[redacted]

December 3, 2024

Governor Moore
100 State Circle
Annapolis, MD 21401

RE: Inequity, Exclusion, Erasure and the State of Maryland

The Honorable Governor Moore,

This correspondence is meant to address a variety of longstanding issues that have persisted for decades and continue into the present

I trust that this capable, intelligent, and progressive administration will review thoughtfully, understand fully, and respond constructively. Direct honesty and transparency is the key. This will be lengthy.

Broadneck Council of Communities (BCC)

The Broadneck Council of Communities (BCC) had scheduled a community meeting on April 27, 2023. There are routine meetings addressing the chronic headaches regarding the traffic on the peninsula and in the community of Skidmore.

This particular meeting was to feature Congressman John Sarbanes discussing his legislation concerning Whitehall, a historic landmark and former place of captivity, and its designation as a CNRA under the National Park Service. Additionally, the meeting was purportedly intended to gather feedback from the community.

This meeting was occurring during a time when the Skidmore community was confronted with the threat of yet another Chesapeake Bay Bridge span and was also in the midst of the upcoming and on-going onslaught of traffic that our area has endured for years specifically during the summer.

It is in that context that I reached out to your administration on behalf of my family and neighbors who are descendants of the formerly enslaved. We sought your administration's position on the proposed third span of the Chesapeake Bay Bridge.

Expansion of these spans and any associated roadways targets both a historically African American community and the ancestral lands long owned and inhabited by its residents, some of whom continue to live on these lands today. And, while the demographics have changed over the years, this community is Skidmore.

According to media reports, during that period, the Moore/Miller administration extensively travelled across the state, went abroad, visited Las Vegas, attended various sporting events, and delivered speeches nationwide including at the Democratic National Convention.

While such activities are typical for a governor, it is problematic that this administration has not acknowledged or returned phone calls from constituents whose votes they actively sought and received. (See below)

2023 History of calls to Moore/Miller Administration that were summarily ignored.

Note: During Larry Hogan's first term in office, when you called the governor's number, 410-974-3901, an employee would answer. You could raise your concern, and they would either direct you to the appropriate department or provide a name and contact number for follow-up.

During his second term, with the COVID-19 pandemic underway, the responsiveness of the government declined, which was understandable. However, this decline persisted even after the pandemic subsided.

The Moore/Miller administration lacks transparency as it relates. On some level, given the current toxic political climate it makes sense that there isn't a human available to answer the phone and respond to constituents. However, failing to respond to phone calls and emails is inexcusable and only compounds this government's ongoing erasure and dismissal of African Americans in Skidmore.

Exclusion:

On **April 27, 2023**, we attended the BCC meeting in Cape St. Claire, where various topics were discussed. Congressman Sarbanes presented his and Senator Van Hollen's legislation to designate Whitehall as the flagship site for the Chesapeake National Recreation Area (CNRA).

Sarbanes provided documents containing information about the proposed flagship designation. Among these documents was a list of stakeholders. Sarbanes, Van Hollen, and a working group had been involved with this project for approximately two years.

Do you know who was **excluded** from the 'working group' and left off the list of stakeholders? The African Americans who have long called Skidmore home and who live just a stone's throw from Whitehall.

At no point did Sarbanes, Van Hollen, or any other political figure show the respect to include the descendant community in the process concerning this former site of captivity and historical landmark. If they had reached out and no one had expressed interest, that would have been one thing. In reality, however, they never spoke with *any* community members

At the April 27, 2023 meeting, objections were raised regarding the designation of Whitehall as a CNRA. Some community members raised concerns about increased traffic. For decades, we have been overwhelmed by traffic congestion on Whitehall and Skidmore Drive access roads, as well as on US 50, with travelers heading to Sandy Point State Park, the Eastern Shore, and those going "downee ocean".

Congressman Sarbanes was also reminded that the formerly enslaved, along with at least one known descendant, are buried at Whitehall

State Highway Administration (formerly State Roads Commission):
The State Highway Administration has a longstanding history of predatory practices targeting and affecting the historically African American community of Skidmore.

Also at the April 27, 2023 meeting was Kimberly Tran, the District Engineer from the Maryland Department of Transportation State Highway Administration. Engineer Tran shared an update on a pilot program initiated by SHA to tackle traffic congestion on the Bay Bridge US 50 access roads, specifically its notable effects on Whitehall Access Road and Skidmore Drive.

District Engineer Tran presented the community with three options to address our traffic ills, all of which involved permanently closing Exit 31. The rationale provided was to enhance safety and improve operations based on SHA's study of the US 50/301 corridor.

SHA did not engage with the community before this meeting. This is typical. It was only after receiving significant pushback at the meeting that SHA allowed a brief, two-week period for public comments. Following this brief period, SHA proceeded with its plans to close Exit 31 and continued with a modified version of the pilot program.

Two months later, on June 28, 2023, SHA permanently closed Exit 31, having secured the necessary funds and resources to do so.

Was the closure of Exit 31 a strategy to reduce traffic concerns in an attempt to make the community more amenable to Whitehall as a CNRA.

While SHA acted expeditiously to close Exit 31, they have not adequately addressed the repair needs for the access roads on Whitehall and Skidmore Drive. Though this is unacceptable, it is not surprising.

Since 2018 through 2024, I have contacted numerous SHA employees to request repairs for these Access Roads and provided photos that highlight the problem areas. My first contact was in November 2018, when I volunteered to meet the crew and show them the specific areas. Emails were exchanged between SHA employees Mr. George Bilias, Janice M. Bess, Ms. Corren Johnson, and myself. SHA came out occasionally to do some patching; however, they never completed any comprehensive repairs on these access roads.

In 2023, I escalated the issue by contacting my elected officials, Senator Giles and Delegate Heather Bagnall, to express my ongoing concerns and frustration with SHA's failure to adequately address the needed repairs. I also shared copies of the emails I had sent to SHA representatives since 2018.

> Delegate Bagnall and Senator Giles were responsive and supportive in addressing this long-standing, neglected issue. I eventually provided Delegate Bagnall with pictures of the deteriorating roadways that required repair.
>
> In **April 2024**, I received notification from BCC President Patricia Lynch and Delegate Bagnall's office that SHA would be undertaking a pavement patching operation on Skidmore Drive and Whitehall Access Road. **The work was scheduled to take place from Monday, March 11 through Friday, March 15, 2024, weather permitting.**

After SHA (or SHA contractors) completed the roadwork on Whitehall Access Road and Skidmore Drive, the results were unsatisfactory. I contacted Delegate Bagnall's office again to express my strong dissatisfaction with the continued failure and made it clear that this situation would not be accepted. (Pictures are attached)

> After six years of efforts to have these road repairs, SHA failed to make any significant improvements. Delegate Bagnall's office assured me that they would continue to advocate for a resolution. They did and additional patching has been performed. However, the results are still unsatisfactory.

While SHA did not make significant repairs to Skidmore Drive as a whole, they did allocate time and resources to repave the stretch between Holly Beach Farm Road and Old Ferry Slip Road, where the MDTA police building is located. This section, which was in good condition and free of crumbling or potholes, was prioritized over the roads that were in greater need of repair.

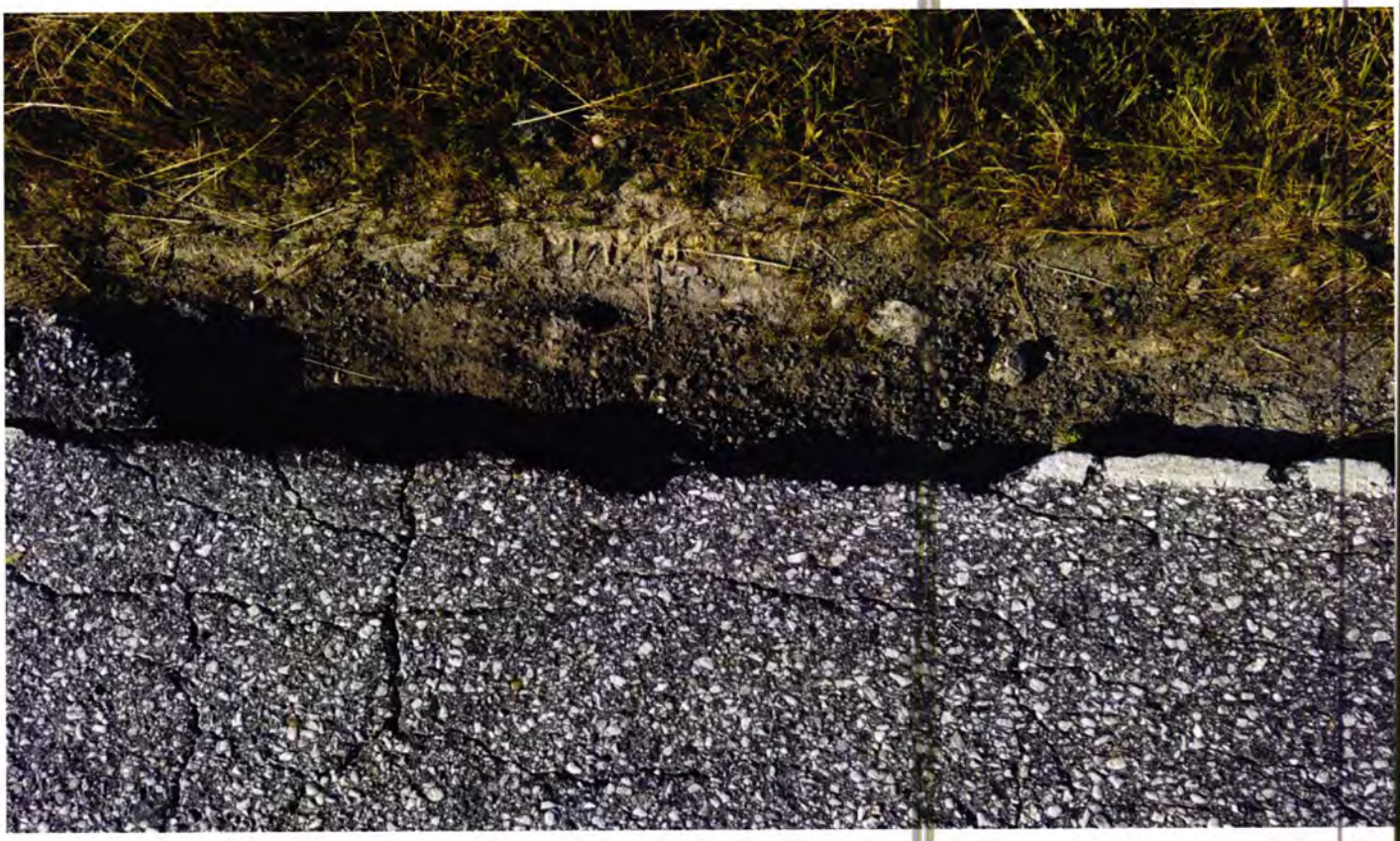
> When the Moore/Miller administration visited Holly Beach Farm in early April, if they traveled by vehicle, they would have enjoyed a smooth ride on the newly paved and painted US 50 EB. They would have exited onto the freshly paved Exit 32, turned right, and continued along the newly resurfaced portion of Skidmore Drive that intersects directly with Holly Beach Farm Road.
>
> It is highly unlikely they were driven down the Whitehall Access Road, which is patchy, uneven and has gouging holes along the side, or the patchwork section of Skidmore Drive

*Please explain why resources were directed towards paving areas that did not need repairs, while the roadways that actually needed attention were not adequately addressed?

Pictures are from April 19, 2024 Whitehall Access Road: This shows conditions **after** road work was allegedly completed in March 2024. This road is worse currently.

Whitehall Access Road **between 1500 – 1512**. This is what we have the pleasure of driving on daily. This crumbling, missing roadway has been like this since at least June possibly longer.

Pic A



Pictures are from April 19, 2024 Whitehall Access Road:

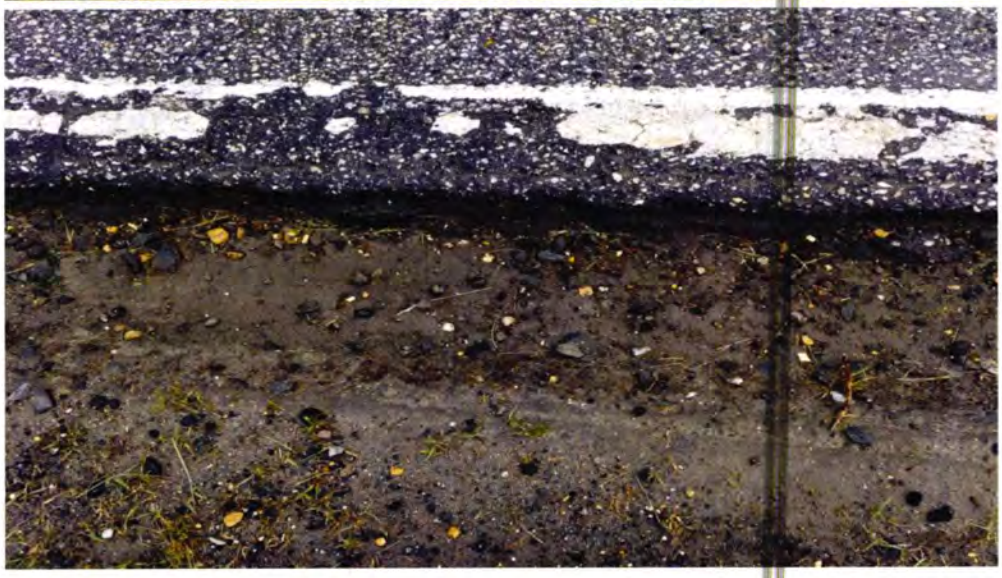
Whitehall Access Road **between 1500 – 1512**. Several more pictures of the crumbling and missing roadway.

Pic B

*Please explain why our tax dollars and potentially COVID relief funds were recently allocated to repaving all these surrounding roadways: US 50 EB and US 50 WB from the Bay Bridge to the Severn River Bridge, including Exits 29, 30, and 32, while Skidmore Drive and the Whitehall access roads are still in need.

Pictures are from April 19, 2024 Skidmore Drive: This shows conditions **after** road work was allegedly completed in March 2024. Pic A

Pictures are from April 19, 2024 Skidmore Drive: A month after SHA contractors performed work on this access road. Actually, it looked like this the very same week they finished working on this portion of roadway. Pic B



Pictures are from April 19, 2024 Skidmore Drive:
Apparently, repairing the crumbling sections and painting the white lines was not in the scope of the March 2024 road repairs. Yet, there was funding to pave Holly Beach Road to Old Ferry Slip Road which, again, was absolutely not in need of any repairs. Pic C

It is noted that the state dug up parts of Skidmore Drive to install infrastructure for the automated lane closure system on the Bay Bridge. Are our roads being left in a patchy and subpar condition because the state plans to conduct further work and is unwilling to allocate the funds necessary for proper repairs?

SHA: Skidmore Drive and Colbert Road:

Picture taken on April 19, 2024. However, this road plate was placed at the entrance to Colbert Road many months ago. It is located at the intersection of Skidmore Drive and Colbert Road.

This is what we are expected to drive over every day causing increased wear and tear on our vehicles.

***What is the purpose of placing it here specifically?**
*** When will this protruding structure be removed so that our vehicles are no longer subjected to it?**

Chesapeake Bay Bridge: First, Second and Third Span
Exclusion, Erasure, Inequity, Injustice

The first span of the Chesapeake Bay Bridge: Exclusion, Entrenched Racism, Jim Crow

The Bay Bridge's journey began with a monumental vision which was to build a structure connecting the Eastern and Western shores. In 1908, the Merchants and Manufacturers Association produced a report on the feasibility of a privately financed bridge extending between Bay Shore and Tolchester. There are some indications that conversations regarding a bridge started years before 1908. Politicians and others found the ferry system had become inadequate for their agenda.

However, this ambitious plan faced significant delays that spanned decades. So, it wasn't until January 1949 that construction commenced in earnest. **The first span opened in 1952**.

> The first Bay Bridge was eventually built in the geographical location between Sandy Point State Park and Stevensville, Maryland. The closest community to Sandy Point State Park is Skidmore. Skidmore is a historically African American community whose members were the formerly enslaved persons and their descendants. And, possibly some freedman as well.

Picture taken April 19, 2024:
SHA/contractors spent a week in March 2024 doing 'roadwork' on Skidmore Drive/Whitehall Access Roads.

Again, the need for paving/filling holes on the road as well as on the crumbling edges has been requested since 2018. The first contact regarding this need was in November 2018 to SHA employee George Bilias (GBilias@sha.state.md.us)

During that six-year period, pictures were sent to SHA twice and, in 2023, to Delegate Heather Bagnall. Despite submitting pictures on three separate occasions, SHA's roadwork in March 2024 did not address the issues as needed.

Senator Giles and Delegate H. Bagnall requested copies of the emails I had sent over the years, and I provided them with that information. They both agreed to assist in addressing this ongoing failure with SHA.

Below is a picture from Holly Beach Road down to the Old Ferry Slip Road where the MDTA Police bldg is located. This stretch of roadway was ***NOT*** *in need of repair in any fashion.* Yet, SHA wasted funds repaving this area while failing to make necessary repairs on Skidmore Drive especially in the area of Carrs Road and Col-Mar Lane.

Was money funneled into this specific area because the Moore/Miller administration was planning to visit Holly Beach Farm in early April 2024 while neglecting Skidmore Drive?

It is well known that slavery was 'legally' abolished in Maryland in November 1864; however, this did not end or erase the deeply ingrained social, economic, legal, and criminal structures that continued to oppress and impact millions of the formerly enslaved and their descendants.

Given the residual effects of this reality, there was little regard for the residents of Skidmore or how the construction of the first span of the Bay Bridge would impact them. Their concerns, along with their very existence, were deemed irrelevant to those wielding political power.

Upon the completion of the first Bay Bridge span in 1952, traffic volumes escalated, and congestion issues surfaced almost immediately, prompting discussions about the necessity of a second bridge across the Bay.

The Skidmore community faced the ongoing and concerted efforts to close off York Town and Log Inn Roads, from Colbert, Col-Mar Lane, and Carrs Road. This disruption weakened the cohesion of our community.

History informs us that there was often a conscious disregard for concerns about the negative impacts of these highways through Black communities. That holds true today as it relates to Skidmore.

From 1967 to present:

In 1967, planning for the second span of Chesapeake Bay Bridge began. Construction took place between 1969 through 1973 with the second span opening in June1973. Marvin Mandel was governor.

Yet, again there was no consideration for the Skidmore community. While the growing connectivity between the Eastern and Western Shores brought benefits, it also exacted a cost on the communities most directly impacted by the changes.

For the Skidmore Community there was also increased traffic, increased noise, increased air pollution, sprawl and community disruption.

The properties of Alfred Kess and Eugene Colbert, both Black community landowners, were directly affected when the State Land Commission targeted their land for infrastructure related to the second bridge span. (Maryland Land Records bear this out.)

In the late 1980's, after donald schafer had a hissy fit because he had to sit in traffic on US 50 EB en route to his trailer in Ocean City, he rolled out "reach the beach".

In 1990-1991, this area was heavily impacted by the construction of the US 50 cloverleaf interchange at the intersection of US 50, Cape St. Claire, and Busch's Frontage Road. A clear commonality was the disregard for the residents of Skidmore and others as well. Furthermore, as infrastructure expansion continued, access to the entrance and exit of our historic family church, Asbury Broadneck United Methodist Church (ABUMC), was permanently blocked.

In 1990-1991, the residents were impacted by the construction of the US 50 cloverleaf interchange at the intersection of US 50, Cape St. Claire, and Busch's Frontage Road. A clear pattern was the lack of attention to the descendants of the formerly enslaved who have called Skidmore home for centuries.

During the mid-2000s, beachgoers heading to Sandy Point State Park created significant disruptions in our neighborhood, as traffic backed up on the access roads. This was further aggravated by visitors parking along the roads and getting out to play sports and engage in other activities.

At the time, Nita Settina led DNR. The Broadneck Council of Communities (BCC) reached out to her and other law enforcement agencies multiple times about the ongoing traffic issues. Superintendent Settina chose not to assist in addressing the issue. As newspaper articles piled up, consistent pressure by the BCC and our patience decreased, the Anne Arundel County Police department committed to offering their services.

It was the A. A. Co. Police took the lead in offering some relief to the residents of Skidmore related to this particular traffic issue. The DNR agency did not. In ongoing communication with the BCC, the police took measures to reduce congestion on the access roads. However, their efforts were soon interrupted by the federal government and ultimately halted.

As early as 2002, state officials began to explore the need and possibility of building a 3rd span across the Chesapeake Bay Bridge. Politicians, at various times, would continue to discuss this issue from approximately 2002 – 2016. In 2016, larry hogan stated his intention to explore the possibility of a new Chesapeake Bay crossing, highlighting its potential to alleviate traffic congestion.

It's widely known that, initially, 14 corridors were under consideration. Citizens participated in online meetings, attended open houses, and provided feedback through various channels. The potential corridors were eventually narrowed to three. The whole process was harmful with some community elders deeply fearful of the state stealing their land via eminent domain. Another explored selling their home and land to relocate out of state.

To compound these concerns, in 2019, larry hogan boldly pronounced that he would consider only one corridor. That corridor would be located where the existing two bridge spans currently stand. That corridor would be through our community and would target our ancestral lands. Millions of dollars were spent on the Tier 1 NEPA (National Environmental Policy Act) study, which was completed in 2022.

The gubernatorial election was underway, with the Moore/Miller team emerging victorious. In April and May of 2023, I reached out to the Moore/Miller administration to inquire about their stance on the third span of the Chesapeake Bay Bridge, particularly in relation to the continued targeting and exploitation of this community. As stated earlier, my calls went unanswered.

After one year of this administration not responding, an April 2024 article stated that the Moore /Miller administration was canceling plans for a 3rd span over the bay bridge. While this was welcome news, we were acutely aware that this issue was not going away.

The state's exploitation of this community is undeniable, extending back to the time of our enslaved ancestors on this peninsula. The state has grown accustomed to this community not resisting, but this time, we will fight back. We will fight for our elders and our families, just as any of you would. And, luckily, we won't be fighting this battle alone.

No one is going to steal our land for a bridge expansion or any other reason, and we will not be driven out by gentrification.

Regarding the open houses for the Bay Bridge study, this seems like yet another futile exercise that we engaged in under the previous administration. We dedicated hours to reviewing the study and attending multiple open houses, both in-person and online, only to discover that state employees were unable to give direct answers to many of our questions.

An open forum with community members in the audience and representatives from the relevant departments fielding questions would be a sound approach. However, the state appears uninterested in pursuing this more transparent and ethical option.

A project that will cost billions of dollars and disrupt the lives of countless people is reduced to just a few open houses and a virtual one.

Exclusion, Erasure and Inequity:

Sandy Point State Park is federally protected. Holly Beach Farm is an environmental gem now in the hands of the Department of Natural Resources. And, Whitehall is a historic landmark. These are also properties where Black people were exploited and enslaved."

These three properties are frequently championed as worthy of preservation or protection by politicians, political operatives, and special interest groups. That is not the point we're addressing in this instance. The issue lies in the failure to acknowledge the enslaved and free Africans and African Americans who lived and labored on these properties.

Sandy Point State Park encompasses properties once referred to as Scotland, Tryall, Hawkin's Point, Rattlesnake Point and Gibson's Discovery. Although the ownership of these properties changed hands over time, both Henry E. Mayer and Baptist Mezick were enslavers. (Documented in DNR Records - https://dnr.maryland.gov/)

Holly Beach Farm now encompasses lands formerly known as Hackett's Point or Cole's Poynt. The ownership of these properties changed hands over time. The Moss family was enslavers. According to a document in the James E. Moss Special Collections at the Maryland State Archives, enslaved Black people were also interred at Hackett's Point. (Documents Attached)

In 1997, County Executive Lighthizer planted a tree at Holly Beach Farm in honor of a late colleague. Are there any trees planted at Holly Beach for those enslaved persons who provided free labor and were buried at Hackett's Point? Absolutely not, because they have never been deemed worthy of acknowledgment.

The sheer hubris displayed over decades by the state government, political operatives, and certain wealthy individuals—acting as if Black people never lived in the community or as though it were not a historically Black enclave—is profoundly offensive.

Whitehall, the historic landmark and former place of enslavement also changed possession over time. It is known that the Ridout family enslaved black people as well. It is also an undeniable fact that at least one formerly enslaved person buried at Whitehall has descendants who live both within and outside the Skidmore community. There are additional enslaved individuals buried at Whitehall, as documented in the James E. Moss Special Collection.

Mr. Scarlett (The Brandywine Foundation) has every right to explore options to maintain Whitehall. Yet, related to Whitehall as a possible CRNA, the descendants were deemed persona non grata.

The 'working group/stakeholders' invited to the table did not discuss any further actions following the 2017 ground-penetrating radar survey at Whitehall, which was conducted to determine whether servants and enslaved individuals were buried there. The lack of discussion was a result of their either insufficient knowledge or lack of interest in the issue.

Where does this issue fit into <u>their</u> plans for this property given they seemed to know absolutely nothing about the burial ground?

While the numbers of descendants have declined in Skidmore, there is still kinship and camaraderie. Certainly, there is no doubt that this community has endured its share of bad actors. Yet, the same can be said of every level of the U.S. government and communities across this country.

Politicians, operatives, and special interest groups from as far away as Virginia and Ocean City have weighed in, voicing their support for the expansion of the Bay Bridge for making Whitehall a flagship for the National Park Service. Yet, the African Americans who live within walking distance were disregarded.

Not once has either Senator Van Hollen or Congressman Sarbanes expressed the slightest concern about the descendants in this community having their properties targeted. But they can vigorously promote making Whitehall more "accessible to all," "inclusive," and "diverse. Apparently, none of us qualify as part of that vision. .

The same applies to Holly Beach Farm, where many of our ancestors worked after the Labrot family purchased the land. The mantra of "accessible for all" and "inclusive" is often invoked in relation to future plans for Holly Beach Farm.

Yet, the DNR refused to support this community or the Broadneck Peninsula when visitors from Sandy Point State Park were overwhelming the neighborhood. Why would they be trusted to value the descendant community now? It's clear that the politicians and the wealthy will have their voices heard, whether behind closed doors or in the public eye. Don't they always?

> One of the Biden administration's plans was to invest billions in communities that had historically been harmed by infrastructure projects. Communities just like Skidmore. And while it was a lofty idea at the time, for many communities, it was nothing more than a pipe dream. After decades of exploiting and ignoring a community, how do you even begin to restore it? That's all moot now, given the upcoming occupation of the White House.

In a mere ten-mile radius, this community is surrounded by a recreational park—**Sandy Point State Park**, which attracts more than 1 million visitors annually—two major bridges, which in 2023 carried approximately **24 million vehicles** across, and ambitious plans such as making **Whitehall a national park**, transforming **Holly Beach Farm into a designated natural area** with regulated public access for recreation and education, the development of a **Broadneck Trail**, and the ongoing overdevelopment of residential and commercial properties.

Where else in the state does this scenario exist? And, where in a historically wealthy area would this exist or be tolerated?

While we witness the billions spent all around us, we can't even get our roads repaired. That could serve as a metaphor for some of the experiences of this descendant community and their interactions with the Maryland State government

In conclusion, any vision for **Holly Beach Farm** and the other properties must include a clear acknowledgment of the historic African and African American presence on the land. Without recognizing the histories, contributions, and enduring connections of Africans and their descendants, as well as Indigenous peoples, any broader vision for the land is both skewed and unjust.

A few minor actions to take:

Plant a Tree (or Trees) in Honor of the Enslaved People of Hackett's Point.
This act serves as both a tribute and a living memorial to the resilience and history of the enslaved individuals who lived and worked at Hackett's Point. The trees symbolize growth, remembrance, and the enduring legacy of those who were erased from much of the historical narrative.

Invite descendants to gather at Holly Beach Farm:
Host an event for descendants of this historic African American enclave to honor their ancestors, share stories, and learn about Hackett's Point, deepening understanding of its history and fostering a more inclusive future.

Sandy Point:
Upon completion of the restoration project, ensure the storyboard highlighting African Americans' fight for civil rights at Sandy Point State Park—including the story of William Evans of the Scotland Plantation and the brutality following Emancipation Day—is noticeably displayed. This will continue to preserve history and educate the public about some of those who endured enslavement in the region.

Whitehall:
What is the next step for Whitehall following the completion of the multi-layered surveys conducted by The Lost Town Projects, Inc.?

Colbert Road requires an agency to conduct a thorough survey of the area and assess whether the road can be safely widened without encroaching on private property. Also, the dead trees that have fallen along the road should be removed to ensure safety and improve the area's condition. This should be the county's responsibility. It has not been done.

Once again, we are fully aware that these issues have persisted long before the Moore-Miller administration took office in the state capital. While it's understandable that your administration may not be fully aware of this history as it has been addressed, it is crucial that you make a genuine effort to recognize and address these issues.

The incoming administration in Washington, DC will bring about destruction on multiple fronts—impacting land, sea, air, and people. There will be turbulent times. Yet, our history informs us that violations of trust come in the form of both Democratic and Republican leadership, as well as power brokers.

We expect those we voted for, including the Moore-Miller administration, to treat our community and concerns with the same importance as any other.

As long as we have the clarity of mind and strength in our bodies, we will never surrender our land. Eminent domain is a form of state-sanctioned violence. You need look no further than the Old Fourth Ward to see that firsthand.

These are the lands our ancestors fought for and endured great suffering upon, the ground that carries the weight of their sacrifice— their blood, their sweat, their tears—and their triumph. Passed down through the generations, it now rests in our hands, held with steadfast reverence and heartfelt gratitude.

[redacted]

Attachments:

- Bay Bridge Article 1909
- Moss Black Graves at Hackett's Point & Scotland
- Weedon Moss Enslavers Bill Of Sale
- Mezick Enslaver Document
- Ruth Moss Enslaver Document 1 & 2
- Moss Weedon 1850 Slave Schedule
- Hamilton Pike Moss Slave Insurance 1843
- J. Ridout Enslaver Document

- Nov 24th Whitehall Access
- Nov 24th Skidmore Drive

Cc:
The Baltimore Banner – Rick Hutzell
County Executive Pittman
Senator Van Hollen
Congresswoman Elfreth

QUEER STORIES

Work on New York City's new Catskills reservoir and aqueduct is employing 45,000 men.

New York City has condemned and disposed of as waste 16,000 tons of food during the last year.

Austria's government has brought forward a bill in the Chamber of Deputies making insurance against illness and old age compulsory on all workmen and domestics and those employed whose annual income does not exceed $500.

In order to prevent elder children being kept at home "to look after baby," the London County Council is trying the experiment of appointing "baby-minders," who will take care of the babies in the school buildings during school hours.

The Merchants and Manufacturers' Association of Baltimore is looking into a project to build a great bridge across Chesapeake Bay, to connect directly the city and the eastern shore section of the State. The association has appropriated funds for a survey.

Bromine, useful in medicine, photography, the manufacture of dyes and in certain metallurgical operations, is produced commercially in only four States of this country—Michigan, Ohio, Pennsylvania and West Virginia. Last year's output was 1,379,496 pounds.

Queer Stories. Dakota County herald., Dakota City, Neb, 05 Feb. 1909, Image 6
https://chroniclingamerica.loc.gov/lccn/2010270500/1909-02-05/ed-1/seq-6/

Discussions related to a bay crossing between the Western and Eastern Shores predate 1909.

The initial consideration regarding the location of the first bridge across the Chesapeake Bay was to be from Baltimore to Tolchester.

As we know that decision was changed and the crossing was built between Sandy Point and Kent Island opening in 1952. One lane EB and one lane WB.

The second bridge span was placed in the same location, opening in June 1973 for WB travel

In 2019, in spite of millions of dollars spent, hours and hours of residents attending open houses, listening on zoom, sending emails, speaking with their elected representatives, larry hogan declared 'he would **only** accept the 3rd span at the current location of the two existing bridges'.

larry hogan joined a long list of politicians seeing this community as only to exploit one way or another

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Bill of Sale from (one) John Weedon to Ruth E. Moss

Know all men by these presents (Doll) that I John Weedon of Anne Arundel (stamp) County and State of maryland for and in consideration of the natural love I bear, and also for and in consideration of the sum of two thousand ($2000.00/00) dollars current money in hand paid unto me by my daughter Ruth E. Moss (formerly Ruth E Weedon of said County and state) the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant bargain and sell to the said Ruth E. Moss the following negro slaves now belonging to me and which slaves are now in the possession of said Ruth E Moss and her husband Robert B Moss of Hacketts Point in said County and state viz negro Davy about thirty five years old, Ruth about thirty three years old and her children Cara Ann about fourteen years old, Mary about twelve years old, Maria about nine years old, Louisa about six years old, Nace about four years old, Bet about twenty five years old, and her sister Phoeba about twenty three years old, and her children John about six years old, Jacob about four years old, and Louis an infant about six months old. To Have and To Hold the said negroes, Davy, Ruth, Cara Ann, Mary, Maria, Louisa, Nace, Bet, Phoeba, John, Jacob and Louis to the said Ruth E. Moss her heirs, executors, administrators and assigns forever. In Witness whereof I have hereunto set my hand and seal on this twenty seventh day of
July one thousand eight hundred and forty eight (1848)

Signed, sealed and delivered John Weedon (seal)
in presence of J. W. Hunter

Then received of Ruth E. Moss the sum of two thousand dollars current money of maryland in full satisfaction for the within and above negro slaves

John Weedon
Test J. W. Hunter

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State of Maryland Anne Arundel County to wit:
Be it remembered, and it is hereby certified that on this twenty seventh day of July, in the year of our Lord one thousand eight hundred and forty eight, before me the subscriber one of the Justices of the Peace of the State of Maryland in and for anne Arundel County aforesaid personally appears John Weedon, he being known to me, to be the person who is named and described as, and professing to be a party to the aforegoing Deed or indenture, and doth acknowledge the said indenture or instrument of writing to be his act and deed In Testimony whereof I hereunto subscribe my name on the day and year aforesaid J. W. Hunter
Recorded on the 28.th day of July 1848
Exam[d] & Deliv.[d] to R. B. Moss
9th Sept 1848
Cost .87½ paid

Name	Baptist Mezick/Thomas Mezick (Note: A past owner of Scotland now Sandy Pt. State Park)
Residence Date	1850 | Residence Place District 3, Anne Arundel, Maryland, USA
Number of Enslaved People	13
Role	Slave Owner/Enslaver

All Enslaved People (Gender)	Age
Male	40
Male	10
Male	26
Male	23
Male	21
Male	25
Male	35
Male	35
Male	15
Female	40
Female	25
Female	15
Female	30

1850 U.S. Federal Census - Slave Schedules for Baptist Mezick

Maryland › Anne Arundel › District 3

SCHEDULE 2.—Slave Inhabitants in The 3rd election District **in the County of** Anne Arundel **State of** Maryland**, enumerated by me, on the** 3rd **day of** August **, 1850.** [illegible] **Ass't Marshal.** 367

	NAMES OF SLAVE OWNERS.	Number of Slaves.	Age.	Sex.	Colour.	Fugitives from the State.	Number manumitted.	Deaf & dumb, blind, insane, or idiotic.
	1	2	3	4	5	6	7	8
1	Baptist Mezick	1	40	M	B			
2		1	10	M	B			
3		1	26	M	B		/	
4		1	23	M	B		/	
5		1	21	M	B		/	
6		1	25	M	B		/	
7		1	35	M	B		/	
8		1	35	M	B		/	
9		1	15	M	B		/	
10		1	40	F	B			
11		1	25	F	B		/	
12		1	15	F	B			
13		1	30	F	B			

	NAMES OF SLAVE OWNERS.	Number of Slaves.	Age.	Sex.	Colour.	Fugitives from the State.	Number manumitted.	Deaf & dumb, blind, insane, or idiotic.
	1	2	3	4	5	6	7	8
1	Robert Moss	1	30	F	B			
2		1	14	F	B			
3		1	13	F	B			
4		1	7	F	B			
5		1	6	M	B			
6		1	7	F	B			
7		1	5	M	B			
8		1	4	F	B			
9		1	3	M	B			
10		1	1	F	B			
11		1	1	M	B			
12		1	[illegible]	M	B			
13		1	[illegible]	F	B			

7 of 13

1860 Schedule 2 – Slave Inhabitants, 3rd District, Anne Arundel, Maryland
Enslavers Ruth Moss (nee Weedon), Ann Ridout, etc.,

Page No. 10

SCHEDULE 2.—Slave Inhabitants in Third District **in the County of** Anne Arundel **State of** Maryland**, enumerated by me, on the** 29 **day of** June **, 1860.** Wm Bryan **Ass't Marshal.**

	NAMES OF SLAVE OWNERS.	Number of Slaves.	DESCRIPTION. Age.	Sex.	Color.	Fugitives from the State.	Number manumitted.	Deaf & dumb, blind, insane, or idiotic.	No. of Slave houses.
	1	2	3	4	5	6	7	8	9
1	Medora Williams	1	43	M	B				1
2		1	27	M	M	1			
3		1	18	F	M	1			
4		1	13	F	B				1
5		1	8 1/12	F	M	1			
6	Julia Kent	1	50	M	B				3
7		1	45	M	B				
8		1	48	M	B				
9		1	25	M	B				
10		1	30	M	B				
11		1	13	M	B				
12		1	14	M	B				
13		1	10	M	B				
14		1	7	F	B				
15		1	6	M	B				
16		1	4	M	B				
17		1	6 1/12	F	B				
18		1	2	F	B				
19		1	16	F	B				
20		1	40	M	B				
21		1	10	F	B				1
22		1	50	F	B				
23		1	32	F	B				
24	Ann Ridout	1	70	F	B				3
25		1	65	F	B				
26		1	30	F	B				
27		1	31	F	B				
28		1	13	F	B				
29		1	6	F	B				
30		1	5	F	B				
31		1	50	M	B				
32		1	38	M	B				
33		1	36	M	B				
34		1	45	M	B				
35		1	25	M	B				
36		1	30	M	B				1
37		1	10	M	B				
38		1	4	M	B				
39		1	2	M	B				
40		1	6/12	M	B				

	NAMES OF SLAVE OWNERS.	Number of Slaves.	DESCRIPTION. Age.	Sex.	Color.	Fugitives from the State.	Number manumitted.	Deaf & dumb, blind, insane, or idiotic.	No. of Slave houses.
	1	2	3	4	5	6	7	8	9
1		1	2	F	B				
2		1	13	F	B				
3		1	25	F	B				
4	H. M. Gunnell	1	28	M	B				2
5		1	28	M	B				
6		1	18	M	B				
7		1	18	M	B				
8		1	14	M	B				
9		1	12	M	B				
10		1	7	M	B				
11		1	4	M	B				
12		1	2	M	B				
13		1	38	M	B				
14		1	36	F	B				
15		1	26	F	B				
16		1	21	F	B				
17		1	14	F	B				
18		1	12	F	B				
19		1	7	F	B				
20		1	2	F	B				
21	Ruth E. Moss	1	50	F	B				2
22		1	48	M	B				
23		1	33	F	B				
24		1	32	M	B				
25		1	24	F	B				
26		1	21	F	B				
27		1	17	M	B				
28		1	12	M	B				
29		1	11	F	B				
30		1	12	F	B				
31		1	10	M	B				
32		1	7	M	B				
33		1	3	M	B				
34		1	3	F	B				
35		1	6/12	F	B				
36	Wm S Weedon	1	30	M	B				2
37		1	50	F	B				
38		1	50	F	B				
39		1	07	M	M				
40		1	40	F	B				

No. of owners, 3 – 2 | No. of male slaves, 41 | No. of female slaves, 39 | Total slaves, 80 | No. fugitives, | No. manumitted, | No. deaf and dumb, | No. blind, | No. insane, | No. idiotic,

Name Ruth E. Moss (Moss family enslavers of Hackett's Point, a part of the current Holly Beach Farm)

Residence Date 1860

Residence Place District 3, Anne Arundel, Maryland

Number of Enslaved People 15

Role Enslaver/Owner

All Enslaved People (Gender)	Age
Female	50
Male	48
Female	35
Male	32
Female	24
Female	21
Male	17
Male	12
Female	11
Female	12
Male	10
Male	7
Male	3
Female	3
Female	6/12

The 3rd election District Anne Arundel County, Maryland August 3, 1850 Census Slave Schedule
Enslavers: Baptist Mezick, John Weedon, Hamilton Pike Moss, Robert Moss, Alfred Johnson…..

SCHEDULE 2. Slave Inhabitants in The 3rd election District **in the County of** Anne Arundel **State of** Maryland **, enumerated by me, on the** 3rd **day of** August **, 1850.** [signature] **Ass't Marshal.**

NAMES OF SLAVE OWNERS.	Number of Slaves.	DESCRIPTION. Age.	Sex.	Colour.	Fugitives from the State.	Number manumitted.	Deaf & dumb, blind, insane, or idiotic.
1	2	3	4	5	6	7	8
Baptist Mezick	1	40	M	B			
	1	10	M	B			
	1	26	M	B		1	
	1	22	M	B		1	
	1	21	M	B		1	
	1	25	M	B		1	
	1	35	M	B		1	
	1	35	M	B		1	
	1	15	M	B		1	
	1	40	F	B			
	1	25	F	B		1	
	1	15	F	B			
	1	30	F	B			
John Weedon	1	60	M	B			
	1	40	M	B			
	1	12	F	B			
	1	10	F	B			
	1	22	M	B			
	1	30	F	B			
	1	16	F	B			
	1	18	M	B			
	1	17	M	B			
	1	12	M	B			
	1	10	M	B			
	1	12	F	B			
	1	6	M	B			
	1	4	M	B			
	1	3	M	B			
	1	2	F	B			
	1	2	M	B			
	1	1	F	B			
	1	1/2	M	B			
	1	23	M	B			
	1	5	M	B			
Hamilton P. Moss	1	45	F	B			
	1	20	M	B			
	1	18	F	B			
	1	23	F	B			
	1	1/2	F	B			
Robert Moss	1	23	M	B			
	1	45	M	B			
	1	32	F	B			

NAMES OF SLAVE OWNERS.	Number of Slaves.	DESCRIPTION. Age.	Sex.	Colour.	Fugitives from the State.	Number manumitted.	Deaf & dumb, blind, insane, or idiotic.
1	2	3	4	5	6	7	8
Robert Moss	1	30	F	B			
	1	14	F	B			
	1	13	F	B			
	1	9	F	B			
	1	8	F	B			
	1	7	F	B			
	1	5	M	B			
	1	4	F	B			
	1	3	M	B			
	1	1	F	B			
	1	1	M	B			
	1	1/2	M	B			
	1	1/2	F	B			
Wm. Mary Linsted	1	31	F	B			
	1	15	F	B			
	1	10	F	B			
	1	8	M	B			
	1	6	F	B			
	1	4	M	B			
	1	2	M	B			
	1	1/2	M	B			
Alfred Johnson	1	28	M	B			
Henry C. Dunbar	1	25	F	B			
	1	20	M	B			
	1	38	M	B			
	1	35	M	B			
	1	26	M	B			
	1	17	M	B			
	1	12	M	B			
	1	10	M	B			
	1	10	M	B			
	1	8	M	B			
	1	16	F	B			
	1	14	F	B			
	1	10	F	B			
	1	8	F	B			
	1	4	M	B			
	1	7/12	F	B			
	1	15	M	B			
	1	12	M	B			
	1	14	M	B			
	1	14	F	B			

1 26 M
1 16 F

1 22 M
1 15 F

SAINT LOUIS INSURANCE COMPANY,

Of Saint Louis, Missouri.

No. 93

ON SLAVES.

Sum insured, $ 400

This Policy of Insurance Witnesseth, That, in consideration of the sum of Twelve Dollars paid by Hamilton P. Moss THE SAINT LOUIS INSURANCE COMPANY do, by these Presents, cause the said Hamilton P. Moss or whom else it may concern, to be Insured, to the amount of Four hundred Dollars for the term of Thirty Days on the lives of Two Slaves (viz — in the sum of Two hundred Dollars on the life of a negro boy named Dick, about thirteen years old about four feet 6 inches high dark black complexion, full african expression also on the life of a negro Girl 'Mary' aged about eleven years four feet 6 inches high — dark color & full african face — said negroes in good health & free from chronic disease — said slaves to be removed at once from St Louis by good S. Boat to Wheeling & thence by usual conveyance to Annapolis Md

That is to say, the sum of Four hundred Dollars on the life of said slaves 'Dick & Mary' (or by whatever other name the said slave may be known) This Insurance to commence on the Twenty Second of June 1843 at 12 o'clock, noon and to expire on the twenty second day of July 1843 at 12 o'clock, noon.

It is Agreed, that the assured shall have the privilege of employing said slave on board any boat, or boats, navigating the western waters, without prejudice to this Insurance; and the said Saint Louis Insurance Company doth covenant and agree, that, if the said slave 'Dick & Mary' shall die a natural or violent death, (suicide, or by the hands of justice, excepted,) during the period for which their lives are insured, they will, sixty days after proof of such death, and proof of interest, pay to the said Hamilton P. Moss or his legal representative, the sum of Four hundred Dollars The said slaves are warranted by the assured free from any chronic disease, and in good health.

It is Agreed, that this Company does not insure the life of said slave in the event of their absconding, nor will they be answerable, in any manner, for them when out of the custody of the insured, or that of those to whom he may be entrusted.

In Testimony whereof, the said SAINT LOUIS INSURANCE COMPANY have caused these presents to be signed by their President, and attested by their Secretary, at their office in the City of Saint Louis, on the twenty second day of June 1843

G. K. McGunnegle President.

[signature] Secretary.

C. Keemle's Press, St. Louis.

Reasonable time beyond the thirty days herein expressed, shall be granted to the assured, — for any unavoidable accident or delay — that may cause a detention of said slaves in their transportation from St. Louis to Annapolis Md

Name J Ridout
Residence Date1860
Residence Place District 3, Anne Arundel, Maryland, USA
Number of Enslaved People44
Role Enslaver/Owner

Info can be found at: 1860 U.S. Federal Census - Slave Schedules

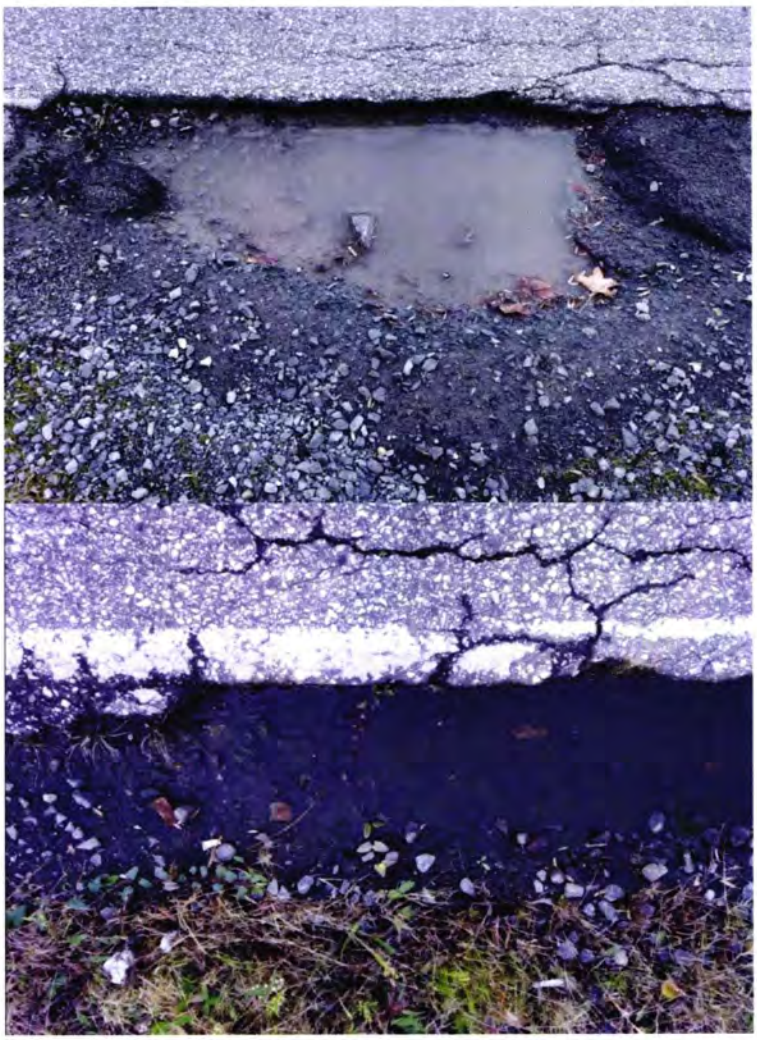
All Enslaved People (Gender)	Age
Female	12
Female	18
Male	13
Female	19
Male	22
Female	36
Female	17
Female	14
Female	7
Female	4
Male	1
Male	5/12
Female	8
Female	4
Female	6/12
Male	2
Female	8
Female	5
Female	5/12
Male	26
Female	3
Female	1
Male	1

Continued on back

All Enslaved People (Gender)	Age
Male	1
Male	8
Female	13
Male	50
Female	53
Female	43
Female	39
Female	39
Male	56
Male	41
Male	41
Female	31
Female	37
Male	22
Female	26
Female	24
Male	21
Female	19
Female	17
Female	18
Male	12

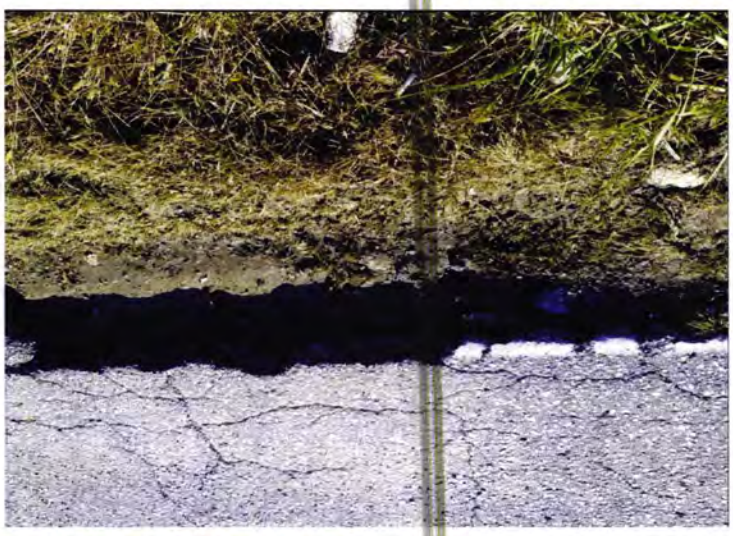
Nov. 24, 2024 Whitehall Access Road | From 1500 Whitehall Access Road to 1492 Whitehall Access Road **EB**

Nov. 24, 2024 Whitehall Access Road | From 1500 Whitehall Access Road to 1492 Whitehall Access Road **EB**

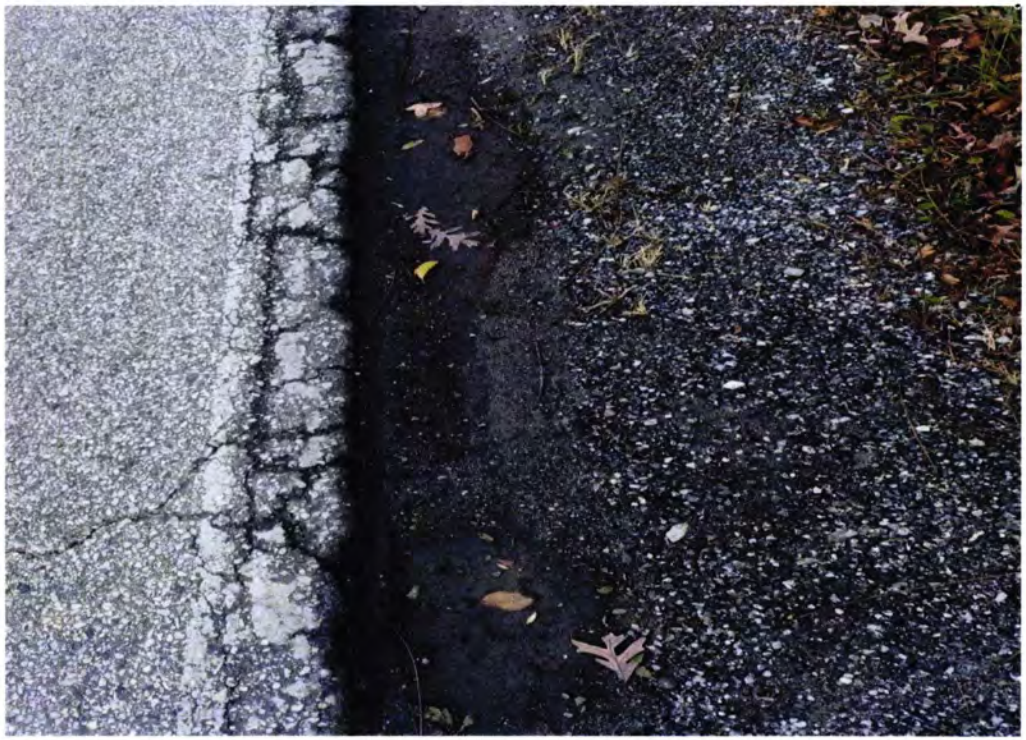


Nov. 24, 2024 Whitehall Access Road | From 1500 Whitehall Access Road to 1492 Whitehall Access Road **EB**

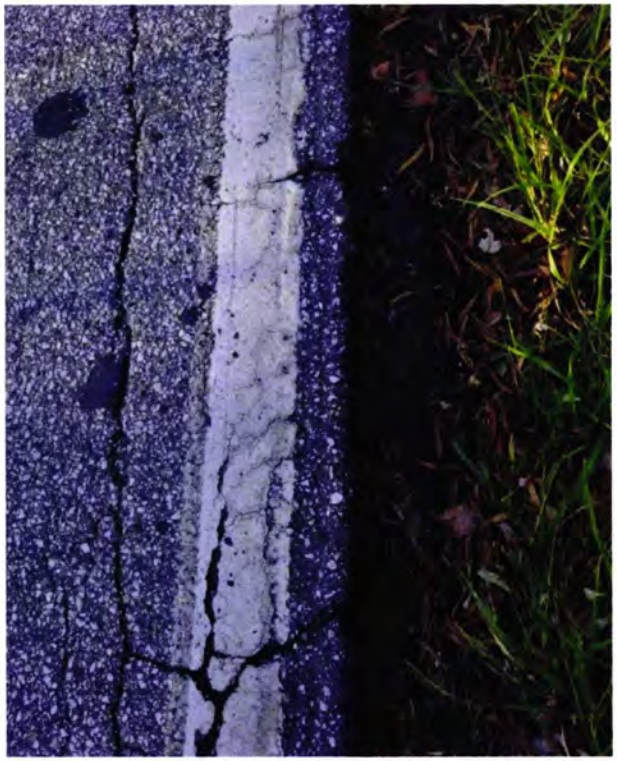
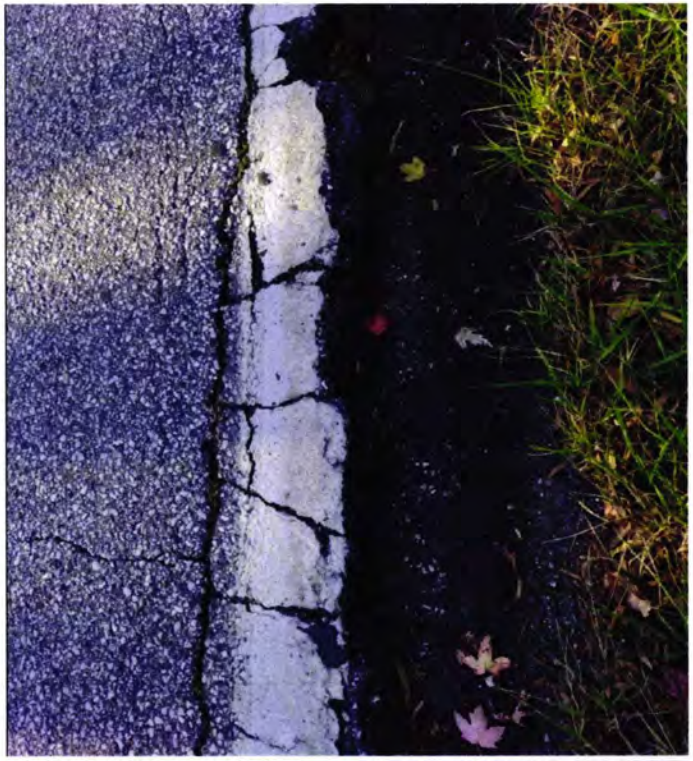
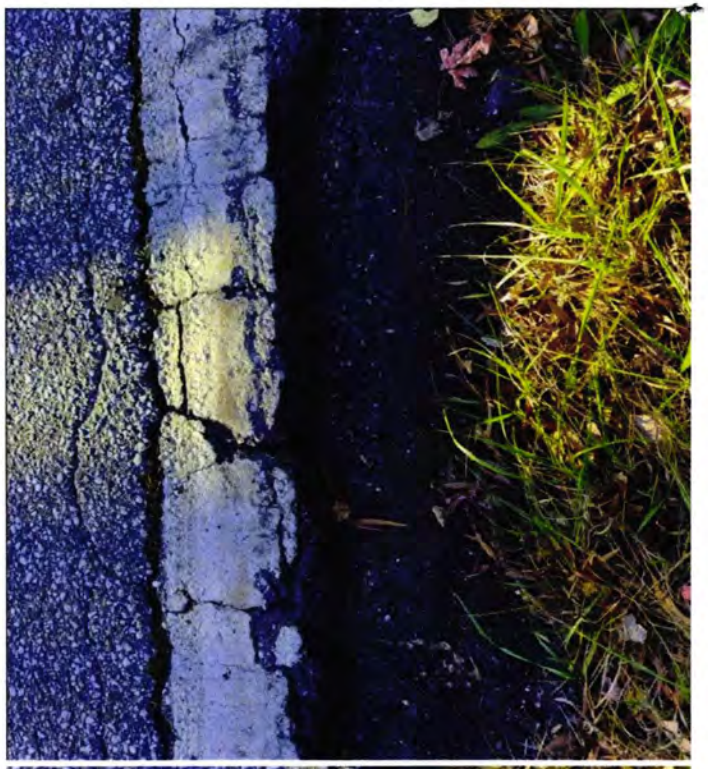
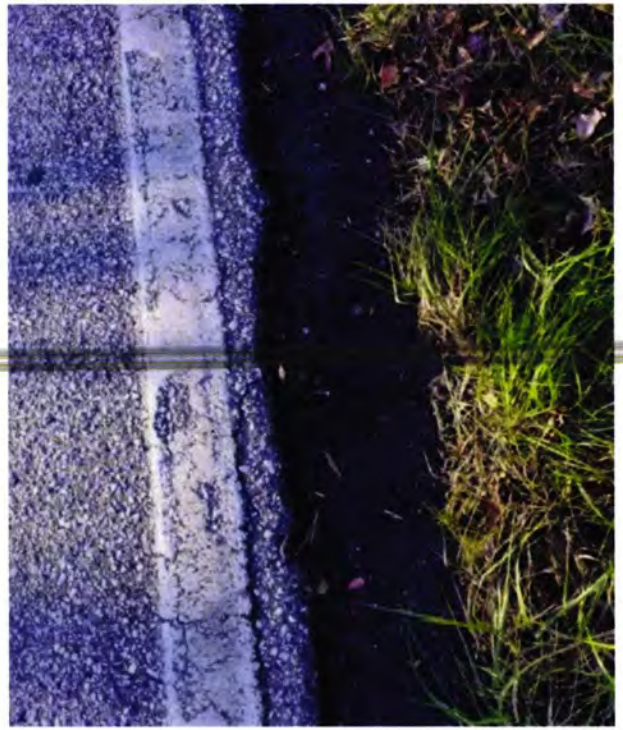
Nov. 24, 2024 Whitehall Access Road
From 1492 Whitehall Access Road to 1500 Whitehall Access Road **West Bound**



Nov. 24, 2024 Skidmore Drive between 1033 and 1037 **EB**



Nov. 24, 2024 Skidmore Drive: Between Carrs Road and 1049 Skidmore Drive **WB (Some pictures)**

Eubanks & Associates, PLLC
LAW FOR THE PUBLIC INTEREST

[redacted]

January 13, 2024

Submitted via E-mail:
Maryland Transportation Authority
Bay Crossing Study
2310 Broening Highway
Baltimore, Maryland 21224
info@baycrossingstudy.com

Federal Highway Administration
George H. Fallon Federal Building
31 Hopkins Plaza, Suite 1520
Baltimore, Maryland 21201
gregory.murrill@dot.gov
jeanette.mar@dot.gov

Re: Preliminary Comments on the Chesapeake Bay Bridge Crossing Tier 2 NEPA Study Process from Queen Anne's Conservation Association

Dear MDTA and FHWA Officials:

Queen Anne's Conservation Association ("QACA") submits this letter in response to Maryland Transportation Authority's ("MDTA") invitation for public comments on the Chesapeake Bay Crossing Tier 2 NEPA Study, which MDTA and the Federal Highway Administration ("FHWA") are soliciting as part of FHWA's compliance with the National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 4321-4347, and other applicable laws. We respectfully request that FHWA include this comment letter in the formal administrative record for this matter.

In order to fulfill its NEPA obligations in the upcoming Tier 2 Study, FHWA must: (1) evaluate all feasible Modal and Operational Alternatives ("MOAs") including those that have not yet been adequately analyzed, such as combinations of MOA strategies separate from the construction of a new bridge; (2) utilize updated baseline traffic projections—including all congestion management strategies that are either currently available or are reasonably foreseeable to be available at the conclusion of the Tier 2 NEPA process; (3) account for the impacts of induced traffic demand arising from any new span—including the likelihood that large stretches of US-50 would need to be widened, resulting in significant cost and disruption to surrounding communities; and (4) analyze all direct and indirect effects of construction on Chesapeake Bay. *See* Md. Transp. Auth., *Scoping/Notice of Intent (NOI)*, CHESAPEAKE BAY CROSSING STUDY, https://bit.ly/4adXq22 (last visited Jan. 11, 2025).

Statement of Interest

QACA is the oldest conservation organization on the Eastern Shore and is dedicated to promoting smart and sustainable growth in Queen Anne's County. It supports development that will provide a viable and sustainable economic foundation for the county, while also ensuring the protection of its rural character, including the small towns, farms, waterways, and open spaces that shape the county's landscape.

QACA has been an active participant in MDTA's Bay Crossing Study since its inception. It has consistently advocated for accurate and methodologically sound traffic projections, as well as using all available travel management strategies to mitigate peak traffic congestion before committing to a costly, disruptive, and environmentally damaging new bridge. To this end, QACA previously submitted detailed comments on the Bay Crossing Study Tier 1 Draft Environmental Impact Statement ("DEIS").[1] Included in those comments was a rigorous study by independent traffic engineering firm, AKRF, commissioned by QACA to evaluate the Purpose and Need Assessment ("PNA") first published by MDTA in 2019.[2] AKRF is a nationally recognized traffic engineering firm with impeccable credentials, which FHWA and other federal and state agencies routinely retain to manage and coordinate all aspects (including preparation of Draft and Final EISs) of traffic and highway engineering projects throughout the United States.

BACKGROUND

Relevant background information, including the applicable legal framework and a brief summary of the Bay Bridge Crossing NEPA process, is described below.

Statutory and Regulatory Framework

NEPA was enacted in 1970 to protect human health and the environment by ensuring that "unquantified environmental amenities and values" are given "appropriate consideration in decisionmaking." 42 U.S.C. § 4332(2)(B).

This foundational environmental law has twin aims. It establishes transparent procedures that require federal decisonmakers to consider and account for the environmental impacts of federal projects. NEPA also requires agencies to inform the public about the environmental impact of federal projects, along with reasonable alternatives, so that the public may weigh in on the decisionmaking process and ensure that the ultimate agency decision is careful and well-informed. *See* 40 C.F.R. § 1500.1(a). Under NEPA, agencies have a duty to take a "hard look" at potential environmental impacts and environmentally enhancing alternatives "as part of the

[1] *See* Letter from QACA, April 22, 2021, to Bay Crossing Study, re: Comments of Queen Anne's Conservation Association on Bay Crossing Study Tier 1 DEIS.

[2] *See* AKRF, *Chesapeake Bay Bridge Crossing Study Transportation Study*, December 15, 2020 (prepared for Queen Anne's Conservation Association).

agency's process of deciding whether to pursue a particular federal action." *Baltimore Gas & Elec. Co. v. Natural Res. Def. Council*, 462 U.S. 87, 100 (1983).

NEPA's substantive goals are effectuated through regulations promulgated by the Council on Environmental Quality ("CEQ"), which are "binding on all Federal agencies." 40 C.F.R. § 1500.3. Specifically, NEPA requires agencies to prepare a "detailed statement"—i.e., an EIS—for any "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(C). An EIS must describe, among other items, the purpose and need for the proposed action, the alternatives to the action, the affected environment, and the environmental consequences of alternatives. *See* 40 C.F.R. § 1502.10; *see also* 42 U.S.C. § 4332(2)(C). Relevant environmental impacts include "ecological, . . . aesthetic, historic, cultural, economic, social, or health" impacts. 40 C.F.R. § 1508.1(g)(4).

The purpose and need assessment for the proposed action serves to "delimit the universe of the action's reasonable alternatives." *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 195 (D.C. Cir. 1991). However, the agency's purpose must not be too narrow. "[A]n agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative from among the environmentally benign ones in the agency's power would accomplish the goals of the agency's action, and the EIS would become a foreordained formality." *Id.* at 196.

Once the agency has crafted a project's goals, it must turn to evaluating a reasonable range of alternatives to the proposed action. The alternatives analysis has long been described as the "the heart" of the NEPA process.[3] The agency must: "[e]valuate reasonable alternatives to the proposed action, and, for alternatives that the agency eliminated from detailed study, briefly discuss the reasons for their elimination," and also "[d]iscuss each alternative considered in detail, including the proposed action, so that reviewers may evaluate their comparative merits." 40 C.F.R. § 1502.14(a)-(b). The agency is also required to retain a "no action" alternative in its analysis in order to compare the proposed action to baseline conditions. *Id.* § 1502.14(c).

Public input is a critical component of the NEPA process. After publishing a notice of intent to prepare an EIS in the Federal Register, an agency must engage in a "scoping" process designed to determine the scope of the issues to be addressed in the EIS and to identify significant issues related to the proposed action. *Id.* § 1501.9. "During the scoping process, the agency must, among other things, invite participation and input by federal, state, and local agencies, as well as the public." *Webster v. U.S. Dep't of Agric*., 685 F.3d 411, 418 (4th Cir. 2012); *see also* 40 C.F.R. § 1501.9(c) (identifying public outreach and communication options available to agencies during the scoping process). "Utilizing information acquired during the scoping process, the agency is then to prepare an initial draft EIS, which it must make publicly available and circulate to other agencies for feedback"; "[a]fter doing so, the agency must draft a final EIS that addresses any comments." *Webster*, 685 F.3d at 418 (internal citations omitted); *see also* 40 C.F.R. § 1501.10(d) (detailing order and time limits for each constituent part of the NEPA process).

[3] Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, Council on Environmental Quality, 46 Fed. Reg. 18026 (March 23, 1981, as amended 1986).

Finally, the EIS "shall be prepared early enough so that it can serve as an important practical contribution to the decision-making process and will not be used to rationalize or justify decisions already made." 40 C.F.R. § 1502.5.

Factual Summary

FHWA, working alongside MDTA, recently completed the first step in a two-tier approach under NEPA "to address existing and future congestion at the William Preston Lane Jr. Memorial Bridge (Bay Bridge) and its approaches along US 50/301." Tier 1 FEIS/ROD at 1-1 (hereinafter Tier 1 FEIS).

The agencies separated the Bay Crossing Study ("BCS") into two parts. The Tier 1 NEPA Study was intended to identify "corridors for providing additional capacity and access across the Chesapeake Bay in order to improve mobility, travel reliability, and safety at the existing Bay Bridge" using a "high-level qualitative review of cost, engineering, and environmental data." Tier 1 FEIS at 1-2, 1-3.

By contrast, the Tier 2 NEPA Study is intended to "result in project-level (site-specific) decisions made through evaluation of specific alignments within" the selected corridor and "would include detailed engineering design of alternative alignments and the assessment of potential environmental impacts associated with those alignments." *Id.* at 1-2.

Background

On April 14, 2022, FHWA signed a combined Tier 1 FEIS and Record of Decision ("ROD"). The Tier 1 FEIS/ROD was published in the Federal Register on April 29, 2022. *See* 87 Fed. Reg. 25,563 (Apr. 29, 2022). FHWA clarified that the Tier 1 FEIS/ROD did not constitute a new analysis, but rather merely updated limited aspects of the agency's Tier 1 DEIS, issued in February 2021. Specifically, the Tier 1 FEIS only responded to public comments and updated the analysis where there were material changes to the evaluation in the DEIS. *See* Tier 1 FEIS at 1-1 ("The content of the DEIS remains valid except where changes are noted in this FEIS.").

In the Tier 1 FEIS/ROD, FHWA selected Corridor 7 as the Preferred Corridor Alternative; thus, FHWA stated that this would be the only corridor option moving forward to the Tier 2 EIS/ROD process. *See* Tier 1 FEIS at 7-1, 7-4. FHWA determined that Corridor 7 is the "environmentally preferable alternative," although that determination was limited to a comparison with only Corridors 6 and 8—i.e., FWHA did not compare Corridor 7 to MOAs in reaching this conclusion. *Id.* at 7-5, 7-6. Detailed environmental analysis and mitigation of impacts was also delayed: "[a] potential future Tier 2 NEPA study would consider alternatives within the Tier 1 Selected Corridor at a level of detail that would allow for consideration of all practicable means to avoid or minimize environmental harm from Tier 2 alternatives." Tier 1 FEIS at 7-6.

According to the BCS website, the Tier 2 Study will "refine the Purpose and Need for a project-level analysis and focus on the two-mile-wide Selected Corridor Alternative (Corridor

7)." MDTA, *Tier 2 Study Process - MDTA Chesapeake Bay Crossing Study*, https://baycrossing study.com/tier-2-study-process (last visited Sept. 29, 2022). Specifically, it will:

> evaluate a No-Build alternative and a range of build alternatives including various alignments, crossing types and modal and operational alternatives. During the Tier 2 Study, the MDTA will evaluate specific transportation alternatives within the Study Corridor, including conducting detailed engineering and environmental impact analyses. The Tier 2 Study also will identify mitigation measures for any unavoidable environmental impacts.

Id. MDTA secured funding for the Tier 2 NEPA Study in June 2022, and the agencies recently initiated coordination with the public. *Id.* In addition to offering several open houses in connection with the Tier 2 NEPA Study, the agencies invited the public to submit comments prior to October 14, 2022 to inform the appropriate scope of the Tier 2 NEPA Study.

On November 15, 2024, the FHWA, in coordination with MDTA, "formally initiated" the "Tier 2 Study environmental review process" by publishing "a Notice of Intent (NOI) to prepare the Tier 2 Environmental Impact Statement (EIS) in the Federal Register." *See* Md. Transp. Auth., *Scoping/Notice of Intent (NOI)*, CHESAPEAKE BAY CROSSING STUDY, https://bit.ly/4adXq22 (last visited Jan. 11, 2025); *see also* 89 Fed. Reg. 90,345 (Nov. 15, 2024).

Tier 1 Alternatives Analysis

The Tier 1 NEPA Study identified the following three primary needs that the agencies used as the basis for evaluating the feasibility of corridor alternatives: (1) adequate capacity; (2) dependable and reliable travel times; and (3) "flexibility to support maintenance and incident management in a safe manner." Tier 1 FEIS at 1-2, 1-3.

The initial range of alternatives for the Tier 1 NEPA Study "included the No-Build Alternative, four Modal and Operational Alternatives (MOAs), and 14 corridor alternatives." DEIS at 3-1, *see also* Tier 1 FEIS at 7-2. The Corridor Alternatives "were developed to include potential Chesapeake Bay crossing locations and the approach roadways that would tie into the existing roadway network." *Id.* The No-Build Alternative "included existing infrastructure, planned future improvements, and regular maintenance of the Bay Bridge." Tier 1 EIS at 7-2. The agencies' consideration of MOAs included the following *stand-alone* options: Transportation Systems Management / Travel Demand Management ("TSM/TDM"), ferry service, bus rapid transit ("BRT"), and rail transit. *Id.* FHWA defined TSM/TDM as "infrastructure and operational changes to improve the function of the existing roadway network without adding major new capacity." *Id.* FHWA noted that "[i]mprovements evaluated included AET [all-electronic tolling] or variable tolling" and that "AET at the Bay Bridge has since been implemented as of Spring 2020." *Id.*

FHWA's Rejection of all Modal and Operational Alternatives

At the conclusion of the Tier 1 Study, FHWA determined that none of the MOAs—standing alone—would meet the project's purpose and need and thus they were "eliminated from

further consideration as stand-alone alternatives." Tier 1 FEIS at 7-2. Specifically, the TSM/TDM, as well as BRT and ferry service, alternatives were eliminated from further consideration "because they would not: provide adequate capacity to relieve congestion at the existing Bay Bridge, provide dependable and reliable travel times, or provide flexibility to support maintenance and incident management at the existing bridge." *Id.*

Although the FEIS did not explain the basis for eliminating the MOAs without considering whether they could, *in combination*, satisfy the purpose and need, the prior DEIS attempted to explain why the MOAs were considered only in isolation from one another:

> The MOAs were developed as part of the range of alternatives to determine if a different mode, or operational changes, could meet the Purpose and Need as stand-alone alternatives. In other words, this Tier 1 screening is intended to determine if any of these MOAs could meet the Purpose and Need independent of other corridor alternatives *or MOAs*. The MOAs were evaluated based on the Purpose and Need elements of adequate capacity, dependable and reliable travel times, and flexibility to support maintenance and incident management at the existing Bridge.

DEIS at 3-8 (emphasis added). As such, FWHA concluded that:

> Based on the MOA screening analysis results, *all MOAs are recommended to be eliminated from further consideration* ***as stand-alone alternatives***. TSM/TDM, Ferry Service, BRT, and Rail Transit each fail to meet the Purpose and Need of the study because they would not provide adequate capacity to relieve congestion at the existing bridge, provide dependable and reliable travel times, or provide flexibility to support maintenance and incident management at the existing bridge.

DEIS at 3-15, 3-15 Table 3-4 (emphases added).

Further, the DEIS made clear that FHWA included the No-Build alternative only to serve as a baseline and not as an actual alternative that might be selected. There, FHWA explicitly noted that the No-Build alternative "will not relieve traffic congestion and improve travel times on the existing Bay Bridge." DEIS at 3-26. Instead, the No-Build alternative was "retained throughout the NEPA process to serve as a baseline of comparison." *Id.*

Thus, with no MOA alternatives remaining—and a No-Build alternative that was by design insufficient to meet the Study's purpose and need—FHWA only considered the remaining alternatives, *all of which* involved new spans of similar bridge or bridge-tunnel configurations at 14 different Corridor locations.[4] After narrowing its review to Corridor 7, *see* Tier 1 FEIS at 7-4,

[4] Incidentally, Governor Hogan declared in 2019—while the Tier 1 Study was underway and years before the DEIS was published—that "[t]here is only one option I will ever accept: adding a third span to our existing Bay Bridge," and that a third span "is the only serious way forward." Katherine Shaver, *Gov. Hogan: 'There is only one option I will ever accept' to relieve Bay Bridge backups*, WASHINGTON POST (Aug. 28, 2019), https://www.washingtonpost.com/

the Tier 1 ROD made clear that FHWA intends to restrict any Tier 2 EIS/ROD to examining a limited suite of functionally indistinguishable action alternatives within Corridor 7, including different bridge and/or bridge-tunnel alignments within that two-mile-wide corridor, and replacement of the existing Bay Bridge. *Id.* at 7-7.

However, because the Tier 1 Study was designed to defer detailed environmental impacts analysis until the subsequent, site-specific Tier 2 Study, FHWA has avoided taking a "hard look" at the comparative environmental impacts of bridge and *non-bridge* alternatives (e.g., MOAs in combination). Instead, FHWA has deferred this legally required analysis until the only action alternatives under consideration are bridge or bridge/tunnel alignments within a single narrow corridor that will result in comparable environmental effects.[5] In other words, without the benefit of any detailed analysis of comparative environmental impacts among bridge and non-bridge alternatives that can feasibly achieve the stated purpose and need, FHWA committed itself to a new bridge or bridge/tunnel configuration and sidestepped looking at combinations of MOA alternatives or other practicable options that might have avoided exorbitantly costly and environmentally damaging bridge construction in an ecologically sensitive area.

Responses to Comments in the Tier 1 FEIS

A number of commenters expressed concerns about the elimination of the MOA alternatives, especially in combination with one another and distinct from a bridge construction alternative. As FHWA acknowledged: "[i]n particular, some felt that various MOA, such as TSM/TDM, transit, and ferry service could achieve more in combination, rather than as standalone alternatives as assessed in the DEIS" and "[m]any commenters felt that MDTA's primary aim should be to reduce the demand for travel across the existing bridge, or redistribute the demand more efficiently, rather than to provide new capacity." Tier 1 FEIS, App. A at A-17; *see also id.* at A-19 (addressing comments that MOA should be considered in greater detail). In response, however, FHWA simply reiterated that as stand-alone alternatives none of the MOAs

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transportation/2019/08/28/gov-hogan-there-is-only-one-option-i-will-ever-accept-relieve-bay-bridge-backups/ (quoting Governor Hogan's August 28, 2019 Twitter posts). In doing so, Governor Hogan potentially undermined the NEPA process, which is designed to promote objective and well-informed decisionmaking and shall not be used "to rationalize or justify decisions already made." 40 C.F.R. § 1502.5. Notably, the DEIS itself also treated a new span as a foregone conclusion: "Thus, this Tier 1 document is intended to identify the general location of a new Bay Crossing so that a site-specific study in Tier 2 can avoid further consideration of the corridor location decision made in Tier 1." DEIS at 1-6.

[5] FWHA acknowledged that as part of the Tier 1 process, it had not analyzed—let alone adopted—all practicable means to avoid or minimize environmental harm from the selected alternative, because the agency deferred those considerations until a subsequent NEPA process. *See* Tier 1 FEIS at 7-6 ("A potential future Tier 2 NEPA study would consider alternatives within the Tier 1 Selected Corridor at a level of detail that would allow for consideration of all practicable means to avoid or minimize environmental harm from Tier 2 alternatives.").

met the Study's Purpose and Need, and once again failed to explain why the DEIS and FEIS only considered the MOAs in isolation, rather than in combination.[6]

QACA submitted a report prepared by AKRF in December 2020, *Chesapeake Bay Bridge Crossing Transportation Study* ("AKRF Study"), to assess "whether there is a current need for replacement of the Chesapeake Bay Bridge Crossing from a traffic operations perspective." AKRF Study at 2. This report from independent traffic engineering experts raised serious concerns about the agencies' traffic growth projections and assessment of future congestion in the DEIS; the report ultimately concluded that "there will not likely be a need for a replacement bridge by 2040 for either traffic or structural purpose." *Id.* at 3. It addressed the impact of different traffic management strategies, including variable tolling and management of the reversible lane, along with several examples where such strategies had been successfully employed by FHWA and others.

Without elaborating, FHWA disregarded the examples of variable tolling on the purported basis that they were not "comparable facilities in the region." Tier 1 FEIS, App. C at C-6. Further, the agency claimed that while congestion pricing (variable tolling) would "help peak period congestion," it would not "support the project need to provide 'flexibility to support maintenance and incident management in a safe manner,' by increasing volumes during off-peak periods and potentially reducing the number of off-peak hours during which lane closures could be accommodated." *Id.* at C-6.

With regard to different management practices for the reversible lane, such as running them as High-Occupancy Vehicle ("HOV") or High-Occupancy Toll ("HOT") lanes, FHWA reiterated that "[b]oth variable tolling and HOV/HOT lanes are Transportation Systems Management/Transportation Demand Management (TSM/TDM) strategies, which would be further considered in a potential future Tier 2 Study, in the context of Corridor 7"; "[t]his would include the evaluation of all Modal and Operational Alternatives (MOA) during any future Tier 2 alternatives analysis." *Id.*

Tier 2 NEPA Study

The recently commenced Tier 2 NEPA Study is intended to: "result in decisions made on a project-level (site-specific) analysis, through evaluation of specific alignments within the Tier 1 SCA." Tier 1 FEIS at 7-7. Specifically, the Tier 2 NEPA Study will assess both the micro-alignment and type of future crossing, i.e. "a bridge, a bridge-tunnel, or replacement of the existing Bay Bridge." Tier 1 FEIS at 7-7.

[6] FHWA stated only that "[t]he Tier 1 Study has determined that individual MOAs, implemented as standalone alternatives, would not meet the Purpose and Need for the Study. However, combinations of multiple MOA[s], such as TSM/TDM, transit and ferry service, would also be evaluated in a Tier 2 study. The Tier 2 study would be focused on the evaluation of alternatives within Corridor 7, including alternatives for new crossing capacity, upgrades to approach roadways, and combinations of MOA within the corridor." Tier 1 FEIS, App. A at A-18; *see also id.* at A-16, A-19 (same).

In addition, the Tier 2 Study will, among other things, include:

- Refinement of Purpose and Need to reflect project-level issues;
- Updated traffic analysis to reflect current conditions at the time of a Tier 2 study;
- Consideration of alignments within Corridor 7;
- More detailed engineering of Corridor 7 alternatives, evaluation of crossing types, and specific assessment of potential environmental impacts;
- Consideration of MOAs in combination with a new crossing and/or other MOAs within Corridor 7;
- Public and cooperating agency involvement and response to Tier 2 DEIS comments;
- Continued consideration of the No-Build Alternative that FHWA has stated will not meet the Purpose and Need.

See Tier 1 FEIS at 7-7, 7-8; *see also* Tier 1 FEIS App. A at A-17 (outlining analyses to be included in Tier 2). The Tier 2 study will "also include evaluation of potential traffic impacts to local roadways in the vicinity of new crossing infrastructure." Tier 1 FEIS App. A at A-13.

With regard to updated traffic projections, FHWA has committed to collecting revised traffic volume data and preparing "updated traffic volume forecasts, using a [current] updated travel demand model." *Id.* at A-27. Specifically, "[r]evised traffic analysis in a Tier 2 study would provide updated growth forecasting, including any foreseeable changes resulting from COVID-19 or other potential future changes in travel and commuting patterns. A new project-level NEPA analysis would have to demonstrate a continued need for a new crossing in order to advance any build alternative . . . ." *Id.* at A-18. In addition, as FHWA stated in the DEIS, the No-Build Alternative "will be updated as needed during Tier 2 to reflect future [infrastructure] projects that were not planned and programmed as of Project Scoping in 2017, such as implementation of [AET] or eliminating the physical toll plazas and the option to pay cash at those facilities," as well as TSM/TDM "measures such as improvements to the contraflow operation on the existing bridge [that] may be implemented." DEIS at 3-1.

On November 15, 2024, the FHWA, in coordination with MDTA, "formally initiated" the "Tier 2 Study environmental review process" by publishing "a Notice of Intent (NOI) to prepare the Tier 2 Environmental Impact Statement (EIS) in the Federal Register." *See* Md. Transp. Auth., *Scoping/Notice of Intent (NOI)*, CHESAPEAKE BAY CROSSING STUDY, https://bit.ly/4adXq22 (last visited Jan. 11, 2025). Along with the NOI, the agencies also released a document, styled as an "Additional Project Information Document," which purports to contain "important details about the study, information on the Purpose and Need for the proposed action, alternatives considered, and expected impacts on the human, natural, and built environments." 89 Fed. Reg. 90,345, 90,345 (Nov. 15, 2024); *see also* MDTA et al., *Notice of Intent and Additional Project Information Document for the Tier 2 Chesapeake Bay Crossing Study* (Nov. 2024), https://bit.ly/3BUt3kJ [hereinafter "API"].

The API reports that the "purpose of the Tier 2 Study is to address existing and future transportation capacity needs and access across the Chesapeake Bay and at the Chesapeake Bay Bridge approaches along the U.S. 50/301 corridor." API at 2-1. It also goes on to list five broad "needs for the Tier 2 Study": (1) "Adequate capacity and reliable travel times"; (2) "Mobility";

(3) “Roadway deficiencies”; (4) “Existing and future maintenance needs”; and (5) “Navigation.” API at 2-1.

The API also announces that “MDTA has identified seven alternatives for the proposed action, including the no-build alternative and six build alternatives.” API at 1. According to the agencies, those “alternatives comprise the reasonable range of alternatives that will be evaluated in the EIS and are the MDTA’s proposed Alternatives Retained for Detailed Study (ARDS).” *Id.* In reality, the proposed alternatives do not provide much, if any contrast; instead, those alternatives, or ARDS, merely consist of three different lane configurations on a new bridge that will be constructed either north or south of the existing Bay Bridge. *See* API at 5-1 (summarizing ARDS). Each of the action alternatives, in other words, will require new construction and, inevitably, the disturbance of the Chesapeake Bay’s fragile ecosystems. As proposed now, none of the Tier 2 alternatives, including the No Action Alternative, are designed to evaluate the relative impacts of the MOAs previously proposed by QACA.

DISCUSSION

By thus far excluding consideration of MOAs (including various TSM/TDM options) working together in combination, FHWA has never before considered a reasonable range of alternatives to the construction of a costly and environmentally damaging new bridge; therefore, FHWA must do so now, during the Tier 2 Study.

As it currently stands, the only alternatives that FHWA is carrying forward into the Tier 2 Study are minor variations of the alignment and configuration of a new crossing within the narrow, two-mile width of Corridor 7. To the extent MOA strategies will be considered at all in the Tier 2 Study, FHWA says that any such consideration will only be in connection with a major new construction project. Notably, although the No-Build Alternative was retained and carried forward into the Tier 2 Study, FHWA has made clear that it is not a viable alternative that FHWA could select at the conclusion of the NEPA process. *See* DEIS at 3-26 (finding that the No-Build Alternative “will not relieve traffic congestion and improve travel times on the existing Bay Bridge” and was only “retained throughout the NEPA process to serve as a baseline of comparison”).

In other words, despite having at its disposal a suite of well-documented and highly effective TSM/TDM and other MOA strategies that have never been adequately analyzed *in combination* with one another (independent of new construction), FHWA intends to consider only those alternatives that include new construction of a massive bridge or bridge/tunnel in Corridor 7. This is inadequate on its face, but particularly so where independent traffic engineering and management experts have supplied extensive documentation and evidence demonstrating the potential of TSM/TDM and other MOA strategies—working in combination—to satisfy the project’s purpose and need. FHWA cannot justify refusing to evaluate these combined approaches, yet the agency appears poised to do just that.

As explained in more detail below, FHWA must comply with NEPA in its Tier 2 Study by adequately evaluating all of the MOA strategies detailed below—not in isolation, but in combination with one another in a scenario without any bridge or bridge/tunnel construction.

Further, to comply with NEPA, FHWA must measure these combined approaches against updated traffic projections that reflect current traffic flows, the addition of AET in 2020, the anticipated introduction of automated lane closures this fall, as well as any other technological advances in traffic management that will foreseeably reduce congestion in the future during the projected lifespan of this agency action. FHWA must also consider the impacts of induced traffic demand from any potential new span, which would itself potentially necessitate a widening of approach and departure roadways with further associated cost and delay.

Only then can FHWA lawfully assess whether combinations of these MOA strategies, in light of updated traffic data and foreseeable advances in vehicular and related technology, are sufficient to mitigate future congestion across the existing bridge without the unnecessary expenditure of taxpayer funds and damage to Maryland's ecosystem and natural resources.

1. FHWA Must Consider All Available and Foreseeable MOA Alternatives in Combination Prior to Committing to a New Span

FHWA and MDTA must undertake a rigorous analysis of the following TSM/TDM alternatives—working together in concert, and also in combination with all other available or foreseeable MOA alternatives, such as enhanced ferry service, BRT, and rail transit, to reduce traffic volume and congestion on the Bay Bridge. These *non-exhaustive* options for addressing the purpose and need, as discussed below, include variable tolling, enhanced management of the reversible lane, and other TSM/TDM strategies such as: HOT/HOV lanes, best practices in traffic incident management, connected and automated vehicles ("CAVs"), wind barriers, and variable speed limit signs. FHWA may well know of additional TSM/TDM options that are currently, or will become during the planning time frame for this action, technically and financially practicable—NEPA requires consideration of those measures, in combination with all others, as well. Importantly, best practices in traffic management must be included in any combination of MOAs under evaluation in order to satisfy the third component of the Study's purpose and need: flexibility to support maintenance and incident management in a safe manner.

Variable Tolling During Peak Periods

Variable tolling is an appropriate countermeasure to reduce congestion on the existing bridge crossing. A portion of the crossings during peak directional traffic flows are discretionary and could be made at times other than peak periods. Under variable tolling regimes, MDTA can increase toll costs during periods of peak demand and reduce toll costs during off-peak times to encourage a deliberate shift in traffic patterns to avoid or significantly reduce congestion. This could be implemented either through time-of-day pricing or dynamic pricing, which responds to real-time congestion and traffic conditions.

Variable tolling is a highly effective means of reducing traffic congestion in situations comparable to the Bay Bridge, and its efficacy is well-documented at similar variable tolling facilities throughout the United States**.** A representative sample of such facilities include:

- I-95 Express Toll Lanes, Baltimore, Maryland
- Virginia Express Lanes (I-495, I-95)

- Port Authority of New York and New Jersey Crossings
- I-78 Newark Bay Extension, New Jersey
- I-276 Pearl Harbor Memorial Extension, New Jersey
- I-95 New Jersey Turnpike, New Jersey

Myriad technical studies have also documented substantial reductions in travel time achieved by use of variable tolling.[7]

A variable tolling scheme like that proposed here has recently been implemented in one of the world's most congested cities—New York. Mo Rocca, *New York City's Congestion Pricing Picks Up Speed*, CBS NEWS (Jan. 12, 2025, 9:51 AM EST), https://cbsn.ws/3BV4O5X (explaining that NYC's congestion pricing is modeled on successful programs implemented by other major cities like Singapore, Stockholm, and London). Because the new pricing scheme went into effect this month, New York has yet to release official numbers; however, residents of the city have observed "a significant reduction in traffic already." *Id.*; *see also Colleen Wilson & Amanda Wallace*, *Bus Times to NY Improve, Traffic at Tunnels Drops as Congestion Pricing Kicks In*, NorthJersey.Com (Jan. 10, 2025, 4:30 A.M. ET), https://bit.ly/4h9djch (reporting that commute times from New Jersey to NYC "have significantly improved this week since the congestion pricing toll went into effect").

In light of the well-established efficacy of variable tolling in achieving FHWA's stated goals for this action, FHWA must evaluate, in combination with other TSM/TDM strategies described herein (along with other MOAs, such as enhanced ferry service, BRT, and rail transit), variable toll pricing during peak demand. Given that the Bay Bridge exhibits peak traffic primarily during summer weekends, it is a particularly suitable candidate for variable tolling during those times.

Enhanced Management and Optimization of the Reversible Lane

The Chesapeake Bay Bridge currently has a reversible/contra-flow lane on the westbound span to redistribute roadway capacity from the westbound direction to the eastbound direction during peak periods. This is one example of a managed lanes strategy; however, the effectiveness of the current implementation has been hindered due to a number of constraints including,

[7] For example, MDTA opened the I-95 Express Toll Lanes in Baltimore in December 2014, resulting in a *12 percent reduction in delay* in travelers in the general purpose (non-tolled lanes). *See* State Highway Administration, Maryland Department of Transportation, I-270 & I-495 Managed Lane Study Appendix C – Traffic Analysis Technical Report (May 2020), https://oplanesmd.com/wp-content/uploads/2020/07/APP-C_MLS_Traffic-Tech-Report-Appendices.pdf. Similarly, The I-495 Express Lanes were opened in November 2012 along I-495 from the Springfield Interchange to the Dulles Toll Road. The I-495 northbound free general-purpose lanes experienced a seven percent reduction in travel time and the I-95 southbound free general purpose lanes experienced a *15 percent reduction in travel time* over the last five years, compared to before the construction of the managed lanes. *See* Op Lanes Maryland, Maryland Department of Transportation, *Have Managed Lanes worked elsewhere?*, https://oplanesmd.com/updates/faqs/.

among other things, inability to use the reversible lane during high-wind events, inefficient transitions, and rigid scheduling.

The ability of the reversible lane to reduce congestion could be substantially enhanced by the strategies described below. FHWA must give full consideration to *all* of these options, in combination with the other TSM/TDM strategies contained herein and the traffic congestion reduction efficiencies gained from expanded and more effective ferry, bus, and rail transit, as part of the Tier 2 NEPA Study.

Truck / bus restrictions in the reversible lane

The existing reversible lane on the Bay Bridge is available to all vehicles, including trucks, buses, and other high-profile vehicles. During high-wind events, these vehicles are more susceptible to the risk of swerving into oncoming traffic and, as such, the reversible lane must be closed out of precaution during these not-infrequent weather events. However, by banning these high-profile vehicles, the reversible lane could continue to be used by ordinary passenger cars during high-wind events and thereby be used more frequently and effectively to substantially reduce congestion on the bridge.

FHWA must consider, in combination with the other MOA strategies described herein, adding truck, bus, and/or higher-profile vehicle restrictions for the reversible lane in order to increase the number of days and hours this lane can be used and avoid weather-related closure.

Manage the reversible lane on a dynamic schedule

The reversible lane on the Bay Bridge is currently reversed on a fixed schedule and is not responsive to real-time traffic demands. In other words, there are times when a reversible lane could be used to reduce congestion on the bridge that it is not actually being utilized at present.

With the expected introduction of an Automated Lane Closure System ("ALCS") later this year, discussed further below, QACA hopes that the reversible lane will be managed on a dynamic schedule going forward. If this will, in fact, be part of the new baseline it must be evaluated as such and included within the updated traffic projections as described below. On the other hand, if there are not yet plans in place to actively manage the ALCS based on real-time, dynamic traffic data, FHWA must evaluate this simple strategy in the Tier 2 Study, in combination with other TSM/TDM and MOA strategies identified herein, as means to reduce congestion across the bridge.

HOV/HOT restrictions in the reversible lane

Implementation of HOV or HOT lane restrictions can provide additional incentives to reduce congestion and keep traffic moving. With regard to improved management of the reversible lane, it either can be restricted to HOV or could be managed as an HOT lane with higher tolls for vehicles that do not meet the occupancy requirement. Both strategies can induce a portion of travelers during peak directional traffic flows to carpool, while the HOT strategy would still allow mobility options for those vehicles with 1 or 2 occupants.

FHWA must consider, in combination with other TSM/TDM strategies described herein, incorporating HOV or HOT lane restrictions for the reversible lane in order to improve traffic flow in that lane.

Additional Traffic Management Strategies

In addition to and in combination with both variable tolling and enhanced management of the reversible lane—analyzed in combination with traffic reduction achieved from increased ferry, BRT, and rail transit—FHWA must consider the following TSM/TDM alternatives:

HOV/HOT lane restrictions in one lane in the peak traffic direction

As discussed above for use in the reversible lane, MDTA can also designate static lanes as HOV/HOT lanes to encourage carpooling among a subset of travelers during times of peak demand. HOT lanes encourage shared ridership, while offering another option to drivers of vehicles that do not meet standard occupancy requirements, yet wish to quickly bypass any peak demand traffic congestion.

By way of example, there could be a lane on the Bay Bridge that is toll-free late on Friday evenings and very early Saturday mornings in the summer months for vehicles with 3 or more passengers, while charging a higher toll for vehicles in that lane with only 1 or 2 passengers. Based on examples throughout the country involving comparable traffic situations, this proposed lane could result in improved traffic flow during these times. Indeed, HOT lanes are increasingly being utilized to mitigate congestion, including the following examples:[8]

- US 290 Northwest Freeway QuickRide HOT Lanes in Houston, Texas
- I-394 and I-35W MnPass in Minneapolis, Minnesota
- I-25 Express Lanes / US 36 in Denver, Colorado
- I-15 Express Lanes in Salt Lake City, Utah
- SR 167 HOT Lanes Pilot Project in Seattle, Washington
- I-95 Express Lanes in Miami, Florida
- I-15 FasTrak in San Diego, California
- I-680, Alameda County, California
- I-85 in Atlanta, Georgia

FHWA must consider, in combination with the other TSM/TDM strategies contained herein in addition to all other MOA strategies, implementing HOV/HOT lane restrictions during peak times in order to reduce demand and improve traffic flow in the selected lane.

Best practices in traffic management

[8] *HOT Lanes Marketing Toolkit - HOT Lanes, Cool Facts* (June 18, 2020), https://ops.fhwa.dot.gov/publications/fhwahop12031/fhwahop12027/index.htm.

The "flexibility to support maintenance and incident management in a safe manner" is identified as one of the three primary needs for the Tier 1 NEPA Study and will presumably be used as the basis for evaluating alternatives during Tier 2. Tier 1 EIS at 1-3. As such, and in order to meet the project's stated purpose and need, each of the TSM/TSD strategies detailed herein (along with enhanced ferry, BRT, and rail transit) must be considered in combination with available and foreseeable best practices in traffic management, including, at minimum, the following:

- Improvements to transportation management centers—e.g., incident detection and verification utilizing closed-circuit television cameras
- Improved traveler information systems—e.g. variable message signs
- Optimized incident response—e.g., tow procedures, patrols, scene management, and automated lane closures

FHWA must consider these traffic management best practices in combination with all of the TSM/TDM strategies contained herein, alongside all other MOA approaches, to ensure that improved maintenance and incident management are adequately supported.

Connected and Automated Vehicles

Before committing to an extremely expensive and environmentally damaging new bridge, FHWA must also address as part of its alternatives analysis the expected efficiencies in traffic reduction that can be attained by equipping at least one lane of the existing bridge with technology to platoon CAVs during times of peak demand. Although full saturation of CAV technology in the entire vehicle market is not anticipated until later this century, full CAV automation is expected in the next decade to be available and begin to saturate the market, allowing individual travel lanes with CAV-only restrictions to be much more efficient than comparable non-CAV general purpose travel lanes. CAV technology has the potential to greatly expand the capacity of the existing spans by reducing separation between vehicles and significantly smoothing traffic flow.

CAVs offer two important benefits to managing congestion. First, a connected vehicle can platoon itself with others and have an awareness of red lights at traffic signals up ahead. This reduces the distances between vehicles and improves on human perception/reaction times, reducing or eliminating stop-and-go traffic and smoothing out flow much more evenly. Second, automated features, like those already standard on many newer vehicles, can reduce rear-end crashes due to driver inattention, resulting in fewer crashes and incidents to be investigated and cleared. This would directly support the third prong of FHWA's stated purpose and need for the Tier 2 Study.

This rapidly evolving technology is on the near horizon and is certain to favorably reduce congestion well before the 2040 timeframe adopted and utilized by the FHWA to justify a new bridge. There could be an almost 10 percent increase in traffic capacity with the expected saturation of 20 percent CAVs by 2040. Indeed, other Maryland agencies are already incorporating CAV technology in numerous planning areas. For example, Maryland's CAV

Working Group "led and collaborated on numerous CAV-related research, education, and planning efforts in 2021."[9] The multi-agency team includes, among others, the Maryland Department of Planning ("MDP"), the Maryland Department of Transportation ("MDOT"), and the Maryland Highway State Office.[10] It has "worked to incorporate CAV into several statewide plans including the State Freight Plan, Transit Plan, Consolidated Transportation Program, and the Strategic Highway Safety Plan."[11]

In April 2022—the same month that FHWA signed the Tier 1 FEIS and ROD—the MDOT State Highway Administration ("MDOT SHA") released a survey inviting the public to comment about CAV technology in order to "help MDOT SHA develop a strategy for increasing public awareness of CAV-related technologies" and "plan for a future of travel with self-driving vehicles."[12]

Likewise, the 2021-2025 MDOT SHA's CAV Implementation Plan, published in June 2021 prior to FHWA's issuance of its Tier 1 FEIS and ROD, states that:

> MDOT SHA has an opportunity to propose innovative solutions that shift from major infrastructure projects to projects blended with TSMO [Transportation System s Management Operations][13] and CAV solutions.[14] The use of innovative

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[9] Kristen E. Humphrey, *Maryland's Connected and Automated Vehicle (CAV) Working Group: Celebrating 2021 Accomplishments; Looking Forward to 2022*, MARYLAND PLANNING BLOG (March 31, 2022), https://mdplanningblog.com/2022/03/31/marylands-connected-and-automated-vehicle-cav-working-group-celebrating-2021-accomplishments-looking-forward-to-2022/.

[10] *Id.*

[11] *Id.*

[12] Kristen E. Humphrey, *Connected and Automated Vehicles: Help Shape the Future of Travel in Maryland*, MARYLAND PLANNING BLOG (April 21, 2022), https://mdplanningblog.com/2022/04/21/connected-and-automated-vehicles-help-shape-the-future-of-travel-in-maryland/?utm_medium=email&utm_ source=govdelivery&utm_term= (publishing survey by the MDOT SHA).

[13] TSMO is "an integrated set of strategies to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety and reliability of the transportation system." 23 U.S.C. § 101(a)(30); *see also* https://ops.fhwa.dot.gov/tsmo/index.htm (collection of links with answers to common questions about TSMO).

[14] 2021-2025 MDOT SHA Connected and Automated Vehicles Implementation Plan (June 2021) at 15, https://www.roads.maryland.gov/OTMO/2021-2025_MDOTSHA_CAVImplementationPlan_Final.pdf.

> solutions would *reduce the reliance on roadway expansion projects* since technology-based projects in the TSMO and CAV realm offer more economic and potentially safer solutions. One could envision using CAV platooning solutions in congested conditions to significantly reduce rear-end and sideswipe crashes where aggressive or distracted driving causes unnecessary frustration and delays.[15]

Given this forward-looking approach by both MDOT and MDP and the substantial consideration being given to CAVs in other comparable planning processes in Maryland, it is clear that CAVs must also be incorporated into Bay Bridge forecasting. This is particularly so in light of their reasonably foreseeable wide-ranging deployment during the time frame in which FHWA purports to address the purpose and need of this action. FHWA must consider equipping at least one lane of the existing bridge with technology to platoon CAVs during times of peak demand, in combination with all TSM/TDM and other MOA strategies, in its Tier 2 NEPA Study.

Wind barriers

The addition of wind barriers on the existing Bay Bridge spans—permeable screens or baffle barriers that direct winds over the bridge—could help avoid weather-related closure of the reversible lane by eliminating the impact of higher-wind weather events on high-profile vehicles, such as buses and trucks. Such measures have been demonstrated in comparable contexts to significantly reduce traffic congestion during certain inclement weather conditions; yet, FHWA to date has never considered whether such measures have the potential to reduce congestion on the Bay Bridge to acceptable levels when implemented alongside all TSM/TDM and other MOA approaches.[16]

If the reversible lane could remain open to traffic even during high-wind events, the reversible lane would be more consistently available to help improve traffic flow. For these reasons, FHWA must consider in its Tier 2 NEPA Study the efficacy of wind barriers, in combination with all other TSM/TDM and MOA strategies described herein, to address FHWA's stated purpose and need for this action.

Variable speed limit signs

The use of variable speed limit signs, including on the approach highways, could also help manage congestion. These signs can be used dynamically to slow traffic during a period of incremental traffic buildup and make the flow more uniform, and therefore less likely to result in stop-and-go driving that exacerbates traffic backups. When used in conjunction with the other strategies identified herein, variable speed limit signs could further enhance a non-bridge

[15] *Id.* (emphasis added).

[16] *See, e.g.*, Steven Brocklehurst, *Queensferry Crossing: The bridge that should never close*, BBC (Feb. 11, 2020), https://www.bbc.com/news/uk-scotland-38598155 (examining the effective use of a baffle barrier on the Queensferry Crossing over the Forth estuary in Scotland).

alternative approach that would reduce travel times without requiring any major construction activities in this fragile ecosystem.

2. FHWA Must Update the No-Build Alternative and Traffic Projections in the Tier 2 NEPA Study

FHWA committed during Tier 1 to include an updated traffic assessment in the Tier 2 NEPA Study. *See* Tier 1 FEIS at 7-7 (Tier 2 Study will include "[u]pdated traffic analysis to reflect current conditions at the time of a Tier 2 study"). Similarly, FHWA committed to carry forward the No-Build alternative into the Tier 2 Study and by design must encompass all "existing infrastructure, planned future improvements, and regular maintenance." *Id.* at 7-2. Thus, because the No-Build Alternative serves as the status quo baseline against which the proposed project (and any alternatives to it) are compared, any changes to bridge infrastructure that exist or are reasonably foreseeable as of the conclusion of the Tier 2 FEIS and ROD must be reflected in the No-Build baseline alternative.

In particular, QACA urges FHWA to include as part of its description of the No-Build Alternative the following TSM/TDM approaches that have been implemented since the original Tier 1 analysis, or that will be implemented or are reasonably foreseeable prior to the completion of the Tier 2 Study. Likewise, although FHWA decided long ago that the No-Build Alternative is not feasible due to its alleged failure (at that time) to satisfy the project's purpose and need, the significantly changed baseline conditions obligate FHWA to reconsider in its Tier 2 EIS and ROD whether the No-Build Alternative, *at the time FHWA issues its Tier 2 ROD*, satisfies the purpose and need.

Automated Lane Closures (ALCS)

MDTA's ALCS project is underway and expected to be operational in late 2022, followed by a transitional period with some manual support.[17] The ALCS was "constructed for opening and closing lanes including two-way traffic operations on the bridge" and "will enhance the current manual system for motorists by allowing maintenance crews to remotely implement and discontinue two-way traffic on the Bay Bridge's Eastern and Western Shores." *Id.*

Among its benefits, including improved worker safety, ALCS is expected to reduce "congestion associated with manual lane closure operations" on the bridge and provide motorists advance notice of lane closures. *Id.* (identifying customer savings benefits, including reduced congestion). According to MDTA, the latter will help reduce secondary crashes due to driver inattention.[18] This reduction in traffic incidents can be expected to further reduce bridge

[17] *See* MDTA, *William Preston Land Jr. Memorial (Bay) Bridge Automated Lane Closure System Project*, https://mdta.maryland.gov/Capital_Projects/BayBridgeALCS.

[18] John Domen, *Automated lane closure system comping to Maryland's Bay Bridge*, WTOP News (September 15, 2022), https://wtop.com/maryland/2022/09/maryland-makes-another-

congestion and the frequency of incident management and response activities. Additionally, ALCS will also facilitate more dynamic implementation of the reversible lane in response to real-time traffic data and will therefore allow dynamic delay conditions to be addressed sooner.

Any congestion-related improvement flowing from the implementation of ALCS on the Bay Bridge must be incorporated into the baseline traffic projections for the Tier 2 NEPA Study (and included as part of the status quo in the No-Build Alternative), which must disclose and examine the efficiencies gained by these automatic lane closures, based on modeling reflecting similar gains from real-world comparable examples that are already in operation (and, if possible, actual concrete traffic reduction data from ALCS on the Bay Bridge that exist at the conclusion of the Tier 2 process).[19]

All Electronic Tolling (AET)

Similarly, AET was introduced in 2020 and is also expected to substantially reduce eastbound traffic congestion. *See* Tier 1 FEIS App. A at A-20. FHWA stated that "prior to the preparation of the Tier 1 FEIS, additional data collection will be performed to evaluate the effects of AET on eastbound operations." *Id.* Yet no such analysis was included in the Tier 1 FEIS.

Because this data collection effort and a robust analysis of such data has not yet occurred, FHWA's Tier 2 NEPA Study must include all such data, as well as an evaluation of the documented benefits on traffic congestion from implementation of AET on the Bay Bridge.

Rapid Deployment of the Reversible Lane on the North Span

As discussed above under ALCS, MDTA is in the process of implementing automated and rapid deployment of the lane closure on the south side of the north span to allow the lane to be reversed to eastbound traffic flow. It will be in place by the end of this year and will improve lane transition efficiency and enhance use of this reversible lane.

Because this was not accounted for in the Tier 1 DEIS traffic analysis (nor updated in the Tier 1 FEIS or ROD), MDTA is obligated to provide and FHWA to consider it in the Tier 2 Study and incorporate any reduction in congestion gained from this approach in the baseline conditions of the No-Build Alternative.

Weekday Telecommuting

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effort-for-a-more-efficient-trip-across-the-bay-2/ (quoting MDTA Acting Executive Director Will Pines).

[19] The Tier 1 FEIS notes, in its discussion of the MOA it will bring forward to analyze in Tier 2, that "MDTA also has initiated an automated lane closure system project for opening and closing lanes on each span to two-way operations, construction of which is anticipated to be completed in the Fall of 2022." Tier 1 FEIS App. A at A-20. However, the Tier 1 FEIS deferred any *analysis* of the ALCS until the Tier 2 NEPA Study and thus it remains to be incorporated.

Lastly, FHWA must address how the well-documented increase in telecommuting will affect the agencies' travel demand projections during the planning time frame of this action, including how this important new information impacts FHWA's purpose and need.

Prevalence of remote work arrangements accelerated exponentially during the COVID-19 pandemic. Even with COVID-19 restrictions receding, many work-from-home and hybrid work arrangements are expected to outlive the COVID-19 pandemic and permanently alter many daily activities, including driving patterns and traffic congestion (especially during rush hour and other peak driving times). AKRF's 2020 Transportation Report addressed this increase in telecommuting and projected that increases in telecommuting could result in lower future traffic volumes than those forecasted by FHWA. *See* AKRF Study at 13. However, the Tier 1 FEIS did not account for these changes, promising that "[l]onger-term impacts of telecommuting would be addressed in the travel demand forecasting for a Tier 2 Study." Tier 1 FEIS App. C at C-6.

Because FHWA has not examined the significant effects of telecommuting and reduced workday travel, including during peak weekday travel times—and FHWA could not have done so previously in light of the overlapping timing of the COVID-19 pandemic and the Tier 1 NEPA process—FHWA must take a hard look at this topic and analyze all existing data and reasonable forecasting in the updated traffic projections for the Tier 2 NEPA Study.

3. FHWA Must Consider the Impacts of Induced Traffic Demand on Route 50

In weighing any combination of MOAs—such as those discussed above—against a potential new bridge or bridge/tunnel span across the Chesapeake Bay, FHWA must also account for the impact of induced traffic demand on approach and departure roadways that would necessarily arise from construction of any new span, as well as the growth-inducing effects in the communities surrounding these approach and departure roadways.

The concept of induced traffic demand is well-established and occurs because drivers change their habits to use the newly constructed lanes, thereby absorbing the increase in traffic capacity within a relatively short period of time following construction. Thus, if a new span were added, the widening of the Bay Bridge would temporarily relieve congestion on the bridge itself, but not on the highways leading to it unless they were also widened. The additional traffic attracted to the wider bridge would correspondingly require widening of large stretches of US 50 in the years following the bridge project to avoid new, foreseeable traffic bottlenecks.[20] This, in turn, would lead to staggering costs and many years of additional construction, as well as encroachment into surrounding communities that will both fuel substantial growth and further degrade the natural environment. These are textbook examples of "indirect effects" under NEPA, "which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." 40 C.F.R. § 1508.8. In fact, in supplying an example of an indirect effect, NEPA's implementing regulations point to "growth inducing effects and other effects

[20] *See* AKRF, *Induced Traffic Demand & US 50 Highway Widening*, March 16, 2022 (prepared for Queen Anne's Conservation Association), https://qaca.org/press-release-%26-archives (select 2022-03-16 QACA Highway Widening Study Final).

related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems." *Id.*

Because major construction of the Bay Bridge would result in significant indirect effects on and around approach and departure roadways—including induced traffic demand and associated growth inducing effects in those communities—FHWA must rigorously address in the Tier 2 NEPA Study this aspect of any action alternative that would require the construction of a bridge or bridge-tunnel.

4. FHWA Must Rigorously Examine the Foreseeable Impacts to Regionally and Nationally Important Resources Located in The Chesapeake Bay

The Tier 2 NEPA Study evinces a clear preference in favor a build alternative. To the extent FHWA continues to pursue such an alternative, it is imperative that the agency rigorously examine and disclose to the public the foreseeable effects on regionally and nationally significant biological resources in the Chesapeake Bay. Below, we present a non-exhaustive list of resources that bear special consideration in FHWA's Tier 2 NEPA Study.

Dolphins

Since the construction of the Bay Bridge in the late 50's and early 70's, researchers have documented a growing abundance of Atlantic bottlenose dolphin (*Tursiops truncatus*) in the northerly reaches of Chesapeake Bay, including areas in and around Corridor 7 specifically. Indeed, although dolphins have been "reported in the Lower Bay nearly year-round," there is evidence suggesting that pods are taking up residence in the Middle Bay (i.e., "the portion of Chesapeake Bay from the Maryland-Virginia state line northwards to the Chesapeake Bay Bridge") from May to September. DolphinWatch, *Dolphin Sightings in the Bay*, U. OF MD. CTR. FOR ENVT. SCI., https://bit.ly/4jab0ro (last visited Jan. 11, 2024). Dolphins have even been regularly documented north of the Bay Bridge from June to July. *Id.*

Given the preliminary stage of the Tier 2 Study, the API does not make any explicit reference to dolphins or indicate what effect expanding the Bay Bridge will have on these emerging populations. QACA encourages FHWA to consult with local experts, including those who have studied these dolphins in particular, to gather information on the Project's likely effects to area populations.

Sturgeon

The Chesapeake Bay and its tributaries provide habitat for multiple species listed as threatened or endangered under the Endangered Species Act ("ESA"), 16 U.S.C. § 1536. This includes the Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), an anadromous fish that can reach "up to 14 feet in length and up to 60 years of age." *Species Directory: Atlantic Sturgeon*, NOAA FISHERIES, https://bit.ly/3DMBtej (last updated Nov. 19, 2024). The Atlantic sturgeon appears in the archeological record of North America as far back as 4,000 years ago when it served as important food source for indigenous peoples. Species-wide, the sturgeon's range extends from Canada to Florida; however, the species is divided into five distinct population segments, each of which, including the Chesapeake Bay population segment, is listed as

endangered or threatened under the ESA. *Id.* According to NOAA, "Atlantic sturgeon habitat can be disrupted, degraded, or lost because of various human activities" that negatively impact water quality and/or increase sedimentation, which, for this population segment, includes "industrialization and development" in the Chesapeake Bay. *Id.*

The API indicates that FHWA intends to complete ESA Section 7 consultation with NOAA by November 2026 (i.e., the same timeframe for FHWA's Record of Decision), with final project design scheduled to commence by spring 2028. API at 7-1. To the extent that timeline is meant to indicate that FHWA views Section 7 as a mere rubber stamp for MDTA's preferred build alternative, QACA would encourage FHWA to fulfill its independent consultation duties under the ESA as early and objectively as possible so as to preserve any and all alternatives and/or strategies for mitigating the impacts of construction on this ancient endangered species. Completing consultation as early as possible is perhaps especially important for protecting this species because it moves back and forth through the project area (i.e., from the Chesapeake's freshwater tributaries "to the sea and back again to freshwater to spawn") on runs that "are still not completely understood." Species Directory: Atlantic Sturgeon, NOAA Fisheries.

For all these reasons, it is imperative that FHWA ascertain whether its proposed expansion of the Bay Bridge jeopardizes either the survival or recovery of the Atlantic sturgeon as soon as possible.

Terrapin Park, Queen Anne's County

On January 9, 2025, the Queen Anne's County Department of Planning and Zoning recently received an application for "Major Site" approval of a mixed-use development (the "Bay Bridge Marina Duplexes") abutting the southside of Route 50 on Kent Island. *See* Andrea Grabenstein, *Duplex Dwellings and Hotel Eyed for Kent Island*, BAY TIMES & OBSERV. (Apr. 24, 2024), https://bit.ly/3C5QEig. Assuming that development is approved, as appears likely, the expansion or realignment of the Bay Bridge would almost certainly consume acreage to the north of Route 50, which also happens to be the location of the Terrapin Nature Park, an award-winning 276-acre regional park that features "4,915 feet of shoreline, 73 acres of wetlands and 5 miles of trails traversing a wonderful variety of natural features native to the Eastern Shore." Queen Anne's Cnty. Parks & Rec., *Terrapin Nature Park*, https://bit.ly/4299S16 (last visited Jan. 11, 2025).

Given the strong likelihood of impacts to Terrapin Nature Park, the Tier 2 Study must clearly and plainly spell out whether and how each alternative will affect the Park (or why no impacts are expected), and what FHWA and MDTA plan to do to mitigate those impacts and the loss of this much-loved public space.

Decommissioning and/or Demolition of Existing Bay Bridge Spans

As stated in the API, "[t]he proposed action would *remove the existing Bay Bridge spans* ***and*** replace them with a new bridge over the Chesapeake Bay." API at 5-1; *see also id.* at 5-15 (observing that the project's final price tag will include, among other things, the "costs

associated with the demolition of the existing Bay Bridge"). Upon first glance, however, FHWA's proposed analysis appears geared towards mere construction impacts, and the agency's previous analysis (i.e., Tier 1 Study) did *not* address impacts attributable to decommissioning and demolition of the existing Bay Bridge. To the extent MDTA and/or FHWA view decommissioning and demolition as a natural consequence of the action alternatives (i.e., a foreseeable effect), the agency has a duty to rigorously explore and disclose to the public the full spectrum of effects caused by demolition of the existing spans. 40 C.F.R. § 1502.15(a).

CONCLUSION

As an organization dedicated to both the conservation and sustainable growth of the Eastern Shore, QACA appreciates the opportunity to submit comments and urges FHWA to take seriously the recommendations above to: (1) ensure that the Tier 2 Study traffic data reflects all up-to-date congestion management strategies that are either currently in place on the Bay Bridge or are reasonably foreseeable, prior to the conclusion of the Tier 2 NEPA process, to become available during the action's planning time frame; (2) assess impacts from induced traffic demand on the approach and departure roadways, particularly the likelihood that it will be necessary to widen those roads in the near future and fuel growth in those communities—which would itself entail substantial cost and traffic disruption; (3) from this baseline, to evaluate every MOA (including TSM/TDM) strategy available—in combination with one another—as components of a strategy to mitigate peak traffic congestion; and (4) if the agencies decide instead to pursue the costly, disruptive, and environmentally damaging construction of a massive new bridge across the Chesapeake Bay, they must rigorously examine and fully disclose the impacts of that new construction on discrete resources found in the Bay.

In the Tier 1 EIS and ROD, FHWA deferred many of the important issues at stake for this action until the Tier 2 Study. As a result, federal law now requires the FHWA to rigorously evaluate readily available approaches that have proven effective elsewhere and which have strong potential to achieve the stated purpose and need in a far less damaging and expensive manner. To ensure compliance with NEPA and its implementing regulations, FHWA must, in Tier 2, provide decisionmakers and the public with a full, legally supportable analysis of all available alternatives to a costly, disruptive, and environmentally damaging new Bay Bridge.

Thank you for your solicitation of comments on the Tier 2 NEPA process. We hope that FHWA takes seriously the concerns raised by QACA, and we look forward to reviewing a Tier 2 Draft EIS at the appropriate juncture.

Respectfully submitted,

Counsel for QACA

Eastern Shore
LAND CONSERVANCY

January 10, 2024

Heather Lowe
Bay Crossing Study
2310 Broening Highway
Baltimore, MD 21224

Dear Heather Lowe,

The Eastern Shore Land Conservancy's (ESLC) mission is to conserve, steward, and advocate for the unique rural landscape of the Eastern Shore. We work across a six-county region, from Cecil to Dorchester, to protect farmland, open space, fish and wildlife habitat, and thriving communities. Our operating area stands to be dramatically impacted by a new Bay Bridge, any configuration of which would significantly increase development pressure along the Routes 50, 301, 404, and 213 corridors, fundamentally altering the character and sustainability of our region

Data from Urban3, commissioned by ESLC in 2024, highlights the significant impact of the current bridge spans. Before 1952, only 10,000 acres on the Eastern Shore were developed, with an average value per acre of $552,000. Since then, an additional 163,000 acres have been developed, but with a lower average value of $220,000 per acre. What is clear from this data is that the construction of the Bay Bridge spans increased overall development, while making that development less valuable from the standpoint of public finance. This shift has made maintaining public infrastructure challenging and near impossible without state and federal funds.

The widespread use of automobiles has driven this change. Before 1952, communities were walkable and mixed-use, with services within walking distance. Post-1952, development patterns shifted to separate land uses, accommodating automobiles and leading to lower densities. This dependency on cars created a cycle where new developments had to cater to both people and their vehicles. Consequently, the construction of the current bridge spans coincided with a national trend towards automobile-centric development, transforming the Eastern Shore from tight-knit historic communities to suburban sprawl.

As the state plans a new bay crossing at Kent Island, it is crucial to understand that the zoning and land use ordinances that led to the post-1952 sprawl are still present today. This study must consider this transformation and prepare for another significant change. Just as the 1952 bridge coincided with widespread automobile use, a new bridge will coincide with the widespread use of electric and autonomous vehicles. This shift presents an opportunity to rethink development patterns and infrastructure to support sustainable and innovative transportation solutions.

To effectively manage this anticipate growth, small local governments on the Eastern Shore need support. They need the resources to prepare for and manage the next round of transformative growth, ensuring that development is sustainable and beneficial for all communities involved.

Thank you for considering our comments.

Sincerely,

[redacted]

CHESAPEAKE BAY FOUNDATION
Saving a National Treasure

January 13, 2025

Maryland Transportation Authority
Division of Planning & Program Development
Bay Crossing Study
2310 Broening Highway
Baltimore, Maryland 21224

Sent via email to: info@baycrossingstudy.com

To Whom It May Concern:

On behalf of the Chesapeake Bay Foundation (CBF) and our more than 71,000 members in Maryland, thank you for the opportunity to offer comments on the Tier II phase of the Bay Bridge Crossing National Environmental Policy Act (NEPA) study. Furthermore, we appreciate the time taken by members of the study team to meet with representatives from environmental groups, including CBF, in Easton, Maryland on January 9, 2025. We look forward to continued opportunities for discussion and collaboration.

We appreciate several potential items that MDTA has already identified as either environmental concerns or opportunities to modernize and expand the public uses of a cross-Bay span. For example, we appreciate that the "far-south alignment" through Holly Beach Farm has been considered infeasible, and that the crossing will remain in the same corridor in the case of new structures. Likewise, with the wealth of cycling and walking opportunities currently available on both sides of the bridge, the continued inclusion of a shared-use path remains a critical opportunity for increased access to recreational areas. Despite these positive developments, there remain significant unknowns with respect to the environmental impact of constructing taller, wider spans. In light of this uncertainty, we respectfully ask that the draft EIS achieve the following:

1. **Quantify increase in impervious surface and associated polluted runoff across build alternatives, including the likelihood of introducing contaminants of concern (*e.g.* PFAS, PAHs) to the aquatic environment through demolition and construction**
2. **Quantify impacts on habitat and marine life, including endangered Atlantic sturgeon**
3. **Quantify indirect impacts from project-induced land use change and propose policy and regulatory measures that minimize adverse impacts**
4. **Compare annual emissions of vehicles idling in backups to projected increase in vehicle emission volume due to ease of travel across new spans**
5. **Evaluate relative environmental impacts of construction sequencing**
6. **Compare opportunities to recycle or reuse materials from the current Bay Bridge spans across alternatives**

7. **Evaluate opportunities to utilize "green" construction materials that minimize lifecycle pollution and carbon emissions**

1. **Other than the no-build option, all alternatives will result in a net gain in impervious surface, and the construction/demolition processes themselves will create pollution and runoff concerns that will need to quantified, minimized, and mitigated.**

A newly-constructed bridge, even one that does not add additional traffic lanes, will represent a significant increase in impervious surface which will accumulate and discharge pollutants including trash, oil and grease residues, salt and brine during winter weather, and tire dust and other sediments. Consequently, planning and design must include stormwater management and treatment features that adequately control these pollutants. Best management practices (BMPs) for stormwater generated on bridges fall generally into two categories: abutment treatments and on-bridge treatments.

Treatments taking place on a bridge abutment require a pipe system and sufficient space to handle the volume of water generated. For example, a bioswale project beneath the Aurora Bridge in Seattle, Washington has been shown to successfully remove pollutants from bridge runoff, including the tire additive 6PPD, which had been impacting the local salmon population. The system treats close to 2 million gallons of stormwater per year. This type of BMP would also provide habitat and aesthetic co-benefits. A dry detention structure or sand filter could provide similar stormwater management function without the co-benefits.

On-bridge treatments may include drainage scuppers with built-in filter media, a pervious pavement overlay, or floating pile wetlands on the bridge supports[1]. Floating wetlands present a unique opportunity to pilot a relatively new treatment system and could be combined with other treatment types. This type of structure would also provide habitat co-benefits and could help mitigate some of the permanent loss of wetland that is anticipated. The National Aquarium in Baltimore has recently debuted their own floating wetlands[2]; following that example could have farther-reaching net positive outcomes.

The environmental impacts of widening the bridge approaches cannot be adequately mitigated. We urge MDTA to deeply consider the loss of critical area, wetlands, and forest in choosing their preferred alternative. Forests and wetlands provide valuable ecosystem services and are already threatened by climate change and sea level rise on Kent Island and on the western shore. As alluded to during our meeting on January 9th, increasing the number of lanes through the study area will only move the traffic bottleneck—this cannot be a valid reason to destroy an additional 200 or more acres of wetland in the latter alternatives.

2. **Construction and demolition in and over the Bay will impact wetland and marine ecosystems and water quality.**

We respectfully request an evaluation of the potential impacts of these activities and how they may be mitigated. Construction noise can harm and even kill dolphins and fish. Anadromous fish migrate from the ocean, up the Bay, to its freshwater tributaries to spawn.

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[1] https://nap.nationalacademies.org/read/22395/chapter/1
[2] https://aqua.org/explore/exhibits/harbor-wetland

Given the current "depleted" stock status of American shad, alewife, blueback herring, and American eel, these populations likely cannot withstand significant additional mortality. Additionally, given fish stocking efforts were undertaken as compensatory mitigation, efforts should be made to minimize impacts to fishes that have already been impacted by habitat loss and degradation that prompted the mitigation action. Requiring appropriate time-of-year restrictions on work will minimize impacts these at-risk species.

It is our understanding that the ongoing maintenance work on the Bay Bridge has necessitated use of one of the parks at the eastern end of the bridge as a staging area, which is not without impacts. In the event that new spans are built, will a similar practice be used, what public lands are expected to be impacted, and how will those impacts be minimized and mitigated?

3. **All options except no-build will result in indirect impacts to the environment, from increased nutrient loading in Eastern Shore streams due to growing wastewater volumes to increased greenhouse gas emissions from commuter vehicles.**

Anything that makes the Bay Bridge crossing significantly easier is likely to induce additional growth on the Eastern Shore, as seen after the opening of the original and then the second span. Even transit, such as a commuter bus, will incentivize those who wish to live on the Shore and work in Annapolis or Washington, though it may reduce the number of personal vehicles crossing each day. More people will bring housing developments, demand for services, and an increase in waste products, including sewage. Many of the Eastern Shore's waterways are already impaired, due to a legacy of farm runoff. Increasing flow to wastewater treatment plants will also increase the amount of nutrient pollution reaching the Bay, as will increased impervious surface in developed areas and increased emissions from more people in personal vehicles.

Growth projection modeling tools available at the University of Maryland National Center for Smart Growth Research and Education, Maryland Department of Planning, and Chesapeake Bay Program should be engaged to evaluate induced demand for new housing and businesses whose development is subject to current land use policies and regulations. Projections should also be made for such development based on new or updated policies and regulations that would optimize achievement of the State's smart growth standards that include locating development in an around existing growth centers and minimizing development in areas designated for agriculture and resource conservation. The study should recommend that such policy and regulatory changes developed in partnership with local governments to attenuate the adverse effects of the crossing on communities and the environment are a condition of the crossing's construction.

4. **Traffic jams versus increased overall volume: a balance must be struck between alleviating excess vehicle idling due to hours-long backups and encouraging additional personal vehicles to cross the bridge on a daily or seasonal basis.**

Though bus transit would potentially reduce the number of cars traveling across the bridge, if and only if sufficient infrastructure existed on either side to make bus transit an attractive alternative to a personal vehicle, it would still exacerbate development concerns. If the commute becomes more reasonable, more individuals may consider moving to the Eastern Shore, increasing development pressure.

As the MDTA has stated clearly, new bridge spans will not be able to entirely vanquish traffic. Wider spans hold more cars, so during peak summer traffic, there will be even more vehicles idling directly above the Chesapeake Bay. Vehicle exhaust contains a variety of harmful pollutants, including greenhouse gases and nitrogen oxides. Nitrogen oxides in the atmosphere bind to precipitation, resulting in additional nitrogen pollution in the state's waterways. We are interested in understanding the modeled potential to increase or decrease vehicle emissions across the Bay given the different alternatives.

5. **Evaluate relative environmental impacts of construction sequencing**

Given reconstruction will involve building new spans and demolition of existing spans, there are likely significant differences in environmental impacts dependent upon the sequence of construction. Building a new span within the existing footprint (*i.e.* between the two existing spans) and then replacing each existing span in sequence within its existing footprint should have much fewer environmental impacts than building two new spans adjacent to existing spans where staging areas, construction zones, and access roads and infrastructure sprawl out much further into adjacent sensitive areas. If approached sequentially, these effects can likely be minimized.

6. **Compare opportunities to recycle or reuse materials from the current Bay Bridge spans across alternatives**

On the topic of demolition: recycled concrete provides valuable structure for oyster reefs, which in turn serve as habitat for myriad species in the Chesapeake Bay. Oyster populations in Maryland are limited by habitat availability, and substantial efforts have been undertaken to restore and replace reef habitats that have been lost. Restoration efforts, along with annual shell subsidies to the public fishery and demand from aquaculture, has made oyster shell an extremely scarce resource, driving up the costs of restoration and replenishment.

Governor Moore recently appointed the Governor's Task Force on Oyster Shell and Substrate. This group is converging on a final report which will likely include expanded use of alternative materials across all oyster sectors as a primary recommendation. We urge MDTA to coordinate with DNR to reuse as much of the bridge's structure as appropriate in this fashion, to help mitigate environmental damages from this project, reduce impacts of upland disposal, and to increase oyster and fish habitat for years to come.

7. **Evaluate opportunities to utilize "green" construction materials that minimize lifecycle pollution and carbon emissions**

Approaches and technology in green building construction have advanced significantly since the completion of the existing Bay Bridge. The materials used in construction of the new spans should not be taken for granted. Rather, the EIS and project plans should fully consider the range of modern building materials, designs, and approaches. This includes designs that minimize material inputs while maximizing strength and safety, utilizing "green" concrete and other materials with lower lifecycle carbon emissions, and considering end-of-life environmental effects of the decommissioning and demolition of this structure at the end of its useful life.

To conclude, CBF believes that all options have potentially detrimental impacts on the environment, including the no-build. We request that the questions and suggestions above be incorporated into the scope of the Tier II study so that the project evaluators have the most complete picture of the various costs and benefits associated with moving forward with whichever alternative is selected.

Thank you for your consideration of these comments. Should you require any further information, please contact Matt Stegman, Maryland Staff Attorney (mstegman@cbf.org).

Sincerely,

Chesapeake Bay Foundation

SHORERIVERS

January 13, 2025

Bay Crossing Study
2310 Broening Highway
Baltimore, MD 21224
Info@baycrossingstudy.com

RE: Tier 2 NEPA Study Public Comments

Thank you for the opportunity to provide comments on the Tier 2 NEPA Study and Open House for the consideration of a new Chesapeake Bay Bridge crossing. ShoreRivers is a non-profit dedicated to the protection and restoration of Eastern Shore rivers— including the Chester River, Eastern Bay, and their tributaries— and we urge the Maryland Transportation Authority to consider the following comments and recommendations as the Chesapeake Bay Bridge Crossing Study continues.

A new Chesapeake crossing along Corridor 7 to Kent Island ***will*** threaten improving water quality trends by increasing pollutants entering the Chester, Miles, and Wye rivers, as well as Eastern Bay, and the greater Chesapeake Bay. Pollutant loads from construction of the new bridge, as well as long-term secondary impacts from increased development on the Eastern Shore will significantly impact underwater grass habitat (and therefore state fisheries), increase stormwater runoff and air emissions, and reduce shoreline and community resilience to growing climate impacts. **For these reasons, ShoreRivers does not support the construction of a new bridge or an expansion of capacity along the Route 50 Corridor.** As the state progresses through the next phase of the crossing study, we offer detailed concerns and recommendations regarding the following:

1. Public access impacts

Currently, the Tier 2 Study proposes to evaluate environmental, community, and historic impacts. While the environmental inventory includes community facilities, it neglects to include public access points to our natural resources such as community parks and landings. Public access to natural resources in Queen Anne's and Anne Arundel counties, including their waterways, is intrinsic to promoting commerce, tourism, and quality of life for residents. It also fosters a deeper respect and concern for protecting these natural resources. Sandy Point Park and Terrapin State Park are essential resources for our communities and are two of very few public access points to enjoy our waterways. Impacts to these resources and an assessment of what those impacts might mean to our communities should be considered in the study.

2. Include look-backs and economic considerations within aquatic resource impacts

The Chesapeake Bay is a dynamic system that experiences annual changes in water quality due to precipitation, restoration, and pollutant loading. Aquatic natural resources, such as

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oysters and submerged aquatic vegetation, are anticipated to fluctuate in abundance from year to year. ShoreRivers requests that the Tier 2 Study incorporates sufficient look-backs to past populations and acreage numbers, as well as Chesapeake Bay Agreement goals when considering impacts to these species and habitats. Additionally, bottom surveys should be considered for future potential to support aquatic species. Finally, the impacts to these aquatic natural resources should include economic impacts. For example, submerged aquatic vegetation supports many other species, including juvenile blue crabs. If submerged aquatic vegetation is projected to be impacted, what are the economic impacts to the blue crab fishery?

3. **Impacts to migratory and endangered species**

The Atlantic sturgeon is a vital and endangered species in the Chesapeake Bay ecosystem, relying on specific habitats for spawning and feeding. These fish prefer riverine environments with clean, sandy bottoms, often migrating upstream into tributaries to spawn, particularly during spring. Local watermen and recreational anglers have confirmed sturgeon sightings in the Chester River and Eastern Bay as recently as 2024. The construction of a new Chesapeake Bay bridge span could adversely impact sturgeon populations through habitat disruption and increased sedimentation. Construction activities can release pollutants and sediment into the water, degrading water quality and potentially smothering vital spawning habitats. Moreover, underwater noise from pile driving and heavy machinery can interfere with the sturgeons' communication and behavior, leading to reduced spawning success.

Additionally, bottlenose dolphins are commonly found in the Bay, migrating north during summer months to feed and returning south as temperatures drop. Similarly, humpback and minke whales may enter the Bay during their migratory routes, particularly in search of food. To avoid negatively impacting these marine mammals, several strategies should be considered. First, construction should be scheduled outside peak migration periods, typically from late spring to early fall for dolphins. Implementing noise reduction techniques during construction is also essential, as loud sounds can disrupt communication and navigation for these species. Additionally, establishing protective buffer zones around critical habitats to protect feeding and breeding areas will be vital, should the project be implemented.

4. Include wastewater and stormwater impacts

All of the Proposed Build Alternatives Retained for Detailed Study (ARDS) with the exception of the no-build alternative, presume expansions to the impervious surfaces of Route 50. The minimum ARDS of 6-8-6 both east and westbound would result in a doubling of the impervious surface of Route 50. Other ARDS, such as the 8-10-8 or the 10-10-10 would result in even more impervious surface. A preferred ARDS of 6-8-6 would create roughly 102 new acres of impervious surface. Stormwater features associated with ANY preferred build should be able to handle increasingly intense rain events and exceed any current standard or requirement by Maryland Department of the Environment or federal guidelines. Given that runoff from an expanded Route 50 would contain potentially hazardous materials, any stormwater control or mitigation features should incorporate a pollution prevention plan as well as a maintenance fund.

While there will be considerable stormwater increases due to climate change, and increased impervious surface associated with a new bridge, current studies do not adequately

quantify the stormwater increases associated with secondary development along routes 50 and 301 as a result of the transit improvement project. Expanded highways, and increased housing and associated projects, will have significant impacts to the creeks and streams that feed the Chester River, Eastern Bay, and the greater Chesapeake. Additionally, there is no current indication that impacts to wastewater will be included in this study. An expanded Chesapeake Crossing along Corridor 7 will result in increased development, stormwater runoff, *and* wastewater. Queen Anne's County in particular is currently at capacity at the Kent Island Wastewater Treatment Plant, and the county is fast approaching its local TMDL limits under the Chesapeake Bay Agreement. These should be included in future studies.

5. Impacts to community resilience

There is no current inclusion of impacts to community resiliency. A new Chesapeake crossing along Corridor 7 will increase development and stormwater runoff and impact shorelines, existing green infrastructure, and climate-change mitigating wetlands and forests. The NOI Additional Project Information Document lays out potential estimated impacts to salt marsh, wetlands, critical areas, underwater grass beds, oyster beds, and other near-shore living resources. These estimates seem incredibly low, given the bridge spans would be crossing numerous Natural Oyster Bars (NOBs), public shellfishing areas, and several oyster sanctuaries, as well as significant acres of salt marsh and wetlands. Impacts to these natural resources will not only damage water quality, but the local economy and the resilience of local infrastructure. Before a preferred build option is identified, it will be critical to have a much more accurate understanding of the impacts to aquatic resources and have appropriate mitigation strategies identified. Resiliency planning is essential for the future of our community and natural resources and should be included in this study.

6. Due process for MDTA project details

ShoreRivers encourages the MDTA to incorporate public feedback, particularly related to: purpose and need, traffic, range of alternatives, and environmental analyses during the spring of 2023 throughout the summer of 2025. As it currently stands, the next opportunity to update the public and seek specific input is not scheduled until fall 2025. Transparency and public input strengthen studies such as these and ensure that every voice is heard. ShoreRivers was surprised and concerned to learn through MDTA's recent open house notices that the agency's proposed action and the proposed retained alternatives to be evaluated in an Environmental Impact Statement (EIS) include the removal of the existing eastbound and westbound Bay Bridge spans and replacing them with two new bridge spans. This was not an element considered in the Tier 1 study, and ShoreRivers is concerned that due process has not been given to this new proposal. MDTA should ensure that adequate studies for environmental impacts, and community feedback are allocated before proceeding.

In the event that this project is approved and implemented, ShoreRivers advocates for strong mitigation tactics for the environmental impacts that *will* occur, such as land preservation and easements, shoreline restoration, the addition of new public access sites, and the implementation of green stormwater best practices. Mitigation efforts should also address shallow water habitat restoration within impacted oyster sanctuaries (not just the oysters themselves), historic beds of submerged aquatic vegetation, and wetlands. Shallow water habitat restoration efforts should also consider design elements to bolster shoreline resilience where relevant. Land-based practices and preservation efforts should be considered not only for the

proposed project site but along the entire Route 50 Corridor on the Eastern Shore to address the secondary and long-term development impacts to Maryland.

Thank you again for the opportunity to provide comments. If you have any questions, please reach out at your convenience. ShoreRivers is eager to remain involved and participate in public comment opportunities as the Bay Crossing study progresses and considers environmental impacts.

Sincerely,

[redacted]

[redacted]

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ShoreRivers

[redacted]

ANNE ARUNDEL COUNTY
MARYLAND

Office of the County Executive
STEUART PITTMAN

January 3, 2025

Secretary Paul Wiedefeld
Maryland Department of Transportation
7201 Corporate Center Dr.
Hanover, MD 21076

Bruce Gartner, Executive Director
Maryland Transportation Authority
2310 Browning Highway
Baltimore, MD 21224

Dear Secretary Wiedefeld & Mr. Gartner:

On behalf of Anne Arundel County, I would like to offer full support for a separated bicycle and pedestrian facility to be included in the design and construction of the new Chesapeake Bay crossing. To date, each of the alternatives in the recently released Tier 2 Study includes consideration for inclusion of a separated bike/pedestrian lane or shared-use path (SUP). We support moving past "consideration" to requiring the separated facility.

Anne Arundel County has a major stake in how the crossing is constructed and we feel the addition of separated bicycle and pedestrian facilities would attract, and further connect, people from near and far to our beloved Chesapeake Bay, which is so vital for broadening support for the Bay's health. This *iconic crossing* would connect the existing Cross Island Trail on Kent Island with Anne Arundel's Broadneck Trail at Sandy Point State Park. From there, users would have connection to our Anne Arundel Trail Network which accesses National networks including the East Coast Greenway, the September 11thMemorial Trail, and the American Discovery Trail - from Atlantic to Pacific, which currently requires taxi service across the Bay.

This is not a new concept, it has been done on recent bridges of similar length around the U.S. including the replacement of the Tappan Zee (Mario Cuomo Bridge) and Pensacola Bay bridges, as well as locally, the Woodrow Wilson and Frederick Douglas bridges. It bears emphasizing that providing bicycle and pedestrian facilities supports Maryland's Complete Streets and Vision Zero ordinances. The separated facilities would provide SAFE access between the scenic and historic sites and byways on the Eastern Shore, and greater Annapolis, that are so popular with cyclists and pedestrians. Additionally, they will provide active transportation opportunities for commuters on both sides of the Chesapeake Bay, especially with the growing popularity of electric bicycles.

Bus transit and ferry coordination components should also be considered in order to optimize operations across the Chesapeake Bay between the two counties. This project can truly be a multi-modal solution that enhances equity for our county, region and state for the foreseeable future.

This is a once in a multi-generation opportunity which should not be wasted. I urge you and the MDTA and MDOT to include separated bicycle/ pedestrian facilities with the design, transit operations infrastructure/coordination and construction of the crossing of our beloved Chesapeake Bay.

Sincerely,

Steuart Pittman
County Executive

cc: Christine Andersen, AACO Chief Administrative Officer
Sam Snead, AACO Office of Transportation
Todd R. Mohn, County Administrator
County Commissioners, Queen Anne's County