



## Information Presentation

Commission Meeting: October 1, 2020

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**PROJECT**

**I-495 and I-270 Managed Lanes Study**  
Montgomery and Prince George's Counties

**NCPC FILE NUMBER**

7984

**SUBMITTED BY**

Staff of the National Capital Planning Commission

**NCPC MAP FILE NUMBER**

00.00(00.00)45203

**PRESENTER**

Michael Weil

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### OVERVIEW

The purpose of this information presentation is to brief the Commission on the status of the Interstate-495/270 Managed Lanes Study and to seek the Commission's concurrence on proposed draft Environmental Impact Statement comments, which staff will send to the Maryland State Highway Administration prior to the end of the public comment period on November 9, 2020. Staff will send a draft of the comment letter to Vice Chairman Gallas for review before sending.

This is the third information presentation to the Commission. In July, the Maryland Department of Transportation (MDOT) and Federal Highway Administration (FHA) released a draft EIS that evaluates alternatives to accommodate future travel demand along I-495 and part of I-270 in Maryland for public comment. According to the Purpose and Need statement: *The purpose of the I-495 & I-270 Managed Lanes Study is to develop a travel demand management solution that addresses congestion, improves trip reliability on I-495 and I-270 and enhances existing and planned multimodal mobility and connectivity. The study will address the following needs: Accommodate Existing Traffic and Long-Term Traffic Growth; Enhance Trip Reliability; Provide Additional Roadway Travel Choices; Accommodate Homeland Security; and Improve Movement of Goods and Services. Additional capacity and improvements must be financially viable. The Maryland Department of Transportation's (MDOT's) traditional funding sources would be unable to effectively finance, construct, operate, and maintain improvements of this magnitude. Revenue sources that provide adequate funding, such as pricing options, are needed to achieve congestion relief and address existing high travel demand.*

### NCPC REVIEW INTERESTS

**1930 Capper-Cramton Act – Approval Authority:** The Commission's authority was granted under a 1931 Agreement with MNCPPC which prohibits, in whole or in part, conveyance, sale, lease, exchange or use of the parklands for "other than park purposes; and requires Capper-Cramton lands to be developed in accordance with plans approved by the NCPC." NCPC review focuses on protecting the character and setting of the parks, ensuring that all development is for park-related purposes. New managed lanes could impact up to a combined 17 total acres across

four different parks – Rock Creek Stream Valley Park, Sligo Creek Stream Valley Park, Cabin John Stream Valley Park, and Northwest Branch Stream Valley Park.

**National Capital Planning Act – Advisory Authority:** NCPC has advisory review over federal property that may be impacted including the following National Park Service (NPS) and Department of Defense (DoD) properties: George Washington Memorial Parkway, Clara Barton Parkway, Chesapeake & Ohio Canal Park, Naval Support Activity-Bethesda, Baltimore-Washington Parkway, and Joint Base Andrews.

**Comprehensive Plan for the National Capital:** NCPC has a general interest in the nature of the potential managed lanes expansion through our Comprehensive Plan policies. The nature of the project is to accommodate future regional traffic (primarily consisting of Single Occupant Vehicles); however, the managed lanes may provide subsidized travel for transit and other higher-occupant vehicles (carpools, vanpools), as well as improved connections to transit centers and pedestrian/bicycle improvements.

## KEY INFORMATION

- The Maryland State Highway Administration (MD SHA) and United States Federal Highway Administration (FHWA) are co-lead agencies for the Managed Lanes Study, with the Maryland-National Capital Park & Planning Commission (MNCPPC), National Capital Planning Commission (NCPC), and National Park Service (NPS) serving as cooperating agencies.
- The draft Environmental Impact Statement (DEIS) currently includes six “build” alternatives (known as Alternatives Retained for Detailed Study) and one “no build” alternative. Five build alternatives (Alternatives 8, 9, 10, 13B, 13C) would result in a four-lane expansion (two lanes in each direction) to the I-495 Beltway in Maryland and a southern section of I-270 (between the Beltway and I-370). The sixth build alternative (9M) differs from the other five build alternatives with a reduced two-lane (one lane in each direction) expansion between I-95 and I-270 (northern portion of the Beltway) and a four-lane expansion along all other sections of the Maryland Beltway and southern segment of I-270.
- NCPC’s authority was granted under a 1931 Agreement with Maryland National Capital Park and Planning Commission (MNCPPC) which prohibits, in whole or in part, conveyance, sale, lease, exchange or use of the parklands for “other than park purposes; and requires Capper-Cramton lands to be developed in accordance with plans approved by the NCPC.” NCPC review focuses on protecting the character and setting of the parks, ensuring that all development is for park-related purposes.
- MNCPPC would serve as the future applicant to all potential Capper-Cramton development proposals to NCPC on behalf of the MD SHA. NCPC would have a NEPA responsibility at the time of each final project submission.
- The current Managed Lanes Study is Part A of a two-part NEPA process, with a second part (Part B) study assessing alternatives along I-270, between I-370 (Gaithersburg, Maryland) and I-70 (Frederick, Maryland). The managed lanes would be constructed in three phases, with Phase 1 from the George Washington Memorial Parkway, along I-270, to I-70; Phase 2

along the northern I-495 Beltway, between I-270 and I-95; and Phase 3 along the eastern Beltway, between I-95 to Maryland Route 5, in southern Prince George's County, Maryland.

## BACKGROUND

NCPC staff drafted a letter (dated December 17, 2019) in follow-up to the November 2019 MD SHA presentation to the Commission stating that all five build alternatives consist of a 4-lane expansion to the Maryland I-495/Beltway, which would impact the same amount of Capper Cramton parkland. The MD SHA had eliminated the two build alternatives that had lesser impacts to Capper-Cramton parkland from further analysis – the MD 200/ICC Alternative with no Capper-Cramton park impacts and Alternative 5 (2-lane expansion) with reduced Capper-Cramton park impacts. The NCPC staff letter stated that the range of alternatives was likely too narrow to meet the Commission's potential NEPA responsibility should MNCPPC submit managed lane-related development proposals to NCPC for consideration.

The MD SHA shared the administrative DEIS with cooperating agencies in January 2020, and NCPC staff provided comments via an errata sheet as requested by SHA. Staff comments highlighted our on-going concerns regarding lack of specific impacts for each alternative (dismissed or retained), proposed mitigation, and costs (including the cost savings of not using Capper Cramton land) associated with the alternatives. MD SHA has since provided follow-up responses to our comments, and the DEIS is now available for public comment from July 10 – November 9, 2020, with six public meetings (four virtual and two on-site) scheduled.

## NCPC STAFF EVALUTATION

Staff evaluation focuses on how MD SHA has responded to each Commissioner comment through the DEIS. Commissioner comments are reflected in a letter to MD SHA (December 17, 2019) from staff, drafted in follow-up to the November 2019 information presentation. The following sections summarize each comment; describes how each comment is reflected in the Study; and proposed staff comments to be sent to MD SHA in a follow-up letter.

### *A. Maryland 200/Intercounty Connector Alternative*

**The Commission previously requested that the Maryland State Highway Administration include a traffic diversion alternative (known as the Maryland 200/Intercounty Connector Alternative) that would fully preserve Capper-Cramton parkland, with Beltway expansion elsewhere in the study area. After MD SHA presented their analysis and determination that the Alternative does not meet the study Purpose and Need (November 2019), the Commission requested additional travel time analysis for review and consideration.**

The MD SHA determined that the Alternative would not improve key performance measures (e.g. Average Peak Period Travel Speed, Travel Time Index, Latent Demand Served) to an extent that would justify its inclusion as a build alternative in the DEIS. MD SHA's detailed analysis is

documented through a technical report in the DEIS Appendix. The primary benefit of the MD 200/ICC Alternative would be to fully preserve Capper-Cramton parkland adjacent to the Beltway while continuing to fully expand the remainder (80%) of the Maryland Beltway and southern I-270 study area. Some traffic would divert to the Intercounty Connector (ICC) rather than using the northern Beltway between I-95 and I-270, thereby relieving some projected future northern Beltway travel demand.

The DEIS MD 200/ICC technical report reflects some additional analysis of the Alternative after the November 2019 presentation to the Commission, with several trip travel time estimates and other measures that are competitive with other build alternatives. Thus, NCPC staff believes that this demonstrates some rationale to reconsidering the Alternative as a full build solution, and staff continue to see the benefit of the Alternative as a means to help differentiate the trade-offs between fully preserving and developing Capper-Cramton parkland. Although MD SHA has previously determined that the Alternative does not meet the Purpose and Need, our desire to analyze the MD 200/ICC Alternative as a build alternative is supported by the One Federal Decision Executive Order 13807, which states that to fulfill the needs of an agency's authority, there may be alternatives that require analysis beyond what is necessary for the lead agency.

**Proposed comments:**

- *NCPC staff notes that the MD 200/ICC technical report reflects several trip travel time estimates and other measures that appear to be competitive with the other build alternatives.*
- *NCPC staff note the additional benefit of the MD 200/ICC Alternative as a build alternative – both as a potential solution for accommodating future travel in the Region and to help NCPC better understand the trade-offs between fully preserving Capper-Cramton parkland or using the land to accommodate Beltway expansion.*
- *Though the MD SHA determined that the MD 200/ICC Alternative does not satisfy the study Purpose and Need Statement, our desire to see the Alternative as a build alternative is supported by the One Federal Decision Executive Order 13807, which states that to fulfill the needs of an agency's authority, there may be alternatives that require analysis beyond what is necessary for the lead agency.*

*B. Narrow Range of Build Alternatives*

**Without the MD 200/ICC Alternative and Alternative 5, the Commission previously noted that the remaining build alternatives all had similar impacts to Capper-Cramton parkland. Thus, the Managed Lanes Study may not yield sufficient information for NCPC to satisfy its potential future NEPA responsibility for related park development projects.**

The MD SHA expanded the range of build alternatives to include Alternative 9M, which is described as a hybrid between build Alternatives 9 and 5 (eliminated as a build alternative) since November 2019. The Alternative would expand the northern part of the Beltway between I-95 and I-270 with two managed lanes (one in each direction) and a four-lane expansion around the rest of the Beltway and southern section of I-270 as described in Alternative 9. By comparison, the other

five build alternatives (8, 9, 10, 13B, 13C) would fully expand the northern Beltway section by four lanes (two in each direction). The DEIS shows the removal of two lanes (one in each direction) would result in a 13% decrease (1.5 acres) to impacts on Capper-Cramton parkland.

While a 13% difference is not substantial, it does broaden the range of study alternatives in the NEPA analysis with regard to Capper Cramton land should MNCPPC submit a future project application. Staff believes that the State added the new study alternative in response to previous NCPC and MNCPPC comments, as well as based on public parkland avoidance, minimization, and mitigation efforts. With the new Alternative, the DEIS includes analysis of scenarios that would fully preserve Capper-Cramton parkland (No Build); maximum Beltway widening (Alternatives 8, 9, 10, 13B, and 13C) with 4 new lanes; and a lesser widening scenario (Alternative 9M) with 2 new lanes. Staff also requests that SHA continue to study the Maryland 200 Alternative in more detail as another option to avoid Capper-Cramton parkland while achieving some of the Study's transportation goals and objectives.

#### **Proposed comments:**

- *The DEIS shows the removal of two lanes (one in each direction) in the 9M Alternative would result in a 13% decrease (1.5 acres) to impacts on Capper-Cramton parkland.*
- *The new 9M Alternative effectively broadens the range of build alternatives, which would help NCPC in its potential review of Capper-Cramton park development should MNCPPC submit future park development projects for Commission review.*
- *SHA should continue to study the Maryland 200 Alternative in more detail as another option to avoid Capper-Cramton parkland while achieving some of the Study's transportation goals and objectives.*

#### *C. Alternative Cost Comparison*

**The Commission previously noted that it would be difficult to understand the trade-offs between using Capper-Cramton property for potential managed lane development versus preserving the parkland without more detailed cost and benefit information in the DEIS and FEIS documents.**

The DEIS documents general economic benefits to the Region from each build alternative (reflected in the technical appendix) as well as projected construction costs ranging from \$8.5-10 billion. The DEIS states that the P3 program continues to have a goal to construct managed lane improvements at no net cost to the State. However, projected construction costs and benefits remain relatively general, and the level of analysis remains substantively unchanged since November 2019; however, MD SHA has commented that the final EIS would include more detailed costs related to the future Preferred Alternative.

Staff recommends that the final EIS should reflect a consistent analysis of all the build alternatives as well as the No Build, 9M, and MD 200/ICC Alternatives rather than providing detailed costs and benefits for only the Preferred Alternative. In addition, with the significant benefit of

preserving all Capper-Cramton parkland in the Region, which has historically influenced development patterns and as a valuable regional environmental and recreational resource, the final EIS should accurately convey the invaluable benefit of preserving these stream valley parks.

**Proposed comments:**

- *The FEIS should reflect the benefits of preserving Capper-Cramton land to the Region and include a consistent analysis of all the build alternatives as well as the No Build, 9M and MD 200/ICC Alternatives.*

*D. Study Purpose and Need*

**The Commission previously expressed a desire for MD SHA to broaden the scope of the Study to consider accommodating regional and local mobility through a multi-modal approach rather than focusing the Study on assessing only managed lanes solutions. Further, NCPC reminded MD SHA’s commitment to minimize environmental impacts (which may be better addressed through a broader Study scope) with mitigation at an equal or greater value.**

The State has not amended the study Purpose and Need Statement since November 2018. MDOT SHA describes the project as improving non-SOV accessibility through discounted or no fee use of managed lanes by High Occupancy Vehicles (HOVs); new direct access ramps to transit centers; and various pedestrian and bicycle improvements. In addition, the DEIS describes a regular transit working group, which is hosted by MD SHA, to identify and develop opportunities for transit service improvements through managed lane use in coordination with local jurisdictions and transit providers. However, the nature of the study (based on the Purpose and Need) continues to focus on improving regional driving mobility along the Maryland Beltway and I-270 rather than exploring how to accommodate future travel demand through a more holistic multimodal regional approach.

The MD SHA appears to be coordinating with MNCPPC, NPS, and other stakeholders as part of the Section 4(f) process and regular study coordination process. The DEIS does provide a moderate amount of detail related to park impact avoidance and minimization, with fewer details on specific potential parkland mitigation. NCPC staff anticipates more detailed Capper-Cramton park impact mitigation in the final EIS, ROD, and 4F analysis documents. In addition, NCPC staff anticipates that the MD SHA will continue to host its transit working group to explore how future managed lanes could leverage local and regional transit service.

**Proposed comments:**

- *NCPC would need more specific information in the FEIS/ROD and Section 4(f) Analysis related to Capper-Cramton park impact mitigation and improvements to local and regional transit service, pedestrian, and bicycle infrastructure if MNCPPC were to submit an application for Capper Cramton park development to NCPC for review.*

- *NCPC would not issue a Record of Decision for Capper-Cramton park development until it reviews and approves an application from MNCPPC.*

*E. Automated Vehicle Technology*

**The Commission previously recommended that MD SHA ensure that its traffic forecasts adequately reflect greater future use of automated vehicle travel, with its potential effect on vehicle-spacing, travel behavior, and potential for reducing future managed lane demand.**

The DEIS acknowledges the importance of automated vehicle travel as an important consideration for the study and the future of managed lanes; however, there are many unknown factors related to their impact on future traffic operations. Adding automated vehicles to the traffic stream would likely increase highway capacity, but there is no way to reliably estimate the extent of the change at this time. The MD SHA describes managed lanes as compatible with automated vehicle travel based on their physical separation from the general lanes, additional electronic infrastructure, and other characteristics. Based on the early stage of this technology, SHA will continue to use traditional forecasting methods for this study, while being cognizant of potential future impacts. In terms of Automated Vehicle Technology, with SHA's plans to construct northern Beltway improvements as Phase 2 of the larger facility (which may not be initiated until 2026 or later), this technology could increasingly have a travel influence that the Study's current traffic model does not reflect. Thus, the need for managed lanes in later phases (2 and 3) may change from what is currently described in the Managed Lane Study.

In addition to future Automated Vehicle Technology's influence on regional travel behavior, two other factors – recent developments with the Purple Line construction and the on-going Pandemic – have the potential to impact future travel demand in the region for a long-time or even permanently. Staff is unclear how the Study is being adapted to reflect these more recent events, and how SHA plans to address this uncertainty in its future plans for managed lanes on the Beltway.

**Proposed comments:**

- *Since the previous SHA presentation to the Commission in November, 2019, there have been three notable factors that may affect the accuracy of the data from the Managed Lanes Study as follows: 1) the ultimate influence of the current pandemic on future travel behavior in the Region; 2) the possibility that the Purple Line facility may be significantly delayed or permanently discontinued; and 3) potential changes in Automated Vehicle Technology and future travel behavior in the Region between the conclusion of the Managed Lanes Study and potential Phase Two construction of managed lanes along the northern section of the Beltway.*
- *We remain unclear how the Study is being adapted to reflect these more recent events, and how SHA plans to address this increased uncertainty in its future plans for managed lanes on the Beltway.*

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## MNCPPC POSITION

In its July 15, 2020 hearing, the Maryland-National Capital Park and Planning Commission (MNCPPC) continued to criticize the study's Purpose & Need Statement, study process, and concept of using Capper-Cramton parkland for expanding the northern Beltway for managed lanes. MNCPPC staff presented nine broader-level points for Commission comment in advance of developing more formal comments to send to MD SHA. The following are several of the more notable comments (paraphrased by NCPC staff) that are relevant to the Commission's Capper-Cramton parkland review interest:

- SHA should study the Intercounty Connector (MD 200) Diversion Alternative in more detail as an Alternative Retained for Detailed Study (ARDS).
- Parkland impact and mitigation information must be at a greater level of detail before MNCPPC would request Capper-Cramton park development approval from NCPC.
- The study's current Limit of Disturbance (LOD) is inadequate to mitigate future potential parkland impacts in a substantive manner.
- The proposed storm water management (SWM) presented in the DEIS is inadequate.

In addition, MNCPPC staff reiterated that their Commission would serve as the formal project applicant to NCPC for any future Capper-Cramton park development submissions. Staff commented that the DEIS, FEIS, ROD, and P3 Agreement must commit to adhering to MNCPPC's Policy for Parks before NCPC approval (from MNCPPC as the applicant) is sought for Capper-Cramton park development. This will include, but is not limited to, comprehensive evidence of reasonable avoidance techniques, extensive impact minimization, on-site restoration, on-site mitigation, off-site mitigation, and replacement parkland.

### Proposed comments:

- *NCPC staff continues to support MNCPPC comments on the Managed Lanes Study, and we look forward to continued coordination during development of the final EIS, Section 4(f) analysis, and ROD documents.*

## FOLLOW-UP / NEXT STEPS

Following the Information Presentation, staff will summarize Commissioner comments in a letter for transmittal to MD SHA and FHWA prior to the end of the public comment period (November 9, 2020). Following the DEIS comment period, staff anticipates future review of the administrative FEIS/ROD in the spring 2021 and public release of the FEIS/ROD in the summer/fall of 2021.

## ATTACHMENTS

- August 12, 2019 Comment Letter

- December 17, 2019 Comment Letter
- Managed Lanes Information Presentation

IN REPLY REFER TO:  
NCPC File No. 7984

August 12, 2019

Ms. Lisa B. Choplin, DBIA  
Director, I-495 & I-270 P3  
Office  
Maryland Department of Transportation  
State Highway Administration  
707 North Calvert Street, P-601  
Baltimore, Maryland 21202

Re: I-495/270 Managed Lanes Study Information Presentation – Commission Comments

Dear Ms. Choplin:

Thank you for attending our July 2019 meeting to brief the Commission on the I-495/270 Managed Lanes Study (Study). We offer this follow-up letter to summarize the Commission's comments regarding MDOT's request for NCPC concurrence on the proposed Alternatives Retained for Detailed Study (ARDS).

Overall, we appreciate MDOT's commitment to begin analyzing an additional alternative to address the Commission's concern that there is not a broad enough range of alternatives for NCPC to meet its NEPA obligation for review and approval of Capper Cramton land. As previously stated, pursuant to the 1930 Capper Cramton Act, NCPC has an approval authority for all changes to Capper Cramton land. In accordance with a Memorandum of Understanding between NCPC and the Maryland National Capital Planning Commission (MNCPPC), Capper Cramton land is to only be used for parkland and park-related uses such as trail access, stormwater management, and recreational uses. NCPC's authority pursuant to the Act and MOU requires the Commission to protect this land. Accordingly, NCPC has consistently interpreted its Capper Cramton authority to only allow non-parkland uses in limited circumstances provided it is for another public use, it has been determined that no feasible alternative exists, and sufficient mitigation is provided to offset parkland loss. Therefore, it is important to provide the Commission and the public with the utmost certainty that all reasonable alternatives have been fully and consistently analyzed should the NCPC have to consider using Capper Cramton land for future highway expansion. The Commission will only consider a non-park use if the EIS analysis shows that no other feasible alternative exists.

The Commission requested that MDOT add one additional build alternative (known as the "Maryland 200 Diversion Alternative" described below) that does not require any use of Capper-Cramton parkland during its July meeting. In response, we understand that MDOT will screen the new alternative to determine whether it adequately meets the Study's purpose and need. At this time, MDOT is only committing to add this alternative as a separate EIS build option if found to meet the State-established purpose and need criteria thresholds. We also understand that if the Maryland 200 Diversion Alternative is not carried through as a fully evaluated alternative in the EIS, the MD200 alternative and any other alternatives that do not impact Capper Cramton land will be evaluated as part of the 4(f) process.

Given the degree of uncertainty at this time regarding the extent of analysis of parkland avoidance alternatives, NCPC is currently not able to offer its concurrence. We will not be able to concur with the ARDS until MDOT adequately demonstrates that there are no feasible and prudent alternatives that would avoid use of Capper Cramton land. NCPC needs this analysis to satisfy its legal obligations under NEPA for the federal action we must take for use of such land. As the analysis moves forward, the burden is on MDOT to provide quantifiable data and a robust comparison among all the alternatives to justify any elimination of alternatives that do not impact Capper Cramton land.

Our request is supported in the purpose and need statement where MDOT commits to working with agency partners to meet all regulatory requirements to ensure protection of significant environmental resources. It is also supported by the Memorandum of Understanding Implementing One Federal Decision Under Executive Order 13807 (MOU) signed by multiple Federal agencies including the U.S. Department of Transportation (parent of the Federal Highway Administration) on April 9, 2018. The MOU clearly states that to fulfill the needs of an agency's authority, there may be alternatives that require analysis beyond what is necessary for the lead agency.

It is also important to note that Capper Cramton land is owned by the State of Maryland and under the jurisdiction of the Maryland National Capital Park and Planning Commission (MNCPPC), with whom NCPC executed the MOU for park protection. As such, NCPC can only consider an application for Capper Cramton land if MNCPPC is the applicant.

At the July Commission meeting, NCPC provided several other comments regarding the project which are summarized below:

- The additional alternative (called the MD200 alternative), which MDOT should include in the EIS as a separate build alternative, would encompass dynamic signage and highway improvements that encourage greater use of the Intercounty Connector (ICC) as an east-west travel route rather than expanding the northern Beltway section between I-95 and I-270. It would still include widening of the I-270 segment. The alternative would avoid park impacts and could help to alleviate overall traffic congestion. MNCPPC has also requested evaluation of this alternative.
- To address existing traffic congestion, the State should not wait for completion of the EIS to implement dynamic signing on I-95, which could make better use of the ICC when there is heavy congestion on the northern section of the Beltway today.
- MDOT should plan to accommodate regional travel growth through a more multimodal approach rather than through highway-widening improvements, which tend to grow travel demand and do not fully accommodate long-term travel demand. Associated long-term environmental and societal costs tend to outweigh shorter-term travel benefits that may result from such improvements.

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- MDOT needs to clearly document the transportation modeling process to convey future benefits from the Purple Line, Corridor Cities Transitway, and other planned multimodal connectivity improvements in the EIS report. The study analysis should include quantitative data that considers such regional projects as part of each EIS alternative. Lastly, the State should be transparent about how the information from the Transit Working Group influences planning decisions within the study process.
- The National Park Service (NPS) is a study participant with a focus on protecting and preserving the park-like character of area parkways (George Washington Memorial Parkway, Clara Barton Parkway, Baltimore-Washington Parkway, Suitland Parkway) from potential managed lane development. NPS does not have a legislative authority that readily allows federal property under their jurisdiction to be used for transportation purposes, and the State should plan accordingly.

Moving forward, we request that MDOT present its determination of whether the new MD200 alternative meets the purpose and need at the completion of its screening process, prior to the release of the Draft EIS and preferred alternative. At that time, the Commission will determine whether to concur with the set of EIS alternatives. Please coordinate with Michael Weil at 202-482-7253 and/or [michael.weil@ncpc.gov](mailto:michael.weil@ncpc.gov) for the best Commission meeting date and with any other questions you may have.

The full video and transcript of the meeting are available on our website at [www.ncpc.gov](http://www.ncpc.gov). We look forward to continuing our work with MDOT on the Managed Lanes Study, with the intent of ensuring a diligent study process that ultimately meets the needs of the State, local jurisdictions, and the interests of the Commission.

Sincerely,



Marcel Acosta  
Executive Director, National Capital Planning Commission

cc: Ms. Caryn J. G. Brookman, Maryland State Highway Administration  
Ms. Ms. Tammy Stidham, National Park Service  
Ms. Gwen Wright, Montgomery County Planning Department  
Ms. Carol Rubin, Montgomery County Planning Department  
Ms. Laura Connelly, Prince George's County Planning Department  
Ms. Jeanette Mar, Federal Highway Administration - Maryland Division  
Ms. Megan Cogburn, Federal Highway Administration - National Headquarters

IN REPLY REFER TO:  
NCPC File No. 7984

December 17, 2019

Ms. Lisa B. Choplin  
DBIA Director  
I-495 & I-270 P3 Office  
Maryland Department of Transportation, State Highway Administration  
707 North Calvert Street  
P-601  
Baltimore, MD 21202

Re: I-495/270 Managed Lanes Study November Information Presentation

Dear Ms. Choplin:

Thank you for attending NCPC's November 2019 meeting to respond to Commission comments from our July 2019 meeting and brief the Commission on the Maryland 200 Traffic Diversion Alternative (MD 200 Alternative) analysis. We appreciate MDOT's effort to respond to Commission concerns that there is not a broad enough range of distinctive alternatives for NCPC to meet its review and approval obligations under NEPA for use of and impact to Capper Cramton parkland. Unfortunately, MDOT's subsequent decision to eliminate the MD 200 Alternative and Alternative 5 from further evaluation will narrow the ARDS (Alternatives Retained for Detailed Study) set in terms of impacts to Capper Cramton land. As a result, the five remaining EIS build alternatives all expand the Beltway with two lanes in each direction, requiring the same amount of land, which may limit the State's capacity to effectively assess Capper Cramton park impacts.

Per the Commission's authority under the 1930 Capper Cramton Act, as previously discussed in our letter dated August 12, 2019, it is important for MDOT to provide the Commission and the public with utmost certainty that all reasonable alternatives have been fully and consistently analyzed should NCPC have to consider allowing use of Capper Cramton property for future highway expansion. NCPC will only consider a non-park use if the EIS analysis shows that no other feasible alternative exists. At this time, NCPC does not have a comprehensive understanding of the specific impacts related to each alternative (dismissed or retained), proposed mitigation, nor the costs (including the cost savings of not using Capper Cramton land) associated with the alternatives. It is our understanding that this information will be available through the future Draft EIS and 4(f) analysis documents, and we will consider the question of ARDS concurrence at that time.

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As the Managed Lanes Study moves forward, the burden is on the Federal Highway Administration (FHWA) to provide quantifiable data and a robust comparison among all the alternatives (dismissed and retained) to justify elimination of any alternatives that do not impact Capper Cramton land. As previously stated, our request is supported in the study Purpose and Need statement, which commits to working with agency partners to meet all regulatory requirements to ensure protection of significant environmental resources. This commitment is also supported by the Memorandum of Understanding Implementing One Federal Decision Under Executive Order 13807 (MOU), signed by multiple federal agencies including the United States Department of Transportation (parent of the FHWA) on April 9, 2018. The MOU clearly states that to fulfill the needs of an agency's authority, there may be alternatives that require analysis beyond what is necessary for the lead agency. It is also important to reiterate that Capper Cramton land is owned by the State of Maryland and under the jurisdiction of the Maryland National Capital Park and Planning Commission (MNCPPC), with whom NCPC executed a 1931 MOU for park protection. As such, NCPC can only consider an application for use of Capper Cramton land if MNCPPC is the applicant.

While the Commission does not take a formal action on information presentations, several commissioners commented on different aspects of the study at the November meeting. Please use the following summary of comments as guidance during on-going study analysis and preparation of future study materials.

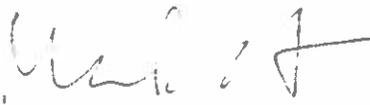
- **Maryland 200 Traffic Diversion Alternative Analysis:** It appears that MDOT did not adequately assess the Maryland 200 Alternative given the relatively brief duration of analysis (since mid-July), nor given the travel routes presented to the Commission. In particular, a travel time comparison between a Beltway general purpose lane route (under existing conditions) and a MD 200 Alternative route, between Baltimore and the American Legion Bridge, would be a more meaningful demonstration of performance. MDOT should follow-up with data from several more meaningful travel route scenarios for future Commission review.
- **Alternative Cost Comparison:** Eliminating the MD 200 Alternative and Alternative 5 at this point in the study is premature without consideration of the costs associated with Capper Cramton land acquisition and mitigation for the other build alternatives (two-lane Beltway expansion in each direction). When mitigation measures/costs are available, the Commission may use this information as part of its consideration of future study findings.
- **Study Purpose and Need:** MDOT should give substantive consideration of non-driving local and regional-serving travel modes, potentially broadening the study to solve the larger issue of accommodating future mobility in general, which would better reflect NCPC transportation policies and better accommodate our interest in preserving Capper-Cramton parkland. We underscore the importance of MDOT's commitment in the Purpose and Need statement to avoid and minimize environmental impacts, with unavoidable impact mitigation at an equal or greater value. We will look to the draft EIS and other study materials for comprehensive mitigation measures that are meaningful to the environment and the community.

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- **Automated Vehicle Technology:** MDOT should ensure that study traffic forecasts reflect greater projected use of automated vehicle technology, with its potential effects on vehicle-spacing, travel behavior, and potential for reducing future demand for managed lanes.

We look forward to continuing our participation through the interagency task force, and consulting on Capper Cramton park impacts and mitigation in conjunction with MNCPPC. Please continue coordinating with Michael Weil at 202-482-7253 and/or [michael.weil@ncpc.gov](mailto:michael.weil@ncpc.gov) to schedule NCPC's review of the DEIS and Section 4(f) analysis documents, as well as scheduling future presentations to the Commission. The full video and transcript for the November 2019 meeting are available on our website at [www.ncpc.gov](http://www.ncpc.gov).

Sincerely,



Marcel Acosta  
Executive Director  
National Capital Planning Commission

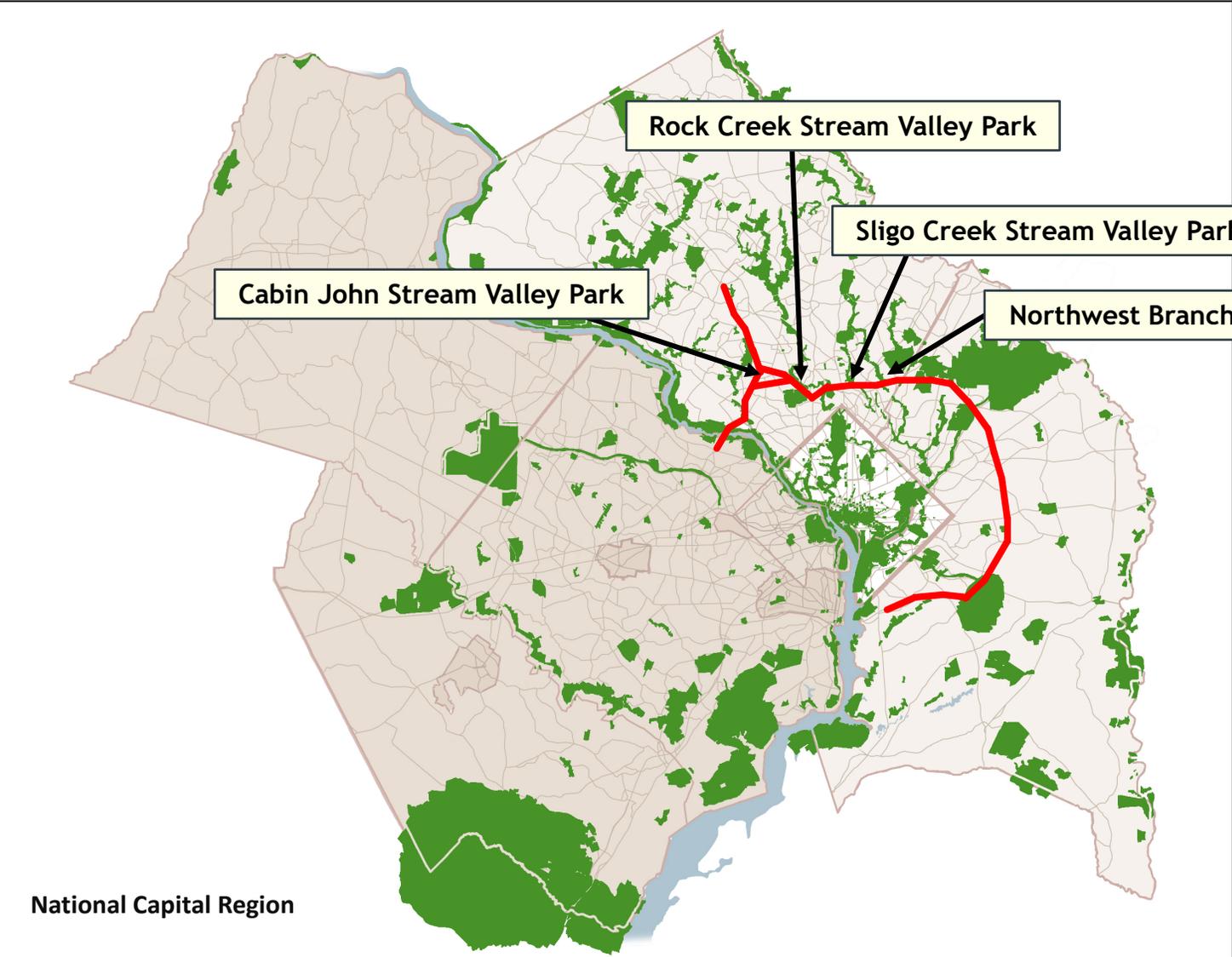
cc: Ms. Caryn J. G. Brookman, Maryland State Highway Administration  
Ms. Tammy Stidham, National Park Service  
Ms. Carol Rubin, Montgomery County Planning Department  
Ms. Laura Connelly, Prince George's County Planning Department  
Ms. Jeanette Mar, Federal Highway Administration - Maryland Division

# I-270 & I-495 Managed Lanes Study

National Capital Planning Commission

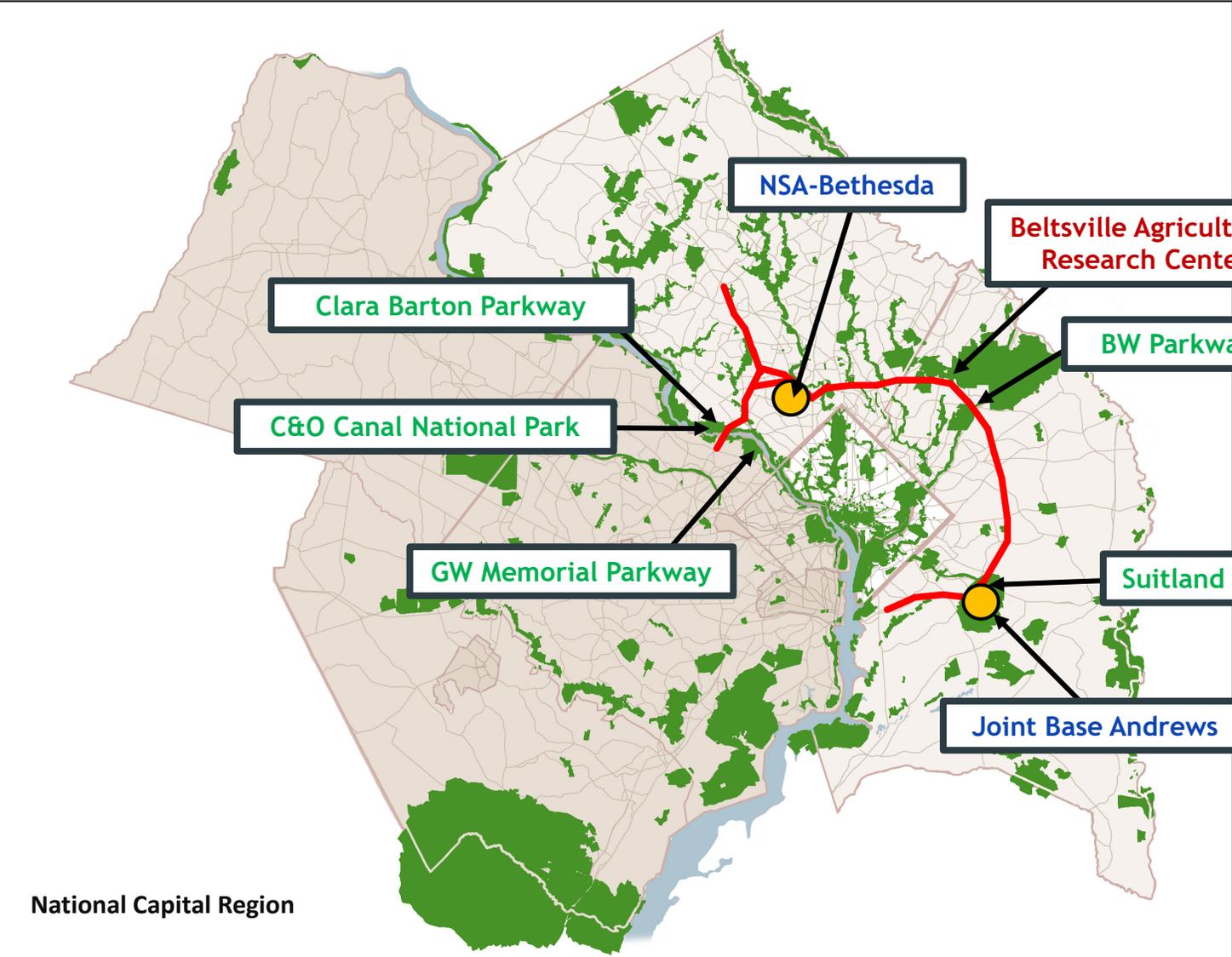
Information Presentation

# Background – Federal Interest



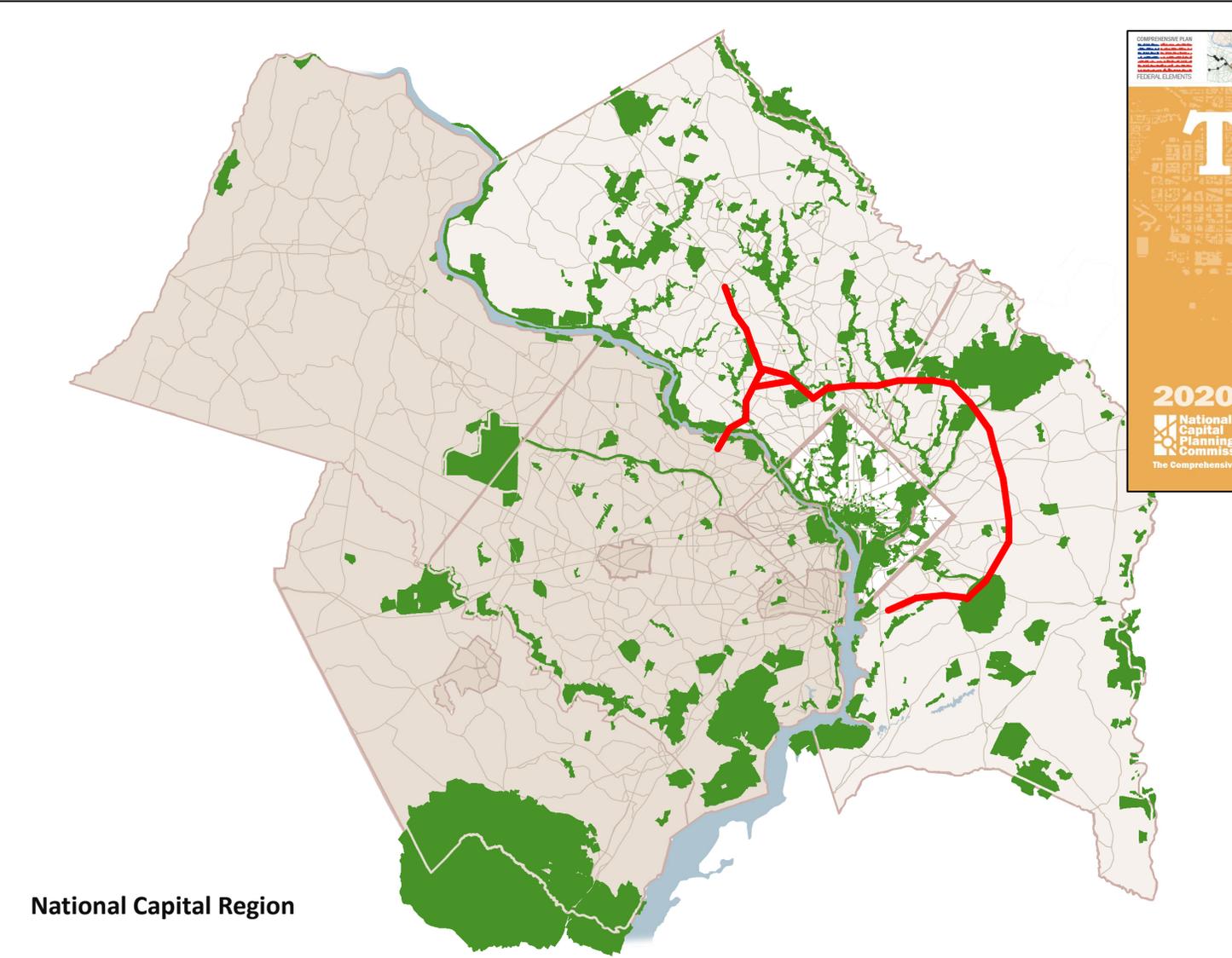
**Capper-Cramton  
Parkland**

# Background – Federal Interest

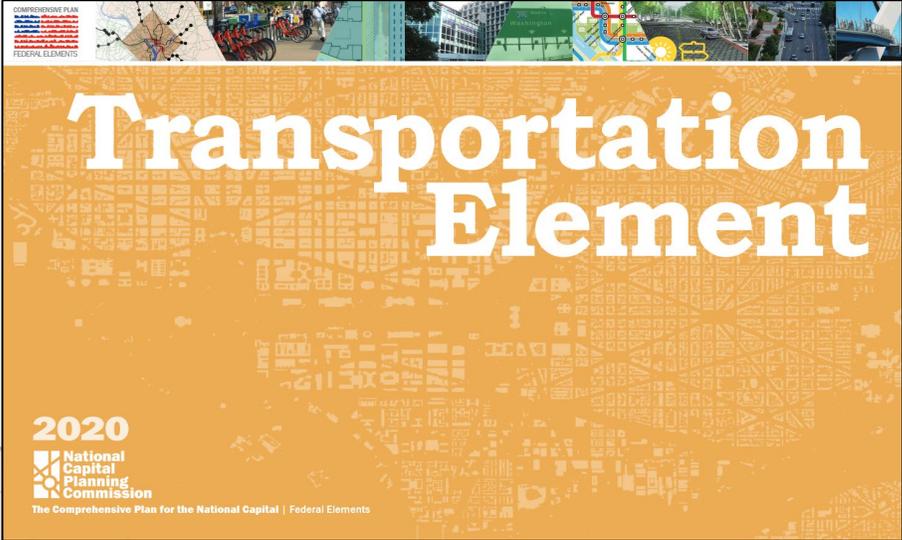


Federal Facilities and Parkways

# Background – Federal Interest

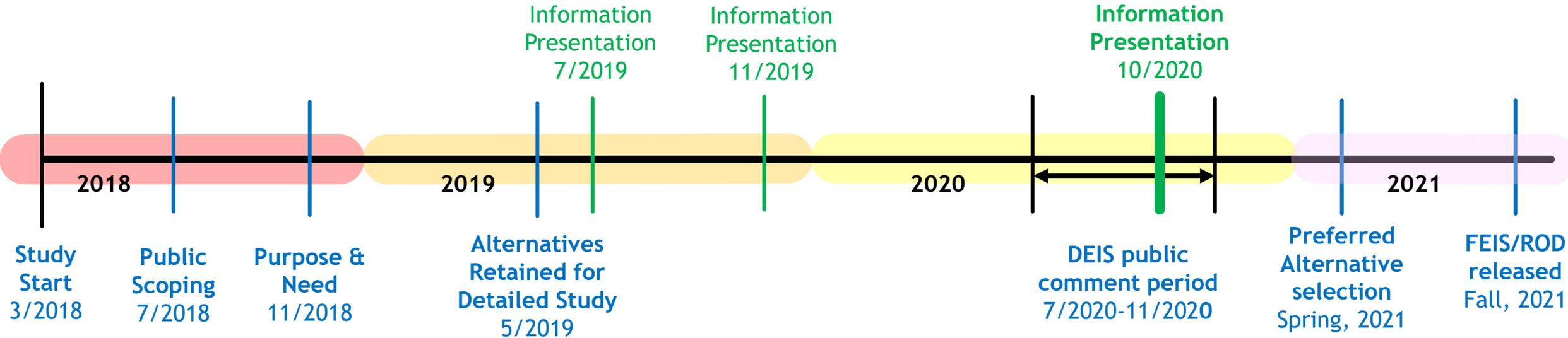


National Capital Region



**Regional  
Transportation  
Planning**

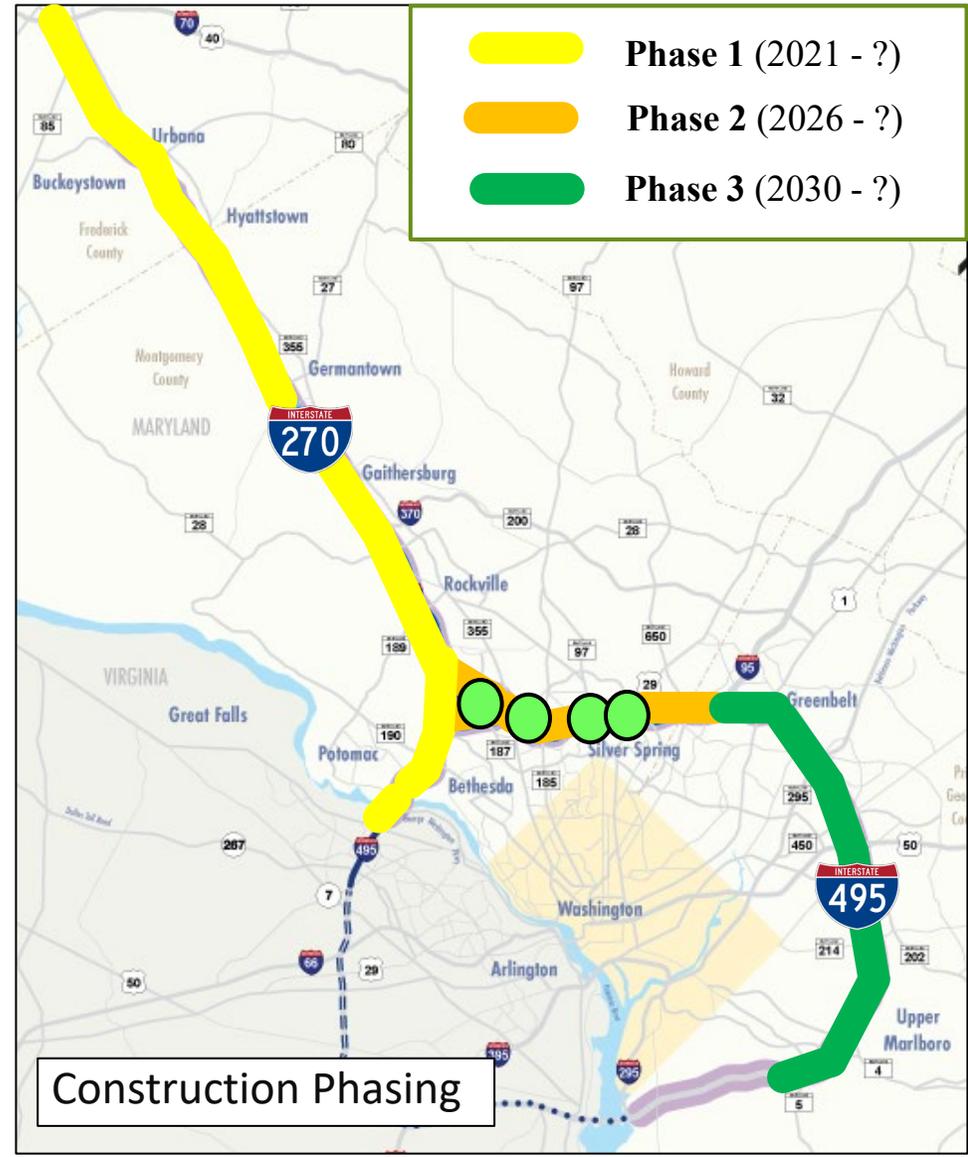
# Background - Timeline



Study Milestones  
NCP Presentations

# Background – Project Updates

Capper-Cramton park

# Previous Comments – November 2019 Information Meeting

- Maryland 200/Intercounty Connector Alternative
- Narrow Range of Build Alternatives
- Alternative Cost Comparison
- Study Purpose and Need
- Automated Vehicle Technology



# Maryland 200/Intercounty Connector Alternative

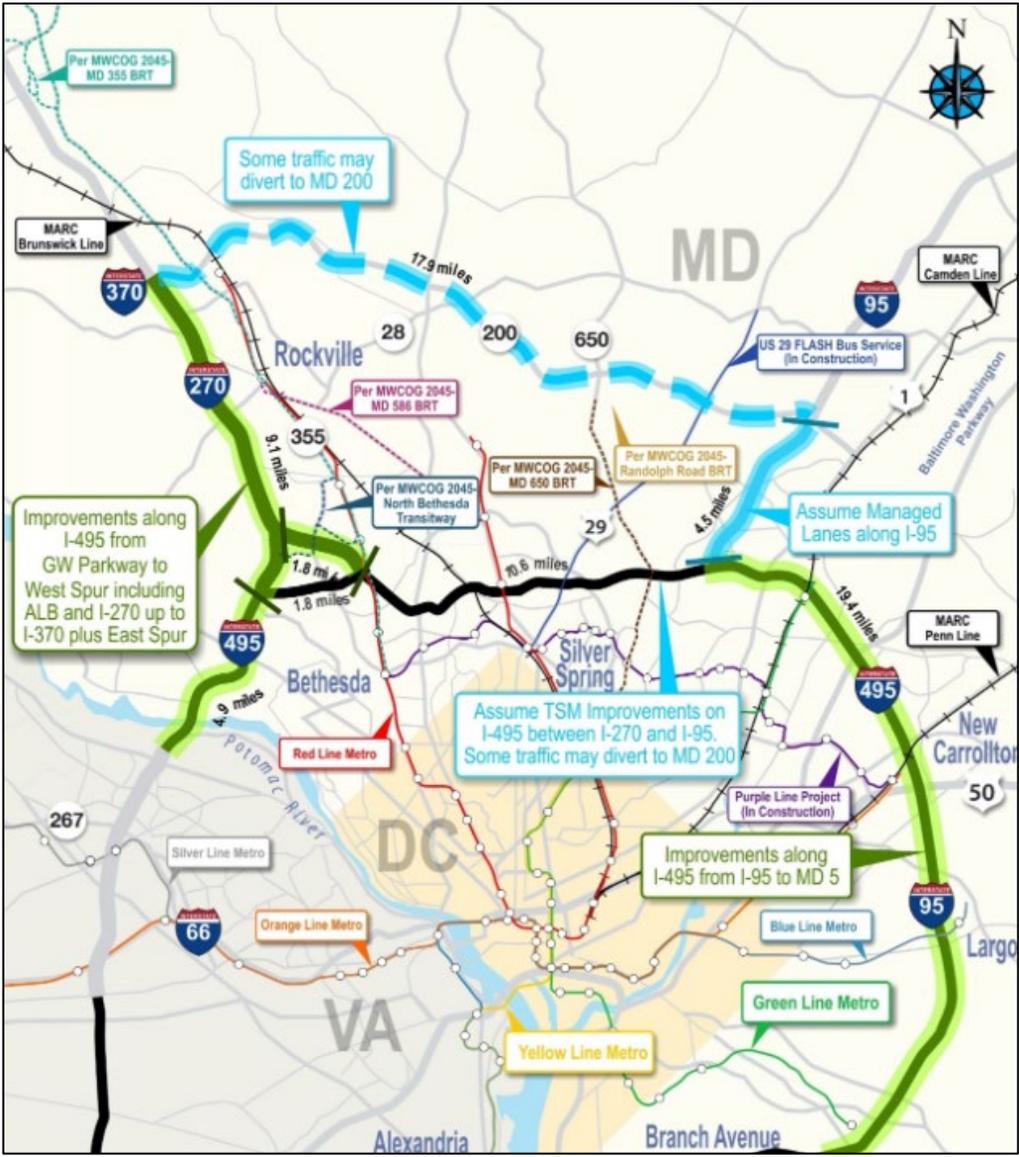
## Previous Commission Review:

- Requested that the Maryland State Highway Administration include a traffic diversion alternative (known as the Maryland 200/Intercounty Connector Alternative) that would fully preserve Capper-Cramton parkland, with Beltway expansion elsewhere in the study area.
- After MD SHA presented their analysis and determination that the Alternative does not meet the study Purpose and Need (November 2019), the Commission requested additional travel time analysis for review and consideration.

## Draft Environmental Impact Study:

- DEIS MD 200/ICC technical report reflects some additional analysis of the Alternative after the November 2019 presentation to the Commission, with several trip travel time estimates and other measures that appear to be competitive with other build alternatives.
- NCPC staff continue to see the benefit of the MD 200/ICC Alternative to help differentiate the trade-offs between fully preserving Capper-Cramton parkland and impacting the land to accommodate Beltway expansion.
- Although the Alternative does not meet the Purpose and Need (as reflected in the DEIS), our desire to analyze the MD 200/ICC Alternative as a build alternative is supported by the One Federal Decision Executive Order 13807, which states that to fulfill the needs of an agency's authority, there may be alternatives that require analysis beyond what is necessary for the lead agency.

# Maryland 200/Intercounty Connector Alternative



# Maryland 200/Intercounty Connector Alternative

## Proposed Comments:

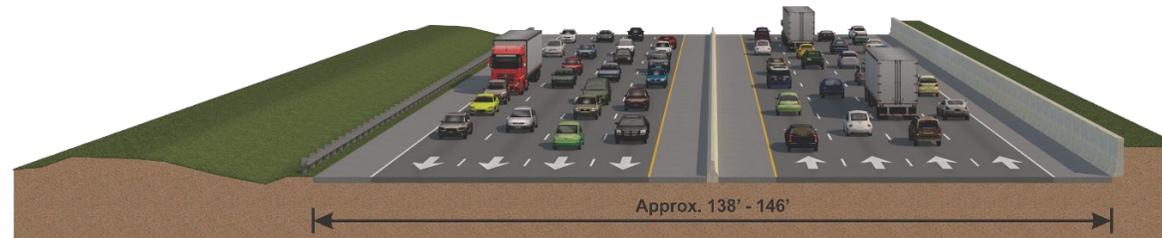
- *NCPC staff notes that the MD 200/ICC technical report reflects several trip travel time estimates and other measures that appear to be competitive with the other build alternatives.*
- *NCPC staff note the additional benefit of the MD 200/ICC Alternative as a build alternative – both as a potential solution for accommodating future travel in the Region and to help NCPC better understand the trade-offs between fully preserving Capper-Cramton parkland or using the land to accommodate Beltway expansion.*
- *Though the MD SHA determined that the MD 200/ICC Alternative does not satisfy the study Purpose and Need Statement, our desire to see the Alternative as a build alternative is supported by the One Federal Decision Executive Order 13807, which states that to fulfill the needs of an agency's authority, there may be alternatives that require analysis beyond what is necessary for the lead agency.*

# Narrow Range of Build Alternatives

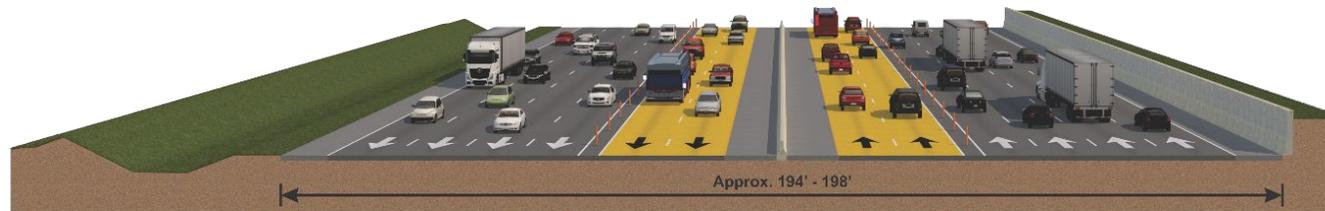
## Previous Commission Review:

- Without the MD 200/ICC Alternative and Alternative 5, the Commission previously noted that the remaining build alternatives all had similar impacts to Capper-Cramton parkland.
- The Study may not yield sufficient information for NCPC to satisfy its potential future NEPA responsibility for related park development projects.

### **Alternative 1: No Build (Existing)**

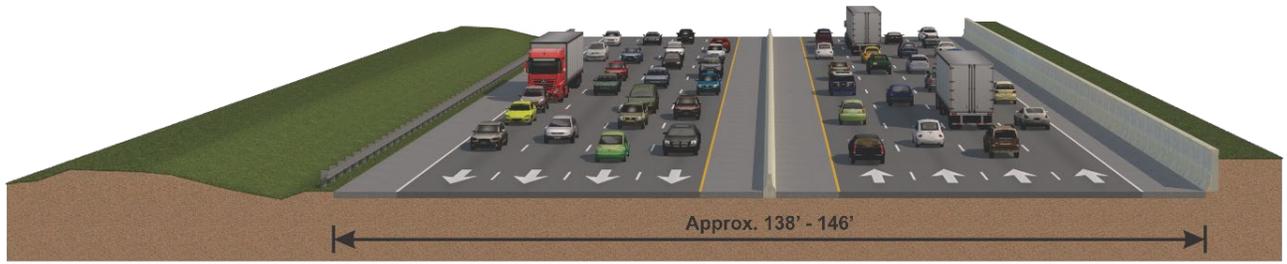


### **Alternatives 8, 9, 10, 13B, 13C: 4-Lane Expansion on “topside” of Beltway**



# Narrow Range of Build Alternatives

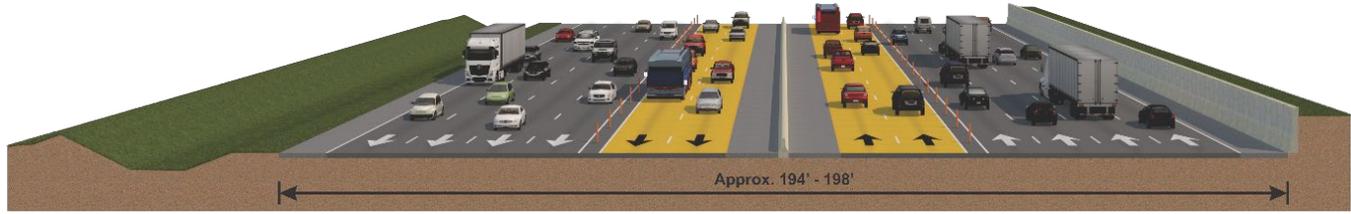
Alternative 1: *No Build (Existing)*



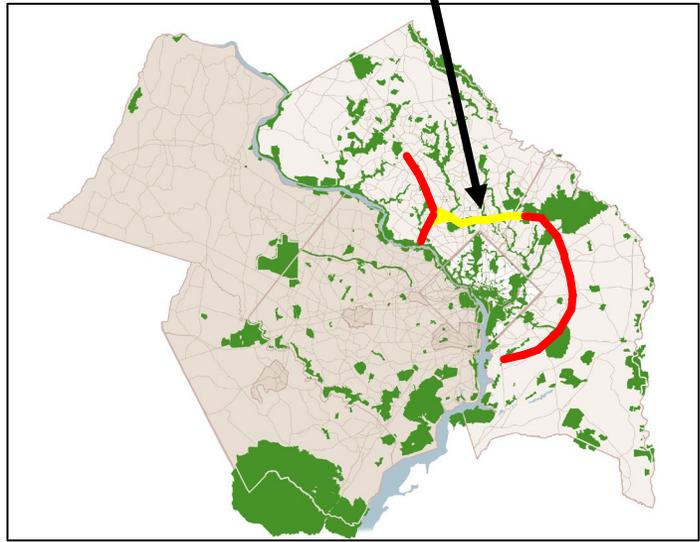
Alternative 9M: *2-Lane Expansion on "topside" of Beltway*



Alternatives 8, 9, 10, 13B, 13C: *4-Lane Expansion on "topside" of Beltway*



2-lane expansion section



# Narrow Range of Build Alternatives

## Draft Environmental Impact Study:

- MD SHA expanded the range of build alternatives with the addition of Alternative 9M, described as a hybrid between build Alternatives 9 and 5 since November 2019.
- The DEIS shows the Alternative would result in a 13% decrease (1.5 acres) to impacts on Capper-Cramton parkland.
- While a 13% difference is not substantial, it does broaden the range of study alternatives in the NEPA analysis related to Capper Cramton land should MNCPPC submit a future project application.
- With the new Alternative, the DEIS includes analysis of scenarios that would fully preserve Capper-Cramton parkland (No Build); maximum Beltway widening (Alternatives 8, 9, 10, 13B, and 13C) with 4 new lanes; and a lesser widening scenario (Alternative 9M) with 2 new lanes.

## Proposed Comments:

- *The DEIS shows the removal of two lanes (one in each direction) in the 9M Alternative would result in a 13% decrease (1.5 acres) to impacts on Capper-Cramton parkland.*
- *The new 9M Alternative effectively broadens the range of build alternatives, which would help NCPC in its potential review of Capper-Cramton park development should MNCPPC submit future park development projects for Commission review.*
- *SHA should continue to study the Maryland 200 Alternative in more detail as another option to avoid Capper-Cramton parkland while achieving some of the Study's transportation goals and objectives.*

# Alternative Cost Comparison

## Previous Commission Review:

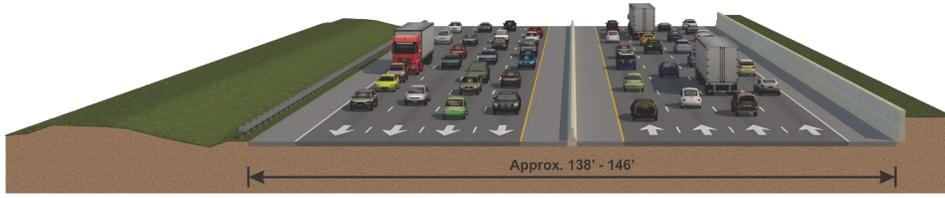
- Commission previously noted that it would be difficult to understand the trade-offs between using Capper-Cramton property for potential managed lane development versus preserving the parkland without more detailed cost and benefit information in the DEIS and FEIS documents.

## Draft Environmental Impact Study:

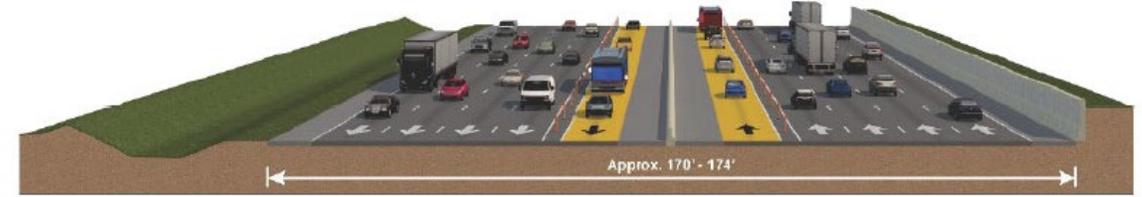
- There are economic benefits to the Region from each build alternative (reflected in the DEIS technical appendix) and construction costs associated with the build alternatives ranging from \$8.5-10 billion.
- Projected construction costs and benefits remain relatively general, and the level of analysis remains substantively unchanged since November 2019.
- MD SHA has commented that the final EIS would include more detailed costs related to the future Preferred Alternative.

# Alternative Cost Comparison

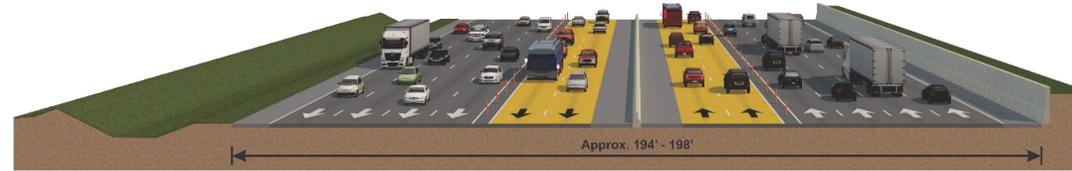
*No Build (Existing)*



*2-Lane Expansion on "topside" of Beltway*



*4-Lane Expansion on "topside" of Beltway*



## Proposed Comments:

- ***The FEIS should reflect the benefits of preserving Capper-Cramton land to the Region and include a consistent analysis of all the build alternatives as well as the No Build, 9M and MD 200/ICC Alternatives.***

# Study Purpose and Need

## Previous Commission Review:

- Commission previously expressed a desire for MD SHA to broaden the scope of the Study to consider accommodating regional/local mobility through a more regional multi-modal approach rather than focusing the Study on only managed lanes solutions. Further, NCPC reminded MD SHA's commitment to minimizing environmental impacts (which may be better addressed through a broader Study scope) with future mitigation at an equal or greater value.

## Draft Environmental Impact Study:

- MD SHA has not amended the study Purpose and Need Statement since November 2018.
- Project is described as improving non-SOV accessibility through:
  - Discounted or no fee use of managed lanes by High Occupancy Vehicles (HOVs);
  - New direct access ramps to transit centers;
  - Various pedestrian and bicycle improvements; and
  - A regular transit working group, hosted by MD SHA, to identify and develop opportunities for transit service improvements through managed lane use in coordination with local jurisdictions and transit providers.
- The nature of the study (based on the Purpose and Need) continues to focus on improving regional driving mobility along the Maryland Beltway and I-270.

# Study Purpose and Need

## Draft Environmental Impact Study:

- MD SHA appears to be coordinating with MNCPPC, NPS, and other stakeholders as part of the Section 4(f) process and regular study coordination process.
- DEIS does provide a moderate amount of detail related to park impact avoidance and minimization, with fewer details on specific potential parkland mitigation.
- NCPC staff anticipates more detailed Capper-Cramton park impact mitigation in the FEIS, ROD, and 4F analysis. In addition, NCPC staff anticipates that the MD SHA will continue to host its transit working group to explore how future managed lanes could leverage local and regional transit service.

## Proposed Comments:

- ***NCPC would need more specific information in the FEIS/ROD and Section 4(f) Analysis related to Capper-Cramton park impact mitigation and improvements to local and regional transit service, pedestrian, and bicycle infrastructure if MNCPPC were to submit an application for Capper Cramton park development to NCPC for review.***
- ***NCPC would not issue a Record of Decision for Capper-Cramton park development until it reviews and approves an application from MNCPPC.***

# Automated Vehicle Technology

## Previous Commission Review:

- Commission previously recommended that MD SHA ensure that its traffic forecasts adequately reflect greater future use of automated vehicle travel, with its potential effect on vehicle-spacing, travel behavior, and potential for reducing future managed lane demand.

## Draft Environmental Impact Statement:

- DEIS acknowledges the importance of automated vehicle travel as an important consideration for the Study and the future of managed lanes; however, there are many unknown factors related to their impact on future traffic operations.
- Adding automated vehicles to the traffic stream would likely increase highway capacity, but there is no way to reliably estimate the extent of the change at this time.
- MD SHA describes managed lanes as compatible with automated vehicle travel based on their physical separation from the general lanes, additional electronic infrastructure, and other characteristics. Based on the early stage of this technology, SHA will continue to use traditional forecasting methods for this study, while being cognizant of potential future impacts.



# Automated Vehicle Technology

## Proposed Comments:

- ***Since the previous SHA presentation to the Commission in November, 2019, there have been three notable factors that may affect the accuracy of the data from the Managed Lanes Study as follows: 1) the ultimate influence of the current pandemic on future travel behavior in the Region; 2) the possibility that the Purple Line facility may be significantly delayed or permanently discontinued; and 3) potential changes in Automated Vehicle Technology and future travel behavior in the Region between the conclusion of the Managed Lanes Study and potential Phase Two construction of managed lanes along the northern section of the Beltway.***
- ***We remain unclear how the Study is being adapted to reflect these more recent events, and how SHA plans to address this increased uncertainty in its future plans for managed lanes on the Beltway.***



# MNCPPC DEIS Review

- SHA should study the Intercounty Connector (MD 200) Diversion Alternative in more detail as an Alternative Retained for Detailed Study (ARDS).
- Parkland impact and mitigation information must be at a greater level of detail before MNCPPC would request Capper-Cramton park development approval from NCPC.
- The study's current Limit of Disturbance (LOD) is inadequate to mitigate future potential parkland impacts in a substantive manner.
- The proposed storm water management (SWM) presented in the DEIS is inadequate.

# MNCPPC DEIS Review

- MNCPPC staff reiterated that their Commission would serve as the formal project applicant to NCPC for any future Capper-Cramton park development submissions.
- Staff commented that the DEIS, FEIS, ROD, and P3 Agreement must commit to adhering to MNCPPC's Policy for Parks before NCPC approval (from MNCPPC as the applicant) is sought for Capper-Cramton park development.
- This will include, but is not limited to, comprehensive evidence of reasonable avoidance techniques, extensive impact minimization, on-site restoration, on-site mitigation, off-site mitigation, and replacement parkland.

## Proposed Comments:

- ***NCPC staff continues to support MNCPPC comments on the Managed Lanes Study, and we look forward to continued coordination during development of the final EIS, Section 4(f) analysis, and ROD documents.***

# Follow-Up / Next Steps

- **NCPC staff develop comment letter based on this presentation and other Commissioner comments**
- **Send letter to MDOT/SHA prior to November 9, 2020 public comment deadline**
- Winter/Spring 2021: Selection of Preferred Alternative
- Summer/Fall 2021:
  - Final EIS and Record of Decision (ROD)
  - Final selection of P3 concessionaire to construct Phase 1 project (American Legion Bridge up to I-70 in Frederick, MD)