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June 8, 2022

Peter Buttigieg, Secretary
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Secretary Buttigieg,

We are writing to express our strong concerns about the many significant inadequacies of the Supplemental Draft Environmental Impact Statement (SDEIS) for the I-495/I-270 Managed Lanes Study, to urge that these inadequacies be rectified and that the SDEIS be reissued for public comment. We also request a formal comment period when the Final Environmental Impact Statement is issued.

Local public agencies, such as the City of Rockville, rely on the environmental review to understand how the project would impact our community and residents and to understand what steps the City would have to take to address harmful consequences. But we are hindered by the omission or deferral of key analyses and the absence of State mitigation plans to address impacts.

Environmental Justice

For example, the SDEIS did not include an environmental justice analysis. Instead, this analysis is being deferred until the FEIS. Rockville is a diverse City with many communities immediately adjacent to I-270 and many residents who travel on I-270 and I-495. If there are disparate impacts on environmental justice communities in Rockville, it is critical to understand those impacts while the City and our residents have an opportunity to comment on them and help shape the final project. Furthermore, deferring the environmental justice analysis until the FEIS is not consistent with [Department of Transportation Order 5610.2\(a\)](#), which sets forth a policy for the Department and its agencies for “fully considering environmental justice principles throughout planning and decision-making processes in the development of programs, policies and activities...” Providing an environmental justice analysis at the end of the environmental review process, after there is no longer opportunity for formal comment, fails to meet the requirements of Order 5610.2(a).

Local Roads

As noted in [comments](#) by the Maryland-National Capital Park and Planning Commission, the Preferred Alternative would shift the bottleneck at the American Legion Bridge to other locations, including to I-270 north of I-370 and to the top of

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the Beltway, where toll lanes end and merge into general lanes. This analysis is consistent with the experience of toll lanes in Virginia. In a 2014 [letter](#) from the Virginia Department of Transportation (VDOT) to the Virginia Office of Public-Private Partnerships, VDOT described the need to address a bottleneck on I-495 near Old Dominion Drive, where Express Lanes merged with general purpose lanes. Bottlenecks where toll lanes and general lanes merge is also the general experience of Transurban. In a recent [interview](#) with the *Washington Post*, Transurban's President of North America, Pierce Coffee noted that "the worst thing about the express lanes is when they end. So that is a problem, and that's something we'll have to work on with Maryland."

However, the SDEIS did not include a plan for mitigating the bottlenecks that the toll lanes would create. Because these bottlenecks would cause more traffic to spill over onto local Rockville roads, our local roads would become more congested and less safe. It is vital to the City of Rockville that we understand the impact on local roads and the mitigation steps that the State would take to address them. But first, we must be given the opportunity to review and comment on the mitigation plan before a decision is made on this project.

Greenhouse Gas Emissions

The SDEIS failed to provide an analysis of the impact of the operation of the lanes on greenhouse gas emissions. An analysis of the impact of greenhouse gas emissions during construction is being deferred until the FEIS. The failure to provide an analysis of greenhouse gas emissions from the operation of the lanes is inconsistent with [Executive Order 13990](#) which states in Section 1 that it is the policy of the Administration to "reduce greenhouse gas emissions." Such a policy cannot be implemented if an analysis of greenhouse gas emissions is not included in the environmental review of a major project.

In publishing its notice of actions taken to follow up on Executive Order 13990 in the [February 19, 2021 *Federal Register*](#), the Council on Environmental Quality stated that:

NEPA (National Environmental Policy Act) requires Federal agencies to consider the environmental effects of its proposed actions and involve the public in its decision-making processes.

The Council on Environmental Quality went on to state that:

Federal courts consistently have held that NEPA requires agencies to disclose and consider climate impacts in their reviews.

Failing to analyze greenhouse gas emissions from the operation of the toll lanes and deferring an analysis of greenhouse gas emissions from construction until the Final Environmental Impact Statement is not consistent with the requirements of NEPA. To meet the NEPA standards, the SDEIS must be reissued with an analysis of greenhouse gas emissions from both operation and construction of the toll lanes. Moreover, a formal public comment period must be provided following the release of a complete SDEIS.

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It is also important that a formal public comment period be provided following the release of the Final Environmental Impact Statement. Nearly 3,000 comments were submitted following the release of the Draft Environmental Impact Statement for the toll lanes. Another 2,000 comments were submitted following the release of the Supplemental Draft Environmental Impact Statement. Given the strong public interest and the substantial impact of the proposed toll lanes project, it is imperative that the agencies provide formal public review before finalizing a decision on the project.

Sincerely,


Bridget Donnell Newton, Mayor


Monique Ashton, Councilmember


Beryl L. Feinberg, Councilmember


David Myles, Councilmember


Mark Pierzchala, Councilmember

Rockville Mayor and Council

cc: Senator Benjamin Cardin
Senator Christopher Van Hollen
Congressman Jamie Raskin
District 17 Delegation