

Transcript of Public Hearing

Date: October 2, 2019

Case: Montgomery County Department of Transportation - Lyttonsville Community Sidewalk

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1	DEPARTMENT OF TRANSPORTATION		
2	FOR MONTGOMERY COUNTY, MARYLAND		
3	x		
4	In Re:		
5	LYTTONSVILLE COMMUNITY :		
6	SIDEWALK :		
7	x		
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11	PUBLIC HEARING		
12	SILVER SPRING, MARYLAND		
13	WEDNESDAY, OCTOBER 2, 2019		
14	7:11 P.M.		
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23	Job No.: 266661		
24	Pages: 1 - 22		
25	Transcribed By: Alisa Church		

1	Public hearing held at:
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5	Rosemary Hills Elementary School
6	2111 Porter Road
7	Silver Spring, Maryland 20910
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12	Before Michael Pawela, Notary Public in and for the
13	State of Maryland.
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1	APPEARANCES
2	ON BEHALF OF MONTGOMERY COUNTY DEPARTMENT OF
3	TRANSPORTATION:
4	LORI MAIN
5	MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION
6	Division of Transportation Engineering
7	100 Edison Park Drive
8	4th Floor
9	Gaithersburg, Maryland 20878
10	(240) 777-8792
11	
12	ALSO PRESENT:
13	MICHAEL PAWELA
14	RICHARD DORSEY
15	TIM CUPPLES
16	FRANK KINGSLEY
17	CLARK LARSON
18	VOOP DE VULPILLIERES
19	ABE SAFFER
20	TONYA SAFFER
21	ROBERT BOSTON
22	JARED SOLOMON
23	MARK MELMED
24	
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PROCEEDINGS 1 2 HEARING OFFICER DORSEY: Good evening, everyone. 3 It's Wednesday, October 2nd. The time is approximately 4 7:10. We are assembled here in the all-purpose room of 5 Rosemary Hills Elementary School, located at 2111 Porter 6 Avenue, Silver Spring, Maryland 208 -- 209 -- excuse 7 me -- 10. 8 My name is Richard Dorsey, designated for this 9 hearing for Montgomery County Department of 10 Transportation. Here with me this evening to conduct 11 the public hearing is Tim Cupples, chief of the Division 12 of Transportation Engineering for the Department of 13 Transportation. 14 And here to my left is Frank Kingsley, manager 15 of the Annual Sidewalk Program in the Division of 16 Transportation Engineering. Tim Cupples will provide 17 information and details regarding the proposed project. 18 Tonight, we will be broadcasting this hearing over the Internet. Audio of this hearing will be 19 20 recorded and may be posted online after the conclusion 21 of this hearing. 22 I hope everyone in attendance this evening 23 signed in when they entered the room and noted on the

sign-in sheet whether or not they wish to present oral

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testimony.

If you have indicated that you did not wish to speak but changed your mind during the -- of this hearing, there will be an opportunity for you to speak at the end.

Written comments can be submitted as well and will be considered with the same weight as oral testimonies. If you have not signed in yet, please do so before leaving this evening. Thank you.

This hearing is being held pursuant to Section 4953 of Montgomery County Code. The purpose of this public hearing is to obtain comments on the potential project to assist in determining if the project is in the best interest of the public and whether or not it should be authorized for construction in its entirety or any portion thereof.

This forum allows us to -- allows you to provide comments, either in support of or in opposed to the project. Your comments shall be focused entirely on the project which is the topic of this discussion.

All interested persons are entitled to be heard at this hearing; however, this is not a forum for dialog, questions and answers, or cross-examination. Please direct your remarks to the specific project that is the subject of this hearing.

If comments stray into an area not related to

this project, I will ask you to refocus your comments to the subject project. Following the conclusion of this public hearing, the record will remain open two to three weeks. The length of time the record remains open and the official closing date will be announced at the end of the hearing.

2.1

This record will remain open during the time to allow any persons who are unable to attend this hearing an opportunity to have their comments included into the public record and be fully considered.

Submissions may be faxed, emailed, or sent via regular mail and must be received or postmarked by the close of the hearing record. Written submissions will be considered with the same weight as oral testimony.

Submissions should be sent to Lori Main, who is in front operating the devices this evening. Lori's contact information is available at the sign-in desk as you entered the room, and you will be -- we will repeat this at the conclusion of the hearing.

After the hearing is concluded and the record is officially closed, I, as the hearing officer, will review and weigh all information submitted into public record and make a recommendation to the director of the Department of Transportation, Al Roshdieh, for his final decision as to whether the project has been shown to be

1 in the public's best interest or whether or not to 2 authorize the project as proposed or any portion 3 thereof. And now to discuss the sidewalk proposed for 4 5 Pennsylvania, Kansas, Michigan Avenue, I give you Tim 6 Cupples. 7 MR. TIM CUPPLES: Good evening, Mr. Dorsey, 8 Mr. Kingsley, ladies and gentlemen. 9 The subject of this evening's public hearing is 10 to consider a proposal to construct a 5-foot wide 11 concrete sidewalk along the following roadways: the 12 northwest side of Michigan Avenue from Maine Avenue to Pennsylvania Avenue, north side of Pennsylvania Avenue 13 14 from the existing sidewalk to Michigan Avenue, the south 15 side of Pennsylvania Avenue from Lanier Drive to Kansas 16 Avenue, and the northwest side of Kansas Avenue from 17 2409 Kansas Avenue to Pennsylvania Avenue. The project, as proposed, is to construct a 18 5-foot wide concrete sidewalk with a variable green 19 20 space of zero to 3 feet. For your convenience, we have 21 provided a few displays that aid in the visual 22 description of the project. 23 They are Display A, a project vicinity map, 24 showing the location of the proposed sidewalk relative

to nearby pedestrian attractions, such as schools,

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public transportation, and the existing network of sidewalks. The proposed sidewalk is shown in blue, and the existing sidewalks in red. The total length of the new sidewalk construction is approximately 2,534 linear feet.

Display B is a typical section of the proposed sidewalk on Kansas Avenue, which has 50 feet of public right-of-away, the roadway being 25 feet wide. Thus, there is approximately 12 and a half feet of public right-of-way available on either side of Kansas Avenue.

Display C is a typical section of the proposed sidewalk on Michigan Avenue, which has 40 to 50 feet of public right-of-way, the roadway being 26 feet wide. Thus, there is approximately 7 to 12 feet of public right-of-way on either side of Michigan Avenue.

Display D is a typical section of the proposed sidewalk on Pennsylvania Avenue, which has 45 to 50 feet of public right-of-way, the roadway being 26 feet wide. Thus, there is approximately 9 and a half to 12 feet of public right-of-way available on either side of Pennsylvania Avenue.

I will now discuss the project justification.

MCDOT evaluates requests for pedestrian facilities based on their ability to serve a public use as well as their ability to enhance public safety. The main goal for

1 installing a sidewalk is to remove pedestrians from the 2 path of vehicular traffic and create a separation 3 between the pedestrian and the roadway. 4 New sidewalks on Pennsylvania, Kansas, and 5 Michigan Avenues will remove pedestrians as well as 6 disabled persons from the roadway. The sidewalk will 7 establish safer access to all areas of the community, 8 including Rosemary Hills school, local parklands, 9 community centers, churches, middle and high schools, 10 and public transportation. 11 Pedestrian safety will be improved for the 12 entire Lyttonsville community. The sidewalks will create safer travel for citizens who walk to the 13 14 Georgetown branch trail, the future capital crescent 15 trail; local schools; to access public transportation; 16 or to nearby parks, community centers, churches and 17 facilities. 18 I will now discuss tree removal and replacement. 19 The removal of 28 trees in varying sizes is anticipated

The removal of 28 trees in varying sizes is anticipated to facilitate the construction of the entire project.

84 trees will be planted to replace those removed.

Placement of the new trees is selected by the County's arborist.

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See Exhibit 4 of the record notebook, tree protection works -- or tree protection reports, copies

of which were mailed to residents on November 29th, 2018.

I will now discuss the cost and assessments of the project. The estimated cost for installing this entire project is \$182,971.20. This includes construction, inspection, and administrative costs.

Funding for this project will be provided under the County's Annual Sidewalk Program, CIP Project Number 0506747. There are no properties which are considered to be specially benefitted by the proposed improvement; therefore, no properties are expected to be assessed.

I will now discuss the exhibits. As previously discussed, several exhibits are incorporated into the public record binder for your information and consideration. The exhibits are located in the black binder by the sign-in table next to Ms. Main's contact information.

The exhibits include office management and budget; sidewalk program; minor projects; Project Number 506747; the project location map; construction impacts; the arborist's tree evaluation reports for each proposed street; proof of publication from the Washington Post, advertising this public hearing; correspondence and comments forms supporting the proposed sidewalks; correspondence and comment forms opposing the proposed

sidewalks; the public hearing sign-in sheet to be added following this hearing; and the hearing transcript, also to be added following this hearing.

Project-related data and files have been available for examination at the offices of Montgomery County Department of Transportation, located on the fourth floor of the public safety building, 100 Edison Park Drive, Gaithersburg, Maryland 20878.

The files will continue to be available to the public until the record for this public hearing is officially closed. These files are available for review by contacting the Annual Sidewalk Program at (240) 777-7270 and making an appointment.

If the proposed sidewalks are approved, MCDOT will utilize a work order contract currently in place with the Division of Transportation Engineering to construct the sidewalk.

If this project is authorized, we anticipate construction in the spring of 2020. Construction is anticipated to take approximately six weeks to complete if authorized as presented.

As previously stated, here with us this evening is Mr. Frank Kingsley, manager of the Annual Sidewalk Program. We will be available after the hearing to answer any questions regarding the construction aspects

1	of this project.
2	I turn the hearing back over to you, Mr. Dorsey.
3	HEARING OFFICER DORSEY: Thank you, Tim.
4	We will now hear comments from those in the
5	attending this session who wish to testify. Please
6	clearly provide your name, address for the record prior
7	to beginning your testimony.
8	Clark Larson, state your name and address for
9	the record.
10	MR. CLARK LARSON: Sorry I'm late. Just letting
11	people in, outside. My name is Clark Larson. I live at
12	2307 Michigan Avenue, and I believe I'm the I'm named
13	on the sidewalk request.
14	So I'm sorry I missed your introduction. Is
15	this the time to make comments?
16	HEARING OFFICER DORSEY: Yes.
17	MR. CLARK LARSON: (Inaudible.) Okay. Well, I
18	believe these sidewalks are very important for our
19	neighborhood. As a resident of Michigan Avenue, we're
20	lacking a safe way to walk around the neighborhood.
21	I now walk my daughter to Rosemary Hills myself,
22	and I notice many students coming and going down the
23	street, going to various bus stops. So I feel that
24	they're important, not only for students to travel
25	around, but also for residents and visitors to the

1 neighborhood. 2 Michigan tends to be a cut-through for various 3 types of traffic, as a public street should be. And so 4 it tends to have some high-volume traffic that goes 5 through at certain times of the day as people come to 6 and from work. 7 I've lived here long enough now, not too long, 8 but long enough to notice that the closure of Talbot 9 Avenue bridge noticeably decreased the traffic on 10 Michigan and Pennsylvania as that connection was closed. 11 But we're looking for an expanded bridge 12 capacity to come back on Talbot for a two-lane bridge, 13 and I feel that that will just bring back even more 14 traffic along our local streets, necessitating even more 15 the need for these sidewalks. 16 As you know, the Lyttonsville purple line station will be very nearby, and so these sidewalks will 17 help to serve the residents and travelers on the purple 18 19 line light rail to come to and from the neighborhood and 20 the purpose line station. 21 So in general, I am speaking in support of the 22 sidewalks as proposed, and thank you for your time. 23 HEARING OFFICER DORSEY: Thank you. 24 Sorry. I don't want to mispronounce your name, 25 but your address is 2306 Kansas Avenue.

1	MS. VOOP DE VULPILLIERES: Okay. Can I just ask
2	for everything Clark just said? Or do I need to do I
3	need to say anything else?
4	HEARING OFFICER DORSEY: No, but please announce
5	your name and your
6	MS. VOOP DE VULPILLIERES: Sure.
7	HEARING OFFICER DORSEY: address.
8	MS. VOOP DE VULPILLIERES: Voop de Vulpillieres,
9	2306 Kansas Avenue.
10	HEARING OFFICER DORSEY: All right.
11	MS. VOOP DE VULPILLIERES: I support everything
12	Clark just said.
13	HEARING OFFICER DORSEY: Okay.
14	MS. VOOP DE VULPILLIERES: That's do we need
15	to say anything else? That's pretty much it, right?
16	Clark said it very well.
17	UNIDENTIFIED MALE: We live on Kansas.
18	MS. VOOP DE VULPILLIERES: Yeah, we live on
19	Kansas, and we've got to walk our kids, and it's
20	dangerous and need some sidewalks. All right. Thank
21	you.
22	HEARING OFFICER DORSEY: Thank you.
23	9000 Pennsylvania Avenue. Your name and
24	address, please.
25	MR. ABE SAFFER: Abe Saffer, 9000 Pennsylvania

1 Avenue. 2 MS. TONYA SAFFER: Tonya Saffer, same address. 3 MR. ABE SAFFER: So for us, we're on the corner of Pennsylvania and Michigan. We have lived there about 4 5 five and a half years, and my son is in the middle of -or whatever time -- of second grade. 6 7 For the first -- for his kindergarten and first 8 grade years, I not only would watch -- walk him to 9 school every morning, but I walked at least two other 10 boys that were neighbors that -- to school and then 11 occasionally a third. 12 So sometimes I'd have up to four children with 13 me walking to school and would have to walk with them 14 in -- walk with them in the middle of the street. 15 I've -- in that time, I've witnessed MCPS buses almost 16 hit us. I've witnessed the ride-on buses. I've 17 witnessed cars zooming in. 18 Love the teachers here. I've seen most of them 19 zooming by us, running a little bit late. So it, all in 20 all, just creates a very dangerous situation in general. 2.1 And so, you know, to not have sidewalks going forward 22 for any length -- more length of time, I'm just worried 23 that it's just not a matter of if but when. 24 MS. TONYA SAFFER: (Inaudible) I have also 25 walked kids to school, walked them from school.

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this hearing tonight.

have the ride-on bus come very close to us, although they are very cautious. But sometimes when you have the ride-on bus and the school buses coming down the street at the same time and you're also trying to walk your kids in the street, it's very difficult. We do try to use neighbors' yards and walk in front of their houses. It's really difficult to do that in the winter, in particular when there's snow on everybody's yards. So it's almost nearly impossible to 10 safely walk our kids to school. 11 It's -- also, we use the park and the community 12 center frequently, and we walk there often. We have a 13 dog. We walk her as well. And we just feel that this 14 would be a much safer alternative, to have sidewalks in 15 our neighborhood. 16 And so really want to thank you guys for 17 considering this request. I know that we have had many email exchanges with you in support of the sidewalks, 18 19 and thank you for responding to that and for holding

> HEARING OFFICER DORSEY: Thank you.

So this concludes the speakers who expressed interest on the sign-in sheet tonight. Is there anyone else who didn't express interest to speak that would like to speak at this time? Please approach the mike,

1 state your name and address, please. 2 MR. ROBERT BOSTON: My name is Robert Boston. 3 live at 8913 Pennsylvania Avenue. My wife and I have 4 lived in this neighborhood about 20 years. And back 5 then, when we were putting two small children through 6 this school, I might not have thought this was an issue. 7 But I have noticed in recent years we've had 8 more aggressive traffic coming through the neighborhood, 9 and I think with the eventual reopening of the Talbot 10 Avenue bridge that will continue. We've got a problem 11 with people speeding. 12 And I think the sidewalks would be a very 13 efficient way to address this issue, create more safety 14 in our neighborhood, and generally give us all a more 15 pleasant neighborhood experience. So I support the 16 proposal for sidewalks in Lyttonsville. Thank you. 17 HEARING OFFICER DORSEY: Thank you. 18 Someone else? State your name and address, 19 please. 20 MR. JARED SOLOMON: Delegate Jared Solomon. 21 have the pleasure of representing the community in --22 one of the representatives at Annapolis, and I actually 23 live about maybe a quarter or three quarters of a mile 24 down the road in Rock Creek Forest, so I think of this 25 as an extended neighborhood as well.

1	And I just wanted to say, on behalf of our
2	delegation, I think I can safely say we're here to
3	support the community in any way possible. Obviously,
4	this is predominantly a County issue, but if there's
5	anything we can do working with the State, we want to be
6	as helpful as possible to moving forward with this.
7	So thank you.
8	MR. MARK MELMED: I'm representing Senator
9	Waldstreicher.
10	HEARING OFFICER DORSEY: Please state your name.
11	There's a mike right here.
12	MR. MARK MELMED: My name is Mark Melmed, and
13	I'm representing Senator Waldstreicher, who is also part
14	of the DAT team with Delegate Jared Solomon. And
15	unfortunately, the senator could not be here tonight,
16	but he wanted me to come here and just relay support for
17	increased measures to improve pedestrian safety.
18	So thank you all for having me tonight, and I
19	appreciate it.
20	HEARING OFFICER DORSEY: Thank you.
21	Is there anyone else who would like to provide
22	comments?
23	Thank you for your comments. Seeing that
24	everyone who wishes to speak has had an opportunity to
25	do so, this concludes the oral testimony portion of this

1	public hearing.				
2	The record will remain open for two weeks,				
3	closing on October 16th, 2019, at 6:00 p.m. Additional				
4	written testimonies may be submitted by fax, email,				
5	regular mail, and must be received or postmarked by the				
6	close of the hearing record.				
7	Submissions should be sent to Lori Main, Annual				
8	Sidewalk Program, Division of Transportation				
9	Engineering, Montgomery County DOT, 100 Edison Park				
10	Drive, fourth floor, Gaithersburg, Maryland 20878. Fax				
11	number, (240) 777-7277. Or email,				
12	DTE.sidewalk@MontgomeryCountyMD.gov.				
13	Again, Lori's contact information is available				
14	at the sign-in table. Thank you for this public				
15	hearing. It is now concluded.				
16	(Off the record at 7:32 p.m.)				
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1	CERTIFICATE OF COURT REPORTER
2	I, Michael Pawela, the officer before whom the foregoing
3	proceedings were taken, do hereby certify that said
4	proceedings were electronically recorded by me and that
5	I am neither counsel for, related to, nor employed by
6	any of the parties to this case and have no interest,
7	financial or otherwise, in its outcome.
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10	Michael Rawela
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12	Michael Pawela, Court Reporter
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1	CERTIFICATE OF TRANSCRIBER
2	I, Alisa Church, do hereby certify that the foregoing
3	transcript is a true and correct record of the recorded
4	proceedings; that said proceedings were transcribed to
5	the best of my ability from the audio recording and
6	supporting information; and that I am neither counsel
7	for, related to, nor employed by any of the parties to
8	this case and have no interest, financial or otherwise,
9	in its outcome.
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13	Alisa Church
14	- Vusice Church
15	ALISA CHURCH
16	October 13, 2019
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