

February 22, 2021

**Testimony on SB 843**

**I-495 and I-270 Public-Private Partnership - Partnership Agreement - Requirements**

(Maryland Department of Transportation Promises Act of 2021)  
Budget & Taxation Committee

**Position:** Favorable

James P. Laurenson, 5916 Melvern Dr., Bethesda, MD 20817, [james.p.laurenson@gmail.com](mailto:james.p.laurenson@gmail.com), supports SB 843, the Maryland Department of Transportation Promises Act of 2021.

This bill would put into statute the verbal promises that Transportation Secretary Slater made regarding the I-495 and I-270 expansion. Since the Governor announced his plans to expand I-495 and I-270 expansion, a number of promises regarding the project have been made that were later retracted or shown to be incorrect. Some of these promises include that the project would not take any homes or businesses, all reasonable alternatives to building the toll lanes would be fairly evaluated, and no taxpayer dollars will be used on this project.

The bill specifies that the Board of Public Works may not approve a P3 agreement for the I-495 and I-270 project unless the agreement contains the promises that Secretary Slater made on this project. Some of these provisions include:

- No funding from taxpayers will be used to subsidize the project
- A federally-compliant final environmental impact statement will be available before MDOT asks the Board of Public Works to approve any contract
- Data used to estimate congestion relief, set tolls and inform other matters will be shared with local government planners
- 10% of toll revenue will be made available for transit priorities of Montgomery County and Prince George's County
- Public hearings will be held over toll amounts
- Buses and other transit will be able to use the toll lanes for free
- Bicycle/pedestrian lane(s) will be added to the American Legion Bridge
- MDOT will study the feasibility of Monorail along I-270
- No homes will be purchased before construction contracts are approved
- The project concessionaire will be required to initiate a community benefits agreement

Several other particularly egregious issues stand out that frankly indicate that no P3 be implemented at all. In particular, the project conflicts with the justice, equity and compassion principles that confirm the inherent worth and dignity of every person. The marginalized communities living near the project widening would be massively impacted by air pollution from the carbon emissions, disruption of community bonds, loss of

homes and community centers. Such impacts were overlooked in the Draft Environmental Impact Statement (DEIS). According to the DEIS, 109 places of worship are located within the economic justice analysis, most of which are low income (Appendix E Table 3-10). The harmful particulates in the greenhouse gas emissions would increase during and after construction, endangering public health. Low income communities cannot afford to use either the managed (toll) lanes or the time lost in the intentionally slower (general) lanes in the proposed widened Beltway. These inequities are heightened by the lack of adequate bus and transit transportation. An example of the removal of graves in the historic Moses Morningstar Cemetery because of the Beltway expansion would be the second huge impact on this low income community which was split in the early 1960's by the original Capital Beltway with the cemetery on one side and the community church on the other.

The Beltway Expansion would completely conflict with the Maryland Greenhouse Gas Reduction Act of 40% reduction by 2030. The list of negative environmental impacts includes the degradation of waterways and wetlands. The Limits of Disturbance (LOD) were not thoughtfully examined in all their social, economic and cultural elements. The five year construction period was barely mentioned, yet it would have huge implications for human well being, health and work issues. It would be foolhardy to have the Limits of Disturbance examined only after the final design and engineering by a private contractor.

The DEIS fails to satisfy the stated purpose (to improve traffic) and needs (to protect the environment) that it was instructed to do. Key among these issues are that the DEIS:

- 1st, fails to conduct and display the required “hard look” at the potential for adverse health and environmental impacts including environmental justice effects, especially in light of recently curtailed national air pollution, fuel efficiency, and other rules. This violates rules allowing the public to understand and comment and allowing relevant agencies to completely consider impacts and mitigations,
- 2nd, uses an overly narrow set of options, which are simply variations on a theme of highway expansion and tolls, with no meaningful variety and especially any local-serving transit and related options, which thus violates EIS rules regarding the need for a reasonable range of alternatives, as clearly described in cases such as *NRDC v. Morton*, 1972,
- 3rd, fails to address the pandemic’s effects, per 40 CFR 1502.9(c)(1), which states that agencies shall prepare supplements if there are significant new circumstances or information. This is a monumental omission that demands a full stop to the process until adequate supplements are developed and given proper public review,
- 4th, does not reflect the recent rescinding of the draft National Environmental Policy Act Guidance on Considering Greenhouse Gas Emissions, per section 7 of Executive Order 13990, thus further violating the rule in the previous item,

- 5th, will not pay for itself as claimed, but rather will cost the state billions, especially given the pandemic's long-term effects, and yet no itemized budget has ever been shared, which is yet another violation of the rules, and
- 6th, perhaps the most significant issue of all, lacks any consideration of county, state, or international climate crisis plans, without even one mention of climate effects in the DEIS, and with flawed and laughable assumptions such as little or no increase in vehicle miles traveled (VMT). To be clear, this failure ignores the very real and existential impact on our sheer existence and that of every other species, which would be—and this is no exaggeration—a crime against humanity and nature.

The total impact on about 80 acres, which this proposed project is attempting to buy, use or usurp by eminent domain includes:

- 47 different parks (6 national  
& 41 local and regional)
- 130 acres of parkland
- 1500 acres of tree canopy
- 130 miles of stream beds
- 410 acres of sensitive & unique  
Areas
- 16 acres on the C&O Canal (construction for 5 yrs)
- One third of Plumbers Island
- Road widening loss of tree canopy
  - 69.3 acres on BW Pkway
  - 1.8 acres on Clara Barton Pkway
  - 12.2 acres on GW Pkway
- 10 mile segment of Rock Creek  
Park
- 52-63 acres of impervious surface

runoff in Rock Creek Watershed  
Historic properties  
Many schools

Many Montgomery County congregations including Christ Congregational Church in Indian Springs would be significantly impacted by the taking of land and community assets with the Beltway Widening. Cedar Lane Unitarian Universalist Church, would be greatly impacted by this project, although the DEIS chart lists it as “no impact”. The natural habitats and walking trails of Rock Creek Park are part of Cedar Lane’s appreciation of spirituality in nature. The creek, the estuaries and wildlife adjoining Beach Drive and our church grounds are a community gathering place. The noise level is already extremely high and would be higher with this project.

Construction on the Beltway widening would remove the natural habitat surrounding Rock Creek and would result in stream degradation and increased sedimentation. The Draft Environmental Impact Statement states this removal of natural habitat would be mitigated but, because it would take place in an area far removed from this affected part of Rock Creek, is not a true mitigation as it can never replace the existing forest, wildlife and plant life. The DEIS would give “water quality credits” for mitigation purposes which would amount to buying rights and easements in other wetlands far from the affected area.

Healthy rivers and streams require a natural buffer from human development due to erosion and pollution runoff. The 52-63

acres of impervious surface water runoff in Rock Creek watershed would put forests at risk throughout the affected 10 mile segment. Storm water management would be increasingly strained on already insufficient piping, and the relocation of 27 miles of required WSSC water and sewer lines would cost approximately 1 billion dollars, an item not addressed in the DEIS economic impact.

Finally, beyond the local and county concerns for parkland is the climate havoc this widening proposal would have on our personal health and lack of clean air in Montgomery and Prince George's Counties. More lanes of traffic would bring more cars and more carbon emissions and less reliance on alternative modes of travel that have much lower carbon output. Why are alternatives such as increased mass transit, rapid rail, rapid bus lanes and many other options not being seriously considered? Why can we not learn from other areas that have tried more lanes and found the disappointing effects of sometimes bankrupt private partnerships, high tolls and even more congestion in single driver cars? This Beltway Expansion proposal is a threat to our health and would adversely impact our climate. We must take action to prevent this. MC-FACS supports the No Build Alternative.

\* \* \*

I encourage a FAVORABLE report for this important legislation.

