

July 18, 2022

Ms. Polly Trottenberg, Deputy Secretary  
U.S. Dept. of Transportation  
1200 New Jersey Ave. SW  
Washington, DC 20590

Subject: I-495 & I-270 Managed Lanes Study  
Irresponsible claims from critics of the project

Dear Ms. Trottenberg:

After more than 30 years of study, including at least three prior environmental impact studies, we cannot afford any more delay on the issuance of a Record of Decision (ROD) on the I-495 & I-270 Managed Lanes Study (MLS).

Every day, more than 200,000 travelers cross the American Legion Bridge between Maryland and Virginia. This critical crossing high above the Potomac River has connected Montgomery and Fairfax counties for 60 years, serving as a key link in our economies and regional transportation system.

Unfortunately, the bridge is functioning well above capacity and creates one of the nation's worst traffic bottlenecks, making life miserable for the residents and businesses that rely upon it every day. The bridge also needs major structural repairs or replacement within the next 10 years, adding a critical safety element, as well as considerable urgency to the discussion.

Luckily, there's a plan in place to replace this aging piece of infrastructure and add new travel choices to 37 miles of I-495 and I-270 that is supported by 58% of all Marylanders and 65% of Montgomery County residents.

We are extremely concerned by the false and unfounded accusations of alleged "scientific fraud," that were submitted to your office by Benjamin Ross on behalf of a small anti-road special-interest group. Mr. Ross' letter was obviously a political document meant to confuse Marylanders and slander the well-respected professionals who conducted the Final Environmental Impact Statement for the I-495 & I-270 Managed Lanes Study. The traffic engineering and environmental analyses were performed by professional engineers and other qualified subject matter experts from eight federal, state, and local agencies and 20 participating agencies, including the Maryland Department of Transportation (MDOT) and the Federal Highway Administration (FHWA), following approved, industry standard procedures, and with FHWA's ongoing review and approval.

The only thing that Mr. Ross is correct about is that there are differences between the Supplemental Draft Environmental Impact Statement (SDEIS) and the Final Environmental Impact Statement (FEIS). These changes are well documented in the FEIS. The federally required environmental review on any

major project, of course, shows changes throughout the process as agencies continue reviewing the latest traffic trends, updated forecasts, changes in the background network, and optimizing design elements to minimize impacts and improve travel speeds and other key performance metrics. This is the reality of the design process, not evidence of any professional misconduct. Ross should know this and has no basis for claiming that this is evidence of fraud.

For example, Ross falsely claims that the FEIS “offers no explanation” for changes in the modeling results for the No Build and Preferred Alternative. The truth is, the FEIS clearly does provide such explanations, both in summary terms and in detail, in the main body of the FEIS and in the technical appendices. In fact, in [Chapter 4, p. 4-1](#), the FEIS calls attention to this information, right up front, in one of the summary paragraphs at the beginning of the chapter. It reads:

*“What is updated in this FEIS Chapter:*

- Traffic forecasts and analysis results for the 2045 No Build Alternative have been updated based on new information related to background projects (including the VDOT 495 NEXT project and the Greenbelt Metro interchange) and forecast refinements to address comments received on the SDEIS (Section 4.2)*
- Traffic forecasts and analysis results for the Preferred Alternative have been updated to reflect design changes described in FEIS, Chapter 3 that were made following coordination with various stakeholders to further improve operations and/or minimize property and environmental impacts (Section 4.3)...”*

The FEIS further describes these changes in FEIS Chapters 3 and 4, and in Appendix A, which explains the traffic modeling methodology in much more detail. Each chapter of the FEIS contains multiple citations to the technical appendices in which more details can be found.

To say the FEIS does not provide explanations for these changes is patently false.

Those explanations are consistent with accepted industry standards and methods and reflect changes to the background network and some corrections that were found in the SDEIS analysis, which was a DRAFT document. The fact that a person with no professional transportation expertise apparently does not understand some of the more technical revisions that were made in the FEIS by teams of licensed professionals with advanced degrees in traffic engineering, says nothing about the validity of either their methods or their findings. Further, it is our understanding that these refinements in the FEIS were made with input and/or prior approval of FHWA staff.

Ross also claims “scientific fraud” because the FEIS shows improved travel times from Connecticut Avenue to the I-95 interchange on I-495 when compared to the SDEIS, but volumes entering the I-95 interchange did not change. As you know, there are a variety of valid explanations for this, including adjusting the traffic volumes at the Greenbelt Metro interchange, as the FEIS indicates was done ([see FEIS Appendix A, p.82](#)), to account for updated trend data in the Council of Governments (COG) traffic model. Other examples cited by Ross refer to changes in volumes so small they would not remotely impact the model results.

To level charges of “scientific fraud” in these instances is both laughable and unwarranted (not to mention potentially defamatory).

This appears to be just another transparent attempt by extreme anti-road activists to needlessly delay a project that will bring thousands of good jobs to our region, and that has long been identified by local leaders in Montgomery County, state leaders, and regional planning agencies as a top-priority infrastructure improvement. It is clear that opponents of this project will say and do anything to delay or derail this critical project and have now even stooped to the level of lobbying unfounded allegations of professional misconduct. In doing so, they are putting the future of our regional transportation system at risk – along with all the economic, time savings and quality of life benefits this project will bring – with no evidence to back up their claims.

We respectfully urge you to ignore such baseless attacks on your agency’s integrity and that of your partner agencies at the local and State level who participated in this study.

To those of us who have been involved with countless transportation projects over the years, we see this FEIS document as an example of how the environmental review process is supposed to work – as an iterative process that responds to changed conditions and design refinements to address public and agency feedback. The traffic analysis included in the FEIS, in our view, was conducted with the highest level of professionalism and in accordance with all applicable standards and practices.

We speak for the overwhelming majority of area residents who support this transformational project and are counting on you to deliver it now, not ten years from now when the American Legion Bridge will be experiencing significant structural and safety issues, not to mention maddening traffic delays.

The clock is ticking. We must get this done.

Thank you,

Sincerely,



*Doug Mayer*  
Traffic Relief NOW

On behalf of:  
AAA-Mid Atlantic  
Baltimore-DC Building Trades Council, AFL-CIO  
Northern Virginia Transportation Alliance  
Suburban Maryland Transportation Alliance  
Traffic Relief NOW

cc: Stephanie Pollack, FHWA Acting Administrator  
Dr. Faris Ibrahim, USDOT member of Scientific Integrity Fast-Track Committee  
Senator Ben Cardin  
Senator Chris Van Hollen  
Rep. Jamie Raskin  
Rep. David Trone  
Rep. Anthony Brown  
Peter Shapiro, Chair, Prince George's County Planning Board  
Casey Anderson, Chair, Montgomery County Planning Board

Attached: Polling Results Memo

**TO: DOUG MAYER, TRAFFIC RELIEF NOW**  
**FROM: BILL MCINTURFF / MICAH ROBERTS, PUBLIC OPINION STRATEGIES &  
WILL GUELUNAS, RG STRATEGIES**  
**RE: MARYLAND PHONE SURVEY KEY FINDINGS**  
**DATE: JULY 5, 2022**

The following are key findings from the telephone survey in Maryland among N=500 registered voters to measure opinions surrounding the New American Legion Bridge I-270 Traffic Relief Plan.

**KEY FINDINGS:**

- 1. Beltway traffic is a significant concern – it is on par with jobs although higher than the concern about traffic on I-270 & traffic on the American Legion Bridge.**

	<b>Total Serious</b>
<b>The cost of living</b>	<b>91%</b>
<b>Crime and drugs</b>	<b>86%</b>
<b>Traffic on I-495, the Capital Beltway</b>	<b>66%</b>
<b>A lack of good paying jobs</b>	<b>63%</b>
<b>Traffic on I-270</b>	<b>48%</b>
<b>Traffic on the American Legion Bridge</b>	<b>40%</b>

- 2. The 28% of respondents who commute using either the American Legion Bridge, I-270, or the Beltway view traffic on these roads and bridges as more of a serious problem.**

	<b>All Voters % Total Serious</b>	<b>Commuters % Total Serious</b>	<b>% Increase</b>
<b>Traffic on I-495, the Capital Beltway</b>	<b>66%</b>	<b>78%</b>	<b>+12%</b>
<b>Traffic on I-270</b>	<b>48%</b>	<b>65%</b>	<b>+17%</b>
<b>Traffic on the American Legion Bridge</b>	<b>40%</b>	<b>60%</b>	<b>+20%</b>

**3. Over half of respondents (55%) support the New American Legion Bridge I-270 Traffic Relief Plan.**

Commuters who either use the American Legion Bridge, I-270, or the Beltway to get to work, younger voters, Montgomery County residents, younger Democrats, college graduates, middle class/upper income respondents, & liberals have even higher levels of support.

*Do you support or oppose a plan that in addition to the existing free lanes would rebuild and widen the American Legion Bridge with new voluntary express toll lanes, and add voluntary express toll lanes on the Beltway from the bridge to I-270 and then up I-270 to Frederick?*

	Total Support	Total Oppose	Net Support
All Voters	55%	23%	+32%
Commuters who either use the American Legion Bridge, I-270, or the Beltway	68%	20%	+48%
Age 18-34	66%	19%	+47%
Montgomery County Residents	65%	22%	+43%
Democrats Ages 18-44	62%	18%	+44%
College Graduates	60%	20%	+40%
Middle Class/Upper Income	60%	21%	+39%
Liberals	59%	22%	+37%

**4. There is strong overall support in both the Baltimore & DC media markets.**

	Total Support	Total Oppose	Net Support
All Voters	55%	23%	+32%
Baltimore Media Market	55%	21%	+34%
DC Media Market	55%	25%	+30%

5. Additionally, Republicans, Independents, and Democrats all support the plan.

	Total Support	Total Oppose	Net Support
Republicans	54%	20%	+34%
Independents	59%	25%	+34%
Democrats	54%	23%	+31%

6. Messaging in support tested very well among respondents. Below are the top three messages tested.

<i>Ranked by % Total Convincing</i>	Very Convincing	Total Convincing
This project is supported by the Maryland Black Chamber of Commerce, the Hispanic Chamber of Commerce, businesses throughout the state and dozens of local trade and construction unions. This project would provide an estimated three point seven billion dollar boost to the Maryland economy and seven thousand five hundred new, well-paying jobs, with good benefits. And cutting down commuting times makes our state a better place to live for years to come.	31%	72%
Anyone who drives on the Beltway or I-270 knows there is a problem that needs to be fixed. There is too much traffic, too much delay, and traffic accidents snarl and stop traffic. This proposal protects taxpayers from the cost of construction, while providing a significant upgrade to our state's road and traffic system that will benefit everyone in our state.	27%	70%
Voluntary express toll lanes give drivers more choices and increased convenience. Free lanes will always be available as one choice and traffic will flow faster in these lanes as well. Voluntary express toll lanes offer another choice where drivers who pay a fee would be driving as much as twenty-three miles per hour faster. And carpoolers and buses could always use the voluntary express toll lanes for free.	31%	68%

**7. Opponents to the plan also have strong messaging.**

<i>Ranked by % Total Convincing</i>	Very Convincing	Total Convincing
State Treasurer Nancy Kopp voted against this proposal, saying the state has not shown how the plan makes financial sense. Before the state government awards the multi-billion dollar contract, Maryland residents need transparency.	<b>34%</b>	<b>69%</b>
Bringing in a private developer means a lot less accountability to voters and the state government. Maryland's highways should not be controlled by corporations whose primary objective is to turn a profit, not to do what is best for our communities.	<b>33%</b>	<b>65%</b>
One way or another, Maryland residents are going to foot the bill for this plan by having to pay tolls, and that toll revenue will not go to our state government, it will go into the pockets of the private developer that is awarded the contract.	<b>36%</b>	<b>59%</b>

**8. After Maryland voters heard from both sides, respondents support the New American Legion Bridge I-270 Traffic Relief Plan by nearly a two-to-one margin. (58% Support/31% Oppose)**

	Total Support	Total Oppose	Net Support
<b>All Voters</b>	<b>58%</b>	<b>31%</b>	<b>+27%</b>

Support for the plan increased the most among the following subgroups.

	Initial % Support	Post % Support	% Increase
<b>High School or Less</b>	<b>51%</b>	<b>68%</b>	<b>+17%</b>
<b>Poor/Working Class</b>	<b>41%</b>	<b>52%</b>	<b>+11%</b>
<b>Republicans</b>	<b>54%</b>	<b>65%</b>	<b>+11%</b>
<b>Liberals</b>	<b>59%</b>	<b>68%</b>	<b>+9%</b>
<b>Age 65+</b>	<b>48%</b>	<b>55%</b>	<b>+7%</b>

**METHODOLOGY:**

Public Opinion Strategies conducted a telephone survey in Maryland among N=500 registered voters. The survey was conducted June 15-18, 21-26, 2022. The margin of error for a sample size of N=500 is  $\pm 4.38\%$ .