

**Testimony by Citizens Against Beltway Expansion (CABE)
Regarding House Bill 102, Toll Roads, Highways, and Bridges -
County Government Consent Requirement - Expansion
Before the
House of Delegates' Environment & Transportation Committee**

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Chair Barve, Vice Chair Stein and members of the Environment & Transportation Committee, thank you for this opportunity to share the support of Citizens Against Beltway Expansion for House Bill 102. We appreciate the leadership Delegate Lierman and her co-sponsors are taking by introducing this essential legislation to ensure public accountability and transparency when the State contemplates extraordinary projects, like the Governor's \$11 billion scheme to widen the Maryland section of I-495 and I-270 for oppressively expensive toll lanes.

In other states, these so-called Lexus Lanes have a track record for producing surprise taxpayer costs, punishing driver fines and fees, and dubious congestion relief for the majority of the driving public.

HB102 is a simple bill; it extends to all Maryland counties an existing law that requires the State to get consent from a majority of the nine counties on the Eastern Shore before it can proceed with new toll facilities that affect them.

Enacting HB102 will:

- Help ensure public accountability and transparency when new toll facilities, especially inherently profit-focused P3s, are considered.
- End the practice of excluding the public from state public approval processes for toll lane facilities.
- Capitalize on the fact that Maryland counties are experts in their own backyards and land use is a local function inherently tied to major transportation projects. We pay our county governments to evaluate and solve traffic problems. The state should use local expertise, not shun it or give it short-shrift through rigged project selection criteria.

Regrettably, the current Administration's conduct is exactly why HB102 is essential. Governor Hogan and M-DOT's promises that no homes will be taken and no-net tax dollars will be spent widening the Beltway and I-270 for 72 miles of privatized, for-profit toll lanes are, at best, dubious. Yet the Administration is effectively shutting out of the review and approval process for a massive project that is likely to burden affected

counties with new and massive tax, housing, traffic and environmental liabilities for generations to come. They have shut us out just as they are shutting this committee out.

Talk about taxation without representation and you're talking about Governor Hogan's Beltway and I-270 for-profit toll lanes.

Fortunately, passing HB 102 will repair this situation simply by extending existing legal authority for majority consent to affected counties. Delegate Lierman's bill will help ensure over-eager state agencies cannot simply ignore local policies and priorities concerning land use and transportation.

I want to note that Delegate Lierman's bill mirrors a resolution 90 percent of the Republican primary voters in the State of Texas approved last year. Like HB 102, Proposition 2 would prohibit state funding or approval of toll facilities without local voter approval. Non-binding resolutions like Proposition 2 often presage new legislation.

What's especially notable is Proposition 2 passed just a few months after Texas approved reforms pulling back on the P3 model and requiring toll concessionaires to start repaying some of the \$10 billion in highway taxes they had received.

When states like Texas pull back on P3 toll lanes, the General Assembly should take notice and pass HB 102 along with HB 91.

HB 91 ensures the state applies a uniform review process to all P3 projects, one that requires it to complete the environmental review process under the National Environmental Policy Act before it picks a design and a contractor. CAFE has already testified in favor of HB 91 before this committee and the House of Delegates' Appropriations Committee.

In conclusion, HB102 is a reasonable measure. It does not create new county authority out of whole cloth -- it provides to all Maryland counties the same opportunity that nine counties already have. It does not cancel any project. It simply requires consent to ensure proposed P3 toll lane facilities reflect county, as well as state, priorities and objectives.

CAFE thanks the Committee for its serious consideration to this issue and urges a favorable report on HB102.