

June 21, 2021

The Honorable Charles Allen, Chairman
Kanathur Srikanth, Deputy Executive Director, Metropolitan Planning
National Capital Region Transportation Planning Board
Metropolitan Washington Council of Governments
777 North Capitol Street, N.E., Suite 300
Washington DC 20002

Dear Chairman Allen and Deputy Director Srikanth:

I am writing to inform the Board that based on the action taken at the June 16, 2021 meeting of the National Capital Region Transportation Planning Board (TPB), which included approving resolution TPB R19-2021, to remove the revised Traffic Relief Plan (I 495/270 HOT Lanes project) from the Air Quality Conformity Analysis inputs, work on that analysis cannot move forward until two key issues are resolved and the TPB once again approves a revised set of conformity inputs.

The Maryland Department of Transportation (MDOT) submitted a package of projects and studies for analysis in the 2022 Update of Visualize 2045, the region's Long Range Transportation Plan (LRTP), supported by a financial plan for the projects and studies. This financial plan included \$6 billion of private funding that was reasonably expected to be available from a private concessionaire. Federal conformity analysis regulations require the TPB to demonstrate that projects included in the plan's air quality conformity analysis will have adequate funds to build, operate and maintain the projects.

TPB's action to exclude the I 495/270 HOT Lanes projects from the LRTP essentially removes the assumed \$6 billion in private sector revenues, which were slated to fund the replacement of the American Legion Memorial Bridge – an aging structure that is one of the nation's most congested chokepoints – and other smaller structures along the interstate included in the Phase 1 south section of the recommended preferred alternative. This infusion of private sector capital enabled the State to leverage the Transportation Trust Fund (TTF) balance to support other critical transit and highway projects. Since the TPB acted to remove the Traffic Relief Plan (I-495/270 HOT Lanes project) and eliminate the associated private sector capital, MDOT can no longer reasonably expect this private funding to be available to replace or maintain the American Legion Memorial Bridge or fund the related transportation projects. As a part of the National Highway System, MDOT is federally required to maintain the bridge and its Interstates in a state of good repair and will now have to use State funding from the TTF for those system preservation needs.

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MDOT will now begin the process of assessing project inputs for air quality and costs for financial constraint. **Projects currently modeled for construction in the National Capital Region will almost certainly need to be downgraded to studies or removed entirely to offset the loss of revenue for system preservation costs of the American Legion Memorial Bridge and interstates.** MDOT will submit a revised package of inputs and financial information for TPB's consideration at its July 21, 2021 Board meeting. The TPB will have to review and take action to approve the revised set of conformity inputs to be used in the regional air quality conformity analysis for the plan update. We anticipate this action on a revised set of conformity inputs will require a new 30-day public comment period.

We appreciate your cooperation in this matter. If you need further assistance, please contact Ms. Heather Murphy, MDOT Planning and Capital Programming Director, at 410-865-1275 or via email at hmurphy@mdot.maryland.gov. Ms. Murphy will be happy to assist you.

Sincerely,



R. Earl Lewis, Jr.
Deputy Secretary

cc: Ms. Heather Murphy, Director, Office of Planning and Capital Programming,
MDOT