

CITY OF ROCKVILLE – MAYOR BRIDGET DONNELL NEWTON

**From:** Linda Moran <lmoran@rockvillemd.gov>  
**Sent:** Wednesday, November 4, 2020 12:30 PM  
**To:** Lisa Choplin <LChoplin@mdot.maryland.gov>  
**Subject:** Correspondence from the Rockville Mayor and Council - I-270&I-495 Managed Lanes Study DEIS

Good afternoon, Ms. Choplin,

Provided is correspondence from the Rockville Mayor and Council regarding the I-270 & I-495 Managed Lanes Study Draft Environmental Impact Statement. Please include it in the official public record for this matter. We would appreciate an acknowledgement of receipt, and thank you for your assistance.

Sincerely,

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MDOT SHA RESPONSE



Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
James F. Ports, Jr.  
Secretary  
Tim Smith, P.E.  
Administrator

June 10, 2022

The Honorable Bridget Donnell Newton  
Mayor  
City of Rockville Council  
111 Maryland Avenue  
Rockville MD 20850

Dear Mayor Newton and City of Rockville Councilmembers:

Thank you for your comments regarding the I-495 & I-270 Managed Lanes Study (MLS or Study) Draft Environmental Impact Statement (DEIS) published in July 2020 and Supplemental DEIS (SDEIS) published in October 2021. I appreciate the opportunity to respond to concerns noted in your oral testimony at the September 10, 2020 hearing on the DEIS as well as those noted in your DEIS and SDEIS comment letters

The I-495 & I-270 MLS is being completed in compliance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) implementing regulations and the Federal Highway Administration's (FHWA) procedural regulations. FHWA, as lead federal agency, is charged with independently ensuring that the Study follows NEPA's procedural requirements. Similarly, Federal permitting agencies are charged with ensuring compliance with all Federal laws within their jurisdiction.

In January 2021, Alternative 9 was announced as the Maryland Department of Transportation State Highway Administration (MDOT SHA) Recommended Preferred Alternative based on results of traffic, engineering, financial, and environmental analyses, as well as public comment. After several months of further coordinating with and listening to agencies and stakeholders regarding Alternative 9 as the Recommended Preferred Alternative, MDOT SHA aligned the Study to be consistent with the previously determined phased delivery and permitting approach which focused on Phase 1 South only. As a result, FHWA and MDOT SHA identified a new Recommended Preferred Alternative: Alternative 9 – Phase 1 South. Alternative 9 – Phase 1 South includes the same improvements proposed as part of Alternative 9 but limited to the Phase 1 South limits only. Based on new information related to the Preferred Alternative, MDOT SHA and FHWA published the Supplemental Draft Environmental Impact Statement (SDEIS) in October 2021. As described in the SDEIS, 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 planned phased delivery and permitting approach.

The Preferred Alternative includes a two-lane, High Occupancy Toll (HOT) managed lanes network on I-495 and I-270 within the limits of Phase 1 South only. On I-495, the Preferred Alternative consists of adding two, new HOT managed lanes in each direction from the George Washington Memorial Parkway to west of MD 187. On I-270, the Preferred Alternative consists of converting the one existing high-occupancy vehicle (HOV) lane in each direction to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. Transit buses and vehicles with three or more occupants would be permitted to use the HOT lanes toll-free.





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November 4, 2020

Ms. Lisa B. Choplin, DBIA  
Maryland Department of Transportation  
707 North Calvert Street, Mail Stop P-601  
Baltimore, Maryland 21202

Dear Ms. Choplin:

We, the Mayor and Council of the City of Rockville, are writing to express our extreme concern with the Draft Environmental Impact Statement (DEIS) for the I-495 & I-270 Managed Lanes Study. The DEIS is severely flawed because it completely neglects the impact of the pandemic. The Travel Demand Model assumes traffic volumes will resume to pre-COVID levels, includes too many human health and environmental impacts, and does not include a public mass transit component. Therefore, the City of Rockville supports the only rational alternative in compliance with the National Environmental Policy Act: The No-Build Alternative.

The DEIS's faulty assumption that traffic will return to pre-COVID levels negates the entire DEIS process and project decision-making. The Environmental Impact Statement is supposed to convey not only the benefits of the project, but also the negative environmental impacts, so they can be properly weighed. An assumption which significantly overstates the benefits of a project (such as reduction of traffic congestion) will cause the impacts to be improperly compared.

Below are some of the City's major concerns, with more technical concerns attached to this letter.

- The potential toll rate of as much as \$0.77 per mile (for Alternative 9M) is high enough to deter significant number of drivers from using the toll lanes. This rate is the projected average throughout the day, which means that the rates during the peak periods will be significantly higher and expected to exceed \$2 per mile. This reveals a lack of transparency of the peak toll rates in the DEIS. Rates this high will certainly discourage usage. The DEIS also does not account for the high cost of utility relocation, specifically WSSC utilities.
- The current experience with the Purple Line P3 demonstrates the risks of such a P3 project. The state should not proceed with the even larger I-270/I-495 P3 project until it demonstrates that it can properly handle the fundamental Purple Line P3 difficulties. Further, the Purple Line experience shows that the state and its taxpayers may be required to make up large construction funding shortfalls when all costs are considered, and may have to make up large ongoing operational deficits.
- The DEIS fails to look at the human health and environmental impacts of the proposed expansion in order to understand the balancing and tradeoffs required. Instead, the DEIS repeatedly notes that many project details remain unknown. This is insufficient and prevents the public from understanding the true consequences of the proposed expansion.

The Honorable Bridget Donnell Newton  
City of Rockville Council  
Page Two

There is no action or improvements included at this time on I-495 east of the I-270 east spur to MD 5. Significant environmental and community impacts outlined in the DEIS have now been completely avoided including residential and business displacements and over 100 acres of parkland. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

In response to your specific concerns, I offer the following.

#### 1. Traffic Modeling and Analysis

The Preferred Alternative is projected to provide meaningful operational benefits to the system even though it includes no action, or no improvements, for a large portion of the study area to avoid and minimize impacts. These operational benefits include reduction in network-wide average delay per vehicle (13 percent improvement in the AM peak period and a 38 percent improvement in the PM peak period), a 25 – 30 percent increase in throughput across the American Legion Bridge (ALB) during the peak hours, a 10 – 15 percent increase in throughput on I-270 at Montrose Road during the peak hours, a 4.8 percent decrease in daily delay on the arterials in Montgomery County, increased average speeds in the general purpose lanes on I-495 and I-270 during the peak hours compared to the No Build Alternative, and the option for vehicles with three or more occupants and transit vehicles to have a reliable trip in the HOT lanes system at free flow speeds without paying a toll.

As part of the ongoing NEPA process and to address concerns raised regarding operations along the I-495 Inner Loop under the Preferred Alternative, the design has been refined and the forecasting assumptions were revisited for the Final Environmental Impact Statement (FEIS), resulting in improved projected operations on I-495 and I-270 compared to what was reported in the SDEIS. Refer to Section 4.3 of the FEIS for the updated results. The HOT lanes are now projected to achieve at least 45 miles per hour (mph) in the design year. Projected speeds along the I-495 Inner Loop general purpose lanes between the George Washington Memorial Parkway (GWMP) and I-270 West Spur during the 2045 PM peak period following the design updates are projected to be 15 mph, which is better than the No Build (14 mph), and also improved compared to the preliminary results presented in the SDEIS (7 mph). Operations outside the Phase 1 South limits are projected to be similar under Build and No Build conditions, as would be expected.

With respect to the local roadway network related to the Build Alternatives, information in the DEIS was based on preliminary design that did not include direct access at Gude Drive or Wootton Parkway. Since that time, MDOT SHA has coordinated with various stakeholders, including the City of Rockville, and has updated the design to include direct access connections to the managed lane system at these two interchanges. The results presented in the SDEIS and FEIS account for these updates.



Ms. Lisa B. Choplin, DBIA  
November 4, 2020  
Page 2

- The Mayor and Council vigorously advocate that MDOT and the Governor protect the homes, businesses, and infrastructure of the nine Rockville neighborhoods that abut I-270. Many residents are anxious about the uncertainty surrounding their homes, neighborhood, and community. It is essential that the State understand that even if a home is left untouched, the taking of a portion of a yard, playground, park, or other amenity would still damage our community. There also are several schools close to I-270 that would be adversely impacted due to the noise and air quality that this project brings.
- The recommended alternatives retained for detailed study do not include public mass transit. The DEIS did not analyze reasonable public transit options, smaller-scale roadway improvements, or transportation systems and transportation demand management options. Suggestions to improve Park & Ride lots and enhance current transit lines are not acceptable, since the benefit of those transit improvements is expected to be negligible.
- The I-270/I-495 P3 will further degrade the climate in major ways. This proposed project will add a devastating loss of parks, adverse impacts to the Chesapeake watershed, wetlands and tree canopy, as well as the air and noise pollution that comes with increased speed and traffic. Rockville's effort to develop a Climate Action Plan to reduce municipal and community-wide greenhouse gas emissions will be undermined by the widening of I-270, which will generate even more global warming pollution from increased traffic.
- The DEIS does not sufficiently address social equity as required under NEPA. The need to conduct an equity evaluation on the transportation benefits of each of the Alternatives is of utmost importance. The DEIS's conclusion that everyone benefits, particularly given the widely-held public perception that managed lanes are intended and feasible solely for those with the ability to pay, is just not acceptable.

The City of Rockville requests MDOT make the fiscally, environmentally, and socially responsible decision to not proceed further with this project. We endorse only the No-Build Alternative.

Sincerely,

  
Bridget Donnell Newton, Mayor

  
Monique Ashton, Councilmember

  
Beryl L. Feinberg, Councilmember

  
David E. Myles, Councilmember

  
Mark Pierzchala, Councilmember

Mayor and Council  
City of Rockville

cc: Rockville City Manager  
District 17 Delegation

The Honorable Bridget Donnell Newton  
City of Rockville Council  
Page Three

The results indicate that the net impact of the Preferred Alternative will be an overall reduction in delay on the surrounding arterials, including a 4.8 percent reduction in daily delay on the arterials in Montgomery County, despite some localized increases in arterial traffic near the managed lane access interchanges. The portions of the local road network with an anticipated increase in volumes were evaluated in more detail as part of the FEIS, and mitigation was proposed where needed to maintain acceptable operations and safety per FHWA Interstate Access Point Approval Policy guidelines. In addition, based on follow-up meetings between MDOT SHA and the City of Rockville, additional improvements were considered and incorporated where feasible, including extension of the Maryland Avenue bike lane, modifications to the right-turning movement from the I-270 off-ramp onto eastbound MD 189, and additional turn lanes at Wootton Parkway at Seven Locks Road, Gude Drive at Research Boulevard, and MD 189 at Great Falls Road. All these enhancements will help manage and/or improve the function of the local roadway network. Refer to MDOT SHA's Application for Interstate Access Point Approval in FEIS, Appendix B.

Regarding your comments on the assumptions in the updated traffic analysis presented with the SDEIS, the transit projects you noted are approved projects including the Metropolitan Washington Council of Governments (MWCOC) regional forecasting model. Therefore, the traffic analysis assumes those transit projects are in place as part of the modeling. for the Average Daily Traffic (ADT) estimates in the SDEIS, they have been updated for the final traffic analysis in support of the FEIS and show an increase which is expected with capacity improvements. The increase in ADT from the No-Build Alternative to the Preferred Alternative can be primarily attributed to I-270 being able to accommodate latent demand under the build condition (i.e. trips that would otherwise use the local roadway network to avoid congestion on the freeways).

Lastly, your comments questioned the continued need for the project and the validity of the traffic model due to the effects of the COVID-19 pandemic on travel patterns. MDOT has closely monitored changes in traffic patterns throughout the pandemic, and as of early 2022, daily traffic volumes have already recovered back to over 90 percent of pre-COVID levels. Although there is still uncertainty surrounding traffic projections resulting from the COVID-19 pandemic, transportation experts have analyzed pandemic traffic conditions and future traffic demand inputs and note that traffic volumes have continued to recover since the rollout of the vaccines in early 2021. Traffic volumes are anticipated to return to pre-COVID levels before the HOT lanes are operational. Given the ultimate 2045 design year, the HOT lanes will be required to accommodate long-term traffic.

Based upon historic research of other similar dramatic societal effects on travel and the most recent data suggesting that traffic is rebounding close to pre-pandemic levels, the 2045 forecasts and results presented in FEIS using models that were developed and calibrated prior to the onset of the COVID-19 pandemic have been determined to be reasonable for use in evaluating projected 2045 conditions. However, MDOT SHA acknowledges that residual effects of some of the near-term changes in travel behavior could be carried forward into the future. Therefore, a sensitivity analysis evaluating several "what if" scenarios related to future traffic demand due to potential long-term changes to teleworking, e-commerce, and transit use was also conducted.



Ms. Lisa B. Choplin, DBIA  
November 4, 2020  
Page 3

**Attachment A**

**Additional City comments and concerns:**

1. The numbers included in the Executive summary (Table ES-2) are slightly different than those included in Table 2-3 in the main report.
2. Transit components are not adequate in the study: No standalone transit alternative has been proposed in the DEIS.
3. Rockville and Montgomery County question the validity of the Travel Demand Model used to project 2040 traffic volumes and patterns. Travel habits and the extensive use of video meetings, as well as the wide acceptance of teleworking during recent months, suggest that travel demand models should be revised taking into consideration all recent changes, and to project future demand accordingly.
4. The study is based on annual average daily traffic of 260,000 vehicles per day in 2018 (on I-270 between MD 28 and I-495). What is the current daily traffic in 2020? And how will it affect the purpose and need of this study? The forecasted 2045 traffic shown on page 1-5 (46 of 353) of the document should be revised accordingly.
5. The report did not include any data or specific analysis for Rockville's local networks and surrounding arterials, such as Wootton Parkway and Gude Drive, as well as traffic impact on neighborhoods.
6. The limits of disturbance (LOD) will likely need to be expanded because the LOD does not adequately address likely environmental impacts to natural resources. This includes inadequate allowance for stable outfall transitions, stormwater management, and rehabilitation of impacted resources, some that occur outside the limits of the LOD, in addition to other factors and incomplete analysis.
7. There are no sections of the DEIS which speak specifically to utility impacts. Concerns about utility relocation as well as cost associated with this task is significant.
8. Appendix B: Alternatives Technical Report section 5.5 Structures speaks to bridges but does not identify each specific bridge that would be impacted.
9. There are no specifics in the DEIS regarding utility impacts.
10. Appendix E: Community Effects Assessment (CEA)/Environmental Justice Technical Report: The Public Utilities section within the project limits makes no mention of any of Rockville's utility impacts or services.

The Honorable Bridget Donnell Newton  
City of Rockville Council  
Page Four

The first part of the sensitivity analysis involved modifying input parameters in the MWCOG regional forecasting model based on observed changes in travel behavior during the pandemic to evaluate a range of potential long-term scenarios. The second part of the sensitivity analysis involved re-running the 2045 No Build and 2045 Build VISSIM models that were used to generate the operational results presented in Chapter 4 of the FEIS, but with reduced demand volumes to account for potential sustained impacts from the pandemic. The results of the MWCOG and VISSIM sensitivity analyses confirm that the capacity improvements proposed under the Preferred Alternative would be needed and effective even if future demand changes from the pre-pandemic forecasts based on potential long-term impacts to teleworking, e-commerce, and transit use that are not formally accounted for in the current regional forecasting models. Refer to FEIS, Appendix C.

**2. Standalone Transit and Reversible Lane Alternatives**

Non-highway alternatives were considered during the alternatives screening process. These included heavy rail and light rail parallel to the existing alignments (the Purple Line Light Rail was already proceeding), fixed guideway or Bus Rapid Transit along a new alignment parallel to the existing highway alignments and dedicated managed bus lanes on I-495 and I-270. Refer to DEIS, Appendix B. As with all the alternatives under the Preliminary Range of Alternatives, these non-highway options were evaluated using the various project needs, a review of available data, similar proposals that had been made over time, as well as a qualitative traffic assessment of each alternative's potential to reduce congestion on I-495 and I-270.

The standalone transit options failed to address all the major areas of need identified and had major engineering and operational challenges associated with them. As one example, the Purple Line FEIS and Purple Line Travel Forecasts Results Report evaluated the impact of transit alternatives on overall automobile usage by presenting the vehicle miles traveled (VMT) in the region. The results showed that in 2040, under the Purple Line Preferred Alternative, 0.07 percent less VMT would be traveled each day in the region versus the 2040 Purple Line No Build Alternative. Based upon the analysis conducted and presented and input from agencies and public, FHWA and MDOT determined they would not adequately accommodate long term traffic growth or enhance trip reliability along I-495 or I-270, and none of them would accommodate homeland security or freight movement needs. For these reasons, those standalone transit alternatives were dropped from further consideration. Refer to DEIS, Chapter 2 and DEIS, Appendix B and FEIS, Chapter 2.

Although standalone transit alternatives were found to not meet the Study's Purpose and Need, the Preferred Alternative incorporates multiple transit elements. These transit elements will serve to address existing and planned multimodal mobility and connectivity included in the purpose of the MLS by:

- Allowing toll-free bus transit usage of the HOT managed lanes to provide an increase in speed of travel, assurance of a reliable trip, and connection to local bus service/systems on arterials that directly connect to urban and suburban activity centers; and
- Accommodating direct and indirect connections from the HOT managed lanes to existing transit stations and planned Transit Oriented Development at the Shady Grove Metro, Twinbrook Metro, Westfield Montgomery Mall Transit Center, and Medical Center Metro.



Ms. Lisa B. Choplin, DBIA  
November 4, 2020  
Page 4

11. The project would impact parkland, streams, wetlands, and forests in Rockville. At the current scale, the extent of impact to Rockville natural resources is difficult to determine. Additionally, the current LOD included in the Draft DEIS does not comprehensively reflect all the environmental impacts that will be needed to construct, restore and mitigate for the proposed project. The LOD needs adjustments in many locations to factor in access, construction, outfall stabilizations and transitions, stormwater management, and the mitigation of impacted assets.
12. The City is concerned that the DEIS does not address the expected impacts to Rockville's waterways and stormwater management (SWM). The DEIS provides inadequate stormwater management treatment for current and future impervious surfaces. Additionally, staff believes that proposed roadway changes and the increase in runoff added to already undersized and deteriorated SHA pipes may overwhelm our storm drain system, increase our stream erosion, and cause more issues for the City to deal with in the future.
13. Much of the DEIS is targeted to show compliance with State and federal regulatory requirements. However, Rockville's local SWM regulations have higher standards that require water quantity control or alternative mitigation for larger storms. These are not currently addressed in the DEIS.
14. Some onsite stream mitigation (meaning within the I-270 construction limits of disturbance) is proposed within the city limits at locations of expected impacts from I-270 storm drain outfalls, new or retrofitted stormwater management, culvert replacement, etc. However, it is not clear how this would address the downstream effects on Rockville streams and storm drains, nor is there information about what type of mitigation is planned.
15. Given that Rockville has an extensive section of I-270 that will be impacted, staff recommends that SHA also commit to addressing Rockville's waterway and stormwater impacts by providing mitigation projects located inside city limits.
16. City staff are concerned that adequate stormwater treatment is not provided and that multiple adjustments to the City's drainage system will result from the I-270 construction, many of which will not be compatible with existing downstream infrastructure or capacity. The DEIS does not account for how the meshing of new SHA infrastructure with older, lower-capacity City pipes and stream channels can be accomplished, and no downstream mitigation projects within Rockville are mentioned. We strongly urge SHA to add projects from the detailed list provided by the City in the spring of 2020, to help compensate closer to the source of increased runoff.
17. Appendix I, Air Quality Technical Report, suggests the project's added toll lanes to Washington-area highways would reduce air pollution, along with congestion, and have minimal impacts on greenhouse gases. The analysis doesn't account for the long-term likely increase in the number of vehicles traveling on the widened highways because of induced demand, which could offset reductions in congestion-related emissions. The study should assess the air quality and greenhouse gas impacts under the new SAFE Vehicles Rule.

The Honorable Bridget Donnell Newton  
City of Rockville Council  
Page Five

Additionally, MDOT SHA has committed to regional transit improvements to enhance existing and planned transit and support new opportunities for regional transit service including increasing the number of new bus bays at the Washington Metropolitan Area Transit Authority Shady Grove Metrorail Station and increasing parking at the Westfield Montgomery Mall Transit Center.

The use of contraflow or reversible lanes were included among the alternatives that were screened prior to consideration in the DEIS. The contraflow lane alternatives, Alternatives 12A and 12B, would require conversion of existing general purpose lanes on I-495 and conversion of existing HOV lane on I-270 and require a movable barrier system to separate opposing traffic. Shifting the moveable barriers for miles of highway could take many hours to complete, thereby reducing available roadway capacity during the operational change. Additional issues with a movable barrier system include: a long duration of time and complexity of deploying the movable barrier system; communicating movable barrier operations to travelers (in both directions); location and storage of the movable barrier during un-deployed periods; storage and maintenance of the movable barrier machines; and operations/configurations at interchanges with median piers and the numerous crossroads; and any new direct access interchanges with median ramps. Creation of the barrier system also creates substantial operational and maintenance expenses. The contraflow lane would end/exit into the existing peak period lane(s). Consequently, these lanes would likely be congested since no additional peak period capacity would be provided beyond the end of the contraflow lane. As such, the end/exit would likely create a congested merge point that would affect operations on the contraflow lane and general purpose lanes upstream.

On I-495, contraflow lanes are not conducive to travel patterns as traffic data indicates the split in peak travel is nearly equal in both directions. The creation of contraflow lanes on I-270 would have created a difficult merge for single occupancy vehicles to cross and/or merge into the existing HOV lane to enter and exit the contraflow access points. Refer to DEIS, Chapter 2, Section 2.5.2.

Reversible managed lanes alternatives, Alternatives 13A, 13B and 13C, would be separated from general purpose lanes by concrete barriers, as shown in the typical section figures for the Build Alternatives, refer to DEIS, Figures 2-10 and 2-11. Reversible lanes are more effective where there is a significant directional split in traffic. Similar to contraflow lanes, traffic data revealed that I-495 traffic is fairly evenly split by direction and peak period. As a result, the direction of traffic that is not benefitting from the reversible lanes would experience the same congestion as the No Build Alternative, and there would be no improvement in trip reliability in that direction. Additionally, switching the reversible system and ensuring that vehicles do not enter in the wrong direction (a potential safety hazard) would require extensive, daily maintenance due to the length of the improvements. On I-270, the existing HOV lane in both directions would be converted to reversible managed lanes. While the directional traffic split on I-270 is greater than I-495, many of the same operational issues would exist including losing capacity during the period when the lanes are closed to switch directions, safety concerns associated with ensuring vehicles do not enter in the wrong direction, extensive daily maintenance, and potential confusion from time-of-day restriction.

In addition to the operational and logistical issues identified above, the contraflow and reversible lanes alternatives would only provide capacity in one direction on I-495 and I-270 and therefore, would not address existing and long-term traffic growth, would not improve trip reliability, would not accommodate Homeland Security or emergency events, or improve the movement of goods and services.



Ms. Lisa B. Choplin, DBIA  
November 4, 2020  
Page 5

18. The encroachments into parks are not well defined.
19. Since specific impacts are not defined in the documents, avoidance of impacts must be included, as well as justification acceptable to the Director of Recreation and Parks. Also, there is not enough detail for all park encroachments to identify wetlands, forest types, historical sites, significant trees, and cultural resources. A Natural Resource Inventory (NRI) shall be required prior to approval of all encroachments, and based on the resources, encroachment maybe denied.
20. Staff found that the DEIS report makes no mention of the City's Forest Conservation Act (FCA) requirements. The report is limited to discussion of State and County FCA issues.
21. Numerous sections of the report should be modified to include City of Rockville Forest and Tree Preservation Ordinance definitions, permitting requirements, existing easements, and the mitigation options.
22. The City requires the forest conservation easements (FCE) impacts be mitigated by planting trees or acquiring forested parcels within boundaries of the city or, as a last resort, via fee-in-lieu money paid to the City, not the County. The report should reflect this requirement.
23. For historic resource, 628 Great Falls Road is a designated historic house. It is a triangular lot at the corner of Great Falls Road and Maryland Avenue, and would be impacted if the project were to proceed as planned.

The Honorable Bridget Donnell Newton  
City of Rockville Council  
Page Six

### 3. Environmental Justice (EJ) and Equity

The FEIS includes the final environmental justice (EJ) analysis. Per FHWA Order 6640.23A, a *Disproportionately High and Adverse Effect on Minority and Low-Income Populations* is an adverse impact that is predominately borne by a minority population and/or a low-income population; or will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low-income population.

Due to the parallel nature of the Preferred Alternative to I-495 and I-270, plus the infrequent distribution of EJ and non-EJ populations along the Phase 1 South limits, impacts would occur consistently throughout the limits. Quantifiable impacts, including impacts to property, community facilities and services, natural resources, noise, and hazardous waste, would be borne primarily by non-EJ populations.

Impacts to demographics, traffic, air quality and its effect on public health, safety, visual and aesthetic resources, economy and employment, access and mobility, community cohesion/isolation and quality of life, and impacts resulting from construction would occur consistently along the Phase 1 South limits and more frequently in non-EJ populations. Given the reasoning documented in detail in the EJ Analysis and summarized above and in accordance with Executive Order 12898, U.S. Department of Transportation (USDOT) Order 5610.2(c), FHWA Order 6640.23A, and an FHWA Guidance on EJ and NEPA (2011), FHWA and MDOT SHA have determined that a disproportionately high and adverse impact would not occur to the EJ Analysis Area population under the Preferred Alternative. Refer to FEIS, Appendix F and FEIS, Chapter 5, Section 5.21.

However, to be responsive to community concerns raised during the outreach and engagement efforts, which identified priorities for improved sidewalks and bicycle facilities, better lighting, and traffic calming measures, MDOT SHA commits to working with the City of Rockville, the City of Gaithersburg, and Montgomery County to:

- Identify locations where safer pedestrian crossings on major state roadways are needed;
- Identify locations where additional pedestrian improvements including adding or upgrading sidewalk, restriping for bicycle lanes, and adding or upgrading Americans with Disabilities Act-compliant ramps are needed; and
- Identify locations along state roads with existing pedestrian facilities where more or better lighting is needed.

As part of the P3 Agreement, the Developer has committed to additional community improvements, including:

- Define a neighborhood walk and cycle connectivity zone to enhance multi-modal connectivity as part of its commitment to support Vision Zero;
- Facilitate the development of a facility improvement program for the installation or replacement of sidewalks, crossings, or signal modifications and formalizing trail development that has pedestrian demand, then rank projects according to safety significance (considering predictive safety analyses completed by the Maryland-National Capital Park and Planning Commission), readiness, and landowner consensus, also as part of its commitment to support Vision Zero; and

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The Honorable Bridget Donnell Newton  
City of Rockville Council  
Page Seven

- Work with Montgomery, Frederick and Prince George’s counties to expand transit fare subsidies for eligible low-income riders.

MDOT SHA is also committed to providing equitable transportation solutions for everyone and project elements or commitments that support fair, accessible and affordable transportation options for everyone include:

- Supporting or offering additional affordable, multi-modal travel options including toll-free bus transit and HOV 3+ and committing to new pedestrian and bicycle facilities;
- Improving accessibility to work, school and other modes of transportation by upgrading or replacing existing pedestrian and bicycle facilities in consideration of master plan priorities, providing direct or indirect managed lane access to multiple transit centers, providing safer pedestrian and bicycle improvements and connecting to Rockville’s planned improvements; and
- Upgrading existing transportation facilities for all user throughout Phase 1 South by replacing or rehabilitating existing bridges on I-495 and I-270 and rehabilitating and repaving the existing general purpose lanes for a smoother and safer travel.

#### 4. Property Impacts

As noted in the DEIS and SDEIS, no residential or business displacements would occur within the City of Rockville based on the DEIS Build Alternatives or the Preferred Alternative. MDOT SHA worked early in the Study to avoid and reduce property impacts, including those within the City limits, by eliminating the concrete barrier and repurposing the pavement on I-270 between the Collector-Distributor system and the general purpose lanes to provide a new lane and largely stay within the existing roadway footprint on I-270. Although partial acquisitions would still be necessary to construct the Preferred Alternative (limited “strip takes” of parcels and undeveloped areas of trees or landscaping adjacent to I-495 and I-270), the existing sense of community cohesion of communities along the study corridors would not be impacted. Also, the Preferred Alternative would not eliminate access or provide new access to properties, nor would it impede access between residences, community facilities, and businesses as no properties are accessed directly from I-495 or I-270. Impacts to parkland within the City limits have been reduced by over two acres since the SDEIS with the complete avoidance of Cabin John Stream Valley Park.

MDOT SHA will continue to make minimizing impacts a priority through design and construction and is committed to further coordination with neighboring communities and individual property owners. Monetary incentives have been added to the Developer’s Technical Provisions to encourage further avoidance and minimization of impacts to properties and resources. Based upon the overall project benefits and strong values of communities currently located near the Study, any projected decline or increase in property values related to the construction of the Project but not directly impacted is speculative. Where MDOT SHA acquires property, property owners are compensated for decreases in value to the remainder of the property.



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The Honorable Bridget Donnell Newton  
City of Rockville Council  
Page Eight

## 5. Noise

MDOT SHA has reevaluated noise impacts and abatement recommendations along I-270 within the City of Rockville as part of the FEIS. Refer to FEIS, Chapter 5 and Appendix L. The noise analysis was conducted in compliance with MDOT SHA’s Highway Noise Abatement Planning and Engineering Guidelines (2020), which are in turn, based on FHWA regulations Title 23 Code of Federal Regulations Part 772, “Procedures for Abatement of Highway Traffic Noise and Construction Noise.” The federal regulations require MDOT SHA to assess whether abatement is “feasible and reasonable” based on a series of practical engineering and performance measures.

A noise barrier was evaluated along Redland Boulevard, but it does not meet the criteria for feasibility or reasonableness. Because the residences are set so far back from the noise source, a barrier at the maximum height of 40 feet is unable to provide enough noise level reduction to satisfy the acoustic requirements in the MDOT SHA Guidelines. A noise barrier was also evaluated for the Falls Ridge community, with similar results to Redland Boulevard due to the distance between the residences and the highway. In addition, the barrier for the Falls Ridge community exceeds the cost effectiveness threshold. Our evaluation did not identify any noise impacts along I-270 near Wootton Parkway. The land uses adjacent to I-270 in this area are commercial, with an impact criterion of 71 dB(A); the highest predicted noise level is 65 dB(A).

As the Study is in final stages of project planning, available preliminary engineering and design files were used to complete this planning-level noise analysis. The noise analysis will continue to be refined during the design process. Supplemental ambient noise measurements will be taken during final design and the noise models will be updated to reflect the more detailed roadway design as it is developed. Although MDOT SHA does not provide post-construction noise monitoring, the noise analysis is being done and will continue to be done following MDOT SHA’s standard methodology. MDOT SHA will oversee the noise analysis throughout the design process to ensure that those methodologies continue to be followed.

## 6. Stormwater Management (SWM)

MDOT SHA will fully meet all requirements to address SWM as regulated under Maryland’s SWM Act of 2007. Maryland SWM requirements aim to maintain post-development runoff as near as possible to pre-development runoff characteristics. The Preferred Alternative will require both Erosion and Sediment Control, SWM permits, and will also have to meet a high standard of providing protection to receiving waters both during and after construction. Maryland has several other regulations that will be required to be met for this project that will help address the concerns noted in your comments. These include Maryland Department of the Environment (MDE) Wetlands and Waterways permits, which require that the 2-year, 10-year and 100-year impacts be determined and mitigated, for all impacted jurisdictional waters. In addition, Maryland stormwater permitting requirements require that proposed runoff be controlled to match existing runoff for the 10-year storm in the City of Rockville. Waivers or variances may be requested for minimal increases in the 10-year storm; however, the City of Rockville, as the downstream jurisdictional review authority, will have to concur with the waiver or the variance requests within the City of Rockville.



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The Honorable Bridget Donnell Newton  
City of Rockville Council  
Page Nine

This project will utilize stormwater runoff estimates based on the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 historical rainfall data for the region. At this time, Maryland does not require increased intensity or amount of rainfall to account for future climate change. If Maryland develops a standardized watershed approach and requirement to address climate resiliency and rainfall increases as the project design process evolves, the SWM design can potentially be adjusted to accommodate such changes.

#### 7. Environmental Impacts

MDOT SHA employed a conservative approach to defining the limits of disturbance (LOD) for all the DEIS Build Alternatives and the Preferred Alternative. The LOD represent the proposed boundary within which all construction, mainline widening, managed lane access, intersection improvements, construction access, staging, materials storage, grading, clearing, erosion and sediment control, landscaping, drainage, SWM, noise barrier replacement/construction, stream stabilization, and related activities will take place. Property impacts associated with the LOD were broken into permanent (long-term) and temporary (short-term) areas. This conservative approach to defining the LOD fairly captured the full scope of potential impacts. The methodology used to assess impacts to a number of key resources appropriately considered a broader geographic area than the LOD immediately surrounding the anticipated construction and related activity boundaries. When the project advances to final design, it is anticipated that the design will closely adhere to the LOD defined in the FEIS, as the LOD was established to include a reasonable area to construct the Preferred Alternative. For complete graphic descriptions of the Preferred Alternative LOD across the entire span of study limits, refer to the FEIS, Appendix E, Environmental Resource Mapping.

Due to extensive coordination and consultation with local, state, and federal resource agencies and stakeholders throughout the NEPA process, MDOT SHA was able to advance avoidance and minimization measures for regulated and sensitive resources and property displacements along I-495 and I-270. This includes the complete avoidance of the Cabin John Stream Valley Park property, a City of Rockville Park.

Regarding your specific comments about the City's Forest Conservation Act requirements, as a MDOT SHA project that will impact over one acre of forest, this project will be reviewed at the State level by Maryland Department of Natural Resources (MDNR) for compliance with the Maryland Reforestation Law, which requires 1:1 replacement of forest acreage according to an established mitigation hierarchy. The hierarchy expresses a preference for on-site planting within the project corridor, followed by off-site planting on public land within the affected county, off-site planting on public land within the affected watersheds, purchase of credits from approved forest mitigation banks within the affected county or watersheds, and payment into the Reforestation Fund. Mitigation must occur within two years or three growing seasons of the completion of project construction. MDOT SHA contacted the City of Rockville to identify potential forest mitigation sites on public lands in the City but received a response in April 2020 that the City of Rockville will not be able to offer any property for forest mitigation for the MLS project. We look forward to continuing coordination with the City to find opportunities for plantings within the City limits.

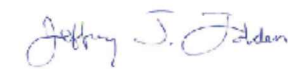
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The Honorable Bridget Donnell Newton  
City of Rockville Council  
Page Ten

We appreciate the City's active participation over the course of the Study. Many of the additional comments raised by the City have been addressed in development of the Preferred Alternative and in the final analyses presented in the FEIS. For more details on responses to common comments received, please refer to FEIS, Chapter 9. We look forward to continued dialogue and engagement on critical transportation issues facing the City of Rockville.

Thank you for your comments on the DEIS and SDEIS. If you have any additional questions or concerns, please feel free to contact Caryn Brookman, I-495 and I-270 MLS Environmental Program Manager, at [cbrookman@mdot.maryland.gov](mailto:cbrookman@mdot.maryland.gov). Ms. Brookman will be happy to assist you. Of course, you may always contact me directly.

Sincerely,



Jeffrey T. Folden, P.E., DBIA  
Director, I-495 and I-270 P3 Office

cc: Ms. Caryn Brookman, Environmental Program Manager, I-495 and I-270 P3 Office, MDOT SHA



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The Honorable Bridget Donnell Newton  
City of Rockville Council  
Page Eleven

bec: Mr. Mitch Baldwin, Chief, Legislative Services Division (LSD), MDOT SHA  
Samantha Biddle, AICP, Chief of Staff, MDOT  
Ms. Melissa Einhorn, State Legislative Officer, Office of Government Affairs, MDOT  
Ms. Hilary Gonzales, Chief of Staff, MDOT SHA  
Ms. Pilar Helm, Director, Office of Government Affairs, MDOT  
Mr. Mark Howard, Federal Legislative Manager, LSD, MDOT SHA  
Mr. Samuel Kahl, Deputy Director, Office of Policy and Research (OPR), MDOT SHA  
Mr. R. Earl Lewis, Jr., Deputy Secretary for Policy, Planning, and Enterprise Services,  
MDOT  
Ms. Heather Murphy, Director, Office of Planning and Capital Programming, MDOT  
Mr. Sean Powell, Deputy Secretary for Operations and Homeland Security, MDOT  
Tim Smith, P.E., Administrator, MDOT SHA  
Ms. Nicole Stafford, State Legislative Manager, LSD, MDOT SHA  
Mr. Jeff Stockdale, Federal Legislative Officer, Office of Government Affairs, MDOT  
Richard Y. Woo, Ph.D., Director, Office of Policy and Research, MDOT SHA

**CITY OF ROCKVILLE – MAYOR BRIDGET DONNELL NEWTON & COUNCILMEMBER MARK BRUSHAYLA**

Refer to the MDOT SHA Response Letter above for a resposne to the City of Rockville.

Joint Public Hearing - September 10, 2020

I-495 AND I-270 MANAGED LANE STUDY

1 your address.

2 So, the first person we will hear from is Rockville Mayor

3 Bridget Donnell-Newton. Rockville Mayor Newton, please come on

4 up. Again, state your name, spell your name and your address.

5 MAYOR NEWTON: B-R-I-D-G-E-T D-O-N-N-E-L-L N-E-W-T-O-N.

6 Home or work?

7 MR. BING: Work is fine.

8 MAYOR NEWTON: 111 Maryland Avenue, Rockville, Maryland

9 20850.

10 Good afternoon and welcome to our city. I am here joined

11 by Councilmember Mark [Brushayla] speaking today on behalf of

12 our entire council and our community of over 70,000 people.

13 Thank you for the opportunity to once again firmly and without

14 equivocation state our position on the proposed I-495 and I-270

15 Managed Lanes Project. The City of Rockville unanimously

16 supports the only rational alternative in compliance with the

17 National Environmental Policy Act; the No-Build Alternative.

18 The DEIS neglects the impact of the pandemic altogether

19 and is fundamentally flawed as the travel demand model uses

20 traffic counts that were performed prior to the March COVID

21 shutdown across our country and without evidence, assumes the

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Joint Public Hearing - September 10, 2020

I-495 AND I-270 MANAGED LANE STUDY

1 traffic volumes will resume to pre-COVID levels and then  
2 increase.

3 A recent study performed by AECOM, a widely respected  
4 transportation consultant for MBTA predicts far lower vehicle  
5 miles traveled across the DMV in 2025. The MT post-pandemic  
6 could see 40% decrease. In fact, as our entire world has  
7 changed, less congestion seems to be our future.

8 Six months into this pandemic, governments, businesses,  
9 and non-profits are teleworking and many in our region say that  
10 they will continue to work remotely or with staggered schedules.  
11 Elementary, middle and high schools are taking classes online.  
12 Developers and office building owners are regrouping and  
13 reimagining their projects. Businesses are letting office  
14 leases expire and planning for either downsized or no permanent  
15 office space. Companies are canceling leases on parking garage  
16 spaces and the use of technology to conduct business has proven  
17 not only to be efficient; it's also more cost effective.

18 At a projected cost of \$11 billion, the numbers just don't  
19 work. The current congestion on I-270 begins north of  
20 Gaithersburg where six lanes reduce to two going towards  
21 Frederick and equally the crush immediately lessens coming south

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Joint Public Hearing - September 10, 2020

I-495 AND I-270 MANAGED LANE STUDY

1 when two lanes magically become six.

2 As we've seen in Northern Virginia, Texas, Indiana and

3 Illinois, P3's are not a panacea. They frequently end up

4 costing tax payers millions of dollars. Add to this the recent

5 surprise findings that the replacement of WSSC lines could cost

6 an additional \$2 billion. What other costs will suddenly come to

7 light? Replacement of the three City of Rockville bridges over

8 the I-270?

9 And most critically now, what is the financial impact of

10 COVID and the loss of jobs? We have yet to see the full impact

11 of this trifecta, the public health, economic and racial crises

12 gripping our country.

13 Let's move to the EIS. The EIS is supposed to convey not

14 only the environmental impacts, but also any benefits of the

15 proposed project so that they can be weighed equally. Any

16 assumption which significantly overstates the benefit of a

17 project, in this case the purported reduction in traffic

18 congestion, and doesn't address the negative impacts to the

19 environment is fundamentally suspect. We are witnessing the

20 daily impacts of climate change throughout our country. This

21 proposed project will add a devastating loss of parks, adverse

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Joint Public Hearing - September 10, 2020

I-495 AND I-270 MANAGED LANE STUDY

1 impacts to the Chesapeake watershed, wetlands and tree canopy  
2 and we mustn't forget the air and noise pollution that comes  
3 with increased speed in traffic. Hasn't it been nice to not  
4 have Code Red Ozone days this summer?

5 On behalf of the Council and the community, I appreciate  
6 the commitment of Director [Chaplin] in her letter of July 15,  
7 2020, stating, "No homes, businesses or community facilities  
8 will need to be relocated within Rockville." Additionally, she  
9 writes, "Furthermore, the MDOT SHA is committed to avoiding and  
10 minimizing any property needed and impacts to environmental  
11 features such as green space and mitigating for noise where  
12 possible."

13 With all due respect, what exactly does this mean? What  
14 does where possible mean when you're talking about someone's  
15 home, play space for children, enjoyment of a conversation in  
16 your own backyard. A track and field space at Julius West  
17 Middle School, a peaceful night's sleep for the residents of the  
18 Rockville Nursing Home.

19 What does mitigating for noise where possible mean when  
20 residents of Rockville's West End neighborhood has been striving  
21 for over twenty years to get a sound wall built after the

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Joint Public Hearing - September 10, 2020

I-495 AND I-270 MANAGED LANE STUDY

1 widening of I-270 25 years made being outside untenable.

2 On a personal note, if I may, I appreciate your reference

3 to the NCR National Capital Region Transportation Planning

4 Board's visualized 2045. However, as a 2018 chair of the TPB, I

5 think you minimize the strength of our commitment to all the

6 goals.

7 TPB's desire for congestion relief is equal to our demands

8 for environmental justice, social justice, and racial justice.

9 Protecting our environment, access to affordable housing, good

10 paying jobs, quality education will come when we put the focus

11 on access to all modes of transportation, walkability,

12 bike-ability and affordable transit options. Access for all is

13 the lynchpin to realizing each of our goals.

14 I'm sure you're familiar with the words in Joni Mitchell's

15 song "they paved paradise and put up a parking lot." Well, the

16 TPB is actively working to stop the spread of development and

17 concentrate housing and jobs in activity centers which means

18 less macadam period.

19 I am here to tell you again that the ninth most livable

20 city in America, the City of Rockville, is equally committed to

21 protecting and supporting our residents, our environment and our

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