

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE**

Senate Joint Resolution 8 (Senator Miller, *et al.*)

Finance

Commerce and Government Matters

**State Highways - Intercounty Connector - Restart of Environmental Impact Statement Process**

This joint resolution urges the Governor to instruct the Secretary of the Department of Transportation (MDOT) to restart and conclude the process for a National Environmental Policy Act (NEPA) environmental impact statement study of the Intercounty Connector (ICC), as recommended by the Montgomery County Planning Board's Transportation Policy Report Task Force.

The resolution also recommends that the study include at least one alternative route along the ICC for a limited access, east-west, multi-modal connector road that would accommodate general purpose, high occupancy vehicle (HOV)/carpool and bus-rapid-transit service with integrated hiker-biker trails. Such a road would facilitate access between Montgomery County, Prince George's County, Greater Baltimore, and other locations throughout the State, using specified techniques that would make the facility a national model for environmentally sensitive, community-oriented design.

**Fiscal Summary**

**State Effect:** Transportation Trust Fund (TTF) expenditures would increase by an estimated \$5 to \$10 million over the course of the environmental impact study and as much as \$2 million in the first year. The actual impact cannot be quantified at this time.

**Local Effect:** None. The resolution is nonbinding and the study would not directly affect local governments. The construction of the ICC would have a meaningful impact on the affected counties, however.

**Small Business Effect:** None. The resolution is nonbinding and the study would not affect small businesses. The construction of the ICC would have a meaningful impact on any small business that would be displaced, however.

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## Analysis

**Current Law:** State law prohibits MDOT from spending any further funds for the construction of Interstate 95 through Prince George's County that will involve a new or reconstructed segment connecting it to any other highway in the county.

NEPA is a broad federal law that requires the federal government to consider the environmental impacts of, and alternatives to, major proposed actions. NEPA requirements are invoked when airports, buildings, military complexes, highways, parkland purchases, and other federal activities are proposed. Under NEPA, federal agencies must prepare Environmental Assessments and Environmental Impact Statements (EISs), which are assessments of the likelihood of impacts from alternative courses of action. An EIS identifies the direct and indirect foreseeable effects of a proposed project, as well as any conflicts with local or state policies and the comments or concerns of other federal, state, and local agencies, special interest organizations, and the public that were received during the review process.

Other relevant federal and state laws related to the study of a major transportation facility include the Clean Water Act, the U.S. Department of Transportation Act, and the Economic Growth, Resource Protection, and Planning Act of 1992.

**Background:** The proposed ICC is a 17-mile, controlled access, divided highway that would connect Interstate 270 in Montgomery County and I-95 from Shady Grove to Laurel/Greenbelt. A version of it was first proposed in 1950 and later included in the master plans for Prince George's and Montgomery counties to accommodate anticipated growth in both counties. In July 1997, federal and State highway agencies issued a draft EIS that evaluated potential environmental and socio-economic impacts of the proposed ICC, as well as four alternatives to the ICC. No further action was taken.

The Governor announced in 1999 that he would not support the project and directed the State to sell the property acquired for one of the routes. (The property sale was not approved by the Board of Public Works.) He proposed instead to construct a route from I-370 to MD 97, and a roadway from US 1 to US 29. A task force appointed by the Governor endorsed the creation of an east-west highway earlier that year. The ICC is estimated to cost at least \$1 billion to construct. The State spent \$51 million to acquire

rights-of-way for the ICC and \$15 million for planning work, including \$3 to \$4 million for the actual study.

**State Expenditures:** The cost and the time frame required for the study will depend on the new alternatives that are considered. The State Highway Administration (SHA) estimates that the total multi-year cost would be \$5 to \$10 million. The first year of the study could cost as much as \$2 million but whether that cost would be in fiscal 2003 cannot be determined at this time. The agency notes that it would need to hire consultants and redeploy staff from current projects and estimates that it could take three to four years to conduct public hearings and issue a new environmental study.

SHA advises that while some of the engineering and environmental work completed prior to the Governor's decision to halt the ICC may still be useful, it would have to be re-evaluated. Furthermore, the study may require new traffic forecasts and new secondary and cumulative impact analyses, as well as an analysis of the environmental issues raised in the draft EIS.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HJ 10 (Delegate Taylor, *et al.*) – Ways and Means.

**Information Source(s):** Department of Transportation, Department of Planning, Draft Environmental Impact Statement of the Intercounty Connector, Department of Legislative Services

**Fiscal Note History:** First Reader - March 4, 2002  
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Analysis by: Ann Marie Maloney

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510