

November 30, 2021

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

The SDEIS Does Not Study Reasonable Alternatives as Required by NEPA

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

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

While not specified on page 146, other traffic demand strategies have been studied and found to be effective by local policy experts. In a 2017 [report](#), the regional Transportation Planning Board found that traffic demand management, including significant telework, would be more effective at reducing congestion than adding express toll lanes to local highways, including I-495 and I-270 (see page 11). In August 2020, the Maryland Transportation Institute [testified](#) that a 5 percent increase in telework would reduce congestion by 32 to 58 percent. Even MDOT [predicts](#) that its Innovative Congestion Management program, including restriping to add lanes at certain locations, ramp entrance and exit adjustments and ramp meters on I-270, will improve driving time by as much as 30 minutes between Frederick and I-495.

In June 2021, the Office of Management and Budget, the Office of Personnel Management (OPM) and the General Services Administration issued a [memo](#) regarding post-pandemic work policies. The memo encourages federal agencies to adopt more telework on a permanent basis. On page 13, the memo states, “As agencies consider what their post-reentry policies should be, OPM encourages them to consider telework as part of the overall strategic workforce planning that provides new flexibilities to agencies competing for top talent with other sectors across the country.” The SDEIS does not assess how the change in federal telework policy will impact traffic congestion in the future. Nor does the SDEIS assess policies that provide private employers incentives to implement telework or flexible work schedules.

The plan by the Maryland Department of Transportation to monitor traffic between now and the completion of the Final Environmental Impact Statement is not adequate. Traffic demand management strategies, including flexible work schedules, express buses, telework, ramp meters and lane and ramp adjustments are reasonable alternatives that would have less harmful impacts than the Preferred Alternative. An examination of these alternatives should have been included in the SDEIS, in order to fulfill the requirements of NEPA.

Failure to Provide Estimate of Taxpayer Subsidies

The Draft Environmental Impact Statement (DEIS) issued in 2020 provided the range of public subsidies that would be necessary to fund the original toll lane alternatives. The SDEIS does not include an estimate of the subsidies that may be needed for the Preferred Alternative, which was not included in the DEIS and for which there was no estimate of subsidies. Moreover, the push to adopt more telework by the federal government, the region’s largest employer, could significantly reduce traffic congestion on I-495 and I-270 in the future. It is important to understand how the increase in telework will impact the financing of the project. If traffic congestion and toll revenues are less than expected, taxpayers may be forced to provide substantial subsidies to the tollway developer. While Accelerate Maryland Partners may have stated that the project is financially viable, this does not protect Maryland taxpayers from financial risk. The amount of state subsidies is of immense concern to taxpayers and an estimate should have been included in the SDEIS.

Failure to Conduct an Environmental Justice Analysis

The Agencies are required by NEPA to look at whether the harmful impacts of an infrastructure project fall disproportionately on low-income communities or communities of color. This analysis is not provided in the SDEIS, nor was it included in the DEIS. Instead, the Agencies plan to address this requirement in the Final Environmental Impact Statement (FEIS). Delaying the environmental justice analysis until the FEIS is issued cheats the public out of the opportunity to understand and respond to the impacts while there is still time to influence the project.

The SDEIS Reveals that the Toll Lanes Would Not Reduce Congestion

Attachment D of Appendix A shows travel times if the Preferred Alternative toll lanes are built compared to not building the lanes, in the benchmark year of 2045. If the toll lanes are built, MDOT projects that 2 minutes and 36 seconds would be saved during the morning rush hour by drivers who travel in the general (non-tolled) lanes on I-270 from the start of the toll lanes at I-370, to the George Washington Memorial Parkway exit, just beyond the American Legion Bridge. However, when drivers return home during the evening rush hour, their travel time would increase by 10 minutes and 6 seconds. Peak period drivers completing a roundtrip would experience an increase of 7 minutes and 30 seconds in their daily commute. The SDEIS shows that the Preferred Alternative would fail to ease congestion for the majority of drivers, who would be using the general lanes, while causing substantial harm to the environment, the climate and our communities.

The SDEIS Misrepresents Condition of the American Legion Bridge

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

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

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

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

Sincerely,

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