

**IN THE MATTER OF:  
OLNEY ACRES COMMUNITY & MACDUFF AVENUE SIDEWALK PROPOSAL**

**CIP Project No. 0506747 / Annual Sidewalk Program**

**BEFORE: Michael Paylor, Public Hearing Officer, Department of Transportation**

**PUBLIC HEARING OFFICER'S RECOMMENDATION**

**I. BACKGROUND**

The Montgomery County Department of Transportation (MCDOT) proposed to construct a sidewalk that will provide safer pedestrian travel along the following roadways in Olney, Maryland:

- a. West side of **Overwood Drive** from **Morningwood Drive** to the property line between **17700** and **17701 Overwood Drive**;
- b. South side of **Prestwood Drive** from **Cashell Road** to **Overwood Drive**;
- c. North side of **Bettswood Drive** from **Cashell Road** to **Overwood Drive**;
- d. South side of **Macduff Avenue** from the **existing sidewalk** to **Cherry Valley Drive**.

This project is located within the Olney Acres and Cherrywood communities of Olney, located within the eighth election district of Montgomery County, Maryland. The proposed sidewalk will be a five-foot wide concrete sidewalk with a variable greenspace of zero to three feet.

Displays were presented at the public hearing showing the proposed sidewalk relative to bus stops, local facilities, and the Cashell Elementary School. An additional display revealed a typical cross-section of pavement and sidewalk for each proposed roadway, demonstrating the amount of public right-of-way available for construction of the sidewalks.

The project will cost an estimated \$399,616.80, including administrative and construction inspection costs. It will be funded through the County's Annual Sidewalk Program – CIP No. 0506747. No properties are considered to be specially benefitted by the project, and, therefore, no properties are expected to be assessed.

A public hearing was held pursuant to Section 49-53 of the Montgomery County Code on Wednesday, December 11, 2019 at approximately 7:00pm in the All-Purpose Room of the Cashell Elementary School located at 17101 Cashell Road, Rockville, Maryland 20853. Public notice of the hearing was provided to adjacent property owners, as well as those neighboring across the street. Notice to the public was, likewise, published in the Washington Post on 21<sup>st</sup> of November 2019 and the 5<sup>th</sup> of December 2019, posted on MCDOT's web calendar and was the subject of a "Go Montgomery!" Montgomery County government press release.

The hearing was also broadcasted over the internet, however, unfortunately, the internet service was functioning intermittently, causing the software to "freeze" during much of the hearing. It is for this reason that there is no recording of the webcast. Following the hearing, the public record was held open until 6:00 p.m. on Wednesday, January 15, 2020, to allow for additional comments to be submitted.

## **II. SUMMARY OF TESTIMONY, WRITTEN COMMENTS AND EXHIBITS**

### **A. Project Description**

A description of the proposed sidewalk project was presented by Tim Cupples, Chief of MCDOT's Division of Transportation Engineering. The original requests to construct sidewalks on Overwood, Prestwood and Bettswood Drives were submitted by citizens living in Olney Acres, in an effort to, not only provide a connection to existing sidewalks, but also to the network of sidewalks throughout the Olney community. MCDOT further received multiple

requests for nearby Macduff Avenue to fill a missing link from the existing sidewalk on Macduff to its intersection with Cherry Valley Road. Mr. Cupples described the project's history and the improved safety that would be created for both communities. Mr. Cupples also explained how the proposed sidewalk will provide safer access for commuters to and from the Montgomery County Ride-On bus stops located along Cashell Road. In addition, by creating a connection to the existing neighborhood sidewalks, this project will provide safer access for residents walking to the Olney Acres Park, Cashell Road Park, Norbeck Hills Tot Lot, Norbeck Hills Pool, community centers, churches, middle and high school bus stops and public transportation.

Mr. Cupples provided a project vicinity map showing approximately 5,664 linear feet of proposed sidewalk in the Olney Acres and Cherrywood communities. Each proposed roadway offers 60-feet of public right-of-way dedicated for public use.

**B. Testimony and Written Comments**

Although written comments received prior to the hearing were mostly supportive of the sidewalk, most of the testimony heard at the hearing was in opposition to the sidewalks. Comments received before the public hearing for Olney Acres reflect 31 households in support of the sidewalk proposal and 11 households opposing. Likewise, the comments received for Macduff Avenue before the hearing reflected 7 households in favor and only 3 opposing.

Residents in support of sidewalk installation wrote in discussing the blind curves and hills located in Olney Acres on which motorists speed recklessly. Mr. and Mrs. Killian Thorian summarized the sentiment of many when they wrote,

We are strongly in support of this proposed sidewalk construction. There is a lot of pedestrian traffic on the proposed streets (kids, elderly, dogs, etc.) and a number of partial or complete blind corners that are particularly dangerous. On our section of Overwood Drive, I have personally seen several close calls as cars speed around a corner obscured by large pine trees.

Ms. Diana B. Littlefield added,

From my window on Overwood Court, I have noticed a significant increase in the number of residents walking on their own, with dogs, and with baby strollers in the street on Overwood Drive as well as in the number of vehicles traveling in the same area. Our streets are quite narrow. When I walk my granddogs, I have a difficult time moving to the side of the road when cars are coming. There is not room on the street and, due to the swales, it is difficult to find footing to the side of the road.

In support of sidewalk installation on Macduff Avenue, and in response to those who opposed the sidewalk extension as unnecessary, Ms. Margaret Williams quoted statistics from the National Highway Transportation Safety Administration when she wrote,

Crashes involving drivers who are distracted, including those using their cell phones when the crash occurred, have gone up over time. . . .

In 2016, there were 562 nonoccupants (pedestrians, bicyclists, and others) killed in distraction-affected crashes and 3,450 people killed in motor vehicle crashes involving distracted drivers, meaning 16% of fatalities due to distracted driving were people walking or riding their bikes. In 2017 there were 599 nonoccupants (pedestrians, bicyclists, and others) killed in distraction-affected crashes out of 3,166 people killed in motor vehicle crashes involving distracted drivers, of 19% of fatalities and 19% increase in one year. . . .

Crashes involving pedestrians have gone UP since 1994, and, as a percentage of all accidents, those involving pedestrians are more common now than they were 25+ years ago. Put differently, a pedestrian is killed in a traffic crash every 90 minutes. 20% of all children 14 and under who were killed in a traffic accident were the pedestrian.

Mr. Vladimir Plotkin further wrote:

I think extending sidewalk completely (as it's only there part way right now) would significantly improve safety while walking that path. It would provide easier access to Cashell Elementary through the neighborhood for the kids. It would also help families getting to Cherrywood Park located on Cherry Valley Drive.

In contrast, opposing arguments included the addition of impermeable surfaces possibly worsening existing rainwater drainage, snow shoveling, loss of landscaping planted in the public

right-of-way, and loss of driveway space for parking, leading to more constrictions on an emergency vehicle or bus's ability to navigate the street.

The Dunn family of 17745 Overwood Drive summarized the opposing residents' concerns for the environment when they wrote:

We are very concerned that adding sidewalks to Morningwood Dr, Prestwood Dr, and Bettswood Dr would increase the impermeable surface area and the amount of storm water runoff in Williamsburg Run; the stream adjoining our neighborhood. This stream exhibits significant bank erosion now. Adding to the stream flow by channeling even more storm water to the storm drains from sidewalked [sic] yards versus allowing rain to percolate through the ground in the storm culverts will only exacerbate the problem. Some of the storm drains in the neighborhood already have erosion issues and have sinkholes around their brick casement. Increasing water flow through the storm water pipes would increase the drains' erosion rate.

In rebuttal to arguments that the sidewalks will increase pedestrian safety, Ms. Lois Taylor pointed out that the sidewalks could potentially increase danger in emergency situations:

Adding sidewalks on these streets will not increase pedestrian safety, but these walkways would increase the danger to residents. Emergency vehicles already have a difficult time navigating the streets due to their narrowness and cars parked along the road. Sidewalks would force people to park further in the roadway, narrowing the navigable space even further.

Most of the opposition received regarding the Olney Acres portion of this subject proposal was focused on Prestwood Drive and the cul-de-sac located on Overwood Drive. A petition was received at the public hearing in opposition to the sidewalks, entitled, "No Sidewalks in Olney Acres." The petition contains 22 signatures, only twelve of which had not previously commented, adding still more to the opposition received from the Prestwood Drive residents.

Discussion at the public hearing, however, revealed that one resident had signed only to maintain neighborly relations while another signed because they had been told of mass tree

removal when, in fact, only one tree will be lost to the entire project. Additionally, MCPS Route 4214 to Magruder High School and MCPS Route 4206 to Redland Middle School and Cashell Elementary School have bus stops at the corner of Prestwood Drive and Cashell Road that are utilized by many school children. MCPS Bus 4206, likewise, has a stop at the corner of Overwood and Prestwood Drives, which intersection is located immediately after a large hill followed by a “blind curve” on Overwood Drive. The children have no sidewalk on which to stand at any of the aforementioned stops, and, therefore, clusters of children have been noted to stand in the road.

The proposed Macduff Avenue sidewalk in the Cherrywood community was opposed by three households who argued that the extension of the Macduff Avenue sidewalk is unnecessary. This was the case with Lee and Alexandra Curtis, who wrote in to propose an alternative extension of existing sidewalk located at 17232 Macduff Avenue. As was explained by the Annual Sidewalk Program’s Field Supervisor, Rick Holley, however, the sidewalk at 17232 Macduff Avenue cannot be extended by the County since the County does not have right-of-way in that location. As property owners, the Board of Education would, instead, be responsible for extending the sidewalk at 17232 Macduff Avenue.

Opposing residents also complained about the 5-ft width of the sidewalk, favoring instead a 3-ft sidewalk.

**C. Changes to Proposal Based on Residential Feedback**

Although proposed originally, the cul-de-sac on Overwood Drive will not receive sidewalk. The sidewalk will instead end at Overwood Drive’s intersection with Bettswood Drive.

### III. CONCLUSIONS AND RECOMMENDATIONS

The purpose of conducting a public hearing, as well as the comment period which follows, is to provide sound, factual information. The information collected is used to prepare a recommendation which is presented to the Director of the Department of Transportation. The Director reviews the recommendation and determines a final decision based on the public need and appropriateness of the project.

It is very common for sidewalk projects to raise diverse views on the necessity for construction of sidewalks. The opposition to construction of sidewalks generally includes the concern over increase in responsibility of snow shoveling, the reduction of front lawns and driveways of those properties where the sidewalk is being proposed, the impact to trees and other landscaping, addition of impervious surfaces, impact to the aesthetics of the community, etc. The proposed Olney Acres and Cherrywood sidewalks project is no exception. In fact, although Prestwood Drive in Olney Acres was more opposed than supported, sidewalk installation will ensure the safety of children awaiting MCPS Buses 4206 and 4214 from the intersections on either end of Prestwood Drive by removing them from the road.

In my opinion, therefore, the public interest for the proposed project *is* adequately demonstrated. "Public interest" is a broad concept that manifests itself in a variety of contexts. When a construction project is involved, the project will be considered to be in the public interest if it will do such things as promote the general health and safety of the citizenry, protect the environment, preserve open space or otherwise advance the community's quality of life. This includes providing for the safe and efficient flow of vehicular and pedestrian traffic. The County has, in recent years, focused on the need for pedestrian safety through the creation of a pedestrian

safety task force and the tracking of pedestrian safety data through CountyStat. Sidewalks are an established means of reducing pedestrian-vehicle conflicts.

This sidewalk project is proposed under the Annual Sidewalk Program, which is a continuing program to provide pedestrian facilities throughout the County. Though written testimony offered for the project reflects mixed reception, exhibits and supporting comments provide adequate justification to establish that constructing the proposed sidewalks will create a safer mode of travel for all pedestrians. The sidewalk will provide a clear-cut and firm separation between the roadway and pedestrian travel. The sidewalks will be constructed entirely within the public right-of-way without needing acquisition of additional property.

The proposed sidewalk will give two communities and their surrounding residents a safe option for pedestrian travel, connecting them to community facilities, schools, public transportation and each other.

Upon thorough review of all the testimony and evidence presented in the public record, I conclude that there is sufficient basis to find that the Olney Acres and Macduff Avenue communities sidewalk project will be in the best interest of the public. I, therefore, recommend that the Director of the Department of Transportation authorize the project be constructed by MCDOT as modified herein.

Respectfully submitted,



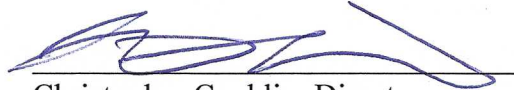
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Michael L. Paylor  
Public Hearing Officer



The Public Hearing Officer's Report and Recommendation for construction of the Olney Acres and Macduff Avenue sidewalk project has been reviewed and the project is hereby authorized for construction.

Date: 5/12/2020



Christopher Conklin, Director  
Department of Transportation