

August 27, 2020

Hon. Ralph Northam
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

Hon. Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, MD 21401

Re: Capital Beltway Accord project

Dear Governor Northam and Governor Hogan:

As Maryland and Virginia work together to develop plans to expand capacity on the Capital Beltway from the George Washington Memorial Parkway to River Road (“Capital Beltway Accord project”), the undersigned groups believe any project that is advanced must be designed to substantially expand transportation choices and align with both states’ goals for reducing greenhouse gas emissions and other air pollutants. We recognize the need to rehabilitate the American Legion Bridge and expand its capability to carry more people, but it is imperative that the project plans be developed with full transparency and public input to ensure that these goals are met and that public benefits are maximized.

In contrast, we believe a conclusions-first approach was used in the development of Maryland’s Beltway/I-495 and I-270 Managed Lanes proposal¹ (“495-270 proposal”) and Virginia’s I-495 Express Lanes Northern Expansion (“495 NEXT”) project. As a result, the proposals that have emerged from those processes are overwhelmingly focused on facilitating only one travel mode—single occupancy vehicles (SOVs)—and miss a major opportunity to reduce air and climate pollution. We strongly urge you to take a very different and far more holistic approach with the Capital Beltway Accord project, as discussed further below.

Specific shortcomings of Maryland’s 495-270 proposal and Virginia’s 495 NEXT project include:

- **Inadequate support for transit:** Neither project provides adequate funding for transit enhancements despite a demonstrated need for better transit along the Beltway corridor. This is inconsistent with local land use plans. For example, Fairfax County's comprehensive plan recognizes that high-quality transit service on dedicated or express

¹ Some of the signatories to this letter will be submitting a more detailed response to the Draft Environmental Impact Statement on this project in Maryland.

lanes is essential to the growth of Tysons.² Similarly, Montgomery's land use and transportation consistently calls for the integration of bus rapid transit and other transit modes into the county and region's transportation system.

- **Insufficient alternatives analysis:** Any effort to determine the most beneficial and environmentally responsible options for improving I-495 through Maryland and Virginia should evaluate a scenario focused on transit improvements with supportive land uses, as recommended as one of the most cost-effective scenarios in the Metropolitan Washington Council of Governments' Visualize2045 Long-Range Transportation Plan.³ The addition of improved and supported telework could enhance such alternatives. Yet the reviews for both of these proposals under the National Environmental Policy Act ("NEPA") have failed to assess a robust range of alternatives and instead have focused too heavily on expanding SOV travel capacity. Highway expansion has repeatedly been proven to fail in reducing congestion, and it results in increases in greenhouse gas emissions and other pollution over time.⁴
- **Insufficient transparency:** Virginia has, in recent years, strengthened its Public-Private Transportation Act to improve transparency. However, in both states there are ongoing communications with potential concessionaires that are shrouded from public view, and these can result in projects like the 495-270 proposal and 495 NEXT being predicated on maximizing toll revenue to meet financing assumptions rather than prioritizing public and environmental benefits.
- **Undermining of air quality and greenhouse gas emissions goals:** Transportation is the leading contributor to greenhouse gas emissions in Virginia and Maryland, driven largely by private auto travel. Further, the D.C metropolitan area is currently in non-attainment of Federal ozone standards, and the health costs of highway-related particulate matter (PM 2.5) pollution are increasingly apparent. To reduce greenhouse gas emissions and other air pollution, state governments must promote more transit, bicycling, walking, and transit-oriented development (TOD) rather than facilitating and encouraging more driving. Yet the 495-270 proposal and 495 NEXT project both promote and facilitate SOV travel, undermining both states' efforts to reduce greenhouse gas emissions and improve air quality.
- **Economic and social inequity:** It costs an average of \$9,282 a year to own and maintain a car, according to 2019 AAA figures (<https://newsroom.aaa.com/auto/your-driving-costs/>), and many in the workforce earn less than \$50,000 a year. These two projects based on

² See Comprehensive Plan-Tysons Corner Urban Center, "Public Transportation Goals," ppg. 42-43, at https://www.fairfaxcounty.gov/tysons/sites/tysons/files/assets/documents/pdf/comprehensive_plan/fc_comp_plan2017ed_tysons_amended04_04_2017.pdf

³ See Metropolitan Washington Transportation Planning Board Visualize 2045 Long-Range Plan (approved 2018), Chapter 4 (Aspirational Element), https://www.mwcog.org/assets/1/6/Final_Visualize_2045_-_Chapter_4.pdf. The balanced jobs-housing scenario was found to be one of the cost-effective ways to mitigate congestion.

⁴ For a recent study of the ineffectiveness of road capacity expansion to provide long-term congestion relief, see Todd Litman, *Generated Traffic and Induced Travel: Implications for Transport Planning*, Victoria Transport Policy Institute, 2020. <https://www.vtpi.org/gentraf.pdf>

variably-priced express lanes that will be too expensive for many workers to use will do too little to expand access to jobs and services for residents who cannot afford the high costs of owning a car. Construction of the proposed Maryland 495-270 managed lanes will directly impact areas where 60% of the population is minority (African-Americans, Latinx, and Asian), according to the Draft Environmental Impact Statement.⁵

- Negative impacts to national, state and local parks in both states, and notable environmental impacts: As currently proposed, these two projects will directly or indirectly damage six national parks and acres of regional park sites. The reviews of these projects under NEPA, Section 4(f) of the Department of Transportation Act, and Section 106 of the National Historic Preservation Act have failed to result in sufficient avoidance and minimization of impacts to parkland and historic resources. The environmental impacts of both projects are significant, as documented in their environmental analyses. The 495-270 project will result in the loss of some 1,500 acres of tree canopy, 16 acres of wetlands, approximately 50 acres of wetland buffers, and will have direct and indirect impacts on 30 miles of streams.⁶ The 495 NEXT project will result in loss of 118 acres of tree canopy, and have direct impacts on 19.8 acres of wetlands and more than two miles of streams.⁷

Strengthening the Capital Beltway Accord

Many of the undersigned groups are working to address these and other flaws with the Maryland 495-270 and Virginia 495 NEXT proposals within our respective jurisdictions. However, because Maryland and Virginia are proceeding with planning the Capital Beltway Accord project, and because that project implicates the interests of all of our groups, we are jointly sending this letter to request that your efforts to develop plans for the Capital Beltway Accord project avoid the mistakes listed above by including the following elements:

- **Commitment to a transparent project review process that includes a full analysis of alternatives.** Virginia's experience with using public-private partnerships to advance transportation proposals has shown the review processes must be structured very carefully and transparently to deliver maximum public benefits, and that rigorous NEPA reviews can help officials avoid wasting public money and resources on flawed and environmentally destructive projects. Any public-private partnership pursued for the Capital Beltway Accord project must not short-circuit important aspects of transportation project planning and approval under the NEPA process. The alternatives studied must

⁵ Draft Environmental Impact Statement, I-270 and I-495 managed lanes study, Section 4.2.2 on p. 4-10. https://495-270-p3.com/wp-content/uploads/2020/07/DEIS_Ch4_Environmental.pdf

⁶ Ibid., Table 4-1 on p. 4-3.

⁷ Draft Environmental Assessment, Natural Resources Technical Report, 495-NEXT, p. 11 (stream impacts); p. 20 (wetlands impacts); p. 39 (tree loss). www.495northernextension.org/documents/pim032020/i-495_next_7_natural_resources_tech_report_final.pdf

include integrated land use (transit-oriented development and jobs/housing balance), expanded transit options, and travel demand management (including telecommuting and park & ride expansion). Estimates of likely greenhouse gas emissions should be provided for each of the different alternatives.

One viable alternative to study would be to combine expanded telecommuting with new transit. Over the last six months, hundreds of thousands of the region's erstwhile commuters successfully and efficiently worked from home. While the region's workers may not all be able to make this a permanent condition, if a significant proportion of telecommuting continued into the future, even if combined with regular in-office meetings and off-peak in-office work commuting, it could well eliminate the need for a significant amount of new investment in SOV access. Instead of investment in hundreds of new lane-miles, vastly improved high-speed internet capacity and access -- especially for those who do not currently have it -- might provide an effective substitute, with substantially lower environmental impacts and costs.

- **A significant contribution to expanded transit.** As noted above, both the 495-270 project and 495 NEXT provide inadequate funding for transit. The Capital Beltway Accord project provides an opportunity to remedy this by funding enhanced transit service along the Beltway corridor between Virginia and Maryland as well as on neighboring roads. The I-66 Outside the Beltway concession includes annual dedicated funding for enhanced transit. A similar funding commitment should be part of the Capital Beltway Accord project to activate high-quality transit on 495.
- **Full evaluation of accommodations for heavy rail on the American Legion Bridge.** In order to achieve climate goals and meet the travel needs of future populations in the Tysons-Bethesda corridor, evaluation of alternatives for bridge rehabilitation or expansion must fully analyze accommodation of heavy rail, such as expansion of the Purple Line into Virginia. The design for the Woodrow Wilson Bridge provides a good example, as it allows for future rail or other high-capacity transit on two of that bridge's twelve lanes.
- **Grade-separated bicycle and pedestrian facilities that connect with trail systems in Maryland and Virginia.** Including bicycle and pedestrian facilities across the American Legion Bridge is essential to overcoming its current barriers to active transportation and providing a much-needed connection to a regional multi-use trail network. Ensuring these facilities are provided and take the form of grade-separated interchanges would provide maximum safety to all trail users. These should be designed in full coordination with the National Park Service and local park authorities to ensure they avoid park resources and maximize protection of environmental resources.

Thank you for your consideration of our comments and concerns. We look forward to being involved in the planning process for the Capital Beltway Accord project. Please note that some of the signatories to this letter will be submitting in October a detailed analysis of the DEIS for Maryland's 495-270 proposal.

Sincerely,

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Josh Tulkin
Director, Maryland Sierra Club

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cc: Shannon Valentine, Virginia Secretary of Transportation
Nick Donohue, Virginia Deputy Secretary of Transportation
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Peter Franchot, Maryland Comptroller
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