



Special Commission Meeting
Open Session Minutes
June 6, 2019

The Maryland-National Capital Park and Planning Commission met via teleconference from the County Administration Building (CAB) Auditorium in Upper Marlboro, Maryland and the Montgomery Regional Office (MRO) Auditorium in Silver Spring.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair (CAB)
Dorothy Bailey (CAB)
William Doerner (CAB)
Manuel Geraldo (CAB)
A. Shuanise Washington (CAB)

Montgomery County Commissioners

Casey Anderson, Chair (MRO)
Gerald Cichy (MRO)
Norman Dreyfuss (MRO)
Natali Fani-Gonzalez (MRO)
Tina Patterson (MRO)

NOT PRESENT

Chair Hewlett convened the meeting at 11:09 a.m. Chair Hewlett verified everyone who was participating on the call could hear each other. Commissioners at both locations agreed they could.

ITEM 1 APPROVAL OF COMMISSION AGENDA

No action taken

ITEM 2 ACTION AND PRESENTATION ITEMS

- a) I-495 and I-270 Managed Lanes Study Briefing (Maryland Department of Transportation / State Highway Administration) (MDOT/SHA). Discussion of Approval of Commission Staff Recommendation on the Alternatives Retained for Detailed Study (Rubin/Hancock)

General Counsel Adrian Gardner provided background on the topic including an overview of prior briefings and a variety of concerns M-NCPPC staff had regarding the MDOT/SHA Managed Lanes Study proposal to widen I-270 and I-495 in Montgomery and Prince George's Counties and introduced Project Manager Carol Rubin (Montgomery County) and co-presenter Acting Planning Supervisor Crystal Hancock (Prince George's County). The M-NCPPC was tasked with issuing a concurrence or non-concurrence with the project and its Alternatives Retained for Detailed Study (ARDS). Staff recommended the Commission issue a statement of non-concurrence, based on 4 of those concerns.

M-NCPPC staff feel the State cannot reach adequate conclusions on the required NEPA EIS unless 4 specific concerns are addressed:

- 1) Segmentation and Phasing** - Identifying the need and scope of improvements to I-495 is dependent on addressing whether by-pass or through traffic can be diverted to I-270 and drawn off of the constrained area of I-495 between I-270 and I-95. The phasing

is an important factor because diverting traffic to use the Intercounty Connector (ICC) requires the I-270 phase to be completed first.

2) Termini - The Study Area in Montgomery County omits I-270 north of I-370 (from Rockville to Frederick), and in Prince George's County omits I-495 from MD 5 to the Woodrow Wilson Bridge. The impacts from those omitted areas will result in incomplete conclusions for environmental impact.

3) Transit - Meaningful, local serving transit and transportation demand management must be integral components of the project for any of the alternatives to be studied.

4) Parkland Management - The public value in parkland extends to passive and active impacts – recreation, stormwater management, water quality, etc. It is imperative for the study alternatives to attend and account for the Commission's parkland acquired either under the Capper-Cramton Act or the agency's other statutory responsibilities.

Ms. Rubin, Ms. Hancock and General Counsel Gardner discussed each issue with Commissioners in more detail. In summary, while these issues remain unresolved, staff recommends the Commission should not concur. Commissioners discussed several aspects of the staff recommendations.

Commissioner Cichy said he supported the staff recommendation in light of plans, to meet with MDOT and SHA. Commissioner Dreyfus stated he was voting against the proposed action, because he disagreed this was the role of our agency. Vice Chair Anderson said the agency needs to get on the record its concerns to preserve the ability to work toward resolution. Chair Hewlett concurred, and said this action is not intended to stop or delay, but flag concerns. Commissioner Washington strongly recommended that the M-NCPPC's response should emphasize collaboration with the State.

Ms. Rubin confirmed under the NEPA process, there are a schedule of steps to reach the final EIS, to select a preferred alternative. General Counsel Gardner said the agency is focusing on these four issues that are fundamentally problematic across all alternatives, because they do not produce a viable analysis of the environmental impact.

Commissioner Washington reiterated her desire to take a collaborative and cooperative posture. Vice Chair Anderson assured Commissioners he and Chair Hewlett have spoken with Maryland Transportation Secretary Rahn and State Highway Administrator Slater and they understand our non-concurrence is to preserve our rights. Chair Hewlett agreed, adding our staff have met with the County Councils, they have met with Commissioners, and we are expected to put forth those areas of non-concurrence.

Commission Doerner noted his appreciation for the staff's analysis but concurs with the need to communicate carefully. General Counsel Gardner indicated Legal Department staff would prepare the letter and would include language to indicate this is a technical non-concurrence but would clarify it is not expressing a fundamental objection to the project.

Commissioner Geraldo expressed concern whether the State was taking our issues seriously. Commissioner Fani-Gonzalez made it clear our position would not be tantamount to support or opposition to the project itself. Commissioner Patterson wanted to confirm that the letter would provide an opportunity to have further clarification about the project termini. Ms. Rubin agreed it would.


Ms. Rubin confirmed the message will not be about agreeing or disagreeing with the project. The message is about the M-NCPPC's role and responsibility and seeing the EIS through completion. General Counsel Gardner said the staff recommendation is to authorize the chair and vice chair to send the letter of non-concurrence to the State Highway Administration for the reasons expressed in the memo, modified by the explanation that the agency is committed to continuing to work with MDOT and SHA.


Chair Hewlett called for a motion to authorize the Chair and Vice-Chair to transmit a letter of non-concurrence to MDOT, for reasons expressed in the attachment, stressing the M-NCPPC will continue to collaborate with MDOT/SHA as the NEPA process moves forward.

ACTION: Commissioner Fani-Gonzalez moved to authorize the action
Commissioner Geraldo second
9 votes in favor
1 vote opposed (Dreyfuss)

There being no further business to discuss, Chair Hewlett called for a motion to adjourn. Commissioner Fani-Gonzalez moved, Commissioner Geraldo seconded. Ten approved.

The meeting ended at 12:07 p.m.


James F. Adams, Administrative Specialist II


Anju A. Bennett, Acting Executive Director

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