

I-495 & I-270 Managed Lanes Study- Draft Supplemental Draft Environmental Impact Statement (SDEIS) MDE Comment/Response Errata- Sept. 27, 2021 revised Nov. 4, 2021

MNCPPC Ref				Comment	Response
Doc_#	No.	Page	SDEIS Section		
Comments from MNCPPC_1_SDEIS Major Issues_9.19.21 document					
Major_1	1		General-RPA	<p><i>Revised RPA.</i> The RPA must reflect i) the "No-Build Alternative" outside of Phase 1, and ii) include both TDM (Alternative 2) and Transit (Alternative 14) as part of the RPA. We need affirmative assurance that future consideration of improvements outside of Phase 1 will be through a new NEPA Study. Although the area outside Phase 1 (essentially I-495 east of Old Georgetown Road), is neither specifically included as part of the RDA in the SDEIS, nor to be included in the 2022 update to Visualize 2045 being advanced by the TPB, the draft SDEIS uses language that does not clearly remove I-495 east of Old Georgetown Road from the NEPA Study.</p> <p>a. The SDEIS states: "There is no action or no improvements on I-495 east of the I-270 east spur to MD 5. While the Preferred Alternative does not include improvements to the remaining parts of I-495 within the scope of this Study, future improvements on the remainder of the system may still be needed in the future."</p>	<p>The Preferred Alternative, Alternative 9 - Phase 1 South, includes build improvements within the limits of Phase 1 South only. There is no action or no improvements included at this time on I-495 east of the I-270 east spur to MD 5. While the Preferred Alternative does not include improvements to the remaining parts of I-495 within the scope of the Study, improvements on the remainder of the interstate system may still be needed in the future and would advance separately, subject to additional environmental studies, analysis and collaboration with the public, stakeholders and local agencies. This Preferred Alternative was identified after coordination with resource agencies, the public and stakeholders to respond directly to feedback received on the DEIS, and to align the NEPA approval with the P3 Program's planned project phased delivery and permitting approach.</p>
Major_1	2		General-RPA	<p>b. That portion of the Study area that is moving forward is still referred to as Phase 1. And AMP, the P3 concessionaire has referred to future phases in some of its own materials.</p>	<p>The portion of Phase 1 that is moving forward within the limits of the MLS is considered Phase 1-South and references to this phase in the revised SDEIS will consistently be referred to as Phase 1 South.</p>
Major_1	3		General-RPA	<p>c. Appendix C still addresses "future phases" in its discussion of offsite storm water mitigation.</p>	<p>The Compensatory SWM Plan has been revised to shift focus in the main document to be on the preferred alternative which is Phase 1 South and No Action along other portions of the MLS. The Appendices however still contain information regarding ALL SWM sites which were vetted through the NEPA process. SWM sites are identified by Phase 1 South and No Action Area in the menu of sites table in the Plan to identify their location in relation to the work area.</p>
Major_1	4		General-RPA	<p>d. Since all of the parkland outside of Phase 1 is now classified as "avoided," then there must also be affirmative language that describes the process to be imposed in the event these natural resources are NOT avoided in the future.</p>	<p>While the Study limits remain the same as noted in the DEIS, the limits of build improvements under the Preferred Alternative are limited to Phase 1 South only. There is no action or no improvements included at this time on I-495 east of the I-270 east spur to MD 5. Therefore, the Preferred Alternative would avoid the use of 37 Section 4(f) properties that were previously reported as Section 4(f) uses in the DEIS and Draft Section 4(f) Evaluation, totaling approximately 105 acres.</p>
Major_1	5		General-RPA	<p>e. If I-495 outside of Phase 1 is no longer part of this Study, then the transition areas i) to I-495 on the east spur travelling south, and ii) north from the ALB to Old Georgetown Road from the "split" are not necessary. In fact, creating the transition in this manner encourages vehicular travel to unnecessarily continue on I-495 as described in the TDM comment.</p>	<p>The study limits for the MLS remain the same; however, the limit of build improvements has been reduced to the area within Phase 1 South. MDOT SHA continues to define the transition area as part of the Interstate Access Point Approval process to ensure operations and safety are adequately addressed.</p>
Major_1	6		General-RPA	<p>f. TDM such as dynamic signage is necessary to direct traffic to use the I-270/MD 200 combination for travel along the I-95 corridor as stated by Secretary Slater during the July 21, 2021 TBP discussion of the Project for reinstatement to the 2022 update to Visualize 2045. Encouraging vehicle travel on that route will open up additional capacity on the top side of I-495 for local travel needs. Project-related mitigation can also include travel demand management and transportation systems management measures, such as improvements along impacted corridors outside the project limits, including I-495 between the I-270 western spur and US 50. The addition of TSM improvements, how being implemented along I-370 as part of the I-270 Innovative Congestion Management project should be considered, including variable message signage and ramp metering.</p>	<p>In response to comments received on the DEIS, MDOT SHA has moved forward with modification to existing dynamic signing to show travel times between I-95 and Virginia for both MD 200 and I-495. Additional mitigation measures within the limits of the build improvements may be considered as part of the Interstate Access Approval Process to ensure operations and safety are adequately addressed. Text has been added to Section 3.4 to call out the proposed dynamic signing and other TDM strategies for mitigation.</p>

Major_1	7	General-RPA	<p>g. In order to confirm the transit commitments made to Montgomery County that have become an agreed-upon integral part of the Project, transit should be designated as a contributing Alternative as opposed to an ancillary improvement.</p>	<p>The transit commitments made as part of the Preferred Alternative have been updated in the Executive Summary and Chapter 2 and include: Construction of new bus bays at WMATA Shady Grove Metrorail Station and increased parking capacity at the Westfield Montgomery Mall Park and Ride. An additional question was added in the Executive Summary related to the committed transit funding that is part of the P3 Agreement to make clear these commitments are outside of NEPA.</p> <p>The commitment to transit funding is part of the P3 Agreement and not in NEPA. In accordance with the Memorandum of Understandings between MDOT and the Affected Counties and after Financial Close of Phase 1 South under a Section P3 Agreement, MDOT will commit to fund not less than \$60 million from the Development Rights Fee for design and permitting of the Transit Services Improvements in Montgomery County, such as Phase 1 of the Corridor Cities Transitway, Bus Rapid Transit in the MD 355 Corridor, or other high priority Projects. In addition, MDOT will provide \$300 million in additional Transit Services Improvements in Montgomery County over the term of the Section P3 Agreement. MDOT will work collaboratively with Montgomery County to develop plans for construction, final delivery, and operation of the Transit Service Improvements.</p> <p>The Affected Counties and MDOT may also agree to further define, modify, supplement, or replace these specified Transit Service Improvements with improvements of similar scope should subsequent changes in Phase 1 affect the scope or functionality of Phase 1. Details related to these Transit Service Improvements shall be provided by the Affected Counties and reviewed by MDOT for compliance with the Transit MOU, and may include:</p> <p>A. Capital funds to support:</p> <ol style="list-style-type: none"> <li>1. Construction or improvement of park-and-ride and transit center/station facilities;</li> <li>2. Construction of Bus Rapid Transit projects;</li> <li>3. Acquisition of transit vehicles;</li> <li>4. Construction or improvement of transit depots;</li> <li>5. Other infrastructure or land acquisition needed to implement or support transit projects and facilities, including associated pedestrian and bicycle infrastructure; and</li> <li>6. Planning and design of any such Transit Service Improvements</li> </ol> <p>B. Operating funds to support Transit Service Improvements.</p>
Major_2	8	General-EJ	<p><u>Environmental Justice</u>. The DEIS, and now the SDEIS is inadequate in its treatment of environmental equity. The SDEIS indicates that environmental justice issues omitted from the SDEIS will be remedied in the FEIS, which is not a best practice and obstructs public comment and community input.</p> <p>a. Waiting until after selection of a preferred alternative means that disproportionate impacts will not be considered in the formulation of the preferred alternative.</p>	<p>The SDEIS has been revised to address the comment and now includes the environmental consequences of the Preferred Alternative on EJ populations. Additionally, the existing conditions section has been enhanced to include the supplemental EPA and Maryland EJ Screen data. Appendix K has now been included and was created in support of the EJ analysis for the SDEIS. Data and maps included in this appendix, which are referenced in the text of Chapter 4, provide information on existing environmental conditions and were reviewed as additional resources to assist with the identification and consideration of EJ populations within the Analysis Area. The SDEIS does not include a final DHAE determination and does not outline mitigation as these steps will be completed and included in the FEIS.</p>
Major_2	9	General-EJ	<p>b. The Morningstar Tabernacle No. 88 Moses Hall and Cemetery and the Poor Farm Cemetery are listed as sites that may be culturally significant in its Community and Environmental Justice Analysis. However, the Environmental Justice discussion concerns itself primarily with current minority population concentrations and <b>does not address historical and ongoing injustice to small African American communities displaced by construction of the beltway and further threatened by the proposed expansion</b>. This issue was explicitly acknowledged as related to social justice by the National Trust for Historic Preservation in their selection of the Moses Cemetery as one of the 11 most endangered historic sites in America in 2021. This listing and the environmental justice issues raised by it should be acknowledged and discussed in the SDEIS.</p>	<p>Throughout the managed Lanes Study, MDOT SHA has coordinated and consulted with interested stakeholders on potential impacts to the Morningstar Cemetery and the Montgomery County Poor Farm in compliance with the National Environmental Policy Act and Section 106 of the National Historic Preservation Act. Given the uncertainty over the historic location of burials related to the Poor Farm, investigation of areas that may be impacted after design is advanced is the most efficient way to identify impacts, given the large area that has potential to be associated with the Poor Farm. The specifics of this investigation will be subject to consultation under the PA. MDOT SHA's goal has always been to avoid impacts to the Morningstar Cemetery as the agency worked to address some of the nation's worst traffic congestion in the National Capitol Region. As part of continuing investigations, MDOT SHA conducted a ground penetrating radar (GPR) survey at Morningstar Tabernacle No. 88 Moses Hall and Cemetery, including the adjoining MDOT SHA right-of-way, and provided the results to MHT and consulting parties on September 8, 2021. The results suggested the potential for additional interments outside the cemetery property boundary. Based on this additional information, MDOT SHA worked to modify the design and limits of disturbance near the cemetery to avoid the areas where GPR indicated potential for grave features and included additional buffer around this area within right-of-way to avoid possible impacts. These design refinements have been incorporated into the Preferred Alternative and are outlined in the SDEIS.</p> <p>In response to comments and coordination with the Friends of Moses Hall and Gibson Grove Church leaders, MDOT SHA has conducted extensive historical research on both properties. Our collaborative efforts also led to the cemetery being formally identified as eligible for listing on the National Register of Historic Places. Additionally, MDOT SHA worked with the Friends of Moses Hall and other stakeholders on efforts to address invasive vegetation, drainage, access and aesthetics on the property. MDOT SHA will continue consultation with the MHT and stakeholders to determine whether additional investigations are appropriate following the design avoidance measures. Also see response to Comment #9 below</p> <p>Through coordination with the interested stakeholders, a commitment to construct a new sidewalk along the west side of Seven Locks Road under LA05 to connect First Ebene AME Zion Church (Gibson Grove</p>

Major_2	10	General-EJ	<p>c. On August 10th, Congress passed a once-in-a-generation investment in infrastructure throughout the U.S. with bi-partisan support. Included in the measure is a commitment to "Reconnecting Communities," a concept not even mentioned in the SDEIS. "Too often, past transportation investments divided communities or it left out the people most in need of affordable transportation options. In particular, significant portions of the interstate highway system were built through Black neighborhoods. The Federal Infrastructure Bill creates a first-ever program to reconnect communities divided by transportation infrastructure. The program will fund planning, design, demolition, and reconstruction of street grids, parks, or other infrastructure through \$1 billion of dedicated funding. This concept should be included as part of this project.</p>	<p>Funding and guidance from FHWA on the new infrastructure bill is still forthcoming. However, in the SDEIS, MDOT SHA has made a commitment to <i>priority bicycle and pedestrian connections to remove barriers and provide connectivity</i> for bicyclists and pedestrians consistent with connections identified in the Montgomery County and City of Rockville master plans and priorities. A commitment to construct a new sidewalk along the west side of Seven Locks Road under I-495 to connect First Agape AME Zion Church (Gibson Grove Church) and Morningstar Tabernacle No. 88 Moses Hall and Cemetery has been made. Lastly, MDOT SHA developed an Environmental Justice Outreach and Engagement Plan in consultation with the Environmental Justice Working Group that outlines continued engagement during and after the SDEIS. The focus of this engagement is to share project information and receive feedback on potential meaningful community enhancements or benefits that can be incorporated into the project.</p>	
Major_2	11	General-EJ	<p>d. Neither the DEIS nor the SDEIS reference any cumulative effects to specific cultural resources. Additional historical research conducted subsequent to the DEIS in Cabin John related to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery and associated Gibson Grove community show that the construction of the beltway separated the fraternal hall and cemetery from the neighboring church, physically fragmented the community and contributed to the decline of these institutions. The community's decline in turn contributed to the closure and loss to fire of the Moses fraternal hall.</p>	<p>Design refinements to the Preferred Alternative resulted in complete avoidance of the Morningstar Cemetery and minor impacts (0.1 acre) to the Gibson Grove Church. In response to comments and coordination with the Friends of Moses Hall and Gibson Grove Church leaders, MDOT SHA has conducted extensive historical research on both properties. Our collaborative efforts also led to the cemetery being formally identified as eligible for listing on the National Register of Historic Places. Additionally, MDOT SHA worked with the Friends of Moses Hall and other stakeholders on efforts to address invasive vegetation, drainage, access and aesthetics on the property. See response to Comment #Major2/#9 above.</p> <p>As part of continuing investigations, MDOT SHA conducted a ground penetrating radar (GPR) survey at Morningstar Tabernacle No. 88 Moses Hall and Cemetery, including the adjoining MDOT SHA right-of-way, and provided the results to MHT and consulting parties on September 8, 2021. The results suggested the potential for additional interments outside the cemetery property boundary, MDOT SHA has adjusted LOD near the cemetery to avoid the areas where GPR indicated potential for grave features and included additional buffer around this area within right-of-way to avoid possible impacts. MDOT SHA will continue consultation with the MHT and stakeholders to determine whether additional investigations are appropriate following the design avoidance measures.</p>	
Major_3	12	General-Bottleneck Issues	<p><u>Shifting Bottleneck Issues Related to Project Design</u>. A detailed technical transportation review of the SDEIS shows impacts of "relieving" congestion at the American Legion Bridge (ALB) <b>does not eliminate congestion but shifts</b> 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. 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.</p>	<p>Additional mitigation measures within the limits of the build improvements may be considered as part of the Interstate Access Approval Process to ensure operations and safety are adequately addressed and will be documented in the FEIS. This ongoing work is described in the SDEIS in Section 3.4</p>	<p>These issues should be explored in detail in the FEIS and the Interstate Access Approval Process.</p>
Major_3	13	General-Bottleneck Issues	<p>a. Phase 1A and 1B should be constructed concurrently to reduce or eliminate bottlenecks on I-270.</p>	<p>Phase 1 North is currently the subject of a planning level study. Potential improvements within the area of Phase 1 North have yet to be defined and will be evaluated independently through a separate NEPA process.</p>	<p>The response was non-responsive to the sequencing question. We do not see merit in building Phase 1A in advance of Phase 1B. Every effort should be made to construct these two phases simultaneously.</p>
Major_3	14	General-Bottleneck Issues	<p>b. For the other bottleneck issues, we recommend the following design changes to the Preferred Alternative:</p> <ul style="list-style-type: none"> <li>i. Eliminate the managed lanes from the I-270 Eastern Spur between I-270 and I-495 because I-270 traffic headed south to the eastern spur would not use the managed lane network. The managed lanes would provide minimal travel time benefits for drivers from Gaithersburg and Rockville to most Montgomery County destinations.</li> <li>ii. Eliminate the managed lanes and exit/entrance ramps from I-495 between the two spurs.</li> <li>iii. Managed lane traffic destined to and from the Inner Loop should enter/exit the managed lane network at the River Road crossover interchange.</li> </ul>	<p>See response to Comment #12</p>	<p>These issues should be explored in detail in the FEIS and the Interstate Access Approval Process.</p>

Major_4	15	General	<p><i>Local Road Impact Analyses.</i> Without TTI results beyond the Study area, it is more critical that the impact to the local road network be addressed sooner in order to make appropriate considerations for design. The Interchange Access Point Approval (IAPA) study now under development must be extended beyond a single intersection since the increased congestion on I-270 and I-495 will undoubtedly lead to both peak spreading effects and local traffic diversions that have not been adequately considered to-date. When it can take over 30 minutes to travel 2 to 3 miles on some segments of the Beltway as presented in this SDEIS, traffic will not subject themselves to this on a daily basis, and they will find the shorter travel time route, regardless of local street impact. The scope therefore agreed upon by FHWA for the 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 very high TTIs and 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). The study area can be determined by adding routes on parallel routes with travel times equal to the GP lanes travel time.</p>	<p>Comment noted, but does not affect the SDEIS. The project team conducts regular coordination meetings with FHWA regarding the IAPA and the scope of that effort will be refined as needed based on the preferred alternative.</p>	<p>These issues should be explored in detail in the Interstate Access Approval Process. We do not agree that the local road access evaluation has been adequate for an environmental impact study.</p>
Major_5	16	General	<p><i>Bike/Ped Improvements</i> are inconsistent with master plans, particularly related to design. The commitment made during meetings to construct per local master plans must be reflected in the SDEIS.</p>	<p>The commitment to construct bike and ped facilities per local master plans is reflected in the SDEIS. As stated in Chapter 2 (Section 2.3.8), "through coordination with the local agencies having jurisdiction over and/or maintenance responsibility for these facilities, existing pedestrian and bicycle facilities impacted by the Preferred Alternative would be replaced in kind or upgraded to meet the master plan recommended facilities." The individual, specific facilities are not listed in this SDEIS, but remain consistent with the list agreed upon through coordination meetings held in 2020.</p>	
Major_6	17	General	<p><i>Parkland LOD is not final for purposes of impact resolution.</i> 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. An important aspect of avoidance and minimization is minimizing the roadway footprint while still keeping a larger LOD to address environmental issues and/or adequately restore disturbed areas to ensure that they will appropriately handle the increased drainage pressures that will result from advancing one of the Build Alternatives. Ongoing design of the Project must ensure stable tie-ins for outfalls, protection and restoration of stream banks, and improvements to resources based on Project impacts. Although MDOT SHA has committed to the following: "All possible planning to minimize harm will additionally involve an agreement document that outlines the process to continue coordination with the OWJs over Section 4(f) properties through the design phase of the project," the impacts to parkland are not known and cannot be fully addressed until design of the project is created by the P3.</p>	<p>The proposed limits of disturbance have been delineated to sufficiently capture potential environmental impacts associated with construction related activities of the Preferred Alternative based on planning level design. Per federal regulations, final design cannot occur until after the Record of Decision so as not to commit resources prejudicing selection of an alternative prior to making a final decision. While changes to the design and limits of disturbance could occur after the Record of Decision and during final design, those changes and any associated environmental impacts will be reevaluated to determine if the decision remains valid.</p>	
Major_7	18	General-SWM Plans	<p><i>Storm Water Management plans proposed by MDOT SHA are inadequate.</i> a. Ignoring existing untreated impervious surfaces and requiring 50% treatment only if the roadway is fully reconstructed is insufficient to protect downstream waters. Under the SDEIS, only 45% of the water quality treatment that is required is proposed to occur onsite. That is unacceptable, as on-site stormwater quality treatment must be prioritized to a minimum of 80% of the Required ESD onsite (allowing for a maximum of 20% to be treated with the use of compensatory SWM mitigation offsite). MDOT/SHA needs to be specific in their commitment to incentivize innovative technologies and techniques by the P3 to show their commitment to maximizing on-site stormwater quality treatment. These highways are among the worst water quality offenders in the County 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.</p>	<p>MDOT SHA is committed to providing ESD to the MEP onsite as required by Maryland law. Due to multiple constraints including private residential and commercial property, WUS/wetlands, steep slopes, 4f property, etc. the SWM preliminary design could not provide all ESD onsite. As the SWM design progresses, the developer will be incentivized to provide ESD to MEP onsite because there is a 20% banking fee for providing SWM offsite.</p>	<p>Parks requests more information on the 20% banking fee for providing SWM offsite. Storm Water Management plans proposed by MDOT SHA are inadequate. a. Ignoring existing untreated impervious surfaces and requiring 50% treatment only if the roadway is fully reconstructed is insufficient to protect downstream waters. Under the SDEIS, only 45% of the water quality treatment that is required is proposed to occur onsite. That is unacceptable, as on-site</p>
Major_7	19	General-SWM Plans	<p>b. The MDE 6-digit watershed scale for offsite SWM water quality projects is meaningless to address the severe water quality impacts of the existing highways and proposed expansion. Offsite compensatory SWM mitigation must be within 1500' of the LOD. This would make the benefits seen by the compensatory mitigation meaningful to the location of the impacts and the surrounding waterways. Moreover, a maximum of 25% of the off-site compensatory stormwater IAT should come from stream restoration.</p>	<p>This comment extends requirements beyond current MDE regulations and requirements. The P3 Developer/MDOT SHA will be required to follow the three step procedure per the MDE 2000 SWM Manual in selecting on-site and off-site locations best suited for achieving the SWM water quality requirements and for permitting the sites through MDOT SHA PRD and MDE.</p>	

Major_7	20	General-SWM Plans	<p>c. SWM opportunities should not be eliminated due to their location on Parkland. Conversely, we have spent copious amounts of time working with the MDOT/SHA project team to identify and review potential offsite compensatory SWM opportunities on Parkland when it can be effective with minimal resource impacts.</p>	<p>Based on FHWA regulation, 23 CFR 774.13(g), SWM or water quality projects <i>could</i> be considered as "mitigation" and exempted from "use" under Section 4(f) based on the following except: (g) Transportation enhancement activities, transportation alternatives projects, and mitigation activities, where: (1) The use of the Section 4(f) property <i>is solely for the purpose of preserving or enhancing</i> an activity, feature, or attribute that qualifies the property for Section 4(f) protection; and (2) The official(s) with jurisdiction over the Section 4(f) resource agrees in writing to paragraph (g)(1) of this section.</p> <p>FHWA Section 4(f) policy paper Question # 29 has additional detail on this exception: <b>29. Mitigation Activities on Section 4(f) Property</b> <b>Question 29:</b> Does the expenditure of Title 23 funds for mitigation or other non-transportation activity on a Section 4(f) property result in a use of that property? <b>Answer:</b> FHWA must comply with 23 CFR 774.13(g) when determining if a Section 4(f) approval is necessary for a proposed mitigation activity. A Section 4(f) use occurs only when Section 4(f) land is permanently incorporated into a transportation facility, there is a temporary occupancy that is adverse, or there is a constructive use. If mitigation activities proposed within a Section 4(f) property <i>are solely for the preservation or enhancement</i> of the resource and the official(s) with jurisdiction agrees in writing with this assessment, a Section 4(f) use does not occur.</p> <p>This above exemption requirement would have to be met for stream restoration on parkland proposed for water quality credits in order for FHWA to not consider it a Section 4(f) use and the Official with Jurisdiction would also have to agree that it provides benefit to the features or attributes that qualify the property for protection under Section 4(f). The purpose of SWM is to capture and treat runoff from the transportation facility in compliance with regulations and not solely for preservation or enhancement of the area within which its located. Therefore, SWM sites on parkland were eliminated from consideration as they would be considered a Section 4(f) use and MDOT/SHA has found feasible and prudent locations that avoid the use of parkland.</p>
Major_8	21	General	<p><i>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. The parkland affected by this project has significant value due to its geographic location in a largely developed area with little "unused" land. Land acquisition is a timely process and properties to be acquired must be presented to M-NCPPC for approval before the FEIS and ROD. M-NCPPC will not consider any impact to be de minimis until parkland mitigation requirements are met and formally approved by M-NCPPC.</i></p>	<p>The SDEIS details impacts associated with the Preferred Alternative on resources both within and outside of parkland. MDOT SHA continues to coordinate final mitigation with Officials with Jurisdiction (OWJ) and commitments made as part of this coordination will be included in the Final Environmental Impact Statement. While coordination with OWJ's on mitigation for unavoidable impacts is required, approval of final mitigation is the responsibility of the lead federal agency- FHWA.</p> <p>Mitigation for impacts to M-NCPPC parks is currently under development and is being coordinated with M-NCPPC. Coordination will continue throughout the development of the FEIS/Final Section 4(f) Evaluation and the final mitigation plan will be detailed in the FEIS/Final Section 4(f) Evaluation.</p>
Major_9	22	General	<p><i>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 no detailed design or schematic drawings shown to date that have demonstrated that alternatives were considered that would have avoided a Section 4(f) use of the Moses Hall Tabernacle and Cemetery, the Gibson Grove Church, and the Carderock Springs National Register Historic District. Further 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.</i></p>	<p>In response to public, agency and stakeholder comments following the DEIS publication, MDOT SHA refined the LOD at the Morningstar Tabernacle No. 88 Moses Hall and Cemetery property. In late winter 2021, impacts to Morningstar Cemetery were reduced from 0.3 acres (13,068 square feet) reported in the DEIS for Alternative 9 to approximately 14 square feet of temporary area needed for the construction of a noise barrier adjacent to the property. This effort also avoided all ground disturbance within the cemetery boundary. The reduction was in response to public and agency comments and resulted from design modifications, including changes to the Cabin John Parkway interchange ramp configuration, to minimize impacts to the cemetery property. In summer 2021, additional investigation was conducted to detect and map both potential marked and unmarked graves within and adjacent to the Morningstar Cemetery boundary. Further design refinements were made in response to the results of this investigation and complete avoidance of the Morningstar Cemetery property has now been achieved.</p> <p>While a shift in the centerline of I-495 was necessary to completely avoid the Morningstar Cemetery and potential grave sites, the change in impact to Carderock Springs Historic District and Gibson Grove Church is minimal. The Preferred Alternative would result in a Section 4(f) use of less than 0.1 acres of the Carderock Springs Historic District, including less than 0.1 acres of permanent impact and less than 0.1 acres of temporary impact. No contributing resource structures will be impacted. The Preferred Alternative would result in a Section 4(f) use of 0.1 acres of the Gibson Grove AME Zion Church property, all of which would be permanent impact. The Gibson Grove Church building will not be directly impacted by the Preferred Alternative. MDOT SHA continues to coordinate directly with the Church leaders on addressing drainage issues and increasing connectivity between the Church and Cemetery as mitigation for the impact. See response to Comment #Major2/#9 above.</p>

1	23	Page ES-1	What is the Focus of the SDEIS?	"No action or no improvements" should be characterized as the preferred No Build Alternative for portions of the study area being removed from the project	The 48-mile Study limits remain unchanged: I-495 from south of the GWMP in Fairfax County, Virginia, to west of MD 5 and along I-270 from I-495 to north of I-370, including the east and west I-270 spurs in Montgomery and Prince George's Counties, Maryland. The Preferred Alternative, Alternative 9 - Phase 1 South, includes build improvements within the limits of Phase 1 South only totaling approximately 15 miles of proposed improvements. There is no action, or no improvements included at this time on I-495 east of the I-270 east spur to MD 5. While the Preferred Alternative does not include improvements to the remaining parts of I-495 within the Study limits, improvements on the remainder of the interstate system may still be needed in the future. Any such improvements would advance separately and would be subject to additional environmental studies and analysis and collaboration with the public, stakeholders and agencies.	While the Lead Agencies correctly acknowledge that future environmental studies and analysis would be needed prior to future phases, the Lead Agencies should clarify in the FEIS that a new NEPA study is required by law prior to any development in the area of I-495 east of Old Georgetown Road.
2	24	Page ES-1 – ES-2	What is the Focus of the SDEIS?	Delete "While the Preferred Alternative does not include improvements to the remaining parts of I-495 within the scope of the Study, future improvements of the remainder of the system may still be needed in the future." suppositional and not relevant to the newly determined preferred alternative.	The limits of the Managed Lanes Study remain the same and include 48 miles. The overall need for improvements in the study limits remains valid, regardless of the change to the limits of build improvements for a preferred alternative. In particular, the traffic analyses, demographic studies (population and job growth rates), as well as planning decisions that have included the entire P3 Program of 70 miles in the constrained long-range plan, all support the continued need for congestion relief along the Capital Beltway and I-270. The stated project needs, to accommodate existing and long-term traffic growth, to enhance trip reliability, and to provide additional roadway choices, are all still necessary to address transportation challenges within the study limits. The Preferred Alternative was chosen largely in response to public and agency comments to focus the build improvements west of the I-270 spurs specifically to avoid residential/business displacements, significant stream valley parks, NPS resources and historic resources.	While the Lead Agencies correctly acknowledge that future environmental studies and analysis would be needed prior to future phases, the Lead Agencies should clarify in the FEIS that a new NEPA study is required by law prior to any development in the area of I-495 east of Old Georgetown Road.
3	25	Page ES-3	Will comments on the DEIS be addressed?	Delete "appropriate" from first bullet on page. No value in this qualifier and misleading.	Deleted	
4	26	Page ES-6	What is the Preferred Alternative?	"No action, or no improvements included at this time" should be characterized as the preferred No Build Alternative for portions of the study area being removed from the project	See response to comment #1/ #23	
5	27	Page ES-9	What Happens to the Improvements That Were Studied for the I-495, East of the I-270 East Spur?	This section does not provide a clear answer to how the areas of the study area being removed will be addressed as part of the larger NEPA process. Need a statement that clearly describes that the NEPA process for this project moving forward eliminates any consideration of a Build Alternative east of the I-270 east spur and any future consideration of improvements to these areas would need to leverage updated information and require an entirely new environmental review process.	While the Preferred Alternative does not include improvements to the remaining parts of I-495 within the Study limits, improvements on the remainder of the interstate system may still be needed in the future. Any such improvements would advance separately and would be subject to additional environmental studies and analysis and collaboration with the public, stakeholders and agencies.	While the Lead Agencies correctly acknowledge that future environmental studies and analysis would be needed prior to future phases, the Lead Agencies should clarify in the FEIS that a new NEPA study is required by law prior to any development in the area of I-495 east of Old Georgetown Road.
6	28	Page Map 13	Section Appx D	3660+00 Old farm NCA, expand planting area and include NNI control on parkland and adjacent ROW.	The LOD encroachment onto Old Farm NCA is the result of the proposed construction of a stormwater management facility as well as a proposed noise barrier. Outside of the existing LOD, an opportunity for additional planting to offset tree loss was previously identified by MDOT SHA and shared with M-NCPPC. MDOT SHA will continue to coordinate with M-NCPPC on the viability of this planting opportunity and will investigate the potential for NNI control on the parkland and adjacent MDOT SHA right-of-way. If feasible, NNI control could be included as part of the park mitigation package.	
7	29	Page 2-3, paragraph 3	Section 2.1	Delete "initially" as there is no commitment as part of this process to add lanes to areas of the study area that have been dropped from consideration.	Text revised. First sentence of paragraph 3 on page 2-3, "After several months of further coordinating with and listening to agencies and stakeholders and reviewing public comments, MDOT SHA decided to align the Recommended Preferred Alternative to be consistent with the previously determined phased delivery and permitting approach, which focuses on Phase 1 South."	
8	30	Page 2-3, paragraph 5	Section 2.1	If the study limits are to remain unchanged, the No Build Alternative should be selected for the areas of the study area where no improvements are being considered. Consideration of any improvements to the dropped portions of this study would be subject to a completely new environmental study and NEPA process that would take into account new transportation improvements, new demands on the system, and changes to natural resources. This paragraph is not clear in this regard and falsely suggests that the current study could be used as a mechanism to carry forward improvements in the areas where the No Build Alternative is being applied.	Text clarified; see response to comment #1/ #23	

9	31	Page 2-5, paragraph 1	Section 2.2	Delete "included at this time".	Text was not revised. Improvements on the remainder of the interstate system may still be needed but would be subject to additional environmental studies and coordination.	While the Lead Agencies correctly acknowledge that future environmental studies and analysis would be needed prior to future phases, the Lead Agencies should clarify in the FEIS that a new NEPA study is required by law prior to any development in the area of I-495 east of Old Georgetown Road.
10	32	Page 2-5, Figure 2-3	Section 2.2	Delete "at this time".	Text was not revised. Improvements on the remainder of the interstate system may still be needed but would be subject to additional environmental studies and coordination.	While the Lead Agencies correctly acknowledge that future environmental studies and analysis would be needed prior to future phases, the Lead Agencies should clarify in the FEIS that a new NEPA study is required by law prior to any development in the area of I-495 east of Old Georgetown Road.
11	33	Page 2-7, Table 2-1	Section 2.3.1	Remove list of the I-495 interchange locations within the Study Area and outside of Phase 1 South limits. They are no longer relevant to the project and the SDEIS is clearly intended only to focus on aspects of the project related to the new Preferred Alternative.	The I-495 & I-270 Managed Lanes Study includes the limits of I-495 to west of MD 5. The text was not revised to remove interchanges that are still within the Study Limits.	While the Lead Agencies correctly acknowledge that future environmental studies and analysis would be needed prior to future phases, the Lead Agencies should clarify in the FEIS that a new NEPA study is required by law prior to any development in the area of I-495 east of Old Georgetown Road.
12	34	Page 2-6, last paragraph	Section 2.3.1	Delete the last sentence of the last paragraph as it is not relevant to the SDEIS or the Preferred Alternative.	Text not revised, refer to response to comment #13/#35.	
13	35	Page 2-10	Section B	As stated in Parks DEIS comments, we feel that ignoring the existing untreated road pavement and requiring 50% treatment only if the roadway is fully reconstructed is insufficient to protect downstream waters. A higher goal closer to 50% of all existing untreated roadways would be more effective in protecting downstream waters.	Maryland Stormwater Management Guidelines for State and Federal Projects requires 50% treatment for existing reconstructed pavement and 100% treatment for all new pavement. ESD will be provided to the MEP onsite for the MD required stormwater management. All remaining required ESD will be provided off-site through the Compensatory Mitigation Plan.	Although the Preferred Alternative addresses stormwater management, the SDEIS ignores existing untreated impervious surfaces and requires a minimum of 50% treatment only if the roadway is fully reconstructed. Additionally, the SDEIS only requires that 45% of the required water quality treatment occur on site. This is insufficient to protect the quality of local and downstream waters, which some stakeholders claim are among the worst water quality offenders in Montgomery County
14	36	Page 2-11, Table 2-2	Section C	The project needs to commit to significantly improving the Provided ESD surface area to a minimum of 80% of the Required ESD onsite (allowing for a maximum of 20% to be treated with the use of compensatory SWM mitigation offsite). These highways can be considered the worst water quality offenders in the County 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. The Project should achieve better than this current projection.	The Stormwater Management Act of 2007 requires ESD to the MEP. Based on preliminary engineering, the full ESD cannot be provided onsite due to a multitude of site constraints, including private residential and commercial property, WUS/wetlands, steep slopes, 4f property, Section 106, etc. As design progresses, stormwater management needs and the provided SWM numbers will be finalized.	The situation involving untreated stormwater runoff entering our streams and rivers is an issue that will worsen due to climate change. This project presents a singular opportunity to address this issue, an opportunity which is unlikely to ever occur again.
15	37	Page 2-11	Section C	The statement that "use of innovative technologies may reduce the compensatory stormwater management requirements" is insufficient. MDOT/SHA needs to be specific in their commitment to financially incentivize innovative technologies and techniques by the P3 to show their commitment to maximizing on-site water quality treatment.	A 20% banking fee will be incurred for SWM provided offsite, thereby increasing the cost of off-site SWM. This will provide a financial incentive to provide as much ESD onsite as possible. In addition, off-site SWM facilities are typically equally constrained and therefore equally expensive to install.	Parks requests more detail on the 20% banking fee. The statement that "use of innovative technologies may reduce the compensatory stormwater management requirements" is insufficient. MDOT/SHA needs to be specific in their commitment to financially incentivize innovative technologies and techniques by the P3 to show their commitment to maximizing on-site water quality treatment.

16	38	Page 2-12, paragraph 1	Section D.a	The MDE 6-digit watershed scale for offsite SWM water quality projects is meaningless to address the severe water quality impacts of the existing highways and proposed expansion. All offsite compensatory mitigation should take place within 1500' of the approved LOD.	This comment extends requirements beyond current MDE regulations and requirements. The P3 Developer/MDOT SHA will be required to follow the three step procedure per the MDE 2000 SWM Manual in selecting on-site and off-site locations best suited for achieving the SWM water quality requirements and for permitting the sites through MDOT SHA PRD and MDE.	
17	39	Page 2-12, paragraph 2	Section D.a	The credit potential of one-acre IAT credit per 100 linear foot stream restored is based on outdated crediting methodology. The project should be held to the most recent guidance at the time of permitting; at this time that is the 2020 Wasteload Allocations Document.	For SWM approval, MDE has typically used the 2014 Wasteload Allocation Manual. The 1 IAT/100 LF is considered a conservative crediting approach compared to other possible methods and was used to ensure a conservative estimate of credit. Language is provided in the Compensatory SWM Plan indicating that 1 IAT/100 LF of stream restored will be re-evaluated during the final design and permitting process as the current guidance may change.	Would it help to look at PG criteria?
18	40	Page 2-12	Section D.b	Project needs to show a real commitment to treating additional onsite stormwater runoff (80% min) and existing offsite impervious within a meaningful distance to the project (within 1500') in order to follow through on the Study's Purpose and Need goal of Environmental Responsibility. This commitment needs to be made before a Developer is brought in and given free rein to identify projects that are prioritized by financial goals rather than environmental stewardship. For the maximum 20% water quality treatment achieved off-site, only a maximum of 25% of the IAT shall be achieved through stream restoration and outfall stabilization. The remaining 75% + shall be achieved through pavement reduction/removal, Ch 3 and Ch5 SWM practices in order to best	This comment extends requirements beyond current MDE regulations and requirements. The P3 Developer/MDOT SHA will be required to follow the three step procedure per the MDE 2000 SWM Manual in selecting on-site and off-site locations best suited for achieving the SWM water quality requirements and for permitting the sites through MDOT SHA PRD and MDE.	
19	41	Page 2-17	Section 2.3.5	Need to explicitly show on plans areas designated for temporary construction access, staging, and materials storage for further evaluation and review.	The known areas are identified on the mapping in Appendix D. These areas will be further defined as design progresses.	Appendix D shows LOD and ROW. Does not call out temporary vs permanent in legend.
20	42	Page 2-27	Section 2.4.1	Commitment to priority bicycle and pedestrian connections needs to include lengthening the I-270 bridge over Tuckerman Ln to accommodate future pedestrian/bicycle facilities along Tuckerman Ln and widening the existing variable-width side path along Seven Locks Rd under I-495 (Cabin John Trail).	The commitments stated in Section 2.4 include the following: "Lengthening the I-270 bridge over Tuckerman Lane to accommodate future pedestrian/bicycle facilities along Tuckerman Lane" and "widening the existing variable-width sidepath along Seven Locks Road under I-495 (Cabin John Trail)"	Appendix D Map 22 and 23 show an aerial structure.
21	43	Page 2-27	Section 2.4.3	Need much more detail on the environmental enhancements that are mentioned in order to comment on them. Where are they, what are the limits, and how many of them are there? Parks needs specific locations and work plans outlined to concur with the project.	MDOT SHA and M-NCPPC are still coordinating on mitigation. Final mitigation will be documented in the FEIS and ROD.	
22	44	Page 2-28	Section 2.5	Need to state more explicitly the process by which remaining parts of I-495 could progress – new NEPA process entirely.	See response to comment #1/ #23	
23	45	Page Map 4 & 5	Section Appx D	FIDS area shown for Cabin John SVP Unit 2, how are these areas being addressed?	FIDS impacts have been avoided and minimized to the maximum extent practicable; therefore, FIDS-specific mitigation is not required for this project.	The impacts to Cabin John SVU 2, Cabin John Regional Park, and Cabin John SVU 6 relocate the forest edge and subsequently impact forest interior on parkland. Forest "interior" refers to the area in the center of a forest which is surrounded by "edge". The forest area within 300 feet of a forest edge is considered "edge" habitat. "Interior habitat" is commonly defined as the forest area found greater than 300 feet from the forest edge. Interior habitat functions as the highest quality breeding habitat for forest interior dwelling birds (FIDS). Parks expects further coordination to reduce forest interior impacts and to mitigate for unavoidable impacts.
24	46	Page Map 4	Section Appx D	197+00 west side Cabin John SVP Unit 2 details for construction of proposed pipe augmentation. Stream work and need LOD up stream of outfall.	MDOT SHA and M-NCPPC are continuing to coordinate on location specific comments to determine whether it is a design refinement in the FEIS, additional analysis is needed, or a refinement to be made in final design.	197+00 west side Cabin John SVP Unit 2 - continue to Coordinate with MNCPPC on the appropriate stream work and LOD needed in this location.
25	47	Page Map 4	Section Appx D	195+00 east side – Justify large LOD offset from alignment into CJ SVU2. The LOD should be as tight and minimal as possible to the alignment. Add plunge pool where outfall interfaces with stream to ensure stable transition into Cabin John Mainstem.	LOD necessary for replacement of structure over Cabin John Pkwy, construction of new exit ramp on structure, and new structure for noise barrier along I-495 inner loop. Culvert augmentation to 22H_C will determine elements needed DS of outfall. The design of the I-495 managed lane exit ramp may be refined for the FEIS and reductions to the LOD will be considered.	195+00 east side –The large LOD offset from alignment into CJ SVU2 should be as tight and minimal as possible to the alignment. Add plunge pool where outfall interfaces with stream to ensure stable transition into Cabin John Mainstem.

26	48	Page Map 4	Section Appx D	200+00 – does SHA intend to modify the bridge over Booze Creek? If so, the stream should have a natural bottom.	The existing structure is a box culvert that will be widened to accommodate relocated lanes at the tie-in point along Cabin John Parkway. The structure can be widened without replacing the existing portions of the culvert. An existing box culvert can be extended as needed without impact the bottom of the whole culvert over the length. We cannot fill the culvert with a natural bottom if there is not one today because it will decrease the overall capacity of the culvert and may result in the need for additional augmentation.	200+00 – since the bridge over Booze Creek will be modified, SHA should commit to rebuilding the structure with a natural channel bottom. This would result in a net benefit to the resource, which is what SHA has committed to for natural resource protection.
27	49	Page Map 5	Section Appx D	225+00 west side – the tie in of feature 21C_C2 into Cabin John Creek must include appropriate stream structures to ensure stability, energy dissipation, and utility protection. There is an adjacent sewer crossing that should receive a sill and riffle structure for protection.	See response to comment #24/ #46	Meetings with SHA discuss LOD for FEIS
28	50	Page Map 5	Section Appx D	225+00 west side – the proposed augmentation pipe that are under River Rd should not extend to the bank of Cabin John Creek. The end wall should be as far from the stream bank as possible.	See response to comment #24/ #46	
29	51	Page Map 5	Section Appx D	220+00 – west side - the outfall should be cut back and a stable channel with step pools built from the manhole labeled “handle 2454”	See response to comment #24/ #46	
30	52	Page Map 5	Section Appx D	220+00 – west side - a stream structure such as a crossvane and/or riffle should be built in the mainstem of rock creek in conjunction with the outfall channel to ensure the stability of the mainstem at the confluence.	See response to comment #24/ #46	
31	53	Page Map 12	Section Appx D	3685+00 East side of I270 – The LOD area along Tuckerman Lane and Old Farm Creek is too large. The LOD on the South side of Old Farm Creek should maintain the same distance from I270 as the LOD on the north side of Old Farm Creek. Access can be achieved from Tuckerman Lane adjacent to the outfall channel that runs parallel to I270 from Tuckerman Lane to Old Farm Creek. The justification for this large park impact on Map 12 is stated as the augmentation culvert, but the proposed aerial structure negates the need for the culvert.	See response to comment #24/ #46	
32	54	Page Map 12	Section Appx D	3685+00 East Side of I270 – There is an outfall channel from Tuckerman Lane adjacent to I270 that flows into Old Farm Creek on the upstream side of the culvert under I270. This channel must be restored using pools/riffles/cascades if it is disturbed.	See response to comment #24/ #46	
33	55	Page Map 12	Section Appx D	3685+00 The Old Farm Creek stream channel must be rebuilt to a natural bottom that ties in with the upstream elevation of Old Farm Creek when the culvert is replaced with a highway bridge.	See response to comment #24/ #46	
34	56	Page Map 12	Section Appx D	3685+00 The new highway bridge spanning Old Farm Creek must allow for a natural surface trail under the bridge adjacent to the stream.	See response to comment #24/ #46	
35	57	Page Map 12	Section Appx D	3685+00 West Side I270 – On the north side of Old Farm Creek, the LOD can be enlarged to encompass an existing WSSC access road area if that is helpful to site access, staging, storage. This would shift the LOD line approximately 30ft to the north.	See response to comment #24/ #46	
36	58	Page Map 12	Section Appx D	3685+00 West Side I270 – The LOD on the south side of Old Farm Creek is too large for the proposed stream work. The stream can be access from the north. The area between Old Farm Creek and Tuckerman Lane is riparian habitat within the floodplain of Old Farm Creek. This area is important to protect due to the understory of native shrubs and the mature tree canopy.	See response to comment #24/ #46	
37	59	Page Map 12	Section Appx D	3685+00 West Side I270 – The new proposed culver under Tuckerman Lane has significant impact to the existing riparian habitat. This new pipe should be removed or use an alignment much closer to the highway since there will be a new bridge designed for this location. If the new aerial structure dictates a pipe replacement, the pipe should be as short as possible and outfall before the stream into a pool system.	See response to comment #24/ #46	
38	60	Page Map 12	Section Appx D	3685+00 west side I270 – The proposed aerial structure spanning Tuckerman Lane and Old Farm creek will result in the removal of long culvert in Old Farm Creek, Parks is supportive of this new bridge and looks forward to assisting in the design of the new stream channel underneath the bridge.	See response to comment #24/ #46	
39	61	Page Map 12	Section Appx D	3685+00 west side I270 – the note on the LOD size along Old Farm Creek states the LOD is for culvert augmentation. The new aerial structure will negate the need for culvert augmentation. The LOD in the stream should be noted as for stream restoration.	See response to comment #24/ #46	
40	62	Page Map 13	Section Appx D	3629+00 west side. The ownership of this parcel is under investigation.	See response to comment #24/ #46	
41	63	Page Map 13	Section Appx D	3625+00 daylight outfall, add step pools and stabilize overland flow.	See response to comment #24/ #46	
42	64	Page Map 13	Section Appx D	3629+00 Describe what LOD shown around outfalls needed for. Parks does not concur with the LOD needs. Eliminate LOD and temporary and permanent impacts.	See response to comment #24/ #46	
43	65	Page Map 13	Section Appx D	3640+00 west side - ensure the drainage channel that flows downslope from 3645+00 has a stable tie in to the channel from the culvert under I270. There is a new end wall proposed and the LOD does not seem to account for the other drainage channel.	See response to comment #24/ #46	

44	66	Page Map 13	Section Appx D	3640+00 west side - A fiberglass bridge per Parks Specification should be included to route the natural surface trail over the stream downstream of the end wall.	As part of the base project design, access to this trail will be maintained throughout construction. Any impact to the trail at the location of the stream as a result of the proposed culvert augmentation and associated stream stabilization will be addressed and the trail will be restored to a condition that is as good or better than that which currently exists. Because there is not currently a bridge crossing of the stream at this location, MDOT SHA will consider the addition of a fiberglass bridge per Parks specifications as part of the park mitigation package. This will be coordinated further with M-NCPPC as development of the final mitigation plan continues.	
45	67	Page Map 13	Section Appx D	3640+00 west side - The stormwater design must accommodate the rerouted natural surface trail. The trail needs to be located within well drained areas to prevent trail use issues.	See response to comment #24/ #46	
46	68	Page Map 13	Section Appx D	3640+00 west side – the outfall from the stormwater management facility must be addressed all the way to the confluence with the tributary. The limited LOD prevents this connection as it is currently shown. Enlarge the LOD or justify that the flows can be discharged in the location shown without causing erosion and future degradation.	See response to comment #24/ #46	
47	69	Page Map 13	Section Appx D	3635+00 west side – tighten the LOD (90-degree corner) so that it is closer to the SWM facility and does not impact the natural surface trails.	See response to comment #24/ #46	
48	70	Page Map 13	Section Appx D	3630+60 east side – LOD should not extend upstream of the confluence between Cabin John creek and the tributary, remove this large LOD "bump out". Parks does not agree with impacts to stable stream to tie-in grade 130 ft up stream of the crossing.	See response to comment #24/ #46	
49	71	Page Map 13	Section Appx D	3630+60 east side – the outfall from the highway should be a cascade or other stable system.	See response to comment #24/ #46	
50	72	Page Map 13	Section Appx D	3630+60 east side – Parks does not concur with the need for the augmentation culvert. Provide more analysis of the existing pipe system.	See response to comment #24/ #46	
51	73	Page Map 13	Section Appx D	3630+60 east side – tighten the LOD on the east side of the stormwater facility, the LOD should not go up the slope.	See response to comment #24/ #46	
52	74	Page Map 13	Section Appx D	3641+50 east side –The stream stabilization work should take place even if augmentation not found to be necessary.	See response to comment #24/ #46	
53	75		Appendix D	Final ROW in locations of impact to Parkland will need to be coordinated with and approved by Parks.	ROW acquisition in the locations of impacts to M-NCPPC parks will continue to be coordinated with M-NCPPC. Final ROW acquisitions will be identified in the FEIS/Final Section 4(f) Evaluation.	Final ROW in locations of impact to Parkland will need to be coordinated with and approved by Parks and identified in the FEIS/ROD. A procedure for dealing with ROW expansion after the ROD must be approved in the FEIS/ROD.
54	76	Page 5-1	Section 5.1.1	Since this 4(f) chapter in the SDIES does not replace the 4(f) information from the DEIS, all of Parks previous comments related to 4(f) still stand.	All prior comments will be retained for further consideration. All comments provided on the DEIS during the formal comment period will be responded to in the FEIS.	
55	77	Page 5-2	Section 5.1.2	"There is no action, or no improvements included at this time on I-495 east of the I-270 east spur (shown in light blue in Figure 5-1)." Please clarify this statement, what does this mean for the rest of the alignment. Will a new NEPA review, DEIS, FEIS, and ROD be completed if SHA decided to move forward with "improvements" on the rest of I-495?	See response to comment #1/ #23	
56	78	Page 5-3	Section 5.1.3	Montgomery Parks does not consider the coordination on the park land affected by the preferred alternative to be sufficient to this point and much more effort to minimize impacts is needed. The comments provided here reference many instances of LOD modification that will need further coordination.	MDOT SHA continues to coordinate with M-NCPPC regarding the impacts to parkland and is considering M-NCPPC's comments involving additional modifications of the LOD to minimize impacts. Where appropriate and practicable, MDOT SHA will make adjustments to the LOD as suggested by M-NCPPC before the LOD is set for preparation of the FEIS. However, there will be opportunities for additional impact minimization and further adjustment of the LOD during Final Design. MDOT SHA will ensure that coordination with M-NCPPC regarding the LOD and impact minimization continues during Final Design.	Montgomery Parks does not consider the coordination on the park land affected by the preferred alternative to be sufficient to this point and much more effort to minimize impacts is needed. The comments provided here reference many instances of LOD modification that will need further coordination. SHA should clarify how the opportunities for additional impact minimization and further adjustment of the LOD during Final Design will occur; the process should be defined in the FEIS/ROD.

57	79	Page 5-5, Table 5-1		Some Parks have "Constructive Use" impacts as well as Permanent and Temporary. These need to be accounted for in this table and in all discussions regarding Park impacts and mitigation. Examples of constructive use may include impacts to tree CRZs outside of the LOD, impacts to trails outside of the LOD, impacts to campgrounds near the LOD, etc.	Based on the current analysis included in the Draft Section 4(f) Evaluation and Updated Draft Section 4(f) Evaluation, no constructive use impacts to Section 4(f) properties have been identified per the regulations in 23 CFR 774.15. MDOT SHA will continue to coordinate with M-NCPPC regarding impacts to Section 4(f) properties, and all use of Section 4(f) property will be accounted for in the FEIS.	Parks believes that some park locations have "Constructive Use" impacts as well as Permanent and Temporary. These need to be accounted for in this table and in all discussions regarding Park impacts and mitigation. Examples of constructive use may include impacts to tree CRZs outside of the LOD, impacts to trails outside of the LOD, impacts to campgrounds near the LOD, etc.
58	80	Page 5-6	Section 5.2.1	Table 5-1 – Cabin John Regional – the impact can only be considered <i>de minimis</i> once the required parkland mitigation requirements are met and approved by M-NCPPC. There has not been a significant effort by SHA to present a sufficient parkland mitigation package at this point.	MDOT SHA will continue to coordinate with M-NCPPC on mitigation for impacts to park properties. Final <i>de minimis</i> impact determinations will be made by FHWA and presented in the FEIS/Final Section 4(f) Evaluation. At this time, impacts to Cabin John Regional Park are not expected to be <i>de minimis</i> . As indicated in Table 5-1, an individual Section 4(f) evaluation is being completed for this park property.	A complete Park Mitigation package must be approved by MNCPPC.
59	81	Page 5-6	Section 5.2.1	Table 5-1 – Cabin John SVU2 – the impact can only be considered <i>de minimis</i> once the required parkland mitigation requirements are met and approved by M-NCPPC. There has not been a significant effort by SHA to present a sufficient parkland mitigation package at this point.	See response to #58 /#80	Table 5-1 – Cabin John SVU2 – There has not been a enough detail presented by SHA regarding a sufficient parkland mitigation package at this point. A complete Park Mitigation package must be approved by MNCPPC.
60	82	Page 5-6	Section 5.2.1	Table 5-1 – Tilden Woods Stream Valley Park – the impact can only be considered <i>de minimis</i> once the required parkland mitigation requirements are met and approved by M-NCPPC. There has not been significant effort by SHA to present a sufficient parkland mitigation package at this point.	See response to #58 /#80	Table 5-1 – Tilden Woods Stream Valley Park – There has not been a enough detail presented by SHA regarding a sufficient parkland mitigation package at this point. A complete Park Mitigation package must be approved by MNCPPC.
61	83	Page 5-6	Section 5.2.1	Table 5-1 – Old Farm Neighborhood Conservation Area – the impact can only be considered <i>de minimis</i> once the required parkland mitigation requirements are met and approved by M-NCPPC. There has not been significant effort by SHA to present a sufficient parkland mitigation package at this point.	See response to #58 /#80	Table 5-1 – Old Farm Neighborhood Conservation Area – There has not been a enough detail presented by SHA regarding a sufficient parkland mitigation package at this point. A complete Park Mitigation package must be approved by MNCPPC.
62	84	Page 5-6	Section 5.2.1	Table 5-1 – Cabin John SVU6 – the impact can only be considered <i>de minimis</i> once the required parkland mitigation requirements are met and approved by M-NCPPC. There has not been a significant effort by SHA to present a sufficient parkland mitigation package at this point.	See response to #58 /#80	Table 5-1 – Cabin John SVU6 - There has not been a enough detail presented by SHA regarding a sufficient parkland mitigation package at this point. A complete Park Mitigation package must be approved by MNCPPC.
63	85	Page 5-7	Section 5.2.1	"Therefore, the Preferred Alternative would avoid the use of 37 Section 4(f) properties that were previously reported as Section 4(f) uses in the DEIS and Draft Section 4(f) Evaluation, totaling approximately 105 acres." If SHA is going to consider the park properties on the rest of the alignment as avoided, then this implies that any proposed future "improvements" would require a completely new NEPA process.	See response to comment #1/ #23	
64	86	Page 5-20	Section 5.2.8	"No recreational facilities within Cabin John Stream Valley Park Unit 2 would be impacted by the Preferred Alternative." This statement is false. Any further development of the existing highway is detrimental to the park user experience on the natural surface trail.	This statement is intended to convey that no direct impacts to facilities would occur via incorporation into the transportation facility.	"No recreational facilities within Cabin John Stream Valley Park Unit 2 would be impacted by the Preferred Alternative." This statement is incorrect. Any further development of the existing highway is detrimental to the park user experience on the natural surface trail even if the actual trail is not removed or relocated for the new highway alignment
65	87	Page 5-4	Section 5.2	Until a robust, complete, and implementable mitigation plan detailing on site mitigation and restoration and parkland replacement is proposed and approved by M-NCPPC no concurrence on the 4(f) status can be provided.	A final mitigation plan will continue to be coordinated with M-NCPPC and will be presented in the FEIS/Final Section 4(f) Evaluation. M-NCPPC is not required to provide concurrence on the Section 4(f) Evaluation. Approval of the Section 4(f) Evaluation is the responsibility of FHWA.	

66	88	Page 5-21	Section 5.28	LOD adjustments are required adjacent to Cabin John creek where the outfalls enter the stream. To ensure long-term stability in Cabin John creek, stream stabilization is required in the mainstem at the outfalls due to the increased flows from the new highway.	MDOT SHA continues to coordinate with M-NCPPC regarding the impacts to parkland and is considering M-NCPPC's comments involving additional modifications of the LOD to minimize impacts. Where appropriate and practicable, MDOT SHA will make adjustments to the LOD as suggested by M-NCPPC before the LOD is set for preparation of the FEIS. There will be opportunities for additional impact minimization and further adjustment of the LOD during Final Design. MDOT SHA will ensure that coordination with M-NCPPC regarding the LOD and impact minimization continues during Final Design.	LOD adjustments are required adjacent to Cabin John creek where the outfalls enter the stream. To ensure long-term stability in Cabin John creek, stream stabilization is required in the mainstem at the outfalls due to the increased flows from the new highway. SHA needs to define the process for how opportunities for additional impact minimization and further adjustment of the LOD during Final Design will occur.
67	89	Page 5-27	Section 5.2.11	"No other recreational facilities would be impacted by the Preferred Alternative." It is Parks position that any widening will have an adverse impact on the public use campground, even if the actual campsites are not physically impacted. For example, noise and visual experience of the campground will be diminished by any increase in the highway size.	This statement is intended to convey that no direct impacts to facilities would occur via incorporation into the transportation facility.	
68	90	Page 5-27	Section 5.2.11	Parks has made numerous comments linked to App D that detail the numerous LOD modifications that are still required.	See response to comment #24/ #46	
69	91	Page 5-27	Section 5.2.11	"Expansion of the LOD in certain areas was in response to M-NCPPC's comments to ensure stable outfall channels." We appreciate these changes and believe that providing stable outfalls is essential due to the large increases in stormwater runoff that are not being fully treated.	MDOT SHA agrees that providing stable outfalls is essential and will continue to work with M-NCPPC to ensure that appropriate outfalls are included within areas under M-NCPPC jurisdiction.	MOU item.
70	92	Page 5-27	Section 5.2.11	The relocation of the trail impacted by the proposed SWM facility should not be considered mitigation. The project is directly affecting the trail and it must be rebuilt as part of the project. Mitigation for the trail disturbance will also be required that will be above and beyond the relocation and rebuilding of the impacted trail section.	The relocation of the impacted trail at this location is not considered to be part of the park mitigation package and the trail will be rebuilt, in coordination with M-NCPPC, as part of the project. The mitigation plan will consider additional mitigation for trail disturbance based on the severity of that disturbance. Any proposed mitigation will also be coordinated with M-NCPPC.	As SHA has stated to Parks, the relocation of the trail impacted by the proposed SWM facility should not be considered mitigation. The project is directly affecting the trail and it must be rebuilt as part of the project. Mitigation for the trail disturbance will also be required that will be above and beyond the relocation and rebuilding of the impacted trail section.
71	93	Page 5-27	Section 5.2.11	Noise/visual barrier should be pursued for all areas of parkland. Parks expectation that any areas shown with retaining wall adjacent to parkland within Phase 1 South, should also incorporate noise wall/visual barrier and vegetative barrier where appropriate.	Noise barriers are currently proposed in all areas where a barrier is warranted due to noise impacts and has been determined to be reasonable and feasible according to MDOT SHA's noise policy. MDOT SHA is currently investigating the possibility of providing visual barriers adjacent to M-NCPPC parks where noise barriers are not warranted. Further coordination of these efforts with M-NCPPC will be completed and if it is determined that any proposed visual barriers would be included, those barriers will be documented as part of the final mitigation plan in the FEIS/Final Section 4(f) Evaluation.	
72	94	Page 5-27	Section 5.2.12	I-270 should pass over Old Farm Creek via a roadway bridge and the existing culvert should be removed allowing Old Farm Creek to have a natural channel bottom. This would represent a significant improvement to the existing condition and is reasonable considering the numerous aquatic resource impacts posed by this project.	See response to comment #24/ #46	
73	95	Page 5-28	Section 5.2.12	The LOD on the east side I-270 in Tilden Woods SVP should more closely resemble the LOD submitted with the DEIS. Parks does not support the larger LOD. Is the larger LOD intended for the new aerial structure spanning Old Farm Creek? If so, Parks looks forward to discussing this in further detail.	See response to comment #24/ #46	
74	96	Page 5-29	Section 5.2.13	Tree planting should be maximized at Old Farm NCA. NNI control is expected to be park of the tree planting and be applied the entire parcel.	The LOD encroachment onto Old Farm NCA is the result of the proposed construction of a stormwater management facility as well as a proposed noise barrier. Outside of the existing LOD, an opportunity for additional planting to offset tree loss was previously identified by MDOT SHA and shared with M-NCPPC. MDOT SHA will continue to coordinate with M-NCPPC on the viability of this planting opportunity and will investigate the potential for NNI control on the parkland and adjacent MDOT SHA right-of-way. If feasible, NNI control could be included as part of the park mitigation package.	
75	97	Page 5-29	Section 5.2.14	"The Preferred Alternative would not impact to Cabin John Trail, or any other recreational facilities in Cabin John Stream Valley Park Unit 6." Remove this reference as there are no trails in CJ SVU 6.	Text revised to remove reference to Cabin John Trail.	
76	98	Page 5-31	Section 5.2.14	The LOD on the west side of I-270 is too large. It needs to be tighter around the SWM facility and not go further than the confluence.	See response to comment #24/ #46	
77	99	Page Map 13	Section Appx D	3620+00 west side. Remove LOD bump out at existing and recently restored outfall	See response to comment #24/ #46	
78	100	Page 30	Section 5.2.14	Parks does not concur with the need for an augmentation culvert and the associated impacts	See response to comment #24/ #46	

79	101	Page 5-48	Section 5.3	<p>"The Preferred Alternative presented in this SDEIS would not avoid the use of all Section 4(f) properties. It would, however, avoid the use of 37 Section 4(f) properties for which impacts totaling roughly 105 acres as were reported in the DEIS (Table 5-2). Those 105 acres of impact to 37 properties would be fully avoided by the Preferred Alternative." M-NCPPC takes this statement to mean that any future improvements to the highway outside of the Phase 1 area would need a new and separate NEPA process.</p>	<p>While the Study limits remain the same as noted in the DEIS, the limits of build improvements under the Preferred Alternative are limited to Phase 1 South only. There is no action or no improvements included at this time on I-495 east of the I-270 east spur to MD 5. Therefore, the Preferred Alternative would avoid the use of 37 Section 4(f) properties that were previously reported as Section 4(f) uses in the DEIS and Draft Section 4(f) Evaluation, totaling approximately 105 acres. Any future improvements outside of the limits of the build improvements would advance separately and would be subject to additional environmental studies and analysis and collaboration with the public, stakeholders and agencies.</p>	
80	102	Page 5-49	Section 5.4.1	<p>"All possible planning to minimize harm will additionally involve an agreement document that outlines the process to continue coordination with the OWJs over Section 4(f) properties through the design phase of the project." M-NCPPC Montgomery Parks will continue to require extensive review of all impacts to Parkland with the goal to continue to minimize those impacts. Before any work is permitted to occur on Parkland a Park Construction Permit must be issued.</p>	<p>MDOT SHA acknowledges M-NCPPC's requirement to review impacts to parkland and will continue to coordinate with M-NCPPC to the extent possible to minimize parkland impacts through the design phase of the project.</p>	
81	103	Page 5-50	Section 5.4.2	<p>"Consideration of improvements to those remaining parts would have to advance separately, and would be subject to additional environmental studies, and analysis and collaboration with the public, stakeholders, and agencies."</p> <p>Change this sentence to "Consideration of improvements to those remaining parts would have to advance separately, and would be subject to <u>a new NEPA study, independent of the previous Phase 1 studies, and new</u> collaboration with the public, stakeholders, and agencies.</p>	<p>Any future improvements outside of the limits of the build improvements would advance separately and would be subject to additional environmental studies and analysis and collaboration with the public, stakeholders and agencies.</p>	
82	104	Page 5-51	Section 5.4.5	<p>M-NCPPC will require a thorough and implementable mitigation package to include extensive parkland replacement. The parkland affected by this project has significant value due to its geographic location in a largely developed area with little "unused" land. SHA must recognize that land acquisition is a timely process and properties should be acquired and presented to M-NCPPC as soon as possible so that M-NCPPC can approve the properties as part of the 4(f) discussion. Leading to the FIES and ROD.</p>	<p>Mitigation for impacts to M-NCPPC parks is currently under development and is being coordinated with M-NCPPC. Coordination will continue throughout the development of the FEIS/Final Section 4(f) Evaluation and the final mitigation plan will be detailed in the FEIS/Final Section 4(f) Evaluation.</p>	
83	105	Page 5-58	Section 5.7	<p>"Based on the information presented in the Draft Section 4(f) Evaluation and this Updated Draft Section 4(f) Evaluation, FHWA and MDOT SHA have reached a preliminary conclusion that the Preferred Alternative is the alternative with least overall harm." Add to the end of the statement "due to avoiding the parks and natural resources involved in the alternatives that include the rest of I-495.</p>	<p>The least overall harm conclusion was based on multiple factors defined in 23 CFR 774.3(c)(1), as summarized in Table 5-4.</p>	page 5-56 of 4(f)
84	106	Page 4-7	Section 4.4.2	<p>It needs to be stated clearly that any future improvements on the rest of I-495 not in Phase 1 would require a new and separate NEPA process since those resources and properties are being considered avoided for the purpose of this NEPA study.</p>	<p>See response to comment #1/ #23</p>	
85	107	Page 4-7	Section 4.4.3	<p>M-NCPPC is requesting the creation of a clear and concise set of figures and digital GIS data that shows the new proposed ROW after construction.</p>	<p>MDOT SHA has provided M-NCPPC with the digital GIS data showing the permanent and temporary limits of disturbance (LOD) within M-NCPPC properties presented in the SDEIS. The permanent LOD is represents proposed area under fee simple right-of-way or perpetual easement after construction. Additional breakdown of the LOD to identify fee-simple right-of-way acquisition versus permanent easements would be determined during the Final Design stage of the project. Revised figures and digital GIS data depicting the permanent and temporary LOD within M-NCPPC properties to be presented in the FEIS/Final Section 4(f) Evaluation can be provided to M-NCPPC when available.</p>	<p>Before any MOU, mitigation package approval, or publication of the FEIS/ROD, M-NCPPC will require the review of a clear and concise set of figures and digital GIS data that shows the new proposed ROW after construction.</p>
86	108	Page 4-13	Section 4.4.3 B b	<p>Table 4-9 SHA must provide documentation to prove the use of Capper-Cramton funds to purchase Cabin John Regional Park and Cabin John SVU2. M-NCPPC does not consider those parks to have been purchased with Capper-Cramton Funds.</p>	<p>MDOT SHA has requested documentation from National Capital Planning Commission regarding CCA funds for these two parks. Their response is pending; therefore the SDEIS includes a footnote: "Note: 1Additional research is necessary to determine whether these specific parks were acquired with Capper-Cramton Act funding. If research reveals they were not funded through Capper-Cramton Act, the change will be reflected in the FEIS."</p>	
87	109	Page 4-13	Section 4.4.3 B c	<p>It needs to be stated clearly that any future improvements on the rest of I-495 not in Phase 1 would require a new and separate NEPA process since those resources and properties are being considered avoided for the purpose of this NEPA study.</p>	<p>See response to comment #1/ #23</p>	
88	110	Page 1 Paragraph 1	Appendix C Compensatory SW Mitigation Plan	<p>Phase I South is the only area being evaluated at this time. All other areas should be specified as no build.</p>	<p>The Compensatory SWM Plan has been revised to shift focus in the main document to be on the preferred alternative which is Phase 1 South and no action along other portions of the MLS. The Appendices however still contain information regarding ALL SWM sites which were vetted through the NEPA process. SWM sites are identified by Phase 1 South and area of no action or no improvements in the menu of sites table in the Plan to identify their location in relation to the work area.</p>	
89	111	Page 1 Paragraph 2	Appendix C	<p>The project needs to commit to significantly improving the Provided ESD surface area to a minimum of 80% of the Required ESD onsite (allowing for a maximum of 20% to be treated with the use of compensatory SWM mitigation offsite). These highways can be considered the worst water quality offenders in the County 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. The Project must try harder.</p>	<p>This comment extends requirements beyond current MDE regulations and requirements. The P3 Developer/MDOT SHA will be required to follow the three step procedure per the MDE 2000 SWM Manual in selecting on-site and off-site locations best suited for achieving the SWM water quality requirements and for permitting the sites through MDOT SHA PRD and MDE.</p>	

90	112	Page 1 Paragraph 2	Appendix C	As the SDEIS only covers Phase I South and specifies that all other areas are no build with the selected alternative, this entire document should only address Phase I South.	The Compensatory SWM Plan has been revised to shift focus in the main document to be on the preferred alternative which is Phase 1 South and No Action along other portions of the MLS. The Appendices however still contain information regarding ALL SWM sites which were vetted through the NEPA process. SWM sites are identified by Phase 1 South and no action area in the menu of sites table in the Plan to identify their location in relation to the work area.	Page 5 of report splits requirements of the entire study area from the Phase 1 requirements. For Phase 1, 92 acres of impervious surface to be treated onsite and 114 acres off site
91	113	Page 1 Paragraph 2 Last sentence	Appendix C	Clarify Phase I south (There is also Phase I north).	Phase 1 South has been clarified in the Compensatory SWM Plan to avoid confusion.	
92	114	Page 1 Paragraph 3	Appendix C	Need to be more specific about how more environmental impacts won't result from this SWM effort and how they will be mitigated for. As the P3 can choose any sites (not just from this list) to move forward with, limitations on the amount of environmental resources allowed to be impacted cumulatively for this effort need to be set. Mitigation is not sufficient to compensate for impacts resulting from compensatory offsite SWM.	At this time impacts to resources have been avoided and minimized to the greatest extent practicable at this time. The P3 Developer/MDOT SHA will be responsible for further avoidance and minimization as indicated in the Compensatory SWM Plan and other NEPA documents. If further impacts occur as a result of using any compensatory SWM site or other sites, then a re-evaluation will need occur as indicated in the Compensatory SWM Plan.	MOU item
93	115	Page 1 Paragraph 3	Appendix C	Instead of prioritizing existing MDOT SHA ROW for offsite compensatory mitigation in a large geographic area (that becomes meaningless on a 6-digit HUC scale it is so large), instead this effort should be to concentrate on all untreated impervious areas within 1500' of the LOD. This would make the benefits seen by the compensatory mitigation meaningful to the location of the impacts and the surrounding waterways.	See response to #89/ #111	
94	116	Page 2 Figure 1-1	Appendix C	"Future Phases" is inconsistent with the rest of the SDEIS document. "No Build" should be used instead.	See response to comment #90/ #112	
95	117	Page 3 Paragraph 1	Appendix C	Stating that it is "desirable" for SWM to be met onsite is insufficient. The on-site SWM efforts shown are not enough; currently less than 45% of stormwater water quality treatment is proposed onsite. The percentage of on-site SWM treatment should be at least 80%, and then the remaining 20% that is offsite should occur within 1500' of the LOD corridor.	See response to #89/ #111	
96	118	Page 3 Paragraph 1	Appendix C	The MDE 6-digit watershed is too large in this case and puts the compensatory SWM sites too far away from the impacts. All off-site compensatory SWM mitigation should occur within 1500' of the LOD to be proximate and meaningful in its effect on the local water quality.	See response to comment #93/ #115	
97	119	Page 3 Paragraph 4	Appendix C	Property owners of proposed sites need to be notified sooner. Parks owns some of the proposed sites and we were previously unaware of their inclusion in this plan. We do not approve the use of any of these sites (or the LODs shown) without separate, further coordination to understand the impacts these are mitigating for.	Understood. The intent of the compensatory SWM Plan is to provide a list of sites which have been vetted through NEPA for use to meet the Phase 1 South SWM requirements. These sites still require final design, coordination, and permitting which will be completed by the P3 Developer/MDOT SHA.	MOU item
98	120	Page 3 Paragraph 4	Appendix C	The MDE 6-digit watershed, even overlaid with the Federal 8-digit HUC, is too large in this case and puts the compensatory SWM sites too far away from the impacts. All off-site compensatory SWM mitigation should occur within 1500' of the LOD to be proximate and meaningful in its effect on the local water quality.	See response to #89/ #111	
99	121	Page 4 Figure 2-1	Appendix C	Specify that this document only covers Phase I south. All other areas should be labeled "No Improvements"	See response to comment #90/ #112	
100	122	Page 5 Paragraph 1 and Paragraph 2	Appendix C	The SDEIS only covers Phase I south Alternative 9. The rest of alternative 9 is no improvements and those impacts should not be included in this document.	See response to comment #90/ #112	
101	123	Page 5 Paragraph 3	Appendix C	Be more specific about how the P3 will be incentivized to provide as much on-site SWM as possible. A minimum of 80% of water quality WM should be required to be treated onsite, with strong incentives to treat the remaining 20% on-site as well (or maybe through disincentivizing off-site compensatory SWM). All off-site SWM should be within 1500' of the LOD.	See response to #89/ #111	We did not find this in the RFP. Request clarification of where this is covered.
102	124	Page 5 Paragraph 4	Appendix C	Omit information for full alternative 9. It is confusing and not relevant – No Improvements are proposed there as the No Build option was selected for that area. Thus there should be no SWM treatment required for the area with no improvements.	See response to comment #90/ #112	
103	125	Page 5 Paragraph 4	Appendix C	92 onsite /114 offsite is less than 45% treated onsite. This is an unacceptable onsite/offsite ratio. A minimum of 167 acres of water quality SWM should be provided onsite.	See response to comment #90/ #112	
104	126	Page 5 Paragraph 5	Appendix C	Should be the number for Phase I South only (206), not the 351. Where no improvements/no build are proposed, there should not be impacts.	See response to comment #90/ #112	
105	127	Page 6 Table 3-1	Appendix C	This table is incredibly confusing. Simplify it by including only Phase I south numbers and dropping anything related to what you are calling future phases, which are really where there are No Improvements/No Build proposed.	See response to comment #90/ #112	

106	128	Page 6	Appendix C Section 4.1	MDOT SHA should consider outfall stabilization (using environmentally sensitive techniques) to be a type of compensatory SWM mitigation. SHA owns a plethora of severely eroding outfalls which send tons of sediment downstream each year. Given the status of SHA's storm drain infrastructure, this technique shows real improvement to the local waterways.	Currently outfall stabilization is not approved by MDE or MDOT SHA PRD for SWM IAT credit. If the guidance changes, the P3 Developer/MDOT SHA could revise the Compensatory SWM Plan IAT potential during final design and permitting and provide NEPA reevaluation for those sites.	MDOT SHA should restore degraded outfalls in addition to the required SWM. SHA owns a plethora of severely eroding outfalls which send tons of sediment downstream each year. Given the status of SHA's storm drain infrastructure, this technique shows real improvement to the local waterways. Outfall restoration could help SHA reach their stated goal of a net benefit to affected resources.
107	129	Page 6	Appendix C Section 4.1	Impervious removal, Chapter 3, and Chapter 5 facilities should account for at least 75% of the SWM compensatory mitigation, with stream restoration accounting for no more than 25% of the IAT.	See response to comment #89/ #111	
108	130	Page 6	Appendix C Section 4.1	All compensatory SWM sites should be within 1500' of LOD corridor for Phase I South.	See response to comment #89/ #111	
109	131	Page 7	Appendix C Section 4.1	Stream restoration for compensatory SWM mitigation should only take place in close proximity (1500') of the impacts and should only be proposed in watersheds with ample stormwater management already in place (low % of untreated impervious).	See response to comment #89/ #111	
110	132	Page 7	Appendix C Section 4.1	Specify stringent measures associated with tree loss for compensatory SWM sites. Since these sites could be avoided by choosing other sites, the threshold for tree loss should be low.	Tree loss at compensatory SWM sites will be minimized during design to the maximum extent practicable while still fulfilling the project purpose. Any mitigation will be conducted per Maryland Reforestation Law and landowner requirements, with an emphasis on replacing trees on-site whenever possible. The language in the Compensatory SWM Plan has been revised to indicate this.	Page 13, C-1 and C-23 of SW report (part 1) includes update with the Maryland Reforestation Law language.
111	133	Page 7	Appendix C Section 4.1	The credit potential of one-acre IAT credit per 100 linear foot stream restored is based on outdated crediting methodology. The project should be held to the most recent guidance at the time of permitting; at this time that is the June 2020 Wasteload Allocations Document.	For SWM approval, MDE has typically used the 2014 Wasteload Allocation Manual. The 1 IAT/100 LF is considered a conservative crediting approach compared to other possible methods and was used to ensure a conservative estimate of credit. Language is provided in the Compensatory SWM Plan indicating that 1 IAT/100 LF of stream restored will be re-evaluated during the final design and permitting process as the current guidance may change.	
112	134	Page 7	Appendix C Section 4.1	Of the 1,174 compensatory SWM sites, any outside of the corridor 1500' around the LOD should be automatically eliminated from this project.	See response to comment #89/ #111	
113	135	Page 8	Appendix C Section 4.2.1	Parks will need to review and approve any compensatory mitigation sites on Parkland for cultural resources impacts.	See response to comment #97/ #119	
114	136	Page 9	Appendix C Section 4.2.6	Only the most minimal wetlands and waterways impacts should be accepted, and to the lowest quality resources.	During the vetting of the compensatory SWM sites through the NEPA process, numerous sites were dropped from consideration due to significant impacts to wetlands/waterways or any impacts to high valued resources wetlands/waterways. The remaining compensatory SWM sites have impacts to wetlands/waterways that have been assumed to be acceptable for use based on the amount of impact and quality of the given resource.	
115	137	Page 10	Appendix C Section 4.2.8	After reviewing the maps, it is not true that all compensatory SWM sites that would incur a use of a Section 4(f) properties were eliminated. There are several stream restoration sites as well as a few Chapters 3/5 sites. Edit this statement for accuracy.	See response to #20	
116	138	Page 10	Appendix C Section 4.2.8	Montgomery Parks does not feel that good potential SWM opportunities should be eliminated due to their location on Parkland. Conversely, we have spent copious amounts of time working with the MDOT/SHA project team to identify and review potential offsite compensatory SWM opportunities on Parkland. Our priority remains to lessen the effects that this highway expansion will have on downstream waterways and properties, many of which are Parkland. Montgomery Parks is committed to being a partner in finding solutions to treat stormwater runoff and hold the project accountable for its environmental impacts. This includes the use of Parkland for compensatory stormwater mitigation when it can be effective.	See response to comment #115/ #137	
117	139	Page 11	Appendix C Section 4.4	See above. If sites fit all other criteria for compensatory SWM mitigation and are on Parkland, they should be discussed with the landowner and considered (not just unduly removed from consideration).	See response to comment #115/ #137	
118	140	Page 13 Table 4-3	Appendix C	Sites outside of the 1500' buffer surrounding the LOD should be removed from consideration. The majority of these 754 sites aren't even proximate to the impervious being installed.	See response to comment #89/ #111	
119	141	Page 13	Appendix C Section 5	The P3 should be held strictly accountable for treating a minimum of 80% of the SWM water quality onsite, and the remaining maximum of 20% within 1500' of the corridor.	See response to comment #89/ #111	
120	142	Page 14	Appendix C Section 5.1.8	This is inaccurate; section 4(f) land is included in this document.	See response to comment #115/ #137	
121	143	Page 15 Table 6-1	Appendix C	Table should include information for Phase I South only. All other areas are No Improvements/No Build.	See response to comment #90/ #112	
122	144	Page 16 Figure 6-1	Appendix C	This map shows how far away so many of the proposed sites are currently. All sites outside of within 1500' of the Phase I south LOD should be eliminated.	See response to comment #115/ #137	

123	145	Page 17 Figure 6-2	Appendix C	Delete graphic. Not relevant to Phase I South.	See response to comment #90/ #112	
124	146	Table 6-2	Appendix C	This table should include Phase I South only.	See response to comment #90/ #112	
125	147	Table 6-2	Appendix C	All sites not within 1500' of the LOD should be removed from consideration for this project.	See response to comment #115/ #137	
126	148	Table 6-2	Appendix C	Although the document states that parkland sites were removed, it appears that multiple park sites still remain on this list. Any sites will have to be vetted by Park staff prior to use and have all approvals/permissions issued prior to construction. To date no permissions have been granted or LODs approved for use of any Parkland for SWM compensatory mitigation. Parks are willing to work with the project team on good quality opportunities and coordinate accordingly as needed but need to be a part of the decision making and approval process.	See response to comment #115/ #137	
127	149	Appendix A Page A-3 Table A-2	Appendix C Compensatory SW Mitigation Plan	Stream restoration crediting should be updated to June 2020 Wasteload Allocations document guidance.	For SWM approval, MDE has typically used the 2014 Wasteload Allocation Manual. The 1 IAT/100 LF is considered a conservative crediting approach compared to other possible methods and was used to ensure a conservative estimate of credit. Language is provided in the Compensatory SWM Plan indicating that 1 IAT/100 LF of stream restored will be re-evaluated during the final design and permitting process as the current guidance may change.	
128	150	Appendix A Page A-3 Table A-2	Appendix C Compensatory SW Mitigation Plan	MDOT SHA should consider outfall stabilization (using environmentally sensitive techniques) to be a type of compensatory SWM mitigation. SHA owns a plethora of severely eroding outfalls which send tons of sediment downstream each year. Given the status of SHA's storm drain infrastructure, this technique could help improve the local waterways.	Currently outfall stabilization is not approved by MDE or MDOT SHA PRD for SWM IAT credit. If the guidance changes, the P3 Developer/MDOT SHA could revise the Compensatory SWM Plan IAT potential during final design and permitting and provide NEPA reevaluation for those sites.	MDOT SHA should restore degraded outfalls in addition to the required SWM.SHA owns a plethora of severely eroding outfalls which send tons of sediment downstream each year. Given the status of SHA's storm drain infrastructure, this technique shows real improvement to the local waterways. Outfall restoration could help SHA reach their stated goal of a net benefit to affected resources.
129	151	Appendix A Page A-4 Table A-3 and paragraph above	Appendix C Compensatory SW Mitigation Plan	Only numbers relevant to the development of Phase I south should be included. All other areas have no improvements proposed.	See response to comment #90/ #112	
130	152	Appendix A Page A-4 Table A-4	Appendix C Compensatory SW Mitigation Plan	Table should reflect only Phase I south. Sites further than 1500' outside of the LOD should be eliminated.	See response to comment #89/ #111	
131	153	Appendix A Page A-4 Table A-4	Appendix C Compensatory SW Mitigation Plan	Site summary needs to include the type of IAT crediting used. Stream restoration should only be used for a maximum of 25% of credits needed.	See response to comment #90/ #112	
132	154	Appendix A Table A-5	Appendix C Compensatory SW Mitigation Plan	Table should reflect only Phase I south. Sites further than 1500' outside of the LOD should be eliminated.	See response to comment #89/ #111	
133	155	Appendix A Table A-6	Appendix C Compensatory SW Mitigation Plan	Although the document states that parkland sites were removed, it appears that multiple park sites still remain on this list. Any sites will have to be vetted by Park staff prior to use and have all approvals/permissions issued prior to construction. To date no permissions have been granted or LODs approved for use of any Parkland for SWM compensatory mitigation. Parks are willing to work with the project team on good quality opportunities and coordinate accordingly as needed, but need to be a part of the decision making and approval process.	See response to #20	
134	156	Appendix B	Appendix C Compensatory SW Mitigation Plan	All park sites will need to be evaluated by Parks Cultural Resources staff.	See response to comment #89/ #111	
135	157	Appendix C	Appendix C Compensatory SW Mitigation Plan	Forest impacts in Parkland will also require Park mitigation.	Understood. The intent of the compensatory SWM Plan is to provide a list of sites which have been vetted through NEPA for use to meet the Phase 1 South SWM requirements. These sites still required final design, coordination, and permitting which will be completed by the P3 Developer/MDOT SHA.	MOU item. If list is in ROD the P3 can use.
136	158	Appendix D	Appendix C Compensatory SW Mitigation Plan	Should reflect only Phase I south. Sites further than 1500' outside of the LOD should be eliminated.	See response to comment #89/ #111	
137	159	Appendix E	Appendix C Compensatory SW Mitigation Plan	Should reflect only Phase I south. Sites further than 1500' outside of the LOD should be eliminated.	See response to comment #89/ #111	
138	160	Appendix F	Appendix C Compensatory SW Mitigation Plan	Should reflect only Phase I south. Sites further than 1500' outside of the LOD should be eliminated.	See response to comment #89/ #111	

139	161	Appendix G	Appendix C Compensatory SW Mitigation Plan	Should reflect only Phase I south. Sites further than 1500' outside of the LOD should be eliminated.	See response to comment #89/ #111	
140	162	Appendix G Page G-1 last paragraph	Appendix C Compensatory SW Mitigation Plan	Parkland use may also require Parkland mitigation. Parkland use shall require coordination with and approval by Parks.	See response to comment #97/ #119	
141	163	Appendix H	Appendix C Compensatory SW Mitigation Plan	Should reflect only Phase I south. Sites further than 1500' outside of the LOD should be eliminated.	See response to comment #89/ #111	
142	164	Appendix H Page H-1 Section 2	Appendix C Compensatory SW Mitigation Plan	Although the document states that parkland sites were removed, it appears that multiple park sites still remain on this list. Any sites will have to be vetted by Park staff prior to use and have all approvals/permissions issued prior to construction. To date no permissions have been granted or LODs approved for use of any Parkland for SWM compensatory mitigation. Parks are willing to work with the project team on good quality opportunities and coordinate accordingly as needed but need to be a part of the decision making and approval process.	See Response to # 20	
143	165	Appendix H Page H-1/2 Table H-1	Appendix C Compensatory SW Mitigation Plan	Any Montgomery Parks sites will have to be vetted by Park staff prior to use and have all approvals/permissions issued prior to construction. To date no permissions have been granted or LODs approved for use of any specific Parkland for SWM compensatory mitigation. Parks are ready to work with the project team on good quality opportunities to effectively treat stormwater on Parkland and be a partner in lessening the effects of this roadway on downstream waterways.	See response to comment #97/ #119	
144	166	Appendix H Table H-2	Appendix C Compensatory SW Mitigation Plan	Any Montgomery Parks sites will have to be vetted by Park staff prior to use and have all approvals/permissions issued prior to construction. To date no permissions have been granted or LODs approved for use of any specific Parkland for SWM compensatory mitigation. Parks are ready to work with the project team on good quality opportunities to effectively treat stormwater on Parkland and be a partner in lessening the effects of this roadway on downstream waterways.	See response to comment #97/ #119	
145	167	Appendix I	Appendix C Compensatory SW Mitigation Plan	Should reflect only Phase I south. Sites further than 1500' outside of the LOD should be eliminated.	See response to comment #89/ #111	
146	168	Appendix J	Appendix C Compensatory SW Mitigation Plan	Should reflect only Phase I south. Sites further than 1500' outside of the LOD should be eliminated.	See response to comment #89/ #111	
147	169	Appendix J	Appendix C Compensatory SW Mitigation Plan	Electronic utility information is available from most utility owners and could have better informed of this investigation.	Readily available digital utility information was utilized during the vetting of the compensatory SWM sites. In addition, the field investigations performed by the WR and NR teams and street view imagery were leveraged to provide additional utility assessment. The P3 Developer/MDOT SHA will be required to obtain detailed utility information for sites during final design to demonstrate feasibility and constructability.	
148	170	Appendix K	Appendix C Compensatory SW Mitigation Plan	Should reflect only Phase I south. Sites further than 1500' outside of the LOD should be eliminated.	See response to comment #89/ #111	
149	171	Appendix M	Appendix C Compensatory SW Mitigation Plan	Should reflect only Phase I south. Sites further than 1500' outside of the LOD should be eliminated.	See response to comment #89/ #111	
150	172	Appendix L	Appendix C Compensatory SW Mitigation Plan	Should reflect only Phase I south. Sites further than 1500' outside of the LOD should be eliminated.	See response to comment #89/ #111	
151	173	Appendix L Map 25 Site WAS 4457	Appendix C Compensatory SW Mitigation Plan	Coordination with M-NCPPC and WSSC is needed for approval of use of this site. LOD not approved.	See response to comment #97/ #119	
152	174	Appendix L Map 36	Appendix C Compensatory SW Mitigation Plan	Coordination with M-NCPPC is needed for approval of use of this site. LOD not approved.	Understood. The intent of the compensatory SWM Plan is to provide a list of sites which have been vetted through NEPA for use to meet the Phase 1 South SWM requirements. These sites still required final design, coordination, and permitting which will be completed by the P3 Developer/MDOT SHA. Should be noted the LOD associated with sites WAS-4347 and WAS-4349 are adjacent to MNCPPC property but do not impact. The other sites do not appear to impact or be adjacent to MNCPPC property.	Will look at site and GIS files provided.
153	175	Appendix L Map 38 WAS 4038	Appendix C Compensatory SW Mitigation Plan	Coordination with M-NCPPC is needed for approval of use of this site. LOD not approved.	Understood. The intent of the compensatory SWM Plan is to provide a list of sites which have been vetted through NEPA for use to meet the Phase 1 South SWM requirements. These sites still required final design, coordination, and permitting which will be completed by the P3 Developer/MDOT SHA. Should be noted the LOD associated with the site is adjacent to MNCPPC property but does not impact.	Will look at site and GIS files provided.
154	176	Appendix L Map 40 MPOC_008	Appendix C Compensatory SW Mitigation Plan	Coordination with M-NCPPC is needed for approval of use of this site. LOD not approved.	See response to comment #97/ #119	
155	177	Appendix L Map 101 MPAO_0022-Backup	Appendix C Compensatory SW Mitigation Plan	Coordination with M-NCPPC is needed for approval of use of this site. LOD not approved.	See response to comment #97/ #119	

156	178	Appendix L Map 106 WAS- 2505 & WAS- 2506	Appendix C Compensatory SW Mitigation Plan	Coordination with M-NCPPC is needed for approval of use of this site. LOD not approved.	Understood. The intent of the compensatory SWM Plan is to provide a list of sites which have been vetted through NEPA for use to meet the Phase 1 South SWM requirements. These sites still required final design, coordination, and permitting which will be completed by the P3 Developer/MDOT SHA. Should be noted the LOD associated with these sites are adjacent to MNCPPC property but do not impact.	Will look at site and GIS files provided.
157	179	Appendix L Map 108 MO_0029	Appendix C Compensatory SW Mitigation Plan	Coordination with M-NCPPC is needed for approval of use of this site. LOD not approved.	See response to comment #97/ #119	
158	180	Appendix L Map 115 all sites	Appendix C Compensatory SW Mitigation Plan	Coordination with M-NCPPC is needed for approval of use of this site. LOD not approved.	See response to comment #97/ #119	
159	181	Appendix L Map 136 MO_00018	Appendix C Compensatory SW Mitigation Plan	Coordination with M-NCPPC is needed for approval of use of this site. LOD not approved.	See response to comment #97/ #119	
160	182	Appendix L Map 186 MPAO_0014	Appendix C Compensatory SW Mitigation Plan	Coordination with M-NCPPC is needed for approval of use of this site. LOD not approved.	See response to comment #97/ #119	
161	183	Appendix L Map 208 SSS- 150023	Appendix C Compensatory SW Mitigation Plan	Coordination with M-NCPPC is needed for approval of use of this site. LOD not approved.	See response to comment #97/ #119	
162	184	Appendix L Map 210 MPOC_009	Appendix C Compensatory SW Mitigation Plan	Coordination with M-NCPPC is needed for approval of use of this site. LOD not approved.	See response to comment #97/ #119	
163	185	Appendix L Map 211 MO_00047A	Appendix C Compensatory SW Mitigation Plan	Coordination with M-NCPPC is needed for approval of use of this site. LOD not approved.	See response to comment #97/ #119	
164	186	Appendix L Map 212 WAS_5308	Appendix C Compensatory SW Mitigation Plan	Coordination with M-NCPPC is needed for approval of use of this site. LOD not approved.	See response to comment #97/ #119	
165	187	Appendix L Map 213 MPAO_0015	Appendix C Compensatory SW Mitigation Plan	Coordination with M-NCPPC is needed for approval of use of this site. LOD not approved.	See response to comment #97/ #119	
166	188	Page 4-22	Chapter 4 4.6.3 Environmental Consequences	Noise/visual barrier should be pursued for all areas of parkland. Parks expectation that any areas shown with retaining wall adjacent to parkland within Phase 1 South, should also incorporate noise wall/visual barrier.  In addition to the noise/visual barriers requires landscape plantings adjacent to all wall/barrier locations, include planting of specifically designed vegetative buffers. This would consist of plantings at least 5m wide with a diverse type of woody plants planted at a higher density. As far as the Visual Screening Options memo, Parks would like some discussion about the construction techniques and minimum footprints required to construct Timber Noise Barriers and Concrete Noise Barriers in conjunction with/on top of retaining walls. The LOD construction offset to the proposed retaining walls is shown in the most recent plans at approx. 15', Parks needs to understand any additional impacts being incurred as a result of adding this element to the design. Parks could be open to a combination of timber and concrete noise barriers along all parkland and would want to work with them to identify what is most appropriate in each area and look at heights that would be meaningful.	Noise barriers are currently proposed in all areas where a barrier is warranted due to noise impacts and has been determined to be reasonable and feasible according to MDOT SHA's noise policy. MDOT SHA is currently investigating the possibility of providing visual barriers adjacent to M-NCPPC parks where noise barriers are not warranted. Further coordination of these efforts with M-NCPPC will be completed and if it is determined that any proposed visual barriers would be included, those barriers will be documented as part of the final mitigation plan in the FEIS/Final Section 4(f) Evaluation.	
167	189	Map 4	Environmental Resource Mapping Appx D	Add noise wall STA 192+50 to 197+00 on west side and 195+00 to 220+00 on east side.	See response to comment #24/ #46	
168	190	Map 5	Environmental Resource Mapping Appx D	Add noise wall STA 203+00 to 220+00 and along River Road on east side.	See response to comment #24/ #46	
169	191	Map 12	Environmental Resource Mapping Appx D	Add noise wall STA 3683+00 to 3680+00 along east side and STA 3684+00 to 3669+00.	See response to comment #24/ #46	
170	192	Map 13	Environmental Resource Mapping Appx D	Add noise wall STA 3669+00 to 3619+00 on west side.	See response to comment #24/ #46	
171	193	Page 4-13	Section 4.4.3 B b	Parks does not recognize any NCPC authority over the Cabin John Regional Park or Cabin John SVU2. SHA and NCPC will have to provide clear documentation that those parks were purchased with Capper-Cramton funds.	MDOT SHA has requested documentation from National Capital Planning Commission regarding CCA funds for these two parks. Their response is pending; therefore the SDEIS includes a footnote: "Note: 1Additional research is necessary to determine whether these specific parks were acquired with Capper-Cramton Act funding. If research reveals they were not funded through Capper-Cramton Act, the change will be reflected in the FEIS."	
172	194	Page 4-47	Chapter 4 Section 4.11.4	M-NCPPC expects E&S measures beyond what is required to protect aquatic resources on park land	Thank you for your comment. E&S measures will meet all state requirements.	MOU item for specific ESC on parkland.

173	195	Page 4-49	Chapter 4 Section 4.12.3	SHA is considering the impact area of the preferred alternative to have been significantly reduced, this implies that the rest of the alignment outside of Phase 1 should be clearly labeled as "no build" and any future improvements would require a new NEPA process.	The limits of the Managed Lanes Study remain the same and include 48 miles. The Preferred Alternative was chosen largely in response to public and agency comments to focus the build improvements west of the I-270 spurs specifically to avoid residential/business displacements, significant stream valley parks, NPS resources and historic resources. Therefore, it is appropriate to state that these resources have, in fact, been avoided through development of a new alternative that was responsive to comments received. Any future improvements outside of the limits of the build improvements would advance separately and would be subject to additional environmental studies and analysis and collaboration with the public, stakeholders and agencies.
174	196	Page 4-49	Chapter 4 Section 4.12.3	Indirect impacts to wetlands and waterways should be mitigated for by the construction of environmental stewardship projects design to enhance and protect the environment.	The 404 mitigation package will mitigate for direct and indirect impacts to wetlands and waterways. Additional parks mitigation will be coordinated with M-NCPPC prior to the FEIS.
175	197	Page 4-50 to 4-55	Chapter 4 Section 4.13	Parks requires further coordination for the impacts to wetlands and waterways on parkland as listed in table 4-24, 4-26 and 4-27.	MDOT SHA has been and will continue to coordinate with M-NCPPC parks regarding wetland and waterway impacts on parkland and potential mitigation. The referenced tables include impacts to all properties within Phase I South, not just park impacts. The 404 mitigation package will mitigate for impacts to wetlands and waterways. Additional parks mitigation will be coordinated with M-NCPPC prior to the FEIS.
176	198	Page 4-56	Chapter 4 Section 4.13	Parks requires further coordination for the impacts to forest impacts on parkland and potential mitigation.	MDOT SHA has been and will continue to coordinate with M-NCPPC regarding forest impacts on parkland and potential mitigation. MDOT SHA will coordinate development of a conceptual forest mitigation approach for impacts on M-NCPPC property for inclusion in the FEIS. The final forest mitigation plan will be developed by the Developer in conjunction with MDOT SHA and the affected jurisdictions and landowners including M-NCPPC during the final design phase of the project.
177	199	Page 4-57	Chapter 4 Section 4.13.3	Parks requires further coordination for the increase in impervious areas, 98.2 acres of impervious added to Cabin John Creek watershed and other impacts listed in Table 4-28. Discuss BMPs being employed and long-term water quality impacts. SHA should commit to environmental stewardship projects in the watershed that are above and beyond required stormwater management and 404 mitigation.	Thank you for your comment. MDOT SHA has been and will continue to coordinate with M-NCPPC regarding BMPs and water quality impacts. MDOT SHA previously committed to environmental enhancements that would provide meaningful benefits to adjacent resources to improve the values, services, attributes and functions which may be compromised including water quality improvements, stream restoration, and removal of invasive species on county parkland. Any enhancements involving M-NCPPC properties will be coordinated with M-NCPPC and will be documented in the FEIS/Final Section 4(f) Evaluation.
178	200	Page 4-59	Chapter 4 Section 4.13.4	Parks requires further coordination for avoidance and minimization through design and construction. Work to coordinate retention and addition of riparian buffers as well as aquatic passage through structures. Retain floodplain access and preserve existing stream buffers. Increase SWM techniques to improve water quality.	MDOT SHA has been and will continue to coordinate with MNCPPC parks regarding wetland and waterway impacts on parkland and potential mitigation. The developer will coordinate with MNCPPC on specific avoidance and minimization techniques in final design. Aquatic passage was considered when designing augmented culverts. MDOT SHA is working with MDNR to determine high priority aquatic passage locations. Decreases to floodplain access and impacts to stream buffers have been minimized to the greatest extent possible. SWM techniques will be implemented wherever practicable to improve water quality.
179	201	Page 4-59	Chapter 4 Section 4.14.4	The project needs to commit to significantly improving the Provided ESD surface area to a minimum of 80% of the Required ESD onsite (allowing for a maximum of 20% to be treated with the use of compensatory SWM mitigation offsite). These highways can be considered the worst water quality offenders in the County 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.	MDOT SHA is committed to providing ESD to the MEP onsite as required by Maryland law. Due to multiple constraints including private residential and commercial property, WUS/wetlands, steep slopes, 4f property, etc. the SWM preliminary design could not provide all ESD onsite. As the SWM design progresses, the developer will be incentivized to provide ESD to MEP onsite because there is a 20% banking fee for providing SWM offsite.
180	202	Page 4-61	Chapter 4 Section 4.15.3	Parks requires further coordination for culvert augmentations and floodplain encroachments on Parkland to reduce impacts to hydrologic function and wildlife habitat.	MDOT SHA has been and will continue to coordinate with M-NCPPC regarding culvert augmentation and floodplain encroachments on parkland and potential mitigation for inclusion in the FEIS and ROD.
181	203	Page 4-66	Chapter 4 Section 4.16.2	Further coordination on impacts to forested areas on Parkland, including impacts FIDS habitat species and NNI treatment. Coordinate reforestation on and offsite. SDEIS lists 9.5 acres of potential tree planting opportunities on M-NCPPC Parkland.	MDOT SHA will continue to coordinate with M-NCPPC parks regarding forest impacts on parkland and potential mitigation, including NNI treatment and reforestation opportunities. MDOT SHA identified 9.5 acres of potential tree planting opportunities and provided the locations of those potential planting sites to M-NCPPC for feedback in June 2021.
182	204	Page 4-69	Chapter 4 Section 4.18.2	Indirect impacts to wetlands and waterways should be mitigated for by the construction of environmental stewardship projects design to enhance and protect the environment.	The mitigation package is intended to mitigate for direct and indirect impacts to wetlands and waterways. MDOT SHA previously committed to environmental enhancements that would provide meaningful benefits to adjacent resources to improve the values, services, attributes and functions which may be compromised including water quality improvements, stream restoration, and removal of invasive species on county parkland. Any enhancements involving M-NCPPC properties will be coordinated with M-NCPPC and will be documented in the FEIS/Final Section 4(f) Evaluation.
183	205	Page ES-11	Section ES	This table notes that there are 2 historic properties where the adverse effect cannot yet be determined. It should also note that there are a number of outstanding evaluations to determine if properties are eligible for the NR or not. The total number of Historic Properties is not yet determined, nor is the adverse effect on them.	Section 106 consultation will resolve that no properties remain without an effect determination prior to the FEIS; all properties have effect determinations as of September 2021. Continued Phased archaeological work may result in additional properties being identified later, but we cannot predict the results. The SDEIS documents effects to known historic properties.
184	206	Page 4-4	Section Table 4-1	Same as above.	Section 106 consultation will resolve that no properties remain without an effect determination prior to the FEIS; all properties have effect determinations as of September 2021. Continued Phased archaeological work may result in additional properties being identified later, but we cannot predict the results. The SDEIS documents effects to known historic properties.

185	207	Page 4-25	Section 106 Consult	SDEIS states two archaeological sites were identified on BARC in Montgomery County. BARC is in PG County, not Montgomery.	Correct, delete the phrase "In Montgomery County"
186	208	Page 4-28	Section Archaeological Resources	Same as above – BARC and sites 18PR113 and 18PR1190 are in PG County, based on the site forms in MHT's MEDUSA system.	Correct, delete the phrase "In Montgomery County"
187	209		General	We reiterate our ongoing concern that the DEIS is being reviewed before all the potential Historic Properties have been fully evaluated under Section 106 of NHPA and without a clear understanding of the number and kind of Historic Properties within the APE. This work is also happening before the Programmatic Agreement is finalized and the preferred APE is clearly defined. The project impacts to Historic Properties are currently not fully known.	MDOT SHA has completed historic properties inventory on all accessible property. A small amount of archaeological work (inventory and Phase II) is slated to be completed under the Programmatic Agreement, Section 106 specifically allows both Phased Identification 36 CFR 800.4(b)(2) and 36 CFR 800.14(b).

Comments from MNCPPC\_3\_MCPlanning\_SDEIS\_8.19.21

1	1		General	<p><b>TTIs for Managed Lanes:</b> TTI results are not presented for the managed lanes in any of the documentation. Please provide this information. We assume that it is typically better than either the No Build or the Preferred Alternative. It would be useful to know where the managed lanes will be more heavily used/constrained along the facility.</p> <p><b>Generalization/Overstatements on Project Benefit:</b> The paragraph summarizing the Preferred Alternative's Transportation &amp; Traffic conditions states that the Preferred Alternative will ""increase speeds, improve reliability, and reduce travel times and delays." In reviewing the Chapter 3 (Transportation &amp; Traffic), however, there appear to be multiple segments where this will not be the case. It appears to be inaccurate to make this assertion without further detail and refinement.</p>	<p>For consistency in reporting, the SDEIS included the same MOEs as the DEIS, but TTI values in the managed lanes would be in the uncongested category for all segments. Additional information regarding the operations of the managed lanes under the Preferred Alternative has been added to Appendix A, Attachment C and Attachment F.</p> <p>Text added in ES and Chapter 3 to note that these benefits will be achieved along the majority of the study area under the Preferred Alternative, but not all areas.</p>
2	2		ES-11 and Chapter 3	<p><b>Need for More Environmental Metrics:</b> Table ES-1 should include additional environmental metrics, such as those pertaining to air quality &amp; emissions, indirect impacts of how this project may enable environmentally damaging development patterns, how this project may erode Non-Auto Drive Mode Share efforts, and impacts to VMT.</p>	<p>Table ES-1 is a summary of key environmental resources. It is not intended to provide all detailed impacts. Those are included in Chapter 4 and the appendices if applicable.</p>
3	3	ES-11		<p><b>Effects of Covid-19:</b> It may be helpful to include a line on the COVID Traffic Impacts graph in the SDEIS that shows where trending traffic growth would have been expected to be were the pandemic not to have occurred. Even if traffic were to return to the 0% mark on this graph, there remains a year and a half of lost traffic growth that would have extended the ""normal target"" above the 0% line. This also does not capture that the timing and nature of trips has shifted during the pandemic.</p>	<p>Text added in Section 3.1.4 to note that the anticipated growth between 2019 and 2021 has been considered. This growth would have been less than 1% per year, so the difference between 2019 and 2021 volumes would be minor. The timing and nature of the trips that have shifted during the pandemic are explained in Appendix B.</p>
4	4		Section 3.1.4	<p>Where BRT facilities are master planned, please include BRT facilities across the 270 and 495 corridors at interchanges.</p>	<p>The North Bethesda Transitway identified in the Countywide Transit Corridors Functional Master Plan is the only BRT facility corridor that crosses the interstates with the Phase 1 South limits. Other BRT corridors cross I-495 within the Study Limits, but outside of the improvement limits. The segment of the North Bethesda Transitway that crosses the I-270 east spur and I-270 west spur along MD 187 and Westlake Terrace includes dedicated lanes for BRT; however, specific treatment for dedicated lanes has not been designated. The bridge reconstruction and typical section needs will be discussed in upcoming coordination meetings and potential, specific improvements will be detailed in the FEIS.</p>
5	5		Section 2.3.7 & 2.4	<p><b>Ramp Operational Analyses:</b> For this section and in general, have operational analyses been performed for the interchange ramps and ramp terminal intersections on the interchange cross streets? Section 3.3.6 provides information about overall network delay to the local roadway network, but there is language about some increased delays around managed lane entrance points on the cross streets. Were just the ramps and ramp terminal intersections modeled, or did the model continue on either side of the interchange to get a clearer representation of these cross street operations in the vicinities of interchanges? We want to be sure that operational benefits to the freeway system do not result in operational failures or safety concerns on the ramps or cross streets, so it would be beneficial to have an idea of any localized issues as well.</p>	<p>The model includes the cross streets on either side of the interchanges, and the impacts to these locations are reflected in the results presented in the SDEIS. The SDEIS included the same metrics as the DEIS, which focused on overall benefits to compare alternatives. The FEIS and IAPA will include more details regarding operations of the Preferred Alternative at specific locations once the design is refined and finalized, including at interchange ramps and ramp terminal intersections, as well as a discussion of any operational failures or safety concerns on the ramps and cross streets, with proposed mitigation.</p> <p>These issues should be explored in detail in the Interstate Access Approval Process. We do not agree that the local road access evaluation has been adequate for an environmental impact study.</p>
6	6		Chapter 3	<p><b>AADT Increases with Proposed Project:</b> Table 3-3 shows 2045 Build Traffic. The Build alternatives show ADTs that are higher than No-Build. It may be helpful to discuss this growth in the context of induced demand and diverted trips: are these additional trips new trips? Are they trips that were occurring at different times, or that were using different routes? Are they trips that have shifted from non-auto modes? All these trip types need to be quantified to fairly understand how the proposed project is changing mode choice and travel characteristics.</p> <p><b>Travel Speeds:</b> While this section alludes to more detailed travel speed information in Appendix A, it may be helpful to provide a general note highlighting any significant speed benefits or impedances experienced on a segment level, which may be watered down by taking an average of a much longer corridor.</p> <p><b>System-Wide Delay:</b> The Delay metric appears to combine both General Purpose and Managed Lanes. As such, this is not a particularly useful metric.</p>	<p>On page 3-8, the text describes this increase as being the result of the freeways accommodating latent demand under the Build condition</p> <p>Comment noted. The intent of the SDEIS was to provide the same level of detail for the Preferred Alternative as was included in the DEIS for the other alternatives. More detailed travel speeds are included in Appendix A, as noted.</p> <p>As the agency responsible for providing a safe, well-maintained, reliable highway system, MDOT SHA believes that system-wide metrics are useful when evaluating alternatives.</p>
7	7		Section 3.3		
8	8		Section 3.3		
9	9		Section 3.3.2		

10	10	Section 3.3.3	<p><b>Worsening of General Purpose Lanes:</b> This project claims to improve traffic, but the project's analysis finds that in there are significant segments where the General Purpose lanes worsen significantly as compared to No Build conditions. Does MDOT accept degraded performance of the General Purpose lanes in the interest of providing priced managed lanes? Penalizing current users of these roads does not seem to be consistent with the stated policy objectives of this program. If MDOT does accept this outcome, it is imperative that equity be considered, and actions be incorporated into the project to address the needs of users that are most adversely impacted.</p>	<p>The goal of the project is to provide improved operations for all users in the managed lanes, general purpose lanes, and the surrounding roadway network. It is understood that the preferred alternative does not provide traffic operations as good as some of the other alternatives evaluated in the DEIS (such as Alternative 9 and Alternative 10), but it was chosen based on feedback from stakeholders, including M-NCPPPC, to prioritize eliminating impacts to the top side of I-495 while providing tangible operational benefits to the system.</p>	<p>The response is non-responsive to the question "Does MDOT accept degraded performance of the General Purpose Lanes in the interest of providing priced managed lanes?" The specific question asked about degradation of conditions between the proposed action and the No Build alternative.</p>
11	11	Section 3.3.3	<p><b>Project Purpose and Need and Proposed Project:</b> The project's Purpose &amp; Need includes creating new options for users, but the Preferred Alternative instead appear to reduce options available to users unable to afford or otherwise access the managed lanes</p>	<p>The Preferred Alternative does not reduce options available. New options also include toll-free travel for buses and HOV 3+ in the managed lanes. If users are unable to take advantage of the managed lanes, they still have the option to drive in the same GP lanes that exist today.</p>	<p>Non-Responsive to the equity portion of the comment.</p>
12	12	Section 3.3.5	<p><b>Level of Service Metric:</b> The Level of Service metric appears to combine both General Purpose and Managed Lanes. As such, this is not a particularly useful metric.</p> <p>The aggregate nature of this metric may allow the effects of the managed lanes or the general purpose lanes to be over representative, and we urge that this metric account separately for managed lanes and general purpose lanes.</p> <p><b>I-270 ICMS Project:</b> The ICMS document stated that there would be transportation benefits from their proposed actions up to 2040 and beyond. Given that this was a \$100M investment from the state, how much of those improvements will actually contribute to alleviating the 2045 No Build condition? How much of the Preferred Alternative actually removes or significantly modifies the improvements spent on the ICMS project? Clearly, given the abrupt decision of the MDOT SHA design team to re-design the build alternatives on I-270 mid-stream to eliminate the express/local lane system, why was this not considered in the ICMS project? In hindsight, this appears to be a very shortsighted, short-term decision that will never achieve the cost-benefit ratios projected.</p>	<p>The metrics evaluated in the SDEIS are the same as were evaluated in the DEIS. Some metrics, like LOS, use aggregate results, while others (such as TTI and average speed) look specifically at the GP lanes.</p> <p>TSM/TDM is already being implemented along I-270 as part of the I-270 ICM project. The ICM project is designed to address existing issues and short-term needs, unlike the Managed Lanes Study, which includes addressing long-term traffic growth as part of the purpose and need.</p> <p>The Managed Lanes Study is compatible with the improvements implemented under the I-270 ICM project. Most of the ICM improvement will be maintained, including ramp metering, auxiliary lane improvements in multiple locations along both directions of I-270 south of I-370, and all improvements north of I-370.</p>	
13	13	General			
14	14	Section 4.1	<p>This section should include information on how this project will affect land use &amp; zoning beyond the immediate impacts of the project. This includes a focus on how this may affect environmentally damaging development patterns and efforts toward Non-Auto Driver Mode Share (NADMS) goals.</p>	<p>The indirect and cumulative effects analysis takes into account past, present and future land use beyond the immediate direct impacts. The reduced, Phase 1 South limits of the Preferred Alternative would result in a substantial reduction in the ICE analysis footprint, as a result, a reduced potential for indirect and cumulative effects. A broad assessment of the indirect and cumulative effects that are likely to occur with the proposed development of the Preferred Alternative is included in the SDEIS. Refer to DEIS, Chapter 4, Section 22 and DEIS, Appendix O, Section 3 for the indirect and cumulative effects analysis of the DEIS Build Alternatives. The final indirect and cumulative effects analysis on the Preferred Alternative will be included in the FEIS.</p>	<p>Non-Responsive to the NADMS portion of the comment. Non-Auto Driver Mode Share is a critical element in many of Montgomery County's Master Plans. The effect of the proposed action on this metric must be evaluated in the FEIS.</p>
15	15	Section 4.8.1	<p>This page includes the following statement: "Because the new Preferred Alternative, Alternative 9: Phase 1 South, includes no action for the majority of the study area, the affected network was updated to focus on just those segments near the project area..." This does not appear to be an appropriate assumption, as the Transportation &amp; Traffic chapter demonstrates that the Preferred Alternative will have increased vehicle volumes throughout the entire study area, and additional congestion in multiple segments within the study area. These impacts must be included for a complete analysis. It is also unclear whether local roadways have been included in this analysis, particularly noting the lack of Transportation &amp; Traffic information on these same roadways.</p>	<p>See response to comment #1/ #23</p> <p>The traffic analysis area for the DEIS extended beyond the Study limits to capture upstream and downstream effects. Evaluation of the Preferred Alternative in the SDEIS used the same limits for the VISSIM simulation models as in the DEIS, as shown in Figure 3-1 and listed below:</p> <ul style="list-style-type: none"> <li>•I-495 from VA 193 in Virginia across the American Legion Bridge (ALB) and through the state of Maryland to the Woodrow Wilson Bridge</li> <li>•I-270 from the I-70 ramp merges to I-495, including the East and West Spurs</li> </ul>	

**GHG Emissions:** This page includes the following statement: "GHG emissions on the affected transportation network for all modeled Build Alternatives in the DEIS are projected to be lower in the opening (2025) and design (2040) years compared to base year conditions. All Build Alternatives are projected to slightly increase annual tailpipe GHG emissions by an average of 1.4 percent compared to the No Build Alternative in 2040."

First, it sounds like the 1st sentence says this will have lower emissions, but the 2nd sentence says this will have higher emissions. How do these differ? Is it that the 1st sentence appears to account for \*all\* GHG emissions, and the 2nd sentence appears to focus only on tailpipe GHG emissions? More detail is needed.

Second, if this is asserting that the project will reduce emissions: much more detail is needed on methodology and assumptions, as this result seems counterintuitive given that the project is increasing vehicle volumes and VMT. Noting the State's interest in Electric Vehicles: if electric vehicles are a substantive part of this reduction, it will be important to account for the impacts of the electric vehicles themselves.

Electric vehicles have substantial impacts:

- Extracting the resources needed for their production (particularly their batteries)
- Impacts of production
- Energy requirements, which at present is generated through unsustainable & polluting sources
- Severely impactful waste issues (again largely due to the batteries)
- EVs are still vehicles: they demand pavements (concrete and asphalt; both depend on highly impactful cement and petroleum production) and pose safety risks that erode Non-Auto and Vision Zero efforts.

**Percent of Lane-Miles Operating at LOS F:** Do these results include the managed lane-miles or just the general-purpose lane-miles? If it includes the managed lanes, we request that this section be modified to also provide a comparison of percent lane-miles between the No Build and the Preferred Alternative in the General-Purpose Lanes only.

**I-495 east of I-270 LOS F conditions:** It is stated that "29 percent of the lane miles would continue to operate at LOS F in the design year of 2045 under the Preferred Alternative, primarily in areas along I-495 east of the I-270 east spur that would have no action." This statement does not seem accurate, as AM peak hour conditions will grow considerably worse overall in certain sections of I-495 due to the proposed project. The localized summary of impacts has not been presented in Table 3-9 or anywhere in the SDEIS.

Between MD 355 (I-270 East Spur) and I-95, there are 52 Inner Loop analysis segments totaling 8.8 miles. During the 2045 AM Peak Hour, 20 of these segments (3.4 miles or 39 percent of this section of I-495) operate at LOS F in the No Build Condition, but 46 segments (8.28 miles or 94 percent of this section of I-495) operate at LOS F with the Preferred Alternative in place. Clearly, neither the Chapter 3 presentation nor Appendix A provides any of this fine-grained analysis or conclusions. The data in Attachment F had to be combed through to discover this significant impact. This evaluation should be enhanced to look at discrete sections of I-270 and I-495 where significant congestion effects should be noted, acknowledged, and considered for mitigation through modification of the proposed project by design element changes or toll strategy modifications. This degradation seems to be a significant impact of the proposed project, but it has been overlooked using a simplistic and abbreviated summary of LOS F conditions. Frankly, an over-simplification of analysis results is not isolated to this one example. To often, EISs in the interest of brevity, shorten presentations so much to the point where any significant conclusions are not discernable to the average reader. The DEIS chapters are intended to lay out the **significant impacts** with more detail provided in Appendices. This document misses this on LOS F, and many of the other transportation metrics studied

**2045 Inner Loop PM Peak Hour VISSIM Travel Speed in the Managed Lanes:** During the PM peak hour, the route from the GW Parkway to the I-270 West Spur is projected is projected to take only 4.2 minutes for a 4.3-mile section of road (61 mph), not the 23 mph reported in Table 3-5. The 4.2-minute travel time was obtained from Appendix A - Attachment D - Travel Time Matrices for the ETL (PM Peak Hour). There must be an error in one of these travel time/speed measurements as they do not match.

To clarify the first sentence in question: We are saying that the modeled GHG emissions in both 2025 (what we call the opening year in the air analysis) and 2040 (the design year) are projected to be lower for all of the Build Alternatives presented in the DEIS when compared to the modeled emissions for the existing condition (2016 or base year). In other words, compared to today (2016), the projected GHG emissions in 2025 and 2040 would be lower regardless of which alternative was chosen.

To clarify the second sentence in question: When comparing the modeled No Build Alternative in 2040 to each of the Build Alternatives in 2040, there is a slight increase (1.4% average) in GHG emissions seen in the Build Alternatives. So compared to the No Build Alternative in the design year (2040), any Build Alternative could be expected to result in approximately 1.4% higher GHG emissions than the No Build condition in 2040.

The decrease in GHG over time (from existing to design year - first sentence) can be attributed to improvements in fuel and vehicle technologies and standards that are accounted for in the MOVES model. Electric vehicles are accounted for in the project level analysis as a part of the MOVES model based on their presence in the fleet data we received from MWCOG. At a program level, electric vehicles are one of the strategies MDOT is exploring as part of its plan to reduce emissions for the transportation sector as a whole, but separate from the project level emissions analysis completed for the MLS.

The results include all lane miles in both the managed lanes and the GP lanes. The metrics evaluated in the SDEIS are the same as were evaluated in the DEIS. Some metrics, like LOS, use aggregate results, while others (such as TTI and average speed) look specifically at the GP lanes.

The calculations for percent lane miles operating at LOS F within the study area have been checked and they are accurate. Overall, the preferred alternative results in a lower amount of failing lane miles. However, we acknowledge that there are more failing segments along the Inner Loop between MD 355 and I-95 under Build conditions, and the numbers presented in this comment are accurate. On the flip side, there are fewer failing segments along the Outer Loop between I-95 and MD 355 under Build conditions despite no improvements in this section because downstream congestion is relieved by the Preferred Alternative. The goal of the SDEIS was to evaluate overall impacts of Alternative 9 - Phase 1 South using the same key metrics as were used in the DEIS to compare alternatives. The FEIS and IAPA will include a more detailed review of the nuances of the model results and localized impacts once the design is refined and finalized.

The difference in the numbers is a result of a different endpoint for each value. In Appendix A - Attachment D, the travel time and speed are shown for a trip that continues north up the I-270 west spur. This trip is free flow (61 mph). Table 3-5 reflects a trip that continues along the Inner Loop and also accounts for the segment where the HOT lanes tie back to the GP lanes. Speeds in the merging segment are lower, which brings down the overall average.

16 16 Section 4.8.1

17 17 12 Table 3-9, page 3-12 Section 3.3.4

18 18 Page 3-12 (Data obtained from Appendix A, Attachment F Link Evaluation Results) Section 3.3.4

19 19 Page 3-9 Section 3.3 (page 9 of 16)

20	20	Page 3-11	Section 3.3.3	<p><b>Table 3-8 – TTI Results for General Purpose Lanes:</b> The preferred alternative appears to cause a significant congestion effect on one area outside the project limits, specifically during the 2045 AM peak hour on the Inner Loop between I-270 and I-95 ("top side" of the Beltway) where the TTI increases from No Build conditions of 1.3 to 2.7 in the General Purpose Lanes ( 208% increase). During the 2045 PM peak hour, the Inner Loop from VA 193 to I-270 West Spur also shows a decrease from No Build conditions of 6.6 to 6.9. What is causing the reduction in non-tolled TTI in each of these sections?</p>	<p>Text in Section 3.3.3 has been updated to explain the degradation in TTI for these segments, as follows. <i>"However, the I-495 inner loop from I-270 to I-95 would be projected to degrade during the 2045 AM peak hour from moderate congestion (TTI of 1.3) to severe congestion (TTI over 2.0) due to congestion on the top side of I-495 in the proposed no action area. Additionally, the segment of the I-495 inner loop from Virginia 193 to I-270 would also degrade slightly during the 2045 PM peak hour due to residual effects of congestion in the proposed no action area on the top side of I-495."</i></p>
21	21	Appendix A, Page 3-11 and Appendix A, Attachment D and B	Section 3.3.3	<p><b>2045 Inner Loop PM Peak Hours TTIs:</b> The TTIs for the Inner Loop PM peak hour from VA 193 to I-270 do not seem to match with travel time data provided in Appendix A, Attachment D. Is congested TTI defined based on the posted speed limit of 55 mph or based on observations of existing off-peak speeds on that stretch of road? The travel time for this 5.1-mile segment for the managed lanes is shown as 5.3 minutes in Appendix A, Attachment D (page 133 of 184). This equates to an average speed of 58 mph. What is the TTI in the Managed Lanes through this same section? As an example, could you provide the TTI calculations for this segment for Alt 1, GP lanes and the Managed Lanes?</p>	<p>A speed of 60 mph was assumed to reflect free flow conditions for the purposes of calculating TTI. For consistency with the DEIS, TTI was reported for the GP lanes only. TTI for the HOT lanes would be in the "uncongested" category for all segments.</p>
22	22	Attachment D and B	Appendix A	<p><b>2045 PM Peak Hour Travel Times from VA 193 to I-270 and Delay/Demand Imbalance:</b> Alternative 1 (No Build) has a 38.6-minute travel time and the Preferred Alternative - GP lanes has a 40.1-minute travel time. The managed lanes have a 5.3-minute travel time. The travel time differential through this section seems totally unbalanced, as a managed lane toll strategy should seek to achieve a much lower speed than is forecast and still operate acceptably (by reducing the toll) until a 45-mph average speed is achieved in the managed lanes. 2,535 vph is the projected Inner Loop 6-7 PM toll volume at the ALB (page 101 of 184, Appendix A, Attachment B). Using MDOT SHA's vphpl lane max for a managed lane of 1700 vphpl, it appears that there is excess room in the PM Inner Loop managed lanes for an additional 865 vehicles during the highest 6-7 PM peak hour (more in the other 3 PM hours). This would represent a 13 percent reduction in volumes in the GP lanes if the toll was lowered to induce more traffic to use the managed lanes to achieve this balance. This might help to mitigate the poor GP lane conditions, so it is at least better than Alternative 1 (No Build). In general, it seems that this type of critical thinking and manual toll adjustments should have been a standard step in the toll assignment process. It is easy to diagnose, and likely can be fixed with a few iterative model runs with reduced tolls when this occurs.</p>	<p>Forecasts were developed for the SDEIS using a consistent methodology as the DEIS, which was approved by FHWA. Forecasts will be refined during the FEIS stage and these suggestions will be considered.</p>
23	23	Page 123	Appendix A SDEIS Traffic Evaluation Memo – Attachment C	<p><b>2045 AM Peak Hour SB I-270 Congestion:</b> Per the I-270 SB Speed AM profile, peak hour speeds will be disrupted significantly on the MD 121 to Middlebrook Road segment of I-270 during the 2045 AM peak hour due to the addition of the proposed project. This is likely to seriously increase travel delay for commuters living in UpCounty Montgomery County and Frederick County. Please provide more travel time summaries for more common travel patterns, including Frederick to Rockville, Clarksburg to the GW Parkway, and Clarksburg to MD 97. Please explain why increased congestion is projected to occur many miles upstream from the project area. We anticipate that instead of this very long delay, you would continue to see worsened peak spreading into the shoulder hours during the AM commute period. This project seems to be setting up the need for Phase 1B by design. In that sense, I think it is clear that the segmentation of this project on I-270 into Phase 1A and Phase 1B was not fully thought out, as widening on Phase 1A precipitates the need for Phase 1B. From early on, the constraint at the Montgomery/Frederick County line has been identified as a major bottleneck that is more of immediate action.</p>	<p>The purpose of the SDEIS is to provide the same level of detail for Alternative 9 - Phase 1 South as the alternatives presented in the DEIS. There is a need for improvements in Phase 1B with or without the Phase 1A improvements.</p>
24	24	Page 125	Appendix A SDEIS Traffic Evaluation Memo – Attachment C	<p><b>2045 AM Peak Hour Inner Loop Congestion in Prince George's County:</b> Per the I-495 Inner Loop Speed PM profile, peak hour speeds will be disrupted significantly on the US 1 to US 50 sections of the Inner Loop during the 2045 PM peak hour due to the addition of the proposed project. Please explain why this project-related impact is projected to occur in Prince George's County?</p> <p><b>Managed Lane versus General Purpose Lane Speeds:</b> The General Purpose lanes are projected to operate at nearly the same speed as the Managed Lanes in the segments listed below, which may affect the usefulness of the Managed Lanes. This could in-turn affect how much traffic chooses to instead remain in the General Purpose lanes, and it is unclear how this evaluated such feedback processes &amp; whether an equilibrium was identified. This may also affect the HOT lanes' financial viability. This, in general, highlights a serious concern with how managed lane volumes were estimated.</p>	<p>There are some residual effects outside the Build limits due to changes in volumes in the system. These impacts will be more thoroughly evaluated and discussed in the FEIS.</p>
25	25		Section 3.3.1	<ul style="list-style-type: none"> <li>- AM peak, 495 Outer Loop between 270 and GW Pkwy (8% faster)</li> <li>- AM peak, 495 Inner Loop between GW Pkwy and 270 (13% faster)</li> <li>- AM peak, NB 270 between 495 and 370 (3% faster)</li> <li>- AM peak, SB 270 between 370 and 495 (16% faster)</li> <li>- PM peak, 495 Outer Loop between 270 and GW Pkwy (13% faster)</li> <li>- PM peak, SB 270 between 370 and 495 (equal speed)</li> </ul>	<p>Comment noted. The methodology used in the SDEIS was consistent with the DEIS.</p>

Improving the modeling methodology in the FEIS is key to ensure that results are reasonable. This agency has identified many instances where the modeling results do not seem reasonable (e.g. diversion to managed lanes versus travel time savings).

The impacts are not "some residual effects." They are major regional transportation shifts that need to be addressed.

Improving the modeling methodology in the FEIS is key to ensure that results are reasonable. This agency has identified many instances where the modeling results do not seem reasonable (e.g. diversion to managed lanes versus travel time savings).

<p>26 26</p> <p>Appendix D SDEIS Traffic Evaluation Memo – Attachment D Travel Time Matrix</p>	<p><b>Review of Travel Time Projections:</b> A review was conducted of travel time savings using travel time projections provided in Attachment D. Note that this data is limited to the project study area, not the modeled area, so travel time data on I-270 north of I-370 was not provided. See the AM and PM peak hour tables below for typical Montgomery County O-D pairs. Expanding the attachment D data to show the entire I-270 corridor studied would have been useful. In addition, given that there appears to be some very large regional traffic shifts on I-495 between the Maryland and Virginia sides, it would be useful to see travel time data for larger segments of I-495 in Virginia (i.e., VA 193 to Tysons, Tysons to I-95, and I-95 to MD 414. Please provide similar data for the I-495 Virginia segments and more O-D travel time summaries for UpCounty Montgomery County and Frederick County commuters.</p>	<p>Comment noted. The information provided in the SDEIS is consistent with what was provided in the DEIS.</p>
<p>27 27</p> <p>Appendix D SDEIS Traffic Evaluation Memo – Attachment D Travel Time Matrix</p>	<p><b>Impact of Managed Lanes System on General Purpose Traffic:</b> Based on observation of the data reported in the tables above, here are some areas of concern:</p> <ol style="list-style-type: none"> <li>1) The 2045 AM peak hour trip from the GW Parkway to MD 97 (Inner Loop) increases from Alternative 1 - No Build to Preferred Alternative General Purpose Lanes by 8.3 minutes (63 percent increase).</li> <li>2) The 2045 AM peak hour trip from MD 189 (Falls Road) to I-95 (I-270 and Inner Loop) increases by 14.3 minutes (62 percent increase).</li> <li>3) the 2045 AM peak hour trip from MD 190 to MD 355 (Inner Loop) increases by 4.7 minutes (200% increase).</li> <li>4) The 2045 PM peak hour trip from the GW Parkway to MD 189 (Falls Road) increases by 10 minutes (31% increase).</li> </ol> <p>Question 1: How does MDOT SHA justify making 2045 traffic conditions worse (Alternative 1 – No Build versus the Proposed Project - GP Lanes) for the benefit of toll paying drivers for these locations? These travel time losses are being incurred by the commuting population and essentially subsidizing the cost of the managed lanes as a result. Wherever possible, the toll strategy should be adjusted to ensure that GP Lane travel times are no worse than Alternative 1 – No Build conditions. This is basic traffic impact mitigation, and this evaluation should be conducted for all locations where this impact to GP traffic is projected. Question 2: Any worsening of the General Purpose lanes to benefit Tolled Lanes presents a major equity issue that needs to be directly and substantively addressed. How will this be addressed from an equity/environmental justice lens?</p>	<p>These areas of concern have been noted. The FEIS and IAPA will include a more detailed review of the nuances of the model results and localized impacts once the design of the preferred alternative is refined and finalized. Potential mitigation is being evaluated by the project team and will be incorporated into the final design, if feasible, but any mitigation that would result in environmental impacts outside the Phase 1 South limits has been dropped. It is understood that the preferred alternative does not provide traffic operations as good as some of the other alternatives evaluated in the DEIS (such as Alternative 9 and Alternative 10), but it was chosen based on feedback from stakeholders, including FHWA, to prioritize eliminating impacts to the top side of I-495 while providing tangible operational benefits to the system.</p> <p>Non-response to the equity/ environmental justice lens question. The question is "Any worsening of the General Purpose lanes to benefit Tolled Lanes presents a major equity issue that needs to be directly and substantively addressed. How will this be addressed from an equity/environmental justice lens?"</p>
<p>28 28</p> <p>Appendix D SDEIS Traffic Evaluation Memo – Attachment D Travel Time Matrix</p>	<p><b>Travel Time Benefit of Managed Lanes for Montgomery County users:</b> Using the data in the previous tables, here are some areas of concern:</p> <ol style="list-style-type: none"> <li>1) During the 2045 AM peak hour, none of the typical O-D patterns in Montgomery County show any benefits of using the managed lanes at all with projected travel time savings ranging from 0.3 to 1.6 minutes.</li> <li>2) During the 2045 PM peak hour, the GW Parkway to MD 97 route shows a 39-minute travel time savings, although, this travel time savings is earned over a very short section of the Inner Loop between the GW Parkway and the I-270 west spur.</li> <li>3) During the 2045 PM peak hour, the GW Parkway to MD 189 (Falls Road) route shows a 33-minute travel time savings; however, this is only a 23-minute net travel time savings over No Build conditions.</li> <li>4) During the 2045 PM peak hour for all other Montgomery County patterns evaluated, the projected travel time benefits are negligible (ranging from 0.4 to 1.1 minutes).</li> </ol> <p>Question 1 from this data: Why does this proposed project provide almost no travel time benefits for the vast majority of Montgomery County commuters?</p> <p>Question 2 from this data: The modeling assumptions seem suspect as a result, as most Montgomery County commuters will learn pretty quickly that the Managed Lanes have little benefit to their daily commute trip. Who are the actual projected users of these Managed Lanes? Who benefits and is that reflected in the modeling assumptions? Understanding the O-D patterns of ALB users would help to understand who these managed lanes are designed for. We recommend that select link analyses be conducted using the travel demand model in order to provide more detail and clarity.</p>	<p>These areas of concern have been noted. The FEIS and IAPA will include a more detailed review of the nuances of the model results and localized impacts once the design of the preferred alternative is refined. It is understood that the preferred alternative does not provide traffic operations as good as some of the other alternatives evaluated in the DEIS (such as Alternative 9 and Alternative 10), but it was chosen based on feedback from stakeholders, including FHWA, to prioritize eliminating impacts to the top side of I-495 while providing meaningful operational benefits to the system.</p>
<p>29 29</p> <p>Appendix D SDEIS Traffic Evaluation Memo – Attachment D Travel Time Matrix</p>	<p><b>Travel Time Impacts on I-495 in Prince George's County:</b> On observation of data reported in the previous tables, the travel time on I-495 between MD 5 and MD 97 was evaluated. During the 2045 PM peak hour, a very anomalous result was found with the MD 5 to MD 97 route (Outer Loop) showing a 36-minute travel time benefit between the No Build and the Preferred Alternative. Based on 2045 PM peak hour Inner Loop results on the northeastern side of the Beltway, it appears that a dramatic regional shift is projected from traffic with an origin in Virginia and with a Maryland destination that now (and during the 2045 No Build condition) uses I-495 in Virginia crossing the Woodrow Wilson bridge. Lacking travel time data for I-495 in most of Virginia, this is speculative.</p> <p>Question from this review: What is causing this significant travel time savings from a regional perspective? To what extent is Prince George's County projected to benefit or projected to be impacted by a project so far away from their jurisdiction?</p>	<p>The impacts to travel within Prince George's County should be minor, but there may some impacts. The SDEIS evaluates impacts of Alternative 9 - Phase 1 South using the same key metrics as were used in the DEIS to compare alternatives. The FEIS and IAPA will include a more detailed review of the nuances of the model results and localized impacts once the design of the preferred alternative is refined.</p>

30	30	155	Appendix A SDEIS Traffic Evaluation Memo – Attachment F	<p><b>AM Peak Hour Bottleneck Shift to Top Side of Beltway – Level of Service:</b> A comparison of the link evaluation results for the I-495 Inner Loop 2045 AM Peak Hour shows how Inner Loop congestion will increase due to the addition of the proposed project. Comparing graphics on page 144 and 155, you can see the extent of congestion between the I-270 Western Spur to MD 193 caused by the project increases significantly, jamming up the entire top side of the Beltway, as more traffic is allowed to funnel into the top side of the Beltway than it can handle. This will be devastating to AM peak hour traffic conditions on the top side of the Inner Loop within most of Montgomery County during the 2045 AM peak hour. In the 2045 No Build condition, only 4 of the total 48 road segments evaluated were projected with Level of Service F conditions between the I-270 western spur and MD 193. With the preferred alternative, a total of 41 out of the total 48 road segments are projected to operate at Level of Service F conditions during the 2045 AM peak hour.</p>	<p>The results presented in the SDEIS are based on preliminary designs. Designs, forecasts, and models are being refined for the preferred alternative to address operational issues and potential discrepancies, such as those noted here. Updated results will be included in the IAPA and FEIS.</p>
31	31	159	Appendix A SDEIS Traffic Evaluation Memo – Attachment F	<p><b>Increased Southbound Congestion at Existing I-270 Bottleneck at Montgomery/Frederick County Line:</b> A comparison of the link evaluation results for the I-270 SB 2045 AM Peak Hour shows how I-270 SB congestion will increase due to the addition of the proposed project. Comparing graphics on page 147 and 159, one can see the extent of congestion between four segments north of MD 121 to Middlebrook Road caused by the project. In the 2045 No Build condition, only 9 of the total 25 road segments evaluated were projected with Level of Service F conditions within this area. With the preferred alternative, a total of 24 out of the total 25 road segments are projected to operate at Level of Service F conditions during the 2045 AM peak hour. The projected worsening of traffic conditions in this section of I-270 seems to be caused by the presence of additional capacity downstream, with more drivers willing to suffer through this congestion in the Clarksburg area. Even if this results in a faster commute for some, it does increase the intensity of the existing bottleneck congestion.</p>	<p>The results presented in the SDEIS are based on preliminary designs. Designs, forecasts, and models are being refined for the preferred alternative to address operational issues and potential discrepancies, such as those noted here. Updated results will be included in the IAPA and FEIS.</p>
32	32	164	Appendix A SDEIS Traffic Evaluation Memo – Attachment F	<p><b>Increased Northbound Congestion at Existing I-270 Bottleneck at Montgomery/Frederick County Line:</b> A comparison of the link evaluation results for the I-270 NB 2045 PM Peak Hour shows how I-270 NB congestion will increase due to the addition of the proposed project. Comparing graphics on page 152 and 164, one can see the extent of NB I-270 congestion between MD 121 to MD 85 caused by the project. In the 2045 PM peak hour No Build condition, only 7 of the total 51 road segments evaluated were projected with Level of Service F conditions within this area. With the preferred alternative, a total of 43 out of the total 51 road segments are projected to operate at Level of Service F conditions during the 2045 AM peak hour. This is clearly an example of the existing ALB bottleneck being shifted to north of the Managed Lane project terminus.</p>	<p>The results presented in the SDEIS are based on preliminary designs. Designs, forecasts, and models are being refined for the preferred alternative to address operational issues and potential discrepancies, such as those noted here. Updated results will be included in the IAPA and FEIS.</p>
33	33	160	Appendix A SDEIS Traffic Evaluation Memo – Attachment F	<p><b>Regional Outer Loop Traffic Diversions Impact I-495 in Prince George's County:</b> A comparison of the link evaluation results for the I-495 Outer Loop 2045 PM Peak Hour shows how Outer Loop congestion is projected to increase due to the addition of the proposed project. Comparing graphics on page 148 and 160, one can see the extent of Outer Loop congestion between MD 5 and US 50 caused by the project, jamming up the entire southeastern side of the Beltway. In the 2045 PM peak hour No Build condition, only 11 of the total 54 road segments evaluated were projected with Level of Service F conditions between MD 5 and US 50. With the preferred alternative, a total of 41 out of the total 54 road segments are projected to operate at Level of Service F conditions during the 2045 PM peak hour. Please explain why this level of traffic congestion is projected along this segment of the Beltway, as this section of I-495 is far away from the project limits?</p>	<p>The results presented in the SDEIS are based on preliminary designs. Designs, forecasts, and models are being refined for the preferred alternative to address operational issues and potential discrepancies, such as those noted here. Updated results will be included in the IAPA and FEIS.</p>
34	34	162	Appendix A SDEIS Traffic Evaluation Memo – Attachment F	<p><b>Regional Inner Loop Traffic Diversions Impact I-495 in Prince George's County:</b> A comparison of the link evaluation results for the I-495 Inner Loop 2045 PM Peak Hour shows how Inner Loop congestion is projected to increase due to the addition of the proposed project. Comparing graphics on page 150 and 162, one can see the extent of Inner Loop congestion between US Route 1 and US Route 50 caused by the project, jamming up the entire northeastern side of the Beltway. In the 2045 No Build condition, only 8 of the total 36 road segments evaluated were projected with Level of Service F conditions between US 1 and US 50. With the preferred alternative, a total of 34 out of the total 36 road segments evaluated are projected to operate at Level of Service F conditions during the 2045 PM peak hour. Please explain why this level of traffic congestion is projected along this segment of the Beltway, as this section of I-495 is far away from the project limits?</p>	<p>The results presented in the SDEIS are based on preliminary designs. Designs, forecasts, and models are being refined for the preferred alternative to address operational issues and potential discrepancies, such as those noted here. Updated results will be included in the IAPA and FEIS.</p>
35	35	164	Appendix A SDEIS Traffic Evaluation Memo – Attachment F	<p><b>Delay increases on I-270:</b> With the addition of the proposed project during the 2045 PM peak hour, almost all general-purpose travel lane segments on NB I-270 between Middlebrook Road and MD 121 (21 out of 22 segments) are projected to experience increases in delay. How will the P3 contractor mitigate this project-related impact? Their profits are essentially exacerbating this congestion increase at the expense of UpCounty Montgomery County and Frederick County taxpayers.</p>	<p>Design refinements will be made to help mitigate impacts at project termini and the surrounding areas.</p>

**Bottleneck Issues Related to Project Design:** Most of the issues identified above clearly show impacts of relieving the congestion at the American Legion Bridge (ALB). In all cases, this 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 very surprisingly, on the Inner Loop in Prince George's County. More attention needs to be spent on the project design to mitigate these projected deficiencies. For I-270, a solution would be to more closely link Phase 1A and 1B so that they are constructed concurrently. For the other bottleneck issues, we are recommending the following design changes to the Preferred Alternative:

- 1) Eliminate the managed lanes from the I-270 Eastern Spur between I-270 and Old Georgetown Road,
- 2) Eliminate the managed lanes and exit/entrance ramps from I-495 between the I-270 west spur and Old Georgetown Road,
- 3) Managed lane traffic destined to and from I-495 to the east of the I-270 west spur ("top side of the Beltway") would enter/exit the managed lane network at the River Road crossover interchange. It is uncertain that this crossover has adequate capacity, but this limitation is likely to help reduce the "Top Side" bottleneck discussed earlier.
- 4) I-270 Montgomery County drivers headed to the eastern spur would not use the Managed Lane network at all. Clearly, for most Montgomery County travelers, the managed lanes would provide minimal travel time benefits for drivers from Gaithersburg and Rockville to most Montgomery County destinations.

These design changes will be considered as the project team works to refine the design leading to the FEIS.

36 36 General

**Proportional highway/transit investment based on where bottleneck congestion is created by the Project:** Since this project is clearly shifting the congestion almost as much as it is actually reducing the congestion, MDOT SHA should actively plan to invest in the areas where bottleneck congestion will be created or worsened.

The SDEIS presents many traffic metrics that demonstrate an overall reduction in congestion as a result of the preferred alternative. Network-wide delay will reduce by 18% to 32% during the peak periods, average speeds will increase by 5 mph, person-throughput will increase by up to 20% on I-270 and by up to 30% on the ALB, and daily delay will reduce on the surrounding local road network. Therefore, we disagree with the assertion that the project is only shifting congestion.

37 37 General

**Bottleneck Congestion leads to Local Street Diversions/Congestion:** We have never been satisfied with the extremely simplistic local street evaluation presented in the DEIS and SDEIS. We are expecting to see more detail from MDOT SHA (and be included in the review process) for the Interchange Access Point Approval (IAPA) study now under development. The increased congestion on I-270 and I-495 will undoubtedly lead to both peak spreading effects and local traffic diversions that have not been adequately considered to-date. When it can take over 30 minutes (TTIs greater than 6.0) to travel 2 to 3 miles on some segments of the Beltway as presented in this SDEIS, drivers will not subject themselves to this on a daily basis, and they will seek to find the shorter travel time route, regardless of local street impact. The scope therefore agreed upon by FHWA for the 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, when within one mile) is likely to be inadequate in areas where either I-270 or I-495 exhibits very high projected TTIs and 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). In the Clarksburg area, this includes many parallel roads, including MD 355, MD 28, Thurston Road, State Quarry Road, and Price's Distillery Road. Along the Beltway, any parallel road or road that crosses I-495 may be the recipient of significant diversion traffic depending on location of projected congestion. This includes Seven Locks Road, Burdette Road, and Democracy Boulevard. The study area can be determined by adding routes on parallel routes with travel times equal to the GP lanes travel time.

FHWA is the agency responsible for approving the IAPA. The results from the IAPA analysis will be presented as part of the FEIS and mitigation will be included to address impacts to the local road network, as needed.

38 38 General

**Need for Improved Performance Data for I-270 north of I-370:** All of the evaluation material in Chapter 3 does not report comparable transportation performance metrics (travel time, delay, Level of Service, TTI) within the I-270 modeled area to the north of I-370 where the proposed action may create congestion. Without this information, it is difficult to determine travel time and delay for commuters living north of I-370, including Germantown, Clarksburg, and Frederick County residents. From a review of the link evaluation results presented in Appendix A, Attachment F, it is clear that I-270 to the north of I-370 will experience greater congestion with the proposed project. This was demonstrated in Attachment F mentioned in Comments 14 and 15 above. Please provide more detailed performance metrics for I-270 to the north of I-370 so that the full transportation effects of this bottleneck condition can be assessed.

Metrics are provided for all areas within the project limits, consistent with the DEIS. A separate NEPA effort will evaluate the impacts north of I-370.

Providing technical data within the County boundaries along I-270 from I-370 to the Montgomery/Frederick line, is not an unreasonable request. The impact of a project does not end at the project boundary, and a reasonable study area is often provided to illustrate and measure the transportation impacts approaching and departing the project area.

39 39 General

40	40	General	<p><b>Lack of Feedback Loop in Modeling Process – Assumptions versus Results:</b> While we recognize that simplistic assumptions are often needed to evaluate transportation projects, the tolling assumptions with Managed Lanes do not mesh with the travel demand shown using the managed lanes versus the travel time benefit provided. Unfortunately, there is no information provided to validate the validity of the managed lane use assumptions. When large portions of the managed lanes show little to no travel time benefit, who is using the managed lanes and what percent of the driving population do they represent? Are the estimates used reasonable? What are the origins and destinations of these managed lane users? They can't be most local Montgomery County trips, as preceding comments in this submission clearly show pretty clearly that most typical O-D commuting pairs within the County have little use or benefit from the managed lanes.</p>	Comment noted. Forecasting methodology used was approved by FHWA and consistent with methodology used in DEIS. Forecasts will be refined for FEIS.	Improving the modeling methodology in the FEIS is key to ensure that results are reasonable. This agency has identified many instances where the modeling results do not seem reasonable (e.g. diversion to managed lanes versus travel time savings).
41	41	General	<p><b>Percent of Total Demand Using Managed Lanes:</b> A review was conducted of the peak hour travel demand presented in Appendix A - Attachments A (Peak Period Volumes) and Attachment B (Travel Demand Tables). Link demand on each segment of I-495 and I-270 within the project area was projected. Based on this review, the percent of total demand using the managed lanes over the four-hour commuting periods are shown in the following four tables: I-270 AM, I-270 PM, I-495 AM, and I-495 PM. For each, managed lane demand varied by hour between 6 and 10 AM and between 3 and 7 PM. Questions related to these tables are provided in following comments.</p>	Comment noted. Forecasting methodology used was approved by FHWA and consistent with methodology used in DEIS. Forecasts will be refined for FEIS.	Improving the modeling methodology in the FEIS is key to ensure that results are reasonable. This agency has identified many instances where the modeling results do not seem reasonable (e.g. diversion to managed lanes versus travel time savings).
42	42	Appendix A Attachments A and B	<p><b>Percentage of total demand using managed lanes on I-270 Western Spur During the AM Peak hours:</b> Between 27 and 39 percent of total demand uses the Managed Lanes on Southbound I-270 approaching I-495 during the AM peak hours. This entire travel path only shows a 2.5-minute savings using the Managed Lanes along its 14-mile tolled length. Between 42 and 52 percent of total demand uses the Managed Lanes on Northbound I-270 just north of I-495 during the AM peak hours. This entire path only shows a 1.3-minute travel time savings over its 14-mile tolled length. How are the percent demand achieved using the managed lanes possible if the travel time benefit is so small (in other words, why pay when it is not worth the cost)?</p>	Comment noted. Forecasting methodology used was approved by FHWA and consistent with methodology used in DEIS. Forecasts will be refined for FEIS.	Improving the modeling methodology in the FEIS is key to ensure that results are reasonable. This agency has identified many instances where the modeling results do not seem reasonable (e.g. diversion to managed lanes versus travel time savings).
43	43	Appendix A Attachments A and B	<p><b>Percentage of total demand using managed lanes on I-270 Western Spur During the PM Peak hours:</b> Between 42 and 45 percent of total demand uses the Managed Lanes on Southbound I-270 approaching I-495 during the PM peak hours. This entire travel path only shows a 1.3-minute savings using the Managed Lanes along its 14-mile tolled length. Between 39 and 41 percent of total demand uses the Managed Lanes on Northbound I-270 just north of I-495 during the PM peak hours. This entire path shows a 38-minute travel time savings over its 14-mile tolled length. Again, the demand allocated to the managed lanes and the methodology for this is questioned. There are just too many inconsistencies between demand and travel time benefits.</p>	Comment noted. Forecasting methodology used was approved by FHWA and consistent with methodology used in DEIS. Forecasts will be refined for FEIS.	Improving the modeling methodology in the FEIS is key to ensure that results are reasonable. This agency has identified many instances where the modeling results do not seem reasonable (e.g. diversion to managed lanes versus travel time savings).
44	44	Modeling Process	<p><b>Modeling process detailed in DEIS Traffic Technical Report:</b> Validation versus travel time benefits: Recognizing that there was some iterative modeling adjustments used to achieve a 45 mph average travel speed or higher and keep the maximum lane volume in the 1600-1700 vehicles per hour range in the Managed Lanes, shouldn't there have also been an iterative process to adjust modeling adjustments based on some screenline O-D pair travel time assessments? For example, for the demand volume estimated to travel between I-370 and the ALB, does the actual travel time benefit and cost paid to achieve that benefit mesh with measured managed lane toll rates and cost per mile or cost per minute saved used across the country on similar managed lane facilities now in operation?</p>	Comment noted. Evaluation methodology used was approved by FHWA and consistent with methodology used in DEIS. Modeling will be updated for FEIS.	Improving the modeling methodology in the FEIS is key to ensure that results are reasonable. This agency has identified many instances where the modeling results do not seem reasonable (e.g. diversion to managed lanes versus travel time savings).
45	45	Page 99 of 84 Appendix A, Attachment B	<p><b>2045 PM Peak Hour Inner Loop Volumes:</b> The hourly volumes presented in Attachments B and D do not match. The table below shows a summary for the 2045 PM Peak Hour Inner Loop GP Lane Volumes. Please explain this discrepancy. It appears that this discrepancy is not isolated to these three sections.</p>	The comment appears to refer to data in Attachment F, not Attachment D. The volumes shown in Attachment F represent throughput volumes in the GP lanes, while the numbers reported in Attachment B represent demand volumes, which explains the difference.	
46	46	Page 2-23	<p><b>Bike lane definition.</b> Separated bike lanes do not have to be located "on-street" as stated in the "Bike lane" definition. Per the Montgomery County Bicycle Master Plan, separated bike lanes "are exclusive bikeways that combine the user experience of a sidepath with the on-street infrastructure of a conventional bike lane. They are physically separated from motor vehicle traffic and distinct from the sidewalk. They operate one-way or two-way."</p>	The definition of separated bike lanes was modified to indicate that they do not have to be on-street and can operate one-way or two-way.	

		<p><b>Pedestrian and Bicycle Facilities:</b> The SDEIS is inconsistent with the "Design Recommendation / Implication" identified in the "MLS Existing Bridge Inventory_Montgomery Ped-Bike Facilities_12-11-2020_All.pdf" document. Specifically, the SDEIS states: "The preliminary design approach for facilities along crossroads where the crossroad bridge would be reconstructed is to replace, upgrade or provide new pedestrian/bicycle facilities consistent with the master plan, where adjacent connections on either side of the bridge currently exist." However, the "Design Recommendation" included in the "MLS Existing Bridge Inventory_Montgomery Ped-Bike Facilities_12-11-2020_All.pdf" document recommended that the project add pedestrian and bicycle facility on most crossroads regardless of whether adjacent connections on either side of the bridge currently exist. Please remove: "The preliminary design approach for facilities along crossroads where the crossroad bridge would be reconstructed is to replace, upgrade or provide new pedestrian/bicycle facilities consistent with the master plan, where adjacent connections on either side of the bridge currently exist." as it conflicts with previous agreements.</p>	<p>The SDEIS is consistent with agreements that have been discussed with M-NCPPC and Montgomery County DOT. The SDEIS describes the approach for providing pedestrian and bicycle facilities and additional commitments along specific corridors. Where connections to adjacent facilities may not currently exist, but MDOT SHA has agreed to construct the master plan facilities, those facilities are captured in the ped/bike enhancements listed in the commitments, Chapter 2 - Section 2.4.</p>	<p>The design approach for facilities along crossroads where the crossroad bridge would be reconstructed should be to replace, upgrade, or provide new pedestrian/bicycle facilities consistent with the master plan, <u>regardless</u> of whether adjacent connections on either side of the bridge currently exist. Failing to do so will effectively eliminate the possibility of pedestrian/bicycle connections along MD 190 / Bradley Blvd, Greentree Rd, Fernwood Rd, Westlake Ter, MD 927 / Montrose Rd, and Shady Grove Rd and is therefore inconsistent with the master plan and Vision Zero.</p>
47	47 Page 2-23	<p>Add a statement to the last paragraph that expresses this sentiment: "Where the I-495 and I-270 mainline or ramps cross under a roadway or pedestrian/bicycle facility and the bridge would be replaced, the cross road bridge would construct pedestrian and bicycle facilities over the structure."</p>	<p>The approach described in the SDEIS covers the scenario noted in the comment.</p>	
48	48 Page 2-23	<p><b>Pedestrian and Bicycle Facilities:</b> Identify the pedestrian and bicycle facilities to be constructed by the project and the pedestrian and bicycle facilities to be accommodated by the project based on the "MLS Existing Bridge Inventory_Montgomery Ped-Bike Facilities_12-11-2020_All.pdf" document.</p>	<p>Additional coordination will be completed to determine appropriate documentation for ped/bicycle commitments.</p>	
49	49 Page 2-23			
50	50 Page 2-23	<p><b>Design Parameters:</b> Indicate that pedestrian and bicycle facilities will be designed in accordance with Montgomery County's Complete Streets Design Guide and Montgomery's Planning Bicycle Master Plan Facility Design Toolkit</p>	<p>The SDEIS includes a reference to Montgomery's Planning Bicycle Master Plan Facility Design Toolkit. References to the Montgomery County's Complete Streets Design Guide will not added until that document is finalized and approved.</p>	<p>The Complete Streets Design Guide was approved by the Planning Board, so it is an approved policy document. It is important that the specific design standards be identified so that all parties understand how bicycle and pedestrian facilities will be implemented.</p>
51	51 Page 2-27	<p><b>Enhancements:</b> "Lengthening the I-270 bridge over Tuckerman Lane to accommodate future pedestrian/bicycle facilities along Tuckerman Lane" should be identified as an enhancement, as it appears to meet the conditions at the bottom of page 2-23.</p>	<p>The lengthening of the Tuckerman Lane bridge is a commitment noted in Chapter 2, Section 2.4.</p>	
52	52 Page 4-33	<p>Section 4.7.3 Archaeological investigations at the Poor Farm Cemetery site remain deferred. This has prevented adequate consideration of the effects to this site in the DEIS and SDEIS and under Section 4F.</p>	<p>Section 106 specifically allows both Phased Identification - 36 CFR 800.4(b)(2) and 36 CFR 800.14(b). Given the uncertainty over the historic location of burials related to the Poor Farm, investigation of areas that will be impacted after design is advanced is the most efficient way to identify impacts, given the large area that has potential to be associated with the Poor Farm. The specifics of this investigation will be subject to consultation under the PA.</p>	

				<p>The SDEIS environmental justice discussion should incorporate findings from the May 2021 technical report about Morningstar Tabernacle No. 88 Moses Hall and Cemetery (M:35-212). This report provides detailed historical background about the cemetery and the historical African American community along Seven Locks road that was displaced by the original construction of the beltway. Construction was routed through the middle of the community leaving the church and fraternal hall and cemetery on opposite sides of the highway. Archaeological survey showed that the cemetery is larger in extent and closer to the ROW and LOD than understood at the time of the DEIS. This new information highlights the vulnerability of the church and cemetery to the managed lanes project and should be discussed in the Environmental Justice and Cumulative Impacts sections of the SDEIS.</p>	<p>Also see response to #9. Throughout the I-495 &amp; I-270 Managed Lanes Study (MLS), MDOT SHA has coordinated and consulted with interested stakeholders on potential impacts to the Morningstar Cemetery in compliance with the National Environmental Policy Act and Section 106 of the National Historic Preservation Act. MDOT SHA's goal has always been to avoid impacts to the Morningstar Cemetery as the agency worked to address some of the nation's worst traffic congestion in the National Capitol Region. Through our coordination, the Preferred Alternative avoids all impacts to the cemetery. The design refinements have been incorporated as detailed in the SDEIS.</p>
				<p>The DEIS identifies the Morningstar Tabernacle No. 88 Moses Hall and Cemetery and the Poor Farm Cemetery as sites that may be culturally significant in its Community and Environmental Justice Analysis. However, the Environmental Justice discussion concerns itself primarily with current minority population concentrations and does not address historical and ongoing injustice to small African American communities displaced by construction of the beltway and further threatened by the proposed expansion. This issue was explicitly acknowledged as related to social justice by the National Trust for Historic Preservation in their selection of the Moses Cemetery as one of the 11 most endangered historic sites in America in 2021. This listing and the environmental justice issues raised by it should be acknowledged and discussed in the SDEIS.</p>	<p>A commitment to construct a new sidewalk along the west side of Seven Locks Road under I-495 to connect First Agape AME Zion Church (Gibson Grove Church) and Morningstar Tabernacle No. 88 Moses Hall and Cemetery has been made.</p>
53	53	Pages 4-79-82	Section 4.2.1	<p>Likewise, environmental justice issues are mentioned with respect to the Poor Farm Cemetery site in the DEIS. This site contains the remains of an unknown number of individuals, many of them African American. African American burial sites have frequently suffered from inadequate consideration during development projects unsympathetic to their preservation. This was plainly the case at the Poor Farm, and its extent and boundaries remain unidentified in the <i>Managed Lanes Study and Review Process</i>.</p> <p>Neither the DEIS nor the SDEIS reference any cumulative effects to specific cultural resources. Additional historical research conducted subsequent to the DEIS in Cabin John related to the Morningstar Tabernacle No. 88 Moses Hall and Cemetery and associated Gibson Grove community show that the construction of the beltway separated the fraternal hall and cemetery from the neighboring church, physically fragmented the community and contributed to the decline of these institutions. The community's decline in turn contributed to the closure and loss to fire of the Moses fraternal hall.</p>	<p>Given the uncertainty over the historic location of burials related to the Poor Farm, investigation of areas that will be impacted after design is advanced is the most efficient way to identify impacts, given the large area that has potential to be associated with the Poor Farm. The specifics of this investigation will be subject to consultation under the PA.</p>
				<p>Zoning limitations on the church parcel arising from the proximity of the beltway have significantly delayed repair and rehabilitation of the church following a fire in the mid-2000s. The initial construction of the Beltway resulted in an oddly-shaped parcel and this has made it challenging for the property owners to move new construction permitting through zoning reviews. These cumulative delays to the rehabilitation, created in part from the Beltway's construction, should be accounted as part of the DEIS review of cumulative impacts.</p>	<p>See response to comment #53</p>
54	54	Pages 4-82-83	Section 4.22	<p>The descendant community continues in the area, but the remaining cultural institutions are threatened by the proposed expansion of the Beltway.</p>	
55	55		4(f)	<p>Archaeological investigations at the Poor Farm Cemetery site remain deferred, thus it has not been evaluated for eligibility to the National Register of Historic Places. This has prevented the site from being discussed as a historic site under the Section 4(f) analysis in the DEIS and SDEIS.</p>	<p>Our collaborative efforts also led to the cemetery being formally identified as eligible for listing on the National Register of Historic Places. Additionally, MDOT SHA worked with the Friends of Moses Hall and other stakeholders on efforts to address invasive vegetation, drainage, access and aesthetics on the property.</p>
56	56		4(f)	<p>The 4F evaluation does not take into account those portions of the Moses Hall and Cemetery that already exist within the footprint and right of way of the existing Beltway. Recent land records research and other information provided demonstrates evidence for this and because there has not been a final boundary determination, it cannot yet be ruled out of the analysis. Therefore the Permanent Impact cannot be avoided under any scenario and should account for acreage already within the footprint of the current Beltway. Additionally, the construction of a noise barrier should not be taken as the de facto solution for noise abatement at this property. Avoiding the use associated with the retaining wall requires additional study of potential mitigation efforts such as quiet pavement technology or additional roadway designs. Until those solutions have been demonstrated as infeasible, they must be explored to avoid the adverse effects and the required use of the property for the retaining walls under 4F.</p>	<p>There is not evidence that the cemetery exists within the "footprint" of the existing Beltway. Ground Penetrating Radar (GPR) work conducted in July 2021 indicates potential features that may be graves in undeveloped Right-of-Way property owned by MDOT SHA. MDOT SHA will revise the cemetery boundary to include GPR-indicated features in this area of right-of-way and the SDEIS LOD avoids impacting this portion of right-of-way. Noise barrier will be outside the property boundary.</p>

57	57	4(f)	<p>Additional use of the Gibson Grove Church site in order to minimize impacts to the Moses Hall Cemetery must be avoided. As noted above, Section 4F requires avoidance of these uses unless other alternatives are demonstrated to be infeasible and contrary to the purpose and use of the undertaking. There have been no design or schematic drawings shown to date that have demonstrated that alternatives were considered. Further 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 4F alternative to avoid impacts to Moses Hall. Other design solutions must be evaluated.</p>	<p>For the Gibson Grove A.M.E. Zion Church, design advancement has identified proposed construction activities at this location including outfall stabilization, culvert augmentation, bridge erection, and construction access. Some of these activities are included to improve the condition of the highway drainage on the property, as has been requested by the current church leaders. Physical impacts to the church property are limited to 0.1 acres of permanent impacts along the north side of I-495, at a steep hillside adjoining the church as compared to less than 0.1 acre in the DEIS. The increase in impact from the DEIS is due to design refinements including outfall stabilization, culvert augmentation, bridge reconstruction, and construction access. A shift of the roadway centerline towards the Gibson Grove AME Zion Church was included in the Preferred Alternative to avoid impacts to Morningstar Cemetery, located on the opposite side of I-495 from the Gibson Grove Church. MDOT SHA has determined the project will adversely affect the Gibson Grove A.M.E. Zion Church, pending MHT concurrence. Mitigation for the use of Gibson Grove AME Zion Church would be consistent with stipulations identified in the Section 106 Programmatic Agreement and be coordinated with the MHT and Section 106 consulting parties. Final mitigation commitments including all possible planning to minimize harm will be included in the Final Section 4(f) Evaluation and FEIS.</p>
58	58	4(f)	<p>As noted above, 4F uses and impacts to the Carderock Springs Historic District from retaining walls and design changes meant to protect Gibson Grove and the Moses Hall Cemetery do not include any evaluation of design alternatives for review. This all calls into question what exactly they are doing. If all 3 of these resources are suffering from 4F uses and encroachments to protect each other, but they are all having adverse effects, what is being achieved here? We are all in the dark without a chance to sit at the table and design this all out as a group. It is unacceptable under 4F. 4F requires avoidance, different from Section 106. Only if the 'use' of the property is DEMONSTRATED that it cannot be avoided, then it can be done, but there must be discussion and consideration of the options.</p>	<p>As of September 8, 2021, MDOT SHA has made a finding of no adverse effect to Carderock Springs, as new design information has become available. There are no elements of the project identified that would diminish its qualification for the NRHP.</p>
59	59	Chapter 3	<p>Provide an O-D Matrix of travel times for the No-Build, Managed and General Purpose lanes for each access point along I-270 and I-495 (with accompanying narrative, as needed). This will help better understand flows, identify specifically failing pairings, and better tailor responses to these needs. This is especially important considering it is our understanding that many/most trips along these facilities are relatively short in nature, using the interstate for only a few interchanges. Therefore longer &amp; larger systemic effects may be of less utility to actual users.</p>	<p>The requested data can be found in Attachment D of Appendix A.</p>