

PROCESS of the ANNUAL SIDEWALK PROGRAM

Field Study Complete/Work Falls Within Scope of Annual Sidewalk Program. Due to the high volume of the requests received by the Annual Sidewalk Program, our program operates on a queue system. Once the field study is complete, your request will be placed in our queue to await selection for sidewalk proposal.

First Comment Period. Once your sidewalk request reaches the top of our queue, a proposal will be drafted and mailed to all properties adjacent to the impacted right-of-way as well as those neighboring across the street. The proposal will include a letter introducing the proposal, a description of our process, a map, the potential construction impacts, a tree report which details trees that will need to be removed as well as life-saving measures for less impacted trees in the right-of-way, the law pertaining to snow and ice removal, and a comment form. Receipt of the proposal kicks off our first comment period, wherein we encourage residents to provide their feedback and ask any questions they may have. All comments are posted in our project file and on the Record. Also during this period, potentially impacted residents are welcome to request a field meeting with our Construction Representative, Juan Berrios, at their property to ask any questions as they pertain to the right-of-way adjacent to their property. Members of the community are welcome to request to be put on our mailing list.

Public Hearing. Following the first comment period, a public hearing may be scheduled for residents to testify in front of a hearing officer regarding the proposal. If one is scheduled, a public hearing notice will be sent to all residents on our mailing list. A court reporter will attend the hearing and a transcript will result. Due to COVID-19, the Annual Sidewalk Program has been holding virtual hearings. Whether virtual or in person, several displays and exhibits will be available for perusal. A Montgomery County Press Release will be issued from which residents can download the proposal documents, and the hearing will be advertised in the Washington Times online and hard-copy newspaper. Testimony may be submitted verbally at the hearing, in writing or both. Written testimony may be submitted anytime after the public hearing notices have been issued. The public hearing will be recorded and, if in person, a webcast will be broadcasted as well. Residents may request copies of the Record, the transcript of the hearing and the hearing recording.

Final Comment Period. Following the public hearing, a final comment period will be held to allow residents to submit written testimony or comments. The final comment period typically lasts approximately 2 to 3 weeks. A date will be announced at a public hearing.

Decision. Once the final comment period ends, the Hearing Officer will review the Record, including all displays, exhibits, comments, written testimony, and the transcript of the hearing. Thereafter, the Hearing Officer will draft his Recommendations, which will be forwarded with the Record to the Director, Christopher Conklin, for the decision. In addition to a complete review of the entire Record binder including all comments and testimony, the Director considers the following:

- ~ Do the proposed sidewalks connect to pre-existing sidewalks or networks of sidewalk?
- ~ Will the new sidewalk provide safer access to public transportation, schools, bus stops, parks, religious institutions or other amenities?
- ~ Will the new sidewalk(s) meet a purpose?

Upon receipt of the decision, the Annual Sidewalk Program will send notifying correspondence to all that are on the project mailing list. Because the process of The Annual Sidewalk Program includes two comment periods and a public hearing, there is no appeal process.

If approved and once a construction date has been set, the Annual Sidewalk Program will send a construction leaflet with a description and pictures of the stages of construction.

Frequently Asked Questions

Are residents responsible for snow and ice removal in inclement weather?

Yes, residents are responsible for removing snow and ice on any sidewalk, other walkway on or adjacent to property that the person owns, leases, or manages, including any walkway in the public right-of-way, to provide a pathway wide enough for safe pedestrian and wheelchair use within 24 hours *after* the end of the precipitation that caused the condition. Residents may choose to wait to remove the snow and ice until after the road has been plowed so as not to duplicate efforts.

How will the sidewalk be constructed in relation to rainwater drainage issues?

Sidewalks are typically constructed in one of two ways:

- a) the sidewalk will be constructed between the swale and road at a 2% pitch so that the rainwater will flow into the swale; or
- b) The culvert pipe at the driveway apron may be replaced if damaged and in need of replacement. A drainage pipe may be placed in the swale and backfilled, if needed. The sidewalk will be constructed over the backfilled area at a 2% pitch to direct the rainwater away from private property.

In some cases, the swale may need to be realigned or adjusted. If you have a concern regarding standing water or existing drainage issues along the proposed area, please inform the Annual Sidewalk Program so that reparations can be coordinated if and when the sidewalk is approved and constructed.

Why does the sidewalk have to be 5-ft-wide?

The State of Maryland has adopted the width of 5 feet for all future sidewalks based on the Americans with Disabilities (ADA) recommendations and guidelines. Montgomery County follows the State of Maryland design standards, and, therefore, all sidewalks will be constructed at a width of 5-ft-wide.

If you have any questions, please contact Lori Jean Main, who can be reached at Lori.Main@montgomerycountymd.gov or DTE.Sidewalk@montgomerycountymd.gov. Residents are also welcome to call Ms. Main at 240-777-7271.

Thank you!