

I-495/I-270 Managed Lanes Update Presentation

July 15, 2020

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► Timeline

2018/2019 Activities

- ▶ July 2018 – MDOT SHA Managed Lanes Study team presented the project to the Commission.
- ▶ October 2018 – staff provided an update on the Commission's role as a Cooperating Agency.
- ▶ May 2019 – introduction of the range of Preliminary Alternatives being studied for the MLS.
- ▶ June 2019 – discussion of the proposed ARDS and vote of non-concurrence.
- ▶ November 2019 – MDOT SHA presented the revised ARDS to the Commission. Voted to continue your non-concurrence.



2020 Activities

- ▶ 7/10/2020 – DEIS Publication was released. All 18,000 pages and staff is here today to provide initial recommendations regarding major issues of concern. The Commission's formal comments on the DEIS are due 10/8/2020.
- ▶ Viewing of DEIS in Maryland at libraries (trailers), Post Offices and State Office Buildings.
- ▶ 8/18, 8/20, 8/25 and 9/3 are the virtual/online public hearings;
 - ▶ 9/1 in-person hearing in Largo (Homewood Suites);
 - ▶ 9/10 in-person hearing in Rockville (Hilton).
- ▶ 9/2020 official start of NEPA process for 270 North portion of the project.



2020 Activities continued

- ▶ 10/8/2020 Proposed date to close public comment. Note that several Congressional leaders have requested that the FHWA extend the period for public comment so that may shift.
- ▶ September or October 2020 (depending on the close of public comment) we expect to come back to you to discuss the formal response and talk about future options in closed session.



2021 Activities

- ▶ Winter 2020/2021 proposed timeframe for the selection of Preferred Alternative
- ▶ Spring/Summer 2021 – FEIS and ROD for MLS, and selection of Private Partner for Phase 1



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► Background / Process

Context:

NEPA versus P3 Procurement Process

- ▶ The logical termini (endpoints) for the I-495 and I-270 Managed Lanes Study that NEPA is analyzing include south of the George Washington Memorial Parkway, I-495 west of MD 5 and I-270 north of I-370.
- ▶ The BPW imposed conditions on the procurement including that the solicitation process start with Phase 1 beginning at the American Legion Bridge in Virginia to I-270 in Maryland and north I-70.



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Updates Project Phases

- Approval by the BPW only allows the solicitation process to move forward for a Phase Developer to assist the Maryland Department of Transportation State Highway Administration (MDOT SHA) with preliminary development and design activities, which is allowable under federal regulations.
- This approval by the BPW does not authorize other activities, such as final design and construction.
- An environmental decision document under the National Environmental Policy Act (NEPA) will be approved before final design and construction will commence on any portion of Phase 1.



Purple Line Cost Overruns

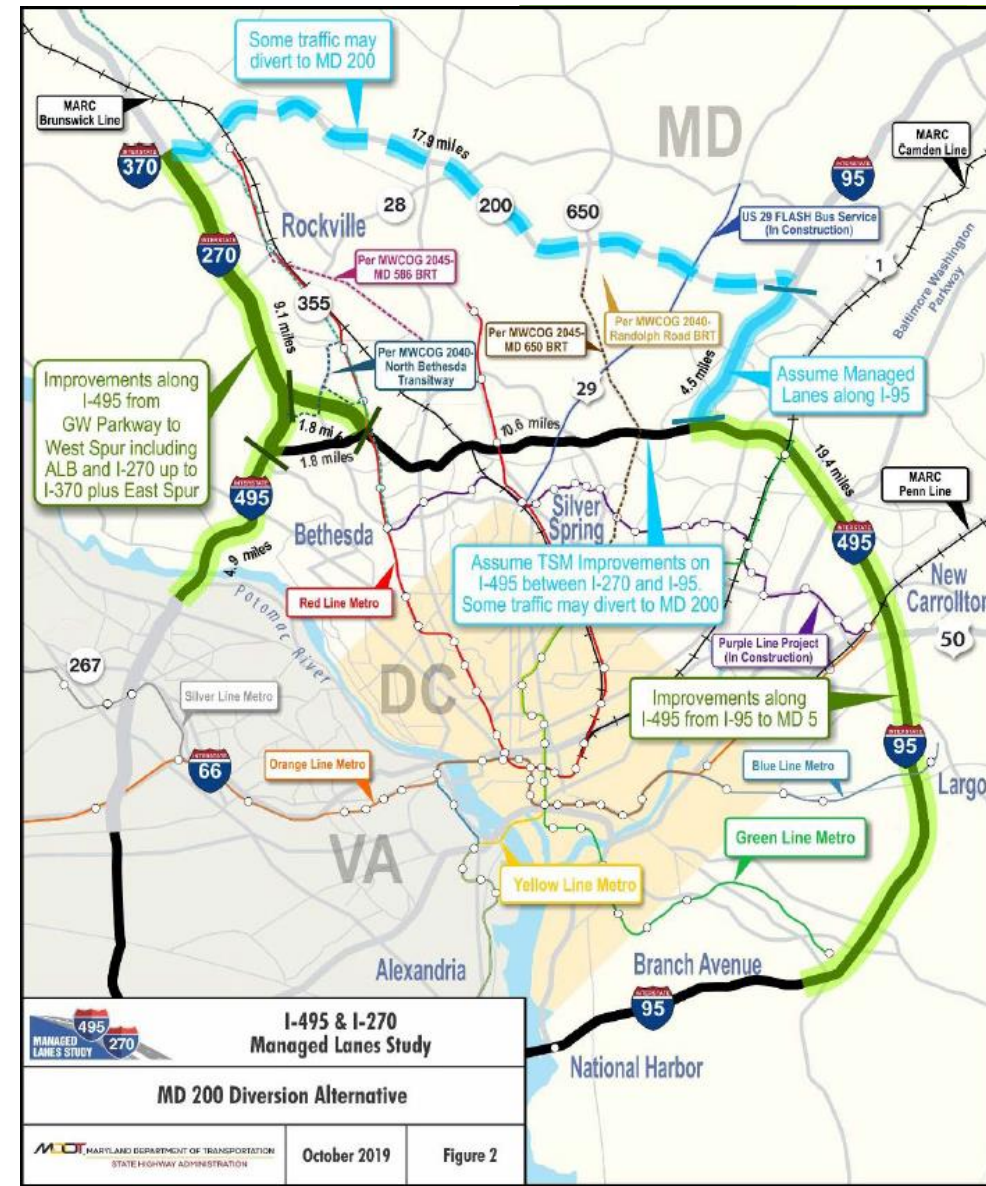
- ▶ On May 1, 2020, the Purple Line Transit Constructors (PLTC – Design-Build Contractors) informed the Purple Line Transit Partners (PLTP Concessionaire) that they wish to terminate their Design-Build Contract.
- ▶ On June 23, 2020 PLTP formally filed notice for PLTC to exit the project with MDOT MTA.
- ▶ The parties had 60 days to reach an agreement. The PLTC cites:
 - ▶ Time delays of "Critical Path" items including the Record of Decision, Right-of-Way acquisition, CSX and the Maryland Department of Environment. In total, this resulted in at least 976 calendar days of delay.
 - ▶ PLTC asserts a financial loss of approximately \$700,000,000.
 - ▶ To date, MDOT/MTA and PLTC have not reached an agreement on this matter.
- ▶ This situation is both informative and cautionary for the ML Project



► Major Issues

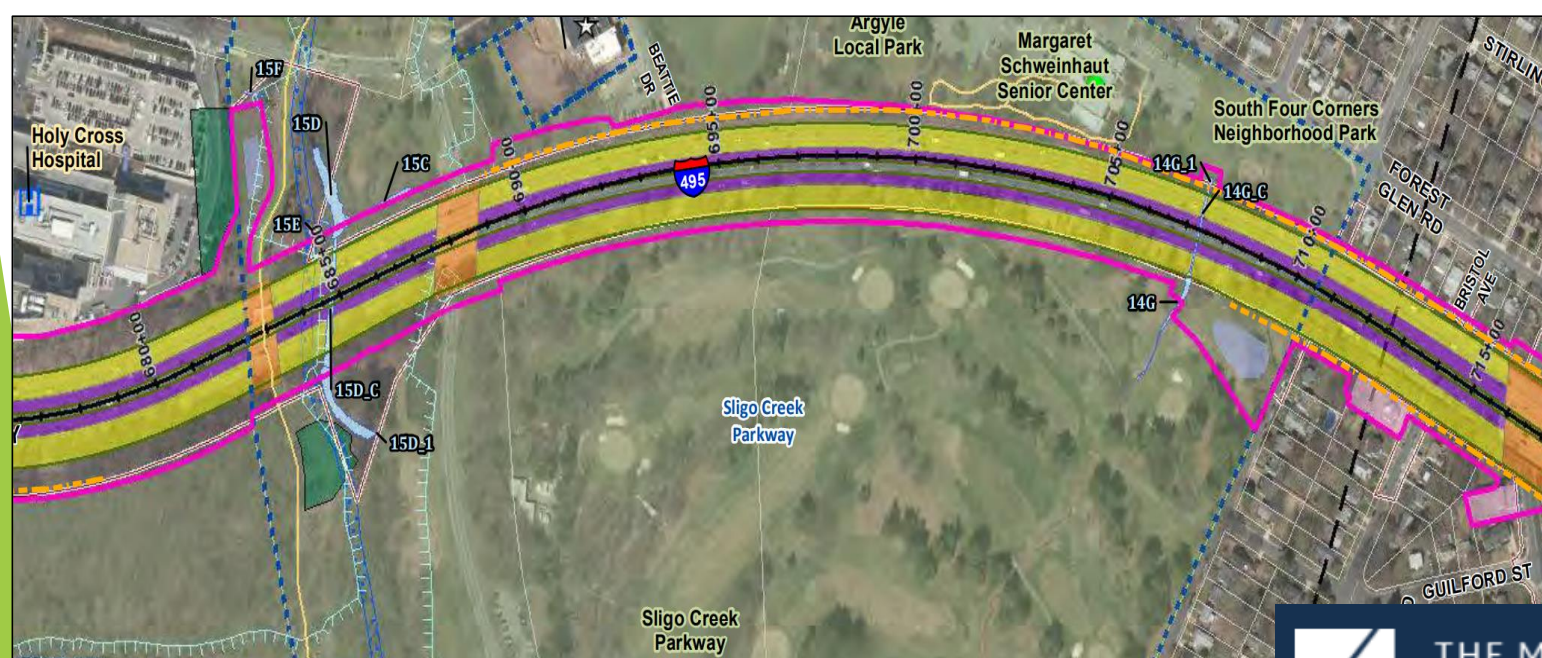
1. Insufficient Analysis of the ICC Alternative

MD 200 Diversion Alternative should be studied in more detail with various modeling assumptions, including analyses with and without the I-95 segment.



2. Limit of Disturbance (LOD) Adjustments

M-NCPPC needs to be positioned to be able to request changes in the LOD as the project progresses to ensure minimization of impacts to resources and encourage the best construction methods available to be implemented.



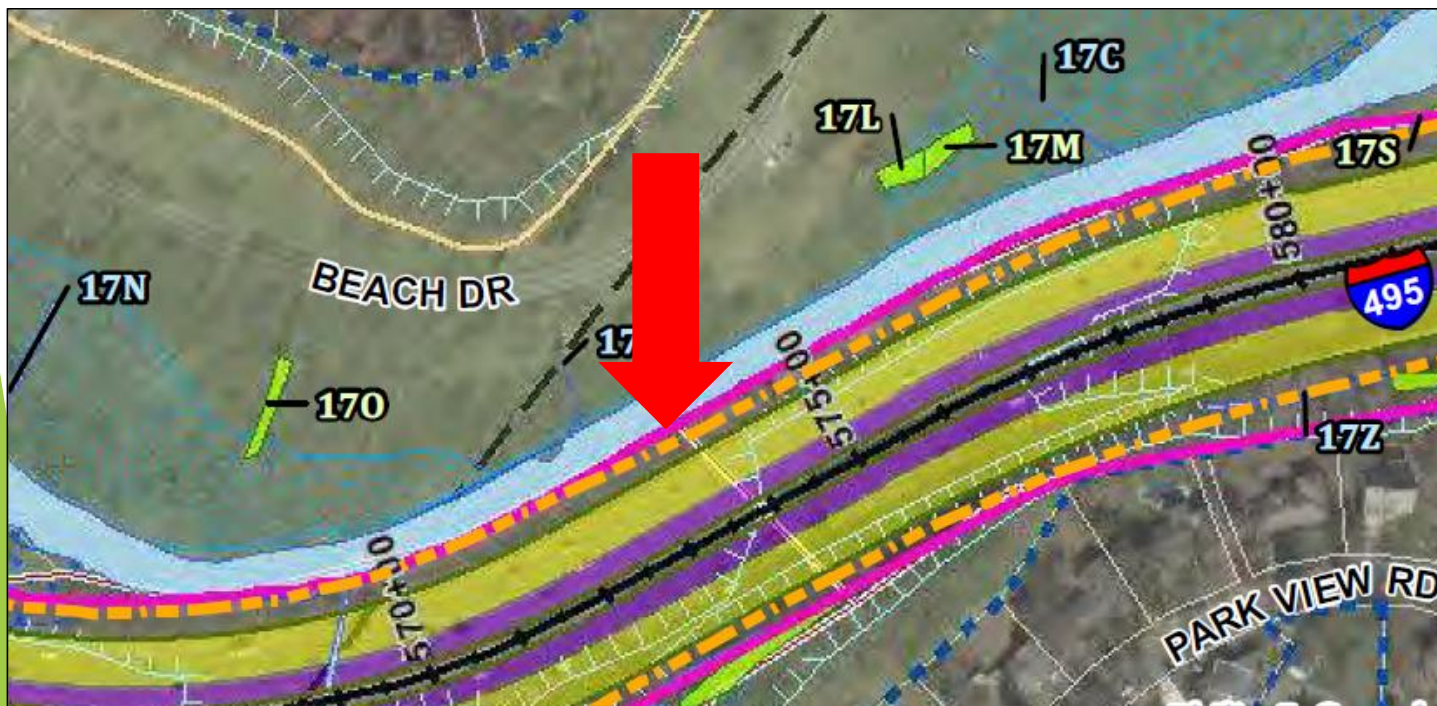
The P3, in coordination with M-NCPPC, must be given flexibility to address issues that arise in later stages of design and construction as more detailed information becomes available.



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LOD Adjustments to Address Resource Impacts

Example - Rock Creek SVU2



- ▶ **Original LOD** extended 100' on the North side of Rock Creek
- ▶ **LOD and roadway alignment** has been minimized to avoid Rock Creek
- ▶ **Impacts to Rock Creek** will still occur (especially bank destabilization) and LOD may need to be



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LOD Adjustments During Detailed Design and Construction



- ▶ The current LOD is based on standard roadway sections and modeling and minimized to show a lower impact
- ▶ LOD needs to be right sized with sufficient design details
- ▶ Identify and commit to a process for LOD changes during detailed design and construction. This process needs to be included in the Record of Decision (ROD)



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Cultural and Historic Resource Impacts

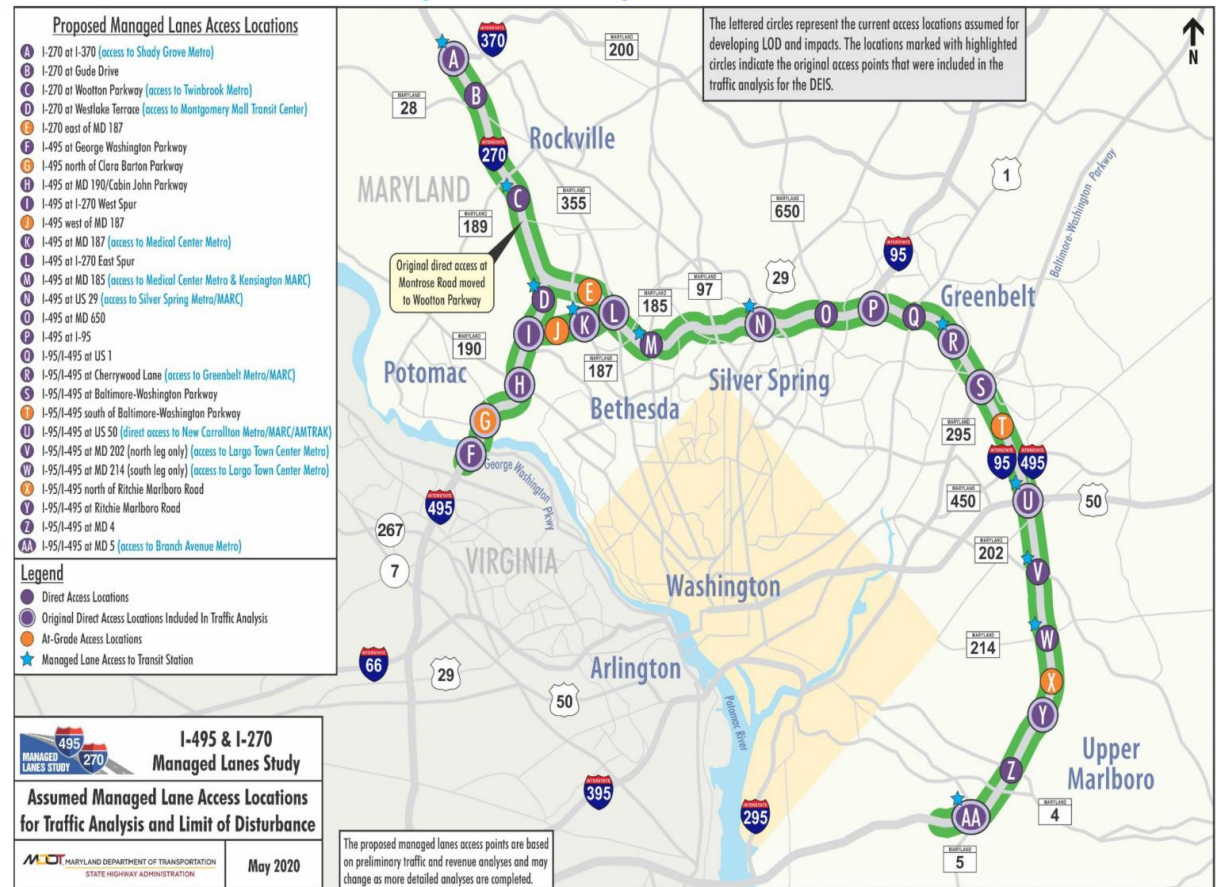
- ▶ The failure to inventory the cultural and historic resources will likely require an adjustment of the LOD.
- ▶ Montgomery County examples
- ▶ Prince George's County examples



Access Decisions

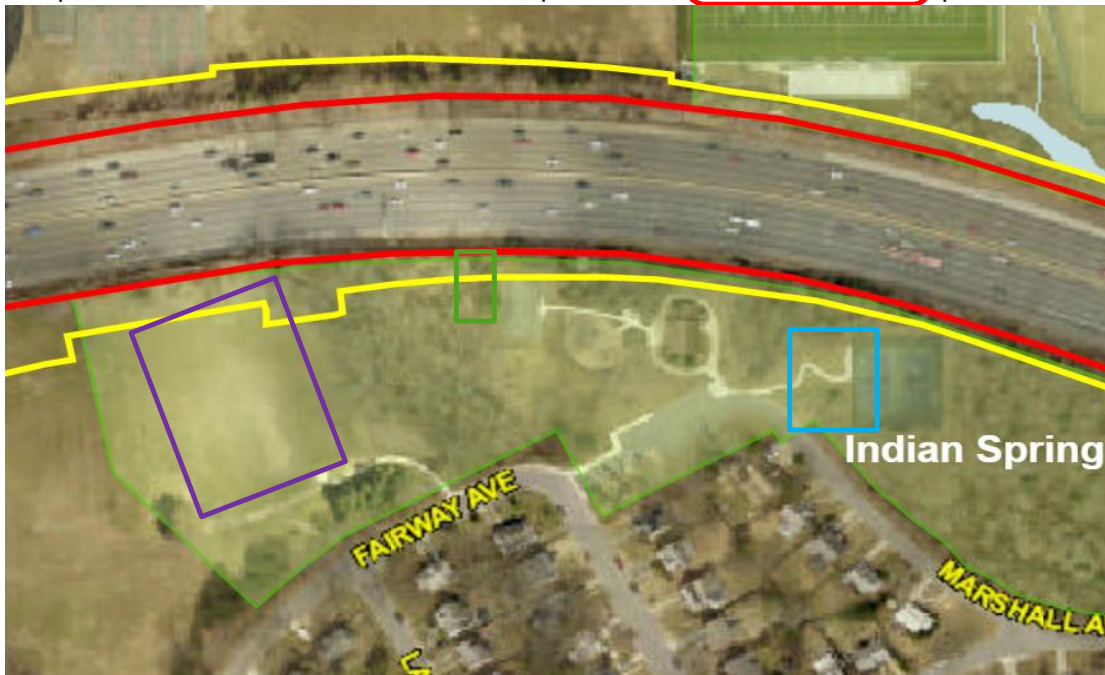


Figure 4-1: Assumed Managed Lanes Access Locations



Example: Indian Spring Terrace Local Park

Map ID	Section 4(f) Property	Size (Acres)	Potential Impacts from Proposed Action (Acres)	Officials with Jurisdiction	Type of Section 4(f) Property	Type of Section 4(f) Approval
46	Indian Springs Terrace Local Park	30.0	1.4 1.2 (Alt 9M)	M-NCPPC	Public Park	Individual Evaluation



- "Small" impact may require extensive work to make the Park whole again
- Moving and rebuilding one asset will affect other park amenities
- This is not mitigation, but simply the "cost of doing business"



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Parkland Mitigation

The DEIS (and the FEIS and ROD) must contain a plan on how MDOT SHA and the concessionaire will meet avoidance, minimization and mitigation requirements, including regulatory (404), parkland mitigation, and parkland enhancements.

Parkland impacted by a project must be replaced at **equal or greater natural, cultural, and/or recreational value** at a qualitative level, and therefore the parkland replacement mitigation may exceed the acreage impacted by the project.

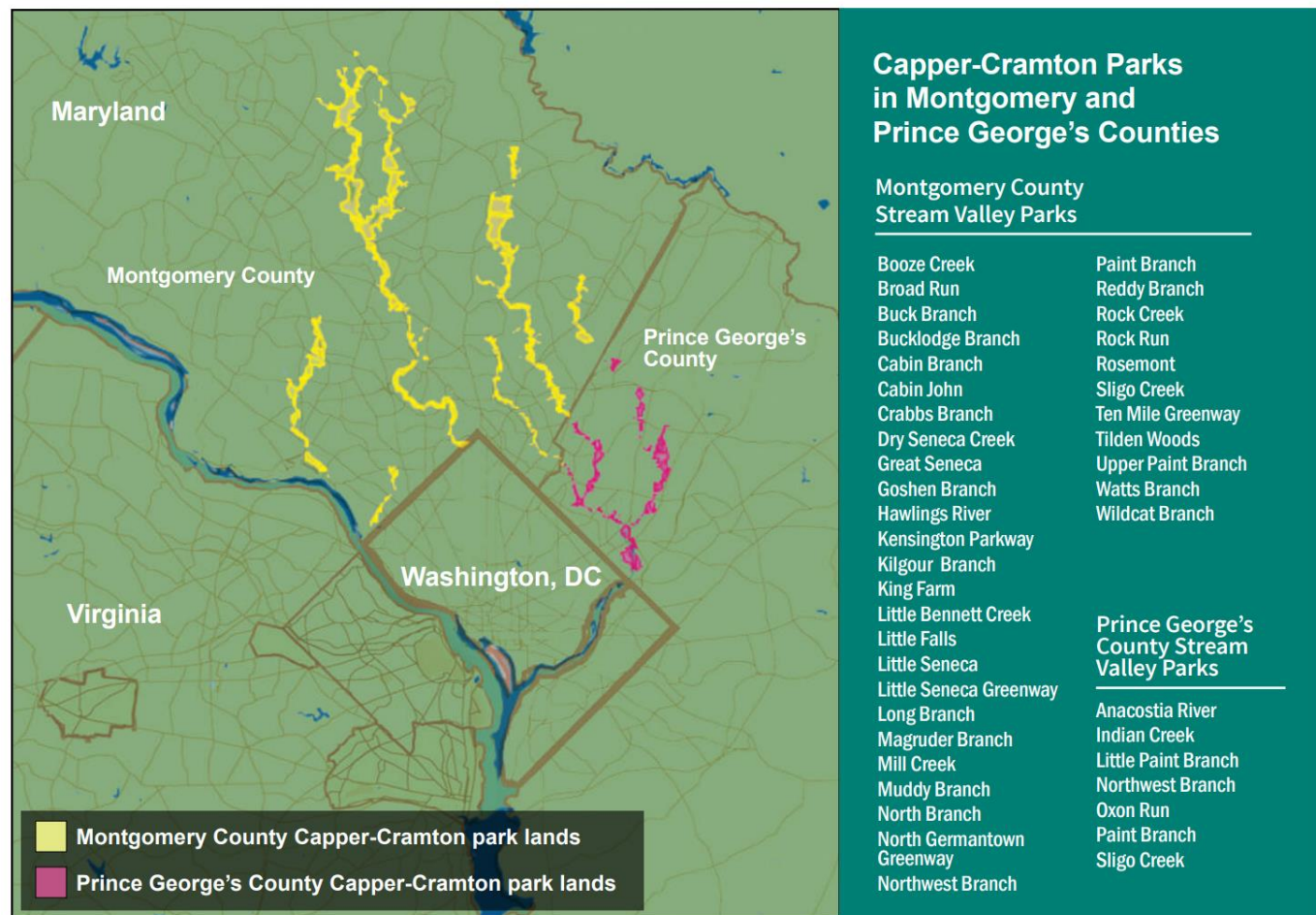
Types of Mitigation:

- Regulatory
- Parkland Replacement
- Parkland Enhancement



4. Adherence to the Capper-Cramton Act

M-NCPPC will need a complete understanding and commitment from MDOT SHA regarding parkland impacts and mitigation before approval from NCPC is sought for change in use or ownership of Capper-Cramton parkland.



5. Environmental Justice

- The DEIS does not analyze adverse effects to the community, rather it defers analysis to the FEIS/ROD phase of the project. This is problematic for a number of reasons



6. Alternative Modes of Travel

- ▶ DEIS does not meet the stated goal of leveraging other modes of transportation
- ▶ Transit on the Woodrow Wilson Bridge
- ▶ American Legion Bridge with Rail

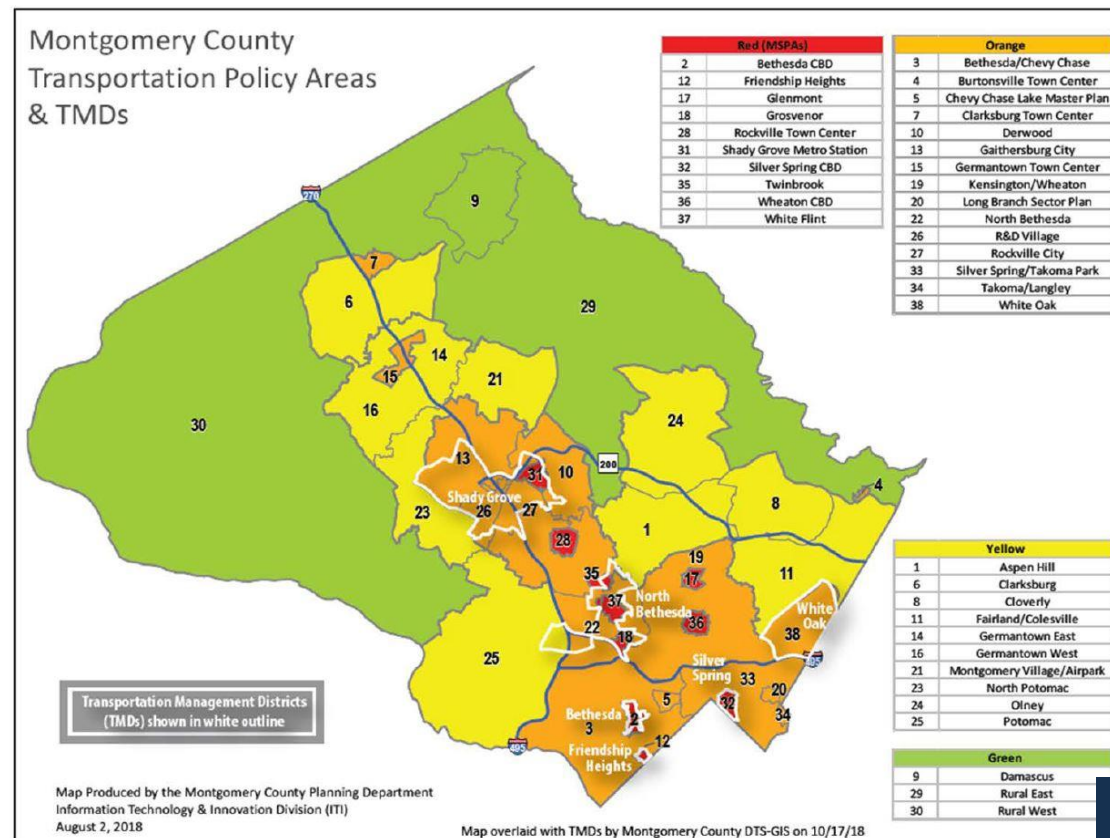


7. Non-Auto Driver Mode Share (NADMS)

- ▶ Montgomery County mandates Non-Auto Drive Mode Share Goals as part of several Master Plans and Transportation Management Districts
- ▶ Montgomery County Department of Transportation administers the NextGen TDM Program in Montgomery County focused on increasing the effectiveness of transportation demand management – Montgomery County Bill 36-18, signed into law on December 12, 2019.
- ▶ NADMS is currently a required transportation metric in 15 master plans/sector plans or Transportation Management Districts.
- ▶ Areas without a NADMS target previously now have a general five percent above existing NADMS target.
- ▶ Evaluation of managed lanes project to Montgomery County NADMS goals is needed to advance non-auto (i.e., transit) projects to mitigate shifts to auto mode and maintain Master Plan/TMD effectiveness targets.



Areas with NADMS Targets



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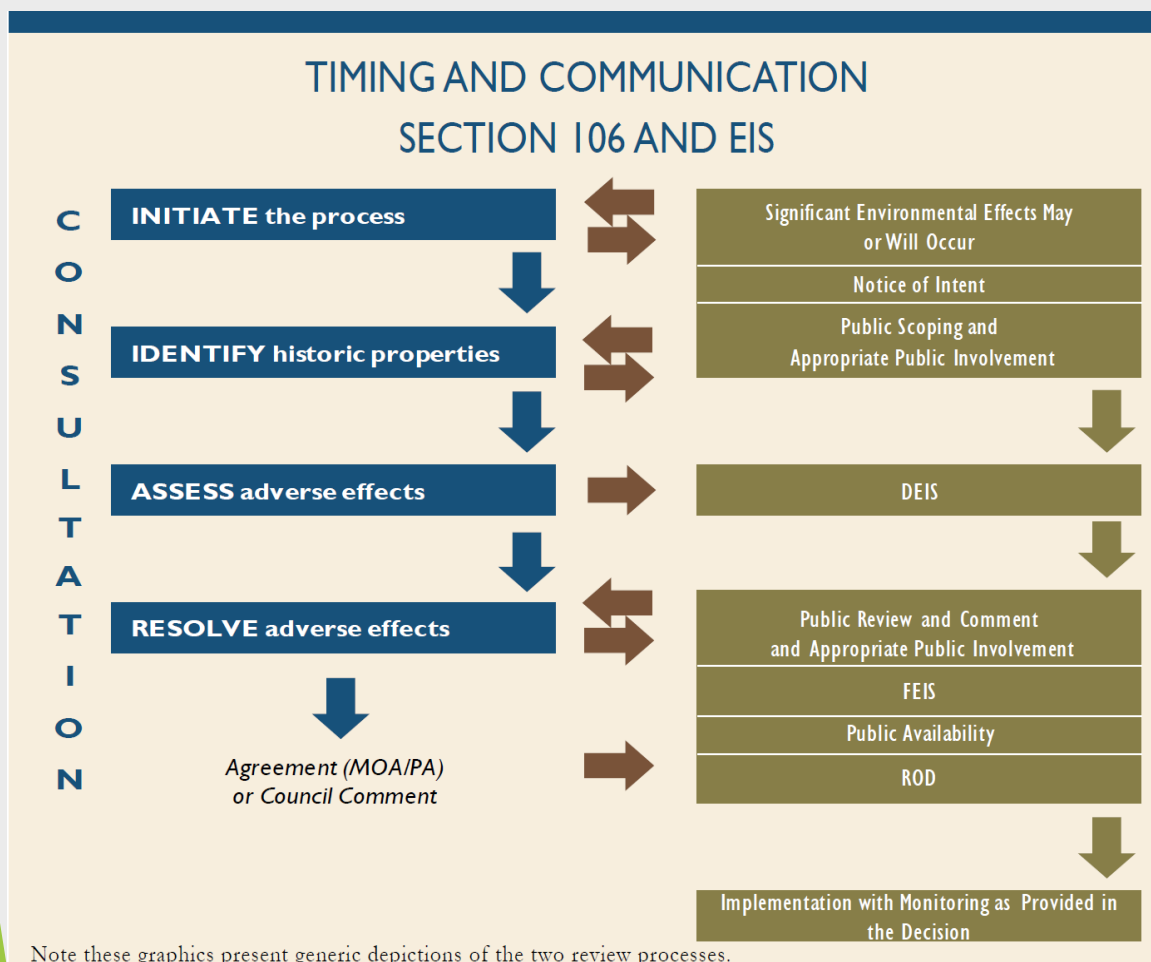
NADMS Goals

NON-AUTO DRIVER MODE SHARE (NADMS) GOALS		
Transportation Policy Area	NADMS Employees	NADMS Residential
2 Bethesda TMD	55% blended for residents and workers	
5 Chevy Chase Lake Master Plan Area	36 %	49%
12 Friendship Heights TMD	39%	
Great Seneca Science Corridor Master Plan	18% before Stage 2 23% before Stage 3 28% before Stage 4	
26 Greater Shady Grove TMD	12.5% transit	25% transit elsewhere 35% transit in Shady Grove Metro Station Policy Area
31		
18 Grosvenor Strathmore Metro Area	Blended goal 50%	
20 Long Branch Sector Plan	36%	49%
Lyttonsville Sector Plan		50%
35 <u>Twinbrook</u> Metro Area / North Bethesda TMD	39%	30%
14 Rock Spring Master Plan	23%	41%
32 Silver Spring TMD	46% existing 50% new	
37 White Flint / North Bethesda TMD	34% for Phase 1 for Plan area 42% for Phase 2 for Plan area 50% employees for Phase 3	51% for residents for Phase 3
37 White Flint 2 / North Bethesda TMD	34% Phase 1 27% Phase 1 east of tracks 42% Phase 2 35% Phase 2 east of tracks 50% Phase 3 42% Phase 3 east of tracks	34% Phase 2 27% Phase 1 east of tracks 42% Phase 2 35% Phase 2 east of tracks 51% Phase 3 42% phase 3 east of tracks
38 White Oak	25% all new commercial and residential development in the White Oak Center and Hillandale Center 30% all new commercial and residential development in the Life Science/FDA Village Center	
36 Wheaton CBD	30%	
Areas Without Specific Goals	5% above existing NADMS	5% above existing NADMS

source: NextGen TDM: Increasing the Effectiveness of Transportation Demand Management in Montgomery County, March 17, 2020 Presentation to MWCOG



8. Non-Conformance with Historic Preservation Act



The DEIS does not adequately fulfill the Historic Preservation Act, Section 106 requirements as part of the NEPA process.



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9. Inadequate Stormwater Treatment

The stormwater management (SWM) approach presented in the DEIS is insufficient and ignores decades of degradation that the existing highways have inflicted on local land.



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Inadequate Stormwater Treatment

- If MDOT SHA does not take this opportunity to address these existing stormwater runoff issues as part of this project, **the onus will fall on local jurisdictions to do so in the future.**



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Questions