

Kanti Srikanth

From: Kanti Srikanth
Sent: Wednesday, July 21, 2021 10:20 AM
To: Kanti Srikanth
Cc: Lyn Erickson; Stacy Cook
Subject: Addendum and Update on July TPB Meeting Agenda item # 9 (DC)
Attachments: Additional Documents Related to TPB July 2021 Agenda Item 9 Resolution.pdf

Greetings:

At the request of the Montgomery County Executive and Maryland Department of Transportation (MDOT), I am providing the attached additional information and documents for your use in preparing for this afternoon's board meeting – specifically agenda item # 9 – Part A: adding Maryland's I-270/I-495 HOT Lanes Construction to TPB's conformity inputs.

- Montgomery County's Executive is sharing proposed additions to the TPB resolution R2-2022 that was included in the read ahead packet you received last week. It is staff's understanding that the Montgomery County Executive or his representative intends to propose this addition to the resolution during our meeting today. Also included is a copy of Secretary Slater's letter to Montgomery County about the commitments MDOT has made and intends to abide by with regard to transit and other investments in the I-270 corridor as part of its HOT lanes project.
- MDOT has acknowledged the discussions it has had with Montgomery County's Executive and Council on the proposed amendment to resolution R2-2022 and has indicated their support for the proposed changes to the resolution.

The above two documents will be posted on the TPB's meeting web page under item # 9 as additional documents.

Sincerely,
Kanti Srikanth
Director, TPB
Deputy Executive Director, COG
202-909-3797 (cell)
202-962-3257 (desk)

Kanti Srikanth

From: Conklin, Christopher <Christopher.Conklin@montgomerycountymd.gov>
Sent: Wednesday, July 21, 2021 9:44 AM
To: Kanti Srikanth
Cc: Lyn Erickson; Erenrich, Gary; Henn, Hannah; Kari Snyder; R. Earl Lewis; Orlin, Glenn
Subject: RE: Proposed Amendment to July 21 2021 Resolution R2-2022
Attachments: Replacement Resolution R2-2022 Clean Markup.docx; Mo CE-Council Letter.pdf

Dear Director Srikanth,

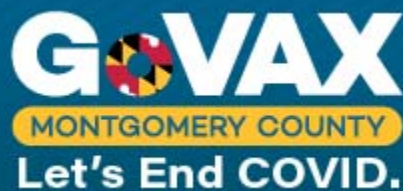
Resolution R2-2022 proposes to add the Phase 1 of the Managed Lanes Project to the Visualize 2045 air quality conformity assumptions following TPB's action last month to remove the project. On July 20, 2021, Secretary Slater sent correspondence to Montgomery County outlining provisions for accelerating the delivery of transit projects associated with the project. A copy to this letter is attached to this email. Without prejudging TPB's action on Resolution R2-2022 to include the project, Montgomery County wishes to include key transit commitments contained in the letter within the resolution.

A proposed replacement resolution R2-2022 that incorporates the transit commitments contained in the Secretary's letter to the Montgomery County Council and refined based on discussion with County Councilmembers and Montgomery County Department of Transportation staff is attached. This replacement resolution has been coordinated with the Maryland Department of Transportation in advance of this transmittal. I have copied Kari and Earl from MDOT and Glenn Orlin who will be representing the County Council at today's meeting.

Sincerely,

Chris

Christopher Conklin, Director
Montgomery County Department of Transportation
240-777-7198



For COVID-19 Information and resources, visit: www.montgomerycountymd.gov/COVID19

TPB R2-2022
July 21, 2021

NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002

RESOLUTION ON INCLUSION OF PROJECT SUBMISSIONS IN THE
AIR QUALITY CONFORMITY ANALYSIS FOR THE
CONSTRAINED ELEMENT FOR THE MARYLAND PORTION OF THE UPDATE TO VISUALIZE
2045 AND THE FY 2023-2026 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

WHEREAS, the National Capital Region Transportation Planning Board (TPB), as the federally designated metropolitan planning organization (MPO) for the Washington metropolitan area, has the responsibility under the provisions of Fixing America's Surface Transportation (FAST) Act for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the metropolitan area; and

WHEREAS, the federal metropolitan planning regulations (23 CFR.450) assign TPB the responsibility to cooperatively develop the long-range metropolitan transportation plan (LRTP) and transportation improvement program (TIP) specified in Sections 450.324 and 450.326; and

WHEREAS, the TIP is required by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) as a basis and condition for all federal funding assistance to state, local and regional agencies for transportation improvements within the metropolitan Washington, D.C. planning area; and

WHEREAS, the Statewide and Metropolitan Transportation Planning rule as published in the May 27, 2016 Federal Register by the FTA and FHWA requires that the LRTP and the TIP be reviewed and updated at least every four years; and

WHEREAS, federal conformity regulations, originally published by the Environmental Protection Agency in the November 24, 1993 Federal Register and with latest amendments published in April 2012, based on the federal Clean Air Act (CAA Section 176(c)), require that the metropolitan transportation plan, program and projects in metropolitan areas not in attainment of national ambient air quality standards, demonstrate conformity to the area's state implementation plan; and

WHEREAS, federal conformity regulations require that the conformity analysis of the plan, program and projects be reviewed and updated at least every four years; and

WHEREAS, on October 17, 2018, the TPB adopted resolution R4-2019 determining that the Visualize 2045 Plan and FY 2019-2024 TIP conform with the requirements of the Clean Air Act Amendments of 1990, resolution R5-2019 approving the Visualize 2045 Plan, and resolution R6-2019 approving the FY 2019-2024 TIP, and the Visualize 2045 Plan and FY 2019-2024 TIP were approved by the FTA and FHWA on December 13, 2018; and

WHEREAS, on March 18, 2020, the TPB adopted Resolution R14-2020 determining that the FY 2021-2024 TIP and the 2020 Amendment to the Visualize 2045 Plan conform with the requirements of the Clean Air Act Amendments of 1990, resolution R15-2020 approving the Visualize 2045 Plan, the FY 2019-2024 TIP; and

WHEREAS, the TPB has to complete its four year review and update of the plan, program, and projects along with the conformity analysis and receive federal approval by December 2022, therefore the TPB issued the Technical Inputs Solicitation Submission Guide, approved an update schedule with final plan approval anticipated in June 2022, and asked for inputs and updates to develop the FY 2023-2026 TIP and the updated Visualize 2045 Plan on December 16, 2020; and

WHEREAS, on April 2, 2021, the inputs to the Air Quality Conformity Analysis for the update to Visualize 2045 and the FY 2023-2026 TIP and the Air Quality Conformity Analysis Scope of Work were released for a 30-day public comment period and inter-agency review; and

WHEREAS, the submitted inputs for the update to the Visualize 2045 Plan and the FY 2023-2026 TIP and the Air Quality Conformity Analysis Scope of Work have been reviewed by the Technical Committee at its meetings on March 5, 2021; April 2, 2021; and June 4, 2021; and

WHEREAS, the TPB was briefed on the submissions for the update to the Visualize 2045 Plan and the FY 2023-2026 TIP at its April and May 2021 meetings and two board work sessions were conducted to provide a facilitated review of those inputs; and

WHEREAS, the project submissions for the update to the Visualize 2045 Plan and the FY 2023-2026 TIP have been developed to meet the financial constraint requirements in the Metropolitan Planning Rules and show the consistency of the proposed projects with already available and projected sources of transportation revenues; and

WHEREAS, the TPB and its member jurisdictions are committed to mitigating climate change through actions to achieve climate goals established by COG and the local government plans; and

WHEREAS, the TPB is undertaking a Climate Change Mitigation Study which is expected to identify actions that can be taken to reduce the transportation sector's greenhouse gas emissions and to be complete by the end of 2021; and

WHEREAS, on June 16, 2021, the TPB approved (R19-2021) the Air Quality Conformity Analysis Scope of Work, the project submissions of the TPB member agencies for inclusion in the Air Quality Conformity Analysis for the proposed FY 2023-2026 TIP and update to the Visualize 2045 Plan, and the draft Round 9.2 Cooperative Forecasts of employment, population and households developed by COG's Planning Director's Technical Advisory Committee for use in the Air Quality Conformity Analysis; and

WHEREAS, the TPB, upon completion of its 2022 update of Visualize 2045, will initiate an interim update to the Long-Range Transportation Plan with a target completion date of 2024,

and the interim update will include the consideration of multiple build scenarios and an analysis of each scenario's impact on the region's adopted goals and targets, including reduction of greenhouse gas emissions, and will be based on the concept of 'zero-based budgeting' where all projects, including those currently included in the Plan, must be resubmitted for consideration in such Plan, provided that projects currently under construction or currently funded with federal, state, regional, local or private funds shall be exempt from such requirement; and

WHEREAS, the project submissions approved on June 16, 2021 by the TPB excluded the Maryland I-270/I-495 HOT Lanes project while approving the remaining Maryland transit and highway projects listed in Attachment A; and

WHEREAS, on June 21, 2021, the Maryland Department of Transportation (MDOT) notified the TPB that the package of projects submitted was supported by a financial plan, and the TPB's June 16, 2021 action to exclude the I-270/I-495 HOT Lanes project removed the private revenues that supported that project, thus disrupting the fiscal constraint for the projects MDOT has submitted and as a result, MDOT would need to remove additional projects (transit and/or highway) projects to reestablish the fiscal constraint for its project submission; and

WHEREAS, since the June 21, 2021 MDOT notification of the unintended consequences of the June 16, 2021 action to exclude the I-270/I-495 HOT Lanes project from conformity inputs, which also affected other projects that MDOT was funding on account of the receipt of private funding, many TPB member jurisdictions from Maryland have expressed an interest to amend the Maryland project input list by restoring the I-270/I-495 HOT Lanes project and the private sector revenues associated with the project; and

WHEREAS, since the June 16, 2021 TPB action to exclude the I-270/I-495 HOT Lanes project from the conformity inputs, a number TPB member jurisdictions from Virginia have articulated the significant adverse impact this action will have on the performance outcomes from Virginia projects and the mobility/accessibility improvements it anticipated from the I-270/I-495 HOT lanes project, and have expressed an interest to amend the Maryland project input list by restoring the I-270/I-495 HOT Lanes project and the private sector revenues associated with the project; and

WHEREAS, MDOT notes that it substantially changed the scope of the I-270/I-495 HOT Lanes project as part of this round of conformity analysis by downgrading the proposed construction of HOT lanes on I-495 from the I-270 Spur to Woodrow Wilson Bridge so as to better coordinate this proposal with the local jurisdictions and notes that MDOT remains committed to work with all TPB member jurisdictions to better understand and address any outstanding concerns they may have with the current recommended preferred alternative (Phase 1 North and South); and

[WHEREAS, MDOT is proposing to deliver Phase 1 of the I-270/I-495 HOT Lanes project fully with private funding through a public-private partnership \(P3\); and](#)

WHEREAS, MDOT and Montgomery County are committed to deliver transit improvements through establishing and maintaining a collaborative, coordinated effort for developing the transit improvements during the predevelopment work of the Phase 1 P3 Agreement.

NOW, THEREFORE, BE IT RESOLVED THAT: the National Capital Region Transportation Planning Board amends the projects to be included in the air quality conformity analysis for the proposed 2022 Update to Visualize 2045 by adding Maryland's construction of the American Legion Bridge ~~I-270 To I-70~~ Relief Plan - Phase 1 of the Traffic Relief Plan:

- Phase 1 South, starting within the American Legion Bridge, constructs two HOT lanes in each direction from I-495 from vicinity of the George Washington Parkway in Virginia to I-270 and then I-270 from I-495 to I-370, with an anticipated completion by 2025;
- Phase 1 North, a related part of the project that is in Pre-NEPA, constructs two HOT Lanes in each direction on I-270 from I-370 to I-70, with an anticipated completion by 2030; and

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT:

1. MDOT, in accordance with commitments made at the Maryland Board of Public Works (BPW), will identify:
 - Identify additional transit investments that will be fully developed through ongoing coordination with the affected counties; and
 - After financial close of the Phase 1 South Section P3 Agreement, MDOT will commit to fund not less than \$60 million from the Development Rights Fee for design and permitting of high priority transit investments in the Montgomery County, such as Phase I of the Corridor Cities Transitway, Bus Rapid Transit in the MD 355 Corridor, or other high priority projects. MDOT will work collaboratively with Montgomery County to develop plans for construction, final delivery, and operation, funded through ongoing toll revenue;
 - As Part of Phase 1 South, MDOT will commit to provide not less than \$300 million of additional transit investment funding inclusive of the phase developer's proposed transit investment to implement high priority transit projects in Montgomery County. The funds will be provided over the operating term of Phase 1 South within a schedule developed through collaboration on a plan for the construction, final delivery, and operations of the project(s) in conjunction with the managed lane development and financing;
 - Additionally, as mitigation and as part of Phase 1 South highway improvements, MDOT will construct new bus bays at Shady Grove Station; increase parking capacity at the Westfield Montgomery Park and Ride; provide the necessary bus fleet; and construct and equip the Metropolitan Grove Bus Operations and Maintenance Facility. These resources should be provided for use early in the construction period to support expanded local transit operations for the long

term. MDOT will brief the TPB on these plans prior to TPB adoption of the updated Visualize 2045 Plan in 2022; and

~~b.e.~~ Additional and appropriately scaled transit investments will be made by MDOT for Phase 1 North to fulfill its commitment to complete major transit improvements concurrent with all sections of Phase 1. MDOT shall seek concurrence with the affected counties on these transit investments and will report to and brief TPB on these investments prior to TBP adoption of the inputs for the next Long Range Transportation Plan and air quality conformity analysis update expected in 2024.

2. Only after this collaboration and completion of a Final Environmental Impact Statement and Record of Decision for a build alternative, would MDOT seek BPW approval of the Section Agreement for ~~final design, construction, financing, operations, and maintenance of the American Legion Bridge I-270 To I-70 Relief Plan starting with the American Legion Bridge Phase 1 South or Phase 1 North.~~



Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Secretary

Office of the Secretary

July 20, 2021

Montgomery County Council
100 Maryland Avenue
Rockville MD 20850

Dear Montgomery County Council Members:

I am writing to you today to follow-up on some supporting details related to the American Legion Bridge I-270 to I-70 Relief Plan and the path for moving this project forward. This letter reaffirms the Maryland Department of Transportation's (MDOT) commitment to advancing this project in collaboration with Montgomery County, ensuring the solutions are multi-modal and advancing transit systems as part of it that help achieve the regional land use goals.

In developing the overall I-495 and I-270 Public-Private Partnership (P3) Program over the past four years, MDOT has had to consider and balance the perspectives of dozens of agency partners, multiple stakeholders, and the general public with the need to provide improved travel in the National Capital Region on I-495 and I-270. Montgomery County has been a prime partner and stakeholder, and MDOT has incorporated requests from Montgomery County when possible while still addressing the long-term projected traffic and congestion along these regional interstate travel corridors, which remains a key responsibility of our agency.

Prior to and at the June 5, 2019 Board of Public Works Meeting, Montgomery County officials presented Montgomery County's Regional Transportation Improvement Plan. This plan prioritized the Virginia to Frederick corridor starting at the American Legion Bridge and continuing the managed lanes in Virginia over the bridge and up the Western portion of I-495 and up I-270 all the way to Frederick. Funding from toll revenue would also be invested to support transit, similar to the approach taken in Virginia for many of its most recent managed lanes projects. To be responsive to Montgomery County, MDOT updated the limits of Phase 1 in January 2020 to prioritize the American Legion Bridge and I-270 corridor to Frederick and included future transit commitments.

The MDOT also completed a detailed review of reversible lanes on I-270, South of I-370. The analyses indicated reversible lanes on this stretch of I-270 would not be able to accommodate future growth in the region. In future years as the region grows, the modeling illustrated significant traffic backups in the off-peak direction, an increase in travel time by more than 50 percent. When considering impacts, constructing two high-occupancy toll (HOT) lanes in each direction compared to the reversible lanes only differed by 1.3 percent. For reversible lanes, the roadway would need to be reconfigured to provide barrier separation, as traffic would be traveling in the opposite direction and must be separated by a wide space or protected by a crash-worthy barrier to ensure the safety of the traveling public. The construction duration would be nearly the same for either option, and all modeling included construction of all planned transit solutions in place.

In January 2021, the MDOT State Highway Administration (MDOT SHA) announced the Recommended Preferred Alternative of the Managed Lanes Study as Alternative 9 – 2 HOT lanes in each direction within the 48-mile Managed Lanes Study, including the topside and Eastside of I-495. Even though we committed to phasing the delivery and permitting approach with a focus on Phase 1 South, Montgomery County requested that the Recommended Preferred Alternative match the limits of Phase 1 South. After months of collaboration with the Federal Highway Administration, MDOT SHA modified the Recommended Preferred Alternative to Alternative 9 – Phase 1 South: American Legion Bridge I-270 to I-370 in May 2021. If the new Recommended Preferred Alternative is selected at the conclusion of the Managed Lanes Study, improvements to remaining parts of the interstate system would now be required to advance separately, subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agency partners. This will allow a new conversation to be held on the remaining parts of the interstate system.

As part of the development of the program, MDOT convened a transit work group in 2019 that included representatives from Montgomery, Prince George's, and Frederick counties and transit service providers in the region to develop opportunities for enhanced transit services and to help advance an interconnected transit/highway system in the National Capital Region. This group identified both new transit that can serve suburban to suburban markets including connecting Germantown, Gaithersburg, Bethesda, and Tysons and additional infrastructure to support transit connections. The MDOT SHA is committed to providing infrastructure for new bus bays at the Shady Grove Metro station and expanding parking at the Westfield Montgomery Mall transit center as part of Phase 1 South. We will also provide connections between the HOT lanes and roads South of I-370 near important transit and local activity centers such as I-370, Wootton Parkway, and Westlake Terrace. Additionally, we are committed to collaborating on transit improvements suggested by Montgomery County North of I-370, such as improvements at the Metropolitan Grove Station for parking and for a new bus operations and maintenance facility, additional transit, and carpool parking in Germantown and Clarksburg, as well as evaluating locations for transit connectivity to transit centers and park and rides.

As part of the Phase P3 Agreement, the Phase Developer has committed to an estimated \$300 million for transit during the operating term of Phase 1 South along with additional commitments for Vision Zero enhancements, community grant programs, and additional water quality efforts in Montgomery County. These enhancements are in addition to the minimum upfront payment of \$145 million to the State for Phase 1 South. The exact upfront payment and values of other enhancements will be determined as part of the predevelopment work and included in the Phase 1 South Section P3 Agreement to be developed collaboratively over the next year.

To further reaffirm our commitment to a multi-modal effort as part of this program, we will continue to work collaboratively with Montgomery County to progress work on a selected transit project that could work in conjunction with the American Legion Bridge I-270 to I-70 Relief Plan, such as the Corridor Cities Transitway (CCT) or the MD 355 Bus Rapid Transit (BRT) project, that supports your local land use goals and the Statewide Transit Plan. The MDOT will utilize funding received from an upfront payment on Phase 1 South to fund design efforts upon financial close to advance work on the selected project. Concurrent with the design and predevelopment work for Phase 1, we will also collaborate with you on a plan for the final delivery, construction, and operations of the project in conjunction with the managed lane development and financing.

We look forward to partnering with Montgomery County to advance new travel options and opportunities for our citizens. If you have any additional questions or concerns, please feel free to contact Jeffrey T. Folden, P.E., DBIA, MDOT SHA I-495 and I-270 P3 Office Deputy Director, at 410-637-3321 or jfolden1@mdot.maryland.gov. Mr. Folden will be happy to assist you. Of course, you may always contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to be 'G. Slater', written in a cursive style.

Gregory Slater
Secretary

cc: The Honorable Marc Elrich, Montgomery County Executive
Ms. Holly Arnold, Acting Administrator, MDOT MTA
Jeffrey T. Folden, P.E., DBIA, Deputy Director, I-495 and I-270 P3 Office, MDOT SHA
Tim Smith, P.E., Administrator, MDOT SHA

Kanti Srikanth

From: R. Earl Lewis <rlewis1@mdot.maryland.gov>
Sent: Wednesday, July 21, 2021 10:13 AM
To: Conklin, Christopher; Kanti Srikanth
Cc: Lyn Erickson; Erenrich, Gary; Henn, Hannah; Kari Snyder; Orlin, Glenn; Gregory Slater; Samantha Biddle; Heather Murphy
Subject: RE: Proposed Amendment to July 21 2021 Resolution R2-2022

Kanti,

We want to thank the Montgomery County Council, their staff, and Montgomery County DOT staff for working with MDOT yesterday and this morning on the amendment language to TPB Resolution R2-2022. We are in agreement with these changes and look forward to our discussion this afternoon at the TPB meeting.

Thanks,

Earl



R. Earl Lewis, Jr.

Deputy Secretary for Policy,
Planning & Enterprise Services

Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, MD 21076
410-865-1006 (direct)
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rlewis1@mdot.state.md.us
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***"The Maryland Department of Transportation
is a customer-driven leader that delivers safe,
sustainable, intelligent and exceptional
transportation solutions in order to connect
our customers to life's opportunities."***

From: Conklin, Christopher <Christopher.Conklin@montgomerycountymd.gov>
Sent: Wednesday, July 21, 2021 9:44 AM
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Cc: Lyn Erickson <lerickson@mwcog.org>; Erenrich, Gary <Gary.Erenrich@montgomerycountymd.gov>; Henn, Hannah <Hannah.Henn@montgomerycountymd.gov>; Kari Snyder <ksnyder3@mdot.maryland.gov>; R. Earl Lewis <rlewis1@mdot.maryland.gov>; Orlin, Glenn <Glenn.Orlin@montgomerycountymd.gov>
Subject: RE: Proposed Amendment to July 21 2021 Resolution R2-2022

Dear Director Srikanth,

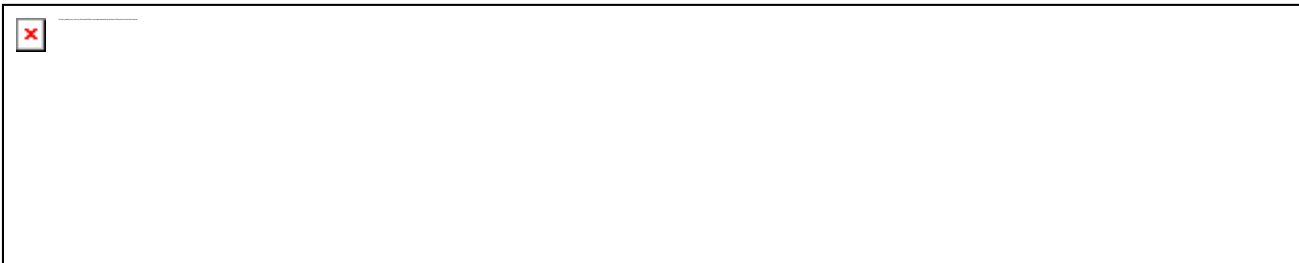
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Chris

Christopher Conklin, Director
Montgomery County Department of Transportation
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