

**IN THE MATTER OF:
FARMLAND DRIVE SIDEWALK PROPOSAL**

CIP Project No. 0506747 / Annual Sidewalk Program

BEFORE: Richard Dorsey, Public Hearing Officer, Department of Transportation

PUBLIC HEARING OFFICER'S RECOMMENDATION

I. BACKGROUND

The Montgomery County Department of Transportation (MCDOT) proposed to construct a sidewalk that will provide safer pedestrian travel along the following roadways in Rockville, Maryland:

- West side of **Farmland Drive** from **Old Stage Road** to **Racehorse Lane**;
- East side of **Hitching Post Lane** from **Old Stage Road** to **Old Gate Road**;
- West side of **Old Gate Road** from **Hitching Post Lane** to the other end of **Hitching Post Lane**;

This project is located within Old Farm community of Rockville, located within the fourth election district of Montgomery County, Maryland. The proposed sidewalk will be a five-foot wide concrete sidewalk with a variable greenspace of zero to three feet.

Displays were presented at the public hearing showing the proposed sidewalk relative to the existing network of sidewalks and the Farmland Elementary School. An additional display revealed a typical cross-section of pavement and sidewalk for Farmland Drive, demonstrating the amount of public right-of-way available for construction of the sidewalks.

This project will cost an estimated \$119,168.40, 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.

A public hearing was held pursuant to Section 49-53 of the Montgomery County Code on Wednesday, February 19, 2020 at approximately 7:00pm in the All-Purpose Room of the Farmland Elementary School located at 7000 Old Gate Road, Rockville, Maryland 20852. Public notice of the hearing was provided to adjacent property owners, as well as those neighboring across the street. Notice to the public was, likewise, published in the Washington Post on the 4th and 6th of February 2020, posted on MCDOT's web calendar, was the subject of a Montgomery County government press release circulated on January 30, 2020, and was, likewise, the subject the February 13th issue of the "Go Montgomery!" Montgomery County government newsletter.

The hearing was broadcasted over the internet, the recording of which may be viewed at https://montgomerycounty.adobeconnect.com/pwsba32ijcgi/OWASP_CSRFTOKEN=f4ab9f3a5ed9e71264d3ae9ac403d3319b5b4a88d2f3f815ea925342d293a623. Following the hearing, the public record was held open until 6:00 p.m. on Wednesday, March 11, 2020, to allow for written testimony to be submitted.

II. SUMMARY OF TESTIMONY, WRITTEN COMMENTS AND EXHIBITS

A. Project Description

A description of the proposed sidewalk project was presented by Tim Cupples, Chief of MCDOT's Division of Transportation Engineering. The original request for sidewalk installation was submitted in 2014, however, at that time, there was no support for sidewalk installation from either the local homeowners' association or the residents. In 2018, sidewalk installation was re-requested by Mr. Ed Rich, President of the Greater Farmland Civic Association; the request was accompanied by supporting letters from Dr. Peter H. Bray, Principal of Farmland Elementary School, and Debi Himelfarb, President of the Farmland Elementary School PTA. Of particular concern were school children walking to and from the Farmland Elementary School, visiting friends and the neighborhood park, and riding bicycles. Mr. Cupples described the project's history and the improved safety that

would be created for the entire community. He further explained how the proposed sidewalk will provide safer access for commuters walking to and from the Montgomery County Ride-On bus stops located along Montrose Road.

Mr. Cupples provided project vicinity maps showing approximately 1,050 linear feet of proposed sidewalk in the Old Farm community of Rockville. Farmland Drive offers 60-feet of public right-of-way dedicated for public use.

B. Testimony and Written Comments

The Old Farm community is unique in that most properties have a Yoshino cherry tree planted in the County's right-of-way at the foot of their property. The community prides itself on the simultaneous beauty of each year's blooming trees. As discussed above, the original proposal had offered sidewalk installation on, not only Farmland Drive, but also on Hitching Post Lane and Old Gate Road. Comments received prior to the public hearing, however, reflected support for sidewalk installation on Farmland Drive *only*. In fact, the opposition to the proposal was tremendously intense, the Annual Sidewalk Program as well as County Executive Marc Elrich having received the "Save the Trees" petition signed by 148 residents; *See* Exhibit 8 of the Record binder. A tally of pre-hearing comments revealed 15 supporting comments and 19 opposing comments in addition to the above-referenced petition.

Residents of 7013 Old Gate Road summed up much of the supporting sentiment when they wrote:

"We are in favor of sidewalk construction in order to improve pedestrian safety, particularly the safety of students going to and from Farmland ES and those walking home from school bus stops. Currently students, adults and families with young children on bicycles, scooters, etc., have to navigate around parked cars (on both sides of the street) and moving vehicles, including large trucks. It's not safe and it limits the ability of the children to move about their neighborhood independently . . ."

Residents of 11844 Farmland Drive similarly wrote in stating:

“We very much appreciate the idea of adding a sidewalk to our neighborhood. We are extremely supportive of the idea. We have 3 young children and always fear for their safety when we go for evening walks. Also, as drivers, it is not safe as often children and adults are walking or riding bike at night and it is difficult to see them. . . .”

Finally, Mr. Ed Rich, President of the Greater Farmland Civic Association, wrote:

“The GFCA reiterates its support for the proposal to install a sidewalk on Farmland Drive between Old Stage Road and Racehorse Lane. As we have previously stated, this is the only section of our primary roads that does not have a sidewalk on at least one side of the street . . .

As for the other proposed sidewalks, the GFCA takes no position”

The opposition to the sidewalk proposal was immense. The “Save the Trees” petition, signed by 148 residents, stated,

“We recently received a proposal from the county to destroy 35 precious Yoshino cherry trees that line our beautiful neighborhood near Farmland Elementary. These mature cherry trees are iconic for our neighborhood, and their wholesale destruction will completely change the character and ecology of our community.

The mature Yoshino cherry trees provide environmental and aesthetic value to our community, including:

- Providing social and economic value by enhancing the beauty to our community,
- Cooling the neighborhood streets by leafy canopies and plant transpiration,
- Combatting climate change through sequestration of carbon in the trunks and roots, and
- Reducing run off to our overloaded water treatment systems through extensive root systems. . . .”

Other arguments submitted in opposition to the sidewalk proposal included the lack of traffic to endanger pedestrians, the removal of snow, potential decline in property values and a suggestion that parking be limited to one side of the road and lines painted on the opposite side for pedestrians to walk in the road where the cars were once parked. Additional signage and speed bumps were also suggested.

In response, Hitching Post Lane and Old Stage Road were removed from the proposal and testimony received at the public hearing on February 19, 2020 was related to Farmland Drive only. Much of the testimony received at the public hearing was, therefore, supportive of the diminished proposal. Many testified as to their preference to have the sidewalk constructed at the back of curb.

Following the public hearing, however, multiple residents expressed dismay that the proposed sidewalks for Hitching Post Lane and Old Gate Road had been removed from the proposal. When the abundance of opposition to the proposal was shared with the residents, they confessed that they supported sidewalk installation on all proposed roadways but did not submit supporting comments due to fear of potential scorn from neighbors and the civic association for supporting a project that would see the Yoshino cherry trees removed. On the basis of the testimony received, it was the finding of this hearing officer that sidewalk installation on Farmland Drive would be a good first step towards the future installation of more sidewalks in the Old Farm community. When and if the residents are ready to disclose their name and address in support of sidewalk installation on Hitching Post Lane and Old Gate Road, and if the supporting contingent is large enough, the Annual Sidewalk Program may re-propose Hitching Post Lane and Old Gate Road in the future. Meanwhile, Mr. Rich, in his capacity as President of the civic association, has engaged in discussions with Mr. Dorsey, Chief of the Division of Highway Services, regarding enhanced tree replacement.

III. CONCLUSIONS AND RECOMMENDATIONS

The purpose of conducting a public hearing, as well as the comment period which follows, is to provide sound, factual information. The information collected is used to prepare a recommendation which is presented to the Director of the Department of Transportation. The Director reviews the

recommendation and determines a final decision based on the public need and appropriateness of the project.

It is very common for sidewalk projects to raise diverse views on the necessity for construction of sidewalks. The opposition to construction of sidewalks generally includes concern over increase in responsibility and liability in inclement weather, the reduction of front lawns and driveways of impacted properties where the sidewalk is proposed, the impact to trees and other landscaping, the addition of impervious surfaces, the impact to the aesthetics of the community, etc. The proposed Farmland Drive Sidewalk project is no exception.

In my opinion, however, the public interest for the proposed project *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 the citizenry, protect the environment, preserve open space or otherwise advance the community’s quality of life. This includes providing for the safe and efficient flow of vehicular and pedestrian traffic. The County has, in recent years, focused on the need for pedestrian safety through the creation of a pedestrian safety task force and the tracking of pedestrian safety data through CountyStat. Sidewalks are an established means of reducing pedestrian-vehicle conflicts.

This sidewalk project is proposed under the Annual 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 strong element of opposition, exhibits, supporting comments and the support of the Greater Farmland Civic Association provides adequate justification to establish that constructing the proposed sidewalk will create a safer mode of travel for all pedestrians. The sidewalk will provide a clear-cut and firm separation between the roadway and pedestrian travel. The

sidewalks will be constructed entirely within the public right-of-way without needing acquisition of additional property.

The proposed sidewalk will give the entire community a safe option for pedestrian travel, connecting the pre-existing network of sidewalks on each Old Stage Road and Old Gate Road. The sidewalk will complete the network, providing safe connections to bus stops, the Farmland Drive local park, and the Farmland Elementary School.

Upon thorough review of all the testimony and evidence presented in the public record, I conclude that there is sufficient basis to find that the Farmland Drive Sidewalk Proposal 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 modified herein.

Respectfully submitted,

Richard C. Dorsey Jr
Richard C. Dorsey Jr.
Public Hearing Officer

The Public Hearing Officer's Report and Recommendation for construction of the Farmland Drive sidewalk project has been reviewed and the project is hereby authorized for construction.

Date: 6/23/20

[Signature]
for Christopher Conklin, Director
Department of Transportation