

T&E COMMITTEE #1
July 20, 2020

MEMORANDUM

July 15, 2020

TO: Transportation and Environment Committee

FROM: Glenn Orlin, Senior Analyst

SUBJECT: Managed Lanes Study Draft Environmental Impact Statement (DEIS) overview¹

PURPOSE: Overview briefing

The Maryland Department of Transportation (MDOT) released DEIS and related documents for this study on July 10. The links to these documents are shown below:

DEIS and technical reports: <https://495-270-p3.com/deis/#DEIS>

Joint Federal/State Application (JPA) for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland: <https://495-270-p3.com/environmental/JPA/>

DEIS and JPA document availability: <https://495-270-p3.com/deis/#availability>

Dates and locations of public hearings: <https://495-270-p3.com/your-participation/upcoming-events/>

Comment form: <https://495-270-p3.com/your-participation/provide-feedback/>

The T&E Committee has requested that MDOT staff present an overview briefing of the DEIS prior to the State's public hearings, which will be held in August and early September. MDOT's presentation is attached on ©1-34 and will be led by:

Lisa Choplin, Director, I-495 & I-270 P3 Office, MDOT

Jeff Folden, Deputy Director, I-495 & I-270 P3 Office, MDOT

Caryn Brookman, Environmental Manager for the I-495 & I-270 Managed Lanes Study

Planning Board Chair Casey Anderson, DOT Director Christopher Conklin, and MDOT Government Liaison and Communications Manager Shawn Eum have also been invited to provide comment and/or answer questions directed to them.

The Maryland-National Capital Park and Planning Commission (MNCPPC) held a bi-County meeting on July 15, receiving comments from MNCPPC staff. The MNCPPC staff memo is on ©35-45; the full report with attachments can be viewed here: <https://montgomeryplanningboard.org/wp-content/uploads/2020/07/5d.-I-495-I-270-Managed-Lanes-Study-DEIS-Comments.pdf>.

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¹ Key word: #ManagedLanesStudy



I-495 & I-270 Managed Lanes Study

Draft Environmental Impact Statement and Draft Section 4(f) Evaluation

July 2020





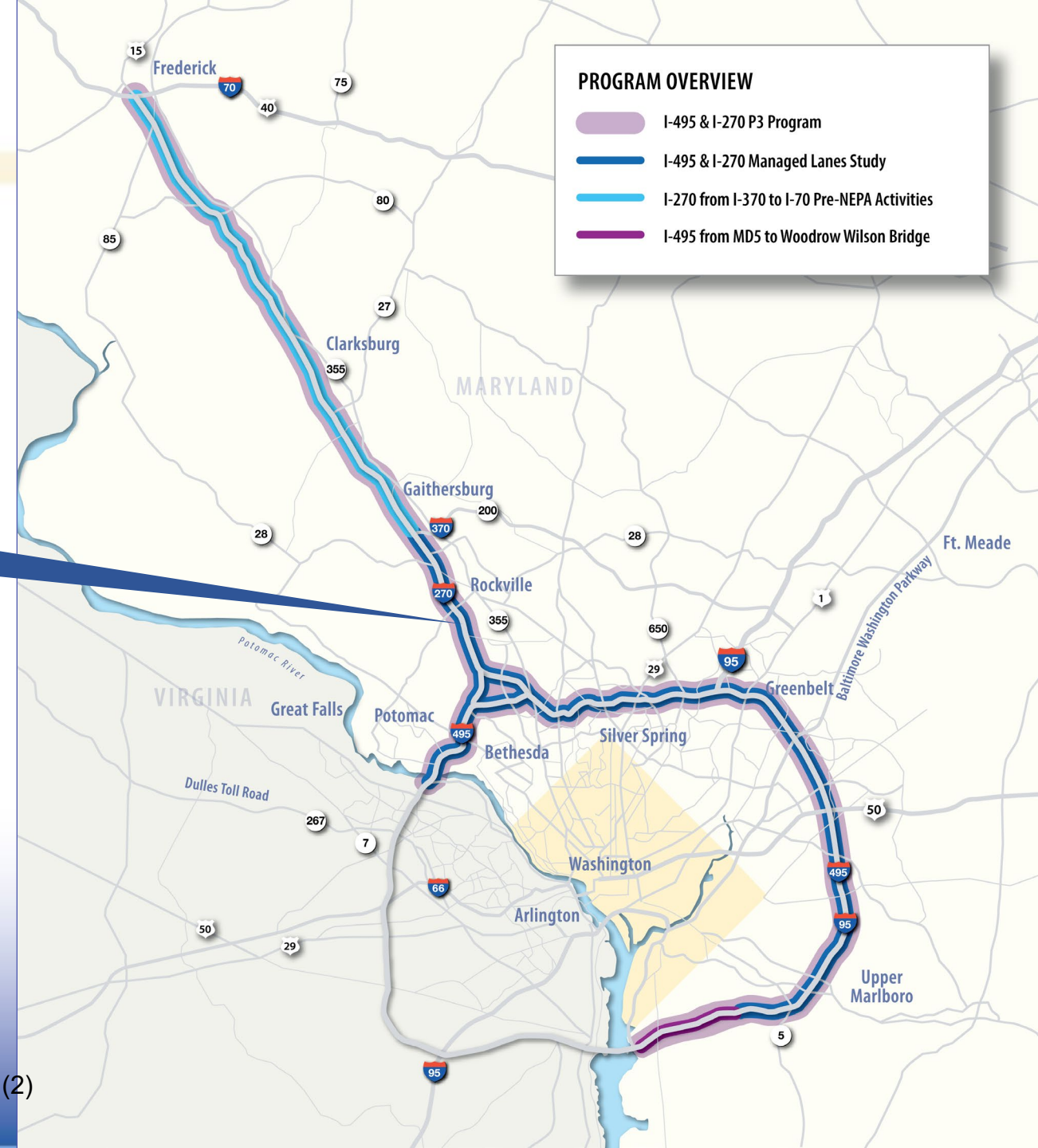
I-495 & I-270 P3 Program

The I-495 & I-270 P3 Program includes more than 70 miles of highway improvements.

I-495 & I-270 Managed Lanes Study

- The Managed Lanes Study covers 48 miles of those improvements.
- The Study begins south of the George Washington Memorial Parkway on I-495 in Virginia, including the American Legion Bridge, and extends to west of MD 5 and along I-270 from the Capital Beltway to north of I-370.

For additional details, see 495-270-p3.com/program-overview/





I-495 & I-270 MLS Purpose and Need

DEIS Ch. 1 & Appendix A

Purpose: Develop a travel demand management solution(s) that addresses congestion, improves trip reliability on I-495 and I-270 within the study limits and enhances existing and planned multimodal mobility and connectivity.

Needs:

- Accommodate Existing Traffic and Long-Term Traffic Growth
- Enhance Trip Reliability
- Provide Additional Roadway Travel Choices
- Accommodate Homeland Security
- Improve Movement of Goods and Services





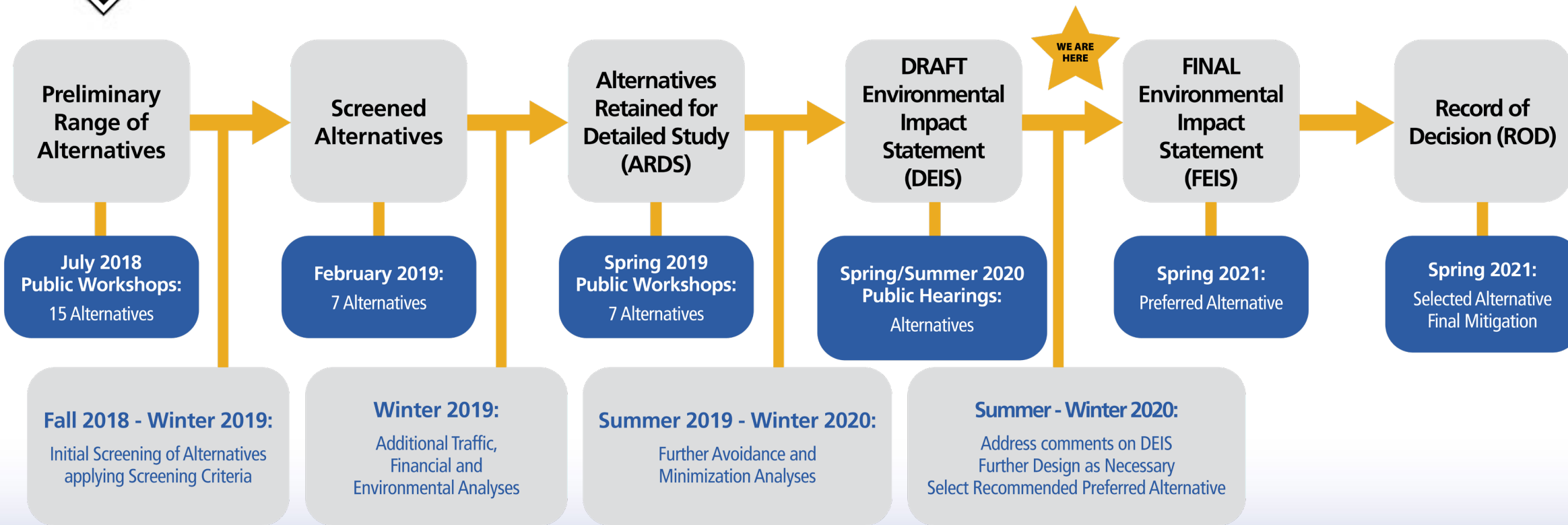
How Has the COVID-19 Pandemic Impacted the Study?

- MDOT's number one priority is the health and safety of Marylanders.
- MDOT SHA recognizes the impact of the COVID-19 stay-at-home order on current transportation patterns throughout the National Capital Region, including how we work, travel, and spend our free time. We are aware of the reduced traffic on interstates such as I-495 and I-270.
- We are continuing to ensure transportation improvements are being developed to meet our State's needs for today and in the future.
- We will evaluate and consider all new information as it becomes available to ensure the solutions will meet the needs of Marylanders now and in the future.





Managed Lanes Study Schedule



AGENCY AND PUBLIC INPUT





DEIS Availability

495-270-p3.com/DEIS

- Notice of Availability of the Draft Environmental Impact Statement and Draft Section 4(f) Evaluation was *published in the Federal Register on Friday, July 10th* for public and agency review and comment
- Comment period is 90 days, *double the regulatory minimum. Comments due by October 8, 2020*
- DEIS can be *viewed or downloaded from Program webpage* or viewed in *hard copy at 21 locations* in Montgomery and Prince George's Counties, Fairfax County Virginia and District of Columbia





Agency Coordination

DEIS Ch. 8 & Appendix P

- Eight (8) Cooperating Agencies participated in the development of the DEIS

Federal Cooperating Agencies	State/Local Cooperating Agencies
US Army Corps of Engineers	Maryland Department of Environment
National Park Service	Maryland Department of Natural Resources
Environmental Protection Agency	Maryland-National Capital Park and Planning Commission
National Capital Planning Commission	Virginia Department of Transportation

- Numerous other agencies were actively involved throughout the Study including Federal, State and Local agencies
- Interagency Working Group established during scoping and continued monthly or as needed
- Consultation and coordination with individual agencies occur on a monthly basis





Public and Stakeholder Engagement

DEIS Ch. 8 & Appendix P

- The public has been engaged at every step of the process and are a key component of the NEPA process.
- To date, MDOT SHA has extensively engaged the public through the following ways, among others:
 - ✓ 16 Large Public Workshops
 - ✓ 21 Community Association Meetings
 - ✓ 85 Stakeholder/Large Landowner Meetings
 - ✓ Presentations to regional, state and local elected officials
 - ✓ Actively maintaining public and elected officials mailing lists
 - ✓ 3 Program and Study Newsletters
 - ✓ Public and Elected Official Email Blasts
 - ✓ Targeted Outreach to Underserved Communities
 - ✓ Social Media
 - ✓ Radio
 - ✓ Regional and local newspapers
 - ✓ P3 Program webpage (495-270-p3.com/)





Incorporation of Public and Agency Input into the Study

DEIS Ch. 7

MDOT SHA and FHWA enhanced the Study and included many additional elements for review in this DEIS, including but **not** limited to:

- Amended purpose and need to include multimodal elements and “no net loss” goal
- Build alternatives that retained the existing HOV lanes and no toll for eligible HOV (+3)
- Free bus usage of all build alternatives
- Direct access to/from managed lanes to support mobility and connectivity to transit stations
- Shared use path on American Legion Bridge
- Design elements aimed at narrowing the footprint and avoiding and minimizing environmental impacts
- Innovative SWM facilities such as underground vaults to avoid environmental impacts
- Removed the existing Collector/Distributor lanes on I-270 to stay largely within the existing pavement
- Added direct access to support approved land use and development
- Analyzed two additional alternatives in an effort to avoid and reduce property and environmental impacts





Alternatives Under Consideration in DEIS

DEIS Ch. 2 & Appendix B

Note: MDOT SHA and FHWA determined Alternative 5 (1-lane, High Occupancy Toll network on both I-495 and I-270) is not a reasonable alternative, but it is included in the DEIS for comparison purposes only.

1	No Build (No improvements planned to I-495 and I-270)
8	2-lane Express Toll Lane network on I-495 & 1-lane Express Toll Lane and 1-lane High Occupancy Vehicle network on I-270
9	2-lane High Occupancy Toll network on both I-495 & I-270
9M	2-lane High Occupancy Toll network on West and East sides of I-495 and I-270 & 1-lane High Occupancy Toll network on top side of I-495
10	2-lane Express Toll Lane network on I-495 and I-270 & 1-lane High Occupancy Vehicle network on I-270
13B	2-lane High Occupancy Toll network on I-495 & 2-lane High Occupancy Toll/Reversible Lanes network on I-270
13C	2-lane Express Toll Lane network on I-495 & 2-lane Express Toll Lane/Reversible Lanes network and 1-lane High Occupancy Vehicle network on I-270





HOT Lanes and ETLs

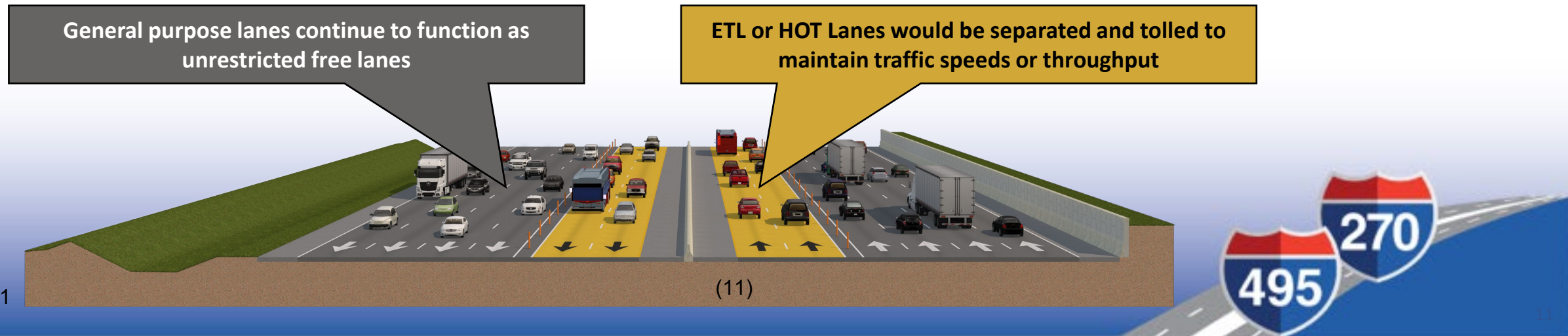
DEIS Ch. 2 & Appendix B

What are High Occupancy Toll Lanes (HOT)?

Dedicated managed lanes within highway right-of-way that single-occupancy vehicle (SOV) motorists may use by paying a variably priced toll and high-occupancy vehicle (HOV) motorists may use by paying no toll at all. Toll payments may vary by time of day and level of congestion.

What are Express Toll Lanes (ETL)?

Dedicated managed lanes within highway right-of-way that any motorist, regardless of vehicle occupancy, may use by paying a variably priced toll, depending on the time of day and level of congestion.





Traffic Operations

DEIS Ch. 3 & Appendix C

- The No Build Alternative would not address existing and long-term traffic growth and would result in slow travel speeds, significant delays, long travel times, and an unreliable network.
- Compared to the 2040 No Build Alternative conditions, all Build Alternatives would:
 - increase average speeds in the general purpose lanes and provide free-flow speeds in the managed lanes;
 - reduce delay;
 - reduce travel times for all roadway users;
 - improve Level of Service;
 - increase throughput; and
 - reduce delay on the surrounding local network.





Elements Common Among the Build Alternatives

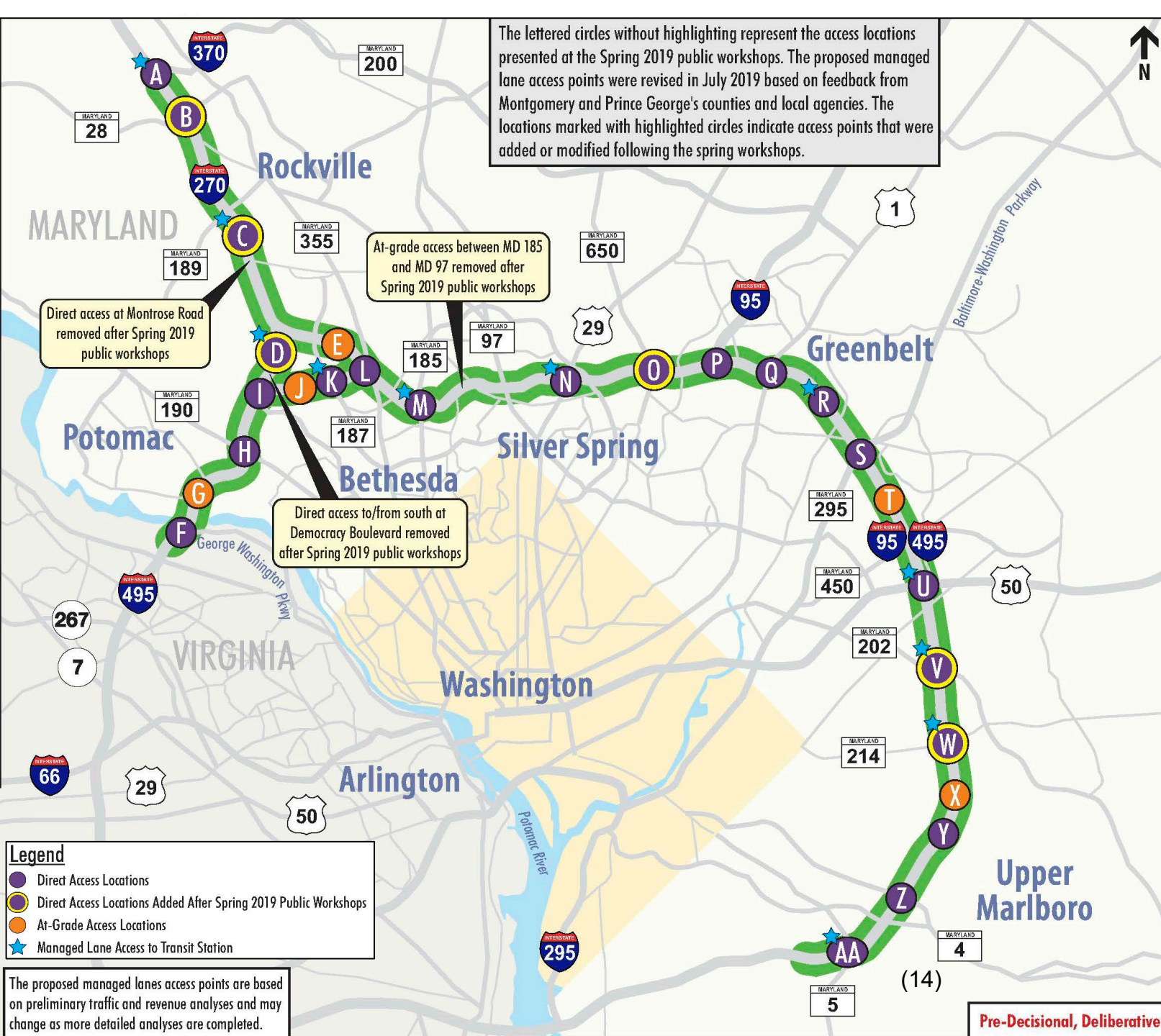
DEIS Ch. 2 & Appendix B

- **Interchanges and Managed Lane Access**
- **Transit-Related Elements**
- **Tolling**
- Pedestrian and Bicycle Considerations
- Stormwater Management Considerations
- Limits of Disturbance (LOD)
- Construction and Short-Term Effects
- Construction Phasing



Interchanges & Managed Lanes Access

DEIS Ch. 2 & Appendix B



The lettered circles without highlighting represent the access locations presented at the Spring 2019 public workshops. The proposed managed lane access points were revised in July 2019 based on feedback from Montgomery and Prince George's counties and local agencies. The locations marked with highlighted circles indicate access points that were added or modified following the spring workshops.

Direct access at Montrose Road removed after Spring 2019 public workshops

At-grade access between MD 185 and MD 97 removed after Spring 2019 public workshops

Direct access to/from south at Democracy Boulevard removed after Spring 2019 public workshops

- Legend**
- Direct Access Locations
 - Direct Access Locations Added After Spring 2019 Public Workshops
 - At-Grade Access Locations
 - ★ Managed Lane Access to Transit Station

The proposed managed lanes access points are based on preliminary traffic and revenue analyses and may change as more detailed analyses are completed.

- A I-270 at I-370 (access to Shady Grove Metro)
- B I-270 at Gude Drive
- C I-270 at Wootton Parkway (access to Twinbrook Metro)
- D I-270 at Westlake Terrace (access to Montgomery Mall Transit Center)
- E I-270 east of MD 187
- F I-495 at George Washington Parkway
- G I-495 north of Clara Barton Parkway
- H I-495 at MD 190/Cabin John Parkway
- I I-495 at I-270 West Spur
- J I-495 west of MD 187
- K I-495 at MD 187 (access to Medical Center Metro)
- L I-495 at I-270 East Spur
- M I-495 at MD 185 (access to Medical Center Metro & Kensington MARC)
- N I-495 at US 29 (access to Silver Spring Metro/MARC)
- O I-495 at MD 650
- P I-495 at I-95
- Q I-95/I-495 at US 1
- R I-95/I-495 at Cherrywood Lane (access to Greenbelt Metro/MARC)
- S I-95/I-495 at Baltimore-Washington Parkway
- T I-95/I-495 south of Baltimore-Washington Parkway
- U I-95/I-495 at US 50 (direct access to New Carrollton Metro/MARC/AMTRAK)
- V I-95/I-495 at MD 202 (north leg only) (access to Largo Town Center Metro)
- W I-95/I-495 at MD 214 (south leg only) (access to Largo Town Center Metro)
- X I-95/I-495 north of Ritchie Marlboro Road
- Y I-95/I-495 at Ritchie Marlboro Road
- Z I-95/I-495 at MD 4
- AA I-95/I-495 at MD 5 (access to Branch Avenue Metro)

Pre-Decisional, Deliberative



Transit-Related Elements

DEIS Ch. 2 & Appendix B

- Free bus usage in the managed lanes to provide an increase in travel speed, assurance or a reliable trip, and connection to bus transit on arterials that directly connect to activity and economic centers.
- Access (direct and indirect) to existing transit stations and planned Transit-Oriented Developments will be included at the following locations:
 - Shady Grove Metro (I-370)
 - Silver Spring Metro and MARC (US 29)
 - Twinbrook Metro (Wootton Parkway)
 - Greenbelt Metro and MARC (Cherrywood Lane)
 - Montgomery Mall Transit Center (Westlake Terrace)
 - New Carrollton Metro, MARC, and Amtrak (US 50)
 - Medical Center Metro (MD 187 and MD 185)
 - Largo Town Center Metro (MD 202 and MD 214)
 - Kensington MARC (MD 185)
 - Branch Avenue Metro (MD 5)
- A Transit Work Group, with representatives from transit providers from Montgomery, Prince George's, Frederick, Anne Arundel, Charles, and Howard counties and representatives from MDOT SHA, MDOT Maryland Transit Administration, FHWA, Federal Transit Administration, and Washington Metropolitan Area Transit Authority, works together to collaboratively identify opportunities to enhance transit services on the proposed managed lanes and create an interconnected transit/highway system in the National Capital Region.



www.srta.ga.gov





Tolling

DEIS Ch. 2 & Appendix B

The DEIS does not recommend final proposed toll rates; however, potential rates were estimated to meet the goals of the project and to determine if the Build Alternatives would be financially viable.

**2025 average
weekday toll
rates per mile for
passenger cars
(in 2020 dollars):**

Alternative 8	\$0.70/mile
Alternative 9	\$0.69/mile
Alternative 9M	\$0.77/mile
Alternative 10	\$0.68/mile
Alternative 13B	\$0.73/mile
Alternative 13C	\$0.71/mile



H. Darr, USAT

- Toll rate ranges will be set as required by the Code of Maryland Regulations (COMAR 11.07.05, *Public Notice of Toll Schedule Revisions*).
- Toll rate ranges will be approved by the Maryland Transportation Authority (MDTA) Board after public review and comment.





Environmental Overview

DEIS Ch. 4, 5 & Appx. D-L, O





Environmental Overview

DEIS Ch. 4

Corridor Study Boundary (CSB):

- Defines the data collection area for natural resources, properties, and parks.
- Approximately 300 feet wide on either side of the centerline of I-495 and I-270 for the length of the study (48 miles).
- Does **not** define the entire area where impacts would occur.



Example Visual of Corridor Study Boundary





Natural Resources Evaluated in DEIS

DEIS Ch. 4 & Appendix L

- Aquatic Biota
- **Floodplains**
- Rare, Threatened, and Endangered Species
- Topography, Geology, and Soils
- Unique and Sensitive Areas
- **Vegetation and Terrestrial Habitat and Wildlife**
- Watersheds, Surface Water Quality, and Groundwater Hydrology
- **Waterways and Wetlands**





Natural Resources Highlights

DEIS Ch. 4 & Appendices L, M

Vegetation and Terrestrial Habitat

Resource	Impacts (acres)				
	Alts. 8 & 9	Alt. 9M	Alt. 10	Alt. 13B	Alt. 13C
Forest Canopy	1,497	1,477	1,515	1,489	1,503
Forest Conservation Act Easements	19.3	18.6	20.8	18.8	19.7
Potential Forest Interior Dwelling Species Habitat	27.7	26.6	27.7	27.7	27.7



Note: Efforts to avoid and minimize impacts have occurred throughout the planning process and will continue during the final design phase.





Natural Resources Highlights

DEIS Ch. 4 & Appendices L, M

Wetlands, Waterways, and Floodplains

Resource	Impacts				
	Alts. 8 & 9	Alt. 9M	Alt. 10	Alt. 13B	Alt. 13C
Wetlands (acres)	16.3	16.1	16.5	16.3	16.5
Wetlands 25-ft Buffer (acres)	53.1	52.7	53.6	53.1	53.5
Waterways (linear feet)	155,922	155,229	156,984	155,822	156,632
100-Year Floodplain (acres)	119.5	116.5	120.0	119.5	119.9



Note: Efforts to avoid and minimize impacts have occurred throughout the planning process and will continue during the final design phase.





Socioeconomic Resources Evaluated in DEIS

DEIS Ch. 4 & Appendix E

- Communities and Community Facilities
- Demographics
- Environmental Justice Populations
- Indirect and Cumulative Effects
- Land Use and Zoning
- **Property Acquisitions and Relocations**
- **Visual and Aesthetic Resources**





Socioeconomic Resources Highlights

DEIS Ch. 4 & Appendix E

Property Acquisitions and Relocations

Resource	Existing Properties within CSB	Impacts					
			Alts. 8 & 9	Alt. 9M	Alt. 10	Alt. 13B	Alt. 13C
Residential Properties	2,668	Relocated Properties	34	25	34	34	34
		Partially Impacted Properties	1,127	1,046	1,164	1,105	1,127
Business/ Other Properties	679	Relocated Properties	4	4	4	4	4
		Partially Impacted Properties	348	346	354	342	352
Total Acreage Impacted			323.5 acres	313.4 acres	337.3 acres	318.9 acres	329.3 acres





Socioeconomic Resources Highlights

DEIS Ch. 4 & Appendix E

Visual and Aesthetic Resources

- Impacts localized to properties adjacent to the study corridors and viewsheds to/from adjacent parklands.
- Post-construction viewsheds would generally be consistent with existing viewsheds along study corridors.
- Mitigation measures to lessen the visual impact of the improvements include landscaping and aesthetic treatments to retaining walls.





Cultural Resources Evaluated in DEIS

DEIS Ch. 4 & Appendix G

- Archaeological Resources
- **Historic Architectural Resources**





Cultural Resources Highlights

DEIS Ch. 4 & Appendix G

Historic Properties

Resource	Historic Properties in Area of Potential Effects	Impacts				
		Alts. 8 & 9	Alt. 9M	Alt. 10	Alt. 13B	Alt. 13C
Historic Properties with Adverse Effect	54	13				
Historic Properties where Effect Cannot Currently be Determined		7				

Note: Numbers may vary slightly pending consultation with Virginia State Historic Preservation Officer.





Air Quality

DEIS Ch. 4 & Appendix I

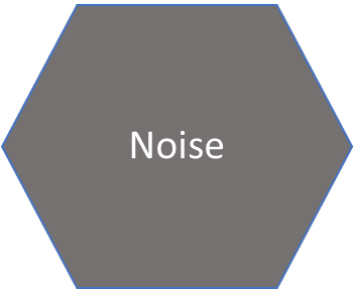
Existing Conditions

- Study is included in the National Capital Region Transportation Planning Board 2019 – 2024 Transportation Improvement Program (TIP).
- Study conforms to the:
 - Visualize 2045 Long-Range Plan and accompanying Air Quality Conformity Analysis; and
 - The State Implementation Plan (SIP) for meeting Federal ozone standards.

Anticipated Impacts

- **Carbon Monoxide:** worst-case concentrations expected to remain well-below the National Ambient Air Quality Standards;
- **Mobile Source Air Toxics:** emissions expected to remain the same or slightly decrease compared to No Build condition; and
- **Greenhouse Gas:** emissions expected to increase slightly for all Build Alternatives when compared to the No Build condition for 2040, but decrease compared to existing conditions.





Noise

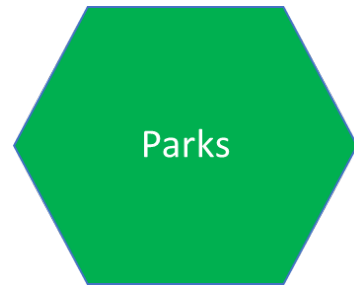
DEIS Ch. 4 & Appendix J

Noise abatement has been investigated at all noise-sensitive areas (NSAs) along the study corridor.

- 133 NSAs were found along the Study Corridor.
- The results of the noise investigation are the same under **all Build Alternatives (8, 9, 9M, 10, 13B, 13C)**:

Resource	Proposed Noise Mitigation for Build Alternatives	Number of Noise-Sensitive Areas
Noise-Sensitive Areas	Existing noise barriers that would remain in place as currently constructed	7
	Existing noise barriers would be relocated	42
	Existing noise barriers would be reconstructed and extended	20
	New noise barriers constructed	23
	Noise Barrier not proposed for construction	19





Section 4(f) Resources/Park Land

DEIS Ch. 5 & Appendix F

- **Section 4(f) properties within the CSB include:**
 - National parks
 - County and local parks
 - Historic sites that are listed in or eligible for listing in the National Register of Historic Places
 - Stream valley units of larger park facilities
 - Local neighborhood parks
 - Parkways
- **A Section 4(f) “use” includes a permanent acquisition or a temporary occupancy.**

Resource	Total Properties within CSB	Properties Experiencing Impacts that:	Impacts				
			Alts. 8 & 9	Alt. 9M	Alt. 10	Alt. 13B	Alt. 13C
Section 4(f) Properties	111	Qualify as Section 4(f) “use”	22				
		Anticipated <i>de minimis</i> impact	36				
		Impacts to Section 4(f) properties that qualify as an exception to a Section 4(f) “use”	10				
Total Acreage Impacted			146.3	144.2	148.5	145.0	146.2





Avoidance and Minimization Efforts

DEIS Chs. 4 and 5, Appendices B, F, M and Q

- At this stage in the NEPA Study, opportunities to avoid and minimize impacts have been coordinated with the regulatory and resource agencies and have been incorporated into the Build Alternatives.
- Design strategies were developed to avoid and minimize impacts to parks, wetlands, streams, forests, 100-year floodplain, residential and business properties, and historic/archeological resources, among others
- The effort to avoid, minimize and mitigate unavoidable impacts will continue through ongoing and future coordination with the applicable regulatory and resource agencies and be documented in the FEIS.

Examples of Results of Minimization Efforts

- Rock Creek: reduction in parkland impacts of approximately *10 acres* and reduction in stream impacts by *3,287 linear feet*
- Thomas Branch: reduction in stream impacts by *592 linear feet*
- Paint Branch Mainstem: reduction in stream impacts by *2,393 linear feet*





Potential Mitigation

DEIS Chs. 4 and 5, Appendices B, F, M and Q

- Coordination is ongoing with our lead federal agency as well as regulatory and resource agencies to determine appropriate and meaningful mitigation with the goal of “no net loss”
- Conceptual mitigation strategies include but are not limited to:
 - ✓ Replacement park land
 - ✓ Replacement of park facilities such as sidewalks, trails, benches, courts, fields, parking etc.
 - ✓ Relocation of recreational facilities outside of environmentally compromise areas
 - ✓ Restoration and landscaping of disturbed areas
 - ✓ Construction of new or extension of noise barriers
 - ✓ Reforestation and replanting onsite and on public lands
 - ✓ Wetland creation and stream restoration
- Final mitigation will be committed to in the Record of Decision










Comments on the DEIS

- DEIS can be viewed and downloaded from the P3 Program webpage at 495-270-P3.com/DEIS or at 21 locations within the National Capital Region
- Comments can be received the following ways:
 - Comment form on 495-270-P3.com/DEIS
 - Email at MLS-NEPA-P3@mdot.Maryland.gov
 - Written letter to Lisa B. Choplin, P3 Program Director
 - Oral testimony at the in-person or virtual hearings
 - Written comments in comment boxes at in-person hearings
- Comment period on the DEIS is between July 10th and October 8th

Environmental
I-495 & I-270 Managed Lanes Study

Draft Environmental Impact Statement (DEIS)

Please click on the buttons below to view the DEIS and Joint Federal/State Permit Application (JPA), find document availability locations to review hard copies of the DEIS and JPA, view dates and how to participate in the joint public hearings, and ways to comment on the DEIS and JPA.

-  VIEW THE DEIS
-  VIEW THE JPA
-  DOCUMENT AVAILABILITY
-  JOINT PUBLIC HEARINGS
-  PROVIDE FEEDBACK

To view mapping of the Build Alternatives analyzed in the DEIS and the environmental resources along the study corridors, [review the interactive map here.](#)





Public Hearings

Due to the current COVID-19 health crisis and MDOT SHA's commitment to protect the public and agency members, the public is encouraged to provide public testimony through virtual hearings. COVID-19 guidelines will be followed for in-person hearings

- **Four virtual hearings** are planned from 9 AM – 8 PM:

- TUESDAY, AUGUST 18, 2020
- TUESDAY, AUGUST 25, 2020 (Official USACE Hearing)
- THURSDAY, AUGUST 20, 2020
- THURSDAY, SEPTEMBER 3, 2020



- **Two in-person hearings** are planned from 12 – 9 PM:

- TUESDAY, SEPTEMBER 1, 2020 – Prince George's County – Homewood Suites by Hilton, 9103 Basil Court, Largo, MD 20774
- THURSDAY, SEPTEMBER 10, 2020 – Montgomery County – Hilton Executive Meeting Center, 1750 Rockville Pike, Rockville, MD 20852





Next Steps

- MDOT SHA and FHWA will review all DEIS comments and respond to substantive comments received or postmarked by the end of the comment period in the FEIS
- The FEIS will summarize additional and updated information not refined or quantified in the DEIS, identify the Preferred Alternative and factors that support the selection, and commitments and mitigation measures to be carried forth during final design and construction
- FEIS and Record of Decision are anticipated in Spring 2021



To: The Maryland-National Capital Park and Planning Commission (M-NCPPC)

Date: June 8, 2020

From: Carol S. Rubin, Special Project Manager
I-495 & I-270 Managed Lanes Study

Debra Borden, Deputy General Counsel
Office of the General Counsel

Subject: Briefing and Discussion for July 15, 2020, Full Commission Meeting
I-495 & I-270 Managed Lanes Study – DEIS Comments

The purpose of this briefing is for staff from the Montgomery County Planning Department, the Montgomery County Department of Parks, the Prince George's County Planning Department, and the Prince George's County Department of Parks and Recreation to provide our joint recommendations to the Commissioners from our review of the Draft Environmental Impact Statement (DEIS)¹ as part of the continuing National Environmental Policy Act (NEPA) process as the Maryland Department of Transportation State Highway Administration (MDOT SHA) continues through the I-495 & I-270 Managed Lanes Study. Based on the discussion with and action by the Commissioners on July 15, 2020, staff will prepare M-NCPPC's formal comments to the DEIS to submit prior to the close of public comment, currently anticipated to be in early October 2020. The Commission also has the opportunity to testify at any of the public hearings on the DEIS, anticipated to be held in Late-August/early September. A schedule of anticipated NEPA and P3 procurement activities is summarized at the end of this memorandum.

MDOT SHA has described the I-495 & I-270 Managed Lanes Study (MLS) as the largest initiative in the Traffic Relief Plan introduced by Governor Hogan to relieve traffic congestion along the I-495 and I-270 corridors. Since early 2018, the Federal Highway Administration (FHWA) and MDOT SHA have been moving through the NEPA process to evaluate a range of travel demand management alternatives and ultimately select a Preferred Alternative for improvements to I-495 from the vicinity of the George Washington Memorial Parkway in Fairfax County, Virginia to east of the Woodrow Wilson Bridge at MD 5, and on I-270 from I-495 to I-370. MDOT SHA has also begun pre-NEPA activities on I-270 north of I-370 I-70.

M-NCPPC is both the regional planning agency and the steward of the natural and built environments in Montgomery and Prince George's Counties. Therefore, the Commission is responsible for making well-reasoned and informed decisions with regard to any impact from the MLS on parkland, including the cultural and historic resources that M-NCPPC holds in trust for the residents of both Counties. M-NCPPC should hold MDOT SHA to the highest standards to avoid, minimize, or mitigate any impact to those critical resources for the ultimate

¹ This Memorandum is based on staff review of the First Administrative Draft of the DEIS because the final DEIS was not released until July 10, 2020. If any of the information or staff's recommendations change as a result of revisions from the Administrative Draft, we will point that out during the briefing.

implementation of the MLS. To do so, MDOT SHA must provide a comprehensive analysis that includes best practices in transportation and land use planning.

In accordance with the Maryland Public Private Partnership (P3) Act, the Board of Public Works (BPW), authorized MDOT SHA to move forward with procurement activities to establish a P3 with a private concessionaire for a limited segment of the MLS Study Area referred to as Phase 1, from and including the American Legion Bridge north on I-495 and up the western spur of I-270 to I-370, then combining that segment with the northern extension of I-270 from I-370 north to I-70 in Frederick. Phase 1 may be broken down into smaller sections for design, construction, financing, operations and maintenance to allow the P3 Developer to successfully and efficiently deliver the improvements. The final design and construction for any section of Phase 1 cannot proceed until the legally required final environmental impact document has been approved covering the limits of the specific section, and a Section P3 Agreement is approved by the Board of Public Works. The BPW authorization is subject to certain limitations including:

- No further procurement activities can occur on other segments of the MLS Study Area, specifically on I-495 east from I-270 to MD 5, and ultimately to the Woodrow Wilson Bridge without further BPW approval.
- MDOT SHA cannot acquire any property needed for the project until the BPW has approved the P3 Agreement (which also requires that the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) are completed).
- All transit buses would ride for free in the managed lanes.
- Before the Phase 1 P3 Agreement can be submitted for BPW approval, MDOT must complete memoranda of understanding (MOUs) with the affected counties (Montgomery and Frederick counties for Phase 1, Montgomery and Prince George's counties for future phases) that provides funding through the toll revenues to support regional transit service.
- MDOT SHA must engage local jurisdictions in the P3 process.

Notwithstanding that MDOT SHA only received authority from the BPW to move forward with the procurement of Phase 1, the DEIS as part of the NEPA process addresses the entire MLS project area including I-495 east of I-270 to MD 5 in Prince George's County. Although the DEIS was only recently made available to the public, in January, M-NCPPC as a Cooperating Agency was provided the opportunity to review an Administrative Draft of the DEIS. M-NCPPC staff in consultation with the Office of General Counsel, provided more than 300 specific comments to that draft. The MDOT SHA team did not provide specific responses to staff comments but made clear that some of those comments would be addressed in the DEIS, some were identified as more appropriate for later stages in the NEPA process or as part of the project implementation, and some would not be accepted. In order to communicate with the Commissioners clearly and concisely for this briefing, M-NCPPC staff categorized the comments made to the Administrative Draft with the following designations:

- Major Issues. These are the issues that staff believes need your attention and consideration as most likely to have the greatest impacts to the Commission's interests and the most likely to influence the Commission's decisions about parkland conveyance or other actions.
- Technically Deficient. Issues that rise to a level of import to the Commission that need to be reconsidered or addressed more thoroughly in development of the FEIS and ROD and provide assurance to M-NCPPC that MDOT SHA and the concessionaire have clear direction in the design, construction and operations of the project.

- Technical Comment. Issues that need attention to improve the DEIS and ultimately the FEIS and ROD so that MDOT SHA and the concessionaire understand concerns about the design, construction and operations of the project.

This memorandum addresses only the Major Issues for efficiency of discussion and as indicated, staff believes those issues need your greatest attention and consideration. Attached to this memorandum is a chart containing of the full suite of the M-NCPPC staff comments provided to MDOT SHA on the Administrative Draft of the DEIS as characterized above. Technical staff is available and prepared to discuss any concerns you may have with those comments as well.

MDOT SHA has indicated that it plans to recommend a Preferred Alternative after it has received and considered all public comment to the DEIS. Furthermore, MDOT SHA has consistently stated during both the procurement and NEPA processes that the private concessionaire, not the State will be responsible for the design, engineering and construction of the highway improvements. Therefore, the impacts presented in the DEIS are rudimentary and based on a limit of disturbance (LOD) as determined by MDOT SHA's preliminary planning and design without detailed engineering and constructability analyses, adding another layer of challenge to staff's review and analysis of the DEIS.

The Major Issues:

1. **Insufficient Accounting for the ICC.**

MD 200 Diversion Alternative should be studied in more detail with various modeling assumptions, including analyses with and without the I-95 segment. As M-NCPPC stated in its comments to the proposed Alternatives Retained for Detailed Study (ARDS), a prior stage of NEPA review, *not* considering environmental impacts as a differentiator between the preliminary screened alternatives and the ARDS is a flawed approach directly in conflict with the intent of NEPA. A major component of the NEPA process is to identify environmental impacts and to utilize the differences, as small as they may be, to select an alternative that avoids and minimizes potential impacts while also fulfilling the project's purpose and need. The major environmental differentiator between the MD 200 Diversion Alternative and all other build-alternatives is nullified by the addition of the I-95 segment from MD 200 to I-495, and there was no clear justification for adding that segment to the model for the MD 200 Diversion Alternative.

The origin/destination (O/D) data indicates only a 5% usage between Prince George's County and north of I-270. And the O/D data for travel between Prince George's County and the American Legion Bridge (ALB) is lacking. The O/D data indicates significant potential for use (20%) between the ALB and north I-95. This managed lane addition to I-95 was not necessary to evaluate a MD 200 alternative and in dilutes the benefits of the MD 200 Managed Lane route, creates environmental impacts that otherwise would be avoided, AND creates traffic impacts on I-495 in Prince George's County. In fact, adding the I-95 segment between MD 200 and I-495 acts to the detriment of diverting traffic by encouraging travel on the most sensitive segments of I-495. I-95 now acts as a bottleneck to filter traffic onto I-495 and does this quite well. The MD 200 Diversion Alternative without this I-95 section would likely have very different results, which cannot be discerned with the information provided in the DEIS. Since the purpose of its consideration was environmental impact avoidance, there is not much logic in expanding the managed lane network

and creating additional environment impacts on I-95 without any rational need to toll or expand capacity on this section of I-95.

Based on M-NCPPC's technical evaluation, using Inrix travel time data, current conditions suggest that morning peak period travel in the southbound direction between I-95 at MD 200 and the ALB is faster on a regular basis using MD 200. Missing from the MDOT SHA model was a comparison of the average travel time between the I-95/MD 200 interchange and the ALB by direction and by peak period and projected travel times in 2040. The analyses model used by MDOT SHA, although valid, tends to hide more basic statistics that would be easier for the general public to understand, and we believe drives (pun intended) the logic behind the MD 200 Diversion Alternative. Furthermore, MDOT SHA failed to consider a variety of assumptions that would incentivize the MD 200/I-270 route as opposed to travelling on I-495/I-95 through operational changes such as restructuring the tolling systems and speed limits currently in place, and adding more dynamic signage.

Without the I-95 segment, the reduction in environmental impact provides a greater benefit for the MD 200 Alternative under the Commission's Park Policy and under Section 4(f) of the Federal Transportation laws (as discussed further below). Therefore, the analysis provided by MDOT SHA fails to demonstrate that it is not a reasonable avoidance technique under Section 4(f).

Although the financial structure of the P3 is not directly within M-NCPPC's wheelhouse for review, and staff is trying to stay in our lane (another pun intended), MDOT SHA did indicate that the financial difference between the MD 200 Diversion Alternative and the build-alternatives was not enough to warrant inclusion of the Diversion Alternative in the ARDS. However, there is no indication that the financial risks due to the likelihood of delay as a result of litigation to prevent the build-alternatives, or the difficult land acquisition process, particularly to expansion of I-495 in its most environmentally sensitive areas (Northwest Branch, Sligo Creek and Rock Creek), will impact the financial implications both to the P3 and the potential for unexpected burden on the taxpayers. The impact to the Purple Line Partnership due specifically to cost overruns from construction delays, land acquisition difficulties, and design changes – each raised as concerns under this DEIS review - is a perfect case in point.

2. **LOD Modifications After the FEIS and ROD.**

The LOD² as currently proposed by MDOT SHA is unrealistic to depend on for impacts to parkland as it is a preliminary planning tool. The LOD neither adequately reflects the area required to realistically address natural, cultural and recreational impacts during the expansion of the highway, nor does it take into account local traffic considerations. M-NCPPC needs to be positioned to be able to request changes in the LOD as the project progresses to ensure minimization of impacts to resources and encourage the best construction methods available to be implemented. The P3, in coordination with M-NCPPC must be given flexibility to address issues that arise in later stages of design and construction as more detailed information becomes available. It is our experience on similar projects that if this flexibility is not built into the framework of the P3 Agreement, that even if detailed engineering and constructability analyses

² Unless specifically stated, detailed LOD comments refer to Alternative 9 but should generally be applied to all build-alternatives since there is no significant difference in footprint among the build-alternatives.

identify more efficient, less impactful methods of construction, those methods will not be explored or implemented if they require expansion of the LOD.

- a. The LOD does not adequately address likely environmental impacts to natural, resources, some that occur outside the limits of the LOD. Detailed field review demonstrates that the current LOD does not comprehensively reflect expectations of environmental impact and what will be needed to restore and mitigate for proposed construction. The LOD needs adjustments on Parkland in many locations; often to allow for stable outfall transitions, stormwater management, or rehabilitation of impacted assets.
- b. Inventory of cultural and historic resource impact is incomplete. Please refer to the discussion provided in #8 below.
- c. Access decisions are flawed. Both locations and the choice between direct access ramps or slip lanes appear to be based entirely on geographic impact without consideration of the relationship to existing and future origin-destination patterns, planned land use, economic development considerations including major facility planning, social equity, safe and efficient access to transit facilities, or effect on local traffic patterns. As indicated earlier, the private concessionaire, not the State will be responsible for the design and engineering of the highway improvements. Therefore, the access decisions presented within the LOD are based on MDOT SHA's preliminary planning and design without ample consideration of local planning and needs, and with minimal, if any engineering and constructability analyses. MDOT SHA has created the LOD without the detailed analysis that the private concessionaire will apply during the design, particularly based on the economics of the project. What are the major origin/destination areas? Where is traffic increasing, and can the local network and interchanges accommodate the additional traffic increases? The local impacts must be factored into this evaluation for traffic impacts and mitigation costs. As examples, i) the approved Montgomery County Master Plan of Highways and Transitways currently proposes a full interchange at the intersection of MD 355 and Gude Drive. If this need is accelerated by the project, it should be included in the project requirements. Without this mitigation, the effective capacity of one of the most important arterials in Montgomery County, MD 355 could be compromised, and ii) the closest access onto or off of the managed lanes is several miles in either direction to access the new UM Prince George's Hospital Center.
- d. Constructability concerns have not been appropriately addressed. In one example, the road edge along Rock Creek near Cedar Drive has been designed with a retaining wall in an attempt to avoid impacting Rock Creek. The LOD, which determines the ultimate area of impact, does not extend into the stream. However, installation of the retaining wall in this location will certainly cause impacts and instability to the streambank and the stream bed. Moreover, for the stream to have long term stability along the retaining wall (and not undermine the wall) in-stream stabilization measures will be necessary, which are not accommodated in the LOD as currently shown.

3. **Making Parks Whole Again.**

Environmental responsibility must expressly address both the Federal Transportation Act Section 4(f) requirements and the Montgomery County Parks Policy for Parks - Park, Recreation and Open Space (PROS) Plan 2017. They require that if avoidance of an impact is deemed unreasonable – minimization of an impact must be explored. Once minimization of an impact has been reasonably exhausted, mitigation at equal or greater natural, cultural or recreational value must be sought and agreed upon. Furthermore, best practices demand that the mitigation directly address the impacts through either replacement or enhancement within a reasonable geographic location to the impacted resource. Accordingly, the DEIS must include clear commitments that MDOT SHA and the concessionaire apply such avoidance and minimization efforts, and specific parkland mitigation must be at a greater or equal value for each impacted property. This statement applies for all parkland affected by the project.

The dense development surrounding the MLS Study Area, and the surrounding urban environment, particularly along I-495 has resulted in the natural, recreational and cultural resources around the project area being exceptionally critical to both Montgomery County's residents and the function of the existing ecological communities. Prior to approving the conveyance, or temporary impact to park property for this or any project, the Commission must determine that the *Policy for Parks* has been followed.

For projects that will impact parkland, non-parkland alternatives must be pursued first—unless environmental, economic, social and engineering impacts to move the project off parkland are proven to be prohibitive. In cases where the Commission has deemed that non-park use of parkland cannot be reasonably avoided and/or serves the greater public interest, the Commission shall:

- Require through a Park Construction Permit that the MDOT SHA and the concessionaire through the P3 Agreement minimize the impacts to parkland as much as possible.
- Determine how to make the park system whole through mitigation including but not limited to: reforestation, vegetation enhancements or replacements, tree replacement, impervious surface removal, stormwater management facility retrofit or creation, stream restoration, enhanced outfall stabilization, terrestrial or aquatic habitat restoration, Park recreational asset reconstruction and/or relocation, or other measures deemed appropriate for the impact.
- Where MDOT SHA must permanently take ownership of parkland, parkland replacement may be required. Parkland impacted by a project must be replaced at equal or greater natural, cultural, and/or recreational value at a qualitative level, and therefore the parkland replacement mitigation may exceed the acreage impacted by the project.
- If the Commission determines that the impacts to parkland caused by the project is of such magnitude that the park function affected can never be restored and/or there is no comparable replacement land in the County, a compensation plan may be agreed upon.
- Neither mitigation nor compensation will be considered in place of avoidance and minimization if at all possible, and in any case will need to be approved by the M-NCPPC.

Because the specific impacts to parkland are unknown at this time, the DEIS (and the FEIS and ROD) must contain a plan on how MDOT SHA and the concessionaire will meet avoidance, minimization and mitigation requirements, including regulatory (404), parkland mitigation, and parkland enhancements. In particular, the plan must include how the avoidance, minimization and mitigation requirements will be approved and implemented in relation to the proposed project phasing and the current questions that surround the timelines and approvals of future phases.

M-NCPPC has committed significant resources to providing a thorough technical review and expects significant coordination with MDOT SHA prior to the FEIS to further evaluate avoidance and minimization measures and to make necessary LOD adjustments and environmental restoration to create a sustainable project. Relying on incentives to the concessionaire will not be sufficient.

4. **Adherence to the Capper-Cramton Act.**

M-NCPPC will need a complete understanding and commitment from MDOT SHA regarding parkland impacts and mitigation before approval from NCPC is sought for change in use or ownership of Capper-Cramton parkland. The DEIS merely states: "However, M-NCPPC is the designated applicant to NCPC for any proposed changes to parks funded by the Capper-Cramton Act." That language is insufficient and warrants further explanation to accurately capture the process. The Capper-Cramton Act of 1930 (46 Stat. 482) (Act) was enacted to create a comprehensive regional park, parkway, and playground system by providing federal funding to assist with the acquisition, establishment, and development of the George Washington Memorial Parkway and certain stream valley parks in Virginia and Maryland, including much of the parkland that is within the LOD for highway development. The Act provides strict requirements to be followed for the development and management of any land acquired with such funding (Capper-Cramton Parkland). Those requirements were memorialized in an Administrative Agreement between the National Capital Planning Commission (NCPC) and M-NCPPC. That Agreement prohibits, in whole or in part, conveyance, sale, lease, exchange or use of the parklands for "other than park purposes; and requires Capper-Cramton lands to be developed in accordance with plans approved by the NCPC." M-NCPPC must seek approval from NCPC for any change from the approved development or use of those lands.

As previously explained, the DEIS provides imprecise and very rudimentary information about the potential impacts to parklands, including Capper-Cramton Parkland, as MDOT SHA intends that the final design and engineering of the highway improvements will be prepared at a later stage in the process by the private concessionaire. Therefore, M-NCPPC will need a complete understanding of the actual impacts to its parkland, including all Capper-Cramton Parkland within the Rock Creek, Sligo Creek, and Northwest Branch watersheds. Furthermore, in accordance with the *Policy for Parks* previously described of avoidance, *then* minimization of impact, *then* appropriate mitigation, the DEIS, as well as the FEIS, the ROD, and the P3 Agreement must include clear and binding commitments that MDOT SHA, and the concessionaire will follow the *Policy for Parks* before approval from NCPC is sought for the affected Capper-Cramton Parkland. This will include, but is not limited to, comprehensive

evidence of reasonable avoidance techniques, extensive impact minimization, on-site restoration, on-site mitigation, off-site mitigation, and necessary parkland dedication. And subject to M-NCPPC's satisfaction that MDOT SHA has sufficiently addressed that Policy, MDOT SHA must provide all necessary information and documentation for M-NCPPC to submit for NCPC approval.

5. **Social Equity.**

The DEIS does not sufficiently address impact to economically challenged populations or social equity as required under NEPA. Since I-495 and I-270 are regional interstate facilities serving as the major freeways and commuter routes within Montgomery and Prince George's Counties, the need to conduct an equity evaluation on the transportation benefits of each of the Alternatives is of utmost importance. The DEIS's conclusory statements that everyone benefits, particularly given the widely-held perception that managed lanes are intended solely for those with the ability to pay is not acceptable. To simply conclude that everyone is benefiting with travel time savings when the project design does not provide equitable access to the managed lanes creates another layer of inequity. The equity/environmental justice evaluation in the DEIS falls far short of any best-practice equity analysis and does not make any reasonable recommendations to address the inequities such as adding or modifying access locations or developing a toll subsidy program. More detailed information is needed as part of the Environmental Justice evaluation to help determine whether equity mitigation might be necessary with the project, and what that equity mitigation would entail.

6. **Alternative Modes of Travel.**

The DEIS does not meet the stated goal of leveraging other modes of transportation.

- a. There is no discussion or analysis of how to bring transit across the Woodrow Wilson Bridge (WWB), which was designed and built to accommodate rail at significant cost to the State of Maryland.
- b. There is no indication or commitment that the American Legion Bridge will be designed to structurally accommodate rail, whether now or in the future for this significant bridge replacement project as was done for the WWB, particularly considering the 50-year term proposed for the P3.
- c. The DEIS must include consistent bike and pedestrian crossing in its design for better connectivity to transit and to break down the barriers to the local communities created by I-495 and I-270.

7. **Non-auto driver mode share (NADMS).**

NADMS is a primary performance metric and a goal in many Montgomery County master plans, particularly for the urban centers, yet the DEIS does not address how the project will impact those goals or how negative impacts to these goals will be mitigated. While this is a standard metric in many Montgomery County Master Plans, it is often estimated using regional travel demand modeling, so it is certainly within the capabilities of the MDOT SHA team to evaluate. The NADMS workers' and residents' goals are often measured separately and have different mode share targets for master/sector plan workers and residents. At a

minimum, transit-related mitigation funded through the toll revenue³ should be made available and applied to help develop non-auto programs that will offset any adverse impacts to NADMS goals.

8. **Non-Conformance with the Historic Preservation Act.**

The DEIS does not adequately fulfill the Historic Preservation Act, Section 106 requirements as part of the NEPA process. The Section 106 process, part of the National Historic Preservation Act of 1966, ensures that federal agencies (or agencies with projects using federal funds) take into account the effects of its actions on historic and/or cultural properties. This process must be followed rigorously as part of compliance with NEPA and Section 4(f) mitigation requirements for parkland impacts under Federal Transportation laws. This means that cultural resources, including but not limited to historic built structures and districts, historic landscapes, archaeological sites, and other sites of cultural significance must be systematically and thoroughly identified and analyzed for eligibility to the National Register of Historic Places. FHWA and MDOT SHA have not sufficiently completed the identification phase of Section 106 for certain archaeological sites and historic cemeteries. Additionally, the decision to evaluate critically important cultural landscapes that are foundational to the mission and identity of M-NCPPC as separate and discrete park units as opposed to evaluating them as a regional whole has led to an incomplete understanding of the historical significance of the M-NCPPC Parks' properties. In some cases, MDOT SHA has opted to delay identification to some future, unspecified date and/or has not made use of fully available research and fieldwork to understand a site's history, boundaries, and significance. The gaps in the identification process also mean that effects to historic properties cannot be properly gauged. This lack of complete identification and the consequent inability to assess project effects (whether adverse or not) results in process 'leapfrogging' in some critical areas, including FHWA and MDOT SHA's stated preference and ongoing request to proceed to the future step of negotiating a Programmatic Agreement (PA) on mitigation measures for the project. This lack of complete identification of resources eligible for the National Register of Historic Places, the inability to properly then conduct assessments of effect, and pressure to move nonetheless to the Programmatic Agreement phase represent a distinct problem in the project. Section 106 of the National Historic Preservation Act requires federal agencies and consulting parties to undertake every effort to reach agreement on measures to avoid, minimize, and mitigate adverse effects on historic properties. Unless this is achieved, the DEIS will not meet the legal threshold for properly incorporating Section 106. These unresolved issues with Section 106 in turn impact the baseline information required to properly complete the NEPA and Section 4(f) analysis. Guidance from the CEQ, Advisory Council for Historic Preservation, and the EPA make clear that complete identification and effects analysis for known cultural resources should be addressed in the early phases of the DEIS; moving ahead to the PA without this information hampers our due diligence for all subsequent phases as well as our ability to properly negotiate for any mitigation should adverse effects not be

³ A condition of the BPW authority for the P3 includes a negotiated MOU between MDOT SHA and the local jurisdictions to apply a portion of the toll revenues toward transit initiatives.

avoided. This process problem has been brought to the attention of both FHWA and MDOT SHA's, but the problem has still has not been adequately addressed.

9. ***Inadequate stormwater treatment.***

The storm water management (SWM) approach presented in the DEIS is insufficient and ignores decades of degradation that the existing highways have inflicted on local land. It is essential that all opportunities to include SWM facilities be evaluated to provide treatment for both new and existing impervious surfaces.

Current requirements only mandate 50% treatment of reconstructed impervious areas (which are defined as exposing bare earth during construction; anything less would not require any SWM). MDOT SHA currently estimates that 25% of the existing highway surfaces will be reconstructed, meaning the intention is only to treat 12.5% of the existing roadway. This is wholly inadequate as the runoff from the existing highways causes continued damage to downstream waterways and infrastructure in local jurisdictions. If MDOT SHA does not take this opportunity to address these issues as part of this project, the onus will fall on local jurisdictions to do so in the future.

In order to avoid off-site SWM mitigation and banking, M-NCPPC urges MDOT SHA to further explore the areas immediately surrounding the highways, as well as to investigate innovative techniques to fulfill their stormwater obligations. It is critical that SWM be further assessed at this early stage of the project and opportunities be identified to accommodate it, both within the LOD as currently shown and in areas adjacent to the highway. M-NCPPC has provided the MDOT SHA project team additional potential SWM locations and anticipates working collaboratively with MDOT SHA to identify all reasonable SWM opportunities. Moving forward, more emphasis needs to be put on the protection and restoration of aquatic habitat within identified sensitive aquatic resources and MDOT SHA must commit to going above and beyond the MLS project's regulatory stormwater requirements to address decades of water quality impacts these highways have inflicted on the receiving waters of some of the region's greatest natural resources.

Next Steps.

MDOT SHA has received four responses to its RFQ and will be issuing an RFP, and ultimately a single P3 Agreement for Phase 1 design, construction and operations of the Western Corridor (ALB to Frederick) that includes a portion of the 495 & 270 MLS (**no portion of 495 east of 270**) and the entirety of the 270 North project.

Anticipated NEPA and Procurement Schedules:

- **7/10/2020: DEIS Publication** (Notice of Availability) for the 495/270 Managed Lanes Study (MLS) has been made available to the general public through the MDOT SHA website, with printed copies at MDOT regional offices and at temporary kiosks in Montgomery and Prince George's Counties.
- **7/15/2020: Staff briefing** of the DEIS to the Full M-NCPPC for discussion/comment.
- **Late August/Early September 2020: Public hearings** (2 in Montgomery, 2 in Prince George's, and 2 virtual) -requirement is for public hearings no less than 30 days after the Notice of Availability.
- **7/2020: Shortlist from RFQ** for Phase 1 P3 Agreement.
- **Early October 2020: Close of public comment** must be no less than 45 days after the Notice of Availability. MDOT SHA has indicated that the close of public comment will be no less than 15 days after the last public hearing on the DEIS
- **9/2020: Notice of Intent to begin NEPA process for 270 North portion of the project**
- **5/2021: FEIS and ROD for MLS**
- **5/2021: Final selection of Private Partner for Phase 1**

Attached are charts that indicate the full suite of the technical staff comments to the First Administrative Draft of the DEIS with detailed explanation and valuation, whether a Major Issue (MI), a Technical Deficiency (TD), or a Technical Comment (C). These charts were included to provide a more complete picture of staff's review and for you to decide whether any of these "lesser" concerns rise to the level of a Major Issue, or they provide an opportunity for clarification.