



Serving the Public Interest Since 1925

11115 Fawsett Road
Potomac, MD 20854
Wednesday, April 10, 2013

Jerry Pasternak, Pepco Vice President for Maryland Affairs

Dear Mr. Pasternak:

The Montgomery County Civic Federation asks that you work with us and with area bicycling groups to initiate a trial pedestrian/bicycle path along PEPCO's right-of-way from Westlake Road in Bethesda to Piney Meetinghouse Road in Potomac. This right-of-way is very wide. It already has a gravel track which is occasionally used by vehicles to service cellular telephone towers located in the right-of-way. We believe it has great potential as both a safe, off-road bicycling commuter route and as a recreational path. Electric utility rights-of-way are already being used as commuter & recreational paths in a number of jurisdictions including paths in Dominion Power & Electric's right-of-way in Arlington and in Fairfax County.

PEPCO's willingness to consider this expanded use serving an additional public need would be an excellent boost for your public relations. We hope you will consider meeting with us to discuss this request further.

Sincerely,

Peggy Dennis
Immediate Past President
Montgomery County Civic Federation
301-983-9738



A PHI Company

Jerry Pasternak
Vice President Pepco Region
Maryland

EP9208
701 9th St NW
Washington, DC
20068-0001

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(202) 872-2032 Fax
jpasternak@pepco.com

May 28, 2013

Ms. Peggy Dennis
Immediate Past President
Montgomery County Civic Federation
11115 Fawcett Road
Potomac, Maryland 20854

Dear Ms. ^{Peggy}Dennis:

This is in response to your request, on behalf of the Montgomery County Civic Federation (MCCF), that the Potomac Electric Power Company (Pepco) work with MCCF and area bicycling groups to initiate a trial pedestrian/bicycle path along Pepco's right-of-way from Westlake Road in Bethesda to Piney Meetinghouse Road in Potomac.

We have reviewed your letter and have concluded that we cannot agree to your proposal due to safety and liability considerations.

In limited instances and under very specific conditions, Pepco has granted a license or permit for a path that *crosses* our right-of-way in order to connect two portions of an existing trail on opposite sides of that right-of-way. As a policy matter, however, we do not permit or license pedestrian and/or bicycle paths that run *along* our right-of-way.

I apologize for the delay in responding, but I wanted to make sure that we give all due consideration to your request.

Sincerely,



Jerry Pasternak

cc: Mr. Joseph J. Nice



Serving the Public Interest Since 1925

Saturday, August 23, 2013

Mr. Jerry Pasternak
Vice President Pepco Region, Maryland
EP9208
701 9th Street N.W.
Washington, D.C. 20068-001

Dear Mr. Pasternak:

I am in receipt of your letter of May 28 in which you state that “due to safety and liability considerations” Pepco does not “as a policy matter...permit or license pedestrian and/or bicycle paths that run *along* our right-of-way.”

This is very disappointing when there are so many other jurisdictions across the country that have already successfully implemented shared use paths for the public under their power lines. The closest examples are just across the river in northern Virginia.

I presume that your legal counsel is familiar with Maryland's Recreational Use Statute. I will provide an email attachment of the same. Would you please explain why you believe that this statute does not provide sufficient protection from liability, and suggest exactly what modifications of the current law would satisfy Pepco's liability concerns.

I hope that such consideration will provide the basis for a more fruitful discussion.

Sincerely,

Peggy Dennis
Immediate Past President
Montgomery County Civic Federation

Dunckel, Jeff

From: Peggy Dennis <hotyakker@gmail.com>
Sent: Saturday, September 28, 2013 5:30 PM
To: Steven Friedman
Cc: Brian Frosh; Shepherd, Patricia; Dunckel, Jeff; Berliner's Office, Councilmember; Elrich's Office, Councilmember; Leventhal's Office, Councilmember; Riemer's Office, Councilmember; Floreen's Office, Councilmember; John Wetmore; Dan Wilhelm
Subject: Re: motions passed at PBTSAC meeting and the issue of shared use paths in utility ROWs
Attachments: ltr.to Pasternak PEPCO bikes in ROW.docx; Pasternak ltr from Pepco.pdf; Ltr to Pasternak on paths in ROW.docx

thanks, Steve.

I'd like to work with you on another issue. I've requested (on behalf of the Civic Federation) that Pepco allow a trial shared use recreational trail to be created along their power line from Westlake Road (near the Westfield Montgomery Mall) as far west as Piney Branch Road. I suggested this stretch of their ROW because it has the highest value and potential for getting both recreational and commuting bicyclists off the roads and onto a safe, direct route to the bus depot at the Mall. Their response was, as expected - no can do...vandalism and liability concerns. A followup letter asked them to spell out what would need to be modified in the Maryland Recreational Use Statute that would allay their concerns, given how many trails have been created along electrical lines in other jurisdictions. This got no reply, but Glen Orlinn pointed out yesterday (we are at the BikeShare roll out) that this request has been made before, that the Maryland Recreational Use Statute was passed in order to facilitate this kind of venture, and that it's time to push Pepco for this again.

I think for this to succeed, it will need a multi-pronged approach with pressure from the county and state governments, the PSC and the bike and recreational advocacy groups. A good place to start would be a motion for the PBTSAC and MCBAG to adopt similar to the request that MCCF already sent. See attached letter and Pepco's response.

John Wetmore has been very helpful and supportive in this initiative.

Cheerio, Peggy Dennis