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Committee: Environment and Transportation
Testimony on: HB1249 - "I-495 and I-270 Public-Private Partnership – Partnership Agreement – Requirements (Maryland State Department of Transportation Promises Act of 2020)"
Position: Favorable
Hearing Date: March 5, 2020

The Maryland Sierra Club supports HB1249, which relates to the Governor's controversial and ill-conceived proposal for a public-private partnership (P3) to build and operate up to four toll lanes on I-495 and I-270 under a 50-year contract with the state. We oppose this project because of its significantly negative environmental impacts. However, we support HB1249 to ensure that, if the project goes forward, verbal promises made by then Acting Secretary of the Department of Transportation (DOT), Greg Slater, will be honored by DOT and will be contained in P3 agreement(s) submitted to the Board of Public Works (BPW) for approval.

The promises made that would make the project more palatable to the residents and governments in the counties where the toll lanes would be added include:

- a requirement that a community benefit agreement, the specifications for which are defined in the bill, be contained in the P3 agreement;
- a requirement that at least 10% of the toll revenue from the project be transferred to a special fund to be used only for transit projects agreed to by DOT and the counties where the toll facilities are located;
- a prohibition on DOT submitting a contract to BPW for review until a final environmental impact statement that complies with the National Environmental Policy Act is available;
- a guarantee that any local, state or regional transit system may use toll lanes built in the project for buses and other mass transit without charge;
- a requirement that the American Legion Bridge have separate pedestrian and bicycle lanes;
- a prohibition on the use of state funds to acquire land for the project before final approval of the project by the BPW; and
- a requirement that all state funds and loans be repaid by vendors or tolls.

Since the Governor announced in September 2017 his P3 proposal to build and operate toll lanes on I-495 and I-270, a number of promises regarding the project have been made that were later retracted or shown to be incorrect. They include that the project would not take any homes or businesses and not involve any state expenditure of tax dollars; and that all reasonable alternatives to building the toll lanes would be fairly evaluated. In light of the past unreliability of Administration promises, passage of this bill would ensure that important current DOT representations would be met and reflected in P3 agreement(s).

In summary, this bill contains a number of important requirements and guarantees that deserve your support if this highway project proceeds. We urge a favorable report on this legislation.

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Founded in 1892, the Sierra Club is America's oldest and largest grassroots environmental organization. The Maryland Chapter has over 70,000 members and supporters, and the Sierra Club nationwide has approximately 800,000 members.