



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401

February 22, 2022

Mr. Gregory Murrill, Division Administrator
Federal Highway Administration, Maryland Division
George H. Fallon Federal Building
31 Hopkins Plaza Suite 1520
Baltimore, MD 21201

Mr. James F. Ports, Jr., Secretary
Maryland Department of Transportation
707 North Calvert Street, Mail Stop P-601
Baltimore, MD 21202

Dear Mr. Murrill and Mr. Ports:

As members of the Maryland General Assembly, we write to express our grave concerns over the plan to move forward with the I-495 and I-270 Managed Lanes Study, despite the omission of important analyses in the Supplemental Draft Environmental Impact Statement (SDEIS) issued on October 1, 2021. Therefore, we urge that a completed Supplement Draft Environmental Impact Statement be issued for public comment. Given the size of this transportation project and the impact it would have on the environment and Maryland communities, we also urge you to provide a formal public comment process for the Final Environmental Impact Statement (FEIS).

The goal of the National Environmental Policy Act is to ensure informed decision-making. Agencies are required to study the impacts of a proposed action, consider alternatives that are less harmful, describe mitigation measures for unavoidable impacts and provide this information to the public and other stakeholders so that they can raise concerns, make suggestions and help shape a project. Contrary to the requirements of the National Environmental Policy Act, the environmental review for this project has been marked by a failure to provide critical analyses needed for the public and policymakers to provide input that would help ensure informed decision-making.

In particular, we are alarmed that the SDEIS omitted an assessment of the impact of the I-495 and I-270 project on greenhouse gas emissions once the toll lanes are completed. This omission is inconsistent with [Executive Order 13990](#), issued on January 20, 2021, which states in Section 1 that it is the policy of the Administration to “reduce greenhouse gas emissions...” and directs all federal agencies to “...immediately commence work to confront the climate crisis.” In publishing notice of actions taken to follow up on Executive Order 13990 in the [February 19, 2021 Federal Register](#), the Council on

Environmental Quality stated that, “Federal courts consistently have held that NEPA requires agencies to disclose and consider climate impacts in their reviews.”

This disclosure is critical for the Maryland General Assembly as well as federal agencies, as we seek to address climate change. Transportation is the number one source of greenhouse gas emissions in the State. The General Assembly set out specific goals for reducing greenhouse gas emissions through the 2016 Greenhouse Gas Emissions Act and is currently working to update these goals. Without a greenhouse gas emissions analysis on a major transportation project, our ability to address climate change is hindered. Moreover, the public is prevented from providing input that could shape final decisions about the I-495/I-270 toll lanes.

The SDEIS also did not include an analysis of greenhouse gas emissions from construction activities. Instead, this analysis is being deferred until the FEIS. Delaying this analysis until after the formal public comment process also prevents policymakers and the public from providing input, including steps to mitigate emissions.

The environmental justice analysis was omitted from the SDEIS. Instead, it has been deferred until the FEIS. The purpose of an environmental justice analysis is to determine whether the harmful effects of a project will disproportionately burden low-income communities and communities of color. Deferring the analysis until after the close of the public comment process blocks environmental justice communities and other stakeholders from providing input and helping to inform final decisions about the project.

The failure to include the environmental justice analysis in the SDEIS is also inconsistent with current [U.S. Department of Transportation Order 5610.2\(a\)](#), established following the issuance of Executive Order 12898 in 1994. Order 5610.2(a) states that, “It is the policy of DOT to promote the principles of environmental justice (as embodied in the Executive Order) through the incorporation of those principles in all DOT programs, policies and activities. This will be done by fully considering environmental justice principles *throughout planning and decision-making processes* in the development of programs, policies and activities, using the principles of the National Environmental Policy Act of 1969 (NEPA), Title VI of the Civil Rights Act of 1964 (Title VI)...and other DOT statutes...” Providing an environmental justice analysis at the close of the environmental review process and after the opportunity for formal public comment, fails to meet the U.S. DOT standard.

The environmental review process for the I-495/I-270 toll lanes project must ensure that the public and policymakers understand all of its impacts and have the opportunity to provide input that will help ensure informed decisions. We urge you to issue a complete SDEIS, including an environmental justice analysis and analyses on greenhouse gas emissions from the operation and construction of the toll lanes. Because of the substantial impacts of this project, we also urge that stakeholders be given an opportunity to provide formal comment after the FEIS is issued.

Sincerely,

Senator Pamela Beidle
Senator Joanne Benson
Senator Jill Carter
Senator Arthur Ellis
Senator Shelly Hettleman
Senator Cheryl Kagan
Senator Benjamin F. Kramer
Senator Clarence Lam
Senator Susan Lee
Senator Paul G. Pinsky
Senator Jim Rosapepe
Senator William C. Smith, Jr.
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Senator Mary Washington
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Delegate Tony Bridges
Delegate Benjamin Brooks
Delegate Jon Cardin
Delegate Al Carr
Delegate Mark Chang
Delegate Lorig Charkoudian
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Delegate Debra Davis
Delegate Eric Ebersole
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Delegate Robbyn Lewis
Delegate Brooke Lierman
Delegate Mary Ann Lisanti
Delegate Lesley Lopez
Delegate Sara Love
Delegate Eric Luedtke
Delegate Maggie McIntosh
Delegate David Moon
Delegate Julie Palakovich Carr
Delegate Edith J. Patterson
Delegate Joseline Pena-Melnyk
Delegate Shane Pendergrass
Delegate Susie Proctor
Delegate Pamela Queen
Delegate Kirill Reznik
Delegate Mike Rogers
Delegate Samuel Rosenberg
Delegate Sheila Ruth
Delegate Emily Shetty
Delegate Jared Solomon
Delegate Dana Stein
Delegate Vaughn Stewart
Delegate Jen Terrasa
Delegate Kriselda Valderrama
Delegate Geraldine Valentino-Smith
Delegate Alonzo T. Washington
Delegate Courtney Watson
Delegate Jheanelle Wilkins
Delegate Nicole A. Williams
Delegate Karen Lewis Young
Delegate Pat Young

cc: Ms. Stephanie Pollack, Deputy Administrator
Federal Highway Administration

Ms. Jeanette Mar, Environmental Program Manager
Federal Highway Administration, Maryland Division

Mr. Jeffrey Folden, Project Director
I-495/I-270 Project Office
Maryland Department of Transportation