

**IN THE MATTER OF:  
PARKSIDE ESTATES / REDLAND STATION COMMUNITY SIDEWALK PROPOSAL**

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

**BEFORE: Richard Dorsey, Hearing Officer, Department of Transportation**

**PUBLIC HEARING OFFICER'S RECOMMENDATION**

**I. BACKGROUND**

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

- the **north** side of **Briardale Road** from **Shady Grove Road** to **Redland Road**;
- the **west** side of **Briardale Road** from **Dace Drive** to **Shady Grove Road**;
- the **northeast, north and west** side of **Baederwood Lane** from **Bethayres Road** to **Redland Road**;
- the **east** side of **Bethayres Road** from **Baederwood Lane** to **Bethayres Court**;
- the **west** side of **Dace Drive** from **Polara Place** to **Briardale Road**; and
- the **southeast** side of **Frontenac Terrace** from **Baederwood Lane** to the **culdesac**.

This project is located in the Parkside Estates and Redland Station communities of Rockville, within the third election district of Montgomery County, Maryland. The sidewalks were proposed at five feet wide with a variable greenspace of 0 to 3-feet-wide.

Displays were presented at the public hearing showing the proposed sidewalks relative to Redland Road and Shady Grove Road. The new sidewalks would lead to nearby pedestrian attractions such as the Candlewood Elementary School, the Blueberry Hill Park and Playground, Zurdo Soccer Academy, the McDonald's, Shady Grove Road KinderCare, China Jade Restaurant

and the Giant grocery store off of Shady Grove Road, the shops and medical offices off of nearby Crabbs Branch Way, the houses of worship, Needwood Golf Course and Crabbs Branch Stream Valley Park off of nearby Needwood Road as well as the Ride-On public transportation facilities and the existing network of sidewalks on and stemming from all of these roadways. Additional displays revealed typical cross-sections of pavement and sidewalk for each of the proposed, above-referenced roadways demonstrating the amount of public right-of-way available for construction of the sidewalks.

As proposed, this project will cost an estimated \$845,848.45, 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.

Pursuant to Section 49-53 of the Montgomery County Code, and due to the COVID-19 pandemic, a virtual public hearing was held on April 20, 2022, at 6:30pm. Public notice of the hearing was mailed to adjacent property owners, as well as those neighboring across the street, and all local homeowner's and civic associations. Notice to the public was, likewise, published in The Washington Times hard-copy and online newspaper on March 30, 2022, and April 6, 2022, was posted on MCDOT's web calendar, was the subject of a Montgomery County government press release circulated on April 7, 2022, and the *Go Montgomery!* Newsletter circulated on April 7, 2022.

Following the hearing, the public record was held open until 5:00 p.m. on Wednesday, May 18, 2022, to allow for written testimony and final 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 Sidewalk Program Manager, Robert Gonzales. The Parkside Estates / Redland Station sidewalk proposal was prompted by 32 sidewalk installation requests for the proposed roadways within this community dating to 2014. Mr. Gonzales described the project's history and the improved safety that would be created for the entire community. He explained how the proposed sidewalks will provide safer access for commuters utilizing the County's Ride-On buses, stops for which are located along Shady Grove Road and Redland Road. Mr. Gonzales also discussed the improved safety the sidewalks will provide students walking to the Candlewood Elementary School or to their respective school bus-stops, the Zurdo Soccer Academy as well as to the Blueberry Hill Local Park and Playground. He also discussed the enhanced safety the sidewalks will provide residents of all ages walking to the one of the many amenities off of Shady Grove Road and Redland Road, including the McDonald's, Shady Grove Road KinderCare, China Jade Restaurant and the Giant grocery store off of Shady Grove Road, the shops and medical offices off of nearby Crabbs Branch Way, the houses of worship, Needwood Golf Course and Crabbs Branch Stream Valley Park off of nearby Needwood Road as well as the Ride-On public transportation facilities and the existing network of sidewalks on and stemming from all of these roadways.

Mr. Gonzales provided a project vicinity map showing approximately 12,653 linear feet of proposed sidewalk in the Parkside Estates and Redland Station communities of Rockville.

The proposed roadways each have the following available right of way dedicated for public use:

- The County has 60-feet of total public right of way on **Briardale Road**; the roadway is 35-feet-wide. Thus, the County has 25-feet of total available right of way or 12.5-feet of available right of way on each side of **Briardale Road** dedicated to public use;

- The County has 60-feet of total public right of way on **Baederwood Lane**; the roadway is 20-feet-wide. Thus, the County has 40-feet of total available right of way or 20-feet of available right of way on each side of **Baederwood Lane** dedicated to public use;
- The County has 60-feet of total public right of way on **Bethayres Road**; the roadway is 23-feet-wide. Thus, the County has 37-feet of total available right of way or 18.5-feet of available right of way on each side of **Bethayres Road** dedicated to public use;
- The County has 60-feet of total public right of way on **Dace Drive**; the roadway is 26-feet-wide. Thus, the County has 34-feet of total available right of way or 17-feet of available right of way on each side of **Dace Drive** dedicated to public use;
- The County has 60-feet of total public right of way on **Frontenac Terrace**; the roadway is 23-feet-wide. Thus, the County has 37-feet of total available right of way or 18.5-feet of available right of way on each side of **Frontenac Terrace** dedicated to public use.

## **B. Testimony and Written Comments**

The Parkside Estates / Redland Station Community Sidewalk Proposal evoked a mixed reception by the community; the final comment tally stood at 19 opposing all or a portion of the proposed sidewalks, one who supported the sidewalks but not the side of the road selected for the proposed installation, and 20 supporting the installations. As is true of many of the Sidewalk Program’s proposals, most that opposed the initiative wrote in discussing lack of need, required tree removals, snow shoveling responsibilities, rainwater drainage concerns, loss of available parking, and the loss of the “rural feeling” of the community. For example, Gary and Elise Bowman of 16613 Frontenac Terrace commented,

“WHY DO WE NEED THESE? Seems like an expensive endeavor with little use. The need on Baederwood is understandable as the traffic volume and speed is greater there, but not on Frontenac Ter [sic].

Speed bumps on Baederwood Lane might be a less expensive, more useful project.”

Likewise, the concerns of Leo Lin of 16921 Briardale Road were focused on lack of need. In his written testimony, he wrote,

“The primary argument presented for building the sidewalk seemed to be that due to the quantity of traffic on Briardale Road there would be safety concerns for pedestrians walking on that road. However, this argument is flawed. As an almost thirty-year resident of Briardale Road, I seldom see pedestrians on this road, and as far as I know, have never seen an accident occur in this section. From a financial perspective, it is not worth building a sidewalk for so few pedestrians.”

Russell and Stella Price of 16620 Baederwood Lane similarly commented,

“We have lived on our street for over forty years, the residents have always taken care of our street, no accident has ever happened on this street because we did not have a side walk [sic] – in general – cars slow down and have been very respectful of those who are walking – and – at least 8 houses have sold – each within a week during the last year and a half, so, I can’t see how adding a sidewalk and inviting more walking traffic is beneficial to any of our homes!”

Cognizant of the importance of public safety, Leonard and Erin Martinko of 16604 Baederwood Lane expressed the views of many who opposed the installations, discussing their preference for traffic calming installations to create “safe streets.” They commented,

“I agree public safety is very important for our neighborhood. I do not think adding a sidewalk on my street would achieve this. I would be in favor of adding 3 and 4 way stop signs and speed bumps to slow cars down! Baederwood Lane is second cut thru [sic] street from Shady Grove Rd to Redland. There are no stop signs from intersection at Briardale nothing to slow cars. The speed the cars travel certainly exceeds the 25mph speed limit. I have been scared off my lawn while mowing. Slowing cars will make safer streets.”

Similarly, in their written testimony, Christine Thompson and Patrick Alexander of 16608 testified as to their preference for traffic calming installations. They also expressed their dismay at having to shovel snow from the sidewalk when they wrote:

“Sidewalk is not going to make a difference in safety compared to slowing traffic on Baederwood. Suggest speed bumps in addition to a four-way stop @ Baederwood & Bethayres. Against sidewalk installation, but if it gets installed on County right of way property

[sic] I consider it the County's responsibility to maintain it. County should clear the walk of snow for safety not homeowner."

To prove her contention that sidewalks are simply not needed in the Parkside Estates / Redland Station communities, Georgia Parker of 16925 Briardale Road requested proof of pedestrian traffic when she commented,

"I have lived on Briardale Road in Derwood for the last 45 years and I am against installing sidewalks in our community. This is an older established car community and does not have enough foot traffic to warrant sidewalks. Therefore [sic] I am requesting a "foot traffic study" to be conducted to determine the need for a sidewalk before this proposal goes any further. A five foot [sic] wide sidewalk is only used nowadays for new communities and not the model for established ones! I am also concerned about responsibilities for snow removal . . ."

Prefacing their comments with the benefits of a walkable and connected community, Michael and Claudia Kedda of 16705 Frontenac Terrace also discussed their view that sidewalk installation is appropriate for new home construction as opposed to retrofitting sidewalks in older communities, discussing tree loss, potential drainage issues, and lack of privacy. As displayed by the petition against sidewalk installation in the Frontenac Terrace cul-de-sac signed by 43 residents, the Keddas shared the sentiment of many of their neighbors residing in and around the Frontenac Terrace cul-de-sac. They commented,

"I preface these remarks by saying that, as an urban planner (Masters [sic] Degree in Urban [sic] and Regional Planning [sic] from The George Washington University), I strong support neighborhood design in new developments that includes sidewalks, as well as bicycle lanes, to facilitate walkable and connected communities. Walkable and connected communities provide many benefits to residents, including the opportunities for safe outdoor exercise and enjoyment of local parks, as well as the reduction of air pollution by taking fewer car trips.

However, the retrofitting of older suburban neighborhoods with sidewalks, originally designed for vehicular travel, is not a simple task or even warranted in some cases.

As the County is proposing for Parkside Estates, we do support the construction of sidewalk on the streets that connect Shady Grove Road to Redland Road: Briardale Road and Baederwood Lane. These two streets carry not only local traffic but also cut-through traffic by drivers seeking to short-cut through our neighborhood. Also, drivers on Briardale Road and Baederwood Lane routinely ignore the speed limit and whiz over the traffic bumps on Briardale Road.

**However, we object to constructing a sidewalk on the southeast side of Frontenac Terrace from Briardale Road to the end of our cul-de-sac. If a sidewalk is constructed on Frontenac Terrace, it should not include our cul-de-sac. No other cul-de-sacs are proposed for sidewalks.**

Laura Frashure of 16912 Baederwood Lane similarly testified at the public hearing, opposing sidewalk installation in the cul-de-sacs, when she said,

“. . . we're in support of the sidewalks for safety purposes. But my concern is the cul-de-sac that my house is on. It's the unnamed cul-de-sac that is just north of the intersection of Briardale and Baederwood, that four-way stop. The proposal says that there's going to be a sidewalk created across the top end of that circle. I'm not very clear on what the need is at that point because Baederwood at that very point where the cul-de-sac is is about twice as wide as it usually is -- the road is anyplace else, number one.

Number two, the cul-de-sac itself is a gathering place for a lot of kids. I -- we have parents -- I sit in -- at my front window and I look out at the -- at the families who drive their car or kids who ride their bikes up to that circle and swing on the swing that's -- that's there on the tree that has been there since -- it was there before I moved into this house when I was six months old. So, it's over 50 years old.

It is a destination and so putting in the -- the sidewalk across the top end of that circle would not only kill the tree and kill the destination and the -- the gathering spot, but it would be unnecessary because the sidewalk, the -- the road itself, Baederwood Lane at that point, is twice as wide as any other place in -- in the neighborhood.

So, I just ask the question is why is -- why is that necessary across the top of that circle to kill the tree and to eliminate the -- the gathering place of the public space?"

Although supportive of sidewalk installation in the Parkside Estates / Redland Station communities, Ms. Angela Rabatin of 16827 Bethayres Road testified at the public hearing regarding her concerns with sidewalk installation without an engineered design. She testified,

“. . . I too, as with some of the prior speakers, can support sidewalks. But there are certain concerns with regard to these unengineered [sic] sidewalks. And unengineered probably is self-descriptive.

But it certainly means that, for example, on Bethayres Road, certain things haven't been taken into account such as the lay of the land and things such as swells -- swells on the side of the Bethayres Road along the road at the bottom of driveways and even lawns. If a sidewalk were placed in those very same areas, why would it be different on that same piece of geography that the sidewalk wouldn't be eroded? So unengineered without proper drainage, etcetera. And I have long asked for proper drainage on the side of the road. It's concerning because the sidewalks will just be eroded.”

Despite the opposition of numerous residents in the Parkside Estates / Redland Station communities, there were equally numerous residents who supported the proposed sidewalks, discussing concerns about the lack of safety for pedestrians. For instance, at the public hearing, William and Nancy Brouillette of 16830 Bethayres Road testified in support of the proposed sidewalks when they testified,

“My wife Nancy and I have lived here since 1988, raised three kids here. And my respect to everybody else's opinion. But to me, pedestrian safety in this neighborhood is just awful. And just because we haven't had a death, or a terrible injury doesn't mean it's not. It's dangerous. People drive way too fast on Briardale, and of course, as to Bethayres and Baederwood, I'm not as familiar with.



So, I think the numerous kids in the neighborhood who have to walk up to the bus stop or walk to their friend's house, or who mom and dad are taking to the store, I think -- I think they're at risk a little bit, you know, more than a little bit. At night, especially during the winter, I notice a lot of people walk at night and don't have any lights, reflectors. You know, they -- of course, they should but, you know, the fact is they don't. And I -- as a driver, I hate it as a driver.

So, to me it's like, are we going to be safer with the sidewalks in the neighborhood or without them? And I think certainly, both as a pedestrian and as a driver and especially with concern for kids in the neighborhood, we'd be better off with sidewalks. And I'm sure the county can work around the valid engineering issues that some of the folks have brought -- brought up. And that's it. Thanks for your time.”

Cliff Hardin of 16940 Baederwood Lane, likewise, testified in support of the sidewalks, with emphasis on his concerns about walking in the roadway at night. He testified,

“ . . . I want to speak in great support of the sidewalks. And to me the central question is not property value or what it -- what it -- what it -- good or bad it does to my lawn. My -- the central question is safety. And I have to say that, you know, I walk my dog a lot and just like to run around the neighborhood. And I am -- I am quite concerned about, you know, I -- people sometimes drive a little bit fast and a little bit unconsciously. And so [sic] for my own safety, I worry about that.

I especially worry about my own safety and my family's safety and friends' safety and neighbor's safety at night because it's especially dark in the neighborhood where we live. And -- and conversely, when I'm a driver, I'm -- I -- I worry about it as well because of the dark and I don't want to have an accident and cause an injury to anybody.”

Paul Pollard of 16905 Briardale Road also discussed his discomfort having to walk in the road in darkness as well as the many children that are forced to walk in the road to the Blueberry Hill Park when he stated,

“ . . . I am completely in support of this sidewalk project. I live at 16905 Briardale Road, which is very close to the corner of

Briardale and Baederwood. And just as others have mentioned, both – both Briardale and Baederwood provide a cut through for traffic between Redland and Shady Grove often for drivers who don't live in the neighborhood and aren't as cautious and careful as those who live here.

Occasionally, I take the Ride On bus on -- from Shady Grove Road. And my walk along Briardale, which usually occurs in the darkness before sunrise, includes a winding S curve that nearly always has large vehicles parked on it forcing me and other pedestrians out into the street.

The walk along Baederwood that my children and others take to Blueberry Hill Park also includes a blink crest on a straightaway that encourages drivers to drive faster than they probably should. In my opinion, the sidewalks in our neighborhood are nice to have. They're really a need for the safety of the residents of Parkside Estates. Thank you.”

Despite testimony opposing the sidewalks on Dace Drive, comparing the road to a dead-end, trafficless cul-de-sac, Marea Petrelles, Grounds Chair of the Redland Station Homeowner’s Association, testified,

“For project -- the project two portion in my neighborhood which is on the -- the no outlet side of Briardale Road. And, you know, so specifically project two portion of my neighborhood that affects all the -- it affects all the pedestrians and their ability to reach nearby destinations safely.

So as a long-term community resident, I attest firsthand the need for this important project. It has been the subject of much concern and discussion over the years. Often, I've witnessed speeding drivers on the roads over here at Briardale Road and Dace. So, I'm talking about that portion. I support the sidewalk proposal for installation on Dace, I guess up to Polara. And I also support after seeing the bullet for the proposed sidewalk on Briardale Road from Dace to Shady Grove Road. So that's my testimony. Thank you.”

Ghaffar Ali Hurtado Choque of 16728 Frontenac Terrace commented on the need for sidewalk installation in the Parkside Estates and Redland Station communities when he commented,

“We are Extremely thankful that you are considering to build a sidewalk in our neighborhood. While I understand some neighbors may disagree.

I think the sidewalks is necessary for our safety. We have three children and a dog, like many, we enjoy walking around the neighbor[hood] for our health and getting to places. During the day and night time ([e]specially), it is unsafe to walk, parked cars in one side of the other current limits the space to walk, combined with the car speed (even when driving the appropriate speed, rarely done) puts pedestrians in danger. We have elderly neighbors who walk slowly, and also youth children (can sometimes be distracted) who walk and ride their scooters, both groups are very important in our community. For the wellbeing of my family and our neighbors, **I vote YES** to build sidewalks in our neighborhood.”

Likewise, Patrick and Monica Flippin of 16804 Bethayres Road commented on the need for improved pedestrian safety for senior citizens and children alike when they stated,

“It is our considered belief that adding sidewalks to the community would be an excellent endeavor.

As residents and pedestrians of the neighborhood we have found it challenging to traverse the streets and avoid vehicular traffic especially at night. We walk our dog several times a day and must avoid traffic that often exceeds the speed limits of the community. Many drivers pay more attention to their cellphones than to pedestrians on the street.

Children in our neighborhood should not have to dodge traffic to get to the school bus or to the park. Seniors such as I fear distracted drivers that may not see us walking through the neighborhood. I have had several close calls myself.

In the future having sidewalks will increase the desirability of homes in the community and would add to property values. My wife and I both grew up and lived in communities with sidewalks and can truly appreciate their desirability. We are very much in favor of the proposed Sidewalk Program.”

Although in agreement with those who opposed sidewalk installation in the Frontenac Terrace cul-de-sac, in their written testimony, Paul Barton and Cathy Dormitzer of 16533 Baederwood Lane wrote,

“I think most of the proposed sidewalk locations make sense. I think the proposed sidewalk on Frontenac between Baederwood and Briardale is needed. However [sic] since the portion of Frontenac northeast of Briardale is a dead end, I wonder if there is enough pedestrian and car traffic on this section of Frontenac to require a sidewalk?”

Lastly, Lauren Spranklin of 16928 Baederwood Lane discussed, not only the safety the proposed sidewalks would provide, but also the improved look of the community when she submitted her written testimony. She stated,

“In response to the mailing regarding the proposed sidewalk construction along Briardale road, Baederwood lane, Bethayres road, etc., as a resident on Baederwood lane, I am writing to express my support for the program. I believe it will make the neighborhood safer for children, walkers, runners, and dog walkers. In addition, it will improve the look of the neighborhood, and it’ll improve the community. My property is the side where the proposed sidewalk will go, and I very much support it.”

### **III. ANSWERS TO FEEDBACK and CHANGES TO THE PROPOSAL**

Many residents commented and testified as to the lack of need of the proposed sidewalks, citing that they rarely see pedestrians walking on the proposed roadways. Despite this, MCDOT understands that the installation of sidewalks provides a safe place for pedestrians to walk, separated from oncoming vehicular traffic; thus, allowing those who previously avoided walking in the roadways due to the lack of safe pedestrian passageways to walk safely on the proposed sidewalks. The sidewalks were proposed as a proactive safety measure at the request of numerous residents within the community.

A question on the minds of many residents pertained to their responsibility in inclement weather. Mr. Gonzales confirmed that, pursuant to Section 49-17 of the Montgomery County Code, 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. Multiple elderly residents questioned what could be done if the resident is physically unable to shovel snow. Lori Main, Planning Specialist with the Sidewalk Program, discussed similar communities that have started a “village program,” wherein younger, more able-bodied residents assist their elderly neighbors by shoveling their snow. This Hearing Officer added that there are volunteer organizations that will assist the elderly with these types of activities such as the Boy Scouts, the regional service centers throughout the County, as well as middle and high school students looking to fulfill their Student Service-Learning hours.

The residents further asked who would be responsible for removing fallen leaves from the sidewalk, anxious that they would be liable if a pedestrian slipped and fell from walking on fallen, wet leaves. This Hearing Officer explained that the homeowner is responsible to do regular maintenance, which would include the removal of leaves. Dismayed that clearing leaves from the sidewalk would be added work that residents without a sidewalk need not concern themselves, the resident pushed to learn what the liability would be if someone did slip and fall due to fallen leaves. Ms. Main suggested that the residents contact an attorney or their homeowner’s insurance representative to confirm liability in this scenario since the County Code does not regulate leaf removal from the sidewalk.

Maintenance of potential cracks and trip hazards in the sidewalk was also a source of worry to many, as was the potential for the culverts under the driveway to become clogged with leaves or debris. Ms. Main alerted the residents to Montgomery County’s 311. Residents may contact 311 by dialing 311 or 240-777-0311 to request a myriad of County services including

sidewalk repair, street drainage repair, road and pothole repair, etc. The 311 website also has a chat box for questions as well as many links to County services that can be requested online via their website



(<https://www.montgomerycountymd.gov/mc311/top-services.html>).

Residents, likewise, questioned whether or not the sidewalks would be treated with protective chemicals. Rick Holley, Field Supervisor with the Sidewalk Program, explained that our contractors are contractually bound to treat the newly installed sidewalks once. Thereafter, if cracks or scaling occur, residents may contact Montgomery County’s 311 to have the sidewalk segment in disrepair replaced.

The topic of replacement trees was then discussed. The County plants three trees for every one tree removed. Following sidewalk installation, residents will have the opportunity to contact the Division of Highway Services, specifically Mr. Jack Pond, to submit a request for the species of tree(s) they wish to have planted from the County’s standard tree lists which can be

found on the tree planting website



(<https://www.montgomerycountymd.gov/dot-highway/tree/index.html#Planting>).

If there are powerlines above the new sidewalk, replacement tree species must be selected from the Minor tree list. If there are no powerlines above the new sidewalk, the replacement tree species must be selected from the Major tree list. Mr. Pond can be reached via email at [Jack.Pond@montgomerycountymd.gov](mailto:Jack.Pond@montgomerycountymd.gov). Planting season runs from October to March and residents are asked to choose a preferred species as well as an alternative species in the event the first choice cannot be sourced. The replacement trees are 5 to 6-feet-tall, come with a one-year warranty, and will need to be watered by the residents for the first few months after planting.

Side selection for the sidewalk was another question received from many as well as why we propose the sidewalk on one side rather than both sides. The Sidewalk Program typically proposes sidewalk installation on one side of each proposed roadway so that we are able to address sidewalk installation on more roadways in more communities. Sidewalk installation on both sides of each proposed roadway would greatly reduce the number of roadways without sidewalks that the Sidewalk Program could address in a given year. The side of the road that we select for the proposed sidewalk installation is based on multiple factors such as tree removals, landscape grading, utilities, the side on which local amenities exist such as school and public transportation bus stops, schools, the local swimming pool, trail entrances, etc. The Sidewalk Program Inspectors look at all variables for each side of the roadway and select the side that is the most constructable, or favorable for sidewalk installation.

Multiple residents asked why the greenspace is proposed as “0 to 3-foot-wide variable greenspace,” rather than proposing a larger, safer buffer between the road and the sidewalk. The Parkside Estates and Redland Station communities are “open-section” communities, meaning the roadways do not have curb and gutter, but instead have a swale in the right of way with culvert pipes under the driveway. To maintain the existing drainage system in the open-section community, the sidewalks are installed between the road and the swale at a 2% pitch towards the swale so that rainwater runs off the sidewalk and into the swale. The goal is always to provide the full 3-foot-wide greenspace; however, it is proposed as variable in case there is an obstruction such as a utility pole, fire hydrant or electrical box that the sidewalk must go around.

Traffic calming measures were the subject of many comments from those who responded to the proposal. To request traffic calming installations such as speed bumps, stop signs or

pedestrian islands, residents may contact the Traffic Engineering and Operations Division at [TrafficOps@montgomerycountymd.gov](mailto:TrafficOps@montgomerycountymd.gov).

Concerns regarding the “unengineered” design and installation of the proposed sidewalks were the next topic of discussion. An engineered design is a thick book of plans, including cross-sections as well as many full and varied close-up views of the proposed modifications. A fully engineered design typically is drafted over multiple years and costs hundreds of thousands of dollars. While the Sidewalk Program does not utilize a dedicated engineered design book during their installations, Robert Gonzales, the Sidewalk Program Manager, is an engineer as are numerous colleagues with whom the Sidewalk Program consults if a question or issue arises during installation. Likewise, the County has engineered standards and regulations to which the Sidewalk Program adheres during installation. The Sidewalk Program’s installations are relatively minor and do not require the intense detail, scrutiny and length of time and expense required for engineered design plans. This allows the Sidewalk Program to provide improved pedestrian safety to communities county-wide while saving tremendous taxpayer dollars.

Residents were also worried about the relocation of their mailbox, noting that they had seen some mailboxes installed in the sidewalk itself. Mr. Holley explained that, when the sidewalk is at the back of curb, the mailbox is installed in a sleeve built into the sidewalk at the curb. In this instance, the mailbox is situated parallel to the roadway to reduce any obstruction of the sidewalk. Having been installed in the sleeve, the mailbox can be easily repaired or replaced if needed. Since, however, the Parkside Estates and Redland Station communities are “open-section” as discussed above, there will be no need to place the mailbox in a sleeve in the sidewalk. The mailbox will be relocated in the greenspace.



The installation of curbing was also discussed. The residents wanted to know if curbing would be installed throughout the community. Juan Berrios, the Sidewalk Program's Construction Representative, explained that, since the community was set up as open-section, curbing would not be installed except at the intersections. Mr. Berrios went on to state that the communities currently have asphalt curbing at many intersections. The asphalt curbing will be replaced with concrete curbing. The topic of curbing spurred a further discussion regarding the curbing at the intersection at Briardale and Bethayres Roads, which was originally installed too narrowly to allow for the proper flow of traffic. Although the County had moved the curbing to widen this intersection, The Washington Suburban Sanitary Commission (WSSC), in working at the location, removed and replaced the curbing, installing it in its original position, rather than the widened position. Mr. Gonzales made note of the intersection and confirmed that the curbs would be replaced in the wider position so as to promote the proper flow of traffic.

A question was asked about the cement culvert on Briardale Road. Due to the configuration, residents were concerned that pedestrians would fall from the sidewalk, three or four feet down into the concrete culvert, resulting in injury. Mr. Holley discussed the various options such as a handrail that could be put in place to avert potential falls. Following the public hearing, the Sidewalk Program personnel discussed the location. A culvert pipe will be inserted into the concrete swale and the sidewalk will be constructed on top of the swale and culvert pipe, thus eliminating the drop from the sidewalk to the culvert.

As is often the case, rainwater drainage was a source of anxiety experienced by the residents. Mr. Holley addressed this concern, explaining that, when we are in the community to install the sidewalks, we will take note of if and where water is ponding or the direction the water is flowing. He further explained that the Sidewalk Program will be able to grade the soil or

slope the sidewalk and ramps in a way that will steer the flow of water. Mr. Gonzales also discussed the regrading of the swales, if need be, or providing crushed rock to stabilize an erosion issue. Ms. Angela Rabatin discussed the need for underground piping or a curb and gutter drainage system. The Sidewalk Program is not able to facilitate the complete replacement of the drainage system. To inquire about curbing and a gutter system, Ms. Main referred Ms. Rabatin to the Division of Transportation & Engineering's Drainage Assistance Program



(<https://www.montgomerycountymd.gov/dot->

[dte/drainage/#:~:text=A%20request%20for%20assistance%20can.request%20in%20a%20timely%20manner](https://www.montgomerycountymd.gov/dot-dte/drainage/#:~:text=A%20request%20for%20assistance%20can.request%20in%20a%20timely%20manner)). The purpose and goal of this program is to solve drainage problems where there is no storm drain system or the existing system is failing or is inadequate. Through this program, the Design Section receives and addresses requests for assistance to correct drainage problems where the runoff water originates from the public Right-of-Way.

Next, a question was asked about the materials that will be used during construction of the driveway apron. The driveways in the Parkside Estates / Redland Station community are currently made of asphalt. Mr. Holley explained that the driveway apron and sidewalk will be constructed in concrete, the remaining driveway will remain asphalt.

Under the impression that the County has an easement to private property to install the sidewalk, residents also questioned whether they could refuse the installation of the sidewalks if approved. To clarify, an easement gives people or organizations the right to access and use your property in specific situations for a limited purpose. A right of way is a type of easement that establishes the freedom to use a pathway or road on another's property without conferring ownership. As discussed above, the County has right of way to the first several feet of property in from the road. Since the County has right of way rather than an easement, residents do not

have the option to refuse the installations. Concerned that the installation, if approved, would result in additional taxes or fees, Mr. Gonzales assured the residents that property taxes are not reassessed following installation.

Because the traffic in the Frontenac Terrace cul-de-sac sees local traffic only, that of the residents who reside there, and due to the petition in opposition to sidewalk installation on the Frontenac Terrace cul-de-sac, sidewalks will be installed on Frontenac Terrace from Baederwood Lane to Briardale Road only. To confirm, this Hearing Officer recommends the following installations:

Proposed Installation:	MCDOT Recommended Installation:
<b>Briardale Road (north)</b> Shady Grove Road to Redland Road	Sidewalks are Recommended.
<b>Briardale Road (north)</b> Shady Grove Road to Dace Drive	Sidewalks are Recommended.
<b>Baederwood Lane (north)</b> Redland Road to Bethayres Road	Sidewalks are Recommended.
<b>Bethayres Road (east)</b> Baederwood Lane to Baederwood Lane	Sidewalks are Recommended.
<b>Frontenac Terrace (south)</b> Baederwood Lane to cul-de-sac	Sidewalks are Recommended as modified herein. Recommended Sidewalk Limits are Baederwood Lane to Briardale Road.
<b>Dace Drive (east)</b> Briardale Road to Polara Place	Sidewalks are Recommended.

#### IV. CONCLUSIONS AND RECOMMENDATIONS

The purpose of conducting a public hearing, as well as the comment period which follows, is to provide sound, factual information on resident perceptions and current conditions of pedestrian safety. The information collected is used to prepare a recommendation which is

presented to the Director of the Department of Transportation, Christopher Conklin, for a final decision on the project. The Director reviews the Hearing Officer's recommendation as well as the full Record, 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 sidewalk installation generally includes concern over an increase in responsibility and liability in inclement weather, the reduction of front lawns and driveways of impacted properties where the sidewalk is proposed, the loss of parking, the impact to trees and other landscaping, the addition of impervious surfaces, the impact to the aesthetics of the community, etc. The proposed sidewalks in the Parkside Estates and Redland Station communities are no exception.

In my opinion, however, the public interest for the above-recommended sidewalks *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 pedestrians, 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 was proposed under the Sidewalk Program, which is a continuing program to provide pedestrian facilities throughout the County. Though written comments and testimony offered for the project reflect a great deal of opposition from impacted residents,

exhibits and supporting comments and testimony from the community provide adequate justification to establish that constructing the proposed sidewalks will create a safer mode of travel for all pedestrians. This is particularly true for children and residents of all ages walking to the Candlewood Elementary School, Montgomery County Public School bus stops, friends' houses, the local Blueberry Hill Park, and the many shops, restaurants, and County Ride-On facilities located off of Shady Grove, Redland and Needwood Roads. The sidewalks will provide a clear-cut and firm separation between vehicles traveling on the roadway and pedestrians. If approved, the sidewalks will be constructed entirely within the County's public right-of-way without needing acquisition of additional property.

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 recommended sections of the 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,

eSigned via SeamlessDocs.com  
*Richard C Dorsey Jr*  
Key: 3f24348981e82a6fd4973ea1acb856f6

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Richard Dorsey,  
Public Hearing Officer

The Public Hearing Officer's Report and Recommendation for construction of the Parkside Estates and Redland Station Community sidewalk project has been reviewed and the project is hereby authorized for construction as modified herein.

Date: Aug 1, 2022



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Christopher Conklin, Director  
Department of Transportation