

**IN THE MATTER OF:
DECATUR AVENUE COMMUNITY SIDEWALK PROPOSAL**

CIP Project No. 0506747 / Annual Sidewalk Program

BEFORE: Hannah Henn, 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 and fill a missing link in the network of sidewalks along and around Decatur Avenue in Kensington, Maryland. The **Decatur Avenue** missing link is located from **3900 Decatur Avenue** to **Connecticut Avenue**. This project is located in the Knowles' Station community of north Kensington, within the thirteenth election district of Montgomery County, Maryland. The sidewalk was proposed at five-feet-wide with a two-foot greenspace.

Displays were presented at the public hearing showing the proposed sidewalk relative to nearby pedestrian attractions such as the Kaiser Permanente medical offices, Bethesda Physical Therapy, Starbucks, CVS/Pharmacy, dry cleaners, Kumon learning center, Avanti Salon & Spa, Hair Cuttery and barber shops, automotive service stations, banks, restaurants, shops, school bus stops, the Ride-On public transportation facilities and the existing network of sidewalks. An additional display revealed a typical cross-section of pavement and sidewalk for Decatur Avenue, demonstrating the amount of public right-of-way available for construction of the sidewalk.

As proposed, this project will cost an estimated \$86,000, 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 September 29, 2021, at 7pm. Public notice of the hearing was provided 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 September 8th and 15th, 2021, posted on MCDOT's web calendar, was the subject of a Montgomery County government press release circulated on September 23rd, 2021, and was tweeted via MCDOT's Twitter account on September 27th and 29th.

Following the hearing, the public record was held open until 6:00 p.m. on Wednesday, October 13, 2021, 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 Tim Cupples, Chief of MCDOT's Division of Transportation Engineering (DTE). The Decatur Avenue sidewalk proposal was prompted by a group of residents working together to improve pedestrian safety in their community. The Sidewalk Program received 24 individual requests for sidewalk installation in the proposed missing link on Decatur Avenue. In addition, an informal online survey regarding sidewalk installation was taken by installation requestor, Richard Grant. The results of his survey were reported as follows:

- 66% of the street responded to the survey, which is 54 households representing views of 95 residents of the neighborhood.

- 45% of the households have been either involved in or observed pedestrian related accidents / incidents on the street.
- 22% of residents have indicated they have attempted to contact county/local officials in relation to their sidewalk concerns.
- 88% of the households have indicated to us that they would like the sidewalk extension to be our top priority to improve pedestrian safety.

In addition to sidewalk installation, the residents of Decatur Avenue have also been working with the Traffic Engineering and Operations Division to address their interest in restrictions on the use of Decatur Avenue as a cut through, the posting of 25mph speed signs at both ends of the street, the installation of traffic calming speed bumps, and renovation of the existing sidewalk to improve the trip hazards. The residents were referred to Montgomery County's 311 to request repairs to the existing sidewalks, and additional speed limit signs were posted along Decatur Avenue. Speed studies performed in October 2017 and October 2019 revealed that the 85th percentile speeds on Decatur Avenue were 29 MPH and 27 MPH, respectively. Because the 85th percentile speeds were less than 7 MPH over the posted speed limit of 25 MPH, Decatur Avenue was not considered a candidate for speed bumps. The residents were also instructed on the requirements and application for access restriction.

Mr. Cupples described the sidewalk proposal's history and the improved safety that the sidewalk will provide for the entire community. He explained how the proposed sidewalk will provide safer access for commuters utilizing the County's Ride-On buses, stops for which are located along Connecticut Avenue and University Boulevard. Mr. Cupples also discussed the improved safety the sidewalk will provide to students walking to their respective school bus stops and to all residents walking to the various community amenities located on Connecticut Avenue and University Boulevard, including the Kaiser Permanente Medical Offices, physical

therapy and dental offices, Starbucks, Hair Cuttery and barber shops, automotive stations, restaurants, and shops.

Mr. Cupples provided a project vicinity map showing approximately 359 linear feet of proposed sidewalk in the missing link on Decatur Avenue, which has 50-feet of available right of way dedicated for public use. Decatur Avenue is 21-feet-wide, which leaves 29-feet of available right of way or 14.5-feet of available right of way on both sides of the road.

B. Testimony and Written Comments

The Decatur Avenue sidewalk proposal received strong support with 20 supporting comments and only 2 opposing. As is true of many of the Sidewalk Program's proposals, residents who opposed the initiative discussed the loss of trees and property. For example, Michael Repass, owner of 3810 and 3812 Decatur Avenue wrote:

“ . . . I just had an apron installed in my driveway June 9th, 2021. The reason I had this installed was because my vehicle was unable to get in and out of the driveway without scaping. In the plans it mentions the 1' rolled, curb, the 2' greenspace, and the 5' sidewalk; this will be coming 7 to 8' from the roadway towards my property line. Where a new apron will be installed, I will be unable to get in and out of my driveway. Another concern that I have is, as it goes along the addresses 3810 & 3812 Decatur Ave, there is a downward grade towards the property line. Installing the sidewalk could be potentially dangerous due to the large drop down from the edge of the sidewalk.”

A third opposing resident provided written testimony in opposition to the proposal. Ms. Diane Logsdon of 4017 Decatur Avenue wrote,

“After reviewing today's email communication, and associated collateral, about the proposed sidewalk extension near Kaiser and all the trees that would have to be removed, I want to go on record stating I do NOT support the sidewalk extension. . .

I live on Decatur Avenue and, along with the residents of the street, have worked for years to get the county to recognize the dangerous volume and speed of traffic on this street. This sidewalk request was borne out of those efforts since the county DOT has turned a blind eye to the traffic issues. If

traffic were addressed in a meaningful manner, the residents wouldn't have felt the need to even request the sidewalk be extended.”

As mentioned above, the Traffic Engineering and Operations Division performed two separate speed studies, each of which revealed that the speeds traveled on Decatur Avenue did not meet the criteria for traffic calming installations. Likewise, the residents were advised on how to request access restriction, which would restrict not only cut-through traffic, but would also restrict travel by the residents of Decatur Avenue as well.

In contradiction to the opposing comments and testimony received, comments and testimony received in support for the Decatur Avenue sidewalk proposal was abundant. Many residents discussed the amount of foot traffic as well as the speed and lack of concern the motorists traveling on Decatur Avenue have for those residing on Decatur Avenue. Residents, likewise, testified about being precluded from walking to nearby amenities because there is no safe place to walk, thus stunting their enjoyment of the area and the growth and survival of the organizations that would benefit from their patronage. For example, at the public hearing Andrew McIntosh, President of the Rock Creek Palisades Citizens Association, testified,

“ . . . as was mentioned in the current situation, pedestrians, including parents with strollers, the elderly, and the disabled, often have to enter the live traffic lane where the sidewalk is missing on Decatur Avenue. I drive on Decatur at least once a day, sometimes two or more times, and I'm constantly seeing people walking in the street on that stretch of road, and traffic moves pretty fast.

. . . Personally, I tried to walk with my wife and our young son in a stroller maybe about three years ago from the neighborhood – from the Rock Creek Palisades neighborhood, to like the plaza with China Gourmet and Starbucks. And it was a pretty harrowing experience to have a stroller and being forced to like, walk into the road. And so [sic] I don't think we – we did that again after that whole lot of experience. I think we would consider going to the plaza by foot if it was easier to walk. So [sic] in my mind, this isn't just about safety as was already mentioned. It's also about promoting commerce and community.

... It'll be fantastic for a community and especially for the residents on Decatur, who deserve a walkable and safe approach to downtown Kensington.”

Jay and Valerie Shepherd of 3809 Decatur Avenue similarly testified,

“... we live at 3809 Decatur[sic] and we've lived here for the last 18 years. . . we've really had a front row seat to kind of, you know, on the section that's under consideration, you know, and we're - we're very much in support of the sidewalk extension for a lot of reasons . . . I guess the only thing I'll point out in addition to the great comments already made, is that there are children too that walk to and from school that use this stretch to access Connecticut Avenue. . . we've seen over the past 18 years multiple close calls between pedestrians and vehicles . . . the sidewalk would really be a great benefit to - to really get those people off the street and - and not - not mix it up with the cars.

Kyle Brant of 3905 Decatur Avenue testified regarding the lack of consideration motorists have towards the residents of Decatur Avenue. He stated,

“... I've been almost run off the road with a double stroller with two babies by people who don't seem to slow down. Which makes it obviously very difficult to utilize any of the businesses around the area, which I'm sure would be a benefit to both you and the - - the organizations who've decided to be in this area as well. So[sic] I support this 100 percent.”

The amount of foot traffic was discussed by Mark Morgan of 3902 Decatur Avenue when he commented,

“I have lived at 3902 Decatur Ave Kensington since 1980. There has always been an extreme need for this sidewalk extension. There is a lot of foot traffic here because of Kaiser Permanente at the end of the street both patients parking and personnel/workers. Also[sic] many elderly neighbors with carts and a number of young families with children. . . We hate to loose[sic] mature trees but for pedestrian safety we think this is a badly needed priority!”

The support for the Decatur Avenue Sidewalk Proposal was not just received from those residing on Decatur Avenue, but from residents in the surrounding community as well as evidenced by comments received by Ms. Grace Gori of 11218 Dewey Road. She commented,

“I have been a resident of the western section of Rock Creek Palisades since 1994. During that time, I have seen a significant increase in the amount of traffic through out the neighborhood during in large part to drivers seeking

alternate routes to the gridlock on Connecticut Avenue through Kensington during the morning and evening rush hours.

One of the results of the increase in traffic on Wexford/Denfeld is that more drivers are using Decatur, a very narrow street, to access Connecticut Avenue southbound. This has greatly increased the risk to pedestrians who are using Decatur to access shopping and amenities at the Kensington Triangle Shopping Center and in downtown Kensington: the lack of a completed sidewalk from 3900 Decatur to Connecticut forces these pedestrians to walk on the edge of what has become a dangerously crowded street. Please complete this sidewalk before someone is hurt or killed.”

III. ANSWERS TO FEEDBACK and CHANGES TO THE PROPOSAL

One of the main areas of concern to residents was the issue of on-street parking. Their concern was that the roadway would not be wide enough for two-way traffic. Mr. Cupples explained that the 21-foot-wide width of Decatur Avenue would not change following sidewalk installation. He further described Decatur Avenue as wide enough for a “yield street,” wherein one motorist must yield the roadway to an oncoming motorist when there is not enough room for the motorists to pass simultaneously. He explained, “What we find and jurisdictions around the country find is that the yield streets are actually very effective at - - at slowing down traffic.” Mr. Cupples and Field Supervisor, Rick Holley, confirmed that, currently, parking is allowed on one side of Decatur Avenue, that residents are restricted from parking on both sides of the street, and that this will not change if the sidewalk is installed.

Another question posed at the public hearing was in relation to the placement of the replacement trees. Messrs. Cupples and Holley explained that the placement of the replacement trees is determined by the County’s Arborist. They further explained that the 2-foot greenspace would not be wide enough to plant the new trees, and that the trees would, therefore, most likely be placed in the remaining public right of way behind the sidewalk. Mr. Holley also mentioned that the residents who are having trees removed to make way for the sidewalk are welcome to

submit a request for their preferred replacement tree(s). *See* Schedule A attached, Montgomery County Standard Major and Minor Tree lists. To confirm, residents who have had trees removed from the right of way adjacent to their property may submit a request for their preferred species of tree to be planted in the County's public right of way. Following the sidewalk installation, if the sidewalk is ultimately approved, tree replacement requests should be sent via email to Jack Pond, the County Arborist who oversees the selection and placement of the replacement trees, and Geary Holley, the Sidewalk Program's Field Supervisor, via email at Jack.Pond@montgomerycountymd.gov and Geary.Holley@montgomerycountymd.gov, respectively. If there are power lines above Decatur Avenue, residents must select their preferred species from the Minor tree list; if there are no power lines above Decatur Avenue, residents must select their preferred replacement tree from the Major list.

There are no recommended changes to the proposal, and I, therefore, recommend that the Decatur Avenue missing link sidewalk be approved and installed as proposed.

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. 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 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 impact to trees and other landscaping, the addition of impervious surfaces, the impact to the aesthetics of the community, etc. The proposed sidewalk on Decatur Avenue is no exception.

In my opinion, however, the public interest for the Decatur Avenue missing link sidewalk *is* adequately demonstrated and the sidewalk should be approved for installation as proposed.

“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 Sidewalk Program, which is an annual, continuing program to provide pedestrian facilities throughout the County. Though written comments and testimony offered for the project reflect some opposition from impacted residents, exhibits and supporting comments and testimony from the community provide adequate justification to establish that constructing the proposed missing link sidewalk 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 sidewalk will be constructed entirely within the 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 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,




Signed on [ScribbleLive.com](https://www.ScribbleLive.com)
Key: 1a32daaa67d22c0d4007fa25ea792

Hannah Henn,
Public Hearing Officer

The Public Hearing Officer's Report and Recommendation for construction of the Decatur Avenue Community sidewalk project has been reviewed and the project is hereby authorized for construction as proposed.

Date: Jan 5, 2022



Christopher Conklin (Jan 5, 2022 15:52 EST)
Christopher Conklin, Director
Department of Transportation

Schedule A Montgomery County Standard Tree Lists

Minor (Small) Trees


If power lines are above, select from this list.

Scientific Name	Common Name	Height	Width
		Expected at Maturity	Expected at Maturity
<i>Acer campestre</i>	Hedge Maple	30'-35'	30'-35'
<i>Acer ginnala</i>	Amur Maple	15'-20'	15'-25'
<i>Acer griseum</i>	Paperbark Maple	20'-30'	15'-25'
<i>Amelanchier laevis*</i>	Allegheny Serviceberry	30'-40'	15'-20'
<i>Carpinus caroliniana</i>	American Hornbeam	20'-40'	20'-30'
<i>Cercis canadensis*</i>	Eastern Redbud	20'-30'	15'-30'
<i>Chionanthus virginicus*</i>	Fringetree (single stem)	12'-20'	12'-20'
<i>Cornus florida*</i>	Flowering Dogwood	20'-30'	20'-30'
<i>Cornus kousa*</i>	Kousa Dogwood	15'-20'	15'-20'
<i>Cornus mas*</i>	Corneliancherry Dogwood	20'-25'	15'-20'
<i>Crataegus crusgalli 'inermis'*</i>	Cockspur Hawthorn (thornless)	25'-30'	25'-35'
<i>Crataegus virdis 'inermis'*</i>	Green Hawthorn (thornless)	20'-35'	20'-35'
<i>Davidia involucrata*</i>	Dove-tree	20'-40'	20'-40'
<i>Koelreuteria paniculata*</i>	Goldenraintree	30'-40'	30'-40'
<i>Malus x*</i>	Flowering Crabapple	20'-25'	15'-20'
<i>Ostrya virginiana</i>	Ironwood	25'-40'	20'-30'
<i>Oxydendrum arboreum*</i>	Sourwood	25'-30'	15'-20'
<i>Parrotia persica</i>	Persian Parrotia	20'-40'	15'-30'
<i>Prunus x incamp 'Okame'*</i>	Okame Cherry	15'-25'	15'-20'
<i>Quercus myrsinifolia</i>	Chinese Evergreen Oak	30'-35'	30'-35'
<i>Styrax japonicus*</i>	Japanese Snowbell	20'-30'	15'-25'
<i>Syringa reticulata*</i>	Japanese Tree Lilac	20'-25'	15'-20'

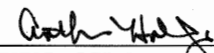
* denotes tree with conspicuous flowers

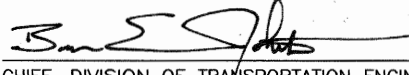
General Notes

1. ALL TREES MUST CONFORM TO THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.01).
2. ACCEPTABLE MINOR TREES SHALL BE A MINIMUM OF 8' TALL WHEN PLANTED AND HAVE A MINIMUM CALIPER OF 1 1/2" 6" ABOVE GROUND LEVEL.
3. TREES SHALL BE BRANCHED AT A POINT APPROXIMATELY 60% OF THE TOTAL HEIGHT OF THE TREE ABOVE GROUND.
4. OTHER SPECIES CONSIDERED BY REQUEST.

APPROVED 
 CHIEF OF TREE MAINTENANCE
 HIGHWAY SERVICES DIVISION

STANDARD DEVELOPED AND IMPLEMENTED IN CONFORMANCE WITH COUNCIL RESOLUTION 16-809 ADOPTED DEC. 9, 2008.


 DIRECTOR, DEPARTMENT OF TRANSPORTATION 2/20/11
 DATE


 CHIEF, DIVISION OF TRANSPORTATION ENGINEERING 8/2/2011
 DATE

MONTGOMERY COUNTY
 DEPARTMENT OF TRANSPORTATION

APPROVED STREET TREE VARIETIES
 MINOR (SMALL) TREES

STANDARD NO. MC-703.02

Major (Large) Trees

If there are no power lines above, select from this list.

Scientific Name	Common Name	Height	Width
		Expected at Maturity	Expected at Maturity
<i>Betula nigra</i>	River Birch (single stem)	40'-50'	40'-50'
<i>Carpinus betulus</i>	European Hornbeam	40'-60'	30'-40'
<i>Celtis occidentalis</i>	Hackberry	40'-50'	40'-50'
<i>Cercidiphyllum japonicum</i>	Katsuratree	40'-60'	20'-30'
<i>Cladrastis kentukea</i> *	Yellowwood	30'-50'	40'-50'
<i>Fagus grandifolia</i>	American Beech	50'-90'	50'-75'
<i>Fagus sylvatica</i>	European Beech	50'-75'	40'-60'
<i>Ginkgo biloba</i>	Ginkgo (fruitless)	50'-80'	40'-80'
<i>Gleditsia triacanthos</i> 'inermis'	Honeylocust (thornless)	50'-70'	35'-50'
<i>Gymnocladus dioica</i>	Kentucky Coffeetree (seedless)	60'-75'	40'-50'
<i>Liquidambar styraciflua</i> 'Rotundiloba'	Sweetgum (fruitless)	65'-75'	40'-50'
<i>Nyssa sylvatica</i>	Blackgum	40'-70'	35'-45'
<i>Platanus x acerifolia</i>	London Planetree	70'-80'	55'-65'
<i>Quercus alba</i>	White Oak	60'-80'	60'-80'
<i>Quercus bicolor</i>	Swamp White Oak	60'-80'	50'-80'
<i>Quercus cerris</i>	Turkey Oak	40'-60'	40'-60'
<i>Quercus hemisphaerica</i>	Laurel Oak	40'-60'	30'-40'
<i>Quercus imbricaria</i>	Single Oak	50'-60'	50'-60'
<i>Quercus lyrata</i>	Overcup Oak	45'-55'	45'-55'
<i>Quercus macrocarpa</i>	Bur Oak	70'-80'	70'-85'
<i>Quercus muehlenbergii</i>	Chinkapin Oak	40'-50'	50'-60'
<i>Quercus phellos</i>	Willow Oak	60'-75'	40'-60'
<i>Quercus robur</i>	English Oak	70'-80'	75'-85'
<i>Quercus rubra</i>	Northern Red Oak	60'-80'	45'-60'
<i>Sophora japonica</i>	Japanese Pagoda Tree	40'-70'	30'-40'
<i>Taxodium distichum</i>	Bald Cypress	50'-70'	30'-35'
<i>Tilia americana</i>	American Linden	60'-80'	40'-50'
<i>Tilia tomentosa</i>	Silver Linden	50'-60'	50'-60'
<i>Ulmus americana</i>	American Elm (any Dutch Elm disease resistant variety)	60'-80'	30'-50'
<i>Ulmus parvifolia</i>	Lacebark Elm	40'-45'	45'-50'
<i>Zelkova serrata</i>	Japanese Zelkova	40'-50'	50'-60'

* denotes tree with conspicuous flowers

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3. TREES SHALL BE BRANCHED AT A POINT APPROXIMATELY 60% OF THE TOTAL HEIGHT OF THE TREE ABOVE GROUND.
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APPROVED

CHIEF OF TREE MAINTENANCE
HIGHWAY SERVICES DIVISION

STANDARD DEVELOPED AND IMPLEMENTED IN CONFORMANCE WITH
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DIRECTOR, DEPARTMENT OF TRANSPORTATION

2010
DATE

CHIEF, DIVISION OF TRANSPORTATION ENGINEERING

8/2/2011
DATE

MONTGOMERY COUNTY
DEPARTMENT OF TRANSPORTATION

APPROVED STREET TREE VARIETIES
MAJOR (LARGE) TREES

STANDARD NO. MC-703.01