



Testimony of John Kane
Before the
Senate Finance Committee
January 29, 2020

RE: Bill SB 229 -- OPPOSE

Thank you for the opportunity to testify. We feel this legislation is misguided for the following reasons:

First, this bill would cause further delay of State and federal investments that are urgently needed to provide real traffic relief for Montgomery, Frederick and Prince George's County residents and businesses. Giving one or more Counties unilateral veto power over the State and federal agencies responsible for planning and maintaining our Interstate Highway system makes no sense on many levels (and is probably not legal), but its intent is clearly to delay improvements a majority of the public supports and a loud minority opposes. These are improvements that have already been found to be effective, are in our region's approved long-range plans, and are going to happen at some point anyway because they are needed and there is no viable alternative.

I-495 is already severely congested for an average of 10 hours a day, giving us some of the worst traffic congestion in the nation. Sections of the Beltway in Prince George's County even experience severe stop-and-go traffic conditions on weekends. I-270 is a parking lot for an average of 7 hours a day. Studies show this congestion will get much worse without the Traffic Relief Plan (TRP) this bill is intended to block. This is not a sustainable approach, from a transportation, fiscal, economic or environmental standpoint, because congestion hurts us on all of these levels. Studies show MDOT's proposed improvements would dramatically improve the situation, and that none of the so-called "transit" alternatives some have vaguely referenced have ever been shown to actually reduce congestion on the Beltway or I-270, not even by a little. So the real impact of delaying the I-495 and I-270 improvements is to condemn all of us to many more years more suffering with the nation's worst congestion, and it will significantly drive up the construction costs for the only real solution that has ever been found to work.

We should have learned this lesson with the ICC, where two decades of delay cost us billions of state tax dollars, and in the end, there was no viable alternative but to build it. Every study showed the ICC was needed, and it could have been built in the 1990s for less than \$500 million (paid for with 90% federal highway funds, a 10% state match, and no tolls). Instead, we spent nearly \$3 billion to do essentially the same thing, and it ended up working just as projected (but for a lot more money). The ICC is now heavily utilized during both peak periods, has diverted tens of thousands of cars a day off our local road network, and has cut average peak-hour commute times by 50%, just as advertised. Studies show the TRP will be even more effective on the Beltway and I-270. So let's learn from our past mistakes instead of repeating them, avoid years of unnecessary delays, and give us the traffic relief we need now. Time after time, we seem to ignore the biggest lesson we should have learned, which is this: **Delay is the single least effective, and most expensive, transportation policy of all. Period.**

Second, while proponents may claim this bill is similar to legislation in place on the Eastern Shore, that is not exactly accurate: The key difference is that the Eastern Shore law was approved to block a NEW toll highway the State was proposing at the time, while the language in this bill is broad enough to effectively block the State from carrying out its responsibilities for improving two EXISTING INTERSTATE HIGHWAYS THAT ARE ALREADY BUILT. This is an important distinction and it is doubtful this kind of broad legislation limiting State authority would be upheld in court.

Third, none of the affected Counties, nor any of the advocacy groups promoting this legislation, have ever come up with ANY realistic alternative plan that would even slightly reduce the severe traffic congestion we're facing on I-495 and I-270 that do not involve adding new managed lanes. Nor have the put forward any way to pay for improvements without new managed lanes as a revenue source. Literally the only thing in almost three decades of prior studies that ever has been shown to reduce congestion dramatically on these two Interstates is adding two new managed lanes, exactly as called for in our region's approved long-term plan and as MDOT is now studying as part of the TRP. It is also the only approach that offers a built-in financing mechanism using a P3 structure so it could actually be funded and built right now.

Every prior regional study has shown our region will need more highway lanes in these corridors to be able to function in the years ahead, no matter how much more we invest in transit (and we already spend twice as much on transit as we spend on roads in this region, even though transit carries just 8% of the daily trips). The Purple Line is a great and much needed project, but it will not reduce congestion on I-495 to any measurable degree. The Purple Line Final Environmental Impact Statement itself concluded this (although it has other benefits). No combination of light-rail, heavy rail, land-use changes, or new bus service on surrounding roads has ever been shown to materially improve congestion on the Beltway or I-270. None. Ever. Period. The region's Transportation Planning Board has confirmed this in their studies as well as several previous environmental impact studies on the I-495 corridor by MDOT.

Any way you look at it, new managed toll lanes will have to be part of the solution, especially when one considers the State's fiscal position, which is why the Metropolitan Washington Council of Governments' (COG) Transportation Planning Board (TPB) approved a new long-range plan (Visualize 2045) in 2017 that includes adding new managed lanes and express-bus service using the new lanes. This plan is exactly what this bill would seek to effectively block, denying us the only realistic solution anyone has yet put forward to deal with the traffic nightmare we call the Beltway.

Fourth, now is not the time to go back to square one with a change of this magnitude to the approval process, after years of effort and investment have already been made at the state and federal level and by private sector firms interested in the P3 program. A full Draft Environmental Impact Statement (DEIS) is due on this in the Spring and it will contain much more detailed information on all the alternatives this study (and many previous studies) have examined. What we already know is that transit alone is not a viable solution to congestion on these interstates, and the proposed new lanes with dedicated express-bus service using the new lanes, would cut average delays by up to 35%. We also know there is significant private-sector interest in participating, but a change like this could undo all of that. After the DEIS comes out, we will know much more, so it would make more sense to hold off on legislation aimed at stopping this process or subjecting it to further delay by giving counties veto authority at least until this new study is complete. There will be many, many more opportunities for public input and continuing engagement from the Counties, who are already participating extensively in this study process.

Fifth, the economic effects of this legislation are significant and extremely costly. By delaying real traffic relief, this bill would doom Frederick, Montgomery and Prince George's County residents to decades of crippling congestion that will limit future growth in employment, business investment and surrounding property values for homeowners and commercial properties, and prevent local employers from attracting the talent and customers they need from across the region in order to thrive and grow. The cost of congestion is roughly \$2,000 per resident per year. And don't forget the tens of thousands of new, high-paying construction and engineering jobs major projects like this would bring. They won't happen if this bill is approved. In short, this bill is a major job killer for the local construction industry.

Finally, we have a serious concern on the matter of precedent. If one or more counties wish to get into the business of exerting sole veto power over State and federal agencies who are charged with planning and

maintaining Maryland's (and the nation's) EXISTING Interstate Highway system, does that mean those counties now also want to also take on the responsibility to start paying for these roads? Is this really a function that local counties should (or even want to) get into, and are they even equipped to do so? What capabilities (or interest) do County planners have for designing a functioning interstate system? Answer: None. Their focus is on their own local networks, as it should be.

Interstates serve a bigger purpose, a purpose that includes moving goods and freight up and down the East Coast. I-495 is part of the I-95 corridor, connecting Maine to Florida, and is among the most heavily used interstate corridors in the U.S., so its functions go well beyond any one County's interests. That is why such decisions should continue to be made by the state and federal agencies responsible for funding them, not any one county they pass through. Just think of the chaos that would ensue if every County in America did this. We would cease to have a functioning Interstate system at all, or AMTRAK. This bill would set a disastrous precedent and would only ensure that DC-area residents in Maryland remain mired in gridlock for decades to come, while our neighbors in Virginia continue to make the investments they need to make in their transportation system and reap the benefits of a thriving economy (in their part of our region alone).

Instead, we respectfully urge legislators to get behind the P3 Program to add new managed lanes, and new express-bus transit, especially now that major compromises have reached with several of the local counties. The P3 Program is now focusing on the American Legion Bridge and all of I-270 first, and that is the only phase approved yet by the Board of Public Works (BPW), exactly as called for in Montgomery County and Frederick Counties' recent priorities letters to MDOT. There will also be specific transit service improvements negotiated with the affected counties as part of any agreement that moves forward, as a condition of the BPW's approval. With new leadership at MDOT, many County officials have already expressed a sense that their views are being heard and a new willingness to work with State officials in a more cooperative spirit. This engagement with local agencies is going on now, and has been for some time, with regular staff local transportation agency meetings, briefings and consultations on everything from transit services to exit locations, in addition to hundreds of public meetings that MDOT is already doing. The fact is, there already is significant local input in this program. MDOT should continue to work with the community and local governments, but Interstate Highways should remain MDOT's responsibility, working with the Federal Highway Administration and other agencies as they have been.

In closing, we believe this bill is a recipe for continued gridlock (literally and figuratively), costing us hundreds of millions a year in delay-related costs, and adding yet more steps to an already cumbersome and decades-long study and review process. It will block needed investments to reduce congestion, add more delays, impose higher costs on taxpayers, weaken our economy, cost us jobs, worsen auto emissions, and cause longer waits to get us all where we need to go.

We respectfully urge you to support the TRP and the thousands of jobs it will create, especially now with the recent changes MDOT has made at the request of local governments. We invite you to work with us to insist that the plan continue to be made better as it continues to work through the DEIS study process over the next year or more, rather than simply obstructing progress.

The TRP will bring lasting traffic relief, better transit, and tens of thousands of good jobs to our region, and while there should continue to be local input, there should not be a local veto.

For all of these reasons, we respectfully urge an unfavorable vote.

Thank you.