Task Force Responses to WG Resident Inquiries on the TF Report

(12-1-21p)

The TF received both corrections and comments on the Nov 8 TF Report.¹ Below are the TF's consolidated corrections and responses.

A. Corrections to the TF Report (Page numbers here refer to Nov 8 TF Report.)

- P.4, paragraph 6, should read: A Special WG Town Meeting, scheduled for March 14, 2020, was cancelled due to the worsening Covid-19 pandemic.²
- P.7, Ref 22, links to "Maps of WG Traffic Flow with 5 Pathways." The paragraph within titled "No Option," at the bottom of p.2, should read: "Traffic would converge along the northeastern stretch of <u>Ridge Rd</u>" (not Railroad St)
- P.12, EC3-Environmental and Historic Impacts should read: The pathway connection from the end of Brown St would require removal of <u>approximately 6 small-to-medium-sized trees</u>. No trees on WG residential private property would be removed.
- P.13, should state that Option #4 traverses the <u>north</u> end of the Conservation Meadow (not the south end).
- P.14, the TF Report (ref 46) provides text from two letters sent by the HPC to the TF, one on August 27 and a second on August 29. Some text from the August 29 letter was inadvertently deleted during transcription. The TF believes, however, that the main arguments of the full August 29 letter were captured in the TF Report. The full text of the August 29 letter is available on the Shared Google drive and in the Task Force bibliography.³

B. Comments from WG Residents Received Regarding the TF Report

- 1. Some residents asked why their inquiries and suggestions to the TF were not included in the TF Report. The TF is grateful for all the comments and suggestions we received from Town residents, committees, and Commission. The TF considered all input that was submitted. Due to the large number of comments and questions we received, the TF Report could reference only a subset of inquiries, based on their relevance, the objective evidence provided, and whether similar information was covered elsewhere in the Report.
- 2. What is the evidence that Railroad presents the most traffic concerns? Railroad St carries a heavy flow of traffic in both directions, especially during peak commuter hours and on weekends. As observed by TF members, drivers exiting Railroad St onto Ridge Rd often exit quickly to avoid counter traffic, then immediately encounter a sharp turn on Ridge Rd, with limited visibility of oncoming Ridge Rd traffic from the other direction. This sharp turn is approximately where most pedestrians and bicyclists would cross Ridge Rd to enter or exit the pathway entrance. Kyle Lukacs noted to the MC Planning Board, on 4-22-21, "... the tie into Railroad Street near the three-leg intersection of Railroad Street with Ridge Road may be problematic. Traffic volumes on Railroad Street are higher than the other route ends for the other alternatives."

- 3. Is MC DoT currently funded for construction of a pathway connection from Crabbs Branch Way to WG? As described in multiple DoT presentations since early 2021, the DoT is funded for planning, design, and construction of a pathway connection from Crabbs Branch Way to Washington Grove. The MC Planning Board voted, on 4-22-21, to advance the connection to the lower end of Brown St as the preferred connection, with completion in FY24.⁵ Nevertheless, the more detailed DoT analysis of this connection currently underway could result in the need to request additional funding. 6 MC DoT provided further clarification on funding availability in their 11-19-21 email stating that they "do have money for planning, design, and construction." In their 11-19-21 email, MC DoT states that they have funding for planning and design in FY21-23 and once Facility Planning Phase I is completed within the next few months, they'll move into Phase II and then into Final Design with the expectation of Final Design to be completed in FY23. They currently have construction funds for FY24, but since they have not finished Phase I of Facility Planning, these funds are planning level cost estimates only, which will be finalized once they have a more accurate picture of final costs. Again, MC DoT states they do have funding for planning, design, and construction. There is about a \$250,000 difference with some design options, so they've put the construction funds into a place holder until costs are finalized.⁷
- 4. What is the evidence that the Lower Brown St connection was chosen as preferred option by MC Council because it has the smallest footprint, and causes the least environmental and archeological damage? The smaller environmental footprint of a Lower Brown St connection is documented in the 4-22-21 DoT MC Planning Board Presentation, with data in Table 1. The DoT presentation noted "In general, of the three primary alternatives, Alternative #3 (Brown Street) has the lowest estimated construction cost, the shortest route, and the lowest impact to forested areas. It is also preferrable to Alternative 1 because the street that it connects to (Brown Street) is lower volume than the street that Alternative 1 connects to (Railroad Avenue)." Further, the MC Senior Archaeologist Heather Bouslog stated that "...compared to the other proposed routes, the Brown Street option has the smallest impact on parkland and archaeological resources."
- 5. Some comments received by the TF questioned the factual correctness of the statement "... the Brown Street option has the smallest impact on parkland and archaeological resources." and attributed this statement to a misunderstanding by M-NCPPC Archeologist Heather Bouslog. The TF Report correctly noted that "MC DoT ranked the Brown St option, overall, as covering the least surface area and having the lowest forest and meadow impact among its "three proposed options" [Railroad ST/Salt Barn, Meadow 2A, and Brown St]. Comparing the environmental effects of Brown St to Railroad St, it's arguable whether the loss of a much longer stretch of young trees (behind houses on the south side of Brown St), which provide some visual cover for adjacent Brown St houses, is less significant than the removal of a small number of more mature, but also relatively young trees that could have minimal effect on the viewscape at the bottom of Brown St, adjacent and left of 506 Brown St.

Both Brown St and Railroad St options avoid archeologically sensitive sites. But "...compared to the other [three DoT] proposed routes, the Brown Street option has the smallest impact on parkland and archaeological resources," This statement from the M-NCPPC Archeologist was

contrasting the minimal "parkland" effects of Brown St (i.e., loss of trees) to the more destructive effects on the Conservation Meadow of Option 2A.

6. Would a Railroad St connection provide an opportunity to include a pathway alongside the remainder of Railroad St in the future? A potential augmentation of Option #1-Railroad St would pair it with an expansion of Railroad St (to accommodate a shared use pathway) up to or beyond Grove Rd. This combination would create a continuous pathway connection from upper Railroad St (for example, at Grove Rd) to Crabbs Branch Way. However, some residents fear this expansion could encourage further development by the County of Railroad St as a major traffic artery, resulting in additional traffic noise and jeopardizing the historic designation of WG and the Humpback Bridge. ¹¹

Regarding the Railroad St location near the Humpback Bridge, the 2009 WG Master Plan states in part "The Town's 1975 Master Plan incorporated this location for the County's planned bridge replacement location but did so to preclude the direct connection of Railroad Street to Crabbs Branch Way. The plan noted that such a connection would stimulate increased traffic flow and that the bridge as planned would have a deleterious environmental impact." ¹²

Additionally, the National Register of Historic Places notes that "Views in both directions along Railroad Street of the railroad corridor and Washington Grove station, views from Railroad Street of the Humpback Bridge and its approaches, and views north from Railroad Street along Grove Avenue and Grove Road (historic associated features) were important to the experience of arriving at or departing from Washington Grove, and these views continue to contribute to the setting of the historic district." ¹³

7. Did the majority of Town Residents prefer the Railroad St connection in the poll taken on 2-13-20? Following the initial presentation of pathway options by MC DoT, in February 2020, MC DoT conducted an informal poll of WG resident preferences. For Railroad St: 8 supported, 1 opposed. For Brown St: 10 supported, 14 opposed.

Following a second, more detailed, MC DoT presentation a year later (2-17-21), a more formal online poll of pathway preferences was conducted. This poll asked participants to score each option from 1-10. Among the 54 participants, Alternative #3-Brown Street had the highest average score (6.59), followed by Alternative #1- Railroad St (5.71), and Alternative #2-Meadow 2A (4.33).¹⁴

8. What are the consequences of WG choosing another connection than Brown St? Kyle Lukacs (MC DoT) responded to this question in a email to the TF, on 8-25-21: "... if the Town were to vote against the Brown Street connection, then it would be more difficult to build. To take that a step further, I'm not sure how the Planning Board or County Council would feel about selecting and funding the second-best alternative (from MCDOT, Parks, Planning, and Planning Board perspective) that is more environmentally impactful and more costly as a result of the Town's decision. There is certainly a possibility that the project [would be] delayed or put on hold if something like that were to happen...."15

The TF again requested Kyle Lukacs to clarify consequences to any timeline should the Town Council endorse a route other than the lower Brown St and in an email on 11-19-21, Kyle responded with... "If the Town endorsed another option or specifically prohibited a Brown St connection, we would need to revisit this with all of those agencies [Planning Board, Parks Department, Planning Department, and MCDOT] and I cannot say if their support would change. We relied on our professional and technical analysis to arrive at this decision and I'm not sure any of these agencies would want to go with the second best option which is ~\$250k more expensive. The added price tag and additional challenges could lead to project delays or cancellation." ¹⁶

9. Did the TF consult with Town Attorney (TA) or insurance agent on liability? According to the Mayor: "Our TA disclaims any expertise in insurance, except insofar that the Town should be adequately insured. When I asked her about this months ago, she advised we discuss our liability with our insurer - LGIT (Local Government Insurance Trust)....

"I suggest the real question to be asked should be 'How much financial risk will Washington Grove incur from a bikeways connection?' I believe the answer to that is little to none, as long as the Town maintains adequate liability insurance coverage for potential incidents involving use of Town facilities (in this case - roads). Our claim experience in this regard is very good...." ¹⁷

Regarding liability for a shared use pathway, the Town's liability insurer wrote to the Mayor: "My only recommendation is for the Town to make sure that the portion of the Town streets connect to the bike path are well maintained and maintenance and complaint logs are implemented, so that the Town has documentation in case a Claim is filed against the Town. The Town's liability policy provides coverage for bodily injury and property damage only if it is due to negligence." ¹⁸

- **10.** Did the TF consider the letter submitted by the Emergency Planning and Safety Committee (EPSC)? The TF reviewed the EPSC letter, ¹⁹ and the TF Report noted that a variety of such mitigation methods may be required to enhance the safety of increased numbers of pedestrians and bicyclists on WG roads. The TF is aware that the EPSC has studied various safety issues and mitigation methods appropriate for WG roads that could prove highly relevant to the introduction of a shared use pathway, including line-of-sight considerations at intersections and driveways and road/path maintenance requirements. The EPSC will serve as an important resource for assessing the need for mitigation methods that could arise if a shared use pathway option is chosen by the Town.
- 11. Did the TF consider the letter submitted from the Woods Committee? In its letter, the Woods Committee asked the TF about how the Town proposes to restrict access if the bike path connection produces more negative effects than anticipated.²⁰ The TF Report noted that a wide range of mitigation methods can be employed, when and where needed. The need for mitigations to enhance road safety will have to be assessed based on the final choice of pathway and the levels of interactions observed between bicycle and pedestrian traffic and motor vehicles on WG roads.²¹ WG will have the final authority to control bicycle and pedestrian traffic flows wherever the pathway access/exit meets WG roads.

12. Did the TF consider the comments of the HPC letter of Aug 29? The TF carefully considered the arguments of all three HPC letters submitted to the TF. The TF Report included references to material in the HPC letters of August 27 and October 15, but the HPC letter of August 29 was inadvertently deleted, in part, together with its reference in the TF Report. The TF believes, however, that the main arguments of the full August 29 letter were captured in the TF Report.

The HPC August 29 letter raised several issues, including possible effects of a pathway entrance at the bottom of Brown St on the "viewscape" of the Town boundary that provides aesthetic and historical boundaries for the Town. As noted in the WG entry in National Register of Historic Places (Section 7, p.18, 2020) "The views from Ridge Road encompassing the residential parcels of Washington Grove along the west side and the Washington Grove Meadow Conservation Park along the east side (historic associated feature) define the physical environment of Washington Grove and are important attributes of its setting."

A pathway entrance at the bottom of Lower Brown St, passing over a lightly forested section of WG land (approximately 25' wide by 30' long)²² to approach the Salt Barn, would require removal of some small- and medium-size trees.²³ The TF Report noted that cooperation between MC DoT and WG could help to assure that this region is cleared without significantly disrupting the forested buffer or the viewscape defining the SE boundary of the Town. Notably the DoT is committed to replacing removed trees (6" at breast height) with specimen trees.

The same August 29 HPC letter described some possible benefits of a Meadow 2B option. Two of the primary benefits were noted in the TF Report: One is the possibility of a short connection between the Picea View Ct cul-de-sac and the adjacent Meadow 2B pathway which might provide a more direct connection for Amity Drive/Emory Grove pedestrian and bicycle traffic to reach Crabbs Branch Way, in the absence of an Amity Drive pathway. An Amity Drive pathway, if constructed, would traverse two separate wetlands in the Lower Meadow. A second benefit is that this route would exploit the existing service road between the two meadows to avoid crossing the forested hedgerow.

Despite these benefits, a 14-foot-wide paved pathway (likely composed of permeable asphalt or firmly packed crushed stone, to meet ADA requirements), reaching east from Ridge Rd and then parallel to much of the forested hedgerow, before turning east again through the service road, would create an even larger footprint through the Conservation Meadow than the footprint expected for option Meadow 2A, risking significant damage to the Conservation Meadow viewscape from Ridge Rd and its historical boundaries. Further, this option would pave a 14-foot pathway along the entire length of the Lower Meadow and through forested wetlands, before reaching Crabbs Branch Way.

13. Does the WSSC easement overlap with the Railroad connection? MC DoT noted: "The north-south portion of this alignment would run directly on a WSSC utility easement, which might pose maintenance of trail issues when work is done on the WSSC utilities." ²⁴ The satellite map shown in Ref 15 displays a WSSC easement running the entire length of the pathway from Ridge Rd to the east end of the Salt Barn. Conceivably a 14-foot pathway might be placed close

enough to the Salt Barn to avoid overlapping the 25-foot wide WSSC easement in the available corridor, which is about 50 feet wide. But avoiding the WSSC easement in the narrower corridor next to Roberts Oxygen would likely require the purchase of an additional 14 foot-wide strip of property from Roberts Oxygen, in addition to the purchase of land overlying the 25-foot WSSC easement bordering WG, for a total purchase or eminent domain claim of at least a 39-ft-wide strip of Roberts Oxygen private property. The TF requested further clarification from Kyle Lucas regarding the possibility of avoiding the WSSC easement and right-of-way and on 11-19-21 Kyle responded "This may be a possibility but will require further planning and design to determine if it is based on the topography and other factors. Brown Street and the Railroad Street connection would both benefit from avoiding the WSSC easement."

14. What is the basis for believing that MC Parks and Planning would oppose a Shared Use Pathway across the Conservation Meadow? The DoT presentation to the MC Planning Council on 4-22-21 summarized the attributes of this Meadow that are valued by MNCPPC: "There are two park units within the project area, the Piedmont Crossing Local Park and the Washington Grove Meadow Conservation Park.... The location's geologic substrate is serpentine bedrock, which can support some of the most unique plant communities in the piedmont region. The meadow onsite is considered a Tier 1 meadow (Parks' highest quality rating) due to its size and appropriate vegetative structure to support grassland obligate species. There is only one other such meadow managed on county parkland. As is, the attribute of this site with the most importance for conservation is its size and interior, which is extremely rare in Montgomery County. The upland forest area is dominated by mature oaks and still retains native ground layer species. The forested areas of the site, particularly on the southern and western perimeters of the Piedmont Crossing Local Park, contain significant hydrologic features that include wetland seeps, a wetland complex, and a perennial tributary of Mill Creek. An ephemeral tributary of Mill Creek also runs through the forest along the northern boundary of both parks." 25

15. Given that the stretch of path that would run between the Salt Barns/Roberts Oxygen and the backs of [Brown St] houses could feel unsafe, especially for pedestrians, did the TF identify information regarding the danger of narrow isolated stretches of pathway] that might have poor visibility?

Designing pathway environments so that people can easily be seen by others can reduce both the perception of crime risk as well as the incidence of crime. The CPTED [Crime Prevention Through Environmental Design] approach recommends "the elimination of physical barriers that inhibit the casual observer from scrutinizing behaviors inside a space. Surveillance is enhanced by lighting, proper placement of shrubbery, well-placed windows, elimination of physical barriers, and architecture and social commitment."²⁶

16. Please explain that the MC Planning Board's role is Advisory and only provides recommendations, but does not have authority to approve actions by MCDOT. (https://montgomeryplanningboard.org/meet-the-board/mission/)

The Planning Board lists its role as: "reviewing and considering approval of preliminary plans, site plans and other development applications"

It's accurate to say that the County Council makes the final budget (CIP) decisions on DoT programs. "During the Council review process, the Planning Board provides comments to the Council regarding conformance with local plans, and a final determination as to consistency of projects with adopted County plans is made by the County Council. The Council adopts the CIP and approves a list of applicable State participation projects." ²⁷

17. Please explain the Amity Drive connection would still serve WG town residents via the Picea Court connection. The Amity Drive connection would be a dedicated 'off-road' path that would avoid bicyclists and pedestrians from competing with motor vehicles.

The TF scope was to evaluate pathway connections to WG. Although a TF analysis of potential traffic flow for the "no pathway" option included an analysis of traffic on town roads if the Amity Drive to Crabbs Branch connection were constructed, any further analysis of the Amity Drive connection would be out of scope for this TF. However, the TF is providing the following in response to the question above.

Either a completed Amity Drive pathway or pathway plus road to Crabbs Br Way is a possible alternative to a direct connection between Crabbs Br Way and WG. Since this option is still in the DoT planning phase, whether a path or path plus road will be built is questionable and, if so, when it might be completed is unknown. Still, some WG residents might consider risking this to be a reasonable compromise, instead of choosing a WG connection to Crabbs Branch Way. Even though using the Picea Court connection to reach Amity Drive is less directly accessible to the Town.

18. Please explain the Types of evidence rankings and ratings

The TF did not rank or rate evidence (e.g., strongest, most reliable, etc) but segregated evidence into categories, as stated in the TF report. ²⁸ The categories of evidence were:

- **Type 1**: Evidence obtained from expert opinion, established sources, verifiable observation, or physical measurement
- **Type 2**: Direct observations or judgments by Task Force members or other reliable (non-expert) sources, and
- **Type 3**: Opinions from other sources, including residents

19. The TF misidentifies the HPC as a committee rather than a Commission. The distinction has importance. In contrast to a committee, the HPC is established by Town

Ordinance. If the TF mischaracterized the HPC, we apologize. A word search we performed on the TF report did not find this error.

20. In response to a query from Pat Klein (on 11/8/21), Kyle Lukacs noted that an easement or agreement with the County will be necessary to assure right of entry and access to Town streets. This is a useful consideration, because the Mayor and Town Council will need to engage with MC DoT on access issues, if a pathway connection to WG is eventually agreed to by both parties. In the 11-8-2021 email noted above, Kyle Lukacs also stated "I'm not sure exactly what type of an easement would be required for a connection as I'm not an expert in the real estate side of things, but I'd imagine some sort of easement would be necessary for MCDOT and its contractors to construct a trail and to ensure access."

References

¹ Corrections and Comments from WG Residents on TF Report: https://drive.google.com/drive/folders/10XqaqvB3AioP5aD2IZ48 YKsMtBxcZs0?usp=sharing

² Cancellation of Bikeways Special Town Meeting https://docs.google.com/document/d/10ysGw9qb6jrD-jiKfDqSBwVBVx0Yo5U/edit?usp=sharing&ouid=110203488435064833030&rtpof=true&sd=true

³ HPC 8-29-2021 submittal https://drive.google.com/file/d/1hhh sXWvczJNZxcB1 zrA4Wu6Hjp7PhY/view?usp=sharing

⁴Washington-Grove-ConnectorCrabbs-Branch-Extension-Briefing-jks_Final_4-22-21.pdf (montgomeryplanningboard.org) p.5

⁵ <u>Washington-Grove-ConnectorCrabbs-Branch-Extension-Briefing-jks Final 4-22-21.pdf</u> (montgomeryplanningboard.org) p.1

⁶ KLukacsResponsesToPKleinQuestions 11-8-21 <u>https://docs.google.com/document/d/14euAmY8eJcyVFTDRfk-</u> qqlcwlLJFvMU2/edit?usp=sharing&ouid=110203488435064833030&rtpof=true&sd=true

⁷Kyle's response to Nick 11-19-2021 https://drive.google.com/file/d/1Al9gT17MOQRQeCDuZ-dDEfnqnlkvZ1x4/view?usp=sharing

⁸ <u>Washington-Grove-ConnectorCrabbs-Branch-Extension-Briefing-jks_Final_4-22-21.pdf</u> (montgomeryplanningboard.org) pp.8-9

- ⁹ H.Bouslog-E.Patrone email correspondence (Oct 12-13, 2021) https://docs.google.com/document/d/1IY14umR0MZ_BvEFNFbPzn7wWfnHfo9Yf/edit?usp=sharing&ouid=110203 488435064833030&rtpof=true&sd=true
- ¹⁰ Jay Everhart- trees at base of Brown St: https://docs.google.com/document/d/1AhRSfPV q85-O0h7O bjTu5xDgW3D3Em/edit?usp=sharing&ouid=110203488435064833030&rtpof=true&sd=true
- ¹¹ Comment from WG resident Nancy Helme Note to TF 10-10-21: https://drive.google.com/file/d/1LiGy6NEZD8B_hRsdJ4MiZhVgwQZOKJ9w/view?usp=sharing
- ¹² 2009 Master Plan PDF (maryland.gov)
- ¹³ <u>Designation of Washington Grove as a Historic District on the National Register of Historic Places Town of Washington Grove (washingtongrovemd.org)</u>
- ¹⁴ Washington-Grove-ConnectorCrabbs-Branch-Extension-Briefing-jks Final 4-22-21.pdf (montgomeryplanningboard.org) p.12
- ¹⁵ First response from K. Lukacs on effect of WG endorsing alternative pathway connection: https://docs.google.com/document/d/185yEQp6a9lb-CaUVVqP2wY4ugfDqpzla/edit?usp=sharing&ouid=110203488435064833030&rtpof=true&sd=true
- ¹⁶ Second response from Kyle Lukacs on WG choosing an alternative pathway connection <u>Kyle Lucas Responses to PKlein-11-8-21 .docx Google Docs</u>
- ¹⁷ Letter from Mayor on Town Attorney response: https://docs.google.com/document/d/1KIQqfeNqsT9s037vKuKiooxY0cob5p7M/edit?usp=sharing&ouid=11020348 8435064833030&rtpof=true&sd=true
- $\begin{array}{llll} {}^{18} \, Letter \, from \, WG \, liability \, underwriter: \, \underline{https://docs.google.com/document/d/1luwJ167 \, \, DKSVf- \, uShO0ctZ9pCNadeA \, \, AdDXzCwSU/edit?usp=sharing} \\ \end{array}$
- ¹⁹ EPSC email to TF on 11-17-21 https://docs.google.com/document/d/16cH2g7M0-f2UdKBgJrGfVHstUINHEssE/edit?usp=sharing&ouid=110203488435064833030&rtpof=true&sd=true
- ²⁰ Woods Committee 10-20-21 Note to TF: https://docs.google.com/document/d/1VoCQfVsepDtWEHfl5h1WaBcF0stsoLZC/edit?usp=sharing&ouid=11020348 8435064833030&rtpof=true&sd=true
- ²¹ John Compton email to Task Force on WG road safety Google Docs
- ²² Ward Corp Annexation Proposal & 94-04 WG Resolution with Map of Property Annexed by WG: https://drive.google.com/file/d/1LM53zaaEHHz 5j5boVt1HHhACHvsJlq7/view?usp=sharing
- ²³ Jay Everhart- trees at base of Brown St: https://docs.google.com/document/d/1AhRSfPV q85-O0h7O bjTu5xDgW3D3Em/edit?usp=sharing&ouid=110203488435064833030&rtpof=true&sd=true
- ²⁴ Washington-Grove-ConnectorCrabbs-Branch-Extension-Briefing-jks Final 4-22-21.pdf (montgomeryplanningboard.org) p.5

²⁵ Washington-Grove-ConnectorCrabbs-Branch-Extension-Briefing-jks_Final_4-22-21.pdf (montgomeryplanningboard.org) p.13

²⁶ Crime Prevention Through Environmental Design: https://docs.google.com/document/d/1dXhwXijbYh79UU1lpEx3jrHynNENnTvR/edit?usp=sharing&ouid=11020348 8435064833030&rtpof=true&sd=true

²⁷ Mission - Montgomery Planning Board

²⁸ Final Shared Use Pathway Task Force Report https://washingtongrovemd.org/wp-content/uploads/2021/11/Final-TF-Report-11-8-21c.pdf p.6