



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Al R. Roshdieh  
Acting Director

**IN THE MATTER OF:**

**STONEYBROOK DRIVE/CAPITOL VIEW AVENUE SIDEWALK CONSTRUCTION  
CIP Project No. 0506747/ANNUAL SIDEWALK PROGRAM**

**BEFORE: Keith Compton, Public Hearing Officer, Department of Transportation**

**PUBLIC HEARING OFFICER'S RECOMMENDATION**

**I. Background**

The Montgomery County Department of Transportation (MCDOT) proposes to construct a sidewalk project for safer pedestrian travel along Stoneybrook Drive and Capitol View Avenue. This project is located in the Kensington planning area within the Thirteenth Election District of Montgomery County. The sidewalk is proposed to be five (5) feet wide and constructed on:

- the west side of Stoneybrook Drive from 10100 Stoneybrook Drive to Capitol View Avenue
- the west side of Capitol View Avenue from Stoneybrook Drive to Lee Street

Displays A, B and C were presented at the public hearing to show the proposed sidewalk relative to the general vicinity as well as typical pavement sections for Stoneybrook Drive and Capitol View Avenue.

**Division of Transportation Engineering**

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The project will cost an estimated \$427,000.00. This includes project design, construction, inspection and administrative costs. It will be funded through the County's Annual Sidewalk Program -- CIP Number 0506747. There are no properties considered to be specially benefitted by the project. Therefore, no properties are expected to be assessed.

A public hearing was held pursuant to Section 49-53, of the Montgomery County Code in the Council Office Building, First Floor Auditorium, at approximately 3:30 p.m. on Thursday, February 19, 2015. The public record was held open for additional comments until 6:00 p.m. on March 12, 2015. Public notice of the hearing was provided to adjacent property owners and notice of the hearing was published in *The Gazette* newspaper on February 4 and 11, 2015 and in the *Washington Post* on February 5 and 12, 2015. See Exhibit 3.

## **II. Summary of Testimony, Written Comments and Exhibits**

### MCDOT Testimony Summary:

A description of the proposed project was provided by Mr. Bruce Johnston, Chief, Division of Transportation Engineering, MCDOT. Mr. Johnston described the proposed project and the purpose& need for the project. MCDOT evaluates requests for pedestrian facilities based on the ability to display a public use as well as enhanced public safety. Mr. Johnston suggested that a sidewalk along Stoneybrook Drive and Capitol View Avenue will create a connecting link to existing sidewalks and enable safer access for pedestrians walking to nearby facilities and public transportation. Further, Mr. Johnston also noted that Capitol View Avenue has virtually no shoulder for pedestrians to travel on and is not deemed safe for pedestrian travel at this location. A portion of the proposed sidewalk is located within the Capitol View Park Historic District. MCDOT has coordinated with the Maryland Historic Trust, Maryland National Capital Park and Planning Commission's (MNCPPC) Parks Department and Historic Preservation Office

concerning impacts to that area by the proposed project. Project plans were provided to these organizations for their review and approval. It is noted that removal of eleven (11) trees varying in size and caliber is anticipated on property owned by MNCPPC. MCDOT is coordinating with MNCPPC to create a tree plan addressing tree removal and replanting with new trees. Project plans were submitted to Maryland Department of Environment (MDE). MDE requested a 100-Year Flood Plan Map. Plans were also submitted to Maryland State Highway Administration (MSHA) requesting comments and approval for the proposed project that is located along the portion of Capitol View Avenue/MD192.

Public Testimony and Written Comments:

Individuals from forty (40) households provided written or oral testimony; 31 support and 9 opposed. Ms. Beth Weaver, President of the Capitol View Park Citizens Association (CVPCA) submitted the initial request for sidewalks along Stoneybrook Drive and Capitol View Avenue to MCDOT.

Key Testimony for Support Includes:

1. The need to provide safer pedestrian access to nearby amenities and a school bus stop located on Stoneybrook Drive.
2. This sidewalk would create pedestrian access to public transportation located on Capitol View Avenue/MD192, the MARC train, Rock Creek Park, Beach Drive trails and nearby local restaurants and shopping in the Kensington area.
3. The sidewalk would provide safety for pedestrians walking on a roadway with limited sight distance and lack of shoulder.

4. The proposed sidewalk construction project would help stabilize ground erosion and reduce storm drain issues.

Key Testimony for Opposition Includes:

1. Impacts to adjacent properties.
2. Expense and cost of the project.
3. Impacts of tree removal associated with construction of the sidewalk.
4. Impacts and appearance to the existing historic area.
5. Damage to park property, the watershed and flooding of properties.
6. Required snow removal.
7. Easier access for a criminal element.
8. Limited usefulness of the project since no sidewalk is proposed to extend on Capitol View Avenue beyond Lee Street.

Organizational Testimony in support:

The CVPCA supports the proposed sidewalk based in part on the results of a door-to-door survey of the community. According to the CVPCA, approximately 40 percent of Capitol View Park households responded to the survey. Results of the survey showed the vast majority of the residents surveyed support pedestrian safety improvements within the Capitol View Park community.

It should be noted that MCDOT did not order or sanction the survey nor can MCDOT attest to its accuracy. However, the general outcome of the survey suggests:

- the majority of respondents would like improved access to Rock Creek Park;
- more than half of respondents support an effort to obtain sidewalks;

The respondents also showed varying, but less than majority levels of support for crosswalks, speed cameras and speed bumps.

Mr. Tom Huckler, Montgomery County Councilmember, provided written testimony in support of the proposed sidewalk. Correspondence was also received from the Maryland Historical Trust stating there would be no adverse effects to historic properties with implementing the proposed sidewalk project; and from Mr. Steven Foster, MSHA regarding approval of the design plan submitted by MCDOT's consultant, Wallace Montgomery.

### **III. Conclusions and Recommendations**

The purpose of a public hearing for the proposed sidewalk project is to provide a sound, factual record for which findings and a recommendation can be presented to the Director of the Department of Transportation to determine a final decision based on the public need and appropriateness of the project. After complete review of the testimonies, exhibits and the submissions of record, I find that the sidewalk proposed for the west side of Stoneybrook Drive from 10100 Stoneybrook Drive to Capitol View Avenue and the west side of Capitol View Avenue from Stoneybrook Drive to Lee Street will provide safer access for pedestrians. The sidewalk will remove pedestrians from the roadway and away from vehicular traffic and create a connection to existing sidewalks, public transportation, MARC train and nearby public and

community amenities. The proposed sidewalk would not materially affect the historic character of this area. In the opinion of this Hearing Officer, the public interest for the proposed project has been adequately demonstrated.

“Public interest” is a broad concept that manifests itself in a variety of contexts. When, as here, a construction project is involved, the project will be considered to be in the public interest if it will do such things as promote the general health and safety of the citizenry, protect the environment, preserve open space or otherwise advance the community’s quality of life. This includes providing for the safe and efficient flow of vehicular and pedestrian traffic. The County has in recent years focused on the need for improved and enhanced pedestrian safety through the creation of a pedestrian safety task force and the tracking of pedestrian safety data through CountyStat. Sidewalks are an established means of reducing pedestrian and vehicle conflicts. This project is consistent with the overall goals of enhancing pedestrian safety.

Mr. Johnston’s testimony and comments from residents within the community stated that this project would enhance the safety for pedestrians, and for students accessing a school bus stop. Separating pedestrians and children in particular, from the path of vehicular traffic is an important public benefit. This project is proposed under the Annual Sidewalk Program, which is a continuing program to provide safe pedestrian facilities throughout the County. The written testimony and exhibits offered for the project provides adequate justification to establish that the project will enhance the safety of pedestrians. The dedication of right-of-way from MNCPPC and temporary construction easements will be required for the implementation of this project.

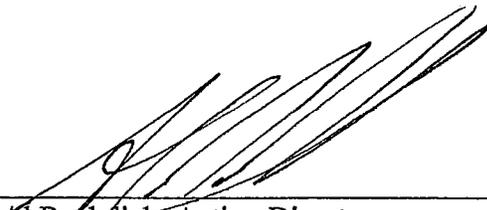
Upon thorough review of all the testimony and evidence of record, I conclude that there is sufficient basis to find that the Stoneybrook Drive and Capitol View Avenue sidewalk project will be in the best public interest. I therefore, recommend that the Director of the Department of Transportation authorize the project be constructed as proposed.

Respectfully submitted,

R. Keith Compton 5/18/2015  
Keith Compton, Public Hearing Officer

The Public Hearing Officer's Report and Recommendation for construction of the Stoneybrook Drive and Capitol View Avenue sidewalk project has been reviewed and the project is hereby authorized for construction.

Date: 7-21-15

  
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Al Roshdeh, Acting Director  
Department of Transportation