission by 40% before the year 2030. We fear that the proposed expansion will also result in greater PM2.5, CO, ozone, NO2, and greenhouse gas emissions when compared to the no-build alternative or the ignored public transit-based alternatives.

Additionally, The DEIS fails to analyze harmful air emissions from construction activities, including increased particulate matter, CO, and greenhouse gas emissions. The Agencies' partial attempt to justify this does not meet the Agencies' obligations under NEPA.

The Draft Environmental Impact Statement (DEIS) on the I-495 and I-270 plan failed to study the full range of impacts that the highway plan could have on our environment, health, and communities. Even this incomplete review shows that plans to widen I-495 and I-270 for private toll lanes would harm Maryland residents in many ways and require enormous state subsidies. Therefore, a ?no-build? option must be selected so that the project does not proceed.

The DEIS does not properly analyze many impacts from the project such as:

-How the proposed expansion and expected high toll prices would disproportionately impact low-income or environmental justice communities.

-How increased stormwater runoff from the proposed expansion would damage local waterways and increase flood risk in adjacent communities.

-How harmful pollution such as particulate matter from construction activities and additional pollution from increased traffic would damage our climate and people's health.

The DEIS also did not consider how increased telecommuting as a result of COVID-19 will impact the traffic growth patterns on the Capital Beltway and I-270, nor did it provide feasible and prudent alternatives to avoid impacts to parkland and historical and cultural resources. Instead, the DEIS only considered alternatives which involved adding managed highway lanes, when it should have considered public transit options and transportation demand management strategies like ridesharing.

Response to DEIS Comment #1

Refer to Chapter 9, Section 3.4.G for a response to adverse impacts to air quality and greenhouse gases.

Response to DEIS Comment #2

The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS summarized the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail and the DEIS and SDEIS summarized the environmental effects of the Preferred Alternative. These analyses directly contributed to MDOT SHA's evaluation of the alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided

Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.

Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.

Response to DEIS Comment #3

Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.

Response to DEIS Comment #4

Refer to Chapter 9, Section 3.4.E for a response to impact analysis and mitigation of water resources, including wetlands, waterways, and stormwater management.

Response to DEIS Comment #5

Refer to Chapter 9, Section 3.4.G for a response to adverse impacts to air quality and greenhouse gases.

Response to DEIS Comment #6

Refer to Chapter 9, Section 3.1 for a response for Purpose and Need, effects of the Pandemic, and impacts of teleworking/ remote working.

#7

The comment period is not long enough for residents, political leaders, and impacted communities to fully review the over 18,000 page document, especially with limited-in person hours in library trailers during the COVID-19 pandemic and should be extended to 120 days.

Sincerely,

Myles Cooper
1739 Dearbought Dr.
Frederick , MD 21701
myles@chesapeakeclimate.org
(301) 502-0383

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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Response to DEIS Comment #7

Refer to Chapter 9, Section 3.7 for a response to comments related to public involvement and engagement.

<div>#1</div> <div>#2</div>	<p>CHESAPEAKE CLIMATE ACTION NETWORK – MYLES COOPER (ORAL TESTIMONY)</p> <p>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</p> <p>Name: Myles Cooper Date/Hearing: 8/25/20 Type/Session: Live/Evening Transcription:</p> <p>(M-Y-L-E-S C-O-O-P-E-R) My address is 1739 Deer [INAUDIBLE] Drive and I'm a resident of Frederick County, Maryland. I'm a policy associate at the Chesapeake Climate Action Network and I will be speaking on behalf of C-CAN. C-CAN is a nonprofit organization that is working on the national, local and state level directly addressing global warming. We at C-CAN do not support the proposed project and back a no build option until MDOT FHA provides the public with a comprehensive evaluation of all our alternatives, which must include public transit, transportation, demand management, telecommuting and multi-modal transit transportation systems. This project must not move forward.</p> <p>One of our biggest issues with the proposed project is that the DEIS fails to fully analyze the increased harmful air emissions the proposed expansion would cause. Instead, the DEIS seeks to minimize these harms by relying on unrelated increases and deal with this issue. Just as problematic the DEIS estimates these fuel efficiency increases based on fuel efficiency standards that another agency within the Department of Transportation revoked four months ago. The proposed expansion will result in greater carbon monoxide, ozone and nitrous, nitrogen dioxide and gas emissions when compared to the no build alternative or the more and the or the ignored public transit based alternatives. The proposed expansion will further exacerbate climate change and hurt Maryland's ability to reduce its greenhouse gas emissions by 40 percent by 2030. Under Maryland's Gas Greenhouse Gas Reduction Act, DEIS fails to analyze her before air and support air emissions from construction activities, including increased particulate matter. See carbon monoxide and greenhouse gas emissions. The agency's partial attempt to justify this failure by claiming that construction will be segmented and each construction segment will take far less than five years, does not meet the agency's obligations under NEPA. The agency's claim that the greenhouse gas impacts from construction will be analyzed in the Final EIS is insufficient. It prevents meaningful public comment and informed decision making. I yield my comment. [FACILITATOR SPEAKS]. Sorry. Yes, sure. My name is Myles Cooper (M-Y-L-E-S C-O-O-P-E-R) .</p>	<p>Response to DEIS Comment #1 NEPA's CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multimodal transportation initiatives and projects included in the "Visualize2045" plan adopted by the Metropolitan Washington Council of Governments (2018). See DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No-Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. See DEIS, Chapter 3 and DEIS Appendix C.</p> <p>Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.</p> <p>Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.</p> <p>Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p> <p>The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarized the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail and the SDEIS summarized the environmental effects of the Preferred Alternative. These analyses directly contributed to MDOT SHA's evaluation of the alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided.</p> <p>Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study</p> <p>Response to DEIS Comment #2 Refer to Chapter 9, Section 3.4.G for a response to adverse impacts to air quality and greenhouse gases.</p>
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CHEVY CHASE RECREATION ASSOCIATION – BILL SANDMEYER (ORAL TESTIMONY)	
#1	<p>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</p> <p>Name: Bill Sandmeyer Joint Public Hearing Date: 9/3/2020 Type/Session: Live Testimony/Evening Transcription:</p> <p>Yes. Bill Sandmeyer, 3908 Carsons Road, Chevy Chase, Maryland 20815. I'm on the board of directors. Oh, thank you. Apologies. Sandmeyer S-A-N-D-M-E-Y-E-R.</p>
	<p>How's that? Thank you. I'm on a board of directors, which represents the Chevy Chase Recreation Association, CCRA, in Chevy Chase, Maryland. CCRA is a property and a community just south of the Beltway and Connecticut Avenue junction. On the property there's a certified historic section on which sits Fairchild House, which houses the outdoor nursery school owned and cared for by CCRA. The other section is a CCRA recreational facility. There are about 600 permanent and 300 temporary membership families who belong to CCRA. And there are many more families associated with the outdoor nursery school. All told, thousands of people are associated with CCRA in some way. We believe the following points are not only in the best interests of our community, but also of many other communities affected by this proposed project. Our position in descending hierarchical order are: one, the no build scenario for several reasons. One is negative natural environmental impact by construction, infrastructure, pollution, climate [INAUDIBLE] and more. Another is traffic impact, either not impact or worsened impact. Some perspectives claim the teleworking smart development may reduce traffic demand in the future. Another perspective includes many examples in history of how adding bridges, highways and traffic lanes induces demand for more traffic. Read the Wikipedia discussion titled induced demand with international examples from the last century. We have other concerns that economic costs and risk and uncertainty about P3 success. In short, we prefer the no build scenario.</p>
	<p>Two, in the unfortunate instance that the project progresses, CCRA prefers Alternative 9M. That limits lane expansion to only one lane around the middle north section of the Beltway. In addition to natural environment and [INAUDIBLE], another concern is noise. Alternative 9M might induce less noise near CCRA and the adjoining neighborhood of about 60 homes.</p>
	<p>Three, for Alternative 9M to be actualized, CCRA requests an extension to the noise wall already present near the historic part of the CCRA property. We appreciate the details that were put into the DEIS to assess noise at eight points on the CCRA property as done with many other properties that reveal noise close to, but not over the 66 decibel threshold required for consideration of noise mitigation. Still the noise on the [INAUDIBLE] part of the property remains significant, as if getting a second opinion will measure decibel levels ourselves and follow up with you. Four, if Alternative 9M is actualized with or without noise wall mitigation we request at the very least using planting of noise, screening trees to help mitigate noise. Again, our first position is the No-build scenario. Thank you.</p>
<p>Response to DEIS Comment #1 Thank you for your comment concerning impacts to the Chevy Chase Recreation Association property and community. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Chevy Chase Recreation Association property and community are located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.</p> <p>Response to DEIS Comment #2 Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p> <p>Response to DEIS Comment #3 Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and teleworking.</p> <p>MDOT understands the phenomenon of induced demand, and it is a consideration on all of our large roadway projects. In this case, MDOT is recommending adding capacity via managed lanes (HOT lanes) instead of widening with additional general purpose lanes. Managed lanes do a better job at regulating demand, including induced demand, due to dynamic pricing.</p> <p>Our study shows that there could be some induced demand as a result of this project, but the impact will be small (less than 1% increase in vehicle miles traveled (VMT) in the region) and those effects are fully accounted for in the regional traffic models COG and TPB use. Even with these effects, the proposed managed lanes would reduce regional congestion delays and significantly improve travel times along both freeway corridors and on local roads throughout the region.</p> <p>Response to DEIS Comment #4 As noted in response to Comment #1, the Preferred Alternative was Alternative 9 in the DEIS and includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. Alternative 9M was not carried forward.</p> <p>See response to Comment #1, because the Chevy Chase Recreation Association property and community are located outside the Preferred Alternative limits of build improvements, a noise barrier will not be considered as part of the current study.</p>	

CHEVY CHASE RECREATION ASSOCIATION – BILL SANDMEYER (WEBSITE)

Chevy Chase Recreation Association

The Chevy Chase Recreation Association presented oral testimony regarding the I-495 & I-270 Managed Lanes Study DEIS/ Draft on September 3, 2020. Attached (below) is written documentation of that testimony.

Thank you for your comment, responses are provided on the following pages.

**Testimony for Maryland State Highway Administration
Regarding I495/I270 Managed Lanes Study
Virtual Hearing**

**Bill Sandmeyer, CCRA Board of Directors
September 3, 2020, 5-8pm
(3 Minutes)**

I'm on a Board of Directors which represents the Chevy Chase Recreation Association (CCRA) in Chevy Chase, MD. CCRA is a property and a community just south of the Beltway and Connecticut Avenue junction. On the property, there's a certified historic section on which sits historic Fairchild House, which houses the Outdoor Nursery School, owned and cared for by CCRA. The other section is the CCRA recreational facility. There are about 600 permanent and 300 temporary membership families who belong to CCRA. And there are many more families associated with the Outdoor Nursery School. All told, thousands of people are associated with CCRA in some way.

We believe the following points are not only in the best interest of our community but also of many other communities affected by this proposed project. Our positions, in descending hierarchical order, are:

1. **The No-Build scenario**, for several reasons. One is **negative natural environmental impact**, by construction, infrastructure, pollution, climate affect, and more. Another is **traffic impact**, either non-impact or worsened impact. Some perspectives claim that telework and smart development may reduce traffic demands in the future. Another perspective includes many examples in history of how adding bridges, highways, and traffic lanes **induces demand** for more traffic (Read the Wikipedia discussion entitled "Induced Demand" with national and international examples across the last century). We have other concerns about economic cost and risk, and uncertainty about P3 success. In short, we prefer the No-Build scenario.
2. In the unfortunate instance that the project progresses, CCRA prefers **Alternative 9 M**. It limits lane expansion to only one lane around the middle-north section of the Beltway. In addition to natural environment, traffic, and economy, another concern is **noise**. Alternative 9 M might induce less noise near CCRA and the adjoining neighborhood of about 60 homes.
3. Were Alternative 9 M to be actualized, CCRA requests an **extension to the noise wall** already present near the historic part of the CCRA property. We appreciate the detailed effort put into the DEIS to assess noise at eight points on the CCRA property. It revealed noise close to but not over the 66 decibel threshold required for consideration of noise mitigation. Still, the noise on the unshielded part of the property remains significant. As with getting a second opinion, we'll measure decibel levels ourselves and follow up with you.
4. If Alternative 9 M is actualized, with or without noise wall mitigation, we request at the very least, **planting of noise screening trees** along the Beltway boarder.

Again, our first position, is the **No-Build Scenario**.

Thank you.

Response to DEIS Comment #1

Thank you for your comment concerning impacts to the Chevy Chase Recreation Association property and community. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Chevy Chase Recreation Association property and community are located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

NEPA's CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, "Visualize2045", adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. Refer to DEIS, Chapter 3 and DEIS Appendix C.

MDOT understands the phenomenon of induced demand, and it is a consideration on all of our large roadway projects. In this case, MDOT is recommending adding capacity via managed lanes (HOT lanes) instead of widening with additional general purpose lanes. Managed lanes do a better job at regulating demand, including induced demand, due to dynamic pricing.

Our study shows that there could be some induced demand as a result of this project, but the impact will be small (less than 1% increase in vehicle miles traveled (VMT) in the region) and those effects are fully accounted for in the regional traffic models COG and TPB use. Even with these effects, the proposed managed lanes would reduce regional congestion delays and significantly improve travel times along both freeway corridors and on local roads throughout the region.

Response to DEIS Comment #2

See response to Comment #1 related to the Preferred Alternative that includes no action on the topside of I-495 to MD 5 and avoids impact to CCRA property or community.

Response to DEIS Comment #3

As the Preferred Alternative includes no action east of the I-270 east spur, noise mitigation is not warranted outside the limits of build improvements, including CCRA property and community.

Response to DEIS Comment #4

See response to Comment #1.

CITIZENS AGAINST BELTWAY EXPANSION (CABE) – BRAD GERMAN (EMAIL)

From: Citizens Against Beltway Expansion <495cabe@gmail.com>
Sent: Monday, November 9, 2020 6:58 PM
To: MLS-NEPA-P3
Cc: akase@marylandtaxes.gov; treasurer@treasurer.state.md.us; Barbara Coufal; Tom Hucker; Susan Lee; Marc Korman
Subject: Citizens Against Beltway Expansion Comment on I-495/I-270 Managed Lane Draft Environmental Impact Statement
Attachments: CABE -- Nov 9 DEIS Comment Letter.pdf

Attached are CABE's formal comments on the July 20 Draft Environmental Impact Statement. Please don't hesitate to reach out if you have questions about our positions.

Best regards,

Brad German
Co-Chair
Citizens Against Beltway Expansion
301-651-2087

Thank you for your comment, responses are provided on the following pages.

<p>#1</p> <p>#2</p> <p>#3</p>	<p style="text-align: center;">Citizens Against Beltway Expansion Comments on I-495/I-270 Managed Lane Study Draft Environmental Impact Statement November 9, 2020</p> <p>Citizens Against Beltway Expansion supports the no-build option in the I-495/I-270 Managed Lane July 2020 Draft Environmental Impact Statement for the following reasons:</p> <p>The DEIS is flawed and fails to inform the public about the full environmental and fiscal impacts of the build proposals on taxpayers, communities, and federal and local parks. In addition, the information and analysis of traffic volumes provided in the DEIS are incomplete and fail to justify the construction of four privatized tollways as a viable way to achieve the goals in the Purpose and Need Statement.</p> <p>These problems are covered in detail in comments submitted by the Maryland-National Capital Park and Planning Commission (M-NCPPC), National Capital Park and Planning Commission (NCPC), Smart Mobility, Inc., Maryland Sierra Club and Maryland Transportation Opportunities Coalition. (We incorporate their comments herein by reference).</p> <p>In addition, the 2020 DEIS fails to document how any of the proposed build options overcome the obstacles that led MDOT to reject a similar expansion proposal in 2005¹.</p> <p>The 2005 analysis indicated that expanding I-495 by two lanes on either side was infeasible due to the cost and difficulty of avoiding, minimizing or mitigating environmental damage to a route that</p>	<p>Response to DEIS Comment #1 NEPA’s CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, “Visualize2045”, adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. Refer to DEIS, Chapter 3 and DEIS Appendix C.</p> <p>Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.</p> <p>Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.</p> <p>Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p> <p>Response to DEIS Comment #2 The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarize the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail. This analysis directly contributed to MDOT SHA’s evaluation of these alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided.</p> <p>Response to DEIS Comment #3 Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p> <p>Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</p>
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<div>#3 Cont</div> <div>#4</div> <div>#5</div>	<div><p>cuts through densely populated communities marbled with national parks, stream valleys, and many other environmentally and culturally sensitive resources. There is no evidence in the DEIS that any of the impacts and concerns raised in the 2005 analysis have vanished or any of the costs have gone down.</p></div> <div><p>Another problem with the DEIS is the conflict between the proposed build options and the Purpose and Need screening criteria. For example, the build options fail to reliably achieve the Purpose and Need of reducing traffic congestion and facilitating the movement of goods and services. Tables 5.5 and 5.6 in Appendix C show rush hour delays on I-270 worsening compared to the no-build option.</p></div> <div><p>The DEIS financial impact analysis fails to show how the build options would generate net positive cashflow for the State, another Purpose and Need requirement. Federal and independent studies of public-private partnership (P3) highway financing – as well as the 2020 financial failure of the Purple Line P3 – illustrate the significant long-term taxpayer risks of the P3 options described in the DEIS.</p><p>These risks are underscored by the fact the I-495 Express Lanes in Northern Virginia have generated annual losses (now totaling \$429.5 million) since they opened in 2013.² The 2020 DEIS does not provide any reliable data showing why identical tollways on I-495 will perform differently in Maryland.</p><p>The DEIS neglects to explain why the public should not be concerned that the P3 business model depends on sustaining high levels of congestion to create market demand for the tollways. Rather than relieve congestion as required by the</p></div>	<p>See response to Comment #3 above.</p> <p>Response to DEIS Comment #4 Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.</p> <p>Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.</p> <p>Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.</p> <p>Response to DEIS Comment #5 Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</p>
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<div>#5 Cont</div> <div>#6</div> <div>#7</div> <div>#8</div>	<div> <div> Purpose and Need selection criteria, P3 tollways do the opposite – they keep congestion levels high to monetize them.³ </div> <div> The Metropolitan Washington Council of Governments has determined, on the basis of data in the DEIS, that rush hour tolls on I-270 between Frederick and Shady Grove could top \$49 per trip.⁴ However, the DEIS fails to discuss such high toll rates as a barrier to the build options achieving the Purpose and Needs Statement. </div> <div> The DEIS financial impact analysis also neglects to acknowledge or analyze other likely taxpayer costs. For example, the likely cost of relocating lines from as many as 21 utilities⁵ and how that would affect ratepayers’ bills. Moving the water pipes alone could add up to \$2 billion dollars in costs that would be placed on citizens, not the private partner, according to the Washington Suburban Sanitation Commission.⁶ </div> <div> One more point: the DEIS’ contention that land use around I-270 and I-495 won’t change if the roads are expanded for tollways is unrealistic and inconsistent with modern real estate development practices. The phenomenon of induced demand, commonly referred to by the idea of “build it, they will come,” is well documented⁷ as is the connection between development, density and road capacity. </div> <div> In conclusion, CABE concurs with the comments made by M-NCPPC, NCPC, Montgomery and Prince George’s Counties, Maryland Sierra Club, and MTOC. Given the technical, analytical, and data quality that we, and they, have raised in our comments. </div> </div>	<div>See response to Comment #5 above.</div> <div> Response to DEIS Comment #6 Refer to Chapter 9, Section 3.6.B for a response to toll ranges and toll rate setting process. </div> <div> Response to DEIS Comment #7 Refer to Chapter 9, Section 3.4.M for a response to impacts to utilities and associated costs. </div> <div> Response to DEIS Comment #8 MDOT understands the phenomenon of induced demand, and it is a consideration on all of our large roadway projects. In this case, MDOT is recommending adding capacity via managed lanes (HOT lanes) instead of widening with additional general purpose lanes. Managed lanes do a better job at regulating demand, including induced demand, due to dynamic pricing. Our study shows that there could be some induced demand as a result of this project, but the impact will be small (less than 1% increase in vehicle miles traveled (VMT) in the region) and those effects are fully accounted for in the regional traffic models COG and TPB use. Even with these effects, the proposed managed lanes would reduce regional congestion delays and significantly improve travel times along both freeway corridors and on local roads throughout the region. </div>
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The DEIS does not support the build options, cannot satisfy the requirements of National Environmental Policy Act, and cannot be the basis of a Record of Decision.

MDOT and the Federal Highway Administration must provide a completely new DEIS that fixes these problems and includes a new Purpose and Need Statement that focuses on the need to improve affordable transportation options without forcing undisclosed and unaffordable burdens on taxpayers, communities or the environment.

Barbara Coufal
Co-Chair
Citizens Against Beltway Expansion

Brad German
Co-Chair
Citizens Against Beltway Expansion

Contact: 495CABE@gmail.com

¹ Capital Beltway Study Technical Memorandum, Secondary and Cumulative Effects, May 24, 2005 and [Capital Beltway Studies Informational Public Workshop Display Boards](#), May 6, 2004.

² [Transurban Group Annual Financial Results](#), 2013-2020

³ [Public-Private Partnerships for Transportation and Water Infrastructure](#). Congressional Budget Office, January 21, 2020

⁴ "Nearly \$50 toll projected in draft study of I-270 project", *WUSA*, October 15, 2020

⁵ "Pipes, cables could face major disruption by plan to widen Beltway and I-270", *Maryland Matters*, October 21, 2020

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⁶“Moving pipes to add toll lanes to Beltway, I-270 will cost up to \$2 billion, WSSC Water says”, *The Washington Post*, March 11, 2020

⁷ Melo PC, Graham DJ, Canavan S., *Effects of Road Investments on Economic Output and Induced Travel Demand: Evidence for Urbanized Areas in the United States*, Transportation Research Record, 2297(1), 163 (2012)

CITIZENS AGAINST BELTWAY EXPANSION (CABE)– BRAD GERMAN (ORAL TESTIMONY)	
	<div>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</div> <div><div><div><div>#1</div><div><p>Name: Brad German</p><p>Date/Hearing: 8/25/20</p><p>Type/Session: Live/Evening</p><p>Transcription:</p><p>My name is Brad German. 9926 Julliard Drive Bethesda, Maryland. I represent Citizens Against Beltway Expansion, a coalition of civic associations and citizens who support the No Build alternative and the latest version of the July 10th Draft Environmental Impact Statement for the I-495 I-270 Managed Lanes proposal. We also plan to submit written comments. The No Build option we support is the same position Maryland took on the 2005 environmental analysis of one- and two-lane expansion proposals for I-495.</p></div></div><div><div>#2</div><div><p>The problems been cited included the cost and difficulty of avoiding, minimizing or mitigating environmental damage from a route that would cut through densely populated communities marbled with national parks, stream valleys, and environmentally and culturally sensitive resources. Since then our population has grown, the environment is still threatened, and the parks are still precious. We don't see where the DEIS provides any new details that should cause the public or the State to change their minds.</p></div></div><div><div>#3</div><div><p>The new DEIS, unlike the 2005 analysis, also fails to itemize potential negative impacts in detail. It also lacks a full analysis of such fundamentals as air contamination during and after construction, hazardous waste disposal, stormwater runoff, stream valley damage, and other impacts of public health communities and the environment. Rather, it defers these critical details until a final statement when there will be fewer opportunities for the public to protect itself from a bad choice. Another reason we support the No Build option is that the DEIS shows that the other alternatives actually worsened rush hour on I-270 for most drivers or at best shaves off a few minutes on average at the cost of millions, millions of dollars per minute saved. This is shown in Tables 5.5 and 5.6 in Appendix C. This finding underscores our concerns that the proposal ultimately monetize congestion for private investors, a significant taxpayer risk. I say that because one of the few things regarding taxpayer risk, one of the few things that has changed since 2005 is that the track record for public-private partnerships has gotten worse. P3 tollways here and abroad are struggling to reduce congestion and they ultimately depend on extensive taxpayer subsidies. This is according to numerous reports from federal and private analysts. The fact is that today's P3s barely resembled the ones during the Carter and Reagan administrations when they attracted about \$4 of private funds for every public dollar. By contrast, the 495 Express Lane in Virginia, 83% of that was funded by taxpayers; only 17% by the private sector and the taxpayer support came through grants, federal loans, or federal loan guarantees. The bottom line is the P3s are no free lunch. A detailed independence statistical analysis is needed now, not later to prevent another expensive disaster down the road. In conclusion, we strongly urge you to provide an interim DEIS that fills in the blanks and includes a serious independent fiscal analysis for the public to comment on. This would be the best way for us to meet regional transportation challenges, benefit the public, and better protect our wallets and homes. Thank you again for this opportunity to comment.</p></div></div><div><div>#4</div><div></div></div></div></div> <div><div>Response to DEIS Comment #1<p>NEPA's CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, "Visualize2045", adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. Refer to DEIS, Chapter 3 and DEIS Appendix C.</p><p>Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.</p><p>Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.</p><p>Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p></div><div>Response to DEIS Comment #2<p>The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarized the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail. These analyses directly contributed to MDOT SHA's evaluation of the alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided.</p><p>With respect to the level of details concerning the build alternatives presented in the DEIS and the Preferred Alternative in the SDEIS, this information accurately reflected the level of design available to the agency during different phases of its NEPA review and was appropriate to ascertain environmental information and potential impacts. FHWA regulations prohibit agencies from advancing to final design for a proposed action prior to completion of NEPA. Therefore, the DEIS and SDEIS were based on preliminary levels of design for the likely engineering elements of the proposed build alternatives. The Preferred Alternative presented in the SDEIS was refined based on additional survey information, an assessment of constructability and permanent and temporary impacts, as well as avoidance and minimization efforts resulting from interagency coordination. The SDEIS presented updated information based on the Preferred Alternative (Alternative 9-Phase 1 South) and additional coordination that occurred in the 10 months following publication of the DEIS. The FEIS reflects further design refinements and details, including final mitigation and commitments of the Preferred Alternative, many of which directly responded to public comments.</p></div><div>Response to DEIS Comment #3<p>Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.</p></div><div>Response to DEIS Comment #4<p>Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</p></div></div>

CITIZENS TO CONSERVE AND RESTORE INDIAN CREEK – LUTZ RASTAETTER

From: Lutz Rastaetter <lutz_rastaetter@yahoo.com>
Sent: Monday, November 9, 2020 9:30 AM
To: MLS-NEPA-P3
Cc: Lisa Choplin; jeanette.mar@dot.gov
Subject: Public comments on Draft EIS for Beltway widening project
Attachments: 2020-11-06-Comments on DEIS, 4(f), and JPA (1).pdf

Citizens to Conserve and Restore Indian Creek would like to be on the record as an additional organization supporting the attached comments.

Sincerely,

Lutz Rastaetter, Acting Chairperson
Citizens to Conserve and Restore Indian Creek
PO. Box 1032
Greenbelt, MD 20768

MDOT SHA acknowledges receipt of your comment. The attachment submitted in your email was the same commented submitted by the Maryland Chapter of the Sierra Club. The Sierra Club comment letter has been responded to in detail and can be found in Appendix T.

CLEANWATER LINGANORE – MARY SMITH

From: Mary Smith <hallschoice11258@gmail.com>
Sent: Wednesday, October 21, 2020 11:58 AM
To: MLS-NEPA-P3
Subject: Public Comment on I-495 and I-270 Managed Lanes Study Draft Environmental Impact Statement

Our grass roots neighborhood organization (with outreach to over 300) Cleanwater Linganore Inc is strongly opposed to the expansion to 270 and 495 as currently planned. It is too destructive to neighborhoods, private properties, parks and the environment. It is too costly in terms of additional needed infrastructure, and asset allocation.
Now that most people can telework, is this huge project still relevant? Would like to see the data suggesting it is still needed.

Best regards
Betsy Smith, president Cleanwater Linganore

Response to DEIS Comment #1

NEPA's CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, "Visualize2045", adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. Refer to DEIS, Chapter 3 and DEIS Appendix C. Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.

Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.

Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the pandemic.

COALITION FOR SMARTER GROWTH – JANE LYONS (EMAIL)

From: Jane Lyons <jane@smartergrowth.net>
Sent: Thursday, November 5, 2020 10:05 AM
To: MLS-NEPA-P3; john.j.dinne@usace.army.mil; MDE.SHAprojects@maryland.gov
Cc: treasurer@treasurer.state.md.us; kumar.barve@house.state.md.us; aklase@marylandtaxes.gov; nancy.king@senate.state.md.us; County.Council@montgomerycountymd.gov; MCP-Chair; CountyExecutiveIQ@montgomerycountymd.gov; managed.lanes@montgomerycountymd.gov; Stewart.Schwartz;councilmember.hucker@montgomerycountymd.gov; CExecutive@co.pg.md.us
Subject: Coalition for Smarter Growth Comments on I-495 and I-270 Managed Lanes Study Draft Environmental Impact Statement
Attachments: 2020.11.05 CSG Draft EIS Comments on I-495 I-270 -Managed Lanes Study - FINAL.pdf

Good morning,

The Coalition for Smarter Growth submits the attached comments in response to the Notice of Availability of the I-495 & I-270 Managed Lanes Study Draft Environmental Impact Statement and Draft Section 4(f) Evaluation. We have also signed onto the comments that will be submitted by the Sierra Club.

We oppose the addition of managed lanes to expand I-495 & I-270 and support the No Build alternative, pending development of a more sustainable and effective alternative, with fewer impacts. The DEIS and Section 4(f) evaluation are insufficient and do not fully consider the impacts of the proposed expansion, a massive alternation to our landscape that comes at an extremely high cost to neighborhoods, community health, the natural environment, and taxpayers. There was no meaningful consideration of viable alternatives to constructing new toll lanes. We request that the U.S. Department of Transportation Federal Highway Administration and the Maryland Department of Transportation State Highway Administration stop and restart this process to fully address all gaps in the current DEIS and fulfill the requirements of NEPA and Section 4(f).

Please see the attachment for our full comments.

Thank you,
Jane

--
Jane Lyons (she/her) | Maryland Advocacy Manager
Coalition for Smarter Growth
P.O. Box 73282, 2000 14th St NW
Washington, DC 20009
(410) 474-0741 | jane@smartergrowth.net
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Response to DEIS Comment #1

NEPA's CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, "Visualize2045", adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. Refer to DEIS, Chapter 3 and DEIS Appendix C.

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.

Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.

Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.

<p>#2</p> <p>#3</p> <p>#4</p> <p>#5</p>	<p>1. The purpose and need is narrow, biased, and does not screen alternatives accurately</p> <p>The stated purpose and need is unreasonably narrow and restricts the range of alternatives considered. There is no meaningful consideration of other viable alternatives, including a comprehensive transit, demand management, and land use alternative.</p> <p>The stated purpose and needs statement presuppose a roadway expansion. First with “accommodate existing traffic and long-term traffic growth,” which assumes that traffic outcomes are inevitable and not influenced by malleable land uses, transit options, and demand management policies. As will be discussed below, the Metropolitan Washington Council of Governments (COG) model used by the Agencies in the DEIS over-predicts future traffic. Additionally, it is not in the public interest to accommodate growth in vehicle miles traveled (VMT), given its association with higher greenhouse gas emissions. Instead, the goal should be to decrease average trip lengths, total and per capita VMT, and to increase non-auto mode share. The conclusions-oriented reasoning of the purpose and need statement is furthered through the stated goal to “provide additional roadway travel choices.” This limits travel choices to additional roadways, thus ensuring that the alternatives retained for detailed study (ARDS) would include roadway expansions.</p> <p>The criteria used to screen the alternatives were similarly biased toward a managed lanes option and inconsistently screened out alternatives. Namely, the criterion of financial viability. The transit alternatives were not retained for detailed study due to their estimated negative cash flow, but the same was also found to be true of several of the ARDS. Every single ARDS will run a deficit between \$482 million to \$1.01 billion. Instead of removing these alternatives, the analysis was redone in such a way that was supportive of their inclusion, using conservative cost and cost-overrun estimates as well as omitting the high costs of utility relocation. Alternatives that would result in less environmental degradation were arbitrarily rejected on the basis that they require a public subsidy when there is still not an accurate understanding of how much the managed lane options would cost, and when they too require a public subsidy in direct funding and discounted federal loans, along with potentially much higher community, environmental, and public utility relocation costs.</p> <p>Finally, the limited study area means that non-highway land use and transportation alternatives were discounted, such as a combination of the MARC Brunswick line, Montgomery County Bus Rapid Transit plan, the Purple Line, transit-oriented development at Metro and Purple Line stations, and demand management policies. The areas served by I-495 and I-270 extend much farther than the 1.5-mile limit imposed on the study area. Transportation solutions for I-495 and I-270, as well as an integrated land use solution that reduces demand, would involve areas beyond the limited corridor identified in the study.</p> <p>Thus, because of the narrow purpose and need favoring similar alternatives for adding managed toll lanes, the resulting ARDSs essentially have the same environmental impact, aside from the No Build option. Alternatives that would potentially have lessened environmental and community impacts were not studied in detail for the DEIS analysis.</p> <p>2. Traffic modeling assumptions are deeply flawed</p>	<p>Response to DEIS Comment #2 Refer to Chapter 1, Section 3.1 for a response on Purpose and Need.</p> <p>Response to DEIS Comment #3 Concerns with congestion on I-495 and I-270 and planning to accommodate anticipated future growth have been the subject of numerous studies conducted by the Maryland Department of Transportation (MDOT), Virginia Department of Transportation (VDOT), and regional planning agencies for many years. These studies reflect how the Washington metropolitan area has continued to experience considerable growth in population and employment. Specifically, population in the study area has increased from 14.6 percent in Montgomery County and 20.1 percent in Prince George’s County between 2000 and 2020. Continued growth is anticipated as Metropolitan Washington Council of Governments (MWCOG) estimates that between 2020 and 2045, the population in Montgomery County and Prince George’s County will increase approximately 16.3 percent and 7.9 percent, respectively. Additionally, this area is one of the most intensive employment, residential and transportation corridors in the State. Virtually all of these studies reflect, in part, some of the operational and/or engineering alternatives that are included in the DEIS and SDEIS. Specifically, these studies, dating back to 2004, evaluated various options of building managed lanes along these highways and means to connect that additional capacity to other regional transportation facilities. Importantly, these studies also considered various transit improvements, including major projects such as the Purple Line which is currently under construction. None of the various analyses supported the principle that transit and/or multi-modal transportation options by themselves, could alleviate traffic congestion or accommodate anticipated future demand. Refer to DEIS, Appendix A, page 4-8.</p> <p>Refer to Chapter 9, Section 3.1 for a response on Purpose and Need. Refer to Chapter 9, Section 3.4.F for a response to adverse impacts to air quality. Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.</p> <p>Response to DEIS Comment #4 For the purposes of a comparison of alternatives under NEPA, the DEIS assessed a broad analysis of the potential for each alternative to be financially self-sufficient. This analysis included multiple factors to determine potential cash flows such as a range of capital costs, initial revenue projections, preliminary operations and maintenance costs, and a range of interest rates. The results showed that some alternatives would have a higher likelihood of being cash flow positive and others would have a higher likelihood of being cash flow negative. These wide ranges were necessary to take into account various market conditions that could change as the program continues forward.</p> <p>Refer to Chapter 9, Section 3.2 for response to Screening of Preliminary Alternatives Process. Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Costs.</p> <p>Response to DEIS Comment #5 The decision concerning the scope of analysis to be conducted under NEPA lies within the discretion of the project proponent, MDOT SHA, and lead federal agency, FHWA. Depending on the factual circumstances, a programmatic or a project-specific analysis could be conducted to fulfill NEPA’s procedural requirements. In this case, proceeding with a project-level review for the Study was entirely appropriate.</p> <p>The geographic scope of the Study, while large, is distinctly defined. It includes 37 miles of I-495 and 11 miles of I-270. Consistent with CEQ NEPA regulations 40 CFR 1502.4(a) and 1508.25(a), as well as FHWA NEPA regulations at 23 CFR 771.111(f), MDOT SHA and FHWA have identified the Study as an independent action that may proceed regardless of whether other actions of the Traffic Relief Plan or P3 Program are implemented.</p> <p>Furthermore, the identified scope of the Study has been sufficiently defined to be advanced with a project-level NEPA document, and does not exclude the possibility that a broader planning effort could be evaluated at some other time in a Programmatic EIS. Consistent with FHWA regulations, other proposed actions, such as potential improvements to I-270 from I-370 to I-70, have been determined to possess independent utility from the Study (and other actions in the TRP and P3 Program) and thus will require separate project-level NEPA documents.</p> <p>Refer to Chapter 9, Section 3.2 for response to Screening of Preliminary Alternatives Process.</p>
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<p>#6</p>	<p>We incorporate by reference the comprehensive technical analysis completed by Norman Marshall of Smart Mobility, Inc. on behalf of Sierra Club, Coalition for Smarter Growth, and other partners which is included in the joint comments submitted by Sierra Club.¹ Accurate traffic modeling is critical because the implications of the traffic analysis inform the consideration of alternatives and the rest of the analysis of the Project's environmental and community impacts.</p> <p><u>The model over-predicts future traffic:</u> The DEIS uses a flawed model from the Metropolitan Washington Council of Governments (COG) that: 1) does not constrain traffic flow to capacity, 2) does not properly feed congested travel times back to non-work trip destinations, 3) assumes no increased traffic from road expansion, 4) fails to accurately forecast bottlenecks, 5) does not calculate net congestion tradeoffs, and 6) does not accurately model peak period conditions.</p> <p>The DEIS falsely claims that if the Project is not constructed, corridor traffic volumes and delays will grow exponentially. Traffic cannot grow significantly unless highways are widened to accommodate such growth by changing the road's hourly capacity. Without expansion, traffic growth is constrained. Widening will shift more traffic into peak hours and increase congestion on connecting roads. Due to the increased number of trips during peak hours, widening will not significantly reduce congestion in general purpose lanes. Widening will instead create bottlenecks and increase peak hour trips on connecting roads.</p> <p><u>Toll lanes need congested general lanes:</u> The express toll and high occupancy toll lane models rely on general purpose lanes being congested enough for a certain number of drivers to be willing to pay tolls. Extreme congestion is needed to justify the high tolls required to cover the high construction costs of the additional lanes and make a profit for the private concessionaire. Those drivers who are willing and able to pay will see improved trip times, but those numbers are not enough to result in an efficient use of infrastructure. In Virginia, similar managed lanes tend to carry about ⅓ of daily traffic, despite being ⅓ of the highway capacity.</p> <p><u>Induced demand is not accounted for:</u> Studies and real-life experience show that induced demand is real. Highway expansions only relieve congestion for a short period of time. In the near term, people shift back into the peak hour, leave transit or carpools to drive solo again, or simply change their route. In the medium to long-term, highway expansions fuel sprawling land uses, leading to an overall increase in vehicle trips and VMT, adding even more new users. This is why the DC urbanized area's travel delay grew 144 percent between 1993 and 2017, while population growth and freeway lane-miles growth were roughly on-par.² The fact that increased vehicles, vehicle trips, and VMT from induced demand were not taken into consideration means that the associated air pollution, water pollution, and greenhouse gas emissions were not adequately considered, analyzed, and detailed.</p> <p>¹ Norman Marshall (October 2020), <i>Review of Maryland I-495 & I-270 Managed Lanes Project Draft Environmental Impact Statement and Draft Section 4(f) Evaluation</i>. Available at: https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/maryland-chapter/MD%20Managed%20Lanes%20DEIS%20Traffic%20Review%2010-29-2020.pdf</p> <p>² Transportation for America (2020), <i>The Congestion Con</i>. Available from: https://t4america.org/wp-content/uploads/2020/03/Congestion-Report-2020-FINAL.pdf</p>	<p>Response to DEIS Comment #6 See response to Comment #3.</p> <p>Response to DEIS Comment #7 Refer to Chapter 9, Section 3.6.A for a response on opposition to managed lanes or tolling public roads.</p> <p>Refer to Chapter 9, Section 3.6.B for a response to toll rate ranges and toll rate setting process.</p> <p>Response to DEIS Comment #8 MDOT understands the phenomenon of induced demand, and it is a consideration on all of our large roadway projects. In this case, MDOT is recommending adding capacity via managed lanes (HOT lanes) instead of widening with additional general purpose lanes. Managed lanes do a better job at regulating demand, including induced demand, due to dynamic pricing.</p> <p>Our study shows that there could be some induced demand as a result of this project, but the impact will be small (less than 1% increase in vehicle miles traveled (VMT) in the region) and those effects are fully accounted for in the regional traffic models COG and TPB use. Even with these effects, the proposed managed lanes would reduce regional congestion delays and significantly improve travel times along both freeway corridors and on local roads throughout the region.</p> <p>Refer to Chapter 9, Section 9.3.4B for a response to traffic modeling and analysis including induced demand.</p> <p>Existing and future land use is directed by the County's Master Plans. Refer to the FEIS, Chapter 5, Section 5.22 and FEIS, Appendix Q for details.</p>
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<p>#9</p> <p>#10</p>	<p><u>Commuting patterns are changing:</u> Due to unforeseen circumstances, there is a new need to take increased telecommuting into consideration given recent changes to work habits and travel patterns resulting from the COVID-19 pandemic. A recent study from the University of Maryland's Transportation Institute showed that a 5 to 15 percent reduction in vehicles on the road during peak hours would essentially eliminate congestion. This future is now more in reach and often an everyday reality as more people adjust to permanently teleworking full-time or more often — a shift that is expected to outlast the COVID-19 pandemic.</p> <p>3. Transit, land use, and comprehensive solutions were not taken into consideration</p> <p>The 20 Project alternatives and variations were considered as separate and isolated alternatives by mode of transportation, thus the Agencies did not consider the full spectrum of possible roadways alterations, transit improvements, and transportation systems management/transportation demand management combinations. Instead of considering a comprehensive transit, land use, and system/demand management solution, the analysis in the DEIS appears designed to put up segmented alternatives destined to fail, in order to support a preconceived conclusion to construct new toll lanes.</p> <p>The transit options that are included in the DEIS are not fully analyzed. For example, the DEIS does not provide an accurate assessment of existing and future transit ridership, meaning that the analysis of modal shift is incomplete. Further, it is disingenuous to say that the Purple Line light rail is the transit portion of the Project. The DEIS does not analyze this as an alternative and instead relies, for the Purple Line and transit alternatives that were originally included, on past studies.</p> <p>There is no discussion or analysis of how to bring transit across the Woodrow Wilson Bridge, which was designed and built to accommodate rail as part of a significant investment from the State of Maryland. Similarly, there is no indication or commitment by the state to make the same rail engineering accommodations on the rebuilt American Legion Bridge. Given the 50-year term proposed for the public-private partnership (P3), these accommodations for future rail and transit should be a part of planning for the comprehensive transit system.</p> <p>The DEIS also ignores the interconnectedness of land use and transportation. The prudent and feasible alternative that will result in shorter travel times, fewer VMT, and better use of existing infrastructure is a comprehensive land use, transit, and system/demand management plan. This was supported by a 2017 long-range analysis prepared for the National Capital Region Transportation Planning Board, showing that travel demand management scenario was the best way to cut daily vehicle hours of delay by 24 percent, followed by the regional land use balance scenario, providing reductions of 18 percent.³ The regional balanced land use scenario would steer more growth in jobs and housing to underused rail stations and city centers with high-capacity transit.⁴ These two scenarios were shown to be equally beneficial and superior to other</p> <p>³ National Capital Region Transportation Planning Board (2017), <i>Long-Range Plan Task Force: Draft Analysis Results</i>. Available from: https://www.mwecog.org/file.aspx?&A=p4JrCe45zbv1oUd3kATAKPZvxjFjPC2LqsK%2fcA4dpYQw%3d</p> <p>⁴ Metropolitan Washington Council of Governments (December 20, 2017), <i>News Release: Transportation Planning Board approves five initiatives to improve region's transportation system</i>. Available from:</p>	<p>Response to DEIS Comment #9 Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.</p> <p>Response to DEIS Comment #10 Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.</p>
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#10 cont	<p>scenarios, including the express toll lanes alternative (which included both funded transit and HOV running free), in lowering VMT per capita. In addition, the regional land use balance was the best option for decreasing average car commute times.</p> <p>Additional studies support the idea that getting more people to live and work near Maryland's 26 Metro stations and future Purple Line stations would do more to reduce long-distance commuting and traffic than further widening highways. This includes the Washington Metropolitan Area Transit Authority's (WMATA) 2014 Connect Greater Washington Long Range Transit Plan, which shows that buildout of development at Metro stations, particularly those on the east side of the region would provide significant benefits to the highway network. There is also significant research showing success in reducing congestion by pricing existing general-purpose travel lanes and allowing high-occupancy vehicles to travel for free in dedicated lanes.</p>	<p>Response to DEIS Comment #11</p> <p>The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarized the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail and the SDEIS summarized the environmental effects of the Preferred Alternative. These analyses directly contributed to MDOT SHA's evaluation of the alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided.</p>
#11	<p>4. Environmental and community impacts are detrimental and the analysis is inadequate</p> <p>This section details the harmful environmental and community impacts that are outlined in the DEIS, which fail to constitute a "hard look." Feasible and prudent alternatives to avoid direct, indirect, and cumulative harm have not been considered. Among other things, these negative impacts have not been fully analyzed due to an unrealistic Limited of Disturbance (LOD) and illegal segmentation.</p> <p>First, the LOD is unrealistic to depend on for measuring impacts to parkland, waterways, and historic properties given that it is a preliminary planning tool and is subject to change given the final design of the private concessionaire. This cannot be a legally adequate basis to evaluate the Project's environmental impact.</p>	<p>Response to DEIS Comment #12</p> <p>The decision concerning the scope of analysis to be conducted under NEPA lies within the discretion of the project proponent, MDOT SHA, and lead federal agency, FHWA. Depending on the factual circumstances, a programmatic or a project-specific analysis could be conducted to fulfill NEPA's procedural requirements. In this case, proceeding with a project-level review for the Study was entirely appropriate.</p>
#12	<p>Second, the environmental effects of widening I-270 are being studied in two separate EISs, constituting illegal segmentation, and do not take into account the combined environmental impacts of the Project's two phases. This segmentation also has implications for which ARDS were selected (for example, eliminating MARC expansion alternatives) and brings into question the conclusions of the traffic modeling, given that the full extent of the Project area has not been included in this DEIS's study area and thus the impacts were not analyzed comprehensively. Given the full, regional I-495 & I-270 P3 program proposal at hand, the Agencies should have performed a Programmatic EIS.</p>	<p>The geographic scope of the Study, while large, is distinctly defined. It includes 37 miles of I-495 and 11 miles of I-270. Consistent with CEQ NEPA regulations 40 CFR 1502.4(a) and 1508.25(a), as well as FHWA NEPA regulations at 23 CFR 771.111(f), MDOT SHA and FHWA have identified the Study as an independent action that may proceed regardless of whether other actions of the Traffic Relief Plan or P3 Program are implemented.</p> <p>Furthermore, the identified scope of the Study has been sufficiently defined to be advanced with a project-level NEPA document, and does not exclude the possibility that a broader planning effort could be evaluated at some other time in a Programmatic EIS. Consistent with FHWA regulations, other proposed actions, such as potential improvements to I-270 from I-370 to I-70, have been determined to possess independent utility from the Study (and other actions in the TRP and P3 Program) and thus will require separate project-level NEPA documents.</p> <p>Refer to Chapter 9, Section 3.1 for a response to Purpose and Need.</p>
#13	<p><u>Water quality & stormwater management:</u> The DEIS fails to calculate the amount of stormwater generated or how it would impact water quality. Instead of modeling the impacts, the DEIS uses estimates and places a heavy reliance on nutrient trading credits to meet stormwater treatment requirements. Over 550 acres of new impervious surfaces are highly likely to increase runoff, pollution, and flooding, especially if mitigation efforts are primarily done offsite and outside impacted watersheds. Thus, it is not clear that the Project will not violate water quality standards</p> <p>https://www.mwecog.org/newsroom/2017/12/20/transportation-planning-board-approves-five-initiatives-to-improve-regions-transportation-system/</p>	<p>Potential roadway or transit improvements on I-270 from north of I-370 to I-70 were not included as part of this Study, as alternatives for that segment will be developed as part of a separate, independent planning study (https://495-270-p3.com/i270-environmental/). 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). A Supplemental Draft Environmental Impact Statement (SDEIS) was 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 disclosed new information relevant to the Preferred Alternative focusing on new information while referencing the DEIS for information that remains valid. The SDEIS also described the background and context in which the Preferred Alternative, Alternative 9 – Phase 1 South was identified. The SDEIS was available for the public to review and comment on the Preferred Alternative during a 60-day comment period.</p> <p>See response to DEIS Comment #13, below.</p>

and the public's interest in high quality waterways. Thus, the Clean Water Act 404 permit should be denied.

Greenhouse gases & air quality: The Project would increase greenhouse gas emissions compared to a No Build alternative, potentially violating the Maryland Greenhouse Gas Emissions Reduction Act of 2016. The emissions are also too conservatively estimated, ignoring induced demand and the increase in vehicle trips and VMT. Higher greenhouse gas emissions will contribute to global warming with more days of extreme heat, unhealthy air quality, and heavier precipitation events with more flooding. The DEIS also does not take into account greenhouse gas emissions from the construction of the Project, nor does it adequately address the human health impacts of other pollutants including particulate matter (PM2.5) which has a particularly harmful effect on the lungs of our children. Homes, schools, hospitals, local businesses, and parks surround I-495 and I-270, and residents' health will be at-risk from further highway expansion spurring more particulate matter, carbon monoxide, ozone, nitrous oxides and volatile organic compounds in their communities.

Parks & natural resources: Dozens of parks will be negatively impacted, losing greenspace, trails, and the forest canopy critical for reducing the CO2 that contributes to global warming. Further, hundreds of acres of streams, wetlands, and land designated as sensitive habitat for wildlife will be negatively impacted. MDOT is required to minimize impacts to parks and determine how to make the park system whole again, which has not been done in this DEIS.

Homes and other properties: Up to 34 homes will be destroyed, with 1,500 more properties negatively impacted through partial takings and increased noise, air, and water pollution. Low-income and minority communities will bear the brunt of these negative impacts for generations to come, further reducing the value of their properties and exacerbating the east-west socioeconomic divide in the DC region.

5. Taxpayer dollars will be used ineffectually and irresponsibly

The full financial cost and risk is not adequately presented in this DEIS. Utility relocation costs are left out, including the estimate from the Washington Suburban Sanitary Commission (WSSC) that water and sewer relocations necessitated by the Project could cost \$2 billion. This means that even if a rate payer in Maryland's Washington suburbs never uses the managed toll lanes, they would still be paying for the Project through greatly increased water and sewer charges, up to a 277 percent increase over the next 40 years.

We are concerned by the likelihood that the Project's developers will require an assurance of minimum revenues from the state, requiring payouts if the Project is at some point cancelled, has cost overruns, or competition. Because the contract is not complete at this time, the financial risks cannot be fully known. Given restrained state resources, any subsidy for this Project would result in less investment in transit and other sustainable modes of transportation that will decrease Maryland's transportation greenhouse gas emissions. During an environmental crisis, this costly Project is not the best use of taxpayers' financial resources.

6. Equity analyses are incomplete

Response to DEIS Comment #13

The project will be required to obtain a SWM and Erosion & Sediment permit. In order to obtain these permits, the project will be required to control stormwater runoff for the 10-year storm to match existing conditions, provide water quality treatment for all new impervious area and 50% of reconstructed existing impervious area to match the runoff characteristics of woods in good condition and manage the 2-year storm during construction so that sediment is not released to local waterways. Variances can be requested for minimal increases in stormwater runoff, however, detailed hydrologic calculations will be required to show that the minimal increases will not result in downstream flooding or erosion. Given the strict permitting requirements, impacts to downstream water quality from stormwater runoff are not expected. Refer to Chapter 9, Section 3.4.E for additional information related to impact analysis and mitigation of water resources, including wetlands, waterways, and stormwater management.

Response to DEIS Comment #14

Refer to Chapter 9, Section 3.4.F for a response to adverse impacts to air quality.

Refer to Chapter 9, Section 3.4.G for a response to climate change and greenhouse gas considerations.

Response to DEIS Comment #15

Refer to Chapter 9, Section 3.4.C for a response to analyses of parkland and historic resources.

Response to DEIS Comment #16

The Preferred Alternative, Alternative 9 – Phase 1 South, avoids all residential and commercial displacements.

Refer to Chapter 9, Section 3.4.K for a response to impacts to properties and communities, including community facilities.

Response to DEIS Comment #17

Potential cost of utility relocation has consistently been factored into the overall estimates developed for the project. The reduced footprint of proposed improvements associated with the Preferred Alternative as compared to the Build Alternatives discussed in the DEIS, together with ongoing coordination to identify, avoid and minimize conflicts with existing infrastructure to the maximum extent practicable have lowered the cost estimates significantly. It is too early in the predevelopment process to determine the exact scope and cost of any utility relocations that may still be required, but it now appears that these costs will be significantly lower than WSSC's original estimates.

Refer to Chapter 9, Section 3.4.M for a response to impacts to utilities and associated costs as well as Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.

<div>#18</div> <div>#19</div>	<p>The environmental justice (EJ) analysis uses a flawed methodology by using Census data because it ignores small pockets of minority and low-income communities. DEIS declines to address EJ impacts and does not compare impacts to the general population to determine whether there is a disproportionate effect, as is legally required.</p> <p>Among the potential impacts that should be considered are the cost of using the toll lanes compared to income levels by race and the potential that the lanes will lock in the regional jobs/housing imbalance. Today, most jobs and most well-paying jobs are located in the I-270 and Virginia Dulles Toll Road corridors, not in Prince George's. The expansion of I-270 to 12 lanes in the early 90s was demonstrated to have shifted development to the I-270 corridor and away from DC and Prince George's.⁵ A comprehensive land use, transit, and demand management alternative that put transit-oriented development in the forefront and includes build-out at the 15 Prince George's Metro stations, Purple Line stations, and east side Red Line stations would more effectively address the region's transportation needs, while also addressing our regional racial and economic inequities. Therefore, a full and comparative racial equity analysis needs to be included.</p> <p>Conclusion</p> <p>Even with the inadequate analysis provided, it is shown that the Project cannot be justified due to its associated environmental, community, and public health impacts. The Agencies should select the No Build alternative and then restart the process with the full proper analyses, including a comprehensive land use, transit, and system/demand management solution that will reduce travel times, VMT, and environmental impacts.</p>	<p>Response to DEIS Comment #18 Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.</p> <p>The congestion and other transportation issues facing this region are so immense that multiple transportation initiatives are necessary to address or have a notable effect on reducing the negative impacts of transportation problems or fulfilling a transportation need. The Purple Line, which was selected after a review of transit alternatives in the region, will address or have a notable effect on addressing the need to provide faster, more direct, and more reliable east-west transit service connecting major activity centers in the corridor including Bethesda, Silver Spring, Takoma/Langley Park, College Park/University of Maryland, and New Carrollton. It will provide better connections to existing Metrorail and MARC commuter rail services and improve mobility and connectivity to the communities in the corridor located between existing rail lines. When evaluating the need for the Study the projected benefits to the 495/270 Study area were included. As set forth in the Study, Purpose and Need, the Managed Lanes Study was a critical adjunct to the regional plan.</p> <p>Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p> <p>Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.</p> <p>The Study uses the MWCOC model, which includes all existing and approved planned transportation projects in the Washington, D.C., Metropolitan region. The traffic analysis for the 2045 design year assumed completion of several background projects, both highway and transit projects, were included. The impacts of these background projects were assumed as part of the baseline conditions for the design year 2045 No Build Alternative and the 2045 Preferred Alternative. The background transit projects include: Purple Line Light Rail, Corridor Cities Transitway (CCT)US 29 Bus Rapid Transit (BRT), Randolph Road BRT and North Bethesda Transitway. Refer to FEIS, Chapter 3, Section 4.1.3.</p> <p>Response to DEIS Comment #19 Responses addressed above.</p>
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⁵ Sipress, Alan, *MD's Lesson: Widen the Roads and the Drivers Will Come*, Washington Post, p. B-1, Jan 4, 1999. This article was followed by a Metropolitan Washington Council of Governments Transportation Planning Board analysis that confirmed the conclusion of the article.

COALITION FOR SMARTER GROWTH – JANE LYONS (ORAL TESTIMONY)	
	<p>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</p> <p>Name: Jane Lyons Date/Hearing: 8/25/20 Type/Session: Live/Morning Transcription:</p> <p>Good morning. My name is Jane Lyons (J-A-N-E L-Y-O-N-S) and I'm representing the Coalition for Smarter Growth, which has an address at 316 F Street Northeast in Washington, DC, although we have thousands of supporters in both Montgomery and Prince George's counties and in the rest of Maryland. We will also submit more extensive comments prior to the deadline, which we urge you to extend.</p> <p>We have several major concerns about the 495/270 Managed Lanes Project and strongly support the No Build option. First, this Project will make traffic worse, not better. Time after time, highway expansions fall victim to induced demand. There is no data in the DEIS to show how induced demand was accounted for in the Study. Any minimal speed and travel time reductions would largely only benefit those who are willing to pay the tolls. In certain areas, average travel speeds will go down for those in general purpose lanes, especially during rush hour. Furthermore, if it induces additional peak-hour driving, traffic will increase on connecting roads.</p> <p>Furthermore, an unprecedented increase in teleworking post-COVID has the potential to rewrite all assumptions underlying existing traffic models. It doesn't make sense to move forward with a costly generation-altering highway expansion when we can't even project future travel demand. In addition, the Project is financially opaque and unviable. MDOT still doesn't know how much this will cost taxpayers. The Project will need significant public revenue between 500 million and more than a billion, yet the true financial risk will not be revealed without a final contract. The financial analysis also does not account for adequate environmental mitigation for their shocking water and sewer relocation estimates that could result in a tripling of water bills in Montgomery and Prince George's counties. A preferred alternative should not be selected without understanding these costs. For these reasons, the ARDS do not need the MDOT defined purpose and need, which includes the goals of not requiring public subsidy and reducing traffic. Other alternatives that would result in less environmental degradation were arbitrarily rejected on the basis that they require a public subsidy. Because of this, MDOT must re-evaluate additional alternatives, including a comprehensive transit, land use, and demand management alternative that reduces vehicle trips, vehicle miles traveled, and greenhouse gas emissions. These ARDS will not achieve any of those goals.</p> <p>We're also disappointed by the few environmental impact minimization or mitigation measures. The DEIS must fully determine the impact of increased air pollutants and stormwater runoff as well as harm to adjacent parks, wetlands, waterways, homes, schools, and more. The extent of these impacts is incorrectly analyzed due to the narrow and unrealistic limit of disturbance. In conclusion, this Project fails to fully account for environmental, community, and financial costs and favors wealthy long-distance commuters. It ignores the climate crisis and the goal of a more sustainable future. Thank you.</p>
#1	<p>Response to DEIS Comment #1 Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.</p> <p>MDOT understands the phenomenon of induced demand, and it is a consideration on all of our large roadway projects. In this case, MDOT is recommending adding capacity via managed lanes (HOT lanes) instead of widening with additional general purpose lanes. Managed lanes do a better job at regulating demand, including induced demand, due to dynamic pricing.</p> <p>Our study shows that there could be some induced demand as a result of this project, but the impact will be small (less than 1% increase in vehicle miles traveled (VMT) in the region) and those effects are fully accounted for in the regional traffic models COG and TPB use. Even with these effects, the proposed managed lanes would reduce regional congestion delays and significantly improve travel times along both freeway corridors and on local roads throughout the region.</p>
#2	<p>Response to DEIS Comment #2 Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.</p>
#3	<p>Response to DEIS Comment #3 Refer to Chapter 9, Section 3.4.M for a response to impacts to utilities and associated costs.</p> <p>Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</p> <p>Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.</p>
#4	<p>Response to DEIS Comment #4 The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarized the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail and the SDEIS summarized the environmental effects of the Preferred Alternative. These analyses directly contributed to MDOT SHA's evaluation of the alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided.</p> <p>Due to extensive coordination and consultation with local, state, and federal resource agencies and stakeholders throughout the NEPA process, MDOT SHA was able to advance avoidance and minimization measures for regulated and sensitive resources and property displacements along I-495 and I-270. This process resulted in an LOD that significantly avoided and minimized impacts associated with the DEIS Build Alternatives while appropriately addressing a wide range of water resources, parkland, and historic and/or cultural resources. MDOT SHA accomplished this through a number of approaches, including the elimination or relocation of managed lane access points, shifting the centerline alignment, reducing lanes, changing interchange configurations and other design refinements. Refer to DEIS, Appendix B, Alternatives Technical Report, SDEIS, Chapter 2 and FEIS, Chapter 3. For the environmentally sensitive area surrounding the ALB, a separate "Strike Team" was convened to develop and evaluate alternatives for replacement of the ALB to avoid and minimize overall impacts to the (Chesapeake and Ohio) Chesapeake and Ohio Canal National Historical Park, Clara Barton Parkway, and the George Washington Memorial Parkway. Refer to SDEIS, Chapter 4, Section 4.4.</p> <p>Refer to Chapter 9, Section 3.4.A for a response to Limits of Disturbance.</p>

CONSERVATION MONTGOMERY – CAREN MADSEN

From: Caren Madsen <carenmadsen@msn.com>
Sent: Monday, November 9, 2020 10:32 AM
To: MLS-NEPA-P3
Subject: COMMENTS from Conservation Montgomery
Attachments: Conservation Montgomery comments on Beltway Expansion DEIS.pdf

Our comments on the DEIS are attached.

Caren Madsen
Yoga and Pilates, Group and Private Exercise Instructor
(301) 943-8240



Thank you for your comment, responses are provided on the following pages.



Conservation Montgomery

November 9, 2020

The Honorable Larry Hogan
The Honorable Peter Franchot
Gregory I. Slater, Maryland Department of Transportation
The Honorable Nancy Kopp
The Honorable Nancy King
The Honorable Al Carr
The Honorable Jeff Waldstreicher
The Honorable Cheryl Kagan
The Honorable Kumar Barve
The Honorable Lourig Charkoudian

TRANSMITTED VIA EMAIL

Dear Governor Hogan and Maryland Officials:

As you may be aware, Conservation Montgomery several years ago joined the Citizens Against Beltway Expansion and our colleagues with the Maryland Sierra Club, the Rock Creek Conservancy, the National Parks Conservation Association and Audubon Naturalist Society in opposing expansion of Interstate 495. I am writing on behalf of our board of directors and supporters to underscore our strong opposition to this project with a separate letter. Please enter our comments in the public record.

There are many factors which make Beltway Expansion a bad idea, not the least of which are the obvious ways the project would affect valuable natural resources. In addition, we wish to point out the way that commuting patterns are changing as a result of the pandemic and its overall impact on the economy and remote work for many companies and organizations. Now is not the time to consider spending \$11 billion on this project when many companies will continue

to downsize or cease to operate brick and mortar locations altogether, not that telework has proven to be productive and cost-effective.

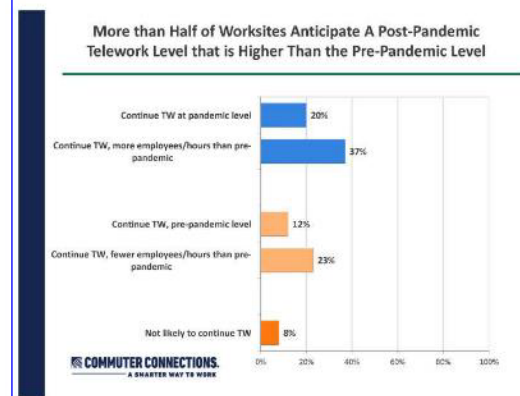


Figure 1


Conservation Montgomery
P.O. Box 7292
Silver Spring, MD 20907

Response to DEIS Comment #1

Refer to Chapter 9, Section 3.4 for a response on Resource Impacts Assessment.

Response to DEIS Comment #2

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic and teleworking.

#2 cont	<p>The Metropolitan Council of Governments has also published data in its Commuter Connections report supporting the fact that more than half of the regional worksites will most likely continue to offer telework options long after the pandemic. (Fig. 1.) As a result of less commuter traffic, the region has seen improved air quality, which could give us a fighting chance to be part of a regional climate change effort.</p>	<p>Response to DEIS Comment #3 Refer to Chapter 9, Section 3.4.J for a response to impacts to wildlife and wildlife habitat.</p>
#3	<p>You have heard from many others noting the fact that the Beltway project would destroy more of our limited green space, including having an irreversible impact on 16 Montgomery County parks and 16 Prince George’s County parks. Where there is green space, there is habitat for wildlife that represents valuable resources in our local ecosystem. We find that the discussion of environmental impacts in the State’s DEIS for this project to be inadequate at best. The air quality section does not acknowledge the impact that Beltway expansion would have on already disproportionately affected areas in our communities, which already experience pollution at an unacceptable level.</p>	<p>Response to DEIS Comment #4 Refer to Chapter 9, Section 3.4.F for a response to adverse impacts to air quality.</p> <p>Chapter 9, Section 3.4.E for a response to impact analysis and mitigation of water resources, including wetlands, waterways, and stormwater management.</p>
#4	<p>Current reductions in commuting to work by car offer us an opportunity to mitigate the impacts of climate change, and we need to seize the moment rather than expand I-495 and promote moving more cars on the Beltway. The State DEIS acknowledges that the Beltway expansion proposal will lead to increased particulate matter, carbon dioxide, ozone, nitrous dioxide and greenhouse gas emissions in local communities. Yet the document fails to address these concerns and how the impacts would be mitigated.</p> <p>In addition to the way that Beltway expansion would be detrimental to air quality and add to climate change impacts, Conservation Montgomery is opposed to this project adding more than 550 acres of impervious surfaces to the area, drastically increasing the level of stormwater runoff, water pollution and risks from flash flooding. Watersheds such as Rock Creek, the Northwest Branch of the Anacostia River and Sligo Creek already suffer from the impacts of overdevelopment. The DEIS shows that nearly 30 miles of local streams, creeks and rivers would be adversely affected by Beltway expansion, and more than 50 acres of wetlands would be damaged or destroyed altogether.</p>	<p>Response to DEIS Comment #5 See responses above.</p>
#5	<p>Expanding the Beltway makes no sense at a time when we are in transition as a society. We are rethinking how and where we work, and our natural resources will be the beneficiaries of more thoughtful planning that is compatible with changes in our commuting patterns. The consequences on vital natural resources is far too great to pursue Beltway expansion.</p> <p>For the reasons we have outlined, we hope you will take this ill-fated project off of the table and instead, focus on improving public transportation and encouraging Maryland businesses and organizations to offer telework options to employees post-pandemic. Let’s work together to learn from the lessons the pandemic has shown us – less vehicular commuting results in less damage to the environment. Beltway expansion is a ludicrous proposal and will only invite more traffic congestion over time.</p>	
	<p>Sincerely,</p>  <p>Caren Madsen Chair, Board of Directors CarenMadsen@gmail.com ConservationMontgomery@live.com</p>	
	<p>Conservation Montgomery P.O. Box 7292 Silver Spring, MD 20907</p>	

DONTWIDEN270.ORG – JANET GALLANT (EMAIL)

From: Janet Gallant <jmbgallant@gmail.com>
Sent: Sunday, November 8, 2020 1:51 PM
To: MLS-NEPA-P3
Subject: Comments on I-495 & I-270 Managed Lanes Study DEIS
Attachments: DontWiden270.org Comments on DEIS_Final.pdf

Please see the attached comments on the I-495 and I-270 Managed Lanes Study DEIS/Draft Section 4(f) Evaluation submitted for your review by DontWiden270.org.

Thank you,

Janet Gallant, submitting on behalf of DontWiden270.org
664 Azalea Drive
Rockville, MD 20850
jmbgallant@gmail.com

Thank you for your comment, responses are provided on the following pages.

<p>#1</p>	<p style="text-align: center;">Comments on the I-495 and I-270 Managed Lanes Study Draft Environmental Impact Statement/Draft Section 4(f) Evaluation Submitted by DontWiden270.org</p> <p>DontWiden270.org supports the no-build option and opposes the addition of managed lanes to I-495 and I-270. This submission documents a substantive flaw in the DEIS for the I-495 & I-270 project (the “Project”): the Maryland Department of Transportation’s (MDOT’s) systematic undercounting and misrepresentation of public comments opposing the Project.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p style="text-align: center;">Summary of DontWiden270.org’s Findings</p> <ul style="list-style-type: none"> • Public comments are a critically important part of the NEPA process and must inform Project decision-making. • Based on evidence in the DEIS, MDOT failed to carry out NEPA requirements related to public comments. • MDOT used biased policies and processes to systematically undercount and mischaracterize public comments opposing the Project. • MDOT had a written policy that applied only to opposition comments and led to undercounting. • MDOT effectively hid opposition comments, including substantive technical comments, behind opaque, neutral theme labels incapable of conveying opposition content. • MDOT’s decisions about which types of comments to include in its totals led to undercounting of opposition comments. • Of the 16,129 comments MDOT labeled and tabulated across three public comment periods, it identified only 955, or 6%, as opposing anything at all about the Project. This is not credible. • The systematic undercounting and misrepresentation of opposition comments removes the public voice from decision-making about the Project and is a substantive deficiency in the DEIS. • MDOT must correct this deficiency by relabeling and re-tabulating all previously submitted comments, this time using unbiased policies, processes, and tools. • MDOT must fully, accurately, and publicly report on opposition submissions for the DEIS public comment period and ensure their use in decision-making. </div> <p>Under the NEPA process, MDOT is required to accurately report on the public comments it solicits and use those comments to inform decision-making about the Project. Instead of straightforwardly documenting public comments that were opposed to parts or all of the</p>	<p>Response to DEIS Comment #1 NEPA’s CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, “Visualize2045”, adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. Refer to DEIS, Chapter 3 and DEIS Appendix C. For a discussion of the basis for the Purpose and Need refer to Section 9.3.1 and for the Selection of the Preferred Alternative refer to Section 9.3.3.C.</p> <p>Response to DEIS Comment #2 The comments raised in the bullet points are addressed in the following pages.</p> <p>Response to DEIS Comment #3 The Study began with publication of a Notice of Intent (NOI) on March 16, 2018. At the same time, the I-495 & I-270 Program website was launched as a means to share information and to gather feedback from the public (https://oplanesmd.com/). Pursuant to the CEQ regulations, publication of the NOI also began a formal “scoping” period. MDOT SHA conducted a series of four Public Scoping Open Houses around the study area, which hosted close to 400 attendees across Montgomery and Prince George’s Counties. These open houses were widely advertised through advertisements in traditional media, correspondence, information posted on the Program website, and a variety of social media posts. Refer to DEIS, Appendix P.</p> <p>In addition to the mandatory scoping requirements, MDOT SHA conducted additional information sessions, open houses, and provided comment periods during the development of the range of alternatives to be considered in the DEIS. Outreach on the first stage of alternatives development, the Preliminary Range of Alternatives, was conducted between July 2018 and January 2019. As with the first round of public scoping open houses, four large Preliminary Alternatives Public Workshops were broadly attended, with close to 600 attendees, including over a dozen elected officials. Attendees were able to listen to a presentation regarding the project, review display boards and a summary handout, ask questions of study team, interact with technical staff at small working group tables, and comment publicly on project information in front of the agency and other citizens. The comment period on the Preliminary Range of Alternatives was broadly utilized, with 2,282 submissions via hard copy comment forms, online forms, telephone, mail, and email. Refer to DEIS, Appendix P.</p> <p>This transparent process of alternatives development continued into 2019 with another series of public meetings and outreach focused on the Alternative to be Retained for Detailed Study (ARDS) in the DEIS. From March to mid-June 2019, MDOT SHA conducted another eight large Alternatives Retained for Detailed Study Public Workshops and offered another comment period between April 11, 2019 and June 14, 2019. Over 1,000 people attended the workshops and the agency received over 1,000 comment submissions at the workshops or by mail or email.</p> <p>Knowing the broad extent of public interest in the study and need for ample public involvement, MDOT SHA also conducted over 40 meetings during the alternatives development stage with various community associations, legislators, stakeholder organizations, and large property holders in the study area. Refer to Table 5-5, DEIS, Appendix P. In addition, MDOT SHA extended this outreach strategy to include many informal opportunities for interaction with the study team and agency staff between June 2019 and April 2020, prior to official publication of the DEIS. MDOT SHA conducted over 100 such meetings during that time period with individuals as well as small and large groups. All these meetings were organized and conducted in addition to the required formal comment periods.</p>
<p>#2</p>		
<p>#3</p>		

#3
Cont

Project, MDOT systematically employed policies, processes, and practices that kept opposition comments from being accurately characterized and counted in reported data. As a result, MDOT presented decision-makers and the public with a false picture of the extent, nature, and substance of opposition to the Project.

The following sections present evidence of MDOT's intentional downplaying of opposition comments. The evidence comes from MDOT's own public-comment period summary documents and appendices as included in or referenced in the DEIS.

According to the DEIS, MDOT received over 3,900 public comment submissions over three public comment periods ([DEIS, Chapter 7, p.2](#)).¹ Per MDOT documentation, the comment submissions contained 16,129² separate comments.

MDOT Has a Written Policy That Applies to Opposition Comments Only

MDOT quantifies and reports on the content of public comments by tabulating the theme labels it assigns to each comment.

MDOT established a policy to label a comment as being in opposition to the Project only if the submitter used exactly the right words. No comparable policy was established for pro-Project comments.

In MDOT's own words:

“‘Opposition to I-495 & I-270 Managed Lanes Study’ was typically only selected [as a theme label] when a submitter stated it directly. Otherwise, opposition or critical sentiments toward the Study/proposed improvements may be interpreted through [such theme labels as] ‘Support for Alternate Transportation Improvements,’ ‘Effectiveness of Proposed Alternatives in Addressing Traffic,’ ‘Support for Transit,’ or ‘Support for Alternative 1/No-Build’” ([Summary of Public and Stakeholder Engagement for the Recommended ARDS](#), p. 24).

A clear example of how this played out is the unequal treatment of an opposition letter signed by multiple grassroots groups and a pro-Project letter signed by multiple business groups³:

- o The opposition letter spoke of the “egregious failures” of Project alternatives. MDOT gave the letter the following three theme labels, none of which indicate opposition of any kind:

¹ All page numbers refer to pages in the PDF file, not necessarily numbers on the pages themselves. A list of references and their URLs is at the end of this document.

² The total of 16,129 separate comments is derived from the following: [Scoping Report](#), Table 4, pgs. 10-11; [Alternative Public Workshops Summary](#), unnumbered tables on p. 55; and [ARDS Summary](#), text on p. 24.

³ The opposition letter is at [ARDS Summary](#), p. 419; its MDOT-assigned theme labels, p. 292. The regional businesses letter is at [ARDS Summary](#), p. 446; its MDOT-assigned theme labels, p. 294.

In total, over 5,000 comments were received during the study comment periods from Scoping through SDEIS. These comments were organized into relevant comment themes and summarized in respective reports. To be fully transparent and to ensure all comments were able to reach other citizens, the comment summary reports, including the individual submissions, were made publicly available on the Program website.

Finally, based on the extensive comments received both in and outside of formal comment periods, MDOT SHA made substantive changes to the Preliminary Range of Alternatives considered, added new alternatives, altered study elements of proposed build alternatives, conducted additional analyses and outreach, refined design to avoid and minimize impacts and ultimately chose a Preferred Alternative that addressed concerns raised over the life of the study.

Refer to Chapter 9, Section 3.7 for a response to comments related to public involvement and engagement.

#3
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- "I-495 & I-270 Managed Lanes Study Process/NEPA"
- "Public-Private Partnership Program"
- "Support for Transit"
- In contrast, the business groups' pro-Project letter – nearly identical in length to the opposition letter – received seven theme labels, five of which call out support, even though the letter writers used the word "support" only once:
 - "Public-Private Partnership Program"
 - "Regional Economy"
 - "Support for General Price-Managed/Toll Lanes"
 - "Support for High-Occupancy Vehicle Lanes"
 - "Support for I-495 & I-270 Managed Lanes Study"
 - "Support for Specific ARDS Build Alternative"
 - "Support for Transit"
- MDOT interpreted multiple instances of support in the pro-Project letter – not hard to do.
- But MDOT failed to interpret any opposition in the letter that speaks of the Project's "egregious failures".
- The disparity is significant first because in MDOT's accounting, numbers matter. In the case of these two letters, the theme label count of 0 instances of opposition and 5 instances of support presents a dishonest picture of the points raised.
- The disparity is also significant because MDOT effectively hid from decisionmakers the presence of substantive technical information contained in the opposition letter.

The following are two examples of the significant number of individual submissions with MDOT-assigned theme labels that nullified the writers' opposition to the Project:

- "Terrible idea! You're going to adversely impact quality of life and potentially adversely impact property values for an entire community with no likely long-term benefit to the traffic conditions in Montgomery County. This looks like a fast-moving train by financially interested parties, with no concern for affected Montgomery homeowners. The Governor should care about these voters' concerns and rights!! Over the long haul, this will reduce the excellence of one of our school systems in the country because of impact on community" ([ARDS Summary](#), p. 148).
 - MDOT did not label this submission as opposing anything. The comment's three assigned theme labels effectively hide the writer's voice and intent:
 - "Property/Community Impacts"
 - "Effectiveness of Proposed Alts. in Addressing Traffic"
 - "I-495 & I-270 Managed Lanes Study Process/NEPA"
- "Please please make sure the tolls are reasonable for average people. \$45 tolls like they have in VA would mean only rich folk could use the road. We cannot treat taxpayers that way" ([Scoping Report](#), p. 141).
 - MDOT actually labeled this submission as supporting the project and gave it two other labels, both opaque: "Study Integrity" and "Quality of Life."

See response to Comment #3 above.

#4

MDOT Says Opposition Must Be “Interpreted” from the Theme Labels, but MDOT Makes That Impossible

MDOT chose varying menus of primarily neutral, opaque theme labels that were incapable of effectively conveying the points found in opposition submissions. MDOT’s themes worked to confuse, neutralize, and hide the content of public opposition comments.

MDOT even acknowledged this in writing: “Comments under neutral themes (i.e., comment themes without “support” or “opposition”) are not necessarily neutral in tone” ([ARDS Summary](#), p.24).

In the NEPA process for a program as large, costly, long, consequential, and controversial as this one, there is no excuse for not having a menu of theme labels that actually fits the Project and is capable of capturing and conveying the public’s reaction to it. Anything less, including what we see here, violates the requirements of the NEPA public comment process.

What we see includes numbers, names, and definitions of themes varying significantly across the three comment periods, making it impossible to compare theme totals, or to “interpret” – as MDOT says we must – what the public in aggregate was saying.

- The first public comment period had 17 themes; the second comment period had 7; the third comment period had 38 ([DEIS Appendix P](#), pp. 17, 32-33, 52-56).
- The names and definitions/scopes of the themes changed between comment periods:
 - The theme “Environmental” in the first comment period is defined as “Mentioned environmental aspects, such as wildlife and natural resources” (*ibid.*, p. 16).
 - The theme “Environmental Considerations” in the second period covered natural resources and wildlife habitat, traffic noise levels, vehicle emissions, air quality, residential property, and overall quality of life ([Alternative Public Workshops Summary](#), pgs. 16-17). NOTE: Including opposition comments about ‘residential property’ and ‘overall quality of life’ under Environmental Considerations in this context is the same as burying those comments.
 - The theme “General Environmental Impacts” in the third period meant general pollution and potential physical impacts to the environment ([DEIS Appendix P](#), p. 53).
- The definitions of themes became increasingly opaque from one comment period to the next. In the first period, at least some of the definitions included the word “concerns” indicating, for instance, that a comment labeled “Noise” was about “Specific noise concerns” ([DEIS Appendix P](#), p. 17). By the second and third periods, the word “concerns” disappeared, and all theme labels just indicated that the commenter made a statement, question, or suggestion about the theme. Most theme labels gave no indication of the writer’s opinion or point of view.

For the second comment period, MDOT did not provide a matrix showing each individual comment matched to its theme labels. We know the matching was done because there are

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Response to DEIS Comment #4

The common themes are unique to each comment period based on the comments received. They have evolved as the Study has moved through the NEPA process. As noted earlier identifying common themes is common-practice and allowable by CEQ regulations when there are voluminous comments. Most importantly, MDOT SHA and FHWA reviewed and considered all comments received over the life of the study. The comments received have informed the NEPA process from Scoping through identification of the Preferred Alternative. Refer to DEIS Chapter 7, SDEIS Chapter 7, and FEIS Chapter 8.

#4 Cont	<p>cumulative totals in the summary table in the Alternative Public Workshops Summary (Appendix C, p. 55). We also know because MDOT speaks in vague terms about it: “A number of comment submissions stated preference for HOV lanes, opposition to HOV lanes or suggestion on how to most effectively implement HOV lanes in the Study, and questions about tolling” (DEIS Appendix P, p. 32).</p> <p>But for the second comment period, we can’t see individual comments matched to their MDOT comment labels. Here’s why this disadvantages opposition comments:</p> <ul style="list-style-type: none">o The second comment period had the largest number of submissions: 2,282.o The majority of comments were from Rockville and Silver Spring (DEIS Appendix P, p. 32), where levels of opposition to the P3 project were -- and remain -- high.o That means many of the comment submissions for this period were in opposition to the Project.o But without the ability to see comments matched with their theme labels, the public has no way to verify the accuracy of MDOT’s labeling and characterizations and no way to hold MDOT responsible for mislabeling and miscounting.o The voices of opposition comment submitters are functionally lost.	<p>Response to DEIS Comment #5</p> <p>As mentioned above, a comment received is only counted once in the totals presented. A single comment submitted could raise many issues or common themes but it is still only counted once in the total. Likewise a comment or petition submitted that is signed by many signatories is only counted once. Also a comment stating support or opposition is not a yes/no vote for a project.</p>
#5	<p><u>MDOT’s Decisions about Which Comment Submissions to Include in Its Totals Led to Undercounting of Opposition Voices</u></p> <p>The following examples are evidence of how MDOT’s “gatekeeper” decisions disfavored opposition submissions.</p> <p>MDOT counted two opposition petitions, with a total of 1,950 signatures, as only <u>two</u> comments in the official tally:</p> <ul style="list-style-type: none">o In MDOT’s own words: “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” (Alternative Public Workshops Summary, p. 14).o MDOT did this, even though the submitter of the Growing East County petition wrote: “Attached are signatures and comments...in opposition to the proposed Beltway widening. Contact information for each of the petition signers can be provided if necessary for the public record” (ibid., p. 97). <p>In contrast, MDOT appeared to count supportive submissions with identical content as discrete submissions. In MDOT’s own words: “Submissions with almost identical content in support of the Study accounted for 141 submissions containing the ‘Support for I-495 & I-270 Managed Lanes Study’ comment theme” (ARDS Summary p. 24). This appears to mean that of the 157 comments listed in the ARDS final summary table (pgs. 24-25) as being in support of the Managed Lanes Study, 141 were cut-and-pastes of identical text.</p>	

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Comments received by telephone during the second comment period, as recorded in the [Alternative Public Workshops Summary](#) table (p. 55), show 115 calls received: 12 of the callers were counted as not supporting the Managed Lane Study. However, one of the 115 lines detailing those calls says, “8/8/2018: 26 calls captured - Opposed to project – destroy homes, community – Rockville” (p. 57). Those 26 opposition calls were counted as only one call.

MDOT’s Treatment of Opposition Comments Makes Its Final Accounting Not Credible

Given MDOT’s systematic downplaying of opposition comments, it’s no surprise that the third comment period’s summary table, in quantifying 3,873 comments found in 1,035 submissions, identified only 335 comments, or less than 10%, as opposing anything at all ([ARDS Summary](#), pp. 24-25). Even with the addition of the 81 comments labeled “Support for Alternative 1-No Build,” the total shown as opposing any part of the Project is under 11%.

MDOT’s combined totals for all three public comment periods identifies only 955 comments out of 16,129 -- 6% -- as opposed to any part of the Project.

This accounting is not credible and not acceptable. As the evidence presented here indicates, significant numbers of opposition comments were systematically neutralized. The actual voice of the public was effectively removed from the DEIS and the decision-making process.

MDOT Must Give the Public Back Its Voice and Give Decision-Makers Access to Accurate Information about Public Opposition to the Project

MDOT was required to fully and accurately report on public comments as part of the NEPA process. The evidence found in or referenced in the DEIS of biased policies, processes, and practices, and the resulting minimizing of public comments in opposition to the Project is proof that MDOT has not complied with this requirement.

MDOT must correct the record of all three public comment periods:

- MDOT must create new menus of themes that enable the truthful and accurate capture of opposition comments.
- MDOT must relabel all comment submissions from the first three comment periods using the new menus of themes.
- MDOT must compile individual comment/theme-label matrices and summary tables for all three comment periods and make them easily accessible by the public as part of the process of addressing the DEIS deficiencies.
- MDOT must allow the public an opportunity to review and comment on the accuracy and completeness of the corrected record of public comments.

For the DEIS public comment period, MDOT must use new, unbiased policies, processes, and tools to ensure that all opposition comments are fully and accurately reported on for public review and use by decision-makers.

See response to Comment #5 above.

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References

Alternative Public Workshops Summary

https://495-270-p3.com/wp-content/uploads/2019/01/495270MLS_PW_Summary012418_FINAL.pdf

Draft Environmental Impact Statement, Appendix P - Public Involvement & Agency Coordination Technical Report

https://495-270-p3.com/wp-content/uploads/2020/07/DEIS_AppP_PITR_web.pdf

Draft Environmental Impact Statement, Chapter 7 - Public Involvement and Agency Coordination

https://495-270-p3.com/wp-content/uploads/2020/07/DEIS_Ch7_PublicInvoAgencyCoord.pdf

Scoping Report

https://495-270-p3.com/wp-content/uploads/2018/06/ScopingReportWithAppendices_06.22.2018.pdf

Summary of Public and Stakeholder Engagement for the Recommended Alternatives Retained for Detailed Study (ARDS)

https://495-270-p3.com/wp-content/uploads/2019/09/FINAL_SummaryPublicStakeholderEngagementRecARDS_wApp_REDUCED.pdf

<div>#1</div> <div>#2</div>	<p>DONTWIDEN270.ORG – JANET GALLANT (ORAL TESTIMONY)</p> <p>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</p> <p>Name: Janet Gallant</p> <p>Joint Public Hearing Date: 8/18/2020</p> <p>Type/Session: Live/Morning</p> <p>Transcription:</p> <p>This is Janet Gallant. [FACILITATOR SPEAKS] I'm Janet Gallant, G-A-L-L-A-N-T. I'm representing dontwiden270.org. I live at 664 Azalea Drive in Rockville.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Response to DEIS Comment #1 Refer to the responses to your same concerns addressed in the comment received via email above.</p> <p>Response to DEIS Comment #2 The Study's Purpose and Need allowed for a robust analysis of a full range of alternative that included evaluation of non-tolled, general purpose lanes, tolled managed lanes, transit only, and a combination of highway and transit improvements. Initially a range of 15 preliminary alternatives were identified and analyzed based on previous studies and planning documents, input from the public and federal, state and local agencies during the scoping process. Additional alternatives were identified and analyzed in direct response to public and agency comments for a total of eighteen different alternatives.</p> <p>Non-highway alternatives were considered during the alternatives screening process. These included heavy rail and light rail parallel to the existing alignments (the Purple Line Light Rail was already proceeding), fixed guideway or Bus Rapid Transit along a new alignment parallel to the existing highway alignments and dedicated managed bus lanes on I-495 and I-270. <i>See DEIS Appendix B</i> at pgs. 19-27. As with all the alternatives under the Preliminary Range of Alternatives, these non-highway options were evaluated using the various project needs, a review of available data, similar proposals that had been made over time, as well as a qualitative traffic assessment of each alternative's potential to reduce congestion on I-495 and I-270. For all the major areas of concern, the standalone transit options failed to address the Study's Purpose and Need and had major engineering and operational challenges associated with them. Based upon the analysis conducted and presented and input from agencies and public, FHWA and MDOT determined they would not adequately address long-term traffic growth, address trip reliability, roadway choices, and none of them accommodated homeland security and freight movement needs. For these reasons, those preliminary standalone transit alternatives were dropped from further consideration.</p> <p>Refer to Chapter 9, Section 3.7 for a response to comments related to public involvement and engagement.</p>
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DONTWIDEN270.ORG – SALLY STOLZ

NAME: SALLY STOLZ
5 Lochness Ct., Rockville, MD
sallystolz@aol.com (301) 906-4908
I am a co-coordinator of DontWiden270.org

I OPPOSE this project.
I support the No-Build Alternative

Testimony.

Documentation added in bold. (Anything in bold won't be read)

I am Sally Stolz. I have lived at 5 Lochness Ct., Rockville, MD for 32 years.

I am a former CPA and Montgomery County Public Schools math teacher. I began researching this P3 project over two years ago. I strongly oppose this project. I support the No Build alternative.

This project has MANY fatal flaws. In my 3 minutes, I will list a few. The written copy I am submitting details the sources of all my facts and quotes..

1. **THE WHOLE DEIS SHOULD BE REDONE TO STUDY ALTERNATIVE CONGESTION RELIEF MEASURES**
2. At this point, embarking on this project would be CREATING congestion where none exists. The pandemic has forced workers and employers to make teleworking work. Currently traffic is only 85% of its pre-pandemic level and traffic congestion is essentially gone. **..Research by the Maryland Transportation Institute at the University of Maryland found that a 15% reduction in cars during peak hours gives a 71% reduction in congestion on I-270. At the Aug. 13 briefing at the Transportation and Environment Subcommittee of the House Appropriations Committee Lei Zhang of the Maryland Transportation Institute said "If we just look at I-270 and get 15% fewer drivers that equals a 71% reduction in congestion on I-270!"**
3. except for the northbound I-270 bottleneck, north of I-370, which would become WORSE if the toll road were built. **[This is where 6 lanes funnel into two lanes. If the toll road were built, eight lanes would funnel into two lanes.]**
4. We have conquered congestion through telework and there is no going back. **In partnership with Intel, Bert Sperling, founder of BestPlaces, found that "A single Washington, D.C. office worker who teleworks JUST ONE DAY each week can see annual average savings of \$645 in transportation costs and \$3,769 in time savings. According to Bert Sperling, founder of BestPlaces, a publisher of city rankings that partnered with Intel to look at which cities would benefit most from teleworking. He was quoted in a June 9 AARP article.** [<https://www.aarp.org/work/working-at-50-plus/info-2020/telework->

Response to DEIS Comment #1

Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.

Response to DEIS Comment #2

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need, effects of the Pandemic, and impacts of teleworking/remote working.

Response to DEIS Comment #3

Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.

Response to DEIS Comment #4

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need, effects of the Pandemic, and impacts of teleworking/remote working.

#5

Purple Line builders quit, state transit chief tells court” by Katherine Shaver, Washington Post September 8, 2020] MDOT is desperate for budget cuts. CUT HERE. **For an Aug. 3 National Public Radio (NPR) article [“Maryland Says It Needs More Federal Aid to Survive Economic Effects of COVID-10”]** Maryland’s State Budget Secretary, David Brinkley, said the state ended its fiscal year on June 30 with a \$925 million drop in tax revenue and he expects it to be down \$2 billion for the current fiscal year. The article delineated some approved budget cuts, such as nearly \$190 million from higher education and community colleges, and quoted Gov. Hogan saying “Responding to this crisis has created a multiyear budget crisis unlike anything the state has ever faced before, more than three times worse than the Great Recession.”

¹²It would be a dereliction of duty to put Maryland taxpayers at such dire financial risk for a project which will do immeasurably more harm than good.

Response to DEIS Comment #5

Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.

Sally Stolz

I am a former CPA and Montgomery County Public Schools math teacher. I began researching this P3 project over two years ago. I strongly oppose this project. I support the No Build alternative.

This project has MANY fatal flaws. In my 3 minutes, I will list a few. The written copy I am submitting details the sources of all my facts and quotes.

1. **FIRST: THE WHOLE DEIS SHOULD BE REDONE TO STUDY ALTERNATIVE CONGESTION RELIEF MEASURES**
2. At this point, embarking on this project would be CREATING congestion where none exists. The pandemic has forced workers and employers to make teleworking work. Currently traffic is only 85% of its pre-pandemic level and traffic congestion is essentially gone, except for the northbound I-270 bottleneck, north of I-370, which would become WORSE if the toll road were built.
3. We have conquered congestion through telework and there is no going back.
4. Teleworking works, is popular, saves workers thousands of dollars annually and can improve their quality of life and health.
5. This DEIS never studied viable congestion relief alternatives such as teleworking or expanding transit. It began with only one GOAL in mind – adding a toll road. Since we KNOW teleworking WILL solve congestion, the whole DEIS should be redone to study alternative congestion relief measures.
6. **SECOND: THE TOLL ROAD IS INEQUITABLE!!**
7. The DEIS shows the only RELIABLE benefit of the toll road would be for TOLL ROAD USERS - the wealthy people who could afford the VERY HIGH TOLLS. 85 TO 90% of commuters on 270 will be in the regular lanes. The DEIS numbers show their commute will be unpredictable, unreliable and SLOWER than it is now. MDOT has been misleading the public. The DEIS shows insignificant and unreliable traffic reduction in the general lanes.
8. **THIRD: Most TAXPAYERS WILL see NO BENEFIT from this project, BUT BEAR HUGE COSTS AND RISK!** Chapter 2 states it would cost from \$482 million to \$1 billion in taxpayer subsidies. And the DEIS doesn't even consider the \$1 - \$2 billion for relocating WSSC pipes or the huge secondary expenses for Rockville and other communities. And what if there are problems, such as the Purple Line is experiencing?
9. **RISKY BUSINESS!** The collapse of the Purple Line has demonstrated how risky P3s are! The pandemic has drastically altered Maryland's finances. The state is already facing \$3 billion in possible transportation cuts over the next six years, MTA administrator Kevin B. Quinn Jr. reported, and financing the remaining Purple Line construction would require the state to divert money from other transit systems. MDOT is desperate for budget cuts. CUT HERE.
10. It would be a dereliction of duty to put Maryland taxpayers at such dire financial risk for a project which will do immeasurably more harm than good.

This comment is a duplicate of the comment above, see previous pages for responses to your comments.

ENVIRONMENTAL JUSTICE OF THE CEDAR LANE UNITARIAN UNIVERSALIST CHURCH – CHRISTIANE GRAHAM	
#1	<p>Maryland Department of Transportation Lisa B. Choplin, DBIA 707 North Calvert Street, Mail Stop P601 Baltimore, MD 21202</p> <p style="text-align: right;">November 6, 2020</p> <p>Re.: I vote against the P3 project, widening of I-495 and I-270</p> <p>Dear Ms Choplin,</p> <p>As a person of faith I speak out against the widening of I-495 and I-270 with 4 luxury toll lanes (P-3 Plan) and support a no-build option. As Unitarian Universalist I believe in our 7th principle: "Respect for the interdependent web of all existence of which we are a part."</p> <p>It is unconscionable to pursue the widening of these two highways and the associated negative environmental impacts on our parks, wetlands and waterways, the increased noise levels to adjacent properties, and increase in global warming vehicle emissions.</p>
	<p>In addition I am disappointed by the lack of transparency by our political representatives. Recently a \$ 2 billion price tag came to light from the Washington Suburban Sanitary Commission (WSSC) to pay for moving sewer/water lines and storm water management systems. WSSC has informed Prince Georges and Montgomery counties about this hefty sum with all costs falling on the customers of the utility under current law.</p>
	<p>The private company that would build the lanes and collect the tolls won't have to pay anything to defray the costs projected by WSSC, Should their income quota from tolls not be reached, we, the tax payers have to make up the differences in addition to covering the \$ 2 billion with rate increases.</p>
	<p>Currently both highways are easy to travel on during rush hour due to COVID-19 work-from-home measures. The full economic impact of COVID-19 has yet to be determined, but it is already clear that the economic downturn and restructuring will last for years to come. Many businesses are closing office space permanently to save costs with more staff working remotely.</p> <p>It is highly irresponsible of our elected officials to further spend tax payer funds on pursuing the expansion of I-495 and I-270, that only some well to do consumers will benefit from.</p>
<p>Response to DEIS Comment #1 NEPA's CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, "Visualize2045", adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives.</p> <p>Refer to DEIS, Chapter 3 and DEIS Appendix C. Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.</p> <p>Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.</p> <p>Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p> <p>The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarized the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail and the SDEIS summarized the environmental effects of the Preferred Alternative. These analyses directly contributed to MDOT SHA's evaluation of the alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided.</p> <p>Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p> <p>Response to DEIS Comment #2 Refer to Chapter 9, Section 3.4.M for a response to impacts to utilities and associated costs.</p> <p>Response to DEIS Comment #3 Refer to Chapter 9, Section for a response on Purpose and Need and effects of the Pandemic.</p> <p>Response to DEIS Comment #4 Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</p>	

#5

It would be advisable to seriously consider exploration of public transportation options that have minor environmental impact, would cost a fraction of the P-3 option and serve the whole community.

Please view this clip on monorail trains for further information:

<https://vimeo.com/311318253?ref=fb-share&fbclid=IwAR1GKT-iChJjxOyutW26y04ABC8SMNLMR5JfWOuarxBoYWI6WSDcWWGfxIM>

Sincerely

Christiane Graham, 

Member of the Environmental Justice Ministry,

Cedar Lane Unitarian Universal Church, Bethesda, MD

Response to DEIS Comment #5

Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.

ENVIRONMENTAL JUSTICE OF THE CEDAR LANE UNITARIAN UNIVERSALIST CHURCH – LEE MCNAIR

From: lee mcnair <dragonpern132@gmail.com>
Sent: Monday, November 9, 2020 4:55 PM
To: MLS-NEPA-P3
Subject: EJM supports the NO-BUILD option

I am co-leader of the Cedar Lane Environmental Justice Ministry (9601 Cedar Lane, Bethesda, MD, 20815) and am submitting this testimony for our organization. We support the NO-BUILD option of the P3 highway project. We'll not list all the reasons we oppose this project as we would likely be writing for the next three weeks. Here are just a few of our objections.

We oppose harm to the marginalized communities along the highways.

We don't believe this will solve the traffic problem. In fact, we believe it will increase the problem. (See the pre-covid situation on I-495 in Virginia. The claims of the Maryland DEIS are the same as those made in the Virginia FEIS and obviously were in error. Why on earth would anyone expect a different outcome from a similar situation?)

The DEIS claims to offer "choice " but the only choice is extreme congestion or extreme tolls.

So many questions have not been answered. Where are the environmental impact studies?
Where are the comparative studies of mass transit to highway widening, for example?

We believe that this project will harm, not only humans, but biodiversity, parklands, stormwater runoff management, our streams, rivers, our Bay. It will harm the wellbeing of countless Marylanders, their churches, homes, schools, and communities.

Therefore we oppose highway widening and we support the NO-BUILD option.

Lee (she, her)
"May you be filled with loving kindness.
May you be safe from inner and outer harm.
May you be healthy in body and mind.
May you find Peace and be truly happy. "

Response to DEIS Comment #1

NEPA's CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, "Visualize2045", adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives.

Refer to DEIS, Chapter 3 and DEIS Appendix C. Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.

Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.

Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.

Response to DEIS Comment #2

Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.

Response to DEIS Comment #3

Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.

MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 Phase I South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.

Refer to Chapter 9, Section 3.6.B for a response to toll rate ranges and toll rate setting process.

Response to DEIS Comment #4

Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.

ENVIRONMENTAL JUSTICE OF THE CEDAR LANE UNITARIAN UNIVERSALIST CHURCH – Nanci Wilkinson

From: nanci wilkinson <nanciwilkinson@gmail.com>
Sent: Thursday, October 15, 2020 6:00 PM
To: MLS-NEPA-P3
Cc: managed.lanes@montgomerycountymd.gov
Subject: Cedar Lane Unitarian Universalist Church Ministers and Environmental Justice Ministry support the NO BUILD Alternative for the Beltway Expansion
Attachments: Best Abhi Testimony Beltway.pdf

Sirs:

Please find attached our testimony for the NO BUILD Alternative on the Beltway expansion.

Thank you.

Nanci Wilkinson
Chair
Environmental Justice Ministry
Cedar Lane Unitarian Universalist Church

Thank you for your comment, responses are provided on the following pages.

<p>#1</p>	<p>Cedar Lane Unitarian Universalist Church Ministers and Environmental Justice Ministry Support the No Build Alternative</p> <p>The Cedar Lane Unitarian Universalist Church in Bethesda is located right next to the Beltway and would be very adversely affected if the Beltway was widened. We support the No Build Alternative.</p> <p>Cedar Lane is a religious community that holds respect for the interdependent web of all existence of which we are a part as one of its main principles. The natural habitats and walking trails of Rock Creek Park are part of Cedar Lane’s appreciation of spirituality in nature. The creek, the estuaries and wildlife adjoining Beach Drive and our church grounds are a community gathering place. The effect on Cedar Lane because of its bucolic setting may greatly impact its membership and growth.</p> <p>Construction on the beltway widening would remove the natural habitat surrounding Rock Creek and would result in stream degradation. The Draft Environmental Impact Statement states this removal of natural habitat would be mitigated but, because it would take place in an area far removed from this affected part of Rock Creek, is not a true mitigation as it can never replace the existing forest, wildlife and plant life. The DEIS would give “water quality credits” for mitigation purposes which would amount to buying rights and easements in other wetlands far from the affected area.</p>	<p>Response to DEIS Comment #1</p> <p>NEPA’s CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, “Visualize2045”, adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. Refer to DEIS, Chapter 3 and DEIS Appendix C.</p> <p>Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.</p> <p>Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.</p> <p>Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p> <p>Response to DEIS Comment #2</p> <p>Thank you for your comment concerning impacts to the Cedar Lane Unitarian Universalist Church, Cedar Lane, and Rock Creek Park. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George’s County. See Figure 1-1 in the Supplemental DEIS on pg. 1-2. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Cedar Lane Unitarian Universalist Church, Cedar Lane, and Rock Creek Park are located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.</p>
<p>#2</p>		

#2
Cont

Healthy rivers and streams require a natural buffer from human development due to erosion and pollution runoff. The 52-63 acres of impervious surface water runoff in Rock Creek watershed would put forests at risk throughout the affected 10 mile segment. Storm water management would be increasingly strained on already insufficient piping, and the relocation of 27 miles of required WSSC water and sewer lines would cost approximately 1 billion dollars, an item not addressed in the DEIS economic impact.

Since the Maryland Department of Transportation and the Federal Highway Administration have changed the configuration of the affected Rock Creek Park area to be closer to the Cedar Lane congregation, the noise level would be even higher than originally proposed. It is difficult to see in the DEIS how high the noise level would be. The loss of tree canopy would add to the increase in noise. Even now, the congregation members, who take pride in taking care of Rock Creek Park twice a year, have great difficulty hearing when there are outdoor events, such as our cleanups of Rock Creek Park, nature walks and spirituality retreats. The existing vegetation and forested areas would never be the same, particularly with the hugely increased noise levels affecting all the wildlife, birds and stream beds and natural habitats in the park. The CDC says noise levels above 70dB may damage a person's hearing but in the DEIS there is no definition of how high the noise would be in the affected Rock Creek area.

See response to #2 above.

#2 Cont	<p>It is fortunate that the Maryland National Parks and Planning Commission (M-NCPPC) at least partially owns both Rock Creek and Sligo Creek Park under the Capper-Cramton Act. This would prohibit the use, unless agreed to by the M-NCPPC, by the FHA, the MD DOT & the SHA for construction and expansion purposes on the Rock Creek parkland according to sources at the M-NCPPC. The acceleration of this environmentally detrimental project has made it imperative that we ensure that this historic law continues to protect our parklands.</p>	See response to #2 above.
#3	<p>The total impact on about 80 acres, which this proposed project is attempting to buy, use or usurp by eminent domain is shocking. Included are:</p> <ul style="list-style-type: none">47 different parks (6 national & 41 local and regional)130 acres of parkland1500 acres of tree canopy130 miles of stream beds410 acres of sensitive & unique Areas16 acres on the C&O Canal (under construction for 5 Years)One third of Plumbers IslandRoad Widening loss of tree Canopy on:<ul style="list-style-type: none">69.3 acres on BW Pkway1.8 acres on Clara Barton Pkway12.2 acres on GW Pkway	<p>Response to DEIS Comment #3</p> <p>Due to extensive coordination and consultation with local, state, and federal resource agencies and stakeholders throughout the NEPA process, MDOT SHA was able to advance avoidance and minimization measures for regulated and sensitive resources and property displacements along I-495 and I-270. This process resulted in a Limit of Disturbance (LOD) that significantly avoided and minimized impacts associated with the DEIS Build Alternatives while appropriately addressing a wide range of water resources, parkland, and historic and/or cultural resources. MDOT SHA accomplished this through a number of approaches, including the elimination or relocation of managed lane access points, shifting the centerline alignment, reducing lanes, changing interchange configurations and other design refinements. The final environmental impacts associated with the Preferred Alternative are presented in FEIS, Chapter 5.</p>

#3 Cont	<p>10 mile segment of Rock Creek Park 52-63 acres of impervious Surface runoff in Rock Creek Watershed Historic properties</p>	<p>See response to Comment #3 on previous page.</p>
#4	<p>The proposed project conflicts with other Unitarian Universalist principles that affirm and promote justice, equity and compassion in human relations and the inherent worth and dignity of every person. The marginalized communities living near the project widening areas who are massively impacted by the air pollution and adverse effects from the current auto carbon/methane emissions they breathe are greatly overlooked in the DEIS. The greenhouse gas emissions with harmful particulates in the air will increase during and after construction of the Beltway. In addition, as a further inequity, these communities cannot afford either the managed (toll) lanes or the time lost in the intentionally slower (general) lanes in the proposed widened Beltway. The choices for these lower income communities to have transportation to work are very few and may result in more job losses and greater inequities as a result of this project. Overall, this project would have a disproportionate negative effect on these communities.</p> <p>The DEIS fails to satisfy the stated purpose (to improve traffic) and needs (to protect the environment) that it was instructed to do. Key among these issues are that the DEIS:</p>	<p>Response to DEIS Comment #4 The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts, including Environmental Justice, and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarized the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail and the SDEIS summarized the environmental effects of the Preferred Alternative. These analyses directly contributed to MDOT SHA’s evaluation of the alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided.</p> <p>Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p> <p>Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.</p>

<p>#4 Cont</p>	<ul style="list-style-type: none"> ● 1st, fails to conduct and display the required “hard look” at the potential for adverse health and environmental impacts including environmental justice, effects, especially in light of recently curtailed national air pollution, fuel efficiency, and other rules, which thus violates rules allowing the public to understand and comment and allowing relevant agencies to completely consider impacts and mitigations, 	<p>See response to Comment #4 above.</p>
<p>#5</p>	<ul style="list-style-type: none"> ● 2nd, uses an overly narrow set of options, which are simply variations on a theme of highway expansion and tolls, with no meaningful variety and especially any local-serving transit and related options, which thus violates EIS rules regarding the need for a reasonable range of alternatives, as clearly described in cases such as NRDC v. Morton, 1972, 	<p>Response to DEIS Comment #5 Refer to Chapter 9, Section 3.2.A for a response to Screening of Preliminary Alternative Process.</p>
<p>#6</p>	<ul style="list-style-type: none"> ● 3rd, fails to address the pandemic’s effects, per 40 CFR 1502.9(c)(1), which states that agencies shall prepare supplements if there are significant new circumstances or information; this is a monumental omission that demands a full stop to the process until adequate supplements are developed and given proper public review, 	<p>Response to DEIS Comment #6 Refer to Chapter 9, Section 3.1 for a response on the Purpose and Need and effects of the Pandemic.</p>
<p>#7</p>	<ul style="list-style-type: none"> ● 4th, will not pay for itself as claimed, but rather will cost the state billions, especially given the pandemic’s long-term effects, and yet no itemized budget has ever been shared, which is yet another violation of the rules, and 	<p>Response to DEIS Comment #7 Refer to Chapter 9, Section 3.1 for a response on the Purpose and Need and effects of the Pandemic. Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</p>
<p>#8</p>	<ul style="list-style-type: none"> ● 5th, perhaps the most significant issue of all, lacks any consideration of county, state, or international climate crisis plans, without even one mention of climate effects 	<p>Response to DEIS Comment #8 Refer to Chapter 9, Section 3.4.G for a response to climate change and greenhouse gas considerations.</p>

#8 Cont	<p>in the DEIS, and with flawed and laughable assumptions such as little or no increase in vehicle miles traveled (VMT); to be clear, this failure ignores the very real and existential impact on our sheer existence and that of every other species, which would be—and this is no exaggeration—a crime against humanity and nature.</p> <p>The project would completely conflict with the Maryland Greenhouse Gas Reduction Act of 40% reduction by 2030. The list of negative environmental impacts includes the degradation of waterways and wetlands. The Limits of Disturbance (LOD) are not thoughtfully examined in all their social, economic and cultural elements. The five year construction period is barely mentioned, yet it would have huge implications for human well being, health and work issues. It would be foolhardy to have the Limits of Disturbance examined only after the final design and engineering by a private contractor.</p>	See response to Comment #8 above.
#9	<p>Finally, beyond the local and county concerns for parkland is the climate havoc this widening proposal would have on our personal health and lack of clean air in Montgomery and Prince George's Counties. More lanes of traffic would bring more cars and more carbon emissions and less reliance on alternative modes of travel that have much better and lower carbon output. Why are alternatives such as increased mass transit, rapid rail, rapid bus lanes and many other options not being seriously considered? Why can we not learn from other areas that have tried more lanes and found the disappointing effects of sometimes bankrupt private partnerships, high tolls and even</p>	<p>Response to DEIS Comment #9 Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.</p>

more congestion in single driver cars. This Beltway Expansion proposal is a threat to our health and would adversely impact our climate. We must take action to prevent this.

We the Ministers and the Environmental Justice Ministry Team of Cedar Lane Unitarian Universalist Church support the No Build Alternative.

Sincerely,

October 15, 2020

Rev. Abhi Janamanchi
Senior Minister

See response to Comment #9 above.

FOREST ESTATES COMMUNITY ASSOCIATION – VALERIE GRUSSING

From: Valerie Grussing <vjgrussing@gmail.com>
Sent: Monday, November 9, 2020 7:18 PM
To: MLS-NEPA-P3
Cc: treasurer@treasurer.state.md.us; akase@marylandtaxes.gov
Subject: I-495 Managed Lanes Comment -- Forest Estates Community Association
Attachments: I495 Managed Lanes Comment_Forest Estates Community Association.pdf

To Whom it May Concern:

The Forest Estates Community Association (FECA) is a neighborhood association located in the Forest Glen area of Silver Spring. FECA opposes both the substance and the process of this proposed project, including any alternatives that would widen and/or elevate the Beltway with toll lanes, and the myriad of unlawful aspects of the Draft Environmental Impact Statement (DEIS).

We support the no-build alternative, but only as the least objectionable of the remaining alternatives. We question whether any alternatives would accomplish the project goals, and now whether it is even necessary. FECA opposes this proposed project on its current trajectory and recommends a renewed focus on improving mass transit, supporting reversible lanes, and promoting telework options to reduce traffic and support climate change mitigation efforts.

Please review and consider our attached letter. Thank you for the opportunity to provide comments, and we look forward to further engagement as MDOT carefully considers its approach to this proposed project.

Sincerely,

Valerie Grussing
Vice President
Forest Estates Neighborhood Association

Attachment

Response to DEIS Comment #1

Thank you for your comment concerning impacts to the Forest Estates community. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Forest Estates community is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

Response to DEIS Comment #2

NEPA's CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, "Visualize2045", adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. Refer to DEIS, Chapter 3 and DEIS Appendix C. Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.

Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.

Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.

The Study did consider transit, reversible and teleworking options. Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study. Refer to Chapter 9, Section 3.3.B on consideration of No Build, as well as Chapter 9, Section 3.1 for a response on Purpose and Need and teleworking.



Lisa B. Choplin, DBIA
Director, I-495 & I-270 P3 Office
Maryland Department of Transportation State Highway Administration
I-495 & I-270 P3 Office
707 North Calvert Street
Mall Stop P-601
Baltimore, MD 21201

November 9, 2020

RE: Opposition to MDOT's [Draft Environmental Impact Statement \(DEIS\)](#) for the proposed I-495 & I-270 Managed Lane Study

To Whom it May Concern:

The Forest Estates Community Association (FECA) is a neighborhood association located in the Forest Glen area of Silver Spring. Our neighborhood borders begin three blocks north of the Beltway at Exit 31.

FECA opposes both the substance and the process of this proposed project, including any alternatives that would widen and/or elevate the Beltway with toll lanes, and the myriad of unlawful aspects of the Draft Environmental Impact Statement (DEIS). We support the no-build alternative, but only as the least objectionable of the remaining alternatives. Of the initial 15 alternatives, none truly considered multimodal transportation options, and the remaining alternatives will do nothing to accomplish the stated project goals. Our objections include:

1. **Expense:** The project could require not only \$1 billion in state subsidies, but also another \$28 from ratepayers who would support the Washington Suburban Sanitary Commission's efforts to move water and sewer pipes to make way for it. This could result in increased costs to both taxpayers and ratepayers – including those who never use the Beltway.
2. **Impact on local communities:** Local communities like ours will be hit the hardest by this proposal. The [DEIS](#) acknowledges that roughly 1,500 properties will be affected, and up to 34 homes will have to be bulldozed completely (Table ES-2 on page ES-17). This could include several homes just south of us as well as an area next to Holy Cross Hospital through which the hugely popular Sligo Creek Trail runs (see [this map](#)). We are the ones who will face the most impacts such as increased noise and air pollution as well as increased risk of flooding and water pollution, while wealthy out-of-town commuters who can afford to pay the high toll fees reap the rewards of less minutes stuck in traffic. The proposal also will impact dozens of community resources such as schools, parks, hospitals, local business and more.
3. **Impacts on the environment:** There are numerous environmental concerns with this proposal. The DEIS acknowledges that the project will lead to increased particulate matter, carbon monoxide, ozone, nitrous dioxide, and greenhouse gas emissions yet it fails to adequately address how it will mitigate these concerns. This project moves Maryland drastically backwards in attempts to reduce climate pollution at a time when action is needed most.

Response to DEIS Comment #3

Refer to Chapter 9, Section 3.4.M for a response to impacts to utilities and associated costs.

Response to DEIS Comment #4

Thank you for your comment concerning impacts to the Forest Estates community, Holy Cross Hospital, and Sligo Creek. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Forest Glen community, Holy Cross Hospital, and Sligo Creek are located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

The Preferred Alternative does not result in any full acquisitions or residential or business displacements; therefore, no homes would be taken due to the proposed roadway widening.

Response to DEIS Comment #5

Refer to Chapter 9, Section 3.4.F for a response to air quality and Chapter 9, Section 3.4.G for a response to climate change and greenhouse gas considerations.

Ultimately, FECA opposes this project and questions whether any alternatives would accomplish the project goals, and now whether it is even necessary. MDOT has failed to consider:

- a. Pandemic impacts on traffic – whether this project will even be needed once we recover from the COVID19 pandemic. Experts agree that there is much uncertainty regarding traffic and congestion in the years to follow COVID stay-at-home orders. Work from home/telework, staggered commute times, and more will all likely impact traffic in the region.
- b. Induced demand – traffic could be right back to where it is today in as little as five years after expansion of the Beltway. Expansion of highways almost never results in the desired reduction of traffic and congestion.

FECA opposes this proposed project on its current trajectory and recommends a renewed focus on improving mass transit, supporting reversible lanes, and promoting telework options to reduce traffic and support climate change mitigation efforts. A recent study by the Maryland Transportation Institute at the University of Maryland found that only a 5-15 percent reduction in cars on the road during rush hour would virtually end congestion, making any expansion pointless.

Thank you for the opportunity to provide comments, and we look forward to further engagement as MDOT carefully considers its approach to this proposed project.

Sincerely,



Valerie Grussing
Vice President
Forest Estates Neighborhood Association

Response to DEIS Comment #6

Refer to chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.

Response to DEIS Comment #7

MDOT understands the phenomenon of induced demand, and it is a consideration on all of our large roadway projects. In this case, MDOT is recommending adding capacity via managed lanes (HOT lanes) instead of widening with additional general purpose lanes. Managed lanes do a better job at regulating demand, including induced demand, due to dynamic pricing.

Our study shows that there could be some induced demand as a result of this project, but the impact will be small (less than 1% increase in vehicle miles traveled (VMT) in the region) and those effects are fully accounted for in the regional traffic models COG and TPB use. Even with these effects, the proposed managed lanes would reduce regional congestion delays and significantly improve travel times along both freeway corridors and on local roads throughout the region.

Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.

FOREST GLEN COMMUNITY ASSOCIATION

From: K K <forestglencitizensassociation@yahoo.com>
Sent: Sunday, November 8, 2020 3:19 AM
To: MLS-NEPA-P3
Cc: akase@marylandtaxes.gov; treasurer@treasurer.state.md.us; managed.lanes@montgomerycountymd.gov
Subject: Draft Environmental Impact Statement
Attachments: Comments on Draft Environmental Impact Statement.pdf

Comments about the Draft Environmental Impact Statement (DEIS) from Forest Glen Citizens Association are attached.

We endorse the no build option.

Thank you for the opportunity to read and respond to the DEIS.

Dr. Kelly for

Forest Glen Citizens Association (est. 1964)

forestglencitizensassociation@yahoo.com

301-587-1494

Response to DEIS Comment #1

NEPA's CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, "Visualize2045", adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. Refer to DEIS, Chapter 3 and DEIS Appendix C.

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.

Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.

Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.

Comments on Draft Environmental Impact Statement (DEIS)

I-495 & I-270 Managed Lanes Study

The Forest Glen Citizens Association endorses the no build option to the Public Private Partnership (PPP) plan to widen 495/270 roadways. The present pandemic has shown that teleworking works for a vast number of employees which eliminates traffic congestion. In the past, road crowding only occurred for six hours week days (6-9 am and 4-7 pm). The proposed expenditure to build is not justified by the few hours of use.

To add a few more concerns, so many properties and parklands would be disrupted to make room to build. The recent northern Virginia experience with a toll road has proven to be unprofitable and currently seeking investors. Commuters have found alternate paths to avoid paying the tolls. The pollution level would increase toxicity. The safe enjoyment of all properties along the path of the construction will be inconvenienced and impaired for an extended period without compensation.

The DEIS, though exceedingly long, was inadequate in expressing trade offs or adequate rationale for stated actions. Time frames and financial obligations were inadequately described to show convincingly certain return on investment. A business analysis of DEIS would likely require a rewrite to include elements to justify the decision to build. The DEIS appears to be incomplete and inadequate for decision making.

The Forest Glen Citizens Association is bordered by the Capital Beltway on the south, Georgia Avenue on the east, Hildarose Drive on the north, and Capital View Avenue on the west. Thank you for the opportunity to read and respond to the DEIS.

Dr. Kelly for
Forest Glen Citizens Association (est. 1964)
forestglencitizensassociation@yahoo.com
301-587-1494

Response to DEIS Comment #2

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need, effects of the Pandemic, and impacts of teleworking/remote working.

Response to DEIS Comment #3

As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to east of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Forest Glen community is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies. Refer to Chapter 9, Section 3.4.K for additional information on to impacts to properties and communities, including community facilities.

Refer to Chapter 9, Section 3.4.F for a response to adverse impacts to air quality.

Response to DEIS Comment #4

Refer to Chapter 9, Section 3.5 for a response to the P3 Program or Board of Public Works and Project Costs.

FREDERICK COUNTY CHAMBER OF COMMERCE – RICK WELDON

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From: MLS-NEPA-P3 <MLS-NEPA-P3@mdot.maryland.gov>
Sent: Thursday, September 3, 2020 11:12 AM
To:
Subject: please incl attachment
Attachments: MDOT Hearing testimony on the 495 270 P3.docx

From: Rick Weldon <rweldon@frederickchamber.org>
Sent: Thursday, September 3, 2020 8:22 AM
To: MLS-NEPA-P3 <MLS-NEPA-P3@mdot.maryland.gov>
Subject: Written testimony on the P3 DEIS hearings

Dear MDOT Team,

I plan to try to provide oral testimony during the love hearing, but wanted to ensure that my comments are made an official part of the record in case there's a technology issue.

My formal comments, on behalf of the 900+ organizational members of the Frederick County Chamber of Commerce, are included as an attachment.



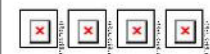
Rick Weldon

President & CEO

Frederick County Chamber of Commerce

P 301.662.4164 x 203 |

frederickchamber.org | [Insights](#)



Governor Hogan is committed to outstanding customer service. Tell us how we are doing. [Click here.](#)

MDOT Hearing on the 495/270 DEIS

My name is Rick Weldon, and I am the President/CEO of the Frederick County Chamber of Commerce. In addition to leading one of the largest County Chamber's in Maryland, I was a 10-year commuter on I270 and 495. I drove a 15-passenger Dodge Van from Frederick County to the Pentagon and Crystal City for 10 years, and rode the MARC rail for several years.

In addition, I had the good fortune to serve two terms in the Maryland House of Delegates, dealing with our great state's many competing priorities and obligations to serve the needs of all 8 million Marylanders.

I am strongly supportive of proceeding with the Public/Private Partnership, and I firmly believe the Draft Environment Impact Statement gives us the necessary justification and purpose to do just that. In fact, to add further delay or confusion would amount to a monumental act of public sector negligence.

The DEIS demonstrates conclusively that several build alternatives will dramatically relieve congestion, improve peak hour speeds, enhance mass transit options through bus rapid transit usage, as well as generating meaningful long-term revenue generation through the managed toll process.

It's important to note that none of the standalone transit alternatives discussed to this point would make any meaningful difference in the future projected traffic growth. We're already experiencing increased post-COVID increases, despite many workers exercising the option to work remotely. An increasing number of these teleworkers will eventually return to pre-COVID commuting patterns.

Response to DEIS Comment #1

Thank you for your comments supporting improvements. The purpose of the Managed Lanes Study 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.

FHWA and MDOT SHA have considered all comments received on the proposed improvements in the context of the Purpose and Need for the project and have identified Alternative 9 – Phase 1 South as the Preferred Alternative. This alternative would best accomplish the Purpose and Need of the proposed action while fulfilling FHWA's statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.

Response to DEIS Comment #2

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need, effects of the Pandemic, and impacts of teleworking/remote working.

Delay designed to satisfy politically motivated opponents is blatantly irresponsible. Granting the power to delay or obstruct long-needed improvements within Frederick County to politicians from Montgomery County is slap in the face to the many thousands of Frederick County commuters, not to mention the through commuters from PA and western Maryland. Some of the environmental objections raised to date are intended to increase the overall cost of the project. Then, if those specious arguments are allowed to prevail, the opponents will just shift their focus to an economic argument.

It's time to end the delays, ignore the obfuscations, and get on with I495/270 P3 project.

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FRIENDS OF CABIN JOHN CREEK – SANDY LADEN

Friends of Cabin John Creek

Please see attachment containing comments from Friends of Cabin John Creek regarding the DEIS for I495/I270 expansion project This project will dramatically affect the ecology, as well as the public parks system within the Cabin John Creek watershed.

Thank you for your comment, responses are provided on the following pages.

Friends of the Cabin John Creek

P.O. Box 267, Cabin John, MD 20818

Incorporated 2013

Comments by the Friends of Cabin John Creek (FoCJC) on the Draft Environmental Impact Statement (DEIS) for Possible I-495/I-270 Expansion

A. Description of Friends of Cabin John Creek (FoCJC)

The Friends of Cabin John Creek (FoCJC) is an incorporated 501(c)(3) entity that works to protect and enhance the Cabin John Creek (CJ Creek) watershed. FoCJC strongly advocates for mitigating impacts of any I-495/I-270 expansion on the watershed. Many of the alternatives have the potential to have both short-term and long-term negative impacts on the watershed. It is our position that the chosen alternative must avoid or mitigate all short- and long-term negative impacts to the health of the watershed. Additionally, because stormwater runoff is the CJ Creek's main enemy, we strongly support the following: (1) the retrofitting of the existing highway system with current best management practices for stormwater management, (2) close adherence to current stormwater management regulations for new public construction, and (3) minimizing the destruction of parkland for highway expansion since that has adverse impacts for the local streams.

The CJ Creek watershed is and will be the most impacted watershed as a result of any changes to I-495/I-270. Both Green Infrastructure (GI) hubs and Targeted Ecological Areas (TEAs) and a large variety of fish species are associated with the Cabin John Creek watershed. This is a watershed where extra effort should be made to protect it.

Unless noted otherwise, all citations below refer to chapters, appendices and pages in the DEIS.

B. Background - Original Construction of I-495/I-270 Disregarded Impacts of Stormwater Runoff

The Beltway (I-495) was constructed between 1961-1964 and I-270 between 1962-1975, a time when there were no stormwater runoff regulations. The actions being considered by the state of Maryland in initiating an I-495/I-270 Public-Private Partnership (P3) Program will likely require actions along all of the 70 plus miles of interstate in Maryland, including the 10 miles or so that falls within the CJ Creek watershed. All of the work will fall within someone's watershed.

C. Current Impacted State of the CJ Creek Watershed

1. Description of the CJ Creek Watershed

The Cabin John Creek Watershed is located in southern Montgomery County, Maryland, just northwest of Washington, DC. The headwaters of Cabin John Creek originate in the City of Rockville. The creek flows south about 10 miles, passing under Interstate 270, through Cabin John

Responses to Comments are addressed collectively below. The history and data provided is appreciated.

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Regional Park, under the Capital Beltway (I-495), and the historic Cabin John Bridge, to its confluence with the Potomac River near the towns of Cabin John and Glen Echo. Old maps refer to the Creek as Captain John's Run, a possible reference to Captain John Smith who explored the Chesapeake Bay and parts of the Potomac River in the early 1600's.

The major tributaries of the creek are: Bogley Branch, Booze Creek, Buck Branch, Congressional Branch, Ken Branch, Old Farm Branch, Snakeden Branch, Thomas Branch (also called Beltway Branch).

The watershed is in Maryland's Piedmont Plateau geologic province, with an area of about 16,022 acres (25 square miles). The watershed has been significantly affected by high-density residential and commercial development. There are parks, trails and natural areas throughout the watershed. In addition to the Regional Park, there are wooded park lands and buffer areas along several miles of the Creek mainstem and tributaries.

Zip code boundaries do not align with watershed boundaries, but the Cabin John Creek Watershed extends into: 20854 - Potomac, 20852 - North Bethesda, 20850 - Rockville, 20818 - Cabin John, 20812 - Glen Echo, 20817 - Bethesda, and 20814 - Bethesda (small portion).

2. Current Environmental Status of the CJ Creek and Watershed

The CJ Creek Watershed contains a large forested stream valley park with valuable environmental resources, including officially designated Targeted Ecological Areas (TEAs), Green Infrastructure (GI) hubs and corridors, a large variety of fish species, etc. Those resources have already been impacted by the original construction of I-495 and I-270.

Surface Water: Four CJ tributaries are within the vicinity of the corridor study boundary. Appendix L, page 49. I-495 was constructed in the center of the Thomas Branch Valley and a large portion of the stream was relocated to accommodate the current alignment of I-495. Appendix L, page 50. Appendix L enumerates a list of adverse environmental effects suffered by Thomas Branch as a result of I-495, including severe erosion, poor habitat, and bedrock blockages of aquatic life. *Id.* Around 83% of CJ stream miles are assessed as Fair, with the remaining 17% assessed as Poor. *Id.* EPA (and other) water quality recommended levels for surface waters are exceeded for a variety of parameters in Cabin John Watershed, e.g., alkalinity, chloride (both acute and chronic exposure levels), turbidity, nitrogen and phosphorous. Ch. 4, page 63.

Aquatic Biota: Studies during 2008-2017 within the Creek mainstem and tributaries produced aquatic habitat assessments ranging from Fair to Good and benthic macroinvertebrate assessments ranging from Fair to Very Poor. Appendix L, pgs 122-23. To Mother Nature's credit, the CJ Creek watershed does have 33 documented fish species, more than any other watershed in the study. Appendix L, pg 124. This includes several sensitive/intolerant species indicative of better water quality, and gamefish such as black crappie and bass. *Id.* The CJ Creek Watershed is rated "Fair-Good" for aquatic habitat, but only "Very Poor – Poor/Fair" for benthic invertebrates. (Ch. 4, p. 106)

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Terrestrial Wildlife: CJ has a forested stream corridor where I-495 crosses the Creek and a larger forested area in the I-270 portion. Many of these areas are designated by MDNR as Green Infrastructure (GI) hubs or corridors, which are important habitats for wildlife. Page 109. CJ Creek park contains Forest Interior Dwelling Species (FIDS) habitat. Ch. 4, p. 110.

Unique & Sensitive Areas: Green Infrastructure (GI) hubs or corridors are identified by the Maryland Greenways Commission and the MDNR Green Infrastructure Assessments (GIA) as “the most ecologically critical undeveloped lands remaining in Maryland.” Appendix L, pgs 163-64. Targeted Ecological Areas (TEAs) are “established to protect Maryland’s most ecologically valuable natural lands and watersheds” and are “identified by MDNR as conversation priorities for natural resources protection and receive a majority of Maryland’s Program Open Space funds.” *Id.* Both GIs and TEAs are associated with the Cabin John Watershed. Appendix L, p. 164.

D. Likely Environmental Issues/Impacts Identified by the DEIS Regarding CJ Creek Watershed

The Cabin John Stream Valley and Regional Park is listed as one of the nine largest parks within the CEA Analysis Area. (Ch. 4, p. 19). The CJ Creek watershed is and will be the most impacted watershed as a result of any changes to I-495/I-270. It is one of four MDNR 12-digit watersheds with more than 17,000 LF of potential impact from this project. Appendix L, page 22. Among all the affected watersheds, “[a]ll Screened Alternatives would add the most impervious surface to Cabin John Creek” Watershed, between 80.6 acres to 117.7 acres for Alternative 10. Appendix L, pages 80-81. All Screened Alternatives are estimated to have approximately equivalent severe environmental impacts, except the No Build Alternative. See, e.g., Table 2.11-1 on Ch. 4, p. 165. “All Build Alternatives would affect surface waters, surface water quality, and watershed characteristics in the corridor study boundary due to direct and indirect impacts to ... stream channels and increases in impervious surface in their watersheds.” (Ch. 4, p. 89)

Many acres in the overall project will require off-site stormwater treatment compensatory mitigation, because not all stormwater can be handled on-site. The total for the entire project ranges from 321-434 acres, depending on the Build Alternative. (Ch. 2, p. 38)

Four sections of the Cabin John Stream Valley and Regional Park would be impacted by all the Build alternatives. Impacts in each section would range from 0.3 acre to 7.2 acres. Total area impacted in the CJ stream valley and regional park would be 8.0-10.8 acres. (Ch. 4, p. 20-21). The four sections are: Cabin John Stream Valley Park (Rockville), Cabin John Regional Park, Cabin John Stream Valley Park Unit 2, and Cabin John Stream Valley Park Unit 6.

The DEIS notes that a “removal of trees and landscaping that buffer the park from the study corridors would occur but will be minimized to the greatest extent possible.” (Ch. 4, p. 19) It would appear that MDOT proposes to remove trees/forested areas that they, MDOT, planted previously to mitigate impacts from the ICC and for TMDL remediation. Removal of such vegetation would appear to be contrary to the reason for the plantings in the first place. (Ch. 4, p. 99-100)

The DEIS does note various mitigations that are anticipated, such as: potential mitigation for parks includes landscaping and restoring streams. (Ch. 4, p. 22); Thomas Branch - there will be stream relocation and culvert construction along Thomas Branch in Area 4 and Area 28 (Ch. 4, p. 25-26) (we understand that the planners have determined a way to reduce waterway impacts to Thomas Branch by 592 linear feet, so kudos for that), vegetation removal will be minimized and additional landscaping may be incorporated. (Ch. 4, p. 35)

E. Comments

Comment #1 - To give the reader of the EIS a feel for the impact of any highway expansion on the stormwater runoff into CJ Creek, the section dealing with stormwater impacts should provide the following: (1) a calculation of the amount of current impervious surface the two highways have in the CJ Creek watershed, (2) the percentage of impervious surface in the CJ Creek watershed that this represents, and (3) the additional amount of impervious surface that each alternative will add to the existing roadway overall, and particularly in the CJ Creek watershed. Our back-of-the-napkin calculations are as follow:

(a) Impervious Surface Acreage from I-495 and I-270 in the CJ Creek Watershed - I-270 is 211 feet wide., I-495 is 131 feet wide., and there is approximately 4.5 miles of I-495 and 5.5 miles of I-270 in the CJ Creek Watershed. These numbers convert to 71.45 acres of impervious surface tied to I-495 and 140.67 acres of impervious surface tied to I-270. Thus, there is approximately 212.12 acres of impervious surface from those two highways in the CJ Creek watershed. Since the watershed has 16,022 total acres, these two highways currently cover approximately 1.32% of our total watershed. The U.S. interstate highways have standard lines 12 feet wide, so each additional lane will add that much width to the existing impervious surface.

(b) Percentage of Impervious Cover - According to Montgomery County's 2012 Cabin John Creek Implementation Plan, there were 3,402 acres of impervious cover in the CJ Creek watershed at that time. The current 212 acres of I-495/I-270 highway equals 6.23% of the impervious cover. The opportunity to address not only any new pavement but such a sizeable portion of the watershed's existing impervious surface is unique and should be seized upon and not be wasted.

Comment #2 - the EIS should clearly state the major requirements affecting stormwater runoff, which we understand to be the following: (1) there can't be any increase in "total" stormwater coming off of I-495/I-270 as a result of adding new lanes, and (2) since this is a "re-development" project, there must be a 50% treatment/improvement in the quality of stormwater coming off existing impervious surfaces. If our understanding of the requirements is incorrect, the relevant section in the EIS needs to clarify why that is the case.

Comment #3 - the EIS should reflect the threat to three specific parts of the CJ Creek watershed. Two sections of the watershed have been identified as "priority catchments" by Montgomery County and border I-270 and the I-495 spur. The streams here are already in need of restoration. One section of the watershed has been identified as a "priority conservation catchment" by the County and it is adjacent to I-495 in Cabin John. This area contains critically significant, extremely significant, and highly significant conservation areas.

Response to DEIS Comment #1

While there has not been an exact calculation of the percentage of impervious area in the Cabin John Creek watershed as opposed to the whole project, the land use change represented by this project is, from a review of the mapping and from your estimate, a small percentage when compared to the overall watershed. SWM regulations in Maryland are stringent and will be fully met and enforced under required permits.

Response to DEIS Comment #2

This project will be required to meet Maryland SWM permitting requirements, which includes managing SWM runoff for the 10-year to match existing conditions and providing water quality treatment for all new impervious area and 50% of reconstructed existing impervious area. As noted, a sizeable portion of pre-existing untreated impervious surface, estimated to be approximately 72 acres, will now be treated resulting in improved downstream conditions. In addition, a more detailed SWM analysis was completed for the FEIS based on standard MDE approved hydrology and hydraulic procedures. Based on this more detailed preliminary SWM concept developed for the FEIS, the anticipated offsite requirements for the Preferred Alternative have been significantly reduced from 114 acres to 2.5 acres, representing approximately 95 percent of environmental site design requirements being met onsite. Refer to FEIS Chapter 3, Section 3.1.6.

Response to DEIS Comment #3

The existing stream degradation within the Cabin John Creek Watershed is reported in the Natural Resources Technical Report Section 2.4.2 (FEIS Appendix M), including issues from channelization and poor water quality. These support the statement that the streams within the watershed are already in need of restoration. FEIS Appendix M, Final Natural Resources Technical Report, Section 2.3.3, reflects the Preferred Alternative impacts to the Cabin John Creek Watershed as 31,556 linear feet of waterway impact and 1.36 acres of wetland impact. As noted in the FEIS, Chapter 7, mitigation is proposed at Site RFP-2: Stream restoration (6,074 functional feet) and wetland creation/restoration (4.61 acres of credit) along Cabin Branch east and west of Montgomery Village Avenue at Montgomery Village Golf Club.

#4	<p>Comment #4 - the EIS should state how the I-495/I-270 proposal relates to the state's commitments under the EPA's MS4 permit and the Chesapeake Bay cleanup plan. The document needs to illustrate the plan to accomplish less stormwater runoff and less roadway pollution going into the streams in CJ Creek watershed, which subsequently runs into the Potomac River, and finally into the Chesapeake Bay.</p>	<p>Response to DEIS Comment #4 By meeting the MD SWM permitting requirements, the project will be compliance with the MS4 permit. Refer to FEIS Chapter 3, Section 3.1.6 for an explanation of the MD permitting requirements.</p>
#5	<p>Comment #5 - The DEIS should address and analyze the current and potential future impacts of I-495 & I-270 on wildlife and recreational <u>connectivity</u>. Both highways currently form essentially impenetrable barriers for many species of native terrestrial wildlife which inhabit the Cabin John Creek and other impacted watersheds, preventing them from reaching potential new territories and mates, thus reducing genetic diversity. Likewise, these highways restrict or prevent recreational connectivity through publicly owned parkland in Cabin John Creek (and Watts Branch as well), making it impossible to fully experience the entire watershed as one connected entity. The mitigation section of the DEIS should carefully analyze potential approaches to restore wildlife connectivity under (or over) I-270; these approaches should also analyze opportunities to connect recreational trails as well.</p>	<p>Response to DEIS Comment #5 I-495 and I-270 currently separate wildlife corridors. The widening of these roadways will not exacerbate this problem, since the roadways are currently impassable by wildlife.</p> <p>Refer to Chapter 9, Section 3.3.D for a response to bicycle and pedestrian connectivity. Refer to Chapter 7 of the FEIS for mitigation and commitments.</p>
#6	<p>Comment #6 - The DEIS should address the impact of invasive species that will thrive in any area disturbed by the project that is not paved over or made impervious in other fashion. There will obviously be a great deal of "disturbed area" as a result of the project.</p>	<p>Response to DEIS Comment #6 Temporary impact areas will include removal of invasive species and will be replanted with native species as part of the mitigation under Maryland Reforestation Law.</p>
#7	<p>Comment #7 - in evaluating the amount of stormwater runoff that will result from any expansion of 495/270, the EIS should base estimates on rainfalls that are likely to increase in density as a result of climate change. We have seen the density of thunderstorms increase in the recent past, resulting in larger amounts of rain per hour. The EIS will be flawed if it bases stormwater runoff amount estimates solely on past data without looking ahead to what is the likely scenario in the future.</p>	<p>Response to DEIS Comment #7 This project will base stormwater runoff estimates on NOAA Atlas 14 historical rainfall averages, which is the most recent statewide precipitation data and includes record data through December 2000. Use of NOAA Atlas 14 rainfall data is standard practice for MDOT SHA projects. At this time, Maryland does not require increased intensity or amount of rainfall to account for future climate change.</p>
#8	<p>Comment #8 - Flood Plains: There are a number of laws governing development within floodplains. A Finding of No Practical Alternative may be required for crossing the FEMA 100-yr floodplain of Cabin John Creek.</p>	<p>Response to DEIS Comment #8 MDOT SHA will meet all floodplain requirements and laws.</p>
#9	<p>Comment #9 - FoCJC should be mentioned in the list of relevant community organizations. (Ch. 4, p. 37). We have been advocating officially on behalf of the CJ Creek since incorporating in 2013 and receiving our 501(c)(3) status in 2014. We provided comments regarding the initial pre-DEIS proposal on June 14, 2019.</p> <p>F. FoCJC Positions</p> <p>1. We are opposed to the taking of public open space that protects creeks. In Cabin John CEA Analysis Area, the project will require partial right-of-way acquisition of 5 acres from 3 parks. (Appendix E, p. 172 in the PDF – also labeled as Technical report, Appendix D, p.6). As noted in the DEIS, we would expect MDOT to make "every reasonable effort" to avoid wetlands, waterways and parklands.</p>	<p>Response to DEIS Comment #9 Your participation has been noted. See reference in the DEIS page 4-37, is a table listing the Section 106 Consulting Parties for consultation on historic properties.</p>

#10

2. We support retrofitting the existing roadway with stormwater management facilities to slow the water down, settle out the sediment, and increase the amount of water that goes into the ground rather than rushing into the stream. This is a unique opportunity to benefit the CJ Creek watershed. Why not take the opportunity to ensure that the existing roadway meets current stormwater runoff control standards?

3. Any new construction must adhere to the most current stormwater regulations and be continuously monitored and updated in order to minimize impact to the surrounding natural landscape. Storm Water Management must be emphasized regardless of whatever alternative is selected, and this project viewed as an opportunity to exceed legal minimums.


4. We are especially concerned about the threat to three parts of our watershed as mentioned in Comment #1 above.

5. The No Build Alternative should be strongly considered, due to the following factors: (a) high probability of a long-term decrease in traffic and need for road expansion due to the “new normal” of massively increased telework due to Covid-19, (b) urgent threats posed by man-induced global climate change, (c) the DEIS itself admits that “opportunities for avoidance and minimization of impacts to roadside resources are limited due to the fixed nature of the highway corridor.” Appendix L, page 165.

6. Green Infrastructure (GI) hubs and corridors should be maximized to promote both wildlife and human enjoyment

Thank you for considering our comments and concerns.

Sincerely,


Sandy Laden
FoCJC - Vice President

Response to DEIS Comment #10

NEPA’s CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multi-modal transportation initiatives and projects included in the regional Constrained Long Range Plan, “Visualize2045”, adopted by the Metropolitan Washington Council of Governments in October 2018. Refer to DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. Refer to DEIS, Chapter 3 and DEIS Appendix C.

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.

Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.

Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.

FRIENDS OF MOSES HALL – CHARLOTTE TROUP LEIGHTON (EMAIL)

From: Charlotte Troup Leighton <troupleighton@gmail.com>
Sent: Friday, October 16, 2020 5:13 PM
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Subject: Friends of Moses Hall Comments: DEIS - Draft Section 4(f) Evaluation, and Draft Section 106 Report

Thank you for your comment, responses are provided on the following pages.

Dear Ms. Choplin,

Friends of Moses Hall submits our attached comments and concerns regarding the Draft EIS for the I-495/I-270 Managed Lanes Study. The Morningstar Tabernacle No. 88 Moses Hall and Cemetery is eligible for listing on the National Register of Historic Places and is a historic African American cultural site and burial ground (MIHP No. M: 35-212). We represent descendants of the families who used the hall and are buried here and concerned neighbors who want to see this asset protected and preserved. We are a Consulting Party for the purposes of the Section 106 process.

For your convenience, we have also attached two prior FMH consulting party comment letters to Steve Archer dated August 24 and September 17, 2020.

Sincerely,
Friends of Moses Hall CP

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**FRIENDS OF MOSES HALL MORNINGSTAR TABERNACLE NUMBER 88
ANCIENT UNITED ORDER OF SONS AND DAUGHTERS, BROTHERS AND SISTERS OF MOSES**

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October 16, 2020

By Email to:

Lisa B. Choplin, DBIA
Director, I-495 & I-270 P3 Office
Maryland Department of Transportation State Highway Administration
I-495 & I-270 P3 Office
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**RE: I-495/I-270 Managed Lane Study Draft Environmental Impact Statement, Draft Section 4(f)
Evaluation, and Draft Section 106 Assessment of Effects Report**

Dear Ms. Choplin:

Friends of Moses Hall (hereafter FMH) herein submits our comments and concerns regarding the Draft EIS for the I-495/I-270 Managed Lanes Study. The Morningstar Tabernacle No. 88 Moses Hall and Cemetery (hereafter Moses Hall) is eligible for listing on the National Register of Historic Places and is a historic African American cultural site and burial ground (MIHP No. M: 35-212). We represent descendants of the families who used the hall and are buried here and concerned neighbors who want to see this asset protected and preserved. We are a Consulting Party for the purposes of the Section 106 process.

Below, we articulate our concerns about the materials developed thus far in the Draft Environmental Impact Study, Draft Assessment of Effects Report, Draft Programmatic Agreement, and Draft Section 4(f) Evaluation. To summarize, there are six key issues with the study documents and the process to-date:

- **The NEPA and Section 106 requirements to first seek to avoid and minimize impacts have not been met.**
- **While progress is being made, investigation and evaluation of the Cemetery remains inadequate to fully understand impacts.**
- **The Programmatic Agreement has been insufficiently developed.**
- **The Section 4(f) evaluation in the Draft EIS is insufficient and inconsistent with the regulations.**
- **The cumulative impacts analysis must be revised to consider the sustained impacts to Moses Hall by repeated actions to disrupt and disturb the site and community.**

Page 1

Responses to your specific concerns listed on this page are addressed in the following pages of the response.

- **The Draft EIS fails to adequately disclose impacts in a number of different areas, which will require a Supplemental Draft EIS. A Supplemental Draft EIS should be used to develop a more thorough analysis of avoidance and minimization options in the area of Moses Hall.**

Before we discuss our concerns in greater detail, we do wish to extend our thanks to SHA staff for the work that they have done over the past few weeks in concert with us. Mr. Steven Archer has taken time to meet with our members and further discuss the process. SHA is moving forward to clear the site so that investigations continue. We recognize and appreciate the time and effort that has been taken with us. We look forward to further coordination to address these important issues. We are pleased that SHA has determined that the site of Moses Hall is eligible for listing in the National Register of Historic Places and that MHT concurs with this determination.

- 1) **NEPA and Section 106 requirements to first seek to avoid and minimize impacts have not been met.**

The regulations governing Project review under both NEPA and Section 106 obligate agencies to work to avoid impacts, then minimize such impacts, and, only if such avoidance and minimization are not possible, to seek to mitigate impacts that do result. As we document throughout this comment letter, SHA has consistently failed to appropriately document any meaningful avoidance and minimization activities taken to avoid impacts to this sensitive resource. This approach is inconsistent with the regulations and case law and makes it challenging for our organization to truly understand the nature of impacts on the site.

- 2) **While progress is being made, the investigation/evaluation of the Cemetery is inadequate**

We are pleased that SHA has gained access to the Moses Hall site so that investigation and evaluation of the cemetery can begin. Thus far, the information developed by SHA has been inadequate to fully understand the nature of impacts to the cemetery from the undertaking. We are hopeful current investigations will change that. Numerous additional burials are believed to exist beyond the burials that have been identified to date, and there is visual evidence and potential for graves to be located further afield within the proposed limits of disturbance.

Further, our ability to evaluate the work that SHA has conducted is hampered by insufficient information. SHA “updates” are merely placeholders. Archaeological reports cited in the Draft Assessment of Effects Report have not been shared due to being in “draft” status, despite page numbers being cited. We believe that, under 40 CFR 1502.21, these should be provided to us, considering that these reports are being used as the basis for project decisions. We understand that an archaeological report will be complete and available to us in December, in advance of the Final EIS, per an email from Mr. Archer dated October 6, 2020. We will need time to review that report and provide comment before further conversations are advanced.

- 3) **The Programmatic Agreement has been insufficiently developed**

The Draft Programmatic Agreement (PA) consists of a very basic outline, with no actual processes or information on how the process should work. How are Consulting Parties to have any assurance that Section 106 will be adequately addressed with no information on the proposed procedures? We note some specific issues below that we are hopeful will be affirmatively addressed in the next iteration of the PA.

The Draft PA notes that Consulting Parties “may have opportunities” to provide input. This language is inadequate. Without specific information on procedures for providing input, we are concerned that

Response to DEIS Comment #1

Due to extensive coordination and consultation with local, state, and federal resource agencies and stakeholders throughout the NEPA process, MDOT SHA was able to advance avoidance and minimization measures for regulated and sensitive resources and property displacements along I-495 and I-270 since the DEIS. Design has also advanced since the SDEIS, as discussed in Chapters 2 and 3 of this document, resulting in further avoidance and minimization of the environmental resources as discussed throughout this chapter. Further avoidance and minimization since the SDEIS has been accomplished through a number of approaches including modification of stormwater management location and design, relocation of managed lane access points, shifting the centerline alignment, reduction in lanes and shoulder widths near sensitive resources, changing interchange configurations and other design refinements. These measures have been incorporated into the Preferred Alternative and as outlined in this Chapter, impacts associated with the Preferred Alternative have been significantly avoided and minimized compared to the DEIS Build Alternatives. For example as noted in the SDEIS and FEIS, the Morningstar Tabernacle No. 88 Moses Hall and Cemetery is avoided by the Preferred Alternative based on the current historic boundary.

Response to DEIS Comment #2

Additional archeological reports have been prepared and provided to Section 106 Consulting Parties. Background Research May 27, 2021 and Ground Penetrating Radar September 8, 2021. Consultation with the Friends of Moses Hall and other interested stakeholders including meeting both in office and in the field and sharing of background research, property information and ground penetrating radar results have been done throughout the study and will continue through final design.

Response to DEIS Comment #3

The first draft of the PA was provided in March 2021 and the revised PA was shared in January 2022. The revised PA incorporated changes and more detail based on input received from the Section 106 consulting parties including the Friends of Moses Hall. The Final PA is included with the FEIS, Appendix J.

#3
Cont

the Consulting Parties are being denied an opportunity to meaningfully participate in the Section 106 process.

The Draft PA presumes that the Cemetery will be adversely affected but that the effects cannot be fully determined. We recognize that not all impacts are currently known due to the early stage of the process, and that the PA is a tool to address that problem. However, we note again SHA has not provided sufficient information on efforts to date to avoid and minimize impacts to historic resources under Section 106. SHA appears to have abdicated its responsibility under Section 106 to avoid and minimize impacts, and SHA appears to be inappropriately moving into an adverse effect and mitigation approach through the PA without meaningful consultation.

The Draft PA includes a provision for “performance monitoring.” Performance monitoring is not well defined. The best performance monitoring would be regular engagement and consultation with Friends of Moses Hall and other Consulting Parties throughout the process and its associated decision-making. Mere updates as to actions already undertaken by SHA is inadequate to fulfill the spirit of Section 106.

Inadvertent discoveries are also noted in the Draft PA. We are concerned about the potential location of additional human remains at Moses Hall given the inadequacy of the investigations to date. The Draft PA notes that SHA has a policy to encapsulate human remains. We find it doubtful that this approach would be possible in the area of Moses Hall due to the topography. What provisions would be made for meaningful input from Consulting Parties if an inadvertent discovery of human remains occurs at Moses Hall? This issue must be addressed in the PA.

We understand that a more fully developed version of the PA is to be shared with Consulting Parties this fall. It is imperative that the FMH CP provide input on the PA language. However, it seems odd and is unfortunate that the FMH CP is expected to provide this input absent any actual knowledge of the impacts. We are pleased that SHA agrees that any construction activity outside of the existing right-of-way would constitute an adverse effect on Moses Hall; however, additional graves may exist within the existing right-of-way of I-495, and we cannot fully understand the effects until the archaeological investigations are complete.

4) The standards of Section 4(f) have not been met

Section 4(f) requires that SHA must first avoid impacts to eligible historic resources, unless avoidance is not feasible and prudent (23 CFR 774). SHA has not sufficiently demonstrated its efforts to avoid impacts to Moses Hall. Redesigning and/or relocating the proposed ramp to access Cabin John Parkway and River Road/MD 190, or using an at-grade managed lanes approach, has the potential to avoid impacts to Moses Hall. The changes would be minor to the overall project footprint, and the Project would still meet its Purpose and Need even if the proposed interchange were removed. In fact, this sort of change is a strategy employed by SHA in the Alternatives where regulatory hurdles like the preservation of park land exist. An at-grade solution for access to Clara Barton Parkway is proposed in the Project Alternatives. Given that the MD 190 ramp faces similar Section 4(f) hurdles, why was a similar approach not pursued here? The *Alternatives Technical Report* (Appendix B) does not document a logic for why certain exits are served with direct access ramps or with at-grade options.

Similarly, SHA has insufficiently demonstrated its efforts to minimize impacts at Moses Hall even if they cannot be avoided. Again, redesigning or relocating the proposed ramp would substantially reduce impacts to the property without compromising the project goals.

SHA is attempting to proceed without a good faith analysis of alternatives under Section 4(f). No information has been provided to substantiate that avoiding Moses Hall is not feasible or prudent. As a result, we believe that the Draft Section 4(f) analysis is insufficient under the regulations. The lack of

FMH DEIS Comments

10.16.20

Page 3

Response to DEIS Comment #4

Based on the current historic boundary, the Preferred Alternative will avoid direct impacts to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery. Additionally, no atmospheric, audible, or visual effects to the property have been identified from the Preferred Alternative. No diminishment of location, design, setting, materials, workmanship, feeling or association has been found in these areas. The project will be governed by a programmatic agreement, including a treatment plan that specifies the methods, limits and consultation procedures for further investigation of areas with the potential for additional burials outside of the current historic boundary, no specific determination of effects to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery will be made at this time, and will be made following completion of the additional investigations specified in the programmatic agreement and treatment plan (Refer to **FEIS, Appendix J**).

<p>#5</p>	<p>documentation of why certain exits are treated differently suggests an arbitrary and capricious approach to designing exits in the context of sensitive, 4(f) resources, and is further inconsistent with appropriate practice.</p> <p>5) Cumulative impacts and Environmental Justice</p> <p>We believe that these impacts to Moses Hall would constitute an adverse cumulative impact to this historic resource. This resource was already adversely affected by the construction of the highway in the 1960s, which appears to have physically impacted the property, as well as isolated it from surrounding resources, such as Gibson Grove A.M.E. Zion Church. SHA is now proposing further adverse impacts to this resource. These cumulative impacts have not been analyzed in the Draft EIS, as required by 40 CFR 1508.7, and the Cultural Resources Technical Report.</p> <p>Moses Hall is a key and central feature of the remaining African American community in the Cabin John area. In the context of cumulative impacts and Environmental Justice, this community has already experienced disproportionately high and adverse impacts from the construction of I-495, which bisected the Gibson Grove Church property from the Moses Hall site and cemetery. In addition to the direct physical impacts to the community, the construction of I-495 and similar interstate highways in the DC region during a time of racial housing segregation led to the displacement of existing, poor African-American communities like the community in Cabin John in favor of new, white suburban developments. SHA is proposing to add further cumulative impacts to this community. In particular, Moses Hall is an extremely sensitive site to this community (as a burial ground), and SHA has failed to demonstrate that these impacts to this community cannot be avoided.</p> <p>6) The Draft EIS fails to adequately disclose impacts in a number of different areas, which will require a Supplemental Draft EIS. The Supplemental can provide the context for deeper evaluation of how to avoid and minimize impacts to Moses Hall.</p> <p>While it is an important NEPA policy goal to have timely review of transportation projects, the Draft EIS unfortunately suffers from a number of fatal flaws that have been identified by other Parties. The Environmental Justice disproportionate impact analysis has not been performed. A Visual Impact Assessment has not been conducted. The discussion of construction-period impacts is extremely high-level. An “elevated option” is not analyzed in the Draft EIS, despite being identified as a potential implementation approach. There is a general strategy articulated in the Draft EIS to provide assessment of the Preferred Alternative at a substantively different level in the Final EIS from how the other Alternatives are treated. This approach is inconsistent with 40 CFR 1502.14, as further interpreted by the <i>Forty Questions</i>.</p> <p>The collective deficiencies of the document lead to a reasonable conclusion that a Supplemental Draft EIS would be required, and appropriate, to provide additional information and to resolve the issues identified by multiple stakeholders. This deeper analysis would give us the opportunity to work with SHA to develop approaches to avoid and minimize impacts to Moses Hall.</p> <p>Thank you for your continued attention to the consequences of the Project on Morningstar Tabernacle No. 88 Moses Hall and Cemetery. We appreciate the opportunity to continue to consult with SHA through the Section 106 process and to work with the other stakeholders to protect the history of this important resource. Our cause to have this site treated fairly by SHA and this Project has been buoyed by the support of elected officials and other Cooperating Agencies. Delegate Sara Love has indicated her concern that the treatment of Moses Hall in the process to-date is inconsistent with a reasonable understanding of environmental justice. Commissioners of NCPC, particularly Commissioner Trueblood, indicated their attention to the impacts to this site. As a regulatory matter, this Project will require NCPC action consistent with their authority over Capper-Cramton lands, such as the adjacent</p>	<p>Response to DEIS Comment #5</p> <p>Refer to FEIS Chapter 5, Section 21.3 for more information on historical context.</p> <p>Understanding that the Beltway was constructed adjacent to these sensitive resources, MDOT SHA has committed to construct the following pedestrian connections between the Gibson Grove A.M.E. Zion Church and the Morningtar Tabernalce No. 88 Moses Hall Cemetery to restore the historic connection along Sevel Locks Road:</p> <ul style="list-style-type: none"> • Widening the existing variable-width sidepath along Seven Locks Road under I-495 (Cabin John Trail) • Constructing a new sidewalk along the west side of Seven Locks Road under I-495 to directly connect First Agape AME Zion Church (Gibson Grove Church) and Morningstar Tabernacle No. 88 Moses Hall and Cemetery <p>The Preferred Alternative includes the following elements and commitments related to the First Agape AME Zion Church (Gibson Grove Church) and Morningstar Tabernacle No. 88 Moses Hall Cemetery:</p> <ul style="list-style-type: none"> • Direct and indirect impacts to historically African American Gibson Grove Community significantly minimized • Gibson Grove Church is avoided with impacts minimized to 0.1 acre of temporary easement needed for drainage • All direct and indirect impacts to Moses Hall Cemetery completely avoided • Noise barrier with context sensitive treatment at the Moses Hall Cemetery • Gifting land owned by MDOT SHA with potential graves back to Trustees of Moses Hall Cemetery • Completing drainage improvements on Gibson Grove property and clearing space for their proposed parking lot • Upgrading parking lot on the east side Seven Locks Road and making the sidewalk and path improvements to connect to the existing parking lot. • Constructing a new sidewalk along the west side of Seven Lock Road under I-495 to reestablish the historic connection between Gibson Grove Church and the Moses Hall Cemetery. <p>Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.</p> <p>Response to DEIS Comment #6</p> <p>MDOT SHA and FHWA prepared a Supplemental DEIS 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. The SDEIS supplements the existing DEIS that was published on July 10, 2020. The SDEIS was limited to focus on new information while referencing the DEIS for information that remains valid. The public comment period for the SDEIS was from October 1, 2021 to November 30, 2021. As stated above the Preferred Alternative avoids the Morningstar Tabernacle No.88 Moses Hall and Cemetery property based on the current historic boundary.</p>
<p>#6</p>	<p>FMH DEIS Comments 10.16.20 Page 4</p>	

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Cabin John Park area. We will continue to follow the different regulatory actions needed to implement the Project to make sure our concerns are heard and addressed.

Because of the serious procedural issues we have identified, Friends of Moses Hall continues to believe that it is imprudent to proceed forward with the Programmatic Agreement or the Final EIS until more is known about the Moses Hall site and more design work to consider avoidance and minimization options has been advanced.

We remain available to discuss these concerns further with SHA at your convenience.

Sincerely,

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**FRIENDS OF MOSES HALL MORNINGSTAR TABERNACLE NUMBER 88
ANCIENT UNITED ORDER OF SONS AND DAUGHTERS, BROTHERS AND SISTERS OF MOSES**

c/o Charlotte Troup Leighton
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September 17, 2020

By Email to:

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RE: I-495 and I-270 Managed Lanes Study – 9/16/20 FMH CP Meeting Follow-Up

Dear Mr. Archer:

Thank you and your team, as well as Beth Cole with MHT and Jeanette Mar with FHWA, for meeting with the Friends of Moses Hall consulting party last night. We appreciate your sharing additional details about the Section 106 process and a status update, as well as an informal response to some of the issues raised in our August 24 letter.

This letter is intended to share our understanding of what we learned in our meeting and to review next steps related to the Section 106 process. I've attached your slides from the meeting for reference. As stated in our August 24 letter, we intend to subsequently provide more detailed comments on the DEIS during the public comment period, which has been extended to close on November 9, 2020.

We are pleased that SHA has determined that the site of Morningstar Tabernacle No. 88 Moses Hall and Cemetery (a/k/a Moses Hall) is eligible for listing in the National Register of Historic Places and that MHT concurs with this determination. Our corrections and additions to the DOE form were deemed moot; therefore, they will not be incorporated now to more fully and accurately describe the resource. You mentioned that there will be future opportunities to incorporate a detailed and more complete history of the site, which FMH researchers look forward to providing.

SHA has filed a petition with the Montgomery County Circuit Court to gain access to the property for the purposes of clearing bamboo and other vegetation required to complete additional field investigations. No detail was provided as to the method of bamboo removal. We would like to specify that no heavy equipment should be allowed on the site, and the bamboo removal should be

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This letter was included as an attachment with the DEIS Comment Letter and therefore the copy of the letter is included here. However, MDOT SHA acknowledges receipt of this letter is related to the Section 106 process and has addressed the comments raised through the Section 106 Consulting Parties process.

conducted using hand tools given the sensitive nature of the site. We are pleased that the bamboo removal process (beginning to end) will be completed under the supervision of an archaeologist, and we reserve the right to observe; however, we would like to clarify that this bamboo removal must be done in a manner that avoids damage to graves, grave markers, historic landscape features/plantings, the Moses Hall lodge foundation, and any other funerary or historic objects. We are told that a 30-day advance notice will be provided to us prior to any work at the site. We understand that we will be provided with copies of all field investigation reports and surveys once they are complete; however, we remain concerned that SHA has not provided us with information regarding the methodology of the archaeological investigation of the site or the results before the ROD, as we can not fully assess the impact of the project without understanding the boundary of the site. It is also our understanding that no invasive or excavation work will be planned for, or performed at, the property without the prior input of the community and the FMH CP. Please note that the FMH CP is currently working to address the ownership matters for the property and will provide updates to SHA as appropriate.

SHA intends to move forward with development of the Programmatic Agreement and will share an initial draft of the PA to consulting parties this fall (date unknown). It is imperative that the FMH CP provide input on the PA language. However, it seems odd and is unfortunate that the FMH CP is expected to provide this input absent any actual knowledge of the impacts. We are pleased that SHA agrees that any construction activity outside of the existing right-of-way would constitute an adverse effect on Moses Hall; however, additional graves may exist within the existing right-of-way of I-495, and we cannot fully understand the effects until the archaeological investigations are complete.

We strongly believe that the Moses Hall property should be avoided. ANY encroachment of construction that extends beyond the existing I-495 right-of-way will impact the Moses Hall lodge foundation and any gravesites within the LOD, decimating the character of this significant property. Accordingly, it is safe to conclude that any PA will need to incorporate very detailed provisions for the following:

- Procedures for the engagement and participation of FMH CP and the community in decision-making for the duration of the PA, as well as performance monitoring;
- Best practice and safe methodologies for further archaeological investigations;
- Procedures for meaningful consultation with FMH CP in the evaluation of design alternatives and treatments in the area of Moses Hall in order to avoid the property and minimize any unavoidable impacts;
- Procedures related to the development of a landscape management plan due to the potential for impacts to the Moses Hall property, including the removal of felled trees/invasive vegetation, protection of existing tree canopy and other sensitive plantings (such as periwinkle), protection of grave markers and other funerary objects, and stormwater management (including mitigation of past damage and prevention of future damage);
- Minimization and mitigation for anticipated and cumulative impacts, including past and anticipated visual and noise impacts that prevent peaceful enjoyment of the property;
- Commitments for potential mitigation including improved pedestrian access (including disabled access); tangible, public recognition and interpretation of the history, archaeology, and interments at the site;
- Concrete support for FMH CP's work for long-term preservation, historic marking and maintenance at the site;
- Meaningful commitment to the correction of past social justice and cumulative environmental impacts to the Gibson Grove community in Cabin John;
- In the event that avoidance is impossible, provisions regarding the relocations of remains and the consultation process with FMH CP and descendants. We strongly object to the relocation of remains; however, any relocated remains must be reinterred on the site. The burial ground was and is a community built around kinship and Morningstar Tabernacle No. 88 membership. All interments must remain together;

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- In the event that avoidance is deemed impossible, provisions regarding the relocation of the Moses Hall foundation on site in the consultation process with FMH CP. We strongly object to any removal or relocation of the foundation;
- Procedures for handling of inadvertent discovery of human remains during construction, as well as provisions for meaningful input from FMH CP in the event of such discoveries.

We reiterate our deep concerns that anything other than complete avoidance of these resources will perpetuate the cycle of continued racial injustice to the community. We are **not convinced** that the overwhelmingly negative impacts to this historic community cannot be avoided. We remain opposed to any piecemeal approach to mitigation involving the historic Gibson Grove community.

In conclusion, thank you for your continued attention to the effects of the Managed Lanes project on Morningstar Tabernacle No. 88 Moses Hall and Cemetery, as well as the Gibson Grove Church property. We appreciate the opportunity to continue to consult with SHA and work with the other Consulting Parties to protect the history and character of these important resources in Cabin John.

Sincerely,

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September 17, 2020

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FRIENDS OF MOSES HALL – CHARLOTTE TROUP LEIGHTON (ORAL TESTIMONY)	
	<div>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</div> <div><p>Name: Charlotte Troup Leighton</p><p>Joint Public Hearing Date: 9/3/2020</p><p>Type/Session: Live Testimony/Evening</p><p>Transcription:</p><p>My name is Charlotte Troup Leighton, and that's spelled LEIGHTON. I live at 8005 Cypress Grove Lane in Cabin John, Montgomery County, Maryland. I'm a member of the Friends of Moses Hall 88 Consulting Party for the Section 106 process. I am also here representing Evergreen and neighborhood of 27 households immediately to the south of I-495 off of Seven Locks Road in Cabin John. Many of my neighbors, as well as the historic African-American Moses Hall, Morningstar Cemetery and Gibson Grove Church sites backup to the I-495 right of way and are within the limits of disturbance. We appreciate your careful consideration of my community's concerns, which will further, will be further articulated in a formal written response. Notwithstanding our overarching concerns about the negative impacts, fiscal looked viability and the short-sighted approach of the Managed Lanes plan, our community has four primary areas of concern based on the material in the draft DEIS. For storm water and runoff, our community experiences existing runoff and erosion conditions due to the highway. The expansion will create more impervious surface and more runoff. The DEIS does not provide information regarding the stormwater management strategy in our area. None of the typical sections shown explain what the stormwater management approach would be in conjunction with noise barriers. The stormwater management strategy must be further refined in the final EIS and the approach that SHA takes must address existing and future runoff. Second, we are glad to see noise barriers proposed for our community. These noise barriers are a necessary mitigation for the noise impacts we will experience and must be committed, committed to in the final EIS and Record of Decision. However, the placement and design of those noise barriers needs to be refined. The property impacts associated with the barriers placed as shown in Appendix D would have major negative consequences for our community. The barriers should be placed in a way that avoids property impacts and minimizes tree impacts. Their design should be compatible with our residential community. Third, the construction of a flyover ramp from the Managed Lanes to Maryland 190, which is River Road, would create new visual impacts for a community and adjacent cultural resources. These visual impacts are not adequately evaluated in the draft EIS. To reduce visual and other negative impacts to Evergreen and avoid the Moses Hall historic site, the flyover should be replaced with an at grade access option, as is provided at Clara Barton Parkway. Fourth, the construction impacts associated with the project are insufficiently and improperly defined. We are concerned that the limits of disturbance close proposed noise walls at this level of design. The impacts to Seven Locks Road from the reconstruction of the I-495 overpass are not defined. We are greatly worried about extended noise impacts as the project is built. These are real impacts for our community that will affect our quality of life and property values. We look forward to these issues being affirmatively addressed in the final EIS. Thank you again for your time and consideration.</p></div>
#1	<p>Response to DEIS Comment #1</p> <p>Since there is a documented drainage complaint at the Moses Cemetery the current draft SWM concept presented in the FEIS diverts all the impervious area from I-495 away from the cemetery property to the north side of the highway where it is treated in a SWM facility. As a result, the houses between I-495 and Cypress Grove Lane will see a significant reduction in surface runoff.</p> <p>The majority of the SWM runoff along Cypress Grove Lane will be diverted, however, some runoff will still be directed to the existing 21"RCP located behind 8021 Cypress Grove Lane and the existing swale located between Osage Lane and Cypress Grove Lane. This project will be required to control stormwater runoff for the 10-year storm to match existing conditions prior to leaving MDOT SHA ROW; therefore the runoff at both locations will not be increased and given that the surface runoff is being directed elsewhere, the total runoff will be significantly reduced.</p>
#2	<p>Response to DEIS Comment #2</p> <p>The noise analysis for the Study included a noise receptor at the cemetery. The existing noise level is 70 dBA, future noise level without a barrier is also 70 dBA. A noise barrier is proposed and will result in a noise reduction to 60 dBA. The barrier is currently recommended to be 24 feet tall. The height could change during final design, however the FEIS includes a commitment for a noise barrier with context sensitive treatment at the Moses Hall Cemetery</p>
#3	<p>Response to DEIS Comment #3</p> <p>The Preferred Alternative does not include an elevated structure to implement the HOT managed lanes at Seven Locks Road. Between Persimmon Tree Road and Seven Locks Road, the Preferred Alternative includes four general purpose lanes and two high-occupancy toll managed lanes in each direction. An acceleration lane will also be built along the outer loop for approximately 1000-feet east of Seven Locks Road. No ramps are proposed in this area. The proposed typical section serves to minimize the roadway footprint between the Carderock Springs Historic District and Gibson Grove Church along the outer loop and the Morningstar Tabernacle No. 88 Moses Hall & Cemetery along the inner loop. The centerline of I-495 will be relocated such that it gradually shifts away from the Cemetery as it moves north from Persimmon Tree Road; at the Cemetery the proposed median barrier between inner loop and outer loop traffic will be approximately 25 feet further from the Cemetery than the existing median barrier. Flyover ramps are no longer proposed in this area and thus will not create a visual impact. A noise barrier in this area is anticipated to be located close to the existing right of way line. Vegetation will need to be removed within the Limit of Disturbance to facilitate this construction.</p> <p>Since the DEIS, the Preferred Alternative eliminates of flyover ramps at MD 190/River Road by adjusting the location of the HOT lane direct access ramps between I-495 and MD 190. All HOT lanes direct access ramps within this interchange are now proposed to connect at a new intersection on the MD 190 bridge over I-495 without the use of flyover ramps.</p> <p>Between Seven Locks Road and MD 190/River Road, the general purpose lanes and managed lanes separate to allow space for highway ramps. The existing Cabin John Parkway bridges will be replaced with new north-facing ramps to I-495 general purpose lanes, and I-495 managed lanes, and MD 190. New ramps connecting to Cabin John Parkway will be provided below existing I-495 grades, avoiding additional visual impacts to adjacent communities. The existing loop ramps at the MD 190 interchange will be replaced by diamond ramps. This configuration typically allows ramps to be located further from adjacent houses than the SDEIS ramp configuration.</p>
#4	<p>Response to DEIS Comment #4</p> <p>MDOT SHA employed a conservative approach to defining the limits of disturbance (LOD) for all the DEIS Build Alternatives and Preferred Alternative. The LOD represent the proposed boundary within which all construction, mainline widening, managed lane access, intersection improvements, construction access, staging, materials storage, grading, clearing, erosion and sediment control, landscaping, drainage, stormwater management, noise barrier replacement/construction, stream stabilization, and related activities to the proposed roadway and interchange improvements. Property impacts associated with the LOD were broken into permanent (long-term) and temporary (short-term) areas. This conservative approach to defining the LOD fairly captured the full scope of potential impacts.</p>

<p><i>This page is intentionally left blank.</i></p>	<p>Moreover, the methodology used to assess impacts to a number of key resources appropriately considered a broader geographic area than the LOD immediately surrounding the anticipated construction and related activity boundaries. When the project advances to final design, it is anticipated that the design will closely adhere to the LOD defined in the FEIS, as the LOD was established to include a reasonable area to construct the Preferred Alternative. For complete graphic descriptions of the Preferred Alternative LOD across the entire span of study limits, Refer to the FEIS, Appendix E, Environmental Resource Mapping.)</p> <p>The impacts assessment accounts for all land needed for construction, including areas for staging, materials storage, and access needs at specific locations. These areas are identified in the DEIS and SDEIS, Appendix D, Environmental Resource Mapping and FEIS, Appendix E. The SDEIS and FEIS present quantified property impacts of the Preferred Alternative and are categorized by permanent (or long-term) effects and temporary (or short-term) effects. See SDEIS, Chapter 4, Section 4.5 and FEIS, Chapter 5, Section 5.5.</p> <p>It is anticipated that construction will last approximately five to six years. Details related to precisely when and where construction related activities will occur will be determined in final design, however, the project will likely require night work to occur when activities could not be completed safely during the day. Advanced notice of construction related activities would be provided and all reasonable efforts to minimize impacts to residential communities would be undertaken. Impacts associated with construction that will be further evaluated for the Selected Alternative in final design include traffic congestion associated with construction maintenance of traffic, utility disruptions, construction vibration, erosion and sediment and control, and construction related noise.</p>
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<div>#1</div> <div>#2</div> <div>#3</div> <div>#4</div>	<div>FRIENDS OF SLIGO CREEK – KIT GAGE</div> <div><div>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</div><div><p>Name: Kit Gage</p><p>Date/Hearing: 8/25/20</p><p>Type/Session: Live/Morning</p><p>Transcription:</p><p>Hi, my name is Kit Gage (K-I-T G-A-G-E). The address of Friends of Sligo Creek, which I represent is Post Office Box 11572, Takoma Park, Maryland 20913 and I live in Silver Spring, Maryland. I'm Advocacy Director of Friends of Sligo Creek and we oppose the managed lane plans for I-495 and I-270. We support, instead, transit solutions to the traffic issues raised by this DEIS. Our almost twenty-year-old, non-profit community organization is dedicated to protecting improving and appreciating the ecological health of Sligo Creek Park and its surrounding watershed. We are a very diverse down county area ranging from Wheaton Headwaters through Silver Spring to Takoma Park. In a time of COVID-19 the value of parks has been stunning and well-documented. This Project would impede on hundreds of acres of parkland that about the Beltway. It's horrifying to look at the many charts in the DEIS documenting the loss of green space. This would exacerbate the tree canopy loss occurring despite current planting efforts. [INAUDIBLE] Sligo Creek Park in the watershed are less impinged upon by Beltway expansion plans compared with Rock Creek, for example, as Jeanne pointed out. Nonetheless, it would be damaged in multiple ways during construction and after. That part of Sligo Creek crossed by the Beltway is relatively wide and so the effects on the diverse wildlife, trees, stormwater, and the historic Sligo Golf Course are significant. A challenged watershed would be further hurt by a huge construction project and increase of impervious surface.</p><p>Let me focus for a minute on stormwater. When built, the Beltway didn't capture and infiltrate, infiltrate stormwater. Instead, as was typical in the 1950s, the hot, polluted runoff went into storm drains and directly into our creeks. As we know from our neighborhood experience, this is not the rule these days for good reason and would violate the Clean Water Act. The state of Maryland has decided that it only needs to capture stormwater runoff from new lanes. 25% of the roadbed not from the total roadbed. This is despite the fact that the existing roadbed is slated to be completely reconstructed. As with the Purple Line, the State is trying to get away with less than halfway measures. When you tear up a road that should be, as in Montgomery County, the trigger for requiring stormwater management for all that's torn up not just new construction. In our area, runoff from the Beltway is a significant contributor to impervious surface flow and pollution. There will be no other time to do the right thing and to reflect the purposes of Clean Water Act. One of the troubling details exemplified under Section 4.5, Property Acquisitions and Relocations on page 4-24 under Mitigation, the first suggested fix is elimination of stormwater bioswales that otherwise would be installed. It's deeply troubling that the State proposes trading off one problem for another and that stormwater retrofits are proposed as the first to go. The massive DEIS and its thousands of examples of environmental damage can numb us to their total impact.</p><p>Instead, it should be the trigger for a re-evaluation. Maryland should use Beltway fixes as an exemplar for climate change modifications, fund transit, save the environment, preserve and protect our parks. It's not too late to do the right thing. Thank you.</p></div></div>	<div><p>Response to DEIS Comment #1 Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.</p><p>Response to DEIS Comment #2 Selection of the Preferred Alternative was based in part on extensive coordination with and input from agencies and stakeholders, including the Officials with Jurisdiction (OWJs) for Section 4(f) properties. Refer to DEIS, Chapter 5; SDEIS, Chapter 5; FEIS, Chapter 6. Agency and stakeholder comments on the DEIS and Draft Section 4(f) Evaluation specifically requested avoidance of parkland and historic resources within the study area. The Preferred Alternative is responsive to the comments received and aligns the Study to be consistent with the phased delivery and permitting approach, which limits the build improvements to Phase 1 South and avoids improvements on I-495 east of the I-270 east spur. The result is complete avoidance of a substantial number of Section 4(f) properties and a large reduction of parkland acreage impacts within the Study limits (over 100 acres). Design refinements have progressed since the Preferred Alternative was identified, resulting in additional avoidance and minimization of impacts.</p><p>The total number of Section 4(f) properties impacted was reduced by 38 properties after the DEIS based on the revised limits of the Preferred Alternative and other minimization measures. Since the SDEIS, impacts to two additional parks were avoided including Cabin John Stream Valley Park (Rockville) and Morris Park based on further design refinements. One additional Section 4(f) property was identified (the Washington Biologists' Field Club on Plummers Island) bringing the final total to 20 properties. The Preferred Alternative requires use of a total of 33.2 acres from 20 Section 4(f) properties and avoids the use of approximately 113 acres of Section 4(f) properties compared to the Build Alternatives in the DEIS.</p><p>Response to DEIS Comment #3 Thank you for your comment concerning impacts to Sligo Creek and Rock Creek. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. <i>See Figure 1-1 in the FEIS</i>. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because to Sligo Creek and Rock Creek are located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.</p><p>Response to DEIS Comment #4 The project will be required to obtain a SWM and Erosion & Sediment permit. In order to obtain these permits, the project will be required to control stormwater runoff for the 10-year storm to match existing conditions, provide water quality treatment for all new impervious area and 50% of reconstructed existing impervious area to match the runoff characteristics of woods in good condition and manage the 2-year storm during construction so that sediment is not released to local waterways. Variances can be requested for minimal increases in stormwater runoff, however, detailed hydrologic calculations will be required to show that the minimal increases will not result in downstream flooding or erosion. Given the strict permitting requirements, impacts to downstream water quality from stormwater runoff are not expected. Refer to Chapter 9, Section 3.4.E for additional information related to impact analysis and mitigation of water resources, including wetlands, waterways, and stormwater management.</p></div>
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GAITHERSBURG-GERMANTOWN CHAMBER OF COMMERCE, INC. – MARILYN BALCOMBE (EMAIL)

From: Marilyn Balcombe <MBalcombe@GGChamber.org>
Sent: Tuesday, August 25, 2020 3:21 PM
To: MLS-NEPA-P3
Subject: 495 & 270 Managed Lane Study - DEIS Written Testimony
Attachments: MDOT DEIS Public Hearing.doc

Please accept this written testimony on the 495 & 270 Managed Lane Study

Marilyn

Marilyn Balcombe
President and CEO



910 Clopper Road, Suite 205N
Gaithersburg, MD 20878
301-840-1400 x15
mbalcombe@ggchamber.org



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910 Clopper Road, Suite 205N, Gaithersburg, Maryland 20878 (301) 840-1400, Fax (301) 963-3918

I-495 & I-270 Managed Lanes Study

Draft Environmental Impact Statement (DEIS)

Federal Highway Administration, Maryland Department of Transportation, Maryland State Highway
Administration and Maryland Department of the Environment

Public Hearing – August 25, 2020

SUPPORT

Increased capacity of I-270 has been a top priority for businesses in Upper Montgomery County for a very long time. We cannot really address the significant traffic burden without a comprehensive investment in real solutions on I-270. This cannot be done without private investment. The I-495 and I-270 P3 Program is the first real opportunity to address the significant congestion along the I-270 Corridor.

The Gaithersburg-Germantown Chamber of Commerce has been engaged in this project through the years and have reviewed the results of the traffic operational analyses outlined in the Draft Environmental Impact Statement (DEIS) for the I-495 & I-270 Managed Lanes Study. We were not surprised that the No Build Alternative (#1) would not address any of the operational issues experienced under existing conditions and would not be able to accommodate long-term traffic growth. The traffic is untenable now and will only get increasingly worse.

Based on the DEIS, both Alternatives 9 and 10 “consistently perform well in all the operational metrics studied, and each alternative ranked first in three of the six key metrics.” **We reviewed both options and believe Alternative #9 to be the best option for several reasons.** The most important being the use of HOT Managed Lanes vs. ETL Managed Lanes. Having HOT Lanes will continue to provide incentives for carpooling, taking cars off the road further increasing capacity on I-270.

Other important metrics include:

- **Local Network** - While all the Build Alternatives would result in a net reduction in traffic delays on the surrounding arterials, Alternative #9 performs best in terms of improving the local network. Given to burden of traffic on local roads, this is an important metric to consider.
- **Level of Service** - Alternative #9 also performs the best on the Level of Service (LOS) metric. The study indicates that the No Build Alternative would operate at a letter grade of “F” 53% of lane-miles operating during the afternoon peak rush hour (28% “F” during morning rush hour). While it would be great to project that the new system would never fail, but that would not be cost-effective. Alternative #9 vastly improves the No Build Alternative level of service with a failing grade of only 12% of the operating lanes-miles for both morning and evening peaks.
- **Speed of GP Lanes** - Throughout the project, there has been great concern and debate about toll lanes vs. free lanes. It is important to reiterate that all but one of the alternatives did not take away general purpose lanes. Only one alternative suggested converting a general purpose lane as a contraflow lane during peak periods. It’s important that the general public understand that adding toll lanes does not slow down traffic in general purpose lanes. In fact, the average speed increases in the general purpose

Response to DEIS Comment #1

Thank you for your comments supporting the MLS NEPA process and the proposed improvements. The purpose of the Managed Lanes Study 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.

FHWA and MDOT SHA have considered all comments received on the proposed improvements in the context of the Purpose and Need for the project and have identified Alternative 9 – Phase 1 South as the Preferred Alternative. This alternative would best accomplish the Purpose and Need of the proposed action while fulfilling FHWA’s statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.

#1

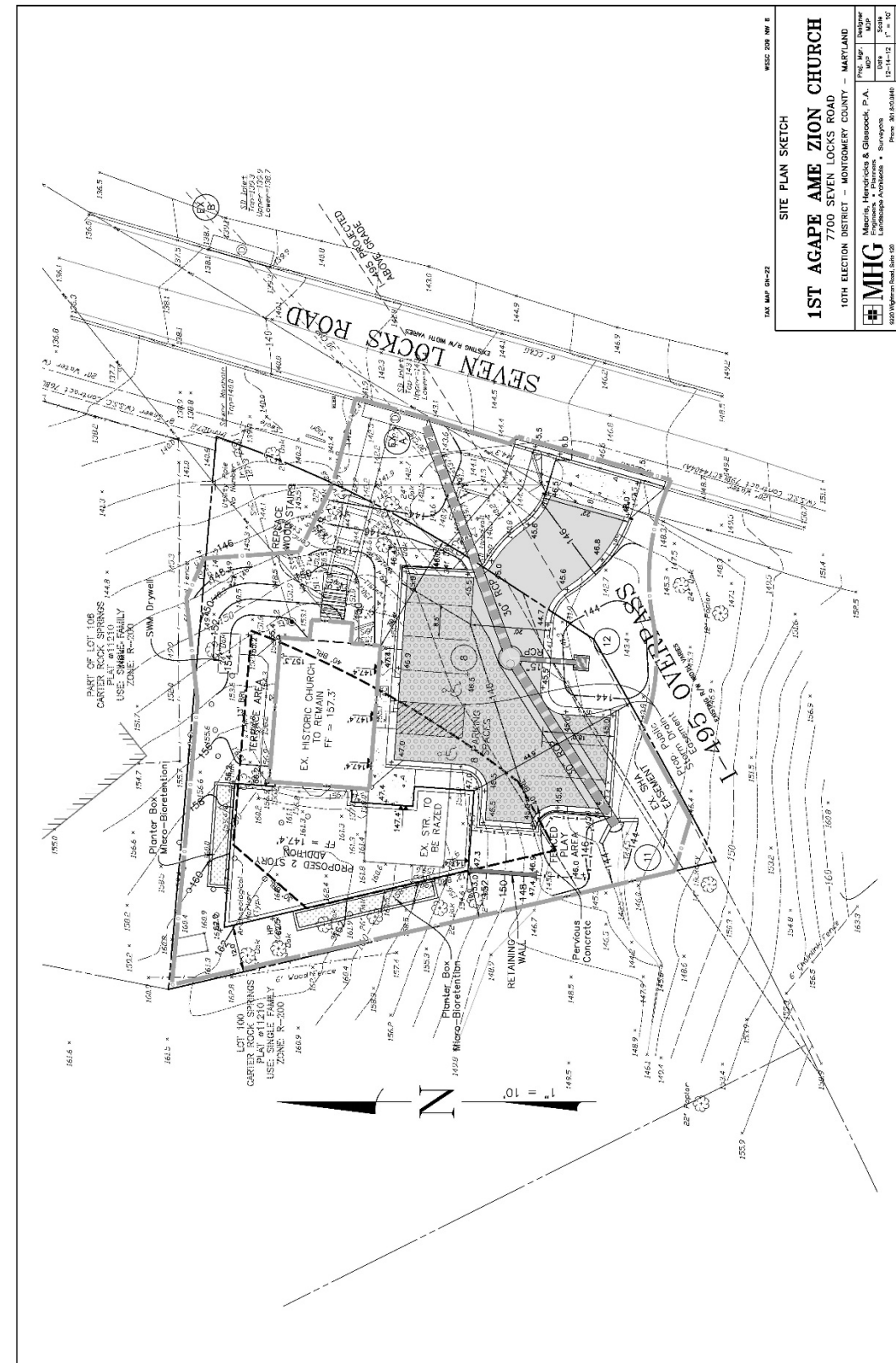
<p>#1 Cont</p>	<p>lanes for all No Build Alternatives. This means that even if an individual commuter chooses NOT to use a toll lane, their individual commute will be faster. Alternative 9 performs best in this metric, increasing average speed in general purpose lanes from 25mph (No Build) to an average of 41 mph.</p> <p>There are a few more thoughts about the project and the DEIS.</p> <ol style="list-style-type: none">1. We agree that the first priority for I-495 & I-270 is the American Legion Bridge. Fixing that bottle neck is not only an economic imperative, it is a matter of National security. Increasing capacity on the bridge cannot happen without the P3 project.2. We also want to strongly oppose the MD 200 “short cut”. In some circumstances the MD 200 Alternative Diversion may save time for I-95 through trips, but dumping additional cars onto I-270 from 370 to the spur, will negatively impact the travel time for those already traveling on I-270. Encouraging MD200 as a “short-cut” could be disastrous for Montgomery County and Frederick County commuters.3. We support the option of free bus usage in the managed lanes along I-270 connecting to local bus services, as well as to the Shady Grove Metro station. Now that the Watkins Mill Interchange is open, there is also the opportunity to efficiently connect to the Metropolitan Grove MARC Station via I-270.4. The section of I-270 between I-370, the spur, and ultimately the American Legion Bridge is in critical need of increased capacity. However, increasing capacity from I-370 north to I-70 in Frederick is equally important. We encourage fast tracking the northern phase of I-270 to create a seamless transition from the American Legion Bridge to Frederick. <p>Thank you for your time and consideration.</p> <p>Sincerely,</p> <p>Marilyn Balcombe President & CEO mbalcombe@ggchamber.org</p>	<p>Comment addressed above.</p>
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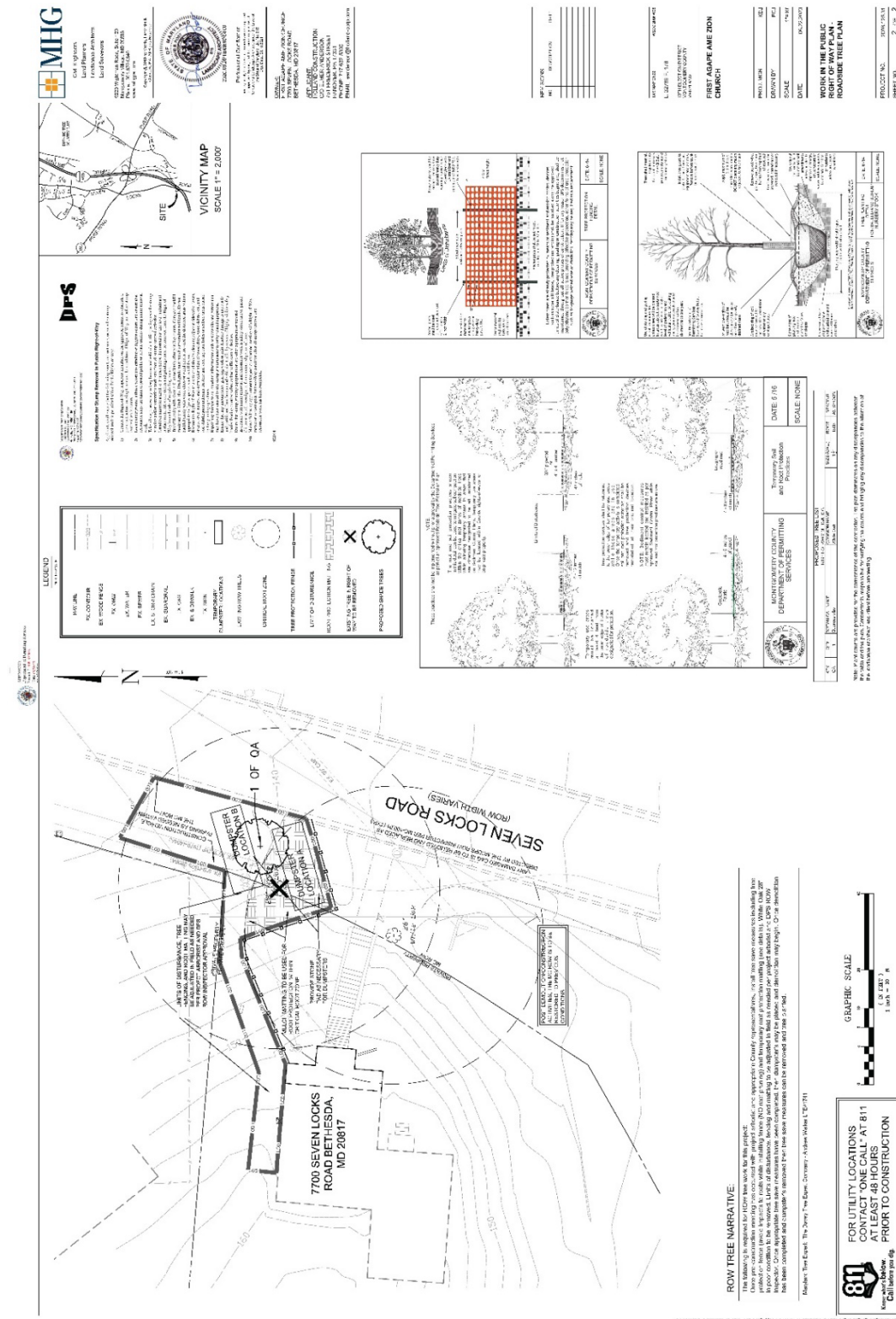
<div>#1</div> <div>GAITHERSBURG-GERMANTOWN CHAMBER OF COMMERCE, INC. – MARILYN BALCOMBE (ORAL TESTIMONY)</div> <div><div>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</div><div><p>Name: Marilyn Balcombe</p><p>Joint Public Hearing Date: 8/25/20</p><p>Type/Session: Live/Evening</p><p>Transcription:</p><p>Hi, my name is Marilyn Balcombe (M-a-r-i-l-y-n-B-a-l-c-o-m-b-e). My address is 13518 Ansel Terrace, Germantown.</p><p>Hi, I'm the President and CEO of the Gaithersburg-Germantown Chamber of Commerce. Increased capacity of I-270 has been a top priority for our economy for a very long time. We strongly support the 495 and 270 P3 as the only real opportunity to address the significant congestion along the I-270 Corridor. Based on the DEIS, both Alternatives 9 and 10 consistently perform well on all the operational metrics studies. We reviewed both options and believe Alternative 9 to be the best option for several reasons. The most important being the use of HOT Managed Lanes versus ETL Managed Lanes. Having HOT Lanes will continue to provide incentives for carpooling, taking cars off the road, further increasing capacity on I-270. Other important - important metrics include the local road network. Alternative 9 performs fast and reducing traffic delays on the surrounding arterials and generally improving the local road network. Alternative 9 also performs best on the Level of Service metric. The No-build Alternative was given a failing grade for 53 percent of the lane miles operating during the afternoon. Alternative 9 is a vast improvement with only 12 percent of lane miles failing for both morning and evening peaks. The speed of the General Purpose lane. Throughout the Project, there's been a great debate about toll lanes versus free lanes. It's important that the general public understand that adding toll lanes does not slow down traffic in general purpose lanes. In fact, the average speed increases in the General Purpose lanes for all No-build Alternatives. This means that even if a driver chooses not to use the toll lane their commute will be faster. Alternative 9 performs best in this metric, increasing average speed in the General Purpose lanes from 25 - for the No-build - to an average of 41 miles per hour. For these reasons, we support Alternative 9. We also agree with the first priority for the Project - is the American Legion Bridge. Fixing that bottleneck is not only an economic imperative, it's a matter of National security. Increase in capacity on the bridge cannot happen without the P3 Project. We also strongly oppose the MD 200 Shortcut. Regardless of any improvement on I-95 through trips, dumping these cars onto I-270 will negatively impact the travel time for drivers who travel I-270 every day. We wholeheartedly agree that I-270 South is in desperate need of increased capacity. However, increasing capacity from I-370 North to I-270 is equally. We encourage fast-tracking the Northern Phase of the I-270 to create a seamless transition from the American Legion Bridge to Frederick. Thank you for your time and consideration.</p></div></div>	<div>Response to DEIS Comment #1</div> <div><p>Thank you for your comments supporting improvements. The purpose of the Managed Lanes Study 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.</p><p>FHWA and MDOT SHA have considered all comments received on the proposed improvements in the context of the Purpose and Need for the project and have identified Alternative 9 – Phase 1 South as the Preferred Alternative. This alternative would best accomplish the Purpose and Need of the proposed action while fulfilling FHWA’s statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.</p></div>
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<div>#1</div> <div><div>GIBSON GROVE AME ZION CHURCH/FIRST AGAPE AME ZION CHURCH – EDGAR BANKHEAD</div><div><div>Gibson Grove AME Zion Church/First Agape AME Zion Church</div><div><p>The historic Gibson Grove AME Zion Church, Moses Hall, and Morning Star Cemetery are unique cultural resources. They are the factual evidence of America's unconscionable cruelties against a people, kidnapped, enslaved for over two hundred years to advance its economy.</p><p>Moreover, the cultural resources are of a people stripped of their language, culture, heritage, all items of human worth and dignity, legislated by law to be three-fifths of a human being; released from slavery unto the same for over four hundred years; a target of systemic racism unto this very day.</p><p>These resources are unique beyond their antiquity in days, their architectural design to the very core, the source of their existence, slavery, and all its oppressive aftermaths that followed. These cultural resources are not ordinary as others in the Maryland Historic Trust; they are the very bootstraps for a pullup from justice denied, and harrows suffered for centuries.</p><p>The restoration, preservation, and new construction of Gibson Grove AME Zion Church and the preservation of Moses Hall and Morning Star cemetery is paramount to offset the initial impact of I-495 Beltway widening in the 1960s. The church is in agreement with all consulting and supporting parties for these cultural resources to be preserved within the expansion project's limits without further harm. The MDOT SHA I-495 and I-270 Managed Lanes P3 program threatens the existence of and functionality of these cultural resources to survive.</p><p>In response to Montgomery County Historic Commission and Maryland Historical Trust restrictions on the historic church, avenues to expand the facility to achieve its mission without impinging on the historic structure were sought. In doing so, it was discovered in 2006 that SHA had miss plotted the northern slope of the beltway, causing the tributary that was farther South of church before the beltway was built to flow farther north to pass through church property. Members of the church at that time recall the tributary being farther south and deep enough for water baptism by immersion; Methodist doctrine permits three forms of water baptism, Immersion, Sprinkling, or Pouring.</p><p>The church, in response to this miss plot and the damage it is causing to the church, plans for restoration and new construction were submitted to MHG (Marcis, Hendricks & Glasscock, P. A.) to develop a site plan, which is attached.</p><p>This site plan is to offset the damage caused by SHA's survey miss plot, stormwater erosion of north slope of the beltway, and south slope of Gibson Grove AME Zion Church. This erosion is so extensive it clogs the culvert under Seven Locks Road, forcing runoffs across the church and bordering property front easements.</p><p>Mitigation concepts to mitigate damage to Gibson Grove Church, Moses Hall, and Morning Star Cemetery are attached. The mitigation concepts call for a basement with adjoining classrooms beneath the historic church, underground stormwater conduit beneath porous concrete parking surface, a concept for reconnecting the Gibson Grove church with sidewalks, and parking for public</p></div></div></div>	<div>Response to DEIS Comment #1</div> <div><p>Thank you for your comments on mitigation for the Gibson Grove AME Zion Church/First Agape AME Zion Church. As you know through the Section 106 Consultation Process MDOT SHA has been coordinating directly with you and the Friends of Moses Hall on avoidance, minimization, and mitigation to these two properties.</p><p>Regarding the Morningstar Tabernacle No.88 Moses Hall and Cemetery: MDOT SHA has been continuing investigation of the Morningstar Tabernacle No.88 Moses Hall and Cemetery, and consultation with community representatives since publication of the DEIS and SDEIS. The Preferred Alternative avoids ground disturbance within the current historic boundary and sensitive areas within state-owned right-of-way. MDOT SHA will commit to context-sensitive treatment of the cemetery in the Record of Decision and through a Programmatic Agreement developed in compliance with Section 106 of the National Historic Preservation Act. Commitments will include context-sensitive treatment of noise barrier facing the cemetery, which may include decorative elements appropriate to the historic property and/or such elements as memorial plaques or signage; and further studies prior to final design and construction adjacent to the cemetery, and/or archaeological monitoring requirements for construction, as part of the treatment plan specified in the Programmatic Agreement. MDOT SHA will provide consulting parties with a demonstrated interest in the cemetery and MD SHPO comment opportunity for Project elements, specifically noise barrier, within the APE adjacent to the cemetery.</p><p>Regarding the Gibson Grove AME Zion Church/First Agape AME Zion Church, the Preferred Alternative would result in 0.1 acres of impacts to this property, all of which would be permanent impact. The Gibson Grove Church building will not be directly impacted by the Preferred Alternative. The 0.1 acres of impact is required to accommodate outfall stabilization, culvert augmentation, bridge reconstruction, and construction access. A shift of the roadway centerline towards the Gibson Grove AME Zion Church was included in the Preferred Alternative to avoid impacts to Morningstar Cemetery, located on the opposite side of I-495 from the Gibson Grove Church. As mitigation for the adverse effect to the church, MDOT SHA will: provide First Agape A.M.E. Zion Church at Gibson Grove and MD SHPO a comment opportunity at a draft level of design and a second opportunity prior to finalization of design for Project elements on church property or within the APE adjacent to the church property; improve the stormwater drainage on the church property by routing drainage into a new underground culvert to be installed as part of the Project; ensure that a parking lot identified in the church's restoration plan is constructed on church property following installation of the culvert drainage design; work with First Agape A.M.E. Zion Church on schedule and timing of the culvert and parking lot work to be compatible with ongoing church restoration efforts to the extent practicable; ensure Project noise- or vibration- causing construction activities are restricted adjacent to the church during scheduled worship services or key events; and, in coordination with Montgomery County, install sidewalk on the west side of Seven Locks Road to more accessibly connect Gibson Grove A.M.E. Zion Church and Morningstar Tabernacle No. 88 Moses Hall and Cemetery.</p></div>
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<div>#1</div> <div>Cont</div>	<p>access to Moses Hall and the cemetery, with additional retainer walls and noise barriers.</p> <p>On Mon, Nov 9, 2020, at 9:43 PM, Edgar Bankhead wrote: The historic Gibson Grove AME Zion Church, Moses Hall and Morning Star Cemetery are unique cultural resources. They are the factual evidence of America's unconscionable cruelties against a people, kidnapped, enslaved for over two hundred years to advance its economy.</p> <p>Moreover, the cultural resources are of a people stripped of their language, culture, heritage, all items of human worth and dignity, legislated by law to be three-fifths of a human being; released from slavery unto the same for over four hundred years; a target of systemic racism unto this very day.</p> <p>These resources are unique beyond their antiquity in days, their architectural design to the very core, the source of their existence, slavery, and all its oppressive aftermaths that followed. These cultural resource are not ordinary as others in the Maryland Historic Trust they are the very boot straps for a pullup from justice denied and harrows suffered for centuries.</p> <p>The restoration, preservation and new construction of Gibson Grove AME Zion Church and the preservation of Moses Hall and Morning Star cemetery is paramount to offset the initial impact of I-495 Beltway widening in the 1060's. The church is in agreement with all consulting and supporting parties for these cultural resources to be preserved within the limits of the expansion project Without further harm. The MDOT SHA I-495 and I-270 Managed Lanes P3 program threatens the existence of and functionality of these cultural resources to survive.</p> <p>In response to Montgomery County Historic Commission and Maryland Historical Trust restrictions on the historic church, avenues to expand the facility to achieve its mission without impinging on the historic structure were sought. In doing so, it was discovered in 2006 that SHA had miss plotted the northern slope of the beltway causing the tributary that was farther South of church, before the beltway was built, to flow farther north to pass through church property. Members of the church at that time recall the tributary being farther south and deep enough for water baptism by immersion; Methodist doctrine permits three forms of water baptism, Immersion, Sprinkling or Pouring.</p> <p>The church, in response to this miss plot and the damage it is causing to the church, plans for restoration and new construction were submitted to MHG (Marcis, Hendricks & Glasscock, P. A.) to develop a site plan which is attached.</p> <p>This site plan is to offset damage caused by SHA's survey miss plot, storm water erosion of north slope of the beltway and south slope of Gibson Grove AME Zion Church. This erosion is so extensive it clogs the culvert under Seven Locks Road forcing runoffs across church and bordering property front easements</p> <p>Mitigation concepts to mitigate damage to Gibson Grove Church, Moses Hall and Morning Star Cemetery are attached. The mitigation concepts call for a basement with adjoining classrooms beneath historic church, underground stormwater conduit beneath porous concrete parking surface, a concept for reconnecting the Gibson Grove church with sidewalks and parking for public access to Moses Hall and the cemetery, with additional retainer walls and noise barriers.</p> <p>Attachments:</p>	<p>Comment addressed above.</p> <p>The following pages reflect the attachments included in the letter. There are no comments or responses provided on these pages; they are included for the record.</p>
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site plan MHG_AME_Church_Site_Plan_Sketch_12-14-12.pdf
 stable plan First Agape Church-S1.0.pdf
 Stable Sheet 2.pdf
 A Church Access HSA Right-of Way copy.pdf
 P Gibson Grove SHA 2005-2006.pdf
 Parking Concept B - 2020-11-05.pdf
 Parking Concept C - 2020-11-05.pdf
 Retainer photo Links and Pictures.docx
 1604976061597blob.jpg





**FIRST AGAPE AME ZION CHURCH
7700 SEVEN LOCK ROAD
BETHESDA, MARYLAND 20866**

16 November 2006

First Agape African Methodist Episcopal Zion Church
7700 Seven Locks Road
Bethesda, Maryland 20817

Ref. Ltr dated: 29 March 2006

Maryland State Highway Administration
Mr. Douglas Mills, District Right of Way Chief
9300 Kenilworth Avenue
Greenbelt, Maryland 20770

Dear Mr. Mills:

In reference to request for regrading of slope pertaining to the historical First Agape AME Zion church by the Maryland State Highway Administration, discovery of the common by our surveyor, licensed by the State of Maryland, indicates Right of Way and easement markers placed by SHA are incongruent to and in excess by ten feet of established property boundaries as delineated by existing plats recorded by Maryland's Office of Land Records.

An explanation of right away and easement marker stakes placed by SHA must be verified within existing recorded boundaries as set forth by Maryland law.

All survey points must be official and in agreement for the survey of the First Agape AME Zion Church property to be completed and recorded. Our surveyor, civil engineer and architect require a resolution to this matter for completion of church plans for restoration and construction.

For administrative clarity, efficiency and expedience the SHA's contract surveyor may present their measured survey findings to First Agape African Methodist Episcopal Zion Church's surveyor at: Duval & Associates, P. A.

Duval & Associates, P. A.
Surveyors, Engineers
1729 York Road, Suite 205
Lutherville, MD 21093

Phone 410-666-5467
FAX 410 -583-4688
Email: DUVALAPA@VERIZON.NET.

For questions you may contact me at: 301- 879-3341 or cell: 301-767-9727

Rev. Edgar S. Bankhead
Pastor, First Agape AME Zion Church

FIRST AGAPE AME ZION CHURCH
7700 SEVEN LOCK ROAD
BETHESDA, MARYLAND 20866

cc:

Office of the Governor
Office of the LT. Governor
The Honorable Brian E. Frosh
The Honorable R. Goldwater, R.N., F.A.A.N
The Honorable Susan C. Lee
The Honorable William A. Bronrott
Office of the Administrator, State Highway Administration
Montgomery County Executive
Montgomery County Council
The Maryland-National Capital Park & Planning Commission
Historic Preservation Commission
Cabin John Community Association

FIRST AGAPE A.M.E. ZION CHURCH
Gibson Grove
7700 Seven Locks Road
Bethesda, Maryland, 20817

20 June 2006

Joseph T. Giloley, Chief
Department of Housing and Community Affairs
Division of Housing and Code Enforcement

Ref: Case # 55922
7700 Seven Locks Rd.
Bethesda, 2081 Dtd 23 May 2006

Dear Chief Giloley:

On or about 12 October 2005, correspondence addressed to Department of Housing and Community Affairs ATTN: Unray Peters in response to a request for plans to restore the fire damaged property. This correspondence contained two attachments: a letter addressed to Montgomery County Council requesting assistance in restoring the property and a second document of building plans, i.e., copy of blueprints entitled: **FIRST AGAPE A.M.E. ZION CHURCH RESTORATION/ REPLACEMENT FOR FIRE DAMAGE, 7700 SEVEN LOCKS ROAD BETHESDA MARYLAND.**

The posture and commitment of First Agape African Methodist Episcopal Zion Church to repair and rebuild remain. Permitting and Construction have been delayed pending requests of Rights-of-Way improvements by Maryland State Highway Administration. Although submitted request were not granted, the SHA's failure to address the long term adverse impact 495 Belt-Way has caused over the years is unacceptable and the church will continue to seek relief from ongoing systemic damages.

Therefor, requests for Right-of-Way improvements to include retaining walls and slope adjustments will be resubmitted during the design phase of the Capital Beltway HOV project. The Master Plan of Highways notes that: **"Noise walls or other mitigating techniques may be implemented prior to construction of the HOV project."**

Additionally, Right-of-Way issues pertaining to First Agape will be addressed when consultation requirements with the Maryland Historical Trust and Montgomery County's preservation staff are initiated as required under the federal Section 106 process.

We will continue to pursue all means available to restore this historical treasure in a manner reflective of the proud heritage and dignity of the Cabin John community with a vision for tomorrow.

Currently, Architectural and Civil Engineering designs require alterations in a manner that will permit restoration and construction as we continue to address pertinent issues with the SHA.

All broken glass by vandals removed from broken Church Markey, and smashed in side door repaired April 2006 (Montgomery County Police Report filed, April 2006). The lawn is cut biweekly. The

FIRST AGAPE A.M.E. ZION CHURCH
Gibson Grove
7700 Seven Locks Road
Bethesda, Maryland, 20817

building has been secured by Minkoff Company, Inc. Community volunteers removed all solid waste from church interior.

The building plans submitted to your office cost over \$25,000. It cost over \$10,000 to secure the building. Cost of Civil Engineering is estimated at over \$14,000. All in the interest of our most valuable asset the community.

The rebuilding of this church is a very complex matter requiring many Federal, State, County and local officials; as such, it requires more time than most building projects.

Montgomery County permit office will not allow any contractor to touch the building without a permit and no contractor will touch the building without authentic blueprints for cosmetic or any other purposes. We ask that you bear with us concerning the matter. For questions you may contact me at (301) 767 9727, Cell or (301) 879 3341, Home.

For your information only, an Action Summary is attached:

Sincerely,



Reverend Edgar S. Bankhead Sr., Pastor
First Agape African Methodist Episcopal Zion Church

Attachments:

- (1) Page 6 of Master Plan of Highways Amendment Planning Board Draft dated April 2003
- (2) Work Authorization Contract, Minkoff Company, Inc pp.1-4
- (3) Letter to The Honorable Steven A. Silverman, ref date30 March 2004
- (4) Letter, dtd 31 March 2004, Advance Structural Concepts, Inc, authorizing safety of building for community clean-up
- (5) Advanced Structural Concepts, ltr. dtd, 31 March 2004, proposal offer for Blueprints.
- (6) Signed acceptance of Advanced Structural Concepts, Inc. proposal signed 25 May 2004
- (7) Garland Conner's changes submitted to Advanced Structural Concepts, Inc. dtd 11 June 2004
- (8) Garland Conner's changes submitted to Advanced Structural Concepts, Inc. Dtd 11 July 2004
- (9) Corrected copy of First Agape letter request for Right-of-Way slope adjustments to abate land corrosion and earth shifting caused by 496 Belt-Way traffic. And to accommodate handicap access, handicap parking and vehicle turn-around area, dtd. 23 September 2004.
- (10) Garland Conner's changes submitted to Advanced Structural Concepts, Inc. dtd 26 October 2004
- (11) Garland Conner changes submitted to Advanced Structural Concepts, Inc. Dtd 28 October 2004.
- (12) First Agape letter to Montgomery County Council request for assistance for Right-of-Way access

FIRST AGAPE A.M.E. ZION CHURCH
Gibson Grove
7700 Seven Locks Road
Bethesda, Maryland, 20817

to building for handicap access, parking and turnaround; dtd 18 April 2005.

- (12) Application for Commercial Building Permit submitted dtd. 15 August 2005 by Reverend Edgar S. Bankhead Sr., Pastor First Agape African Methodist Episcopal Zion Church, pp. 1,2.
- (14) State Highway Administration, Baltimore, MD Records and Research Section; cover letter, dtd 1 February 2006, for documents requested by Garland Conner was instructed by State Highway Commission at Greenbelt, Right-of-Way office to expedite Right-of-Way determination, pp. 1,2.
- (15) Copy of e-mail dtd 17 March 2006 from Montgomery County Council.
- (16) Copy of ltr. Dtd 21 March 2006 from The Maryland General Assembly, Sixteenth District Delegation,
- (17) The Maryland General Assembly Sixteenth District Delegation letter to SHA Greenbelt, MD dtd 21 March 2006
- (18) Maryland General Assembly Sixteenth District Delegation response cover ltr,dtd 4 April 2006, to SHA Greenbelt response.
- (19) State Highway Administration at Greenbelt, MD response.

cc: County Executive
Montgomery County Council
Montgomery County Department of Park & Planning
Historical Preservation Commission
Cabin John Community Association
Neil J. Pedersen, Administrator, State Highway Administration,
The Honorable Brian Frosh, Maryland State Senate
The Honorable Marilyn Goldwater, Maryland House of Delegates
The Honorable Susan Lee, Maryland House of Delegates
The Honorable William Bronrott, Maryland House of Delegates
Mike Donahue, Fire Marshal's Office
Cynthia Gaffney, Licensing and Registration Unit.

p. 1



The Honorable Brian E. Frosh
Senate of Maryland
2E Miller Senate Building
11 Bladen Street
Annapolis MD 21401-1991

The Honorable William A. Bronrott
The Honorable Susan C. Lee
Maryland House of Delegates
221 House Office Building
6 Bladen Street
Annapolis MD 21401-1991

The Honorable Marilyn R. Goldwater
Maryland House of Delegates
241 House Office Building
6 Bladen Street
Annapolis MD 21401-1991

Dear Senator Frosh and Delegates Bronrott, Goldwater, and Lee:

Thank you for your letter regarding the First Agape Church at Gibson Grove, 7700 Seven Locks Road. We appreciate the opportunity to report our findings on these issues.

In speaking with Mr. Augustine Rebish, District 3 Utility Engineer, it is true that he did indicate that the State Highway Administration (SHA) will not release or make available land that was purchased for the construction of the beltway. The SHA-owned parcel is an integral part of the existing Capital Beltway as it has supporting slopes and drainage traversing it. In addition, the parcel may be part of any future beltway improvements. This transaction was a legal purchase made between the SHA and the Gibson Grove Church.

Our toll-free number is: 1.800.749.0737
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free
Street Address: 9300 Kenilworth Avenue • Greenbelt, Maryland 20770 • Phone: 301.513.7300 • www.marylandroads.com

p. 2

The Honorable Brian E. Frosh
The Honorable William A. Bronrott
The Honorable Marilyn R. Goldwater
The Honorable Susan C. Lee
Page Two

While the Capital Beltway did impact this community, accessibility to the community assets were preserved by the improvements made to Seven Locks Road. Parking as it is today at no charge is by virtue of an unwritten agreement between SHA, Montgomery County, Maryland National Capital Park & Planning Commission and Gibson Grove Church. Additionally, all construction practices utilized in the completion of the beltway were within the specific code or regulations of that time period.

Thank you, again, for your letter. If you have any further questions or comments, please do not hesitate to contact Mr. Douglas Mills, District Right of Way Chief, SHA at 301-513-7470, toll-free 800-749-0737 or via email at dmills@sha.state.md.us. He will be pleased to assist you.

Sincerely,

Darrell B. Mobley
District Engineer

cc: Mr. Douglas Mills, District Right of Way Chief, SHA
Mr. Neil J. Pedersen, Administrator, SHA
Mr. Augustine Rebish, District Utility Engineer, SHA

FIRST AGAPE A.M.E. ZION CHURCH

Gibson Grove
7700 Seven Locks Road
Bethesda, Maryland 20617

18 April 2005

To: Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

At your request, we are resubmitting our request dated 23 September 2005 for your assistance with the restoration of Gibson Grove Church and Moses Hall Burial Grounds, Cabin John, MD. Enclosed are the long awaited building plans. After many months in the drafting stage, the blueprints have finally been completed and permits requested.

As you consider our request, please keep in mind that before the beltway and before Cabin John, a former slave woman swam the Potomac River with her two young children holding on to a log to freedom in Maryland. She worked for a plantation owner as a seamstress earning enough money to buy seven acres of land where she dedicated and covenanted this land in question to the Holy One who made her freedom possible, her Lord. Because the building of the beltway substantially effected the destruction of the church as much as the fire, we are asking you to be a part of the remedy.

Please help us preserve a vital Cabin John historical site, a black female historical heritage: Gibson Grove African Methodist Episcopal Zion Church founded by Sarah Gibson, a former slave, in 1897, a log cabin later replaced by present edifice. She also founded Moses Hall – used as a school and social hall, and a burial ground known as Morning Star, a significant Montgomery county historical cemetery.

The construction of 495-Beltway required acquisition of Gibson Grove land which caused immediate and long term problems:

1. It has eliminated space for parking and other church activities.
2. The weight shifting from beltway traffic is causing soil erosion near the church foundation, if not checked, the church foundation will collapse ; (church will fall down the hill).
3. Beltway construction has cut off church assess to Sarah Gibson's burial ground.
4. No parking for visitors to historical site and church activities put children, senior citizens and other at risk to street crossing in a high traffic area.

To preserve a Cabin John historical site, a viable black heritage of Montgomery county, we request:

1. That the land acquired near the drainage run be regraded for ground access to church.
2. That storm drains be install in regraded area for proper drainage to prevent soil erosion.
3. That retainer walls be constructed to prevent further ground slope erosion caused by overhead 495-Beltway traffic weight shifting.
4. That a pathway be constructed for access to the historical Sarah Gibson burial site.

cc:

Montgomery County Department of Parks and Planning
Maryland State Highway Commission
Historical Preservation Commission
Cabin John Community Association

Reverend Edgar S. Bankhead Sr., Pastor <10 Cabin creek Court, burtonsville, Maryland 20866 > (301) 879-3341

in conjunction with the recommended Capital Beltway HOV project. Noise walls or other mitigation techniques may be implemented prior to construction of the HOV project, if warranted and funded.

On page 109, Table 4 (Street and Highway Classifications) add to the text under “Freeways” to read as follows:

Roadway	F-8 Capital Beltway (I-495)
Limits	I-270 Spur to Potomac River
Minimum ROW Width (feet)	300
Number of Travel Lanes	8, <u>plus 2 HOV, divided</u>

On page 114, after the third paragraph under the heading “Roadway Functional Classification Changes, Recommended Rights-of-Way, and Alignment Changes,” add the following paragraph:

With regard to the recommended Capital Beltway HOV project, SHA should minimize right-of-way impacts on nearby homes, as well as on the historic First Agape AME Zion Church. SHA should meet with affected communities to address their concerns and use mitigation techniques, such as retaining walls, adjustments to slopes, and narrow shoulders. The church is designated on Montgomery County’s Master Plan for Historic Preservation. When the project enters its design phase, consultation with the Maryland Historical Trust and with Montgomery County’s preservation staff must be initiated under the federal Section 106 process.

On page 114, at the end of “Recommendations,” add the following paragraph:

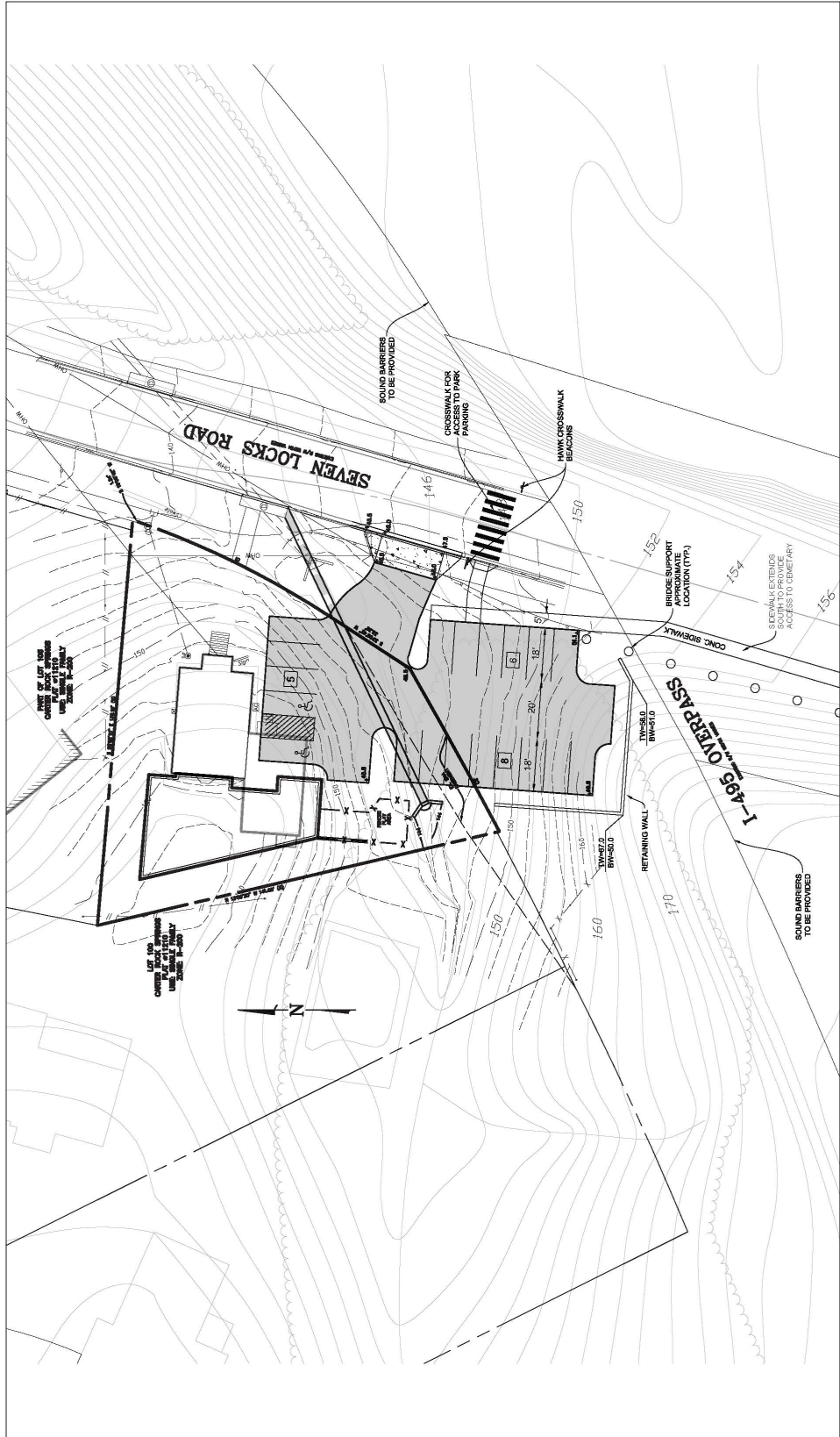
- During the design process and federal Section 106 process for the Capital Beltway HOV project, SHA will need to make extensive efforts to avoid adverse effects on nearby homes and the historic First Agape AME Zion Church.

Bethesda-Chevy Chase Master Plan, 1990

On page 112, second column, insert a new sub-heading after the main heading “Major Highway Needs,” as follows:

Capital Beltway

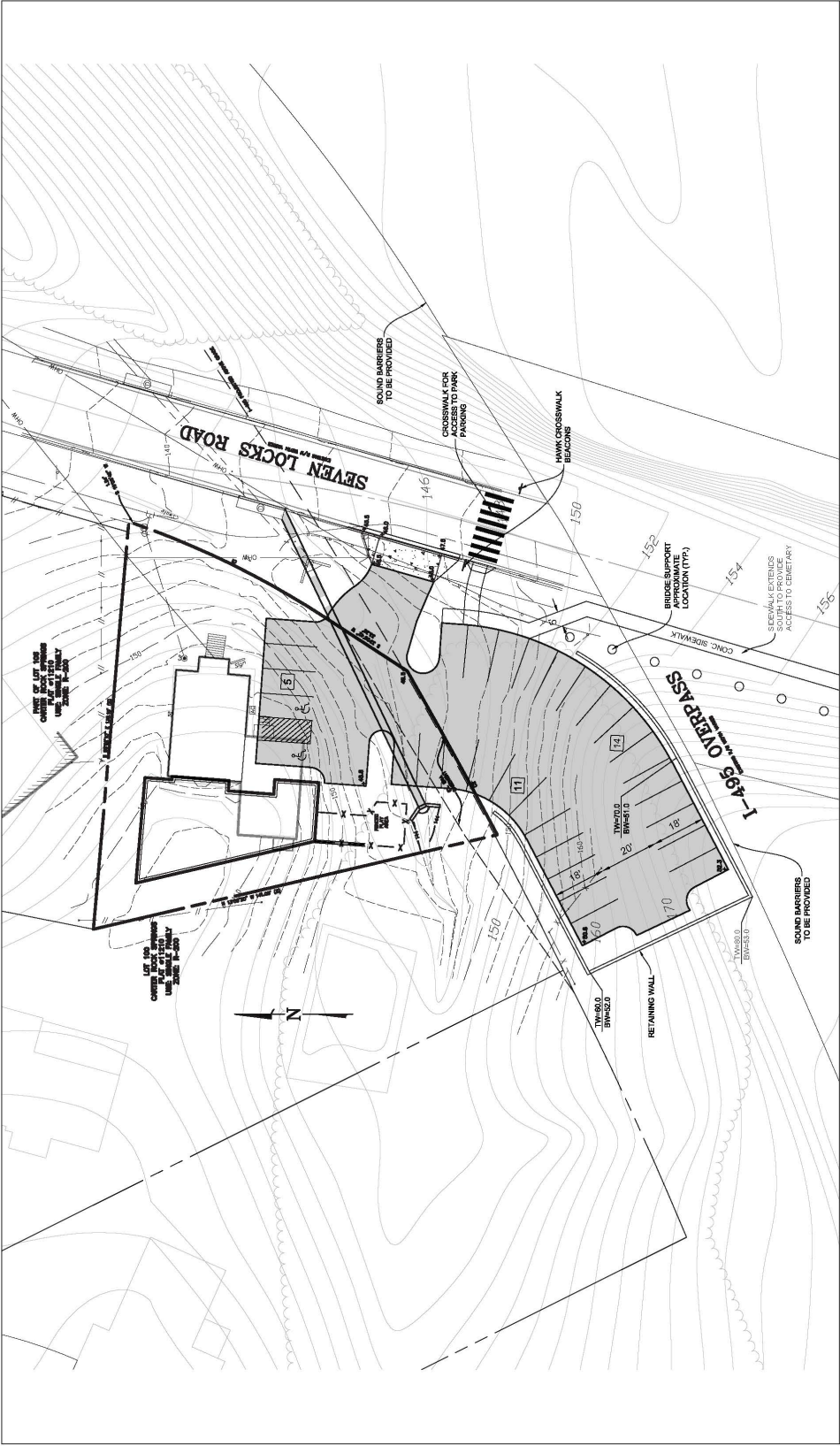
This Plan recommends adding high occupancy vehicle (HOV) lanes on the portion of the Capital Beltway (I-495), between the American Legion Bridge and the West Spur I-270. Some segments of the Capital Beltway between the American Legion Bridge and the West Spur I-270 are experiencing congestion conditions (level of service F) during the morning rush hour of 8:00-9:00 AM. In the evening, conditions are worse, with congested conditions over the three-hour period of 4:00 – 7:00 PM. The proposed HOV lanes have the potential to make vehicular use of the Beltway more efficient and to mitigate some of the congestion that would otherwise occur. This proposed project would connect the existing HOV lanes on I-270 with the proposed HOV lanes on the Virginia segments of the Capital Beltway. The project would consist of one HOV



PROJ. MGR: KDJ
DRAWN BY: KDJ
SCALE: 1"=30'
DATE: 11/05/20
JOB NO.: 2008.125.32

FIRST AGAPE AME ZION CHURCH
PARKING FACILITY CONCEPT B

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Civil Engineers
Landscape Architects
Land Surveyors
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PROJ. MGR: KDJ
DRAWN BY: KDJ
SCALE: 1"=30'
DATE: 11/05/20
JOB NO.: 2008.125.32

FIRST AGAPE AME ZION CHURCH
PARKING FACILITY CONCEPT C

MHG
Civil Engineers
Landscape Architects
Land Surveyors
www.mhg.com



TO: Mr. Raja Veeramachaneni
Director, Office of
Planning and Preliminary Engineering

FROM: Bruce Grey
Deputy Director, Office of
Planning and Preliminary Engineering

DATE: May 5, 2008

SUBJECT: First AGAPE AME Zion Feasibility Study

The Capital Beltway Project Team has reviewed the Feasibility Study prepared by Macris, Hendricks, & Glascock, P.A. on the historic restoration and construction of First AGAPE AME Zion church and offers the following comments:

Impacts

Capital Beltway Study impacts on the First AGAPE AME Zion Church:

- In the vicinity of the church, the Capital Beltway improvements would include widening along the outer loop (including widening the bridge over Seven Locks Road) and building a SWM facility along the outer loop just to the southwest of the church property.
- The Capital Beltway Study does not require any right-of-way from the existing church structure, the planned addition to the church, and the church property.

First AGAPE AME Zion Church impacts affecting Maryland State Highway Administration (SHA) property:

- The proposed driveway for the church onto Seven Locks Road passes through SHA property.
- The proposed parking lot & driveway impacts an existing drainage ditch within SHA easement.

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

Mr. Raja Veeramachaneni
Page Two

Report Comments

The proposed addition to the church could impact existing wetlands located on the property adjacent to SHA's right-of-way.

The report does note the potential for environmental impacts, including impacts to the existing drainage and recommends a Natural Resources Inventory and development of a Stormwater Management Concept. The report also indicates that presence of wetlands or waters of the U.S. on the site could limit or restrict potential development.

Another item noted was the difference in elevation shown on their plans compared to our plans. The site plan shows existing contours for this area that are approximately 50 feet lower than the actual ground elevations. This is could be a concern if these contours are from survey that will be used for the design and construction.

Recommendations

1. We recommend allowing the First AGAPE AME Zion Church to place the proposed driveway across the SHA Right-of-way since it would not interfere with the proposed Capital Beltway improvements. However, we would request that the driveway be located at least 30 feet away from the existing overpass over Seven Locks Road. This may require a right-of-way acquisition or easement.
2. We do not recommend allowing construction over the existing SHA drainage easement unless the improvements will take into consideration SHA's needs and reconfiguration of the ditch.
3. We request that the Church complete a natural resources inventory and stormwater management plan. They should also consider mitigation if they impact the waters of the U.S. ditch, because it would be their responsibility to perform mitigation associated with the impacts even if it is within SHA's right-of-way.

If you have any questions or comments, please contact the project manager Ms. Sue Rajan at 410-545-8514 or at srajan@sha.state.md.us.

cc: Mrs. R. Suseela Rajan
Mr. Donald Sparklin
Ms. Nicole Washington

Attachments to SHA Review Documents 11/6/20

Link to Washington Post Article

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

Link to pictures of cemetery

<https://drive.google.com/drive/folders/1y3dYZkGolybCF2DIwbLdDDZC2ulYCA8M?usp=sharing>

Picture of retaining wall



1961—100 years after the Battle of Bull Run, Beltway comes to the church relocating baptismal creek, destroying some of the graves on the south side of the church and separating the church from Moses Hall and other gravesites.

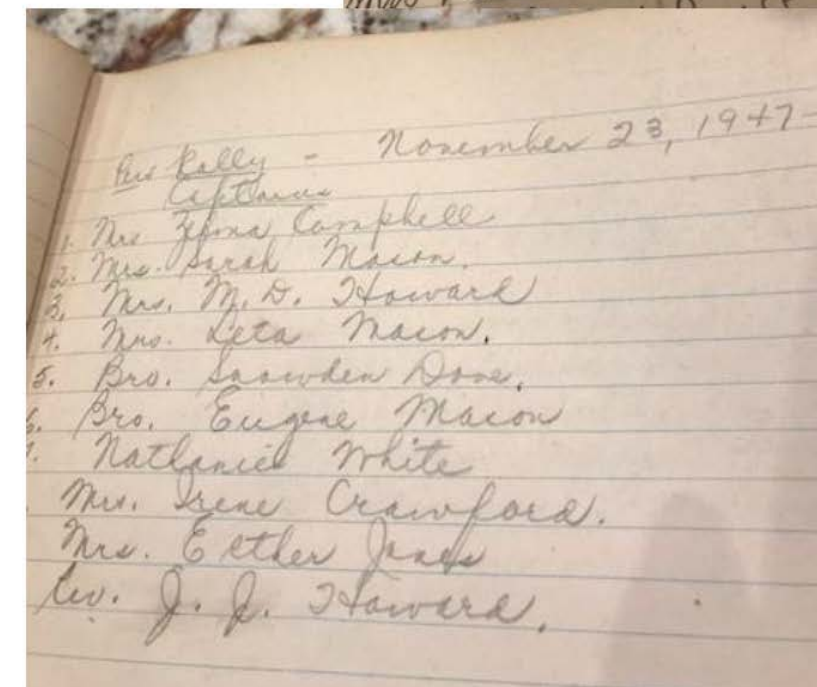
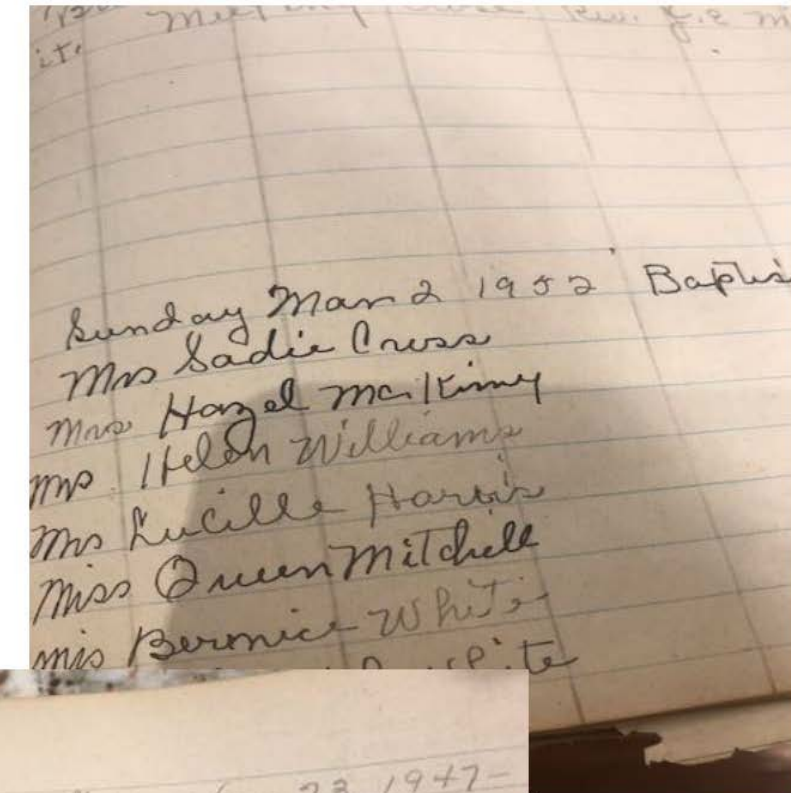
1955—495 Beltway invades the community

1974—Church refurbished with bathrooms, kitchen and office

2002—Membership of Gibson Grove Church dwindles. Bishop Williams of the Philadelphia Baltimore Conference requests that First Agape occupy the church until its own church was constructed.

2003—Members of First Agape at Gibson Grove refurbish the church and ordered gas furnace to replace oil furnace.

2004—Church is almost completely destroyed by fire from misfiring of the oil furnace.





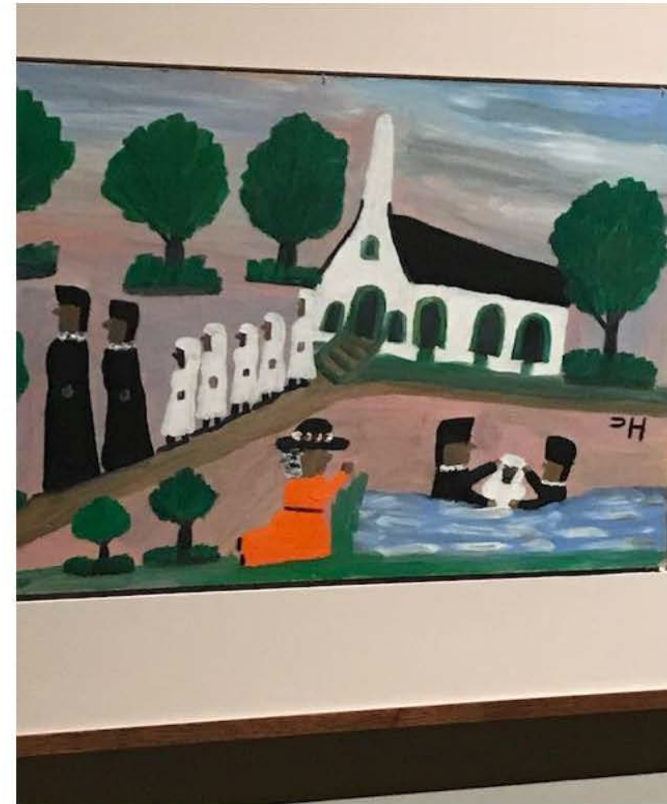
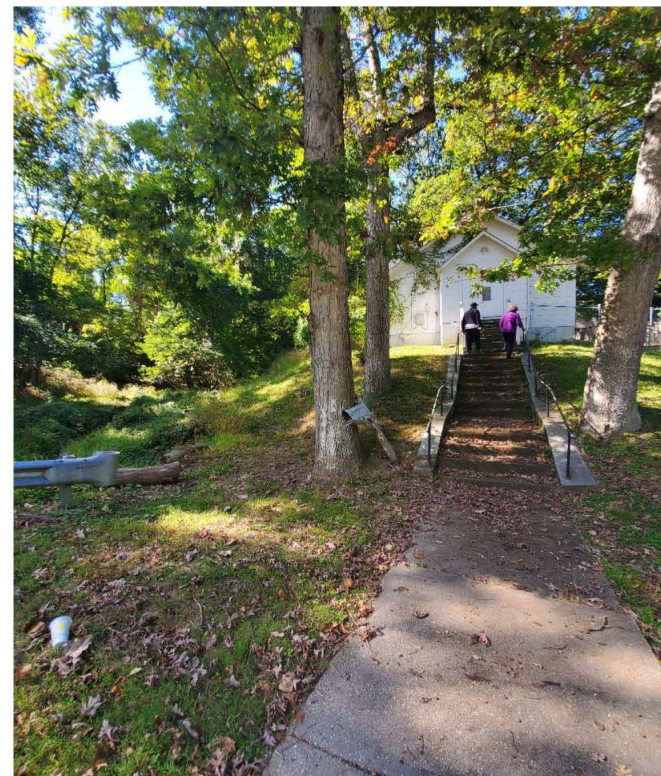
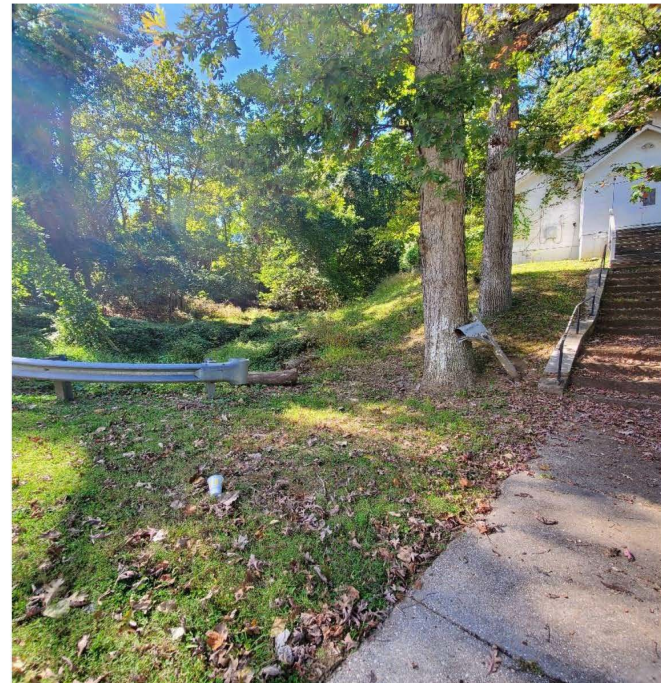
brief History of the Physical Church

- Established in 1898: An historic witness to Zion Methodism in Montgomery County, Maryland. Now in our second century of service to God and God's people. Our Church is a legacy of our benefactor, Sarah Gibson, a former slave. She escaped bondage from the South with her children in tow, eluding slave catchers, fording rivers, even to the point of grasping a log. Mrs. Gibson became a successful seamstress and later acquired a tract of land (now a part of Cabin John Maryland. Her belief in God and in education was manifested with the building of a small structure which served as a one room school house for her people, during a time when educational opportunities for former slaves and their families were almost non-existent. This building was later called "Moses Hall" when a school for Negroes was established by the County years later. Moses Hall then served as a Church until its present structure was built in 1922. In 1974 a new annex was constructed which encompassed restrooms, office, kitchen and dining facilities. In 1994-97 major renovations and improvements were done, including a new pulpit and choir loft flooring, reconstruction of the deteriorating rear wall as well as a redesign of the roofing, and new sound enhancement system.

A brief Description of our Belief

- We are a Christ-centered, Bible **believing** Church that steadfastly believes in the power of prayer. First Agape at Gibson Grove believes in and practices that mandate that Jesus gives us in Matt 6:33, " ... but seek ye first, the kingdom of God and His righteousness, and all these things shall be added unto you." First Agape at Gibson Grove puts First Things First: God before all as we follow Christ.





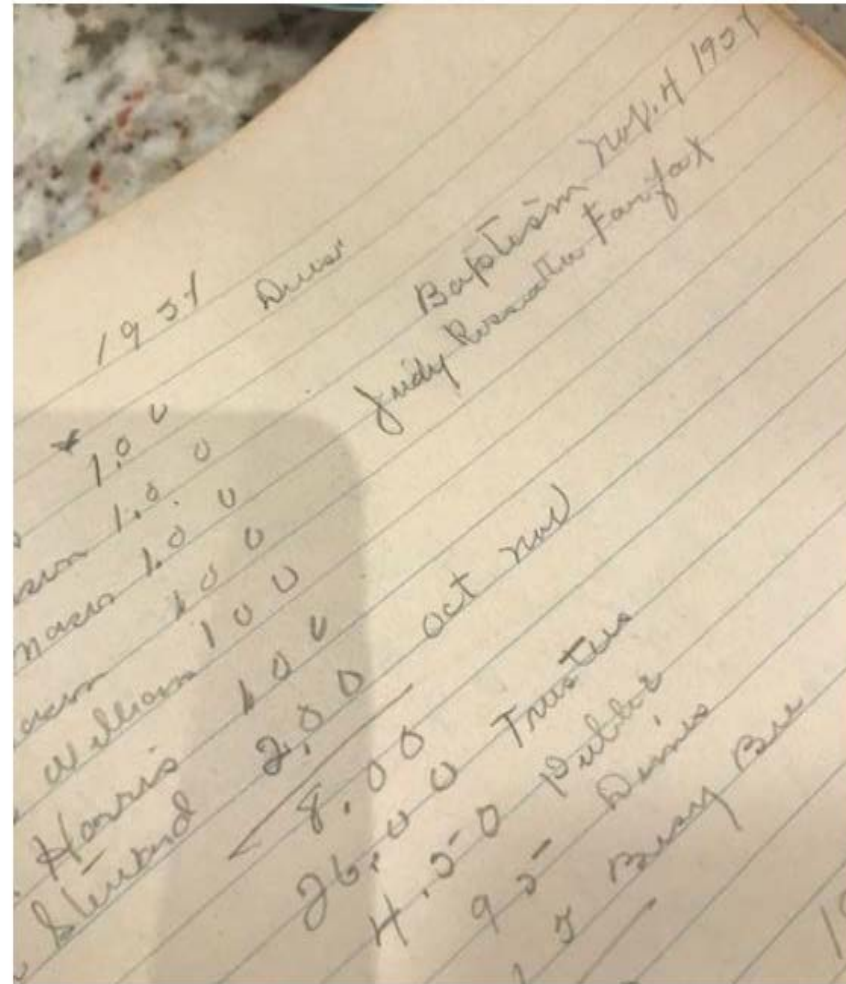
...and Mr. ... made some suggestions ...
... the Anniversary ...
... Calumet ... and Feb 25 1902

The First Business Meeting was held on this ...
... pastor presided. ... and opened meeting with a ...
... and ... First order was ...
... suggestions were adopted.

... were the change ... made by the pastor ...
... he thought it would be good to pay ...
... reference ... finance ... with a check ...
... in some form that you would have a ready ...
... paper about the ... to be paid ...
... anniversary at Easter time. The ...
... painting of ... of church.

... discussing the windows the pastor said ...
... this of windows. They were ... was in a ...
... were to be reminded of their general ...
... also had some ... also for ...
... Campbell to be Texas for ...
... Miss White to give ... 17.5 ...
... Sunday in April to be left open for more ...
... to get the information and ...
... meeting close Rev. J. E. Mitchell pastor ...
... J. J.

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GREATER FARMLAND CIVIC ASSOCIATION

STATEMENT OF ED RICH, PRESIDENT
GREATER FARMLAND CIVIC ASSOCIATION
MARYLAND DEPARTMENT OF TRANSPORTATION
I-270 & I-495 MANAGED LANE STUDY
November 3, 2020

These comments on the Draft Environmental Impact Statement (DEIS) are submitted on behalf of the Greater Farmland Civic Association (GFCA), representing a community of 981 homes in the Old Farm, Tilden Woods, Hickory Woods, and Walnut Woods neighborhoods. From our location just south of Montrose Road and adjacent to I-270, we have had a front row seat for repeated I-270 expansions, all sold as “traffic solutions.” We have followed the current P3 program of proposed managed lanes with increasing skepticism. Having processed the hundreds and hundreds of pages of the DEIS and the Joint Federal/State Application (JPA) for impacts to wetlands, waterways and floodplains, we find our skepticism has been well founded. We share the concerns expressed by the Maryland National Capital Park and Planning Commission (M-NCPPC) in their October 19, 2020 rejection of the plan and by many members of the Maryland General Assembly in their letter of September 23, 2020, to Lisa Choplin, the Director of this project for the Maryland Department of Transportation’s State Highway Administration (MDOT-SWA). The financial risks of the P3 structure; the ecological, social, and cultural sacrifices necessary; and the proposed 50-year term of the contract which substantially limits how we will meet future needs—each of these, in our view, is a deal-breaker. We also question the numerous assumptions and guesses made in forecasting future traffic demand, in predicting motorist behavior, and in determining air quality. Our rejection of the P3 program and its alternatives, however, is ultimately based on the flawed goal of the project: to create additional roadway capacity to carry more cars (Executive Summary, 4-10). Not only will a project focused on a simplistic solution to a complex issue fail to alleviate traffic congestion, but it will

Response to DEIS Comment #1

MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 – Phase 1 South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.

Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.

The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts, including Environmental Justice, and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarize the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail. This analysis directly contributed to MDOT SHA’s evaluation of these alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided. Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.

Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.

Refer to Chapter 9, Section 3.4.C for a response to analyses of parklands and historic resources.

Refer to Chapter 9, Section 3.4.G for a response to climate change and greenhouse gas considerations.

Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.

#1

<div>#1 Cont</div>	<div><p>Climate Goals (October 15, 2019) states that transportation accounted for 40% of Maryland’s gross greenhouse gas (GHG) emissions in 2017. It is hard to see how the P3 will help accomplish the reduction of emissions when, as Chapter 3 of the DEIS specifies, the I-270 managed lanes in 2040 will support an average daily traffic of more than 300,000 cars. The few P3 alternatives which retain HOV lanes would operate at HOV-3, and nowhere is there a provision for approved plug-in EVs to use the HOV or HOT lanes even if they are traveling solo, as is provided in the Clean Cars Act of 2017. While the DEIS bases projections of air quality on projections of future car efficiency, the Climate Goals report admits that challenges to lowering GHG emissions include the EPA’s rolling back rules to earlier, lesser standards for fuel economy. The Climate Goals draft plan also states that public transportation “emits roughly 40% to 50% less GHG emissions per passenger mile than an average single occupancy vehicle,” and calls for expanded investment in public transit—a position extremely limited in the P3 program, which has dismissed transit-only alternatives. According to the DEIS Executive Summary, the P3 agreements will provide for “specific transit investment,” and mentions two particulars: allowing BRT to ride free on the managed lanes, and building a ramp on I-270 to the Montgomery Mall Transit Center. In fact, the DEIS presents no comprehensive plan to develop an accessible and reliable Bus Rapid Transit (BRT) system. It refers us to the Transit Service Coordination Report, released in June 2020, which lauds the managed lanes as an “opportunity to create a suburban transit network that is a time competitive alternative to driving.” This report posits “new transit centers” and “new transit services” to support an “underserved transit market” of nineteen to twenty-two thousand commuters who currently drive between Montgomery County and Fairfax County. The report fails to provide details or a plan to actually develop these services, however, and admits that there is no money to do so.</p></div> <div>3</div>	<div>Comments addressed above.</div>
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<p>#1 Cont</p>	<p>With transit-only alternatives dismissed and providing no actual commitment to BRT, the DEIS’ boast that the project aligns with Visualize 2045 is all the more objectionable. The writers are guilty of cherry-picking here. Visualize 2045 clearly states that its goal is to get cars off the road, and six out of seven points advocate car-less options, including transit such as BRT and rail. Far from aligning with Visualize 2045, the project as made clear by the DEIS is all about the car—about its convenience and the revenue that the project planners and advocates expect to generate from it.</p> <p>The P3’s goal of enabling substantially more cars on the road is an overly simplistic response to growth that, far from “free” as Governor Hogan touts this scheme, comes at too high a price, both in taxpayer dollars and damage to the environment. And for what? The DEIS clarifies that the managed lanes, to be built at a high cost to the environment and those who live in it, will save commuters less than 10 minutes during a peak-time trip. Table ES-2 indicates that “system-wide delay savings” for motorists range from 33% to 35%. Like good marketing, this figure sounds compelling until one reads in Chapter 3 that the system-wide delay savings of 33% in the PM peak for Alternative 9 in 2040 equates to 7.9 minutes saved. Considering what is lost to build the new managed lanes, these few minutes come at a price much higher than the money to build them or the money earned from them. This includes the loss of an Early Woodland archeological site near the river, the loss of the historic Moses Hall Cemetery, and the significant degradation of the Glenarden historic African-American community. The DEIS dismisses the importance of the slender habitat of trees along the road, but the wildlife living there will be forced into isolated and small tracts that cannot adequately support them. The law requires trees removed from parkland to be replaced 1:1; however, it is unclear where the replanting will happen. And the list goes on.</p> <p>4</p>	<p>Comments addressed above.</p>
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<p>#1 Cont</p>	<p>In Chapter 4, section 24, the DEIS considers the “irreversible and irretrievable commitment of resources,” including the “irreversible dedication of land to transport use.” The P3 contract would be for 50 years. It is disingenuous at best for the writers to say, “if a greater need arises for the land or if the transport facility is no longer needed, the land can be converted to another use.” How would the contract be voided to provide space for transit, should transit become essential in a near-future world heavily affected by a climate change driven by car GHG emissions? The DEIS confirms for us that the cost of building four extra lanes on the highways is too high for what we in fact get. We get an expensive set of toll lanes that keep drivers in their cars, living far from work, paying high tolls, and sending lots of greenhouse gases into the air. We get impoverished ecosystems and diminished communities and quality of life along the highway. We sign over control of a key portion of land that might be used instead for rail or other transit alternatives to a for-profit private company for 50 years, a period of time that scientists acknowledge to be the most critical for fighting climate change. And in exchange, some commuters may, for a few precious years, save a few minutes on their commutes and some local entities and the state get some money for other things (which, if the Purple Line debacle is any indication, is a pipedream). It is a bad bargain.</p> <p>This P3 Managed Lanes study should be scrapped before too many more precious tax dollars are spent on an approach that is doomed to failure and that will have a significantly negative effect on the quality of life in our neighborhood, our county and our state.</p>	<p>Comments addressed above.</p>
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GREATER WASHINGTON BOARD OF TRADE – DANIEL FLORES (ORAL TESTIMONY)

I-495 and I-270 Managed Lanes Study
Joint Public Hearing Testimony

Name: Daniel Flores

Joint Public Hearing Date: 9/3/2020

Type/Session: Live Testimony/Evening

Transcription:

Good afternoon, my name is Daniel Flores D-A-N-I-E-L, F-L-O-R-E-S. I am at 800 hundred Connecticut Avenue North West in Washington DC. I am the President of the Greater Washington Board of Trade. I am here in support of the Managed Lane Expansion and I'm also past resident of Montgomery County. I live in the county for well over 30 years, most of them in Gaithersburg, and have experience the I-270 and I-495 daily traffic tie ups that led me to move to Virginia. Many companies and new residents that look to relocate here to look for good schools, jobs and good transit and road networks systems that will get them to a destination in a reasonable time and not to spend two plus hours in traffic every day, as I did for much of my 30 years in Maryland. Now, alleviating traffic congestion in greater Washington to reduce the costs of congestion and to attract and retain qualified employees, keep businesses and attract new ones, is one of our Board of Trade priorities. On the infrastructure side, we support the transit and bridges and funding needed to secure improvements for roads. Examples of water trade priorities such included. the Intercounty Connector and a regional system of hot lanes complementing those now in Virginia and more. We highly recommend that Maryland proceed with Alternative 9, which will add two new hot lanes, high occupancy lanes, connecting those in Virginia that want to improve mobility, increase travel reliability, reduce congestion and incentivize carpooling and transit ridership. Virginia's plan to expand these HOT lanes network to the American Legion Bridge and with the potential matching lanes on the Maryland side in both directions, will create a seamless express network in the greater Washington region. Moreover, allowing you to be in transit vehicles to use the Managed Lanes for free, will encourage people to carpool [INAUDIBLE] take transit. We are the fifth most congested region in the country and the 21st most congested in the world. Increasing the average travel speeds will reduce per vehicle greenhouse gas emissions. The I-270 and I-495 Managed Lanes project is critical to the quality of life and mobility in greater Washington region. In addition to reduction of delays on 495 and 270, Maryland will increase reliability for all modes of transportation. This project will infuse 9 to 11 billion of private funding into Maryland's economy, create tens of thousands of much needed new jobs for the next several years. We believe ultimately that the entire region interstate highway system needs to be upgraded and modernized in the new Managed Lanes and express bus transit service for the entire network. Thank you for the opportunity to testify today.

Response to DEIS Comment #1

MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 – Phase 1 South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.

GREATER WASHINGTON BOARD OF TRADE – DANIEL FLORES (WEBSITE)

Greater Washington Board of Trade

The Board of Trade is in support of the Managed Lanes (I-495/I-270) and our testimony is attached.

thank you
Daniel Flores

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**Statement of Daniel Flores
Vice President, Government Relations
Greater Washington Board of Trade**

**Maryland Department of Transportation
State Highway Administration
September 3, 2020**

My name is Daniel Flores, I am the Vice President of Government Relations for the Greater Washington Board of Trade. I am here in support of the managed lanes expansion. I am also a past resident of Montgomery County. I lived in the county for well over 30 years most of them in Gaithersburg and have experienced the I-270 and I-495 daily traffic tie ups that lead me to move to Virginia.

Many companies and new residents that look to relocate here, look for good schools, jobs and a good transit and road network system that will get them to their destination in a reasonable time and not spend 2 plus hours in traffic every day as I did for much of my 30 years in Maryland.

Alleviating traffic congestion in Greater Washington to reduce the costs of congestion and to attract and retain qualified employees, keep businesses and attract new ones is one of the Board of Trade's priorities. On the infrastructure side, we support the construction of new roads, transit and bridges and the funds needed to secure these improvements. Examples of Board of Trade priorities have included the Intercounty Connector, a regional system of HOT lanes complimenting those now in Virginia and more. We highly recommend that Maryland proceed with Alternative 9 which will add two new HOT (High Occupancy Lanes) connecting those in Virginia that would improve mobility, increase travel reliability, reduce congestion and incentivize carpooling and transit ridership.

Virginia's plan to extend its HOT Lanes network to the American Legion Bridge and with the potential matching lanes on the Maryland side on both directions, will create a seamless express network in the greater Washington region. Moreover, allowing HOV and transit vehicles to use the managed lanes for free will encourage people to carpool and take transit.

Response to DEIS Comment #1

MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 – Phase 1 South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.

#1

We are the 5th most congested region in the country and 21st most congested in the world, increasing the average travel speeds will reduce per vehicle greenhouse gas emission.

The I-270 and I-495 managed lanes project is critical to the quality of life and mobility in the Greater Washington Region. In addition to reduction of delays on 495 and 270, Maryland will increase reliability for all modes of transportation.

This project will infuse \$9 – 11 billion of private funding into Maryland's economy, create tens of thousands of much needed new jobs for the next several years.

We believe, ultimately, that the entire region's Interstate Highway System needs to be upgraded and modernized, with new managed lanes and express-bus transit service on the entire network.

The P3 program is vital to the region's economic vitality. We need to keep this program moving forward.

Thank you for the opportunity to testify.

Comments addressed above.

GREATER WASHINGTON PARTNERSHIP

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From: Joe McAndrew <jmcandrew@greaterwashingtonpartnership.com>
Sent: Monday, November 9, 2020 5:22 PM
To: MLS-NEPA-P3
Cc: Parsons, Richard
Subject: Public Comment on Maryland's I-495 and I-270 Managed Lanes Project
Attachments: 11.2020_495NEXT_MDManagedLane_PubComment_Final.pdf

Please accept the attached public comment from the Greater Washington Partnership for Maryland's I-495 and I-270 Managed Lanes Project.

Best,
Joe

Joe McAndrew
Managing Director, Transportation
[202.871.9908](tel:202.871.9908)



[Sign-up for our Capital Region biweekly newsletter](#)



November 9, 2020

Honorable Gregory Slater
Secretary of Transportation
State of Maryland
7201 Corporate Center Drive
Hanover, MD 21076

Honorable Shannon Valentine
Secretary of Transportation
Commonwealth of Virginia
1111 East Broad Street
Richmond, VA 23219

RE: Public Comment for Maryland's I-495 and I-270 Managed Lanes Project, Virginia's 495 NEXT Project, and the joint I-495/American Legion Bridge Transit and TDM Project

Dear Secretaries Slater and Valentine:

The Greater Washington Partnership (the Partnership) commends your leadership, and that of Governors Hogan and Northam for close coordination to deliver a world-class transportation system for the Capital Region of Baltimore, Washington, and Richmond. The Partnership is a civic alliance of the leading employers in the region who employ more than 250,000 residents and are committed to making the region one of the best places to live, work, and build a business.

We write today to offer public comments supporting your continued forward momentum to deliver upon the promise of the historic Capital Beltway Accord announced in 2019, which requires successful completion, and close coordination, of Maryland's I-495 and I-270 Managed Lanes Project, Virginia's 495 NEXT Project, and your shared efforts on the I-495/American Legion Bridge Transit and TDM Project. These projects, once complete, will alleviate the Capital Region's number one vehicle bottleneck – the American Legion Bridge – and provide more reliable travel for those in cars and new mobility options for millions of residents, employers and visitor to access worksites, educational opportunities and our region's rich cultural assets. The replacement and expansion of this bridge has been a priority for the region's leaders for decades, but a solution has been elusive until now. We cannot let this opportunity pass us by and we support your efforts to get all three projects done as early as possible.

In 2018, the Partnership [released our principles for the development and delivery of a performance-driven toll network](#), which, if implemented, can reduce congestion and single-occupancy vehicle use by creating incentives for residents to divert trips to non-peak periods, increase the number of vehicle occupants, or choose public transportation and carpooling. As a result, congestion on those roadways is reduced, speeds are increased, transit use may rise, and reliability improves for everyone.

We provide the following comments that are cross-cutting for all three projects:

Toll planning should be coordinated regionally to deliver the benefits of greater mobility, accessibility, and reliability to all users of the transportation system

GREATER WASHINGTON PARTNERSHIP
1200 17th St NW, Suite 550
Washington, DC 20036



greaterwashingtonpartnership.org
202.765.2024
info@greaterwashingtonpartnership.org


Response to DEIS Comment #1

Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.

Refer to Chapter 9, Section 3.6A for a response on opposition to managed lanes or tolling public roads.

#1

<div>#1 Cont</div> <div>#2</div> <div>#3</div> <div>#4</div>	<div>p. 2</div> <div> <p>We are encouraged by the close coordination occurring between each of your teams, as well as with regional stakeholders, local elected officials, and residents. Strong regional collaboration and policy alignment is necessary across these projects to ensure the roadway tolling policies are complementary and seamless for residents. The close coordination must continue as these projects move forward.</p> <p>Prioritize enhanced connectivity for the greatest number of people, not moving the most vehicles or generating the most revenue</p> <p>Prioritizing people throughput enhances the efficiency of the roadway’s carrying capacity, providing the greatest number of people reliable access to their destination. This is a long-recognized goal for the region’s transportation investments, and we recommend that the Preferred Alternatives for these projects be the one that is most effective at moving the most people via multiple modes of transportation.</p> <p>Enhance planning and investments to limit adverse impacts for historically marginalized communities, and proactively work to ensure residents of all income levels benefit from the tolling investment, including those without the financial means to afford the tolls</p> <p>We must be intentional about limiting adverse impacts for communities of color and low-income areas. The Washington Post’s article from October 17, 2020 titled Maryland Beltway expansion might require moving part of historic African American cemetery raises serious concerns. We cannot support a long-term investment that disproportionately impacts communities where most of the residents are minority or low-income, or Environmental Justice (“EJ”) communities. At the same time, we strongly encourage both states to proactively improve mobility and access for EJ communities through these projects by making investments in high-quality public transportation options adjacent to or near the toll corridor, provide incentives that encourage HOV use, and/or provide vouchers or discounts to low-income residents. Additionally, these projects should reduce barriers to using the toll facilities that disproportionately impact those without access to the internet, bank accounts and credit cards—the assets often required to efficiently pay tolls and use the tolling technology. As you advance these critical projects, we also urge you to work to deliver quality jobs and community benefits, and to maximize job opportunities for Capital Region residents providing them access to strong workforce and apprenticeship programs with a proven track record for placing people in careers. Additionally, we support deployment of a robust Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) contracting program.</p> <p>Clarify how these projects, collectively, will enhance public transportation and other mobility options</p> <p>It is critical that these new tolling projects provide residents the freedom to opt out of paying the toll all together through high-quality, cost-effective non-toll trip alternatives (e.g. carpool, vanpool, bus, rail, and cycling). These travel options should be supported by toll revenues. The I-495/American</p> </div> <div>  <p>GREATER WASHINGTON PARTNERSHIP 1200 17th St NW, Suite 550 Washington, DC 20036</p> <p>greaterwashingtonpartnership.org 202.765.2024 info@greaterwashingtonpartnership.org</p> </div>	<div> <p>Response to DEIS Comment #2 Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.</p> <p>Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.</p> </div> <div> <p>Response to DEIS Comment #3 Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.</p> </div> <div> <p>Response to DEIS Comment #4 Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.</p> <p>Refer to Chapter 9, Section 3.3.D for a response to Analysis of Alternatives Retained for Detailed Study.</p> <p>MDOT SHA, as stated in Chapter 2.4 of the Supplemental DEIS, has committed to priority bicycle and pedestrian connections to remove barriers and provide connectivity for bicyclists and pedestrians including construction of a new pedestrian/bicycle shared use path across the American Legion Bridge to connect facilities in Maryland and Virginia.</p> </div>
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<div>#4 Cont</div> <div>#5</div>	<p>p. 3</p> <div><div>Legion Bridge Transit and TDM Project is expertly tackling this question. We recommend the following measures to mitigate the projects’ environmental impacts be included:</div><ul style="list-style-type: none">• Construct a new multi-use trail option to safely access and traverse the American Legion Bridge;• Specify the process and expected revenue that would be generated to support transit investments within Maryland and Virginia, and those that connect both jurisdictions, including high-quality commuter bus transit using the HOT managed lanes, Bus Rapid Transit in parallel and nearby arterial roads, and improvements to the MARC system;• Design the new American Legion Bridge to accommodate future rail transit options and/or conduct a thorough cost-benefit analysis to compare the bridge’s design with and without future rail transit options; and,• Explore innovative concepts to incent meaningful behavioral change, such as matching employer transit benefits to incent different travel patterns.</div> <div><div>Specific to Maryland’s I-495 and I-270 Managed Lanes Project, we recommend that Alternative 9 and Alternative 13B be further explored using the priorities in this letter to inform the ultimate Preferred Alternative. In addition, we recommend that the state select the Preferred Alternative that will minimize the Project’s impact and costs, and ensure the Project is delivered in a reasonable time period. If the EIS schedule gets severely delayed due to public concerns raised about this Project, we encourage the state to consider limiting the scope of the Preferred Alternative and the analysis in the FEIS by only including the Managed Lane Study Corridors’ segments included in the state’s I-495 & I-270 P3 Program Phase 1 solicitation.</div></div> <p>Thank you both for your leadership and continued commitment to collaboration and unity.</p> <p>Sincerely,</p> <div></div> <p>JB Holston Chief Executive Officer Greater Washington Partnership</p> <p>CC: Stephen Brich, Commissioner, VDOT Jennifer Mitchell, Director, Virginia DRPT Kevin Quinn, Administrator, MDOT MTA Tim Smith, Administrator, MDOT SHA</p> <div><div><div>GREATER WASHINGTON PARTNERSHIP</div><div>1200 17th St NW, Suite 550</div><div>Washington, DC 20036</div></div><div><div>greaterwashingtonpartnership.org</div><div>202.765.2024</div><div>info@greaterwashingtonpartnership.org</div></div></div>
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GREENBELT HOMES, INC. – AGNES ARSKINE

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From: MGMT Office <mgmtoffice@ghi.coop>
Sent: Wednesday, November 4, 2020 10:46 AM
To: Eldon Ralph
Subject: DEIS Letter to Lisa Choplin
Attachments: 11-2-20 DEIS Letter to Lisa Choplin.pdf

Greetings—

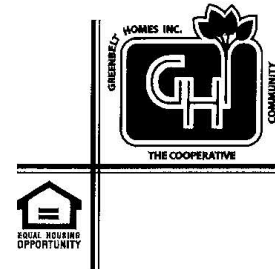
Greenbelt Homes Inc. (GHI), a housing cooperative comprised of 1,600 member owners, is providing you a copy of the attached letter that was recently sent to Ms. Lisa Choplin, P3 Director at the Maryland Department of Transportation State Highway Administration. The letter outlines the reasons why GHI and its members support the No-Build Alternative, opposing all of the single-mode road alternatives presented for the expansion of the I-270 and I-495 highways in Maryland. We urge you to support the No-Build Alternative for this proposed project.

Sincerely,

Agnes Erskine

Executive Assistant
Management Office
Greenbelt Homes, Inc.
1 Hamilton Place
Greenbelt, MD 20770
(301) 474-4161- office
(301) 474- 4006- fax
www.ghi.coop





GREENBELT HOMES, INC.
HAMILTON PLACE, GREENBELT, MARYLAND 20770
Area Code (301) 474-4161 Fax (301) 474-4006

November 2, 2020

Lisa B. Choplin, DBIA Director
I-495 & I-270 P3 Office
707 North Calvert Street Mail Stop P-601
Baltimore, MD 21202

We are writing on behalf of the member-owners of Greenbelt Homes, Incorporated (GHI) to provide comments on the Draft Environmental Impact Statement (DEIS) for the I-495 and I-270 Managed Lanes Study. **GHI and its members support the NO-BUILD Alternative, opposing all of the single-mode road alternatives presented for the expansion of I-270 and I-495.**

Greenbelt Homes, Inc. (GHI) is part of the federally built town with a surrounding “green belt” that was conceived and constructed in the 1930s and 1940s under the New Deal, and is now listed as a National Historic Landmark District. The Greenbelt Historic District includes an extensive forest preserve and maintained by the City of Greenbelt (hereinafter “the City” or “Greenbelt”), the Roosevelt Center commercial area, and the GHI area consisting of the 1,600 housing units occupied by GHI members, 60 apartment units, and 250.7 acres of land cooperatively owned by the members of GHI. Some of the Historic District, including many GHI homes, is adjacent to the proposed expansions for I-495, including alterations to the Baltimore Washington Parkway and nearby interchanges and bridges associated with planned reconfiguration/replacement of the intersection between those two expressways. All of the Greenbelt Historic District is in close proximity to the planned expansion project.

Since its inception, GHI has continued to offer affordable housing in the costly DC housing market. (In 2018, the median home price in Greenbelt was 189 percent lower than the median house price in Washington, DC, and all but one of the GHI houses sold in that year sales were below the median house price in Prince George’s County, most by \$100,000 or more.) Hence, GHI meets a critical need for home ownership that is accessible to low- and moderate-income wage earners and to retirees and others living on a fixed income. GHI’s residents are attracted to the community by the ease of walking and biking on the internal paths built into our design, the accessibility to nearby wooded greenspace and the proximity to amenities for daily living, social life, entertainment, and recreation at the Roosevelt Center or nearby. Our community consists of people who are committed to environmental quality, who highly value our ready access to parks, greenspaces and the green canopy that is always within our view despite the expressways that border the edges of the community.

We begin our comments with this description because it is salient to our advocacy for the NO-BUILD alternative and our opposition to all of the proposed managed Toll lanes/expansion plans in the DEIS. Many of the aspects of our quality of life that are described above would suffer immediate and on-going negative impacts—harm that cannot be easily mitigated—from the widening of I-495 and the associated changes to interchanges with the Baltimore-Washington

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Response to DEIS Comment #1

Thank you for your comment concerning impacts to Greenbelt Homes, Inc. properties near the I-495 interchange at the Baltimore-Washington Parkway. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the I-495 interchange at MD 650 is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.

The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarize the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail. This analysis directly contributed to MDOT SHA’s evaluation of these alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided. Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.

The benefits of the proposed transit projects mentioned (Corridor Cities Transitway, Randolph Road BRT, and North Bethesda Transitway) are accounted for in the modeling, as noted on page 3-4 of the DEIS. The forecasts assume that all of those transit projects will be in place by the design year, and the forecasts account for potential reductions in automobile traffic due to travelers using transit instead. The results show that there is still a need for widening I-270 and I-495 despite these transit improvements.

<div>#1</div> <div>Cont</div>	<p>Parkway and other interchanges and bridges. We will highlight here our many concerns about the DEIS and the project that contribute to our judgment in support of the NO-BUILD Alternative.</p> <p>1. The DEIS is too vague and too full of general promises rather than specific details about or commitment to ameliorative actions for the negative impacts on our community discussed below. We note at the onset that the DEIS delays detailed attention to legally required remediation and mitigation to later in the process <i>after</i> the selection of a final alternative and design by a P3 concessionaire. This hampers our ability to evaluate the adequacy of the attention to the many environmental impacts of the project and plans for ameliorating them. For example, as noted in section 2B, below, the DEIS lacks sufficient detail about noise barriers to mitigate the increased noise that nearby residents will experience; the DEIS declines to provide specific and detailed descriptions of the barriers, and instead offers statements such as “[c]oncrete is the typical material used for construction of noise barriers.” (DEIS, Appendix J, ES-5.) This lack of detail and analysis defies our attempt to envision what our lives would be like living next to such a structure or experiencing the altered viewshed of our homes. It does not answer basic questions such as, how tall and wide will the barriers be from their base and from the “ground level” of the closest homes? What will the materials actually be and how will the materials reflect or absorb the sun’s rays, impacting the ambient temperature and reflectivity for the residents of the closest homes? What is the likely shadow effect? Will there be room for planting of new trees between them and housing units? If so, would that be done and, would plantings be of sufficient age/height to temper the noise, visual, and heat impacts immediately for nearby residents? Deficiencies throughout the DEIS in specification of detail for remediation and mitigation efforts deprive us of the ability to realistically imagine what our community might look like and how seriously our general quality of life might be negatively impacted by the build alternatives of the P3 project of the Study. We believe this lack of care and consideration obviates the entire purpose of NEPA and an EIS.</p> <p>2. The DEIS mischaracterizes or underplays potential impacts that we believe are threats to the quality of life in Greenbelt and GHI. The Managed Lanes project described by the DEIS portrays swaths of land that would be converted from vegetated areas with green canopy to built structures. This includes not only expanded (and in some cases, elevated) roadway, but also associated new storm water management (SWM) facilities, culvert extension and augmentation, noise barriers, retaining walls, and considerably more impervious surfaces with a very large reconfiguration envisioned for the interchange between I-495 and the Baltimore-Washington Parkway. Even though the DEIS lacks sufficient detail for us to fully assess the impact on our community, living in such close proximity to the affected roadways, we do not need such technical analysis to conclude that life in our community will be irreparably and negatively impacted by the proposed project. The following are likely negative outcomes of this project:</p> <p>A. Air quality and local street congestion: The DEIS claims that projected reduction in idling-time of expressway cars and expected reduction in use of local streets by drivers frustrated by delays will improve local street congestion and air quality. However, the DEIS also indicates that there will be exceptions to this general claim—already contested by some—with a projected expectation of “localized increases in arterial traffic near the managed lane access interchanges.” (DIES 3-13, 14.) We are concerned that our community would become the exception to the general air quality benefit claimed by the DEIS, so we do not accept the claim of</p>	<p>Response to DEIS Comment #2</p> <p>Refer to Chapter 9, Section 3.4.F for a response to adverse impacts to air quality.</p> <p>Refer to Chapter 9, Section 3.4.H for a response to noise impacts and mitigation.</p> <p>Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.</p> <p>Refer to Chapter 9, Section 3.4.K for a response to impacts to properties and communities, including community facilities.</p> <p>The federal and state planning regulations, including NEPA, seeks to present to appropriate decision makers sufficient information to identify potential advantages and disadvantages to a proposed action before taking final action and incurring significant costs associated with final design and construction. The FHWA and MDOT SHA appreciate the communities’ comments regarding potential impacts.</p>
<div>#2</div>	<div>2</div>	

#2
Cont

improved air quality as a positive impact from construction of the project for our residents. In fact, we believe that the destruction of large areas of managed woodlands and the further encroachment of highways can only degrade the air quality in our community. Obviously, the highway encroachment also impacts the general claims of reduced traffic on local streets as the DEIS projects that more traffic would result on our streets that are close to the reconfigured interchange of I-495 and the Baltimore-Washington Parkway. In attempting to anticipate shorter-term construction impacts, the DEIS contains little information or consideration about the extent to which streets where GHI residents live, such as Southway Road, would be used for moving construction equipment and materials. We are concerned and left uninformed by the DEIS about how construction transportation would be managed on Southway Road, which is an already very busy route for emergency vehicles, first responders, and public transit buses.

B. The adverse impacts of increased noise from the proposed lane additions, elevation of roads, and reconfiguration of the nearby interchanges. Although the DEIS confirms that the quality of life from enduring and increased noise will be degraded by the project, the claim is made throughout the Study that an increase in noise will be experienced only by those immediately adjacent to the road's edge and not "by properties set back from the highway," where it claims the increased noise "would be negligible." (DEIS Appendix J, p. 32.) Yet, for some of our residents, whose homes are "set back," but not abutting the current roadway edge of the Baltimore-Washington Parkway, particularly the houses on Southway and portions of Ridge Road, the steady road noise from the Baltimore-Washington Parkway is already part of their daily experience—and that is with the current level of extensive tree and vegetative cover, which would be reduced under the project. With the expansion bringing the elevated road edges closer to the homes already affected by roadway noise, and without the protective parkway tree coverage, the DEIS's dismissive posture does not fully account for the impact of increased and relentless noise. Furthermore, amelioration that might be offered for the noise impact is too poorly described and lacks the necessary detail to permit assessment of their effectiveness.

C. Views for GHI residents would likely be significantly destroyed through the addition of expanded corridors, elevated roadways, vegetation removal, deforestation, insertion of constructed noise barriers, and by negative impacts on parks in our immediate area. We are very concerned about the loss of tree canopy and woodlands as the experience of green viewsheds is central to the original historical conception and building of our community as well as to our general quality of life. The City and GHI have made the conscious decision, with broad public support, to set aside undeveloped woodlands in our community in order to preserve the unique character and quality of the environment, a decision that benefits the entire region. Despite an elaborate methodology for identifying different viewsheds along the corridor, the DEIS deploys a misleading strategy of aggregation, appearing to lump all the corridor communities together, to offer the reductionist conclusion that the altered viewshed will be sufficiently similar to the current "urban scene" to be an insignificant change. (Mentioned in DEIS 4-16 and repeated in many other areas of text.) Although this characterization may be accurate for some communities along the corridor, it is a gross misrepresentation of our viewshed, which is currently green and untouched. Also, to remove the tree coverage along the Baltimore-Washington Parkway—in our viewshed—is to

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Comments addressed above.

<p>#2 Cont</p>		
	<p>denigrate its historic character as a garden parkway—an idea embodied in the very name of the roadway. To state, as the DEIS does, that the project would “likely diminish the integrity of the Parkway’s setting and association as a designated scenic parkway” (DEIS 4-47) is a gross understatement. Moreover, since our quality of life is substantially enhanced by ready access to at least six public parks and recreation areas listed in the impact section of the DEIS, we are gravely concerned about loss of green canopy and other intrusions from the proposed project on the City-owned parks and recreational areas of McDonald Field, Buddy Attick Lake Park, Indian Springs Park, and the Spellman Overpass as well as the National Park Service (NPS) areas of Greenbelt Park and the Baltimore-Washington Parkway. We especially note with dismay that, of all the many parks to be impacted by the proposed project, the Baltimore-Washington Parkway would bear the brunt, with 52 percent of the total median acreage impacted across all screened build-alternatives. (DEIS, 4-20.21: Table 4.5.)</p> <p>D. Other environmental impacts presented in the DEIS that concern us: Aspects of air pollution not discussed in section 2A above; projections on noise impacts not discussed in 2B above; storm water issues, particularly related to predictable run-off from large increases in impervious ground and loss of vegetation cover and trees; hazardous waste and its management; and ground-water quality. We are aware of comments to be provided by our City and County, the M-NCPPC, and several environmental advocacy groups, all of whom have access to professional planners and technical experts informing their judgements. We defer to these more technical and nuanced explanations of our <u>shared</u> concerns about the adequacy of the DEIS and endorse their comments concerning assessment of the environmental impacts from this P3 Project.</p>	
<p>#3</p>	<p>3. The facts forming the basis for the project have dramatically altered since the initiation of the Managed Lane Study DEIS and undercut its viability. Absent are a valid and reliable post-COVID-19 traffic modeling and study, and recognition that the pre-COVID formulation of the problem that led to the I-495/I-270 Managed Lanes Study DEIS is no longer viable. The DEIS acknowledges that because of “the reduced traffic on interstates such as I-495 and I-270 due to the COVID-19 stay-at-home order. ...[and] the uncertainty surrounding post-shutdown traffic levels and transit use” ... “[t]here is no definitive traffic model to predict how this unprecedented global pandemic will affect long-term future traffic projections and transit use.” (DEIS, ES-3) We agree that the inability to predict the effects on traffic and transportation by other modes attributable to the now-unknowable future patterns of teleworking and flexible work times supports the conclusion that the traffic model on which the Study relied is no longer valid. The next logical conclusion is that, until we have established the post-COVID “new normal” travel patterns that permit long-term projections, a sound replacement model cannot be constructed and this Study is moot. We believe that it is irresponsible for the state to commit to this project when it is not possible to assess its necessity, financial viability, or benefit to the region because of changed conditions. It is also impossible to conduct such review until after the impact of the COVID-19 pandemic has dissipated.</p>	<p>Response to DEIS Comment #3 Refer to Chapter 9, Section 3.1 for a response on Purpose and Need, effects of the Pandemic, and impacts of teleworking/remote working.</p>
<p>#4</p>	<p>4. The new estimates by the Washington Suburban Sanitary Commission (WSSC) for moving 70 miles of large water and sewer pipes for the proposed project will cost up to \$2 billion and creates a substantial additional financial cost to taxpayers and ratepayers that has not been appropriately factored into the actual cost of the</p>	<p>Response to DEIS Comment #4 Refer to Chapter 9, Section 3.4.M for a response to impacts to utilities and associated costs.</p>

CO-167

<div>#1</div> <div>#2</div>	<div>GREEN SANCTUARY COMMITTEE UNITARIAN UNIVERSALIST CHURCH OF SILVER SPRING – DONEBY SMITH</div> <div><div></div><div><div><div>From:</div><div>Sent:</div><div>To:</div><div>Subject:</div></div><div><div>Doneby Smith <donebys@gmail.com></div><div>Tuesday, November 3, 2020 2:18 PM</div><div>MLS-NEPA-P3</div><div>Comment opposing the P3 plan to widen I-270/I-495 for privatized toll lanes.</div></div></div></div> <div><div>The Green Sanctuary Committee of the Unitarian Universalist Church of Silver Spring opposes the P3 plan to widen I-270/I-495 for privatized toll lanes. We support the no-build option. It is clear to us that bias was built into the considerations of ways to address congestion through an overly narrow set of initial options. In addition, the DEIS has many gaps where critical analyses are deferred to the final EIS, depriving citizens of our right to comment on a complete and fully articulated delineation of the environmental impact of this proposed project before it comes up for final approval.</div><div>As persons of faith, we are concerned that the P3 project will not serve our community in an equitable way. Transportation needs of low-income households will not see a benefit. Many households can expect higher water bills as WSSC passes on the cost of relocating infrastructure. A number of homes and small businesses and hundreds of acres of parklands will be destroyed. As seen with the Purple Line project, public-private partnerships are not without risks to taxpayers. The longer-term impact of this project on greenhouse gas emissions and resulting climate change will hit marginalized communities first and worst.</div><div>K J Doneby Smith, chair</div></div>	<div>Response to DEIS Comment #1</div> <div>Thank you for your comment concerning impacts to the Green Sanctuary Committee of the Unitarian Universalist Church of Silver Spring community near the I-495 interchange at the MD 650. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the I-495 interchange at MD 650 is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.</div> <div>Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.</div> <div>The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarize the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail. This analysis directly contributed to MDOT SHA's evaluation of these alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided. Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts</div> <div>Response to DEIS Comment #2</div> <div>Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.</div> <div>Refer to Chapter 9, Section 3.4.M for a response to impacts to utilities and associated costs.</div> <div>Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</div>
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HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY – NICK DRIBAN

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From: MLS-NEPA-P3 <MLS-NEPA-P3@mdot.maryland.gov>
Sent: Thursday, September 24, 2020 8:02 AM
To:
Subject:
Attachments: Duffie_HOC Comments_20200921.pdf

From: ndriban@lenharttraffic.com <ndriban@lenharttraffic.com>
Sent: Tuesday, September 22, 2020 12:40 PM
To: MLS-NEPA-P3 <MLS-NEPA-P3@mdot.maryland.gov>
Cc: 'Shane Pollin' <spollin@duffieinc.com>; 'Goyer Roberts' <groberts@duffieinc.com>; 'Kathryn Hollister' <kathryn.hollister@hocmc.org>; 'Zach Marks' <zachary.marks@hocmc.org>; 'mlenhart' <mlenhart@LENHARTTRAFFIC.COM>
Subject: Comments on the I-495 and I-270 Managed Lanes Project

To Whom it May Concern,

Please accept the attached comment letter regarding the I-495 and I-270 Managed Lanes Study. The letter was prepared by Lenhart Traffic Consulting on behalf of The Duffie Companies and the Housing Opportunities Commission of Montgomery County (HOC).

Should you need to contact us for any reason, the relevant points of contact and associated contact information are as follows:

- **The Duffie Companies:** Shane Pollin, spollin@duffieinc.com, 301 434-3040 Ext. 800
- **Housing Opportunities Commission of Montgomery County:** Kathryn Hollister, kathryn.hollister@hocmc.org, (240) 627-9551
- **Lenhart Traffic Consulting:** Nick Driban, ndriban@lenharttraffic.com, (410) 777-9253

Please reply to confirm receipt.

Thanks,

Nick

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Nick Driban, P.E., PTOE

Associate Vice President

Cell Phone: [\(410\) 294-7195](tel:(410)294-7195)

Direct Dial: [\(410\) 777-9253](tel:(410)777-9253)

Office Directory: [\(410\) 216-3333](tel:(410)216-3333)



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Lenhart Traffic Consulting, Inc.
Traffic Engineering & Transportation Planning

September 21, 2020

To: Project Team for I-495 & I-270 Managed Lanes Study
c/o Ms. Lisa B. Choplin, DBIA
Director, I-495 & I-270 P3 Office
Maryland Department of Transportation State Highway Administration
I-495 & I-270 P3 Office
707 North Calvert Street
Mail Stop P-601
Baltimore, MD 21201

RE: Public Comment

To Whom it May Concern:

The purpose of this letter is to provide comments on the I-495 & I-270 Managed Lanes Study Draft Environmental Impact Statement (DEIS). This letter has been prepared on behalf of The Duffie Companies ("Duffie") and the Housing Opportunities Commission of Montgomery County ("HOC") who requested that Lenhart Traffic Consulting review the alternatives evaluated in the DEIS to determine any potential impacts to the properties owned by these two organizations and to provide comments on their behalf.

Duffie owns several properties in close proximity to the I-495 and MD 650 interchange including the Hillandale Shopping Center, Home 2 Suites hotel, 10001 New Hampshire Avenue, and 10140 New Hampshire Avenue. The Home 2 Suites and 10001 New Hampshire Avenue parcels were each recently developed with state-of-the-art, LEED-certified buildings. Additionally, the site of what was once Holly Hall Apartments is owned by HOC. Holly Hall Apartments and 10140 New Hampshire Avenue is the future site of the Hillandale Gateway development, which will be developed and owned in partnership by and between Duffie and HOC. Hillandale Gateway is currently moving through the Montgomery County entitlements process for a mixed-use, mixed-income development. Exhibit 1 provides a map of the aforementioned properties.

Together, these developments are reshaping Hillandale, providing substantial economic growth and improvement for this area of Montgomery County. As such, it is of utmost importance to Duffie and HOC that the comments contained in this letter be considered as part of the I-495 & I-270 Managed Lanes project.

 **LENHART TRAFFIC CONSULTING, INC.**
645 BALTIMORE ANNAPOLIS BLVD, SUITE 214
SEVERNA PARK, MD 21146
www.lenharttraffic.com

Phone (410) 216-3333
Fax (443) 782-2288

Thank you for your comment concerning impacts to Duffie and HOC properties near the I-495 interchange at MD 650. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the I-495 interchange at MD 650 is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

Because the I-495 interchange at MD 650 is located outside the Preferred Alternative limits, the proposed slip ramp across MD 650 providing direct access from Elton Road to I-495 will not be precluded by the build improvements.

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Both Duffie and HOC are in support of efforts to relieve local and regional congestion, but would like to offer the following comments for consideration as this project moves forward:

1) **Neither Duffie, nor HOC would be in support of any alternative that impacted property owned by Duffie or HOC or the associated building setback requirements for their properties.** The appendices of the DEIS contain information regarding properties that will be impacted by the proposed project, which indicates that properties owned and operated by Duffie and HOC will not be impacted. However, if at any point as the process moves forward alternatives are added or modified in such a way that would impact properties owned by Duffie or HOC, we would request to be notified immediately of these potential impacts and would likely not be in support of these alternatives.

2) **A slip ramp across MD 650 providing direct access from Elton Road to I-495 is currently being reviewed by the Montgomery County Department of Transportation. We request that any alternative(s) carried forward as part of the I-495 & I-270 Managed Lanes Project not preclude the ability to construct the proposed slip ramp.** An analysis of the proposed slip ramp was previously reviewed and approved by both Montgomery County and MDOT-SHA. In addition, the slip ramp was the subject of a public hearing held by Montgomery County, and is currently undergoing additional detailed study by the County. It should also be noted that information regarding the proposed slip ramp was conveyed to Mr. Jeff Folden of the I-495 & I- 270 Managed Lanes project team via email on May 23, 2019. A concept plan showing the slip ramp, the email to Mr. Jeff Folden, and the analysis originally included with the email are attached to this letter.

The purpose of the Elton Road slip ramp is to improve the adjacent failing intersection of MD 650 & Powder Mill Road, in conjunction with other planned improvements occurring directly at that intersection. Specifically, the slip ramp will provide a direct connection to the Beltway for a substantial number of vehicles along MD 650 that currently make a northbound U-turn at the Powder Mill Road intersection in order to access the Beltway. The connection would also provide a more direct route for a significant number of vehicles that currently access the beltway by exiting the north side of the Hillandale Shopping Center and turning left from Powder Mill Road onto southbound MD 650.

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email: mjenhart@lenharttraffic.com

The following pages reflect the attachments included in the letter. There are no comments or responses provided on these pages; they are included for the record.

The changes in travel patterns associated with the slip ramp, described above, would reduce the volume of several critical movements that are operating unacceptably at MD 650 & Powder Mill Road, thereby substantially improving operations at the intersection. The improvements to intersection delay are projected to be approximately 40% during the AM peak hour and 45% during the PM peak hour compared to the 2040 No Build condition. This is accomplished with no projected degradation in the acceptable level of service at the MD 650 & Elton Road intersection. Because of the operational improvements to the MD 650 & Powder Mill Road intersection, the slip ramp is also projected to have the effect of improving travel times for through vehicles along northbound- and southbound MD 650 by between 14% and 66% depending on the direction/peak hour, and to substantially reduce the total delay to all vehicles in the study area.

As such, the slip ramp is a vital component of ensuring mobility in the Hillandale area and the ability to construct it must be maintained.

As stated above, based on a review of the DEIS, Duffie and HOC support the intent of the I-495 & I-270 Managed Lanes project to relieve congestion and are not opposed to any of the alternatives so long as they do not impact property lines, associated building setbacks, or the feasibility of the proposed Elton Road slip ramp.

Should you have any questions or comments regarding this information, please do not hesitate to contact me at mlenhart@lenharttraffic.com or (410) 216-3333.

Sincerely,



Michael M. Lenhart, P.E., P.T.O.E.
President – Lenhart Traffic Consulting, Inc.

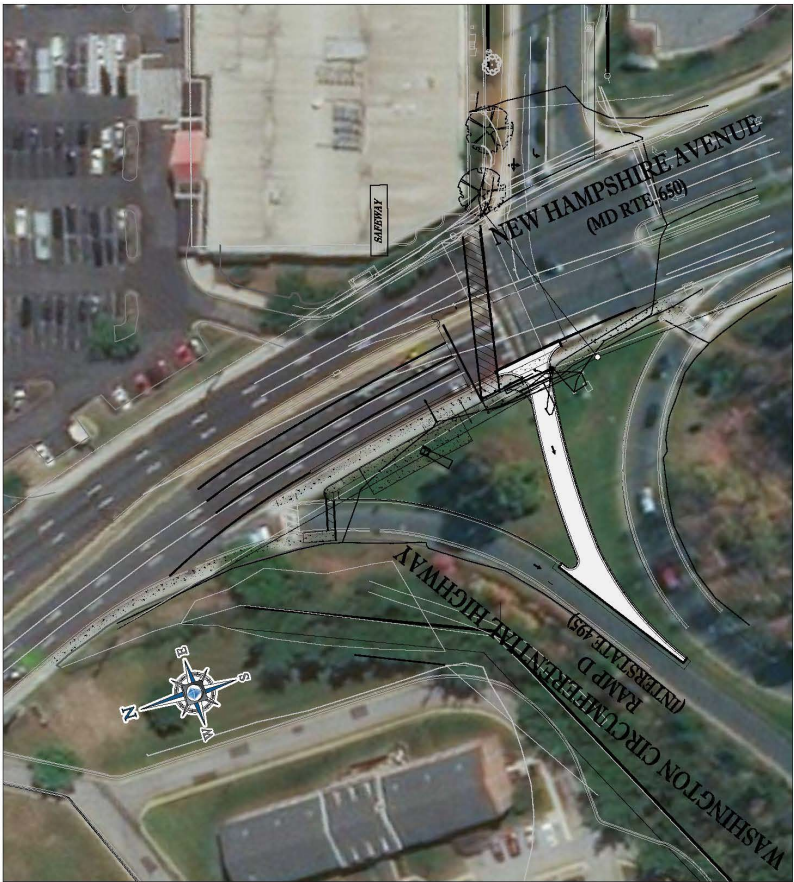
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Attachments

Elton Road Slip Ramp Concept
Email to Mr. Jeff Folden re: Slip Ramp
Letter/Analysis of Slip Ramp



LATIP EXHIBIT
(SLIP LANE)
DRAFT



ndriban@lenharttraffic.com

From: Jeffrey Folden <JFolden1@mdot.maryland.gov>
Sent: Thursday, May 23, 2019 1:24 PM
To: Nick Driban
Cc: 'Shane Pollin'; Goyer Roberts; mlenhart
Subject: RE: Hillandale Analyses near I-495 & MD 650

Nick:

Thanks! It was received.

Jeff



I-495 & I-270 P3 Office
601 North Calvert Street
Baltimore MD 21202

Mailing Address
707 North Calvert Street
P-601
Baltimore MD 21202

Jeffrey T. Folden, PE, DBIA
Deputy Director
I-495 & I-270 P3 Office

Email - jfolden1@mdot.maryland.gov
Office - 410.637.3321
Mobile - 443.604.4629
www.roads.maryland.gov
www.495-270-P3.com



From: Nick Driban [mailto:ndriban@LENHARTTRAFFIC.COM]
Sent: Thursday, May 23, 2019 1:19 PM
To: Jeffrey Folden <JFolden1@mdot.maryland.gov>
Cc: 'Shane Pollin' <spollin@duffieinc.com>; Goyer Roberts <groberts@duffieinc.com>; mlenhart <mlenhart@LENHARTTRAFFIC.COM>
Subject: Hillandale Analyses near I-495 & MD 650

Hi Jeff,

Shane Pollin asked me to reach out to you to provide information on the traffic analysis work we've been doing in the Hillandale area along MD 650 in the vicinity of the Beltway. I understand you're working on the Beltway widening project and there is likely some overlap between the benefits of the improvements that are being proposed along MD 650 and your project. As such, I've attached our most recent analysis, a previous iteration of which was reviewed and approved by both Montgomery County and SHA [Access Management tracking no. 18APMO006], for your use. The first three pages of the attachment provide an executive summary detailing the history of the analysis as well as the relevant findings, but here are a few additional notes to try to provide a more concise summary:

- The analysis was conducted for 2040 conditions based on volume projections provided by Montgomery County.
- The focus of the analysis was to improve the intersection of MD 650 & Powder Mill Road, which was proposed to be accomplished by 1) lengthening the existing westbound right-turn lane, which is typically blocked by vehicles in the other lanes, 2) providing additional lanes on the eastbound approach, and 3) adding a slip ramp at the adjacent intersection of MD 650 & Elton Road to provide a direct connection between westbound Elton Road and the Outer Loop of the Beltway.
- Improvement 3 was developed in order to provide a direct connection to the Beltway for a substantial number of vehicles along MD 650 that currently make a northbound U-turn at the Powder Mill Road intersection in order to access the Beltway. These vehicles are primarily generated by business along Elton Road as well as the shopping center located along the east side of MD 650 north of Elton Road. The Elton Road slip ramp connection would also provide a more direct connection for a significant number of vehicles that currently access the beltway by exiting the north side of the shopping center and turning left from Powder Mill Road onto southbound MD 650.
- The changes in travel patterns associated with the slip ramp, described above, would reduce the volume of several critical movements at the MD 650 & Powder Mill Road that are operating unacceptably, thereby substantially improving operations at the intersection. The improvements to intersection delay are projected to be approximately 40% during the AM peak hour and 45% during the PM peak hour compared to the No Build condition. This is accomplished with no projected degradation in the acceptable level of service at the MD 650 & Elton Road intersection.
- Because of the operational improvements to the MD 650 & Powder Mill Road intersection, the slip ramp is also projected to have the effect of improving travel times for through vehicles along northbound- and southbound MD 650 by between 14% and 66% depending on the direction/peak hour, and to substantially reduce the total delay to all vehicles in the study area.

As demonstrated by the analysis, the proposed Elton Road slip ramp, as well as the associated improvements, will appreciably enhance traffic operations along MD 650 in the vicinity of the Beltway.

Please let me know if you have any questions or need any additional information.

Thanks,
Nick

Nick Driban, P.E., PTOE
Associate Vice President

Direct Dial: [\(410\) 777-9253](tel:(410)777-9253)
Cell Phone: [\(410\) 294-7195](tel:(410)294-7195)
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Lenhart Traffic Consulting, Inc.

Transportation Planning & Traffic Engineering

November 12, 2018

Ms. Stacy Leach
Montgomery County Department of Transportation
101 Monroe Street, 10th Floor
Rockville, Maryland 20850

Re: REVISED White Oak LATIP Supplemental Transportation Analysis – Proposed Improvements at MD 650 (New Hampshire Avenue) & Powder Mill Road/Elton Road

Dear Ms. Leach:

This letter is being prepared to provide an executive summary and additional context related to the attached memorandum detailing the *REVISED White Oak LATIP Supplemental Analysis – MD 650 & Powder Mill Road*. The attached memorandum represents the most recent revision to a series of analyses conducted in support of the improvements proposed in the Hillandale area as part of the White Oak LATIP. This revision is necessary in order to provide an updated assessment of the benefits of the proposed improvements package which is being considered in the Public Hearing scheduled for November 15, 2018. Included herein is a brief history of the LATIP analyses in this area and a summary of the findings of this current revision to the analyses.

On February 14, 2017, the Montgomery County Council passed the Local Area Transportation Improvement Program (LATIP) for the White Oak Science Gateway area. As part of Council approval, \$5,000,000 for work was assigned to the MD 650/Powder Mill Road intersection for traffic operations improvements, but specific improvements were not identified. At the time, specific improvements were not identified in this area because there were some anomalies noted in the original analysis conducted in support of the LATIP which resulted in recommendations that differed substantially from the White Oak Science Gateway Master Plan and from trip analyses previously conducted by the Maryland State Highway Administration (SHA).

The specific anomalies identified in the original LATIP analysis included the omission of a substantial volume of u-turning traffic along northbound MD 650 at Powder Mill Road, as well as the incorrect coding of volumes within the traffic model for the northbound through movement along MD 650 at Powder Mill Road. Based on the original analysis conducted with these anomalies, the recommended LATIP improvement at the intersection of MD 650 at Powder Mill Road was the addition of a northbound right-turn lane, which the original analysis showed would reduce the average delay at the intersection to less than 80 seconds (the threshold for acceptable operations for the area according to the LATIP). However, when the anomalies in the traffic analysis were corrected, the new analysis showed that the recommended addition of the northbound right-turn lane did not, in fact, improve average delay to less than 80 seconds at the intersection. Further, as noted in the discussion above, the northbound right-turn lane was not consistent with the proposed Master Plan improvements at the intersection.

Based on these findings, a supplemental analysis was conducted by Lenhart Traffic Consulting in the spring of 2017 in order to determine improvements that would reduce delay for the MD 650 at Powder Mill Road intersection to less than the 80 second threshold, thereby meeting the LATIP adequacy requirement. The starting point for addressing the identified traffic operations issue in the supplemental analysis was the consideration of the Master Planned improvements. The Master Plan improvements call for, “from Holly Hall, add an eastbound left-turn lane; on Powder Mill Road, add a

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westbound right-turn lane; and on MD 650, add a southbound left-turn lane.” The eastbound left-turn lane and westbound right-turn lane were included in the proposed improvement package in the supplemental analysis document, as construction of these improvements appeared to be feasible with limited impacts to the surrounding land uses. In contrast, the Master Plan recommended southbound left-turn lane was not included in the improvements package analysis as it was determined that its construction would be so materially impactful and require such significant takings of land (e.g. the properties to the northeast, northwest and southeast would all be significantly impacted including impacts to existing parking and structures) that this improvement would simply be too costly and infeasible in the short, intermediate, and likely long terms.

Traffic analysis was therefore conducted with the two, viable identified improvements along Powder Mill *only*, however the results showed that the intersection would not operate below the 80 second delay threshold without additional improvements. As such, and in order to address the unsafe u-turn traffic along northbound MD 650 at Powder Mill Road that was omitted from the original LATIP analysis, the slip-ramp from Elton Road was added to the two proposed improvements at the Powder Mill Road intersection. The reason for this improvement, as stated in the supplemental analysis, was to address the need to provide an alternate route to keep northbound u-turning traffic seeking to access the ramp to westbound I-495 (The Capital Beltway) away from the problematic intersection of MD 650 at Powder Mill Road in order to provide more ‘green time’ to the tremendous volume of vehicles traveling along MD 650. While other improvements at the intersection of MD 650 at Powder Mill Road were considered in lieu of the slip ramp, the close proximity of businesses along the northbound- and southbound approaches to the intersection simply left little room for any further improvement to take place directly at the intersection; stated differently, there are limited reasonable, feasible improvements at the intersection of MD 650 at Powder Mill Road beyond the Master Plan improvements along the eastbound- and westbound approaches to the intersection, which re included as part of the proposed package. The results of the supplemental analysis showed that with the improvements along eastbound and westbound Powder Mill Road, as well as the slip ramp, the intersection of MD 650 at Powder Mill Road would operate with delay below 80 seconds.

IT IS IMPORTANT TO NOTE that all supplemental analyses conducted prior to the version in the attached memo assumed that the only traffic reassigned to the Elton Road slip ramp was the northbound u-turning vehicles at the intersection of MD 650 at Powder Mill Road (shown on Exhibit 8a in the attached memo). The assumption to only reassign this volume was made in order to provide the most conservative analysis for agency review (SHA & MCDOT). Even with this highly conservative analysis, the improvements at the intersection of MD 650 at Powder Mill Road were shown to be so substantial (and with nearly no impact to the intersection of MD 650 at Elton Road) that both SHA and MCDOT concurred with the findings and recommendations of the analysis.

THE PURPOSE OF THE ATTACHED REVISED SUPPLEMENTAL ANALYSIS is to provide a more realistic analysis of the proposed improvements package. Specifically, it is likely that with the implementation of the Elton Road slip ramp, a substantial portion of the traffic that currently exits the north side of the shopping center located in the southeast corner of the MD 650 at Powder Mill Road intersection and turns left onto Powder Mill Road before turning left onto New Hampshire Avenue would instead exit the southside of the shopping center to turn right onto Elton Road and immediately access the new slip ramp (see Exhibit 8b in the attached memo). A traffic count was conducted to determine what proportion of the *total* left-turn volume from westbound Powder Mill Road onto MD

2

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650 is traffic that exits the north end of the shopping center and makes this movement in order to access the I-495 ramp. The results of this count indicated that approximately 20% of the *total* westbound left-turn volume from Powder Mill road onto New Hampshire Avenue comes from the shopping center. While it is believed that if given the opportunity the vast majority of this traffic would instead choose to exit the south side of the shopping center to utilize the Elton Road slip ramp, for the purposes of providing a conservative (but more reasonable analysis) it was assumed that 75% of the traffic making this movement would divert to the proposed slip ramp. This equates to a diversion of only 15% of the total westbound left-turns from Powder Mill Road onto New Hampshire Avenue ($75\% \times 20\% = 15\%$) and the resulting diverted volume is shown on Exhibit 8b of the attached memo (this analysis remains conservative in not accounting for any trips originating from within Hillandale currently exiting Green Forest Drive which could also utilize the ramp if given the opportunity).

Based on the assumptions documented above, as shown on Exhibit 9 of the attached memo the proposed improvements are projected to decrease delay for the intersection of MD 650 at Powder Mill Road by 40% in the AM peak hour and 45% in the PM peak hour compared to the No Build, with no measurable degradation in the level of service (LOS ‘A’) for the MD 650 at Elton Road intersection. THIS SIGNIFICANT IMPROVEMENT RESULTS *with no diversion assumed through the neighborhood*, but instead with traffic only diverted from the northbound u-turns and the shopping center traffic turning left onto Powder Mill Road and left onto MD 650 in order to access I-495 west. The proposed improvements package is also shown to decrease peak hour travel times along MD 650 by between 14% and 66%, and to substantially reduce delay to all vehicles in the area.

Importantly, the substantial improvements in traffic operations at the intersection of MD 650 at Powder Mill Road, as well as for vehicles along MD 650 and within the overall study area are likely to negate some amount of the cut-through traffic that has been a perennial concern to neighbors along Elton Road and Wooded Way. As traffic moves more freely along the major roadways and through the larger intersections designed to handle it, the incentive to find alternate routes through local streets is decreased. To the degree cut-through traffic is an existing issue for the neighborhood, traffic calming remedies are included as part of the proposed improvements package which have the ability to further reduce the desirability of this maneuver, thereby mitigating cut-through traffic.

Based on the findings of the attached *REVISED White Oak LATIP Supplemental Analysis – MD 650 & Powder Mill Road*, as well as the information contained in this letter, it is recommended that the proposed improvements included in the attached memo be approved and carried forward for design and construction as part of the White Oak LATIP.

Sincerely,



Michael Lenhart, P.E., PTOE
President

Enclosure: REVISED White Oak LATIP Supplemental Analysis – MD 650 & Powder Mill Road

3

Lenhart Traffic Consulting, Inc.

Transportation Planning & Traffic Engineering

Memorandum:

Date: November 12, 2018

TO: Mr. Chris Conklin
Montgomery County DOT
101 Monroe Street, #10
Rockville, MD 20850

FROM: Mike Lenhart

RE: REVISED White Oak LATIP Supplemental Analysis – MD 650 & Powder Mill Road

As part of this analysis, two scenarios were evaluated including:

- Total Conditions with no improvements (No Build) to intersection geometry and timings.
- Total Conditions with the following improvements:
 1. An additional EB left-turn lane (including modifications to existing lane use) and WB right-turn lane at the intersection of MD 650 & Powder Mill Road. Note that a dedicated WB right-turn lane at the intersection of MD 650 & Powder Mill Road is present under Existing Conditions, however, the westbound right turn lane is only 50' long. This is far shorter than a typical turn lane and is completely unusable because access to the right turn lane is blocked by queues in the adjacent lanes. Therefore, this 50' lane was not treated as a right turn lane in the analysis of existing geometries.
 2. A slip ramp at the intersection of MD 650 & Elton Road to provide direct access from Elton Road to I-495 WB.
 3. Traffic calming along Elton Road in order to reduce speeds and enhance safety.

The following intersections were analyzed as part of this analysis including:

1. MD 650 & Powder Mill Road
2. MD 650 & Elton Road

In addition to this memo, the following exhibits and appendices have been included:

- Exhibit 1 Presents a location map and shows the study intersections.
- Exhibit 2 Provides the existing lane use and traffic controls devices.
- Exhibit 3 Includes the existing peak hour traffic volumes at the intersections. Note that these counts were taken from SHA's ITMS website, and are the same counts used in the LATIP analysis. It should be noted however that the LATIP analysis had two errors in their existing traffic counts. The LATIP study failed to include northbound and southbound MD 650 U-turns, and had an incorrect through volume for northbound MD 650 in the morning peak hour.



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Lenhart Traffic Consulting, Inc.

Transportation Planning & Traffic Engineering

- Exhibit 4 Provides the 2040 background peak hour traffic volumes which were taken from the White Oak LATIP with the exception of the background growth in traffic on the west leg of MD 650 at Powder Mill Road in and out of the Holly Hall apartments. The growth in traffic on the west leg is calculated in Exhibits 5 and 6 as follows.
- Exhibit 5 Contains the trip generation table for the Hillandale Gateway development. While the 2040 peak hour volumes from the White Oak LATIP generally accounted for traffic from planned developments in the area, in order to be conservative, trip generation and assignment were conducted separately for the Hillandale Gateway development as part of this study due to its immediate proximity to the study intersections and because it is one of the first sites planned for development in the White Oak LATIP area. Note that a trip credit was assumed for the existing 96 senior adult dwelling units. The proposed development is understood to consist of 146 senior adult dwelling units, 350 apartment units, and 24,500 square feet of shopping center.
- Exhibit 6a-c Exhibits 6a-6c detail the residential, retail, and pass-by trip assignments for the planned Hillandale Gateway development. The trip assignment is based on the net increase in trips over and above the existing use. It should be noted that a right-in/right-out driveway is planned for the site in addition to the access from the west leg of the MD 650 & Powder Mill Road intersection.
- Exhibit 7 Combines the 2040 background peak hour traffic volumes shown on Exhibit 4 with the trip assignments shown on Exhibits 6a-6c to provide total traffic volumes.
- Exhibits 8a-b Shows the assumed traffic diversions as a result of the construction of a slip ramp which would provide direct access from Elton Road to I-495 WB.
- Exhibit 8c Combines the total traffic volumes shown on Exhibit 7 with the traffic diversions shown on Exhibits 8a-b to provide total peak hour volumes with diversions. Note that these volumes were used in the "Total with Improvements" scenario.
- Exhibit 9 Provides a table showing Level of Service using the HCS methodology at the two study intersections. The LATIP uses an 80 second threshold for the determination of intersection adequacy. In addition, the table provides overall corridor measures of effectiveness including travel time along MD 650 between the Capital Beltway and north of Powder Mill Road, as well as the total delay experienced by all vehicles traveling in the area (based on the study area included within the traffic model).
- Exhibit 10 Shows the proposed lane use and traffic control devices under the "Total with Improvements" scenario.
- Appendix A Provides supplemental information and turning movement counts.
- Appendix B Provides the Synchro/SimTraffic worksheets.
- Appendix C Includes concept design plans for the proposed improvements.



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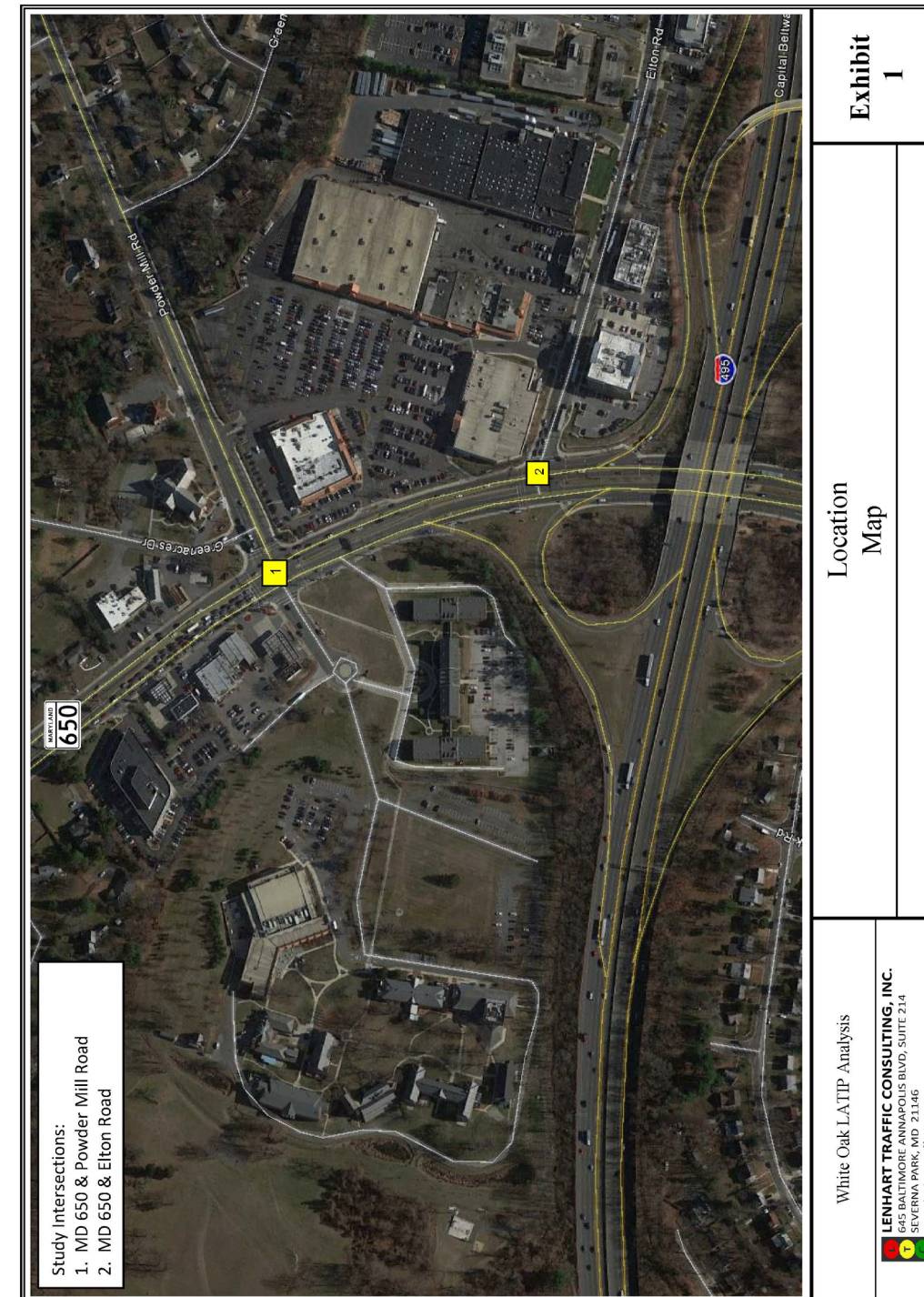
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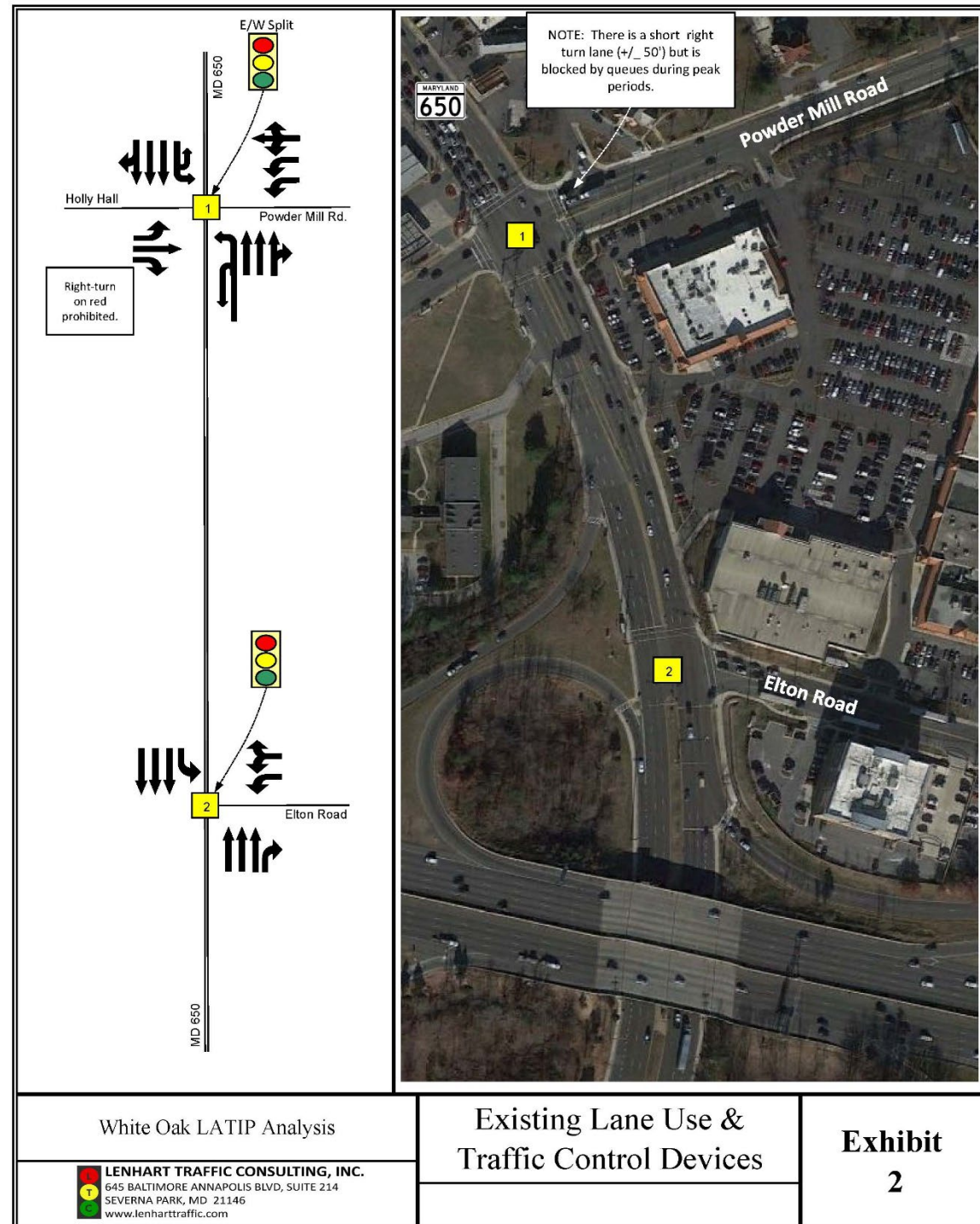
The following information is a summary of the results of our analyses:

- Under Total Conditions without any improvements (No Build) to intersection geometry or timing, the signalized study intersection of MD 650 & Powder Mill Road will operate with an overall intersection delay of **greater than 80 seconds during the PM peak hour** (76.9 seconds and 125.0 seconds during the AM and PM peak hours respectively). As mentioned previously, the LATIP uses an 80 second threshold for the determination of intersection adequacy. Therefore, intersection improvements are required in order to meet the LATIP guidelines.
- The “Total with Improvements” scenario includes a portion of the Master Plan improvements (EB Left + WB Right at MD 650 & Powder Mill Road) and a slip ramp at the intersection of MD 650 & Elton Road to provide direct access from Elton Road to I-495 WB. Under this scenario, the signalized study intersection of MD 650 & Powder Mill Road will operate with an overall intersection delay of **less than 80 seconds** (46.0 seconds and 69.0 seconds during the AM and PM peak hours respectively) which satisfies the LATIP requirements. In addition, the intersection of MD 650 & Elton Road will operate with 10 seconds of delay or less during both the AM and PM peak hours.
- It should also be noted that the MD 650 Corridor will experience overall travel time improvements ranging from 14% to 66% depending on the direction of travel and peak hour. Furthermore, the total delay for all vehicles traveling in the area will be reduced by 38% in the AM peak hour and 14% in the PM peak hour with the proposed improvements.

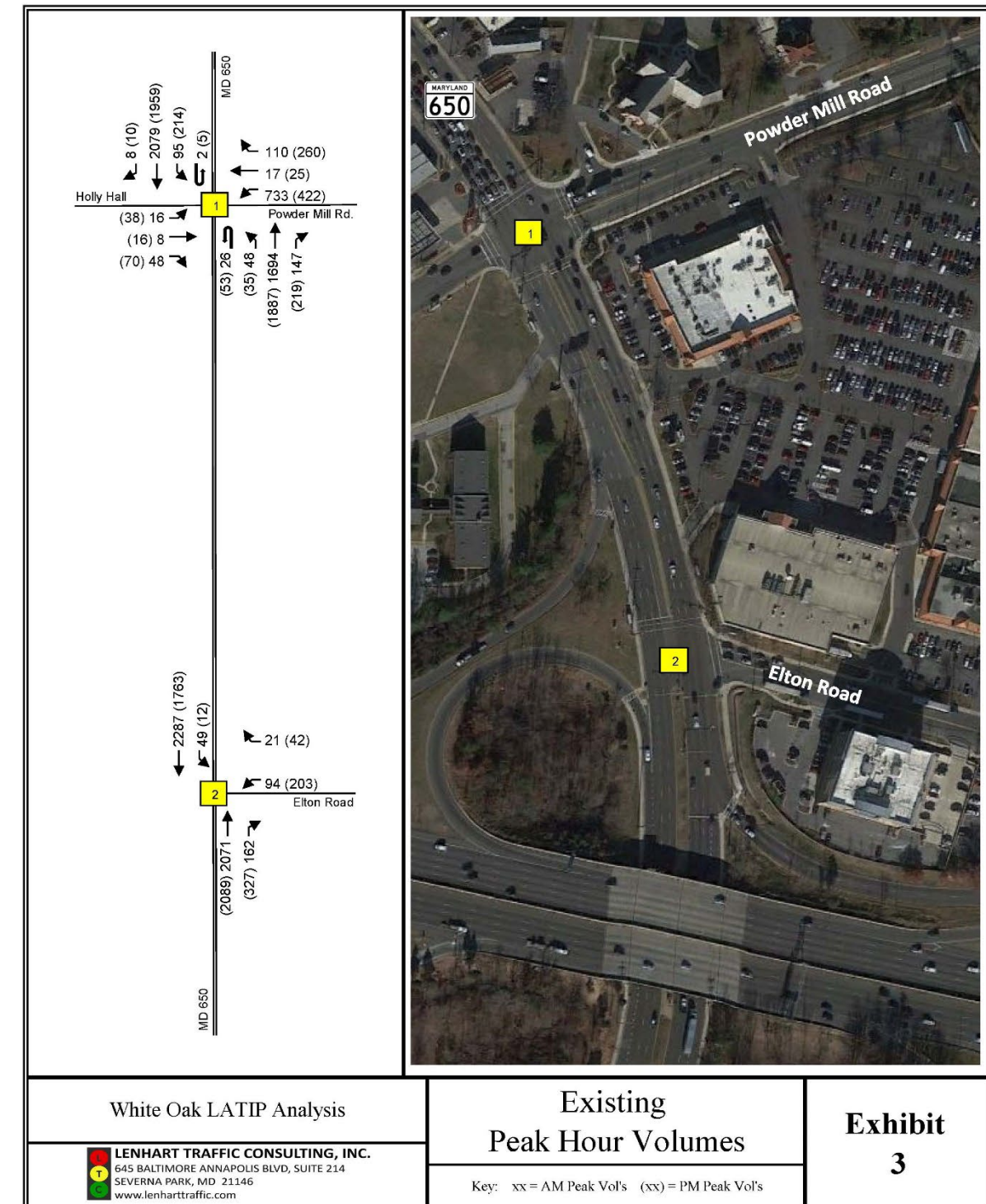
Based on the results of this analysis, all signalized study intersections under the “Total with Improvements” scenario will operate with less than 80 seconds of delay and will satisfy LATIP requirements. If you have any questions regarding this matter, please do not hesitate to contact me at the number below. We look forward to your feedback and guidance in how you would like to proceed.

Thanks,
Mike

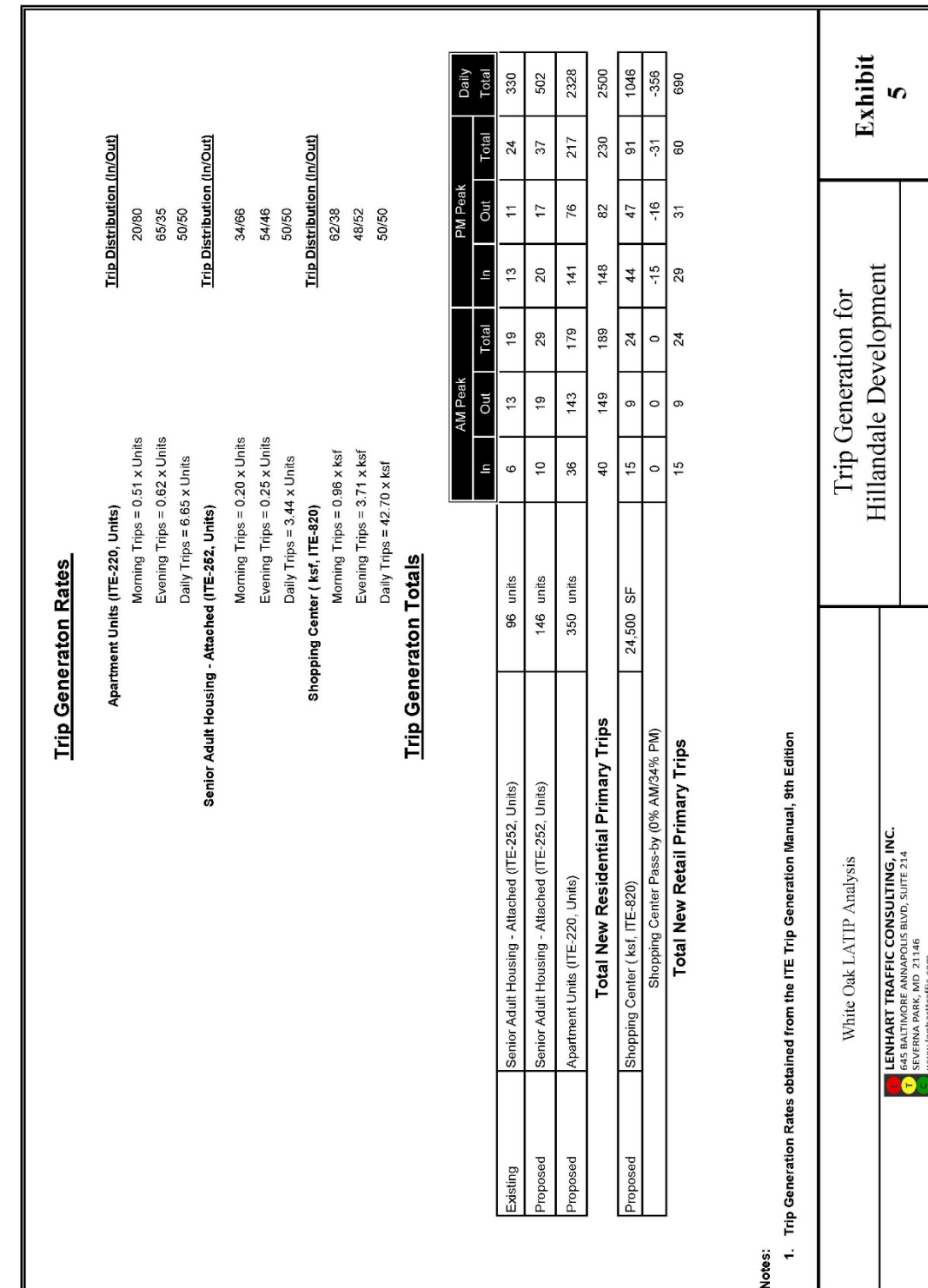
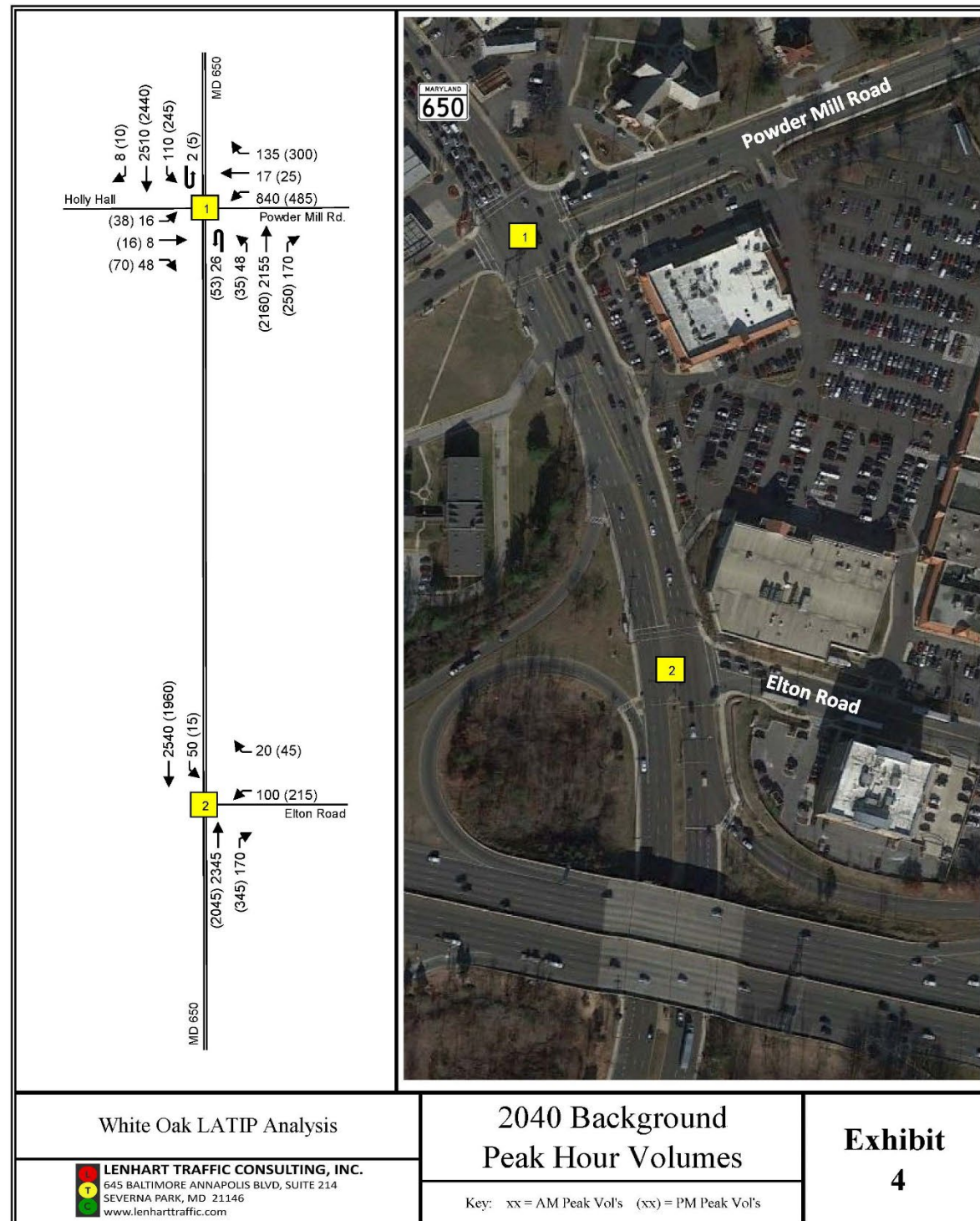


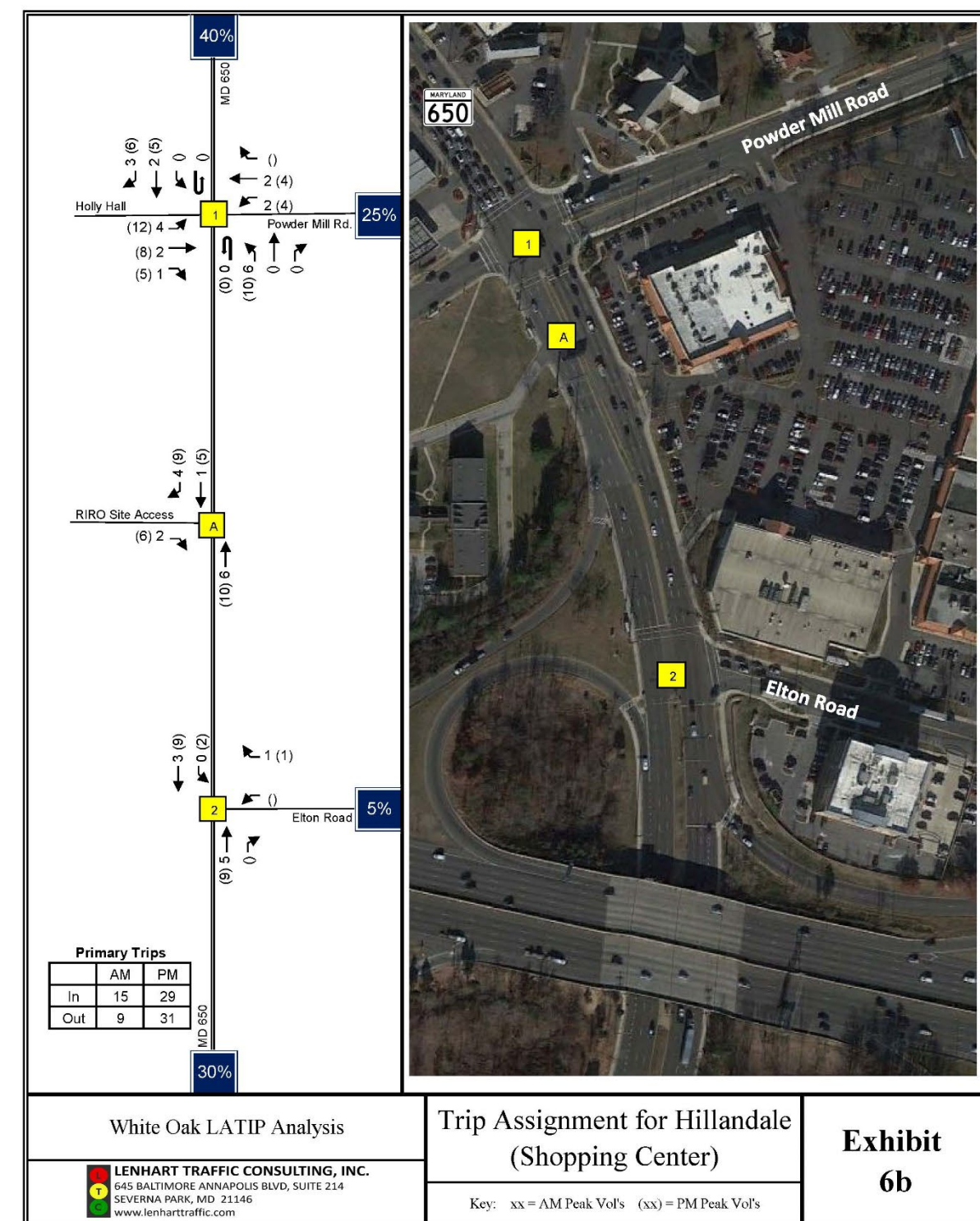
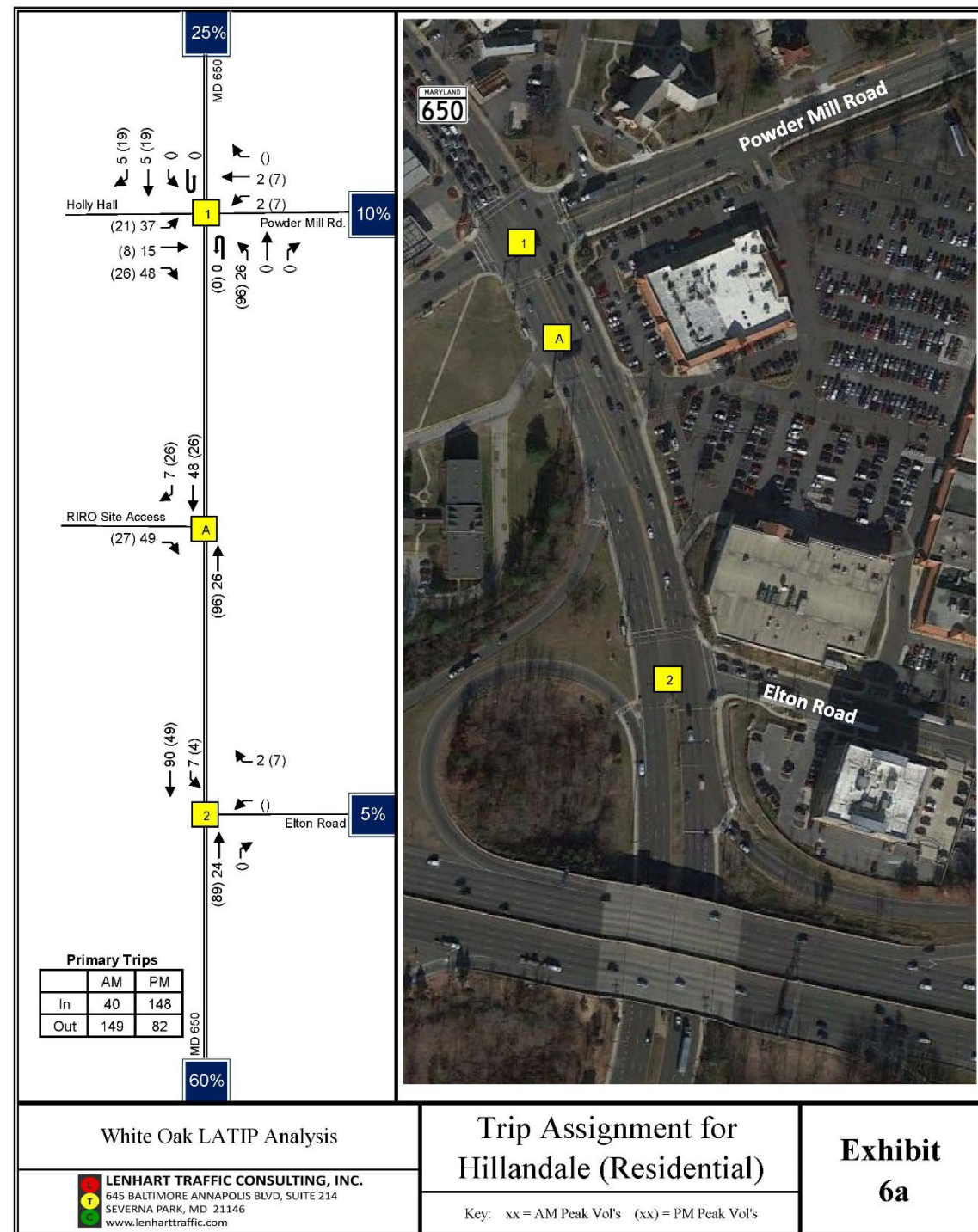


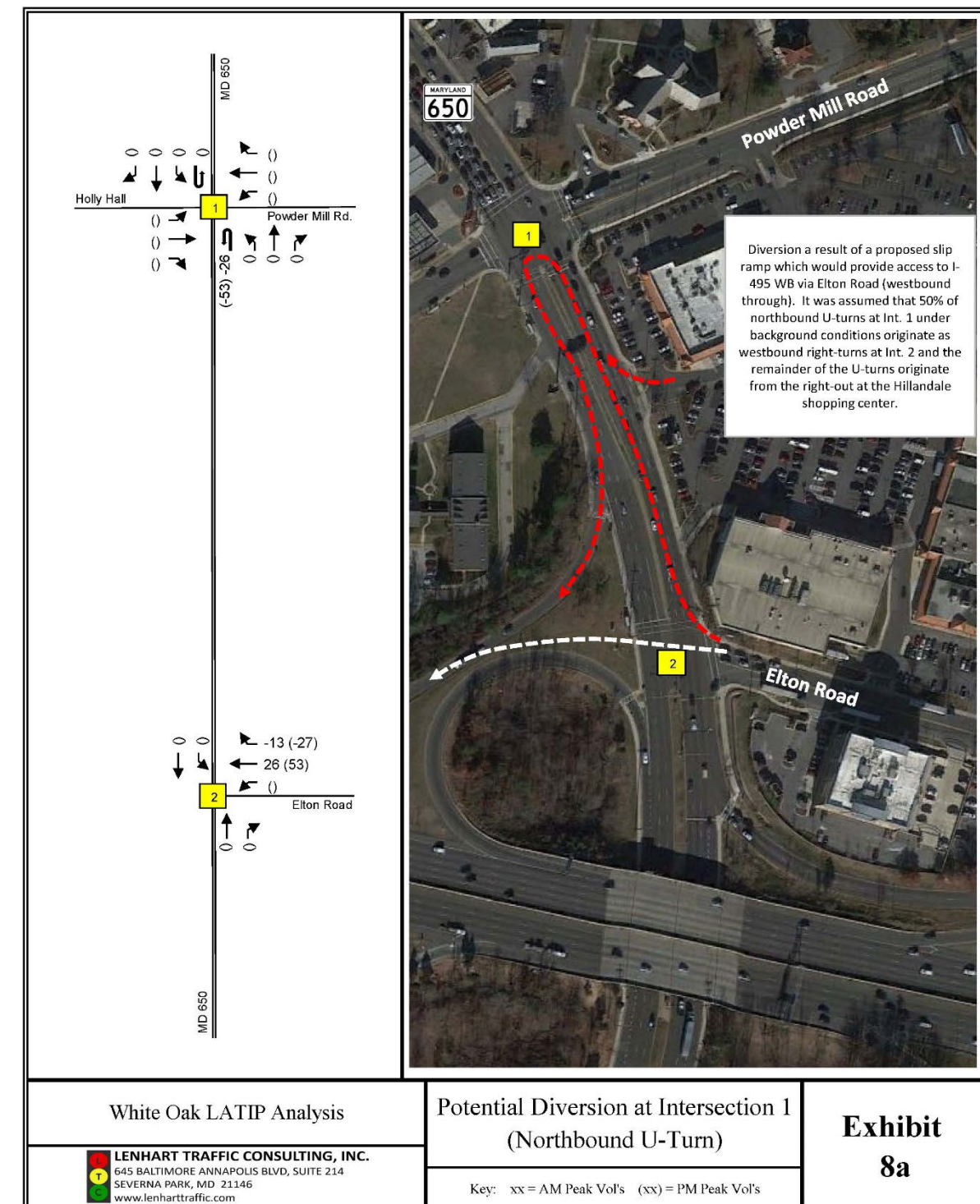
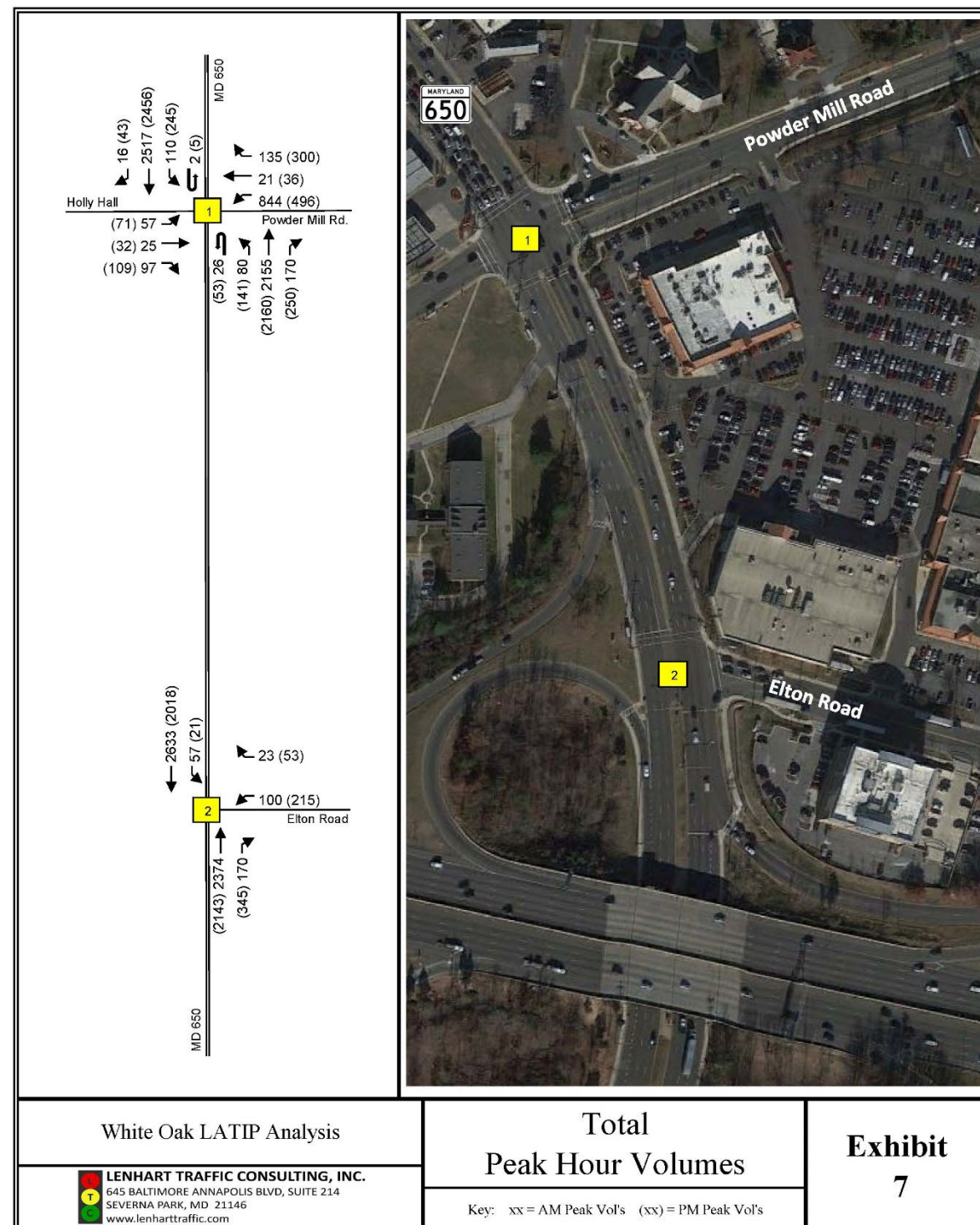
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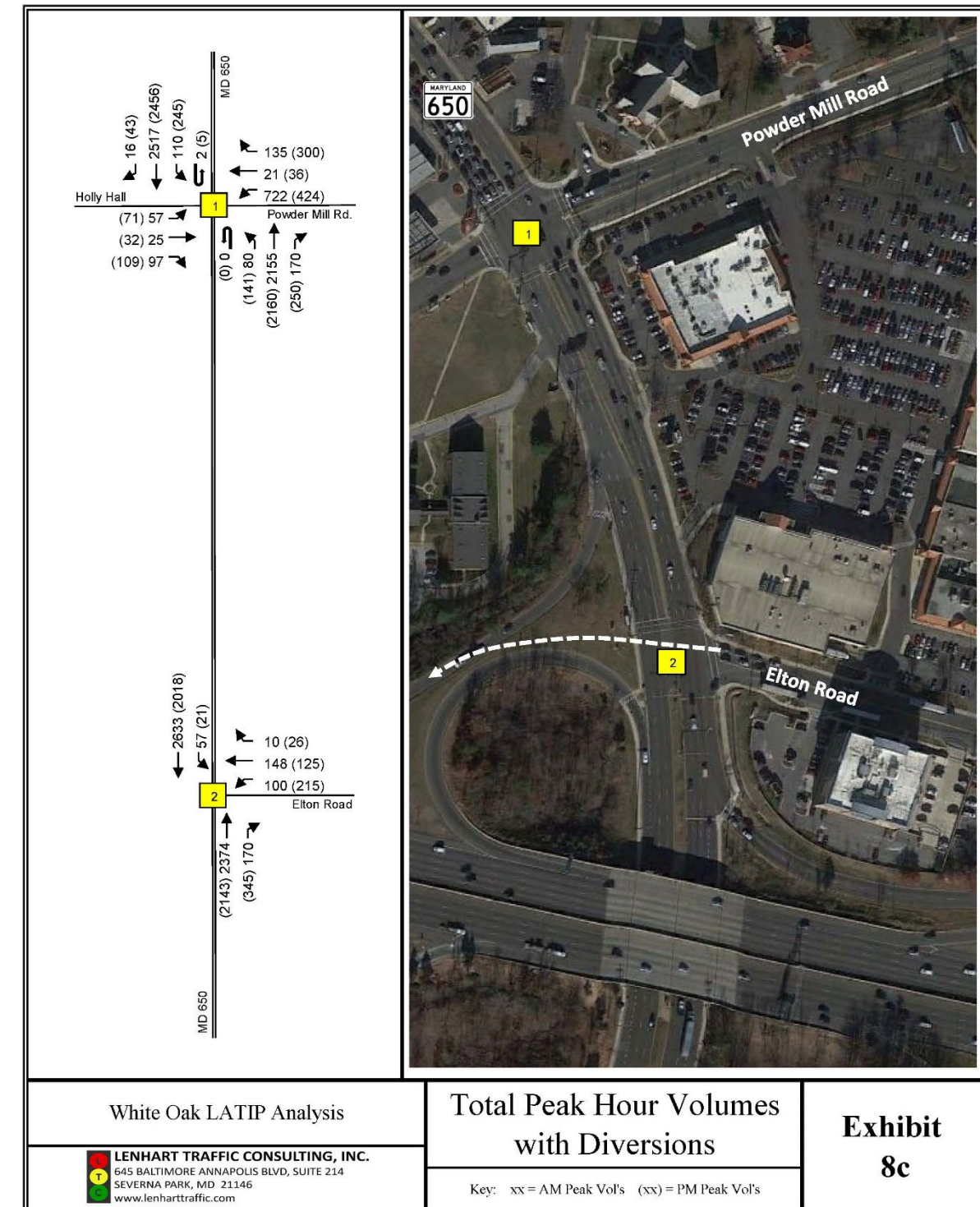
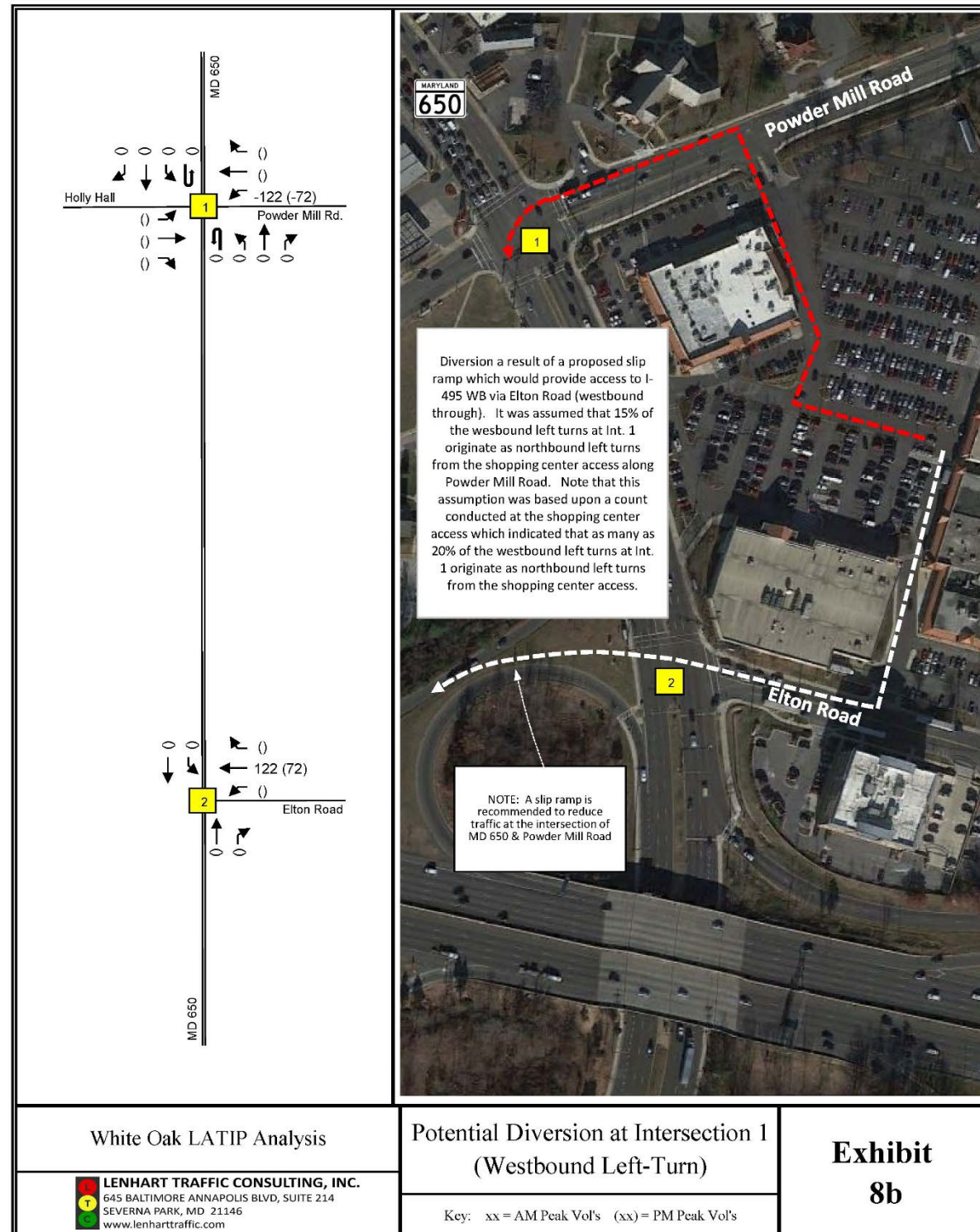


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2040 Traffic Operations Summary

Intersection Operations

(Level of Service / Average Delay per Vehicle in Seconds)

Morning Peak Hour	No Build	With Improvements
1). MD 650 & Powder Mill Road <i>Percent Improvement compared to No Build</i>	E / 76.9 ---	D / 46.0 <i>40%</i>
2). MD 650 & Elton Road	A / 4.8 ---	A / 10.0 ---
Evening Peak Hour	No Build	With Improvements
1). MD 650 & Powder Mill Road <i>Percent Improvement compared to No Build</i>	F / 125.0 ---	E / 69.0 <i>45%</i>
2). MD 650 & Elton Road	A / 9.6 ---	A / 9.1 ---

- Notes:
- Results shown in the following format: Level of Service / Average Delay per Vehicle in Seconds
 - The Average Delay per Vehicle in Seconds is the average delay experienced by each and every vehicle passing through the intersection, i.e. an average delay of 60.0 seconds indicates that it takes every vehicle, on average, one minute to get through the intersection, regardless of which direction the vehicle is traveling.
 - All results are from Synchro/SimTraffic, a traffic analysis and microsimulation software package.

Corridor Measures of Effectiveness

Morning Peak Hour	No Build	With Improvements
MD 650 Travel Time (See Note 1, below) <i>Northbound</i>	151 secs.	124 secs.
<i>Percent Improvement compared to No Build</i>	---	<i>18%</i>
<i>Southbound</i>	504 secs.	170 secs.
<i>Percent Improvement compared to No Build</i>	---	<i>66%</i>
Total Network Delay (See Note 2, below)	593 hours	369 hours
<i>Percent Improvement compared to No Build</i>	---	<i>38%</i>
Evening Peak Hour	No Build	With Improvements
MD 650 Travel Time (See Note 1, below) <i>Northbound</i>	634 secs.	546 secs.
<i>Percent Improvement compared to No Build</i>	---	<i>14%</i>
<i>Southbound</i>	583 secs.	413 secs.
<i>Percent Improvement compared to No Build</i>	---	<i>29%</i>
Total Network Delay (See Note 2, below)	600 hours	514 hours
<i>Percent Improvement compared to No Build</i>	---	<i>14%</i>

- Notes:
- Average travel time in seconds from Capital Beltway to north of Powder Mill Road. This is a measure of how effectively traffic is moving along MD 650.
 - Total Network Delay = Number of Vehicles x Average Delay per Vehicle within the traffic model, which extends along MD 650 from Oakview Drive to Chalmers Road. It is a measure of how the overall transportation system is performing in this area.
 - All results are from Synchro/SimTraffic, a traffic analysis and microsimulation software package.

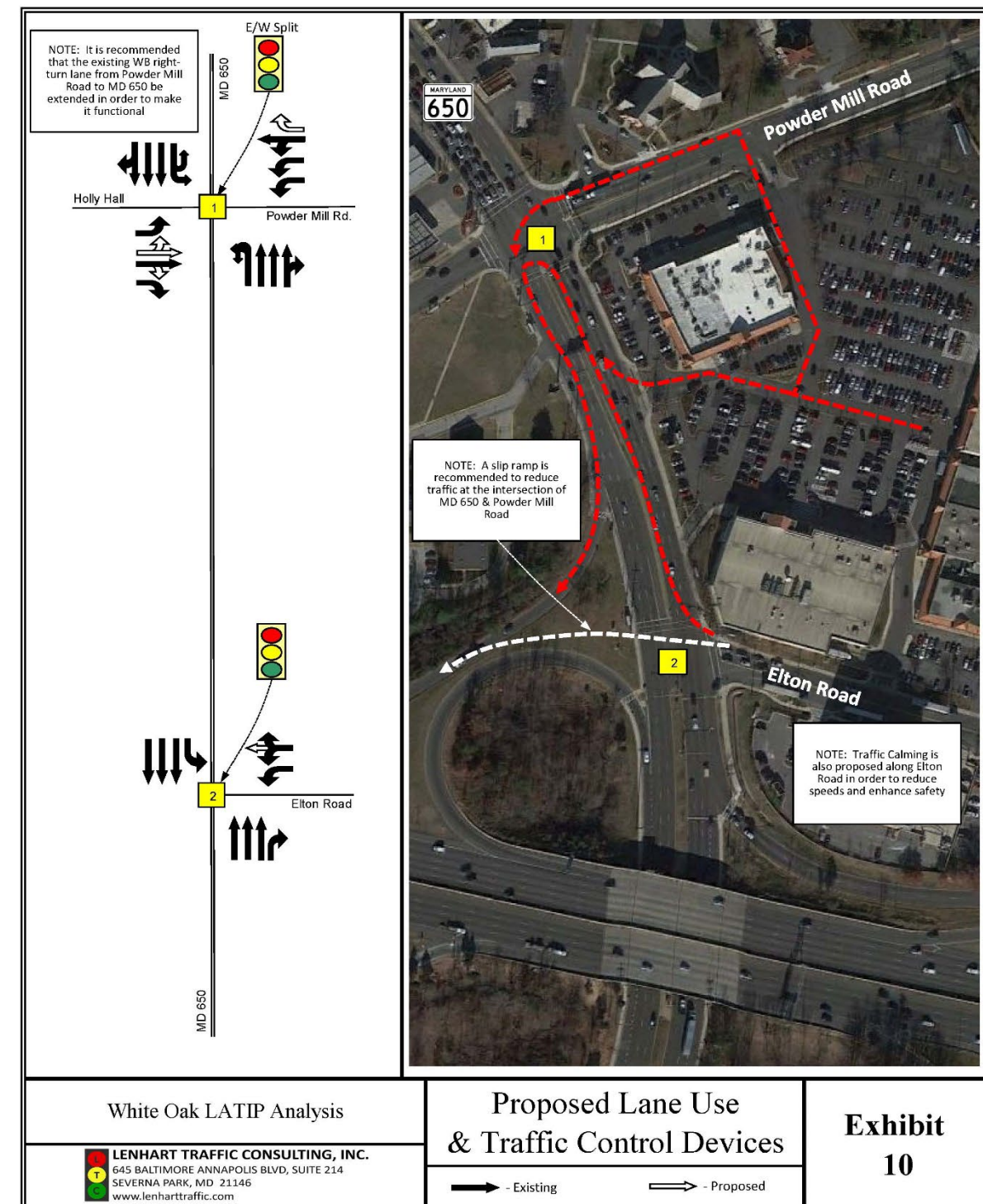
White Oak LATIP Analysis

Results of Traffic
Operations Analyses

Exhibit
9



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INDIAN SPRING RESIDENTS OPPOSED TO BELTWAY WIDENING GROUP – TONY HAUSNER

From: Tony Hausner <thausner@gmail.com>
Sent: Thursday, November 5, 2020 6:24 PM
To: MLS-NEPA-P3
Subject: Testimony on 495/270 Managed Lane Study
Attachments: Testimony on 495-270 DEIS.docx; Final testimony for virtual hearing on Aug 18 Ole Varmer.docx

This is to inform you that we have formed the following group: Indian Spring Residents Opposed to Beltway Widening Group (ISROBWG). Our group consists of 98 residents in the Indian Spring Neighborhood which is adjacent to the 495 Beltway, between the US29 and University Blvd. Building the beltway will take away significant property from many homes, severely undermine the Indian Spring Terrace Park along with its recreation center and playground, and destroy part of the YMCA which is located within our boundaries. Further it will significantly increase traffic on roads that feed 495 such as US29 and University Blvd. In addition, the increased traffic will lead to increases in air pollution that will especially have greater impact on our neighborhood since we are right next to the beltway.

Attached are copies of the oral testimonies on the DEIS presented by two of our residents, myself and Ole Varmer, at the hearings conducted by MDOT in August.

Tony Hausner

--
Tony Hausner
Founder, Safe Silver Spring
safesilverspring.org
Past Chair,
AAIL Chapter Leaders Executive Committee
aail.com
Cell: 301-641-0497

Thank you for your comment concerning impacts to the Indian Spring neighborhood. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Indian Spring neighborhood is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

<p>#1</p>	<p>Testimony on DEIS for 495/270 Project</p> <p>Tony Hausner, Indian Spring Neighborhood</p> <p>I am Tony Hausner. I live at 203 Brewster Ave, Silver Spring, MD. I live in the Indian Spring neighborhood which is immediately adjacent to the Beltway just south of it, between Colesville Road and University Blvd. We have 800 homes. We have lived here for 43 years and have been involved in a number of transportation projects over the years.</p> <p>I oppose the managed lane plans for I495 and I270. I support transit solutions to the traffic issues raised by this DEIS.</p> <p>Widening the beltway will result in the following impacts to our neighborhood.</p> <ul style="list-style-type: none"> • Impacting a number of homes that are currently right next to the Beltway. They will at least lose a significant portion of their backyards and could lose more. • A park and playground in the middle of our neighborhood would be significantly reduced as well as a county recreation center which is in the middle of the park and which our neighborhood makes great use of. <p>I have the following comments on transportation issues as discussed in Chapter 3.</p> <ul style="list-style-type: none"> • The DEIS study does not include all the way to Frederick which is an essential part of the plan. • The DEIS mentions the Corridor Cities transitway, the Randolph Road BRT, and the North Bethesda Transit Way. However, the DEIS does not take into account whether or not these projects will or will not be completed. If these projects were completed it would significantly reduce the need for widening 270 and 495. Further, neither MDOT nor other agencies have not made any commitment to these Projects. In addition, MDOT should consider other transit options beyond these projects, including the use of transit on the American Legion Bridge as recommended by M-NCPCC. • The M-NCPCC recommended that the State examine using the ICC as an alternative to widening the Beltway. The DEIS dismisses this alternative without providing any analysis. We are very skeptical that this study has been adequately performed. • The DEIS does not take into account the impact that COVID-19 has had on traffic. There have been significant reductions in traffic due to teleworking and much of these changes are likely to persist after COVID19 ends. Studies by KPMG, and the Maryland Transportation Institute project a 5-10% long term decrease in traffic due to teleworking beyond the end of Covid-19. Further, MDOT has indicated that there has been a 17% decrease in traffic compared to last year. <p>Thank you. https://tinyurl.com/th495270DEISestimony</p>	<p>Response to DEIS Comment #1</p> <p>The benefits of the proposed transit projects mentioned (Corridor Cities Transitway, Randolph Road, and North Bethesda Transitway) are accounted for in the modeling, as noted on page 3-4 of the DEIS. The forecasts assume that all of those transit projects will be in place by the design year, and the forecasts account for potential reductions in automobile traffic due to travelers using transit instead. The results show that there is still a need for widening I-270 and I-495 despite these transit improvements.</p> <p>Response to DEIS Comment #2</p> <p>Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.</p>
<p>#2</p>		

Final 3-minute testimony for virtual hearing on Aug 18: Ole Varmer 9706
Lawndale Drive, Silver Spring, Md 20901

I live in Indian Spring Country Club Estate that I learned in reading the DEIS is eligible for listing on the National Register of Historic Places. The Beltway construction started in 1957 and it was opened for traffic on August 17, 1964. I recall my father loading up the family in our Corvair and driving the entire circumference of this grand new 6 lane highway. Of course, this was all 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 NHPA. So, we don't have a lot of information about what history or natural environment was destroyed as the adverse effect were not considered much less given the "hard look" now required under NEPA that I fear is not taking place. I know the Indian Spring Country Club had to relocate. I also know that the last time WSSC tried to address the stormwater drainage issues it resulted in Indian Spring meandering under my house and causing flooding every time it rained. That resulted in me having to spend several thousand dollars for a drainage field under my basement.

Most important, the DEIS was compiled before the pandemic so it does not discuss the increase in teleworking, reduction in traffic and other strategies and alternatives that should be considered before exacerbating the harm to the environment already done. Finally, Please look at how Public Private Partnership for the Purple Line is blowing up in our face, and hurting students and parents going to the University of Md. At NOAA, they used PPP so that nautical charts could be printed out at local marinas. That worked until we realized that the a competition clause precluded NOAA from sharing its charts with the United Kingdom which is the world's largest provider of nautical charts resulting in foreign flag vessels plying US waters with charts that were not up to date. Please press pause and take a harder look. And to be clear, I oppose the expansion of the Beltway and support the No Build option.

Comments addressed above.

KENSINGTON HEIGHTS CIVIC ASSOCIATION – KAREN CORDRY

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From: Karen Cordry <karenc425@aol.com>
Sent: Monday, November 9, 2020 1:55 PM
To: MLS-NEPA-P3
Subject: Comments on proposed I-495/270 Toll Lanes
Attachments: 495_270 Comments.docx

Please find comments from the Kensington Heights Civic Association. Thank you for your attention to these and for keeping us on the list for future information on developments.

Karen Cordry, President
KHCA



Comments of KHCA on Proposed I-495/270 Managed Lanes Project Study

Kensington Heights Civic Association (“KHCA”) submits the following comments in opposition to the proposed I-495/I-270 Managed Lanes Project and in support of the “no-build” option at this time.

KHCA represents a neighborhood of about 1,000 single-family detached homes and townhouses surrounding the Westfield Wheaton Mall, which lies approximately 1.5 miles north of I-495 and Georgia Avenue. While that makes use of the Beltway convenient, our homes are also located only a few minutes walk from the Red Line Metro station in Wheaton, which means that many, if not most, of us are heavy users of transit for our work-related commutes. Or, at least we were, in the pre-COVID days.

In terms of commenting on the current DEIS study on this project, we note that we are probably still a year away from returning to anything like normal – and, when we do, the “new normal” may bear little resemblance to the past as employers have found that remote work and telecommuting has been surprisingly practical. That may well affect many decisions about how and where to work will be carried out going forward and those collective decisions will have a significant impact on the commuting patterns of the whole region. As such, it is far too early to be making any significant commitments.

The other significant factor that has changed since this study began is the current failure of the P3 partnership for the Purple Line and the breakdown of work on that project. That situation makes clear that such a partnership is no panacea for completing a significant project such as this and suggests that the State will probably want and need to maintain closer control over any similar projects in the future. And, in any event, in light of the stage to which that project has progressed and the significant burdens that have been imposed on those along its route for the last several years, the State should be concentrating its efforts on that effort and not on starting a huge additional new matter.

In terms of that project, we have looked at comments from both the Maryland National Capital Park and Planning Commission (M-NCPPC) and the Sierra Club as well as information from utilities near the project that indicate that the widening project could impact their facilities and require relocation costs that could exceed thousands of dollars per household. What all three sets of comments make clear – and what we wholeheartedly agreed with -- is that this DEIS, which at 18,000 pages is quite impossible for any normal resident to review or comprehend, is still full of gaps and failures to adequately or accurately analyze the many impacts this project will have. As such, it cannot possibly be used to justify moving forward at this time.

This may be, in part, because, while the state Board of Public Works only authorized the State Highway Administration to move forward on procurement related to the Phase 1 aspect of the project (i.e., the western portion of I-495 leading from the American Legion Bridge up to I-270 and then extending up I-270), the DEIS attempts to analyze the entire project extending east on I-495 all the way

Response to DEIS Comment #1

Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.

Response to DEIS Comment #2

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.

Response to DEIS Comment #3

Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.

Response to DEIS Comment #4

MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 – Phase 1 South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.

#5	<p>to MD 5 in Prince George’s County. It also appears that the limited analysis derives from the fact that it is assumed that most of the detailed engineering and design will be done by the private partner. As a result, the analysis and the decision as to which options to proceed with is being done on the basis of limited and incomplete information. Not surprisingly, as both the M-NCPPC and Sierra Club comments note, and as we concur, the final product leaves much to be resolved and ensures that any decision on those alternatives is likely to be flawed. As we have seen with the Purple Line, it is simply not responsible to blithely assume that the P3 process will take care of all of these issues.</p> <p>Among the points we are particularly concerned with:</p>	<p>Response to DEIS Comment #5 Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</p>
#6	<p>a. The premature decision to eliminate viable alternatives for detailed study, including reliance on MD 200 (the Intercounty Connector) – a roadway parallel to I-495 that was built in the relatively recent past specifically to move east-west traffic, as well as transit alternatives and demand management. (The latter again relates back to the question of whether we will see significantly different travel patterns even after the effects of the COVID pandemic subside).</p> <p>This is particularly problematic since any of the Build Alternatives would have much greater impacts of streams, wetlands, and floodplains than the use of MD 200. It is also problematic in that much of the detailed design work on mitigation and the like are left under this proposal to development by the private partner at a later date.</p>	<p>Response to DEIS Comment #6 Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.</p>
#7	<p>b. Failure to explicitly ensure minimization or mitigation of any effects on parkland will take place.</p>	<p>Response to DEIS Comment #7 The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarize the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail. This analysis directly contributed to MDOT SHA’s evaluation of these alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided. Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p>
#8	<p>c. Failure to deal with social equity concerns arising from the construction of lanes that can only be afforded by the affluent, while leaving most of the burdens, including increased air pollution, to be borne by communities of color and low-income residents.</p>	<p>Response to DEIS Comment #8 Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.</p>
#9	<p>d. Failure to account for <i>all</i> of the required costs including the utility issues noted above, and the possibilities of delay from litigation, design issues, and land acquisition problems as has occurred with the Purple Line. We agree with the M-NCPPC that the project will likely require government subsidies in any event and, as such, there is no reason to exclude transit alternatives.</p>	<p>Response to DEIS Comment #9 Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</p>
#10	<p>e. Failure to adequately consider the potential for “induced demand” pulling more traffic onto the roadways if expansion is perceived as providing “open space” for driving, thus detracting from the goals of reducing auto usage and emissions resulting in highways that are just as crowded within only a few years and that will continue to adversely affect our efforts to combat climate change and to protect the health of the citizenry.</p>	<p>Response to DEIS Comment #10 Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.</p>
#11	<p>f. Likely impacts on school buildings and playing fields that are located in close proximity to I-495 and may lose space needed for their operations.</p> <p>In short, our view is that this project, in general, and the DEIS in particular, needs to be returned to the drawing board, and re- examined with a critical eye to ensure that the result satisfies the needs of all those most affected thereby, not just the desires of a limited number to obtain a faster driving experience.</p>	<p>Response to DEIS Comment #11 See the response to Comment #7 above.</p>

LEAGUE OF WOMEN VOTERS OF MARYLAND – NANCY SORENG	
	<p>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</p> <p>Name: Nancy Soreng</p> <p>Joint Public Hearing Date: 9/3/2020</p> <p>Type/Session: Live Testimony/Afternoon</p> <p>Transcription:</p> <p>Hi, can you hear me?</p> <p>Sure, I'm Nancy Soreng, N-A-N-C-Y, S-O-R-E-N-G. I live at 5506 Uppingham Street, Chevy Chase, Maryland. Today, I'm testifying on behalf of the League of Women Voters of Maryland and our nearly 1,500 members statewide. My remarks are based on the league's positions in support of transparency, equity, environmental protection, and sound physical policy. We oppose this highway expansion project and the only option in the DEIS that we can support is No Build. Based on the league's position of transparency in government, we are concerned that this project has been framed as a progressive, predevelopment, public private partnership. That means most of the engineering will be left to the winning bidders, so the public really doesn't know the projects to true monetary and environmental costs. A preferred alternative should not be picked without understanding and analyzing the impacts of our land and commute to our land and communities and cost to our taxpayers.</p> <p>We are very concerned that the DEIS does not adequately address impacts to economically challenged population and social equity as required by NEPA. In one place, the DEIS concludes that everyone will benefit. Well given that the managed lanes are intended only for those with the ability to pay and depend on congestion and the free lanes to be financially viable, how can that be a benefit to all? The limit of disturbance defined in the DEIS is based on a rudimentary planning as determined by MDOT and SHA's very preliminary planning designs. Without detailed engineering and constructability analysis, how can there be an accurate evaluation of what culturally significant sites, including cemeteries, parks and schools will be affected? A good project should be fiscally prudent. Can a private company default and leave the taxpayers with the [INAUDIBLE] liabilities? We've been at hearings and briefings where SHA made assurances that the bondholders, not the taxpayers, would assume responsibility for completion of the project should the concessionaire walk away? Well that certainly has not been the case with the Purple Line. Will the tolls be so high that drivers choose not to use the managed lane, just thus reducing revenue projections, as happened in Virginia? And the DEIS doesn't address how the increased use of telecommuting in the future will impact the financial feasibility of paying for this project solely with toll revenue. Commuters turned to their computers instead of their cars during COVID. And we will likely do that when these highways are torn up by construction. Will we ever return to using our cars the way we did pre-pandemic? If not, doesn't that make all the traffic projections invalid? Protection of natural resources and environment is a high priority for the League of Women Voters. The stormwater management and the DEIS is insufficient and [INAUDIBLE] this is already been caused. Thank you for the opportunity to present my concerns.</p>
#1	<p>Response to DEIS Comment #1 Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.</p>
#2	<p>Response to DEIS Comment #2 Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</p>
#3	<p>Response to DEIS Comment #3 Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.</p>
#4	<p>Response to DEIS Comment #4 MDOT SHA employed a conservative approach to defining the LOD for all the DEIS Build Alternatives and Preferred Alternative. The LOD represent the proposed boundary within which all construction, mainline widening, managed lane access, intersection improvements, construction access, staging, materials storage, grading, clearing, erosion and sediment control, landscaping, drainage, stormwater management, noise barrier replacement/construction, stream stabilization, and related activities to the proposed roadway and interchange improvements. Property impacts associated with the LOD were broken into permanent (long-term) and temporary (short-term) areas. This conservative approach to defining the LOD fairly captured the full scope of potential impacts. Moreover, the methodology used to assess impacts to a number of key resources appropriately considered a broader geographic area than the LOD immediately surrounding the anticipated construction and related activity boundaries. When the project advances to final design, it is anticipated that the design will closely adhere to the LOD defined in the FEIS, as the LOD was established to include a reasonable area to construct the Preferred Alternative. For complete graphic descriptions of the Preferred Alternative LOD across the entire span of study limits, Refer to the FEIS, Appendix E- Environmental Resource Mapping. Refer to Chapter 9, Section 3.4.A for a response to Limits of Disturbance.</p>
#5	<p>Response to DEIS Comment #5 Refer to Chapter 9, Section 3.4.C for a response to analyses of parklands and historic resources.</p>
#6	<p>Response to DEIS Comment #6 Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</p>
#7	<p>Response to DEIS Comment #7 Refer to Chapter 9, Section 3.1 for a response on Purpose and Need, effects of the Pandemic, and impacts of teleworking/remote working.</p>
#8	<p>Response to DEIS Comment #8 Refer to Chapter 9, Section 3.4.E for a response to impact analysis and mitigation of water resources, including wetlands, waterways, and stormwater management.</p>

<p>#1</p>	<p>LOCUST HILL CITIZENS ASSOCIATION – RICHARD LEVINE</p> <p>STATEMENT OF RICHARD LEVINE 9402 Locust Hill Road, Bethesda, MD 20814 ON BEHALF OF THE LOCUST HILL CITIZENS ASSOCIATION ON THE I-495 & I-270 DRAFT ENVIRONMENTAL IMPACT STATEMENT SEPTEMBER 10, 2020</p> <p>Locust Hill is a single-family community bounded on the north and east by the arc of Rock Creek Stream Valley Unit (“SVU”) 3 and the Beltway within it, from the MD-355/I-495/I-270 interchange around to the Cedar Lane overpass.</p> <p>Given the many comments that address the P3 Project and the DEIS generally, our comments focus on issues that have particular impact for us; these assume that Phase 2 goes ahead in some form, which we do not advocate, <i>given skepticism about the financial stability of P3s and lack of valid assumptions regarding commuting patterns and vehicle technology characteristics for 2045:</i></p> <p>First, there must be greater segmentation in traffic assessments for Alternative 9M, especially for less-than-two-HOT/ETL expansions for the Beltway between the Spurs, on the I-270 east spur, and the Beltway between Rockville Pike and Connecticut Avenue. I have served as a member of the Citizens Advisory Committee for the MD 355 bus rapid transit project, whose EIS process employed VISSIM modeling and the COG Regional Traffic model, along with detailed origin and destination (“O & D”) data. One key lesson was that detailed project segmentation is a necessity, focused on both differing traffic and ridership patterns among roadway segments and differing right-of-way constraints.</p> <p>Locust Hill’s earlier comments to SHA argued against the addition of two lanes on both the I-270 east spur and on the Beltway segment between the spurs because that would result in the need for a lengthy eastbound 2 lane + 2 lane = 2 lane merge area, causing unnecessary roadway width expansion that would be eliminated by having only one additional lane on those two segments. New Alternative 9M does this one better by not expanding the number of lanes on the I-270 east spur at all, and constructing only a one-lane expansion on the rest of the Beltway from the I-270 west spur to I-95. However, a 9M-type alternative should not be rejected if it is a good choice, including 4(f) issues, but only from the I-270 west spur around to, e.g. MD 355, Connecticut Avenue or Georgia Avenue, with a 2-lane expansion needed east of that. For example, recently-released Appendix A to the Traffic Analysis Technical Report shows that future pm volumes are significantly less between the Spurs than eastward.</p> <p>Given the tremendous amount of work involved in preparing the DEIS, it would seem a significant false economy to discard Alternative 9M or other limited-lane scenarios without undertaking analyses using MD 355, Connecticut Avenue, and Georgia Avenue as potential segmentation endpoints.</p> <p>Second, the project Record of Decision must require the concessionaire to conduct an Environmental Assessment (EA) to demonstrate that its design for a given segment</p>	<p>Thank you for your comment concerning impacts to Rock Creek Stream Valley Park and Sligo Creek Parkway. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George’s County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Rock Creek Stream Valley Park and Sligo Creek Parkway are located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.</p> <p>Response to DEIS Comment #1 Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.</p> <p>Refer to Chapter 9, Sections 3.3.B and 3.3.C for a responses to Analysis of Alternatives Retained for Detailed Study.</p> <p>Response to DEIS Comment #2 Following the Record of Decision, if there are any substantial changes to the limits of disturbance with the Developers design, a reevaluation of the environmental impacts would be required by FHWA in accordance with NEPA.</p> <p>Refer to Chapter 9, Section 3.4.H for a response to noise impacts and mitigation.</p>
<p>#2</p>	<p>1</p>	

<p>#2 Cont</p>		
<p>#3</p>	<p>minimizes harm. The Alternatives remain at a high level and SHA intends to grant the concessionaire significant flexibility in constructing the chosen Alternative. There is thus a need for the winning bidder to demonstrate that its final design, construction, and maintenance-of-traffic plans are the least impactful of the potential solutions within the scope of the preferred alternative, using an EA process with opportunity for community comment. In addition to minimizing disturbances within the project Limits of Disturbance (“LODs”), the concessionaire needs to conduct noise analyses and required abatements, e.g., for new fly-over ramps at interchanges. Further, we note the FHWA has developed a construction noise model and the concessionaire should be required to use it in its construction planning. Requiring an EA will thus help ensure the concessionaire’s responsibilities are met.</p> <p>Next, the 4(f) section 106 analyses must be modified to address deficiencies related to the reconstruction of the Cedar Lane underpass and its impacts on the Elmhirst Parkway Trail and Neighborhood Park. According to the draft 4(f) analysis of SVU-3, at 47-48, to avoid relocation of Rock Creek at Cedar Lane, all roadway expansion would be southward, i.e., toward the Locust Hill community. And Figure 2-9 shows a significant southward jog in the LOD just west of Cedar Lane. While the draft analysis discusses the minor impacts on the Locust Hill Community Park (section 2.1.10), there is no discussion whatever regarding impacts inside the Beltway, including construction impacts, within SVU-3 on the Elmhirst Parkway Trail, which falls within the LOD west of Cedar Lane, or on the popular playground in the Elmhirst Parkway Neighborhood Park adjacent to the LOD boundary. There is also a wide pedestrian-bicycle trail under the Beltway that provides connectivity from Elmhirst Trail to the Rock Creek Trail. We note Appendix G, § 3.1.1(I) contains commitments to maintain access for the Rock Creek Trail, but not the Elmhirst Parkway Trail.</p> <p>Importantly, the Elmhirst Trail provides a bicycle <i>commuting</i> path to NIH and Walter Reed for residents east of MD 355; its <i>recreational</i> use has been highlighted in the press as the access route used by Dr. Anthony Fauci on his long-standing lunchtime runs from NIH into Rock Creek Park. The EIS must thus include the playground and trail in the cultural inventory and provide impact minimization and commitments to preserve the playground and trail and access during construction.</p>	<p>Response to DEIS Comment #3 As noted above, because the Preferred Alternative limits include no action or no improvements at this time on I-495 east of the I-270 spur to MD 5; therefore impacts to Cedar Lane, the Elmhirst Parkway Trail, and Elmhirst Parkway Neighborhood Conversation Area are avoided.</p>
<p>#4</p>	<p>Finally, we believe that current planning uncertainties underscore the risk of Build decisions based on a regional traffic model normed to 2010 behavioral patterns; the COG model may be the best available, but it is inherently a poor indicator of traffic conditions in 2045. Not only are there uncertainties regarding post-COVID-19 commuting patterns, but there is the certainty that vehicle automation developments and vehicle sharing arrangements will effect radical changes on highway use—if we only knew what they would be. So a timeout before choosing a Build Alternative to watch crucial developments unfold and to develop detailed O & D data would be the friend, not the enemy, of sound transportation planning.</p> <p>Thanks for listening.</p> <p>2</p>	<p>Response to DEIS Comment #4 Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.</p>

MARYLAND BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE – NATE EVANS

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From: Nate Evans <nevans1@mdot.maryland.gov>
Sent: Friday, October 30, 2020 10:30 AM
To: Lisa Choplin; Jon Morrison; MLS-NEPA-P3
Cc: Jeff Hirsch; Heather Murphy; Marty Baker; Jeffrey Folden
Subject: MBPAC Comments on Managed Lanes Study DEIS
Attachments: MBPAC_comments_on_Managed_Lanes_Project_FINAL.pdf

Good Morning Lisa,

Acting in its advisory role, the Maryland Bicycle and Pedestrian Advisory Committee (MBPAC) has reviewed the Draft Environmental Impact Statement/Section 4(f) Evaluation and provides the attached comments. At the October 23, 2020 meeting, the committee voted to approve the comments, under the direction of committee chair, Jon Morrison.

If you have any questions or comments, please let me know.

Hope all's well,
Nate



Nate Evans
Active Transportation Planner
Office of Planning and Capital Programming
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, Maryland 21076
410-865-1304
nevans1@mdot.maryland.gov



October 23, 2020

Lisa B. Choplin, DBIA
Director, I-495 & I-270 P3 Office
Maryland Department of Transportation State Highway Administration
I-495 & I-270 P3 Office
707 North Calvert Street
Mail Stop P-601
Baltimore, MD 21201

Maryland Department of the Environment
Wetlands and Waterways Program
Attn: Mr. Steve Hurt
1800 Washington Blvd., Suite 4300
Baltimore, MD 21230-1708

Dear Ms. Chopin and Mr. Hurt:

On behalf of the Maryland Bicycle and Pedestrian Advisory Committee (MBPAC), I am writing to provide comments on the "I-495 & I-270 Managed Lanes Study: Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation". The advisory committee was established in 1991 by § 2-606 of the Transportation Article of the Maryland Code, with the purpose of advising state agencies on bicycle and pedestrian (bike-ped) issues. Although our focus is transportation, our comments are relevant to both MDOT and MDE because some alternatives for improving bike-ped impacts would also reduce impacts on nontidal wetlands and floodplains. At its quarterly meeting in July, the committee decided to review the Managed Lanes Study and provide comments in accordance with MBPAC's charter.

As envisioned, the Managed Lanes Project would make a major contribution to bicycle and pedestrian transportation in the greater Washington Area by including a multiuse trail on the new American Legion Bridge over the Potomac River. We are also pleased to note that the plans as conveyed in the DEIS are satisfactory in identifying pedestrian considerations, including those faced by individuals with disabilities.

On the other hand, the Managed Lanes Project as envisioned in the draft study is likely to have several adverse impacts on bicycle and pedestrian transportation across I-495 and I-270, especially in Prince George's County. In many locations, these two interstate highways are significant barriers to bicycle and pedestrian transportation because they cannot be safely or conveniently crossed. During the last few decades, state and local governments have been gradually mitigating these barriers by building pedestrian bridges over the highways and trails that cross underneath the highways, and by retrofitting interchanges with improved bike-ped accommodation. Additional improvements are included in approved plans or are under

Response to DEIS Comment #1

Refer to Chapter 9, Section 3.3.D for a response to Analysis of Alternatives Retained for Detailed Study.

As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 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. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the planned pedestrian and cyclist improvements in Prince George's County are located outside the Preferred Alternative limits of build improvements, those potential impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

The Preferred Alternative reflects a strong commitment to bicycle and pedestrian connectivity and mobility in the study area in response to comments received throughout the NEPA process. Refer to **FEIS Chapter 3, Section 3.1.5**. Existing pedestrian and bicycle facilities impacted by the Preferred Alternative would be replaced in kind or upgraded to meet current local master plans for recommended facilities. In addition, new pedestrian and bicycle facilities identified in those plans would be constructed where adjacent connections exist. These efforts respond directly to the Purpose and Need goal of enhancing multi-modal connectivity by removing barriers to non-vehicular mobility and comments received from local agencies and stakeholders. In response to input received from the City of Rockville, the Montgomery County Department of Transportation, and stakeholder organizations, the Preferred Alternative will accommodate pedestrian/bicycle facilities throughout the study area, including improvements currently noted in Rockville and Montgomery County master plans and are assumed under the Preferred Alternative base design. These include:

- New sidepath (west side) and new sidewalk (east side) on Persimmon Tree Road over I-495;
- New bike lanes (both directions) and new sidepaths (both sides) on MD 190 over I-495;
- New bike lanes (both directions), new sidewalk (south side), and new sidepath (north side) on MD 191 over I-495;
- Reconstructed sidewalk (south side) and sidepath (north side) on Democracy Boulevard over I-270 west spur;
- New two-way separated bike lanes (south side), and reconstructed sidewalks (both sides) on Westlake Terrace over I-270 west spur;
- New Breezeway (south side) and reconstructed sidewalk (north side) on Montrose Road over I-270;
- Reconstructed sidewalk (south side) and shared use path (north side) on Wootton Parkway over I-270;
- New bike lanes (both directions) and new sidewalks (both sides) on MD 189 over I-270;
- New bike lanes/bikeable shoulders (both directions), reconstructed shared use path (south side), and new sidewalk (north side) on MD 28 over I-270;
- New bike lanes (both directions), reconstructed shared use path (Millennium Trail, south side), and new sidewalk (north side) on Gude Drive over I-270; and
- New Breezeway (south side) and new sidepath (north side) on Shady Grove Road over I-270.

Additionally, the Preferred Alternative includes pedestrian and bicycle enhancements and new connections that are beyond the base design approach but are accounted for in the Preferred Alternative limits of disturbance. Refer to **FEIS Chapter 3, Section 3.2.2**. These include:

- Construct a new pedestrian/bicycle shared use path across the ALB to connect facilities in Maryland and Virginia;
- Widen the existing variable-width sidepath along the east side of Seven Locks Road under I-495 (Cabin John Trail); and
- Construct a new sidewalk along the west side of Seven Locks Road under I-495 to reestablish the historic connection between Gibson Grove Church and Morningstar Tabernacle No. 88 Moses Hall and Cemetery.



#1
Cont

consideration—and these improvements are likely to continue. Depending on design, the Managed Lanes Project could either thwart or accelerate ongoing and planned improvements to bike-ped transportation across I-270 and I-495.

#2

We believe that the DEIS and the Section 4(f) evaluation each need a section to explicitly address how and where this project may affect bicycle and pedestrian transportation. Widening an interstate roadbed will generally increase the cost of, and possibly preclude, planned trail crossings; but alternative designs could facilitate crossings. For example, in 2008, the Maryland National Capital Parks and Planning Commission (M-NCPPC) completed 30% design plans to extend the Henson Creek Trail across the Capital Beltway to the Branch Avenue Metrorail Station. M-NCPPC asked MDOT for permission to run the trail through one of the culverts the creek follows under the Beltway. Secretary John Porcari denied the request for safety reasons but added:

“If the culverts at Henson Creek are replaced by a bridge, we could certainly reinstate discussions regarding a trail crossing during the project planning process.”

Widening the roadbed and lengthening the culvert would tend to preclude the eventual crossing envisioned by Secretary Porcari’s letter, which is an environmental impact that the DEIS should consider. The Section (4)(f) evaluation could also consider the bridge alternative, to mitigate the impact on park amenities of widening the highway over a longer culvert. (A bridge can also have a smaller environmental impact on nearby wetlands and floodplains than a culvert.)

#3

The DEIS and Section 4(f) evaluation should consider the potentially significant impacts of the Managed Lanes Project on several other planned and potential bicycle and pedestrian crossings, as well as ways to mitigate such impacts. For each crossing, a key question for the DEIS is whether the Managed Lanes Project facilitates the needed crossing or decreases its feasibility. Where the Capital Beltway crosses a park stream valley, a key question for the Section 4(f) evaluation would be whether replacing a culvert with a bridge, lengthening an existing bridge to create more room for a shared-use path, or building a bike-ped tunnel would mitigate the impact on park resources.

Although a complete list of such impacts is beyond our capacity, MBPAC members have identified the following crossings based on published plans and consultation with local planners:

- Trails crossing under the Capital Beltway along Little Paint Branch and Henson Creek, originally proposed to MDOT during the 2000’s (EIS and 4f implications);
- A trail crossing the Capital Beltway at Southwest Branch (EIS and 4f implications);
- A planned pedestrian bridge over the Capital Beltway connecting Whitfield Chapel Park to the New Carrollton Station (EIS and 4f implications);

Response to DEIS Comment #2

Refer to Chapter 9, Section 3.4.C for a response to analyses of parklands and historic resources

Response to DEIS Comment #3

Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis

MDOT SHA is committed to working with the officials with jurisdiction over park properties, such as M-NCPPC, to ensure bicycle and pedestrian transportation considerations are incorporated into the project to the extent practicable.

#3
Cont



- Possible pedestrian bridges as part of the Central Avenue Trail north of Central Avenue, between Woodmore Town center and the former Landover Mall site, and east of MD 201;
- The planned extension of the WB&A Trail over the Capital Beltway along the MD 704 bridge;
- Sidepaths at the Capital Beltway interchanges with MD 210, MD 4, MD 202, MD 193, MD 201, and US 1;
- Sidepaths along Cherry Hill Rd and Arena Drive Temple Hill Road over the Capital Beltway;
- Sidepaths along Rhode Island Avenue, MD 193, MD 450, Richie Marlboro Road, and Suitland Parkway under the Capital Beltway;
- Widening sidewalks over the Capital Beltway along Fernwood and Greentree roads;
- Adding sidewalks to one or both sides of bridges where Bradley Boulevard, Rockville Pike, and Persimmon Tree Road cross over the Capital Beltway;

The EIS should also consider the MNCPPC list of Master-Planned Bicycle-Pedestrian Accommodations and the Capital Trails Network.

Finally, the committee is concerned that the DEIS fails to answer a number of key questions concerning the potential impacts on bike-ped safety. What measures (if any) will be taken at the highway ramps to mitigate potential hazards from the anticipated increase in motor vehicle traffic? What will be the impact of the new ramps that lead directly to the toll lanes? Will the absence of toll-road ramps at some interchanges increase the traffic on roads parallel to the managed lanes, and thereby create additional hazards to bicycles and pedestrians, or will the project take measures to avoid such hazards?

We appreciate the opportunity to provide our comments on the draft Managed Lanes Project and look forward to seeing the next version of this important analysis.

Yours truly,

A handwritten signature in blue ink, reading "Jonathan B. Morrison".

Jonathan B. Morrison, Chairperson

Comments addressed above.

MARYLAND TRANSIT OPPORTUNITIES COALITION – BEN ROSS

Comments on Draft Environmental Impact Statement

I-495 & I-270 Managed Lanes Study

#1

The Draft Environmental Impact Statement is fatally flawed because it misrepresents the purpose and need of the project. The project is advertised to the public as “traffic relief.” The true purpose is to generate large amounts of toll revenue to create profits for private investors, dealmakers, and construction firms. For this purpose, congestion must be so severe that drivers will pay high tolls to avoid it.

To get around the contradiction between the stated and true purposes, MDOT rigged its analysis to come to a predetermined conclusion – the construction of toll lanes. To do so, it improperly screened out alternatives and arbitrarily limited the scope of analysis.

#2

To ensure that the EIS reached its predetermined conclusion, MDOT refused to analyze alternatives that fail to generate toll revenue, such as rail transit and TSM/TDM. These alternatives were eliminated by such means as:

- In the initial screening, all-transit alternatives were ruled out on the grounds that they would require state financial support and toll lane alternatives would not. Subsequent analysis found that toll lane alternatives require state financial support too, yet those alternatives were not ruled out.
- One element of the purpose and need was stated as “accommodate existing traffic and long-term traffic growth.” Another element is to “provide additional roadway travel choices.” This is circular reasoning; non-roadway travel choices and choices that involve less motor vehicle travel are arbitrarily excluded.
- The geographic scope of the alternatives was arbitrarily limited to the existing alignment of the I-270 and I-495 roadways. This rules out most demand management methods as well as alternate routes for transit (such as a third track on the MARC Brunswick Line).

#3

These are not the only fatal flaws in this NEPA process. The environmental effects of widening I-270 are being studied in two separate EISs. This constitutes illegal “segmentation.” Not only is MDOT currently procuring a single contractor to widen the entirety of I-270, but widening just the southern part, as analyzed in this EIS, would make traffic worse on the northern part. Only if the northern part is widened as well could there be any “traffic relief.”

Response to DEIS Comment #1

The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarize the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail. This analysis directly contributed to MDOT SHA’s evaluation of these alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided. Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.

Response to DEIS Comment #2

Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.

Response to DEIS Comment #3

Maryland’s Traffic Relief Plan is statewide and includes I-95, I-695, I-495, I-270, MD 295, and the Smart Signals Program. Overall, this plan includes three elements: P3 Program, Baltimore Area Traffic Relief Plan, and Smart Traffic Signals. The Study focuses specifically on one element of that plan in one region of the state. The intent of the I-495 & I-270 P3 Program is to reduce congestion on I-495 and I-270 by seeking input from the private sector to design, build, finance, operate, and maintain improvements along the corridors. The plan is focused on transforming these overloaded interstates to allow people to reach their destinations faster and to remove overflow traffic from the local roads.

The geographic scope of the Study, while large, is distinctly defined. It includes 37 miles of I-495 and 11 miles of I-270. Consistent with CEQ NEPA regulations 40 CFR 1502.4(a) and 1508.25(a), as well as FHWA NEPA regulations at 23 CFR 771.111(f), MDOT SHA and FHWA have identified the Study as an independent action that may proceed regardless of whether other actions of the Traffic Relief Plan or P3 Program are implemented.

Furthermore, the identified scope of the Study has been sufficiently defined to be advanced with a project-level NEPA document. Consistent with FHWA regulations, other proposed actions, such as potential improvements to I-270 from I-370 to I-70, have been determined to possess independent utility from the Study (and other actions in the TRP and P3 Program) and thus will require separate project-level NEPA documents.

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From: Maryland Transit Opportunities Coalition <TransitForMaryland@gmail.com>
Sent: Saturday, November 7, 2020 10:52 AM
To: MLS-NEPA-P3
Subject: DEIS comment submission
Attachments: DEIS_Comment.pdf; DEIS_Comment_Cites.pdf

By email and certified mail

Lisa B. Choplin, Director, I-495 & I-270 P3 Office
Maryland Department of Transportation State Highway Administration
I-495 & I-270 P3 Office
707 North Calvert Street, Mail Stop P-601
Baltimore, MD 21201

Dear Ms. Choplin,

Attached are comments in response to the "I-495 and I-270 Managed Lanes Study Draft Environmental Impact Statement/Draft Section 4(f) Evaluation."

These comments are submitted by the following organizations (mailing addresses are listed in the comments):

Action Committee for Transit
Baltimore Transit Equity Coalition
Central Maryland Transportation Alliance
Citizens Against Beltway Expansion
Coalition for Transit Alternatives to Mid-County Highway Extended
Don't Widen 270
Maryland Rail Passengers Association
Maryland Transit Opportunities Coalition
Prince George's Advocates for Community-Based Transit
Trains Not Tolls

Also attached is a file containing material cited via hyperlinks in the comments as submitted electronically. Please include this file in the Administrative Record as a backup to the hyperlinks.

Sincerely,

Ben Ross
Chair
Maryland Transit Opportunities Coalition

#1

Purpose and Need Statement

The Purpose and Need Statement is incoherent nonsense. The purpose of the project is entirely misrepresented. No real need is identified.

This is so because the entire project is built on a lie. Governor Hogan announced that its purpose is “traffic relief.” The real purpose is to generate profits for investors, dealmakers, and construction contractors. These profits are to be derived from high tolls, which motorists will not pay unless traffic remains severely congested.

The Purpose and Need Statement furthers this deceit by describing the purpose as “a travel demand management solution(s) that addresses congestion...” In the light of the governor’s statements, the ordinary reader will interpret “addressing congestion” as lessening congestion. But the project does not lessen congestion; it addresses congestion by maintaining it and exploiting it for private profit.

The Statement then lists five “needs.” Two of these assume the desired answer: new lanes. The other three purported needs are mere verbal decoration; the DEIS in its 19,000 pages fails to analyze whether any alternative will meet them:

- **Accommodate existing traffic and long-term traffic growth** - This is circular reasoning, prejudging the outcome by defining the goal as the movement of increased numbers of motor vehicles. The actual need is access – the ability to reach places people need or want to go.¹ Travel by private automobile on interstate highways is only one means of access, and usually an inefficient means.
- **Enhance trip reliability** - The DEIS makes no attempt to measure the variability of travel speeds on the general-purpose lanes of I-495 and I-270 or on any of the roadways that connect those highways to origins and destinations. It simply asserts that increasing average vehicle travel speeds will also increase reliability. Thus, for trips using the GP lanes (the vast majority of trips) the DEIS provides no information about whether any alternative satisfies this need. Even for trips that use toll lanes for part of the journey (no trip is entirely on an interstate highway), the DEIS cannot determine whether the net effect of an alternative on reliability is positive or negative.

¹Measuring What Matters: Access to Destinations. Center for Transportation Studies, University of Minnesota. <http://hdl.handle.net/11299/101339>.

Response to DEIS Comment #1

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need.

#1 Cont		
	<ul style="list-style-type: none">● Provide additional roadway travel choices - This again is circular reasoning. The ostensible need is more choice, but the choice is limited to roadways. The only way to add roadways is to add roadways.● Accommodate homeland security - Widening the Beltway and I-270 south of Shady Grove would not assist “population evacuation.” Evacuation routes are perpendicular to the Beltway, and the choke points on I-270 are north of Shady Grove. As for “emergency response access,” the vast majority of emergency response travel is on local roads. Adding more capacity and traffic to the interstates is likely to increase congestion on arterials;² the DEIS does not address this beyond some vague conclusory statements.● Improve movement of goods and services - Under the bi-state accord announced in November 2019, northbound toll lanes on the American Legion Bridge will be operated as part of the Virginia toll lane system.³ Trucks with more than two axles are banned. The DEIS does not even mention this. Moreover, the DEIS traffic model analyzes trips that move goods and services during rush hour using travel times during uncongested off-peak hours. The DEIS does not tell us whether any alternative improves the movement of goods and services, and its traffic model is, <i>by design</i>, incapable of finding out.	
#2	<p>Screening of Alternatives⁴</p> <p>The criteria used to screen out non-highway alternatives were inconsistent, misleading, and biased. As a result, the DEIS analyzes in detail only variants of toll lanes (along with the legally required no-build alternative).</p>	<p>Response to DEIS Comment #2 Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.</p>
#3	<p>Financial viability - The screening criterion for financial viability was positive net cashflow to the state. All-transit alternatives were eliminated early in the process of EIS preparation on this basis. MDOT then estimated construction costs for the remaining alternatives and performed a financial analysis. This analysis, completed in June 2019, found that Alternatives 5, 13B, and 13C had a negative cashflow. However, instead of screening these alternatives out, MDOT redid the financial analysis.</p> <hr/> <p>²See comments by Norman Marshall, Smart Mobility Inc., submitted separately by others. We incorporate those comments herein by reference.</p> <p>³See Gov. Northam’s Nov. 12, 2019 press release and Transurban’s 2020 annual report, pp. 27, 46.</p> <p>⁴These comments are in addition to the comments previously submitted by the Maryland Transit Opportunities Coalition and other signers on Scoping, Preliminary Range of Alternatives, and Recommended ARDS, which are incorporated herein by reference.</p>	<p>Response to DEIS Comment #3 Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.</p>

<p>#3 Cont</p>	<p>In the re-analysis, the construction cost of the toll lanes was first estimated using the MDOT SHA <i>Highway Construction Cost Estimating Manual</i>. Even using the lowest allowable contingency percentage, the result (which MDOT refuses to disclose) was apparently too high to support MDOT’s predetermined decision to build toll lanes. So the agency arbitrarily lowered its cost estimate to match Governor Hogan’s earlier claims about project cost, citing unexplained “assumed efficiencies.” Even after these manipulations, Alternatives 13B and 13C are barely cashflow-positive – the cashflow is negative if the actual construction cost exceeds the estimate by just 5%. Cost growth of 5% is highly likely for any project at this stage of development and nearly certain in the light of the \$2 billion cost of water and sewer infrastructure that was identified after the June 2019 analyses were completed.⁵ Yet 13B and 13C remain among the screened alternatives, while transit alternatives go unanalyzed.</p> <p>The DEIS [Appendix A, p. 40] justifies eliminating alternatives with negative cashflow on the basis of federal policy that “restricts issuance of a NEPA decision document unless the project is fiscally-constrained.” This misrepresents the policy and is contrary to both law and policy. Alternatives must be analyzed even if no funding is available for them. As discussed in more detail in our scoping comments, 40 CFR 1502.14 requires the inclusion of reasonable alternatives, such as mass transit, not within the jurisdiction of the lead agency.</p>	
<p>#4</p>	<p>Study area - The DEIS [p. 1-1] further restricts alternatives by shrinking the study area to a narrow strip along I-270 and I-495, with fingers reaching out along some connecting arterial highways to a maximum distance of 1.5 miles. This is a much smaller area than the corridor the plan is designed to serve; most trip origins and destinations do not adjoin the interstate.</p> <p>Limiting the location of new infrastructure to a highway corridor biases the analysis against non-highway alternatives. For example, a third track on the MARC Brunswick Line is an obvious alternative to widening I-270, but the narrow study area definition rules it out because the existing tracks aren’t right next to the highway. The study area definition also biases the analysis against Transportation Demand Management, which generally requires action at trip origins and destinations rather than along the highway.</p> <p>⁵DEIS p. 2-6; Appendix B, Alternatives Technical Report, pp. 110-115, 148; B. DePuyt, As Hogan’s Highway-Widening Plan Changes, \$9 Billion Price Tag Does Not, <i>Maryland Matters</i>, Sept. 1, 2020.</p>	<p>Response to DEIS Comment #4</p> <p>The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarize the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail. This analysis directly contributed to MDOT SHA’s evaluation of these alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided. Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p>

<p>#5</p>	<p>Traffic congestion - The DEIS purports to screen alternatives by their ability to “relieve” traffic congestion [p. 2-3]. It does not, in fact, measure congestion. And even if accurately measured, congestion reduction would not be an appropriate screening criterion.</p> <p>The screening criteria involve vehicle movement only within the very narrow study area. The great majority of trips on I-270 and I-495 begin or end outside the study area and use connecting roads to access the interstates. Increased vehicle throughput on the interstates necessarily increases traffic volumes on those connecting roads, creating increased congestion which is not captured in the DEIS’s calculations.</p> <p>Moreover, the traffic analysis does not measure congestion; it measures “delay” which combines time stopped at intersections with congestion delays. This intrinsically biases the analysis toward expansion of limited-access highways which don’t have traffic lights. For example, consider a trip that takes the same amount of time on straight local roads or on a longer route that uses the Beltway. On the local roads, a car moves for 10 minutes and stops at lights for 5 minutes. The Beltway route has no traffic lights but due to the added distance the car has to keep moving for 15 minutes. Switching this trip from the local roads to the Beltway yields a 5-minute reduction in model-calculated “delay” even though the actual trip time is identical.</p> <p>Even if they were accurately measured, traffic congestion and vehicle speed would be inherently biased screening criteria. They measure vehicle movement rather than access to destinations. A simple example illustrates the difference. If I walk across the street to a store, I reach my destination in less than a minute, but a vehicle may need to stop for a few seconds while I cross. If I drive to a store ten miles away at 60 mph, there is no vehicle delay. When congestion and speed are screening criteria, infrastructure that forces me to drive 10 miles appears to be better than infrastructure that lets me cross the street, because the few seconds a driver waits count and the nine minutes I save by walking don’t count.</p>	<p>Response to DEIS Comment #5 Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.</p>
<p>#6</p>	<p>Transportation systems management - The explicit justification offered on p. 2-11 for eliminating the TSM/TDM alternative is an unsupported assertion that TSM/TDM cannot meet the stated needs. This is simply false. For example, ramp metering with queue-jumper lanes for trucks and buses could potentially satisfy several of the purported needs:</p>	<p>Response to DEIS Comment #6 Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.</p>

<p>#6 Cont</p>		
<p>#7</p>	<div data-bbox="397 344 1330 635"> <ul style="list-style-type: none"> • It would enhance trip reliability on all lanes on I-270 and I-495. This is better than the alternatives that passed the screening, which only enhance reliability on the toll lanes. (The DEIS did not analyze trip reliability on the arterial roads that lead to the interstate ramps.) • It would provide an additional roadway travel choice. • It would improve the movement of goods and services. <p>Other variants of TSM/TDM require analysis as well.</p> </div> <div data-bbox="397 661 1330 1380"> <p>Segmentation</p> <p>Governor Hogan’s announcement of this project made clear that the state considers his proposed new lanes on I-270, the Beltway, and Baltimore-Washington Parkway to be a single integrated project whose purpose is to improve “traffic in the region.”⁶ It must be compared to transit alternatives with a similar regional scope, such as the Maryland Transit Opportunities Coalition’s rail transit plan.⁷</p> <p>More specifically, the scope of the DEIS excludes the portion of I-270 between Frederick and Shady Grove, which the state is preparing to analyze in a separate NEPA document. Phase 1 of the toll lane procurement, which has been under way since last February, combines this road segment with portions of the DEIS build alternative in a single contract.</p> <p>Widening the southern portion of I-270, now six lanes wide, without widening the northern portion would exacerbate congestion at the northbound merge points where the road would narrow from eight to two lanes. The DEIS admits this, in a figure buried on page 150 of Appendix C, but glosses over it in its alternatives analysis. Moreover, the traffic analysis does not accurately measure the added congestion, and very likely greatly underestimates it. The computer model does not consider traffic backups south of the merge points, a phenomenon that every I-270 driver knows is the main source of congestion.⁸</p> </div> <div data-bbox="475 1461 1078 1582"> <p>⁶http://www.roads.maryland.gov/OC/Traffic-Relief-Plan-Press-Release.pdf;</p> <p>⁷https://www.transitformaryland.org/</p> <p>⁸Marshall, <i>op. cit.</i></p> </div>	<div data-bbox="1591 628 2974 1169"> <p>Response to DEIS Comment #7</p> <p>Maryland’s Traffic Relief Plan is statewide and includes I-95, I-695, I-495, I-270, MD 295, and the Smart Signals Program. Overall, this plan includes three elements: P3 Program, Baltimore Area Traffic Relief Plan, and Smart Traffic Signals. The Study focuses specifically on one element of that plan in one region of the state. The intent of the I-495 & I-270 P3 Program is to reduce congestion on I-495 and I-270 by seeking input from the private sector to design, build, finance, operate, and maintain improvements along the corridors. The plan is focused on transforming these overloaded interstates to allow people to reach their destinations faster and to remove overflow traffic from the local roads.</p> <p>The geographic scope of the Study, while large, is distinctly defined. It includes 37 miles of I-495 and 11 miles of I-270. Consistent with CEQ NEPA regulations 40 CFR 1502.4(a) and 1508.25(a), as well as FHWA NEPA regulations at 23 CFR 771.111(f), MDOT SHA and FHWA have identified the Study as an independent action that may proceed regardless of whether other actions of the Traffic Relief Plan or P3 Program are implemented.</p> <p>Furthermore, the identified scope of the Study has been sufficiently defined to be advanced with a project-level NEPA document. Consistent with FHWA regulations, other proposed actions, such as potential improvements to I-270 from I-370 to I-70, have been determined to possess independent utility from the Study (and other actions in the TRP and P3 Program) and thus will require separate project-level NEPA documents.</p> </div>

<div>#7 Cont</div>	<div><div>Dividing this contract into two separate NEPA processes also adds to the heavy bias against rail transit. Trains on the MARC Brunswick Line primarily serve trips from north of Shady Grove to areas within or south of the study corridors, such as Silver Spring, the District of Columbia, or (via the Red Line) Bethesda. To increase capacity, track must be added both north and south of Shady Grove. Cutting off the analysis at Shady Grove makes it impossible to fairly evaluate this alternative.</div><div>Limiting the geographic scope of this DEIS clearly constitutes segmentation, an evasive action that has been ruled illegal by the courts because it violates the spirit and letter of NEPA.</div></div>	
<div>#8</div>	<div><div>Procurement Method</div><div>In January 2020, the Maryland Board of Public Works made major revisions to the procurement process for the toll lanes, which this NEPA process has been rigged to justify. These revisions significantly alter the environmental impacts of the project. The DEIS mentions these changes on p. 2-47, but it analyzes the project only as it was conceived prior to these alterations.</div><div>The procurement is now a two-stage process in which MDOT first selects a “Phase Developer.” An initial contract with the Phase Developer closes after the Record of Decision is issued. The Phase Developer then designs the toll lanes. After the project is designed, MDOT negotiates a build-finance-operate-maintain contract with the Phase Developer on a sole-source basis.</div><div>The BPW also altered the scope of the first phase of the project, which now runs from the American Legion Bridge to I-270 in Frederick. Out of Maryland’s 42 miles of I-495, only the short segment from the Bridge to the I-270 west spur is included. This phasing makes it certain that toll lanes on the remainder of the Beltway will not be built until many years in the future, and there is a strong likelihood that they will never be built.</div><div>MDOT has not initiated procurement of the Phase Developer contract for the rest of the Beltway and does not plan to do so for many years. The limitations on use of park land under the Capper-Cramton Act, the high costs of utility relocation, and local government opposition create enormous financial and political obstacles to widening the Beltway east of I-270, especially given MDOT’s assertions that it will rely on toll revenues to cover the entire project cost.</div></div>	<div>Response to DEIS Comment #8 Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</div>

#8 Cont	<p>The most likely outcome of this NEPA process, if a build alternative is selected, is that only the first segment, running from the American Legion Bridge to the I-270 spur and up I-270 to Shady Grove, will ever be built. The toll lanes would then funnel four additional lanes of traffic, two from the Bridge and two from I-270, into the merge near Wisconsin Avenue. That would exacerbate the already severe congestion at the merge point. Such an outcome would be the opposite of “traffic relief.” It would reduce trip reliability and impede the movement of goods and services.</p>	<p>Response to DEIS Comment #9</p> <p>The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarize the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail. This analysis directly contributed to MDOT SHA’s evaluation of these alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided. Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p>
#9	<p>Conclusion</p> <p>The entire process leading to this DEIS is fatally flawed. It cannot be the basis for a Record of Decision.</p> <p>MDOT and FHWA must restart the process with a new, unbiased Purpose and Need Statement. The study must address the entire region through which I-270 and I-495 run, from Frederick and the American Legion Bridge to the Woodrow Wilson Bridge. All-transit alternatives, such as MARC rail expansion, must be among the ARDS. Transit alternatives must be located where they will most productively improve transit service and not be constrained by the locations of highway infrastructure.</p> <p>This is not the first NEPA study of toll lanes on the Beltway or I-270. A Beltway managed lane study was initiated in 1996. In response to scoping comments from the public and local government, a transit alternative of light rail from Bethesda to New Carrollton was added to the study. That alternative, the Purple Line, was found to outperform added highway capacity and is now under construction.</p> <p>We believe an unslanted analysis of the so-called Traffic Relief Plan would reach a similar conclusion. Others may not share that belief; the only way to find out who is right is through a completely new study that rejects the biases and preconceived conclusions that pervade this DEIS. Only such a study can satisfy the requirements of NEPA.</p> <p>Submitted by:</p> <p>Maryland Transit Opportunities Coalition 8725 Warm Waves Way Columbia, MD 21045</p>	

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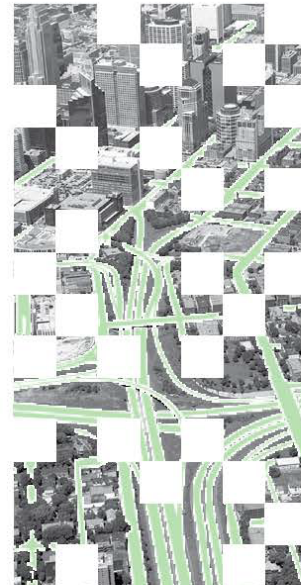
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No comments on this page, therefore, no responses needed.

The following pages reflect the attachments included in the letter. There are no comments or responses provided on these pages; they are included for the record.

Getting There: Access and the Future of the Twin Cities Region



Measuring What Matters: Access to Destinations

Access to Destinations Study Research Summary No. 2

August 2010
CTS 10-11



CENTER FOR
TRANSPORTATION STUDIES
UNIVERSITY OF MINNESOTA

PREFACE

The Access to Destinations Study is an interdisciplinary research and outreach effort coordinated by the University of Minnesota's Center for Transportation Studies, with support from sponsors including the Minnesota Department of Transportation, Hennepin County, the Metropolitan Council, and the McKnight Foundation. A full description of the study is available at www.cts.umn.edu/access-study/studyframework.

The research takes a new approach to understanding how people use the transportation system and how transportation and land use interact. Research activities were divided into three major research components:

I. Understanding Travel Dimensions and Reliability

This research focuses on improving our understanding of travel within urban transportation systems. Current travel measures are informative but are of limited use in helping us understand what is happening in specific locations and across a spectrum of different transportation modes.

II. Measuring Accessibility

This research uses detailed data on land use, travel behavior, and population demographics over the past

10 years, in combination with the research findings from Component I of the study, to develop methods for describing how our accessibility is changing.

III. Exploring Implications of Alternative Transportation and Land-Use Systems

The work undertaken in Components I and II will contribute to the development of an alternative approach to evaluating and planning our transportation system—one that takes into account all travel modes and land-use decisions.

Acknowledgments

This research summary incorporates findings from 11 research reports completed under the Access to Destinations study, available at www.cts.umn.edu/access-study/publications.

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Opinions expressed in this document do not represent official policy of the study's sponsors. Any factual errors are the sole responsibility of the Center for Transportation Studies.

Measuring What Matters: Access to Destinations

ACCESS TO DESTINATIONS STUDY RESEARCH SUMMARY NO. 2



EXECUTIVE SUMMARY

In what is likely to be an enduring period of constrained public resources, lawmakers and government executives will seek the best information possible for making policy choices and deciding where to make public investments. In a landmark series of studies known as *Access to Destinations*, the Center for Transportation Studies (CTS) at the University of Minnesota has opened up new frontiers of information for better policy and investment decisions.

The actual ease of reaching destinations has been getting better all over the region, especially by auto—and land-use changes and increased development densities explain most of the improvement.

In this series CTS researchers analyzed, described, mapped, and charted how “accessibility” has changed over recent decades in the Minneapolis-St. Paul metropolitan region. They began by changing the question—from *how fast is traffic moving (mobility)* to *how easily are people reaching places they need or want to go (accessibility)*. Asking the *accessibility* question stands in stark contrast to news accounts about traffic and the way most people talk about transportation. Every year the Texas Transportation Institute (TTI), working on the “mobility” question, publishes its ranking of which metro areas have the worst congestion, and which ones are getting worse faster.

The TTI report gets wide coverage, understandably so, because congestion can damage a schedule (making anyone’s day less efficient), worsen air quality, and certainly be irritating. Congestion also has a “good side”—it signifies a successful region, with a growing number of people going places.

But in this research series, scholars were asking a different question, and they found a different answer: while until this last decade congestion had been steadily worsening, the actual ease of reaching destinations has been getting better—all over the region. And especially

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Getting There: Access and the Future of the Twin Cities Region

by automobile. Accessibility has improved also via walking, biking, and public transit, but the striking findings are the improving access by automobile—and discovering that land-use changes and increased development densities explain most of the improvement.

Getting to useful answers to this new question required sorting through every available means of measuring ease of access. Researchers mapped modes of travel (auto, transit, walking, biking) in relation to the dominant destinations most people have. They analyzed the attributes of destinations that would affect which mode of travel people would ordinarily choose. They measured travel times by each mode to regular destinations with and without using a motorized vehicle. They probed more deeply into the interactions between changes in land use and the mode people chose for access to their destinations.

They also produced a new Web-based tool that

policymakers and transportation managers can use to analyze the likely effects of new transportation investments on accessibility.

Given how little interaction there’s been historically between the transportation and land-use planning sectors, this series forms a new foundation for what should be an extensive period of further investigation of how to improve access with public policy tools. It also marks the development of a new performance-measurement tool, in a time when performance management is of growing focus in transportation circles and is expected to be a key element of the next federal surface transportation bill.



KEY FINDINGS

In this study, the research team developed a new way to understand and analyze the relationship between transportation and land use. Among the notable findings:

- While congestion has been worsening, the ease of reaching destinations has been getting better almost everywhere in the region—especially by automobile. Accessibility has improved also via walking, biking, and public transit. The greatest increases in access occurred in the developing edges of the region.
- Although some new roads were added and others were improved, land-use changes and increased development densities explain most of the accessibility improvement.
- In 1995 only one traffic analysis zone (near the center of the metro region) could reach more than one million jobs within 20 minutes. By 2005, there were 20 zones with that claim. Well over half the population of the region can reach more than one million jobs within 30 minutes. And if 45 minutes is the standard, almost

everyone can reach a million jobs.

- These accessibility increases occurred while the center of gravity for employment was shifting—slightly—toward the south and west of the region. Accessibility got better despite the absence of a matching shift on the part of workers. The labor force tended to shift more toward zones north and south of Minneapolis. Still, the researchers found the overall ratio of jobs to workers was improving (getting closer to 1:1) in most areas of the region.
- High accessibility to jobs has a positive effect on home values. High accessibility to workers has the opposite effect—indicating homebuyers will pay a premium to live near jobs and away from competing workers.
- The area has seen small but measurable decreases in walking travel time. Making it easier and safer to walk (e.g., expanded facilities/network such as the Midtown Greenway in Minneapolis) raises walking’s desirability and lowers the time involved in a trip.

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- A third of walking trips exceeded a mile, questioning the long-standing belief that a quarter of a mile was the limit of willingness to walk on a regular basis to any destination.
- New bike networks and facilities (such as the off-street trail along Hiawatha Avenue) also had a measurable effect.
- Multiple measures showed the impact of adding the region's first light-rail line. Overall, the region's accessibility is increasing, and proportionately more along the Hiawatha corridor and bus lines with high-frequency service.

Well over half the population of the region can reach more than one million jobs within 30 minutes.

LOOKING BACK ON REGIONAL DEVELOPMENT

Over the past two decades, the policy ground shifted for both transportation and land planning groups. Conference agendas began to feature workshops on "context sensitive" street design and strategies for mixed-use zoning. Planners were relearning how to allow multiple types of destinations to be closer together. Engineers were shifting to recognize opportunities for getting to these destinations without driving. Legislatures at all levels heard heightened pleas for investments in modern transit, broad sidewalks, dedicated bicycling lanes. In the Minneapolis–St. Paul region, the Metropolitan Council, whose current members reflect a conservative political philosophy, notably produced a *Guide for Transit-Oriented Development* in 2006. During this period, town centers began to spring up in suburbs, many of which had long been a seamless series of subdivisions interspersed by retail and commercial services.

As described in a 2001 report, *Market Choices and Fair Prices* (CTS 03-02), regions such as Minneapolis–St. Paul, unconstrained by mountains

or oceans as natural boundaries, saw a constantly developing edge, energized both by population growth and people moving farther out in search of what they believed to be housing and property "value." The transportation system, though not always promptly, cooperated with new or upgraded roads. And of course, if a new road opened new territory, the whole corridor started filling up, along with the need for all the infrastructure of schools and shops and clinics—all the necessities that form the orbit around residential zones. As employers followed the path people made, employment became less centralized, moving to new areas even more rapidly than the labor force. Despite the best service that a good bus system could deploy, the region became utterly dependent on automobiles to get to most places. And though a rail and bus rapid transit system is on the drawing boards, with two rail lines and several BRTs already in service, the region's movement of people and goods continues to be mostly in private vehicles over roads.



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Getting There: Access and the Future of the Twin Cities Region

MAPPING VARIATIONS BY MODE: THE MATRIX

The ultimate goal CTS researchers had is a matrix that both describes and potentially predicts how people access destinations by different modes (see below). The matrix itself is simple to use: Array in columns the most common destinations people have—employment, shopping, schools, parks. Then in the rows list the available modes of travel—auto, transit, bicycling, and walking. Using travel time as a filter, the matrix paints a more coherent picture of the capacity of different modes to facilitate the choices people make to get to their destinations.

As a starting point, this research series focused on employment as the destination and the automobile as the mode. Researchers then had to test the usefulness of competing ways to measure access. Without getting into technical details, let's just say there are three choices: Cumulative Opportunity, Gravity, and Place Rank. None is perfect. All have to be applied by mode (i.e., driving, transit, walking,

biking) and point in time (e.g., the morning peak period, the afternoon peak, off-peak) for a particular type of opportunity (e.g., jobs, resident workers, shops, etc.).

Cumulative Opportunity calculates the number of opportunities that can be reached in a specific period of travel time (such as 30 minutes).

Gravity measures access in terms of the "cost" of getting there (travel time), and like Newton's law of gravity, finds nearby things exert stronger attraction than those far away.

Theoretically, *Place Rank* appears to be the most robust metric, despite its complexity; Place Rank basically accounts for the number of opportunities that an individual foregoes in a zone to reach an opportunity in another zone. For example, a high ranking would be awarded to a destination that attracts more workers from zones that have high numbers of jobs.

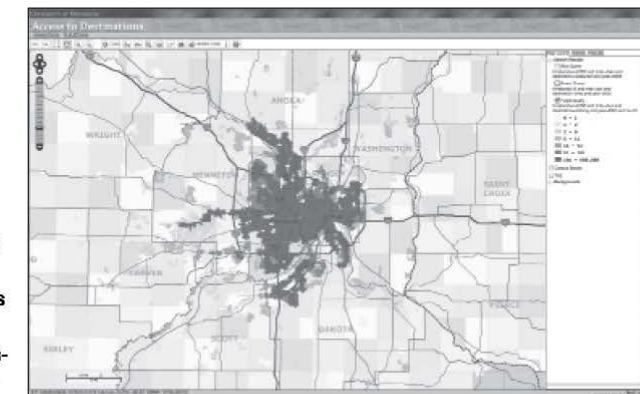
A Matrix of Metro Accessibility

People who make transportation and land-use decisions in the Minneapolis–St. Paul region have a new tool: an online "accessibility matrix" that captures variations in accessibility to different types of destinations for travelers who drive, bike, walk, or use transit.

For each origin area, a user can create a matrix with columns representing types of destinations and rows representing travel modes. Each cell tells how easy it is to reach the specified destination activity using a chosen mode. For example, a resident of Anoka could learn the accessibility of jobs in Eden Prairie by bus or by car.

The Web interface—at www.cts.umn.edu/access-study—has a number of predefined maps and also allows users to create their own maps at the census block level. Users can select up to three filters, including year, mode, purpose, and destination type (such as retail, food, or time of day).

"It's a way of showing thousands of data points in a simple way," says David Levinson, one of the researchers.



The accessibility matrix is available on the study's Web site.

As of the publication of this report, Mn/DOT had approved funding for Phase 4 of the Access to Destinations Study. Plans are to enhance the tool so that users can do scenario planning—estimating the impact on accessibility, for example, of a new lane, bus route, or private development—and make more-informed policy and investment choices.

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Among the most interesting findings: a high accessibility ranking to jobs has a positive effect on home sales (in other words, a premium in the market for the ease of getting to work). But, just as important for planning, accessibility to workers has the opposite effect on real estate values, leading to the double-sided conclusion that homebuyers will pay a premium to live near jobs, *and* away from competing workers. The “competition” is both over jobs and over implied living space, not competing for space in close quarters.

Place Rank is not a perfect tool; the complexity of calculations requires a great deal of computational capacity and data on place-to-place flows. But it is also exceptional in that it can be put in play without depending on travel time data and, drawing on U.S. Census Bureau data and origin and destination data from regional sources, it can be comparably deployed in any region. In some of the studies, where each metric tracked a similar pattern, Cumulative Opportunity, with its more straightforward explanations, proved the most useful approach.

ARRIVING WITHOUT DRIVING

Even though the overwhelming majority of all long trips are still made using automobiles, this look ahead adopted by researchers supports getting good measures of changing accessibility to destinations by walking, bicycling, and transit. The objective was to assess how changes to the networks (the underlying infrastructure facilitating these modes) changed travel times, comparing 1995, 2000, and 2005.

Measures here necessarily rely on data about travel times, and those cannot be assessed without knowledge about the networks that support each mode. How fast do people typically walk, adjusted for the conditions under which they can walk? Dedicated bike lanes produce different average travel times than trips where bicyclists are competing with auto traffic for space. Getting to precise measures is complicated by incomplete historical mapping of infrastructure, such as when sidewalks were added, or when more extensive bike trails and dedicated lanes were built. And of course any assessment of travel times by transit is immensely complicated—by trips involving transfer, by the time required to get to a transit connection, and by the time to walk from the transit ride to the final destination.

Walking

Given a broad consensus about speed—people seem to walk at an average of 3.4 miles per hour—the research shows over time small though measurable

The research shows small though measurable decreases in travel time for walking, owing to improved or expanded facilities. New bike networks and facilities also had a measurable effect.

decreases in travel time, owing logically to improved or expanded facilities or what researchers called the “network.” Researchers cited two Twin Cities zones that serve to illustrate the point by their improved travel times: the area just north of the Midtown Greenway in Minneapolis, and the area immediately southwest of downtown St. Paul. The study confirms something already intuitive: making it easier and safer to walk raises the desirability of walking and lowers the time involved in a trip, thus increasing the likelihood of walking as a selected mode of travel. What is not intuitive is the magnitude of these changes, which researchers can now measure.

Bicycling

Traveling on a bike is by its nature subject to a wide variety of conditions that affect average travel times.

Getting There: Access and the Future of the Twin Cities Region

So researchers took an empirical sampling approach. They used a sample of actual bicyclists outfitted with GPS devices on their helmets. Since it was only a sample and subjects could have been influenced by being part of a study, researchers exercise caution in drawing conclusions. The research was also limited by the incomplete historical mapping of bicycling trails and lane networks. Still it was possible to see how the differences in facilities created

Multiple measures showed the impact of adding the region’s first light-rail line.

“impedances,” or slow-downs, and affected the range of destinations that could be considered accessible by bicycle. What was encouraging was the confirmation that adding new networks has a measurable effect, citing the off-street trail along Hiawatha Avenue as a prime exhibit.

Transit

Travel times on transit are considerably more complex to measure. Researchers experimented with ways to mitigate the likely error in measurement. But what still came through clearly was the expected impact of adding new capacity. Multiple measures showed the effects of adding the region’s first light-rail line, along the Hiawatha Corridor. For example, travel times to and from the MSP airport showed decreases attributable to the introduction of this new capacity.

DRIVING—GETTING MORE PRECISE ON TRAVEL TIMES

Automobile travel times have primarily focused on freeways. And even there, the measurement system is only slowly maturing. The Minnesota Department of Transportation has been measuring travel time data on freeways since the mid-1990s, when loop detectors began to be installed in the freeway system. By 2009 there were 4,500 loop detectors. While this now yields more data, comparative measurements over time are constrained by the missing data from the years of less-intensive measurement. Researchers used here what they called “multiple spatial and temporal imputation,” a system of estimating error that succeeded in driving down the data deficit factor to less than 2 percent, resulting in significant improvements in the reliability of estimations.

But interest in travel times, in addition to probing nonmotorized modes, also deliberately went beyond the conventional focus on freeways. This turns out to be very difficult, which partially explains why the professional literature is so sparse on this subject.

Arterials pose the biggest challenge. Speeds vary and are complicated by signals at intersections. In a corridor without red and green lights, researchers could easily produce a calculus of free-flow speeds,

capacity of the road, and volume of traffic. But signalization alters the network travel time. After sorting through the available metrics (and also bowing to the fiscal constraints of the research itself), researchers chose the “matching license plate” method, which, like it sounds, tracks the movement of specific cars. It requires only two people in the field to monitor movement. Even with this method, researchers found an underestimation of the actual travel time on signalized roads using conventional models. Using a model named for the researchers who estimated it (Skabardonis and Dowling), the Access to Destinations researchers were able to mitigate the bias and get state-of-the-art estimates of travel times on the signalized arterial network.





MEASURING BY MODE AND PURPOSE

Here again the study series found research territory with few previous footprints. In most planning analyses, trip purposes are represented only in highly aggregated terms. Very little has been known about how far people will actually travel to reach a variety of destinations and what differences there may be among those types of destinations. Getting these answers required plumbing new sources of data, such as parcel-level information for the seven-country metro region, and GIS datasets covering the 135,928 known business locations in the region. And deploying an unusually disaggregated “zonal” structure that stems from U.S. Census data, producing measures for nonmotorized travel that are remarkably aligned with actual bicycle and pedestrian travel behavior. Researchers concede that sample sizes are smaller but the data appear as scalable as computing power will permit.

How far people will walk is, in research terms, characterized in the negative: that is, by a “distance decay” model. This metric tracks the limits of willingness to travel certain distances. The analysis relies on a combination of data: the 2000 (every 10-year) Travel Behavior Inventory sponsored by the Metropolitan Council; the Council’s origin-and-destination data; 3,000 on-board transit surveys; and field surveys of multi-use trail users.

Walking

Most walking trips involved distances of 1.86 miles or less. But up to a third of trips exceeded a mile, a finding with potentially breakthrough implications

Up to a third of walking trips exceeded a mile, a finding with potentially breakthrough implications for assumptions about people’s willingness to walk on a regular basis to any destination.

for the long-standing belief that a quarter of a mile was the limit of willingness to walk on a regular basis to any destination. If these are the new tolerances for walking distances, the implications for scaling activity-dense zones could be quite significant.

Bicycling

Here the longest trips bicyclists were willing to make were for recreation, personal entertainment, or fitness. But next longest were work trips. More than any other mode, the trip length tolerance varies significantly by trip purpose. Clearly, motivation to use a bicycle seems to be at its highest when the purpose of the trip is not an obligatory journey, but something for personal enrichment.

Transit

Here again the complications caused by time involved in getting to transit connections via car or walking or biking, and then the distortion of data generated by the pattern of transfers involved in arriving at intended destinations—all compound to limit conclusions from data. But, still, it is all about speed. Transit users seem to have a time budget. If it takes more time to get to a transit connection (or from it to a destination), the tendency is to use transit for shorter-haul trips. These thresholds, as expected, change when the form of service is express bus or rail.

Auto

No surprise to anyone—people’s choice of the auto mode is limited primarily by their estimates of traffic delay. In the largest study of the series, researchers concentrated on the number of opportunities accessible by automobile from points of reference all over the region. Rather than rely only on the modeled travel times used by other studies, this effort took actual traffic data from both freeways and arterial roads, with travel times incorporating calculations of the delay caused by ramp metering. The land-use data for points of reference came from a combination of Metropolitan Council estimates of number of jobs, persons, and households, backed up by Census data.

The single most striking finding: accessibility

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by automobile, from 1995–2005, increased almost everywhere in the region. The greatest increases in access occurred in the developing edges of the region, in part because there was little real growth at or near the center where access was already high. And while some new roads were built in this period and others were improved, nothing explains these gains except changes in land use and increased densification in multiple zones of the region.

In 1995 only one traffic analysis zone (near the center) in the entire region could reach more than one million jobs within 20 minutes. By 2005 there were 20 zones with that claim. Well over half the population of the region can reach over one million jobs within 30 minutes. And if 45 minutes is the

standard, almost everyone can reach a million jobs. And these accessibility increases occurred while the center of gravity for employment was shifting—though slightly—toward the south and west of the region. It increased despite the absence of a matching shift on the part of workers. The labor force tended to shift more toward zones north and south of Minneapolis.

Research found the overall ratio of jobs to workers was improving (getting closer to 1:1) in most areas of the region. As one of the researchers, David Levinson, puts it, “Think of the region as a plate. It’s a substantial plate overall, but the edges have become thicker and the southwestern arc of the plate the thickest.”



ASSESSING THE ROLE OF LAND USE

These studies break new ground in exploring how transportation behavior relates to changes in land use.

The access by automobile portion of the study, in addition to its access metrics, shows how cities (or entire metro areas) display the drive for efficiency of location. Firms seek productivity potential in locating near some combination of customers, suppliers, workers—even competitors. These tendencies are a kind of centripetal force, drawing activities in, together. But an equally powerful tendency pushes things outward—centrifugally. Firms and households both seek cheaper land and operating costs. While workers prefer proximity to work, they often also highly value a larger but affordable home with more land. As these forces compete, regions elude both maximum-possible as well as minimal densities—producing a largely market-driven scattering of destinations.

Since public policy influences market behavior in land uses, it becomes important to understand the dynamics of land-use decisions. This series also focused on “transitions” in the way land is used in the region. Easily recognized is vacant land becoming developed for some purpose. More complicated dynamics unfold when already developed land gets retooled for a new purpose or land gets cleared and

reused in some different way. When transportation corridors are developed or significantly upgraded, this induces new clusters of land-use activity. But while these changes are observable enough, behind the curtain some mystery persists as to why land use in urban areas “organizes” the way it does. Researchers in this series made serious efforts to demystify this phenomenon, to model the complexity, to understand, explain, even forecast the changes.

The models used treat land-use outcomes as a function of the interaction between transportation networks and urban land markets. When decisions get made about the location and intensity of new uses of urban land, some (even rough) measure of accessibility seems to be the thread that ties together the decision dynamics. Probing this at very intense levels of detail is tempting, but is also fraught with complexity that is difficult to manage in a research setting. So, the researchers in this study series actually sought to recast the process of modeling and forecasting land-use change in deliberately simpler terms. In fact, they pushed to compress the process into a few basic principles, after which they tested the data available from 1958 to 2005.

Again, there are competing models. One is the Markov Chain approach, which fundamentally

forecasts future land use as a function of current land use—rather like how weather forecasters work, proceeding on the principle that the change from today to tomorrow will be much like the change from yesterday to today.

An alternative approach builds on the Markov Chain by feeding in empirical determinants such as neighboring land uses, proximity to highways, and measures of regional accessibility, subjecting the mix to a regression model of analysis. Still another directly extends the Markov Chain regime to neighboring land uses.

All approaches relied on the parcel-level datasets now available from the Metropolitan Council. Researchers took these data and created new “cell-level” data that divides parcels into 75-meter-squared cells that are classified by the predominant land-use type in the cell, drawing from a taxonomy of 10 types. Researchers then used what is known as “backcasting” to base forecasts on historical land-use data. Two study areas were selected: the whole metro region as it stood in 1958 and also a small sample drawn from the corridor of a two-mile perimeter around the newly developed SH 610 freeway in the northwestern part of the region.

Despite pioneering research, getting to precise forecasting and effects of land-use changes remains elusive. No known models can yet fully reproduce patterns of land-use change over time. The simplest Markov Chain model tended to produce more dispersed and mixed patterns than actually occurred. The modified Markov Chain model reduced some error but still fell short of reliable predictive power. The regression model scored best, particularly in predicting commercial and industrial uses and spatial clustering, but also consistently overpredicted some



land uses, chiefly residential.

So, in sum, no known measure of gauging land-use change is good enough yet for prime time. Predicting the exact location of future development is hard, probably harder than predicting future traffic. But this research makes real gains in mashing up complex data with simple, transparent models on which future analyses may be built.

WWW.CTS.UMN.EDU/ACCESS-STUDY

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Getting There: Access and the Future of the Twin Cities Region



POLICY IMPLICATIONS

The Access to Destinations research has shown the power of asking a more relevant question. It has demonstrated that changes in individual and firm market choices, combined with land-use and transportation policies, enable people to reach more destinations in less time, even under conditions of worsening congestion. That is a headline for policymakers anywhere.

Questions

- Might the State of Minnesota forge a new framework through which transportation investments and changes are considered jointly with land-use planning?
- Should the Metropolitan Council petition the state to make all transportation investments subject to a new standard—one centered on whether and how much any new infrastructure or service might raise access to destinations?
- As a hedge against major energy, fiscal, and climate crises, should the state consider a strategy of investment in a more robust network of nonmotorized travel infrastructure—backed up by solid research about modes that maximize more access to destinations?
- How might government at all levels reset the incentives to improve “access?” Public policy and investments clearly drive the market for housing and provide capacity to transport

people and goods. When roads, water, and sewer capacity are extended, development, often at low densities, follows. Investments that encourage non-auto modes and more intense use of land have the same potential for shaping the interaction of land use and travel behavior.

- Should public officials in charge of the transportation system incorporate access into their criteria for operational policies? For example, are residents who choose to live in cities penalized by ramp meters in favor of residents who choose to drive long distances to work and other destinations—an issue certainly ripe for debate? And should not all modes of transportation—from roads to every known type of transit—be subject to rigorous analysis of capacity to increase access to destinations?
- Does this initial series on “access” suggest that the State of Minnesota should build on this body of research and invest in further study, in part to establish the state as a leader in this field and, even more important, to leverage limited transportation dollars toward the greatest dividends? It seems clear that being closer to destinations increases system efficiency, decreases environmental impacts, and raises the quality of life experience for residents.



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Virginia Governor Ralph Northam - November

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For Immediate Release: November 12, 2019

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Governor Northam, Governor Hogan Announce Historic ‘Capital Beltway Accord’ to Rebuild American Legion Bridge, Connect Interstate Highway System

Partnership will deliver infrastructure and congestion relief, expand bicycle and pedestrian access

WASHINGTON, DC—Governor Ralph Northam (D-VA) and Governor Larry Hogan (R-MD) today announced a bi-state, bipartisan accord to create a new, unified Capital Beltway, replace the aging American Legion Bridge and relieve congestion at one of the country’s worst traffic chokepoints. The two governors made the announcement at the annual Capital Region Transportation Forum in Washington, DC.

“A new bridge means commuters will get to work and back home faster,” **said Governor Northam.** “Our teams have identified a way to fix one of the worst traffic hot spots in the country. This demonstrates what can get done when leaders come together to find shared solutions to tough regional problems. This is about helping people see their families more, grow their businesses, and further unlock the region’s vast economic potential.”

“The ‘Capital Beltway Accord’ is a once-in-a-generation achievement for the capital region,” **said Governor Hogan.** “A bipartisan, commonsense, interstate agreement such as this has eluded elected leaders throughout the region for many decades. Together with our partners in Virginia, we are building a foundation for even greater economic growth, greater

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11/7/2020, 10:09 AM

Virginia Governor Ralph Northam - November

<https://www.governor.virginia.gov/newsroom/all-releases/2019/novembe...>

opportunity for our citizens, and advancing real, lasting, transformative improvements for the entire Washington metropolitan region.”

The project complements ongoing plans by both governors in their jurisdictions—advancing a region-wide vision for a seamless network of reliable travel options around the Capital Beltway, and along Interstates 270 and 95, 395, and 66.

The project is expected to cut commuting time in half for many travelers, reduce congestion in the regular lanes by 25 percent, provide 40 percent more lane capacity over the old bridge, and include bicycle and pedestrian paths across the Potomac River.

The American Legion Bridge has been operating beyond its capacity for nearly four decades. Daily traffic has grown 390 percent since the bridge opened in 1962, with 235,000 vehicles using it daily. More than 40 percent of the region’s population travels this segment of the Capital Beltway, and the region expects to grow by another 1.2 million people by 2040. Both governors have made it a top priority to identify a long-term, seamless solution for the Capital Beltway.

The project will replace the existing lanes in each direction across the Potomac River and add two new Express Lanes in each direction for approximately three miles between the George Washington Memorial Parkway in Virginia to the vicinity of River Road in Maryland. New bicycle and pedestrian access will connect trails on both sides of the Potomac River. The project is being designed predominantly within the footprint of the existing bridge and right-of-way to minimize impact to travelers, the environment, and surrounding communities. No homes or businesses are expected to require relocation.

“This is once-in-a-generation project that will improve accessibility throughout the region,” **said Virginia Secretary of Transportation Shannon Valentine.** “This is a milestone in regional cooperation. We in Virginia look forward to working hand-in-hand with Maryland to deliver this transformative transportation solution.”

Virginia announced plans earlier this year to leverage its existing public-private partnership with Transurban, the operator of the 495 Express Lanes, to extend the lanes approximately two miles north toward the American Legion Bridge and add new connections at the Dulles Toll Road and the George Washington Memorial Parkway. Construction on what is known as “Project Next” could begin as early as 2021.

Maryland’s Board of Public Works has approved advancing a bold and innovative Traffic Relief Plan that includes improvements to I-270 and I-495. It is the largest public-private partnership of its kind in the world.

“Our transportation network cannot function without fixing the American Legion Bridge, I-495 and I-270,” **said Maryland Secretary of Transportation Pete Rahn.** “Without these improvements, our horrendous congestion will only get worse. I commend Governors Hogan and Northam for reaching this historic agreement that will have lasting benefits for our region for decades to come.”

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Virginia Governor Ralph Northam - November

<https://www.governor.virginia.gov/newsroom/all-releases/2019/novembe...>

The new American Legion Bridge will be delivered in coordination with these other projects and will leverage private capital through public-private partnerships to reduce the need for public funding and shift key traffic and construction risks to the private sector.

The states have agreed to a bi-state funding plan to accelerate the delivery of these critical improvements, including all of the infrastructure needed for connections between George Washington Parkway and MD-190/River Road.

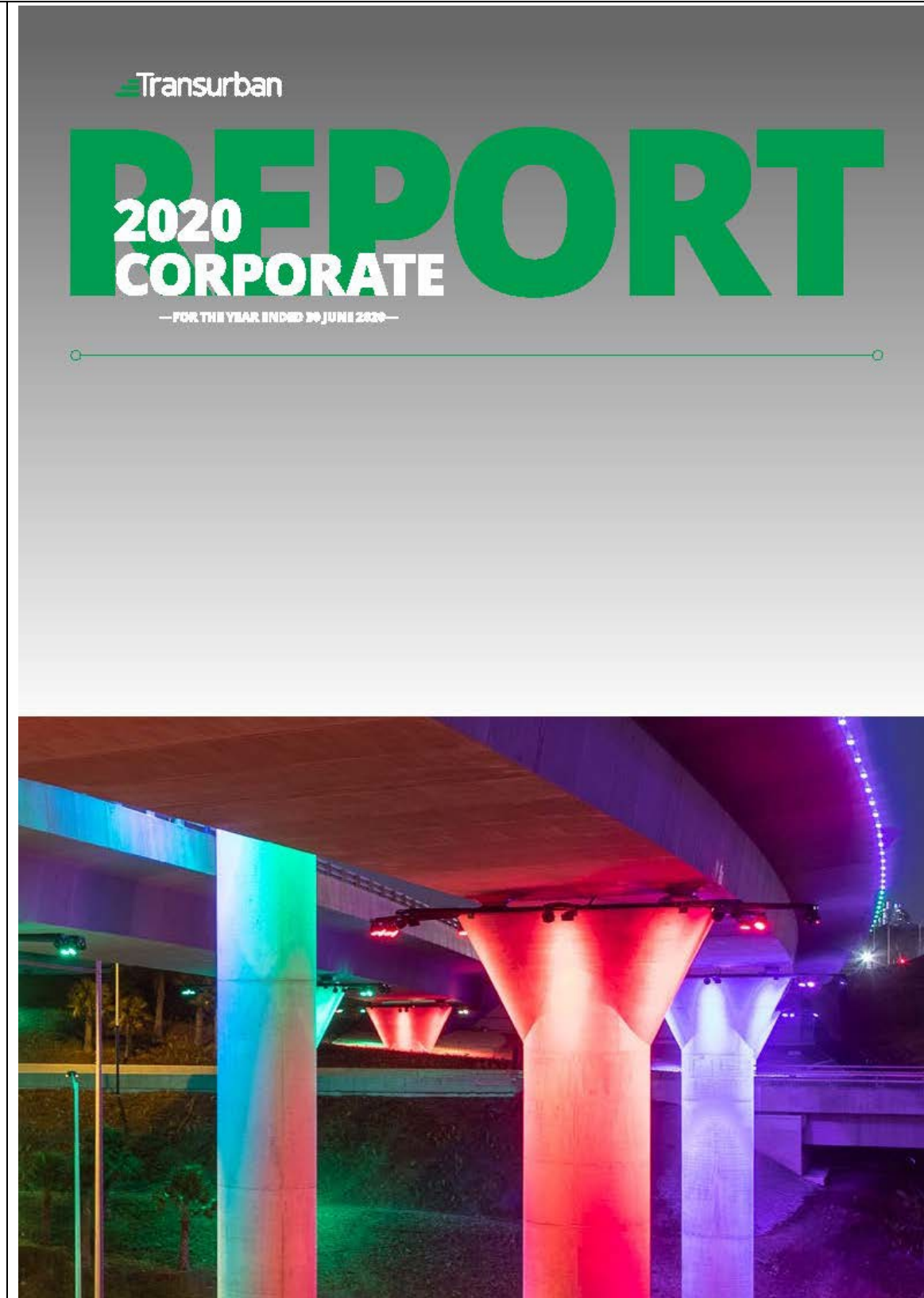
Maryland will cover 79 percent of the General Purpose Lanes on the new American Legion Bridge, 50 percent of the Express Lanes on the new American Legion Bridge, and 100 percent of the southbound Express Lanes and General Purpose Lanes from MD-190/River Road to the George Washington Parkway.

Virginia will cover 21 percent of the General Purpose Lanes on the new American Legion Bridge, 50 percent of the Express Lanes on the new American Legion Bridge, and 100 percent of the northbound Express Lanes and General Purpose Lanes from the George Washington Parkway to MD-190/River Road.

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495 EXPRESS LANES NORTHERN EXTENSION— Critical connections

The 495 Northern Extension project will extend the 495 Express Lanes 3.2km towards the Maryland border and is expected to save motorists up to 25 minutes during peak traffic times.

The project will also return local streets to local communities by reducing cut-through traffic that now plagues residential neighbourhoods along the Capital Beltway. The project sets the stage for the Capital Beltway Accord project—the future extension of the Express Lanes north across the American Legion Bridge into Maryland.

During FY20 we commenced the process to select a design and build subcontractor for the project. The Request for Qualifications process concluded in April 2020. Transurban remains committed to working with the Commonwealth of Virginia and advancing the project.

The project is anticipated to open to traffic 2024/2025.

[EXPRESSLANES.COM/NDT-PROCUREMENT](https://www.transurban.com/newsroom)

Project features

Extends the existing Express Lanes by 3.2km and improves connections at the Dulles Toll Road and George Washington Memorial Parkway

Estimated 7,300 jobs generated from economic impact of project

USD880 million economic boost projected

FY20 milestones

Procurement process commenced for a design and build subcontractor

CAPITAL BELTWAY ACCORD—

Transurban, in partnership with the Maryland and Virginia Governments, is progressing a project to extend the 495 Express Lanes in Virginia by approximately 4.2km north across the Potomac River and into Maryland (see page 46).

The project involves upgrading four general-purpose lanes in both directions and replacing and upgrading the aging American Legion Bridge to add two Express Lanes, alleviating a major pinch point on the Capital Beltway and one of the worst bottlenecks in the Greater Washington Region. Transurban will work to deliver Virginia's project components as part of this historic bi-state effort.

Projects set industry-best standards for sustainability

All of our Australian projects are designed to achieve a rating of "Excellent" or above under criteria set by the Infrastructure Sustainability Council of Australia (ISCA)—a comprehensive system for evaluating sustainability across the planning, design, construction and operational phases of infrastructure projects. Our contractors must achieve that same rating for project construction. To achieve the ratings, we set targets and monitor performance across project management, procurement, environmental impact, community wellbeing, stakeholder engagement, and innovation.

ISCA ratings for our projects:

- "Leading" As Built rating—New M4 tunnels and Logan Enhancement Project (the first ever Leading rating for a road project in Queensland)
- "Leading" Design rating—NorthConnex and M8 tunnels

In North America, our project procurement process requires contractors to achieve a rating using the Envision Infrastructure sustainability rating system. We are currently working to achieve an Envision Silver rating for the design and construction of the Fredericksburg Extension project.



Partnering to progress government transport agendas

• Australian Prime Minister Scott Morrison and NSW Premier Gladys Berejiklian outside the NorthConnex tunnel—where construction activities had been completed

In FY20, we delivered two major projects for our government partners in Australia and another in Virginia, US and in July 2020 we opened the second stage of Sydney's WestConnex project, the M8.

We are set to open the NorthConnex project, a critical missing link in the Sydney orbital network, in the coming months and are progressing another five projects to benefit fast-growing cities and regions (see pages 22–27).

In November 2019, we also announced that we would join the Virginian government in a Public Private Partnership (PPP) with the Maryland government to replace the ageing American Legion Bridge, which is one of the worst bottlenecks on the Capital Beltway in the Greater Washington area and one of the most congested highway corridors in the US.

Known as the Capital Beltway Accord, the partnership is one of the first bi-state, bipartisan PPPs in the US and sets a precedent for states under different party leadership to work together to advance solutions to regional issues. By utilising private capital, both states will be able to fast-track a critical infrastructure project.

The project will widen the 10-lane bridge and extend our 495 Express Lanes across the Potomac River into Maryland. Daily traffic has increased 390% since the bridge was built in 1962 and the region

is expected to grow by another 1.2 million by 2040. More than 40% of the region's 6.6 million population travels this section of the Capital Beltway.

Under the agreement, each state will have a private partner to fund rebuilding of a portion of the bridge. Transurban will fund Virginia's portion. Maryland's partner is expected to be announced in 2021 as part of the Maryland Express Lanes Project. The Maryland Department of Transportation is running a multi-step competitive selection process for a developer to enter a PPP to deliver the first phase of the project, estimated to cost USD3–4 billion. The phased and collaborative approach to development of the Express Lanes is attractive to Transurban, and we are a bidder for this project.

Contributing to transport policy

As a leading transport and infrastructure provider we believe it is important to contribute to policy development and thought-leadership activities in the sector.

During the year, we contributed to a number of government inquiries in Australia into road safety to share our expertise in operating roads that have been evaluated as being up to 68% safer than like roads.

We highlighted measures that have proven effective in reducing road trauma and improving driver behaviour including average-speed cameras, mobile phone detection cameras, improved vehicle safety and government infrastructure funding and approval tied to the design and construction of safe roads.

We also shared findings from some of our activities including dynamic speed management trials and work zone safety initiatives including remotely controlled traffic cones.

Sharing learnings

During the year we hosted delegations from North America to discuss transportation challenges and priorities for our countries.

Transurban sponsored the 2020 Australia Canada Economic Leadership Forum, which is the premier leadership dialogue between the two countries and coordinated locally by the Business Council of Australia. In Sydney, we also hosted a delegation of public and private infrastructure leaders through the National Governors Association (NGA), a bipartisan American public policy organisation. Led by Maryland Governor Larry Hogan, the NGA's 2019–2020 focus is infrastructure and the visit gave us the opportunity to showcase our major projects, and highlight to governors across the US the innovative ways Australia has harnessed the private sector to help deliver new and improved infrastructure.

As Hogan's Highway-Widening Plan Changes, \$9 Billion Price Tag Does Not – Maryland Matters <https://www.marylandmatters.org/2020/09/01/as-hogans-highway-widen...>

As Hogan's Highway-Widening Plan Changes, \$9 Billion Price Tag Does Not – Maryland Matters

Bruce DePuyt



Traffic on the American Legion Bridge connecting Maryland and Virginia. Photo by Chip Somodevilla/Getty Images

When Gov. Lawrence J. Hogan Jr. (R) unveiled his plan to widen three interstate highways in September 2017, he and then-Transportation Secretary Pete K. Rahn boasted that it would be the largest public-private partnership in North America.

The surprise project would be “absolutely transformative” for traffic-weary commuters and would cost \$9 billion to \$11 billion, he said.

At the time, Hogan’s vision was to add four “Express Toll Lanes” — two in each direction — to portions of Interstate 270, the Capital Beltway (I-495) and the federally-owned Baltimore-Washington Parkway (MD 295).

The first in-person public hearing on a key planning document for the highway plan, the Draft Environmental Impact Statement (DEIS), will be held on Tuesday in

As Hogan's Highway-Widening Plan Changes, \$9 Billion Price Tag Does Not – Maryland Matters <https://www.marylandmatters.org/2020/09/01/as-hogans-highway-widen...>

Largo. It’s the fourth of six public comment sessions (the first three were virtual) that the State Highway Administration and the Federal Highway Administration have scheduled.

Hogan’s project has undergone significant changes in the nearly three years since he and Rahn announced it:

- The widening of a large portion of the Beltway in Montgomery County, from the I-270 spur east to the Prince George’s County line, has been relegated to what SHA euphemistically refers to as the second phase of Phase 1.
- The widening of the Beltway from the Prince George’s-Montgomery border south to MD 5 has been put off into the indefinite future.
- The widening of I-270 north of I-370 has been deferred.
- Hogan and his Virginia counterpart, Gov. Ralph S. Northam (D) announced, with great fanfare, the signing of the Capital Beltway Accord — an agreement to contract with a group of for-profit firms to rebuild and widen the American Legion Bridge, a notorious choke-point for commuters in the Washington, D.C., suburbs.
- WSSC Water (the bicounty utility formerly known as the Washington Suburban Sanitary Commission) announced that the cost of moving large pipes that run along the Beltway would run between \$1 billion and \$2 billion.
- From all outward appearances, the Baltimore-Washington Parkway has quietly slipped out of the plan. Although a Maryland Department of Transportation spokeswoman, Erin Henson, insisted last week that the governor’s proposal is “still pending with ongoing discussions,” there is no indication that the U.S. Department of Interior wants to part with the road. The DEIS makes little mention of it.

Despite all the changes to the project over the 35 months that have elapsed since Hogan’s announcement, one thing has remained remarkably constant: the price.

The draft EIS, a massive 18,000-page document that itself has been [the subject of controversy](#), includes just half a page on what the addition of Express Toll Lanes to portions of I-495 and I-270 will cost.

Of the six design alternatives under active consideration, two are said to be the most popular within MDOT — those known as Alternative 9 and Alternative 10.

Alt. 9 would cost \$8.7 billion to \$9.6 billion, according to the DEIS. Alt. 10 would cost \$9 billion to \$10 billion.

Critics of the highway-widening plan find the remarkable consistency in price difficult to swallow.

Montgomery County Council Vice President Tom Hucker (D) said “it’s not possible” that a project could undergo so many changes but retain its Day 1 pricing.

“I don’t know serious people that have any confidence in MDOT’s cost estimates,” he said in an interview. “You simply can’t add a bridge and utility relocation costs,

As Hogan's Highway-Widening Plan Changes, \$9 Billion Price Tag Doe... <https://www.marylandmatters.org/2020/09/01/as-hogans-highway-widen...>

subtract Maryland 295, and say 'oh, it all costs the same as we thought in the first place.' Nothing works that way."

Del. Marc Korman (D-Montgomery) said the never-changing price undermines the credibility of the process.

"You could just do back-of-the-envelope math to compare the 70 miles of I-495 and I-270 to Virginia, and you would have seen that that should have cost around \$15.5 billion," he said. The \$9 billion to \$11 billion initial cost "was always sort of an arbitrary figure from Secretary Rahn."

Montgomery County Planning Board Chairman Casey Anderson said "the range of possibilities" in the environmental report "highlight just how uncertain this kind of prediction can be."

"To be charitable, forecasting the cost of a project of this scope, which is breathtaking, is an extremely difficult exercise," he said. "And it's probably a good idea for both opponents of the project and supporters of the project to be careful about making definitive claims concerning future costs."

"Generally speaking, the numbers get worse, not better, over time," Anderson added. "But in any event, it's safe to say that the ability to predict with any kind of confidence... is just fraught with uncertainty — and people should not be taking any of that to the bank."

In a statement, MDOT spokesman Terry Owens said planning-stage cost estimates "are often very stable throughout and contain a fair number of contingencies built in for unknowns."

"As projects progress towards implementation, the design gets more detailed and cost estimates get refined," he added. "Most changes in estimates happen in the later stages of design closer to any implementation, when all of the detailed project factors are completely known."

Owens said the initial cost of the project included a replacement for the American Legion Bridge, which [Hogan and Northam heralded](#) as an historic breakthrough for Maryland and Virginia.

"The costs also include utility relocation costs," Owens said, although MDOT has consistently resisted saying whether underground infrastructure belonging to utilities other than WSSC Water will need to be relocated.

In the brief discussion of cost (Appendix B of the DEIS, Page 148) is language that opponents found difficult to decipher.

According to the document, construction cost estimates were "adjusted" to "reflect assumed efficiencies in costs for major items such as asphalt pavement and structural materials."

There is no further discussion of why — or by how much — costs were adjusted, or whether such adjustments are commonplace on large-scale projects.

"They made an estimate and it was too high, and they just arbitrarily changed it," charged Ben Ross, head of the Maryland Transit Opportunities Coalition, last

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month. "They used their cost-estimating manual and then they changed the numbers."

Cynicism deepened after the discovery of the [online transcript](#) of a conversation that Transurban Group CEO Scott Charlton had with a moderator during a call with industry analysts.

Transurban has an extensive network of Express Toll Lanes in Northern Virginia and will build Virginia's half of the new American Legion Bridge, Northam announced last year.

The company is part of a consortium seeking the Maryland P3 contract — one of four recently deemed qualified to handle the project.

Asked how much capital the company would need for the first phase of the "Maryland Express Lanes," Charlton said, "it's too early to speculate."

"I think the government has talked about in the order of about USD [U.S. dollars] 4 billion for that first phase," he said. "That's just a high level, I think, public number."

bruce@marylandmatters.org

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11/7/2020, 9:59 AM



For immediate release:
September 21, 2017
Contact:
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**Governor Hogan Announces Widening of I-270, Capital Beltway (I-495), and Baltimore-Washington Parkway (MD 295)
\$9 Billion Traffic Relief Plan, Largest Highway P3 in North America RFI Released Today**

ANNAPOLIS, MD – Delivering on his commitment to provide innovative transportation solutions for Maryland, Governor Larry Hogan today announced the administration's plans to add four new lanes to I-270, the Capital Beltway (I-495), and the Baltimore-Washington Parkway (MD 295). The \$9 billion Traffic Relief Plan for these three major state highways will reduce congestion for millions of drivers and mark the beginning of a historic and transformative effort to significantly improve the traffic conditions on some of Maryland's most traveled roads and highways for years to come.

"These three massive, unprecedented projects to widen I-495, I-270, and MD 295 will be absolutely transformative, and they will help Maryland citizens go about their daily lives in a more efficient and safer manner," said Governor Hogan. "Today, we are turning Maryland's celebrated innovation into real action. These projects will substantially and dramatically improve our state highway system and traffic in the region."

Joining the governor were Maryland Department of Transportation (MDOT) Secretary Pete K. Rahn, MDOT State Highway Administrator Greg Slater, Maryland Transportation Authority Executive Director Kevin Relgrut, as well as elected officials and community and business representatives from throughout the Baltimore-Washington region.

Today's announcement officially begins the process to solicit the Public-Private Partnership (P3) industry for input and solutions to provide major congestion relief to these key transportation routes. With the total project estimated value at \$9 billion, the P3 portion to add four new lanes on both I-495 and I-270 is the largest proposed P3 highway project in North America. The P3 will be seeking private developers to design, build, finance, operate, and maintain new lanes on I-495 between the American Legion Bridge and the Woodrow Wilson Bridge and on I-270 between I-495 and I-70. Once completed, the Traffic Relief Plan will deliver new express toll lanes, in addition to existing lanes, on I-495, I-270, and MD 295.

"Using innovation and partnering with some of the greatest minds in the world, Maryland is going to finally get some congestion relief by investing \$9 billion in three of the most congested highways in the state," said Secretary Rahn.

The first step to build new express toll lanes on MD 295 will begin with the transfer of MD 295 from the U.S. Department of the Interior to the Maryland Transportation Authority. Governor Hogan has already personally started this process during a recent meeting with Interior Secretary Ryan Zinke and has directed MDOT officials to move forward with the transfer negotiations. Following the transfer, the Maryland Transportation Authority would then build, operate, and maintain the new lanes and maintain existing lanes between Baltimore and Washington, D.C.

The Traffic Relief Plan announced today is critical to spurring increased economic development and restoring quality of life for countless Marylanders who have been negatively affected by years of traffic congestion. Maryland has the second-longest commuting times in the country, and the National Capital Region is the most congested region in the nation based on annual delay and congestion cost per auto-commuter. The statewide cost of congestion based on auto delay, truck delay, and wasted fuel and emissions was estimated at \$2 billion in 2015. This is an increase of 22 percent from the \$1.7 billion estimated cost of congestion in 2013. More than 98 percent of the weekday congestion cost was incurred in the Baltimore/Washington region.

In making this announcement today, Governor Hogan has directed MDOT to issue the Request for Information to the P3 industry and continue the transfer process with the U.S. Department of the Interior.

###

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MARYLAND TRANSIT OPPORTUNITIES COALITION

A Vision of a Connected Maryland.

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With trains running all day, every day, on a network that stretches from Elkton to Frederick and from Waldorf to Towson. Maryland can do it. For less the cost of the Maryland Dept. of Transportation's Lexus Lane plan, Maryland could build:

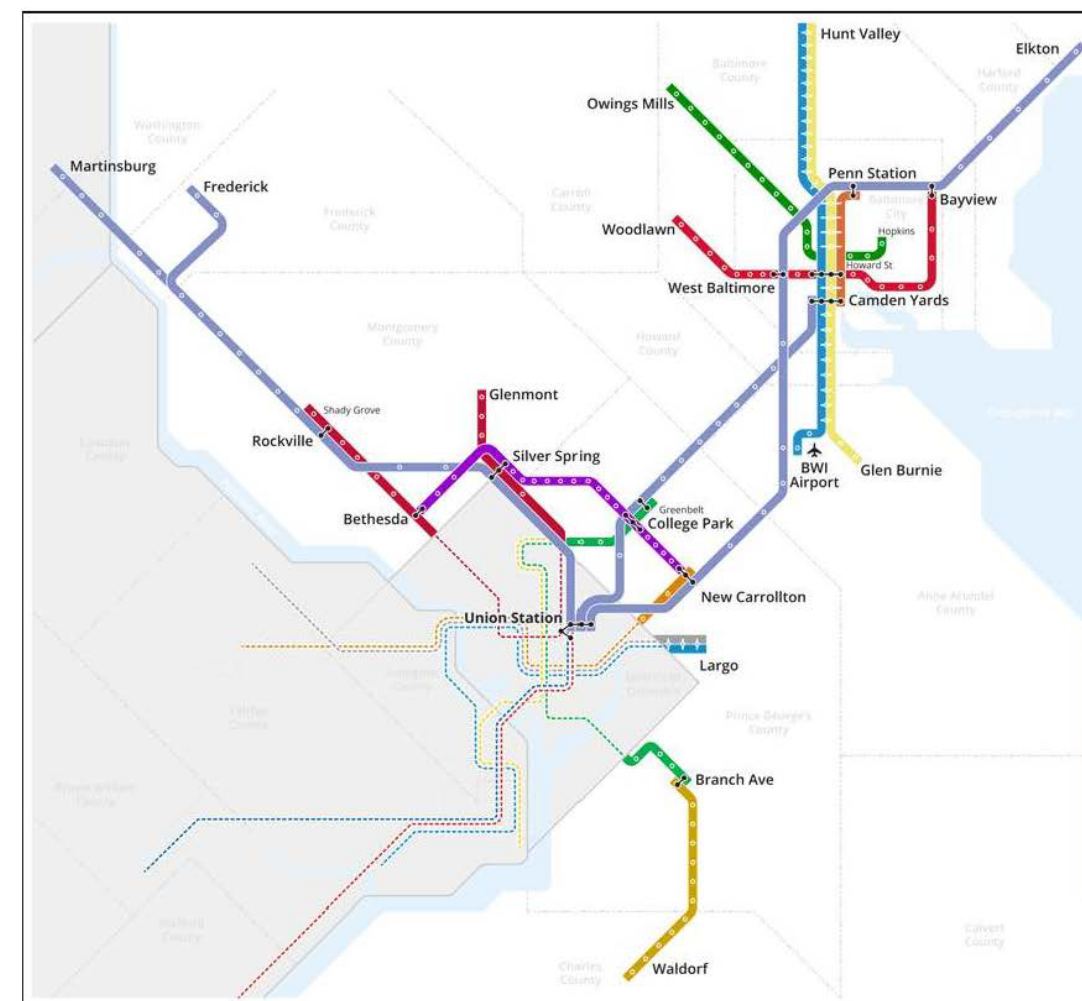
- **The Baltimore Red Line** to create a connected Baltimore transit network
- **Southern Maryland Light Rail** from the Branch Avenue Metro station to Waldorf and White Plains in Charles County
- **2007 MARC Growth and Investment Plan** including trains every 15-20 minutes all day from Washington through Baltimore Penn Station to White Marsh, all-day two-way service from Washington to Frederick and to Camden Yards and from Baltimore to Aberdeen, and trains from Baltimore to Elkton and on into Delaware

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11/7/2020, 9:56 AM

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11/7/2020, 9:56 AM

MARYLAND TRANSIT OPPORTUNITIES COALITION – BEN ROSS

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From: MLS-NEPA-P3 <MLS-NEPA-P3@mdot.maryland.gov>
Sent: Tuesday, November 17, 2020 11:36 AM
To:
Subject: FW: DEIS comment submission
Attachments: DEISSuppComment.pdf

From: Maryland Transit Opportunities Coalition <TransitForMaryland@gmail.com>
Sent: Monday, November 9, 2020 2:25 PM
To: MLS-NEPA-P3 <MLS-NEPA-P3@mdot.maryland.gov>
Subject: DEIS comment submission

By email and certified mail

Lisa B. Choplin, Director, I-495 & I-270 P3 Office
Maryland Department of Transportation State Highway Administration
I-495 & I-270 P3 Office
707 North Calvert Street, Mail Stop P-601
Baltimore, MD 21201

Dear Ms. Choplin,

Please see the attached supplementary comment from the Maryland Transit Opportunities Coalition. This is in addition to our previously submitted comment.

Sincerely,

Ben Ross
Chair
Maryland Transit Opportunities Coalition



November 9, 2020

By email and certified mail

Lisa B. Choplin, Director, I-495 & I-270 P3 Office
Maryland Department of Transportation State Highway Administration
I-495 & I-270 P3 Office
707 North Calvert Street, Mail Stop P-601
Baltimore, MD 21201

Dear Ms. Choplin,

This is a supplementary comment by the Maryland Transit Opportunities Coalition on the "I-495 and I-270 Managed Lanes Study Draft Environmental Impact Statement/Draft Section 4(f) Evaluation." This is in addition to our comment submitted two days ago.

On the morning of the final day of the comment period, MDOT released tables of travel times on I-270 for the alternatives retained for detailed study. These tables, which are attached, were not included in the DEIS text or in its 1556-page Travel Time Technical Report (Appendix C).¹

Alternatives 13B and 13C convert the two existing one-way HOV lanes to a pair of reversible HOT lanes. According to the tables released this morning, pm peak general-purpose-lane travel speeds in these two alternatives are substantially faster than the no-build alternative between I-370 and MD 121, but slower farther north to Frederick.

These results are inexplicable unless Alternatives 13B and 13C convert the entire length of the HOV lanes to reversible lanes, including the portion north of I-370 that is outside the DEIS study area.

This portion of Alternatives 13B and 13C was hidden from public commenters. The DEIS states on page 1-2 that the northern terminus of the study area on I-270 is 0.6 miles north of I-370. That page further states that "The HOV lane from 0.6 miles north of I-370, will continue to its current terminus at MD 121 (Clarksburg Road), 8 miles north of I-370." This concealment denied the public the ability to comment meaningfully on the project.

¹The tables appear to erroneously report the travel times for Alternative 9, which are shown as identical to the no-build case.

Response to DEIS Comment #1

Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.

Maryland's Traffic Relief Plan is statewide and includes I-95, I-695, I-495, I-270, MD 295, and the Smart Signals Program. Overall, this plan includes three elements: P3 Program, Baltimore Area Traffic Relief Plan, and Smart Traffic Signals. The Study focuses specifically on one element of that plan in one region of the state. The intent of the I-495 & I-270 P3 Program is to reduce congestion on I-495 and I-270 by seeking input from the private sector to design, build, finance, operate, and maintain improvements along the corridors. The plan is focused on transforming these overloaded interstates to allow people to reach their destinations faster and to remove overflow traffic from the local roads.

The geographic scope of the Study, while large, is distinctly defined. It includes 37 miles of I-495 and 11 miles of I-270. Consistent with CEQ NEPA regulations 40 CFR 1502.4(a) and 1508.25(a), as well as FHWA NEPA regulations at 23 CFR 771.111(f), MDOT SHA and FHWA have identified the Study as an independent action that may proceed regardless of whether other actions of the Traffic Relief Plan or P3 Program are implemented.

Furthermore, the identified scope of the Study has been sufficiently defined to be advanced with a project-level NEPA document. Consistent with FHWA regulations, other proposed actions, such as potential improvements to I-270 from I-370 to I-70, have been determined to possess independent utility from the Study (and other actions in the TRP and P3 Program) and thus will require separate project-level NEPA documents.

#1

Lisa B. Choplin, November 9, 2020

Page 2

The 22-mile section of I-270 north of I-370 is to be the subject of a separate NEPA study. Yet the current study involves major capital construction extending 7.4 miles into that study area -- over one-third of its length. Clearly, separating these two studies constitutes improper segmentation.²

Moreover, the selection of Alternatives Retained for Detailed Study that involve major construction extending 7.4 miles outside the study area is inconsistent with the rejection of other alternatives, such as transit alternatives and Transportation Demand Management, that involve action a similar distance outside the study area. This impermissibly biases the selection of alternatives and the analysis of the ARDS.

The DEIS fails to analyze the environmental impacts of construction in the I-270 corridor between I-370 and MD 121.

MDOT must withdraw the DEIS and recommence the study with a study area extending to Frederick. At a minimum, it must clarify the definition of alternatives and offer an additional public comment period.

Sincerely,

/signed/

Ben Ross
Chair
Maryland Transit Opportunities Coalition

²The DEIS states that "the logical termini for the area of environmental review and analysis area [sic] have been extended beyond these intersecting roadways to account for the necessary distance for the mainline improvements to tie into the existing roadway operations." If MDOT believes that the "necessary distance for the mainline improvements to tie into the existing roadway operations" includes one third of the entire length of the northern segment of I-270, that is even more reason that separating I-270 into two separate NEPA processes constitutes improper segmentation.

Response to DEIS Comment #2

The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarize the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail. This analysis directly contributed to MDOT SHA's evaluation of these alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided. Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.

The following pages reflect the attachments included in the letter. There are no comments or responses provided on these pages; they are included for the record.

Northbound - 2040 AM Travel Time (minutes)

Travel Time Section	Distance (Miles)	Freeflow AM	Existing AM	No Build	Alt 8 (GP)	Alt 9 (GP)	Alt 9M (GP)	Alt 10 (GP)	Alt 13B (GP)	Alt 13C (GP)
VA-193/Georgetown Pike	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
G W Memorial Parkway	0.4	0.4	0.5	0.5	1.1	0.4	0.6	0.5	1.4	1.1
	1.0	0.9	2.1	1.6	3.2	1.5	1.9	1.8	3.6	2.9
American Legion Bridge	1.5	1.4	3.7	3.1	4.9	3.0	3.5	3.4	5.7	4.8
	1.7	1.5	4.1	3.6	5.3	3.4	3.9	3.7	6.2	5.2
	1.8	1.6	4.3	3.8	5.5	3.6	4.1	3.9	6.4	5.4
	1.9	1.8	4.5	4.0	5.7	3.8	4.3	4.1	6.7	5.6
	3.3	3.0	5.9	5.4	7.2	5.2	5.7	5.6	8.1	7.1
Clara John Parkway	3.7	3.4	6.3	5.8	7.6	5.6	6.1	6.0	8.5	7.5
MD 190	3.7	3.5	6.4	5.9	7.6	5.7	6.2	6.0	8.6	7.6
I-270 & I-495 Merge	4.0	3.7	6.7	6.2	7.9	6.0	6.5	6.3	8.9	7.8
Democracy Blvd	5.1	4.7	7.9	7.4	9.1	7.2	7.7	7.5	10.1	9.0
	5.9	5.5	8.7	8.2	9.9	8.0	8.5	8.3	10.9	9.8
	6.4	5.9	9.1	8.6	10.3	8.4	8.9	8.7	11.3	10.2
I-270 Spur	6.7	6.2	9.4	8.9	10.7	8.7	9.2	9.1	11.7	10.6
	7.2	6.7	9.9	9.4	11.2	9.2	9.7	9.6	12.1	11.1
Montrose Rd	8.1	7.5	10.8	10.2	12.0	10.0	10.6	10.4	13.0	11.9
	9.0	8.3	11.6	11.1	12.9	10.9	11.4	11.3	13.8	12.8
MD 189	9.9	9.1	12.4	11.9	13.7	11.7	12.3	12.1	14.7	13.6
	10.2	9.4	12.8	12.3	14.1	12.1	12.6	12.5	15.0	14.0
MD 28	10.7	9.9	13.3	12.8	14.6	12.6	13.1	13.0	15.5	14.5
	11.3	10.4	13.8	13.4	15.2	13.2	13.7	13.6	16.1	15.1
Shady Grove Rd	12.7	11.7	15.1	14.8	16.5	14.6	15.1	15.0	17.5	16.5
	13.2	12.1	15.6	15.3	17.0	15.1	15.6	15.4	18.0	17.0
I-370	13.6	12.5	16.0	15.7	17.5	15.5	16.0	15.9	18.5	17.4
	14.2	13.1	16.5	16.3	18.0	16.1	16.6	16.4	19.0	18.0
	15.1	13.9	17.4	17.3	19.0	17.1	17.6	17.4	20.0	18.9
	15.4	14.2	17.7	17.5	19.3	17.4	17.9	17.7	20.3	19.2
MD 124	15.8	14.6	18.1	18.0	19.7	17.8	18.3	18.1	20.7	19.6
	16.5	15.3	18.7	18.7	20.4	18.5	19.0	18.8	21.4	20.3
	18.3	16.9	20.4	20.4	22.1	20.3	20.8	20.6	23.1	22.0
MD 118	18.6	17.1	20.7	20.7	22.4	20.5	21.0	20.8	23.3	22.2
	19.0	17.5	21.1	21.1	22.8	21.0	21.5	21.3	23.8	22.7
	19.6	18.1	21.7	21.7	23.4	21.6	22.1	21.9	24.3	23.3
	19.9	18.4	22.0	22.1	23.7	21.9	22.4	22.2	24.6	23.6
	20.5	19.0	22.5	22.6	24.3	22.5	23.0	22.8	25.2	24.1
MD 121	22.8	21.0	24.6	24.8	26.4	24.6	25.1	24.9	27.3	26.3
	22.9	21.2	24.8	25.0	26.6	24.8	25.3	25.1	27.5	26.4
MD 109	26.8	24.8	28.5	28.8	30.4	28.7	29.1	29.0	31.3	30.2
	27.0	25.0	28.7	29.0	30.6	28.9	29.3	29.2	31.5	30.4
MD 80	30.5	28.2	32.1	32.6	34.1	32.4	32.8	32.6	34.9	33.8
	30.7	28.4	32.2	32.8	34.3	32.6	33.0	32.8	35.0	34.0
MD 85	35.5	32.8	36.8	37.3	38.9	37.2	37.6	37.4	39.6	38.5
	36.0	33.2	37.3	37.8	39.3	37.7	38.1	37.9	40.1	39.0

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Southbound - 2040 AM Travel Time (minutes)

Travel Time Section	Distance (Miles)	Freeflow AM	Existing AM	No Build	Alt 8 (GP)	Alt 9 (GP)	Alt 9M (GP)	Alt 10 (GP)	Alt 13B (GP)	Alt 13C (GP)
	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
MD 85	0.5	0.4	0.5	2.8	1.7	2.8	2.8	3.0	3.0	3.0
MD 80	5.3	4.9	9.0	19.2	17.6	19.2	19.4	19.9	19.8	20.0
	5.5	5.1	9.8	20.0	18.4	20.0	20.2	20.6	20.6	20.8
MD 109	9.0	8.3	18.5	28.2	26.7	28.4	28.8	28.7	29.2	29.4
	9.2	8.5	19.1	28.8	27.3	28.9	29.4	29.2	29.8	30.0
MD 121	12.8	11.8	23.8	34.0	32.7	34.2	34.8	34.2	35.2	35.6
	13.2	12.2	24.3	34.5	33.7	34.8	35.3	34.7	35.8	36.1
	15.2	14.1	27.7	39.6	40.5	37.3	37.7	40.0	39.1	40.3
	15.9	14.7	31.3	43.6	44.0	39.9	39.7	43.4	42.4	43.9
MD 118	16.3	15.1	33.5	45.4	45.7	41.6	41.5	45.0	44.1	45.6
	16.9	15.6	36.1	47.6	47.7	43.7	43.6	47.0	46.2	47.7
	17.4	16.1	37.5	48.6	48.7	44.8	44.7	48.0	47.1	48.7
	17.7	16.3	38.1	49.0	49.2	45.3	45.2	48.4	47.5	49.1
MD 124	19.7	18.1	43.4	53.5	51.7	49.1	48.0	50.8	49.9	51.5
	19.9	18.4	44.3	54.5	52.1	50.1	48.9	51.1	50.2	51.8
	20.5	18.9	46.2	56.2	53.3	51.8	50.4	52.1	50.9	52.6
	20.8	19.2	46.8	56.7	53.9	52.5	51.1	52.7	51.2	53.0
I-370	21.5	19.9	48.5	57.9	55.4	53.8	52.3	53.9	52.2	54.2
	22.3	20.6	51.1	59.3	56.2	54.7	53.2	54.8	53.0	55.1
Shady Grove Rd	22.8	21.1	53.8	61.3	56.9	55.3	53.8	55.4	53.6	55.7
	23.2	21.4	54.9	62.0	57.4	55.7	54.3	55.8	54.1	56.1
MD 28	24.7	22.8	59.5	65.0	59.5	57.3	55.9	57.4	55.7	57.7
	25.2	23.3	60.8	66.1	60.8	58.0	56.6	58.1	56.4	58.7
MD 189	25.7	23.7	62.1	66.6	61.9	58.6	57.4	59.0	57.0	60.4
	26.2	24.2	63.9	67.2	63.0	59.3	58.3	59.9	57.6	62.1
Montrose Rd	26.9	24.8	66.1	67.9	64.0	60.1	59.2	60.8	58.5	64.0
	27.8	25.7	68.7	69.0	65.0	61.1	60.2	62.0	59.5	67.0
	28.8	26.6	70.9	70.1	66.4	62.3	61.5	64.0	60.7	69.7
I-270 Split	29.4	27.1	72.8	70.8	67.0	62.9	62.2	66.7	61.3	72.2
	29.5	27.3	73.3	71.0	67.2	63.1	62.4	67.4	61.5	72.8
Democracy Blvd	30.0	27.7	74.2	71.5	67.8	63.7	62.9	69.2	62.1	74.5
I-270 & I-495 Merge	30.8	28.4	75.5	72.5	68.7	64.5	63.8	71.6	62.9	76.8
	31.8	29.4	76.9	74.2	70.5	65.8	66.9	74.4	65.9	79.5
	32.1	29.7	77.3	74.6	71.0	66.3	67.8	75.3	66.9	80.4
MD 190	32.2	29.7	77.4	74.6	71.1	66.5	68.1	75.5	67.1	80.6
	32.6	30.1	78.2	75.2	71.8	67.4	69.3	76.8	68.4	81.8
Clara John Parkway	33.8	31.2	79.9	76.7	73.4	69.2	71.2	78.7	70.3	83.7
	34.1	31.5	80.3	77.0	73.8	69.5	71.5	79.0	70.6	84.0
	34.2	31.6	80.4	77.2	73.9	69.6	71.6	79.1	70.7	84.1
	34.4	31.7	80.5	77.3	74.1	69.8	71.8	79.3	70.9	84.3
American Legion Bridge	34.5	31.9	80.7	77.5	74.2	70.0	72.0	79.5	71.1	84.4
	35.0	32.3	81.2	78.0	74.7	70.5	72.5	80.0	71.6	84.9
G W Memorial Parkway	35.3	32.6	81.6	78.4	75.1	70.9	72.9	80.4	72.0	85.4
VA-193/Georgetown Pike	35.8	33.1	82.2	79.0	75.7	71.5	73.5	81.0	72.6	85.9

October 2020

Northbound - 2040 PM Travel Time (minutes)												
Travel Time Section		Distance (Miles)	Freeflow PM	Existing PM	No Build	Alt 8 (GP)	Alt 9 (GP)	Alt 9M (GP)	Alt 10 (GP)	Alt 13B (GP)	Alt 13C (GP)	
VA-193/Georgetown Pike G W Memorial Parkway		0.0	0.00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
		0.4	0.4	2.4	0.4	1.0	0.4	0.4	0.4	0.4	0.4	
		0.9	0.8	6.4	1.0	2.8	1.0	1.0	1.0	1.0	1.0	
American Legion Bridge		1.3	1.2	8.4	1.6	4.8	1.6	1.7	1.6	1.6	1.6	
		1.5	1.4	8.9	1.8	5.4	1.8	1.9	1.8	1.8	1.8	
		1.6	1.5	9.3	1.9	5.8	1.9	2.0	1.9	1.9	1.9	
Cabin John Parkway		1.8	1.6	10.0	2.1	6.7	2.1	2.4	2.1	2.1	2.1	
		3.1	2.9	15.4	4.5	14.1	4.5	5.5	3.6	3.6	3.6	
		3.5	3.2	17.1	5.8	16.5	5.8	6.9	4.0	4.3	4.6	
MD 190		3.6	3.3	17.3	6.1	17.0	6.1	7.2	4.1	4.4	4.9	
		3.8	3.5	18.3	7.2	18.6	7.2	8.3	4.4	5.0	6.1	
		4.9	4.6	21.1	12.1	24.6	12.1	13.4	6.6	8.0	8.9	
I-270 & I-495 Merge Democracy Blvd		5.8	5.3	22.5	13.0	25.5	13.0	14.4	7.6	8.9	9.9	
		6.2	5.7	23.9	13.5	25.9	13.5	14.9	8.1	9.4	10.4	
		6.6	6.1	24.7	13.9	26.4	13.9	15.3	8.5	9.8	10.8	
I-270 Spur		7.0	6.5	25.6	14.4	26.9	14.4	15.8	9.1	10.3	11.4	
		7.9	7.3	26.7	15.4	27.9	15.4	16.8	10.1	11.3	12.4	
		8.9	8.2	27.9	16.5	29.0	16.5	17.9	11.2	12.4	13.5	
Montrose Rd		9.7	8.9	28.9	17.5	29.9	17.5	18.9	12.4	13.4	14.4	
		10.0	9.3	29.3	17.9	30.3	17.9	19.3	13.0	13.8	14.8	
		10.6	9.7	29.9	18.5	31.0	18.5	19.9	13.9	14.4	15.5	
MD 28		11.1	10.3	30.5	19.1	31.6	19.1	20.5	15.3	15.0	16.1	
		12.5	11.5	32.1	20.8	33.2	20.8	22.4	19.5	16.7	18.2	
		13.0	12.0	32.9	21.4	33.8	21.4	23.4	20.8	17.3	19.1	
I-370		13.4	12.4	34.2	22.2	34.3	22.2	24.6	21.6	18.2	19.9	
		14.0	12.9	36.1	23.9	35.3	23.9	26.6	22.3	20.6	21.0	
		14.9	13.8	39.0	26.9	37.4	26.9	30.2	23.9	24.8	23.6	
MD 124		15.2	14.1	39.9	27.9	38.1	27.9	31.3	24.7	25.9	24.2	
		15.7	14.5	41.2	29.5	39.3	29.5	33.0	25.8	27.5	25.4	
		16.4	15.1	43.3	32.3	41.5	32.3	36.3	28.0	30.4	27.7	
MD 118		18.1	16.7	46.4	40.5	48.0	40.5	44.7	33.8	38.2	33.3	
		18.8	17.4	48.3	43.5	51.3	43.5	47.8	36.5	41.1	36.1	
		19.4	18.0	49.3	45.6	53.9	45.6	50.0	38.5	43.0	38.1	
MD 121		19.8	18.2	49.7	46.8	55.5	46.8	51.3	39.7	44.1	39.3	
		20.4	18.8	50.5	49.3	58.6	49.3	53.9	42.4	46.4	41.8	
		22.6	20.8	53.8	57.3	68.8	57.3	62.0	52.1	54.1	51.3	
MD 109		23.0	21.0	54.2	58.2	70.0	58.2	62.9	53.3	55.0	52.4	
		26.7	24.6	59.6	67.3	79.2	67.3	72.0	62.6	64.2	61.6	
		26.9	24.8	59.8	67.6	79.4	67.6	72.2	62.8	64.4	61.8	
MD 80		30.4	28.0	63.8	71.6	83.4	71.6	76.2	66.9	68.4	65.9	
		30.6	28.2	64.0	71.8	83.6	71.8	76.5	67.1	68.6	66.1	
		35.4	32.6	69.5	77.5	89.2	77.5	82.0	72.8	74.2	71.8	
MD 85		35.9	33.1	70.1	78.0	89.7	78.0	82.6	73.3	74.7	72.3	

October 2020

Southbound - 2040 PM Travel Time (minutes)												
Travel Time Section		Distance (Miles)	Freeflow PM	Existing PM	No Build	Alt 8 (GP)	Alt 9 (GP)	Alt 9M (GP)	Alt 10 (GP)	Alt 13B (GP)	Alt 13C (GP)	
MD 85		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
		0.5	0.4	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	
		5.3	4.9	5.2	5.3	5.3	5.2	5.3	5.2	5.3	5.3	
MD 109		5.5	5.1	5.4	5.4	5.4	5.5	5.4	5.4	5.4	5.4	
		9.0	8.3	9.0	9.0	9.1	9.2	9.1	9.1	9.1	9.1	
		9.2	8.5	9.3	9.4	9.5	9.3	9.3	9.3	9.3	9.4	
MD 121		12.8	11.8	12.9	13.0	13.1	13.2	13.0	13.0	12.9	13.1	
		13.2	12.2	13.4	13.4	13.6	13.7	13.5	13.5	13.3	13.5	
		15.2	14.1	15.3	15.3	15.5	15.6	15.4	15.4	15.2	15.5	
MD 118		15.9	14.7	15.9	16.0	16.2	16.2	16.0	16.0	15.9	16.1	
		16.3	15.1	16.3	16.4	16.5	16.6	16.4	16.4	16.3	16.5	
		16.9	15.6	16.8	16.9	17.1	17.2	17.0	17.0	16.8	17.0	
MD 124		17.4	16.1	17.4	17.4	17.6	17.7	17.5	17.5	17.3	17.5	
		17.7	16.3	17.6	17.7	17.9	17.9	17.7	17.7	17.6	17.8	
		19.7	18.1	19.5	19.5	19.7	19.8	19.6	19.6	19.5	19.7	
I-370		19.9	18.4	19.7	19.8	20.0	20.0	19.8	19.8	19.7	19.9	
		20.5	18.9	20.3	20.3	20.5	20.6	20.4	20.4	20.3	20.5	
		20.8	19.2	20.5	20.6	20.8	20.9	20.6	20.7	20.5	20.7	
Shady Grove Rd		21.5	19.9	21.3	21.4	22.1	21.7	21.4	21.4	21.3	21.5	
		22.3	20.6	22.0	22.1	22.8	22.4	22.1	22.2	22.0	22.2	
		22.8	21.1	22.5	22.6	23.3	22.9	22.6	22.7	22.5	22.8	
MD 28		23.2	21.4	22.9	23.0	23.7	23.3	23.0	23.1	22.9	23.2	
		24.7	22.8	24.4	24.4	25.2	24.8	24.6	24.7	24.4	24.7	
		25.2	23.3	24.9	25.0	25.8	25.4	25.2	25.3	25.1	25.4	
MD 189		25.7	23.7	25.4	25.5	26.3	25.9	26.0	25.8	25.9	25.9	
		26.2	24.2	25.9	26.0	26.9	26.5	27.7	26.4	27.5	26.5	
		26.9	24.8	26.6	26.7	27.8	27.2	31.2	27.5	30.3	27.2	
I-270 Split		27.8	25.7	27.5	27.5	28.5	28.5	39.8	29.0	37.3	29.2	
		28.8	26.6	28.5	28.6	40.8	33.5	52.6	32.8	46.9	33.8	
		29.4	27.1	29.1	29.2	41.4	34.1	53.2	33.4	47.5	34.4	
Democracy Blvd		29.5	27.3	29.2	29.3	41.6	34.3	53.4	33.6	47.7	34.6	
		30.0	27.7	29.7	29.8	42.1	34.7	53.9	34.1	48.2	35.1	
		30.8	28.4	31.7	30.6	42.9	35.5	54.7	34.9	49.0	35.9	
I-270 & I-495 Merge		31.8	29.4	35.6	31.8	44.1	36.7	55.9	36.1	50.2	37.0	
		32.1	29.7	36.8	32.2	44.4	37.1	56.2	36.4	50.5	37.4	
		32.2	29.7	37.1	32.3	44.5	37.2	56.3	36.5	50.6	37.5	
MD 190		32.6	30.1	38.8	32.7	45.0	37.6	56.8	37.0	51.1	37.9	
		33.8	31.2	41.8	34.1	46.4	39.0	58.2	38.3	52.4	39.3	
		34.1	31.5	42.2	34.5	46.7	39.4	58.5	38.7	52.8	39.6	
Cabin John Parkway		34.2	31.6	42.3	34.6	46.8	39.5	58.6	38.8	52.9	39.8	
		34.4	31.7	42.5	34.8	47.0	39.7	58.8	39.0	53.1	39.9	
		34.5	31.9	42.7	35.0	47.2	39.9	59.0	39.2	53.3	40.1	
Americal Legion Bridge G W Memorial Parkway		34.9	32.3	44.5	35.4	47.7	40.3	59.5	39.6	53.7	40.6	
		35.3	32.6	46.1	35.9	48.1	40.8	59.9	40.1	54.2	41.0	
		35.8	33.1	47.1	36.4	48.7	41.3	60.5	40.6	54.7	41.6	

October 2020

<div>#1</div>	<div>MARYLAND TRANSPORTATION BUILDERS AND MATERIALS ASSOCIATION – PETER PLACKE</div> <div>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</div> <div>Name: Peter Placke</div> <div>Joint Public Hearing Date: 9/3/2020</div> <div>Type/Session: Live Testimony/Afternoon</div> <div>Transcription:</div> <div>Hi, my name is Peter Placke, P-E-T-E-R, P-L-A-C-K-E. I represent the Maryland Transportation Builders and Materials Association. As a past Chairman, and I'm also the Vice President Senior Estimator for Gray and Son Incorporated. The address is 430 West Padonia Road, Timonium, Maryland 21093. Our association and members support the P3 Program solution for the I-495 270 expansion. The traffic congestion here in Maryland especially around the DC area and those counties is a major problem for commuters and also for Maryland's economic health. Not only will this project solve the biggest concern being traffic, but it has other benefits than it think this program is expected to create somewhere between 117,000 and 143,000 new jobs, which are high paying, high quality, highly skilled jobs, which is very important, especially with the shape our economy is in right now. This project, I know, is supposed to be somewhere, I believe, in the \$9 to \$11 billion dollar range, and we all know that the Maryland Department Transportation itself cannot possibly fund this type of investment so that the most financially. The P3 Program solution is probably the most financially viable and fastest method and most efficient method to reduce the traffic congestion. Thank you for your time.</div>	<div>Response to DEIS Comment #1</div> <div>MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 Phase I South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.</div>
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<div>#1</div>	<div>MARYLAND TRANSPORTATION BUILDERS AND MATERIALS ASSOCIATION – MICHAEL SAKATA</div> <div>I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony</div> <div>Name: Michael Sakata</div> <div>Joint Public Hearing Date: 8/18/20</div> <div>Type: Voicemail</div> <div>Transcription:</div> <div>Michael Sakata - Maryland Transportation Builders and Materials Association - Hearing for the P3 Program Joint Public Hearing.</div> <div>Hi. Michael Sakata, President and CEO of Maryland Transportation Builders Materials Association, which has been and continues to serve as a voice for Maryland Transportation Industry since 1932. Our association is comprised of over 200 members and it promotes and protects the needs of transportation construction and materials industry. Our association, and its members, support the I-495/270 P3 Program and are ready to supply the workforce and materials needed to get Maryland moving again. I don't think anyone doubts the traffic concerns around I-270 and I-495 are terrible and cause an insurmountable amount of stress to Maryland residents any time they get on those roads - or really any of the surrounding roads. We desperately need a solution and this Project is the proven answer. In reference to the recent TRIP report, we have the second-worst congestion in the country. Maryland's interstate system is vital to Maryland's transportation network and the backbone of the state's economy. More than 80 percent of the length of Maryland's urban interstate is congested. Travel on Maryland's interstate highway is increasing at a rate nine times faster than the rate at which new lane capacity is being added. Not only will this solve - this project - solve our biggest concern, that being traffic, but has so many other additional benefits. The Program is expected to create 117,000 to 143,000 new jobs - high paying, high quality, highly skilled jobs. MDOT has planned a robust inclusion requirement, which requires that Maryland residents do the construction. In a recent project in Atlanta, Georgia where they implemented express toll roads, they found that rush hour speeds on the highway have doubled - more than 28 miles per hour to 40 miles per hour. Private involvement will alleviate the maintenance cost of a new construction, saving the state millions of dollars to the future. Just to maintain the current road that I-495/I-270, the State will need to invest 1.7 billion dollars that comes - that comes with no congestion relief. Instead this Project will free up that 1.7 billion dollars for other vital projects in the state. Congested, costing our local economy, 1.3 billion dollars in added cost per year. This drives up the cost of doing business, causing residents and taxpayers foot the bill. Please support the I-495/270 P3 Program. Once again, Michael Sakata, Maryland - President and CEO, Maryland Transportation Builders Materials Association. Thank you for your... [recording ends].</div> <div>Response to DEIS Comment #1</div> <div>MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 – Phase 1 South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.</div>
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#1	<p>MARYLAND TRANSPORTATION BUILDERS AND MATERIALS ASSOCIATION – CAROLINA WALKER</p> <p>Voicemail Testimony added to file on Oct. 23, 2020</p> <p>Joint Public Hearing— September 3, 2020—Voicemail I-495 and I-270 Managed Lanes Study</p> <p>Name: Carolina Walker</p> <p>Joint Public Hearing Date: 9/3/2020</p> <p>Type/Session: Voicemail</p> <p>Transcription:</p> <p>My name is Carolina Walker. I'm with Maryland Transportation Builders Materials Association. I am calling in support of the P3 program because Maryland has the second worst congestion in the country. Maryland's interstate highway system is vital to the transportation network and is the backbone of the state's economy. When 80% of the length of Maryland's urban interstates are congested, we need this P3. Thank you.</p>	<p>Response to DEIS Comment #1</p> <p>MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 – Phase 1 South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.</p>
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<div>#1</div>	<div>MARYLAND TRANSPORTATION BUILDERS AND MATERIALS ASSOCIATION – LAURIE WALLER</div> <div><div><div><div><div><div></div><div>Voicemail Testimony added to file on Oct. 23, 2020</div></div></div><div><div>Joint Public Hearing— September 3, 2020—Voicemail</div><div>I-495 and I-270 Managed Lanes Study</div></div></div></div><div><div>Name: Laurie Waller</div><div>Joint Public Hearing Date: 9/3/2020</div><div>Type/Session: Voicemail</div><div>Transcription:</div></div><div><p>Hi, my name is Laurie Waller and I'm calling on behalf of Maryland Transportation Builders and Materials Association located in Glen Burnie, Maryland, which we continue to serve as a voice for Maryland's construction transportation industry since 1932. Our association here is comprised of around 200 members, which we encourage develop protect the prestige of the transportation construction material industry of Maryland by establishing and maintaining the respective relationships with federal, state, and local public officials. Our association's members support the I-495/270 P3 program and we are ready to supply the workforce and materials needed to get Marylander's continuing to move forward. I don't think anyone doubts that the traffic concerns around I-270 and I-495 are terrible and the cause of this amount of stress to Maryland residents has caused any time that they have to get on these roads or really any of the surrounding roads. We really need a solution for them to protect the way that they get to work, come back from work, all-in-all just everyday transportation issues. And recent we had a trip report in collaboration with MDOT and the trip community. We have found during this trip report that the second-worst congestion in the country is in Maryland. Maryland's interstate highway system is vital to Maryland Transportation Network and the backbone of this state's economy. More than 80% of the length of the Maryland's urban interstate are congested and travel on Maryland's interstate highway is increasing at a rate nine times faster than the rate of which through-lane capacity is being added. Not only will this project solve our biggest concern, traffic, but it has also so many other additional benefits to include a program that is expected to create an abundance of jobs anywhere between 120,000 to over 140 that are high paying, high quality, and high-skilled which our economy currently needs severely. MDOT has also planned a robust inclusion requirement which ensures that Maryland residents do the construction. In addition private involvement will alleviate the maintenance cost of the new construction saving the state millions of dollars in the future just to maintain the current roads on the 495/270. The state would need to invest 1.7 billion that comes with no congestion relief. Instead this project will free up that 1.7 billion for all the other vital projects in the state of Maryland. I appreciate your time and thank you.</p></div></div> <div><div>Response to DEIS Comment #1</div><div>MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 – Phase 1 South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.</div></div>
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MONTGOMERY COUNTY CIVIC FEDERATION

Montgomery County Civic Federation

The following Resolution was approved by the Montgomery County Civic Federation at its General Meeting on September 12, 2020.

Resolution of the Montgomery County Civic Federation - Draft Environmental Impact Statement - I495-I270 Expansion

Whereas The Maryland Department of Transportation State Highway Administration's (MDOT SHA) 18,000 page Draft Environmental Impact Statement (DEIS) for SHA's proposed Beltway and Interstate 270 widening plan was released on July 10 with a comment period initially established for October 8 and subsequently extended to November 9; and

Whereas, the Maryland-National Capital Park and Planning Commission (M-NCPPC) and other agencies have raised serious objections about the \$11 billion project and did not concur with the proposed list of alternatives. These objections include but are not limited to: a lack of financial viability and incomplete project costs; the proposed Limits of Disturbance (LOD) does not adequately reflect the area that will be impacted during expansion of the highway; an insufficient range of alternatives; and

Whereas the Montgomery County Civic Federation, Inc. (MCCF) concurs with many of M-NCPPC's concerns; and

Whereas the MCCF believes that residents and Montgomery County government agencies need significantly more time to review, evaluate and comment on the DEIS; and

Whereas the MCCF believes that the underlying assumptions of the 300 page DEIS and its 18,000 pages of appendices need to be reevaluated in light of the changing economic and transportation conditions resulting from the global coronavirus pandemic, notably the increase in the use of telework and the recent decline in traffic volumes;

Therefore Be it Resolved that the Montgomery County Civic Federation, Inc. requests that MDOT SHA place the project on hold until the health emergency is over, and that the traffic data analysis be reevaluated based on the new travel conditions.

Approved this 14th day of September 2020.

Karen Cordry, Secretary

Response to DEIS Comment #1

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need, effects of the Pandemic, and impacts of teleworking/remote working.

Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.

#1

MONTGOMERY COUNTY FAITH ALLIANCE FOR CLIMATE SOLUTIONS – WALTER WEISS

Nanci Wilkinson

Dear Sirs:

Please find attached the testimony of the Montgomery County Faith Alliance for Climate Solutions (MC-FACS) of October 27, 2020 for the NO BUILD Alternative for the above proposed project. MC-FACS is a volunteer organization comprising over 52 diverse congregations and groups that unites people of all faiths in Montgomery County to help solve the climate emergency that is threatening our earth.

Thank you.
Walter Weiss
Montgomery County Faith Alliance for Climate Solutions

[attachment text as follows:]

**MONTGOMERY COUNTY FAITH ALLIANCE FOR CLIMATE SOLUTIONS
SUPPORTS THE NO BUILD ALTERNATIVE**

The Montgomery County Faith Alliance for Climate Solutions (MC-FACS) supports the No Build Alternative for the Beltway Expansion project. MC-FACS is a volunteer organization comprising over 52 diverse congregations and groups in Montgomery County that unites people of all faiths to help solve the climate emergency that is threatening our earth.

MC-FACS objects to the proposed Expansion of I-495 and I-270 as the project conflicts with the justice, equity and compassion principles that confirm the inherent worth and dignity of every person. The marginalized communities living near the project widening would be massively impacted by air pollution from the carbon emissions, disruption of community bonds, loss of homes and community centers. Such impacts were overlooked in the Draft Environmental Impact Statement (DEIS). According to the DEIS, 109 places of worship are located within the economic justice analysis, most of which are low income. (Appendix E Table 3-10) The harmful particulates in the greenhouse gas emissions would increase during and after construction of the Beltway, endangering public health. Low income communities cannot afford to use either the managed (toll) lanes or the time lost in the intentionally slower (general) lanes in the proposed widened Beltway. These inequities are heightened by the lack of adequate bus and transit transportation. An example of the removal of graves in the historic Moses Morningstar Cemetery because of the Beltway expansion would be the second huge impact on this low income community which was split in the early 1960's by the original Capital Beltway with the cemetery on one side and the community church on the other.

The Beltway Expansion would completely conflict with the Maryland Greenhouse Gas Reduction Act of 40% reduction by 2030. The list of negative environmental impacts includes the degradation of waterways and wetlands. The Limits of Disturbance (LOD) were not thoughtfully examined in all their social, economic and cultural elements. The five year construction period was barely mentioned, yet it would have huge implications for human well being, health and work issues. It would be foolhardy to have the Limits of Disturbance examined only after the final design and

Response to DEIS Comment #1

Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.

Response to DEIS Comment #2

Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.

Response to DEIS Comment #3

Refer to Chapter 9, Section 3.4.C for a response to analyses of parklands and historic resources.

Response to DEIS Comment #4

Refer to Chapter 9, Section 3.4.F for a response to adverse impacts to air quality. Refer to Chapter 9, Section 3.4.G for a response to climate change and greenhouse gas considerations.

#4 Cont	<p>engineering by a private contractor.</p> <p>The DEIS fails to satisfy the stated purpose {to improve traffic) and needs (to protect the environment) that it was instructed to do. Key among these issues are that the DEIS:</p>	Response to DEIS Comment #5 Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.
#5	<ul style="list-style-type: none">• 1st, fails to conduct and display the required "hard look" at the potential for adverse health and environmental impacts including environmental justice effects, especially in light of recently curtailed national air pollution, fuel efficiency, and other rules. This violates rules allowing the public to understand and comment and allowing relevant agencies to completely consider impacts and mitigations,	Response to DEIS Comment #6 Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.
#6	<ul style="list-style-type: none">• 2nd, uses an overly narrow set of options, which are simply variations on a theme of highway expansion and tolls, with no meaningful variety and especially any local-serving transit and related options, which thus violates EIS rules regarding the need for a reasonable range of alternatives, as clearly described in cases such as N RDC v. Morton, 1972,	Response to DEIS Comment #7 Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.
#7	<ul style="list-style-type: none">• 3rd, fails to address the pandemic's effects, per 40 CFR 1502.9{c)(1), which states that agencies shall prepare supplements if there are significant new circumstances or information. This is a monumental omission that demands a full stop to the process until adequate supplements are developed and given proper public review,	Response to DEIS Comment #8 Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.
#8	<ul style="list-style-type: none">• 4th, will not pay for itself as claimed, but rather will cost the state billions, especially given the pandemic's long-term effects, and yet no itemized budget has ever been shared, which is yet another violation of the rules, and	Response to DEIS Comment #9 Refer to Chapter 9, Section 3.4.G for a response to climate change considerations.
#9	<ul style="list-style-type: none">• 5th, perhaps the most significant issue of all, lacks any consideration of county, state, or international climate crisis plans, without even one mention of climate effects in the DEIS, and with flawed and laughable assumptions such as little or no increase in vehicle miles traveled {VMT). To be clear, this failure ignores the very real and existential impact on our sheer existence and that of every other species, which would be-and this is no exaggeration-a crime against humanity and nature.	Response to DEIS Comment #10 Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.
#10	<p>The total impact on about 80 acres, which this proposed project is attempting to buy, use or usurp by eminent domain includes:</p> <p>47 different parks (6 national & 41 local and regional) 130 acres of parkland 1500 acres of tree canopy 130 miles of stream beds 410 acres of sensitive & unique Areas 16 acres on the C&O Canal (construction for 5 yrs) One third of Plumbers Island Road widening loss of tree canopy 69.3 acres on BW Pkway 1.8 acres on Clara Barton Pkway 12.2 acres on GW Pkway 10 mile segment of Rock Creek Park</p>	<p>Thank you for your comment concerning impacts to resources outside of the Phase 1 South limits. As described in the Supplemental DEIS, certain churches, parks and natural resources are located outside the Preferred Alternative limits of build improvements and impacts have now been completely avoided. See Figure 1-1 in the FEIS. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies</p>

<div>#10 Cont</div>	<div>52-63 acres of impervious surface runoff in Rock Creek Watershed Historic properties Many schools</div> <div>Many Montgomery County congregations including Christ Congregational Church in Indian Springs would be significantly impacted by the taking of land and community assets with the Beltway Widening. Cedar Lane Unitarian Universalist Church, would be greatly impacted by this project, although the DEIS chart lists it as "no impact". The natural habitats and walking trails of Rock Creek Park are part of Cedar Lane's appreciation of spirituality in nature. The creek, the estuaries and wildlife adjoining Beach Drive and our church grounds are a community gathering place. The noise level is already extremely high and would be higher with this project.</div> <div>Construction on the Beltway widening would remove the natural habitat surrounding Rock Creek and would result in stream degradation and increased sedimentation. The Draft Environmental Impact Statement states this removal of natural habitat would be mitigated but, because it would take place in an area far removed from this affected part of Rock Creek, is not a true mitigation as it can never replace the existing forest, wildlife and plant life. The DEIS would give "water quality credits" for mitigation purposes which would amount to buying rights and easements in other wetlands far from the affected area.</div> <div>Healthy rivers and streams require a natural buffer from human development due to erosion and pollution runoff. The 52-63 acres of impervious surface water runoff in Rock Creek watershed would put forests at risk throughout the affected 10 mile segment. Storm water management would be increasingly strained on already insufficient piping, and the relocation of 27 miles of required WSSC water and sewer lines would cost approximately 1 billion dollars, an item not addressed in the DEIS economic impact.</div>	<div>Response to DEIS Comment #11 Refer to Chapter 9, Section 3.4.F for a response to adverse impacts to air quality.</div> <div>Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.</div>
<div>#11</div>	<div>Finally, beyond the local and county concerns for parkland is the climate havoc this widening proposal would have on our personal health and lack of clean air in Montgomery and Prince George's Counties. More lanes of traffic would bring more cars and more carbon emissions and less reliance on alternative modes of travel that have much lower carbon output. Why are alternatives such as increased mass transit, rapid rail, rapid bus lanes and many other options not being seriously considered? Why can we not learn from other areas that have tried more lanes and found the disappointing effects of sometimes bankrupt private partnerships, high tolls and even more congestion in single driver cars? This Beltway Expansion proposal is a threat to our health and would adversely impact our climate. We must take action to prevent this. MC-FACS supports the No Build Alternative.</div> <div>Walter Weiss Montgomery County Faith Alliance for Climate Solutions</div>	