

**Testimony by Citizens Against Beltway Expansion (CABE) in Support of SB 229
Regarding Toll Roads, Highways and Bridges
County Government Consent Requirement – Expansion
Before the Senate Finance Committee
January 29, 2020**

**Barbara Coufal, Co-Chair
P.O. Box 3593, Silver Spring, MD 20918**

Chair Kelley, Vice Chair Feldman, members of the Finance Committee, thank you for the opportunity for the Citizens Against Beltway Expansion to share its support for Senate Bill 229. We are grateful for the leadership of Senator Lee as well as Sens. Augustine, Beidle, Benson, Hayes and other cosponsors of the bill. This legislation is essential to ensuring public accountability and transparency when the State contemplates extraordinary toll projects, such as Governor Hogan's controversial plan to widen I-495 and I-270 with private toll lanes.

SB 229 extends to all Maryland counties an existing law that requires the State to get consent from a majority of the impacted counties on the Eastern Shore before it can proceed with new toll facilities that affect them.

Expanding the majority consent requirement would:

- Capitalize on the knowledge and experience of local elected and appointed officials who are experts in their own backyards and deal with traffic problems and land use matters in their communities every day.
- Help to ensure public accountability, transparency and buy-in when new toll facilities, especially P3 toll lanes, are considered.

The Hogan administration's actions over the last two years demonstrate why SB 229 is essential. The administration has made many claims about its Luxury Lanes proposal, but refuses to share with the public, elected officials and planning officials, the underlying data to support their claims. Treasurer Kopp and the Department of Legislative Services have rightly questioned whether this P3 project will be more financially advantageous to Maryland citizens and drivers than traditional financing. Experience from other states suggest that taxpayers could be on the hook, despite claims by the Governor that the project will not require public subsidies. In fact, just this month, the Congressional Budget Office (CBO) released a report on P3 projects. They found that, increasingly, taxpayers are subsidizing P3 toll projects as

developers seek to limit their risk. Over the past decade, the CBO found that 44 percent of private financing was repaid in direct payments from state and local governments.

Without access to the data, the Hogan administration's claims about the financing of this project cannot be evaluated. But if counties have a role in approving such projects, they can insist on the type of information that the administration now seeks to hide.

The Hogan administration has also made claims about how the Luxury Lanes will reduce congestion. But the failure to make the underlying data public suggests that their claims cannot be trusted. Under SB 229, county officials could insist on seeing the data for such projects.

The Hogan administration won't even tell the public how much the tolls will be on these Luxury Lanes. If SB 229 were enacted, county officials could insist on the sharing of information of great concern to the public.

Large highway expansion toll projects, such as the I-495 and I-270 expansions, are likely to burden affected counties with new and massive tax, housing, traffic and environmental liabilities for generations to come. Given what is at stake, local elected officials should not be shut out of such decisions.

Senator Lee's bill is a reasonable measure that would ensure that all county governments, not just those on the Eastern Shore, have a seat at the table. The bill would ensure that over-eager state agencies cannot simply ignore local priorities over land use and transportation. The bill would not cancel an approved project. It simply requires consent for future projects, to ensure that they reflect local priorities and objectives as well as state priorities and objectives.

Thank you for allowing CABE to express its support for SB 229. For the record, the Maryland Sierra Club and Coalition for Smarter Growth join CABE in submitting this statement. We urge the Committee to report SB 229 favorably.