**Intercounty Connector**
**Mandatory Referral No. 06809-SHA-1**
**Status Report #16**

**MCPB 12/11/08 – Item 8A**
**(Roundtable)**

**Prepared 12/5/08 for the 12/11/08 Roundtable Discussion**

This memorandum provides an update on notable activities that have occurred since Status Report #15 on July 24, including:

- Ecological Project Monitor position
- ICC design and construction schedules
- Conservation easements
- Vernal (seasonal) pool construction
- National Capital Trolley Museum relocation
- Peach Orchard / Allnut Property Acquisition
- Contract C flocculent discharge
- Park permit coordination for mitigation and stewardship projects
- Georgia Avenue Busway coordination
- Cross Creek Club bike path

**Ecological Project Monitor Position**

Our 1989 MOU with SHA includes a provision for the state to provide an Ecological Project Monitor during the ICC construction process to monitor park resources. On November 1, Cornelia Sarvey began work as our new Ecological Project Monitor, replacing Kyle Spendiff who resigned in June.

Cornelia is experienced in water quality monitoring as mandated by the Montgomery County Department of Environmental Protection, erosion and sediment control monitoring, in conducting wetland delineations, Natural Resources Inventory/Forest Stand Delineations, and in preparing Forest Conservation Plans in Montgomery County. She has worked with Loiederman Soltesz Associates, Inc. for the last seven years. In her off-time, Cornelia loves to hike. She is also a water quality monitor with the Audubon Society and a weed warrior with the Parks Department.

In the interim period between Kyle's departure and Corneila's starting date, we established additional file transfer support services with SHA so that our two contract employees, Andrea Stone (planning) and Steven Reid (parks) also have direct electronic access to the State's file management system to provide support and redundancy for Cornelia.

**ICC Design and Construction Schedules**

The ICC roadway is being constructed in five contracts labeled A to E, with contract amounts and schedules as indicated in Attachment A. Design activity is now occurring on all three contracts (A, B, and C) in Montgomery County.

Contract A, I-270 \ I-370 to MD 97: The Contract A designs are nearing completion. Construction is on-going from both west and east ends of the contract. On the west end, a construction road is continuous from Crabbs Branch Way to Redland Road. Two bottomless culverts for wildlife passage have been constructed at Mill Creek; one is now functional and deer have been observed using the passage. In September, the Contract A design-builder removed several rusted cars from park property in Mill Creek Stream Valley Park adjacent to the right-of-way.

On the east end, a construction road is continuous from Georgia Avenue to the North Branch of Rock Creek. Temporary detour roads are in place for Needwood Road and Emory Lane to facilitate bridge construction for the ICC to pass under these roadways and on Redland Road, traffic will soon be shifted from the temporary detour roadway onto the new permanent bridge structure. Contract A is considered to be about one-third complete and is scheduled to open in fall of 2010.

Contract B, MD 97 to US 29: SHA has selected a contractor for Contract B; a joint venture of Kiewit, Corman Construction, and G. A. and F. C. Wagman. The award of this contract has been contested. On October 28, 2008, SHA issued the contractor a limited Notice to Proceed until the end of January 2009. In January, pending the protest hearing and decision, a full Notice to Proceed is expected to be issued. Construction will begin when the full Notice to Proceed is issued. In the meantime, on-going activities include installation of wildlife exclusion fencing (orange construction fence) for turtle relocations, stream monitoring, soil borings, surveying and design. After the full Notice to Proceed is issued the first construction activities will include stream diversions to be placed before the March 1st closure period in Northwest Branch.

Contract C, US 29 to I-95: Design is proceeding. Initial erosion and sediment control plans have been approved. As of November 5th no work was being done from the Little Paint Branch culvert east to the County border. Construction has begun near US 29 including clearing and grading activities on both sides of the intersections, and construction of the bridge at Old Columbia Pike. Areas in Prince George's County also have clearing and grading activities. This segment is scheduled to open in late 2011.

Contract D, Collector-Distributor Roads Along I-95 in Prince George's County: This contract has been deferred at this time based on economic conditions. The full ICC can be opened to traffic without the completion of Contract D. The primary purpose of Contract D is to facilitate movement along I-95 between the ICC interchange and the future Contee Road interchange approximately a mile to the north.

Contract E, I-95 to US 1 in Prince George's County: Advertisement of this RFP is expected in February 2009.

In mid-November, SHA and the Environmental Defense Fund (EDF) settled the final legal challenge to the ICC; the EDF appeal of a November 2007 U.S. District Court ruling in favor of the Federal Highway Administration (FHWA) regarding the preparation of the ICC Environmental Impact Statement. The settlement includes an SHA commitment to install air quality monitors that will provide better information on fine particulate pollution for future studies and to retrofit Montgomery County school buses with exhaust systems to reduce emissions.

**Conservation Easements**

We are coordinating with SHA regarding the status of conservation easements on properties affected by ICC construction, as described in Status Report #15. Conservation easements may be required by the Planning Board as a condition of development approval and are recorded in Montgomery County land records. Most of the easements that may be affected by the ICC project were created to meet County Forest Conservation Law requirements.

As the ICC project has proceeded with detailed design, SHA and M-NCPPC staff identified conservation easements that will have permanent encroachments adjacent to the ICC final ROW and proposed limits of disturbance. The ICC is adjacent to seven subdivisions and one special exception case with Forest Conservation Plans that were approved by the Planning Board between 1995 and 2006. There is also one preliminary subdivision plan, approved in 1991, which has a conservation easement over the 100-year floodplain and stream valley buffer. These FCPs required the creation of conservation easements to protect existing or planted forest on these subject sites. The encroachments into these conservation easements constitute major modifications to approved Forest Conservation Plans or Subdivision Plans.

Section 22A-11(a)(2) of the Forest Conservation Law requires that the agency that approved a Forest Conservation Plan must review and act on major modifications to the FCP. The FCPs that will be affected by the ICC project were originally reviewed and approved by the Planning Board. Therefore, SHA's proposed changes to conservation easements that are part of approved FCPs must be reviewed and acted on by the Planning Board.

SHA is currently preparing FCP amendments and identifying possible sites for mitigation of conservation easements that are proposed for abandonment. M-NCPPC staff is providing input to SHA on how the FCP amendments should be prepared and on criteria staff is using to identify appropriate mitigation sites. SHA and M-NCPPC have entered into the Letter of Agreement shown in Attachment B to facilitate timely development of the necessary FCP amendments. Staff anticipates that the proposed FCP and preliminary plan amendments will be brought to the Planning Board for review in mid-February, 2009.

**Vernal (Seasonal) Pool Construction**

We have agreed with SHA on two methods for vernal, or seasonal, pool construction as discussed in Status Report #15. In summary, successful vernal pools require shaded and generally undisturbed conditions so pools should not be located within, or even directly adjacent to, the ICC mainline right-of-way. Therefore, the ICC project team and the Interagency Working

Group (IAWG) have agreed that the pools should not be included in design-build contracts. Instead, two opportunities will be pursued for vernal pool construction:

1. SHA will construct vernal pools in association with Environmental Stewardship (ES) projects where such projects provide appropriate opportunity.
2. For stream valleys where appropriate ES projects are not available, SHA has agreed to fund the construction of vernal pools by the Parks Department.

Attachment C shows the general locations of vernal pool construction. In the Mill Creek and Northwest Branch stream valleys, vernal pools will be constructed as part of nearby mitigation and stewardship projects. In the Rock Creek stream valley, the Parks Department will construct vernal pools at two sites. In the Upper Paint Branch Stream Valley, three vernal pool sites have been identified and the construction method will be determined based on additional design details regarding accessibility from the ICC right-of-way in Contract B.

Staff is developing a Memorandum of Understanding between SHA and MNCPPC for those pools that the Parks Department will construct. We expect each pool site to cost less than $10K. We expect this MOU will include the following elements:

- M-NCPPC will ride a County stream restoration contract to retain the contractor
- M-NCPPC staff will develop design concepts and assist with construction oversight
- The contractor will provide materials and equipment and construct the pools
- SHA will pay the contractor for completed pool construction

**National Capital Trolley Museum Relocation**

Construction on the National Capital Trolley Museum is progressing according to schedule. The interior of the new visitor center is in progress, while the maintenance barn is virtually complete. The trolley cars have been relocated to the new trolley barn and the existing visitor center will be vacated by the end of December. The Trolley Museum requested an additional $532K to pay for costs associated with sand filters for stormwater management treatment required by Montgomery County Department of Permitting Services. SHA responded that they would assist the Trolley Museum in finding alternative funding sources such as Transportation Enhancement Program.

**Peach Orchard / Allnut Property Acquisition (revised)**

A Montgomery County Circuit Court judge ruled that SHA must offer the Peach Orchard / Allnut site to Winchester Homes for repurchase in accordance with a 2002 Repurchase Agreement entered into in settlement of the condemnation filed by SHA against Winchester. The Court determined that at the time the Agreement was drafted, the parties did not intend that the site be used as environmental mitigation, but that it was intended only for the roadway alignment. Winchester Homes has proposed an alternative that would reduce the SHA cost of acquisition by retaining development rights on those portions of the site already graded. We have indicated to both SHA and Winchester Homes representatives that we are not interested in seeing SHA pursue this option. This property, located in the Upper Paint Branch Special Protection Area (SPA) is, to us, the crown jewel in the ICC package of mitigation and

environmental stewardship projects as they pertain to environmental resources in the SPA. The lower court ruling does not change SHA's commitment to provide the property to the Commission as part of the ROD mitigation package. SHA is appealing that decision as part of its efforts to meet the requirements of the ROD.

Due to the importance of this mitigation site, the Office of General Counsel is currently reviewing the court materials and in discussions with SHA to determine if it would be appropriate or advantageous for M-NCPPC to file an amicus brief with the Court of Special Appeals.

**Contract C Flocculent Discharge**

On November 7, the ICC Independent Environmental Monitor cited the design-builder, ICC Constructors (IC3), for non-compliance related to flocculent discharge believed to be associated with observed fish and salamander mortality in the Little Paint Branch watershed near the Montgomery Autopark at US 29. The flocculent discharge was subsequently determined to be associated with dewatering a sediment trap and the IC3 team has instituted additional procedures and staff training to prevent a similar event in the future.

**Park Permit Coordination for Mitigation and Stewardship Projects**

We are coordinating with SHA on a Master MOU for approving construction of mitigation and stewardship projects on park property. The Commission must have the right to review and approve construction on its property that is consistent with Commission standards, which it generally handles through issuance of a Park Permit. SHA will not enter into Park Permits over concern that it will impose Commission Regulations over its sovereign authority. Therefore, SHA and the Parks Department have agreed that the most efficient and effective way to meet each party's fundamental concerns is through a Master MOU that includes the agreed upon Mitigation Projects, and the process and procedures to be followed for design, review, and construction. The Master MOU will include such items as appropriate notice provisions, access limitations, restoration obligations, and remedies for breach. The MOU will provide for the addition of projects in an Exhibit, as they are added, with any specific conditions as agreed by the parties. A first draft of the MOU is being developed by Commission legal staff based upon the requirements in a Park Permit.

**Georgia Avenue Busway Coordination**

The Contract A design-build contract includes a provision that the median of Georgia Avenue be retained for the future construction of the master planned Georgia Avenue Busway. The SHA has determined that traffic delays associated with signal timing intervals could be reduced at the Georgia Avenue intersection with ICC ramps and a future park-and-ride lot location by constructing offset left turn lanes in the median. SHA has committed to remove and relocate the left turn lanes when the Georgia Avenue Busway is constructed.

The Georgia Avenue busway is the top transit project priority in the joint priorities letter from the County Executive and County Council to the state delegation. The T&E Committee has

recommended using $5M in County funds to advance the preliminary engineering of the Georgia Avenue busway to be completed by 2014.

We concur that the SHA proposal is reasonable and that the design of the Georgia Avenue Busway will need to be customized in the vicinity of the ICC to address both park-and-ride patron access and anticipated Bus-Rapid Transit (BRT) service between Shady Grove and Glenmont Metrorail stations (that would use both portions of the value-priced ICC to the west and the Georgia Avenue Busway to the south). We are coordinating with SHA to promote design criteria, such as the prohibition of traffic signal hardware in the median, to minimize future reconstruction costs.

**Cross Creek Club Bike Path**

In July 2008, Prince George's County Councilmember Dernoga requested that the SHA eliminate the shared-use path along the south side of the ICC as it crosses the Cross Creek Club development site at the Prince George's County boundary. This proposal was based on a conflict between the design of the private golf course on the development which had encroached onto SHA right-of-way. SHA has coordinated with both County agencies and the golf course representatives to develop a tighter design concept that will retain the bike path in its master planned location. Attachment D contains additional correspondence on the subject.

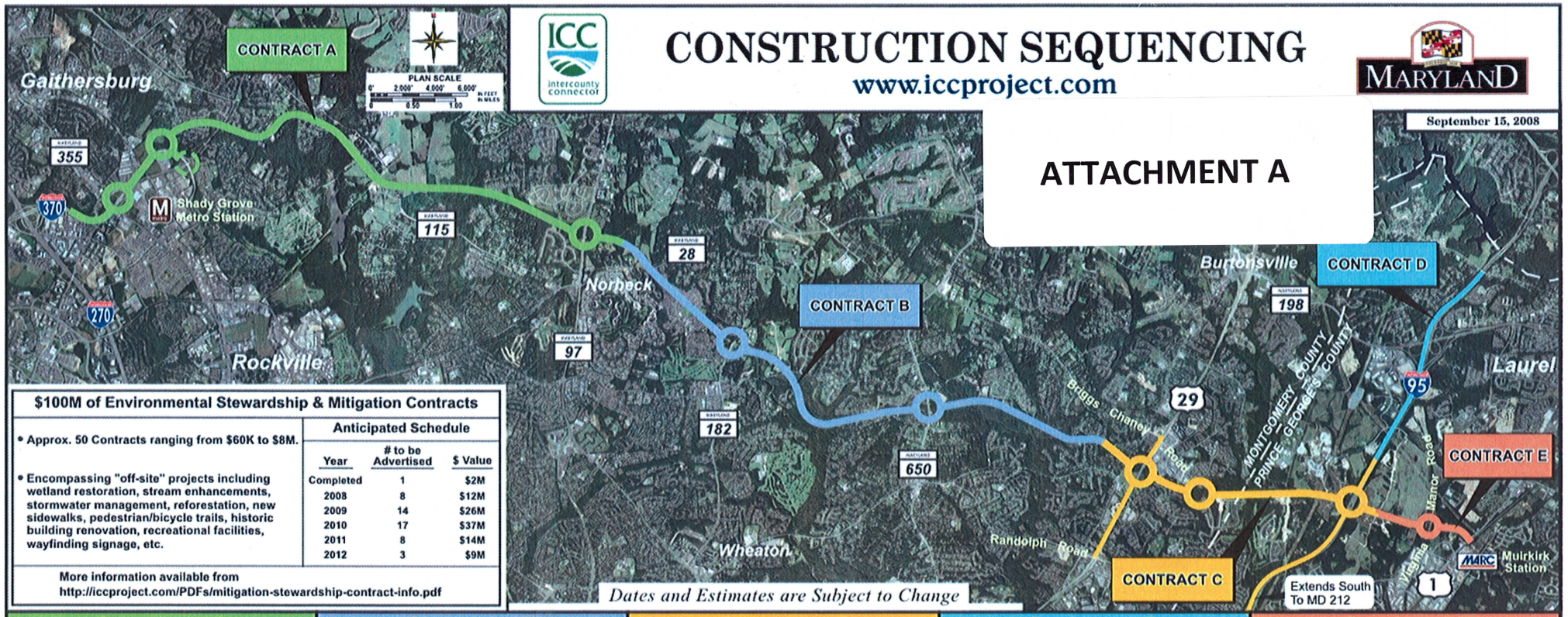
# CONSTRUCTION SEQUENCING

www.iccproject.com

MARYLAND

September 15, 2008

**ATTACHMENT A**




*Dates and Estimates are Subject to Change*

## $100M of Environmental Stewardship & Mitigation Contracts

- Approx. 50 Contracts ranging from $60K to $8M.
- Encompassing "off-site" projects including wetland restoration, stream enhancements, stormwater management, reforestation, new sidewalks, pedestrian/bicycle trails, historic building renovation, recreational facilities, wayfinding signage, etc.

**Anticipated Schedule**

| Year | # to be Advertised | $ Value |
|---|---|---|
| Completed | 1 | $2M |
| 2008 | 8 | $12M |
| 2009 | 14 | $26M |
| 2010 | 17 | $37M |
| 2011 | 8 | $14M |
| 2012 | 3 | $9M |

More information available from http://iccproject.com/PDFs/mitigation-stewardship-contract-info.pdf

## Contract A
## I-270 / I-370 to MD 97

Contract # AT3765960

**$478.7M**
(Contract Amount)

NTP: 11.13.2007
Open: Fall 2010

7.2 Mainline Miles

3 Interchanges

*D-B Team:*

*Intercounty Constructors (IC)*
*Rockville, Maryland*

*A JV of: Granite, Corman and Wagman*

## Contract B
## MD 97 to US 29

Contract # AT3765B60

**$559.7M**
(Contract Amount)

RFP: Dec. 2007
NTP: Fall 2008
Open: Late 2011

7.0 Mainline Miles

2 Interchanges

500,000 SY Paving
2.40M CY Cut

5 New Dual Bridges
5 New Single Bridges

## Contract C
## US 29 to I-95

Contract # AT3765C60

**$513.9M**
(Contract Amount)

Limited NTP: 1.14.2008
Open: Late 2011

3.7 Mainline Miles
2.5 Miles Along I-95
2.0 Miles Along US 29

3 Interchanges

*D-B Team:*

*ICC Constructors (IC3)*
*Bethesda, Maryland*

*A JV of: Shirley, Clark, Atkinson, Facchina & Trumbull*

## Contract D
## Collector-Distributor Roads Along I-95

Contract # AT3765D60

**$60M to $75M**
(Year of Expenditure $)

***Deferred***

3.0 Collector-Distributor Miles
4.9 Miles of I-95 Resurfacing

110,000 SY Paving
315,000 SY Milling & Resurfacing
1.10M CY Cut

1 New Single Bridge

## Contract E
## I-95 to US 1

Contract # AT3765E60

**$50M to $65M**
(Year of Expenditure $)

NTP: Mid-2009
Open: Late 2011

0.9 Mainline Miles
0.7 Miles Along US 1

1 Interchange
1 Intersection

70,000 SY Paving
0.35M CY Cut

1 New Dual Bridge

*Governor:* **Martin O'Malley**
*Lt. Governor:* **Anthony G. Brown**

*MDOT Secretary:* **John D. Porcari**
*Deputy Secretary:* **Beverley K. Swaim-Staley**

*MdTA Exec. Secretary:* **Ronald L. Freeland**
*SHA Administrator:* **Neil J. Pedersen**

**ATTACHMENT B-1**

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA State Highway Administration

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

**Maryland Department of Transportation**

November 10, 2008

Mr. Royce Hanson
Chairman, Maryland National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Resolution of Conservation Easements
July 31, 2008 Letter of Agreement

Dear Mr. Hanson:

Our respective agency staffs are continuing to coordinate to resolve the status and disposition of several forest conservation easements created by Maryland National Capital Park and Planning Commission (MNCPPC). The agreement reached on July 31, 2008 included specific dates for both plan submittal and resolution of the mitigation plan.

It is my understanding that several complex issues have been raised based on the Mitigation Plan submitted by the State Highway Administration (SHA) to MNCPPC staff on September 24, 2008. Staff is continuing to work together to find a solution that is acceptable to both agencies.

I am recommending the following revision to our July 31, 2008 agreement:

Revise #3 on Page 2 to read:

> *"The Commission will defer enforcement of the easements for disturbance of those portions of the protected areas within the ICC Limits of Disturbance pending submission of the Mitigation Plan, staff review, and Full Commission action, which shall not be unreasonably delayed. The Commission reserves the right to enforce the terms of the easements if (i) the "revised" Mitigation Plan is not submitted on or before December 15, 2008 as agreed, or (ii) the encroachments are not resolved on or before March 1, 2009 in accordance with this agreement."*

Enclosed are two original signed copies of this letter. Please sign both letters, acknowledging your agreement with the revised item #3, keep one fully executed original for your records and return the other fully executed original to me at your earliest convenience. I appreciate the continued partnership that continues to exist on this project and I look forward to continuing to work with you on this locally and regionally significant project.

Sincerely,

Neil J. Pedersen
Administrator

Acknowledged and Agreed:
Maryland National Capital Park and Planning Commission

By: _____
Royce Hanson
Chairman
Maryland National Capital Park and Planning Commission

Attachment – Letter Agreement: July 31, 2008

**ATTACHMENT B-3**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760
(301) 495-4605

Montgomery County Planning Board
Office of the Chairman

July 31, 2008

Neil J. Pedersen
State Highway Administrator
Maryland Department of Transportation
707 North Calvert Street
Baltimore, MD 21202

**RE: Resolution of Conservation Easements within ICC Limits of Disturbance**

Dear Neil:

Our respective agency staffs are coordinating to resolve the status and disposition of several conservation easements that the Maryland-National Capital Park and Planning Commission (the "Commission") is required to enforce under Chapter 22A of the Montgomery County Code. This letter agreement sets forth an understanding between our respective agencies as to the process and timing for revising or extinguishing these easements.

Whereas, the Commission has a real property interest in conservation easements;

Whereas, these conservation easements were created as part of the subdivision of land or land development projects to comply with the Montgomery County Forest Conservation Law;

Whereas, there are, in some cases, proposed encroachments into the conservation easements by the ICC Limits of Disturbance approved by the May 2006 Record of Decision, but not expressly approved by the Commission;

Whereas, the ICC Record of Decision stipulates mitigation for impacts to specific resources to meet or exceed requirements under state and federal law, but does not address mitigation requirements for which the conservation easements were created;

Whereas, the ICC is a needed public project satisfying local and statewide plan objectives and has been identified as a priority project by the federal government;

Whereas, portions of the ICC are already under contract and changes to scopes or schedules would increase costs;

Whereas, conservation easement mitigation ratios need to reflect each of the prior considerations; and

Whereas, the Commission and the Maryland State Highway Administration ("SHA") have agreed to work collaboratively to resolve conflicts associated with the ICC.

Now therefore, the Commission and SHA have agreed to the following procedures to address the possible disturbance in the area covered by certain conservation easements:

1. The Commission and SHA (together, the Agencies") will jointly investigate the potential to take reasonable steps to avoid or minimize impacts to the easements. The Agencies agree through this letter agreement to take timely action to resolve the potential encroachments.

2. SHA will submit a Mitigation Plan by October 1, 2008 for all necessary revisions to the easements. Commission staff review and Commission approval of the Mitigation Plan will consider the standards and priorities for retention and reforestation as set forth in Section 22A-12 of the Montgomery County Code.

3. The Commission will defer enforcement of the easements for disturbance of those portions of protected areas within the ICC Limits of Disturbance pending submission of the Mitigation Plan, staff review, and Full Commission action, which shall not be unreasonably delayed. The Commission reserves the right to enforce the terms of the easements if (i) the Mitigation Plan is not submitted on or before October 1, 2008 as agreed, or (ii) the encroachments are not resolved on or before January 1, 2009 in accordance with this agreement.

4. Where impacts cannot be avoided, the Mitigation Plan should conform to the mitigation ratios to replace existing protected forest through replacement easements as identified below.

    - 1:1 -- if replaced with existing forest on-site
    - 2:1 -- if replaced with existing forest off-site or with newly planted forest
    - 4:1 – if replaced with existing forest in a forest mitigation bank

5. The Agencies agree that the Commission shall not accept or approve any conservation easements within the ICC Limits of Disturbance approved by the May 2006 Record of Decision. In the event that any such conservation easements are accepted or approved by the Commission after the date of this agreement, the Commission hereby grants an immediate and irrevocable full and continuous right of entry upon those post-agreement easement areas to SHA for the purpose of proceeding with all construction activities needed for the ICC, and the Commission shall promptly revise or extinguish those post-agreement easements without further consideration or mitigation.

6. SHA agrees to provide written confirmation of any conflict between the ICC Limits of Disturbance and any pending or future development or forest conservation plan submissions as forwarded by the Commission for SHA review. Such confirmation will be provided in a timely manner so as not to delay plan approvals.

I have enclosed two original signed copies of this letter. Please sign both letters, acknowledging your agreement to the terms contained herein, keep one fully executed original for your records and return the other fully executed original to me at your earliest convenience. I appreciate the cooperative relationship and attention to detail that our respective Agency staff has maintained throughout this process, and I look forward to continued good relations as this important project moves forward.

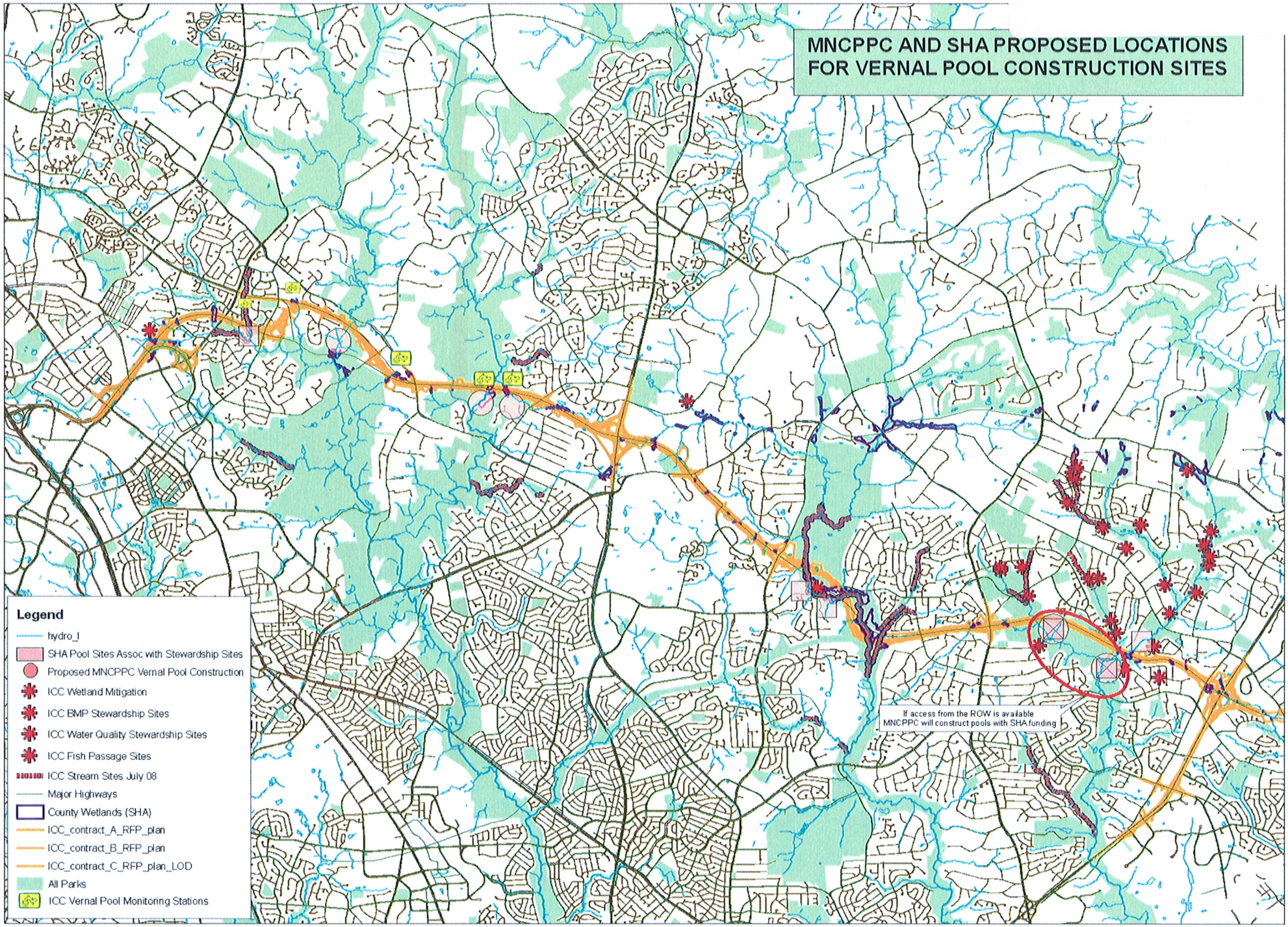
Sincerely,

Royce Hanson
Chairman
Maryland-National Capital Park and
Planning Commission

Acknowledged and Agreed:
Maryland State Highway Administration

By: Neil J. Pedersen 8/15/08
Neil J. Pedersen Date
State Highway Administrator

**ATTACHMENT C**



**ATTACHMENT D-1**

MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIRMAN

September 5, 2008

Mr. Neil Pedersen, Administrator
Maryland State Highway Administration
707 Calvert Street
Baltimore, Maryland 21202

Dear Mr. Pedersen:

We understand that you are considering the attached proposal from Prince George's County Councilmember Dernoga to eliminate a portion of the ICC Bike Path (SP-40 in Montgomery County's 2005 Countywide Bikeways Functional Master Plan) near the Cross Creek subdivision, specifically the section between Briggs Chaney and Old Gunpowder roads. I strongly oppose this proposal and urge you to retain this section of bike path. The Planning Board supports the State's decision to implement this segment of SP-40 as part of the ICC Record of Decision (ROD)'s Bicycle and Pedestrian Plan.

The Planning Board is currently reviewing revisions to the SP-40 alignment as part of the Intercounty Connector Limited Functional Master Plan Amendment (ICC LFMPA). The plan amendment does not recommend any changes to the alignment for SP-40 east of US 29.

The Planning Board approved the staff draft of the plan amendment on May 22, 2008. Planning Board staff distributed copies of the plan for comment and held a public hearing on July 10, 2008. We received hundreds of letters and e-mails, including the attached letter from Prince George's County Planning Director Fern Piret stating that our amendment is consistent with the Adopted and Approved 1990 Subregion 1 Master Plan. None of the public hearing correspondence commented on the segment of SP-40 east of Briggs Chaney Road, and nearly all testimony supported retention and implementation of a bike path adjacent to the ICC wherever possible. It comes as a surprise to us, therefore, that this portion of the path is suddenly a candidate for removal by Prince George's County and State officials.

I understand that your staff is working with the Cross Creek Club representatives on design options that will retain the ICC shared use path and minimize disruption to the golf course. I encourage these efforts to find a win-win solution and look forward to receiving an update on the topic at the Planning Board's next ICC status report briefing this autumn.

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

Thank you for taking these comments and the Planning Board's position on SP-40 into consideration. Please contact Dan Hardy, Acting Chief of the Transportation Planning Division, at 301-495-4530 should you have any questions or concerns about this correspondence.

Sincerely,

Royce Hanson
Chairman

cc: Hon. Nancy Floreen
Art Holmes
Ronald Freeland
Fern Piret
Hon. Anne R. Kaiser
Hon. Rona E. Kramer
Melinda Peters
John D. Porcari
Hon. Donald Praisner
Hon. Herman L. Taylor, Jr.
Hon. Thomas Dernoga

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Office of the Director
Prince George's County Planning Department

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

(301) 952-3595
D8-061801

July 10, 2008

Mr. Rollin Stanley
Planning Director
Montgomery County Planning Department
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910



**RE: Draft Intercounty Connector Limited Functional Master Plan Amendment**

Dear Mr. Stanley: Rollin

Thank you for the opportunity to review the draft of the Intercounty Connector Limited Functional Master Plan Amendment. This master plan amendment deals with bicycle and pedestrian access along the Intercounty Connector corridor within Montgomery County and does not impact existing or planned facilities in Prince George's County. However, it should be noted that several of the facilities discussed do extend into Prince George's County and were evaluated against current Prince George's County plans.

**Briggs Chaney Road**

Study Area D of the draft plan amendment includes a recommendation to provide a shared use path and designated bike lanes along Fairland Road. Fairland Road connects to Briggs Chaney Road at the Prince George's County line. In addition, the section of the draft plan in Study Area E recognizes an existing shared use path along Briggs Chaney Road within Montgomery County. Both of these proposals are consistent with the Adopted and Approved 1990 Subregion I Master Plan in Prince George's County, which recommends a master plan trail along Briggs Chaney Road that will supplement the existing and planned facilities in Montgomery County. A segment of this trail has already been implemented along the north side of Briggs Chaney Road in Prince George's County, where frontage improvements have been made at the Cross Creek development.

**MD 650 (New Hampshire Avenue)**

The recommendations for Study Area D also recommend designated bike lanes and a shared use path along the west side of New Hampshire Avenue. New Hampshire Avenue enters Prince George's County in Planning Area 65, which is currently covered by the Adopted and Approved 1990 Langley Park-College Park-Greenbelt Master Plan. This master plan does not specifically address bicycle or pedestrian accommodations along New Hampshire Avenue. However, staff is currently working on a sector plan for the Takoma/Langley Crossroads area, which includes a segment of New Hampshire Avenue. It is anticipated that this plan will include recommendations for both continuous, wide

sidewalks and designated bike lanes along New Hampshire Avenue. Pedestrian access and safety along and across New Hampshire Avenue have been identified as an important community issue in recent planning workshops, and will be addressed in plan recommendations. Staff will continue to coordinate with Montgomery County and the City of Takoma Park to ensure that the recommendations of the Takoma/Langley Crossroads Sector Plan are consistent with the recommendations of the Intercounty Connector Limited Functional Master Plan Amendment.

Thank you for providing us with the opportunity to review the draft plan amendment. Feel free to contact Fred Shaffer of the Countywide Planning Division at (301) 952-3661 or fred.shaffer@ppd.mncppc.org if you have any questions or need any additional information.

Sincerely,

Fern Piret

Fern V. Piret
Planning Director

cc: John Funk, Chief, Countywide Planning Division
Vanessa Akins, Chief, Community Planning North Division
Eric Foster, Supervisor, Transportation Planning
Joe Chang, Supervisor, Community Planning North Division
Tom Masog, Planner Coordinator, Transportation Planning
Fred Shaffer, Planner Coordinator, Transportation Planning
Vic Weissberg, Special Assistant to the Director, DPW&T

**ATTACHMENT D-5**

# THE PRINCE GEORGE'S COUNTY GOVERNMENT



(301) 952-3887

County Council
THOMAS E. DERNOGA
Council Member, 1st District

July 21, 2008

Neil J. Pedersen, Administrator
State Highway Administration
707 North Calvert St.
Baltimore, MD 21202

*Re: ICC Right-of-Way/Cross Creek Club*

Dear Mr. Pedersen:

I am writing concerning the issues that have arisen concerning the ICC near the Cross Creek community (between Briggs Chaney Road and Old Gunpowder Road). We have recently learned about the conflict between the ICC right-of-way and the Cross Creek community. My staff and I have attended several meetings of the Cross Creek Club Homeowners Association regarding this matter.

Having been present for the conversation between SHA and community members, and having reviewed the alignment, it is clear that some adjustments need to be made to the ICC alignment to minimize the community impact. I do recognize that responsibility for the situation that exists involves entities other than SHA. Nonetheless, it is not the responsibility of the homeowners whom will be impacted and there appear to be reasonable alternatives or reasonable adjustments that may be made.

I strongly suggest that the following options be pursued:

1. Eliminate the bike trail from Briggs Chaney Road to Old Gunpowder Road. This bike trail is the actual feature that is located in the right-of-way and conflicts with the Cross Creek community. This trail will also widen the cutting of trees along the right-of way by a sizeable margin, and that will have additional community impacts. The trail can be continued down Briggs Chaney Road to Old Gunpowder Road, and then north along Old Gunpowder or south to Ammendale Road.

2. At the interchange with Briggs Chaney Road, the westbound ramp to Briggs Chaney separates from the north side of the ICC by a significant margin and it appears that the alignment could be shifted to the north if this ramp separation is reduced.

3. While approvals for the crossing of the Paint Branch have been obtained, it seems reasonable to request a minor adjustment to the north since this would allow more opportunity to shift the alignment between the Paint Branch and Briggs Chaney Road further to the north.

Finally, I strongly urge you to listen to the concerns of the Cross Creek Club Homeowners Association and the Cross Creek/ICC Issues Committee. Thank you for your consideration of these community concerns. Please let me know what actions SHA will take. Please let me know if you have any questions.

Sincerely,

Thomas E. Dernoga

Cc: John D. Porcari, Secretary
Melinda Peters, Director
Hon. James Rosapepe
Hon. Rona E. Kramer
Hon. Barbara Frush
Hon. Joseline Pena-Melnyk
Hon. Ben Barnes
Hon. Herman L. Taylor, Jr.
Hon. Karen S. Montgomery
Hon. Anne R. Kaiser
Hon. Donald Praisner
Haitham A. Hijazi
Anthony Cade, President
Pam Piper, Chair
Ray Feldmann, Community Liaison

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA State Highway Administration

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation



**ATTACHMENT D-7**

September 17, 2008

Dr. Royce Hanson, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring MD 20910

Dear ~~Dr. Hanson:~~ Royce

Thank you for your letter regarding the bicycle/pedestrian plan for the Intercounty Connector (ICC). The State Highway Administration (SHA) appreciates your suggestions regarding the portion of the bicycle/pedestrian trail between Briggs Chaney Road and Old Gunpowder Road.

The SHA is evaluating whether to provide a "compressed" typical section for the bike path along that portion of the ICC. This process should reduce the overall footprint of the ICC while still providing the trail between Briggs Chaney Road and Old Gunpowder Road. We are considering your suggestions during this evaluation process and we are committed to the bicycle/pedestrian plan as outlined in Montgomery County's Master Plan and the ICC's Record of Decision.

Thank you again for your letter. If we may be of further assistance, please do not hesitate to contact Ms. Melinda B. Peters, Director of SHA's Office of the ICC, toll-free at 866-462-0020, or via email at iccproject@sha.state.md.us.

Sincerely,

Neil J. Pedersen

Neil J. Pedersen
Administrator

cc: The Honorable Rona E. Kramer, Senate of Maryland
The Honorable Anne R. Kaiser, Maryland House of Delegates
The Honorable Karen S. Montgomery, Maryland House of Delegates
The Honorable Herman L. Taylor, Jr., Maryland House of Delegates
The Honorable Thomas Dernoga, Prince George's County Council
The Honorable Nancy Floreen, Montgomery County Council
The Honorable Donald Praisner, Montgomery County Council
Mr. Arthur Holmes, Jr., Director, Montgomery County Department of Transportation
Ms. Fern Piret, Planning Director, Prince George's County Planning Department, M-NCPPC
Mr. Ronald L. Freeland, Executive Secretary, Maryland Transportation Authority
Ms. Melinda B. Peters, Director, Office of the ICC, SHA
Mr. John D. Porcari, Secretary, Maryland Department of Transportation