



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**Memorandum**

To: The Maryland-National Capital Park and Planning Commission

Date: November 15, 2019

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

Debra Borden, Deputy General Counsel *DB/AK*  
Office of the General Counsel

Subject: I-495 & I-270 Managed Lanes Study  
Revised Alternatives Retained for Detailed Study (ARDS)  
MDOT SHA Presentation and Request for Concurrence

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**Background**

Maryland Department of Transportation State Highway Administration (MDOT SHA) is seeking M-NCPPC concurrence on the Revised ARDS as the next step in the NEPA process for the I-495 & I-270 Managed Lanes Study.

At the full Commission meeting next week, MDOT SHA will brief the Commission on:

- i) MDOT SHA's analysis and conclusion that the MD 200 (ICC) Diversion Alternative does not merit including for purposes of the Alternatives Retained for Detailed Study (ARDS); and
- ii) MDOT SHA's decision to eliminate Alternative 5: One-Lane HOT Managed Lane Network from the previously proposed ARDS.

During your meeting on June 6, 2019, the Commission voted not to concur with the ARDS proposed by MDOT SHA for four fundamental reasons<sup>1</sup>:

- i) Inappropriate segmentation and phasing of the Study Area, which included a request to consider the ICC as a diversionary route to avoid impacts to I-495 between I-270 and I-95;
- ii) Incomplete Study Area with ill-chosen project termini (ie termination at MD-5/ Branch Avenue);

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<sup>1</sup> M-NCPPC also identified 19 other concerns with the ARDS as indicated on an Appendix to the June 12, 2019 nonconcurrence letter.

- iii) Omission of meaningful transit elements and Transportation Systems Management/Travel Demand Management strategies; and
- iv) The proposed ARDS have nearly identical footprints, and the alternatives should be expanded to provide an adequate range for review of environmental impacts.

M-NCPPC's position is more specifically detailed in the letter from the Chair and Vice-Chair dated June 12, 2019, attached to this memorandum with the June 28, 2019 Response from MDOT SHA and July 22, 2019 Reply from M-NCPPC.

### Recommendation

Based on our current understandings, M-NCPPC staff recommends that the Commission reaffirm its decision not to concur and authorize the Chair and Vice-Chair to issue a supplemental letter that outlines our reasons. Although we fully expect MDOT SHA will respond to questions and concerns that the Commissioners raise, MDOT SHA has not addressed any of the four elemental reasons that M-NCPPC did not concur with the ARDS at the outset. In fact, with the elimination of both Alternative 5 and the ICC Diversion Alternative, MDOT SHA is moving in the wrong direction regarding an adequate range of alternatives for review of environmental impacts.

Given the critical nature of the environmental, cultural and historic resources along the very constrained stretch of I-495 between I-270 and I-95<sup>2</sup>, staff believes that the elimination of Alternative 5, the only "lesser-build" alternative from the ARDS, and failure to advance the ICC Diversion Alternative for further study does not provide sufficient alternatives for review under NEPA as discussed throughout the Commission's initial nonconurrence letter. These options must remain part of the future Environmental Impact Study. Otherwise the remaining alternatives are to expand by four lanes (with only operational differences) or No-Build.

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<sup>2</sup> The constrained area of I-495 between I-270 and I-95 is immediately bordered by critical portions Rock Creek Park, Sligo Creek Park and Northwest Branch, all subject to Capper-Cramton restrictions. Furthermore, both Rock Creek Park and Sligo Creek Park have been deemed eligible for the National Register of Historic Places.