



February 22, 2021

Written Testimony for [SB843](#)- I-495 and I-270 Public-Private Partnership - Partnership Agreement - Requirements (Maryland Department of Transportation Promises Act of 2021)

Position: Favorable

Submitted by Denisse Guitarra

Maryland Conservation Advocate, Audubon Naturalist Society (ANS)

Dear Senate Budget and Taxation Committee,

For 124 years, Audubon Naturalist Society has inspired people to enjoy, learn about and protect nature. We thank the Senate Budget and Taxation Committee for the opportunity to provide testimony for SB843. ANS supports SB843.

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

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- 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

In today's climate crisis, adding more "luxury" lanes for cars is neither an equitable nor an environmentally sound solution. We contend that a plan that prioritizes climate action is the only route to satisfaction. The state must seek transit-focused solutions that reduce traffic congestion while reducing greenhouse gases. Adding more lanes will increase the number of impervious surfaces which consequently degrade the water quality used by people and wildlife alike. It is therefore important that such a flawed P3 highway expansion process, at a bare minimum, upholds the promises made to the Board of Public works by Secretary Slater on January 8, 2020.¹ Just to give an example, one of these promises is already broken as MDOT just announced and is moving forward with a predevelopment contract with Transurban and Macquarie before the final EIS is released.²

On behalf of ANS and our 28,000 members and supporters, we recommend that the Senate Budget and Taxation Committee support the passage of SB843.

Sincerely,
 Denisse Guitarra
 Maryland Conservation Advocate
 Audubon Naturalist Society

¹ Board of Public Works Transcript Hearing on January 8th, 2020. Available from: <https://bpw.maryland.gov/MeetingDocs/2020-Jan-8-Transcript.pdf>

² Available from: <https://495-270-p3.com/wp-content/uploads/2021/02/MDOT-Selects-Developer-for-American-Legion-Bridge-I-270-P3-2.18.2021.pdf>