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November 12, 2021

Jeffery Folden, Director  
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Maryland Department of Transportation State Highway Administration  
707 North Calvert Street, Mail Stop P-601  
Baltimore, Maryland 21202

Jeanette Mar  
Jitesh Parikh  
Federal Highway Administration  
Maryland Division  
George H. Fallon Federal Building  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201

Dear Mr. Folden, Ms. Mar, and Mr. Parikh:

The City of Rockville's Mayor and Council are writing to express the City's extreme concern with the Supplemental Draft Environmental Impact Statement (SDEIS) and Updated Draft Section 4(f) Evaluation for the I-495 & I-270 Managed Lanes Study. The SDEIS fails to respond to most of the City's prior November 2, 2020, submitted comments on the Draft EIS published on July 10, 2020 (DEIS), which the City attaches and incorporates herein by reference. As a result, the SDEIS still fails to sufficiently account for the impacts on the City and its residents directly in the pathway of the proposed project. While the SDEIS repeatedly claims it relies and builds upon DEIS information "that remains valid," it cannot do so where the DEIS information was not valid to begin with. The SDEIS perpetuates and adds to the severe flaws of the DEIS, to which the City has received no written responses to its prior comments, and the City of Rockville continues to support the only alternative adequately supported by the record: The No-Build Alternative.

At the outset, the City of Rockville is highly disappointed that the SDEIS comment period was not extended to provide a reasonable period of time to review and meaningfully comment. The City submitted a request on October 15, 2021, to extend the comment period until January 31, 2022. Similarly, on October 28, 2021, the Maryland Congressional delegation for the affected project area requested an extension of the 45-day comment period to at least 90 days. The mere 45 days afforded for SDEIS review and comment, of which only 29 are working days, and a one-day virtual public hearing, pales in comparison to the 123-day comment period for the earlier DEIS. A rushed process is unjustifiable for a project of this magnitude, particularly with its direct impacts on the City of

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Rockville and its residents. The unreasonable denial of the requested extensions compromises the NEPA process for this project.

The SDEIS is flawed because implementing only Phase 1 South will create a major congestion and bottleneck in the eastbound direction at the points where the managed lanes end. Combining traffic from the toll lanes with general traffic while reducing the total number of lanes will definitely cause an existing chokepoint to get even worse. This congestion will also reduce any potential gains by adding the toll lanes. Indeed, the SDEIS concedes that (ES-12) “downstream bottlenecks outside the Preferred Alternative limits” will occur, and that (ES-10) “improvements on the remainder of the [I-495] interstate system may still be needed in the future.” Therefore, the cost-benefit analysis should identify the disadvantages of segmenting and moving forward with Phase 1 South at this time rather than in conjunction with broader interstate system improvements.

While traffic volumes have been increasing in recent months, since the pandemic first started, traffic projections should consider the shift from car trips to use of broadband. This is not only true of commuting to work, but also for doctor appointments, car-damage inspections, conferences and seminars, etc. More and more, people are learning how to work and attend to many daily affairs from home, and this should be considered while projecting future traffic volumes.

The SDEIS states that standalone transit alternatives were found to not meet the Study’s Purpose and Need. See ES-8. This conclusion is unjustified. The SDEIS only purports to update the Preferred Alternative 9 from the DEIS, and does not remedy the flaws in the DEIS failing to study a true transit-only alternative. Instead of featuring a solid transit solution, the Preferred Alternative will only enhance existing and planned multimodal mobility and connectivity. This is still not an acceptable alternative since the benefit of these transit improvements is expected to be negligible. The SDEIS’s mention of other potential transit projects (see ES-8) is also immaterial for analysis of the proposed project, and the SDEIS analyzes no salient linkage among them. It is critical that MDOT and FHWA reinstate transit as a key project element, and consider other options such as the reversible lanes.

It will also be beneficial to pause and assess the benefits of the \$132M recently spent on the I-270 Innovative Congestion Management project before moving forward with the Managed-Lanes Study.

The Purpose and Need omits safety considerations typically featured for transportation projects, and that are critically important to the City of Rockville directly abutting I-270. Instead, the SDEIS (ES-12) states that “[o]pportunities to further address safety and operations will be evaluated on

the Selected Alternative after the conclusion of NEPA and during final design.” This wholesale deferral of safety analysis in the draft NEPA document and frustration of public comments is untenable.

The potential toll rate is expected to be high enough to deter many drivers from using the toll lanes. The issue of economically challenged populations or social equity continues not to be adequately addressed by the SDEIS. The equity/environmental justice evaluation in the SDEIS does not make any reasonable recommendations to address the inequities, such as adding or modifying access locations or developing a toll subsidy program. More detailed information is needed as part of the Environmental Justice evaluation to help determine whether equity mitigation might be necessary with the project, and what that equity mitigation would entail.

The Mayor and Council continue to vigorously advocate with MDOT and the Governor to 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.

The City remains strongly opposed to any alternative that will take all or portions of residences, businesses, or infrastructure, or include multi-parcel takings, or any potential loss of City property to add lanes or widen I-270 in either direction through Rockville. While the SDEIS represents that the Preferred Alternative now avoids all relocations or displacements of residences or businesses, it is essential that MDOT and FHWA understand that taking a portion of a yard, playground, park, or other amenity would damage our community. And while the SDEIS also states there has been an overall reduction in parkland impacts, there has been an *increase* in acres of City of Rockville parkland impacted, Table 5.1 shows a 3.9-acre increase since the DEIS in overall acres of City parkland impacted, of which most are permanent impacts. See Table 5-1. The SDEIS also defers and lacks full analysis under Section 4(f), and the City reserves the right to further comment.

The City strongly concurs with the additional sound walls recommended on the east side of I-270, starting at MD 189 to the Woodley Gardens Shopping Center,

and on the west side of I-270, north of MD 189 at the Saddlebrook neighborhood, and requests additional review for the east side of I-270 on Redland Blvd., just south of Shady Grove Road, as well as the west side of I-270, just south of MD 189, at the Falls Ridge Neighborhood near Seven Locks Road. The City of Rockville would also like MDOT to reexamine noise levels near Wootton Parkway and consider adding noise barriers in this area. If the project is implemented, the City requests a commitment from MDOT that sound levels be examined after 5-, 10- and 20-years post construction to confirm projections and if necessary, that corrective action be taken to

mitigate additional sound impacts that exceed the projections/threshold. Noise projections from prior improvements to I-270 have not been accurate resulting in an area of the City along Nelson St. where the current noise levels qualify for a sound wall.

Additional concerns of the City of Rockville include the following:

- The City is concerned that the SDEIS still does not address the expected impacts to Rockville's waterways and stormwater management (SWM) systems. Much of the SDEIS 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. This is especially concerning given the reality that precipitation norms are changing due to climate change and that neither the State nor the federal government has updated stormwater management and storm drain capacity standards accordingly. There is an increasing frequency of high intensity short duration storms that have significant negative impacts on the environment and infrastructure, exemplified by Ellicott City experiencing three 1,000-year flood events over the last decade (Maryland Commission on Climate Change 2020 Annual Report). The remnants of Hurricane Ida this year brought over 7 inches of rain to parts of Maryland in a short timeframe. These types of deluges are expected to continue for the foreseeable future (National Climate Assessment). Rockville raised these issues in its prior comments, yet they remain unaddressed in the SDEIS. Therefore, the City requests the design team to 1) analyze impacts of a 100-year storm to upstream and downstream assets and property within the City limits; and 2) provide, at a minimum, safe conveyance and capacity treatment for the 10-year storm (Qp10), which is required by the City's Stormwater Management Ordinance. Further, the City requests that mitigation be provided for the areas found to be impacted by the 100-year storm analysis.
- Section 3.1.3 - Traffic Modeling Assumptions, page 3-4, include benefits of proposed transit projects (such as the CCT and Randolph Road BRT). To date, there is no guarantee those projects will be in place in the future. Adding MD 355 BRT, Veirs Mill BRT, and New Hampshire Avenue BRT in the 2045 Model might also be ambitious and not realistic, knowing that those projects are still in early design stage in 2021. The SDEIS should perform and disclose a sensitivity analysis that omits these proposed transit projects to ensure the Preferred Alternative yields sufficient traffic benefits in the event they do not occur.
- Table 3-2 projects that existing average daily traffic (ADT) traffic on I-270 between I-370 and MD 28 is 226,000 and is projected to be 274,000 in 2045 if the project is not built. Table 3-3 projects ADT in 2045 to be 277,000 if the project is built. It is not realistic to project almost the same

exact ADT with or without the additional toll lanes. If congestion will be reduced after the project implementation, more traffic will be expected due to induced demand.

- Table 3-8 projects no noticeable change in the Travel Time Index (TTI) for the general purpose lanes [on I-495 and I-270] between the No-Build and the Preferred Alternative, and a negligible travel speed difference on I-270 between the No-Build alternative and the Preferred Alternative, which does not provide much benefit of this project relative to the stated Purpose and Need. The SDEIS does not quantify (Table 5-4) what it means that the Preferred Alternative meets the Purpose and Need “to a lesser degree,” or justify its claim (ES-12) that the Preferred Alternative would operate “significantly better than the No-Build.”

- While Table 3-12 indicates that the Preferred Alternative would result in a net reduction in daily delay on the surrounding arterials of 3.5% by drawing traffic off the local network, the City of Rockville is not expected to benefit from this reduction. In fact, adding new exits on Wootton Parkway and Gude Drive will

increase traffic congestion on these roads, which are already congested today, especially closer to Rockville Town Center and MD 355. Again, the City’s prior comment on this topic has not been addressed. The City requests additional evaluation of the operations and safety on all interchange cross streets.

- Tables 4-3 of the SDEIS shows that Rockville would experience by far the largest proportion (38%) of property impacts of any community, with approximately 44 acres impacted, including 40.1 acres permanently. The City would like to raise again the issue of the failure to consider City Forest Conservation Act and City Forest and Tree Preservation Ordinance. There are also anticipated property acquisition needs insufficiently disclosed in the SDEIS, particularly the existing City-owned bridges across I-270, that remain to be assessed and evaluated. Table 4-12 additionally shows disproportionate impacts to City of Rockville parkland and environmental resources:

- 88.4 acres of forest canopy
- 2.5 acres of wetlands
- 2.8 acres of stream buffer
- 6,083 linear feet of waterways

Jeffery Folden, Director Maryland of Transportation State Highway Administration

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The SDEIS validates the City of Rockville's concerns that the prior DEIS understated the proposed project's limits of disturbance, including areas impacted by stormwater management and other project-related measures. Despite the City experiencing the greatest community impacts, and the fact that the City's comments on the DEIS expressly asked for more wetlands and stream mitigation projects in Rockville, the mitigation proposed in our community for these impacts is severely lacking. Particularly for waterways and wetlands, mitigation is only proposed at three sites up-County. The City provided the MDOT team a list of potential streams and outfall stabilization/restoration sites in Rockville; however, none are included for mitigation, and the SDEIS includes no mention of them. The City attaches the previously provided list of priority mitigation projects with these comments. Given that the City has an extensive section of I-270 that will be impacted, the City recommends that MDOT and FHWA commit to also addressing Rockville's waterway and stormwater impacts by providing stormwater mitigation projects located inside the City limits. Deferring the resolution of mitigation of City of Rockville impacts until the Final EIS and Final Section 4(f) Evaluation is insufficient and unacceptable. See ES-1, ES-3.

The City of Rockville requests MDOT and FHWA make the fiscally, environmentally, and socially responsible decision, and to continue to work with the City, and all impacted jurisdictions, to identify the best solution that would achieve our mutual goals of reducing traffic congestion and protecting our residents' quality of life. The City of Rockville continues to support the only alternative adequately supported by the record: The No-Build Alternative. The Mayor and Council ask that you give every possible consideration to our comments and concerns. The City also reserves the right to further comment on NEPA and other project-related documents issued by MDOT or FHWA.

Sincerely,

  
Bridget Donnell Newton, Mayor

  
Monique Ashton, Councilmember

  
Beryl L. Feinberg, Councilmember

  
David Myles, Councilmember

  
Mark Pierzchala, Councilmember

Rockville Mayor and Council

cc: Rockville City Manager  
Maryland District 17 Delegation