

## T.2.B Supplemental Draft Environmental Impact Statement Community Organization Comments and Responses

### AFSCME MARYLAND COUNCIL 3 – GRETA JACKSON

**From:** [Greta Jackson](#)  
**To:** [SHA.OPLANESMIS](#)  
**Subject:** Proposed I-495 Expansion  
**Date:** Friday, November 12, 2021 1:58:37 PM  
**Attachments:** [SDEIS 495 Expansion.pdf](#)

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Good afternoon, Director Folden:

On behalf of AFSCME Maryland Cn. 3 and its members, please find attached correspondence which pertains to the proposed expansion of I-495.

Please direct any questions/comments to Lance Kilpatrick at [lkilpatrick@afscmemd.org](mailto:lkilpatrick@afscmemd.org) or contact our office at the number below.

Best regards,

*Greta Jackson*

Office Manager

AFSCME Maryland Cn. 3

Ph: 410 547 1515

Fax: 410 837 5436

Cell: 410 949 4956

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#1

#2



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Local 1072

Pat Davis  
Local 3655

November 12, 2021

**VIA EMAIL AND FIRST-CLASS U.S. MAIL TO:**

Jeffrey T. Folden, P.E., DBIA, Director  
I-495 & I-270 P3 Office  
Maryland Department of Transportation, State Highway Administration  
707 North Calvert Street  
Mail Stop P-601, Baltimore, MD 21202

Dear Director, Folden:

On behalf of the 25,000 plus members of the American Federation of State, County and Municipal Employees (AFSCME) Council 3, I am submitting comments on the Supplemental Draft Environmental Impact Statement (SDEIS) on the Managed Lanes I-495 & I-270 Public-Private Partnership (P3) for the Preferred Alternative 9 - Phase 1 South. AFSCME Council 3 opposes the Preferred Alternative and supports the no-build option.

**Lack of Information on State Subsidies:** One of the critical omissions of the SDEIS is the lack of an estimate on the amount of subsidies that the State would be required to pay Accelerate Maryland Partners over the 50-year term of the P3. The Draft Environmental Impact Statement showed that the State could be on the hook for up to \$482 million in subsidies. While the reduction in the miles of toll lanes would reduce costs, it would also reduce toll revenues. The intersection of these two consequences of the change in the project is not assessed in the SDEIS. The risk of State subsidies should not be hidden from the public.

**For Most Drivers, the Private Lanes Would Not Reduce Travel Time:** MDOT has claimed that privately-operated toll lanes would reduce congestion in the general lanes as well as the toll lanes. But MDOT's Travel Time Matrix in Attachment D of Appendix A of the SDEIS shows that drivers in the general lanes would not experience a reduction in their commutes compared to the no-build option. Drivers traveling from I-370 to the American Legion Bridge during the morning rush hour would save 2 ½ minutes on average. But the trip back home in the evening would be an average of 1 minute and 48 seconds longer. For the round trip, drivers in the general lanes would save only 42 seconds on average under the Preferred Alternative, compared with the no-build option. It is irresponsible to put the State and taxpayers at financial risk for 50 years for a project that would not meaningfully improve the daily commutes of most drivers.

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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**Response to SDEIS Comment #1**

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

**Response to SDEIS Comment #2**

The intent of the project is to improve operations for all users, not just those "willing to pay the tolls". The results of the operational analysis indicate that congestion will be reduced in the general purpose lanes and delays will be reduced on the local roads in most areas because the HOT lanes serve traffic that otherwise would be using the general purpose lanes and local roads. Additionally, HOV 3+ and transit vehicles will also be able to use the managed lanes (and obtain the associated speed and travel time benefits) without paying a toll. Refer to Chapter 4 and FEIS, Appendix A for additional details on the results of the traffic analysis.



<p>#2 Cont.</p> <p>#3</p> <p>Moreover, it is inequitable to spend State funds on a transportation project that would only benefit those who can afford expensive tolls, which could reach more than \$4.00 per mile in the first year.</p> <p><u>Failure to Conduct an Environmental Justice Analysis:</u> Federal Highway Administration policy (Order 6640.23A) commits the agency to “identify and prevent discriminatory effects...to ensure that social impacts to communities and people are recognized early.” This is consistent with the National Environmental Policy Act which requires that an Environmental Justice analysis be conducted to determine whether the harmful impacts of a project fall disproportionately on communities of color and low-income communities. The SDEIS, like the DEIS, fails to provide this analysis. Instead, MDOT defers this analysis until the Final Environmental Impact Statement (FEIS). Because there will be no opportunity for the public to comment on the FEIS, failure to include it in the SDEIS obstructs public comment and input, especially from the communities that may be at risk. The failure to conduct an Environmental Justice Analysis is a disqualifying omission.</p> <p>These deficiencies in the SDEIS make clear that the toll lanes P3 should not move forward. In closing, we urge that the public comment period be extended to 120 days. The current comment period of 45 days is inadequate for public review of the SDEIS and the thousands of pages in accompanying technical reports.</p> <p>Sincerely,</p> <p></p> <p>Patrick Moran</p>	<p><b>Response to SDEIS Comment #3</b> Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.</p>
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AUDUBON NATURALIST SOCIETY – DENISSE GUITARRA (ORAL TESTIMONY)		
	I-495 and I-270 Managed Lanes Study SDEIS Virtual Public Hearing: Oral Testimony	
	<b>Name:</b> Denisse Guitarra	
	<b>Agency/Organization/Jurisdiction, if applicable:</b> Audubon Naturalist Society	
	<b>Virtual Public Hearing Date:</b> 11/1/2021	
	<b>Type/Session:</b> Testimony	
	<b>Transcription:</b>	
#1	Good afternoon. My name is Denisse Guitarra, spelled D-E-N-I-S-S-E G-U-I-T-A-R-R-A. I am here as a Maryland conservation advocate representing the Audubon Naturalist Society, which is located in Chevy Chase, Maryland. For 124 years, the Audubon Naturalist Society has inspired people to enjoy, learn about, and protect nature. And as a [inaudible] that last year's DEIS No Build option still remains as the Preferred Alternative, as the SDEIS still lacks the complete studies on environmental justice, climate change, wildlife and waterway impacts, and fails to include, fails to include the transit alternatives. The managed lane highway expansion project pushes far beyond the climate constraints people and the environment are currently experiencing today. The United Nations IPPC report released earlier this year makes it clear, we have no time to get ourselves off of fossil fuels and save as much of our planet as possible. Maryland and Virginia need more equitable and transit climate-friendly solutions to solve our traffic congestion problems. We need excellent transit and not an inch more of car coating pavement.	<b>Response to SDEIS Comment #1</b> 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 and for the Selection of the Preferred Alternative, please see related Common Theme Responses and the SDEIS and FEIS.  Transit alternatives were considered. 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.  Refer to Chapter 9, Section 3.4.G for a response to climate change considerations.  Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.
#2	ANS demands that MDOT SHA FHWA do not move forward with the project's Preferred Alternative option. The Preferred Alternative option will negatively impact peoples' lives and wellbeing. On Chapter 4 of the SDEIS it mentions that 501 properties would be impacted by the project and the majority of these being residential properties. Even more alarming, the SDEIS does not properly detail how communities, especially POC (people of color) communities will be impacted by the new bottlenecks created on I-270 beyond the intersection with I-370.	<b>Response to SDEIS Comment #2</b> While MDOT SHA and FHWA recognize that congestion would be present during the afternoon peak period on I-270 southbound and the I-495 inner loop in the design year 2045 due to downstream bottlenecks outside of Phase 1 South, the Preferred Alternative would provide tangible operational benefits to the system including significantly increasing throughput across the American Legion Bridge and the southern section of I-270 while reducing congestion. Refer to SDEIS Chapter 3, Section 3.3 and FEIS Chapter 4, Section 4.3.  Refer to Chapter 9, Section 3.4.K for a response to impacts to properties and communities, including community facilities.  Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.
#3	Equally disturbing, the SDEIS fails to include complete study of the cumulative impacts the project will have on people and the environment. Moreover, the Preferred Alternative listed on the SDEIS does not properly mitigate the negative impacts the expansion will have on people, on the environment, and dangerously underestimates the devastating impacts the project will have on people and environment. The SDEIS fails to consider the mitigation of one million square feet of floodplains, over 186,000 square feet of wetlands lacking these critical piece of information when climate change is already causing major flooding issues in the region is completely irresponsible. Furthermore, the SDEIS states that Montgomery and Prince George's county will fail to meet its Chesapeake Bay total maximum goals for the expansion and that 500 acres of forest, 26 acres of Parkland, and 41 rare threatened and endangered species are also in peril. ANS demands that MDOT-SHA acts responsibly and does not move forward with the Preferred Alternative today. Thank you.	<b>Response to SDEIS Comment #3</b> Refer to Chapter 9, Section 3.4.N for a response to indirect and cumulative effects.  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. Refer to FEIS, Chapter 7 for a comprehensive list of mitigation and commitments.

**AUDUBON NATURALIST SOCIETY – DENISSE GUITARRA (EMAIL FROM NOVEMBER 10, 2021)**

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**From:** Denisse Guitarra <denisse.guitarra@anshome.org>  
**Sent:** Wednesday, November 10, 2021 10:13 AM  
**To:** SHA OPLANESMLS  
**Subject:** ANS SDEIS comments  
**Attachments:** 2021\_11\_10\_SDEIS\_ANS\_Testimony .pdf

Dear MDOT SHA and FHWA,

Please find attached Audubon Naturalist Society's I-495 & I-270 Managed Lanes Study SDEIS comments. If you have any further questions, please don't hesitate to contact us again.

Sincerely,  
Denisse Guitarra

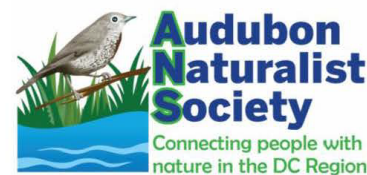
**Denisse Guitarra**  
She/Elle  
MD Conservation Advocate  
Audubon Naturalist Society



*ANS has received a 4-star rating from Charity Navigator for the 3<sup>rd</sup> consecutive year indicating that we are accountable, transparent and adhere to financial best practices.*

*In an effort to help contain the spread of Covid-19, ANS's offices are closed to the public. Email is the best way to reach me. For information about our current status please visit [anshome.org/covid-19-updates/](https://anshome.org/covid-19-updates/).*





November 10, 2021

Jeffrey T. Folden, P.E., DBIA  
Director, I-495 & I-270 P3 Office  
Maryland Department of Transportation State Highway Administration  
707 North Calvert Street  
Mail Stop P-601, Baltimore, MD 21202

**Audubon Naturalist Society's written testimony to Maryland Department of Transportation State Highway Administration (MDOT SHA) and Federal Highway Administration (FHWA) on the I-495/I-270 Managed Lanes Study Supplemental Draft Environmental Impact Statement.<sup>1</sup>**

**Denisse Guitarra**  
Maryland Conservation Advocate, Audubon Naturalist Society (ANS)

Dear MDOT SHA and FHWA,

For 124 years, Audubon Naturalist Society has inspired people to enjoy, learn about and protect nature. ANS demands that last year's DEIS "No Build" option still remains as the preferred alternative, as the SDEIS still lacks complete studies on environmental justice, climate change, wildlife, and waterways impact, and fails to include transit alternatives. The Managed Lanes highway expansion project pushes far beyond the climate constraints people and the environment are currently experiencing today. The United Nations IPCC report<sup>2</sup> released earlier this year makes it clear – we have no time left to get ourselves off of fossil fuels and save as much of our planet as possible. Maryland and Virginia need a more equitable, transit, and climate friendly solution to solve our traffic congestion problems. We need excellent transit and not an inch more of car-coddling pavement. ANS demands that MDOT SHA and FHWA do not move forward with the project's "Preferred Alternative" option.

The preferred alternative would negatively impact people's lives and wellbeing. On Chapter 4 of the SDEIS it mentions that 501 properties would be impacted by the project, the majority of these being residential

<sup>1</sup> 495/I-270 Managed Lanes Study Supplemental Draft Environmental Impact Statement. Available from:

<https://oplanesmd.com/sdeis/>

<sup>2</sup> IPCC, 2021: Summary for Policymakers. In: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [Masson-Delmotte, V., P. et al] Cambridge University Press. In Press. Available from:

[https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC\\_AR6\\_WGI\\_SPM.pdf](https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf)

Woodend Sanctuary | 8940 Jones Mill Road, Chevy Chase, Maryland 20815 | 301-652-9188

Rust Sanctuary | 802 Childrens Center Road, Leesburg, Virginia 20175 | 703-669-0000

[anshome.org](http://anshome.org)

#### Response to SDEIS 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 and for the Selection of the Preferred Alternative, please see related Common Theme Responses and the SDEIS and FEIS.

Transit alternatives were considered. 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.

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

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

#### Response to SDEIS Comment #2

While MDOT SHA and FHWA recognize that congestion would be present during the afternoon peak period on I-270 southbound and the I-495 inner loop in the design year 2045 due to downstream bottlenecks outside of Phase 1 South, the Preferred Alternative would provide tangible operational benefits to the system including significantly increasing throughput across the American Legion Bridge and the southern section of I-270 while reducing congestion. Refer to SDEIS Chapter 3, Section 3.3 and FEIS Chapter 4, Section 4.3.

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

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

#1

#2



<div>#2 Cont.</div> <div>#3</div>	<p>properties.<sup>3</sup> Even more alarming, the SDEIS does not provide details on how communities, especially POC communities, would be impacted by the new bottlenecks on I-270 beyond its intersection with I-370. Equally disturbing, the SDEIS fails to include a complete study of the overall cumulative impacts the project will have on people. Under our four concurrent public health, climate, economic, and social crises, it does not make sense to add more air polluting lanes.</p> <p>Moreover, the prefer alternative listed in the SDEIS does not properly mitigate the negative impacts the highway expansion project will have on air, water, wildlife, and people. The SDEIS, like its predecessor the DEIS, fails to properly account for and provide any solutions and dangerously underestimates the devastating impacts the project will have on people and the environment. The SDEIS fails to consider the mitigation of 1,000,000 sq ft of floodplains and over 186,000 sq ft of wetlands.<sup>4</sup> Lacking these critical pieces of information, when climate change is already causing major flooding issues in the region, is completely irresponsible of MDOT SHA and FHWA. In terms of water quality, the SDEIS's preferred alternative will reduce Montgomery and Prince George's Counties capacity to reduce and meet its Chesapeake Bay Total Maximum Daily Load (TMDL) goals. Furthermore, the project will impact 500 acres of forests and 26 acres of Parkland.<sup>5</sup> In terms of rare, threatened, and endangered (RTE) species, 41 species are in peril due to the project.<sup>6</sup> The irreplaceable destruction the "Preferred Alternative" is expected to have on the environment is so extensive that no built infrastructure could ever replace the natural infrastructure this project would take down, placing Maryland and Virginia at a higher climate catastrophe risk for the next 50 years.</p> <p>ANS and our partners recommend that MDOT SHA and FHWA do not approve the SDEIS's "Preferred alternative" due to its incomplete, faulty, and deceiving information and instead opt for the "no build alternative" option listed in the DEIS. On behalf of ANS and our 28,000 members and supporters, ANS respectfully requests that MDOT SHA and FHWA to act responsibly and not move forward with the SDEIS's Managed Lanes Preferred alternative today.</p> <p>Sincerely, Denisse Guitarra MD Conservation Advocate Audubon Naturalist Society</p> <hr/> <p><sup>3</sup> 4 Environmental Resources, Consequences &amp; Mitigation. Page 4-22. I-495 &amp; I-270 MLS SDEIS. Available from: <a href="https://oplanesmd.com/wp-content/uploads/2021/09/SDEIS_04_Environmental.pdf">https://oplanesmd.com/wp-content/uploads/2021/09/SDEIS_04_Environmental.pdf</a></p> <p><sup>4</sup> 4 Environmental Resources, Consequences &amp; Mitigation. Page 4-58. I-495 &amp; I-270 MLS SDEIS. Available from: <a href="https://oplanesmd.com/wp-content/uploads/2021/09/SDEIS_04_Environmental.pdf">https://oplanesmd.com/wp-content/uploads/2021/09/SDEIS_04_Environmental.pdf</a></p> <p><sup>5</sup> 4 Environmental Resources, Consequences &amp; Mitigation. Page 4-77. I-495 &amp; I-270 MLS SDEIS. Available from: <a href="https://oplanesmd.com/wp-content/uploads/2021/09/SDEIS_04_Environmental.pdf">https://oplanesmd.com/wp-content/uploads/2021/09/SDEIS_04_Environmental.pdf</a></p> <p><sup>6</sup> 4 Environmental Resources, Consequences &amp; Mitigation. Page 4-87. I-495 &amp; I-270 MLS SDEIS. Available from: <a href="https://oplanesmd.com/wp-content/uploads/2021/09/SDEIS_04_Environmental.pdf">https://oplanesmd.com/wp-content/uploads/2021/09/SDEIS_04_Environmental.pdf</a></p> <p>Woodend Sanctuary   8940 Jones Mill Road, Chevy Chase, Maryland 20815   301-652-9188</p> <p>Rust Sanctuary   802 Childrens Center Road, Leesburg, Virginia 20175   703-669-0000</p> <p><a href="https://anshome.org">anshome.org</a></p>	<p><b>Response to SDEIS Comment #3</b></p> <p>Refer to Chapter 9, Section 3.4.N for a response to indirect and cumulative effects.</p> <p>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. Refer to FEIS, Chapter 7 for a comprehensive list of mitigation and commitments.</p>
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**BALTIMORE WASHINGTON LABORERS' DISTRICT COUNCIL - VICTORIA LEONARD (ORAL TESTIMONY)**

I-495 and I-270 Managed Lanes Study  
SDEIS Virtual Public Hearing: Oral Testimony

**Name:** Victoria Leonard

**Agency/Organization/Jurisdiction, if applicable:** Baltimore Washington Laborers' District Council

**Virtual Public Hearing Date:** 11/1/2021

**Type/Session:** Testimony

**Transcription:**

Thank you for the opportunity to testify. My name is Victoria Leonard. V-I-C-T-O-R-I-A Leonard, L-E-O-N-A-R-D. I live in Silver, Spring, Maryland. And my address is 9207 Mintwood Street. I'm also the political and legislative director for the Baltimore Washington Laborers' District Council. We are the local affiliate and represent more than 7,500 members across the DC Metro area. Let you know strongly support this project and the Preferred Alternative. The Preferred Alternative will eliminate congestion at the American Legion Bridge, and it will improve conditions on I-270 during rush hour. The Preferred Alternative will increase speeds, improve reliability, and reduce travel times and delays. It'll also create thousands of good paying union jobs with benefits for Maryland residents. And without this project, there is really no practical way to replace the American Legion Bridge which needs a lot of repairs. And on a personal note, my job requires me to drive a lot and I have been stuck in beltway traffic, trying to cross the American Legion Bridge more times than I can count. This project will bring huge improvements to traffic conditions across our region, and it will bring much needed economic growth and opportunities for Maryland residents and businesses. This project will create jobs through design, construction, and maintenance for years to come. And this is exactly the type of infrastructure investment we need. Thank you so much.

**Response to SDEIS 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.

#1

#1

BIKEAAA

## BikeAAA

Please provide the most direct pedestrian/bicycle connection possible between a separated ped/bike lane on the bridge and nearby trails (including the C&O), bike lanes and sidewalks in order to facilitate walking and biking for both transportation and recreation. Street crossings and circuitous routes should be avoided to encourage as much ped/bike use as possible.

### Response to SDEIS Comment #1

Public comments supporting a direct connection of the shared use path from the ALB to the Chesapeake and Ohio Canal towpath were received by MDOT SHA, FHWA and NPS during the SDEIS public comment period. To be responsive, a direct connection to the Chesapeake and Ohio Canal towpath has been incorporated into the preliminary design and is accounted for in the Preferred Alternative LOD and impact analyses. The three shared use path options connecting to MacArthur Boulevard presented in the SDEIS are no longer under consideration in this FEIS. The direct connection to the Chesapeake and Ohio Canal towpath results in fewer NPS property and natural resource impacts. MDOT SHA and the Developer will continue to coordinate with NPS to review the condition of the existing connection between the Chesapeake and Ohio Canal towpath and the MacArthur Boulevard sidepath outside of the Study Area. The alignment of the proposed shared use path connection to the Chesapeake and Ohio Canal towpath is shown in FEIS Appendix E.

CABIN JOHN CITIZENS ASSOCIATION - TINA ECK

**From:** Tina Eck <tinaeck@yahoo.com>  
**Sent:** Friday, November 12, 2021 9:09 AM  
**To:** SHA OPLANESMLS  
**Cc:** governor.mail@maryland.gov; pfranchot@comp.state.md.us; elizabeth.hughes@maryland.gov; rebecccah.ballo@montgomeryplanning.org; susan.lee@senate.state.md.us; MCP-Chair@mncppc-mc.org; marc.elrich@montgomerycountymd.gov; councilmember.glass@montgomerycountymd.gov; councilmember.riemer@montgomerycountymd.gov  
**Subject:** Concerns about the Impact of Widening of I-495

November 15, 2021

Jeffrey T. Folden, P.E., DBIA  
Deputy Director, I-495 & I-270 P3 Office  
Maryland Department of Transportation State Highway Administration  
707 North Calvert Street  
Mail Stop P-601  
Baltimore, MD 21202

**RE: I-495/I-270 Managed Lane Study Supplemental Draft Environmental Impact Statement and Updated Draft Section 4(f) Evaluation**

Dear Mr. Folden:

Our community of some 750 homes is bounded by I-495 to the west and north, Cabin John Park and Parkway to the east, and the C&O Canal National Historical Park to the south. Our major access roads are Clara Barton Parkway, MacArthur Boulevard, and Seven Locks Road. We wish to convey our concerns regarding the impacts identified in the Supplemental Draft Environmental Impact Statement (SDEIS) for the I-495/I-270 Managed Lane Study.

The Cabin John community recognizes that the American Legion Bridge is not only past its lifespan but is also one of the worst choke points in the federal highway system. We are glad to see the state taking on its reconstruction. However, the Preferred Alternative will not address the traffic issues for those unable to afford the exorbitant rush-hour toll rates proposed for the toll lanes, i.e., most daily commuters, including many Cabin John residents.

While not yet at pre-pandemic levels, cut-through traffic is rapidly worsening on Cabin John roads. Prior to 2020, traveling the one-mile stretch of MacArthur Blvd. between Seven Locks Rd. and Wilson Rd. (over the one-lane bridge) routinely took 8-10 minutes during rush hour. Neither the DEIS nor the SDEIS address what local traffic will look like during the years-long construction. As for afterwards, the Preferred Alternative in no way indicates that it will address our overburdened roads, especially MacArthur Blvd, with its own bottleneck at the Union Arch Bridge.

Furthermore, the alternative calls for the MD 190/Cabin John Parkway interchange to be expanded to incorporate toll lane access. That will result in additional traffic on MD 190, as well as the local roads that Cabin John residents have to use to get to their jobs, go to schools, buy groceries, and perform all the other errands of daily living.

Our concerns go beyond traffic. We consider ourselves stewards of the natural environment around us and are concerned by the wide range of environmental impacts of the Preferred Alternative.

The access ramps for the MD 190/Cabin John Parkway interchange, most notably the flyover ramp above Seven Locks Rd, will take away valuable parkland, impinge on the historic Moses Hall and Cemetery site, create additional noise and pollution over a broad area, and, as a result, irreparably harm our community.

In addition to these comments, 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.

Below, we provide the traffic, park, and stormwater issues that we have identified as of greatest concern to our community that are not adequately addressed in the SDEIS. We also draw attention to the detrimental impacts to Morningstar Moses Cemetery, the Gibson Grove Church and the Evergreen neighborhood.

Traffic Impacts

**The long-term traffic impacts to our local community have been inconsistently and inadequately addressed in this process.**

As documented in the *Traffic Technical Report* of the Draft EIS (Appendix C, Figure 5-73), the Project would result in increases in traffic on local roads. 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. A similar figure, detailing these roadway-specific impacts is not included in the SDEIS. There is only a statement that delay would be generally reduced on arterials in Montgomery County (Appendix A, Pg. 6). Since the figure in the SDEIS applied to all two managed lanes approaches, CJCA assumes that those congestion impacts will be experienced as a result

Response to SDEIS Comment #1

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.

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of the Preferred Alternative. As noted in response to the DEIS, those impacts need to be specifically identified in the body of the EIS and mitigated. Failure to do so will result in serious unaddressed impacts for our community.

Our community's concerns about the traffic impacts associated with the Preferred Alternative are buttressed by the recent findings of the Rocky Mountain Institute. Their SHIFT Calculator for highway projects evaluates the induced demand created by highway expansion, with the resulting consequences for carbon emissions and environmental degradation. Based on the 60 lane-miles of additional road capacity generated by the project, their tool indicates that the 495/270 Managed Lanes would generate 339-508 million extra Vehicle Miles Traveled (VMT) in the region every year. This VMT bump would generate the same emissions as 41,500 additional passenger cars and would directly contribute between 1.5 and 3.2 million metric tons of CO<sub>2</sub>e between now and 2050. These consequences fly in the face of necessary policy goals to reduce carbon emissions in the face of the threat faced by climate change.

In addition to the inconsistent and insufficient approach to local traffic impacts, the SDEIS portrays modeling results that do not appear to accurately reflect future travel demand. As case in point, we examined the projected traffic volumes associated with travel onto Clara Barton Parkway southbound from I-495 in the SDEIS *Traffic Technical Report* (Appendix A). Clara Barton Parkway and Cabin John Parkway are two highly constrained roadways serving our community. On Clara Barton Parkway, southbound travelers in the PM peak have two options: they can continue to the Glen Echo exit, where all traffic must exit the Parkway, or they can get off at the Cabin John exit and take MacArthur Blvd over the Union Arch/One Lane Bridge. Both locations are unique, constrained road segments that do not meet modern standards and are unlikely to provide additional capacity without major changes. Those changes, in turn, may not be compatible with their historic and park context of these roads. The Project analysis indicates that volumes onto Clara Barton and Cabin John Parkway would decrease with the introduction of the managed lanes, by 5-10% in aggregate.

This conclusion is incompatible with two facts. First, the overall level of induced demand that the lanes would generate, as indicated by the SHIFT Calculator results below, would indicate growth on key, valuable connections like Cabin John Parkway and Clara Barton Parkway, the most convenient means of accessing large portions of NW Washington. Second, while the managed lanes may make certain connections more convenient, they cannot overcome that alternatives to these roadways are slower, like River Road, or highly congested, like George Washington Memorial Parkway. Beyond a series of volume tables at the end of an appendix, the SDEIS does not adequately describe how traffic reductions would occur on these roadways.

Cabin John therefore reiterates our concern, as evidenced by Figure 5-73 in the DEIS, that traffic volumes will result in continued negative consequences for our commutes and our community. This congestion must be documented and mitigated.

Construction Transportation Impacts

**Our community continues to need more information about construction impacts to understand and evaluate what disruption we may experience. SHA needs to provide greater assurance that they and the P3 developer will work to minimize construction period issues for adjacent communities.**

The Draft EIS indicated that during the construction period, the I-495 bridges over MacArthur Blvd and Seven Locks Rd, and the Persimmon Tree Lane bridge over I-495, would all need to be rebuilt. No information was provided about the construction period disruption associated, nor was information provided about impacts to the local roadways below. Similarly, no such information is provided about the Preferred Alternative in the SDEIS.

Overall, the construction impacts section in this EIS is woefully inadequately for the size and scope of this project, and for the level of public resources dedicated to this process. The EIS does not provide any meaningful detail about a) the duration of construction, b) the means and methods of construction, or c) commitments to minimize impacts. We understand that these details are being left to the P3 Developer and final design. However, the purpose of the NEPA process is to disclose impacts, of which the construction is a meaningful part, where our lives may be disrupted for four to five years. That merits more detailed, quantitative attention to the construction impacts and honest consideration of an appropriate level of mitigation.

So far, SHA's materials have shown no interest in providing that reasonable level of disclosure for the public and, as noted in our 2020 DEIS comments, likely requires further supplemental analysis before proceeding to an FEIS. This inadequate analysis comes despite the fact that the Board of Public Works recently approved an additional \$45 million for the EIS and related design work. We would conclude that some of those resources should go toward a more robust construction analysis and we would note that our DEIS comments raise a few key issues such an analysis should address, including a) coordination of roadway closures and b) minimization of impacts from construction staging.

Park Impacts

**We are concerned by the magnitude of impacts to the parks surrounding our community.**

Nestled between Montgomery County (M-NCPPC) and National Park Service (NPS) parklands, our community is paying close attention to the parkland impacts of this project. There are expected construction-period and permanent impacts to the C&O Canal, the Clara Parton Parkway, and Cabin John Park.

We begin with the NPS properties. NPS, as indicated in public comments made October 7 at the National Capital Planning Commission, is concerned about the 3.8 acres of permanent impact, the need for a construction roadway, impacts to trees, and impacts to rare, threatened, and endangered species at the C&O Canal. The construction roadway would service the replacement of the American Legion Bridge and would extend north of I-495. We are frequent users of the towpath and share NPS's concerns. This roadway would have impacts for the C&O Canal and for the user experience of the towpath during construction. While we acknowledge the need for replacement of the American Legion Bridge, we urge SHA to work closely with NPS to meaningfully reduce the level of impacts associated with construction and resulting disruption to park users.

We turn next to the M-NCPPC parkland. The expansion of I-495 in Cabin John Park would require existing parkland to implement. As SHA and FHWA are aware, the agencies have an obligation under Section 4(f) to work to avoid use of these resources. CJCA believes that SHA's efforts to-date have been insufficient. In fact, impacts to Cabin John Park units have increased from the DEIS, as noted in Table 5-1.

These impacts result from SHA's desire to meaningfully expand the size and scale of the MD 190/Cabin John Parkway interchange. Throughout this process, SHA has failed to consider more creative approaches to this interchange that could avoid historic and parkland resources, in part because it has sought to graft the managed lanes onto the existing circulation approach at this interchange. Cabin John Park

**Response to SDEIS Comment #2**

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.

Refer to Chapter 9, Section 3.4.I for a response to construction impacts.

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

**Response to SDEIS 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.



#3

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is a sensitive resource and a watershed. Our community has spent many hours working to improve it. Identifying "replacement parkland" (Pg. 5-21) likely elsewhere in the County is not an appropriate substitute for giving a harder look at how different approaches at MD 190 could avoid Section 4(f) uses.

We also find SHA's statement in the DEIS that avoidance is limited because of the north-south nature of the parks against the east-west direction of I-495 (DEIS, Pg. 5-12) to reflect insufficient design attention to how the proposed lanes could be better accommodated within existing SHA ROW. Therefore, we believe more work is to be done before FHWA makes its final Section 4(f) determinations.

Stormwater Impacts

The stormwater mitigation approach in the DEIS is inadequate, relying far too heavily on off-site treatment strategies.

In the SDEIS, SHA indicates a mix of stormwater management approaches to address the serious implications of adding so many new lane miles in our sensitive watersheds. These include both on-site mitigation, as well as off-site, compensatory mitigation. Our community's work to help restore the Cabin John Creek leads us to be concerned with the level of off-site mitigation.

There are 98.2 acres of new impervious surface added in the Cabin John Creek watershed. Appendix C, the *Compensatory Stormwater Mitigation Plan*, indicates that only 44% of stormwater mitigation activities would be completed on-site (Pg. 6) in this current phase of work. Future phases only bump that on-site percentage up to 51% (Ibid.). For a once-in-a-generation project that crosses multiple sensitive streams, this approach is wholly inadequately and disproportionate to the level of impact. While 100% on-site treatment may not be achievable, the majority of treatment should be achieved on-site through green practices to reduce the risk of even further erosion of sensitive lands and degradation of our waterways due to additional impervious surface. We align ourselves with the Montgomery County Planning Board's draft DEIS comments, which call for at least 80% on-site treatment.

We appreciate SHA's commitment throughout the SDEIS to use best management practices for stormwater management. Still, the Final EIS must contain more detailed information regarding the Preferred Alternative approach to addressing stormwater in the areas around our community and should include a substantially larger proportion of mitigation occurring on-site. In doing so, we look forward to SHA making further commitments to the best management practices that can enhance and protect our watersheds in green ways. As stewards of our local watersheds, we look forward to the opportunity to coordinate with the P3 Developer on local stormwater improvements that can complement years of efforts to restore and enhance Cabin John Creek.

#5

Morningstar Moses Cemetery, Gibson Grove Church and the Evergreen Neighborhood

All of these properties abut the beltway and are most directly impacted by the Preferred Alternative. They already suffer from existing runoff and erosion issues and neither the DEIS nor the SDEIS adequately details a strategy to mitigate stormwater impacts to these properties.

These properties and the nearby parkland would most directly suffer the visual impacts from the Preferred Alternative, especially the proposed direct access off-ramp from the eastbound managed lanes onto MD 190. A Visual Impact Assessment (VIA) has yet to be conducted. We are very concerned that the SHA is suggesting an "Abbreviated VIA" that would only focus on views from the parkland. Cabin John is a residential community, with the families of the Evergreen neighborhood literally having the Beltway in their backyard. To suggest that the views from Seven Locks Rd. and Cypress Grove Lane should not be considered is to ignore the fact that this expansion is going through our community, where residents are walking, biking and driving these roads daily. A "Standard VIA" needs to be done. But even without a VIA, it is clear that the Final EIS should advance an alternative that does not include an eastbound flyover off-ramp onto MD 190.

The SDEIS indicates that 8.6 acres of property would be acquired in the Cabin John area (Pg. 4-6). Appendix D indicates that seven properties in the Evergreen neighborhood would see at least partial impacts based on where the LOD is currently indicated. We remain concerned with the lack of information regarding the nature of the potential property impacts. Along with this are concerns about tree canopy loss and the need for noise barriers sooner rather than later in the construction process as noise impacts are already severe for these properties and significant for a much larger swath of Cabin John, especially during the winter months when the trees do not provide a natural buffer.

Last, but not least, the Cabin John community is committed to preserving the Morningstar Moses 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 Morningstar Moses 88 and have family buried in its cemetery.

We appreciate the significant work that the State Highway Administration has done to date, especially the ground penetrating radar (GPR) survey of a portion of the cemetery and the Beltway right-of-way. The findings of that work – dozens of likely graves in the current right-of-way and hundreds within the cemetery – were shocking. We are pleased that the SHA is recommending complete avoidance of the cemetery and the right-of-way.

However, we remain deeply concerned that there is no honest way to achieve complete avoidance without finishing the GPR work, both inside the cemetery and along the rest of the right-of-way that touches the Morningstar Moses Cemetery property.

Thank you for your consideration of these comments. Our community will remain involved through the EIS process, the Board of Public Works approvals, and regulatory steps taken by M-NCPPC and the National Capital Planning Commission. We look forward to seeing the steps that SHA takes to address the issues we have raised in our comments to the DEIS as well as the SDEIS.

Christina Eck

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.

**Response to SDEIS Comment #4**

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.

**Response to SDEIS Comment #5**

The Visual Impact Assessment (VIA) was completed on the Preferred Alternative and documented in the FEIS in Chapter 5, Section 5.6 and FEIS, Appendix H and includes renderings in the area of concern around Seven Locks Road and Cabin John Stream Valley Park, Unit 2. The VIA concluded that construction of the Preferred Alternative would not introduce new elements incompatible with the existing visual character or qualities along the study corridors or that experienced by neighbors. Vegetation removal will be mitigated based on state and local agency requirements and standards to maintain the visual quality of the key locations. It is expected that aesthetic and landscaping guidelines will detail materials, lighting, signage, and vegetation standards contextually compatible with the study corridor. Aesthetic and landscaping guidelines will vary along the study corridor to incorporate the aesthetic and context of the neighbor stakeholders and surrounding resources. By inviting neighbor stakeholders in the development of the aesthetic and landscaping guidelines, MDOT SHA would ensure that the Preferred Alternative would be consistent with applicable laws, ordinances, regulations, policies, and standards. As a result, the contextual compatibility impact of the proposed action would be low.

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><i><b>This page is left intentionally blank.</b></i></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>Through the Section 106 review, MDOT SHA has completed extensive historical and archaeological research that thoroughly documents the Morningstar Tabernacle No. 88 Moses Hall Cemetery and its significant features, allowing the Preferred Alternative to avoid all known impacts. MDOT SHA will continue to work with the community through the project's Programmatic Agreement on further studies and context-sensitive design of new facilities.</p>
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## CABIN JOHN CITIZENS ASSOCIATION – SUSAN SHIPP

**From:** SUSAN SHIPP <jsjshipp3@verizon.net>  
**Sent:** Sunday, November 28, 2021 5:36 PM  
**To:** SHA OPLANESMLS  
**Cc:** governor.mail@maryland.gov; pfranchot@comp.state.md.us; treasurer@treasurer.state.md.us; jeanette.mar@dot.gov; elizabeth.hughes@maryland.gov; marc.elrich@montgomerycountymd.gov; councilmember.albormoz@montgomerycountymd.gov; councilmember.friedson@montgomerycountymd.gov; councilmember.glass@montgomerycountymd.gov; councilmember.hucker@montgomerycountymd.gov; councilmember.jawando@montgomerycountymd.gov; councilmember.katz@montgomerycountymd.gov; councilmember.navarro@montgomerycountymd.gov; councilmember.rice@montgomerycountymd.gov; councilmember.riemer@montgomerycountymd.gov; susan.lee@senate.state.md.us; marc.korman@house.state.md.us; sara.love@house.state.md.us; ariana.kelly@house.state.md.us; MCP-Chair@mncppc-mc.org; rebecccah.ballo@montgomeryplanning.org; brian.crane@montgomeryplanning.org  
**Subject:** Cabin John Comment Letter on the SDEIS for the Beltway Expansion P3 Project  
**Attachments:** 2021\_11\_28 CJA Comment Letter to Supplemental DEIS\_Final.pdf; 2020\_10\_15 Cabin John Comments on DEIS\_Final.pdf

Mr. Folden et al,

Attached please find the Nov. 28 comment letter from the Cabin John community on the Supplemental Draft Environmental Impact Statement and the Updated Draft Section 4(f) Evaluation for the I-495 and I-270 Managed Lane Study

I am also attaching a copy of our Oct. 15, 2020 comment letter on the initial Draft Environmental Impact Statement for your convenience.

We look forward to seeing how the final environmental impact statement addresses our very serious concerns.

Thank you,

Susan Shipp  
President, Cabin John Citizens Association

MDOT SHA acknowledges receipt of your DEIS Comment Letter sent on behalf of the Cabin John Citizens Association dated October 15, 2020 that was appended to this SDEIS Comment Letter. Refer to Appendix T for a response to this DEIS Comment Letter.



**CABIN JOHN CITIZENS ASSOCIATION**

P.O. BOX 31, Cabin John MD 20818

*Organized 1919 Charter Member Montgomery County Civic Federation*  
Susan Shipp – President; Bob Walsh – Treasurer; Meredith Griggs – Secretary

November 28, 2021

Jeffrey T. Folden, P.E., DBIA  
Deputy Director, I-495 & I-270 P3 Office  
Maryland Department of Transportation State Highway Administration  
707 North Calvert Street  
Mail Stop P-601  
Baltimore, MD 21202

**RE: I-495/I-270 Managed Lane Study Supplemental Draft Environmental Impact Statement and Updated Draft Section 4(f) Evaluation**

Dear Mr. Folden:

As president of the Cabin John Citizens Association, I am writing on behalf of the residents of Cabin John. Our community of some 750 homes is bounded by I-495 to the west and north, Cabin John Park and Parkway to the east, and the C&O Canal National Historical Park to the south. Our major access roads are Clara Barton Parkway, MacArthur Boulevard, and Seven Locks Road. We wish to convey our concerns regarding the impacts identified in the Supplemental Draft Environmental Impact Statement (SDEIS) for the I-495/I-270 Managed Lane Study.

The Cabin John community recognizes that the American Legion Bridge is not only past its lifespan but is also one of the worst choke points in the federal highway system. We are glad to see the state taking on its reconstruction. However, the Preferred Alternative will not address the traffic issues for those unable to afford the exorbitant rush-hour toll rates proposed for the toll lanes, i.e., most daily commuters, including many Cabin John residents.

Congress has just passed a \$1 trillion dollar infrastructure bill. Surely, there is now federal money for one of the worst choke points in our nation's highway system. By scraping the public-private partnership approach to rebuilding the American Legion Bridge, we could gain an expanded highway that can be used by all, not just those that can afford the toll.

Even more important, with federal funds we would be able to build a new American Legion Bridge that can structurally support a railway should that one day become the most logical way to manage commuter transportation issues between Fredrick, MD and Tysons Corner, VA. Federal and state officials recognized that need when the Woodrow Wilson Bridge was rebuilt in the 1990s and it should be a given with any American Legion Bridge reconstruction. It is not in the public interest for a public-private partnership to preclude building a bridge that can support a railway.

Cabin John roads already strain under the burden of commuter traffic. While not yet at pre-pandemic levels, cut-through traffic is rapidly worsening in our community. Prior to 2020, traveling the one-mile stretch of MacArthur Blvd. between Seven Locks Rd. and Wilson Rd. (over the historic Union Arch one-lane bridge) routinely took 8-10 minutes during rush hour. Neither the DEIS nor the SDEIS address what local traffic will look like during the years-long construction. As for afterwards, the Preferred Alternative in no way indicates that it will address our overburdened roads, especially MacArthur Blvd, with its Union Arch Bridge bottleneck.

**Response to SDEIS Comment #1**

MDOT remains focused on supporting the State's pandemic response and recovery, while delivering projects that support safety, mobility, and state of good repair for the critical infrastructure that composes the State's transportation system. With the new funding Maryland will receive from the Infrastructure Investment and Jobs Act (IIJA), MDOT is presented with new opportunities to advance projects across the entire State. As of January 2022, MDOT is awaiting federal rulemaking and a congressional appropriations authorization to access these new funds, which will provide approximately 20 percent more in federal highway dollars than the state currently has. During this time, MDOT is reviewing each county's priorities and needs, the Statewide infrastructure needs, as well as the current State revenues to better understand what improvements will be able to advance with the additional federal funds.

While this funding is a significant increase overall, it is only a 14% increase in the two traditional categories that a project like I-495 & I-270 Managed Lanes Study would be funded out of. This amount of funding would not be adequate to fund a project of this magnitude over the five years of the IIJA bill.

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.

In consideration of the comments received, MDOT SHA commits to designing and constructing the ALB such that a future capital improvement project will have one or more feasible options to achieve the full design and implementation of a transit line across the ALB. These options will be enabled by designing the northbound and southbound structures to not preclude a possible future transit line including the addition of foundation and substructure elements.

#1

**CABIN JOHN CITIZENS ASSOCIATION**

P.O. BOX 31, Cabin John MD 20818

*Organized 1919 Charter Member Montgomery County Civic Federation*  
Susan Shipp – President; Bob Walsh – Treasurer; Meredith Griggs – Secretary

Furthermore, the alternative calls for the MD 190/Cabin John Parkway interchange to be expanded to incorporate toll lane access. That will result in additional traffic on MD 190, as well as the local roads that Cabin John residents have to use to get to their jobs, go to schools, buy groceries, and perform all the other errands of daily living.

Our concerns go beyond traffic. We consider ourselves stewards of the natural environment around us and are concerned by the wide range of environmental impacts of the Preferred Alternative.

The access ramps for the MD 190/Cabin John Parkway interchange, most notably the flyover ramp above Seven Locks Rd, will take away valuable parkland, impinge on the historic Moses Hall and Cemetery site, create additional noise and pollution over a broad area, and, as a result, irreparably harm our community.

In addition to these comments, 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.

Below, we provide the traffic, park, and stormwater issues that we have identified as of greatest concern to our community that are not adequately addressed in the SDEIS. We also draw attention to the detrimental impacts to Morningstar Moses Cemetery, the Gibson Grove Church and the Evergreen neighborhood.

**Traffic Impacts**

**The long-term traffic impacts to our local community have been inconsistently and inadequately addressed in this process.**

As documented in the *Traffic Technical Report* of the Draft EIS (Appendix C, Figure 5-73), the Project would result in increases in traffic on local roads. 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. A similar figure, detailing these roadway-specific impacts is not included in the SDEIS. There is only a statement that delay would be generally reduced on arterials in Montgomery County (Appendix A, Pg. 6). Since the figure in the SDEIS applied to all two managed lanes approaches, CJCA assumes that those congestion impacts will be experienced as a result of the Preferred Alternative. As noted in response to the DEIS, those impacts need to be specifically identified in the body of the EIS and mitigated. Failure to do so will result in serious unaddressed impacts for our community.

Our community's concerns about the traffic impacts associated with the Preferred Alternative are buttressed by the recent findings of the Rocky Mountain Institute. Their SHIFT Calculator for highway projects evaluates the induced demand created by highway expansion, with the resulting consequences for carbon emissions and environmental degradation.<sup>1</sup> Based on the 60 lane-miles of additional road capacity generated by the project, their tool indicates that the 495/270 Managed Lanes would generate 339-508 million extra Vehicle Miles Traveled (VMT) in the region every year. This VMT bump would generate the same emissions as 41,500 additional passenger cars and would directly contribute between 1.5 and 3.2 million metric tons of CO<sub>2</sub>e between now and 2050. These

<sup>1</sup> See: Rocky Mountain Institute. *SHIFT Calculator*. 2021. <https://shift.rmi.org/>

See response to Comment #1 above.

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consequences fly in the face of necessary policy goals to reduce carbon emissions in the face of the threat faced by climate change.

In addition to the inconsistent and insufficient approach to local traffic impacts, the SDEIS portrays modeling results that do not appear to accurately reflect future travel demand. As case in point, we examined the projected traffic volumes associated with travel onto Clara Barton Parkway southbound from I-495 in the SDEIS *Traffic Technical Report* (Appendix A). Clara Barton Parkway and Cabin John Parkway are two highly constrained roadways serving our community. On Clara Barton Parkway, southbound travelers in the PM peak have two options: they can continue to the Glen Echo exit, where all traffic must exit the Parkway, or they can get off at the Cabin John exit and take MacArthur Blvd over the Union Arch/One Lane Bridge. Both locations are unique, constrained road segments that do not meet modern standards and are unlikely to provide additional capacity without major changes. Those changes, in turn, may not be compatible with their historic and park context of these roads. The Project analysis indicates that volumes onto Clara Barton and Cabin John Parkway would decrease with the introduction of the managed lanes, by 5-10% in aggregate.

This conclusion is incompatible with two facts. First, the overall level of induced demand that the lanes would generate, as indicated by the SHIFT Calculator results below, would indicate growth on key, valuable connections like Cabin John Parkway and Clara Barton Parkway, the most convenient means of accessing large portions of NW Washington. Second, while the managed lanes may make certain connections more convenient, they cannot overcome that alternatives to these roadways are slower, like River Road, or highly congested, like George Washington Memorial Parkway. Beyond a series of volume tables at the end of an appendix, the SDEIS does not adequately describe how traffic reductions would occur on these roadways.

Cabin John therefore reiterates our concern, as evidenced by Figure 5-73 in the DEIS, that traffic volumes will result in continued negative consequences for our commutes and our community. This congestion must be documented and mitigated.

Construction Transportation Impacts

**Our community continues to need more information about construction impacts to understand and evaluate what disruption we may experience. SHA needs to provide greater assurance that they and the P3 developer will work to minimize construction period issues for adjacent communities.**

The Draft EIS indicated that during the construction period, the I-495 bridges over MacArthur Blvd and Seven Locks Rd, and the Persimmon Tree Lane bridge over I-495, would all need to be rebuilt. No information was provided about the construction period disruption associated, nor was information provided about impacts to the local roadways below. Similarly, no such information is provided about the Preferred Alternative in the SDEIS.

Overall, the construction impacts section in this EIS is woefully inadequately for the size and scope of this project, and for the level of public resources dedicated to this process. The EIS does not provide any meaningful detail about a) the duration of construction, b) the means and methods of construction, or c) commitments to minimize impacts. We understand that these details are being left to the P3 Developer and final design. However, the purpose of the NEPA process is to disclose impacts, of which the construction is a meaningful part, where our lives may be disrupted for four to

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See response to Comment #1 above.

**Response to SDEIS Comment #2**

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.

Refer to Chapter 9, Section 3.4.I for a response to construction impacts.

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

**CABIN JOHN CITIZENS ASSOCIATION**

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analysis before proceeding to an FEIS. This inadequate analysis comes despite the fact that the Board of Public Works recently approved an additional \$45 million for the EIS and related design work. We would conclude that some of those resources should go toward a more robust construction analysis and we would note that our DEIS comments raise a few key issues such as an analysis should address, including a) coordination of roadway closures and b) minimization of impacts from construction staging.

**Park Impacts**

**We are concerned by the magnitude of impacts to the parks surrounding our community.**

Nestled between Montgomery County (M-NCPPC) and National Park Service (NPS) parklands, our community is paying close attention to the parkland impacts of this project. There are expected construction-period and permanent impacts to the C&O Canal, the Clara Barton Parkway, and Cabin John Park.

We begin with the NPS properties. NPS, as indicated in public comments made October 7 at the National Capital Planning Commission, is concerned about the 3.8 acres of permanent impact, the need for a construction roadway, impacts to trees, and impacts to rare, threatened, and endangered species at the C&O Canal. The construction roadway would service the replacement of the American Legion Bridge and would extend north of I-495. We are frequent users of the towpath and share NPS's concerns. This roadway would have impacts for the C&O Canal and for the user experience of the towpath during construction. While we acknowledge the need for replacement of the American Legion Bridge, we urge SHA to work closely with NPS to meaningfully reduce the level of impacts associated with construction and resulting disruption to park users.

We turn next to the M-NCPPC parkland. The expansion of I-495 in Cabin John Park would require existing parkland to implement. As SHA and FHWA are aware, the agencies have an obligation under Section 4(f) to work to avoid use of these resources. CJCA believes that SHA's efforts to-date have been insufficient. In fact, impacts to Cabin John Park units have increased from the DEIS, as noted in Table 5-1.

These impacts result from SHA's desire to meaningfully expand the size and scale of the MD 190/Cabin John Parkway interchange. Throughout this process, SHA has failed to consider more creative approaches to this interchange that could avoid historic and parkland resources, in part because it has sought to graft the managed lanes onto the existing circulation approach at this interchange. Cabin John Park is a sensitive resource and a watershed. Our community has spent many hours working to improve it. Identifying "replacement parkland" (Pg. 5-21) likely elsewhere in the County is not an appropriate substitute for giving a harder look at how different approaches at MD 190 could avoid Section 4(f) uses.

We also find SHA's statement in the DEIS that avoidance is limited because of the north-south nature of the parks against the east-west direction of I-495 (DEIS, Pg. 5-12) to reflect insufficient design attention to how the proposed lanes could be better accommodated within existing SHA ROW. Therefore, we believe more work is to be done before FHWA makes its final Section 4(f) determinations.

**Response to SDEIS 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.

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attention to how the proposed lanes could be better accommodated within existing SHA ROW. Therefore, we believe more work is to be done before FHWA makes its final Section 4(f) determinations.

Stormwater Impacts

**The stormwater mitigation approach in the DEIS is inadequate, relying far too heavily on off-site treatment strategies.**

In the SDEIS, SHA indicates a mix of stormwater management approaches to address the serious implications of adding so many new lane miles in our sensitive watersheds. These include both on-site mitigation, as well as off-site, compensatory mitigation. Our community's work to help restore the Cabin John Creek leads us to be concerned with the level of off-site mitigation.

There are 98.2 acres of new impervious surface added in the Cabin John Creek watershed. Appendix C, the *Compensatory Stormwater Mitigation Plan*, indicates that only 44% of stormwater mitigation activities would be completed on-site (Pg. 6) in this current phase of work. Future phases only bump that on-site percentage up to 51% (Ibid.). For a once-in-a-generation project that crosses multiple sensitive streams, this approach is wholly inadequately and disproportionate to the level of impact. While 100% on-site treatment may not be achievable, the majority of treatment should be achieved on-site through green practices to reduce the risk of even further erosion of sensitive lands and degradation of our waterways due to additional impervious surface. We align ourselves with the Montgomery County Planning Board's draft DEIS comments, which call for at least 80% on-site treatment.<sup>2</sup>

We appreciate SHA's commitment throughout the SDEIS to use best management practices for stormwater management. Still, the Final EIS must contain more detailed information regarding the Preferred Alternative approach to addressing stormwater in the areas around our community and should include a substantially larger proportion of mitigation occurring on-site. In doing so, we look forward to SHA making further commitments to the best management practices that can enhance and protect our watersheds in green ways. As stewards of our local watersheds, we look forward to the opportunity to coordinate with the P3 Developer on local stormwater improvements that can complement years of efforts to restore and enhance Cabin John Creek.

Morningstar Moses Cemetery, Gibson Grove Church and the Evergreen Neighborhood

All of these properties abut the Beltway and are most directly impacted by the Preferred Alternative. They already suffer from existing runoff and erosion issues and neither the DEIS nor the SDEIS adequately details a strategy to mitigate stormwater impacts to these properties.

These properties and the nearby parkland would most directly suffer the visual impacts from the Preferred Alternative, especially the proposed direct access off-ramp from the eastbound managed lanes onto MD 190. A Visual Impact Assessment (VIA) has yet to be conducted. We are very concerned that the SHA is suggesting an "Abbreviated VIA" that would only focus on views from the parkland. Cabin John is a residential community, with the families of the Evergreen neighborhood

<sup>2</sup> See: Montgomery County Planning Board. November 4, 2021 draft letter presented before the Board. [https://montgomeryplanningboard.org/wp-content/uploads/2021/10/Item10\\_Nov-2021\\_M-NCPPC-SDEIS-Comment-Letter-ARG.pdf](https://montgomeryplanningboard.org/wp-content/uploads/2021/10/Item10_Nov-2021_M-NCPPC-SDEIS-Comment-Letter-ARG.pdf)

**Response to SDEIS Comment #4**

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.

**Response to SDEIS Comment #5**

The Visual Impact Assessment (VIA) was completed on the Preferred Alternative and documented in the FEIS in Chapter 5, Section 5.6 and FEIS, Appendix H and includes renderings in the area of concern around Seven Locks Road and Cabin John Stream Valley Park, Unit 2. The VIA concluded that construction of the Preferred Alternative would not introduce new elements incompatible with the existing visual character or qualities along the study corridors or that experienced by neighbors. Vegetation removal will be mitigated based on state and local agency requirements and standards to maintain the visual quality of the key locations. It is expected that aesthetic and landscaping guidelines will detail materials, lighting, signage, and vegetation standards contextually compatible with the study corridor. Aesthetic and landscaping guidelines will vary along the study corridor to incorporate the aesthetic and context of the neighbor stakeholders and surrounding resources. By inviting neighbor stakeholders in the development of the aesthetic and landscaping guidelines, MDOT SHA would ensure that the Preferred Alternative would be consistent with applicable laws, ordinances, regulations, policies, and standards. As a result, the contextual compatibility impact of the proposed action would be low.

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.

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.

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literally having the Beltway in their backyard. To suggest that the views from Seven Locks Rd. and Cypress Grove Lane should not be considered is to ignore the fact that this expansion is going through our community, where residents are walking, biking and driving these roads daily. A "Standard VIA" needs to be done. But even without a VIA, it is clear that the Final EIS should advance an alternative that does not include an eastbound flyover off-ramp onto MD 190.

The SDEIS indicates that 8.6 acres of property would be acquired in the Cabin John area (Pg. 4-6). Appendix D indicates that seven properties in the Evergreen neighborhood would see at least partial impacts based on where the LOD is currently indicated. We remain concerned with the lack of information regarding the nature of the potential property impacts. Along with this are concerns about tree canopy loss and the need for noise barriers sooner rather than later in the construction process as noise impacts are already severe for these properties and significant for a much larger swath of Cabin John, especially during the winter months when the trees do not provide a natural noise buffer.

Last, but not least, the Cabin John community is committed to preserving the Morningstar Moses Cemetery - a site that is not only of historical significance as the first known Moses organization and burial ground in Montgomery County, but is also very important to current Cabin John families who are descendants of Morningstar Moses 88 and have family buried in its cemetery.

We appreciate the significant work that the State Highway Administration has done to date, especially the ground penetrating radar (GPR) survey of a portion of the cemetery and the Beltway right-of-way. The findings of that work – dozens of likely graves in the current right-of-way and hundreds within the cemetery – were shocking. We are pleased that the SHA is recommending complete avoidance of the cemetery and the right-of-way.

However, we remain deeply concerned that there is no honest way to achieve complete avoidance without finishing the GPR work, both inside the cemetery and along the rest of the right-of-way that touches the Morningstar Moses Cemetery property.

Thank you for your consideration of these comments. Our community will remain involved through the EIS process, the Board of Public Works approvals, and regulatory steps taken by M-NCPPC and the National Capital Planning Commission. We look forward to seeing the steps that SHA takes to address the issues we have raised in our comments to the DEIS as well as the SDEIS.

Sincerely,

Susan Shipp  
President, Cabin John Citizens Association

cc: Governor Lawrence J. Hogan  
Comptroller Peter V.R. Franchot  
Treasurer Nancy Kopp,  
Senators Ben Cardin and Chris Van Hollen  
Rep. Jamie Raskin  
Jeanette Mar, FHWA Maryland Division  
Montgomery County Executive Marc Elrich  
Montgomery County Councilmembers Andrew Friedson, Gabe Albornoz, Evan Glass, Will Jawando, Sidney Katz, Nancy Navarro, Craig Rice and Hans Riemer  
Maryland Senator Susan Lee and Delegates Ariana Kelly, Marc Korman, and Sara Love  
The Montgomery County Planning Board

Through the Section 106 review, MDOT SHA has completed extensive historical and archaeological research that thoroughly documents the Morningstar Tabernacle No. 88 Moses Hall Cemetery and its significant features, allowing the Preferred Alternative to avoid all known impacts. MDOT SHA will continue to work with the community through the project's Programmatic Agreement on further studies and context-sensitive design of new facilities.

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**CABIN JOHN CITIZENS ASSOCIATION – GWYNN STURDEVANT**

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**From:** gwynn s <nzgwynn@gmail.com>  
**Sent:** Tuesday, November 23, 2021 6:39 AM  
**To:** SHA OPLANESMLS; marc.elrich@montgomerycountymd.gov; MCP-Chair@mncppc-mc.org; rebecccah.ballo@montgomeryplanning.org; SUSAN SHIPP; governor.mail@maryland.gov  
**Subject:** Comments on the Supplemental DEIS for the Beltway Expansion  
**Attachments:** 2021\_11 DRAFT CJCA Comment letter to Supplemental DEIS.docx

Hello,

Attached please find my concerns about the beltway expansion.

s. gwynn sturdevant, PhD

[www.nzgwynn.com](http://www.nzgwynn.com)



**CABIN JOHN CITIZENS ASSOCIATION**

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**DRAFT**

November 15, 2021

Jeffrey T. Folden, P.E., DBIA  
Deputy Director, I-495 & I-270 P3 Office  
Maryland Department of Transportation State Highway Administration  
707 North Calvert Street  
Mail Stop P-601  
Baltimore, MD 21202

**RE: I-495/I-270 Managed Lane Study Supplemental Draft Environmental Impact Statement and Updated Draft Section 4(f) Evaluation**

Dear Mr. Folden:

As president of the Cabin John Citizens Association, I am writing on behalf of the residents of Cabin John. Our community of some 750 homes is bounded by I-495 to the west and north, Cabin John Park and Parkway to the east, and the C&O Canal National Historical Park to the south. Our major access roads are Clara Barton Parkway, MacArthur Boulevard, and Seven Locks Road. We wish to convey our concerns regarding the impacts identified in the Supplemental Draft Environmental Impact Statement (SDEIS) for the I-495/I-270 Managed Lane Study.

The Cabin John community recognizes that the American Legion Bridge is not only past its lifespan but is also one of the worst choke points in the federal highway system. We are glad to see the state taking on its reconstruction. However, the Preferred Alternative will not address the traffic issues for those unable to afford the exorbitant rush-hour toll rates proposed for the toll lanes, i.e., most daily commuters, including many Cabin John residents.

While not yet at pre-pandemic levels, cut-through traffic is rapidly worsening on Cabin John roads. Prior to 2020, traveling the one-mile stretch of MacArthur Blvd. between Seven Locks Rd. and Wilson Rd. (over the one-lane bridge) routinely took 8-10 minutes during rush hour. Neither the DEIS nor the SDEIS address what local traffic will look like during the years-long construction. As for afterwards, the Preferred Alternative in no way indicates that it will address our overburdened roads, especially MacArthur Blvd, with its own bottleneck at the Union Arch Bridge.

Furthermore, the alternative calls for the MD 190/Cabin John Parkway interchange to be expanded to incorporate toll lane access. That will result in additional traffic on MD 190, as well as the local roads that Cabin John residents have to use to get to their jobs, go to schools, buy groceries, and perform all the other errands of daily living.

Our concerns go beyond traffic. We consider ourselves stewards of the natural environment around us and are concerned by the wide range of environmental impacts of the Preferred Alternative.

**Response to SDEIS Comment #1**

As your Association and a number of residents in your community have noted, the Lead Agencies agree that improvements to the American Legion Bridge are critical and are included in the Preferred Alternative.

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.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.

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

#1

## CABIN JOHN CITIZENS ASSOCIATION

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The access ramps for the MD 190/Cabin John Parkway interchange, most notably the flyover ramp above Seven Locks Rd, will take away valuable parkland, impinge on the historic Moses Hall and Cemetery site, create additional noise and pollution over a broad area, and, as a result, irreparably harm our community.

In addition to these comments, 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.

Below, we provide the traffic, park, and stormwater issues that we have identified as of greatest concern to our community that are not adequately addressed in the SDEIS. We also draw attention to the detrimental impacts to Morningstar Moses Cemetery, the Gibson Grove Church and the Evergreen neighborhood.

Traffic Impacts

**The long-term traffic impacts to our local community have been inconsistently and inadequately addressed in this process.**

As documented in the *Traffic Technical Report* of the Draft EIS (Appendix C, Figure 5-73), the Project would result in increases in traffic on local roads. 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. A similar figure, detailing these roadway-specific impacts is not included in the SDEIS. There is only a statement that delay would be generally reduced on arterials in Montgomery County (Appendix A, Pg. 6). Since the figure in the SDEIS applied to all two managed lanes approaches, CJCA assumes that those congestion impacts will be experienced as a result of the Preferred Alternative. As noted in response to the DEIS, those impacts need to be specifically identified in the body of the EIS and mitigated. Failure to do so will result in serious unaddressed impacts for our community.

Our community's concerns about the traffic impacts associated with the Preferred Alternative are buttressed by the recent findings of the Rocky Mountain Institute. Their SHIFT Calculator for highway projects evaluates the induced demand created by highway expansion, with the resulting consequences for carbon emissions and environmental degradation.<sup>1</sup> Based on the 60 lane-miles of additional road capacity generated by the project, their tool indicates that the 495/270 Managed Lanes would generate 339-508 million extra Vehicle Miles Traveled (VMT) in the region every year. This VMT bump would generate the same emissions as 41,500 additional passenger cars and would directly contribute between 1.5 and 3.2 million metric tons of CO<sub>2</sub>e between now and 2050. These consequences fly in the face of necessary policy goals to reduce carbon emissions in the face of the threat faced by climate change.

In addition to the inconsistent and insufficient approach to local traffic impacts, the SDEIS portrays modeling results that do not appear to accurately reflect future travel demand. As case in point, we examined the projected traffic volumes associated with travel onto Clara Barton Parkway southbound from I-495 in the SDEIS *Traffic Technical Report* (Appendix A). Clara

<sup>1</sup> See: Rocky Mountain Institute. *SHIFT Calculator*. 2021. <https://shift.rmi.org/>

See Response to Comment #1 above.

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Barton Parkway and Cabin John Parkway are two highly constrained roadways serving our community. On Clara Barton Parkway, southbound travelers in the PM peak have two options: they can continue to the Glen Echo exit, where all traffic must exit the Parkway, or they can get off at the Cabin John exit and take MacArthur Blvd over the Union Arch/One Lane Bridge. Both locations are unique, constrained road segments that do not meet modern standards and are unlikely to provide additional capacity without major changes. Those changes, in turn, may not be compatible with their historic and park context of these roads. The Project analysis indicates that volumes onto Clara Barton and Cabin John Parkway would decrease with the introduction of the managed lanes, by 5-10% in aggregate.

This conclusion is incompatible with two facts. First, the overall level of induced demand that the lanes would generate, as indicated by the SHIFT Calculator results below, would indicate growth on key, valuable connections like Cabin John Parkway and Clara Barton Parkway, the most convenient means of accessing large portions of NW Washington. Second, while the managed lanes may make certain connections more convenient, they cannot overcome that alternatives to these roadways are slower, like River Road, or highly congested, like George Washington Memorial Parkway. Beyond a series of volume tables at the end of an appendix, the SDEIS does not adequately describe how traffic reductions would occur on these roadways.

Cabin John therefore reiterates our concern, as evidenced by Figure 5-73 in the DEIS, that traffic volumes will result in continued negative consequences for our commutes and our community. This congestion must be documented and mitigated.

Construction Transportation Impacts

**Our community continues to need more information about construction impacts to understand and evaluate what disruption we may experience. SHA needs to provide greater assurance that they and the P3 developer will work to minimize construction period issues for adjacent communities.**

The Draft EIS indicated that during the construction period, the I-495 bridges over MacArthur Blvd and Seven Locks Rd, and the Persimmon Tree Lane bridge over I-495, would all need to be rebuilt. No information was provided about the construction period disruption associated, nor was information provided about impacts to the local roadways below. Similarly, no such information is provided about the Preferred Alternative in the SDEIS.

Overall, the construction impacts section in this EIS is woefully inadequately for the size and scope of this project, and for the level of public resources dedicated to this process. The EIS does not provide any meaningful detail about a) the duration of construction, b) the means and methods of construction, or c) commitments to minimize impacts. We understand that these details are being left to the P3 Developer and final design. However, the purpose of the NEPA process is to disclose impacts, of which the construction is a meaningful part, where our lives may be disrupted for four to five years. That merits more detailed, quantitative attention to the construction impacts and honest consideration of an appropriate level of mitigation.

So far, SHA's materials have shown no interest in providing that reasonable level of disclosure for the public and, as noted in our 2020 DEIS comments, likely requires further supplemental

**Response to SDEIS Comment #2**

The information provided in the DEIS and SDEIS, and this FEIS and their relevant Appendices, include a description of the temporary and permanent property and resource by resource impacts associated with construction of the improvements; a detailed list of anticipated construction access and storage areas. As promised, the Visual Impact Assessment (VIA) was completed on the Preferred Alternative. See below for additional information on the VIA.

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.

Also, to support community, environmental, and sustainability goals, the Developer is requiring the development of a Sustainability Plan for the project to achieve, at minimum, a Gold Award rating as recognized by the Envision™ Sustainable Infrastructure Rating System of the Institute for Sustainable Infrastructure ("ISI") and target a Platinum Award in collaboration with the Section Developer. The Sustainability Plan will include actions related to the quality of life surrounding the infrastructure asset, stakeholder and community engagement, natural resource management, ecosystems and biodiversity health, climate resilience and carbon emissions.

Refer to Chapter 9, Section 3.4.I for a response to construction impacts.

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



**CABIN JOHN CITIZENS ASSOCIATION**

P.O. BOX 31, Cabin John MD 20818

*Organized 1919 Charter Member Montgomery County Civic Federation  
Susan Shipp – President; Bob Walsh – Treasurer; Meredith Griggs – Secretary*

analysis before proceeding to an FEIS. This inadequate analysis comes despite the fact that the Board of Public Works recently approved an additional \$45 million for the EIS and related design work. We would conclude that some of those resources should go toward a more robust construction analysis and we would note that our DEIS comments raise a few key issues such as an analysis should address, including a) coordination of roadway closures and b) minimization of impacts from construction staging.

**Park Impacts**

**We are concerned by the magnitude of impacts to the parks surrounding our community.**

Nestled between Montgomery County (M-NCPPC) and National Park Service (NPS) parklands, our community is paying close attention to the parkland impacts of this project. There are expected construction-period and permanent impacts to the C&O Canal, the Clara Barton Parkway, and Cabin John Park.

We begin with the NPS properties. NPS, as indicated in public comments made October 7 at the National Capital Planning Commission, is concerned about the 3.8 acres of permanent impact, the need for a construction roadway, impacts to trees, and impacts to rare, threatened, and endangered species at the C&O Canal. The construction roadway would service the replacement of the American Legion Bridge and would extend north of I-495. We are frequent users of the towpath and share NPS's concerns. This roadway would have impacts for the C&O Canal and for the user experience of the towpath during construction. While we acknowledge the need for replacement of the American Legion Bridge, we urge SHA to work closely with NPS to meaningfully reduce the level of impacts associated with construction and resulting disruption to park users.

We turn next to the M-NCPPC parkland. The expansion of I-495 in Cabin John Park would require existing parkland to implement. As SHA and FHWA are aware, the agencies have an obligation under Section 4(f) to work to avoid use of these resources. CJCA believes that SHA's efforts to-date have been insufficient. In fact, impacts to Cabin John Park units have increased from the DEIS, as noted in Table 5-1.

These impacts result from SHA's desire to meaningfully expand the size and scale of the MD 190/Cabin John Parkway interchange. Throughout this process, SHA has failed to consider more creative approaches to this interchange that could avoid historic and parkland resources, in part because it has sought to graft the managed lanes onto the existing circulation approach at this interchange. Cabin John Park is a sensitive resource and a watershed. Our community has spent many hours working to improve it. Identifying "replacement parkland" (Pg. 5-21) likely elsewhere in the County is not an appropriate substitute for giving a harder look at how different approaches at MD 190 could avoid Section 4(f) uses.

We also find SHA's statement in the DEIS that avoidance is limited because of the north-south nature of the parks against the east-west direction of I-495 (DEIS, Pg. 5-12) to reflect insufficient design attention to how the proposed lanes could be better accommodated within existing SHA ROW. Therefore, we believe more work is to be done before FHWA makes its final Section 4(f) determinations.

**Response to SDEIS Comment #3**

In addition to the significant work to avoid all direct impacts 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.

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Stormwater Impacts

**The stormwater mitigation approach in the DEIS is inadequate, relying far too heavily on off-site treatment strategies.**

In the SDEIS, SHA indicates a mix of stormwater management approaches to address the serious implications of adding so many new lane miles in our sensitive watersheds. These include both on-site mitigation, as well as off-site, compensatory mitigation. Our community's work to help restore the Cabin John Creek leads us to be concerned with the level of off-site mitigation.

There are 98.2 acres of new impervious surface added in the Cabin John Creek watershed. Appendix C, the *Compensatory Stormwater Mitigation Plan*, indicates that only 44% of stormwater mitigation activities would be completed on-site (Pg. 6) in this current phase of work. Future phases only bump that on-site percentage up to 51% (Ibid.). For a once-in-a-generation project that crosses multiple sensitive streams, this approach is wholly inadequately and disproportionate to the level of impact. While 100% on-site treatment may not be achievable, the majority of treatment should be achieved on-site through green practices to reduce the risk of even further erosion of sensitive lands and degradation of our waterways due to additional impervious surface. We align ourselves with the Montgomery County Planning Board's draft DEIS comments, which call for at least 80% on-site treatment.<sup>2</sup>

We appreciate SHA's commitment throughout the SDEIS to use best management practices for stormwater management. Still, the Final EIS must contain more detailed information regarding the Preferred Alternative approach to addressing stormwater in the areas around our community and should include a substantially larger proportion of mitigation occurring on-site. In doing so, we look forward to SHA making further commitments to the best management practices that can enhance and protect our watersheds in green ways. As stewards of our local watersheds, we look forward to the opportunity to coordinate with the P3 Developer on local stormwater improvements that can complement years of efforts to restore and enhance Cabin John Creek.

Morningstar Moses Cemetery, Gibson Grove Church and the Evergreen Neighborhood

All of these properties abut the beltway and are most directly impacted by the Preferred Alternative. They already suffer from existing runoff and erosion issues and neither the DEIS nor the SDEIS adequately details a strategy to mitigate stormwater impacts to these properties.

These properties and the nearby parkland would most directly suffer the visual impacts from the Preferred Alternative, especially the proposed direct access off-ramp from the eastbound managed lanes onto MD 190. A Visual Impact Assessment (VIA) has yet to be conducted. We are very concerned that the SHA is suggesting an "Abbreviated VIA" that would only focus on views from the parkland. Cabin John is a residential community, with the families of the

<sup>2</sup> See: Montgomery County Planning Board. November 4, 2021 draft letter presented before the Board. [https://montgomeryplanningboard.org/wp-content/uploads/2021/10/Item10\\_Nov-2021\\_M-NCPPC-SDEIS-Comment-Letter-ARG.pdf](https://montgomeryplanningboard.org/wp-content/uploads/2021/10/Item10_Nov-2021_M-NCPPC-SDEIS-Comment-Letter-ARG.pdf)

**Response to SDEIS Comment #4**

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 FEIS Chapter 9, Section 3.4.E for additional information on impact analysis and mitigation of water resources, including wetlands, waterways, and stormwater management.

**Response to SDEIS Comment #5**

The Visual Impact Assessment (VIA) was completed on the Preferred Alternative and documented in the FEIS in Chapter 5, Section 5.6 and FEIS, Appendix H and includes renderings in the area of concern around Seven Locks Road and Cabin John Stream Valley Park, Unit 2. The VIA concluded that construction of the Preferred Alternative would not introduce new elements incompatible with the existing visual character or qualities along the study corridors or that experienced by neighbors. Vegetation removal will be mitigated based on state and local agency requirements and standards to maintain the visual quality of the key locations. It is expected that aesthetic and landscaping guidelines will detail materials, lighting, signage, and vegetation standards contextually compatible with the study corridor. Aesthetic and landscaping guidelines will vary along the study corridor to incorporate the aesthetic and context of the neighbor stakeholders and surrounding resources. By inviting neighbor stakeholders in the development of the aesthetic and landscaping guidelines, MDOT SHA would ensure that the Preferred Alternative would be consistent with applicable laws, ordinances, regulations, policies, and standards. As a result, the contextual compatibility impact of the proposed action would be low.

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.

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.



## CABIN JOHN CITIZENS ASSOCIATION

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Evergreen neighborhood literally having the Beltway in their backyard. To suggest that the views from Seven Locks Rd. and Cypress Grove Lane should not be considered is to ignore the fact that this expansion is going through our community, where residents are walking, biking and driving these roads daily. A "Standard VIA" needs to be done. But even without a VIA, it is clear that the Final EIS should advance an alternative that does not include an eastbound flyover off-ramp onto MD 190.

The SDEIS indicates that 8.6 acres of property would be acquired in the Cabin John area (Pg. 4-6). Appendix D indicates that seven properties in the Evergreen neighborhood would see at least partial impacts based on where the LOD is currently indicated. We remain concerned with the lack of information regarding the nature of the potential property impacts. Along with this are concerns about tree canopy loss and the need for noise barriers sooner rather than later in the construction process as noise impacts are already severe for these properties and significant for a much larger swath of Cabin John, especially during the winter months when the trees do not provide a natural buffer.

Last, but not least, the Cabin John community is committed to preserving the Morningstar Moses 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 Morningstar Moses 88 and have family buried in its cemetery.

We appreciate the significant work that the State Highway Administration has done to date, especially the ground penetrating radar (GPR) survey of a portion of the cemetery and the Beltway right-of-way. The findings of that work – dozens of likely graves in the current right-of-way and hundreds within the cemetery – were shocking. We are pleased that the SHA is recommending complete avoidance of the cemetery and the right-of-way.

However, we remain deeply concerned that there is no honest way to achieve complete avoidance without finishing the GPR work, both inside the cemetery and along the rest of the right-of-way that touches the Morningstar Moses Cemetery property.

Thank you for your consideration of these comments. Our community will remain involved through the EIS process, the Board of Public Works approvals, and regulatory steps taken by M-NCPPC and the National Capital Planning Commission. We look forward to seeing the steps that SHA takes to address the issues we have raised in our comments to the DEIS as well as the SDEIS.

Sincerely,

Susan Shipp

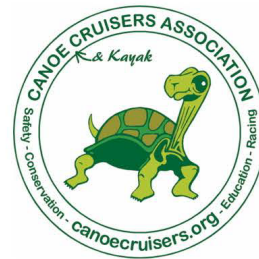
President, Cabin John Citizens Association

Through the Section 106 review, MDOT SHA has completed extensive historical and archaeological research that thoroughly documents the Morningstar Tabernacle No. 88 Moses Hall Cemetery and its significant features, allowing the Preferred Alternative to avoid all known impacts. MDOT SHA will continue to work with the community through the project's Programmatic Agreement on further studies and context-sensitive design of new facilities. Refer to Chapter 9, Section 3.4.C for a response to analyses of parklands and historic resources.

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**CANOE CRUISERS ASSOCIATION – DAVID COTTINGHAM**



November 29, 2021

Jeffrey T. Folden, P.E., DBIA  
Director, I-495 & I-270 P3 Office Maryland Department of Transportation State Highway  
Administration  
707 North Calvert Street  
Mail Stop P-601, Baltimore, MD 21202

Regarding: Comments on Beltway expansion SDEIS

Dear Mr. Folden,

On behalf of the Canoe Cruisers Association (CCA), I want to comment on the Supplemental Draft Environmental Impact Statement (SDEIS) on I-495 and I-270 Managed Lanes Study. CCA focuses its comments only on the proposal to rebuild the American Legion Bridge (ALB) and the impacts construction and maintenance of the new, wider bridge will have on the Potomac River. The construction and maintenance of the new bridge pose significant adverse impacts to people who, like me and many CCA members, regularly recreate on the Potomac River in canoes, kayaks, Stand-up-Paddle boards (SUPs), and other vessels.

CCA is the Washington DC area's oldest and largest whitewater canoeing and kayaking organization. CCA was founded in 1956. CCA has more than 300 active members who regularly paddle many rivers and streams in the Mid-Atlantic area. The DC area has many more paddlers who are not members of CCA. For instance, almost 3,000 people are on the Potomac Paddlers Facebook group.

The ALB lies between good Potomac River paddling access points at Angler's Inn, (upstream approximately 4 miles), Carderock (upstream approximately 1 mile) and Lock 10 (downstream approximately 1 mile) on the C&O Canal National Historic Park. CCA's annual downriver race passes under the ALB. CCA members have demonstrated that the section of the Potomac under the larger bridge is a navigable waterway. Others who have documented that this section of the Potomac is navigable date back to Native Americans in the area and George Washington when he was planning to build a canal upriver from Georgetown.

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General Comments

While the SDEIS goes into extensive detail about the natural and human resources associated with the proposal in terms of the Affected Environment and Environmental Consequences, it barely mentions the Potomac River itself.

CCA is a paddling group. Our members use this stretch of the river frequently, especially in the spring, summer, and fall. In 2021, CCA organized 16 trips with more than 115 paddlers who went under the ALB. In addition to leisurely paddle trips, the CCA's Downriver Race goes beneath the ALB. In 2021, about 100 racers and safety volunteers paddled the Potomac from just below Great Falls under the ALB to Sycamore Island. Our members regularly see fishermen, hikers, birders, and others when we are paddling this stretch of the Potomac.

The SDEIS explanatory materials describe the project as a “full replacement of the American Legion Bridge with a new, wider bridge (not widening of the existing bridge).” We could find few details about what construction of a new, wider bridge would entail relative to the Potomac River. To accommodate future transit across the new bridge, the ALB will “allow for future superstructure modifications and additional foundation and future superstructure capacity...” What does this portend for the Potomac River? Will new superstructure supports be required? Will rocks and concrete be placed in the Potomac channel to allow access by construction equipment? Construction of a new wider bridge across the Potomac will inevitably adversely affect our recreational experiences with increased noise, restriction of the channel with barges, riprap, and heavy equipment, and intermittent potential closing of this section of the Potomac. We have recent first-hand experience with a similar interstate highway expansion at the I-95 bridge over the Rappahannock River near Fredericksburg, Virginia.

The Potomac River is nationally recognized as an important historic, scenic, and recreational waterway. The National Park Service (NPS) has designated the Potomac as a National resource – The Potomac Heritage National Scenic Trail and as part of the Captain John Smith Chesapeake Historic Trail. Both of these National Trails include the section over which the new bridge will span. NPS has identified the section of the Potomac as a “High Potential Route Segment” for the Captain John Smith Chesapeake NHT. The SDEIS does not assess impacts to the historic character of these NPS managed trails. We recommend that MD DOT expand its consultation with the MD state historic preservation office and NPS to include consideration of the adverse impact of the project to the Potomac River itself. CCA would like to be a consulting party to such reviews.

Maryland has designated the Potomac in Montgomery County this as a “scenic waterway” under the State’s Scenic and Wild Rivers System. The State policy is to “preserve and protect the natural values of these rivers” including a requirement for State and local governments to “take whatever action is necessary to protect and enhance the qualities of a designated river.” (emphasis added)

CCA strongly believes that recreation on the State-designated Scenic river is a factor that should be protected and enhanced by other State agencies. As such, CCA urges the Maryland Department of Transportation (MD DOT) to work closely with the Potomac River Scenic River Advisory Board and the paddling public, as represented by CCA and its members, to assure that construction and maintenance of the new ALB will not adversely affect recreational users. MD DOT should also work closely with the local paddling community to mitigate potential adverse impacts of the new, wider bridge.

**Response to SDEIS Comment #1**

While the American Legion Bridge is proposed to be replaced, the width of the proposed replacement structure has been minimized to the extent practicable and one pier in the Potomac River has been eliminated to minimize disturbance associated with the structure. The pier arrangement on either side of the main channel will remain approximately the same as the current pier arrangement, while the in-water pier nearest the Maryland shoreline will be shifted out of the river. During construction, the project will use trestles instead of causeways to support construction in the Potomac River and ensure flow velocities will be maintained below 3 feet per second at commonly observed discharges.

During construction, it is anticipated that causeways, trestles and barges will be utilized to access the ALB corridor for demolition and construction. It is not anticipated that rocks will be placed across the Potomac due to it’s depth and that off the banks, the contractor will utilize steel trestles supported on temporary pilings that will be removed at the completion of construction as well as barges to obtain access. During the heavy construction operations, it is anticipated that water users will have temporary disembarkment and reentry requirements to detour around the construction. These are anticipated to be intermittent during construction. Permanent riprap for scour protection is anticipated to be placed around the pier footings but not across the entire channel between piers.

Refer to Chapter 9, Section 3.4.I for a response to construction impacts.

**Response to SDEIS Comment #2**

Public comments supporting a direct connection of the shared use path from the ALB to the Chesapeake and Ohio Canal towpath were received by MDOT SHA, FHWA and NPS during the SDEIS public comment period. To be responsive, a direct connection to the Chesapeake and Ohio Canal towpath has been incorporated into the preliminary design and is accounted for in the Preferred Alternative LOD and impact analyses. The three shared use path options connecting to MacArthur Boulevard presented in the SDEIS are no longer under consideration in this FEIS. The direct connection to the Chesapeake and Ohio Canal towpath results in fewer NPS property and natural resource impacts. MDOT SHA and the Developer will continue to coordinate with NPS to review the condition of the existing connection between the Chesapeake and Ohio Canal towpath and the MacArthur Boulevard sidepath outside of the Study Area. The alignment of the proposed shared use path connection to the Chesapeake and Ohio Canal towpath is shown in FEIS Appendix E.

The Potomac River is a natural feature and not a district, site, structure, building, or object and not considered a historic property under Section 106 of NHPA. While the river was not evaluated under Section 106, it was considered as a drainage basin, watershed and for surface water quality in FEIS, Section 5.13. With regards to Section 106 Consultation, MDOT SHA has reached out directly to the CCA and request the organization to provide more specifics of their interest in historic properties.

**Response to SDEIS Comment #3**

The FEIS acknowledges in Section 5.13: The Preferred Alternative will affect the Potomac River in Montgomery County and its tributaries, which is designated as Scenic under the Maryland Scenic and Wild Rivers Program (MDNR, 2018a). Any aesthetic impacts to scenic streams would be mostly temporary, during construction activities. However, replacement of the American Legion Bridge could have a longer-term aesthetic effect on the Scenic designated rivers and will be designed to protect the scenic value of the resource. As noted in Section 5.13.2 of this document, MDNR will assist the MDOT SHA with coordination for Maryland Scenic Rivers.



<p>#4</p> <p>#5</p> <p>#6</p> <p>#7</p>	<p><u>Specific Comments</u></p> <p>Chapter 4 of the SDEIS presents extensive technical detail on potential impacts of the Preferred Alternative. For instance, Table 4-1 provides square footage and acreage of impact to waterways and wetlands during construction (temporary) and permanently. These data are for the entire I-495 and I-270 project area. CCA cannot find information only for the impacts of a new bridge separate from other waterways and wetlands. Accordingly, CCA does not have detailed data on the areal extent of actual recreational impact. The impact zone will be larger than the immediate area of construction as noise and visual impacts will extend beyond that area during and after construction.</p> <p>Most important to CCA members is having a designated channel through the construction zone at all times and in different flow conditions. We understand that such a passage channel could change based on construction activity throughout the duration of the project and that passage could be prevented for short periods when potentially dangerous construction activities are occurring.</p> <p>Table 4-5 should be amended to add the Potomac River itself as a Public Park. While not technically a “park”, the Potomac River is a significant public historic and recreational resource. It is not apparent in the SDEIS that MD DOT has consulted with Maryland DNR Scenic and Wild Rivers Advisory Council or the NPS Potomac Heritage National Scenic Trail or NPS Captain John Smith Chesapeake National Historic Trail regarding impacts to the Potomac River itself as a historic, scenic, and recreational resource. The list of National Parks in the SDEIS omits the two trails managed and/or coordinated by NPS. Section 4.4.4 indicates that “Mitigation for impacts to publicly-owned park properties is being coordinated with the Officials with Jurisdiction of the impacted park properties” (page 4-18). Yet it does not appear to include relevant managers or planners of the Potomac itself, namely the Trails managed by the NPS. MD DOT cannot let the historic, scenic, and recreational resources of the Potomac suffer because the river itself is not part of a “park”. This would be a serious oversight. Public materials indicate that MD DOT has held 8 meetings with consulting parties in compliance with Section 106. Have adverse effects to the historic nature Potomac trails not come up in any of those meetings?</p> <p>Section 4.6.2 discusses Visual Impact Analysis. It lists several units managed by the NPS and Maryland National Capitol Park and Planning Commission. Yet, it omits discussion of the Potomac River. This is another example of how MD DOT and preparers of the SDEIS have let the Nationally and State recognized historic and recreational aspects of the Potomac River fall through the cracks. CCA considers this an unfortunate oversight due to the frequent use of the Potomac in this area for recreation. MD DOT should assure CCA members and the paddling public that it will avoid, minimize, and mitigate for adverse impacts caused by the project.</p> <p>Section 4.13 of the DEIS (June 2020) discusses the project relative to Watershed and Surface Water Quality. It states that</p> <p>“Regulatory agencies and the NPS expressed interest in the impacts to 15 streams/rivers: Rock Creek, Paint Branch, Thomas Branch, a tributary to Southwest Branch, Northwest Branch, the Potomac River, Rock Run, Booze Creek, Cabin John Creek, Sligo Creek, Little Paint Branch, Indian Creek, Henson Creek, Muddy Branch, and Watts Branch.” Page 4-91.</p>	<p><b>Response to SDEIS Comment #4</b> Refer to the response to Comment #1 above.</p> <p><b>Response to SDEIS Comment #5</b> While the Potomac River has a recreational use, it is not a park as defined under Section 4(f) of the US Department of Transportation (USDOT) Act of 1966 as amended (49 USC. 303(c)). Construction of the new ALB should not prohibit the navigability of the main channel of the Potomac River and construction will be limited to the shorelines.</p> <p>MDOT SHA has coordinated extensively with the park administrators of the NPS parks impacted by the Preferred Alternative. Public comments supporting a direct connection of the shared use path from the ALB to the Chesapeake and Ohio Canal towpath were received by MDOT SHA, FHWA and NPS during the SDEIS public comment period. To be responsive, a direct connection to the Chesapeake and Ohio Canal towpath has been incorporated into the preliminary design and is accounted for in the Preferred Alternative LOD and impact analyses. The three shared use path options connecting to MacArthur Boulevard presented in the SDEIS are no longer under consideration in this FEIS. The direct connection to the Chesapeake and Ohio Canal towpath results in fewer NPS property and natural resource impacts. MDOT SHA and the Developer will continue to coordinate with NPS to review the condition of the existing connection between the Chesapeake and Ohio Canal towpath and the MacArthur Boulevard sidepath outside of the Study Area. The alignment of the proposed shared use path connection to the Chesapeake and Ohio Canal towpath is shown in FEIS Appendix E.</p> <p><b>Response to SDEIS Comment #6</b> Visual impacts from the River are accounted for in the VIA. Refer to response to #3 above.</p> <p><b>Response to SDEIS Comment #7</b> As described in the FEIS, the Preferred Alternative in Virginia and Maryland falls within the Potomac River drainage basin. More specifically, the Preferred Alternative crosses the Middle Potomac-Catoctin (USGS HUC8 02070008) and Middle Potomac-Anacostia-Occaquan (USGS HUC8 02070010) watersheds. The USGS HUC8 watersheds are divided into smaller subwatersheds determined by USGS, Maryland, and Virginia. Within Virginia, the USGS HUC12 Nichols Run – Potomac River subwatershed includes two streams that cross the Preferred Alternative, Scotts Run and Dead Run. Within Maryland, MDNR 12-digit watersheds are third order stream drainage watersheds determined by USGS contours in a joint state and Federal effort. MDNR 12-digit watersheds with streams that cross the Preferred Alternative include Potomac River/Rock Run, (021402020845), Cabin John Creek (021402070841), Watts Branch (021402020846), and Muddy Branch (021402020848). Note that while the Preferred Alternative LOD crosses the Rock Creek watershed (021402060836), the stream of Rock Creek is not within the Preferred Alternative LOD and is not impacted by the build improvements included in the Preferred Alternative. Refer to <b>FEIS, Chapter 5. Section 5.13</b> and <b>FEIS, Appendix M</b> for additional details.</p>
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“Impacts to all Scenic Rivers have been avoided and minimized to the maximum extent practicable during preliminary design. Coordination with MDNR and the Scenic and Wild River Advisory Board will continue throughout future project design phases. Typically, protection of tributaries to state-designated Scenic Rivers is achieved through minimization and mitigation measures that are already being applied to waterways within the corridor study boundary.”  
Page 4-92.

What about the Potomac River?

Summary

CCA members actively use the Potomac River under the ALB for paddling. The NPS and State of Maryland have recognized this section of the Potomac River as significant for its historical significance, scenery, and recreational opportunities. MD DOT has not accessed the adverse impacts of replacing the ALB to the Potomac itself nor to CCA members and the greater DC area paddling community. Furthermore, MD DOT has not described how it can and must avoid, minimize, and mitigate those adverse impacts.

On behalf of CCA members and others in the local paddling community, we ask that during construction the construction company selected by MD DOT be required to:

- Provide reasonable channels for passage during normal water levels;
- Not use any materials that could become “strainers” such as mesh or fencing, that could entrap paddlers;
- Provide safe landing and portage routes around the construction zone; and
- Remove all introduced materials post construction, e.g., introduced aggregate, riprap, or concrete.

We encourage MD DOT to work with us to identify ways to avoid adverse impacts to the maximum extent practicable during construction by allowing paddlers to cross the construction zone with minimal interference. Should MD DOT agree, we would also welcome an opportunity to discuss ways mitigate adverse effects of the construction and maintenance of the new span by improving access to the river for the public, including paddlers, fishermen, and others.

I can be reached by email ([chairman@CCA.org](mailto:chairman@CCA.org)).

Sincerely,  
/SIGNED/

David Cottingham  
Chair, Canoe Cruisers Association

CC via email:

- Ms. Tina Cappetta, Superintendent, C&O Canal National Historic Park
- Ms. Anne O’Neill, Acting Superintendent, Potomac Heritage National Historic Trail
- Mr. Stephen Williams, Acting Superintendent, Captain John Smith Chesapeake National Historic Trail
- Mr. Peter May, Associate Area Director, National Park Service, National Capital Area Office

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**Response to SDEIS Comment #8**

Refer to the response to Comment #1 above.

**CARDEROCK SPRINGS CITIZENS ASSOCIATION – JACK ORRICK (ORAL TESTIMONY)**

I-495 and I-270 Managed Lanes Study  
SDEIS Virtual Public Hearing: Oral Testimony

**Name:** John Orrick

**Agency/Organization/Jurisdiction, if applicable:** Carderock Springs Community Association

**Virtual Public Hearing Date:** 11/1/2021

**Type/Session:** Testimony

**Transcription:**

Yes, my name is John Orrick, O-R-R-I-C-K. My address is 8212 Fenway Road, Bethesda, Maryland. I'm representing the Carderock Springs Citizens Association, which is the Association representing Carderock Springs and Carderock Springs South. As a community adjacent to the beltway, we are deeply concerned by the lack of visual impact analysis in the Supplemental Draft EIS. We believe that SHA has failed in both the Draft EIS, and now the Supplemental DEIS, to meaningfully analyze and disclose the visual impacts in the alternatives in any meaningful way, by failure, by failing to perform a Visual Impact Assessment or VIA. As a result, we believe that the document remains legally deficient, and SHA should not proceed to a Final EIS until the visual impacts have been adequately disclosed through an appropriately scoped VIA.

As it stands currently the scoping questionnaire in Appendix J is inaccurate on several key points resulting in a determination that an abbreviated VIA needs to be prepared in lieu of a standard VIA. We have commented in on several occasions as to the visual impacts from the design of the Maryland 190 interchange and the larger project in particular, the flyover ramps leading from the beltway to Clara Barton Parkway on our neighborhood. We believe that these visual impacts will have a detrimental impact on our neighborhood, and therefore, believe that a standard VIA needs to be prepared, which renders the actual dimensions of these flyover ramps rather than an, an abbreviated VIA, as they, as stated in the in the Draft EIS.

We have other concerns about the flyover ramps which we've expressed, and they extend beyond the visual impacts. First, in the environmental resource mapping, Appendix D, there was no indication that noise barriers will be provided on the flyover ramps, and we believe this could be a significant additional noise impact on our community. Secondly, the ramp alignment would have impacts on private property and forest conservation easements, and we believe that these impacts should be avoided through deeper design refinement. Finally, we believe that the flyover ramp in general is out of character with a residential neighborhood in a forested setting. And we believe that the SHA should give serious consideration to mitigating these impacts through a redesign of the access to the managed lanes, either through at-grade access or through using other types of, of access, which would not resolve in these flyover ramps. We planned to deliver a more complete written statement in response to the Supplemental DEIS, but I wanted to emphasize our concern of the flyover ramp. Thank you very much.

**Response to SDEIS Comment #1**

The Visual Impact Assessment (VIA) was completed on the Preferred Alternative and documented in the FEIS in Chapter 5, Section 5.6 and FEIS, Appendix H and includes renderings in the area of concern around Seven Locks Road and Cabin John Stream Valley Park, Unit 2. The VIA concluded that construction of the Preferred Alternative would not introduce new elements incompatible with the existing visual character or qualities along the study corridors or that experienced by neighbors. Vegetation removal will be mitigated based on state and local agency requirements and standards to maintain the visual quality of the key locations. It is expected that aesthetic and landscaping guidelines will detail materials, lighting, signage, and vegetation standards contextually compatible with the study corridor. Aesthetic and landscaping guidelines will vary along the study corridor to incorporate the aesthetic and context of the neighbor stakeholders and surrounding resources. By inviting neighbor stakeholders in the development of the aesthetic and landscaping guidelines, MDOT SHA would ensure that the Preferred Alternative would be consistent with applicable laws, ordinances, regulations, policies, and standards. As a result, the contextual compatibility impact of the proposed action would be low.

As noted in the response to Comment #2 below the Preferred Alternative does not include an elevated structure to implement the HOT managed lanes at Seven Locks Road.

**Response to SDEIS 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.

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**

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**From:** Orrick, Jack <Jack.Orrick@offitkurman.com>  
**Sent:** Friday, November 12, 2021 12:21 PM  
**To:** SHA OPLANESMLS  
**Cc:** governor.mail@maryland.gov; pfranchot@comp.state.md.us; Treasurer@treasurer.state.md.us; marc.elrich@montgomerycountymd.gov; councilmember.friedson@montgomerycountymd.gov; councilmember.albornoz@montgomerycountymd.gov; councilmember.glass@montgomerycountymd.gov; councilmember.jawando@montgomerycountymd.gov; Friedson's Office, Councilmember; councilmember.riemer@montgomerycountymd.gov; Councilmember.Hucker@montgomerycountymd.gov; susan.lee@senate.state.md.us; marc.korman@house.state.md.us; ariana.kelly@house.state.md.us; sara.love@house.state.md.us  
**Subject:** Comments of Carderock Springs Citizens Association to Supplemental Draft Environmental Impact Statement  
**Attachments:** CSCA Comment Letter-SDEIS 11 15 2021 revised 4858-8267-6739 v.1.pdf

Dear Mr. Folden:

Attached please find comments of Carderock Springs Citizens Association (CSCA), a neighborhood association representing the Carderock Springs Historic District and Carderock Springs South, on the Supplemental Draft Environmental Impact Statement issued by the State Highway Administration on October 1, 2021.

Thank you for your consideration of our concerns.

Jack Orrick  
CSCA Board President



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November 12, 2021

Jeffrey T. Folden, P.E., DBIA  
Deputy Director, I-495 & I-270 P3 Office  
Maryland Department of Transportation State Highway Administration  
707 North Calvert Street  
Mail Stop P-601  
Baltimore, MD 21202

**RE: I-495/I-270 Managed Lane Study Supplemental Draft Environmental Impact Statement**

Dear Mr. Folden:

I am President of the Carderock Springs Citizens Association (CSCA), 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”.

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 Supplemental Draft Environmental Impact Statement (SDEIS) released by the SHA on October 1, 2021.

We believe that the SDEIS is legally deficient in a number of important areas, including the lack of a sufficient visual impact analysis based on the scoping questionnaire (Appendix J) and an inconsistent and misleading analysis of the noise impacts on the Carderock Springs community (Appendix E) as more particularly detailed below. Further, we disagree with the conclusion in the SDEIS that the project would have no adverse impact on Carderock Springs.

Visual Impact Assessment and Scope of this Supplemental Draft EIS

As communities directly adjacent to I-495, we are deeply concerned by the lack of visual impact analysis in the SDEIS. The SDES Executive Summary states that a Visual Impacts Assessment will be conducted in the Final EIS (ES-5) and only a scoping questionnaire for assessing visual impacts is included in the SDEIS (Appendix J). This approach is inadequate and inconsistent with NEPA regulations. 40 CFR 1502.9 requires that Draft Environmental Impact Statements (DEIS) provide a consistent level of analysis as the Final and be sufficiently detailed to permit “meaningful analysis” of impacts. SHA has failed, in both the DEIS and now the SDEIS, to disclose and analyze the visual impacts of the alternatives in any meaningful way by failing to perform a Visual Impact Assessment (VIA). As a result, the document is legally deficient, and

**Response to SDEIS Comment #1**

The Visual Impact Assessment (VIA) was completed on the Preferred Alternative and documented views of the proposed improvements in the FEIS in Chapter 5, Section 5.6 and FEIS, Appendix H. The total VIA scoping questionnaire score for the Study is 20 so based on this score a Standard VIA was prepared, which what is typically be used for EA or EIS projects that are anticipated as having substantial adverse or beneficial visual impacts. In the Standard VIA document, report the findings of the establishment, inventory, analysis, and mitigation phases of the VIA process.

The VIA specifically includes renderings in the area of concern around Seven Locks Road and Cabin John Stream Valley Park, Unit 2. The VIA concluded that construction of the Preferred Alternative would not introduce new elements incompatible with the existing visual character or qualities along the study corridors or that experienced by neighbors. Vegetation removal will be experienced and will be mitigated based on state and local agency requirements and standards to maintain the visual quality of the key locations. It is expected that aesthetic and landscaping guidelines will detail materials, lighting, signage, and vegetation standards contextually compatible with the study corridor. Aesthetic and landscaping guidelines will vary along the study corridor to incorporate the aesthetic and context of the neighbor stakeholders and surrounding resources. By inviting neighbor stakeholders in the development of the aesthetic and landscaping guidelines, MDOT SHA would ensure that the Preferred Alternative would be consistent with applicable laws, ordinances, regulations, policies, and standards. As a result, the contextual compatibility impact of the proposed action would be low.

As noted in the response to Comment #2 below the Preferred Alternative does not include an flyovers or elevated structures to implement the HOT managed lanes at Seven Locks Road or at MD 190.

#1

#1  
Cont.



SHA should not proceed to a Final EIS until visual impacts have been adequately disclosed through an appropriately scoped VIA.

As it stands currently, the scoping questionnaire (Appendix J) is inaccurate on several key points, resulting in a determination to insufficiently assess the potential impacts when a VIA is finally conducted. On Environmental Compatibility Question 3, SHA indicates that “Public comments received to date, including those received during the public comment period for the DEIS, did not express local concern for visual impacts” (Pg. 2). CSCA notes that we have raised concerns about visual impacts, including the removal of trees and vegetation along the right-of- way and from the design of the MD 190/Cabin John Parkway fly-over ramps and the larger project in our October 5, 2020 comments on the Draft EIS, our April 12, 2021 comments on the draft Programmatic Agreement and our October 8, 2021 comments on the Section 106 materials. Additionally, the Preferred Alternative substantially modifies the infrastructure element most likely to have visual impacts on our community, the flyover ramps from the managed lanes for the MD 190/Cabin John Parkway interchange, increasing our level of concern about visual impacts. With this statement, we believe that the answer to Environmental Compatibility Question 3 should be upgraded to “High Concern.” Since SHA made similar representations in response to Viewer Sensitivity Question 1, there the potential for the project to be controversial within the community should also be updated to “High Potential.” We assure you that Project elements are causing controversy in our community and that visual impacts are at the heart of our community’s concerns.

With these appropriate modifications to the scoping questionnaire, the scoring on the questionnaire would increase to at least 21 instead of the score of 19 indicated in Appendix J to the SDEIS. As a result, a Standard VIA, versus an Abbreviated VIA, would be required and should be pursued and shared with our community prior to the release of the Final EIS.

When conducting the Standard VIA, SHA needs to amend its envisioned scope for the focus of the analysis. The SDEIS states, “This VIA focuses on the views from recreational/parks neighbors at five key park locations based on agency and public comments received to date” (Pg. 4-26). Later, the SDEIS states that there will be “renderings at the key park locations” with no mention of other developed renderings (Pg. 4-27). The proposed flyover ramps for the MD 190/Cabin John Parkway interchange have the potential to create meaningful changes to the visual context of the highway adjacent to our community. These ramps should be rendered with the opportunity for CSCA to review and provide comment before the Final EIS. Only with this information can we adequately assess and understand the potential visual impacts to our community. Given that SHA has concurred with performing such renderings for park stakeholders who made the request, it would be consistent and appropriate for SHA to do the same for our interests, particularly given the historic nature of our community.

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See response to Comment #1 above.





#### MD 190/Cabin John Parkway Interchange Design

The Preferred Alternative identified in the SDEIS includes a flyover ramp from the eastbound managed lanes to the southern edge of the highway right-of-way to provide access to the MD 190 interchange and a flyover ramp leading from the MD 190 interchange to the westbound managed lanes on the northern edge of the right-of-way. As indicated by our comments above regarding the lack of an appropriate VIA, we have a number of concerns regarding these flyover ramps. Those that extend beyond visual impacts are described below.

First, the Environmental Resource Mapping (Appendix D) does not clearly indicate whether noise barriers would be provided on the ramps. There is an apparent gap in the noise barriers that are proposed (Maps 7 & 8). As shown, Carderock Springs and Carderock Spring South residents would be exposed to traffic noise from these ramps with no adequate protection. Any ramp should include appropriate noise barriers to address this concern, consistent with the broader approach to noise barriers in this section of I-495.

Second, the ramp alignments would have impacts on private property and forest conservation easements. We believe that these impacts should be avoided through deeper design refinement to the potential location of the ramps. A more gradual curve from the managed lanes to the at-grade portion of the ramps would both improve safe operations of the ramps and move the ramps away from private property, forest areas, and our community more broadly.

Third, we maintain that these flyover ramps are out of character with a residential neighborhood in a forested setting. As a result, SHA should give removal of these ramps in favor of other alternatives a “hard look” that it is required to do under NEPA jurisprudence and that it has failed to do so far. The SDEIS says that a direct access interchange approach was chosen at MD 190 because of “high traffic demand” (Pg. 2-7). We recommend that SHA consider the following alterations or modifications to the direct access approach in this location to more meaningfully avoid impacts to our community:

- Provide at-grade access from the managed lanes between the Clara Barton Parkway and MD 190 to the general-purpose lanes, allowing as much as one-mile for users to merge over to the exit lane and on to the managed lanes. Such an approach is consistent with at-grade interchanges present on the Virginia side of I-495.
- Shift the direct access ramp east of Seven Locks Road using the widened median area, while avoiding impacts to the Gibson Grove or Moses Hall sites.
- Provide direct access to the MD 190 overpass itself. If combined with direct access in the westbound direction, this approach could reduce the technical complexity of the proposed managed lane on-ramp from MD 190. As proposed (Map 9) by SHA, the on-ramp would require large aerial structures over the general purpose and managed lanes. A different approach may simplify the structures required, delivering cost and risk savings to SHA and a less disrupted environment to our community.

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#### Response to SDEIS 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.

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.



These alternative approaches should be more deeply explored to identify opportunities for impact avoidance in the Final EIS.

In any eventuality, we would request that SHA make the P3 Developer available to coordinate with our community regarding the design and aesthetics of this exit so that potential impacts to our community can be mitigated through a collaborative design process.

#### Noise Analysis in SDEIS

There appear to be a number of discrepancies and inconsistencies in the analysis of the noise impacts on Carderock Springs that collectively appear to (a) understate the current and proposed noise levels and (b) overstate the cost of installing effective noise barriers for our community. We therefore believe that the height of the proposed noise barriers should be increased to a height recommended for similarly situated communities along the Beltway between River Road and the I-270 spur (e.g., 29 – 32 feet).

##### 1. Combination of Disparate Noise Sensitive Areas to measure noise reduction impacts.

As indicated on Appendix E to the SDEIS (Noise Analysis Technical Report Addendum), Noise sensitive area, NSA 1-03, which includes the Carderock Springs Elementary School and the homes located on Stone Trail Drive and a portion of Hamilton Spring Road, for which there are currently no existing noise barriers, was bundled together with NSA 2-01 to the east, a large portion of which has existing noise barriers.<sup>1</sup> The SDEIS indicates that both NSAs will share a common proposed barrier design, 495 MD-3. This practice appears to have been used widely across the noise study on other areas as well, obviously to cut some costs; however, per Executive Summary's Section ES.2 *Land Uses and Methodology*, the areas within NSAs for single barrier design should be similar in nature and "share a common noise environment".

The issue with bundling NSA 1-03 and NSA 2-01 into a single barrier design is that these two NSAs, unlike other bundled NSAs in the study, have quite different noise environments as evidenced by the noise levels registered at the critical measured receptors. NSA 1-03 has a total of five measured critical sensitive receptors that registered above 75dB(A) (two receptors above 80dB(A)), whereas NSA 2-01 to the east has no critical measured receptors above 75dB(A). Therefore, it appears the resulting proposed barrier design, 495 MD-03, provides a single, averaged out barrier design solution for the two NSAs with dissimilar noise environments (i.e.: same barrier height, same wall area per benefited residence for both NSAs). This results in the barrier underperforming for NSA 1-03 where the higher noise mitigation is really needed. We strongly believe that noise sensitive areas, NSA 1-03 and NSA 1-02, should be separated for the for the purpose of analyzing and modeling the two NSAs individually to produce two separate

<sup>1</sup> (Both NSAs are in the Carderock Spring neighborhood although NSA 2-01 also incorporates the Thornley Court neighborhood that had been assessed by the State to pay for the erection of the existing noise barriers).

### Response to SDEIS Comment #3

#### 1. Combination of NSAs for barrier analysis

It is common practice to analyze barrier systems to benefit multiple NSAs. Barrier systems often protect a variety of land uses with different noise environments. Although the barrier system is evaluated for feasibility and reasonableness criteria as a whole, the top of barrier elevation and heights of each panel are optimized to benefit the noise levels at each specific receptor location, following the MDOT SHA barrier design goals (outlined in the MDOT SHA Highway Noise Abatement Planning and Engineering Guidelines). Because of the varied topography of the Carderock Springs Community, the preliminary location of the noise barrier in some areas is at the top of the slope to reduce the highway noise levels efficiently and effectively. In these cases, taking advantage of the higher existing ground allows the noise barrier to achieve a top of barrier elevation to effectively reduce the noise levels and meet design goals with less panel height than a noise barrier alignment at lower ground elevation.

Table 4-7 of the Noise Analysis Technical Report (FEIS Appendix L) shows the predicted noise barrier reduction for each receptor analyzed (receptor locations are shown on pages 3 and 4 of the noise mapping). As shown in Table 4-7, the three first row receptors in NSA 1-3 have high predicted sound levels ranging from 75 to 81 dB(A), but have predicted noise reductions ranging from 11 to 18 dB(A), which exceeds the MDOT SHA goal of 7 to 10 dB(A). As comparison, the five first row receptors in NSA 2-01 have lower predicted sound levels ranging from 66 to 70 dB(A), but the predicted reductions are also lower, ranging from 6 to 10 dB(A).

Because this project is in the NEPA phase, detailed engineering plans, including soil borings and field surveyed topography, are not yet available. 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).





proposed barriers designs: e.g., 495 MD-3A and 495 MD-3B, each with its corresponding wall length and height.

The SDEIS states on Page 41 of Appendix E (Paragraph D Barrier System 495 MD-3 (NSAs 1-03 and 2-01)), that the proposed barrier design 495 MD-3 will have a variable height from 24 to 32 feet; however, we have determined through back calculation (given the barrier length, average height and total barrier wall area) that the 32 foot barrier stretch would be only 211 feet long, and there is no indication in the SDEIS as to where this 32 foot high wall portion will be located along the barrier. It seems evident that 211 linear feet of 32-foot-high wall barrier would be insufficient to produce an adequate/effective increase in noise mitigation for the targeted small area since this length would barely cover the property frontage of at most two residences. We believe that the SDEIS needs to be amended to increase the height of proposed barrier design 495 MD-3 along the entire segment, and if there are to be variable heights within the segment, to clarify where the higher section of barrier is located along the 495 MD-3, what is the length of it, and what is intended to be shielded with the higher wall section.

#### 2. *Inconsistent application of cost-effectiveness analysis among NSAs.*

We compared the measurement of cost used in the SDEIS for other communities located along the Beltway between River Road and the I-270 spur to those used for Carderock Springs and noticed striking discrepancies in the methodologies which resulted in the overstatement of cost-effectiveness for the portion of the noise barriers for Carderock in relation to that of these communities.

For example, in the case for proposed barrier design 495 MD-7 for NSA 1-38 (Fox Hill Senior Living Condominiums - 5-Story buildings), the impacted residences density factor had great influence on wall design/height. Even though none of the modeled critical noise receptors in this NSA registered higher than the 75dB(A) absolute noise level criterium (therefore the barrier design was subject to a lower cost-effectiveness threshold of 1700 SF per benefited residence), the MD-7 barrier design resulted in a 32-foot-high wall with a low cost-effectiveness parameter of 1132 SF-p-r. The fact that NSA 1-38 was analyzed and modeled individually (no bundling with either NSA 1-05 to the south or NSA 4-01 to the north) contributed greatly to the 495 MD-7 resulting proposed barrier design for this 5-story senior living condominium community. In fact, the proposed barrier design has ample spare room on the cost-effectiveness criterium for a 40-foot-high wall barrier design without reaching the threshold of 1,700 SF per residence.

The proposed barrier design 495 MD-6 for NSA 2-02, which includes the widely spread and large single-family residences in the Arrowood neighborhood and a portion of the Burning Tree Country Club at the back of the NSA, a condition similar to Carderock Springs, was analyzed and modeled individually (i.e., no bundling with dissimilar noise environment NSAs or schools as was done for NSA 1-03 and NSA 2-01). A significant number of first line critical measured receptors in this NSA registered above 75dB(A) and a few above 80dB(A). The great majority of impacted residences are evenly laid out in close proximity to the first line critical measured

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### Response to SDEIS Comment #3, continued

#### 2. Cost Effectiveness Determination

The cost effectiveness criteria were applied uniformly and consistently throughout the project area. Barrier dimensions are dependent on the topography of the area as well as the density and location of noise sensitive receptors. A multi-family dwelling, such as a condominium complex, has a high density of discrete noise sensitive residences in a small geographic area. A community of single family homes may have the same number of residences, but they are spread out over a larger area and may have varied topography. Residences in the same community may have very different noise environments, depending on the location. For this reason, the approach to designing noise abatement may vary within a project area; however, the feasibility and reasonableness criteria used to evaluate the noise abatement is consistent. NSA 1-38 was added to the study area for the SDEIS. In response to comments received on the SDEIS, MDOT SHA re-evaluated Burning Tree Country Club and is proposing a barrier system (identified in the FEIS as Barrier 495 MD-6/6A/7) that protects NSAs 1-38, 4-01 and 2-02.

The square foot per residence (sfpr) value is used only in determining whether the barrier meets the cost effectiveness criterion and is reasonable to construct; it is influenced by the density of residences as much as by the size of the barrier. The noise barrier design will be further refined during the final design process as the barrier panel heights are optimized, resulting in potential changes to the sfpr value. 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.





receptors where the noise is; therefore, the areas within the NSA close to the right of way are quite homogeneous, similar in nature and “share a common noise environment,” which contributed positively to the 495 MD-6 proposed barrier design, thus resulting in a variable wall height of 32 to 36 feet and a considerable wall length of over 4,400 feet.

For proposed barrier 495 MD-6 the SDEIS analysis appears to have allowed the barrier cost effectiveness parameter (i.e., 2,474 square feet per residence) to increase closer to the cut off threshold (2,700 square feet per residence), than was the case with Carderock Spring’s proposed barrier design 495 MD-3, whose cost effectiveness parameter remained at the lower end of the acceptable range (i.e., 2,026 square feet per residence). Using a comparable cost effectiveness parameter for Carderock Springs’ proposed barrier wall design, 495 MD-3, would have permitted a wall height of 30 feet, which would result in the cost effectiveness parameter increasing to 2,488 square feet per residence, which is comparable to the proposed 495 MD-6 barrier design’s cost effectiveness parameter of 2,474 square feet per residence.

### 3. Error in assigning only one residence equivalent to Carderock Springs Elementary School

Per Table 4-8 on Page 42 of Appendix E to the SDEIS, the analysis clearly shows how the entire Carderock Springs Elementary School (CSES) area was modeled as less than one equivalent residence (i.e., 0.99 ER, see line M1-3-1 on Table 4-8). Reviewing the NSA 1-03 map, there was only one critical measured receptor placed within school property (M1), which registered 78dB(A). The issue is that when the length of the property frontage of CSES (approximately 850 linear feet) is treated as benefitting a single residence, the overall cost effectiveness for proposed barrier 495 MD-3 is reduced greatly and the resulting cost effective measure grossly understates the benefit of providing noise abatement to the over 350 students and 50 teachers, administrative staff and support staff who attend that facility on a daily basis, not to mention the many other community residents who use the ball fields on the school property. Accordingly, counting the school as a single residence in NSA 1-03 greatly understates the overall cost effectiveness of noise barrier 495 MD-3 and correspondingly results in a lower overall height for the noise barrier that can be constructed across the entire NSA.

We believe that there is no question that CSES deserves an appropriate barrier design to shield the students and staff against emissions pollution and noise. Since the school has a critical measured location receptor that registered above 75dB(A) and given the sensitiveness of the issue here where elementary school kids are exposed to noise and pollutants and would benefit greatly from the shielding, the school should have been modeled separately and as a special case NSA with higher noise reduction design goals than the minimum 7dB(A) as allowed by the MDOT SHA Highway Noise Policy. Given that the model assigns less than one equivalent residence (0.99ER) to the entire school area, the school alone would flunk the cost-effectiveness threshold criterion of 2,700 square feet of barrier per benefited residence since the resulting school sound barrier would be approximately 850 linear ft or 20,400 square feet of wall at 24 feet of height; this is 7.5 times more wall area than allowed by the cost feasibility criterion.

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## Response to SDEIS Comment #3, continued

### 3. Equivalent Residence Determination

The Equivalent Residence (ER) value of 0.99 for Carderock Springs Elementary School was determined in accordance with the MDOT SHA Highway Noise Abatement Planning and Engineering Guidelines – Appendix D Equivalent Residences for Outdoor Noise Sensitive Uses. Per Appendix D, the ER was determined by multiplying the Linear Frontage ER by the relevant use-time percentage (UTP). The Linear Frontage ER is based upon the linear frontage of the use area along the subject roadway, approximately 500 feet for Carderock Springs Elementary School, using the metric of one equivalent residence for every 125 linear feet of frontage resulting in a Linear Frontage ER of four. The UTP equation calculates the use-time percentage based on the number of months-per-year, days-per-week, and/or hours-per-day the use operates. The outdoor fields were estimated to be used 5 days out of the 7 days in a week, for 10 hours out of the 24 hours in a day, and for 10 months out of the 12 months in the year, which yields a use-time percentage of 0.248. The Linear Frontage ER of four multiplied by the UTP of 0.248 equals 0.99 ER.

The 0.99 ER for Carderock Springs Elementary School was only used for evaluating the cost effectiveness reasonableness criterion, which was met for Barrier System 495 MD-3. As shown in Table 4-8, Barrier System 495 MD-3 is predicted to provide a 2045 Barrier noise reduction of 15 dB(A) at receptor M1-3-1, which represents outdoor noise sensitive uses at Carderock Springs Elementary School. This predicted noise reduction of 15 dB(A) exceeds the design goal of 7-10 dB(A). As noted in the comment, an individual noise barrier to benefit Carderock Springs Elementary School is not likely to meet the feasibility and reasonableness criteria. However, as shown in the Noise Analysis Technical Report Addendum (SDEIS Appendix E), Barrier System 495 MD-3 meets all of the feasibility and reasonableness criteria and is predicted to provide noise reduction exceeding the design goals at Carderock Springs Elementary School.



Impacts on Limits of Disturbance

It is noted in the SDEIS that “the Preferred Alternative would result in permanent and temporary impacts of less than 0.1 acre of the Carderock Springs Historic District”. (page 4-35). Carderock Springs Elementary School, a community facility, would have a temporary impact of 0.1 acres and a permanent impact of 0.2 acres (Table 4.4 on p. 4-9). These represent an increase from the “no impact” reported in the DEIS. Furthermore, it is stated that the LOD adjoining Carderock Springs Historic District will impact approximately 3.2 square feet of the rear yard at 7610 Hamilton Spring Road, a contributing resource within the district. Based on our review of Map 7 in Appendix D of the SDEIS, which contains the Environmental Resource Mapping, it appears that this impact occurs at 7608 Hamilton Spring Road, not at the adjacent property at 7610 Hamilton Spring Road. This should be verified and amended as appropriate and as needed in the Final EIS. This LOD impact is in part due to the shifting of the centerline of I-495 noted above in combination with the construction of the new noise barrier walls and the 10-foot offset of the LOD behind the proposed walls. While we consider the noise barrier walls to be an important part of this project if the Preferred Alternative moves forward, we still consider this physical effect to have adverse effect on the Carderock Springs Historic District and specifically on the property at 7608 Hamilton Spring Road.

Given the foregoing, and the comments that we had previously delivered on the DEIS and Section 106 materials regarding the loss of tree canopy and increased exposure to air pollution for the residents of the community and the children and staff of the Carderock Springs Elementary School, we therefore disagree with the findings in the SDEIS that there will be no adverse impact on the Carderock Springs Historic District.

We hope that you will consider these comments as you work through the SDEIS and prepare for the issuance of the Final DEIS. We expect to continue to be actively involved in the NEPA process and, if the project advances, the design and construction of the improvements.

Sincerely,

*Jack Orrick*

Jack Orrick  
CSCA President

CC: Governor Lawrence J. Hogan  
Comptroller Peter V.R. Franchot  
Treasurer Nancy Kopp  
County Executive Marc Elrich  
Councilmembers Andrew Friedson, Tom Hucker, Gabe Albornoz, Evan Glass, Will Jawando, and Hans Riemer  
Senator Susan Lee and Delegates Ariana Kelly, Marc Korman, and Sara Love

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**Response to SDEIS Comment #4**

The Preferred Alternative would result in 0.2 acres of impacts at Carderock Springs Elementary School. The impacted property is adjacent to I-495 and Persimmon Tree Road and would not affect any facilities at the school. The impacts are needed for construction of the roadway improvements on I-495, reconstruction of the bridge over Persimmon Tree Road and construction of the noise barrier.

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.

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. The Preferred Alternative would result in impacts of less than 0.1 acre of the historic district, including permanent and temporary impacts. MDOT SHA has identified impacts, measuring 3.2 square feet, to the rear yard of 7610 Hamilton Spring Road, not 7608 Hamilton Spring Road. Additionally, 7608 Hamilton Spring Road does not contribute to the Carderock Springs Historic District because it is outside the period of significance. MDOT SHA completed a separate determination of NRHP eligibility for 7608 Hamilton Spring Road (Greenfield House, M:29-59-1) and found 7608 Hamilton Spring Road not eligible for the NRHP.

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. The Maryland Historical Trust (the Maryland SHPO) concurred with the no adverse effect determination in October 2021.



<div>CITIZENS AGAINST BELTWAY EXPANSION (CABE)—SHOSHANNA ALLAIRE</div> <div>Shoshanna Allaire</div> <div>Selected Findings and Deficiencies in the Supplemental Draft Environmental Impact Statement (SDEIS) for the I-495/I-270 Toll Lanes</div> <div><div>#1</div><div>Toll Lanes Would Not Improve Daily Commutes The Maryland Department of Transportation (MDOT) uses projections for the year 2045 as a benchmark to demonstrate the impact of toll lanes on travel times. Appendix A of the SDEIS shows travel times in 2045 if the lanes are built compared to not building the lanes. If the toll lanes are built, MDOT projects that only 2 minutes and 36 seconds will be saved during the morning rush hour by drivers who travel in the general (non-tolled) lanes on I-270 from where it intersects with I-370, down to the American Legion Bridge. However, when drivers return home during the evening rush hour, their travel time will increase by 10 minutes and 6 seconds on the same stretch of road heading from the American Legion Bridge to I-370. So, after enduring 5 years of construction delays, drivers who use the general lanes will be rewarded with a 7 minute and 30 second increase in their daily commute, round trip. Building the toll lanes will cause substantial harm to our communities while failing to help the majority of drivers who would use the general lanes.</div><div><div>#2</div><div>Taxpayer Subsidies Last year's Draft Environmental Impact Statement (DEIS) provided the range of public subsidies that would be needed to fund the various alternative for private toll lanes. The SDEIS does not include an estimate of the subsidies that may be necessary under the alternative MDOT selected (the Preferred Alternative). The extent to which the State will be subsidizing this project is of immense concern to Maryland taxpayers, who could be on the financial hook for 50 years. The estimate of subsidies should have been included in the SDEIS and its omission suggests that MDOT is not willing to share it with the public.</div><div><div>#3</div><div>Utility Relocations The SDEIS fails to describe the utility relocations that will be required to make way for the toll lanes. Nor does it address who will bear the cost of moving water, sewer, cable, gas, electric and other utility lines.</div><div><div>#4</div><div>Pollution and Global Warming Inadequate Stormwater Treatment: The addition of lanes will drastically increase stormwater runoff, increasing water pollution and flash flood risk for local communities. MDOT plans to treat only 45% of the stormwater runoff onsite. These highways already contribute substantially to the degradation of water quality in nearby waterways. By failing to treat most of the stormwater onsite, the toll lanes would further degrade local streams, creeks and the Potomac River.</div><div><div>#5</div><div>Air Pollution and Global Warming Analyses Not Included: The SDEIS does not include an analysis of greenhouse emissions and the impact they would have on global warming. There is also no analysis of other pollutants such as particulate matter or ozone. All of these analyses are deferred until later. Omitting these analyses from the SDEIS denies the public the opportunity to understand the risks while there is still time to influence the project.</div><div><div>#6</div><div>Harm to Parks and Other Greenspaces The toll lanes would impact 15 parks, including three national parks. Over 1,200 trees would be removed from national parks alone. The other parks impacted include five owned by the Maryland-National Capital Park and Planning Commission, five parks owned by the City of</div></div></div></div></div></div></div>	<div>Response to SDEIS Comment #1 Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.</div> <div>Response to SDEIS Comment #2 Refer to Chapter 9, Section 3.5 for a response to the P3 Program or Board of Public Works and Project Costs.</div> <div>Response to SDEIS Comment #3 Refer to Chapter 9, Section 3.4.M for a response to impacts to utilities and associated cost of repairs.</div> <div>Response to SDEIS 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.</div> <div>Response to SDEIS Comment #5 Refer to Chapter 9, Section 3.4.F for a response to adverse impacts to air quality.</div> <div>Response to SDEIS Comment #6 Refer to Chapter 9, Section 3.4.C for a response to analyses of parklands and historic resources.</div>
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#6 Cont.	<p>Rockville and two parks owned by the City of Gaithersburg. A total of 36.1 acres of parkland would be negatively impacted. There would be a total loss of 500 acres of forest canopy from parkland and other greenspaces, including from strips of greenspace that provide a buffer between the highways and neighborhoods next to the highways. These communities will be harmed by increased noise, air and water pollution and the increased risk of flooding.</p>	<p><b>Response to SDEIS Comment #7</b> Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.</p>
#7	<p><b>Environmental Justice</b> Environmental Justice Analysis Not Included. Similar to the DEIS, the SDEIS fails to provide an Environmental Justice analysis comparing whether the negative impacts of the project would be borne disproportionately by low-income communities or communities of color. For example, there is no discussion of whether Environmental Justice communities would be more likely to experience an increase in polluted air and its harmful impacts on health. Instead, the SDEIS defers this analysis to the Final Environmental Impact Statement. This cheats the public out of the opportunity to know and react to the Environmental Justice impacts while there is still time to influence the project.</p>	<p><b>Response to SDEIS Comment #8</b> 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 <b>FEIS, Appendix J</b>).</p>
#8	<p><b>Impact on Morningstar Tabernacle No. 88 Moses Hall and Cemetery and Gibson Grove A.M.E. Zion Church:</b> The boundaries of permanent or temporary construction activity along the highways will not be finalized until after the environmental review process is completed. If the boundaries or limits of disturbance are expanded at this location, it puts the Cemetery at great risk of graves being disturbed by the project. While MDOT has shifted the proposed highway to avoid impact on the Cemetery, the shift also increases the impact on the Gibson Grove A.M.E. Zion Church.</p>	<p><b>Response to SDEIS Comment #9</b> 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>
#9	<p><b>Failure to Study Alternatives to Toll Lanes</b> The SDEIS fails to consider alternatives to private toll lanes to address traffic congestion. Rail transit was not studied nor were operational improvements and policies to encourage more telework. According to a 2017 report by the regional Transportation Planning Board (TPB), traffic demand management strategies, including a substantial increase in telework, would be the most effective mechanism to reduce traffic delays. Based on their research during the COVID pandemic, the Maryland Transportation Institute testified at a General Assembly hearing in August 2020 that "just a 5% reduction in travel demand could lead to 32%-58% reduction in traffic congestion on major freeways." The federal government has already announced that it will implement permanent policies to increase telework by the federal workforce. The State could build on this with policies to encourage private employers to implement more telework in the I-495/I-270 corridor. However, the SDEIS does not assess whether the change in federal telework policy, along with changes in state policy, could reduce congestion on the two highways.</p> <p>Prepared by Citizens Against Beltway Expansion, November 2021</p>	<p>Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.</p>

**CITIZENS AGAINST BELTWAY EXPANSION (CABE) – BARBARA COUFAL (ORAL TESTIMONY)**

I-495 and I-270 Managed Lanes Study  
SDEIS Virtual Public Hearing: Oral Testimony

**Name:** Barbara Coufal

**Agency/Organization/Jurisdiction, if applicable:** Citizens Against Beltway Expansion

**Virtual Public Hearing Date:** 11/1/2021

**Type/Session:** Testimony

**Transcription:**

Hello, my name is Barbara Coufal. That's B-A-R-B-A-R C-A-C-O-U-F-A-L. My address is 10112 Parkwood Drive, Bethesda 20814. I'm speaking on behalf of Citizens Against Beltway Expansion. First, let me state that the 45 days to review thousands of pages is wholly insufficient to meet the federal goal of informing and engaging the public. The comment period must be extended to 120 days.

The Supplemental Draft Environmental Impact Statement fails to consider alternatives to toll lanes. To address traffic congestion, rail transit was not studied nor were policies to encourage more telework or operational improvements. According to a 2017 report by the Regional Transportation Planning Board traffic demand management strategies, including a substantial increase in telework would be the most effective approach to reducing traffic delays. Based on their research during the COVID pandemic, the Maryland Transportation Institute testified at a general assembly hearing in August 2020 that only a five percent traffic reduction led to a reduction in congestion of 32 to 58 percent. The federal government has already announced that it will implement permanent policies to increase telework by the federal workforce. The State could build on this by developing policies to encourage private employers to implement more telework in the I-495/I-270 corridor. However, the SDEIS does not assess how the change in federal telework policy, along with changes in state policy could reduce congestion on the two highways. Given the experience during the pandemic, this should be studied as an alternative to adding toll lanes and that plan to monitor traffic between now and the completion of the FEIS is not adequate.

On page ES-9 the SDEIS states that the American Legion Bridge "is nearly 60 years old and would need to be replaced sometime over the next decade." This contradicts MDOT Secretary Greg Slater, who told the Maryland Transportation Authority on February 25, 2021, that the bridge was structurally sound, but that the deck of the bridge, not the entire bridge, the deck of the bridge needed to be replaced within the next 10 years. He made similar comments about the need to replace the deck at a Joint House and Senate Hearing on June 29. Why does the SDEIS contradict Secretary Slater? The DEIS provided the range of public subsidies that would be necessary to fund the toll lanes. The SDEIS does not include an estimate of the subsidies that may be needed for the Preferred Alternative. The extent to which the state will be subsidizing this project is of immense concern to Maryland taxpayers. Why doesn't the SDEIS include the subsidy estimate? Thank you.

**Response to SDEIS Comment #1**

The Study did consider transit 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 3.1 for a response on Purpose and Need and teleworking.

**Response to SDEIS Comment #2**

Based on our biennial bridge inspection findings and experience on similar heavily-traveled steel superstructure bridges, MDOT SHA estimates that the current lifespan of the superstructure and substructure of the existing ALB are 10-15 years before they would deteriorate to poor condition needing replacement.

This assumes that additional repairs and preservation activities are not undertaken during that time. Even with repairs and preservation activities, such as a deck replacement, cleaning, painting, and steel repairs to the superstructure, and concrete repairs to the substructure units, this 59-year-old bridge would require considerable capital investment to maintain it in a state of good repair. In determining the need to replace a structure, we consider the cost to maintain and rehabilitate all three elements (deck, superstructure and substructure), the functional needs of the bridge, and the disruption to traffic during construction.

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



**CITIZENS AGAINST BELTWAY EXPANSION (CABE) – BARBARA COUFAL**

**From:** bcoufal10@aol.com  
**Sent:** Tuesday, November 30, 2021 10:38 AM  
**To:** SHA OPLANESMLS  
**Cc:** bcoufal10@aol.com; 495cabe@gmail.com  
**Subject:** SDEIS Comments  
**Attachments:** SDEIS - CABE Written Comments.docx

Below and attached, please find comments on the Supplemental Draft Environmental Impact Statement for the I-495/I-270 Phase I South P3, submitted by Citizens Against Beltway Expansion.

November 30, 2021

Mr. Jeffrey T. Folden, P.E., DBIA  
Director, I-495/I-270 P3 Office  
Maryland Dept. of Transportation State Highway Administration  
707 North Calvert St.  
Baltimore, MD 21202

On behalf of the Citizens Against Beltway Expansion (CABE), I am submitting written comments on the Supplemental Draft Environmental Impact Statement for the I-495/I-270 Phase I South P3. This letter expands on the comments CABE submitted at the November 1 virtual hearings. CABE supports the no-build option and is opposed to the Preferred Alternative toll lanes.

**The SDEIS Does Not Study Reasonable Alternatives as Required by NEPA**

The National Environmental Policy Act (NEPA) requires that the Maryland Department of Transportation and the Federal Highway Administration study reasonable alternatives that would avoid or reduce harmful impacts of the Preferred Alternative. The Agencies failed to study reasonable alternatives, although they acknowledge in Appendix B that other measures would effectively address congestion. In the following statement from page 146, the Agencies specify that flexible work schedules and ridesharing, including express bus service, would be effective alternatives to toll lanes.

*“As may be seen from the compiled data, speed increases have been of a greater magnitude than the magnitude of traffic volumes. While traffic volumes regionally recently have been about 20% below pre-pandemic levels, peak period speed data remain near free-flow. Traffic flow theory and longstanding empirical data have established that when demand exceeds capacity and traffic operations are in unstable or saturated conditions, a small reduction in demand results in a disproportionate improvement in speeds. As such, strategies to marginally reduce single occupant vehicle (SOV) demand during peak demand via flexible work schedules, pricing or ridesharing (including express bus service) are effective ways to address peak period congestion, conserve energy and reduce emissions.”*

While not specified on page 146, other traffic demand strategies have been studied and found to be effective by local policy experts. In a 2017 [report](#), the regional Transportation Planning Board found that traffic demand management, including significant telework, would be more effective at reducing congestion than adding express toll lanes to local highways, including I-495 and I-270 (see page 11). In August 2020, the Maryland Transportation Institute [testified](#) that a 5 percent increase in

**Response to SDEIS Comment #1**

Other alternatives were considered; refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.

A TSM/TDM alternative was considered as part of the Study and included additional system and demand management measures applicable to I-495 and I-270, *in addition* to the ICM project. Benefits of these types of solutions optimize the existing system, but do not support long-term traffic growth. In order to assess the performance of the TSM/TDM alternative, MDOT SHA analyzed traffic modeling from the I-270 ICM project in the context of the modeling performed on the No Build Alternative for this Study. Relatively minor short-term benefits from these measures were forecast for portions of I-270 and I-495, however, those benefits would not be sustained for the long-term. Refer to **DEIS, Appendix B**. Even though this alternative would not satisfy the Purpose and Need as a standalone strategy, many TSM/TDM elements are included in the Preferred Alternative, including:

- Adaptive ramp metering along I-270 that is being installed as part of the I-270 ICM project.
- Needed changes at interchange ramp terminals and intersecting roadways to optimize lane configurations and traffic signal timing to provide adequate traffic flow along the crossroads.
- Enhancements to acceleration and deceleration lanes which can improve traffic operations along the mainline in locations where current design does not meet design guidelines.

Finally, the congestion pricing model to be employed as part of the proposed managed lanes is itself an effective travel demand management solution.

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

#1



<div>#1 Cont</div> <div>#2</div> <div>#3</div> <div>#4</div>	<div><div>telework would reduce congestion by 32 to 58 percent. Even MDOT <a href="#">predicts</a> that its Innovative Congestion Management program, including restriping to add lanes at certain locations, ramp entrance and exit adjustments and ramp meters on I-270, will improve driving time by as much as 30 minutes between Frederick and I-495.</div><div>In June 2021, the Office of Management and Budget, the Office of Personnel Management (OPM) and the General Services Administration issued a <a href="#">memo</a> regarding post-pandemic work policies. The memo encourages federal agencies to adopt more telework on a permanent basis. On page 13, the memo states, “As agencies consider what their post-reentry policies should be, OPM encourages them to consider telework as part of the overall strategic workforce planning that provides new flexibilities to agencies competing for top talent with other sectors across the country.” The SDEIS does not assess how the change in federal telework policy will impact traffic congestion in the future. Nor does the SDEIS assess policies that provide private employers incentives to implement telework or flexible work schedules.</div><div>The plan by the Maryland Department of Transportation to monitor traffic between now and the completion of the Final Environmental Impact Statement is not adequate. Traffic demand management strategies, including flexible work schedules, express buses, telework, ramp meters and lane and ramp adjustments are reasonable alternatives that would have less harmful impacts than the Preferred Alternative. An examination of these alternatives should have been included in the SDEIS, in order to fulfill the requirements of NEPA.</div><div><b>Failure to Provide Estimate of Taxpayer Subsidies</b></div><div>The Draft Environmental Impact Statement (DEIS) issued in 2020 provided the range of public subsidies that would be necessary to fund the original toll lane alternatives. The SDEIS does not include an estimate of the subsidies that may be needed for the Preferred Alternative, which was not included in the DEIS and for which there was no estimate of subsidies. Moreover, the push to adopt more telework by the federal government, the region’s largest employer, could significantly reduce traffic congestion on I-495 and I-270 in the future. It is important to understand how the increase in telework will impact the financing of the project. If traffic congestion and toll revenues are less than expected, taxpayers may be forced to provide substantial subsidies to the tollway developer. While Accelerate Maryland Partners may have stated that the project is financially viable, this does not protect Maryland taxpayers from financial risk. The amount of state subsidies is of immense concern to taxpayers and an estimate should have been included in the SDEIS.</div><div><b>Failure to Conduct an Environmental Justice Analysis</b></div><div>The Agencies are required by NEPA to look at whether the harmful impacts of an infrastructure project fall disproportionately on low-income communities or communities of color. This analysis is not provided in the SDEIS, nor was it included in the DEIS. Instead, the Agencies plan to address this requirement in the Final Environmental Impact Statement (FEIS). Delaying the environmental justice analysis until the FEIS is issued cheats the public out of the opportunity to understand and respond to the impacts while there is still time to influence the project.</div><div><b>The SDEIS Reveals that the Toll Lanes Would Not Reduce Congestion</b></div><div>Attachment D of Appendix A shows travel times if the Preferred Alternative toll lanes are built compared to not building the lanes, in the benchmark year of 2045. If the toll lanes are built, MDOT projects that 2 minutes and 36 seconds would be saved during the morning rush hour by drivers who travel in the general (non-tolled) lanes on I-270 from the start of the toll lanes at I-370, to the George</div></div> <td data-bbox="1578 183 3020 1818"><div><b>Response to SDEIS Comment #2</b> Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</div><div><b>Response to SDEIS Comment #3</b> Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.</div><div><b>Response to SDEIS Comment #4</b> 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 <b>FEIS, Appendix A</b>. The Preferred Alternative would significantly increase throughput across the ALB and on the southern section of I-270 while reducing congestion.</div></td>	<div><b>Response to SDEIS Comment #2</b> Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</div> <div><b>Response to SDEIS Comment #3</b> Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.</div> <div><b>Response to SDEIS Comment #4</b> 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 <b>FEIS, Appendix A</b>. The Preferred Alternative would significantly increase throughput across the ALB and on the southern section of I-270 while reducing congestion.</div>
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#5

Washington Memorial Parkway exit, just beyond the American Legion Bridge. However, when drivers return home during the evening rush hour, their travel time would increase by 10 minutes and 6 seconds. Peak period drivers completing a roundtrip would experience an increase of 7 minutes and 30 seconds in their daily commute. The SDEIS shows that the Preferred Alternative would fail to ease congestion for the majority of drivers, who would be using the general lanes, while causing substantial harm to the environment, the climate and our communities.

#### **The SDEIS Misrepresents Condition of the American Legion Bridge**

Page ES-9 of the SDEIS states that the American Legion Bridge “is nearly 60 years old and would need to be replaced sometime over the next decade regardless of this study.” This alarming assessment of the condition of the bridge contradicts repeated public statements made over the last several months by MDOT Secretary Greg Slater on the longer structural life of the bridge.

On February 25, 2021, Sec. Slater told the board of the Maryland Transportation Authority that the bridge was “structurally sound” but that the deck of the bridge needed to be replaced within the next 10 years. He went on to explain that if the deck were not replaced, then the entire bridge would need to be replaced within 15 years. Sec. Slater made similar comments about the need to replace the deck of the bridge, but not the entire bridge, at a joint hearing of House and Senate committees on June 29, 2021. Most recently, during a November 10, 2021 presentation to state legislators and local government officials from Montgomery County on MDOT’s Consolidated Transportation Program, Sec. Slater was asked about a recent news report on the condition of the bridge. Sec. Slater stated that the bridge is “not unsafe” and went on to say that it has “a lot of structural life left.” (Sec. Slater’s February 25 comments can be viewed [here](#) at 1:10:50. Slater’s June 29 comments can be viewed [here](#) at 2:27:25. Slater’s November 10 comments can be viewed [here](#) at 3:19:10.)

The Agencies’ statement about the condition of the bridge not only contradicts the Maryland Secretary of Transportation, but creates a false sense of urgency over the need to rebuild or replace the American Legion Bridge. One of the main purposes of the environmental review process under NEPA is to convey important information to the public. The fulfillment of this NEPA purpose can only be achieved if the Agencies are committed to conducting the review with integrity and providing accurate information.

Given the inadequacies and omissions of the SDEIS, it should be withdrawn and the Agencies should complete the missing analyses. However, the time tables provided in Appendix A make clear that the project would not address traffic congestion and should not move forward.

Sincerely,  
Barbara Coufal, Co-Chair  
Citizens Against Beltway Expansion  
10112 Parkwood Dr.  
Bethesda, MD 20814

#### **Response to SDEIS Comment #5**

Based on our biennial bridge inspection findings and experience on similar heavily-traveled steel superstructure bridges, MDOT SHA estimates that the current lifespan of the superstructure and substructure of the existing ALB are 10-15 years before they would deteriorate to poor condition needing replacement.

This assumes that additional repairs and preservation activities are not undertaken during that time. Even with repairs and preservation activities, such as a deck replacement, cleaning, painting, and steel repairs to the superstructure, and concrete repairs to the substructure units, this 59-year-old bridge would require considerable capital investment to maintain it in a state of good repair. In determining the need to replace a structure, we consider the cost to maintain and rehabilitate all three elements (deck, superstructure and substructure), the functional needs of the bridge, and the disruption to traffic during construction.

**COALITION FOR SMARTER GROWTH – JANE LYONS**

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**From:** Jane Lyons <jane@smartergrowth.net>  
**Sent:** Tuesday, November 30, 2021 5:00 PM  
**To:** SHA OPLANESMLS  
**Subject:** CSG Comments on 495/270 Toll Lanes  
**Attachments:** 2021.11.29 CSG SDEIS Comments on I-495 I-270 -Managed Lanes Study - Final.pdf

Good afternoon,  
  
Please see attached.  
  
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](mailto:jane@smartergrowth.net)  
*Your gift helps keep CSG's advocacy going! [Donate today!](#)*



*Submitted via email to [oplanesMLS@mdot.maryland.gov](mailto:oplanesMLS@mdot.maryland.gov)*

November 30, 2021

Jeffrey T. Folden, P.E., DBIA  
Direction, I-495 & I-270 P3 Office  
Maryland Department of Transportation  
State Highway Administration  
707 North Calvert Street  
Mail Stop P-601, Baltimore, MD 21202

**Re: Coalition for Smarter Growth's Comments on the I-495 and I-270 Managed Lanes Study Supplemental Draft Environmental Impact Statement an Updated Draft Section 4(f) Evaluation**

The Coalition for Smarter Growth submits the following comments in response to the Notice of Availability of the I-495 & I-270 Managed Lanes Study Supplemental Draft Environmental Impact Statement (SDEIS) and Updated Draft Section 4(f) Evaluation. We have also signed onto and endorse the comments submitted by the Maryland Chapter of the Sierra Club and separate comments by the Maryland Transit Opportunities Coalition.

The SDEIS 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. At the same time, there was no meaningful consideration of viable alternatives to constructing new toll lanes. Therefore, we request that the U.S. Department of Transportation Federal Highway Administration and the Maryland Department of Transportation State Highway Administration (together, henceforth referred to as "the Agencies") stop and restart this process to fully address all gaps in the current SDEIS and fulfill the requirements of the National Environmental Policy Act (NEPA) and Section 4(f).

The main points of our comments that we submitted November 2020 regarding the original Draft Environmental Impact Statement still stand and were not adequately addressed by the SDEIS: the purpose and need is narrow, biased, and does not screen alternatives accurately; the traffic modeling assumptions are deeply flawed; transit, land use, and comprehensive alternative solutions were not taken into consideration; environmental and community impacts are significant and the analysis is inadequate; taxpayer dollars will be used ineffectually and irresponsibly; and the equity analyses are incomplete.

**Failure to achieve purpose and need:** The purpose and need is inappropriately narrow and crafted to favor the selection of a pre-determine private high-occupancy toll option. Even so, the traffic modeling information included in the SDEIS confirms that the Project will not achieve its stated purpose and need, and the proposed segmentation will only create new bottlenecks that do not lead to an overall reduction in traffic congestion. In fact, Table 3-8 shows negligible improvement for 2045 travel times in the general-purpose lanes, and worse travel times for the I-

1

**Response to SDEIS 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.

**Response to SDEIS Comment #2**

MDOT SHA acknowledges receipt of the Coalition for Smarter Growth's DEIS Comment Letter dated October 16, 2020. Refer to Appendix T, for a response to this DEIS Comment Letter.

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

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

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 or Board of Public Works and Project Costs.

**Response to SDEIS Comment #3**

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

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.

<p>#3 Cont</p>	<p>495 Outer Loop from I-270 to I-95, the I-495 Inner Loop from Virginia 193 to I-270, and the I-495 Inner Loop from I-95 to MD-5.</p>	<p>See response to #3 above</p> <p><b>Response to SDEIS Comment #4</b> Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.</p>
<p>#4</p>	<p><b>Traffic modeling flaws:</b> The traffic modeling is deeply flawed as discussed in the Sierra Club comments which include the analysis of transportation modeler Norm Marshall, of Smart Mobility, Inc. Beyond his analysis it is also the case that the project fails to adequately assess the benefits accrued from both increased telework due to the ongoing COVID-19 pandemic, including the federal government’s new policy to support long-term telework options, and the \$132 million I-270 Innovative Congestion Management project.</p>	<p><b>Response to SDEIS Comment #5</b> The Study’s Purpose and Need allowed for a robust analysis of a full range of alternatives 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. See <i>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>#5</p>	<p><b>Failure to analyze a comprehensive land use, transit, demand management and equity-oriented alternative:</b> The study isolated transit alternatives in such a way that they were designed to fail. Transit works when fully integrated with a land use solution. Therefore, we repeatedly pressed for a comprehensive transit, land use, and system/demand management solution. At the core of this solution is building out transit-oriented centers on the east side of the DC region – particularly in Prince George’s County. This majority Black community has 15 underdeveloped Metro stations and its residents have some of the longest average commutes in the nation due to lack of jobs on the east side of the region. Maryland’s investment in transit-oriented development in Prince George’s would bring jobs closer to residents, reducing demand on the Beltway and balancing out the east-west flows on the north side of the Beltway.</p> <p>In contrast, the tolling approach to the Beltway will mean a large percentage of Black residents will have the choice of paying very high tolls for long commutes or sitting in the continued general-purpose lane traffic upon which the private toll operator depends to generate their profits from the toll lanes. In addition, segmenting the project may even add to the inequity because it places all of the transportation investment on the wealthy, western side of the Maryland suburbs. Previous expansion of I-270 in the late 1980s was confirmed in a 1999 Washington Post story and subsequent study by the Metropolitan Washington Council of Government’s Transportation Planning Board to have shifted jobs and investment away from D.C. and Prince George’s County to the wealthier, whiter western Montgomery County.</p>	<p>Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity.</p> <p>Refer to Chapter 9, Section 9.3.2 and 9.3.3 for a response regarding Alternative Screening and Alternatives Retained for Detailed Study</p>
<p>#6</p>	<p><b>Shared-use path:</b> We echo the concerns of the Washington Area Bicyclists Association about the exclusion of Option 1, for a shared-use path connection along the American Legion Bridge, which would connect to both MacArthur Boulevard and the C&amp;O Canal Towpath, in the SDEIS. We believe there are feasible solutions to the National Park Service’s concerns about maintenance costs and environmental damage during construction, and we oppose the rejection of this option on grounds that it will increase use. The intention of a shared-use path connection</p>	<p><b>Response to SDEIS Comment #6</b> Public comments supporting a direct connection of the shared use path from the ALB to the Chesapeake and Ohio Canal towpath were received by MDOT SHA, FHWA and NPS during the SDEIS public comment period. To be responsive, a direct connection to the Chesapeake and Ohio Canal towpath has been incorporated into the preliminary design and is accounted for in the Preferred Alternative LOD and impact analyses. The three shared use path options connecting to MacArthur Boulevard presented in the SDEIS are no longer under consideration in this FEIS. The direct connection to the Chesapeake and Ohio Canal towpath results in fewer NPS property and natural resource impacts. MDOT SHA and the Developer will continue to coordinate with NPS to review the condition of the existing connection between the Chesapeake and Ohio Canal towpath and the MacArthur Boulevard sidepath outside of the Study Area. The alignment of the proposed shared use path connection to the Chesapeake and Ohio Canal towpath is shown in FEIS Appendix E.</p>

#6 Cont	<p>is to encourage active, low-carbon commuting and recreation, and eliminating an option that would further those goals the best is antithetical to public goals. Without a direct connection to the C&amp;O Canal Towpath, the next nearest access point would be two miles away.</p> <p><b>Conclusion:</b> Even with the inadequate analysis provided, 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 increase accessibility, reduce travel times, VMT, reduce environmental impacts, and offer a more equitable and sustainable transportation solution.</p>	<p>See responses to Comment #6 above.</p>
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<div><div>#1</div><div><p><a href="https://dontwiden270.org">DONTWIDEN270.ORG – JANET GALLANT (ORAL TESTIMONY)</a></p><div><div>I-495 and I-270 Managed Lanes Study</div><div>SDEIS Virtual Public Hearing: Oral Testimony</div></div><p><b>Name:</b> Janet Gallant</p><p><b>Agency/Organization/Jurisdiction, if applicable:</b> DontWiden 270.org</p><p><b>Virtual Public Hearing Date:</b> 11/1/2021</p><p><b>Type/Session:</b> Testimony</p><p><b>Transcription:</b></p><p>I'm Janet Gallant. I live at 664 Adalia Drive in Rockville, Maryland 20850. I'm a coordinator of DontWiden 270.org, MDOT's SDEIS reads like an odd game of wits. MDOT hides the facts and the public hunts through 8,000 pages, trying to find them. Where are the detailed financials? Where is the climate change analysis? Not there. Ever since the governor mandated toll lanes, MDOT's role has been to look like it's proving what's unprovable, that the toll lanes benefit everyone and cost taxpayers nothing. MDOT does not represent the public in this toll lane public-private partnership. In effect MDOT has become a kind of de facto promoter of the P3 private partner. And that partner, Transurban, is solely focused on maximizing revenue and creating a setup for even more toll lane business. This SDEIS is the latest results, incomplete data, claims with no substance, promises that the good info will come later.</p><p>What's missing is the simple truth about the impacts of the toll lanes on everyday lives for the next 50 years. That's exactly the information that federal environmental review process is supposed to provide. Here's one example of the kind of hole in the plan that the SDEIS should have but didn't address. The P3 calls for a new toll lane interchange on Wootton Parkway in Rockville, the DEIS and SDEIS touted as a project benefit because "the direct access ramps would provide access to the nearby Twin Brook Metro station". Now the Twin Brook station is 2.9 miles from that proposed interchange. The supposedly P3 benefit is entirely dependent on vehicles navigating those 2.9 miles on congested Rockville streets. It's dependent on the City of Rockville accommodating the extra traffic, maintaining the roads, planning for collateral congestion, and mitigating harm to homes, schools, and businesses. But the SDEIS has nothing substantive about the project's profound impacts on secondary roads. There are similar gaps and holes all through the SDEIS even for the most consequential issues – traffic forecasting, environmental justice, air quality, water quality, and on and on. The public never had a place at the P3 MDOT Transurban table. We do have a key role in the federal environmental review process. The public's written comments will document, at length, the overwhelming deficiencies, and flaws in the project and the SDEIS. The only equitable outcome is a do over. Thank you.</p></div></div> <div><div>#2</div></div>	<p><b>Response to SDEIS Comment #1</b></p> <p>Refer to Chapter 9, Section 3.5 for a response to the P3 Program or Board of Public Works and Project Costs.</p> <p>Refer to Chapter 9, Section 3.4.G for a response to climate change considerations.</p> <p><b>Response to SDEIS Comment #2</b></p> <p>As stated in the SDEIS and FEIS, direct and indirect connections from the proposed HOT managed lanes to existing transit stations and planned Transit Oriented Development as shown in Figure 3 3 at the Shady Grove Metro (I-370), Twinbrook Metro (Wootton Parkway), and Westfield Montgomery Mall Transit Center (Westlake Terrace). The improved access to Twinbrook Metro Station is an example of an indirect connection. Improved access via the managed lanes at Wooten Parkway would provide a driver a new way to access the station via Wooten Parkway.</p> <p>Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.</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>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.E for a response to impact analysis and mitigation of water resources, including wetlands, waterways, and stormwater management.</p>
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**DONTWIDEN270.ORG – SALLY STOLZ**

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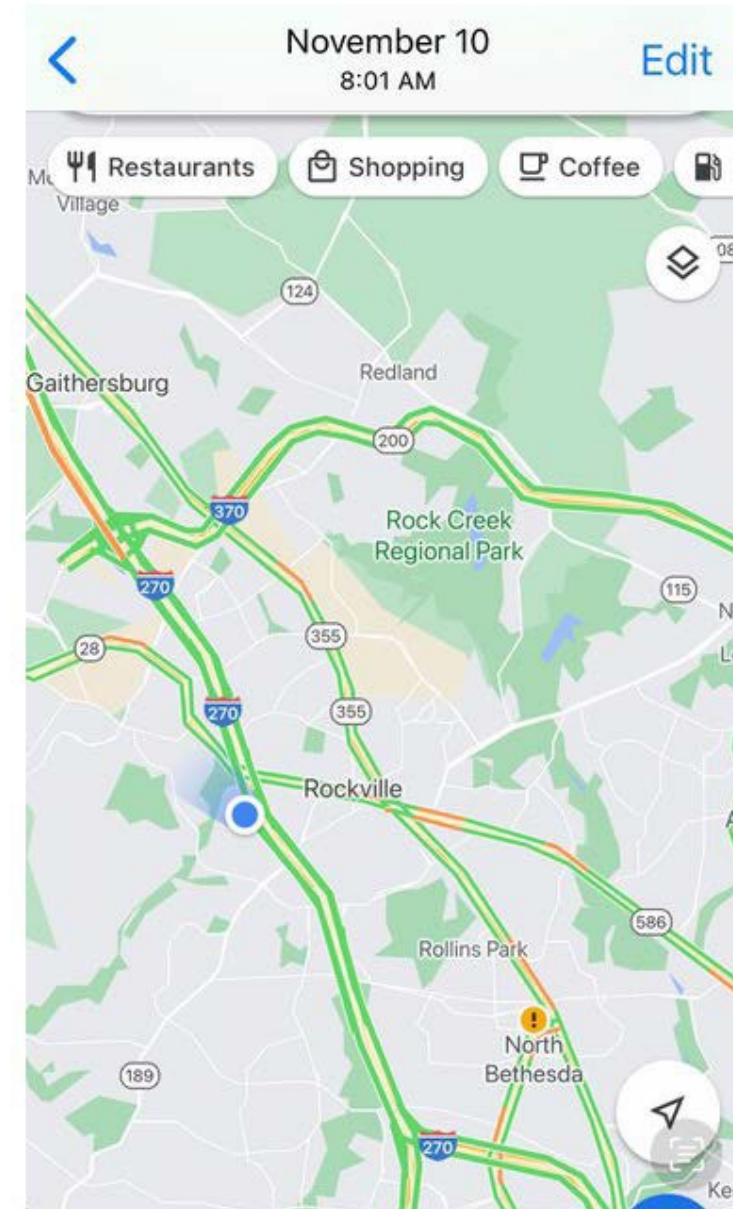
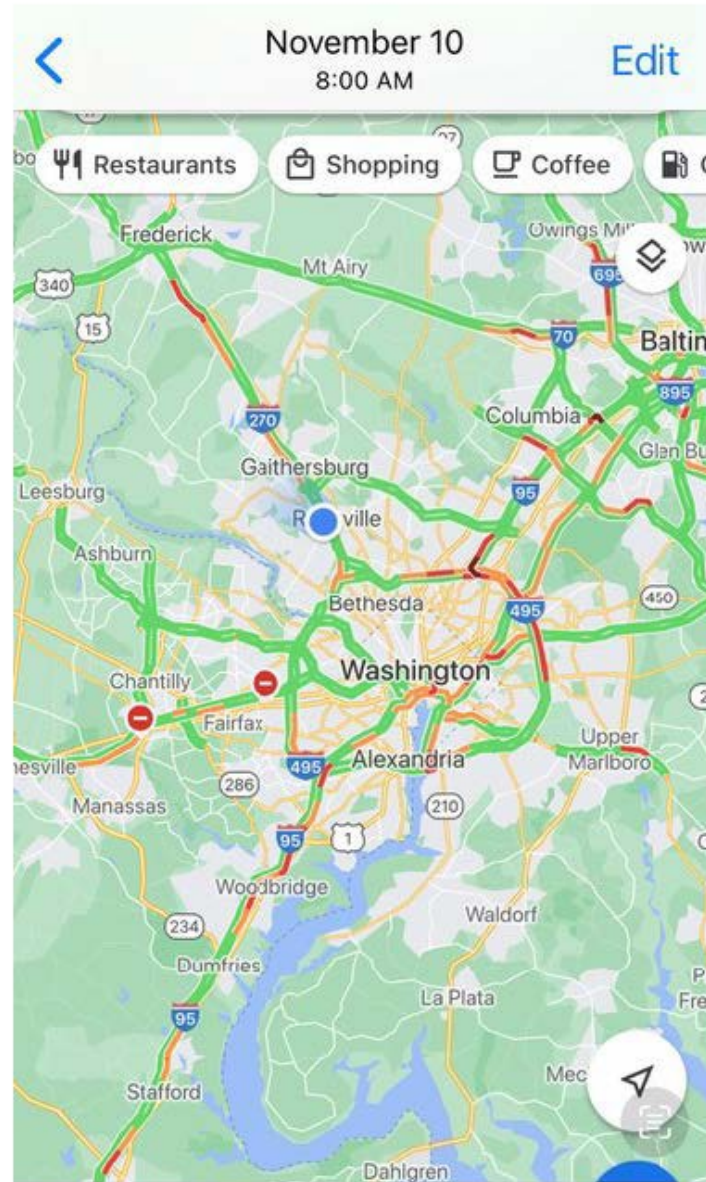
**From:** Sally Stolz <sallystolz@aol.com>  
**Sent:** Tuesday, November 30, 2021 11:11 PM  
**To:** SHA OPLANESMLS  
**Subject:** SDEIS Comments from Dontwiden270.org by Sally Stolz  
**Attachments:** Dontwiden270.org SDEIS comments.pdf

There are a total of 4 attachments which I will send separately

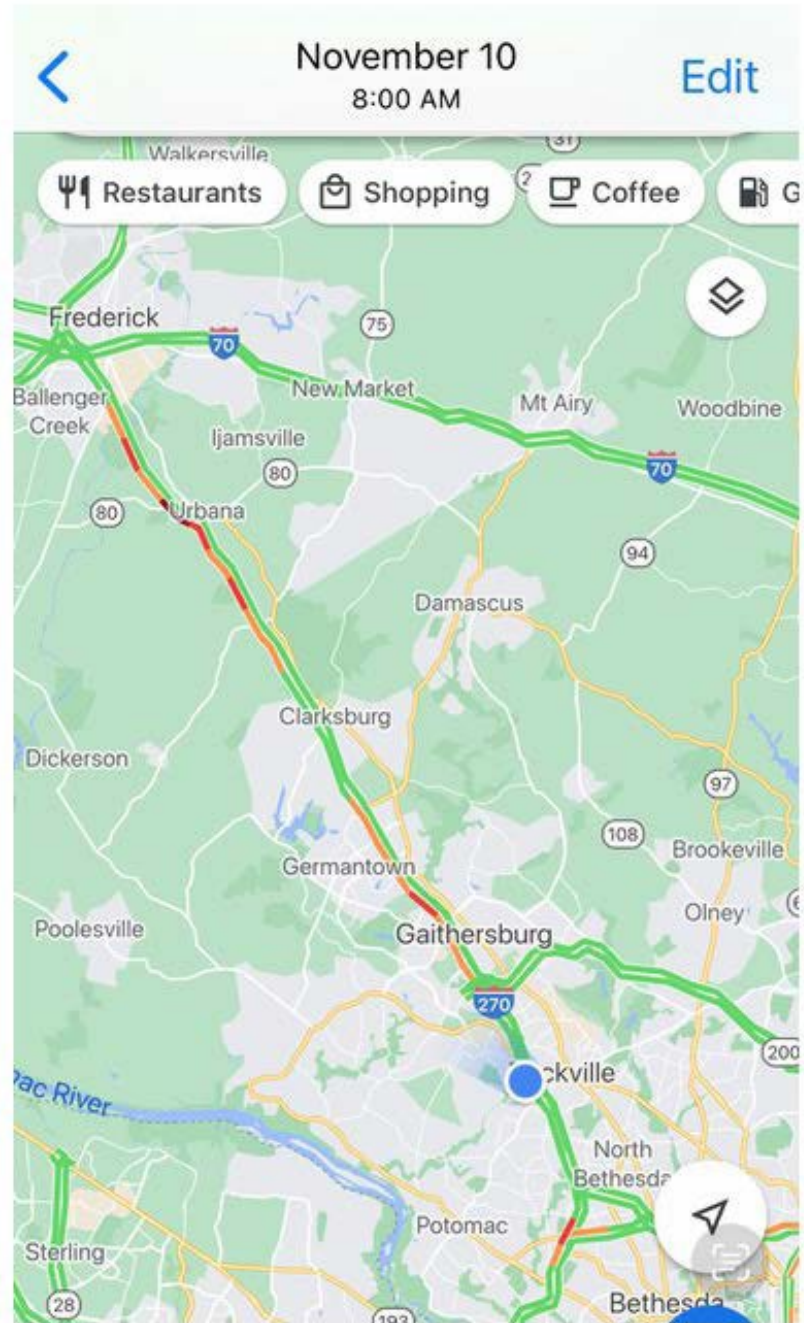
<p>#1</p> <p>#2</p> <p>#3</p>	<p>Comments on Supplemental Draft Environmental Impact Statement (SDEIS) for proposed 270/495 toll road, Phase I South submitted by Sally Stolz, 5 Lochness Ct., Rockville, MD 20850 on behalf of Dontwidwen270.org</p> <p>I'm writing on behalf of Dontwidwen270.org, a grassroots organization of thousands of concerned residents advocating for fair and effective multi-modal transportation, supported by evidence it will actually work.</p> <p>We support the no-build option and oppose the I-495-I-270 toll-lane project.</p> <p>The proposed lower I-270 expansion plan, as described in the SDEIS, cannot achieve its purported objectives. In addition, it will create irrevocable harm to Maryland taxpayers, I-270 commuters, citizens living within several miles of the proposed project area, and the environment.</p> <p>We stand by the comments we submitted on the DEIS in 2020, which enumerated many fundamental flaws inherent in the proposed plan. This year we will focus on only two:</p> <ol style="list-style-type: none"> <li>1. The underlying assumptions about the need for the project are inaccurate, and</li> <li>2. A key element of the project would violate federal law.</li> </ol> <p><b>Plan Assumptions Are Inaccurate</b></p> <p>The proposed project seeks to address supposed current and anticipated future traffic congestion. Future congestion projections are built from the state of congestion in 2017, but the huge increase in teleworking is here to stay and a new baseline year is needed. As the accompanying graphic evidence indicates, congestion on lower 270 is not a problem in the present. Additional factors establish that projected future congestion will not justify the project as proposed.</p> <p>The exhibit below, three representative Google maps of the proposed I-270 project area with color-coded traffic congestion indicators: green = non-congested, red = very congested, tells the story. Google map overlay images have been taken both morning and evening every weekday from July, 2021 through the present (see additional representative examples in the accompanying attachments) tell the same story. <u>Significant congestion southbound on lower I-270 in the morning, and northbound in the evening, with rare exceptions, occurs only when there is a significant weather event, vehicular accident, or roadwork.</u></p>	<p><b>Response to SDEIS Comment #1</b></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. For a discussion of the basis for the Purpose and Need refer to <b>Section 9.3.1</b> and for the Selection of the Preferred Alternative refer to <b>Section 9.3.3.C</b>.</p> <p><b>Response to SDEIS Comment #2</b></p> <p>MDOT SHA acknowledges receipt of the DEIS Comment Letter from Sally Stoltz on behalf of the Dontwidwen270.org dated October 16, 2020. Refer to Appendix T for a response to this DEIS Comment Letter.</p> <p><b>Response to SDEIS Comment #3</b></p> <p>MDOT SHA has been monitoring traffic conditions throughout the pandemic. Permanent count stations on the Capital Beltway (I-95 and I-495) and I-270 provide data that can and was used to compare counts. This information is provided FEIS. As an example, data from October 31 to November 13, 2021 was compared to November 3 to November 16, 2019, excluding the Veterans Day holiday. At the permanent count stations along the Capital Beltway, evening rush time volumes are close to or match pre-pandemic volumes. At these same count stations, the morning rush and mid-day volumes still appear to be trailing pre-pandemic volumes by 5-15%. Volumes on permanent counts stations on I-270 appear to have rebounded to be slightly higher than pre-pandemic volumes (5-10%) for the evening rush, while morning peak period and mid-day volumes appear to be similar to pre-pandemic volume levels. In addition, real-time speed data obtained from the Regional Integrated Transportation Information System (RITIS) shows that along with the rebound in peak period volumes, I-270 and I-495 are also experiencing a corresponding increase in congestion, similar to pre-pandemic levels. Average vehicle speeds this Fall were below 20 mph during the PM peak on the I-495 Inner Loop between the American Legion Bridge and MD 190, same as in 2019. Average vehicle speeds on northbound I-270 between Watkins Mill Blvd and MD 118 are now below 40 mph during the PM peak period, which is slightly better than the 35 mph average speeds experienced in this section pre-pandemic. This is despite I-270 serving higher volumes in 2021 compared to 2019, as the speed increase may be attributed to improvement projects along I-270 northbound, including the Watkins Mill Interchange, which opened in 2020. Along southbound I-270, average vehicle speeds remain higher than pre-pandemic levels by approximately 5-10 mph, despite serving higher peak period volumes in 2021 compared to 2019. This can be attributed to the implementation of ramp metering in September 2021. Even so, some congestion remains along southbound I-270 during the AM peak period, with average vehicle speeds of approximately 30 mph in November 2021. These results are provided in the <b>FEIS, Appendix C</b>.</p> <p>Additionally, MDOT SHA has been monitoring and evaluating the effects of potential long-term behavioral changes related to travel that have come from COVID-19. This includes changes in work from home, virtual learning, discretionary travel, and visitor travel. MDOT SHA evaluated LOW, MID, and HIGH scenarios of reductions in travel. The HIGH scenario was developed to represent a level of activity consistent with the period during the pandemic in late 2020/early 2021 that saw increases in activity because of loosening restrictions but prior to the rollout of vaccines with still high levels of work from home and remote learning. This scenario is seen as unlikely in the long term. The LOW and MID scenarios are more likely outcomes that will include some level of work from home continuing into the future for higher-income industries, a low level of remote learning and potential long-term declines in visitor and air passenger related travel. The resulting decrease in vehicle miles traveled (VMT) between the LOW, MID and HIGH scenarios was 5%, 10% and 15% respectively across the entire model region. The results indicate that the VMT under the LOW and MID scenarios is expected to exceed 2019 levels between 2030 and 2035. Additionally, even in the highly unlikely HIGH scenario, 2045 No Build VMT is projected to exceed 2019 VMT, when there was significant congestion. Overall, the results 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 due to potential long-term impacts associated with the pandemic (e.g., teleworking, e-commerce, transit use) that are not formally accounted for in the current regional forecasting models. These results are provided in the <b>FEIS, Appendix A</b>.</p>
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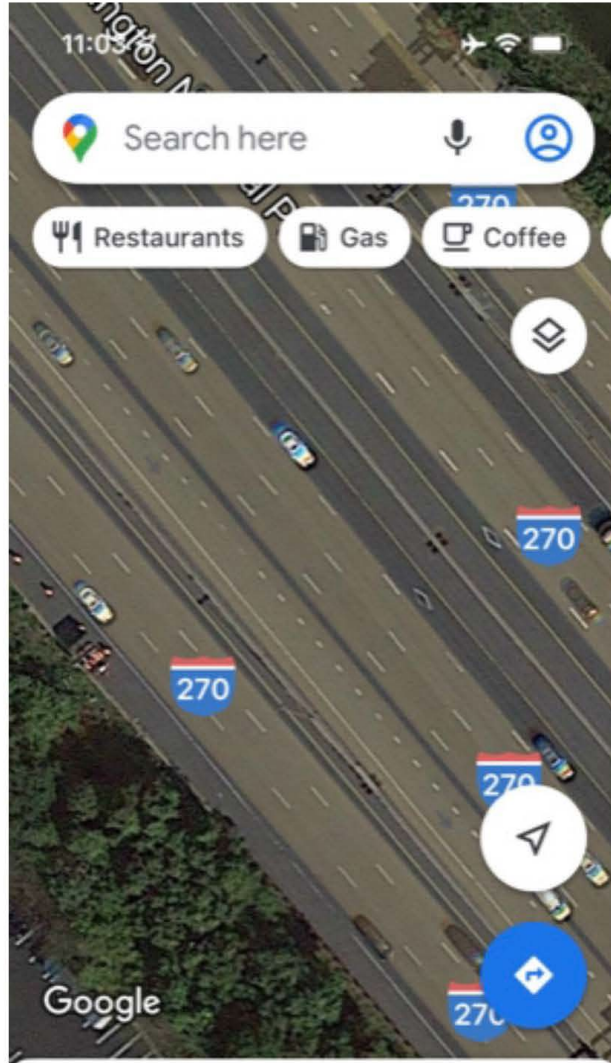
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#3 Cont	<p>One cause of these favorable traffic conditions has been long-term shifts in work patterns, with more employed Maryland citizens working from home – a change prompted by, but not ending with, the Covid-19 pandemic. This relatively recent development was not anticipated when the I-270/I-495 expansion plan was conceived, although in many studies flexible work hours and teleworking have been cited as effective tools in reducing traffic congestion.</p>	<p><b>Response to SDEIS Comment #4</b></p> <p>The I-270 Innovative Congestion Management (ICM) project is designed to address existing issues and short-term needs, unlike the Managed Lanes Study, which includes addressing long-term traffic growth as part of the Purpose and Need. The type of improvements in the ICM project are known as Transportation System Management/ Transportation Demand Management (TSM/TDM).</p>
#4	<p><b>Innovative Congestion Management Project</b></p> <p>However, another significant factor in the lack of congestion today that will endure <u>well into the future</u> is the traffic capacity-enhancing impact of the 80% complete Maryland Department of Transportation's <a href="#">I-270 Innovative Congestion Management Project</a> (ICM). As a reminder, this recently implemented initiative has:</p> <ol style="list-style-type: none"><li>1. Extended merge lanes between entrance ramps to create three “local lanes” instead of two,</li><li>2. Restructured the west I-270 spur for additional lanes within existing pavement, and</li><li>3. Added a lane in the northbound shoulder, creating 7 lanes: 6 Express Lanes and 1 HOV-2 lane, which is an Express Lane 21 hours per day on workdays and 24 hours a day on weekends and holidays. I must stress that the HOV-2 lanes on I-270 are Express Lanes over 91% of the time, and HOV-2 less than 9% of the time.</li></ol> <p>The ICM has resulted in between six and eight lanes in each direction of I-270 between I-370 and the split north of I-495 (see image below). The added capacity does not appear to have been taken into consideration when the proposed toll-financed project was conceived with only 5 non-tolled lanes on each side, and only 2 non-tolled lanes on the western spur which now has at least 3 express lanes.</p> <p>In addition, on page 3-4 of the Executive Summary of the SDEIS it states that its traffic modeling uses 2017 data and assumes the I-270 ICM to be in place by 2045. But the ICM will be finished in 2022. With that completed and the huge shift to teleworking, a new base year should be determined.</p>	<p>A TSM/TDM alternative was considered as part of the Study included additional system and demand management measures applicable to I-495 and I-270, <i>in addition</i> to the ICM project. In order to assess the performance of the TSM/TDM alternative, MDOT SHA analyzed traffic modeling from the I-270 ICM project in the context of the modeling performed on the No Build Alternative for this Study. Relatively minor short-term benefits from these measures were forecast for portions of I-270 and I-495, however, those benefits would not be sustained for the long-term. Refer to <b>DEIS, Appendix B</b>. Even though this alternative would not satisfy the Purpose and Need as a standalone strategy, many TSM/TDM elements are included in the Preferred Alternative, including:</p> <ul style="list-style-type: none"><li>• Adaptive ramp metering along I-270 that is being installed as part of the I-270 ICM project.</li><li>• Needed changes at interchange ramp terminals and intersecting roadways to optimize lane configurations and traffic signal timing to provide adequate traffic flow along the crossroads.</li><li>• Enhancements to acceleration and deceleration lanes which can improve traffic operations along the mainline in locations where current design does not meet design guidelines.</li></ul> <p>Finally, the congestion pricing model to be employed as part of the proposed managed lanes is itself an effective travel demand management solution.</p> <p>The improvements included as part of the I-270 ICM project discussed above were all incorporated into the future year no-build traffic models. While the 2017 traffic models did not include the I-270 ICM improvements, that is because they were not built and in place at that time. In addition, an interim year analysis for 2027 conditions, which will include traffic modeling and analysis results, will be provided within the FHWA-required Interstate Access Point Approval. Refer to <b>FEIS, Appendix B</b>, for MDOT SHA's Application for Interstate Access Point Approval.</p>



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Page 20 of the “Design-Build Proposal and Analysis” document accessible via link from the “documents” section of the [ICMP web page](#), contains the following prediction regarding the ICMP’s impact until 2040:

*A review of the localized congestion patterns anticipated in 2040 (included in **Appendix F**) also shows that where congestion is anticipated in 2040 after the implementation of the CGI program are located in areas that are not targeted by the program. Southbound, generally speaking, the bottlenecks approaching I-370 and within the express-local lanes section would remain alleviated through 2040. However, two*

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<p>#4 Cont</p>	<p>key bottleneck points, MD 80/MD 109 in Frederick County and the I-270 West Spur, would return to 2015 pre-improvement levels. <u>Similarly, in the northbound direction, congestion in the local lanes from Montrose Road to I-370, as well as the West Spur north of I-495, would remain alleviated</u>; however, the bottlenecks at MD 124 and MD 121 would re-emerge by 2040. By implementing our program of improvements, the capacity constraints that control the entire system in 2040 would shift from being between Father Hurley Boulevard and the West Spur, including the express-local lanes section, to two separate locations: north of MD 121 (the current four lane section), and along I-495 approaching and across the American Legion Bridge. This latter location currently experiences substantial congestion.</p> <p>The bottom line: <b><u>The only remaining problem areas until 2040 are those that will not be addressed by Phase I South of the proposed I-270 expansion as described in the SDEIS.</u></b></p> <p><b>Alternative Strategies Discounted</b></p> <p>Curiously, the SDEIS even acknowledges the current lack of congestion, and its long-term implications, but fails to take those implications into account in the fundamental strategy behind the expansion plan. Appendix B on page 146 of the <a href="#">SDEIS</a> notes the following:</p> <p><i>"As may be seen from the compiled data... traffic volumes regionally recently have been about 20% below pre-pandemic levels, [but] peak period speed data remain near free-flow."</i></p> <p>The reason is explained as follows: <i>"A small reduction in demand results in a disproportionate improvement in speeds. As such, <u>strategies to marginally reduce single occupant vehicle (SOV) demand during peak demand via flexible work schedules, pricing or ridesharing (including express bus service) are effective ways to address peak period congestion, conserve energy and reduce emissions.</u>"</i></p> <p>Rather than fully incorporate those mechanisms into the core of the proposed project, the State has instead focused on the far more costly (and ultimately self-defeating) privatized toll lane strategy.</p> <p><b>Federal Prohibition of Reduction of Free Lanes</b></p> <p>Under the federal law (23 U.S.C. § 129 (a) (1) (G) ) changes to an Interstate highway that entails participation by the Federal government, as the proposed I-495/I-270 project would, there can be no net reduction of unrestricted free lanes when the project is complete.</p> <p>A Congressional Research Service report titled "Tolling U.S. Highways and Bridges" summarizes that U.S. Code provision this way: <i><u>"The toll-free lane count on existing Interstate System surface routes must be maintained."</u></i></p>	<p><b>Response to SDEIS Comment #5</b> See response to Comment #3 above.</p> <p><b>Response to SDEIS Comment #6</b> FHWA has participated as the lead Federal Agency on this NEPA Study. Under the Preferred Alternative there is not a reduction or "loss" of the number of free or general purpose lanes on either I-495 or I-270. On I-495, the Preferred Alternative consists of adding two new, HOT managed lanes in each direction from the George Washington Memorial Parkway to west of MD 187 with four general purpose (free travel) lanes remaining in the build condition.</p> <p>On I-270, the Preferred Alternative consists of converting the one existing HOV lane in each direction to a HOT managed lane and adding one new HOT managed lane in each direction from I-495 to north of I-370 and on the I-270 east and west spurs with five general purpose (free travel) lanes remaining in the build condition.</p>
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Thank you for taking our analysis into consideration.

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[DONTWIDEN270.ORG](https://dontwiden270.org) – SALLY STOLZ

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**From:** Sally Stolz <sallystolz@aol.com>  
**Sent:** Tuesday, November 30, 2021 11:12 PM  
**To:** SHA OPLANESMLS  
**Subject:** Sally Stolz Attachment 1 DontWiden270.org Comments 2021  
**Attachments:** Sally Stolz Attachment 14 Dontwiden270.org SDEIS comments 2021.pdf

This is one of 4 attachments

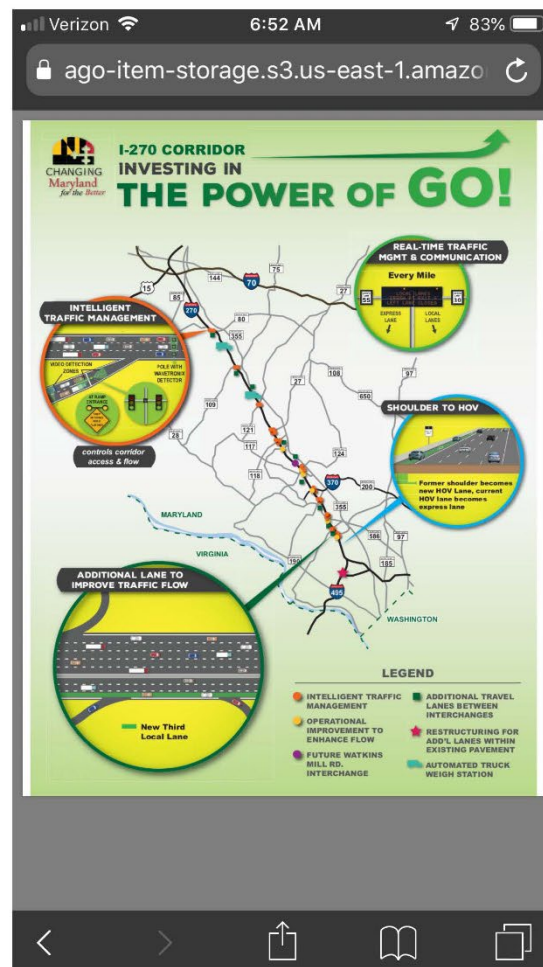
#1

DW270 Comments  
Attachment 1/4

I-270 Innovative Congestion Management Program

"In 2016, Governor Hogan provided \$100 million in new funding for the I-270 Innovative Congestion Management Project to improve travel times throughout the 34.4 mile I-270 corridor" April 19, 2017 Press Release

The following images are taken from the Innovative Congestion Management website. Scroll down to "Documents" and click on "I-270 Overview" to see this visual. Note the large circle at the bottom left, which shows three Local Lanes and five Express Lanes, bringing the total to eight existing lanes.



#### Response to SDEIS Comment #1

The I-270 Innovative Congestion Management (ICM) project is designed to address existing issues and short-term needs, unlike the Managed Lanes Study, which includes addressing long-term traffic growth as part of the Purpose and Need. The type of improvements in the ICM project are known as Transportation System Management/ Transportation Demand Management (TSM/TDM). We concur that the ICM project has been effective at reducing congestion on the lower portion of I-270 and this segment of I-270 south of I-370 currently operates well. However, HOT lanes are needed in this segment to address long-term needs and to provide system connectivity between the existing and proposed HOT lanes on I-495 in Maryland and Virginia and the ICC. The HOT lanes will not replace the ICM improvements, but rather will supplement them. Elements of the ICM improvements will be maintained following construction of the Preferred Alternative, including ramp metering, the additional auxiliary lane added in both directions along the I-270 west spur and I-270 mainline up to Montrose Road, auxiliary lanes between MD 189 (Falls Road) and MD 28 interchanges, and all improvements north of I-370. Elements that will not be maintained involve changes to the access and auxiliary lanes associated with the existing C-D road, which will be removed as part of the Preferred Alternative.

A TSM/TDM alternative was considered as part of the Study included additional system and demand management measures applicable to I-495 and I-270, *in addition* to the ICM project. In order to assess the performance of the TSM/TDM alternative, MDOT SHA analyzed traffic modeling from the I-270 ICM project in the context of the modeling performed on the No Build Alternative for this Study. Relatively minor short-term benefits from these measures were forecast for portions of I-270 and I-495, however, those benefits would not be sustained for the long-term. Refer to **DEIS, Appendix B**. Even though this alternative would not satisfy the Purpose and Need as a standalone strategy, many TSM/TDM elements are included in the Preferred Alternative, including:

- Adaptive ramp metering along I-270 that is being installed as part of the I-270 ICM project.
- Needed changes at interchange ramp terminals and intersecting roadways to optimize lane configurations and traffic signal timing to provide adequate traffic flow along the crossroads.
- Enhancements to acceleration and deceleration lanes which can improve traffic operations along the mainline in locations where current design does not meet design guidelines.

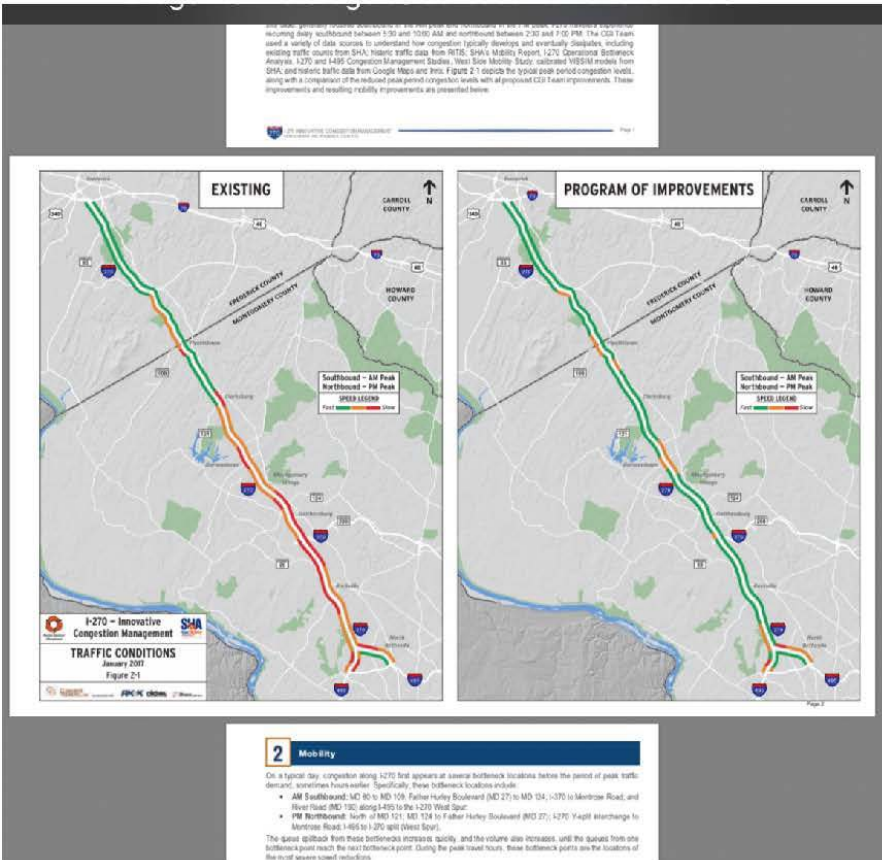
Finally, the congestion pricing model to be employed as part of the proposed managed lanes is itself an effective travel demand management solution.

#1  
Cont

Scroll down to “Documents” and click on “Design Build Proposal and Analysis. The first chart is from page one. The second image, taken using an iPhone, contrasts existing conditions (in 2016) with post-ICM conditions. When viewed on a computer, only the “Existing Conditions” show! The “Program of Improvements” could not be seen on my computer.

**The CGI Team’s Improvements will:**

- Reduce SB peak travel time by 30 minutes; reduce delay 43%; increase speeds 23%
- Reduce NB peak delay 8%
- Increase SB vehicle throughput 3% during the AM and NB 1% during the PM
- Improve trip reliability by 9%
- Combined benefit/cost ratio is nearly 20:1



See response to Comment #1 above. The remaining pages are additional attachments included in the Comment.



#1

**MDOT Secretary Greg Slater publicly acknowledges the success of the ICM**

Upon noting that many Rockville residents are reporting an absence of congestion on lower I-270 at all times including during rush hours, Rockville Mayor Bridget Donnell Newton asked MDOT Secretary Greg Slater at the annual MDOT “Road Show” in Montgomery County on Nov. 10, 2021, whether the ICM, which has cost over \$132 million so far, has been successful. Secretary Slater confirmed emphatically that it “absolutely” has been successful. It is only 80% complete, so by the end of 2022 even more improvements will be seen.

This project was state-funded and did not expand the footprint of I-270, although many miles of new lanes were added to eliminate bottlenecks and improve flow through. If the toll road were to be built on I-270, these welcome and highly effective improvements would be lost. The free-flowing traffic would also be lost. The \$132 million invested in these successful improvements (so far) would also be lost. Drivers on I-270 would be subjected to the nightmare of five or more years of construction, and when it was over, the choice of the congested and less safe free lanes or an unaffordable toll.

Attachment 2/4

SDEIS 2021 Comments by Sally Stolz for Dontwiden270.org

**REPRESENTATIVE SCREENSHOTS OF GOOGLE MAP WITH TRAFFIC OVERLAYS**

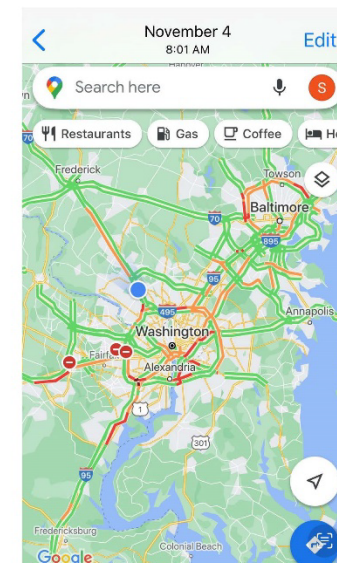
While the ICM won’t be fully finished until the end of 2022, it has already significantly improved travel times on I-270, as can be seen in the Google Map screenshots below.

Its efficacy is aided by a reduction in single occupancy vehicles (SOV’s) due to teleworking. But that reduction was partly offset by an increase in SOVs due to people switching from transit to cars because of COVID fears. While the latter switch will be temporary, the increase in teleworking will continue. An Aug. 3, 2021 [article in BusinessInsider.com](#) gives results of a recent poll of 1000 American adults. 65% of respondents said they would take a 5% reduction in pay to be allowed to continue teleworking full time and one in seven said they would give up 25% of their salaries to be able to work from home forever. This reality makes the 2017 baseline used by MDOT in both the DEIS and SDEIS obsolete.

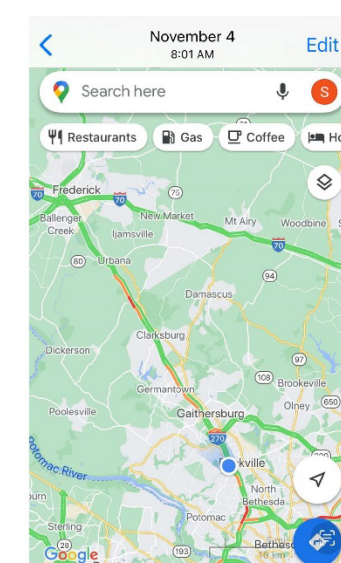
Following are several recently taken screenshots using the Google Map App with the traffic overlay. These represent over 1,000 photographs taken during the morning and evening workday rush hours from July 22, 2021 to Nov. 30, 2021.

Green = no traffic delays  
Orange = medium traffic  
Red = traffic delays  
Dark Red = even slower traffic speed or stationary vehicles

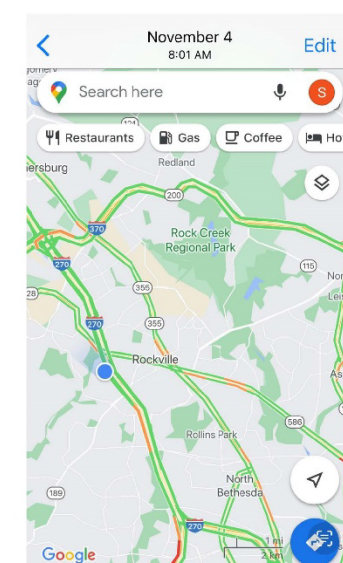
**Morning Rush Hour**



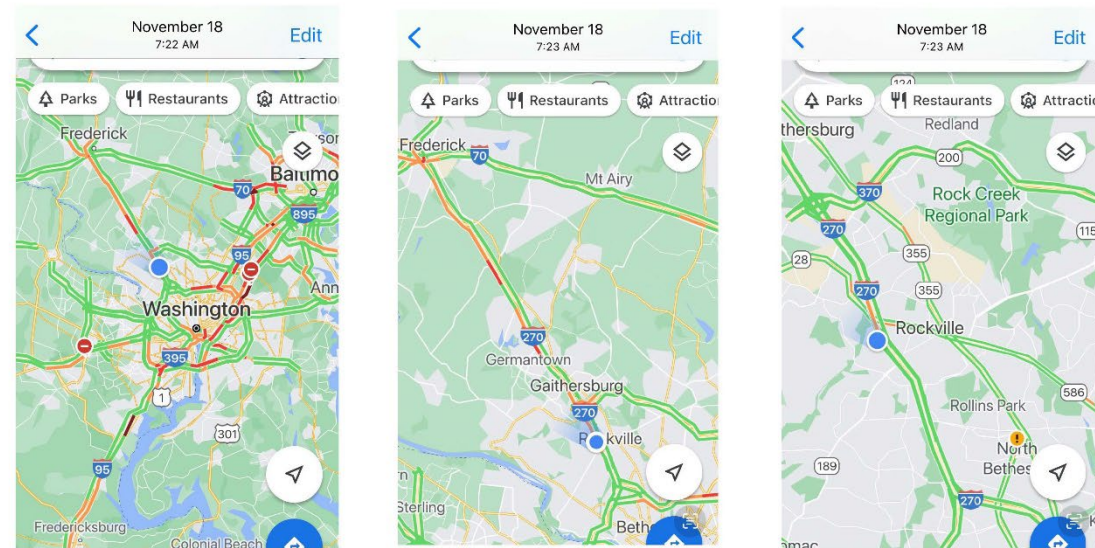
Entire Region



Entire Length of I-270



Lower I-270



Entire Region

Entire Length of I-270

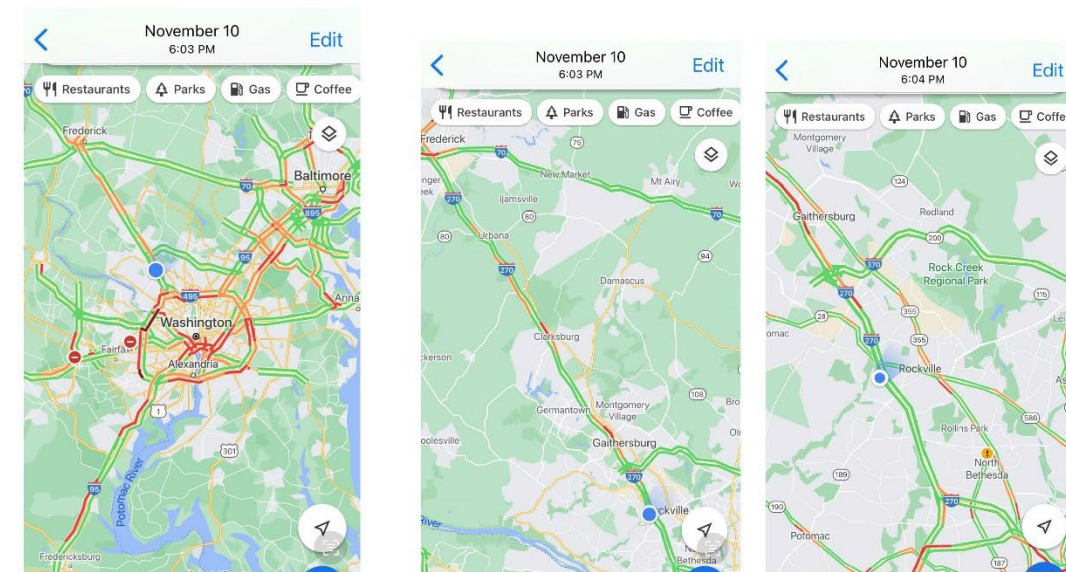
Lower I-270

We have consistently noted that while congestion is moderate or severe around the metropolitan region, it rarely exists at all on Lower I-270.

Attachment 3/4  
SDEIS 2021 Comments by Sally Stolz for Dontwiden270.org

REPRESENTATIVE SCREENSHOTS OF GOOGLE MAP WITH TRAFFIC OVERLAYS

Evening Rush Hour

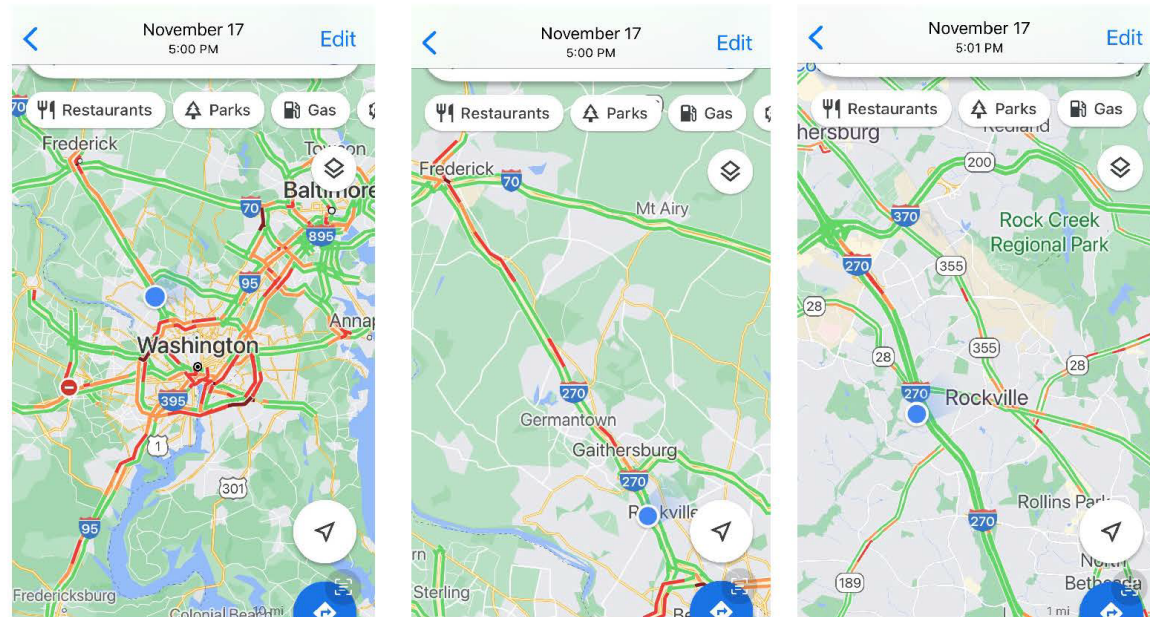


Entire Region

Entire Length of I-270

Lower I-270





Entire Region

Entire Length of I-270

Lower I-270

We have consistently noted that while congestion is moderate or severe around the metropolitan region, it rarely exists at all on Lower I-270.

Due to file size limitations, I am not including more photos. Below are links to photo files of the screenshots of the Lower I-270 photos taken from July 22 - Oct. 7. When scrolling through them, day after day, you will see the same thing: Lower I-270 is free of congestion during both morning and afternoon rush hours unless a thunderstorm was overhead, in which case I also took a screen shot of the weather radar, or there was an accident, in which case I also took a screenshot of the Google accident icon.

Here's a link to "270 traffic morning rush hour July 22 - Oct. 1" in my Dropbox:

[https://www.dropbox.com/sh/cfbsym5x9m7km6m/AABWq8cg0zeFdqTtrLkL3I3\\_a?dl=0](https://www.dropbox.com/sh/cfbsym5x9m7km6m/AABWq8cg0zeFdqTtrLkL3I3_a?dl=0)

Here's a link to "270 traffic afternoon rush hour July 22 - Oct. 7, 2021" in my Dropbox:

<https://www.dropbox.com/sh/5kqxo77ptkigwsj/AAD38DTbdzvZTp5X2ElpdiMza?dl=0>

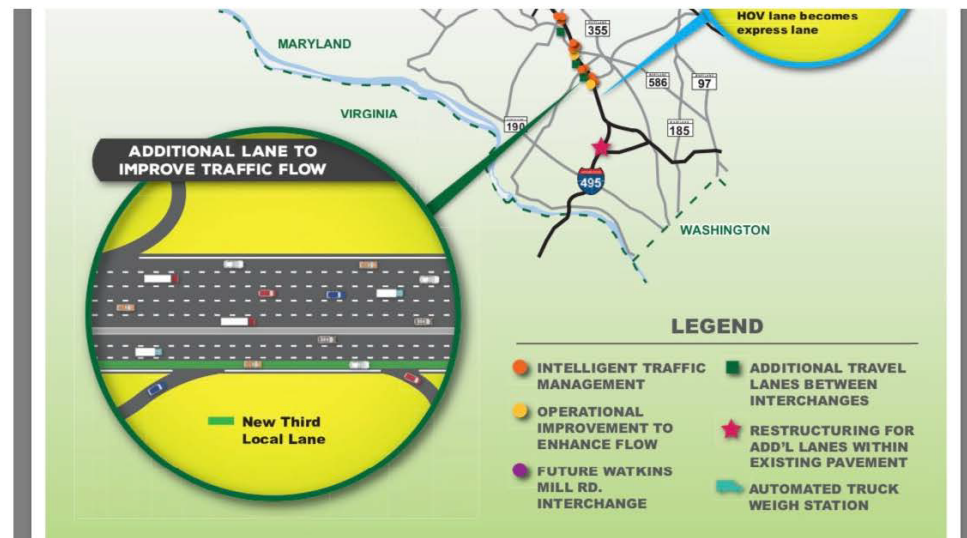


Attachment 4/4  
SDEIS 2021 Comments by Sally Stolz for Dontwiden270.org

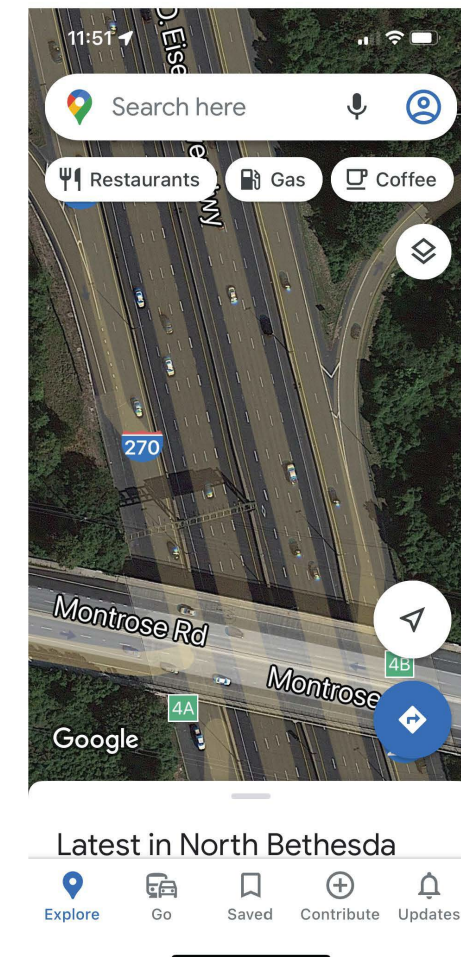
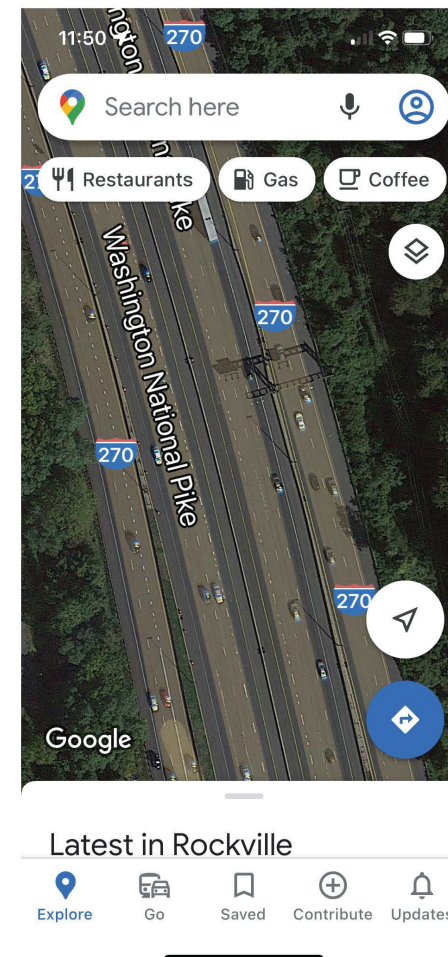
### **Patently Illegal**

We are all now well aware of the legal requirement, as related in the body of these comments, that if an Interstate Highway is converted to a toll Road, all the existing lanes must remain free. And ever since Gov. Hogan and MDOT announced this plan, they have stated that all free lanes would remain free. But that is a lie. Does the right hand not know what the left hand is doing? How could MDOT be unaware of it's own I-270 Innovative Congestion management Program, which was begun in 2017 and will be completed in late 2022? Despite implementing the program very successfully, they have been nearly silent about it, presumably because they don't want the public to know that the part of I-270 where they want to build the toll road now has 8 lanes in places, 7 lanes in most other places, and possibly 6 lanes in a few places. And the I-270 spurs have an additional lane.

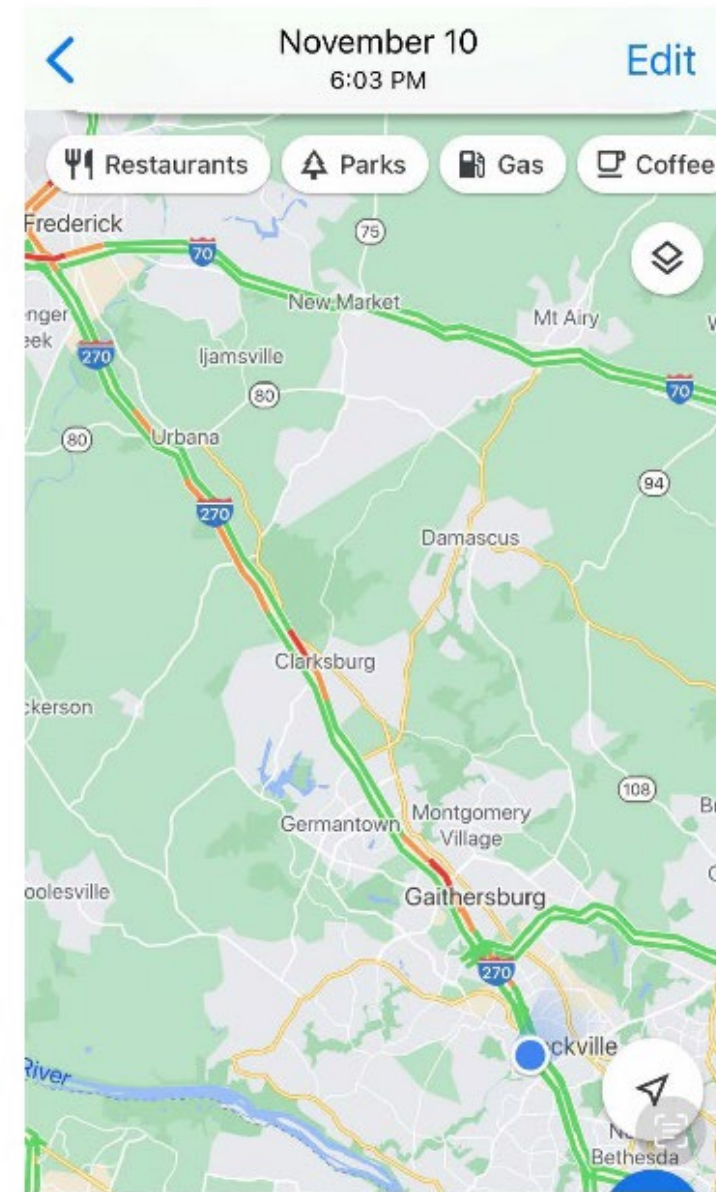
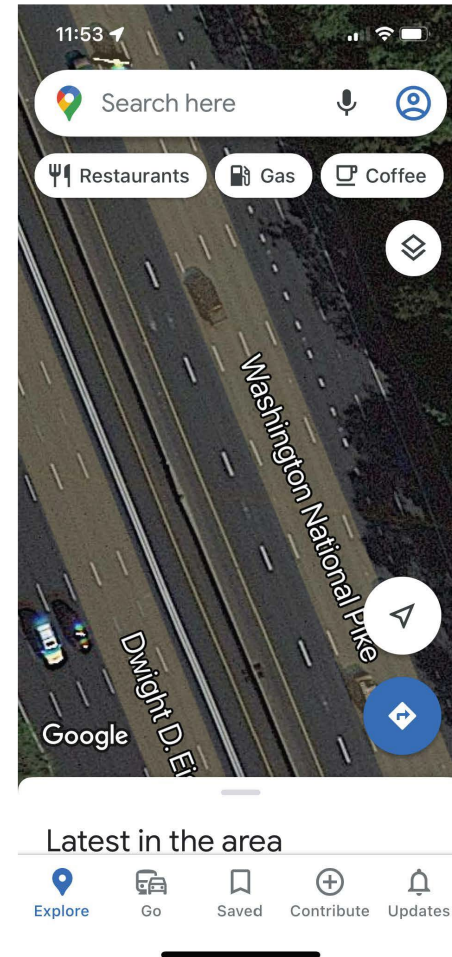
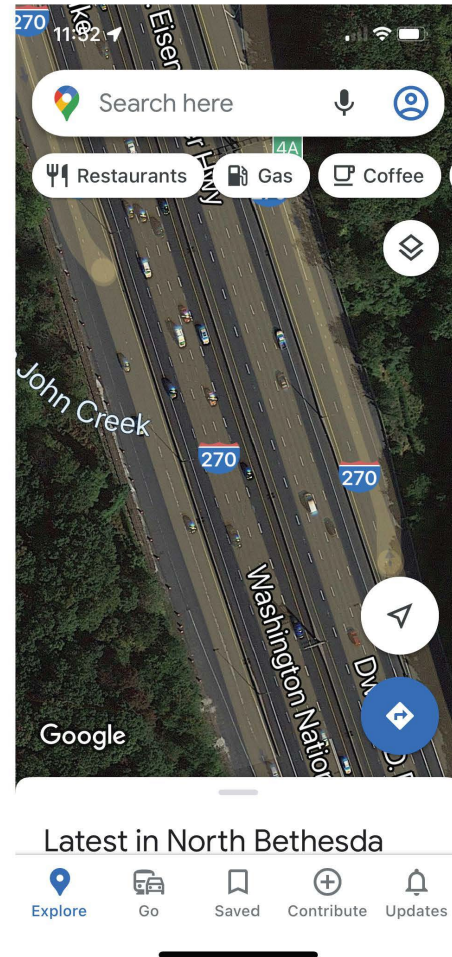
Here from the I-270 Overview Diagram from the IS-270 Innovative Congestion Management Contract, is the bottom circle, showing places where there are now 3 local lanes and 5 express lanes, bringing the total to 8 existing and totally free lanes. Please see the bottom left bubble.



On the next page are Google satellite photos showing places where we now have 8 or 7 lanes







**DONTWIDEN270.ORG – SALLY STOLZ (ORAL TESTIMONY)**

I-495 and I-270 Managed Lanes Study  
SDEIS Virtual Public Hearing: Oral Testimony

**Name:** Sally Stolz

**Agency/Organization/Jurisdiction, if applicable:** DontWiden270.Org

**Virtual Public Hearing Date:** 11/1/2021

**Type/Session:** Testimony

**Transcription:**

My name is Sally Stolz. That is spelled S-A-L-L-Y S-T-O-L-Z. I live at 5 Lochness Court, Rockville, Maryland 20850. And I am a co-coordinator of DontWiden270.org. We oppose this project for many reasons. Today, I will only speak about one. Last summer, MDOT representative, Rich Parsons, assured me that congestion on I-270 had almost returned to pre-pandemic levels. That did not square with my own experience or observations using Google maps with the traffic overlay. I focused on lower 270, between I-370 and Democracy Boulevard, where the proposed toll road would be placed. I found that the traffic there during rush hours was almost always traveling at or above the speed limit.

On July 22<sup>nd</sup>, I began documenting what I had been observing by taking about nine screen capture images on my iPhone each morning, and nine each afternoon/evening to capture the morning and evening rush hour speed, where the toll road would be built. Today, I have well over 1,000 of these images and will continue to take them. Each one shows the date and time it was taken. They showed me, beyond a shadow of a doubt, that speeds on the lower stretch of I-270 have not returned to pre-pandemic levels. They are almost always at or above the speed limit. When the Google traffic map shows slow-downs, there is almost always an accident or a thunderstorm overhead.

So, I'm investigating why the speeds have not slowed down, even close to pre-pandemic levels. I found that the innovative congestion management program, which MDOT embarked on in 2017, was almost finished and had made a huge difference. Part of that plan was the ramp metering, but another part was converting a shoulder to add a lane and extending merge lanes to alleviate bottlenecks and actually create, in some places, eight lanes on each side of lower 270 as shown on MDOT's own detailed graphic for that program. The bottom line is that lower I-270 is a different animal from upper I-270, where it funnels down to two lanes going up to Frederick. Ironically, lower I-270 where this toll road would be built is much less congestion than where Transurban already operates toll roads in Virginia. Lower I-270 will be much worse off if the toll road is built there. The five years of construction would immediately slow people's commutes and increase accidents and deaths. And when it's finished, there will only be five general lanes. The total road would actually reduce capacity, but as the innovative congestion management diagram shows, there are currently eight general lanes in much of lower I-270. Reducing the number of general lanes will definitely create congestion, which is not there now. Travel times will be longer and that's own figures in the SDEIS indicate that commuting in the general lanes will be faster with No Build option, will be faster with the No Build option on I-270, it makes no sense to proceed. My written comments will include documentation to support the statements I have made today. Thank you.

**Response to SDEIS Comment #1**

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.

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic and FEIS, Chapter 4, Section 4.5 for additional details.

**Response to SDEIS Comment #2**

MDOT SHA has been monitoring traffic conditions throughout the pandemic. Permanent count stations on the Capital Beltway (I-95 and I-495) and I-270 provide data that can and was used to compare counts. This information will be provided within the FEIS. As an example, data from October 31 to November 13, 2021 was compared to November 3 to November 16, 2019, excluding the Veterans Day holiday. At the permanent count stations along the Capital Beltway, evening rush time volumes are close to or match pre-pandemic volumes. At these same count stations, the morning rush and mid-day volumes still appear to be trailing pre-pandemic volumes by 5-15%. Volumes on permanent counts stations on I-270 appear to have rebounded to be slightly higher than pre-pandemic volumes (5-10%) for the evening rush, while morning peak period and mid-day volumes appear to be similar to pre-pandemic volume levels. In addition, real-time speed data obtained from the Regional Integrated Transportation Information System (RITIS) shows that along with the rebound in peak period volumes, I-270 and I-495 are also experiencing a corresponding increase in congestion, similar to pre-pandemic levels. Average vehicle speeds this Fall were below 20 mph during the PM peak on the I-495 Inner Loop between the American Legion Bridge and MD 190, same as in 2019. Average vehicle speeds on northbound I-270 between Watkins Mill Blvd and MD 118 are now below 40 mph during the PM peak period, which is slightly better than the 35 mph average speeds experienced in this section pre-pandemic. This is despite I-270 serving higher volumes in 2021 compared to 2019, as the speed increase may be attributed to improvement projects along I-270 northbound, including the Watkins Mill Interchange, which opened in 2020. Along southbound I-270, average vehicle speeds remain higher than pre-pandemic levels by approximately 5-10 mph, despite serving higher peak period volumes in 2021 compared to 2019. This can be attributed to the implementation of ramp metering in September 2021. Even so, some congestion remains along southbound I-270 during the AM peak period, with average vehicle speeds of approximately 30 mph in November 2021. These results are provided in the **FEIS, Appendix C**.

Additionally, MDOT SHA has been monitoring and evaluating the effects of potential long-term behavioral changes related to travel that have come from COVID-19. This includes changes in work from home, virtual learning, discretionary travel, and visitor travel. MDOT SHA evaluated LOW, MID, and HIGH scenarios of reductions in travel. The HIGH scenario was developed to represent a level of activity consistent with the period during the pandemic in late 2020/early 2021 that saw increases in activity because of loosening restrictions but prior to the rollout of vaccines with still high levels of work from home and remote learning. This scenario is seen as unlikely in the long term. The LOW and MID scenarios are more likely outcomes that will include some level of work from home continuing into the future for higher-income industries, a low level of remote learning and potential long-term declines in visitor and air passenger related travel. The resulting decrease in vehicle miles traveled (VMT) between the LOW, MID and HIGH scenarios was 5%, 10% and 15% respectively across the entire model region. The results indicate that the VMT under the LOW and MID scenarios is expected to exceed 2019 levels between 2030 and 2035. Additionally, even in the highly unlikely HIGH scenario, 2045 No Build VMT is projected to exceed 2019 VMT, when there was significant congestion. Overall, the results 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 due to potential long-term impacts associated with the pandemic (e.g., teleworking, e-commerce, transit use) that are not formally accounted for in the current regional forecasting models. These results are provided in the **FEIS, Appendix A**.



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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 NEPA process (<https://495-270-p3.com/i270-environmental/>).

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

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**From:** nanci wilkinson <nanciwilkinson@gmail.com>  
**Sent:** Sunday, November 7, 2021 9:15 AM  
**To:** SHA OPLANESMLS  
**Subject:** No Build Alternative I-270 and I-495 Supplemental Draft Environmental Impact Statement (SDEIS)  
**Attachments:** EJM Nov Test 2021 Beltway expansion.docx

Dear Mr. Folden:

Please find attached the testimony of the Environmental Justice Ministry of the Cedar Lane Unitarian Universalist Church in Bethesda, Maryland.

Thank you.

Nanci Wilkinson  
Environmental Justice Ministry Team  
Cedar Lane Unitarian Universalist Church  
9601 Cedar Lane  
Bethesda MD 20814

To: Jeffrey T. Folden, Director I-270 and I-495 P3 Office of  
MD DOT State Highway Administration  
Position: **No Build Alternative** Supplemental Draft Environmental Impact Statement (SDEIS)  
Date: November 7, 2021  
Environmental Justice Ministry  
Cedar Lane Unitarian Universalist Church  
Bethesda MD 20814

Cedar Lane is a religious community that holds respect for the interdependent web of all existence of man and nature. The natural habitats, the air we breathe, the water we drink, the community fabric we hold dear are all massively affected by this project. The SDEIS fails to satisfy the **stated purpose** for the Environmental Impact Statement **to improve traffic-and stated needs-to protect the environment**. Cedar Lane's green team, the Environmental Justice Ministry, supports the **No Build Alternative** for the SDEIS for the following reasons:

- 1.Impact on Parks and Greenspace:** The toll lanes would impact 15 parks, including three national parks. Over 1,200 trees on National Park Service land would be removed for the toll lanes. The other parks impacted include five parks owned by the Maryland-National Capital Park and Planning Commission; five parks owned by the City of Rockville and two parks owned by the City of Gaithersburg. A total of 36.1 acres of parkland would be harmed. There would be a loss of 48.8 acres of forest canopy on parkland and other greenspaces, including greenspaces that currently provide a buffer between the highways and nearby neighborhoods.
- 2.Impact on Homes and Businesses:** While no homes or businesses would be wholly taken, land would be taken from a total of 501 properties, including 389 homes and 112 businesses and other nonresidential properties. Below we show the number of properties impacted, by jurisdiction.
- 3.Impact on Community Facilities:** Land from a number of schools, churches and other community facilities would be taken by the toll lanes, including 1.8 acres taken from Julius West Middle School, 1.0 acres from the Rockville Senior Center and 3.7 acres from the Montgomery County Detention Center
- 4.Impact on Morningstar Tabernacle No. 88 Moses Hall and Cemetery and Gibson Grove**  
*MDOT plans to shift the center of the proposed highway in an effort to avoid impact on the Morningstar Cemetery. But the shift just transfers the impact to the Gibson Grove AME Zion Church, which is already separated from the Cemetery by the existing Beltway lanes. Further, the SDEIS does not show that MDOT has considered alternatives that would avoid impacting the Cemetery and the Church altogether.*
- 5.The principle of induced demand or the "iron law of congestion" which warns adding lanes won't cure snarled traffic; the additional car space inevitably invites more trips, until gridlock is as bad as ever. More roads inevitably bring more traffic. Countless studies of jurisdictions throughout the United States have found adding more highways does not solve congestion.**
- 6.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**

#### Response to SDEIS Comment #1

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

#### Response to SDEIS Comment #2

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

#### Response to SDEIS Comment #3

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

#### Response to SDEIS Comment #4

Through the Section 106 review, MDOT SHA has completed extensive historical and archaeological research that thoroughly documents the property and its significant features, allowing the Preferred Alternative to avoid all known impacts. MDOT SHA will continue to work with the community through the project's Programmatic Agreement on further studies and context-sensitive design of new facilities.

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

#### Response to SDEIS Comment #5

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.

#### Response to SDEIS Comment #6

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

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



<div>#6 Cont</div> <div>#7</div> <div>#8</div>	<p>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 this SDEIS. The choices for lower incomes and frequently BIPOC communities to have transportation to work are very few and may result in more job loss and greater inequities a result of this project.</p> <p><b>7.The lack of any consideration of county, state or international climate plans</b> including the conflict of the SDEIS with the Maryland Greenhouse Gas Reduction Act which mandates a reduction of GHG by 40 % by 2030.</p> <p><b>8.The total lack of research into better transportation alternatives from the beginning such as increased mass transit, rapid rail, and rapid bus lanes. The SDEIS new preferred alternative provides no basis for determining whether it satisfies the project’s Purpose and Need mentioned above.</b></p> <p>Thank you for this opportunity to endorse the <b>No Build Alternative</b> to SDEIS.</p> <p>Nanci Wilkinson Environmental Justice Ministry Cedar Lane Unitarian Universalist Church 9601 Cedar Lane Bethesda MD 220814</p>	<p><b>Response to SDEIS Comment #7</b> Refer to Chapter 9, Section 3.4.G for a response to climate change considerations.</p> <p><b>Response to SDEIS Comment #8</b> Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.</p>
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FALLS RIDGE HOMEOWNER'S ASSOCIATION – LEON FEUERSTEIN

I-495 and I-270 Managed Lanes Study  
Oral Testimony Received After SDEIS Virtual Public Hearing

**Name:** Leon Feuerstein

**Agency/Organization/Jurisdiction, if applicable:** Falls Ridge Homeowner's Association

**Virtual Public Hearing Date:** 11/1/2021

**Type/Session:** Voicemail (11/9/2021)

**Transcription:**

Hi, my name is Leon Feuerstein and I represent the Falls Ridge Homeowner's Association. And I am calling to discuss the sound barrier, which ends at Falls Road on the southbound lanes. Currently the sound barrier ending at Falls Road at the southbound lanes and not continuing through the detention center leaves open the noise to permeate through our neighborhood. Currently, we hear a significant amount of traffic and during construction, we actually hear it so much noise that we can hear it through our house. It affects our homeowner's value, and we as an Association request that the noise barrier continue from Falls Road through to Montrose Road. The racing of cars has been so significant that our homeowners are not able to spend time outside in the evening and things like camping and, you know, sleeping outside in a tent are not possible because of the significant noise permeation. There is no berm by the detention center and therefore the noise permeates through our neighborhoods. So, both during construction and post-construction, the noise will be untenable. So as a Homeowner's Association, we appreciate your consideration of a noise barrier from Falls Road through Montrose Road on the southbound lanes for the new 270 project. Thank you.

**Response to SDEIS Comment #1**

MDOT SHA re-evaluated the Falls Ridge Community for noise impacts and abatement as part of the SDEIS and FEIS studies. Although we did identify noise impacts in your community, we found that a sound barrier does not meet MDOT SHA's criteria for reasonableness, and therefore is not recommended for further consideration as part of this project. MDOT SHA's noise impacts and abatement analysis was conducted in compliance with the agency's Highway Noise Abatement Planning and Engineering Guidelines (2020), which are in turn, based on FHWA regulations at 23 C.F.R. Part 772, "Procedures for Abatement of Highway Traffic Noise and Construction Noise. The federal regulations require MDOT SHA to assess whether abatement is "feasible and reasonable" based on a series of practical engineering and performance measures. In order to meet the acoustic feasibility and reasonableness criteria established in the MDOT SHA Noise Guidelines, a 40 foot tall sound barrier was evaluated (note that 40 feet is the maximum height of a sound barrier in the State of Maryland). The sound barrier would provide sufficient noise level reduction; however it does not meet the cost effectiveness threshold.

MDOT SHA measures "cost effectiveness" using a quantity of barrier per benefited residence rather than a cost of barrier per benefited residence. Abatement is cost effective only if the square footage of abatement is lower than the allotted cap. The SF per benefited residence is 3,746, which is more than the 1,700 SF-p-r threshold for this barrier system.

Although highway construction is a short-term phenomenon, MDOT SHA recognizes that it can cause significant noise impacts. The extent and severity of the noise impact depends upon the phase of construction. Mitigation measures for construction noise will be considered during the final design phase of the project and can include the provision of temporary noise barriers or construction of permanent noise barriers first where possible.

**FOX CHAPEL CIVIC ASSOCIATION – ANDY STIEF**

**From:** [Fox Chapel Civic Assoc. Germantown Maryland](#)  
**To:** [SHA OPLANESMLS](#)  
**Subject:** Comment on the SDEIS Documents  
**Date:** Friday, November 12, 2021 3:58:45 PM

**I-495 & I-270 Managed Lanes Study SDEIS**

We the Fox Chapel Civic Association of Germantown MD would like to submit our full approval for going ahead with Phase 1 South/Alt 9. Our Civic Association covers 46 houses and almost 200 residents on Plummer Dr, Plummer Ct and Staten Ct in Germantown. All of our Homeowners are often stuck in the terrible traffic on I-270 and I-495 and welcome any relief to that congestion.

We also would like to see I-270 from I-370 up to Frederick/ I-70 receive fast tracked support for the building of that section. That north section is worse than the I-270 south of I-370 section and needs immediate attention. Extending the 3 lanes in both directions north of Hyattstown to Frederick/I-70 is greatly needed.

Thank you,  
Andy Stief - Treasurer  
Fox Chapel Civic Association



[FOXCHAPEL.CIVICASSOCIATION@GMAIL.COM](mailto:FOXCHAPEL.CIVICASSOCIATION@GMAIL.COM)

Please let us know what F.C.C.A. notifications you wish to Receive? (All - Social - Safety - None)

**Response to SDEIS 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.

**Response to SDEIS Comment #2**

Thank you for your comment on the I-270 Pre NEPA study. The northern section of I-270 from I-370 to I-70 is part of a separate, independent planning study under the I-495 and I-270 Public-Private Partnership (P3) Program. We recognize that improvements are needed in the northern section of I-270 with or without the improvements being considered under this project, however, MDOT SHA has prioritized improvements that will address the major regional congestion at the American Legion Bridge.



FRIENDS OF MOSES HALL

**From:** Moses Morningstar 88 <morningstarmoses88@gmail.com>  
**Sent:** Monday, November 29, 2021 9:30 AM  
**To:** SHA OPLANESMLS  
**Cc:** governor.mail@maryland.gov; pfranchot@comp.state.md.us; treasurer@treasurer.state.md.us; KParzen@savingplaces.org; elizabeth.hughes@maryland.gov; julie.langan@dhr.virginia.gov; Steve Archer; Julie Schablitsky; Richard Ervin; Jeanette Mar, FHWA; Beth Cole, MHT; Tim Tamburrino, MHT; Marc Holma, Virginia DHR; John Simkins, FHWA Virginia Division; rebecca.ballo@montgomeryplanning.org; debra.borden@mncppc.org; brian.crane@montgomeryplanning.org; jsjshipp3@verizon.net; jack.orrick@offitkurman.com; Eddie Bankhead; ebankjs@verizon.net; Lee, Susan Senator; Korman, Marc Delegate; Love, Sara Delegate; Kelly, Ariana Delegate; MCP-Chair@mncppc-mc.org; marc.elrich@montgomerycountymd.gov; councilmember.Albornoz@montgomerycountymd.gov; councilmember.friedson@montgomerycountymd.gov; councilmember.glass@montgomerycountymd.gov; Hucker's Office, Councilmember; councilmember.Jawando@montgomerycountymd.gov; councilmember.katz@montgomerycountymd.gov; councilmember.Navarro@montgomerycountymd.gov; councilmember.rice@montgomerycountymd.gov; councilmember.Riemer@montgomerycountymd.gov  
**Subject:** Comments of Friends of Moses Hall to SDEIS and Updated Draft Section 4(f) Evaluation  
**Attachments:** Friends Moses Hall DEIS Letter 10.16.20 FINAL.pdf; FMH SDEIS Comment Letter - FINAL.pdf

Dear Mr. Folden,

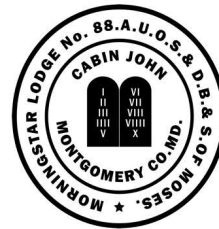
Friends of Moses Hall submits our attached comments and concerns regarding the Supplemental Draft Environmental Impact Statement and Updated Draft Section 4(f) Evaluation for the I-495 and I-270 Managed Lanes Study.

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). The site was also designated one of *America's 11 Most Endangered Historic Places* for 2021 by the National Trust for Historic Preservation. 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 our comments to the DEIS dated October 16, 2020.

Sincerely,  
**Friends of Moses Hall**  
**The Board of Trustees of**  
**Morningstar Tabernacle Number 88, Incorporated**  
[friendsofmoseshall.org](http://friendsofmoseshall.org)

MDOT SHA acknowledges receipt of the Friends of Moses Hall DEIS Comment Letter dated October 16, 2020 that was appended to this SDEIS Comment Letter. Refer to Appendix T for a response to this DEIS Comment Letter.



**Friends of Moses Hall**  
**7550 Seven Locks Road**  
**Cabin John, MD 20818**  
[morningstarmosescj@gmail.com](mailto:morningstarmosescj@gmail.com)  
[www.friendsofmoseshall.org](http://www.friendsofmoseshall.org)

November 29, 2021

**By Email to:** [oplanesMLS@mdot.maryland.gov](mailto:oplanesMLS@mdot.maryland.gov)

Jeffrey T. Folden, P.E., DBIA

Deputy Director, I-495 & I-270 P3 Office

**Maryland Department of Transportation State Highway Administration**

707 North Calvert Street

Mail Stop P-601

Baltimore, MD 21202

**RE: I-495/I-270 Managed Lane Study Supplemental Draft Environmental Impact Statement and Updated Draft Section 4(f) Evaluation**

Dear Mr. Folden:

We are writing on behalf of the Friends of Moses Hall (FMH), an organization of descendants and supporters of the historic lodge and cemetery located off of Seven Locks Road in Cabin John, Montgomery County, adjacent to I-495. We have been active as Consulting Parties in the Section 106 process, as Morningstar Tabernacle 88 Moses Cemetery and Hall is a historic site deemed eligible for the National Register of Historic Places. Our comments below focus on the cultural resources impacts, environmental justice impacts, and the updated Draft Section 4(f) evaluation, and serve to reinforce the comments and concerns we expressed regarding the ground penetrating radar (GPR) survey report on October 8, 2021.

**Physical Impacts to Morningstar Moses Cemetery and Hall (Moses Hall)**

The cultural resources section of the SDEIS indicates that the Moses Hall site is considered to be “adversely affected pending further consultation regarding options for future investigations and other issues raised regarding indirect and cumulative effects” (4-34). FMH concurs with this conclusion regarding the current state of affairs. However, FMH disagrees with the preceding conclusion, namely that the minimization efforts have avoided burial features (Ibid.). As documented in our response to the GPR survey results, more needs to be done to confirm whether or not the cemetery has been physically avoided. We summarize briefly below our key points from the October 8 letter:

FMH SDEIS Comments

11.29.2021

Page 1

**Response to SDEIS Comment #1**

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**).

MDOT SHA will continue to work with the community through the project's Programmatic Agreement on further studies and context-sensitive design of new facilities.

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

#1

<div>#1 Cont</div> <div>#2</div> <div>#3</div>	<div><ul style="list-style-type: none"><li>• The GPR work appears to be incomplete and should be expanded to the north, west, and east;</li><li>• There should be a greater buffer created between the northernmost identified burial and the Project's Limit of Disturbance (LOD); and</li><li>• More information is needed about highway construction methods to determine whether physical avoidance will take place or not.</li></ul><p>We urge SHA to address these issues of physical avoidance promptly, as it will be necessary to conduct further GPR analysis before further advancing either the NEPA or Section 106 process.</p><p><b><u>Cumulative Impacts to Moses Hall</u></b></p><p>As the SDEIS notes (4-34), there is a real need to address the cumulative negative impacts that Moses Hall has experienced over the decades. As the research conducted by Dr. Alexandra Jones and highlighted by the Montgomery County Planning Board in its draft comments on the SDEIS makes clear, the initial construction of I-495 divided important black community institutions and contributed to the decline of the local Cabin John black enclave.<sup>1</sup> The widening of I-495 in the 1990s also proceeded without consideration of the impacts to Moses Hall. SHA's staff, in comments to <i>The Washington Post</i>, acknowledged that SHA "own[s] the fault of the Maryland Roads Commission impacting this community 60 years ago... 'It's our responsibility now to repair that damage and come in and do the right thing.'"<sup>2</sup></p><p>FMH appreciates this recognition of past damages from SHA and concurs that SHA bears such an obligation. We believe that this obligation goes beyond the construction of a sidewalk between Gibson Grove Church (now First Agape AMEZ Church) and Moses Hall, a necessary but insufficient step toward repairing the social and physical damage of the past. FMH has not seen substantive commitments from SHA in the Section 106, NEPA, or 4(f) process commensurate with SHA's statement to <i>The Washington Post</i>. The full nature of the impacts on the property needs to be better understood (as discussed above) and a true commitment to restorative justice needs to be articulated in SHA's environmental analysis and mitigations.</p><p><b><u>Environmental Justice Analysis</u></b></p><p>As a community that has suffered due to past failures to adequately consider the environmental justice consequences of transportation activities, FMH is centrally concerned with how this NEPA document treats EJ communities. Unfortunately, we conclude that SHA has still failed to comply with its legal obligations under NEPA and Executive Order 12898. EO 12898 requires agencies to evaluate whether there are disproportionately high or adverse impacts to EJ communities. 40 CFR 1502.9 requires agencies to adequately disclose impacts in the DEIS. In the SDEIS, SHA states that "the determination of disproportionately high and adverse impacts to EJ populations will be made on the Preferred Alternative and will be disclosed in the FEIS" (Pg.</p><div><p><sup>1</sup> See: <a href="https://montgomeryplanningboard.org/wp-content/uploads/2021/10/Item10_Nov-2021_M-NCPPC-SDEIS-Comment-Letter-ARG.pdf">https://montgomeryplanningboard.org/wp-content/uploads/2021/10/Item10_Nov-2021_M-NCPPC-SDEIS-Comment-Letter-ARG.pdf</a></p><p><sup>2</sup> Shaver, Katherine. "African American gravesites detected near the Capital Beltway will be spared in road-widening plans." <i>The Washington Post</i> September 9, 2021. <a href="https://www.washingtonpost.com/transportation/2021/09/09/maryland-beltway-moses-morningstar-cemetery/">https://www.washingtonpost.com/transportation/2021/09/09/maryland-beltway-moses-morningstar-cemetery/</a></p></div></div>	<p><b>Response to SDEIS Comment #2</b></p> <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"><li>• Direct and indirect impacts to historically African American Gibson Grove Community significantly minimized</li><li>• Gibson Grove Church is avoided with impacts minimized to 0.1 acre of temporary easement needed for drainage</li><li>• All direct and indirect impacts to Moses Hall Cemetery completely avoided</li><li>• Noise barrier with context sensitive treatment at the Moses Hall Cemetery</li><li>• Gifting land owned by MDOT SHA with potential graves back to Trustees of Moses Hall Cemetery</li><li>• Completing drainage improvements on Gibson Grove property and clearing space for their proposed parking lot</li><li>• Upgrading parking lot on the east side Seven Locks Road and making the sidewalk and path improvements to connect to the existing parking lot.</li><li>• 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.</li></ul> <p>Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.</p> <p><b>Response to SDEIS Comment #3</b></p> <p>Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.</p>
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<div>#3 Cont</div> <div>#4</div>	<p>4-104). 40 CFR 1502.16 also requires that all alternatives under consideration be treated equally, which this approach does not do.</p> <p>Because EJ analysis turns on this disproportionate impact analysis, SHA has still not conducted an EJ analysis for the Project, in direct contravention of regulatory requirements. It has not adequately grappled with the consequences on current and historic minority populations. As a result, the SDEIS remains deficient on this issue, and our serious concerns regarding the need to address current and historic EJ consequences remain unaddressed.</p> <p><b><u>Section 4(f) Analysis</u></b></p> <p>It is premature for SHA to make a use or constructive use determination under Section 4(f) due to the lack of information provided on key issues relevant for such a determination. As noted in this and our October 8 communication, the incomplete GPR results raise real questions as to whether the highway widening may affect existing burial sites. While the updated Draft Section 4(f) evaluation states that “GPR-indicated features” are avoided (5-53), we have noted that GPR did not continue up to the existing highway line (<i>See Attachment A</i>). Understanding that space is one important piece for confirming whether there would be a 4(f) use on the site.</p> <p>Determining a constructive use also depends upon outstanding or currently unavailable information. 23 CFR 774.15(e)(4) requires consideration of the potential construction impacts on 4(f) properties, particularly vibration impacts. The SDEIS remains vague regarding construction means and methods and impacts. In particular, the SDEIS offers scant discussion of potential vibration impacts. Alongside noise, construction vibration may impair the use of the cemetery as a site for remembrance and contemplation. FMH has not been provided sufficient information on construction to understand whether a constructive use may occur. SHA also concludes that visual changes “would not substantially impair the aesthetic features or attributes of Morningstar Moses Cemetery that contribute to the value of the property” (5-53). This conclusion is premature. A Visual Impact Assessment (VIA) has yet to be conducted, which means consideration of visual or aesthetic impacts to the cemetery that may result in a constructive use cannot yet be determined. The forthcoming VIA should consider visual impacts because, when confronted with the possibility of additional yet-undiscovered burials, the visual relationship of the highway to this sensitive site could change substantially.</p> <p>Friends of Moses Hall appreciates the consideration that SHA has paid to our site, as noted through the frequent documentation of the ongoing coordination and site investigation in the NEPA and Section 4(f) documentation. We look forward to continued coordination as SHA works to address the meaningful limitations of the analysis done to-date and seeks to affirmatively and substantively address the wrongs of the past.</p> <p>Sincerely,</p> <p><b>FRIENDS OF MOSES HALL</b> <b>The Board of Trustees of</b> <b>Morningstar Tabernacle Number 88, Incorporated</b></p> <p><b>Diane E. Baxter</b> President, Morningstar Tabernacle Number 88, Incorporated Descendant</p> <p>FMH SDEIS Comments 11.29.2021 Page 3</p>	<p>See response to Comment #3 above.</p> <p><b>Response to SDEIS Comment #4</b> The Final Section 4(f) Evaluation concluded there would be no constructive use as a result of improvements proposed under the Preferred Alternative. Refer to <b>FEIS, Appendix G</b> for additional details.</p>
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**Dr. Charles W. Harris**

Vice President, Morningstar Tabernacle Number 88, Incorporated  
Descendant

**Eileen McGuckian**

Secretary, Morningstar Tabernacle Number 88, Incorporated  
Historian and President, Montgomery Preservation

**Montgomery Crawford**

Treasurer, Morningstar Tabernacle Number 88, Incorporated  
Descendant

**Alexandra Jones, PhD, RPA**

Trustee, Morningstar Tabernacle Number 88, Incorporated  
Executive Director and Founder, Archaeology in the Community

**Austin E. White**

Trustee, Morningstar Tabernacle Number 88, Incorporated  
Descendant

**Charlotte Troup Leighton**

Trustee and Chair, Friends of Moses Hall Committee, Morningstar Tabernacle Number 88,  
Incorporated  
Vice President of Advocacy, Cabin John Citizens Association

**L. Paige Whitley**

Chair, Research Committee, Morningstar Tabernacle Number 88, Incorporated  
Independent Researcher

**Sondra Raspberry**

Descendant

**Shannon S. Steward**

Descendant

**Christopher Waynes**

Descendant

**Austin White II**

Descendant

**Nathan White II**

Descendant

**Pandora White**

Descendant

cc: Governor Lawrence J. Hogan – governor.mail@maryland.gov  
Comptroller Peter V.R. Franchot – pfranchot@comp.state.md.us  
Treasurer Nancy Kopp – treasurer@treasurer.state.md.us  
Kendra Parzen, National Trust for Historic Preservation - KParzen@savingplaces.org  
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Casey Anderson, Chair, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org  
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Partap Verma, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org  
Tina Patterson, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org  
Gerald Cichy, Commissioner, Montgomery County Planning Board - MCP-Chair@mncppc-mc.org  
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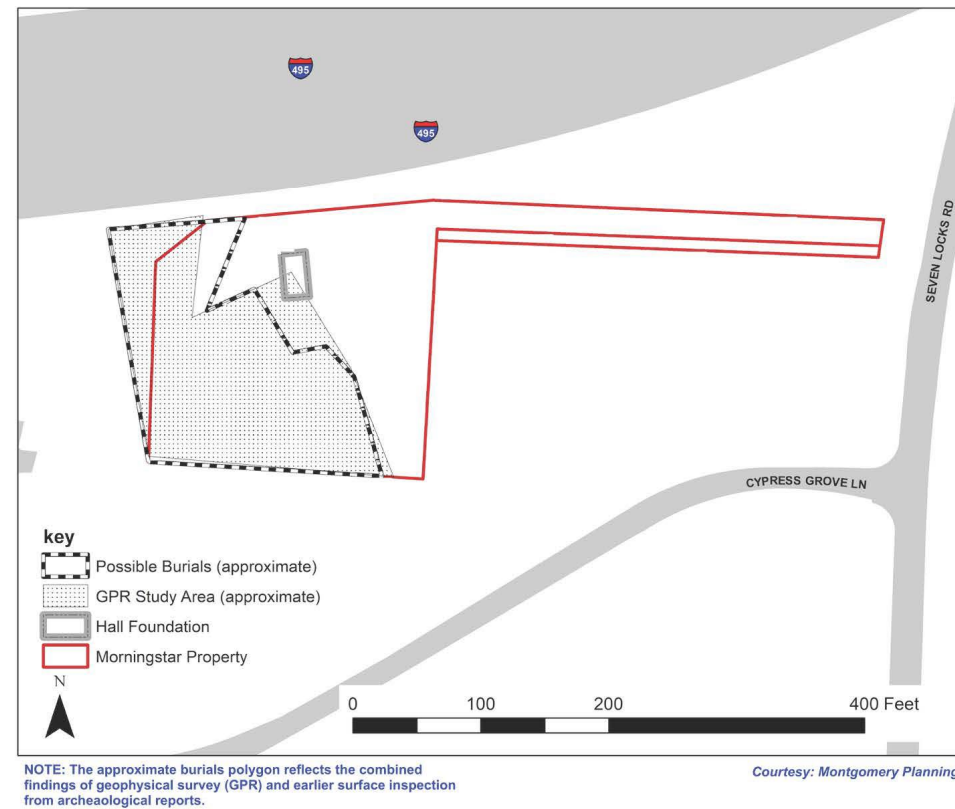
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ATTACHMENT A

Morningstar Tabernacle 88 Hall and Cemetery



**FRIENDS OF SLIGO CREEK – KIT GAGE**

**From:** KIT GAGE <kgage@verizon.net>  
**Sent:** Thursday, November 4, 2021 8:11 PM  
**To:** SHA OPLANESMLS  
**Subject:** Friends of Sligo Creek testimony on SDEIS of MDOT on Beltway expansion  
**Attachments:** FOSC testimony SDEIS MDOT Beltway 211104.docx

Attached is our testimony.  
Kit Gage  
Advocacy Director  
Friends of Sligo Creek

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Jeffrey T. Folden, P.E., DBIA  
 Director, I-495 & I-270 P3 Office Maryland Department of Transportation State Highway Administration  
 707 North Calvert Street  
 Mail Stop P-601, Baltimore, MD 21202

Friends of Sligo Creek has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) prepared by the Maryland Department of Transportation (MDOT) for the I-495/I-270 toll lanes project, and we write to renew our opposition to this proposal. We support the “no-build” option and categorically oppose any toll lanes. We also write to express our disappointment at the failure of the SDEIS to address basic environmental impacts or seriously consider viable alternatives. This has deepened our ongoing concern that the process for advancing this proposal has been rushed and inadequate, and that plans to expand the project east along the Beltway and over the Sligo Creek watershed are likely to be revived and proceed in a similar fashion.

The SDEIS reinforces both that the project will cause significant environmental harm, and that it will not effectively address the problem it is supposed to solve. The tables in Appendix A of the SDEIS illustrate that improvements to traffic congestion in most segments are projected to be negligible, and in some segments it is estimated that commute times will actually increase. Overall, the SDEIS estimates a reduction in traffic delays of just 3 or 4 minutes per commute, a barely noticeable amount of time, and a poor return on a massive investment of tax dollars with potentially profound negative impacts on the surrounding communities and natural environment.

The SDEIS fails to consider many basic environmental issues, but those it does address are gravely concerning to Friends of Sligo Creek. For example, according to details in Appendix C, it is estimated that only about half of stormwater runoff can or will be managed onsite. A lack of clarity on how all stormwater will be treated is unacceptable. In addition, the toll lanes will impact 15 parks, and a total of over 36 acres of parkland will be affected, with a potential loss of 500 acres of forest canopy. Over 1,200 trees would be removed in 3 national parks.

These environmental impacts are bad, especially for a proposal with so little projected benefit, but what is omitted or left unaddressed by the SDEIS is equally troubling. The analysis of many essential environmental impacts has been left for a proposed future Final Environmental Impact Statement (FEIS). Thus, the SDEIS fails to provide a final Environmental Justice analysis, and it includes only a rudimentary analysis of greenhouse gas emissions and other pollutants likely to result from increased car traffic. Also deferred to the proposed FEIS is analysis of the impact of the project on wetlands and floodplains. These

**Response to SDEIS Comment #1**

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

**Response to SDEIS Comment #2**

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

**Response to SDEIS Comment #3**

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 SDEIS Comment #4**

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



#5	<p>are basic environmental impacts that should have been included, and their absence, or postponement, does not inspire confidence that MDOT is taking environmental concerns seriously enough.</p> <p>An analysis comparing the impact of the proposed toll lane project with potential alternatives is also absent. For example, during the last year and a half, as a result of the COVID pandemic, it has become clear that policies encouraging telework can significantly reduce traffic. An assessment of the potential environmental impact of increased telework as compared to the construction of toll lanes would have been instructive, though it is welcome that this kind of analysis is according to the SDEIS “ongoing”, as presented in Appendix B.</p> <p>Because many environmental impact analyses have been deferred, this SDEIS is incomplete at best. We encourage MDOT to ramp up its ongoing analysis of alternatives to highway construction like telework. Nonetheless, the analysis that the SDEIS does provide, detailing the impact on trees, parks, and stormwater, and the negligible benefits the proposal is projected to produce, have intensified our opposition to the construction of toll lanes.</p> <p>It is clear to Friends of Sligo Creek that there are ways to reduce traffic congestion that will have a much less harmful impact on our environment, including our creeks and streams, than building toll lanes and increasing the number of cars on our highways. Friends of Sligo Creek emphatically supports the “no-build” option, and opposes any construction of toll lanes.</p> <p>Friends of Sligo Creek, or FOSC, is a nonprofit community organization dedicated to protecting, improving, and appreciating the ecological health of Sligo Creek Park and its surrounding watershed.</p> <p>Sincerely,</p> <p>Kit Gage Advocacy Director Friends of Sligo Creek <a href="mailto:advocacy@fosc.org">advocacy@fosc.org</a> PO Box 11572 Takoma Park MD 20913 <a href="http://www.friendsofsligocreek.org">www.friendsofsligocreek.org</a></p>	<p><b>Response to SDEIS Comment #5</b> Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and teleworking.</p>
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**FRIENDS OF CABIN JOHN CREEK – SANDRA LADEN**

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**From:** Sandy Laden <shevaetta@gmail.com>  
**Sent:** Tuesday, November 30, 2021 9:28 PM  
**To:** SHA OPLANESMLS  
**Cc:** County.Council@montgomerycountymd.gov; MCP-Chair@mncppc-mc.org; contact@anshome.org  
**Subject:** FOCJC Comment submission 495/279 Managed Lanes SDEIS  
**Attachments:** 270~495 SDEIS Comments.pdf; Comments on SDEIS from FOCJC.pdf

Dear Mr. Folden,

I am attaching comments for submission to the official record for the I270/I495 Manage Lanes Study SDEIS on behalf of Friends of Cabin John Creek, Montgomery County Maryland.

Sincerely,

Sandra Laden  
Vice President  
Friends of Cabin John Creek, Inc

**Friends of the Cabin John Creek**  
P.O. Box 267, Cabin John, MD 20818

Incorporated 2013

Burr Gray - President  
Sandy Laden - Vice President

Scott Hoffman - Treasurer  
Jon Putnam - Secretary

Comments on the Supplemental Draft Environmental Impact Statement (SDEIS)  
for the I-495/270 Highway Expansion Study

November 30, 2021

Jeffrey T. Folden, P.E., DBIA  
Deputy Director, I-495 & I-270 P3 Office  
Maryland Department of Transportation State Highway Administration  
707 North Calvert Street  
Mail Stop P-601  
Baltimore, MD 21202

Dear Mr. Folden,

Friends of Cabin John Creek (FoCJC) is a 501(c)3 organization consisting of local residents and volunteers dedicated to the restoration, preservation, and stewardship of the Cabin John Creek Watershed (CJCW). We submitted comments November 4, 2020 on the Draft Environmental Impact Statement (DEIS) for the I-495 & I-270 Managed Lanes Study. Contained below are our comments and concerns regarding the Supplemental Draft Environmental Impact Statement (SDEIS), which focuses on impacts of the Preferred Alternative listed in the DEIS.

**The Cabin John Creek & Watershed are the most impacted** - The SDEIS (see Chapter 4) confirms that Cabin John Creek and its watershed will be the most impacted of the various waterways studied.

- Cabin John Creek will be the most affected waterway, with 31,429 linear feet (or 495,512 square feet) of waterway impacts. (p. 4-66).
- The Preferred Alternative would add the most impervious surface to the CJCW, with 98.2 acres (over 4 million sq ft) added. (See p. 4-70 and 71.) 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 additional impervious surface will add another 3% to that amount. We noted in our previous comments, but it bears worth repeating: the opportunity to address not only any new pavement but also the existing I-495 and I-270 pavement regarding stormwater runoff is unique and should be seized upon and not be wasted.

MDOT SHA acknowledges receipt of the Friends of Cabin John Creek DEIS Comment Letter dated November 4, 2020 that was appended to this SDEIS Comment Letter. Refer to Appendix T, for a response to this DEIS Comment Letter.

**Response to SDEIS Comment #1**

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.

The SWM analysis completed for the FEIS indicates that over 95 percent of the water quality requirements can be met onsite.

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. Refer to **FEIS, Chapter 7** for a comprehensive list of mitigation and commitments. Also 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.

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.

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. 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.

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. Refer to **FEIS, Chapter 7** for a comprehensive list of mitigation and commitments.


#1



<div>#1 Cont</div>	<div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div> <div><ul style="list-style-type: none"><li>• The Preferred Alternative talks about the need to connect the inner I-495 lanes with various exits, including in particular the connection with MD-190 (a.k.a. River Road). One of the connection scenarios in the Preferred Alternative is a "flyover" lane, that would exist suspended in the air with supporting columns embedded in and around the Cabin John Creek and parkland. This is truly a nightmare scenario with all sorts of adverse impacts to nearby residences and users of the County trail along the Cabin John Creek, including visual impacts and noise impacts that will be leveraged due to the elevated nature of the project. This location is an area that is residential in nature; the community prides itself on the beautiful creek and works hard to preserve and improve the creek.</li></ul><p>Thus we are concerned about the impacts of the I-495/I-270 project on the health and beauty of both the watershed and the creek. We request that the SDEIS accurately reflect those impacts.</p><p><b>COMMENTS</b></p><p><b>Comment #1: Include Environmental Enhancements in the Final EIS.</b> We are encouraged by MDOT SHA's commitment to "environmental enhancements that would provide meaningful benefits to adjacent resources" mentioned in Chapter 2, Section 4, including attributes and functions that may be compromised by the highway project. Such enhancements would include "... water quality improvements, stream restoration, and removal of invasive species on county parkland."</p><p>We are also encouraged by MDOT SHA's additional commitments to avoid and minimize environmental and parkland impacts. MDOT SHA states that it will address "water quality concerns on parkland focused on stabilizing streams, creating natural surface channels, and re-vegetating areas to improve water quality and reduce flooding and pollutant loads." The agency states that it is committed to improvements such as "stream bank and bed stabilization and removal of concrete lined channels in identified priority areas such as Cabin John Stream Valley Park."</p><p>We applaud these commitments and request that they be described in detail in the Final Environmental Impact Statement as enhancements that will happen. If not in the final EIS, then they need to be described in the related mitigation document that follows.</p></div>	<div><p><b>Response to SDEIS Comment #2</b></p><p>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 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.</p><p><b>Response to SDEIS Comment #3</b></p><p>All of the proposed wetlands and waterways mitigation sites are located in the Middle Potomac-Catoctin watershed. Refer to Chapter 5, Section 5.12.4 and the Final Compensatory Wetlands and Waterways Mitigation Plan (CMP) (<b>FEIS, Appendix O</b>) for details on the wetlands and waters mitigation. <b>FEIS, Chapter 7</b> also provides a comprehensive list of the mitigation and commitments.</p></div>
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<p>#3 Cont</p> <p>#4</p> <p>#5</p>	<p>mitigation sites. We support M-NCPPC's request that the project do off-site stormwater mitigation within 1,500 feet of the project's Limit of Disturbance. This will help mitigate the impact of the current highways and further help the creek. There is discussion about conducting mitigation in an area elsewhere in the watershed but quite remote from I-495 and I-270. (p. 2-11 "compensatory SWM ESD could not be met onsite.") Taking this "distant mitigation" approach is not going to help the creek, and thus it will be very unpopular with the local populace living in and around the impacted area.</p> <p><b>Comment #4: Plan for a greater volume of stormwater.</b> The SDEIS needs to anticipate stormwater management (SWM) facilities for storms that drop more rain than in the past. The Washington, D.C. area is receiving more precipitation per year and more large precipitation events than in the past. In the D.C. area seven of the last 10 years have had above-normal precipitation, per data from the National Weather Service. This includes a record 66.28 inches in 2018. In addition, we have storm events dropping more than one inch of precipitation about 10 days per year, on average, over the last seven years, according to data from the United States Geological Survey. Due to climate change, these trends are expected to continue and likely increase.</p> <p>In Chapter 2, when discussing SWM quantity requirements, the SDEIS says, "Each SWM facility is expected to meet a minimum of 1-inch treatment credit." These facilities should be designed to be able to handle the 2-, 3- and 4-inch rainstorms we are experiencing more often now due to climate change. In fact, United States Geological Survey precipitation gauge data since 2014 shows our area now has an average of two 2-inch or greater precipitation events each year, with some years having four such events. The SDEIS needs to contain information on how often the SWM facilities will be adequate during a given storm event and given year and how often the facilities will fail because the storms drop a higher volume of rain in a short amount of time. The state of MD recently passed a law requiring the state to use more up-to-date rainfall data when issuing permits. That law, which became effective June 1, 2021 requires MDE to report on the most recent precipitation data available, investigate flooding events since 2000, and update Maryland's stormwater quantity management standards for flood control. The SDEIS should not live in the past, working with outdated data and old scenarios, but instead should anticipate the impact of greater rainfall density and the resulting impacts to creeks if that stormwater is not ameliorated.</p> <p><b>Comment #5: Prioritizing avoiding impacts to Forest Conservation Act easements.</b> Chapter 4 notes the project would impact Forest Conservation Act easements, including state and county owned easements, encompassing a total of 14.7 acres. Of these, 2.1 acres are in the Cabin John Stream Valley Park in the City of Rockville, and another 0.6 acres in M-NCPPC parkland. These easements were created to protect forested areas, in part because forests and trees do an excellent job of soaking up stormwater. The SDEIS needs to work harder to find a way to avoid, or greatly minimize, impacts to Forest Conservation Act easements. This land was set aside specifically to protect forests and it should be left that way.</p>	<p><b>Response to SDEIS Comment #4</b></p> <p>In Maryland, SWM facilities are typically designed to treat a minimum of 1 inch of rainfall because the first inch "flushes" pollutants off of adjacent roads and other impervious area; therefore the first inch of rainfall typically contains the majority of the pollutants. SWM facilities can be designed up to a maximum of the 1-year storm, defined as 2.6 inches of treatment, however, additional water quality credit cannot be received for treatment beyond 2.6 inches of rainfall.</p> <p>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> <p>MDE is considering updating Maryland regulations, including increasing the 1-year storm to 3 inches. If MDE regulations are updated, the project will be required to meet the updated regulations.</p> <p>The project will be required to obtain a SWM and Erosion &amp; 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> <p><b>Response to SDEIS Comment #5</b></p> <p>Unavoidable impacts to forested canopy or tree canopy areas from construction of the Preferred Alternative in Maryland will be regulated by MDNR under Maryland Reforestation Law. Forest impacts must be replaced on an acre-for-acre or one-to-one basis on public lands, within two years or three growing seasons of project completion (MD Natural Resources Code Ann. §5-103). Refer to Chapter 5, Section 5.16.4 for additional details on the forest mitigation plan.</p>
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<p>#6</p> <p><b>Comment #6: Reduce the amount of parkland impacts.</b> Much of Cabin John Creek and its tributaries flow through parkland. The Cabin John Creek mainstem goes through parkland for most of its 10-mile length, from Rockville to the creek's confluence with the Potomac River. The creek's health depends in large part on the parkland, its forests and wetlands. We repeat the comment made early that the SDEIS needs to work harder at analyzing how to mitigate environmental impacts locally when at all possible. As such, we urge SHA and FHWA to reduce the parkland impacts of this project. We understand the agencies have an obligation under so-called Section 4(f) to work to avoid parkland impacts and so the SDEIS needs to make a stronger effort to do so. The proposed changes to the MD-190/Cabin John Parkway interchange are one area where parkland impacts probably can and certainly should be reduced.</p> <p>#7</p> <p><b>Comment #7 - 100% of stormwater from all re-constructed areas should be treated/managed</b> - the SDEIS states that all stormwater from new impervious surfaces and 50% of stormwater from reconstructed impervious surfaces will be treated. Again, the opportunity to address stormwater runoff from not only any new pavement but also from the existing I-495 and I-270 pavement, regardless whether it is characterized as "reconstructed", is unique and should be seen as an opportunity to address past failures. The SDEIS should examine the options/opportunities for addressing all of the stormwater coming off current as well as future wider versions of I-495 and I-270.</p> <p><b>Comment #8 - Incorporating of the FoCJC November 4, 2020 Comments</b> - to the extent relevant and applicable, we repeat the FoCJC comments submitted on November 4, 2020 regarding the draft EIS.</p> <p>Thank you for considering our comments and concerns.</p> <p>Sincerely,</p> <p></p> <p>Sandra Laden Vice President Friends of Cabin John Creek, Inc.</p> <p>cc:</p> <p>Montgomery County Council: <a href="mailto:County.Council@MontgomeryCountyMD.gov">County.Council@MontgomeryCountyMD.gov</a> County Executive Marc Elrich: <a href="https://www.montgomerycountymd.gov/exec/Contactcex.aspx">https://www.montgomerycountymd.gov/exec/Contactcex.aspx</a> MCP Planning Board Chair Casey Anderson: <a href="mailto:MCP-Chair@mncppc-mc.org">MCP-Chair@mncppc-mc.org</a> Audubon Naturalist Society: <a href="mailto:contact@anshome.org">contact@anshome.org</a></p> <p>4</p>	<p><b>Response to SDEIS Comment #6</b></p> <p>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:</p> <p><i>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.</i></p> <p>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 &amp; Ohio Canal National Historical Park. Refer to <i>SDEIS, Chapter 4, Section 4.12.4</i> for additional details on the ALB Strike Team's efforts.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Refer to Chapter 9, Section 3.4.C for a response to analyses of parklands and historic resources.</p> <p><b>Response to SDEIS Comment #7</b></p> <p>See response to Comment #2 above.</p> <p><b>Response to SDEIS Comment #8</b></p> <p>MDOT SHA acknowledges receipt of the Friends of Cabin John Creek DEIS Comment Letter dated November 4, 2020 that was appended to this SDEIS Comment Letter. Refer to Appendix T, for a response to this DEIS Comment Letter.</p>
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**GAITHERSBURG-GERMANTOWN CHAMBER OF COMMERCE, INC. – MARILYN BALCOMBE**

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**From:** Marilyn Balcombe <MBalcombe@GGChamber.org>  
**Sent:** Friday, October 29, 2021 2:49 PM  
**To:** SHA OPLANESMLS  
**Subject:** I-270 SDEIS Comments  
**Attachments:** I-270 - Supplemental Draft Environmental Impact Statement (SDEIS) public comment .doc

Please accept the attached testimony on the SDEIS.

*Marilyn*

Marilyn Balcombe  
President and CEO



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

**The Maryland Department of Transportation State Highway Administration (MDOT SHA) and Federal Highway Administration (FHWA)**  
**I-495 & I-270 Managed Lanes Study Supplemental Draft Environmental Impact Statement (SDEIS)**  
**Public Hearing - November 1, 2021**

The Gaithersburg-Germantown Chamber of Commerce supports the Preferred Alternative that was included in the I-495 and I-270 Managed Lanes Study Supplemental Draft Environmental Impact Statement.

Increased capacity of I-270 has been a top priority for businesses in 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. The I-495 and I-270 Managed Lanes project is the first real opportunity to address the significant congestion along the Corridor.

The Preferred Alternative significantly improves peak-hour speed in most sections, during BOTH peak periods. It significantly reduces congestion, increases speeds, and improves reliability of expected travel times.

Other improvements include

- An increase in vehicle throughput at the American Legion Bridge which continues to be one of the region's most severe choke points.
- A reduction in the number of failing roadway segments.
- And a reduction of vehicle hours of delay on Montgomery County arterials.

As our name implies, my organization represents businesses along the I-270 Corridor north of Rockville up to the Frederick County line. As we have stated in the past, a comprehensive traffic solution on I-270 requires the completion of Phase I from the American Legion Bridge all the way to I-70 in Frederick. We accept that Phase I South stops at I-370 in Gaithersburg, knowing that MDOT SHA will continue to advance the activities association with the pre-National Environment Policy Act (pre-NEPA) requirements for Phase I North.

We believe in an "all of the above" approach to increased capacity and fully support free transit bus service on the managed lanes. Providing free access for buses on the toll lanes will make transit much more attractive to commuters.

As important as transit is on I-270 itself, additional transit in the I-270 corridor is also critical. We strongly encourage the State to advance the long-awaited Corridor Cities Transitway, as well as increased capacity on the MARC rail system.

The businesses and residents in the I-270 Corridor need relief. We believe this project provides that relief.

Thank you.

**Response to SDEIS 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.

The Preferred Alternative includes multiple elements to enhance transit mobility and multimodal connectivity in furtherance of the established Purpose and Need and in response to public and agency comments supporting such elements. Refer to **FEIS Chapter 3, Section 3.1.4** and **Section 3.2.1**. These transit elements will serve to address the multi-modal mobility and connectivity need in the Purpose and Need and include:

- Allowing bus transit usage of the HOT managed lanes toll free to provide an increase in speed of travel, assurance of a reliable trip, and connection to local bus service/systems on arterials that directly connect to urban and suburban activity centers;
- Accommodating direct and indirect connections from the HOT managed lanes to existing transit stations and planned Transit Oriented Development at the Shady Grove Metro, Twinbrook Metro, Rockville Metro, and Westfield Montgomery Mall Transit Center; and

MDOT SHA has also committed to certain regional transit improvements to enhance existing and planned transit and support new opportunities for regional transit service including increasing the number of new bus bays at WMATA Shady Grove Metrorail Station and increasing parking at the Westfield Montgomery Mall Transit Center. Additional transit opportunities have been identified through the approved P3 Agreement.

**Response to SDEIS Comment #2**

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

GAITHERSBURG-GERMANTOWN CHAMBER OF COMMERCE, INC. – MARILYN BALCOMBE (ORAL TESTIMONY)

I-495 and I-270 Managed Lanes Study  
SDEIS Virtual Public Hearing: Oral Testimony

**Name:** Marilyn Balcombe

**Agency/Organization/Jurisdiction, if applicable:** Gaithersburg-Germantown Chamber of Commerce

**Virtual Public Hearing Date:** 11/1/2021

**Type/Session:** Testimony

**Transcription:**

Hi, my name is Marilyn Balcombe. M-A-R-I-L-Y-N B-A-L-C-O-M-B-E. I'm representing the Gaithersburg Germantown Chamber of Commerce. My address is 910 Clopper Road, Gaithersburg, Maryland. The Gaithersburg Chamber of Commerce supports the Preferred Alternative that was included in the Draft Environmental Impact Statement. Increase capacity of I-270 has been a top priority for businesses and 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. The I-495 and I-270 Managed Lanes projects is the first real opportunity to address the significant congestion along the corridor. The Preferred Alternative significantly improves peak hour speed in most sections during both peak periods. It significantly reduces congestion, increases speed, and improves reliability of expected travel times. Other improvements include an increased in vehicle through throughput at the American Legion Bridge, which continues to be one of the region's most severe choke points. A reduction in the number of failing roads, roadway segments, and a reduction of vehicle hours of delay on Montgomery County arterials. As our name implies my organization represents businesses along the I-270 corridor north of Rockville, up to the Frederick County line. As we've stated in the past a comprehensive traffic solution on I-270 requires the completion of Phase 1 from the American Legion Bridge all the way to I-70 and Frederick. We accept that Phase 1 South stopped at I-370 in Gaithersburg, knowing that MDOT SHA will continue to advance the activities associated with pre-need for requirements for Phase 1 North. We believe in an all-in all of the above approach to increase capacity and fully support free transit bus service on managed lanes. Providing free access for buses on the toll lanes will make transit much more attractive to commuters. The businesses and residents of the I-270 corridor need relief. We believe this project provides that relief. Thank you.

**Response to SDEIS 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.

#1



GREATER FARMLAND CIVIC ASSOCIATION – EDWARD RICH

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**From:** Edward Rich <ejrich56@yahoo.com>  
**Sent:** Tuesday, November 30, 2021 4:16 PM  
**To:** SHA OPLANESMLS  
**Cc:** GFCABoard  
**Subject:** Comments of the Greater Farmland Civic Association on the Supplemental Draft Environmental Impact Statement for I-270 Managed Lane Project  
**Attachments:** GFCAC Comments on the P3 Managed Lanes Project SEIS 11-29-2021.docx

Attached for your consideration and the record are the comments of the Greater Farmland Civic Association concerning the SDEIS for the 270 Managed Lane Project. The GFCAC represents the 981 households and over 3000 residents that would be directly affected by this project. These comments were officially adopted by the Association's Board for filing with the Maryland Department of Transportation.

Please feel free to contact me if you wish to further discuss our comments or have any questions or concerns.

Ed Rich  
President  
Greater Farmland Civic Association  
<http://www.greaterfarmland.org>  
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COMMENTS ON THE SDEIS FOR THE I-270 & I-495 MANAGED LANE PROJECT

SUBMITTED BY ED RICH, PRESIDENT

GREATER FARMLAND CIVIC ASSOCIATION

November 29, 2021

These comments on the Supplemental Draft Environmental Impact Statement (SDEIS) are submitted on behalf of the Greater Farmland Civic Association, representing a community of 981 homes that directly borders I-270 from Tuckerman Lane to Montrose Road. We submitted an extensive commentary on the Draft Environmental Impact Statement (DEIS) for the Managed Lane Project (MLP) in 2020, and upon our review of the SDEIS, we find our key concerns have not been addressed. We concur with the cogent comments of the Citizen's Against Beltway Expansion, the Sierra Club, Maryland Advocates for Sustainable Transportation, the Maryland Climate Coalition and the Coalition for Smart Growth. Like theirs, our analysis of the SDEIS and other project documentation shows that the MLP will not improve travel times and speeds, but will expose Marylanders to unacceptable financial risk and environmental degradation. The information provided in the SDEIS only confirms our conclusion: the MLP is wrong for Marylanders and for the region.

Our neighborhood is one of many that would be negatively impacted by this project. Our careful attention to the process and particulars of this study, however, has taken us far beyond any NIMBY objections to the MLP. Here are but a few of the key failings of the project and the inadequacies of the SDEIS that concern us:

**The SDEIS/DEIS gives only a fragmentary and preliminary analysis of the project.**

Many of the questions we have about the project continue to go unanswered. The purpose of an Environmental Impact Statement is to detail the environmental impacts, the reasonable alternatives, and the proposed mitigation measures and minimizations of these impacts. The multitude of pages, however, do not explain either the reasonable alternatives to the MLP or the impacts. The SDEIS continually states that specific analyses—of Green House Gas (GHG) emissions, of updated traffic, and of the environmental impacts of phase 2 of the MLP, for example—have been delayed. Maryland should not be committing to a P3 agreement before all the facts and risks are known.

**The P3 “money” comes at too high a price for Maryland.**

Unlike the DEIS, the SDEIS does not include an estimate of the subsidies that may be necessary. How much of our money has already been spent on all of these preliminary studies? Who will bear the costs of moving water, sewer, cable, gas, electric and other utility lines? Marylanders

**Response to SDEIS Comment #1**

MDOT SHA acknowledges receipt of the Greater Farmland Civic Association DEIS Comment Letter dated November 4, 2020 that was appended to this SDEIS Comment Letter. Refer to Appendix T for a response to this DEIS Comment Letter.

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**.

**Response to SDEIS Comment #2**

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

During predevelopment work for Phase 1, the selected Developer is working collaboratively with MDOT SHA and our utility partners to further identify, avoid and reduce any impacts to utilities and, where necessary, develop plans to relocate utilities in the most efficient and accommodating manner as possible. To the extent applicable, the selected Developer is required to adhere to the utility provider's regulations, design standards, and specifications and coordinate any design and construction with the utility provider.

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. The cost estimate for the Preferred Alternative includes the cost of utility relocation based on planning level information and can be found in the Final Environmental Impact Statement.

#1

#2

<div>#2 Cont</div> <div>#3</div> <div>#4</div>	<div><p>deserve to know the full extent of what we will have to pay for. Moreover, as the Maryland Treasurer, Nancy Kopp, pointed out, publicly issued bond financing for capital projects is significantly less expensive in the long run than the private financing proposed here. One need only look at the Purple Line fiasco to figure that out. MDOT continues refusing to release its value for money analysis for the Project, so we don't really know how this project stacks up against public bond financing.</p><p>The P3 agreement, moreover, binds Maryland residents to certain terms of construction as well as to a 50-year period of toll lane operation. Both the terms and the term period are unacceptable. The SDEIS continually defers to "guidelines" the developer will create with respect to noise walls, landscaping, and road design. The developer's goal is to cut costs and maximize profit, not to do what is best for our residents.</p><p><b>The Infrastructure and Jobs Act offers an unexplored alternative to the MLP.</b></p><p>The passage of the historic infrastructure bill offers Maryland a way to make improvements such as the American Legion Bridge replacement that the SDEIS has not accounted for. Seeking public funds will allow us to make highway and transit improvements and respond to changing needs and technology—without taking on unspecified subsidies and other financial risks.</p><p><b>The MLP's improved speeds occur at the expense of increased congestion in the General Public lanes.</b></p><p>The SDEIS demonstrates that the MLP will not, in fact, significantly improve travel speeds. The Maryland Department of Transportation projects that drivers who travel in the general (non-tolled) lanes from the American Legion Bridge to I-370 will save 2 minutes and 36 seconds during the morning rush hour. However, when drivers return home during the evening rush hour, their travel time will <u>increase</u> by 10 minutes and 6 seconds on the same stretch of road. Moreover, the SDEIS states that afternoon "severe congestion" will occur along I-270 north of Phase 1 until future improvements are made to I-270—for which there is no project. Given that the MLP is converting existing High Occupancy Vehicle (HOV)-2 lanes available for free 23 hours a day to toll lanes, thereby reducing the number of lanes available to the general public and making the toll lanes free only for HOV-3 non-electric vehicles, it is hard to believe that any of the detailed travel times are realistic.</p><p>Moreover, the traffic projections were done pre-COVID-19 and do not take into account the rise in telecommuting (people working from home) and the likely permanent change to the way people work.</p></div>	<div>See reponse to Comment #2</div> <div><p><b>Response to SDEIS Comment #3</b></p><p>MDOT remains focused on supporting the State's pandemic response and recovery, while delivering projects that support safety, mobility, and state of good repair for the critical infrastructure that composes the State's transportation system. With the new funding Maryland will receive from the Infrastructure Investment and Jobs Act (IIJA), MDOT is presented with new opportunities to advance projects across the entire State. As of January 2022, MDOT is awaiting federal rulemaking and a congressional appropriations authorization to access these new funds, which will provide approximately 20 percent more in federal highway dollars than the state currently has. During this time, MDOT is reviewing each county's priorities and needs, the Statewide infrastructure needs, as well as the current State revenues to better understand what improvements will be able to advance with the additional federal funds.</p><p>While this funding is a significant increase overall, it is only a 14% increase in the two traditional categories that a project like I-495 &amp; I-270 Managed Lanes Study would be funded out of. This amount of funding would not be adequate to fund a project of this magnitude over the five years of the IIJA bill.</p><p><b>Response to SDEIS Comment #4</b></p><p>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.</p></div>
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#5	<p><b>The MLs will benefit affluent commuters to the detriment of the disadvantaged.</b></p> <p>That toll rates have been set before the project has actually broken ground just confirms that profit is the chief consideration of the project framers. The toll charge for driving 15 miles, as Montgomery County Chief Executive Marc Elrich announced in his November 18<sup>th</sup> letter to county residents, could peak at \$56 with an EZ Pass to \$84 without one. The Virginia toll lanes are built to carry a third of rush hour traffic, but in fact carry less than a sixth. It is clear that these toll lanes are indeed “Lexus” lanes. Simply renaming the managed lanes as “opportunity lanes” does not disguise the fact that these lanes are for affluent drivers with the means to pay these tolls.</p> <p>With a goal to milk the cash cow of these affluent drivers to pay the developer, the State is willing to relegate the economically disadvantaged drivers to GP lanes that are more overcrowded due to the project’s preemption of rail, the state’s lack of commitment to developing an effective BRT, and to the loss of use of the current HOV lanes during non-rush hour times.</p>	<p><b>Response to SDEIS Comment #5</b> Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns. Refer to Chapter 9, Section 3.6.B for a response to toll rate ranges and toll rate setting process.</p>
#6	<p><b>The project/study goal is focused on Managed Lanes only, and Transit and Multi-modal add-on options are insufficient.</b></p> <p>Because of the narrow focus on the toll lanes, the DEIS/SDEIS set up a circular argument to justify toll lanes as the only way traffic congestion can be eased. We concur with the statement of Citizens Against Beltway Expansion, November 2021: “The SDEIS fails to consider alternatives to private toll lanes to address traffic congestion. Rail transit was not studied, nor were operational improvements and policies to encourage more telework.”</p> <p>The SDEIS states that the preferred Alternative 9 will “reduce reliance on single occupancy vehicles and [permit] buses, carpool, vanpool, and personal vehicles with 3 or more people” to use the toll lanes free of charge. The SDEIS promises multi-modal options, links to existing transit hubs and services, and “an estimated \$300 million for transit services in Montgomery County over the operating term of phase 1 south.” These assertions are not compelling upon closer examination. How much money yearly are we talking about? How many transit projects can you build for, at most, \$6 million of funding per year? Currently, there is no clear plan, funding, or time frame to develop an effective BRT between points in Maryland and Fairfax County. The “multi-modal” options mentioned are predominantly recreational—how many people will be walking or biking to work across the bridge? Vanpools and carpools comprise a small segment of commuter modes of travel, and nothing provided by the State and its agencies details any specific or programmatic assistance to develop these modes. Simply stipulating that carpools and buses will have access to the lanes does not constitute “transit.”</p>	<p><b>Response to SDEIS Comment #6</b> Other alternatives including stand-alone rail transit alternatives were considered; refer to Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.</p> <p>The Preferred Alternative includes multiple elements to enhance transit mobility and multimodal connectivity in furtherance of the established Purpose and Need and in response to public and agency comments supporting such elements. Refer to <b>FEIS Chapter 3, Section 3.1.4</b> and <b>Section 3.2.1</b>. These transit elements will serve to address the multi-modal mobility and connectivity need in the Purpose and Need and include:</p> <ul style="list-style-type: none"> <li>• Allowing bus transit usage of the HOT managed lanes toll free to provide an increase in speed of travel, assurance of a reliable trip, and connection to local bus service/systems on arterials that directly connect to urban and suburban activity centers;</li> <li>• Accommodating direct and indirect connections from the HOT managed lanes to existing transit stations and planned Transit Oriented Development at the Shady Grove Metro, Twinbrook Metro, Rockville Metro, and Westfield Montgomery Mall Transit Center; and</li> </ul> <p>MDOT SHA has also committed to certain regional transit improvements to enhance existing and planned transit and support new opportunities for regional transit service including increasing the number of new bus bays at WMATA Shady Grove Metrorail Station and increasing parking at the Westfield Montgomery Mall Transit Center. Additional transit opportunities have been identified through the approved P3 Agreement.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• New sidepath (west side) and new sidewalk (east side) on Persimmon Tree Road over I-495;</li> <li>• New bike lanes (both directions) and new sidepaths (both sides) on MD 190 over I-495;</li> <li>• New bike lanes (both directions), new sidewalk (south side), and new sidepath (north side) on MD 191 over I-495;</li> <li>• Reconstructed sidewalk (south side) and sidepath (north side) on Democracy Boulevard over I-270 west spur;</li> <li>• New two-way separated bike lanes (south side), and reconstructed sidewalks (both sides) on Westlake Terrace over I-270 west spur;</li> <li>• New Breezeway (south side) and reconstructed sidewalk (north side) on Montrose Road over I-270;</li> </ul>

#6 Cont	<p>The glaring omission in the SDEIS and the Managed Lane Study is rail. Rail is the most effective of all transit options in reducing impacts of transportation on climate change. At the very least, the contract with Transurban must ensure that the bridge and 270 are constructed to allow for the later addition of rail and that Marylanders are not prevented from adding rail by a contractual non-compete clause like that in Transurban’s contract with Virginia. We cannot have a 50-year contract that prevents necessary steps to reduce the impact of climate change.</p>	<ul style="list-style-type: none"><li>• Reconstructed sidewalk (south side) and shared use path (north side) on Wootton Parkway over I-270;</li><li>• New bike lanes (both directions) and new sidewalks (both sides) on MD 189 over I-270;</li><li>• New bike lanes/bikeable shoulders (both directions), reconstructed shared use path (south side), and new sidewalk (north side) on MD 28 over I-270;</li><li>• 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</li><li>• New Breezeway (south side) and new sidepath (north side) on Shady Grove Road over I-270.</li></ul>
#7	<p>The project’s negative environmental impacts are largely unstudied.</p> <p>The expansion project will cause direct harm to the environment. Over 1,200 trees would be removed from national parkland alone. A total of 36.1 acres of parkland would be negatively impacted. There would be a total loss of 500 acres of forest canopy from parkland and other greenspaces, including strips that provide buffers between the highways and neighborhoods next to the highways. In addition, the expanded highway surface will drastically increase storm water runoff, increasing water pollution and flash flood risk for local communities. MDOT plans to treat only 45% of the storm water runoff onsite, which would lead to further degradation of local streams, creeks and the Potomac River. Omitting these analyses from the SDEIS denies the public the opportunity to understand the risks while there is still time to influence the project.</p> <p>Most significantly, the Managed Lanes are designed to allow more vehicles on the road-- according to the SDEIS, more than 3000 vehicles. The Maryland Draft Plan to Achieve Climate Goals indicates that transportation accounted for 40% of Maryland’s gross GHG emissions in 2017. An accelerating climate change, as well as Maryland’s own ambitious goal for reducing GHG emissions, necessitates a plan that fundamentally reduces the number of vehicles on the road. The SDEIS, however, does not adequately contextualize the project in terms of Maryland’s climate goal and does not include an analysis of GHG emissions and the impact they would have on global warming. There is also no analysis of other pollutants such as particulate matter or ozone. All of these analyses are deferred until later.</p>	<p>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:</p> <ul style="list-style-type: none"><li>• Construct a new pedestrian/bicycle shared use path across the ALB to connect facilities in Maryland and Virginia;</li><li>• Widen the existing variable-width sidepath along the east side of Seven Locks Road under I-495 (Cabin John Trail); and</li><li>• 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.</li></ul>
#8	<p><b>Failure to Study Alternatives to Toll Lanes</b></p> <p>The DEIS remains flawed, as it did not consider alternatives to building new lanes, such as the reduction or stabilization of traffic on 270 through (1) widening use of telework during the COVID-19 Pandemic, (2) workforce desire to permanently telework full or part time, (3) staggered work hours, (4) improvements to rail service (Metro, MARC, Monorail or rail service on the 270 Corridor) and (5) Smart-Growth opportunities at and around Metro Stations.</p> <p>According to a 2017 <a href="#">report</a> by the regional Transportation Planning Board, traffic demand management strategies, including a substantial increase in telework, would be the most effective mechanism to reduce traffic delays. Based on their research during the COVID pandemic, the Maryland Transportation Institute <a href="#">testified</a> at a General Assembly hearing in</p>	<p><b>Response to SDEIS Comment #7</b></p> <p>Refer to Chapter 9, Section 3.4.J for a response to impacts to greenspace and/or wildlife habitat.</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> <p>Refer to Chapter 9, Section 3.4.G for a response to climate change considerations.</p> <p><b>Response to SDEIS Comment #8</b></p> <p>Refer to Chapter 9, Section 3.3.C for a response to Analysis of Alternatives Retained for Detailed Study.</p> <p>Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.</p>

<div>#8 Cont</div> <div>#9</div>	<div>August 2020 that “just a 5% reduction in travel demand could lead to 32%-58% reduction in traffic congestion on major freeways.” The federal government has already announced that it will implement permanent policies to increase telework by the federal workforce. The State could build on this with policies to encourage private employers to implement more telework in the I-495/I-270 corridor. However, the SDEIS does not assess whether the change in federal telework policy, along with changes in state policy, could reduce congestion on the two highways.</div> <div><b>The ML project does not address the real cause of the traffic congestion.</b>  The fundamental problem with this project is that it does not address the real cause of the traffic congestion along I 270 and on to the bridge. The “rush hours” are caused by workers who live in Maryland and commute to their jobs in Virginia. Marylanders need to be able to work in Maryland, or at least telework while the State and counties try to make Maryland more attractive for employers. Maryland can earn far more revenue from Marylanders working (and buying lunch and running errands) in Maryland than from the revenue of tolls in excess of the toll operator’s guaranteed minimum. A 50-year contract to keep affluent Maryland commuters speeding to their good jobs in Virginia will not bring those jobs to Maryland.  ****</div>	<div>See response to Comment #8 above.</div> <div><b>Response to SDEIS Comment #9</b> Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and teleworking.</div>
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**GREATER WASHINGTON BOARD OF TRADE – DANIEL FLORES**

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**From:** Daniel S. Flores <danielflores@bot.org>  
**Sent:** Monday, November 1, 2021 5:20 PM  
**To:** SHA OPLANESMLS  
**Cc:** Daniel S. Flores  
**Subject:** Board of Trade Testimony  
**Attachments:** BOT Testimony SDEIS.doc

Thank you for the opportunity to testify in support of this very important project. Let me know if you have questions.

Daniel

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Statement of Daniel Flores  
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Supplemental Draft Environmental Impact Statement

November 1<sup>st</sup> 2021

**Also a former Montgomery County resident for close to 40 years until a few years ago that had to move after enduring daily soul crushing traffic on I-270 & I-495.**

Alleviating traffic congestion in Greater Washington is one of the Board of Trade's top priorities. On the infrastructure side, we support the construction of new roads, bridges, transit, bike and pedestrian facilities, and the funds needed to secure and maintain these improvements. Examples of Board of Trade priorities have included the Intercounty Connector, the Purple Line, a regional system of HOT lanes complimenting those now in Virginia, and more. Nowhere in our region is new infrastructure investment needed more than on the American Legion Bridge and I-270.

We strongly support the Preferred Alternative, "Alternative 9 – Phase 1 South," identified in the I-495 & I-270 Managed Lanes Study Supplemental Draft Environmental Impact Statement (SDEIS) and encourage the Maryland Department of Transportation (MDOT) and the Federal Highway Administration to move forward without further delay on this critical project.

Several specific elements in Alternative 9-Phase 1 South are worth noting in particular that make this project a multi-modal win for our entire region:

**HOT Lanes to Maximize Person-Throughput** – Allowing carpools and vanpools with 3 or more passengers to travel free helps reduce reliance on single-occupancy vehicles and maximizes the efficient use of the new lanes, moving more people, not just more cars. We support the selection of HOT lanes for this Alternative.

**Major Commitments to Transit** – MDOT has committed an estimated \$360 million in new funding for transit services just in the first section of this project and will also allow transit vehicles to use the new HOT lanes free of charge. This is not only consistent with the region's adopted long-range plan, Visualize 2045, it can revolutionize transit access

#### Response to SDEIS 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

at the regional level by adding faster, more reliable commuter bus transit service. Imagine traveling from Frederick to Bethesda, or from Germantown to Tysons Corner, or from Rockville to downtown DC, on a fast, efficient rapid-bus network that could always move at close to free-flow speeds, and most importantly, that we can afford to implement now.

**Real Traffic Relief** – Chapter 3 of the SDEIS details the transportation and traffic impacts of the Preferred Alternative, and that analysis shows significant improvement in most sections compared to the No-build Alternative. Average delay is reduced 18% to 32%; Peak travel speeds improve dramatically in most sections, including on I-270 and both the Beltway Inner Loop and Outer Loop during the morning peak period, and on the Inner Loop in the afternoon peak. Not all segments improve as much, but that is likely the result of cueing effects from areas not included for construction in this Alternative. Most importantly, the Preferred Alternative effectively eliminates the region’s single worst traffic bottleneck – The American Legion Bridge – a daily dose of misery for the more than 200,000 travelers stuck on it every day. This Alternative allows Maryland and Virginia to implement the historic regional “Beltway Accord” agreed to between the Governors of Virginia and Maryland. This is urgently needed as traffic on the American Legion Bridge has already returned to and exceeded pre-COVID levels in recent months.

The traffic modeling analysis in Chapter 3 uses the Metropolitan Washington Council of Governments’ official traffic model. Opponents have recently claimed, without any basis, that because this model shows improvements even in areas far from the proposed new lanes, there must be some kind of unspecified “problem” with the model. This is not likely. This is the same traffic model that all regional agencies use for major transportation projects, it is continually updated and validated and is considered a state-of-the-art tool, so there is no basis for this claim. A more likely explanation is that the American Legion Bridge is such a severe bottleneck that congestion there is forcing many travelers to use much longer, more convoluted routes, even going around the other side of the Beltway, to avoid it. Addressing the congestion on the bridge and eliminating that chokepoint should be expected to have regionwide impacts, drawing traffic off slower and longer alternative routes, even in the District and Prince George’s County. MDOT may wish to address this in more detail in the Final Environmental Impact Statement but in our long years of experience on this issue, the region’s traffic model is valid.

**Reduced Environmental and Community Impacts** – The Preferred Alternative now closely resembles earlier proposals from the Montgomery County Council and County Executive, completely avoiding any impacts to communities along the topside of the Capitol Beltway, and drastically reduces impacts to parks, wetlands, and culturally sensitive areas. The Morningstar Cemetery, for example, is now completely avoided, and

Your comments of support are noted.



there are now zero homes and zero businesses that will have to be relocated. The reduced impacts outlined in Chapter 4 of the SDEIS demonstrate that the process has worked and MDOT has listened to the concerns local officials and residents raised.

**Bike and Pedestrian Improvements** – A significant element of this Alternative addresses a glaring gap in our region's pedestrian and bike network by adding a new multi-use trail connection across the American Legion Bridge. We feel it is important to seamlessly connect the extensive trail networks on either side of the Potomac River to provide more options for non-auto travel, to promote fitness and boost tourism in the region. One specific item of concern is that the connection points with the C&O Canal and McArthur Boulevard on the Maryland side needs to be as direct and easily accessible as possible. We feel that two of the options identified, Options 2 and 3 (on page 2-25 of the SDEIS), would provide an acceptable design approach. Option 4, on the other hand, would be more expensive and would create a much longer, higher, more convoluted “switch-back” ramp design. This design could create real barriers to those with disabilities and would not offer the kind of positive user experience that would be inviting to bikers or pedestrians. Option 4 should be dropped from further consideration.

**We Cannot Afford Any More Delay** – Adding managed lanes to I-495 and I-270 has now been under study in Maryland for over 30 years, including three previous Environmental Impact Statement studies on both corridors. There is no excuse for any further delay. That will only add cost for a badly needed set of improvements for which there is no practical alternative. There is no other way to improve conditions at the American Legion Bridge, and no other viable way to finance replacement of this aging facility without the toll funding this project provides. Recent calls to delay the project further by extending the comment period should be ignored. There has already been plenty of opportunity for the public to review and comment on this project. This is the type of needless delay tactic we have seen all too often from opponents of other major projects, including the Purple Line, which only succeeded in driving up taxpayer costs, putting needed projects at risk, and delaying investments we know we need to make. This Alternative will fix it and the time to act is now.

Our region urgently needs both the traffic relief, and the economic boost this project will provide, adding tens of thousands of good union-wage jobs, and providing hundreds of contracting opportunities for local, small, minority-owned and other DBE companies and their employees. The equity benefits of the project are undeniable – the existing lanes will continue to provide a free and less congested travel option, carpools and transit vehicles also travel free, and low-income families stand to gain the most from the improved access to jobs and affordable housing this project provides.

Your comments of support are noted.

In conclusion, we believe, ultimately, that the region's entire Interstate Highway System needs to be upgraded and modernized, with new managed lanes and express-bus transit service on the entire network. However, the reduced footprint of this proposal provides important benefits of its own, avoids impacts to sensitive areas, and is entirely consistent with our longstanding regional transportation plans. We support this Alternative and feel it meets all elements of the project's stated purpose and need and is vital to the region's economic vitality and quality-of-life for millions of area residents and business owners. We respectfully urge its approval.

Thank you for the opportunity to testify.

Your comments of support are noted.

<div>#1</div> <div><div>GREATER WASHINGTON BOARD OF TRADE – DANIEL FLORES (ORAL TESTIMONY)</div><div><div>I-495 and I-270 Managed Lanes Study</div><div>SDEIS Virtual Public Hearing: Oral Testimony</div></div><div><div><b>Name:</b> Daniel Flores</div><div><b>Agency/Organization/Jurisdiction, if applicable:</b> Greater Washington Board of Trade</div><div><b>Virtual Public Hearing Date:</b> 11/1/2021</div><div><b>Type/Session:</b> Testimony</div><div><b>Transcription:</b></div><div><p>My name is Daniel Flores with the Greater Washington Board of Trade. That is D-A-N-I-E-L F-L-O-R-E-S. I am at 800 Connecticut Avenue, Northwest Washington, DC, also a former Montgomery County resident for close to 40 years until a few years ago that I had to move after enduring daily soul crushing traffic on I-270 and I-495. Alleviating traffic congestion in greater Washington is one of the Board of Trades’ top priorities. On the infrastructure side, we support the construction of new roads, bridges, transit, bike, and pedestrian facilities, and the funds needed to secure and maintain these improvements. Nowhere in our region is new infrastructure investment needed more than on the American Legion Bridge and I-270.</p><p>We strongly support the Preferred Alternative 9 - Phase 1 South identified in the I-495/I-270 Managed Lane Study, Supplemental Draft Environmental Impact Statement and encourage MDOT and SHA to move forward without further delay on this critical project. Several specific elements in Alternative 9 - Phase 1 South are worth noting in particular. What makes this project a multimodal win for our entire region? HOT lanes to maximize person throughput, major commitment to transit, real traffic relief, reduce environmental and community impacts, bike and pedestrian improvements. We cannot afford any more delays. Let me underline that. Adding managed lanes so I-495 and I-270 have now been under study in Maryland for over 30 years, including three previous Environmental Impact Statement studies on both corridors. There is no excuse for any further delay that will only add cost for a badly needed set of improvements for which there is no practical, practical, or tentative. There is no other way to improve conditions at the American Legion Bridge and no other viable way to finance replacement off this aging facility without the toll funding this project provides. Our region urgently needs both the traffic relief and the economic boost this project will provide.</p><p>Adding tens of thousands of good union wage jobs and providing hundreds of contracting opportunities for local small minority owned and other DBE companies and their employees. The equity benefits of the project are undeniable. The existing lanes will continue to provide a free and less congested travel options, carpools and transit vehicles also travel free and low-income families stand to gain the most from improved access to jobs and affordable housing this project provides. In conclusion, we believe ultimately that the region and entire interstate highway system needs to be upgraded and modernized with new managed lanes and express bus transit service on the entire network. Thank you for the opportunity to testify today.</p></div></div></div>	<div><b>Response to SDEIS Comment #1</b></div> <div><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></div>
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<p>#1</p>	<p><b>HISPANIC CHAMBER OF COMMERCE, MONTGOMERY CO. – CARMEN LARSEN (ORAL TESTIMONY)</b></p> <p>I-495 and I-270 Managed Lanes Study SDEIS Virtual Public Hearing: Oral Testimony</p> <p><b>Name:</b> Carmen Larsen</p> <p><b>Agency/Organization/Jurisdiction, if applicable:</b> Hispanic Chamber of Commerce, Montgomery County</p> <p><b>Virtual Public Hearing Date:</b> 11/1/2021</p> <p><b>Type/Session:</b> Testimony</p> <p><b>Transcription:</b></p> <p>My name is Carmen Larsen. C-A-R-M-E-N Larsen, L-A-R-S-E-N. I live at 500 [inaudible] Road, Chevy Chase, Maryland. I'm representing the President of the Hispanic Chamber of Commerce in Montgomery County, which is at 10400 Connecticut Avenue, Kensington, Maryland. And I represent the Community Minority Community that is entrepreneurial and have small businesses. I'm also on the executive board of the County Economic Development Corporation. So I wanted to say that I've lived in Montgomery County since the last 3 years, and I've seen the development and all that, but Montgomery County.</p> <p>First of all, I just want to say that we, we are in full support of this project. We want to move forward with, with the Preferred Alternative for Phase 1, which is the Alternative 9 of Phase 1 South. And we have reviewed, believe it or not, the Draft Environmental Impact Statement and the Supplemental Draft Environmental Impact Statement. Montgomery County is prosperous because it has, it needs the balance of all sorts of all parts of the county. In our, in our membership, as the Hispanic Chamber of Commerce, we represent people of different trades and not everybody has the access to hybrid or the option of hybrid workplace. We have a lot of construction workers and, and restaurant owners and store owners, and a lot of independent workers that constantly drive through I-270 and are stuck on I-270 or stuck on the American Legion Bridge. Montgomery County needs to have better infrastructure. I need to have better transportation to and from Virginia. And I've been down I-270 and in other places, but for right now, I think we're happy with Alternative 9, at least to move forward.</p> <p>This project has been 30 years in the work. We've had a lot of hearings, a lot of impact studies, and I understand we all want to appreciate the environment and Montgomery County, but we cannot afford that environment if we don't have jobs. If we don't have people who want to come into Montgomery County and provide those jobs. This project will provide valuable jobs for our membership or for our community for color. It will provide opportunities and it will, and it will encourage people who can bring jobs into the County that also fund some of the natural resources projects to come in and choose Montgomery County instead of our, some of our other neighbors, you know, so we really, really support this. And we hope that you will consider that communities of color are going to be greatly benefited by this project but thank you very much for inviting us to speak. And usually, I speak from the heart so probably not as eloquent, but that's what this project needs to move forward. We waited so long. It's very costly to keep dragging it out and we want to get started. Thank you.</p>	<p><b>Response to SDEIS Comment #1</b></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> <p>There will be significant economic benefit to the State of Maryland and the National Capital Region with the Preferred Alternative, Alternative 9 – Phase 1 South. The improvements will provide for faster and more reliable movement of goods and services and improved access to employment centers and housing. The delivery of these improvements will lead to more jobs. The preliminary, estimated capital cost for the Preferred Alternative is greater than \$3 Billion and will support thousands of jobs per year during construction. Additionally, the Preferred Alternative will result in savings to the Transportation Trust Fund by providing hundreds of millions in infrastructure investment for state of good repair to the existing roads and bridges that needs to be completed, allowing public funds to be used for other necessary transit and highway improvements. This project will boost Maryland’s competitiveness in the region and improve quality of life.</p>
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**LOCUST HILL CITIZENS ASSOCIATION – RICHARD LEVINE**

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**From:** Levine, Richard <[rlevine@constantinecannon.com](mailto:rlevine@constantinecannon.com)>  
**Sent:** Friday, November 12, 2021 1:30:40 PM (UTC+00:00) Monrovia, Reykjavik  
**To:** SHA OPLANESMLS <[oplanesMLS@mdot.maryland.gov](mailto:oplanesMLS@mdot.maryland.gov)>  
**Subject:** Locust Hill Citizens Assoc. SDEIS comments

Attached, please find the statement of the Locust Hill Citizens Association commenting on the Phase 1 South DEIS.

The statement addresses the inappropriate extension of the Phase 1 South project boundary limits to include portions of the Beltway around to MD 187 and the I-270 east spur south of the east spur-west spur split.

Richard Levine  
Locust Hill Citizens Association  
9402 Locust Hill Road  
Bethesda, MD 20814

Responses provided in the following page to your detailed comments.

<div>#1</div> <div><p style="text-align: center;"><b>SUBMITTED STATEMENT OF RICHARD LEVINE</b> 9402 Locust Hill Road, Bethesda, MD 20814</p><p style="text-align: center;"><b>ON BEHALF OF THE LOCUST HILL CITIZENS ASSOCIATION</b></p><p style="text-align: center;"><b>ON THE I-495 &amp; I-270 SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT</b></p><p style="text-align: center;"><b>NOVEMBER 12, 2021</b></p><p>My name is Richard Levine and I am chair of the Locust Hill Citizens Association Traffic Committee. 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>The purpose of this statement is to address one issue of importance to our community: by incorporating Alternative 9, the current project limits of Phase 1 South <i>prejudge the number of lanes to be added on the I-270 east spur and the Beltway segment between the spurs by including: (1) reconstruction of the Beltway east of the I-270 west spur through the Old Georgetown Road (MD-187) intersection; and (2) reconstruction of the complex I-270 east spur Rockledge Drive/MD-187 interchange.</i> The solution is simple: end the project boundaries immediately east of the I-495/I-270 west spur interchange and immediately south of the I-270 east &amp; west spur split. This simple project limit shift will both permit a full evaluation of the number of lanes on the inter-spur Beltway segment and the I-270 east spur in conjunction with updated traffic analysis for any future Phase 2, as well as reduce the cost of Phase 1 South.</p></div> <div>#2</div> <div><p>More specifically, Locust Hill’s September 10, 2020, submitted statement on the Draft EIS 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 adjacent to our community that would be eliminated by having only one additional lane on those two segments, for an easier 1 + 1 = 2 merge area. The 2 + 2 = 2 configuration would also create a merge bottleneck, an outcome that we believe should be avoided. We noted alternative 9M did not expand 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, we argued that a 9M-type alternative should not be rejected even if it is only a good choice from the I-270 west spur around to, e.g., MD 355 or Connecticut Avenue, with a 2-lane expansion needed east of that. For example, Appendix A to the EIS Traffic Analysis Technical Report shows that future Beltway pm volumes are significantly less between the Spurs than eastward.</p><p>In sum, while not endorsing any form of Beltway expansion, Locust Hill urgently requests that the Phase 1 South project boundaries be scaled back to eliminate any reconstruction of the inter-spur Beltway and the I-270 east spur and thus not build these <i>toll lanes to nowhere</i>. The number of lanes to be added, if any, should be determined only as part of traffic analyses of future Phases and should not be prejudged by building two additional managed lanes in each direction on those segments based on the current extended eastward and southward boundaries.</p></div>	<p><b>Response to SDEIS Comment #1</b></p> <p>Your suggestions are appreciated. Based on additional design work by the Developer since the SDEIS, the limits Preferred Alternative are along I-495 from the George Washington Memorial Parkway to west of MD 187 and along I-270 from I-495 to north of I-370 and on the I-270 east and west spurs.</p> <p>In addition, the specific areas, including the MD 187 interchange along I-495 and the Rockledge interchange along I-270 east spur, are 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 <b>FEIS, Appendix B</b>, for MDOT SHA’s Application for Interstate Access Point Approval.</p> <p><b>Response to SDEIS Comment #2</b></p> <p>MDOT SHA acknowledges receipt of the DEIS Comment Letter from the Locust Hill Citizens Association dated September 10, 2020 that was appended to this SDEIS Comment Letter. Refer to Appendix T for a response to this DEIS Comment Letter.</p> <p>On I-270, the Preferred Alternative consists of converting the one existing HOV lane in each direction to a HOT managed lane and adding one new HOT managed lane in each direction from I-495 to north of I-370 and on the I-270 east and west spurs. The improvement limits along I-270 have not changed from those presented in the SDEIS. Along I-270, the existing collector-distributor (C-D) lane separation from Montrose Road to I-370 would be removed as part of the proposed improvements. The managed lanes would be separated from the general purpose (GP) lanes using flexible delineators placed within a buffer.</p>
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MARYLAND BLACK CHAMBER OF COMMERCE – KENNETH WHITE (ORAL TESTIMONY)

I-495 and I-270 Managed Lanes Study  
SDEIS Virtual Public Hearing: Oral Testimony

**Name:** Kenneth White

**Agency/Organization/Jurisdiction, if applicable:** Maryland Black Chamber of Commerce

**Virtual Public Hearing Date:** 11/1/2021

**Type/Session:** Testimony

**Transcription:**

Hello, my name is Kenneth White. K-E-N-N-E-T-H W-H-I-T-E. I'm the Board Chairman of the Maryland Black Chamber of Commerce, which is headquartered at 15800 Crabbs Branch Way, Suite 324 in Rockville, Maryland. The Chamber supports this project and the Preferred Alternative. This project will eliminate the congestion we experience daily at the American Legion Bridge and improve conditions on I-270. The Preferred Alternative will increase speeds and reduce travel times and delays along I-495 and I-270. This is the solution we've been waiting for. Addressing this long overdue need for a P3 will remove one of the region's most congested bottlenecks at no expense to the Maryland taxpayers. The American Legion Bridge I-270 to I-70 Traffic Plan, Relief Plan, will bring the needed improvements to traffic conditions, and it will bring needed economic growth and opportunities to Maryland citizens and businesses. This project will create jobs through design construct, construction and operational opportunities for years to come.

There's a Memorandum of Understanding with Accelerate Maryland. The Maryland Black Chamber of Commerce will work to ensure these opportunities are available, are Maryland black-owned businesses. This project creates thousands of jobs for black workers and DBE contractors and training opportunities that can support families and provide a marketable trade and rewarding careers. Accelerate Maryland Partners and the Maryland Black Chamber of Commerce will work together to identify, engage, and market projects, project subcontracting opportunities to MBEs and DBE firms. Together, we'll develop training certification programs for MBEs/DBEs, designed to meet the subcontracting needs and their requirements. In closing, the Chamber supports this project and the Preferred Alternative. I look forward to a positive economic impact it will have on Maryland black-owned businesses. Thank you for your time.

**Response to SDEIS 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.

There will be significant economic benefit to the State of Maryland and the National Capital Region with the Preferred Alternative, Alternative 9 – Phase 1 South. The improvements will provide for faster and more reliable movement of goods and services and improved access to employment centers and housing. The delivery of these improvements will lead to more jobs. The preliminary, estimated capital cost for the Preferred Alternative is greater than \$3 Billion and will support thousands of jobs per year during construction. Additionally, the Preferred Alternative will result in savings to the Transportation Trust Fund by providing hundreds of millions in infrastructure investment for state of good repair to the existing roads and bridges that needs to be completed, allowing public funds to be used for other necessary transit and highway improvements. This project will boost Maryland's competitiveness in the region and improve quality of life.

#1

**MARYLAND COALITION FOR RESPONSIBLE TRANSIT – VICTORIA REYNOLDS (NOVEMBER 5, 2021)**

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**From:** MCRT Action <mcrtaction@gmail.com>  
**Sent:** Friday, November 5, 2021 11:53 AM  
**To:** Secretary MDOT <SecretaryMDOT@mdot.maryland.gov>; LConti@mdot.gov; SHA OPLANESMLS <oplanesMLS@mdot.maryland.gov>; ExecSecretariat.FHWA@dot.gov  
**Subject:** Request for Extension to the Public Comment Period for I-495 and I-270 Managed Lanes Study

Please see attached.

Thank you for your attention to this matter.

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Maryland Coalition for Responsible Transit  
[mcrt-action.org](http://mcrt-action.org)

*Maryland Coalition for Responsible Transit (MCRT) evaluates transit projects for social equity, environmental justice, economic viability, and community accessibility.*



November 4, 2021

MDOT and MDOT SHA: [secretary@mdot.maryland.gov](mailto:secretary@mdot.maryland.gov); [LConti@mdot.maryland.gov](mailto:LConti@mdot.maryland.gov); [oplanesMLS@mdot.maryland.gov](mailto:oplanesMLS@mdot.maryland.gov)  
Federal Highway Administration (FHWA): [ExecSecretariat.FHWA@dot.gov](mailto:ExecSecretariat.FHWA@dot.gov)  
U.S. and Maryland elected officials

Re: Extension to the Public Comment Period for the Supplemental DEIS is Necessary

The Maryland Coalition for Responsible Transit (MCRT) is writing regarding the public review of the I-495 and I-270 Managed Lanes Study Supplemental Draft Environmental Impact Statement (SDEIS) that was released on October 1. We request the Maryland Department of Transportation (MDOT) State Highway Administration (SHA) and Federal Highway Administration (FHWA) grant an extension of the current public review and comment period from 45 days (ends - November 15) to 180 days. Via this letter we are asking elected representatives, to support this request and ask the MDOT SHA and FHWA to grant an extension.

The SDEIS consists of 8,000 pages. A thoughtful review of the complex SDEIS for scope, cost, the myriad of consequences and responses to the questions posed in the DEIS is an enormous undertaking. This is particularly true when considering the agency, environmental and political negotiations that have taken place during the time in which the SDEIS was being developed, both behind the scenes with state and agency officials and with active public scrutiny. What is being proposed in the SDEIS itself needs to be addressed in the context of these intricate machinations that have been unfolding. In addition, the difficulties presented to the public review process by the COVID-19/Delta epidemic persist, limiting the ability for face-to-face Q&A opportunities. Virtual public hearing sessions will take place only on November 1, which is unduly truncated and wholly inadequate for a project of this extent.

It is only fair and logical that the MDOT SHA/FHWA extend the public comment period to 180 days to ensure genuine public access, broad awareness of the process, and clarification of current questions and missing data, as well as to promote and encourage serious public engagement with the controversial issues raised by this project.

The MCRT is a nonprofit organization formed in 2020. MCRT's mission is to evaluate transit projects for social equity, environmental protection, environmental justice, economic viability, and community accessibility. See MCRT's Facebook page [www.facebook.com/MCRTaction](https://www.facebook.com/MCRTaction) and our website at [www.mcrt-action.org](http://www.mcrt-action.org). Contact the MCRT at [mcrtaction@gmail.com](mailto:mcrtaction@gmail.com).

#### Response to SDEIS Comment #1

The SDEIS published on October 1, 2021 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 while referencing the DEIS for information that remained 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 45-day comment period, which was later extended an addition 15 days, until November 15, 2021.

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


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Thank you for your attention to this request. We look forward to your response about this serious community and counties-wide Maryland matter.

Sincerely,

  
Victoria L. Reynolds  
MCRT Vice President


MARYLAND COALITION FOR RESPONSIBLE TRANSIT – DAN WOOMER

**From:** Dan Woomer <woomer.dan@gmail.com>  
**Sent:** Sunday, November 14, 2021 6:43 PM  
**To:** SHA OPLANESMLS; Secretary MDOT; Leonora Conti; ExecSecretariat.FHWA@dot.gov  
**Cc:** Vicki Reynolds; Patricia Jackman; Kyle Hart; Suzzane Suzzie Karole & Olivieri, Douglas R Schuyler; Susan Rose McCutchen  
**Subject:** MCRT - I-495 & I-270 Managed Lanes Study SDEIS Comments - Support the No build Option  
**Attachments:** 20211114 - MCRT Comments on Managed Lanes SDEIS.pdf

Good evening,  
The Maryland Coalition for Responsible Transit has prepared and is submitting comments on the I-495 & I-270 Managed Lanes Study Supplemental Draft Environmental Impact Statement - see attached.  
We join with the Maryland Sierra Club, and others, in opposition to the proposed project, and encourage the selection of the No build Option.

Respectfully,  
Daniel E. Woomer  
President  
Maryland Coalition for Responsible Transit

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<p>#1</p> <p>#2</p> <p>#3</p> <p>#4</p> <p>#5</p> <p>#6</p>	<div data-bbox="652 286 857 504">  </div> <p>November 14, 2021</p> <p>To: <a href="mailto:oplanesMLS@mdot.maryland.gov">oplanesMLS@mdot.maryland.gov</a>  MDOT and MDOT SHA: <a href="mailto:secretary@mdot.maryland.gov">secretary@mdot.maryland.gov</a> &amp; <a href="mailto:LConti@mdot.maryland.gov">LConti@mdot.maryland.gov</a>  Federal Highway Administration (FHWA): <a href="mailto:ExecSecretariat.FHWA@dot.gov">ExecSecretariat.FHWA@dot.gov</a></p> <p><b>Re: Comments on the I-495 &amp; I-270 Managed Lanes Study SDEIS; Support the No build Option</b></p> <p>The Maryland Coalition for Responsible Transit (MCRT) is submitting comments on the Supplemental Draft Environmental Impact Statement (SDEIS) for the I-495 and I-270 Managed Lanes Study. We oppose the proposed toll lanes and only support the No Build Option. This public-private partnership transportation project is ill-conceived and poorly planned. It should not proceed. We concur with the detailed comments on the SDEIS prepared by the Maryland Sierra Club.</p> <p>The MCRT would first point out that toll roads are not an incentive; rather, an aggressive move and inequitable to travelers. Second, we are concerned about the course of proposals and approvals that has taken place. It is a history of political maneuvering and questionable lobbying diversions.</p> <p>There are several key issues about which the MCRT is concerned:</p> <p><i>Fundamental flaws:</i> Inherent flaws of omissions and undeveloped or underdeveloped plans cannot be fixed. They must be addressed directly and vetted with the public and the communities affected by the toll lanes construction.</p> <p><i>Equity:</i> It creates another “have and have-not” situation for residents who need reasonably priced access to jobs, schools, and businesses and other locations that are part of their daily lives. We need multi-modal transportation.</p> <p><i>Foreign economic foothold:</i> Australian Transurban does not have an interest in what the people need; rather, its incentive is to make a profit and establish a footprint in Maryland by creating a significant economic operational role in the state. It would effectively create a foothold for a foreign actor in our state taking an economic piece of the pie.</p> <p><i>Diversity in Maryland:</i> According to the recent Census, Maryland is in the top four states in the United States in diversity. This quality extends to the needed modes of transportation. Communities of color rely heavily on transit, yet many will not be able to afford the tolls.</p> <p>1</p>	<p><b>Response to SDEIS Comment #1</b>  Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.</p> <p><b>Response to SDEIS Comment #2</b>  Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.</p> <p><b>Response to SDEIS Comment #3</b>  Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.</p> <p><b>Response to SDEIS Comment #4</b>  Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.</p> <p><b>Response to SDEIS Comment #5</b>  See response to #2</p> <p><b>Response to SDEIS Comment #6</b>  See response to #4</p>
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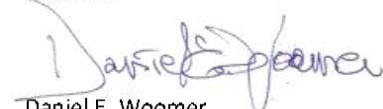
#7	<i>More vehicles on the road:</i> Toll roads encourage more vehicular traffic, which also leads to more pollution, which further leads to negative effects in communities of color located along the path of the toll lanes, not to mention the effect on local roads, particularly in these communities whose infrastructure issues are often last on the list for attention.	<b>Response to SDEIS Comment #7</b> Refer to Chapter 9, Section 3.6.B for a response to toll rate ranges and toll rate setting process.
#8	<i>Environmental justice issues:</i> As explicated by the federal government, the needs of communities must be determined at the beginning of the process. This has not occurred and it is apparent at this juncture that environmental justice is not a concern of the developers or the state government. As you well know, communities of color and low-income communities are especially challenged with these kinds of transportation projects.	<b>Response to SDEIS Comment #8</b> See response to #4
#9	<i>Big trucks:</i> These vehicles will use the free lanes to avoid the high cost of the toll lanes, which will make those lanes less safe. These lanes will face increased wear and tear. Repairing them will cost more. The net effect will be the creation of two transportation systems.	<b>Response to SDEIS Comment #9</b> The Preferred Alternative includes the resurfacing and rehabilitation of the general purpose lanes as well as construction of the managed lanes.
#10	<i>Shifting bottlenecks:</i> The Managed Lanes project should be viewed as a single project rather than be broken up. Phase I will worsen travel through the northern part of Maryland. One wonders whether the strategy is to create this very situation, with a goal of "pushing" this future transit project as a remedy for a problem purposely created.  <i>Local road impact analysis:</i> This analysis has not been undertaken. It is indicated that this will be done afterward and, in fact, will not be comprehensive. This is a serious flaw and unacceptable.	<b>Response to SDEIS Comment #10</b> Refer to Chapter 9, Section 3.1 for a response on Purpose and Need. Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.  While MDOT SHA and FHWA recognize that congestion would be present during the afternoon peak period on I-270 southbound and the I-495 inner loop in the design year 2045 due to downstream bottlenecks outside of Phase 1 South, the Preferred Alternative would provide tangible operational benefits to the system including significantly increasing throughput across the ALB and the southern section of I-270 while reducing congestion. Refer to SDEIS Chapter 3, Section 3.3 and FEIS Chapter 4, Section 4.3.
#11	<i>Non-vehicular traffic:</i> There is no commitment to addressing or assisting with plans for non-vehicular traffic. Alternate transportation modes are increasingly being addressed in Maryland, as are livable, walkable communities. This must be taken into consideration.	The traffic analysis results on Local Network and Arterials Adjacent to the Study Corridors 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 Drive 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.
#12	<i>Environmental impact:</i> This is not addressed, a significant flaw. Stormwater mitigation, runoff from adding extensive impermeable surfaces, tree removal, wildlife, and more are not discussed. We are in a particularly rich environmental area of importance to residents and visitors—locally, statewide, nationally, and internationally—both for research and recreation, and this issue must be taken seriously.	<b>Response to SDEIS Comment #11</b> Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.
#13	<i>Historical impact:</i> This impact is not discussed. We are in a particularly rich historical area of importance locally, statewide, nationally, and internationally, and this issue must be taken seriously.	<b>Response to SDEIS Comment #12</b> 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.
#14	<i>Changing travel priorities:</i> The jury is still out on how the pandemic has affected work and travel patterns. To make major transportation decisions at this juncture is premature. While there has been an uptick in traffic, many are still working remotely or have even quit their jobs and started to work out of their homes or in other careers.	<b>Response to SDEIS Comment #13</b> Refer to Chapter 9, Section 3.4.C for a response to analyses of parklands and historic resources.
#15	<i>Climate change:</i> As stated previously, this plan will encourage more vehicular traffic. Maryland must proactively reduce greenhouse gas emissions and strategically designing mass transit systems that reduce vehicle use is critical.	<b>Response to SDEIS Comment #14</b> Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.  <b>Response to SDEIS Comment #15</b> Chapter 9, Section 3.4.G for a response to climate change considerations.


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The MCRT is a nonprofit organization formed in 2020. Its mission is to evaluate transit projects for social equity, environmental protection, environmental justice, economic viability, and community accessibility. See MCRT's Facebook page [www.facebook.com/MCRTaction](https://www.facebook.com/MCRTaction) and our website at [www.mcrt-action.org](https://www.mcrt-action.org). Contact the MCRT at [mcrtaction@gmail.com](mailto:mcrtaction@gmail.com).

The MCRT opposes toll lanes and only supports the No Build Option for this project. Additionally, we find a 45-day comment period for the SDEIS to be woefully inadequate and a sad testimony to your insidious work on this project. We look forward to your response about this serious matter that affects communities and counties across the state of Maryland.

Sincerely,

  
 Daniel E. Woomer  
 President

  
 Victoria Reynolds  
 Vice President

**Contact Information**

Daniel E. Woomer  
 President  
 Maryland Coalition for Responsible Transit  
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Ms. Victoria Reynolds  
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 Lanham, Maryland 20706  
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CC: Steny Hoyer  
 Chris Van Hollen  
 Ben Cardin

<div>#1</div>	<div>MARYLAND HISPANIC CHAMBER OF COMMERCE – CJ SANTOS (ORAL TESTIMONY)</div> <div><div>I-495 and I-270 Managed Lanes Study SDEIS Virtual Public Hearing: Oral Testimony</div><div><b>Name:</b> CJ Santos</div><div><b>Agency/Organization/Jurisdiction, if applicable:</b> MD Hispanic Chamber of Commerce</div><div><b>Virtual Public Hearing Date:</b> 11/2/2021</div><div><b>Type/Session:</b> Testimony</div><div><b>Transcription:</b> Good evening, I'm CJ Santos. C-J S-A-N-T-O-S. Speaking on behalf of the Maryland Hispanic Chamber of Commerce located at 11 West Mount Vernon Place, Suite 304, Baltimore, Maryland, 21202. Thank you for your time this evening. And the Chamber would like to inform the hearing that we strongly support this project and the Preferred Alternative, Alternative 9 – Phase 1 South. The Supplemental Draft Environmental Impact Statement reflects that the Preferred Alternative will dramatically reduce congestion at the American Legion Bridge and improve conditions on I-270 during both rush hours – an important benefit for our members and all residents of the national capital region and Maryland. The Preferred Alternative will also allow Maryland to move forward with a \$3.5 billion investment that will replace and upgrade our aging infrastructure, putting thousands of Maryland residents, including minority workers, back to work and provide valuable contracting opportunities for hundreds of small, minority-owned and other disadvantaged business enterprises in Maryland and around our region. The drive growth that this project will bring to our region will provide a much needed boost to our regional economy. The traffic relief it will bring, and the new transit options it will create for faster and more reliable transit trips will help keep Maryland competitive as a place to attract and retain employers, and valuable knowledgeable workers and other employers that the State needs. Current congestion on the American Legion Bridge and I-270 is a major disincentive to economic growth in the state of Maryland and there is no other practical solutions that, that addresses these choke points. This truly is a multimodal solution to our region's biggest transportation problems – congestion on American Legion Bridge, by not <i>[inaudible]</i>, the alternative fits in seamlessly with Virginia's I-495 express lanes project, which has already been successful in reducing traffic delays for toll lane users and non-toll lane users. For all of these reasons, respectfully <i>[inaudible]</i> approval of the Preferred Alternative. Thank you so much for your time.</div></div> <div><div><b>Response to SDEIS Comment #1</b></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>There will be significant economic benefit to the State of Maryland and the National Capital Region with the Preferred Alternative, Alternative 9 – Phase 1 South. The improvements will provide for faster and more reliable movement of goods and services and improved access to employment centers and housing. The delivery of these improvements will lead to more jobs. The preliminary, estimated capital cost for the Preferred Alternative is greater than \$3 Billion and will support thousands of jobs per year during construction. Additionally, the Preferred Alternative will result in savings to the Transportation Trust Fund by providing hundreds of millions in infrastructure investment for state of good repair to the existing roads and bridges that needs to be completed, allowing public funds to be used for other necessary transit and highway improvements. This project will boost Maryland’s competitiveness in the region and improve quality of life.</div></div>
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**MARYLAND TRANSIT OPPORTUNITIES COALITION – BENJAMIN ROSS**

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**From:** Ben Ross <ben@imbenross.com>  
**Sent:** Tuesday, November 30, 2021 7:26 AM  
**To:** SHA OPLANESMLS  
**Subject:** Comment on SDEIS  
**Attachments:** SDEIScomment.pdf

Dear Mr. Folden,

Attached are comments in response to the I-495 and I-270 Managed Lanes Study Supplemental Draft Environmental Impact Statement.

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 Smarter Growth  
Coalition for Transit Alternatives to Mid-County Highway Extended  
Don't Widen 270  
Maryland Rail Passengers Association  
Maryland Transit Opportunities Coalition  
Trains Not Tolls  
Wyngate Citizens Association

Sincerely,

Benjamin Ross  
Chair  
Maryland Transit Opportunities Coalition

**Comments on Supplemental Draft Environmental Impact Statement****I-495 & I-270 Managed Lanes Study**

The Supplemental Draft Environmental Impact Statement repeats and exacerbates the fatal flaws in the DEIS, many of which we pointed out in comments on the DEIS and earlier study documents.

The fundamental defect of the SDEIS is that the Preferred Alternative does not fulfill the ostensible purpose of the project, to relieve congestion. To obscure this reality, the SDEIS envelops the Purpose and Need Statement in a fog of doubletalk. It relies on a failed traffic model whose predictions lack all credibility. And it omits entirely some of the most important considerations in choosing between alternatives, such as fairness to disadvantaged populations and financial feasibility.

**Purpose and Need**

The SDEIS states on page 1-2 that “The Purpose of the Study is to develop a travel demand management solution(s) that addresses congestion...”

We are never told what “address” means, because it is an Alice-in-Wonderland word. As Humpty-Dumpty told Alice, “When I use a word... it means just what I choose it to mean – neither more nor less.” Shifting definitions at will, MDOT rules alternatives in or out by arbitrarily asserting that they do or do not “address congestion.”

Thus the project website, on a page cited<sup>1</sup> by MDOT as the authoritative explanation of the reason for eliminating transit alternatives, states that “transit alone would not address the existing and long-term traffic growth in the study corridors.”

Yet elsewhere we are told just the opposite. The Purpose and Need Statement itself, on DEIS page 1-7, tells us that the Purple Line – a “transit alone” project that will not even include parking – “addresses” growing traffic demand and congestion:

<sup>1</sup><https://oplanesmd.com/environmental/alternatives/screened-alternatives/>, cited in L.B. Choplin, letter to B. Ross, July 9, 2019, responding to our comments on the recommended alternatives retained for detailed study (attached). Similar language appears on page 2-13 of the DEIS.

**Response to SDEIS Comment #1**

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.

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.

#1

<div>#1 Cont</div> <div>#2</div>	<div><p>Options to address the growing traffic demand and congestion in the region have been the subject of many prior studies.... While some of those strategies are being implemented, for example... Purple Line...</p><p>This linguistic sleight of hand is necessary because transit alternatives “address” congestion in the same way as the Preferred Alternative. Express toll lanes do not relieve congestion – indeed, they need congestion to be financially viable. Table 3-8 of the SDEIS states that the Preferred Alternative will make traffic worse on the existing lanes of the I-495 inner loop during the afternoon rush hour – the most congested section of the alternative’s area.<sup>2</sup></p><p>At most, toll lanes will remove some cars from the untolled lanes and enable a limited subset of travelers to bypass the congestion. Transit does the same. It takes some cars off highways, and it enables some but not all travelers to bypass congested roadway lanes. If this is a reason to eliminate transit alternatives from consideration, the Preferred Alternative must also be eliminated.</p><p><b>“No Action” vs. “No Build”</b></p><p>The Recommended Alternative for I-495 east of I-270 is described with another Alice-in-Wonderland phrase: “No Action.” Here, the meaning shifts so that MDOT can have its cake and eat it too. When the state agency wants to wave aside the environmental and legal obstacles to building in park land, raised repeatedly by M-NCPPC, “No Action” means “No Build.”</p><p>But where it is more convenient, “No Action” means “Build Later.” The map on the home page of the project website labels the remainder of the Beltway as “Future Phases.” The SDEIS states on page 2-3 that “improvements on the remainder of the interstate system may still be needed... and would be subject to additional environmental studies...”</p><p>The SDEIS violates NEPA due to improper segmentation. The SDEIS has segmented the project into a first segment represented by the preferred alternative and then future</p><p><sup>2</sup>Table 3-8 is based on an invalid traffic model, as discussed below. But the use of a double standard for transit and toll lanes is improper, regardless of the validity of the data to which the standard is applied.</p></div> <div>2</div>	<p><b>Response to SDEIS Comment #2</b></p> <p>As described in the SDEIS and FEIS, the Preferred Alternative will build a new American Legion Bridge and delivering two high-occupancy toll (HOT) managed lanes in each direction on I-495 from the George Washington Memorial Parkway in Virginia to west of MD 187 on I-495, and on I-270 from I-495 to north of I-370 and on the I-270 eastern spur from east of MD 187 to I-270. This Preferred Alternative was identified after coordination with resource agencies, the public and stakeholders to respond directly to feedback received on the DEIS, and to align the NEPA approval with the P3 Program planned project phased delivery and permitting approach.</p> <p>The Study evaluated the full length of the Study Area. While the Preferred Alternative does not include improvements to the remaining parts of I-495 within the Study limits, improvements on the remainder of the interstate system may still be needed in the future. Any such improvements would advance separately and would be subject to additional environmental studies and analysis and collaboration with the public, stakeholders and agencies.</p> <p>No Action is not the same as a No Build Alternative. NEPA’s CEQ regulations, 40 CFR 1500-1508, 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 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>
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<div>#2 Cont</div> <div>#3</div>	<div><p>segments to be studied in future environmental studies. The SDEIS fails to show the first segment has independent utility according to 23 CFR 771.111(f)(2). Second, the SDEIS fails to show that Old Georgetown Rd. is a logical terminus for the first segment according to 23 CFR 771.111(f). Such segmentation has been ruled by the courts as illegal.</p><p>The SDEIS does not even assert that the first segment has independent utility or that Old Georgetown Rd. is a logical terminus for the first segment. The opposite is true, because the traffic bottleneck at the Wisconsin Avenue merge, which is beyond the terminus, will cause traffic to back up past the terminus. The SDEIS predicts that this will create extreme congestion – an increase in the pm peak Travel Time Index within the project limits from 6.6 to 6.9. As the SDEIS concedes on page 3-15:</p><p>Congestion would be present during the pm peak period... on the inner loop in the design year of 2045 due to downstream bottlenecks outside of the Preferred Alternative Limits.</p><p><b>Lack of financial analysis</b></p><p>Financial viability is another criterion used to justify exclusion of transit alternatives from detailed analysis in the DEIS.<sup>3</sup> The analysis in the DEIS was woefully inadequate (see our comments on that document), but there was at least an analysis. The SDEIS does not even offer a pretense of a financial analysis.</p><p>Moreover, the analysis in the DEIS has been rendered inapplicable by subsequent events. According to MDOT’s February 18 press release, Transurban, the project developer chosen in February, proposed “a higher rate of return on its equity investment” than other bidders. Under Transurban’s contract, this high rate of return will be used to determine financial viability. Financial viability for all alternatives must be re-analyzed with this high rate of return factored in.</p><p><sup>3</sup>The attached July 9, 2019 Choplin letter states that “each alternative retained for detailed study will be consistently and objectively evaluated to determine if the alternative can generate sufficient revenue to assure the financing, construction, operation, and maintenance of the improvements.”</p></div>	<div><p><b>Response to SDEIS Comment #3</b></p><p>Refer to Chapter 9, Section 3.5 for a response to the P3 Program or Board of Public Works and Project Costs.</p></div>
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#4	<p><b>Erroneous traffic model</b></p> <p>The output of the SDEIS's traffic model is contrary to common sense, logic, and traffic forecasting done by MDOT itself before the sudden policy reversal that produced the new Preferred Alternative.</p> <p>A key location where the SDEIS traffic model fails spectacularly is the merge at Wisconsin Avenue where the I-270 east spur meets the Capital Beltway. Feeding in three more lanes of traffic without adding capacity at the merge point, will obviously worsen congestion there. Yet the SDEIS predicts that 400 <i>fewer</i> eastbound vehicles will pass through the merge during the evening rush hour if the toll lanes are built than if they aren't. Even larger reductions in traffic volumes are predicted farther east on I-495. More detail about the model failure is presented in the attached October 18 letter to FHWA Acting Administrator Pollack and in comments being submitted by others.</p> <p>Because none of the output of a model with such severe and pervasive errors can be trusted, it is not a credible basis for federal decision-making. As a result, the SDEIS provides no basis for determining whether the Preferred Alternative satisfies the project's Purpose and Need, what the air pollution and noise impacts will be, and whether it will disproportionately harm Environmental Justice populations.</p>	<p><b>Response to SDEIS Comment #4</b></p> <p>The traffic analysis in the Supplemental Draft Environmental Impact Statement (SDEIS) followed accepted professional practices including using the latest Metropolitan Washington Council of Governments (MWCOG) Travel Demand Model, which has been thoroughly reviewed and validated, and traffic simulation models using VISSIM, which is the state of practice for traffic flow simulation. The results were thoroughly reviewed by experts for the Maryland Department of Transportation State Highway Administration and the Federal Highway Administration.</p> <p>Anytime significant regional transportation improvements are made, such as to the American Legion Bridge and I-270, traffic in the region will redistribute in some locations. That is reflected in in the traffic forecasting from the MWCOG model and traffic analysis results from the VISSIM model.</p>
#5	<p><b>Environmental justice</b></p> <p>In an affluent corridor through Bethesda, Potomac, and Rockville, the Preferred Alternative would move cars faster, at least for those who can afford the tolls. But the Preferred Alternative would exacerbate traffic bottlenecks at the toll lane termini, and environmental justice populations are concentrated beyond these bottlenecks. Residents of these areas driving into the project corridor to access jobs in Tysons, Bethesda, and Rockville would face additional delay at the bottlenecks that would offset, and often exceed, their travel time savings within the corridor.</p> <p>For all anyone knows now, the project could increase overall traffic delay for drivers who belong to environmental justice populations. An equity analysis of traffic time savings, based on a valid traffic model, is needed.</p> <p>Moreover, traffic speed will not be the only difference between tolled and untolled lanes; the untolled lanes will also be less safe and less well maintained. On I-495 in Virginia,</p>	<p>It is logical that the volumes for the movements at MD 355 in question reduce slightly as a result of the improvements. For the ramp to MD 355 southbound in the AM peak period , it is logical that some vehicles would avoid this ramp and stay on I-495 and access DC from the west under the Build condition. For the section of the Inner Loop east of MD 355 in the PM peak period, it is logical that some vehicles would use the ICC instead under the Build condition. Also, the volume differences between Build and No Build are very small – less than 100 vehicles over four hours in the AM peak period example and only approximately 1% different in the PM peak period example. So, even if the trend was incorrect (which it is not), this is certainly not a “blatant error” or something that would have any impact on the overall results.</p> <p>The two largest origin-destination pairs for the Capital Beltway in Maryland are between the I-95/I-495 interchange and both the American Legion Bridge and Woodrow Wilson Bridge. This is due to the significant I-95 “through” traffic that has to use the Capital Beltway as there is no direct I-95 connection through Washington DC. Northbound traffic in Virginia in the I-95 corridor can use either the Woodrow Wilson Bridge or American Legion Bridge corridors to travel into Maryland and reach I-95. A continuous HOT lane system from I-95 in Virginia to and up I-270 to I-370 will provide for capacity in the American Legion Bridge corridor reducing northbound traffic on the eastern side of the Capital Beltway. This reduction of traffic on the eastern side of I-495 also allows traffic destined for points north like Baltimore to potentially use US 50 eastbound to MD 3 and/or I-97 to go north instead of continuing on the Capital Beltway and using the MD 295 or I-95 corridors (see below map). While the distance is longer, less congestion on US 50 and I-97 results in reduced travel time today during the PM peak period on many days. This travel pattern is used today and will only be used more in the future without significant improvements to accommodate north-south travel between the Washington DC and Baltimore regions.</p> <p>While Phase 1 South is only 15-miles, it has significant regional transportation benefits even where improvements are not occurring. Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.</p> <p>FHWA responded directly to the October 18 letter included as an attachment to this comment.</p> <p><b>Response to SDEIS Comment #5</b></p> <p>The intent of the project is to improve operations for all users, not just those "willing to pay the tolls". The results of the operational analysis indicate that congestion will be reduced in the general purpose lanes and delays will be reduced on the local roads in most areas because the HOT lanes serve traffic that otherwise would be using the general purpose lanes and local roads. Additionally, HOV 3+ and transit vehicles will also be able to use the managed lanes (and obtain the associated speed and travel time benefits) without paying a toll.</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.O for a response to impacts to safety considerations.</p>

#5  
Cont

36% of regular toll lane users are motivated by safety.<sup>4</sup>

The project will make the untolled lanes less safe in numerous ways:

- The untolled lanes will not have a left shoulder. Currently, all portions of the roadway have right and left shoulders.
- High tolls for trucks in Maryland and the exclusion of heavy trucks from the Virginia toll lanes will put almost all heavy truck traffic in the untolled lanes in Maryland.
- Average vehicle age will be greater in the untolled lanes, resulting in more frequent mechanical failures. Mechanical failures at high speed endanger drivers of other vehicles.
- The toll lanes will be maintained to a higher standard.

The NEPA process cannot leave environmental equity as an afterthought to be cleaned up in an FEIS. These issues should have been thoroughly addressed in the SDEIS, but they were ignored. As a result, local governments and the public lacked proper opportunities for input.

Submitted by:

Maryland Transit Opportunities Coalition  
5 Lochness Court  
Rockville, MD 20850

Action Committee for Transit  
P.O. Box 7074  
Silver Spring, MD 20907

Baltimore Transit Equity Coalition  
P.O. Box 23141  
Baltimore, MD 21203

Central Maryland Transportation Alliance  
11 E Mt Royal Ave, 2nd Floor  
Baltimore, MD 21202

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<sup>4</sup>Maryland Dept. of Transportation, I-495 and I-270 Express Lanes Stated Preference Survey, August 9, 2019, p. 43.

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Citizens Against Beltway Expansion  
219 Indian Spring Drive  
Silver Spring, Maryland 20901

Coalition for Smarter Growth  
P.O. Box 73282  
Washington, DC 20056

Coalition for Transit Alternatives to Mid-County Highway Extended  
11425 Neelsville Church Road  
Germantown, MD 20876

Don't Widen 270  
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Maryland Rail Passengers Association  
7 Renmark Court  
Gaithersburg, MD 20878

Trains Not Tolls  
7005 Runny Court  
Frederick, MD 21701

Wyngate Citizens Association  
5607 Oakmont Ave,  
Bethesda, MD 20817



Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Pete K. Rahn  
Secretary  
Gregory Slater  
Administrator

July 9, 2019

Mr. Ben Ross  
Chair  
Maryland Transit Opportunities Coalition  
8725 Warm Waves Way  
Columbia MD 21045

Dear Mr. Ross:

Thank you for your comments on the recommended alternatives retained for detailed study for the I-495 and I-270 Managed Lanes Study. We have reviewed your comments and are providing our response.

Multiple studies over the last decade have shown that the National Capital Region is one of the most congested in the nation, and Marylanders face the second highest commuting times in the country. Today, on average, travelers experience seven hours of congestion daily on I-270. The duration is even worse on I-495 with travelers experiencing ten hours of congestion daily. With the projected population growth in the National Capital Region, Marylanders will continue to see those numbers increase. Improvements to I-495 and I-270, coupled with investment in transit, are necessary to move not only people, but goods and services through the National Capital Region.

Your comment that alternatives retained for detailed study are insufficient under the National Environmental Policy Act (NEPA) because of the lack of a standalone mass transit alternative is incorrect. The Federal Highway Administration guidance you cite notes that mass transit should be considered when determining reasonable alternatives. The Maryland Department of Transportation State Highway Administration (MDOT SHA) identified multiple standalone mass transit options as part of the preliminary range of alternatives. Those alternatives were analyzed and determined to not be reasonable in meeting the purpose and need of the I-495 and I-270 Managed Lanes Study. Discussion on why the standalone transit alternatives were determined to not be reasonable in meeting the purpose and need of this study is on our program website at [www.495-270-P3.com](http://www.495-270-P3.com) under Environmental>Alternatives>Screened Alternatives. As required under NEPA, the Draft Environmental Impact Statement (DEIS) will briefly discuss alternatives that were under consideration but eliminated from detailed study and will devote substantial treatment to each reasonable alternative studied in detail.

While standalone mass transit is not part of the alternatives retained for detailed study, inclusion of enhancing existing and planned multimodal mobility and connectivity is an important facet of the study's purpose. Transit elements meeting this purpose will be incorporated into the study regardless of alternative.

707 North Calvert St., Baltimore, MD 21202 | 410.637.3320 | 1.833.858.5960 | Maryland Relay TTY 800.735.2258 | [roads.maryland.gov](http://roads.maryland.gov)

Mr. Ben Ross  
Page Two

Your other comment that "MDOT admits that all six 'build' ARDS are not self-supporting and will require a taxpayer guarantee of the P3 concessionaire's loans" is also incorrect. First, it is important to note that the NEPA process is separate and distinct from the Public-Private Partnership (P3) process. To address the NEPA study's established goal of financial viability, each alternative retained for detailed study will be consistently and objectively evaluated to determine if the alternative can generate sufficient revenue to assure the financing, construction, operation, and maintenance of the improvements. As far as the terms you noted from the Pre-Solicitation Report supplement, those are typical terms and conditions included in most contracts. These terms absolutely do not reflect that one or any of the recommended alternatives retained for detailed study would not be self-supporting. These terms represent that in the extremely unlikely event that MDOT were to terminate the agreement, the Developer would be compensated for the value of work already delivered (less the value of any deficiencies in that work), e.g. construction of a new American Legion Bridge, prior to MDOT deciding to terminate the P3 agreement.

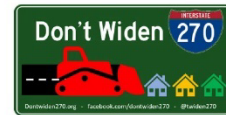
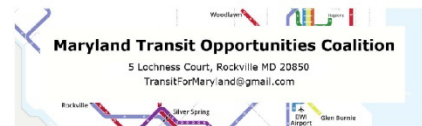
Thank you again for your comments. If you have any questions, please do not hesitate to contact me or Jeffrey T. Folden, P.E., DBIA, Deputy Director, I-495 & I-270 P3 Office at 410-637-3321 or [jfolden1@mdot.maryland.gov](mailto:jfolden1@mdot.maryland.gov).

Sincerely,



Lisa B. Choplin  
Director, I-495 & I-270 P3 Office

cc: Ms. Caryn J. G. Brookman, Environmental Manager, I-495 & I-270 P3 Office,  
MDOT SHA  
Jeffrey T. Folden, P.E., DBIA, Deputy Director, I-495 & I-270 P3 Office, MDOT SHA  
Mr. Gregory Slater, Administrator, MDOT SHA



October 18, 2021

Stephanie Pollack  
Acting Administrator  
Federal Highway Administration  
1200 New Jersey Ave. SW  
Washington, DC 20590

Subject: I-495 & I-270 Managed Lanes Study

Dear Administrator Pollack:

On October 1, FHWA and the Maryland Dept. of Transportation issued a Supplemental Draft Environmental Impact Statement for the I-495 & I-270 Managed Lanes Study. The subject of the SDEIS is a new alternative, not addressed in the DEIS, which adds toll lanes from the George Washington Bridge in Virginia to I-370 in Maryland. MDOT has selected this as the Preferred Alternative, leaving the choice of alternative for the remainder of I-495 undetermined.

The SDEIS contains no valid information on how the Preferred Alternative will affect vehicle movement because its traffic model is invalid. The output of the SDEIS's traffic model is contrary to common sense, logic, and traffic forecasting done by MDOT itself before Maryland suddenly reversed its policy. As a result, the SDEIS provides no basis for determining whether the Preferred Alternative satisfies the project's Purpose and Need, what the air pollution and noise impacts will be, and whether it will disproportionately harm Environmental Justice populations.

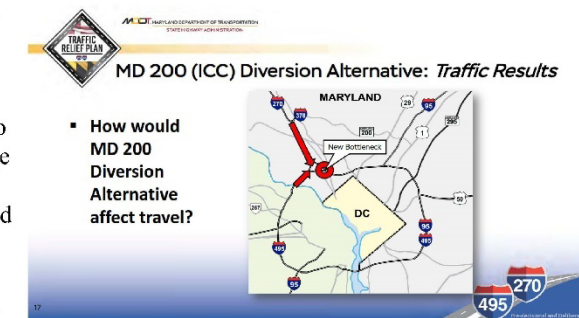
We therefore request that you withdraw the SDEIS and instruct MDOT to identify the causes of the traffic model's failure, develop a valid model, and reissue the SDEIS with an explanation of the reasons for the previous failure and a thorough validation of the new model.

A key location where the SDEIS traffic model fails spectacularly is the merge at Wisconsin Avenue where the I-270 east spur meets the Capital Beltway. This is already one of the most congested parts of the Beltway. It is obvious that feeding in three more lanes of traffic (two from the Beltway and one from I-270), without adding capacity at the merge point, will worsen congestion there. This is a crucial difference between the new Preferred Alternative and the build alternatives studied in the DEIS, which all increase capacity at that merge point.

Ms. Stephanie Pollack, October 18, 2021

Page 2

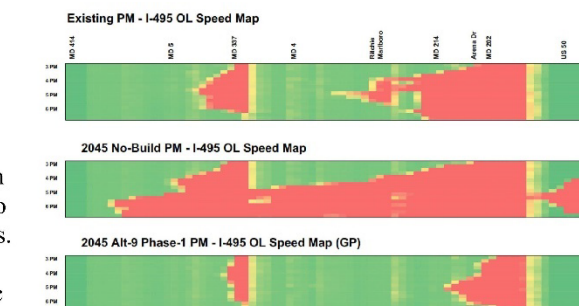
MDOT said just that on November 7, 2019. At that time, the Maryland agency was resisting demands for the DEIS to study an "ICC diversion" alternative that would add toll lanes to I-270 and the American Legion Bridge but not widen the Beltway at the Wisconsin Avenue merge. MDOT told the National Capital Planning Commission that this would create a "New Bottleneck" at the merge point. The slide on the right is from MDOT's presentation to NCPC.



But then there was a sudden policy reversal. In May of this year, MDOT announced its new Preferred Alternative – with the Beltway no longer widened at the merge. The "New Bottleneck" then vanished.

According to the SDEIS, in the evening rush hour from 3:00 to 7:00, when congestion is at its worst, 400 *fewer* eastbound vehicles will pass through the merge if the toll lanes are built than if they aren't. To the east on the Inner Loop, between Georgia Avenue and I-95, the model predicts even larger drops in traffic volume. This leads the model to conclude that Inner-Loop traffic in Montgomery County will get worse where the highway is widened and get better where it is not.<sup>1</sup> These model outputs are contrary to common sense.

The SDEIS model also predicts that the Preferred Alternative will reduce evening rush-hour traffic volumes by up to 4% on the northbound Beltway south of US 50 in Prince George's County, nearly eliminating congestion there. A 4% reduction in traffic is also predicted for US 50 toward Annapolis. There is surely something deeply wrong with a model that shows traffic jams vanishing in Prince George's County when a highway is widened on



*Detail from SDEIS, Appendix A, page 127*

<sup>1</sup>Table 4 of Appendix A states that the Travel Time Index worsens from 6.6 to 6.9 in the untolled lanes west of I-270 but improves from 4.8 to 3.0 between I-270 and I-95.



Ms. Stephanie Pollack, October 18, 2021

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the other side of Washington.<sup>2</sup>

These are not the only inexplicable model forecasts. A widespread decline in traffic headed out of Washington toward the northeast during the evening rush hour is predicted if the Preferred Alternative is built, compared to no-build. The model predicts fewer vehicles headed outbound from every Beltway interchange from US 29 to US 50, except for a small increase on I-95. The traffic forecast for the College Park-Greenbelt area is especially dubious – 15.9% fewer cars on Kenilworth Avenue, 12.8% on Route 1, and 9.9% on the Baltimore-Washington Parkway.

Added capacity due to construction of the toll lanes on I-270 cannot be the cause of the reduction in outbound evening traffic between US 29 and US 50 predicted by the model. While I-270 and the ICC are an alternative route that will draw some traffic away from US 29 and I-95, they are not a reasonable alternative for people driving toward Annapolis. Moreover, the predicted increase in traffic exiting northbound I-270 onto I-370 toward the ICC, 1515 vehicles, is much smaller than the 5095-vehicle decline that is predicted for outbound traffic in the US29-to-US50 sector.

When a model exhibits such severe and pervasive errors, none of its output can be trusted. Such a model is not a credible basis for federal decision-making. It must be corrected.

The necessary first step in fixing the model is to identify the root cause of its failure. One possible explanation to consider is a discrepancy in the input data, erroneously telling the model that fewer home-to-work trips originate in the Greenbelt-Laurel-Bowie area in the Preferred Alternative than in the No-Build alternative. That would explain the otherwise mysterious predictions that the Preferred Alternative will reduce evening rush-hour traffic volumes traveling toward that area from all directions – northbound on the Outer Loop in Prince George’s County, eastbound on the Inner Loop in eastern Montgomery County, and outbound from D.C. (inside and outside the Beltway) throughout northern Prince George’s County.

Comparison of alternatives, the fundamental purpose of an Environmental Impact Statement, is impossible when the traffic model lacks all credibility. Moreover, the public cannot intelligently comment on key aspects of the environmental analysis – among them whether the Preferred Alternative satisfies the Purpose and Need, air and noise pollution, and whether the project will

Model-predicted change in  
outbound rush hour traffic

Highway	No. of Vehicles	Percentage Change
US 29	–340	–2.9%
MD 193	–190	–2.6%
MD 650	–395	–3.8%
I-95	+530	1.6%
US 1	–950	–12.8%
MD 201	–1,090	–15.9%
MD 295	–1,395	–9.9%
MD 450	–35	–0.3%
US 50	–1,230	–4.1%

<sup>2</sup>The SDEIS, on page 3-10, absurdly explains the model output showing less congestion on the Beltway Outer Loop in Prince George’s County as a consequence of cars no longer backing up from I-270 in Bethesda.

Ms. Stephanie Pollack, October 18, 2021

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help or harm Environmental Justice populations. We therefore request that you withdraw the Supplemental Draft Environmental Impact Statement and reissue it with a corrected and thoroughly validated traffic model.

Sincerely,

Benjamin Ross, Chair<sup>3</sup>  
[Maryland Transit Opportunities Coalition](#)

Barbara Coufal, Co-Chair  
[Citizens Against Beltway Expansion](#)

Janet Gallant and Sally Stolz, Coordinators  
[DontWiden270.org](#)

cc: Senator Ben Cardin  
Senator Chris Van Hollen  
Rep. Jamie Raskin  
Rep. Anthony Brown  
Elizabeth Hewlett, Chair, M-NCPPC  
Casey Anderson, Chair, Montgomery County Planning Board

<sup>3</sup>Please direct any technical questions or correspondence to Dr. Ross at [REDACTED] or [REDACTED].

MARYLAND TRANSPORTATION BUILDERS AND MATERIALS ASSOCIATION – MICHAEL SAKATA (ORAL TESTIMONY)

#1

I-495 and I-270 Managed Lanes Study  
SDEIS Virtual Public Hearing: Oral Testimony

**Name:** Michael Sakata

**Agency/Organization/Jurisdiction, if applicable:** MD Transportation Builders and Materials Association

**Virtual Public Hearing Date:** 11/1/2021

**Type/Session:** Testimony

**Transcription:**

Thank you. I'm Michael Sakata M-I-C-H-A-E-L S-A-K-T-A representing Maryland Transportation Builders and Materials Association, located at 2408 Peppermill Drive, Glen Burnie, Maryland. We represent the transit and construction industry companies and their 30,000 employees. We strongly support this project and the Preferred Alternative. We support the Preferred Alternative for many reasons. The SDEIS shows it will eliminate congestion at the American Legion Bridge and improve conditions on I-270 during both rush hours. The Preferred Alternative will reduce travel times and delays among most of I-495/I-270 and surrounding roads. On page 3 to 15 of the SDEIS, the findings of the traffic analysis are clearly presented as there have been some misreporting on this, on this point, and on some media accounts. It says right there, the Preferred Alternative would significantly increase throughput across the American Legion bridge on southern sections of I-270 while reducing congestion. It would also increase speeds, improve reliability, and reduce travel times and delays on the majority of I-495/I-270 in the surrounding roadway network compared to a No-Build alternative. It will put hundreds of Marylanders' companies to work including small and disadvantaged businesses. This project will need, will bring the economic growth and opportunities for Maryland citizens and businesses to compete in this regional area. We know firsthand how transformative this project will be, will be and how it will improve by personal commute in our regional area.

Finally, the inflated toll rates that opponents are citing from I-66 are pure fiction. In Maryland, the average toll rate is projected to be just about \$3.95 per trip. We support the Preferred Alternative and urge Maryland to move forward without any further delay so this project can be delivered in close coordination with Virginia's I-495 NEXT Program, which will start construction just next year. It's time for Maryland to get moving again. Thank you for your time.

**Response to SDEIS 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.



**NATIONAL PARKS CONSERVATION ASSOCIATION – KYLE HART**



**I-495 & I-270 Managed Lanes Study | Supplemental DEIS Comments**  
 Jeffrey T. Foden, P.E., DBIA | Maryland Department of Transportation  
 707 North Calvert Street | Baltimore, MD 21202  
 November 30, 2021

Dear Mr. Foden:

I am commenting today on behalf of the National Parks Conservation Association (NPCA). The National Parks Conservation Association is the only national membership-based organization dedicated to advocacy on behalf of our country's national parks. NPCA's mission is to protect and enhance America's National Park System for present and future generations, a mission we have upheld since NPCA was created by the very first National Park Service Director Stephen Mather in 1919. These comments represent approximately 32,000 members and supporters in Maryland, 5,000 in Washington DC, 43,514 in Virginia, and over 1.6 million members and supporters nationwide. NPCA remains concerned with the proposed impacts to National Park Service property and the environment generally by this project, and we firmly support the no-build alternative.

NPCA submits these comments in addition to the comments that were submitted verbally during the public hearing on November 1, 2021 by Kyle Hart, as well as in conjunction with the comments submitted by the Maryland Sierra Club, of which NPCA is an official signatory. Also, these comments continue to build on the comments NPCA, and our coalition submitted on the Draft Environmental Impact Statement for this project on November 9, 2020.

As highlighted in the SDEIS, the chosen preferred alternative, Alternative 9, Phase 1- South, would directly, negatively impact 17 acres of National Park Service (NPS) property at three distinct NPS sites- the George Washington Memorial Parkway, the Chesapeake and Ohio Canal National Historical Park, and the Clara Barton Parkway. These impacts would be extensive and unmitigable.

According to Table 4-9, this proposal would destroy 1,212 trees on National Park Service property. The majority (850) of these trees would be removed from the Chesapeake and Ohio Canal, particularly at or around Plummerville Island. This area consists mainly of old-growth, deciduous forests, with trees upwards of 100 years old or older. These are not temporary impacts, as forests of this type and age cannot simply be replaced with tree plantings and forest offsets. This level of impact to existing old-growth forests is unacceptable. Further, as identified in the SDEIS, the proposed Limit of Disturbance for the project includes 41 rare, threatened, and endangered plant and invertebrate species identified by NPS in site surveys. These are plants and habitat types that cannot continue to be lost and degraded.

Plummerville Island, along the Chesapeake and Ohio Canal, would bear the brunt of the negative impacts from the proposed alternative. The island has been studied for decades by the Washington Biologists Field Club (WBFC) and is often referred to as the "the most thoroughly studied island in North America." The research done on the island is extensive and its impacts on the scientific community cannot be

**Response to SDEIS Comment #1**

MDOT SHA acknowledges receipt of the DEIS Comment Letter from the National Parks Conservation Association dated November 9, 2020 that was appended to this SDEIS Comment Letter. Refer to Appendix T for a response to this DEIS Comment Letter.

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 and for the Selection of the Preferred Alternative, please see related Common Theme Responses and the SDEIS and FEIS. Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained

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.

Impacts to Plummerville Island could not be avoided completely, but impacts have been reduced by 1.7 acres. In the DEIS, the Build Alternatives had 1.9 acres of impacts to Plummerville Island. Under the Preferred Alternative, the impacts have been reduced to approximately 0.28 acres of impact at Plummerville Island, of which less than 0.1 acres would be permanent impact and 0.27 acres would be temporary impact. Impacts to Plummerville Island would be required for the ALB substructure, including permanent use for three, discrete, approximately 10-foot diameter pier foundations and temporary, construction activities. Temporary construction activities may include efforts such as excavation, access for demolition of existing bridge foundation and piers, and slope protection. Access to the existing and proposed piers is required for these activities.

No wetlands, as delineated per Section 404 or the National Park Service, will be impacted on Plummerville Island by the Preferred Alternative. The impact to the island was determined based on the Ordinary High Water (OHW) Mark. Area within the OHW mark is considered waterway by the US Army Corps of Engineers and permitted as such. Area landward of the OHW mark is considered part of the island. All construction impacts would be contained within the Limits of Disturbance included in the Final Environmental Impact Statement.

We appreciate the ecological importance of Plummerville Island and the greater Potomac Gorge, which include rare habitats and rare, threatened, and endangered (RTE) organisms. We recognize the long-term biological studies conducted on and around the island have contributed to the understanding of these important habitats and the wildlife they support and that impacts would not only affect these diverse habitats and wildlife, but would affect a place that is important to many people for recreation. MDOT SHA has limited impact to Plummerville Island and the Potomac Gorge to the greatest extent practicable, while maintaining constructability of the project. MDOT SHA conducted a four-season RTE plant survey in 2020 to identify the RTE plant species located within the project area. MDOT SHA is coordinating closely with NPS to develop an ecosystem restoration plan to limit impacts as much as possible and mitigate for impacts that cannot be avoided and will continue to coordinate with the Washington Biologists Field Club to ensure your concerns are heard and responded to.

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

#1

#2



#2 Cont	<p>overstated. The proposed project would impact both ongoing studies being performed by WBFC members and their ability to execute future scientific studies in the area.</p>	<b>Response to SDEIS Comment #2</b> <p>Despite the extensive avoidance and minimization efforts to NPS properties around the ALB including Plummers Island, impacts to Plummers Island could not be avoided completely, but impacts have been reduced by 1.7 acres. In the DEIS, the Build Alternatives had 1.9 acres of impacts to Plummers Island. Under the Preferred Alternative, approximately 0.28 acres of impact at Plummers Island, of which less than 0.1 acres would be permanent impact and 0.27 acres would be temporary impact. Impacts to Plummers Island would be required for the ALB substructure, including permanent use for three, discrete, approximately 10-foot diameter pier foundations and temporary, construction activities. Temporary construction activities may include efforts such as excavation, access for demolition of existing bridge foundation and piers, and slope protection. Access to the existing and proposed piers is required for these activities.</p>
#3	<p>On page ES-13 of the SDEIS, the document states “the Preferred Alternative, with build improvements only within the limits of Phase 1 South, avoids over 100 acres of parkland...” Indeed, the new Preferred Alternative reduces impacts to NPS property by 87 acres. However, by MDOT’s own admission on <a href="http://oplanesmd.com">http://oplanesmd.com</a>, the portion of I-495 east of the current proposed preferred alternative is referred to as “future phases.” Thus, the assertion in the SDEIS that the impacts to parkland have been avoided is simply untrue. These extensive negative impacts to parks have been pushed to a later date, not avoided. Using this as a justification for the new Preferred Alternative is not truthful.</p>	<b>Response to SDEIS Comment #3</b> <p>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:</p>
#4	<p>NPCA also has concerns with the proposed project’s negative impacts to water quality. According to Table 4-33, the Preferred Alternative would add 158 acres of impervious surfaces to five 12-digit watersheds in Maryland and a sixth watershed in Virginia. This increase in impervious surface would lead to a dramatic increase in polluted stormwater runoff harming downstream resources all the way to the Chesapeake Bay. Several national park units lie downstream of the proposed project, including but not limited to Piscataway Park, Fort Washington Park, Oxon Cove Park, East and West Potomac Park, and much of the George Washington Memorial Parkway, and the Chesapeake and Ohio Canal National Historical Park. These parks would see diminished water quality due to the increase in polluted runoff created by this proposed project. The project would also destroy 4.3 acres of wetlands, thus reducing the numerous benefits that wetlands provide to water quality such as reducing flash flooding and filtering stormwater.</p>	<p><i>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.</i></p> <p>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 &amp; Ohio Canal National Historical Park. Refer to <i>SDEIS, Chapter 4, Section 4.12.4</i> for additional details on the ALB Strike Team’s efforts.</p>
#5	<p>NPCA also takes concern with the SDEIS’s lack of full analysis on stormwater impacts and mitigation. On page ES-5, the document differs the “Final Wetland and Floodplain Statement of Findings identifying final mitigation impacts to wetlands and floodplain on National Park Service Property” until the Final EIS. This analysis must be completed ahead of time to allow the public and NPS ample time to review and comment on these impacts and mitigation strategies. Beyond NPS property impacts, the SDEIS is wholly inadequate in its analysis of stormwater impacts and mitigation strategies. As the DC metropolitan region continues to grow, more must be done to protect local water quality and the health of the Chesapeake Bay watershed. This proposed project takes us in the wrong direction regarding stormwater runoff, pollution, and water quality in the region.</p>	<p>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.</p>
#6	<p>Another great concern to NPCA is the project’s impacts on climate change and increased greenhouse gas emissions. Climate change and its impacts are the greatest threat to America’s National Parks, and urgent action must be taken at all levels of government to reduce climate pollution and slow the planet’s warming. Despite continued claims by MDOT, this project will not reduce greenhouse gas emissions. On page 4-44 of the document, the SDEIS acknowledges that “all build alternatives are projected to slightly increase annual tailpipe GHG emissions by an average of 1.4 percent compared to the no-build alternative in 2040.” Given the urgency of addressing climate change, this proposed increase in greenhouse gas emissions alone should disqualify this project from moving forward.</p> <p>Beyond the direct and stated impacts to climate change, the SDEIS reveals a general lack of analysis on climate impacts of this project. The SDEIS lacks any substantial analysis of climate implications from a multiple-year construction project reliant on diesel-run, heavy machinery. Moreover, the SDEIS lacks any true analysis that other, non-expansion alternatives would have on greenhouse gas emissions. The reliance solely on build alternatives, similar to the reliance in the DEIS, invalidates the SDEIS emissions</p>	<p>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.</p> <p>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.</p> <p>Refer to Chapter 9, Section 3.4.C for a response to analyses of parklands and historic resources.</p> <b>Response to SDEIS Comment #4</b> <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>

#7

analysis. A proper DEIS/SDEIS would examine numerous alternatives, including transit, traffic management, and more.

The SDEIS continues the trend of the DEIS's inadequate examination of alternatives to this project. The Purpose and Need Statement continues to rely on an ill-defined "financial viability" element, setting up a pre-determined outcome of a Public-Private Partnership project reliant on highway expansion with toll lanes financed by a private corporation. Relying on this aspect of the Purpose and Need intentionally excludes alternatives that could achieve the same objectives of addressing congestion and improving trip reliability on I-495 and I-270 without toll lanes and extensive highway expansion.

The state and MDOT continue to focus on a "one size fits all" approach to traffic congestion in the region. Instead, MDOT should examine a multifaceted approach to meeting aspects of the Purpose and Need Statement. For instance, according to a study by the Maryland Transportation Institute (MTI), "a 5% reduction in travel demand could lead to 32%-58% reduction in traffic congestion on major freeways" and "a 15% reduction in traffic volume observed in July 2020 was able to eliminate almost all traffic bottlenecks in the region." MTI shows that the work-from-home policies that went into place during the COVID-19 pandemic reduced traffic congestion almost entirely on I-495 and I-270. Incentivizing continued work from home, at simply a 5% rate in the region, could have dramatic positive impacts on regional traffic congestion. Increase that rate to 15% and traffic congestion would nearly disappear.

Other potential alternatives include examining Active Traffic Management (ATM) and expanding transit. Examples of ATM defined by the Federal Highway Administration include adaptive ramp metering, dynamic junction control, dynamic lane reversal, dynamic speed limits and more (<https://ops.fhwa.dot.gov/atdm/approaches/atm.htm>). Combined, these solutions could work to reduce traffic congestion at the same rate, or a higher rate, than the Preferred Alternative with nearly none of the negative impacts on the environment. Expanded transit could include rapid bus services, expanding metro farther into Maryland, and more. Collectively, ATM and expanded transit could work to reduce the region's congestion problems without highway expansion.

MDOT has had a preordained conclusion on this project since its inception many years ago. The state has been laser-focused on adding four toll lanes to I-495 and I-270 through a Public Private Partnership as the only possible solution to the region's traffic congestion. However, this project would be devastating to national and local parks, local water quality, regional air quality, and climate change. MDOT has failed its NEPA obligations to examine true alternatives that would be less damaging to the environment while achieving the biggest goals of the Purpose and Need Statement. NPCA once again calls on MDOT to go back to the drawing board and present the public with a better solution to regional traffic that doesn't pave parks, forests, and wetlands.

Sincerely,

Kyle W. Hart  
Field Representative, Mid-Atlantic Region  
National Parks Conservation Association  
777 6th St., N.W., #700  
Washington, DC 20001  
[khart@npca.org](mailto:khart@npca.org) | 202-400-1193

**Response to SDEIS Comment #5**

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 SDEIS Comment #6**

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

**Response to SDEIS Comment #7**

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 3.1 for a response on Purpose and Need and teleworking.



## NATIONAL PARKS CONSERVATION ASSOCIATION – KYLE HART (ORAL TESTIMONY)

I-495 and I-270 Managed Lanes Study  
SDEIS Virtual Public Hearing: Oral Testimony

**Name:** Kyle Hart

**Agency/Organization/Jurisdiction, if applicable:** National Parks Conservation Association

**Virtual Public Hearing Date:** 11/1/2021

**Type/Session:** Testimony

**Transcription:**

Hi, my name is Kyle Hart. K-Y-L-E H-A-R-T. And today I'm commenting on behalf of the National Parks Conservation Association, also known as NPCA. Thank you for the opportunity to comment today. The National Parks Conservation Association is the only membership organization dedicated to advocacy on behalf of our country's national parks. Our mission is to protect and enhance America's national park system for present and future generations. A mission we have upheld since we were created by the first national park service director, Stephen Mather in 1919.

Today, I am here representing approximately 32,000 members and supporters in the state of Maryland and over 1.6 million members and supporters nationwide. NPCA remains concerned with the proposed impacts to National Park Service property by this unnecessary and poorly planned project, and we continue to support the No Build alternative. The SDEIS highlights extensive impacts [on] the National Park Service property from this proposed plan. As currently proposed this project would have negative impacts on 17 acres of National Park Service property at three and distinct NPS sites. For instance, over 1200 trees would need to be clear cut to make way for construction impacts, construction equipment and permanent new highway features, particularly at Plumbers Island and George Washington Memorial Parkway. This is an unacceptable level of impact. Should this project have been proposed at say Sequoia National Park and the plan was to clear cut 1200 old growth forest trees to make way for a highway, you would get laughed out of town. So because some, for some reason, this park is less well-known and in an urbanized area, somehow MDOT thinks this is an acceptable level of impact.

NPCA is also concerned with how the SDEIS attempts to justify the current Preferred Alternative by claiming a reduction in National Park Service property. The original proposal would have impacted approximately 100 acres of National Park Service property. MDOT is very open about the fact that the remainder of I-495 will develop, will be developed in "future phases of this project". To call these impacts as removed, is simply disingenuous and really kind of a lie. These impacts to Greenbelt Park, the Baltimore Washington Parkway, Suitland Parkway, haven't been eliminated. They've rather just been pushed to a later, to a later date. NPCA retains, as it has since our comments on the Draft Environmental Impact Statement, that this project is entirely unnecessary, too environmentally damaging, and it should not move forward. Instead of attempting to ram through this highway expansion, MDOT should focus on incentivizing telework, expanding transit, and looking at other traffic management solutions. We support the No Build alternative. Thank you for your time.

**Response to SDEIS Comment #1**

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.

Impacts to Plummers Island could not be avoided completely, but impacts have been reduced by 1.7 acres. In the DEIS, the Build Alternatives had 1.9 acres of impacts to Plummers Island. Under the Preferred Alternative, the impacts have been reduced to approximately 0.28 acres of impact at Plummers Island, of which less than 0.1 acres would be permanent impact and 0.27 acres would be temporary impact. Impacts to Plummers Island would be required for the ALB substructure, including permanent use for three, discrete, approximately 10-foot diameter pier foundations and temporary, construction activities. Temporary construction activities may include efforts such as excavation, access for demolition of existing bridge foundation and piers, and slope protection. Access to the existing and proposed piers is required for these activities.

No wetlands, as delineated per Section 404 or the National Park Service, will be impacted on Plummers Island by the Preferred Alternative. The impact to the island was determined based on the Ordinary High Water (OHW) Mark. Area within the OHW mark is considered waterway by the US Army Corps of Engineers and permitted as such. Area landward of the OHW mark is considered part of the island. All construction impacts would be contained within the Limits of Disturbance included in the Final Environmental Impact Statement.

We appreciate the ecological importance of Plummers Island and the greater Potomac Gorge, which include rare habitats and rare, threatened, and endangered (RTE) organisms. We recognize the long-term biological studies conducted on and around the island have contributed to the understanding of these important habitats and the wildlife they support and that impacts would not only affect these diverse habitats and wildlife, but would affect a place that is important to many people for recreation. MDOT SHA has limited impact to Plummers Island and the Potomac Gorge to the greatest extent practicable, while maintaining constructability of the project. MDOT SHA conducted a four-season RTE plant survey in 2020 to identify the RTE



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plant species located within the project area. MDOT SHA is coordinating closely with NPS to develop an ecosystem restoration plan to limit impacts as much as possible and mitigate for impacts that cannot be avoided and will continue to coordinate with the Washington Biologists Field Club to ensure your concerns are heard and responded to.

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.J for a response to impacts to greenspace and/or wildlife habitat.

**Response to SDEIS Comment #2**

As described in the SDEIS and FEIS, the Preferred Alternative focuses solely on building a new American Legion Bridge and delivering two high-occupancy toll (HOT) managed lanes in each direction on I-495 from the George Washington Memorial Parkway in Virginia to west of MD 187 on I-495, and on I-270 from I-495 to north of I-370 and on the I-270 eastern spur from east of MD 187 to I-270. This Preferred Alternative was identified after coordination with resource agencies, the public and stakeholders to respond directly to feedback received on the DEIS, and to align the NEPA approval with the P3 Program planned project phased delivery and permitting approach.

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

**NATIONAL TRUST FOR HISTORIC PRESERVATION – CHRIS CODY**

**From:** Christopher Cody <CCody@savingplaces.org>  
**Sent:** Tuesday, November 30, 2021 7:32 PM  
**To:** SHA OPLANESMLS; Parikh, Jitesh (FHWA)  
**Subject:** National Trust Comments Re: I-495/I-270 Managed Lane Study Supplemental Draft Environmental Impact Statement and Updated Draft Section 4(f) Evaluation  
**Attachments:** National Trust comments on SDEIS-4f Eval. for I-495 and I-270 Nov 30 2021.docx

Mr. Folden and Mr. Parikh,

The National Trust for Historic Preservation hereby submits the attached comments concerning the I-495/I-270 Managed Lane Study Supplemental Draft Environmental Impact Statement and Updated Draft Section 4(f) Evaluation.

Thank you,

Chris Cody

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November 30, 2021

Jeffrey T. Folden, P.E., DBIA  
Deputy Director, I-495 & I-270 P3 Office  
Maryland Department of Transportation State Highway Administration  
707 North Calvert Street  
Baltimore, MD 21202  
[MLS-NEPA-P3@mdot.maryland.gov](mailto:MLS-NEPA-P3@mdot.maryland.gov)

Mr. Jitesh Parikh  
Federal Highway Administration  
George H. Fallon Building  
31 Hopkins Plaza, Suite 1520  
Baltimore, Maryland 21201  
[jitesh.parikh@dot.gov](mailto:jitesh.parikh@dot.gov)

**RE: I-495/I-270 Managed Lane Study Supplemental Draft Environmental Impact Statement and Updated Draft Section 4(f) Evaluation**

Dear Mr. Folden,

The National Trust for Historic Preservation has reviewed the I-495/I-270 Managed Lane Study Supplemental Draft Environmental Impact Statement and Updated Draft Section 4(f) Evaluation (SDEIS). In addition to our interest in this undertaking as a consulting party under Section 106 of the National Historic Preservation Act, the National Trust recently named Morningstar Moses Tabernacle No. 88 to its 2021 list of America's 11 Most Endangered Historic Places. Over its 34-year history, this annual list has shed light on important examples of our nation's heritage that are at risk of destruction or irreparable damage. The 2021 list includes a diverse mix of historic places nationwide that celebrate the interconnection of American culture and acknowledge it as a multicultural fabric that, when understood together, helps tell the full American story. The inclusion of Morningstar Moses Tabernacle No. 88 on this list reflects the significant interest the National Trust has in its preservation. To further that objective, we offer the following comments on the SDEIS:

Additional Ground Penetrating Radar (GPR) Survey is Required

In our letter on October 8th, 2021 addressed to Steve Archer, we strongly encouraged the Maryland Department of Transportation (MDOT) to "undertake additional non-invasive investigation in areas of the property and adjacent ROW that were not included in the previous GPR survey, in case additional potential graves may be found in those areas". We further cautioned that, "[w]ithout additional study, our understanding of the footprint of the historic cemetery is incomplete, and direct adverse impacts to burial sites remains a

The Watergate Office Building 2600 Virginia Avenue NW Suite 1100 Washington, DC 20037  
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**Response to SDEIS Comment #1**

MDOT SHA recognizes there is some potential for human remains associated with historic properties to be present adjacent to Morningstar Tabernacle No. 88 Moses Hall and Cemetery which is not currently accessible for the types of thorough archaeological investigation necessary to definitively identify interments. This includes non-SHA neighboring properties. MDOT SHA has determined that areas for further GPR survey are not accessible or practicable at this time and further investigations as needed will be identified under the PA. MDOT SHA will work with the developer to minimize LOD to the maximum extent practicable adjacent to the Cemetery property. The Treatment Plan will include proposed investigations to identify and evaluate potential graves or human remains in specified sensitive areas to the maximum extent practicable to ensure avoidance or treatment prior to final design and construction.

#1



#2

serious risk”. The requested additional investigations have not been conducted as of the issuance of the SDEIS, and there is no mention in the SDEIS of any intent to conduct such additional surveys.

We again strongly recommend that MDOT expand the survey area to the north, west, and east of the already-surveyed site, including within the existing right-of-way. We further recommend the inclusion of a more substantial buffer between the northernmost identified burial and the project’s Limit of Disturbance. These recommendations are crucial to minimizing the risk of causing adverse impacts to burials.

The Section 4(f) Evaluation Fails to Demonstrate that No “Use” Will Occur of the Morningstar Tabernacle No. 88 Moses Hall and Cemetery.

Until this additional survey work is performed, we believe it is premature to make a constructive use determination under Section 4(f), and therefore we disagree with the conclusion in the SDEIS that “no constructive use would occur.” SDEIS at 5-53. The scope of the adverse impacts that this project will cause has not yet been sufficiently explored. Further, additional information is required concerning the specific means and methods of construction for this project so that all likely impacts may be reasonably understood. We also disagree with the assumption in the SDEIS that there will be no *direct* use of the historic Morningstar Tabernacle No. 88 Moses Hall and Cemetery. The SDEIS states:

[I]mpacts to the Morningstar Cemetery boundary were reduced from 0.3 acres (13,068 square feet) reported in the DEIS for Alternative 9 to approximately 14 square feet of temporary area needed for construction access to build a noise barrier adjacent to the property. This design refinement also resulted in *complete avoidance of ground disturbance within the cemetery boundary*. In July 2021, additional investigation was conducted to detect and map both potential marked and unmarked graves within and adjacent to the cemetery boundary. *Complete avoidance of the Morningstar Cemetery property has been achieved* based on further design refinements in response to the results of this investigation.”

SDEIS at 5-3 (emphasis added). We appreciate and commend the highway agencies for the substantial efforts that have been made to reduce the adverse effects to this historic property. However, we do not agree that “complete avoidance” has been achieved.

First, this rationale appears to assume that the historic property stops at the boundary of the existing right-of-way. That assumption needs to be reevaluated based on additional research and GPR.

Second, this finding in the SDEIS assumes that the direct “temporary” use of an additional 14 square feet outside the existing right-of-way does not constitute a direct “use” of the property. The Federal Highway Administration’s own Section 4(f) regulations require a more detailed showing, which has not been made here:



See response to Comment #1 above.

**Response to SDEIS Comment #2**

Through the Section 106 review, MDOT SHA has completed extensive historical and archaeological research that thoroughly documents the property and its significant features, allowing the Preferred Alternative to avoid all known impacts. The boundary of the historic property was updated in December 2021 to include the area of possible burial features identified by the May 2021 GPR survey within MDOT SHA right-of-way. The proposed design will entirely avoid the historic property boundary as updated and will not affect the property’s character-defining features, which are confined within the historic boundary. The project will not impact any markers, any known or suspected burials, and will avoid all impacts to the archaeological foundation of Moses Hall. The proposed noise barrier will further screen the property from visual and audible effects already present along I-495. MDOT SHA will continue to work with the community through the project’s Programmatic Agreement on further studies and context-sensitive design of new facilities.

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

<p>#3</p> <div> <p>(d) Temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f). The following conditions must be satisfied:</p> <ul style="list-style-type: none"> <li>(1) Duration must be temporary, <i>i.e.</i>, less than the time needed for construction of the project, and there should be no change in ownership of the land;</li> <li>(2) Scope of the work must be minor, <i>i.e.</i>, both the nature and the magnitude of the changes to the Section 4(f) property are minimal;</li> <li>(3) There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;</li> <li>(4) The land being used must be fully restored, <i>i.e.</i>, the property must be returned to a condition which is at least as good as that which existed prior to the project; and</li> <li>(5) There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource [<i>i.e.</i>, SHPO] regarding the above conditions.</li> </ul> <p>23 C.F.R. § 774.13(d). The SDEIS and Section 4(f) evaluation fail to demonstrate that these five conditions are satisfied. Accordingly, the record does not support a finding that the admitted temporary use of land within the historic property would not constitute a direct “use” under Section 4(f).</p> <p>Furthermore, since the “adverse effect” on the Morningstar Tabernacle property has been acknowledged (and appropriately so) for purposes of Section 106, the potential “use” of the historic property cannot qualify as “de minimis.” 23 U.S.C. § 138(b)(2).</p> <p><u>Cumulative Impacts and Environmental Justice Concerns</u></p> <p>We appreciate the acknowledgement in the SDEIS of the need to address the cumulative adverse impact suffered by Moses Hall as a result of the proposed project. SDEIS at 4-105 <i>et seq.</i> While cumulative impact analysis is often focused on evaluating reasonably foreseeable <i>future</i> indirect impacts, in the case of the Morningstar Tabernacle Moses Hall and Cemetery, the most important part of the cumulative impact analysis will be the <i>past</i> impacts – the damage and destruction directly and indirectly inflicted on this historic property, as well as on the Gibson Grove AME Zion Church and the wider Black community of Cabin John, by the earlier highway construction. It will be important to ensure that robust mitigation is developed commensurate with the magnitude of these adverse cumulative impacts. In our view, the Section 106 consultation will be the best forum for developing an effective mitigation plan based on input from the consulting parties, especially since Section 106 itself requires consideration of cumulative impacts. 36 C.F.R. § 800.5(a)(1). We look forward to discussing specific proposals to mitigate these adverse impacts.</p> </div>	<p><b>Response to SDEIS Comment #3</b></p> <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"> <li>• Direct and indirect impacts to historically African American Gibson Grove Community significantly minimized</li> <li>• Gibson Grove Church is avoided with impacts minimized to 0.1 acre of temporary easement needed for drainage</li> <li>• All direct and indirect impacts to Moses Hall Cemetery completely avoided</li> <li>• Noise barrier with context sensitive treatment at the Moses Hall Cemetery</li> <li>• Gifting land owned by MDOT SHA with potential graves back to Trustees of Moses Hall Cemetery</li> <li>• Completing drainage improvements on Gibson Grove property and clearing space for their proposed parking lot</li> <li>• Upgrading parking lot on the east side Seven Locks Road and making the sidewalk and path improvements to connect to the existing parking lot.</li> <li>• 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.</li> </ul>
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#3 Cont	<p>We also support the concerns raised by other consulting parties regarding the environmental justice reviews of this project. Essentially, much of this analysis is being deferred to the Final EIS, SDEIS at 4-104, which unfortunately minimizes the opportunity for public input. It is the National Trust’s hope that the environmental justice review will fully explore and address those concerns and use this project as an opportunity to correct past injustices.</p>	<p>See response #3 above.</p>
#4	<p><u>Additional Historic Resources Protected by Section 4(f)</u></p> <p>The lengthy comments submitted by the Maryland Chapter of the Sierra Club, et al., identify a number of additional historic resources that have not been adequately addressed in the draft Section 4(f) Evaluation. These include, but are not limited to: Plimmers Island, the Gibson Grove A.M.E. Zion Church, Cedar Lane Unitarian Universalist Church, and Native American Site(s) within the C&amp;O Canal Historical Park. We agree with the detailed concerns and objections to the Section 4(f) Evaluation articulated by the Maryland Chapter of the Sierra Club, and we urge the highway agencies to prepare a revised draft of the Section 4(f) Evaluation before proceeding further, in order to address the substantial flaws identified in the current draft of the Evaluation.</p> <p>Thank you for considering these comments, and we appreciate the ability to continue our participation in the Section 106 consultation process, as many of these key issues are being further evaluated and resolved.</p> <p>Sincerely,</p> <p> Elizabeth S. Merritt Deputy General Counsel</p> <p> Christopher Cody Associate General Counsel</p>	<p><b>Response to SDEIS Comment #4</b> Per NEPA and Section 4(f) practice the Final Section 4(f) Evaluation is included in this FEIS. Refer to Chapter 9, Section 9.3.4C regarding Section 4(f) Analysis</p>



**NORTHERN VIRGINIA TRANSPORTATION ALLIANCE – JASON STANFORD**

**From:** Jason Stanford <jason@nvta.org>  
**Sent:** Friday, October 22, 2021 11:07 AM  
**To:** SHA OPLANESP3 <oplanesmd@mdot.maryland.gov>; jeanette.mar@dot.gov  
**Cc:** Gregory Slater <GSlater@mdot.maryland.gov>  
**Subject:** DC Area Community Leaders Oppose Extending the SDEIS 45-Day Public Comment Period

Dear Mr. Folden and Ms. Mar:

Please see the attached letter from more than 60 DC area organizations representing the vast majority of employer, workers, and commuters in our region, which urges MDOT and the Federal Highway Administration to not extend the public comment period for the Supplemental Draft Environmental Impact Statement beyond the currently scheduled 45 days. Our community has waited long enough for traffic relief. Now is the time to move forward.

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

Thank you for your time and consideration of this important matter.

Sincerely,

Jason Stanford



Jason Stanford  
President  
P.O. Box 6149  
McLean, VA 22106-6149  
Office: 703-883-1830  
Mobile: 650-200-6375  
[www.NVTA.org](http://www.NVTA.org)

**Response to SDEIS Comment #1**

The SDEIS published on October 1, 2021 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 while referencing the DEIS for information that remained 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 45-day comment period, which was later extended an addition 15 days, until November 15, 2021 . Refer to Chapter 9, Section 3.7 for a response to comments related to public involvement and engagement.

#1

October 22, 2021

Jeffrey Folden  
Project Director  
I-495 and I-270 P-3 Project Office  
Maryland Department of Transportation State Highway Administration  
707 North Calvert Street, Mail Stop P-601  
Baltimore MD 21202  
[495-270-P3@sha.state.md.us](mailto:495-270-P3@sha.state.md.us)

Jeanette Mar  
Environmental Program Manager  
Federal Highway Administration, Maryland Division  
George H. Fallon Federal Building  
31 Hopkins Plaza, Suite 1520  
Baltimore MD 21201  
[jeanette.mar@dot.gov](mailto:jeanette.mar@dot.gov)

Dear Mr. Folden and Ms. Mar:

As representatives of the vast majority of the Washington, D.C. area's employers, workers, and commuters, we are writing to urge you to not extend the Supplemental Draft Environmental Impact Statement (SDEIS) public comment period beyond the current forty-five days.

Our community has waited long enough for traffic relief. Any further delay for this major regional transportation improvement is unacceptable to residents who are stuck in soul-crushing traffic day-in and day-out on the American Legion Bridge and I-270, and risks serious schedule delays that could potentially derail the entire project.

The American Legion Bridge is in desperate need of repair and improvement. Just a few weeks ago, it was widely reported that pieces of the bridge were crumbling and in need of repair. This project will not only ensure the safety of people traveling throughout our region today, but also expand the capacity of the bridge to accommodate future economic growth and travel demand that we know is coming.

In addition, there has already been extensive public comment on the impacts of this project over the last 3+ years of this NEPA process. Indeed, in the fall of 2020, MDOT nearly tripled the public comment period for this project resulting in thousands of comments received over 120 days. All told, there have already been over 275 days of formal public comment period in this NEPA study, plus many other informal opportunities to review and comment on the findings.

In addition to all these opportunities for public comment on the current study, this is not the first time we have been through all of this. There have already been at least three previous NEPA studies already conducted in these corridors in a NEPA study process that, combined, has now extended over roughly 30-years. There is no plausible need for any further delay.

Now that a preferred alternative has been selected – two high occupancy toll (HOT) Lanes in each direction, allowing for more transit, bike, and pedestrian travel in this corridor – this SDEIS presents a less impactful version of what the public has already seen and commented on before in the Draft Environmental Impact Statement. There are no new impacts in the SDEIS that would justify any extension beyond the already planned 45-day period.

The details put forward in the SDEIS are by no means a new or unexpected outcome. In fact, the SDEIS now reflects many of the public comments received on the DEIS and closely resembles the proposal put forward by Montgomery County elected officials in July of 2019. That's because this SDEIS is the direct result of active public engagement over

**Response to SDEIS 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.

The SDEIS published on October 1, 2021 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 while referencing the DEIS for information that remained 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 45-day comment period, which was later extended an addition 15 days, until November 15, 2021.

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

the last three years from the community, public and elected officials. The public has been consulted, has weighed in with comments, and has been heard.

Finally, further delaying this project will result in millions of dollars in higher costs and more uncertainty that could jeopardize many of the community benefits that we have all worked so hard to ensure are included in this project. If we want improvements to the American Legion Bridge and I-270 to be truly multimodal and provide extensive community benefits beyond just the substantial traffic relief and new travel opportunities, it is important to avoid unnecessary delays and costly increases while we are still in the early planning stages. The current proposal includes more than \$360 million in transit improvements, and tens of millions more in community, bike and pedestrian grants, all of which will likely have to be scaled back or eliminated to cover the cost of more delay. This is an unacceptable risk.

For these reasons and more, we urge you to keep the forty-five-day public comment period on the SDEIS in place so that we can stay on track to build this monumental improvement to our region's transportation infrastructure. Time is money and enough time has already been wasted.

Thank you for your time and consideration of this important matter.

Sincerely,



Thank you for your comments of support.



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CC: The Hon. Greg Slater, Maryland Secretary of Transportation

**NORTHERN VIRGINIA TRANSPORTATION ALLIANCE – JASON STANFORD**

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**From:** Jason Stanford <jason@nvta.org>  
**Sent:** Tuesday, November 30, 2021 8:08 PM  
**To:** SHA OPLANESMLS  
**Subject:** Support for I-495 & I-270 SDEIS  
**Attachments:** NVTA SDEIS Comment.pdf

To Whom It May Concern:

Please find attached the Northern Virginia Transportation Alliance's comments on the I-495 & I-270 Supplemental Draft Environmental Impact Statement. Please move forward with this game-changing regional project as quickly as possible.

Thank you,

Jason



Jason Stanford  
President  
P.O. Box 6149  
McLean, VA 22106-6149  
Office: 703-883-1830  
Mobile: 650-200-6375  
[www.NVTA.org](http://www.NVTA.org)





November 30, 2021

Jeffrey T. Folden, P.E., DBIA  
Director, I-495 & I-270 P3 Office  
Maryland Department of Transportation  
State Highway Administration  
707 North Calvert Street  
Mail Stop P-601, Baltimore, MD 21202

RE: I-495 & I-270 Supplemental Draft Environmental Impact Statement

Dear Mr. Folden:

On behalf of the Northern Virginia Transportation Alliance (NVTa) and its members, I wish to submit the following comments on the Managed Lanes Study Supplemental Draft Environmental Impact Statement (SDEIS).

1. NVTa supports the Preferred Alternative, Alternative 9 – Phase 1 South, and we believe this alternative meets all the key elements identified in the Purpose and Need statement for this project, and is responsive to many of the comments received from Maryland officials to the Draft Environmental Impact Statement (DEIS).
2. The new Preferred Alternative now requires zero residential and zero commercial property relocations, sharply reduced from earlier build alternatives.
3. While property and environmental impacts have been sharply reduced in this Preferred Alternative when compared to the build alternatives in the DEIS, we are encouraged to see that significant time savings, reduced delay, and improved peak-period speeds are still achieved even given the project's more constrained footprint. We believe this shows the SDEIS has resulted in a project that can move forward now and that will relieve congestion in some of the National Capital Region's worst traffic bottlenecks, notably the American Legion Bridge.
4. NVTa supports the selection of an alternative that includes High-Occupancy-Toll (HOT) Lanes as this provides consistency with existing facilities in the region and can form a coherent regional network, allowing Maryland to benefit for increased use of carpools and vanpools as we have seen in Virginia. Since the opening of similar HOT Lanes on I-495, Virginia has seen a 550% increase in carpool usage, meaning reduced reliance on single-occupancy vehicles can be expected in Maryland as well.
5. NVTa supports the significant new investment in bike and pedestrian access now included in the Preferred Alternative. In particular, the new mixed-use trail connecting the Maryland and Virginia sides of the Potomac River across the American Legion Bridge. We believe this is a vital new link in the region's hiking and biking trail networks, and feel that a direct connection to the C&O Canal would further enhance this

**Response to SDEIS 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.

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- important aspect of the project. The current designs shown in the SDEIS would all require a more circuitous and less desirable connection here.
6. The public and agency coordination described in Chapter 7 is truly impressive and illustrates the unprecedented access the public and local agencies have had throughout this process. This may be one of the most transparent efforts to engage the public on a “mega-project” like this and the thousands of public comments received to date indicate those efforts have been successful.
  7. One of the public comments we are concerned about and wish to correct for the record, is the unsupported claim that the traffic models used in the SDEIS are somehow not accurate. We strongly disagree with this contention, as the SDEIS relies on commonly used and highly accurate traffic models developed and maintained by the Metropolitan Washington Council of Governments and used for all other major projects in the region. We have seen ample evidence that these traffic models are accurate, are routinely calibrated using industry accepted methods, and fully account for any induced demand effects, while still showing significant improvement in regional travel times and system-wide delay. Just because one disagrees with some of the findings, that is not a valid basis to question the accuracy of the traffic models.
  8. The traffic analysis clearly shows that the Preferred Alternative improves throughput, reduces delay by up to 12% during the AM peak and by 32% in the PM peak, when compared to the No Build Alternative. It also improves vehicle throughput at the American Legion Bridge by 25-30%, eliminating one of the region’s most severe choke points for most parts of the day. The number of failing roadway segments will be reduced by 12% in the AM peak and 42% in the PM peak, a 29% overall reduction in the percentage of lane-miles operating at Level “F” service. This is tremendous improvement for a single project to demonstrate.
  9. Vehicle hours of delay on all Montgomery County arterials are reduced by 4.8% daily, and system-wide, traffic on local arterials is reduced by 3.5%. This includes improvements to Prince George’s County’s local network, despite no physical roadway improvements in the county. This reflects the true region-wide benefits the project will deliver.
  10. Peak period travel speeds on both the Inner Loop and the Outer Loops of I-495 improve significantly during the AM peak period, and on the Inner Loop during the PM peak period. The fact that certain bottlenecks will remain on the Inner Loop in the PM peak simply shows that more will need to be done beyond the scope of this project to address other regional bottlenecks, as indicated in the region’s adopted long-range plan (Visualize 2045).
  11. The traffic analysis on I-270 also indicates some improvement but is incomplete in one respect. Namely, the travel speeds listed in Table 3-5 on page 3-9 of the SDEIS for the No Build Alternative only include traffic using the existing express lanes, not the existing local lanes on I-270, which move at a significantly slower speed. Not including these trips presents incomplete data that has the practical effect of overstating the peak-period travel speeds in the No Build Alternative when compared to the Preferred Alternative. We suggest this analysis be adjusted in the Final Environmental Impact Statement to reflect all traffic in the No Build Alternative.

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12. The Preferred Alternative provides important equity benefits for the region, by providing faster, more reliable access between area job centers and lower-income communities, by creating tens of thousands of new jobs, and by maintaining and improving access and travel conditions on the notoriously congested American Legion Bridge and I-270 even for those who chose to pay nothing. We note in the SDEIS that most people using the existing general-purpose lanes will experience reduced congestion and more reliable travel times in these existing lanes, which remain free for anyone. We also note that those riding in vehicles with three or more passengers and those using transit can also choose to use the new HOT lanes at no charge.

In summary, NVTa strongly supports this project and the Preferred Alternative presented in the SDEIS.

Sincerely,



Jason Stanford  
President

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**NORTHERN VIRGINIA TRANSPORTATION ALLIANCE – JASON STANFORD (ORAL TESTIMONY)**

I-495 and I-270 Managed Lanes Study  
SDEIS Virtual Public Hearing: Oral Testimony

**Name:** Jason Stanford

**Agency/Organization/Jurisdiction, if applicable:** Northern Virginia Transportation Alliance

**Virtual Public Hearing Date:** 11/1/2021

**Type/Session:** Testimony

**Transcription:**

Hi, this is Jason Stanford. Can you hear me? Great. J-A-S-O-N S-T-A-N-F-O-R-D. And it's, my address is 8260 Greensboro Drive, McLean, Virginia 22102. And I'm the President of the Northern Virginia Transportation Alliance. For more than 30 years the Alliance has been the visionary leader for regional transportation solutions in the DC area that improve our quality of life and promote economic prosperity. Thank you for the opportunity to comment today on the Supplemental Draft Environmental Impact Statement. The SDEIS is clearly the product of extensive public engagement and collaboration by the Maryland Department of Transportation on this project over the last three years.

Three years ago, concerns were raised about the number of homes and businesses that might be impacted as a result of this project. Now, no homes will be demolished, and no properties will need to be fully taken. Three years ago there was a concern about the community benefits of the project beyond the congestion relief and delay reduction for hundreds of thousands of people who traveled this corridor everyday. Now, MDOT has selected an alternative that allows HOV-3 and transit vehicles to use the lanes for free, creating an opportunity for congestion-free regional express bus service on the I-270 corridor and across the American Legion Bridge.

Furthermore, MDOT has incurred \$360 million for transit improvements, money provisions, *[inaudible]* and community development grants, regional bike and pedestrian improvements, connecting Virginia and Maryland, a 26 percent commitment to hire minority-owned firms and the creation of thousands of good paying jobs for Maryland workers. And finally, three years ago, there was a concern about the environmental impacts of the project, including parkland along the top side of the beltway. Montgomery County even offered an alternative that included managed lanes from the American Legion Bridge to I-370 as a bypass for the beltway. Now, MDOT's proposal does exactly that. And even more, MDOT has incorporated improvements to stormwater management and mitigated key impacts to cultural centers and environmental sites, including the Moses Hall cemetery and Plummers Island. And it does it while still achieving an 18 percent reduction in system-wide delays during the morning rush hour and 32 percent during the evening rush hour, when compared to the No Build. At the same time vehicle throughput at the American Legion Bridge increases by 25 to 30 percent, eliminating one of the region's most severe choke points for most parts of the day.

On behalf of the Alliance and more than 60 regional partners, including businesses, citizens, the community organizations from every corner of the DC area, I'd like to applaud MDOT for listening and working to reach a consensus. While no compromise is ever perfect, the SDEIS is a bold vision for the future of our region and a testament to MDOT's willingness to hear public feedback over the last three years and incorporate it into the project. Thank you all for your hard work and I urge you to now move forward as quickly as possible. With our region expected to gain one million new jobs and 1.3 million new people by 2045, this project is essential to keeping our community moving. Thank you.

**Response to SDEIS 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

ROCK CREEK CONSERVANCY – JEANNE BRAHA (ORAL TESTIMONY)

I-495 and I-270 Managed Lanes Study  
SDEIS Virtual Public Hearing: Oral Testimony

**Name:** Jeanne Braha

**Agency/Organization/Jurisdiction, if applicable:** Rock Creek Conservancy

**Virtual Public Hearing Date:** 11/1/2021

**Type/Session:** Testimony

**Transcription:**

Hi, I am Jeanne Braha. That's J-E-A-N-N-E B-R-A-H-A. Executive Director of Rock Creek Conservancy, which is based at 7200 Wisconsin Avenue, Suite 500 in Bethesda, Maryland. The Conservancy is cautiously optimistic that the State has published a Supplemental DEIS. This suggests a willingness to learn as you go and adaptively manage the process for this project, which will be essential as this continues. We're also pleased that most of the potential areas within the Rock Creek watershed had been removed from the State's plans at this time. However, a small portion of the Rock Creek watershed is contained in the project and would be deforested, and it is likely that the storm water pollution that will result from that as well as the runoff would be added to the Rock Creek watershed as a result of phase one. This is concerning given the relatively vague plan for mitigation outlined in the SDEIS. The health of the Rock Creek watershed is not protected as mitigation is not near the impact, the site of impact, and we've all seen this year that stormwater can have deadly consequences. We should be working hard to reduce overall stormwater runoff rather than meeting basic requirements for not as much with future projects. Just because you can meet the basic requirements doesn't mean you should stop there. In addition, we remain concerned that any future plans as managed lanes in the Rock Creek watershed must be done with the utmost of care. We look forward to seeing a full environmental assessment or even EIS before any thought is given to extending the project past Phase 1. We would expect that these studies would use new data that reflects both traffic patterns that may change as we reach a new normal vis-a-vis the pandemic and after the purple line opens. Such a study should also include detailed studies and specific recommendations for stormwater management that are proximate to areas of impact and a [inaudible], applying different alternatives to different segments of the project. Thank you for the opportunity to testify this afternoon.

**Response to SDEIS Comment #1**

Approximately, 0.8 acres of additional impervious surface would be added to the Rock Creek watershed by the Preferred Alternative. The FEIS, Chapter 3, Section 3.1.6 provides more detail on the stormwater approach, which includes Environmental Site Design (ESD) to the maximum extent practicable (MEP). The result of ESD to the MEP is that onsite stormwater management has been maximized to ensure that chemical and sediment pollution do not negatively affect streams within or downstream of the project area. Areas within the LOD will be replanted to the greatest extent practicable, a requirement of Maryland Reforestation Law. Erosion and sediment control requirements will be met to prevent sediment discharges during construction.

#1

**ROCK CREEK CONSERVANCY – JEANNE BRAHA**

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**From:** Jeanne Braha <jbraha@rockcreekconservancy.org>  
**Sent:** Monday, November 15, 2021 12:02 PM  
**To:** SHA OPLANESMLS  
**Cc:** John Boland  
**Subject:** Rock Creek Conservancy comments on 495/270 Managed Lanes SDEIS  
**Attachments:** 2021 11 RCC SDEIS comments.pdf

Please find attached comments from Rock Creek Conservancy regarding the Supplemental Draft Environmental Impact Statement for the 495/270 Managed Lanes Study.

Please acknowledge receipt of this email and your ability to access the attached comments; it was not possible to see if the comments went through via the online form.

Thanks,  
Jeanne

--  
**Jeanne Braha**  
**Executive Director**  
**Rock Creek Conservancy**  
7200 Wisconsin Avenue, Suite 500, Bethesda, MD 20814  
[jbraha@rockcreekconservancy.org](mailto:jbraha@rockcreekconservancy.org)  
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*Rock Creek Conservancy exists to restore Rock Creek and its parklands as a natural oasis for all people to appreciate and protect.*

**Rock Creek Conservancy  
Comments on Managed Lane Study Supplemental Draft Environmental Impact Statement  
November, 2021**

Rock Creek Conservancy (the Conservancy) submits these comments on the I-495 and I-270 Managed Lanes Study Supplemental Draft Environmental Impact Statement (SDEIS). While appreciating the significantly reduced impacts of Phase I on Rock Creek's parks and watershed relative to the entirety of the project, we continue to emphasize the need for stronger commitments to stormwater management and environmental protection practices. We also ask the state to make specific commitments to rigorous environmental study before any Phase II work.

Rock Creek Conservancy is a non-profit organization based in Bethesda, Maryland, that restores Rock Creek and its parklands for all people to appreciate and protect, and annually engages nearly 4,000 volunteers in people-powered restoration.

First, the Conservancy is pleased to see that the new Recommended Preferred Alternative -- Alternative 9 - Phase 1 South -- will, for the moment, avoid impacts on 52 acres of the Rock Creek watershed that had been in direct proximity to proposed construction.

Previously, Alternative 9, which was selected as the Recommended Preferred Alternative in January of 2021, proposed to expand I-495 through the Rock Creek watershed with addition of two new high-occupancy toll lanes. The Conservancy submitted comments in opposition to the selection of Alternative 9 and the approaches used to evaluate impacts on environmental resources, emphasizing the need for further analysis of runoff and downstream impacts in the Rock Creek watershed. Under Alternative 9, significant areas of the Rock Creek watershed and Rock Creek stream valley parks would have been at risk to dangerous levels of erosion, sedimentation, and pollution from construction and loss of parkland.

The new Recommended Preferred Alternative avoids construction in much of the Rock Creek watershed during the first phase of the project. We appreciate the constructive dialogue surrounding the Draft Environmental Impact Statement published in July of 2020, and the resulting changes in this SDEIS that avoid, in part, and significantly reduce the impacts to public property, parkland, and natural resources. That being said, there are still significant environmental concerns for Rock Creek with Phase 1 of the Managed Lanes Study project. Most saliently, 2.6 acres (112,088 sq. ft.) of impervious surface will be added to the Rock Creek watershed under Alternative 9 - Phase I South (shown in Table 4-33) via additions to the I-270 east spur (Maps 19-22) and the portion of I-495 that is east of the I-270 west spur (Maps 13-16).

In Section 4.13.2 of the SDEIS, the impacts on Rock Creek are discussed as follows:

Note that while the Preferred Alternative LOD crosses the Rock Creek watershed, the stream of Rock Creek is not within the Preferred Alternative LOD and is not impacted by the build improvements included in the Preferred Alternative.

While the changes to the location of construction with regard to Rock Creek itself are an improvement over the previous

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[rockcreekconservancy.org](http://rockcreekconservancy.org) | #LoveRockCreek

Preferred

**Response to SDEIS Comment #1**

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. Refer to **FEIS, Chapter 7** for a comprehensive list of mitigation and commitments.

#1

<div>#2</div> <div>#3</div> <div>4</div> <div>Alternative, all risks associated with the proposed construction are not eliminated or mitigated. All water that falls within a watershed eventually flows to the receiving body of water for that watershed; even if pollutants are not washed from a roadway directly into Rock Creek, they still pose a significant risk to the health of the stream. Some of the most common roadway pollutants, such as salt, are conveyed very easily by runoff into streams. Rock Creek is already heavily impacted by salt due to its proximity to residential and commercial roadways, and regularly experiences toxic levels of salt that can result in eutrophication and fish kills. Increasing the area of roadways in the Rock Creek watershed increases the amount of salt needed to treat them in wintertime, and poses an environmental risk to Rock Creek.</div> <div>Additionally, as noted in Section 4.13.3, the loss of forest coverage in the Rock Creek watershed will further exacerbate the ability for runoff to be mitigated. Mature forests are an indispensable tool in reducing the effects of impervious surface runoff. Vegetation slows the flow of stormwater two-fold: first as it is raining and again as it travels overland to the receiving body of water. Vegetation also acts as a natural filtration system by removing pollutants from water absorbed through the roots. Root systems also help to prevent erosion and decrease sedimentation in streams. By removing 2.6 acres of forest cover in the Rock Creek watershed and replacing them with impervious surface, the Managed Lanes Study project takes away one of the most effective tools we have to fight further degradation of Rock Creek. We ask that the Montgomery County Environmental Site Design requirements for managing stormwater runoff be strictly adhered to, with proper mitigation planning and plans for reforestation or stormwater management elsewhere in the Rock Creek watershed if on-site conditions do not allow for direct installation of Best Management Practices. <u>The final mitigation plan for Phase I must include at least 2.6 acres of afforestation in the Rock Creek watershed (not the middle Potomac watershed, as is used as a standard throughout the SDEIS), as close to the area of impact as is possible. In addition, green infrastructure BMPs (such as bioretention areas using native plants) must be installed along the spurs and culverts to offset the increase in impervious surface area.</u> If immediately onsite opportunities are not deemed practicable, mitigation funds should be provided to a trusted technical expert to identify and manage stormwater management downshed (between the project and creek) of the new impervious areas. If onsite mitigation for 100% of the impact is not possible, Rock Creek Conservancy would be happy to meet with MDOT and other parties to identify and develop projects to manage stormwater with funding from this project.</div> <div>As previously stated, the Conservancy welcomes the improved stormwater management proposals incorporated in the SDEIS. The SDEIS lists a number of strategies for implementing these practices, including but not limited to, mitigation for overland hydrology-borne pollutants provided by wet ponds and bioswales, reforestation on public lands on a one-to-one basis, sediment and erosion control measures, and aquatic biota monitoring. The addition of these metrics is helpful in the understanding that the project will implement these strategies wherever possible. However, the specifics of how and where these management strategies are executed will determine how the known environmental harms from this project will impact the surrounding ecosystems. In that sense, the SDEIS is lacking in specific information on which BMPs will be employed to address stormwater issues from increased impervious surface runoff. There is also a lack of mitigation strategies for preventing flooding related to stormwater. Section 4.15.4 mentions a more detailed hydrologic study that would be prepared during the final design phase, and we must ask that this study examines existing stormwater conveyance and discharge infrastructure, how the increases in impervious surface area would affect that infrastructure, and includes additional flooding mitigation strategies related to stormwater.</div> <div>While the SDEIS is a<div>7200 Wisconsin Avenue, Suite 500  Bethesda, MD 20814 (301) 579-3105   info@rockcreekconservancy.org rockcreekconservancy.org   #LoveRockCreek</div>productive step</div>	<div><b>Response to SDEIS Comment #2</b> The project is required to provide stormwater treatment for all new impervious area, which includes approximately 0.8 acres in the Rock Creek watershed. Given the strict stormwater permitting requirements, impacts to downstream water quality from stormwater runoff are not expected.</div> <div><b>Response to SDEIS Comment #3</b> MDOT SHA recognizes the value of vegetation for reducing the velocity of water flow, as a filtration system and for sediment control. MDOT SHA will replant all temporarily impacted areas to the greatest extent practicable and coordinate with the Maryland Forest Service to determine acceptable offsite mitigation opportunities. Maryland Reforestation Law requires state-funded highway projects with over an acre of forest impacts to avoid and minimize forest impacts to the extent practicable and to mitigate all unavoidable forest impacts through first planting on-site where practicable, then planting the remainder of the requirement off-site on public lands within the affected county and/or watershed. If planting is not feasible, there is the option to purchase credits from forest mitigation banks in the affected county/watershed, or to pay into the state Reforestation Fund. All forest impacts will be replaced on an acre-for-acre or one-to-one basis on public lands, within two years or three growing seasons of project completion (MDNR, 1997) or mitigated through banks or reforestation fund payment, as determined through coordination with the Maryland Forest Service. Environmental Site Design (ESD) will be implemented to the maximum extent practicable to treat new impervious area in accordance with MDE’s stormwater regulations. ESD approaches include bioretention along with other environmentally sensitive approaches to stormwater treatment.</div> <div><b>Response to SDEIS Comment #4</b> The project will be required to obtain a SWM and Erosion &amp; Sediment permit. In order to obtain these permits, the project will be required to perform analysis based upon the final design and 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.</div>
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<div>#4 Cont.</div> <div>#5</div>	<div><div><div>towards transparency, there are still areas where improvement can be sought. <u>Any future phases should be assessed with a complete environmental impact statement that draws on updated data for stormwater and traffic studies.</u></div><div>In the Environmental Impact Statements for future phases, we will expect to see more thorough and specific discussion of mitigation strategies for stormwater management, including more detailed stormwater evaluation and traffic studies. The aforementioned lack of specificity on how stormwater management strategies will be employed will hopefully be addressed in future statements. These evaluations should also be conducted not just for the construction proposal that is eventually selected in each future phase, but also during the evaluation process for each potential Alternative as a means to understand holistic environmental impacts and execute comparative analysis with a greater level of detail.</div></div><div>Preserving the health of Rock Creek, its parks, and its watershed is of utmost concern for the Conservancy and residents in Montgomery County whose quality of life depends upon the natural, historic, and recreational resources afforded by the parklands and the natural infrastructure of these special places. This SDEIS is a necessary, but insufficient, step towards protecting our region's quality of life and environmental health.</div><div>7200 Wisconsin Avenue, Suite 500   Bethesda, MD 20814 (301) 579-3105   <a href="mailto:info@rockcreekconservancy.org">info@rockcreekconservancy.org</a> <a href="http://rockcreekconservancy.org">rockcreekconservancy.org</a>   <a href="https://www.instagram.com/LoveRockCreek">#LoveRockCreek</a></div></div>	<div><b>Response to SDEIS Comment #5</b> MDOT SHA has committed that 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>
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**SAFE SILVER SPRING – TONY HAUSNER**

**From:** Tony Hausner <thausner@gmail.com>  
**Sent:** Wednesday, November 10, 2021 5:49 PM  
**To:** SHA OPLANESMLS  
**Subject:** Comments on SDEIS for I270 Project  
**Attachments:** Testimony on SDEIS.docx

Please see attached

--  
Tony Hausner  
Founder, Safe Silver Spring  
[safesilver.spring.org](https://safesilver.spring.org)  
Past Chair,  
AAII Chapter Leaders Executive Committee  
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<p>#1</p> <p>#2</p> <p>#3</p> <p>#4</p> <p>#5</p> <p>#6</p> <p>#7</p>	<p>Testimony on SDEIS for 495/270 Project To the Board of Public Works 11/03/21</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.</p> <p>I support the no-build option and oppose MDOT's toll lanes proposal. This applies to both I270 and I495.</p> <p>I support transit solutions to the traffic issues raised by this SDEIS.</p> <p>While the 495 beltway is not specifically discussed in this SDEIS, the SDEIS clearly indicates that widening of 495and adding toll lanes around the entire portion of the Maryland Beltway is in a subsequent phase. The widening of the beltway will result in the following impacts to our neighborhood.</p> <ul style="list-style-type: none"> <li>• Impacting a number of homes that are currently right next to the Beltway. They will at least lose a significant portion of their backyards.</li> <li>• 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.</li> </ul> <p>I have the following comments on transportation issues</p> <p>The SDEIS study does not include all the way to Frederick in this first phase which is an essential part of the plan.</p> <ul style="list-style-type: none"> <li>• The SDEIS mentions the Corridor Cities transitway, the Randolph Road BRT, and the North Bethesda Transit Way. However, the SDEIS 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, MDOT nor other agencies have not made any commitment to these Projects.</li> <li>• The M-NCPCC recommended that the State examine using the ICC as an alternative to widening the Beltway. The SDEIS dismisses this alternative without providing any analysis. We are very skeptical that this study has been adequately performed.</li> <li>• The SDEIS 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.</li> <li>• The SDEIS does not examine the use of reversible lanes on 270. This is more effective than adding toll lanes.</li> </ul>	<p><b>Response to SDEIS Comment #1</b> Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.</p> <p><b>Response to SDEIS Comment #2</b> Thank you for your comment concerning impacts to the entire portion of the Maryland Beltway. As described in the Supplemental DEIS, based upon your letter it appears that the facilities and resources referenced are located outside the Preferred Alternative limits of build improvements and impacts have now been completely avoided. See Figure 1-1 in the Supplemental DEIS on page 1-2. 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><b>Response to SDEIS Comment #3</b> Thank you for your comment on the I-270 Pre NEPA study. The northern section of I-270 from I-370 to I-70 is part of a separate, independent planning study under the I-495 and I-270 Public-Private Partnership (P3) Program. We recognize that improvements are needed in the northern section of I-270 with or without the improvements being considered under this project, however, MDOT SHA has prioritized improvements that will address the major regional congestion at the American Legion Bridge.</p> <p><b>Response to SDEIS Comment #4</b> The Study uses the MWCOG 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><b>Response to SDEIS Comment #5</b> Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.</p> <p><b>Response to SDEIS Comment #6</b> Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.</p> <p><b>Response to SDEIS Comment #7</b> Refer to Chapter 9, Section 3.3.B for a response to Analysis of Alternatives Retained for Detailed Study.</p>
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#8	<ul style="list-style-type: none"><li>• The SDEIS does not adequately address the high tolls from the American Legion Bridge. To the ICC, it likely will be as high as \$50. All the way to Frederick, it will \$100.</li></ul>	<b>Response to SDEIS Comment #8</b> Refer to Chapter 9, Section 3.6.B for a response to toll rate ranges and toll rate setting process.
#9	<ul style="list-style-type: none"><li>• The SDEIS does not adequately take into account the destructive aspects of adding entrance ramps onto the toll lanes.</li></ul>	<b>Response to SDEIS Comment #9</b> 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. For additional details refer to Chapter 9, Section 3.4.A for a response to Limits of Disturbance.
#10	<p>Please note the latest UN report on climate change.that indicates that temperatures will increase. The question is how much of an increase will occur. A highway approach is the worst way to address this increase.</p> <p>There are also many changes to P3 legislation that are needed as recommended by “In the Public Interest.”</p> <p>Thank you</p> <p><a href="http://rebrand.ly/270495SDEISth">http://rebrand.ly/270495SDEISth</a></p>	<b>Response to SDEIS Comment #10</b> Refer to Chapter 9, Section 3.4.G for a response to climate change considerations.



#1	<p><b>SEVEN LOCKS CIVIC ASSOCIATION, INC</b></p> <p>Seven Locks Civic Association, Inc</p> <p>The SDEIS does not address the additional traffic that will be added to Seven Locks Road from River Road to Montrose Road due to the reduction of one lane during the 21 hours that HOV was not in effect on weekdays and for 24 hours per day on weekends. The tolls should not be in effect when the speed of the proposed HOT Lanes is less than 15 miles per hour due to accidents in the HOT lanes or bad weather, this will cause more traffic to be diverted onto Seven Locks Road. Currently Seven Locks Road is beyond its capacity for many hours in the morning and afternoons when there is congestion on I-270, and I-495.</p>	<p><b>Response to SDEIS Comment #1</b></p> <p>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 <b>FEIS Appendix B</b>.</p>
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**SIERRA CLUB MARYLAND CHAPTER ET AL.**

November 30, 2021

Mr. Jeff Folden, I-495 & I-270 P3 Program Deputy Director  
I-495 & I-270 P3 Office  
707 North Calvert Street, Mail Stop P-60  
Baltimore Maryland, 21202  
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Mr. Jitesh Parikh  
Federal Highway Administration  
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31 Hopkins Plaza, Suite 1520  
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**Re: Comments on I-495 & I-270 Managed Lane Study Supplemental Draft Environmental Impact Statement and Updated Draft Section 4(f) Evaluation**

On July 10, 2020, the Federal Highway Administration and the Maryland Department of Transportation State Highway Administration (the “Agencies”) issued a draft environmental impact statement (“DEIS”) for the I-495 and I-270 Expansion Project (“Project”). The Agencies then created and selected a new alternative, Alternative 9 Phase 1 South, as the preferred alternative for the Project. Subsequently, on October 1, 2021, the Agencies issued a supplemental draft environmental impact statement (“SDEIS”) to consider the preferred alternative’s environmental impacts.

The undersigned Organizations and City oppose the preferred alternative put forth in the SDEIS and support the no build alternative. The SDEIS (including its appendices) presents incomplete and inadequate analyses of environmental impacts and fails to achieve the fundamental objectives of the National Environmental Policy Act (“NEPA”). Even the inadequate information presented shows that the Project will harm Maryland citizens and their environment and cannot be justified.

The comments provided below refer specifically to the SDEIS, and do not repeat the comments on the DEIS that were provided to the Agencies on November 9, 2020, by the Maryland Chapter of the Sierra Club and other organizations. Unfortunately, the SDEIS disregards all the technical and procedural issues raised in the November 9 comments and does not present any information that would alter any of those comments or cause any to be removed from consideration. The comments on the DEIS therefore remain valid, and both they and the comments below on the SDEIS must be satisfactorily addressed.

These comments identify the Organizations’ key concerns regarding the SDEIS, including but not limited to the following, and discuss them in detail in the body of this document:

- The SDEIS fails to disclose the preferred alternative’s cost breakdown in any meaningful way. The SDEIS fails to disclose the significant financial costs the preferred alternative would impose on the state and its citizens, including a direct subsidy to a private developer, costs of relocation of utilities, decreases in property values, shortfall payments, and other significant financial risks associated with the Public Private Partnership (“P3”) Program. Those risks are recognized by Maryland Department of Transportation (“MDOT”) in signed contracts with the developer but not disclosed to the public in the SDEIS. Evaluating the entire Project’s costs in the NEPA process is particularly important given that MDOT and Maryland’s governor misled the public regarding the Project’s costs.

Refer to page CO-735 for the full Sierra Club SDEIS comment letter and page CO-826 for the comment response.

<div>#1</div>	<div><p><b>SUBURBAN MARYLAND TRANSPORTATION ALLIANCE (SMTA) – SAMUEL RAKER (ORAL TESTIMONY)</b></p><div><div>I-495 and I-270 Managed Lanes Study SDEIS Virtual Public Hearing: Oral Testimony</div><div><p><b>Name:</b> Samuel Raker</p><p><b>Agency/Organization/Jurisdiction, if applicable:</b> Suburban MD Transportation Alliance (retired)</p><p><b>Virtual Public Hearing Date:</b> 11/1/2021</p><p><b>Type/Session:</b> Testimony</p><p><b>Transcription:</b></p><p>Hello. My name is Sam Raker, S-A-M-U-E-L R-A-K-E-R. My address is 7908 Robeson Road in Bethesda. I represent SMTA Suburban Maryland Transit Transportation Alliance. Although I'm retired and inactive because of age, I am a resident right near Seven Locks in River Road and at the beltway River Road in the beltway, I have been there for 57 years from before the beltway opened. I have seen a lot. I was a co-chair of TPR2 transportation policy report to run by the Park and Planning Commission in Montgomery County for two years in 2002 to 2000, 2000 to 2002, which studied every possible alternative for the future of transportation in this area. After that, 2006, I was an assistant to the Secretary of Transportation for the ICC and the Purple Line. During those four years that the projects were studied and the ICC that got funded and under construction. I have seen a lot. I support fully the Preferred Alternative and not the transit option. We have. I've seen all the reports and studies, and I believe it is clear and convincing that transit should not be an option because it's very limited in what it can provide for ridership and it has the limitation of fixed destinations, which do not always work. I urge that you proceed with the Preferred Alternative, the preferred option of widening, a new bridge of wider with the transit transfer or the public transportation lanes, but not fixed, not fixed rail and or dedicated rails or lanes for transit. Thank you for your time and I appreciate the opportunity to speak to you. Bye.</p></div></div><div><p><b>Response to SDEIS Comment #1</b></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></div></div>
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THE EVERGREEN COMMUNITY

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**From:** Charlotte Troup Leighton <troupleighton@gmail.com>  
**Sent:** Tuesday, November 30, 2021 8:42 AM  
**To:** SHA OPLANESMLS  
**Cc:** governor.mail@maryland.gov; pfranchot@comp.state.md.us; treasurer@treasurer.state.md.us; Lee, Susan Senator; Korman, Marc Delegate; Love, Sara Delegate; Kelly, Ariana Delegate; MCP-Chair@mncppc-mc.org; marc.elrich@montgomerycountymd.gov; councilmember.Albornoz@montgomerycountymd.gov; Friedson's Office, Councilmember; councilmember.glass@montgomerycountymd.gov; Hucker's Office, Councilmember; councilmember.Jawando@montgomerycountymd.gov; councilmember.katz@montgomerycountymd.gov; councilmember.Navarro@montgomerycountymd.gov; councilmember.rice@montgomerycountymd.gov; councilmember.Riemer@montgomerycountymd.gov; SUSAN SHIPP; Orrick, Jack; Petra Jacobs; Vashti Van Wyke  
**Subject:** Comments of the Evergreen Community to SDEIS and Updated Draft Section 4(f) Evaluation  
**Attachments:** Evergreen SDEIS Comments - 11.29.21 - FINAL.pdf

Dear Mr. Folden,

The Evergreen community in Cabin John, Montgomery County, Maryland submits our attached comments and concerns regarding the Supplemental Draft Environmental Impact Statement (SDEIS) for the I-495 and I-270 Managed Lanes Study.

As adjacent neighbors to I-495, we have been closely engaged in the I-495 and I-270 Managed Lanes Study environmental process. We are writing as both an affected community and as neighbors to, and supporters of, the historic Morningstar Tabernacle No. 88 Moses Hall and Cemetery.

Please note our support for the comments to the SDEIS submitted by **Cabin John Citizens Association (CJCA)**, **Carderock Springs Citizens Association (CSCA)**, and **Friends of Moses Hall**.

Sincerely,  
**The Evergreen Community**  
7900-8041 Cypress Grove Lane  
Cabin John, Montgomery County, Maryland



The Evergreen Community  
7900-8041 Cypress Grove Lane  
Cabin John, Montgomery County, MD 20818  
[troupleighton@gmail.com](mailto:troupleighton@gmail.com)

November 29, 2021

By Email to:

Jeffrey T. Folden, P.E., DBIA  
Deputy Director, I-495 & I-270 P3 Office  
**Maryland Department of Transportation State Highway Administration**  
707 North Calvert Street  
Mail Stop P-601  
Baltimore, MD 21202  
Email to: [oplanesMLS@mdot.maryland.gov](mailto:oplanesMLS@mdot.maryland.gov)

RE: I-495/I-270 Managed Lane Study Supplemental Draft Environmental Impact Statement

Dear Mr. Folden:

We are writing on behalf of the Evergreen community, a collection of 27 homes along Cypress Grove Lane in Cabin John, Maryland. As adjacent neighbors to I-495, we have been closely engaged in the I-495/I-270 Managed Lanes Study environmental process. We wish to provide comments on the Supplemental Draft Environmental Impact Statement (SDEIS) through this letter. We are writing as both an affected community and as neighbors to, and supporters of, the Morningstar Tabernacle Number 88 Cemetery and Hall.

We have several procedural and substantive concerns with the material presented in the SDEIS regarding the Preferred Alternative.

- 1) The scope of the SDEIS is insufficient to address the defects with the DEIS, particularly the failure to complete environmental justice or visual analyses.
- 2) The Preferred Alternative's Limit of Disturbance (LOD) indicates substantial incursions into property owned by members of our community. The SDEIS provides insufficient documentation of the use of that property.
- 3) Our community has existing runoff and erosion issues from I-495. The SDEIS does not provide sufficiently detailed information regarding the strategy to manage the existing and future stormwater generated by the impervious service of the highway. The Final EIS must provide additional detail and strong commitments to manage these impacts.

Thank you for your comments. The 6 major issues listed on pages 1 and 2 of your comment letter are addressed on the subsequent pages associated with each detailed discussion in your letter.

- 4) Issues related to local road congestion and construction period impacts have not been sufficiently addressed.
- 5) We share the concerns of our neighbors that the required noise walls be adequately sized to provide sufficient protection for adjacent communities.
- 6) The Final EIS should substantively address impacts that the project generally and the MD 190 off-ramp and exit specifically would have on our community related to safety, potential tree canopy loss, and congestion at Seven Locks Road and MD 190.

Please find a more detailed discussion of these issues below.

#### Scope of the SDEIS – Environmental Justice

As next-door neighbors and partners of the Morningstar Tabernacle No. 88 Cemetery and Hall, we are additionally concerned about the insufficient analysis of environmental justice issues in the DEIS or SDEIS. As Executive Order 12898 makes clear, agencies are required, as part of an environmental justice analysis, to evaluate whether there are disproportionately high or adverse impacts to EJ communities. As mentioned above, 40 CFR 1502.9 requires agencies to adequately disclose impacts in the DEIS. In the SDEIS, SHA states that “the determination of disproportionately high and adverse impacts to EJ populations will be made on the Preferred Alternative and will be disclosed in the FEIS” (Pg. 4-104). SHA’s continued failure to actually assess environmental justice impacts by not completing the requisite analysis means that this SDEIS has failed to cure a meaningful legal deficiency in the DEIS. As a result, SHA must perform additional supplemental analysis on Environmental Justice impacts before proceeding to a Final EIS.

#### Scope of the SDEIS – Visual Impacts

As we wrote in our October 16, 2020 response to the Draft EIS (courtesy copy as Attachment 1), the failure to perform a Visual Impact Assessment (VIA) means that the visual impacts of the Project have not been adequately documented. 40 CFR 1502.9 requires that the Draft EIS adequately disclose the impacts associated with the Project. Additionally, 40 CFR 1502.14(b), as further articulated by the *Forty Questions*, requires that all Alternatives be treated substantially similarly. SHA’s indication in the SDEIS that the Visual Impact Assessment for the Preferred Alternative can be conducted in the Final EIS (ES-5) is inconsistent with the regulations.

What has been provided in the SDEIS instead, a scoping questionnaire (Appendix J), is insufficient and incorrect in a number of locations. The scoping questionnaire is appropriate as an explanation of the methodology taken on a prospective VIA. However, that is the purpose of a Methodology Report. The SDEIS should be disclosing the visual impacts themselves. Repeatedly in the scoping questionnaire, SHA indicates that DEIS comments, beyond those from park agencies, did not raise specific visual impact concerns. This statement is materially false. For the benefit of SHA, we provide a relevant portion of our community’s DEIS comment letter.

#### Visual and Property Impacts of MD 190 Off-Ramp

*The proposed direct access off-ramp from the eastbound managed lanes onto MD 190 is a major source of concern for our community.*

Page 2 of 19

#### **Response to SDEIS Comment #1**

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

#### **Response to SDEIS Comment #2**

The Visual Impact Assessment (VIA) was completed on the Preferred Alternative and documented in the FEIS in Chapter 5, Section 5.6 and FEIS, Appendix H and includes renderings in the area of concern around Seven Locks Road and Cabin John Stream Valley Park, Unit 2. The VIA concluded that construction of the Preferred Alternative would not introduce new elements incompatible with the existing visual character or qualities along the study corridors or that experienced by neighbors. Vegetation removal will be mitigated based on state and local agency requirements and standards to maintain the visual quality of the key locations. It is expected that aesthetic and landscaping guidelines will detail materials, lighting, signage, and vegetation standards contextually compatible with the study corridor. Aesthetic and landscaping guidelines will vary along the study corridor to incorporate the aesthetic and context of the neighbor stakeholders and surrounding resources. By inviting neighbor stakeholders in the development of the aesthetic and landscaping guidelines, MDOT SHA would ensure that the Preferred Alternative would be consistent with applicable laws, ordinances, regulations, policies, and standards. As a result, the contextual compatibility impact of the proposed action would be low.

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.

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.



<div>#2</div> <div>Cont</div>	<p><i>The Final EIS should advance an alternative that does not include an eastbound flyover off-ramp onto MD 190.</i></p> <p><i>As indicated in the Environmental Resources Mapping (Appendix D), the ramp would create new property impacts for residents in our community and the adjacent Moses Hall site that would not be present should at-grade slip ramps be used instead. Additionally, a new elevated off-ramp would have an adverse impact on the views from our community and potentially privacy issues as well. The viewshed analysis conducted for the Draft EIS is insufficient, fails to take the “hard look” required under Marsh, Methow Valley, and other relevant case law, and therefore fails to comply with the NEPA regulations. The analysis broadly concludes that “Where new direct access at-grade auxiliary lanes or ramps would be constructed, visual impacts would be readily apparent, but would not contribute to a change in the character of the existing viewsheds” (DEIS Pg. 4-34). However, the analysis also notes that a Visual Impact Assessment (VIA) has yet to be conducted. In the absence of such a VIA, we believe that visual impacts have not been adequately documented. 40 CFR 1502.9 requires that the Draft EIS adequately disclose the impacts associated with the Project. Additionally, 40 CFR 1502.14(b), as further articulated by the Forty Questions, requires that all Alternatives be treated substantially similarly. SHA suggests, instead, that a VIA “in accordance with FHWA’s guidance” will only be performed once “design advances on a Preferred Alternative” (DEIS Pg. 4-34).</i></p> <p>Correcting the project record on this issue is important because it affects the level of VIA that SHA is proposing to perform and the scope of that VIA. SHA indicates that they plan to perform an “Abbreviated VIA” and will only focus on views from parklands. The consideration of our community’s comments should result in an updated questionnaire scoring that would require instead a “Standard VIA.” We note that there are two places (Environmental Compatibility Q3 and Viewer Sensitivity Q1) where SHA erred in stating that stakeholders like ourselves had not raised visual impact concerns. In both of those places, that statement is the basis of awarding two points on the scoring criteria (“Moderate Potential”/ “Moderate Concern”). In correcting the misrepresentation, SHA should then increase the scores to three points (“High Potential”/ “High Concern”) and thereby exceed the point threshold for a “Standard VIA.”</p> <p>Additionally, as a stakeholder interested in visual impacts, we request that renderings be provided of the off-ramp that clarify the visual impacts of the modified MD 190 off-ramp location.</p> <p><b><u>Limit of Disturbance and Property Impacts</u></b></p> <p>For this SDEIS, we repeat our concern expressed in our DEIS comments regarding the potential property impacts on our neighborhood. As shown in the <i>Environmental Resources Mapping</i> (Appendix D), our community along Cypress Grove Lane would experience substantial property incursions under the current planning assumptions of the evaluated Alternatives. The limits of</p>	<p><b>Response to SDEIS Comment #3</b></p> <p>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.</p> <p>Sliver impacts to properties along I-495 within the Evergreen community are proposed for elements such as roadside grading, 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 or community facility is located more than 20 feet from the Preferred Alternative limits of disturbance.</p> <p>As the design is advanced on the Preferred Alternative there may be further reductions in impacts. An important benefit to conducting a P3 process with pre-development work concurrent with the NEPA process is to increase efficiency by receiving input by the Developer on design and ancillary elements of the project such as stormwater management. This collaborative effort ensures that the design and associated limits of disturbance (LOD) are appropriate and feasible ahead of final design. While additional LOD changes may occur during final design, including additional avoidance and minimization, the risk of substantial changes in the LOD or substantial increase in environmental impacts is significantly lowered by the early involvement of the Developer.</p>
<div>#3</div>	<div>Page 3 of 19</div>	

#3	<p>disturbance (LOD) indicate construction and/or permanent impacts to multiple properties in our community, often quite close to existing homes.</p> <p>The available information in the SDEIS provides scant information about the nature or purpose of these impacts. However, based on the presence of a proposed stormwater facility immediately west of our community (Appendix D, Map 7), we interpret these impacts as most likely related to that facility.</p> <p>We reiterate that in the Final EIS, SHA must take steps to avoid and/or minimize any impacts to private property in our community consistent with NEPA regulations.</p> <p>In the meantime, we continue to request additional information regarding the nature of potential property impacts. The SDEIS indicates that 8.6 acres of property would be acquired in the Cabin John area (Pg. 4-6). Appendix D indicates that seven properties in our community would see at least partial impacts based on where the LOD is currently indicated.</p>	<p><b>Response to SDEIS Comment #4</b></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>
#4	<p><b><u>Stormwater and Runoff</u></b></p> <p>In the Final EIS, SHA must take more substantive steps to address existing and future stormwater and runoff than are presented in the SDEIS.</p> <p>As noted in our comments on the DEIS, the properties within the Evergreen subdivision along Cypress Grove Lane are downslope of the I-495 roadway and experience substantial runoff and stormwater flows today. These existing flows create substantial damage to our properties on a regular basis. The water creates erosion across our backyards that results in long gullies where dirt, rocks, and sticks accumulate. As shown in <b>Attachment 2</b> to this letter, these conditions are not only unsightly, but also result in real degradation to property condition and value.</p> <p>Greater amounts of runoff will result from widening I-495 as a result of the increase in impervious area. As we indicated in our comments on the DEIS, the Final EIS should provide additional detail to confirm the stormwater management (SWM) approach for the section of I-495 adjacent to Evergreen and to ensure that the SWM approach <b>improves upon the existing, inadequate SWM mitigation framework</b>, rather than cause further detrimental impact to our community.</p> <p>We are particularly concerned about the relative amount of off-site treatment of SWM proposed in the SDEIS, with 114 acres addressed off-site versus 92 acres on-site (Appendix C, Pg. 5). We believe that to adequately address future and present SWM issues in the vicinity of Evergreen, as much mitigation as possible should be provided on-site in this location, while respecting our community’s property rights. In addition to greater detail in the Final EIS regarding the approach, we request that the P3 Developer be made available to our community so that we can substantively engage on the resolution of SWM and drainage issues.</p>	<p><b>Response to SDEIS Comment #5</b></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, <a href="https://oplanesmd.com/p3-information/phase-1-agreement/">https://oplanesmd.com/p3-information/phase-1-agreement/</a>. 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>For additional information refer to Chapter 9, Section 3.4.I for a response to construction impacts.</p>
#5	<p><b><u>Construction Impacts</u></b></p> <p>In the DEIS, the <i>Environmental Resource Mapping</i> (DEIS, Appendix D) indicated that the existing I-495 bridge over Seven Locks Road would need to be replaced to construct the Alternatives. The SDEIS Appendix D provides less information regarding the construction impacts. More</p>	



#5 Cont	<p>broadly, the SDEIS provides extremely limited construction information. There is no information about the nature of construction disruptions to Seven Locks Road, the duration of that disruption, and how construction impacts will be mitigated. Additionally, there is limited information in the SDEIS regarding construction staging for the construction of the main line of I-495. In total, the information presented remains inadequate for our community to fully understand the nature of impact that we will experience as highway-adjacent residents.</p> <p>The SDEIS indicates that, “Details related to when construction related activities will occur will be determined in final design” (Pg. 4-111). While it is reasonable that additional design would help to clarify the construction approach, the Final EIS must provide a deeper level of information about construction approaches as they are understood today.</p>	<p><b>Response to SDEIS Comment #6</b></p> <p>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 <b>FEIS, Appendix B.</b></p>
#6	<p><b><u>Long-Term Traffic Impacts</u></b></p> <p>The long-term consequences of the Project on the roadway network are inadequately evaluated in the SDEIS and inconsistent with information presented in the DEIS.</p> <p>In the DEIS, the <i>Traffic Analysis Technical Report</i> (Appendix C) showed impacts to local arterials that serve as major access routes for Evergreen (Figure 5-73). The figure indicated that MD 190 and Clara Barton Parkway would see a greater than 10% increase in delay due to the Project. These two routes represent the major regional routes serving our community. These impacts were not documented in the Draft EIS, nor proposed to be mitigated.</p> <p>In the SDEIS, the <i>Traffic Evaluation Memorandum</i> (Appendix A) omits a similar figure, instead making a general statement that traffic would be reduced by 3.5% on the entire local roadway network (Pg. 6). Given that a similar traffic reduction was projected for the local roadway system in the DEIS, we infer that the same sort of local traffic negative impacts for MD 190 and Clara Barton Parkway disclosed in the DEIS would be experienced by Evergreen should the Preferred Alternative be implemented. SHA’s failure to consistently report this impact and to offer resulting mitigations is inconsistent with the NEPA regulations and must be addressed in the Final EIS.</p>	<p><b>Response to SDEIS Comment #7</b></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>
#7	<p><b><u>Sizing of Noise Barriers</u></b></p> <p>As adjacent property owners, we are glad to see commitments in the SDEIS to noise barriers along I-495. Since noise will be an enduring, long-term impact to our community, we wish to be certain that the noise barriers are sized sufficiently to minimize the deleterious effect of noise on our quality of life and property values. Accordingly, we wish to reinforce the comments of our neighbors at the Carderock Springs Citizens Association requesting that SHA review their noise analysis to ensure that the noise barrier proposed to be implemented in our neighborhood offers adequate protection from the noise impacts caused by the Preferred Alternative.<sup>1</sup></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>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>

<sup>1</sup> See Carderock Springs Citizens Association. SDEIS Comment Letter. November 12, 2021.



#8

**Impacts to Address Further in the Final EIS and Beyond**

As design advances, our community requests detailed coordination with SHA and the P3 Developer on key implementation issues for the Project. Where possible, these issues should be substantively addressed in the Final EIS. These issues include:

- Minimizing tree canopy loss, particularly of specimen trees, for the construction of the roadway, noise barrier, and other project features. As neighbors, we would appreciate the opportunity to walk the site with an arborist to understand, and hopefully help reduce, the number of trees taken down to implement the project.
- Design of the MD 190 off-ramp to improve traffic safety operations, in light of increased levels of traffic crashes on I-495 during the pandemic.
- Prompt construction of the noise barriers during the Project. The SDEIS indicates that replacement noise barriers would need to be complete within 60 days and that noise barriers need to be constructed continuously once started (4-111). These are positive commitments. We also request that the noise barriers adjacent to our, and others', communities be built early in the construction process to reduce construction noise and long-term impacts. We would appreciate coordination with the P3 Developer on the specific design and placement of the adjacent noise barriers, as well.

Sincerely,

**EVERGREEN COMMUNITY RESIDENTS**

Charlotte Troup Leighton and Russell Leighton (8005 Cypress Grove Lane)  
Frank L. Wright III and Marcy Harrison (8014 Cypress Grove Lane)  
Andrew Strasfogel and Elizabeth L. Jackson (7913 Cypress Grove Lane)  
WeiWei and Fenhua He-Han (7910 Cypress Grove Lane)  
Manny and Elizabeth Andrade (7909 Cypress Grove Lane)  
Matt and Min Shih (7900 Cypress Grove Lane)  
Cindy and Leslie Miller (7905 Cypress Grove Lane)  
Gladys Vaughn (7921 Cypress Grove Lane)  
Ellen and Steve Futterman (8000 Cypress Grove Lane)  
Kara Cunzeman and Marc Bosch (8009 Cypress Grove Lane)  
Michael and Gail Marcus (8026 Cypress Grove Lane)  
Gregory and Sheila Duncan-Peters (8037 Cypress Grove Lane)  
Sheryl Israel-Bloch and Peter Bloch (7920 Cypress Grove Lane)  
Khalid and Ruham Usmani (8013 Cypress Grove Lane)  
Donald and Sedene Dunac (8021 Cypress Grove Lane)  
Assiatu and Richard Crossman (8025 Cypress Grove Lane)  
Santiago and Beatriz Bonetti (8001 Cypress Grove Lane)  
Edwin Paxson and Olga Syrodoeva (8041 Cypress Grove Lane)

Also Provided:

**Attachment 1:** Evergreen DEIS Comment Letter dated 10/16/2020

**Attachment 2:** Drainage and Stormwater Damage

**Response to SDEIS Comment #8**

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. Refer to **FEIS, Chapter 7** for a comprehensive list of mitigation and commitments.

MDOT SHA acknowledges receipt of the Evergreen DEIS Comment Letter dated October 16, 2020 and Drainage and Stormwater Damage Attachments that was appended to this SDEIS Comment Letter. Refer to Appendix T for a response to this DEIS Comment Letter.

cc: Governor Lawrence J. Hogan  
Comptroller Peter V.R. Franchot  
Treasurer Nancy Kopp  
Montgomery County Executive Marc Elrich  
Montgomery County Councilmembers Andrew Friedson, Gabe Albornoz, Evan Glass, Will  
Jawando, and Hans Riemer  
Maryland Senator Susan Lee and Delegates Ariana Kelly, Marc Korman, and Sara Love

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**WASHINGTON AREA BICYCLIST ASSOCIATION – STEPHANIE PIPERNO (NOVEMBER 10, 2021)**

**From:** Stephanie Piperno <stephanie.piperno@waba.org>  
**Sent:** Wednesday, November 10, 2021 10:33 AM  
**To:** SHA OPLANESMLS  
**Subject:** Shared-Use Path Alternatives

Good morning,

I recently spoke with Richard Parsons regarding the shared-use path alternatives, and he mentioned that I should put my questions in writing to you.

- What is the % grade for each of the shared-use path alternatives?
- What is the proposed trail/shared-use path width for each alternative?
- Is there a plan for a sound wall along the bridge portion of the trail?
- Does the trail alignment connect to the proposed trail that is included in VA's 495 Next project?

Thank you!

Sincerely,  
Steph

--

**Stephanie Piperno | Trails Coalition Manager**

**Washington Area Bicyclist Association**  
2599 Ontario Rd. NW, Washington, DC 20009

Cell: 202-964-5266 Extension 13

Email: [stephanie.piperno@waba.org](mailto:stephanie.piperno@waba.org)

Website: <https://www.capitaltrailscoalition.org/>

Twitter: [@TrailsCoalition](https://twitter.com/TrailsCoalition)

**Response to SDEIS Comment #1**

Public comments supporting a direct connection of the shared use path from the ALB to the Chesapeake and Ohio Canal towpath were received by MDOT SHA, FHWA and NPS during the SDEIS public comment period. To be responsive, a direct connection to the Chesapeake and Ohio Canal towpath has been incorporated into the preliminary design and is accounted for in the Preferred Alternative LOD and impact analyses. The three shared use path options connecting to MacArthur Boulevard presented in the SDEIS are no longer under consideration in this FEIS. The direct connection to the Chesapeake and Ohio Canal towpath results in fewer NPS property and natural resource impacts. MDOT SHA and the Developer will continue to coordinate with NPS to review the condition of the existing connection between the Chesapeake and Ohio Canal towpath and the MacArthur Boulevard sidepath outside of the Study Area. The alignment of the proposed shared use path connection to the Chesapeake and Ohio Canal towpath is shown in FEIS Appendix E.



WASHINGTON AREA BICYCLIST ASSOCIATION – STEPHANIE PIPERNO (NOVEMBER 19, 2021)

**From:** Stephanie Piperno <stephanie.piperno@waba.org>  
**Sent:** Friday, November 19, 2021 3:40 PM  
**To:** SHA OPLANESMLS  
**Subject:** I-495 & I-270 P3 Comments  
**Attachments:** WABA Comments\_I-495270.pdf

Good afternoon Mr. Folden,

Please find WABA's comments regarding the I-495 & I-270 attached.

Sincerely,  
Steph

--

**Stephanie Piperno | Trails Coalition Manager**

**Washington Area Bicyclist Association**  
2599 Ontario Rd. NW, Washington, DC 20009

Cell: 202-964-5266 Extension 13

Email: [stephanie.piperno@waba.org](mailto:stephanie.piperno@waba.org)

Website: <https://www.capitaltrailscoalition.org/>

Twitter: [@TrailsCoalition](https://twitter.com/TrailsCoalition)

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November 19, 2021

Re: I-495 & I-270 Managed Lanes SDEIS

Dear Mr. Jeffrey Folden,

On behalf of the Washington Area Bicyclist Association (WABA) and our nearly 7,000 members across the Metropolitan Washington Region, we are writing in **support of Alternative 1, the No Build Alternative**. We do not feel that reasonable alternatives have been provided for this project, we do not feel like the true conditions of the bridge have been truthfully portrayed (as the SDEIS contradicts MDOT Secretary Greg Slater's previous comments that only the deck of the bridge needs to be replaced in the next 10 years), and we do not support this project moving forward as a P3.

WABA would like the American Legion Bridge (ALB) deck to be repaired using public funds or dollars from the recently passed Infrastructure Bill-- which will provide the state of Maryland with \$409 million for bridge replacement and repairs.

When just the ALB is repaired, a shared-use path should be included in the project scope. A shared-use path across the ALB will enhance pedestrian and bicycle connectivity between Maryland and Virginia. This connection will encourage active transportation, help reduce CO2 emissions, and increase and enhance recreational opportunities for VA and MD residents.

The shared-use path should connect to both MacArthur Blvd and the C&O Canal Towpath. Without the connection to the Canal Towpath, pedestrians and bicyclists must go 2 miles East along the MacArthur Boulevard Bike Path to access the nearest connection down to the Towpath. The direct connection to the Towpath is important because the Towpath is one of the few areas that provides a separate walking and bicycling path completely separate from cars. Although MacArthur Blvd has a shared-use path, it is next to a very busy road and is not a pleasant experience for walkers, runners, rollers, or bikers.

The proposed shared-use path will also close a significant gap in the regional trail network (as defined by the Capital Trails Network), and serve as an important piece of

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#### Response to SDEIS 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. For a discussion of the basis for the Purpose and Need and for the Selection of the Preferred Alternative, please see related Common Theme Responses and the SDEIS and FEIS.

Based on our biennial bridge inspection findings and experience on similar heavily-traveled steel superstructure bridges, we estimate that the current lifespan of the superstructure and substructure are 10-15 years before they would deteriorate to poor condition needing replacement. This assumes that additional repairs and preservation activities are not undertaken during that time. Even with repairs and preservation activities, such as a deck replacement, cleaning, painting, and steel repairs to the superstructure, and concrete repairs to the substructure units, this 59-year-old bridge would require considerable capital investment to maintain it in a state of good repair. In determining the need to replace a structure, we consider the cost to maintain and rehabilitate all three elements (deck, superstructure and substructure), the functional needs of the bridge, and the disruption to traffic during construction. Refer to Chapter 9, Section 9.3.5 for a response on the P3 Program and Project Costs.

#### Response to SDEIS Comment #2

Public comments supporting a direct connection of the shared use path from the ALB to the Chesapeake and Ohio Canal towpath were received by MDOT SHA, FHWA and NPS during the SDEIS public comment period. To be responsive, a direct connection to the Chesapeake and Ohio Canal towpath has been incorporated into the preliminary design and is accounted for in the Preferred Alternative LOD and impact analyses. The three shared use path options connecting to MacArthur Boulevard presented in the SDEIS are no longer under consideration in this FEIS. The direct connection to the Chesapeake and Ohio Canal towpath results in fewer NPS property and natural resource impacts. MDOT SHA and the Developer will continue to coordinate with NPS to review the condition of the existing connection between the Chesapeake and Ohio Canal towpath and the MacArthur Boulevard sidepath outside of the Study Area. The alignment of the proposed shared use path connection to the Chesapeake and Ohio Canal towpath is shown in FEIS Appendix E.

<div>#2 Cont</div> <div>#3</div>	<p>the Potomac Heritage National Scenic Trail. Absent a direct connection from the ALB to the C&amp;O Towpath, the closest bridge crossing over the Potomac River for cyclists and pedestrians is over 5.5 miles away at the Chain Bridge. Additionally, the proposed shared-use path will connect with the 2.9 mile shared-use path being built as a part of the I-495 Next project being managed by VDOT.</p> <p>In order to make the shared-use path the best experience possible for all users, the path should meet AASHTO standards and be at least 12-feet wide (similar to that of the Woodrow Wilson Bridge) and include a river viewing platform. We would like there to be a sound wall separating the vehicle lanes from the shared-use path. Portions of the shared-use path along the Woodrow Wilson Bridge are protected by a transparent durisol noise barrier, which drastically improve the experience for pedestrians and bicyclists (<a href="#">as seen in this video</a>). Finally, the running slope of the trail should meet ADA Accessibility standards. By including these features, the trail can become a destination in itself, rather than just a way from A to B.</p> <p>Finally, popular sites along the C&amp;O Canal Towpath, like Carder Rock and Great Falls are highly trafficked and are only accessible to VA residents by car. The National Park Service is concerned with overcrowded parking lots and illegal parking to access the Towpath, but the shared-use path connection to the Towpath could actually relieve parking congestion as the popular destinations would be newly accessible by walking, rolling, and biking!</p> <p>We urge you to pursue the no build alternative and re-evaluate this project for a more climate-friendly, multi-modal approach.</p> <p>Thank you for the opportunity to comment.</p> <p>Sincerely,</p> <p><i>Stephanie Piperno</i> Stephanie Piperno Trails Coalition Manager Washington Area Bicyclist Association</p>	<p><b>Response to SDEIS Comment #3</b></p> <p>A shared-use path is generally considered a transportation feature, and not a noise sensitive land use. It would not be eligible for noise abatement under 23 CFR 772.</p>
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## WASHINGTON BIOLOGISTS' FIELD CLUB – ROBERT SORENG (ORAL TESTIMONY)

I-495 and I-270 Managed Lanes Study  
SDEIS Virtual Public Hearing: Oral Testimony

**Name:** Robert Soreng

**Agency/Organization/Jurisdiction, if applicable:** Washington Biologists' Field Club

**Virtual Public Hearing Date:** 11/1/2021

**Type/Session:** Testimony

**Transcription:**

My name is Robert Soreng. That's S as in snow, O-R-E-N-G. I live at 5506 Uppingham Street. That's U-P-P-I-N-G-H-A-M, Chevy Chase, Maryland 20815. I am representing the Washington Biologists Field Club on Plummers Island, <http://wbfc.science>. The Washington Biologists' Field Club has studied the long-term trends on the biodiversity of Plummers Island for 120 years. When the plans for the original American Legion Bridge were developed in 1959, the Club sold the adjacent mainland tract of land up to the C&O Canal to the federal government and gave Plummers Island to the federal government in exchange for protecting the island from construction of the bridge and giving the Club rights in perpetuity to maintain the island as a wild, natural area on which to continue the Club's long-term research.

The island then became part of the new C&O Canal National Historical Park. As part of the Section 106 Process, the WBFC and Plummers Island was determined to be eligible for the National Register of Historical Places and Maryland Historical Trust properties. Now, the I-495 stakeholders, Transurban and MDOT-SHA Alternative 9, plans to take part of Plumber's Island, place a pier on the island, destroy important research plots, rare plant species and habitat, and overshadow the island by as much as 30 feet with a noisy new bridge lanes. Under the Section 106 Evaluation published in September, MDOT cartographers redrew the islands boundaries in Map 3 in a misleading and deceitful way.

First, they trimmed all the riparian areas, the wetland margins out of the island, out of Plummers Island and assigned those to the C&O Canal National Historical Park. Then, they subtracted the rare Potomac River Gorge, Riverside outcrop baron plant community on the southwest corner of the island and simply assigned that to the Potomac River, effectively Waters of the United States. This tricky Section 106 mapping allowed MDOT to publicly state that only 0.2 acres of Plummers Island are within the limits of disturbance. In the early 1900's, WBFC purchased the island for their research station and meeting place and we've studied the entire island, including the riparian margins for 120 years. The plan must truly fully include the island's riparian wetlands in the NEPA, Section 4(f), and Section 106 processes.

On October 1, we asked Mr. Archer of MDOT to set up a meeting with representatives of the National Park Service and Federal Highway Administration, Maryland Historical Trust, Section 106 leaders, and MDOT to address further and mitigate our comment, concerns. However, no date has been set. WBFC members are adamant that the riparian margins of Plummers Island must be included in the protective property and be given full consideration under NEPA and Section 4(f) and Section 106. The SDEIS plan violates the conditions of our agreement with the federal government and the plan disturbance seriously impacts our long-term research goals and the quality of this historic property. WBFC is a stakeholder too. Thank you for this opportunity to comment.

**Response to SDEIS Comment #1**

Despite the extensive avoidance and minimization efforts to NPS properties around the ALB including Plummers Island, impacts to Plummers Island could not be avoided completely, but impacts have been reduced by approximately 1.6 acres. In the DEIS, the Build Alternatives had 1.9 acres of impacts to Plummers Island. Under the Preferred Alternative, the impacts have been reduced to approximately 0.28 acres of impact to Plummers Island, of which less than 0.1 acres would be permanent impact and 0.27 acres would be temporary impact. Impacts to Plummers Island would be required for the ALB substructure, including permanent use for three, discrete, approximately 10-foot diameter pier foundations and temporary, construction activities. Temporary construction activities may include efforts such as excavation, access for demolition of existing bridge foundation and piers, and slope protection. Access to the existing and proposed piers is required for these activities.

No wetlands, as delineated per Section 404 or the National Park Service, will be impacted on Plummers Island by the Preferred Alternative. The impact to the island was determined based on the Ordinary High Water (OHW) Mark. Area within the OHW mark is considered waterway by the US Army Corps of Engineers and permitted as such. Area landward of the OHW mark is considered part of the island. All construction impacts would be contained within the Limits of Disturbance included in the Final Environmental Impact Statement.

We appreciate the ecological importance of Plummers Island and the greater Potomac Gorge, which include rare habitats and rare, threatened, and endangered (RTE) organisms. We recognize the long-term biological studies conducted on and around the island have contributed to the understanding of these important habitats and the wildlife they support and that impacts would not only affect these diverse habitats and wildlife, but would affect a place that is important to many people for recreation. MDOT SHA has limited impact to Plummers Island and the Potomac Gorge to the greatest extent practicable, while maintaining constructability of the project. MDOT SHA conducted a four-season RTE plant survey in 2020 to identify the RTE plant species located within the project area. MDOT SHA is coordinating closely with NPS to develop an ecosystem restoration plan to limit impacts as much as possible and mitigate for impacts that cannot be avoided and will continue to coordinate with the Washington Biologists Field Club to ensure your concerns are heard and responded to.

**Response to SDEIS Comment #2**

The historic property boundary for the Washington Biologists' Field Club was established using the tax parcel boundary, as is standard for MDOT SHA Section 106 survey efforts. In preparing the National Register of Historic Places determination of eligibility documentation, MDOT SHA did not find character-defining features of the historic property that justified a different boundary.

**Response to SDEIS Comment #3**

MDOT SHA held a meeting with the Washington Biologists' Field Club and NPS on November 29, 2021 to discuss Section 106 mitigation of the Washington Biologists' Field Club on Plummers Island historic property.

**WASHINGTON BIOLOGISTS' FIELD CLUB – ROBERT SORENG**

**From:** Robert Soreng <sorengrij@gmail.com>  
**Sent:** Tuesday, November 30, 2021 8:41 PM  
**To:** SHA OPLANESMLS  
**Subject:** SDEIS Comments from WBFC  
**Attachments:** WBFC SDEIS comments 30 Nov 2021 1.5.pdf

Please accept the attached SDEIS comments from WBFC

Respectfully,  
Rob Soreng  
--  
WBFC President

<https://wbfc.science/>

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WBFC SDEIS Comments 30 November 2021

WBFC SDEIS Comments 30 November 2021

Mr. Jeff Folden, I-495 & I-270  
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Mr. Jitesh Parikh  
Federal Highway Administration  
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**This Authorized Testimony on the I-495 and I-270 P3 Program SDEIS is submitted on behalf of the hundreds of past and present members of the Washington Biologists' Field Club (WBFC). November 30 2021.**

Our website is <https://WBFC.science>

Dear MDOT Officials:

Thank you for the opportunity to comment on this important issue. WBFC is a Section 106 Consulting Party, and "WBFC on Plummerville Island" was determined by MDOT's Section 106, Cultural Resources Team analyses to be eligible for nomination to the National Register of Historical Places. The main contributing features for eligibility were the history of the WBFC and historic research record of 120 years of documenting the ecosystems and biodiversity of Plummerville Island. Plummerville Island is widely known as "**The most thoroughly studied island in North America.**" We have identified the following flaws in the SDEIS as relates to Plummerville Island:

- Plummerville Island needs to be considered as a whole including its riparian wetlands. Any effects on the Island wetlands and waterways needs to be considered as 4(f) issues in the NEPA process. The SDEIS does not adequately address this, and the Section 106 process considered only the dryland property.

- Destruction and disturbance of Chesapeake & Ohio National Historical Park (CONHP) lands and riparian and pond wetlands, including "ca. 0.2" acres (SDEIS calculation) of the 12.2 acre Plummerville Island, Montgomery Co., Maryland, is underestimated in the SDEIS and unacceptable. Moreover, we don't believe construction impacts can or will be contained within the SDEIS Limits of Disturbance (LOD) (see map, Appendix 8). The positioning of the

#### Response to SDEIS Comment #1

The historic property boundary for the Washington Biologists' Field Club was established using the tax parcel boundary, as is standard for MDOT SHA Section 106 survey efforts. In preparing the National Register of Historic Places determination of eligibility documentation, MDOT SHA did not find character-defining features of the historic property that justified a different boundary.

#### Response to SDEIS Comment #2

Despite the extensive avoidance and minimization efforts to NPS properties around the ALB including Plummerville Island, impacts to Plummerville Island could not be avoided completely, but impacts have been reduced by approximately 1.6 acres. In the DEIS, the Build Alternatives had 1.9 acres of impacts to Plummerville Island. Under the Preferred Alternative, the impacts have been reduced to approximately 0.28 acres of impact at Plummerville Island, of which less than 0.1 acres would be permanent impact and 0.27 acres would be temporary impact. Impacts to Plummerville Island would be required for the ALB substructure, including permanent use for three, discrete, approximately 10-foot diameter pier foundations and temporary, construction activities. Temporary construction activities may include efforts such as excavation, access for demolition of existing bridge foundation and piers, and slope protection. Access to the existing and proposed piers is required for these activities.

No wetlands, as delineated per Section 404 or the National Park Service, will be impacted on Plummerville Island by the Preferred Alternative. The impact to the island was determined based on the Ordinary High Water (OHW) Mark. Area within the OHW mark is considered waterway by the US Army Corps of Engineers and permitted as such. Area landward of the OHW mark is considered part of the island. All construction impacts would be contained within the Limits of Disturbance included in the Final Environmental Impact Statement.

We appreciate the ecological importance of Plummerville Island and the greater Potomac Gorge, which include rare habitats and rare, threatened, and endangered (RTE) organisms. We recognize the long-term biological studies conducted on and around the island have contributed to the understanding of these important habitats and the wildlife they support and that impacts would not only affect these diverse habitats and wildlife, but would affect a place that is important to many people for recreation. MDOT SHA has limited impact to Plummerville Island and the Potomac Gorge to the greatest extent practicable, while maintaining constructability of the project. MDOT SHA conducted a four-season RTE plant survey in 2020 to identify the RTE plant species located within the project area. MDOT SHA is coordinating closely with NPS to develop an ecosystem restoration plan to limit impacts as much as possible and mitigate for impacts that cannot be avoided and will continue to coordinate with the Washington Biologists Field Club to ensure your concerns are heard and responded to.



<div>#2Cont</div> <div>#3</div> <div>#4</div> <div>#5</div> <div>#6</div> <div>#7</div> <div>#8</div> <div>#9</div>	<p>WBFC SDEIS Comments 30 November 2021</p> <p>LOD on Plummers Island is obscured on the SDIES maps relative to the rocky ridge line protecting the Island from flooding. We can't identify exactly where the critical LOD line runs. Compare maps in Appendices 6, 7 and 8.</p> <p>- Lack of understanding the impacts of the proposed construction to the value of the extensive of contributions and commitments by WBFC to a 120 year long-term record of historical and ongoing biological research on ecosystems and biodiversity of Plummers Island is evident. Impacts to the many rare plants, animals, habitats, and long-term research plots on the Island have not been adequately considered. This severely impairs the integrity of Plummers Island and our long-term research.</p> <p>- The destruction of the upper end of the misnamed "Rock Run Culvert" (proposed new name Plummers Channel), placement of caissons on the Island, and reshaping of the rocky outcrops flanking the channel on the west end of the Island, for expanding the American Legion Bridge under Alternative 9, seriously affects the Island.</p> <p>- The SDEIS lacks full consideration of flooding impacts of pier, caisson, and trestle emplacements, particularly those that will inevitably result from frequent logjams in the channel.</p> <p>- The SDEIS lacks a plans for diverting and treating ALB runoff including road salts, oil, antifreeze, and further toxic by-products from these, or from spills resulting from accidents. (Currently these drain onto NPS land and into the Channel from the lowest point on the ALB.) The SDEIS lacks plans for mud, dust, and debris resulting from construction and demolition of the current ALB, which will fill the channel and drift and fall over and impact the land environment of Plummers Island.</p> <p>- The SDEIS lacks plans for noise reduction from the expanded bridge overhanging Plummers Island and its expanded traffic. The noise is a serious threat to animal communications.</p> <p>- The SDEIS lacks alternatives to placing the proposed bike and pedestrian lane to overhang Plummers Island.</p> <p>- The SDEIS lacks consideration of the impact of the Covid-19 epidemic on present and future transportation loads and patterns (many folks are teleworking, attending virtual meetings and appointments, and shopping online). With peak traffic flows down due to changed behavior patterns resulting from Covid-19, toll lanes will be unlikely to provide revenue streams of sufficient reward to P3 contractors, likely leaving taxpayers on the hook for billions of dollars.</p> <p>- The SDEIS lacks smart-growth forward-thinking on Climate Change (only more cars, more low occupancy vehicle traffic) remains a problem in the SDEIS. MDOT has declined to study,</p>	<p><b>Response to SDEIS Comment #3</b> The oxbow of the Potomac River around Plummers Island would not be impacted by the Preferred Alternative. Bridge piers will not be placed in the oxbow and the bridge will span the oxbow to limit disruption to the waterway. The rocky outcrops flanking the channel will not be significantly reshaped, however bridge pier supports will need to be located on the rocky outcrop. The bridge pier support is anticipated to be a drilled shaft, which would limit the impact to the existing land form.</p> <p><b>Response to SDEIS Comment #4</b> Full hydrologic and hydraulic analysis will be completed in final design to ensure that the implications of bridge construction on potential flooding are fully considered for both the oxbow of the Potomac River around Plummers Island and the Potomac River itself.</p> <p><b>Response to SDEIS Comment #5</b> Water quality treatment for the ALB is not feasible since NPS has indicated that they will not accept any SWM on their land and all the land surrounding the ALB is owned by NPS. Some alternative practices exist that may be feasible to provide some level of pretreatment of the bridge or approaches that may be incorporated into the drainage design. These practices are not approved to provide water quality credit in Maryland and may prove to be infeasible given the various site constraints during final design. However, MDOT SHA will consider use of these alternative practices on or around the ALB area within MDOT SHA ROW.</p> <p><b>Response to SDEIS Comment #6</b> While there have been many published studies discussing the effect of noise on wildlife, there is not an approved methodology for defining noise impacts to wildlife and evaluating the effectiveness of abatement. The analysis of noise impacts and abatement for this project was completed in compliance with FHWA regulations (23 CFR 772), which are written to protect the human environment. Humans as a species are perceptible to a specific range of sound frequencies; the noise levels used in our analysis are weighted to reflect this.</p> <p><b>Response to SDEIS Comment #7</b> The shared use path is part of the new ALB. The shared use path is supported by both state Governor's and has a large amount of support from the public.</p> <p><b>Response to SDEIS Comment #8</b> 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><b>Response to SDEIS Comment #9</b> Refer to Chapter 9, Section 3.4.G for a response to climate change considerations.</p>
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<p>#9 Cont</p> <p>#10</p> <p>#11</p> <p>#12</p> <p>#13</p> <p>#14</p> <p>#15</p> <p>#16</p>	<p>WBFC SDEIS Comments 30 November 2021</p> <p>delayed, or hidden from state official's requests, recalculations of projected traffic reductions due to Covid-19 impacts on commuters and P3 revenues.</p> <p>- The SDEIS lacks consideration Build options with well-connected mass transportation options (trains, light rail, monorail, etc.), including on the American Legion Bridge. The P3 selected Alternative 9 is the worst option in this regard.</p> <p>- Massive construction costs, with near certain cost overruns will be passed on to taxpayers. Regarding Washington Suburban Sanitary Commission (WSSC) expenditures, estimated to be \$2 billion, it is obvious ratepayers and taxpayers will be responsible for this cost.</p> <p>- Toll lanes within Maryland could cost as much as \$50 in peak traffic hours, <i>just to get to or return from Virginia toll lanes</i>, on I-495-270, which would provide little if any benefit to the average local commuter. These rates are expected to go up yearly with inflation, and compensation to the P3s as they deem it needed.</p> <p>- P3 revenues will mostly go to overseas and out-of-state conglomerates, with limited contributions to needed infrastructure returned to Maryland (if MD gets anything). With the new 2021 Federal infrastructure bill signed into law, the alternative of paying for the project without using P3 partners should be fully considered. P3 control of the project represents unacceptable legal power in corporate hands to curtail future mass-transit developments on the beltway and connecting highways.</p> <p>- Massive traffic congestion and delays are inevitable during the construction period lasting 5-10 years, after which the traffic flow is projected to be just as congested 10 years later-on due to the encouragement of more cars to be on the road, also known as induced demand.</p> <p>- Because the SDEIS's engineering analyses for Alternative 9 are still incomplete, it is impossible for the concerned Agencies, Consulting Parties, and the public to fully comment on, the full scope of the proposed project's impacts at this time. We respectfully request that MDOT prepare a revised SDEIS to provide all of us the ability to meaningfully review and comment on the impacts before a final EIS is produced.</p> <p><b>Alternative placements and designs of the American Legion Bridge (ALB) were summarily rejected by MDOT and P3 stakeholders in favor of Alternative 9.</b></p> <p>- By MDOTs own analysis (stated as recently as this year by Secretary Slater) the ALB is structurally sound and only required redecking in 10 to 20 years.</p> <p>- According to the unredacted copy of the MDOT 2005 plan for expanding I-495, only one extra lane in either direction was needed to relieve traffic congestion. And even that plan was</p>	<p>See response to Comment #9 above.</p> <p><b>Response to SDEIS Comment #10</b> Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.</p> <p><b>Response to SDEIS Comment #11</b> Refer to Chapter 9, Section 3.4.M for a response to impacts to utilities and associated cost of repairs.  Refer to Chapter 9, Section 3.5 for a response to the P3 Program or Board of Public Works and Project Costs.</p> <p><b>Response to SDEIS Comment #12</b> Refer to Chapter 9, Section 3.6.A for a response on opposition to managed lanes or tolling public roads.  Refer to Chapter 9, Section 3.6.B for a response to toll rate ranges and toll rate setting process.</p> <p><b>Response to SDEIS Comment #13</b> Refer to Chapter 9, Section 3.5 for a response to the P3 Program or Board of Public Works and Project Costs.</p> <p><b>Response to SDEIS Comment #14</b> Refer to Chapter 9, Section 3.4.I for a response to construction impacts.</p> <p><b>Response to SDEIS Comment #15</b> Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis and impacts.</p> <p><b>Response to SDEIS Comment #16</b> Based on our biennial bridge inspection findings and experience on similar heavily-traveled steel superstructure bridges, MDOT SHA estimates that the current lifespan of the superstructure and substructure of the existing ALB are 10-15 years before they would deteriorate to poor condition needing replacement.  This assumes that additional repairs and preservation activities are not undertaken during that time. Even with repairs and preservation activities, such as a deck replacement, cleaning, painting, and steel repairs to the superstructure, and concrete repairs to the substructure units, this 59-year-old bridge would require considerable capital investment to maintain it in a state of good repair. In determining the need to replace a structure, we consider the cost to maintain and rehabilitate all three elements (deck, superstructure and substructure), the functional needs of the bridge, and the disruption to traffic during construction.</p>
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WBFC SDEIS Comments 30 November 2021

dropped due to concerns over environmental damage and proximity to parks, neighborhoods, cemeteries, and facilities.

- The full accounting for reasoning for acceptance of Alternative 9 has not been presented to the public. It is evident that P3 stakeholders and Governor Hogan decided on this outcome before the DEIS was published in 2020, for their own convenience, revenue stream desires, lowest construction costs, and political posturing, thus, overruling all environmental concerns, destruction of properties, actual transportation needs (then projected, or subsequently needing adjustment for Covid-19 impacts), and any of the dozen other alternatives proposed in the DEIS.

- Much more information has come to MDOT on the impacts to Plummers Island since that backroom decision for Alternative 9 was made and the DEIS was published. WBFC presented formal public written and virtual comments to MDOT on the DEIS (Appendix 9) and Section 106 documents (Appendices 2 to 7), documenting the Club's long history and extensive research on Plummers Island ecosystems and biodiversity, and threats to the Island. WBFC has held three meetings with MDOT-SHA in the winter and fall of 2021 to voice our concerns about impacts to Plummers Island ecosystems, biological diversity, and our long-term research program. Although some modifications resulted, WBFC still has major concerns (Appendices 1 to 8).

- To avoid, minimize or reduce impacts to the Chesapeake and Ohio Canal National Historical Park and Plummers Island MDOT could have chosen to only redeck the ALB, or to build a narrow double decker bridge or a suspension bridge instead of expanding the current bridge over Plummers Island on the east side and a newly discovered archaeological site on the west side.

- We respectfully ask that agencies consider other options to the ALB portion of this project to avoid impacts to Plummers Island and the surrounding National Historical Park area.

WBFC continues to support the NO Build Option.

Robert Soreng, WBFC President

Carla?

Lowell?

#### Appendices

#### Response to SDEIS Comment #17

Refer to Chapter 3 and Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.

#### Response to SDEIS Comment #18

MDOT SHA acknowledges receipt of the WBFC DEIS Comment Letter dated November 6, 2020 that was appended to this SDEIS Comment Letter. Refer to Appendix T for a response to this DEIS Comment Letter.

#### Response to SDEIS Comment #19

During the NEPA Study, options for rehabilitating or replacing the ALB were considered including double decking the existing bridge or constructing a new double decker bridge.

Construction of a second deck over the existing structure is infeasible. The existing bridge piers cannot accommodate the load from a second deck. A new second deck structure would have to include structure elements that would completely span across the existing bridge width and new large piers and foundations that would support the new structure. These new piers would include substantial impact in the Potomac River and both shorelines, including on Plummer's Island, outside of the existing bridge footprint. MDOT must maintain traffic on the existing American Legion Bridge, and this would not be possible if a new deck were to be constructed over the existing bridge.

A new double-deck bridge replacing the existing bridge would have to be built off alignment since the structural design for such a bridge would have to be constructed completely separate from any demolition of the existing bridge. Either an upstream or downstream alignment would have considerable impacts along the Potomac River, both shorelines to accommodate the new alignment, and impacts to the George Washington Memorial Parkway and Clara Barton Parkway interchanges. In addition, a double-deck bridge would require substantial area on each shoreline to accommodate bifurcating the two directions of I-495 and ramping one direction to be above the other. Similar impacts and challenges would be associated with other major bridge designs, such as a suspension or cable-stayed bridge.

As noted in the SDEIS, Section 4.4 and in the FEIS, Section 5.4, the ALB Strike Team considered a "west shift" of the LOD to entirely avoid impacts to Plummers Island and determined that a conventional construction approach with a west shift was also a viable option. However, MDOT SHA compared the NPS land impacts and those of the natural and cultural resources surrounding the ALB and determined that the on-center alignment would impact the least amount of total NPS Land; would not require re-configuration of the Clara Barton Parkway interchange; and would not require residential displacement, as the west shift alignment would. For these reasons, the on-center alignment with the reduced LOD required by the Base Option or Cast-In-Place Segmental bridge types was incorporated into the Preferred Alternative LOD.



WBFC SDEIS Comments 30 November 2021

Appendix 1. Threats to Plummerville Island, March 2021. <https://wbfc.science/wp-content/uploads/2021/02/Threats-to-Plummerville-Island-4.6.pdf>

WBFC comments on ALB construction and expansion impacts to Plummerville Island Threats to Plummerville Island from American Legion Bridge construction and expansion 1) Damage to waterways: a) Potomac River shore: mud flats and sandbars are wetland features in the MDOT recalibrated (post the DEIS comments) Zone of Destruction. b) we don't know what the new and reconstructed bridge piers will do to flow along the river or channel, particularly if the point of rocks and Rock of Gibraltar (at the upper tip of the Island) are destroyed or significantly altered. Sand bars and mud flat habitats could be substantially reduced for plants and animals that depend on these. c) the Island Channel (AKA "Rock Run Culvert"). The head of the channel down to the dog leg would not see daylight for years of construction. After which this part of the Channel would be overshadowed by the 2 added lanes on the Island side of the Bridge. What are the consequences to waterways there and downstream? d) with the Channel covered by planking for the construction platform, high and mid-level floods will be redirected over those onto the Island flood plain, potentially adversely affecting much of that flood plain. e) if sub-point d happens, all research plots in the flood plain could be substantially altered, (including vegetation plots 1, 3, 9, 10, 11, 12, and habitats for plants and animals) f) the "frog water" pools at the head of the island noted in the DEIS and circumscribed in subsequent documents are highly vulnerable to disturbance (vegetation plot 3 is in this zone). g) Zone of potential effects/disturbance uncertain, but estimated by DEIS to be 2/5 of the Island. What is the MDOT plan for protecting this zone? h) Amphibians are in global and local decline due to pollution, diseases, ozone, and habitat destruction. Eleven species of amphibians are known from Plummerville Island (Manville 1968 and <https://collections.nmnh.si.edu/search/herps/>): Acris crepitans, northern cricket frog; Hyla versicolor, eastern gray treefrog; Lithobates clamitans, green tree frog; Lithobates palustris, pickerel frog; Lithobates sylvaticus, wood frog; Pseudacris crucifer, spring peeper; Pseudacris feriarum, upland chorus frog; Ambystoma maculatum, spotted salamander; Eurycea longicauda longicauda, long-tailed salamander; Hemidactylium scutatum, four-toed salamander; Notophthalmus viridescens viridescens, eastern newt; Pseudotriton ruber, northern red salamander. 2) Destruction of rare plants (Simmons et al. 2020) and rare plant communities (Simmons et al. 2016) from the far west end of the Island within the Zone of Destruction: a) Hibiscus laevis (mud flats just below and above point of rocks) b) Solidago racemosa (point of rocks, below Rock of Gibraltar) c) Hypericum prolificum (point of rocks, below Rock of Gibraltar) d) Paspalum fluitans (mud flats just below and above point of rocks) WBFC comments on ALB construction and expansion impacts to Plummerville Island e) other native plants rare on the island occurring only on west end in Zone of Destruction: e.g., Sedum ternatum. (on Rock of Gibraltar) f) Piedmont / Central Appalachian Sand Bar / River Shore (Low Herbs Type): Eragrostis hypnoides - Lindernia dubia - Ludwigia palustris - Cyperus squarrosus Herbaceous Vegetation (USNVC: CEG006483). Non-tidal mudflats. Global/State Ranks: G3/SNR (Simmons et al. 2016) g) Potomac Gorge Riverside Outcrop Barren (Potomac Gorge Type): (Hypericum prolificum, Eubotrys racemosa) / Schizachyrium scoparium - Solidago racemosa - Ionactis linariifolia Herbaceous Vegetation (USNVC: CEG006491). Global/State Ranks: G2/S1. 3) Destruction of WBFC research plots: a) Vegetation research plots from 1997 and 2013-2015 will be destroyed (plots 4, 5, on the sandbar at the head of the Island will be totally destroyed [see also 1) e]), A historic National Park Service vegetation plot on the Potomac River sandbar could be destroyed. 4) Destruction of past collection sites: a) many plants and animals were vouchered or recorded from the west end of the Island, some are only known on the Island from there. 5) Habitat destruction and disturbance lead to more invasive organisms: a) the west end of the Island is covered in a tangle of oriental bittersweet (first vouchered in 1982), and shrubs of amur honeysuckle (first vouchered in 1997), among many other invasive plants recorded there. Invasive species establishment and expansion will be sorely exacerbated by disturbance involved the

#### Response to SDEIS Comment #20

While there will be shading to the head of the oxbow of the Potomac River around Plummerville Island from construction, trestles will be constructed over the channel so that the flow will not be affected. The trestles will be constructed so as not to increase flood flow onto the Potomac River floodplain. However, this floodplain functions to dissipate floodwaters from this large river on a regular basis, and alteration of the floodplain is part of the river's flood cycle. Detailed hydrology and hydraulics analysis will be completed for this oxbow channel and for the Potomac River prior to construction to ensure that the pier design does not negatively impact flow. MDOT SHA has limited impact to Plummerville Island to the greatest extent practicable. The vernal pool, "frog water," on Plummerville Island has been avoided and will not be affected by the Preferred Alternative. Protective silt fencing would be placed prior to construction to ensure that impacts do not extend beyond the LOD.

#### Response to SDEIS Comment #21

MDOT SHA conducted a four-season RTE plant survey in 2020 to identify the RTE plant species located within the LOD. MDOT SHA is coordinating closely with NPS to develop an ecosystem restoration plan to limit impacts as much as possible and mitigate for impacts that cannot be avoided. One component of the ecosystem restoration plan includes collection of seeds from seed-dispersed rare plant species prior to construction and propagation in a plant nursery followed by replanting post-construction. Similarly, threatened individual plant species that cannot be propagated by seed will be collected, propagated, and replanted.

#### Response to SDEIS Comment #22

MDOT SHA has limited impact to Plummerville Island to the greatest extent practicable to limit impacts to the important long-term research plots located there. Unfortunately, there are a couple of research plots that would be affected by construction and shading of the replacement bridge and could not be avoided. MDOT SHA would like to work with WBFC to ensure that the disturbance results in the least impact to long-term studies.

#### Response to SDEIS Comment #23

MDOT SHA has limited impact to Plummerville Island to the greatest extent practicable to limit impacts to past research plots and collection sites. There is no alternative to replacing the American Legion Bridge and unfortunately it passes through an important ecological area.

#### Response to SDEIS Comment #24

Invasive species do often establish in disturbed areas. The ecosystem restoration plan developed to mitigate for impacts will include a plan to control invasive species and will replant disturbed areas with native plant species to limit the opportunity for non-native colonization.

<p>#25</p> <p>#26</p> <p>#27</p> <p>#28</p>	<p>WBFC SDEIS Comments 30 November 2021</p> <p>construction process. 6) Potential for catastrophic destruction from major floods if water barriers and/or construction platforms emplaced for construction blow out. Construction timbers potentially could rip out acres of trees and other vegetation in the Island flood plain. Note 1: 51 out of the 100 recorded historic Potomac River floods (over 9.4 ft at Little Falls Gauge, NOAA data) were recorded since the first bridge was built in 1962, 33 since the midsection of the bridge was filled in 1992, 1996 included two of the top 7 floods, and 2018 included 4 historic floods. In 2019 the Island flood plain was inundated on and off for much of winter and spring. Note 2: Mather Gorge (Cohn 2004) is much narrower at the ALB and Plummerville Island than at Little Falls Gauge, so the highwater marks listed below substantially underestimate the peak flows at the bridge and head of Island. rank height ft date 5 19.29 ft 1/21/1996 7 17.84 ft 9/8/1996 31 12.82 ft 3/15/2010 36 12.38 ft 6/5/2018 37 12.35 ft 3/6/1993 46 11.7 ft 5/18/2014 47 11.68 ft 4/18/2011 50 11.56 ft 12/17/2018 54 11.44 ft 9/21/2003 58 11.3 ft 5/20/2011 61 11.17 ft 1/27/2010 65 11.01 ft 9/29/2018 66 10.88 ft 3/12/2011 67 10.87 ft 12/12/2003 68 10.85 ft 9/11/2018 70 10.79 ft 3/22/1998 77 10.55 ft 4/18/1993 WBFC comments on ALB construction and expansion impacts to Plummerville Island 81 10.43 ft 1/10/1998 82 10.37 ft 3/30/1994 86 10.33 ft 10/31/2012 87 10.28 ft 3/30/2005 90 10.16 ft 3/25/1993 92 10.13 ft 1/29/1993 95 10.09 ft 11/29/1993 96 10.04 ft 5/13/2008 97 9.97 ft 9/23/2003 98 9.78 ft 9/9/2011 99 9.67 ft 5/6/2009 100 9.43 ft 4/17/2007 7) Sound from bridge construction and closer proximity of traffic in 2 new bridge lanes after they open on the bridge: a) The noise factor cannot be ignored by humans or wildlife. Already the sound of traffic is disturbing to human conversation at our meeting place the WBFC Cabin grounds. 8) Salt and oil runoff impacts on biota from the bridge: a) This depends on where the outflow is drained from the bridge drainage scuppers b) The unintended consequences of that volume of road salts on freshwater ecosystems can be severe. A colleague is working on this very subject on area highways, and the impacts he found were surprisingly devastating. One of the worst impacts was mobilizing (and making bioavailable) toxic metals in waterways. 10) Violation of long-term continuity of 120 years of research (Perry 2007; Shetler et al. 2006): a) lichen study on Plummerville Island validated essentiality of long-term research contributing to National and global removal of Lead from gasoline: A drop from 70 species to 20 species due to sensitivity to Lead pollution on the Island (Lawrey &amp; Hale 1979). b) the decline of forest breeding birds on Plummerville Island is related to the Bridge (Johnston &amp; Winings 1987). c) Insects, like other organisms, are experiencing major declines globally (Borenstein 2018; Hallman et al. 2017; Jarvis 2018; Vogel 2017). Giant silk moths (Saturniidae) include Imperial, Cercropia, Luna, Polyphemus, Royal Walnut, Rosy maple etc. In New England, most of these are state endangered species because they have been hammered by an introduced biocontrol agent -- a non-native tachinid fly, Comptosia concinna, which was introduced to try and control gypsy moths in Massachusetts. That fly has wreaked havoc in New England because it is a generalist and the Saturniids have been heavily impacted. This pest has arrived in DC and vicinity but impacts here are not yet known (John Lil pers. comm. 2020). Thanks to the long history of research on insects of Plummerville Island (more than 3000 species documented there; Brown &amp; Bahr 2008a,b), the Island is a key place to further document this aspect of "insect apocalypse" (Jarvis 2018) assuming the Island remains intact. Erwin (1981) and Brown (2001) have documented long-term trends in beetles and moths, respectively, with shifts in species composition related mainly to vegetation succession. The ALB project puts WBFC Plummerville Island research on trends in biodiversity in jeopardy. WBFC comments on ALB construction and expansion impacts to Plummerville Island d) bellwether issues of plagues, invasions and expansion of exotic species are expected to be exacerbated due to disturbance from construction -- some examples of timing of introductions spread, and manifestations of infestations of plants animals, and diseases from around the region are recorded from Plummerville Island (plant records from Shetler et al. 2006, WBFC Invasive Biota Committee reports 2015-2020), and <a href="https://collections.nmnh.si.edu/search/botany/">https://collections.nmnh.si.edu/search/botany/</a>) i) arrival and expansion of garlic mustard (1915), now rampant ii) arrival and expansion of tree of heaven (or hell) (1933), now 50+ trees iii) arrival and expansion of Japanese honeysuckle (1949), now dominant iv) arrival and expansion of Japanese stilt grass (1979), now locally dominant v) arrival and expansion of oriental bittersweet (1982), now all over and covering trees vi) arrival and expansion</p>	<p><b>Response to SDEIS Comment #25</b> MDOT SHA recognizes the dynamic flood regime of the Potomac River and understands the concerns associated with large storms during construction. To minimize this risk, trestles and temporary construction platforms will be built to withstand the 100-year storm to ensure that construction materials do not blow out during storm events. Full hydrologic and hydraulic analysis will be completed in final design to ensure that the implications of bridge construction on potential flooding are fully considered for both the oxbow of the Potomac River around Plummerville Island and the Potomac River itself.</p> <p><b>Response to SDEIS Comment #26</b> In earlier coordination, NPS requested that no noise barriers be constructed within NPS-managed land due to Section 4(f) concerns.</p> <p><b>Response to SDEIS Comment #27</b> Water quality treatment for the ALB is not feasible since NPS has indicated that they will not accept any SWM on their land and all the land surrounding the ALB is owned by NPS. Some alternative practices exist that may be feasible to provide some level of pretreatment of the bridge or approaches that may be incorporated into the drainage design. These practices are not approved to provide water quality credit in Maryland and may prove to be infeasible given the various site constraints during final design. However, MDOT SHA will consider use of these alternative practices on or around the ALB area within MDOT SHA ROW.</p> <p><b>Response to SDEIS Comment #28</b> We understand that the long-term biological studies conducted on and around Plummerville Island have contributed and continue to contribute to the understanding of a myriad of plant and animal species, trends in biodiversity, and effects of climate change, as well as many other important research contributions. MDOT SHA has limited impact to Plummerville Island and the Potomac Gorge to the greatest extent practicable, while maintaining constructability of the project. The American Legion Bridge requires replacement, and it is unfortunate that it crosses important ecological areas that support long-term research. MDOT SHA is coordinating closely with NPS to develop an ecosystem restoration plan to limit impacts as much as possible and mitigate for impacts that cannot be avoided.</p>
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of amur honeysuckle (1997), now dominant on west end vii) arrival and expansion of winter creeper (1997), now patchily established but potentially widespread viii) arrival and expansion of ivy (ca 2015), now patchily established but potentially widespread ix) Emerald Ash Borer (EAB) arrival and expansion in 2015 and death of ash trees (2016), mass die off of ash trees, a major shift in forest climax community (Simmons et al. 2016) x) fig buttercup arrival and expansion and expansion (3 plants 2017, 50 plants in 2019, 160 plants 2020), expanding exponentially xi) arrival and expansion of European and Asian earthworms, which rapidly consume forest detritus and restructure soils, upending soil ecological processes and networks of indigenous species adapted to them, favoring colonization and replacement by invasive species, [https://en.wikipedia.org/wiki/Invasive\\_earthworms\\_of\\_North\\_America](https://en.wikipedia.org/wiki/Invasive_earthworms_of_North_America) xii) arrival and expansion of Asian clams (*Corbicula fluminea*), shells now abundant in sandy soils across the island (arrived in Ohio River Valley ca 1959, established in the Potomac River by 1982) xiii) Chestnut blight, was discovered in the USA in New York in 1904, arrived in Maryland by 1906, Chestnuts were historically on Plummerville Island adjacent mainland, last documented in 1934, but considered extinct there by 1935. This once dominant species of the eastern deciduous forest was mostly wiped out within 50 years. xiv) Beech blight is coming. Popkin (2019) documents a deadly beech disease is spreading in the northeast USA. There is a mature beech forest on the mainland side of Plummerville Island, near Lock 12. We will be watching for the blight here, unless the forest is cut down for the Bridge construction. WBFC comments on ALB construction and expansion impacts to Plummerville Island c) Following climate change impacts to the ecosystems on Plummerville Island will be conflated with issues involved with disturbance from bridge construction and emplacements. References Borenstein, S. 2018. 'Windshield test' highlights big drop in flying bugs. The Washington Post -HEALTH & SCIENCE (2018-09-25). Brown, J. W. 2001. Species turnover in the Leafrollers (Lepidoptera: Tortricidae) of Plummerville Island, Maryland: Assessing a century of inventory data. 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Appendix 2. Section 106 comments, 8 October 2021.

1 Washington Biologists' Field Club October 8, 2021 Dear Mr. Archer, We are writing you on behalf of the Washington Biologists' Field Club with regard to Plummers Island<sup>1</sup> and its associated channel and wetlands in response to the MDOT-SHA Section 106 letter of September 8, 2021 and including the email message from Mr. Archer entitled "I-495 and I-270 MLS Section 106 Materials, Comments Requested by October 8" and associated linked documents and attachments. We frame our comments within the historical context of impacts to the long-term value of scientific research on Plummers Island and the biodiversity we have discovered there, and the quality of experience of the island, which are implicitly protected by recommendations for historical preservation of the place for future generations. We remain highly concerned about the proposed I-495/I-270 and American Legion Bridge toll lane widening project and the significant, probable threats from bridge construction, operation, and maintenance to Plummers Island and its historic character, including its biota, and the century of intensive research activities that have taken place on the island. Since last writing and in line with our requests from April 2021, the Washington Biologists' Field Club (WBFC) has been added as a Section 106 consulting party, been recognized as a site of historic significance with National Register of Historic Places (NRHP) eligibility independent of the C & O Canal National Historical Park. Some of the project's adverse effects on the WBFC have also been recognized. These steps are important but do not go nearly far enough to protect Plummers Island, which the Federal Government agreed in 1959 to protect in perpetuity as a site for long-term scientific research so long as the WBFC still exists as an incorporated entity. In order to ensure that the proposed project's impacts on Plummers Island receive adequate attention and consideration, we have several concerns and requests which will be detailed in the remainder of this comment letter. As a reminder, Plummers Island is a small federally-owned island immediately downriver of the American Legion Bridge with unique historical, biological, and research value. Plummers Island is NRHP eligible "under Criterion A for its association with contributions to science and conservation as the site of long-term scientific studies conducted by the club and as the meeting place for the club's collective membership of influential and accomplished scientists." The long-term, ongoing research value of Plummers Island is part of its NRHP eligibility. The I-495/I-270 project, which aims to nearly double the size of the American Legion Bridge, would have many adverse effects to the island's historic features and significance as a research site including: 1 Montgomery County, Maryland, Potomac River, adjacent to the American Legion Bridge 2 1. Damage to waterways 2. Destruction of rare plants (Simmons et al. 2020) and rare plant communities (Simmons et al. 2016) from the far west end of the island within the Zone of Destruction 3. Destruction of WBFC research plots 4. Destruction of past collection sites 5. Habitat destruction

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**Response to SDEIS Comment #29**

MDOT SHA has been consulting with the Washington Biologists Field Club and Maryland Historical Trust through the Section 106 process. MDOT SHA found the WBFC on Plummers Island to be eligible for the National Register of Historic Places, has found an adverse effect to the property, and is identifying mitigation through the Programmatic Agreement.

MSOT SHA responded to your Section 106 comments through the Section 106 process and development of the draft Programmatic Agreement which was shared with representatives of the WBFC on January 4<sup>th</sup> as a consulting party.

See previous pages for responses to other comments outside the Section 106 process that were raised.

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and disturbance lead to more invasive organisms 6. Potential for catastrophic destruction from major floods if water barriers and/or construction platforms emplaced for construction blow out 7. Sound from bridge construction and closer proximity of traffic in 2 new bridge lanes after they open on the bridge 8. Impacts on biota from salt, oil and other toxic runoff from the new bridge 9. Violation of long-term continuity of 120 years of research. Plummerville Island must be fully protected from the MDOT plan to expand the American Legion Bridge. The taking of Plummerville Island lands by this project as well as the destructive proximity impacts are a violation of the agreement with the Federal Government signed in 1959 to protect the Island in perpetuity so long as the WBFC still existed as an incorporated entity. The damage proposed for the Island violates the very principal upon which the Federal Government signed the agreement with WBFC, that the value of the property was the historic nature of the long-term research on the biodiversity of the Island, which at that time exceeded 58 years with long-term goals. Now that research has extended to 120 years. Yet, it appears that the most damaging project alternative has been selected and the necessary mitigations we discussed earlier in the year were ignored.<sup>2</sup> Plummerville Island, far from being protected, will have most of the new bridge overhang, casting its rare, endangered, and threatened biota in shadow and increasing impacts of noise, runoff, and more. There is clearly a disconnect that the very process affirming that major historical and scientific research significance of the island. The plan seems to ignore the results of its own process, and the revised plan egregiously violates the historic and research integrity of the very property it is responsible for protecting. 1) Regarding the NRHP eligibility, we have the following requests: • The NRHP determination narrative should better contextualize Plummerville Island in its unique location as highlighted below. Plummerville Island is located within the Potomac Gorge, which itself has unique and important features. This publication offers a suitable kind of description: “The 9,700-acre (3925.5 ha) Potomac Gorge project area (see map on inside front cover) is the 15-mile (21.4 km) river corridor from Great Falls to the Key Bridge, including parts of Maryland, Virginia, and the District of Columbia. It is in the midst of a major metropolitan region inhabited by over 4.5 million people (see Cohen, 2005). The Potomac Gorge is widely recognized as one of the most biologically rich areas in the eastern United States, with more than 400 known occurrences of 200 state or globally rare plant 2 See Appendix B for more on our interactions with the MDOT Strike Team. (M: 12-46-2): 3 and animal species, and ten globally rare plant communities. The Gorge’s unusual concentration of species diversity and rarity is the direct result of its unique hydrology, geology, and geomorphology. This wild and free-flowing section of the Potomac River is one of the most intact eastern Fall Zone river systems with an abundance of parkland not subject to the environmental pressures of residential or commercial development.” • The NRHP determination narrative should recognize that the research sites within the WBFC are important contributing features. Specifically, Plummerville Island has had national and international significance and species not only rare but new to science continue to be found and studied there, as recently as 2014 (Szlávecz et al, 2014). It is worth recalling that the 1959 agreement between WBFC and the Federal Government states: • The said Plummerville Island has become among systematic biologists one of the world’s most famous collecting spots and type localities, and • The discoveries have indicated the probability of new knowledge in the field of biology and natural history, and • The fame of this island is world-wide and many scientific organizations are interested in its preservation as a source of discovery, and • The Washington Biologists’ Field Club, Inc. and the United States Government desire to preserve this natural wild area as a sanctuary and scientific research preserve. • Correct inaccurate and misleading use of language related to Rock Run. The Dovetail CRG report on the Maryland Historical Trust Determination of Eligibility Form continues the unprofessional practice of calling the channel separating Plummerville Island from the mainland “Rock Run Culvert” (p. 1). This is an inaccurate and misleading name, mentioned in the DEIS, as the channel is neither a culvert nor is it any part of Rock Run (a nearby drainage with an outlet into the Potomac River about 1,000 ft. downstream from Plummerville Island, and with its own real culvert passing under the C&O towpath just below Lock 11). The channel is a historical natural side stream of the Potomac River that prehistorically was more of a major river channel. When WBFC members reported this inaccurate name to the

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See response above for SDEIS Comment #29.



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USGS and Board of Geographical Names, they fully agreed, and the name was removed from their listings (on or before 23 April 2021). The channel head has been displaced downstream about 40 feet (Soreng's estimate from a detailed 1950s topographical survey map and other observations), by ALB pier emplacements of 1960 and early 1990s, but the rest of the channel remains in its historical position from about 15 to 30 feet below the current channel head. 2) We request that the understanding of the historic boundaries of Plummerville Island be updated in all documentation pertaining to the project in light of the NRHP eligibility designation. It is incorrect to say, "the majority of the historic features of the WBFC are outside the LOD." The entire island is NRHP eligible. Impacts to the 4 Western part of the island would be highly significant. The entire island is being used for research. Its associated channel and wetlands are, too. Encroaching on and over the island and placing piers on it is a direct adverse impact to one of the WBFC's most important and salient historic features: the long-term and ongoing use of the Island for research on the biodiversity of the Island. 3) We request that those involved with this project make greater efforts to understand and recognize the scale and irreversibility of the adverse impacts the proposed plan would have and prioritize avoidance and mitigation of impacts. Appendix C contains some examples of impacts to promote better understanding. Additional impact concerns are detailed in Appendices D and E. It is WBFC's view that Plummerville Island was not part (or sufficiently part of) of the American Legion Bridge alignment decision making, and WBFC was not weighted properly in making this decision. At that time, no one was even talking about Plummerville Island as it had barely been mentioned in the DEIS and had not been recognized as a significant historic site at that time. Avoiding Plummerville Island is possible, it has just not been prioritized in MDOT's process. See SDEIS, at pp. 4-14- and 4-15. The adverse impacts to Plummerville Island affect the research value of the island. That is to say, the adverse impacts impact the qualities and attributes of the site that make it historically significant. By destroying the value of the island for research of rare plant, insect, and other life forms, the project would be destroying decades of research. A complete and accurate identification of the project's effects on these sites and attributes is needed. 4) More must be done to mitigate impacts. Moving the piers is not adequate mitigation. Documentation sent as part of the Section 106 process on September 8, 2021 shows some of the adverse impacts to Plummerville Island and yet they are still underestimated. Moving the piers, as proposed by MDOT (below) is not sufficient mitigation to address the full spectrum of mitigation. Additional minimum mitigations measures that are needed are listed in Appendix F, including shifting the ALB's 4 new lanes to the upstream side, rather than dividing those between the up and downstream sides. "The LOD adjoining Plummerville Island along the American Legion Bridge will impact approximately 0.2 acre of the WBFC. This area is required for the bridge substructure, including permanent pier placement and construction activities. Construction activities within the LOD at the WBFC may include excavation; demolition of the existing bridge foundation and piers; installation of proposed foundations, piers, or abutments; and slope protection. Access to the existing and proposed piers is required for these activities. Impacts were minimized by strategically locating the new piers near the existing piers such that a single access method could be used for demolition of the existing and construction of the proposed structures. However, some impact is unavoidable based on construction requirements and the structural requirements for pier locations. 5) Although the majority of the historic features of the WBFC are outside the LOD, the proposed construction activities at the western edge of Plummerville Island will alter the natural landscape of the island, a character-defining feature of the WBFC, resulting in diminishment of the property's integrity of setting. MDOT State Highway Administration has determined the project will adversely affect the WBFC." (Sept 8, 2021 letter to Elizabeth Hughes and Julie Langan from Steve Archer for Julie M. Schablitsky, pages 7-8) 5) We have major concerns about damage from construction to the channel that separates Plummerville Island from the mainland. More information needs to be provided to us about impacts to the channel as soon as possible. Some of the measures discussed for this sensitive area would exacerbate adverse effects. We noted that on maps the LOD is marked on the land of the Island, while the channel itself is not identified as part of the WBFC are even with the area of potential effects. This channel is integral to the sustainability of the adjoining Plummerville Island wetlands

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and floodplain. The channel and the Island's wetlands are Waters of the U.S. (WOTUS), thus requiring rigorous, protective oversight by the U.S. Army Corps of Engineers, Baltimore District. Yet, there is no discussion in the current plan of what MDOT plans to do with the channel, or with the wetlands along the Island's western perimeter. WBFC - and the National Park Service - consider the Island's emergent wetland perimeter to be part of the biodiverse whole, and since 1901 we have studied the biota of the wetlands and channel as an extension of the land above the official property waterline. The MDOT Strike team indicated the original DEIS plan to fill in the "culvert" (channel) with spall for a construction platform has been modified. Now as we understand it MDOT intends to put planking of heavy timbers across the channel for a construction platform. This will have a serious adverse effect on the channel. With all the planned land-clearing and earth moving, and burming for construction ramps and the building of two new lanes on the downstream side of the ALB, there is no way MDOT can effectively protect the channel from excess accumulation of mud, rock, and other debris. This will adversely impact the water quality and wildlife of the channel and perimeter emergent wetlands of the Island in the short and long run. We have commented several times to MDOT that during the construction phase the elevated vulnerability of the Island and channel to damage from catastrophic flooding should be enhanced in construction plans. We have had no assurances on this front that adequate precautions will be taken to avoid damage in this time period. Catastrophic flooding could destroy much of the long-term, ongoing research value of Plummers Island, a part of the Island's NRHP eligibility. Further explanation of these concerns can be found in Appendix C. 6) WBFC has had and continues to have a significant and primary responsibility to maintain this island as a long-term research site high in biodiversity with minimal disturbance. It must be protected. Under the Section 106 process, requests can be 6 made for mitigation measures. There is a direct use of the island for purposes of Section 4(f) and a significant adverse effect under Section 106. Avoidance and mitigation measures cannot be deferred until later, after the Final Environmental Impact Statement, after the Record of Decision, or after predevelopment. That is already too late. We require assurances at an administrative level that Plummers Island will be avoided and that the needed mitigation measures will be put in place after all avoidance options are exhausted. Our mission is to protect the biodiversity of Plummers Island including its perimeter wetlands, our long-term research efforts, and the quality of the place as a whole for future generations. We need your attention, your understanding of the Island's value and sensitive ecology, and your support in this effort. Respectfully, Robert Soreng, President Carla Dove, Vice President Lowell Adams, Secretary On behalf of the 88 members of the Washington Biologists' Field Club 7 Appendix A: Documentation of Experience with Strike Team Two of the staff that have communicated with us have been professional and communicative with WBFC and led us to believe they have our best interests at heart. A MDOT-Strike Team asked WBFC to join them in a virtual video discussion in January of 2021. That hour long discussion considered our concerns documented by us as "Threats to Plummers Island" (see <https://wbfc.science/plummers-island-threatened/>) and discussed alternatives to the DEIS plans that might mitigate some damage to Plummers Island. The initial minutes of that meeting produced by the Strike Team provided a cursory account that basically said the meeting had taken place. We protested those minutes, and a fuller account was submitted by the Strike Team, but to our knowledge our further suggestions for modifications to the minutes were not added. In the following week after the MDOT Strike Team meeting of January of 2021, WBFC was invited to join the Section 106 process as a consulting party. We did not recognize that invite until March of that year because the initial offer made by MDOT was sent through a clogged email box of a secondary contact rather than through the WBFC leader of the discussions, and once unearthed was then misunderstood. While we were heartened to be acknowledged as a consulting party, this delay caused us serious consternation that could have been avoided. However, most of the deliberations and communications of the section 106 process have been in meetings between Agencies that we were not privy to attend or review. At our request, the Section 106 process has led to Plummers Island being recommended as a special historical place within the C & O Canal National Historical Park. We appreciate that MDOT hired a competent research company to study WBFC on Plummers Island and to file the Maryland

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Historical Trust Determination of Eligibility Form (DOE). That Form and report were submitted to MDOT in June of 2021, and the Section 106 supervisory team accepted that company's report (whether modified or not we do not know). The final report was sent to WBFC on 8 September 2021 and to the Maryland Historical Trust State Historic Trust Officer. The MDOT-SHA, Cultural Resources Team Leader, Mr. Archer, has answered multiple of our email questions in a prompt, professional and friendly manner, clarifying various aspects of the process and results. We believe that report represents a fair and unbiased, but brief, assessment of the history of the WBFC and some its most prominent members. The report notes that WBFC contributions to science are many and details a few, but does not go into depth. To investigate the deeper impacts of the WBFC, its membership on society, and its science on biodiversity of the Potomac Gorge, on local and national scales DoveTail would have to access the full WBFC archives, and do further research stemming from those files. The DoveTail report notes WBFC archives were accessed in June of 2021. While it is true that most scientific publications and many photographs have been digitized, and many are available on-line, we note that the actual archives are stored in the Department of Botany, at the Smithsonian Institution, and could not have been accessed at that time due to Covid-19, nor could they have been accessed without knowledge or permission of the WBFC Archivist. Our Archivist has indicated that there are many more documents and photographs in the Archives that have not been digitized. 8 MDOT "Strike Team" representatives misled us in the meeting of January 2021, when they said they could potentially limit construction access under the ALB to from the upstream side (west side). This is confusing as on p. 5 paragraph 2 (MLS\_106\_Sept\_8\_Letter\_sig) they write that that construction access will only be from the west side, while the map of 1 September and other communications suggest that the access will be from the "north side," which is both upstream and downstream through National Park land (i.e., nothing changed there). All this is disingenuous as in the building of the two east side lanes under Alternative 9, there is no way for them to not work on the east side of the bridge. The proposed solution of building the extra lanes only on the upstream side and other options presented to avoid damage to Plummerville Island were rejected by the "stakeholders." We request the evidence that these options were seriously considered and the full accounting of the reasons for their rejection. The public, their representatives, consulting parties, agencies, and contractors are all stakeholders. And all stakeholders are equal but some stakeholders are more equal than others, it appears. The Supplemental Draft Environmental Impact Statement (pp. 4-14- and 4-15) gives the description of the decision-making about the bridge construction, but it still doesn't explain how and to what extent Plummerville Island was actually considered as a unique NRHP-eligible historical and important scientific research site within a national historical park. In fact, WBFC was the prior owner of the NPS land on the downstream side of the ALB, now MDOT plans to turn that into a huge ramp to build the downstream lanes, if not to access the underside of the bridge and then to build it up and pave it over for new lanes. MDOT, in the same January meeting, also said they could cantilever the bridge piers such that no piers would need to be placed on the island. That is not evident in the current MDOT plan. Moreover, they still plan to place a pier on the island. The DEIS LOD on Plummerville Island was crudely drawn, just a line across the head of the Island, with an additional 250-foot APE, extending to about 2/5ths of the Island. MDOT-SHA had Plummerville Island LOD and APE zones surveyed in detail in the spring and summer of 2020 without consulting WBFC. Moreover, the survey team callously hacked down seven of the old age fringe trees on the island. The DEIS did not mention WBFC or consider the worth of 120 years of accounting and long-term research on the biota of Plummerville Island by WBFC. Post the DEIS publication and comments period which ended in November of 2020, MDOT representatives keep saying in public comments, documents, and email messages to WBFC, that they had reduced the LOD on the Island significantly. Yet all they seem to have done in the current document (MLS\_106\_Sept\_8\_Att\_1A\_APE\_Corridor\_R, map 3) is draw a more precise but still-ragged LOD line of delineation. Map 3 also fails to capture lands in the NW corner of Plummerville Island in Eligible / Listed, or Eligible – Pending SHPO Concurrence), and also fails in the same way to include the river front of Carderock section of the C & O National Historical Park upstream from the ALB. At one point this summer MDOT even publicized a

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map with no LOD line on the Island. We do not have faith that the LOD as currently mapped is more than a hollow public relations scheme to ward off complaints, or that it will even be adhered to if construction proceeds. 9 Appendix B: Views on the Project From our (WBFC's) perspective, MDOT's selection of Alternative 9: Phase I South is the among the worst of the DEIS alternatives for it ignores and exacerbates climate change, puts the future of transit in the region in the reigns of a foreign conglomerate with a vested interest in opposing mass-transit options. Recent findings, detailed in WTOP, the Washington Post, and other media outlets, confirm what critics have been saying: that the whole freeway system is so backed up that adding capacity to a segment of I-495 is unlikely to result in long-term improvement to traffic flow. This undesirable alternative also has the most damaging impact on the Plummers Island scientific and historical site of the DEIS alternatives proposed. From our perspective, the whole project was predicated on a need to rebuild the bridge in 10-15 years, when in fact the bridge is structurally sound and only requires redecking in 10 to 15 years. From our perspective, reversing climate change requires doing things differently to reduce CO2 output from personal vehicles, by adding mass transit alternatives and increasing people's reliance on telework, not to expand the current commuting status quo indefinitely. From our perspective, adding 4 toll lanes to the ALB, is adding Luxury Lanes to keep those with deep pockets moving faster, while everyone else sits in congestion. And, as noted above, current studies using MWCOG traffic models confirm what critics have been saying: that the whole freeway system is so backed up that adding capacity to a segment of I-495 is unlikely to result in long-term improvement to traffic flow. From our perspective, none of this achieves the goals of traffic improvement in the longrun. Recently published future congestion predictions tell us that within a decade after the project is completed (and noting there would be 10 years of miserable traffic during the construction project), in many places along the route and in the evening rush congestion would be no better that it is today. So, you get a 10-year window of viability of the project to reduce traffic ... and lots of damage to historical properties and more CO2. There absolutely needs to be smarter thinking of how people and goods are moved. The project has been falsely pushed as something that must be urgently approved and driven by a private company as part of a public-private partnership, because it is too costly to be done using state funds. Therefore, it is argued, it must be designed to be extensive enough to be lucrative for the private sector. Yet, this very day, Maryland is sitting on a \$5 billion dollar surplus of funds that could be used for transportation system improvements. The Daily Record reports on this in these articles: Maryland's flush finances have some officials pushing for more borrowing (Oct 4, 2021) and Hogan takes combative stance over use of state's revenue windfall (Oct 7, 2021). 10 Appendix C: Impact Concerns On project maps, the limits of disturbance (LOD) is marked on the land of the Island, while the channel itself is not considered as integral to the sustainability of the adjoining Plummers Island wetlands and floodplain. The channel and the Island's wetlands are Waters of the U.S. (WOTUS), thus requiring rigorous, protective oversight by the U.S. Army Corps of Engineers, Baltimore District. Yet, there is no discussion in the current plan of what MDOT plans to do with the channel, or with the wetlands along the Island's western perimeter. WBFC - and the National Park Service - consider the Island's emergent wetland perimeter to be part of the biodiverse whole, and since 1901 we have studied the biota of the wetlands and channel as an extension of the land above the official property waterline. The MDOT Strike team indicated the original DEIS plan to fill in the "culvert" (channel) with spall for a construction platform has been modified. Now as we understand it MDOT intends to put planking of heavy timbers across the channel for a construction platform. Where is NEPA in this? With all the planned land-clearing and earth moving, and burning for construction ramps and the building of two new lanes on the downstream side of the ALB, there is no way MDOT can effectively protect the channel from excess accumulation of mud, rock, and other debris. This will adversely impact the water quality and wildlife of the channel and perimeter emergent wetlands of the Island in the short and long run. We have commented several times to MDOT that during the construction phase the elevated vulnerability of the Island and channel to damage from catastrophic flooding should be enhanced in construction plans. We have had no assurances on this front that adequate precautions will be taken to avoid damage in this time period. Due to

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Climate Change, the NOAA Atlas 14 used in preparation of the DEIS, is well out-of-date for frequency and intensity of massive floods. So-called hundred-year floods in Atlas 14 Volume 2, Revision 3 (2006) are now 5-10-year events, and two such events occurred in the last 12 years. Moreover, the DEIS planned their construction activities around flood levels recorded at Little Falls Gauging station 3 miles downstream from the ALB and in a wide section of the Potomac River. The flood levels at the ALB, situated in the narrows of Mather Gorge, are 7 feet higher than posted at Little Falls (Soreng observation, January 2021, photo documented). From our perspective what they need to do in the construction period, is build a flood protection wall on upstream side of the ALB that will withstand extreme floods. If this is not done all the heavy timber planking used to cover the channel for a construction platform could blow out in a high flood, and then wash across the Island along with other construction mud and debris, with catastrophic consequences. Additionally, the LOD boundaries exclude the rocks at the head of the island situated in the Potomac River, which are connected to the Island except in flood stages and which harbor the highly rare Natural Community: Potomac Gorge Riverside Outcrop Barren (Potomac Gorge Type): (*Hypericum prolificum*, *Eubotrys racemosus*) / *Schizachyrium scoparium* - *Solidago racemosa* - *Ionactis linariifolia* Herbaceous Vegetation (USNVC: CEGLO06491). 11 Global/State Ranks: G2/S1. (Simmons et al., 2016, 2020). These rocks bear the only significant and sustainable population of this community on Plummerville Island. These rocks also protect and produce the rare Piedmont / Central Appalachian Sand Bar / River Shore (Low Herbs Type): *Eragrostis hypnoides* - *Lindernia dubia* - *Ludwigia palustris* - *Cyperus squarrosus* Herbaceous Vegetation (USNVC: CEGLO06483). Non-tidal mudflats. Global/State Ranks: G3/SNR. These communities occur downstream along the perimeter of Plummerville Island and along the channel, and again are of small actual area on the Island such that any loss is a big loss to Plummerville Island biodiversity. MDOT representatives indicated that they considered our suggestion that the addition of 4 new lanes to the ALB could be made to the upstream side, rather than dividing those between the up and downstream sides. However, nothing changed their Alternative 9: Phase 1 South plan for two toll lanes on each side (in fact the bridge will have three lane widths added per direction!). These three additional lane widths on the downstream side would overshadow the Island by at least 20 ft. On top of this, MDOT's engineers ungraciously amended the Alternative 9 plans by placing a bike and foot traffic lane (requested by various consulting parties and DEIS comments) to the downstream side to further overshadow the Island. Much of what we have discussed above relates to construction effects. However, there are myriad negative future effects to be concerned about. Several rare plant species exist on the head of the Island adjacent to emergent perimeter wetlands. Their habitats will be utterly destroyed by the extended ALB lane overhang and emplacement of a pier on the Island. This unnecessary "taking" of public lands and rare species cannot be mitigated with surveys, plant rescues/relocations, or other such measures. It will simply be forever lost. Moreover, there is no comparable occurrence of these rare species and habitats on the northwest side of the ALB. The noise in Plummerville Island from the ALB, already injurious and distracting, will be exacerbated by the displacement of heavy vehicle traffic to the outermost lanes overhanging the Island, causing persistent and significant injury to the communications of native animals, human communications, and seriously impacting the quality of experience of the natural wild lands. We have discussed sound barriers and decking surfacing to reduce noise with MDOT representatives. However, we see nothing in the current document to address this. WBFC has not found any MDOT plans to alter drainage to the channel or Plummerville Island from the ALB in stormwater management (SWM) plans (Attachment 4 MLS Compensatory Stormwater Management Sites, September 2021). The low point on the ALB is just above the dogleg in the channel, and bridge scuppers drain the toxic runoff from there into the channel, further impacting and endangering the biota of the emergent wetlands and aquatic species. WBFC noted this problem in our DEIS comments and our Threats to Plummerville Island document sent to MDOT and other organizations and agencies in early 2021. 12 Appendix D: Endangered, Threatened, and Rare Species on Plummerville Island The species on Plummerville Island, including endangered, threatened, and rare species, have been studied since 1901. They are part of the island's historic and ongoing research value. Current awareness of and attention to their protection

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in the state's DEIS process has been inadequate. Plummers Island has numerous state endangered, threatened, and rare species. Plummers Island has three extant endangered plants that have been considered endangered in Maryland for many years and were mentioned as endangered in the I495/I-270 Managed Lanes DEIS, Appendix R of Appendix L, page 1. These state endangered plants are: 1. Coville's Phacelia (*Phacelia covillei*) 2. Horse-tail Paspalum (*Paspalum fluitans*) 3. Pale Dock (*Rumex altissimus*) Curiously in March 2021, Maryland DNR downgraded two of those species (Coville's Phacelia and Horse-tail Paspalum) from endangered to threatened although their status, if anything, is more imperiled by the planned widening of the ALB. On what basis could these species have been downgraded? The WBFC cannot agree with this change without compelling evidence. The above list of three state RTE plant species is not complete or exhaustive (see Simmons et al. 2020); there are additional Maryland RTE plants on the island, such as Smooth Rose Mallow (*Hibiscus laevis*) which is a rare plant of concern; Pink Valerian (*Valeriana pauciflora*) which is endangered; Leatherwood (*Dirca palustris*) which is threatened; and Sticky Goldenrod (*Solidago racemosa*) which is threatened and part of a rare natural community. There are also several grass and sedge species including Flat-spiked Sedge (*Carex planispicata*) and Open-flower Panic Grass (*Dichanthelium laxiflorum*). Other rare species include Ostrich Fern (*Matteuccia struthiopteris*) and Smooth Wild-petunia (*Ruellia strepens*). RTE animals that live on or utilize the island include Eastern Small-footed Myotis (state endangered) and Northern Long Eared Bat (state threatened/US threatened). We can provide recent inventories of species on Plummers Island upon request. The Endangered Species Act protects both federally listed endangered species and those species deemed endangered, threatened, or in need of conservation within the state, based on habitat and conservation factors. At the state level, threatened and endangered species are regulated under the Maryland Non-game and Endangered Species Act (Annotated Code of Maryland 10-2A-01). Excerpts from a December 2020 Washington Post article by Katherine Shaver tell more of the story: 13 Tucked below the American Legion Bridge on the Maryland side of the Potomac River ... Plummers Island, ... "the most thoroughly studied island in North America." For nearly 120 years, the 12-acre patch of rock and woods has been home to the Washington Biologists' Field Club. Its 85 botanists, entomologists, ornithologists and other scientists have spent decades scrutinizing the island's thousands of species of plants, insects and wildlife. Robert Soreng, the club's vice president and a botanist at the Smithsonian National Museum of Natural History, said Plummers Island provides a critical research site because of its remarkable biodiversity and protected status under the National Park Service. Studying the same wilderness since 1901, he said, has revealed how nature responds to human development, climate change, invasive species and other changes. "This is incredibly valuable for studying long-term trends," Soreng said. "We know more about what's there than in any other place." But Soreng and other scientists say the island's research value is in danger of being lost to a new, wider American Legion Bridge. Under a plan by Maryland Gov. Larry Hogan (R) to relieve traffic congestion on the Capital Beltway, an expanded bridge between Virginia and Maryland could require piers on the island's western edge. Trees would also have to be cut in that area to build a road for construction vehicles to access the bridge site over four to five years. Plummers Island is in the Potomac Gorge, between Great Falls and Georgetown. The gorge is home to hundreds of rare species, including the highest concentration of rare plants in Maryland, according to the National Park Service. Moreover, the biologists say, its protection from development has provided a rare chance to do fieldwork nine miles from downtown Washington. "When you think about the Washington area, there aren't many places that haven't been disturbed by humans," said Matthew Perry, a club member and emeritus scientist with the Patuxent Wildlife Research Center in Laurel. Soreng said more than 400 scientific papers have emerged from Plummers Island research. The most well-known study showed that many of the island's lichen species had died off and others had soaked up significantly more lead after the bridge was built, because of emissions from leaded gasoline used at the time. ... Club members have included legendary ornithologist Roger Tory Peterson; Gifford Pinchot, the first chief of the U.S. Forest Service; and Frederick Coville, who helped establish the National Arboretum. "There's an extraordinary concentration of world-class biologists," said Bruce Stein, a club member and chief scientist for

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the National Wildlife Federation. “Everything that’s in there,” Soreng said, “someone is recording.” Ralph Eckerlin, the club’s president and a Northern Virginia Community College biology professor, said he worries about the birds, crickets, katydids and other species that rely on calling out to one another. Pamela Goddard, a Mid-Atlantic specialist for the National Parks Conservation Association, said Plummerville Island must be spared as precious urban green space. “The promise for national parks is that they’ll be protected,” Goddard said. “They’re not here as land to be developed for a highway.” 14 APPENDIX E: April 2021 WBFC Comments on American Legion Bridge Construction and Expansion Impacts to Plummerville Island Threats to Plummerville Island from American Legion Bridge Construction and Expansion (Submitted to the MDOT-SHA Strike Team, February 28, 2021 for the March 1 joint meeting with WBFC) 1. Damage to waterways: a. Potomac River shore: mud flats and sandbars are wetland features in the MDOT recalibrated (post the DEIS comments) Zone of Destruction. b. We don’t know what the new and reconstructed bridge piers will do to flow along the river or channel, particularly if the point of rocks and Rock of Gibraltar (at the upper tip of the island) are destroyed or significantly altered. Sand bars and mud flat habitats could be substantially reduced for plants and animals that depend on these. c. The Island Channel (AKA “Rock Run Culvert”). The head of the channel down to the dog leg would not see daylight for years of construction. After which this part of the channel would be overshadowed by the 2 added lanes on the island side of the bridge. What are the consequences to waterways there and downstream? d. With the Channel covered by planking for the construction platform, high and mid-level floods will be redirected over those onto the island flood plain, potentially adversely affecting much of that flood plain. e. If sub-point d happens, all research plots in the flood plain could be substantially altered, (including vegetation plots 1, 3, 9, 10, 11, 12, and habitats for plants and animals) f. The “frog water” pools at the head of the island noted in the DEIS and circumscribed in subsequent documents are highly vulnerable to disturbance (vegetation plot 3 is in this zone). g. Zone of potential effects/disturbance uncertain, but estimated by DEIS to be 2/5 of the island. What is the MDOT plan for protecting this zone? h. Amphibians are in global and local decline due to pollution, diseases, ozone, and habitat destruction. Eleven species of amphibians are known from Plummerville Island (Manville 1968 and <https://collections.nmnh.si.edu/search/herps/>): Acris crepitans, northern cricket frog; Hyla versicolor, eastern gray treefrog; Lithobates clamitans, green tree frog; Lithobates palustris, pickerel frog; Lithobates sylvaticus, wood frog; Pseudacris crucifer, spring peeper; Pseudacris feriarum, upland chorus frog; Ambystoma maculatum, spotted salamander; Eurycea longicauda longicauda, long-tailed salamander; Hemidactylium scutatum, four-toed salamander; Notophthalmus viridescens viridescens, eastern newt; Pseudotriton ruber, northern red salamander. 2. Destruction of rare plants (Simmons et al. 2020) and rare plant communities (Simmons et al. 2016) from the far west end of Plummerville Island within the Zone of Destruction: 15 a. Hibiscus laevis (mud flats just below and above point of rocks) b. Solidago racemosa (point of rocks, below Rock of Gibraltar) c. Hypericum prolificum (point of rocks, below Rock of Gibraltar) d. Paspalum fluitans (mud flats just below and above point of rocks) e. other native plants rare on the island occurring only on west end in Zone of Destruction: e.g., Sedum ternatum. (on Rock of Gibraltar) f. Piedmont / Central Appalachian Sand Bar / River Shore (Low Herbs Type): Eragrostis hypnoides - Lindernia dubia - Ludwigia palustris - Cyperus squarrosus Herbaceous Vegetation (USNVC: CEGLO06483). Non-tidal mudflats. Global/State Ranks: G3/SNR (Simmons et al. 2016) g. Potomac Gorge Riverside Outcrop Barren (Potomac Gorge Type): (Hypericum prolificum, Eubotrys racemosa) / Schizachyrium scoparium - Solidago racemosa - Ionactis linariifolia Herbaceous Vegetation (USNVC: CEGLO06491). Global/State Ranks: G2/S1. 3. Destruction of WBFC research plots: a. Vegetation research plots from 1997 and 2013-2015 will be destroyed (plots 4, 5, on the sandbar at the head of the island will be totally destroyed [see also sub-point 1e]), A historic National Park Service vegetation plot on the Potomac River sandbar could be destroyed. 4. Destruction of past collection sites: a. many plants and animals were vouchered or recorded from the west end of the island, some are only known on the island from there. 5. Habitat destruction and disturbance lead to more invasive organisms: a. the west end of the island is covered in a tangle of oriental bittersweet (first recorded from the island in 1982), and shrubs of amur honeysuckle (first recorded

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<div>#29 Cont</div>	<p>WBFC SDEIS Comments 30 November 2021</p> <p>from the island in 1997), among many other invasive plants recorded there. Invasive species establishment and expansion will be sorely exacerbated by disturbance involved the construction process. 6. Potential for catastrophic destruction from major floods if water barriers and/or construction platforms emplaced for construction blow out. Construction timbers potentially could rip out acres of trees and other vegetation in the island flood plain. Note 1: 51 out of the 100 recorded historic Potomac River floods (over 9.4 ft at Little Falls Gauge, NOAA data) were recorded since the first bridge was built in 1962, 33 since the midsection of the bridge was filled in 1992, 1996 included 2 of the top 7 floods, and 2018 included 4 historic floods. In 2019 the island flood plain was inundated on and off for much of winter and spring. Note 2: Mather Gorge (Cohn 2004) is much narrower at the American Legion Bridge and Plummerville Island than at Little Falls Gauge, so the high-water marks listed below substantially underestimate the peak flows at the 16 bridge and head of Island by as much as 7 ft (verified at the bridge side of the channel bend, March 25, 2021). rank height ft date 47 11.68 ft 4/18/2011 5 19.29 ft 1/21/1996 50 11.56 ft 12/17/2018 7 17.84 ft 9/8/1996 54 11.44 ft 9/21/2003 31 12.82 ft 3/15/2010 58 11.3 ft 5/20/2011 36 12.38 ft 6/5/2018 61 11.17 ft 1/27/2010 37 12.35 ft 3/6/1993 65 11.01 ft 9/29/2018 46 11.7 ft 5/18/2014 66 10.88 ft 3/12/2011 67 10.87 ft 12/12/2003 90 10.16 ft 3/25/1993 68 10.85 ft 9/11/2018 92 10.13 ft 1/29/1993 70 10.79 ft 3/22/1998 95 10.09 ft 11/29/1993 77 10.55 ft 4/18/1993 96 10.04 ft 5/13/2008 81 10.43 ft 1/10/1998 97 9.97 ft 9/23/2003 82 10.37 ft 3/30/1994 98 9.78 ft 9/9/2011 86 10.33 ft 10/31/2012 99 9.67 ft 5/6/2009 87 10.28 ft 3/30/2005 100 9.43 ft 4/17/2007 7. Sound from bridge construction and closer proximity of traffic in 2 new bridge lanes after they open on the bridge: a. The noise factor cannot be ignored by humans or wildlife. Already the sound of traffic is disturbing to human conversation at our meeting place the WBFC Cabin grounds. 8. Salt and oil runoff impacts on biota from the bridge: a. This depends on where the outflow is drained from the bridge drainage scuppers (particularly at the bridge's low-point) b. The unintended consequences of that volume of road salts on freshwater ecosystems can be severe. A colleague is working on this very subject on area highways, and the impacts he found were surprisingly devastating. One of the worst impacts was mobilizing (and making bioavailable) toxic metals in waterways. 9. Violation of long-term continuity of 120 years of research (Perry 2007; Shetler et al. 2006): a. Lichen study on Plummerville Island validated essentiality of long-term research contributing to national and global removal of Lead from gasoline: A drop from 70 species to 20 species due to sensitivity to Lead pollution on the island (Lawrey &amp; Hale 1979). b. The decline of forest breeding birds on Plummerville Island is related to the American Legion Bridge (Johnston &amp; Winings 1987). 17 c. Insects, like other organisms, are experiencing major declines globally (Borenstein 2018; Hallman et al. 2017; Jarvis 2018; Vogel 2017). Giant silk moths (Saturniidae) include Imperial, Cercropia, Luna, Polyphemus, Royal Walnut, Rosy maple etc. In New England, most of these are state endangered species because they have been hammered by an introduced biocontrol agent -- a non-native tachinid fly, Comptosia concinna, which was introduced to try and control gypsy moths in Massachusetts. That fly has wreaked havoc in New England because it is a generalist and the Saturniids have been heavily impacted. This pest has arrived in DC and vicinity but impacts here are not yet known (John Lil pers. comm. 2020). Thanks to the long history of research on insects of Plummerville Island (more than 3000 species documented there; Brown &amp; Bahr 2008a,b), the island is a key place to further document this aspect of "insect apocalypse" (Jarvis 2018) assuming the island remains intact. Erwin (1981) and Brown (2001) have documented long-term trends in beetles and moths, respectively, with shifts in species composition related mainly to vegetation succession. The AL Bridge project puts WBFC Plummerville Island research on trends in biodiversity in jeopardy. d. Bellwether issues of plagues, invasions and expansion of exotic species are expected to be exacerbated due to disturbance from construction -- some examples of timing of introductions spread, and manifestations of infestations of plants animals, and diseases from around the region are recorded from Plummerville Island (plant records from Shetler et al. 2006, WBFC Invasive Biota Committee reports 2015- 2020), and <a href="https://collections.nmnh.si.edu/search/botany/">https://collections.nmnh.si.edu/search/botany/</a>) i. arrival and expansion of garlic mustard (1915), now rampant ii. arrival and expansion of tree of heaven (or hell) (1933), now 50+ trees iii. arrival and expansion of Japanese honeysuckle (1949), now dominant iv. arrival and</p> <p>17</p>	<p>See response above for SDEIS Comment #29.</p>
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<p>#29</p>	<p>WBFC SDEIS Comments 30 November 2021</p> <p>expansion of Japanese stilt grass (1979), now locally dominant v. arrival and expansion of oriental bittersweet (1982), now all over and covering trees vi. arrival and expansion of amur honeysuckle (1997), now dominant on west end vii. arrival and expansion of winter creeper (1997), now patchily established but potentially widespread. viii. arrival and expansion of ivy (ca 2015), now patchily established but potentially widespread ix. Emerald Ash Borer (EAB) arrival and expansion in 2015 and death of ash trees (2016), mass die off of ash trees, a major shift in forest climax community (Simmons et al. 2016) x. fig buttercup arrival and expansion and expansion (3 plants 2017, 50 plants in 2019, 160 plants 2020), expanding exponentially 18 xi. arrival and expansion of European and Asian earthworms, which rapidly consume forest detritus and restructure soils, upending soil ecological processes and networks of indigenous species adapted to them, favoring colonization and replacement by invasive species, <a href="https://en.wikipedia.org/wiki/Invasive_earthworms_of_North_America">https://en.wikipedia.org/wiki/Invasive_earthworms_of_North_America</a> xii. arrival and expansion of Asian clams (<i>Corbicula fluminea</i>), shells now abundant in sandy soils across the island (arrived in Ohio River Valley ca 1959, established in the Potomac River by 1982) xiii. Chestnut blight, was discovered in the USA in New York in 1904, arrived in Maryland by 1906, Chestnuts were historically on Plummerville Island adjacent mainland, last documented in 1934, but considered extinct there by 1935. This once dominant species of the eastern deciduous forest was mostly wiped out within 50 years. xiv. Beech blight is coming. Popkin (2019) documents a deadly beech disease is spreading in the northeast USA. There is a mature beech forest on the mainland side of Plummerville Island, near Lock 12. We will be watching for the blight here, unless the forest is cut down for the bridge construction. e. Research following climate change impacts to the ecosystems and organisms on Plummerville Island will be conflated with issues involved with disturbance from bridge construction and emplacements. References Borenstein, S. 2018. 'Windshield test' highlights big drop in flying bugs. The Washington Post -HEALTH &amp; SCIENCE (2018-09-25). Brown, J. W. 2001. 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Appendix 6, pdf. available at [https://wbfc.science/wpcontent/uploads/2019/09/plummer\\_island\\_nc\\_map\\_v1.3.pdf](https://wbfc.science/wpcontent/uploads/2019/09/plummer_island_nc_map_v1.3.pdf) Simmons R.H., Soreng R.J., Barrows E.M., Emmons L.H. 2020. Rare Flora and Natural Communities of Plummers Island, Montgomery County. Maryland. Report prepared for the National Parks Conservation Association, July 2020. Appendix 5, pdf. available at <https://WBFC.science> Vogel, G. 2017. Where have all the insects gone! Science 2 May 2017, Vol. 356, Issue 6338, pp. 576-579 <https://science.sciencemag.org/content/356/6338/576.full> 20 Appendix F: Minimum Avoidance and Mitigation Measures Needed Below are the minimum avoidance measures, design considerations, and mitigations to avoid or reduce impacts that should be made to avoid, minimize, and mitigate adverse effects to Plummers Island and the ongoing research there. These provisions should have been considered from the beginning of the MDOT-SHA project development and in the DEIS. This content comes from WBFC's April 9, 2021 Section 106 comments. No bridge alternatives were discussed in the Draft Environmental Impact Statement (DEIS), which is a major omission, and should have been presented there so that the public could have the same information to comment on. We would have certainly made DEIS comments on the bridge alternatives if any relevant information on bridge alternatives had been discussed in the DEIS. That information was lacking and clearly should have been included in the DEIS. A Supplemental DEIS has now been issued (October 1, 2021), and still no bridge alternatives are clearly delineated. Clearly there needs to be a specific focus on design changes that will reduce and avoid impacts to Plummers Island. The first obvious choice for reducing and avoiding impacts is the "no build" option. Second is the upriver bridge alternative, which should have been evaluated in the DEIS and certainly must be now before the project is advanced. Although WBFC is opposed to the American Legion Bridge (ALB) expansion, particularly with toll lanes and lack of mass transit in the design (vans and buses from a few points are not an acceptable replacement for dedicated mass transit), the following types of mitigations are necessary and non-negotiable. To protect Plummers Island and its significant historic features and attributes, the minimum mitigations follow: • Plan for major (not minor) flooding during the construction period. • Avoid obstructing natural water flow into the Plummers Island channel. • Build all the new lanes for the ALB on the upriver side of the bridge. • Build the access to and the construction platforms themselves only on the upriver side of the bridge and under the bridge. • In any case, add sound barriers to the downstream side of the bridge. • Use lane surfacing that is as quiet as possible. • Place the outflow from bridge scuppers somewhere the runoff will not enter into Plummers Island waters. • Avoid fugitive dust blowing onto the island by use of dust minimization measures including spraying. • A waste and hazardous material disposal plan must ensure off-site disposal so as not to flow to or near Plummers Island. • Provide prior notification informing WBFC of work schedules so notice can be given to researchers. • Piping of road runoff (that contains oil and salt) is a major issue; currently the main scupper drainage flows into the channel separating the island from the mainland; future drainage should avoid the wetlands including the channel. 21 • For the duration of construction, any construction infrastructure should be designed to withstand major floods (over 14 feet) not minor (10-12 feet) floods; there have been 3 moderate (12-14 feet) and 2 major floods (17-19 feet) in the past 25 years. However, even minor floods recorded at Little Falls produce major flooding in the Plummers Island channel adjacent to the bridge (see Appendix D, point 6). • Monitor during construction to ensure that construction work is not impacting the island and no construction

See response above for SDEIS Comment #29.



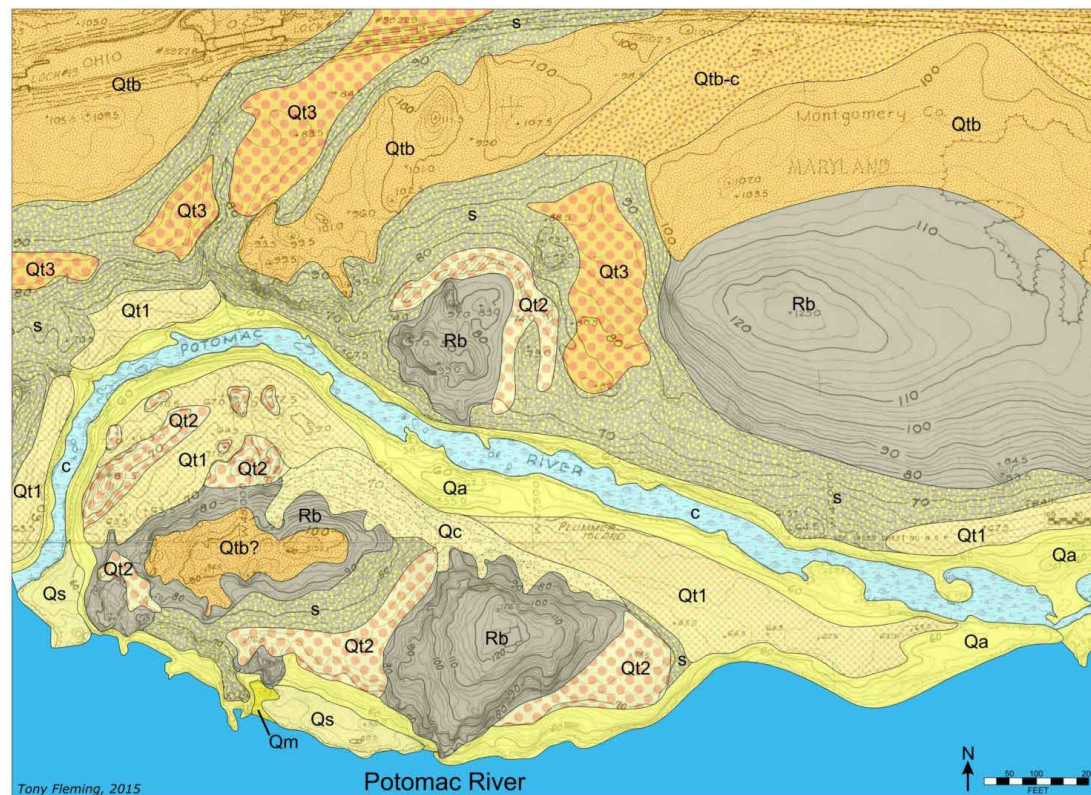
#29 Cont	<p>WBFC SDEIS Comments 30 November 2021</p> <p>workers or project personnel visit the island unless oriented and approved by the Washington Biologists’ Field Club. These requirements should be included in bidding document and contractor’s work plan as part of the environmental specifications that will be followed. • Chance find or inadvertent discovery procedures should be followed and incorporated into bidding documents and contracts. Please provide a copy for our review to ensure they meet the requirements for protection of Plummers Island.</p>	See response above for SDEIS Comment #29.
#30	<p>Appendix 3. WBFC’s concerns expressed to MDOT meeting and position on the ALB, 30 November 2021.</p> <p>Read, November 29 in our joint Teams meeting (flooding concerns added November 30 after review of MDOT maps in our Teams meeting), 2021</p> <p>This is WBFCs position on I-495-295 American Legion Bridge expansion in regard to Plummers Island:</p> <p>Avoidance of Plummers Island is essential. We discussed avoidances with MDOT strike team in early 2021. Some minimizations were made, however, Mitigation and Minimization are not solutions to our concerns.</p> <p>MDOT needs another highway and American Legion Bridge plan. WBFC supports the No Build option. We urge NPS to support the No Build Option. This MDOT carry-on-as-usual plan, as well being a threat to our 120-year long-term research project, does not account for climate change impacts or major changes in commuter patterns due to covid and teleworking. There are smarter ways to deal with traffic. This project is not supported by rigorous data and is wasteful, with minimal improvements in commuting time only after 5 to 10 year construction disruptions. And luxury-lane Tolling by the P3 is an insult to the local public, filling coffers overseas and with minimal funds funneling back to needed infrastructure at home. Expanding the American Legion Bridge laterally by 4 new lanes is the most environmentally damaging of MDOT’s alternatives to Plummers Island.</p>	<p><b>Response to SDEIS Comment #30</b></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. For a discussion of the basis for the Purpose and Need and for the Selection of the Preferred Alternative, please see related Common Theme Responses and the SDEIS and FEIS.</p> <p>Transit alternatives were considered. 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 3.6.A for a response on opposition to managed lanes or tolling public roads.</p> <p>Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.</p>

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<div>#31</div> <div>#32</div> <div>#33</div> <div>#34</div> <div>#35</div>	<div>WBFC SDEIS Comments 30 November 2021</div> <div> <div>These are our concerns:</div> <div>Beyond Section 106 and NHPA this is a 4F issue for Plummers Island. Plummers Island needs to be protected as a whole, including its riparian and wetland margins.</div> <div>The impacts that will result from current the MDOT SDEIS proposal will seriously affect all our ongoing long-term research. WBFC's core mission is treating the Island as a site for long-term monitoring of the ecosystem and biodiversity changes. Disturbance resets our 120-year record back to zero by terminating the ecosystem processes. Tree cutting, stream and land habitat disturbance will also inevitably lead to further uncontrolled proliferation of invasive species.</div> <div>Flooding: The proposed positioning of the caisson pilings in the channel is alarming. WBFC has noted three massive log jams in the last eight years in the channel: at the northwest dog-leg, and at the rock ledge crossing at the toe of the island. These jams dam the flow and back up flood waters flushing these over the low terraces of the island. The inevitable log jams forming at the caissons will predictably result in a massive river eddy that will swell above the river's tide and force a flow around the river end of the rock ridge at the west end of the island and through the ancient river side-channel directly behind the rock ridge. This flow will wash out plots 4 &amp; 5, and 3 for sure, and possibly plot 1 (one recent flood season stripped the top soil from the island up to the 66 ft contour, leaving only sandy bottom lands). Trees are falling at alarming rates along the Potomac Gorge lowlands due to dead ash trees from emerald-ash-borer, oak die off from fungus, hemlocks dying from woolly algid infestations, and beech blight (heading this way from the northeast), stresses from higher temperatures and more frequent droughts, leading to more huge logs being ferried down river by more frequent massive floods resulting from climate change. The placement of the caissons forms a perfect sieve for catching logs which are often over 30 ft long, but even shorter ones stick and pile up. What will happen with the trestles in addition to the caissons?</div> <div>In addition, we are still trying to get a clear understanding of the topographic position of the line of the LOD. The rocky ridge at the west end of the head of the island (centered at the dent in the LOD line) is a distinctive Island feature that seems to be within the LOD. Reduction/distruction of that ridge will seriously impact future flooding of the island. This ridge keeps the channel from overflowing the island at most flood stages. Unfortunately, the MDOT maps occlude/obscure these topographic features.</div> <div>Rare, Threatened and Endangered Plants and Animals: There are rare plant and animal species, and rare plant communities documented on the island including its riparian margins, both within the LOD and APE. MDOT has seen WBFC and NPS reports of these. These should be fully protected.</div> <div>Toxic Runoff: The lowest point on the ALB and nearby I-495 lanes drains into our channel and the river. Toxic runoff from the bridge needs to be treated before dumping onto the land and then into the channel and Potomac River. Salts, oil, and antifreeze which release toxic metals can no longer be dumped into NPS land and our waters. If there is a major accidental spill on this ALB drainage that waste will end up directly in the channel and river.</div> </div> <div>21</div>	<div> <div> <b>Response to SDEIS Comment #31</b> <p>Despite the extensive avoidance and minimization efforts to NPS properties around the ALB including Plummers Island, impacts to Plummers Island could not be avoided completely, but impacts have been reduced by approximately 1.6 acres. In the DEIS, the Build Alternatives had 1.9 acres of impacts to Plummers Island. Under the Preferred Alternative, approximately 0.28 acres of impact at Plummers Island would be impacted, of which less than 0.1 acres would be permanent impact and 0.27 acres would be temporary impact. Impacts to Plummers Island would be required for the ALB substructure, including permanent use for three, discrete, approximately 10-foot diameter pier foundations and temporary, construction activities. Temporary construction activities may include efforts such as excavation, access for demolition of existing bridge foundation and piers, and slope protection. Access to the existing and proposed piers is required for these activities.</p> </div> <div> <b>Response to SDEIS Comment #32</b> <p>See response to Comment #4 above.</p> </div> <div> <b>Response to SDEIS Comment #33</b> <p>The historic property boundary for the Washington Biologists' Field Club was established using the tax parcel boundary, as is standard for MDOT SHA Section 106 survey efforts. In preparing the National Register of Historic Places determination of eligibility documentation, MDOT SHA did not find character-defining features of the historic property that justified a different boundary.</p> </div> <div> <b>Response to SDEIS Comment #34</b> <p>See response to Comment #22 above.</p> </div> <div> <b>Response to SDEIS Comment #35</b> <p>Water quality treatment for the ALB is not feasible since NPS has indicated that they will not accept any SWM on their land and all the land surrounding the ALB is owned by NPS. Some alternative practices exist that may be feasible to provide some level of pretreatment of the bridge or approaches that may be incorporated into the drainage design. These practices are not approved to provide water quality credit in Maryland and may prove to be infeasible given the various site constraints during final design. However, MDOT SHA will consider use of these alternative practices on or around the ALB area within MDOT SHA ROW.</p> </div> </div>
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7B. Explanation of Geological map of Plummers Island, 2015.

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### GEOLOGIC-GEOMORPHIC MAP OF PLUMMERS ISLAND

BY TONY FLEMING, 2015

#### GEOMORPHOLOGY OF PLUMMERS ISLAND

Plummers Island consists of a series of terrace straths and intervening slopes that record the abandonment of the Bear Island terrace and stepwise incision of the Potomac River to its present channel. Dozens of cosmogenic ages along the gorge between Great Falls and Plummers Island (Bierman, 2015) indicate that the segment of the Bear Island strath between Carcerock and Plummers Island was last occupied by the river approximately 75,000 - 100,000 ybp. The presence of a series of prominent rock buttresses (map unit Rb) with near-vertical downstream faces, along with the abrupt termination of the wide Carderock segment of the Bear Island strath at the island, are strongly suggestive of a former falls, or knickpoint, at this location - similar in form to the former knickpoint postulated by Bierman (2015) to have existed at Black Pond prior to the inception of the modern Great Falls. If this inference is correct, Plummers Island and the confined section of the gorge it occupies would represent an even older knickpoint.

Remnant terrace straths and channel meanders at Plummers Island (map units Qt1 - Qt3) indicate that subsequent incision of the river to its present level probably proceeded by uniform downcutting rather than steady upstream knickpoint retreat. In this process, higher terraces were progressively cannibalized, leaving a fragmentary record of intermediate river levels.

Based on the present distribution of vegetation communities, together with soil structure and colors observed in sparse exposures, terrace soils become progressively more weathered and base-depleted higher in the landscape, reflecting progressively longer weathering. However, soil pH and nutrient availability are also strongly affected by flood frequency at any given place in the landscape; major floods deposit significant amounts of nutrient-rich, calcareous alluvium in protected places throughout the landscape, producing lateral variations in soil quality and resulting vegetation on any given strath or landform.

References  
Bierman, Paul, 2015, The incision history of the Great Falls of the Potomac River, Geological Society of America Field Guide 40, p. 1-10.

C	Intermittent river channel with long-lived pools. Alluvium interspersed with many rock outcrops. Inundated annually or more often
Qs	Sand bar. Coarse, micaceous sand, gravel, and silt; calcareous. Frequently scoured
Qm	Mud flat. Silt and clay. Frequently inundated. Waterlogged most of year
Qa	Modern alluvium. Undifferentiated sand, gravel, silt, and clay, mixed with shells. Typically calcareous with a high base saturation. Corresponds to modern floodplain; also includes extensive areas of low, frequently scoured riverbanks composed of bedrock blanketed by alluvium. Inundated annually
Qc	Colluvium. Heterogeneous mix of boulders, cobbles, and residual soil derived from bedrock, locally mixed with sand and silt from eroded terrace straths. Circumneutral, moderately base saturated. Present on most slopes; many small bodies not shown on map
Qt1	Low terraces flanking the modern river channels. Surface elevation typically 60-70 ft. Minimally eroded. Commonly covered with calcareous sandy or silty alluvium, with scattered, fluvially streamlined outcrops. Periodically inundated at approximately 5-10 yr intervals
Qt2	Terrace remnants at 70-75 ft elevation, moderately to highly dissected. Commonly veneered with weathered sand, silt, and gravel over shallow bedrock, with many fluvially streamlined rock outcrops and protuberances. Infrequently inundated. Circumneutral, with moderate base saturation
Qt3	High terrace remnants at 80-90 feet, highly fragmental and dissected. Scattered patches of moderately weathered sand, silt, and gravel with common to many protuberances and fluvially streamlined bedrock outcrops. Circumneutral to moderately acidic. Seldom inundated
Qtb	Bear Island terrace. The highest and most extensive river terrace in the area. Pervasively capped by 5-10 feet or more of weathered sand, silt, and minor gravel with scattered protuberances of bedrock. Acidic, with low base saturation. About 75,000-100,000 years old. The questionable occurrence of this terrace on the island is severely eroded and appears to be almost entirely bedrock defended. Inundated only in largest floods (100+ yrs). Qtb-c: broad, shallow channel cut into the terrace
Qtb-c	
S	Undifferentiated slopes, mostly underlain by bedrock, with scattered patches of colluvium, alluvium, and residual soil. Infrequently (elev. >70 ft) to periodically (<70 ft) inundated. Circumneutral to acidic; base saturation variable, but mostly low to moderate. Greatest where periodically inundated
Rb	Rock buttresses. Erosional remnants of former falls and gorge walls. Areas of bouldery colluvium and residual soil locally present. Composed of foliated to intensely sheared metasediments of the Sykesville Formation (early Ordovician). Acidic, typically with low base saturation. Highest areas rarely inundated (100+ year recurrence interval)

Appendix 8. SDEIS map of the Alternative 9 emplacement of the American Legion Bridge. Old bridge buttresses and piers and bridge - pink, new bridge buttresses, piers and caissons - blue, new lanes - orange, yellow line LOD.



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Appendix 9. Link to WBFC DEIS comments, November 2020. <https://wbfc.science/wp-content/uploads/2021/03/WBFC-written-Testimony-on-I-495-270-DEIS-Nov-6-2020.pdf>

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