

**March 20, 2021**

**Re: Support SB843- “MDOT Promises Act”**

Dear Senate Budget & Taxation Committee members,

Our organizations urge you to vote for the MDOT Promises Act (SB 843), sponsored by Senator Joanne Benson. There have been vague criticisms that the bill would undermine business confidence in the I-495/I-270 project without specifying how exactly it would do that. Questions have also been raised about the impact of the bill on construction workers. For reference, the bill codifies the use of project labor agreements providing collective bargaining over wages and working conditions.

It is important to note that this debate is informed by the experience with the Purple Line which has demonstrated that there are unique risks with P3 projects. Public-private partnerships are complex financial arrangements and it is incumbent upon MDOT to proceed deliberately before committing the State, its taxpayers and commuters to a 50-year contract.

Many of the provisions of the MDOT Promises Act would ensure that MDOT performs its due diligence. A key provision would require the agency to complete its environmental review before any contracts with a developer are signed. Currently, MDOT plans to sign the first contract with the developer this spring, months before the scheduled completion of the environmental review. By signing the first contract prematurely, MDOT is favoring private interests over public interests.

The environmental review for the Purple Line was completed before contracts were negotiated with developers; the normal sequence of steps. It is risky for MDOT to alter the normal process and rush an even larger project. Because federal approval of the I-495/I-270 project hinges on the Final Environmental Impact Statement (FEIS), it would be fiscally prudent for the State to wait for the FEIS before signing any contracts.

Since the project was announced and in recent comments, the State has promised that there would be no net cost to the State and its taxpayers for this project. Given that this project is estimated at more than \$9 billion, there is great risk if MDOT is not held to this promise. The Department has already acknowledged in the Draft Environmental Impact Statement that it may be required to pay the developer up to \$482 million. And this does not include the cost of relocating utility infrastructure which may be imposed on the public.

For more than a year, the Maryland-National Capital Park and Planning Commission (M-NCPPC) has asked MDOT for origin and destination data and traffic and revenue modeling data from which MDOT is deriving its traffic congestion and tolling estimates. Allowing M-NCPPC review this data would protect the State and its taxpayers. It is

inexplicable that MDOT will not share it with the planners at M-NCPPC. The MDOT Promises Act would ensure this data is shared appropriately.

It should not be controversial to require MDOT to meet the commitments it has made to state and local officials. We urge you to vote for the MDOT Promises Act.

Sincerely,

**Audubon Naturalist Society**

**Climate Mobilization Montgomery County Chapter**

**Coalition for Smarter Growth**

**DoTheMostGood**

**Environmental Justice Ministry, Cedar Lane Unitarian Universalist Church**

**Friends of Sligo Creek**

**Glen Echo Heights Mobilization**

**Greater Farmland Civic Association**

**Greenbelt Climate Action Network**

**Howard County Climate Action**

**Indian Spring Citizens Association**

**Interfaith Power & Light (DC.MD.NoVA)**

**League of Women Voters of Maryland**

**Maryland Campaign for Environmental Human Rights**

**Maryland Legislative Coalition, MLC Climate Justice Wing**

**Maryland PIRG**

**Maryland Sierra Club**

**MCGEO Local 1994**

**National Parks Conservation Association**

**North Hills of Sligo Creek Civic Association**

**Northern Virginia Citizens Association**

**Save Our Seminary at Forest Glen Inc.**

**Sligo Creek Golf Association (SCGA)**

**Takoma Park Mobilization Environment Committee**

**Union of Concerned Scientists**

**Washington Area Bicyclist Association**

**West Montgomery County Citizens Association**

**Woodside Forest Civic Association**