



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item No. 15
7-25-02

July 19, 2002

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Jeffrey Zyontz, Chief
County-wide Planning Division

John Carter, Chief
Community-Based Planning Division

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Transportation Planning
Countywide Planning Division

FROM: Daniel K. Hardy, Supervisor (301-495-4530)
Transportation Planning
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SUBJECT: MD 28/MD 198 Corridor Improvement Study
Maryland Department of Transportation Project No. MO 886B11
Planning Board Briefing on Alternates Retained for Detailed Study (ARDS)

RECOMMENDATION: Transmit recommendations on alternates retained for detailed study to the Maryland State Highway Administration (SHA):

1. The Montgomery County Planning Board supports the implementation of those improvements in the MD 28/MD 198 corridor that are consistent with the approved and adopted Aspen Hill, Cloverly, and Fairland Master Plans. Alternate 3 (Master Plan Features Alternate) should be carried forward as an Alternate Retained for Detailed Study (ARDS). During the detailed study process, additional evaluation should be conducted to best match optional design elements with the needs of both the adjacent community and the traveling public.
2. The Minimization/Avoidance Options that create an independent roadway alignment around Spencerville (Option B and Option C) should not be designated as ARDS. Sufficient information has been produced to determine that these options, while avoiding impacts to certain important historic and parklands

resources, would not reduce overall environmental impacts and would cause far greater community impacts than widening MD 198 to four lanes along the existing alignment.

3. Within Spencerville, the ARDS description of Alternate 3 should be consistent with the Master Plan. Two design elements being considered by SHA in the vicinity of Spencerville are consistent with wording contained in the Cloverly Master Plan:
 - a. A narrow median
 - b. A continuous pedestrian facility (either the Class I bicycle path or a sidewalk) along only one side of the roadway

Relocation of the Class I (off-road) bicycle path to an alignment independent of the roadway alignment might also be considered consistent with the Master Plan.

ORGANIZATION OF MEMORANDUM

This memorandum contains the following sections:

- 1) Study process and schedule
- 2) Alternates description
- 3) Summary of public comments
- 4) Review of study issues

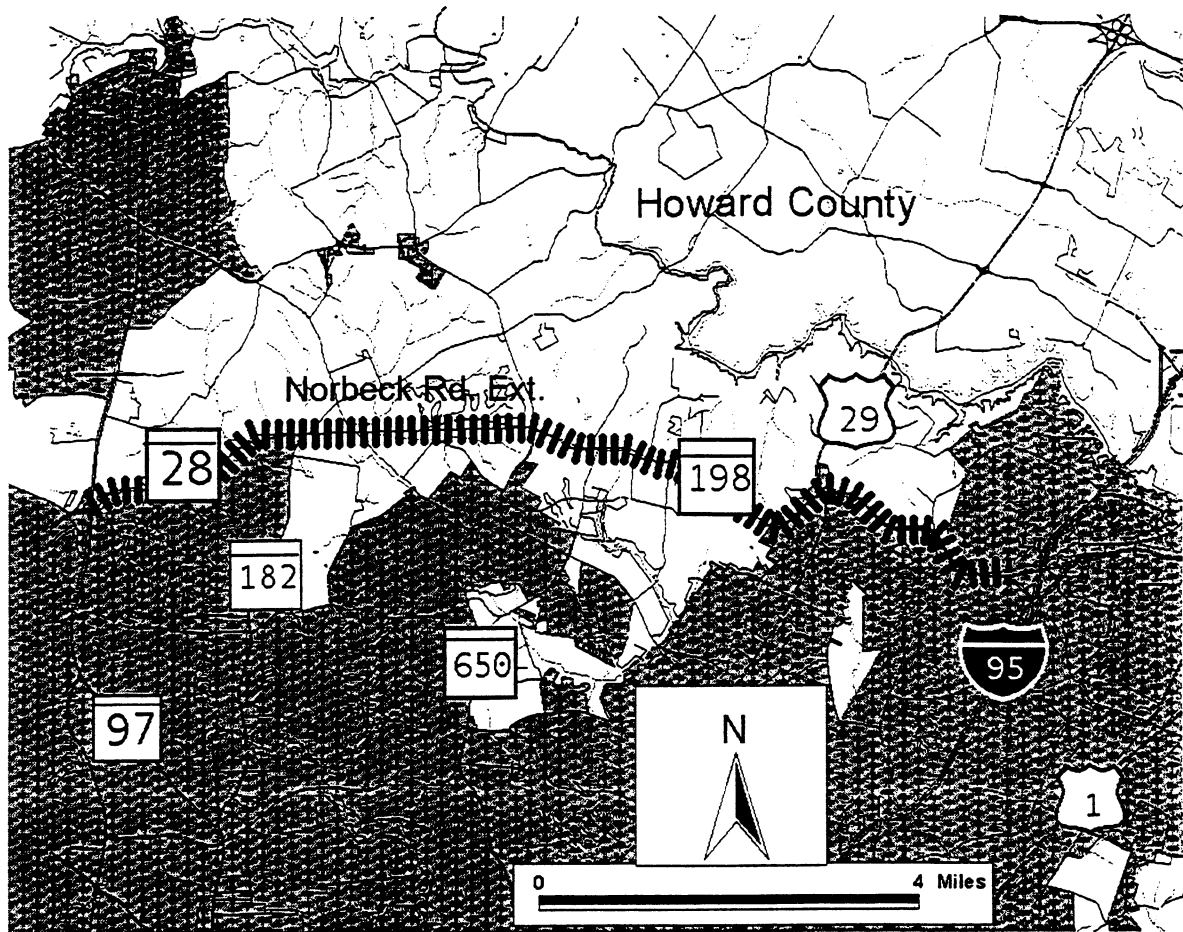
STUDY PROCESS AND SCHEDULE

The Maryland State Highway Administration (SHA) is conducting the MD 28/MD 198 Corridor Improvement Study to examine transportation capacity and safety improvements in the nearly 11-mile corridor between MD 97 (Georgia Avenue) and I-95. Exhibit 1 shows the study area.

SHA's project planning study is being conducted following the process required by the National Environmental Policy Act (NEPA) regulations for federally funded projects. The study will prepare a Draft Environmental Impact Statement (DEIS) and a Final Environmental Impact Statement (FEIS). SHA anticipates DEIS publication during the summer of 2003 and FEIS publication during the autumn of 2004.

SHA held an Alternates Public Meeting on June 4, 2002, to present the alternates currently under consideration. SHA is currently selecting the range of alternates, termed Alternates Retained for Detailed Study (ARDS), to be documented in the DEIS. **The purpose of the Planning Board briefing is to develop Planning Board comments to transmit to SHA to inform the selection of ARDS.** SHA will also consider comments from the general public; the project Focus Group; other local, state and federal agencies; and elected officials in selecting ARDS.

Figure A. MD 28/MD 198 Corridor Improvement Study Limits



 Priority Funding Area

Staff emphasizes that the purpose of selecting alternates to be retained for detailed study is to learn more about the costs and benefits of each. After the detailed study of these alternates, the study team will recommend a single alternate to submit to the Federal Highway Administration for Location and Design approval. The decision to include an alternate in the ARDS process is not an endorsement of that alternate, but merely a recognition that more information is needed about that alternate. On the flip side, if an alternate can be rejected prior to the ARDS process, the amount of uncertainty associated with the study can be reduced.

ALTERNATES DESCRIPTION

This section of the memorandum briefly describes the alternates presented by SHA at the June 4 Alternates Public Meeting. The alternates are described in greater detail in the Alternates Public Meeting Brochure, attached to the copies of this memorandum distributed to Planning Board members. Others may pick up the brochure at Room 105 in the Montgomery Regional Office, 8787 Georgia Avenue in Silver Spring or request the brochure from SHA's Project Manager, Shawn Burnett, at 1-800-548-5026. The most relevant fold-out exhibits from the brochure are attached to all copies of this memorandum:

- Attachments A and B contain typical sections for Alternates 1 and 3 for the western and eastern sections of the study area, respectively
- Attachment C shows the location of the Minimization/Avoidance Options A, B, and C
- Attachment D summarizes the environmental impacts (and reflects the version distributed at the June 4 meeting, updated from the version contained in the Brochure in part to incorporate estimates of impervious surface within the Upper Paint Branch Special Protection Area).

The three alternates and minimization/avoidance options are described briefly below.

Alternate 1 is the **No-Build** Alternate. This alternate includes regional transportation improvements included in the MWCOC Constrained Long Range Plan (CLRP) through the year 2025.

Alternate 2 is the **Transportation Systems Management (TSM)** Alternate, which includes spot improvements including turn lanes at intersections; reducing sharp curves, dips, or crests; and improving access management through driveway consolidation or consideration of a center left-turn lane in certain locations. The brochure suggests locations where one or more of these improvement strategies would be appropriate, although further analysis and refinement would occur during detailed study.

Alternate 3 is the **Master Plan Features** Alternate, which includes widening MD 28, Norbeck Road Extended, and MD 198 to four lanes throughout the study corridor within Montgomery County, generally respecting the guidance contained in the area Master Plans. The Master Plans contain a wide range of recommended treatments along the corridor, reflecting the diverse goals and objectives of the communities served by MD 28 and MD 198. The basic Master Plan recommendations are shown in Exhibit 2.

Three **Minimization and Avoidance Options** have been developed in the vicinity of Spencerville in response to federal legal requirements that mandate evaluation of avoidance options in the case of parklands and historic sites per Section 4(f) of the U.S. Department of Transportation Act of 1966:

- **Option A** entails a shift of the Master Plan right-of-way to the south along the existing alignment of MD 198 between Good Hope Road and Allnut Lane.
- **Option B** includes a new roadway diverging approximately 600 feet south of the existing alignment between Good Hope Road and Peach Orchard Road
- **Option C** includes a new roadway diverging approximately 2,000 feet south of the existing alignment between Good Hope Road and Kruhm Road

The two options on new alignment, Option B and Option C, were considered in two configurations. One configuration would build the new roadway as a new, four-lane divided roadway within a typical 120-foot right-of-way, leaving existing MD 198 as a local road. The other configuration envisions a one-way roadway couplet. The new roadway would be constructed for eastbound travel only as a two-lane, one-way roadway within a typical 70-foot right-of-way. Existing MD 198 would be converted to a one-way roadway for westbound travel only.

SUMMARY OF PUBLIC COMMENT

The study has included a substantial level of public involvement. SHA formed a Focus Group of local residents, community leaders, and business owners to assist in identifying and resolving planning and design issues. The study team meets with the Focus Group approximately every two to three months. These Focus Group meetings are open to the general public and have attracted significant interest, including a March 13, 2002 meeting attended by approximately 250 people.

Approximately 300 people attended the June 4 Alternates Public Meeting, and SHA received comments in support of each of the three basic alternates presented. SHA's summary of public comments is included as Exhibit 3. As shown in Exhibit 3, SHA received 116 comment cards that indicate:

Table 6. Master Plan Typical Sections Along the MD 28/MD 198 Corridor

Master Plan	Route	FROM	TO	Min. ROW	No. of Lanes	Bikeway Class ³	Sidewalk
Aspen Hill ¹	MD 28	East of MD 97	MD 182	150'	4-lanes, divided	Class 2	Both sides
Cloverly	NRE ⁴	MD 182	MD 650	150'	4-lanes, divided	Class 1 (N) ⁵	South Side
Cloverly ²	MD 198	MD 650	Thompson Road	120'	4-lanes, divided	Class 1 (N)	South Side
Cloverly ²	MD 198	Thompson Road	360' east of Batson Road	70'	4-lanes, undivided	Class 1 (N)	South Side
Cloverly ²	MD 198	360' east of Batson Road	Oursler Road	120'	4-lanes, divided	Class 1 (N)	South Side
Fairland ²	MD 198	Oursler Road	Old Columbia Pike	120'	4-lanes, divided	Class 2	South Side
Fairland	MD 198	Old Columbia Pike	U.S. 29	120'	4-lanes, divided	Class 1 (S) ⁵	North Side
Fairland	MD 198	U.S. 29	County Line	120'	4-lanes, divided	Class 1 (S)	None
Subregion I	MD 198	County Line	I-95	120' – 150'	6-lanes, divided	None	None

Notes:

¹The Aspen Hill Master Plan designates MD 28 as a Green Corridor with the intent that special landscaping and control of access by service roads be applied where feasible.

²These segments are contained within the Upper Paint Branch Special Protection Area; an open section roadway with no curb and gutter is called for in the master plan.

³Bikeway Class 1 is defined as an off-road bike path, and Bikeway Class 2 is defined as an on-road bike lane.

⁴Norbeck Road Extended (See Related Projects discussion in this brochure)

⁵(N) = north side of roadway, (S) = south side of roadway

MD 28/MD 198 Corridor Improvement Study
Results from June 4, 2002 Alternates Public Workshop

- 303 people attended
- 3 elected officials (Delegates Dembrow and Sher, Councilmember Praisner) and 2 candidates for State Delegate attended
- Verbal comments received ranged from “build it now” to “it may not be a transportation problem”
 - A few focus group members felt one rendering and alternate advantages and disadvantages listings were misleading
 - Several citizens thought an opportunity was missed by not having a new road alignment south of Union cemetery
 - Serious concerns were noted from neighborhoods near the new alignment options
 - Burtonsville business owners requested a meeting with the study team
 - Some citizens asked about a northern bypass of Spencerville
 - Several requests were made to consider installation of traffic signals
 - Many questioned relationship to ICC
 - Concerns about noise and trucks were noted
 - Mixed reactions to considerations of bike lanes/trails and sidewalks
 - Some recognition of existing geometry problems

▪ Written Comments received include:

General Pro Construction	15
<i>Also mentioned Pro ICC on master plan alignment</i>	6
Pro Master Plan Features Alternate	49
<i>Also mentioned Anti Options B & C</i>	30
Pro Section 4(f) Avoidance/Minimization Options B & C	6
<i>Also mentioned Pro south of Union Cemetery</i>	3
<i>Also mentioned Pro northern bypass</i>	1
Pro TSM Alternate	6
<i>Also mentioned Anti ICC</i>	3
<i>Also mentioned Pro 3-Lane Option</i>	1
Pro No-Build Alternate	11
Other Comments	16
<i>(Take into account other area projects, in favor of TDM measures, consider safety, don't rely too heavily on master plans, suggest locations for access roads and turn lanes on cross streets, consider environmental justice communities, in favor of pedestrian/bicycle facilities, want sound barriers)</i>	
Improve MD 28/Whitehaven Rd Intersection	13
Total Number of Comment Cards	116

- Substantial support in favor of the Master Plan Features Alternate (49 comments)
- Substantially greater opposition to (30 comments) than support for (6 comments) the minimization/avoidance Options B and C.

The focus of public interest has been on the consideration of new roadway alignments around Spencerville. SHA presented three such concepts as Concepts 5A, 5B, and 5C in March 2002; the shorter two are currently named Options B and C. These alignments have caused great public concern because the alignments are clearly inconsistent with the Cloverly Master Plan, would likely increase impervious surface within the Upper Paint Branch Special Protection Area (SPA), and are reminiscent of the Northern Alignment Alternative options from the Intercounty Connector DEIS. The concerns are expressed in the following documents attached to this memorandum:

- Attachment E: County Council letter to SHA Administrator Parker Williams dated March 11, 2002
- Attachment F: Letter from Chairman Holmes to SHA's Administrator Parker Williams dated March 20, 2002
- Attachment G: Focus Group statement February 2002
- Attachment H: Focus Group interim report dated April 22, 2002.

Staff feels that SHA has acted appropriately in balancing both the concerns of federal agencies tasked with particular resource protection mandates and the concerns of citizens and elected officials who have relatively recently completed the master planning process. Staff commends SHA for their recognition that addressing the concerns of both these constituent groups is critical to implementing the Master Plan recommendations.

DEVELOPMENT OF STAFF RECOMMENDATIONS

This section of the memorandum provides the staff rationale for development of the six comments suggested for transmittal to SHA.

Comment #1 Regarding Master Plan Implementation

The County Council and Planning Board have previously indicated their support for expediting implementation of the four-lane roadway along MD 28, Norbeck Road Extended, and MD 198, as recommended in the area Master Plans. The Master Plans typically provide some flexibility to customize improvements to best serve the immediately adjacent communities.

The detailed study process will need to establish the appropriate compromises between several, usually competing, objectives to be incorporated affordably within a limited amount right-of-way. These objectives include:

- Providing a safe, four-lane, roadway,
- Providing appropriate facilities for safe pedestrian use, particularly where access to community facilities or bus stops is anticipated,
- Considering the needs of both the commuter and recreational cyclist,
- Minimizing impervious surface within the Upper Paint Branch Special Protection Area,
- Limiting impacts to other environmental and cultural resources,
- Incorporating landscaping treatments

Staff supports the study of several optional treatments within Alternate 3 during the detailed study process to examine these tradeoffs within each affected community, as exemplified by the optional cross-sections shown in Attachments A and B, including:

- Location and types of service roads (two-way roads on one side versus one-way roads on both sides) along MD 28 in Aspen Hill
- Consideration of both open section (drainage swales) and closed section (curb and gutter) designs for the portions of MD 198 within the Upper Paint Branch SPA to examine the tradeoffs between right-of-way requirements, impervious surface area, and stormwater management quality.
- Consideration of a reduced cross-section adjacent to the Union Cemetery to reduce impacts
- Consideration of multiple cross-sections within Burtonsville, including varied median widths and a five-lane undivided cross section. The success of the Burtonsville design hinges upon managing, yet maintaining, property access adequately.

Comment #2 and Comment #3 Regarding Spencerville

Staff finds that sufficient information exists to recommend that **Option B and Option C not be carried forward as ARDS**. The staff recommendation is based on SHA's quantification of environmental impacts, Master Plan guidance, and public comment.

SHA Quantification of Environmental Impacts

At this stage of the NEPA process, prior to conducting detailed alignment and environmental studies, the environmental impacts cannot be assessed with great precision. Therefore, the quantities shown in Attachment D contain ranges, and those ranges are particularly wide for residential displacements and capital costs.

Exhibit 4 provides an excerpt of the relevant columns of tabular data from Attachment D, comparing the total impacts for project alternates between MD 650 (New Hampshire Avenue) and US 29. For most of the categories listed, the ranges of impacts overlap, so that neither Alternate 3 nor any of the minimization/avoidance alternates can conclusively be found to have the greatest or least quantitative impacts.

Staff is particularly concerned with the amount of impervious surface within the Upper Paint Branch SPA. Exhibit 4 indicates that the range of impervious surface associated with Options B and C reflect the consideration of the one-way couplet configuration. The lower estimates of impervious surface reflect the one-way couplet configuration. The higher estimates of impervious surface reflect the two-lane, two way roadway configuration. Exhibit 5 provides a comparison of SHA's estimate of SPA impervious surface reflecting each configuration separately.

Exhibit 5. Effect on Upper Paint Branch Special Protection Area

Alternate Treatment in Vicinity of Spencerville	Additional Impervious Acreage in Upper Paint Branch Special Protection Area
Alternate 3	~13 acres
Option A	~13 acres
Option B as one-way pair	~13 acres
Option B as two-way roadway	~17 acres
Option C as one-way pair	~14 acres
Option C as two-way roadway	~20 acres

The quantitative summary suggests that, if built as part of a one-way couplet, Option B and Option C would be essentially equivalent, in terms of the amount of impervious surface, as widening existing MD 198.

Staff recognizes that the impacts of widening MD 198 through the SPA, as recommended in the Fairland and Cloverly Master Plans, will necessarily increase impervious surface in the corridor. Means to minimize impervious surface throughout the SPA, mitigate related water quality impacts, or otherwise reconcile the County's conflicts between adopted transportation policy and environmental law will be examined during the subsequent detailed study process.

There are two criteria by which Alternate 3 and Option A are both clearly superior to either Option B and Option C:

TABLE 5 MD 28/MD 198 CORRIDOR IMPROVEMENT STUDY PRELIMINARY ALTERNATES ENVIRONMENTAL IMPACT SUMMARY	NO BUILD ALTERNATE ALT. 1	MASTER PLAN FEATURES ALTERNATE ALTERNATE 3				OPTIONS							
		MD 97 TO MD 182	MD 182 TO MD 65	MD 650 TO US 29	US 29 TO I-95	MINIMIZATION/AVOIDANCE *							
		MD 97 TO MD 182	MD 182 TO MD 65	MD 650 TO US 29	US 29 TO I-95	OPTION A	OPTION B'	OPTION C'	US 29 TO I-95				
Range of Displacements (number)													
Residential	0	4-18	0	5-37	1-2	10-57	12-30	10-26	11-27	1-5			
Business Commercial	0	0	0	1-7	2-3	3-10	1-11	1-6	1-6	2-3			
TOTAL	0	4-18	0	6-44	3-5	13-67	13-41	11-32	12-33	3-18			
Range of Properties from which right-of-way would be													
Residential	0	95-105	0	100-110	20-24	215-23	105-115	56-66	54-64	22-26			
Business/Commercial	0	0-3	0	30-35	17-21	47-59	30-35	32-38	32-38	17-21			
Parkland	0	0-1	0	1	0	1-2	0	0	0	0			
Place of Worship/School	0	0-2	0	4-6	0	4-8	4-6	4-6	4-6	0			
Historic/Archeological	0	0	0	3-5	0	3-5	0	0	0	0			
TOTAL	0	95-111	0	138-157	37-45	270-313	139-156	92-110	90-108	39-47			
Range of Right-of-Way Area Required (acres)													
Residential	0	12-15	0	19-23	1-4	32-42	19-23	17-25	21-30	2-5			
Business/Commercial	0	0-1	0	3-5	6-8	9-14	4-6	5-7	6-8	6-8			
Parkland	0	0-2	0	0.3-1	0	0.3-3	0	0	0	0			
Place of Worship/School	0	0-2	0	0-2	0	0-4	0-2	0-2	0-2	0			
Historic/Archeological	0	0	0	0.2-2	0	0.2-2	0	0	0	0			
TOTAL (acres)	0	12-20	0	22.5-33	7-12	41.5-65	23-31	22-34	26-40	8-13			
Range of Selected Natural Environmental Impacts													
Number of Stream Crossings	0	0-2	6-8	0	0	6-10	0	1	2	0			
100-Year Floodplain Affected (acres)	0	0-1.5	2-4	0	0	2-5.5	0	0	0.5-1.0	0			
Wetlands Affected (acres)	0	0	0-1	0	0	0-1	0-1	1-2	0-1	0			
Waters of the U.S. Affected (linear feet)	0	250-350	500-700	0-50	0	750-110	0-50	0-200	0-350	0			
Woodlands Affected (acres)	0	5-10	0	1-5	0-5	6-20	0-5	3-7	4-8	0-5			
Additional Impervious Area in UPBSPA ¹ (acres)	0	-	-	13.2-13.8	-	13.2-13	13.2-13.8	13.1-16.9	14.2-20.4	-			
Estimated Range of Cost (\$ Millions)	0	44-61	11-17	65-100	28-32	148-211	75-110	60-105	68-110	40-50			

*The ranges shown for Options B and C reflect consideration of a two-lane (rather than four-lane) configuration along the alignments and within the limits shown on the display.

¹Archeological impacts to be determined.

²UPBSPA = Upper Paint Branch Special Protection Area

³Minimization/Avoidance of impacts to Section 4(f) resources (e.g. federally

"Excerpted from Attachment D"

- Option B and Option C both likely include increased woodlands and wetlands impacts
- Option B and Option C both include new stream crossings.

Staff is particularly concerned about the increased wetlands and stream crossings because they occur in the upper headwaters of the Left Fork and Right Fork tributaries of the upper Paint Branch. The Planning Board has established a practice of protecting these subwatersheds through the creation of stream valley parkland via dedication during the subdivision process. Therefore, while these stream crossings of Option B and Option C do not require the acquisition of existing parklands protected by Section 4(f), they do cross areas proposed as future parkland.

Staff finds that Exhibit 4 shows that Option A best achieves the minimization/avoidance objectives (no historic sites or parkland impacts). The primary concern with Option A is that, by shifting the alignment to the south, there is a greater likelihood that additional residential properties on the south side of MD 198 would be displaced. Exhibit 4 shows that Option A entails a minimum of 12 displacements compared to a minimum of 5 displacements for Alternate 3.

Master Plan Guidance

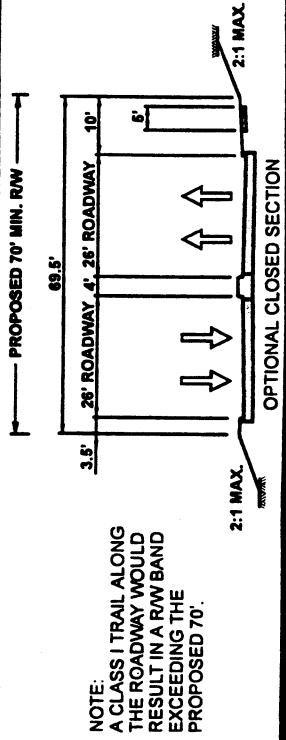
Staff finds that Option B and Option C are clearly inconsistent with the Cloverly Master Plan. The introduction of a new major highway alignment would disrupt existing communities and violate long-standing expectations established through the master planning process.

SHA staff have expressed concerns, however, that even absent the Section 4(f) constraints, it might not be possible to construct a safe and adequate four-lane roadway through Spencerville. Exhibit 6 (a enlargement of the relevant portion of Attachment A) shows the two optional cross-sections within Spencerville currently suggested by SHA. The rightmost of the two typical sections shown in Exhibit 6 is based on the illustrative drawing contained in Figure 19 of the Cloverly Master Plan, shown in Exhibit 7. This typical section includes an undivided four-lane roadway with landscape panels supporting street trees, a sidewalk on one side of the road and a Class I (off-street) bike path on the other side of the road. SHA has noted that there are substantial safety concerns with this cross-section, based on the narrow lanes and undivided roadway section.

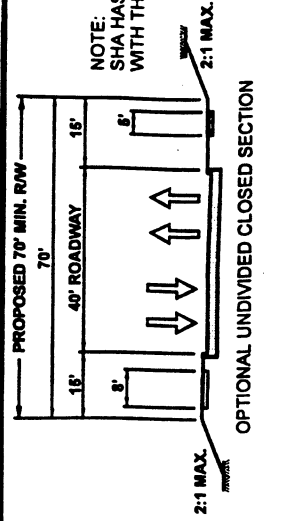
SHA staff have indicated that the safety concerns associated with a four-lane undivided roadway may preclude the agency from selecting this typical cross-section. SHA has therefore developed the other optional closed cross-section within Spencerville shown in Exhibit 7 that includes a narrow, continuous median and would either eliminate the bike path, relocate it to a different parallel alignment, or require more than 70 feet of right-of-way.

"Excerpted from Attachment A"

PROPOSED MASTER PLAN FEATURES ALTERNATE TYPICAL SECTIONS ALTERNATE 3



SEE NOTE 2



4-THOMPSON ROAD
TO EAST OF
BATSON ROAD

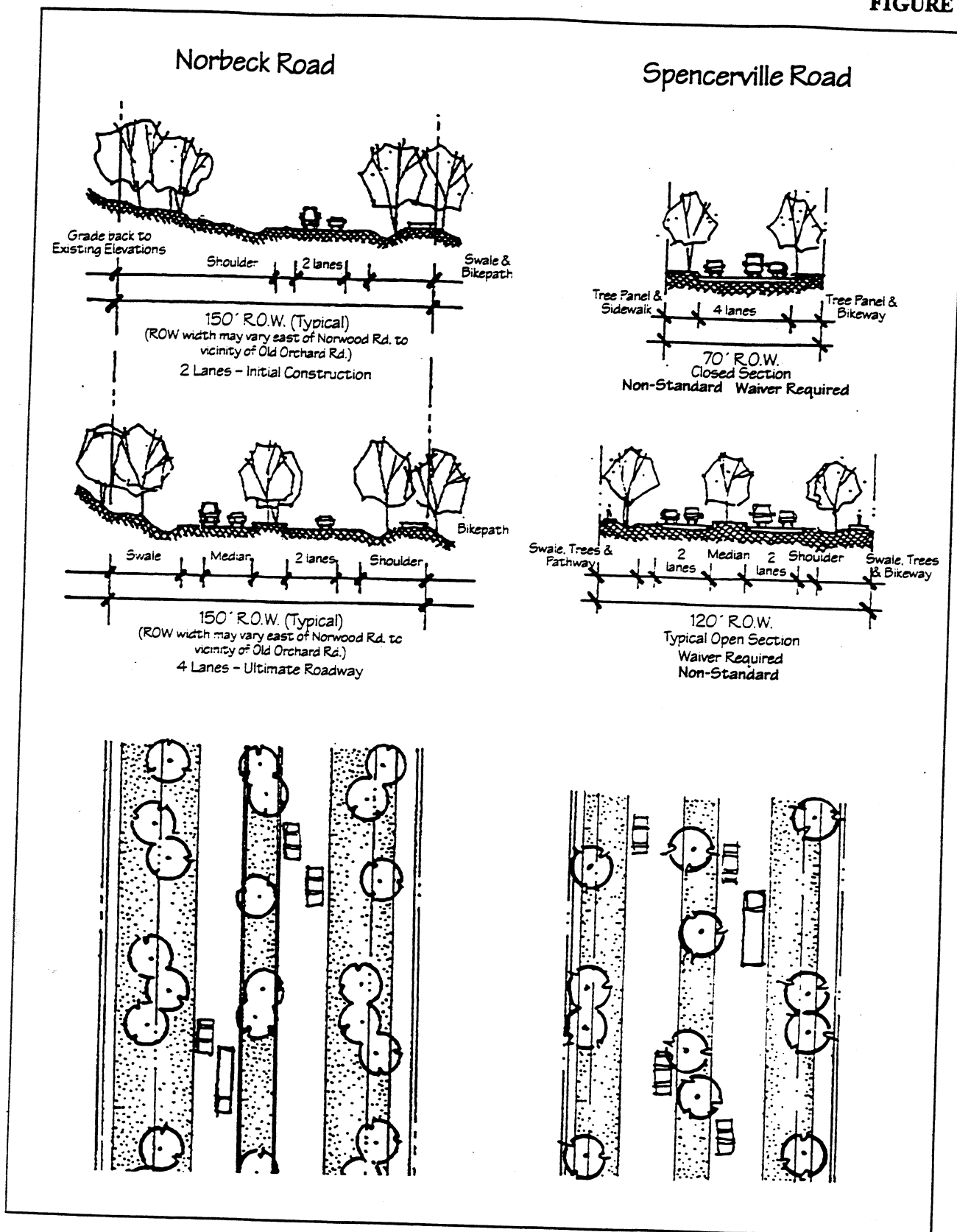
MASTERY PLAN
CLOVERLY

- NOTES:
1. REFER TO DISPLAYS 2a AND 2d FOR THE TYPICAL SECTION OF THE 3-LANE IMPROVEMENT BEING CONSIDERED IN SOME AREAS UNDER ALTERNATE 2.
 2. APPLICATION OF OPEN VERSUS CLOSED SECTION AND THE VALUE OF INCLUDING SIDEWALK IN THESE SEGMENTS WILL BE CONSIDERED IN REGARDS TO THE UPPER PAINT BRANCH SPECIAL PROTECTION AREA.

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NORBECK ROAD EXTENDED AND SPENCERVILLE ROAD

FIGURE 19



Staff finds that the Cloverly Master Plan provides sufficient flexibility to consider concepts other than the illustrative cross-section shown in Figure 19.

- Regarding the undivided roadway, page 50 of the Cloverly Plan states, **“Use medians where feasible** to improve pedestrian and vehicular safety by channelizing turning movements, consolidating access points, and providing areas for pedestrians to wait while crossing streets.”
- Regarding sidewalks on both sides of the street, page 62 of the Cloverly Plan states, “provide sidewalks on both sides of new roads and when existing roads are improved. **The construction of sidewalks and paths along one side of a road may be acceptable to limit environmental impact”**
- Regarding the right-of-way, page 45 of the Cloverly Plan states, “Widen Spencerville Road (MD 198) to 4 lanes between New Hampshire Avenue and Oursler Road. This Plan recommends that the right-of-way be reduced [from the 120’ recommended elsewhere in the planning area] to **approximately 70 feet** in the commercial area between Thompson Road and 360 feet east of Batson Road.” (Text in brackets added for context.)

Each of these guiding statements from the Master Plan contains terms that require contextual judgment, such as “where feasible”, “may be acceptable”, and “approximately”. It is, therefore, not possible to give SHA greater guidance at this time, prior to the detailed study process, on more specific hypothetical questions such as:

- Whether a continuous median that would limit all access to right-in, right-out only through Spencerville is feasible,
- The value of pedestrian and bicycle safety versus the environmental impact of increased impervious surface in this area, or
- Whether a typical section that would be, say, 75 or 80 feet is the same as “approximately 70” feet.

However, staff feels it is appropriate to clarify the flexibility the Cloverly Master Plan does provide. We encourage creative development and refinement of alternatives that apply that flexibility through context-sensitive design.

SHA staff has also suggested that relocating the Class I bikeway from the MD 198 right-of-way to a parallel, off-road alignment, would reduce the typical section width required within Spencerville. Such an approach would be similar to the options considered for incorporating the US 29 commuter bikeway described in the Fairland Master Plan into the design of the US 29 interchanges. **Staff recommends, therefore, that should a bike path on independent alignment bike path be feasible, it would also be considered consistent with the Master Plan.**

In summary, staff believes that design treatments exist that will allow the study team to develop a treatment that accomplishes the objective of providing an acceptable four-lane roadway along the existing alignment while maintaining Master Plan consistency and enhancing the community.

Public Comment

As previously described, the focus of public testimony on the project has been in opposition to new roadway alignments around Spencerville. There are times where the technical evidence provides compelling reason for making unpopular decisions. Staff believes that this is not one of those times.

The quantitative evidence produced to date suggests that the one-way couplet treatments in the avoidance/minimization Options B and C are, from a purely mathematical perspective, relatively equivalent to Alternate 3. The evidence also indicates that Option A is relatively equivalent to Alternate 3. In summary, the quantitative data does not, by itself, compel a recommendation either for or against further study.

If substantial public comment indicated support for a new alignment (as is the case, for instance, in the Brookeville Bypass study), staff could use the quantitative data to support further study. However, the public opposition regarding a new alignment has been loud and clear. Therefore, staff recommends dropping Option B and Option C from further consideration.

Other Issues

Two other issues that merit description at this point in the study are briefly presented below. The first issue concerns one option included in Alternate 3 (Master Plan Features Alternate) that is inconsistent with the Fairland Master Plan. The second concerns further study of Alternate 1 and Alternate 2.

Number of Lanes Between US 29 and Prince George's County

The Fairland Master Plan recommends a four-lane typical section within a 120' right-of-way for MD 198 throughout the Planning Area. Attachment B includes a suggested six-lane cross-section along MD 198 between US 29 and Prince George's County. Staff notes that the suggested six-lane cross-section is inconsistent with the Fairland Master Plan.

SHA suggestion to study a six lane section has been questioned by Focus Group members and Councilmember Praisner. The Focus Group will not have an opportunity to discuss this issue until September. Two factors influenced SHA's suggestion to consider a six-lane typical section:

- For regional consistency with the Subregion I Plan in Prince George's County that recommends a six-lane section beginning at the County line
- The design process for the interchange US 29/MD 198 interchange resulted in a recommended concept that includes a six-lane section on MD 198.

Staff notes that the Fairland Master Plan recommendation for four lanes is influenced not by right-of-way limitations or consistency with the Prince George's County plan. Instead, the recommendation is based on anticipated travel needs and community compatibility. Some members of the community would view a six-lane section as the "foot in the door" for a six-lane widening throughout the study limits. These citizens would not want regional travel demand concerns to trump the community character and environmental protection concerns under any circumstances. Neither the Fairland Master Plan analyses nor the Transportation Policy Report analyses indicated that a six-lane typical section was required on MD 198 between US 29 and I-95.

SHA's travel forecasts used to develop the US 29/MD 198 interchange design suggest that some, but not much, additional capacity exists in this segment to accommodate year 2020 traffic at minor intersections with a four-lane typical section. SHA has not yet forecasted the traffic volumes for build alternates on the MD 28/MD 198 study. These forecasts, when completed, will be for the year 2025, rather than 2020.

The design process for the US 29 interchange with MD 198 involved substantial community review and comment and resulted in a recommended concept that includes six lanes in both directions on MD 198 between existing US 29 and the vicinity of Star Pointe Drive. The recommended interchange design has proceeded through the mandatory referral process without discussion of a Master Plan amendment, because the extent of the MD 198 widening is relatively minor and arguably consists of "auxiliary", or turning lanes at new signalized intersections.

Staff finds that there is insufficient information at this time to comment on the need for further study of a six-lane option. Staff expects SHA to complete the analysis of the existing typical section and document its adequacy to accommodate year 2025 travel demands for Alternate 3. If SHA conclude that a six-lane section is required between the US 29 interchange and the Prince George's County line, staff would not consider this extent of widening to be "auxiliary" lanes, and the six-lane section therefore would be contrary to the Master Plan in the absence of a master plan amendment.

Further Study of Alternate 1 and Alternate 2

Staff expects that Alternate 1 (No-Build) and Alternate 2 (TSM) will be retained as ARDS, based on NEPA practice and public comment. Neither Alternate satisfies the Planning Board and County Council objective of implementing the four-lane roadway

section recommended in the Master Plans. However, the NEPA process typically requires retention of the No-Build alternate as a measure by which cost-effectiveness can be gauged. Most NEPA studies also include a TSM alternate to determine the relative cost-effectiveness of minor versus substantial capital expenditures. Substantial civic interest also exists in supporting the types of improvements identified in the TSM alternate. By retaining the TSM alternate, the rationale for Planning Board and County Council support for near-term Master Plan widening can be better documented.

DKH:cmd

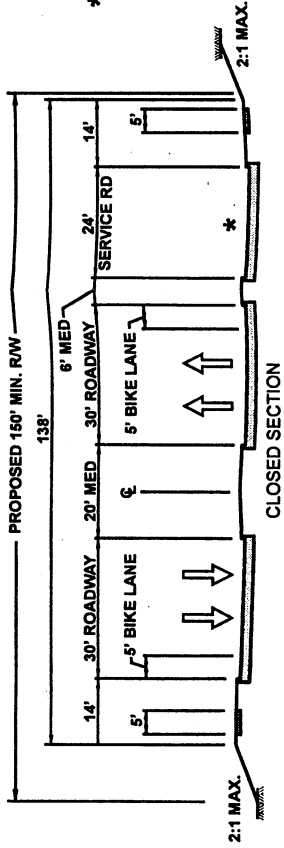
cc: Councilmember Marilyn Praisner
Delegate Tod Sher
East County Citizens Advisory Board
Shawn Burnett

MD 28-MD 198 Corridor Improvement Study at MCPB .doc

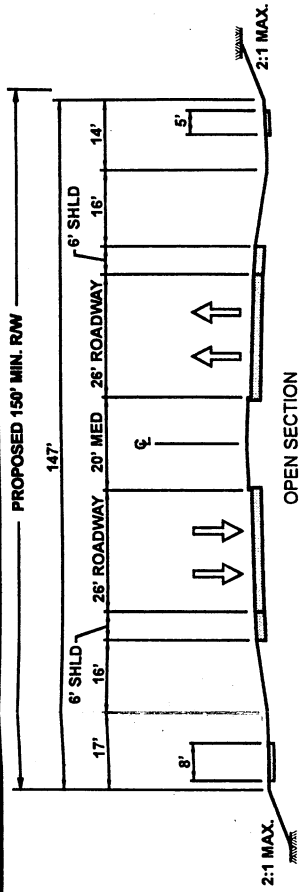
PROPOSED MASTER PLAN FEATURES ALTERNATE TYPICAL SECTIONS ALTERNATE 3

Attachment A

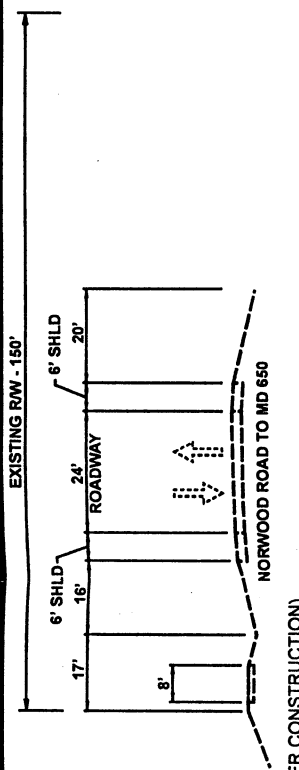
*SEVERAL SERVICE ROAD
OPTIONS WILL BE CONSIDERED,
INCLUDING A ONE DIRECTION,
12' WIDE SERVICE ROAD ON EACH
SIDE OF MD 28.



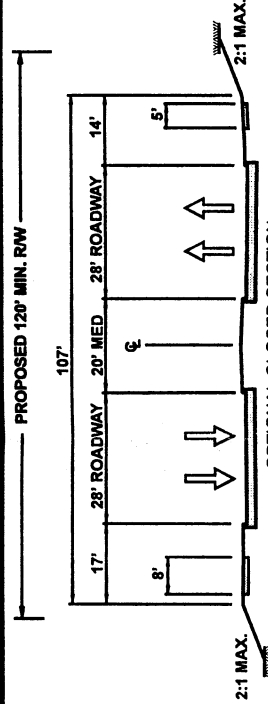
CLOSED SECTION



OPEN SECTION



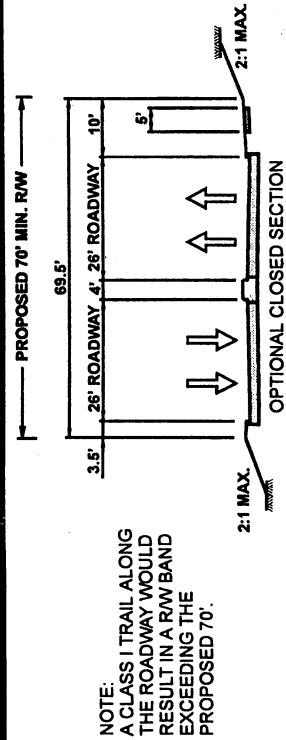
NORBECK ROAD EXTENDED (UNDER CONSTRUCTION)



OPTIONAL CLOSED SECTION
THIS SECTION CORRESPONDS TO THE BAND WIDTH ON DISPLAY 3c

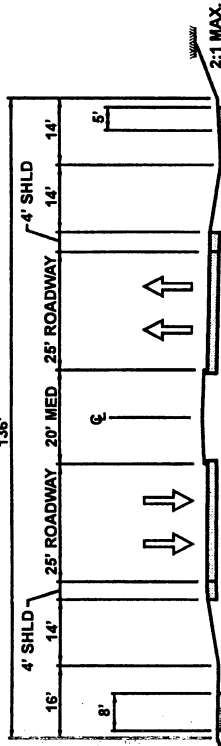
NOTE:
OPTIONAL OPEN SECTION CREATES
ADDITIONAL RIGHT - OF - WAY
IMPACTS BEYOND THE ASSUMED
120' BAND WIDTH IN THIS AREA.

SEE NOTE 2

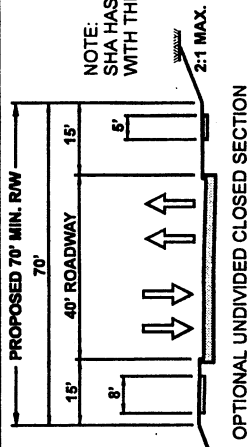


NOTE:
A CLASS I TRAIL ALONG
THE ROADWAY WOULD
RESULT IN A R/W BAND
EXCEEDING THE
PROPOSED 70'.

SEE NOTE 2

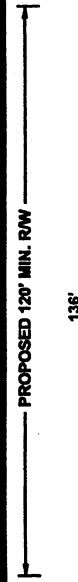


OPTIONAL OPEN SECTION



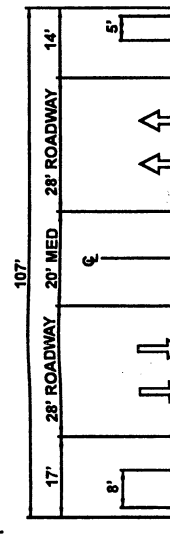
OPTIONAL UNDIVIDED CLOSED SECTION

NOTE:
SHA HAS SAFETY CONCERNS
WITH THIS TYPICAL SECTION.



OPTIONAL UNDIVIDED CLOSED SECTION

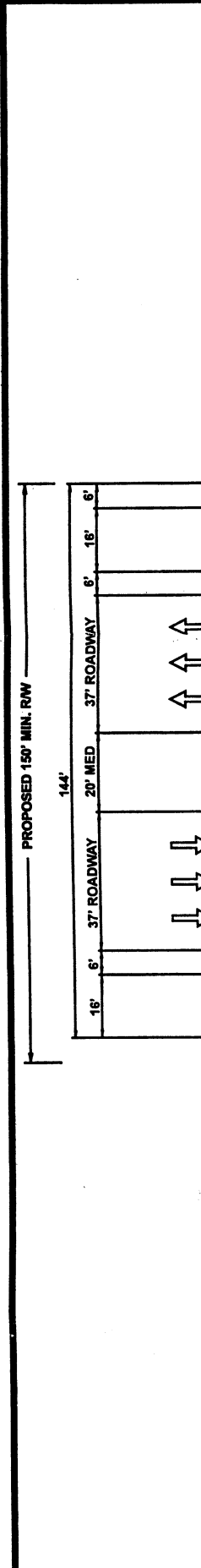
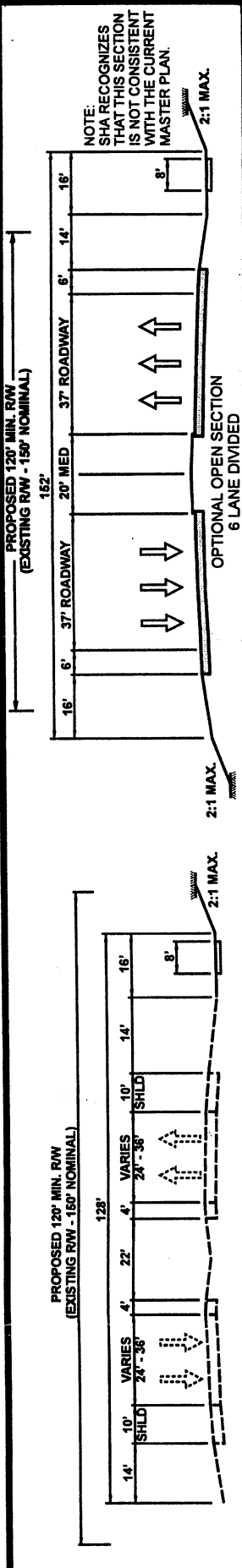
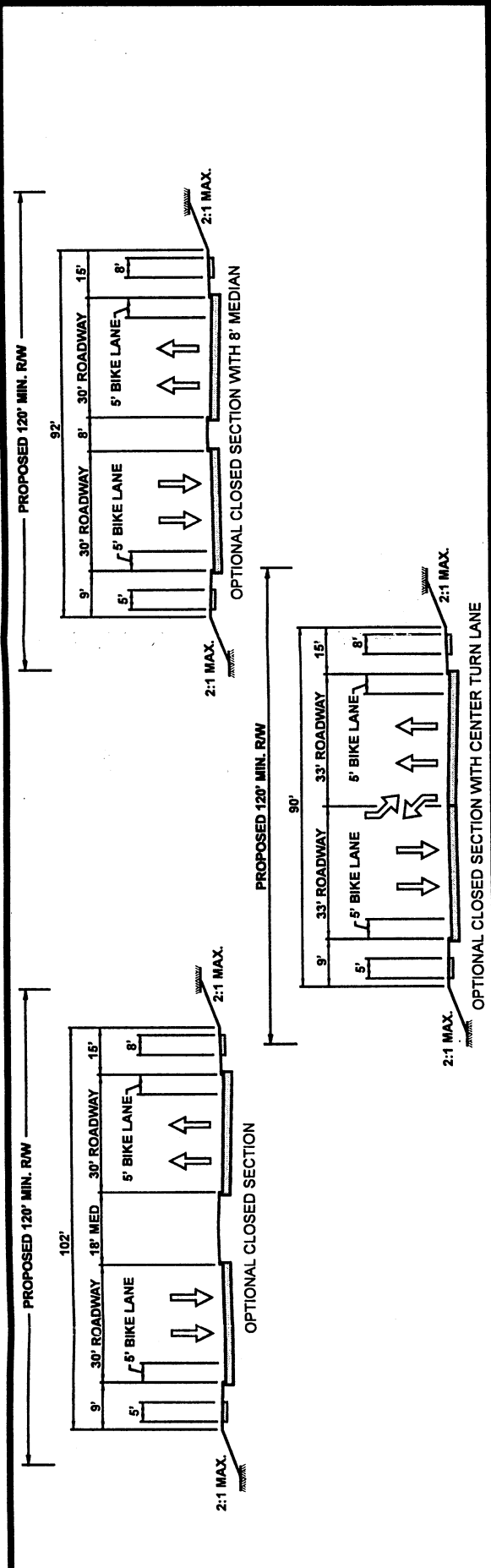
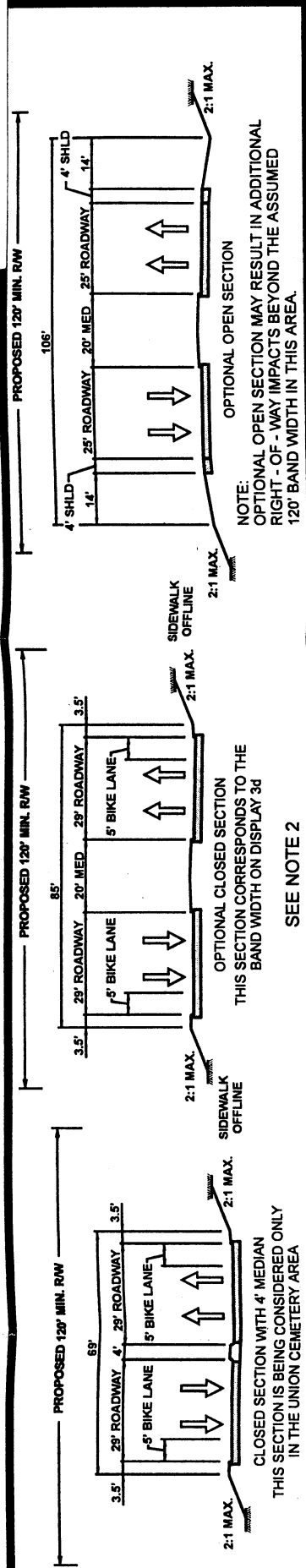
NOTE:
OPTIONAL OPEN SECTION CREATES
ADDITIONAL RIGHT - OF - WAY
IMPACTS BEYOND THE ASSUMED
120' BAND WIDTH IN THIS AREA.



OPTIONAL CLOSED SECTION

PROPOSED MASTER PLAN FEATURES ALTERNATE TYPICAL SECTIONS ALTERNATE 3

Attachment B





- NOTES:
1. OPTIONS B AND C ARE UNDER CONSIDERATION AS EITHER A 2-LANE HALF OF A ONE-WAY PAIR WITH A 70' MIN. R/W OR A 4-LANE, TWO-WAY FACILITY WITH A 120' MIN. R/W.
 2. APPLICATION OF OPEN VERSUS CLOSED SECTION AND THE VALUE OF INCLUDING SIDEWALK IN THESE SEGMENTS WILL BE CONSIDERED IN REGARDS TO THE UPPER PAINT BRANCH SPECIAL PROTECTION AREA.

PROPOSED 120' MIN. R/W

TRANSPORTATION SYSTEMS MANAGEMENT (TSM) ALTERNATE ALTERNATE 2

MASTER PLAN FEATURES ALTERNATE ALTERNATE 3

TRANSPORTATION SYSTEMS MANAGEMENT (TSM) ALTERNATE ALTERNATE 2				MASTER PLAN FEATURES ALTERNATE ALTERNATE 3				OPTIONS					
MD 97 TO MD 182	MD 182 TO MD 650	MD 650 TO US 29	US 29 TO I-95	TOTAL	MD 97 TO MD 182	MD 182 TO MD 650	MD 650 TO US 29	US 29 TO I-95	TOTAL	OPTION A	OPTION B ¹	OPTION C ¹	US 29 TO I-95
0	0	2-8	0-5	7-30	4-18	0	5-37	1-2	10-57	12-30	10-26	11-27	1-5
0	0	1-5	0-1	1-6	0	0	1-7	2-3	3-10	1-11	1-6	1-6	2-3
0	0	3-13	0-6	8-36	4-18	0	6-44	3-5	13-67	13-41	11-32	12-33	3-18

Required (number)

5-52	0	40-52	22-26	107-130	95-105	0	100-110	20-24	215-239	105-115	56-66	54-64	22-26
0-2	0	12-17	17-21	29-40	0-3	0	30-35	17-21	47-59	30-35	32-38	32-38	17-21
0-1	0	0-1	0	0-2	0-1	0	1	0	1-2	0	0	0	0
0-2	0	2-6	0	2-8	0-2	0	4-6	0	4-8	4-6	4-6	4-6	0
0	0	0-4	0	0-4	0	0	3-5	0	3-5	0	0	0	0
5-57	0	54-80	39-47	138-184	95-111	0	138-157	37-45	270-313	139-156	92-110	90-108	39-47

1-11	0	3-10	0-3	5-24	12-15	0	19-23	1-4	32-42	19-23	17-25	21-30	2-5
0-1	0	1-3	0-2	1-6	0-1	0	3-5	6-8	9-14	4-6	5-7	5-8	6-8
0-1	0	0-1	0	0-2	0-2	0	0.3-1	0	0.3-3	0	0	0	0
0-1	0	0-2	0-1	0-4	0-2	0	0-2	0	0-4	0-2	0-2	0-2	0
0	0	0-2	0	0-2	0	0	0.2-2	0	0.2-2	0	0	0	0
1-14	0	4-18	0-6	6-38	12-20	0	22.5-33	7-12	41.5-65	23-31	22-34	26-40	8-13

0-2	6-8	0	0	6-10	0-2	6-8	0	0	6-10	0	1	2	0
0-1	0	0	0	0-1	0-1.5	2-4	0	0	2-5.5	0	0	0.5-1.0	0
0	0	0	0	0	0	0-1	0	0	0-1	0-1	1-2	0-1	0



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

March 11, 2002

Mr. Parker F. Williams
Administrator
State Highway Administration
P.O. Box 717
Baltimore, MD 21203-0717

Dear Mr. Williams:


The Montgomery County Council strongly opposes any alternative for the widening of MD 28/MD 198 that is not consistent with the guidelines contained in the Cloverly and Fairland Master Plans and the goals for the Upper Paint Branch Special Protection Area and Patuxent Watershed. Specifically, we are extremely concerned and vehemently oppose the recently identified alternative that would travel south of existing MD 198, east of Good Hope Road.

The Montgomery County Council, the Planning Board, and residents of eastern Montgomery County spent years of meetings, reviews and analyses culminating in the adoption of master plans for this area of the County in 1997. After extensive review, we adopted a master plan for this area that called for the widening of MD 198 to four lanes on its existing right-of-way, while minimizing the impact of the expansion on the environment, historic properties, and rural nature of the communities along its route.


In addition, Montgomery County has spent millions of dollars to acquire land in the Upper Paint Branch Watershed to reduce imperviousness and runoff. This will help protect, not only the Upper Paint Branch, but also the entire Anacostia Watershed.

The alternative south of MD 198 jeopardizes all of these efforts. We strongly urge the State to continue to move forward on the MD 28/MD 198 project, a project supported by the Council, but to adhere to the master plans for this area and the goals for the Upper Paint Branch Special Protection Area.

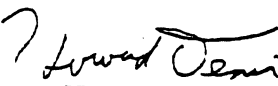
Sincerely,



Steven Silverman
Council President


Derick Berlage
Council Vice President


Phil Andrews

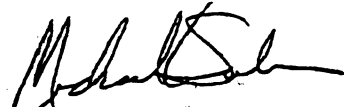

Nancy Dacek


Howard Denis


Blair Ewing


Isiah Leggett


Marilyn Praisner


Michael Subin



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

March 20, 2002

Mr. Parker Williams
Administrator
Maryland State Highway Administration
PO BOX 717
Baltimore, MD 21203-0717

Dear Mr. Williams:

I am writing to share my concerns regarding the prudence of Concepts 5A, 5B, and 5C presented at the March 13, 2002 focus group meeting for the MD 28/MD 198 Corridor Improvement Study. As you know, these three concepts consisting of new alignments 1,500 feet south of existing MD 198, are clearly inconsistent with the Fairland and Cloverly Master Plans.

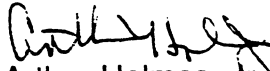
I am aware that you must adhere to National Environmental Policy Act (NEPA) guidelines to obtain the federal funding we require to implement many Master Plan recommendations. I understand that these three concepts on new alignments were developed to aid federal agencies in determining whether roadways on new alignments would provide a feasible and prudent alternative to Section 4(f) impacts along existing MD 198.

Based on the materials presented on March 13, it appears that Concepts 5A, 5B, and 5C have unacceptable impacts to the natural environment and to the communities through which they pass. I therefore request that you complete only those analyses required to confirm that these concepts are not prudent, so that the study remains compliant with NEPA guidelines. I strongly recommend that none of these three concepts be retained for detailed study beyond the Alternates Public Meeting anticipated this June. We look forward to the subsequent detailed study of those alternates that follow the Master Plan roadway alignments.

Mr. Parker Williams
March 20, 2002
Page Two

Thank you for your attention to this matter. Please let me know if you have any questions or comments.

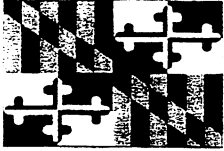
Sincerely,


Arthur Holmes, Jr.
Chairman

AH:DH:kcw

cc: Steven Silverman
Marilyn Praisner

ltr to williams re MD 28-198.doc



Maryland 28/198 State Highway Focus Group



February, 2002

In November 2000, the Maryland State Highway Administration (SHA) announced a local improvement study for MD 28-198 between Georgia Avenue and I-95. In the spring of 2001 SHA assembled a "Focus Group" of citizens representing numerous civic associations and businesses along the roadway to provide input for the study. During the past year this citizen task force has been meeting nearly bi-monthly with SHA officials. In an effort to bring a unified voice to a priority concern of the Focus Group, that the MD 28-198 project study respect and protect the integrity of our communities and master plans, we submit the following document stating the group's position on design alternatives for the roadway:

Any expansion of or improvements to MD 28 and MD198 should be consistent with the goals and guidelines set by the Aspen Hill, Olney, Cloverly, and Fairland Master Plans. Specifically, on MD 198 the road right of way should not exceed 120 feet and should narrow to 70 feet as it passes through Spencerville. Additionally, no roadway should violate the protected watersheds along the corridor, including the Special Protection Area of the Paint Branch south of MD 198 and the watershed of the Patuxent Reservoir north of MD 198. Alternatives for MD 28 between Georgia Avenue and Layhill Road should also be consistent with master plans while striving to minimize impacts on the surrounding communities. We vehemently oppose alternatives along this corridor that would override or conflict with approved County master plans and designated watersheds. These plans reflect the consensus of residents in the affected planning areas as well as the mandate of the County Council, and we fully intend that the study adhere to them.

<u>Ken Barnes</u>	Ken Barnes	Good Hope Estates
<u>Dr Herbert Bricken</u>	Herb Bricken	Burtonsville
<u>Bruce Hobbs</u>	Bruce Hobbs	Spencerville
<u>Robert King</u>	Robert King	Llewellyn Fields
<u>Lynn Martins</u>	Lynn Martins	Burtonsville Business
<u>Charles Peters</u>	Charles Peters	Santini Road Property Owners
<u>Quentin Remein</u>	Quentin Remein	Cloverly
<u>Stuart Rochester</u>	Stuart Rochester	Fairland
<u>Barbara Sollner Webb, PhD</u>	Barbara Sollner Webb	West Laurel
<u>Evelyn Wasli</u>	Evelyn Wasli	Gunpowder
<u>Milton Weidler</u>	Milton Weidler	Parrs Ridge
<u>Cary Lamari</u>	Cary Lamari	Norbeck Citizens Association
<u>Steve Szot</u>	Steve Szot	Hampshire Greens

**INTERIM REPORT OF THE MD 28-198 STATE HIGHWAY FOCUS GROUP
APRIL 22, 2002**

The MD 28-198 Citizen Focus Group marks the first anniversary of its participation in the 28-198 project in a climate of diminishing trust and deepening skepticism. While recognizing the hard work of many of the SHA staff and support team, we are bothered by a persisting credibility gap and in particular what appears to have been a calculated decision at some level early on to depart from the prescribed master plan and local jurisdiction's vision for the corridor. We believe it is important, given the considerable confusion and controversy surrounding the project over the past several months, to establish for the record the procedural and substantive issues that have so concerned public officials, residents, and Focus Group members. Listed below are the major concerns, some of which are serious enough to warrant a more formal inquiry into the legitimacy of the process and, depending on the direction the study takes over the coming weeks and months, the validity of the outcome.

1. **PURPOSE AND NEED:** The Purpose and Need Statement has been riddled from the start with inaccuracies and bias, some of which but not all has been remedied through subsequent revisions. Initially, SHA refused to include language on fundamental master plan guidance and inserted a reference to the Upper Paint Branch Special Protection Area (SPA) only at the insistence of the Focus Group and Montgomery County Council—even though these constraints were essential to understanding the function and limitations of the road improvement along MD 198. The reference to the 35 percent increase in traffic volume resulting from “infill development along the corridor” was either a careless error or exaggeration that misrepresented the effect of local development on traffic along the corridor. Even after this mistake was corrected, the study team has continued to base traffic projections for a local corridor improvement on “projected development throughout the land use model area,” so that the 35 percent turns out actually to be based on development patterns and trip generations not along the local corridor but between Baltimore City and Northern Virginia! (See #2 below.) For long-term regional east-west traffic demands between Baltimore and Northern Virginia, MD 32 and other genuine highway options need to be analyzed in a separate study, as MD 28-198 was never intended for this purpose. **There is a gaping disconnect here between the model basis and the purpose of this roadway improvement as intended by the Montgomery County Council's master plans and General Plan.**

There are other problems, too:

- The Appendix to the Statement has been circulated to some of the environmental agencies missing relevant pages from both the Fairland and Cloverly plans.
- The paragraph at the top of page 3 regarding freeways never seemed germane to this study, and with the lieutenant governor's recent announcement concerning the ICC, it is no longer even accurate.
- The safety issue is a red herring: as the statistics themselves show, in terms of both total numbers of accidents and comparison of accident rates by category, the safety record along the 28-198 corridor is superior to the state average.
- MD 28 receives short shrift and a blanket assessment of needs and conditions that vary along the roadway. The Statement at one time inaccurately cited the Olney Master Plan

as calling for a widening of the road and there has been confusion over aspects of the implementation plan for MD 28 in the Aspen Hill Master Plan.

The larger issue is the development of alternatives by federal and state agencies PRIOR TO the addressing of errors and mischaracterizations and the establishment of a corrected, approved Purpose and Need Statement. The Purpose and Need Statement is critical to the formulation of appropriate alternatives, yet alternatives were introduced (and are going forward) based on erroneous data and significant omissions in the Statement that is STILL a work in progress!

2. TRAFFIC PROJECTIONS ALONG THE CORRIDOR: For months we waited for documentation of SHA conclusions regarding traffic projections from “ongoing development planned along the corridor.” On February 5, Focus Group member Stuart Rochester wrote SHA Director of Planning Douglas Simmons:

Regarding the 35 percent traffic increase, we hope to receive the data we requested at the next meeting. It is more puzzling and frankly disturbing than ever that you can change the language on page 14 from “ongoing infill development planned along the corridor” to “projected development throughout the land use model area” (an area that you say includes from northern Virginia to Baltimore City) and still end up with the same 35 percent figure! The point was not to change the language to reflect REGIONAL traffic activity but to state accurately what figure rather than the 35 percent reflects the traffic from “ongoing development planned along the corridor.” This is, after all, relevant in a LOCAL improvement study, especially of a roadway that you concede is not intended to be a regional highway! We look forward to receiving the data and an explanation at the next Focus Group meeting.

Development allowed along much of the corridor is limited because of environmental and other restrictions. That a significant percentage of the projected development is associated with elderly or assisted living residents (not active commuters or auto users) should also depress the number of new trip generations. Line 3 on page 14 (of the revised March 2002 Purpose and Need Statement) refers to additional population and employment growth within the corridor. To go to the regional model then in the next sentence is misleading and in fact a confusing non sequitur. Of course, the revealing bottom line is that the data indicates we are not looking at huge traffic increases in this low-density corridor from either local or regional traffic, certainly not the kind that would necessitate a reclassification and repudiation of the master plan concept of the roadway as one of the federal agencies recommended.

3. MAPPING: Maps used to show alignments and impacts are several years out of date (even though they are officially dated March 2002) and are otherwise flawed and incomplete. The U.S. Army Corps of Engineers Baltimore Division submitted a map with a realignment proposal for MD 198 that omitted both past and current residential development in the vicinity of the new roadway, skewing both the residential and environmental impacts of the rerouting to the extent that the proposal raises questions of either negligence or willful misinformation. SHA contributed to the distortion with an imprecise if not outright incorrect description of the prospective alternatives and their “advantages” and “disadvantages” in a chart that was distributed to the reviewing agencies at a closed meeting on February 1 that may have prejudiced the study at a key juncture.

4. NEPA: The National Environmental Policy Act places responsibility on federal and state agencies to examine avoidance alternatives where environmental issues arise in the course of reviewing a local jurisdiction's preferred master plan proposal. What is ironic, even bizarre, in this instance is the proposal by federal and state agencies of alternatives that invade precisely the environmentally sensitive areas that the master plan was designed to protect. Even more unsettling are violations of NEPA's most elemental principles that are in place to insure the integrity of the process. **NEPA can not be invoked merely to promote an agency's preferred alternative, much less an individual's personal agenda.** The law has significant constraints regarding objectivity, absence of bias, and insuring that a project is not steered to a preconceived outcome—all of which must be upheld if the public is to have any confidence in the process and if a legitimate determination of "feasible and prudent" is to ensue. The transparent fact is that at least one individual and one agency is exploiting, if not outright violating, NEPA to achieve his/its own known agenda and a Purpose and Need related to an entirely different project. The real harm here is that the injury to the process becomes self-perpetuating, as then other federal and state agencies in response feel the need to fashion their own substitute alternatives, and so there has been a constant rumor that to counter one agency's eagerness to steer the roadway to the south of MD 198, another agency will be submitting its own preferred alignment that guts the master plan to the north.

5. INCORRECT IDENTIFICATION/CHARACTERIZATION OF PROJECT: The Federal Highway Administration Maryland Division circulated memoranda about the project to some of the reviewing agencies under the title "MD 28/198 Connector from MD 97 to I-95" instead of its correct title, "MD 28/198 Corridor Improvement Study." The issue here is not simply a matter of semantics. Only a piece of the roadway, the middle piece (the Norbeck Connector), is a "connector." That is an important distinction. As the Purpose and Need Statement explicitly notes, this is in no way, shape, or form an inter-county "connector," although there are some who would like to turn it into one. In fact, Montgomery County sees it as a set of local links respecting the master plans and local character of each link. The "connector" characterization by Federal Highway, even if inadvertent, confuses if not misrepresents the purpose and function of the roadway and the context of the project in a way that could influence the reviewing agencies as they make determinations on historic property and other impacts. It may also explain why alternatives are being proposed that would create a larger footprint along 198 than the maximum called for in the master plan at buildout.

6. HOW CAN ^{Options} ~~A, B, OR C~~ BE A "PRUDENT AND FEASIBLE" AVOIDANCE ALTERNATIVE ALONG MD 198 WHEN BY ANY RATIONAL STANDARD THEY INVADE MORE THAN THEY AVOID? What are these so-called "avoidance" options AVOIDING? ^{THEY} ~~They~~ **plow through the middle of streets and neighborhoods and the heart of the Special Protection Area, conflict with two master plans, transform the very concept of the roadway, and destroy the planning vision and principles of the low-density rural residential wedge.** Is there any wonder that the Montgomery County Council, Planning Board, East County Citizens Advisory Board, the chairs of three master plan committees, two PTAs, and indeed virtually every community and environmental organization the length of the corridor—and the Citizen Focus Group—have unanimously and vehemently condemned these alternatives?

The environmental, community, and master plan damage are manifest. Under ^{these} ~~these~~ alternatives, some neighborhoods would be sliced literally in half and the look and character

of the planning area profoundly and irreversibly altered. But even SHA's alleged concern over the impacts on "historic" sites by staying to the master-planned route turns out to be a "straw man." The Spencerville "historic" district does not exist. It is a fiction, determined by Montgomery County's Historic Preservation Commission, the State Historic Preservation Office, and the Keeper of the National Register not to merit "historic" status. Moreover, "avoiding" the Phair house or other putative historic sites in the Spencerville area, the alternatives—all taking the roadway south of Spencerville and across Peach Orchard Road—introduce exponentially greater noise and visual impacts on another historic property, the Methodist Church campground, which would suffer the effects of a 120-foot roadway (with the possibility of further expanding the right of way later into a regional truckway) vs. the 70-foot master plan constraint in the vicinity of the Phair house. The 120-foot right of way on the remainder of MD 198 between New Hampshire Avenue and US 29 can be accommodated without direct impacts on other historic or 4f sites—and certainly less intrusively than going full force into the south-of-198 preserve, which itself is intended for future parkland purchase.

SHA has acknowledged the seriousness of the impacts resulting from the rerouting of MD 198 by expressing reservations to the Burtonsville Gazette and then confirming in a meeting with the Focus Group earlier this month that 5A and 5B did not meet the "prudent and feasible" test and would not proceed past the preliminary stage. What has caused continuing anxiety and vexation, however, is why ^{the 5A and 5B} ~~5A and 5B~~ ^{ORICA}—which tracks 5A and 5B south of Spencerville and has exactly the same impacts except for taking out one less community and one less patch of the SPA—should not also be unacceptable for the same reasons that doomed 5A and 5B. What historic or environmental resources are further enhanced by ^{ORICA} ~~5A and 5B~~ than by 5A or 5B?

7. LACK OF CANDOR REGARDING SHA INTENT: There has been a notable lack of candor and consistency in SHA's response to the straightforward question of whether the agency is merely studying the south-of-198 alternatives to satisfy federal requirements or has an interest itself in pursuing such a concept. Both SHA Administrator Parker Williams and Transportation Secretary John Porcari assured State Delegates Tod Sher and Dana Dembrow among others that the State has no interest in pursuing alternatives south of 198 that the County has objected to as wholly inappropriate and an assault on its land use authority. The Focus Group received similar assurances and was led to believe prior to March 13 that SHA at most wanted to look at the 2-lane bifurcation of 198 to the south. Yet SHA belatedly conceded, after initial hesitation when asked at the March 13 meeting at Blake High School, that it was the author of 5B and 5C, and SHA's Neil Pedersen has characterized them as "available" options.

More seriously, if in fact SHA is being forthright and there is no hidden agenda, then how to explain the language SHA insisted on in the first paragraph on page 3 of the Purpose and Need Statement (omitted from the latest edition but not disavowed), where the obvious conclusion is that SHA does indeed plan to pursue the "partially controlled access" ICC options around Spencerville and Burtonsville though it is no longer pursuing the limited-access alternatives. How does this square with the administrator's and the secretary's assurances and with Doug Simmons' repeated pledge to the Focus Group (in writing and to 300 residents at the Blake meeting) that "there is no intention to have the Intercounty Connector alternatives be part of this study"? If this is the case, then why the hedging on page 3? The Focus Group has pointedly asked for a direct, prompt response to this simple but important question. There is every reason for residents to be concerned here, given the

close correspondence between the four-lane version of 5B and 5C and the Burtonsville and Spencerville ICC Options.

8. ICC SEGMENTATION: The possibilities for segmentation of an ICC by pursuing the 5A, B, C alternatives rather than adhering to the master plan along MD 198 are troubling. The Corps of Engineers Baltimore Division plainly has an avowed interest in if not indeed an unabashed strategy, and SHA may as well if it is serious about the south-of-Spencerville alternative, to create a link that would be compatible with a northern ICC route (even if incompatible with the simple “local corridor improvement” Purpose and Need of the 28-198 project). A 12-year-old can “connect the dots” between the huge swath cut for the Norbeck Connector (which federal agencies insisted—again with considerable irony—be ICC-compatible despite the environmental degradation entailed), the arc created by the 5A/B/C version of the ICC Spencerville option, and the various proposals that would take the roadway into the Patuxent Watershed as it sliced back across 198 in the area of Kruhm or Santini Road. **If the Spencerville and/or Burtonsville ICC Option were to be backdoored through the 28-198 local improvement project by resort to a phony “avoidance” pretext, it would make a mockery of the “independent utility” and “segmentation” regulations, be a final insult to the integrity of the NEPA process, and almost certainly result in litigation.**

Worse, it would cynically and unconscionably place at risk yet additional homeowners and communities to the west of Good Hope Road and north of MD 198 who are being given the false impression by SHA that they have nothing to fear from the current project: Upland Road, just to the west of where the 5A, B, C “concepts” re-route 198 to the south, would be erased in the next phase, as would much of Harding Lane, as the dots get connected between New Hampshire Avenue and Good Hope Road.

The Citizen Focus Group takes no more satisfaction than state and federal officials in having to devote so much time and energy to what should have been a relatively uncomplicated exercise in choosing between design alternatives within the scope of the master plan. We will continue to work with the project study team in good faith to attempt to relieve the growing tension and address the issues outlined in this interim report of record. We are scheduled to meet with the team again in May, and hope to make progress then.

We must conclude, however, that if federal agencies continue to impose their own view and wisdom on a local jurisdiction’s carefully constructed land use plans, and SHA is unable or unwilling to stand up to federal challenges even in the case of a master plan as sensitively crafted as this one—to the point where council members and other responsible leaders in the community have registered their own exasperation—then we face the continued loss of public trust and confidence in a failing process, and the increasing likelihood that this project will never be built.

Secretary of Transportation John Porcari wrote Montgomery County Executive Doug Duncan on December 15, 2000, in anticipation of the 28-198 study, that “because improvements to MD 28/MD 198 are along an existing corridor, there are not questions about where the road should be located, there are fewer alternatives that have to be considered, and the issues that have to be addressed are relatively straightforward.”

The Western Parkway study, on the other hand, would involve the development and evaluation of several alternative alignments, including roadways on new location Some of these alternatives will also have more complicated environmental issues that will take more time to study and resolve It clearly will take longer to complete studies for the Western Parkway than for the widening of MD 28/198.

Secretary Porcari underestimated the capacity for a powerful bureaucracy wielding the NEPA mandate and lacking self-restraint to encumber, convolute, and in the end paralyze decisionmaking. What a sad irony that, even if one grants pure motives, SHA and its federal partners have dramatically turned what should have been a "straightforward" study, and the easier of these two projects on which to achieve consensus, into a mess of proliferating alternatives (including "roadways on new location"), arguable "historic" and "parkland" obstacles, and unpalatable choices in a way that insures a protracted environmental review, divisive debate, and zero support from County officials, state delegates, and the general public.