



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

October 21, 2013

Mr. Henry Kay
Maryland Transit Administration
100 South Charles Street
Tower 2, Suite 700
Baltimore, Maryland 21201

Subject: Purple Line Final Environmental Impact Statement (FEIS) & Draft Section 4(f) Evaluation

Dear Mr. Kay:

The Montgomery County Planning Board/Park Commission (hereby referred to as simply the “Planning Board”) is pleased to submit the following comments in response to the Purple Line FEIS and Draft Section 4(f) evaluation. On behalf of the Board, I want to once again express our appreciation for the work of your staff led by Project Manager Mike Madden for their responsiveness, expertise, and overall commitment to this critical and complex project.

The Purple Line is central to the County’s future if it is to grow smart and in a sustainable manner. It is for that reason – as noted in the FEIS - that the Purple Line has enjoyed long standing support in the form of numerous approved and adopted master and functional plans as well as in our on-going work programs like the anticipated resumption of the Greater Lyttonsville Sector Plan.

The Planning Board comments are in part a response to a detailed staff analysis that was presented and discussed by the Planning Board on October 17, 2013. That analysis, in the form of a staff memo, is available on our web site at montgomeryplanningboard.org.

While the FEIS demonstrates that the MTA has made significant effort to avoid or minimize adverse impacts along the right-of-way, additional minimization and mitigation measures must be developed in collaboration with Parks and Planning as design progresses. We expect that MTA will continue to work with both Parks and Planning staff to address these matters during final design, as well as in the Memorandum of Agreement (MOA) to be developed between our agencies. Specifically, we expect MTA to further develop and refine:

- 1) specific impacts to and mitigation for parkland;
- 2) details for stormwater management facilities;
- 3) habitat mitigation compensation;
- 4) details on culverts and bridge design;
- 5) compliance with Section 106 in the case of inadvertent discovery of archaeological sites in the project area; and,
- 6) impacts to the neighborhood centers.

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These details are important to ensure that the Purple Line continues to conform with County land use plans and includes appropriate mitigation.

Our specific comments are organized below in a manner that reflects the on-going nature of the project development. Our focus at this point is on the comments directly related to the FEIS and Draft 4(f) Evaluation, while at the same time recognizing that the development of agency-specific MOA's and the Mandatory Referral will be upon us in short order.

Planning Department Comments

Comment 1 – Chevy Chase Lake and Takoma Langley Crossroads Sector Plan Status

The FEIS (page 4-21) lists the Chevy Chase Lake and Takoma Langley Crossroads Sector Plans as “pending approval.” These plans were approved and adopted in July 2013 and June 2012, respectively.

Comment 2 – Bethesda Station

The FEIS Preferred Alternative reflects a Bethesda Station area plan that no longer includes the Capital Crescent Trail above the Light Rail Train in the tunnel under Wisconsin Avenue. The trail instead would cross Wisconsin Avenue at grade – a feature also included in prior adopted master plans. The Planning Department is currently considering another design concept for the station as part of the Bethesda Purple Line Station Minor Master Plan Amendment process. Both designs would represent a change to the Purple Line Functional Master Plan and consideration of both plans as an eventual (if not preferred) outcome is consistent with current policy direction from the Planning Board and County Council.

Comment 3 – Lynn Drive Crossing in Chevy Chase

The master plan recommendation for the at-grade pedestrian crossing of the Purple Line right of way near Lynn Drive was dependent on further analysis of overall feasibility – especially the ability to provide a safe crossing. MTA analysis has indicated the at-grade crossing cannot be provided at the current design speed and the Planning Board concurs that reducing the speed in this section is undesirable.

Comment 4 – Bridges over Connecticut Avenue

The design calling for the bridges over Connecticut Avenue to be placed on fill or box structures is not consistent with prior policy guidance and previous representations and is therefore highly undesirable. The design for this gateway location should be refined to better respond to adopted design guidance in local master plans and prior MDOT supporting technical advice for TOD along this specific segment.

Comment 5 – Master Plan Street B-1 in Chevy Chase Lake

The design for the bridges that carry the Purple Line and Capital Crescent Trail over Connecticut Avenue should accommodate the master planned street B-1 that is proposed to connect Manor Road and Chevy Chase Lake Drive.

Comment 6 – Lyttonsville Maintenance and Storage Facility

The revised concept plan for the Lyttonsville Maintenance and Storage Facility is generally consistent with the latest vision for the area and will be one of the underlying assumptions when work on the Greater Lyttonsville Sector Plan resumes.

Comment 7 – Capital Crescent Trail between Lyttonsville Road and 16th Street

Recently, MTA received communication from CSX that clarifies their position. CSX’s new policy permits them to sell land for a trail as long as it is at least 50 feet from the centerline of their tracks. Based on the new CSX policy, MTA will be able to construct the Capital Crescent Trail between Lyttonsville Road and 16th Street consistent with the Purple Line Functional Plan. This is a very positive outcome.

Comment 8 – Arliss Street

The FEIS is consistent with the current vision for the Purple Line side running alignment on Arliss Street, as recommended in the Long Branch Sector Plan. The Long Branch Sector Plan also includes an acknowledgment that the intersection at the north end of the station platform on Arliss Street is intended to provide both right and left turns into and out of the immediately adjacent parcels and their internal street network.

Comment 9 – Bike Lanes on Piney Branch Road and University Boulevard

We understand that MTA intends to revise its concept plans for a four-lane University Boulevard to include bike lanes on Piney Branch Road and University Blvd, consistent with the Long Branch Sector Plan, and we support this change.

Comment 10 – Access to Long Branch Local Park and Community Center

The Long Branch Sector Plan also recommends that MTA “resolve vehicular access issues to the Long Branch Pool and Recreation Center in light of proposed traffic restrictions along Piney Branch Road associated with the Purple Line”. This issue is addressed further in Comment 12 below and in comments from the Department of Parks.

Comment 11 – University Boulevard Cross Section

The Purple Line FEIS is consistent with the current vision for University Blvd because it is able to accommodate traffic forecasts with improvements to the roadway network. Furthermore, reducing University Blvd from six lanes to four lanes may help implement other aspects of the Long Branch Sector Plan outside of the traffic lanes, including the bike lanes, landscaped panel, sidewalks, and cycle tracks.

Comment 12 - Community Facility and Business Access Challenges

The Department of Parks has recently acquired the property on Piney Branch Road where the Miles Glass Company was previously located in order to partially mitigate the impact on access to the Long Branch Local Park and Community Center. Consideration should be given

to highlighting in the P3 solicitation process those locations along the alignment where alternative design or access concepts would be considered – given the unique challenges associated with those sites. These include the property owners along Arliss Street, the Long Branch Local Park and Community Center on Piney Branch Road, businesses along Bonifant Street with on-street parking, Silver Spring International Middle School on Wayne Avenue, and Rosemary Hills Elementary School on Porter Road and near Talbot Avenue, the Capital Crescent Trail, and the CSX right of way. In general, the Planning Board supports every effort to mitigate access and other impacts to existing community facilities and businesses.

Comment 13 – Noise and Vibration Mitigation

The FEIS identifies potential noise and vibration impacts and includes a commitment to develop appropriate mitigation measures. Technology related to noise and vibration suppression is evolving and efforts should therefore be made in the P3 solicitation to place a premium on responses and unique approaches that advance mitigation measures where feasible. The effort going forward should reflect the fact that this light rail alignment is adjacent to a number of sensitive sites in an evolving inner suburban setting.

Comment 14 – Location and Compatibility of Traction Power Substations

We expect that MTA will continue to work with community stakeholders to identify specific approaches for addressing traction power substation compatibility with the surrounding setting. The following proposed locations (as shown in Table 4-4 of the FEIS) for these stations are in residential settings and are of particular interest:

- Montgomery Avenue – approximately 1,600 feet beyond (east of) Wisconsin Avenue
- Georgetown Branch right of way – approximately 300 feet prior to (west of) Connecticut Avenue
- Approaching CSX tracks (from west) near Kansas Avenue
- Wayne Avenue just past (east of) Cloverfield Road
- Arliss Street just past (east of) Flower Avenue
- University Boulevard just past (south of) Seek Lane

Comment 15 – Public Private Partnership (P3) Procurement

The P3 procurement process should provide a mechanism for consideration of design refinements after the completion of the NEPA process for both the Purple Line and the CCT as noted in the FEIS. In addition and more specifically, the MTA should issue written guidance within the next 30 days on how on-going design refinements will be considered and included (where there is concurrence) during the P3 procurement process.

Comment 16 – Three Affected National Register-Eligible Properties

Staff recommends continued consultation to identify appropriate mitigation measures for the three affected National Register-eligible properties.

Comment 17 – Eight County-Designated Resources

Although not a requirement under Section 106, staff recommends that MTA work with Planning staff to study eight County-designated historic resources to determine whether the project will have an effect on them, and if so, to identify appropriate mitigation measures.

This list includes eight resources that are designated in the Master Plan for Historic Preservation:

Chevy Chase Lake Trolley Station, #35/11
Madonna of the Trails statue, #35-14-2
Bethesda Post Office, #35/14-5
Brooks Photographers, #35/14-6
Community Paint and Hardware, #35/14-7
Tastee Diner, #36/13
Armory Place, #36/14
Little Tavern, #36/16

Comment 18 – Natural Resources

Planning staff has reviewed the sections of the FEIS regarding the natural environment. While we find that MTA has made significant effort to avoid and minimize adverse impacts along the ROW, additional minimization and mitigation details must be developed in collaboration with MNCPPC Parks and Planning for further refinement. We expect that MTA will continue to work with Parks and Planning staff to address these matters during final design, as well as in the Memorandum of Agreement to be developed between our agencies.

The specific design details to be worked through and concurred upon for areas outside of parkland, within the ROW and its perimeter, include:

- details and types of stormwater management facilities;
- additional habitat impact reduction;
- suitable habitat (tree) mitigation compensation;
- details on culverts with springs, seeps and/or perennial streams;
- neighborhood impacts mitigation;
- additional analysis and mitigation measures for secondary or minor activity areas such as the Chevy Chase Lake and Lyttonsville neighborhoods.

Planning staff would also like to see MTA go beyond regulatory minimums regarding but limited to the following areas:

- Noise mitigation measures for residents affected by “Moderate Impacts” (M-23, M-26, M-27A & M-28);
- Mitigation for specimen tree lost throughout the ROW;
- Additional use of “green tracks” beyond the Georgetown Branch where feasible, with preference for use in sensitive areas such as Rock Creek, Sligo Creek, Long Branch,

and Northwest Branch to reduce heavy metals, salt, organic molecules, and nutrients entering the receiving waterways;

- Protection of the colony of herons within the forested floodplain of Coquelin Run in close proximity to the ROW. Implement protection measures to ensure roosting grounds during brooding are undisturbed during the months of May through mid-June.

Comment 19 – Sligo Creek Trail

The Department of Parks and the Planning Department support widening the shared use path on the Wayne Avenue bridge to 14 feet wide, as well as enlarging the receiving area for the trail on the southwest side of the intersection.

Department of Parks Comments

Parks staff appreciates MTA's coordination on park impacts thus far and looks forward to working with MTA throughout the detailed design and construction phases of this project to address park impacts and associated mitigation and minimization measures. Below are the Department's general commitments/conditions, followed by specific impacts expected at each park affected by Section 4(f), and then proposed mitigation for parkland impacts. The Planning Board supports de-minimus findings (with mitigation) for all parks affected by Section 4(f), on the condition that MTA provides adequate mitigation and minimization measures for the project. The Planning Board expects the commitments and mitigation package to be incorporated into the Record of Decision (ROD) and into the MOA.

General Commitments/Conditions

Comment 20 – Stormwater Management/Erosion Control and Sediment Control

M-NCPPC's National Pollution Discharge and Elimination System (NPDES) MS4 permit compels us to incorporate stormwater retrofits for untreated impervious areas into infrastructure improvement projects. MTA should commit to retrofit outfalls onto parkland to treat previously untreated areas of roads, parking lots, etc. prior to discharge onto parkland.

Comment 21 – Forest Fragmentation and Stream Valley Buffer Impacts

MTA should commit to minimize tree loss and limit impacts to natural resources, particularly where the Purple Line project crosses stream valleys. This effort would include providing appropriate tree preservation measures and additional plantings to offset vegetative impacts.

Comment 22 – Stream Crossings

MTA should commit to utilizing environmentally sensitive designs at all stream crossings and improving existing riparian conditions.

Comment 23 – Interim Conditions/Park Modifications

MTA should commit to providing appropriate improvements to existing park facilities to accommodate the Purple Line and restore full functional usage of each park.

Comment 24 – Minimize Disruptions to Park Users

MTA should ensure that park facilities remain open during the construction of the Purple Line project, unless otherwise approved by the Department of Parks. This will involve providing temporary facilities and transitions, detours, public notifications, etc. as needed.

Comment 25 – Technical Review and Park Permits

All construction on parkland will require Parks' technical review and approval of the proposed designs and issuance of Park Construction Permits. MTA should commit to developing a coordination and review protocol that allows sufficient input throughout the design process in a timely manner with respect to staff workloads. Please note that should MTA desire a "fast-track" review process, they will likely need to provide additional resources to Parks staff, as other public agencies managing large scale projects with parkland impacts have done.

Specific Impacts Expected At Each Park

Comment 26 – Elm Street Urban Park

In addition to the Purple Line, numerous future and proposed projects will be impacting (or may impact) this park. These include developer-funded improvements to the playground, Montgomery County Department of Transportation's Capital Crescent Surface Trail, a proposed bike share station and possibly a new tunnel route for the mainline Capital Crescent Trail. The sequencing of these improvements is unknown. Therefore, MTA will need to provide an interim condition for the park that adequately provides for safely redirecting the Capital Crescent Trail through the park to 47th Street, while maintaining functional use of the rest of the park. This work shall be completed prior to closing the tunnel under Wisconsin Avenue, to accommodate diverted trail traffic passing through the park.

Comment 27 – Rock Creek Stream Valley Park

Although the Purple Line project will be primarily constructed within the Georgetown Branch right-of-way, it will still have impacts to park resources. MTA's design should improve stream valley conditions, including removal of the existing trestle bridge abutments in and adjacent to the stream channel to at least 18" below finished grade and appropriate channel stabilization. MTA must also connect the CCT to the Rock Creek Trail and should improve the trail where it passes under the new bridges to reduce sedimentation problems and incorporate sustainable trail design elements. Finally, consistent with Planning Department recommendations, MTA should design the new transit line bridge and Capital Crescent Trail bridge as signature facilities with aesthetic considerations for park users. Likewise, MTA should also design all associated retaining walls in the stream valley with aesthetic consideration for park users.

Comment 28 – Sligo Creek Stream Valley Park

When MTA reconstructs the Wayne Avenue bridge over Sligo Creek to accommodate the Purple Line project, MTA should design the bridge as an environmentally sensitive crossing, realigning the stream in a stable plan form to pass under the new bridge, extend the upstream and downstream limits of stream restoration in consultation with Parks, and provide appropriate grade control, aquatic habitat, and stabilization of the new channel. MTA will need to provide interim conditions to maintain access to the playground, parking lot, and trail during construction. The finished design should provide functional use, stormwater management retrofits for existing untreated impervious areas, and ADA access for the playground, trail, and parking lot areas. Parks staff notes that the Wayne Avenue bridge is entirely on parkland; it is not along a dedicated right-of-way or on an easement.

Comment 29 – Long Branch Local Park & Long Branch Stream Valley Park

The Department of Parks considers the access restrictions to the pool and recreation center to substantially impair the park's operation and substantially diminish the use by park patrons. To provide functional use of the existing park, MTA should reimburse M-NCPPC for the purchase price of the Miles Glass Company property (bought to maintain adequate access). MTA will need to construct a new driveway entrance off Piney Branch Road to align with Barron Street and redesign the existing parking lot to accommodate the widening of Piney Branch Road and the new park entrance. Additionally, MTA should take responsibility for realigning the Long Branch Trail to cross Piney Branch Road at Barron Street and parallel the new driveway as it enters the park. This reconfiguration will also require stormwater retrofits and ADA access for the new park entrance/driveway and the new segment of park trail. The existing box culvert that carries Long Branch stream under Piney Branch Road is inadequate for the drainage it currently conveys, and extending the existing culvert to accommodate the new road/train cross section will further impair the stream system. MTA will need to replace and/or augment the existing box culvert under Piney Branch Road to create an environmentally sensitive crossing and provide stream improvements both upstream and downstream of the road crossing for long term stream stability and fish passage.

Comment 30 – New Hampshire Estates Neighborhood Park

Construction of the Purple Line along University Boulevard will require significant parkland impacts to widen the road's right-of-way. The project also will reconstruct the portion of University Boulevard across the park's frontage. This will restrict pedestrian access and eliminate vehicular access to the parking lot during construction. To provide an interim condition for the park, MTA must provide alternative access to the park's facilities during construction, as well a temporary replacement parking area dedicated to park users. MTA also must provide for functional use of the park following the Purple Line (but preceding the construction of Gilbert Street extended, recommended in the Long Branch Sector Plan). The design must provide full restoration of all amenities directly and indirectly impacted by the Purple Line to create a park user experience equal to or better than the current conditions. MTA also must replace all parkland lost throughout the corridor in the Long Branch community, ideally adjacent to this park.

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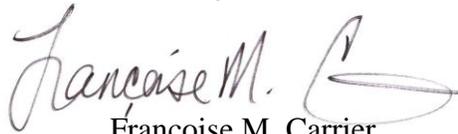
Proposed Mitigation for Parkland Impacts:

- Reimbursement for the purchase of the Miles Glass Company property
- SWM retrofit of the entire Long Branch Local Park
- SWM retrofit for the Long Branch Library site
- SWM retrofit for the untreated impervious areas draining to the existing ditch on the eastern boundary of New Hampshire Estates Neighborhood Park
- Sligo Creek stream restoration between Schuyler Road and Bradford Road

Finally, our staff memo for the Purple Line agenda item on October 17, 2013 includes additional detail on issues more closely related to any Memorandum of Agreement with this or other agencies, and other issues (largely related to the Capital Crescent Trail) in which the Planning Board role is generally advisory in nature. We encourage MTA to review the entire [staff memo](#) as it outlines many issues to be addressed in the development of the upcoming MOA's and the Mandatory Referral.

Thank you again for the opportunity to comment on the Purple Line Final Environmental Impact Statement and Draft 4(f) Evaluation.

Sincerely,

A handwritten signature in cursive script that reads "Françoise M. Carrier". The signature is written in dark ink and is positioned above the printed name.

Françoise M. Carrier
Chair

cc: Nancy Navarro, President, Montgomery County Council
Art Holmes, Director, Montgomery County Department of Transportation
Elizabeth M. Hewlett, Chair, Prince George's County Planning Board