

**I-495 & I-270 MANAGED LANES STUDY  
JOINT PUBLIC HEARING**

**Wednesday, September 14, 2022**

**6:30 PM to 9:30 PM**

**Virtual/Online**

**ANDREW BING:** Good evening. I am Andrew Bing with the Maryland Department of Transportation State Highway Administration, abbreviated MDOT SHA. Today is the second of two public hearings that the US Corps of Engineers, or Corps, and Maryland Department of the Environment, or MDE, will be conducting for the I-495 & I-270 Managed Lanes Study Joint Permit Application, or JPA and 401 Water Quality Certification, or WQC. I will be the Hearing Moderator and am responsible for running this evening's public hearing. This evening's hearing is being held jointly by the Corps and MDE. On behalf of these agencies, I welcome you.

The purpose of this hearing is to provide members of the public the opportunity to present views, opinions, and information that would be considered by the Corps and MDE in evaluating the JPA and 401 WQC for the project. Today, I will provide a brief description of the Managed Lanes Study and the aquatic resource impacts documented in the JPA and mitigation proposed to offset those impacts. I will introduce the panelists and identify ways for you to comment on the JPA and the 401 WQC. MDE and the Corps will then give statements on behalf of their agency. Finally, I will review the hearing procedures and invite attendees to provide testimony.

On I-495, the project consists of adding two new, high-occupancy vehicle toll managed lanes in each direction from the George Washington Memorial Parkway to west of MD 187. On I-270, the project would convert one existing high-occupancy vehicle lane in each direction to a high-occupancy vehicle managed lane and add one new, high-occupancy vehicle managed lane in each direction of I-495 to 370 and on the I-270 east and west spurs. The project also includes full replacement of the American Legion Bridge, onsite and offsite stormwater management, and park mitigation.

I will now read the description of impacts to Waters of the U.S., regulated by the Corps, and wetlands, wetland buffers, waterways, and floodplains regulated by MDE. Unavoidable aquatic resource impacts regulated by the Corps include:

- 14.67 acres and 40,186 linear feet of permanent stream impact;
- 7.42 acres and 2,353 linear feet of temporary stream impact;
- 3.41 acres of permanent wetland impact, and
- 0.63 acres of temporary wetland impact.

Unavoidable aquatic resource impacts regulated by the MDE include:

- 14.21 acres and 37,981 linear feet of permanent stream impact;
- 7.41 acres and 2,300 linear feet of temporary stream impact;
- 3.51 acres of permanent nontidal wetland impact;
- 0.48 acres of temporary nontidal wetland impact;
- 6.26 acres of permanent 25-foot wetland buffer impact;
- 0.41 acres of temporary 25-foot wetland buffer impact;
- 24.21 acres of permanent 100-year floodplain impact; and
- 7.42 acres of temporary 100-year floodplain impact.

Through the initial draft phases, the applicant, in coordination with the Corps and MDE, minimized and avoided resource impacts. Still, the proposed work would result in losses of approximately 3.5 acres of nontidal wetland and 7,511 functional feet of streams.

Mitigation to offset impacts to the proposed work that I described in Maryland is approximately 4.2 acres of wetland mitigation and 7,511 functional feet of stream mitigation. Two permittee responsible mitigation sites have been identified to offset the losses in addition to purchase of mitigation credits from mitigation banks. Construction of the proposed wetland and stream mitigation sites would temporarily impact 0.82 acres of nontidal wetlands and 12,000 linear feet of nontidal stream channel. The permittee responsible mitigation work, as proposed, would result in the restoration of 5,870

functional feet of stream channel and 4.38 acres of nontidal wetlands. The remaining mitigation will be purchased from approved mitigation banks within the region. The mitigation requirement in Virginia is 472 linear feet of streams, which will be satisfied through purchase of credits from an approved mitigation bank in Virginia.

I will now introduce representatives of MDE and the Corps who are in attendance for this evening's hearing:

- Amanda Sigillito, Chief of the Nontidal Wetlands Division of the Maryland Department of the Environment;
- Bill Seiger, Chief of the Waterway Construction Division of the Maryland Department of the Environment;
- Danielle Spendiff, Chief of the Regulatory and Customer Service Division of the Maryland Department of the Environment;
- Joseph DaVia, Chief of the Maryland Section Northern of the US Army Corps of Engineers, Regulatory Branch, Baltimore District; and
- Nick Ozburn, Senior Project Manager, US Army Corps of Engineers, Regulatory Branch, Baltimore District.

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

**AMANDA SIGILLITO:** Hello. My name is Amanda Sigillito, Chief of the Nontidal Wetlands Division at the Maryland Department of the Environment (the Department or MDE). I am the Panelist representing the Department at this public informational hearing for the I-495 & I-270 Managed Lane Study, Alternative 9 – Phase 1 South, Joint Permit Application and Water Quality Certification request. Attending the hearing with me from the Department are Bill Seiger, Chief of the Waterway Construction Division, and Danielle Spendiff, Chief of the Regulatory and Customer Service Division. The Department appreciates both your interest and participation in the public comment process.

It is the responsibility of the Department to evaluate applications that propose impacts to nontidal wetlands, the nontidal wetland buffer and waterways, including the 100-year nontidal floodplain. The Department's authority is found in Subtitles 5 and 9 of the Environment Article. Each application received through our regulatory program has specific and unique issues and impacts that must be considered in relationship to weighing the potential benefits and detriments of the project. The Department is neither a proponent nor opponent of any project.

We are here this evening in the context of the Department's review of the Joint Permit Application and Water Quality Certification request for the I-495 & I-270 Managed Lane Study, Alternative 9 – Phase 1 South project, which proposes impacts to nontidal wetlands, the nontidal wetland buffer and waterways, including the 100-year nontidal floodplain. The Department is seeking from Hearing participants your perspectives, views and concerns about the project, specifically, as they relate to the Joint Permit Application and the water quality certification request. Public input is not only part of the administrative process for permitting; it is also essential to making well informed and thoughtful decisions.

This public informational hearing is being conducted pursuant to Subsection 5-204 of the Environment Article and Code of Maryland Regulations 26.23.02.02, 26.17.04.13, and 26.08.02.10. The purpose of this public informational hearing is to provide the applicant with an opportunity to present an analysis of impacts that may be associated with the proposed activity. The regulations provide applicants for permits before the Department and any interested persons, an opportunity to present facts and make statements at the public informational hearing for or against granting a permit or certification. It is not necessary to read a statement to make it part of the official record. Written comments will also be accepted and receive the same consideration as any oral statement. In fact, for accuracy, if you have a letter to read into the record, I suggest you also provide us with a copy of the letter when you finish. Please note that the formal hearing record will remain open until Thursday, September 29, 2022.

This public informational hearing is for the Nontidal Wetlands and Waterways Permit Application No. 20-NT-0114/202060649 and WQC request No. 22-WQC-0023 submitted by the Maryland Department of Transportation State

Highway Administration for the proposed construction of managed lanes along the I-495 and I-270 corridors in Montgomery County.

Please note that when the Department issues its decision on the permit application and the WQC, the accompanying information will be sent to the interested persons list, as well as to the applicant. Additionally, the WQC, Water Quality Certification decision will also be published in the Maryland Register. The Department's decision will be a final agency determination; there will be no further opportunity for administrative review. Any person withstanding, who is either the applicant or who participated in the public participation process through the submission of written or oral comments, may petition for judicial review in the Circuit Court. The petition for judicial review must be filed within 30 days of the publication of the permit decision.

At this time, I will turn the proceedings over to Mr. Joseph DaVia of the U.S. Army Corps of Engineers.

**JOSEPH DAVIA:** Thank you, Amanda. Good evening, ladies and gentlemen. My name is Joseph Davia, and I am the Chief of Maryland's Northern Section in the regulatory branch of the US Army Corps of Engineers, Baltimore District. With me here today from the Corps is Nick Ozburn, who is the Corps regulatory project manager and point of contact for this application. We welcome you to this Corps and MDE Public Hearing on the I-495/I-270 Managed Lanes Project.

I would like to thank the Maryland Department of Transportation State Highway Administration for providing the location and support services to allow us to hold this virtual public hearing. And thank you for participating in our regulatory review process.

At this time, I would like to recognize the offices of federal elected officials in attendance this evening: Representatives from Senator Van Hollen's and Senator Cardin's Office.

It is the responsibility of my office to evaluate applications for Department of the Army permits for any proposed work in Waters of the United States, including wetlands. The Corps authority is found in Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors act.

Each application received through our regulatory program has specific and unique issues and impacts that must be considered in relationship to weighing the potential benefits and detriments of the project. Please note that the Corps is neither a proponent nor opponent of any project.

The purpose of today's hearing is to inform you of this project and allow you the opportunity to provide comments to be considered in our Corps regulatory public interest review of the proposed work. This public hearing is for you to provide comments on the project, and the Corps and MDE will not be responding to comments.

In compliance with the National Environmental Policy Act, the Federal Highway Administration, the lead federal agency for the project, in cooperation with the Corps and other cooperating agencies, has issued a Final Environmental Impact Statement and Record of Decision for the proposed project. Further, at the conclusion of the Corps review process, the Corps will be preparing a Statement of Findings and Record of Decision for the project in which your comments will be included and addressed. Your comments are important in the preparation of this document and in our evaluation of the permit application.

The decision on whether or not to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest and compliance with the Clean Water Act Section 404(b)(1) guidelines. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which may reasonably be expected to accrue from the proposal, will be balanced against its reasonably foreseeable detriments.

All factors that may be relevant to the proposal are considered. Among these are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; floodplain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; threatened and endangered species; environmental justice; cumulative impacts; considerations of property ownership; and, in general, the needs and welfare of the people.

The comment period for this project extends to September 29, 2022. Comments received today, at the in-person hearing on September 8th, and throughout the comment period will be considered. The time required to reach a Department of the Army permit decision is dependent upon necessary coordination of concerns with resource agencies, and careful evaluation of all substantive comments, and ensuring statutory requirements are met.

Again, thank you for attending this public hearing and participating in the Corps regulatory review process.

Andrew, back over to you.

**ANDREW BING:** Thank you, Joe. There are multiple ways to comment on the JPA and WQC. You can provide oral testimony at this public hearing or send an email or written letter to the US Army Corps of Engineers, Baltimore District or MDE Wetlands and Waterways Program. Details on ways to comment can be found on the Op Lanes Maryland website by visiting the JPA page at [oplanesmd.com/jpa](http://oplanesmd.com/jpa).

Comments must be received before 11:59 PM on September 29, 2022.

ALL COMMENTS received, whether at the hearing through oral testimony or through other methods (email and letter) will be given EQUAL CONSIDERATION.

Today's joint public hearing is being audio recorded. The official transcript of the public hearing testimony will become part of the project record and will be available for public review on the Op Lanes Maryland website. Agency representatives and I will be listening to all testimony and will not be answering questions or responding to any comments made during the hearing. You can view the live stream of the hearing testimony online at [oplanesmd.com/jpa](http://oplanesmd.com/jpa). If you are watching the live stream of the hearing and are interested in providing live testimony, please call 855.925.2801 and enter access code 4331. Please listen to the entire welcome message, press the star key when prompted, and press 3 to enter the speaker queue.

Again, the purpose of this public hearing is to allow interested parties to provide public comments on the JPA and WQC.

My role as the Hearing Moderator is to run a professional and orderly joint public hearing. I understand how important the issues are related to the JPA and WQC and I take my role as Hearing Moderator seriously. I am committed to providing members of the public an opportunity to provide comments in an organized, fair, professional, and orderly manner. We look forward to hearing your perspectives on the proposed project, but please be courteous of all speakers and understand that offensive or profane language will not be allowed.

Panelists are interested in hearing comments about the JPA and WQC from all interested individuals. Please remember that we are recording this hearing, speak directly and clearly into the microphone, and provide your full name, address, and any organization you may represent.

To ensure all will be heard, there will be a three-minute time limit for public testimony and a five-minute time limit for elected officials and a group representative. The time will start after you introduce yourself. A single tone will sound when there are 30 seconds remaining, a double tone will sound when you have 10 seconds remaining, and at this point, you should wrap up your testimony. As the Hearing Moderator, if you are unable to conclude your comments at the end of your time period, I will end the call and move on to the next person in the queue.

Just a couple quick reminders before we go to the members of the public to get testimony. As I mentioned, elected officials will receive five minutes. We are also, as a courtesy, allowing a representative, who's representing a group, to also receive five minutes. If there are multiple members of the same group, the first person representing that group will receive the five minutes and each subsequent person will receive three minutes. Just wanted to make sure that was clear. I also wanted to let everyone know that if you are watching the live stream, due to a 20- to 30-second delay between the live stream and live testimony by phone, you need to mute your computer speakers while providing or listening to the hearing testimony to prevent feedback. Again, if you're providing testimony over the phone, mute your speakers on the live stream or else it'll cause a distraction for you as well as for us.

But this time, I am gonna call in the first person to provide comments. We're gonna go in the order that, that people signed in and that they were given to me in the speaker queue. So, the first person, I'm going to actually read five names, just so you can be prepared. And then I'm gonna come back to the first person. So the first five people we have are Tony Hausner; Judith Cline; Stephen Courtien, who's representing the Baltimore DC Metro, Metro Building Trades Council; Carolyn Randall; and Linda Rosendorf.

At this point, I'm gonna come to Tony. Tony after the automated message, please state your name, spell your name, and provide your address for the record.

**TONY HAUSNER:** This is Tony Hausner. T-O-N-Y H-A-U-S-N-E-R. And I live at 203 Brewster Avenue, Silver Spring, Maryland 20901. That's in the Indian Spring neighborhood, which is right next to the Beltway. Do I proceed with my testimony?

**ANDREW BING:** Yes, go ahead please.

**TONY HAUSNER:** Okay. I urge the Army Corps of Engineers to reject, reject the Joint Permit Application for this I-49, 495 I-270 toll lane project. I'd like to address the future and cumulative impacts of this project. The Maryland Department of Transportation (MDOT) stated in the Joint Permit Application and in the Final Environmental Impact Statement that they scaled back the project. And in the result, they've had substantially eliminated impacts to parks, waterways, wetlands, forests, and impacts on homes and business. However, this greatly understates the impacts of this project. On the opening page of MDOT's Op Lanes website for the project, MDOT presents a map showing the future phases of this 495 270 toll lane project. That shows that in the future, MDOT plans to extend the toll lanes on the Beltway from the I-270 spur through Silver Spring and Prince George's County, all the way to the Woodrow Wilson Bridge.

In fact, MDOT's Virginia Department of Transportation and the Federal Highway Administration have already begun a study to add toll lanes to I-495, starting in Springfield, Virginia, and extending into Prince George's County up to Maryland Route 210. Moreover, we know that a bottleneck will be created on the Beltway with the toll lanes and near old Georgetown road. This problem has been highlighted in comments by the Maryland-National Capital Park and Planning Commission submitted for the Supplemental Draft Environmental Impact Statement. This new bottleneck will create pressure to pursue the future phases of the project. The map on MDOT's website and this study for the Beltway expansion in Prince George's County show that MDOT did not eliminate the more extensive environmental impacts. Instead, they've only postponed them. As a result, the Army Corps of Engineers must consider those future and cumulative impacts now, as you consider this permit application. Finally, I want to comment on the design of the toll lanes on I-270. Under the Preferred Alternative, an existing lane in each direction of I-270 would be converted into a toll lane. This would crowd drivers using the general purpose lane. This might be profitable for Transurban, but it makes congestion worse for those who cannot afford or do not want to pay tolls. The Army Corps of Engineers should not grant a permit for this toll lanes. Thank you.

**ANDREW BING:** Okay. Thank you, Mr. Hausner. Before we go on to our next person, I've been told that we have some people who have been trying to get into the speaker queue, but so far have been unsuccessful. So I just want to provide detailed instructions so that everyone has the same opportunity to provide testimony. What you need to do is call the

number, which is (855) 925-2801. You then, when prompted, will enter the access code, which is 4, 3, 3, 1, and then press pound. You must listen to the entire welcome message. Once the welcome message ends, you'll hear, "For more options, press star." Press the star button on your phone. You'll hear the menu options. You're gonna press three to enter the speaker queue, and that's how you will get into the speaker queue. And again, we will go on a first come first serve basis.

At this point, we're gonna go to our next person, who's Judith Cline. After Judith will be Stephen Courtien. Judith, after the automated message, please state your name and spell your name and provide your address for the record.

**JUDITH CLINE:** Hi, good evening. My name is Judith Cline, C-L-I-N-E. And I live at 23 Hawthorn Court in Rockville, Maryland. The Woodley gardens neighborhood of Rockville. I'm very much opposed to the toll lane project and have grave concerns about the impact of a new toll-lane-only access that will be created from Gude Drive onto I-270. The area involved to construct this new access has valuable park and playground land around the Rockville Senior Center, as well as waterways that lead into Watts Branch. Prevailing west winds will contain construction particulate matter into all the neighborhoods east of I-270. These neighborhoods are filled with young, growing bodies and a middle school with children whose health will be impacted by the construction. Just today, the Guardian detailed the study from the Penn State College of Medicine correlating the impact of traffic and air pollution and irregular heartbeats, which leads to cardiac arrest among teenagers. I urge you to read this article and think about the future of our environment. We can make better choices. Thank you for listening.

**ANDREW BING:** Thank you very much for your comments. We're gonna go to the next person in our queue. That'll be Stephen Courtien with the Baltimore DC Metro Building Trades Council. After Stephen will be Carolyn Randall. Stephen, after the automated message, please state your name and spell your name and provide your address for the record.

**STEPHEN COURTIEN:** Stephen Corian, S-T-E-P-H-E-N C-O-U-R-T-I-E-N. President of the Baltimore DC Metro Building Trades Council. 5829 Allentown road, Camp Springs, Maryland 20746. I-495 I-270 project.

**ANDREW BING:** Let me interrupt you before you get going. Stephen, you will have, you will have five minutes. So, go ahead.

**STEPHEN COURTIEN:** Yeah, I don't think I'll need it but thank you very much. The I-495 I-270 project is a key project for the region. It addresses regional economics, equity, and our aging infrastructure. This project will reduce delays by 38%. We have many members that live in Western Maryland and have to travel this stretch of highway every day and have to sit in traffic, leave work, leave earlier to ensure that they're able to get to their job sites on time. And arrive home later and later. These workers don't have the option to use Metro either because it is unreliable or Metro is not accessible from where they live at their job site or at their job sites, or is not operating at the time when they need to leave. The impact of this, of impact of the sensitive resources have been sharply reduced as a result of the feedback from local agencies to Maryland Department of Transportation. Thank you very much.

**ANDREW BING:** Okay. Thank you for your comments. Our next speaker will be Carolyn Randall. After Carolyn will be Linda Rosendorf. Carolyn, please state your name, spell your name and provide your address for the record.

**CAROLYN RANDALL:** Hello, my name is Carolyn Randall. My address is 7617 Warbler Lane in Rockville, Maryland. I think that's all I need, right?

**ANDREW BING:** Yep. You're good. Go ahead and provide your testimony.

**CAROLYN RANDALL:** Okay. I am testifying this evening as part of a group opposed to the approval of this project. It is our opinion that the public has not been sufficiently informed about what this project will actually do and the effect it will have on traffic, as well as the conditions in the contract that are contrary to the interest of the taxpayer. As such, we have emailed over 200 friends, talked to many others about what they are aware of. I asked them to tell me yes or no about

their awareness of the following statements. Number one, the project will convert up to five or six lanes on 270 from the I-370 interchange south of the I-270 spur to create four high-occupancy toll lanes (or HOT lanes) and their shoulders and merge lanes, which we can't forget. To have room, they will convert five general purpose lanes that were added in 2017 to address the congestion that was there.

The 2017 project worked. There is no longer serious congestion during rush hour. The average speed being between 45 and 60. By turning five existing lanes into toll lanes, we will be returning to the pre-2017 status back to the congestion we have then, had before, that project was completed. That's the first one.

Number two. The current HOV-2 lanes active during rush hour will, will exist, but they'll be changed to HOV-3, 24/ 7, 7 days a week. This will result in the loss of another general purpose lane during non-rush hour and force more congestion, encouraging divers to give up and take the toll road.

Number three. The project is a P3 and as such, the private company performing the construction, which is Transurban, will keep all the tolls collected for a period of 50 years. Essentially, none of the money will re, be-turned to the taxpayers. The initial toll for the 270 lanes will be well over \$4 a mile during peak congestion, which is rush hour. If the tolls collected do not meet the minimum expected for the contract, we believe the state of Maryland and the taxpayers must pay Transurban the difference. In Virginia, if the HOV use is over a set limit, the state pays Transurban for all the HOV trips over the limit. We think that that will be in Maryland's contract too. If so, the public has been misled by Governor Hogan and MDOT, who had maintained there would be no cost to the taxpayers. This project basically monetizes congestion. It ensures that there is congestion so the drivers will opt for the toll lanes more frequently. The result of this ensured congestion will be more unnecessary air pollution from the vehicles that will be part of that backup. Of the 200 people I polled about their knowledge, only two people responded that they knew all three statements and another two responded that they knew one of the three statements. Every one of the other respondents said that they heard the project but did not know any of the information I presented and had no idea of the extent of the negative impact it will have on traffic. Thank you very much.

**ANDREW BING:** Okay. Thank you very much. Our next speaker is gonna be Linda Rosendorf, but I am gonna read the names of the five speakers that will come after Linda, just so they can be prepared. After Linda will be Polly Sherard, Arlene Montemarano, Elliott Levine, and then a speaker with the last four digits of their phone number 1404, and then Sally Stolz, just so you five can be prepared that you, you are coming. So, as I mentioned, we are going to hear from Linda Rosendorf. Linda, after the automated message, please state your name, spell your name, provide your address for the record. Thank you.

**LINDA ROSENDORF:** Good evening. My name is Linda Rosendorf, L-I-N-D-A R-O-S-E-N-D-O-R-F. I live in Rockville at 255 North Washington Street. I am speaking this evening in opposition to the Maryland Department of Transportation's proposed project to add four private toll lanes to I-495 and I-270. The project would turn public land over to private investors. This ill-conceived plan poses a significant threat of environmental damage and financial risk to our State and communities. I will address four issues on why this plan will negatively impact the public interest.

One. The proposed toll rates are exorbitant. Tolls will deliberately be set high to guarantee profits for company stakeholders. The toll rate could reach over \$5 a mile and will continue to escalate every year for the 50 years of the contract. Importantly, high-price toll roads are inequitable and exacerbate economic injustice. Such high tolls favor wealthy commuters and are too expensive for average drivers.

Number two. The project will have significant permanent harmful environmental impacts on parks and wetlands, will endanger waterways and forests, and increase greenhouse emissions and air and water pollution.



Three. The highway widening with disrupt large underground water and sewer lines and other buried utilities. The high cost of utility relocation will be a government expense as well as increased consumer rates.

And finally four. Rather than reducing traffic congestion, this project would take away free lanes and increase the number of cars in toll free lanes. It would create new bottlenecks and could move traffic into congested side roads or local neighborhood streets. In conclusion, this plan is not in the public interest. Good government demands that full fiscal environmental and social impacts of this project be determined before locking into a long-term exclusive contract. Thank you.

**ANDREW BING:** Okay. Thank you very much, Linda. Next we're gonna hear from Polly Sherard. After Polly will be Arlene Montemarano. Polly, after the automated message, please state your name, spell your name and provide your address for the record.

**POLLY SHERARD:** My name is Polly Sherard and my address is 7727 Groton Road, Bethesda. My name is spelled P-O-L-L-Y S-H-E-R-A-R-D. I urge the Army Corps of Engineers to deny the Joint Permit Application for the I-495 I-270 toll lanes. This project will cause substantial harm and it will ultimately not address congestion. Yesterday, the UN Secretary General said, and I quote, "The world is heading into an uncharted territory of destruction to our failure to cut greenhouse gas emissions and take the action needed to stave off catastrophe." And yet, here we have a plan to add toll lanes when there are less harmful solutions to traffic congestion. Toll lanes won't fix the problem. According to MDOT's own traffic analysis, those of us using the non-toll lanes during evening peak rush from the GW Parkway to Gaithersburg will have a longer commute if the toll lanes are built. In fact, it will take nine minutes longer to travel this stretch. Only those who can pay to use the toll lanes will benefit.

So, after enduring five or six years of putting up with road construction delays and damage to the environment, we're rewarded with the worst commute. You can see this for yourself on Transurban's toll lanes in Virginia. My husband and I often take 495 to 95 to Richmond. We're consistently stuck in bumper-to-bumper traffic. A trip that should take two and a half hours can take from three to five hours, even with the toll lane, because when they ultimately merge with the general purpose lanes, the backup can be endless.

We live in one of the neighborhoods close to the Beltway. My community will be harmed by the increase in noise, air, and water pollution, which studies show will be consequential. For one, the added lanes will substantially increase stormwater runoff, much of which will flow untreated into nearby streams. And though MDOT mentions mitigation a lot in their handouts, I couldn't find one word about how they plan to mitigate here in our own community. There are other solutions. Mass transit, reversible lanes, and traffic management could relieve congestion without creating disparities between those who pay for tolls and those who can't, and without the mayhem on our environment this project will impose. In closing, it appears the primary beneficiary of the toll lanes is Transurban. I urge you to deny the Joint Permit Application and ask MDOT to go back and consider other options. Thank you so much.

**ANDREW BING:** Okay. Thank you very much. Just a couple quick announcements. We do, again, still have some people who are in the queue. I should say, yeah, in the, in the queue, but haven't actually gotten into the speaker queue and I know that can be frustrating. So, hopefully you all can hear me. And what I want to let you know is what you need to do if you're in the queue, and can't kind of get to the speaker queue, is hit the star button. After you hit the star button, you'll hear the menu of options. You're gonna press the number three and then you will enter the speaker queue. So hopefully that will clear that up. I also want to remind people that when there's 30 seconds remaining, you'll hear a single tone. And when there's 10 seconds remaining, you'll hear a double tone. And that just can guide you to try to wrap up your comments. So, at this point, we're gonna go to Arlene, Arlene Montemarano. After Arlene will be Elliott Levine. Arlene, please state your name, spell your name, and provide your address for the record.

**ARLENE MONTEMARANO:** Hello. My name is Arlene Montemarano, A-R-L-E-N-E M-O-N-T-E-M-A-R-A-N-O. My address is 9704 Lawndale Drive, Silver Spring, Maryland. I live in the community of Indian Springs. I'm here to urge the Army Corps of Engineers to deny the Joint Permit Application for the I-495 270 toll lanes. The Clean Water Act requires that the Army Corps of Engineers determined that the project being taken, undertaken is the least environmentally damaging practical alternative, but there were other less environmentally damaging practical alternatives that the Maryland Department of Transportation did not consider. In particular, I want to highlight the failure to consider policies to increase telework. Lanes in the study of traffic in the region during the pandemic in 2020, the Maryland Transportation Institute reported that a 5% increase in telework during peak periods would reduce traffic congestion by 32 to 58%.

And we are seeing that a very small reduction in the number of vehicles in the road during rush hour would substantially reduced congestion, yet MDOT dismissed telework stating that commuting trips only made up to 20% of daily travel, not 20% of rush hour trips, but 20% of all trips in a day. And that failed to report what share of rush hour trips are commuting trips, but it's no doubt much higher than the 20% as it is time when most people are traveling to and from work. Telework incentives combined with the expansion of the MARC train, as well as proposed bus rapid transit lanes could be implemented with much less damage through our environment. In addition to failing to consider better, less harmful alternatives, MDOT has failed to provide the public with a financial analysis showing whether taxpayers will be forced to pay subsidies to Transurban, as is often the case for public-private transportation projects. Instead, MDOT is relying on assurances from Transurban that their financial analysis shows that subsidies will not be needed. This is a failure of due diligence that puts taxpayers at risk for 50 years. I urge you to deny the permit for this project. Thank you.

**ANDREW BING:** Okay. Thank you for your comments. We're going to go to the next person in the speaker queue, which will be Elliott Levine. After Elliott will be a caller who all I have is their last four digits of their phone number. That's 1404. So, Elliott after the automated message, please state your name and spell your name and provide your address for the record.

**ELLIOTT LEVINE:** My name is Elliott Levine, spelled E-L-L-I-O-T-T L-E-V-I-N-E residing at 7213 Old Stage Road in Rockville. I've reviewed portions of the FEIS and found the data to be misleading and deficient in places and urged the Army Corps to reject the water permit until a more rigorous analysis is performed and environmental impacts can be truly validated. Regarding the Purpose and Need required by NEPA, this has always been a commuting problem. We are at the tail end of COVID. Traffic has not rebounded to anything close to pre COVID commuting levels. Even the push towards hybrid work environment, there is no validity to the basis that commuter-related congestion will ever return to former levels. In fact, WTOP yesterday had a clip saying that building occupancy is only at the 36 to 42% level.

So, just what is the basis for MDOT's VMT models? Regarding needs, NEPA requires that alternatives be described. The FEIS and all documents preceding it have never had a serious consideration of alternatives. From the project's inception, all alternatives such as reversible lanes and removal of a local median separation at I-270 between local and other lanes were discarded out of hand. It seems was always a filter that if it didn't, if it, it, it always came back to what's currently the preferred solution and all others were rejected. Regarding air pollution and GHG analyses, these were insufficiently analyzed. The FEIS says that under the Preferred Alternative GHG pollutions expected to decline compared to existing conditions, despite VMTs increasing. Their basis seems to ignore the increased traffic created by induced demand to the higher emissions from the backups in the free lanes and ignoring the increased emissions in the arterials leading to and from the expressway.

The FEIS also states that it, that the hot lanes will not impede Maryland's ability to meet GHGs emission reduction goals. Shouldn't they also consider the other increased emissions that the project will create in the free lanes and the arterials as well? Lastly, the tree and canopy removal – they claimed there's been a reduction from the original concept that only 455 acres of trees are going to be taken. This isn't due to any mitigation, but it's simply re, simply that this is all that's needed for the first phase. They acknowledge they might not be able to find one-to-one offsetting land locally, and they

have to offset the impact by replacing mature trees with new. It's clear that this canopy forest removal will have concomitant effects on habitat, wildlife, and stream runoff. For that reason I urge, I urge, I urge to [INAUDIBLE] as currently conceived. Thank you for listening.

**ANDREW BING:** Okay. Thank you for your comments. Our next caller has the last four digits of 1404, their phone number. After that person will be Sally Stolz who's representing Don'tWiden270.org. Caller with the last four digits 1404, please come on and state your name and spell your name and provide your address for the record.

, are you able to hear me?

**ANDREW BING:** Yes, we are. Welcome. And if you could just state your name and spell your name and provide your address, and then you'll have three minutes.

Wonderful. Thank you. My name is Dr. Shannon brown, S-H-A-N-N-O-N B-R-O-W-N-E. I'm testifying as a private citizen, who is a certified wildlife biologist and a daily commuter across I-95. I live at 1429 Mayflower Drive, McLean, Virginia, 22101. Thank you for allowing me to testify tonight as a private, thank you for allowing me to testify tonight as a private citizen in pursuit of halting, halting the development of the 495 270 toll roads, as I would like to represent those who can't speak for themselves. Specifically, one unique bat species in our area, called the tricolor bat or *Perimyotis subflavus*. The tricolor bat is a small mammal and weighs as little as a few pennies but is capable of true flight with amazing acrobatic capabilities that leave our F-16 fighter jets in the dust. Lift and thrust capabilities are extremely challenging due to defined gravity, requiring huge amounts of energy and oxygen, and also needing to recover from daily to structural damage, thus requiring a superb ability for recovery, which requires an amazing immune response and circulatory system.

And to think that these tiny creatures are capable of this while receiving all the energy they need from eating insects, rather than burning fossil fuels. We have a lot to learn from these bat species. Add to that, that they make a three-dimensional map to interpret their environment around them using echo location. In other words, they scream out of their mouths. This high frequency, 10 times greater than a frequency than human ears can detect. They wait for the echo from the sound waves to return their ears and use their ears to listen for the timing of when they reach each ear. They do this over 200 times per second, to learn the information around them, such as a potential insect that they might want to use the energy to hunt in front of them. Is it economical to them or not? So their brains are these tiny, super computers, as well as their immune systems, circulatory systems, and more. There are these amazing creatures that weigh around a few pennies. And most of our neighbors don't even know they live here much less at nine other species in the DMV area live here as well.

So focusing just on the tricolor bats, these bats are super special because of their unique ecology. They're living in a hundred percent living trees, unlike our other species that are currently listed as threatened or endangered. These species live in a hundred percent living trees. These are the same kinds of trees that are around the 495 270 corridor. I have personally detected them on my detectors right around the 495, 2 70 corridor where the MCPS bus Depot is. And when I evaluate my detectors, when I evaluate the activity of tricolor bats in all of the sites that I've evaluated from Virginia to Delaware, their highest activity levels are right at that bus Depot at 495 and 270. So imagine my surprise when we want to remove those trees, right around 495 and 270,

**ANDREW BING:** We need you to wrap up your testimony so I can move on to the next person.

Absolutely. So, we need to do everything we can to protect the special habitat, all along 495 and 270 corridor because these are very unique species. And the habitat right there is especially needed for mating and their area, their population sizes are decreasing so much. They're about to be listed by US Fish and Wildlife Services as endangered. So, let's try to protect them before they become extinct.

**ANDREW BING:** Thank you, Dr. Brown. We're now gonna move on to Sally Stolz representing Don'tWiden270.org. After Sally will be Rebecca Batt. Sally, after the automated message, please state your name, spell your name and provide your address. And you will have five minutes.

**SALLY STOLZ:** Thank you. I am Sally Stolz and tonight I'll just speak as a private citizen and I'll be submitting more Don'tWiden270 written testimony after tonight. So, thank you. My name is Sally Stoltz, S-A-L-L-Y S-T-O-L-Z. I live at 5 Lochness Court, Rockville, Maryland 20850. This project is not in the public interest. Whatever good it might achieve would be far outweighed by its negative impacts. I will talk about the very questionable claim by MDOT that the project will be delivered at no cost to taxpayers. To begin, I wish to point out that the project is still embroiled in a lawsuit being waged by the losing bidder, Centra, which has accused the Australian toll road company, Transurban, and its financial partner, Macquarie, two of the three companies that make up Accelerate Maryland Partners, of using unrealistic construction figures in their bid.

The third company, a construction company backed out before the AMP bid was submitted. The charge of AMP using unrealistic construction costs seems to be very credible given that MDOT has not succeeded in finding a new construction partner after their original one backed out. One could assume that the difficulty in finding a new construction partner is related to the unrealistically low construction cost in their bids. Transurban has embroiled in legal conflicts with other projects in which it was unwilling to pay for expenses that arose, which were related to problems of which it had fore knowledge. The gateway tunnel in Yarraville, Victoria Australia is an example of this. Transurban knew it would need to dispose of contaminated soil, but claimed its contracts lay the burden of paying for its disposal on the government. Details will be in my written testimony. The outcome of Centra's lawsuit may make it clear by how much Transurban has underbid these costs. There are many unknowns and all of them add tremendous fiscal risk to Maryland taxpayers and the general public.

Another reason for the large probability of this not being in the public interest is that when the design contract with AMP got approval from the Board of Public Works by a vote of two out of three, the dissenting vote was from our State Treasurer, Nancy Kopp. Treasurer Kopp had requested a hundred thousand dollars for a detailed financial review of the contract. Governor Hogan refused to approve that expenditure. One wonders what Governor Hogan was afraid of. Would the financial review reveal that the contract did not serve Maryland taxpayers? Shouldn't a contract which leads to a multibillion dollar project be analyzed by experts in the field of this type of contract? Don't the Purple Line contract disaster, doesn't it inform us that MDOT's lawyers are no match for high-paid private sector lawyers who specialize in these contracts? Lastly, MDOT has promised to provide an independent financial value for the money analysis. It's been five years since Governor Hogan announced, and MDOT has still not produced this analysis. For these and many other reasons, please do not approve this project's water permit. There are too many unknowns and what we do know is that the project is not in the public interest. Thank you.

**ANDREW BING:** Okay. Thank you. We're gonna go on to Rebecca Batt, but I do want to just announce the next names in order, just so people can be prepared. So, as I said, we will next go to Rebecca Batt, then Hannah Wald, then Ellen Ryan, then Spencer Hines, and then Oona Schmid. After Oona Schmid, we may take a short break, about a three-minute break and then come back. I do want to announce some other names that are in the queue, just so you know, you're there: Ann Smith, Jeanne Braha, Denisse Guitarra, Evelyn Pesantez, and then a caller with the last four digits of 7134 are the ones I see on my screen right now. So, we do have several callers. We have plenty of time tonight to hear from everyone. So, at this point, we're gonna go to Rebecca Batt. Rebecca, after the automated message, please state your name, spell your name and provide your address.

**REBECCA BATT:** Good evening. My name is Rebecca Batt, B-A-T-T. I live at 745 Anderson Avenue in Rockville, which is quite close to 270. There are seven lanes of traffic on 270 in each direction near my home and the traffic moves briskly at all times. It moves briskly at all times. The plan to widen 270 in the Beltway makes no sense. Widening the highways would

end up costing the taxpayers a great deal of money and would be incredibly destructive to our fragile environment. No one I know would pay exorbitant tolls. Marylanders know that P3s are definitely not free and can end up costing the taxpayers a tremendous amount of money. Only a private company on the other side of the world would benefit financially. Paving over more land would destroy trees, schoolyards, parks, streams, and neighborhoods. Please visit Julius West Middle School and Woodley Gardens park to see that there is absolutely no room for extra lanes. Our home is protected by a small Grove of trees between 270 and Nelson Street. Widening 270 would decimate the trees. It would also greatly increase greenhouse gases and noise pollution. Widening the highways is the wrong approach for the future of our State. Maryland is committed to decreasing greenhouse gases. Marylanders know that we are in a climate crisis. Our future relies on making public transit work for us, not on using a 1950s strategy of paving over even more precious land. Thank you.

**ANDREW BING:** Okay. Thank you very much. Our next speaker is going to be Hannah Wald. After Hannah will be Ellen Ryan. Hannah, after the automated message, please state your name, spell your name and provide your address for the record.

**HANNAH WALD:** Hi, my name is Hannah Wald, H-A-N-N-A-H W-A-L-D. And I live at 632 Azalea Drive in Rockville in the Woodley Gardens neighborhood, which is actually very close to I-270. I'm requesting that the Army Corps of Engineers reject the Joint Permit Application for this project. And it's my understanding that when considering a project for a permit, the Corps takes into account the project's potential impact on the public. As a member of the public, a resident taxpayer of Maryland, who has been following this project from when it is announced and who lives very close to it, I have deep misgivings for a number of reasons. But one is that these misgivings stem from the way the Governor and the Maryland Department of Transportation (MDOT) have conducted themselves toward the public throughout the planning process so far. So, we've all heard some of the testimony from previous speakers about how MDOT has concealed or been dishonest about certain aspects of the project, like not doing an independent financial evaluation, or doing very sort of obviously not correct estimates of the cost, or incorrect evaluations of what the potential impacts of the project might actually be.

And whenever citizens or elected officials - state and local officials - ask questions about the project, the Governor and MDOT are evasive, or we get these false answers, or sometimes we get shouted down. And the Governor in particular has bullied and pressured elected officials in exchange for her, his, their support. Sometimes, he makes deals with them that he later reneges on, reneges on. And I just think if the Governor and MDOT are treating the public this way during the planning process for this toll lanes project, it's really not a positive indicator of what the project will actually mean for the public. If it was actually good for us, why are, why are we being bullied and why are they hiding things from us about it? And frankly, I just think that if they're concealing all these things and they've been dishonest and they're trying to sort of ram it through, maybe they're also not being with honest with the Army Corps of Engineers in the application for the permit. Anyway, thank you very much for your time. I'm done with my testimony and I yield the rest of my time.

**ANDREW BING:** Okay. Thank you very much, Hannah. Our next speaker will be Ellen Ryan. After Ellen will be Spencer Hines. Ellen, after the automated message, you'll have three minutes. Please state your name, spell your name and provide your address for the record.

**ELLEN RYAN:** Good evening. I'm Ellen Ryan, E-L-L-E-N R-Y-A-N, a 30 year resident of Rockville, Maryland. My address is 1713 Tweed Street, Rockville 20851. I speak against the proposed project as bad for the environment, bad public policy, bad fiscal management, bad use of public employees, bad infrastructure management, bad traffic management, and more. MDOT rushed its Environmental Impact Statement to get several Boards approvals, toll rates and so on. But as the SHA itself wrote, this project would destroy or damage 12 acres of parks, eight national registered historic properties, six acres of floodplain, about 48 acres of unique and sensitive areas, two acres of wetlands, three miles of water, about 280 acres of forest, and 178 to 234 acres of backyards, playgrounds, and more. This project cynically reduces the free lanes available, then exposes buried lead gasoline and adds more pollution to the air through induced demand.

The highway air is directly alongside several school athletic fields and playgrounds, a daycare center, several apartments and playgrounds, Rockville Senior Center, and Rockville Nursing Home. According to MDOT's own environmental study, adding toll lanes would significantly grow congestion in a non toll lanes during evening rush and barely improve traffic flow during morning rush. The only way to make people pay tolls is to clog the free lanes. The project would destroy 132 million dollars in improvements just made along lower 270 in the past two years; fixes that have greatly improved traffic flow and reduce congestion. It'll also destroy bridges and overpasses and force the removal of gas and water pipes. Many millions of dollars of infrastructure work that our cities have no budget for. See the City of Rockville's many strong letters against this project. Public toll revenues will go first to foreign companies and only secondly to Maryland. Don't be fooled. In fact, many of these so-called no cost programs go bankrupt, ahem Purple Line, ahem. Both State senators, Cheryl Kagan and county council member Gabe Albornoz were shocked at the high toll rates they paid in Virginia recently - over 40%, I'm sorry, over \$40 a trip. People avoiding tolls will fill neighborhood streets like those in Region Square in Woodley Gardens here in Rockville. Please say no. Thank you very much.

**ANDREW BING:** Hey, Ms. Ryan, can you stay on if you're still there?

**ELLEN RYAN:** Yes.

**ANDREW BING:** Ms. Ryan. Okay. Are you there? Hold on for one second. We may have had a technical issue while you were speaking. I just wanna check with my technical team. Just stay there for, for one moment. Ms. Ryan, apparently one of our panelists was not able to hear your comments. All the, the other four were, there was a technical issue on her end. Obviously, everything you said was recorded for the record. And so there's no question that everyone will be able to review it, read it, and make sure they understand the impactfulness of your comments. I do want to give you the option, however, if you would like to repeat your comments, I will give you the full three minutes and you can do that. I do wanna though, after you let me know what you want to do, we are gonna take a quick technical break just to make sure we can clear up that issue. So, what is your preference?

**ELLEN RYAN:** If that one listener would like to listen to, I believe on speaker number 12 or whatever number, I would refer that person to that number and not inconvenience to everyone else.

**ANDREW BING:** Okay. So what I'm gonna do is I'm gonna let you go. The panelist obviously will, will read the, your comments and also be able to watch the, the video for the, I'm sorry, the audio recording to actually listen to your comments. And I will commit to you that that will take place. But what I need to do right now is take a brief break. Right now, it is 7:37 [PM]. I do wanna let, we have seven people who are in the speaker queue still to go: Spencer Hines, Oona Schmid, Ann Smith, Jeanne Braha, Denisse Guitarra, and then a caller with the last four digits of 7134. I need you all just to stay where you are. We're gonna take a brief break, try to work through this technical issue. Once we have it resolved, we'll come back on and continue with the testimony. Thank you very much. It is right now, 7:38, and we are taking a brief technical recess.

[IN RECESS]

**ANDREW BING:** Okay. We're coming back from our technical break. We apologize for that. Right now it's 7:46 and we're coming back from recess. As you may have heard, we had a technical issue with one of our callers. We did confirm that it was just an issue with Ms. Ryan. And as I said before, I took the break. We're gonna make sure our panelists is able to listen to Ms. Ryan's testimony as well read her testimony and we appreciate Ms. Ryan's understanding. We're gonna continue on now with the remainder of our callers. And again, I do apologize to them. I am just gonna read the seven names that we have right now in the list. We, next up will be Spencer Hines, then Oona Schmid, Ann Smith, Jeanne Braha, Denisse Guitarra and then a caller with the last four digits, 7134. So, now we're gonna come to Spencer Hines. Please, after the automated message, state your name, spell your name and provide your address for the record.

**SPENCER HINES:** Hello, this is Spencer Hines, S-P-E-N-C-E-R H-I-N-E-S. I live at 11906 Rathbone Court in Germantown. Thank you for the opportunity to provide input on this important issue. I am, what I consider to be, a very involved citizen, and I do try to keep up with developments and talk to my neighbors often about their thoughts. My impression is that although most people in mid- to up-county are very concerned about traffic and want something done, virtually, no one is aware at all of what the proposed solution does. I, myself, knew little about it and had to try to educate myself as best I could recently. And that's the real factor of what is at stake. Most of the concerns about the 270 project are not about doing something or not doing something. They're about the way it's being done.

So, its vital citizens have at least a decent idea of what is proposed and have more of an opportunity to respond to the specific plan. Two things that I've heard about motivated me to find out more and to register to speak here tonight. One, the toll roads often derisively called "Lexus lanes," because of the advantage they give to the wealthy, are profoundly undemocratic. No matter how it's financed, much of the money will come from taxpayers and all of it at the control of elected representatives. Tolls might be fine for something rarely used by a small segment of the population, yet a daily toll for commuting to work will be a big financial hit to many commuters, from the lowest incomes, right up to the middle class. We are supposed to be "all in this together," and this is just not right. For the very wealthy, paying a toll may well be cheaper than their portion of the taxes they will pay for this. So, this is a gift to the wealthy and will decrease their motivation to support public improvements in the future. In short, having a first and a economy class is okay for private industry and airplanes, but not right for government to divide us up into two classes of citizens.

The second object of concern is the so-called public-private partnership. The traditional way of paying for improvement is to issue bonds, fund the project, and then pay it off over time. The taxpayers do pay the actual cost over time in proportion to the progressive income tax and their ability to pay. So, those who have the most pay more, and furthermore, there's no profit motive adding to the cost, forcing those who most need the roads to pay forced profits to a private monopoly. This is a bad deal for citizens of the County and an unfair deal. In short, it's not enough to do something about traffic, traffic. It has to be the right thing. I asked you to deny this application. Thank you.

**ANDREW BING:** Okay. Thank you, Spencer. We're next gonna go on to Oona Schmid. After Oona will be Ann Smith, representing the Seneca Creek Watershed Partners. Oona, after the automated message, please state your name and spell your name and provide your address for the record.

**OONA SCHMID:** Good evening. My name is Oona Schmid. I live at 7731 Groton Road in Bethesda.

**ANDREW BING:** You could just spell your name for the record please. Before you start.

**OONA SCHMID:** Certainly, O-O-N-A, last name Schmid, S-C-H-M-I-D.

**ANDRW BING:** Thank you.

**OONA SCHMID:** Good evening. I agree, the traffic on the American Legion bridge is a problem and needs solutions. I adamantly disagree that adding private tolling to I-270 and I-495 is a responsible solution. I would vastly prefer that we be pursuing mass transit solutions like the monorail proposed by the High Road Foundation or bus rapid transit, all of which can reduce congestion. Furthermore, those mass transit options can reduce congestion while also maintaining our air quality, our sound quality, and our groundwater quality. As a parent of an active 13-year-old son, I care about his health, and I care about the health of the other 17 school-aged children who live on my block. Particulate matter in the air we breathe is linked to cognitive impairments in children. Car missions and dieseling increase asthma and respiratory diseases. All Marylanders benefit when our children remain active and healthy. The National Oceanic and Atmospheric Administration project increasing amounts of rainfall each year for the Mid-Atlantic region. The private toll lanes will seal 1,600 square miles, additional square miles, to already impervious surfaces. I greatly fear increased flooding to homes and backyards, hundreds of gallons of polluted groundwater pouring into the Chesapeake ecosystem, erosion washing away

riverbeds. The private toll lanes degrade more than 30 acres of parkland, including 16 acres of the Chesapeake Ohio Canal Historic National Park, the Clara Barton Parkway, the George Washington Memorial Parkway. Nearly 1,200 trees will be felled in these three parks. We can address gridlock, improve air quality, and protect our environmental and cultural resources by investing in mass transit. I urge you to reject the application. Thank you for listening to my comments.

**ANDREW BING:** Okay. And thank you Oona for your comments. We're next gonna go to Ann Smith with the Seneca Creek Watershed Partners, and then Jeanne Braha with the Rock Creek Conservancy. Ann, as a representative of the Seneca Creek Watershed Partners, you will have five minutes after the automated message. Please state your name, spell your name and provide your address for the record.

**ANN SMITH:** Thank you. My name is Ann Smith, A-N-N S-M-I-T-H, 10760 Wayridge Drive, Montgomery village, Maryland 20886. I am the past president of Seneca Creek Watershed Partners and today I'm somewhat of an independent speaker. Hello?

**ANDREW BING:** Yep. You can start. Are you speaking on behalf of Seneca Creek or are you just speaking as an individual?

**ANN SMITH:** Independent. Individual.

**ANDREW BING:** Okay. In that case you will have three minutes. Okay. And you can start now.

**ANN SMITH:** Okay. The suspension bridge effect is a scientific and psychological term used to describe a biological reaction in our psychology when we're under pressure. When we experience external stimulus that ignites our adrenaline response, it plays a strange role in our mind in interpreting our environment. Pearson EGL 2, 2022. The American Legion Bridge has such a re, a reaction upon us. It curves before entry leaving us blind to the downhill course we must take over the bridge. This downward action causes people to slow or stop, known as a slinky, slinky effect. This driving process causes people at the front to accelerate slower than the people behind who have to break. This bridge effect – it does not clear up. Interpretation of this phenomenon happens for individual drivers. Everyone must drive. The alternatives with appropriate transit were removed as an option and replaced with a weak promise of buses.

The only bus transport offered by the state ICC has dwindled its hours. This really ignites my adrenaline response. The measures to improve Homeland Security are not met. One huge bridge, relying on an international organization, foreign ship makers and imported gasoline does not seem secure. The extension into Maryland creates a project too large, too environmentally destructive, and decimates the human quality of life by massing concrete in lieu of forced to [INAUDIBLE] streams and abundant life. This project ignites a strange response. Quote, "The American Legion Bridge shut down paralyzes DC region with no alternative Potomac crossing." That was by Rockville Night. It plays the strange role in our minds interpreting our environment to produce the outcome wanted for a project. The project continuation at Cabin Branch stream damage is so comprehensive that instead of each small 12-digit watershed taken into a consideration for MS4, the planners have self-expanded this area to disperse the effect of environmental damage from this job. The reconstruction encompasses Virginia, Frederick, and Seneca Creek, where there are mitigations to be found. What to do about the sludge, the daily debris, the sediment, the nitrogen, the phosphorus, and the invertebrate? Can regulation solve this?

The Clean Water was, the Clean Water Act was designed to avoid the degradation of special sites that represent an irreversible loss to wetlands and aquatic resources. In fact, that the American Leg, in fact, the American Legion Bridge needs to be done. It does not mean an agency needs to smother it with ex, with extensive extension of misaligned data. Table 2-1 in the DEIS Cabin Creek waterfowl profile is an example of misaligned data that misleads humans when they're reading it. And at the very end, it tells us that the City of Rockville, rural, parkland, federal and state property are emitted. Is this complete data or regulatory calculation? It seems not only individuals interpreting their projects are skewed, but the agency interpretation as well. To produce the plan for the American Legion Bridge,



**ANREW BING:** I need you to wrap up.

**ANN SMITH:** Is, is the most important home security needs - the American Legion Bridge.

**ANREW BING:** Okay. Thank you very much, Ms. Smith. Next ,we're gonna go to Jeanne Braha. After Jeanne, will be Denisse Guitarra with the Audubon Naturalist Society. Ms. Braha, after the automated message, please state your name, spell your name, provide your address, and let me know whether you're calling as an individual tonight or calling representing the Rock Creek Conservancy.

**JEANNE BRAHA:** Hello, thank you so much. I'm Jeanne Braha. That's J-E-A-N-N-E B-R-A-H-A and I'm executive director of Rock Creek Conservancy. We're a nonprofit watershed association based in Bethesda, Maryland. Rock Creek Conservancy's mission is to restore Rock Creek and its parklands with a natural oasis for all people to appreciate and protect. Much like other stream valley parks in the project area, Rock Creek is a driver of quality of life for millions and a primary source of climate and social resilience for our region. I appreciate the opportunity to comment this evening on the JPA on behalf of our thousands of volunteers. While this particular permit applies to only Phase One of the project, which includes impacts to all but a tiny share of Rock Creek watershed, it's a great interest to those of us around the entire Beltway, as it suggests an approach that P3 will take to future impacts. The FEIS and related documents noted that further environmental study would be required to move to any future phases of the project. The Conservancy has stated repeatedly that this should entail a full Environmental Impact Statement with new data to support any analysis. Similarly, we believe that JPA, for any future phases of the project, should start fresh and not presume any decisions made for this section should carry to those.

Rock Creek Conservancy has significant concerns about the amount of proposed compensatory mitigation that would be situated far from the impact it's meant to mitigate. The P3 has decided to manage its mitigation at the HUC-8 watershed level across all of the middle Potomac Catoctin watershed. This means that impacts from this project, nearly all of which are in Montgomery county or immediately adjacent, could be offset by restoration work in places as far away as Jefferson County, West Virginia, or Clark county, Virginia. In fact, the proposed suite of compensatory mitigation relies heavily on the purchase of credits from a stream restoration bank in Frederick County's Lower Monocacy watershed. From a watershed perspective, the places where the highway will create degradation to water quality will receive no benefits from mitigation that occurs in that watershed. The watersheds in Montgomery County will continue to decline while restoration is offered to areas in Frederick County.

Similarly, the two in-county mitigation projects offered are Cabin Branch stream restoration and wetland mitigation site, that's RFP-2, and the unnamed tributary to the great Seneca Creek stream restoration site, CA-5. Both mitigation sites are located in the middle Potomac watershed, as allowed, but not within the Cabin John watershed, which is where the impacts are being made. Due to the higher cost of land and the amount of infrastructure already enmeshed within our watersheds, the cost of restoration is often greater in the watersheds impacted by this project. However, when considered as a portion of the entire project cost, which is estimated at billions, the cost of restoring the impact directly to the watersheds impacted by this project are minuscule. We will soon be able to calculate the cost of floods that we've seen in areas close to home, as well as the flooded highway in Rhode Island last week. This highway project, significant storm water runoff and damage to Montgomery County streams will inevitably create flooding here, further degrade stream quality, and diminish the beautiful stream valleys that have drawn so many of us to this area. Why should we all bear that cross down the line rather than expecting a private operator of this massive project to make a small investment now, to seek to avoid that? Thank you very much.

**ANDREW BING:** Okay. Thank you very much for your testimony. Our next speaker will be Denisse Guitarra. After Denise will be Evelyn Pesantez. Denise, I see you are listed as the Audubon Naturalist Society. If you are representing them tonight, you will get five minutes. If you're speaking as an individual, you'll get three minutes. After the automated

message, please state your name, spell your name, provide your address, and let me know again, if you're representing the Audubon Naturalist Society.

**DENISSE GUITARRA:** Hello. Yes, I am speaking on behalf of Audubon Naturalist Society. Good evening. My name is Denisse Guitarra, spelled D-E-N-I-S-S-E G-U-I-T-A-R-R-A. I am the Maryland Conservation Advocate for Audubon Naturalist Society, which is located in Chevy Chase, Maryland. We help people in the Washington, DC region to enjoy, learn about, and protect nature. Tonight, I'm here to testify Beltway I-270 Managed Lanes highway expansion project does not meet the test for being in the public interest as it relates to the JPA water permit. I will focus my testimony on JPA findings with impacts to forest ecosystems, wildlife, and people. First, the highway expansion project would impose detrimental impacts to the Northern Long-eared Bat. In the avoidance mitigation impact report, Section 2.33, it mentions that Northern Long-eared Bat is a federally threatened species and would be impacted within the limits of disturbance.

Also, 11 areas have been excluded, which are habitat to the bat, still poses a risk to the long-term survival of the species, which is already threatened by the white nose syndrome, climate change, and habitat loss. Because of the summer habitat loss, the US Fish and Wildlife Service announced in March of this year, a proposal to reclassify the Northern Long-eared Bat from threatened to endangered under the US Species Act, which is, which means the species is currently in danger of extinction.

Second, the highway expansion project would impose irreversible damage by the projected and unavoidable tree and forest ecosystem loss. In Appendix C of the JPA Natural Resource Inventory Map, it shows significant forest loss around the American Legion Bridge on both the Maryland and Virginia side with 11 to 13 acres of forest canopy that would be lost. Most of the forest canopy is part of the very important migratory bird route, which choose forest along stream and forest banks to a safe flyways and habitat [INAUDIBLE]. The Potomac River and the C&O Canal and surrounding forest areas are one of the region's important [INAUDIBLE] areas for forest interior dwelling species.

Third, the highway expansion project will impose irreversible impacts to both Cabin John and Little Seneca Creek forest and watersheds. Forests are critical, natural infrastructure that have multiple [INAUDIBLE] benefits. Forest [INAUDIBLE], air, water, reduce urban heat service habitat for wildlife, reduce runoff, reduce stress levels, connect communities, and do much more. In the era of climate change where we need to protect our last remaining forest to reduce runoff, lower temperatures, filter our air and water, and overall improve the health and wellbeing of our people, it simply does not make sense to add, to take down trees, to put up roads and pave our way to our health and future. Maryland will not be able to meet its ambition greenhouse gas reduction goals or reducing 60% of its emissions by 2031 and becoming carbon neutral by 2045 if it moves forward with a highway expansion project. Similarly, Maryland, if Maryland keeps cutting down its trees, it will not be able to meet its ambitious goals planting 5 million trees by 2031. On behalf of ANS and our 28 members and supporters, we recommend that the US Corps of Engineers, Maryland Department of the Environment reconsiders the impacts of the highway expansion will have on people and wildlife, and instead finds more sustainable transit-focused solutions that reduce our traffic congestion and reduce our greenhouse gas emissions. Under four concurrent public health, climate, economic social crisis, it does not make sense to add more air polluting land destroying lanes. Thank you.

**ANDREW BING:** Okay. Thank you Denisse for your comments. At this point, I'm going to announce the, the last five people that we have in the speaker queue. That doesn't mean more people won't join us, but just so they know. Next up will be Evelyn Pesantez. Then we have a caller with the last four digits of 7134, then a caller with the last four digits of 2646, then a caller with the last four digits of 7149. And finally, in the speaker queue, we have Robert Stolz. I also wanna remind people in case you joined us late, that when there's 30 seconds remaining, you'll hear one tone. When there's 10 seconds remaining, you'll hear two tones and that's when I need you to wrap up. And the final thing I wanna remind people is if you're listening to the live stream and have decided that you would, in fact, like to provide testimony, I'm gonna provide you with the phone number and the access code. So, the phone number is (855) 925-2801. With the access code, 4331,

you'll enter that access code. You must listen to the entire welcome message. Once the welcome message ends, you'll hear, "For more options, press the star button." Press the star button, the number three, you'll come into the speaker queue, and, and we'll hear your comments. So, with those notes out of the way, we're gonna go to our next speaker, who is Evelyn Pesantez. Evelyn, after the automated message, please state your name, spell your name and provide your address.

**EVELYN PESANTEZ:** Thanks. This is Evelyn Pesantez, E-V-E-L-Y-N P-E-S-A-N-T-E-Z. I live in Bethesda, Maryland, 7707 Groton Road, and I'm opposed to this proposed project. According to the shared plan, the project would directly impact a, an important portion of our property. I am also one of those daily commuters to Washington, DC, and I really don't see the need for additional lanes. Even worse, toll lanes. The proposed lanes would occupy land resources in our backyard that include a reverse stream. It's filled up with trees and plants and has wildlife. We are also not only concerned about the alteration to this habitat, but also about flood hazard. Our neighbor's house has had two major floods in past years, and we are concerned that building these lanes may result in floods affecting our property. We are also opposed to this project because of the pollution, the added noise, dust, and the vibration that would affect our house and health during the construction, as well as during maintenance operations. I really hope that our testimony and all the testimonies, wonderful testimonies that we have heard today, will be useful to reconsider and reject this proposal. Thanks.

**ANDREW BING:** Okay. Thank you, Evelyn. Our next caller has the last four digits of 7134. After 7134 will be a caller with the last four digits, 2646. Caller 7134, please state your name, spell your name and provide your address for the record.

So apparently in bringing caller 713 4 on, the computer kind of switched the numbers and I think we ended up with caller 2646.

Oh, Okay. I hear someone on the phone line. Can you just state your name and, and then I'll come back to you. Who, who is on the line right now? Okay. I think that person hung up. Gimme one second. I'm gonna take a 30-second technical break. We're gonna just clear up who, who we're gonna get and then we're gonna come right back. So, 30 seconds and we'll be right back.

Okay. We apologize for that, but I think we got everything straightened out. So again, we're gonna now go to caller 7134. Caller 7134, after the automated message, please state your name and spell your name and provide your address for the record.

**IVAN ZAMA:** My name is Ivan Zama. First name Ivan, spelled I-V-A-N, last name Zama, spelled Z as in Zambia, A as in apple, M as in Mary, A as in apple. I live on 7700 Groton Road in Bethesda, Maryland. We lived at this address for almost 10 years. We moved here initially. So. I would say initially, when I wanted to talk today, I had prepared stuff for data, but I'm gonna scrap that away and talk more about our lived experience here for almost 10 years. When we moved here initially, the place was quiet, our kids were sleeping. When the last couple of years we've had to upgrade the windows, change windows because of the noise. And we have two kids having difficulty slipping at night because of the noise. We've had floodings in the area and this added construction, I don't think it's gonna decrease that. The sound barrier that is currently present is not able to block and allow our kids to have a sound sleep at night. What is gonna happen when we have this expansion. Kids and are not gonna be sleeping and is gonna cost more trouble and going forward and would not really appreciate the benefits of this.

The things that could be done to improve circulation here would be more public transportation as it is done in Europe and other places versus increasing private transportation. We know that with climate change, there is an increase in pollution with more cars on the road. We cannot be adding more cars, having more pollution from gas balls, gas guzzlers, and also the sound that is causing more problems to our children. Not also, also look at the part of the flooding. This area normally is not a flood prone area, but in the past five, six years, we've had several floods. What is gonna happen with all those flooding? Is it gonna get better? Has this been looked into? And we have the road expansion is gonna involve. encroach

on the properties of some of our, our neighbors. Which does not, I don't really see, as enable the benefit of this for us. Thank you.

**ANDREW BING:** Okay Ivan, thank you very much for your comments. We go to 7134 or 717. Okay, the next caller we're going to go to is a caller with the last four digits of 7149. After caller 7149 will be Robert Stolz. Caller 7149, please state your name, spell your name and provide your address for the record.

**ELIZA CAVA:** Hello, my name is Eliza Cava, E-L-I-Z-A C-A-V, like Victor, A, and I am the director of conservation at for Audubon Naturalist Society, which Denisse said is located in Chevy, Chase, Maryland. I won't repeat what she said about our organization, but I will say that I am here tonight to testify that the Beltway and managed lanes highway expansion project should not be granted a JPA water permit. First, the outcomes of the highway expansion project are in direct opposition to the primary purposes of both the Army Corps of Engineers and the Maryland Department of the Environment. The mission of the Army Corps is to deliver vital public and military engineering services, partnering in peace and war to strengthen our nation's security, energize the economy, and reduce risk from disasters. Under section 4 of the Clean Water Act and its historic interest in protecting the nation's navigable waterways, the Corps has the jurisdiction over wetlands and waterways permits nationwide. In Maryland, it shares that jurisdiction with MDE, whose mission is to protect and restore the environment for the health and wellbeing of all Marylanders. Permitting a project that will contribute to more greenhouse gas emissions, which contributes to greater disasters and more flooding from stormwater runoff is contrary to both those missions.

Second, the 2008 mitigation rule states that compensatory mitigation is not considered until after all appropriate and practical steps have been taken to first avoid and then minimize adverse impacts to the aquatic ecosystem. It is critical that the Corps and MDE first carefully consider whether avoidance and minimization efforts have been sufficient before ever proceeding to evaluating compensatory mitigation plans. Avoidance and minimization efforts have been woefully inadequate. Why was a double-decker American Legion Bridge never considered? That could have avoided and minimized most of the significant forest and wetland impacts on Plummers Island, the Potomac River, the C&O canal, and both the Virginia and Maryland approach areas. Without adequately examining such an option, the agencies have no basis to evaluate the sufficiency of avoidance and minimization in that area of the project.

Furthermore, the impacts to Cabin John stream are egregious and will deliver a horrible blow to an already struggling, but highly valued stream. ANS has been, our organization has been conducting community science, macroinvertebrate monitoring at Cabin John stream since 2019, along with the friends of Cabin John Creek. We have seen its benthic and its biotic integrity scores improve from 1.29, which is poor to 2.14, which is fair over that time period. The dedicated citizens of Friends of Cabin John Brook Creek have received thousands of dollars in state and county grants to install and promote rain gardens, green roofs and bioswales to better manage storm water and protect the health of their stream in the Chesapeake Bay. Now with nearly all of the stream wetland and buffer impact from the highway expansion taking place in the Cabin John watershed, with nearly all of the compensatory mitigation taking place elsewhere, that progress and those investments will be at grave risk.

Finally, with avoidance and minimization inadequate, the very structure of the mitigation framework that allows moving towards compensation is deeply flawed. It is impossible to adequately compensate for these impacts, especially with climate change making the future impacts from the new pavement worse and worse. On behalf of ANS and our 28,000 members and supporters, we recommend that the Corps and the MDE reconsiders the impacts the highway expansion will have on people and wildlife and instead, find more sustainable transit-focused solutions that reduce our traffic congestion and our greenhouse gases. Does not make sense to add more air polluting, land destroying lanes and impacts cannot be adequately mitigated. Thank you.

**ANDREW BING:** Okay. Thank you Eliza, for your comments. We're next gonna go to Robert Stolz. After Robert will be caller 2646, then we have caller 0972, and then we have Mauricio Vasquez. So Robert, after the automated message, please state your name, spell your name and provide your address for the record.

**ROBERT STOLZ:** Hi. Yeah, my name is Robert Stolz. That's spelled R-O-B-E-R-T Stolz, S-T-O-L-Z. And my address is 532 Monet Drive, Rockville, Maryland 20850. So, my comments today, I would focus primarily on the economic inequality of the toll lane project. As, as you all are aware, it's your job to protect the public interest and it is my belief that the proposed toll lanes on 270 and the Beltway would not serve the general public. It would only serve those who are able to pay up to \$5 a mile commuting down from 370 down to the Beltway, which would be an exorbitant amount of money for most people to pay. Not only that, the people who don't wish to pay will have worse traffic, as we all know, because there will be a, fewer free lanes under the proposed project. So, that's how they will monetize congestion, which is just unfair to the general public. The worse the traffic than the higher the rates, which will make it even more exclusive to those only those who can afford it.

I was, you know, I grew up for my first 19 years of my life in Rockville, Maryland, and I spent some time overseas. After that, I served in the Marines in Iraq. I've seen a bit of the world. I've seen how good public infrastructure can be and this proposed project flies in the face of every good example I've witnessed from my years living in Europe, for example. It is not the public interest. It is fundamentally amoral in my opinion, to take what taxpayers like myself have been paying for through our taxes to the state of Maryland and reappropriate the public good that we have paid for the construction of and give it to an Australian corporation that is solely interested in monetizing our congestion for their shareholders, which does not serve the public interest.

Governor Hogan has pushed this plan. I know he spent some time in Australia. I know he's wined and dined a bit with the Transurban people. I question his sincerity and his motives. I think this is not a pub, a project for the public interest. It is purely a project for the interest of the, the very, very fortunate. And, you know, I would like to say, I think it's great that there would be some people who could afford this. That's what makes America great. We do produce wealth, but it should not mean that the general people who can't afford to pay up to \$40 in commuting costs one way should be penalized for that. Thank you for listening to me very much and among all the other points, for climate change, this is...

**ANDRW BING:** Thank you, Robert. Thank you, Robert. We appreciate your comments. Next up, we're gonna go to caller 2646. After that will be caller 0972. Caller 2646, after the automated message, please state your name and spell your name and provide your address for the record, please.

NADID PZEFHKZAD: Hello?

**ANDRW BING:** Yes, sir. Can you hear us?

**NAVID PEZESHKZAD:** Yes. My name is Navid and my address is 7707 Groton Road, Bethesda, Maryland, and I oppose to this project and...

**ANDRW BING:** Sir, I'm gonna interrupt you. I'll make, sir, I'm gonna interrupt you. I'll make sure you get your full three minutes, but I just need you to spell your name for the record please.

**NAVID PEZESHKZAD:** Oh, yes. Last name, my first name N-A-V-I-D. And last name P-E-Z-E-S-H-K-Z-A-D. I oppose to this project and I would like the, the authority to examine similar situation across the world. Of course our, our situation especially is, is different than all others, but to see something similar and how they have attacked this problem, and maybe there is a creative solution to this problem. Thank you.

**ANDRW BING:** Okay. Thank you Navid for your comments. We're now gonna go to caller 0972. After that will be Mauricio Vasquez representing the Hispanic Chamber of Commerce of Montgomery County. Caller 0972, please state your name and spell your name and provide your address for the record.

**JUDITH STERN:** Hello, my name is Judith Stern, J-U-D-I-T-H S-T-E-R-N. I live in the Rockshire neighborhood right off of the Route 28 exit of 200, of 270. My husband and I have lived in our home on Watts Branch Parkway for 40 years. We disagree with the highway expansion proposal being discussed at this meeting. This will not reduce, reduce harmful auto emissions. Expensive tolls do not meet the needs of the community of drivers who commute on a daily or even occasional basis. Bottlenecks and congestion are predicted to be worse. It appears that the main benefactors of these plans will be a private Australian company rather than taxpayers, commuters, and homeowners. Thank you.

**ANDRW BING:** Okay, Judith, thank you for your comments. We're next gonna go to Mauricio Vasquez. We do not have any callers after Mauricio, so I will come on after Mauricio and explain what we're gonna do going forward. But Mauricio, I have that you're representing the Hispanic Chamber of Commerce of Montgomery County. If that, if that is so please let me know that, and after the automated message, please state your name and spell your name and provide your address for the record.

**DR MAURICIO VASQUEZ:** Yes, that is correct. My name is Dr. Mauricio Vasquez, Director of Programs of the Hispanic Chamber of Commerce of Montgomery County. My name spelled is M-A-U-R-I-C-I-O. My last name is Vasquez. V as in Victor, A-S-Q-U-E-Z as in zebra. At the Hispanic chamber, we have worked close. Okay. Hello?

**ANDRW BING:** Yeah, go ahead. I'm sorry that I interrupted you there. You will have five minutes and it'll start now. Okay, go ahead.

**DR MAURICIO VASQUEZ:** Perfect. No problem. Thank you so much. At the Hispanic Chamber, we have worked closely with our constituents to determine the impact and benefits of this joint application. The Hispanic community in our County has a significant concentration in areas impacted by this project and we strongly support its approval. The Chamber reaffirms the following key points. The project doesn't add more cars to the current road infrastructure. It takes cars out of neighborhood streets, looking for alternative routes to go to their destination and provides needed infrastructure for public and alternative ways of transportation. Impacts to wetlands and other sensitive resources have been sharply reduced as a result of significant feedback from local agencies and other stakeholders. This shows that the State Highway Administration has been responsive to community concerns and that the process has worked as intended. This project is a critically important investment in our region's aging infrastructure that reduces overall delay by up to 38%, cutting emissions per mile for hundreds of thousands of daily vehicles, mild and severe stop-and-go conditions in this corridor.

It delivers dramatic traffic relief, which much faster and more reliable peak travel speeds for user of both the managed lanes and the existing general purpose lanes. It provides new options for high-quality transit and new pedestrian and bike connections, including a new mixed use trail for the first time crossing the American Legion Bridge. It offers important equity benefits by improving access to jobs and housing for those who choose not to pay anything in tolls, as well as those who use the HOT lane. It provides benefits of improved travel for all regardless of income and free travel for carpool and transit users. Lastly, this project provides Maryland the private financing it needs to upgrade and replace the aging American Legion Bridge and related facilities, freeing up billions in scarce Republic dollars for other needed transit and road projects around the State. Thus, Hispanic Chamber of Commerce expresses its support and urges you to approve this project and the permit application. Thank you.

**ANDREW BING:** Thank you, Mauricio. I think we do have one person who is just about to enter the speaker queue. So, I'm just gonna wait a second so we can get that person in. So, okay. So, we're gonna go to Byron Bloch who represents STICA, the South Tuckerman Inverness Citizens Association. Byron, after the automated message, you'll have five minutes. Please state your name, spell your name and provide your address for the record.

**BYRON BLOCH:** Byron Bloch, B-Y-R-O-N. My last name is Bloch, B-L-O-C-H. I am at 8016 Lakenheath Way in Potomac, Maryland. And I am representing the South Tuckerman Inverness Citizens association, known as STICA, S-T-I-C-A.

**ANDREW BING:** Go ahead with your comments.

**BYRON BLOCH:** Thank you. I would like to point out first and foremost that the Homeowner's Association STICA, we are very much adjacent to the 270 roadway and we will be affected, as will many, many other communities by the deconstruction and rebuilding of the I-270 to widen it into these additional lanes, which are unnecessary, as other speakers had pointed out. One thing that has been overlooked in the Environmental Impact Studies and by the politicians is that as the existing 270 and the bridges and sound walls are ripped apart, the cutting and pulverizing of all of that concrete will every day create massive amounts of crystalline silica construction dust. That silica construction dust is recognized by the National Cancer Institute as carcinogenic, and it is also recognized by the American Public Health Association as being toxic and causing silicosis. Again, the National Cancer Institute and the American Public Health Association point out that the destruction of concrete in large quantities, such as what happen in this project, will be very, very harmful to the members of the community. All of us, our children, all the way through seniors, will be breathing in the silica particles and fibers, which will embed in our lungs and will cause, this is not an if or maybe, it will cause asthma silicosis, COPD, and lung cancer. And...

**ANDREW BING:** Okay. Welcome back from our, our brief technical break there. Let me explain what just happened in the middle of Mr. Bloch's comments. We lost our connection to the phone bridge. Basically it went down, so we lost the ability to hear Mr. Bloch. So, Mr. Bloch was the last caller we had. We are reaching out to Mr. Bloch right now to let him know what happened. We're not sure whether he knew or not. Obviously, hopefully, we can reach him. Hopefully, he's willing to come back on and we will give him his full amount of time to make his comments.

Right now, because we do not have any other callers in the queue, we are going to take a recess until either Mr. Bloch or any other caller comes back. I do wanna remind people you, there may be people out there that are listening and, and just haven't felt compelled to wanna make comments. But now they've decided they would like to, the way to do that is to call the phone number of (855) 925-2801. And then enter the access code 4 3, 3 1. You must listen to the entire welcome message. And once that ends, you'll hear, "For more options, press star." Press the star key, then the number three, and you'll be brought into the speaker queue. Right now, it is currently 8:36 PM. At this time, there are no more individuals who have entered the speaker's queue to provide public testimony. The hearing will remain open but in recess until we have someone enter the speaker's queue to provide testimony or the hearing concludes at 9:30 tonight. So with that, we are gonna go to recess and I will bring everyone back once we have a caller ready to provide testimony, or I'll come back in approximately 15 minutes and provide an update. Thank you.

[IN RECESS]

**ANDREW BING:** Okay, we're coming back from recess right now. It's 8:38 PM. We do have Mr. Bloch back on. Mr. Bloch, I'm gonna have you just sort of repeat the steps we did. If you could state your name, spell your name, provide the organization you're representing, and your address. You will have the full five minutes. You can, we did hear half of your comments, so you can just continue on from where you are or you can start over. That's your prerogative. I do, because you're a train of thought and your comments were interrupted, I do want to give you the, the option of just starting at the beginning, but that that's your choice. So again, after the automated message, please state your name, spell your name and provide your address.

**BYRON BLOCH:** Well, thank you very much and I do appreciate this opportunity. My name is Byron Bloch B Y R O N. My last name is Bloch, B-L-O-C-H. My address is 8016 Lakenheath Way, Potomac, Maryland, and I am here representing an organization of homeowners, about 185 homeowners, in this community of the Inverness forest area. And the organization is known as STICA, S-T-I-C-A, South Tuckerman Inverness Citizens Association. With regard to the I-270

widening and toll lanes, the community here is strongly opposed and would recommend that the Corps of Engineers, the Army Corps of Engineers, reject this plan. I did comment earlier, but so I'll be brief now. And then what I'd like to say as the existing I-270 and the bridges and sound walls are ripped apart, the cutting and the pulverizing of all of that massive amount of concrete will daily create huge amounts of crystalline silica construction dust.

That silica construction dust is recognized by the National Cancer Institute as carcinogenic, and also by the American Public Health Association as being toxic and causing silicosis. And you can check that out. You can Google the National Cancer Institute on the crystalline silica construction dust, and similarly for the American Public Health Association, and you'll get their reports on the silica construction dust being toxic and carcinogenic. All of us, our children through seniors, will then have to breathe in this silica particles and fibers, which will embed in our lungs, and will assuredly cause asthma, silicosis, COPD, and lung cancer. This is not a maybe or a remote possibility. There will be thousands of us in Montgomery County who will be affected and become sick with these kind of respiratory diseases. This is much like what happened in the aftermath of the 911 tragedy in New York City, which produced large amounts of silica dust when the two towers collapsed and that caused health issues, as I think many of us have been recently reminded of on the 21st anniversary of 911.

The nearby schools in our community will have to be closed and those schools include Julius West Middle School, Farmland Elementary School, Carderock Elementary School, Walter Johnson High School, and other schools. And it will also affect nursery schools and of course those people whose residences are adjacent within perhaps a half mile to a mile east and west of the I-270. There will be another major effect that has not really been discussed much, and that is, there will be a great increase in traffic collision accidents on the widened highway with the crossover lanes between tractor trailer rigs and passenger vehicles. And in my professional work, in analyzing vehicle crash accidents, which I've done for decades coast to coast, I can tell you that I have personally, on many truck versus car accidents, and over 90% of the victims who are killed or horribly injured, are those in the cars versus those who are in the big rig trucks. And we will have this mixture of traffic greatly increased if we widen the roads and then have the, the toll lanes, the northbound toll lanes and the southbound toll lanes are in the middle of the roadway. In order for people to enter and exit those toll lanes, there will have to be a combination of crossover of other adjacent lanes, which will be deadly, and also the design when it ever is announced. And it's been sort of a phantom study up to now, we'll have to have what are called flyover lanes. Those are elevated exit and entry ramps that go high into the sky and will also impinge into adjacent neighborhoods.

This whole plan is a travesty, and I can tell you from my auto safety and traffic safety background, including awareness of what's going on in other nations around the planet, that this is an ill-designed, I wouldn't even call it designed. It's an ill-conceived scheme to take public roads that we all own, we've all paid for, and convert it into a scheme to enrich, As we've heard before today, to enrich the Transurban and other allies of this kind of privatization of our public roadways. So, on behalf of my community, the homeowners here in the community adjacent to the I-270, we are strongly opposed to this and would urge that you cancel the project, vote against it. Thank you so much for this opportunity to present this information. Thank you.

**ANDREW BING:** Okay. Thank you, Mr. Bloch. Right now, we do not have any other callers who have entered the speaker queue. It is 8:45 PM. This hearing will remain open until 9:30 tonight, but we are going to go into recess until we have additional callers or an additional caller enter the speakers queue. So again, it's 8:45 and we are in recess. I will come back in approximately 15 minutes and provide an update, or I'll come back sooner if we get a caller entering the speaker queue. We are in recess.

[IN RECESS]

**ANDREW BING:** Okay. It is 8:54, and we are gonna come back from our recess. We do have someone who has reentered the speaker queue, and we are gonna go to that person. We've heard from them before, but they're coming back in to



provide testimony, Dr. Shannon Browne. Dr. Browne, you'll have three minutes after the automated message. Please state your name, spell your name and provide your address for the record.

**DR SHANNON BROWNE:** Hi, can you hear me?

**ANDREW BING:** Yes, we can. Go ahead.

**DR SHANNON BROWNE:** Thank you. So, Shannon Browne, S-H-A-N-N-O-N B-R-O-W-N-E, 1429 Mayflower Drive, McLean, Virginia 22101. I would like to continue with a little bit more details about my previous testimony. I was talking about tricolor bats and the areas I had recorded them previously. So, I wanted to provide a little bit more detail about them. So, in the summer, their primary summer habitat involves 100% hauled and live deciduous trees. These, the trees that are provided along the 495 270 corridor, and I had studied an area from 2015 to 2017 from March through October, every year, each season. And I detected tricolor bat activity each season.

I also recorded their activity in other areas that I surveyed among Northern Virginia sites, from Northern Virginia, all the way to Delaware. But most importantly, between March and October, I recorded them extremely active in the fall area of the Montgomery County public service bus depot area, right on that 495 270 ramp area. I reported them extremely active out of all of my areas, out of all 18 sites, they were most active in the fall right there. So, out of all areas they could possibly be in fall when they are mating. I looked at other habitat, other climate variables, they were extremely active right in that area.

**ANDREW BING:** Ms. Brown, we, we, we see you're still in the system, but we're not hearing you right now. Dr. Brown,

**DR SHANNON BROWNE:** Right?

**ANDREW BING:** Okay. Now we hear you again. So keep, keep going.

**DR SHANNON BROWNE:** Okay. Okay. So I'm, I'm not sure what happened, but I can, I can provide written testimony.

**ANDREW BING:** We can, we can hear you. And I, and I'll give you a few extra seconds 'cause there was that pause there, but just continue and finish up your comments. You have, we'll give you, you know, 30, 35 seconds left. Okay?

**DR SHANNON BROWNE:** Okay. Okay. So, for our tricolor bats that I surveyed from Northern Virginia through Delaware, they were most active right in that bus Depot, right at the 495 270 split. They were most active in the fall time, right when they would be mating. And I looked at all other variables, such as climate or diet available to them. It really looked like they were looking for, they were looking for mates in that area.

**ANDREW BING:** Right, well that your, your three minutes, your additional three minutes is up Dr. Brown. So again, this goes, not only for you, but for all of our, anyone who provided comments or anyone who's just listening that there are other ways that you can provide comments. In addition to providing the public testimony, you can send emails in, you can send letters in. So, and the public comment period does stay open until 11:59 PM on September 29th, 2022. At this point, we do not have any other individuals in the speaker queue. It is just about 9:00 PM. We are gonna go into recess until another speaker enters the queue. Our hearing is open until 9:30, so we have approximately 30 minutes remaining. If anyone does enter the queue, we'll come back on and take their testimony. But right now, we're gonna go into recess. I will not come back on until. I'll come back on at 9:15 to provide an update unless we get a speaker and then we'll come right back on. So for right now, we are in recess. Thank you.

[IN RECESS]

**ANDREW BING:** Okay. It's 9:15 right now, 9:15 PM. We have not had any additional speakers enter the speaker queue. So, right now we're gonna remain in recess. This hearing will remain open until 9:30 tonight, so we have about 15 minutes left. We will wait that 15 minutes and see if we have anyone else who enters the speaker queue. But for right now, we're gonna remain in recess. It is six, it is 9:15 PM and we are in recess. Thank you.

[IN RECESS]

**ANDREW BING:** Okay. We're coming back from recess. It is 9:21 PM and we do have someone who has entered the speaker queue. So, we're gonna go to that person right now. Before I go to him, I just wanna remind the, the gentleman, Paul Gallagher, that you will have five minutes 'cause I believe you're representing the Stone Quarry HOA. If you're speaking as an individual, just let me know and you'll have three minutes. When you come on, you'll state your name after the automated message. Just state your name, spell your name and provide your address.

**PAUL GALLAGHER:** Hello, my name is Paul Gallagher and I am the property manager for Stone Quarry's Homeowner's Association. The address is 8220 Manor, Manor Terrace Road. On behalf of the Association, I wish to declare that we're in opposition of the proposed widening of River Road as set forth in the application that is subject of this hearing. We have previous submitted com, comments on the proposal, but a resubmitting a copy for the hearing record. The association represents the River Quarry community, which is located just off River Road in Bethesda, Maryland, between and bordered by I-95 and Seven Locks Road. All of the home and homeowners resigning within River Quarry would be adversely affected by the proposed widening of River Road directly across and adjacent to the neighborhood. In this regard and of the fundamental significance of the proposed project as we understood, it, it was to widen certain segments of I-95. Widening River Road is not necessary to achieve the objectives and should not be under consideration.

The proposal is disturbing in that it provides no consideration for the safety of pedestrians crossing the widened River Road, nor does it acknowledge how River Quarry Manor community would safely navigate the access under River Road with their vehicles in view of the proposed widened segment adjacent to the community. It is important to note that there is but one entrance to River Quarry from River Road, which can only be accessed from relatively short distance lane and very close to the proximity of the I-495 exit ramp. The only traffic light near the location is at Seven Locks Road. So, in order to exit River Quarry and turn left onto River Road to travel east towards Washington, DC and downtown Bethesda, a vehicle must cross three lanes of approaching traffic, make a U-turn at the light, then adding another lane of traffic would certainly make it nearly impossible and certainly unsafe to enter River Road, no less cross the road.

In addition to both the safety and navigation issues for pedestrians and affected neighborhood communities, including our own, the project would create noise and odors from both the construction itself, as well as the additional vehicles. We understand that the proposed product would be effectively eliminate the tree conservatory and a direct and unsightly barrier wall immediately behind several of our homes. River Quarry is already sub, subject to automobile noise from I-95, but this is something that the home owners recognized and accepted when deciding to build and occupy their homes in this neighborhood. Residents should not be forced to live with additional noise and disturbances during the construction for, for years thereafter. Finally, as stated to the purpose of this proposed project was to access traffic issues on I-95, there's no compelling reason, let alone a [INAUDIBLE] of rationale on why the widening of River Road as proposed is even necessary.

Certainly if any project would be considered for approval in the current environment, when the politicians and the regulatory agencies claim to promote consumer protection, environmental quality, safety, and peaceful enjoyment of existing neighborhood, should take paramount and priority. Indeed, the proposal also adds public and private costs for which all Montgomery County citizens will ultimately have to pay at the fiscal challenging time. In short, the River Quarry Homeowners' Association strenuously objects to the referenced proposal, at least to the extent as it would involve the

widening of River Road adjacent to, adjacent to and across from River Quarry community. Thank you for your time and consideration.

**ANDREW BING:** Okay. Thank you Paul, for those comments. Right now, we do not have anyone else who is in the speaker queue. It is 9:25. We do have five minutes left and we are gonna honor those five minutes just in case someone got caught up somewhere and is, is scrambling to try to call in and, and make their testimony. We will stay here till 9:30. I am gonna go on recess right now. I, and we will come back if we get a caller in the next five minutes. If not, I will come back and close the hearing out at 9:30. So we are in recess.

[IN RECESS]

**ANDREW BING:** Okay. It is now 9:30 PM. That was the stated time that our hearing would go to and we are gonna close the hearing out at this time. I do want to thank the panelists from the Maryland Department of the Environment, as well as the Army Corps of Engineers. I want to thank all the people who took the time to provide comments, as well as those who listened through the live stream. At this time, this concludes the live testimony session. As a reminder, the public comment period will remain open until 11:59 PM on September 29th, 2022. And we are, this hearing is now closed. Thank you very much.