PEDESTRIAN AND TRAFFIC SAFETY ADVISORY COMMITTEE

February 19, 2010

The Honorable Nancy Floreen, Council President
County Office Building
100 Maryland Avenue, 6th Floor
Rockville, Maryland 20850

Dear County Council President Nancy Floreen:

Thank you for discussing with me last week the Pedestrian and Traffic Safety Advisory Committee's (PTSAC) support of Expedited Bill 3-10. As we discussed, our committee is concerned about the length of time it takes to build sidewalks, even when there is community support of the project and no opposition from property owners. We are encouraged that the County Council is proposing this legislation to modify the requirement for public hearings so that such universally supported sidewalk projects can proceed without a hearing process that often delays such community-supported projects for over a year.

I was intending to testify in support of Bill 3-10 at the scheduled hearing on February 9, 2010. Unfortunately, the Blizzard of 2010 prevented me from being able to attend this hearing. Your rescheduled hearing on February 18 was at a time that I was out-of-state, and therefore I was also unable to attend this hearing either. This letter is intended to express our committee's support in writing, as we discussed over the phone on February 11, 2010. You requested I send you an email expressing the PTSAC position on Bill 3-10.

The PTSAC discussed this proposed legislation at our last meeting on January 7, 2010. Attached for your information and consideration are the draft minutes from this meeting regarding this item of "New Business," recording the committee's unanimous support of the proposed legislation that is now County Council Expedited Bill 3-10. We understand the importance of holding public hearings when there is controversy over public projects. However, to delay sidewalk projects when there is no such controversy is to delay the construction of vitally important facilities that often make significant improvements to public safety.

Bill 3-10 wisely differentiates such projects, requiring public hearings when there is such controversy, but allowing immediate construction of projects that have universal community support, without such controversy. The PTSAC strongly supports this legislation and applauds the County Council for recognizing that sidewalks requested by the communities, and universally supported by the communities, should not be unduly delayed by administrative processes that serve little purpose and can result in significant delays to vitally important, public supported projects.

Department of Transportation
101 Monroe Street • Rockville, Maryland 20850 • 240-777-7170 • 240-777-2544 TTY • 240-777-7178 FAX
www.montgomerycountymd.gov/walk

Thank you for the opportunity to submit this testimony in writing following the rescheduled public hearing held on February 18, 2010. We look forward to Bill 3-10 receiving full support from those in the County Council that support the efficient, prompt construction of sidewalks that are universally supported by their communities.

Sincerely,

Erwin Mack
Chairman

cc: Councilmember Andrews
Councilmember Berliner
Councilmember Elrich
Councilmember Ervin
Councilmember Knapp
Councilmember Leventhal
Councilmember Navarro
Councilmember Trachtenberg
Arthur Holmes, Jr., Director, MCDOT
Al Roshdieh, Deputy Director, MCDOT
Bruce Johnston, Chief, DTE
Glen Orlin, Deputy Council Staff Director
Jeff Dunckel, Pedestrian Safety Coordinator, MCDOT
Michael Faden, Senior Legislative Attorney, County Council
Richard Romer, Legislative Analyst, County Council

MINUTES FOR JANUARY 7, 2010
MEETING OF THE PEDESTRIAN AND TRAFFIC SAFETY ADVISORY COMMITTEE

Members Present: Ramin Assa; John Britton; Justin Clarke, MNCPPC ; James D'Andrea, MCPS; Richard Romer representing Councilmember Ervin; Steve Friedman; Ken Hartman, BCC Regional Service Center; Al Roshdieh, representing Arthur Holmes, MCDOT Director; Lt. James Humphries, MCPD; Erwin Mack, Chair; Alan Migdall; Colleen Mitchell; Alyce Ortuzar, Jack Strausman

Members Absent: Doris Depaz; Peter Moe, MSHA; Bill Bronrott, Vice-Chair

County Staff: Tom Pogue, Community Outreach, MCDOT; Jeff Dunckel, Pedestrian Safety Coordinator, MCDOT; Fred Lees, MCDOT-DTEO; Brett Linkletter, MCDOT-DHS; Sara Navid, MCDPS; Lynn, McCreary, DHCA Code Enforcement; Mike Clemens, Asst Chief FRS; Mike Love, Chief FRS; Ed Radcliffe, Assistant Chief, DFRS

Guests: George Sauer, Resident; Richard Hoye, ACT; Debbie Nixon, Resident (via Conference Call)

6. New Business/Committee Comments:

Council Proposal for Modified Sidewalk Hearing Process

The County Council has proposed changes to the hearing process for sidewalks. Mr. Roshdieh explained that under the County Executive's Pedestrian Safety Initiative, MCDOT has been working to construct more sidewalks. This is taking time in part because of the lengthy process of public hearings having to be held, even when there was universal support for a sidewalk, or it involves just a short section of sidewalk connecting two previously built links. Every project has been put through this hearing process without exception. Mr. Pogue noted the Executive's Initiative called for streamlining of this process. Mr. Roshdieh said MCDOT works on the front end to propose sidewalk projects that minimize community impacts and have the community's support. Therefore, MCDOT has proposed to the Council that under certain circumstances, the hearing process should be by-passed so that projects universally supported by the community can be built faster. These circumstances are: the sidewalk can be totally built within the existing Public ROW; that no detailed engineering design work will be required; and that MCDOT obtains community concurrence that the sidewalk should be built by notifying the community prior to beginning construction. If opposition is expressed during this notification process, then a hearing process would be conducted. But if no opposition is expressed, then the sidewalk can be constructed without the hearing process, reducing delays to actually starting construction.

Rich Romer, Legislative Aide to Valerie Ervin, explained the proposal from the Council's perspective. In the universe of sidewalks to construct, there is known to be a subset of sidewalks that do not involve controversy and have community and property owner support. The Council wants to make it possible to build these sidewalks more quickly without the requirement for a lengthy hearing process.

Mr. Mack explained that the Council and the County Executive would like to know if there was support from the PTSAC on this proposed change to the hearing process for sidewalks. Mr. Roshdieh stated that if this passes the Council, MCDOT will be able to immediately construct 6 new sidewalks segments. The County builds many sidewalks that will continue to have hearings: if there is significant disagreement, if there is detailed design involving things like retaining walls or utility relocations, or if there is a need to acquire ROW - - these type of projects would continue to have hearings. However, this change is focused on being able to build sidewalks that can be built quickly, and inexpensively, with community support.

Motion: A motion was made and seconded to support the County Council's proposed change of the requirement to hold public hearings for all sidewalk projects, enabling the County to build sidewalks that have community support, do not require purchasing ROW, and do not need detailed design, without holding public hearings. The motion passed unanimously.