

## **ITEM 7 - Action**

July 19, 2006

Approval of Inclusion of the Project to Realign and Widen a Segment of Billingsley Road in Charles County in the 2006 Constrained Long Range Plan (CLRP) and FY 2007-2012 TIP

### **Staff**

#### **Recommendation:**

- Receive briefing on the responses to the public comments received on the project submission to realign and widen a segment of Billingsley Road in Charles County
- Adopt Resolution R1-2007 to include the project in the 2006 CLRP and FY 2007-2012 TIP.

#### **Issues:**

None

#### **Background:**

In the mail-out materials for the June 21 TPB meeting released at the June 15, 2006 TPB Citizens Advisory Committee meeting, information was provided that Charles County has requested that a project to realign and widen Billingsley Road from 2 to 4 lanes (known as the Cross County Connector) from Middletown Road to MD 210 Indian Head Highway be included in the 2006 CLRP and the FY 2007-2012 TIP. At the June 21 TPB meeting, the Board was briefed on the Charles County request and initial public comments were received on the project submission.

TPB R1-2007  
July 19, 2006

**NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD  
777 NORTH CAPITOL STREET, N.E.,  
WASHINGTON, D.C. 20002-4239**

**RESOLUTION TO  
INCLUDE THE PROJECT TO REALIGN AND WIDEN A SEGMENT OF BILLINGSLEY  
ROAD IN CHARLES COUNTY IN THE AIR QUALITY CONFORMITY ANALYSIS FOR  
THE 2006 CONSTRAINED LONG RANGE PLAN (CLRP) AND FY2007-2012  
TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

**WHEREAS**, the National Capital Region Transportation Planning Board (TPB), which is the metropolitan planning organization (MPO) for the Washington Region, has the responsibility under the provisions of Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

**WHEREAS**, the Joint Planning Regulations issued October 28, 1993 by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) require that the long range transportation plan be reviewed and updated at least triennially to comply with the Metropolitan Planning Rules of October 28, 1993; and

**WHEREAS**, the transportation plan, program and projects must be assessed for air quality conformity as required by the conformity regulations originally published by the Environmental Protection Agency in the November 24, 1993 *Federal Register* and with latest amendments published in the *Federal Register* on May 6, 2005; and

**WHEREAS**, on October 19, 2005, the TPB adopted resolution R5-2006 determining that the 2005 CLRP and FY 2006-2011 TIP conform with the 8-Hour Ozone Standard requirements of the Clean Air Act Amendments of 1990, and on October 19, 2005 adopted resolution R6-2006 approving the 2005 CLRP and resolution R7-2006 approving the FY2006-2011 TIP; and

**WHEREAS**, on December 21, 2005, the TPB adopted resolution R9-2006 determining that the 2005 CLRP and the FY 2006-2011 TIP conform with the Fine Particles (PM<sub>2.5</sub>) requirements of the Clean Air Act Amendments of 1990; and

**WHEREAS**, on April 19, 2006, the TPB adopted resolution R18-2006 approving for inclusion in the air quality conformity analysis of the 2006 CLRP and FY2007-2012 TIP the project submissions from the transportation implementing agencies in the region, which were in response to the December 2005 solicitation document issued by the TPB; and

**WHEREAS**, in the attached letter of June 14, 2006, Charles County has requested that

the project to realign and widen Billingsley Road from 2 to 4 lanes (known as the Cross County Connector) from Middletown Road to MD 210 Indian Head Highway be included in the 2006 CLRP and the FY 2007-2012 TIP, as described in the attached materials; and

**WHEREAS**, at the June 15, 2006 meeting of the TPB Citizens Advisory Committee (CAC), the project submission was released for public comment; and

**WHEREAS**, on July 19, 2006, the TPB received a briefing on the responses to the public comments; and

**WHEREAS**, the air quality conformity analysis, the 2006 CLRP and the FY2007-2012 TIP are scheduled to be released for public comment on September 14, 2006 and approved by the TPB at its October 18, 2006 meeting; and

**WHEREAS**, this project is funded with local dollars, is consistent with already available and projected sources of transportation revenues and meets the financial plan requirements in the Metropolitan Planning Rules;

**NOW, THEREFORE, BE IT RESOLVED THAT** the National Capital Region Transportation Planning Board approves for inclusion in the air quality conformity analysis of the 2006 Constrained Long Range Plan and FY2007-2012 TIP the project to realign and widen Billingsley Road from 2 to 4 lanes (known as the Cross County Connector) from Middletown Road to MD 210 Indian Head Highway as described in the attached materials.

# CHARLES COUNTY GOVERNMENT

## Planning and Growth Management

MELVIN C. BEALL, JR., P.E., *Acting Director*

July 13, 2006



Honorable Michael Knapp, Chairman  
National Capital Region Transportation Planning Board  
c/o Mr. Ronald F. Kirby, Director Transportation Planning  
Metropolitan Washington Council of Governments  
777 North Capital Street, NW, Suite 300  
Washington, D.C. 20002-4201

Re: Follow up to Special Exception to include the Cross County Connector into the CLRP

Dear Chairman Knapp:

Charles County would like to thank the Transportation Planning Board for its consideration of our request to include the Cross County Connector project in the CLRP. As presented at the June 21, 2006 TPB Meeting, it appears that one of the County's critical Capital Improvement Projects, the Cross County Connector, was not included in the recent submissions for the Constrained Long Range Plan and the subsequent Air Quality Conformity Analysis. As a very new and inexperienced member to the Board and its procedures, we hope you'll consider our special circumstances.

The Cross County Connector is a four-lane arterial road that is a combination of widening an existing two-lane road and construction in a new location. First described in the 1990 County Comprehensive Plan, the County illustrated the need for a safe and efficient east-west roadway connecting the two major development areas of the County. The Cross County Connector was shown in the 1997 Charles County Comprehensive Plan Update with the selected alignment location. This document further described the need for the roadway serving the planned development area within the County's Development District. This area is designated to ultimately receive 75% of the County's Growth, while preserving the rural areas with low densities. The Cross County Connector will serve the growth area and relieve congestion, providing the adequate infrastructure to serve the public need.

Charles County has constructed three of the seven phases of the project, and is currently completing the construction of the fourth phase, and now seeks to complete the final three phases. The project is fully funded by Charles County funds, and has gone through a very extensive public participation process, beginning in 1987. Although the project was not required to go through the NEPA process, the County coordinated an extensive NEPA Report with the Army Corps of Engineers (ACOE), completed in 1996. This report evaluated each of the alternative alignments based on their impacts to social and environmental resources, resulting in the alignment selection in June of 1997 by the County Commissioners.

Since that time, the County has continued to work with ACOE as well as several other Federal and State agencies to obtain the necessary permits. Several additional public workshops were held in 2004 and 2005 through the permit process to give the public an opportunity to provide comments on the project to the ACOE and Maryland Department of the Environment

### **SAY NO TO DRUGS**

Post Office Box 2150 • La Plata, Maryland 20646

Administration: (301) 645-0627 Development & Capital Services: (301) 645-0618 / (301) 645-0621 / (301) 870-3937

Permits: (301) 645-0692 / (301) 870-3935 • Planning: (301) 645-0689 / (301) 645-0540 / (301) 870-3896

TDD Transfer Number for the Hearing Impaired: 1-800-735-2258

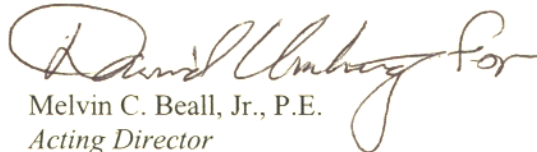
[www.charlescounty.org/pgm](http://www.charlescounty.org/pgm)

*EQUAL OPPORTUNITY COUNTY*

(MDE). As part of the permit review process the ACOE and MDE required the County to update the NEPA Document with more recent environmental field data and the inclusion of a Secondary and Cumulative Effects Impact Analysis. The ACOE is currently awaiting the projects inclusion in the Metropolitan Washington's Air Quality Conformity Analysis to complete their review of the project and grant the permit. The Conformity Analysis is the final element needed to complete the NEPA Document update. Following the completion of the Conformity Analysis, the ACOE will hold a public hearing on the Section 404 Permit and the updated NEPA Document, giving the public an additional opportunity to provide comments to the ACOE, MDE, and the County. Once this process is completed, the County anticipates obtaining the Federal and State permits by the end of the calendar year.

Charles County therefore would like to request special consideration to include the Cross County Connector into this year's conformity analysis to not delay this critical locally funded project. Should you have any questions regarding this project or the subject request, please do not hesitate to contact Mr. Jason Groth, Charles County's TPB Board Member at (301) 396-5814.

Sincerely,

A handwritten signature in cursive script that reads "David Umling for". The signature is written in black ink and is positioned above the typed name of the signatory.

Melvin C. Beall, Jr., P.E.

*Acting Director*

Charles County Planning and Growth Management

cc: Hon. Edith J. Patterson, Commissioner  
Roy E. Hancock, County Administrator  
David Umling, Planning Director  
Michael Morse, CIP-T Program Manager  
Jason Groth, APF Program Manager

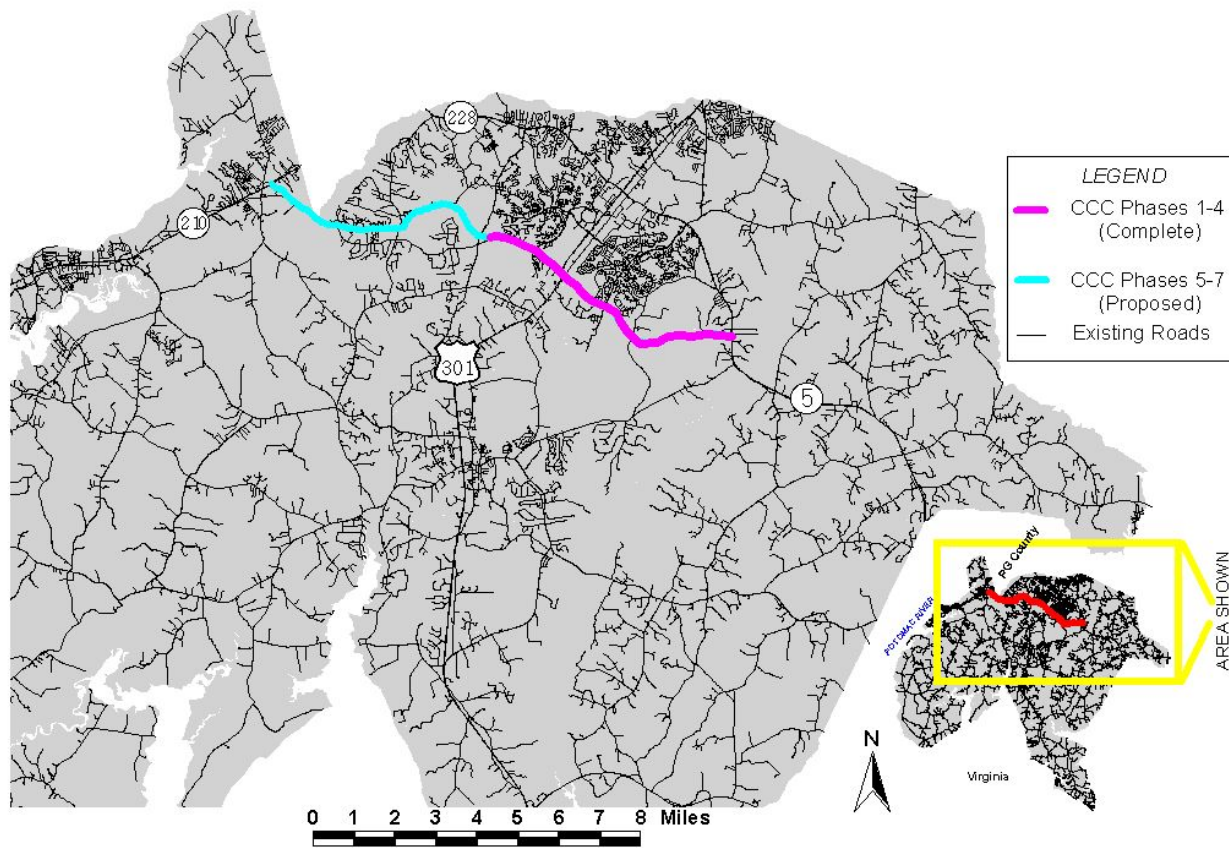
# Cross County Connector

Phases 5, 6 & 7

Transportation Planning Board

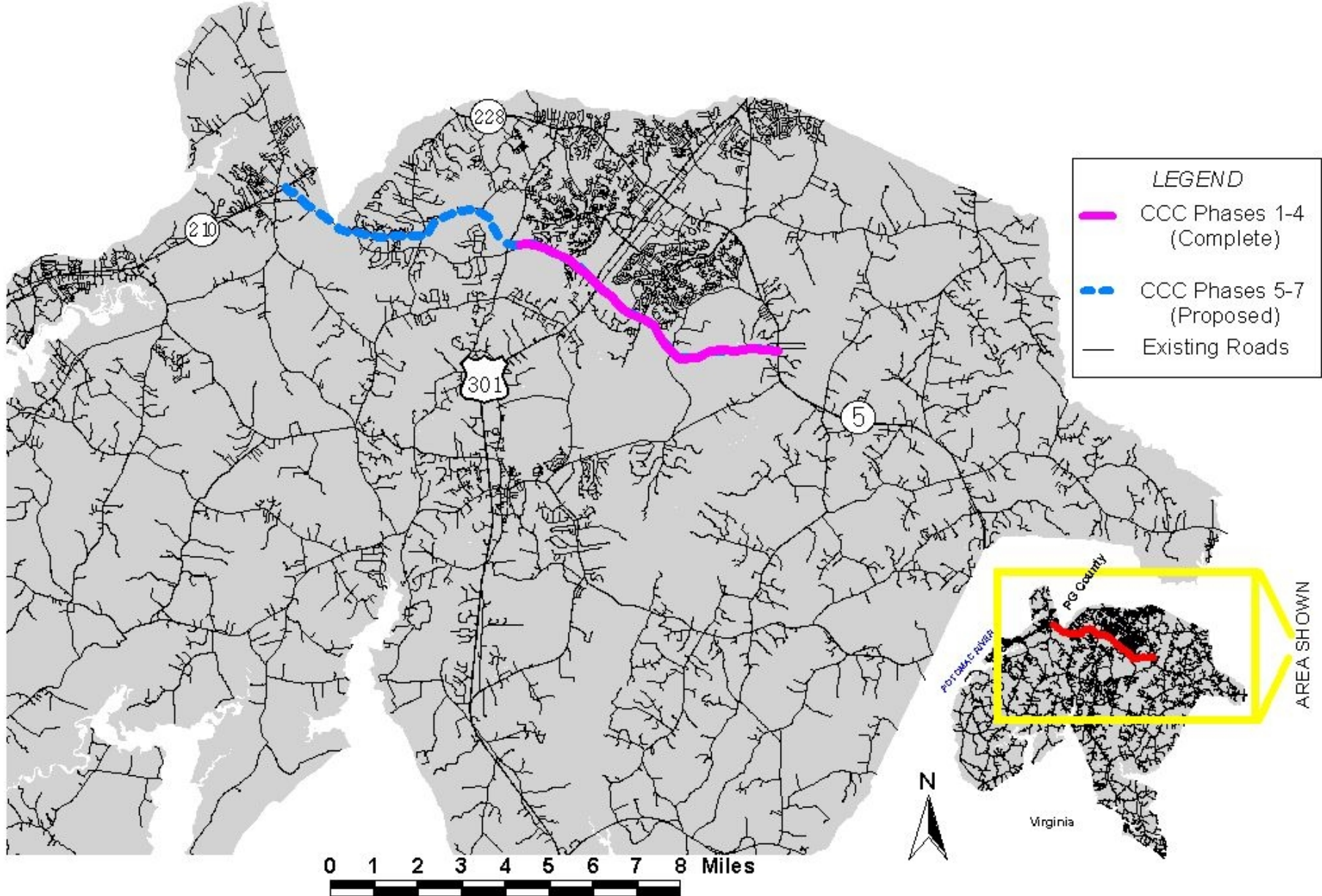
July 19, 2006

Cross County Connector (CCC) Location Map  
Charles County, MD



Charles County  
Cross County Connector Phases 5, 6 & 7

# Cross County Connector (CCC) Location Map Charles County, MD



**Cross County Connector Phases 1-4 are complete. This proposal covers Phases 5-7.**

# Project History

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1988 Charles County Commissioners authorize study of Billingsley and Middletown Road Corridors

1990 Charles County Comprehensive Plan

1. Development District – target 75% of all County’s new growth – consistent with Growth Management Act of 1992
2. Strategic Investments in Infrastructure to support development
3. Goals were to change development patterns to reduce environmental impacts of growth.

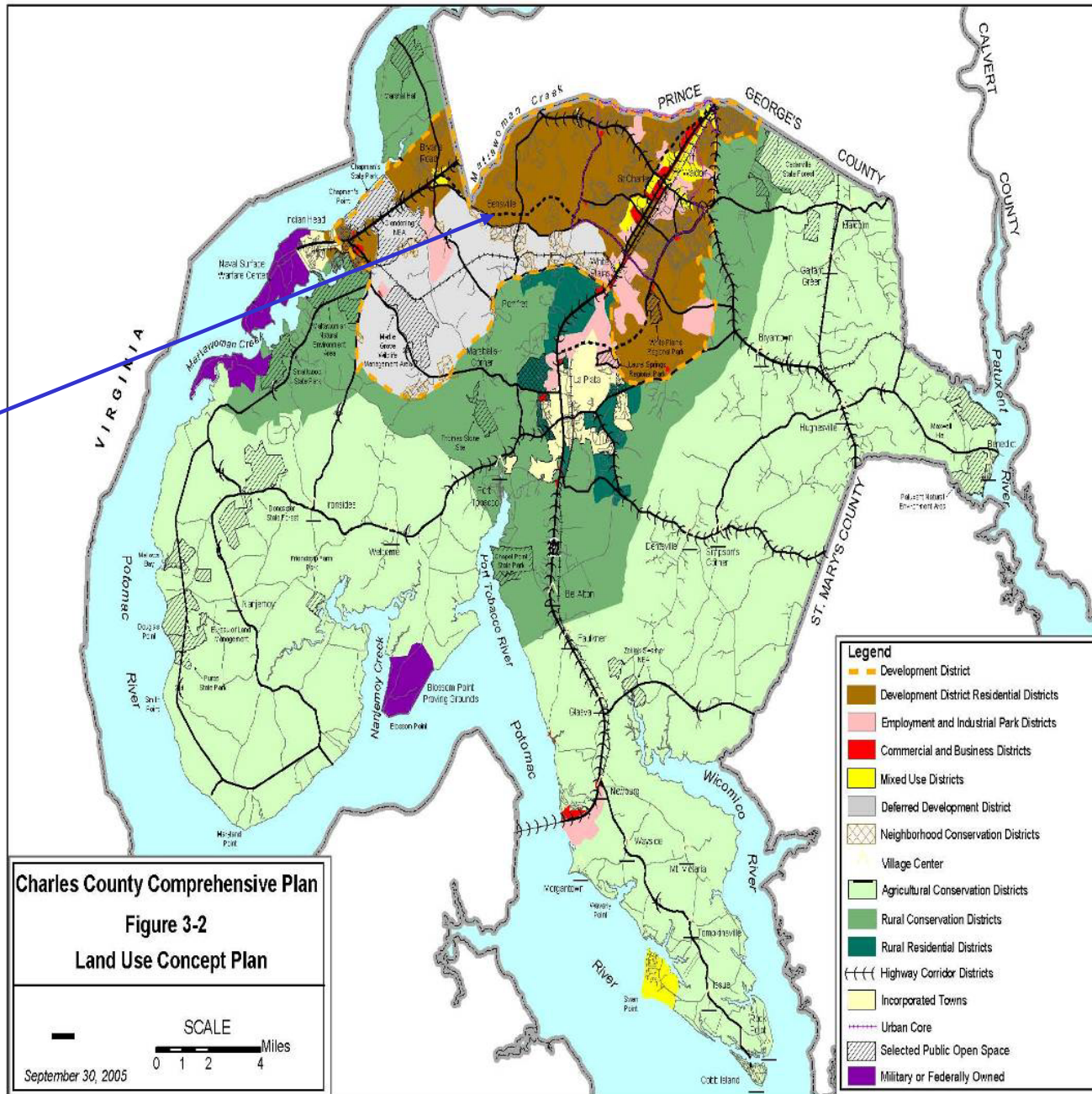
1997 Charles County Comprehensive Plan

1. Reinforced goals and policies of 1990 plan and the Development District
2. Created Deferred Development District to discourage leap-frog development not served by proper infrastructure.



# Development District

Cross County Connector



# Project History

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## 1997 NEPA Report

1. Development District – target 75% of all County’s new growth – consistent with Growth Management Act of 1992
2. Several Alternates including upgrade to Billingsley
3. Selected Alternate – very close to current alignment – minimized environmental and social impacts.
4. Extensive Public Involvement
5. The Army Corps of Engineers held a Wetlands Jurisdictional Determination on June 24, 1996 included in the Report
6. Alternates Revised based on Corps, US Fish & Wildlife and MDE comments
7. Report includes the letters of Concurrence from the environmental agencies.

Joint Permit Applications for CCC 5 (4/22/04) and CCC 6&7 (11/3/04, revised 10/11/05)

# Public Involvement to Date

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## Billingsley Road Public Meetings/Notifications

- Charles County Planning Commission Work Session Review - 1987
- Public Information Meeting - 1990
- Charles County Commissioners Public Hearing - 1990
- Charles County Commissioners Public Information Meeting - 1 990
- Charles County Commissioners Work Session – 1990

## CCC: Public Meetings/Notifications

- Charles County Commissioners Public Information Meeting - 1992
- Charles County Commissioners Discussion Item - 1993
- Public Information Meeting - 1993
- Charles County Planning Commission recommendation - 1993
- Charles County Commissioners Public Hearing - 1993
- Corps Public Notice for EA Alternates - 1997
- Charles County Comprehensive Plan approval process - 1997
- Charles County affected property notice of field surveying and engineering - December 2001
- Charles County affected property notice of meeting - April 8, 2004
- Charles County affected property informational meeting - April 20, 2004
- MDE adjacent property notification letters - August 3, 2004
- Corps public notice mailing to interested list - November 22, 2004
- MDE newspaper public notice in Independent and interest file mailing - February 9, 2005
- MDE notice of public meeting to interest list - April 1, 2005
- Charles County newspaper public notice, Maryland Independent April 22, 2005
- MDE public notice on MDE website - April 2005

# CHARLES COUNTY GOVERNMENT

## Planning and Growth Management

MELVIN C. BEALL, JR., P.E., *Acting Director*

June 14, 2006



Honorable Michael Knapp, Chairman  
National Capital Region Transportation Planning Board  
c/o Mr. Ronald F. Kirby, Director Transportation Planning  
Metropolitan Washington Council of Governments  
777 North Capital Street, NW, Suite 300  
Washington, D.C. 20002-4201

Re: Special Exception to include the Cross County  
Connector into the CLRP

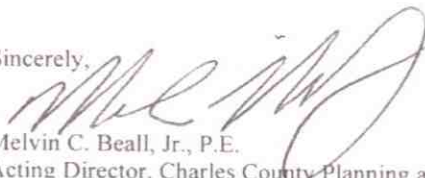
Dear Chairman Knapp:

Charles County would like to thank the Board for its work in the maintenance and improvement of the Capital Region's Transportation system and our region's air quality conformity. As a relatively new member to the Board, we are working to better coordinate our planning and programming process with that of the Transportation Planning Board (TPB).

As we work through the process, it appears that one of the County's critical Capital Improvement Projects, the Cross County Connector, was not included in the recent submissions for the Constrained Long Range Plan and the subsequent Air Quality Conformity Analysis. Due to staff turnover at the Tri-County Council for Southern Maryland, and staff duty reassignments at Charles County, this project was inadvertently not submitted prior to the deadline requested by the TPB. This project is a completely locally funded roadway divided into seven segments with four of the seven segments already constructed. It was brought to our attention recently that the last three phases of the project are within the new limits of the urbanized area, and thus are required to be included in the CLRP and the air quality conformity analysis. This four-lane roadway is critical to support the transportation needs of the County's Development District, as identified in the Charles County Comprehensive Plan, and replaces a dangerous two lane roadway of a substandard design and no shoulders. This project has been the subject of numerous public meetings throughout the planning and construction process, beginning back in 1988, and has been fully analyzed by a 1997 NEPA report with input from the public and environmental agencies.

The final three phases of the Cross County Connector have been designed. We are in the process of finishing the right-of-way acquisitions and completing the permitting process. Charles County therefore would like to request a special exception, including the Cross County Connector into this year's conformity analysis to not delay this critical, locally funded project. We would appreciate the chance to discuss this project with the Board at its earliest convenience. Enclosed for your use, is a constrained Long Range Plan and a map showing the location of the Cross County Connector. Should you have any questions regard this project or the subject request, please do not hesitate to contact Mr. Jason Groth, Charles County's TPB Board Member at (301) 396-5814.

Sincerely,

  
Melvin C. Beall, Jr., P.E.  
Acting Director, Charles County Planning and  
Growth Management

MCB:JG:djh

Enclosures

cc: Michael Morse  
Jason Groth  
CCC 5-7 Project Correspondence File

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### SAY NO TO DRUGS

Post Office Box 2150 • La Plata, Maryland 20646

Administration: (301) 645-0627 • Development & Capital Services: (301) 645-0618 / (301) 645-0621 / (301) 870-3937

Permits: (301) 645-0692 / (301) 870-3935 • Planning: (301) 645-0689 / (301) 645-0540 / (301) 870-3896

TDD Transfer Number for the Hearing Impaired: 1-800-735-2258

[www.charlescounty.org/pgm](http://www.charlescounty.org/pgm)

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# CONSTRAINED LONG RANGE PLAN (CLRP)

Proposed Project or Action Description Form

Last Modified On: 6/13/2006

## 1. Location and Jurisdiction

2. Submitting Agency: **Charles County**

ProjectName **Cross County Connector Phases 5, 6 & 7 (Billingsley Road Reconstruction)** Agency Project ID  
Facility: **Cross County Connector**  
From: **Middletown Road**  
To: **MD 210 Indian Head Highway**  
Jurisdiction: **Charles County**

## 3. Project Type and Description

- Construction  Study  
 Transportation Emissions Reduction Measure (TERM)  Illustrative Project  
 Other Action/Strategy

Description of project or action:

**Provide four lane roadway from Middletown Road to MD 210 (Indian Head Highway) on or parallel to the current alignment of Billingsley Road.**

**Bicycle/pedestrian accommodations included**

Project Manager:

Phone:

URL:

## 4. Project Phasing

Project ID	In TIP	Improvement	Facility	From	To	# Lane		Completion Date
						FromTo		
	<input checked="" type="checkbox"/>	Widen/Realign	Cross County Connector	Middletown Road	MD210Indian Head Highway	2	4	2009

## 5. Purpose/contribution to regional goals

**The 1990 Charles County Comprehensive Plan advocated the creation of the Development District, within which 75% of the County's future growth was to be concentrated. It also recognized Bryans Road Town Center as one of the focal points for the most intense development within the Development District, where strategic investments in infrastructure would be focused to support that development. The Charles County Commissioners authorized a study of the Billingsley and Middletown Road Corridors due to safety and capacity concerns of existing Billingsley Road. This study resulted in a 1996 NEPA report recommending a four lane Cross County Connector to serve the development district. The report which involved numerous public meetings and coordination with environmental agencies looked at several alignments to accomplish the purpose and need. The selected alignment was chosen to minimize environmental and social impacts. As such, the current alignment serves the orderly development of Charles County and improves safety over existing Billingsley Road.**

## 6. Funding and Schedule Information

Cost (In Thousands): **\$33,655**

Date of completion or implementation: **2009**

Source: **Local,**

Cost and schedule remarks:

**CCC 5 - Widen/Realign from Middletown Rd to Bensville Rd - 2007**

**CCC 6 - Widen/Realign from Bensville Rd to Mattowoman Ck - 2008**

**CCC 7 - Widen/Realign from Mattowoman Ck to MD 210 - 2009**

## 7. CMS Documentation

Is this a highway capacity-increasing project on a limited access or other principal arterial highway  Yes  No

If yes, does this project require a CMS Documentation form under the given criteria?  Yes  No

If not, please identify the criteria that exempt the project here:

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## Transportation Improvement Program (TIP)

Proposed Project or Action Description Form  
FY 2007-2012

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1. Agency: **Charles County**

Last Modified On: **6/13/2006**

2. Location and Jurisdiction

Title: **Cross County Connector Phases 5, 6 & 7 (Billingsley Road Reconstruction and Realignment)**  
Facility: **Cross County Connector**  
From: **Middletown Road**  
To: **Indian Head Highway**  
Jurisdiction: **Charles County**

3. Description of Project or Action

**Provide four lane roadway from Middletown Road to MD 210 (Indian Head Highway) on or parallel to the current alignment of Billingsley Road.**

**Bicycle/pedestrian accommodations included**

4. Project Status

**New project**

5. Environmental Review

**Under review**

6. Funding and Schedule Information

Date of completion or implementation: **2009**

Source	FY	Amount (\$1,000s)	Phase	% Fed/State/Loc
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Local				
	2007	\$23,613	Construction	100
	2008	\$10,042	Construction	100

Cost and schedule remarks:

**Locally funded only by Charles County.**

# **National Capital Region Transportation Planning Board**

777 North Capitol Street, N.E., Suite 300, Washington, D.C. 20002-4290 (202) 962-3310 Fax: (202) 962-3202

## **MEMORANDUM**

July 13, 2005

**TO:** Transportation Planning Board

**FROM:** Ronald F. Kirby  
Director, Department of  
Transportation Planning

**SUBJECT:** Draft Responses to Comments Received Through the Close of the Business on July 12, 2006 on the Inclusion of the Project to Realign and Widen a Segment of Billingsley Road in Charles County in the 2006 Constrained Long Range Plan (CLRP) and FY 2007-2012 TIP the 2005 CLRP and FY 2006-2011 TIP

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### **Introduction**

In the mailout materials for the June 21 TPB meeting released at the June 15, 2006 TPB Citizens Advisory Committee meeting, information was provided that Charles County had requested that a project to realign and widen Billingsley Road from 2 to 4 lanes (known as the Cross County Connector) from Middletown Road to MD 210 Indian Head Highway be included in the 2006 CLRP and the FY 2007-2012 TIP. An opportunity for public comment on this request was provided at the beginning of the June 21 TPB meeting and the Board was briefed on the request.

This memorandum provides draft responses to attached comments received through the close of business July 12. The Board will be briefed on the comments received and recommended responses at the July 19 meeting.

The comments received and recommended responses are summarized below:

1. Comment: The Cross County Connector should not be included in the air quality conformity analysis of the CLRP because the 1997 NEPA report cited by Charles County is not current and other alternatives should now

be considered.

Response: As described in the attached letter and materials from Charles County this project is locally funded. Although not required to go through the National Environmental Policy Act (NEPA), the county prepared an extensive NEPA report with the Army Corps of Engineers. This report evaluated each of the alternatives based on their impacts on social and environmental resources and the County Commissioners selected the alternative alignment for this project in June 1997. In the course of considering this project there were numerous public involvement meetings and notifications.

In 2004 and 2005 the county provided additional information on the project, including recent environmental field data and a Secondary and Cumulative Effects Impact Analysis to the Army Corps of Engineers for the 404 (wetlands) permit application process. During this process in 2004 and 2005 several public workshops were held to provide the public an opportunity to comment to the Corps and the Maryland Department of Environment.

As the Corps was completing its assessment, it raised the issue that the project must be included in the Washington region's Constrained Long Range Transportation Plan (CLRP) and the associated air quality conformity analysis. Following the inclusion of the project in the CLRP and the conformity analysis, a public hearing will be held on the 404 permit and updated NEPA report giving the public an additional opportunity to provide comments to the Corps, Maryland Department of Environment and the county.

The TPB will be asked on October 18, 2006 to make a conformity determination on the CLRP as a whole, including this project and the other proposed project submissions. Charles County staff has advised TPB staff that the final 404 permit for this project is expected by the end of the year. It is not uncommon for the TPB to include projects in the regional 25 year CLRP before the environmental permit process is completed, or even before it has begun.

The following sections of the Environmental Protection Agency's transportation conformity rule provide the necessary guidance on this point:

*"§ 93.106 Content of transportation plans.*

(2)(ii) The highway and transit system shall be described in terms of the regionally significant additions or modifications to the existing transportation network which the transportation plan envisions to be operational in the horizon



years. Additions and modifications to the highway network shall be sufficiently identified to indicate intersections with existing regionally significant facilities, and to determine their effect on route options between transportation analysis zones. Each added or modified highway segment shall also be sufficiently identified in terms of its design concept and design scope to allow modeling of travel times under various traffic volumes, consistent with the modeling methods for area-wide transportation analysis in use by the MPO. Transit facilities, equipment and services envisioned for the future shall be identified in terms of design concept, design scope, and operating policies that are sufficient for modeling of their transit ridership. Additions and modifications to the transportation network shall be described sufficiently to show that there is a reasonable relationship between expected land use and the envisioned transportation system; and

*§ 93.107 Relationship of transportation plan and TIP conformity with the NEPA process.*

The degree of specificity required in the transportation plan and the specific travel network assumed for air quality modeling do not preclude the consideration of alternatives in the NEPA process or other project development studies. Should the NEPA process result in a project with design concept and scope significantly different from that in the transportation plan or TIP, the project must meet the criteria in §§93.109 through 93.110 for projects not from a TIP before NEPA process completion.

2. Comment: It is important to consider potential air quality issues that could arise from building this road.

Response: Including this project in the air quality conformity analysis of the CLRP will ensure the regional air quality impacts are considered and the EPA air quality transportation conformity requirements are met.

3. Comment: Including this project in the air quality conformity analysis of the CLRP after the TPB project submission in April would establish a precedent that could jeopardize timely completion of the analysis in September.

Response: This project was inadvertently not submitted in April due to transportation staffing turnover at Charles County. Including this project would be treated as a highly unusual exception which would not establish a precedent. This action will not affect the completion of the analysis because it is a relatively simple project to code in the regional network and consequently there would be virtually no additional cost and no time delay.

4. Comment: The cumulative and growth inducing impacts of this highway would significantly degrade Mattawoman Creek and its tributaries and adversely affect fish and other species.

Response: Similar comments were made in 2004 and 2005 at public workshops conducted by the Corps and the Maryland Department of Environment and are addressed in the current 404 wetlands permit process. Following the inclusion of the project in the CLRP and the conformity analysis, a public hearing on the 404 permit and updated NEPA report will be held giving the public an additional opportunity to provide comments to the Corps, Maryland Department of Environment and the county



**Maryland Department of Transportation**  
The Secretary's Office

**Robert L. Ehrlich, Jr.**  
Governor

**Michael S. Steele**  
Lt. Governor

**Robert L. Flanagan**  
Secretary

**James F. Ports, Jr.**  
Deputy Secretary

July 12, 2006

Mr. Jason Groth  
Charles County Government  
Office of Planning & Growth Management  
P.O. Box 2150  
200 Baltimore Street  
La Plata, MD 20646

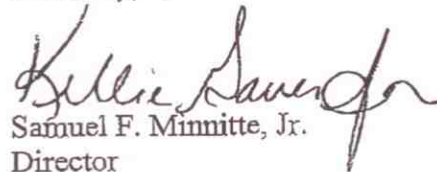
Dear Mr. Groth:

The purpose of this letter is to offer support on behalf of the Maryland Department of Transportation (MDOT) for the Charles County Cross County Connector roadway and the efforts to include it in the National Capital Region Transportation Planning Board's (TPB) 2006 Constrained Long Range Plan (CLRP), the 2007-2011 Transportation Improvement Program (TIP) and the subsequent Air Quality Conformity Analysis.

The Department supports the initiative of the Cross County Connector, as it will be a vital link in Maryland's southern transportation infrastructure. Charles County is to be commended for their vision and forethought in both the planning and financing of this highway. This key alignment will relieve areas of traffic congestion and driver frustration across Charles County.

We would also like to reiterate our support for this local project and urge the TPB to approve its prompt inclusion in the CLRP, TIP and Air Quality Conformity Analysis. If you have any questions or concerns, please do not hesitate to contact Ms. Lyn Erickson, Assistant Director, Regional Planning and Programming at 410-865-1279, toll-free at 888-713-1414 or via email at [lerickson@mdot.state.md.us](mailto:lerickson@mdot.state.md.us).

Sincerely,

  
Samuel F. Minnitte, Jr.  
Director

cc: Ms. Carolyn Erickson, Assistant Director, Office of Planning, MDOT



TONI COPELAND  
CLERK TO THE  
COUNTY BOARD

**ARLINGTON COUNTY, VIRGINIA**  
**OFFICE OF THE COUNTY BOARD**

#1 COURTHOUSE PLAZA, SUITE 300  
2100 CLARENDON BOULEVARD  
ARLINGTON, VIRGINIA 22201-5406  
(703) 228-3130 • FAX (703) 228-7430  
E-MAIL: countyboard@arlingtonva.us

July 6, 2006



**MEMBERS**

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Mr. Ronald F. Kirby  
Director  
Metropolitan Washington Council of Governments  
Department of Transportation Planning  
777 North Capitol Street, N.E.  
Suite 300  
Washington, D.C. 20002

Dear Mr. Kirby:

It recently came to my attention that at the June 21, 2006, meeting of the Transportation Planning Board, a request was received from Charles County, Maryland, to include a project to realign and widen a segment of Billingsley Road (also known as the Cross County Connector) in the 2006 Constrained Long Range Plan (CLRP) and the FY 2007-2012 Transportation Improvement Plan (TIP). I have reviewed information about this project and must express my personal opposition to its inclusion in these plans.

As a member of the Metropolitan Washington Council of Government's Air Quality Committee, I believe it is important to consider potential air quality issues that could arise from the building of this road. It is my understanding that this project has not completed all necessary environmental reviews prior to issuance of a 404 permit for the project. According to Mr. Michael Hitchings, with the Baltimore District of the U.S. Army Corps of Engineers, the "1997 NEPA report" cited by a Charles County official, was completed by Charles County and submitted as part of the justification for the Cross County Connector. It did not officially constitute a formal NEPA review.

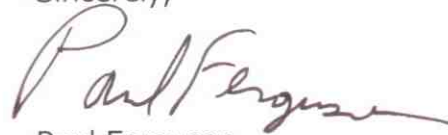
The U.S. Army Corps of Engineers concluded in June 2005 that it was necessary to consolidate the entire 5.5 mile portion of the project known as Sections 5 – 7, and to conduct an ecological assessment of this entire portion of the project. Additional information was requested from Charles County concerning the project impacts and this information has only recently been submitted. According to Mr. Hitchings, the U.S. Army Corps of Engineers is currently reviewing this technical information and expects to hold a public hearing by the end of the calendar year on the study. At this point it is

not clear if a full-blown Environmental Impact Statement (EIS) will be required, or simply an Environmental Assessment (EA).

In addition, there are reports of citizen opposition to this project and the inclusion of this project after the official TPB deadline would establish a precedent that could jeopardize timely completion of the conformity analysis early this fall.

Based on these factors, I encourage the Transportation Planning Board to vote to deny this request and to defer the project till next year; after all necessary environmental factors have been fully considered.

Sincerely,

A handwritten signature in black ink that reads "Paul Ferguson". The signature is written in a cursive style with a long, sweeping underline.

Paul Ferguson  
Vice Chairman

**From:** Bonnie Bick [mailto:bonniebick@verizon.net]  
**Sent:** Wednesday, July 12, 2006 4:51 PM  
**To:** Ron Kirby  
**Subject:** TPB delay voting on the Charles County request at this time

Mr. Ronald F. Kirby, Director  
Metropolitan Washington Council of Governments  
Department of Transportation Planning  
777 North Capital Street, N.E.  
Suite 300  
Washington, D.C. 20002

RE: Charles County Cross County Connector

Dear Mr. Kirby:

Friends of Mattawoman Creek object to inclusion of the proposed Charles County Cross County Connector (CCC) in the CLRP at this time. This CCC Extension proposal is now proposing to enter the Mattawoman Stream Valley. The CCC has been proceeding in a segmented fashion up to this point, the widening of existing Billingsley Road, on an existing right of way in a less sensitive watershed. Now the proposal is to veer away from Billingsley Road to build a new major 4 lane highway, not a "realignment," and not along an existing established right of way. The target area for this CCC extension proposal is in an undeveloped, forested and steeply sloped area of the watershed of Mattawoman Creek, a healthy and productive tributary of the Potomac River and Chesapeake Bay. All the elected officials of the Council of Governments have made commitments to protect the Chesapeake Bay. Making an exception to the TPB rules and including the CCC Extension in CLRP at this time would be in cross purpose to the Chesapeake Bay Agreement.

**We request the TPB delay voting on the Charles County request at this time.** We recommend Charles County include the CCC in the next round of the CLRP and after a full Air Quality Analysis and NEPA review by the US ACOE. We make this request for the following reasons:

The environmental review for this highway has been only cursory. The NEPA document mentioned in the TPB request letter to the TPB was prepared by the applicant. It was represented as a NEPA review to the TPB but it is perfunctory, and in no way can it be substituted for federal environmental oversight.

No air quality studies have been applied to this project. Washington is an ozone

noncompliance area. This highway and the sprawl it would spawn can be expected to have significant impacts on air quality.

There is a viable alternative to this proposal: using the existing four lane alignment along Middletown Road to connect to the existing Cross County Connector MD Route 228. This four lane highway is already in place and actually is more serviceable for commuters on their way to the Washington Metropolitan area, saving them miles of additional traveling. This alternative must be studied adequately before any decisions are made regarding the CLRP.

The growth inducing impacts of such a major highway have not been adequately addressed. These cumulative secondary and indirect impacts would outweigh by orders of magnitude the direct wetland impacts.

No study of the vehicular impact of the proposed CCC on Indian Head Highway MD Route 210 has been produced. The CCC Extension would create significant intrastate and significant interstate traffic on MD Route 210, including truck traffic.

The cumulative and growth inducing impacts resulting from issuing of CLRP inclusion and Federal permits for this highway would significantly degrade Mattawoman Creek and its tributaries. The road parallels Old Woman's Run, a major tributary that drains into Mattawoman at a point used by spawning blueback and alewife herring, as documented by studies that can be supplied, upon request.

Previous reviews of the highway are not only inadequate, but are also out of date, highlighting the need for further review before being included in the CLRP. It is our understanding that after a May 2005 public hearing the US ACOE decided that NEPA review was necessary and segmentation inappropriate. Before that there was a county hearing held in 1993. There have been no other hearings. It is highly likely that a full federal review of the entire proposal, which is already highly controversial, will uncover additional new and relevant information.

In a report that is available upon request, which summarizes three years of ichthyoplankton sampling, finds that River Herring utilize the Mattawoman main stem at least as far as the Billingsley Road, where the highway in question is proposed to cross Mattawoman Creek. Note that Hickory Shad were also observed in the fluvial Mattawoman during the spawning season and American Shad in the uppermost reaches of the tidal portion.

Fishery Management Plans at both state and national levels are concerned with the low stocks of anadromous fish. Maryland has imposed moratoriums on American and Hickory Shad. It is unconscionable to degrade habitat that retains high productivity in the face of these recognized problems with anadromous fish stocks.

Also upon request, we have information regarding freshwater mussel presence in Mattawoman Creek. Two species are designated as S3. Direct impacts to mussels include increased flooding and increased dry conditions, increased sediment, and

increased pollutants. Note that *Anodonta implicata* is reliant on River Herring for reproduction. Hence the impacts from induced growth can also be expected to threaten this species through loss of its host fish.

Through monitoring by the Department of Natural Resources, the tidal Mattawoman is known to be one of the most productive nurseries in the entire Chesapeake Bay for River Herring and White Perch. American and Hickory shad are also found here. Hence premature inclusion in the CLRP would have ramifications for the Chesapeake Bay. In addition, tidal Mattawoman plays an important role in the Potomac largemouth bass fishery responsible for at least \$25M in Maryland commerce. These fisheries would be threatened by issuance of the permits in question because development within the watershed would increase nutrient and sediment loads, as well as other pollutants. Eutrophication of the tidal Mattawoman would lead to algal blooms and attendant reduced oxygen levels.

Additional information is available in a study commissioned by Charles Co. that measured and analyzed the impacts of land use specific to the Mattawoman Creek watershed.<sup>1</sup> The data available in this report has not been applied to the increased urbanization that would be induced by this highway, underscoring once again the need for delay and study before including in the CLRP. This study quantified the increased loadings of various forms of phosphorus and nitrogen due to urbanization. It also contains data for estimating the increase in sediment and changes to flow. The study also notes that nutrients carried by the increased sediment that follow development, when deposited in tidal systems, carry sufficient nutrients to "have potential to be released to the water column... Most of the phosphorous discharged from this type of watershed is delivered as suspended solids." Note that the watershed referred to here is specifically that of Mattawoman Creek. As stated above, eutrophication of tidal Mattawoman has potential for algal blooms and reduced oxygen, which would impair the vitality of the anadromous spawning grounds and fish nursery.

Additional information is also available in the recently released studies: "Mattawoman Creek Watershed Management Plan," dated August 2003, by the U.S. Army Corps of Engineers, and "Mattawoman Creek Study," dated January 2004, issued by the Naval Surface Warfare Center, Indian Head Division. The former shows that the highway and its attendant development would disproportionately impact forested land, the most highly prized land use for aquatic quality. The latter concentrates on the tidal Mattawoman, but as notes that the tidal sector can be deleteriously impacted by development of the fluvial portion's watershed. The TPB should consider these impacts in greater detail and await Federal Review before including this new proposed highway in the CLRP.

Sincerely,

Bonnie Bick  
Friends of Mattawoman Creek  
Box K  
Bryans Road  
MD 20616