

**Testimony by Citizens Against Beltway Expansion (CABE)
Regarding House Bill 91, Public-Private Partnerships -
Presolicitation Reports - Environmental Impact Statement
Requirement
Before the House of Delegates' Appropriations Committee
and the
House of Delegates' Environment & Transportation
Committee**

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Thank you for this opportunity to express Citizens Against Beltway Expansion (CABE)'s vigorous support for House Bill 91. We are grateful to Delegates Carr and Korman for proposing this timely, emergency legislation.

Earlier this month, the Department of Legislative Services (DLS) briefed the Appropriations Committee on the December 2018 P3 presolicitation report concerning the Governor's clear desire to add managed toll lanes on the Maryland portion of I-495 and I-270. In addition to recommending that the budget committees call upon the Maryland Department of Transportation (M-DOT) to withdraw that presolicitation report and resubmit it only under specific circumstances, DLS recommended legislation to avoid premature P3 presolicitation reports in the future.

HB 91 is consistent with the concerns DLS raised about MDOT's handling of the presolicitation report for the Managed Lanes Study (MLS) on I-495 and I-270. The DLS analysis underscored the disingenuous, opaque and hasty nature of the Hogan Administration's overall conduct since his proposal for I-495 and I-270 was first announced.

DLS criticizes the December 11 M-DOT presolicitation information report for a “... *lack of specificity* ...” and because it “... *does not provide a complete analysis to demonstrate that a P3 is more fiscally advantageous to the State.*” We think DLS's criticisms are on-point and that HB 91 will help rectify the current process and prevent such unproductive and irresponsible conduct by the Executive Branch in the future.

Unless HB 91 is enacted, we expect M-DOT to barrel ahead and use the current process to dismiss serious alternatives and ensure a pre-ordained outcome for its \$11 billion plan to expand I-495/I-270 for expensive privatized toll lanes like the ones in Northern Virginia. How else to explain M-DOT saying, on the one hand, that it hasn't made a decision about adding for-profit toll lanes to I-495 and I-270, while on the other hand holding one-on-

one meetings with toll lane developers? (To the best of our knowledge, no such meetings have been held with the companies that would be needed for the non-toll lane alternatives M-DOT proposed.)

We don't question the tremendous challenges posed by current, let alone anticipated future conditions, on I-495 and I-270. We commute on those roads, too.

But all Maryland residents, including those in Montgomery County, Prince George's County and Frederick County (which will be affected once the MLS Study is extended north of I-370) deserve a transparent, deliberative, fair process for considering projects requiring an Environmental Impact Statement under the National Environmental Policy Act. The DLS analysis of the P3 presolicitation report for the MLS says as much.

Left unchanged, M-DOT's current process will remain a sham, one that a great many Maryland residents understandably will have no confidence in. Left unchanged, the current process will put billions of public dollars, major public infrastructure, private homes and other property, the environment and public confidence in critical state agencies at unnecessary risk. A truly tenable

process for a potential P3 project of this scale is the minimum expectation of all Marylanders.

That is why we strongly urge immediate passage of HB 91. We wholeheartedly support the withdrawal of the December presolicitation report. We believe future reports should focus on the “locally preferred option” and include an independent analysis to verify the financing method that’s most advantageous to Maryland taxpayers.

We also urge you to require future reports to include other project-related public costs, like the potential for a new dedicated tax or fee to upgrade stormwater management systems for the increased runoff the M-DOT plan would cause.

Finally, we commend the DLS staff for their thoughtful analysis and recommendations. We, again, thank Delegates Carr and Korman for taking swift action to turn those recommendations into the legislation before you. We urge both Committees to issue favorable reports on House Bill 91 and to quickly rectify the faulty procurement process that makes its passage essential.

Thank you