

IN THE MATTER OF:

ROSCOE NIX ELEMENTARY SCHOOL COMMUNITY SIDEWALK PROPOSAL

CIP Project No. 500333 / Pedestrian Safety Program

BEFORE: Maricela Cordova, Hearing Officer, Department of Transportation

PUBLIC HEARING OFFICER'S RECOMMENDATION

I. BACKGROUND

To provide safe routes to pedestrian travelling to Roscoe Nix Elementary School, the Montgomery County Department of Transportation (MCDOT) proposed to construct a network of sidewalks along the following roadways in Silver Spring, Maryland:

- the **north** side (even-numbered homes) of **Oakview Drive** from **Dilston Road** to **New Hampshire Avenue**;
- the **south** side (odd-numbered homes) of **Oakview Drive** from **Dilston Road** to **Parham Place**;

This project is located in the Oakview community of Silver Spring, within the fifth (5th) 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 location of proposed sidewalks along Oakview Drive. In addition to the Roscoe Nix Elementary School, the new sidewalks would complete pedestrian connectivity to nearby attractions, such as Ride On transit bus stops and the Northwest Branch Trail, and fill gaps by connecting to the existing network of sidewalks. Additional displays showed typical cross-sections of pavement and sidewalk for the proposed roadway, indicating the amount of public right of way available for construction of the sidewalks.

As proposed, this project will cost an estimated \$416,000, including administrative and construction inspection costs, and will be funded through the County's Pedestrian Safety Program, CIP No. 500333. No properties are specially benefitted by the project; therefore, no properties are expected to be assessed.

Pursuant to Section 49-53 of the Montgomery County Code, a virtual public hearing was held on January 18, 2023, at 7:00 p.m. Public notice of the hearing was mailed to adjacent property owners, as well as those neighboring across the street. Notice to the public was published in The Washington Times hardcopy and online newspaper on January 4 and January 11, 2023. The notice was posted on MCDOT's web calendar and was the subject of a Montgomery County government press release circulated on December 7, 2022.

Following the hearing, the public record was held open until 5:00 p.m. on Wednesday, February 15, 2023, 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 Safe Routes to School Acting Program Manager, William Wu. The Oakview community sidewalk proposal was prompted by a walkability audit performed for the Roscoe Nix Elementary School walkshed, which identified missing sidewalk segments. Mr. Wu 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, more accessible east-west connection for pedestrians in the community. Mr. Wu also discussed the improved safety the sidewalks will provide students walking to and from Roscoe Nix Elementary School by providing a separation of pedestrian and vehicular space. In addition, Mr. Wu discussed the improved safety the sidewalks will provide all residents walking to the pedestrian attractions of the Oakview community including the Northwest Branch Trail and numerous Ride On transit bus stops.

Mr. Wu provided a project vicinity map showing approximately 3,500 linear feet of proposed sidewalk in the Oakview community of Silver Spring. The proposed roadway has the following available right of way dedicated for public use:

- The County has a variable 58 to 64 feet of total public right of way on **Oakview Drive**; the roadway is 34-feet wide. Thus, the County has a minimum of 12 feet of total available right of way on each side of **Oakview Drive** dedicated to public use.

B. Testimony and Written Comments

The Roscoe Nix Elementary School Community Sidewalk Proposal evoked a supportive reception by the community; the final comment tally stood at zero (0) community members opposing the proposed installations and four (4) supporting the installations. Written testimony submissions were requested during the public hearing as well as in advertisements and press

releases, but no additional written testimony was received related to the scope of the sidewalk proposal. Most voiced support for the Safe Routes to School initiative discussing safety and concern for schoolchildren mixing with vehicles. For example, David Stembel of 1103 Oakview Drive testified at the virtual public hearing, noting observations of school children with no place to stand and wait for school buses. He testified,

“...In the 60s, there was a crossing guard, sixth grade students, at every single intersection to facilitate elementary school students crossing the streets in Oakview to go to Brookview Elementary School, the school that was there before Roscoe Nix. Today, as an adult, when I leave the community in a car, I notice the students waiting for their buses congregating in people's front yards, in the street, in the intersections, not by choice, but that's the only place they have to stand because there are no sidewalks.

Again, I fully support this proposal. I have reviewed the -- of -- Mr. Wu presented the exhibits. I've reviewed Exhibits 1 through 4. I'd like to point out that on the south side of Oakview, there are sidewalks on Dilston, Cottrell Terrace, Braddock, and Parham Road that stop approximately an average of 50 feet from Oakview Drive. A modest increase of what is planned of only 15 percent would connect all of those streets to what has been proposed, and if you're negotiating with the landowners in each of those corners, why not finish the -- finish the sidewalks around the corner and connect to the existing sidewalks?

There are my neighbors that have expressed they'd love to see sidewalks throughout the entire community. And I understand that this only -- this proposal is only for Oakview Drive on the north and south side from Oakview to Eastside Drive -- I'm sorry, to Dilston; however, there is a modest increase. 10 to 15 percent would finish out the sidewalks on at least the south side of the neighborhood. And finally, I'd like to emphasize that I hope that the proposal -- I've read the FAQs. I did not see if crosswalks were included. I urge you to include painted crosswalks and the possible relocation of stop signs to facilitate crossing Oakview Drive.”

Likewise, Michael Miehle of 9806 Braddock Road echoed Mr. Stembel's request that connections to side streets be considered. He testified,

“...I am also in favor of this. It's long overdue, and I am appreciative of the information that has been sent out. My -- I would say I echo everything David mentioned, especially with regard to those kind of hanging sidewalks that just end mysteriously and they don't -- and then -- but connecting them would be a very -- would be a logical conclusion if possible. And I would -- I

did notice if -- I guess one question I may have, or at least a -- maybe a clarification in order in -- regarding the trees that are due to be replanted. My understanding is county policy is generally that homeowners have to request a tree to be planted, and I guess maybe one question is are those trees that are scheduled to be replanted going to be in the neighborhood or elsewhere in the county? And, if possible, could -- if they could be, some of them, conceivably put back into the neighborhood, would that -- would it need for a homeowner to request it?

Similarly, Sylvia of 1616 Oakview Drive spoke to the need for dedicated pedestrian space having observed school children waiting for the school bus. She testified,

“... I think this is a great proposal. We are in favor as a family, and, hopefully, this is done sooner rather than later. And I just wanted to say that, that we are in favor. This is long overdue, and I think it will -- it will be safer for the -- you know, not only for the community, but also for the kids that are -- that are constantly, like, running or walking to -- towards -- to catch the school bus. In front of our house, there's, like -- there's a bus stop, and, you know -- and we see all these kids just, you know, dodging traffic, just trying to -- either crossing people's lawn, and -- and it's -- and it's really unsafe for them. So we're in favor, and, hopefully, you know, we're looking forward to this thing going through.”

And lastly, Erin H. of 1620 Oakview Drive provided testimony in support of the proposal, stating,

“I am all for having the sidewalks put in. It is -- it's a wonderful idea and it needs to be done.”

Written Testimony was requested, but the County did not receive written testimony from residents or community groups related to the sidewalk proposal along Oakview Drive.

III. ANSWERS TO FEEDBACK AND CHANGES TO THE PROPOSAL

Residents commented and testified as to the need for the proposed sidewalks to provide connectivity to existing sidewalks along side streets that end short of Oakview Drive. Primary walking routes are being prioritized as identified in Safe Routes to School Walkability Audits. Connections along side streets have not been evaluated for property impacts and construction constraints and are therefore outside of the scope of this project. Residents may separately

request sidewalk installation for other locations through MCDOT’s Annual Sidewalk Program at <https://montgomerycountymd.gov/dot-dte/sidewalk/index.html>.

As communicated in the aforementioned testimony, numerous residents had questions related to the tree replacement process. Anticipated tree impacts are detailed in the Tree Report distributed to residents and is available for review on the project webpage and in the public hearing record. Residents must submit any questions or requests to the County Arborist. The Arborist’s contact information will be provided when residents are notified of the record of decision and designated construction start date. Residents will be granted the opportunity to discuss tree species and replacements with the County Arborist. Replacement trees associated with the project impacts may only be requested by the impacted property owners and placed within the public right of way. However, County residents not impacted by the project may request trees to be installed on private property through TreeMontgomery.org.

All questions having been answered, this Hearing Officer does not recommend any changes to the Roscoe Nix Elementary School, Oakview Community Sidewalk Proposal; the following installations are recommended for construction:

Proposed Installation:	MCDOT Recommended Installation:
Oakview Drive (north) Dilston Road to New Hampshire Avenue	Sidewalks are Recommended for construction as Safe Routes to Schools.
Oakview Drive (south) Dilston Road to Parham Place	Sidewalks are Recommended for construction as Safe Routes to Schools.

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 and safe routes to and from schools. The information collected is used to

prepare a recommendation which is presented to Department of Transportation Director, 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 common for sidewalk projects to generate diverse views on the necessity for construction of sidewalks. The opposition to sidewalk installation generally includes concern over increased responsibility and liability in the event of 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, other landscaping and rainwater drainage, the addition of impervious surfaces, and the impact to the aesthetics of the community, among other concerns. However, the Oakview community testimony provided only support for the proposal.

In my opinion, 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 Safe Routes to School Program, which is a continuing program to provide safe access for children walking and rolling to and from schools throughout the County. Exhibits and supporting comments and testimony from the community

provide adequate justification to establish that constructing the proposed sidewalks will provide a safer mode of travel for all pedestrians. This is particularly true for pedestrians of all ages walking or rolling to and from the Roscoe Nix Elementary School, Northwest Branch Trail, and the County's Ride-On public transportation facilities. The sidewalks will provide separation between pedestrians and vehicles traveling on the roadway. 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 this recommended 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 proposed.


Respectfully submitted,

eSigned via SeamlessDocs.com

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Mariceia Cordova
Public Hearing Officer

The Public Hearing Officer's Report and Recommendation for construction of the Roscoe Nix Elementary School, Oakview Community Sidewalk Project has been reviewed and the project is hereby authorized for construction as proposed.

Date: Mar 1, 2023


Christopher Conklin, Director
Department of Transportation