



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdich
Acting Director

MEMORANDUM

January 23, 2014

TO: Roger Berliner, Councilmember
Montgomery County Council

FROM: Al R. Roshdich, Acting Director
Department of Transportation

Diane Schwartz Jones, Director
Department of Permitting Services

SUBJECT: Sidewalk Closures

We are writing in response to your request for information regarding construction related sidewalk closures, including long term closures without provisions for an alternate pedestrian walkway on the same side of the street. We apologize for the amount of time it has taken to respond.

Plans for sidewalk closures are approved by the Department of Transportation (MCDOT) and inspected/enforced by the Department of Permitting Services (DPS). Therefore, after receiving your request, DOT and DPS began meetings to review what is occurring in the field. We recognize that closures in Bethesda to allow for construction have posed challenges for the community and that these challenges have been exacerbated by Maryland State Highway Administration (MSHA) authorized closures on state roads.

To respond to your request, we wanted to both compile the requested information and review the process and problems in the field in order to improve coordination and try to minimize impacts where possible. This was a time consuming effort, but in the end it was time well spent as we have developed and are implementing improvements that should reduce some of the problems that have been experienced. These changes are detailed later in this response.

Our research revealed that during the subject 3-year period, four (4) projects were authorized for a long term sidewalk closure without an alternate pedestrian walkway on the same side of the street. The attached table provides details on each of the projects, including the justification for the authorization. In addition to this table, MCDOT staff has emailed Mr. Drew Morrison of your office a detailed spreadsheet showing sidewalk impacts for each of the nearly 1,900 projects researched, including notations when sidewalk closures were requested, and if the duration was less than or greater than 15 days.

Office of the Director

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We fully understand the public's frustration when walking along a street and suddenly the pedestrian path is closed or impacted by construction activities, and suitable and safe alternate arrangements are not readily apparent or do not exist. Sidewalk closures should only result from an approved temporary traffic control plan (TTCP) that is part of a permit issued by either the County or the MSHA. We recognize as well the need for a coordinated process and have reached out to MSHA to discuss how to improve overall coordination.

While many permittees are very conscientious about overall safety and that their work activities adheres to the provisions of the approved permit, we believe that there are circumstances that are inherent in construction that TTCPs, under the current process, do not adequately capture. For example, the TTCP is submitted by the permittee and may or may not have been approved by the general contractor responsible for the schedule. Schedules change during construction and sometimes there are unforeseen circumstances that result in longer construction schedules or out of sequence deliveries, pours, and other construction. These circumstances can result in some of the problems that we have been seeing in Bethesda:

- Sidewalk closures that are not reflected in the approved TTCP / permit
- Sidewalk closures that are extending beyond the duration specified in the approved TTCP / permit
- Simultaneous sidewalk closures on a street related to different projects (with each being approved as a standalone closure per the respective TTCP / permit)
- Simultaneous sidewalk closures occurring as a result of contractors combining phases
- Sidewalk closures not having all traffic control devices installed per the approved TTCP / permit

In an effort to address these situations, improve public safety and minimize adverse impacts upon the residential and business community and public use of the rights-of-way, we have assembled a workgroup of staff from MCDOT, DPS, and the Regional Services Centers, and have developed the following process improvements that are being implemented.

- MCDOT will revise and update the published "Work Zone Traffic Control Standards" book to:
 - Explain the legal requirements for sidewalk closures and remove any ambiguities regarding closure timeframes, specifics as to when detours versus alternate walkways on the same side of the street are required and approved, and coordination of approved closures to avoid, to the extent feasible, simultaneous closures in the same block;
 - Add language to clearly communicate to developers and contractors that the right-of-way and sidewalk is the public domain, and sidewalk closures will only be

allowed to meet minimal needs including when work is actually occurring in the sidewalk area, or when work above the sidewalk creates an endangerment that a covered walkway will not protect against. Sidewalk closures will not be permitted for staging, delivery of materials or construction parking without express pre-authorized field authorization following coordination with MCDOT, DPS and the Regional Service Center. Any sidewalk closure for these purposes must not exceed 8 hours.

- TTCP's for projects in the County's central business districts will be reviewed by a newly formed team of MCDOT, DPS, and the Regional Service Centers in an effort to more comprehensively identify potential issues and improve coordination of other planned activities in the impacted area. These departments are reaching out to MSHA to establish coordination meetings to better minimize impacts on the community when MSHA authorizes closures on state roads.
- Requirements will be added to the TTCP / permit process to include:
 - Permit applicant must provide a construction and critical path schedule;
 - A summary table must be provided on the cover sheet of the TTCP showing sidewalk and lane closures, durations, and construction phasing;
 - Prominent display of approved sidewalk closure authorizations on the TTCP cover sheet;
 - Before the preconstruction meeting will be scheduled, the General Contractor must provide an affidavit that i) he understands the requirement to minimize construction impacts upon the public and adjacent business uses of the right-of-way, ii) he has reviewed the TTCP and the construction schedule, iii) that the approved TTCP can and will be implemented and adhered to, and iii) a traffic manager will be on-site at all times during lane and sidewalk closures;
 - Permittee must immediately give notice to MCDOT, DPS and the Regional Services Center of any change to the construction and critical path schedule that affects the approved TTCP or duration of any approved sidewalk closures;
 - Permittee to post a sign as part of any sidewalk closure along a County road that states "This sidewalk to be re-opened no later than xx/xx/xx. Call 311 if not opened by this date". DPS has developed a corresponding 311 Service Request that will initiate an immediate inspection and possible stop work order.
- DPS has reallocated an existing position to improve the frequency and timeliness of field inspections. This position will be focused on the central business districts of the County and will assist us in identifying situations where work is being conducted in the right-of-way without a permit, and to ensure that the permit provisions and approved TTCP plans are being followed, specifically with respect to pedestrians.

These process changes will improve the environment near work zones for pedestrians, bicycles, vehicles, residents and local businesses.

**Long Term (>15 days) Sidewalk Closures Without Same Side Pedestrian Access
FY12-14**

Project Name	Location	Pedestrian Access on Opposite Side?		Approved Closure Duration	Justification
		Yes	No		
Lot 31	Woodmont Ave Between Bethesda and Wisconsin		X	24 mos.	Roadway was closed to provide for construction on both sides, detoured covered walkway provided
	7550 Wisconsin Ave	X		20 days	To implement Sidewalk Improvements
Trilliumn-Bethesda	8300 Wisconsin Ave, Bethesda	X		20 mos.	Pump trucks and crane set up on the sidewalk and part of the curb lane at a safe distance from the edge of excavation as determined and certified by a professional engineer
Fenwick Station	Second Ave at Spring Street, Silver Spring	X		3 mos.	To implement Sidewalk Improvements