

Sierra Club Smart Growth Defense Fund: Contribute to the Fight Against I-495 and I-270 Toll Lane Widening!



Photo credit: Famartin, Wikimedia Commons

Since 2017, with your help, Sierra Club and our allies have fought resolutely to oppose the plan put forward by then Governor Hogan to widen the I-495 (the Capital Beltway) and I-270 with four new toll lanes (two toll lanes per direction).

On August 25, 2022 the Maryland Department of Transportation and Federal Highway Administration announced the approval of the environmental review process for the project known as a “Record of Decision.” While the scope of environmental review was limited to added toll lanes on the American Legion Bridge, Western portion of the Beltway, and lower I-270, there are [many signs pointing to the fact that this is a plan for the whole Beltway](#). On March 10, 2023, in news no one expected, the Transurban-led consortium working on the contract to add two private toll lanes per direction on I-495 and I-270, announced its withdrawal from the project!

Unfortunately, the Moore Administration is continuing to pursue the project. While the Moore Administration modified the timing of the phases and re-marketed the project as a multimodal plan with transit elements, the same underlying toll lane highway expansion project remains that was put forward under the Hogan Administration. So advocacy and community groups need to keep engaged and take action. We are fighting against the whole harmful proposal for unchecked privatization of our core transportation infrastructure.

What would our future look like if this project was built? After enduring years of construction, congestion might ease temporarily but [more people would be encouraged to drive](#), bringing more vehicle traffic to our roads and communities.

As a result of this project, Marylanders and our neighbors would suffer the health consequences of breathing in more dirty air pollution. We’d experience worsening stormwater runoff and pollution into our communities, streams, rivers, and the Chesapeake Bay due to the project’s a hundred-plus acres of new impervious surfaces.

Urban sprawl in our region would get even worse, and we’d be locking in decades of fossil fuel infrastructure while we are in a climate emergency. The racial and economic inequities created by our highway system would magnify and rush hour congestion would worsen for drivers in the non-toll

lanes. With a potential 50+ year tolling arrangement, Maryland could cede control of its core transportation infrastructure to a multinational corporation focused on profit for shareholders rather than on Marylander's health, safety, and wellbeing. These harmful and extreme social, health, and environmental costs – not to mention up to \$50 rush hour tolls each way – would not solve the underlying causes of congestion.

With your help, we will stop this entire boondoggle and move forward with transportation and land use solutions in Marylanders' best interests! **Together, we can build a more sustainable Maryland** that focuses on making sure people can get to the places they need and giving residents sustainable and responsible transportation choices. Let's implement existing unfunded (or underfunded) plans to build more frequent and reliable transit! Let's plan jobs, food, housing, education, healthcare, and recreation closer to where people live! That's the 21st century transportation system Marylanders want and need.

The Journey So Far

Together, over the years Sierra Club and our incredible partners and allies have sounded the alarm over the hidden costs and safety issues, limited and exclusionary transportation benefits, and irreparable harm from this project. Our efforts have contributed importantly to gaining a fuller public disclosure of the project's true costs and impacts. We generated thousands of messages and calls to decision makers, hundreds of tweets and social media posts, and [dozens of press hits](#). We also have helped produce hundreds of pages of legal and technical comments and documents, and numerous FOIA/PIA requests, to stop the highway widening.



We have fought the project in every venue and with every tool at our disposal. Here's a snapshot of a few of the efforts we and our allies have undertaken over the years.

Elevating the Problems of I-495 and I-270 at the Maryland General Assembly

We joined our allies in pushing for bills in the Maryland General Assembly over multiple sessions to stop or slow down the project, which didn't ultimately pass but **generated a lot of visibility and attention to the issues we raised**.

In total, we supported over a dozen bills. We also helped facilitate multiple state [legislator letters with up to 82 signatories](#), asking federal officials and MDOT for a more accountable process and longer comment periods. These bills and letters raised the visibility



of project flaws, showed its lack of an accountable process, and in some cases contributed to project changes.

Fighting at the Board of Public Works

We opposed the greenlighting of the project's privatization status (known "public-private partnership designation") at the Board of Public Works. We pushed for more meaningful review of planning contracts ([see our op-ed in the Baltimore Sun](#)). We turned out dozens of people to testify and wrote extensive [comments](#) to stop these approvals and contracts. This compelled

Comptroller Franchot to place conditions on the project, including reducing the size and scope of the project studied. While the predevelopment contract was greenlighted in the end, we still helped highlight the flaws. We also [testified](#) and formally [commented](#) against the high toll rates at [two different stages](#).



Lobbying the Transportation Planning Board

We extensively lobbied D.C Maryland, and Virginia (see [our op-ed in Maryland Matters](#)) officials on the Transportation Planning Board to uphold their decision to exclude I-495 and I-270 from a report necessary to be in the region's long range plan in order for the project to advance. Unfortunately, the Hogan administration [manipulated multiple counties](#) into reversing this vote by issuing empty [threats](#) about local transit and road projects being cut from the state budget. Governor Hogan [never ended up funding those projects anyway](#).

We've continued to monitor the Board's documents and are still working to get the project, now further [enlarged](#) and referred to as "Op Lanes Maryland," removed from the regional long-range transportation plan.

Legal and Technical Comments

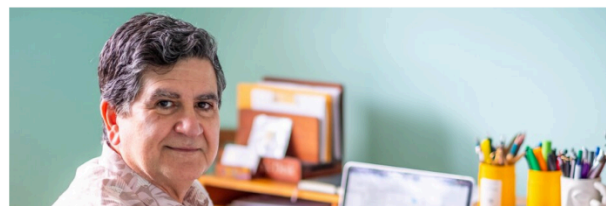
Our legal and technical comments have been of paramount importance in scrutinizing and exposing the major flaws and harms of the project. Here is a closer look at our legal and technical work:

- In November 2020, Sierra Club [partnered](#) with a law firm, Jill Grant and Associates (who provided hundreds of hours of pro-bono work!) to analyze and critique the project and its impacts as spelled out in the project's Draft Environmental Impact Statement. With the help of the lawyers,

LOCAL - Perspective

Opponents to Hogan's supersized Beltway are scrambling to read 18,000 pages

By John Kelly
Columnist
August 18, 2020



a traffic modeler (challenging MDOT's own traffic model), an air quality expert, and [experts who volunteered from the community](#) we produced a hefty [200 pages](#) of analysis drawing attention to the extent of project flaws and impacts. [Over 50 groups signed onto these comments](#).

- Because our comments and others resulted in a decision to reduce the size of the project that was analyzed, an additional environmental review known as a Supplemental Draft Environmental Impact Statement (SDEIS) was issued. With help again from the law firm Jill Grant & Associates and two subject matter experts, we once again prepared two additional powerful legal and technical reviews of the SDEIS and Final Environmental Impact Statement (FEIS) on the project. Read more here:
 - [Over 50 Groups and City Deliver a Sharp Legal Critique Challenging Gov. Hogan's I-495 and I-270 Toll Lane Plan](#)
 - [New Expert Review Exposes Critical Errors and Omissions in Governor Hogan's I-495 and I-270 Toll Lane Expansion Plan](#) (see coverage in *Maryland Matters*)
- We have also engaged consistently in the project's parallel Section 106 process to protect important cultural and historical sites that would experience adverse impacts from the project, including the Morningstar Moses Hall and Cemetery and Plummers Island. [Click here](#) for more information.
- We were able to help secure a longer comment period for both the DEIS ([30 additional days](#)) and the SDEIS ([15 additional days](#)). We attempted to secure a longer comment period on the FEIS, an effort that began with [this letter](#) to MDOT and the Federal Highway Administration. While a longer comment period was not granted, our FEIS comments did receive a response from the agencies.

The Lawsuit to Halt the Toll Lanes Project

Thanks to your support of the Smart Growth Defense Fund, the Maryland Chapter of the Sierra Club, NRDC (Natural Resources Defense Council), Friends of Moses Hall, and the National Trust for Historic Preservation filed a lawsuit against the Maryland Department of Transportation (MDOT) and Federal Highway Administration (FHWA) on October 11, 2022. The lawsuit seeks to compel MDOT and FHWA to fix the errors in their environmental review and reconsider this project in light of the full range of damage it would cause to communities and ecosystems.

In March 2024, the judge for the Beltway/I-270 toll lanes case issued a 68-page decision ruling in favor of the agencies. Sierra Club, National Trust, and NRDC filed an appeal in May 2024.

Contributions are still needed for the [Maryland Smart Growth Defense Fund](#).

Our goal for 2024 is \$40,000. Your contributions allow us to:

- Be as strong as we can be in the legal arena
- Continue to work with a law firm that advises us on legal strategy
- Take advantage of opportunities for advocacy and influence

To donate by credit card, [click here](#).

To send a donation by check:

- Write check to "Sierra Club Foundation". In the memo, write "MD Smart Growth Defense Fund".
- Mail to: Sierra Club Foundation, 2101 Webster Street, Suite 1250, Oakland, CA 94612
- If needed, Sierra Club Foundation Tax ID Number (TIN/EIN) is 94-6069890. Phone: (415) 995-1780.
- After sending a contribution, you would then receive a confirmation letter from the Sierra Club Foundation for your records.

We would be honored if you would [contribute to our efforts!](#)

Donations to support this work are made to the Sierra Club Foundation and are tax deductible. <https://www.sierraclub.org/maryland/md-smart-growth-defense-fund>

For more information on our campaign visit:

<https://www.sierraclub.org/maryland/stop-highway-expansion>

5/16/2024