

Successes in Stewardship

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Maryland's Intercounty Connector: Using Environmental Stewardship to Redefine Project Management

Maryland's Intercounty Connector (ICC) is an 18-mile controlled-access tolled highway that will link existing and proposed development areas between the I-270/I-370 and I-95/US-1 corridors in Maryland's central and eastern Montgomery County and northwestern Prince George's County. The ICC has been one of the most studied, complex, and controversial transportation projects in the Washington, D.C. metropolitan area since it was first proposed as part of an Outer Beltway in the 1950s. Now, over 50 years later, a multimodal state-of-the-art ICC is poised to become a reality.

An east-west transportation corridor has been part of local land-use plans to address inadequate mobility and transportation safety infrastructure in the region for many years. Analysis for the ICC's first Environmental Impact Statement (EIS), as required by the National Environmental Policy Act (NEPA), began in 1979. This was followed by a second EIS in 1997. Both studies were abandoned after the Draft EIS was released because of reviewing agencies' concerns over potential environmental impacts and the considerable mistrust between local government planners and Federal resource agencies. Despite these setbacks, the need for a continuous high-capacity transportation corridor remained.

In 2003, the need for an east-west transportation corridor came into the spotlight once more when Maryland's newly elected Governor, Robert L. Ehrlich, Jr., identified the ICC as his number-one transportation priority for the state. In the prior year President George W. Bush issued [Executive Order 13274](#), *Environmental Stewardship and Transportation Infrastructure Project Reviews*, which designated a limited number of high-priority transportation infrastructure projects for expedited environmental reviews. Governor Ehrlich and Montgomery County Executive Douglas M. Duncan independently nominated the ICC, and in February 2003 the U.S. Secretary of Transportation selected the ICC as one of its 19 priority projects around the country. As a result, a third EIS study began in June 2003.

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A Plan to Guide the Environmental Review Process

The first step for the 2003 EIS was a scoping process to identify vulnerabilities and key issues leading to the failure of prior EIS efforts. Building on these lessons learned, the lead agencies—the Federal Highway Administration (FHWA), Maryland State Highway Administration (SHA), Maryland Department of Transportation (MDOT), and Maryland Transportation Authority (MdTA)—developed a strategic plan to guide the environmental review. Their plan included several innovative components that accelerated the process and enabled the ICC to obtain both state and Federal approval in just three years. These components are described below.

Enhancing the Interagency Coordination Process To streamline environmental review, the EIS process incorporated significant, early, and continuous coordination between the numerous agencies with jurisdiction over the project. Highlights included:

- Establishing two special interagency coordination groups to facilitate problem-solving: the Interagency Working Group (IAWG) and Principals Plus (P+1)
 - IAWG - Participants included environmental managers and staff-level experts from the 21 Federal, state, and local resource and transportation agencies with jurisdiction over some aspect of the project. The group met 37 times to provide input and technical expertise and to guide the drafting of environmental documents and permit applications.



The urban-stream Indian Creek Restoration Project in Prince George's County is one example of how environmental features are being incorporated into the ICC. Restoration techniques include streambank stabilization, fish blockage removal, and floodplain creation. (Photo courtesy of Maryland State Highway Administration)

ICC Streamlining Success	
Project Milestone	Date
Notice of Intent	June 2003
Draft EIS	November 2004
Final EIS	January 2006
Record of Decision	May 2006
First Design-Build Contract Awarded	March 2007

- *P+1* - This group consisted of one executive-level official from each agency represented in the IAWG plus one staff assistant. The group met 11 times throughout the process to build consensus and resolve broad policy issues related to key project milestones and EIS document components.
- Using a professional mediator selected through the U.S. Institute for Environmental Conflict Resolution to facilitate all IAWG and *P+1* coordination meetings – This ensured that all agencies clearly defined their concerns and worked with stakeholders to develop innovative solutions.

Responding to Emerging Issues with Flexibility The EIS team made great efforts to quickly and effectively address issues that emerged during EIS preparation. Experts including engineering and environmental consultants and FHWA and Resource Center staff were brought in as appropriate to address new project alternatives raised by opponents. Having ready access to such expertise was critical in addressing new Federal air-quality requirements that became effective prior to issuance of the FHWA's Record of Decision (ROD).

Including Environmental Stewardship in the Project Purpose and Need Since environmental impacts were the major barrier to prior ICC planning efforts, the third EIS team redefined the project-development approach to explicitly include environmental stewardship as part of the project's stated purpose and need. In order to fulfill the ICC's stated purpose "to help restore the natural, human, and cultural environments in the project area from the adverse effects of past development," lead-agency staff used context-sensitive design approaches to minimize or altogether avoid adverse impacts to wetlands and streams in the development of project alternatives. Examples include:

- Innovative stormwater management techniques to mitigate potential runoff in and around water sources
- Longer bridge lengths to avoid placement of construction materials directly into water resources
- Roadways with lower profiles than are typically considered, and sound barriers to mitigate noise and visual impacts to adjacent residences and communities

Developing a Comprehensive Environmental Restoration and Enhancement Package Lead-agency acceptance of the preferred alternative hinged on an agreement that the project address adverse impacts by incorporating a \$370 million package of 63 additional environmental restoration and enhancement features exceeding the mitigation activities required by environmental law. These activities included:

- Construction of 44 new bridges and culverts to provide safe road passage for deer and small mammals
- Reforestation of over 700 acres of land to create a new interior-dwelling bird habitat
- Allocation of 776 acres of new parklands and five acres of new wetlands
- Stormwater-management retrofits to benefit a drainage area of approximately 4,350 acres
- Use of "best-management practices," such as constructing multiple small areas to retain stormwater runoff, in designated special protection areas
- Stream-restoration improvements of approximately 53,000 linear feet
- A heritage way-finding program to help motorists identify tourism opportunities
- New amenities for existing park facilities

Design-Build Contracts and the ICC

The traditional design-bid-build approach requires separate contracts for services rendered in each stage of the project-development sequence. In contrast, the design-build approach allows agencies to contract for both design and construction services in a single contract. The result is single-point responsibility, which increases the likelihood that the project will be constructed on time and within budget.

The ICC will use five design-build contracts, each addressing a different segment of the 18.8-mile roadway. This will allow project development to be tailored to meet the specific environmental requirements and constraints of each segment. MDOT has already awarded the first two contracts, and full-scale construction is currently underway. The remaining contracts will be awarded by early 2010 on a staggered schedule.

Overcoming Legal Challenges

Although the ICC's third EIS process was designed to overcome the obstacles faced in prior rounds of environmental review, it was not free from controversy. Environmental groups filed two lawsuits to block construction of the ICC on grounds that the FHWA approval was inadequate and violated Federal statutes under NEPA, Section 4(f), the Clean Water Act, the Clean Air Act, and Section 109(h).

Despite the opposition, Judge Alexander Williams, Jr., of the U.S. District Court for the District of Maryland, [ruled](#), on November 8, 2007, that because of the thoroughness and transparency of the process, there was no legal or equitable basis to prevent the ICC from being built. In response, on January 7, 2008, Environmental Defense filed an appeal with the U.S. Court of Appeals for the Fourth Circuit, maintaining that the government agencies violated the Clean Air Act and other Federal laws when they approved the project. Raja Veeramachaneni, Director of the Office of Planning and Preliminary Engineering for the Maryland State Highway Department, responded to the court's decision: "The ICC project is able to move forward due to the unprecedented level of collaboration, teamwork and dedication shown by federal, state, local, and consulting engineering agency staff who were able to develop a common vision of success while also fulfilling their

individual agency's mission. All parties were committed to achieving a positive outcome and worked hard to see that issues be addressed to ensure every agency's success."

The FHWA and Maryland's transportation agencies remain committed to developing the ICC. Construction is underway, and the highway is scheduled to open in early 2012.

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Look What's New!

A "Northeast Transportation and Conservation Planning Summit" focusing on the integration of conservation and long range transportation planning, as required in Section 6001 of SAFETEA-LU, took place on December 17-18, 2007 in Concord, New Hampshire. The event was sponsored by Defenders of Wildlife and the Henry P. Kendall Foundation, and hosted by the Maine Department of Transportation, New Hampshire Department of Transportation, Vermont Agency of Transportation, and FHWA.

Successes in Stewardship is a Federal Highway Administration newsletter highlighting current environmental streamlining and stewardship practices from around the country. To subscribe, visit http://environment.fhwa.dot.gov/sis_registration/Register.aspx or call 617-494-3137.