



Bill: SB 843 - I-495 and I-270 Public-Private Partnership - Partnership Agreement - Requirements (Maryland Department of Transportation Promises Act of 2022)
Position: SUPPORT W/ AMENDMENT **Date:** February 24, 2021
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Testimony
of
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Before the State of Maryland - Senate Committee on Budget and Taxation
February 24, 2021
(Via Zoom Conference)

Good afternoon, and thank you, Chair Guzzone, Vice-Chair and members of the Committee. For the record, my name is Adrian Gardner and it is my privilege to serve as General Counsel of the Maryland-National Capital Park and Planning Commission.

Our agency supports Senate Bill 843 – the Promises Act of 2021 – with the amendments as described in our position statement. Our agency supported the house bill on this subject last year, and we thank Senator Benson for sponsoring this cross file.

For today, I really want to leave the committee with three basic observations, and hopefully help persuade you that favorable consideration makes sense.

First, for no compelling reason whatsoever, MDOT is doing everything possible to get federal approvals for the entire project – the entire Beltway project. Even as the promises remain to work in phases, that leaves dozens and dozens of critical - really important - details totally up in the air. It’s tantamount to asking for a blank check. Particularly now, that the “One Federal Decision” mandated by the previous White House is no longer operative, there really isn’t a good reason to rush the environmental review or permit process.

So, even you accept the idea of moving forward with the I-270 and Legion Bridge phase, there is no clear plan to deal with the rest of the iceberg. I’m talking about issues that involve environmental justice, access to the new hospital in Largo, sensitive properties that are owned in Sligo Creek and

Rock Creek – much less about the funding for the Wilson Bridge that Vice-Chairman Rosapeppe actually made sure it could handle.

Our agency is no way opposed to highway project in principle, but the State has not given a hard look to so many critical pieces that it creates an immense risk.

Second point: The biggest loser in the current rush to judgement on the entire project is actually the common sense and legal requirement of avoidance.

We don't know how to make it more clear to public and our stakeholders. Before anyone gets enticed into mitigating project impact on parkland or any other public resource, adding new promises to the existing ones, our agency is really just demanding a more serious look at the opportunity to avoid serious impacts. Maybe we'll try sound trucks or billboards.

But the bill creates a platform to look at real avoidance opportunities – managing traffic, the MD 200 bypass, for example, avoiding displacement of the African American cemetery at Cabin John. Remember a project doesn't need to mitigate whatever impacts it avoids in the first place.

So, third, and finally, to connect a dot: Our agency's call for making a serious commitment to transportation is just one critical aspect of avoidance. If we incorporate mass transit, we avoid car trips and, of course that will have an impact on congestion. And it will also impact the tolls and P3 economics – which is precisely why it needs to be carefully incorporated as part of environmental and permit review process. We think its patently imprudent and unreasonable not to do that.

All that said, Secretary Slater has reach out recently to talk about some endorsements for transportation funding. The jury is still out on that, but we really do want to continue to work with the administration and [we'll] see what can be worked out.

But in the meantime, the Promises Act creates a platform of those discussions to be had. Again, on the one hand the state recognizes that phasing make sense. On the other hand, the state is seeking permit approvals and environment review of the whole enchilada. I sometimes teach, and that's kind of like asking for A in my course in the middle of the semester.

[Transcription edited slightly for punctuation, brevity and clarity.]

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