

**DRAFT SUMMARY OF January 09, 2014 MEETING of the
PEDESTRIAN, BICYCLE, and TRAFFIC SAFETY ADVISORY COMMITTEE
Executive Office Building, 9th Floor Conference Room
7:00 pm to 9:00 pm**

Members Present: Erwin Mack, Chair; David Anspacher; M-NCPPC; Ramin Assa; Kristy Daphnis; Cpt. Tom Didone, MCPD; Darrel Droblich; Steve Friedman; Arthur Holmes Jr., MCDOT; Alan Migdall; Reemberto Rodriguez, SSRSC; David Sharp (phone); Jack Strausman;

Members Absent: Colleen Mitchell, Vice Chair; Angel Garcia-Ablanque, MCPS; Anyesha Mookherjee, MSHA

County Staff: Jeff Dunckel, MCDOT (Pedestrian Safety Coordinator); Kim Funderburk, MCDOT; Nadji Kirby, MCDOT; Fred Lees, MCDOT; Pat Shepherd, MCDOT; Tom Pogue, MCDOT

Guests: Peggy Dennis, WMC/CAB; Mike Sabol, MD Highway Safety Office/SHA; John Wetmore, Perils for Pedestrians; Jerry Pasternak, PEPCO

Chair Erwin Mack called the meeting to order at 7:00 pm.

1) PBTSAC Committee Business: Erwin Mack, Chair

Recognition: Alyce Ortuzar recognition of her years of dedicated service with PBTSAC. Erwin Mack read a letter of appreciation from the committee and presented Alyce with a certificate of appreciation from County Executive Isiah Leggett.

MOTION: To extend appreciation to Alyce Ortuzar as a group. The motion was unanimously approved.

Welcome and Introductions: Erwin Mack welcomed Kristy Daphnis to the seat vacated by Alyce Ortuzar; guests introduced themselves.

MOTION: A motion was made to approve the November 7, 2013 meeting summary; it was unanimously approved.

Update on Replacement Appointments: John Hall and Valerie Ervin – (Dunckel) Jeff Dunckel announced that following the resignations of John Hall and Valerie Ervin, two seats on the PBTSAC board have opened. Discussions are underway with the BCC, the County Council, and the Maryland Municipal League regarding new appointments. Jeff is hopeful that replacements will be identified in the next month or so, with new members seated by March, or May at the latest. An updated membership list was distributed (see handouts).

Update on 2013 Pedestrian and Bicycle Collisions/Fatalities and School Bus Safety Camera Program – (Didone) Captain Didone reviewed preliminary 2013 data (see handouts # 2 and 3) showing 417 vehicle collisions involving pedestrians. The final numbers will not be available for several weeks – several months have yet to be tabulated. Of the 417 collisions, 13 were fatal. The MCPD, in coordination with MCPS, launched the School Bus Camera Safety Program on January 2nd. Fully automated video camera systems will be installed on 100 busses, (roughly 10% of the fleet) with 25 busses outfitted by the beginning of February. The cameras will record up to five lanes of traffic (traveling in both directions) and be installed on the left side of each school bus. Violators will be issued \$125 tickets by mail.

Annual Report for 2013 – (Droblich) Darrell Droblich updated the 2013 annual report with the most recent committee changes and the December Pedestrian Safety media event. Arthur Holmes, Jr. asked the committee to revise the report to include Ike Leggett’s role in the reinvention of PBTSAC.

MOTION: A motion to approve the Annual Report for 2013 was approved unanimously.

ACTION ITEM: Daryl Droblich and Jeff Dunckel have been tasked with expanding the “Origin and Purpose” section of the annual report to include Mr. Ike Leggett’s role in the renewing authorization of the PBTSAC.

MOTION: The motion to approve a modified first paragraph in the 2013 Annual Report was unanimous.

Chairman Selection Process for Future Chairman – (Pogue) Tom Pogue advised the committee that Chairman Mack’s chairmanship ends in July, 2014. He requested committee member recommendations for board Chair be emailed over the next few weeks to Jeff Dunckel. Each recommendation should include a brief description of qualifications for each nominee and why they would make a good Chair for the committee; board members may self-nominate. Upon review, MCDOT Director Art Holmes, Jr. will submit his recommendation to the County Executive. All nominations are due prior to the March 6th meeting.

2.) Discussion of Shared Use Pathways on Utility ROWs – (Friedman) Steve Friedman, chair of the Bicycle Access and Safety Subcommittee, reported that he had started informal discussions on shared use pathways on PEPCO property with a small group of people, after receiving the suggestion from Peggy Dennis. The group consisted of Peggy Dennis, David Anspacher, Jack Strausman, John Wetmore, Jack Cochran, Pat Shepherd and Steve Friedman.

Steve Friedman began by describing the process and the positions taken to date. The advocates for the shared-use paths had provided arguments for creating such facilities and PEPCO had expressed reasons why they opposed creation of such facilities on their Rights-of-way, which is their private property. Steve Friedman expressed the objective of trying to “get to yes,” where both sides might agree. Darrel Droblich questioned whether it was appropriate for the PBTSAC to enter into what sounded like negotiations with PEPCO; would the more appropriate role of the committee be to take a position on the idea brought to the committee by the group of advocates?

Several months ago, Peggy Dennis contacted PEPCO and the PBTSAC to request a hiker/biker trail along a portion of PEPCO land between the Westlake substation and Piney Meetinghouse Road. This particular segment was chosen due to its proximity to the bus hub at Westlake Montgomery Mall and proximity to the County’s Life Sciences Center and residential developments. The current transportation corridors are not appropriate places for bicyclists to ride due to traffic and the high speeds of these facilities. Future transit infrastructure upgrades, such as dedicated bus lanes and light-rail systems designed to transport more people using fewer vehicles will result in more pedestrians and cyclists traveling to and from bus stops and transit facilities. A trail in the requested area would create a passageway designed specifically for foot traffic and cycling; an alternate route to get to employment centers and transit facilities, circumventing the congested main roadways not designed for commuter cycling. The benefit of such a trail would be to improve connectivity and access to a viable off-road hiker/biker path network – and thus improve the County’s walkability, bikeability, and safety for both commuter and recreational hikers and bikers. The Bicycle Access and Safety Subcommittee sent several examples of shared-use pathways along high transmission power lines to PEPCO (handout #6) for review. Peggy Dennis expects discussions on the matter to last from several months to possibly years.

Tom Pogue said he had spoken with Transportation Engineering staff about the proposed trail and was informed that such a path would be considered recreational and would therefore fall under Park and Planning jurisdiction. Therefore, MCDOT is neutral on the proposal; it does not have a position since it believes Park and Planning

would be the agency directly involved. Art Holmes commented that Park and Planning's Master Plan for Bikeways and park trails would need to be considered.

Jack Strausman, who is employed by PEPCO as well as a citizen member of the PBTSAC representing the Colesville area, questioned how such facilities would be paid for. PEPCO has no intention of paying for construction or maintenance of such facilities that are ancillary, and perhaps in conflict with the utility's mission of providing electricity safely.

Jerry Pasternak, Regional VP for PEPCO, requested a correction of the term right-of-way (ROW). The area proposed for the trial biker/hiker trail is on property owned by PEPCO- it is not a ROW but rather private property that PEPCO owns in fee simple. Mr. Pasternak stated that as written, the proposal would introduce an increased risk for public safety by bringing people closer to high transmission power lines. Allowing public access would be inconsistent with PEPCO policy, mission and values, and would open the company up to increased liability. The public is not allowed on PEPCO property and their property is posted accordingly. Trespassing enforcement is handled by the MCPD, as reported by PEPCO security/employees and citizens.

Steve Friedman used the example of a segment of the Cabin John Trail that passes under high transmission power lines and asked if using that segment is considered trespassing on PEPCO property. The response from Jerry Pasternak was:

1. The fact that PEPCO does something in one place under certain contractual conditions is not an argument that they should open the door to open access of other locations.
2. PEPCO must acquire a Certificate of Public Convenience and Necessity from the Public Service Commission before building transmission lines. The Cabin John crossing may have been a condition of obtaining that particular permit. Such access would most likely have been provided to the Parks Department under a revocable permit issued by PEPCO.
3. When limited crossings are built, contracts for who builds, maintains, repairs, acquires the bond and is liable are all laid out.

Jerry Pasternak concluded by stating that PEPCO opposes the idea of shared use hiker/biker pathways on their private property. It presents a hazard to the public, is contrary to the company trying to be good neighbors to adjoining property owners, and opens up potential liability for PEPCO.

A lengthy discussion followed. [Alan Migdall asked under what conditions PEPCO accesses public property for the transmission of power; PEPCO negotiates easements with the government jurisdiction or private property owners whose land they must cross to provide the public benefit of electricity.](#) Other examples of trails and recreational facilities in Montgomery County and other locations were discussed. It was questioned whether such facilities were on land owned by the utilities. John Wetmore cited the PEPCO website that discusses giving back to the community and stated what a gift it would be to the community if PEPCO would provide the public access to their utility line properties. Jerry Pasternak offered to participate in a work group discussing the issue.

MOTION: The Bicycle Access and Safety Subcommittee requests that a PTBSAC work group be convened and tasked with developing a recommendation regarding the creation of a shared use hiker/biker pathway on existing PEPCO right-of-way. The ROW work group will consider input from various stakeholders and provide a recommendation to the PBTSAC at the March 2014 meeting. The motion was unanimously approved.

Steve Friedman confirmed initial membership of the working group would consist of the persons named at the beginning of this section (see above). The working group will reconvene and continue discussions with PEPCO, and make recommendations to the committee.

3.) Update on Fall Pedestrian Safety Education Campaign - (Dunckel) The media event for the “Maria” graphic novel campaign was well received and resulted in significant news coverage (handout#7). Ads were installed on busses and in bus shelters around the County’s Group One HIAs. A second and final chapter featuring “Marco” will be released in February. The campaign has received more media attention than other MCDOT pedestrian safety education campaigns to date with minimal negative feedback.

The **Heads Up in Parking Lots** campaign was launched November 21st with a press event that was well attended and received positive news coverage. An official copy of the strategic plan (see handout #8) was distributed. Heads Up in Parking Lots curb markers have been posted at garage shopping exits in County parking garages/lots and participating privately-owned parking facilities (see handout #9). Ester Bowring is scheduled to attend the March meeting where a detailed summary of campaign activities will be presented.

Captain Didone spoke about the **Shop-with-a-Cop** campaign, an annual event held during the holiday shopping season. Police officers and firefighters visited area parking lots where they passed out free shopping bags, safety tips brochures, and struck up conversations with citizens about pedestrian safety and general safety. Next year’s event will target more of the County’s high incidence parking lots.

4.) New Business/Comments/Topics for March Meeting

- The County Council Bill 33-13 (handout #10 - introduced by Berliner)
- The next meeting is scheduled for **March 6, 2014.**
 - Possible March Meeting Topics:
 - Pedestrian Safety in Parking Lots Campaign Review under Issues for the Disabled
 - Review of the High School Education Program including its Walk Your Way grant program
 - Review of the conclusion of the HIA Novella Campaign – First and Second Waves
 - Budget Requests for Pedestrian and Bicycle Safety
 -

5.) Open Discussion

- Nadji Kirby reported applications for the Walk Your Way Project have been reviewed and grant notifications will be issued soon.
- Jeff Dunckel reported the annual committee review with the County Executive is not yet scheduled and the format has not yet been determined

6.) Other

- Chairman Mack asked the committee to reserve the first Thursday of each month (excluding national holidays) for PBTSAC meetings. The committee is required to meet six times per year (7:00 pm – 9:30 pm), but the committee has the right to hold 12 meetings per year, not including special meetings.

6.) Adjourn – Chair Erwin Mack adjourned the meeting at 9:00 pm.