



City of Rockville
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October 28, 2022

Mr. Joseph DaVia, Chief, Maryland Section Northern
US Army Corps of Engineers Baltimore District
Regulatory Branch
2 Hopkins Plaza
Baltimore, Maryland 21201

Ms. Amanda Sigillito, Division Chief
Maryland Department of the Environment
Wetland and Waterways Program
Nontidal Wetlands Division
1800 Washington Boulevard
Baltimore, Maryland 21230

SUBJECT: Additional Comments on the I-495 and I-270 Managed Lane Study JPA

Dear Mr. DaVia and Ms. Sigillito:

The City of Rockville (City) is disappointed in the decision to not grant an additional 30-day extension to the Joint Permit Application public comment period. The request for an extension was to provide the City with adequate time to review traffic modeling data and documentation that was not included in the incomplete JPA file, which is the basis for assessing many of the project's environmental issues and ultimately the least environmentally damaging project alternative (LEDPA).

For your agencies to fulfill your obligations under the National Environmental Policy Act (NEPA) and the Clean Water Act, a finding that the selected alternative is the LEDPA must be made. As the City's request was denied, the forthcoming comments come without the benefit of thorough traffic analysis. **However, based on the analysis conducted thus far, the City's conclusion remains that the selected alternative for the I-495/I-270 Managed Lanes Study is not the LEDPA and therefore this application must be denied.**

A Citizen's Guide to the Corps of Engineers states that "the Corps is required to disclose to the public any pivotal data underlying its proposed action before the close of the notice and comment period." Certain pivotal data underlying the proposed action – such as the traffic modeling data, model outputs, and changes to those outputs – have only recently been partially disclosed. The urgency of disclosure stems from the need to assess the plausibility and validity of that data and those changes, which have been repeatedly questioned during the NEPA process.

As this information was not provided throughout the NEPA or JPA processes, the City sought to obtain these files through a Maryland Public Information Act request completed by the City on September 7, 2022. The City obtained the requested data from the Maryland Department of Transportation State Highway Administration (MDOT SHA) on October 13, 2022. 15 days does not provide adequate time to review the volume of data received and make substantive and informed comments. The City understands that the current extension to the public comment period through October 28, 2022 was granted for the very same reason the current request was made; the JPA file was incomplete and the requested information was not available. As this extension was granted on those grounds, and the information was not made available until

MAYOR
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October 13, 2022, the justification for not granting an additional extension is not understood by the City.

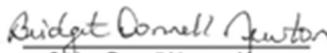

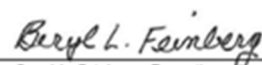
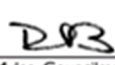
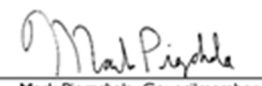
During the NEPA process, MDOT SHA inappropriately and preliminarily dismissed a comprehensive Traffic Systems Management (TSM)/Traffic Demand Management (TDM) alternative as it stated the benefits would be short-term and not address long-term congestion. Had MDOT SHA explored this alternative further including conducting additional traffic modeling, the benefits could have been determined and weighed against the cost and environmental impacts.

In fact, the completion of recent TSM improvements like the Innovative Congestion Management on I-270 in Rockville and pandemic induced TDM factors, such as increased telework provide significant insight into the benefits of such TSM/TDM methods and demonstrate the benefits on traffic congestion. The development of a TSM/TDM alternative that comprehensively analyzed the impacts of all feasible TSM/TDM options would clearly yield similar benefits to achieve the goals of the proposed I-495 and I-270 Managed Lanes Project with significantly less cost and environmental impacts than the proposed alternative.

Therefore, the USACE and MDE, must by law deny the joint permit application, as the applicant failed to justify that the selected alternative is not the Least Environmentally Damaging Project Alternative and that the applicant, MDOT SHA failed to comprehensively explore the TSM/TDM alternative that may have equal or improved benefits yet significantly less impact to the environment.

In addition to the above, the City also provided comments on September 26, 2022 (see attached) that state the project's unacceptable and disproportional environmental impacts to the City of Rockville.

Sincerely,

 Bridget Donnell Newton, Mayor	
 Monique Ashton, Councilmember	 Beryl L. Feinberg, Councilmember
 David Myles, Councilmember	 Mark Pierzchala, Councilmember

Mayor and Council
City of Rockville

cc: Mr. Nicholas Ozburn, US Army Corps of Engineers Baltimore District
Mr. Steve Hurt, Maryland Department of the Environment - Wetland and Waterways Program
Rob DiSpirito, Rockville City Manager
Robert E. Dawson, Rockville City Attorney
Craig L. Simoneau, PE, Rockville Director of Public Works
Day file