



Committee: GO
Committee Review: Completed
Staff: Naeem M. Mia, Legislative Analyst
Purpose: To make preliminary decisions – straw vote expected
Keywords: General Government, Playgrounds, Americans with Disabilities Act

AGENDA ITEM #17-18
May 11, 2023
Worksession

SUBJECT

Amendment to the FY23-28 Capital Improvements Program: **ADA Compliance: MCG CIP**

Amendment to the FY23-28 Capital Improvements Program: **State Aid for MCPS Playgrounds CIP**

EXPECTED ATTENDEES

None.

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION.

- Public Hearing was held on April 4-6, 2023 for the ADA Compliance: MCG CIP.
- Public Hearing was held on May 9, 2023 for the State Aid for MCPS Playgrounds CIP.
- The Government Operations & Fiscal Policy (GO) Committee reviewed both amendments on May 1, 2023 and recommended (3-0) approval of both.

DESCRIPTION/ISSUE

ADA Compliance: MCG CIP

In January 2023, the Executive recommended (and the Committee endorsed in February 2023) a technical adjustment to reflect prior-year cost savings (in FY22) of \$1.5 million in GO Bonds for this project. The total cost of the project is decreased from \$66.4 million to \$64.9 million. The savings is due to delays in project implementation due to supply chain constraints.

In March 2023, the Executive recommended additional changes including an additional prior-year cost savings of \$1.0 million GO Bonds for this project due to revised schedule estimates resulting from project implementation delays. In addition, \$500,000 of projected expenditures was shifted from FY25 to FY26 due to fiscal capacity.

State Aid for MCPS Playgrounds CIP

State budget legislation during the 2022 and 2023 sessions has directed state funding to Montgomery County Government to fund Montgomery County Public School (MCPS) playgrounds throughout the County. DGS will act as an agent to disburse this funding to MCPS as schools, playgrounds, and costs are identified.

FY23 State Aid will be used for playgrounds at the following elementary schools: Burning Tree, Burtonsville, Gaithersburg, JoAnn Leleck, Kemp Mill, New Hampshire Estates, Ronald McNair, Sargent Shriver, and Stedwick Elementary Schools. FY24 State will be used for playgrounds at schools yet to be determined.

This report contains:

1. Staff Memorandum for Go Committee, May 1, 2023

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MEMORANDUM

April 28, 2023

TO: Government Operations and Fiscal Policy (GO) Committee

FROM: Naeem M. Mia, Legislative Analyst

SUBJECT: **Recommended FY23-28 Capital Improvements Program (CIP) Amendments: ADA Compliance: MCG and State Aid for MCPS Playgrounds**

Those expected for this worksession:

David Dise, Director, Department of General Services (DGS)
Greg Ossont, Deputy Director, Department of General Services (DGS)
Rachel Silberman, Capital Budget Manager, Office of Management and Budget (OMB)

Staff Recommendations:

- 1. Staff concurs with the Executive's recommendation and FY23-28 CIP amendments for both projects.**

Public Testimony

Public Hearing was held on April 4, 5, and 6 for the ADA Compliance: MCG CIP. No public testimony was specifically provided for the following projects. Public Hearing is scheduled for the State Aid for MCPS Playgrounds CIP on May 9, 2023.

A. Projects with Scope Increase

1. State Aid for MCPS Playgrounds (increase of \$1,350,000 in FY24, State Aid)

	6-Year	FY23	FY24	FY25	FY26	FY27	FY28	Beyond 6-Years
FY23-28, Previously Approved	1,350	1,350	-	-	-	-	-	-
FY23-28, Recommended	2,700	1,350	1,350	-	-	-	-	-
Delta:	1,350	0	1,350	-	-	-	-	-

Source of Funds: State Aid

Background: State budget legislation during the 2022 and 2023 sessions has directed state funding to Montgomery County Government to fund Montgomery County Public School (MCPS) playgrounds throughout the County. DGS will act as an agent to disburse this funding to MCPS as schools, playgrounds, and costs are identified.

FY23 State Aid will be used for playgrounds at the following elementary schools: Burning Tree, Burtonsville, Gaithersburg, JoAnn Leleck, Kemp Mill, New Hampshire Estates, Ronald McNair, Sargent Shriver, and Stedwick Elementary Schools.

FY24 State will be used for playgrounds at schools yet to be determined.

Location: Countywide.

Racial Equity Impacts: TBD.

Staff Recommendation: Concur with the CE’s recommendation.

B. Projects with Technical Adjustments

1. Americans with Disabilities Act (ADA): Compliance

	6-Year	FY23	FY24	FY25	FY26	FY27	FY28	Beyond 6-Years
FY23-28, Previously Approved	26,400	4,400	4,400	4,400	4,400	4,400	4,400	-
FY23-28, Recommended (March)	26,400	4,400	4,400	3,900	4,900	4,400	4,400	-
Delta:	-	-		(500)	500	-	-	-

Source of Funds: Current Revenue and G.O. Bonds

Background: In January 2023, the Executive recommended (and the Committee endorsed in February 2023) a technical adjustment to reflect prior-year cost savings (in FY22) of \$1.5 million in GO Bonds for this project. The total cost of the project is decreased from \$66.4 million to \$64.9 million. The savings is due to delays in project implementation due to supply chain constraints.

In March 2023, the Executive recommended additional changes including an additional prior-year cost savings of \$1.0 million GO Bonds for this project due to revised schedule estimates resulting from project implementation delays. In addition, \$500,000 of projected expenditures was shifted from FY25 to FY26 due to fiscal capacity.

Location: Countywide.

Staff Recommendation: Concur with the CE’s recommendation.

Racial Equity Impacts: TBD.

This packet contains:

- 1) Recommended FY23-28 Amended CIP- State Aid for MCPS Playgrounds
- 2) Recommended FY23-28 Amended CIP – ADA Compliance: MCG

Circle #

1-7

8-9




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

April 18, 2023

TO: Evan Glass, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Amendments to the Recommended FY23-28 Capital Improvements Program and the FY24 Capital Budget

I am transmitting further revisions to my recommended FY23-28 Capital Improvements Program (CIP) based on our State delegation's success in securing additional State aid for critical capital budget projects and to better position key transportation projects to pursue Federal funding.

Bus Rapid Transit (BRT)

I recommend amending the Bus Rapid Transit: MD 355 South/North, the Bus Rapid Transit: MD 355 Central, and the Bus Rapid Transit: Veirs Mill Road projects to reflect Federal grant conventions regarding cost escalations and contingencies. In addition, the Bicycle-Pedestrian Priority Area Improvements - Veirs Mill Road/Randolph Bicycle project is proposed to be merged into the Veirs Mill Road BRT project to maximize potential Federal funding. New State aid is added to all three BRT projects to reflect additional funding approved by the Maryland General Assembly, and State lottery proceeds dedicated to County BRT projects. Funding from the Op Lanes Maryland project is deferred while Gov. Wes Moore's Administration reevaluates the best way to proceed with addressing transportation improvements along the I-270 and I-495 corridors. In addition, I recommend adding a new Twinbrook Connector Trail project to relocate the existing Parklawn North Connector Trail from the roadway shoulder to facilitate the new BRT line on Veirs Mill Road.

Other Transportation

I recommend an amendment to create a new US 29 Streetlighting project, recognizing \$2,840,000 in additional State aid. This project will support the planning, design, installation, and energization of streetlights along US 29 between I-495 and MD 198.

Amendments to the Recommended FY23-28 Capital Improvements Program and the FY24 Capital Budget

April 18, 2023

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I recommend an amendment to recognize additional State funds that will support a new \$1,000,000 MD198 Sidewalk Improvements project to add sidewalk connections between Dino Drive and McKnew Road. I also recommend adding \$160,000 to the Traffic Signals project to fund school beacon improvements due to newly appropriated State resources.

The Burtonsville Park and Ride Improvements project is amended to reflect an additional \$1,000,000 in State aid awarded to design and construct a shared parking garage to support FLASH service on the US 29 corridor and redevelopment of the adjacent commercial property.

Finally, newly awarded and pre-authorized State aid will facilitate a six-month construction acceleration for the Bowie Mill Road Bikeway.

The Maryland General Assembly has also provided funding to WMATA for the North Bethesda Metro Station Northern Entrance project. MCDOT continues to work with WMATA to refine the project scope and implementation plan and to identify development partners and additional funding sources.

Housing and Community Development

I recommend a supplemental appropriation to create a new project funded by State aid to support the renovation and revitalization of the Burtonsville Crossing Shopping Center. In all, the State has allocated \$7,000,000 for site improvements of this location. In addition, I recommend amending the Countywide Façade Easement Program to reflect \$500,000 in State aid to support White Oak neighborhood revitalization and façade improvements. These projects will assist in reactivating important community assets on the County's East side.

Culture and Recreation

The Wheaton Arts and Cultural Center project is updated to reflect \$1,000,000 in State aid, allowing us to begin build-out of the facility's interior in FY28, earlier than previously programmed. In addition, I recommend adding \$1,056,000 in State aid to the Library Refurbishment Level of Effort project to reflect an additional \$555,600 provided to construct building and site improvements at the Long Branch Library, and \$500,000 to support the Damascus Library and Senior Center Refurbishment.

High School Wellness Centers

I recommend amending the High School Wellness Centers project to add \$1,000,000 provided by the General Assembly to support this important work. Council shares my interest in keeping centers for our neediest students on schedule. These additional funds will be an important hedge against construction cost increases and project delays.

State aid for MCPS Playgrounds

An additional \$1,350,000 in State aid was awarded to Montgomery County to fund improvements for Montgomery County Public Schools playgrounds throughout the County. The

County will coordinate with MCPS to identify playground sites that MCPS will construct.

Olney Police Substation

I recommend creating a new project to support facility planning for the Olney Satellite Police Station and Community Facility serving the 4th District supported by State aid. The County will work closely with the State Delegation to secure the additional State resources needed to implement the project.

Maryland-National Capital Park and Planning Commission (M-NCPPC)

I am pleased to report that our partners at M-NCPPC have successfully raised non-County funds to support County parks. M-NCPPC staff will be working with County Council and Office of Management and Budget staff to program more than \$13.5 million in additional State and Federal funding in the following projects: Ballfield Initiatives; Legacy Urban Space; Ovid Hazen Wells Recreational Park Improvements; Park Acquisitions; Park Refreshers; Planned Lifecycle Asset Replacement – Local Parks; Planned Lifecycle Asset Replacement – Non-Local Parks; Power Line Trail; Trails Hard Surface Renovation; and Wheaton Regional Park.

The timing of State aid in these amendments will allow a modest increase in the FY24 set-aside for general obligation bonds. I urge the Council to maintain this additional FY24 set-aside to help manage likely construction cost increases.

I want to thank all those who contributed to these projects – particularly Montgomery County’s representatives in the Maryland General Assembly. We are eager to partner with the State to provide important facilities for our residents.

Department staff is available to answer any questions as you consider these amendments as we work together to finalize the FY24 Capital and Operating Budgets.

ME: mb

Enclosure: FY23-28 Amended Biennial CIP: April Budget Amendments Summary
Amended Project Description Forms
General Obligation Bond Adjustment Chart

cc: Montgomery County Councilmembers
Marlene Michaelson, Executive Director, Montgomery County Council
Karla Silvestre, President, Montgomery County Board of Education
Dr. Monifa B. McKnight, Superintendent, Montgomery County Public Schools
Jeffrey Zyontz, Chair, Montgomery County Planning Board
Executive Branch Department Heads and Office Directors
Office of Management and Budget Staff

FY 23-28 Biennial Recommended CIP
Budget Amendments Summary (\$000s) - Round 2

Project #	Project Name	Explanation of Adjustment	FY23-28 Change (\$000s)	Funding Sources
New Projects				
P472401	Olney Satellite Police Station and Community Facility	New State Aid-funded project to support facility planning.	100	State Aid
P502406	MD 198 Sidewalk Improvements	New State Aid-funded project to add sidewalk connections between Dino Drive and McKnew Road.	1,000	State Aid
P502405	Twinbrook Connector Trail	New project to relocate the existing trail to maintain connectivity due to Veirs Mill Road Bus Rapid Transit project implementation.	1,500	G.O. Bonds
P502407	US 29 Streetlighting	New project reflecting additional State Aid.	2,840	State Aid
FY23 Supplementals				
P362311	Burtonsville Crossing Shopping Center	Reflects additional State Aid.	7,000	State Aid
Scope Change				
P362309	State Aid for MCPS Playgrounds	Reflects additional State Aid.	1,350	State Aid
P502309	Bus Rapid Transit: MD 355 South/North	Escalates design costs and adds planning/design for Clarksburg Transit Center. Replaces Op Lanes funding for final design with State Aid.	2,796	State Aid, Op Lanes Maryland Transit Funding
P501913	Bus Rapid Transit: Veirs Mill Road	Combines this project with Veirs Mill Road/Randolph Road BiPPA, which had a cost increase following updated estimates. Cost escalation for BRT design, construction and buses.	82,235	Federal Aid, G.O. Bonds, State Aid, State Bus Rapid Transit Fund
P507154	Traffic Signals	Reflects additional State Aid.	160	State Aid
P640902	High School Wellness Center and Expanded Wellness Services	Reflects additional State Aid.	1,000	State Aid
P711502	Library Refurbishment Level of Effort	Reflects additional State Aid to support the Damascus Library and Senior Center which occupy the same facility, and for Long Branch Library Building and Site Improvements.	1,056	State Aid
P762102	Countywide Facade Easement Program	Reflects additional State Aid for White Oak neighborhood revitalization and facade improvement.	500	State Aid
Cost Change				
P502203	Burtonsville Park and Ride Improvements	Reflects additional State Aid and clarifies project scope.	1,000	State Aid
P502005	Bus Rapid Transit: MD 355 Central	Updates expenditures and funding schedule to reflect cost increases and new state/federal aid assumptions.	66,768	Federal Aid, Current Revenue: Mass Transit, State Aid, Op Lanes Maryland Transit Funding
P502003	Bicycle-Pedestrian Priority Area Improvements - Veirs Mill/Randolph	Combines this project with Bus Rapid Transit: Veirs Mill Road (501913) project to maximize federal aid.	(11,466)	Federal Aid, G.O. Bonds

FY 23-28 Biennial Recommended CIP
Budget Amendments Summary (\$000s) - Round 2

Project #	Project Name	Explanation of Adjustment	FY23-28 Change (\$000s)	Funding Sources
Schedule Adjustments				
P502108	Bowie Mill Road Bikeway	Accelerated based on awarded and pre-authorized State Aid.	3,675	G.O. Bonds, State Aid
P722106	Wheaton Arts and Cultural Center	Adds State Aid to accelerate some interior buildout into FY28.	1,000	G.O. Bonds, State Aid

New Projects



State Aid for MCPS Playgrounds (P362309)

Category	General Government	Date Last Modified	04/13/23
SubCategory	Other General Government	Administering Agency	General Services
Planning Area	Countywide	Status	Planning Stage

Total	Thru FY22	Rem FY22	Total 6 Years	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	Beyond 6 Years
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EXPENDITURE SCHEDULE (\$000s)

Construction	2,700	-	-	2,700	1,350	1,350	-	-	-	-
TOTAL EXPENDITURES	2,700	-	-	2,700	1,350	1,350	-	-	-	-

FUNDING SCHEDULE (\$000s)

State Aid	2,700	-	-	2,700	1,350	1,350	-	-	-	-
TOTAL FUNDING SOURCES	2,700	-	-	2,700	1,350	1,350	-	-	-	-

APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 24 Request	1,350	Year First Appropriation	FY23
Cumulative Appropriation	1,350	Last FY's Cost Estimate	1,350
Expenditure / Encumbrances	-		
Unencumbered Balance	1,350		

PROJECT DESCRIPTION

State budget legislation has directed funding to Montgomery County Government to fund Maryland County Public School playgrounds throughout the County. FY23 State Aid will be used for playgrounds at the following elementary schools: Burning Tree, Burtonsville, Gaithersburg, JoAnn Leleck, Kemp Mill, New Hampshire Estates, Ronald McNair, Sargent Shriver, and Stedwick Elementary Schools.

COST CHANGE

The State legislature provided an additional \$1,350,000 to support this program in FY24. Specific school sites are to be determined.

DISCLOSURES

The County Executive asserts that this project conforms to the requirement of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.

COORDINATION

Department of General Services, Montgomery County Public Schools.



Americans with Disabilities Act (ADA): Compliance (P361107)

Category	General Government	Date Last Modified	03/13/23
SubCategory	County Offices and Other Improvements	Administering Agency	General Services
Planning Area	Countywide	Status	Ongoing

EXPENDITURE SCHEDULE (\$000s)

Cost Elements	Total	Thru FY22	Rem FY22	Total 6 Years	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	Beyond 6 Years
Planning, Design and Supervision	18,290	14,090	-	4,200	700	700	700	700	700	700	-
Site Improvements and Utilities	18,636	6,273	4,563	7,800	1,300	1,300	1,050	1,550	1,300	1,300	-
Construction	25,747	11,647	-	14,100	2,350	2,350	2,100	2,600	2,350	2,350	-
Other	1,227	845	82	300	50	50	50	50	50	50	-
TOTAL EXPENDITURES	63,900	32,855	4,645	26,400	4,400	4,400	3,900	4,900	4,400	4,400	-

FUNDING SCHEDULE (\$000s)

Funding Source	Total	Thru FY22	Rem FY22	Total 6 Years	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	Beyond 6 Years
Current Revenue: General	4,235	936	299	3,000	500	500	500	500	500	500	-
G.O. Bonds	44,324	16,578	4,346	23,400	3,900	3,900	3,400	4,400	3,900	3,900	-
PAYGO	11,364	11,364	-	-	-	-	-	-	-	-	-
Recordation Tax Premium (MCG)	3,977	3,977	-	-	-	-	-	-	-	-	-
TOTAL FUNDING SOURCES	63,900	32,855	4,645	26,400	4,400	4,400	3,900	4,900	4,400	4,400	-

APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 24 Approp. Request	2,900	Year First Appropriation	FY11
Cumulative Appropriation	44,400	Last FY's Cost Estimate	66,400
Expenditure / Encumbrances	36,406		
Unencumbered Balance	7,994		

PROJECT DESCRIPTION

This program provides for an on-going comprehensive effort to ensure that County buildings and other facilities are built and maintained in compliance with Title II of the Americans with Disabilities Act (ADA) and the ADA 2010 Standards for Accessible Design. This program includes both the correction of deficiencies identified by the United States Department of Justice (DOJ) during its proactive Project Civic Access (PCA) assessment of County facilities, an assessment by the County of all County government buildings and facilities not included in the PCA assessment, and remediation of any deficiencies identified by those assessments. The program also includes policy development, advanced technical training for County architects and engineers to ensure that ADA compliance and accessibility are incorporated throughout the County's planning, staff training, design, and construction process in order

to ensure that County facilities are fully compliant with Title II of the ADA. In September 2010 revised Title II ADA regulations, including the 2010 Standards, were issued by DOJ. The new 2010 Standards include revisions to the 1991 ADA Accessibility Guideline (ADAAG) standards and supplemental standards for features not addressed in the 1991 ADAAG including pools, recreation facilities, ball fields, locker rooms, exercise rooms, picnic areas, golf courses, playgrounds and residential housing. The Title II ADA regulations require jurisdictions to proactively address the supplemental standards by bringing all features addressed in the supplemental standards into compliance with the 2010 Standards.

ESTIMATED SCHEDULE

FY24: Betty Ann Krahnke (BAK) Domestic Violence Shelter, Avery Road Treatment Center, Coffield Community Center, and Martin Luther King Jr. (MLK) Outdoor Pool.

COST CHANGE

Cost decrease recognizes prior year project savings.

PROJECT JUSTIFICATION

Montgomery County was selected by DOJ for a Project Civic Access review in 2006. Project Civic Access is a proactive, ongoing initiative of the Disability Rights Section (DRS) of the DOJ Civil Rights Division to ensure ADA compliance in local and state governments throughout the country. DOJ has completed reviews and signed settlement agreements with over 150 jurisdictions to date. DOJ has inspected approximately 112 County government buildings and facilities. In addition, they have inspected polling places, ballfields, golf courses, and local parks. Montgomery County signed a legally binding settlement agreement to address the findings in August 2011. M-NCPPC was a co-signer of the Agreement. The Agreement requires the County to remediate all problems identified by DOJ within a negotiated timeline and to survey all remaining buildings, facilities, and programs not surveyed by DOJ. Programs and facilities must be surveyed within a three-year time frame, with approximately 80 completed each year. Prior to FY20, the County was required to send a report of its findings to DOJ each year with a proposed remediation plan and timeline.

DISCLOSURES

Expenditures will continue indefinitely.

COORDINATION

United States Department of Justice, Department of Health and Human Services, Department of Transportation, County Attorney's Office, Montgomery County Public Schools, Revenue Authority, Maryland-National Capital Park and Planning Commission, Department of General Services, and Montgomery County Public Schools.