

Honorable Lawrence J. Hogan, Jr.
Governor
State House, Rm. 100
Annapolis, MD 21401

July 21, 2019

Dear Governor Hogan:

During the first year of your administration, you chose me to chair the Maryland Bicycle/Pedestrian Advisory Committee at the end of a process started by our mutual friend Steve Kreseski, who knew he would soon die.

My goals for this committee were small: create a place where advocates and state officials could safely share ideas and learn from each other, and show that (as Steve believed) good bike policies were non-partisan, not to be automatically ceded to the Democrats. Members were added representing tourism and business interests from Southern Maryland, the Eastern Shore, and Western Maryland.

There has been some progress and I've enjoyed being a small part of your Administration, making it easier to defend (or at least explain) the rare agency decision that I might have wished had gone a different way...until today.

I am resigning my position as chair, effective immediately.

The Promise

On November 21, 2016 your press release announced that there would be a much needed rebuilding of the Harry W. Nice Memorial Bridge (Route 301) across the Potomac River, and "the new bridge will include a barrier separated bicycle and pedestrian path." With the promise of a 100 year legacy bridge, plans were started in Virginia to link their trail system to the new bridge and the ever increasing trail network in Southern Maryland. Private businesses began work with Charles County tourism authorities based on this same promise.

The Reason

This decision was consistent with your creation of the Maryland Outdoor Recreation Economic Commission at almost the same time. That group was tasked with spreading the benefits to the rural economy resulting from trail tourism on the Eastern Shore and in Western Maryland (where multi-day bike riders spend \$125/day in the community) to Southern Maryland.

The Deception

In January of 2018, the Maryland Transportation Authority (MdTA) unilaterally broke the previous commitment of a barrier-separated path on the bridge, citing no change in your position, no new economic impact data on how this would harm the local economy, no new cost estimates on this part of the project, and with no outreach or consultation to the many agencies or commissions working to increase rural recreational economic activity.

Without the promise of the barrier-separated path at the time of the new bridge announcement, those serving on the Outdoor Economic Commission - along with staff at Commerce and the Department of Natural Resources (DNR) - would have still argued strongly for its inclusion. However, the commitment WAS made and to have MdTA unilaterally reverse this promise (15 months after the initial announcement) put a number of people in difficult positions, myself included.

History Repeats Itself (in the Wrong Way)

When the Inter-County Connector (MD 200) was first proposed, MdTA used the promise of an adjacent barrier-separated path to gather public support. Once they had secured financing and regulatory approvals they broke the promise by never completing the path. That was done during a prior administration, but MdTA used the exact same bait-and-switch tactic with the Route 301 bridge, only this time your name was on the initial promise.

The Transportation Planning Board (Metropolitan Washington Council of Governments)

Three months ago the Maryland Department of Transportation (MDOT) and MdTA submitted an amendment to the already approved Transportation Improvement Plan (TIP) that would normally be just a technical budget change. However, this also eliminated the commitment of the barrier-separated path. The Transportation Planning Board (TPB), consisting of jurisdictions throughout the region, questioned MDOT/MdTA on the reversal and received a series of mistruths (charitable language) on estimates of bridge users, both vehicle and non-motorized, and efforts to seek local economic information on the negative impact of removing the path.

In 2016 MdTA allowed bikes to legally cross the Hatem Bridge (Route 40 over the Susquehanna River) with few new accommodations, saying that it would be too expensive to retrofit an 80 year old bridge, while also saying that when a new bridge was built, a protected path would be an obvious improvement. This year, in front of the TPB, MdTA now claims that the Hatem Bridge option (bikes sharing lanes with cars and trucks, no pedestrians at all) should be good enough.

Latest Threat

Having initially failed to secure enough votes for passage, the TIP amendment is once again on the agenda for the TPB's July meeting. Instead of clarifying the original promise of the barrier-separated path (and eliminating the need to fabricate data to defend the broken promise) MdTA has re-submitted the same language. The one new thing they have done in the last few weeks is threaten Charles County saying that unless the amendment is passed the way they want, they would eliminate the entire bridge project and just let the current bridge further deteriorate. Presenting this as an option does not meet any standard of credibility.

A Way to De-escalate

While using the bridge project as a hostage may get the vote of Charles County this week, there is an alternative that can start rebuilding the trust that has been lost between MdTA and TPB members, trust that will be needed in the years ahead on other major projects.

Multiple contractors have been approved to bid on the new bridge construction project. They have been asked to submit cost estimates with and without the barrier-separated trail. MdTA is insisting on a TPB vote before they share this cost information. It is understandable that the TPB would like to see these cost estimates, rather than trust an MdTA cost estimate that is presumably as exaggerated as their other recent data/cost figures. Revealing the numbers from the professionals will allow everyone (MdTA and the TPB) to make a more informed decision.

Fallout, the Impact on the 495/270 Toll Lanes

MdTA never considered the impact that breaking this commitment would have on the State Highway Administration's (SHA) work with local jurisdictions on the 495/270 toll lane project. Many local officials are already skeptical that MDOT can be trusted to keep commitments on design/build and P3 (public-private partnership) projects, or to share data in any way. When MdTA mocks the supporters of the barrier-separated path who don't live in Charles County and who would travel to use the bridge, they make it harder for me (I live 4 blocks from the Beltway in Montgomery County) to convince my neighbors that there is a greater good in reducing traffic congestion on the Beltway, even though most of the drivers who benefit will not live in Montgomery County.

The SHA is the lead on the 495/270 effort, and has done a professional job of outreach and factual analysis. Their efforts are harmed when MdTA (with almost no experience with non-motorized transportation issues) makes one unforced error after another in front of the local

jurisdictions on the TPB. Many of these members realize that congestion mitigation is needed and are looking for a way to work with and trust MDOT as this process moves along. The few members who genuinely want to see nothing done on congestion mitigation are emboldened by the recent series of mistakes made on the Route 301 bridge rebuild process.

Your Legacy

MdTA did not ask others inside MDOT (SHA, the professional bike/pedestrian staff, the consultants/contractors who do have experience with these issues) for assistance or analysis or alternatives. MDOT has not asked other state agencies or local governments how this reversed decision will impact their constituencies during the first year, or the 100th year, after the bridge is built. All of the talk about “One MDOT” and “One Maryland” rings hollow in this situation.

DNR submitted a required "recreation plan" to the federal government in order to keep grant funds flowing. As part of this process a Recreation Plan survey was conducted indicating that the top request from the public was for more trails and better trail connections.

Allowing MdTA to build a bridge based on a 1940 design (the Hatem Bridge) that will last well into the 22nd century indicates that you are not being well served by the advice you are receiving from MDOT. Unfortunately, the impact will stretch beyond this one project.

When it comes to the big decisions that MDOT makes related to the bike/pedestrian community, nothing comes close to the impact of new bridges over rivers, highways, and railroad tracks. I had hoped to see a suitable trail project named in honor of Steve Kreseski, and a barrier-separated path on this new bridge would be an ideal candidate.

I do not take lightly the writing of this letter, nor the sharing of it publicly. It has been an honor serving in your administration, but allowing MdTA to break your original promise will not be viewed kindly in the years ahead - nor will it be correctable until the next bridge is built, more than 100 years from now.

Sincerely,

Eric Brenner
Silver Spring, MD