

McCray, Tiara

From: LaBaw, Marie
Sent: Tuesday, July 11, 2023 5:43 PM
To: McCray, Tiara
Subject: Re: Comment Solicitation - AB 786 (Permanent Closure of Westbard Ave @ River Rd.)

I just had a chat with Ben Mann, the residents' representative, and I should make clear that FRS and DPS do support an apparatus accessible closure and I'm happy to work with the interested parties on what that looks like.

S Marie LaBaw PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, Maryland 20902
(240) 773-8917 Office
Marie.LaBaw@montgomerycountymd.gov

From: McCray, Tiara <Tiara.McCray@montgomerycountymd.gov>
Sent: Friday, July 7, 2023 7:57 AM
To: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>
Subject: RE: Comment Solicitation - AB 786 (Permanent Closure of Westbard Ave @ River Rd.)

Good morning, Marie,

I cannot find in my emails where I ever responded to our email. Thank you for your detailed comment and supporting information.

I have passed along your information and should note the applicant will likely take you up on your offer for additional conversation.

Thank you,

Tiara McCray
Acting Chief, Property Acquisition

Department of Transportation
Division of Transportation Engineering
Property Acquisition Section
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878
240-777-7257 (o)
240-720-7862 (m)

Stay connected



From: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>
Sent: Thursday, June 22, 2023 3:42 PM
To: McCray, Tiara <Tiara.McCray@montgomerycountymd.gov>
Subject: Re: Comment Solicitation - AB 786 (Permanent Closure of Westbard Ave @ River Rd.)

I spoke to the MCFRS Operations Chief and his support staff today. No request to approve the recently fortified closure at Westbard & River came through his office. We are all curious where the supposed approval originated, but that aside, the objection to the abandonment stands. Below is some supporting information that may help the applicant understand the DPS & FRS position.

Allowing a permanent, non-accessible closure (i.e. a closure FRS vehicles cannot navigate) violates County law and creates an exposure hazard for firefighters. Two major issues are at play:

1) Code violations - creating a new 1,000 foot dead end violates two provisions of County law:

Applicable to new construction (this closure creates a new condition):

NFPA 1 Chapter 18 Section 18.2.3.5.4

<https://link.nfpa.org/free-access/publications/1/2021>

Dead Ends. Dead-end fire apparatus access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for fire apparatus to turn around.

Applicable to existing systems (including fire department access):

Montgomery County Code Chapter 22 Section 22-26

https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md/0-0-0-130759#JD_22-26

Sec. 22-26. Maintenance of fire safety equipment.

(a) All fire protection systems, fire alarm systems, fire detection systems, fire and smoke ventilation systems, fixed fire communications systems, emergency lighting systems, devices or units which were installed in compliance with any permit or order, or because of any law or order, or because of any regulation or ordinance, shall be maintained in an operative condition at all times, and **it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required;**

2) Time/Safety - While initial response time shouldn't be much affected by the 1,000 foot dead end, time to return to service certainly is. Large apparatus are required to back out into the intersection of Westbard & Ridgefield. Department policy requires that at least one firefighter walk behind backing apparatus to guide the driver. That means exposing firefighters on foot to cross traffic while the truck gets turned around. Westbard & Ridgefield is not a small, low-volume intersection.

Please let the applicant know I am happy to discuss and answer any questions.

S Marie LaBaw PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, Maryland 20902
(240) 773-8917 Office
Marie.LaBaw@montgomerycountymd.gov

From: McCray, Tiara <Tiara.McCray@montgomerycountymd.gov>
Sent: Thursday, June 22, 2023 6:53 AM
To: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>
Subject: Re: Comment Solicitation - AB 786 (Permanent Closure of Westbard Ave @ River Rd.)

Good morning, Marie,

Thank you for your comment. I will wait on your follow up response before sharing your comment with the Applicant.

Thank you,

Tiara McCray
Acting Chief, Property Acquisition

Department of Transportation
Division of Transportation Engineering
Property Acquisition Section
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878
240-777-7257 (office)
240-720-7862 (cell)

From: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>
Sent: Wednesday, June 21, 2023 7:19:13 PM
To: McCray, Tiara <Tiara.McCray@montgomerycountymd.gov>
Subject: Re: Comment Solicitation - AB 786 (Permanent Closure of Westbard Ave @ River Rd.)

There is an emergency response access problem with this proposal. I am trying to track down who in FRS approved the more restrictive closure that the residents reference from February of this year. It should have come across my desk and did not. I will let you know what I find out, but as of now DPS section of Fire Department Access and Water Supply objects to this proposal. It creates response inefficiencies for our first responders, potentially delaying assistance to residents on this section of Westbard.

S Marie LaBaw PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, Maryland 20902
(240) 773-8917 Office
Marie.LaBaw@montgomerycountymd.gov

From: McCray, Tiara <Tiara.McCray@montgomerycountymd.gov>
Sent: Tuesday, June 20, 2023 4:49 PM
Subject: Comment Solicitation - AB 786 (Permanent Closure of Westbard Ave @ River Rd.)

Greetings,

I hope you all had a chance to enjoy the holiday weekend.

Please be advised that the Property Acquisition Section of the Montgomery County Department of Transportation (MDOT), pursuant to Montgomery County Code section 49-62(e), has received a request to consider the permanent closure of vehicular traffic at the Westbard Avenue and River Road intersection in Bethesda. The application for permanent closure received from Mr. Ben Mann, representing the 5500 Westbard Avenue Block Civic Association (the “Applicant”), seeks to make permanent a temporary closure implemented as part of a detour plan for the realignment of Westbard Avenue at Ridgefield Road, in connection with the Westbard Square redevelopment project.

The Applicant argues that pursuant to County Code 49-63(c)(1)(2B), “the right of way is no longer necessary for present or anticipated public use in the foreseeable future” once the realignment of Westbard Avenue is complete. Attached, please find the following information concerning the application:

1. Applicant Petition
2. Subject Area Diagram

To protect the County’s citizens and workforce, the County Executive or his Designee shall conduct this Hearing via the internet-based platform Zoom™. Comments regarding the abandonment are due to the office on or before **Monday, August 21, 2023, at 5:00 PM**. The public hearing is tentatively scheduled for **Tuesday, August 29, 2023, at 2:00 PM**.

Registration is required to participate in the Hearing. Completing registration will include parties on a mailing list to receive an electronic invitation to the Hearing. You are advised, should your agency/company has a strong position it wishes to advocate before the Hearing Officer, to have representation present for the Hearing in order to be able to respond to comments from the Petitioner. **If you are interested in participating in the Hearing, please let me know if your response and I will provide the registration link.**

Please call me if you have additional questions.

Thank you,

Tiara McCray
Acting Chief, Property Acquisition

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Division of Transportation Engineering
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For more helpful Cybersecurity Resources, visit: <https://www.montgomerycountymd.gov/cybersecurity>