

**IN THE MATTER OF:
ROCK CREEK MANOR COMMUNITY SIDEWALK PROPOSAL**

CIP Project No. 0506747 / Annual Sidewalk Program

BEFORE: Michael L. Paylor, 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 **west side** (even-numbered homes) of **Parkvale Road** from **Manorfield Road** to **Manorvale Court**;
- the **east side** (odd-numbered homes) of **Manorvale Road** from **Manorvale Court** to **Russett Road**;
- the **south side** (odd-numbered homes) of **Greenspan Lane** from **Bauer Drive** to **Parkvale Road**.

This project is located in the Rock Creek Manor community 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 the surrounding public schools and local attractions including the Rock Creek Trail. The new sidewalks would lead to nearby pedestrian attractions such as the Rock Creek Valley Elementary School, Earle B. Wood Middle School, Lucy V. Barnsley Elementary School, Earle B. Wood Park, the Bauer Drive Community Recreation Center, Rock Creek Village Shopping Center, Safeway grocery store, Montgomery County Recreation, Interfaith Works Clothing Center,

Meadow Hall Elementary School, Aspen Hill Cooperative Nursery School, National Korean United Methodist Church, Tikvat Israel Congregation, Rock Creek Overlook, Rockville High School, Maus-Warfield United States Army Reserve Center, Rockville Civic Center, Rockville Little Theatre, Rockville Civic Park & Playground, Croydon Creek Nature Center, the Glenview Mansion, public school bus stops as well as the Ride-On public transportation facilities and the existing network of sidewalks. 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 \$535,200, 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 14, 2022, at 7:00 p.m. 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 September 1 and 12, 2022, was posted on MCDOT's web calendar, was the subject of a Montgomery County government press release circulated on September 2, 2022, and the [GreaterGreaterWashington.org](https://www.greatergreaterwashington.org) article dated September 6, 2022.

Following the hearing, the public record was held open until 5:00 p.m. on Wednesday, October 12, 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 Rock Creek Manor sidewalk proposal was prompted by 2 sidewalk installation requests for the proposed roadways accompanied by two petitions for sidewalk installation signed by 184 residents combined. Although the petitions were originally submitted without property addresses of the signees, thus rendering them void, they were quickly supplemented, all signee property addresses having been submitted. 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 Bauer and Old Baltimore Roads. Mr. Gonzales also discussed the improved safety the sidewalks will provide students walking to the Rock Creek Village, Lucy V. Barnsley and Meadow Hall Elementary Schools, the Earle B. Wood Middle School, Rockville High School, or to their respective school bus-stops. In addition, Mr. Gonzales discussed the improved safety the sidewalks will provide all residents walking to the many pedestrian attractions surrounding the Rock Creek Manor community including the restaurants and shops in the Rock Creek Village shopping center, the Bauer Drive Community Center, Safeway grocery store, Rock Creek Trail, Montgomery County Recreation, Interfaith Works Clothing Center, Aspen Hill Cooperative Nursery School, National Korean United Methodist Church, Tikvat Israel Congregation, Rock Creek Overlook, Maus-Warfield United States Army Reserve Center, Rockville Civic Center and Civic Park and Playground, Rockville Little Theatre, Croydon Creek Nature Center, and the Glenview Mansion.

Mr. Gonzales provided a project vicinity map showing approximately 5,452 linear feet of proposed sidewalk in the Rock Creek Manor 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 **Parkvale Road**; 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 **Parkvale Road** dedicated to public use;
- The County has 60-feet of total public right of way on **Manorvale Road**; 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 **Manorvale Road** dedicated to public use;
- The County has 60-feet of total public right of way on **Greenspan Lane**; 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 **Parkvale Road** dedicated to public use;

B. Testimony and Written Comments

The Rock Creek Manor Community Sidewalk Proposal evoked a mixed reception by the community; the final comment tally stood at 46 opposing the proposed installations and 38 supporting the installations. Written testimony submissions were similarly mixed with 50 opposing and 49 supporting the proposed installations. In addition, multiple petitions for each supporting and opposing residents were submitted including those that prompted the sidewalk proposal. 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 and climate concerns, snow shoveling responsibilities, rainwater drainage concerns and loss of available parking. For example, Steve Zorzos of 5501 Manorfield Road expressed many of these concerns when he wrote:

"I am writing in opposition to the sidewalk proposal for Rock Creek Manor. I am opposed for the following reasons:

1. I do not believe the proposed sidewalk improves public safety. In fact, I believe it does the opposite.

With loss of driveway space more cars will be parked on the street. This is especially worrisome for my street of Manorfield Road, which is used to bypass the light and traffic on Bauer, and as a shortcut to Baltimore Road. Two way [sic] traffic is already difficult and with parked cars it will be impossible, especially with traffic involving trucks and school buses. This is also holds true for Parkvale, Manorvale and Greenspan.

2. I worried [sic] that bicycles, scooters and e-mobility devices will compromise pedestrian traffic.
3. I am not confident that the proposed sidewalks will not have a negative environmental impact. In fact, I strongly suspect they will.
4. I am uncomfortable with the proximity of the proposed sidewalks to my front door.
5. Finally, at my age I do not feel I can take on the added burden/responsibility of snow removal.”

William Gordon of 14013 Manorvale Road similarly wrote in his written testimony,

“I am opposed for the following reasons:

- The raison d’etre [sic] for the sidewalk construction is the safety of pedestrians , [sic] but to the best of my knowledge there has been no automobile accident involving a pedestrian in the 51 years that I have lived in this community.
- Most of our residents have multiple cars and/or trucks, [sic] and would have to park their vehicles on the street.
- These roads are narrow, and street parking would create hazards.
- From maps I estimate that the proposed sidewalks would have a total length of 5,241 feet. This would produce a total surface area of 29,205 square feet of concrete, which would be a major source of runoff. The runoff would be dumped into Rock Creek, a tributary of the Potomac River. Parkvale Road only 412 ft from the Rock Creek,
- The sidewalk construction would entail the destruction of many (62) fine old trees. The County does NOT guarantee that the [sic] all of the replacement trees will be planted in the community.
- I am a retired octogenarian on a fixed income, and the maintenance costs and the costs of clearing a sidewalk area from ice and snow would be financially burdensome.”

The Caisse family also expressed concerns regarding snow removal requirements when they testified,

“Due to the requirements in Montgomery County for snow removal within 24 hours of cessation of snow, the construction of a sidewalk would be both a physical and financial hardship upon many of the people on Manorvale. For the most part, residents are dually employed and IF we can make it out of the house, generally we need to be going to work, not shoveling a walkway. To my knowledge, there is NOT an abundance of teenagers [sic] looking to do so and in the 20 plus years I've lived here, I've never had someone offer to do so on our driveway, paid or unpaid. With the numerous health issues my family members have, having a sidewalk to shovel in addition to our driveway would cause physical hardship because of the effort needed to do so.”

With the effects of climate change becoming more widely recognized, many in the Rock Creek Manor community opposed the sidewalks on the basis of climate change as related to the trees that would need to be removed to make way for the sidewalks. David Irwin, for instance, discussed the creation of “heat-islands” in his written testimony. He wrote,

“The project would create a new Heat-Island. The malfeasant removal of RCM’s trees, plus the heat and light reflected by the newly laid sidewalk, equals a Heat-island of staggering consequence. As storms have become more severe streets become fast waterways, white water at times. What would be the impact after P506747 of side walks [sic], barren land and no trees in severe downpours? Existential harm and consequence: greater volumes of stormwater flooding, pollutants and toxins on land and in the air, loss of flowering trees, ornamental trees, shade trees, etc. Heating, cooling and water costs would go up. Irreparable harms.”

Mary Ostrowski and Philip Candela of 14113 Parkvale Road also opposed the proposed installations due to required tree removals when they testified,

“Although, on the surface, sidewalks have benefits, there are negatives also. It is undeniable that green space will decrease [sic] and concrete space will increase, especially in highly visible parts of the neighborhood. The replacement trees are a fine idea, however, the “three new trees for every one tree removed” benefit, which superficially seems reasonable, is lessened considerably by the following facts. First, tree location is important. All tree locations are not equal: trees along the boundary of a property are not easily replaced on some properties after sidewalks are installed. Both the county and

homeowners will be hard-pressed to locate all the replacement trees on the homeowner's land. Hence, many of the replacement trees could go outside the neighborhood. Second, it's wonderful that trees might then be grown somewhere in the county, but that does not solve the denudation problem for our neighborhood, and to propose that tree planting in the county should require destruction of trees elsewhere is a clear logical fallacy and a non-sequitur. Finally, a new tree takes years to develop into a mature tree, and even in the happy situation wherein every tree removed were replaced nearby, the neighborhood will, without a doubt, appear partially denuded for years to come. Welcome to the concrete garden."

Ms. Ostrowski and Mr. Candela also raised concerns about the treatments residents will use to rid the new sidewalks of ice during inclement weather. They wrote,

"We live in the Rock Creek watershed. As residence [sic] apply chloride salts to the proposed sidewalks to ward off accidents, aquatic life in the creek and related waters will be negatively impacted. We are sure the county will advise us to use salt alternatives, but the most used, and least expensive compounds for melting ice, are chloride salts. There is a little chance that chloride concentrations will NOT rise in the creek as a result of the project."

In their final comments, Maria and Sandor Szokolai of 14210 Parkvale Road also opposed the sidewalks due to tree removals, discussing the impact to wildlife. They wrote,

"Finally, DOT has made a false argument that the 50 mature trees cut down will be replaced by 150 saplings. Yes, the County arborist will make a note to plant 150 more trees, but I doubt he could say which 150 are the "Rock Creek Manor trees". Furthermore, your sidewalk proposal does not leave space for replacement trees between the road and the sidewalk. When you add up 3 feet from the road, 5 feet of sidewalk, and an additional 2-4 feet that the County arborist will ask for to distance the tree from the sidewalk, you will be putting replacement trees so high in people's yards that rare is the person who will want them. To say that the trees will be planted elsewhere is deceptive. The County could plant those trees in other areas without killing our 50 mature trees. The single Yoshino Cherry Tree in front of our house is utilized by Cedar Waxwings eating the tree's berries, Blue Jays and Northern Cardinals singing, American Robins building a nest, American Crows raiding that nest for an egg, Catbirds, Black-Capped Chickadees, Dark-Eyed Juncos, bumblebees housed in holes at its roots, an Eastern Tent Caterpillar nest in its branches, cicadas sucking on its roots, squirrels running along it. And this is just 1 out of 50 mature trees. Where will this wildlife go next year and the year after that?"

Concerned about storm water runoff, Kevin Burkholder opposed the proposed installations when he commented,

“The addition of 27,000 square feet of concrete in the neighborhood will result in increased storm water runoff. This runoff will exacerbate current flooding conditions at Greenspan Lane and Parkvale Road, Parkvale Road and Parkvale Terrace, and Manorvale Road and Crestedge Lane. The potential for automobile accidents from hydroplaning will increase.

To help us assess the storm water issue we contacted a former chief engineer for the Prince Georges County Watershed Protection Branch and Site, Storm Water Management Department. As a former section chief [sic] his credentials are impeccable. His examination of storm water management at Parkvale Road and Parkvale Terrace showed the system was not designed properly. The system does not appear to be designed for a 15-20 year [sic] storm event. The 5-foot sump inlet on the park side of Parkvale Road is too small. One feeder sump inlet on Parkvale Court is improperly placed.”

Mr. Burkholder also expressed anxieties about a potential increase in neighborhood crime when he wrote,

“There is at least one study that has shown that there is increased crime associated with neighborhoods that are treeless and have no sidewalks.

There is also an element of “stranger danger”. A passerby using the sidewalk will be 10-feet closer to a resident’s children, Amazon packages on the front porch, and the keys accidentally left in the front door. The thought of building a sidewalk to allow criminal elements to safely stroll through the neighborhood at night is abhorrent. Many older homeowners in the neighborhood remember Timothy J. Buzbee (“The Aspen Hill Rapist”), a serial rapist that victimized the neighborhood from 1977 to 1982. From a March 1, 2012 Washington Post article: “He broke into homes. He lurked along shadowy sidewalks. He posed as a jogger while looking for victims.”

Lastly, Mr. Burkholder addressed the County’s Climate Action Plan and subsequent safety issues associated with the “Micro-mobility network,” when he commented,

“To implement this plan, the County is proposing to build a “micro mobility network” (MMN), said network is to provide an opportunity for residents to shed their fossil fueled automobiles and offset with increased use of e-scooters and e-bikes (e-mobility devices).

Current rules do not allow e-mobility on sidewalks. These rules are unenforced. Laws are only as good as their enforcement and by simply looking at existing sidewalks one can readily see individuals operating e-mobility on sidewalks as well as parking e-mobility devices on sidewalks. . . .

As the e-mobility rules are unenforced, sidewalks will become a roadway for e-mobility devices. . .

E-mobility operators suffer from the same human frailties as automobile operators: intoxication, recklessness, inattentiveness and being uninsured. The results of the aforementioned human faults will end up in our front yards. Imagine the devastating effects of an e-mobility user weighing 180 pounds, riding on a 35 pound [sic] e-scooter and traveling at the maximum allowed 15 miles per hour hitting a 40 pound [sic] child playing on the sidewalk?"

Multiple residents that opposed the proposed installations strongly preferred the installation of traffic calming measures to reduce speed rather than sidewalks to remove the pedestrian from the roadway and oncoming traffic. This was made clear by Rena Cohen of 14400 Parkvale Road, who testified at the virtual public hearing as follows:

“ . . . The real issue here is we need to stop speeding cars coming into that neighborhood, and we’re not going to do it by putting in sidewalks. We needed speed bumps 20 years ago; we need them now. And the fact that this is sort of dismissed continuously, and now on the other hand we say safety for our children, seems to me to be the County looking to fund something it happens to have a program for, to be really honest and frank.”

James Webb of 5414 Parkvale Terrace also testified to his preference for traffic calming installations. He testified,

“This entire boondoggle started at a happy hour, which at the end people left walking on the wrong side of the road. Drive on the right, walk on the left. Congratulations, you’ve now increased survivorship by over 65 percent according to the Department of Transportation. Self-awareness saves lives, whether you are walking or driving. If sidewalks were so great, why do we have crossing guards? Because we have a traffic control problem. That’s what we’ve heard time and time tonight, a traffic control problem. A problem that could easily be addressed by six or more stop signs on Parkvale, Manorvale, two more on Greenspan, and the possibility of speed bumps on Manorvale Drive.”

Lastly, Pompea DiBona-Russo of 14206 Greenspan Lane addressed concerns regarding the safety of children and the disabled walking to school when she testified,

“ . . . No one was ever hit by a car on Greenspan Lane, but be assured, children will step out between parked cars. I've lived here for 43 years. I've raised three children. Other families have had four to five children on this street. And in all the 43 years, no child playing or walking up and down the street has ever been hit by a car. Any child who is so young or is mentally disabled should not be traveling alone on any street. Their parent belongs with them, and it is their responsibility to look after their children.”

Despite the numerous concerns of the opponents to the sidewalk proposal, many residents supported the proposed installations with a keen focus on pedestrian safety. In a position to hear both sides of the discussion regarding sidewalk installation, Rabbi Israel of 5007 Butternut Drive and Rabbi at Tikvat Israel Congregation located at 2200 Baltimore Road testified,

“ . . . I want to be clear that not everybody in this synagogue is of one mind on this issue. Many of our members do live on the affected streets. Some of them strongly support this measure, and some of them have shared their concerns with me about the environmental impact that this would have.

In thinking about the various concerns, for me as a rabbi, Jewish tradition teaches that whenever there is even a reasonable chance of life endangerment, we must do whatever we can to avoid that situation. It takes precedence over all of the other obligations that we have. And I think this is a case where there is clearly reasonable chance of life endangerment. I walk to the synagogue at least twice a week, including at night. We also go to meals -- walk to meals at people's homes, we walk our dog, and most of the time it is very quiet, very pleasant walk. But there have also been far too many times when there have been cars that have been speeding, as Jessica just mentioned, and people treat the stop sign at Manorfield and Greenspan as a suggestion, at best. Often people barely slow down when making that left turn. I've seen cars coming up off of Bauer onto Greenspan at very high speeds where they could not see if there was somebody there and would not have time to break. And same going straight on Parkvale when crossing over from Greenspan to the park.

All of these situations involve life endangerment. All of them are situations where we do not have a choice of putting ourselves in a safer position because there are cars often that are parked along both sides of the road. Unless you're going to go trampling on the lawn or -- and especially if it's raining -- there

just is not a safe place to be walking on those streets when cars are coming down very quickly. And so, we strongly support this measure. Me, as a rabbi, and on behalf of the synagogue -- again, not all of our members, but certainly as a community -- this is something that is extremely important to us for the safety of our members and for the safety of everybody in the neighborhood.”

Solomon Levy of 14146 Flint Rock Road and President, speaking on behalf of the Aspen Hill

Civic Association, likewise, supported the proposed sidewalk installations. In the comments

submitted on behalf of the civic association Board and members he wrote,

“On behalf of the Aspen Hill Civic Association (AHCA), it is my pleasure to inform you of our support of the Rock Creek Manor community’s proposal to install sidewalks in its neighborhood. . . .

The AHCA supports the Sidewalk Project because it will provide many benefits to the community:

- safer sidewalks for everyone will reduce the risk of pedestrians being hit by cars;
- without safe sidewalks, many children must walk in the streets during rush hour traffic to get to schools or to the bus stops;
- sidewalks connect people safely to community resources such as schools (Rock Creek Valley Elementary School, Earle B. Wood Middle School, Rockville High School), Bauer Drive Rec Center, local hiking trails, stores (Rock Creek Village Shopping Center), parks, and houses or worship in the area;
- sidewalks make it easier to reach transportation options such as MoCO bus lines (48, 49 and 52);
- sidewalks support healthy and active lifestyles for residents of all ages.

For all of these reasons (and there are many more), the ACHA fully supports the Rock Creek Manor community’s proposal and encourages the Dept. of Transportation to approve it and begin implementation as soon as possible.”

Will Horowitz of 14112 Parkvale Road similarly testified at the virtual public hearing, recalling

a recent vehicle collision and noting that the active sidewalk proposal in Rock Creek Manor

aligns with the goals and plans of MCDOT’s Safe Routes to Schools program. Mr. Horowitz also

discussed the many disabled and elderly residents in the Rock Creek Manor community whose lives would be greatly enhanced by the installation of sidewalks. He testified,

“One evening a car came speeding down the street and totaled my car parked in front of our house before driving away without leaving a note or filing a report. We were lucky only monetary damage was inflicted and no residents were hurt, but we should not have to wait for blood on the ground to mitigate a clear risk to pedestrians.

This proposal also aligns with the Safe Route to School Program that looks at increasing the amount of kids walking to school safely. The County's SRTS Team is working to improve infrastructure for half a mile around schools. This community is a half-mile from at least three or four different county schools. The sidewalks are long overdue in this area, our population is growing, and we need the infrastructure to support it. . .

Beyond what I already mentioned, these sidewalks will help our residents who have disabilities. This community has a fourth grader who uses a wheelchair and can't get anywhere in our neighborhood safely. We have elderly residents who use walkers. We have a family who is deaf. We have a family with a child who has a degenerative eye illness, leading to eventual blindness. All of these residents, and others, will live much safer, richer lives with improved access to local schools and amenities.”

Addressing the many opposing comments claiming lack of need, Brooke Peloso-Horowitz also of 14112 Parkvale Road testified,

“I found reading through the public comments very valuable. It reminded me - - stay with me for this brief departure -- of when you come home with your new baby and your parents say to you: Oh, we did “X” with you, and you turned out fine. And you respond, “Yes, but So and So didn't make it, so now we put them on their backs to sleep,” or whatever it is.

So, I understand a lot of residents on our block had their kids walk to school without issue, and I appreciate that. New families like us coming in asking for better would elicit a defensiveness. . . . So, now we find ourselves in this time and how we deal with it and how our neighborhood has built up. Of course, we're not in agreement on how to handle it, but a new estimate released May 2022 from the Governor's Highway Safety Association provided that U.S. pedestrian fatalities reached the highest percentage they have been in 40 years. The percentage of pedestrian fatalities where no sidewalk was noted on the crash report rose to 67 percent in 2020 from an average of 62 percent over the four preceding years. The presence of sidewalks can help protect people walking by separating them from vehicle traffic.

Also, there were no cell phones 50-years ago, certainly not what we have today, which is a device that is designed to demand our attention nearly at all times. Drivers and people in general are now more distracted than ever, and getting bodies out of the street is imperative. . .”

Justin Foley of 5404 Manorfield Road also commented in support of the proposed installations when he wrote,

“The proposed sidewalks will improve our neighborhood's access to public transportation, county parks, retail, community centers, and places of worship. Most importantly, the sidewalks will improve safety for pedestrians, including seniors, cyclists, and school age children walking to Earle B. Wood Middle School, Rock Creek Valley Elementary School, and Rockville High School.”

Likewise, Glenn Kreger of 5400 Parkvale Terrace commented,

“We live on Parkvale Terrace, a cul-de-sac that comes off of Parkvale Road. We walk our dogs twice a day and have no choice other than to walk on Parkvale Road after we leave our short cul-de-sac. It is very dangerous to walk on Parkvale Road due to the speeding cars and the lack of sidewalks. We have to walk in the street. This is particularly dangerous after dark. Something has to be done here, either to slow down the traffic or separate the pedestrians from the vehicular traffic. I know that some of our neighbors are concerned about the likelihood of tree loss and, in some cases, the loss of landscaping planted by homeowners in the Parkvale Road right-of-way (ROW). I understand their concern. I also enjoy the cherry trees along Parkvale Road, although they seem to be dying off one by one. Homeowners take a risk if they install landscaping, fences, etc. in public ROW since it exists for a reason (e.g., possible road widening or sidewalk installation).

Please do what you can to ensure pedestrian safety in our neighborhood. We shouldn't have to "take our lives in our hands" just to walk our dogs.”

LeAnn Hodges of 14010 Parkvale Road testified about the near-misses she experienced while accompanying her children to their elementary school. Recognizing that sidewalk installation would entail environmental repercussions, she contemplates which side, opposing or supporting, would be impacted most by the installation of sidewalks. She testified,

“On two separate occasions over the years, while walking my children from school, I have had to stand in the road to physically stop oncoming cars

because a child had fallen in the road, one time falling off of a bike, another time because they had tripped. In both cases, had I not intervened, I believe that a child would have been seriously harmed.

When I am faced with big decisions, one of the questions I try to remember to ask myself is who does this affect the most? Obviously, every family whose yard will be impacted will be affected. But as just pointed out in the beginning, there is an easement of 17-feet of our yards closest to the road, and there's a limit to our individual say about what can and will happen in that space. I knew that when I moved in.

The environmental impact of this project is not a zero-sum game. I'm aware of that. I believe that much of that will be mitigated by the County's plan, but not all. I believe also that there is more that we as a neighborhood can do together to care for the environment, regardless of whether or not we have sidewalks.

What I can't dismiss is the danger that I believe to be real for our children walking to school, especially those children who live between Greenspan and Manorvale Court, who do or will walk to Rock Creek Valley Elementary School. . .

When I think of who is impacted the most about whether or not we have sidewalks, it is the families of these young children. They and their families represent to me the ones who have the most at stake with the outcome of this process. These children and their families are at the heart of why I support this proposal.”

John Baxter of 14009 Parkvale Road testified regarding the firm belief of numerous opponents to the sidewalk proposal in the Rock Creek Manor community that speed bumps and stop signs would make the roadways safe for pedestrians to share the road with oncoming traffic. He testified,

“ . . . I'm a law enforcement officer in Virginia, and during my career I've responded to four pedestrian involved accidents in which none of them were the pedestrian walking on sidewalks. They were in the streets, and two of them were in areas that contained other traffic control devices, such as speed humps and stop signs at the intersections.

In the 40 years of living in the neighborhood, the highest volume of pedestrian traffic is during the same time the working adult is going to work. That puts the risk factor significantly higher. I have witnessed both children and adults move further into the street to get around a parked car during the walks.

Through my professional experience, I believe removing the pedestrian from the roadway is the safest and equitable option to ensure the safety of our community members.”

And lastly, multiple representatives of the area schools as well as a daycare center commented in support of the sidewalks. For instance, Kimberly Henriquez, Principal of Rock Creek Valley Elementary School stated in her comments,

“The area would benefit greatly by improving safe access and connectivity to pedestrian destinations from the Rock Creek Manor community across Bauer Drive to Rock Creek Valley Elementary School, Earle B. Wood Middle School, Bauer Drive Community Center, the Earle B. Wood Park, and the local shopping, churches, and synagogue.

In addition, the three roads proposed are being used by drivers from outside the neighborhood as a shortcut around Rock Creek Village Center and associated traffic. This creates a hazardous situation for walkers. The dangers increase significantly on snowy or rainy days when children are forced to walk in the middle of the street. We believe these sidewalks are necessary under the Safe Routes to School program.

As principal of Rock Creek Valley Elementary School, I am particularly concerned that many of my students are needlessly put in harm's way when walking to and from school. As stated earlier, the safety of all of our students and families is of utmost importance. We want to continue to have an active community with seniors, children, bikers, pedestrians, and dog walkers not in harm's way but all safely on sidewalks.”

Likewise, Chris Troffkin, Principal of the Lucy V. Barnsley Elementary School wrote,

“This letter is to inform you of my full support of the County’s proposal to improve pedestrian safety in Rock Creek Manor.

Sidewalks in this neighborhood are the only safety measure that can adequately protect pedestrians on highly traveled roads, which are major connectors to our four neighborhood schools, the Rock Creek Trail, a shopping center, a community center, and a park.

As a walking school zone, which also serves as a major connector to various community amenities, and primary commuter routes, I believe sidewalks would improve our community in the following ways:

- Provide sidewalk access to two entrances to Rock Creek Park paths (Parkvale Road and Manorvale Road)

- Provide safe access for not only my students at Lucy V. Barnsley, but other students walking to Earle B. Wood Middle School, Rock Creek Valley Elementary School, and Rockville High School
- Provide safe access to Bauer Drive Community Recreation Center
- Provide safe access (via the Rock Creek Trail) to Tikvat Israel and Twinbrook Baptist Church
- Provide safe access to the bus stop (RideOn Route 48) at the intersection of Greenspan Lane and Bauer Drive
- Provide sidewalk access to Rockville Village Center grocery store, restaurants, and other business . . .”

Lastly, Hanna Patyk, owner of the Happy Child Family Day Care and resident at 5301 Crestedge Lane, wrote,

“For over twenty years I have owned and operated a daycare at the intersection for Crestedge Lane and Manorvale Road. It so happens that a large number of children under my care walk to the daycare with their parents daily. Also, we are very fortunate and grateful to be able to use beautiful Rock Creek Park, however access to the park is very dangerous due to the lack of sidewalks.

Often time's vehicles use a shortcut from Russet Road to Baltimore Road by traveling through the neighborhood at a high rate of speed ignoring the traffic signs. This makes using these streets very unsafe for everyone, including the children and their parents.

During the school year, I frequently saw children walking through the streets when they were going to school. Then, in the summer time and holidays, the same children from my neighborhood were walking on the streets to visit the pool, summer comp, nearby soccer field, or shopping center. Speeding cars and walking kids on the same street create a very dangerous situation. The solution to this problem lies in the permission to set up sidewalks in these streets: Parkvale Road, Manorvale Road, and Greenspan Lane.”

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 there have been no past vehicle/pedestrian collisions in the Rock Creek Manor

community. Despite this, MCDOT understands that our population is ever growing as are the number of cars on our roadways; a collision-free history provides no guarantee of a future free from injury or death caused by vehicle/pedestrian collisions. The new sidewalks will provide a safe place for pedestrians to walk, separated from oncoming vehicular traffic; thus, enabling residents to walk to short-distance destinations such as to and from school or to the local shopping center and grocery store, and for longer trips, to safely walk to the Ride-On amenities. Many residents who previously avoided or were precluded from walking within the community due to the lack of a safe, separated space for pedestrians, will have the freedom to walk and enjoy their community and the numerous amenities surrounding the Rock Creek Manor community.

As displayed in the aforementioned testimony, numerous residents opposed the proposed installations because of tree removals required to make way for the sidewalks and the related detriment to the environment. Sidewalk installation, however, is a key component of the County's Climate Action Plan, setting up the infrastructure to promote walking to local attractions such as to the Rock Creek Village Center, the numerous schools, nursery school and daycare center surrounding and within the community, public transportation facilities as well as to the many additional pedestrian generators within a 1-mile proximity of the community.

Mature trees are beautifully majestic, each one providing shade and removing 48 pounds of carbon dioxide (CO²) per year, according to the EPA. The County does not take tree removal lightly and empathizes sincerely with those who oppose the installations due to the existing tree removals. The average car creates 4.6 metric tons or 10,141.26 pounds of CO² per year. According to CarbonPirates.com, an international climate activist group, a baby tree or sapling absorbs 5900 grams, or 13 pounds, of CO² per year. Thus, three saplings absorb approximately

39 pounds of CO² annually. The replacement trees are not saplings, however, but instead are 2-inches in diameter and roughly 5 or 6-feet tall, absorbing far more CO² than a mere sapling. The three trees replacing each tree removed, therefore, will absorb basically the same amount of, if not more, CO² as the one mature tree that was removed.

The three replacement trees planted for every one tree removed will grow, providing triple the CO² absorption, shade, rainwater drinking roots, homes and nourishment for animals, birds and insects as well as beauty, thus eliminating the creation of feared “heat-islands.” While MCDOT understands that the loss of 47 existing trees feels devastating, it is a small, temporary sacrifice to make for our environment, allowing the County to set up the infrastructure that promotes healthy living and safe walking while releasing us from the necessity of our cars and thus, reducing pollution from cars. The sidewalks will reduce harmful emissions by promoting walking and the use of public transportation, while the three replacement trees for every one tree removed will triple the absorption of harmful emissions in addition to tripling the shade, rainwater absorbing roots, creature homes and beauty in the Rock Creek Manor community.

Additionally, residents may request the planting of trees on their private property by visiting the Tree Montgomery website (<https://treemontgomery.org/request-a-tree/>)



Numerous residents also feared the exacerbation of rainwater drainage issues by the addition of impervious surfaces and the removal of existing trees. All sidewalks are installed to work seamlessly with existing rainwater drainage infrastructure. If approved, the sidewalks will be installed at a 2% pitch, directing rainwater into the existing curbing and gutter inlets and away from private property. Being in the community to install the sidewalks also provides the

opportunity to regrade and repair existing issues of puddling and standing water following rainstorms. If residents note, however, that the existing rainwater infrastructure is failing, they may enlist the help of the County's Drainage Assistance Program via their website:



Concerns about rainwater drainage issues may also be abated by enlisting the assistance of the County's Department of Environmental Protection, RainScapes Program. A RainScape is a landscape or design technique that helps reduce stormwater runoff from individual properties. Among the measures for reducing stormwater runoff, RainScapes include rain gardens, water harvesting, and conservation landscapes. Additionally, the County's RainScapes program has a Rebate Rewards program for those eligible for financial assistance. Residents can learn more about the RainScapes program and apply for financial assistance on their website here:



Anxieties regarding the use of e-mobility devices on the sidewalks was also raised with concerns over the creation of unsafe conditions and the potential for pedestrian collisions on the sidewalk. To confirm, excluding from motorized wheelchairs, the use of e-mobility devices on sidewalks in Montgomery County is prohibited. Residents who note the use of e-mobility devices on sidewalks, may contact the 4th District of the Montgomery County Police, Community Services at 240-773-5527 and 240-773-5581 to request local enforcement of the laws governing the use of e-mobility devices.

A question on the minds of many residents pertained to their responsibility in inclement weather. To confirm, 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. There is a caveat to the 24-hour time limit to remove the snow; 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, advised many residents about similar communities that have started a “village program,” wherein younger, more able-bodied residents volunteer to assist their elderly or disabled neighbors by shoveling the snow from their adjacent sidewalks. There are also volunteer organizations that will assist the elderly and disabled with clearing snow and ice in inclement weather such as the Boy Scouts, the regional service centers throughout the County, as well as middle and high school students looking to fulfill their required Student Service-Learning hours.

Another question on the minds of many was related to any requirements for environmental studies. The Sidewalk Program is not required to perform environmental studies before installing sidewalk infrastructure. This Hearing Officer explained that the Federal Highway Administration designates sidewalk installation as a categorical exclusion, meaning that the act of installing sidewalks to improve pedestrian safety is categorically excluded from any and all requirements related to environmental studies. The installation of sidewalks is considered a minor project with minor impacts to the environment.

The residents further asked about the prospect of having speed bumps installed. The installation of sidewalks does not preclude the County from installing speed bumps. Sidewalks

and speed bumps are two completely different installations. Speed bumps slow vehicle speeds, although MCDOT understands that a pedestrian can sustain serious injury when hit by a car, even if that car is traveling at 25 miles per hour. Sidewalks, alternatively, improve pedestrian safety by completely removing the pedestrian from the road and oncoming traffic. Residents may request speed bumps or stop sign installations by submitting their request via email to

TrafficOps@montgomerycountymd.gov.

Concerns about loss of service from the movement of utility poles were expressed. To confirm, all utilities are marked by Miss Utilities prior to any excavation so that they can be avoided, and measures taken to leave utilities intact. Utility poles are not moved when sidewalks are installed; rather, the sidewalk will be transitioned either in front of or behind the utility pole.

Maintenance of potential cracks and trip hazards in the sidewalk was also a source of worry to many. Residents may contact Montgomery County's 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>)



Another concern if the sidewalks are approved and installed is the replacement of the cherry trees. The County has standard tree lists from which the replacement trees are selected. Although the Yoshino cherry tree is not on the County's standard list, the Okame cherry tree is. The Okame cherry tree is just as beautiful as the Yoshino with pink spring blossoms a shade darker than those of the Yoshino. Although the Yoshino cherry tree was previously on the

County's standard tree list, it was removed due to difficulties in maintaining the Yoshino cherry trees' health county-wide. Multiple residents testified that the existing Yoshino cherry trees are nearing the end of their lifespan with declining health and the loss of leaves during the summer months. The Okame cherry tree is a much heartier species that will provide greater longevity and ease of care. The County's standard tree lists can be found on the Division of Highway Services' website (<https://www.montgomerycountymd.gov/DOT-Highway/tree/index.html#Ash>)



The longevity of the replacement trees was also questioned. Robert Gonzales, Manager of the Sidewalk Program, explained that the County has the approved standard tree list because the species found on the list are known to have a higher percentage of survivability in our county. If approved and 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. 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. 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. Mr. Pond can be reached via email at Jack.Pond@montgomerycountymd.gov.

On the topic of the replacement tree's warranty, residents questioned who would be responsible for replacing the tree if it dies after the warranty expires. Mr. Gonzales further

explained that, since the trees will be planted in the County’s public right of way, the arborists in the Division of Highway Services evaluate the County’s right of way trees, removing those that have perished and planting new ones in the right of way.

All questions having been answered, this Hearing Officer does not recommend any changes to the Rock Creek Manor Community Sidewalk Proposal; the following installations are recommended for construction:

Proposed Installation:	MCDOT Recommended Installation:
Parkvale Road (west) Manorfield Road to Manorvale Court	Sidewalks are Recommended for construction as Safe Routes to Schools.
Manorvale Road (east) Manorvale Court to Russett Road	Sidewalks are Recommended for construction as Safe Routes to Schools.
Greenspan Lane (south) Bauer Drive to Parkvale Road	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. 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, other landscaping and rainwater drainage, the addition of impervious surfaces, the impact to the aesthetics of the community, etc. The proposed sidewalks in the Rock Creek Manor community 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 Rock Creek Valley Elementary School, the Lucy V. Barnsley Elementary School, the Earle B. Wood Middle School, Rockville High School, Meadow Hall Elementary School, Montgomery County Public School bus stops, Happy Family Day Care Center, friends' houses,

the Bauer Drive Community Recreation Center, the Rock Creek Village shopping center, the local Earle B. Wood Park, Safeway grocery store, Rock Creek Trail, Montgomery County Recreation, Interfaith Works Clothing Center, Aspen Hill Cooperative Nursery School, National Korean United Methodist Church, Tikvat Israel Congregation, Rock Creek Overlook, Maus-Warfield United States Army Reserve Center, Rockville Civic Center and Civic Park Playground, Rockville Little Theatre, Croyden Creek Nature Center, Glenview Mansion and the County's Ride-On public transportation facilities. 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 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,



Michael L. Paylor,
Public Hearing Officer

The Public Hearing Officer's Report and Recommendation for construction of the Rock Creek Manor Community Sidewalk Project has been reviewed and the project is hereby authorized for construction as proposed.

Date: 12/2/2022



Christopher Conklin, Director
Department of Transportation