

# **NNWB testimony SB 843 Promises Act.pdf**

Uploaded by: Ambler, Anne

Position: FAV



*Of the Anacostia River*

**Testimony on SB 843: I-495 and I-270 Public-Private Partnership - Partnership Agreement - Requirements (Maryland Department of Transportation Promises Act of 2021)**

**Committee: Budget & Taxation**

**Position: Favorable**

On behalf of the Neighbors of the Northwest Branch, a citizen organization dedicated to the ecological restoration of the Northwest Branch, I urge a favorable report on SB 843. We have heard many promises concerning the proposed expansion of the beltway and I-270, many of which seem to have fallen by the wayside as the project advanced. This bill would simply put into statute most of the verbal promises that Transportation Secretary Slater made regarding the project. Given the extensive damage the project would inflict on our parks, and on the Northwest Branch specifically, it is essential that at a minimum the promises be kept.

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 promises that Secretary Slater made for this project, including:

- 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

We must assume that all of these promises were and are feasible, or Secretary Slater would not have made them. For the sake of our members and all Marylanders, I urge a FAVORABLE report for SB 843.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne Ambler". The signature is written in a cursive, flowing style.

Anne Ambler, President  
12505 Kuhl Road  
Silver Spring, MD 20902  
301-946-5599  
anne@neighborsnwb.org

# **Favorable Testimony on SB 843.pdf**

Uploaded by: Barnds, Cheryl

Position: FAV

**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**

***We, Cheryl & Jim Barnds of Takoma Park Maryland, support SB 843, the Maryland Department of Transportation Promises Act of 2021.***

First and foremost, **we are in a climate emergency**. Expanding highways has not only become unnecessary due to COVID-19's long-term impacts for telecommuting. **Expanding highways will only deepen our climate crisis**. A responsible use of these funds would be for just transitions. In the case of transportation, this means clean, green, public transportation investments.

***If we must proceed with the madness of pursuing widening highways, SB 843 would put into statute the verbal promises Transportation Secretary Slater has made regarding the I-495 and I-270 expansion.*** Unfortunately, since the Governor announced his plans for this expansion, a number of promises regarding the project have been made that were later retracted or shown to be incorrect.

Key retracted promises include:

- 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.

As you know, SB 843 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 Secretary Slater made on this project. Some of these provisions include:

1. No funding from taxpayers will be used to subsidize the project
2. A federally-compliant final environmental impact statement will be available before MDOT asks the Board of Public Works to approve any contract
3. Data used to estimate congestion relief, set tolls and inform other matters will be shared with local government planners
4. 10% of toll revenue will be made available for transit priorities of Montgomery County and Prince George's County
5. Public hearings will be held over toll amounts
6. Buses and other transit will be able to use the toll lanes for free
7. Bicycle/pedestrian lane(s) will be added to the American Legion Bridge
8. MDOT will study the feasibility of Monorail along I-270
9. No homes will be purchased before construction contracts are approved
10. The project concessionaire will be required to initiate a community benefits agreement

Without laws to require it, promises – no matter how significant – can be broken. We need, and are entitled to, truth and accountability – especially in such a significant case: a looming, massive, destructive, and unnecessary P3 project for highway expansion. Thus, we strongly support SB 843.

Cheryl & Jim Barnds, Takoma Park MD

**SB0843-FAV-DTMG-2-24-21.pdf**

Uploaded by: Bartlett, Olivia

Position: FAV



**Olivia Bartlett, Co-Lead, DoTheMostGood Maryland Team**

**Committee:** Budget and Taxation

**Testimony on:** SB0843 – I-495 and I-270 Public-Private Partnership – Partnership Agreement – Requirements (Maryland Department of Transportation Promises Act of 2021)

**Position:** Favorable

**Hearing Date:** February 24, 2021

**Bill Contact:** Senator Joanne Benson

DoTheMostGood (DTMG) is a progressive grass-roots organization with more than 2500 members who live in a wide range of communities in Montgomery and Frederick Counties, from Bethesda near the DC line north to Frederick and from Poolesville east to Silver Spring and Olney. DTMG supports legislation and activities that keep all the members of our communities healthy and safe in a clean environment and that address equity for all residents in our communities. Many of our communities will be directly impacted by the Maryland Department of Transportation's (MDOT) plan to build for-profit toll lanes on I-270 and I-495 using a Public-Private Partnership (P3) agreement. DTMG strongly supports SB0843 because it will codify promises about the project made by MDOT to residents of Montgomery, Frederick, and Prince George's Counties, and to the Maryland General Assembly.

In the fall of 2017, Governor Hogan and MDOT announced plans to use a P3 agreement to have a private contractor build 72 miles of for-profit toll lanes from the American Legion Bridge north to Frederick and east to Route 5. The Governor assured residents that the toll lanes would be built at "no cost to taxpayers". MDOT officials promised numerous times in different public forums, including at hearings in front of several committees of the Maryland State House and Senate, that the I-495 and I-270 P3 project will not require any public subsidies. MDOT and the Comptroller reached detailed agreements to amend the Pre-Solicitation Report in January of 2020.

However, MDOT has walked back promises already, and the state has already paid millions of dollars to contractors and consultants. In addition, numerous independent studies have found that the overwhelming majority of public-private partnership road expansion projects require public subsidies. The debacle with the Purple Line P3 agreement is a case in point in Maryland. Furthermore, WSSC recently announced that it will cost \$1 Billion to \$2 Billion to move water and sewer lines to make way for the I-270 and I-495 toll lanes -- costs that will be borne by rate payers, or in other words, Maryland taxpayers.

The purpose of SB0843 is to ensure that the promises made to Maryland taxpayers by MDOT are actually kept, and that residents of Montgomery, Frederick, and Prince George's Counties, and all of Maryland's taxpayers, are fully protected.

Therefore, DTMG strongly supports SB0843 and urges a **FAVORABLE** report on this bill.

Respectfully submitted,

Olivia Bartlett  
Co-lead, DoTheMostGood Maryland Team  
[olviabartlett@verizon.net](mailto:olviabartlett@verizon.net)  
240-751-5599



**SB843 testimony by Paul Daisey.pdf**

Uploaded by: Daisey, Paul

Position: FAV

February 24, 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**

Paul Daisey of Silver Spring, MD 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

I want these provisions enforced by law, with specific requirements and penalties specified in the P3 agreement and implementing design and construction contracts.

I encourage a FAVORABLE report for this important legislation.

**2.24.2021 SB843.P3 Agreements. Promises Act.pdf**

Uploaded by: Ditzler, Barbara

Position: FAV



## **TESTIMONY TO THE SENATE BUDGET and TAXATION COMMITTEE**

**SB 843 I-495 and I-270 Public-Private Partnership – Partnership Agreement – Requirements (Maryland State Department of Transportation Promises Act of 2021)**

**POSITION: Support**

**BY: Lois Hybl and Richard Willson – Co-Presidents**

**Date: February 24, 2021**

The League of Women Voters of Maryland (LWVMD) supports legislation and administration action which will make government more accountable to the voters with a strong code of ethics. We believe in an open process that “ensures transparency, accountability, positive community impact and preservation of the common good when considering the transfer of governmental services, assets and/or functions to the private sector.” All these elements relate to the promises that were made at a Board of Public Works (BPW) meeting that uses a Public-Private Partnership (P3) to expand I-495 and I-270. SB 843 addresses the promises that were made at that meeting.

This bill helps to put in writing many of the promises that the public assumes will be implemented with the P3 arrangement and agreed to at the BPW meeting. Verbal agreements were made about; when and how much toll revenue will be disbursed to local governments, the guarantee that transit will be incorporated without charge, that pedestrians and bicyclists will be safely accommodated on the American Legion Bridge, and numerous other promises. These agreed to stipulations are now written into SB 843.

Why is it important to have a bill put negotiated promises in writing? Based on recent experience, the state government has promised some elements in physical projects that residents help fund, and then aren't necessarily adhered to. Approval has been won with promises, then they aren't delivered.

To help the state of Maryland demonstrate government that is ethical and responsive to the residents, LWVMD urges a favorable report on SB 843.

**DontWiden270.org\_J. Gallant\_Testimony on SB 843\_02**

Uploaded by: Gallant, Janet

Position: FAV

Testimony in Favor of SB 843  
Submitted by Janet Gallant on Behalf of DontWiden270.org

I'm Janet Gallant, one of the coordinators of DontWiden270.org. We are part of a coalition of over 50 organizations that oppose the I-495/I-270 P3 project. We strongly support SB 843, the MDOT Promises Act.

The toll-lane project is an ongoing story of false promises made to officials and the public. When the Governor first announced the project, he told us (and these are exact quotes): "It won't cost us tax dollars." "P3s dramatically decrease the cost to taxpayers..." "Only the new lanes would have tolls...the others would remain free." And, "We don't need any legislation...we'll have to go through difficult federal environmental approvals..."<sup>1</sup>

The Hogan administration broke every one of those promises, and many more.

- MDOT's own documents show that hundreds of millions of taxpayer dollars will go to subsidize the private contractor.
- MDOT's preferred alternative turns two existing free lanes – paid for by taxpayers – into toll-lanes that profit the private contractor.
- The State is doing an end-run around the federal environmental review process. MDOT will seek approval for a **50-year agreement** with the private contractor before the environmental review for Phase 1 South is finished, and before the environmental review for Phase 1 North is even scheduled.

We ask you to favorably report SB 843 as soon as possible. The bill is absolutely necessary. It will hold the Hogan administration accountable for its promises. It will also ensure that, at least to some extent, this project works less for the benefit of private contractors, and more for the benefit of the public.

Thank you.

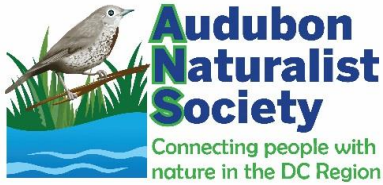
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<sup>1</sup> [Maryland Gov. Larry Hogan proposes widening the Beltway and I-270 to include 4 toll lanes](#) (Sept. 21, 2017).

**SB843\_ANS\_FAV.pdf**

Uploaded by: Guitarra, Denisse

Position: FAV



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)

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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

Woodend Sanctuary | 8940 Jones Mill Road, Chevy Chase, Maryland 20815 | 301-652-9188

Rust Sanctuary | 802 Childrens Center Road, Leesburg, Virginia 20175 | 703-669-0000

[anshome.org](http://anshome.org)



- 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.<sup>1</sup> 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.<sup>2</sup>

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

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

<sup>2</sup> 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>

**SB843\_NPCFA\_FAV.pdf**

Uploaded by: Hart, Kyle

Position: FAV

**Statement by National Parks Conservation Association in Support of SB 843**  
**Maryland Department of Transportation Promises Act of 2021**  
**Before the Senate Budget and Taxation Committee**  
**February 24, 2021**  
**Kyle Hart, Mid-Atlantic Field Representative**

Members of the Budget and Taxation Committee,

Thank you for the opportunity to share the support of National Parks Conservation Association (NPCA) for Senate Bill 843. We comment today on behalf of our 28,398 members and supporters in Maryland. The National Parks Conservation Association is the only national membership organization dedicated to advocacy of behalf of our country's national parks. NPCA's mission is to protect and enhance America's National Park System for present and future generations, a mission we have upheld since NPCA was created by the very first National Park Service Director, Stephen Mather, in 1919. Maryland is fortunate to be home to 18 national park sites, visited yearly by almost 7 million people and contributing to over \$300 billion in economic benefit to the state.

According to the Draft Environmental Impact Statement (DEIS), the proposed expansion of I-495 and I-270 would negatively impact 100 acres of National Park Service (NPS) land, plus an additional 30+ acres of local and regional parks. The entire project would negatively impact 1,500 acres of forest canopy, 30+ miles of streams and rivers, and 4 acres of wetlands. NPS sites that would be negatively impacted include Greenbelt Park, the Chesapeake and Ohio Canal National Historical Park, the George Washington Memorial Parkway, Clara Barton Parkway, Suitland Parkway, and the Baltimore-Washington Parkway. Although not directly impacted, Rock Creek Park's streams and wetlands will suffer from increased polluted runoff created by adding more impervious surface to its watershed. NPCA is highly concerned about the effect this project would have on parks, recreation, tourism, and local watersheds.

Over the course of the planning for this project, the Maryland Department of Transportation (MDOT) has made numerous promises to the public regarding the proposed expansion. SB 843 would simply codify those promises and ensure that MDOT holds up their end of the bargain. For instance, MDOT has repeatedly stated that the project would come at no net cost to taxpayers. However, the DEIS indicates that upwards of \$1 billion in state subsidies could be needed to complete construction. MDOT also promised it would not send the Board of Public Works a developer contract until the environmental review was complete. Now MDOT says it will submit one as early as April, months before the Final EIS is complete. The bill would codify other promises that MDOT has repeatedly made over the years to ensure that they do not attempt to renege on those as well.

If this project is truly in the best interest of Maryland residents, MDOT should have absolutely no problem with this bill. All NPCA is requesting is that we hold them to their word. That is why NPCA urges the Committee to report Senate Bill 843 favorably. Thank you.

# **SB843Testimony.pdf**

Uploaded by: Hausner, Tony

Position: FAV

## Testimony in Support of SB0843

I am Tony Hausner. I live at 203 Brewster Ave, Silver Spring, MD. I live in the Indian Spring neighborhood which is immediately adjacent to the Beltway just south of it, between Colesville Road and University Blvd. We have 800 homes. I am speaking in support of SB0843.

I oppose the managed lane plans for I495 and I270. I support transit solutions to the traffic issues raised by the DEIS.

Widening the beltway will result in the following impacts to our neighborhood.

- Impacting a number of homes that are currently right next to the Beltway. They will at least lose a significant portion of their backyards.
- A park and playground in the middle of our neighborhood would be significantly reduced as well as a county recreation center which is in the middle of the park and which our neighborhood makes great use of. Further, the YMCA in our neighborhood also loses significant property.

I have the following comments on transportation issues as discussed in Chapter 3.

- The DEIS study does not include all the way to Frederick which is an essential part of the plan.
- The DEIS mentions the Corridor Cities transitway, the Randolph Road BRT, and the North Bethesda Transit Way. However, the DEIS does not take into account whether or not these projects will or will not be completed. If these projects were completed it would significantly reduce the need for widening 270 and 495. Further, MDOT nor other agencies have not made any commitment to these Projects.
- The M-NCPPC recommended that the State examine using the ICC as an alternative to widening the Beltway. The DEIS dismisses this alternative without providing any analysis. We are very skeptical that this study has been adequately performed.
- The DEIS does not take into account the impact that COVID-19 has had on traffic. There have been significant reductions in traffic due to teleworking and much of these changes are likely to persist after COVID19 ends. Studies by KPMG and the Maryland Transportation Institute project a 5-10% long term decrease in traffic due to teleworking.

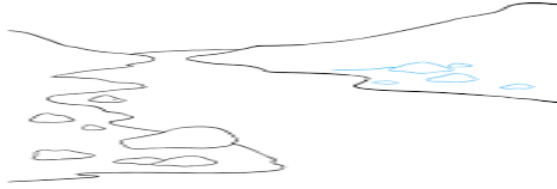
Thank you.

<https://tinyurl.com/thSB0843testimony>

**GEHM testimony.HB67.SB843.support.pdf**

Uploaded by: Hemmer, Lisa

Position: FAV



## **GLEN ECHO HEIGHTS MOBILIZATION**

**Committee: Budget and Taxation**

**Testimony on: SB 843/HB 67 -- Maryland Department of Transportation Promises Act of 2021**

**Position: Favorable**

**Hearing Date: February 22, 2021**

Glen Echo Heights Mobilization submits this testimony in support of HB 67 and SB 843, bills to impose minimum obligations, standards, and requirements on the anticipated I-495 and I-270 Public-Private Partnership Agreement.

### **The legislation would:**

- Establish conditions on any approval by the Board of Public Works of a Public-Private Partnership for the expansion of I-495 and I-270.
- Limit the discretion of the Board of Public Works to approve such an agreement, and ensure the interests of the public, the taxpayer, and the environment, in the approval process.
- Factor into the approval process historical experience of other localities with similar public-private partnerships and attempt to hold Governor Hogan and the Board of Public Works to the unrealistic promises made with respect to this anticipated partnership.
- Prohibit the Board of Public Works from approving any agreements that expend additional state funds for the program beyond what is allocated in the Consolidated Transportation Program as of October 1, 2021.
- Make additions to and deletions from related State Finance and Procurement and Transportation provisions of the Maryland State Code.

### **We support this legislation for the following reasons:**

- **The bill would prohibit the Board of Public Works from moving forward until a full Environment Impact Statement is prepared to assess impacts on the human environment of the I-495 and I-270 public-private project, as mandated by the National Environment Policy Act.**
- **The bill would impose burdens on the approval a public-private partnership agreement, and those burdens would protect Maryland taxpayers from being burdened financially by the same business and governmental promises that have deceived other jurisdictions in similar road development and toll projects.**
- **The bill would ensure that the Department of Public Works would not expend additional taxpayer resources beyond what has been approved.**
- **The bill would impose a 10% burden on any potential public-private partnership revenues and ensure that those revenues would go back to Maryland transportation projects.**
- **The bill would ensure that all public transportation vehicles could use toll lanes without charge.**
- **The bill would prohibit the state from acquiring lands before the approval of the partnership agreement, and thus prohibit individuals or organizations from benefitting from advance, anticipatory land acquisitions.**

- **The bill would attempt to hold the Maryland government to the promises made to the public in return for obtaining approval to undertake the I-495 and I-270 expansion project.**

### **Conclusion**

Without doubt, GEHM opposes the project to begin with. It is inconsistent with other state and local commitments to focus on environmental sustainability and to take steps to minimize climate change. To the contrary, while playing lip service to climate sustainability, our state government has, with this project, doubled down on climate change impacts to the detriment of our children, Maryland citizenry, and the future of the planet.

But, from the perspective of the legislation, we believe our state government is, intentionally or unintentionally, setting up a partnership that will impose financial obligations on Maryland taxpayers and impose an ongoing burden to provide subsidies to a private partnership to continue to manage this toll project for decades to come. This has been the experience of other states and cities, who have been compelled to ensure that private enterprises make profits on toll projects while the public is compelled to subsidize the private enterprises. This legislation is an urgent attempt to avoid that outcome for Maryland citizens.



**SB0843\_FAV\_City of Rockville\_I-495 and I-270 P3 -**

Uploaded by: Kasemeyer, Pam

Position: FAV



**Testimony of the Rockville Mayor and Council**  
**SB 843 - I-495 and I-270 Public-Private Partnership – Partnership Agreement**  
**– Requirements (Maryland Department of Transportation Promises Act 2021)**  
**SUPPORT**

Good afternoon Chairs Guzzone and Kelley as well as members of the Senate Budget and Taxation and Senate Finance Committees for the opportunity to speak in support of SB 843. My name is Council Member Mark Pierzchala. I speak on behalf of the City of Rockville. This testimony has been approved by the Mayor and Council of Rockville.

We thank Senator Benson for her leadership to bring this critical legislation forward. The City of Rockville would be the municipality most impacted by the I-270 and I-495 Public Private Partnership (P3) project. Yet, Rockville was blindsided by the announcement of this project and was not included as a partner with MDOT/SHA as are the City of Gaithersburg and the Maryland National Capital Park and Planning Commission. We have closely followed the P3 process as it has unfolded so far and our support for SB 843 is based on our experiences.

We highlight the following key points for the Committee:

- We urge clarity on the promise of the Administration that no taxpayer dollars would be required for this project, to include dollars that municipalities and counties would have to pay to mitigate traffic, noise, pollution, stormwater, and other P3 impacts.
- We support SB 843 for its transparency and process provisions. For example, the State has not shared underlying traffic data even with the partners it has.
- We support SB 843 because it properly orders the sequence of approvals and prohibits the Board of Public Works from making decisions before it has all pertinent facts.
- The requirement which prohibits MDOT from submitting a contract to the Board of Public Works unless it complies with NEPA is essential for the protection of our community.
- We agree with the bill's support of transit alternatives, including the requirement for a Monorail Feasibility study; this nation can ill afford to continue its reliance on cars.

SB 843 will help to mitigate the impacts of this massive P3 infrastructure project on our community, provides increased transparency to the process, and supports transit alternatives. For these reasons, we urge the Committees to provide SB 843 with a favorable report and quickly advance it to the Senate floor for a vote. It is important that there is sufficient time for SB 843 to cross over to the House and receive a fair hearing and full consideration with that body.

**AFSCME\_FAV\_SB843.pdf**

Uploaded by: Kilpatrick, Lance

Position: FAV



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Baltimore, MD 21230  
Phone: 410.547.1515  
Fax: 410.837.5436

Patrick Moran - President

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**Testimony**  
**SB 843 – I-495 and I-270 Public-Private Partnership - Partnership Agreement -**  
**Requirements (Maryland Department of Transportation Promises Act of 2021)**  
**Budget & Taxation**  
**February 24, 2021**  
**Support**

AFSCME supports SB 843. This legislation codifies various agreements and concessions that have been made as the I-495 / I-270 P3 project has wound its way through a cumbersome, and at times opaque, process.

AFSCME is not supportive of the proposed P3 project, as we oppose any privatization of state services that are unproven to provide improved quality and cost over the long run. However, AFSCME wants to ensure as much transparency and clarity as possible in these types of government projects. If this project does go through, we would want these accountability measures in place.

We ask a favorable reporting of SB 843.

Every AFSCME Maryland State and University contract guarantees a right to union representation.  
An employee has the right to a union representative if requested by the employee.  
800.492.1996

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# **SB 843 Beltway Widening Testimony.pdf**

Uploaded by: Laurenson, James

Position: FAV

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.



# **Sarah Lesher SB 843 testimony.pdf**

Uploaded by: Lesher, Sarah

Position: FAV

Chairpersons Sen. Guzzone, Sen. Kelley, Vice Chairs Sen. Rosapepe, Sen. Feldman

**I urge your support for SB 843 I-495 and I-270 Public-Private Partnership – Partnership Agreement (Maryland Department of Transportation Promises Act of 2021).**

I have lived for more than 30 years in my home in Oakview, 0.2 of a mile from Roscoe Nix Elementary school, which in turn abuts the existing Beltway. Before that I lived in Takoma Park and Hyattsville, and was engaged in environmental issues including multiple environmental impact studies of the Interstate County Connector, and local climate change mitigation issues.

I've long followed the progress of the Managed Lanes group of the State Highway Administration /Department of Transportation (SHA/DOT), attending several of their neighborhood workshops. I also attended National Capitol Park and Planning Commission (MNCPPC) meetings with SHA/DOT and watched commission members struggle in vain to get SHA/DOT to share vital information on their plans, ultimately telling the SHA/DOT team that they needed to share more. When I asked Chair Casey Anderson why MNCPPC didn't file a public information act request to get more from SHA/DOT, he said they were considering it. As was I, but I feared a slow-walk with page charges I couldn't afford.

In 2020 I joined other volunteers to critique the 18,000 page draft environmental impact statement (DEIS) of this project. I read in detail several thousand pages and skimmed many more. In the discussion of existing hazardous waste sites, large sections of the maps of the project were labeled as unknown/to be determined.

Furthermore, there was no analysis of hazardous wastes in sites proposed for remediating streams and wetlands. And one proposed remediation site is on land around MD 200 and its ramps in Konterra, where Indian Creek's watershed was macerated to allow the diversion of MD 200 south of its original route for facilitating cross-county traffic to BWI just to give Konterra access to I-95:

**“Sufficient access to the Interstate system will be critical for the Konterra property to develop into its full potential,” the State Highway Administration said in a 2004 report.** That access would come by way of the ICC. **In order to build ramps from the ICC into Konterra, the state paid the development's owners \$74 million for 240 acres. Earlier, the same land had been appraised at \$32 million, though the Gould family had challenged the lower valuation.”** Eugene L. Meyer, *The Road Less Traveled*, Bethesda Magazine, September-October, 2013, emphasis added.

Konterra is still undeveloped. But Indian Creek is irrevocably changed. Using it as a mitigation site for I-495/I-270 environmental damage won't restore it.

Taxpayers then paid only a few million dollars plus the ongoing costs in more miles travelled of a poorly aligned MD 200 for that travesty.

With the more than \$11 billion proposed expansion of I-495/I-270, despite all the claims of Governor Hogan and SHA/DOT, taxpayers are at risk for much more.

The cost issues, direct and indirect, raised by the mostly critical comments on the DEIS have not been addressed by SHA/DOT:

According to SHA, the state received close to 3,000 comments on the DEIS over the 120-day public comment period, which concluded on Nov. 9. State officials are currently reviewing the comments and conducting additional analysis.

“Giving all comments proper consideration takes time and is our immediate focus,” SHA wrote in its statement. “This will include continuing discussions with our agency partners and others to reach mutually beneficial solutions as this National Environmental Policy Act process continues.”

Briana Adhikusuma Follow, <https://bethesdamagazine.com/bethesda-beat/transportation/state-expects-i-495-i-270-widening-to-proceed-despite-navys-opposition/>

Instead of waiting for the final environmental impact statement, and the National Environmental Policy Act (NEPA) federal Record of Decision (ROD) SHA/DOT has plunged ahead and engaged TransUnion as the favored private candidate, leaving the resolution of these problems in TransUnion’s hands: the proverbial fox guarding the henhouse.

There are numerous other serious direct fiscal issues including impact on water and electrical infrastructure, and the cost to ratepayers and all taxpayers for addressing these.

But the most serious issue is the push – against local opposition -- to cover ever more land with impermeable surface leading to flooding and water pollution, while there is evidence that more work from home and less commuting will reduce congestion (no studies based on these projections have been done). In addition to other very imperfect planning for the next half-century that could leave Maryland taxpayers at risk if toll revenue doesn’t meet expectation. The design data for this project (kept secret by SHA/DOT) appears to be based on the post WWII 20<sup>th</sup> century world rather than our rapidly changing one, where there will almost certainly be more working from home and less commuting. Where younger generations may or may not decide to live in suburban sprawl. And should we should encourage more sprawl if we are to meet very ambitious near and long-term climate goals?

At one SHA/DOT MLS workshop I asked what the climate effects of removing all the trees adjacent to the current Beltway would be. “Oh, we’re going to replant trees,” he said. “Where?” I asked. “Planting them in Western Maryland is good for them, not good for us.”

The history of Governor Hogan’s push to widen I-495 and I-270 is a sad example of executive overreach, ignoring the legislature, local voices, and both fiscal responsibility and more important, environmental responsibility in a time where we are seeing more and more crises from climate change and the failure of governments to acknowledge and address it. Witness wildfires in Australian and California, extreme cold in Texas and other states, flooding here in Maryland and Virginia and Florida, other catastrophes around the planet. What good are more jobs in a dying planet?

I urge the members of these committees to support SB 843 and other efforts to hold this insane project in check, to keep DOT to the promises that were generously made but are now being ignored.

Sincerely,

Sarah Leshner,

9728 Hedin Dr., Silver Spring, MD 20903





# **Testimony on SB 843.pdf**

Uploaded by: loss, jennifer

Position: FAV

February 24, 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**

I, Jennifer Loss, support 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.

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
- 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

My personal support of this bill is rooted in the knowledge that better mass transit is the solution to our traffic woes, and in particular more safe cycling options, including protected lanes. These alternatives will lead to more bike commuting, and lower greenhouse gases and decrease congestion on the highways. I have lived in Maryland most of my life, and I am tired of seeing roads expanded, destroying natural habitat. These are irreversible decisions. We have some the worst traffic in the country, and expanding roads has not helped. It encourages more driving, more cars. This is a vicious cycle that sees no end.

I encourage a FAVORABLE report for this important legislation.  
sincerely,

Jennifer Loss

# **2021.02.22 CSG Testimony on SB 843 MDOT Promises A**

Uploaded by: Lyons, Jane

Position: FAV

February 22, 2021

Budget and Taxation Committee  
Miller Senate Office Building, 3 West  
Annapolis, MD 21401

Finance Committee  
Miller Senate Office Building, 3 East  
Annapolis, MD 21401

**SB 843, I-495 and I-270 Public-Private Partnership – Partnership Agreement – Requirements  
(Maryland Department of Transportation Promises Act of 2021) (Support)**

**Testimony for February 24, 2021**

**Jane Lyons, Maryland Advocacy Manager**

Chair Guzzone, Chair Kelley, Vice Chair Feldman, Vice Chair Rosapepe, and senators, thank you for the opportunity to provide testimony on SB 843, the Maryland Department of Transportation (MDOT) Promises Act of 2021. Please accept these comments on behalf of the Coalition for Smarter Growth, the leading organization in the D.C. region advocating for walkable, bikeable, inclusive, transit-oriented communities as the most sustainable and equitable way to grow and provide opportunities for all.

We urge you to support SB 843, which would hold state officials accountable to the promises they made to Marylanders regarding their proposal to expand the Capital Beltway (I-495) and I-270. This includes requirements that:

- at least 10 percent of the toll revenue remaining after construction costs be transferred to the impacted localities to fund transit projects;
- workers must be paid the prevailing wage;
- buses may use the express toll lanes without charge;
- the American Legion Bridge have separate pedestrian and bike lanes;
- prohibit MDOT from using state funds to acquire land prior to the Board of Public Works approval of the P3 agreement; and
- prohibit MDOT from awarding a contract unless the private concessionaire agrees to a community benefit agreement.

Thus far, MDOT has not provided any guarantee that it will see-through on these important project elements – one of the most critical being a provision to help fund transit projects. This can be contrasted with P3 transportation projects in other states, such as Virginia, where transit is guaranteed a certain amount of money per year, rather than after all \$11 billion has been paid back to the private concessionaire.

To be clear, the provisions in SB 843 are not enough to offset the negative impacts on the environment, neighborhoods, and social equity that will result from this proposed highway expansion. The promises laid out SB 843 are very limited concessions as part of an unpopular and unnecessary proposed highway expansion, but it is nonetheless important to hold MDOT accountable for the promises made to Maryland residents. P3 projects have historically evaded the level of scrutiny and accountability that public projects are required to meet, and this has come at a great cost to taxpayers.

For these reasons, we urge you to support SB 843. Thank you for your consideration.

**montemarano-HB843-testimony2021.pdf**

Uploaded by: Montemarano, Arlene

Position: FAV

## **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**

Arlene Montemarano 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

**This is the bare minimum that we should be able to expect from our public officials: that they do not lie to us or carelessly make promises that may be useful to them at the time, but are, in reality, meaningless. Without laws to require it, truth is a sometime thing. We need, and are entitled to the truth, and especially in this case: the looming P3 project for highway expansion, because of its scale, and because of its many negative impacts.**

I encourage a FAVORABLE report for this important legislation.

Arlene Montemarano  
Silver Spring, Maryland



**SBO0843-IndivisibleHoCo-FAV-O'Keeffe.pdf**

Uploaded by: O'Keeffe, Carol

Position: FAV



February 24, 2021

**Testimony on SB 843  
Maryland Department of Transportation Promises Act of 2021  
Budget and Taxation**

**Position: Favorable  
IndivisibleHoCoMD**

Indivisible Howard County - an organization with over 700 members- supports SB 843 as a much-needed means to ensure that the representations that were made by the Maryland Department of Transportation to advance the approval of the I-495/I-270 Public-Private Partnership toll lane project (Project) are fulfilled if the Project proceeds.

As noted in the Preamble to SB 843, The Reason Foundation has found that most Public-Private Partnership (P3) projects require a public subsidy, notwithstanding the fact that eliminating the need for public funding is the primary justification for the use of a P3 approach and such governmental representations were certainly made to advance the Project. Other promises were made to ease concerns about the significant negative environmental effects of the Project. In the case of the I-495/I-270 Project, the projected life of the Project is 50 years and the negative effects on the environment cannot seriously be argued. Clearly, with such a long term project the likelihood is great that promises made to achieve approval will somehow get lost.

SB 843's key provisions will ensure that there will be at least some net positive effect from the Project by precluding Board of Public Works approval of a P3 Agreement for the Project unless the Agreement (1) guarantees at least 10% of net toll revenue be dedicated to public transit and ensures that the county level governing bodies in which the toll facilities are located will have a say in the budgeting of the funds.

SB 843 also (1) guarantees that public transit may use the toll lanes free of charge; (2) addresses labor concerns and requires outreach to small, minority, women and veteran owned businesses; (3) limits Board of Public Works approval to 2021 Consolidated Transportation fund amounts and encourages a limitation on future budgets; (4) prohibits submission of a contract to the Board of Public Works until the Final Environmental Impact Statement is available and (5) requires public hearings on toll adjustments. There are other beneficial provisions, but the forgoing are of key importance to Howard County Indivisible. We would like to see stronger language concerning future budgets, but understand the legal barriers to constraining future legislative bodies.

**We encourage a favorable report.**

Carol B. O’Keeffe  
**IndivisibleHOCMD**

# **SB 843.pdf**

Uploaded by: Pérez, Rodolfo

Position: FAV

Rodolfo E. Pérez, PE  
Consulting Engineer  
6 Manor Spring Court  
Silver Spring, MD 20906

February 24, 2021

**Testimony on SB 843**  
**I-495 and I-270 Public-Private Partnership Agreement Requirements**  
**(Maryland Department of Transportation Promises Act of 2021)**  
**Budget & Taxation Committee**

**Position: Favorable**

I offer this testimony in the context of my forty years of engineering experience in the private and federal sectors, including over two decades as advisor to the Inspector General, US Department of Transportation, and my pro bono service on the Montgomery County Transportation Policy Task Force from 2000 to 2002.

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

The bill specifies that the Board of Public Works may not approve a P3 agreement for the I-495 and I-270 P3 project unless the agreement contains the important promises that Secretary Slater made. Examples of the bill provisions that restore those promises follow:

- No funding from taxpayers will be used to subsidize the project
- A federally compliant final environmental impact statement will be delivered before MDOT asks the Board of Public Works to approve any contract
- Data used to estimate traffic congestion relief, set tolls and inform other matters will be shared with the local government planners.
- No homes will be purchased before construction contracts are approved
- The project concessionaire will be required to initiate a community benefits agreement

I urge the committee to report favorably on this important legislation.

# **MDOT Promises Act Testimony Plano.pdf**

Uploaded by: Plano, Chris

Position: FAV

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**

Chris Plano of Baltimore, MD 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 Slate 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

When we build infrastructure that will last for at least 50 years, and likely much longer, it is critical to ensure we make the best possible decisions in designing that infrastructure. It must meet the needs of the community and avoid harm to that community. This bill will ensure that this major project is carefully considered and does not leave taxpayers to foot the bill when it was promised from the start that no public money would be used to fund it.

I encourage a FAVORABLE report for this important legislation.

**SB0843\_Promises\_Act\_MLC\_FAV.pdf**

Uploaded by: Plante, Cecilia

Position: FAV





**TESTIMONY FOR SB0843**  
**I-495 and I-270 PUBLIC-PRIVATE PARTNERSHIP – PARTNERSHIP AGREEMENT –**  
**REQUIREMENTS (MARYLAND DEPARTMENT OF TRANSPORTATION PROMISES**  
**ACT)**

**Bill Sponsor:** Senator Benson

**Committee:** Budget and Tax

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0843 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Larry Hogan promised that we wouldn't pay for the widening of I-495 and I-270. We didn't believe that any more than we believed that Mexico would pay for the wall. We didn't like the idea of widening I-495 and I-270 and our eyes were certainly wide open about who would pay. Both the wall and the interstate widening are 18<sup>th</sup> century solutions to 21<sup>st</sup> century problems. Not surprisingly, we are now at a point where we need to clearly articulate what we expect going forward.

This bill will seek to put some limits around what is happening with the public-private partnership. It will prohibit the Board of Public Works from approving any public-private partnership agreement for the interstate widening unless the agreement states that at least 10% of any toll revenue remaining after construction costs will go to a special fund that will be used only for transit projects in accordance with an MOU between the Department of Transportation and the counties where the toll facilities are located.

It will also require that no state funds be used to acquire land for the project until the Board of Public Works approves the public-private partnership agreement except for option payments for the reservation of the purchase of land. Finally, it prohibits the Board of Public Works from approving any agreements that expend additional state funds for the program beyond what is allocated in the Consolidated Transportation Program as of October 1, 2021 and specifically prohibits the Department of Transportation from submitting a contract to the Board of Public Works until a final environmental impact statement is available.

As Maryland taxpayers, we have been failed by the Governor and by the Department of Transportation, and by the Board of Public Works, which the Governor sits on. We are tired of the irresponsible

mismanagement of tax dollars on frivolous transportation projects that have no real analysis behind them and just seek to make third parties rich at our expense. We need to reign this in. We support this bill and recommend a **FAVORABLE** report in committee.

**GFCA testimony on SB 0843 2-22-2021.pdf**

Uploaded by: Rich, Edward

Position: FAV

**STATEMENT OF ED RICH, PRESIDENT  
GREATER FARMLAND CIVIC ASSOCIATION  
Budget and Taxation Committee  
February 22, 2021**

I am the president of the Greater Farmland Civic Association, which represents over 900 homes in the Old Farm, Tilden Woods, Hickory Woods, and Walnut Woods neighborhoods, directly abutting the twelve-lane highway that is Interstate 270. We **strongly support** the enactment of **Senate Bill 0843 I-495 and I-270 Public-Private Partnership—Partnership Agreement—Requirements (MDOT Promises Act of 2021)**.

**SB 0843** address concerns of the serious financial risks as well as specific concerns raised by the current P3 project to put toll lanes on I 270 and I 495. This bill contains necessary safeguards: it ensures that the BPW cannot approve the P3 agreement without the inclusion of specific language regarding financial responsibility; it prevents any land or home acquisitions other than those specified in the approved construction contract; it prevents the submission of the P3 agreement for approval by the BPW until the final environment impact statement has been completed; and it guarantees a minimum dedication of toll revenues for transit (at least 10%). The bill puts into statute the State's promises regarding the P3 project, thereby protecting Maryland residents.

Because of our location, the Governor's proposed expansion of 270 will have a substantially negative environmental impact on our community. We strongly support legislation that will simply mean: promises made-promises kept.

We have seen the Governor touting the benefits of his P3 project while downplaying the environmental impact on those who live near the project. We have seen how the state's Transportation Department pays lip service to our concerns while ridding the project of any alternatives other than the laying down of more concrete and asphalt. We have seen first-hand that building additional lanes leads to more cars, more traffic, and environmental degradation in our neighborhood and the surrounding areas. We listen daily to traffic reports about accidents on 270 and 495 that routinely shut down these highways and wonder how wide these highways would need to become for cars to get around a jackknifed tractor trailer or the frequent multi-vehicle pile-up, not to mention the inevitable rubber-necking that occurs in both directions that slows through-traffic to a crawl. We've seen the Governor's ill-conceived announcement of the reconstruction of the American Legion Bridge with no consideration of space for a monorail or other rail system that could alleviate traffic between Maryland and the employment centers in Tyson's Corner and Falls Church. While we continue to oppose the plans for highway expansion as ill conceived and unnecessary, we believe that the Governor, MDOT and the State Highway Administration should, at the very least, be legislatively required to abide by their promises.

The contract that MDOT has awarded without even bothering to complete an Environmental Impact Statement says that the contractor will do its construction work at no cost to the state or taxpayers. While this is dubious at best and leaves aside the obvious point that the lanes will be available solely for those who can afford to use them, the 50-year contract ultimately limits Maryland taxpayers in finding new solutions to traffic and environmental degradation in a period of time that a recent United Nations scientific report has called crucial to preventing the worst consequences of climate change, caused in large part by burning fossil fuels. There is much more at stake here than giving some commuters a faster drive to work, particularly now when, due to the Pandemic, many have discovered the benefits of teleworking and will permanently and gladly forego their hours of commuting time in exchange for a better quality of life.

We strongly believe that the state can and must find a fair, comprehensive approach that makes other modes of transportation more accessible, affordable, reliable and viable alternatives to the private vehicle and that encourages the creation of employment centers and opportunities, along with affordable housing options, along the I-270 corridor at major transit hubs and telework options to reduce the need for numerous residents to drive to and from work.

We thank you for your consideration and urge you to do right by our residents and all Maryland residents.

**SB843 - FAV - MDOT, GCAN.pdf**

Uploaded by: Rosenthal, Lore

Position: FAV



**Committee:** Budget and Taxation  
**Testimony on:** SB 843 – MDOT Promises Act  
**Organization:** Greenbelt Climate Action Network  
**Person Submitting:** Lore Rosenthal, Program Coordinator  
**Address:** 15 Crescent Road, Greenbelt, MD 20770  
**Position:** Favorable  
**Hearing Date:** February 24, 2021

Chairman Guzzone and members of the Committee,

Thank you for the opportunity to express Greenbelt Climate Action Network’s (GCAN) support for the MDOT Promises Act (SB 843), legislation that would require the Maryland Department of Transportation (MDOT) to fulfill the commitments it has made to public officials regarding its plan to add private toll lanes to I-495 and I-270.

While SB 843 identifies more than ten commitments made to public officials, our testimony focuses on one key promise that the agency must fulfill.

Secretary Greg Slater of MDOT promised, during a House hearing last year, that the agency would not submit any contract for the project to the Board of Public Works until the environmental review process was completed. And of course, this promise makes sense. It would be irresponsible to proceed with the largest P3 project in the country before policy makers and the public fully understand its environmental, fiscal and social impacts.

However, MDOT has announced that it will submit the first contract (the predevelopment agreement) to the Board of Public Works for approval in April or May. Yet, the Final Environmental Impact Statement (FEIS) will not be completed and made available until the fall. The Draft Environmental Impact Statement (DEIS) had many, many deficiencies which must be addressed in the FEIS. To protect the environment, our communities and state funds, no contract should be approved until the deficiencies are addressed.

Many, including members of the Maryland General Assembly, criticized the DEIS for failing to examine transit options to address congestion. MDOT’s response in the FEIS should be available before the BPW considers a contract for the highway widening project. Adding toll lanes will lead to an increase in single-occupancy fuel burning vehicles that will worsen global warming. We should know whether transit and other transportation improvements will address congestion.

The Maryland-National Capital Park and Planning Commission, as well as Montgomery County and Prince George's County, criticized the DEIS for failing to adequately address storm water runoff for the 550 new acres of impervious surfaces. It is critical that we know how the project will affect the health of streams, the Potomac River and Chesapeake Bay and know the cost of storm water management that will be imposed on the State and local governments.

There are many more deficiencies in the DEIS which must be addressed by the FEIS. It is critical that we fully understand what's at stake if this project moves forward. We urge the Committee to give a favorable recommendation to SB 843.

Sincerely,  
Lore Rosenthal, Program Coordinator  
Greenbelt Climate Action Network



## **Comments on SB843.pdf**

Uploaded by: Schneider, Andrew

Position: FAV

We are Andrew Schneider, Edwin Schneider, Monica Fulvio, and Penelope Ganzel, a multigenerational household of working adults who live at 103 E. Indian Spring Dr, Silver Spring, MD. We live in the Indian Spring neighborhood which is immediately adjacent to the Beltway just south of it, between Colesville Road and University Blvd. There are 800 homes in our neighborhood association, and our family has lived here for 35 years.

We oppose widening 270 and 495, and support holding the state of Maryland accountable for its promises regarding P3s; promises that have already been broken in the development of the purple line. The state of Maryland cannot afford to mortgage their future in a 50 year contract with a toll company whose goal is to make money, not alleviate traffic (especially as it pertains to non-highway roads, which are the real problem). The project would prevent further future-thinking and climate-sensible ideas in a time when more cars and roads run against our national and world-wide interest.

Widening the beltway will have a significant, negative impact on our neighborhood; putting its character, cohesion, and livability severely at risk.

Montgomery County and Maryland are working to limit hardscape runoff -- and pouring many resources, including rebates through the Rainscapes project -- into limiting the hardscape in the area to help benefit the Chesapeake watershed and limit polluted runoff. Improving the Chesapeake watershed is vital to the environment and the economy of our state. This project would significantly negatively impact that, and the proposed environmental offsets are much further from the Chesapeake.

As a neighborhood, we personally struggle with hardscape runoff. Homes in the neighborhood suffer repeated flooding during heavy rains, and additional lanes would only exacerbate this. There is a significant green space buffer zone (including a spring source) that would be lost, impacting our water quality and wildlife diversity.

A number of homes are currently right next to the Beltway. They will at least lose a significant portion of their backyards and could lose more.

A park and playground in the middle of our neighborhood would be significantly reduced as well as a county recreation center which is in the middle of the park and which our community makes great use of, especially during the pandemic when outdoor green space is so important.

Thank you,  
Andrew, Monica, Penny, and Edwin

**Testimony.SB 843 - MDOT Promises Act of 2021.2021-**

Uploaded by: Slater, Christine

Position: FAV

February 24, 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**

My name is Christine Slater, I'm a resident of Montgomery County, and I support SB 843. It's time for Franchot, the BPW, and MDOT to Keep Their Promises. Recent announcements indicate contracting before completion of federally required environmental review. On June 5th, 2019, [Comptroller Franchot promised that taxpayers](#) would not be asked to incur a financial obligation for this project and **no contract would be signed before completing the required federal environmental review** of Governor Hogan's proposed \$11 billion tollway expansion. Yet, why is there now a [secretive](#) predevelopment arrangement before a completed environmental review process that contains a \$50 million dollar [payment to the developer](#) with taxpayer funds if the project doesn't go forward as planned?

The Maryland Department of Transportation Promises Act of 2021 would put into statute 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

The Governor has made promises and these need to be kept. Instead, it feels like the state is rushing as quickly as possible to sign-seal-and-deliver a contract to Transurban before the Environmental Impact Statement is completed. The Governor is "rushing" this project through at high speed.

*Rushing is the opposite of what is needed on such a risky, complex and enormous project surrounding our nation's capital that is going to be led by and concessioned to a private company for 50 years. Cutting corners is financially reckless and risks further harm to our environment and communities.*

I encourage a FAVORABLE report for this important legislation.

**Testimony SB 843 feb 2021.pdf**

Uploaded by: Stolz, Sally

Position: FAV

Sally and Richard Stolz  
5 Lochness court  
Rockville, MD 20850  
(301)906-4908  
[sallystolz@aol.com](mailto:sallystolz@aol.com)

February 22, 2021

**Testimony on SB 843**  
**Maryland Department of Transportation Promises Act of 2021**  
**Budget and Taxation Committee**

**Position: Favorable**

**Sally and Richard Stolz Support SB 843**

During the three years since Governor Hogan announced the P3 proposal to add toll lanes to I-270 and I-495, many promises were made by MDOT. Those promises were bargaining chips to get certain approvals from the Board of Public Works. They also were used to gain favor for the project with Maryland citizens. Because MDOT has a history of not keeping some of its promises, this bill will ensure that they do keep the significant promises that were made to move this P3 project forward.

This bill will not stop the toll roads from being built, but at least it will ensure promises such as buses and other transit will be able to use the toll lanes for free and earmarking 10% of toll revenue after construction costs for a special fund to be used for transit projects.

We strongly encourage a favorable report.

Sincerely,

Sally and Richard Stolz

# **SB 843 Public-Private Partnership.pdf**

Uploaded by: Tice, Patricia

Position: FAV

**Senate Bill 843:**

**I-495 and I-270 Public-Private Partnership - Partnership Agreement - Requirements (Maryland Department of Transportation Promises Act of 2021)**

It has been my understanding that P3 Partnerships are intended to facilitate infrastructure construction by utilizing private corporation expertise to plan, develop and construct public facilities. The presumption is that this would achieve a better output more quickly and at reduced cost than having a government agency assume responsibility for planning and managing an entire project including hiring various sub-contractors to build the infrastructure.

The experience in other states has not lived up to this promise, resulting in incomplete projects, exorbitant toll rates and increased traffic congestion. Witness the current cost overruns and disruption of the Purple Line construction in Montgomery County.

Constructing more highways has not often solved the problems for which they were built. We are still focused on moving CARS, when we should be addressing the problem of moving PEOPLE. In light of that concept I note that one of the contract requirements calls for MDTA and MDOT to complete a monorail feasibility study. Have these agencies initiated such a study?

MDOT and MDTA are still in the planning stages of the traffic relief plan and, as such, the details of the proposed P3 to construct toll lanes on I-270 and I-495 have not yet been finalized. I note that preliminary contracts have already been let for the public-private partnership (P3) agreement to construct toll lanes on Interstate 495 (I-495) or Interstate 270 (I-270). It is a recipe for fiscal disaster to allow the project to be broken into a number of sub-contracts which may be given preliminary approval before earlier phases are complete, especially before the completion of a final environmental impact statement in compliance with national policy. This seems clearly to be an attempt to circumvent this requirement.

It is imperative that we examine the entire contract to insure that promises made are promises kept.

Here are some highlights of the agreement:

- prohibits MDOT from submitting a contract to BPW for review until a final environmental impact statement that complies with the National Environmental Policy Act is available;
- provides that at least 10% of the toll revenue remaining after construction costs from the toll lanes be deposited into a special fund to be used only for transit projects in the counties where the toll facilities are located.
- prohibits MDOT from using State funds to acquire land for the project before BPW approves the P3 agreement, except for option payments for the reservation of the purchase of land;
- prohibits MDOT from awarding a contract to a bidder unless the bidder agrees to initiate a community benefit agreement that demonstrates positive net economic, environmental, and health benefits to the State;
- requires the State to undertake efforts to engage with Virginia to conduct a transit study of the American Legion Bridge corridor; and
- requires MDTA and MDOT to complete a monorail feasibility study.

I urge passage of the legislation.

Sincerely,

Patricia Tice, 1615-C Piccard Drive, Apt 1425, Rockville, MD 20850



# **SB843 - I-495 & I-270 P3 Requirements-MDOT Promise**

Uploaded by: Tulkin, Josh

Position: FAV



7338 Baltimore Ave  
Suite 102  
College Park, MD 20740

**Committee: Budget and Taxation**

**Testimony on: SB843 - "I-495 and I-270 Public-Private Partnership – Partnership Agreement Requirements (Maryland State Dept. of Transportation Promises Act of 2021)"**

**Position: Support**

**Hearing Date: February 24, 2021**

The Maryland Chapter of the Sierra Club is strongly opposed to the controversial and ill-conceived proposal by the Governor for a public-private partnership (P3) to build and operate up to 4 toll lanes on I-495 and I-270 under a 50-year contract with the state. However, because there is a strong possibility that the project may go forward, we support SB843 to ensure that verbal promises made regarding the project by Department of Transportation (DOT) Secretary Greg Slater will be contained in P3 agreements submitted by DOT to the Board of Public Works (BPW) for approval. The verbal promises would, if honored, make the project more palatable to the residents and governments in the counties where the toll lanes would be added.

The bill specifies that the BPW may not approve a P3 agreement for the I-495 and I-270 project unless the agreement contains a number of provisions that reflect verbal promises made, including:

- a requirement that at least 10% of the toll revenue remaining after construction costs from toll lanes on I-495 and I-270 go to a special fund for transit projects as specified in a memorandum of understanding between DOT and the counties where the toll facilities are located;
- a guarantee that any local, state, or regional transit system may use the toll lanes built in the project for buses and other mass transit vehicles without charge;
- a requirement that the American Legion Bridge have a separate pedestrian and bicycle lane or lanes;
- a prohibition on the use of state funds to acquire land for the project before final approval of the project by the BPW;
- a requirement that the bidder selected by DOT initiate a community benefit agreement that demonstrates positive net economic, environmental, and health benefits to the state;
- a requirement that all state funds and loans for the project be repaid by vendors or tolls;
- a prohibition on DOT submitting a contract to the BPW for review until a final environmental impact statement that complies with the National Environmental Policy Act is available; and
- a requirement that any toll adjustments be subject to public hearings where the toll facility is located.

Since the Governor announced in September 2017 his proposal for a P3 to build and operate toll lanes on I-495 and I-270, a number of promises regarding the project have been made that were later retracted or shown to be incorrect. They include that the project would not take any homes or businesses, and that all reasonable alternatives to building the toll lanes would be fairly evaluated. In light of the past unreliability of Administration promises, passage of this bill would ensure that important DOT representations would be met and reflected in P3 agreement(s).

In summary, this bill contains a number of important requirements and guarantees that deserve your support in case this highway expansion project proceeds. We urge a favorable report on this legislation.

Brian Ditzler  
Transportation Committee Chair  
[Brian.Ditzler@MDSierra.org](mailto:Brian.Ditzler@MDSierra.org)

Josh Tulkin  
Chapter Director  
[josh.tulkin@MDSierra.org](mailto:josh.tulkin@MDSierra.org)

Founded in 1892, the Sierra Club is America's oldest and largest grassroots environmental organization. The Maryland Chapter has over 75,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.



# **EJM Promises Act Testimonu.pdf**

Uploaded by: Wilkinson, nanci

Position: FAV

**Committee: Senate Budget and Taxation**  
**Testimony on SB 843 Maryland Department of Transportation Promises Act of 2021: I-495 and I-270 Public-Private Partnership Agreement Requirements**  
**Organization: Environmental Justice Ministry Cedar Lane Unitarian Universalist Church**  
**Position: Favorable**  
**Hearing Date: February 24, 2021**

**The Environmental Justice Ministry of Cedar Lane Unitarian Universalist Church strongly supports SB 843, the Maryland Department of Transportation Promises Act of 2021, the 1-495 and I-270 Public Private Partnership Agreement Requirements.**

**A main Unitarian Universalist covenant is the respect for the interdependent web of all existence, meaning the protection of nature and the environment. This bill would specify that a federally-compliant final environmental impact statement will be available BEFORE MDOT asks the Board of Public Works to approve any contract, a promise made by Secretary Slater to Delegate Korman.**

**Additionally, other provisions include:**

- No funding will be used to subsidize the project**
- 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 Georges 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 lanes 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**

**Thank you.**

**Nanci Wilkinson**

**Co Chair**

**Environmental Justice Ministry**

**Cedar Lane Unitarian Universalist Church**

# **MNCPPC Position Statement SB 843 I-495 and I-270 P**

Uploaded by: Gardner, Adrian

Position: FWA

## POSITION STATEMENT

**Bill:** SB 843 - I-495 and I-270 Public-Private Partnership - Partnership Agreement - Requirements (Maryland Department of Transportation Promises Act of 2022)

**Position:** SUPPORT W/ AMENDMENT      **Date:** February 24, 2021

**Contact:** Adrian R. Gardner, General Counsel

**What The Bill Does:** Among other things, the bill would synchronize the process for procuring a public-private partnership for the State’s project to construct toll lanes on I-495/95 and I-270 (the “Project”), and also engage the Montgomery County Government and Prince George’s County Government to ensure that the local public interest in environmental, local transportation and community benefits can be reasonably addressed.

**Why We Support:** The Maryland-National Capital Park and Planning Commission (Commission) is responsible for inspiring the local transportation plans and stewarding over 60,000 acres of public parkland on behalf of nearly 2 million Marylanders who live in Montgomery and Prince George’s counties. The parklands entrusted to our protection include some of the most environmentally sensitive areas of Rock Creek, Sligo Creek, and the Anacostia and Patuxent rivers. They also include vulnerable parkland acquired on behalf of the State under the aegis of the federal Capper-Cramton Act of 1930.

Under current law, the process for awarding a public-private partnership (“P3”) contract does nothing to assure the due diligence required to avoid impacts, or address risks that affect our local parkland and transportation plans. Indeed, right now, the State is procuring a P3 agreement for one phase of the Project and, at the same time, pursuing environmental approvals for the whole thing.

This approach threatens the quality of life our agency is founded to preserve. It departs from the customary, common-sense sequence of milestone events, as well as from best practices that require completing an environmental assessment that aligns closely with project phasing and scope.

Project impacts to local transportation systems and environmental assets can best be avoided or mitigated if they are known in time to avoid or mitigate them. Those impacts may affect our local parkland and transportation plans in ways the Commission cannot assess because the assessments have not been completed or undertaken properly.

Because the State is crafting a P3 deal before completing a fair evaluation of local environmental and transportation impacts – besides making the job of our Commission almost impossible – the consequence is to foist the entire financial risk of avoiding or mitigating those impacts onto the public.



On the one hand, if the necessary avoidance or mitigation measures are not specified at the time of solicitation, a later change of scope may entitle the selected vendor to additional compensation. On the other hand, if the wholesale risk of unknown work required to avoid or mitigate these impacts is assigned blindly to the successful vendor under the terms of a contract, potential vendors likely will hedge the financial terms of their offers to avoid the open-ended exposure to the unknown additional costs. In either case, the taxpayers are most likely to cover the cost of this avoidable uncertainty.

Considered in light of the application of the National Environmental Policy Act (NEPA) and its implementing regulations, the bill codifies what has long stood as best practice. Completion of the EIS is customarily completed before procuring a P3 partner for the reasons described above.

The bill would also require the State to disclose certain transportation planning and other data that is essential for the Commission and other local stakeholders to comprehend – at an appropriate time in the process – the Project’s immediate impacts on the communities we serve.

In short, this bill will help our Commission to do its job – protecting the public legacy in sensitive parkland and advancing the mission of local transportation planning. The Commission also supports the clarifying amendment we believe the sponsor will offer to require that a portion of the toll revenue must be used only for transit projects in the county where the collection facility is located, in a share to be determined by the appropriate county governing body.

The Commission accordingly urges your favorable report and passage with that amendment.

Cross-file: 2021 HB 67

**# # #**

**SB 843 - MoCo (GA 21).pdf**

Uploaded by: Wenger, Melanie

Position: FWA



# Montgomery County

## Office of Intergovernmental Relations

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ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

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**SB 843**

**DATE: February 22, 2021**

**SPONSOR: Senator Benson**

**ASSIGNED TO: Budget and Taxation and Finance**

**CONTACT PERSON: Melanie Wenger (melanie.wenger@montgomerycountymd.gov)**

**POSITION: Support with Amendments**

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**I-495 and I-270 Public-Private Partnership –  
Partnership Agreement – Requirements  
(Maryland Department of Transportation Promises Act of 2021)**

Senate Bill 843 would place in the State Finance and Procurement and Transportation Articles the public commitments the Administration has made regarding its plans to widen I-270 and I-495. These commitments include specifics about the use of toll lanes and the allocation of toll revenues, how land may be acquired, requirements for “community benefit” agreements, and the sharing of data.

Montgomery County supports this legislation. It is no secret that the Administration's Traffic Relief Plan remains controversial in the Maryland Washington, D.C. suburbs. Greater transparency and inclusion much earlier on in the planning process may have alleviated at least some of the angst the roll out of this Plan created among residents in Montgomery County. However, it is never too late to try to right some of the wrongs. Codifying these commitments will be helpful.

However, please note the need for a clarifying amendment pertaining to pedestrian and bicycle lanes on the American Legion Bridge (see below). In addition, the County is concerned that the language pertaining to the sharing of proceeds for transit investment lacks certainty that the funding will actually materialize, and if it does, that the State will collaborate with the affected counties to identify transit projects. This provision should be strengthened to better reflect the discussion that took place at the Board of Public Works meeting on January 8, 2020.

With these suggested improvements incorporated, the County respectfully requests that the Senate Budget and Taxation and Finance Committees advance Senate Bill 843.

On page 4, strike in its entirety line 2 and substitute “SHARED USE PATH FOR BICYCLISTS AND PEDESTRIANS, AND THAT IT BE CONNECTED TO ONE OR MORE EXISTING PATHS ON THE MARYLAND SIDE OF THE POTOMAC RIVER.”

**SB 843\_MAA\_UNF.pdf**

Uploaded by: Evans, Gerard

Position: UNF

CHAIRMAN:  
Rob Scrivener  
VICE CHAIRMAN  
Brian Russell

**MARYLAND ASPHALT ASSOCIATION**



SECRETARY:  
David Slaughter  
TREASURER:  
Jeff Graf  
PRESIDENT:  
G. Marshall Klinefelter

February 24<sup>th</sup>, 2021

Senator Guy Guzzone, Chair  
Budget and Taxation Committee  
3 West, Miller Senate Office Building  
Annapolis, MD 21401

Senator Delores G. Kelley, Chair  
Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, MD 21401

**RE: SB 843 – UNFAVORABLE – I-495 and I-270 Public-Private Partnership – Partnership Agreement – Requirements (Maryland Department of Transportation Promises Act of 2021)**

Dear Members from the Budget and Taxation and Finance Committees:

The Maryland Asphalt Association is comprised of 18 producer members representing more than 47 production facilities, 21 contractor members, 24 consulting engineer firms and 39 other associate members. We proactively work with regulatory agencies to represent the interests of the asphalt industry both in the writing and interpretation of state and federal regulations that may affect our members. We also advocate for adequate state and federal funding for Maryland's multimodal transportation system.

SB 843 calls for a mandate on how funds generated from toll lanes on I-495 and I-270 will be allocated. The bill calls for 10% of toll revenue from these highways to be distributed to a special fund, and the money within that fund can only be used for transit projects that comply with memorandums of understanding between the Department of Transportation and the governing bodies of the counties where the toll facilities are located. This will ultimately grant counties more power than the State and lead to dependency on the State for funding. This will lead to additional provisions placed on an already well-coordinated and heavily regulated system. The needs of our State are critical, and we cannot afford to impose more constraints on a region that is struggling with massive deficiencies in its transportation infrastructure network.

We appreciate you taking the time to address this important issue and we urge an unfavorable report on Senate Bill 843.

Thank you,

Marshall Klinefelter  
President  
Maryland Asphalt Association

**SB 843\_MTBMA\_UNF.pdf**

Uploaded by: Evans, Gerard

Position: UNF



**MTBMA**  
MARYLAND TRANSPORTATION BUILDERS  
AND MATERIALS ASSOCIATION

February 24<sup>th</sup>, 2021

Senator Guy Guzzone, Chair  
Budget and Taxation Committee  
3 West, Miller Senate Office Building  
Annapolis, MD 21401

Senator Delores G. Kelley, Chair  
Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, MD 21401

**RE: SB 843 – UNFAVORABLE – I-495 and I-270 Public-Private Partnership – Partnership Agreement – Requirements (Maryland Department of Transportation Promises Act of 2021)**

Dear Members from the Budget and Taxation and Finance Committees:

The Maryland Transportation Builders and Materials Association (“MTBMA”) has been and continues to serve as the voice for Maryland’s construction transportation industry since 1932. Our association is comprised of 200 members. MTBMA encourages, develops, and protects the prestige of the transportation construction and materials industry in Maryland by establishing and maintaining respected relationships with federal, state, and local public officials.

SB 843 calls for a mandate on how funds generated from toll lanes on I-495 and I-270 will be allocated. The bill calls for 10% of toll revenue from these highways to be distributed to a special fund, and the money within that fund can only be used for transit projects that comply with memorandums of understanding between the Department of Transportation and the governing bodies of the counties where the toll facilities are located. This will ultimately grant counties more power than the State and lead to dependency on the State for funding. This will lead to additional provisions placed on an already well-coordinated and heavily regulated system. The needs of our State are critical, and we cannot afford to impose more constraints on a region that is struggling with massive deficiencies in its transportation infrastructure network.

We appreciate you taking the time to address this important issue and we urge an unfavorable report on Senate Bill 843.

Thank you,

Michael Sakata  
President and CEO  
Maryland Transportation Builders and Materials Association

**Testimony Senate 2021 02 24 FINAL.pdf**

Uploaded by: Gonzalez, Edgar

Position: UNF





**SUBURBAN MARYLAND  
TRANSPORTATION ALLIANCE**

My name is Edgar Gonzalez and I am the Executive Director of the Suburban Maryland Transportation Alliance. I testify in opposition to Bill SB 843.

During the 1980's to 2010, Montgomery County was considered a dynamic model of orderly growth and economic development. We proudly called ourselves the "economic engine of the State", and we were one of the most dynamic and fastest growing counties in the Washington DC Metropolitan area.

One can attribute the County's growth to:

- an expansion of federal jobs,
- combined with the location of the headquarters and major branches of renowned national and international corporations, and
- the implementation of major transportation projects.

However, from 2010 to the present, Montgomery County's growth is behind in business formation and income growth in comparison to all counties and cities in the DMV.

I would argue that a key reason for our slow growth is the existence of one of the most congested road networks in the nation. Neither the State nor the County has had the money to invest in the expansion of our road system.

Now we have a unique opportunity to reverse that situation through the implementation of a Public Private Partnership for improvements to Phase 1 of the I-495 and I-270 Managed Lanes Study at no cost to the taxpayers of the State.

The recent announcement by the State of a selected implementation partner for Phase 1 of the MLS is to be celebrated including the implementation of most of the items presented in Bill SB 843. The proposed Bill ignores the economic reality of the State and creates unnecessary regulatory and impractical conditions to the implementation of a project that promises to be a game changer in the economic growth of the County and the State.

It is important to emphasize that the P3 construction program being pursued by the State involves only the Interstate System in Montgomery County. No improvements to I-495 east of I-270 and into Prince George's County are envisioned in phase 1 of the study.

SMTA urges the Senate to reject Bill SB 843 as being counter-productive to the economic development of Montgomery County and the State.

**MBIA Testimony SB 843.pdf**

Uploaded by: Graf, Lori

Position: UNF

February 24, 2021

The Honorable Guy Guzzone  
Senate Budget and Taxation Committee  
Miller Senate Office Building,  
3 West Wing 11 Bladen St.,  
Annapolis, MD, 21401

**RE: Opposition SB 843 (I-495 and I-270 Public-Private Partnership - Partnership Agreement - Requirements (Maryland State Department of Transportation Promises Act of 2021))**

Dear Chairman Guzzone:

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, opposes Senate Bill 843 (I-495 and I-270 Public-Private Partnership - Partnership Agreement - Requirements (Maryland State Department of Transportation Promises Act of 2021)).

This measure, in addition to many other requirements, would prohibit the Maryland State Department of Transportation (MDOT) from submitting a contract for a public-private partnership (P3) to the Board of Public Works without a final environmental impact statement that complies with the National Environmental Policy Act is submitted and available.

P3 projects were intended to ease traffic congestion, which is at a critical point in areas like Montgomery County and Prince George's County. However, P3 projects will likely be delayed under this measure due to the additional environmental study requirements. More studies result in higher costs due to inflation and extended payment windows. This measure will be expensive for both MDE and private entities, and traffic and quality of life in congested counties will continue to degenerate.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

cc: Members of the Senate Budget and Taxation Committee

# **SMTA Opposition to SB843 2021.pdf**

Uploaded by: Russel, Jennifer

Position: UNF



As Vice Chair of Suburban Maryland Transportation Alliance (SMTA), I would like to submit testimony in opposition to SB 843—I-495 and I-270 Public Private Partnership-Partnership Agreement Requirements. This poorly drafted and inaccurate piece of legislation risks cutting off funds, thereby delaying or endangering a project that will offer traffic relief for Montgomery, Frederick and Prince George's county residents. Your constituents in these geographic areas experience severe traffic delays on both I-270 and the beltway with congestion often plaguing the roads for more than 10 hours per day. This is no way to live. As responsible legislators you cannot continue to ignore the needs of the voters who overwhelmingly support infrastructure improvements such as the P3 Traffic Relief Plan. The P3 is a source of funding that cannot be replaced—there is no other money to fund like improvements. This bill imposes limitations on the use of dedicated transit funds and establishes nuisance requirements that will needlessly interfere with the forward-moving procurement process currently underway. The recent selection of a well-respected team to proceed with the pre-development agreement for the next year highlights how close we are to moving forward to solve the region's ever-present bottleneck. With smooth sailing, this project could be under construction by 2022, thereby offering the relief that residents in the region overwhelmingly support and deserve.

The bill's language does not accurately reflect the terms of the P3 Program's Request for Proposal or the P3 agreement. The bill also unnecessarily requires redundant environmental studies that were conducted in conjunction with the NEPA process. As proposed, the tenets of the bill reflect an awkward and unusual amount of control. Regional planning agencies have long studied the question of funding and modes and recognize that a network of both new toll lanes and new transit services are needed to address the needs of the region. This bill toys with cutting off funds if certain requirements are not met.

You cannot ignore the fact that the beltway is highly congested and that I-270 with virtually no widening during its recent history suffers from severe overcapacity given the growth in Montgomery County. Residents in the Upcounty are strangulating, with no end in sight. This type of traffic congestion has and continues to have deleterious impacts on the regional economy by hindering growth in employment and business investment. Such indecision makes it difficult for employers to attract both talent and customers whose decisions regarding both are often negatively impacted by the endless traffic. The cost of congestion is roughly \$2,000 per resident per year. Do you want that on your conscience?

As we quickly return to pre-COVID-19 traffic flows, the value of such a major economic development project to lead us out of the post-pandemic economic crisis is indisputable. As a legislator, is the loss of a project which could not be funded but for the resources produced by a P3 at a time when interest rates are notoriously low a responsibility that you want to assume? This bill injects the element of

uncertainty into the P3 process and could seriously delay or endanger the project's future and the issuance of the P3. This is not the way to go. Vote to oppose this bill.

Jennifer Russel, Vice Chair

Suburban Maryland Transportation Alliance

**SB0843 - P3 - Promises Act of 2021 - LOI - FINAL.p**

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February 24, 2021

The Honorable Guy Guzzone  
Chair, Budget and Taxation Committee  
251 House Office Building  
Annapolis MD 21401

**Re: Letter of Information – Senate Bill 843 – I-495 and I-270 Public-Private Partnership – Partnership Agreement – Requirements**

Dear Chair Guzzone and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on Senate Bill 843 but offers the following information for the Committee’s consideration.

In 2017, Governor Hogan challenged MDOT to deliver an innovative solution to relieve statewide congestion. The I-495 & I-270 Public-Private Partnership (P3) Program is the largest component of the Traffic Relief Plan and is being advanced to bring transformative relief to the growing congestion that impedes economic development and diminishes quality of life in the National Capital Region (NCR).

As part of the P3 Program, MDOT is committed to incorporating many of the recommendations from local governments and the public, such as separate bicycle and pedestrian paths across the American Legion Bridge and a Community Benefits Agreement in the P3 Agreement. MDOT is actively engaged with the Disadvantaged Business Enterprise (DBE)/Minority Business Enterprise (MBE) Community through the Opportunity MDOT program, which promises to unlock significant opportunities for these Maryland businesses to participate in the project. While supporting new options for travel, continued collaboration with elected officials and community groups will remain vital to the P3 Program.

In December 2020, MDOT and the Maryland Transportation Authority (MDTA) issued the Request for Proposals (RFP) for Phase 1 of the P3 Program, and the completed proposals were due on January 8, 2021. The Department anticipates submitting the Phase 1 P3 Agreement with the selected proposer for Predevelopment Work to the Maryland Board of Public Works (BPW) for approval in April or May of 2021.

MDOT brings hundreds of procurements before the BPW each year. These procurements enable the State to provide invaluable goods and services to Marylanders utilizing MDOT’s statewide multimodal transportation system. Whether taking a bus or light rail to work, catching a flight from Baltimore/Washington International Thurgood Marshall Airport, purchasing goods imported through the Port of Baltimore, or updating your REAL ID at the MDOT Motor Vehicle Administration, citizens are benefiting from MDOT procurements. We are not aware of any instance in which the terms of a single procurement have been codified in Maryland statute in the middle of the procurement process. Taking this action would establish a concerning precedent for interfering in



future procurements which would introduce a measure of uncertainty in the private sector in conducting business with the State of Maryland. Ultimately, this would have a deleterious affect the ability of state government to procure goods and services at the greatest value to the taxpayer.

If Senate Bill 843 is enacted, the chief concern is that it will send a message to businesses and investors that the State of Maryland cannot reliably provide a stable, competitive, and predictable set of policies on which they can rely throughout the procurement process. There are several instances where Senate Bill 843 does not accurately reflect MDOT's commitments. For example, MDOT stands by its promise that "there will be no contract submitted to the Board of Public Works for the final award until the EIS is complete." We will not take any contract for the final award, which will be for the construction, to the Board of Public Works until the EIS is complete, but Senate Bill 843 does not reference final award. The earliest a contract for construction could be brought to BPW would be summer 2022. Further, there is new language in Senate Bill 843 that was not drafted in the original bill from 2020. This language states that the P3 Program "will not require any public subsidies," which is inconsistent with the no net cost policy of the State.

This legislation is concerning, as the State of Maryland does not have the billions of dollars it would take to replace the American Legion Bridge and heavily congested sections of I-270 using traditional sources. If the State of Maryland were to rely on the Transportation Trust Fund to address these bottlenecks, it would take at least another 11 years to fund these improvements without a P3, which would then require that we cancel or defer all other transportation capital projects in the State for that period.

With all these concerns in mind, we request the Committee avoid any actions this legislative session that would negatively effect, disrupt, or even derail an ongoing procurement of this magnitude. The risks and the costs are just too high. The Department remains committed to clear and transparent communication with all stakeholders and delivering a project that provides the greatest relief to Marylanders and commerce.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating Senate Bill 843.

Respectfully submitted,

Melissa Einhorn  
State Legislative Officer  
Maryland Department of Transportation  
410-865-1102