

**IN THE MATTER OF:  
PENNSYLVANIA, MICHIGAN & KANSAS AVENUES PROPOSED SIDEWALK  
CONSTRUCTION (LYTTONSVILLE COMMUNITY)**

**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 Silver Spring, Maryland:

- a. the Northwest Side of **Michigan Avenue** from Maine Avenue to Pennsylvania Avenue;
- b. the North Side of **Pennsylvania Avenue** from Existing Sidewalk to Michigan Avenue;
- c. the South Side of **Pennsylvania Avenue** from Kansas Avenue to Lanier Drive;  
*and*
- d. the Northwest Side of **Kansas Avenue** from Albert Stewart Lane to Pennsylvania Avenue

This project is located within the Lyttonsville community in Silver Spring, or more specifically, the Perkins and Burrows Addition to the Linden subdivision, located within the thirteenth 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 bus stops, local facilities, and the Rosemary Hills Elementary School. Additional displays revealed a typical pavement section of each roadway.

The project will cost an estimated \$182,971.20, 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, October 2, 2019 at approximately 7:00pm in the All-Purpose Room of the Rosemary Hills Elementary School located at 2111 Porter Road, Silver Spring, Maryland 20910. The hearing was also broadcasted over the internet, though unfortunately, due to a software malfunction, only the sound was broadcasted. One may listen to the recording of the hearing at the following link: <https://montgomerycounty.adobeconnect.com/p503m6mbhwhk>.

Following the hearing, the public record was held open until 6:00 p.m. on Wednesday, October 16, 2019, to allow for additional comments to be submitted. Public notice of the hearing was provided to adjacent property owners, as well as those neighboring across the street. Public notice was, likewise, published in the Washington Post on September 11, 2019 and September 26, 2019, posted on MCDOT's web calendar and was the subject of a Montgomery County government press release.

## II. SUMMARY OF TESTIMONY, WITTEN COMMENTS AND EXHIBITS

### A. Project Description

A description of the proposed sidewalk project was presented by Tim Cupples, Chief, Division of Transportation Engineering, MCDOT. Mr. Cupples described the project's history and the improved safety that would be created for the entire Lyttonsville community. Mr. Cupples also stated that the proposed sidewalk will provide safer access for commuters to and from the Montgomery County Ride-On bus stops located along Pennsylvania and Michigan Avenues. In addition, by creating a connection to the existing neighborhood sidewalks, this project will provide safer access for residents walking to the Georgetown Branch Trail, throughout their neighborhood, and for students walking to their school bus stops and the Rosemary Hills Elementary School.

The original request to construct sidewalks on Pennsylvania, Michigan and Kansas Avenues was submitted by a citizen, residing on Pennsylvania Avenue, in an effort to, not only provide a connection to existing bus stops, but also to the network of sidewalks throughout the Lyttonsville community leading to the elementary, middle and high schools, parks and places of worship. MCDOT further received added requests from residents living on nearby streets such as Louis and Michigan Avenues; said requests supported and affirmed the community sidewalk initiative, citing the dangerous conditions pedestrians face on Pennsylvania, Michigan and Kansas Avenues as a result of cut-through commuter traffic.

Mr. Cupples provided a project vicinity map showing approximately 2,534 linear feet of proposed sidewalk in the Lyttonsville community. Each proposed roadway offers between 40 to 50-feet of public right-of-way dedicated for public use.

## **B. Testimony and Written Comments**

Four citizens testified at the hearing. All supported the proposed sidewalks. Although two residents noted their opposition to the project on the public hearing sign-in sheet, none opted to testify in rebuttal to the complete support displayed by their neighboring residents.

Comments received before the public hearing reflect seventeen households in support of the sidewalk proposal and three households opposing.

Residents in support of sidewalk installation wrote in to reference their signatures on a neighborhood petition which was submitted by one of the requestors. The petition stated:

Traffic on our neighborhood road has increased because of the Purple Line construction. We feel that walking in our neighborhood has become and will continue to be very dangerous for us all. We need to keep all residents, especially our kids, safe by making sure they have sidewalks to get to school, bus stops, parks and the Coffield Center.

In contrast, opposing arguments included the loss of driveway space for parking, leading to more constrictions on a vehicle or bus's ability to navigate the street. Inconvenience during the construction process, snow removal and littering were also cited.

## **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 the

concern over increase in responsibility of snow shoveling, the reduction of front lawns and driveways of those properties where the sidewalk is being proposed, the impact to trees and other landscaping, addition of impervious surfaces, impact to the aesthetics of the community, etc. The proposed Lyttonsville sidewalks project is no exception.

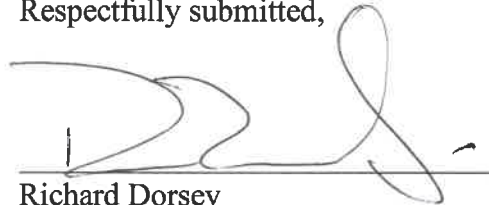
In my opinion, the public interest for the proposed project *is* adequately demonstrated. “Public interest” is a broad concept that manifests itself in a variety of contexts. When a construction project is involved, the project will be considered to be in the public interest if it will do such things 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 testimony offered for the project reflects some mixed reception, exhibits and supporting comments provide 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 one community and its surrounding residents a safe option for pedestrian travel, connecting them to community facilities, schools and public transportation.

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 Pennsylvania, Michigan and Kansas Avenues sidewalk 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 as presented by MCDOT.

Respectfully submitted,



Richard Dorsey  
Public Hearing Officer

The Public Hearing Officer's Report and Recommendation for construction of the Lyttonsville Community / Michigan, Kansas and Pennsylvania Avenues Sidewalk Proposal has been reviewed and the project is hereby authorized for construction.

Date: 2/25/2020



Christopher Conklin, Director  
Department of Transportation