




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

To: The Montgomery County Planning Board of the
Maryland-National Capital Park and Planning Commission (M-NCPPC)

Date: November 4, 2021

From: Debra Borden, Deputy General Counsel 
I-495 & I-270 Managed Lanes Study Coordinator

Subject: Briefing and Discussion for November 4, 2021, Montgomery County Planning Board
I-495/I-270 Managed Lanes Project - Comments to SDEIS and Status Update

Recommendation

For the reasons described further below, we recommend that the Montgomery County Planning Board authorize the Chair, Vice-Chair, designated officers, staff and/or counsel to transmit correspondence necessary and appropriate to:

- (a) Submit the substantive and technical comments developed by Commission staff detailing the questions or concerns regarding the Supplemental Draft Environmental Impact Statement (SDEIS) issued by the Federal Highway Administration (FHWA) and Maryland Department of Transportation's State Highway Administration (MDOT SHA) in connection with the I-495 and I-270 Managed Lanes Study (Project).

Background

Current Status. As we have previously reported during the October 2021 full Commission meeting, on May 12, 2021, MDOT SHA announced their decision to mirror the path established by the Maryland Board of Public Works in the procurement process and proceed with the National Environmental Policy Act (NEPA) study for Phase 1 South only, leaving the other two Beltway segments (topside through Silver Spring and I-95 to Woodrow Wilson Bridge) to an undetermined future phase. MDOT SHA further announced that they would prepare an SDEIS to formalize this decision and conduct an updated and revised analysis. The SDEIS was released to the public on October 1, 2021 and we have conducted a detailed review.

Our agency staff from both the Planning and Parks departments have identified several major issues in FHWA/MDOT SHA plans for the Project, and we continue to invite the FHWA/MDOT SHA team to discuss and consider our comments in a meaningful manner. Public comments on the SDEIS are due on November 15, 2021. Proposed draft comments, along with a draft cover letter, are attached for your review and approval.

Major Issues

1. Shifting Bottleneck Issues Related to Project Design. A detailed technical transportation review of the SDEIS shows impacts of “relieving” congestion at the American Legion Bridge (ALB) **does not eliminate congestion but shifts** it from the ALB vicinity (McLean and Potomac) to other areas in Maryland. While some of these bottleneck shifts were expected, the degree of congestion resulting from the proposed project is severe on I-270 north of I-370, on the Inner Loop on the top side of the Beltway, and on the Inner Loop in Prince George’s County, Maryland. These bottleneck shifts are project-related impacts, and mitigation measures should be addressed in the SDEIS and included as part of project design to minimize these projected deficiencies.
2. Local Road Impact Analyses. The scope agreed upon by FHWA for the Interchange Access Point Approval study (IAPA) [performing traffic operational analyses at ramp terminal intersections and one adjacent intersection (on both sides) beyond service interchanges that are modified by the study] will be inadequate in areas where either I-270 or I-495 has extreme congestion. In those areas, the study area should follow all significant diversionary traffic that switches to the local road network (defined as all non-interstate roads). To date, this is not part of the study, therefore the possibility of significant local road congestion resulting from the project is not being analyzed.
3. Parkland LOD is not final for purposes of impact resolution. Before any work is permitted to occur on Parkland the limits and nature of the work will need to be reviewed and approved by M-NPPC and permission granted for construction to commence. Because MDOT SHA does not plan to finalize the Project’s design until after it completes the NEPA review and awards a contract to a firm to undertake the project, there is significant risk that the LOD will need to be much larger than what is reflected in the SDEIS.
4. Storm Water Management plans proposed by MDOT SHA are inadequate. MDOT SHA has determined that this project will meet the minimum standards required by law for stormwater quality and quantity treatment. This means that stormwater treatment for existing untreated impervious surfaces will be ignored, and only 50% treatment shall be provided if the roadway is fully reconstructed. This is short-sighted and insufficient to protect downstream waters. The project presents a one-time opportunity to upgrade stormwater management facilities on a major section of highway and the refusal to consider additional improvements in this era of increasingly severe storms and flooding due to climate change is difficult to reconcile. Highways are among the worst water quality offenders in Montgomery County, Maryland and the project needs to take more responsibility for protecting the downstream water resources, which will never be improved if we don’t take the appropriate steps as part of this project.
5. Inadequate 4(f) Mitigation Plan for Natural Resources. The SDEIS does not include enough specificity for 4(f) requirements in order for M-NCPPC to review or comment on a “mitigation plan,” which requires approval by the Commission. M-NCPPC will require a thorough and implementable mitigation package to include park enhancements and extensive parkland replacement.

6. Inadequate 4(f) Mitigation Plan for Historical and Cultural Resources. Section 4(f) requires avoidance of the use of historical and cultural resources unless other alternatives are demonstrated to be infeasible and contrary to the purpose and use of the undertaking. There have been additional efforts made by the MDOT SHA team to avoid a Section 4(f) use of the Moses Hall Tabernacle and Cemetery, the Gibson Grove Church, and the Carderock Springs National Register Historic District. An incomplete Ground Penetrating Radar (GPR) investigation has been done, however, further study and investigation are needed to delineate the limits of the historic sites, particularly the boundaries of the cemetery to ensure that gravesites are not disturbed by the project. Impacts to the Gibson Grove Church, an historic resource that has already suffered cumulative adverse effects from the first Beltway construction, should not be accepted as a 4(f) alternative to avoid impacts to Moses Hall Tabernacle and Cemetery. Section 4(f) requires consideration of other design solutions must be evaluated to demonstrate avoidance is infeasible. Noting the likelihood of a 4(f) use at this stage is welcome; however, additional detailed design work should be undertaken with all stakeholders in the community to evaluate alternatives as required. Additionally, we are not aware of any significant progress in developing a mitigation plan or Programmatic Agreement. This is concerning considering the late stage of the project.

7. Bike/Ped Improvements are inconsistent with master plans, particularly related to design. The commitment made during meetings to construct *and design* all bike/ped improvements in conformance with local master plans must be reflected in the SDEIS. While the project has the potential to improve pedestrian and bicycle connectivity across the freeways that was severed when I-495 and I-270 were initially constructed, in many instances the concepts in the SDEIS will make it harder to improve pedestrian and bicycle connectivity because space will not be provided to accommodate new sidewalks and bikeways on some bridges that cross over I-495 and I-270 if adjacent connections on either side of the bridge currently exist, including Bradley Blvd, Greentree Rd, Fernwood Rd, Westlake Ter, Montrose Rd and Shady Grove Rd.

Anticipated Schedule:

- **11/2021: Public Comment on SDEIS closes 11/15/2021**
- **1/2022: Administrative review of FEIS**
- **3/2022: Planning Board approval of Proposed Park Mitigation Plan**
- **5/2022: FEIS released to the public**
- **6/2022: ROD released to the public**
- **7/2022: Mandatory Referral Hearing #1**
- **Spring 2023: Mandatory Referral Hearing #2 (30% Design)**

Memo re: Comments to SDEIS

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