OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY

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PETITION OF                        :
LMA - GLENMOUNT LAYHILL ASSOCIATES :  Case No. G-862/G-863
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A hearing in the above-entitled matter was held on March 5, 2012, commencing at 9:35 a.m., at the Office of Zoning and Administrative Hearings, 100 Maryland Avenue, Rita Davidson Memorial Room, Rockville, Maryland 20850 before:

Lynn Robeson, Hearing Examiner

A P P E A R A N C E S

ON BEHALF OF THE APPLICANT:

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WITNESSES:	Page:
Anne M. Randall (Nancy), A.I.C.P For Applicant Wells and Associates 170 Jennifer Road, Suite 260 Annapolis, Maryland 21401	26-190 288-331 336-338
Max Bronstein For Opposition 2925 Birchtree Lane Silver Spring, Maryland 20906	192-208
Richard Kauffunger For Opposition 2309 East Gate Drive Silver Spring, Maryland 20906	208-263
Vicki Vergagni For Opposition 2305 Greenery Lane, Unit 203 Silver Spring, Maryland 20906	266-287
James T. Jervey (Pete) For Applicant 4445 Willard Avenue Chevy Chase, Maryland 20815	332-350
Miguel Iraola For Applicant 750 East Pratt Street, Suite 1100 Baltimore, Maryland 21202	343-350

ALSO PRESENT:

Russell S. Gestl
9841 Washington Boulevard, Suite 300
Gaithersburg, Maryland 20878

E X H I B I T S

		Marked	Received
Exhibit No. 187	Road Network Aerial	10	--
Exhibit No. 188	Confirmation of Authorization	16	--
Exhibit No. 189	CD - 2008, 2011 traffic study	17	--
Exhibit No. 190	Updated Randall Resume	29	--
Exhibit No. 191	Trip Generation for Privacy World Vacancy	181	--

E X H I B I T S (Continued)

		Marked	Received
Exhibit No. 192	HCM 2010	212	--
Exhibit No. 193	Hand-marked HCM Exhibit	222	--
Exhibit No. 194	Hand-marked queuing Exhibit	222	--
Exhibit No. 195	Glenmont Parking Structure Traffic Study	232	--
Exhibit No. 196	Re-analysis Georgia Avenue	296	--
Exhibit No. 197	A.M. Photos Georgia Avenue Near Layhill Intersection	306	--
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1 P R O C E E D I N G S

2 MS. ROBESON: Let's go on the record. This is a
3 public hearing in the matter of two local map amendments
4 filed by Glenmont Layhill Associates. The first local map
5 amendment, G-862, is for stage 1, a request to rezone from
6 the RT-12.5 R30 and O-M zones to the TSR zone of property
7 known as Parcel A, Glenmont Park, Plat Book 76, Plat 7512;
8 Parcel B, Glenmont Park, Plat Book 79, Plat 7940; Parcel C,
9 Glenmont Park, Plat Book 80, Plat 8133; Parcels D and F,
10 Glenmont Park. I'm going to leave the plat books out
11 because they were in the notice of hearing. Resubdivision
12 Plat Parcel G, Glenmont Park; Parcel E, Glenmont Park, and
13 lots 1 through 49 and Parcels A through F, Block 1, Glenmont
14 Mews, located at the intersection of Georgia Avenue and
15 Glenallan Avenue, Silver Spring, Maryland.
16 The second local map amendment, G-863, is for
17 stage 2, a request to rezone from the R30 zone to the TSR
18 zone, property known as Parcel A, Glenmont Park; Parcel B,
19 Glenmont Park; and resubdivision Plat G, Glenmont Park,
20 located at the intersection of Georgia Avenue and Glenallan
21 Avenue, Silver Spring, consisting of seven point zero five
22 one four acres in the 13th Election District. So, we may
23 need another hearing just to --
24 MR. ROBINS: Get through the --
25 MS. ROBESON: -- get through that.

1 This hearing is conducted on behalf of the
2 District Council. My name is Lynn Robeson. I'm the Hearing
3 Examiner. Which means that I'm going to take the evidence
4 and testimony on this and then I will make a report and
5 recommendation to the County Council.
6 The matter today, as you know, is limited to a
7 remand requiring the applicant to provide additional traffic
8 studies relative to Local Area Transportation Review and
9 transportation safety. So, we are going to limit the
10 testimony to that matter.
11 Can the parties identify themselves for the
12 record, please?
13 MR. ROBINS: Sure. Good morning, Ms. Robeson.
14 MS. ROBESON: Good morning.
15 MR. ROBINS: Steve Robins with the law firm of
16 Lerch, Early and Brewer, representing the applicant.
17 MS. ROBESON: Okay.
18 MR. O'NEIL: Patrick O'Neil with Steve Robins.
19 MS. ROBESON: Okay.
20 MR. BRONSTEIN: Max Bronstein for the public.
21 Also representing my community, Strathmore-Bel Pre, and
22 myself as an individual.
23 MS. ROBESON: Oh. All right. And well, you need
24 no introduction but can you identify yourself for the
25 record?

1 MR. KAUFFUNGER: Richard Kauffunger, a resident of
2 Layhill and representing the Layhill Citizens Alliance.
3 MS. ROBESON: Okay.
4 MR. KAUFFUNGER: And most importantly myself.
5 MS. ROBESON: All right. Is there anyone else
6 here in opposition today that would like --
7 MS. VERGAGNI:: Yeah. Vickie Vergagni.
8 MR. KAUFFUNGER: You come up to the --
9 MS. VERGAGNI: Oh. I'm sorry.
10 MR. KAUFFUNGER: -- microphone.
11 MS. VERGAGNI: Good morning.
12 MS. ROBESON: Good morning.
13 MS. VERGAGNI: Vickie Vergagni from Glenwood
14 Gardens Condominium Association, also for myself.
15 MS. ROBESON: All right. Now, if you wish to --
16 do you wish to designate a spokesperson to ask questions
17 through on cross-examination and things like that or do you
18 wish to each -- sometimes it's helpful to have one person
19 kind of honchoing the project.
20 MR. KAUFFUNGER: We were anticipating that each of
21 us would do cross-examination and testify individually.
22 MS. ROBESON: All right.
23 MR. KAUFFUNGER: But, I may talk more than the
24 others.
25 MR. ROBINS: That's okay with me.

1 MS. ROBESON: You left me speechless there for a
2 moment. I won't say anything. All right. Just a little
3 bit. These are informal proceedings but they are subject to
4 certain formalities. Your testimony is under oath. It's
5 subject to cross-examination.
6 Do the parties -- are there any preliminary
7 matters before we get into opening statements if you wish to
8 make them? I have here, that was faxed, must have been
9 after 5:00 --
10 MR. KAUFFUNGER: Yes.
11 MS. ROBESON: -- on March 2nd, a report of -- do
12 you have a copy of this, Mr. Robins?
13 MR. ROBINS: I'm not sure what you're referring
14 to. Are you talking about --
15 MS. ROBESON: From Mr. Kauffunger.
16 MR. ROBINS: Oh. Mr. Kauffunger's fax with the
17 Metro study? Is that what you're --
18 MS. ROBESON: Yes.
19 MR. ROBINS: Yes. We have a copy of that.
20 MS. ROBESON: Yes. Do you have any objections to
21 admitting this into the record?
22 MR. ROBINS: I mean, formally, we would object
23 that it's late but if Mr. Kauffunger feels that he needs to
24 utilize it then that's certainly up to you.
25 MS. ROBESON: Mr. Kauffunger.

MR. KAUFFUNGER: Well, the reason it was late is that it took over two months to get a copy of it from some government agency. You would not believe the number of people that I contacted to try and get a copy of this including when people tell you that they don't think it was ever done, and when I say that it was Park and Planning starting out and I eventually got it from them. But, the Fire Department, Metro --

MS. ROBESON: All right.

MR. KAUFFUNGER: I could go on.

MS. ROBESON: Okay.

MR. KAUFFUNGER: It was part of the reason that we asked for the delay.

MS. ROBESON: Okay. Let's go through -- let's see where we get today, and if you feel that you need an opportunity to respond to this report -- I'm going to hold off a decision on whether to let it into the record or not because it is late, and we are pretty tough on both sides as far as submitting reports in advance so other people have an opportunity to respond. So, I'm going to hold off making that decision and see how far we get today. We do have a reserve date of March 22nd. I'd like to try and get through the hearing today. So, it may be helpful to see why Mr. Kauffunger thinks this is relevant and then you can make a determination as to whether you need additional time to

1 respond. All right?
2 MR. ROBINS: That's fine.
3 MS. ROBESON: All right. Any other preliminary
4 matters? Okay. Do you have opening statements?
5 MR. ROBINS: I do.
6 MS. ROBESON: Okay. Mr. Robins, go ahead.
7 MR. ROBINS: Well, good morning. As I mentioned
8 before, my name is Steven Robins with the law firm of Lerch,
9 Early, and Brewer, and I'm here today with my colleague,
10 Patrick O'Neil, also of Lerch, Early, and it's a pleasure to
11 be back before the Hearing Examiner, albeit a different one,
12 to present testimony for the remand on the LMAs that you
13 described for the Glenmont Metro Center project. We are
14 here today on behalf of the applicant and with us I have
15 Pete Jervey and Russ Gestl who are the two gentlemen in the
16 back also representing the applicant, and Nancy Randall of
17 Wells and Associates who is our transportation, expert
18 transportation planner. We anticipate that will,
19 essentially, be our only witness. We also have Miguel
20 Iraola who has been the land planner on this project if any
21 questions should come up. But, we do think that the remand
22 is pretty specific as it relates to issues regarding traffic
23 and transportation. So, Miguel is here just in case but I
24 don't know that we'll actually need him today.
25 As you will see, the Glenmont Metro Center

1 property is literally an island surrounded by Metro related
2 facilities, and I actually -- we created this exhibit which
3 I think will be helpful to, not only for Ms. Randall but
4 also if the other folks would like to use it. It simply
5 shows the site with a larger scale aerial around it so you
6 can get a view of the streets and things like that. So, it
7 might be helpful to mark that.
8 MS. ROBESON: All right. That would be exhibit --
9 MR. ROBINS: Miguel, would you be so kind as to do
10 that?
11 MS. ROBESON: Oh. One thing I meant to say in a
12 preliminary matter. Rather than having duplicate, right now
13 we have duplicate exhibits in 862 and 863. Rather than
14 having to submit all that paper in both cases, I am going to
15 have all the exhibits from here on forward put in 863 so
16 people don't have to go back and forth. They're going to be
17 incorporated. I'll incorporate them here, unless you have
18 objections, into the case of 862. But, rather than --
19 MR. ROBINS: So, you're just going to enter them
20 in 863 and incorporate by reference?
21 MS. ROBESON: Exactly.
22 MR. ROBINS: Okay.
23 MS. ROBESON: All right. So, this -- what I have,
24 this would be, this as 187, I believe. Yes. And can you
25 describe what this is?

1 MR. ROBINS: This is what we call a road network
2 aerial.
3 MS. ROBESON: Okay. Road network aerial. Mr.
4 Kauffunger, any objections?
5 MR. KAUFFUNGER: Okay. I was thinking of -- this
6 is the drawing that you just put there?
7 MR. ROBINS: This one right along --
8 MR. KAUFFUNGER: Oh. It's that one. Okay. No
9 objections.
10 MS. ROBESON: All right. Go ahead, Mr. Robins.
11 MR. ROBINS: Thank you. So, as you will see, and
12 you can look on the road network aerial as I'm referring to
13 this, the Glenmont Metro Center property which is
14 highlighted in red --
15 MS. ROBESON: Uh-huh.
16 MR. ROBINS: -- is literally an island surrounded
17 by Metro related facilities. Across Glenallan Avenue sits
18 the Metro station and the Metro parking garage. To the rear
19 of the property is the Metro maintenance yard and terminus,
20 and across Georgia Avenue is another entrance to the station
21 as well as the location of the second Glenmont parking
22 garage which is actually nearly completed, the second
23 garage.
24 The Glenmont Metro Center property, surrounded by
25 the Metro, is poised to be a premier Transit Oriented

1 Development that brings fresh new housing and retail
2 components to a very solid community but one that is in need
3 of some positive development. Glenmont Metro Center takes
4 an underutilized site and really creates a gateway landmark
5 development into Glenmont sector planning area. The
6 proposal emphasis public transportation, pedestrian links,
7 an important mix of uses including residential with MPD use
8 that will be located on site.
9 Now, by resolution 16424, the District Council
10 remanded this matter back to the Hearing Examiner to give
11 the applicant the opportunity to provide additional evidence
12 to meet the burden and allow approval of a development that
13 I would quote from the Council's resolution is otherwise
14 consistent with county policies and in the public interest.
15 The Council's remand was very specific.
16 The resolution specifically stated that the matter
17 be remanded so that the applicant can demonstrate that
18 neither stage 1 or 1 and 2 of the proposed Glenmont Metro
19 Center would have an adverse impact on traffic in the
20 surrounding area including a queuing analysis for the
21 intersection of Randolph Road and Georgia Avenue under the
22 methodology described in the LATR guidelines, excuse me, and
23 an analysis of the mitigation proposed by the applicant for
24 any adverse impacts identified by that study. These
25 materials were submitted not only in May 2008, the original

1 supplemental study, but then it was also updated in November
2 2011 to specifically address the remand.
3 Recently, on February 23rd of this year, the
4 Planning Board evaluated this matter and recommended
5 approval of both local map amendments. The current Chair of
6 the Planning Board, Ms. Carrier, who was the Hearing
7 Examiner at the time the applications were heard back in
8 2007, is now the Chair of the Planning Board as you know.
9 She had --
10 MS. ROBESON: Excuse me. I'm sorry.
11 MR. ROBINS: Sure. That's okay. She had
12 recommended that the cases be remanded back to the Hearing
13 Examiner from the Council to hear additional evidence on
14 traffic, most particularly the traffic conditions at the
15 intersection of Georgia Avenue and Randolph Road. The
16 Planning Board evaluated all the testimony of record,
17 thoroughly discussed the matter and thereafter, by unanimous
18 vote, well, actually, it was four to zero. There was one
19 Planning Board member that was absent, Mr. Dreyfus, to
20 recommend that both applications be approved. The Planning
21 Board found that the applicant had responded to all of the
22 directives of the remand, had submitted the required
23 studies, and most importantly, had met its burden for
24 approval. The Planning Board again concluded that both
25 applications, together with the development plan should be

1 approved by the Council.
2 In response to suggestions from community members
3 that the applicant's traffic analysis had not adequately
4 addressed potential impacts of the proposed development on
5 adjacent roads, particularly Glenallan Avenue, the Board,
6 and I'll quote "was persuaded by the applicant's expert
7 testimony and that of staff that such additional analysis
8 would contribute little to the understanding of the impacts
9 between the proposed development, given the decreases in
10 traffic volumes in the area between 2008 and 2011, and the
11 significant traffic flow improvements expected from the
12 fully funded grade separated interchange at Georgia Avenue
13 and Randolph road which is fully funded and will soon begin
14 construction."
15 The Planning Board concluded that neither stage 1
16 nor the combined stages 1 and 2 of the proposed Glenmont
17 Metro Center would have an adverse impact on traffic in the
18 surrounding area to warrant any denial of these zoning
19 requests. And I would note that but for the remand issue
20 regarding traffic, the Hearing Examiner and the Council
21 concluded that the application satisfied all the
22 requirements of the TSR zone and requirements for
23 development plans and that the applications were in the
24 public interest. The remand was very specific in terms of
25 review as you pointed out at the beginning of this hearing,

1 and we have complied with that request.
2 These cases are the result of much planning over
3 many years. The Glenmont sector plan was approved in 1997
4 and Transit Oriented Development is a key component of that
5 plan. Fourteen years or so has gone by without any real
6 meaningful redevelopment activity in Glenmont. The time has
7 come to fulfill the sector plans visions.
8 The Metro is at Glenmont, as you know, and there's
9 data to support the contention that ridership is
10 significant. The Metro garage is now fully operational and
11 another garage is about ready to open. Over the past 14
12 years through the sector plan's inception, the County
13 Council and the Planning Board have reaffirmed the
14 commitment to smart growth and the concentration of
15 development within close proximity to Metro.
16 These applications, without question, fully
17 support the transit oriented goal. Again, the Hearing
18 Examiner and Council found this, as well, as part of their
19 review.
20 Greg Eisenstat, the property owner, was going to
21 be here today. Unfortunately, he's out of town. He still
22 might come. He's getting back later but he wanted me to
23 just express his support for this application and as part of
24 that support, he just also wanted to reaffirm through the
25 letters of authorization filing, for the filing of the

zoning case that these gentlemen were permitted to continue pursuing this application. So, I just wanted to give this to you as sort of an updated authorization.

MS. ROBESON: Okay. So, that will be exhibit --

MR. ROBINS: It's the same authorization that is in the record but just wanted you to --

MR. O'BRIEN: Can I just see that for one second?

MR. ROBINS: Sure. Yeah.

MS. ROBESON: Okay. So, this will be Exhibit 188. And this would be a confirmation of authorization.

MR. ROBINS: That's right. And the other thing that I wanted to do to try to help you as you deal with these cases --

MS. ROBESON: Uh-huh.

MR. ROBINS: -- is we had submitted, you know, the studies and the other, the 2008 study, the 2011 study. We had, I believe, emailed electronic versions but I wanted to give you a disc that sort of had everything in one spot for you to try to be helpful.

MS. ROBESON: I'll take that.

MR. ROBINS: And it's -- this is nothing more than the studies that are in the record. I would ask --

MR. KAUFFUNGER: Do you have a copy for me?

MR. ROBINS: -- I can get you one.

MR. KAUFFUNGER: It's okay.

1 MR. ROBINS: Ms. Robeson, as you go through the
2 materials, I will note that the 2008 study is actually in
3 the form of a PDF as you will see. If you decide that you
4 want that in Word instead --
5 MS. ROBESON: right.
6 MR. ROBINS: -- just let us know and we'll --
7 MS. ROBESON: Okay.
8 MR. ROBINS: It's a little bit of an effort
9 because it's Word together, I think, with Excel.
10 MS. ROBESON: Out of an abundance of caution, I'm
11 going to separately mark this since it's coming through at
12 the hearing just so -- just out of an abundance of caution.
13 MR. ROBINS: You can just say electronic --
14 MS. ROBESON: Electronic version of -- what's on
15 here again?
16 MR. ROBINS: There is the 2008 study. Do you want
17 me to give you the exhibits?
18 MS. ROBESON: 2008 and 2011 traffic study?
19 MR. ROBINS: Yes. And we also put on there the
20 pre-hearings, our pre-hearing submission as well.
21 MS. ROBESON: Okay. All right.
22 MR. ROBINS: And like I said, if you --
23 MS. ROBESON: That's fine.
24 MR. ROBINS: -- would desire a -- the only one
25 that's in PDF as opposed to Word is the rather large study.

1 MS. ROBESON: That's fine.
2 MR. ROBINS: And if you decide you want it in a
3 different way -- the other thing is just as a, I guess it's
4 not a preliminary matter but before we move on --
5 MS. ROBESON: Uh-huh.
6 MR. ROBINS: -- is that if you also determine that
7 you want certain exhibits, as part of the prior hearing, we
8 had forwarded the Hearing Examiner, I believe, electronic
9 versions of ones that she had requested.
10 MS. ROBESON: Right.
11 MR. ROBINS: So, if you -- whatever you want on an
12 electronic version, you just let us know and we'll give you
13 the plans.
14 MS. ROBESON: That's fine.
15 MR. ROBINS: And that concludes my opening
16 statement.
17 MS. ROBESON: Okay. Do you both have opening
18 statements or is there one of you that would like to --
19 MR. KAUFFUNGER: Why don't you start? Well,
20 whatever, however you want to do it.
21 MR. BRONSTEIN: I really don't have anything at
22 the moment. I have testimony for when our turn is up for
23 our -- to testify.
24 MS. ROBESON: Okay. All right.
25 MR. BRONSTEIN: I might just say this. We're not

interested in stopping or canceling or killing this application.

MS. ROBESON: Uh-huh.

MR. BRONSTEIN: We just feel that it ought to be formed in such a manner that it is the best way that it can be formed to eliminate what we still see as some traffic issues --

MS. ROBESON: Uh-huh.

MR. BRONSTEIN: -- and that it be primarily in the public interest because we feel that the public interest trumps all else.

MS. ROBESON: Okay. Mr. Kauffunger?

MR. KAUFFUNGER: In a similar vein, my neighbors and friends and members of the Layhill Citizens Alliance are not against the project itself but we are very concerned about what will happen to the road network right in the Glenmont area.

MS. ROBESON: Uh-huh.

MR. KAUFFUNGER: And that is what caused us to be so adamantly against having any kind of a project proceed until, at the very least, that the Georgia Avenue, Randolph Road intersection was improved with a grade separation, and I've been involved in that issue for over 15 years. But, this is a matter of triage in that that was the greatest problem facing us but we understood well that there were

1 other problems that face the residents of the greater area
2 even in simplest terms, access to Metro, and what this kind
3 of a project could do with access to Metro.
4 That is the reason we had asked for additional
5 studies along Glenallan Avenue, of the key intersections at
6 Georgia, Layhill, and Randolph and also the impact that this
7 project would have on the Layhill/Georgia intersection.
8 People that don't understand transportation seem to think
9 that if you take the one plug out down at Randolph and
10 Georgia it solves everything and a number of the photos that
11 I submitted before the remand was to demonstrate that the
12 CLV technique not only creates, it is not adequate to really
13 look at the transportation network sufficiently. But, the
14 data now shows that we have problems that will persist after
15 the grade separation.
16 I should also mention that there is a problem for
17 citizens when they go down before the Planning Board in that
18 we have limited time to make a presentation. We have to
19 choose which of many ways of approaching this we take in our
20 10 minutes of allotted time. Obviously, much of this could
21 and we would like to think could, have been argued with the
22 staff. But, unfortunately, the staff does not have the
23 technical ability to understand everything before them.
24 That is the reason that I asked to have Ed Axler brought to,
25 here to the remand hearing because --

1 MS. ROBESON: Did you submit that request to us?
2 Because I didn't see that in the file. Or did you submit
3 that to the Planning Board?
4 MR. KAUFFUNGER: I thought I submitted it to you.
5 MR. BRONSTEIN: I got a copy of it by email.
6 MS. ROBESON: Okay. Well, continue and I'll check
7 that.
8 MR. KAUFFUNGER: Okay. It was our belief that it
9 was very important to be able to understand why the Planning
10 Board really did not fully understand the situation because
11 it was not discussed in a meaningful way in the staff
12 reports and specifically about HCM and Synchro which Nancy
13 Randall chose to use to bring deeper thinking and a more
14 complete description of the transportation network.
15 So, we remain with the concern that the
16 transportation problems that remain are incompatible with
17 the surrounding area and it's not in the public interest.
18 MS. ROBESON: All right.
19 MR. ROBINS: Ms. Robeson?
20 MS. ROBESON: Yes.
21 MR. ROBINS: Can I just ask one question? Not to
22 Mr. Kauffunger but really, essentially, a point of
23 clarification. When this hearing began in 2007 --
24 MS. ROBESON: Uh-huh.
25 MR. ROBINS: -- Mr. Kauffunger was here

representing himself. I am a bit confused. You say you're representing the Layhill Citizens Association?

MR. KAUFFUNGER: It's perfectly fine for me to be here just representing myself.

MR. ROBINS: Well, you indicated that you were representing the Layhill Citizens Association. I'm just wondering whether they, in fact, know that you're representing them.

MR. KAUFFUNGER: To make it simpler and because of some other issues that are here, I would prefer at this point to just remain as representing myself.

MS. ROBESON: All right.

MR. ROBINS: It doesn't really answer my question but --

MS. ROBESON: Do you have authorization --

MR. KAUFFUNGER: The Layhill Citizens Alliance.

MR. ROBINS: Well, the Alliance or whatever.

MS. ROBESON: Excuse me. Excuse me.

MR. KAUFFUNGER: Yes.

MS. ROBESON: Do you have authorization from any organization to represent them?

MR. KAUFFUNGER: Yes. I have individuals of the -- we have not met per se but we have discussed the issues here.

MS. ROBESON: Okay. But, you don't have a

1 resolution or any --
2 MR. KAUFFUNGER: No.
3 MS. ROBESON: -- official --
4 MR. KAUFFUNGER: No.
5 MS. ROBESON: Okay. Mr. Bronstein, I think you
6 mentioned a civic organization as well.
7 MR. BRONSTEIN: Strathmore-Bel Pre Civic
8 Association. Yes.
9 MS. ROBESON: Uh-huh.
10 MR. BRONSTEIN: And I have authorization.
11 MS. ROBESON: You do have authorization. And
12 this, you have to tell me how to pronounce your name again
13 because I kept trying it when I was reading the record. How
14 do you pronounce it?
15 MS. VERGAGNI: Vergagni.
16 MS. ROBESON: Vergagni. I have lots of --
17 Vergagni. Okay. Do you have authorization to --
18 MS. VERGAGNI: Yes. I'm the president of the
19 Board of Directors.
20 MS. ROBESON: Okay.
21 MS. VERGAGNI: All of my Board members have
22 supported the testimony and the position. I'm also the on
23 sight community manager. So, I handle the day to day.
24 MS. ROBESON: Okay. All right. Thank you for
25 that clarification. So, is that the sum of your opening

statement?

MR. KAUFFUNGER: Yes.

MS. ROBESON: All right.

MR. KAUFFUNGER: Just for further clarification. I have made it a practice for over 20 years to always testify representing myself because many years ago, it was held, it was debatable whether or not I could appeal a decision of the County Council in a zoning case or the Hearing Examiner and the Board of Appeals in a special exception case representing an association. So, I have gone on with that. Also, in this particular case, the reason that I'm interested in really stepping down as a representative of the Layhill Citizens Alliance is the questions that have arisen about my entering this traffic study into the record.

MS. ROBESON: All right.

MR. KAUFFUNGER: Okay? If I represent --

MS. ROBESON: I understand.

MR. KAUFFUNGER: Yes.

MS. ROBESON: That's fine. Let's just leave it that you're testifying as an individual.

MR. KAUFFUNGER: Yes.

MS. ROBESON: It is, though, a pretty extensive study, and what I don't, and were you a citizen or an organization, I would give the applicant, if the applicant

1 feels necessary, time to respond because, you know, I
2 haven't had a chance to even look at it. So --
3 MR. KAUFFUNGER: There's no question that they
4 should have the right to respond.
5 MS. ROBESON: Okay.
6 MR. KAUFFUNGER: I'm not debating that.
7 MS. ROBESON: All right. Mr. Robins?
8 MR. ROBINS: Yes, ma'am.
9 MS. ROBESON: Are you ready with your first
10 witness?
11 MR. ROBINS: I am.
12 MS. ROBESON: Which I assume will be Ms. Wells?
13 MR. ROBINS: Witness, Ms. Randall, and --
14 MS. ROBESON: I mean Randall.
15 MR. ROBINS: Who did you say?
16 MS. ROBESON: I said Wells.
17 MR. ROBINS: Do you know something I don't know?
18 I thought I knew everything about my witnesses.
19 MS. ROBESON: You're not married to Martin Wells,
20 are you?
21 MS. RANDALL: Yeah.
22 MS. ROBESON: No. Go ahead.
23 MR. BRONSTEIN: It's just water in the pitchers?
24 MS. ROBESON: Yes.
25 UNKNOWN FEMALE: Yeah. That's the answer.

1 MS. RANDALL: It'll be a very interesting hearing,
2 otherwise.
3 MS. ROBESON: Yes. Now, this is county time here.
4 So, Ms. Randall, would you please raise your right hand? Do
5 you solemnly affirm under penalties of perjury that the
6 statements you're about to make are the truth, the whole
7 truth, and nothing but the truth?
8 MS. RANDALL: I do.
9 MS. ROBESON: Thank you. Mr. Robins?
10 MR. ROBINS: Thank you. Would you please state
11 your full name and business address?
12 MS. RANDALL: Yes. My full name is Anne Murray
13 Randall with the nickname of Nancy. My business address is
14 170 Jennifer Road, Suite 260, Annapolis, Maryland.
15 MR. ROBINS: And what is your occupation?
16 MS. RANDALL: I'm a transportation planner.
17 MR. ROBINS: And how long have you been involved
18 in such a field?
19 MS. RANDALL: Over 30 years. Thirty, almost 35.
20 Yeah.
21 MR. ROBINS: Could you please review your
22 professional and educational background and what degrees you
23 hold?
24 MS. RANDALL: Yes. I have a BA in Behavioral and
25 Social Sciences from the University of Maryland, course work

1 in urban and regional planning, Master's coursework urban
2 and regional planning, also from the University of Maryland.
3 I am a PTP which is Professional Transportation Planner
4 issued by ITE through examination, and I'm also AICP which
5 is certified planning through APA, American Planning
6 Association.
7 MR. ROBINS: And could you briefly review your
8 work experience in the field of transportation planning?
9 MS. RANDALL: Yes. Currently, I'm with Wells and
10 Associates. Marty Wells, the owner. And I've been with
11 Marty since 1995. Before that, I was with The Traffic Group
12 with Wes Guckert. Prior to that, I was with Greenhorne and
13 O'Mara and then with the city of Annapolis as a traffic
14 analyst for the city and also with Anne Arundel County
15 government as a traffic analyst in the Department of Public
16 Works.
17 MR. ROBINS: And I believe you said you're
18 employed with Wells now?
19 MS. RANDALL: Yes.
20 MR. ROBINS: Okay. And what are your
21 responsibilities?
22 MS. RANDALL: I am head of the Maryland office of
23 Wells and Associates located in Annapolis, Maryland.
24 MR. ROBINS: Did you want to --
25 MS. ROBESON: Well, my question is, Mr.

1 Kauffunger, do you, are you planning to challenge Ms.
2 Randall's qualifications as an expert?
3 MR. KAUFFUNGER: Not at all.
4 MR. ROBINS: Okay.
5 MS. ROBESON: Okay.
6 MR. ROBINS: We can cut through --
7 MS. ROBESON: And you have, I know, but for the
8 record, you have testified in numerous cases as an expert in
9 transportation planning. Correct?
10 MS. RANDALL: Yes.
11 MS. ROBESON: Okay. Well, I'll qualify her as an
12 expert in transportation planning.
13 MR. ROBINS: Okay. What I'd like to do also is we
14 did submit a resume.
15 MS. ROBESON: Yes. I saw that.
16 MR. ROBINS: I think I would like to submit
17 another resume. It's a little more updated if you feel that
18 you need it.
19 MS. ROBESON: Does Mr. Kauffunger have --
20 MR. ROBINS: It's essentially the same resume that
21 we submitted back in 2008. Ms. Randall's added a few more
22 cases that she'd worked on.
23 MS. ROBESON: Do you have any objection --
24 MR. KAUFFUNGER: No objection.
25 MR. ROBINS: Here's a copy of this.

1 MR. KAUFFUNGER: Okay. Thank you.
2 MS. ROBESON: So, that'll be 190. Exhibit 190
3 updated Randall resume. Okay. Go ahead.
4 MR. ROBINS: I'm sorry. That was 190?
5 MS. ROBESON: Uh-huh.
6 MS. RANDALL: Can I say something real quick
7 regarding my resume?
8 MR. ROBINS: Yeah. Go ahead.
9 MS. RANDALL: Just for the record, the update was
10 that I was recently qualified in Federal Court before Judge
11 Moss as a --
12 MS. ROBESON: Okay. That must have been fun.
13 MS. RANDALL: It was.
14 MS. ROBESON: Okay.
15 MS. RANDALL: For Anne Arundel County.
16 MS. ROBESON: He's tough. All right. Go ahead.
17 MR. ROBINS: Thank you. He's working on his chair
18 a second. Are you familiar with rezoning application, G-862
19 and 863?
20 MS. RANDALL: Yes. I am.
21 MR. ROBINS: And are you familiar with the subject
22 property?
23 MS. RANDALL: Yes.
24 MR. ROBINS: And have you personally inspected the
25 property?

1 MS. RANDALL: Yes.
2 MR. ROBINS: And are you familiar with the area
3 and the area road network surrounding the property?
4 MS. RANDALL: Yes. I am.
5 MR. ROBINS: So, looking at Exhibit 187 which was
6 just recently marked with the subject property in red, you
7 recognize not only the subject property but also the road
8 network surrounding it?
9 MS. RANDALL: That's correct.
10 MR. ROBINS: Okay. And are you familiar with the
11 contents of the Hearing Examiner's report for the rezoning
12 cases that was published back in 2007 or so and the
13 Council's remand directive?
14 MS. RANDALL: Yes. I am. The remand instructions
15 were, basically, to conduct a queuing analysis for the
16 intersection of Randolph and Georgia Avenue. At the time,
17 the original traffic study was done by ITS, a Mr. Hedberg
18 was the author of that report. There were intersections
19 that exceeded CLV at that time of the 1,800 and --
20 MR. ROBINS: When you say CLV, can you just at
21 least say it for the first time.
22 MS. RANDALL: I'm sorry. For the acronym, yes.
23 For the acronym. Sorry. That's critical lane volume and
24 the intersection of Georgia and Randolph had a CLV that
25 exceeded that standard and staff can, through the LATR

1 guidelines, request a queuing analysis. It's not a
2 requirement but they can request. So, on remand, they had
3 asked for that queuing analyses to be done. In addition,
4 they also said that if you wanted to provide any additional
5 information that we could do so. Well, in addition, they
6 also found, sorry, that the grade separated interchange was
7 a reasonably probable fruition. So, we also considered that
8 in the queuing.
9 MR. ROBINS: When you say they, the Council?
10 MS. RANDALL: The Council. Sorry.
11 MR. ROBINS: And the grade separated interchange
12 just for the Hearing Examiner's benefit, could you just --
13 when you refer to grade separated interchange which you'll
14 hear a lot of today, what grade separated interchange are
15 you referring to?
16 MS. RANDALL: That's the grade separation of the
17 intersection of Randolph Road and Georgia Avenue. The plan
18 is to have Randolph road go under Georgia Avenue, and the
19 through lanes that will then pass through without having to
20 stop. The north and south movement, if we assume for
21 orientation purposes, that Georgia Avenue is generally
22 running north/south, Georgia Avenue will have to come up to
23 the hill with a signal controlled intersection but it will
24 no longer include the through movement on Randolph Road.
25 Just the turning movements that are coming off of Randolph

1 Road to go north or south on Georgia Avenue or the local
2 lanes that are also being provided with this design.
3 MR. ROBINS: So, would it be fair to say that it
4 would be your opinion that the grade separated interchange
5 would qualify as an improvement that could be considered for
6 this application?
7 MS. RANDALL: Absolutely. Yes.
8 MR. ROBINS: Did you mention that it was fully
9 funded?
10 MS. RANDALL: I did. And I do have sheets from
11 the Maryland State Highway Administration website if you
12 would like those, too.
13 MR. ROBINS: I believe they were included in the--
14 MS. ROBESON: Yeah.
15 MS. RANDALL: I think they are already in the
16 record.
17 MR. ROBINS: -- 2011 report. Did you and members
18 of your firm prepare the transportation analysis that was
19 part of the submission for stages 1 and stage 1 and 2 for
20 this remand?
21 MS. RANDALL: Yes. We did. Along with additional
22 analyses as well.
23 MR. ROBINS: Could you describe what studies you
24 prepared as part of the remand?
25 MS. RANDALL: As part of the remand, we, in 2008,

1 we did a standard critical lane volume analysis as described
2 in the LATR guidelines for a CLV. We also ran a Synchro
3 analyses. The main purpose behind doing that was to take a
4 look at what the projected change would be in the queue
5 analysis.
6 One of the difficulties with the LATR methodology
7 for doing queue, it's based on observation, and with a grade
8 separated interchange, as you can imagine, they're going to
9 be retiming that intersection and that signal. So, in order
10 to understand what the impact was going to be in time on
11 queue, we went through and ran the HCM analyses because it
12 will give you queue information. It also provides
13 additional information with regards to intersection capacity
14 along the entire signal system. If you were to run just a
15 standard HCM analysis separate and apart from Synchro, it's
16 only going to look at that one intersection width.
17 MS. ROBESON: Right.
18 MS. RANDALL: It's not going to look at the system
19 that is out there, and just for the record, there is an
20 existing timing system on Georgia Avenue as well as on
21 Randolph Road. So, with the Synchro, you can put in that
22 signal timing and show the connection between and you get a
23 percentage of change that would occur that then can be
24 applied to the LATR method of observed queue.
25 MS. ROBESON: Does the Synchro system take into

account the existing timing or does the Synchro system -- can you input what the timing will be?

MS. RANDALL: It can do both. In our analyses, we kept the existing signal timing. When we went through and looked at the existing conditions, the background conditions, the standard analysis procedures, it was not until we got to the total future a.m. and p.m. with the grade separated interchange that we looked at optimizing and modifying to some degree the signal timings. We did not change, however, because we don't know to what degree the county and the state will be making timing changes with regards to the total cycle length.

MS. ROBESON: Okay.

MS. RANDALL: Okay? The Maryland State Highway Administration holds their signal timings pretty constant in terms of their maximum. The County does as well. We don't know what it's going to be. So, we worked off the base that's out there today. When I spoke with a gentleman at the State Highway Administration, I do have his name, and I'll put that in the record, one of the things that's coming about with this grade separated interchange is that they have also funded, as part of the project, modifications to the signal system because they're going to be rebuilding, as you can imagine, that signal.

MS. ROBESON: Right.

1 MS. RANDALL: So, they're going to be retiming
2 what's going on. But, we don't know what that's going to be
3 yet.
4 MS. ROBESON: Right.
5 MS. RANDALL: They're in their final engineering.
6 That hasn't been decided. So, we kept the basic timing
7 that's out there.
8 MR. ROBINS: Just for the record, I can't remember
9 if you said this but you keep saying LATR.
10 MS. RANDALL: Oh. Sorry.
11 MR. ROBINS: I'm sure the Hearing Examiner knows
12 what it is but for all those fans listening out there --
13 MS. RANDALL: Yes.
14 MR. ROBINS: -- they may not know.
15 MS. RANDALL: LATR stands for Local Area
16 Transportation Review.
17 MR. ROBINS: Thank you.
18 MS. ROBESON: And HCM is highway --
19 MS. RANDALL: Highway Capacity Manual.
20 MR. ROBINS: You read my mind. I was going to --
21 MS. ROBESON: Sorry.
22 MR. ROBINS: -- go there, too. So, you talked
23 about in 2008 you prepared the CLV analysis, the HCM
24 analysis and then a queuing analysis based on the
25 requirements of what were contained in the LATR guidelines.

1 MS. RANDALL: Yes. And we also did one more
2 analysis and that is the alternate review procedure covering
3 all basis. This application also has the ability to go
4 through the alternate review procedure which does not
5 require that you meet the LATR standards in that if there is
6 or if there had been a failing intersection that you would
7 not be required to fix that intersection. You do an LATR
8 study for informational purposes only. But that you would
9 then be required to reduce the volume of traffic that's
10 coming off of your site by 50 percent. That's done through
11 a series of measures and monitoring that is with Montgomery
12 County and the Department of Transportation and Park and
13 Planning. They pay an increase in taxes and fees associated
14 with that.
15 And, in 2008, we did all of those different
16 analysis, and then in 2011, just for the purpose of
17 verifying the information that we had in 2008, we went back
18 out, met first with staff, and they had asked us to count
19 the intersection of Layhill and Georgia Avenue, and to look
20 at the southbound queue because in the previous report that
21 we had done in 2008--
22 MS. ROBESON: I'm sorry to interrupt. The
23 southbound queue on Georgia?
24 MS. RANDALL: On Georgia. Yes.
25 MS. ROBESON: All right.

1 MS. RANDALL: Again, Georgia Avenue for purposes
2 of today's discussion, I'm assuming is running north/south.
3 MS. ROBESON: Right. That's fine.
4 MS. RANDALL: So the southbound queue on Georgia
5 Avenue in the 2008 study, without the interchange, was shown
6 to have a queue that was going to exceed that 80 percent
7 standard, the distance between the two intersections without
8 the road improvements. So, they wanted to make sure that
9 volume had not changed at that location.
10 MR. ROBINS: Why don't you explain just briefly
11 the 80 percent standard that you're referring to --
12 MS. RANDALL: Yes.
13 MR. ROBINS: -- so the Hearing Examiner
14 understands that.
15 MS. RANDALL: The observed queue measurement. You
16 go out. You count the number of cars. There's a multiplier
17 to that and you take that distance and if that distance is
18 encroaching upon the next intersection, they want to know
19 whether or not the average queue in the peak hour is going
20 to exceed that 80 percent. So, as an example, if I have a
21 spacing of, between my intersections, of 1,000 feet then
22 they don't want to see that average queue during the peak
23 hour extend beyond 800 feet, and that is done through, as I
24 indicated, in observing that queue for each signal cycle
25 that volume is counted which is different than your typical

turning movement count.

MS. ROBESON: Right.

MS. RANDALL: Because you're counting in 15 minute increments as opposed to the volume that you're counting during each signal cycle change.

MS. ROBESON: And what was the intersection that you measured to on this one?

MS. RANDALL: The distances between, for the southbound queue --

MS. ROBESON: Yeah.

MS. RANDALL: -- the next intersection is --

MS. ROBESON: Is it Layhill there or is it closer?

MS. RANDALL: No. If I could approach?

MR. ROBINS: Yeah. Sure you can.

MS. ROBESON: Sure.

MS. RANDALL: Do we have a traveling mic?

MR. ROBINS: I think you probably can get picked up.

MS. ROBESON: You can detach that one or move it to the end.

MS. RANDALL: Will you be able to pick up my voice good?

MR. ROBINS: These table mics are pretty good.

MS. ROBESON: Yeah.

MR. ROBINS: I think you can --

1 MS. RANDALL: In this particular case, again, for
2 orientation purposes, I'm pointing to the upper left of the
3 map and --
4 MR. ROBINS: On Exhibit 187.
5 MS. ROBESON: 187.
6 MS. RANDALL: Excuse me. 187. Thank you.
7 MR. ROBINS: Okay. Yes.
8 MS. RANDALL: And assuming that Georgia Avenue
9 which is running on the diagonal but just assuming that this
10 is generally running in a north/south direction, Layhill
11 Road is here and this is Georgia Avenue and --
12 MS. ROBESON: Okay. Layhill Road starts at the
13 top of the map to the right hand side --
14 MR. ROBINS: Yes.
15 MS. ROBESON: -- and comes down adjoining this
16 site. Georgia starts at the top from the left hand side and
17 adjoins the other side of the site.
18 MS. RANDALL: Yes.
19 MS. ROBESON: Just for the record.
20 MS. RANDALL: Yes.
21 MR. ROBINS: Thank you.
22 MS. RANDALL: At that intersection. So, it's the
23 southbound queue measured back to the intersection here at
24 Urbana.
25 MS. ROBESON: Okay. That was my question.

1 MS. RANDALL: Yeah. So, it's that distance
2 between the two, and it's a relatively short distance
3 between the two which is one of the reasons why staff was
4 concerned about that particular location to see what had
5 occurred in volume change and in queue. So, in 2011, we
6 counted that intersection but we also counted the
7 intersection to the north up at Urbana, and we also counted
8 the intersection of Georgia and Randolph, and the reason for
9 that is to make sure that when we counted the intersection
10 of Georgia and Layhill that we didn't have an anomaly with
11 that count. The only way you know that with certainty is to
12 count the upstream and downstream intersections to make sure
13 that traffic is flow. Now, there are several intervening
14 curb cuts and things where traffic may flow off or be picked
15 back up again. But again, generally, it should flow. You
16 shouldn't have huge discrepancies in those volumes which is
17 why we did what we did.
18 MR. ROBINS: And you did that in 2011?
19 MS. RANDALL: Yes.
20 MR. ROBINS: Okay. Can you describe a bit what
21 you did in 2008 --
22 MS. RANDALL: Yes.
23 MR. ROBINS: -- with your queuing analysis?
24 MS. RANDALL: In 2008, we went through and counted
25 nine of the study intersections that were in the original

1 ITS report. In looking at all of the testimony that had --
2 MS. ROBESON: And ITS was the first traffic
3 engineering firm?
4 MS. RANDALL: Yes. Mr. Hedberg's. Yes. I
5 apologize.
6 MS. ROBESON: I'm just clarifying them for the
7 record. Go ahead.
8 MS. RANDALL: Yeah. For the record, that's
9 Integrated Transportation Solutions, Inc.
10 MS. ROBESON: And that was Mr. Hedberg's
11 testimony?
12 MS. RANDALL: Yes. It was.
13 MS. ROBESON: Okay.
14 MS. RANDALL: We looked at nine of the study
15 intersections contained in that report. Georgia Avenue and
16 Glenallan. Georgia Avenue and Urbana. Georgia and Layhill.
17 Georgia and Randolph. Georgia and Shornfelt or Shore Felt.
18 Sorry. Glenallan and Layhill. Glenallan and Randolph.
19 Randolph Road/Glenmont Circle. That's actually an
20 intersection that we added in discussion with staff. And
21 Georgia Avenue and Hathaway. As part of that analyses, we
22 re-ran CLV or critical lane volume analysis again in
23 accordance with the LATR guidelines, and as I mentioned
24 before, we also ran the HCM Synchro model, and we calculated
25 the future queues associated there. We counted the queue

1 and then we also calculated the future queue with the
2 various road improvements that were planned.
3 MR. ROBINS: Could you discuss how you prepared
4 your studies both in 2008 and 2011 and also as part of that
5 discussion, the findings and conclusions that were reached
6 in those studies starting with the 2008 study?
7 MS. RANDALL: Yeah. As I've already gone through,
8 we did the counts. We went through. We ran that analyses.
9 We did take all of the basic assumptions that were in Mr.
10 Hedberg's original report that had gone through review both
11 at the county level and also at Park and Planning and state
12 level. We took those same assumptions for the background
13 developments.
14 MS. ROBESON: Okay. What were the assumptions?
15 You're not talking about the trip generation rates. You're
16 talking about the background and pipeline traffic?
17 MS. RANDALL: All of the above. The trip
18 generation rates--
19 MS. ROBESON: Okay.
20 MS. RANDALL: -- for the project itself.
21 MS. ROBESON: The only reason I ask, and I'm sorry
22 to interrupt. The only reason I ask is that I think the
23 Hearing Examiner -- one of the things that she felt was
24 unclear was the methodology for determining some of the
25 calculations for determining, you know, the number of trips

generated. So, whenever you get to it, could you address that?

MS. RANDALL: Yes. Yes. I can.

MS. ROBESON: Thanks.

MS. RANDALL: So, we included all those basic assumptions and re-ran the analysis, and I think no better time than to go through what Mr. Hedberg did. He followed the standard methodology for LATR in pulling the trip generation rates from the LATR guidelines for this proposed development. Because he was dealing with a stage 1 analysis and a stage 2 analyses and because there was a percentage of the development that was going to be torn down while -- let me back up a little bit. There is an existing apartment complex on the site today.

MS. ROBESON: Is that the Parkview?

MS. RANDALL: Privacy World.

MS. ROBESON: Privacy World.

MS. RANDALL: Yes.

MS. ROBESON: Okay.

MS. RANDALL: Privacy World with 352 dwelling units, apartment units, on the property today, and so in the phasing of this project which is, I think, where some of the confusion came about, a portion of those development or units would be removed and phase 1 would come in and then with the build out, the rest of those development units

1 would be pulled out and the remainder. So, I think that the
2 charts that were contained within this document were
3 confusing.
4 MS. ROBESON: The original traffic study.
5 MS. RANDALL: The original traffic study.
6 MS. ROBESON: Okay.
7 MS. RANDALL: It wasn't an issue of miscalculation
8 but rather the layout and the format that created the
9 confusion to the trip generation. In addition to that,
10 there's also reductions that were taken due to the proximity
11 of the Metro, and the adjacency of the Metro which, in the
12 worst case, is about 1,000 feet walking distance and about
13 500 to 800 feet for some of the dwelling units as close as
14 they are. Mr. Hedberg took a 15 percent reduction for
15 proximity to Metro which is very conservative. At the time
16 that he did this study, the Ramada 2005 study was out and
17 that was showing a 30 percent reduction was very possible
18 from this.
19 MS. ROBESON: Is that reduction permitted by LATR?
20 MS. RANDALL: It is. It is. I have done numerous
21 studies with proximity to Metro stations where that
22 reduction is not only permitted but it is expected. You
23 don't want to over build the road system in terms of road
24 improvements.
25 MS. ROBESON: Right.

1 MS. RANDALL: And you're going to get that kind of
2 reduction not only because of Metro but because of all the
3 buses that are serving that immediate site as well. So, he
4 took a conservative reduction of 15 percent on the site
5 which had gone through the review with staff as well. Then
6 the other background developments that were required to be
7 included at the time, we used those same assumptions. We
8 did not change the distribution of either the background
9 developments or the site. All of his basic assumptions that
10 were contained in this report went into our analyses.
11 Again, it goes back to the remand and the questions that
12 were associated with that remand went to the queue.
13 MS. ROBESON: Okay. Did it take into account any
14 new pipeline developments since the remand?
15 MS. RANDALL: In the 2008?
16 MS. ROBESON: Yeah.
17 MS. RANDALL: It did not.
18 MS. ROBESON: Okay. So, does that mean there may
19 be pipeline developments out there that aren't --
20 MS. RANDALL: To the best of my knowledge, there
21 are not.
22 MS. ROBESON: There are no new pipeline
23 developments?
24 MS. RANDALL: To the best of my knowledge, that is
25 correct. And when we went through the 2011 and sat down

with staff, we were comparing just the existing to the existing. So, it was not that we went through in 2011 and redid the entire study. We were going back to this 2008 remand.

MS. ROBESON: Okay.

MR. ROBINS: Do you have any more questions now or--

MS. ROBESON: I'm still thinking but go ahead. I mean, I guess my question is why wouldn't you include -- we want to know what the existing conditions are or the projected conditions are. Why wouldn't you look at -- to make sure there are no additional pipeline units.

MS. RANDALL: Again, we met with staff in 2008. I know that the question was asked at that time. We were not given any information that there was an additional development that we needed to include. We would have had there been one but there wasn't.

MS. ROBESON: So, you're saying to your knowledge there's nothing in the pipeline that would --

MS. RANDALL: In that time frame that we were looking at this and we were going back and doing this analysis, there was no additional pipeline development to my knowledge.

MS. ROBESON: And what about in 2011?

MS. RANDALL: Again, we did not go through for the

2011. All we were doing in the 2011 report is existing compared to existing. So, the issue of additional pipeline developments was not the issue. It was a comparison as to whether or not the existing volumes, that's without pipelines, that's without us --

MS. ROBESON: Right.

MS. RANDALL: -- compared to the volume that we have collected in 2011. Are they comparable in terms of volume?

MS. ROBESON: So, you were just testing, so to speak, the conclusions that you reached in 2008 --

MS. RANDALL: That is correct.

MS. ROBESON: -- to see if there were any existing conditions that had changed.

MS. RANDALL: That's correct. And if there had been -- let's suppose that the volume had gone up. At that point, we would have been probably going back through and doing additional analyses. The directive from staff was to take a look at that existing volume and do that comparison. At that time, I don't recall that anyone said well, there are five new developments that we need to --

MS. ROBESON: In 2008, you mean?

MS. RANDALL: In 2011.

MS. ROBESON: Oh. In 2011. Okay.

MS. RANDALL: Even with 2011, there wasn't

1 somebody saying there's another big project you need to
2 include in this. There was nothing and there were three
3 individuals in the office from Park and Planning. One was a
4 Khalid, and I know I'm going to --
5 MR. ROBINS: Afzal.
6 MS. ROBESON: Afzal.
7 MS. RANDALL: Thank you. Shahriar Etemadi as well
8 as Ed Axler. If there had been a development of proportion
9 or size or knowledge, they probably would have asked us to
10 include that as well.
11 MS. ROBESON: Okay.
12 MS. RANDALL: To my knowledge, I don't know, and
13 quite frankly, given the economy, it's not surprising.
14 MS. ROBESON: Uh-huh. Okay. That's helpful.
15 MR. ROBINS: It is possible that if there were
16 developments that were considered background that may have
17 also now been at least partially booked out that would be
18 included in not only the background traffic but in your
19 existing traffic as well.
20 MS. RANDALL: That's absolutely correct because a
21 portion of the developments that were included back in the
22 ITS report have now -- some portion of those have now been
23 built, and so they're in the existing count --
24 MS. ROBESON: Right.
25 MS. RANDALL: -- that we conducted in 2011. So,

1 some portion of that traffic is now impacting the area
2 roads.
3 MS. ROBESON: Okay.
4 MR. ROBINS: Okay. So, I'm so sorry. You're
5 talking about your 2008 study?
6 MS. RANDALL: Yeah. So we used the same basic --
7 MS. ROBESON: I'm sorry. I had to get in my mind
8 the --
9 MS. RANDALL: No. That's all right. Yeah.
10 MS. ROBESON: Okay.
11 MS. RANDALL: Yeah. Now it's better to get the
12 questions when you've got them. So, we went through the CLV
13 analysis, the highway, and the queuing, the Highway Capacity
14 Manual method and queuing. And the results for that
15 analyses, and I'm going to go through just to the total
16 future because that's the bottom line. If you'd like the
17 details for existing and background, I would be happy to do
18 that but I think it's just easier to go to the bottom line.
19 MS. ROBESON: That's fine.
20 MS. RANDALL: And the results of the analyses
21 indicate that all of the studied intersections will be below
22 the CLV standard for the 2008. The volume from the time
23 that Mr. Hedberg did his report to when we did ours, the
24 volume along both Georgia Avenue and Randolph Road had
25 started to decrease.

1 MS. ROBESON: Now, how did you determine the
2 volume?
3 MS. RANDALL: The counts are conducted at each one
4 of the intersections.
5 MS. ROBESON: Oh. But, when you say volume, you
6 mean the CLV analysis?
7 MS. RANDALL: Well, both. The overall
8 intersection volume--
9 MS. ROBESON: Right.
10 MS. RANDALL: -- for the data collection from just
11 the counts to looking at the CLV analyses at well. Both the
12 CLV results came down below the 1,800 standard.
13 MS. ROBESON: Okay.
14 MS. RANDALL: As well as the total intersection
15 volumes.
16 MS. ROBESON: Okay.
17 MS. RANDALL: Okay? So, one is the function of
18 the other.
19 MS. ROBESON: Right.
20 MS. RANDALL: So, the overall intersection's
21 volume had decreased as well as the CLV, and in our report
22 which is shown on, this is our 2008, the body of the report,
23 table 1, you can see the analyses and how -- this is without
24 any road improvements.
25 MR. ROBINS: Hold on one second, Nancy.

1 MS. RANDALL: Page 7.
2 MR. ROBINS: Just a minute. Just for the record,
3 we're talking about --
4 MS. ROBESON: Exhibit 147E, I have.
5 MR. ROBINS: Yes.
6 MS. RANDALL: For all nine of the intersections
7 under the total future without any road improvements, all of
8 the intersections are below the LATR standard. The
9 intersection of Georgia Avenue and Randolph Road is
10 approaching that 1,800 CLV with an a.m. peak of 1,796
11 critical lane volume and 1,752 in the p.m. peak hour.
12 MS. ROBESON: Uh-huh.
13 MS. RANDALL: When you add in, originally in the
14 ITS report they had several at grade road improvements that
15 were planned if the interchange was going to be delayed and
16 those road improvements bring the CLV down around 1,600 and
17 then with the grade separated interchange, that intersection
18 is well below the 1,800.
19 MR. ROBINS: And let me just ask you a question.
20 You mentioned the at grade improvements. Those were
21 included in Mr. Hedberg's study?
22 MS. RANDALL: They were.
23 MS. ROBESON: Now, the at grade is going to be
24 subsumed by the grade.
25 MR. ROBINS: That's where I was going.

MS. ROBESON: They're not alternatives. I mean, they're not in addition to.

MS. RANDALL: That is correct, and other than --

MR. ROBINS: Why don't you explain --

MS. RANDALL: Yeah. And then other than mentioning it at this particular point, there really is no point in mentioning it now.

MS. ROBESON: That was my question.

MS. RANDALL: Yeah. Because when Mr. Hedberg did his report, there was question as to whether or not the interchange was going to receive funding because at that time, while it was listed as a CIP project and it was known, there was no funding for that construction. Now, the construction funds are there. They plan on getting started, the construction. They've actually started some portions of utility relocation already, and they will start the construction in earnest in 2014.

MS. ROBESON: Okay.

MS. RANDALL: So, other than to mention it here, there's no point to really mention there's a grade because one replaces fully the other.

MR. ROBINS: Okay.

MS. RANDALL: Then, in addition to the analysis we did for the intersections, we also looked at the HCM. This is the report that's printed out from Synchro. Again, the

1 Synchro is done mainly for the purposes of predicting what
2 the change in queue was going to be but was worth noting.
3 If you go to page 8, excuse me. Got to page 9. Again, I'm
4 going to go just to the build out of the project because the
5 phasing of the project, again, was also dependent upon how
6 much of the development could go forward without the grade
7 separated interchange with those massive at grade
8 improvements. So, if you go to table 2B, page 9, you can
9 see how the levels of service are reported on the last to
10 columns for the grade separated improvement, and how all of
11 the intersections are well below the LATR standard. With the
12 highest or the worst condition being a D level of service.
13 These numbers in parenthesis represent the overall
14 intersection delay.
15 MS. ROBESON: I'm confused. Number 8. Glenallan
16 and Randolph Road. Maybe I'm reading this wrong. It says
17 total future stage 1, 2 --
18 MS. RANDALL: HCM with grade separated
19 improvements. So, these are the HCM analyses. Total future
20 stage 1 and 2. This is the analysis with the grade separate
21 interchange.
22 MS. ROBESON: Okay. But, why does it say F. Or
23 am I looking at the wrong thing?
24 MR. ROBINS: Which column are you looking at?
25 MS. ROBESON: I'm looking at total future stage 1,

2, oh. I got the --

MR. ROBINS: That's without the improvements.

MS. ROBESON: Yeah. Okay. So, you're looking at the right hand most column.

MS. RANDALL: The last two, yes. The last two columns.

MS. ROBESON: All right. So, there you get to D.

MS. RANDALL: Yeah. And there you see what the impact is with regards to the grade separated improvement. If you go to background or you go to total future without road improvements, it is showing an F level of service for intersection 5, Georgia and Randolph.

MS. ROBESON: Yeah.

MS. RANDALL: Which is similar to, if you go back to the LATR --

MS. ROBESON: Improvements?

MS. RANDALL: No. This would be on table 1.

MS. ROBESON: Okay.

MS. RANDALL: Where you have a CLV OF 1,796?

MS. ROBESON: Yeah.

MS. RANDALL: That's an F.

MS. ROBESON: Right.

MS. RANDALL: It is the standard within Metro station policy areas to allow up to an 1,800 critical lane volume.

1 MR. ROBINS: Now, Nancy, going on page 9, Table
2 2B. I just want to make sure this is very clear. The
3 column that is second to the last one --
4 MS. RANDALL: Uh-huh.
5 MR. ROBINS: -- from the right hand side. That
6 says TF which is total future, stage 1 and 2, HCM with LATR
7 improvements.
8 MS. RANDALL: That's correct.
9 MR. ROBINS: Now, for the benefit of the Hearing
10 Examiner, when you say with LATR improvements, you're really
11 talking about the at grade improvements. Correct?
12 MS. RANDALL: That's correct.
13 MS. ROBESON: Right.
14 MS. RANDALL: Not the grade separated.
15 MR. ROBINS: Okay. So then the last column is the
16 similar condition except it's with a grade separation.
17 MS. RANDALL: That's correct.
18 MR. ROBINS: And you're suggesting that's the one
19 that we should really focus on or the Hearing Examiner
20 should focus on?
21 MS. RANDALL: Yes. Now that the interchange has
22 been fully funded. That's correct.
23 MR. ROBINS: It's fully funded.
24 MS. ROBESON: Okay.
25 MR. ROBINS: Okay.

1 MS. RANDALL: Then the next is the average queue
2 summary. This is on Table 3, page 10 of the same report,
3 and this -- in 2008, we observed queues at all these
4 different intersections even though the remand was focusing
5 in on Georgia and Randolph Road, we went ahead and looked at
6 all of the queues throughout the system, and recorded here,
7 based on the LATR methodology, this is before road
8 improvements, where the queue issues may be in 2008, and in
9 the last two columns, total future stage 1 and 2, again, no
10 road improvements. This is for the a.m. peak hour and the
11 p.m. peak hour.
12 You can see at intersection 4, Georgia Avenue and
13 Layhill that in the southbound direction, you've got a queue
14 of 446 feet. But, if you go to the first several columns
15 just after the name of the intersection, you've got a length
16 storage distance and then you've got the 80 percent storage
17 distance that we were talking about before, and if you go
18 down to intersection 4, you can see that we've got that 80
19 percent is at 438 feet. So, in that particular instance,
20 again for intersection 4, the last column, a.m. peak hour
21 total future stage 1 and 2, where 446 feet exceeds that 80
22 percent. And, again, if you got to the next intersection,
23 Georgia and Randolph, you can see the similar type of thing
24 for the southbound Georgia in the a.m. peak hour that at 748
25 feet, that exceeds the 620 80 percent storage.

1 The next step was to focus --
2 MS. ROBESON: And so does the westbound. Right?
3 Correct? Oh. No. I'm sorry. You're right. I see it. Go
4 ahead.
5 MS. RANDALL: The next step was to look at the
6 queues for the three intersections, and if you go to Table 4
7 which is page 11, this is how we projected the increase or
8 decrease in queue as a result of the grade separated
9 interchange. And the way we did this was through the
10 Synchro analyses, there is a queue report that is provided.
11 We ran the Synchro without road improvements, looked at the
12 projected queue in the Synchro which is different than the
13 LATR queue. It's a 95th percentile queue.
14 MS. ROBESON: Okay.
15 MS. RANDALL: Which is very different from an
16 observed queue. The 95th percentile queue says that five
17 percent of the time, you may get this queue distance. The
18 rest of the time, it will be less than that. Through
19 working with staff in which --
20 MS. ROBESON: Okay.
21 MS. RANDALL: -- output we should look at, the
22 staff had directed us to take a look at the change in the
23 95th percentile queue. All we were looking for here is a
24 percentage change so that without the road improvement, we
25 would take our observed queue and bring it up or take it

1 down depending upon what the change was in the Synchro with
2 and without that road improvement and that's what these
3 percentages show.
4 MS. ROBESON: Well, I don't understand what the
5 Synchro adds to the observed queue. What does Synchro plug
6 into the anticipated queue?
7 MS. RANDALL: Yeah. The problem with Synchro is
8 that it is a mathematical probability but it's not an
9 observation. In other words --
10 MS. ROBESON: Do you begin with an observation?
11 MS. RANDALL: No. It does not. It does not.
12 MR. ROBINS: I'm not sure that's the -- you're
13 saying the entire analysis, the queuing analysis?
14 MS. ROBESON: Yeah.
15 MS. RANDALL: Is Synchro. Let me make sure I
16 understand the question.
17 MS. ROBESON: Yeah.
18 MS. RANDALL: In the Synchro, the inputs into
19 Synchro --
20 MS. ROBESON: The observed queue?
21 MS. RANDALL: No. No.
22 MR. ROBINS: I'm going to try this. They are
23 starting with a queuing analysis.
24 MS. RANDALL: Yes.
25 MR. ROBINS: The existing queues. Is that

observed?

MS. RANDALL: Under the LATR guidelines --

MR. ROBINS: LATR guidelines.

MS. ROBESON: It is.

MS. RANDALL: -- it's an observed queue.

MR. ROBINS: Okay.

MS. ROBESON: Right.

MS. RANDALL: Yes.

MS. ROBESON: Now, take me to Synchro.

MS. RANDALL: But separate and apart from that --

MR. ROBINS: Right. And that's what I'm --

MS. RANDALL: Yeah. Separate and apart from that when you run a Synchro model, when I go through and I, let's just say I'm looking at existing conditions in a Synchro model. I have lots of different inputs that go into that Synchro model. A lot.

MS. ROBESON: And what would that be?

MS. RANDALL: It’s going to be the traveling speed on the road. It's going to be --

MS. ROBESON: I see.

MS. RANDALL: -- the volume. It's going to be the signal timing.

MS. ROBESON: I see. Okay.

MS. RANDALL: It's going to be all of those different things but there is no observed queue input.

1 MS. ROBESON: Okay.
2 MS. RANDALL: All right? It's --
3 MS. ROBESON: So, what volumes do you start with,
4 with Synchro?
5 MS. RANDALL: You start with the existing counts
6 that we do out --
7 MS. ROBESON: That was my question.
8 MS. RANDALL: Yeah. The existing turning movement
9 counts, the full peak hour volume. Okay?
10 MS. ROBESON: Okay.
11 MS. RANDALL: So, you're not putting in a volume
12 every cycle. You're putting in a volume for the entire peak
13 hour.
14 MS. ROBESON: And then Synchro adds in all these
15 other factors to project the queue.
16 MS. RANDALL: That's correct.
17 MS. ROBESON: Okay.
18 MS. RANDALL: That's correct. And because we were
19 directed to use, specifically within the remand, we were
20 directed to use the LATR methodology for observed queue.
21 MS. ROBESON: Right.
22 MS. RANDALL: That's what we did. The problem
23 that we had, and we would have continued doing that for the
24 improvements except for the fact that there's no way within
25 the LATR methodology to talk about what this change in the

signal system was going to do to the signals upstream and downstream --

MS. ROBESON: Right.

MS. RANDALL: -- because all of them are going to be re-timed.

MS. ROBESON: Right.

MS. RANDALL: And so the observation of the queue today is going to be different than the observation --

MS. ROBESON: Right.

MS. RANDALL: -- tomorrow when they make those changes.

MS. ROBESON: When the put the interchange in.

MS. RANDALL: Exactly.

MR. ROBINS: To even give a little more clarity to this, I just want you to hit this one point which is as far as the observed queue, you took the observed queue and then you also dealt with background and then total future conditions as part of the LATR analysis for queuing. Isn't that correct?

MS. RANDALL: Yes. And there is a specific --

MS. ROBESON: But not updating the pipeline. You used --

MS. RANDALL: No. Again, this was in 2008 --

MS. ROBESON: Right.

MS. RANDALL: -- where we had everything that the

1 staff had given us with regards to the -- they gave us no
2 additional background to update in that 2008.
3 MS. ROBESON: Okay.
4 MS. RANDALL: So, the queue that we did under the
5 LATR methodology which is shown in Table 3.
6 MS. ROBESON: Right.
7 MS. RANDALL: All of that is the LATR methodology
8 and that includes the existing queues, the background
9 queues, the queues that would come about with stage 1 and
10 the queues that would come about with stage 2.
11 MS. ROBESON: Right.
12 MS. RANDALL: Okay?
13 MR. ROBINS: Okay.
14 MS. RANDALL: So, all of that is --
15 MS. ROBESON: So, you had a couple of problematic
16 intersections using just the observed queue?
17 MS. RANDALL: That's correct.
18 MR. ROBINS: And then how did you analyze?
19 MS. RANDALL: Then in order to figure out what
20 this road improvement was going to do as I explained before,
21 we went, then, to look at what the results were from
22 Synchro, what was the percentage change, and then applied
23 that percentage change to the queues with the road
24 improvement of the interchange and that, for those three
25 intersections, is shown on table, let me make sure I got the

1 right one. It's best to look at Table 5B. 5A deals with
2 stage 1. 5B deals with the build out of the project.
3 MR. ROBINS: With a full build out.
4 MS. RANDALL: Yes. And in this case, all of the
5 queues were going to be below the 80 percent distance
6 requirement as specified in the LATR.
7 MR. ROBINS: And explain to the Hearing Examiner
8 what you're looking at to make that determination. On your
9 chart, how --
10 MS. RANDALL: Again, the last two columns. If you
11 look, just take a look at the intersection of Georgia Avenue
12 and Layhill. In the a.m. peak hour in the northbound
13 direction, I have a queue distance of 198 feet. The 80
14 percent distance is 620. That's below, the 198 is below the
15 620, and that's how we go through for each one of these
16 locations.
17 MR. ROBINS: And specifically at Georgia and
18 Randolph?
19 MS. RANDALL: At Georgia and Randolph, again, it
20 was --
21 MR. ROBINS: With the grade separated interchange.
22 MS. RANDALL: With the grade separated
23 interchange. It is below the required 80 percent distance
24 in all cases. As an example, in the southbound direction
25 under Georgia and Randolph we've got an 80 percent distance

1 of 620 feet and we have an average queue of 509.
2 MS. ROBESON: I see it.
3 MR. ROBINS: So, with the grade separated
4 interchange, Ms. Randall, are there any intersections that
5 would experience queues with distances greater than the 80
6 percent standard?
7 MS. RANDALL: No.
8 MR. ROBINS: And that would satisfy the LATR
9 queuing analysis as found in the guidelines?
10 MS. RANDALL: It would. And it should be noted
11 that even if a queue had exceeded that 80 percent distance,
12 the requirement within the LATR guidelines is not that you
13 fix the queue but that there is a road improvement that will
14 fix the CLV. Queue analysis is typically required when you
15 exceed the 1,800 CLV, and in the LATR guidelines, if you've
16 got a queue, they want to know about it, and they want road
17 improvements for the intersection to bring that CLV down
18 below the 1,800.
19 MS. ROBESON: But it was my understanding from
20 reading Ms. Carrier's report that even, you know, that the
21 LATR standard wasn't the end of the inquiry. That there
22 were also compatibility issues as far as traffic
23 circulation. So, I understand what the LATR is but we're
24 also dealing with the other issues as well.
25 MS. RANDALL: That's correct.

1 MS. ROBESON: Okay.
2 MR. ROBINS: And that's why you evaluated this
3 matter on so many different --
4 MS. RANDALL: Exactly.
5 MR. ROBINS: -- with so many different techniques.
6 MS. RANDALL: Why I went through all these
7 different techniques.
8 MS. ROBESON: Okay.
9 MS. RANDALL: Alternate review, HCM, everything
10 that, you know, all the different methodologies that we
11 have, and I think the biggest thing is the fact that the
12 volume has been dropping over time and --
13 MS. ROBESON: To what do you attribute the volume
14 dropping?
15 MS. RANDALL: There's several different things.
16 One is the ICC which has pulled traffic off of both Georgia
17 Avenue and Randolph Road though there are no numbers.
18 That's what we're hearing from both the State Highway
19 Administration as well as --
20 MS. ROBESON: But that wouldn't have been
21 reflected in your 2011 study.
22 MS. RANDALL: It would. The ICC has been open,
23 portions of that have been open for quite some time.
24 MS. ROBESON: Oh. That's right. You're right.
25 MS. RANDALL: Yeah. So, one is the ICC. One is

1 also the effect of gas prices where it's now becoming as
2 economical to take transit with gas prices going up. Part
3 of it is the economy and change in, you know, behavior
4 patterns and trying to do more with your trip out on the
5 road system. Less of this kind of, you know, back and forth
6 kind of thing as that's a combination both of gas prices but
7 also the economy as well.
8 MR. ROBINS: And can you talk a little bit about
9 what you did, then, in 2011?
10 MS. RANDALL: In 2011, as I indicated before, we
11 checked the volume information to see how that had changed.
12 We rant the CLVs for those three intersections as well as
13 looked at that southbound through queue that without the
14 road improvements was problematic at the intersection of
15 Georgia and Layhill Road.
16 MS. ROBESON: Right.
17 MS. RANDALL: Staff felt that once the interchange
18 is built, that you're not going to see the kinds of queues.
19 I mean, that's what everybody is waiting for is this
20 interchange. But, they did want to understand whether or
21 not there was any major change in that southbound Layhill
22 queue.
23 MS. ROBESON: So, the 2011 was more testing the
24 results of the 2008 --
25 MS. RANDALL: That's correct.

1 MS. ROBESON: -- to make sure there was no major,
2 okay.
3 MR. ROBINS: So, it was basically to validate 2008
4 study.
5 MS. RANDALL: It was to validate what we had done
6 in 2008. That's correct.
7 MR. ROBINS: And what did the 2011 study show?
8 MS. RANDALL: And what the 2011 study showed, if
9 you take a look at the Table 1, it gives you the results of
10 the CLV analysis that were done for the --
11 MR. KAUFFUNGER: What page are you on? Excuse me.
12 MS. RANDALL: Page 3 of the 2011.
13 MS. ROBESON: Yeah. If you could just give me a
14 moment to get there.
15 MS. RANDALL: Sure.
16 MS. ROBESON: Is it 147C?
17 MR. ROBINS: I'm sorry. I'm looking for my stuff.
18 What number did you say?
19 MS. ROBESON: 147C or am I wrong?
20 MR. KAUFFUNGER: Yeah.
21 MR. ROBINS: No. That's not correct.
22 MR. KAUFFUNGER: The thick one?
23 MR. ROBINS: It's --
24 MS. ROBESON: It's the skinny one.
25 MR. ROBINS: The 2011 study would be --

1 MS. ROBESON: It's not in a binder, Mr.
2 Kauffunger. It's--
3 MR. KAUFFUNGER: Okay.
4 MR. ROBINS: No. It would be --
5 MS. ROBESON: It's 147C.
6 MR. ROBINS: The 2011 study would be Exhibit 171.
7 MS. ROBESON: Oh. 171. Okay. Then I misled you.
8 Wait a minute.
9 MR. ROBINS: Do you see it?
10 MS. ROBESON: I have 171A.
11 MR. ROBINS: 171A? Yeah. That's right.
12 MS. ROBESON: Mr. Kauffunger, do you have it?
13 MR. KAUFFUNGER: Not that I can find yet. Okay?
14 171A. And what is the document again?
15 MR. ROBINS: It's the November 14th submission.
16 MR. KAUFFUNGER: November.
17 MS. ROBESON: Wait. I have a November 7, 2011
18 letter from Ms. Randall to Park and Planning staff.
19 MR. ROBINS: Yeah. That's correct. If you look
20 at Exhibit 171, it says 11-14-11 letter from Steve Robins to
21 Martin Greschner requesting hearing date and transmittal of
22 a copy of the supplemental traffic analysis dated November
23 7, 2011.
24 MS. ROBESON: Does anyone have an extra copy that
25 Mr. Kauffunger could use?

1 MR. KAUFFUNGER: Okay. It's not the November,
2 hold on. Okay. It's not the November 14th?
3 MR. ROBINS: It's the attachment to that letter.
4 MS. ROBESON: It's an attachment to --
5 MR. KAUFFUNGER: To that one.
6 MS. ROBESON: -- the November 14th letter --
7 MR. ROBINS: Right.
8 MS. ROBESON: -- from Mr. Robins.
9 MR. KAUFFUNGER: Okay. And that's what I don't
10 have.
11 MS. ROBESON: I don't want to give up mine. I
12 want it. I may have, since we have a duplicate file but you
13 must, you can't mark on it.
14 MR. KAUFFUNGER: Okay.
15 MS. ROBESON: And you must return it. I'm going
16 to lend it to you.
17 MR. BRONSTEIN: Get a receipt.
18 MS. ROBESON: I trust -- you don't have to raise
19 your right hand. Okay. Go ahead. Just so you can have it
20 while -- so everyone can understand the testimony. All
21 right.
22 MS. RANDALL: All right. So --
23 MS. ROBESON: We're moving to 2011.
24 MS. RANDALL: Yes. So, 2011, as I explained. We
25 recounted those three intersections. We looked at the

1 southbound queues, recorded the queues, and recalculated the
2 critical lane volumes for all three of those intersections.
3 The intersection of Georgia Avenue and Urbana, the CLVs are
4 comparable. In the a.m. peak hour, there was a reduction of
5 75 critical lane vehicles. In the p.m., it was an increase
6 of eight. Georgia and Layhill. There was a decrease of the
7 critical lane volume in the morning of 56 critical lane
8 vehicles and 143 in the p.m. peak, and at Georgia and
9 Randolph, again, there was a decrease and the intersection
10 decreased by 67 critical lane vehicles in the a.m., and in
11 the p.m. by 27. This is not the overall volume decrease but
12 the reduction in the critical lane volume itself.
13 MS. ROBESON: Volume.
14 MS. RANDALL: Yes.
15 MS. ROBESON: Okay.
16 MS. RANDALL: And at the intersection of Georgia
17 and Layhill, the observed queue was compared for the
18 existing conditions and both in the a.m. as well as in the
19 p.m. peak hour, that observed queue came down by 232 feet in
20 the morning and 113 feet in the evening peak hour for that
21 southbound queue. It should be noted when we saw this and
22 saw that rather dramatic reduction, we went back out. Redid
23 that queue the next day. Found that we got similar,
24 actually slightly one car greater which is what we used in
25 our analyses. We had observed that same kind of queue.

1 We called both State Highway Administration as
2 well as the, MCDOT, as I like to refer to them now, and got
3 information that they had, in fact, between, sometime
4 between 2008 and when we did our counts that they had gone
5 out and adjusted the signal timing. Previously what had
6 occurred was at the intersection providing left turn volume,
7 there was insufficient green time given to the southbound
8 lefts. They modified that which then, because the lefts
9 weren't blocking the throughs, that queue was able to come
10 down because it's not a super short left but it's not
11 particularly long, and if you don't give enough green time
12 for those lefts, they'll back up into the through and then
13 that affects the through queue as well.
14 MS. ROBESON: Do you have a standard variation of,
15 is it 10 percent? A variation between counts?
16 MS. RANDALL: Yeah. Typically between, if you go
17 from one day to the next.
18 MS. ROBESON: Yeah.
19 MS. RANDALL: If you were to count the same
20 intersection on Tuesday and then Wednesday and then
21 Thursday, you're probably going to see, unless there's some
22 external factor, you're going to see between a five and 10
23 percent variation on any given day.
24 MS. ROBESON: Okay. I just wanted to, all right.
25 MR. ROBINS: Was staff satisfied with the

1 analysis?
2 MS. RANDALL: Yes. They were.
3 MR. ROBINS: Was the Planning Board?
4 MS. RANDALL: Yes. They were.
5 MR. ROBINS: And so when you say, yes, they were,
6 was there understanding that, essentially, that the 2011
7 analysis validated the findings of your 2008 study?
8 MS. RANDALL: They did. Yes.
9 MR. ROBINS: And I guess from your perspective,
10 most importantly, were you satisfied with the analysis from
11 a professional point of view?
12 MS. RANDALL: Yes. From a professional point of
13 view, it validated what we saw in the field when we started
14 the conduction of the 2008 report. We saw, quite frankly,
15 better conditions in 2011. With minor modifications to the
16 signal timings out there at Layhill and Georgia Avenue,
17 things were operating a lot better.
18 MR. ROBINS: In 2011, you were ever out at the
19 site and look at --
20 MS. RANDALL: Yes. Several times. Both a.m. and
21 p.m.
22 MR. ROBINS: Looking at the traffic conditions?
23 MS. RANDALL: Yes. Observations of both the
24 morning peak hour, extended period of time, two, three hours
25 and the same thing in the evening peak hour. And a lot of

1 it came about with meeting with the citizens and trying to
2 understand their issues and their concerns with regards to
3 their ability to get into and out of their community.
4 When you're doing a standard traffic impact study,
5 you're looking, obviously, at the major roadways and wanting
6 to replicate what you're physically seeing in the field in
7 your analyses. But, you don't get the day to day kind of
8 difficulties as somebody getting out of their driveway, that
9 kind of thing, that they know far better than you with
10 regards to their ability to drive on their local streets.
11 And by that, I mean, Glenallan Avenue. So, it was very
12 insightful which is why we wanted to go out into the field
13 and see what they were seeing.
14 MS. ROBESON: Okay.
15 MR. ROBINS: You also mentioned -- do you have
16 anything else to add about your 2011 study?
17 MS. RANDALL: No.
18 MR. ROBINS: Okay. You mentioned that you did
19 prepare, in fact, back in 2008 the alternative review
20 procedure?
21 MS. RANDALL: Yes.
22 MR. ROBINS: And not that the applicant
23 essentially would rely on that to move forward because of
24 the grade separated interchange in particular. You would
25 agree?

1 MS. RANDALL: Yes.
2 MR. ROBINS: But is that another form of study
3 that could be used to approve this zoning application?
4 MS. RANDALL: Yes. It is. And, in fact, there
5 have been several zoning applications that have gone forward
6 with this very methodology. One is Alcore which is located
7 in North Bethesda just north of White Flint and adjacent to
8 it is the White Flint Metro station. Diagonally across the
9 street to the south is another project owned by Holiday
10 Corp. and it is 11250, I believe is this Rockville Pike, is
11 the project. And we came before the zoning Hearing Examiner
12 on both of those cases using the alternate review procedure
13 methodology for both zoning cases.
14 MR. ROBINS: And really, this is more for
15 informational purposes now, essentially?
16 MS. RANDALL: Yes. Because of the grade separated
17 interchange being funded and with scheduled construction in
18 2014. There is no reason to go through this particular
19 process but it certainly is an option and a way in which
20 this project could be approved through the zoning.
21 MR. ROBINS: The entire project?
22 MS. RANDALL: Yeah. The entire project.
23 MR. ROBINS: In a grade separated interchange,
24 does that cover the entire project as well?
25 MS. RANDALL: It does.

1 MR. ROBINS: I'm going to ask you just a few more
2 questions if I could. Do you concur that the interchange,
3 the grade separated interchange, is a reasonably probable
4 fruition in the foreseeable future, the tested zoning?
5 MS. RANDALL: Yes.
6 MR. ROBINS: And the reason?
7 MS. RANDALL: The reason is the funding has been
8 allocated for this project, and they have a construction
9 schedule.
10 MR. ROBINS: Now, let me ask you a question. When
11 we were just before the Planning Board, was it your sense
12 that the Planning Board also agreed that the grade separated
13 interchange was an important component of this --
14 MS. RANDALL: Yes. It was.
15 MR. ROBINS: Did the Chair also mention that with
16 a grade separated --
17 MS. ROBESON: Well, you know, the Planning Board's
18 report, I mean, technically, it's hearsay and whatever she
19 says -- I have the report if they recommended approval. So,
20 you don't have to tell me what she said.
21 MR. ROBINS: Okay. The grade separated would
22 also, in your opinion, would it meet the LATR standards for
23 being able to qualify as mediation?
24 MS. RANDALL: Yes.
25 MR. ROBINS: In your opinion, will the proposed

1 re-zonings adversely impact the surrounding area from the
2 standpoint of traffic and traffic conditions?
3 MS. RANDALL: No. It would not.
4 MR. ROBINS: And have you assessed this under
5 multiple methodologies?
6 MS. RANDALL: Yes. The LATR. The highway
7 capacity. The alternate review procedures. In all cases,
8 this project can meet those tests.
9 MR. ROBINS: And a queuing analysis?
10 MS. RANDALL: And a queuing analyses. Yes. In
11 all cases, the project can meet the LATR standards.
12 MR. ROBINS: Do you believe that the rezoning
13 cases are compatible with the surrounding area form the
14 standpoint of traffic?
15 MS. RANDALL: I do.
16 MR. ROBINS: And can you explain your answer?
17 MS. RANDALL: I think that there is, with this
18 particular project, there's opportunity because of the
19 project itself, and it's adjacency to the Metro station.
20 There's opportunity, actually, to improve what's out there
21 today. By virtue of providing better lighting on the
22 property side, by improving the sidewalk system, and getting
23 life on the street improves a whole lot the conditions out
24 there for the average Metro rider.
25 There's an opportunity with the retail that is

there to capture some of the trips that would otherwise be vehicle, to shop right there when they get off at the Metro station thus taking some traffic off. Eventually, they will leave, obviously, but it disperses the traffic through the peak period. And there are numerous things that can come about with this project in widening that street and making road improvements with regards to the dedication of additional right of ways and sidewalk system as well as where pedestrian cross, and improving those crosswalks.

MS. ROBESON: Okay. I guess one question I had. I think part of the reason or one issue on remand was pedestrian safety in trying to cross as well as coming out of driveways. Is it your testimony that the reduction in queuing is going to address that issue?

MS. RANDALL: No.

MS. ROBESON: No.

MS. RANDALL: No.

MS. ROBESON: So, what does address that issue?

MS. RANDALL: The queuing issue on -- we made a recommendation in our 2008 report at the intersection of Glenallan and Layhill Road --

MS. ROBESON: right.

MS. RANDALL: -- to re-utilize the existing lanes that are there. Right now, if you, and I believe we have a photograph of this. You'll see that there is a right turn

1 lane on the southbound. If I can go back up to the map?
2 MS. ROBESON: Sure. The map is Exhibit 187.
3 MS. RANDALL: Thank you. Today, when, and I'm
4 pointing to Glenallan Avenue that extends from Georgia
5 Avenue --
6 MS. ROBESON: Uh-huh.
7 MS. RANDALL: -- and connects in to Layhill Road.
8 Today when vehicles are exiting the Metro station, and they
9 kind of come in platoons, as you would imagine. When the
10 train comes in, they offload all this number of passengers,
11 and so you have a surge of cars that are coming out of the
12 Metro, and then it kind of dies down waiting for the next
13 train to come in. So, you'll see this surge of cars that
14 are coming out of the Metro station with the majority of
15 those cars wanting either to turn left or to go through on
16 Glenallan Avenue. Very few vehicles that are coming out of
17 the garage access are turning right both during the a.m. as
18 well as in the p.m.
19 MS. ROBESON: Are turning right, southbound onto
20 Layhill.
21 MS. RANDALL: That's correct.
22 MS. ROBESON: Very few are making that movement.
23 MS. RANDALL: Yes. So, traveling southbound on
24 Glenallan to go westbound on Layhill keeping the
25 orientation, again.

1 MS. ROBESON: That's right.
2 MS. RANDALL: So, that right turn is available in
3 terms of capacity, and what we've recommended is that they
4 change the lane use at this intersection to shorten that
5 queue, and what that then allows is by shortening that queue
6 and using the existing lane width, you increase the capacity
7 and you negate the need for as much green time for this
8 particular leg of the intersection which frees up green time
9 for other approaches at this intersection. So, re-
10 optimizing. Change the lanes use and re-optimize the signal
11 at this location will help that queue. But ---
12 MS. ROBESON: Is that built in to your LATR
13 analysis?
14 MS. RANDALL: It is.
15 MS. ROBESON: Okay.
16 MS. RANDALL: And it is a recommendation within
17 our 2008 report.
18 MS. ROBESON: All right.
19 MS. RANDALL: Yes. But, in addition to that,
20 that's a capacity issue. But, in addition to that, when we
21 were out in the field, we noticed that the lighting, the
22 overhead lighting was not coming on. There are lights there
23 but they're not coming on.
24 MS. ROBESON: On the Metro property or on the --
25 MS. RANDALL: Both.

1 MS. ROBESON: Both. Okay.
2 MS. RANDALL: Both sides of the road, the lights
3 were not coming on.
4 MR. ROBINS: Now, you're talking about street
5 lights.
6 MS. RANDALL: Street lights. Exactly.
7 MS. ROBESON: Oh. In right of ways?
8 MS. RANDALL: Yes.
9 MS. ROBESON: I see.
10 MS. RANDALL: Within the rights of way, the street
11 lights were not coming on. The crosswalk is faded. The
12 mid-block crosswalk is faded. The crosswalk down --
13 MS. ROBESON: When you say mid-block crosswalk,
14 you're referring to the crosswalk approximately in the
15 middle of the Layhill Road at the pump --
16 MS. RANDALL: Yes. Yes. About halfway between
17 Layhill and Georgia Avenue on Glenallan connecting Privacy
18 World to the Metro station. There is an existing crosswalk.
19 It's faded. It's difficult to see and with the advent of
20 this project, there's opportunity not only to improve just
21 generally the lighting along the roadway and the sidewalk
22 but also to provide an opportunity for improving that
23 crosswalk in terms of repainting, putting flashing beacons
24 and doing a whole lot there.
25 MS. ROBESON: I was going to say are you going to

signalize it or just put the flashing beacons there?

MS. RANDALL: We're going to have to work with MCDOT, as I like to refer to them, to find out what they will permit in terms of installation. It all has to go through -- they're the approving agency.

MR. KAUFFUNGER: Could I ask clarification? Where are you talking about these countdown lights? At what intersection?

MR. BRONSTEIN: Didn't say countdown.

MS. ROBESON: No. She's talking about the street lights in the right of way on that --

MR. KAUFFUNGER: Oh. Okay. Okay.

MS. ROBESON: -- along Layhill are not lit.

MR. KAUFFUNGER: Yes. Correct on that one.

MS. ROBESON: I mean, but, I'm not helping.

MR. BRONSTEIN: We'll help you.

MR. KAUFFUNGER: No. No. No. Okay.

MR. ROBINS: I would just point out because you mentioned something about within the scope of the remand. Pedestrian accessibility has always been a very key point in terms of this application and the applicant's treatment of it. If you recall on the development plan which is Exhibit 144A --

MS. ROBESON: Uh-huh.

MR. ROBINS: We have on that exhibit, we have

1 binding elements and then we also have elements called
2 binding design principles for Glenmont Metro Center, and one
3 of the binding, I can't tell whether it's better with or
4 without the glasses. One of the binding design principles
5 are pedestrian oriented streets, and you'll see there are
6 about eight different things to talk about whether it's a
7 safe crosswalks. Talks about sidewalks and things of that
8 sort.
9 MS. ROBESON: I read that as being internal to the
10 site but I could be --
11 MR. ROBINS: Well, It's not only internal to the
12 site but it's also along Glenallan.
13 MS. RANDALL: It's also --
14 MS. ROBESON: To service the access.
15 MR. ROBINS: Yeah.
16 MS. ROBESON: Okay.
17 MR. ROBINS: And I just wanted to point out that
18 I've -- in the Council's resolution. The Council does make
19 a finding that the evidence supports a finding that the
20 proposed internal vehicular and pedestrian circulation
21 systems and points of external access would be safe,
22 adequate and efficient.
23 MS. ROBESON: All right.
24 MR. ROBINS: And throughout the remand document or
25 the resolution, the remand really seems to focus on the

1 traffic impact with a specific focus on Georgia and
2 Randolph.
3 MS. ROBESON: Okay.
4 MR. ROBINS: I just wanted to point that out.
5 MS. ROBESON: That's fine.
6 MR. ROBINS: It's not that we're shying away from
7 pedestrian connectivity at all because it is critically
8 important, and it's been really at the top of our list since
9 we began this application, and we will continue to do so. I
10 think Ms. Randall --
11 MS. ROBESON: So, is it, okay. But, is the issue
12 of pedestrian safety on other streets? Do you read the
13 remand to address that?
14 MR. ROBINS: I really read the remand to address
15 specific traffic conditions having adverse impact on the
16 traffic in the surrounding area. Again, not that pedestrian
17 connectivity and safety isn't important. But, I thought the
18 remand specifically focused on the actual --
19 MS. ROBESON: Vehicular capacity issues.
20 MR. ROBINS: -- vehicular capacity issues and
21 dealing with the road network as it specifically relates to
22 Georgia and Randolph. We went farther than that in our
23 analysis. We looked at the entire road network as part of
24 this 2008 study, and I think where Ms. Randall was going in
25 terms of the discussion on Glenallan Avenue --

1 MS. ROBESON: Uh-huh.
2 MR. ROBINS: -- was operational characteristics
3 that could be improved, and I think that's where the
4 Planning Board also was going. Not capacity related issues
5 but operational issues that should really be focused on at
6 the time of preliminary plan and site plan.
7 MS. RANDALL: Yeah.
8 MS. ROBESON: All right.
9 MS. RANDALL: Yeah.
10 MS. RANDALL: And one more point to that
11 operational. The intersection of Glenallan and Layhill
12 operates well within the LATR standards. But, there are
13 things that can be done from an operational point of view to
14 improve it, and that was the point of taking advantage of
15 the lane use that is available out there and the lane width
16 that's out there.
17 MS. ROBESON: Okay.
18 MR. ROBINS: Right. And that was something that
19 we've tried to focus on with community members, and I know
20 the applicant who is sitting right behind me would suggest
21 that we would obviously continue to work on that effort as
22 part of future approvals. So, Ms. Randall, I'm sorry. But,
23 you answered that the rezoning cases would be compatible
24 with the surrounding area. I think that's where we were.
25 MS. RANDALL: Yes.

1 MR. ROBINS: Okay. And specifically the
2 intersection with Georgia Avenue and Randolph Road, you've
3 evaluated that along with other intersections using the
4 various methodologies. Is that correct?
5 MS. RANDALL: That's correct.
6 MR. ROBINS: Far more than typically would be
7 required?
8 MS. RANDALL: Yes.
9 MR. ROBINS: Is that yes?
10 MS. RANDALL: Yes. Yes.
11 MR. ROBINS: Okay. And all of these analyses
12 arrive at what conclusion?
13 MS. RANDALL: That this project will be in
14 conformance with and compatible with the sector plan; that
15 all of the standards can be met with this rezoning.
16 MR. ROBINS: Well, you say the sector plan but
17 also compatible, would it also be compatible with the
18 traffic conditions --
19 MS. RANDALL: Yes.
20 MR. ROBINS: -- and full build out?
21 MS. RANDALL: Yes.
22 MR. ROBINS: Okay. Speaking of the sector plan,
23 do you believe that the proposed re-zonings are consistent
24 with the recommendations contained in the sector plan?
25 MS. RANDALL: Yes. They are.

1 MR. ROBINS: And can you elaborate on that just a
2 bit?
3 MS. RANDALL: Now that the grade separated
4 construction is fully funded, this is exactly what was
5 envisioned for this piece of property within the sector plan
6 both in terms of density and expectation of building denser
7 projects next to a Metro station to reduce the number of or
8 the need for automobile use. With it across the street,
9 you've encouraged individuals to walk directly across and
10 that takes the burden not only off of the adjacent
11 intersections but also up and down both Randolph and Georgia
12 Avenue.
13 MS. ROBESON: Okay.
14 MR. ROBINS: In your opinion, does the traffic
15 study that you prepared satisfy the requirements of the LATR
16 guidelines for each stage?
17 MS. RANDALL: It does.
18 MR. ROBINS: Do you believe that the studies
19 support the contention at zoning that the zoning application
20 should be approved?
21 MS. RANDALL: Yes.
22 MR. ROBINS: And in your opinion are these re-
23 zonings in the public interest?
24 MS. RANDALL: They are.
25 MR. ROBINS: And can you explain why?

1 MS. RANDALL: Again, as I had indicated before, it
2 is next to a Metro station. You want to encourage the
3 density to take advantage of alternate means of
4 transportation with both the rail as well as bus lines
5 within the immediate proximity and also with the mix of uses
6 within the site. With the portion of the commercial that is
7 there, it is neighborhood oriented commercial which affords
8 an opportunity for the resident, again, not to have to get
9 into their automobile.
10 MS. ROBESON: Okay.
11 MR. ROBINS: And do you believe the applicant has
12 met its transportation burden and zoning?
13 MS. RANDALL: Yes.
14 MR. ROBINS: And that's through all of the
15 analysis and the explanations --
16 MS. RANDALL: Yes.
17 MR. ROBINS: -- that you, in fact, have provided?
18 MS. RANDALL: Exactly. The CLV. The HCM. The
19 queuing. And going beyond that the alternative review
20 procedure.
21 MR. ROBINS: Okay. Just one last question and it
22 doesn't relate to the grade separated interchange or
23 anything. I just wanted to point out what was a potential -
24 - which was a typo on the development plan regarding one
25 particular right of way.

1 MS. RANDALL: Oh. Right.
2 MR. ROBINS: The right of way, I believe, chart on
3 Glenallan Avenue said 95 feet.
4 MS. RANDALL: Yes. And I believe that the sector
5 plan says 90.
6 MR. ROBINS: That's correct.
7 MS. RANDALL: And, again, go up to Exhibit 144A.
8 The note here says right of way width of 95 feet that's
9 located on Glenallan Avenue, the eastern portion, as it
10 comes up to the intersection with Layhill. It shows 95
11 feet. In fact, the sector plan calls for 90. In either
12 case, we will be dedicating the necessary right of way to
13 make up the sector plan 90 foot requirement which I believe
14 is a five foot dedication.
15 MR. ROBINS: Okay.
16 MS. RANDALL: So, the additional right of way --
17 MS. ROBESON: So you're, okay. So, what is that
18 plan -- if you scale that plan --
19 MR. ROBINS: It's scaled correctly.
20 MS. RANDALL: It's scaled correctly. It's just a
21 typographical --
22 MR. ROBINS: Typographical.
23 ANR -- error. Instead of 90, it should have said
24 90 instead of 95.
25 MS. ROBESON: Okay.

1 MS. RANDALL: The scale is 90.
2 MS. ROBESON: Okay. So, what we would need you to
3 do, obviously, is submit a corrected version of that.
4 MR. ROBINS: Right. We had submitted into the
5 record --
6 MS. ROBESON: If you haven't already.
7 MR. ROBINS: What's that? No. No. Actually, we
8 haven't because we figured that there's the possibility that
9 there could be a few more changes after this hearing. But,
10 we did, back in 2008, suggest some modified language to two
11 of the binding elements that included the alternative review
12 procedure and that was actually submitted as a document but
13 it has yet to make its way onto the actual development plan
14 because we never actually had the hearing.
15 MS. ROBESON: Oh.
16 MR. ROBINS: And we were going to wait to make any
17 final modifications so that if the project is then approved,
18 you would certify it, obviously, the most recent development
19 plan. So --
20 MS. ROBESON: Right. Okay.
21 MR. ROBINS: There was an Exhibit 151 that was
22 submitted on June 2, 2008.
23 MS. ROBESON: Okay.
24 MR. ROBINS: And it's 151A and there were
25 revisions to two binding elements just to add the

alternative review procedure. So, you have a document but it just wasn't -- the words didn't make its way onto a development plan that had ultimately been submitted to you. So, we'll take care of that right of way typo as far as part of that, too.

MS. ROBESON: Okay. Well, let's hold off on the alternative. Let's hold off until we finish the hearing on making --

MR. ROBINS: Any changes.

MS. ROBESON: I'll make a note that it has to be submitted but let's hold off on submitting anything until after we get through the hearing.

MR. ROBINS: Oh. Absolutely. I just wanted to point it out.

MS. ROBESON: And what's your proposal on the alternative procedure? You want to add the options for that?

MR. ROBINS: Yeah. There was --

MS. ROBESON: Is that really necessary with the grade separated interchange?

MR. ROBINS: In 2008 it was arguably necessary. It's not particularly.

MS. ROBESON: Okay. Well --

MR. ROBINS: I think it's mentioned, and I'll take a look.

1 MS. ROBESON: Okay.
2 MR. ROBINS: And I'll let all of you know. I just
3 wanted to bring that to your attention because we had
4 submitted the language back in 2008.
5 MS. ROBESON: Thank you.
6 MR. ROBINS: And then I didn't want the record to
7 not match up the actual development plan.
8 MS. ROBESON: Right. All right. Anything else?
9 MR. ROBINS: We just reserve the right for --
10 MS. ROBESON: Rebuttal.
11 MR. ROBINS: -- rebuttal.
12 MS. ROBESON: Questions. It's your chance to ask
13 questions. Anyone opposing may ask questions.
14 MR. KAUFFUNGER: I'll start off. Ms. Randall,
15 you've presented us with an out -- oh, for the record, my
16 name is Richard Kauffunger at this point.
17 MR. BRONSTEIN: Is he sworn?
18 MS. ROBESON: Well, technically, you're only
19 asking questions.
20 MR. KAUFFUNGER: No. I'm only asking questions.
21 MR. BRONSTEIN: Okay.
22 MR. KAUFFUNGER: I'm going to try not to make any
23 testimony.
24 MS. ROBESON: Thank you. Ms. Vergagni? Would you
25 like to come up closer in case you have any questions or

pull a chair up?

MR. KAUFFUNGER: What I will do is I'll vacate my seat so that she can --

MS. VERGAGNI: I'll sit here.

MS. ROBESON: Okay.

MR. KAUFFUNGER: Okay.

MS. ROBESON: I’m sorry. Continue.

MR. KAUFFUNGER: Okay. Ms. Randall, you presented us with almost an alphabet soup of different methodologies, and I think it'd just be very helpful if we were to separate these various methodologies out. When you've referred to LATR or Local Area Transportation Review, what specifically is that review set up for and who is it authorized by?

MS. RANDALL: The LATR methodology is set up by Maryland National Capital Park and Planning Commission, and it is for development application within Montgomery County.

MR. KAUFFUNGER: I'm going to separate it and say is it for preliminary plan and subdivision or is it for zoning?

MS. RANDALL: It is set for preliminary plan and subdivision but it also has been set up for zoning.

MR. KAUFFUNGER: And who has authorized its use in determining zoning?

MS. RANDALL: I believe your predecessor did. I think it was Mr. Tierney who went through -- there were

1 several cases on this.
2 MS. ROBESON: Well, actually, it's the Regional
3 District Act requires it to be in the public interest and
4 part of it being in the public interest is the roads are
5 going to be adequate. Wait. You're not asking me
6 questions. So, go ahead, Mr. Kauffunger.
7 MR. KAUFFUNGER: I didn't ask you.
8 MS. ROBESON: I know. Okay. Go ahead.
9 MR. KAUFFUNGER: I was going to ask you if I could
10 cross-examine you on that.
11 MS. ROBESON: You can but we'll go through Ms.
12 Randall.
13 MR. KAUFFUNGER: As part of the LATR, they use a
14 technique called critical lane volume.
15 MS. RANDALL: That's correct.
16 MR. KAUFFUNGER: Where did that approach come
17 from? Montgomery College, University of Maryland, or
18 whatever.
19 MS. RANDALL: Critical lane volume or critical
20 lane analysis technique was first published in ITE in 1978.
21 MS. ROBESON: Which is the International, well,
22 say what ITE is.
23 MS. RANDALL: Yeah. The Institute of
24 Transportation Engineers. It was written by Steve Peterson
25 who, at the time, owned a company called Street Traffic

1 Studies. It was adopted by the Maryland State Highway
2 Administration and Anne Arundel County were the first two
3 jurisdictions to adopt that as the methodology for analyses.
4 Subsequent to that, it has been adopted by most
5 jurisdictions that have adequate public facility tests
6 within the state of Maryland, and the State Highway
7 Administration, being the largest of the jurisdictions using
8 it.
9 MR. KAUFFUNGER: Are you aware of what the base of
10 the development of that technique was?
11 MS. RANDALL: Yes. Steve Peterson I've known for
12 30 years and had long discussions with him because at the
13 time, in 1978, Anne Arundel County was developing its own
14 adequate public facilities test and met with Steve, and it
15 was based on observation after observation of intersections
16 in and around the state both in urban as well as suburban
17 and rural conditions, and looking at the capacity of an
18 intersection in a predicted manner. It was not intended to
19 be an operational analysis. It was intended for planning
20 purposes to project in a conservative fashion what was going
21 to happen in the future. And that's how he developed the
22 methodology. Then it went through the vetting system within
23 ITE and then it has been modified over time. His original
24 calculations. His original adjustments in terms of lane use
25 have all be fitted depending upon the jurisdiction. The

lane use factor, as an example, in Anne Arundel County are different than the lane use factors that you're going to find in a more urban setting like Montgomery County and Prince George's County.

MR. KAUFFUNGER: What characteristics of an intersection are incorporated in CLV?

MS. RANDALL: The number of lanes. The kinds of turn lanes. The volume and it is then calculated based on a sliding scale. It's a calculation of the movements through an intersection that are going to require green time. So, if you imagine on a Georgia Avenue, I've got a heavy southbound flow in the morning peak hour and a lighter flow in the northbound direction just the through movements. Those two movements aren't competing against one another for green time. They're using the same amount of green time.

MS. ROBESON: It's for conflicting movements.

MS. RANDALL: Exactly.

MS. ROBESON: Is that what you're saying?

MS. RANDALL: Exactly.

MS. ROBESON: So, like for a left turn or might be--

MS. RANDALL: Yeah. So, in the southbound direction, the through and the northbound left at Randolph would be competing for that green time.

MS. ROBESON: Uh-huh.

1 MS. RANDALL: And the same thing would happen for
2 the east and west approaches as well. And then there's a
3 summation of that number. So, it is looking at the
4 allocation of green time for an intersection. But, it's the
5 number of lanes, the volume, and that competition for green
6 time within the intersection.
7 MR. KAUFFUNGER: Are you saying that it actually
8 considers the timing of the traffic, the signals, at the
9 intersection?
10 MS. RANDALL: No. What I'm saying is that it's a
11 calculation of the competition for or the conflict or the
12 need for green time, and it's a summation of those
13 movements. It is not assuming any specific signal cycle
14 length or timing of an intersection.
15 MR. KAUFFUNGER: Going to go on. You've also made
16 great reference to HCM. Is that something, also, that was
17 done at Maryland? What is the genesis of the Highway
18 Capacity Manual?
19 MS. RANDALL: The first introduction to the
20 Highway Capacity Manual, the first one that I remember, was
21 1965 version when nomographs were used to determine what the
22 capacity of an intersection was going to be. It's gone
23 through many renditions over time and years, and the Highway
24 Capacity Manual method for analyzing an intersection --
25 MR. KAUFFUNGER: Excuse me. Who did it? Who is

1 it by?
2 MS. RANDALL: Well, it's done by the National --
3 I'll have to pull the -- I always forget the acronym but
4 it's a federal agency that pulls this together.
5 MR. KAUFFUNGER: And that federal agency?
6 MS. RANDALL: I think it's the National Research
7 Council and sorry. I just -- it's a long four or five
8 letter acronym.
9 MR. KAUFFUNGER: And that's a federal agency
10 itself?
11 MS. RANDALL: I believe that it is federally
12 funded. I can't specifically say that it is an agency of
13 the federal government.
14 MR. KAUFFUNGER: Okay.
15 MS. RANDALL: Yeah. I mean, if you want, I've got
16 the book here if you'd like me to pull out the information
17 on who does that. I'd be happy to do that.
18 MR. KAUFFUNGER: Okay. Do you have a question?
19 MS. ROBESON: No. I mean do we need to know the
20 exact --
21 MR. ROBINS: I'm not sure what the relevance is.
22 MR. KAUFFUNGER: Well, in theory, I think it's
23 helpful. But, when I give my testimony, I'll fill in.
24 MS. ROBESON: Okay.
25 MR. KAUFFUNGER: Okay.

1 MS. ROBESON: Thank you.
2 MR. KAUFFUNGER: And where in the United States,
3 typically, is that Highway Capacity Manual used?
4 MS. RANDALL: I can't speak to all jurisdictions.
5 I know that they use it in Washington D.C. They use it in
6 Virginia, and there are, within Prince George's County as an
7 example, if we're looking at an un-signalized intersection,
8 they ask you to use the HCM procedure because the critical
9 lane doesn't do a good job of un-signalized intersections.
10 So, they ask you to do the HCM un-signalized methodology for
11 un-signalized intersections.
12 MR. KAUFFUNGER: What would the more significant
13 differences between the HCM method be compared to the
14 critical lane volume method?
15 MS. RANDALL: I think probably the most
16 significant difference is that one is much more of an
17 operations analysis as opposed to a planning analysis. HCM
18 is used to help with modifying or correcting signal timing,
19 to set up signal timing for new systems, and you'll start
20 with that. You'll take it out into the field, your overall
21 signal timing, and you will adjust in the field. It
22 certainly is used for planning but it is also an operational
23 tool.
24 MR. KAUFFUNGER: When you're talking about the
25 volume of -- volume, okay? What does volume pertain to in

1 CLV, and what does the volumes pertain to in the HCM method?
2 MS. RANDALL: I think I need more specific on the
3 latter part of the question.
4 MR. KAUFFUNGER: Well, let's start then what does
5 the volume, the number count, that you get from the critical
6 lane volume test. What is that a measure of specifically?
7 Is it all the cars that are going through the intersection?
8 MS. RANDALL: No. As I explained before, the CLV
9 methodology, you start with all of the volume that you count
10 at an intersection and then you run the calculation based on
11 the critical movements within an intersection. In the case
12 of a four-legged intersection, you'd look at the north/south
13 critical movements. It may be the southbound throughs
14 combined with the northbound lefts or it may be the reverse
15 of that and then you do the same with the east/west. You
16 take the highest of the north/south approach, the highest of
17 the east/west assuming that the intersection is not a split
18 phased intersection. That is to say that one whole side of
19 the intersection would be held while the other side goes
20 freely. In that case, you would add both of those together
21 along with the north/south. So, it is a summation not of
22 the entire volume but the critical movements that are vying
23 for green time in the intersection. But, the entire peak
24 hour volume is put into the calculation. It's just pulling
25 the critical movements.

1 In HCM, it is putting in the volume into that but
2 there are many other factors that go in to the calculation
3 and the results come out not in terms of a critical lane
4 volume but rather an intersection delay, and it will give
5 you approach delay for each approach, and it will give you
6 an overall intersection approach, and then that is evaluated
7 on a sliding scale with regards to the volume to capacity
8 for that intersection.
9 MS. ROBESON: When you say approach to an
10 intersection, what were the two approaches it measures?
11 MS. RANDALL: It measures -- if you've got a four-
12 legged intersection --
13 MS. ROBESON: Uh-huh.
14 MS. RANDALL: If you can imagine just a standard
15 north/south, east/west, each lane or group of lanes that are
16 coming down to --
17 MS. ROBESON: Oh. It's a separate approach.
18 MS. RANDALL: That's called an approach.
19 MS. ROBESON: Okay.
20 MS. RANDALL: Yes. Yes.
21 MS. ROBESON: I understand.
22 MS. RANDALL: Not the volume leaving the
23 intersection but the volume approaching that intersection --
24 MS. ROBESON: Right.
25 MS. RANDALL: -- vying for that space, as it were,

1 or time within the box.
2 MS. ROBESON: So, it looks more at queuing and
3 delays than the CLV does.
4 MS. RANDALL: It does. That's correct. And it
5 looks at a lot more detail than CLV does. You know, it
6 takes into consideration speed. It takes into consideration
7 the number of lanes. It takes into consideration whether
8 there's a median or not. It takes in a whole host of
9 different factors when it goes through the calculation.
10 MS. ROBESON: Okay.
11 MR. KAUFFUNGER: Would I be correct in saying,
12 then, that what you have offered in this description is that
13 CLV looks at, okay, using the simple example that you gave,
14 two of the four approaches in the simple example at best.
15 Well, --
16 MS. ROBESON: You mean, when you say example, you
17 mean the four-legged intersection?
18 MR. KAUFFUNGER: Yes. In the four-legged, yeah,
19 intersection. While CLV only looks at a portion of the
20 total vehicles that use the intersection.
21 MS. RANDALL: No. That's incorrect. You look at
22 all approaches. The best way that I can describe this,
23 again, is that north/south on Georgia Avenue. The vying for
24 the green time. When the green is given for northbound and
25 southbound Georgia Avenue, both the northbound volume as

well as the southbound volume are able to run freely during that time. The amount of green time that's going to be given to the north/south flow is going to be dependent upon which of those two has the higher volume, and I'm assuming on a very isolated, you know, outside the box kind of intersection. I'm just giving you just general for example purposes. But, it's going to take a look at what has the higher volume opposed with the lefts.

The northbound throughs are able to run. If that number is lower, it's not demanding any more green time from that intersection. It's kind of like a freeway. But it certainly is being calculated. It's certainly being looked at. But, if they can both run concurrently, I don't need any more green time than that which is the highest demand which is going to be in this example that I've given, the southbound throughs and the northbound lefts, and in a different intersection, it may be a combination of southbound throughs and they may share a right turn lane.

That right turn volume gets added into it. It may be that the throughs are very light but the rights are very heavy and the demand for green time is going to be based on the biggest demand for that green time be it the throughs or the rights.

If it's a split phased signal, it's going to look at both approaches. What is the heaviest demand for both of

1 those approaches? And when you do this, in my earlier
2 example of northbound and southbound Georgia Avenue, if my
3 northbound throughs are very heavy but my northbound lefts
4 are really light, okay? That's going to give me a number.
5 But then when I look at the opposite of that and I find that
6 my southbound throughs are not that heavy and I may have
7 reversed my directions so I apologize if I did.
8 MS. ROBESON: I was --
9 MS. RANDALL: I know. I think I did. But, if we
10 look in the opposite direction but my opposing lefts are
11 very high then you're going to, again, you're going to get a
12 different number and you pick the higher of the two because
13 they get to run concurrently and you're looking at what the
14 demand is at the intersection, and you do the same thing for
15 the east/west approach. All volume goes into the
16 calculation but it is the result of what is highest. What
17 has the greater demand on that time?
18 MR. KAUFFUNGER: I'm going to try and see if I get
19 it. So, it looks at the highest demand or the highest
20 conflicts, counts those and essentially discards the other.
21 MS. RANDALL: It discards them only if they can
22 run concurrent. As I indicated before, if it is a split
23 phase signal so that my -- a good example is the
24 intersection of Glenallan and Layhill Road. Glenallan, if
25 you're traveling westbound, goes by itself. Eastbound

1 movement doesn't get to fly. And then you're traveling in
2 the eastbound direction, it gets its green time all by
3 itself. When that happens, you look at the combination of
4 the highest volume in both of those directions. That gets
5 combined together. But, if it was not a split phased signal
6 and my through movements can run concurrently, it's only the
7 highest volume in one particular direction that is demanding
8 the amount of green time. The rest get to flow at the same
9 time. Or, if we had lefts in that picture. So, volume
10 doesn't get discarded but it is looking at what is demanding
11 the green time that cannot run concurrently with an opposing
12 flow.
13 MR. KAUFFUNGER: You gave this example in your
14 testimony just now about the intersection of Glenallan and
15 Layhill and on the eastbound lane what you're basically
16 saying today what it is, is a left, a through, and a right.
17 In order to give us more lefts throughput what you're
18 recommending is that, and the way you ran your model, was
19 assuming that there would be two lefts, two left turn lanes
20 and the third lane would be a right through. What are the
21 geometrics of that intersection?
22 MS. RANDALL: There are several different things
23 that can be done with the geometrics. There are many
24 different options.
25 MR. KAUFFUNGER: Well, I'm really talking about

1 elevations and things like line of sight and so forth.
2 MS. RANDALL: Right. This is a good example as to
3 why this intersection is split phased because Layhill sits
4 up at the top of the hill and Glenallan falls off in both
5 directions which is why I suspect, I don't know this for
6 certain, but it's one of the reasons why I suspect that that
7 intersection is set at a split phased signal so that if
8 you're on Glenallan traveling westbound, you have to wait
9 for the traffic that’s traveling eastbound whether it's a
10 left, through, or right. It doesn't matter. You don't get
11 to go, and I suspect that that's why because --
12 MS. ROBESON: Because of the sight distance?
13 MS. RANDALL: -- of sight distance. Exactly. So,
14 changing the lane use whether it becomes a dual left and
15 then a shared through right or they make it a double left
16 and a through right combination, you have three lanes on
17 that approach and there are two lanes on the other side.
18 Now, one of those lanes on the other side of the
19 intersection to receive is taken up with a fair amount of on
20 street parking a short distance after the intersection. So,
21 in our analyses, we recommended a double left and a combined
22 through right. They line up. They would, once they got
23 across the intersection, they would be over into the through
24 lane and with guidance, what we refer to in the trade as
25 puppy tracks, as you're guiding the lefts, you can also

1 guide the throughs off of that parked section.
2 But, quite frankly, in talking with the citizens,
3 some of the parking situation during the peak hours is
4 problematic for them. But, this is one of those things at
5 the time of preliminary plan and working with MCDOT what
6 adjustments we would make to this intersection either of
7 those road improvements would help the operation and help
8 the queue. The intersection far meets, I mean, it is way
9 under the requirement for the LATR standard. But, it is the
10 queue issue that was brought up by the community.
11 MR. KAUFFUNGER: However, if you're in that right
12 through lane, the heaviest movement is through. That's the
13 heaviest traffic.
14 MS. RANDALL: Uh-huh.
15 MR. KAUFFUNGER: All of that traffic that really
16 can't see over the hill has to, in effect, move to the left
17 as soon as they go across the middle of the road. Are you
18 aware that there's also a Ride On bus stop right there?
19 MS. RANDALL: Yes. And as I indicated, we will
20 have to work with MCDOT transportation department to make
21 adjustments, whether the station gets moved. Again, this is
22 not --
23 MS. ROBESON: Whether the what gets moved? The
24 bus stop?
25 MS. RANDALL: There's a bus stop.

1 MS. ROBESON: Okay.
2 MS. RANDALL: When you cross over the hill and you
3 start that row of parking --
4 MS. ROBESON: Right.
5 MS. RANDALL: -- there is a bus stop at that
6 location. And again, either through guidance in the
7 intersection itself to get the transition over before they
8 get over the crest of that hill, there are several different
9 things that we could be doing with this intersection to
10 improve it. I go back to the issue of operations and
11 guidance from MCDOT as to what they need to do.
12 MS. ROBESON: Okay. Let's get your questions in
13 and then we can --
14 MR. KAUFFUNGER: Well, okay. Could it be that the
15 reason that they haven't adopted a double left and a through
16 right turn lane is they've recognized the safety issues to
17 the motorists and to the pedestrians at that intersection
18 that has guided them not to do what you said and what you've
19 built into -- and basically when you do your analysis and
20 your conclusions, you say there's no problems because you
21 put this all into your calculations but there could be
22 substantial safety issues with, you know, making the change
23 that you are suggesting but put into your calculations.
24 MS. RANDALL: I have not spoken with staff so I
25 don't know what or how they came up with the lane use. But,

1 because it is a split phased signal, because there are
2 pedestrian crossing indications there, you don't get the
3 pedestrian crossing when one of the legs of the intersection
4 is moving. They have an indication that that won't be
5 possible. Now, that's not to say that somebody won't
6 violate that.
7 As far as the intersection itself, without any
8 change to the road improvements, it did not in any case, be
9 it queue or critical lane or even HCM exceed the LATR
10 standards. We made this recommendation because of the
11 testimony that was given with regards to the queue
12 experience that's on that road that I think I mentioned
13 earlier. There is a queue that comes in spurts because of
14 the train coming off. So, you will have a large queue that
15 will form and then the next two signal cycles, you won't see
16 anybody there because the queue is occurring with that surge
17 that's coming from the train, and this is a way in which to
18 reduce that queue.
19 MS. ROBESON: Does that queue occur outside of
20 peak hour because it's on the train schedule?
21 MS. RANDALL: I have not observed it other than
22 during the peaks, and I think that goes to the volume of
23 riders. It's not to say that when a train comes in in the
24 middle of the day that you're not going to have vehicles
25 getting off, and it's certainly been out there in the middle

of the day. But, you don't have the quantity of individuals --

MS. ROBESON: Traffic on the other roads.

MS. RANDALL: Yeah. Yeah.

MS. ROBESON: Or as many people --

MS. RANDALL: Well, it's the surge on the train itself when, at the end of the day, when you're coming home if you ride Metro, during the peak hours, there's a lot of individuals that are on the Metro, and they get off, and they all get into their cars at basically the same time. So, you've got this surge that's coming out of the Metro station. In between trains, there's not that much activity in the driveway, and a similar kind of things happened during the middle of the day say at 1:30. The ridership on the train itself when it comes into the station is not as heavy as it is during the morning or the evening peak hours. So, you don't get that same kind of surge. It's not to say that you don't get it. It's just not in the quantity.

MS. ROBESON: Right.

MR. KAUFFUNGER: Since you've been at that site a number of times and observed conditions, have you observed the heavy flow of traffic, for instance, in the morning that comes down Georgia Avenue, makes a left onto Glenallan, not to go to Metro but to go across to Layhill but especially Randolph and vice versa. Heavy traffic that comes down

1 Randolph, makes a right and goes across to go up Georgia
2 Avenue, and this occurs both in the a.m. and peak hours.
3 MS. RANDALL: Uh-huh.
4 MR. KAUFFUNGER: I'm asking you. Do you observe
5 it in both the areas?
6 MS. RANDALL: I can't say that I have observed
7 what I would call heavy volume because in order to -- doing
8 that cut through movement because I would have to
9 continually follow those cars but it would not surprise me
10 because of the issues at Georgia and Randolph and the
11 congestion at that interchange. So, I do see this as a cut
12 through, and it makes sense that you have seen this.
13 Certainly, I have traveled on both of those roads, and I've
14 followed behind individuals that are doing just that
15 movement, and there were a couple of different things that
16 could be done to reduce that.
17 One of the things that I did observe was, and
18 quite surprised by, the number of people that are parking on
19 Glenallan between Layhill and Randolph, and quite a number
20 if not the majority of those individuals are walking to the
21 Metro station. So, there's part of that flow in the morning
22 as they're taking a parking space and then walking across to
23 the Metro station. And there, again, a number of things
24 that could be done to alleviate that kind of impact on this
25 local street.

1 MR. KAUFFUNGER: I deviated off to this set
2 example. I'd like to go back to discussion of HCM. It
3 would be appropriate, though, to say from what, well, if my
4 understanding is correct, HCM as you've described it, would
5 include in their calculation all the vehicles that have come
6 into an intersection when they're breaking it down to delay.
7 MS. RANDALL: Just as the CLV calculation does, so
8 does the HCM. If, as an example, an HCM analysis looks at
9 right on red or what we call a free right turn where you
10 have a specific right turn lane and an accelerating lane for
11 those rights while they are "considered" in that that's an
12 input item just as it is CLV, that right turn does not
13 impact the intersection delay and so it is discounted. It
14 doesn't get put into the calculation any more than a through
15 volume that's running parallel. An HCM looks at that as
16 well. I've got a through volume that's running parallel.
17 They're both using the same green time, not conflicting
18 green time but the same green time. So, both methodologies
19 are counting for all traffic. It goes into the calculation.
20 What it doesn't go into is the end result in terms of delay
21 in both cases.
22 MR. KAUFFUNGER: You have incorporated the study
23 of ITS, Integrated Transportation Solutions, essentially in
24 your report.
25 MS. RANDALL: Yes.

1 MR. KAUFFUNGER: Now, a couple of things I won't
2 ask you to do because it could be very confusing as to what
3 Craig Hedberg had intended something to do.
4 MS. ROBESON: Well, let's just -- why don't we
5 move onto your points.
6 MR. KAUFFUNGER: Well, these are really, these are
7 confounding problems, okay, when you go over the analysis.
8 MS. ROBESON: All right.
9 MR. KAUFFUNGER: But, one of the difficulties that
10 we have had in understanding how to utilize the data that's
11 been presented by ITS is on page 5, Exhibit 3.
12 MS. ROBESON: Of the original traffic --
13 MR. KAUFFUNGER: Of the original of the ITS.
14 Well, it's the revised April 2007. I believe it's Exhibit
15 65. That's where I have it marked at.
16 MS. RANDALL: What page? Steve?
17 MR. ROBINS: Dick, did you say page 3?
18 MR. KAUFFUNGER: No. Exhibit 3, page 5.
19 MR. ROBINS: Exhibit 3. Sorry.
20 MR. KAUFFUNGER: One of the aspects of this study
21 that we find troublesome is that they identified four access
22 points along Glenallan to the site and it's -- besides the
23 larger drawing at the bottom, they have this smaller
24 drawings up at the top, and I'm specifically talking about
25 circle 10, circle 11, circle 12 and circle 13.

1 MS. RANDALL: Uh-huh.
2 MR. KAUFFUNGER: And although they show direction,
3 they provide no volumes. Nor, in the case of 12, you would
4 also have volumes from the Metro garage that's directly
5 across from the site drive.
6 MS. ROBESON: Okay. So, we need to get to a
7 question.
8 MR. KAUFFUNGER: I mean, how do you do it --
9 MS. ROBESON: No. I'm not making fun. I'm trying
10 to --
11 MR. KAUFFUNGER: No. No. I understand that.
12 Okay? But the question is why isn't this provided when this
13 is one of the requirements of LATR?
14 MS. RANDALL: I cannot address whether Mr. Hedberg
15 looked at, under existing conditions, these particular
16 intersections.
17 MS. ROBESON: Now, what intersections exactly are
18 you referring to? The ones shown on the site, I mean, on
19 the development plan?
20 MR. KAUFFUNGER: Well, it would be helpful for me
21 to get the--
22 MS. ROBESON: Because I don't have that exhibit
23 that you're referring to. So --
24 MR. KAUFFUNGER: Okay. The presumption that
25 exists. Okay? He gives four points. Okay.

1 MS. ROBESON: Oh. So, you're talking about
2 existing access.
3 MR. KAUFFUNGER: Well, that's what he is saying.
4 MS. ROBESON: Okay.
5 MR. KAUFFUNGER: Also, there are -- what comes
6 into all of this is even flows out of the parking garage,
7 and how it influences things, and he provides no information
8 about traffic going in and out of the Metro and no
9 information about these various entrances that I don't want
10 to get into my argument.
11 MS. ROBESON: So, your question to Ms. Randall is
12 why doesn't it?
13 MR. KAUFFUNGER: Yeah. Why doesn't it and how do
14 you do your calculations?
15 MS. ROBESON: And can you answer?
16 MS. RANDALL: Yes. I can. The LATR guidelines
17 are to look at signalized intersections. None of these are
18 signalized intersections, and, you know, as I've indicated
19 before, when we get to preliminary plan, staff certainly can
20 ask us to do that but it does not appear to be in this
21 particular case, the existing -- this is Exhibit 3, page 5
22 of the report. He has not assigned volume at that location.
23 He is recording --
24 MS. ROBESON: At which location? The exit to
25 Metro?

MS. RANDALL: At intersection 10, 11, 12, and 13 in his report.

MS. ROBESON: Okay.

MS. RANDALL: But, he does not give a driveway indication as to what this aligns with, this 10, 11, 13, and 12.

MS. ROBESON: Okay. I don't have that. So, if someone has an extra copy, that would really help me.

MS. RANDALL: Yeah.

MR. KAUFFUNGER: Okay. It was too heavy.

MS. RANDALL: We'll share.

MR. ROBINS: I'll share.

MS. ROBESON: For whatever reason, it's not up here.

MS. RANDALL: Page 5?

MR. ROBINS: I don't know. I just want to make sure.

MS. ROBESON: I won't look at anything you've written in there.

MR. ROBINS: As long as I didn't write anything about you.

MS. ROBESON: You could. It doesn't matter.

MR. KAUFFUNGER: It might not be legible.

MR. ROBINS: I have notes in there.

MS. ROBESON: I don't care. I'll look right over

1 them. I promise. I just want to understand what she's
2 talking about. Now, go ahead. I see. And are those, that
3 10, 11, 13, 12, are they existing access points?
4 MS. RANDALL: They are not.
5 MS. ROBESON: Okay.
6 MS. RANDALL: And this is dealing with existing
7 traffic volumes.
8 MS. ROBESON: So, why are they even in there?
9 MS. RANDALL: I think from a production point of
10 view, just putting them in and just not having a value in.
11 When you create these graphics, I mean, it's really just a
12 production issue in printing out graphics. That's the only
13 thing I can think from Mr. Hedberg's point of view.
14 MS. ROBESON: Well, are these proposed access
15 points? Because I don't see four proposed access points.
16 MR. ROBINS: On the development plan?
17 MS. ROBESON: Yeah.
18 MS. RANDALL: I think in earlier iterations --
19 MS. ROBESON: I see three.
20 MR. ROBINS: One, excuse me. There's one into the
21 garage.
22 MS. ROBESON: Oh. Okay. That one I didn't see.
23 MR. ROBINS: There's one here and then there was
24 also an emergency access point.
25 MS. RANDALL: Yes. Yeah.

1 MR. ROBINS: Right here. Right on the development
2 plan in between buildings B and D.
3 MS. ROBESON: Well, let me ask you -- go ahead.
4 MR. KAUFFUNGER: When I was raising a hand --
5 MS. ROBESON: Oh.
6 MR. KAUFFUNGER: I'm responding to Vicki behind me
7 talking to me.
8 MR. BRONSTEIN: He's multi-tasking.
9 MS. ROBESON: I know that's hard. I got
10 teenagers. I got five hands.
11 MR. KAUFFUNGER: Yes. How many kids do you have?
12 MS. ROBESON: No. Five. Never mind.
13 MR. KAUFFUNGER: Okay. Yeah. It's okay.
14 MS. ROBESON: Well, let me ask you something. As
15 part of -- the Council already determined that site access
16 is adequate.
17 MR. KAUFFUNGER: No question it's adequate.
18 MS. ROBESON: So, I guess my question to you is
19 whether or not these have volumes associated with it, is
20 that relevant to this proceeding? And it's just a question.
21 MR. KAUFFUNGER: I believe ultimately it does.
22 MS. ROBESON: Okay.
23 MR. KAUFFUNGER: Because it's how you get the
24 traffic assigned, and one of the issues eventually comes in
25 as to whether or not how do you count, how do you discount

1 the apartments? This is the measurement that you would have
2 of how much flow there is out of that complex. They've
3 claimed--
4 MS. ROBESON: Oh. I see what you're saying. How
5 do you attribute what's being removed --
6 MR. KAUFFUNGER: If you don't, yeah.
7 MS. ROBESON: -- if you don't show it.
8 MR. KAUFFUNGER: Yes.
9 MS. ROBESON: But, LATR isn't studying -- well,
10 that goes to trips generated.
11 MR. ROBINS: Uh-huh.
12 MR. KAUFFUNGER: Yes.
13 MS. ROBESON: Okay. So, your question is as to
14 trips generated?
15 MR. KAUFFUNGER: Yes. Exactly.
16 MS. ROBESON: And so your question to Ms. Randall
17 is are those assumptions, your assumptions, regarding trip
18 generation that are they still accurate?
19 MS. RANDALL: Yes. They are.
20 MS. ROBESON: And how did you account for removing
21 the existing building?
22 MS. RANDALL: In the ITS report, the assumption
23 when the 1,500 dwelling units are built, the 352 apartments
24 will no longer be there. He looked at the development
25 stages for stage 1 and a certain number of those apartments

1 would still be there. The apartment traffic is on the road
2 today. It's generating traffic back and forth. And the
3 assumption on the part of Mr. Hedberg and staff is that they
4 have a right to those 352 apartments. If they don't build
5 anything, they can keep going with the 352. But, as you
6 pull them out, you can reduce the proposed development
7 quantities by that amount which will remain so that you've
8 got apples to apples kind of --
9 MS. ROBESON: Because it's no longer in the
10 background.
11 MS. RANDALL: Exactly.
12 MS. ROBESON: Okay.
13 MS. RANDALL: Exactly. So, the traffic is there.
14 It's accounted for, and at the time of the study back in
15 2006, I don't think, though, that they accounted for what
16 the vacancy was at that particular moment, and I don't know
17 what the vacancy rate was at that particular moment.
18 MS. ROBESON: So, essentially, okay. So, in your
19 study, and I think this is what, correct me if this isn't
20 what you're getting to. In your study, did you assume full
21 occupancy of those units?
22 MS. RANDALL: In my original study, I did, and
23 if --
24 MS. ROBESON: And when you say original, that's
25 2008.

1 MS. RANDALL: 2008. That's correct. We didn't
2 consider what the occupancy was in 2011 because it would not
3 make -- and we were comparing existing to existing.
4 MS. ROBESON: Well, if you assumed it in 2008,
5 that seems like it would be in your background for 2011.
6 That would already be incorporated into your, oh. I see.
7 No. I see what you're saying.
8 MS. RANDALL: It's existing.
9 MS. ROBESON: Right.
10 MS. RANDALL: So, it's part of the existing count.
11 So, let's assume --
12 MS. ROBESON: So, you did assume 100 percent
13 occupancy in those apartments in the 2008?
14 MS. RANDALL: We did assume for purposes of trip
15 generation which is very typical of LATR studies. They
16 don't go back to look at what the vacancy rate is. They
17 look at what they are allowed as a matter of right.
18 However, I did understand that this was a concern and an
19 issue, and the increase, if we were to put back into the
20 calculation, they had a 40 percent vacancy rate or have a 40
21 percent vacancy rate.
22 MS. ROBESON: So, those potential trips wouldn't
23 show up in existing traffic.
24 MS. RANDALL: That's correct.
25 MS. ROBESON: Yeah.

1 MS. RANDALL: That's correct. And that will add
2 57 cars in the p.m. peak hour. We are not talking about
3 hundreds of cars, and by the --
4 MS. ROBESON: So, does that impact your LATR
5 levels of service?
6 MS. RANDALL: No. It does not. It does not
7 change any of our levels of service. That reduction, by the
8 time it gets disbursed through the various intersections and
9 all of the intersections are without the grade separated
10 interchange are all operating well within the 1,800. If I
11 took that 50 --
12 MS. ROBESON: Seven.
13 MS. RANDALL: Fifty-seven. Sorry. Fifty-seven
14 and added that totally without regard to whether or not that
15 total volume would be in the critical movement, if I added
16 that to every single one of these intersections --
17 MS. ROBESON: They would still operate --
18 MS. RANDALL: It would still operate well within
19 the standard when you consider the grade separated
20 interchange, and the only intersection where it would affect
21 without the grade separated interchange would be that of
22 Randolph and Georgia Avenue which was sitting on the
23 threshold without the interchange.
24 MS. ROBESON: I got you. Okay.
25 MR. KAUFFUNGER: Doing a traffic study at some

other place and it's a built out community of let's say 300 homes, do you count the traffic coming out of that community or do you estimate what the generation rate is and you multiply it times the 300 units?

MS. RANDALL: It would depend.

MR. KAUFFUNGER: What's practice, I guess?

MS. RANDALL: Again, it would depend on the jurisdiction and what has vested rights and the reason behind doing the traffic study.

MS. ROBESON: Well, how about this -- let's just say in Montgomery County.

MS. RANDALL: In this jurisdiction, they request us to use the trip generation from what is permitted. So, in this particular case, 352 --

MR. KAUFFUNGER: For existing? For an existing community?

MS. ROBESON: Wait. Wait. Wait. Let her finish her answer. Okay? Go ahead.

MS. RANDALL: Yes. For an existing community, they would ask us to take a look at the trip generation for the existing community and that then is subtracted from what redevelopment you're going to do. The developer has the option if he wants to count the driveway, he certainly can do that. But the typical is to take a look at what is permitted as a matter of right for that development and then

subtract out what the difference will be.

MS. ROBESON: I see. So, the question is are those 57 trips -- is the partial occupancy -- you have to add the full occupancy in and then remove it for the new development and the question is where does that 57 trips come into the analysis. But, you're saying that even if it were existing today, the 57 trips were existing today, it wouldn't impact levels of service.

MS. RANDALL: No. It would not.

MS. ROBESON: Go ahead.

MR. KAUFFUNGER: I will ask the question a slightly different way. Is the diversion of 15 percent of the traffic to Metro is that roughly the same size as the number of the traffic -- oh, God. How the hell I'm doing. Asking the --

MS. ROBESON: We should have coffee in there or something stronger maybe. That could help us.

MS. RANDALL: Yeah.

MS. ROBESON: When you say diversion of 15 percent are you talking about the 15 percent reduction due to the --

MR. KAUFFUNGER: Yes.

MS. ROBESON: -- proximity to Metro?

MR. KAUFFUNGER: Yes. And he refers to it as diversion. That's the reason.

MS. ROBESON: Okay. I understand.

1 MR. KAUFFUNGER: Yeah. But this, in essence, is
2 an extension of that same argument. Okay? You want to take
3 credits and lowering the generated traffic by taking credits
4 this way but you just dismiss something that could, on the
5 order of magnitude, percentage wise, okay, it's about the
6 same thing. It's different numbers.
7 MS. ROBESON: right.
8 MR. KAUFFUNGER: But it ends up being about the
9 same size.
10 MS. ROBESON: Okay. Well, that's something I
11 think --
12 MR. KAUFFUNGER: I'll testify on that.
13 MS. ROBESON: Exactly.
14 MR. KAUFFUNGER: Yeah. Okay. Thank you for
15 getting me straight.
16 MS. ROBESON: I don't know about that.
17 MR. KAUFFUNGER: Page 39, we go through stages 1
18 and 2 background traffic volumes. This is Exhibit 9.
19 MS. ROBESON: Wait. Exhibit 9. Is that the
20 traffic --
21 MR. KAUFFUNGER: It's the drawings Exhibit 9.
22 MS. ROBESON: Oh.
23 MR. KAUFFUNGER: Page 39 in our exhibits, 65.
24 MS. ROBESON: Which is the original --
25 MR. KAUFFUNGER: It's the original ITS.

1 MS. ROBESON: -- Integrated Traffic Solutions
2 stuff.
3 MR. KAUFFUNGER: It's the revised April 2007 ITS
4 traffic study.
5 MS. ROBESON: So, I'm on page 39, Exhibit 9.
6 MR. KAUFFUNGER: Okay. It has been acknowledged
7 that Metro has built and will open on April 1st of this year
8 a new Metro parking garage. It would be -- it's located
9 where the circle 2 is down at the bottom but it's expanding
10 circle 2 at the top.
11 MS. ROBESON: Okay. Just remember you're asking
12 questions.
13 MR. KAUFFUNGER: I'm trying to just guide it to
14 her.
15 MS. ROBESON: Assume that that's the case.
16 MR. KAUFFUNGER: Okay. Oh. Okay.
17 MS. ROBESON: Okay. Go ahead.
18 MR. KAUFFUNGER: Assuming that that Metro station
19 is going to open, is that incorporated in the eastbound
20 trips on Glenallan Avenue at the intersection with Georgia
21 Avenue.
22 MS. RANDALL: It shows volume coming out of the
23 Kiss and Ride. Yes.
24 MS. ROBESON: Wait. Is the Kiss and Ride the
25 parking garage he's referring to?

1 MS. RANDALL: Yes. That's going to be the eventual
2 location of the parking garage.
3 MS. ROBESON: It doesn't show existing volume or
4 proposed volume?
5 MS. RANDALL: This is, as stated down below --
6 MR. KAUFFUNGER: It's there now.
7 MS. RANDALL: -- stage 1 and 2 background traffic
8 volumes a.m. and p.m. peak.
9 MS. ROBESON: So, it's showing existing.
10 MS. RANDALL: It's a combination of existing and
11 background, I would assume.
12 MS. ROBESON: Okay. So --
13 MR. KAUFFUNGER: What is background traffic?
14 MS. RANDALL: Background traffic is any approved
15 development that has not yet been built.
16 MR. KAUFFUNGER: Okay. Why wouldn't that be the
17 parking garage?
18 MS. RANDALL: It would be. That's what I've just
19 said. That it's a combination of existing and garage
20 traffic.
21 MS. ROBESON: Does Exhibit 9, you're saying that
22 Exhibit 9, intersection 2. Does that show volume including
23 what is proposed for the parking garage?
24 MS. RANDALL: I think the better way to look at
25 this would be to look at, if I can?

1 MS. ROBESON: Oh. Yeah. Go ahead.
2 MS. RANDALL: Would be to look at Exhibit 6 before
3 this which is on page 35. This is stage 1 approved
4 development traffic. This is the volume of traffic that was
5 added to the existing volumes because there is a Kiss and
6 Ride lot at the location or was at the time that these
7 counts were taken. So, this volume that is shown at the
8 Kiss and Ride is the volume associated with the garage which
9 was one of the background developments, added to the
10 existing volume which then is shown on figure 39, the
11 combined total, Exhibit 9 which is the combined background
12 and --
13 MS. ROBESON: Existing?
14 MS. RANDALL: Yeah. Yeah.
15 MS. ROBESON: So, the garage is accounted for?
16 MS. RANDALL: Yes.
17 MS. ROBESON: Traffic coming and leaving the
18 garage is accounted for?
19 MS. RANDALL: The traffic that was contained in
20 this, yes, is accounting for that garage. That's correct.
21 MS. ROBESON: And how many spaces is the garage?
22 MS. RANDALL: The garage, I believe is 1,100
23 spaces. I apologize. I don't recall the total number.
24 MS. ROBESON: No. That's okay. And that's
25 accounted for in these numbers?

1 MS. RANDALL: It is accounted for and I did call
2 to find out exactly. This information was provided. They
3 didn't have a copy or Mr. Hedberg did not have a copy of
4 that study either. This information was provided to him
5 through the review of previously approved traffic studies
6 and/or through staff. He didn't recall --
7 MS. ROBESON: Okay.
8 MR. KAUFFUNGER: All right. I have gotten lost
9 when you went back to Exhibit 6 on page 35. I don't know.
10 Which numbers you're saying? Which numbers count the
11 traffic generated by the new west Metro parking garage?
12 Which is it? The data on page 35 or the data on page 39?
13 MS. RANDALL: The answer to that question would be
14 both. It is an addition of -- there is existing volume that
15 is accounted for from the, at the time this report was done,
16 the Kiss and Ride was open and then there was additional
17 traffic that was going to come in because of the garage.
18 So, it is a combination of volume, both the existing as well
19 as the planned garage volume that make up the numbers
20 associated with Exhibit 9.
21 MS. ROBESON: Because it was part of the
22 background traffic?
23 MS. RANDALL: Yes.
24 MS. ROBESON: Okay.
25 MR. KAUFFUNGER: Thank you for that answer. Page

1 43. Again, this is combined stages 1 and 2, site trips in
2 the a.m. and p.m. peak hours, and yet the smaller drawings
3 of circle 18, 19, 20, and 21 give us no numbers. Now, we're
4 talking about the literally the four entrances and exits
5 that are on Glenallan.
6 MS. RANDALL: I apologize. Is there a question?
7 MR. KAUFFUNGER: Yes.
8 MS. ROBESON: Why?
9 MS. RANDALL: Oh. Why? Okay.
10 MS. ROBESON: Why doesn't it give us numbers?
11 That's my extrapolation.
12 MR. KAUFFUNGER: Okay. Thank you.
13 MS. RANDALL: Sorry. Again, none of these
14 intersections are signalized. That's the only reason that I
15 can think.
16 MS. ROBESON: So, basically, no volumes were
17 provided because they weren't required to be studied.
18 MS. RANDALL: That's not unusual, particularly at
19 a zoning level kind of study. When we get into doing a
20 preliminary plan analysis, you'll look at them. I have no
21 reason to think that any of those intersections just given
22 the development quantities are not going to be operating
23 well within LATR standards. But --
24 MS. ROBESON: Okay. All right. Yes.
25 MS. RANDALL: But at the time of preliminary plan,

you're going to be looking at a whole host of issues with regards to access and this access may very well change as well.

MS. ROBESON: Okay.

MR. KAUFFUNGER: There is also a road that traverses the property roughly east to west. Does that tie --

MS. ROBESON: Into Layhill and Georgia?

MR. KAUFFUNGER: -- Layhill? Yes. Okay. From here over to, well, Georgia Avenue over to Layhill.

MS. RANDALL: Uh-huh.

MR. KAUFFUNGER: Okay.

MS. RANDALL: Uh-huh.

MR. KAUFFUNGER: There on this site, okay. On the combined site trips that are coming from this property, do any of them go directly out onto Layhill or Georgia Avenue?

MS. RANDALL: Again, they didn't address those right in, right out access points because they are right in, right out entrances. They will never exceed the LATR standard. Clearly, vehicles will enter both of those access points, northbound Georgia Avenue to make a right in or westbound Layhill coming into that. Those access points will be used but there's not conflict in the traditional intersection because of the medians both on Layhill as well as Georgia Avenue.

1 MS. ROBESON: All right. Mr. Kauffunger, do you
2 have other questions?
3 MR. KAUFFUNGER: Okay. I will let that one die
4 for now. Now, it's just notes that I took down while she
5 was testifying. So, I have to go back and kind of refresh
6 for myself.
7 MS. ROBESON: Okay. Yes, sir, Mr. Bronstein?
8 MR. BRONSTEIN: May I just a little correction?
9 The advertised capacity of the second garage on the west --
10 MS. ROBESON: Okay. You can't testify now. It's
11 just questions.
12 MR. BRONSTEIN: Well, it's just something that was
13 said that I think is incorrect.
14 MS. ROBESON: Okay. Then you can say it when you
15 get to testify.
16 MR. KAUFFUNGER: You say it. Yeah.
17 MR. BRONSTEIN: Oh. Okay.
18 MS. ROBESON: What I'd like to do is finish up
19 cross-examination of Ms. Randall and then take a lunch
20 break, and then we'll come back.
21 MR. KAUFFUNGER: It's going to be very lengthy.
22 MS. ROBESON: It is?
23 MR. KAUFFUNGER: Yes.
24 MS. ROBESON: Okay.
25 MR. KAUFFUNGER: Should we break now?

1 MS. ROBESON: Do you have any problem breaking
2 now? Let's take a 45 minute lunch break. It's 12:30. So,
3 we'll be back at 12:15.
4 MR. ROBINS: 1:15.
5 MS. ROBESON: I mean 1:15. Sorry about that.
6 Okay. We're off the record.
7 (OFF THE RECORD)
8 (ON THE RECORD)
9 MS. ROBESON: Okay. We return for the afternoon,
10 and we left off with Mr. Kauffunger's cross-examination, and
11 I believe he had not finished it.
12 MR. KAUFFUNGER: Yes.
13 MS. ROBESON: We're ready for you to continue.
14 MR. KAUFFUNGER: And I find myself lost now.
15 MS. ROBESON: Oh. No.
16 MR. KAUFFUNGER: Let me just try some scattered
17 things which is the only way I can pull it all back
18 together. Why was the project delayed for the last four
19 years?
20 MR. ROBINS: Objection.
21 MR. KAUFFUNGER: She's testified in a variety of
22 ways on this issue.
23 MS. ROBESON: If you know.
24 MS. RANDALL: I don't.
25 MR. KAUFFUNGER: Okay.

1 MS. ROBESON: Why is that relevant?
2 MR. KAUFFUNGER: Why is it relevant?
3 MS. ROBESON: Yeah.
4 MR. KAUFFUNGER: Then I'm going to answer because
5 it ends up because of economic conditions. Well, it's when
6 she talks about a decline in traffic. This same kind of
7 thing happened. Okay? The peak traffic fell off. Now that
8 economic conditions are improving, one can expect the
9 traffic will improve.
10 MS. ROBESON: Okay.
11 MR. KAUFFUNGER: Because it's a tracking --
12 MS. ROBESON: I understand your point.
13 MR. KAUFFUNGER: Well, the point. Yeah.
14 MS. ROBESON: And I think you could bring that out
15 in your -- well, or you can ask her if economics improve, to
16 you expect traffic to improve?
17 MR. KAUFFUNGER: Okay.
18 MR. ROBINS: To increase in volume.
19 MS. ROBESON: I mean, to increase.
20 MR. KAUFFUNGER: Was a very good question.
21 MS. ROBESON: Well, I thought that's what you were
22 asking.
23 MR. KAUFFUNGER: Well, you asked it much better
24 than I.
25 MS. RANDALL: Maybe another way to look at this is

1 that a traffic impact study is a snapshot in time. The
2 volume has been falling off since 2008. When they looked at
3 this in 2006, it was at the absolute max, and even with that
4 at that time, the interchange solved the problems in that
5 study and, yes. Over time, I would expect traffic to
6 increase to some degree. But, with the increase use of
7 transit and the increase in the number of funding for
8 transit services not just Metro but also bus lines, it could
9 remain static.
10 MS. ROBESON: Okay. If you don't mind, can you
11 turn your cell phones off because it interferes with the
12 recording equipment. So --
13 MR. KAUFFUNGER: You presented testimony that you
14 believe that the traffic drop off was also tied to the price
15 of gas and the ICC. Have you prepared any kind of an actual
16 cause and effect, you know, with timing to support that
17 point of view?
18 MS. RANDALL: No. Other than documents that have
19 been issued by the state addressing the statewide decline in
20 volume. You know, that goes to gas prices and the economy.
21 The ICC is just anecdotal from hearing from staff at Park
22 and Planning.
23 MR. KAUFFUNGER: Did you, I'm going to go back to
24 your HCM Synchro results. Did you calibrate those results
25 back at the -- in the area?

1 MS. RANDALL: The existing run --
2 MR. KAUFFUNGER: Yes.
3 MS. RANDALL: -- or the initial run with Synchro?
4 Yes. They are calibrated.
5 MR. KAUFFUNGER: And did you make use of Sim
6 Traffic as part of that calibration?
7 MS. RANDALL: Sim Traffic is part of the Synchro
8 analysis but it produces a completely different kind of
9 report and the effort here was not to run Sim Traffic. So,
10 no. We did not.
11 MR. KAUFFUNGER: You didn't use it to calibrate?
12 MS. RANDALL: Well, it was used initially to
13 calibrate. That's one of the ways in which you can observe
14 to see what's going on. So, certainly it was used for that
15 purpose from a calibration point of view. But, it was not
16 used in terms of the output that Sim Traffic produces.
17 MR. KAUFFUNGER: For a little while, I'd like to
18 just go to some of the data that you've produced, and see if
19 it brings out any, you know, better understanding of how
20 some of this works. Now, I'm actually going to the
21 appendices. The actual title of it is Appendix, Technical
22 Appendix. I'm not sure what the exhibit but I guess it
23 would be --
24 MS. ROBESON: I think it's 147F.
25 MR. KAUFFUNGER: 147F. Okay.

1 MS. ROBESON: That says Technical Appendix to the
2 May 6, 2008 traffic report.
3 MR. KAUFFUNGER: Right. And if we can go to one
4 of the intersections that was of great concern to the people
5 that live along Layhill. If we could go to page 5, and
6 these charts are quite tricky to read but after a while you
7 get used to it, and they really make sense. But, this is
8 just to bring to attention one fact for Ms. Robeson. You
9 have, up at the top, you have that intersection broken down
10 to the approaches. It turns out eastbound, eastbound, left,
11 through and right pertain to Layhill Road or in that case,
12 it's actually Judson Road. Westbound lefts and the throughs
13 and rights is Layhill Road. For this purpose, it's
14 considered an east/west road and then the northbound and the
15 southbound pertain to Georgia Avenue.
16 MS. RANDALL: Okay.
17 MR. KAUFFUNGER: As we've discussed, the unique
18 aspect of HCM Synchro and this is a combination of using HCM
19 methodology using the software Synchro, and by the way for
20 the record, what we're looking at is the existing a.m. peak
21 hour which is a real issue for --
22 MS. ROBESON: Okay. Well --
23 MR. ROBINS: Objection.
24 MR. KAUFFUNGER: Okay. No. No. I apologize.
25 MS. ROBESON: No problem.

MR. KAUFFUNGER: Yes. Okay? I crossed over.

MS. ROBESON: Now, which page are you on? Page --

MR. KAUFFUNGER: Page 5.

MS. ROBESON: Okay.

MR. KAUFFUNGER: I'd like to look at westbound lefts and look at the level of service for westbound lefts. Okay. What is the level of service for a westbound left on Layhill?

MS. RANDALL: For the left as reported in Synchro? It comes up as a level of service F.

MR. KAUFFUNGER: Okay. How many vehicles are involved in that in making the westbound lefts?

MS. RANDALL: 947.

MR. KAUFFUNGER: Now, are you finding these?

MS. ROBESON: Uh-huh. Yes.

MR. KAUFFUNGER: Okay. What is the delay for that movement of westbound lefts from Layhill onto Georgia?

MS. RANDALL: One hundred thirteen point one seconds.

MR. KAUFFUNGER: All right. Now, when we go towards the future, I'd like to go to 171. In this case, just for the record, we're talking about Layhill and Georgia, the a.m. peak hour. It's total future. It's also included in the grade separation improvement. When we look at that westbound lefts, what is the level of service for

the westbound lefts?

MS. RANDALL: F.

MR. KAUFFUNGER: What is the level of service?

MS. RANDALL: I answered.

MS. ROBESON: She answered it.

MR. KAUFFUNGER: Oh. I didn't hear you speak.

MS. ROBESON: Oh. Can you re-answer it?

MS. RANDALL: Yes. F.

MR. KAUFFUNGER: Oh. I never heard you speak.

MS. ROBESON: She said F.

MR. KAUFFUNGER: Okay. And what is the delay?

MS. RANDALL: One hundred forty seconds point one.

MR. KAUFFUNGER: Okay. What is the comparison to the existing to the total future with a grade separation? What could you say about that comparison?

MS. RANDALL: Between existing and total future?

MR. KAUFFUNGER: Existing at 113 seconds to --

MS. RANDALL: It increases.

MR. KAUFFUNGER: Yes. However, your testimony, it appears that you're not seeing that kind of increase in delay over time. Do you have anything -- when you sum it all up, you kind of indicate that everything is fine as a result of the grade separation. What accounts for this problem?

MS. RANDALL: Again, the reporting of an

1 intersection is not by approach. It's the overall operation
2 of the intersection. It just --
3 MS. ROBESON: Is that where it says HCM? At the
4 bottom it says HCM level of service D.
5 MS. RANDALL: It is down at the bottom where it
6 indicates the overall intersection capacity and utilization
7 and it indicates a level of service D.
8 MR. KAUFFUNGER: Okay. Would this be akin because
9 of the averaging effect of looking at all of the approaches
10 in common? Is this akin to the averaging effect that comes
11 from, let's say, there's no hunger in the world even
12 though --
13 MR. ROBINS: I'm not sure I follow.
14 MS. ROBESON: Okay. I don't understand that
15 question.
16 MR. KAUFFUNGER: What I'm saying is, when you look
17 at the HCM level of service D at the bottom --
18 MS. ROBESON: Yes.
19 MR. KAUFFUNGER: If you only look at that, one
20 could say there is no change. But the reality of it is that
21 for some people, there is a change. So, if you look at
22 everything, you could say there is no public interest issue
23 but there's certainly a public interest for my neighbors and
24 friends that live along Layhill Road.
25 MS. ROBESON: So, your question is --

1 MR. KAUFFUNGER: My question is, okay? Does the
2 averaging of the level of HCM level of service for the
3 intersection summary mask that there are real problems for
4 some people?
5 MS. RANDALL: In this particular case, I can't say
6 that that would be the case. Our reason for doing the
7 highway capacity methodology in the first place was to
8 understand how the queue was going to change. So, we kept
9 parameters from existing to background to total future the
10 same through that analysis. One of the things that we had
11 found as I mentioned earlier in my direct testimony from the
12 State Highway Administration is now that they have
13 progressed a little bit further with the grade separated
14 interchange, they plan on optimizing the signal system. So,
15 while this reports an approach that may be at level of
16 service F, our charge is to look at the intersection as a
17 whole. But, what I can say to the citizens that are going
18 to be dealing with this is they're going to see signal
19 timing changes that will be looking at not just the main
20 line but also the side streets when they come through and do
21 that optimization.
22 MR. KAUFFUNGER: I can't find in my notes but did
23 you do any modifications at all in the timing or the lanes
24 at that intersection as part of your study?
25 MS. RANDALL: Again, we kept a constant within our

analyses for existing, background and total future. The only thing that we did was to adjust at the intersection of Georgia and Randolph knowing that it was a whole new signal that was going to come in. We kept the overall signal timing change or signal timing there and did do some minor optimization because of the changes that were going to be done but we did not optimize the system.

MR. KAUFFUNGER: I'd like to just see how these kinds of -- since you represented that they're interested in the queuing effect of what happens that you learned from the HCM Synchro analysis, I'd like to go to page 186 which is the queue that would be at Layhill and Georgia under total future a.m. peak hour affects without the grade separation, and what, again looking at that critical movement for people along Layhill Road in the a.m. peak, what is the westbound left queue length for, of the 95th percentile?

MS. RANDALL: 936.

MR. KAUFFUNGER: Okay. There's a little footnote mark, number mark, alongside. What does that tell you?

MS. RANDALL: The 95th percentile volume exceeds capacity. Queue may be longer.

MR. KAUFFUNGER: And is there anything further under that?

MS. RANDALL: Oh. Sorry. Yes. Queue shown as maximum after two cycles.

MR. KAUFFUNGER: Okay. In that particular case, there is a very potential queue at that point.

MS. RANDALL: For the 95th percentile, that's correct.

MR. KAUFFUNGER: Okay. What is it for the 50th percentile?

MS. RANDALL: 785 feet.

MR. KAUFFUNGER: Would you like to explain to the Hearing Examiner what the 50th percentile is?

MS. RANDALL: Yeah. 50 percent of the time the queue may be less than that. 50 percent of the time, the queue may be greater than that. It is not, however, an average queue.

MR. KAUFFUNGER: Again, looking at the footnote at the bottom. In this case, it's a little squiggle line, I think you call it the approximation mark.

MS. RANDALL: Yes. Volume at its capacity, queue may be, queue is theoretically infinite. The squiggle line. The M. The volume for 95th percentile queue is metered by upstream signal. So, there are three different marks that may appear in these.

MR. KAUFFUNGER: Is that saying that there is no problem with queue problems at that intersection?

MS. RANDALL: No. That's not saying one way or the other.

1 MR. KAUFFUNGER: Okay. It's not saying anything.
2 Okay. The 198, if I got it right. 198 is the same
3 intersection considering the total future stage a.m. peak
4 traffic with the grade separation. Again, in this case,
5 what is the queue left?
6 MS. RANDALL: In this case for the 95th it's 814.
7 MR. KAUFFUNGER: And the 50th?
8 MS. RANDALL: 665.
9 MR. KAUFFUNGER: And I didn't have you point out
10 but what is the volume to capacity ratio for that movement?
11 MS. RANDALL: We’d have to go back to that
12 particular intersection to see.
13 MR. KAUFFUNGER: Well, what is it in this chart
14 that you presented when the grade separation is in place?
15 MS. RANDALL: Are you referring to page 198?
16 MR. KAUFFUNGER: Yes.
17 MS. ROBESON: Are you talking about reduced VC
18 ratio?
19 MR. KAUFFUNGER: No. I'm actually referring to
20 the one that's--
21 MS. ROBESON: Oh. BC ratio. I see it.
22 MR. KAUFFUNGER: The one that's showing VC ratio
23 up at the top.
24 MS. RANDALL: Up at the top. Thank you.
25 MR. KAUFFUNGER: Yes.

1 MS. RANDALL: I just needed to understand which
2 line you were referring to. It's one point one six.
3 MR. KAUFFUNGER: Okay. And what is known about
4 when you go above a volume to capacity? Well, why don't you
5 explain what the volume capacity ratio is?
6 MS. RANDALL: The volume to capacity ratio is --
7 theoretical capacity is one. Less than one, you're not
8 using all of the capacity. Greater than one, you are
9 exceeding the capacity of that particular movement. I think
10 what's important to remember with this and throughout any of
11 the Metro station policy areas just like CLV, the
12 theoretical capacity, you know, CLV is 1,600, and 1,800 is
13 permitted in Metro station policy areas.
14 MR. KAUFFUNGER: Right. Is there any standard
15 other than that you would want to go for maximum one point
16 zero that's applicable in Montgomery County or in the state
17 of Maryland?
18 MS. RANDALL: Again, this is not a methodology
19 that is typically used. It's not by the State Highway
20 Administration for review of development plans typically.
21 They have asked on occasion for Synchro to understand what
22 needs they may have for signal modification through their
23 system if you're introducing a new intersection or something
24 on that order. But, typically, they look, particularly in
25 zoning cases for CLV. Montgomery does as well. We did

1 this, as I've explained, to understand what the percent
2 change, the predicted percent change, may be because of this
3 interchange. So, we were looking at the reduction without
4 the grade, excuse me, without a grade separated interchange.
5 What was the 95th percentile queue? Then with the
6 interchange. What was that reduction? What was that
7 percent change so that we could predict using the required
8 LATR methodology as directed by the remand? What would we
9 anticipate in reduction of queue?
10 MR. KAUFFUNGER: You mentioned the State Highway
11 Administration. Are you saying, then, that for instance
12 it's the division on planning and preliminary engineering
13 recommends or finds that going above a VC ratio of one point
14 zero is an acceptable?
15 MS. RANDALL: Yes. As a matter of fact, I do.
16 I'm currently working on the Maryland State Highway
17 Administration guidelines. They're going through and doing
18 their revisions right now. The one thing that has been
19 stated at numerous of these meetings is that they will abide
20 by the local jurisdiction standards.
21 MS. ROBESON: Okay. So, if you have a CLV volume
22 of 1,800 does that permit a VC ratio under the queuing,
23 under this analysis greater than one?
24 MS. RANDALL: Yes.
25 MS. ROBESON: Okay.

1 MS. RANDALL: It does. CLV 1,600 is equal to one.
2 MS. ROBESON: Okay.
3 MS. RANDALL: 1,800 is greater than one.
4 MS. ROBESON: Okay.
5 MR. KAUFFUNGER: Who is it that you're working
6 with in the State Highway Administration on this issue?
7 MS. RANDALL: I'm working with a whole committee.
8 There are about 15, 20 people that are on this committee.
9 Access Permits Office is chairing these.
10 MR. KAUFFUNGER: Okay.
11 MS. ROBESON: All right.
12 MR. KAUFFUNGER: It's helpful. No. She gave
13 testimony. I just wanted to find out --
14 MS. ROBESON: Okay. That's fine.
15 MR. KAUFFUNGER: I've got to get some things back
16 in the reports. You were asked at one point by Mr. Robins
17 about pedestrian accessibility. You answered it partially
18 with a binding or he answered it by referring to some
19 binding elements on page or I mean Exhibit 144A. Could you
20 explain to us how the, how safe the kind of accessibility
21 approach that has been proffered is safe having multiple
22 access points along Glenallan, along Georgia Avenue, and
23 along Layhill Road?
24 MS. RANDALL: I think I need clarification on the
25 question.

1 MS. ROBESON: Yeah. I'm not a hundred percent
2 sure what you're asking.
3 MR. KAUFFUNGER: Well, Mr. Robins asked about
4 pedestrian accessibility.
5 MR. ROBINS: I never asked about that.
6 MS. ROBESON: Yeah. I don't recall that either.
7 MR. KAUFFUNGER: I wrote that down in my notes.
8 MS. ROBESON: I think I asked about it.
9 MR. ROBINS: I never asked about it.
10 MR. KAUFFUNGER: Oh. Okay.
11 MS. ROBESON: I'm the culprit. But, and I think--
12 MR. KAUFFUNGER: Well, I actually have in parens
13 right after raised by Robins.
14 MR. ROBINS: That would be incorrect.
15 MS. ROBESON: What I am just looking for is the
16 remand because I think Mr. Robins response was that it's not
17 covered by the remand because in their resolution the County
18 Council said that they found site access to be adequate.
19 MR. KAUFFUNGER: I'm not asking about -- I'm
20 extending it to safety.
21 MS. ROBESON: Well, that's part of the --
22 MR. ROBINS: But, I said that to --
23 MR. KAUFFUNGER: Well --
24 MS. ROBESON: Go ahead, Mr. Robins. What?
25 MR. ROBINS: Well, it was page 25 of the remand.

1 MS. ROBESON: Yeah. I'm looking for --
2 MR. ROBINS: And it said -- shall I read it or
3 would you--
4 MS. ROBESON: No.
5 MR. ROBINS: You read it.
6 MS. ROBESON: I'll read it.
7 MR. ROBINS: Okay.
8 MS. ROBESON: So, it says the proposed development
9 would serve the safety, convenience and amenity of site
10 residents by providing pedestrian friendly, transit oriented
11 urban style housing options in a development near, I'm going
12 to paraphrase it, near transit with streets, gaping open
13 spaces, and the convenience of onsite retail. The applicant
14 cannot commit to specific pedestrian safety measures along
15 Glenallan because of the need for county approval but the
16 evidence establishes a clear intent to work with the
17 appropriate agencies to develop measures such as pedestrian
18 crossing signals which will allow site residents to make use
19 of their convenient Metro access safely and will allow area
20 residents to access the subject site safely, and the way I
21 read that is they have agreed that there was already enough
22 in the record to address that issue and that that is
23 something that's going to be more specifically addressed at
24 subdivision. Now, can you proffer what you were going to
25 ask about pedestrian safety? Can you tell me what you were

1 going to ask?
2 MR. KAUFFUNGER: I'm trying to frame it in the
3 right way. Okay?
4 MS. ROBESON: Uh-huh.
5 MR. KAUFFUNGER: Ms. Randall, are you aware that
6 the county put in place pedestrian crossing signals at the
7 Layhill/Glenallan intersection?
8 MS. RANDALL: Yes. There are pedestrian signal
9 heads and indicators for crossing at that location. We're
10 speaking of Layhill and Glenallan?
11 MR. KAUFFUNGER: Yes.
12 MS. RANDALL: I just want to make sure that I've
13 got the right intersection.
14 MR. KAUFFUNGER: Right.
15 MS. RANDALL: Yes.
16 MR. KAUFFUNGER: What impact will that have on
17 that intersection from the standpoint of the operations of
18 the intersection?
19 MS. RANDALL: It would depend. From an
20 operational point of view, it would depend upon the timing
21 of that ped signal but also, more importantly, the quantity
22 of ped in terms of the call up.
23 MR. KAUFFUNGER: Ped being?
24 MS. RANDALL: Pedestrian.
25 MR. KAUFFUNGER: Okay.

1 MS. RANDALL: My apologies. Pedestrian.
2 MS. ROBESON: Okay. Where are you going with
3 this? Because I assume that the signal is going to be
4 coordinated with the other, any other crossings at the time
5 of subdivision. So --
6 MR. KAUFFUNGER: I probably came to -- I was
7 thinking I could bring it out in cross-examination and maybe
8 I can't do it that way.
9 MS. ROBESON: Why don't we wait for your
10 testimony.
11 MR. KAUFFUNGER: Yes.
12 MS. ROBESON: Okay?
13 MR. KAUFFUNGER: Yes. There are traffic studies
14 that I have read that consider besides background traffic
15 also growth factors. Have you consider that at all? Should
16 I clarify growth factors?
17 MS. RANDALL: No. I understand the question. The
18 LATR guidelines do not require a growth factor. Other
19 jurisdictions, some do. Some don't.
20 MR. KAUFFUNGER: What about HCM when you are
21 projecting out to the future? HCM. Do you build --
22 MS. RANDALL: No. Growth factor is something that
23 if you apply it in a particular jurisdiction if they require
24 that growth factor, you would then apply it whether you're
25 doing CLV or HCM or any other. But, in this --

1 MR. KAUFFUNGER: But, you used the example,
2 though, that it's not in the requirements of the LATR and
3 the LATR is not -- there's nothing legislating that it
4 should be used at the time of zoning. So, why do we dismiss
5 it?
6 MS. ROBESON: Well, I think the standard approved
7 here is whether it's reasonably or whether -- what the
8 applicant has to prove here is whether they're going to meet
9 the county's LATR standards. All right? That is the key
10 issue and not whether they're going to meet some other
11 standard. Because the question that you look at zoning is,
12 is there enough there to show that we're not just approving
13 this and letting it go forward. It's kind of a threshold
14 showing.
15 MR. KAUFFUNGER: Except for one thing. I'm going
16 to --
17 MS. ROBESON: Plus, excuse me. Just a second.
18 MR. KAUFFUNGER: I'm going to argue law. Okay?
19 MS. ROBESON: Plus, I don't see the growth factor
20 as being too much of a factor in this economy. But --
21 MR. KAUFFUNGER: Right.
22 MS. ROBESON: Go ahead.
23 MR. KAUFFUNGER: Okay. The point that I would
24 like to argue with you, and this is the argument that I used
25 20 plus years ago to even incorporate transportation review

1 as part of the zoning process. Because at that time --
2 MR. ROBINS: I'm going to object.
3 MS. ROBESON: Basis.
4 MR. ROBINS: He testified this is --
5 MS. ROBESON: Do you want him to stop arguing?
6 MR. ROBINS: I mean, this is cross-examination,
7 and he's arguing --
8 MS. ROBESON: It is.
9 MR. ROBINS: -- with you not with --
10 MS. ROBESON: No. No. No. It's okay.
11 MR. KAUFFUNGER: Now, you raised the question of
12 the law.
13 MS. ROBESON: Now, I just want you to tell me your
14 point.
15 MR. KAUFFUNGER: My point is we are not applying
16 LATR. What we are applying is whether or not the conditions
17 that exist today or that will exist in the future could make
18 this property, in effects, its effects incompatible with the
19 surrounding area.
20 MS. ROBESON: Well, I'm not going to add a growth
21 factor to some --
22 MR. KAUFFUNGER: I'm not going to continue that.
23 But, I'm arguing a point of law that you've said, I think.
24 MS. ROBESON: Okay. Well, that is something that
25 you can argue in your closing argument.

1 MR. KAUFFUNGER: Okay. Okay.
2 MS. RANDALL: I would like to point out on page 1
3 of the LATR guidelines it states the LATR guidelines are
4 also recognized as the standard to be used by applicants in
5 the preparation of reports to the Board of Appeals and the
6 Hearing Examiner for special exception and zoning cases
7 brought before these bodies.
8 MS. ROBESON: Right. There are other factors that
9 can be considered, in my opinion, and based on
10 compatibility. But, simply challenging, you know, that the
11 LATR should have a growth factor is not, in my opinion, one
12 of them.
13 MR. KAUFFUNGER: I'm not arguing that.
14 MS. ROBESON: Okay.
15 MR. KAUFFUNGER: I was arguing an interpretation
16 of, again, LATR --
17 MS. ROBESON: Okay.
18 MR. KAUFFUNGER: -- being the universal excuse --
19 MS. ROBESON: I don't think she interpreting the
20 LATR universally. I think that it's the standard in this
21 county as far as what you have to prove at the zoning. So,
22 do you have other questions?
23 MR. KAUFFUNGER: Ms. Randall, you mentioned
24 several places where you optimized and modified lanes or
25 signal timing. Is there a list of these places that you

could inform us about?

MS. RANDALL: Yes. As I indicated --

MS. ROBESON: It was primarily at Georgia and Randolph?

MS. RANDALL: That's correct.

MS. ROBESON: Were there any other places?

MS. RANDALL: We did include the road improvement that we discussed earlier at the intersection of Glenallan and Layhill, that lane use change. That was in response to both discussions with the community and reading of the transcript from the earlier hearing.

MS. ROBESON: And that was factored into the queuing analysis?

MS. RANDALL: That was factored into the queuing analyses for the total future with improvements.

MS. ROBESON: Okay.

MS. RANDALL: Okay? So, without it and then with. Because we wanted to be able to show what that would do even though at that particular location the queue did not exceed the standard --

MS. ROBESON: Does the queue exceed the standard under either scenario whether it's there --

MS. RANDALL: With the grade, excuse me. No. It does not.

MS. ROBESON: Okay.

1 MS. RANDALL: At that location, it does not exceed
2 the standard --
3 MS. ROBESON: Okay.
4 MS. RANDALL: -- with or without improvements.
5 MS. ROBESON: Okay. I'm sorry.
6 MR. KAUFFUNGER: So, there are no other instances
7 where any kinds of modifications were made?
8 MS. RANDALL: To the best of my recollection
9 that's the case. I would have to go back because the
10 interchange itself makes some changes at, I believe it's
11 called Glenmont Circle.
12 MS. ROBESON: Uh-huh.
13 MS. RANDALL: So, there are some changes that are
14 going to occur at that intersection and the effect on
15 Layhill -- I'd have to go back to my notes but I believe
16 that is correct. That we did not go through and fully
17 optimize the entire system and run it in that fashion.
18 MS. ROBESON: And I'm sorry, Mr. Robins. I
19 interrupt. Do you have any other objections right now?
20 MR. ROBINS: NO.
21 MS. ROBESON: Okay. Mr. Kauffunger?
22 MR. KAUFFUNGER: We've touched on this in a
23 variety of ways but can you directly compare the level of
24 service calculated under CLV with the level of service that
25 you get from HCM Synchro? In other words, this level, you

1 know, at 1,200 is equivalent to this amount of delay. Is
2 there any kind of a comparison that way?
3 MS. RANDALL: There is a -- the methodologies are
4 different. One is a planning tool. One is an operations
5 tools, generally. But, there are levels of service that are
6 given for CLV value of a certain magnitude, and it goes
7 through the alphabet the same way that there is an amount of
8 seconds per delay that is assigned to a similar, going
9 through the alphabet, A through F. So, in that sense,
10 there's that comparison.
11 MR. KAUFFUNGER: Is it when you do the comparison,
12 okay. I just gave the number and decibels. Okay? Is a
13 level of service E, would the driver, would the pedestrian
14 feel that a level of service E under critical lane volume
15 feel that the intersection operated totally the same as an
16 intersection that under HCM Synchro was a level of service
17 E?
18 MS. RANDALL: For both methodologies, it would
19 depend upon the approach that they're on.
20 MS. ROBESON: Okay. Assume it's the same
21 approach.
22 MS. RANDALL: Yeah.
23 MS. ROBESON: What's the difference? I think he's
24 getting at.
25 MS. RANDALL: You probably would feel something

very similar. My experience has been in running HCM analysis versus CLV is that CLV is usually predicting a worse case than HCM. Because in HCM, by adjusting, optimizing signal timing that may not be what is there in the field. Okay? But, by moving and adjusting the signal timing in the HCM there's more flexibility. In CLV, there is not. It is a set formula and there is not that same kind of flexibility. And from an existing point of view where you're taking existing signal timing and making no further changes to that in a CLV there may not be a direct comparison. But, that is going to be based on whether or not the signal timing has been given priority, as an example, for a main line and not enough timing for a side street or a particular turning movement.

MS. ROBESON: Okay. Did that answer your question, Mr. Kauffunger?

MR. KAUFFUNGER: I think I need to address it in my testimony.

MS. ROBESON: Okay. All right.

MR. KAUFFUNGER: Now, earlier in this case, prior to your involvement, there was submitted into the record, and I don't know what exhibit number it is now, but statements from Phil Tarnoff, Gil Peterson, and Dr. Chang whose chair of the transportation department at the University of Maryland suggesting that CLV is not

appropriate to use at congested intersections. Do you differ in your opinion about using CLV at congested intersections?

MS. RANDALL: I would have to see the context by which they made that statement.

MR. KAUFFUNGER: Context was --

MS. ROBESON: Are these documents that were entered in the record prior to remand?

MR. KAUFFUNGER: Yes.

MR. ROBINS: And actually, it wasn't a document. It was Mr. Kauffunger doing exactly what he's doing today many years ago just stating what they said. There was no letters, no backup, no anything.

MR. KAUFFUNGER: Okay.

MR. ROBINS: So, I will continue my objection as hearsay understanding --

MS. ROBESON: right.

MR. ROBINS: -- where you may go with this. But, I don't see the relevance in --

MS. ROBESON: Let's not ask her -- she already answered in her opinion --

MR. KAUFFUNGER: Okay.

MS. ROBESON: -- what the difference between HCM and CLV is. So, let's stay away from what other people have said.

1 MR. KAUFFUNGER: Well, in your estimation, is CLV
2 an appropriate tool to use at heavily congested
3 intersections?
4 MS. RANDALL: Yes.
5 MR. KAUFFUNGER: Okay. I think I've actually
6 gotten all of the things that I can use right now.
7 MS. ROBESON: Well, I can tell that you know this
8 subject very well. Mr. Bronstein, do you have any questions
9 or Ms. Vergagni?
10 MR. BRONSTEIN: Vergagni.
11 MS. ROBESON: I'll get it. I'm sorry.
12 MS. VERGAGNI: I didn't get it. I was married to
13 him.
14 MS. ROBESON: I'm sorry. Mr. Bronstein, do you
15 have any questions?
16 MR. BRONSTEIN: Not at the moment. I think a lot
17 of things will be covered in my testimony.
18 MS. ROBESON: Okay. And Ms. Vergagni, do you have
19 questions?
20 MS. VERGAGNI: Yeah. I just have a few. Ms.
21 Randall, can you read the language, exact language, on the
22 remand on the basis for which you did the follow up traffic
23 study?
24 MS. ROBESON: Do you have the County Council's
25 resolution? Well, can we do this? Is there a specific --

1 MS. VERGAGNI: Yeah. The section that it said
2 including. The sentence that says including and it listed
3 to bulleted items. The sentence prior to that.
4 MS. ROBESON: Oh. I see it. Okay. Why don't you
5 start with be remanded.
6 MR. ROBINS: Why where it's --
7 MS. RANDALL: Okay.
8 MS. ROBESON: The Board did remand it.
9 MS. RANDALL: Right. Be remanded to the Hearing
10 Examiner to provide the applicant with the opportunity to
11 present additional evidence demonstrating that neither stage
12 1 nor the combined stage 1 and 2 of the proposed Glenmont
13 Metro Center would have a lack of adverse impact on the
14 traffic in the surrounding area including a queuing analysis
15 for the intersection of Randolph Road and Georgia Avenue
16 under the methodologies and standards outline in part BA of
17 the local transportation area review guidelines approved and
18 adopted by the Planning Board on July 1, 2004 and an
19 analysis of the mitigation proposed by the applicant for any
20 adverse impacts identified in the queuing analysis.
21 MS. VERGAGNI: Okay. My question is did, in that
22 remand, did it limit you to looking at only the two issues
23 that were listed there or did it more broadly include a
24 traffic study? For example, if I sent somebody to the
25 grocery store and I said I'd like you to buy groceries for

1 the week including diapers for the baby, what would we bring
2 home?
3 MS. ROBESON: I think I understand what you're
4 getting at.
5 MS. VERGAGNI: Yeah.
6 MS. ROBESON: You're saying could you really have
7 included more?
8 MS. VERGAGNI: Yes.
9 MS. ROBESON: That is really a legal question
10 about what was the scope of the remand.
11 MS. VERGAGNI: Uh-huh.
12 MS. ROBESON: And that's something that you can
13 address in your testimony but she not being, she's a lot of
14 things, but she's not an attorney.
15 MS. VERGAGNI: Okay.
16 MS. ROBESON: Which is good.
17 MS. RANDALL: Thank you.
18 MS. ROBESON: I mean, but she can't answer that
19 question. All right.
20 MS. VERGAGNI: Okay. Let me ask another question.
21 You gave a statistic on volume to capacity that showed a one
22 point one six at a particular area that Mr. Kauffunger was
23 asking you about and you said that was on the basis of 1,600
24 as opposed to 1,800 which is the common CVD number around
25 our Metro area.

1 MS. RANDALL: With all due respect, I think you've
2 kind of compressed my referral. The one point one six was
3 referring to a specific line item --
4 MS. VERGAGNI: Uh-huh.
5 MS. RANDALL: -- on a page within our technical
6 appendix. The volume to capacity ratio of one is the
7 theoretical capacity of an intersection --
8 MS. VERGAGNI: Right.
9 MS. RANDALL: -- be it using HCM or in the case of
10 CLV, the theoretical capacity of an intersection is 1,600
11 CLV.
12 MS. VERGAGNI: Uh-huh.
13 MS. RANDALL: That's the limit of what we refer to
14 as an E level of service.
15 MS. VERGAGNI: Now, what I'm trying to understand
16 though if it was one point one six, if we would use the
17 number of 1,800 which would give you a one to one, you could
18 have more cars. You have 1,800 over 1,800 would give you a
19 volume to capacity ration of one point zero. Correct?
20 MS. RANDALL: No. Again, your taking that 1,800
21 as though it is one.
22 MS. VERGAGNI: Uh-huh.
23 MS. RANDALL: And what I'm saying is in CLV,
24 that's not the case. In CLV, the one is equal to 1,600.
25 MS. VERGAGNI: Uh-huh.

1 MS. RANDALL: So, 1,800 is greater than.
2 MS. VERGAGNI: Right.
3 MS. RANDALL: The 1,800. So, the volume to
4 capacity ratio that has been, for lack of a better
5 description, accepted within Montgomery County in the CVDs
6 as well as around the Metro station policy areas exceeds the
7 theoretical --
8 MS. VERGAGNI: It's one. Yeah.
9 MS. RANDALL: -- one.
10 MS. ROBESON: So, what you're saying is it would
11 be 1,800 over 1,600 is what you look at.
12 MS. RANDALL: Exactly.
13 MS. VERGAGNI: Which is one point one two five as
14 opposed to one point one six which --
15 MS. ROBESON: Okay.
16 MS. VERGAGNI: -- is what we got.
17 MS. ROBESON: Okay. I don't have a calculator
18 but--
19 MS. VERGAGNI: I used to teach math.
20 MS. ROBESON: Well, clearly.
21 MS. VERGAGNI: Yeah.
22 MS. ROBESON: So, what's your response to that,
23 Ms. Randall?
24 MS. RANDALL: Again, I go back to the issue of not
25 optimizing. This was run strictly as an exercise to

1 understand what the difference in rate in queue. If I go
2 through and modify and optimize every single one of these
3 intersections as they plan on doing with the grade separated
4 interchange, I know that I could get those intersections to
5 work a whole lot better. That was not the point of the
6 exercise. I wanted to keep a static and constant so that I
7 was not affecting --
8 MS. ROBESON: Other variables.
9 MS. RANDALL: -- other variables, exactly, in
10 trying to understand the percentage of queue. Now, the one
11 place where we knew we could not do that, as I've described
12 before, was at the interchange itself because the timing --
13 MS. ROBESON: It doesn't exist.
14 MS. RANDALL: -- the existing timing had to be
15 modified because through volume on Randolph Road was no
16 longer going to be stopping at the intersection which frees
17 up green time for the entire system because that is the
18 controlling intersection between Randolph and what's
19 happening on Randolph and what's happening on Georgia Avenue
20 as well and particularly north of Georgia Avenue.
21 MS. ROBESON: Okay. Did you understand what she
22 said?
23 MS. VERGAGNI: I understand what she says. Yes.
24 MS. ROBESON: Okay.
25 MS. VERGAGNI: I had another question. You had

taken done a count from Urbana to the next civilized intersection which is at Layhill and Georgia. Correct?

MS. RANDALL: Are you referring to 2008 or to 2011?

MS. VERGAGNI: To the most recent thing when you came back.

MS. RANDALL: 2011.

MS. VERGAGNI: 2011. Yes.

MS. RANDALL: Yes. Yes.

MS. VERGAGNI: How long is, in distance, what is the distance between Urbana and Layhill and Georgia?

MS. RANDALL: I've got the measurement here somewhere. Sorry. It is between Layhill and Urbana, if I'm looking at this figure correctly, otherwise I've got to go back to further notes. I'm looking at the storage length. It's about 547 feet.

MS. VERGAGNI: And how many car lengths is that?

MS. RANDALL: The car lengths at 25 feet per. That gives you room in between. I'd have to do the math.

MS. VERGAGNI: So, there's storage room there for 20 vehicles according to what the figures that you're giving here.

MS. RANDALL: Yeah. Per lane.

MS. VERGAGNI: Per lane. Okay. Thank you.

MS. RANDALL: And that's assuming the through

1 lanes. I don't want to indicate that that is the
2 measurement of, say, a right turn lane or a left turn lane.
3 That's the distance between the intersections and then the
4 80 percent comes back from that.
5 MS. VERGAGNI: Okay. You stated that WMATA has
6 statistics that show that perhaps 30 percent, there's a 30
7 percent reduction from usage if a development is close to
8 the Metro station?
9 MS. RANDALL: Yes. In the 2005 WMATA ridership
10 study for developments in close proximity to the Metro
11 stations. It gives you a measured distance whether it's,
12 you know, on top of, a quarter mile, a half mile. It gives
13 you the rate, and it also indicates that by whether or not
14 the Metro station is in downtown D.C., whether it's inside
15 the beltway or outside the beltway, and based on the Metro
16 stations studied and outside the beltway, they can realize
17 from Metro ridership 30 percent.
18 MS. VERGAGNI: Okay.
19 MS. ROBESON: That geographical area --
20 MS. RANDALL: Yeah. The distance.
21 MS. ROBESON: Okay.
22 MS. RANDALL: The distance.
23 MS. ROBESON: All right.
24 MS. RANDALL: Yeah. Yeah.
25 MS. VERGAGNI: Okay. Outside of the beltway, did

1 any of those did they do studies on end of the line
2 stations?
3 MS. RANDALL: Yes. There were several end of the
4 line stations that were done, Landover being one. I'd have
5 to go back through the list but there were several. There
6 were a couple in Virginia as well.
7 MS. VERGAGNI: Okay. And did I understand
8 correctly that the Maryland National Capital Park and
9 Planning Board told you of no new pipeline development when
10 you did your study?
11 MS. RANDALL: Yeah. When we did the 2008, there
12 was no additional background that they asked us or requested
13 that we include back into our analyses. We had about a year
14 between the two timeframes. That one study that was done in
15 2006-2007 time frame and then ours came, you know, what was
16 it? I guess a few months after the hearing when we went and
17 started up again.
18 MS. VERGAGNI: And I'm new at this so I'm asking
19 Nancy to explain this. I looked at the level of service on
20 the four approaches to an intersection, and it looked at
21 what was called, what I saw as called the average delay.
22 MS. RANDALL: Uh-huh.
23 MS. VERGAGNI: So, please help me to understand
24 this because if a car -- if there's a delay of 40 seconds
25 this direction, a delay of two seconds this directions and a

1 delay of maybe 15 this way and 15 this way, the average of
2 those four added together? Is that correct?
3 MS. RANDALL: Generally, that's a good way of
4 looking at it. That's the best way to look at it.
5 MS. VERGAGNI: Okay.
6 MS. RANDALL: But, it is also -- keep in mind that
7 the delay is the average delay per vehicle. So, it's not
8 just simply that I get this number and this number and that
9 you can average them. It also has to do with the quantity
10 or the volume through the intersection. It's not just
11 something you can do a simple math. And one of the things
12 that I think is difficult about it because it is very much a
13 black box at this point. It has gotten so complicated and
14 so much input into doing this that you couldn't sit here and
15 work the math out anymore. 1965 you could. But, it has
16 gotten so complicated now that you can't. But, generally it
17 is the average delay for that particular approach. And why
18 I think optimization is --
19 MS. ROBESON: And then what happens with -- what
20 do you do with all four approaches?
21 MS. RANDALL: And the -- they give --
22 MS. ROBESON: Or do you just take the worst
23 approach?
24 MS. RANDALL: Yeah. Then they give an overall
25 intersection average delay, and it's weighted.

MS. ROBESON: Weighted by volume?

MS. RANDALL: You know what, I'd have to go back in and take a look. I don't know whether it's completed based on volume or priority given to the system. Another words, the main line. Because it is part in Synchro. It is part of the overall signal system.

MS. ROBESON: Okay.

MS. RANDALL: It's not an isolated intersection.

MS. ROBESON: Another variable.

MS. RANDALL: And so it is giving priority to the main line.

MS. ROBESON: Right.

MS. RANDALL: Which is why you've got to go in and calibrate and take a look and whether or not it's giving too much to the priority to the main line and not enough to a side street when you go through and first run it.

MS. ROBESON: I understand.

MS. RANDALL: Yeah.

MS. ROBESON: Okay.

MS. VERGAGNI: The other thing I wanted to understand is at the intersection of Layhill and Glenallan, you had, I believe, put two left hand turns there and then one right hand turn and through lane. Okay. What I'm trying to understand is based on the volume of the traffic on the through lane and right hand turn and how much time

there is to get through that signal, how much time is there? And what I understood from your testimony, and please correct me if I'm wrong, is that there is a large queue. There is a large volume of vehicles will be turning right and going through that particular intersection? Is that correct?

MS. RANDALL: No. If I'm understanding your question. Are we at Georgia and Layhill or Glenallan --

MS. VERGAGNI: Glenallan and Layhill.

MS. RANDALL: Glenallan.

MS. VERGAGNI: Where, I think, you had suggested making two left turn lanes --

MS. RANDALL: Yeah.

MS. VERGAGNI: -- out of the three lanes.

MS. RANDALL: What, and this is strictly based on the volume counts that we had on that particular day but more importantly my observations in the evening peak hour because it went to our conversations. What I saw in the field was a right turn lane that's there today particularly with --

MS. ROBESON: On which one?

MS. RANDALL: -- it's on Glenallan heading --

MS. ROBESON: Okay. Heading south?

MS. RANDALL: -- east again.

MS. ROBESON: Yeah. Right.

MS. RANDALL: If Glenallan is running east/west. Sorry. Or southbound.

MS. ROBESON: Eastbound.

MS. RANDALL: Yeah. Sorry. I think I just change the orientation on the whole thing. But, the right turn lane through three signal cycles was never used. It's sitting there vacant which is roadway capacity that could be better utilized.

MS. ROBESON: Right.

MS. RANDALL: Again, it's a split phased signal.

MS. ROBESON: Right.

MS. RANDALL: So, if you take the three lanes that are available for that approach coming into the intersection, there's a left, there's a through, and there's a right.

MS. ROBESON: Right.

MS. RANDALL: And if you have a very heavy left turn volume that could be turned at the same time, a dual left, and then put the throughs and the rights together for which, during that observation period, there were none then you can send the throughs across, down Glenallan. And what that does is that there was a very long queue though it didn't exceed the LATR requirements. It went down the hill and that could then be placed in two lanes instead of one, and you're essentially taking that queue down in half for

1 the left.
2 MS. ROBESON: Okay.
3 MS. VERGAGNI: Did you do any analysis of the
4 vehicles leaving the existing Metro station in terms of not
5 the Layhill but on the Glenallan side, did you do any
6 analysis, and I realized they're not signalized
7 intersections. So, I guess the cars don't count that aren't
8 at a signalized intersection but did you do any analysis of
9 the volume of vehicles coming out of the Metro garage from
10 the two exits and from the Kiss and Ride which will come out
11 the one exit as to where those vehicles would go when they
12 come out? How many would be left turning? How many would
13 be right turning?
14 MS. RANDALL: No. We did not. At the time of
15 preliminary plan --
16 MS. ROBESON: Right.
17 MS. RANDALL: -- that intersection will clearly be
18 counted. But that volume is exiting or entering into the
19 various driveways is counted when you count the intersection
20 of Georgia and Glenallan and Glenallan and Layhill.
21 MS. ROBESON: The signalized. Right.
22 MS. RANDALL: Yeah. Because they are two
23 signalized intersections.
24 MS. VERGAGNI: With regard to pedestrian safety,
25 when you have been out to the site during peak hours, how

many people have you noticed walking across Glenallan pedestrians in the crosswalk that currently exists in the peak hours? Peak hour. How many have you seen walk across Glenallan --

MS. ROBESON: Okay. I'm just going to ask you where you're going here because the County Council did already find that the pedestrian access was safe. What is your question just--

MS. VERGAGNI: Well, I mean, I've observed it and I walked it and I did not get that impression even, Ms. Robeson, when you read it here for what the County Council found.

MS. ROBESON: Okay.

MS. VERGAGNI: I did not find that they agreed that it was safe for pedestrians crossing Glenallan Avenue, crossing Layhill Road, crossing Georgia Avenue.

MS. ROBESON: I see what you're saying. You're addressing not access to the site --

MS. VERGAGNI: Correct.

MS. ROBESON: -- but in the area.

MS. VERGAGNI: Exactly. In the surrounding area.

MR. KAUFFUNGER: Safety?

MS. VERGAGNI: Safety with regard to surrounding -- which is a public interest compatibility issue for me.

MS. ROBESON: Well, why don't you just -- can you

concisely state your question? What is your question of Ms. Randall?

MS. VERGAGNI: I wondered if they had observed individuals walking across the street at a non-signal area. If they had observed people walking across -- which is in the middle of the development which my understanding is that's meant to be a major crossing point and they talk about putting up flashing lights and so forth. What I'm asking is how used is that from their observation because to me, that has an issue with regard to pedestrian safety.

MS. ROBESON: Have you ever observed that?

MS. RANDALL: I have. I have. When we were out in the evening, we did observe pedestrians crossing Glenallan generally in the vicinity of the access point. There is a crosswalk there, as I mentioned before. It's very faint, and that's when I observed the fact that there is this lack of street lights that are coming on. They're there but they were not coming on, and it was dark. It wasn't a question of it being, you know, it was dusk but it was definitely dark. And again, those are issues that will be addressed at the time of preliminary plan because it's in my client's best interest to make sure that not only the west, the existing community, is safe but his residents are safe as well.

MS. VERGAGNI: Thank you very much.

1 MS. ROBESON: Thank you. Mr. Robins?
2 MR. ROBINS: Yes. I'll be very brief.
3 MS. ROBESON: Okay.
4 MR. ROBINS: And I actually thing Ms. Randall
5 answered by first question already. I was going to ask you
6 about the LATR guidelines and its relationship to zoning. I
7 believe she already answered that question.
8 MS. ROBESON: Okay.
9 MR. ROBINS: She read on page 1.
10 MS. ROBESON: That was easy.
11 MS. RANDALL: Yeah.
12 MR. ROBINS: So, thank you very much.
13 MS. RANDALL: You're welcome.
14 MR. ROBINS: Just very briefly. You mentioned the
15 concept of the two eastbound turning lanes on Glenallan
16 Avenue as a potential road improvement. Would that require
17 anything other re-striping, essentially?
18 MS. RANDALL: It would require two things. One is
19 re-striping but most importantly approval from MCDOT.
20 MR. ROBINS: Yeah. Of course. Of course.
21 MS. RANDALL: Yes.
22 MR. ROBINS: But, you would consider that to be a
23 feasible improvement?
24 MS. RANDALL: Absolutely.
25 MR. ROBINS: And just reiterate. What made you,

other than your observation that you explained about the turning movements particularly in the p.m. peak hour, what triggered this idea in your mind?

MS. RANDALL: It was going through and reading the record and the citizens' concerns with operational issues that they were experiencing, and when we went through and did the analyses and found that the intersection was meeting all the technical requirements, we didn't want to just stop at that point after having read the issues along Glenallan, and we felt that this was an easy fix and would benefit not only the existing community but also the proposed community.

MS. ROBESON: Is that something you're proposing in one of your, I forget what you called them, not finding elements but design elements or is this just something you're saying you're going to do at preliminary plan?

MR. ROBINS: I don't remember if it's -- I don't know --

MS. ROBESON: Okay. Well, we can look.

MS. RANDALL: Yeah.

MS. ROBESON: I just didn't know if you --

MR. ROBINS: I don't recall that we, oh. Thank you. Okay. Let's see. I mean it wouldn't be under --

MS. ROBESON: No. That's okay. You don't have to look now. We can address it later. Anyway --

MS. RANDALL: Yeah.

1 MR. ROBINS: I mean, we are proposing that subject
2 to review and approval of the county agencies. I think Ms.
3 Randall, her testimony was based on her observation and the
4 movements that the double left made sense.
5 MS. ROBESON: Okay.
6 MS. RANDALL: Yeah. Yeah.
7 MR. ROBINS: The point I was getting at was that
8 wasn't it also, well, you actually did say this. You read
9 the record and the testimony from the community led you to
10 believe?
11 MS. RANDALL: Yes. That it was an issue.
12 MR. ROBINS: That might be helpful.
13 MS. RANDALL: That it was an issue. And it helps
14 the overall intersection operation as well. It's not just
15 the benefit to reducing the queue but it's also reduces the
16 amount of green time necessary for that particular approach
17 which frees up green time for all of the other approaches.
18 MS. ROBESON: Right.
19 MS. RANDALL: So, you know, making simple, you
20 know, relatively inexpensive improvements, why would you
21 not?
22 MR. ROBINS: This is not in your mind a capacity
23 driven number?
24 MS. RANDALL: No. It is not. It is not a
25 capacity. This intersection meets all of the required

1 standards within the LATR. This is not a capacity issue.
2 MS. ROBESON: So, it's more of an operational --
3 MS. RANDALL: Exactly.
4 MR. ROBINS: That was going to be my next. So,
5 you're calling it an operational improvement. And again,
6 from a capacity point of view based on the study that you
7 did in 2008 followed up with a verification in 2011, does
8 Glenallan Avenue, in your opinion, operate at acceptable
9 levels either under CLV, HCM, or the queuing analysis that
10 you did --
11 MS. RANDALL: It does.
12 MR. ROBINS: -- based on the LATR standards?
13 MS. RANDALL: It does.
14 MR. ROBINS: Okay. I want to go to one issue just
15 to make sure that it's very clear and that is there was some
16 discussion between you and Mr. Kauffunger regarding the
17 impact of the existing units, meaning the units that are
18 already in privacy walls right now, their impact on the
19 ultimate build out of this project in terms of the credit
20 that was taken for the existing units. I believe you
21 indicated that there were approximately 57 trips that, if
22 you did not take a credit?
23 MS. RANDALL: Yes.
24 MR. ROBINS: This issue was brought up by the
25 community. Correct? Early -- let me restate this. This

1 issue was brought up by the community as part of their
2 request for additional time for analysis on this matter. Is
3 that correct?
4 MS. RANDALL: That's correct.
5 MR. ROBINS: Did you evaluate what the impact
6 would be if you were to reduce the credit based on the
7 number of units that are actually vacant?
8 MS. RANDALL: What I did was to work up what the
9 number of trips, additional trips, that would have been
10 added into the system had they not taken the 100 percent for
11 the existing site.
12 MR. ROBINS: And when you say 100 percent, you
13 mean all 352 units?
14 MS. RANDALL: All 352 units.
15 MR. ROBINS: Uh-huh.
16 MS. RANDALL: But rather looked at it from a 40
17 percent vacancy and then gone from there. What that would
18 have added as I indicated earlier in my testimony would have
19 been 50 a.m. additional trips and 57 p.m. peak hour trips.
20 If I were to take those numbers and add them to any one of
21 the CLV calculations --
22 MS. ROBESON: Even without trip distribution?
23 MS. RANDALL: Even without trip -- let's just
24 assume that all of those --
25 MS. ROBESON: Okay.

1 MS. RANDALL: -- were added to an individual
2 intersection.
3 MS. ROBESON: All right.
4 MS. RANDALL: Which is not going to happen. None
5 of the intersections would have exceeded their CLV standard.
6 And, by the time you dispersed that traffic over the area
7 road network, obviously, that impact would be significantly
8 less than doing as I just described, taking 100 percent of
9 that and adding it to an individual intersection. Because,
10 right out of the box, they've got choice of going right or
11 left from the development to go up to the intersection of
12 Glenallan and Layhill or Glenallan and Georgia Avenue and
13 from there, they get further dispersed. So, just as a worse
14 case, if you were to take that and add that to the CLV under
15 the total future conditions with the interchange, all of the
16 intersections are still going to meet the required standard.
17 MS. ROBESON: Okay.
18 MR. ROBINS: Under any of your reviews?
19 MS. RANDALL: Yes. And I did make copies of those
20 calculations if you would like those for the record?
21 MS. ROBESON: Why don't we put them in the record?
22 MR. ROBINS: Okay. Let me get my exhibit list
23 somewhere here.
24 MS. ROBESON: I have to have time to find mine,
25 too.

1 MR. ROBINS: I found mine. I'm up to 191.
2 MS. ROBESON: Okay. Oh, here. Okay. That's
3 right. And how would you describe that?
4 MS. RANDALL: Trip generation for Privacy World
5 vacancy. That's the title I gave it.
6 MS. ROBESON: Okay. Thank you.
7 MR. ROBINS: Ms. Randall, would you essentially
8 describe the results of Exhibit 191, excuse me, the trip
9 generation, as being de minimis?
10 MS. RANDALL: Yes. I would.
11 MR. ROBINS: A de minimis impact?
12 MS. RANDALL: I would. And if you would like me
13 to go through the table, I'd be happy to do that.
14 MR. ROBINS: That'd be fine.
15 MS. RANDALL: First was to calculate the total
16 number of trips that the apartment complex with 352 dwelling
17 units would generate, and using the LATR trip generation
18 guidelines. It would generate in the morning a total of 144
19 trips for 352 dwelling units and 166 in the p.m. peak hour.
20 With the transit reduction that was taken in the ITS report
21 of 15 percent, that drops the number of trips leaving the
22 residential portion of the development to 122 in the a.m.
23 peak hour and 141 in the evening peak hour.
24 There is a known vacancy rate of, I believe it was
25 40 percent, and that would equal 141 dwelling units. They

1 would generate a total of 59 a.m. and 67 in the p.m. Again,
2 with the transit reduction, the site being directly adjacent
3 to the Metro Center, that would drop that down to 50
4 percent, excuse me, to 50 trips, my apologies, and 57 trips,
5 even if you did not take the reduction of transit. Assume
6 all 59 trips. None of those individuals were using transit.
7 You still would not exceed any of the standards adding all
8 67.
9 MS. ROBESON: Okay.
10 MR. ROBINS: Okay. Regarding the queuing
11 analysis, I just wanted you to reiterate for the record, the
12 LATR requirement was that found in the Council's remand?
13 MS. RANDALL: It was.
14 MR. ROBINS: Specifically?
15 MS. RANDALL: Yes. It was.
16 MR. ROBINS: And is the LATR queuing analysis
17 based on an average here?
18 MS. RANDALL: It is based on the average observed
19 queue. Yes.
20 MR. ROBINS: There was a comment made regarding
21 the scope of the remand, if you will, and you read the
22 language that talked about doing a queuing analysis
23 particularly at Georgia Avenue and Randolph Road. Did your
24 study also include an analysis on nine or so additional
25 intersections?

1 MS. RANDALL: Yes. We looked at the queues for
2 all of the intersections. We went through and focused in on
3 the three intersections that we described before. Two that
4 exceeded the LATR requirement and one because of the
5 specific discussion within the record from the first hearing
6 from the citizens.
7 MR. ROBINS: But to get to that point of what you
8 were -- to get to the three, you looked at all nine?
9 MS. RANDALL: Absolutely. Yes.
10 MR. ROBINS: Okay. And you looked at all nine
11 regarding redoing the CLVs as well?
12 MS. RANDALL: Yes.
13 MR. ROBINS: HCM analysis?
14 MS. RANDALL: Yes.
15 MR. ROBINS: Queuing analysis?
16 MS. RANDALL: Yes.
17 MR. ROBINS: Okay.
18 MS. RANDALL: And alternative review procedure.
19 MR. ROBINS: And the alternate. I keep forgetting
20 that. Pardon me. I think that's all I have.
21 MS. ROBESON: Okay. Any questions based solely on
22 Mr. Robins' questions? Yes, sir?
23 MR. BRONSTEIN: In regard to when you were talking
24 about an intersection that had two left turns that were
25 being considered, you were talking about Glenallan and

1 Layhill.
2 MS. RANDALL: Right.
3 MR. BRONSTEIN: And there was no mention so
4 clarify for me. Do you anticipate that there'll be changes
5 in the signal so that when they're making two left turns
6 from, two lanes are making left turns, are you going to have
7 to do something with the signals because otherwise they'd be
8 conflicting from with traffic coming across and going
9 straight the other way on Glenallan.
10 MS. RANDALL: No. As I described before, that is
11 a split phased signal operation. So, when you are on
12 Glenallan and you want to go toward Randolph Road and you
13 get the green light, you get the green light. Nobody else
14 does.
15 MR. BRONSTEIN: To go straight and left?
16 MS. RANDALL: And left and through.
17 MR. BRONSTEIN: Oh. Okay. Oh. So, the other
18 side has a red light.
19 MS. RANDALL: Yeah. They're a red light.
20 MR. BRONSTEIN: Oh. So, that's currently the
21 case?
22 MS. RANDALL: Yes. It is. And that's why we've
23 made this recommendation for this, and I suspect as I
24 indicated earlier that I suspect they've done that because
25 of the very thing that was described, the crest in the hill.

1 MS. ROBESON: Any other questions. All right.
2 Mr. Robins, any other witnesses?
3 MR. ROBINS: No other witnesses.
4 MS. ROBESON: Okay. Mr. Kauffunger, Mr.
5 Bronstein, and Ms. Vergagni. Do you wish to testify?
6 MR. KAUFFUNGER: Yes. Yeah. Can we have a short
7 break? Five minute.
8 MS. ROBESON: You can have a 10 minute break until
9 10 to 3:00, and we are going to go a little later than 5:00
10 if we can get it all done.
11 MR. KAUFFUNGER: Okay.
12 MS. ROBESON: Before we go off the record, Mr.
13 Robins, the one thing I'm a little concerned about is the
14 lack of -- I see that most of the area is pretty developed
15 except I am concerned about not having any pipeline
16 information in there since 2008. I would prefer to get from
17 staff whether there are any new or additional projects in
18 the pipeline. Is there any reason I shouldn't do that?
19 MR. ROBINS: Well, the remand was based on -- any
20 reason for not doing that?
21 MS. ROBESON: I mean, you got to pass LATR.
22 Right?
23 MR. ROBINS: Right. We have to pass LATR.
24 MS. ROBESON: You have to show that there's a
25 reasonable probability.

1 MR. ROBINS: Right.
2 MS. ROBESON: So, why -- I'm still at why wouldn't
3 you just check and make sure there's nothing out there
4 that's going to impact this project?
5 MR. ROBINS: There's also projects that are in the
6 pipeline, in background, that are actually now also part of
7 existing traffic as well.
8 MS. ROBESON: Well, that's what I don't know.
9 MR. ROBINS: Yes.
10 MS. ROBESON: I mean, it could have been stuff
11 that was in the pipeline that is now background. There
12 could be stuff in the pipeline that is not background and
13 should have been incorporated.
14 MR. ROBINS: You mean in 2008 when we went in --
15 MS. ROBESON: Yeah.
16 MR. ROBINS: -- to meet with staff for the scope
17 of the study, they told us exactly what the background
18 traffic should be, report should be.
19 MS. ROBESON: I know. And if there's nothing
20 there, I mean --
21 MS. RANDALL: Yeah.
22 MS. ROBESON: I would make the same assumption
23 that there isn't anything there. I guess I would just
24 prefer a confirmation from technical staff that there isn't
25 anything there.

1 MS. RANDALL: Yeah. I mean the --
2 MR. ROBINS: You mean in between, I'm sorry. Go
3 ahead.
4 MS. RANDALL: I was just, sorry, for the record,
5 Nancy Randall.
6 MS. ROBESON: Between 2008 and -- all they did in
7 2011 was use yours to test the 2008 study. Correct?
8 MS. RANDALL: The 2008 existing volumes were
9 compared to the 2011 existing volumes to see whether or not
10 there had been any increase in volume on existing volume.
11 That's what the test was for --
12 MS. ROBESON: Right.
13 MS. RANDALL: -- in 2008. At the time that we
14 scoped out our work, staff did not give us any additional
15 background development. There wasn't any to give. I mean,
16 it was what it was at the time. They had looked at the
17 background --
18 MS. ROBESON: In when? 2008?
19 MS. RANDALL: In 2008.
20 MS. ROBESON: Right.
21 MS. RANDALL: I mean, the list that was contained
22 within the report --
23 MS. ROBESON: Right.
24 MS. RANDALL: -- was current.
25 MS. ROBESON: But what about now?

1 MS. RANDALL: To the best of my knowledge, again,
2 when we sat down with them, again, it was Carrier and Ed
3 Axler, et cetera, they indicated that there hadn't been
4 anything.
5 MS. ROBESON: Well, if there isn't anything, I
6 just prefer knowing it because I certainly wouldn't want,
7 you know, something popping up out there that would
8 significantly affect your results. I mean, the grade
9 separation interchange does add a lot of capacity. That's
10 clear. But, I just am missing why you wouldn't just confirm
11 with them that there is nothing in the pipeline that would
12 affect these numbers.
13 MS. RANDALL: Uh-huh.
14 MS. ROBESON: And I'm not saying --
15 MR. ROBINS: Well, the theory was they wanted us
16 to verify that the 2008 study was still accurate.
17 MS. RANDALL: Yeah.
18 MS. ROBESON: Right. I understand that.
19 MR. ROBINS: And to do that, they had us go out
20 and do additional counts and test the intersection that was
21 problematic and make sure that there wasn't any significant
22 deviation from the 2008 study.
23 MS. RANDALL: Right. And they would have gone --
24 MS. ROBESON: And the second prong is an analysis
25 of the mitigation proposed by the applicant for any adverse

1 impacts.
2 MR. ROBINS: Yes.
3 MS. ROBESON: Well, now you have the mitigation of
4 the grade separated interchange.
5 MR. ROBINS: Right.
6 MS. ROBESON: The question is that hasn't been
7 answered in my mind is whether there's any pipeline
8 development that is going to further impact your impact.
9 Does that make sense?
10 MS. RANDALL: Yeah. But, that directive as I
11 understood it within the remand went to the LATR
12 improvements that we were proposing at that time which we
13 are not proposing any longer. It was a question of whether
14 or not the interchange was going to happen and so they
15 wanted to know that those LATR road improvements that we
16 were proposing would take care of any queue issues.
17 Everybody felt that the interchange was going to do it.
18 MS. ROBESON: Okay. But then, I guess, my
19 question is it's been three years. So, when they wrote this
20 remand --
21 MR. ROBINS: Yes.
22 MS. ROBESON: I mean, it just seems counter
23 intuitive to me that we would send something to the Council
24 with a recommendation of approval that, you know, may or may
25 not meet LATR.

1 MS. RANDALL: Well, given the three
2 intersections --
3 MS. ROBESON: Even though that was -- you know, I
4 can see your argument as to the scope but I think there's
5 still the underlying question of whether this meets LATR.
6 MS. RANDALL: Yeah. I guess the way to look at it
7 would be to take a look at what is permitted in terms of a
8 level of service in the LATR and the 1,800 and with the
9 proposed interchange, that intersection of Georgia and
10 Randolph is going to be operating at about 1,200 CLV. The
11 kind of project that it would take to get those
12 intersections to come up to the level that you're talking
13 about -- let's suppose there's 100 unit subdivision to the
14 north on Georgia Avenue. It is not going to take the level
15 of service for these intersections up to such a level --
16 MS. ROBESON: Then no harm no foul. Right?
17 MS. RANDALL: Right.
18 MS. ROBESON: So, I still think, and I am going to
19 ask that just to confirm whether there are any pipeline
20 projects that would affect your numbers.
21 MS. RANDALL: Uh-huh.
22 MS. ROBESON: Okay?
23 MS. RANDALL: Uh-huh.
24 MS. ROBESON: Was that enough of a break for you,
25 Mr. Kauffunger or do you wish to --

1 MR. KAUFFUNGER: No. I really wanted to leave the
2 room.
3 MS. ROBESON: Oh. Okay.
4 MR. KAUFFUNGER: But, I didn't want to miss any
5 valuable --
6 MS. ROBESON: Okay. Now, I'm red. All right.
7 We're going to take a -- yes, Mr. Bronstein?
8 MR. BRONSTEIN: Didn't I look anxious enough?
9 MR. ROBINS: I just want to correct that the
10 remand was issued the 15th of January '08. It's four years
11 loss.
12 MS. ROBESON: Okay. Thank you for that. All
13 right. We'll be back at 3:00.
14 (OFF THE RECORD)
15 (ON THE RECORD)
16 MS. ROBESON: All right. We're back on the
17 record, and it is the opposition time to testify. So, who
18 would like to go first? Mr. Bronstein, please raise your
19 right hand. Do you solemnly affirm under penalties of
20 perjury that the statements you're about to make are the
21 truth, the whole truth, and nothing but the truth?
22 MR. BRONSTEIN: Yes.
23 MS. ROBESON: All right.
24 MR. BRONSTEIN: My name is Max Bronstein speaking
25 on behalf of the Strathmore-Bel Pre community and also as an

1 individual.
2 Our community of 800 homes is bordered by Layhill
3 Road, Bel Pre Road, Rippling Brook Drive and Georgia Avenue.
4 Our residents find that much of their travels are on Georgia
5 Avenue, on Layhill Road and as well on Glenallan Avenue in
6 order to access the Metro station and other destinations.
7 Therefore, the community is quite impacted by the traffic
8 that will be generated by the proposed Glenmont Metro Center
9 with its up to 1,550 units and up to 90,000 square feet of
10 retail.
11 This application began in November 2006, went
12 through a number of hearings and procedures, finally being
13 remanded by the County Council district council back to the
14 Hearing Examiner on January 15, '08. After several
15 postponements requested by the applicant, the matter
16 remained in limbo until this past December. Note that four
17 years have elapsed since the day of the remand and that the
18 long stretch of inactivity was at the request of the
19 applicant.
20 At the time of the 2008 postponements, we inquired
21 of the applicant's attorney and of the Hearing Examiner as
22 to the reason for the delay and got no actual answer only
23 yeses. Now, we are told that it was due to the poor
24 economic conditions in the housing market, and I want to
25 just, you know, based on what I heard today, I'd already

1 written the testimony. I had to do a little tweaking and
2 adding things. So, I just want to add we've heard a lot
3 about tests and various types of tests for traffic matters
4 and what have you. But, historically, there have been some
5 tests in existence long before we heard of CLV and HCM and
6 Synchro and so on, and they were the tests of reality and
7 common sense and the motor cars came along about 200 years
8 ago. So, let's say they applied to traffic beginning 200
9 years ago. Reality and common sense.
10 I'll go back. The basis for the Councils remand
11 was to give the applicant an opportunity to present
12 additional evidence that their project would not have an
13 adverse impact on traffic in the surrounding area. In
14 concluding that a remand was needed, the Council found that
15 the project's traffic impacts were not in the public
16 interest and did not show compatibility in regard to
17 traffic. Furthermore, there was a finding that the traffic
18 tests known as critical lane volume or CLV failed to
19 adequately assess traffic conditions and that is in the
20 language of the remand.
21 The CLV test goes back, I was told, 41 years and
22 today we heard maybe it was only 38 years depending on where
23 you start to right history and has been, the CLV has been
24 very much discredited on its own and been surpassed as a
25 good or even reasonable test by a number of much more

1 effective and more recently developed computer based tools.
2 CLV is based on a formula that assigns values to different
3 traffic lanes and then they're used as multipliers against
4 the number of vehicles passing through an intersection to
5 come up with a score. This score supposedly gives us a
6 number to compare to the target figure assigned to various
7 intersections.
8 In the area of the project, the target score is
9 1,800. Please bear in mind that 1,800 is the target also
10 assigned to Bethesda, Wheaton, and Silver Spring as central
11 business districts. Glenmont is not a central business
12 district but gets the maximum due to proximity to a Metro
13 station.
14 Now, CLV fails due to several factors. One is that
15 if an intersection is clogged so that no vehicles can pass
16 through, the scores will be artificially low. Additionally,
17 with Glenmont's situation regarding the confluence of
18 traffic problems all within a condensed area including
19 Layhill at Georgia and Glenallan at Georgia plus the impact
20 of 3,000 cars coming in and going to the two garages and a
21 fire house next to the second garage, traffic can be
22 horrible but the CLV test does not reflect that giant
23 traffic mess because it does not reflect reality, one of my
24 historic tests. By the way, garage one holds 1,800
25 vehicles. Garage two 1,200. Perhaps you could subtract the

1 Kiss and Ride that was on the west side which held only 24
2 vehicles.
3 Consider this in regard to CLV. If you were baking
4 a cake and added a teaspoon of arsenic to all the other fine
5 ingredients, would you eat the resulting cake? Of course
6 not. The same goes for CLV. When you mix it in with other
7 factors, you still have a poison result that should be
8 disregarded just like the uneaten cake. Also bear in mind
9 in the proceedings that ensue when the Council sits as a
10 district council, they do so as an instrument of the state
11 of Maryland under the Regional District Act and the Zoning
12 Enabling Act. Therefore, the remand rises to the level of a
13 legislative action.
14 With the background laid out and the preceding
15 remarks plus the passage of four years of inactivity on the
16 part of the applicant and with the remand calling for
17 serious and effective actions on the part of the applicant
18 to mitigate the projects adverse effects on nearby traffic,
19 we find that the applicant has done nothing active to carry
20 out the requirements of the remand.
21 What the applicant presents to us is that the
22 Georgia and Randolph grade separation is currently funded in
23 the state's consolidated transportation program with monies
24 allocated for years 2014, '15, and '16. At this point,
25 we're going to let you in on a secret. This grade

separation was funded in this state program in the past but the funds were moved forward three years. Not a secret is that the state is not flush with funds and the Governor has proposed many tax increases. That tax legislation is winning its way through the assembly as we speak. If the past is prolog, history can repeat itself. We hope that the grade separation retains its funding and is built as planned.

However, the grade separation does not guarantee the absence of traffic problems. It affects mainly the intersection of Georgia Avenue and Randolph Road and may minimally help other problem traffic locations. Again, the grade separation solves one traffic problem but not all of them. As the vehicles go disappear, they just move the traffic problems to other locations.

Another item brought up by the applicant is their finding that the areas traffic counts had actually gone down. Well, we must point out that the traffic study that they cite for that assertion took place on October 4, 2011. Coincidently, I exchanged emails with Steve Farber, Director of the County Council's staff, and whenever I say I exchanged emails, I obviously have copies of them that can be furnished. I know it's kind of late to put things in but I'm under oath and I'm repeating what I have in writing.

Mr. Farber is a very erudite and learned

1 gentleman. He's the Director of the County Council staff,
2 has a great deal of information in his head or at his
3 fingertips. He informed me that the county's unemployment
4 rate in October 2011 was five point two percent. With the
5 figures he furnished for the years 2000 to 2006 to get a
6 county unemployment rate baseline, it was determined that
7 the five point two percent rate for October 2011 represented
8 a 68 percent increase over the baseline. To complete the
9 findings of my investigation into this decreased traffic
10 count assertion, I discovered an ally in the person of a
11 member of the planning staff.
12 On February 22, 2012, a community visioning
13 workshop was held on the future Glenmont sector plan. In a
14 question of answer session, Khalid Afzal, planning
15 supervisor, area 2 planning division, stated when the
16 economy recovers and turns up, traffic volume will go up.
17 From that statement, we can deduce that the count done on
18 October 4th was at a time when the local economy was at a
19 low point and was reflected in the reduced counts during
20 that time. Plus, according to Mr. Afzal of the planning
21 staff, traffic volume will go up as the economy strengthens.
22 Now, the first time that I heard this stated by
23 anybody in a planning department or from the applicant was
24 back then, the 22nd of February, until today when it was
25 mentioned in this hearing.

1 In all honesty, we must observe that we are very
2 disappointed that Mr. Afzal neglected to point this out in
3 his many reports to the Planning Board and the Hearing
4 Examiner but only mentions the reduced traffic counts not
5 what was behind it. Also, in the interest of full
6 disclosure, the applicant should have acknowledged the same
7 information in their filings but appear to follow the credo,
8 and forgive me, accentuate the positive and eliminate the
9 negative.
10 Again, we must reiterate that the public's
11 interest trumps all else and should serve as a guide and a
12 goal in all of these matters.
13 My fellow representatives of the public, Ms.
14 Vergagni and Mr. Kauffunger, have gathered much material
15 relative to traffic issues relating to the two Metro garages
16 which will be operating right there at the hub formed by
17 Glenallan and Georgia Avenues. The result is that there is
18 much need for action, not inaction, but action to solve the
19 problems caused by the increased traffic generated by the
20 proposed Glenmont Metro Center. Those problems involve not
21 just safety issues for motorists but some very dangers
22 safety issues for pedestrians coming and going to and from
23 the Metro. We specifically refer to residents of the new
24 development walking across Glenallan Avenue to board or exit
25 the Metro's trains or travel on buses. So, they go there

when they're going somewhere and they come back and they cross both times.

If we use some maximum figures for folks who might possibly be residing at the future Glenmont Metro Center, we come up with 1,300 people crossing Glenallan on foot to access the Metro and 1,300 crossing Glenallan when they return. Add to this more foot traffic resulting from people who are parked in the two garages and go to shop in the retail establishments of the future Glenmont Metro Center as planned before they drive to their next destination. The computations are based on 1,550 units times two point four people per unit times 35 percent Metro usage either by subway or bus. Additionally, having just considered pedestrians going to and from the Metro, we will take up all the vehicular traffic generated by the new project. Based on 2005 census figures for vehicular usage by commuters living within one-half mile of a Metro station in Montgomery County, the percentage is 57 percent. That's using buses and subway. Being conservative and using 50 percent, we arrive at 1,850 drivers.

In this situation, wherein the applicant must show that they will not have an adverse effect on traffic in the nearby area, this outpouring of significant numbers of pedestrians and vehicles presents a major challenge. The challenge mandates positive actions by the applicant to

1 alleviate the obvious adverse effects resulting from the
2 development as currently proposed.
3 Another important consideration has to do with the
4 fire house. We haven't heard much about that. It's going
5 to be located on the west side of Georgia Avenue just north
6 of the second Metro garage and directly across from the
7 proposed new development. In an exchange of emails with
8 Scott Gutschick, planning section manager of the Montgomery
9 County Fire and Rescue Service, the following information
10 was elicited. The current fire house located at Georgia and
11 Randolph handled an average calculated over several years of
12 seven and a half or seven point five calls per day. This
13 means 15 times a day that traffic will be interrupted as the
14 equipment plus returns. However, the current location has
15 not ambulance due to space limitations in their very old
16 building. Ambulance calls are currently handled by the
17 Wheaton Rescue Squad and other services. The new fire house
18 with have an ambulance. So, it is estimated that the calls
19 with then average 13 per day resulting in 26 traffic
20 interruptions daily.
21 We all have witnessed emergency fire equipment
22 leaving and re-entering their fire houses. So, we realize
23 what major traffic interruption those events represent. And
24 when I testified before the Planning Board recently in
25 regard to the mandatory referral on this fire house, I added

1 this. Please, please plan this fire house well and imagine
2 that the traffic call of the ambulance call came from your
3 house.
4 It's been our experience that the best long term
5 outcomes as related to project approvals flow from
6 conditions set at the time of zoning. Since the public
7 interest trumps all else, we according over the following
8 improvements to the plan as presented and they are to be
9 included as binding elements.
10 Now, I heard mentioned a little earlier things are
11 okay if they're going to be completed in the foreseeable
12 future or if they are expected to be finished in the
13 foreseeable future and I asked a number of people, one of
14 the County Council's attorneys, the Hearing Examiner and
15 others in the county. I said, I think the assistance
16 director of the county staff. I said, what time length is
17 the foreseeable future? I got no real answer that you could
18 put your finger on. Well, it depends on the circumstances.
19 So, I'm not going to be vague. I'm making concrete
20 suggestions to be included as binding elements. I'm not
21 just asking questions. I'm giving answers.
22 The applicant will provide a pedestrian bridge
23 from the site of the Glenmont Metro Center to the Metro
24 facility on the south side of Glenallan Avenue. This will
25 go a long way toward ensuring the safety of the many

1 pedestrians walking to and from the planned project to
2 access the Metro station. Also, with the availability of a
3 bridge, conflicts between pedestrians and vehicles will be
4 avoided. Since the wording and all the proceedings in this
5 matter as it relates to the number of dwelling units always
6 includes up to preceding any numerical value, we submit that
7 up to begins at one and leaves room for a reasonable figure
8 to be set in light of circumstances.
9 In view of the need to reduce the number of
10 vehicles and pedestrian emanating from the new development
11 so as to sufficient minimize adverse effects, we find that
12 the total number of dwelling units for G-862, G-863 should
13 be capped at 1,200.
14 Ingress and egress points of the new Glenmont
15 Metro Center should be located directly across from those of
16 the Metro garage and their Kiss and Ride lot. The applicant
17 will put methods in place so that pedestrians from the new
18 development will be channeled mainly to the pedestrian
19 bridge as well as to signalized crosswalks at
20 Georgia/Glenallan and Layhill/Glenallan. The building
21 restriction line for the new development should be set at 30
22 feet from the curb line along Glenallan Avenue to motorists
23 exiting the site a safer line of sight. There's groups I
24 didn't cover.
25 As to the alignment of roads exiting or entering

1 the proposed Glenmont Metro Center, the exit/entrance of the
2 subject site onto Layhill Road should be directly opposite
3 the entrance/exit of the Winexburg Apartments and the
4 subject sites center road should access Georgia Avenue
5 directly across from Denley Drive which is on the west side
6 of Georgia. These alignments are all aimed at reducing the
7 number of conflicting traffic movements on the runways,
8 roadways, maybe their runways, I don't know, on the roadways
9 around the proposed Glenmont Metro Center so as to increase
10 public safety and minimize the new projects adverse effects
11 on nearby traffic. We repeat. The public interest trumps
12 all else. Thank you.
13 MS. ROBESON: Thank you. Mr. Robins? Questions?
14 MR. O'NEIL: Yes. I'm going to --
15 MS. ROBESON: Mr. O'Neil.
16 MR. O'NEIL: Yes. You haven't heard my voice all
17 day. So, it's now my big chance.
18 MR. ROBINS: Need him to do something.
19 MR. O'NEIL: For the record, Patrick O'Neil on
20 behalf of the applicant and just have a few questions for
21 Max following your testimony. Just, it wasn't clear from
22 the testimony you gave whether you support the development
23 or not in general?
24 MR. BRONSTEIN: I'm not interested in killing the
25 development. I'm interested in going forward but in a

1 proper and good form for the safety of the pedestrians, for
2 the safety of motorists and for cutting down the adverse
3 effects as I see them for the traffic, in both pedestrian
4 and vehicular, that's going to be generated from this new
5 project, and I also must emphasize that there'll be people
6 parking in the two garages that might want to walk to your
7 project to buy something there or get a service. We don't
8 know exactly what you're going to have in your
9 retail/commercial mix.
10 MR. O'NEIL: One or two other questions. The
11 first is you articulated very well the purpose of the remand
12 is to evaluate traffic. Is that correct?
13 MR. BRONSTEIN: Well, traffic could be walking or
14 people driving.
15 MR. O'NEIL: If I could direct you to page 27 of
16 the Council remand?
17 MR. BRONSTEIN: Yeah.
18 MR. O'NEIL: The bottom paragraph, the bottom full
19 paragraph. Can you read that for us, please?
20 MR. BRONSTEIN: The one important?
21 MR. O'NEIL: Yes.
22 MR. BRONSTEIN: The one important public facility
23 area in which the District Council finds the evidence
24 lacking is roadways. For the reason discussed in part E
25 above, the District Council finds the applicant has not met

1 its burden of demonstrating that a proposed development
2 would not have an adverse impact on the local roadway
3 network. How's my reading?
4 MR. O'NEIL: Very well. Thanks. I'm assuming
5 you're familiar with the remand?
6 MR. BRONSTEIN: Oh. Yeah.
7 MR. O'NEIL: Where in section E can you tell me it
8 talks about pedestrians, any pedestrian or safety concerns?
9 MR. BRONSTEIN: Well, when it says roadway
10 network, a roadway is for cars and also for people to cross.
11 MR. O'NEIL: If you could specifically go to E and
12 read from the Council remand:
13 MR. BRONSTEIN: Where's E?
14 MR. O'NEIL: It's within the remand that you just
15 told me you were familiar with.
16 MR. BRONSTEIN: Well, what is it? Thirty pages?
17 Tell me where E is if you're familiar with it.
18 MR. O'NEIL: It begins on page 12.
19 MR. BRONSTEIN: 12. Okay. Okay. Public
20 facilities. What part would you like to hear?
21 MR. O'NEIL: I've asked you to tell me where in
22 section E as the basis of the County Council having a
23 problem with the traffic issues, where in that does it talk
24 about pedestrian concerns.
25 MR. BRONSTEIN: Where in E. Well, let's see. So,

1 you're asking me where the pedestrian concerns are in E?
2 MR. O'NEIL: As expressed by the County Council.
3 MR. BRONSTEIN: Okay. I'm looking. Well, towards
4 the bottom of page 13, let's go up about five, six lines.
5 Whether a proposed roadway, do you see that?
6 MR. O'NEIL: Yes.
7 MR. BRONSTEIN: Whether a proposed roadway
8 improvement is considered reasonably probable of fruition in
9 the foreseeable future should be based on the totality of
10 the facts and circumstances. To me that means people are
11 crossing the street. Cars are driving on the roads. The
12 project is going to put out some walkers; some. I gave you
13 the numbers and walkers coming back and the test that I
14 mentioned before that historically go back a couple hundred
15 years of reality, you know, so we have to face reality.
16 Those tests are still not been, you know, prohibited.
17 MR. O'NEIL: Okay. Thank you.
18 MR. BRONSTEIN: Anything else?
19 MR. O'NEIL: One last question regarding your
20 suggestion of re-location of the internal road.
21 MR. BRONSTEIN: You mean where it comes out on
22 Denley?
23 MR. O'NEIL: How do you suggest that occur? Do
24 you think it should go through the environmentally sensitive
25 area on the site?

1 MR. BRONSTEIN: No.
2 MR. O'NEIL: Thank you.
3 MR. BRONSTEIN: Does it have to?
4 MS. ROBESON: It's not --
5 MR. BRONSTEIN: I mean, just for clarity.
6 MS. ROBESON: I know.
7 MR. BRONSTEIN: Forgive me for asking.
8 MS. ROBESON: I know. It's not your turn to do
9 that. So--
10 MR. O'NEIL: That's it. Thank you.
11 MS. ROBESON: You just get to answer now. All
12 right. So, do you have anything else to say? Only in
13 response to Mr. O'Neil's questions.
14 MR. BRONSTEIN: Rebuttal.
15 MS. ROBESON: Redirect.
16 MR. BRONSTEIN: Well, you know, his last question
17 about do I want the road to go through an environmental
18 section. No. Unless you want to bridge. But, I think, you
19 know, you're perhaps averse to -- let me ask if you are
20 averse to --
21 MS. ROBESON: No. No. It's not your time to ask
22 questions.
23 MR. BRONSTEIN: Oh. What did you say can I do?
24 MS. ROBESON: Is there anything else you want to
25 say?

1 MR. BRONSTEIN: Oh. Well, I just think that the
2 road going out toward Denley can be accomplished. Now, it
3 might mean the movement of a building but since we've talked
4 about reducing the number of units to 1,200, you've got some
5 room to maneuver to accomplish that.
6 MS. ROBESON: Okay.
7 MR. BRONSTEIN: That's it.
8 MS. ROBESON: All right. And who's next? Mr.
9 Kauffunger? All right.
10 MR. KAUFFUNGER: I think Vicki wants me to go
11 first.
12 MS. ROBESON: Okay. Please raise your right hand.
13 Do you solemnly affirm under penalties of perjury that the
14 statements you're about to make are the truth, the whole
15 truth, and nothing but the truth?
16 MR. KAUFFUNGER: I do.
17 MS. ROBESON: Thank you. State your name and
18 address for the record, please.
19 MR. KAUFFUNGER: For the record, my name is
20 Richard Kauffunger. I reside at 2309 East Gate Drive,
21 Silver Spring, Maryland.
22 MS. ROBESON: Okay.
23 MR. KAUFFUNGER: The testimony that we heard today
24 from the applicant's expert made repeated use of LATR, those
25 guidelines, and critical lane volume and critical lane

volume tests. That's why we're here today. Because the remand took place because it was revealed and shown that LATR and CLV had very serious shortcomings. That's what it's all about today.

The tested, and this was revealed through testimony of Craig Hedberg and I'll say, more importantly, the photographs that I submitted into the record because according to normal LATR methods, there was no problems at all existing in the Glenmont area. Yet, the reality is you can go out and take pictures of it and that's what the real issue is, is whether or not this methodology really fits the need.

As they've gone forward, they constantly talk about LATR. They even mix it up from time to time with HCM without clearly splitting the two apart. What I would like to submit for the record is some copies of a portion of the Highway Capacity Manual that just kind of gives you a little bit of background as to what the Highway Capacity Manual is. Why don't you just pass that down to them?

MS. ROBESON: Any objections, Mr. Robins?

MR. ROBINS: Mr. Kauffunger faxed this stuff on late Friday afternoon. I don't --

MS. ROBESON: Is that what's in the fax?

MR. KAUFFUNGER: No. It isn't. Could I give you this?

1 MS. ROBESON: Wait. Hold on one second. Okay.
2 MR. ROBINS: Okay.
3 MS. ROBESON: Finish what you were saying.
4 MR. ROBINS: He faxed this to us late Friday
5 afternoon. I don't particularly have an objection to him
6 submitting this. Although, I would say that at that point
7 in time, Mr. Kauffunger was holding himself out to also be
8 representing his community, and I find it inexcusable that
9 the HCM methodology which, this is something that I'm
10 certain he's had or knew where it was if he wanted to submit
11 it that he could have done it in a more timely fashion.
12 MS. ROBESON: Okay. But, you have no objection to
13 it coming in.
14 MR. ROBINS: I just felt I needed to state that.
15 MS. ROBESON: And I heard you. All right. Are we
16 introducing these as separate exhibits?
17 MR. ROBINS: What's the other one?
18 MS. ROBESON: Well, I have a fax that came March
19 2nd --
20 MR. KAUFFUNGER: Yes. They're separate exhibits.
21 MR. ROBINS: Well, wait a minute. I don't know
22 what a March 2nd --
23 MS. ROBESON: Do you have a fax that came in March
24 2nd at 5:08?
25 MR. ROBINS: Well, March 2nd was two days ago?

What is today? The 5th?

MR. O'NEIL: It is.

MR. ROBINS: March 2nd was on a Friday.

MS. ROBESON: I have a traffic study, Glenmont parking structure?

MR. ROBINS: Yes. We have that. That's what came to us at, late Friday afternoon as well.

MR. BRONSTEIN: Did you finish this, too, or not?

MR. KAUFFUNGER: No.

MS. ROBESON: No.

MR. BRONSTEIN: Okay.

MS. ROBESON: This is new. But, all we're doing now is dealing with -- because I have some questions about this. All we're doing now is dealing with the Highway Capacity Manual.

MR. ROBINS: Right.

MR. KAUFFUNGER: Yes.

MS. ROBESON: So, I'm going to mark that as Exhibit, I think it's 192.

MR. ROBINS: Okay. Can I make --

MS. ROBESON: Hold on. Hold on. Go ahead.

MR. ROBINS: Okay. The materials that I got on Friday afternoon, I can pull them out, but this HCM 2010. It appears that this is either -- I don't know who underlined this but there's underlining on here. I suspect

1 that the number -- I don't know if the number --
2 MR. KAUFFUNGER: If the underlining is an issue
3 for the Hearing Examiner, I have a clean copy. It was just
4 so that I -- the only --
5 MS. ROBESON: Well, I don't have underlining in
6 the -- I don't see the underlining in this HCM unless I'm
7 missing it.
8 MR. KAUFFUNGER: It's on the first page.
9 MS. ROBESON: Oh. On the first page?
10 MR. ROBINS: Yes. It's, you know, it's just
11 annotated. Let's not spend a whole lot of time. My point
12 was timeliness would have been appreciated.
13 MS. ROBESON: And that point is taken. For me as
14 well because I can't read this in five minutes before the
15 hearing.
16 MR. KAUFFUNGER: Right.
17 MS. ROBESON: With that said, I'm going to admit
18 it as Exhibit 192, HCM 2010 Highway Capacity Manual. Now,
19 do you want to talk about the other ones that were faxed in.
20 MR. KAUFFUNGER: Well, what I would like to do is
21 talk about this.
22 MS. ROBESON: And is that --
23 MR. KAUFFUNGER: I want to just do the HCM.
24 MS. ROBESON: Okay.
25 MR. KAUFFUNGER: Okay? Let's just talk about that

1 so we don't get lost instead of something --
2 MS. ROBESON: You know what? I can't see the
3 highlighting on mine.
4 MR. ROBINS: I mean there seems like there's a
5 bunch of different things going on here. I have underlined.
6 What was sent to us on Friday afternoon --
7 MR. KAUFFUNGER: It's not what was sent to you on
8 Friday. Just so you don't get confused. It wasn't sent to
9 you on Friday.
10 MR. ROBINS: It wasn't sent to who?
11 MR. KAUFFUNGER: The HCM was not sent to you on
12 Friday.
13 MR. ROBINS: Well, how did I get it?
14 MR. KAUFFUNGER: I just handed it to you.
15 MR. ROBINS: No. You sent it to me on Friday.
16 MR. KAUFFUNGER: I did?
17 MR. ROBINS: Yes. You did.
18 MR. KAUFFUNGER: Oh. Well, I sent it to you on
19 Friday.
20 MS. ROBESON: You are more efficient than you
21 know.
22 MR. KAUFFUNGER: Oh, my God. I was sending stuff
23 out like crazy.
24 MR. ROBINS: Albeit it was --
25 MR. KAUFFUNGER: I'm sorry. Then, I'm sorry.

1 MS. ROBESON: Okay. But let me just say this was
2 it? Right?
3 MR. KAUFFUNGER: Yes.
4 MS. ROBESON: The thing with this cover sheet?
5 MR. ROBINS: Yes.
6 MR. KAUFFUNGER: Exactly.
7 MS. ROBESON: I just want to make sure. So, mine
8 is not marked.
9 MR. KAUFFUNGER: Okay.
10 MR. ROBINS: Yes. And the one that was sent to me
11 wasn't marked but I've got one that's underlined. So,
12 whatever.
13 MS. ROBESON: Okay. Let's go.
14 MR. KAUFFUNGER: I'm introducing this so there's a
15 clear understanding of what the HCM is and who put it
16 together and what it's attempting to do, and I'm doing it by
17 taking some information out of the HCM and just highlighting
18 some different factors about it.
19 MS. ROBESON: Okay.
20 MR. KAUFFUNGER: Because, although you hear HCM,
21 it is difficult for people to articulate what it is, and
22 what prompted this is that Ed Axler had a difficulty in
23 being able to describe what this was all about.
24 So, all I wanted to do was point out that the, on
25 one of the first pages here when it says the National

1 Academies, is we have the National Academies of Science that
2 was set up a century ago to help us with -- help the federal
3 government on their understanding of scientific and
4 technical matters. Eventually, they evolved to setting up
5 the Transportation Research Board, and I'm paraphrasing.
6 They're to provide leadership in transportation innovation
7 and progress through research and information exchange
8 conducted within a setting that is objective and
9 disciplinarian and transmodal, and it is supported by the
10 State Transportation Department's federal agencies and so
11 forth.
12 The very first one was only, the first HCM was
13 published in 1950. The big breakthrough came 15 years
14 later, the 1965 HCM where they introduced the whole concept
15 of service kind of an idea and it turns out from what I was
16 instructed by Dr. Everett Carter who was a professor over at
17 the University of Maryland who's the head of the
18 Transportation Department. What he explained to me was CLV
19 was an offshoot of the 1965 HCM manual and it was very
20 complicated doing all of the calculations and I think
21 Peterson did it originally as a project under Dr. Carter but
22 I'm not absolutely certain about that. But, at any rate,
23 what it is.
24 The CLV is a simplification of the level of
25 service methodologies that were introduced in 1965. That's

1 by the way, I'm giving you a lot of background there. Okay?
2 And it's just so, you know, the intent of their manual is to
3 provide a systematic and consistent basis for assessing the
4 capacity and level of service, the elements of the service
5 transportation system, and for systems that involve a series
6 or a combination of individual facilities, and it's so you
7 can look at buses and all kinds of things. It's a very
8 complex approach but it really serves to illustrate all of
9 the issues that you can run into.
10 On page 1.2, they just cover what, you know, the
11 objectives were of the HCM, and at the bottom it just refers
12 to, you know, it was put together for target users and those
13 target users were engineers who work in the field of traffic
14 operations or highway geometric design and transportation
15 planners who work in the field of transportation system
16 management, and it’s used by a wide range of people and it
17 just lists people down below. Educators, air quality
18 specialists, noise specialists, elected officials, regional
19 planners, et cetera.
20 It goes on to the next page, I'm skipping sections
21 because I only wanted to hit the things that are most
22 important and that is to be able to execute on this HCM
23 methodology that came up with computational engines, and
24 well, it just says the Transportation Research Board
25 committee on highway capacity and quality of service

1 maintains computational engines for most HCM methodologies
2 for the purpose of evaluating the methodologies as they've
3 developed.
4 And then it goes on to the next section which is
5 on commercial software and they just reveal to assist users
6 in implementing the methodologies in the manual, commercial
7 software is available, and that's what Synchro is. It's the
8 software that was developed by an independent software
9 developer, and it turns out that particular company is, oh,
10 by God. It went out of my head. Travelware.
11 MR. BRONSTEIN: It's Trafficware
12 MR. KAUFFUNGER: Trafficware. On the next page,
13 just selectively trying to pick some things so that you can
14 get a better understanding of how engineers and theorists at
15 the academic level start to look at these issues. Turns
16 out, we're dealing with an operating condition that
17 interrupted flow, and it's when you have fixed causes of
18 periodic delay or interruption to the traffic stream such as
19 traffic signals and stop signs. So, that's the real nature
20 of the road system is that you have to be looking at the
21 impact of those breaks in the stream.
22 It goes on and talks a little bit more about just
23 that the traffic, well, I'll read. The traffic flow
24 patterns of an interrupted flow facility are the result of
25 not only vehicle interactions and the facilities geometric

1 characteristics but also the traffic control used at the
2 intersections and the frequency of access points, and the
3 reason I'm making that distinction is that the limitation of
4 CLV is that it really is only looking, that methodology only
5 looks at vehicle interactions and the geometric
6 characteristics. But, it really doesn't include traffic
7 control used at the intersections or the frequency of access
8 points, and this is the reason why, not just that agencies
9 in the government have adopted HCM but why it's results can
10 often be different than CLV, and it's also the reason that
11 CLV fails. If CLV doesn't look at the timing of the
12 signals, it can give you complete wrong answers. It's only
13 looking at volume of cars. It's looking at the conflicts,
14 which is why you called it, you know, CLV, and as a result
15 it regularly misleads as to what is occurring at the
16 intersections.
17 It just points at a couple of other basic kinds of
18 idea about traffic movement and so forth. One of the things
19 that I made a copy of also was page 211 that talks about
20 saturated flow, and over saturated flow and traffic flows
21 during an analysis period is characterized as over saturated
22 when any of the following conditions is satisfied. The
23 arrival flow rate exceeds the capacity of the point or
24 segment which is what we're looking at.
25 A queue is created from prior breakdowns of the

1 facility that has not yet dissipated and along Georgia
2 Avenue, that by the way was the key problem at
3 Georgia/Randolph. The light would change. You'd get the
4 green, and they'd never dissipate all the traffic that had
5 come down, and as a result, it would back up and that is --
6 and it's also affected by downstream conditions. That's all
7 of the problems that existed at Georgia/Randolph that was
8 the reason for doing a grade separated intersection. But we
9 can't hold out that it fixes every problem in the area. It
10 just fixes the problems right at the intersection.
11 However, the applicant's traffic expert has
12 decided to use HCM and specifically HCM Synchro to support
13 their case, and it's needed, actually, to fulfill the
14 requirement of the County Council to look at queuing because
15 as Nancy Reagan has explained to you, it's the only way you
16 can start to project what’s going to be happening in the
17 future is by looking --
18 MR. ROBINS: It's not President Reagan's wife. It
19 would be Nancy Randall.
20 MR. KAUFFUNGER: Reagan, did I say?
21 MR. BRONSTEIN: Yeah.
22 MR. ROBINS: Sorry. I didn't mean to interrupt
23 your flow.
24 MR. KAUFFUNGER: Well, Nancy, you're looking --
25 MS. ROBESON: I'm not sure if that was as

1 complement or not.
2 MR. KAUFFUNGER: You're looking damn good for a
3 women of your age.
4 MR. ROBINS: That's funny.
5 MR. KAUFFUNGER: Just so that it's clearly
6 understood, at no time pre-remand did we limit our
7 discussions, at least, I didn't believe I was limiting my
8 discussions to only looking at the intersection of Georgia
9 and Randolph Road. However, it was the focus of the
10 materials I put in the record because you have to do triage.
11 I mean, you have to figure out what is the most important
12 things that we can be, you know, submitting into the record,
13 and it was easiest just to win the case on that. But, I
14 certainly and my neighbors know of the problems that are
15 around the Metro. If you use the Metro at all, you know
16 what goes on there, and there was no reason to believe that
17 the grade separation was going to relieve the problems in
18 and around Metro.
19 I'm giving you a lot of background. What I'd like
20 to do is to bring it alive to some extent, and what I would
21 like to do is go through the data that Ms. Wells submitted--
22 MS. ROBESON: I was just thinking that. We won't
23 mess her name up. Ms. Randall. Go ahead.
24 MR. KAUFFUNGER: -- submitted into the record.
25 MS. ROBESON: Are you in the technical appendix or

are you--

MR. KAUFFUNGER: And I'm going to be mostly covering the technical. Now, this will probably drive some people crazy. So, I'm going to pass it down to Steve because it can get very difficult to explain what line you're on.

MS. ROBESON: Can you tell me what it is?

MR. KAUFFUNGER: And I will show you one but I'm going to pass it down to him so we have two.

MR. ROBINS: Here. If you can -- I'll let her sit in the middle. What page is it?

MR. KAUFFUNGER: I'll bring one up front. Okay.

MS. ROBESON: Is this a page from the --

MR. KAUFFUNGER: What it is, it's a page from the document but I've numbered the lines.

MS. ROBESON: Okay. Let's mark that as an exhibit then.

MR. KAUFFUNGER: There's two exhibits. One is for the HCM and the other is for the queuing analysis.

MS. ROBESON: Okay. So, Exhibit 193, hand marked--

MR. ROBINS: Do you have an extra copy?

MR. KAUFFUNGER: Certainly.

MR. ROBINS: Did you think this was going to drive me crazy or just --

1 MR. KAUFFUNGER: Anything.
2 MS. ROBESON: 193 is hand marked HCM exhibit, and
3 194 is hand marked queuing exhibit.
4 MR. KAUFFUNGER: Let me so I write them on mine.
5 It's exhibit, what's the HCM?
6 MS. ROBESON: 193 is the hand marked HCM.
7 MR. KAUFFUNGER: Okay.
8 MS. ROBESON: And 194 is the hand marked queuing
9 exhibit.
10 MR. KAUFFUNGER: Okay. Actually, I had one for
11 Patrick.
12 MR. O'NEIL: I guess it's my tutorial.
13 MR. KAUFFUNGER: I promised you in a big way.
14 MR. O'NEIL: Right.
15 MS. ROBESON: Okay. Take us through, Mr.
16 Kauffunger.
17 MR. KAUFFUNGER: All right. Maybe because it's
18 one of the key intersections, maybe I'll refer to, and this
19 is at line A where it specifies the intersection Maryland
20 182 and Maryland 97. Then this is on, well, let me do the
21 pre first.
22 MS. ROBESON: Well, wait a minute. Which exhibit
23 number?
24 MR. KAUFFUNGER: Okay. The exhibit is only a
25 guide to how to use the pages. I'm going to actually refer

1 to the pages each time.
2 MS. ROBESON: Okay.
3 MR. KAUFFUNGER: Okay? I would like --
4 MS. ROBESON: So, what page?
5 MR. KAUFFUNGER: In Exhibit 147F, I'd like you to
6 refer to page 5.
7 MS. ROBESON: All right.
8 MR. KAUFFUNGER: Okay? Again, you need to really
9 separate -- sometimes it can be very difficult to read, you
10 know, eastbound left, eastbound through and so forth.
11 MS. ROBESON: Yeah. I can see it on this.
12 MR. KAUFFUNGER: Okay. It's always best, I think,
13 is to put the line in. But, at any rate, this particular
14 problem exists today. It's not quite as bad as it was four
15 years ago but nevertheless, for the people living along
16 Layhill, the great difficulty is to go down Layhill Road.
17 If you wanted to go south on Georgia Avenue is to make the
18 left off of Layhill onto Georgia Avenue. It's a pretty
19 heavy traffic movement because if you look at line 10, okay?
20 And you go over and you cross and you go over to westbound
21 lefts, you'll see it's 947 trips which is a pretty heavy
22 movement. However, going to the all -- they do their
23 calculations, by the way, along the way. On lines 18 and
24 19, you have two references to the amount of green light
25 that the drivers on that particular movement get and they

1 get, well, the combination of the two, we'll say is roughly
2 39 seconds of green time that they get. And the importance
3 of that is when you go down a little bit lower, and you go
4 to line 30 for that same movement, you will see that there's
5 113 seconds of delay. So, obviously, if you only have 39
6 seconds of green time and you're building up that much
7 delay, you've got a highly oversaturated intersection. And
8 what they say is the level of service is an F.
9 Now, I took pictures of approaches. When I took
10 the pictures of the problem intersections, I didn't, I
11 wasn't in an airplane taking pictures down and showing that
12 everything was just fine going the other way, say on
13 Randolph Road and Middlevale. I'm showing that if you're on
14 Randolph and you're going west Middlevale, it's hell as far
15 as you can see. It's all stopped up traffic if with a green
16 light. Now, that's what people feel. That's what is, in my
17 view, not in their interest. Okay? And I think it's that
18 kind of single approach problem that creates the huge
19 problems that we have in the county so that when you just
20 look at this kind of averaging affect, it doesn't bring it
21 home and that's why -- and now I'll try to show you one
22 other thing.
23 And that's when you're looking at westbound, you
24 have, essentially, not essentially, you have two movements.
25 There's no through on Layhill. You can't go across Georgia

1 Avenue into Judson. But, you can make a left or a right and
2 bring them all down together. It ends up the right moves
3 pretty nicely. Okay? So, it gets a D level, and you
4 combine the two, and this is what Nancy was saying about
5 weighted averages. You know, how you try to bring it all
6 together and it comes up with an F. So, that looks like
7 it's a really bad approach. You don't want to be going down
8 westbound on Layhill Road.
9 But, what offsets the level of service for the
10 intersection as a whole is that southbound on Georgia Avenue
11 and you look at the heaviest movement here of, again, volume
12 is on a one in 10. Okay? The volume is 1,595 cars. You go
13 down a little bit lower, the amount of green time they give,
14 and I'm not going to try to explain the difference between
15 accentuated and effective greens but we'll just look at
16 that as, you know, roughly 88 seconds, okay, of green time,
17 and what happens is most of those cars can make it through
18 and that's the reason that it comes down, that there's only
19 18 seconds of delay and the level of service at that
20 particular movement or lane, actually, is very good. It's a
21 B.
22 Again, you take that movement and you go, hey.
23 That's great. From the air it looks great. But, you look
24 from the air, you'll see Layhill Road backed up all the way,
25 and we're here today not to talk about the average

conditions that take place at all the different movements. We're here to talk about whether or not it's appropriate to rezone housing or land that would end up potentially increasing these kinds of problems for the travelers in the area.

Now, the interesting thing is what's the impact of the grade separation. By the way, it is a bear to flip back and forth in this. I finally had to make up my own chart. I was thinking about giving it to you but --

MS. ROBESON: No. It's okay.

MR. KAUFFUNGER: Don't give you a chart that bright. But, if you want to look at what it's like in the future with a grade separation, you go to 171. If you just look at, in terms of traffic, there's slightly more traffic if you to, what is that? Line 10 volume? Line 10 is volume for westbound lefts. It's a little bit more. You know, it's like 50, 50, 60 cars more but it's not a heck of a lot more but what it is really interesting is that when you go down to the amount of delay which is on line 30 for that movement, it's 140 seconds now. So, that between looking at existing and looking at a projection of the future with stages 1 and 2, but with the grade separation in place, you can see it is actually -- it hasn't gotten worse level of service because it's over the line. By the way, if it goes into the left category when the delay is 80 seconds or more.

1 So, this is like 60 seconds more than the standard. It's
2 way over the line.
3 However, the whole intersection doesn't look so
4 bad because, again, a lot of green time is given to Georgia
5 Avenue, and again, if you go over to Georgia Avenue, you'll
6 see that it's 89 seconds that they're going to give to that
7 for, you know 1,600 cars. Whereas because of the selecting
8 how -- it gets more involved than this. I shouldn't
9 simplify it but the green for Layhill Road is still down
10 around 39 seconds. So, this is really the essence, and this
11 is what, you know, the Highway Research Board wants, the
12 Transportation Research Board wants to bring out is that
13 when you have, you know, intersections, you're looking at a
14 number of factors. It's not just whether or not you have
15 left turns and dedicated rights and things like that and
16 which direction most of the cars are coming, that's a
17 shortcut. That's been described as being, you know, the
18 MR. BRONSTEIN: Quick and dirty.
19 MR. KAUFFUNGER: -- quick and dirty. Yes. Thank
20 you for the reminder. It's a quick and dirty. Gives you
21 some idea. But, it doesn't answer the big problems. I can
22 do a few more just so you can see how this gets repeated.
23 MS. ROBESON: Well --
24 MR. KAUFFUNGER: I'll go to Glenallan and Georgia.
25 MS. ROBESON: Is that on 194?

1 MR. KAUFFUNGER: Okay. Okay. Glenallan and
2 Georgia Avenue starts out existing on page 3. In this case,
3 existing, it's existing a.m. peak hour and overall, it's not
4 horrendous because the F is a lot of seconds and that's
5 northbound lefts. But what it really means is when they
6 build this garage, the new parking garage, and you come up
7 Georgia Avenue, you're not going to try to make a left into
8 that garage because you've got to wait, you know, 88
9 seconds. Okay? You're creating real burdens for people.
10 This has been brought to be an answer. Right now, they go
11 up and they make a right onto Glenallan. But, there's not
12 enough parking there. So, now if they come up from the
13 south and want to go to the parking lot but they have to
14 make a left, it's a big problem.
15 But to bring it to the future, I've got to go back
16 to my chart and make sure. It's Glenallan and Georgia in
17 the present it would be 178. Okay. Now, the interesting
18 things is things have really gone to hell in a hand basket
19 now. Okay? We only had one movement that was an F but now
20 we have multiple problems. For instance if you go to
21 Glenallan, it's going east and west -- I see what they've
22 done. They combine both the left and the through there but
23 there the approach delay is, well, the delay is 80.3
24 seconds. So, the level of service is an F.
25 In a likewise way, if you wanted to go westbound

1 which really means that you're coming out of the, I'm sorry.
2 You're going towards Georgia Avenue, then it's a 387 second
3 delay. A hard, hard F. So, just looking at this one
4 intersection, things didn't get vastly better. In fact, in
5 some ways in certain movements, they've gotten vastly worse.
6 So, that --
7 MS. ROBESON: Is some of this going to be
8 addressed by changing the signal time?
9 MR. KAUFFUNGER: It could.
10 MS. ROBESON: Because I think Ms. Randall
11 testified that the signal timing is going to be changed.
12 MR. KAUFFUNGER: I would believe that she changed,
13 well, I don't want to get into it.
14 MS. ROBESON: Okay.
15 MR. KAUFFUNGER: It turns out this is all
16 difficult to be able to sort it all out. But, the bottom
17 line of the whole thing is we're aiding a hell of a lot more
18 vehicles into an intersection like that, and we're not
19 looking, honestly, at what's happening.
20 First of all, we're not honestly looking at where
21 do the cars come out of the site? Hedstrom, the ITS
22 survey, didn't show us. I mean, the normal thing is to show
23 you just coming off a site which way they're going to go.
24 MS. ROBESON: Trip distribution.
25 MR. KAUFFUNGER: Yes. But, they didn't provide it

1 for us. The next thing, and I'll get to it eventually is
2 that when you look at the drawing or the data that Hedstrom
3 gave us about the parking garage, he severely underestimates
4 the amount of traffic coming out of there by about half.
5 MS. ROBESON: Okay. I think I understand what
6 you're saying. You're saying that simply assigning a single
7 level of service doesn't reflect that you, depending on the
8 approach, you may have queuing and delays.
9 MR. KAUFFUNGER: Totally different experience.
10 MS. ROBESON: All right. I understand what you're
11 saying.
12 MR. KAUFFUNGER: Yes. And the other point that
13 I'm trying to make is they gave us, today, something about
14 what the true effect is of the vacancies. Okay? It's not
15 what I would call a hard analysis, and fortunately, in the
16 data that I'm -- the traffic study that I provided you on
17 Friday, they actually have the traffic coming out of Privacy
18 World, and you'll be astonished at how low the numbers are.
19 MS. ROBESON: Well, that's not in the record yet.
20 MR. KAUFFUNGER: Okay. I should have shut up.
21 MS. ROBESON: Are you saying you want that in the
22 -- is that the --
23 MR. KAUFFUNGER: Yes. I want it in the record.
24 Yeah.
25 MS. ROBESON: Okay.

1 MR. KAUFFUNGER: But, we can do it, okay.
2 MS. ROBESON: Well, let's do it now. I'm not sure
3 which one of these it is.
4 MR. KAUFFUNGER: Which one of these it is.
5 MS. ROBESON: I have two. The fax that came into
6 me was separated like this.
7 MR. KAUFFUNGER: Oh. Yeah. Because --
8 MS. ROBESON: I have -- is it the same fax --
9 MR. KAUFFUNGER: First the lead (indiscernible)
10 called me. Then Steve called me and I was talking to them
11 while I was trying to send this stuff to you.
12 MS. ROBESON: Okay. So, the one that you want me
13 to look at is this one, traffic study for Glenmont parking
14 structure?
15 MR. KAUFFUNGER: Yes. Yes. Yeah.
16 MS. ROBESON: And that's dated January 26.
17 MR. KAUFFUNGER: Right. 2006.
18 MS. ROBESON: Mr. Robins, do you have an objection
19 to that coming in?
20 MR. ROBINS: I had noted the objection earlier in
21 terms of timeliness. I presume that you will allow him to
22 testify on this.
23 MS. ROBESON: I'll let it in for the weight it
24 deserves. However, if you do need additional time to
25 respond, I will give you that as well.

1 MR. ROBINS: Thank you. Why don't we see, you
2 know, where we're going.
3 MS. ROBESON: I'm going to mark this as 195 which
4 is the Glenmont parking structure traffic study. Okay. So,
5 continue, Mr. Kauffunger.
6 MR. KAUFFUNGER: No. I'm going to just stick with
7 the one so we don't get lost. But, I wanted to mark this as
8 Exhibit 195?
9 MS. ROBESON: Uh-huh.
10 MR. KAUFFUNGER: Okay. What I will try and do is
11 look at the HCM analysis of the different intersections and
12 then each time we'll go from there to what it reflects on
13 the queuing analysis.
14 We were just looking at Glenallan and Georgia
15 Avenue. If you'll look at the queuing -- whoop. They
16 didn't do the queuing analysis on that intersection.
17 MS. ROBESON: On which one?
18 MR. KAUFFUNGER: They didn't --
19 MS. ROBESON: No. Wait. I'm confused.
20 MR. KAUFFUNGER: Okay.
21 MR. ROBINS: What study are you talking about?
22 MS. ROBESON: What intersection are you trying
23 to --
24 MR. KAUFFUNGER: Glenallan and Georgia Avenue.
25 MS. ROBESON: And who didn't --

1 MR. KAUFFUNGER: And I just went over the HCM
2 analysis that was done by Wells. However, they did not do a
3 queuing analysis use on that intersection in this book.
4 They don't have it.
5 MS. ROBESON: Okay. And the intersection you're
6 talking about is Glenallan and --
7 MR. KAUFFUNGER: Georgia Avenue.
8 MS. ROBESON: Is that because the remand didn't
9 require it?
10 MR. KAUFFUNGER: I don't know why. It's the
11 reason that I asked that all of these intersections along
12 Glenallan and Layhill/Georgia was done.
13 MS. ROBESON: Okay. Well, if you don't know --
14 MR. KAUFFUNGER: Because I know that it wasn't,
15 you know.
16 MS. ROBESON: Okay. All right. So, that wasn't
17 done.
18 MR. KAUFFUNGER: right.
19 MS. ROBESON: So, let's get to your -- let's move
20 on.
21 MR. KAUFFUNGER: Okay. See if we were to look at
22 Glenallan and Layhill Road, the existing today is on page 8.
23 MS. ROBESON: Okay. And that's page 8 of 147F.
24 MR. KAUFFUNGER: Right. Okay. And there's not an
25 appearance that there is any significant delay caused by the

1 intersection there. However, what was a problem and why I
2 was able to photograph it four years ago, I could photograph
3 the backup there and the reason for it is the delay as
4 Layhill tried to make it onto Georgia Avenue was so severe
5 that the backup went all the way through the
6 Glenallan/Layhill intersection.
7 MS. ROBESON: All right. So, the CLV wasn't
8 reflecting what the --
9 MR. KAUFFUNGER: Yeah. What the driver sees.
10 MS. ROBESON: Right.
11 MR. KAUFFUNGER: Okay? So, however, taking it
12 forward to -- if you want to see what it is future, it's on
13 page 174.
14 MS. ROBESON: Okay.
15 MR. KAUFFUNGER: Again, it's not a disaster.
16 Okay? I mean you don't have any real big, big problems.
17 But you will see that, for instance, in the intersection
18 capacity utilization level of service. We have actually
19 declined over time even though we have the grade separation.
20 One of the points that I want to make over time is that the
21 grade separation doesn't solve all the problems all the time
22 and --
23 MS. ROBESON: Okay. I understand.
24 MR. KAUFFUNGER: You're getting that.
25 MS. ROBESON: Yes.

1 MR. KAUFFUNGER: Glenallan and Randolph. Well,
2 because this is so important to Vicki Vergagni's community,
3 let us look at what happens at Maryland 183 and Glenallan
4 Avenue and we'll look at currently. It's on page 9. And
5 this gets a little, this is really a little wild. No.
6 East/west is, yeah. East/west is Randolph but north/south,
7 Glenallan becomes a north/south road here just so you don't
8 get lost about that detail.
9 MS. ROBESON: right.
10 MR. KAUFFUNGER: Okay? There are problems and
11 there are backups. There are delays, you know, of a minute
12 or so on Glenallan trying to make lefts and by the way, if
13 you look at southbound lefts from Glenallan onto Randolph,
14 you'll see it's 417 cars. Well, that's not Metro traffic.
15 That’s not people coming out of the Metro station. That's
16 people coming across from Georgia Avenue. Again, it's to
17 emphasis how much traffic is carried by Glenallan just to
18 tie the road network together in that area. 175.
19 MS. ROBESON: That's 183 Glenallan. Right?
20 MR. ROBINS: Yeah.
21 MS. ROBESON: Page 183.
22 MR. KAUFFUNGER: 183. Yeah. Is Randolph Road and
23 Glenallan.
24 MS. ROBESON: And I see it has two levels of
25 service or there are some E's on the level of service.

1 MR. KAUFFUNGER: Yes. It's showing you how it
2 degrades. The time is becoming longer, and the end results
3 is that down at Vicki's community, it appears it starts to
4 impact what happens there, and the impact to her is that the
5 people get off at -- for instance, if they're going
6 southbound on Glenallan Avenue and traffic is all backed up
7 because it's a single lane approach, except at the very end.
8 It's so backed up that people jump off that and then go
9 through her community to be able to make it down. See.
10 Looking over there. Is something happening there?
11 MS. ROBESON: Not that I'm aware of.
12 MR. KAUFFUNGER: Oh. Okay. All right. Now, I'm
13 sorry for taking your time right now but 200 --
14 MS. ROBESON: Do you have a list of the
15 intersections where you see problems or --
16 MR. KAUFFUNGER: Well, just so you even see how it
17 translates.
18 MS. ROBESON: I do.
19 MR. KAUFFUNGER: Because I was giving you time
20 delays. Okay?
21 MS. ROBESON: Right.
22 MR. KAUFFUNGER: If you were to go to page 200 --
23 MS. ROBESON: Right.
24 MR. KAUFFUNGER: -- and this is where they're
25 looking at Glenallan Avenue -- whoop. I'm sorry. This one

1 someone else screwed up. Well, if you haven't flipped to
2 it, don't go to it yet. Glenallan and Randolph. Okay. Go
3 ahead. Oh. 187. My chart is failing me. I have to
4 confess. One of the points that I'm also making through all
5 of this is that its' easy to put together a chart that gives
6 an overall that says everything is fine as with many, many
7 things, the devil is in all the details, and --
8 MS. ROBESON: And I understand. You know, time is
9 getting late.
10 MR. KAUFFUNGER: Right.
11 MS. ROBESON: So, if we can -- I'm interested in
12 your point. So, I'd like to get to them.
13 MR. KAUFFUNGER: Right. But, okay. Going to --
14 Oh. I know what it is. This is another one of those where
15 I'm trying to find something that doesn't exist. They
16 didn't do it.
17 MS. ROBESON: Okay.
18 MR. KAUFFUNGER: In the queuing analysis.
19 MS. ROBESON: And what were you trying to find?
20 MR. KAUFFUNGER: What I was trying to find was
21 their queuing analysis for that intersection.
22 MS. ROBESON: For which intersection?
23 MR. KAUFFUNGER: The intersection of Glenallan at
24 Randolph.
25 MS. ROBESON: Okay. All right. So, that's not in

there.

MR. KAUFFUNGER: It doesn't exist, and that's where I was --

MS. ROBESON: Right.

MR. KAUFFUNGER: It was like it was going to be the next page and it wasn't there.

MS. ROBESON: Right.

MR. KAUFFUNGER: We did Layhill and Glenallan. Those are seven intersections. Okay. Let me look at 200 and 203. By the way, when Francoise was hearing this case, she also got inpatient as we started to go --

MS. ROBESON: Well, it would help if you could prepare -- if we're going to go through your report -- it doesn't look like, well, continue.

MR. KAUFFUNGER: Yes. Okay. This is a queuing analysis into the future again:

MS. ROBESON: Uh-huh.

MR. KAUFFUNGER: And what we're looking at is this eastbound Glenallan Avenue. The flow is 544 but the impact is the queue of the 95th percentile of 624 feet. However, because the volume exceeds capacity, the queue may be longer. And that is exactly what you experience. In the morning, morning and night, both --

MS. ROBESON: Now, isn't this intersection that Ms. Randall talked about --

1 MR. KAUFFUNGER: But this is the intersection
2 where she made the change.
3 MS. ROBESON: Oh. Okay. I see what you're
4 saying.
5 MR. KAUFFUNGER: Yeah. She made that change. So,
6 If I went back to the sheet, you know, I could go back to
7 the sheet that describes the --
8 MS. ROBESON: I understand.
9 MR. KAUFFUNGER: -- a.m. peak and you would see
10 that she had two lefts and through right.
11 MS. ROBESON: Right. Okay.
12 MR. KAUFFUNGER: But the practical applications of
13 this that isn't being analyzed is that, and this is why
14 people like myself, I don't use Metro that much but when I
15 do use it, in the peak hours things can get really wild
16 because the backup -- I've actually seen the backup at
17 Georgia/Layhill, the eastbound approach backed up so far
18 past the entrances to Metro that the backup from
19 Glenallan/Georgia Avenue cross over and people can't get out
20 of or into Metro.
21 MS. ROBESON: Okay. Well, are you saying that
22 this -- what is your point about this queuing analysis?
23 MR. KAUFFUNGER: My point is that when you look at
24 the queuing analysis, it indicates that there is almost no,
25 there's no relief of the grade separation other than at

1 Randolph and Georgia, and that the kinds of problems that
2 you currently have by the Metro will only get worse.
3 MS. ROBESON: Okay.
4 MR. KAUFFUNGER: And if we build Metro so not just
5 the people across the street who can walk across can use it
6 but people can actually drive to it and use the Kiss and
7 Ride and so forth. We have to be totally aware of that and
8 that is the problem that raises great concerns to me, and
9 they didn't do anything to really reveal what happens on
10 Glenallan Avenue when you start to look at the amount of
11 traffic.
12 When you look at the HCM analysis, and you see how
13 it backs up in different ways, the amount of cars that are
14 coming, it far exceeds what's coming out of the Metro.
15 We've got a disaster. Then, what you lay in on top of it,
16 you know. Let me go up to the drawing here. We talk about
17 accessibility. Well, from here to here, you have traffic
18 that sometimes the tails can cross over. At the same time,
19 we're going to have hundreds of people, theoretically,
20 crossing all along here to walk over to the, what is it
21 called?
22 MR. ROBINS: Glenmont Metro Center.
23 MR. KAUFFUNGER: Glenmont Metro Center. I know
24 we're not supposed to be looking at safety but it shouldn't
25 be too hard to figure out what a disaster you can have to

1 having all those people crossing at different points. It’s
2 the reason why, and we had some meetings with the developer,
3 you know, within the last month. We talked about a
4 pedestrian bridge going across there. Channel the traffic.
5 That's what Max's testimony is all about. You don't want
6 everybody walking willy-nilly all the way across here. It's
7 the same way you don't, you can't have four entrances and
8 exits along here. Then you have competing -- just think of
9 backed up. You have a set to turn lane.
10 MS. ROBESON: Yeah.
11 MR. KAUFFUNGER: Well, this is a zoo.
12 MS. ROBESON: I see what you're saying.
13 MR. KAUFFUNGER: And they don't give us the detail
14 of anything of what they're plan is. It's unimportant and
15 the argument is well, you only have to do LATR at
16 intersections. But, you really want to analyze road
17 networks, and HCM gives you a pretty strong tool. It turns
18 out Nancy ended up saying she used Sim Traffic. Sim
19 Traffic. Sim Traffic, okay, to simulate what's going on
20 here.
21 Four years ago, I saw a simulation of what happens
22 to traffic. You understood all the dynamics of Glenmont
23 when you see it simulated. You can't figure it out
24 definitely from CLV. Okay? But, when you get more insight
25 with HCM if you know enough about it and you can figure out

1 what will really happened. But if Sim Traffic, the whole
2 picture comes about. You really have a great idea of what's
3 going to happen and they can simulate the grade separation,
4 all those things. Put it this way. What was shocking to
5 me is it simulated exactly what I know about Glenmont. It
6 was super fresh in what the issues are. If I'm coming back
7 from my kid's house and my interest, I mean, this is, you
8 know, something that I've been telling Steve for a good
9 number of years. He'd ask why do you care so much about
10 this, and I'd say I want to go visit my kids in Bethesda and
11 Potomac and this is what I have to go through to get there.
12 So, it's a very reasonable concern for the community.
13 MS. ROBESON: Okay. I understand.
14 MR. KAUFFUNGER: I could drag you through a few
15 but then you'd want to throw me the hell out of here.
16 MS. ROBESON: No. Never.
17 MR. KAUFFUNGER: And by the way, I don't have the
18 numbers but you have as exhibits and I didn't come back in
19 to get the numbers but you have a couple of exhibits in the
20 record. I don't know. Are they in the room? Steve, is all
21 this stuff in the room? Like these?
22 MR. ROBINS: They're not in here, I don't believe.
23 MR. KAUFFUNGER: Okay. But, in the record, he
24 has, you know, some examples of how things will work, and
25 for instance this direct connection to Metro. It's showing

1 you all the ways people can be walking over there. I mean,
2 one, two, three, four. Well, they show four here. They
3 also have all the ways that the cars will be traveling and
4 that's when you start to study that and go, oh, my God. How
5 the hell can that possibly work? And one of the things that
6 we were prevailing on them to do is at least make the
7 entrances and exits to their community directly across from
8 the entrances and exits to Metro so that you can come up to
9 one point and you can make lefts instead of, you know, if
10 you off set it by 75 or 100 feet, then you can't even get in
11 working turning lanes in the middle.
12 But, at this point, I will go to the traffic study
13 that was done by --
14 MS. ROBESON: For the Glenmont parking garage.
15 MR. KAUFFUNGER: For the Glenmont parking garage.
16 MS. ROBESON: Which is Exhibit 195.
17 MR. KAUFFUNGER: Yes. Now, at the time this was
18 done, it was done to look at two alternatives, and they
19 refer to these alternatives as the east and west
20 alternatives. What they had built is the west alternative.
21 MS. ROBESON: Okay.
22 MR. KAUFFUNGER: On page 2, I think it's telling
23 that in 2008, the expected project build out, the traffic
24 increases from annual growth by the way they look at annual
25 growth here. Annual growth and background developments in

1 the area resulting in an increase of CLVs at all studied
2 intersections. So, they're saying things, you know, but
3 that was 2006. So, we won't hang a lot of weight on that.
4 This is where they're describing the different
5 roads.
6 MS. ROBESON: What page are you on?
7 MR. KAUFFUNGER: I'm on page 5.
8 MS. ROBESON: Okay.
9 MR. KAUFFUNGER: At the top, they describe the
10 existing parking garage. I don't know if we really see a
11 true description of it. The other thing that's interesting,
12 it's just looking at the volumes of traffic on the different
13 roads, and I think it is interesting that, you know, most of
14 us think of Georgia Avenue as being the really heavily
15 traveled road. There's no question it is. But, you look
16 at, and it has an average annual daily traffic is 46,000.
17 But, Layhill Road's no slouch. It's got 22,000, and
18 Randolph Road has 34,000. But, when you consider that all
19 of these roads coming together fairly close to each other,
20 it's what adds to the problem. It is the reason, by the
21 way, that at the time that extending Metro out to Glenmont
22 was debatable. Okay? Ida May Garrett who was the --
23 MS. ROBESON: Okay. I remember Ida May Garrett
24 but --
25 MR. KAUFFUNGER: But the key is she didn't want

1 increased density there.
2 MS. ROBESON: Because she didn't think it --
3 MR. KAUFFUNGER: It was like, you know, how can
4 you have a Metro station, okay, having people driving in and
5 having all these problems. I have drawings in my basement
6 of all the parking lots that were supposed to be built all
7 the way along Layhill Road and one of the earliest cases
8 that Steve never worked on was to wipeout one of the
9 supposed parking areas. That was what Parker Farms was
10 supposed to be for.
11 MS. ROBESON: Okay. But, back to this study.
12 MR. KAUFFUNGER: Okay. Going back to this.
13 MS. ROBESON: What does this study tell me?
14 MR. ROBINS: He's proud to prove that we have a
15 long history together.
16 MS. ROBESON: I'll take judicial notice of that.
17 What do you want to tell me about this exhibit?
18 MR. KAUFFUNGER: The descriptions of the
19 intersections that could be, of the roads and things, that
20 I'm not going to lead you through but I believe could be
21 useful to you. Okay.
22 MS. ROBESON: Well, you have to tell me what the
23 point is. Is it their high volumes?
24 MR. KAUFFUNGER: They're high volumes. They're
25 complex. They're not simple straight forward. Looking at

1 the intersections, this is going to page 6, study area
2 intersections. The really key ones for this particular case
3 because they're all right around the site is Maryland 97 and
4 Glenallan Avenue. That's intersection 2. Okay? What I
5 would consider three, Glenallan Avenue and east Kiss and
6 Ride lot parking structure exit. Very key.
7 We haven't talked about the increased traffic
8 because there's no Kiss and Ride as we've been told, there's
9 no Kiss and Ride on the west side. So, for the last year
10 plus the people have been coming over to the east side to
11 use the Kiss and Ride. Again, if you were using the west,
12 you would assume they were coming off Georgia Avenue. It
13 can be significant flows especially, well, depending on
14 which Hedstrom counts you use. Glenallan Avenue and the
15 Metro access Privacy World. You've got that combination
16 along that whole area. Glenallan and Maryland 182 which is
17 Glenallan Avenue and Layhill Road and then, of course,
18 Maryland 97/Georgia Avenue at Maryland 182 and Judson road
19 which is Layhill --
20 MS. ROBESON: Right.
21 MR. KAUFFUNGER: -- Judson, and last but not
22 least, I mean, if I skip this Vicki will shoot me, but
23 Randolph Road and Glenallan Avenue. Now, the real
24 interesting thing is when you come to existing volumes.
25 MS. ROBESON: Okay. Is that page 9?

1 MR. KAUFFUNGER: Yes. That's page 9. And this is
2 really fascinating because you look at the existing peak
3 hour volumes, granted this was 2000, well, it's dated 2006.
4 So, it's counts from 2005. But, if you go to circle, middle
5 site or the little map that's expanded for volumes and it's
6 circle 4. That's a very important one because what it shows
7 you is that in the a.m. peak hour, they have a grand total
8 of 32 vehicles coming out of the site as measured and
9 counted as part of this parking study. It shows that,
10 potentially, the vacancy rate was even higher back then.
11 MS. ROBESON: I don't see how this affects my
12 decision today. How does this study --
13 MR. KAUFFUNGER: Because what they did, okay? I'm
14 going to do it step by step. This particular --
15 MS. ROBESON: Well, if you could tell me where
16 you're going.
17 MR. KAUFFUNGER: Okay. Where it is. They gave
18 you an estimation of what they thought was the impact on
19 vacancies. This tells you exactly what a count was.
20 MS. ROBESON: It tells me in 2006.
21 MR. KAUFFUNGER: Yes. Right.
22 MS. ROBESON: And so what are you saying then?
23 MR. KAUFFUNGER: What I'm saying is indicates that
24 the vacancy rate in Privacy World has been extremely high.
25 I can honestly tell you it's 20 years but at least for the

1 last five or seven years and what they did is, and this goes
2 to the very issue that you were talking about earlier. Do
3 you do an estimation of how many cars would come out of what
4 they're saying is the number of cars that come out of there
5 or do you actually use the figures that somebody, vehicles
6 that somebody counted? I don't have any other sources from
7 counting the vehicles out there but I have this.
8 MS. ROBESON: But, I thought they applied trip
9 generation rates based on full occupancy.
10 MR. KAUFFUNGER: This is showing you how low it
11 really was.
12 MS. ROBESON: What do you mean low?
13 MR. KAUFFUNGER: I have to go --
14 MS. ROBESON: High the occupancy.
15 MR. KAUFFUNGER: Okay. I've got to do it
16 backwards. I have to do -- if I ended up having 32 vehicles
17 coming out at a trip generation rate for apartment houses,
18 I'll tell you how many apartments that came out. Does
19 somebody have a calculator? Okay.
20 MS. ROBESON: Are you saying that the 40 percent
21 vacancy rate is too low? Is that what you're saying?
22 MR. KAUFFUNGER: Yes.
23 MS. ROBESON: Okay. And so --
24 MR. KAUFFUNGER: But rather than saying, making
25 that statement, what I'm saying is we have information here

1 that shows what it was at that point I time.
2 MS. ROBESON: I know. But, I thought that there
3 was some basis for the 40 percent. Maybe Mr. Robins can
4 tell us where you got the 40 percent on rebuttal. But,
5 you're saying in 2006, the vacancy was higher than 40
6 percent.
7 MR. KAUFFUNGER: I believe so.
8 MS. ROBESON: The number of unoccupied units was
9 higher.
10 MR. KAUFFUNGER: I believe so. Yes.
11 MS. ROBESON: Okay. And you're basing that on his
12 2006 count?
13 MR. KAUFFUNGER: Well, Mr. Eisenstat isn't here.
14 But, if you were to drive through Privacy World at night and
15 saw that there are very few cars parked outside of the
16 apartments at 12 midnight, you'd understand what I'm talking
17 about.
18 MS. ROBESON: Okay.
19 MR. KAUFFUNGER: But, I didn't know how to
20 translate empty parking spaces into --
21 MS. ROBESON: Right. So, you haven't been able to
22 quantify--
23 MR. KAUFFUNGER: Right
24 MS. ROBESON: -- with precision what the vacancy
25 rate is.

1 MR. KAUFFUNGER: And then I got this about a week
2 ago, this study about a week ago after battling for two
3 months. All of a sudden, I look at this and go there it is.
4 MS. ROBESON: Ms. Randall, what's the trip
5 generation rate for the Privacy World apartments?
6 MS. RANDALL: I use the county standard trip
7 generation rate.
8 MS. ROBESON: And that is?
9 MS. RANDALL: I'd have to pull it out of the
10 guidelines but it's less than one trip per dwelling unit
11 during the peak hours because, as you can imagine, not
12 everybody leaves at the same time. But, if you can bear
13 with me for just a second, I'll pull it out.
14 MS. ROBESON: Well, let's get to that later. So,
15 your point based on what you know is you think that the
16 vacancy rate is higher and that more trips should be added
17 in.
18 MR. KAUFFUNGER: Absolutely.
19 MS. ROBESON: All right. I understand that.
20 MR. KAUFFUNGER: And it's not a de minimis thing.
21 We're going to be taking, we're going to be doing little
22 adjustments, let's do the adjustment based on reality.
23 Okay.
24 MS. ROBESON: Do you have it?
25 MS. RANDALL: I do. It is point four trips per

a.m. peak hour. That's combination of both inbound and outbound.

MS. ROBESON: Okay.

MS. RANDALL: And in the p.m., it's point four seven per dwelling unit.

MS. ROBESON: Okay.

MR. KAUFFUNGER: Well, let's just do the outbound because I, I mean I could add them up for you but --

MS. ROBESON: So, you're saying circle 4, 32 in the a.m.

MR. KAUFFUNGER: Yes.

MS. ROBESON: And so --

MR. KAUFFUNGER: And because I flipped to something else. So, okay. That was page 9. Okay. It was 32 in the a.m., and it was 30 in the p.m. out.

MS. ROBESON: Okay. Where do you get 30? I see 32 and 67 unless I'm looking at the incorrect thing.

MR. ROBINS: I think the other thing you need to consider this is probably, from at least what we can tell, counting one driveway.

MS. ROBESON: There are three.

MR. ROBINS: There are three access points.

MS. ROBESON: I see. Okay. You can do that on rebuttal.

MR. ROBINS: Okay. I just wanted to make sure

1 that you were going down this road.
2 MR. KAUFFUNGER: Just to clarify, there are three
3 access points that are along Glenallan Avenue. Two, well,
4 one is open 24 hours a day. One is open for roughly eight
5 hours a day. Yeah. Eight hours from, no nine hours, from
6 roughly 8:30 in the morning until 5 o'clock at night. It
7 basically services the rental office and the next one is
8 locked all the time.
9 MR. ROBINS: And then there's one on Georgia
10 Avenue, too.
11 MR. KAUFFUNGER: Okay.
12 MS. ROBESON: Okay. All right. So, let's -- I
13 understand is your basing your assertion that the occupancy
14 is --
15 MR. KAUFFUNGER: The vacancy.
16 MS. ROBESON: -- the vacancy is higher --
17 MR. KAUFFUNGER: Right.
18 MS. ROBESON: -- on this traffic study because the
19 numbers are so low.
20 MR. KAUFFUNGER: Right. Yes.
21 MS. ROBESON: Okay. So, let's --
22 MR. KAUFFUNGER: The problem is this because they
23 didn't give us any information.
24 MS. ROBESON: Okay. Now, let's get to your next
25 point.

1 MR. KAUFFUNGER: Okay. Now, when they projected
2 out in 2008, they used the same numbers in this study.
3 Okay. Now, we come down to the trip generation coming out
4 of the new parking garage.
5 MS. ROBESON: Okay. What page is that?
6 MR. KAUFFUNGER: This is on page 20.
7 MS. ROBESON: 20. Oh. I see. I'm sorry. Okay.
8 Go ahead. I'm with you.
9 MR. KAUFFUNGER: So, what they believed that would
10 be the most reasonable thing was to look at the existing
11 parking structure which is roughly 1,800, 1,781. Okay? And
12 then do traffic counts going in and out. We were mostly
13 interested in out in the p.m. peak hour. But, just so you
14 can see what they did because it'll help explain, then, what
15 Vicki did. Okay? Identified what the peak hour was and
16 then they did a generation off that and skip over to page
17 22, and this is when they did their trip generation for the
18 project.
19 Now, in this case, we're talking only about the
20 west alternative. So, what they looked at is, since I'm
21 only focusing on the p.m. peak hour, they counted the number
22 of vehicles that came in, divided it by the number of
23 parking spaces in the entire structure and came up with a
24 generation rate. The key one here is those exiting which
25 means if you read it in the p.m. peak hour, they believe you

will have point three four cars per parking space exiting. Or, for the western alternative 378 vehicles.

However, when you go back to the ITS study, it's about half of that. In fact --

MS. ROBESON: So, your point is based on this number they under, the applicant under estimated.

MR. KAUFFUNGER: The impact of the west garage on definitely the Georgia/Glenallan intersection.

MS. ROBESON: Okay.

MR. KAUFFUNGER: Now, 31.

MS. ROBESON: Is that a page in this report.

MR. KAUFFUNGER: Yes. I'm going to take you to page 31.

MS. ROBESON: Mine only goes to 22.

MR. KAUFFUNGER: Yours, oh. You know why? You got the one where the machine jammed.

MS. ROBESON: Oh. I see. Here's the remaining pages.

MR. KAUFFUNGER: Can we give you another one?

MS. ROBESON: No.

MR. KAUFFUNGER: No. Okay.

MS. ROBESON: I'll just put these two together.

MR. KAUFFUNGER: Okay.

MS. ROBESON: How's that.

MR. KAUFFUNGER: Yes.

1 MS. ROBESON: And this'll be the official 95. So,
2 now I'll go to 31. Okay.
3 MR. KAUFFUNGER: Well, it's the same thing. It's
4 just showing what the volumes are coming and going out of
5 the parking garage. It's nothing new. 33. Page 33. Well,
6 all they're revealing here is because they used CLV that is
7 as a result of the parking garage and the people exiting
8 that the CLV was going to increase. I did not read over the
9 things that they were suggesting to do to bring relief from
10 operations.
11 MS. ROBESON: Okay.
12 MR. KAUFFUNGER: But, I did mark it. But, I guess
13 more properly it said.
14 MS. ROBESON: All right.
15 MR. KAUFFUNGER: I think I covered that but that's
16 the import of this particular document.
17 MS. ROBESON: Okay.
18 MR. KAUFFUNGER: I have a mess over here.
19 Somebody ought to get them. I'll send them to the County
20 Council. In a way, I want to use -- I went to Office Depot.
21 I actually had the store manager help me print these up this
22 morning, and he billed them out as color copies. So, it
23 cost me $47.
24 MS. ROBESON: Oh, no.
25 MR. BRONSTEIN: Did you correct him?

MR. KAUFFUNGER: No.

MS. ROBESON: I don't think the county can reimburse you for that.

MR. KAUFFUNGER: Yeah. So, anyway I have a fight to go back to after this session is over. All Right. Vicki?

MS. VERGAGNI: Yeah.

MR. KAUFFUNGER: Vicki will cover the --

MS. ROBESON: Remaining points?

MR. KAUFFUNGER: -- the parking garage. Yeah. Sure.

MS. ROBESON: Okay.

MR. KAUFFUNGER: Okay. You're way back there. Okay. Through all of this, it's just to say that the applicant had the burden of proof to show that there would be no problems, and what they presented with the assumptions that they made and the inaccuracies that are throughout this, I think you can clearly say that it is not, they have not met their burden because you can't clearly say that there won't be any adverse impacts. In fact, there's much evidence to show that there will be adverse impacts on all of these roads. I'm trying to figure if I want to drag you out anymore.

MS. ROBESON: Oh. Well, you still have closing argument.

1 MR. KAUFFUNGER: Okay. I have also brought along
2 with me but I don't know if it's helpful but Vicki, Max, and
3 I had come up with some binding elements after discussion
4 that we had with Steve, Pete Jervey, and some other partners
5 as well as Nancy.
6 MS. ROBESON: You mean partners in the applicant?
7 MR. KAUFFUNGER: Yes. In the application.
8 MS. ROBESON: Okay.
9 MR. KAUFFUNGER: Okay? And indirectly, Steve has
10 raised some of these things, and I don't know if we
11 should -- it might give you some guidance as to how the
12 citizens think because we weren't going to just -- our plan
13 was not to go out and try to kill it which is what the
14 option is today. It's the only option is to go out and
15 really kill it but that there were ways of potentially
16 lessening the impacts.
17 MS. ROBESON: Well, why don't you just summarize
18 for me. I heard the pedestrian bridge.
19 MR. KAUFFUNGER: Okay. First of all was to limit
20 site vehicular access on Glenallan to two major entrances
21 and exits. Okay? And do it directly across from Metro
22 garage so that you could bring some orderliness to traffic
23 on Glenallan Avenue.
24 The next is to provide the pedestrian bridge, and
25 that's simple to understand. The third one was to, the

applicant will facilitate the channeling of pedestrians wishing to cross Glenallan Avenue. I've quipped to a lot of people, I'll never forget the face of a man running across there in the dark at about 6:15 one day back in January as he's trying to make his way through the traffic. You can't have them just walking all over. In order to increase the line of sight distance for the vehicles exiting the subject site, we need to increase the building restriction line.

The way the buildings are set up today, only the first car in a row in a number of places could possibly see down the road and this is at a point where there are very substantial line of sight distance problems. There's this dog leg in it. If you come out of the Kiss and Ride and you are going to make a turn, going to make a left, for instance, on to Glenallan and you want to look right, you can't see very far because of the shape of the road.

MS. ROBESON: Okay.

MR. KAUFFUNGER: And the other thing is it's not just the horizontal aspects of the geometrics. It's the vertical because there's a pretty substantial grade there.

MS. ROBESON: Okay.

MR. KAUFFUNGER: So, then you exacerbate that from the site side by not giving people -- it's only the first car in a row that can see what's happening down the road.

MS. ROBESON: Okay. So, you're recommendation is

to have a bigger building setback.

MR. KAUFFUNGER: Yeah. They got to get back further so you can at least let the first two cars in a queue trying to get out of the development to see up and down the road.

MS. ROBESON: Okay. All right.

MR. KAUFFUNGER: Okay?

MS. ROBESON: Anything else?

MR. KAUFFUNGER: Because we're going to ultimately expect less height, lower density, we're also recommending that the maximum building height on the subject site at elevations above 435, which really means it's the section up along Layhill Road, okay, be limited to 35 feet.

MS. ROBESON: Okay. I think that's a little outside the remand. I don't see building height being part of the remand.

MR. KAUFFUNGER: Okay. Yes. Okay.

MS. ROBESON: Is there anything else relating to traffic?

MR. KAUFFUNGER: Yes. The vehicular access on the west side of Layhill Road, opposite the entrance/exit to Winexburg Apartments, and this is because long term, the traffic is going to increase enough that there will be an opportunity for more traffic control devices particularly as they're talking about now redeveloping Winexburg Apartments.

1 You know, you can't have everything going out onto Glenallan
2 Avenue. But, it just gives you that latitude.
3 And then the other end of that east/west road is
4 to have access directly, to access Georgia Avenue directly
5 across from the existing Denali Drive on the west side of
6 Georgia Avenue, and by the way, this is the recommendation
7 of the sector plan and again is right now, I didn't make it
8 very clear to you, where I'm trying to line it up with
9 Winexburg, there is an island there. There's no break in
10 the island. So, it forces everybody, the only traffic to be
11 right in, right out. You have the same kind of condition on
12 Georgia Avenue, right in, right out. However, with
13 increasing redevelopment, you could, if you had these built
14 as suggested by the sector plan, it would make sense, you
15 know, having people line up so you don't have entrance and
16 exits every place to these communities.
17 MS. ROBESON: Okay.
18 MR. KAUFFUNGER: Vicki and I will disagree with
19 Max. He put forth his view of what the density should be of
20 being 1,200 residential units including MPDUs and how many
21 square feet of retail space but we were, Vicki and I, were
22 undecided about that amount and suggesting lower amounts and
23 then we also suggested a binding element specifying
24 additional right of way would be dedicated along Glenallan
25 Avenue so that we could help improve the operational

characteristics of all intersections from Georgia Avenue over to Layhill Road --

MS. ROBESON: Okay.

MR. KAUFFUNGER: -- including those by giving a little more width, we could possibly improve things.

MS. ROBESON: Okay.

MR. KAUFFUNGER: They were very open to what we said although, well, I'm not entering into the record, but we discussed all of these with the applicant and his representatives in detail.

MS. ROBESON: Okay. And I'll let the applicant respond --

MR. KAUFFUNGER: Okay. Okay.

MS. ROBESON: -- as to how they feel about them.

MR. KAUFFUNGER: Okay.

MS. ROBESON: All right. Is there cross-examination of Mr. Kauffunger?

MR. O'NEIL: Just a few questions.

MS. ROBESON: Oh. I looked the wrong way.

MR. O'NEIL: I'm not going to keep it long for the late hour.

MS. ROBESON: Okay.

MR. O'NEIL: Mr. Kauffunger, do you recall that number of the elements that you were trying to include or suggesting they include in this that were already negotiated

1 and discussed the first time around?
2 MR. KAUFFUNGER: I don't have any idea what you're
3 asking me?
4 MR. O'NEIL: Do you recall hyping negotiating and
5 discuss of the --
6 MR. KAUFFUNGER: I never. I've heard that. That
7 it was negotiated and decided on by somebody. I have no
8 idea. I have over 20 years, okay, of arguing against high
9 buildings along Layhill Road because you've got to remember
10 that --
11 MS. ROBESON: Okay. Mr. Kauffunger, is that a no?
12 MR. KAUFFUNGER: Lots of history in this.
13 MS. ROBESON: You don't remember?
14 MR. KAUFFUNGER: I remember that I never -- now
15 that I understand what he's asking me. I didn't understand
16 when he first asked the question.
17 MS. ROBESON: Okay.
18 MR. KAUFFUNGER: No. I never would have agreed to
19 it.
20 MS. ROBESON: Okay.
21 MR. O'NEIL: Can I ask you another memory question
22 from the first time around? Do you recall stating in the
23 transcript that I believe that the grade separated
24 interchange solves, is the solution to the problem faced by
25 Glenmont?

1 MR. KAUFFUNGER: As far as letting some traffic
2 move? Yes.
3 MR. O'NEIL: But, now you're introducing a whole
4 bunch of different problems --
5 MR. KAUFFUNGER: No. I'm not.
6 MR. O'NEIL: -- at the same time related to
7 traffic. Is that correct?
8 MR. KAUFFUNGER: No. I am not.
9 MS. ROBESON: Okay.
10 MR. KAUFFUNGER: I looked at Georgia/Randolph as
11 being a rubber stopper in the bottom of a funnel. It didn't
12 solve all the flows going down into the funnel. What it did
13 is it opened up the bottom of the funnel and that's exactly
14 how it functions from a transportation standpoint.
15 MS. ROBESON: Any other questions, Mr. O'Neil?
16 MR. O'NEIL: That's plenty for now. Thank you.
17 MR. BRONSTEIN: I had something.
18 MS. ROBESON: No.
19 MR. BRONSTEIN: No.
20 MS. ROBESON: No. The answer is no because we've
21 got to get through this at some point, and we're hearing
22 many different viewpoints today and each person, you know,
23 is really more than adequate, you all, of putting forth
24 their views.
25 MR. BRONSTEIN: Is there going to be ability to

1 put something in the record in writing up to a certain date?
2 MR. KAUFFUNGER: Oh. Don't do that.
3 MS. ROBESON: Yes.
4 MR. BRONSTEIN: He'll probably think of something,
5 so to speak.
6 MS. ROBESON: Well, you still have closing
7 arguments if you--
8 MR. BRONSTEIN: Today?
9 MS. ROBESON: Well, that depends. Do you have --
10 we have Ms. Vergagni to get through and then you have
11 rebuttal as well.
12 MR. ROBINS: Nancy.
13 MS. ROBESON: Ms. Wells. That's what I figure.
14 MR. ROBINS: Ms. Wells. You've just done it
15 again.
16 MS. ROBESON: Don't tell Marty.
17 MS. RANDALL: It's all right. I won't. No. More
18 importantly, I won't tell Carol.
19 MS. ROBESON: Right. Ms. Vergagni, how long do
20 you think your testimony is going to take?
21 MS. VERGAGNI: Probably 30 to 45 minutes.
22 MS. ROBESON: Okay. And rebuttal?
23 MR. ROBINS: Fifteen minutes.
24 MS. ROBESON: Okay. Does anyone have any
25 conflicts with trying to finish it today except I do want to

leave the record open to hearing back on technical staff.

MR. KAUFFUNGER: I do. There's something I have to attend tonight.

MS. ROBESON: Okay. Do you need to be here for Ms. Vergagni and the rebuttal? Can you delegate to your --

MR. KAUFFUNGER: I certainly -- I sometimes get more out of some of the things that are said than -- I just have much more experience in doing these zoning, land use cases. So, it's often more meaningful to me what is said.

MS. ROBESON: Okay. I understand that but for us to convene a hearing -- well, what time do you have to leave?

MR. KAUFFUNGER: It's a little after 5:00 now.

MS. ROBESON: Let's let Ms. Vergagni testify. You finished your cross-examination, Mr. O'Neil. Right?

MR. O'NEIL: Yes. I have.

MS. ROBESON: Okay. Let's let Ms. Vergagni testify and we'll see how far we get. Ms. Vergagni, please raise your right hand. Do you solemnly affirm under penalties of perjury that the statements you are about to make are the truth, the whole truth, and nothing but the truth?

MS. VERGAGNI: Yes. I do.

MS. ROBESON: Thank you. Please state your name and address for the record.

1 MS. VERGAGNI: Okay. Vicki Vergagni.
2 MS. ROBESON: Uh-huh.
3 MS. VERGAGNI: 2305 Greenery Lane, Unit 203,
4 Silver Spring, Maryland 20906. I am the president of the
5 Board of Directors for our community, Glen Waye Gardens
6 Condominium Association. I'm also the on sight community
7 manager.
8 MS. ROBESON: Okay. And are you testifying on
9 their behalf today?
10 MS. VERGAGNI: On their behalf as well as my own.
11 MS. ROBESON: Okay.
12 MR. ROBINS: Excuse me. Can I just ask a
13 question? I saw in the out log, the out log, the exhibit
14 list --
15 MS. ROBESON: Uh-huh.
16 MR. ROBINS: I thought I saw that she had
17 submitted something recently. Was it, yeah.
18 MS. ROBESON: She did submit something recently.
19 I did see that, and I did think of the rule but when I
20 looked at the statement --
21 MR. ROBINS: I'm not surely objecting to it. I
22 just haven't seen it.
23 MS. ROBESON: Oh. Exhibit --
24 MR. ROBINS: 186.
25 MS. ROBESON: Right. Okay.

1 MR. ROBINS: Did you send us a copy?
2 MS. VERGAGNI: Probably not. Sorry, Steve. I am
3 new to this stuff, and I am so sorry.
4 MS. ROBESON: You'll know --
5 MR. ROBINS: Oh. You're not knew to it.
6 MS. ROBESON: All right. Do you want to take a
7 minute and look at it?
8 MR. ROBINS: She can go. Can I just see it?
9 MS. ROBESON: If I can find it up here, I'll give
10 it to you.
11 MR. ROBINS: Or Vicki, do you have another copy?
12 I just would like to have a copy of it.
13 MS. VERGAGNI: Was it a February 24 letter?
14 MR. ROBINS: No. What you submitted on 3-2, on
15 Friday.
16 MS. VERGAGNI: What had come back in the mail as
17 my letter but I was going to, the second time I was going --
18 MS. ROBESON: Yeah. It says letter dated February
19 24th.
20 MS. VERGAGNI: Yeah. I attempted and it came
21 back.
22 MS. ROBESON: But it came in on 3-2.
23 MS. VERGAGNI: Yeah. So, then I faxed it over
24 because it came back in the mail. I don't know why. So,
25 just --

1 MR. ROBINS: If we could just get a copy.
2 MS. ROBESON: Here it is.
3 MR. ROBINS: I just don't know what it is. I'm
4 sure it's fine.
5 MS. ROBESON: It's more -- in my opinion, it was
6 more of a generalized statement and not anything in
7 particular.
8 MS. VERGAGNI: No.
9 MS. ROBESON: Normally, we do require -- if you
10 want it out, she can simply testify to what's --
11 MR. ROBINS: I'm okay with it.
12 MS. ROBESON: Okay. Okay. Ms. Vergagni, go
13 ahead.
14 MS. VERGAGNI: Okay. I think what I want to do is
15 first of all our community is a community of immigrants; 214
16 condominium units, 28 buildings on 15 acres with a native
17 Maryland forest. It's a small piece of heaven most days;
18 most days. But what I want to tell you about is something
19 that I consider what's call local mariner knowledge if
20 you're a sail boater or a power boater.
21 Whenever a commercial ship comes into a port of
22 call, the captain, the foreign captain, does not maintain
23 control of the wheel. So, what I want to do is --
24 MS. ROBESON: He hands it over to a pilot.
25 MS. VERGAGNI: To a pilot. That's correct.

1 MS. ROBESON: Right.
2 MS. VERGAGNI: So, I would like to be your pilot
3 today.
4 MS. ROBESON: All right.
5 MS. VERGAGNI: And show you what we're
6 experiencing on Glenallan Avenue.
7 MS. ROBESON: Very well.
8 MS. VERGAGNI: So, most of the time, I'm not going
9 to be right here.
10 MS. ROBESON: That's fine.
11 MS. VERGAGNI: Okay. All right. So, here we go.
12 And I get so excited about doing this stuff that I have
13 trouble controlling myself.
14 MR. ROBINS: Uh-oh.
15 MS. VERGAGNI: And you're close by, Steve.
16 MS. ROBESON: We're not on camera but we are on
17 tape. So--
18 MS. VERGAGNI: Okay. So, here is where our little
19 development is right here.
20 MS. ROBESON: Now, can you just describe is that
21 Glenallan, bounded by --
22 MS. VERGAGNI: It's bounded by Layhill road,
23 Glenallan Avenue, and a small piece of Randolph.
24 MS. ROBESON: Okay.
25 MS. VERGAGNI: Okay. Now, what I want to do, is I

1 want you to understand. I found some conflicts in some of
2 the information that was provided in documents submitted to
3 you as the Hearing Examiner.
4 You'll notice that Glenallan Avenue along here is
5 four lanes. It's four lanes until about right here and then
6 it becomes two lanes.
7 MS. ROBESON: Wait. I'm going to hold you up a
8 little bit.
9 MS. VERGAGNI: Sure.
10 MS. ROBESON: Right here is just a little bit to
11 the east--
12 MS. VERGAGNI: Past the intersection --
13 MS. ROBESON: -- of Layhill.
14 MS. VERGAGNI: It's 150 feet on this side where
15 the cars start parking down here and 197 feet on this side
16 and cars start parking down here.
17 MS. ROBESON: Okay.
18 MS. VERGAGNI: So, all along here, most of the
19 way, there are parked cars. In fact, on a normal day, there
20 are 85 cars parked, most of them being from Metro riders.
21 MS. ROBESON: Okay.
22 MS. VERGAGNI: And by 5:30 to 6:00 in the morning,
23 I must tell you it is full. I'll use my Sarah Palin joke
24 later.
25 MR. ROBINS: Okay.

1 MS. ROBESON: Okay.
2 MS. VERGAGNI: Okay. So, there are only two lanes
3 here. Now, we have -- our development right here is an exit
4 from 2201 Greenery Lane. All of this is private road on
5 Greenery Lane that runs down the middle of our development.
6 It has two exits onto Layhill. It has one -- and Layhill is
7 divided.
8 MS. ROBESON: Right.
9 MS. VERGAGNI: It has one exit onto Glenallan
10 Avenue.
11 MS. ROBESON: Okay.
12 MS. VERGAGNI: So, what I did is people come down
13 here. The speed limit on Layhill Road and on Glenallan
14 Avenue is 30 miles per hour. That is not close to what the
15 traffic flows out there. It is much faster.
16 I want to go over a little bit of the topography
17 of Glenallan Avenue as well. This dips down a little bit
18 and dips --
19 MS. ROBESON: When you say this, you're starting
20 from Georgia.
21 MS. VERGAGNI: I'm sorry. Yeah. From Georgia on
22 Glenallan Avenue, it goes slightly downhill and then there
23 is a large slope here that's been referred to previously by
24 people with regard to line of site. You drop, it's 22 feet
25 in a very short distance. The drop is from the center of

1 the intersection down to kind of the bottom at Layhill --
2 MS. ROBESON: The intersection of Layhill.
3 MS. VERGAGNI: -- and Glenallan. Correct. Then,
4 it starts going down and all the way down here it is
5 downhill. It is a more gradual slope although it is very
6 steep at the top of the Layhill/Glenallan intersection and
7 then it kind of slowly slopes down.
8 MS. ROBESON: Okay.
9 MS. VERGAGNI: Also, you have to understand how
10 Layhill is laid out, the topography of Layhill. Again, you
11 come down Layhill and the high point again is this
12 intersection as you move down Layhill towards Georgia. When
13 you go through that intersection which is the high point,
14 you drop significantly down to Georgia Avenue. So, cars
15 coming either direction this way, up and down Layhill, or
16 cars coming down and up Glenallan, each time, we've got a
17 crest of a hill that people have to deal with.
18 Now, my unit is right here. I'm probably about
19 500 feet from the intersection of Glenallan and Layhill. I
20 have lived there since August, no. I'm sorry. September
21 1975. I have heard the accidents on a regular basis. I
22 understand that there are accident reports but many times
23 there is no accident report made. You hear the crashing of
24 the cars or you hear the squealing from the tires.
25 This intersection has been so difficult that we

1 have two individuals in our community who are blind, legally
2 blind, one of whom is also legally deaf. Recently, they put
3 in a countdown here, signal, at this particular intersection
4 because of the difficulty of the individual with the seeing
5 eye dog, Mr. Kreller.
6 But, there is a lot of activity around here and a
7 lot of it is not slow. In fact, my car was totaled and my
8 friend's car was totaled parked on the side here because
9 people come roaring over this hill and then they're not
10 looking where they're going and all of a sudden, the four
11 lanes collapse to two within about, let's see, it's 200
12 feet. One fifty on this side. Two hundred. And it
13 collapses into two. So, people who are not familiar, who
14 aren't paying attention or it happens to be rainy, it
15 happens to be a slippery time, whatever, they're zipping
16 over here and then they are colliding with cars out here
17 that are parked on the street.
18 The other thing that I need to mention to you is
19 in terms of topography. Look at this curve right here on
20 Glenallan Avenue, that is between Georgia Avenue and Layhill
21 Road. Again, cars come zipping down there and then often
22 times, they have taken out the fence here because it is an
23 accident, it's an accident area because people are moving
24 too quickly and in bad weather it's complicate but this
25 is -- and they're really concerning when I looked at the

1 development plan because what they've done here is they put
2 in a public space. I will not use that public space knowing
3 full well how the traffic flows there.
4 So, back to Glen Waye Gardens. We have trouble
5 getting out in the morning because there is -- first of all,
6 you have traffic that is coming down Georgia Avenue taking a
7 left hand turn onto Glenallan Avenue, going through the
8 light at Layhill and coming down the road so they can get
9 onto Randolph and head east. So, we've got a lot, and you
10 were talking about the volume. Dick was mentioning the
11 volume of traffic in the morning that has nothing to do with
12 Metro, nothing to do with the development and that's in the
13 peak hour, close to 500 cars.
14 So many people -- as other people are coming down
15 Layhill Road taking a left hand turn onto Layhill Road and
16 coming down here and they want to go west on Randolph Road.
17 Rather than getting in these queues which get to be
18 extremely long, there is a small private, we have a small
19 private road here, and they go into Greenery Lane and then
20 they shoot through Greenery Lane and come out on Randolph so
21 they can avoid the queue because the queue is so
22 significant.
23 MS. ROBESON: And you're talking about the queue
24 at Glenallan and Randolph, southbound on Glenallan.
25 MS. VERGAGNI: Yes. I'm talking about the queue

at Glenallan and Randolph is so backed up that people go through our development and then come out on Randolph to take a right onto Randolph to head west. So, we've got that issue that's complicating our lives. Up here at Layhill, let me finish. I'm sorry. So, you've got traffic coming down here taking a left. Traffic coming across here. We do have -- this is a free running, is that correct? A free running lane. What's it called when you don't have a --

MS. ROBESON: Unrestricted?

MS. VERGAGNI: Unrestricted. People can take a right hand turn without stopping. So, when people try to get out here, we have this long line of cars that's blocking our line of site to get out because people are parked there. The Metro parkers are there. We want to get out but the cars are coming fast and furious during the peak hour especially and so you're taking your life in your hands when you try to inch out to look up there to see what's coming, and it's very difficult to get out on to Glenallan Avenue from our development.

MS. ROBESON: Okay.

MS. VERGAGNI: But, in the p.m. peak hours, what's happening people are coming here, and they're turning here and they want to go back this way or they're turning here and they want to go back up. They want to retrace their steps from the morning rush hour.

1 When our people come back and they want to come
2 into the development, we have to take a left hand turn.
3 This means that we have to stop the traffic behind us and
4 make sure there's no traffic coming down so we can get
5 across into our development. At 4:30 in the afternoon, it
6 is not unusual for me to see, as I walk the property, a
7 backup of seven to 11 cars here if any of our people are
8 trying to turn left into the development. This is, I think,
9 347 feet before the entrance here to Winexburg. So, it's
10 another 150 feet, maybe, here before the entrance to
11 Glenallan to Greenery Lane. So, we're having a lot of
12 difficulty taking our lefts into our development in the p.m.
13 Difficulty taking a right out in the morning. Difficulty
14 taking a left in the evening.
15 We have no difficulty getting out at Layhill Road
16 in the morning right now. But, in the evening, there's a
17 very short left queue lane. I think it's 185 feet long. So,
18 if we want to go out here, this is a free running off of
19 Georgia Avenue to keep the traffic moving, there's no stop
20 light here, and people just go whoosh to go up Layhill Road.
21 So, they just keep coming. There's not stop sign here
22 unless you're going up Georgia. They keep coming without
23 stopping right here at Layhill and Georgia Avenue. So,
24 we're having difficulty. We have to get out here.
25 Most of our people who want to get out want to go

1 north on Georgia or they want to go south on Georgia, and
2 it's difficult to get out. So, what they are having to do
3 is to try to cross this fast moving lane of traffic to get
4 into the left hand queue so they can make a u-turn or take a
5 left onto Glenallan Avenue to proceed north on Georgia
6 Avenue. So that, I can see that this is just going to be
7 complicated with more cars coming home because if you have
8 even another 1,000 cars coming home to this site, how are
9 the people going to get into the site? Are they going to go
10 up here and take a right? Possibly. Or they're going to go
11 up here, and they live down here and they want to take a
12 left or a right into the development. I don't know how it's
13 going to be distributed but I do believe that there will be
14 additional vehicles coming up here. So, it's going to make
15 it even more complicated for us to get out in the p.m. rush
16 hours.
17 Let's see. Okay. Now, onto the Metro garage. I
18 understand that we have operational issues. I understand
19 that people want to handle them traditionally later on down
20 the road. The problem is, we're kicking the can down the
21 road and we've got serious issues right now that affect the
22 viable, the feasibility of the project. You've got there
23 entrances here just from our two developments on Glenallan
24 Avenue between Layhill Road and Randolph Road. Over here is
25 a development with 625 units. We have 214.

1 MS. ROBESON: When you say over here, you're
2 talking --
3 MS. VERGAGNI: That's Winexburg.
4 MS. ROBESON: Okay. East across Layhill.
5 MS. VERGAGNI: Yes. I'm not good at directions.
6 So --
7 MS. ROBESON: That's okay.
8 MS. VERGAGNI: Okay.
9 MS. ROBESON: Well, go ahead.
10 MS. VERGAGNI: Okay. And more of their
11 development is right in here. But, there are two driveways
12 now that go out on Glenallan Avenue. There's a driveway
13 here. I called the people over at Winexburg and I said are
14 your people having difficulty getting out, and the woman
15 started laughing, and she said most of the, if they're
16 having difficulty, they ultimately end up having to go down
17 to get onto Randolph to be able to get out because they
18 cannot access Glenallan Avenue because if you want to get to
19 Randolph Road from this development, you have to take a left
20 hand turn. If you're taking a left hand turn, you've got
21 traffic coming up like this in the morning and traffic
22 whizzing down here. Now, there's less going this direction
23 up Glenallan Avenue then down Glenallan Avenue. You still
24 have to get two clear lanes to get across, take a left, and
25 go down here so you that you can go on Randolph Road and

1 head down Georgia Avenue or west on Randolph. That's one
2 driveway.
3 Then we have our driveway here of people trying to
4 get out and then you've got a second driveway for Winexburg
5 of them trying to get them out also, trying to take a left
6 hand turn to go this way so they can go down here, go
7 Randolph Road either direction or head down Georgia Avenue.
8 They do have an exit out here and there are some people that
9 use it but again, what they have to do is it's a divided
10 road. So, again, they have to go around, make a u-turn, and
11 come back down. So, because of all the divided roads, it's
12 making it very complicated for people to get out and the
13 volume of traffic that is whizzing by. Most of it is not
14 our local neighborhood and surrounding area traffic. It's
15 outsiders. So, it makes it very, very tough for us to use
16 appropriate ingress and egress without risking something
17 going on to your car or an individual.
18 And I know pedestrian safety is not an issue
19 that's been in the remand. But for me, a roadway is not
20 used solely by vehicles. People have to cross the roadway.
21 So, I don't think we can close our eyes to that.
22 Now, I want to go up here to look at the proposed
23 development. I want to look at the Metro garage, and I do
24 have a study that I'd like to put into the record that I did
25 because I couldn't find a study that discussed how many cars

1 were coming out of the existing garage.
2 MS. ROBESON: These are your own counts?
3 MS. VERGAGNI: Yes. I took four of my staff over
4 there. We stationed ourselves in four positions after we
5 synchronized our T-Mobile phones. So, we put one person on
6 the Layhill exit here to count the cars coming out of the
7 garage at the Layhill exit. We put one person down here to
8 count the cars at the end of the exit here out of the
9 garage. We put one person --
10 MS. ROBESON: Okay. Just tell me where here is.
11 MS. VERGAGNI: Oh. I'm so sorry. It's the exit
12 out of the garage closest to Glenallan and Layhill.
13 MS. ROBESON: Okay.
14 MS. VERGAGNI: Then we put one person at the
15 bottom of Glenallan and Georgia Avenue. It cost me a dinner
16 for all the counting he did. Put it down here. We also
17 stationed a person on a lawn chair at the Kiss and Ride.
18 So, what we wanted to try to do was differentiate between
19 where's the traffic coming from and how's it emptying out.
20 We started at 4:30 in the afternoon. We went
21 until 6:30 in the evening. We found the peak hour by
22 putting, adding together the four 15 minute intervals. The
23 peak hour was 5:30 to 6:30 as you'd expect.
24 Now, what we did is we counted the cars coming in
25 and going out of the Kiss and Ride.

1 MS. ROBESON: Uh-huh.
2 MS. VERGAGNI: The number that came in and the
3 number that left was within 10 or 12. So, you know, some
4 people are sitting there waiting. We also -- the person at
5 the bottom here, closest to the intersection of Georgia and
6 Glenallan, that individual counted all the cars coming out
7 and then we subtracted the Kiss and Ride count to get what
8 was coming out of the garage.
9 MS. ROBESON: Okay.
10 MS. VERGAGNI: Because there's no way into the
11 garage. It's just out of the garage. The only entrance
12 into the garage is over on Layhill Road and it's here on
13 Glenallan Avenue at the intersection closest to Layhill and
14 Glenallan.
15 MS. ROBESON: Okay.
16 MS. VERGAGNI: So, we did a little traffic study
17 and we found out altogether, in the peak hour, including the
18 Kiss and Ride and there's no Kiss and Ride and it would --
19 the Kiss and Ride was closed February 2011 when they started
20 construction on the new Metro garage.
21 MS. ROBESON: And what was the date of your
22 counts?
23 MS. VERGAGNI: My day of counts was last Thursday.
24 MS. ROBESON: Okay.
25 MS. VERGAGNI: Yes.

1 MS. ROBESON: Okay.
2 MS. VERGAGNI: I was told we had to count on a
3 Tuesday, Wednesday, or Thursday.
4 MS. ROBESON: March 1st.
5 MS. VERGAGNI: March 1st. You got it. So, all
6 together coming out of the Metro garage including the Kiss
7 and Ride, there were 878 vehicles came out between 5:30 and
8 6:30. Now, let me show you -- so based on that, we wanted
9 to create generation rates for the new garage.
10 MR. ROBINS: Excuse me. I'm going to object for
11 the record. It's one thing, and I understand that there was
12 a lot of work done to this but it is one thing to submit
13 what is arguably a public record for a public parking garage
14 and for an association to do their own study and then not
15 provide it within the time frame that effectively you're
16 supposed to.
17 MS. ROBESON: Well, even if she -- what we've done
18 before with people who haven't submitted reports within the
19 10 days is we left them testify to the results but not
20 submit the reports into the record. So, we can hold that
21 report because it was supposed to have been submitted 10
22 days in advance in order to give the applicant time to
23 respond.
24 MS. VERGAGNI: And I understand. I want to
25 explain to you especially, Steve, why this was so late. We

1 have been trying for weeks to get information from WMATA. I
2 went to a WMATA. I've gone to WMATA meetings. They're
3 having public open forums right now. We could not get
4 information. Nobody would give us information. The parking
5 garage could have given the information to us like that.
6 Patrick Schmidt was contacted I don't know how many times.
7 He could have given the information and did not. I even
8 went to open forum meetings to try to get the information so
9 it would be timely and I apologize. There was no other way
10 that we could get the information.
11 MS. ROBESON: Well, you can testify as to the
12 results.
13 MS. VERGAGNI: Okay.
14 MS. ROBESON: But, not put the report in the
15 record.
16 MS. VERGAGNI: All right. So, here we go. A new
17 west Metro garage is to open on April 1 and will have 1,112
18 parking spaces, according to the best available information.
19 MS. ROBESON: Correct. Right.
20 MS. VERGAGNI: That, unfortunately, has been up in
21 the air. So, as I explained to you, we did the study on
22 Thursday, March 1, 2012. This parking structure here has
23 1,781 all day parking spaces, and we found -- I told you the
24 p.m. hours were 5:30 to 6:30. Excluding the Kiss and Ride
25 which was 291 vehicles, there were 587 outbound vehicles

1 plus 291 from the Kiss and Ride which totaled 878. That
2 created a trip generation rate of point three trips per
3 parking space. I applied that point three trips per parking
4 space to the new garage which was to have 1,112 spaces.
5 That created 367 trips which was virtually double the amount
6 listed in the previous information provided to the Hearing
7 Examiner. So, that's that. So, I hope that was clear.
8 But, our biggest concern is that -- I want to walk
9 you along Glenallan Avenue from Layhill to Georgia Avenue
10 based on what's being proposed so that -- it's important to
11 understand how the traffic, based on the proposed
12 development, would flow. If I would drive up Glenallan
13 Avenue to Randolph Road, first thing I'd do is see somebody
14 trying to pull out left onto the road from the first
15 entrance at Winexburg on my right. Then I go up and there's
16 somebody pulling out to the right which doesn't bother me in
17 the morning onto Glenallan Avenue, and I proceed up here.
18 Then there's somebody else that may or may not be at the
19 next exit from Winexburg. I get up to Layhill Road and I
20 got to wait a little bit. I get across here and boom. The
21 first thing that happens is I come over the hill and all of
22 a sudden in the proposed development, there is an exit here
23 from the development across from this garage. I guess you
24 can see that in here. Okay. So, you don't get too many
25 feet and there are vehicles coming out this way and there

1 could be a minimum number in the morning peak hour, a
2 minimum coming out here.
3 I go a little bit further and there's another
4 group of cars that wants to come out here because this is
5 another exit that is being planned. I go a little bit
6 further and all of a sudden I've got taxi cabs are coming
7 out taking people to work. They trying to turn left here.
8 They're interrupting the flow of the traffic. Then because
9 of the taxis and the kissing people coming out of the Kiss
10 and Ride will be turning left here.
11 In fact, I found that one-third of the vehicles
12 that come out of both garage entrances, one-third of them
13 take left turns. So, of the 587 vehicles that came out,
14 approximately 200 of them, in the peak hour, were turning
15 left. To turn left, they've got to make certain that
16 there's a line of traffic clear for them to get into, and
17 they're blocking line of traffic going this direction and
18 they then are having to make sure there's a line of traffic
19 available going this direction. We do have four lanes down
20 here but those four lanes are very used. So, there's a
21 vehicle coming out of here. Then you go just a few feet
22 more and there's another exit where people want to come out
23 and then there's a fourth exit.
24 So, as you go along, you've got two exits on the
25 left where people are coming out, a third of them trying to

1 turn left and there's no left turn lane, and if these people
2 come out and they want to turn left, where are they going?
3 How are they going to turn left? This person trying to turn
4 left here. This person trying to turn left here. It's
5 going to be a head on because there are four access points
6 in the current plan. There are two already with the Metro
7 system.
8 So, the issue here is like a demolition derby
9 because there are so many possible left turns along this
10 small Glenallan Avenue. The width of the lanes is not that
11 wide either. So, there are a number of issues here with
12 regard to the traffic. And, again, I realize these are
13 operational issues. But one of the operational issues --
14 can we be guaranteed they're going to get resolved? Because
15 the operational issues, in my opinion, make it incompatible,
16 and it's not in the public interest because there's too much
17 possibility of -- and then you add more cars to this from
18 the development, from the site. They're anticipating 2,121
19 parking spaces in here. Let's say that half of them take
20 the Metro. Give them an absolute, total benefit of the
21 doubt. They said 30 percent may take the Metro. So, let's
22 say 50 percent. You still have 1,000 cars coming out.
23 They won't all come out at once but it's not going to be a
24 small number of vehicles added to the mix, and it's a very
25 short road.

1 Now, if you look at their entrances, one of them
2 is on Layhill Road. Well, anybody who goes down Layhill is
3 going to have to cross the intersection at Glenallan and
4 Layhill. Anybody that comes out of one of these four
5 entrances is going to have to go on this short distance on
6 Glenallan Avenue. Glenallan Avenue is the problem because
7 there's too much traffic for this small road unless there's
8 some type of mitigating measures taken. This road is going
9 to do nothing but get more and more, higher and higher
10 volumes.
11 It's very difficult now. I don't even want to
12 think about it with an extra 1,000 cars on the road.
13 MS. ROBESON: Okay.
14 MS. VERGAGNI: So, that's basically it.
15 MS. ROBESON: Okay. Thank you. Any questions,
16 Mr. Robins?
17 MR. ROBINS: I don't have any.
18 MS. ROBESON: Or Mr. O'Neil?
19 MR. O'NEIL: No.
20 MS. ROBESON: None?
21 MR. KAUFFUNGER: Thank you.
22 MS. VERGAGNI: Oh. You guys are too nice to me.
23 MS. ROBESON: Is there anyone wishing to testify
24 in opposition? Okay. Seeing no hands, Mr. Robbins, do you
25 have rebuttal? Do you want to do that now or how long is

your rebuttal?

MR. ROBINS: Fifteen minutes.

MS. RANDALL: Fifteen.

MR. ROBINS: Fifteen, twenty minutes.

MS. ROBESON: Okay.

MS. RANDALL: Short. Sweet.

MS. ROBESON: Okay. Go ahead. We'll do that.

MR. ROBINS: What I'm going to do is call back Nancy Randall and Nancy, you heard --

MS. ROBESON: You're still under oath.

MS. RANDALL: Yes.

MR. ROBINS: Yes. You heard testimony from all three of the witnesses.

MS. RANDALL: Yes. I did.

MR. ROBINS: From Mr. Kauffunger, Ms. Vergagni, and Mr. Bronstein. What I'd like to do is I'd like for you to address some of the points that were raised rather than me taking you through a question and answer period. I think she can address some of the issues. If she misses some, I'll follow back. But, I think that would be the most efficient way to deal with this. So --

MS. RANDALL: Great. I think the first I would like to describe again for the HCM analyses and what we did with regards to that analysis and why we did not focus in on particular movements within an intersection.

1 The purpose behind doing the HCM analyses was that
2 so we could understand from a projection point of view what
3 the percentage change was going to be. It was also to give
4 an overview --
5 MS. ROBESON: A percentage change in what?
6 MS. RANDALL: For the queue. Sorry.
7 MS. ROBESON: Okay.
8 MS. RANDALL: For the three intersections that we
9 were concerned about. Now, we did calculate the observed
10 queue for all of the intersections.
11 MR. ROBINS: Let me ask you a question. What does
12 the remand, the instructions of the remand, say to do?
13 MS. ROBESON: Well, don't repeat it because I know
14 exactly what it says.
15 MR. ROBINS: But as far as the methodology is
16 concerned.
17 MS. RANDALL: That we use the LATR methodology.
18 MS. ROBESON: Yes. I saw that.
19 MS. RANDALL: Yes. So, but we wanted for that
20 change purpose. But what we did not do which is going to be
21 done, and I want to make this absolutely clear both to
22 citizens as well as to the Hearing Examiner, is that part of
23 the Randolph Road interchange as I'd indicated before, the
24 State Highway Administration as part of that interchange, is
25 going to be going through and looking at optimizing the

signal system. It's not just at the intersection of Randolph and Georgia Avenue. But, they're going to look at the timing for the signals on Randolph Road. They're going to look at the timing of the signals along Georgia Avenue and those intersections that feed into this system.

MS. ROBESON: And Layhill?

MS. RANDALL: Exactly. Layhill is part of the system.

MS. ROBESON: Now, can you estimate whether those levels of service, once the -- can the signal timing changes will they reduce the level of service for those particular lanes that designated F, and if so, will they bring them into acceptable standards? That's my questions.

MS. RANDALL: Yeah. On an approach of an intersection, the State Highway Administration and the MCDOT, for lack of a better description, is going to give priority to the main line. They always will. But, when all of the green time that is freed up through the construction of this interchange, it gives them an opportunity to redistribute the green time in each one of these signalized intersections, and so what I can say is that they're going to get better. I can't guarantee that you're not going to see an E or an F in terms of delay which is why it was important to go through and look at the queues that are there because you saw those E's and F's there today. At the

1 intersection, as an example, at Glenallan and Georgia
2 Avenue--
3 MS. ROBESON: Uh-huh.
4 MS. RANDALL: -- and Glenallan and Layhill.
5 MS. ROBESON: Uh-huh.
6 MS. RANDALL: Using the HCM analysis for that 95th
7 percentile queue was not what we did at that location. We
8 actually physically observed the queue at that location.
9 But, the intersection using HCM is indicating that that
10 particular leg of the intersection may have delays that
11 would come up as an E or an F level of service even under
12 existing conditions. That doesn't necessarily mean that the
13 intersection as a whole is failing. It clearly does not,
14 and it's the allocation of that green time, and that's what
15 I'm saying. They will go back and take a look at this.
16 When they have allocated and one of the examples that was
17 given, you saw B levels and even A level of service on the
18 main line. That's a waste of green time, and that's what I
19 mean by their going to be coming back out, taking a look at
20 this. They're going to make sure that the main line is
21 functioning at C and D levels of service but that gives them
22 more green time to give to the side streets. They don't
23 need to operate at an A level of service.
24 MS. ROBESON: Okay.
25 MS. RANDALL: Okay? And part of that goes to a

1 missions and the mandate that the state has to start doing
2 that kind of work to make sure that they don't have cars
3 idling. It's all part and parcel of the whole improvement
4 kinds of things and smart grow. So, that's the first thing
5 I wanted to make clear. We didn't test that. I used
6 exactly the same signal timing from existing through
7 background through total future. I did not make those
8 adjustments. I could have. I could have gone through to
9 show that, but I don't have control of that. I don't know
10 what the splits are going to be. I don't know what the
11 total cycle length is going to be. They're going to be
12 coming through and doing that as a part of this road
13 improvement.
14 MR. ROBINS: As for example, on the page that Mr.
15 Kauffunger pointed, page 3.
16 MS. RANDALL: Yes.
17 MR. ROBINS: Which dealt with Glenallan Avenue and
18 Maryland 97. Can you talk just briefly about the actuating,
19 either the actuated or effective. They're both the same --
20 MS. RANDALL: Yeah. Yeah.
21 MR. ROBINS: -- green for a particular time move.
22 MS. RANDALL: He pointed out for the northbound
23 left turn lane that goes into the eventual garage. Well, in
24 the timing that they've given it right now, they give it
25 three point three seconds. Well, the garage is about to

1 open up. One of the road improvements that was not
2 discussed in the report that we received from Mr. Kauffunger
3 indicates that they are, in fact, recommending road
4 improvements to that location, and they are recommending
5 changes to the signal at that location.
6 MS. ROBESON: Who is going to make those road
7 improvements and what's the timing?
8 MS. RANDALL: It's part and parcel of the garage
9 construction. So, when that opens, now, the improvements,
10 you see, understand, it's not physical construction. They
11 have the proper lane width but they're going to be changing
12 the lane use exiting the garage and then in order to do
13 that, they're going to be making that signal a split phased
14 signal where the garage will exit all by itself. Glenallan
15 will exit on its own. But, they're going to be able to take
16 the lefts that want to come out of the garage to head north
17 on Georgia Avenue which are fairly heavy, they're going to
18 be putting those into two lanes. So, it'll be a left and
19 then a left that is shared with the throughs and the rights.
20 MS. ROBESON: Okay.
21 MS. RANDALL: Because the through volume and the
22 right turn volume is very low. But, in doing that, they're
23 going to be coming along again and looking at the overall
24 timing of that intersection. They're not going to want to
25 see a lengthy queue of lefts that are spilling out into the

1 through lanes when that garage opens. So, they're going to
2 be looking at all movements and retiming that signalized
3 intersection.
4 In addition to that, we went through with that
5 report and found --
6 MS. ROBESON: Which report?
7 MS. RANDALL: I'm sorry. This is street --
8 MR. ROBINS: The Metro, Exhibit 195.
9 MS. RANDALL: Street Smarts study for the Metro
10 garage.
11 MS. ROBESON: Okay. For the parking garage.
12 MS. RANDALL: Yes. I cannot confirm exactly what
13 or why ITS used the volume information that they did. They
14 used one of the exhibits from within this document. They
15 did not use the reassignment volumes that are in this
16 location in this study. If you go through and you read the
17 report, they're anticipating with the opening of the west
18 garage that it's going to pull some portion of the traffic
19 that's currently using the east garage, if you're heading
20 south on Georgia Avenue which you turn left when you can
21 turn right into the garage. So, there was reassignment and
22 that volume did not get added into the analysis. Now, the
23 information--
24 MS. ROBESON: When you say analyses, you're
25 talking about Mr. Hedberg's original report.

1 MS. RANDALL: That's correct.
2 MS. ROBESON: Okay.
3 MS. RANDALL: Now, in speaking with Mr. Hedberg,
4 the information that he obtained on this came from the
5 direction of Park and Planning staff to use a previous study
6 that had included this, and that was for Indian Spring,
7 traffic impact study, that it also analyzed the traffic
8 coming and going from the garage. There is discussion in
9 his report about the numbers that were used in his report
10 for the garage and through conversations with staff this is
11 what he used. But, on the abundance of caution, I took that
12 reassignment figure, added it in to this intersection, took
13 those road improvements into consideration and the
14 intersections actually going to work better with the road
15 improvements and that increased volume than it does with the
16 analyses we did here without those road improvements, and
17 I've got that for submission if you'd like a copy.
18 MS. ROBESON: I would like that if -- I think
19 we're at 190 -- we've got to break 200 I think or so. No.
20 196.
21 MR. ROBINS: Well, we're going to get close but
22 we've got a few more.
23 MS. ROBESON: How would you describe this?
24 MS. RANDALL: This is a re-analyses of the
25 intersection of Georgia Avenue and Glenallan adding the two

1 figures that are contained within --
2 MS. ROBESON: Well, wait. Wait. Just let me give
3 it a title. So, it'll be 196, re-analysis of Georgia Avenue
4 and Glenallan.
5 MS. RANDALL: Yes.
6 MS. ROBESON: Any objections?
7 MR. KAUFFUNGER: I'm uncertain as to how this was
8 just produced.
9 MS. ROBESON: How is this just produced?
10 MS. RANDALL: We received this report. I went
11 through this report. I didn't have this information until
12 they provided it. I went through the analysis that was
13 contained in here, compared the two volumes, and found that
14 they had missed putting in the one exhibit.
15 MS. ROBESON: Wait. They. You mean ITS --
16 MS. RANDALL: ITS.
17 MS. ROBESON: -- missed putting in some of the
18 volumes that should have been. So, she's correcting it to
19 address your concerns.
20 MR. KAUFFUNGER: Well, she's correcting what kind
21 of an analysis?
22 MS. RANDALL: CLV.
23 MR. KAUFFUNGER: It's a -- that's what's bothering
24 me.
25 MS. ROBESON: Okay.

1 MR. KAUFFUNGER: Okay? Is we keep going back to a
2 technique that was brought into question in the original
3 case. It's the source of the remand. So, I'm glad that,
4 you know, they're recognizing their numbers were incorrect
5 but they keep using a technique that we know is faulty. It
6 just blurs what's going on.
7 MS. ROBESON: Okay. Well, I think --
8 MR. ROBINS: Can I make a comment to point about
9 that?
10 MS. ROBESON: Sure.
11 MR. ROBINS: The point was to -- you had brought
12 up the issue of traffic volumes and that's what this is
13 addressing.
14 MR. KAUFFUNGER: What's the issue --
15 MR. ROBINS: This is what this is. What you had
16 brought up.
17 MS. ROBESON: In what way does this address
18 traffic?
19 MR. ROBINS: I'll let Ms. Randall --
20 MS. ROBESON: Okay.
21 MR. ROBINS: -- address that.
22 MS. RANDALL: Both Mr. Kauffunger as well as Vicki
23 indicated that they felt that the volume information
24 contained in the ITS report and therefore mine was low for
25 the western garage. That's why she went back out to do --

1 MS. ROBESON: right.
2 MS. RANDALL: -- the trip generation.
3 MS. ROBESON: And you're saying yes. It was low.
4 MS. RANDALL: And based on having been provided
5 this report, I can understand why they were concerned and
6 wanted to run this. I think it's very important to note,
7 though, that the figure that was not included which is on
8 page, and excuse me as I look for the specific page. It is
9 page 26 of the Street Smarts garage study, parking garage
10 study.
11 MS. ROBESON: Okay. And what was not included in
12 the ITS?
13 MS. RANDALL: This is the sheet that was not
14 included in the ITS, and if you turn your focus to the top,
15 at the top of the page, the first circle to the left at the
16 top of the page, that's intersection two which is the
17 driveway into the garage, you will note that the volume that
18 is going to be turning right if they're traveling southbound
19 on Georgia Avenue, which is kind of the access.
20 Unfortunately, it's also at an angle but traveling
21 southbound is 319 rights turning into the garage and in the
22 morning peak hour and 21 in the evening peak hour. That was
23 not included in the original ITS report and then turning out
24 in the p.m. peak hours was 253 of those reassigned vehicles.
25 But, more importantly, if you look carefully at this, there

1 were also subtractions that were not done. Because,
2 remember, this is reassignment.
3 MS. ROBESON: Right.
4 MS. RANDALL: And there were 189 lefts, southbound
5 lefts, that were not subtracted from the southbound left
6 turn on Georgia Avenue to go onto Glenallan.
7 MS. ROBESON: Okay.
8 MS. RANDALL: There were 130 throughs that were
9 not subtracted. In the p.m. peak hour, 172 rights from
10 Glenallan to go north on Georgia Avenue and 81 throughs on
11 Georgia Avenue that were not subtracted.
12 MS. ROBESON: So, basically, the reassignment
13 wasn't even reflected in the ITS whether it was good or bad.
14 MS. RANDALL: Exactly.
15 MS. ROBESON: I mean rather it increased volume or
16 decreased volume.
17 MS. RANDALL: Exactly. And so the net result --
18 MS. ROBESON: Just a second.
19 MS. RANDALL: -- upstream or downstream as you can
20 see with regards to the subtraction, the only increase that
21 would occur that did not get reflected is to the next
22 intersections to the north --
23 MR. ROBINS: On Georgia Avenue.
24 MS. RANDALL: -- on Georgia Avenue but it didn't
25 affect any of the intersections, and in fact, because they

1 didn't take advantage of these reductions, we didn't take
2 advantage of, as an example, the subtraction of the rights
3 at some of these other study intersections on Glenallan.
4 MS. ROBESON: Okay. Mr. Kauffunger, did you want
5 to say something?
6 MR. KAUFFUNGER: Yes. I continue to object. Like
7 I said, I'm very happy that they've upgraded the numbers to
8 make greater sense. However, an HCM Synchro analysis would
9 be far more meaningful for us to understand all the
10 dimensions of what is happening at that intersection. We
11 have shown or I believe that I've shown that this kind of
12 analysis, particularly one that this only is used, okay,
13 doesn't really shed new light into it.
14 MS. ROBESON: Well, let me ask Ms. Randall. Would
15 the reassignment of these trips, would they have changed
16 your queuing analysis?
17 MS. RANDALL: They would have made it better
18 because of the subtraction of volume. There was never --
19 MS. ROBESON: Because the volume added is
20 northbound. Is that why?
21 MS. RANDALL: Exactly. Exactly. It is to and
22 from the north, and we were, if you, again, go back to that
23 exhibit within the report, there were subtractions that went
24 down through Georgia Avenue.
25 MS. ROBESON: And when you say report this time,

which report?

MS. RANDALL: I apologize. From Street Smarts.

MR. ROBINS: Exhibit 195.

MS. ROBESON: Exhibit 195.

MS. RANDALL: Yes.

MS. ROBESON: Okay.

MS. RANDALL: And the fact that we had not, didn't have access to this Street Smarts report understanding that they were, in fact, proposing road improvements as described. Again, freeing up green time at that specific intersection that we didn't have that information. Given the fact that the overall impact, again, my experience has been that HCM in terms of its results and what I get out of CLV, CLV is usually overstating the problem not understating it, and I fully expect that with all of the different things that we've talked about, the optimization that is going to occur on the system, the grade separated improvements, and even with this, it's not going to affect anything because I would have carried those subtractions through the intersections along Georgia, and I would have carried those subtractions along Glenallan. The only addition would have been from this site north where we did not have queuing issues at all.

MS. ROBESON: Okay. Do you have anything else, Mr. Robins?

1 MR. ROBINS: I do. I have a few more things.
2 Let's talk about Glenallan avenue briefly. The study,
3 Exhibit 195, couldn't spit it out but Exhibit 195. That
4 reflected -- Mr. Kauffunger had talked about or one of the
5 witnesses, I think it was Mr. Kauffunger, talked about the
6 traffic coming out of Privacy World.
7 MS. RANDALL: Right.
8 MR. ROBINS: And we tried to discuss the point of
9 how many--
10 MS. RANDALL: Right.
11 MR. ROBINS: -- points of access there are today
12 existing in Privacy World and the Hearing Examiner suggested
13 that we talk about it rather than at rebuttal rather than --
14 MS. RANDALL: Right. There are four access points
15 into Privacy World. There is three or four. My apologies,
16 because we were counting them up through this. This study
17 counted one, and there is access on Georgia Avenue. So,
18 none of that traffic would --
19 MS. ROBESON: I think Mr. Kauffunger testified,
20 though, that they weren't all fully, they weren't operating
21 the entire day.
22 MR. ROBINS: One of them.
23 MS. RANDALL: I think one of them has some
24 closure.
25 MS. ROBESON: And one was 8:00 to 5:00. One was

closed all the time and one was 8:00 to 5:00. Am I correct, Mr. Kauffunger?

MR. KAUFFUNGER: Yes.

MR. ROBINS: And then two are open all the time.

MS. RANDALL: Two are open all the time. So, this is --

MR. ROBINS: But, he didn't mention the one on Georgia Avenue.

MS. RANDALL: And then Georgia Avenue access. So, the point is that this is not a reflection of trip generation. Nor can it be used that way.

MS. ROBESON: Why would he have put it in there, though, if it wasn't?

MS. RANDALL: Because he was studying the intersection of the alignment of this and the driveway access, and so in order to get an intersection level of service in this report. They were not using it for trip generation purposes.

MS. ROBESON: I see.

MS. RANDALL: It was to count the intersection and the volume coming and going. It was Mr. Kauffunger that took the next step to turn it into trip generation.

MS. ROBESON: Now, I think Mr. Kauffunger's point with that, though, is where did -- that he thinks that the vacancy rate at Privacy World is higher than 40 percent.

1 Where did you get the 40 percent number?
2 MS. RANDALL: I got that information from my
3 client.
4 MS. ROBESON: Okay.
5 MS. RANDALL: Who is working with the owners of
6 the property.
7 MR. ROBINS: The chart. And I can bring Mr.
8 Jervey up if you want him to --
9 MS. ROBESON: Well, I'd rather --
10 MS. RANDALL: Get it from the --
11 MS. ROBESON: Yes.
12 MS. RANDALL: Yeah. Direct.
13 MS. ROBESON: But, I have a more -- are you
14 finished with your questions?
15 MR. ROBINS: I'm not yet. I've got one more
16 thing.
17 MS. ROBESON: Let's finish with those.
18 MR. ROBINS: Okay. Glenallan Avenue. You've been
19 out there multiple times.
20 MS. RANDALL: Yes.
21 MR. ROBINS: I'd like for you to describe, in
22 reality, what you sense the situation is on Glenallan and
23 you're free to use some pictures that we have as well.
24 MS. RANDALL: Yeah.
25 MS. ROBESON: Well, subject to objection but go

1 ahead.
2 MS. RANDALL: Right. We've been out during both
3 the a.m. peak hour and the p.m. peak hour. We have several
4 photographs that show the intersection of Layhill and
5 Georgia Avenues so that you can see the queue that extends
6 back. From the intersection of Georgia, and where it ends
7 and where the green light, you know, then trips and allows
8 them to go. During our observations in this year, 2011 and
9 2012, we've seen that drop in volume from the time we were
10 out there in 2008. The volume has definitely gone down and
11 these are just photographs that show you a situation where
12 the queue extends back from the red light and where the
13 queue extends down Glenallan Avenue from the intersection.
14 We've got a photograph at one point when the train had just
15 off loaded passengers that came out in that platoon. Then
16 the next cycle, the very next cycle, there's a red light and
17 there's virtually no one --
18 MR. ROBINS: Do you want to talk about the
19 pictures?
20 MS. ROBESON: Why don't we talk about them as you
21 bring them in.
22 MS. RANDALL: Okay.
23 MR. ROBINS: Okay. So, we'll do the a.m. first.
24 MS. RANDALL: This is a.m. Picture A, B, C that
25 show --

1 MS. ROBESON: Okay. Just a second, please.
2 MR. ROBINS: Hold on.
3 MS. ROBESON: Exhibit 197. These are photos of --
4 what are these?
5 MR. KAUFFUNGER: Can you just hold up a moment
6 with that?
7 MS. ROBESON: I'm going to. I'm just marking it.
8 MR. KAUFFUNGER: Okay.
9 MS. RANDALL: The first A, B, and C are
10 photographs of Georgia Avenue at and near the intersection
11 with Layhill.
12 MS. ROBESON: In the a.m.?
13 MS. RANDALL: Yes.
14 MS. ROBESON: Okay. I'm going to let you take --
15 MR. KAUFFUNGER: Okay.
16 MS. ROBESON: It's not admitted yet.
17 MR. ROBINS: And the --
18 MR. KAUFFUNGER: Specifically, what time?
19 MS. RANDALL: We were out in the field starting at
20 February 1st.
21 MR. ROBINS: First.
22 MS. ROBESON: Of this year?
23 MS. RANDALL: Yeah.
24 MR. ROBINS: Yes.
25 MS. RANDALL: February 1st and these -- we met at

about 6:15, 6:30 and started our photographs.

MR. KAUFFUNGER: I know where. I know exactly where I'm looking.

MR. ROBINS: I got there a little later than that. Probably 7 o'clock. 7:00, 7:15.

MS. RANDALL: Yeah. Somewhere in there.

MS. ROBESON: And these run --

MS. RANDALL: They're right in between 6:30 and 7:00 and 8:30. Over the course of about a two hour period.

MS. ROBESON: Can you just -- and I'm going to give Mr. Kauffunger a little more time to look through them. But, A. Can you just describe that perspective?

MS. RANDALL: Yes. You're standing in the shopping center parking lot looking across Georgia Avenue. The portion of Georgia Avenue that's closest to you is northbound. The portion across the median is southbound Georgia Avenue. The red light off in the distance is the intersection with Randolph Road. You can see the front of the gas station and the fire station that's up on the corner.

MS. ROBESON: So, you're on Layhill looking eastbound on Georgia?

MS. RANDALL: Well, we're in the parking lot of the shopping center that is in the southeast quadrant of the intersection of Layhill and Georgia Avenue. If you'd

like, I can point to them

MS. ROBESON: Yeah. That would help me.

MS. RANDALL: Okay.

MR. ROBINS: Why don't you stand up there and you can --

MS. ROBESON: Yeah.

MR. ROBINS: -- point to the -- and then just give brief descriptions.

MS. RANDALL: We're standing generally down in this position of the shopping center.

MS. ROBESON: So, you're looking --

MS. RANDALL: This is Layhill and the camera is pointed this way.

MS. ROBESON: Okay.

MS. RANDALL: So, we're looking at the northbound lanes. Those are the lanes closest to the front view of the picture and then across the median is the southbound.

MS. ROBESON: Okay.

MS. RANDALL: And you can see that the light has turned red and that the queue on Georgia Avenue does not extend back. The picture doesn't extend back to the signalized intersection.

MS. ROBESON: Now, tell us about B.

MS. RANDALL: B, again, standing generally in the same position, this was taken as signal on Georgia Avenue

southbound has turned red and the volume of traffic that's coming off of Layhill is proceeding through. And the importance of this picture, as you can see, that there is not excess demand on Georgia Avenue that is not being met. In this photograph, you have three cars that are queued to continue south on Georgia Avenue.

MR. ROBINS: Keep going.

MS. RANDALL: And then the next photograph --

MR. ROBINS: Which is C.

MS. RANDALL: -- is C. This is standing, again, at the corner looking northbound in this, on Georgia Avenue, away from the shopping center. And, again, it's just showing volume on both Georgia in northbound and southbound directions.

MR. ROBINS: Do you have the rest of them?

MS. RANDALL: Yeah.

MR. ROBINS: Okay.

MS. RANDALL: I'm going to introduce those. So, that was the first three. This is the --

MR. KAUFFUNGER: This is Layhill. Right? In the second back?

MS. ROBESON: Okay. So, now where are we?

MS. RANDALL: I have these three that you gave to me and then I was given this stack. What do you want next?

MR. ROBINS: I'm just -- maybe this is out of

order. Do you have the, okay. Just keep going then D.

MS. RANDALL: I'm orienting myself after I've gone through all of these. This is at the garage. This is on Layhill, and this is, I believe, at the garage. We're in the median on Layhill Road itself.

MR. ROBINS: No. That would be Glenallan.

MS. RANDALL: Glenallan.

MS. ROBESON: And are you looking northbound or southbound?

MS. RANDALL: We are looking northbound toward, on Layhill. So, we're in the median, standing in the grass median, looking north on Layhill.

MS. ROBESON: Okay.

MS. RANDALL: The next photograph is that we're looking at the --

MR. KAUFFUNGER: Excuse me one second on this particular one. In this same picture, okay, we see that there's green northbound and southbound on, excuse me, on Layhill Road but is that the -- it looks like a commercial van. Is that making a right freehand, a right turn off of Glenallan eastbound.

MS. RANDALL: It is making a right on red. That is correct.

MR. KAUFFUNGER: Yes.

MS. RANDALL: The next is the entrance into the

1 garage. This is a photograph showing you Layhill southbound
2 turning into the entrance into the Metro station parking
3 garage, and it's just showing you the volume going in and
4 the picture following is, again, showing you the entrance
5 into the garage but further in the entrance.
6 MR. KAUFFUNGER: I guess, I ought to bring all my
7 pictures in, huh?
8 MS. RANDALL: Then the next photograph is --
9 MR. ROBINS: G.
10 MS. RANDALL: -- G. My apologies.
11 MS. ROBESON: Wait.
12 MR. KAUFFUNGER: No. F isn't it?
13 MS. ROBESON: Where's E?
14 MS. RANDALL: And this is further in the garage.
15 MS. ROBESON: Wait a minute. Wait a minute. What
16 was E?
17 MS. RANDALL: E is two cars crossing the
18 crosswalk.
19 MR. ROBINS: Yes.
20 MS. ROBESON: Yes.
21 MS. RANDALL: And that is the entrance into the
22 Metro station garage off of Layhill.
23 MR. KAUFFUNGER: Okay. And that's F?
24 MS. RANDALL: Uh-huh.
25 MS. ROBESON: And then what's F? This is F.

1 MS. RANDALL: Then --
2 MS. ROBESON: Whoops.
3 MS. RANDALL: F. That's correct.
4 MS. ROBESON: Okay.
5 MS. RANDALL: And that's just a photograph of the
6 garage entrance a little deeper into the facility.
7 MR. ROBINS: Here. Hand me the ones you've
8 already gone through so we can --
9 MR. KAUFFUNGER: I should bring my pictures
10 because they show better.
11 MS. RANDALL: This is, again, the intersection of
12 Layhill and Glenallan, and this is southbound Glenallan and
13 you can see the volume queued for the red light at that
14 location.
15 MR. KAUFFUNGER: No. That's the southbound lane.
16 MS. RANDALL: Then H is traveling north on
17 Glenallan toward the access into the Metro station with the
18 Privacy World on the right hand side or the upper portion of
19 this photograph. You can see that fence that's --
20 MS. ROBESON: I'm sorry. Say that one again.
21 MS. RANDALL: It is a photograph looking down
22 Glenallan Avenue going towards Georgia Avenue --
23 MS. ROBESON: So, generally --
24 MR. KAUFFUNGER: Westbound.
25 MS. RANDALL: -- with Privacy World on the this

side.

MR. ROBINS: Yes. That's correct.

MS. ROBESON: West.

MR. KAUFFUNGER: It's westbound.

MR. O'NEIL: Yes. Westbound.

MS. ROBESON: When it goes up like that I never know if it's westbound or --

MS. RANDALL: I know.

MS. ROBESON: Okay. So, looking westbound on Glenallan.

MS. RANDALL: Yes. It is a photograph of the queue that is stacking on Layhill as it's coming down to the intersection with Georgia, and in this photograph --

MS. ROBESON: And which direction?

MS. RANDALL: If you assume that Layhill is running north south for this purposes, it's southbound to Georgia or westbound if you want to orient it the other way, and it is located at the parking lot of a restaurant which sits just before the entrance into the garage.

MS. ROBESON: Okay.

MS. RANDALL: This photograph is, again, a photograph of --

MS. ROBESON: J.

MS. RANDALL: -- J, of, we're up at the intersection of Randolph Road looking from about where the

gas station is and taking a photograph down Georgia Avenue toward Layhill, and it's just depicting the queue that's on Georgia Avenue as well as you can see a portion of the queue that's on Layhill. So, it's showing the queue that's extending from the light back. It also, you can see in the background, a queue that's extending down Layhill.

K is another photograph at the intersection of Layhill and Georgia Avenue, and it shows you the volume. You can see the red lights that Georgia Avenue, both northbound and southbound have the red lights, and you can see the volume stacked on Georgia Avenue.

MS. ROBESON: Is that northbound -- are those cars proceeding northbound?

MS. RANDALL: They're proceeding southbound. That's southbound Georgia at --

MS. ROBESON: Someday I'll get it right.

MS. RANDALL: -- the Layhill. The next intersection is a similar type of photo showing the volume queued both northbound and southbound on Georgia Avenue and volume proceeding through the intersection from Layhill.

MR. ROBINS: That was M?

MS. RANDALL: That was M. Sorry. H.

MS. ROBESON: Wait. What was L?

MR. ROBINS: The same.

MS. RANDALL: It's the same. Both pictures of

Georgia Avenue --

MS. ROBESON: Okay. North and southbound queues.

MS. RANDALL: North and southbound. One just before the queues lets off for Layhill and one where the cars are proceeding or beginning to proceed through the intersection. Sorry. I have to get myself oriented again.

MR. ROBINS: I can't say. Going up Glenallan. No. This is Randolph.

MS. RANDALL: Thank you. That's what I thought but I was like, oh. This is photograph H of Randolph Road proceeding toward Georgia Avenue.

MR. KAUFFUNGER: Nope. This is Randolph.

MS. ROBESON: Wait. This --

MS. RANDALL: Do I have that right?

MS. ROBESON: How did this get to be H? We just did M.

MR. O'NEIL: N:

MR. KAUFFUNGER: You don't know your alphabet.

MR. ROBINS: Oh. It's an N.

MS. ROBESON: It's an N.

MS. RANDALL: It's an N. Sorry. It looked like an H to me.

MR. ROBINS: Sorry about that.

MS. RANDALL: My apologies.

MS. ROBESON: Okay. So, this is Randolph?

1 MS. RANDALL: yes.
2 MS. ROBESON: Looking where?
3 MS. RANDALL: That's Randolph looking westbound
4 toward Georgia Avenue.
5 MR. KAUFFUNGER: No. Yeah. The corner shop is
6 here.
7 MR. ROBINS: That's right.
8 MS. RANDALL: Yeah.
9 MS. VERGAGNI: Yeah.
10 MS. RANDALL: O again is Randolph. You’re facing
11 the westbound lanes. We were in the median for this
12 photograph, and cars that are in front are stopped for the
13 red light. This is at Glenallan.
14 P is a photograph of the parking conditions that
15 Vicki was referring to on Glenallan. This is between
16 Layhill and Randolph Road looking toward Randolph.
17 MR. KAUFFUNGER: Looking towards Randolph.
18 MS. VERGAGNI: Looking towards Layhill.
19 MR. ROBINS: Towards Layhill, rather.
20 MS. RANDALL: I'm sorry. You're absolutely right.
21 Towards Layhill. My apologies.
22 MS. ROBESON: Wait. Where are you? You're on
23 Glenallan.
24 MS. RANDALL: You're on Glenallan approximately
25 here. You can see the entrance into this portion of the

development.

MS. ROBESON: Ms. Vergagni's property.

MR. ROBINS: No. That's Winexburg.

MS. VERGAGNI: Mines on the left. My property is on the left.

MS. ROBESON: Right.

MS. VERGAGNI: Yes.

MR. BRONSTEIN: Winexburg is on the right.

MS. VERGAGNI: Winexburg is on the right..

MS. ROBESON: Right.

MS. RANDALL: That's correct.

MR. KAUFFUNGER: But this is the entrance into Winexburg.

MS. VERGAGNI: Yeah. That's the entrance into Winexburg.

MS. RANDALL: This is a photograph of Georgia Avenue above Glenallan coming down from, I think it was Hathaway driving down toward Glenallan, and you can see a series of signals approaching the south. So, the photograph was taken from the automobile traveling south. This is a photograph, again, of Glenallan and Layhill Road, and this gets across, I think, nicely what Vicki was referring to in terms of the crest of the hill through that intersection.

MS. ROBESON: What's the intersection in the distance?

MS. RANDALL: That is Glenallan and Layhill.

MR. ROBINS: Looking east.

MS. ROBESON: Okay.

MS. RANDALL: Yeah. And S is, again, a photograph of --

MR. KAUFFUNGER: Just for clarification, this is right at the point at which you want to make this right hand lane a right through. In your photo. In R.

MS. RANDALL: No. Just to get my orientation right. I mean, we pulled this picture just to show the crest of the hill but, yeah. I believe that that is correct. That would be that right turn lane would become a through right and then dual left.

MR. KAUFFUNGER: The right turn is on your left.

MS. ROBESON: So, this is eastbound or southbound--

MR. ROBINS: That's right.

MS. ROBESON: -- approaching Layhill. This is Glenallan.

MS. RANDALL: Coming up this way.

MR. O'NEIL: Yes.

MR. ROBINS: It's on Glenallan looking at Layhill.

MS. RANDALL: Coming from the Metro going --

MR. KAUFFUNGER: Eastbound.

MR. O'NEIL: Eastbound.

1 MR. ROBINS: Eastbound.
2 MS. ROBESON: Eastbound?
3 MR. KAUFFUNGER: Yeah.
4 MS. ROBESON: Or southbound.
5 MR. KAUFFUNGER: You're over there.
6 MS. RANDALL: Or southbound. Yes.
7 MR. KAUFFUNGER: And this is the reason you can't
8 see over the hill.
9 MR. ROBINS: You already described S which was --
10 you described it looking down.
11 MS. RANDALL: S. This is a photograph of
12 Glenallan going toward Randolph Road. So, going eastbound.
13 MS. ROBESON: And then T. Is this the last one?
14 MS. RANDALL: This is the last one. This is
15 Randolph Road approaching the intersection with Georgia
16 Avenue.
17 MS. ROBESON: And are you southbound or
18 northbound.
19 MS. RANDALL: Randolph Road runs east/west. So,
20 you're westbound.
21 MS. ROBESON: Okay.
22 MR. KAUFFUNGER: What date was this done?
23 MR. ROBINS: This was done
24 MS. RANDALL: February --
25 MS. ROBESON: Well, let's have the witness

1 testify. Not that I don't trust you, Mr. Robins, but --
2 MR. KAUFFUNGER: He doesn't want to be cross-
3 examined.
4 MS. RANDALL: The a.m. was done on the first when
5 I was with Mr. Robins, and then the p.m., yeah.
6 MR. ROBINS: This is the p.m. These pictures.
7 MS. RANDALL: Yeah. And then I was with Pete
8 Jervey, my client on the p.m. photographs.
9 MS. ROBESON: On what date?
10 MS. RANDALL: And that would have been on the
11 21st.
12 MR. ROBINS: Do you want to pass those out?
13 There's only two of them.
14 MS. VERGAGNI: All of ours are marked a.m.
15 MR. ROBINS: Yeah. We're going to give you p.m.
16 MS. ROBESON: Oh. Wait. You have p.m.'s too?
17 MR. ROBINS: Yeah. There are only a few.
18 MS. RANDALL: Yeah. They're very few.
19 MR. KAUFFUNGER: The a.m.'s were what date again?
20 MR. ROBINS: The first.
21 MR. KAUFFUNGER: Of February?
22 MR. ROBINS: February.
23 MR. KAUFFUNGER: Now, I'll have to bring my
24 pictures.
25 MR. BRONSTEIN: What day of the week was that --

1 MR. ROBINS: One second.
2 MR. BRONSTEIN: -- that it was raining?
3 MS. RANDALL: Actually, it was not raining.
4 MR. BRONSTEIN: It looks wet.
5 MS. RANDALL: The pavement was wet. It had rained
6 earlier in the evening but the rain was -- it was not
7 raining when we were out there.
8 MR. KAUFFUNGER: Did you get your set?
9 MS. RANDALL: Who left out a set?
10 MS. ROBESON: Yeah. So, we'll mark the p.m. as
11 198 which is p.m. peak hour photos. 197 will be a.m. peak
12 hour photos. Okay.
13 MR. ROBINS: What did you say? I'm sorry.
14 MS. ROBESON: 197 --
15 MR. ROBINS: Oh. A.M. photos
16 MS. ROBESON: Yeah.
17 MR. ROBINS: Right. I wrote it down.
18 MS. ROBESON: 198 are the p.m.'s.
19 MR. ROBINS: Okay.
20 MS. RANDALL: Right.
21 MS. ROBESON: Peak hour photos. So A.
22 MR. ROBINS: Yes. Got you.
23 MS. RANDALL: Again, back up to the map. This
24 depicts what Vicki was referring to earlier. You're
25 standing on Layhill going northbound or eastbound, again,

1 depending on your orientation. Right at the edge where one
2 of the driveways is into her community. So, you can see the
3 first drive which is right here and then immediately after
4 is the second drive. That's where this photograph was
5 taken, and you can see the queue that has backed up from the
6 red signal. We hadn't come up, yet, to these two driveways.
7 MS. ROBESON: B.
8 MS. RANDALL: B is, again, the signal is still
9 red. This is a succession, and you can see how the queue
10 comes back to this intersection. This driveway now, we're
11 at this first entrance, but you can see how the queue comes
12 up close to the end of that first entrance. So, if somebody
13 were coming out of the entrance closest to Glenallan, they
14 would need to go across to get into that lane, to get across
15 through there. What? When the light turns then that
16 changes and then that's what this next picture is showing.
17 The light has changed. That queue has dissipated. All
18 right. So, a little bit further down, closer to the
19 signalized intersection. We're on the opposite side of the
20 street but it is the same orientation there as the
21 intersection of Glenallan and Layhill. Again, back at the
22 driveway.
23 MS. ROBESON: Now, which letter are you on just to
24 make sure?
25 MS. RANDALL: Sorry. D.

MS. ROBESON: Okay.

MS. RANDALL: And this, again, is another signal cycle and we don't have the queue on the next round of that signal cycle.

MS. ROBESON: Okay. Which, okay. Where are we looking on D?

MS. RANDALL: Again, in the same position again at the driveway going back into Vicki's access, and we're at that first driveway or the driveway that's closest to Glenallan Avenue, and you can see that there is some queue or backup at that location.

Picture E is on Glenallan Avenue. This is as I was describing earlier in my testimony where when the train comes in, offloads a group of passengers, that there is a volume of traffic that comes out from the Metro station. You'll see the queue that extends down Glenallan. So, you're on -- at the top of the hill at the intersection of Glenallan and Layhill, and you are looking north or west going toward or looking toward the Metro station, and you can see that long queue that has extended down the intersection.

MS. ROBESON: What time is that photo?

MS. RANDALL: That was taken during the evening peak hour. We were out there from about 4:30 to 7:00, I think it was. Two or three hours that we were out there.

1 MS. ROBESON: Okay.
2 MR. KAUFFUNGER: Well, that was the hour. When
3 did you take it?
4 MS. RANDALL: 5:30. He had his time on his
5 camera. I, you know, it was his photograph as we were
6 walking through. So, 5:30, 6 o'clock. Again, it shows the
7 volume coming up from the Metro station. Then the next
8 signal cycle because again, there was no --
9 MS. ROBESON: No. What letter? What letter?
10 MS. RANDALL: Oh. My apologies. F.
11 MS. ROBESON: Okay.
12 MS. RANDALL: There's minimal volume queued at the
13 signal for the second round because again, the train had not
14 come in. The train is running on six minute intervals. So,
15 there is a lull as the signal cycle is running at 150
16 seconds.
17 MS. ROBESON: Well, wait. Is E -- the train runs
18 every six minutes?
19 MS. RANDALL: In the p.m. peak hour, the red line
20 usually has six minute headways.
21 MS. ROBESON: So, did this queue shown on E -- was
22 F taken six minutes later?
23 MS. RANDALL: No. F was taken the next signal
24 cycle. In other words, this queue made it through the
25 signal.

MS. ROBESON: In one cycle?

MS. RANDALL: Yes.

MS. ROBESON: That was my question.

MS. RANDALL: Yes. They made it through on one cycle. Then the next cycle there was no demand. Again, it's because of the platooning that occurs from the Metro station.

MS. ROBESON: And then G?

MS. RANDALL: And then G is, again, just showing you the parked cars and how close they are to -- this is on Glenallan. You're heading or looking west across or toward Layhill, and it just shows you how the park cars are coming up as Vicki had mentioned earlier, how close they are up to the intersection.

MS. ROBESON: All right.

MS. RANDALL: And it's about 150, 200 feet.

MS. ROBESON: That she said. Mr. Kauffunger or anyone, do you have any objections to these photos coming in?

MR. KAUFFUNGER: I don't think they show that much but I don't have any objection.

MS. ROBESON: Okay.

MR. KAUFFUNGER: I would like to know what, before I go, what the status of this is because I objected to that.

MS. ROBESON: Okay.

1 MR. KAUFFUNGER: The CLV --
2 MS. ROBESON: And your objection is because it's
3 CLV?
4 MR. KAUFFUNGER: Because it's CLV and they haven't
5 done HCM.
6 MS. ROBESON: Okay. Well --
7 MR. KAUFFUNGER: That's what gives you the -- we
8 now know, I believe we know, that looking at a generalized
9 average intersection analysis doesn't tell you what is going
10 on and without the companion HCM, which I hope I've shown
11 you, you get a more balanced look.
12 MS. ROBESON: No. I understand. I understand.
13 What I'm going to do is admit it and give it the weight it
14 deserves with the qualification that it is CLV as opposed to
15 HCM.
16 MR. KAUFFUNGER: Okay.
17 MR. ROBINS: That's what the whole study was.
18 MS. ROBESON: Now, Ms. Randall, given Mr.
19 Kauffunger's testimony, for instance, that there is a queue
20 there the critical lane volume is -- and you said typically
21 the CLV is more conservative. Yet, Mr. Kauffunger has
22 pointed out situations where it's not representative of the
23 true function of the intersection because of cars aren't
24 getting through the intersection. How do you respond to
25 that?

1 MS. RANDALL: Just because you've got an F level
2 of service doesn't mean that cars aren't getting through the
3 intersection. I think the best way to describe this. If
4 when we had gone out in the field and in those photographs
5 had seen cars going over the hill at the red light on
6 Georgia Avenue, I would be concerned about whether or not
7 there was car, because of delay on Georgia Avenue itself.
8 Is the volume so heavy that a car isn't getting through the
9 intersection and therefore, the count is suppressed, and if
10 you are counting just one hour, you may not know that. But,
11 the County requires you to count three hours, and you see
12 the volume build and drop back down again.
13 If the volume were flat across that entire time
14 frame then that's an indication that you've got a demand
15 that's not getting there. But, in addition to that, whether
16 you are looking at HCM and in jurisdictions like Washington
17 D.C. or Virginia, you don't look at a specific leg of the
18 intersection. You look at the overall intersection
19 operation and if an intersection leg is indicating that it’s
20 an E or an F, there is a decision about the system as a
21 whole. You don't go through and optimize and make sure that
22 every single leg of the intersection is operating at a C or
23 better level of service because that has ramifications to
24 other intersections and the time allocated. You have to
25 look at the system as a whole, and you look at the

1 intersection as a whole.
2 MS. ROBESON: I got that. But, the short -- what
3 you're really saying is that because you see a peak and it
4 goes down that these, I'm going to say non-representative
5 CLV counts are not occurring because you can see the peak go
6 up and then down.
7 MS. RANDALL: But, the volume information, the
8 count information --
9 MS. ROBESON: Yeah.
10 MS. RANDALL: -- that we use in CLV is exactly the
11 same count information that you use in HCM.
12 MS. ROBESON: Okay.
13 MS. RANDALL: It's the intersection volume that
14 you count. That's it.
15 MS. ROBESON: Right.
16 MS. RANDALL: So, you're starting with the same
17 base data.
18 MS. ROBESON: Okay.
19 MS. RANDALL: All right. There's no difference
20 there. Every bit, every single car that went through that
21 intersection every 15 minutes is inputted into the HCM just
22 as it is in CLV. Nothing is subtracted. It's what do you
23 end up with at the bottom in terms of the critical movements
24 as I was saying before. I haven't left anything out in my
25 CLV calculation any more than I did in the HCM.

1 MS. ROBESON: Well, it's not, okay. I got you.
2 You can, if you want to ask a question, we're going to go
3 into cross-examination of Ms. Randall. So, Mr. Bronstein,
4 if you have a question --
5 MR. BRONSTEIN: I have a comment about the
6 photographs that just came in.
7 MS. ROBESON: Well, okay. Let's get to those.
8 Does anyone have any objections to those photographs which
9 are in 197 and 198? Does anyone have an objection to those
10 coming in? Yes, sir? Mr. Bronstein. Are you picking him
11 up, Mr. Bronstein? Back there. Go ahead.
12 MR. BRONSTEIN: You know, what I mentioned earlier
13 it affect the stark reality and common sense. You know, I go
14 through those areas where those pictures were taken a lot,
15 and they don't reflect reality. It seems to me they were
16 selectively taken or chosen from those that were taken and
17 showing like what are we here for if there's no traffic like
18 those pictures represent. That's my comment.
19 MS. ROBESON: Okay. So, you're saying that a
20 single example may not be representative of conditions at
21 the site.
22 MR. BRONSTEIN: You know, if you showed me a video
23 of a couple of hours and then we're talking reality.
24 MS. ROBESON: I understand. All right. Mr.
25 Robins?

1 MR. ROBINS: I don't have any more questions for
2 Ms. Randall other than just one question which is we've
3 talked a lot about operational issues particularly on
4 Glenallan Avenue.
5 MS. RANDALL: Yes.
6 MR. ROBINS: Wouldn't you agree that those are
7 issues that could be taken care of as part of preliminary
8 planning and subdivision and site plan review by the
9 Planning Commission?
10 MS. RANDALL: Yes. I do.
11 MS. ROBESON: Well, the question is not could.
12 The question is will they be.
13 MR. ROBINS: Yeah. And --
14 MS. RANDALL: And actually, they will be.
15 MS. ROBESON: Because I have faith that Ms.
16 Vergagni is telling me the truth.
17 MR. ROBINS: And actually, that leads to a perfect
18 segue into a binding element that we wanted to introduce
19 that was discussed at the Planning Commission which talks
20 about the obligation to conduct an operational study at the
21 time of the preliminary plan and site plan to address these
22 operational improvements.
23 MS. ROBESON: Okay. Has Ms. Vergagni and Mr.
24 Bronstein seen these?
25 MR. ROBINS: It was sent to Vicki. I don't know

1 what her response was but we could talk about it.
2 MS. ROBESON: Why don't you provide a copy and we
3 will mark this as -- I do have to commend -- Ms. Vergagni, I
4 do have to commend your resourcefulness. I don't know how
5 many people would have gone out and done a traffic study
6 themselves.
7 MS. RANDALL: So, I'm going to hire you next year.
8 MS. ROBESON: That's the first time that I've
9 heard that one.
10 MS. VERGAGNI: But I've also counted cars at
11 midnight, too, at the surrounding developments.
12 MS. ROBESON: So, this is -- I'm going to mark
13 this as 199 which is a binding element, proposed binding
14 element for Glenmont Metro Center.
15 MR. ROBINS: Right.
16 MS. ROBESON: Okay. And you were saying or is Ms.
17 Randall going to testify on this or are you just submitting
18 this for the record?
19 MR. ROBINS: Well, we can -- I am submitting it
20 for the record. I mean, can we just talk about it with you.
21 MS. ROBESON: Yeah. We can do that.
22 MR. ROBINS: I mean, I don't know exactly who's
23 going to testify to it.
24 MS. ROBESON: Okay.
25 MR. ROBINS: I mean, it's fairly -- can I lead in

1 then --
2 MS. ROBESON: Well, I'll tell you what. I'm
3 sorry. I don't know the applicant's representative name.
4 MR. ROBINS: Oh. Pete Jervey.
5 MS. ROBESON: Jervey. Is he going to testify?
6 MR. ROBINS: He can speak to it himself.
7 MS. ROBESON: I'll tell you what, why don't we
8 just bring him on up because I do want in the record the
9 information on the vacancy rate at Privacy World.
10 MR. ROBINS: Okay.
11 MR. JERVEY: For the record, Pete Jervey.
12 MS. ROBESON: Okay. Raise your right hand.
13 MR. JERVEY: Yes.
14 MS. ROBESON: Do you solemnly affirm under
15 penalties of perjury that the statements you're about to
16 make are the truth, the whole truth, and nothing but the
17 truth?
18 MR. JERVEY: Yes. I do.
19 MS. ROBESON: Okay. Name and address for the
20 record.
21 MR. JERVEY: James T. Jervey. My nickname is
22 Pete. 5201 Westpath Way, Bethesda, Maryland 20816.
23 MS. ROBESON: Okay.
24 MR. JERVEY: The vacancy rates were given by Greg
25 Eisanstat over a period of months.

MS. ROBESON: And he's the property owner?

MR. JERVEY: He's the property owner and property manager.

MS. ROBESON: Now, what do you mean over a period of months?

MR. JERVEY: Well, they were given, recently in the last month, and then last year, probably six months ago at 40 percent.

MS. ROBESON: And both times it was 40 percent?

MR. JERVEY: right.

MS. ROBESON: Okay. Do you have any questions of -- oh, wait. You're going to -- can you describe what this binding element is going to do and whether the applicant is going to agree to live by it?

MR. JERVEY: Sure. I'm happy to. First of all, these concepts came from conversations with Vicki and the other citizens as well as from the testimony at the Planning Commission. So, these reflect those types of conversations, and it's our commitment to address some of these operational issues which also affect safety along Glenallan, and I think the emphasis is on Glenallan for safety for pedestrians and traffic along Glenallan.

So, we're talking about at preliminary plan providing appropriate operational improvements including and studying appropriate operational improvements including the

following: pedestrian crossing between Glenmont Metro Center project and Glenmont Metro station which could include limiting the number of crossings which was one of the issues which was discussed, pedestrian safety along Glenallan and site distance for turning movements from the project onto Glenallan which reflects where the buildings are, where the site distance are for turning movements making sure that the sidewalks or bike paths don't interfere with those turning movements. A whole host of issues which, of course, are also correlated with the pedestrian crossings. Gaps in through traffic to allow cars to enter and exit safely to and from the driveway south of Glenallan onto Layhill Road.

This is Vicki's particular issue which we noticed when we were out there taking pictures as Nancy said. As you stood on Layhill at Vicki's exit, it's difficult to cross the road to get into the left hand turn lane to make a left on Glenallan or to take a u-turn at Glenallan and Layhill. It's a hard movement to make. The cars are coming too fast. So, that--

MS. ROBESON: So, does that include the area of Glenallan that borders her --

MR. JERVEY: Yes. Right here, we're talking about Layhill.

MS. ROBESON: Layhill. Oh. I'm sorry. I see.

1 MR. JERVEY: On three, we're turning at Layhill.
2 MS. ROBESON: All right. Okay. All right.
3 MR. JERVEY: So, that gets to traffic calming
4 issues and turn lane issues. Nancy has had the concept of
5 adjusting the turn lanes and although I can't talk just
6 specifically how that would get done but there are turn lane
7 adjustments that could be made there that would make it
8 easier.
9 MS. ROBESON: Who controls the parking on
10 Glenallan?
11 MS. VERGAGNI: Montgomery County.
12 MR. O'NEIL: The county.
13 MR. ROBINS: The county. That's a county road.
14 MS. ROBESON: So, it's a possibility --
15 MR. JERVEY: Yes. It's a county issue. And it's
16 important to us all along Glenallan because the parking
17 interferes with flow as well as safety.
18 MS. ROBESON: Well, that's a lot of volume.
19 MR. JERVEY: It's a lot of volume.
20 MS. ROBESON: Is the parking garage, I'm probably
21 asking the wrong witness. Is the parking garage --
22 MR. ROBINS: Why don't you come up? I'm standing
23 for a little bit so you can sit down.
24 MS. ROBESON: Is the parking garage, do you
25 anticipate that eliminating the parking? Or do you know?

1 MS. RANDALL: Actually, what they would like to do
2 and it was discussed briefly at the sector plan was to look
3 at eliminating that parking because that's parking for free
4 when somebody should be paying for parking in the garage.
5 MR. ROBINS: And you're referring to parking on --
6 MS. RANDALL: On both sides. And so what's
7 happening is a person who's using Metro is parking and
8 they're not getting the revenue for it.
9 MS. ROBESON: Well, that's a lot of volume you're
10 losing off that road.
11 MS. RANDALL: It's a lot of volume. But, again,
12 it's parallel parking spaces, and with the new garage,
13 there's opportunity within the new garage and one of the
14 things that we talked with the neighborhood about, we don't
15 want to eliminate the parking all together because the
16 community uses it. So, if during peak hours both a.m. and
17 p.m. you don't permit the parking, you eliminate that volume
18 when you need the road bed the most.
19 MS. ROBESON: You could do permit parking, I
20 guess.
21 MS. RANDALL: Or, you could do metered parking
22 with -- I mean, there's a whole host of different things
23 that you could do.
24 MR. ROBINS: One of the things we talked about --
25 MS. ROBESON: Because, I saw those pictures and I

have to say -- I understand --

MS. RANDALL: Yeah.

MR. ROBINS: Yeah.

MS. ROBESON: -- what your concern is.

MS. RANDALL: Absolutely.

MR. ROBINS: And I think Vicki had mentioned those parking spaces fill up, you know, during the peak hour in the morning for sure and then they're there all day.

MS. VERGAGNI: Yeah. By 5:30 to 6:00

MS. ROBESON: So, they're unrestricted.

MS. VERGAGNI: Yeah. Unrestricted.

MS. RANDALL: Totally unrestricted.

MR. ROBINS: See, the idea was to --

MS. ROBESON: Well, I'll have to go down there.

MR. ROBINS: The idea was to try to limit parking during the peak hour because those people that will use that parking will be long gone by then. They'll park in the garage.

MS. VERGAGNI: Yeah.

MS. RANDALL: But, at the same time, it wasn't to take away the use of those parking spaces on the weekend when the community needs them or in the evening if somebody's having a party or an event. So, it was more to look at how could we, in working with the county, take the impact away from the neighborhood, facilitate movement

1 during peak hours and make entrances and exits out of those
2 driveways because the parking clearly affects their
3 visibility to come and go from their entrances on to
4 Glenallan.
5 MS. ROBESON: Right.
6 MS. RANDALL: So, you know, there are multiple
7 ways in which we can look at this and improve the situation.
8 MS. ROBESON: Yes, Mr. Bronstein.
9 MR. BRONSTEIN: I was just going to suggest why
10 not include the binding elements or suggestions that we
11 asked for to have the exits from Glenmont Metro Center be
12 across from the entrances and exits of the parking garage
13 and the park and ride? I mean, if you're putting it forward
14 to this later date, a preliminary plan, you're not agreeing
15 to it now but at least include them so they can be
16 considered at that time, and we talked about a bridge and
17 you're saying, you know, evaluate it and so on and --
18 MS. ROBESON: Okay. Well, let's let Mister --
19 MR. BRONSTEIN: -- provide subject to the
20 government agencies approval. So --
21 MS. ROBESON: Well, they've got to do that because
22 they can't promise something --
23 MR. BRONSTEIN: I understand that but why not put
24 them in if it's up to someone else to decide?
25 MR. JERVEY: Well, if I may? You know, we think a

1 lot of these ideas are good ideas. We have no objection to
2 any of these ideas. But, it's hard to know where to put an
3 entrance if you don't know exactly where the building is or
4 the same with building edges and site distance issues and
5 that's what happens when you design the project at
6 preliminary plan. When you know where a wall is, where a
7 road is. For instance, the central park area has a road in
8 it. Well, that road may well shift significantly or may not
9 be there at all.
10 MR. ROBINS: You're talking about here.
11 MR. JERVEY: Right. So, the point is, as you
12 design the project, the preliminary plan, then you know
13 where the roads are and where the building edges are, where
14 the turn lanes are, and that's when you can make adjustments
15 to the plan.
16 MS. ROBESON: Well, I guess, what I think what Mr.
17 Bronstein is saying is that all you're doing in this binding
18 element is to study it. So, the question is, you know, if
19 you don't know where your buildings are, and you can't put
20 the buildings there, I guess the question is do you feel
21 comfortable saying you'll study it? Is that your question,
22 Mr. Bronstein?
23 MR. BRONSTEIN: Yeah. Put it in there, and it's
24 going to be studied and up to applicable government agencies
25 approval and then if --

1 MS. ROBESON: Well, okay. I understand. I think
2 what he's saying is he's not ready to agree to it because he
3 hasn't designed his project.
4 MR. BRONSTEIN: Well, it's two words. Design
5 accordingly. So that those entrances, exits line up across
6 from one another of the Metro garage or, you know, the
7 entrances and egress, ingress and egress for the two points
8 for the Kiss and Ride and to get into the garage. Simple.
9 MS. ROBESON: Well, let me ask Ms. Randall. Ms.
10 Randall, if they align those entrances as -- we need more
11 chairs here. If they align those -- wait. Where's Mister--
12 MR. ROBINS: He's in there.
13 MS. ROBESON: We may need you again.
14 MR. ROBINS: We need to seatbelt him in.
15 MS. ROBESON: Don't go. Would that be a
16 significant traffic safety reduction if they align those
17 entrances?
18 MS. RANDALL: Because of the way the entrances
19 operate with one way in, one way out, I think with the
20 overall design of the site and once it's gone through the
21 review at Park and Planning and the county Department of
22 Transportation, I can't say with any degree of certainty
23 where they're going to ask us to put those entrances. I do
24 know them well enough to know that they're going to want to
25 have a -- if it can be aligned directly across from an

1 access point, they're going to be the ones that are going to
2 ask us to do that. They're going to want some consolidation
3 of access points. But, until you sit down and meet with
4 them and you know all of the different parameters that go
5 into where a road is located. It's not just site distance
6 but it's all the utility information, environmental
7 information, all of those different things that play into
8 how a site lays out. I couldn't tell you that it's
9 specifically going to be in front of one entrance or another
10 or the church. I don't know at this point. It's too early
11 to know.
12 MR. ROBINS: We do have one access point that is
13 aligned. That's the access point to the --
14 MS. RANDALL: Across from the --
15 MR. ROBINS: -- that's far east on Glenallan as
16 our site goes. I think the issue, the other issue, is the
17 entrance point directly in the middle, and there was an
18 enormous amount of time spent on this plan early on trying
19 to make this areas sort of an open space that opens up to
20 the environmentally sensitive area so you get this whole
21 sort of park feeling.
22 MS. ROBESON: From the Metro through to that.
23 MR. ROBINS: Right. And you can see it through,
24 and I believe that there is an access point on there but it
25 was more of a limited access point for, for example,

emergency vehicles and things of that sort, and then we had a access point farther to the west because this is their commercial component of the development. So, I think what we're struggling with is not necessarily the eastern part, it's the one in the middle is the one that is just problematic.

MS. RANDALL: Yeah.

MS. ROBESON: Is that actually a driveway or is that a promenade that fire trucks can -- is that actually a road access?

MR. ROBINS: Can I call on Miguel to answer? I mean --

MS. ROBESON: Oh. Why not?

MR. ROBINS: Just raise your hand, Miguel.

MS. ROBESON: Do you solemnly affirm under penalties of perjury that the statements you're about to make are the truth, the whole truth, and nothing but the truth?

MR. IRAOLA: I do.

MS. ROBESON: Okay. State your name and address for the record.

MR: Miguel Iraola with Hord Coplan and Macht, 750 East Pratt Street, Baltimore, Maryland.

MS. ROBESON: Okay. Does anyone object that he's qualified as an expert in land planning?

1 MS. VERGAGNI: We've heard him before. He's very
2 good.
3 MS. ROBESON: Okay.
4 MR. IRAOLA: Thank you.
5 MS. ROBESON: So, you're an expert.
6 MR. IRAOLA: I will say that the, I mean you can
7 jump in, but the decision on whether it's an active street
8 or not has been not completely made for all the same reasons
9 that we were talking about earlier. Initially, this street
10 was designed to be a major access point, and it was
11 diminished in size and width and in the most recent concepts
12 has been not a major access point but a minor one which
13 could either be like a one way street or maybe an entrance
14 to a garage or maybe just a fire lane. If you want to --
15 MR. JERVEY: Right. And absolutely. I mean,
16 pedestrian orientation for the entire site is paramount.
17 This little street or access point really was envisioned as
18 a pedestrian type street. It could be cobbled and provide
19 that prior access as well between those two buildings. It's
20 role, really, is more pedestrian oriented rather than
21 vehicular, and I should mention something with regards to
22 the access points also. We don't want to dismiss the
23 ability to build within these blocks. So, in terms of just
24 aligning these streets with an access point across from it
25 may or may not, I shouldn't say feasible but what it may do

is dismiss the ability to build say, for example, on block A, a grocery story. Their optimum size is for a grocery store that could be at the ground floor of that building. To move it one way or the other can seriously --

MS. ROBESON: So, what you're saying is by aligning the accesses -- the development is going to be driven by what's south of Glenallan if you have to align the access to what's south of Glenallan.

MR. JERVEY: Correct. And again, I think Nancy mentioned they could be consolidated at some point either working with Metro or possibly shifted to help them align better.

MS. ROBESON: Okay. I understand. So, it's my feeling that it's a little premature to require something that specific. I understand what you're saying about -- what's the issue with saying you'll study it? Because the way this is worded, the only downside is the government, I mean, the only condition is the government approval.

MR. BRONSTEIN: It's not a requirement. I'm just saying put it in there as one of the things to be studied and approved by the proper government agency.

MR. ROBINS: Max, he's making it -- if you listen to the way he's saying it. If the government were to approve that then we're required to do it is what his --

MS. ROBESON: Right. And that's what I'm saying,

1 and I understand that there's a long way to go on this site.
2 MR. ROBINS: Yeah. And the other thing about this
3 development plan that was carefully, really, very carefully
4 planned out and worked on not only with the community but
5 also with the prior Hearing Examiner, was the creation of
6 these development blocks. If you look at the development
7 plan, there are specific development blocks that are laid
8 out, and while there is some flexibility for what goes on
9 within the development blocks, there is limited flexibility
10 in terms of adjusting the boundaries of the development
11 block. So, something like that issue could have a
12 substantial impact on one or more of the ultimate
13 development blocks.
14 MS. ROBESON: Especially as you have no control
15 over the WMATA.
16 MR. ROBINS: That's right.
17 MR. JERVEY: That's correct.
18 MR. ROBINS: That's right.
19 MS. ROBESON: Yes. Mr. Bronstein?
20 MR. BRONSTEIN: Well, we discussed limiting the
21 number of units to 1,200 which will give you a 23 percent
22 reduction and give you some flexibility on placement of
23 structure.
24 MS. ROBESON: Well, I understand that but I think
25 the Councils remand is -- this is not the place to argue

that. Now, I think that when it --

MR. BRONSTEIN: What place is?

MS. ROBESON: Well, they've got two more approvals if I'm counting right. One is preliminary plan where all the -- I mean, the operational issues with the public road will be addressed there, and then site plan.

MR. BRONSTEIN: Is that before the Planning Board?

MR. ROBINS: Yes.

MS. ROBESON: Yes.

MR. BRONSTEIN: With limited time for input?

MS. ROBESON: Well, I would recommend not limiting your input to the hearing before the Planning Board. I think that you are able to meet with staff, to my knowledge. You can meet with -- or not. I don't know. But, you do have the ability to meet with staff beforehand.

MR. BRONSTEIN: And written input.

MS. ROBESON: And written input. Yes. But, the interior site, to be honest, I think it's stretching it for me to go into the site access because that was already dealt with in the Council opinion. So, I'll take this binding element certainly. But, I'm uncomfortable getting into density and--

MR. BRONSTEIN: Density has to do with generating trips both pedestrian and vehicular.

MS. ROBESON: Well, that's true but that's not --

1 the Council's remand was to take the maximum amount of trips
2 and see what impact that would have on queues and on
3 intersections. So, I don't think saying -- I don't think
4 that it's up to us to set a density. Either they take the
5 density that was submitted.
6 MR. BRONSTEIN: It was up two numbers. Meaning
7 that's the absolute maximum but it doesn't have to be there
8 if it's up two.
9 MR. ROBINS: And that's where, at preliminary
10 plan, and at more specifically at site plan, there's an
11 opportunity to reduce that density if you think that's what
12 makes sense and the Planning Board thinks it makes sense.
13 MR. BRONSTEIN: Adequate public facility.
14 MR. ROBINS: And there's the adequate public
15 facility ordinance that will have to -- we will have to
16 completely readdress.
17 MS. ROBESON: Don't interrupt and don't cross talk
18 because the transcript won't pick it up.
19 MR. BRONSTEIN: I'm sorry.
20 MS. ROBESON: I just wanted to be heard. So,
21 okay. So, bottom line is I don't think it's within the
22 scope of the remand. All right? I think that their test on
23 remand is to say this is the density, the maximum density,
24 the District Council approved. Can the road system handle
25 it. All right? And not necessarily to pick and choose a

1 particular density. Even if I had the opportunity, I don't
2 have any evidence in front of me from the opposition to come
3 up with 1,200. I have no basis in the record to pick a
4 1,200. So, that's an issue as well. Yes, Sir?
5 MR. ROBINS: I did want to point out though that,
6 I don't know if it got in because there was cross talk but
7 the point about at the time of subdivision, when we're
8 planning subdivision and site plan, at subdivision, the
9 adequate public facilities ordinance will go into play
10 again, and evaluate the --
11 MR. BRONSTEIN: Density.
12 MR. ROBINS: -- very many of the issues that
13 we've talked about here including operational issues.
14 MS. ROBESON: Right. It won't do the queuing.
15 MR. ROBINS: It might. It might.
16 MS. ROBESON: Why, Ms. Randall?
17 MS. RANDALL: Because the adequate public
18 facilities test, the LATR guidelines, if an intersection
19 exceeds the 1,800, you're required or staff is allowed to
20 ask for queuing at that point for those intersections. If
21 it's below, keeping in mind, of course, that this is Metro
22 station policy area, they don't, now, why we've offered this
23 operational analyses, and one of the things that we had
24 agreed to. We understood the queuing problems that they
25 face on Glenallan, and that's why we wanted to come up with,

1 independent of what the APF test says in terms of capacity
2 at an intersection, road capacity. This has to more with
3 the day to day kind of things that they're trying to get out
4 of their driveway but the queue is extending down to a drive
5 that makes it difficult. So, we wanted to take a look at
6 that separate and apart from intersection capacity test
7 which is the LATR test.
8 MS. ROBESON: Okay. Now, let me do this, Mr.
9 Bronstein and Ms. Vergagni. If you're heads aren't reeling
10 by this point, I can't remember if I gave you the
11 opportunity. You have the opportunity to cross-examine any
12 of these witnesses, and I don't remember if I gave the
13 opportunity to cross-examine Ms. Randall. So, do you have
14 any questions on cross-examination for Ms. Randall?
15 MR. BRONSTEIN: I don't.
16 MS. VERGAGNI: I don't. Uh-huh.
17 MS. ROBESON: No? And Mister, I'm sorry is it --
18 MR. JERVEY: Jervey.
19 MR. ROBINS: Jervey.
20 MS. ROBESON: Anything for Mr. Jervey?
21 MR. BRONSTEIN: No.
22 MS. VERGAGNI: No.
23 MS. ROBESON: And Mr. Iraola?
24 MR. BRONSTEIN: No.
25 MS. VERGAGNI: No.

1 MS. ROBESON: Okay. I just wanted to make that
2 point. Now, what I am going to do is leave the record open
3 because I'd like to hear from technical staff about the
4 pipeline. I tried to call them but I haven't had a chance
5 to --
6 MR. IRAOLA: We emailed them.
7 MS. ROBESON: Oh. You did.
8 MR. IRAOLA: Just so you know that they took --
9 MS. ROBESON: Did they give you a time frame?
10 MS. RANDALL: If I can read the email and I will
11 share it with you. If I have your email address, I'll send
12 it to you. But this was sent to me from Shahriar Etemadi.
13 MS. ROBESON: Yeah.
14 MS. RANDALL: And I can confirm to the best of my
15 recollection that in August of last year and at a later
16 meeting with Park and Planning staff, it was acknowledged
17 that there were no additional background developments in the
18 area to be included. By this email, I am asking Mr. Khalid
19 of, and I can't pronounce --
20 MR. ROBINS: Afzal.
21 MS. RANDALL: Thank you.
22 MS. ROBESON: Afzal.
23 MS. RANDALL: Thank you. Of Montgomery County
24 Planning Department to confirm my statement above. So, he
25 was asked--

1 MS. ROBESON: Okay. Well, I'd like to hear from--
2 MR. ROBINS: Khalid.
3 MS. RANDALL: Yeah. Khalid.
4 MS. ROBESON: So, I'm going to leave it open.
5 That doesn't seem too hard a thing to check. So, I'm going
6 to leave the record open until the 16th for that, to receive
7 a response from staff. If I don't -- now, what do you want
8 to do about closing arguments? Do you want to submit
9 written closing arguments? Do you want to make them now?
10 MR. BRONSTEIN: So, with the record open until the
11 16th of March, can we citizens submit a written further
12 statement or closing argument?
13 MS. ROBESON: It would be a closing argument which
14 means you shouldn't be submitting new evidence. No new
15 studies. You should be taking the evidence you have and
16 saying based on this evidence, we think we're right. Okay?
17 MR. BRONSTEIN: So, what we've already input?
18 MR. ROBINS: I mean, we could prepare to do it now
19 if you want us to.
20 MR. O'NEIL: It's five minutes.
21 MR. ROBINS: Five minutes or so.
22 MS. ROBESON: Well, I feel a little uncomfortable
23 without -- I don't want to deny Mr. Kauffunger. I feel the
24 need to--
25 MR. ROBINS: Right. Okay. Well, then we'll hold

1 off on doing it.
2 MS. ROBESON: Yeah.
3 MR. BRONSTEIN: Okay. So, you're going to do it
4 in writing, Steve?
5 MR. ROBINS: Yeah. We'll do it in writing.
6 MR. BRONSTEIN: Do we get a copy?
7 MR. ROBINS: Absolutely.
8 MR. BRONSTEIN: Thanks. I need more papers.
9 MS. ROBESON: I'll tell you what. I'm going to
10 ask if staff can get me response by Monday, the 12th and
11 then your closing statements would be due Monday the 19th.
12 How's that?
13 MR. BRONSTEIN: Perfect.
14 MS. ROBESON: So staff's response -- now, if that
15 changes, I will let you know.
16 MR. ROBINS: Would you, I don't know what you're
17 practice is but I've been in hearings where if we submit a
18 closing statement, typically the applicant has the ability
19 to sort of have the last --
20 MS. ROBESON: This is true.
21 MR. ROBINS: -- word on this.
22 MS. ROBESON: We can do it that way.
23 MR. ROBINS: So, I don't think we need a lot of
24 time but maybe if we submitted closing statements on, what
25 did you say? The 19th?

1 MR. BRONSTEIN: 16th.
2 MR. ROBINS: Or the 16th rather? No. I think she
3 said the 19th.
4 MS. ROBESON: No. The 10th.
5 MR. ROBINS: Just to give us, you know, maybe
6 three or four days afterwards.
7 MS. ROBESON: Technical staff response on the
8 pipeline issue is due Monday, March 12th.
9 MR. ROBINS: Oh. It is? Okay. All right.
10 MS. ROBESON: By 5:00 p.m. Subject to change
11 because I haven't talked to Khalid.
12 MR. ROBINS: March 12th staff. If you wanted to
13 have their closing statement due by one day and then ours
14 due --
15 MS. ROBESON: Well, then they don't have yours to
16 respond to.
17 MR. ROBINS: Okay. We can do it the same day and
18 then just give us maybe three or four days after.
19 MS. ROBESON: A supplemental. Okay. So, then 3-
20 19 will be both of yours due.
21 MR. BRONSTEIN: And I'll let Mr. Kauffunger know.
22 MS. ROBESON: Yes. Please do. I'll send him an
23 email because I'm just reluctant -- I know how -- and then
24 your final one will be due on how about March 23rd. That's
25 the Chelsea school.

1 MR. ROBINS: Can I -- are we on the record or off
2 the record?
3 MS. ROBESON: We're on the record.
4 MR. ROBINS: We're on the record? Okay.
5 MS. ROBESON: I don't know what you want to know
6 but you have the schedule.
7 MR. ROBINS: Well, the 23rd -- if I told you what
8 I'm doing the 23rd, you wouldn't believe it but I can have
9 my --
10 MS. ROBESON: You can't say that but go ahead.
11 MR. ROBINS: I'm going to have my wisdom teeth
12 removed on the 23rd.
13 MS. RANDALL: Oh. No.
14 MS. ROBESON: I don't believe it.
15 MR. ROBINS: I am. Three of them.
16 MS. ROBESON: Either the 22nd or the 26th will
17 work.
18 MS. ROBESON: Do you have any objection to the 26?
19 March 26? Okay. So, we'll go Monday, Monday, and Monday.
20 MS. RANDALL: Perfect.
21 MS. ROBESON: Okay.
22 MR. ROBINS: And we may not submit -- if we're of
23 the opinion that we don't need to submit anything, we
24 obviously will tell you that.
25 MS. ROBESON: So, just to reiterate. Staff

1 response to the pipeline issue is Monday, 3-12. Both
2 parties' closing statement is 3-19 and any supplemental
3 response from the applicant is 3-26. How's that? All
4 right.
5 MS. VERGAGNI: One second. What was that on the
6 26th?
7 MR. ROBINS: That's if we have a response.
8 MS. VERGAGNI: Oh. If you have a response to
9 ours?
10 MR. ROBINS: Right.
11 MS. VERGAGNI: So, we don't get to look at theirs?
12 MR. ROBINS: Yes. You do.
13 MS. ROBESON: Yes. You do.
14 MS. VERGAGNI: Oh. Do we get to submit a
15 supplemental on the 26th?
16 MS. ROBESON: No. No. No.
17 MS. VERGAGNI: Okay.
18 MS. ROBESON: But this is typical procedure.
19 MS. VERGAGNI: Got you. They get the last word.
20 MR. ROBINS: Both are due on the 19th and the
21 26th.
22 MS. ROBESON: That' right.
23 MR. BRONSTEIN: Let me make sure I understand it.
24 So, what we can put in for the 19th, a closing statement
25 based only on the testimony given.

MS. ROBESON: Yes. The only new testimony that I'm leaving the record open for, the only new evidence, I mean, is staff's response to the question on the pipeline. That's the only new evidence.

MR. BRONSTEIN: Does it make any difference if Mr. Etemadi isn't there anymore?

MR. ROBINS: Well, It's Khalid Afzal.

MS. ROBESON: Exactly. Khalid will respond. And then we're going to have the transcript of the hearing come into the record, too. But, we have to have that. So, all right.

MR. BRONSTEIN: Yeah. Thank you.

MS. VERGAGNI: Thank you.

MR. ROBINS: Thank you very much.

MS. ROBESON: We are adjourned.

(Whereupon, at 7:00 p.m., the hearing was concluded.)

dmb

% Digitally signed by Dawn M. Bahnmiller

ELECTRONIC CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Office of Zoning and Administrative Hearings for Montgomery County in the matter of:

LMA - Glenmont Layhill Associates

Case No. G-862/G-863

By:

Dawn M. Bahnmiller,
Transcriber