



RUSTIC ROADS ADVISORY COMMITTEE



TESTIMONY OF RUSTIC ROADS ADVISORY COMMITTEE PUBLIC HEARING ON RUSTIC ROADS FUNCTIONAL MASTER PLAN APRIL 18, 2023

INTRODUCTION

This amazing program gives every one of us the opportunity to come upon livestock grazing quietly next to a road; to cruise through the shade of mature trees overhead; to burst out into a grand view of open land with forests and farm fields: these are the joys of traveling on a rustic road in Montgomery County. This program is the envy of many states and counties across the country. Thanks to the Council of 1993, a process was set in place to protect rural roads from over-engineering, widening, and straightening. It has resulted in the preservation of historic alignments and views, allowing one to experience some of the County's rural beginnings, while providing an attractive means for enjoying agritourism and Heritage Tourism.

ROAD DESIGNATIONS

The Committee voted in advance on many but not all road designations and the Planning Department supported most of those positions. We express our support for the rustic and exceptional rustic designations in this Draft Plan. In particular, we support the road designations as proposed in the Draft Plan as exceptional rustic, as several roads have unique features that are worthy of this designation.

ROAD DESIGNATION REQUEST: AWKARD LANE

Awkard Lane was nominated for rustic designation and strongly supported at the Planning Board by the Holly Grove Historical Preservation Association. The Committee did not vote on this matter. Planning staff did not wish to include this road as rustic since it did not have views of farm fields or rural landscapes or buildings; this is a misapplication of the criteria in the Code by staff. In fact, the road seems to meet the legal criteria for rustic designation based upon its historic alignment. Since 1880 it has been an important road in Holly Grove, an historic black community. It could be fairly compared to another nominated road which has been approved for inclusion in the Draft Plan, Nicholson Farm Road, which is being included in the program based upon its historic alignment, and also does not have views of farm fields or rural landscapes or buildings. (The word "Farm" in the name was added to distinguish this road from another road named Nicholson Road elsewhere in the County – there is no farm related to a Nicholson family here as the Nicholsons were house builders in the town of Dickerson. Perhaps the road would be better named West Nicholson Road.)

ROAD PROFILES

The Committee members drove most of the roads in the program to provide new and updated Road Profiles, and we support these as included in the proposed Draft Plan.

SIGNIFICANT FEATURES

The Committee worked closely with the Planning Department on identifying features to be protected such as narrow and historic bridges, and views of landmarks, outstanding trees, and open fields. We support the inclusion of the Significant Features as proposed in the Draft Plan.

RECOMMENDATIONS

STAKEHOLDER MEETINGS

The Committee is being asked to host meetings between MCDOT and certain farmers put forth by the Office of Agriculture in order to address maintenance complaints on the roads. We concur with this process so that we may comply with the Open Meetings Act. Tree trimming, potholes, standing water – these complaints are heard about every type of road in the County and are not particular to rustic roads. The Committee is not responsible for road maintenance and as we pointed out several times during the worksessions on this plan, rustic roads are entitled to the same level of maintenance as all other roads in the County. The Executive Regulations already make this clear, although this Draft Plan proposes additional clarifications to the two existing paragraphs. To the extent MCDOT may have limited funding and personnel and therefore falls behind in routine maintenance, the maintenance on many County roads becomes complaint-driven. The Committee has worked closely with MCDOT to provide input on maintenance needs as we learn of these issues.

MAINTENANCE AND IMPROVEMENTS

ROADSIDE VEGETATION

Regarding tree-trimming, the Planning staff proposed to the Planning Board using 18 feet as the height at which trees should be trimmed on roads used for movement of large agricultural equipment. This 18-foot standard had been in guidelines as supported by MCDOT and RRAC for two years. Planning staff had originally proposed 17 feet prior to reviewing the guidelines. The point behind using 18 feet is to facilitate fewer trips to each road, since tree branch growth will increase in succeeding years, and the benefit of the higher level is that it could be up to three years before MCDOT must re-trim on one of these roads (saving time and funds). After the Planning Board voted to accept the 18-foot height, instead of removing the reference to 17 feet, Planning staff decided on their own to put 17 feet in as a minimum height for tree branches. This defeats the purpose of the 18-foot goal, which is to bring the trimming needs of the commodities farmers in line with the abilities of MCDOT. If 17 feet is the minimum, MCDOT will be on every road every year, which is not feasible, and this recommendation will be ignored. 14 feet is the height of the equipment intended to be protected by this language.

ROAD WIDTHS

The Committee currently meets with MCDOT regarding road widths prior to patching and paving and supports this suggestion in the Draft Plan that we continue this practice.

ROAD SURFACES

DUST SUPPRESSANT ON GRAVEL ROADS

Gravel roads now receive adequate and proper dust suppressant, thanks to MCDOT's support for research by the Committee to identify products used by surrounding jurisdictions that had success with dust suppressant practices.

ASBESTOS MITIGATION ON SHORT SECTION OF ONE GRAVEL ROAD

River Road, one of the program's most prominent and beautiful gravel roads, had a complete renovation in 2021. The road was tested for asbestos and .01% of asbestos was found in a 780-foot section of the five mile rustic portion of that road. This section will be encapsulated beginning on April 24, 2023 to prevent any exposure to asbestos from that road segment.

POLITICIANS ROADS

Two “Politicians Roads” remain in the County – those with concrete center strips – Sugarland Road and Martinsburg Road. Both are designated exceptional rustic. Both should have stonedust shoulders, but currently have an asphalt product applied over the road shoulder inappropriately. Martinsburg Road is also designated Historic. The improper paving over the shoulders of these exceptional roads should be removed.

BRIDGES

The Committee supports the proposed language on bridges calling for an engineer with historic preservation experience to be engaged on historic bridges, as well as to encourage MCDOT and SHA to seek design exceptions for certain bridges. The design exceptions enable receipt of federal funding for one-lane bridges and there is every reason for the County to be encouraging that practice.

DRAINAGE

Culverts under many roads in the County have become clogged and it has come to the attention of the Committee that there is no routine inspection of culverts. Thus, a culvert backup can be the cause of water backed up on a road, and even cause the loss of an entire section of road (and these events occur all over the County, not related to rustic designation). If a culvert is not working properly, an entire roadside can become washed out and stripped of the native vegetation that serves to absorb water and send water naturally onto the surrounding landscape off the road. Thus we agree with the Draft Plan’s recommendation that culverts be inspected and cleared and we strongly oppose the use of roadside ditches which are contrary to best practices and unsuitable along rustic roads.

TRAFFIC CALMING

TRAFFIC CONTROL MEASURES AND VISION ZERO

The Committee fully supports traffic calming on rustic roads and notes that under Vision Zero, many streets in the County are being downsized in order to slow traffic. Intersections are also being shrunk for the same reason. The narrow width of most of the rustic roads is an inherent traffic calming device, and the narrow bridges serve as a further means to bring speeding under control. In addition, for the first time, pursuant to the Committee’s request to Council during consideration of the recent Complete Streets bill, speed humps may be used on designated rustic roads (our usual advance consultation with MCDOT regarding these and other proposed traffic control proposals will occur). The Committee is well aware that the low gray box-style speed cameras with the technology to issue tickets is the best way and the least distracting way to address speeding effectively. However, the availability and placement of these cameras is solely within the discretion of the Police Department and there does not seem to be the widespread use of them that is likely warranted.

SCENIC VIEWS

The Committee works within the Development Review process to protect scenic views on rustic roads, and also reviews driveway placement for the Department of Permitting Services. We support the language in the Draft Plan to protect views and vistas.

DBU ROADS

Dedicated But Unmaintained (DBU) roads were reviewed by the Planning Board at the request of MCDOT. There is a hypothetical issue being raised that residents on DBU roads might want to upgrade

their roads pursuant to modern County engineering standards which would then entitle them to County maintenance. In fact, none of the residents of the four rustic roads that MCDOT has put on their DBU list has ever requested such an upgrade. This is partly because the cost of a DBU road being “brought up to a standard” of a modern engineered road would be incurred fully by the residents. We support keeping these roads in the program, and while we agree that DBU roads should not be proposed for inclusion in the program in the future, we do not believe that MCDOT should apply the DBU standard retroactively to any more roads in the program.

BYCYLISTS

Bicyclists enjoy riding on the rustic roads. Several leaders and many members of cycling clubs provided testimony in favor of this program. The point of enjoying these roads and their challenging hills and extraordinary views is to be riding where there are no bike paths. While not mentioned in this Draft Plan, it should be noted that bike paths are not acceptable along rustic roads. Sidewalks are also not acceptable along rustic roads except for possible extreme circumstances, and the Committee always stands ready to review and advise on such proposals.

SCENIC BYWAYS

We support the Draft Plan’s goal for the County to coordinate efforts on Scenic Byways. A C&O Canal Byway plan would showcase the rustic roads that are a part of Heritage Tourism canal access.

MEMBERSHIP

The Committee voted to increase membership by two at-large members and to remove the requirement that farmer members earn 50% or more of their income from farming (note that there are no financial disclosure requirements filed with an application). The elimination of the income test was to permit greater diversity in filling farmer-member positions on the Committee, since those who can meet the current test are farmers with large land holdings and the attendant wealth found among established White families. The Planning Board worked through many suggestions for membership changes offered by Planning staff. Their decision was to recommend one additional farmer member and one additional at-large member, and to remove the citizens association affiliations for two of the existing membership criteria, essentially resulting in 3 at-large members. The Planning Board decided to retain the income requirement for farmer members. We can support these changes as proposed, or as we offered in the Planning Board worksession, support no changes to the membership requirements.

However, Planning staff added additional language on their own without the approval of the Planning Board. There was no acceptance by the Planning Board for listing types of members who could fill at-large positions. This kind of chatty language has no place in a statute, and is specifically objectionable based upon what Planning Board Commissioners said when voting. First, a Commissioner stated that seeking religious members was not appropriate as it could be perceived as inappropriately combining church and state. Second, another Commissioner rejected references to winery and brewery owners because they have considerable wealth, and therefore would not contribute to any diversity goals in membership recruitment. In addition, winery and brewery owners would qualify as farmer members because their status as “agritourism” requires them to grow crops used in their products. In fact, the Committee has previously had a winery family member serving as a farmer member. Finally, interested parties could be found who grow some table crops in their home gardens – confusing that with membership on the Committee as a farmer is inappropriate. All of these extra suggestions should be dropped.

The Ag Advisory Committee has recommended that three farmer members of the Committee must own or lease combines, drill planters, tank sprayers, or sod harvesters. There are 558 farms in the County, but only 34 farmers would meet the combine/planter part of this test. (Source: most recently available data from 2017 Ag Census.) A few other farmers who do not farm corn and soy may own or lease large sprayers. There are only 3 sod farmers in the County. This is a non-representative subset of our County's farmers and such limitations are not appropriate in this program.

The Ag Advisory Committee also recommends changing 3 at-large members to only 2, and putting a table crop farmer or someone engaged in agritourism on the Committee. Table crop farmers and those owning agritourism sites would, as noted above, qualify for membership as farmers, and should not take the place of the other rustic roads users who are so important to the purpose of the program.

The rustic roads are beneficial to the County for attracting new businesses and employers whose employees will have nearby access to natural features, historical experiences, and recreational activities such as biking, hiking, fishing, kayaking and the like. Residents of the down county areas have long appreciated the rustic roads. These roadway users should be sought for Committee membership, instead of doubling down on a minority of users. Support for the program is essential for membership because public outreach is a key facet of the program.

HISTORIC PRESERVATION

We support the goals listed in the section entitled Historic Preservation which calls on Historic Preservation staff to increase awareness, provide documentation, and formalize the historic resources on rustic roads. We want the Council to be aware that the items under this topic are not intended to be activities conducted by the Committee but by Planning staff. The Committee already performs public outreach at several venues. We fully support the recommendations to enhance the knowledge of Black history, women's history, Native American history; to showcase and preserve related locations such as burial sites; and to provide interpretive signage and materials reflecting these histories at sites along rustic roads. Historically Black rural communities are often found on these roads and should be much more fully represented in the information available relating to these locations.

PERIODIC PLAN UPDATES

The Draft plans suggests that instead of waiting over 25 years for a comprehensive update, the plan should be amended more frequently. The Committee supports this in part.

In cases where a nomination has been waiting five years or more, a limited master plan amendment should be initiated to address the nominated road. However, the Committee does not support this process becoming a periodic review of all things in the program as the language contained here suggests. That was never the intent of this concept which was proposed by the Committee.

Limited review of specific roads requested for inclusion in the program would ensure that communities would not have to wait 25 years to see their road designated. That should be the sole feature of this suggestion. Under no circumstances should the Planning Board or County Council be put in the position to be taking up "mini master plans." And the Committee does not wish to be put in that position either.

Significant Features should not be subject to periodic reviews; in this Draft Plan not one of them was removed. Commemorating a Significant Feature with a marker is not appropriate as a policy matter, but only as a stand-alone request.

CONCLUSION

We are available to answer questions and provide further information to the Council.

Committee Members:

Laura Van Etten, Chair

N. Anne Davies, Barbara Hoover, Charles Mess,
Kamran Sadeghi, Dan Seamans, Elena Shuvalov

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TESTIMONY OF LAURA VAN ETTEN
CHAIR, RUSTIC ROADS ADVISORY COMMITTEE
PUBLIC HEARING ON RUSTIC ROADS FUNCTIONAL MASTER PLAN
APRIL 18, 2023

Council President Glass and Members of the County Council, I am here today to speak on behalf of the Committee to express our support for this Draft Master Plan. We believe it is a strong plan that will ensure the ongoing success of the program.

Rustic roads benefit Montgomery County. They play a major role in Heritage Tourism, which brings in over \$376 million in revenue annually and supports over 5,300 jobs, according to Sarah Rogers, the Executive Director of Heritage Montgomery. These roads give the experience of being carried back in time, and they set the stage for numerous historic, cultural and natural sites along the roads.

You will hear complaints about maintenance on these roads -- these types of complaints are the same for every road in the County and are not particular to rustic roads. The need for proper maintenance is established in law, and called out clearly and frequently in the Draft Master Plan. We support the recommendations in this Draft Plan to have the Department of Transportation address maintenance concerns routinely and directly, and want the Council to understand that there should be adequate budgetary provision for the tree maintenance that is needed on all roads in the Ag Reserve, not just rustic roads. Maintenance shortcomings by DOT should not affect the makeup of the Committee membership.

While many rustic roads are found in the Ag Reserve, some of which are state Roads and others which are fully contained in Parks, a full third of them are outside the Ag Reserve and can be enjoyed in many towns and rural areas that I'm sure you are familiar with. If any Councilmembers would like to have a tour of some of the rustic roads, please reach out to me or to our Planning Board member and we will look for a way for the Historic Preservation planning staff to host a tour in compliance with the Open Meetings Act. We would love for you to experience these amazing Heritage Tourism assets.

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