

PS COMMITTEE #1  
July 12, 2010

**MEMORANDUM**

July 8, 2010

TO: Public Safety Committee

FROM: *MP* Michael Faden, Senior Legislative Attorney  
Minna K. Davidson, Legislative Analyst *MKD(SJF)*

SUBJECT: **Worksession:** Bill 21-10, Special Capital Improvements Project – Glenmont Fire Station 18 Replacement

The following individuals are expected to attend:

Richard Bowers, Fire Chief, Montgomery County Fire and Rescue Service  
David Dise, Director, Department of General Services  
Edgar Gonzalez, Deputy Director of Transportation Policy, Department of Transportation  
Joseph Miklochik, Director of Real Estate, State Highway Administration

Steven Semler, President of the Kensington Volunteer Fire Department, and Marcine Goodloe, President of the Montgomery County Volunteer Fire and Rescue Association, will also be available to respond to Committee questions.

Bill 21-40 would authorize the County to plan, design, and construct the Glenmont Fire Station 18 Replacement. It is necessary to replace Fire Station 18 because the existing station must be demolished to accommodate a major intersection improvement at Georgia Avenue and Randolph Road. The Bill, Legislative Request Report, Project Description Form (PDF), and Executive's transmittal memorandum are attached on © 1-6.

**Background on Special Capital Improvements Project Legislation**

**Special Capital Improvements Project Legislation:** County Charter Section 302 (© 7) requires, among other things, that all capital improvement projects which are estimated to cost in

excess of an amount to be established by law, or which the Council determines to possess unusual characteristics or to be of sufficient public importance, shall be individually authorized by law, with certain exceptions for emergencies and otherwise legally mandated projects.

County Code Section 20-1 (© 8-9) establishes the process to authorize individual projects required under Charter Section 302. The statement of purpose for Section 20-1 says:

(a) *Purpose.* The purpose of charter section 302 is to afford citizens an easier opportunity than previously existed to petition especially important capital improvement projects to referendum while assuring that public consideration may be fully informed, and also without unnecessarily disrupting the orderly planning, design and construction which is the objective of capital improvements programming.

Code Section 20-1 defines which types of facilities are included in this requirement, establishes a formula for a cost criterion for projects subject to the requirement, and sets out a procedure for projects that must be authorized. It provides that no special capital improvement project shall receive an appropriation (except for preliminary planning) unless a law authorizing the project has been enacted by the Council.

The current cost criterion for Special Projects Legislation, established by Executive Order 236-09, is \$12,863,000.

**Special Capital Improvements Project Legislation for Glenmont Station 18:** The Council first approved a Glenmont Station 18 project in the FY09-14 CIP. At that time, \$1.6 million was scheduled for project design. The full cost of the station was expected to be determined during the design development stage. For the FY11-16 CIP, construction and other costs were added to the Expenditure Schedule, bringing the total project cost to just over \$13 million, exceeding the cost criterion for Special Capital Improvements Project Legislation. Bill 21-10, Special Capital Improvements Project – Glenmont Fire Station 18 Replacement, sponsored by the Council President at the request of the County Executive, was introduced on April 20, 2010.

### **Public Hearing on Bill 21-10**

The Council held a public hearing on Bill 21-10 on June 22. Representatives from five organizations testified. Their comments are briefly summarized below. Their full testimony is attached as indicated.

Council action on the bill was tentatively scheduled immediately following the public hearing. However, after hearing the testimony, the Council deferred action and requested that the Public Safety Committee review this matter in more detail and provide a recommendation to the Council. Following the public hearing, the Public Safety Committee Chair sent several questions to Executive staff to provide background on the projects and clarify issues raised in the public hearing testimony. Executive responses are attached on © 67-74. Kensington Volunteer Fire Department responses are attached on © 75-87.

**Richard Bowers, Fire Chief, on behalf of the County Executive** (© 12-13). Supported the bill. Discussed the importance of the Georgia Avenue/Randolph Road intersection improvement, but noted that it will require that the existing station be torn down. Discussed the possibility that the relocated fire station may be eligible for a Federal contribution, but only if the replacement facility is owned by the County. Highlighted the narrow window of opportunity to relocate and construct the fire station, and the need to move forward to avoid any potential interruptions in emergency service in the Glenmont and Kensington areas.

**Marcine Goodloe, President, Montgomery County Volunteer Fire and Rescue Association** (© 14). Did not take a position on the bill. Expressed concern that some efforts in Montgomery County are threatening the LFRD volunteers' rights of ownership and involvement in station decisions. Discussed the Kensington Volunteer Fire Department's (KVFD) long-time ownership of and service from the existing station. Expressed concern that without any notification or inclusion of KVFD, the County is arranging for a new Station 18 with the State. Advocated for inclusion of KVFD in planning for the new station.

**Michael McAteer, President, Glenmont Civic Association, Inc (GCAI)** (© 15-17). Opposed the bill unless a specific plan for redesign of the Georgia Avenue/Randolph Road intersection has been through Mandatory Referral by the Planning Board. Expressed the opinion that the fire station does not need to be replaced because it is still functional, and, in GCAI's view, could continue to exist even with the intersection improvement. Did not support providing funds for a new fire station when a site has not yet been selected and the fire station has not yet been designed. Expressed concern that planning for the intersection improvement has not gone through an open process, and because Mandatory Referral of the intersection improvement has not occurred, Bill 21-10 would be in violation of the Regional District Act. (In fact, the intersection improvement did go to Mandatory Referral, and a site has been selected for the fire station.)

**Steven Semler, President, Kensington Volunteer Fire Department** (© 18-34). Opposed the bill. Expressed the following concerns: that the County intends to replace Kensington Station 18 with a County-owned station which does not take into consideration Kensington's long-time ownership and service from the existing Station 18; that KVFD was not notified of the Special Projects Legislation for the Glenmont Station 18 Replacement and is not mentioned in the legislation; that the site identified for the replacement station may not, for a variety of reasons, be available; that the cost for the proposed replacement station is excessive and KVFD might be able to build one, using a Federal replacement reimbursement and less expensive building techniques, at no cost to the County; that KVFD hopes to incrementally restore service from Station 18, but this may not be possible if Station 18 is County-owned and operated; that the County has not acted as a good partner in the combined Fire and Rescue Service operated by the County and the local fire and rescue departments, which is established in Chapter 21.

**Reverend Ellis Moore, Pastor, Georgia Avenue Baptist Church** (© 35). Opposed the bill. Expressed concern that relocating the fire station on property across the street from the Church would increase noise and traffic and have a negative impact on the peace and quiet that their location currently affords.

### **Current Status of the Intersection Improvement**

The current Project Information Form (PIF) from the State's Consolidated Transportation Program is attached on © 36. It indicates that engineering, right-of-way, and advanced utility work are underway. Construction of the overall project will begin in FY14.

Regarding the status of Mandatory Referral, the Planning Board reviewed the intersection improvement at its meeting on December 9, 2004, and approved the Mandatory Referral with comments. In general, the Planning Board's response to the SHA's submittal was positive. The Mandatory Referral packet is attached on © 37-56.

### **Council Approval and Current Status of the Glenmont Station 18 Replacement Site**

**Council approval of the site:** As required under County Code Section 21-4(b), the Council approved the site for the Station 18 Replacement by Resolution 15-1483 in May 2006 (© 57-58). The approved site is the "WMATA Triangle Property" located on the west side of Georgia Avenue directly across from Glenallan Avenue. It was anticipated that if the Glenmont Parking Garage were sited on the WMATA Triangle Property (rather than on the east side of Georgia Avenue) the fire station would be co-located with the garage.

The proposed fire station site went through a site selection process run by the Mid-County Regional Services Center. During the period when the Council was reviewing the replacement station site, WMATA held a hearing on the Glenmont Parking Garage, and some individuals who testified also took the opportunity to comment on the fire station. Among others, the Georgia Avenue Baptist Church opposed the fire station site because the fire station activities would disrupt church activities. The Council's approval resolution for the site urged those involved with the project to work with neighbors to respond to concerns regarding noise and the movement of non-emergency vehicles.

The packet for Council action on the site approval is online at [http://www.montgomerycountymd.gov/content/council/pdf/agenda/col/2006/060525/20060525\\_21i.pdf](http://www.montgomerycountymd.gov/content/council/pdf/agenda/col/2006/060525/20060525_21i.pdf). It includes additional background on the site selection process and issues raised by the community.

**Current status of the site:** When the Public Safety Committee reviewed the MCFRS CIP earlier this year, the Committee was told that for reforestation and stormwater management reasons, WMATA needed more land for the parking garage than was previously agreed. WMATA would know how much land would be available for a fire station after they received approval for the garage project, but it was not clear when final approval would occur. The Fire

Chief was concerned that if the available land for the fire station continued to decrease, it might not be possible to fit a station on the site.

More recently, Executive staff told Council staff that WMATA now has a good understanding about how much space will be needed for the garage, and has clarified how much land will be available for the fire station. The Department of General Services (DGS) has engaged a firm to do fit testing for the fire station, and has determined that the replacement station will fit on the available land. DGS staff anticipate that acquisition of the land for the fire station will proceed soon.

### **Glenmont Station 18 Replacement Issues**

1. **Cost of the replacement station.** According to the current approved PDF (© 4), the cost for the Glenmont Station 18 Replacement will be just over \$13 million. In their public hearing testimony, KVFD provided examples of a new fire station in Ocean City that will cost \$2.6 million plus architect and engineering fees, and a new fire station in Brunswick that will cost \$3.7 million (including \$1.3 million from the local department for a social hall).

The Public Safety Committee Chair asked Executive staff to provide a specific comparison showing why the Glenmont Station 18 Replacement will cost so much more than the examples provided by KVFD. Council staff would note that, although land costs are very different in Montgomery County, Ocean City, and Brunswick, the County has not yet acquired the land for the replacement station. At this point, the replacement station PDF includes only those costs associated with designing and building the station.

2. **Reimbursement to KVFD for the existing station.** The existing Station 18 was built with County bonds in 1953. As was the practice at the time, the station was titled to the KVFD, and the KVFD has owned it ever since. The State Highway Administration had been working with the KVFD to arrange to compensate them for the demolition of the existing station. Essentially, there were two options. They are described briefly below, but are described in much more detail in the KVFD letter to Committee Chair Andrews and the attached letter from the State Highway Administration which are on © 59-66.
  - 1) The State would provide \$1.2 million to KVFD as just compensation for the existing facility, along with potential relocation benefits. This offer was based on the depreciated value of the existing station. KVFD could keep this money for its own use.
  - 2) The State requested approval from the Federal Highway Administration to compensate KVFD for a functional replacement of its building. The Federal Highway Administration approved the request, provided that the new building and land are owned by the County in accordance with federal rules. The State determined that the amount of the federal functional replacement would be approximately \$4 million. The federal functional replacement would allow KVFD to rebuild the

facility using today's materials and without a deduction for depreciation. A federal functional replacement would only replace what was in the existing building. It would not pay for any enhancements or improvements.

3. **Who pays to replace the station; who owns the station.** KVFD has expressed interest in choosing the federal functional replacement option offered by SHA. In their public hearing testimony, they suggest that, based on the examples of other less costly stations in the State, they could use the federal functional replacement money to build a new station at no cost to the County. Alternatively, if the County wants to build the replacement station, they believe that it would be possible for KVFD to contribute the \$4 million in federal functional replacement money to the project in exchange for 50% ownership of the station, the right to co-manage the station with the County, and the right to operate volunteer apparatus and equipment from the station.

It will be easier to evaluate KVFD's first suggestion, that KVFD build a less expensive replacement station, after the Committee receives the comparative information about station costs which the Committee Chair requested.

Regarding the second suggestion, it is unclear whether it would be possible for KVFD to assume 50% ownership of the station. First, the federal functional replacement rules require that a government unit own the replacement building. It is not clear whether this requirement could be waived, 50% County ownership would satisfy the requirement, or County could meet the requirement by owning the station and leasing it long term to the KVFD. The Committee Chair has requested clarification on these issues.

In addition, current County Code Section 21-26 (© 10-11) only allows for joint ownership of a newly constructed station if the LFRD has contributed, or is legally committed to contribute, at least 50% of the on-site cost of the station, including any land cost, and of the station's proportionate share of off-site costs directly attributable to the project. If the \$4 million that KVFD receives for the federal functional replacement is less than 50% of the cost of the replacement station and land, under the current law KVFD will not be eligible for joint ownership.

4. **Who will manage station operations? Will KVFD be able to deliver emergency service from the station?** When the Public Safety Committee reviewed the FY11-16 MCFRS CIP, the Committee was told that at that time it was anticipated that the Glenmont Station 18 Replacement would be a County-owned station, and that KVFD involvement in the project had neither been defined nor ruled out.

The Committee Chair has asked Executive staff to clarify their plans for the use of the station and the role of KVFD. He has asked whether KVFD will be able to restore volunteer operations at the replacement station if sufficient volunteer staffing is available.

**Options for Committee Recommendation on Bill 21-10**

1. **Approve Bill 21-10 as submitted by the Executive.** This would enable the County to move forward with design of the project. **Council staff recommends this option because it is important to avoid delays, given the tight timeframe to complete the new station.** Although the Bill would authorize Montgomery County to build the station, Council staff does not think that this would preclude the County from negotiating further with KVFD, nor would it prevent the County from establishing a joint funding and ownership arrangement with KVFD if such an arrangement is feasible in the future. Bill 21-10 refers only to Montgomery County because the legal requirements apply to projects in the County’s Capital Improvements Program.
  
2. **Approve Bill 21-10 as submitted by the Executive. Send the Executive a letter detailing any Council requests for cooperation between the County and KVFD.** If the Council wishes to request that the Executive take certain things into consideration or work cooperatively on certain issues with the KVFD, the Council could approve the bill, and simultaneously send the Executive a letter detailing the Council’s requests.
  
3. **Defer action on Bill 21-10 until the Council returns in September.** This option would provide more time for the Executive to try to resolve issues with KVFD, but might delay other progress on the replacement station.
  
4. **Do not approve Bill 21-10.** Under this option, it would not be possible for the project, as currently proposed, to move forward.

**This packet contains:**

**circle #**

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Bill No. 21 -10  
Concerning: Special Capital  
Improvements Project – Glenmont  
Fire Station 18 Replacement  
Revised: April 14, 2010 Draft No. 1  
Introduced: April 20, 2010  
Expires: October 20, 2011  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: Council President at the Request of the County Executive

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**AN ACT** to authorize the planning, design and construction of the Glenmont FS 18 Replacement, Project No. 450900, in the Kensington-Wheaton planning area.

By adding to the laws of Montgomery County 2010

<b>Boldface</b>	<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:*

1 **Sec. 1. The laws of Montgomery County, Maryland, are amended to read as**  
2 **follows:**

3 Montgomery County, Maryland, is authorized to plan, design, and construct  
4 the Glenmont FS 18 Replacement, Project No. 450900, in the Kensington-Wheaton  
5 planning area. This authorization includes all necessary planning, design, site  
6 improvements, furniture, fixtures, equipment, and structures.

7 *Approved:*

8

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Nancy Floreen, President, County Council

Date

9 *Approved:*

10

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Isiah Leggett, County Executive

Date

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

12

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Linda M. Lauer, Clerk of the Council

Date

## LEGISLATIVE REQUEST REPORT

Bill 21-10

*Glenmont FS 18 Replacement*

**DESCRIPTION:** The County Executive requests that capital project No. 450900, Glenmont FS 18 Replacement, be authorized as a "Special Capital Improvements Project" pursuant to Section §302 of the County Charter and Section §20-1 of the Montgomery County Code.

**PROBLEM:** Section §302 of the County Charter and Section §20-1 of the County Code require certain capital improvement projects to be individually authorized by law if the locally-funded cost is projected to exceed \$12,863,000 in FY11 dollars. The estimated locally-funded cost of this project in the County Executive's FY11 Recommended Capital Budget and FY11-16 Capital Improvements Program (CIP) is \$13,032,000 for planning, design, and supervision; site improvements and utilities; construction and other costs.

**GOALS AND OBJECTIVES:** This project provides for the construction of an approximately 19,900 gross square foot fire station to replace the current fire station located at the intersection of Georgia Avenue and Randolph Road.

**COORDINATION:** This project has been coordinated with the Department of General Services, Department Technology Services, Department of Permitting Services, Montgomery County Fire and Rescue Service, Mid-County Regional Services Center, the Maryland State Highway Administration, and local utility companies.

**FISCAL IMPACT:** The total estimated cost for this project is \$13,032,000. Of this, \$1,747,000 is for planning, design, and supervision; \$1,046,000 is for site improvements and utilities; \$9,254,000 is for construction; and \$985,000 is for other. The estimated locally-funded cost is \$13,032,000. The funding source for this project is General Obligation Bonds.

**ECONOMIC IMPACT:** The new facility will accommodate the needs of the present and projected user departments noted above under Goals and Objectives.

**EVALUATION:** To be requested.

**EXPERIENCE ELSEWHERE:** Not Applicable.

**SOURCE OF INFORMATION:** Blaise DeFazio, Office of Management and Budget; and Jeffrey Knutsen, Project Manager, Department of General Services – Division of Building Design and Construction.

**APPLICATION WITHIN MUNICIPALITIES:** Not Applicable.

**PENALTIES:** None Required.

# Glenmont FS 18 Replacement -- No. 450900

Category  
Subcategory  
Administering Agency  
Planning Area

Public Safety  
Fire/Rescue Service  
General Services  
Kensington-Wheaton

Date Last Modified  
Required Adequate Public Facility  
Relocation Impact  
Status

March 31, 2010  
No  
None.  
Preliminary Design Stage

### EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY09	Est. FY10	Total 6 Years	FY11	FY12	FY13	FY14	FY15	FY16	Beyond 6 Years
Planning, Design, and Supervision	1,747	0	99	1,648	459	192	212	493	292	0	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	1,046	0	0	1,046	0	152	224	521	149	0	0
Construction	9,254	0	0	9,254	0	525	2,354	5,487	888	0	0
Other	985	0	0	985	0	143	183	427	232	0	0
<b>Total</b>	<b>13,032</b>	<b>0</b>	<b>99</b>	<b>12,933</b>	<b>459</b>	<b>1,012</b>	<b>2,973</b>	<b>6,928</b>	<b>1,561</b>	<b>0</b>	<b>0</b>

### FUNDING SCHEDULE (\$000)

G.O. Bonds	13,032	0	99	12,933	459	1,012	2,973	6,928	1,561	0	0
<b>Total</b>	<b>13,032</b>	<b>0</b>	<b>99</b>	<b>12,933</b>	<b>459</b>	<b>1,012</b>	<b>2,973</b>	<b>6,928</b>	<b>1,561</b>	<b>0</b>	<b>0</b>

### OPERATING BUDGET IMPACT (\$000)

Maintenance				290	0	0	0	0	132	158
Energy				337	0	0	0	0	153	184
<b>Net Impact</b>				<b>627</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>285</b>	<b>342</b>

#### DESCRIPTION

This project provides for an approximately 19,900 gross square foot fire station to replace the current fire station located at the intersection of Georgia Avenue and Randolph Road. The recommended replacement fire-rescue station is a modified Class II station designed to meet current operational requirements and accommodate modern fire fighting apparatus. The project includes gear storage, decontamination, information technology rooms, and four apparatus bays.

#### ESTIMATED SCHEDULE

The design phase will commence upon land acquisition and it is estimated to last twenty months, followed by approximately six months for bidding, and a construction period of approximately eighteen months.

#### COST CHANGE

The cost increase is due to the addition of construction expenditures.

#### JUSTIFICATION

The Maryland State Highway Administration (SHA) plans to build a new intersection at Georgia Avenue and Randolph Road. The current station is located on the planned intersection site. The replacement fire station will be located on a different site but in proximity to the service area of the current station.

#### OTHER

Special Capital Projects Legislation will be proposed by the County Executive.

#### FISCAL NOTE

The project provides for the design and construction phase costs. Debt service for this project will be financed with Consolidated Fire Tax District Funds. There are no funds for fire apparatus included in project budget.

#### OTHER DISCLOSURES

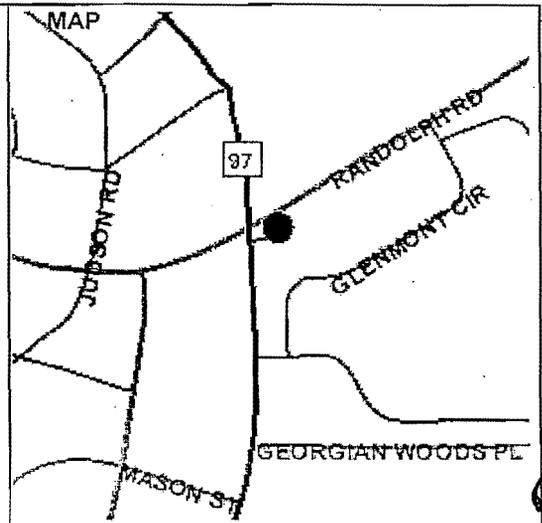
- A pedestrian impact analysis will be performed during design or is in progress.
- Land acquisition will be funded initially through ALARF, and then reimbursed by a future appropriation from this project. The total cost of this project will increase when land expenditures are programmed.

#### APPROPRIATION AND EXPENDITURE DATA

Date First Appropriation	FY10	(\$000)
First Cost Estimate	FY11	13,032
Current Scope		
Last FY's Cost Estimate		1,644
Appropriation Request	FY11	330
Appropriation Request Est.	FY12	9,406
Supplemental Appropriation Request		0
Transfer		0
Cumulative Appropriation		1,331
Expenditures / Encumbrances		25
Unencumbered Balance		1,306
Partial Closeout Thru	FY08	0
New Partial Closeout	FY09	0
Total Partial Closeout		0

#### COORDINATION

Department of General Services  
Department Technology Services  
Montgomery County Fire and Rescue Service  
Department of Permitting Services  
Maryland State Highway Administration  
WSSC  
PEPCO  
WMATA  
Mid-County Regional Services Center



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Isiah Leggett  
County Executive

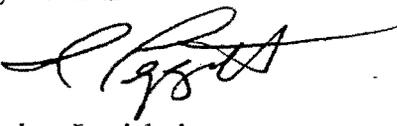
OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

055744

MEMORANDUM

April 7, 2010

TO: Nancy Floreen, President, County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Special Capital Improvements Project Legislation:  
MCPS Food Distribution Facility Relocation  
Glenmont FS 18 Replacement  
Travilah Fire Station  
3<sup>rd</sup> District Police Station  
Equipment Maintenance and Operations Center (EMOC)  
Olney Library Renovation and Addition

RECEIVED  
MONTGOMERY COUNTY  
COUNCIL  
2010 APR -8 PM 1:16

In accordance with Section 302 of the County Charter and Section 20-1 of the Montgomery County Code, I am forwarding the attached Special Capital Improvements Project Legislation Authorization and Legislative Request Report for the following projects:

- Montgomery County Public Schools (MCPS) Food Distribution Facility Relocation (No. 361111)
- Glenmont FS #18 Replacement (No. 450900)
- Travilah Fire Station (No. 450504)
- 3<sup>rd</sup> District Police Station (No. 470302)
- Equipment Maintenance and Operations Center (EMOC) (No. 500933)
- Olney Library Renovation and Addition (No. 710301)

This request is necessary because the local cost of these projects exceed the FY11 Special Capital Improvements Project Legislation cost threshold of \$12,863,000 as set by Executive Order 236-09. The purpose of these projects is set forth below.

The MCPS Food Distribution Facility Relocation project is part of the Smart Growth Initiative and provides for design and construction of a new facility on the Webb Tract site on Snouffer School Road.

Nancy Floreen, President, County Council  
April 7, 2010  
Page 2

The Glenmont FS 18 Replacement project provides for an approximately 19,900 gross square foot fire station to replace the current fire station located at the intersection of Georgia Avenue and Randolph Road.

The Travilah Fire Station project, located at the northwest intersection of Darnestown and Shady Grove Road, provides for the design and construction of a new fire-rescue station at the county-owned site.

The 3<sup>rd</sup> District Police Station project, located at the northeast intersection quadrant of New Hampshire Avenue and U.S. Route 29, provides for the site selection, planning, and design, and construction of a new 32,844-gross square foot (including auxiliary buildings) 3<sup>rd</sup> District Police Station to serve Silver Spring and vicinity.

The EMOC project is part of the Smart Growth Initiative and provides for land, planning, design, and construction of a new EMOC to support a doubling of transit ridership by 2020; as well as current transit, highway maintenance and fleet operations.

The Olney Library Renovation and Addition project provides for a 5,000 square foot addition and full interior renovation of the existing interior space to the Olney Library.

I recommend prompt passage of this legislation so as to advance these projects.

IL:bh

Attachments

**Sec. 302. Six-Year Programs for Public Services, Capital Improvements, and Fiscal Policy.**

The County Executive shall submit to the Council, not later than January 15 of each even-numbered year, a comprehensive six-year program for capital improvements. The County Executive shall submit to the Council, not later than March 15 of each year, comprehensive six-year programs for public services and fiscal policy. The six-year programs shall require a vote of at least five Councilmembers for approval or modification. Final Council approval of the six-year programs shall occur at or about the date of budget approval.

The public services program shall include a statement of program objectives and recommend levels of public service by the County government, and shall provide an estimate of costs, a statement of revenue sources, and an estimate of the impact of the program on County revenues and the capital budget.

The capital improvements program shall include a statement of the objectives of capital programs and the relationship of capital programs to the County's long-range development plans; shall recommend capital projects and a construction schedule; and shall provide an estimate of costs, a statement of anticipated revenue sources, and an estimate of the impact of the program on County revenues and the operating budget. The capital improvements program shall, to the extent authorized by law, include all capital projects and programs of all agencies for which the County sets tax rates or approves budgets or programs. The Council may amend an approved capital improvements program at any time by an affirmative vote of six Councilmembers.

The fiscal program shall show projections of revenues and expenditures for all functions, recommend revenue and expenditure policies for the program period and analyze the impact of tax and expenditure patterns on public programs and the economy of the County.

The County Executive shall provide such other information relating to these programs as may be prescribed by law.

- ★ All capital improvement projects which are estimated to cost in excess of an amount to be established by law or which the County Council determines to possess unusual characteristics or to be of sufficient public importance shall be individually authorized by law; provided however, that any project declared by the County Council to be of an emergency nature necessary for the protection of the public health or safety shall not be subject to this requirement if the project is approved by the affirmative vote of six Councilmembers. Any project mandated by law, statutory or otherwise, interstate compact, or any project required by law to serve two or more jurisdictions shall, likewise, not be subject to this requirement. The County Council shall prescribe by law the methods and procedures for implementation of this provision. (Election of 11-7-78; election of 11-4-86; election of 11-3-92; election of 11-5-96.)

**Editor's note**—See County Attorney Opinion dated 4/7/99 clarifying that the Council may place conditions on appropriations prior to June 1, with certain limitations. See County Attorney Opinion dated 2/5/96 explaining that the budget must include recommended expenditures and revenue services for the Board of Education and including the legislative history of the section. See County Attorney Opinion No. 90.008 dated 11/20/90 discussing the use of consent calendars to consolidate capital improvement bills and proposed amendments to the County Code to permit more than one item on the consent calendar at a time. [attachment]

**Sec. 20-1. Authorization of special capital improvement projects by law.**

(a) *Purpose.* The purpose of charter section 302 is to afford citizens an easier opportunity than previously existed to petition especially important capital improvement projects to referendum while assuring that public consideration may be fully informed, and also without unnecessarily disrupting the orderly planning, design and construction which is the objective of capital improvements programming.

(b) *Definition.*

1. A "special capital improvement project" as used in this section shall include the costs relating to the detailed architectural and engineering design, construction, reconstruction or equipment of the following types of capital projects:

a. Major facilities estimated to cost at least four million dollars (\$4,000,000.00) in county funds, exclusive of interest on county bonds; provided, however, that the county executive shall, by annual executive order, adopted no later than October 15, revise the four-million-dollar cost criterion to reflect the annual change in the latest published composite construction cost index established by the United States department of commerce or its successor as publisher. County funds for the purpose of this section include the proceeds of county bonds or notes and unappropriated surplus and current county revenues, exclusive of contributions, gifts or grants from federal or state governments or any other sources.

b. Facilities, other than major facilities described above, which the council determines to possess unusual characteristics or to be of sufficient public importance to warrant designation as special capital improvements projects.

2. All buildings, roads, utilities, parks and related improvements which are proposed for development on a single, unified site and which are identifiable as separate facilities shall be considered for designation as special capital improvement projects. Site acquisition costs shall be included as a part of the total cost of a special capital improvement project; however, the cost of site acquisition itself shall not be subject to the requirements of this section. Preliminary planning costs relating to capital projects shall not be included in determining the total cost of a special capital improvement project. Unless explicitly required by law, special capital improvement projects do not include the capital projects of the Revenue Authority or any agency created by state law or authorized by interstate compact, including, Montgomery College, Board of Education for Montgomery County, Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission, the housing opportunities commission of Montgomery County, Washington Suburban Transit Commission, and the Washington Metropolitan Area Transit Authority.

(c) *Procedure.*

1. The county executive shall be responsible for submitting to the county council, at the time the capital improvement program or amendments thereto are submitted, proposed legislation for each project which falls within the category of a special capital improvement as defined in this section and for which it is proposed to appropriate funds for purposes other than preliminary planning or site acquisition costs, unless the project has been previously authorized as a special capital improvement project.

2. Until such time as an appropriation is made for the detailed architectural and engineering design of a capital improvement project, other than a major facility as described in subsection 20-1(b) 1.a., any council member may introduce legislation to authorize such capital improvement project as a

special capital improvement project.

3. Any authorization enacted under this section is valid for 5 years after the authorization becomes law, except that an authorization for a project funded substantially by revenue bonds is valid until modified or revoked by law. The Council may reauthorize a project before or after an existing authorization expires. An authorized project need not be reauthorized if a contract for construction of the project is executed before the authorization expires.

4. If a project is approved by the affirmative vote of 6 Councilmembers, and the Council declares that the project is of an emergency nature and its immediate approval is necessary to protect the public health or safety, the project is not subject to the authorization requirement in this section.

5. No special capital improvement project shall receive an appropriation unless a law authorizing the project has been enacted by the county council. The resolution adopting any such appropriation shall contain an explicit requirement that no funds shall be expended under the appropriation until the authorization law has become effective.

6. Any project not previously considered a special capital improvement project and which has received an appropriation must be authorized pursuant to this section before any construction contract is executed if the estimated cost of the total project is revised to exceed the four million dollars (\$4,000,000.00) cost criterion or any subsequent revision thereto exclusive of preliminary planning costs, after completion of either the design or architectural and engineering stages of the project. Unless a project is previously authorized pursuant to this section, the county executive or the county council may not transfer funds to or authorize a supplemental appropriation for such a project prior to the award of a construction contract if the cost of the total project exceeds the four million dollars (\$4,000,000.00) cost criterion or any subsequent revision thereto exclusive of preliminary planning costs when the cost reflected by such transfer or appropriation is included in the total estimated cost.

(d) *Application.* The provisions of this section 20-1 shall not apply to a capital project which has met the cost criterion requirements of subsection 20-1(b)1.a. and has received an initial appropriation prior to the effective date of this section, provided that any change in the scope of such a project, the cost of which change exceeds the cost criterion requirement set forth in subsection 20-1(b)1.a., shall be subject to the provisions of this section. (1977 L.M.C., ch. 37, §2; 1979 L.M.C., ch. 51, § 1; FY 1991 L.M.C., ch. 11, § 1; 1992 L.M.C., ch. 35, §3; 1994 L.M.C., ch. 23, § 1.)

**Editor's note**—See County Attorney Opinion No. 90.008 dated 11/20/90 discussing the use of consent calendars to consolidate capital improvement bills and proposed amendments to the County Code to permit more than one item on the consent calendar at a time. [attachment]

For the effective date of 1992 L.M.C., ch. 35, § 3, which amended subsection (b)2. of this section, see the editor's note to ch. 42 of this Code.

**Sec. 21-26. Title to assets; sale or disposition.**

(a) Title to fire, rescue, and emergency medical service apparatus and facilities, purchased in whole or in part with any tax funds before July 30, 1980, may be retained by the local fire and rescue department unless the appropriation resolution that funded the purchase specified otherwise.

(b) All apparatus and facilities purchased with tax funds after July 30, 1980, must be titled to the County and must be assigned in accordance with the adopted master fire, rescue, and emergency services plan. A newly constructed fire station, purchased with tax funds after July 1, 1999, may be held under a title reflecting concurrent ownership by the County and a local fire and rescue department if:

(1) the station complies with the adopted master fire, rescue, and emergency medical services plan;

(2) the local fire and rescue department has contributed, or is legally committed to contribute, at least 50 percent of the on-site cost of the station, including any land cost, and of the station's proportionate share of off-site costs directly attributable to the project; and

(3) the Chief Administrative Officer has signed a contract with the local fire and rescue department that assures, to the fullest extent legally possible, that the station will be available for fire and rescue purposes until the station is disposed of under subsection (c), and that the station will be operated according to County law, regulations, and policies.

(c) The Chief Administrative Officer must approve each sale or other disposition of any apparatus or facilities to ensure that the sale or other disposition does not adversely affect the public interest. If the Chief Administrative Officer does not approve a sale or other disposition, the County Council may by resolution approve the proposed sale or disposition. The proportionate share of the proceeds of any such disposition attributable to fire tax funds must be used by the local fire and rescue department for fire, rescue or emergency medical services, or be returned to the fire tax district. In a dispute over the source and amount of original financing, or over the value of the apparatus or facilities, the County agrees to binding arbitration under the Maryland Uniform Arbitration Act to resolve the dispute.

(d) The County acknowledges that it has no ownership claim to any equipment, apparatus, facilities, or property acquired without any use of tax funds. This Chapter does not authorize the County to require the transfer of ownership of any such equipment, apparatus, facilities, or property to the County.

(e) The County may accept title and all encumbrances to any fire, rescue, or emergency medical service apparatus, equipment, facility or property from any local fire and rescue department that requests the transfer of title, even if the item is subject to an existing debt. The Chief Administrative Officer must approve or reject the transfer after considering any recommendations by the Commission. The Chief Administrative Officer, after considering the Commission's advice and recommendations, must develop procedures for the orderly disposition of assets of any local fire and rescue department that is unable to provide fire, rescue, or emergency medical services so that the assets continue to be used to provide fire, rescue, and emergency medical services in that community.

(f) Any funds accruing to the County from the sale or other disposition of any apparatus, equipment, facility or property must be applied to the funding of fire and rescue appropriations approved by the County Council.

(g) For purposes of operation, the Chief Administrative Officer, after considering the Commission's advice and recommendations, must assign fire stations when built or acquired to a local fire and rescue department or, with the concurrence of the County Executive and County Council, to the Fire and Rescue Service. This Section does not preclude the Fire and Rescue Service from operating a fire station as otherwise provided by law. (1980 L.M.C., ch. 64, § 3; 1998 L.M.C., ch. 4, §1; 1999 L.M.C., ch. 12, § 1; 2004 L.M.C., ch. 5, § 1; 2009 L.M.C., ch. 5, § 1.)

**Editor's note**—See County Attorney Opinion dated 3/4/04 explaining that County-owned fire stations may be assigned through the master plan process. See County Attorney Opinion dated 6/19/03 discussing the approvals needed to assign operational control of a new fire station to a local fire and rescue department.

Section 21-26, formerly §21-4U, was renumbered and amended pursuant to 1998 L.M.C., ch. 4, §1.

Public Hearing Testimony  
Glenmont Fire Station 18  
June 22/23, 2010

My name is Fire Chief Richie Bowers and I am here on behalf of County Executive Isaiah Leggett in support of the Special CIP Bill 21 10 Glenmont Fire Station 18 project.

The importance of this project is connected to a high priority county and state transportation project that will improve the intersection of Georgia Avenue and Randolph Road through the construction of a grade separated interchange. The transportation project will begin to address the significant number of 911 calls at this intersection. Emergency response data indicates that numerous personal injury collisions, pedestrians struck and other types of emergency incidents occurred at this intersection over the past several years. The road project will improve safety and provide relief for traffic congestion and pedestrian traffic. As a direct result of this project the present Glenmont Fire Station 18 will need to be relocated.

The Kensington Volunteer Fire Department owns the existing site and station and has operated and served the Kensington-Glenmont communities with pride, honor and distinction for many years. The State of Maryland and Kensington Volunteer Fire Department have held discussions regarding the State's purchase of the land. The state has offered fair market value for the property based on appraisals but no agreement has yet resulted from these discussions.

The state has indicated its preference that an agreement be established resulting in the timely relocation of the fire station. The relocated Glenmont Fire Station may be eligible for a Federal contribution disbursed through the state under the transportation project. However, this funding requires that the public safety facility be county-owned. The details pertaining to the Federal contribution are not yet finalized but the requirement that this be a publicly owned facility is certain. While this poses an outcome difficult for the Kensington volunteers to accept, the result will be a new, first class fire station *and* a much safer roadway interchange. The design of the Fire Station will meet the immediate and future emergency response needs of the densely populated community.

This project has a narrow window of opportunity for the crucial road project to be started and completed and for the Fire Station to be relocated and constructed. As the Fire Chief I cannot permit any interruption of emergency service delivery in the Kensington Glenmont areas. This project must continue to move forward.

As your Fire Chief and on behalf of the County Executive we appreciate your support and approval of this Special CIP project. Thank you!

**MONTGOMERY COUNTY VOLUNTEER FIRE RESCUE ASSOCIATION  
TESTIMONY - STATION 18 – KENSINGTON VFD  
BEFORE THE MONTGOMERY COUNTY COUNCIL - JUNE 22, 2010**

The Montgomery County Volunteer Fire Rescue Association and its members are having growing concerns at what appears to be some efforts in Montgomery County that threatens the Local Fire Rescue Department Volunteers rights of ownership and involvement in stations decisions. We are constantly making corrections to incorrect statements made about volunteer owned stations renovations or replacements rights. The failure to include Kensington VFD (KVFD) in the new Station 18, discussions is not equitable. It discourages all volunteers and adds to our concern. Today with the financial concerns of Montgomery County, volunteers are helping more and more. They continue to save the County millions of dollars. Therefore, volunteer rights of ownership and inclusion needs to be enforced and expanded, not ignored and prevented. Action needs to be very carefully considered that would place roadblocks or hinder volunteer contributions, rights, or participation.

For over 100 years, volunteers have worked hard to provide professional operating, administrative and auxiliary service. Additionally, they provide major financial contributions by providing the majority of stations, buying apparatus, and other needs without County tax funds. For many years, Volunteers have welcomed County participation in their stations without MOU's, or other such demands as are now required of volunteers for renovation or rebuilding of their stations. Nor has the County ever been charged rent for use of the volunteer stations. The changes to the volunteer owned stations are usually due to growing volunteer needs, apparatus, equipment changes, and/or needs and even career personnel requirements.

KVFD has owned Station 18 since 1953. Due to State road needs, that station is being eliminated. Previously, meetings took place with the State, County, and KVFD. KVFD properly exercised their ownership rights and concerns at specific meetings. Without any notification or inclusion of KVFD, the County is arranging for a new Station 18 with the State. This action ignores the 58 years of KVFD using their Station 18 to serve the County. This lack of courtesy and recognition cannot be justified by referring to loans or any other issues, We also believe KVFD inclusion is in line with the intent of Chapter 21.. Insuring this type of inclusion would be a benefit to the County, as in this case, KVFD could provide input as to what extended they wanted to be included and recognized in the new Station 18, and even possible funding assistance.

We sincerely hope that the County Council will recognize and insure the need for proper volunteer inclusion in these matters, thus insuring the protection and encouragement of volunteer participation in our Private/Public combined service. Thank you...

Marcine D. Goodloe, President  
Montgomery County Volunteer Fire Rescue Association

REMARKS OF  
 MICHAEL MCATEER, PRESIDENT  
 GLENMONT CIVIC ASSOCIATION, INCORPORATED  
 BEFORE THE  
 MONTGOMERY COUNTY COUNCIL  
 ON BILL NO. 21-10  
 JUNE 22, 2010

I am Michael McAteer, president of Glenmont Civic Association Incorporated (GCAI). Our association has represented Glenmont since 1993.

GCAI and the Glenmont Community are strongly opposed to Bill No. 21-10. This Bill would authorize an appropriation of over \$13 million to relocate the current Glenmont fire station, which is at the southeast corner of the Georgia Avenue and Randolph Road intersection.

Built in 1953, the fire station is owned by the Kensington Volunteer Fire Department. It is an historical Glenmont landmark with architectural significance. It was designed by a recognized master architect. It makes no sense to relocate the fire station because it is eminently functional and does not need replacing. It is ideally located to respond to emergencies in Glenmont and beyond.

Justification for relocating the fire station is that State Highway Administration (SHA) plans to build a new intersection at Georgia and Randolph. The fire station “is located on the planned intersection site.”

In recent years, GCAI has monitored vague plans for reducing traffic congestion at this intersection. If specific plans have emerged from SHA or the County, they have been written without community participation. GCAI and the Glenmont Community have never been given a voice in finding ways to increase traffic through this intersection. If they had been given an

opportunity, the Glenmont fire station would be the last thing we would give up in exchange for intersection improvements. In fact, we think the current fire station and intersection improvements can peacefully coexist.

What Bill 21-10 presents is **not** an opportunity for public participation in the planning, location and design of the Georgia Avenue/Randolph Road intersection. Rather, it provides funds to relocate the fire station when neither a site has been selected nor the fire station designed. The authors of Bill 21-10 have not made a case to Glenmont for a new intersection and a relocated fire station. Their planning process appears to have been done behind closed doors in a way that excluded the public in Glenmont.

Bill 21-10 is more than bad planning and poor communication with the public. It says any redesigned Georgia/Randolph intersection must take out the fire station. Fortunately, neither SHA nor the County can take action without their plan first being subject to review and recommendation by the Montgomery County Planning Board -- under Mandatory Referral.

Section 7-112 of the Regional District Act provides that “no road shall be located, constructed or authorized in the regional district until and unless the proposed location, character, grade and extent thereof has been submitted to and approved by the Commission.” Further, “the widening, extension, [or] relocation of any road in the regional district shall be subject to similar submission and approval.”

The purpose of this State law is not to give the Planning Board final say on roadway changes. Rather, it allows the public to review and comment on the sort of plans that seem to be under wraps – plans for relocation of the fire station and redesign of the Georgia/Randolph intersection.

SHA and the County may proceed contrary to recommendations from the Planning Board, but they **may not proceed** without first giving the Board an opportunity to provide Mandatory Referral advice. In the case of the SHA/County plans for changes in the Georgia/Randolph intersection, Mandatory Referral advice would be provided after the public has had an opportunity to review and comment on plans for the intersection.

Enacting Bill 21-10 at this time, when there has been no Mandatory Referral of the Georgia/Randolph intersection redesign, would be in direct violation of the Regional District Act.

I urge the Council to reject Bill 21-10 unless a specific plan for redesign of the Georgia Avenue/Randolph Road intersection has been through Mandatory Referral by the Planning Board.

Thank you.



**Kensington Volunteer Fire Department, Inc.**

P.O. Box 222, Kensington, MD 20895

301/ 929-8000

Fax 301/ 929-8008

#36-4

Organized 1899 ★ ★ ★ Incorporated 1925

**TESTIMONY OF  
KENSINGTON VOLUNTEER FIRE DEPARTMENT  
IN OPPOSITION TO  
BILL 21-10  
TO PROPOSE APPROPRIATING \$13+ MILLION FOR  
"GLENMONT FS-18 REPLACEMENT"**

**TESTIMONY PRESENTED BY  
STEVEN R. SEMLER, PRESIDENT, KVFD**

**EXECUTIVE SUMMARY**

Continuously since 1953, *Kensington Volunteer Fire Department* ("KVFD") has, and still currently, *owns and operates* Kensington Volunteer Fire Department Station 18. There is *no* "Glenmont Station 18" much less basis for characterizing this legislation as a "*Replacement*" for such an entity that does not even exist.

The *State* is forcing the destruction of current KVFD Station 18 at the intersection of Georgia Avenue and Randolph Road as part of a road reconstruction project. Multiple generations of KVFD volunteers have staffed KVFD Station 18.

**1. Chapter 21 ignored:** The policy of Chapter 21, Montgomery County Code, is to protect and preserve volunteer fire departments and to, at least, favor co-ownership of replacement firehouses. Sec. 21-26. The pending legislation disregards Chap. 21 as though it never even was enacted by this Council, let alone even exists, because the legislation utterly disregards the ownership of KVFD of firehouse Station 18 which sought to be replaced by the County as a County-owned Station, by this legislation. Existing law enacted by this Council expressly repudiates this attempt to blindside KVFD by appropriating money to replace a volunteer owned firehouse with a County owned firehouse and treating the legacy of our ownership -- and tens of thousands of man-hours of volunteer service, blood, sweat and tears -- as though it never existed! Indeed, nowhere in this legislation is KVFD even mentioned, and KVFD was not even warned, let alone notified of the introduction of this legislation. This attempted end run around the letter and spirit of Chapter 21 must be repudiated by this Council by withdrawing or defeating this proposed bill.

**2. Land not secured and availability in doubt:** The County is seeking appropriation of \$13 million to build a new firehouse on a proposed site which is owned by WMATA and upon which WMATA has, so far, refused to sell to the County apparently because of pending citizen court challenge to a new garage the County also wants to put on another part of this same parcel of land. We understand that if WMATA can't build the garage, it won't sell part of the designated parcel for a firehouse -- thereby leaving this Council in the untenable position of having appropriated \$13+ million for a firehouse but no place to build it!

Station 5  
10620 Connecticut Ave.  
Kensington, Maryland 20895  
301-929-8005



Station 18  
12251 Georgia Ave.  
Wheaton, Maryland 20902  
301-929-8018



Station 21  
12500 Veirs Mill Rd.  
Rockville, Maryland 20853  
301-929-8021



Station 25  
14401 Connecticut Ave.  
Layhill, Maryland 20906  
301-929-8025

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3. KVFD believes it can rebuild a replacement Station 18 at no cost to Montgomery County and thereby save the County the \$13+ million dollars. Therefore, KVFD believes that this bill would be an extravagant waste of money at a time that the County is out of money! This is so because this is an eminent domain dispute between the State and KVFD, for which the State owes eminent domain compensation to KVFD in exchange for the State's proposed destruction of KVFD's existing Station 18. With that compensation **from the State (not from the County)**, KVFD can build a new firehouse at zero cost to the County. Thus, even accepting the State's previous low-ball eminent domain offer to KVFD of approximately \$4 million (Attachment "1"), the current evidence indicates that KVFD can build with that sum *from the State* KVFD's own replacement Station 18 of approximately the same size as this Bill's proposed \$13+ million replacement:

- Example 1: Ocean City (MD) Volunteer Fire Department currently is building an 18,000 square foot five bay / ten apparatus firehouse for \$2.7 million. An artist's rendering of same, with floor plan and budget, is attached hereto at Attachment "2".
- Example 2: Brunswick (MD) Volunteer Fire Dept. is building a new five bay firehouse for \$2.4 million, under a grant awarded it by FEMA (Attachment "3").

It is patently abusive to the citizens of this County for this legislation to seek \$13+ million from the County coffers when KVFD should be able to get sufficient money from the State from eminent domain proceedings to build its own new firehouse at NO COST TO THE COUNTY. The County should stay out of this and allow KVFD to get money from the State to build a replacement firehouse and save the cash strapped County coffers the \$13+ million wastefully sought by this legislation.

4. Alternatively, if the County insists on building this new firehouse, KVFD believes, on the advice of counsel, that it can structure a transaction with the County to qualify the County to receive \$4 million from the Federal Government under the *Federal Functional Replacement Program* ("FFRP") (Attachments "1" & "4"). KVFD would do so in exchange for being given 50% ownership of the new firehouse, coupled with KVFD right of co-management and right to operate volunteer apparatus and equipment from that new facility. This would reduce the County's cost under its own proposal, by \$4 million! But, there has been no attempt by the County to dialogue us on this option.

**Executive Summary Conclusion:** This entire matter needs to be scrapped and redone from a fresh piece of paper. It abuses the law. It abuses the contributions of generations of Station 18 KVFD volunteers, and it flagrantly wastes County money when a new firehouse can be built at no cost to the County or, alternatively, with a \$4 million contribution from KVFD under the FFRP coupled with co-ownership by KVFD and the County.

## Background

### A. BRIEF HISTORY OF STATION 18

KVFD Station 18 was completed in 1953 to serve what was then the forming outer perimeter of the DC suburbs. It was a community center as well as a firehouse. It was designed by noted architect Ted Englehardt, who had designed the main terminal at national airport, parts of the University of Maryland and NIH campuses, among others. The dedication of the firehouse in 1953 was one of the largest events in Montgomery County history, attended by, adjusted for population increase, by the equivalent of 5000 citizens now, featuring a parade with over sixty pieces of fire apparatus (then most of the County's inventory), and high school bands. The building *has continuously served the County for the past 57 years, and currently*. For most of those years, Station 18 was staffed completely, or nearly completely, by volunteers through 2001.

At that time, the County asked KVFD to staff what has become 70% of the shifts at KVFD station 5 to help save the County money since Station 5 had more apparatus and was more costly for the County to staff in terms of cost of labor, thus achieving millions of dollars of payroll and benefits for the County. In fact, many volunteers currently at KVFD Station 5 originally volunteered at Station 18 and are the sons, grandsons, and even great-grandsons of KVFD volunteer firefighters who lived at Station 18. We cooperatively relocated volunteers to Station 5 to aid the County, but plan to incrementally restore volunteer operations at Station 18, including the addition of ambulance service there which does not now exist.

Indeed, KVFD's dynamic growth of our volunteer cadre will enable that goal – we now are providing volunteer apparatus manning hours at the rate of 70,000 hours per year, and *have over 100 applications in the pipeline for new volunteer EMTs and firefighters which will facilitate our volunteer expansion.* Taking away this KVFD Sta. 18 as a volunteer firehouse will destroy that legacy --indeed, will disrespect it – and destroy our plans for future service which, incidentally, would save the County a fortune in labor costs which is precisely the Council's objective in creating the volunteer-County fire service "partnership" which Ch. 21 MCC seeks to promote but which this proposed Bill utterly ignores. Our people, we respectfully remind the County, work only for the pride of service, and not for pay. This proposed legislation does violence to our hallowed history of community service out of KVFD-owned Station 18, by ignoring it as though it never existed, as indeed is radically demonstrated by the fact that the name "Kensington VFD" does not even appear anywhere in this proposed Bill 21-10. This intentional slight is an offence to the generations of KVFD Members who gave their blood, sweat and tears to the service of the community and still do so out of KVFD Station 5 and who yearn to return to Station 18 as the firehouse from which their fathers and grandfathers ran fire service calls as volunteers.

## **B. BRIEF HISTORY OF THE STATE'S EMINENT DOMAIN PROCEEDINGS AGAINST CURRENT KVFD STA. 18**

In 2005, the State of Maryland commenced condemnation proceedings against KVFD to destroy Station 18 due to the State Highway Administration's ("SHA") plan to build a new road interchange at Georgia Avenue & Randolph Road. In eminent domain proceedings the State offered KVFD \$1.2 million for value of the land upon which KVFD Sta. 18 sits, plus \$2.7 million in relocation costs. Because KVFD's appraiser valued the land-alone at \$3.0 million, we sought that higher amount for the land component. The State refused and sued us, but suddenly withdrew its lawsuit in 2006, and reimbursed us our \$60K in defense costs. After a lack of funding for construction of the State Road Project, led to a several year delay, the County has NOT contacted KVFD about Station 18 or about KVFD's role in its continuation. Instead, as a final slap in the face to KVFD's six-decades+ of service to the Community from Sta. 18, the subject Bill 21-10 – without any notice to KVFD – suddenly appeared for hearing on the County Council's docket a few weeks ago! Not only does the proposed legislation fail to mention KVFD; it offensively treats KVFD as though its legacy at Sta. 18 and its Members never had any part of Station 18, nor, even, that Sta. 18 ever existed!

### **Statement of Position Against Proposed Bill 21-10**

#### **I. BILL 21-10 IGNORES THE STATUTORY COMMITMENT OF THIS COUNCIL IN CHAP. 21, MCC, TO PRESERVE AND PARTNER WITH LFRDs.**

The very essence of the Council's objectives in enacting Chapter 21 of the County Code is preserve and enhance local fire and rescue departments ("LFRD's") in this County. Thus, a "combined system of public [DFRS] and private [LFRD's] resources is essential". Sec. 21-1(a) (emphasis added); that this relationship is intended to be a public and LFRD "*partnership ... which preserves community-based perspectives of the local fire and rescue departments.*" (emphasis added).

The law places on a higher level of protection stations which were built before 1980. Thus, LFRD stations which were built before 1980 remain LFRD stations (Sec. 21-26(a), while those built with tax funds after 1980 are titled to the County subject to the right of the LFRD to have shared title to new stations if they pay half of the cost of the new station (Sec. 21-26(b)). However, as to stations like KVFD Sta. 18 which were acquired before 1980, they "may be retained by local fire and rescue departments".

The subject proposed Bill 21-10 stands on its head the very legislative purpose underlying this Council's enactment of Ch. 21. For, the proposed appropriation Bill 21-10 ignores the purposes of the statute which is to protect LFRDs joint "partnership role" in providing fire protection in this County by, among other ways, preserving the scope of LFRD facilities from being transferred to the County, with special deference to LFRD stations such as KVFD Station 18 which were built before 1980. For here, there was no attempt by the County to engage KVFD in dialogue about KVFD ownership, or even co-ownership, of the proposed new firehouse after the State shelved its road plans years ago. This bill was just suddenly "popped" onto the County legislative agenda without any notice to or attempt to engage KVFD in dialogue about the new Station 18. Astonishingly, the proposed Bill 21-10 does not even mention Kensington Volunteer Fire Department – let alone the existence of KVFD Station 18 and its role in serving the community 24 x 7 x 365 days per year since 1953. And, the County did not even attempt to dialogue KVFD on a KVFD-purchased replacement or even a co-ownership replacement of Station 18. Such attempt here of statutory leapfrogging violates the entire purpose of partnering volunteer LFRDs in Chap. 21 to preserve volunteerism and save the County millions of dollars in costs since our volunteers work solely for the pride of service at effectively zero cost to this cash-strapped County.

Worse, compounding this affront to the Council's purposes in its enactment of Chap. 21, the proposed appropriation Bill 21-10, also attempts effectively to financially lockout any LFRD from replacing its own station by sandbagging it in this appropriation request Bill for a replacement station that costs more than 5 times what a replacement station should cost – doing so with not even an attempt to justify such extravagance which is unacceptable at any time and unconscionable in current times of financial straights in the County. No LFRD can compete with such extravagant proposals as that which is contained – without even a semblance of attempted explanation or justification in this proposed Bill 21-10. Bill 21-10 seeks \$13+ million for a firehouse – without the cost of land. Such a firehouse can cost \$2.7 million (see next section). Yet, by demanding, as it does in this proposal, \$13+ million for a firehouse that should cost \$2.7 million, KVFD the County is effectively attempting financially lock the LFRD out of the deal. Even worse, we have not even been provided with or any plans or even a depiction of the Station for which this \$13 million is sought to be appropriated.

**II. THE COUNTY IS INAPPROPRIATELY BEING ASKED BY THIS BILL 21-10 TO APPROPRIATE \$13+ MILLION FOR A FIREHOUSE FOR WHICH THE COUNTY HAS NOT EVEN ACQUIRED LAND OR A SITE, AND FOR WHICH NO CONSTRUCTION PLANS HAVE EVEN BEEN DISCLOSED!**

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This Council is being asked by this Bill 21-10, to appropriate \$13+ million dollars to build a firehouse for which *the County has not yet even secured a site to build it upon!* Moreover, we haven't even been provided with a proposed plan of the new firehouse and are utterly incapable of understanding how it possibly could cost as much as \$13+ million!

The failure of the County to have acquired the land for which it seeks to build a firehouse with this proposed appropriation is not coincidental: the County wants to acquire the land from WMATA, but WMATA does not want to sell the land for a firehouse unless it also can build a garage on the same site; but the garage go-ahead is stalled by litigation by a civic association. Thus, it is far from certain that the proposed site can be acquired, thereby putting this Council in the anomalous position of now being asked to appropriate \$13+ million to build a firehouse for which no home has been secured!

### **III. THE COUNTY SHOULD ALLOW KVFD TO BUILD A NEW FIREHOUSE FOR \$ZERO COST TO THE COUNTY**

The State, which has sought to condemn current KVFD Station 18 because it is in the path of a State proposed road construction project, has previously stated (attachment no. 1) that KVFD would be entitled to at least \$4 million from the State for eminent domain compensation due to the State's forced-destruction of present Station 18. Even if KVFD was to accept this minimal proposed sum from the State, KVFD should be able to build a beautiful new firehouse for \$2.7 million just like Ocean City Volunteer Fire Department is now doing. See artist's rendering, floor plan, and budget at attachment no. 2, for a five bay drive through station with each bay holding two pieces of apparatus (a total of 10 apparatus). Of course, the proposed replacement for Station 18, will not be required to hold nearly as many pieces of apparatus, but the point is that **a beautiful large new firehouse can be built by KVFD alone**, without any construction cost from the County, by KVFD using the proceeds the State has offered KVFD in the eminent domain proceedings. *This "eminent domain money" is money that KVFD could keep for itself but prefers to use to build a new firehouse for the County at no cost to the County.* How could the Council possibly responsibly appropriate \$13+ million (plus land) when **KVFD can build, and continue to own the replacement, at no construction cost to the County?**

This issue becomes magnified when the \$13+ million sought to be appropriated here is seen against the fact that County employees are being forced to take furloughs because of the County deficit. Why should the County spend \$13+ million when KVFD can build its own new firehouse for zero construction cost to the County?

This legislation should be rejected in favor of allowing KVFD to build a replacement to Sta. 18 on any site in the Glenmont area offered by the County. KVFD offers to do so, so long as KVFD is statutorily assured that 1) the new station would be continue to be known as Kensington Volunteer Fire Department, 2) KVFD's right to resume volunteer operations in such a new Station 18 is preserved, and 3) also is assured the right to have an equal voice in decisions affecting the firehouse.

Note that the \$2.7 million Ocean City firehouse construction budget is not a fluke estimate. It is consistent with a FEMA grant awarded just a week ago to Brunswick Maryland Volunteer Fire Department to build a new five-bay firehouse to FEMA construction standards, for \$2.43 million. See attachment no. 3.

### **IV. ALTERNATIVELY, THE BILL SHOULD BE REJECTED TO ALLOW KVFD AND THE COUNTY TO ATTEMPT TO STRUCTURE AN AGREEMENT FOR KVFD TO CO-OWN THE PROPOSED NEW STATION 18 THAT WOULD QUALIFY THE COUNTY FOR A \$4 MILLION CONTRIBUTION FROM THE FEDERAL GOVERNMENT UNDER THE "FEDERAL FUNCTIONAL REPLACEMENT PROGRAM"**

Under the Federal Functional Replacement Program ("FFRP"), 23 CFR 710.509 (attachment no. 4) the federal government will grant money, in lieu of eminent domain proceeds, for a government owned structure being destroyed for a public project if it is replaced with another government owned structure.

The State has advised that it can obtain a \$4 million grant from the federal government to be paid to the County if this transaction can be qualified under the FFRP (attachment no. 1).

Upon the advice of our legal counsel, KVFD believes it could join forces with the County to qualify the entire transaction under the FFRP, **to get the County a \$4 million grant from the federal government for the new firehouse**, providing that a binding agreement was reached specifying that 1) the new Station would be continue to be known as Kensington Volunteer Fire Department, 2) would be co-owned by KVFD and the County, 3) KVFD's right to resume volunteer operations in such a new Station 18 would be preserved, and 4) KVFD would have the right to have an equal voice in decisions affecting the firehouse.

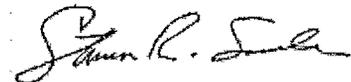
The essence of attempting to qualify the transaction for FFRP status would be to structure a transaction whereby the County would, through an agreement with KVFD, become the owner of the existing station being removed for a public purpose and that the County's status as public ownership of the replacement facility would be satisfied by the County's part ownership of the new structure along with KVFD. (The FFRP public ownership requirement does not state that the new facility must be 100% owned by the government. 23 CFR 710.509(b)(3)).

This alternative would reduce the County's cost of the project by \$4 million while serving the interests of both the County and KVFD.

### Conclusion

Bill 21-10 should be rejected. It violates Ch. 21 of the County Code because it ignores KVFD's historic ownership of Station 18 which should be allowed proudly to continue to flourish, as the County contemplated in Ch. 21. Further, this bill makes no sense because the County has not even acquired the proposed site for this new Station, and the future of this proposed site is, at best, uncertain. Moreover, KVFD can build a replacement firehouse at no construction cost to the County instead of the \$13+ million sought here in this proposed legislation. Alternatively, KVFD can cooperatively structure a transaction with the County to attempt to qualify the County for a \$4 million payment to the County under the Federal Functional Replacement program, in exchange for co-ownership of the new station which would continue to be known as KVFD Station 18.

Respectfully submitted:



Steven R. Semler, President, KVFD



Martin O'Malley, *Governor*  
Anthony G. Brown, *Lt. Governor*

Beverly K. Swaim-Staley, *Secretary*  
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

May 24, 2010

Mr. Steven R. Semler, President  
Kensington Volunteer Fire Department  
P.O. Box 222  
Kensington, MD 20895

Dear Mr. Semler:

Thank you for your letter related to the MD 97 (Georgia Avenue) at Randolph Road Interchange Construction project. The State Highway Administration (SHA) is pleased to respond to your inquiry.

Pursuant to your request under the Public Information Act, Maryland Code Ann. Gov't sections 10-611 – 10-628, the SHA is forwarding you the attached letter from SHA to Mr. Timothy L. Firestine, the Chief Administrative Officer of Montgomery County Government dated April 25, 2007. This letter is in reference to the functional replacement compensation for fire Station 18 due to the planned interchange of Georgian Avenue and Randolph Road. Since the search time for this information did not exceed two hours and electronic copies of the requested materials are being forwarded, there will be no fees for search and copying costs related to this request.

Thank you again for your letter. If we may be of further assistance, please do not hesitate to contact me or Mr. Jeffrey Folden, Acting Assistant Chief, Highway Design Division, SHA at 410-545-8814, toll-free 888-228-5003 or via email at [jfolden1@sha.state.md.us](mailto:jfolden1@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Kirk G. McClelland', is written over a faint, larger version of the same signature.

Kirk G. McClelland  
Deputy Director, Office of Highway Development

Enclosure

cc: Mr. Jeffrey Folden, Acting Assistant Chief, Highway Design Division, SHA

My telephone number/toll-free number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • [www.marylandroads.com](http://www.marylandroads.com)



24

07 FEB 16  
REAL ESTATE



Martha O'Malley, Governor  
Anthony Brown, Lt. Governor

John D. Porcari, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

April 25, 2007

Mr. Timothy L. Firestine  
Chief Administrative Officer  
Montgomery County Government  
101 Monroe Street  
Rockville, Maryland 20850

Dear Mr. Firestine:

On January 3, 2005, the State Highway Administration (SHA) entered into negotiations with the Kensington Volunteer Fire Department (VFD) to purchase the VFD's entire property located at the corner of MD 97 (Georgia Avenue) at Randolph Road. This proposed acquisition was necessitated by the planned interchange of Georgia Avenue and Randolph Road. The State began the negotiations by offering the VFD \$1.2 million as just compensation for the existing facility, along with potential relocation benefits. This offer included the depreciated value of the existing VFD facility.

After negotiations failed to produce a quick agreement, SHA requested approval from the Federal Highway Administration (FHWA) to compensate the VFD for a functional replacement of its building. This would allow the VFD to rebuild the facility, using today's materials and without a deduction for the depreciation of the existing facility. The FHWA approved SHA's request to compensate the VFD for a functional replacement, provided that the new building and land were owned by Montgomery County. Under federal rules for functional replacement compensation, the new facility must be owned by a governmental unit.

The SHA then commissioned a study to determine the cost to build a functional replacement for the existing VFD building. That cost was determined to be approximately \$4 million. The VFD presented a counter proposal that was significantly higher than SHA's offer. Presumably, the difference between the two figures can be attributed to upgrades that the VFD wishes to include in the new building, which would clearly be an improvement over the existing building. Under the federal functional replacement guidelines, however, SHA is not responsible to pay for any enhancements included in the replacement building.

My telephone number/toll-free number is 410-545-0400 or 1-800-206-0770

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • [www.marylandroads.com](http://www.marylandroads.com)

Mr. Timothy L. Firestine  
Page Two

The SHA and Montgomery County sent the VFD a joint letter on September 13, 2006. This letter requested that the VFD work with the County and SHA to reach an amicable agreement on this acquisition and relocation. The SHA would be responsible for the cost of a functional replacement of the existing building, and the VFD would negotiate with Montgomery County for funding of betterments to be incorporated into a new facility. The County and SHA have not yet succeeded in reaching an agreement with the VFD.

The SHA had filed condemnation to acquire the VFD property on June 24, 2005, and the matter was set for jury trial on January 29, 2007. This letter is to inform you that SHA has abandoned this condemnation action. There are several reasons for this decision, including that:

- as a result of previous postponements, the Circuit Court of Montgomery County would probably not grant another extension.
- under federal law, the plaintiff normally only needs to issue a "ninety (90) day letter," 49 CFR § 24.203(c), in order to require an occupant to vacate a property which is the subject of an eminent domain proceeding. The VFD facility is the only fire station in this fire protection district, however, and its use cannot be discontinued until either a replacement location is approved and a new facility is built or a temporary facility is in use. The SHA thus will be unable to use its powers of eminent domain to acquire possession of the VFD property for purposes of constructing the intersection improvements.
- the availability of, and approval for payment of, relocation expenses are distinct processes, which are not adjudicated in a condemnation proceeding. This means that, if the State were to prevail at trial, the court could not award any money to VFD for its relocation expenses.
- If the acquisition of the VFD property were to proceed to trial, and the court were to award VFD just compensation for its existing building and land, any possibility of treating this property as a candidate for functional replacement would be eliminated. Under 23 CFR § 710.509(b)(4), in order for SHA to consider VFD for payment for a functional replacement, VFD must waive any rights it may have to receive just compensation.

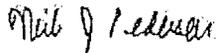
Under federal law, the cooperation of Montgomery County is required to satisfy FHWA that SHA's proffer of payment would be for a public use falling within the federal functional replacement rule. As noted earlier, that rule requires a governmental entity to own the functional replacement. Although the VFD performs a critical public purpose and receives funding for its maintenance and operations from Montgomery County, Montgomery County would not be a party to any eminent domain proceeding, because title to the VFD facility, as well as to the real estate on which it is located, is held exclusively by the VFD, which is a private, non-governmental organization. The unique circumstances of this case therefore dictate that the project cannot proceed until an agreement is in place that provides that Montgomery County will own both the land and the improvements for the relocated fire station, such that the federal functional replacement rule is satisfied.

Mr. Timothy L. Firestine  
Page Three

The SHA recognizes that the improvements to MD 97 and Randolph Road are a high priority for Montgomery County. The SHA remains willing to contribute \$4 million toward the relocation of the VFD building if the conditions on ownership referred to above are met and the land on which the current fire station is located is conveyed to SHA at no additional cost. Also, any betterment made to the VFD improvements, beyond the \$4 million, will not be the responsibility of SHA. It is the hope of SHA that an agreement can be reached between the VFD and the County that will allow for the successful relocation of the fire department and the construction of the much needed road improvements.

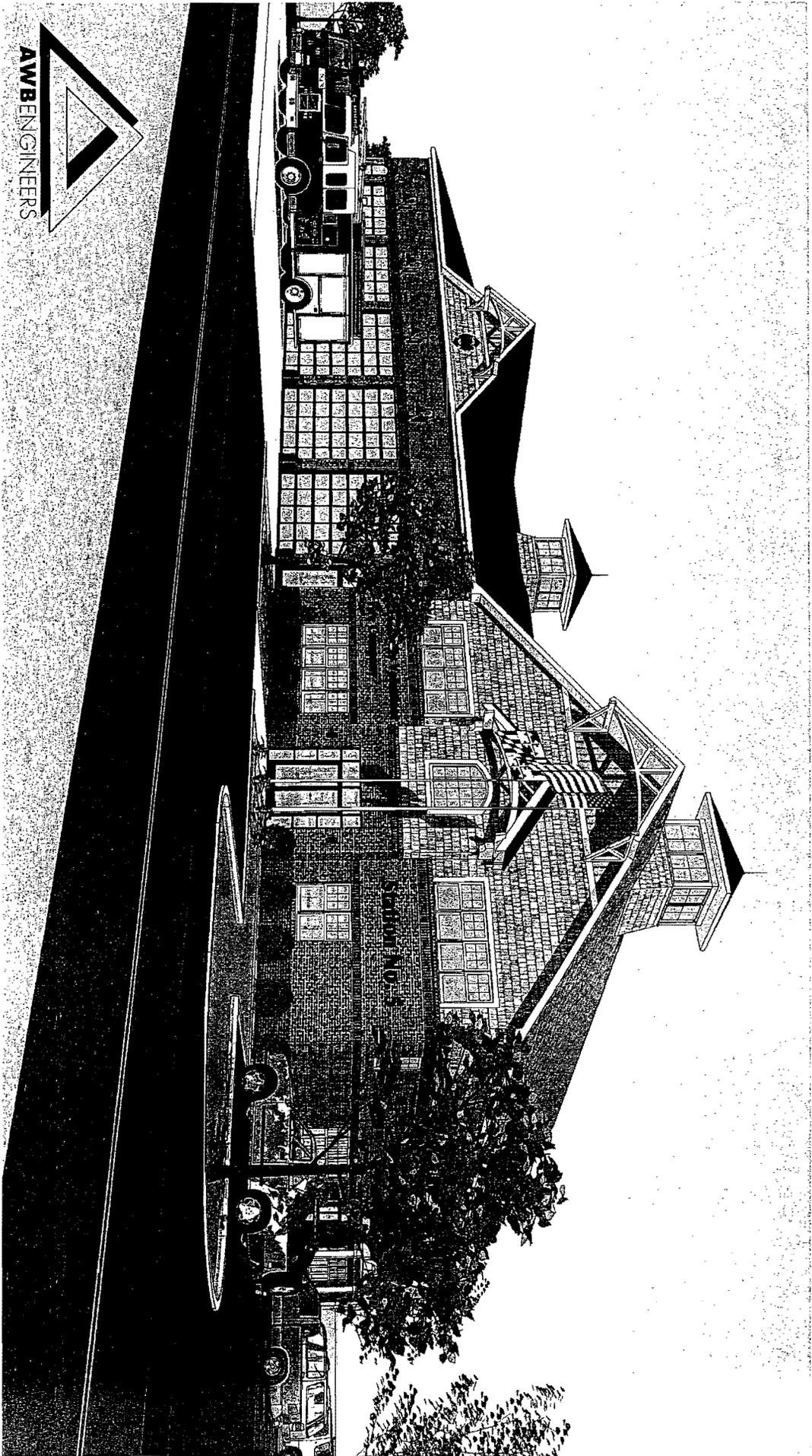
The SHA stands ready to work with the County to make this project happen. If you have any questions, please do not hesitate to contact Mr. Joseph M. Miklochik, Director of Real Estate, SHA at 410-545-2828, toll-free 888-204-4245 or via email at [jmiklochik@sha.state.md.us](mailto:jmiklochik@sha.state.md.us). SHA will be pleased to assist you. Of course, you should never hesitate to contact me directly.

Sincerely,

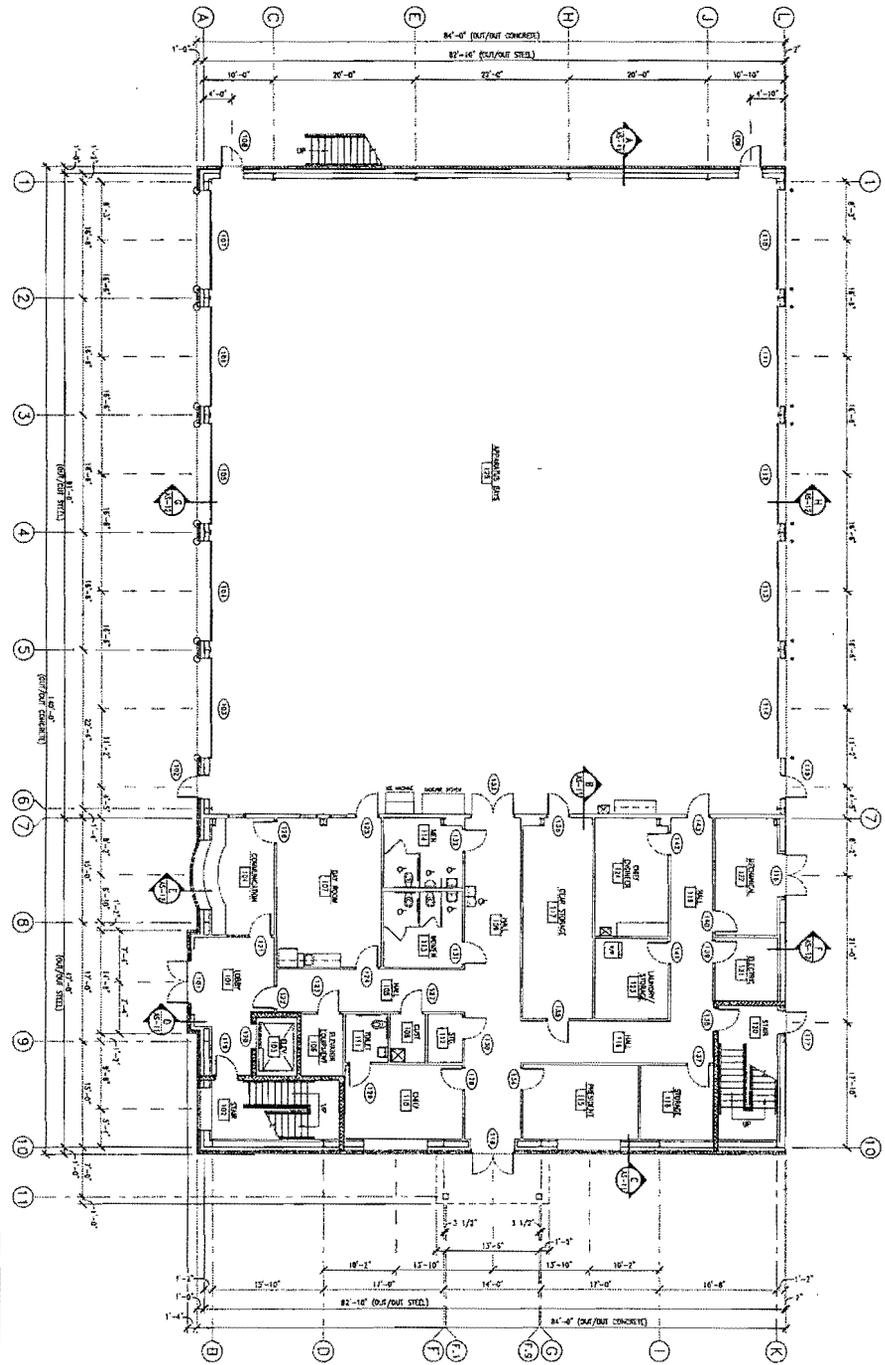


Neil J. Pedersen  
Administrator

cc: Mr. Thomas W. Carr, Fire Chief, Montgomery County Fire and Rescue Service  
Mr. Arthur Holmes, Jr., Director, Montgomery County Department of Public  
Works and Transportation  
Mr. Joseph M. Miklochik, Director of Real Estate, SHA



FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"



NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED HEREIN. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED HEREIN. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS.

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PROJECT	AS-5
DATE	12-15-09
DESIGNER	LSB
DRAWN	LSB
CHECKED	LSB
DATE	06/05/10
PROJECT	LSB-2

FIRST FLOOR PLAN  
2009 NEW FIRE STATION  
WEST OCEAN CITY, MARYLAND

OCEAN CITY  
VOLUNTEER FIRE CO.  
STATION 5



ENGINEERS/ARCHITECTS  
1443 WASHINGTON ROAD, WEST OCEAN CITY, MARYLAND 21851-1941  
PH: (410) 326-1234 FAX: (410) 326-1235



REVISIONS	
NO.	DATE

29



# OCVFC STATION #5 PROJECT GENERAL BUDGET

AS OF: 6/1/10

ITEM	DESCRIPTION	BUDGET AMOUNT	ACTUAL AMOUNT	VARIANCE AMOUNT
1	DEMOLITION	\$ 28,250	\$ 27,550	\$ (700)
2	NEW WATER SERVICE	\$ 150,000	\$ 214,000	\$ 64,000
3	ANTANNA RELOCATION	\$ 36,000	\$ -	\$ (36,000)
4	GENERAL CONTRACTOR	\$ 1,996,000	\$ 1,996,000	\$ -
5	FURNITURE, FIXTURE, EQUIP.	\$ 290,500	\$ 370,500	\$ 80,000
ADD	GEO-TECHNICAL SERVICES	\$ -	\$ 10,000	\$ 10,000
ADD	BOC INTEREST	\$ -	\$ 32,165	\$ 32,165
ADD	OWNRER'S REP.	\$ -	\$ 10,000	\$ 10,000
				\$ -
				\$ -
	TOTAL	\$ 2,500,750	\$ 2,660,215	\$ 159,465

NOTE: Plus A&E Fee

## Fire department gets \$2.4 million for new station

June 9, 2010 - 4:39am

Brunswick ----Brunswick Volunteer Fire Co. is receiving \$2.43 million for the construction of a new fire station.

U.S. Rep. Roscoe Bartlett, R-6th, announced the company's grant application to the Department of Homeland Security has been approved. Official notification is expected within the next few days.

"It's totally overwhelming for the entire department for us to receive this award," Brunswick Fire Chief Roy Lipscomb said.

The funds will be used to construct a station with five drive-through bays off Route 17 at the Brunswick Crossing development, he said.

It will replace the company's two stations and allow the operation to be under one roof.

The fire company is planning to borrow another \$1.3 million to construct a social hall.

Bartlett's office received notification of the approval through congressional sources, spokeswoman Lisa Wright said.

The Frederick Republican said in a statement that volunteer companies are the backbone of small towns.

"This \$2,431,161 grant brings federal taxpayers' money back to Frederick County to provide the Brunswick Volunteer Fire Department with an improved station that will better protect its firefighters as well as all of the residents and workers in Brunswick and southern Frederick County's homes and businesses," Bartlett said.

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by Meg Tully @ The Frederick News-Post

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## TITLE 23--HIGHWAYS

### CHAPTER I--FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

#### PART 710\_RIGHT-OF-WAY AND REAL ESTATE--Table of Contents

##### Subpart E\_Property Acquisition Alternatives

#### Sec. 710.509 Functional replacement of real property in public ownership.

(a) General. When **publicly owned real property**, including land and/or facilities, **is to be acquired for a Federal-aid highway project, in lieu of paying the fair market value for the real property, the State may provide compensation by functionally replacing the publicly owned real property with another facility which will provide equivalent utility.**

(b) Federal participation. Federal-aid funds may participate in functional replacement costs only if:

(1) Functional replacement is permitted under State law and the STD elects to provide it.

(2) The property in question is in **public ownership** and use.

(3) The replacement facility will be in public ownership and will continue the public use function of the acquired facility.

(4) The State has informed the agency owning the property of its right to an estimate of just compensation based on an appraisal of fair market value and of the option to choose either just compensation or functional replacement.

(5) The FHWA concurs in the STD determination that functional replacement is in the public interest.

(6) The real property is not owned by a utility or railroad.

(c) Federal land transfers. Use of this section for functional replacement of real property in Federal ownership shall be in accordance with Federal land transfer provisions in subpart F of this part.

(d) Limits upon participation. Federal-aid participation in the costs of functional replacement are limited to costs which are actually incurred in the replacement of the acquired land and/or facility and are:

(1) Costs for facilities which do not represent increases in capacity or betterments, except for those necessary to replace utilities, to meet legal, regulatory, or similar requirements, or to meet reasonable prevailing standards; and

(2) Costs for land to provide a site for the replacement facility.

(e) Procedures. When a State determines that payments providing for functional replacement of public facilities are allowable under State law, the State will incorporate within the State's ROW operating manual full procedures covering review and oversight that will be applied to such cases.

5

REMARKS OF  
Rev. Ellis Moore, Pastor  
Georgia Avenue Baptist Church  
Before the  
Montgomery County Council  
On Bill No. 21-10  
June 22, 2010

Greetings:

My name is Ellis Moore, Pastor of Georgia Avenue Baptist Church, 12525 Georgia Avenue, Glenmont, MD, 20906. Georgia Avenue Baptist Church is composed of 943 plus members who have worshipped in the above location for 57 years. We enjoy the peace and quiet afforded by our location in the Glenmont area.

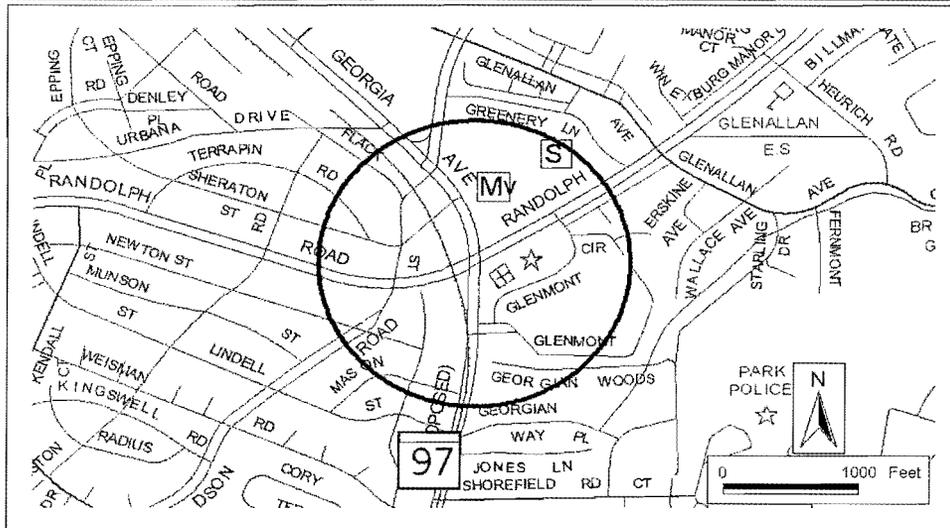
The church membership and I are opposed to the construction and relocation of the Glenmont Fire House on the adjacent property across from Georgia Avenue Baptist Church. We are concerned about the increased noise and traffic the proposed fire house would bring.

We appeal for you to reconsider the fire house relocation.

Thank You,



Rev. Ellis Moore, Pastor  
Georgia Avenue Baptist Church  
12525 Georgia Avenue  
Glenmont, MD 20906  
301 946-1331



**PROJECT:** MD 97, Georgia Avenue

**DESCRIPTION:** Construct interchange improvements at Randolph Road. Sidewalks will be included where appropriate. Wide curb lanes will accommodate bicycles.

**JUSTIFICATION:** This project would relieve congestion at the existing intersection.

**SMART GROWTH STATUS:**

- Project Not Location Specific or Location Not Determined
- Project Within PFA
- Grandfathered
- Project Outside PFA; Subject to Exception
- Exception Approved by BPW/MDOT

**ASSOCIATED IMPROVEMENTS:**

InterCounty Connector (Line 1)

Federal Funding By Year of Obligation						
PHASE	FFY 2010	FFY 2011	FFY 2012	FFY 2013	FFY 2014 - 2015	FEDERAL CATEGORY
PP	0	0	0	0	0	----
PE	0	0	0	0	0	----
RW	0	0	0	0	0	----
CO	1371	0	0	0	0	STP

**STATUS:** Engineering and Right-of-way underway. Construction for advanced utility work underway. Construction for the overall project will begin in FY14. County to provide \$14.4 million for Right-of-way and Advanced Utilities. The cost shown is SHA share only.

**SIGNIFICANT CHANGE FROM FY 2009 - 14 CTP:** The cost decrease of \$18.8 million is due to more detailed Right-of-way and Construction estimates, a favorable bid price and reduced inflation.

PHASE	POTENTIAL FUNDING SOURCE: <input checked="" type="checkbox"/> SPECIAL <input checked="" type="checkbox"/> FEDERAL <input type="checkbox"/> GENERAL <input type="checkbox"/> OTHER										
	PROJECT CASH FLOW										
	TOTAL ESTIMATED COST (\$000)	EXPEND THRU 2009	CURRENT YEAR 2010	BUDGET YEAR 2011	FOR PLANNING PURPOSES ONLY					SIX YEAR TOTAL	BALANCE TO COMPLETE
Planning	1,097	1,097	0	0	0	0	0	0	0	0	0
Engineering	4,910	3,793	267	340	330	180	0	0	1,117	0	0
Right-of-way	15,550	2,414	1,346	5,640	6,150	0	0	0	13,136	0	0
Construction	40,941	0	1,323	340	0	0	12,176	16,261	30,100	10,841	0
Total	62,498	7,304	2,936	6,320	6,480	180	12,176	16,261	44,353	10,841	0
Federal-Aid	8,209	3,423	2,355	1,954	351	126	0	0	4,786	0	0

**FUNCTION :**

STATE - Other Principal Arterial

FEDERAL - Other Principal Arterial

STATE SYSTEM : Secondary

**DAILY TRAFFIC : (USAGE IMPACTS)**

CURRENT (2009) - 52,500

PROJECTED (2030) - 59,100

OPERATING COST IMPACT: N/A

36



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Office of the Chairman, Montgomery County Planning Board

December 23, 2004

Kirk McClelland, Chief  
OHD Highway Design  
State Highway Administration  
Maryland Department of Transportation  
Mail Stop C-102  
707 N. Calvert Street  
Baltimore, MD 21202

RE: MD97 (Georgia Avenue) at Randolph Road Interchange  
Contract No. MO854B21  
Mandatory Referral No. 04815-SHA-1

Dear Mr. McClelland:

The Planning Board reviewed the MD 97 (Georgia Avenue) at Randolph Road Interchange project at our regularly scheduled meeting on December 9, 2004, and approved the Mandatory Referral with the comments noted below.

We would like to express our appreciation for the thoughtful, and hard work your staff has done in achieving a design that balances the needs of drivers, pedestrians, and bicyclists in such a constrained location. We believe that this attractive project will be a great asset to Montgomery County.

We offer the following detailed comments:

1. Revise the traffic signal warrant analysis for the intersection of Randolph Road and Livingston Street to include traffic volumes from 6:00 a.m. to 7:00 am and 7:00 p.m. to 8:00 p.m., and evaluate traffic signal warrants 5, 6, and 7.
2. Work with the affected property owners to ensure that building the planned private street in the northeast quadrant of the Georgia Avenue/Randolph Road intersection is not made more difficult by the proposed utility relocation.
3. Construct additional sidewalks in the northeast and southeast quadrants of the Georgia Avenue/Randolph Road intersection to improve pedestrian comfort.
4. Ensure that all ramps for the off-road bikeways are the same width as the bikeways leading up to them.

Kirk McClelland

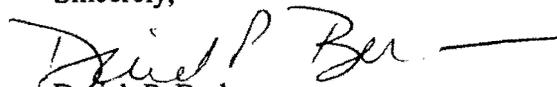
12/23/2004

Page 2

5. Post signs prohibiting pedestrians from crossing the west leg of Randolph Road at Glenmont Circle.
6. Provide an accessible crosswalk on the south leg of Georgia Avenue at Sheraton Street, or prohibit the crossing and provide a crosswalk on the south leg of the Layhill Road intersection.
7. Consider providing raised medians along Georgia Avenue within the project limits to defer mid-block crossings.
8. Provide lighting levels that meet the recommendations of the International Illuminating Society of North America.
9. Provide a second row of street trees behind the proposed sidewalk in the northeast and southeast quadrants of the Georgia Avenue/Randolph Road intersection. Work with the property owners south of the intersection to see if they will allow a second row of trees to be planted behind the sidewalk on their property.
10. Provide additional landscaping in all four corners of the intersection to enhance the look of this important intersection.
11. Consider providing an information panel adjacent to the sidewalk at the proposed bio-retention area explaining how the facility works to serve as a public educational tool.

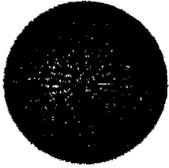
Thank you again for your good work on this much-needed project and we look forward to continuing to work with you on other projects. If you have any questions or comments concerning our review, please call Larry Cole at 301-495-4528.

Sincerely,

  
Derrick P. Berlage  
Chairman

DPB:LC:gw

ltr to McClelland re MR MD97-Randolph Road interchange



December 3, 2004

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**VIA:** Jeffrey Zyontz, Chief  
Countywide Planning Division

Richard C. Hawthorne, Chief *REH*  
Transportation Planning

Khalid Afzal, Team Leader *KA*  
Community-Based Planning

**FROM:** Larry Cole: 301-495-4528, for the Park and Planning Department *LC*

**PROJECT:** MD97 (Georgia Avenue) at Randolph Road Interchange  
Contract No. MO854B21

**REVIEW TYPE:** Mandatory Referral No. 04815-SHA-1

**APPLICANT:** Maryland State Highway Administration

**APPLYING FOR:** Plan Approval

**COMMUNITY-BASED PLANNING TEAM AREA:** Georgia Avenue

**RECOMMENDATION:** Approval with comments to the State Highway Administration (SHA) and the Department of Public Works and Transportation (DPWT).

Staff recommends that the Board approve the proposed project (see Attachment 1: Location Map) with the following comments to SHA:

1. Revise the traffic signal warrant analysis for the intersection of Randolph Road and Livingston Street to include traffic volumes from 6-7am and 7-8pm and evaluate traffic signal warrants 5, 6, and 7.

2. Work with the affected property owners to ensure that building the planned private street in the northeast quadrant of the Georgia Avenue/Randolph Road intersection is not made more difficult by the proposed utility relocation.
3. Construct additional sidewalks in the northeast and southeast quadrants of the Georgia Avenue/Randolph Road intersection to improve pedestrian comfort.
4. Ensure that all ramps for the off-road bikeways are the same width of the bikeways leading up to them.
5. Post signs prohibiting pedestrians from crossing the west leg of Randolph Road at Glenmont Circle.
6. Provide an accessible crosswalk on the south leg of Georgia Avenue at Sheraton Street, or prohibit the crossing and provide a crosswalk on the south leg of the Layhill Road intersection.
7. Consider providing raised medians along Georgia Avenue within the project limits.
8. Provide lighting levels that meet the recommendations of the International Illuminating Society of North America.
9. Provide a second row of street trees behind the proposed sidewalk in the northeast and southeast quadrants of the Georgia Avenue/Randolph Road intersection. Work with the property owners south of the intersection to see if they will allow a second row of trees to be planted behind the sidewalk on their property.
10. Provide additional landscaping in all four corners of the intersection to enhance the look of this important intersection.
11. Consider providing an information panel adjacent to the sidewalk at the proposed bio-retention area explaining how the facility works to serve as a public educational tool.

*Staff also recommends that the Board send a letter to DPWT requesting a reconsideration of their previous disapproval of the traffic signal at Randolph Road and Livingston Street.*

**PREVIOUS BOARD ACTION:**

The Planning Board reviewed the Project Planning report on March 2, 2002, and concurred with SHA's recommended design concept, which was the same as that shown in the Glenmont Sector Plan. The current design of this project is consistent with that concept.

## **PROJECT DESCRIPTION**

This project would construct a grade-separated interchange at the intersection of Georgia Avenue (MD97) and Randolph Road. All turning movements would take place at the current level of Georgia Avenue. The Randolph Road through lanes would be depressed under a bridge carrying Georgia Avenue.

The project limits are from Mason Street to Layhill Road (MD182) along Georgia Avenue, and from west of Judson Road to east of Glenmont Circle along Randolph Road. Seven-foot-wide sidewalks with eight-foot-wide landscape panels would be provided throughout the project, with the exception of the north side of Randolph Road, where an eight-foot-wide off-road bikeway with a seven-foot-wide landscape panel would be provided. A ten-foot-wide off-road bikeway would be provided in addition to the sidewalk along the west side of Georgia Avenue as an extension of the Glenmont Greenway.

Five-foot-wide on-road bike lanes would be provided along Georgia Avenue. On-road bike accommodation would be provided along Randolph Road via fourteen-foot-wide shared use lanes.

## **STAFF ANALYSIS**

The proposed improvements are critically needed at what is one of the county's most congested intersections. With the recent funding of the proposed interchange at MD 355 and Montrose Parkway/Randolph Road, the subject project moves to the top of the County's priority list for State funding for roadway construction, and the second construction priority overall, after the second Glenmont Metro Station parking garage.

Staff has worked closely with SHA during the development of this project, from the project planning to the current semi-final plan stage. SHA began the project using the concept that was outlined in the Glenmont Sector Plan and has continued to refine the design to ensure that the Master Plan-recommended pedestrian and bicycle accommodation is provided to the greatest extent possible in a very constrained right-of-way. In addition, SHA proposes to construct a 1,000-foot extension to the Glenmont Greenway. This extension would provide a great enhancement to the area.

Staff believes that SHA has done a very good job balancing the competing issues in a very tight urban area.

## **Comparison of Impacts, Planning Phase vs. Design Phase**

The chart below shows the impacts that were originally anticipated during the planning phase and those currently anticipated. The greater area of impact shown for the current design reflects SHA's agreement to follow the Master Plan streetscape recommendations for greater sidewalk and landscape panel widths rather than the standard widths reflected in the planning concept summary.

The area of impact is greater in regard to future parkland on the Old Glenmont School site (the Glenmont Greenway extension), but staff believes that this is desirable to achieve a greater landscaped offset that would result in better sidewalk and Greenway facilities. The other impacts listed on the chart, the residential and commercial displacements, are actually less than were anticipated during the planning phase.

	Anticipated During Planning Phase	Anticipated with Current Design
Right-of-Way Impacts (Acres)	2.9	4.2
Displacements		
Residential (No.)	(2)	(0)
-2403 Randolph Road	Total Take	Temporary Impact
-12306 Grandview Ave.	Total Take	Partial Take
Business (No.)	(4)	(2)
- Glenmont Auto Service	Total Take	Total Take
- Amoco	Total Take	Total Take
-Exxon/Mobil	Total Take	Partial Take
-Chevy Chase Bank	Total Take	Partial Take
Other (No.)	(1)	(1)
Kensington Volunteer Fire Dept.	Total Take	Total Take
Historic/Archeological Resources	None	None
Parkland (Acres)		
Old Glenmont School Site		
-Temporary	0.25	0.61
-Permanent	0.55	0.63
Glenmont Greenway		
-Temporary	0	0
-Permanent	0.006	0.002

Three properties would be taken in their entirety to construct the proposed interchange. The Amoco/BP gas station at the northeast corner of the Georgia/Randolph intersection, and Glenmont Auto Service further east, would be taken because the space needed to construct the permanent improvements would adversely affect their operations to a point that they would not be able to stay in business. The fire station at the southeast corner of the intersection would be taken because it is in the space needed to construct a temporary detour roadway and because of accessibility problems that would exist during and after construction since the entrance to the station right now points to the middle of the existing intersection. SHA is working with the Kensington Volunteer Fire Department on the relocation/replacement of this facility.

### **Bicyclist and Pedestrian Accommodation**

The sidewalks and trails would be provided at the width recommended in the Glenmont Transit Impact Area and Vicinity Sector Plan (September 1997), seven feet and eight feet, respectively.

The recommended landscape panels with street trees would also be provided with five localized exceptions: one to avoid taking a home on Randolph Road west of Georgia Avenue, two east of the intersection at the police station and at Chevy Chase bank to avoid conflicts with the existing buildings, one on Georgia Avenue south of the intersection where it is constrained by a Metro airshaft, and one on Georgia Avenue north of the intersection to avoid taking a gas station.

The recommended sidewalk/bikeway widths are intended to ensure that pedestrians and bicyclists can comfortably move about the Metro station and commercial area, which is expected to see redevelopment. The landscape panels are important to ensure that pedestrians and bicyclists feel comfortable being adjacent to major highways and as an aesthetic enhancement that will assist in the area's redevelopment.

*Staff recommends that SHA ensure that all ramps for the off-road bikeway are the same width of the bikeways leading up to them*, so that we do not create pinch points at intersections.

The following is a description of the pedestrian accommodation at each intersection within the project limits.

### **Georgia Avenue/Randolph Road**

Striped crosswalks and pedestrian signals would be provided in all quadrants of the intersection. The crosswalks are well oriented, balancing the desire to provide the shortest crossings possible with the need to keep pedestrians in the driver's view. A design change that is planned but is not yet shown would shift the crosswalks at the two free-right turn lanes farther back so that pedestrians would cross behind the first vehicle waiting to turn. This would eliminate the need for drivers to keep their eyes on both on-coming traffic and pedestrians, and staff believes that this would improve safety for pedestrians.

Since the Glenmont Greenway and extension would be on the west side of the intersection, and the fire station and gas station properties on the east side of the intersection would be purchased, a rare opportunity would be created for the public to create a coordinated, attractive, pedestrian-friendly environment at all four corners of the intersection of two high-volume roads.

*Staff recommends that additional sidewalks be constructed in the northeast and southeast corners* to allow pedestrians to "cut-the-corner" and stay farther away from the busy intersection (see Attachment 2). These sidewalks would partially duplicate the "dual path" condition of the Glenmont Greenway on the other side of Georgia Avenue and better enable the project to create a consistent level of landscaping on all four corners of this important gateway.

### **Randolph Road at Judson Road and Grandview Avenue**

The proposed grade of the Randolph Road lanes leading to the Georgia Avenue underpass would prevent left turns to and from both Grandview Avenue and Judson Road, which would be restricted to right-in/right-out only. All access across Randolph Road at these intersections would be prohibited. (See Attachment 3).

SHA's staff has stated that they are open to installing a new traffic signal at Randolph Road and Livingston Street, which is west of Judson) to mitigate the loss of access caused by the significant restrictions at these two streets and the permanent detours that will be required for some residents. The signal would improve vehicular accessibility for residents of the neighborhood and would give pedestrians a signal-controlled crossing of Randolph Road on a street that leads directly to the Glenmont Metro Station. This signal was recommended in our Glenmont Concept Plan Pedestrian Circulation Study, published in October 1999.

DPWT Traffic staff has objected to the installation of a traffic signal at Livingston Street because the only warrant that SHA showed being met is specifically limited to unusual conditions such as office complexes, manufacturing plants, and industrial complexes that attract or discharge large numbers of vehicles over a short period of time. Staff believes that the end-of-the-line Glenmont Metro Station and its 1,800-space parking garage may be considered as a similarly unusual condition. The addition of a second 1,200-space parking garage at the Metro Station, noted as the County's highest priority above, could further increase the peak traffic flows in this area. Pages five and six from SHA's signal warrant analysis are included as Attachment 4.

The Four-Hour Vehicular Volume warrant was only four cars short in the fourth highest hour (6-7pm) of the 60 vehicles per hour minimum needed to justify the signal, whereas the peak hour (7-8am) is far in excess of the minimum at 150 vehicles per hour. Staff believes that since this peak hour was the earliest in the day the traffic counts were taken and that the last hour of the day almost met the minimum, SHA should expand the traffic counting period by at least an hour on either end to see if this warrant can be met.

Warrant 5, for school crossings, is noted in the report as being not applicable but staff believes that this should be evaluated. Wheaton High School's student area straddles both sides of Randolph Road west of Georgia Avenue. While there is a traffic signal at the intersection of Dalewood Drive on the west end of the school site, there is no other traffic signal in the one-mile distance along Randolph Road between the school and Georgia Avenue. High school students are expected to walk up to two miles to get to school, per Montgomery County Public Schools policy, and a crossing at Livingston Street would be the safest viable option.

Warrants 6 and 7, for a coordinated signal system and for crash experience, were not evaluated but staff recommends that they be evaluated to see whether these warrants would be met and further justify the installation of a traffic signal.

While they are within the limits of the project, both Randolph Road and Livingston Street are County streets and any changes require DPWT's consent. Because of DPWT's objection, SHA's current design does not include the signal but they have said that they can include it if DPWT drops its objection. SHA staff reports that they have received quite a bit of public comment in support of the signal.

One of the citizens' concerns is that the interchange would eliminate the gaps in the traffic flow that now exist when Randolph Road traffic stops at the red light. These gaps are used by pedestrians to cross Randolph Road at Livingston Street. Once traffic is free flowing and the gaps are reduced, the pedestrian crossing may become both more difficult and more hazardous.

The Livingston Street intersection is only three blocks from the Glenmont Metro Station and has bus stops whose patrons need to be safely accommodated. Staff believes that all reasonable measures must be undertaken to improve pedestrian safety and accessibility to transit and a traffic signal at Livingston Street would significantly advance those objectives. While the subject of this Mandatory Referral is a SHA project, the decision on whether to provide this signal is in DPWT's hands.

*Staff recommends that the Board request that DPWT reconsider its disapproval of the traffic signal at Randolph Road and Livingston Street.* If DPWT does not permit SHA to install the traffic signal following SHA's revision of the traffic signal warrant analysis, staff believes that DPWT should determine what other traffic control devices are needed to ensure that pedestrians will have sufficient, safe opportunities to cross Randolph Road during rush hour.

#### **Randolph Road at Glenmont Circle and the Shopping Center Entrance**

Striped crosswalks would be provided on the north, south, and east legs of the intersection. A striped crosswalk will not be provided on the west leg because the configuration of the entrance to the underpass would make it difficult for pedestrians to understand which way to look for oncoming traffic. To ensure that pedestrians understand that it is unsafe to cross this leg, *staff recommends that signs be posted prohibiting the crossing.*

### **Georgia Avenue at Mason Street**

This unsignalized intersection would be made handicapped-accessible, but not to Americans for Disabilities Act Best Practices guide recommendations. Single ramps that point to the center of the intersection are used rather than the recommended dual ramps that provide better guidance for blind persons. This intersection is the main crossing point between the apartments on the east side of Georgia Avenue and the recreational facilities on the west side of Georgia Avenue. A striped crosswalk would be provided across Georgia Avenue, most likely on the north side of the intersection.

### **Georgia Avenue at Sheraton Street and at Layhill Road**

The intersection at Sheraton Street is not proposed to be made handicapped accessible nor are crosswalks proposed. Sheraton Street lies roughly 350 feet from the Layhill Road intersection and 450 feet from the Randolph Road intersection. SHA does not want pedestrians to cross here because the intersection is unsignalized and because of the large volumes of traffic. The plans provide for drivers to make left turns into and out of the shopping center driveway, however Sheraton Street is restricted to right-in/right-out.

Even if we accept that pedestrians would have to cross at the nearest signalized intersection, they cannot do so easily. The south leg of Layhill Road does not have a striped crosswalk because of the large amount of southbound left-turning traffic from Layhill Road. Therefore, crossing at this intersection would require that three legs of the intersection be crossed rather than the leg that is closest, a trip that would be 450 feet longer than crossing at Sheraton Street. The rule-of-thumb is that pedestrians are generally unwilling to walk more than 300 feet out of their way to get to a crosswalk. Even with the conditions as they are now, pedestrians do cross at Sheraton Street, including to the bus stop on the east side of Georgia Avenue. Staff believes that they must be given reasonable accommodation.

*Staff recommends that an accessible crosswalk be provided at least on the south leg of Georgia Avenue at Sheraton Street, or that the crossing be prohibited and a crosswalk be provided on the south leg of the Layhill Road intersection.* If an accessible crosswalk is not provided at Sheraton Street, the bus stop at this intersection should be moved to the nearest accessible crossing.

### **Georgia Avenue Medians**

The medians on Randolph Road are narrow and the grade change at the approaches to the underpass makes mid-block pedestrian crossings of Randolph impossible. Mid-block crossings would still be possible on Georgia Avenue however, since it would have wider, flat, landscaped medians.

*Staff recommends that SHA consider providing raised medians on Georgia Avenue to deter mid-block crossings.* Such mid-block crossings are not known to be a problem in this area currently, but staff believes that raised medians should be considered on all divided major highways in urban areas to prevent such problems from occurring. Examples of slightly raised medians exist along Wisconsin Avenue in Bethesda and along Georgia Avenue in Silver Spring, between Wayne Avenue and Colesville Road, which was recently constructed in connection with the signalized pedestrian crossing between the Discovery Building and Ellsworth Drive. These medians have proved successful in deterring mid-block crossings without negatively impacting the aesthetics of the areas involved.

### **Glenmont Greenway**

SHA is proposing to construct a 1,000-foot extension to the 1,200-foot Glenmont Greenway that exists along the west side of Georgia Avenue from Randolph Road to Urbana Drive (one block north of Layhill Road) over the Metro tunnel. The Greenway exists as a Park facility that is separate from the sidewalk that runs along the west side of Georgia Avenue, varying in width, but generally about 100-feet-wide. The facility consists of a ten-foot-wide bikeway with pedestrian-scale lighting and still-immature shade trees.

The extension south of Randolph Road would be constructed on land that is now titled to Montgomery County, but the Greenway would be operated by Parks after construction. The land has two major facilities, the Glenmont School, now used by the Conservation Corps, and a baseball field that is used by the Wheaton Boys and Girls Club. While the Greenway would come quite close to the baseball field, and the construction would require the temporary closure of the field, the permanent operation of the field would be unaffected.

The Glenmont School has been proposed to be rehabilitated as new facilities for the Conservation Corps, as well as housing Victory Youth and possibly a day care center. Should this change in use go through, the Greenway would be constructed completely offset from the road and the sidewalk through the entire length of the extension. If the current use stays in place, the Greenway would have to share the proposed seven-foot-wide sidewalk for a distance of about one hundred feet.

While SHA would be constructing both the bikeway pavement and landscaping for the Greenway extension free of charge to M-NCPPC, some contribution would be needed for lighting the path. SHA is limited to spending \$2,500 per pole for pedestrian lighting. Staff estimates that our share of the cost for the eleven proposed light poles along the Greenway extension will be \$33,000, to be paid for under our Cost-Sharing Non-Local PDF No. 761682. Our actual cost will depend on the bid prices of SHA's contractor for the project, as selected under the state's competitive procurement process. SHA will prepare a Memorandum of Understanding for our review and approval, which will include the cost sharing provision as well as the maintenance of the Greenway.

## **Bicyclist Accommodation**

### Off-Road Bike Accommodation

Off-road bike accommodation would be provided via the proposed bikeway along the north side of Randolph Road and the Glenmont Greenway, including the extension, along the west side of Georgia Avenue.

### On-Road Bike Accommodation

On-road bike accommodation is not called for in either the Glenmont Sector Plan or the Planning Board Draft of the Countywide Bikeways Functional Master Plan, but SHA proposes to include such facilities along both these roads in accordance with their general policy for on-road bike accommodation. Five-foot-wide bike lanes would be provided along Georgia Avenue within the limits of the project.

Bike lanes would not be provided along Randolph Road because of insufficient room, but on-road bike accommodation would be provided via 14-foot wide shared-use lanes. Staff believes that the shared-use lanes would provide a safer environment for bicyclists than bike lanes because the numerous right-turn lanes in a fairly short distance along Randolph Road would require lane shifts that might be confusing to both drivers and bicyclists. It is also unlikely that the County would continue the bike lanes along Randolph Road beyond the project limits in the future because of the limited amount of space and because the Sector/Master Plans only recommend an off-road bikeway.

## **Lighting**

SHA has not completed the lighting plans for this project yet, but *staff recommends that SHA provide lighting to the recommendations of the International Illuminating Society of North America* to ensure that all sidewalks, bikeways and crosswalks are as sufficiently and safely lighted as the roadways.

## **Landscaping/Streetscaping**

Street trees would be planted throughout the project where there is sufficient room between the curb and sidewalk. Trees would also be planted in the median where there is sufficient width to support them, and shrubs would be planted in narrower medians. Other plant materials such as perennials and grasses would be planted in the medians and along the Glenmont Greenway.

The Glenmont Sector Plan states that a second row of street trees is desired along the east side of Georgia Avenue. While there is little additional right-of-way to accomplish this goal for most of the project length, the fire station and gas station sites will provide such an opportunity when they are acquired. *Staff recommends that a second row of street trees be provided behind the proposed sidewalk in the northeast and southeast quadrants of the Georgia*

*Avenue/Randolph Road intersection, and that SHA work with the property owners south of the intersection to see if they will allow a second row of trees to be planted on their property, either in an easement or by means of an Entry Agreement. A similar planting was done previously by SHA when they improved the Four Corners intersection of Colesville Road (US 29) and University Boulevard (MD 193). Staff also recommends that additional landscaping be provided in all four corners of the intersection to enhance the look of this important intersection.*

The retaining walls and abutments for the bridge structure would have a simulated stone finish. Ornamental light fixtures are likely to be installed at the four corners of the bridge as well as an ornamental fence on top of the bridge parapet, however the details of these items have not been finalized.

### **Utilities and Future Redevelopment**

Utility relocation will be a major expense on this project. Because of the density of development and the proximity of buildings to the roadway, SHA has determined that there is not enough room between the buildings and the proposed curb on the north side of Randolph Road east of Georgia Avenue to accommodate overhead lines. For a while during the design of this project, it was anticipated that the overhead lines in this section would be placed underground. SHA has recently decided however, to route them behind the buildings fronting on Randolph Road.

The Glenmont Sector Plan recommends that a private street be built through this same area to run from Randolph Road at Glenmont Circle Drive to Georgia Avenue at Sheraton Street (see Attachment 5). In order to maximize the potential for orderly redevelopment in this area, *staff recommends that SHA work with the property owners to ensure that building this planned street is not made more difficult by the proposed utility relocation.*

### **Environmental**

This project is not within a Special Protection Area or a Primary Management Area. The limits of disturbance do not encroach on wetlands, a floodplain, or a stream valley buffer. There are no steep slopes or erodible soils of concern. There are no forest resources or significant or specimen trees present. Any potential soil contamination from relocated uses should be remediated in accordance with appropriate regulations prior to construction.

### **Stormwater Management**

The project would treat stormwater runoff associated with the increase in impervious surface by means of a bio-retention facility located in an easement on the Glenmont Shopping Center property. This facility would be about 50 feet wide and 170 feet long and would be attractively landscaped. Since this is such a visible location with high pedestrian traffic, *staff recommends that SHA consider providing a panel adjacent to the sidewalk explaining how the facility works to serve as a public educational tool.*

## **Forest Conservation**

This project is exempt from Forest Conservation because it is a State Government Project reviewed for forest conservation by the State Department of Natural Resources under the Code of Maryland Regulations.

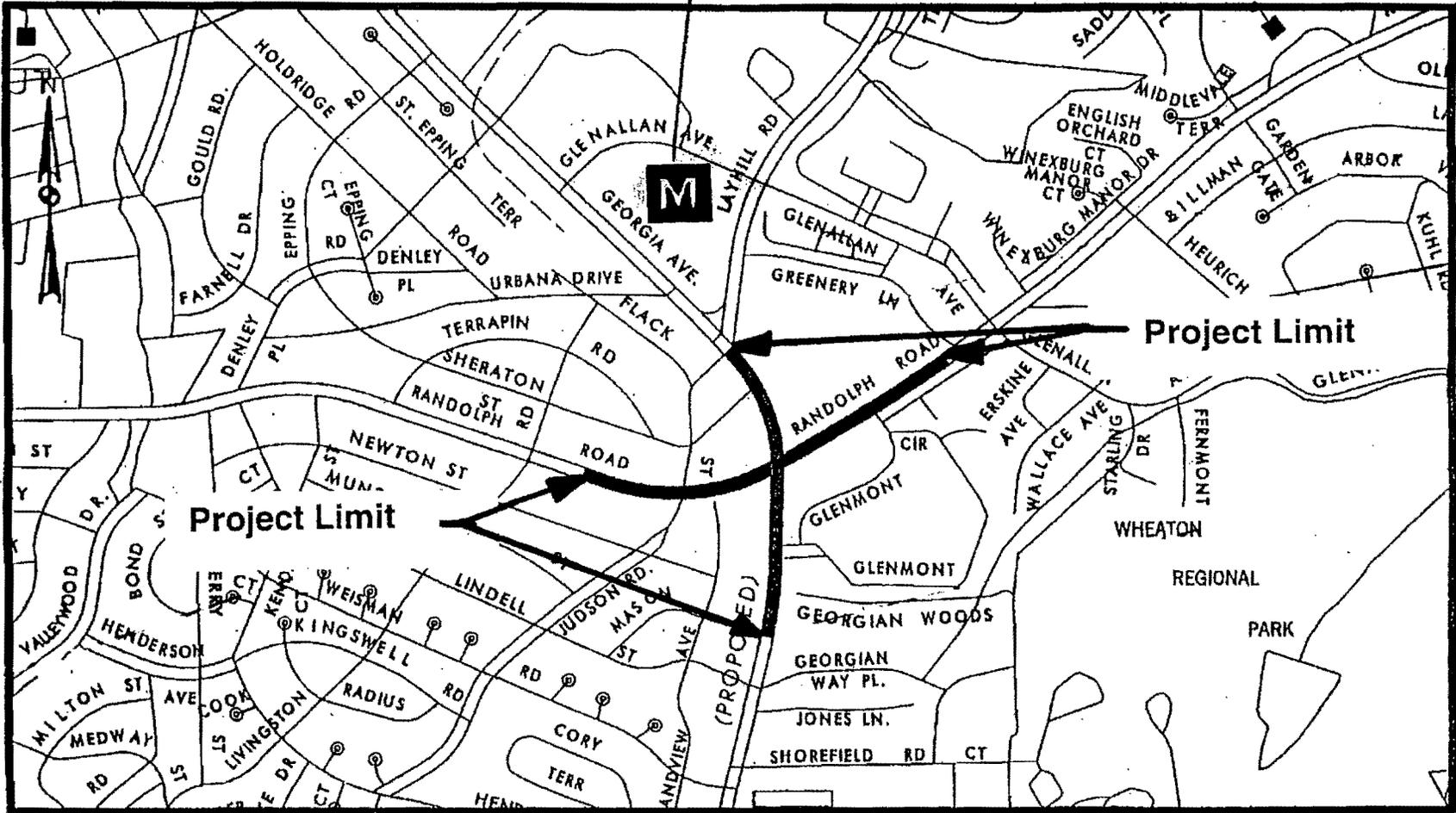
## **PUBLIC OUTREACH**

SHA had several meetings with a focus group during the planning phase of this project. During the design phase, SHA had one additional meeting with the focus group on November 18, 2003, and a full public meeting on June 1, 2004.

LC:gw

mmo to MCPB re 04815-SHA-1

Glenmont Metro Station

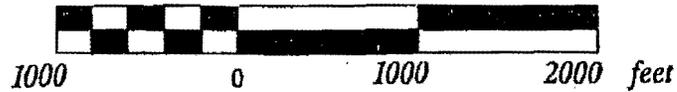


MONTGOMERY COUNTY

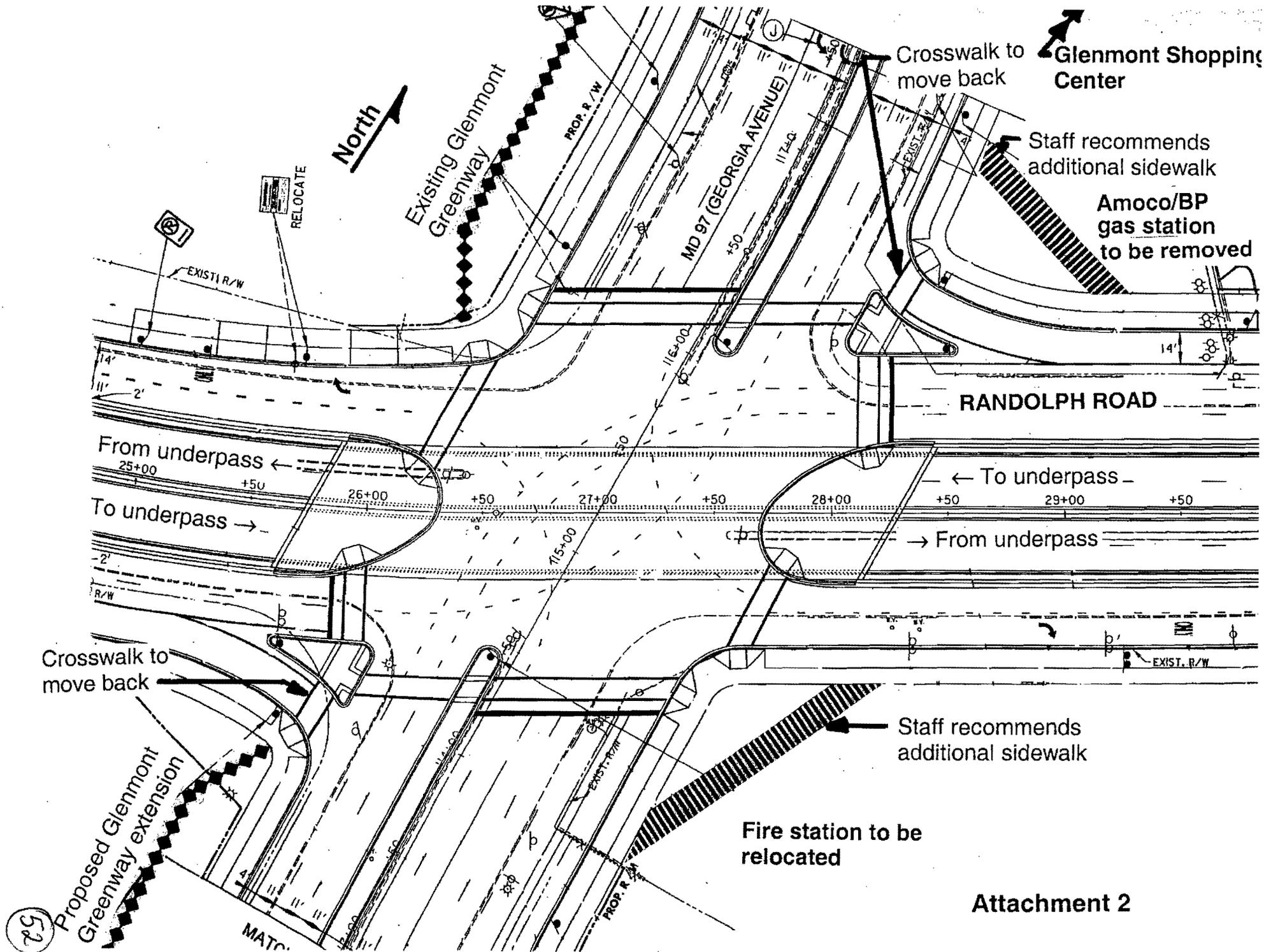
### LOCATION MAP

MILEAGE: 0.77

SCALE : 1" = 1000'



Attachment 1



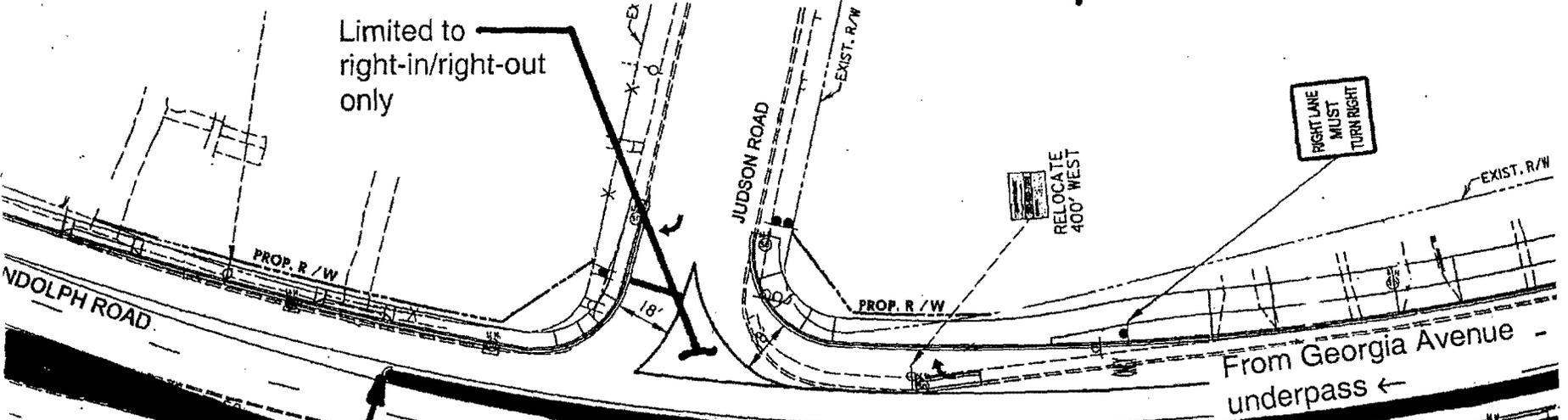
Attachment 2



Limited to right-in/right-out only

RIGHT LANE MUST TURN RIGHT

RELOCATE 400' WEST

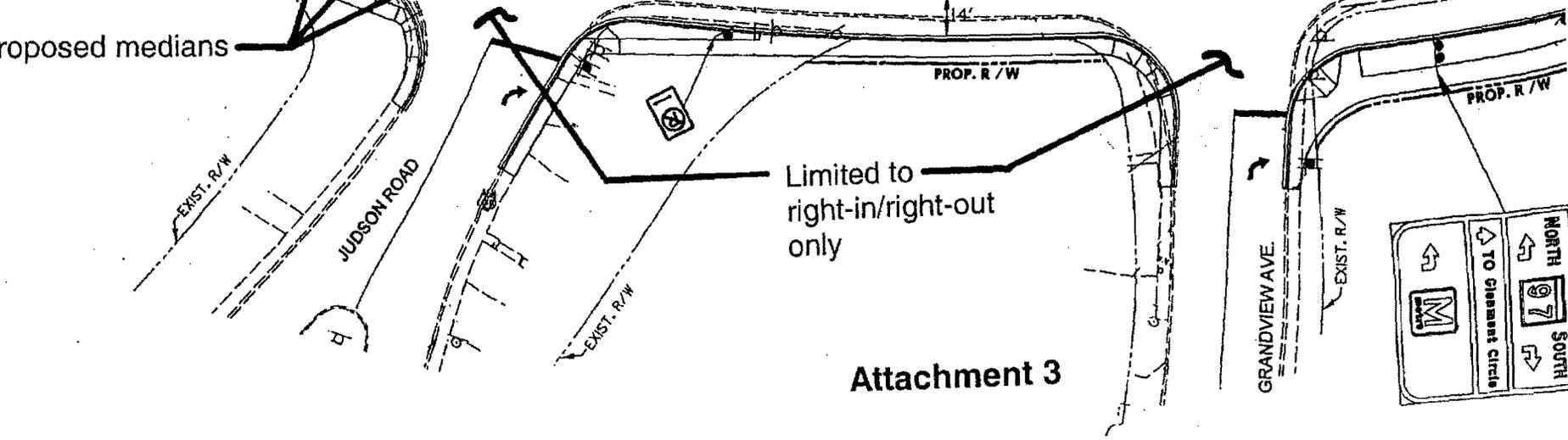


From Georgia Avenue underpass ←

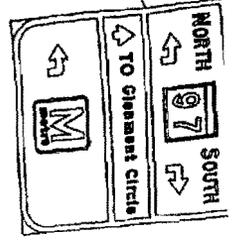
To Georgia Avenue underpass →

Proposed medians

Limited to right-in/right-out only



Attachment 3



Randolph Road from Judson Road to Livingston Road. A summary of the traffic signal warrants is presented in Table 4. A detailed analysis of the warrants is included in the Appendix.

Table 3. Traffic Volumes for Signal Warrant Evaluation.

Period	Randolph Road – EB and WB		Livingston Road - highest approach	
	Existing	Proposed <sup>1</sup>	Existing	Proposed <sup>2</sup>
7-8 am	2344	2435	41	150
8-9 am	2616	2692	34	87
9-10 am	1982	2024	12	36
10-11 pm	1745	1774	12	21
11-12 pm	1686	1718	11	21
12-1 pm	1639	1699	12	22
1-2 pm	1767	1802	16	22
2-3 pm	1940	1991	12	16
3-4 pm	2180	2237	16	23
4-5 pm	2478	2566	24	47
5-6 pm	2716	2840	20	60
6-7 pm	2503	2594	23	56

1. Proposed volumes include left turning traffic diverted from Randolph Road at Judson Road
2. Proposed volumes include left and through traffic diverted from Judson Road

Table 4. Summary of the Signal Warrant Analysis

Warrant	Description	Criteria	Warrant Met?	
			Existing	Proposed
1	Eight Hour Vehicular Volume	<u>CONDITION A</u> > 105 vph on Minor Street > 420 vph on Major Street	No	No
		<u>CONDITION B</u> > 53 vph on Minor Street > 630 vph on Major Street	No	No
		<u>CONDITION C</u> Combination of: {120 vph on Minor Street & 480 vph on Major Street for 8 hours} & {60 vph on Minor Street & 720 vph on Major Street}	No	No
2	Four Hour Vehicular Volume	Plotted Points (major street, minor street) Fall above Curve in Figure 4C-1 for 4 Hours (>60 vph)	No	NO*

Warrant	Description	Criteria	Warrant Met?	
			Existing	Proposed
3	Peak Hour	Delay > 4 veh-hours & > 100 Vehicles on Minor Street & >800 Vehicles for all three approaches in Peak Hour <u>OR</u> Plotted Points (major street, minor street) Fall above Curve in Figure 4C-3 for 1 Hour (>75 vph)	No	YES
4	Pedestrian Volume	Avg. Pedestrian Volume > 100 for 4 Hours & < 60 Acceptable Gaps.	No	No
5	School Crossing	# Of Available Gaps < Time Period When Students are Crossing	Not Applicable	Not Applicable
6	Coordinated Signal System	Existing Signals do not Provide the Necessary Degree of Platooning	No	Not Evaluated
7	Crash Experience	> 5 Accidents Susceptible to Correction by Signalization in 3 Years	Not Evaluated	Not Evaluated
8	Roadway Network	Applies when Both Roads are Major Roadways	No	No

\*Warrant No. 2 is met for 3 hours and is 4 vehicles short of meeting for a 4<sup>th</sup> hour, which would satisfy the warrant.

## VII. CONCLUSIONS

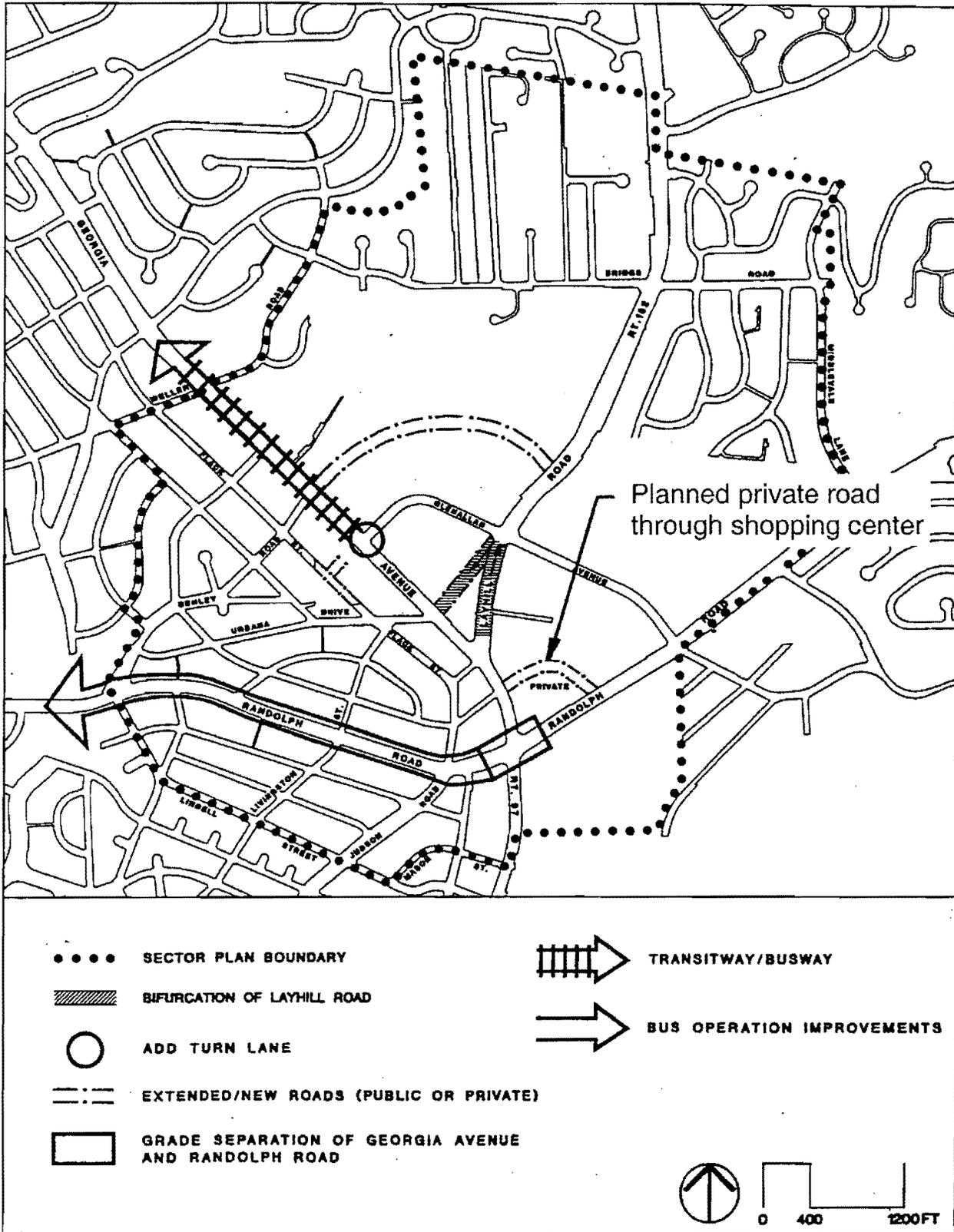
Based on the results of the MUTCD warrant analysis, a signal is not warranted at the intersection of Randolph Road and Livingston Street under existing conditions. However, if the Randolph Road median is closed at Judson Road, thereby diverting left and through traffic to Livingston Street, Warrant #3 would be met, and Warrant #2 would be nearly met. Warrant #2 is met when 4 hours on Livingston Street have volumes of 60 vph or more. Three hours satisfy this requirement; the 4<sup>th</sup> hour is 4 vehicles short of meeting this requirement.

According to the MUTCD, Warrant 3 shall only be used to warrant a signal in unusual cases, such as at office complexes, manufacturing plants, or industrial complexes that attract or discharge large numbers of vehicles over a short time. Although Warrant #2 does not technically meet the minimum requirements, consideration may be given to installing a signal at this intersection under the proposed conditions since it is nearly met.

An analysis of intersection operations under the proposed scenario with a traffic signal was performed using Synchro. The analysis showed that the intersection would operate at LOS B in the AM and PM peak periods. The worksheets are included in the **Appendix**. *If a traffic signal is installed, the left turn lane length on Randolph Road at Livingston Road should be increased to provide 150 feet of storage.* If a traffic signal is not installed, and the median at Judson Road is closed, the left turn lane length should be increased to provide 75 feet of storage.

# PROPOSED LONG TERM TRANSPORTATION IMPROVEMENTS

FIGURE 23



Resolution No.: 15-1483  
Introduced: May 9, 2006  
Adopted: May 25, 2006

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: Council President at the request of the County Executive

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**SUBJECT:** Approval of Fire Station 18 Relocation

**Background**

1. County Code Section 21-4(b) prohibits a local fire and rescue department from changing the location of any facility used to provide fire and rescue services in the County without County Council approval and prohibits the County Executive from including a site for any facility used to provide fire and rescue services in a proposed Capital Improvements Program unless the Council has approved the location or relocation of the facility.
2. In correspondence dated May 4, 2006, the Executive requested that the Council approve the relocation of Fire Station 18 from its current location at 12251 Georgia Avenue to the "WMATA Triangle" property located on the west side of Georgia Avenue directly across from Glenallan Avenue.
3. Fire Station 18 must be relocated due to the State Highway Administration's (SHA) plan for a grade separation at the intersection of Georgia Avenue and Randolph Road. The Kensington Volunteer Fire Department property on which Station 18 now stands lies within the right-of-way required by SHA to construct the grade separation; thus Station 18 will be purchased by the State from the Kensington Volunteer Fire Department, contingent on approval of the sale by the Chief Administrative Officer or County Council under County Code Section 21-26(c), and eventually demolished.
4. The *Fire, Rescue, Emergency Medical Services, and Community Risk Reduction Master Plan* recommends (in Recommendation 3a) relocating Station 18 to a site in the vicinity of the existing site because of the State's need to obtain right-of-way for the grade separation project.
5. The Montgomery County Fire and Rescue Service has determined that relocating Station 18 to the WMATA Triangle property, approximately 0.3 mile north of the existing site, will not adversely impact service delivery to the Glenmont area. The relocation should result in improved service in terms of meeting response time goals in the Glenmont area and providing backup service to Station 25 serving the high call load area of Aspen Hill and Leisure World.

6. The WMATA Triangle property is the recommended site for relocating Station 18 as result of the site evaluation process led by the Mid-County Regional Services Center Director. The decision memorandum (dated March 14, 2006) selecting the WMATA site was approved by the Chief Administrative Officer on March 28, 2006, with the concurrence of the Fire Chief, Department of Public Works and Transportation Director, and Office of Management and Budget Director.
7. Station 18 could be co-located with the Glenmont Parking Garage on the WMATA Triangle site or with an expanded "Kiss & Ride" facility on the WMATA Triangle site, depending upon whether the parking garage is sited on the east side or on the west side of Georgia Avenue on WMATA-owned property.

**Action**

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

The County Council approves the proposed relocation of Fire Station 18 from its current location at 12251 Georgia Avenue to the "WMATA Triangle" property located on the west side of Georgia Avenue, directly across from Glenallan Avenue.

This approval applies to the relocation only and does not imply any commitment of County funds to this project. If the County Executive recommends this project in a future Capital Improvements Program, the Council will consider a request for County funding at that time.

The County Council urges those involved with the project to work with neighbors on the east and west side of Georgia Avenue to respond to community concerns regarding noise and the movement of non-emergency vehicles.

This is a correct copy of Council action.

  
\_\_\_\_\_  
Elda M. Dodson, CMC, Acting Clerk of the Council



## Kensington Volunteer Fire Department, Inc.

P.O. Box 222, Kensington, MD 20895

301/ 929-8000

Fax 301/ 929-8008

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Organized 1899   ★   ★   ★   Incorporated 1925

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Councilman Phil Andrews  
Chair, Public Safety Committee  
Montgomery County Council  
100 Maryland Avenue  
Rockville, MD 20850

May 25, 2010  
Via e mail

Dear Councilman Andrews:

I write at the request of Marcine Goodloe, President of the Montgomery County Fire & Rescue Association, concerning the advice of our legal counsel as to the application of the "Federal Functional Replacement Program" ("FFRP", 23 CFR 710.509) to Bill 21-10, now before the County Council proposing Council appropriation of \$13,032,000 of County funds for construction of a new *County owned* "Glenmont Station 18" to replace the current KVFD fire Station 18 which is *owned by Kensington Volunteer Fire Department* ("KVFD"). The State wishes to destroy the current KVFD-owned station, resulting in the County proposal to build a new County-owned station 18 nearby to replace it.

With respect to this, we have obtained through the Maryland "Public Information Act", a copy of the attached letter of April 25, 2007 from the State Highway Administration to the County CAO. Because of the technical nature of the letter, we had to have our counsel explain to us what it means. Counsel explained that the net result of the attached SHA letter is that KVFD has two options with respect to the proposed SHA condemnation:

KVFD Option 1: KVFD suffers the condemnation of its current Station 18, and KVFD takes from the State *and keeps solely for KVFD's own use* the "just compensation" for the value of the property as determined through negotiation or litigation, to be between \$1.2 and \$3.0 million (plus relocation expense reimbursement). Under this option, the State gets the land for its highway interchange, the County gets *nothing*, and the County spends, by its own estimation, \$13+ million (plus land) for a new County owned Station 18 under the appropriation sought by Bill 21-10.

KVFD Option 2: KVFD Station 18 is destroyed by the State for its road project. KVFD agrees to waive its receiving any "just compensation" money from the State, in exchange for *KVFD assigning to the County \$4.0 million in federal funds via SHA under the FFRP for the construction of a new Station 18.* Counsel advises that he interprets the SHA letter to favor such a transaction. KVFD is willing to structure a transaction whereby the FFRP requirements for "government ownership" of both the demolished and the new facilities is fulfilled – in that KVFD would agree to structure

Station 5  
10620 Connecticut Ave.  
Kensington, Maryland 20895  
301-929-8005

Station 18  
12251 Georgia Ave.  
Wheaton, Maryland 20902  
301-929-8018

Station 21  
12500 Veirs Mill Rd.  
Rockville, Maryland 20853  
301-929-8021

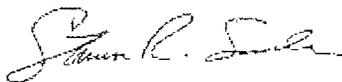
Station 25  
14401 Connecticut Ave.  
Layhill, Maryland 20906  
301-929-8025

a transaction whereby the FFRP is fulfilled by a) assigning current Station 18 to the County to fulfill the FFRP requirement of government ownership of the demolished building and b) 50/50 County/KVFD ownership of the replaced building (to fulfill the FFRP requirement of government ownership of the replacement building), provided further that c) the replacement station is known as "Kensington Volunteer Fire Department, Station 18", KVFD is guaranteed the rights to access volunteer fire and rescue personnel from the new station, to operate KVFD and County apparatus with KVFD volunteers from the Station and to operate the Station, and KVFD to have an equal voice in decisions affecting the administration of the new station. In essence, this is what the County Council already expressly contemplated in enacting existing County Code Ch. 21, Sec. 26(b). Further, my predecessor advises that former County Fire Chief Carr advised that he was agreeable in principle to the concept of KVFD acquiring 50% of the new station for this federal \$4 million contribution through the SHA, given that that amount represents half of the cost of the replacement station before extra expansion desired by the County under pending Bill 21-10. In short, this option 2 saves the County \$4 million by award of \$4million to the County, while retaining KVFD operation and part ownership of the new Station – a windfall of \$4million for the County while retaining KVFD's part ownership precisely as contemplated by the County under County Code 21-26(b). This is a win-win for the County and for KVFD.

For these reasons, we urge that the County either withdraw Bill 21-10 or amend it consistent with option 2 above to enable KVFD to qualify the County for a \$4 million federal contribution to the new Station via the SHA (with KVFD surrendering any right to cash it would otherwise get under option 1 above).

We offer to meet with the Council's Public Safety Committee to discuss this proposal. (We did meet with the County Fire Chief to request him to withdraw Bill 21-10, but he explained that it was not his Bill to withdraw. At the same meeting, the County Fire Chief expressed that the new station was required, apparently by his reading of FFRP requirements of the attached SHA letter, to be County owned; although, without KVFD participation, the FFRP does not apply at all.)

Respectfully submitted:



Steven R. Semler, President  
Kensington Volunteer Fire Department

cc:Marcine Goodloe, President, MCVFRA



Martin O'Malley, *Governor*  
Anthony G. Brown, *Lt. Governor*

Beverly K. Swaim-Staley, *Secretary*  
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

May 24, 2010

Mr. Steven R. Semler, President  
Kensington Volunteer Fire Department  
P.O. Box 222  
Kensington, MD 20895

Dear Mr. Semler:

Thank you for your letter related to the MD 97 (Georgia Avenue) at Randolph Road Interchange Construction project. The State Highway Administration (SHA) is pleased to respond to your inquiry.

Pursuant to your request under the Public Information Act, Maryland Code Ann. Gov't sections 10-611 – 10-628, the SHA is forwarding you the attached letter from SHA to Mr. Timothy L. Firestine, the Chief Administrative Officer of Montgomery County Government dated April 25, 2007. This letter is in reference to the functional replacement compensation for fire Station 18 due to the planned interchange of Georgian Avenue and Randolph Road. Since the search time for this information did not exceed two hours and electronic copies of the requested materials are being forwarded, there will be no fees for search and copying costs related to this request.

Thank you again for your letter. If we may be of further assistance, please do not hesitate to contact me or Mr. Jeffrey Folden, Acting Assistant Chief, Highway Design Division, SHA at 410-545-8814, toll-free 888-228-5003 or via email at [jfolden1@sha.state.md.us](mailto:jfolden1@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk G. McClelland".

Kirk G. McClelland  
Deputy Director, Office of Highway Development

Enclosure

cc: Mr. Jeffrey Folden, Acting Assistant Chief, Highway Design Division, SHA

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • [www.marylandroads.com](http://www.marylandroads.com)



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REAL ESTATE



Martin O'Malley, Governor  
Anthony Brown, Lt. Governor

State Highway  
Administration

John D. Porcari, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

April 25, 2007

Mr. Timothy L. Firestine  
Chief Administrative Officer  
Montgomery County Government  
101 Monroe Street  
Rockville, Maryland 20850

Dear Mr. Firestine:

On January 3, 2005, the State Highway Administration (SHA) entered into negotiations with the Kensington Volunteer Fire Department (VFD) to purchase the VFD's entire property located at the corner of MD 97 (Georgia Avenue) at Randolph Road. This proposed acquisition was necessitated by the planned interchange of Georgia Avenue and Randolph Road. The State began the negotiations by offering the VFD \$1.2 million as just compensation for the existing facility, along with potential relocation benefits. This offer included the depreciated value of the existing VFD facility.

After negotiations failed to produce a quick agreement, SHA requested approval from the Federal Highway Administration (FHWA) to compensate the VFD for a functional replacement of its building. This would allow the VFD to rebuild the facility, using today's materials and without a deduction for the depreciation of the existing facility. The FHWA approved SHA's request to compensate the VFD for a functional replacement, provided that the new building and land were owned by Montgomery County. Under federal rules for functional replacement compensation, the new facility must be owned by a governmental unit.

The SHA then commissioned a study to determine the cost to build a functional replacement for the existing VFD building. That cost was determined to be approximately \$4 million. The VFD presented a counter proposal that was significantly higher than SHA's offer. Presumably, the difference between the two figures can be attributed to upgrades that the VFD wishes to include in the new building, which would clearly be an improvement over the existing building. Under the federal functional replacement guidelines, however, SHA is not responsible to pay for any enhancements included in the replacement building.

My telephone number/toll-free number is 410-545-0400 or 1-800-206-0770

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

Mr. Timothy L. Firestine  
Page Two

The SHA and Montgomery County sent the VFD a joint letter on September 13, 2006. This letter requested that the VFD work with the County and SHA to reach an amicable agreement on this acquisition and relocation. The SHA would be responsible for the cost of a functional replacement of the existing building, and the VFD would negotiate with Montgomery County for funding of betterments to be incorporated into a new facility. The County and SHA have not yet succeeded in reaching an agreement with the VFD.

The SHA had filed condemnation to acquire the VFD property on June 24, 2005, and the matter was set for jury trial on January 29, 2007. This letter is to inform you that SHA has abandoned this condemnation action. There are several reasons for this decision, including that:

- as a result of previous postponements, the Circuit Court of Montgomery County would probably not grant another extension.
- under federal law, the plaintiff normally only needs to issue a "ninety (90) day letter," 49 CFR § 24.203(c), in order to require an occupant to vacate a property which is the subject of an eminent domain proceeding. The VFD facility is the only fire station in this fire protection district, however, and its use cannot be discontinued until either a replacement location is approved and a new facility is built or a temporary facility is in use. The SHA thus will be unable to use its powers of eminent domain to acquire possession of the VFD property for purposes of constructing the intersection improvements.
- the availability of, and approval for payment of, relocation expenses are distinct processes, which are not adjudicated in a condemnation proceeding. This means that, if the State were to prevail at trial, the court could not award any money to VFD for its relocation expenses.
- If the acquisition of the VFD property were to proceed to trial, and the court were to award VFD just compensation for its existing building and land, any possibility of treating this property as a candidate for functional replacement would be eliminated. Under 23 CFR § 710.509(b)(4), in order for SHA to consider VFD for payment for a functional replacement, VFD must waive any rights it may have to receive just compensation.

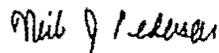
Under federal law, the cooperation of Montgomery County is required to satisfy FHWA that SHA's proffer of payment would be for a public use falling within the federal functional replacement rule. As noted earlier, that rule requires a governmental entity to own the functional replacement. Although the VFD performs a critical public purpose and receives funding for its maintenance and operations from Montgomery County, Montgomery County would not be a party to any eminent domain proceeding, because title to the VFD facility, as well as to the real estate on which it is located, is held exclusively by the VFD, which is a private, non-governmental organization. The unique circumstances of this case therefore dictate that the project cannot proceed until an agreement is in place that provides that Montgomery County will own both the land and the improvements for the relocated fire station, such that the federal functional replacement rule is satisfied.

Mr. Timothy L. Firestine  
Page Three

The SHA recognizes that the improvements to MD 97 and Randolph Road are a high priority for Montgomery County. The SHA remains willing to contribute \$4 million toward the relocation of the VFD building if the conditions on ownership referred to above are met and the land on which the current fire station is located is conveyed to SHA at no additional cost. Also, any betterment made to the VFD improvements, beyond the \$4 million, will not be the responsibility of SHA. It is the hope of SHA that an agreement can be reached between the VFD and the County that will allow for the successful relocation of the fire department and the construction of the much needed road improvements.

The SHA stands ready to work with the County to make this project happen. If you have any questions, please do not hesitate to contact Mr. Joseph M. Miklochik, Director of Real Estate, SHA at 410-545-2828, toll-free 888-204-4245 or via email at [jmiklochik@sha.state.md.us](mailto:jmiklochik@sha.state.md.us). SHA will be pleased to assist you. Of course, you should never hesitate to contact me directly.

Sincerely,



Neil J. Pedersen  
Administrator

cc: Mr. Thomas W. Carr, Fire Chief, Montgomery County Fire and Rescue Service  
Mr. Arthur Holmes, Jr., Director, Montgomery County Department of Public  
Works and Transportation  
Mr. Joseph M. Miklochik, Director of Real Estate, SHA

TITLE 23--HIGHWAYS

CHAPTER I--FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF  
TRANSPORTATION

PART 710\_RIGHT-OF-WAY AND REAL ESTATE--Table of Contents

Subpart E\_Property Acquisition Alternatives

Sec. 710.509 Functional replacement of real property in public ownership.

(a) **General.** When publicly owned real property, including land and/or facilities, is to be acquired for a Federal-aid highway project, in lieu of paying the fair market value for the real property, the State may provide compensation by functionally replacing the publicly owned real property with another facility which will provide equivalent utility.

(b) **Federal participation.** Federal-aid funds may participate in functional replacement costs only if:

(1) Functional replacement is permitted under State law and the STD elects to provide it.

(2) The property in question is in public ownership and use.

(3) The replacement facility will be in public ownership and will continue the public use function of the acquired facility.

(4) The State has informed the agency owning the property of its right to an estimate of just compensation based on an appraisal of fair market value and of the option to choose either just compensation or functional replacement.

(5) The FHWA concurs in the STD determination that functional replacement is in the public interest.

(6) The real property is not owned by a utility or railroad.

(c) **Federal land transfers.** Use of this section for functional replacement of real property in Federal ownership shall be in accordance with Federal land transfer provisions in subpart F of this part.

(d) **Limits upon participation.** Federal-aid participation in the costs of functional replacement are limited to costs which are actually incurred in the replacement of the acquired land and/or facility and are:

(1) Costs for facilities which do not represent increases in capacity or betterments, except for those necessary to replace utilities, to meet legal, regulatory, or similar requirements, or to

meet reasonable prevailing standards; and

(2) Costs for land to provide a site for the replacement facility.

(e) Procedures. When a State determines that payments providing for functional replacement of public facilities are allowable under State law, the State will incorporate within the State's ROW operating manual full procedures covering review and oversight that will be applied to such cases.

**Background Questions for Bill 21-10, Special Capital Improvements Project –  
Glenmont Fire Station 18 Replacement**

**Georgia Avenue/Randolph Road intersection improvement project**

1. What is the schedule for demolishing the existing Station 18?

The State Highway Administration advised that the first order of business is to build a temporary road around the intersection. That temporary road will go through the existing fire house. The first thing they plan to do is knock down the existing station. Their scheduled start date is the Spring/Summer of 2013.

2. What opportunities were there for the public to review and comment on plans for the intersection improvement? How much detail about the design of the project has been made available to the public?

- October 12, 2000 Alternates Public Workshop
- December 12, 2001 Location and Design Public Hearing
- June 1, 2004 Design Information Public Meeting

SHA believes that there will be the opportunity to have one or two additional public meetings regarding project design before the January 2013 advertisement date. Also, there will be the opportunity for public review and comment on the project at M-NCPPC's Mandatory Referral.

In regards to the fire station relocation site to the WMATA triangle, the public had an opportunity to review and comment on the site before it was introduced by the County Council on May 9, 2006 in County Council Resolution 15-1483.

**New Glenmont Station 18 site, "WMATA Triangle" property on west side of  
Georgia Avenue across from Glenallen Avenue.** (The Council approved this site in Resolution 15-1483, dated May 25, 2006.)

3. What is the status of County acquisition of the fire station site?

WMATA has agreed to sell the site to the County, and there has been agreement on the appraisal of the property on a per square foot basis. The final price will be based on the final size of the property left for the fire station. DGS and MCFRS have told DOT to move forward with the acquisition and DOT is preparing notification to WMATA with the final details and price. WMATA staff will draft a resolution for WMATA Board action.

4. When does the County expect to be able to purchase the site?

The next WMATA Board meeting for their approval will be September 23, 2010. WMATA and MCDOT will finalize the details of the sale will need to be finalized by the end of August.

5. Is there any pending citizen litigation regarding the use of the site for a parking garage or a fire station? If so, which issues are in dispute? At what point in the process is the litigation? Will the litigation delay the County in purchasing the land for the fire station or building the station?

Is there any pending citizen litigation regarding the use of the site for a parking garage or a fire station?

The Glenmont Civic Association has filed an appeal to the Circuit Court for Montgomery County of the Planning Board's decision approving the Forest Conservation Plan for the Glenmont Parking Garage.

If so, which issues are in dispute?

The approval by the Planning Board of the Forest Conservation Plan is in dispute. However, Executive Branch staff does not have details on the basis for the appeal at this point.

At what point in the process is the litigation?

To our knowledge there has been no details filed as to the reasons for the appeal. There is no scheduled court date, but we are advised this type of appeal can take six months or more before being heard. Therefore, expected court date should be the winter of 2010-2011.

Will the litigation delay the County in purchasing the land for the fire station or building the station?

The impact of the appeal of Planning Board Forest Conservation Plan decision for the fire station site can not be determined until more information on the basis for the appeal is made available.

6. What conditions, if any, is WMATA proposing or requiring of the County? What is WMATA's position regarding the fire station and garage? In WMATA's view, are they inextricably connected, or are they separable?
  - The sale of the property for the garage is contingent on having a mutually agreed upon price based upon the fair market value and subject to the approval of the WMATA Board and the Federal Transit Administration. WMATA has already determined that the fire station site was excess property and available for sale to local jurisdictions
  - WMATA has been supportive of both projects.
  - WMATA's agreement to sell the land for the fire station is not contingent on the construction of the garage.

7. Are there any other acceptable locations for the replacement station? If so, how would the cost of land compare? How would the cost of the station be affected? (For example, would it be less expensive because it would be one story instead of two?)

The site selection for this site was performed several years ago according to standard site-selection procedures in 2006. At that time, there were no other acceptable locations.

DGS had increased its construction cost estimate by ~15% to account for a two-story Glenmont fire station. It now appears that a one-story structure can fit on the site, which is likely to lower the building construction costs (savings could be used toward the land acquisition). However, site development costs will be unchanged.

8. Has thought been given to providing an interim temporary structure to house Station 18 to prevent the schedule for the intersection improvement from driving the fire station schedule?

This would be an expensive option that is not funded and would be unnecessary if the interchange and station relocation projects move forward as outlined (cost is at least \$2M, based on prior temporary stations).

### **Cost of the Glenmont Station 18 Replacement Fire Station**

9. According to the PDF, the cost for the Glenmont Station 18 Replacement will be just over \$13 million. In their public hearing testimony, the Kensington Volunteer Fire Department (KVFD) provided examples of a new fire station in Ocean City that will cost \$2.6 million plus architects and engineering fees, and a new fire station in Brunswick that will cost \$3.7 million (including \$1.3 million from the local department for a social hall). What is the basis for the \$13 million estimate for the Station 18 Replacement? What is included in the estimate? How fully developed is the estimate?

What is the basis for the \$13 million estimate for the Station 18 Replacement?  
See Attachment A for a breakdown of budgeted costs for the Glenmont Station.

What is included in the estimate?  
See Attachment A for a breakdown of budgeted costs for the Glenmont Station.

How fully developed is the estimate?  
The Glenmont Station budget is a square footage cost estimate (budget) that was developed in September 2009 before any design was started and before the final land size was available. It is based on a 2-story building based on knowledge in September 2009. The estimate is based on Montgomery County labor, material, scope and regulatory requirements which are very different from Ocean City

requirements. [Note: Information on the Brunswick station was not obtained in time for these responses.] The Glenmont Station budget is based on two recently-built fire stations of similar size and program of requirements in the Germantown area, modified to account for regulatory changes not in effect at the time those stations were designed.

10. Why does the Glenmont Station 18 Replacement cost so much more than the Ocean City and Brunswick stations? Please compare and contrast the costs for land, materials, labor, regulatory requirements, stormwater management, etc.

See preceding response for the first part of the question. Attachment A provides direct cost comparisons between the Ocean City station and the Glenmont station, which is 28% larger and of different construction. Not included in the Ocean City estimates are costs related to Prevailing Wage rates, LEED Silver Certification costs, reforestation costs, new stormwater regulations, minority subcontracting requirements, inflation/escalation factors, and MNCPPC mandatory referrals. There are also contingency factors in the Glenmont budget based on the project's scope when the PDF was created in September 2009.

In addition, cost of living as reflected in labor rates is measurably different when comparing Ocean City (Worcester County) and Montgomery County. Indicative of this, the State of Maryland's prevailing wage rate schedule for Worcester County is 18% less than that of Montgomery County.

11. How do the Programs of Requirements for the stations compare? Please provide specific information about the differences and similarities.

A Program of Requirements was not available from Ocean City in time for this report. Review of three Ocean City architectural plans did not appear to indicate wide variances in major station components, although size and capacity differ. However, the structures are quite different in that at least half of the Ocean City facility is a pre-engineered metal building with interior walls of metal stud and drywall instead of masonry.

This is in contrast to the Glenmont facility, which will be constructed of masonry block walls throughout with structural steel roof members. The County has constructed pre-engineered metal buildings in the past and found them less than optimal structures that do not comply with LEED silver requirements. For the similarities and differences, please see the attachment.

12. Do the cost estimates that were provided to KVFD reflect the full costs of the Ocean City and Brunswick stations? If not, please be specific about what is not included.

Attachment A shows several scope items which are not separately provided in the Ocean City station.

13. Does Montgomery County have more stringent building or related requirements than Ocean City or Brunswick that affect costs? If so, please specify.

In addition to the regulatory requirements referenced earlier (Prevailing Wage Law, LEED Silver certification, Reforestation Law, new stormwater regulations, MNCPPC mandatory referrals), the Department of Permitting Services considers Fire Stations to be buildings requiring Special Inspection – this requires the County to hire independent structural inspectors to monitor the construction’s compliance with structural codes. This is also an added cost factor.

14. Can a Glenmont Station 18 Replacement be built for less than \$13 million?

As noted before, the budget for the Glenmont Fire Station was based on information known in September 2009 – before any design was started. Standard practice, for the last few years, has been for Design to proceed to the 60% level before the Executive Branch requests construction funds. However, given the urgency of the interchange project, full construction funding was requested in this cycle to allow the project to proceed unimpeded. The Glenmont budget includes contingencies to account for unknowns. Also, due to available land, the size of the Glenmont station and its associated parking may be smaller than the existing POR.

Finally, the building may proceed as a one-story building. For these reasons, it is possible that the final cost will be less than presently budgeted. However, based on the two recently built and similarly sized stations in Germantown, it is unlikely to be less than \$11 to \$12 million (without land and fire apparatus). Fire Apparatus is not required for this project as the existing County owned apparatus will move from the existing station to the new station.

### **Federal Functional Replacement Program**

In a letter to the CAO, dated April 25, 2007, the State Highway Administration (SHA) said that the Federal Highway Administration had approved SHA’s request to compensate KVFD for a functional replacement, provided that the new building and land were owned by Montgomery County. The letter says that under federal rules for functional replacement compensation, the new facility must be owned by a governmental unit.

15. Do the federal rules provide for any type of waiver process that might be used to permit KVFD to own the new station?

Not to our knowledge. However, MSHA and FHWA representatives will attend the Committee’s session.

16. KVFD has proposed allocating the \$4 million in Federal Functional Replacement money for the replacement station on the condition that KVFD own 50% of the replacement station and have the right to co-manage and operate volunteer apparatus and equipment from the new facility. Would a joint ownership arrangement between the County and KVFD satisfy the federal functional replacement rules?

We are willing to explore joint ownership, if permitted under federal rules. However, Section 21-26 of the County Code would not allow for the title to reflect concurrent ownership unless, among other requirements, KVFD contributes, or commits to contribute at least 50% of the cost of the new station. The current estimated cost of the new Glenmont station, including land, is \$15 million and 50% would be approximately \$7.5 million.

17. Could the County lease the replacement station to KVFD for a nominal amount to permit the continuation of an operational structure that is similar to the one in the existing station?

The County has for many years provided operational funding for Station 18 and will continue to do so in the County-owned facility.

#### **County Plans for Management and Operation of the Replacement Station**

18. What are the County's current plans for management and operation of the replacement station? What role will KVFD have?

The new station will operate in the same manner as Fire Stations 22 and 35 in Germantown and the Fire Station in Clarksburg; KVFD will have the opportunity to provide volunteer personnel at the Glenmont Fire Station.

19. How many and what type of vehicles does the County plan to operate from the station? How many additional reserve vehicles will be stored there?

The current County-owned engine and tower ladder will be moved to the new station along with personnel. The station will provide room for future growth. The number of reserve vehicles will depend upon the status of the fleet on any given day.

20. Has KVFD been included in any of the planning activities for this station? If so, when? Please be specific about the extent of KVFD's involvement and the scope of any discussions held with KVFD.

KVFD representatives have had several previous conversations with the Fire Chief, State, and County officials. However, KVFD has not been involved in planning for this station since this project is fully funded with tax dollars. KVFD has also had the opportunity to make comments/suggestions during Council's public hearing process

(beginning with the FY09-14 approved CIP). Also, in addition to a single public meeting required under the Mandatory Referral process, DGS practice is to conduct meetings with the public as the project develops.

21. KVFD's public hearing testimony says that KVFD plans to incrementally restore volunteer operations at Station 18, including the addition of new ambulance service. If KVFD has sufficient volunteer staffing to provide operations from Station 18, would the County allow them to do so?

Absolutely, they would be welcomed to supplement County operations.

22. KVFD is concerned that changing the name to Glenmont Station 18 does not appropriately reflect the historical connection of KVFD to the station. Regardless of who owns the station, could the name be revisited, or could another means be created to recognize KVFD's long-time service from Station 18 and commitment to the surrounding community?

Similar to other County-owned facilities (i.e. police stations, libraries, recreational centers, etc), this station was named to represent the community it will serve. This gives a sense of ownership and pride to both the personnel assigned there as well as the community that is served.

**ATTACHMENT A**

**GLENMONT FIRE STATION MC COST COMPARISON TO OC VOLUNTEER FIRE STATION**

	<u>GLENMONT STATION</u>	<u>OCEAN CITY VFD No. 5</u>	<u>COMMENTS</u>
<b>Square Footage-</b>	19,900	15,560	
<b>Building Type</b>	Custom	Pre-Engineered Metal Building	
<b>Project Status</b>	Preliminary Budget (\$000)	Construction just started (\$000)	
			PDS includes design cost permits, staff cost, surveys, cost estimates, geotechnical services, printing/advertising, etc.
<b>Planning, Design, and Supervision</b>	\$1,747	\$110	
<b>Land</b>	\$0	\$0	
<b>Site Improvement and Utilities</b>	\$1,046	\$214	
<b>Construction</b>	\$9,254	\$2,060	
<b>Other</b>	\$985	\$371	
<b>Total</b>	<b>\$13,032</b>	<b>\$2,755</b>	
<b>Project Specific Item Comparison</b>			
Construction Contingency	Included	None	For changes during construction
Signalization	Included	Existing	
Retaining Wall	Included	None	
Permits	Included	None	
Commissioning	Included	None	
Building Envelope QC Inspection	Included	None	
Radio & New Station Alerting	Included	None	
Telephone & Fibernet Systems	Included	None	
Security System	Included	None	
Computer & IT	Included	None	
Signs/wayfinding	Included	None	
Traffic Study for MSHA	Included	None	

HL

**Background Questions for Bill 21-10, Special Capital Improvements Project –  
Glenmont Fire Station 18 Replacement**  
**KVFD RESPONSES ARE IN ITALICS/BOLD**

**Georgia Avenue/Randolph Road intersection improvement project**

1. What is the schedule for demolishing the existing Station 18?  
***KVFD RESPONSE: WE HAVE NOT BEEN ADVISED OF ANY SCHEDULE FOR DEMOLISHING STATION 18. INDEED, WE HAVE NOT EVEN BEEN SERVED WITH ANY CONDEMNATION NOTICE EFFECTIVE AT ANY TIME IN THE FUTURE.***
2. What opportunities were there for the public to review and comment on plans for the intersection improvement? How much detail about the design of the project has been made available to the public?  
***KVFD RESPONSE: KVFD HAS ONLY BEEN PROVIDED WITH PRELIMINARY PLANS FOR INTERSECTION IMPROVEMENT IN 2003. NEITHER KVFD NOR THE PUBLIC HAVE BEEN GIVEN ANY OPPORTUNITY WHATSOEVER TO SEE ANY PROPOSED PLANS FOR ANY REPLACEMENT FOR STATION 18. INDEED, THE COUNTY'S DEPARTMENT OF GENERAL SERVICES, DEPT. OF BUILDING DESIGN & CONSTRUCTION WEBSITE ON THIS PROJECT BEARS NOTHING UPON WHICH THE PUBLIC MAY SEE ANY PROPOSED PLANS OR COMMENT ON ANY SUCH PLANS – OTHER THAN THE DESIGNATION OF A SITE WHICH THE COUNTY HAS NOT EVEN ACQUIRED. SEE, [http://www.montgomerycountymd.gov/mcgtmpl.asp?url=/content/DGS/DBDC/RegionalProjectPages/MidcountyProjects/glenmont fs 18.asp](http://www.montgomerycountymd.gov/mcgtmpl.asp?url=/content/DGS/DBDC/RegionalProjectPages/MidcountyProjects/glenmont_fs_18.asp)***

**New Glenmont Station 18 site, “WMATA Triangle” property on west side of Georgia Avenue across from Glenallen Avenue.** (The Council approved this site in Resolution 15-1483, dated May 25, 2006.)

3. What is the status of County acquisition of the fire station site?  
***KVFD RESPONSE: THE COUNTY FIRE CHIEF ADVISED KVFD IN A MEETING ON MAY 6, 2010 THAT THE COUNTY HAS NOT ACQUIRED ANY SITE FOR THE PROPOSED NEW FIREHOUSE. WE ARE NOT AWARE OF ANY CHANGE IN THAT STATUS. THUS, THE COUNTY IS SEEKING \$13 MILLION FOR A FIREHOUSE FOR WHICH IT HAS NO SITE AND NO PUBLISHED PLANS!***
4. When does the County expect to be able to purchase the site?  
***KVFD RESPONSE: KVFD IS ADVISED BY A LOCAL CIVIC ASSOCIATION THAT IT HAS IN LITIGATION THE CONSTRUCTION OF***

**A GARAGE ON PART OF THE PROPOSED NEW-FIREHOUSE SITE, AND THAT IT IS THE UNDERSTANDING OF THE CIVIC ASSOCIATION THAT UNLESS THE GARAGE IS BUILT, WMATA WILL NOT ALLOW THE FIREHOUSE TO BE BUILT ON ITS LAND. THUS, THIS POSSIBLE HOLD ON THE COUNTY'S ABILITY TO PURCHASE OR OTHERWISE ACQUIRE THE PROPOSED LAND, IN UNCONFIRMED BUT APPEARS CONSISTENT WITH THE FACT THAT THE COUNTY HAS NOT ACQUIRED THIS LAND AFTER YEARS OF STATING ITS INTENT TO DO SO.**

5. Is there any pending citizen litigation regarding the use of the site for a parking garage or a fire station? If so, which issues are in dispute? At what point in the process is the litigation? Will the litigation delay the County in purchasing the land for the fire station or building the station?

**KVFD RESPONSE: SEE RESPONSE TO #4 ABOVE.**

6. What conditions, if any, is WMATA proposing or requiring of the County? What is WMATA's position regarding the fire station and garage? In WMATA's view, are they inextricably connected, or are they separable?

**KVFD RESPONSE: SEE RESPONSE TO #4 ABOVE.**

7. Are there any other acceptable locations for the replacement station? If so, how would the cost of land compare? How would the cost of the station be affected? (For example, would it be less expensive because it would be one story instead of two?)

8. Has thought been given to providing an interim temporary structure to house Station 18 to prevent the schedule for the intersection improvement from driving the fire station schedule?

**KVFD RESPONSE: KVFD WOULD COOPERATE WITH UTILIZATION OF A "KVFD" INTERIM STRUCTURE. WE PREVIOUSLY HAVE CONSTRUCTED AND OPERATED A JOINT VOLUNTEER / CAREER OPERATION IN AN INTERIM BUILDING DURING STATION 5's RENOVATION IN THE 2001 TIME FRAME AND PREVIOUSLY DURING THE CONSTRUCTION OF KVFD STATION 25.**

### **Cost of the Glenmont Station 18 Replacement Fire Station**

9. According to the PDF, the cost for the Glenmont Station 18 Replacement will be just over \$13 million. In their public hearing testimony, the Kensington Volunteer Fire Department (KVFD) provided examples of a new fire station in Ocean City that will cost \$2.6 million plus architects and engineering fees, and a new fire station in Brunswick that will cost \$3.7 million (including \$1.3 million from the local department for a social hall). What is the basis for the \$13 million

estimate for the Station 18 Replacement? What is included in the estimate? How fully developed is the estimate?

***KVFD RESPONSE: SEE ALSO ATTACHMENTS 1-10 HERETO WHICH SHOW BRAND NEW AWARD WINNING FIREHOUSES BEING BUILT ALL OVER THE NATION IN THE SAME PRICE RANGE AS THE OCEAN CITY STATION.***

10. Why does the Glenmont Station 18 Replacement cost so much more than the Ocean City and Brunswick stations? Please compare and contrast the costs for land, materials, labor, regulatory requirements, stormwater management, etc.

***KVFD RESPONSE: PLEASE SEE ALSO THE CORRESPONDINGLY NUMBERED ATTACHED EXAMPLES OF NEW FIREHOUSES EXCERPTED FROM THE NOVEMBER 2009 "FIRE CHIEF" MAGAZINE MAGAZINE, SHOWING OTHER FIRE DEPARTMENTS BUILDING BIG BEAUTIFUL NEW FIRE HOUSES:***

- #1. CANYON LAKE, TEXAS F.S. 1: \$2.2 MILLION
- #2. VILLAGE OF ELKHART LAKE F.S., WI \$3.1 MILLION
- #3. JAMESVILLE FIRE DISTRICT HQ, NY \$ \$2.8 MILLION
- #4. SPRING GREEN FIRE/EMS, WI, \$1.8 MILLION
- #5. DALLAS TX F.S. 40, \$3.2 MILLION
- #6. ZION IL. F.S. STA. 1, \$2.45 MILLION
- #7. CITY OF NEW ALBANY, INDIANA HQ \$2.3 MILLION
- #8. OAKES RD F.S. 104, DAVIE, FL \$1.3 MILLION
- #9. KANNAPOLIS NC F.S. 5, \$2 MILLION
- #10. ORLANDO FL F.S 7, \$2.9 MILLION
- #11. BRYAN TX F.S. 5, \$3.0 MILLION

-

11. How do the Programs of Requirements for the stations compare? Please provide specific information about the differences and similarities.

***KVFD RESPONSE: THE APPLICABLE COUNTY COLLECTIVE BARGAINING AGREEMENT WITH LOCAL 1664 CONTAINS SOME REQUIREMENTS WHICH WE DO NOT BELIEVE IMPOSE MEANINGFUL COST DIFFERENCES.***

12. Do the cost estimates that were provided to KVFD reflect the full costs of the Ocean City and Brunswick stations? If not, please be specific about what is not included.

***KVFD RESPONSE: WE ARE ADVISED BY OCEAN CITY VFD THAT ITS ARCHITECTURAL AND ENGINEERING FEES ARE AN ADDITIONAL \$150K.***

13. Does Montgomery County have more stringent building or related requirements than Ocean City or Brunswick that affect costs? If so, please specify.

***KVFD RESPONSE: GIVEN OC'S PROXIMITY TO THE OCEAN AND NOR'EASTERS, WE EXPECT THEIR CONSTRUCTION STANDARD IS SIGNIFICANT. WE ALSO ARE ADVISED THAT SINCE BRUNSWICK IS BEING FUNDED BY A FEMA GRANT, THAT IT MUST MEET FEMA CONSTRUCTION REQUIREMENTS.***

14. Can a Glenmont Station 18 Replacement be built for less than \$13 million?  
***KVFD RESPONSE: YES, MUCH LESS!***

### **Federal Functional Replacement Program**

In a letter to the CAO, dated April 25, 2007, the State Highway Administration (SHA) said that the Federal Highway Administration had approved SHA's request to compensate KVFD for a functional replacement, provided that the new building and land were owned by Montgomery County. The letter says that under federal rules for functional replacement compensation, the new facility must be owned by a governmental unit.

15. Do the federal rules provide for any type of waiver process that might be used to permit KVFD to own the new station?

***KVFD RESPONSE: ON THE ADVICE OF OUR LEGAL COUNSEL, THE FFRP REQUIRES THE NEW BUILDING TO BE OWNED BY A GOVERNMENT BUT DOES NOT REQUIRE THE GOVERNMENT TO BE 100% OWNER.***

16. KVFD has proposed allocating the \$4 million in Federal Functional Replacement money for the replacement station on the condition that KVFD own 50% of the replacement station and have the right to co-manage and operate volunteer apparatus and equipment from the new facility. Would a joint ownership arrangement between the County and KVFD satisfy the federal functional replacement rules?

***KVFD RESPONSE: SEE RESPONSE TO #15 ABOVE. NOTE ALSO THAT TO THE EXTENT THE COUNTY FIRE CHIEF'S TESTIMONY TO THE COUNCIL REFERRED TO INCLUDING \$4 MILLION FROM "US DOT" – THAT IS MISTAKEN IF IT SUGGESTS THAT THE COUNTY CAN GET "FFRP" MONEY FROM THE FEDERAL GOVERNMENT WITHOUT A STRUCTURED AGREEMENT FROM KVFD BECAUSE THEE "FFRP" DOES NOT APPLY TO PRIVATELY OWNED PROPERTY – KVFD OWNS STATION 18.***

17. Could the County lease the replacement station to KVFD for a nominal amount to permit the continuation of an operational structure that is similar to the one in the existing station?

***KVFD RESPONSE: KVFD WOULD BE PLEASED TO EXPLORE THIS CONCEPT CONSISTENT WITH THE RIGHT TO RESTORE VOLUNTEER OPERATION THERE IN WHOLE OR PART.***

**County Plans for Management and Operation of the Replacement Station**

18. What are the County's current plans for management and operation of the replacement station? What role will KVFD have?  
***KVFD RESPONSE: IN A MAY 6, 2010 MEETING WITH THE COUNTY FIRE CHIEF, WE WERE INFORMED KVFD WOULD HAVE NO ROLE OR NAME ON PROPOSED NEW STATION 18.***
19. How many and what type of vehicles does the County plan to operate from the station? How many additional reserve vehicles will be stored there?
20. Has KVFD been included in any of the planning activities for this station? If so, when? Please be specific about the extent of KVFD's involvement and the scope of any discussions held with KVFD.
21. KVFD's public hearing testimony says that KVFD plans to incrementally restore volunteer operations at Station 18, including the addition of new ambulance service. If KVFD has sufficient volunteer staffing to provide operations from Station 18, would the County allow them to do so?  
***KVFD RESPONSE: THE COUNTY HAS NO AMBULANCE OPERATIONS NOW AT STATION 18. KVFD COULD INCREASE THE PUBLIC SAFETY AT NO WAGE COST BY STARTING WITH PHASED IN VOLUNTEER AMBULANCE SERVICE FROM STA. 18***
22. KVFD is concerned that changing the name to Glenmont Station 18 does not appropriately reflect the historical connection of KVFD to the station. Regardless of who owns the station, could the name be revisited, or could another means be created to recognize KVFD's long-time service from Station 18 and commitment to the surrounding community?

CAREER  
**NOTABLE**

## Dallas Fire Station No. 40

Dallas, Texas



### Randall Scott Architects Inc.

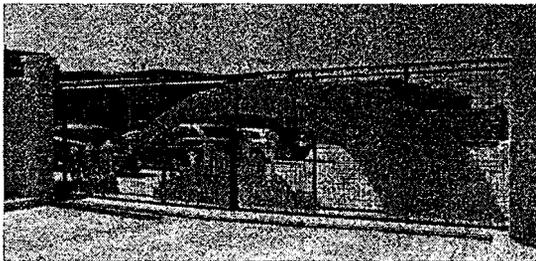
#### Design Team:

Randall B. Scott, AIA, Principal in Charge  
Gregory J. Conaway, AIA, Project Director  
Ed Bailey, AIA, Studio Leader  
Reed, Wells, Benson & Co., MEP Engineer  
Jaster-Quintanilla Engineers,  
Structural Engineer  
Pacheco Koch Consulting Engineers,  
Civil Engineer  
**Fire Lieutenant:** Jerry Minter  
**Project Area:** 11,977 sq. ft.  
**Total Cost:** \$3.2 million  
**Cost per Square Foot:** \$267  
**Completion Date:** September 2007

Randall Scott Architects' innovative "round-house" arc'd apparatus bay design for Dallas Fire Station No. 40 provides additional maneuvering space where it is most needed between the cabs where firefighters put on their firefighting gear before entering the trucks. Station 40 was immediately awarded LEED Silver certification by USGBC upon completion of construction for its model sustainable design elements including recycled materials, use of local materials, low flow water fixtures, xeriscape landscaping, reduction of heat island effect, provisions for alternative transportation and energy-efficient HVAC and lighting systems. The project incorporated "Public Art" as the staff parking security gate. RSA's design focused on the

station being integrated with the surrounding community by providing large amounts of glass on the north and northeast sides of the bays proudly displaying the significant investment taxpayers have made in the fire appa-

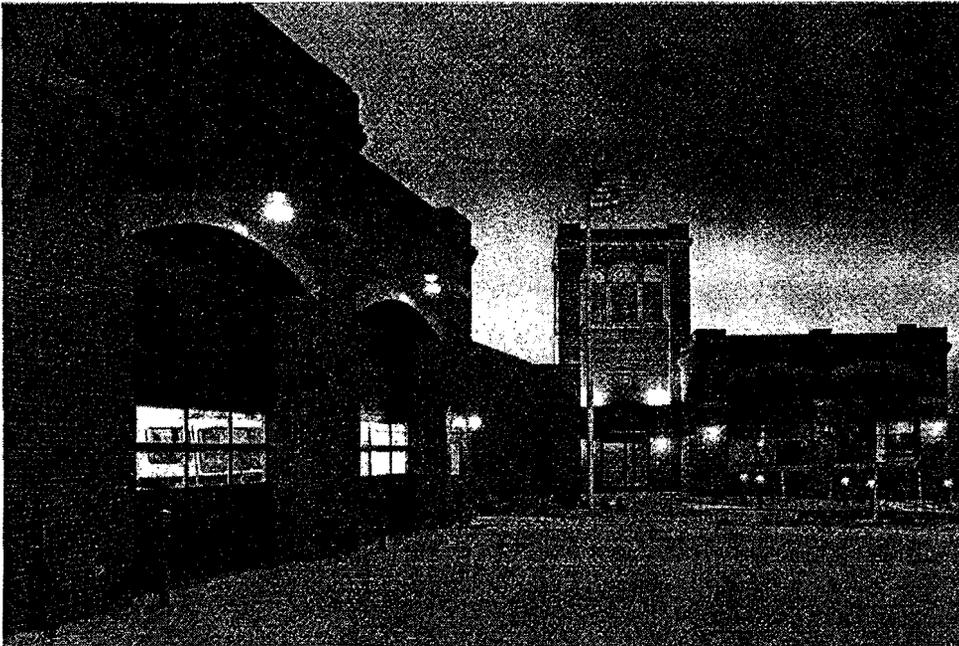
tus housed in the building while not adding to the energy needs of the building. The project scope includes six apparatus bays, sleeping quarters for 12 firefighters, two battalion chiefs quarters/offices, lieutenant's quarters and offices, day room, kitchen, dispatch/watch room, fitness center, video training room, private shower/restrooms, decontamination, SCBA and EMS facilities.



CAREER  
**NOTABLE**

## Colorado Springs Fire Department Fire Station No. 8

Colorado Springs, Colorado



**HB&A LLC**

**Design Team:**

Steve Powell, AIA, LEED AP,  
Principal, Project Architect;  
Matt Orsillo, Intern Architect;  
Michael Gaines, PE, Structural  
Engineer; Stephen Roisch,  
PE, Structural Engineer; Jerry  
Pasley, PE, Electrical Engineer;  
Lyle Hubl, PE, Mechanical  
Engineer; Andrew McCord, PE,  
Civil Engineer; Leslie Thomas,  
Landscape Architect; Dara  
Mattingly, Interior Designer

**Fire Chief:** Steven Cox

**Project Area:** 12,595 sq. ft.

**Total Cost:** \$2,545,000

**Cost per Square Foot:** \$202

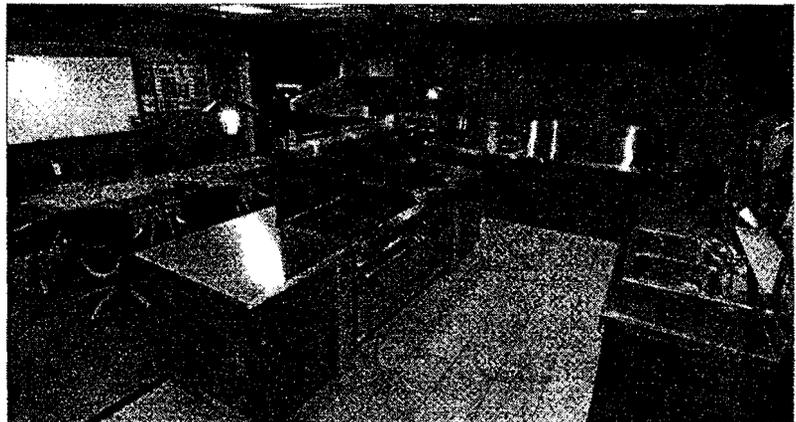
**Completion Date:** 2008

The station is oriented on site to provide emergency vehicles efficient access to the busy southeast side of the city. The main body of the building is slightly skewed from the apparatus bays to align with a new access road and the structure is raised several feet so it is above the floorplain level. This site placement also provides for separation between the visitor and staff parking and keeps fire trucks responding to calls as far from the residential area as possible. Other site features include a private patio for staff use, an ornamental fence providing a secure staff parking lot, and approximately 26 visitor parking stalls for use of the community room.

The all brick exterior of the station utilizes contrasting colors of brick influenced from a historical context of older fire stations. Brick corbelling, diagonally placed

brick and projecting brick pilasters give character and strengthen the exterior detailing around the whole facility. Approximately 70 precast traditional fire station emblem (maltese stones) enhance window and saw-

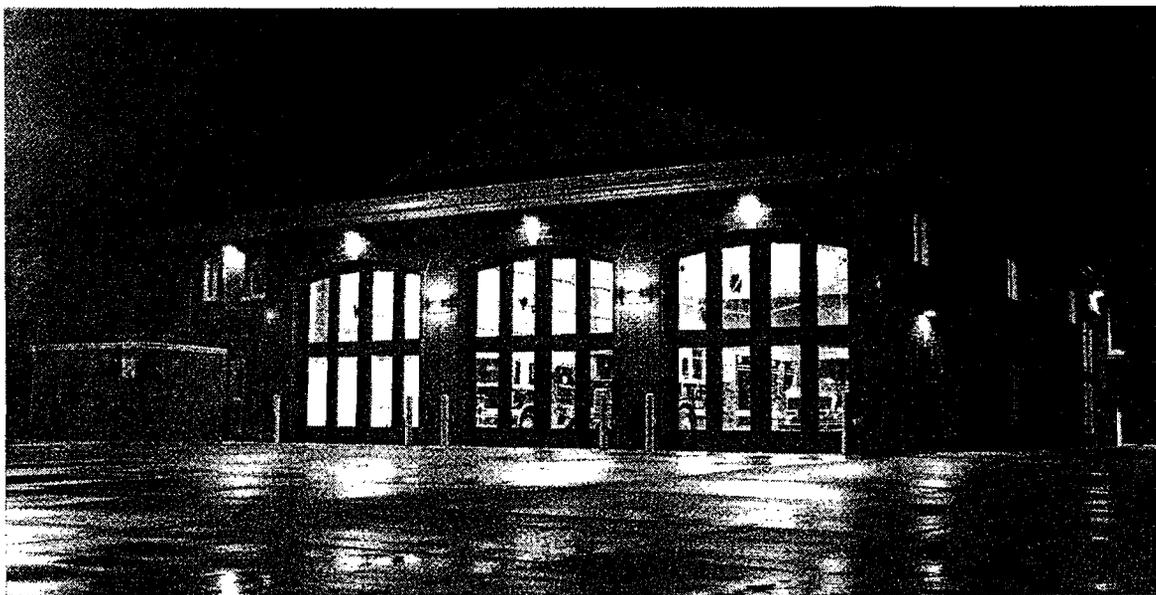
tooth patterned archways on each building elevation. Large window groupings in the apparatus bays, community room, entry tower, kitchen and fitness rooms define the activity hubs of the station.



CAREER  
**NOTABLE**

## Zion Fire and Rescue Department Station No. 1

Zion, Illinois



Our new station is set between residential and downtown districts. The brick design and traditional folding doors blends in well with surroundings and reflects a modern design with traditional look. The station was designed to provide the four on duty staff with efficiency and comforts needed in a workplace and home not found in our previous station.

Individual sleeping areas separated by

7-foot walls. Two rooms are enclosed with doors for privacy and separation.

Large locker room with two enclosed bathrooms complete with 5-foot tile showers, linen closets and standard furnishings.

The kitchen is a large open space leading out to a patio. Three commercial refrigerators and separate pantries provide storage for the shifts.

The fitness area provides a comfortable/maintained area for physical conditioning.

EMS, SCBA and maintenance rooms with ample storage, stainless steel counters, and sinks.

The apparatus bay has ample room for six apparatus and still work around them. Bay includes Plymovent exhaust system, toxic-gas monitoring/removal system,

### **Daniel Robison Architects, PC**

#### **Design Team:**

Zion Fire and Rescue Building Committee,  
Initial Design

Root Engineering, Mechanical, Electrical,  
Plumbing Design

McClure Engineering, Site and Civil  
Engineering

Dan Robison Architects, Final Design and  
Layout

**Fire Chief:** John Lewis

**Project Area:** 11, 844 sq. ft.

**Total Cost:** \$2.45 million

**Cost per Square Foot:** \$207

**Completion Date:** October 2008



trench drains and a separate gear storage.

The training room is multimedia-equipped, including a large flat-screen TV.

The administration area includes three large offices, a media room and a reception area, as well as separate bathroom facilities.



CAREER  
**NOTABLE**

## City of New Albany — Fire Department Headquarters

New Albany, Indiana

The city of New Albany looked to replace a fire station that served its downtown district to allow for a sewage treatment plant expansion. They chose an urban site on the corner of Fourth and Spring Streets. The original concept was designed around the preservation of a beautiful 1880's unitarian church. During the design process, a heavy ice storm toppled the building forcing a re-design of the the front administrative and 911 call center portions of the building.

The program included spatial requirements for a 911 command center, the fire department's administrative headquarters, conference rooms, training/classrooms, dining, kitchen, fitness area, a three-wide by two-deep apparatus bay with hose tower, and sleeping quarters for 28 full-time firefighters.

The building's exterior is comprised of brick veneer with architectural pre-cast concrete banding and base. The apparatus bay features concrete masonry unit back up while

the offices and dormitories are comprised of wood stud and drywall. A large glass arch highlights the three glass overhead doors and delicate steel trusses, bringing daylight deep into the apparatus bay. The 19,800-square-foot design opened in May 2004.



### The Estopinal Group

#### Design Team (Name, Title/Role):

The Estopinal Group, Architecture, Interior Design; R. Wayne Estopinal, AIA, LEED AP, President and Architect of Record; Kyle Wilson, AIA, LEED AP, Project Architect, Schematic Design; TRC Worldwide, Structural Engineering; Meridian Engineering and Technology Inc., MEP Engineering

Fire Chief: Matthew Juliott

Project Area: 19,800 sq. ft.

Total Cost: \$2.3 million

Cost per Square Foot: \$116

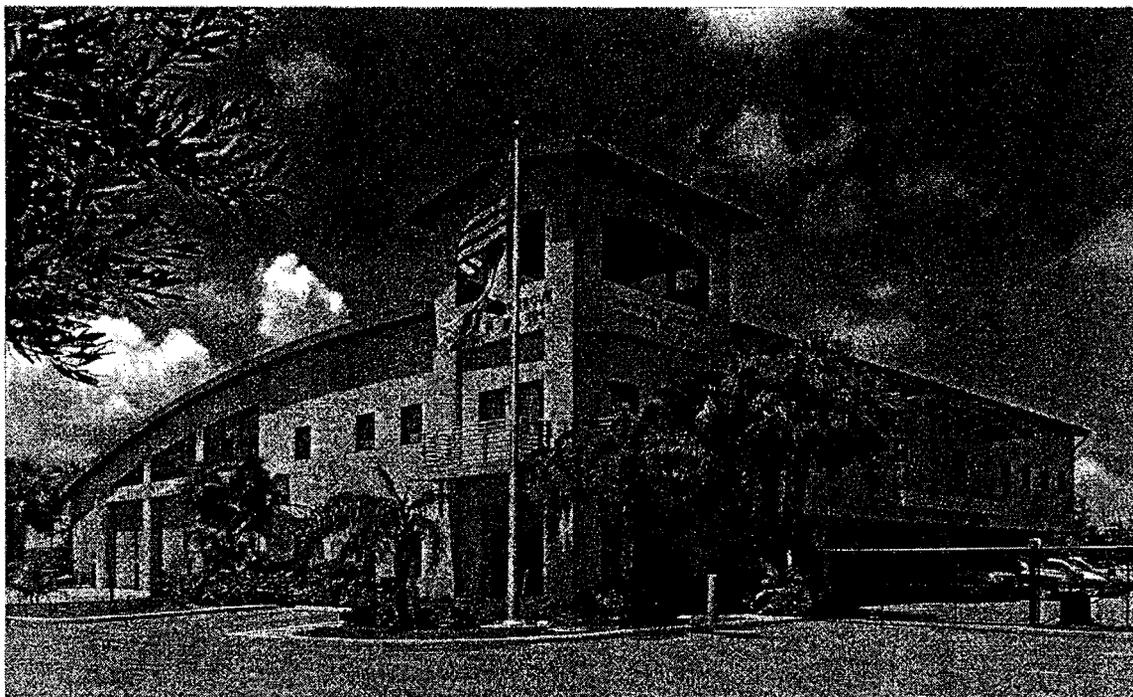
Completion Date: May 2004



CAREER  
**NOTABLE**

## Oakes Road Fire Rescue Station No. 104

Davie, Florida



New municipal fire-rescue facility located in an industrial business district of the town. The project is located at one of the main entry points to the district across a retention lake and serves as a beacon for the area.

The project's most prominent features are its lighted tower and single plane curved roof. Functionally, this project maximizes the use of the very limited site and still allows for drive-through access for convenience and functionality.

The project houses a full-service fire and rescue company with accommodation of all shifts on site including the town's central dispatch.



### C3TS Architects Engineers

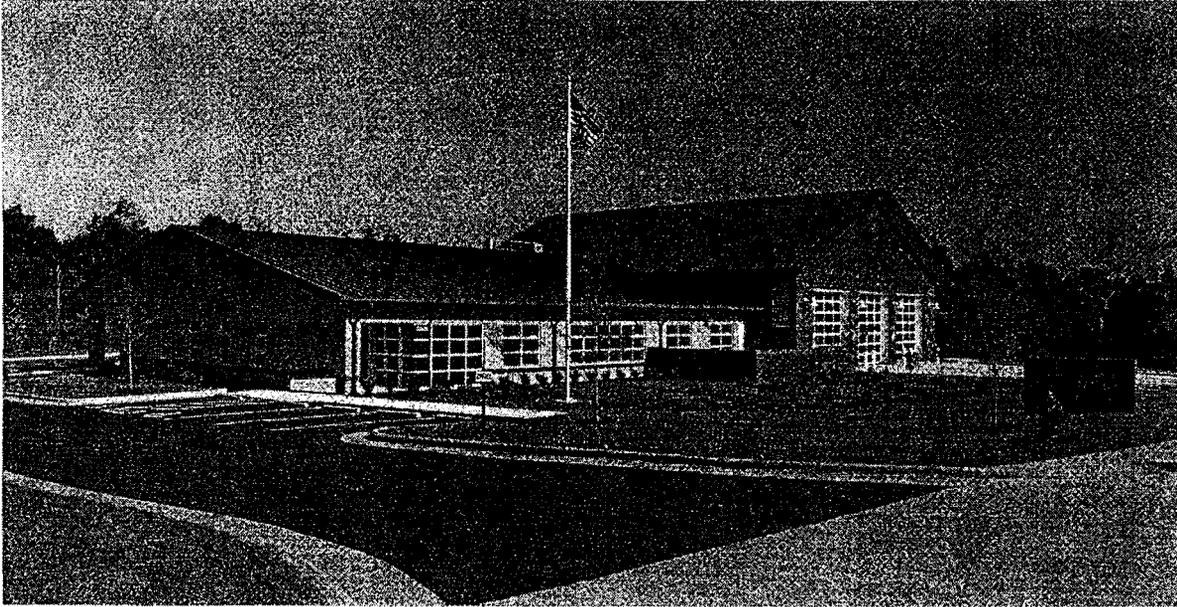
#### Design Team:

Javier F. Salman, AIA, C3TS,  
Architect of Record  
Elvira C. Freire, C3TS, Project Manager  
Ken Gardner, RA, Rosenberg Gardner  
Design Group, Landscape Architect  
Fire Chief: Joe Montopoli  
Project Area: 15,531 sq. ft.  
Total Cost: \$1.3 million  
Cost per Square Foot: \$84  
Completion Date: 2007

CAREER  
**NOTABLE**

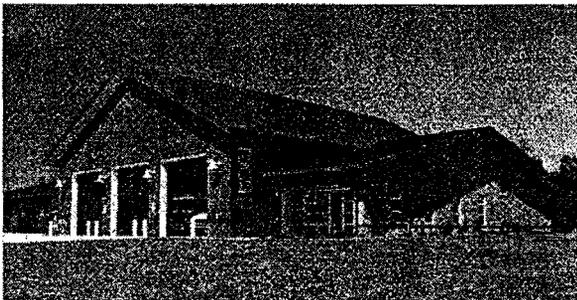
## Kannapolis Fire Station No. 5

Kannapolis, North Carolina



As a growing city, Kannapolis, N.C., required added emergency services on its southern perimeter. Kannapolis Fire Station No. 5 provided the answer for this need. In addition to full-time fire protection, this station includes a police office and county EMS station, thus providing the full range of emergency services. The fire station is organized for rapid response with all spaces having direct connection to the apparatus room. The day/dining room and kitchen are along the front, allowing the rear bedrooms more privacy and quieter space. The exercise room is centrally located for ease of accessibility and observation from both sides. As the place of the most injuries (heart attacks) in the fire station, it is essential to have continuous observation and quick access for medical attention. The accessibility meets this need while it encourages physical fitness. The bays are

drive-through with support spaces along both sides. FMS has its own bay with adjacent living areas. A mezzanine above the EMS quarters is accessible by a stairway from the apparatus room and provides generous storage. The building contains many green elements. Kannapolis Fire Station No. 5 is a state-of-the-art facility, functional and efficient, and an attractive addition to the city.



### Garner & Brown Architects, PA

#### Design Team:

Garner & Brown Architects, PA, Architect, Construction Administration  
Alley, Williams, Carme & King: Civil Engineer & Landscape Architect  
Hunter Structural, PA, Structural Engineer  
Morrison & Associates, PA, Plumbing, HVAC, Fire Protection Engineer  
Optima Engineering, PA, Electrical & Fire Alarm System Engineer  
Player Inc., General Contractor

Fire Chief: Ernie Hiers

Project Area: 13,081 sq. ft.

Total Cost: \$2,026,372

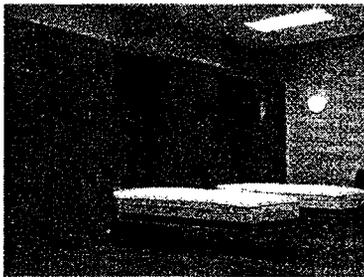
Cost per Square Foot: \$155

Completion Date: December 2009 (est.)

**CAREER**  
**NOTABLE** **Orlando Fire Station No. 7**  
Orlando, Florida



Orlando Fire Station No. 7 is a prototype fire station design that serves as a model for future stations throughout the city. The station includes a blend of offices, classroom, triage, medical equipment storage, bunkrooms, exercise, showers, day room, and full-scale commercial kitchen. A screened porch is adjacent to the kitchen for outdoor eating and cooking. The drive-through apparatus bays can handle any of the city's vehicles for



added flexibility in citywide emergencies.

The fire station will serve as an emergency command post during hurricanes and required the structural design to exceed building code minimums. The exterior walls are pre-cast high-strength concrete panels.

An assortment of eco-friendly features were installed, which allows the building to be 19% more efficient than normal. Some of these features include, low-flow plumbing fixtures, carbon-dioxide monitors, high-efficiency air-conditioning and electrical fixtures.

Most construction materials had a high recycled content, and 97% of the construction waste was recycled. Green Power credits supporting renewable energy were purchased to completely offset the total electricity consumption. Fire Station No. 7 is currently seeking LEED Gold certification.

Design and construction was accomplished in a 10-month period.

**McCree Architects & Engineers Inc.**

**Design Team:**

Kris Ness, McCree Architects & Engineers Inc., Architect

Bobes, MEP

FCM Engineering, Commissioning Agent

Hughes, Fire-Protection Design

Miller Civil, Civil Engineering

**Fire Chief:** Frank Cornier

**Project Area:** 11,530 sq. ft.

**Total Cost:** \$2,940,150

**Cost per Square Foot:** \$255

**Completion Date:** January 2009



CAREER  
**NOTABLE**

## Bryan Fire Station No. 5

Bryan, Texas

Bryan Fire Station No. 5 takes inspiration from the distinct Texas vernacular of the surrounding area. Clad with stone and a metal roof, the building conveys a sense of permanence through rugged simplicity. A combination of shading devices and low-emissivity insulated windows allows daylight to enter the building with minimal heat gain.

The state-of-the-art 14,300-square-foot facility accommodates 12 full-time firefighters. The fire department values social interaction and requested an open plan for the dayroom and kitchen. BRW met this request by using different ceiling heights to define the two spaces instead of dividing walls, thereby creating a large common area. Adjacent to the kitchen is a covered outdoor dining area with barbecue pit and views of the neighboring park.

Other unique features of the station include a commercial-quality gym and a multimedia training room for up to 25 people. The training room is available to

the public when not being used by the fire department.

Three 80-foot long apparatus bays allow smaller vehicles to be double-stacked and ladder trucks to pull through. The front bay doors are clear-glazed to put the activities of the firefighters on display and celebrate their presence in the community.



### BRW Architects Inc.

#### Design Team:

Mark E. Watford, FAIA, Principal in Charge  
Ray Holliday, AIA, ASLA, Project Manager/Architect  
Brian Gibbs, Assoc. AIA, Project Coordinator  
Jennifer Bettiol, Project Coordinator  
Laura Pivonka, Lighting Coordinator  
Fire Chief: Michael Donoho

Project Area: 13,557 sq. ft.

Total Cost: \$ 2,958,206

Cost per Square Foot: \$ 218

Completion Date: March 2009

