

April 27, 2023

Christopher Conklin
Director
Montgomery County Department of Transportation
101 Monroe Street, 9th Floor
Rockville, MD 20850

Re: Petition of Permanent Closure of the Intersection of Westbard Avenue and River Road

Dear Mr. Conklin:

We, the residents of the 5500 block of Westbard Avenue (“5500 Westbard Avenue Block Civic Association”), request the permanent closure to all vehicular traffic of the intersection of River Road and Westbard Avenue in Bethesda, pursuant to Section 49-62 of the Montgomery County Code. We also request that the intersection in question, which has been closed since June 2022 as part of a detour plan, remain temporarily closed until the final disposition of this application.

This intersection is dangerous, and the opening of the newly realigned Westbard Avenue will remove any need for it to exist. The new intersection at River Road is designed to facilitate all vehicular traffic between River Road and points along Westbard Avenue.

Per section 49-63(C), a public right of way may be closed if the Council finds that:

(1) the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or

(2) the abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed. In assessing health, safety, and welfare issues, the Council may consider:

(A) any adopted land use plan applicable to the neighborhood;

(B) safe and efficient pedestrian and vehicular traffic patterns and flows, together with alternatives, in the immediate neighborhood, for local and through traffic; and

(C) changes in fact and circumstances since the original dedication of the right-of-way.

For decades, the 5500 block of Westbard Avenue was subject to tremendous cut-through traffic between River Road and the Westwood Shopping Center. Cut-through traffic created dangerous conditions on our block, as well as on River Road. Large trucks would barrel over the speed bumps at all hours of night, often waking up sleeping residents. Parents did not feel they could safely allow their children to play in their front yards, let alone in the right-of-way. Dozens of collisions occurred when drivers ignored the clear signage stating that it is illegal to turn left from Westbard Ave onto River Road. For all these reasons, this permanent road closure “is necessary to protect the health, safety and welfare

of the residents near the right-of-way to be abandoned or closed,” **satisfying the test in 49-63(c)(2) of the Montgomery County Code.**

Moreover, the *“safe and efficient pedestrian and vehicular traffic patterns and flows, together with alternatives, in the immediate neighborhood, for local and through traffic”* should naturally involve vehicular traffic traveling between River Road and points along the newly realigned Westbard Avenue being directed to ACTUALLY USE the newly constructed intersection of River Road and Westbard Avenue. This new intersection has a modern design and provides the safest traffic pattern. Leaving the currently existing intersection of River and Westbard open after the completion of the realignment project would encourage cars to take the more dangerous route. Through traffic would be much safer and more efficient if it does not involve the temptation to turn left from the current Westbard Avenue onto River Road. That illegal left turn has been discouraged to the maximum extent (short of enforcement) for years. Concrete medians channeling traffic to turn right onto River Road have been constructed, and a clear “NO LEFT TURN” sign was erected, but cars still regularly turned left onto River Road at the intersection, causing a very dangerous situation for drivers, including a number of documented collisions. A quick search of the county’s police dispatch database shows a minimum of 16 traffic incidents (mostly collisions) at this intersection dating back to April 2017 (For Incident ID numbers, please refer to “Exhibit D”), an average of more than 2 per year, and this only covers reported incidents coded in the county database as “Traffic/Transportation Incident,” so that number is likely undercounted. If this intersection is reopened after the realignment is complete, it is a certainty that many drivers heading north on River Road will cut through our block and illegally turn left onto River, thinking that they can go around the traffic signal at the new intersection. We ask the Council to consider all these factors, **as specified in 49-63(c)(2)(B) of the Montgomery County Code**, when assessing health, safety, and welfare issues.

Residents of our block have been involved in the public hearings on the 2016 Westbard Sector Plan and the abandonment of portions of Westbard and Ridgefield (AB-773), where we voiced our requests for the permanent closure of the intersection of Westbard and River Road. As a result, in July of 2016, the Montgomery County Council approved the Westbard Sector Plan while simultaneously making numerous revisions to the draft text. One of those revisions specifically called for the permanent closure of the River-Westbard intersection, and its subsequent reconstruction into a turnaround/cul-de-sac. The language calls for this action to be delayed until the realignment of Westbard Avenue is completed. The text is as follows:

This Plan endorses the permanent closure of the residential portion of Westbard Avenue between River Road and Ridgefield Road at the River Road end. The closure should not occur until the existing Westbard Road/River Road intersection is realigned to intersect River Road with a right-angled turn. The closed end should have a 3-inch-high mountable curb to allow emergency vehicles to access the block from River Road. The closed end should be reconstructed to create a turnaround. Action on this closure is predicated on the submittal of a formal neighborhood application for street closure in accordance with Chapter 49 of the County Code, and its subsequent approval by the County Council.

This language in the Westbard Sector Plan (located on page 37, attached as “Exhibit C”) can be utilized by the County Council in its deliberations on the question of our health, safety, and welfare, **as specifically authorized by section 49-63(c)(2)(A) of the Montgomery County Code.**

The realignment of Westbard Avenue is currently anticipated to be completed in September 2023, just 5 months from now. It has been under construction since June 2022. This project has been incredibly disruptive. Many county residents have struggled with the removal of Westbard/Ridgefield as a transit corridor between River Road and Massachusetts Avenue. Businesses and customers of the Westwood Shopping Center have suffered through difficult detour patterns. Residents along Ridgefield Road were subjected to dramatically increased cut-through traffic traveling between River Road and the Westwood Shopping Center during the first 8 months of the detour plan. And we, the residents of 5500 Westbard Avenue, currently have no access to either River Road or Massachusetts Avenue that doesn't require driving the extremely long and slow way around through Ridgefield Road, Springfield Drive, and Cromwell Drive. Our round-trip commute times to downtown DC have been increased by 10-12 minutes per day.

Throughout all of this disruption in the neighborhood's traffic patterns, the River-Westbard intersection has been kept closed, and it is expected to remain closed as part of the detour plan for a minimum of 15 months (June 2022 – September 2023). There is no reason why it would suddenly become necessary to re-open the River-Westbard intersection once the realigned Westbard Avenue opens to traffic. Plainly, this extended period of closure has demonstrated that this intersection “is no longer necessary for present public use or anticipated public use in the foreseeable future,” **satisfying the test in 49-63(c)(1) of the Montgomery County Code.**

The detour plan (developed by the Department of Transportation) for the realignment of Westbard Avenue involves the temporary closure of the River-Westbard intersection. In June 2022, when the roadwork commenced, plastic barriers (reminiscent of orange hurdles) were erected across the ingress and egress lanes of the intersection. Drivers proceeded to ignore the barriers, driving around them and over the curb/sidewalk, or simply getting out of their cars and physically pushing the barriers out of the way. That same day, Regency and their contractor came out, observed the situation, and promptly replaced the flimsy barriers with something more sturdy. Hollow orange barriers were filled up with water and placed completely blocking all possible transit through the intersection. This mostly worked. However, on multiple occasions, even these heavy barriers were breached. Large trucks pushed the water-filled barriers out of the way, and traffic resumed pouring through our block until Regency scrambled some construction equipment to put the barriers back in place. Finally, a decision was made to put concrete jersey barriers in place, and that has ended the breach incidents. However, our block still experiences significant traffic from vehicles ignoring the detour/closure signage. Each one weaves around the barrier signage at the Westbard-Ridgefield intersection, and then rushes down our block at high speed. Then, upon realizing there is no outlet, they turn around (sometimes damaging our residents' driveway aprons in the process), and speed back in the other direction. Exhibit B (attached) documents one incident this year in which a delivery truck knocked over two trees and caused other significant property damage in its attempt to turn around. This bolsters the need for the end of the block to be reconstructed into a turnaround, as called for in the Westbard Sector Plan.

We understand that the Westbard Sector Plan calls for a 3-inch mountable curb at the closed end of our block, to enable a continued connection with River Road for emergency vehicles. **We are**

asking Montgomery County to abandon this requirement for a 3-inch mountable curb, and to direct the Department of Transportation to proceed with a reconstruction that would block off all traffic connection between the 5500 block of Westbard Avenue and River Road. There are several reasons for this:

- 1) This intersection has been completely closed to emergency traffic for the past 10 months, and will continue to be completely closed to emergency traffic for at least another 5 months. This has occurred despite the simultaneous closure of the Ridgefield-River intersection, forcing emergency vehicles on River Road to travel down Springfield Drive and Ridgefield Road in order to access our block. Surely the reopening of the realigned Westbard Avenue to traffic will enormously improve emergency vehicle access beyond what has been deemed acceptable for the 15 months of construction. This should be sufficient for the long term. The newly realigned Westbard Avenue will have five (5) lanes of traffic traveling between River Road and the entrance to our block. In the unlikely event that all five of those lanes become blocked to emergency vehicles, then Springfield-Ridgefield route (which currently serves as our only access) will be available as a backup.
- 2) In February 2023, with the approval of MCPD and Montgomery County Fire & Rescue Services, the detour plan was modified to even more severely restrict emergency vehicle traffic. Westbard Avenue has been severed in between the Westbard-Ridgefield intersection and the entrance to the Westwood Shopping Center, resulting in a situation where the only vehicular access to our block is through the Springfield neighborhood via Ridgefield Road. Emergency vehicles on Massachusetts Avenue must travel through a maze of small neighborhood streets in order to reach our block.
- 3) We made it known that if our block of Westbard Avenue was going to be cut off from Massachusetts Avenue in February 2023, then we wanted to have the River-Westbard intersection temporarily re-opened. We felt that there would be little to no cut-through traffic, given that there is no access to the shopping center anymore. We were informed that these concerns had already been considered. We were informed that the Fire and Rescue Service signed off on the revised detour plan (keeping the River-Westbard intersection closed), as they felt they would still have sufficient access despite the road closures. We were informed that the MCPD strongly opposed the reopening of the River-Westbard intersection on the grounds that illegal left turns out of our block would cause a dangerous traffic situation. We must admit that they have a point.
- 4) Given that Montgomery County agencies have deemed emergency access to our block sufficient even during this time period of severely restricted access, we feel it is more than reasonable to make this complete closure of the River-Westbard intersection permanent, with no requirement for a 3-inch mountable curb. Optimally, we would like trees planted around the turnaround area to beautify the area, shield the block from some of the traffic noise emanating from River Road, and most effectively prevent any cut-through traffic. Bicycle traffic should not be impeded, however. A narrow passage permitting bicycles to move to and from River Road through our block should be planned for.
- 5) It is well documented that a major risk factor for neighborhood crime is the presence of an easy escape route for criminals, especially along an arterial road or expressway onramp. Several cars within one block of the intersection of Ogden Road and River Road in our neighborhood were broken into a couple of months ago, and no doubt the easy escape route played a factor.

Permanently closing the River-Westbard intersection to vehicular traffic would make our block safer. Criminals are not apt to obey the restriction on crossing over a 3-inch mountable curb.

The past year of road realignment disruption has made life more difficult for us, and the decades of cut-through traffic prior to that were a constant dangerous presence. For us, the light at the end of the tunnel has been the permanent closure of River Road and Westbard Avenue. However, we didn't realize that the street closure process outlined by section 49-62 is a rather lengthy one which can easily be expected to take a year from start to finish, even for a request as uncontroversial as we expect this one will be. The realignment of Westbard Avenue is currently expected to complete construction and open to traffic in September 2023. That is only 5 months away.

Therefore, **we are also requesting that the temporary closure of the River-Westbard intersection be extended past the completion of the Westbard Avenue realignment project.** We would like that temporary closure to remain in place until the final disposition of our application for permanent road closure. Montgomery County Code, section 49-62 (i) allows the extension of a temporary road closure to be extended for more than 12 months, if required by special circumstances. This situation constitutes special circumstances, and we are requesting that Director of Transportation apply to the County Council for approval of this extended temporary closure as soon as possible. This will prevent our block from being subjected to a resumption of cut-through traffic during the time necessary for the County Council and related agencies to give due consideration to our application.

Attached to this application is a letter of support for the permanent and complete closure of the River-Westbard intersection, signed by the residents of our block ("Exhibit E"). There are 24 households on our block, and 23 have signed in support of this application. We are still trying to get in contact with the 24th household. No residents of the block have expressed opposition.

Our \$2,500 application fee check is also enclosed (see "Exhibit A" for check image).

If you or the Department staff have any questions or need additional information, please contact Ben Mann via cell phone or email.

Thank you for your attention to this matter.

Sincerely,

Ben Mann

Westbard Avenue

Email:

On behalf of:

5500 Westbard Avenue Block Civic Association

WELLS FARGO BANK

2001 K ST NW WASHINGTON, DC 20006

DATE 4/29/2023

15-122/540

PAY TO THE ORDER OF MONTGOMERY COUNTY MARYLAND

\$ 2,500.00

Two thousand five hundred and 00/100

DOLLARS

BENJAMIN MANN
WESTBARD AVE
BETHESDA MD 20816-3344

Bm

EXHIBIT A



Michael Chen-Young <[REDACTED]>

Claim # AMZ2023205371

MChenyong <[REDACTED]>
To: Michael Chen-Young <[REDACTED]>

Sun, Jan 8, 2023 at 4:21 PM

What Happened: 1/5/2023 around 5:45pm Eastern

A large Amazon trailer truck was doing a U-turn near the end of Westbard Avenue and River Road, as the access to River Road is closed off with the Westbard Sector construction currently underway. The process of this U-turn caused 2 property damages.

Per the security video recording at the headquarter office of the Westbard Sector construction near the intersection of Westbard Avenue and Ridgefield Road, on 1/5/2023 at around 5:47pm Eastern, the Amazon truck by-passes the multiple signs and barriers at Westbard Avenue and Ridgefield Road (which say "Local Access Only", "No Access to River Road", and "No U-Turn") headed northbound to River Road.

The truck passes 5521 Westbard Avenue at about 5:48pm Eastern (also caught on neighbor's security video, then sees that the access to River Road is closed, then proceeds to try to do a U-turn which is difficult given the size of the Amazon truck. Neighbors witnesses the Amazon truck attempting a multiple-point U-turn to head back southbound on Westbard Ave away from River Road given the closure.

During that several point-turn, the Amazon truck had to mount the curb in front on my neighbors house at 5528 Westbard Avenue, making large and deep wheel tracks that damaged their grass. On my side of the street at 5521 Westbard Ave, the truck also mounted the curb, leaving tie tracks again while also driving into and damaging a part of my bush fence and also knocking down a tree into the lawn (and is now precariously leaning on to another tree).

The neighbors security video and the security video from the headquarter office of the Westbard Sector construction at Westbard Ave and Ridgefield Road show the Amazon truck heading southbound on Westbard Ave through the Ridgefield Road intersection at around 5:58pm Eastern.

Both myself and my Westbard Ave neighbors I have filed non-emergency police Montgomery County, Bethesda, MD reports. The police guided us to also file a report directly with Amazon.

In summary, there is property damage:

- 1) lawn damage at 5528 Westbard Avenue
- 2) plant fence and tree damage at 5521 Westbard Avenue

Your Amazon driver should have stopped and knocked on our doors when they saw that the tree was knocked down instead of driving off.

Please review the uploaded images and let us know if there are any questions.

Property Damage:

- (1) lawn damage at 5528 Westbard Avenue, and (2) plant fence and tree damage at 5521 Westbard Avenue

Files Uploaded:



Amazon truck 0 - Entering Westbard Av + Ridgefield.HEIC



Amazon truck 1 - lawn damage 5528 Westbard Ave.HEIC



Amazon truck 2 - lawn damage 5528 Westbard Ave.HEIC



Amazon truck 3 - Plant Fence + Tree damage 5521 Westbard Ave.HEIC



Amazon truck 4 - Plant+ Tree damage 5521 Westbard.HEIC



Amazon truck 5 - Both 5528 Lawn + 5521 Plant+ Tree damages.HEIC



Amazon truck 6 - Exiting Westbard + Ridgefield.HEIC



Amazon truck 5518 Westbard Av Jan 5-1.MOV

----- Forwarded message -----

From: **Claims** <AMZ2023205371-execna@arcclaims.net>

Date: Sun, Jan 8, 2023 at 4:17 PM

Subject: Claim # AMZ2023205371

To: [REDACTED]

Hi Michael,

Thank you for completing your claim form. Your adjuster will review it and get back to you shortly.

01-05-2023 05:47



EX

Navigation and control interface for the surveillance system. It includes a blue bar with playback controls (play, stop, fast forward, rewind), a volume icon, a globe icon, and a search icon. Below this is a timeline with a color-coded bar (green and yellow) and a time range of 12:00:00 AM - 12:00:00 AM. At the bottom, there are checkboxes for Sync, All, Continuous, Motion, and Smart Detection.





LIMIT
25

SNOW
EMERGENCY
ROUTE







01-05-2023 05:58:51 PM



EX

Navigation and control interface for the surveillance system. It includes a blue bar with playback controls (play, stop, fast forward, rewind), a volume icon, a search icon, and a zoom icon. Below this is a green and yellow timeline with a time range of 12:00:00 AM - 12:00:00 AM. At the bottom, there are checkboxes for 'Sync', 'All', 'Continuous', 'Motion', and 'Smart Detection', all of which are checked.

parking. Special consideration should be given to implementation of on-street parking on weekends and whether this weekend parking could be accommodated due to the retail and residential demands during those days.

Westbard Avenue should contain the following elements within the right-of-way:

- Travel Lanes: Two lanes per direction.
- Median: [None] 6-foot wide for pedestrian refuge; mountable curb/load bearing construction for emergency access.
- Separated Bike Lane: 5-foot-wide, one-way separated bike lane (cycle track) on each side of the road [with] outside of the curb to provide a buffer from traffic.
- Landscape Buffer: To accommodate [street trees] utility poles.
- Sidewalks: [15] 13-foot-wide at a minimum, except in the realigned portion where they should be 11 feet wide at a minimum.

The Montgomery County Department of Transportation should explore whether additional traffic signals are needed on Westbard Avenue.

Neighborhood Protection: Westbard Avenue (Residential Portion)

This Plan endorses the permanent closure of the residential portion of Westbard Avenue between River Road and Ridgefield Road at the River Road end. The closure should not occur until the existing Westbard Road/River Road intersection is realigned to intersect River Road with a right-angled turn. The closed end should have a 3-inch-high mountable curb to allow emergency vehicles to access the block from River Road. The closed end should be reconstructed to create a turnaround. Action on this closure is predicated on the submittal of a formal neighborhood application for street closure in accordance with Chapter 49 of the County Code, and its subsequent approval by the County Council.

The Department of Transportation and the State Highway Administration should work with the Kenwood community to develop a design and operations plan for the River Road/Brookside Drive intersection that better protects Kenwood from cut-through traffic without restricting safe and convenient access between realigned Westbard Avenue and River Road.

New Connector Road (B-2)

([52] 54-foot minimum right-of-way; Westbard Avenue to River Road):

This business district street would improve local connectivity and contribute to providing a parallel route to Westbard Avenue. The street would serve local developments as well as provide a more direct connection to destinations on River Road on the west side of the Capital Crescent Trail (CCT). It would also provide for access to the CCT directly from Westbard Avenue. This street should align opposite intersections and consolidate adjacent driveways to the extent practicable at the time of implementation. Final road alignment and design should minimize conflicts between automobiles and park and trail users. The design and alignment of

EXHIBIT D

Montgomery County Police Department database Incident IDs for occurrences requiring police attention which were coded "TRAFFIC/TRANSPORTATION INCIDENT", located on River Road at the intersection with Westbard Avenue:

P2200204931

P2200178321

P2100222045

P2100181221

P2100053695

P2000201146

P2000077534

P1900256396

P1900219461

P1900171748

P1800007145

P1700589283

P1700543323

P2200248058

P1700843349

P2200292469

EXHIBIT E

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.



Name: JULIE SATTERFIELD

Address:



Date: 23 APRIL 2023

Contact Email:



To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

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Name:

Address:

[REDACTED]

Date:

4-23-2023

Contact Email:

[REDACTED]

To: Montgomery County Council

We, the undersigned residents of the 55
Avenue, fully support the permanent closure
of River Road and Westbard Avenue.

We also request that the county continue
of that intersection until such time as a
regarding permanent closure.

We support the closure of that intersection
traffic, and would like for it to be converted
cul-de-sac, with trees planted at the end
any cut-through traffic.

Name:

Rijal Deebi

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

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Nasy1 Wasykiwskyj
Name:

Address:

Date:

04/23/20

Contact Email:

To: Montgomery County Council

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Ferne Broderick

Name:

Address:



Date:

4/23/2013

Contact Email:

To: Montgomery County Council

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Jennifer and James Nader

Name:

Address:

Date:

Contact Email:

April 23, 2023

To: Montgomery County Council

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ALISON McCARD & Martien van Nieuwkoop
Name:

Address:

Date: 4/23/23


Contact Email:

To: Montgomery County Council

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Name: Benjamin Vaughan & Allison Gross

Address:

Date: 4/23/2023

Contact Email:

To: Montgomery County Council

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Cynthia P. Green
Name:

Address:

Date:

April 25, 2023

Contact Email:

To: Montgomery County Council

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Scott Greenberg

Name:

Address:

Date:

Contact Email:


4-23-25

To: Montgomery County Council

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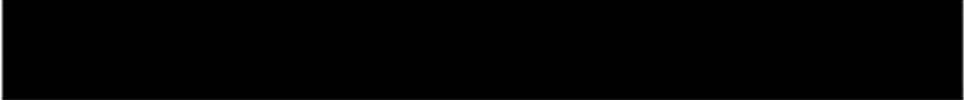
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Name: Susan Zeng & Hengfu Zou

Address: 

Date: April 23, 2023

Contact Email: 

To: Montgomery County Council

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Vicente Martin

Name:

VICENTA MARTIN

Address:

Date:

4-23-2023

Contact Email:

To: Montgomery County Council

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Hassan Farid

Name:

Address:

Date: 4/23/22

Contact Email:

To: Montgomery County Council

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Sanan Shaibani

Name: Sanan Shaibani

Address:

[REDACTED]

Date: 4/23/2023

Contact Email:

[REDACTED]

To: Montgomery County Council

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Kamil Dybczak

Name:

Address:

Date: 4/23/2023

Contact Email:

To: Montgomery County Council

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Nushin Todd

Name:

NUSHIN TODD

Address:

Date:

Contact Email:

4/23/23

To: Montgomery County Council

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Colin Michael Kanner

Name: *Colin Michael Kanner*

Address:

Date: *4/25/23*

Contact Email:

To: Montgomery County Council

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Name: MICHAEL & ADRIENNE CHEN-YOUNG

Address:



Date: 4/23/2023

Contact Email:



To: Montgomery County Council

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We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.



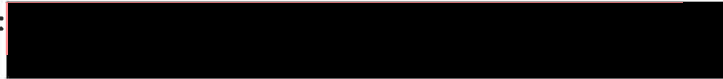
Name: BENJAMIN MANN

Address:



Date: 4/23/2023

Contact Email:




To: Montgomery County Council

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Name: 

Address: 

Date: 04/26/2023

Contact Email: 

To: Montgomery County Council

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Alicia and Farid Khadduri
Name: Alicia Khadduri Farid Khadduri

Address: [REDACTED]

Date: Apr 123, 2023

Contact Email: [REDACTED]

To: Montgomery County Council

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Slavoljub Jovanovic

Name:

Address:

Date:

4/23/2023


Contact Email:

To: Montgomery County Council

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James Tam 

Name:

Address:

Date:

4/23/23

Contact Email: