Bay Crossing Study – Tier II NEPA

Heather Lowe
Maryland Transportation Authority, Division of Planning and Program Development
2310 Broening Highway
Baltimore, Maryland 21224

Dear Heather Lowe,

The Eastern Shore Land Conservancy (ESLC) is Maryland's largest accredited land trust, with an operating area covering Cecil, Kent, Caroline, Queen Anne's, Talbot, and Dorchester counties. Our mission is to conserve, steward, and advocate for the unique rural landscape of Maryland's Eastern Shore. Our vision is that Maryland's Eastern Shore is forever a special place of diverse and abundant natural resources and thriving rural communities.

Few infrastructure decisions carry the potential to reshape Maryland's Eastern Shore as profoundly as the Bay Bridge expansion proposed in the Tier II study. The construction of the original spans in 1952 and 1973 fundamentally altered land-use patterns and accelerated development across the region in ways that continue to shape the Eastern Shore today. As the state considers a new crossing, the project should incorporate lessons learned from those earlier investments and ensure that planning, environmental, and financial analyses, and robust mitigation strategies fully account for the long-term regional impacts this project will generate.

Fundamentally, ESLC recognizes that the current state of the Bay Crossing infrastructure requires upgrades to ensure the long-term safety of the Bay Bridge as the state plans for its future. In that spirit, ESLC submits the following comments and requests an expanded study area and mitigation funds for the rural communities of the Eastern Shore of Maryland.

The Bay Bridge is the singular gateway to the entire Delmarva (Exhibit I), and as such, the Tier II process must reckon with that full geography. The design of Alternative C carries major implications and demands an environmental and fiscal analysis that looks beyond the immediate approaches to account for the full scale of change likely across the routes 50, 301, 404, and 213 corridors. It is our view, the current scope of formal NEPA analysis, limited as it is to the 12-mile corridor from the Severn River to the 301/50 split, is woefully inadequate to the direct and indirect impacts of what the MDTA has described as "the largest infrastructure project in Maryland history."

Travel on the Eastern Shore has changed dramatically over the past decades, with more volume on almost every state road in the region. While plans may exist for the piecemeal improvement of individual roadways, corridors, or bridges, there is no planning for transportation needs at a broader, region-wide scale. In the absence of a regional transportation entity, individual projects proceed in isolation, often addressing short-term congestion or safety issues without coordinating across corridors, accounting for cumulative impacts, or considering how changes in one area ripple through the broader network.

Agriculture is the defining land use on the Eastern Shore, and major infrastructure projects that influence land use and development patterns must include deliberate safeguards to protect the long-

term viability of working farms and associated industries. Increased congestion along rural routes, safety conflicts between passenger traffic and farm equipment, and development patterns that fragment farmland can all impose real costs on agricultural operations. Protecting the long-term viability of the Eastern Shore's agricultural economy, therefore requires transportation planning that recognizes agriculture as a major user of the regional transportation system and incorporates meaningful safeguards that support working landscapes.

Traffic on the Bay Bridge is seasonal, directional, and volatile in ways that push queueing and network effects far from the bridge itself, from Middletown, DE to Ocean City, MD. This is why the focus on Kent Island as the sole lens is inadequate. Average daily traffic can swing by more than twenty thousand vehicles between winter and summer, a reminder that any capacity expansion will radiate across the Shore, and that mitigation cannot be confined to the land and communities adjacent to the bridge.

The Shore has already become more tightly linked to the northeast corridor through the US 301 First Responders Memorial Highway in Delaware, a tolled expressway, which opened in 2019, that connects the Eastern Shore more directly to I-95. In the wake of the collapse of the Key Bridge, traffic has further increased along US 301, and it is unknown if traffic patterns will return when the bridge is rebuilt.

According to 2020 census data (Exhibit II), 21% of the population in the commute shed live within a mile of major highway routes, and 28.5% live within three miles. Auto-oriented growth patterns have forced communities to invest in the peripheries of their communities and have pulled investments away from town centers, for both incorporated municipalities and unincorporated communities. This has been devastating to local economies. Auto-oriented growth patterns are fiscally underproductive for local governments, and the legacy land use codes that enable them remain in force today (Exhibit III). An updated Bay Crossing, with increased capacity, will induce additional driving and disperse development pressure along route corridors, repeating the pattern that consumed vast amounts of productive farmland and habitat, and hollowed out local government finances.

ESLC's 2024 regional analysis with Urban3 shows what many local governments already know in their budgets. The value per acre produced by compact, mixed-use downtown blocks far outpaces auto-dependent developments at the edge of our communities. Yet our ordinances, drafted generations ago after the current Bay Bridges were constructed, still separate uses and spread buildings and people across low-density districts. This has created a system of local revenues unable to maintain local infrastructure. This burden on local governments stems from auto-oriented development patterns, which are exacerbated by the induced demand that comes from the current Bay Bridges. These burdens all eventually fall at the feet of the state government, as local governments cannot maintain the infrastructure and seek state financial assistance. The Urban3 report, presentations, and associated data hosted by ESLC are part of the public record, and we ask that MDTA incorporate them by reference and include a fiscal impacts chapter that quantifies how different land use responses to a new crossing would affect local budgets.

The Draft EIS should be strengthened in four places before the Final EIS and ROD:

Cumulative and Secondary Impacts Across the Eastern Shore

The study area should be expanded to model land conversion and traffic growth along Routes 50, 301, 404, and 213, recognizing that the selected study area does not fence in the effects. The Tier I documents and Tier II materials both explain the tiered approach; Tier II is the moment to examine specific alignments and consequences with a longer regional lens.

Induced Demand and Downstream Congestion

The Final EIS should include an induced demand analysis grounded in the peer-reviewed literature, then test how added capacity will shift congestion into existing bottlenecks, rather than treating those queues as exogenous.

The Final EIS should include an induced demand analysis grounded in peer-reviewed literature and model multiple scenarios allowing the project to evaluate the range of potential outcomes and adjust mitigation strategies accordingly rather than treating downstream queues as fixed or exogenous.

Agricultural Viability and Landscape Fragmentation

The natural resource–based economy—including agriculture, outdoor recreation, and related industries—forms a critical foundation of the Eastern Shore's rural economy. The Final EIS should analyze the potential economic impacts of farmland loss and landscape fragmentation associated with expanded crossing capacity and corridor development pressures and develop mitigation strategies. The transportation needs of agricultural operations should be incorporated into the project's design and implementation.

Fiscal Impacts and Development Patterns

The Final EIS should pair traffic modeling with fiscal modeling, using value per acre analysis and real property assessments to determine potential fiscal impacts to local jurisdictions. ESLC's Urban3 report offers a starting structure, and the agency should invite towns and counties to contribute their own data.

A mitigation program must be developed and scaled to the transformation that added bridge capacity will trigger, and it must be regionwide, enforceable, and funded. It must follow the familiar sequence of avoid, minimize, and compensate, and when commitments are made, they must be tracked, funded, and delivered. The Federal Highway Administration's guidance is straightforward on eligibility and sequencing. We request that the Final EIS and ROD include a binding mitigation package with the following elements:

A. Corridor Conservation Fund for the Eastern Shore
A dedicated, multi-decade fund for conservation easements and strategic fee acquisitions to protect productive farmland, forests, wetlands, and habitat along the principal corridors and growth fronts of Routes 50, 301, 404, and 213 should be established. This fund should be capitalized at a level

commensurate with modeled secondary and cumulative impacts and managed in partnership with existing state programs and land trusts. The program design should allow for co-investment and should prioritize large, contiguous blocks and water quality buffers. These funds should be made available before construction of the bridge to allow for early implementation to ensure sensitive lands are protected ahead of development pressures.

B. Planning and Zoning Modernization Grant Program
Small governments across the Shore need technical assistance and funding to replace antiquated codes that favor dispersed, auto-dependent patterns with form-based, mixed-use, walkable standards that allow more homes and workplaces within town limits and focus public investment where infrastructure already exists. The MDTA should establish a multi-year grant program, with direct technical assistance, to modernize comprehensive plans, zoning, subdivision, and street standards. This measure will improve the productivity of development and reduce land conversion that would otherwise follow the crossing. The agency should also coordinate with local governments and related state agencies.

In addition, the state should undertake a formal study of establishing a Regional Transportation Planning Organization for the Eastern Shore in a collaborative forum capable of coordinating transportation investment and needs across local jurisdictions. Such an organization can coordinate with local governments and help implement the Sustainable Growth Principles that Maryland has already embraced.

C. Demand Management and Operating Strategies Pilot Programs
Short-term operational pilots at the approaches, including ramp and access management, can reduce spillover into local streets, but they are not substitutes for the mitigation measures above. The Final EIS should situate such tools within a broader program that supports the towns they are meant to protect.

D. Main Street and Infill Investments
A set of competitive grants for town center infill and infrastructure renewal that increase the value per acre of existing blocks, including water and sewer rehabilitation, complete street retrofits, and code updates that enable missing middle housing above shops and on small lots, aligned with the Urban3 findings. This is a mitigation that directly addresses the fiscal harms that past patterns produced.

E. Monitoring, Adaptive Management, and Enforceable Commitments
The ROD should include clear performance measures, public reporting, and a commitment tracking system consistent with federal guidance, so that conservation acreage, easement priorities, plan and code adoptions, and infill projects are not aspirational but delivered and verified over time.

Conclusion
The Eastern Shore is already burdened with the consequences of past decisions. We cannot absorb a new crossing with expanded capacity without a corresponding investment in conservation, in town-centered, people-centered codes, and in the practical tools our local governments need to manage change. The Tier II Final EIS and the Record of Decision should therefore adopt an expanded cumulative impact analysis, a full induced demand assessment, a fiscal impacts chapter informed by

value per acre work, and a binding, funded mitigation package built around corridor conservation and code modernization, delivered in partnership with state conservation programs and local governments.

Thank you for considering these comments and for your attention to the breadth of effects this project will bring. We will gladly provide our Urban3 datasets, maps, and staff time to support your fiscal and land use analysis.

Respectfully,

Eastern Shore Land Conservancy