

MEMORANDUM

TO: County Council

FROM:  Michael Faden, Senior Legislative Attorney
Glenn Orlin, Deputy Council Staff Director

SUBJECT: **Action:** Expedited Bill 3-10, Streets and roads – Sidewalks – Public hearing requirement

Transportation, Infrastructure, Energy and Environment Committee recommendation (2-1, Councilmember Berliner dissenting): enact with amendments.

Expedited Bill 3-10, Streets and roads – Sidewalks – Public hearing requirement, sponsored by Council President Floreen, Councilmember Leventhal, Councilmember Berliner, and Council Vice President Ervin, was introduced on January 19, 2010. Councilmember Berliner later withdrew his sponsorship. A public hearing was held on February 9 and a Transportation, Infrastructure, Energy and Environment Committee worksession was held on February 18.

Summary/background

Bill 3-10 would waive the required public hearing under certain circumstances before certain sidewalks or shared use paths are approved. Its purpose is to expedite the administrative approval process to allow quicker construction of sidewalks and hiker-biker paths that are noncontroversial, have substantial community support, would be placed entirely in the public right-of-way, and don't require a detailed engineering design. The Transportation, Infrastructure, Energy, and Environment Committee considered this issue on December 7 and assigned Council staff to draft this bill.

Councilmember Ervin originally asked the Committee to explore means to expedite the decision-making process regarding sidewalks built under the Annual Sidewalk Program. She noted concerns raised by residents about how long this process has taken, and she encouraged expediting the process in order to deliver these sidewalks more quickly.

The *Annual Sidewalk Program* is a capital project which funds the design and construction of smaller, simpler sidewalks, primarily in residential neighborhoods. The Council programmed \$13.3 million for this project in the FY09-14 CIP period, \$2.55 million in FY10 alone. The sidewalk projects that either have had or are awaiting a public hearing are on ©14-15, and those either under investigation or pending investigation are on ©8-13.

The Annual Sidewalk Program is not the only capital project that funds sidewalks. Some sidewalk projects are sufficiently complex and costly to warrant their own project description forms: Dale Drive (\$4.9 million); Greentree Road (\$3.3 million); US 29 (\$5.6 million); plus several others currently in facility planning. In addition some hiker-biker trails double as sidewalks and bikeways, and sidewalks are built as part of projects that build or widen roads. However, as a result of their cost and complexity, these other sidewalks receive a public and Council review commensurate with their scope. The question is whether the law requires too much process for smaller, simpler sidewalks and shared use paths (hiker-biker paths)¹.

Current sidewalk approval process The County Department of Transportation's (DOT) evaluation criteria and process, as well as its decision-making process, is described on ©7. On ©6 are timelines for two sidewalks built under the Annual Sidewalk Program, one representing the shortest duration (88 work days, or about 18 weeks) and the second representing the longest duration (321 days, or about 64 weeks). These timelines *do not* represent the time between the DOT's first field visit and its decision to proceed with a sidewalk; given the time needed to work with affected property owners, this period is not likely to be shortened. These timelines *do* represent, however, the duration between DOT's decision to proceed and when the sidewalk is completed -- what is referred to here as the "administrative process".

These timelines are instructive in two ways. First note that the period of construction was 5 days for the simplest sidewalk and 30 days for the most complex, representing only 6% and 9% of their respective administrative processes. Second, the public hearing portion of the administrative process -- from the scheduling of the hearing to the receipt of the hearing officer's recommendation -- was 70 days for the simplest sidewalk and 260 days for the most complex, representing in both cases about 80% of the administrative process. Therefore, the public hearing requirement is, by far, the largest contributor to the length of the administrative process.

Executive public hearing requirement The current law (County Code §49-53) directs the Executive to hold a public hearing before any road construction or cost assessment is authorized. At the direction of the County Attorney about a decade ago, sidewalks and hiker-biker paths are treated like roads under this provision. During deliberation over the road code bill in 2007, Executive staff recommended that the Executive be required to hold a public hearing only if a cost assessment is authorized, which historically was the reason for the legal requirement in the first place. Because any road (or sidewalk or path) to be constructed will have been the subject of at least one Council public hearing before it is included in a Capital Improvements Program, Council staff concurred that another Executive hearing is unnecessary. Staff pointed out that these hearings rarely, if ever, result in a decision not to proceed with the project or even a material change to it. Nevertheless, when the then-President of the County Civic Federation argued against repealing the hearing requirement as an infringement of the

¹In the rest of this memo, shared use paths are included in the term "sidewalks".

public's opportunity to comment, the Council decided not to remove the requirement for an Executive hearing.

Alternative proposal Rather than the 2007 proposal to repeal the hearing requirement for all transportation projects (unless a cost assessment is involved), DOT staff proposed to exempt only a certain sidewalk or shared use path project that is: (1) entirely in the County right-of-way, and (2) either is within a school's official "walking area" or, if not, at least has the support of the applicable civic or homeowner's association. Council staff concurred that DOT's approach would be a reasonable compromise that would allow smaller neighborhood sidewalks and paths to be built months sooner without a real loss of due process. At its December 7 worksession, this Committee modified DOT's proposal by deleting the reference to schools, and directed Council staff to draft the attached bill.

As noted in the fiscal impact statement on ©5, another advantage of this proposal is that it would save the County money and time. DOT recently reduced its advertising costs associated with small sidewalk projects by consolidating several hearings into one day-long set of hearings, with an ad for each set. Nevertheless, for each public hearing an ad must appear at least twice in each of two newspapers with a general circulation. The cost of an ad in the *Washington Post* is \$700-725, and the cost of a similar ad in *The Examiner* is \$625-650. The overall advertising cost for a large hearing, therefore, is about \$2,700, or \$450 per sidewalk. The more significant use of resources, of course, is staff time consumed by these hearings: time to draft and buy the ads, staffing the hearings, and the hearing officer's time to write a report on each sidewalk.

The cost and staff time for these hearings would be worthwhile if they were meaningful means for public input. But nearly all those who testify at these hearings -- when any persons do testify -- are affected property owners with whom DOT has already engaged. Whether they support the project as designed or oppose all or some aspect of it, those testifying generally have already had sufficient communication and coordination with DOT.

Fiscal impact: savings of \$38,000 plus staff time. See fiscal impact statement, ©5.
Economic impact: not discussed, but probably minimal.

Issues/Committee recommendations

How to measure community support? Bill 3-10 (see ©2, lines 4-24) would allow the Executive to proceed without holding the required public hearing if:

- the sidewalk can be built in one or more existing public rights-of-way without a detailed engineering design;
- significant community support is shown, either by a notice of support from a civic or homeowners' association or other neighborhood organization, or a petition from property owners who would be benefited by the sidewalk; and
- the Executive finds no significant issues would require a public hearing to be held.

The most controversial criterion has been the second element regarding community support. (See selected letters, ©26-34.) DOT staff say they intend to use this provision, if it is

enacted, sparingly and waive the required hearing only in cases where the sidewalk is not controversial and no germane issues have been raised. However, some civic commenters, particularly several from the Bethesda neighborhood of Springfield, read the Bill's language more broadly and worry that it would give Executive staff too much leeway.

The questions raised about the community support element can be broken down into:

1) What is a "substantial number of property owners", the term used on ©2, lines 10-11 and 15? Is this term quantifiable? If so, how much is enough? Should anyone's support be mandatory (i.e. would any property owner have a veto)?

2) Which property owners' support should count? Those who would be affected by the sidewalk, or only those actually on its route?

3) What kind of notice to neighborhood property owners, if any, should be given before the decision to waive the hearing is made?

The Committee reviewed each of these issues:

1) What is a "substantial number of property owners"? Is this term quantifiable? If so, how much is enough? Should anyone's support be mandatory (i.e. would any property owner have a veto)?

In the Bill as introduced, this standard applies to both the homeowners' association or other organization which submits a letter of support, and to the petition signed by property owners if no such letter is filed with the Executive (see ©2, lines 9-20). In Council staff's view, the term need not be quantified further because it is part of an overall qualitative standard: is the proposed sidewalk non-controversial? In Justice Stewart's famous phrase, this is a "you know it when you see it" situation, where a bright-line eligibility test would not add anything.

If, however, some quantitative standard is needed, then several options exist:

- support from 100% of the immediate property owners. This was recommended by the Civic Federation (see ©25). It would effectively allow a single property owner to demand a hearing on each proposed sidewalk.
- support from 80% or a similar super-majority of the affected homeowners. This was suggested by Bethesda resident James Coffman (see ©26-28), who likened this requirement to the 80% standard in current County regulations for neighborhood approval of speed humps.
- support from a majority of the property owners on the proposed route. This was suggested by one of the commenters on the County PTA's email string collected by Councilmember Ervin's office (see ©37).

Council staff recommendation: retain "substantial number of property owners". If a quantitative standard is necessary, require a show of support from a majority of the property owners on the proposed route. (In any case, the Executive could still hold a hearing if significant opposition or issues arise.)

Committee recommendation: require the homeowners' or civic association to include a substantial number of owners of property located on the proposed route of the sidewalk. Require the petition filed when no homeowners' or civic association has filed a notice of support to be signed by a majority of owners of property on the proposed route.

2) Which property owners' support should count? Those who would be affected by the sidewalk, or only those actually on its route?

As the last discussion indicates, one issue is which property owners should have a say in whether a hearing must be held on each proposed sidewalk. Bill 3-10 refers to "property owners who would be benefited by construction of the sidewalk", repeating the term used in the current law for those properties that would be subject to an assessment for the costs of construction.² This means the properties along the route of the sidewalk, rather than also (as some commenters assumed) those in the surrounding neighborhood whose occupants could use the sidewalk.

The 2 options to define which property owners have a say in this decision (whether to hold a hearing) are;

- only property owners on the proposed route; or
- also property owners in the surrounding area, who would reasonably be expected to use the sidewalk.

Council staff recommendation: limit this term to property owners on the proposed route, who would lose some of their front yard and become obligated to clear snow from the sidewalk.

Committee recommendation: as noted in Issue 1, limit this term to property owners on the proposed route.

3) What kind of notice to neighborhood property owners, if any, should be given before the decision to waive the hearing is made?

The Planning Board (see ©24) supported this Bill but recommended that the Executive be required to notify the public of upcoming sidewalk projects for which a hearing would not be held unless a request is made. The Board did not specify the form of notice.

As previously noted, by this point in the process DOT staff will have already reviewed the proposed sidewalk with neighborhood residents and associations. However, assuming that some further notice is needed, we see at least 4 options for the type of notice:

- newspaper advertisement, as when a hearing is held;
- notice published in the monthly County Register;
- County press release; or

²See, e.g., County Code §49-53(b)(6):

(b) Each notice issued under this Section must contain:

* * *

(6) The location of the real property that will be benefited by the construction.

However, the County has not used front-foot assessments to pay for roads or sidewalks for several decades.

- notice mailed or delivered to each house on the proposed route.

Council staff recommendation: publish the notice in the County Register and send a press release to civic and homeowners' associations in the area who are on the Planning Board's list of civic organizations. Newspaper ads cost too much, and direct mail or personal delivery could also be costly, depending on the length of the sidewalk or path.

Committee recommendation: require the Executive's designee to have given notice to and met with residents of the area before the Executive finds that no significant controversy has arisen that would require a public hearing. The form of notice is not specified.

Overall Committee recommendation: enact Bill 3-10 with amendments (Councilmember Berliner dissenting).

This packet contains:

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Expedited Bill No. 3-10
Concerning: Streets and roads -
Sidewalks - Public hearing
requirement
Revised: 2/18/10 Draft No. 3
Introduced: January 19, 2010
Expires: July 19, 2011
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Floreen, ~~[[Councilmembers]]~~ Councilmember Leventhal ~~[[and Berliner]]~~,
and Council Vice President Ervin

AN EXPEDITED ACT to:

- (1) waive the required public hearing under certain circumstances before certain sidewalks or shared use paths are approved; and
- (2) generally amend the law governing sidewalk and shared use path approval and construction.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Sections 49-53 and 49-54

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

28 is held, the County Executive finds that the public interest requires all or
29 part of any road construction project under consideration to be carried
30 out, the Executive must authorize the road to be built as required in this
31 Chapter.

32 (b) As soon as practicable after the Executive authorizes the road under this
33 Section, and after the hearing, if required, is held under Section 49-53,
34 the County Executive must forward to the County Council a written
35 report recommending any proposed assessments based on the estimated
36 cost of building the road. The report must describe the work to be done
37 and state, with particularity, what portion of the cost of the construction,
38 if any, should be paid by the adjacent properties and what portion, if
39 any, of the cost should be paid by the County under this Chapter.

40 * * *

41 **Sec. 2. Expedited Effective Date.**

42 The Council declares that this Act is necessary for the immediate protection of
43 the public interest. This Act takes effect on the date when it becomes law.

44 *Approved:*

45 _____
Nancy Floreen, President, County Council Date

46 *Approved:*

47 _____
Isiah Leggett, County Executive Date

48 *This is a correct copy of Council action.*

49 _____
Linda M. Lauer, Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Expedited Bill 3-10

Streets and roads – Sidewalks – Public hearing requirement

DESCRIPTION:	Expedited Bill 3-10 would waive the required administrative public hearing for sidewalks and hiker-biker paths that are noncontroversial, have substantial community support, would be placed entirely in the public right-of-way, and don't require a detailed engineering design.
PROBLEM:	The administrative approval process for smaller, simpler sidewalks and hiker-biker paths is unnecessarily long.
GOALS AND OBJECTIVES:	To waive the administrative public hearing before certain sidewalks and shared use paths are approved.
COORDINATION:	Department of Transportation
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Michael Faden, Senior Legislative Attorney, 240-777-7905 Glenn Orlin, Deputy Staff Director, 240-777-7936
APPLICATION WITHIN MUNICIPALITIES:	Applies only to County-built sidewalks and shared use paths.
PENALTIES:	Not applicable



OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
County Executive

Joseph F. Beach
Director

MEMORANDUM

February 9, 2010

TO: Nancy Floreen, President, County Council
FROM: *B. Farberg*
Joseph F. Beach, Director
SUBJECT: Council Bill 3-10, Streets and Roads-Sidewalks - Public – Hearing Requirement

The purpose of this memorandum is to transmit a fiscal and economic impact statement to the Council on the subject legislation.

LEGISLATION SUMMARY

The proposed bill would waive the required administrative public hearing for sidewalks and hiker-biker paths that are non-controversial, have substantial community support, would be placed entirely in the public right-of-way, and do not require a detailed engineering design.

FISCAL AND ECONOMIC SUMMARY

There will be no fiscal impact on County expenditures. The Department of Transportation (DOT), through the Annual Sidewalk CIP, will build anywhere between 20 to 30 sidewalk projects each year. It is estimated that about half of these projects will qualify for the public hearing waiver. There are savings associated with this legislation, though most will not result in budgetary savings as much as savings in staff time. The budgetary savings that can be redirected to sidewalk design and construction would be for the cost of preparing the transcripts and advertisement. DOT will not have to pay a transcription firm to prepare 10-15 transcripts, as well as the advertisement costs for newspaper ads. At an average cost of \$3,000 per transcript and advertisement, approximately \$38,000 can be redirected for design and construction costs. Substantial staff time is required to prepare and present at public hearings. This legislation will result in fractional workyear savings that will allow staff to focus on other tasks, and improve the implementation rate of these sidewalk projects.

The following contributed to and concurred with this analysis: Adam Damin, Office of Management and Budget, and William Selby, Department of Transportation.

JFB:ad

c: Kathleen Boucher, Assistant Chief Administrative Officer
Dee Gonzalez, Offices of the County Executive
Arthur Holmes, Director, Department of Transportation
William Selby, Department of Transportation
John Cuff, Office of Management and Budget

Office of the Director

Annual Sidewalk Program

Administrative Process

<i>Task</i>	<i>Shortest Duration</i>	<i>Longest Duration</i>
Schedule Public Hearing	1 day	2 day
Prepare Executive Order #1 to hold PH	1 day	3 day
County Attorney review EO#1/PH	3 days	5-7 days
Director's Office review/approve EO#1/PH	1 day	4-5 days
A-CAO review/approve EO#1/PH	3 days	7-8 days
Send EO#1/PH advertisements to Post/Examiner	1 day	1 day
Send notices to residents	1 day	2 days
Public Hearing advertised	14 days	21 days
Public Hearing	1 day	1 day
Record held open	14 days	30 days
Hearing officer's recommendation	30 days	180 days
Prepare Executive Order #2 for construction	1 day	2 days
County Attorney review EO#2/Construction	5 days	7-8 days
Director's Office review/approve EO#2/const.	1 day	4-5 days
A-CAO review/approve EO#2/const.	3 days	7-8 days
Notice sent to residents with EO#2/const.	1 day	2 days
Schedule construction/work with residents	2 days	5 days*
Construct sidewalk	<u>5 days</u>	<u>30 days</u>
TOTAL	88 days	321 days
	≈18 weeks	≈64 weeks

*Duration varies depending on properties impacted and complexity of the project: removal or relocation of trees, and landscaping, retaining walls, etc.

EVALUATION CRITERIA

To provide safer access throughout Montgomery County for pedestrians and the handicap by retro-fitting new sidewalks in communities and other areas that have already been developed.

- Will installation of a sidewalk meet a purpose and provide a public need for the community-at-large?
- Is there available public right-of-way?
- Can the sidewalk be constructed without engineering design?
- Do associated costs fall within the program's criteria?

EVALUATION PROCESS

Evaluation:

DOT evaluates all requests and conducts an on-site investigation to determine the following factors:

- Will installation of a sidewalk meet a purpose and provide a public need for the community-at-large?
- Is there available public right-of-way?
- Can the sidewalk be constructed without engineering design?
- Do associated costs fall within the program's criteria?

Notification:

DOT limits notification for a requested sidewalk project to property owners residing adjacent to the proposed construction and to a HOA (if applicable). A letter is sent to residents with the following information included:

- Location Map to identify the proposed project
- Construction Impacts details construction impacts to the public right-of-way for sidewalk installation
- Comments & Feedback Survey Form to be returned to MCDOT to address any concerns regarding the proposed construction

FINAL DECISION

A public hearing is required by law if DOT determines that the proposed sidewalk meets the program's criteria and appears to serve a public need.

- DOT will notify residents and HOA/CA (if applicable) of the scheduled public hearing date/time/location.
- The hearing allows citizens an opportunity to present oral and written testimony to a Public Hearing Officer for support or opposition to the proposed project. The Hearing Officer considers all the information presented and recommends to the County Executive whether or not the project should be authorized for construction.

Notification to community of final decision by the Public Hearing Officer.

- DOT will promptly notify the community of the Hearing Officer's recommendation. If construction is authorized by the County Executive, MCDOT will inform residents of the pending construction.

DOT will coordinate the sidewalk installation with property owners.

- DOT will send notification to property owners regarding the scheduled sidewalk construction.
- DOT will post notification on-site of upcoming construction.
- A construction inspector will be available on-site throughout the construction phase to resolve any concerns that may arise with the sidewalk installation.

PROJECTS AWAITING CONSTRUCTION

REQUEST NO	STREET NAME	FROM	TO	SIDE
541	Rainbow Drive	west of Good Hope Road		N/A
995	Gold Mine Road	Baltimore Road	James Creek Court	south
1047	Century Blvd	at Germantown Library		

ALL SIDEWALK REQUESTS

REQUEST NO	STREET NAME	FROM	TO	STATUS
295	Dayton Street	Georgia Avenue	Amherst Avenue	Pending Investigation
296	Amherst Avenue	Dayton Street	Plyers Mill Road	Pending Investigation
297	Plyers Mill Road	Amherst Avenue	Georgia Avenue	Pending Investigation
321	Tuckerman Lane	existing path @ Hoover MS	Falls Rd. (MD189)	Pending Investigation
325	Windsor View Drive	Bells Mill Road	Gainsborough	Pending Investigation
328	Query Mill Road			Pending Investigation
329	Esquire Court			Pending Investigation
330	Derwood Road			Pending Investigation
331	Derwood Street			Pending Investigation
363	Le Velle Drive	Forsyth Drive	Parallel to Creek	Pending Investigation
408	New Castle St.	Forest Glen Rd	Beech Dr.	Pending Investigation
409	Linden Lane	Linden Lane	Georgetown Bike Trail	Pending Investigation
415	Farmland Dr	Old Club Road	Old Stage Road	Pending Investigation
416	Hitching Post Lane	Farmland Drive	Old Gate Road	Pending Investigation
425	Daniel Road	Western Ave	Wyndale Road	Pending Investigation

<u>REQUEST NO</u>	<u>STREET NAME</u>	<u>FROM</u>	<u>TO</u>	<u>STATUS</u>
432	Pauline Drive	3218 Pauline Drive	3220 Pauline Drive	Pending Investigation
446	Morgan Drive	4800 block		Pending Investigation
447	Offutt Street	Morgan Drive	De Russey Parkway	Pending Investigation
448	Madison Street	Garfield Street	Hempstead Street	Pending Investigation
449	Hartsdale Avenue	Madison Street	Hempstead Avenue	Pending Investigation
517	Abbey Manor Drive	Civitan Club Place	Abbey Manor Circle	Pending Investigation
523	Milstead & Lindale Drives rights-of-way	9519-9517 Milstead Drive	9504-9502 Lindale Drive	Pending Investigation
530	Windmill Lane	Good Hope Drive	Windmill Terrace	Pending Investigation
533	Spring Meadows Drive	Darnestown Road	Seneca Road	Pending Investigation
540	Good Hope Road	Rt. 198 (Spencerville road)	Bridge @ Hopefield Road	Pending Investigation
542	Hopefield Road	Kingshouse Road	Good Hope Road/existing s/w	Pending Investigation
543	Thompson Road	Peach Orchard Road	existing s/w	Pending Investigation
546	Oakmont Avenue	entire length		Pending Investigation
549	Panorama Drive	Redland Road	Wick Lane	Pending Investigation
550	Grande Vista Drive	Redland Road	Needwood Road	Pending Investigation
551	Muncaster Mill Road	7800 Muncaster Mill Rd		Pending Investigation
553	Peach Orchard Road	MD198	Seibel Drive	Pending Investigation
554	Sweepstakes Road	Showbarn Circle		Pending Investigation
555	MD 124	Gue Road	Horsebarn	Pending Investigation

<u>REQUEST NO</u>	<u>STREET NAME</u>	<u>FROM</u>	<u>TO</u>	<u>STATUS</u>
558	Sweepstakes Road	Club View Dr	Woodfield (Rt. 124)	Pending Investigation
559	McComas Ave	St. Paul St	St. Margaret St	Pending Investigation
560	Wyngate Drive	Entire Length		Pending Investigation
577	Fieldcrest Road	MD 124 (Woodfield)	MD 108 (Olney-Laytonsville Road)	Pending Investigation
578	Belle Chase Dr	Fieldcrest Rd.	Sweet Meadow La.	Pending Investigation
592	Kensington Blvd	Murdoch Rd	Einstein HS	Pending Investigation
607	Wye Oak Drive	MD 28 (Darnestown Rd)	Chestnut Oak Drive	Pending Investigation
608	Chestnut Oak Drive	MD 28 (Darnestown Rd)	Ancient Oak Drive	Pending Investigation
610	Downs Drive	Entire Length	Martin L King Park	Under Investigation
611	Founders Way	Founders Place	Tot lot / Community field	Pending Investigation
615	Wheaton Lane	Jewitt Lane	Sligo Creek Park	Pending Investigation
616	Diamondback Drive	Story Dr.	Muddy Branch Rd.	Pending Investigation
630	MD 410 (East-West Highway)	Glengalen Lane	Beach Drive	Pending Investigation
633	Glen Mill Road	Sandringham Ct	Circle Dr.	Pending Investigation
635	Sangamore Road	Massachusetts Ave	Madawaska Rd	Pending Investigation
638	Windham Lane	@Glen Haven Park	leading into park	Pending Investigation
639	Lindale Drive	@park entrance		Pending Investigation
642	Dubarry Lane	entire length		Pending Investigation
643	Pearl Street	East-West Hwy	BCC H.S.	Pending Investigation

<u>REQUEST NO</u>	<u>STREET NAME</u>	<u>FROM</u>	<u>TO</u>	<u>STATUS</u>
644	Brierly Road	Dundee Dr	Woodhollow Rd	Pending Investigation
645	Oak Drive	entire length		Pending Investigation
646	Garland Avenue	Piney Branch Rd	Domer Ave	Pending Investigation
654	Neelsville Church Road	MD355	Church Bend Ct	Pending Investigation
668	Emory Lane	Norbeck Road	cul-de-sac	Pending Investigation
687	Decatur Avenue	3900 block		Pending Investigation
800	Grubb Road	Ashboro Drive	Washington Ave.	Pending Investigation
876	Needwood Road	Deer Lake Road	Redland Road	Under Investigation
892	Persimmon Tree Lane	Persimmon Tree Rd	Carderock Springs Elem.	Pending Investigation
902	Travilah Road	Piney Meetinghouse Rd	Darnestown Road (MD28)	Under Investigation
913	Bedfordshire Road	Glen Road	Broadgreen Road	Under Investigation
914	Forest Glen Road	Glen Avenue	Rosensteel Avenue	Under Investigation
915	Schaeffer Road	Leaman Farm Rd	Clopper Rd	Under Investigation
918	MD 97 (Georgia Ave)	Prince Phillip Drive	Tidewater Court	Pending Investigation
919	Tuckerman Lane	Post Oak Road	Falls Road	Pending Investigation
920	Layhill Road	Baughman Drive	Longmeade Crossing Drive	Pending Investigation
921	MD 547 (Strathmore Avenue)	AHC	Garrett Park	Pending Investigation
922	Windsor Lane	entire length		Pending Investigation
923	16th Street	@East-West Highway	1 mile	Pending Investigation
927	MD 28 (Darnestown Road)	Shady Grove Road	Glen Mill Road	Pending Investigation

<u>REQUEST NO</u>	<u>STREET NAME</u>	<u>FROM</u>	<u>TO</u>	<u>STATUS</u>
928	MD 97 (Georgia Avenue)	MD 108	Oher Shalom Torah Synagoue	Under Investigation
929	Old Columbia Pike	Fairland Road	Briggs Chaney Road	Pending Investigation
930	Kings Valley Road	Foundes Way	Damascus Regional Park	Pending Investigation
931	Dunrobbin Drive	Church of the Redeemer	Barr Road	Pending Investigation
932	Warfield Road	Apollo Lane	Park entrance	Pending Investigation
933	MD 190 (River Road)	Riverwood Drive	Norton Road	Pending Investigation
935	Needwood Road	Deer Lake Road	Redland Road	Pending Investigation
936	Timberwood Avenue	University Blvd.	Colesville Road	Under Investigation
937	Pierce Drive	University Blvd.	Colesville Road	Under Investigation
938	Lexinton Drive	University Blvd.	Colesville Road	Under Investigation
939	Fernwood Road	Tusculum Road	Democracy Blvd.	Pending Investigation
941	Brightview Street	entire length		Under Investigation
943	DuFief Drive	missing section		Under Investigation
947	Blackburn Road	Old Columbia Pike to Tolson Place	US29	Pending Investigation
974	Lovejoy Street	existing walks	Lamberton Drive	Under Investigation
975	Hyde Road	existing walks	Lovejoy	Under Investigation
979	MD 118 (Germantown Road)	Charity Lane	Richter Farm Road	Pending Investigation
982	First Avenue	Ballard Street	Noyes Street	Under Investigation
1000	Sidney Road	missing section		Under Investigation
1078	Kings Valley Road	Rt. 27	Kings Valley Park	Pending Investigation

<u>REQUEST NO</u>	<u>STREET NAME</u>	<u>FROM</u>	<u>TO</u>	<u>STATUS</u>
1079	Manchester Road	at Piney Branch Rd		Pending Investigation
1080	Liberty Lane	Falls Rd	Coldstream Dr	Pending Investigation
1082	Gracefield Road	Cherry Hill Road	ex. Walk on Gracefield Rd	Pending Investigation
1083	Holman Avenue	Rosensteel	Hollow Glen	Pending Investigation
1084	MacArthur Boulevard	near Ridge Drive		Pending Investigation
1085	Washington Avenue	entire length?		Pending Investigation
1086	Edgewood Road	Drumm	Grant	Pending Investigation
1087	Radnor Road	Old Chester	Goldsboro	Pending Investigation
1088	MD 410 East West Highway	Beach Drive	Brookville Road	Pending Investigation
1089	Dimona Drive	Olney Mill Road	Goldmine Road	Under Investigation

***DOT Annual Sidewalk Program CIP 506747
PUBLIC HEARING SCHEDULE FY10***

<i>STREET NAME</i>	<i>FROM</i>	<i>TO</i>	<i>COST</i>	<i>PUBLIC HEARNG DATE</i>	<i>STATUS</i>
Liberty La	Coldstream Dr	Falls Rd	\$74,250.00	8/19/2009	Awaiting Hearing Examiners Reco
Franklin Avenue	Edgefield Road	Beach Drive/Park Ent.	\$34,685.04	8/19/2009	Awaiting Hearing Examiners Reco
Elm Street	Clarendon Road	Arlington Road/Freedland	\$40,324.80	8/19/2009	Awaiting Hearing Examiners Reco
Parkwood Drive	Franklin Avenue	Cedar Street	\$103,589.40	8/25/2009	Awaiting Hearing Examiners Reco
Democracy Lane	Bells Mill Rd	Democracy BLVD	\$155,049.24	8/25/2009	Awaiting Hearing Examiners Reco
MD 547 (Knowles Avenue)	Summit Avenue	4210 Knowles Avenue	\$76,039.00	8/25/2009	Received Hearing Examiners Rec
West Old Baltimore Rd	12700 W Old Baltimore Rd	Rt 355	\$163,027.80	12/14/2009	Public Hearing Scheduled
Vital Way	Randolph Rd	New Hampshire Avenue	\$35,647.20	12/14/2009	Public Hearing Scheduled
Manchester Road	Piney Branch Road	Bradford Road	\$76,630.26	12/14/2009	Public Hearing Scheduled
Catoctin Drive	Bonifant Road	Catoctin Court	\$23,094.00	12/14/2009	Public Hearing Scheduled
Locust Avenue	Acacia Avenue	West Cedar Lane	\$28,581.77	12/14/2009	Public Hearing Scheduled
College View Drive	Newport Mill Road	Gail Street	\$99,672.30	12/14/2009	Public Hearing Scheduled
Brightview Street	entire length		\$17,450.00	12/16/2009	Public Hearing Scheduled
Jones Lane	Damestown Road	Doe La	\$156,796.80	12/16/2009	Public Hearing Scheduled
Keystone Ave	North Brooke Lane	Battery Lane	\$24,619.50	12/16/2009	Public Hearing Scheduled
Quinton Road	Sundale Drive	Maywood Avenue	\$11,275.92	12/16/2009	Public Hearing Scheduled
Noyes Dr	First Ave	Second Ave	\$48,926.94	12/16/2009	Public Hearing Scheduled
Dimona Drive	Olney Mill Road	Goldmine Road	\$51,093.00	12/16/2009	Public Hearing Scheduled
MD 190 (River Road)	River Oaks Lane	Riverwood Drive	\$31,478.00	1/26/2010	Public Hearing Scheduled
Nolan Dr	Travilah Rd	Existing SW on Nolan Dr	\$55,137.60	1/26/2010	Public Hearing Scheduled

(F)

<i>STREET NAME</i>	<i>FROM</i>	<i>TO</i>	<i>COST</i>	<i>PUBLIC HEARNG DATE</i>	<i>STATUS</i>
Log House Road	Woodfield Road	Bush Hill Road	\$103,540.00	1/26/2010	Public Hearing Scheduled
Marywood Rd/Kirkdale Road	Fernwood Rd	Wilmett Road	\$58,149.60	1/26/2010	Public Hearing Scheduled
MD 614 (Goldsboro Road)	Goldsboro Court	MD191 (Bradley Blvd.)	\$23,000.00	1/26/2010	Public Hearing Scheduled
MD 28 (Darnestown Road)	Shady Grove Road	Key West Hwy	\$55,104.96	1/26/2010	Public Hearing Scheduled
TOTAL COST:			\$1,547,163.13		

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DOT Annual Sidewalk Program CIP 506747

Open Request List

<i>STREET NAME</i>	<i>FROM</i>	<i>TO</i>	<i>STATUS</i>
Roosevelt Street	#5418 Roosevelt St	existing park path	Investigation Complete
Beech Ave	Old Georgetown Rd	Page Ave	Investigation Complete
Hermleigh Road	Kemp Mill Road	Auth Street	Investigation Complete
16 th Street	2nd Ave	Spring St	Investigation Complete
MD 410 (East West Highway)	Rocton Ave.	Brookville Road	Investigation Complete
Ambleside DR	Glen Rd	St James Rd	Investigation Complete
Old Columbia Pike	@ entrances of Paint Branch HS		Pending Investigation
Musgrove Road	Fairland Rd	Marlow	Pending Investigation
Darby Road	entire length		Pending Investigation
Neelsville Church Road	MD355	Church Bend Ct	Pending Investigation
MD 355	Monaco Circle	Wood Road	Pending Investigation
Second Avenue	Glen Ross Rd	Sixteenth St	Pending Investigation
Old Baltimore Road	MD 355	Diller La	Pending Investigation
Decatur Avenue	3900 block		Pending Investigation
Emory Lane	Norbeck Road	cul-de-sac	Pending Investigation
Boswell Lane	Piney Meetinghouse Rd	Glen Mill Rd.	Pending Investigation
Garland Avenue	Piney Branch Rd	Domer Ave	Pending Investigation
513 Forest Glen Road	Lorain Avenue	Sutherland Road	Pending Investigation
Brierly Road	Dundee Dr	Woodhollow Rd	Pending Investigation
Gardiner Avenue	entire length		Pending Investigation
Pearl Street	East-West Hwy	BCC H.S.	Pending Investigation
Dubarry Lane	entire length		Pending Investigation

<i>STREET NAME</i>	<i>FROM</i>	<i>TO</i>	<i>STATUS</i>
Lindale Drive	@park entrance		Pending Investigation
Windham Lane	@Glen Haven Park	leading into park	Pending Investigation
Sangamore Road	Massachusetts Ave	Madawaska Rd	Pending Investigation
Glen Mill Road	Sandringham Ct	Circle Dr.	Pending Investigation
Oak Drive	entire length		Pending Investigation
MD 547 (Strathmore Avenue)	AHC	Garrett Park	Pending Investigation
Dayton Street	Georgia Avenue	Amherst Avenue	Pending Investigation
Needwood Road	Deer Lake Road	Redland Road	Pending Investigation
MD 190 (River Road)	Riverwood Drive	Norton Road	Pending Investigation
Warfield Road	Apollo Lane	Park entrance	Pending Investigation
Dunrobbin Drive	Church of the Redeemer	Barr Road	Pending Investigation
Kings Valley Road	Foundes Way	Damascus Regional Park	Pending Investigation
Old Columbia Pike	Fairland Road	Briggs Chaney Road	Pending Investigation
MD 28 (Darnestown Road)	Shady Grove Road	Glen Mill Road	Pending Investigation
Blackburn Road	Graybill Drive	US 29	Pending Investigation
Grubb Road	Ashboro Drive	Washington Ave.	Pending Investigation
Windsor Lane	entire length		Pending Investigation
Capitol View Avenue	Georgia Avenue	Connecticut Avenue	Pending Investigation
Layhill Road	Baughman Drive	Longmeade Crossing Drive	Pending Investigation
Tuckerman Lane	Post Oak Road	Falls Road	Pending Investigation
MD 97 (Georgia Ave)	Prince Phillip Drive	Tidewater Court	Pending Investigation
Hampden Lane	7405 Denton	5109 Hampden	Pending Investigation
Persimmon Tree Lane	Persimmon Tree Rd	Carderock Springs Elem.	Pending Investigation
Bells Mill Road	Gainsborough Road	Pebble Brooke Lane	Pending Investigation
Founders Way	Founders Place	Tot lot / Community field	Pending Investigation

<i>STREET NAME</i>	<i>FROM</i>	<i>TO</i>	<i>STATUS</i>
Newcastle Avenue	Linden Lane	Forsythe Avenue	Pending Investigation
Sangamore Road	Massachusetts Ave	Madawaska Rd	Pending Investigation
16th Street	@East-West Highway	1 mile	Pending Investigation
Levelle Drive	Forsyth Drive	Parallel to Creek	Pending Investigation
Abbey Manor Drive	Civitan Club Place	Abbey Manor Circle	Pending Investigation
Hartsdale Avenue	Madison Street	Hempstead Avenue	Pending Investigation
Madison Street	Garfield Street	Hempstead Street	Pending Investigation
Offut Street	Morgan Drive	Derussey	Pending Investigation
Morgan Drive	4800 block		Pending Investigation
Pauline Drive	3218 Pauline Drive	3220 Pauline Drive	Pending Investigation
Daniel Road	Western Ave	Wyndale Road	Pending Investigation
Hitching Post Lane	Farmland Drive	Old Gate Road	Pending Investigation
Farmland Dr	Old Club Road	Old Stage Road	Pending Investigation
Diamondback Drive	Story Dr.	Muddy Branch Rd.	Pending Investigation
New Castle St.	Forest GlenRd.	Beech Dr.	Pending Investigation
Windmill Lane	Good Hope Drive	Windmill Terrace	Pending Investigation
Derwood Street			Pending Investigation
Derwood Road			Pending Investigation
Esquire Court			Pending Investigation
Query Mill Road			Pending Investigation
Windsor View Drive	Bells Mill Road	Gainsborough	Pending Investigation
Club View Drive	Bush Hill Rd.	Log House Rd.	Pending Investigation
Tuckerman Lane	existing path @ Hoover M.S.	Falls Rd. (MD189)	Pending Investigation
Plyers Mill Road2	Amherst Avenue	Georgia Avenue	Pending Investigation
Amherst Avenue	Dayton Street	Plyers Mill Road	Pending Investigation

<i>STREET NAME</i>	<i>FROM</i>	<i>TO</i>	<i>STATUS</i>
Linden Lane	Linden Lane	Geo. Town Bke. Tr.	Pending Investigation
Sweepstakes Road	Showbarn Circle		Pending Investigation
Fernwood Road	Tusculum Road	Democracy Blvd.	Pending Investigation
Wheaton Lane	Jewitt Lane	Sligo Creek Park	Pending Investigation
DuFief Drive	missing section		Pending Investigation
Chestnut Oak Drive	MD 28 (Darnestown Rd)	Ancient Oak Drive	Pending Investigation
Wye Oak Drive	MD 28 (Darnestown Rd)	Chestnut Oak Drive	Pending Investigation
Kensington Blvd	Murdoch Rd	Einstein HS	Pending Investigation
Belle Chase Dr	Fieldcrest Rd.	Sweet Meadow La.	Pending Investigation
Fieldcrest Road	MD 124 (Woodfield)	MD 108 (Olney-Laytonsville Road)	Pending Investigation
Wyngate Drive	Entire Length		Pending Investigation
Milstead/Lindale Drives right-	9519-9517 Milstead Drive	9504-9502 Lindale Drive	Pending Investigation
MD 124 (Woodfield Road)	Gue Road	Horsebarn	Pending Investigation
Tulip Hill Terrace	Bent Branch Rd.	Goldsboro Rd.	Pending Investigation
Peach Orchard Road	MD198	Seibel Drive	Pending Investigation
Muncaster Mill Road	7800 Muncaster Mill Rd		Pending Investigation
Grande Vista Drive	Redland Road	Needwood Road	Pending Investigation
Panorama Drive	Redland Road	Wick Lane	Pending Investigation
Oakmont Avenue	entire length		Pending Investigation
Thompson Road	Peach Orchard Road	existing s/w	Pending Investigation
Hopefield Road	Kingshouse Road	Good Hope Road/existing s/w	Pending Investigation
Good Hope Road	Rt. 198 (Spencerville road)	Bridge @ Hopefield Road	Pending Investigation
Spring Meadows Drive	Darnestown Road	Seneca Road	Pending investigation
MD 410 (East-West Highway)	Glengalen Lane	Beach Drive	Pending Investigation
Sweepstakes Road	Club View Dr	Woodfield (Rt. 124)	Pending Investigation

<i>STREET NAME</i>	<i>FROM</i>	<i>TO</i>	<i>STATUS</i>
Powder Mill Road	1712 Powder Mill Road	Naval Base	Pending Investigation
Coldchester Drive	Ewell Street	Parkwood Road	Pending Investigation
Windsor Lane	Wisconsin Avenue	Lynwood Road	Pending Investigation
Fernwood Road	Michaels Road	Marywood Road	Pending Investigation
Eggert Drive	Persimmon tree Road	MacArthur Boulevard	Pending Investigation
Walnut Hill Rd	North Westland Drive	South Westland Drive	Pending Investigation
North Westland Drive	Frederick Avenue	Chestnut Street	Pending Investigation
Woodbine Street	Brookville Rd	Beach Dr	Pending Investigation
New Hampshire Avenue	Tanley Road	Quaint Acres Drive	Pending Investigation
Leland Street	Brookville Rd	Rollingwood Dr	Pending Investigation
South Westland Drive	Frederick Avenue	Chestnut Street	Pending Investigation
Hildarose Drive	Greeley Ave	Gardiner Street	Pending Investigation
Merrifields Drive			Pending Investigation
Delano Street	Foley Street	Connecticut Avenue	Pending Investigation
Muncaster Mill Road	bus stop	Woodfield Road	Pending Investigation
Brandy Hall Lane	Dufief Drive	Dufief Drive	Pending Investigation
Stratford Road	DeRussey Pkwy	Norwood Drive	Pending Investigation
Bruce Drive	St Andrews Way	Grandview Drive	Pending Investigation
MD 28 (Darnestown Road)	Rifleford Road	Jones Lane	Pending Investigation
Fairland Road	Cedar Creek Lane	Serpentine Way	Pending Investigation
Cornish Road	Burling Terrace	Glenbrook Road	Pending Investigation
Veirs Mill Road	Turkey Branch Parkway	Havard Street	Pending Investigation
Veirs Mill Road	Norris Street	Newport Mill RD	Pending Investigation
Ridge Road	Ridge Place	Valley Road	Pending Investigation
Norbeck Road	Baltimore Road	Bauer Drive	Pending Investigation

<i>STREET NAME</i>	<i>FROM</i>	<i>TO</i>	<i>STATUS</i>
Forsythe Avenue	Jones Mill Rd	Woodstock Ave-Linden La	Pending Investigation
Tanterra Circle			Pending Investigation
MD 410 East West Highway	Beach Drive	Brookville Road	Pending Investigation
Roseland Drive	Old Georgetown Road	Tilden Lane	Pending Investigation
Fairland Road	at bridge east of Tamarack		Pending Investigation
16th Street	2nd Avenue	Hanover Street	Pending Investigation
Ashburton Lane	Bells Mill Road	Loan Oak Drive	Pending Investigation
Old Columbia Pike	Industrial Pkwy	Cliffondale Drive	Pending Investigation
Kingswood Road	Hurst St	Broad St	Pending Investigation
Rolling Road	Leland St	Rollingwood Dr	Pending Investigation
Strathmore Avenue	Rockville Pike		Pending Investigation
Ridge Road	Hillmead Park	Ridge Place	Pending Investigation
Cornflower Road	@18402 Cornflower Road		Pending Investigation
Howard Avenue	Summitt Ave	Knowles Ave	Pending Investigation
Cheshire Drive	entire length		Pending Investigation
Falls Bridge Lane	Falls Road	Logan Drive	Pending Investigation
Glen Mill Road	Cavanaugh Drive	Veirs Road	Pending Investigation
MD 97 Georgia Avenue	Queen Elizabeth Drive	MD108	Pending Investigation
West Old Baltimore Road	Frederick Road	Ivy Leaf Drive	Pending Investigation
Massachusetts Avenue	@Onondaga Road		Pending Investigation
Eastern Avenue	8250 block		Pending Investigation
Norwood Road	Blake H.S.	New Hampshire Avenue/MD650	Pending Investigation
MD 118 (Germantown Road)	Charity Lane	Richter Farm Road	Pending Investigation
Landon Lane			Pending Investigation
MD 28 (Darnestown Road)	Key West Avenue	Great Seneca Highway	Pending Investigation

<i>STREET NAME</i>	<i>FROM</i>	<i>TO</i>	<i>STATUS</i>
Aspen Hill Road	Near Iris Street		Pending Investigation
Southwick Street	5600 Southwick St	Garfield Steet	Pending Investigation
MD 108 (Olney-Sandy Spring	@SHS		Pending Investigation
Burnt Mills Road	US 29	Wheeler Drive	Pending Investigation
Blackburn Road	Old Columbia Pike to Tolson Place	US29	Pending Investigation
Kings Valley Road	Rt. 27	Kings Valley Park	Pending Investigation
Manchester Road	at Piney Branch Rd		Pending Investigation
Liberty Lane	Falls Rd	Coldstream Dr	Pending Investigation
Gracefield Road	Cherry Hill Road	ex. Walk on Gracefield Rd	Pending Investigation
Holman Avenue	Rosensteel	Hollow Glen	Pending Investigation
MacArthur Boulevard	near Ridge Drive		Pending Investigation
Washington Avenue	entire length?		Pending Investigation
Edgewood Road	Drumm	Grant	Pending Investigation
Radnor Road	Old Chester	Goldsboro	Pending Investigation
Columbia Pike	Eastwood Avenue	WSSC bldg.	Pending Investigation
MD 547 (Knowles Avenue	at Library		Under Investigation
Brixton Lane	Fernwood Road	Greyswood Road	Under Investigation
Old Columbia Pike	Industrial Prky	Amberston Ct	Under Investigation
MD 410 (East West Highway)	Brookville Road	Curtis Street	Under Investigation
Congressional Prky			Under Investigation
Pershing Dr	Dale Dr	Existing S/W@Private School	Under Investigation
Brunswick Avenue	Plyers Mill Road	Jennings Road	Under Investigation
MD 650 (New Hampshire Ave	near Norwood Road	Briggs Chaney Rd	Under Investigation
Bruce Drive	St Andrews Way	Granville Dr	Under Investigation
Jone Mill Rd	W Coquolin Ter	East West Hwy	Under Investigation

<i>STREET NAME</i>	<i>FROM</i>	<i>TO</i>	<i>STATUS</i>
Travilah Road	Piney Meetinghouse Rd	Darnestown Road (MD28)	Under Investigation
Hyde Road	existing walks	Lovejoy	Under Investigation
Pierce Drive	University Blvd.	Colesville Road	Under Investigation
1st Avenue	Ballard Street	Noyes Street	Under Investigation
Sidney Road	missing section		Under Investigation
Greenbrier Drive	Dale Dr	Wayne Ave	Under Investigation
Holborn S	Fulham ST	N Belgrade RD	Under Investigation
Kershey Rd	Fulham St	Arcoia Ave	Under Investigation
Warren St	Brookville Rd	Montgomery St	Under Investigation
Spring Meadows Dr	R t 28	Seneca Rd	Under Investigation
Venice Dr	New Hampshire Ave	Downs Dr	Under Investigation
Stateside Drive	Avenel Road	Stateside Court	Under Investigation
Forest Glen Road	Glen Avenue	Rosensteel Avenue	Under Investigation
Clopper Road	Kingsview Road	Steeple Road	Under Investigation
Drumm Ave	Fayette Rd	Blueford Rd	Under Investigation
Langley Drive	University Boulevard	Miles Street	Under Investigation
Seven Locks Rd	Rose Hill Dr	Bradley Blvd	Under Investigation
Epping Road	Georgia Ave	Flack Street	Under Investigation
Spring Valley Road extended	crosswalk @ Rec Cntr		Under Investigation
Stonegate DR	Whitegate Rd	New Hampshire Ave	Under Investigation
Johnson Avenue	5500 block	5800 block	Under Investigation
Lexinton Drive	University Blvd.	Colesville Road	Under Investigation
Downs Drive	Entire Length	Martin L King Park	Under Investigation
Kings Valley Rd	Hailey Dr	Red Blaze DR	Under Investigation
Schaeffer Road	Leaman Farm Rd	Clopper Rd	Under Investigation



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIRMAN

February 9, 2010

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

RE: Expedited Bill No. 3-10
Streets and Roads – Sidewalks – Public Hearing Requirement

Dear Ms. Floreen:

The Planning Board would like to express our support for Expedited Bill No. 3-10, intended to waive the public hearing requirement for certain sidewalks and/or shared use paths under certain circumstances. We believe that this bill will help facilitate the construction of needed sidewalks and paths, providing better service to our community, and saving the cost and delay of unneeded hearings.

In an effort to refine the determination of when a public hearing does not need to be held, we recommend that Section 49-53(d) be amended to include a public notice by the Executive of those upcoming sidewalk and path projects intended to be covered by this bill, stating that a public hearing will not be held unless a request is received by a certain date. We believe that this extra measure of notification will ensure that we do not unintentionally overlook potentially significant issues.

Thank you for your consideration of these comments. If you have any questions about this letter, please contact Mr. Larry Cole at 301-495-4528, or you may call me at 301-495-4605.

Sincerely,

Royce Hanson
Chairman

Faden, Michael

From: Jim Humphrey [theelms518@earthlink.net]
Sent: Wednesday, February 10, 2010 4:45 PM
To: Floreen's Office, Councilmember; Ervin's Office, Councilmember; Andrews' Office, Councilmember; Berliner's Office, Councilmember; Elrich's Office, Councilmember; Knapp's Office, Councilmember; Leventhal's Office, Councilmember; Navarro's Office, Councilmember; Trachtenberg's Office, Councilmember
Cc: Montgomery County Council; Orlin, Glenn; Faden, Michael
Subject: Civic Fed testimony for Feb.9 hearing on Expedited Bill 3-10, Sidewalks - hearings



February 9, 2010

5104 Elm St., Bethesda MD 20814 (301)652-6359 email - theelms518@earthlink.net

Civic Federation testimony on Expedited Bill 3-10, Sidewalks - public hearings

I am Jim Humphrey, representing the Montgomery County Civic Federation as chair of the Planning and Land Use Committee. The following position on Expedited Bill 3-10 was adopted unanimously by the members of the MCCF Executive Committee at their meeting on January 20. A resolution on the matter was scheduled for a vote of the full delegate assembly at the February 8 meeting of the Federation; but that meeting was cancelled due to the snow. If and when that vote takes place, we will inform the Council.

We believe Expedited Bill 3-10 in its introduced form would allow an unwise limitation on the rights of citizens--in this case property owners who would be most directly impacted by a proposed public sidewalk or path project--to weigh in on government decisions that affect them.

We therefore strongly suggest that Sections 49-53(d)(2)(A) and (B), appearing on lines 9 through 17 of the introduced bill, be deleted and replaced with a new Section 49-53(d)(2) to read as follows:

(2) one hundred percent of the property owners whose properties abut or confront a proposed sidewalk or path have signed a petition of support for the project which has been filed with the Executive or a designee; and

In addition to our support for the other two conditions imposed by the introduced bill (the sidewalk can be constructed entirely in the public right-of-way without a detailed engineering design, and the Executive finds no significant issue has arisen that would require a public hearing), we believe it is only appropriate to waive the requirement for a public hearing if all of the owners whose properties abut or confront a proposed public sidewalk or path support the project. We ask the members of the County Council to give serious consideration to the Federation's suggested amendment to this legislation. Thank you

November 3, 2010

Nancy Floreen, President
Montgomery County Council
100 Maryland Ave.
Rockville, MD 20850

Dear Ms. Floreen,

A number of us in the Springfield community in Bethesda recently learned that you and several of your fellow council members are sponsoring Expedited Bill 3-10 in an effort to eliminate delays in the county's response to applications for the installation of sidewalks in situations where to application is not controversial. As you know, such applications are often controversial, pitting neighbor against neighbor and citizen's against civic and homeowner associations. We are now in the midst of such a controversy here in Springfield, but because affected homeowners learned of the effort before an applications was submitted, the community has been able to attempt to resolve the matter in a manner acceptable to all. We may not succeed in that effort, but no such effort could have been made had the affected homeowners hot learned of the proposed application before it was filed.

I understand the Expedited Bill 3-10 is intended to apply only in situations where the sidewalk application is "noncontroversial, [and has] ... substantial community support". In such cases, the county could process the application without holding a public hearing. The problem is that the there is no procedure spelled out to determine whether the proposal is noncontroversial and has widespread community support. Often, affected households do not learn of the application until a hearing is scheduled because the proponents of sidewalks do not notify them of the application. Such "stealth applications" are not unusual, whether initiated by a group of citizens or a non-representative civic association. The controversy in Wheaton is a good example.

The Bill should be amended to prevent "stealth applications" and to provide an objective means for resolving disputes over sidewalk applications that are controversial. At present, there is no mechanism to prevent "stealth applications". And where a controversy exists, it is resolved by a hearing examiner who, at least in practice, is more interested in pouring concrete than carefully analyzing the arguments of the various sides. According to Bruce Johnston, DOT Chief of Engineering, no hearing examiner has ever ruled against sidewalks supported by a civic association. I have no reason to doubt his statement. And I have no reason to believe that every application for sidewalks is more meritorious than the arguments of those who oppose sidewalks. The pending Expedited Bill can be amended to prevent both problems from arising in the future.

To prevent "stealth applications", the party filing the application should be required to swear under oath and subject to notarization that they have provided written notice and spoken to everyone on the affected streets to determine whether any affected

homeowners oppose the application. Where there is no controversy, there is no need for a hearing. Once the installation of sidewalks is scheduled, the applicant should be required to provide written and verbal notice to each affected household informing them that construction is imminent and that they should contact the County Engineer if they oppose the installation of sidewalks. In instances where it is determined that the applicant's sworn statement about having provided notice to all affected households was false, the application should be dismissed with prejudice and the applicant (individual and organization) should be prohibited from filing another application for a period of years. This type of procedure places the burden on the applicant, not the county, to determine whether the application is controversial. If the applicant abuses the process provided, the application would be dismissed. Hence, there is a powerful incentive for the application process to be open and fair. In addition, where all affected homeowners are aware of the application, there is a much better chance for the community to work together to find a solution that is acceptable to all parties.

The second proposed amendment would change the process for resolving applications that are controversial. As noted above, the law currently provides that the controversy will be resolved by a hearing examiner that, in practice, always votes in favor of sidewalks. While this is a process in theory, it is hardly fair in practice. A better process would be to provide the affected homeowners with the same process that is followed when they or their neighbors apply for the installation of speed humps to slow traffic. Currently, 80% of affected homeowners, i.e. those who live on the affected streets, must vote in favor of speed humps before the county will install them. Whether 80% is the right number isn't the issue. But it should be some reasonable super-majority of affected homeowners. After all, sidewalks are more disruptive, costly in terms of dollars, damage to the environment and neighborhood character, than speed humps. I know because I have a speed hump in front of my house that I voted for.

Some will argue that the decision on sidewalks should not be left to affected homeowners when safety is at issue. But safety is always the mantra of those who seek sidewalks, whether or not there is a reasonable basis for their purported safety concerns. But there is every reason to expect affected homeowners to be as concerned about safety as their neighbors. After all, they live on the street, often are raising or have raised their children there and have more encounters with traffic than others in the community. It is not rational to assume that they would sacrifice their own safety to oppose sidewalks. When it is controversial, the issue should be left to the affected homeowners. After all, it is too easy to vote for sidewalks in someone else's yard. And in the final analysis, the sidewalk proponents chose to move to a neighborhood that lacked sidewalks, at least on certain streets.

Please understand, I appreciate the effort to streamline process when process isn't necessary. I support the spirit of Expedited Bill 3-10 insofar as it is intended to reduce unnecessary process. But as drafted, it has the unintended consequence of inviting "stealth applications" for sidewalks. And the existing process for resolving controversies is, as a practical matter, one-sided and injects hearing examiners into matters that can and should be resolved at the neighborhood level. The proposed amendments would reduce

county process, save dollars, encourage neighbors to resolve issues at the neighborhood level and allow council members to focus on the important issues that face the county rather than being dragged into every neighborhood dispute about sidewalks.

Thank you for your attention to this issue. Please enter this letter into the public record of the T and E Committee hearing currently scheduled for February 9, 2010, as I may not be able to testify in person.

Sincerely,

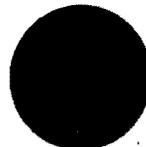
James T. Coffman
5908 Springfield Dr.
Bethesda, MD 20816
301 229 2168
jtcoffman@verizon.net

RECEIVED
MONTGOMERY COUNTY
COUNCIL

Nancy Floreen, President
Montgomery County Council
100 Maryland Avenue
Rockville, Md. 20850

2010 FEB -3 AM 9:09

053986



Feb.1, 2010
Re: Expedited Bill 03-10

Dear Ms Floreen:

This bill, as written, should not be enacted, for the following reasons;

49-53 - Public Hearing Notice

1. "Substantial number" is too subjective and needs to be defined- is it 3 property owners, or a percentage of the community like 50%, or 80% property owners?
2. If # 1 above is a small number, it seems a few property owners could file an Application without letting anyone know of it. Since the application is not known, there would be no opposition submitted, and the application approved. The neighbors would only know of the sidewalk installation when the construction crew arrives at their front yard.
3. How does this bill advise the property owners, not on the application, that the sidewalk is pending?

49-54 - Authorization of Construction; Recommendation of assessments

1. It appears that that this bill also includes the ability to assess the property owners for the construction cost of the proposed sidewalk. This has not been the case to date and is a BIG CHANGE. This part must be removed as written. This bill would install sidewalks without due notice, and on top of that, assess the cost to the homeowners - very bad.

If the intent of this bill is to eliminate hearings, where no one attends or has not objected to the application, it can be done in a better manner, such as notifying, by letter, all property owners living on the affected streets that an application has been submitted and offering a 60 day comment period. That way, all are aware of the pending request and all have a fair time to respond. If no one responds, then no advertising and no public hearing is needed. A win- win solution.

You and the Council must know that sidewalk installation can be a very divisive issue to a community. I live in Springfield -a mature single family community of 50+ years with very large trees in the right-of-way creating a lovely canopy of shade and protection from the River Road pollutants. We are in the middle of a sidewalk issue currently. If this Bill would have been enacted, and sidewalks suddenly were to be installed with out warning, this community would explode and the Council would be barraged with very angry complaints from homeowners.

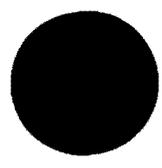
As Council President and Member-at-Large, I strongly urge you to either withdraw this bill, or significantly revise it, to be FAIR to all homeowners.

Sincerely,

Michael McCordic
5500 Ridgefield Road
Bethesda, Md. 20816
301-229-1121
e-mail - mbmccordic@verizon.net

Nancy Floreen, President
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

054107



2010 FEB - 5 AM 10:43

MONTGOMERY COUNTY
COUNCIL

Jan. 28, 2010

Dear Ms. Floreen,

It has just come to my attention that a new bill was introduced last week without much fanfare, on an expedited basis. **Bill 03-10 seems to be exactly the wrong way for the county to have an open, transparent, and fair system for installing sidewalks.** While we realize that sidewalks are in the public right-of-way, it is nevertheless the single most intrusive and disruptive thing the county could do to individual homeowners. Without a Public Hearing, no notice is given that an application is pending, and therefore this bill provides no way for the citizens involved in a given neighborhood to speak up and let our elected officials know about the scope of the project and its ramifications on the affected homeowners and the community at large. Sidewalks are not always necessary, or needed, or wanted, and many other solutions to exist if there is a warranted safety issue.

The fact that it is expedited is proof of the problem. It gives unprecedented power to any small group of individuals who may want sidewalks. It also gives unprecedented power to the Dept. of Transportation who may chose to decide there is "not enough opposition" and they elect to go forward at will. Who makes the determination under the provision of this bill that it is a "controversial" project?

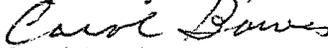
Without providing notification to the surrounding community, (currently the law only gives two weeks notice and only to those directly affected) homeowners may not even know of such an application, so they could not write or speak in opposition. **Therefore, the clause exempting the bill in case of controversy is useless, since there is no provision for notification.** If this bill passes, homeowners may only find out about the imminent project when the chain saws are buzzing outside taking down trees and the cement trucks are not far behind.

The current process is woefully flawed and needs to be strengthened, not weakened, since the installation of sidewalks is one of the county's most divisive issues year after year, neighborhood after neighborhood. You cannot be proud of the divisions it has caused. After one terribly acrimonious battle on Mary knoll in Bethesda, lasting several years, this current process was set up for public hearings and the County Executive approval. This current process, although better than before, is still a paper sham since according to Bruce Johnston, DOT Chief of Engineering, "no Hearing Examiner has ever ruled against sidewalks". Apparently the Hearing Examiners are not all that independent...they seem to get their direction from the people who pay their salary, not the public that they are hearing. Obviously the system needs to be better, if the county cares about its homeowners whose property taxes pay the bills.

I urge you and your colleagues to not support this bill. I urge you instead to acknowledge that we need a better system and to set up a Task Force to come up with a better process that is fair to both opponents and proponents of sidewalks. The process must include a way for the community to comment on a proposed project, and to comment they must be notified. At least a 30 day notification period and a 60 day comment period seems fair. This process should also include a favorable vote of 80% of households who are directly impacted by sidewalks, which is the county process for speed humps. Speed humps are far less invasive to the property owners and far less destructive to the environment than sidewalks, so the speed hump concurrence of 80% should be the minimum for sidewalks. It also makes the community the deciding factor, not the politicians or the Dept. of Transportation.

To expedite a bill that takes away the only way people have to comment on such a huge issue, "in their own back yards", is an abuse of power by the Council in my opinion. The bill states it is "expedited in the interest of public safety", but to those watching the sidewalk process, it seems like a way for the DOT to use up their sidewalk budget as quickly as they can, so they can ask for more "needed" money next year. **In these lean financial times, sidewalks need much more scrutiny as to their merits, not much less. With all departments being considered for budget cuts, perhaps the Sidewalk Program is the place to look, not the Hearing Examiner's Office.**

I urge you to thoughtfully consider the unfortunate ramifications of the bill in its present form. Please do not pass this bill, unless other protections are put in place as amendments, to be fair to your constituents. As our new Council President, I would hope this would not be one of the first bills to pass, which takes away the rights and due process currently allowed to the homeowners in Montgomery County.

Respectfully Yours,

Carol Bowis

5500 Ridgefield Road
Bethesda MD 20816

B3-10

Marin, Sandra

MONTGOMERY COUNTY COUNCIL

MF
CR
GO

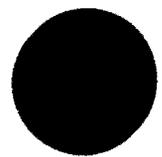
From: Floreen's Office, Councilmember
Sent: Tuesday, February 09, 2010 12:23 PM
To: Montgomery County Council
Subject: FW: Bill No. 3-10 Sidewalks and Pathways

2010 FEB -9 PM 3:56

054171

-----Original Message-----

From: debbie.michaels@att.net [mailto:debbie.michaels@att.net]
Sent: Monday, February 08, 2010 2:14 PM
To: Floreen's Office, Councilmember; Berliner's Office, Councilmember
Subject: Bill No. 3-10 Sidewalks and Pathways



Dear Ms. Floreen and Mr. Berliner,

Thank you for the opportunity to comment on this proposed bill with a tentative hearing on February 9, 2010 at 1:30 PM.

As a Community Leader in District one I have great concerns in the passing of the proposed bill. They are as follows:

1. There is no clear definition of right-of-way. It appears that with any public right-of-way it could be Federal, State, County, Utility or even an adjoining property right-of-way. This could severely impact neighborhoods without giving them the opportunity to be advised or comment on the process.
2. It is not specific in the bill, that the HOA, Civic Association or other organization that has filed support for a specific sidewalk or path is actually owner or connected to the right-of-way the sidewalk or path would be installed on. This would be an unfair situation for small Communities, living near larger Communities.
3. Designating possible costs to adjacent properties when those property owners have no notice, indication or formal avenue to comment or understand the project in it's entirety seems unduly harmful to such homeowners.
4. A main concern is that this bill has been brought forward right when Montgomery County DOT is involved in a sidewalk and pathway study around the BRAC impacted area in Bethesda. Is this just a means to do the cheap and quick? Will they follow Park and Plannings guideline's and recommendations? Would this mean they could go ahead with projects around NIH and NNMC without their coordination.
5. For our Community this would be a negative impact in the laws of Montgomery County. It has the potential of negatively impacting our Community without any recourse on our part. It also has the potential to violate our Site Plan Agreement with Park and Planning.

I urge you to look at this bill with all of these issues in mind and either dismiss it or correct the language to protect all the residents of Montgomery County.

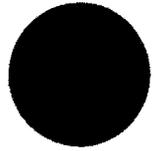
Thank you for your cooperation.

Deborah Michaels
President,
Glenbrook Village HOA
8619 Terrace Garden Way,
Bethesda, MD 20814
debbie.michaels@att.net
damichs@verizon.net

Delgado, Annette

From: Floreen's Office, Councilmember
Sent: Tuesday, February 02, 2010 2:07 PM
To: Montgomery County Council
Subject: FW: Expedited bill 3-10

053987



-----Original Message-----

From: Krishna Murthy [mailto:Krishna.Murthy@nrucfc.coop]
Sent: Tuesday, February 02, 2010 12:47 PM
To: Floreen's Office, Councilmember
Subject: Expedited bill 3-10

I understand that you are sponsoring an amendment to do away with public comment and hearings concerning side walk building. I respectfully request you to withdraw the sponsorship. I am a resident in a neighborhood which is being torn apart by the issue where one or two sponsors are attempting to petition for a side walk and they have sought endorsement from the Home Owners Association. The sponsors failed to convince the neighborhood of the benefits of the side walks. It is very clear that the HOA is not going to endorse the request. Based on the timing of this amendment I wonder, along with many residents in my neighborhood, if the proposed amendment is advanced based on the approach by and influence from the very few sponsors I referred to above.

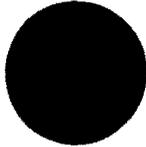
PLEASE say NO to individuals who want to advance their selfish cause at the expense of the community. Please withdraw the amendment.

This may contain information that is confidential or privileged. If you are not the addressee indicated in this message (or responsible for delivery of this message to such person), you should not copy or deliver this message to anyone or make any other use of the information set forth herein. In such case, you should destroy this message and notify the sender by telephone or e-mail.

2010 FEB -2 PM 8:43
MONTGOMERY COUNTY
COMMUNICATIONS

From: Rich Reis [rreis@verizon.net]
Sent: Wednesday, January 20, 2010 2:45 PM
To: Montgomery County Council
Subject: Expedited Bill 3-10 Streets and Roads - Sidewalks

053628



Dear County Council Members,

Please accept this testimony for the proposed bill.

I support a faster process to approve construction of sidewalks and hiker-biker trails. These facilities can only improve the ability of pedestrians, bicyclists, and persons with handicaps to travel about our county safely and in an environmentally friendly way. Too often streets and roads are only designed and built for motor vehicles - not giving bicyclists and pedestrians a safe way to get from one location to another. This access is especially important for residents without a motor vehicle which includes some of our poorer residents. It would also provide a way for children to travel to and from school, activities, and friends without depending upon their parents to give them rides. In this way it would also give these children a natural way to gain exercise as they go about their everyday activities, in turn making them better fit and helping them to maintain a healthy weight.

On a separate but related topic, I am disappointed about the frequency with which sidewalks are closed or made impassible. Sidewalks are often closed for constructing access ramps or for correcting minor pavement imperfections. This forces pedestrians to cross major streets or in many cases no real alternative but walking around the barriers - contractors should work to allow continuous access on at least a portion of the sidewalk at all times. Also, snow was not cleared from the sidewalks during the major snowstorm of this season. Rather it was piled high from the adjoining streets and driveways - forcing high school students and others to walk upon treacherous mounds of snow as they made their way to and from high school. In asking these students to walk to school, the county has an obligation to provide safe sidewalks. The county should do its part in ensuring that sidewalks are cleared and insist that property owners do the same.

Sincerely,

Richard Reis
711 Copley Lane
Silver Spring, MD 20904-1312

2010 JAN 21 AM 9:48

MONTGOMERY COUNTY
COUNCIL

Faden, Michael

From: Romer, Richard
Sent: Wednesday, January 20, 2010 10:47 AM
To: Orlin, Glenn; Dunckel, Jeff; Johnston, Bruce; Roshdieh, Al; Faden, Michael
Cc: Healy, Sonya
Subject: MCCPTA Input on Proposed Sidewalk Legislation

FYI - Input from the MCCPTA on Expedited Bill 3-10.

-----Original Message-----

From: kay2898@aol.com [mailto:kay2898@aol.com]
Sent: Tuesday, January 19, 2010 4:46 PM
To: Romer, Richard
Cc: Guerrero, Amparo; Healy, Sonya
Subject: Re: Input on Proposed Sidewalk Legislation

Please see the included comments below.

Sincerely,

Kay Romero, MCCPTA

SIDEWALK PROCESS-INPUT FROM MCCPTA BOARD MEMBERS

Generally, I was OK with eliminating the hearing, provided the language was tightened up to ensure the project is truly non-controversial. I also recommended reinstatement of a provision expediting school-related sidewalks from the T&E worksession (again, with edits. In this case, requiring the school PTA/PTSA to express support for the project). I questioned the unsupported assertion from the T&E memo that hearings "rarely resulted in changes to the proposal." Seems to me that, consistent with our interest in ensuring adequate public input, this assertion should be verified. Finally, as a catch-all, I suggested a provision requiring the hearing examiner (or other decisionmaker) to consider any public comments provided, whether a hearing was held or not.

I don't think "expediting" the hearing will work, given the time and cost of publishing notices in the Post and Examiner. Almost all of the delay was in scheduling and publicizing the hearing. See the T&E memo for further discussion.

I'm not sure that removing the hearing completely is a good idea. When they use words like "substantial", that leaves it up to interpretation. I think they should have a way to "Fast Track" a hearing when the conditions, as described in the proposal, are met. Can they do the hearing in less than 30 days? I think the citizens should have some formal notice and a period to express their thoughts before action is taken.

I think this proposal puts too much power in the hands of the Executive. I also don't know what rules are in place in notifying the public about a proposed sidewalk. If the public doesn't know about plans to install a sidewalk, how individuals have a chance to voice their opinion? I am concerned that this will

1/20/2010

also put too much emphasis on civic associations and not on individuals who may be affected by a sidewalk addition. For example, if one road in a neighborhood is planned for a sidewalk and 15 houses are going to have part of their yard made into a sidewalk, the rest of the neighborhood would probably be in favor of it but the 15 homes affected may not and these neighbors should have a chance to speak at hearings. Also, the executive can decide what the meaning of "substantial" is. It should be defined more clearly. Will the petition and letters from civic associations be made available for the public to view? How will the public know about the letters and petitions?

I also support the proposed change. I also want to congratulate the folks who initiated the review of the proposal and hope they are able to enact similar time and money saving efforts elsewhere.

I can tell you that the our neighborhood has been fighting for sidewalks for a long time. I live on Central Avenue in Gaithersburg. We understand we are on the "list" for future projects but that it will be a while before we actually get them. I would support legislation that expedited this process. I live very close my children's school, but it is a dangerous walk because there are no sidewalks.

From my end the proposal looks good. We recently had sidewalks installed as we lost our high school bus transportation, but it took at least 18 months. Anything to speed things up can only improve pedestrian safety.

As a Cluster Coordinator and a past Board Member for years of my Neighborhood Association, I am in favor of this proposed change to the sidewalk legislation. Anything that can be done to reduce the time to get projects completed within this county while still maintaining some citizen participation when necessary is productive.

I have not thought about this issue before reading the attached, so take that into account in considering my views. Generally, I think MCCPTA should support efforts to construct more sidewalks, especially those that lead to safer access to schools. The hearing requirement does seem to be an unnecessary burden, but I will note that the key element of that assertion is unsupported here. Specifically, there is an assertion (at p.2) that, "these hearings rarely, if ever, result in a decision not to proceed with the project, or even a material change to it." I'd prefer to review a representative sample of the hearing examiner reports before accepting that claim.

My biggest concern is that the T&E Committee packet had a proposal that hearings could be dispensed with if the sidewalk was within a school's official walking zone. See p. 18 of the T&E packet. Rich Romer's email omits this consideration. I think MCCPTA should support some exception if the sidewalk will improve pedestrian access or safety. To fit within the structure of the proposal, I would add a provision (C) to clause (2). It should read:

(C) The proposed project is located within the "walking area" of a school and the school's PTA/PTSA has filed a notice of support for the sidewalk or path with the Executive or a designee.

Finally, we should be concerned with the broader issue of adequate public input. Generally, we should

oppose disposing of hearings when a truly controversial project is proposed. With that in mind, I have the following further comments to refine the exception:

1. I found the alternative (2)(B) too vague. What is a "substantial number" of property owners who would be benefited by the construction? 50%? 25%? I would recommend that if you don't have a HOA or civic association supporting the project, then you should have statements of support from property owners on at least 50% of the proposed route. Note: I think using the length of the sidewalk is a fairer measure. If one or two property owners make up a substantial portion of the sidewalk, they should have a proportionate say.
2. I think (2)(B) this intends to refer to property owners affected by the project, not just those benefited. If 2 owners were benefited, but 50 were adversely affected, could you skip a hearing if the two benefited owners wrote in support?
3. Line (3) requires a finding by the Executive in all instances. Is that what is truly meant? An alternative would be to allow for the exemption if (1) and (2) are met, unless the Executive determines that significant public issues have arisen that should be considered in a public hearing. That way, the Executive's order is only required when a project is controversial.
4. I would add a final provision that says that, if a public hearing is exempted under these provisions, the DOT (assuming that is the one who grants final approval to the project) must consider any written comments it receives prior to the date of the approval of the project. This is consistent with Rich Romer's sentiment that the bill is not doing away with public input, but only is streamlining procedures for non-controversial projects.

I agree with this legislation of decreasing the administrative time which might decrease costs but increase efficiency and productivity. My opinion is always sidewalks equal safety for all.

My very own neighborhood had sidewalks installed this past summer through this program. We had backing of our citizens association/hoa and at first it looked like we might get the sidewalks installed within six months after our initial consultation; no hearing, just installation on the right-of-way that is the first ten feet of all of our front yards.

Enough noise was raised by the people impacted (the homeowners on whose lots the sidewalks were to be installed) that we wound up going through the hearing process.

The hearing process gave the noisy folks their day to be heard.

I'd have to say that since we were arguing for safety, (in particular since our HS students walk) and had the backing of 2/3 of the residents responding to a survey, and the backing of our hoa executive board, it was pretty much a lead pipe cinch.

The noisy folks were pretty much all 'not in my front yard' oriented. Now that they are in, there is not so much noise, some of the folks originally opposed have confessed that they think they are a big improvement for our quality of life.

That being said, even if you concede that the hearings were mostly theater, it seems very un-Montgomery like to just leave the matter to a DOT/exec decision, but I can support that. We certainly can say that sidewalks just about anywhere improve quality of life and safety, and I certainly have less

regard for my opposed neighbors who pulled every underhanded trick they could to undermine the whole process... to hell with 'em, they had almost no legitimate reason among the lot of them.

The one point that was hard to argue against in our hearings was that the sidewalks do impose an extra burden during the winter, if you interpret the county regulations strictly about shoveling the snow within 24 hrs. In reality the police do not enforce these regs on homeowners, they are typically only used in high density settings like downtown Bethesda/SS. Our homeowners association is, however, contemplating raising our dues to cover the expense of shoveling the walks (because less than 1/3 of the homeowners actually shoveled them in our last blast).



PEDESTRIAN AND TRAFFIC SAFETY ADVISORY COMMITTEE

February 19, 2010

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

Dear County Council President Nancy Floreen:

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

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

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

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

Department of Transportation

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

Council President Floreen
February 19, 2010
Page 2 of 2

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

Sincerely,



Erwin Mack
Chairman

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

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

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

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

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

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

6. New Business/Committee Comments:

Council Proposal for Modified Sidewalk Hearing Process

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

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

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

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