



November 9, 2020

Mr. Gregory Slater, Secretary
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, MD 21076

RE: I-495/I-270 Managed Lanes Study DEIS Comments

Dear Secretary Slater:

The Montgomery County Executive and County Council have been closely following the Managed Lanes Study (MLS) for I-270 and I-495 since its initiation. For ease of reference, we have attached our previous correspondence. We understand that, under your leadership of the Maryland Department of Transportation (MDOT), efforts to have constructive dialogue between the State Highway Administration (MDOT/SHA) and the agencies representing the County have increased. We applaud these efforts to resolve disagreements and encourage you to take further steps to bring transparency and to build understanding and trust within the community about this major initiative.

Detailed technical comments have been provided by both the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the Montgomery County Department of Transportation (MCDOT) on behalf of many County departments. The Executive and Council request your thoughtful consideration of these comments and we encourage you to respond to the questions and concerns identified. We also request that you address the concerns raised by the National Capital Planning Commission (NCPC) and the Metropolitan Washington Council of Governments Transportation Planning Board (MWCOG/TPB) as well as those raised in correspondence and testimony from residents of Montgomery County. Our most significant concerns are identified in the following paragraphs.

Insufficient Alternatives Analysis

Montgomery County recommended the study of the MD-200 Diversion Alternative, which was subsequently endorsed by M-NCPPC and NCPC as a parkland impact avoidance alternative under NCPC's statutory responsibilities, but unfortunately was not given due consideration by MDOT. In our current review of the DEIS, we do not find an alternative that is more attractive than the county's proposed alternative. We did not find any current alternative that was suitable for the entire geographic area of the study. For that reason, we echo our request of October 2019 for a full and detailed analysis of the ability of Maryland 200 to accommodate some of the travel demand on I-495 when coupled with Transportation Systems Management (TSM) for I-495 between the I-270 West Spur and I-95 and for the I-270 East Spur.

We also identified the need for meaningful inclusion of transit in the DEIS. It does not appear that either of these requirements have been fully considered in the DEIS as the Maryland 200 Alternative and the TSM alternative were dismissed from consideration without detailed development of how either alternative, or the alternatives in combination, could work to improve transportation in these corridors.

Furthermore, transit is not a baseline element of the alternatives, but rather appears to be an afterthought. The next steps in this study should include specific and robust exploration of specific TSM strategies--particularly along I-495 between the I-270 West Spur and I-95, and along the I-270 East Spur--and definition of how this project will provide substantial and ongoing support for transit.

Confidence in the Project and the Public Private Partnership (P3) Model

In addition to the concerns about the impacts to natural resources, adjacent property and parkland, agency comments highlight significant uncertainty about the transportation impacts and benefits of the project, its financial viability, and the equity implications of the project as currently conceived. In terms of transportation benefits, in some instances, the No-Build appears to be the best performing alternative. For example, the No-Build condition provides the fastest average speed and the most reliability for the general-purpose lanes on I-270 northbound in the PM peak hour. In terms of financial viability, concerns about utility relocation costs and impacts to rate payers appear to be unaccounted for in the analysis, as mentioned in our May 14, 2020 letter. In terms of equity, without a robust transit component and favorable policy for high-occupancy vehicles (HOVs), we are concerned that this project will further disadvantage those who are unable to afford to use priced managed lanes in their own personal vehicle. MDOT's current experience with the Purple Line reinforces our concerns about the public private partnership model and therefore, we urge extreme caution about embarking on such a significant undertaking without more confidence in the project risks and the protections to the taxpayers from another massive and complex public-private partnership.

Changing Travel Patterns

We acknowledge that these highways were very congested until March 2020, and that travel on these highways impacted the quality of life for residents and constrained access to businesses within Montgomery County. Action to address these problems was warranted; however, we remain concerned about the range of solutions under consideration and the short- and long-term impacts of these strategies. Additionally, MDOT needs to be cautious as the COVID-19 pandemic may have caused permanent changes in regional travel patterns. As an example, a new independent study conducted for the Northern Virginia Transportation Authority predicts far lower vehicle miles traveled across the region in 2025 than previously thought. The study predicts that Northern Virginians will spend 31% less time traveling at all in 2025 than they would have without COVID.

Inadequate Purpose and Need

As the MLS reaches this major milestone, we restate our concerns that the fundamentals of the analysis, including the Purpose and Need and Alternatives Screening are too narrowly framed to allow a full and detailed exploration of the solutions available to meet transportation needs in these corridors. If the Purpose and Need of the project had been broader, this study might have identified solutions to the most pressing highway needs along with other investments that could transform and differentiate Maryland from competitive jurisdictions in the Capital Region.

Instead, the alternatives are constrained to highway investments that mirror those of Northern Virginia, but without the commitment to transit exhibited by Virginia. We urge MDOT to broaden its focus so that this project conforms, at a minimum, to the established practice in the region that new express toll facilities provide meaningful and ongoing support to transit.

Uncertain Environmental Impacts and Mitigation

The environmental focus of this project must also be expanded to address the impacts of the whole facility, not just its expansion. If a project results from this study, all reasonable steps must be taken to avoid harm to, and even improve the condition of, resources along the corridors. More detail is needed on the specific strategies planned to address stormwater runoff, impacts to streams, and other watershed impacts.

The project must also address air quality impacts to nearby communities. Expanded monitoring should be included in the project as the analysis shows that congested operations will continue, and traffic volumes will be increased because of the project. It does not appear that there are any monitoring stations near I-270 or I-495 in Montgomery County. As noted in the DEIS, Mobile Source Air Toxins (MSAT) are projected to be higher in the Build Alternatives than under No-Build conditions. The analysis also shows that all Build alternatives increase Greenhouse Gas (GHG) emissions in comparison to the No-Build, which is counter to our climate change mitigation goals. These findings in the DEIS highlight the importance of strategies to reduce single-occupant vehicle (SOV) travel as part of this project through provision of transit and facilities like park-and-ride. It also highlights that the FEIS needs to address how the project is consistent with the County's Non-Auto Driver Mode Share (NADMS) goals contained in our adopted Master Plans.

Our communities are also deeply concerned with highway noise. The analysis seems to indicate that noise barriers are "feasible and reasonable" or that existing barriers will be replaced for many areas of concern. This analysis must be translated into commitments to provide noise barriers to the maximum extent possible.

There is major concern about impacts to community and cultural resources. Based on the DEIS, impacts to parks and neighborhoods along I-495 east of the I-270 West Spur appear significant and unacceptable. West of I-270, the Moses Morningstar Cemetery is immediately adjacent to I-495 near Seven Locks Road, in a location where a major ramp system is proposed. As emphasized by our Congressional Delegation on October 26, 2020, impacts to this sensitive historic site are unacceptable.

Recommendations for Next Steps

As MDOT/SHA works to address the comments received and considers a Recommended Preferred Alternative (RPA), we offer the following as guidance about the County's perspective on the project:

- The Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) should correspond to the Phase 1 project approved by the Board of Public Works and currently in procurement by MDOT/SHA. The current disconnect between the environmental and procurement processes will continue to cause confusion and is likely to hamper progress on any part of the project if legal challenges to either process occur.

- Agreement about substantial and ongoing funding for transit must be reached and detailed in the FEIS and ROD for Phase 1 and incorporated into the RPA. Additionally, we expect that the P3 project will directly deliver transit supportive infrastructure. The FEIS and ROD should explicitly define the transit elements, such as park-and-ride, transit centers, and transit facilities to be built directly by the project in the RPA.
- All work to reconfigure the highways should occur within the existing noise walls, or within the developed area of the right-of-way where noise walls are missing, to the maximum extent possible. Encroachment of highway facilities toward nearby businesses, residences, and resources and into undeveloped areas of the right of way remain a major concern with any potential changes to I-495 and I-270 for the entirety of the study area. We do not support expansion of the right-of-way and we expect that you will work with adjacent businesses and residents to minimize potential harm to private property from this project. If any businesses are directly or indirectly impacted by construction of the project, State-managed business impact assistance must be provided.
- Reversible Managed Lanes appear to be effective on I-270 between the split and I-370; however, the RPA should only be selected after the completion of alternatives analysis for I-270 north of I-370. This would allow identification of an RPA for the entirety of Phase 1 of the project and avoid unexpected outcomes resulting from the separation of the studies. We note that residents in the surrounding neighborhoods have consistently expressed concerns about unmitigated noise from the existing highway and have expressed opposition to physical expansion of the highway.
- Managed lanes appear to help meet the traffic demands between the project limit at the George Washington Memorial Parkway (GWMP) and the I-270 split, although it is not clear exactly what configuration best balances the transportation needs with the need to protect community, cultural and environmental resources, like the Carderock Springs Elementary School and Moses Morningstar Cemetery, along this section of the corridor. Our residents in this area continue to express concerns about project noise and stormwater impacts. It appears that the most significant impacts result from proposed interchange ramps and alternative configurations that avoid these impacts should be explored. We agree with the concerns about unacceptable impacts to the Moses Morningstar Cemetery raised by members of our Congressional Delegation on October 26, 2020.
- If retained in the FEIS, improvements to I-495 between the I-270 West Spur and I-95 and to the I-270 East Spur should be limited to Transportation Systems Management (TSM) including ramp metering, variable speed limits, peak period shoulder use, merge/diverge lane adjustments, and potential interchange reconfigurations as contemplated in the recently adopted Montgomery Hills/Forest Glen master plan.
- Direct ramps between the managed lanes and River Road, Westlake Terrace, Wootton Parkway, and Gude Drive appear to improve the benefits to auto users and transit passengers alike. The RPA must include mitigation measures for traffic impacts within the community associated with the increased traffic volumes and new connections generated by the project. Vision Zero requires that mitigation measures must enhance the safety performance of local roads.
- We support your earlier decision for transit to use the managed lanes at no charge. We also encourage you to adopt a High Occupancy Toll (HOT) lane policy consistent with Virginia, where

High Occupancy Vehicles with three or more people (HOV3+) are permitted to use the managed lanes free of charge.

- We support including a shared use trail in the reconstructed American Legion Bridge and the RPA should detail other pedestrian and bicycle facility improvements to be implemented with this project including master-planned facilities and improved pedestrian/bicycle safety around existing and proposed interchanges. These facilities are essential if the project is to comply with Vision Zero.
- As was done for the Woodrow Wilson Bridge, the replacement of the American Legion Bridge should include design provisions that allow for the addition of new transit modes, like rail transit, without requiring reconstruction of the bridge.

We welcome your continued engagement on this important project.

Sincerely,



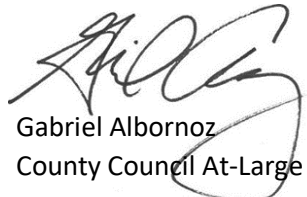
Marc Elrich
County Executive



Sidney Katz
Council President, County Council District 3



Tom Hucker
Council Vice President, County Council District 5



Gabriel Albornoz
County Council At-Large



Andrew Friedson
County Council District 1



Evan Glass
County Council At-Large



Will Jawando
County Council At-Large



Nancy Navarro
County Council District 4



Hans Reimer
County Council At-Large



Craig Rice
County Council District 2

cc: Tim Smith, Administrator MDOT/SHA and Lisa Choplin, MLS Project Director

Attachments: October 23, 2019 County Letter to MDOT Secretary Rahn re MD-200 Diversion Alternate
May 14, 2020 Letter to MDOT Secretary Slater re WSSC
October 26, 2020 Congressional Delegation Letter re Moses Morningstar Cemetery