

**M-NCPPC Chair Casey Anderson Testimony**  
**MDOT SHA Virtual Public Hearing – 8.18.20, 9 a.m.**

My name is Casey Anderson and I'm the Chair of The Maryland-National Capital Park and Planning Commission, and Chair of the Montgomery County Planning Board. I'm also a Montgomery County resident. M-NCPPC is a Cooperating Agency on the Managed Lanes Study.

M-NCPPC will be providing much more comprehensive written comments on the DEIS to be submitted prior to the close of the public comment period.

There is something that came to our attention late last night that must go on the record. On July 10, the MNCPPC technical staff downloaded the DEIS that MDOT SHA published and indicated was ready for public review. We can now confirm that more than 1,600 pages have been added to the DEIS document from that original July 10 website posting. We know this only because members of the press and advocacy organizations pointed it out.

The addition of new material without notice to anyone raises serious doubt about whether the comment period must be extended in order to comply with NEPA, and just as importantly about why MDOT failed to disclose the modifications to the DEIS materials.

MDOT SHA MUST extend the deadline for public comment, and the 90-day review clock should start no earlier than today, but only with MDOT SHA's assurance that no additional changes will be made to the DEIS. I also recommend that additional public hearings be scheduled for those who wish to review the DEIS in its final form and provide verbal testimony.

Based on our review of the July 10 version of the DEIS, we want to highlight three areas of concern with the Managed Lanes Draft Environmental Impact Statement:

1. **Lack of financial viability and incomplete project costs:** The revenue model as presented in the DEIS demonstrates that the roads, much like transit can't be paid for without some level of government subsidy. Not only are the financial assumptions on which MDOT SHA relies too speculative, the basic project costs, such as a lack of consideration to relocate utilities such as move water and sewer lines, likely project delays due to litigation, design difficulties and land acquisition challenges have not entered into the state's forecasts and estimates.

The DEIS shows it will be difficult or impossible for this project to be delivered without a significant source of public contribution. That's critical to the NEPA analysis because SHA has rejected consideration of transit alternatives on the grounds that because will not pay for itself without a significant source of additional revenue - but neither can the addition of toll lanes to 495 and 270. As a consequence, the state's decision to exclude transit and other alternatives that would require outside sources of funding is arbitrary and capricious. In addition, the failure to account for likely and foreseeable cost growth and revenue shortfalls mask the true costs of adding managed lanes both in absolute terms and in comparison, to transit, the ICC "bypass" option, and other alternatives.

2. **Inadequate LOD Analysis:** The DEIS provides an inaccurate and incomplete picture of the impact of the project on parkland and private property because it does not account for significant changes to the limits of disturbance likely to be required for construction of the managed lanes and therefore cannot be a legally adequate basis for evaluating the environmental impact of the project.
3. **Insufficient range of alternatives:** MDOT SHA fails to advance a reasonable range of alternatives (including transit, the ICC “bypass option, or a combination of the two) that would reduce the environmental impact of the project while at least partly fulfilling the purpose and need identified by the state and compounds the error committed when the state defined the purpose and need for the project entirely by reference to auto congestion on specific roadways.
  - A major component of the NEPA process is to identify environmental impacts and to utilize this environmental information to inform the selection of an alternative that avoids and minimizes the impacts that a build-alternative would create. Therefore, the suite of alternatives retained must represent a range of environmental impacts to achieve this objective. From M-NCPPC Non-Concurrence to the ARDS (see Page 7 – Parkland Management), “As currently drafted, the ARDS have nearly identical impacts to parkland and natural resources, which effectively removes consideration of these impacts from future evaluation of the build alternatives. The ARDS should be expanded to provide alternatives with a range of environmental impacts such that the ARDS can reasonably address the Purpose and Need’s goals of improving traffic management *and* protecting the environment.”
  - Failure of SHA to properly model the MD 200 (ICC) Diversion Alternative for consideration as an avoidance technique to environmental impact, the rationale for not moving it forward as an ARDS is flawed. Although, as modeled (question the addition of adding managed lanes to I-95 below the ICC), the result is not that it does not meet the Purpose and Need, but that in comparison to adding four lanes to the Beltway, it doesn’t move traffic as well and it does not meet the financial viability test. Setting aside that both results are flawed, the purpose is to determine a less environmentally impactful alternative.
    - Without the managed lanes added unnecessarily to I-95, the reduction to the environmental impact is beyond question. The DEIS should address that in the DEIS.
    - The cost savings to the project in terms of i) reduced construction, and ii) litigation avoidance has not been addressed.