

MEMORANDUM

July 17, 2008

TO: Transportation, Infrastructure, Energy and Environment Committee

FROM: Glenn Orlin, Deputy Council Staff Director^{GO}

SUBJECT: Amendment to the FY09-14 Capital Improvements Program and Supplemental Appropriation to the FY09 Capital Budget, Montgomery County Government: Silver Spring Transit Center, \$16,720,000 (Sources: \$12,720,000, G.O. Bonds; \$4,000,000, Land Sale proceeds)

The County Executive has recommended the subject supplemental appropriation and CIP amendment of \$16,720,000—an 18.3% increase in the total cost—to address cost increases in the Silver Spring Transit Center project. The total cost of the project, including State expenses of \$2,592,000 for planning and supervision that lie outside this project description form (PDF), would be \$91,374,000 if this appropriation is approved—not \$91,654,000 as reported in the PDF's Fiscal Note—of which \$23,529,000 (25.8%) would be County funded. The project would increase the number of bus bays from 23 to 32 (not “approximately 34” as shown on the PDF). The relevant attachments for this worksession are:

Executive's transmittal memorandum	©1
Draft adoption resolution reflecting Executive's recommendation	©2-3
Project description form (PDF) reflecting Executive's recommendation	©4-5
Supplemental appropriation request summary	©6
Summary of the project's cost history	©7
Detail of expenditure changes between current and Executive's recommendation	©8
Summary of County position on M-NCPPC and WMATA recommendations	©9-11
Executive's public hearing testimony	©12-20
Illustrations of transit center under Executive's proposal	©21, 23, 25
Illustrations with M-NCPPC's and WMATA's added elements	©22, 24, 26
Purple Line alignment vis-à-vis transit center	©27A-27C
M-NCPPC's public hearing testimony and related correspondence	©28-39
WMATA's public hearing testimony	©40-45
Silver Spring Citizen Advisory Board's public hearing testimony	©46-47
Silver Spring Urban District Advisory Committee's public hearing testimony	©48-49
Greater Silver Spring Chamber of Commerce's public hearing testimony	©50-51
Letter from Commission on People with Disabilities regarding brick pavers	©52-54

The testimony from the Council's July 15 hearing outlines the remaining differences among the Executive, M-NCPPC, WMATA, and several Silver Spring stakeholder groups regarding the elements to be included in the project. The most concise summary can be found on ©11, which highlights the items included in the Executive's recommendation, and those that are not. Council staff has asked for two more pieces of information about the items not included:

- *The cost of each element, including construction contingency.* The Department of General Services notes that the figures quoted in their (and other) testimony does not include a 10% construction contingency. It is now included on ©11.
- *The fiscal year during which the funds would be spent for each element.* This is important because of how much the FY09 G.O. bond reserve would be drawn down versus the FY10 reserve. Depending on the results of the debt capacity analysis next January/February, the Council might raise the FY10 spending affordability guideline.

The Council asked for information as to how the Purple Line would run through the site. Some diagrams (taken from the Maryland Transit Administration's website) are included on ©27A-C; Michael Madden of MTA and Greg Benz of Parsons, Brinckerhoff will attend the worksession and describe the current plans.

The arguments for and against each element—totaling \$3,833,922, \$517,000 in FY09 and \$3,316,922 in FY10—are laid out clearly in the attached testimony, and they won't be repeated here. What follows are Council staff's recommendations:

- ***Including a bond break in the pedestrian areas on the top level (\$60,500 in FY10).*** This alternative would install a concrete base, a bond break, and a slender concrete surface that would allow the easier installation of brick pavers—or some other attractive alternative—at some point in the future. The Executive Branch's opposition to brick pavers is noted, and the Commission on People with Disabilities also weighed in against them last year (see ©52-54). It is difficult to believe, however, that there will not be some superior pavement solution developed over the next few years that has some of the attractiveness of brick yet will not cause headaches for the disabled and maintenance staffs. This \$60,500 expense would keep this option open. **Council staff recommends approval.**
- ***Stamped modified asphalt for the Colesville Road crosswalk (\$18,700 in FY10).*** A similar treatment is planned for the crosswalks on the County roads in the vicinity, particularly Wayne and Ramsey Avenues, and such crosswalks have been used successfully elsewhere. The State Highway Administration reportedly is wary of installing them on their highways, especially higher volume roads like Colesville Road. The Executive Branch states this expense could always be added later should SHA agree. However, this expense should be budgeted now to signify to SHA how important the County believes this element contributes to pedestrian safety. If for some reason SHA still refuses, the appropriation would be available for other contingencies or recaptured when the project is closed out. **Council staff recommends approval.**

- **Canopy over Metro Station entrance (\$489,500 in FY10).** This is purely a matter of aesthetics. The canopy would not be very wide, so it would not provide much additional protection against the elements. The Purple Line will be elevated two storeys overhead, high enough that it will not influence the view of the entrance, with or without a canopy. **Council staff does not recommend approval.**
- **Enclose stair and escalator enclosures using glass only, in lieu glass with metal edging (\$365,622 in FY10).** Even with the metal edging, most of the enclosures, including most of the overhead enclosures, will be fritted glass. The aesthetic difference between these two designs is not readily evident. **Council staff does not recommend approval.**
- **Provide an escalator between the middle and top floors within the terminal (\$1,361,800 in FY10).** WMATA estimates that the cost of this element would be \$1.6-1.7 million (not including inflation) if built as a stand-alone project at a later time. This escalator is the most expensive add-on. It would provide a much more convenient access from the top level used by kiss-and-ride patrons, taxi riders, and pedestrians from South Silver Spring, which in the near future will include some residents of the 310-unit high rise development soon to be erected on Ripley Street. On the other hand this level will have much less traffic to and from it than the middle and ground levels, and access is still provided to it via stairs and elevators. Furthermore, it potentially could be a condition on a future approval of a nearby subdivision—say, in the Ripley District—and it would be creditable against the transportation impact tax under the existing law and the proposed Executive regulation. **Council staff recommends approval, but this is a close call.**
- **Provide a stairwell between the middle and top floors on the southwest edge of the terminal (\$1,020,800 in FY10).** Elsewhere within the terminal there are stairs and elevators between these two levels and, if the prior element is approved, escalator access as well. This element can definitely wait until South Silver Spring is more thoroughly developed and, again, it could be a built as a subdivision condition that could be eligible for impact tax credits. **Council staff does not recommend approval.**
- **Locate the police station and transit store on the plaza outside the Metro entrance on the ground level rather than with the MARC and intercity bus terminal on the middle level (\$517,000 in FY09).** Locating the police station within the MARC/intercity bus office is sufficient, since the important police presence is when officers are on foot patrolling the area. The middle level is also more accessible to all levels than is the ground level, and located in a “deader” area of the site which is less self-policing. The transit store would be more visible and accessible for the most transit patrons if it were on the ground floor plaza, but the middle level location is not too far removed. For the time being it should be placed with the MARC/intercity bus/police station functions on the middle level. **Council staff does not recommend approving funds now to put the store on the plaza.** However, the usage of the store at this location bears watching. If there is not enough usage of it, it should be relocated to the plaza in the future.

In summary, Council staff recommends adding \$1,441,000 to the project cost, all in FY10.

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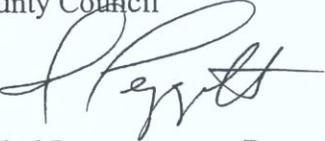
OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

June 17, 2008

TO: Michael J. Knapp, President, County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Amendment to the FY09-14 Capital Improvements Program and Supplemental Appropriation #3-S09-CMCG-2 to the FY09 Capital Budget
Montgomery County Government
Office of Procurement
Silver Spring Transit Center (No. 509974), \$16,720,000

I am recommending a supplemental appropriation to the FY09 Capital Budget and amendment to the FY09-14 Capital Improvements Program in the amount of \$16,720,000 for the Silver Spring Transit Center project (No. 509974). Appropriation for this project will fund the construction of the Transit Center in Silver Spring.

This increase in appropriation is needed due to cost escalation of the last several years in steel, copper, oil, and concrete, which are all significant components in the construction. Actual bids were received on April 23, 2008 and the Awardee named. Bid prices are good for 120 days (until August 23, 2008). The recommended amendment is consistent with the criteria for amending the CIP because of the project cost increase which exceeds \$2,000,000.

I recommend that the County Council approve this supplemental appropriation and amendment to the FY09-14 Capital Improvements Program in the amount of \$16,720,000 and specify the source of funds as G.O. Bonds and Land Sale Proceeds.

I appreciate your prompt consideration of this action.

IL:mdh

Attachment: Amendment to the FY09-14 Capital Improvements Program and Supplemental Appropriation #3-S09-CMCG-2

cc: David Dise, Director, Office of Procurement
Arthur Holmes, Jr., Director, Department of Public Works and Transportation
Gary Stith, Director, Silver Spring Regional Services Center

Resolution: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the FY09-14 Capital Improvements Program and Supplemental Appropriation #3-S09-CMCG-2 to the FY09 Capital Budget
Montgomery County Government
Silver Spring Transit Center (No. 509974), \$16,720,000

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. The County Executive recommends the following capital project appropriation increases:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
Silver Spring Transit Center	509974	PDS	\$1,610,000	
		Site Imp/Util	\$2,170,000	
		Construction	<u>\$12,940,000</u>	
TOTAL			\$16,720,000	G.O. Bonds and Land Sale Proceeds

4. This increase in appropriation is needed due to cost escalation of the last several years in steel, copper, oil, and concrete, which are all significant components in the construction. Actual bids were received on April 23, 2008 and the Awardee named. Bid prices are good for 120 days (until August 23, 2008). The recommended amendment is consistent with the criteria for amending the CIP for technical reasons.
5. The County Executive recommends an amendment to the FY09-14 Capital Improvements Program and a supplemental appropriation in the amount of \$16,720,000 for Silver Spring Transit Center (No. 509974), and specifies that the source of funds will be G.O. Bonds and Land Sale Proceeds.
6. Notice of public hearing was given and a public hearing was held.

Action

The County Council for Montgomery County, Maryland, approves the following action:

The FY09-14 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and a supplemental appropriation is approved as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
Silver Spring Transit Center	509974	PDS	\$1,610,000	
		Site Imp/Util	\$2,170,000	
		Construction	<u>\$12,940,000</u>	
TOTAL			\$16,720,000	G.O. Bonds and Land Sale Proceeds

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Silver Spring Transit Center -- No. 509974

Category	Transportation	Date Last Modified	June 17, 2008
Subcategory	Mass Transit	Required Adequate Public Facility	No
Administering Agency	General Services	Relocation Impact	None.
Planning Area	Silver Spring	Status	Bids Let

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY07	Est. FY08	Total 6 Years	FY09	FY10	FY11	FY12	FY13	FY14	Beyond 6 Years
Planning, Design, and Supervision	12,761	5,549	1,764	5,448	3,034	2,414	0	0	0	0	0
Land	8	8	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	10,083	17	2,136	7,930	4,915	3,015	0	0	0	0	0
Construction	57,904	1,760	738	55,406	33,948	21,458	0	0	0	0	0
Other	8,026	5	3,290	4,731	3,932	799	0	0	0	0	0
Total	88,782	7,339	7,928	73,515	45,829	27,686	0	0	0	0	0

FUNDING SCHEDULE (\$000)

Federal Aid	49,496	5,871	7,928	35,697	29,975	5,722	0	0	0	0	0
G.O. Bonds	13,543	0	0	13,543	4,360	9,183	0	0	0	0	0
Impact Tax	2,893	0	0	2,893	1,091	1,802	0	0	0	0	0
Land Sale	7,000	0	0	7,000	4,000	3,000	0	0	0	0	0
Mass Transit Fund	93	0	0	93	0	93	0	0	0	0	0
State Aid	15,757	1,468	0	14,289	6,403	7,886	0	0	0	0	0
Total	88,782	7,339	7,928	73,515	45,829	27,686	0	0	0	0	0

DESCRIPTION

This project replaces the existing 30 year old Silver Spring transit facility with a new 3-story, multi-modal transit center that serves as a vital part of the Silver Spring revitalization initiative. Phase I of this project, completed by the State, relocated the MARC facility near the transit center. In phase II, the eight acre site will be jointly developed to accommodate a transit center, an urban park and private development. The transit center consists of a pedestrian friendly complex supporting rail (Metrorail and MARC), bus traffic (Ride On and Metrobus, inter-city and various shuttles) and automobile traffic (taxis and kiss-and-ride). The current design allows coordinated and integrated transit-oriented private development adjacent to the transit center. Major features include increasing bus capacity by approximately 50% (from 23 bus bays to approximately 34), a 3,500 square foot inter-city bus facility, extensive provisions for safe pedestrian and vehicle movement in a weather protected structure. The project also includes a realignment of Colesville Road, a new traffic light at the transit center entrance, connections to MARC platforms, and enhancement of hiker/biker trails. The design allows sufficient space for the future Purple Line transit system and for an interim hiker/biker trail that will be reconstructed as a permanent hiker/biker trail when the Purple Line transit facility is built in the reserved area. The transit center will be accessible from all sides and on all three levels. The project includes Intelligent Transportation System (ITS) improvements including new signage and infrastructure to accommodate future Automatic Vehicle Locator (AVL) systems, real time bus schedule information, centralized bus dispatch, operational controls, and centralized traffic controls. The project will be constructed in two stages: stage one will start Fall 2006 and will include road work and relocation of bus stops, stage two will be the construction of the new transit center and will begin Summer 2008.

COST CHANGE

The project increase of \$16,720,000 is due to cost escalation of construction components such as steel, copper, oil, and concrete.

JUSTIFICATION

With over 1,250 bus movements per day, the Silver Spring transit center has the highest bus volume in the Washington metro system. The Silver Spring transit center is a major contributor to the vitality of Silver Spring. There are various existing transit modes at this location although they are poorly organized. Patrons are exposed to inclement weather conditions and interconnectivity between various modes of transportation is poor. There is no provision for future growth and future transit modes. The current facility accommodates approximately 57,000 patrons daily, which is expected to increase by 70 percent to 97,000 by year 2024. The project enhancements will be an urban park and connections to hiker/biker trails. The benefits will be improved pedestrian circulation and safety in a covered facility, and reduced pedestrian conflicts with vehicle movements. All associated trails will be enhanced and new signage will be installed. This project will complement the completed facility of the relocated MARC station and the bridge over CSX and Metro track.

FISCAL NOTE

The full cost of this project is \$91,354,000. Federal aid in the amount of \$2,592,000 for State of Maryland expenses for planning and supervision is

APPROPRIATION AND EXPENDITURE DATA	COORDINATION	MAP		
Date First Appropriation	FY99	(\$000)	CSX Railroad Federal Transit Administration Intersection Improvement Project Maryland Transit Administration State Highway Administration Maryland-National Capital Park and Planning Commission Department of Permitting Services WMATA	See Map on Next Page
First Cost Estimate				
Current Scope	FY07	72,062		
Last FY's Cost Estimate		73,105		
Appropriation Request	FY09	1,595		
Appropriation Request Est.	FY10	93		
Supplemental Appropriation Request		16,720		
Transfer		0		
Cumulative Appropriation		70,374		
Expenditures / Encumbrances		10,358		
Unencumbered Balance		60,016		
Partial Closeout Thru	FY06	0		
New Partial Closeout	FY07	0		
Total Partial Closeout		0		

Silver Spring Transit Center -- No. 509974 (continued)

not reflected in the expenditure and funding schedules.

OTHER DISCLOSURES

- A pedestrian impact analysis has been completed for this project.
- The Executive asserts that this project conforms to the requirements of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.

SUPPLEMENTAL OR SPECIAL APPROPRIATION REQUEST SUMMARY**1. Please fill in the following table:**

Agency	Montgomery County Government
Department	Department of General Services
Fund (County Government only)	CIP
Fiscal year	FY09
Supplemental or Special	Supplemental

2. What is the amount and source of funding?

Source of funding (Please list sources)	Amount
G.O. Bonds	\$12,720,000
Land Sale Proceeds	\$4,000,000
Total request	\$16,720,000

3. Please explain why you did not request this during the annual budget process.

The Silver Spring Transit Center (SSTC) was forecasted to exceed the funding available by \$15 million to \$20 million in December 2007, when the last estimate was prepared prior to bid. It was determined that the bid process should go forward in order to obtain the actual cost instead of using an estimated amount in the FY09-14 Recommended CIP. Once the bids were known, we would request a supplemental appropriation. The SSTC had undergone an extensive project scope evaluation and value engineering process with MTA and WMATA in the previous eight months, resulting in a reduction of the projected costs by about \$5,000,000.

Actual bids have now been received and the Awardee named. Bids were received on April 23, 2008 and are good for 120 days. In normal times, the Awardee would typically work with the County to accommodate a delay in funding. However, with the extreme rise in commodity prices (such as steel, concrete, copper, and oil), there is potential risk that delay beyond 120 days (approximately August 23, 2008) will result in a need to negotiate an increase in contract value due to the changing market costs. The additional funding required to proceed is \$16,720,000 (\$15,675,000 in construction and \$1,045,000 in PDS).

The FY09 appropriation requirement is \$11,000,000, with the remaining \$5,720,000 appropriation needed in FY10.

Summary - Cost History of Silver Spring Transit Center

July 2004	FY05 CIP PDF indicates Construction Cost of \$28.0M and Project Cost of \$40.9M (including separate PDF for ITS costs). Project Funding = <ul style="list-style-type: none"> • \$26.7M – Federal • \$ 7.6M – State • \$ 6.6M - County
Sept 2004	A/E Estimate indicates Construction Cost of \$50.5M and Project Cost of \$71.0M
July 2005	A/E estimate indicates Construction Cost of \$43.0M at Schematic (30%) Design Level.
Fall 2005	Executive Branch begins preparation of FY07 PDF for project.
Winter 2005	County decides to commission independent Cost Estimate
Dec 2005	Independent Cost Estimate (by DMS) indicates \$64.5M Construction Cost (without escalation)
Jan 2006	In order to reduce costs, County directed the A/E to reduce the size of the project by 20% and to remove half of the top deck.
July 2006	FY07 PDF indicates Construction Cost of \$49.0M and Project Cost of \$73.1M. PDF includes cost for ITS). Project Funding = <ul style="list-style-type: none"> • \$52.4M – Federal • \$14.0M – State • \$ 6.7M - County
June 2007	A/E Estimate indicates Construction Cost of \$61.2M <u>excluding</u> escalation.
Aug - Sept 2007	County hired Value Engineering consultant to review documents and to recommend cost savings. Although many revisions were incorporated, the major cost savings was the relocation of the large stormwater tanks from under the building (and requiring removal of bedrock) to an offsite location.
Sept 2007	As part of Value Engineering process, A/E was directed to resubmit cost estimate with escalation. A/E Estimate indicates Construction Cost of \$72.7M including escalation.
October 2007	In order to check A/E's cost estimate, an independent cost estimator (MBP) was hired to estimate the cost estimate of the project documents <i>before Value Engineering</i> . MBP Estimate indicates Construction Cost of \$71.9M including escalation.
Dec 2007	A/E Estimate, after Value Engineering, indicates Construction Cost of \$68.4M including escalation. Thus, the VE exercise was determined to save approximately \$4.3M.
April 2008	Contractor Construction Cost proposals received; low Construction Cost proposal = \$62.9M; reduced to \$62.5M by relocation of Transit Store.
June 2008	Supplemental Request indicates Construction Cost of \$62.5M and Project Cost of \$88.8M (does not include previously expended funds for planning).

PDF COMPARISON

Cost Element	Old PDF	New PDF	Difference	Comments
PDS	11,151	12,761	1,610	+\$218k for A/E +\$937k for Mont. County staff +\$245k for MTA staff +44k for Inspection/Testing Services +\$80k for Commissioning Services +\$24k for CSX flagman +\$15k for IT Services +\$47 k for Public Outreach, other
Land	8	8	0	
Site & Utilities	7,913	10,083	2,170	+ \$1,735k for sitework in construction bid + \$150k for off-site SWM; + \$11k for Fiber + \$20k for Security System +\$254k for Utilities
Construction	44,964	57,904	12,940	+ \$13,449 for construction bid - \$509k for Interim Operating Site
Other	8,026	8,026	0	
TOTAL	72,062	88,782	16,720	

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County Position on MNCPPC and WMATA Architectural Elements
(see attached list)

Element # 1 (Streetscape along Colesville Road - requested by MNCPPC): This streetscape requested by MNCPPC has been included in the bid documents and will be included in the Contract Work.

Element # 2 (Installation of Silver Spring Street Light Fixtures and breakaway concrete for future brick sidewalk - requested by MNCPPC): The Silver Spring Street light fixtures are included in the bid documents and will be included in the Contract Work. The future brick increases maintenance for WMATA (which they privately oppose but which they may not oppose publicly). Also, the handicapped community prefers concrete walkways instead of brick pavers; we think that community will oppose this element. This element cannot be added after the completion of construction.

Element # 3 (Stamped Asphalt Walkways - requested by MNCPPC): The crosswalks require increased maintenance and do not enhance pedestrian safety. This element can be added after the completion of construction.

Element # 4 (Shade Tree Requirements - requested by MNCPPC): These shade tree requirements requested by MNCPPC have been included in the bid documents and will be included in the Contract Work.

Element # 5 (Canopies on middle and top levels - requested by MNCPPC): These canopies requested by MNCPPC have been included in the bid documents and will be included in the Contract Work.

Element # 6 (Construction of canopies using glass roof panels - requested by MNCPPC and WMATA): These canopies requested by MNCPPC and WMATA have been included in the bid documents and will be included in the Contract Work.

Element # 7 (Canopy at entrance to Metro Station - requested by MNCPPC and WMATA): This element could be added after the completion of construction.

Element # 8 (Construction of stair and escalator enclosures with increased glass - requested by MNCPPC): The specified glass in the base bid provides ample visibility. This element cannot be added after the completion of construction.

Element # 9 (Green Roof - requested by MNCPPC and WMATA): These canopies requested by MNCPPC and WMATA have been included in the bid documents and will be included in the Contract Work.

Element # 10 (Additional Escalator at Upper Level , South End - requested by WMATA): The specified escalators, elevators and stairs provide adequate user mobility. This element can be added after the completion of construction.

Element # 11 (Additional Stair outside the MTA/Interstate Bus location - requested by WMATA): The stair's primary purpose was to provide access to a bridge which was deleted from the project earlier. The specified escalators, elevators and stairs provide adequate user mobility. This element can be added after the completion of construction.

Element # 12 (Relocate Transit Store – originally requested by WMATA; now requested by MNCPPC): The revised location of the Transit Store provides the same service and functionality at a lower cost. This revision is not expected to be opposed by WMATA. The relocation of the Store into the building gives the Transit Plaza a cleaner appearance. This element could be added after the completion of construction.

**Architectural Element
Summary of Potential Added Costs
Silver Spring Transit Center**

Item No.	Description of SSTC Feature	Agency	Potential Added Cost* (\$)	Likely FY Expenditure	Comment
1	The Silver Spring Streetscape treatment shall be provided along Colesville Road from Wayne Avenue, south under the bridge to the limits of the project, except that the M-NCPPC Transit Plaza shall extend to the curb line of Colesville Road in the vicinity of the Transit Plaza.	M-NCPPC	\$0	NA	Work will be constructed as part of the project with approval of the Supplemental
2	The pedestrian areas in level 350 of the Transit Center, including the center island area but excluding the pedestrian crosswalks, and the new access road from Ramsey Avenue shall be constructed with a concrete base, bond break and concrete surface so that in future the top concrete surface can be removed and replaced with the Silver Spring Streetscape standard brick. The Silver Spring street light fixtures on level 350 and along the new access road will be installed as part of the transit center construction.	M-NCPPC	\$60,500	FY10	Requires funds beyond the CE requested Supplemental, except that the Silver Spring standard light fixtures are included in the project.
3	Specially paved (stamped modified asphalt) crosswalks shall be installed across Wayne Avenue and Ramsey Avenue (County roads). The County will seek approval by SHA for similar specially paved (stamped modified asphalt) crosswalks on Colesville Road, and will install the crosswalk if approved by SHA. The quality and type of installation shall be similar to the previously installed County crosswalks as located at the corners of Fenton Street and Ellsworth Drive in downtown Silver Spring.	M-NCPPC	\$18,700	FY10	Requires funds beyond the CE requested Supplemental
4	Each shade tree planted over structure shall have a minimum of 250 cubic feet of soil to sustain and encourage healthy growth, and shall be designed to include proper drainage. The top level of the transit center deck and adjacent on-grade areas shall include a minimum of 25 shade trees.	M-NCPPC	\$0	NA	Work will be constructed as part of the project with approval of the Supplemental
5	The various canopies on the middle and top level of the Transit Center shall be constructed and not replaced by stand alone bus shelters.	M-NCPPC	\$0	NA	Work will be constructed as part of the project with approval of the Supplemental
6	The canopies shall be constructed using laminated glass roof panels with a fritted pattern, in lieu of metal panels metal panels.	M-NCPPC and WMATA	\$0	NA	Work will be constructed as part of the project with approval of the Supplemental, except for Canopy No. 1
7	Canopy #1 at the entrance to the Metro Station shall be constructed, and materials shall be laminated decorative glass roof panels in lieu of the current station entrance.	M-NCPPC and WMATA	\$489,500	FY10	Requires funds beyond the CE requested Supplemental
8	The stair and escalator enclosures shall be constructed using glass panels only, in lieu of a mix of metal panels and fritted glass.	M-NCPPC	\$365,622	FY10	Requires funds beyond the CE requested Supplemental, as current design is a mix of metal panel and glass.
9	The Green Roof shall be constructed, allowing for minor adjustments for plant material substitutions as necessary.	M-NCPPC	\$0	NA	Work will be constructed as part of the project with approval of the Supplemental
10	Provide an additional Escalator from the second to the third level at the south end of the Transit Center in addition to the three elevators and two stairways included in the project.	WMATA	\$1,361,800	FY10	Requires funds beyond the CE requested Supplemental
11	Provide an additional Stairway and requisite appurtenances from Level 2 to Level 3, outside the MTA/Interstate Bus location, in addition to the three elevators and two stairways included in the project. located in the center island on level 2.	WMATA	\$1,020,800	FY10	Requires funds beyond the CE requested Supplemental
12	Location of the Transit Police office or the Transit Store/Transit Police Office at the 305 level directly in front of the major entrance to the rail station, instead of being located on the middle level with MTA/Interstate Bus.	M-NCPPC and WMATA	\$517,000	FY09	Requires funds beyond the CE requested Supplemental
Total Potential Added Costs*			\$3,833,922		

* Includes 10% Construction Contingency



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

**PUBLIC TESTIMONY IN SUPPORT OF
SUPPLEMENTAL APPROPRIATION TO MONTGOMERY COUNTY
GOVERNMENT'S FY09 CAPITAL BUDGET AND AMENDMENT TO THE
FY09-14 CAPITAL IMPROVEMENT PROGRAM
FOR THE SILVER SPRING TRANSIT CENTER (509974)**

July 15, 2008

President Knapp, Members of the County Council,

My name is Diane Schwartz Jones and I am an Assistant Chief Administrative Officer in the County Executive's Office. Arthur Holmes, Jr., Director of the Department of Transportation, and I are here today speaking on behalf of the County Executive in support of the supplemental appropriation and to explain the rationale for certain items of work not included in the proposed project. I appreciate the opportunity to speak with you today regarding the Silver Spring Transit Center project and the supplemental appropriation request for \$16.720M, which when appropriated will reflect a total project budget of \$91,374,000. The amount of our request reflects deferral or elimination of certain elements of which results in a cost saving of \$3,485,384 plus a percentage for contingency.

In an optimal world where our projects did not need to compete against each other for limited funds, we would not need to make as many hard decisions about where to reduce costs. The reality is that in addition to funding a multi-modal transit center that meets our transit needs and creates transit-oriented development opportunities, we must fund a multitude of capital projects, including road surface improvements, land acquisition costs, and construction of facilities such as libraries, recreation centers and schools. And so we made some hard cost reduction decisions.

We realize that it is unusual to be here along with our colleagues from WMATA and Park and Planning. Over the past year, through a collaborative exchange of ideas with WMATA and Park and Planning, we recognized that the County would need to scrutinize the scope of the project due to costs. Our project colleagues knew this and thus we agreed on an approach whereby we would present our request and both WMATA and Park and Planning would, at that time, use the opportunity to request additional funds for elements that they respectively want included in the project. In a perfect world, we could fund everything. Our MOU addressed the funding process, and so you see all of us now before you. We do not consider this disagreement to be adversarial nor do we consider the items of disagreement to be contentious. Rather, we recognize that each agency has its own professional opinion on the value of various elements of the project. We will build the transit center in accordance with the funding decisions that you make.

The Partners in the Silver Spring Transit Center project, including the Maryland Transit Administration (MTA), Washington Metropolitan Area Transit Authority (WMATA), Silver Spring Metro, LLC and the County, recognized early on that the cost

of this project would likely exceed the available funds. Accordingly, we have been through several iterations of value engineering (VE) in order to keep the costs to a reasonable amount.

Existing Facility

The existing facility is approximately 30 years old and yet it operates as the busiest bus transit center (as measured in buses per hour – busier than Pentagon) in the Metro system. The Silver Spring station has the system’s highest access by “bus to Metrorail” and “walk/bike to Metrorail” in the AM peak, and has the second highest Metrorail ridership in Montgomery County. The current facility has 23 bus bays handling 145 buses per hour and includes 5 on-site staging bays and 14 on-street staging bays.

There are currently approximately 57,000 boardings and alightings per day with service and connections to 1,250 buses, Metrorail trains, MARC trains and taxis. It is projected that in 2025, the Transit Center will need to handle an estimated 97,000 boardings and alightings per day, an increase of 70 percent over the current volume. Two of the three highest ridership Metrobus routes serve Silver Spring. Because of the inefficiency of the current facility, buses frequently back up into Wayne Avenue during peak hours exacerbating congestion and creating dangerous conflicts with other vehicles and pedestrians.

Proposed Facility

In designing a new Transit Center, we believe we have provided for significantly improved function and that we have developed a “state of the art” transit facility for Silver Spring that is capable of functioning as the gateway to downtown Silver Spring and befitting of the name, the Paul S. Sarbanes Transit Center. The project features include:

- Expansion to 32 bus bays (including 6 bays for articulating buses) for WMATA Metrobus, Montgomery County Ride-On, MTA regional commuter bus, Van-Go shuttle, Inter-City bus and University of Maryland Shuttle
- 22 “Kiss-‘n-Ride” and taxi spaces
- New infrastructure for the Intelligent Transportation System (ITS)
- New Multi-Modal Transit Store and WMATA Police Station
- Accommodation for future Bi-County Transitway
- Connections to hiker/biker trails (Capital Crescent Trail, Metropolitan Branch Trail and Silver Spring Green Trail)

The new transit center will be a three tier facility adjacent to the Metro Station and Marc Station with 32 bus bays capable of handling 250 buses per hour. The arrangement of the facility will provide for efficient connections between all integrated modes of travel, most of which can occur in weather protected transfers. The arrangement also provides for closer connections by being immediately adjacent to the

rail line meaning shorter pedestrian trips.

The design also features improved connections to the surrounding roadway network to Colesville Road through a signalized entrance, and to Ramsey Avenue. This improved distribution of bus traffic will reduce back-up onto Wayne Avenue and lessen traffic impacts and conflicts between buses and automobiles and buses and pedestrians.

The Transit Center has been designed to make the surrounding portion of the site available for roughly 550,000 s.f. of private Transit Oriented Development (TOD) consisting of residential and commercial uses. In a 2004 Fiscal Impact Analysis, the TOD was estimated to yield new Net Present Value tax revenues to the County of \$32.8 Million and to the State of \$41.6 Million. In addition, the TOD will result in increased ridership to WMATA by an estimated 4200 additional daily transit trips.

Project History

The Silver Spring Transit Center (SSTC) project dates back to its first appropriation which was in FY99. The project was set up as a two-phase project with Phase 1 providing better pedestrian access to the MARC train and Phase 2 being construction of a stand-alone transit center on the current site. The Phase 1 work was performed by the Maryland Transit Administration (MTA).

Phase 2, the stand-alone transit center, was to be constructed by the County (for ownership by WMATA) with both County and Federal funds and was to replace the existing Transit Center which is at capacity and poses traffic-flow and pedestrian safety issues. At that time, the estimated project budget was \$40.9 Million (for both the Transit Center and the ITS component) with \$34.2 Million coming from Federal and State funds and the balance of funding coming from the County. The project had completed the Federal Environmental Assessment hearing process and had gone through mandatory referral. As a result of the Planning Board's recommendations during the initial mandatory referral process and due to community input, the County began looking at how to include retail space with the proposed transit center. The County does not engage in development of speculative retail and therefore approached WMATA to explore the opportunity of doing a joint development solicitation. This request led to WMATA and the County jointly issuing a solicitation for a public/private joint development of the Silver Spring transit center site.

The Joint Development Solicitation resulted in the selection of a proposal by a private developer comprised of Foulger-Pratt Companies and Mid-City Urban, LLC to develop a mixed use project on the site. The assumptions at that time were that the private development would incorporate the concept plan and design that had already been completed. After extensive efforts, it was finally determined that the private development could not be accommodated on the site with the concept that had been developed for the stand-alone transit center.

The County, WMATA and the developer then engaged in extensive work to re-configure the concept plan for the transit center to accommodate private transit oriented development. This resulted in the transit center going from a 2-level structure to a 3-level structure with certain features to accommodate the private development. Significant work then went into determining the cost of the transit center. As a result of the re-design, which involved a higher structure and significantly more excavation into rock due to its location adjacent to the rail lines, and due to significant increases in the costs of concrete and steel, the cost of the project increased significantly and in FY07 was estimated at approximately \$73.1 Million of which approximately \$66.3 Million was to be paid for from State and Federal funds. Of course, the fiscal impacts from the project changed dramatically as well with the County now realizing projected new tax revenues with a net present value (as of 2004) of \$32.8 Million and the State realizing new tax revenues with a net present value (also as of 2004) of \$41.6 Million.

Throughout this time period as design progressed we continued to engage in both cost estimating and value engineering (VE). In December 2005, having received an independent estimate that suggested that the project was over budget by \$10,000,000 to \$15,000,000, the County embarked on a VE effort and directed the design team to shorten the length of the transit facility by 40 feet on all levels, helping to reduce both the size of the entire facility and excavation costs during construction. In addition, the design team was directed to remove half of the top level of the structure, again reducing the overall size and cost of the facility. These efforts were judged to be sufficient at that time to address the cost issues.

In June 2007, estimates again indicated that the project was over budget. A verification of the cost estimate, conducted as part of a new and independent VE process, indicated that the project was over budget by a range of \$18,000,000 to \$25,000,000. As part of this new VE process, changes with savings on the order of \$5,000,000 were identified and implemented into the design. These changes included revision to stormwater structures, which were to be constructed under the lower level of the facility, and revisions to drainage and air duct piping, also to be constructed under the lower level of the facility. In addition, Architectural Elements were identified for simplification and changes in materials and locations so as to allow additional savings. It is also important to note that the results of the VE study found relatively few VE opportunities which indicates that the project was fairly "lean" as a result of our design team's ongoing VE efforts throughout the design process.

Construction RFP

Recognizing the discrepancy between the cost estimates and the approved funds, we developed and undertook an approach to address the potential shortfall. First, we recognized that cost estimates are able only to provide a general indication of the cost of the project. The true project cost would only be known when the project is bid and bids have been received. Second, any delay in bidding the project only increases the project cost through construction escalation. We estimate that escalation adds approximately \$250K to the project cost each month.

Therefore, we issued an RFP for construction proposals on January 28, 2008 and received and analyzed the bids in April. Two proposals were received on April 23, 2008. The Quality Selection Committee (QSC), which included representatives from WMATA and MTA, then reviewed the proposals and interviewed the submitting firms. According to Procurement Regulations, the activities and findings of the QSC are to remain confidential until the contractor has been selected. On May 21st, the Office of Procurement approved the QSC's recommendation and gave permission to enter into negotiations with the selected Contractor.

Based on these negotiations, the new project budget has been determined to be \$91.374 Million, which includes all planning, design and project administration costs, construction costs and a construction contingency, interim operations construction and operation and maintenance costs for the interim operations site during construction of the Transit Center. The sources of funds are as follows:

Federal funds	\$53.556M
State funds	\$14.289M
County funds	<u>\$ 6.809M</u>
Total	\$74.654M prior to supplemental appropriation
Supplemental Appropriation	<u>\$16.720M</u>
New Total	<u>\$91.374M</u> after supplemental appropriation

Interim Operations Site

To assure continual bus operations during construction of the Transit Center, a location for an Interim Operations Site (IOS) has been selected in the block of Ramsey, Bonifant, Wayne and Dixon, immediately adjacent to the existing Transit Station. In order to accommodate the bus operations in this area during construction of the new Transit Center, new bus stops, shelters, pedestrian crossings, streetlights, traffic signals and directional signage will be constructed. Work on the Interim Operations Site is now complete except for "last minute items," including signage and shelters, which will be implemented just prior (roughly two weeks prior) to relocating the buses. We do not anticipate relocating the buses until just before construction activities begin in early September.

Architectural Elements

The County was required to negotiate the relocation of the Urban Park Easement held by the Maryland-National Park and Planning Commission (M-NCPPC), which is located in the middle of the future SSTC site between the current bus loop areas. As a

condition of the park relocation negotiations, the Planning Board required inclusion of Architectural Elements (that were deemed by M-NCPPC as "essential") in the Park Replacement Memorandum of Understanding (MOU). M-NCPPC required that these Elements be included in the project either in the base construction or as an alternate to be added once the cost of the SSTC was known. The County and M-NCPPC agreed that at the time the County requested additional funding for the project, M-NCPPC would present its position for inclusion of funding for any of the alternate items that were not included in the County's recommendation.

A similar approach was agreed to with WMATA for Elements that it believes are potentially essential, if not at construction, then at some point in the future of the SSTC. It is thus with the concurrence of the parties as to how to approach the funding request for the transit center that we have submitted our request and WMATA and M-NCPPC are presenting their respective positions on the additional items they are requesting be funded over and above the County's requested supplemental funding.

With receipt of the proposals for construction, the project budget is now \$16,720,000 over the current budgeted cost estimate, and a supplemental appropriation has been recommended. The status of the various M-NCPPC and WMATA requested additional Elements inclusion or exclusion from the project are as follows:

1. Streetscape along Colesville Road - requested by M-NCPPC The streetscape requested by M-NCPPC has been included in the bid documents and **will be included** in the Contract Work with approval of the supplemental funding.
2. Installation of Silver Spring Street Light Fixtures and breakaway concrete for future brick sidewalk - requested by M-NCPPC The Silver Spring standard street light fixtures are included in the bid documents and **will be included** in the Contract Work with approval of the supplemental funding. The Commission On People with Disabilities has actively sought the use of concrete walkways instead of brick pavers as being the most user friendly for both mobility impaired and visually impaired persons. With this facility serving as the important link for transportation, having accessible walkways at this most important facility is paramount. WMATA has supported the use of concrete sidewalks for all its outdoor facilities and access ways, and desires not to have brick pavers. In addition, the breakaway sidewalk slab that would allow for the future installation of paver bricks increases potential maintenance for WMATA both prior to and later if the pavers are installed. Therefore, the additional cost for the breakaway concrete for installation of the future paver bricks **is not supported** in the appropriation request (estimated cost to include is \$55,000 plus a percentage for contingency during construction).
3. Stamped Asphalt Crosswalks - requested by M-NCPPC The crosswalks have the potential for increased maintenance and do not necessarily enhance pedestrian safety. This element can be added after the completion of construction under a separate funding request or project. Therefore, the additional cost for the stamped

asphalt crosswalks **is not supported** in the appropriation request (estimated cost to include is \$17,000 plus a percentage for contingency during construction).

4. Shade Tree Requirements - requested by M-NCPPC These shade tree requirements requested have been included in the bid documents and **will be included** in the Contract Work with approval of the supplemental funding.
5. Canopies on middle and top levels - requested by M-NCPPC These canopies are included in the bid documents and **will be included** in the Contract Work with approval of the supplemental funding.
6. Construction of canopies using glass roof panels - requested by both M-NCPPC and WMATA These canopies requested by M-NCPPC and WMATA have been included in the bid documents and **will be included** in the Contract Work with approval of the supplemental funding.
7. Canopy at entrance to Metro Station - requested by M-NCPPC and WMATA Currently (since the 1978 opening of the Metro Station), there is no canopy at the entrance to the station. This element could be added after the completion of construction. Therefore, the additional cost for the glass canopy installation **is not supported** in the appropriation request (estimated cost to include is \$445,000 plus a percentage for contingency during construction).
8. Construction of stair and escalator enclosures using all glass panels - requested by M-NCPPC The stair and escalator enclosures remain in the project, but are a mixture of metal panels and glass panels. The visibility and day lighting within the enclosures is good, and acceptable to WMATA. This element cannot be added after the completion of construction. The additional cost for the all glass enclosure installation **is not supported** in the appropriation request (estimated cost to include is \$332,384 plus a percentage for contingency during construction).
9. Green Roof over the south end of the facility - requested by M-NCPPC and WMATA The green roof requested has been included in the bid documents and **will be included** in the Contract Work with approval of the supplemental funding.
10. Additional Escalator at Upper Level , South End - requested by WMATA The specified escalators, elevators and stairs provide adequate user mobility for the facility. The need for the escalator may become a necessity at some point in the future with the additional pedestrian traffic expected when the Ripley District and South Silver Spring are developed. Provisions have been made in the base contract to allow this element to be added after the completion of construction. Therefore, the additional cost for the additional escalator installation **is not supported** in the appropriation request (estimated cost to include is \$1,238,000 plus a percentage for contingency during construction).

11. Additional Stair outside the MTA/Interstate Bus location - requested by WMATA
The stair's primary purpose is to provide access from the green roof area at the south end of the facility to the mid level deck. It may become a helpful additional access at some point in the future when the Ripley District and South Silver Spring are developed. The specified escalators, elevators and stairs provide adequate user mobility. Provisions have been made in the base contract to allow this element to be added after the completion of construction using a separate funding request or project. Therefore, the additional cost for the additional stairway installation **is not supported** in the appropriation request (estimated cost to include is \$928,000 plus a percentage for contingency during construction).

12. Relocate Transit Store back to the Transit Plaza-- originally requested by WMATA
The revised location of the Transit Store provides the same service and functionality at a lower cost, and was a planned Value Engineering revision that was included as a deduct alternate in the base contract. The revised location will put the County's TRiPS (Commuter Store) and the Transit Police in the same shared location with the MARC train waiting area, and the inter-city bus station. The County and WMATA have agreed to exercise this option. This element could be added after the completion of construction of the SSTC at some future date. Therefore, the cost for keeping the transit store at the front Transit Plaza **is not supported** in the appropriation request (estimated cost to keep the transit store at the Transit Plaza location is \$470,000 plus a percentage for contingency during construction).

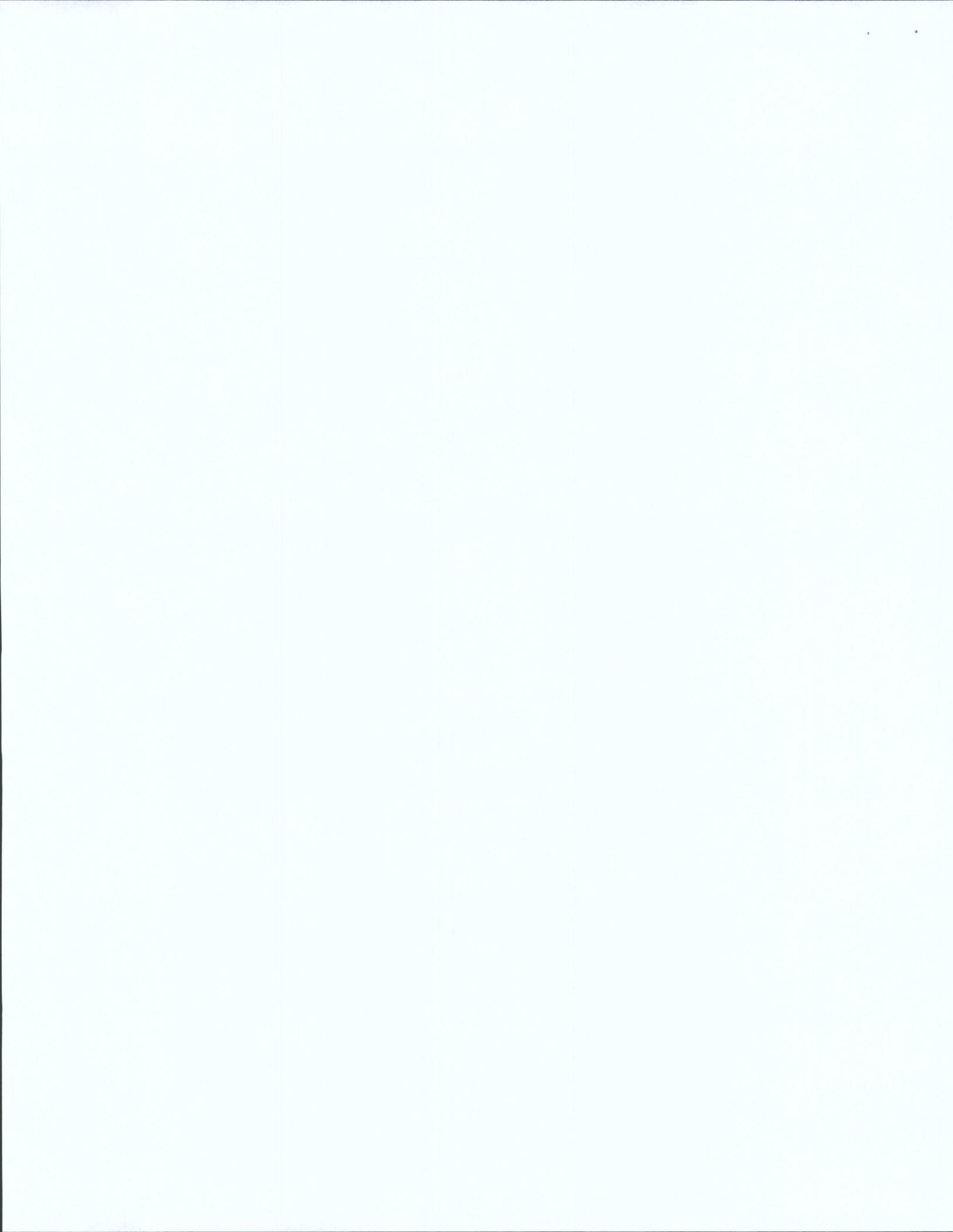
If the sum of all the additional Elements desired by M-NCPPC and WMATA are added to the requested supplemental appropriation, the project cost will increase by another \$3,485,384 plus a percentage for contingency during construction over and above the recommended supplemental appropriation of \$16.72M.

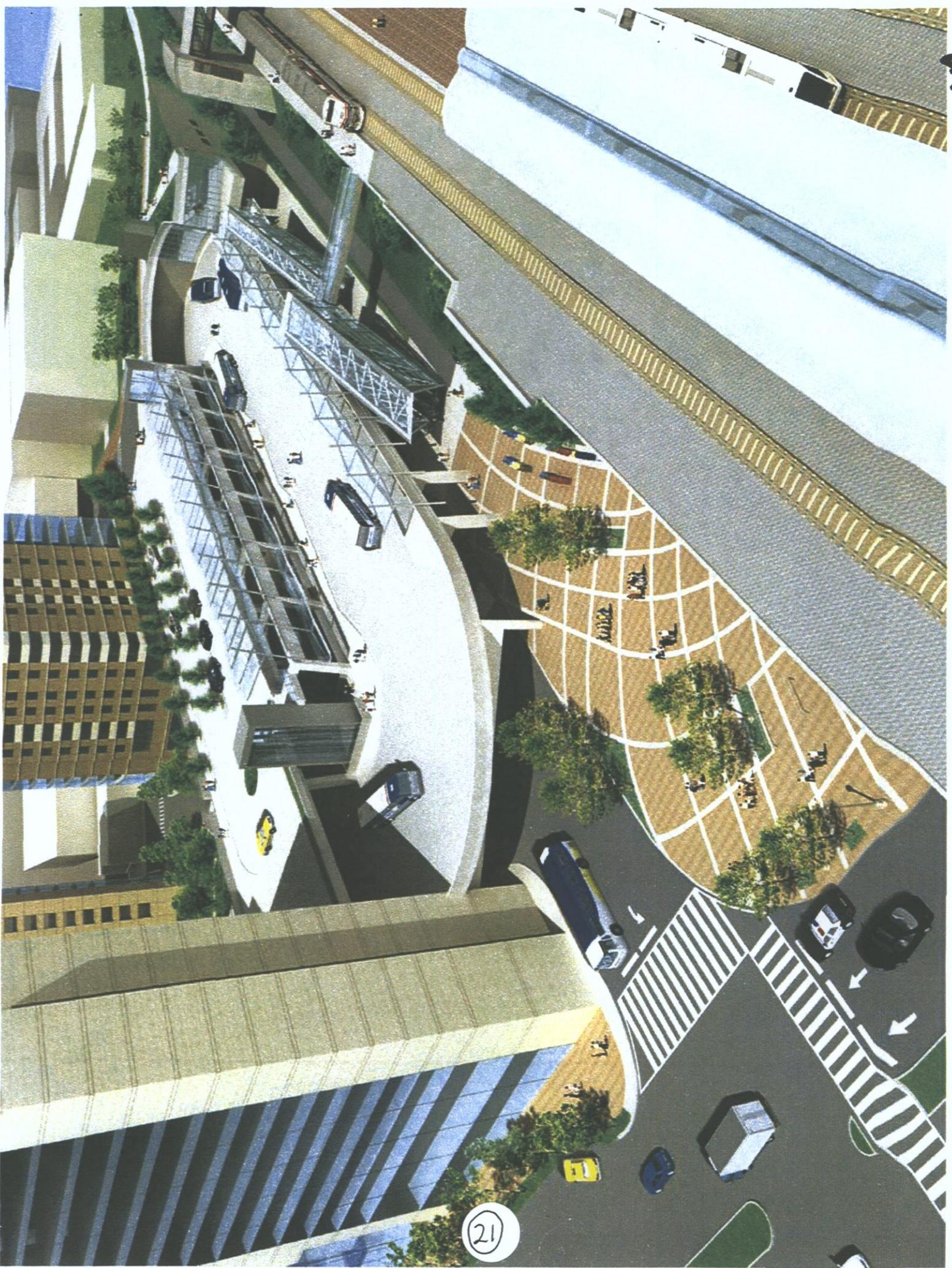
Funding Considerations

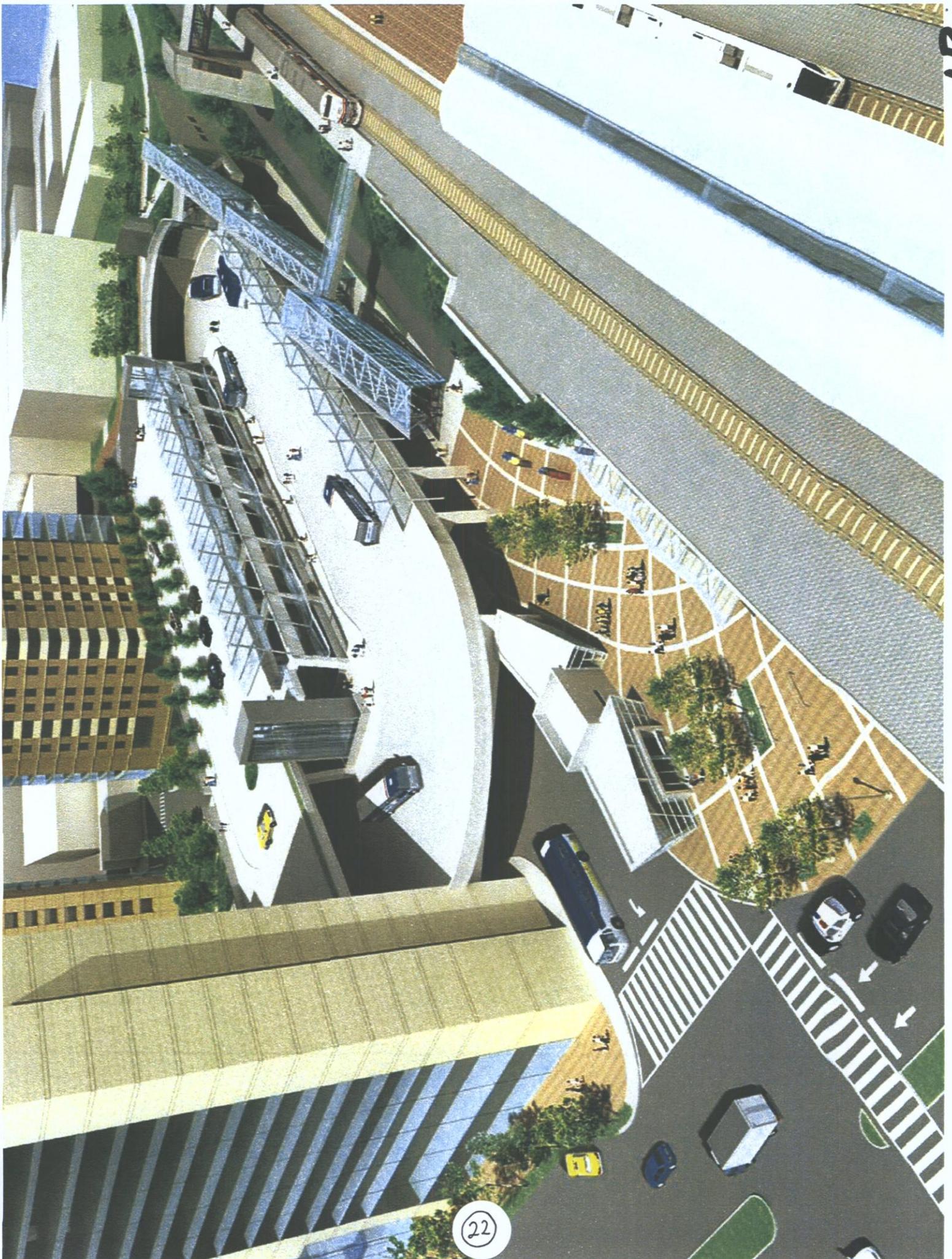
The majority of the \$16.7 million request will be funded from the general obligation bond set-aside for FY09 and FY10. After deducting both the Silver Spring Civic Building (\$2.5 million) and the SSTC's supplemental appropriation requests, the resulting FY09 and FY10 general obligation bond set-asides would be \$8.4 million and \$9.6 million respectively.

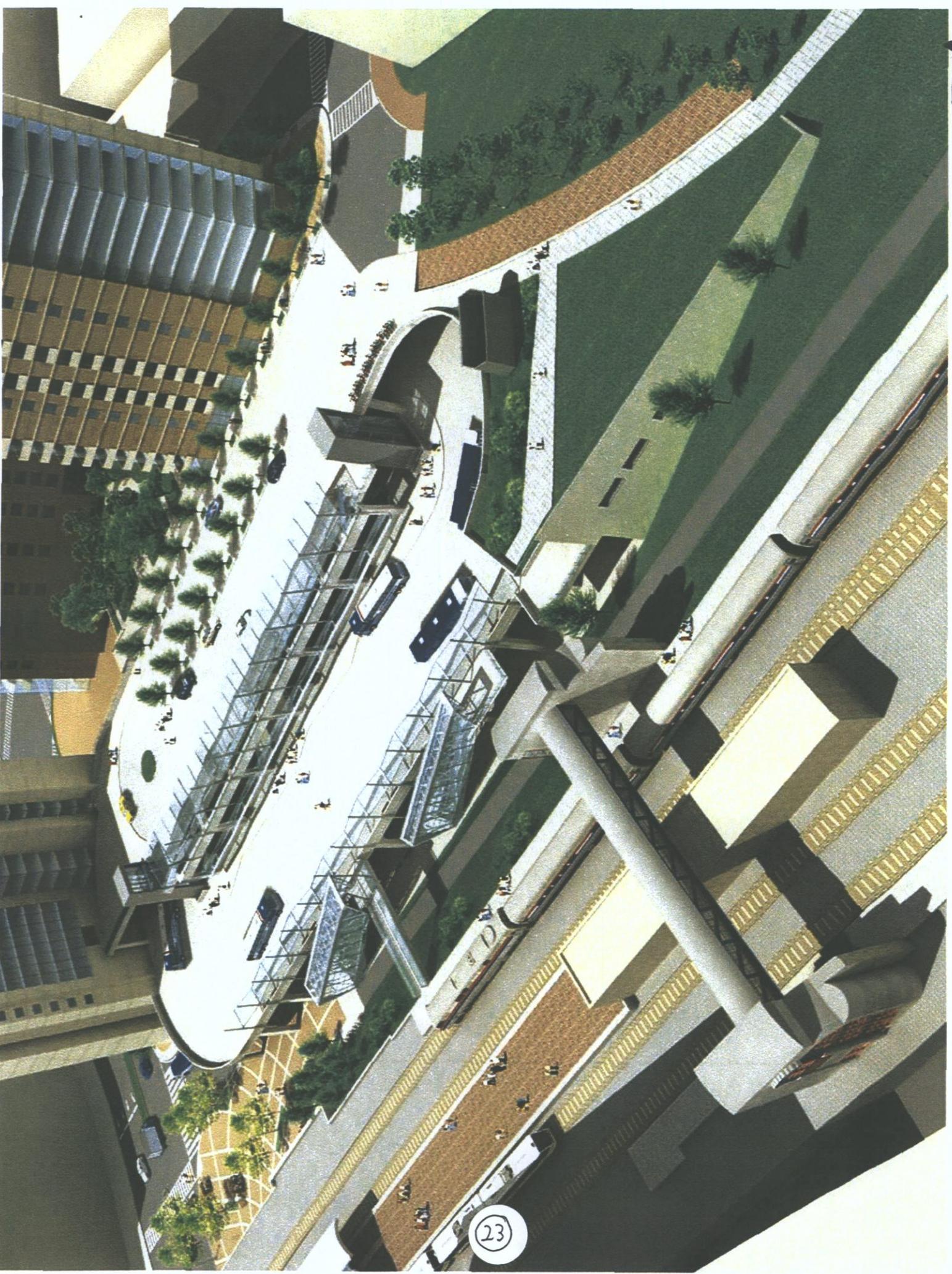
General obligation bonds are set-aside to fund unanticipated CIP project requirements in addition to FY09-14 CIP amendments which the County Executive will be recommending in January 2009. Further, there are many additional, competing CIP needs including road surface improvements, land acquisition costs, the libraries, including the Silver Spring Library and other infrastructure needs which require County financial resources. Funding the additional \$3.5 million in additional Elements requested by M-NCPPC and WMATA would deplete already minimal resources and result in forgoing other projects.

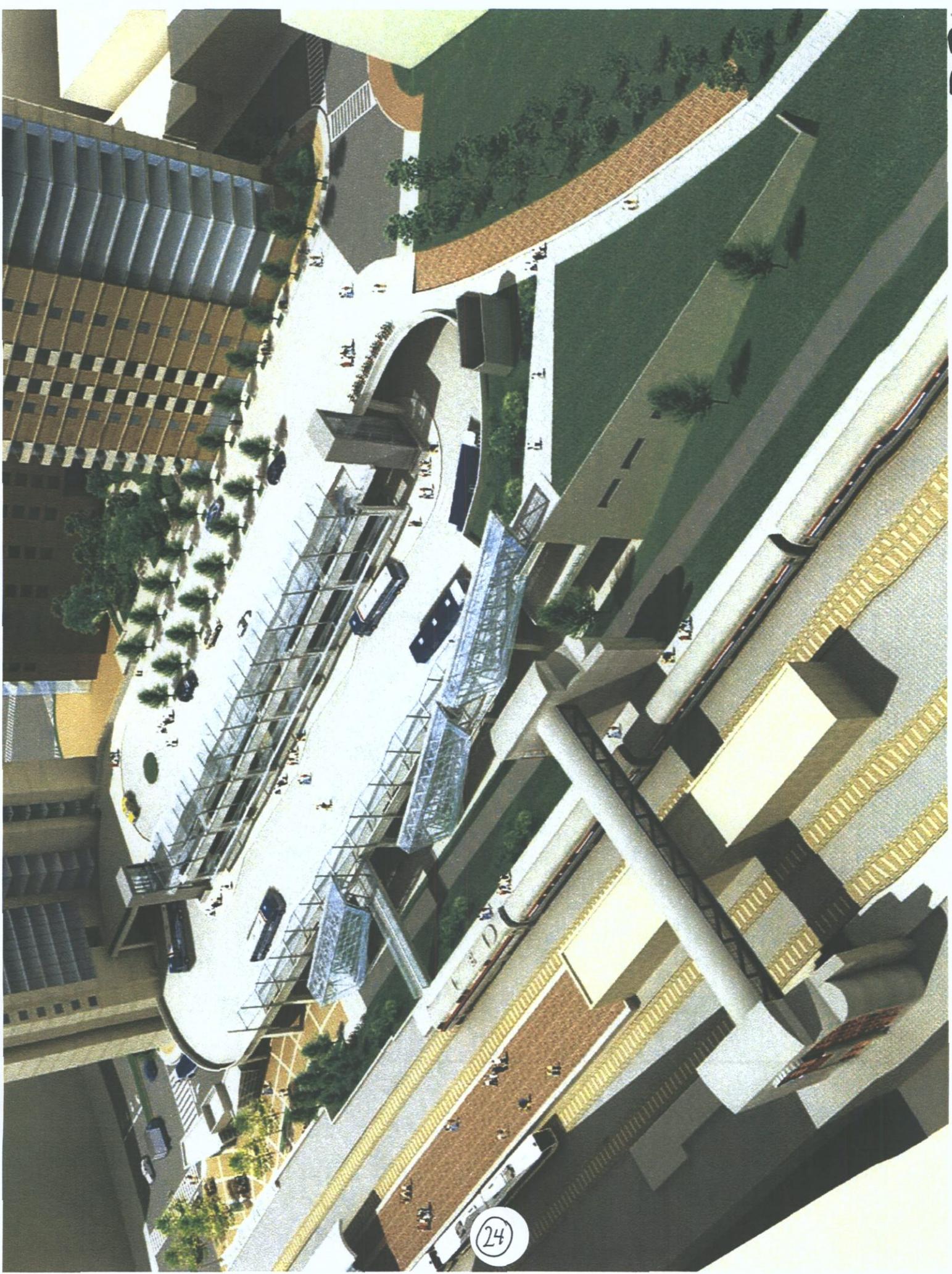
I appreciate your consideration of the SSTC supplemental appropriation in the amount of \$16,720,000 as requested on June 17, 2008.















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SILVER SPRING TRANSIT CENTER

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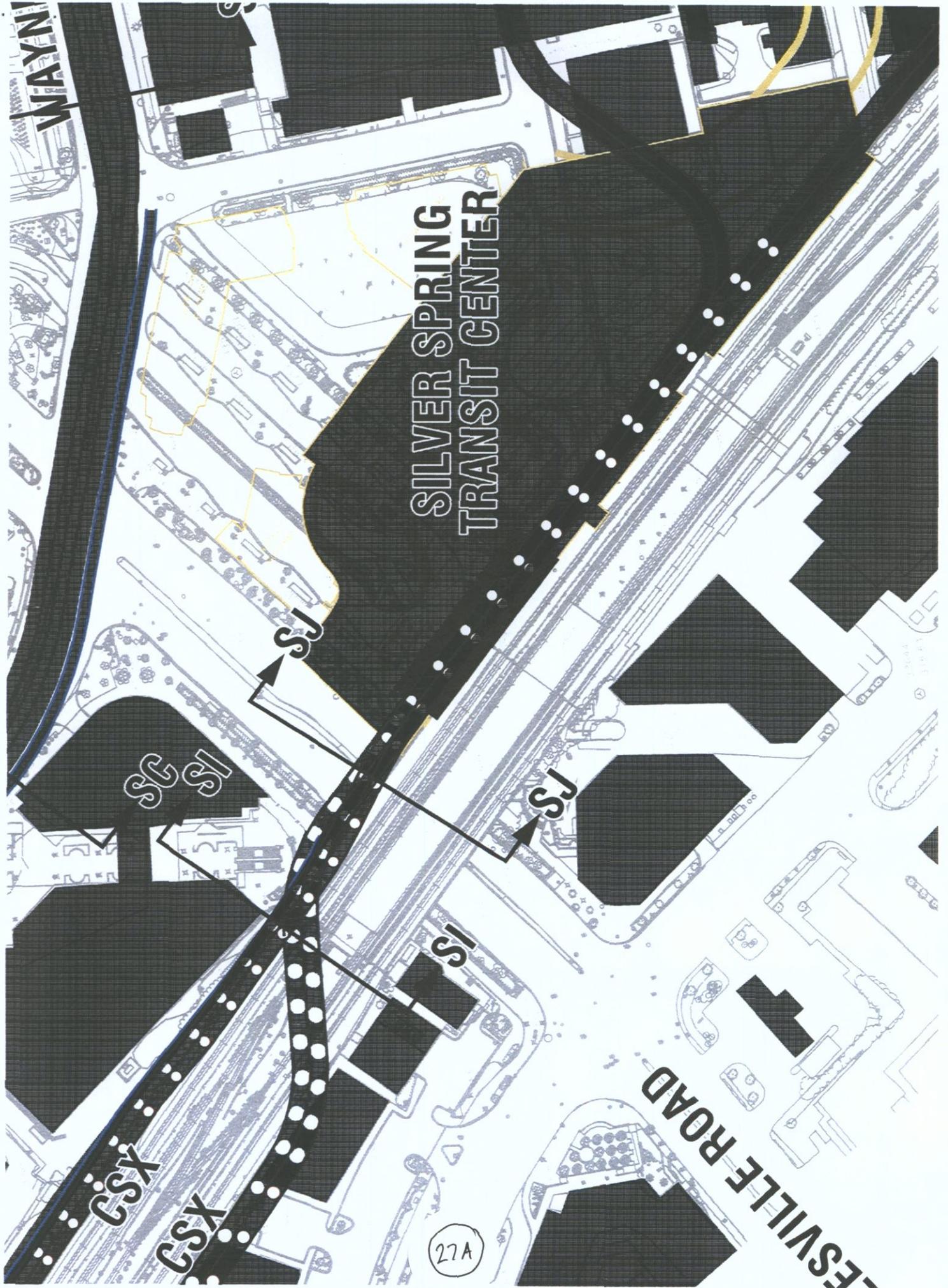
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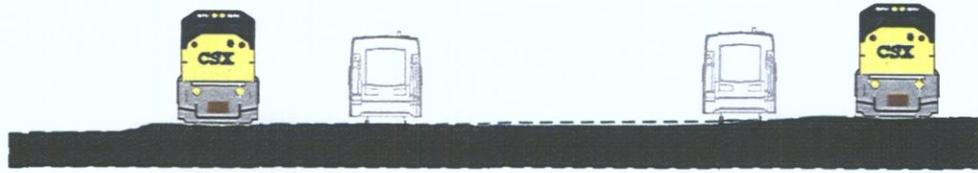
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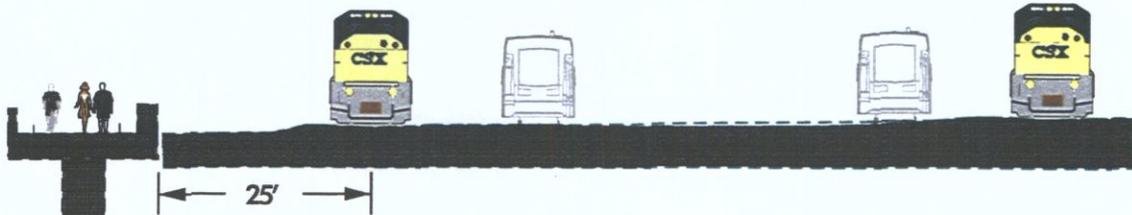
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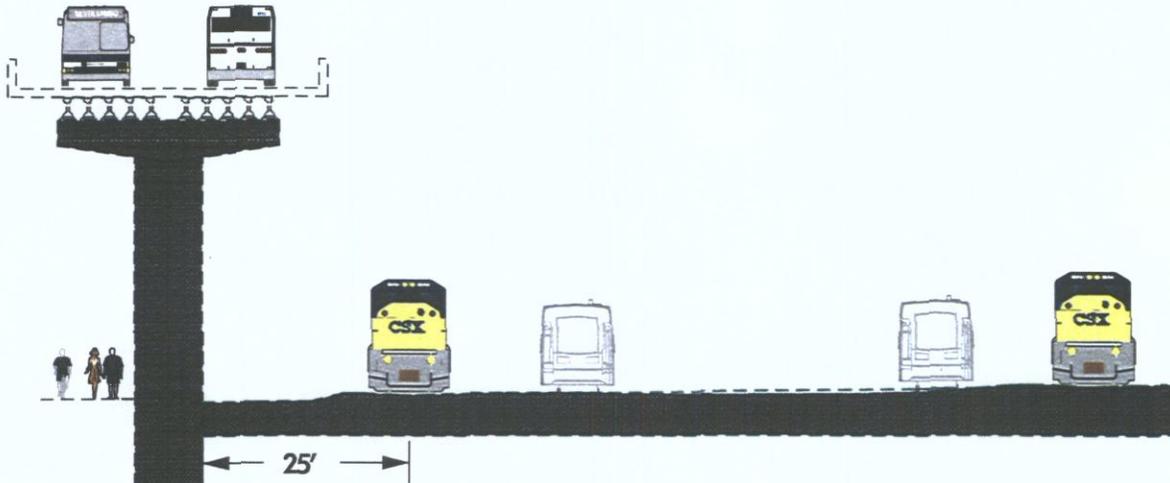




EXISTING CONDITIONS

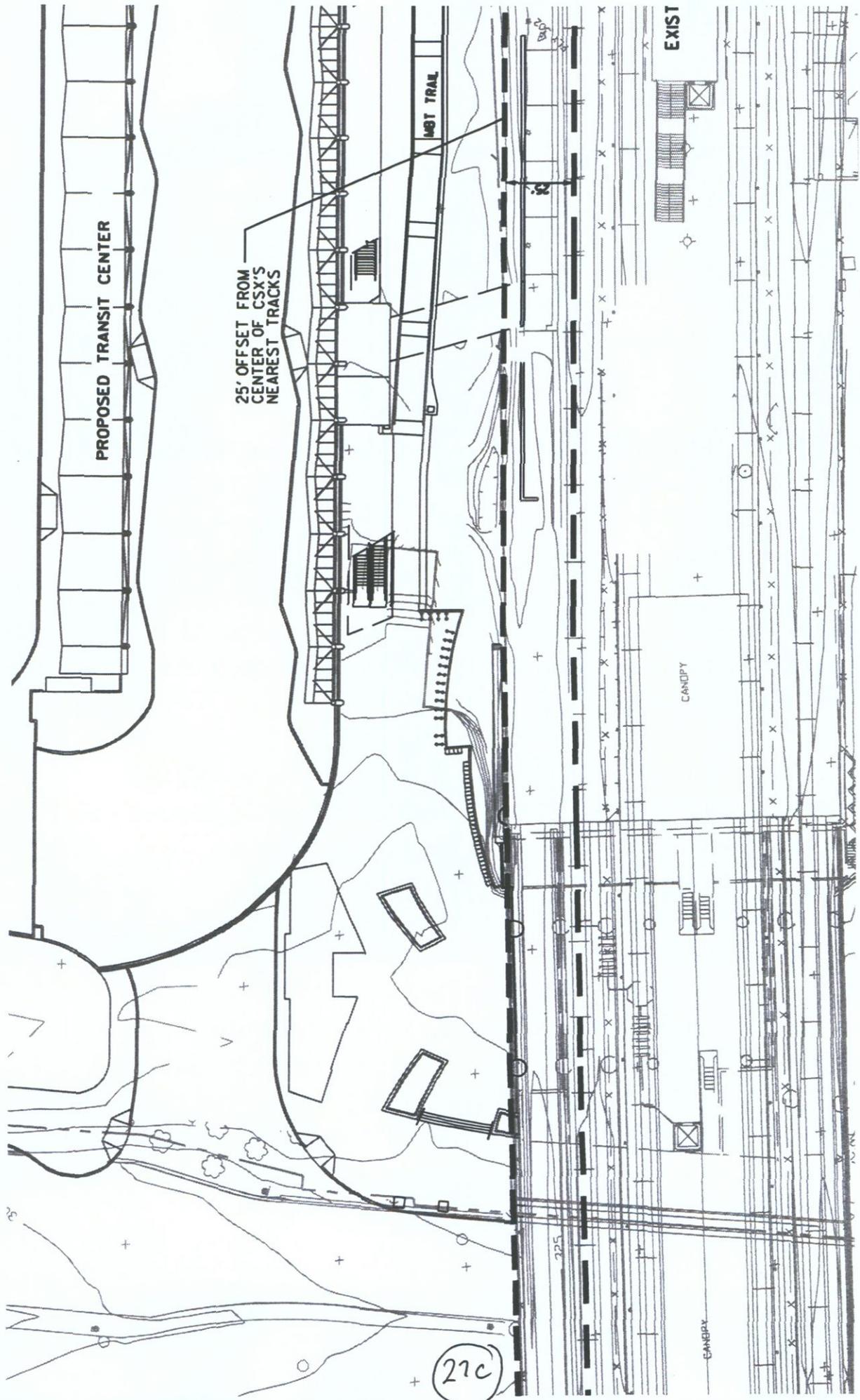


TRAIL - STUDY ALIGNMENT



BRT/LRT - NORTH SIDE STUDY ALIGNMENT

SECTION SJ - SJ



25' OFFSET FROM
CENTER OF CSX'S
NEAREST TRACKS

PROPOSED TRANSIT CENTER

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EXIST

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STATEMENT OF ROYCE HANSON, CHAIR, ON BEHALF OF THE
MONTGOMERY COUNTY PLANNING BOARD ON THE SUPPLEMENTAL
APPROPRIATION REQUEST FOR THE SILVER SPRING TRANSIT CENTER

The Planning Board urges you to increase the supplemental appropriation by \$1,319,384 to include 4 essential design elements that were value engineered out of the project and excluded from the executive's request.

These 3 elements were among 9 that were included in the MOU executed by the commission, the executive, and WMATA in recognition of the commission's release of its park easement at the transit center site and our agreement to accept less area in replacement open space. We are pleased that the two replacement open spaces, at the Metro Plaza and the former "jug handle," which will become the Gene Lynch Urban Park, will be integral parts of the Sarbannes Transit Center.

We are disappointed to see the other elements excluded. They represent a small fraction of the total cost but add great aesthetic and functional value to the project.

The first of these will add only \$55,000 to the project's cost. It would allow pedestrian areas leading to Ramsey Avenue, including the central island to be constructed with a concrete base, bond break, and concrete surface so that the top layer can be easily removed and replaced with Silver Spring standard streetscape when the private segment of the center is developed. Without this addition, the pedestrian friendliness and attractiveness of the Center will be reduced and the county will build at a lower standard than we demand of the private sector.

The second improvement costs only \$17,000. It would provide specially paved crosswalks across Wayne and Ramsey avenues, similar to ones to installed at Fenton and Ellsworth. These crosswalks will significantly improve pedestrian safety and promote the county's commitment to pedestrian safety in an area of highest use and public visibility.

The third element, consists of two parts: A fritted glass canopy at the plaza entrance to Metro costing \$445,000, and the use of the same material to enclose escalators 1 & 2 and stairs 1 & 5 costing \$332,384. Elimination of the canopy will diminish the experience of the thousands of daily transit riders passing though the major gateway to Silver Spring, the second busiest station in the system. It will provide shelter and, illuminated at night, signify the portal to Silver Spring. Metal has been partially substituted for the full glass enclosures to the stairs and escalators, which would lend character to the station, distinguishing it from being merely a utilitarian bus garage. Together with the canopy they are important place-making features.

We had not expected the 4th element, the transit store/police building, to eliminated. It was not presented to the Board at mandatory referral as an item that was a candidate for value engineering. This distinctive glass building anchors the entrance plaza and provides a strong security and information presence. It has been moved to the back of the center on the second level and replaced by a planter. Police and information are more useful at this location than potted plants. Moreover, this building provided an edge to the plaza, separating it from the lanes serving hundreds of buses entering and exiting at Colesville Road.

In conclusion, the Planning Board urges the Council to restore these design elements to make this center an inviting and unique part of the travel experience of those using the center. They add only 1.4% to the overall cost but substantially improve the Center's appearance, convenience, safety, and connections to the Silver Spring community.

Paul S. Sarbanes Transit Center

Essential Elements

Item No.	Description	Estimated Additional Cost (from DPWT)	Project Impact if deleted
1	<p>The Silver Spring Streetscape treatment shall be provided along Colesville Road from Wayne Avenue, south under the bridge to the limits of the project, except that the Transit Plaza shall incorporate the new paving pattern as indicated on EDAW's most current plan submitted May 21, 2007 and shall extend to the curb line of Colesville Road in the vicinity of the Transit Plaza.</p> <p>The pedestrian areas in level 350 of the Transit Center, including the center island area (but excluding the pedestrian crosswalks), and the new access road from Ramsey Avenue shall be constructed with a concrete base, bond break and concrete surface so that in the future the top concrete surface can be removed and replaced with the Silver Spring Streetscape standard brick. The Silver Spring street light fixtures on level 350 and along the new access road will be installed as part of the transit center construction.</p>	\$0 - Work will be constructed as part of the project with approval of DPWT's Supplemental	<p>Project Architect stated that the new road and the ped. areas would be designed as a "seamless extension of the Silver Spring Streetscape" using std. brick sidewalks and street lights. DPWT then submitted plans with no streetlights and concrete sidewalks. As a compromise DPWT staff suggested to the PB that a bond breaker could be installed to facilitate future removal of the concrete sidewalk with the private portion of the development by the private developer. This deletion adversely affects the pedestrian friendliness and attractiveness of the Center and holds the County to a lower Std. than is expected of private developers.</p>
2	<p>Specially paved (stamped modified asphalt) crosswalks shall be installed across Wayne Avenue and Ramsey Avenue (County roads). The County will seek approval by SHA for similar specially paved (stamped modified asphalt) crosswalks on Colesville Road, and will install the crosswalk if approved by SHA. The approved construction detail for these crosswalks will be reviewed and approved by M-NCPPC staff, however, M-NCPPC approval will be subject to approval by the authority having jurisdiction over the individual road improvement. The quality and type of installation shall be similar to the previously installed County crosswalks as located at the corners of Fenton Street and Ellsworth Drive in downtown Silver Spring.</p> <p>Each shade tree planted over structure shall have a minimum of 250 cubic feet of soil to sustain and encourage healthy growth, and shall be designed to include proper drainage. The top level of the transit center deck and adjacent on-grade areas shall include a minimum of 25 shade trees as shown on sheet A2.02.</p>	\$55,000	<p>Elimination of specially paved crosswalks in the vicinity of the Transit Center will have a significant impact on the safety of thousands of pedestrians daily. It also does little to promote the county's mission to improve and enhance pedestrian safety in an high use pedestrian area and a very visible public project.</p>
3		\$17,000	
4		\$0 - Work will be constructed as part of the project with approval of DPWT's Supplemental	

5	The canopies identified as Canopy 2-6, in the Pre-Bid Construction Documents Package, dated May 18, 2007 shall be constructed as shown as part of the base bid.	\$0 - Work will be constructed as part of the project with approval of DPWT's Supplemental	
6	The canopy covers for Canopy 1-6, as shown in the Pre-Bid Construction Documents Package, dated May 18, 2007 shall be constructed using laminated glass roof panels with a fritted pattern, as shown as part of the base bid.	\$0 - Work will be constructed as part of the project with approval of DPWT's Supplemental	
7	Canopy #1 at the entrance to the Metro Station shall be constructed (using laminated decorative glass roof panels) as described in Alternate 12 of Specification Section 01230 of RFP 7504510123.	\$445,000	Elimination of the architecturally bold, fritted glass canopy at the metro's entrance will significantly diminish the experience of thousands of daily metro riders who will pass through this gateway and important new public plaza. The impact will be felt both during the day and at night, as the illuminated, approx. 8' x 35' glass canopy will provide shelter and strongly signify the portal to the metro and Downtown Silver Spring.
8	The stair and escalator enclosures for Escalators 1 & 2 and stair 1 and 5 as shown in the Pre-Bid Construction Documents Package, dated May 18, 2007, shall be constructed as described in Alternate #10 (using glass panels only) of Specification Section 01230 of RFP 7504510123.	\$332,384	The completely glassed, rhomboid-shaped stair and escalator covers are an important character lending feature of the Transit Center. It is the repeated use of this distinctive shape and the use of fritted glass that gives the Transit Center its architectural character and separates it from being just an enormous, utilitarian, bus-parking garage. Elimination of the glass on the ceiling and sides of the enclosures will destroy the impact of this important placemaking architectural feature.
9	The Green Roof as shown as shown in the Pre-Bid Construction Documents Package, dated May 18, 2007 shall be constructed as shown allowing for minor adjustments for plant material substitutions as necessary.	\$0 - Work will be constructed as part of the project with approval of DPWT's Supplemental	
10*	Transit Store/Transit Police Bldg. *Note: This important building was not included as an Essential Element on Exhibit D of the MOU because it was not presented to the Planning Board as an item that could be deleted based on Value Engineering.	\$470,000	This distinctively-shaped glass building anchors the Transit Center entrance plaza. The building will house both the Transit Store and the Transit Police activating the space and providing a strong security presence. The building also provides an important edge to the pedestrian entrance plaza buffering the space and blocking the views of the hundreds of buses that will enter the Center daily from the major Colesville Road entrance.
Total Additional Funds needed to fully fund Essential Elements		\$1,319,384	

LUX ZONING



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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OFFICE OF THE CHAIRMAN

June 27, 2008

The Honorable Michael Knapp
President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850-2322

036735



Re: Amendment to the FY09-14 Capital Improvements Program and Supplemental Appropriation #3-S09-CMCG-2 to the FY09 Capital Budget
Montgomery County Government
Paul S. Sarbanes (Silver Spring) Transit Center (No. 509974), \$16,720,000

7/10/08
10:10 AM
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Dear Mr. Knapp:

Redevelopment of the Silver Spring Transit Center ("Transit Center"), to be dedicated in honor of former Senator Paul S. Sarbanes for his years of service to the citizens of Maryland, and for his indefatigable support for the funding of this project, came before the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (the "Planning Board") for several different purposes. First, the Planning Board reviewed the construction plans under Mandatory Referral in accordance with its regulatory authority. Additionally, in order to accommodate the new Transit Center, an existing 35,000 square foot Park Easement held by the Commission immediately adjacent to the existing Transit Center must be replaced.

The Planning Board considered both together in order to provide assurance to the Silver Spring community that this major gateway into Silver Spring would be developed with appropriately high design standards. Development of this important investment in Silver Spring must be consistent with the quality of improvements to the downtown area already supported with hundreds of millions of dollars of public and private dollars invested in Silver Spring's redevelopment, and it must befit the honor imparted on Senator Sarbanes.

When the County presented the proposed Transit Center to the Silver Spring community and at public hearings before the Planning Board, it did not clearly distinguish what the County considered optional design elements from the base project design. The Planning Board reviewed the Transit Center under the advisory Mandatory Referral process instead of the Optional Method regulatory process (even though it is the public portion of a public/private partnership). For these reasons, the Planning Board attempted to leverage the release of its Park Easement to ensure the higher quality design of the Transit Center.

A copy of a March 23, 2007, letter from me to Tim Firestine is attached to provide you with a greater understanding of the Planning Board's early concerns, as we fully anticipated a shortfall in public funding for the Transit Center as it was being proposed for review. The Planning Board agreed to accept significantly less area as replacement for its Park Easement under the condition that the quality of the Transit Center and of the replacement park areas would retain a high level quality of design and finish. As replacement for the 35,000 square foot Park Easement, the Planning Board accepted a total of 23,048 square feet in the form of an urban park reclaimed from use as a roadway (i.e., the "jughandle") at the corner of Colesville Road and Wayne Avenue to be named the Eugene R. Lynch, III Urban Park ("Lynch Park") in honor of the Commissioner, and an easement over the entrance to the Metro Station ("Transit Plaza") (together, the "Replacement Easement Areas").

Unfortunately the County and WMATA were only willing to commit to construct the Replacement Easement Areas in accordance with the Mandatory Referral recommendations. They would not commit to retain the design standards recommended in the Mandatory Referral review as desired by the Planning Board. Section 2.1 of the Memorandum of Understanding dated February 4, 2008 by and between the Commission, WMATA and the County ("MOU") sets forth the ultimate agreement reached by the parties, to which the Planning Board reluctantly agreed in order to move the project forward. I have enclosed a copy of the MOU for your reference.

Specifically, the Planning Board identified certain elements that it felt were essential to the quality of design of the Transit Center (the "Essential Elements"). The nine Essential Elements are described on Exhibit D to the MOU. Section 2.1 provides in relevant part that if changes to, or deletions of any of the Essential Elements outside the Replacement Easement Areas are necessary due to insufficient funding as a result of contract bid negotiations, the County Council and the State will be informed of the amount of insufficient funding, the proposed change or deletion of the Essential Element, and the impact to the Transit Center as a result of such change or deletion so that the County Council and/or the State can request such information from the County and the Commission as is necessary to appropriate additional funds.

The County Executive has requested a Supplemental Appropriation in the amount of \$16,720,000 for the Transit Center (the "Supplemental"). However, the request as presented is not consistent with the terms of the MOU.

The County proposes to relocate the building that is to house the Transit Police and the Transit Store ("Transit Building") away from the Transit Plaza to an alternative hidden location in the Transit Center. Technically, the Transit Building is not part of the Transit Plaza, and therefore the County is not required to construct it in accordance with the Mandatory Referral recommendations. However, the Transit Building was originally part of the Transit Plaza Easement Area. For liability reasons the boundary of the Transit Plaza was adjusted at WMATA's request so that the land area the Transit Building occupies was not included as part of the Transit Plaza Easement Area. It was neither the intention nor the

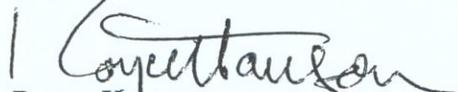
understanding of the Planning Board or WMATA that the actual location of the Transit Building was an optional design element. It was always intended to remain at the location at the entrance to the Transit Center as shown on the plans presented to the Planning Board and the public at the Mandatory Referral hearing.

Furthermore, the County Executive has sent you his Supplemental request without advising you or the State of the changes to, or deletions of any of the Essential Elements due to insufficient funding. Nor has the County Executive informed you or the State of the amount of insufficient funding for the Essential Elements, or the impact to the Transit Center as a result of such change or deletion.

Therefore, I have enclosed with this letter a chart that outlines the Essential Elements either changed or deleted due to insufficient funding as a result of contract bid negotiations, the amount of insufficient funding, and the impact to the transit Center as a result of such change or deletion so that the County Council and/or the State can request such information from the County and the Commission as is necessary to appropriately act.

I look forward to appearing before you on July 15th to discuss this in greater detail. Please let me know if there is specific information that you will need in order to fully consider the Supplemental and the shortfall of such request so that the public investment in this important project is increased sufficiently to avoid squandering the current public investment on a substandard project. The Paul S. Sarbanes Transit Center will be the gateway to downtown Silver Spring and an important part of the urban fabric. A "bus garage" simply is not adequate.

Sincerely,


Royce Hanson
Chairman

cc: Isiah Leggett
Timothy Firestine
Art Holmes
Gary Malasky
Senator Jamie Raskin
Delegate Sheila E. Hixson
Delegate Tom Hucker
Delegate Heather Mizour
Senator Benjamin Cardin
Senator Barbara Mikulski
Representative Donna Edwards
Congressman John P. Sarbanes
Secretary John Porcari



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIRMAN

March 23, 2007

Timothy L. Firestine
Chief Administrative Officer
Montgomery County Government
Office of the County Executive
Executive Office Building, 2nd Floor
101 Monroe Street
Rockville, Maryland 20850

Dear Tim:

This is in response to the County's request that the Silver Spring Transit Center be reviewed as a Mandatory Referral. After much consideration, the Planning Board has unanimously agreed, subject to the conditions set forth in this letter, to honor that request. However, please understand that Mandatory Referral review of the public portion of this public/private project is an *exception* to a process that has been agreed to by the County and followed in the past for public/private projects. For all future projects, the Board will hold firm to its responsibility to review all future public/private projects in accordance with the regulatory requirements of the zoning ordinance and subdivision regulations imposed on the private sector.

Before I set forth the Board's concerns and the conditions necessary to meet those concerns, I need to address several statements made by Art Holmes in his letter dated March 22, 2007, to Faroll Hamer regarding the Transit Center project. While it is my position that these issues are no longer relevant given the recent discussions between the County, WMATA, the private developer and the Commission, I must set the record straight by correcting those statements.

First, Mr. Holmes states that "it is the County's position that whether open space and density from the same parcel or an adjoining parcel may be included without subjecting that portion of the property or adjoining property to site plan review is a matter of discretion under the zoning code." The Commission strongly disagrees. The zoning ordinance has very specific provisions related to the calculation of density and open space that require the property upon which density and open space is calculated to be subject to optional method review.

Second, Mr. Holmes states, "[t]he successful completion of the Mandatory Referral process was reported to Congress, including Senator Sarbanes' office, to [various Federal agencies] and formed the basis for the FTA's authorization to the County to proceed with completion of design." The Mandatory Referral process is not complete. The County has known for two years that it would need to return to the Planning Board to complete the process. By letter

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Timothy L. Firestine
March 23, 2007
Page 2 of 4

from Derick Berlage to Art Holmes dated March 14, 2005, transmitting the recommendations as a result of the preliminary review of the Transit Center, Mr. Berlage stated that since the project was at such an early stage in design (approximately 10%), the Planning Board was looking forward to reviewing the project at a more advanced stage of design. Such additional review was clearly anticipated and directed as set forth in Recommendation No. 10 attached to the letter. The Board expected that the County would "[s]ubmit a second Mandatory Referral at the end of the design development stage (approximately 35 percent of the building contract) to address the items identified [in the review] and any significant changes to the November 2004 design." A copy of the letter is attached for your convenience. In fact, without the expected additional submission, it is questionable whether the County met the requirements as set forth in Article 28 of Maryland Annotated Code, §7-112. As of this date, no formal submission has been made.

Third, Mr. Holmes notes that approximately three years ago, the County, WMATA and WMATA's joint development partner (i.e., the private developer) agreed to a "bright line" separating the Transit Center and the private development. Based on this understanding, the Commission agreed to consider the Transit Center under Mandatory Referral. However, the private developer failed to honor the "bright line" when it submitted a project plan for review that was dependent on the Transit Center to meet the private project's density and public use space requirements.

Finally, the Commission strongly disagrees with the County's interpretation of the 1977 Agreement attached to the Easement for Open Space. Our differences have already been aired. Since we are at an impasse with regard to the Agreement, we should simply agree to disagree and move on to find an acceptable solution to the matter at hand.

In the spirit of moving forward, I want to focus on the discussions that took place regarding the process for review of the Transit Center project at the meeting held in your offices on March 16, 2007. At that meeting, representatives of the County Executive, the County Council, WMATA, Park and Planning (including myself) and Bryant Foulger on behalf of the private developer, met to discuss the process for Planning Board review of the Transit Center project. The main issue at that meeting was whether both the public and private portions of this project need to go through optional method review, or whether the Planning Board could review the public portion of the project through Mandatory Referral.

The County's position was that the public portion of the Transit Center project did not have to go through optional method review because it had already submitted and received preliminary review of a Mandatory Referral on the site on March 10, 2005. The County, in reliance on that review, and without notice until recently of the Planning Board's position, is not prepared to and did not plan to go through optional method review. However, when the Transit Center was submitted under Mandatory Referral as a stand-alone project, the scope of the Mandatory Referral did not include the areas reserved for private development. The project plan submitted by the private developer was incomplete and never reviewed by the Board. The Board was, therefore, unaware that the proposed private development sought to satisfy its

density and public use space requirements in violation of the "bright line." These issues could have been resolved long ago had the two components of the joint development been submitted as a single project plan.

The following two issues are of particular concern to the Board:

- To avoid including the Transit Center in its Optional Method submissions, the private development must independently satisfy the development standards in the zoning ordinance for optional method projects including the legal requirements for density and public use space without reliance on the Transit Center.
- The project must retain the overall amount of public space that currently exists in the Open Space Easement granted to the Commission from WMATA as a replacement for a portion of Jesup Blair Park. *Jesup Blair Park was donated by the Blair family to the State (and subsequently transferred to the Commission) with a covenant that required it to be used as a public park in perpetuity. Therefore, the Open Space Easement as replacement for a portion of Jessup Blair Park required the approval of the heirs of the Blair family. That approval was conditioned on the Commission's assurance that the replacement would always serve as a significant public use area at the gateway to Silver Spring.*

With respect to the density proposed on the private portion of the project, the private developer has proposed to meet its density requirements by increasing the gross tract area by recovering additional previously dedicated road rights-of-way, and/or by reducing the gross floor area proposed, if necessary, without jeopardizing the project. As such, the private developer has agreed not to rely on the Transit Center site to meet its density requirements on the private portion of the development.

With respect to the public use space and Easement, Planning staff has identified a solution that addresses both of these issues, while meeting the need identified by the County, WMATA, and Mr. Foulger to allow the Transit Center to move forward under the Mandatory Referral review process. The Board has agreed to accept that the replacement for the Easement be located 1) on the public plaza of the Transit Center site in the area around the proposed transit store that is approximately 15,000-19,000 s.f., and 2) on the area of the WMATA tip that is approximately 21,000 s.f. This will enable the private development to use the approximate 35,000 s.f. of open space previously proposed as replacement for the Easement to meet its public use space requirement and partially fulfill its amenity requirements. This quantity of public use space is also more consistent with the quantity of public use space approved by the Planning Board as part of other optional method projects.

Please note that the release of the Easement will be conditioned on the following:

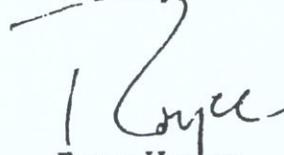
Timothy L. Firestine
March 23, 2007
Page 4 of 4

- WMATA, or the County as its agent, must complete its Mandatory Referral submission for review by the Planning Board as it has been under notice to do so since March 2005;
- WMATA must grant an easement over those areas identified above as replacement for the Easement; and
- WMATA must enter into a binding development agreement with the Commission that commits WMATA to: a) retain the design standards recommended in the Mandatory Referral review, b) assume full responsibility for maintenance over the replacement Easement areas, and c) appropriately grade, landscape, and provide pedestrian access through the area to be developed on the private side of the "bright line" until such time as construction begins on that site.

While the Planning Board has agreed to continue its review of the public portion of this project as a Mandatory Referral, as indicated above, the Board strongly believes that public/private projects must be reviewed together and be bound by the requirements of the zoning ordinance and subdivision regulations. Public/private projects, by their nature, are interdependent and the value added is that they rely on and leverage the components of each for respective support. It is imprudent for the Planning Board to review the public and private portions of any such project without the benefit of reviewing the whole, and of assuring through regulatory approvals that all components of the project are seamlessly integrated. It is also invaluable to receive community input on the project as a whole.

In order to expedite the completion of the Mandatory Referral review process, staff will follow up this letter with the issues that are of particular concern to the Board. We look forward to receiving your updated plans and submission as soon as possible so that we can expedite the review and keep this project on schedule. The Silver Spring Transit Center is a vital component of the new Silver Spring. We have pushed for this type of development for many years and we look forward to seeing the project constructed.

Sincerely,



Royce Hanson
Chairman

Attachment: March 14, 2005 letter to Arthur Holmes

Cc: Arthur Holmes, Jr., Director DPWT
Marilyn Praisner, President, Montgomery County Council
Nancy Floreen, Councilmember
Bryant Foulger, Foulger Pratt Construction
Kathleen Mitchell, WMATA



WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Public Testimony in Support of Supplemental Appropriation to the FY 09-14 Capital Improvement Program Silver Spring Transit Center

July 15, 2008

President Knapp, members of the Council, thank you for the opportunity to testify today. For the record, my name is Jack Requa and I am the Assistant General Manager for Operations Services for the Washington Metropolitan Area Transit Authority. I am here to urge your support for the proposed supplemental appropriation and to urge your consideration of funding for an escalator between the second and third levels of the Paul S. Sarbanes Silver Spring Transit Center.

Metro has been working with the County on this project for more than nine years and we are extremely pleased that after these many years of collective effort, we are about to see this project come to fruition.

When completed, the Paul S. Sarbanes Silver Spring Transit Center will:

- Accommodate future growth and operating requirements at the station, including a projected increase from 57,000 patrons to 97,000 patrons in 2025;
- Promote regional transit ridership;
- Improve pedestrian, disabled, hiker and biker accessibility and safety around the Metrorail Station;
- Substantially limit stacking of buses on area roads during peak periods;
- Enhance efficiency of intercity bus transportation and access of intercity bus patrons to Metrorail and intracity buses;
- Improve the flow of bus, taxi and other vehicular traffic around the Metrorail Station; and
- Facilitate additional transit-oriented development in downtown Silver Spring

This multi-modal transit center will serve as a nexus for a wide array of transit users, including: MTA Commuter Bus, MARC's Brunswick Line, the University of Maryland's Shuttle UM, Silver Spring's intra-city VAN Go, Metrorail's Red Line and numerous Metrobus and Ride-On routes. The center is also being designed to accommodate the future Purple Line as well as bike and pedestrian users from the Capital Crescent Trail and the Metropolitan Branch Trail. With that many transit uses converging in one area, it is not an exaggeration to expect that this Transit Center will become a model that transit agencies across the country will try to emulate.

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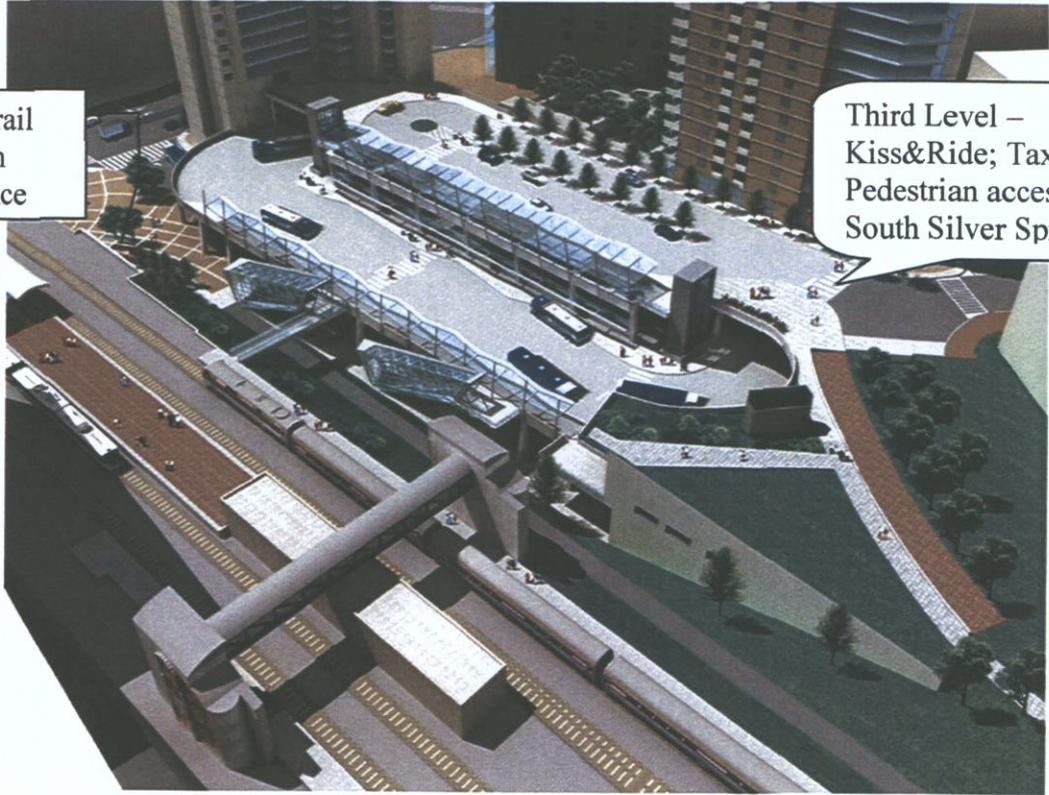
Developing and refining the plans for the center has taken some time; and Metro has continually worked with County staff in identifying ways to reduce the construction costs of the project, while maintaining the goal of providing the most seamless connections for tens of thousands of customers every day. In just the latest round of value engineering, for instance, Metro staff agreed to over 30 cost saving changes, representing a potential cost reduction in excess of \$4 million.

Metro is fully aware during these tight fiscal times that every dollar spent by governments must be fully justified. The effort to value engineer this project has been methodical and focused, but I do want to draw your attention to one element – an escalator connecting the second and third levels – that Metro strongly recommends be added back into this project.

In terms of the budget, the estimated cost of the escalator is \$1,238,000. The current plan has removed this escalator, but has left an open space on the third level to accommodate the escalator in the future. That is a viable option; however Metro estimates that deferring this to become a stand-alone future project would increase the cost to \$1.6 - \$1.7 million, without accounting for any inflation.

To help explain the need for this escalator, consider the example of a patron arriving in a bus from Colesville Road at the south end of the Transit Center, and whose destination is either south Silver Spring or the Kiss N Ride/Taxi facilities on the 3rd level.

For your reference, an image depicting the Transit Center is included on the third page of my testimony. To get from the first to the third level, a customer (and likely County resident) has four choices: (1) take the one elevator at that end of the Transit Center, (2) walk up two flights of stairs representing a 47' elevation change, (3) walk to the North end of the Transit Center where there are two additional elevators, or (4) take the escalator to the 2nd level and then walk to the stair or elevator to the 3rd level. Having the ability to take an escalator all the way up is a choice one would have at most stations in the Metro system. It is qualitatively the most comfortable choice for most people, and may be faster than waiting for and taking the hydraulic elevator. Additionally, direct access from South Silver Spring to station entrance is enhanced with a continuous cascading travel path on escalators.



Metrorail
Station
Entrance

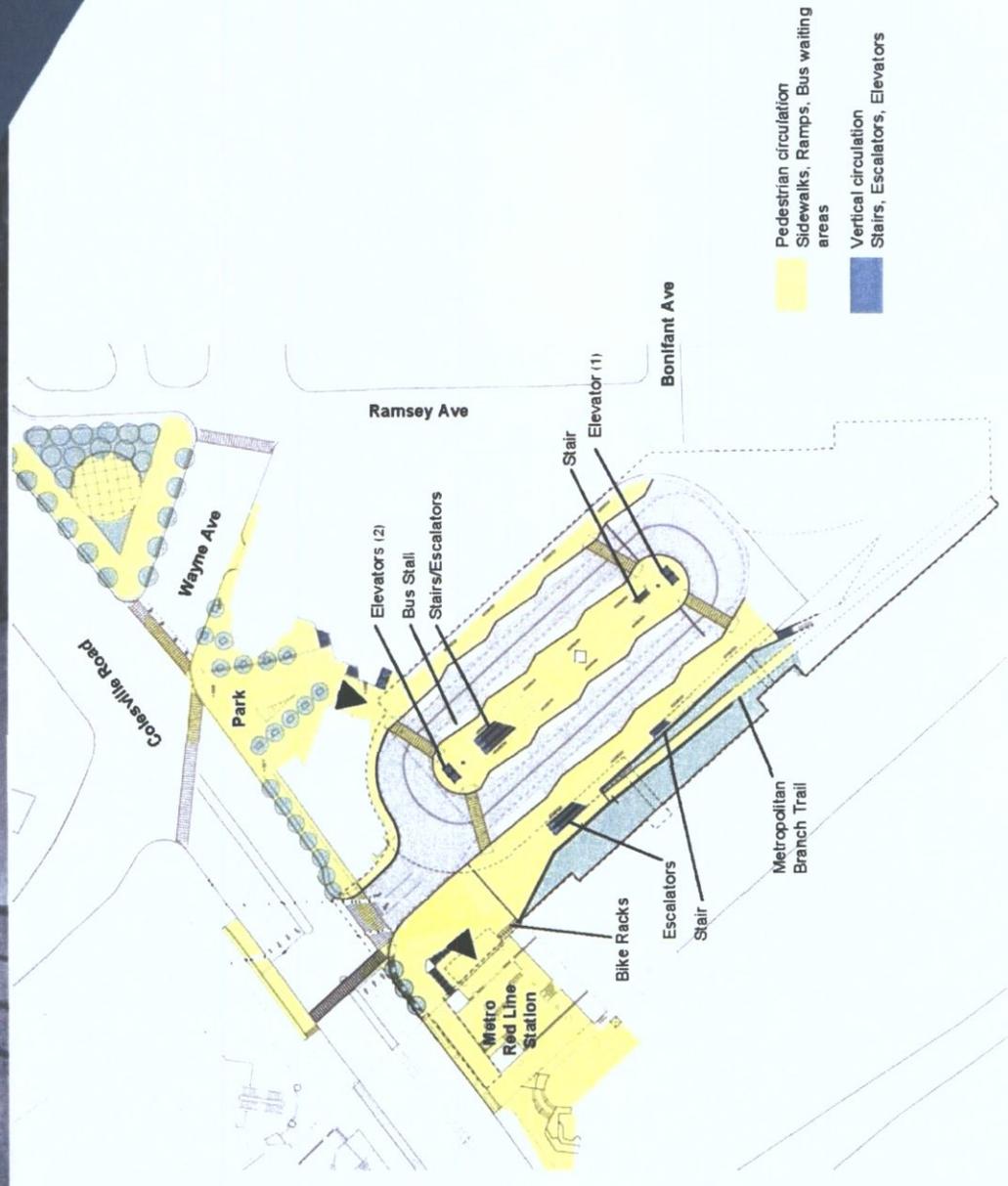
Third Level –
Kiss&Ride; Taxis;
Pedestrian access to
South Silver Spring

There are also quantitative reasons for funding the escalator. Today, demand for access to the Transit Center from the South is not nearly as high as the demand from the North. However, we are aware that the Planning Board has raised the height limit south of the station to 200', and that the first of the new buildings is making its way through the approval process. We estimate that the three elevators will be able to handle less than a third of the projected peak hour demand, meaning that at peak hour, over 1,000 people will be relying on the stairs – at least in part – for vertical transportation. This is well within the capacity of the stairs, but the full elevation change is greater than we would normally expect for those going up stairs.

Therefore, in addition to approving the supplemental request before you today, I also encourage you to add the necessary funds to restore this escalator to the Transit Center budget.

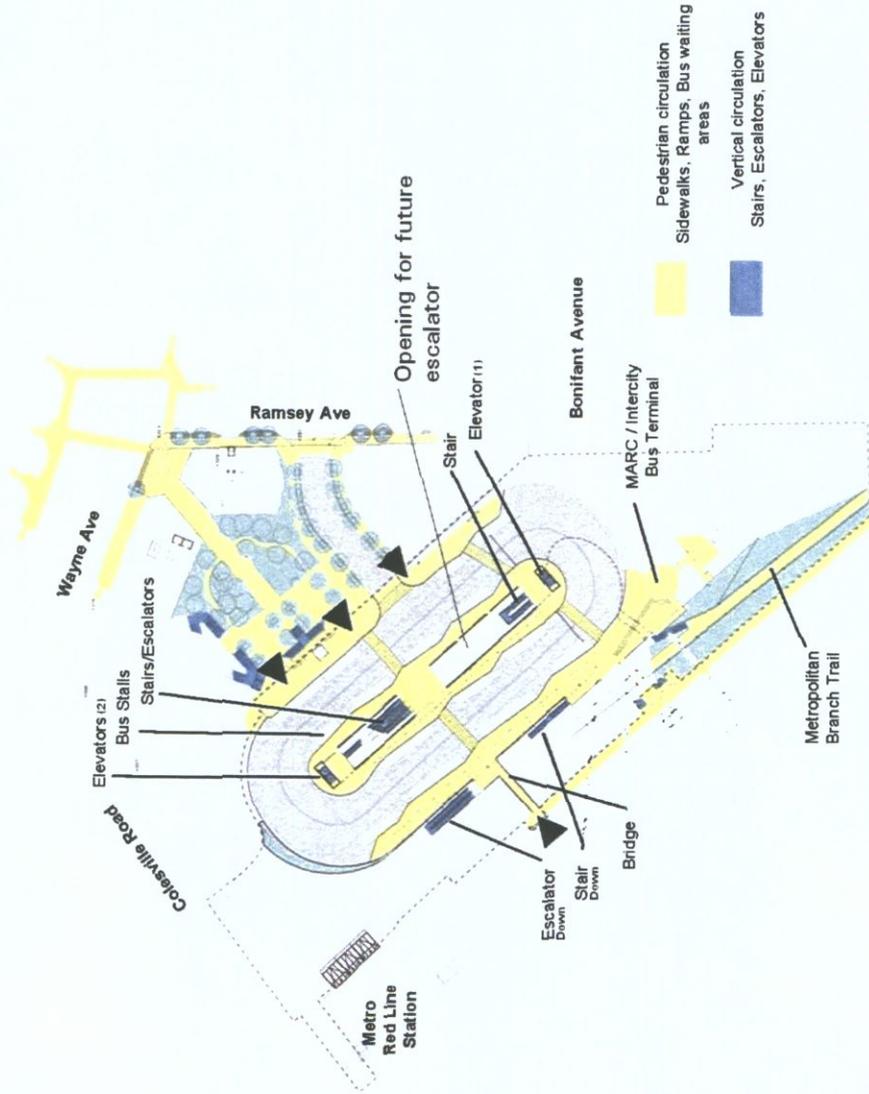
Thank you for your continued support of Metro and for this opportunity to testify today.

Bottom Level - Entrance off Colesville



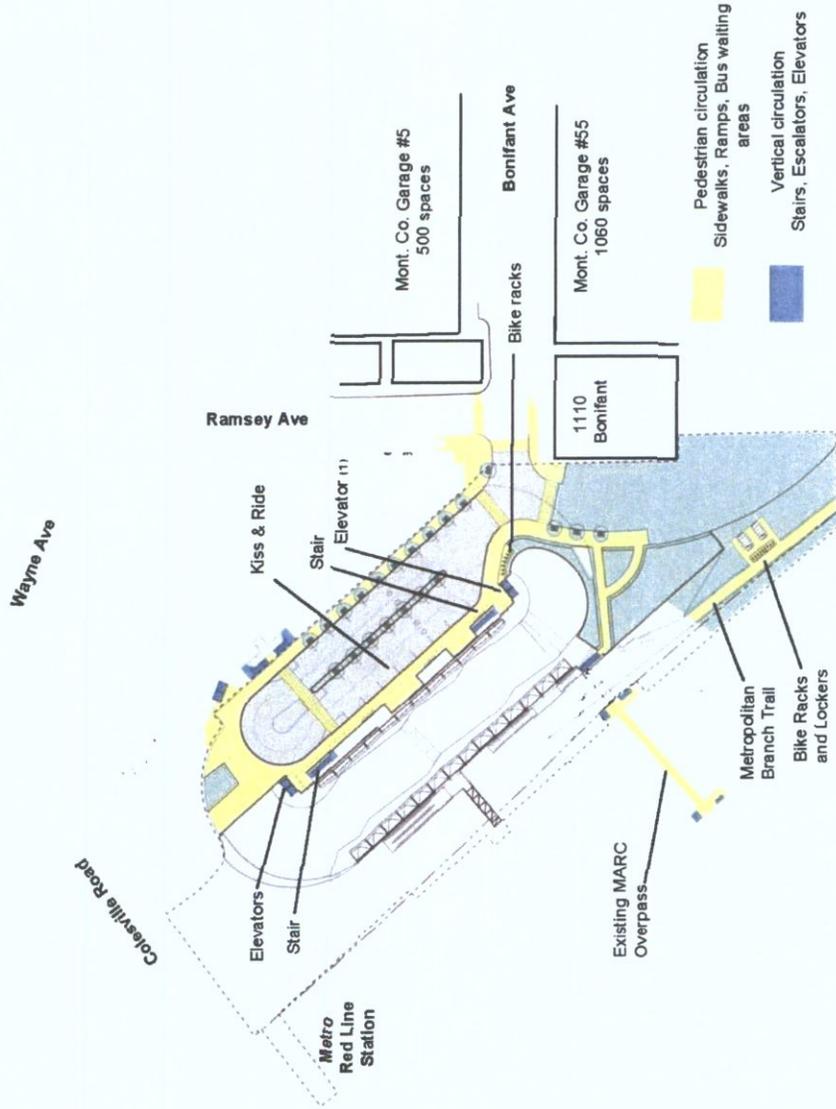
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Middle Level – Entrance off Ramsey



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Upper Level - Entrance off Bonifant



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SILVER SPRING CITIZENS ADVISORY BOARD

Testimony of the Silver Spring Citizens Advisory Board
Presented by Kathy Stevens, Vice Chair
July 15, 2008

Hello, my name is Kathy Stevens, and I represent the Silver Spring Citizens Advisory Board.

Our board supports full funding for both the Silver Spring Civic Building and Veterans Plaza and the Silver Spring Transit Center. Our community has been waiting for many years for both projects, and we look forward to their completion at a level of excellence that will reflect well on the county and serve the people well after many years of planning and community input.

We urge Council to provide the necessary \$2.5 million that is needed for the construction of the **Civic Building and Veteran's Plaza** as we understand from the County Executive that the project is \$2.5 million over what was allocated in the Capital Improvement Project (CIP) budget.

Community members have been and continue to be deeply interested and involved in planning the Civic Building and Veterans Plaza, and the final design was reached through a painstaking process of compromise, cuts, "value engineering" (more cuts), and more compromise. The Civic Building and Veterans Plaza will be the heart of Silver Spring. Please remember that Silver Spring lost its community meeting space when the Armory was torn down in order to build the private retail space that now spans Ellsworth Drive in downtown Silver Spring. It was long understood that the county would replace the Armory with a Civic Building and Veteran's Memorial Plaza in order to provide community space including activities and open areas on the plaza and meeting rooms and programmable spaces in the building. The project is overdue and we urge you to approve this additional \$2.5 million in funding.

The **Paul Sarbanes/Silver Spring Transportation Center** is also a key to our county's success. We need to facilitate public transportation in our region. A safe, inviting, and successful Transportation Center is necessary. The current Silver Spring metro station and bus complex is the 2nd largest transportation hub in Maryland (only Baltimore's Penn Station is bigger) and the number of commuters will only grow.

This project, too, was "value engineered" well beyond our preferences. We were again surprised and disappointed with the news from the County Executive that the construction bids were over \$18 million higher than what was budgeted.

We urge full funding for this project as well – which means that we ask for funding beyond what was requested by the County Executive. Over the last two years, the Planning Board and our Board agreed on several design elements that we considered absolutely essential for the Transportation Center to be successful. These elements include key escalators, transparent walkway and escalator roofs to keep commuters dry, and several other design features to make the

transportation center more walkable, light, and inviting. Nobody wants this to look like a New York City Port Authority complex. That would dissuade people from using public transport...the exact opposite of this project's stated goal.

The County Executive has requested only an additional \$16.72 million for this project. We support this, but we also know that it isn't enough to build what was ordered and what will work best for county residents and visitors. We agree with the Planning Board that more is necessary for this project to succeed.



SILVER SPRING URBAN DISTRICT ADVISORY COMMITTEE

**Testimony before the Montgomery County Council
On the Supplemental Appropriation for the
Silver Spring Transit Center and the
Silver Spring Civic Building and Veterans Plaza
July 15, 2008**

Good afternoon, my name is Jon Lourie. As the Chair of the Silver Spring Urban District Advisory Committee I am here to testify on its behalf.

The committee requests that the County Council fund supplemental appropriation requests for two projects that are of critical importance to the Silver Spring community: the Silver Spring Civic Building and Veterans Plaza and the Silver Spring Transit Center.

The Silver Spring Civic Building and Veterans Plaza is the last, but most important public piece of the Foulger Pratt Downtown Silver Spring redevelopment project. The Civic Building and Veterans Plaza were proposed in the Downtown Silver Spring project master plan as the replacement for the historic Armory and Kuhn Park.

The project was endorsed by the Silver Spring Redevelopment Steering Committee in 1998, which envisioned the Civic Building and Veterans Plaza as a cultural center that would draw the broadest spectrum of the community on a regular basis, provide a synergistic and street-activating relationship with adjacent retail and restaurants, and become the new community heart and living room for downtown Silver Spring. The project also includes a Veterans Memorial respecting the service and dedication of Silver Spring veterans.

Initial proposals called for construction of the Civic Building and Veterans Plaza to begin by 2002, with the facilities to open by 2003. More recently once the A/E firm started work, the project schedule was updated for construction to begin in February, 2006. Now, after another 2 ½ years, the construction contract is ready to be signed and we can finally start construction. Unfortunately, the delays and the yearly escalation of construction costs have significantly affected the project costs, leading to our current request for an additional \$2.5 million.

I served on the Silver Spring Redevelopment Steering Committee, as well as the subsequent Civic Building Steering Committee, which worked for years to develop a program for the Civic Building and Veterans Plaza. I also served as a stakeholder member of the design group that met regularly with the architects during the design process. We pushed hard for the design of a quality project, while remaining aware of the limited resources available to execute the project. The project program of

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Silver Spring Regional Services Center

requirements has not grown since its inception. In fact, it has been cut back over the years and extensively reviewed and value-engineered for projected cost overruns. Further cuts would significantly reduce the functionality and quality of the facility and would require further time for redesign and approvals.

The private portions, retail, restaurants and movie theaters, of the downtown Silver Spring redevelopment project have been a resounding success, but without the community-focused Civic Building and Veterans Plaza the project is incomplete. We respectfully ask for your approval of the funding for the Civic Building so construction can start immediately.

A second project requiring supplemental funding, and equally important to the future development of Silver Spring, is the proposed Silver Spring Transit Center. The Transit Center will provide a hub for our rail and bus transportation systems, greatly enhancing circulation and improving pedestrian access and safety.

The present Silver Spring bus/rail connection is chaotic, over utilized and dangerous. Congestion along Wayne Avenue and the Colesville Road jug handle connection has created conflicting bus-to-vehicular traffic flow, as well as a treacherous and unsafe pedestrian environment. The situation has been exacerbated by recent down county growth and the increasing volume of buses accessing the site. The facility does not meet current needs and will not come close to meeting the needs of the future residents and employees of Silver Spring.

The new Silver Spring Transit Center project would nearly double the capacity for bus service and provide an important link for intra-city bus service. It will also provide connections to regional bikeways, such as the Metropolitan Branch Trail and the Capital Crescent Trail, and accommodate the future connection to the Purple Line. The Transit Center will provide capacity and access improvements to pedestrian and bus circulation that will meet down County transportation needs for many years to come.

The Silver Spring Urban District Advisory Committee asks that you approve the County Executive's request for additional funding for the Transit Center. The Silver Spring Urban District Advisory Committee will be meeting this Thursday and will further review the transit center and the construction items that have been value-engineered from the project. We will submit a letter to you immediately with our review comments.

The Silver Spring Urban District Advisory Committee asks that you approve the request of additional funding for both of these critical Silver Spring projects. We appreciate your continued support.



**Testimony of
The Greater Silver Spring Chamber of Commerce**

**Amendment to the FY09-14 Capital Improvements Program
Supplemental Appropriation #2-S09-CMCG-1 to the FY09 Capital Budget
&**

**Amendment to the FY09-14 Capital Improvements Program
Supplemental Appropriation #3-S09-CMCG-2 to the FY09 Capital Budget**

**Montgomery County Council
Tuesday, July 15, 2008**

President Knapp, members of the Council. Good afternoon. My name is Jane Redicker and I am president of the Greater Silver Spring Chamber of Commerce, a membership organization representing almost 400 businesses, small and large, which together form the backbone of the economic renaissance in Silver Spring.

On behalf of the Chamber, I am here today in support of two measures: 1) a supplemental appropriation to the FY09 Capital Budget and amendment to the FY09-14 Capital Improvements Program in the amount of \$2,500,000 for the Silver Spring Civic Building and 2) a supplemental appropriation to the FY09 Capital Budget and amendment to the FY09-14 Capital Improvements Program in the amount of \$16,720,000 for the Silver Spring Transit Center project.. These appropriations, which we understand would be funded through G.O. Bonds and Land Sale Proceeds, will provide funds needed to go forward with construction on two very important projects for Silver Spring.

First, the Civic Building/Veterans Plaza. This project is vital to the heart and soul of downtown revitalization and is the last piece of the redevelopment of downtown Silver Spring. Completion of the Civic Center will fulfill the County's promise to replace the Armory and Kuhn Park, both among the first victims of demolition to make way for downtown redevelopment. The Civic Building and plaza will be used by not only community groups but also by businesses in downtown Silver Spring for conferences, training, and business shows. This facility must be built with the high-quality materials originally specified to ensure that it fulfills its goal as the landmark anchoring the downtown area.

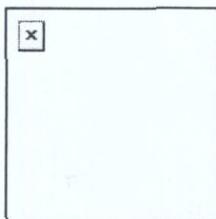
Unfortunately, the project has been delayed, in part through the optional method approval process at the Maryland National Capital Park & Planning Commission. Though it was submitted in January of last year, it was not given final approval until this past April, more than a year later. Further, the cost of steel, copper, oil, and concrete – all significant components of construction – have continued to escalate during the past year. The combination of delays in approval and commodity cost increases has resulted in the need to request an increase in the appropriation needed to move forward.

(50)

Second, the Silver Spring Transit Center. The Chamber has long supported the development of a Regional Transit Center in downtown Silver Spring. The Silver Spring Metro station is one of the most heavily used in the Washington area, and the current transit center has the highest bus volume in the system. Completion of this project sets the stage for numerous smart growth opportunities in Silver Spring and is even more important as fuel prices continue to rise and more people rely on public transit.

The Chamber understands that this request for supplemental appropriations is not unexpected. Late last year it was estimated that the costs for Transit Center would exceed the funding available by \$15 million to \$20 million, and a decision was made to move forward and obtain actual costs instead of using estimated numbers. Further, the increases in the cost of steel, copper, oil, and concrete that have added to the cost of the Civic Center have also increase the cost of this project. At the same time, it's important to note that the County's value engineering efforts with the Maryland Transit Administration and the Washington Metropolitan Area Transit Authority resulted in a \$5 million reduction in projected costs. Taken together, these factors result in the need for a supplemental appropriation in order to move this project forward.

In conclusion, Silver Spring has waiting long enough for both of these projects. It's time to put the shovels into the ground and get moving on the Silver Spring Civic Center and the Silver Spring Transit Center. We urge you to approve the County Executive's request for both these supplemental appropriations and thank you for your time.



COMMISSION ON PEOPLE WITH DISABILITIES

July 24, 2007

The Honorable Isiah Leggett
Montgomery County Executive

The Honorable Marilyn Praisner
President, Montgomery County Council

Dear Mr. Leggett and Mrs. Praisner:

On behalf of the Commission on People with Disabilities, I am writing to request that you take action to stop the installation of brick pavers on paths of travel in the design of sidewalks, streets and facilities in the County. Instead we recommend that pavers be used as decorative and design elements for cost effectiveness, safety and wellbeing. Salted or broom-finish concrete provides good slip resistance; and this surface finish is recommended in the path of travel versus pavers.

It is our understanding the Maryland National Capital Park and Planning promotes the use of pavers on the street and on sidewalks because it is felt that they create design excellence. Though many would agree that they look good, these pavers can increase fall injuries, create barriers for people with mobility and visual disabilities and people in general, as they pose tripping hazards

Wheelchair users and others with limited mobility find the pavers extremely difficult to travel over as most paved surfaces are uneven and spaced too far apart. It is recommended that pavers be used at a minimum, that the gap between pavers not exceed 1/4", that the depth of the crack be between 1/16" and 1/8", and that the pavers be set up at a diagonal and preferably lined up and not to be perpendicular to the path. It is also recommended that the County use larger pavers rather than small ones and that texture and consistency in tiles is important. The District of Columbia had problems in the past of pavers shifting, but they now require that the pavers be laid on a concrete foundation.

We hope that this information is of use to you in better meeting the access needs of our community. We offer our assistance as you deem appropriate. If you have any questions, please contact me at the Commission office at 240-777-1246.

Sincerely,
Nelson Jackson
Nelson Jackson
Chairman

Attachment

Red Brick Pavers Attachment

The United States Access Board has information on their website under architecture, Public Rights of Way and highlights include:

<http://www.access-board.gov/>

In extremes of climate, where wet or freezing conditions occur frequently, surface water must be carefully controlled and maintenance must be emphasized in both the vehicular and pedestrian way. Salted or broom-finish concrete provides good slip resistance; a broom finish is also useful in channeling runoff across a walkway.

Where unit pavers are installed, it may be difficult to achieve positive drainage within the 1:48 (2%) cross slope recommended for sidewalks and shared use paths. For these surfaces, permeable or open joints may be necessary to control ponding. Some specialty pavings are not suitable for sidewalks, although they may have applications along walkways—or portions of walkways--not required to be accessible. Split-face stone units, cobblestones, and similar irregular surfaces are not easily traversed by pedestrians who have mobility impairments and may catch a dragging foot or trigger a painful spasm in response to repeated jarring in some wheelchair users. Nevertheless, some textured walking surfaces can provide useful cues to pedestrians who are blind when such materials are used as borders and edges of walkways and street crossings. Standardization and consistency in use are important for effective communication of right-of-way information. The wide range of surface textures commonly encountered on sites and public sidewalks, however, makes it difficult for blind pedestrians to derive a particular meaning from a difference in a commonly-used pattern or material. Exposed aggregate finishes have been found to be slippery when wet and are not recommended for sloping surfaces. Incised or imprinted patterns may not be detectable underfoot or to a cane. Research has shown that the truncated dome specification in ADAAG 4.29.2 is highly detectable to blind pedestrians and can be used effectively to indicate the location of a crosswalk or to indicate the division between a walkway and vehicular way, particularly where there is no distinguishable curb. Placement is critical: materials should be installed on the pedestrian walkway or curb ramp immediately adjacent to the street. (See 3.5.1 Street/Sidewalk Detectability for additional discussion).

Sidewalk surfaces that have settled or heaved over time can be a significant barrier for pedestrians. Surfaces that are smooth and rollable when newly installed may not stay that way, particularly where masonry units are installed without an adequate subbase. Knowledgeable design, wise material selection, good construction practices, and regular maintenance procedures can help ensure that differences in level between adjacent units do not exceed the limits of usability. Surface provisions for an accessible route limit allowable vertical differences in level between abutting surfaces to no more than 1/4 inch (6.5 mm); if bevelled at 1:2, a 1/2-inch (13-mm) difference in elevation is permitted.

Although it may not be feasible to meet new construction criteria consistently along older sidewalks, agencies and entities responsible for sidewalks should note that the DOJ regulation includes requirements for the maintenance of accessible features. Public works departments should respond quickly to citizen reports of damaged surfaces along high-priority routes, so that pedestrians with mobility impairments do not have to seek alternate routes. A maintenance program targeted to heavily

used routes and, where necessary, a snow removal program that includes clearing curb ramps at street crossings will minimize delay and inconvenience for pedestrians with disabilities.

Maintenance of pedestrian routes should also be considered a "program" of an entity covered by title II. Where abutters or owners of adjacent property are charged with responsibility to fund repairs or improvements or to clear snow from sidewalks, municipalities should consider how to ensure the accessibility of those routes.

The Access Board's "Technical Assistance Bulletin #4: Surfaces" contains additional information on the performance requirements for walking surfaces on an accessible route.