



MCPB
ITEM NO. 17
9-19-2002

September 13, 2002

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Jeffrey Zyontz, Chief
County-wide Planning Division

Richard C. Hawthorne, Chief
Transportation Planning

John Carter, Chief
Community-Based Planning Division

FROM: Larry Cole: 301-495-4528, for the Park and Planning Department

PROJECT: Maryknoll Avenue Sidewalk
From Beech Tree Lane to Wilson Lane
CIP Project No.506747

REVIEW TYPE: Mandatory Referral No. 02808-DPW&T-1

APPLICANT: Montgomery County Department of
Public Works and Transportation

APPLYING FOR: Plan Approval

COMMUNITY-BASED PLANNING TEAM AREA: Bethesda-Chevy Chase

RECOMMENDATION: APPROVAL WITH COMMENTS TO DPWT

The following comments are recommended on the proposed project (see Attachment 1: Vicinity Map):

1. Consider four-way stop sign control at the intersection of Maryknoll Avenue and Beech Tree Road.

2. Consider constructing the proposed sidewalk slightly above the existing ground elevation where this would be beneficial to the health of adjacent large trees.
3. Consider planting new shade trees where gaps exist in the streetscape of Maryknoll Avenue.
4. Identify and plot the critical root zone for all trees over 30" in diameter at breast height (dbh). Provide tree protection measures including root pruning, tree protection fencing, and pre-construction watering/fertilizing schedules for all trees over 24" dbh.

PREVIOUS BOARD ACTION: None

PROJECT DESCRIPTION

This project would construct a four-foot sidewalk along the north side of Maryknoll Avenue from Wilson Lane to Beech Tree Road, typically offset from the existing curb by 11 feet. The offset varies in some areas to avoid existing trees utility poles and fire hydrants. The total length of sidewalk is approximately 2,800 feet.

SUMMARY

The project would implement the recommendations of the Bethesda-Chevy Chase Master Plan which endorses the expansion of the sidewalk network to link residential neighborhoods with public facilities (see Attachment 2). Specifically, the Plan calls for sidewalks within a minimum one-half mile radius of schools and Metro as the number one priority. The entire project is completely within this minimum radius for both the Burning Tree Elementary School and the Thomas Pyle Middle School (see Attachment 3). Burning Tree Local Park is adjacent to the Elementary School. The sidewalk is also within a one-mile radius of the Bethesda Metro Station.

Staff believes that the Planning Board should approve this project as being in accordance with the County's Road Standards and as responding to the highest priority set forth in the Bethesda-Chevy Chase Master Plan for improving pedestrian safety and accommodation.

STAFF ANALYSIS

This project was initiated at the request of a Maryknoll Avenue resident, a request that was supported by the Principals and the Parent-Teachers Associations of the Burning Tree Elementary School, at Maryknoll Avenue and Beech Tree Road, and of the Thomas W. Pyle Middle School, on Wilson Lane between Springer Road and Whittier Boulevard. The proposed sidewalk would provide a good pedestrian connection between the two schools and between Wilson Lane and Burning Tree Local Park, which is adjacent to the elementary school. Improving and extending the existing sidewalk along Wilson Lane is part of a project by the Maryland State Highway Administration

which the Planning Board approved as a Mandatory Referral on March 14, 2002 and which will be advertised in December 2002.

The project was initiated to improve safety and accessibility for pedestrians, including students who walk along this street to the elementary and middle schools noted above. Maryknoll Avenue currently does not have a sidewalk on either side of the street. Students either walk in the street around parked cars or in the grass panel between the curb and property line. Handicapped persons and parents with children in strollers are confined to the use of the street because of the unsuitability of the grass panel, which is now encumbered by private plantings and by tree roots that create a very uneven surface.

Maryknoll Avenue is a secondary residential street that has a higher importance than most secondaries since it leads from Wilson Lane, an arterial, directly to the elementary school at Beech Tree Road, a primary road. Staff notes that the County standard for a new secondary residential street requires sidewalks on *both* sides of the street (see Attachment 4).

The existing twenty-six foot wide roadway was built per the standard but sidewalks were not constructed within the sixty-foot right-of-way. Parking is allowed on both sides of the street, leaving a ten- to twelve-foot space for vehicles and pedestrians to use where parked cars are directly across the street from each other. (Parking is prohibited along one side of Maryknoll Avenue for the segment closest to Burning Tree however during school hours.) The full seventeen-foot panel from the curb to the right-of-way line is available on each side of the street, however a sidewalk is proposed only on the north side of the street. ***No property takings or construction easements are required to build the sidewalk.***

Some residents have complained that the sidewalk construction would reduce the length of their driveway that is available to park cars in while others are saying that pedestrians should walk in the grass. Both uses cannot take place at the same time. Staff believes that in addition to providing a smoother surface for pedestrians to walk on, a paved sidewalk would much more clearly define the pedestrians' right to have unencumbered use of the public right-of-way.

Some residents have expressed concerns about a possible drop in property values that would be caused by the proposed sidewalk. Letters received from two real estate agents who live and/or work in this area express their opinion that the proposed sidewalk would have a positive impact on property values (see Attachment 5).

Residents who oppose the project have stated that there has not been a reported pedestrian crash on Maryknoll Avenue in the last forty years and, that therefore, a sidewalk is not warranted. Staff believes that with the increase in the number of vehicles on the road and the size and speed of those vehicles, we should not wait for a crash to occur. Further, the existing conditions present what could reasonably be called a potential threat to the average person and present a deterrent to people from walking

along this street. The County should not wait to respond only after the worst case has occurred. Pro-actively responding to potential threats is exactly what we should do and what DPWT proposes to do by building this sidewalk. **Staff strongly supports this project.**

Landscaping

The alignment of the sidewalk has been designed to minimize tree removal. Five street trees ranging in size from 2" to 9", all in the public right-of-way, would be required to be removed to construct the sidewalk. These trees would be replaced. **No existing trees larger than 9" are required to be removed.** DPWT's arborist has concluded that the sidewalk construction would not have any significant impact on nearby large trees (see Attachment 6), but has identified three trees as having pre-construction disease problems. Given the age of the trees and the proximity of the roots to the surface, however, staff believes some may have their life shortened by construction and believes that measures should be taken to reduce this possibility. **Staff recommends that the critical root zone of all trees over 30" in diameter at breast height (dbh) be identified for tree protection measures. Tree protection measures including root pruning, tree protection fencing, and pre-construction watering/fertilizing schedules should be provided for all trees over 24" dbh.**

Some privately-owned shrubs and small plantings within the right-of-way would be removed. DPWT has said that they will coordinate the removal and replanting of all affected landscaping with the adjacent property owners. The local garden club has also offered to work with DPWT on this.

Residents have suggested alternative paving materials to reduce the potential damage to existing large trees caused by concrete sidewalk construction since the normal practice is to place the finished surface of the sidewalk at the existing ground level. Where large tree roots protrude from the soil, this would require cutting the tree roots. Some of the alternative materials, such as grasscrete, have the same potential to disturb tree roots. Asphalt however, could be placed over the existing roots with less disturbance. It may also be possible to place concrete over the existing roots also but such construction could be more difficult. **Staff recommends that DPWT consider constructing the sidewalk slightly above the existing ground elevation where this would be beneficial to the health of adjacent large trees.** In Attachment 6, DPWT's arborist has also recommended that this "ramping" be considered.

Maryknoll Avenue is generally well provided for in terms of street trees. DPWT also would replace the small trees that would be removed under this project. There are a few existing gaps in the streetscape however that staff believes should be filled by planting new shade trees. Planting additional trees now would eliminate the possibility of there being large gaps in the future as existing mature trees die.

Environmental

This site is located in the Upper Booze Creek subwatershed of the Cabin John watershed. Identified by the County Stream Protection Strategy (CSPS) as an Urban Watershed Management Area, this subwatershed has poor stream and habitat conditions. Significant areas of the headwaters have been channelized or piped and implementing water quality improvements and pollution prevention efforts are highly desirable. The watershed contains 2,199 acres and exceeds 25% impervious surface area. The impervious surface area that would be added by this project is approximately 11,000 s.ft. (0.25 Acres). Staff believes that this project will have no discernible impact on these existing conditions. However, as new development occurs within the watershed, efforts should be made to address degraded conditions by improving runoff conditions with measures such as reforestation.

Public Safety

The proposed sidewalk would constitute the evacuation route for the elementary school, whose students will be moved to the Pyle Middle School in the event of an emergency.

The existing intersection of Maryknoll Avenue and Beech Tree Road in front of Burning Tree Elementary School has stop controls on both approaches of Maryknoll Avenue. Citizens on both sides of the sidewalk issue appear to be concerned that there is a traffic management problem at this location at the beginning and end of the school day, with congestion and unexpected vehicle movements associated with the drop-offs and pick-ups of school children. The crosswalk from the school to the proposed sidewalk is now crossing guard-controlled during these times.

Because of the observed speed of vehicles on Beech Tree Road and the limited sight distance however, particularly when exiting the elementary school property, **staff recommends that DPWT consider instituting a four-way stop at the intersection** to improve safety for drivers exiting the school, and for students crossing to the proposed sidewalk when the crossing guard is not on duty.

PUBLIC OUTREACH

This project was initiated by a resident of Maryknoll Avenue and has the support of additional residents on this street and many more in the surrounding area. Other residents of Maryknoll Avenue object to what they perceive as an urban intrusion into their neighborhood, (which is zoned R-90, min. 9,000 sf. lots). They also believe that the sidewalk would be an encroachment onto their private property, even though the project would be constructed completely within the existing public right-of-way.

Residents opposing the project have questioned DPWT's notification procedure for abutting homeowners, the criteria for determining which streets are selected for sidewalk construction, the prioritization of sidewalk construction, and similar issues. DPWT should address the residents' concerns on these issues, and may adjust their

protocol on future sidewalk projects based on their findings. The County Executive himself has been quoted as saying that while the public hearing in this project may have been the county's first for a sidewalk project, it likely will not be the last. Staff believes that this project should be judged as a Mandatory Referral based on its merits.

DPWT sent letters in January of 2002 to the twenty-seven abutting property owners advising them of the sidewalk request. Four supported the project, fourteen opposed, one sent comments only, and eight did not respond. Since the responses were sent, there have been some changes in property ownership; the new owners of three properties whose former owners opposed the project have written letters in support of the project.

The Maryknoll Civic Association was formed to oppose the project. Twenty-one opponents of the project signed a petition requesting a public hearing. DPWT conducted the public hearing on August 7, 2002 at which there were forty-one speakers. Submitted into evidence at the public hearing was a petition signed by proponents of the sidewalk project, representing 116 properties. Several other additional residents have written letters in support of the project. Copies of both petitions are available for review by Board members.

The comments made for and against the sidewalk at the public hearing are summarized by staff as follows. A copy of the full transcript of the public hearing is available for review by Board members.

For

Sidewalks are students' safest route to school.

Children's safety is more important than private landscaping in the public right-of-way.

Walking on a sidewalk is safer than walking in the roadway.

Children should not have to walk over tree roots and grass with pesticides. Many of these mature trees are dying with age and because of the pesticides.

Children have less peripheral vision to see oncoming cars and have difficulty judging a car's speed and distance.

A sidewalk would accommodate existing and potential pedestrians, including many who do not live on Maryknoll Avenue.

Sidewalk has the support of Montgomery County Public Schools, Parent Teacher Student Associations, Burning Tree Elementary and Pyle Middle Schools, the Montgomery County Commission on Disabilities, the Maryland State Highway Administration School Zone Traffic Safety Task Force and the Montgomery County Department of Police's Bethesda District School Safety Unit.

Vehicular collisions with children are potentially fatal even at low speeds.

Parents should have a choice whether to let their children walk or to drive them.

Pedestrians in the roadway are forced to dodge parked cars and moving vehicles.

Grass panel is often impassable due to landscaping, leaf piles, rain-soaked conditions, making it difficult for families with strollers, elderly persons and children with disabilities.

Curvature of Maryknoll Avenue creates blind spots where small children are not easily seen.

The queue of cars at the beginning and end of the school day at Burning Tree limits the amount of space available to walk in the road, particularly when buses are using it.

Maryknoll Avenue is the evacuation route for Burning Tree Elementary School.

Maryknoll Avenue is used as a route for Pyle students attending tutoring classes at Burning Tree.

One hundred seventy-one students at Burning Tree are not eligible for bus service because they live within a one-mile radius of the school.

In recent years, the number of school-age children in the neighborhood has increased while SUV's have grown in size and are traveling faster, as are other vehicles. Infill development has increased the number of residents and the number of cars per resident has greatly increased.

Should not wait for an injury or death before installing a sidewalk.

Lack of sidewalks discourage the use of public transportation.

Project would be in concert with a nationwide movement and statewide program to provide safe routes to school.

Sidewalks provide opportunities for exercise to improve public health.

Sidewalks place children in a location where they are more visible to adjacent homeowners, improving their personal safety.

Sidewalk provide a stronger sense of community.

Sidewalks could reduce the number of parents driving their children to school and thereby provide an improvement in air quality.

The number of people testifying for the sidewalk is evidence of the latent demand for the sidewalk.

Against

Too few children walk to school and would use the sidewalk.

No evidence of a safety problem.

Counter to County's policy of preserving trees.

A sidewalk would change this to an urban area, diminishing its character.

A sidewalk will reduce the useable length of residents' driveways.

Sidewalks would not relieve the vehicular congestion.

Sidewalk construction would require the removal or disturbance of the roots of major trees, endangering their health. The resulting dead trees could fall without warning and create a safety problem.

A minor removal of landscaping to create a clear path would be a sufficient alternative to a sidewalk.

Creating walking groups of students would improve safety for those walking in the roadway.

Additional impervious surface will have a negative impact on the environment.

Increased school bus service would reduce the number of students who have to walk along Maryknoll Avenue and would reduce the number of parents' cars dropping off and picking up their children at the school.

A sidewalk at the curb would be just as useful and would damage trees less. An asphalt sidewalk would also cause less damage to trees.

Stabilization of the grass sidewalk area by means of open concrete pavers or plastic mesh would be preferable to concrete sidewalks.

A sidewalk five feet from the curb would impact adjacent properties less, and a three-foot sidewalk would be better than a four-foot sidewalk.

Questions whether the County will maintain the sidewalk after construction to eliminate tripping hazards.

Private shrubs in the right-of-way provide a significant contribution to the look of Maryknoll Avenue.

A recent evacuation drill from Burning Tree to Pyle without incident proves that a sidewalk is not needed.

Installing "Do Not Enter" signs at both ends of Maryknoll Avenue and Winterberry Drive (an intersecting street) is a preferable alternative to constructing the sidewalk. A segment of Maryknoll could be closed to traffic or changed to one-way for thirty minutes before and after school. Speed limit signs and flashing lights could be used to slow traffic down. Parking could be prohibited before and after school for some period of time. School buses could be rerouted.

Children will not walk to school even if the sidewalk is built.

Utility guy wire relocations have not been figured into the cost of the project.

Other roads can be used to go at least part of the way from Burning Tree to Pyle.

Trees whose roots are damaged by construction will be more susceptible to disease

Maryknoll Citizens Association

As stated above, the Maryknoll Citizens Association was created to oppose this project. Their attorney, Norman Knopf, has submitted a letter to the Board, which is shown as Attachment 15. Staff offers the following as responses to the four questions posed in the letter:

1. Staff believes that the question of how DPWT prioritizes their sidewalk projects is irrelevant to the Board's purpose of making a recommendation on the Mandatory Referral. What is relevant is that this sidewalk is called for in the Bethesda-Chevy Chase Master Plan as one of our highest priorities.
2. A poor accident history is not needed to prove that walking on a sidewalk is safer than walking in the road. DPWT has sufficient justification to build the sidewalk based on the Master Plan alone, given that these recommendations are part of the official policy of the County.
3. In our review of projects, staff always considers the effect on large trees and the opinions of residents. We believe that the alignment of the proposed sidewalk has been designed to reduce the effect on large trees and have also recommended that the Board transmit additional comments to minimize any negative effects. While some residents on Maryknoll Avenue oppose the project, a much larger number of area residents, as well as the two schools closest to the project and other public agencies, support the project. This

project would be constructed in the public right-of-way for the good of the general public, not just the residents of the street.

4. Staff has included in the proposed Board recommendations that DPWT consider alternative methods to reduce the impacts on trees.

In other comments in his letter, Mr. Knopf cites Chapter 49-33A of the County's Code, the Road Code, in which the County Executive is directed to create a plan for the implementation of bikeways and pedestrian walkways (see Attachment 16). While staff is not aware that any unified plan exists, the intent of the Council was surely not that the County stop implementing its Capital Improvements Program (CIP) for bikeway and sidewalk projects until a plan is created. The legislation does not note or call for any method of prioritization, but states that in addition to being phased in along existing transportation facilities, they should be constructed along with new construction, reconstruction or relocation of all county roads unless they are determined not to be in the interest of public safety or disproportionate in cost to the need or probable use thereof. Staff believes that the proposed sidewalk is in the interest of public safety and that the cost is reasonable given the overwhelming support this project has received from area residents, demonstrating its most likely future use.

As noted above, even without a separate bikeways and sidewalks plan, this project is in accordance with the Master Plan, as called for in the Code section cited by Mr. Knopf, and is in fact one of the Master Plan's highest priorities.

Mr. Knopf requests that the Board recommend no decision be made on this project until the policy issues have been resolved and standards adopted. The policy issue of whether this project is a priority for the County has already been decided in the affirmative by the Master Plan. As to the question of standards, as noted above, the proposed sidewalk is in accordance with the County's Road Standard for the applicable classification of Maryknoll Avenue.

The prioritization of projects is an Executive function. The Planning Board has the opportunity to give its comments on which new projects should be pursued in the CIP both before the draft is created and after the Executive's recommended CIP is published. If the Executive chooses to publish guidelines for the prioritization of sidewalk projects, they will be provided to the Board for information and comment, but staff does not believe that they should be requested.

BACKGROUND

DPWT received a request to construct a sidewalk along Maryknoll Avenue in September 1994 within the same limits as the current project. In May 1995, a decision was made not to construct sidewalks at that time, but to install speed humps in an effort to calm traffic in this area. DPWT left open the possibility of constructing sidewalks at some future date.

Attachments

1. Vicinity Map
2. Page 102 from the Bethesda-Chevy Chase Master Plan (1990)
3. Location map showing ½ mile radius from nearby schools
4. Montgomery County Road Standard MC-211.01
5. Letters from real estate agents
6. Memo from DPWT Arborist, Guy Turenne
7. Citizen's letter requesting a sidewalk on Maryknoll Avenue with letters of support from the principals of Thomas W. Pyle Middle School and Burning Tree Elementary School and the co-presidents of the parent-teacher associations of these schools
8. Letter of support from Montgomery County Police, Bethesda District, School Safety Unit
9. Letter of support from the Maryland State Highway Administration Safety Office, Pedestrian and Special Programs Coordinator
10. Letter of support from the Commission on People with Disabilities
11. Letter of support from the Keep Montgomery Moving Committee
12. Letter of Support from DisabilityGuide.org
13. Letter of Support from AAA Mid-Atlantic
14. Letters from citizens concerning the Mandatory Referral
15. Letter from Norman Knopf, attorney for the Maryknoll Citizens Association
16. Montgomery County Road Code Section 49-33A

LC:cmd

MR Maryknoll Avenue.doc

Maryknoll Avenue Sidewalk

Capital Beltway

Old Georgetown Road

Rockville Pike

PROJECT LOCATION

BETHESDA CBD

Pyle M.S.

Bradley Blvd.

Wilson H.S.

River Road

Burning Tree E.S.

Cabin John Parkway

Wilson Lane

VICINITY MAP

ATTACHMENT 1

Map Compiled On 09-11-2002 at 01:38 PM
Map Scale: 1 inch = 2500 feet or 1:30000

0 2500 Feet



The Maryland-National Capital Park and Planning Commission
Montgomery County Department of Park and Planning
Transportation Planning Unit
8787 Georgia Avenue | Silver Spring, Maryland 20910
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- Streams
- Street Pavement
- Master Plan of Highways Right-of-Way
- Buildings
- Municipalities

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only employees of the area but residents as well. The full-service program could be an expansion of the existing Bethesda program operated by the Montgomery County Department of Transportation (MCDOT). It could also be a supplementary program funded and operated by the private sector as part of development approval agreements.

It is recommended that all existing and new nonresidential building owners and employers in the Bethesda-Chevy Chase Planning Area be urged to participate in the Share-A-Ride matching service, County transit pass subsidy, and County vanpool fare subsidy programs on an ongoing basis.

For those building owners and employers that provide free or below-market rate parking for employees, there should also be a requirement that they provide reserved carpool spaces convenient to the building entrances and a subsidy, equivalent to the amortized cost of building and maintaining a parking space, to each employee who chooses an alternative mode of transportation. The subsidies could be in the form of heavily discounted rail and bus transit passes for transit passengers, bike lockers and showers for bicyclists, heavily discounted vanpool fares for vanpoolers, and special monetary benefits for carpoolers. The subsidies could be issued through the building manager's office. Furthermore, developers of new office buildings in the area could be required to provide only as many parking spaces as are specified by the minimum requirements of the Zoning Ordinance, particularly in the more congested portions of the area. New local legislation would be necessary to implement such requirements.

The Master Plan recommends a policy of seeking agreements from Federal employment centers in the area to provide ridesharing/transit incentives for its employees. (See Section 3.6, Federal Employment Centers.)

4.13 Bicycle and Pedestrian Paths

This Plan endorses the expansion of pedestrian paths and bikeways to form a network linking residential neighborhoods with public facilities.

Such an expansion is an important step to reduce auto use and to provide transportation alternatives. Connections are needed with commercial and employment centers, bus and Metro stops, and community facilities such as schools, libraries, religious institutions, and recreation areas. Such linkages

This Plan endorses the expansion of pedestrian paths and bikeways to form a network linking residential neighborhoods with public facilities.

are particularly important for older residents. Wherever feasible, bus stops and other pickup locations should include covered areas. Sidewalks linking neighborhoods with facilities within a minimum one-half-mile radius should be provided in the following priority:

1. Schools and Metro stops
2. Commercial and employment centers
3. Other community facilities and services

Sidewalks should also be provided along roadways in the following priority:

1. Major highways
2. Arterials
3. Primary streets

The network of bridle and recreational foot paths should also be continued in stream valley parks and along other available linear corridors.

Public funds for sidewalk construction have been severely limited. Current budget levels allow about one-tenth of the requested sidewalk projects to be built each year, primarily those near schools and Metro stops. The Office of Planning and Project Development of the Montgomery County DOT keeps a list of projects proposed by agencies and communities. According to MCDOT, the B-CC area has a large need for sidewalks compared to other areas of the County. This Plan endorses the pro-

Maryknoll Avenue Sidewalk

BURNING TREE LOCAL PARK

BURNING TREE ELEMENTARY SCHOOL

MARYKNOLL AVENUE SIDEWALK PROJECT

PYLE MIDDLE SCHOOL

1/2 MILE RADIUS

1/2 MILE RADIUS

ATTACHMENT 3

Map Compiled On 09-06-2002 at 11:25 AM
Map Scale: 1 inch = 800 feet or 1:9600

0 800 Feet

The Maryland-National Capital Park and Planning Commission
Montgomery County Department of Park and Planning
Transportation Planning Unit
8787 Georgia Avenue | Silver Spring, Maryland 20910
301.495.4525 voice | 301.495.1302 fax | <http://www.mc-mncppc.org>

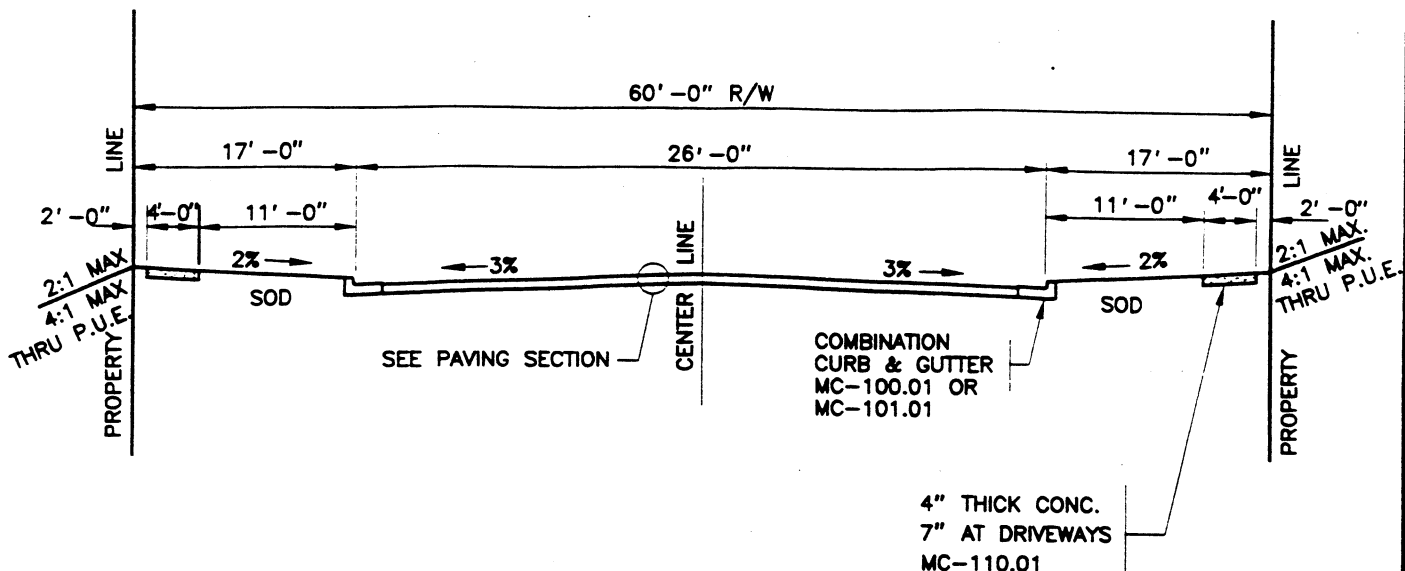
- 1. Proposed Sidewalk
- 2. Existing Sidewalk
- 3. Proposed Street
- 4. Existing Street
- 5. Proposed Roadway
- 6. Existing Roadway
- 7. Proposed Interchange
- 8. Existing Interchange
- 9. Proposed Bridge
- 10. Existing Bridge
- 11. Proposed Overpass
- 12. Existing Overpass
- 13. Proposed Underpass
- 14. Existing Underpass
- 15. Proposed Tunnel
- 16. Existing Tunnel
- 17. Proposed Viaduct
- 18. Existing Viaduct
- 19. Proposed Transit Station
- 20. Existing Transit Station
- 21. Proposed Transit Stop
- 22. Existing Transit Stop
- 23. Proposed Transit Lane
- 24. Existing Transit Lane
- 25. Proposed Transit Signal
- 26. Existing Transit Signal
- 27. Proposed Transit Shelter
- 28. Existing Transit Shelter
- 29. Proposed Transit Sign
- 30. Existing Transit Sign
- 31. Proposed Transit Bench
- 32. Existing Transit Bench
- 33. Proposed Transit Light
- 34. Existing Transit Light
- 35. Proposed Transit Tree
- 36. Existing Transit Tree
- 37. Proposed Transit Signage
- 38. Existing Transit Signage
- 39. Proposed Transit Shelter
- 40. Existing Transit Shelter
- 41. Proposed Transit Sign
- 42. Existing Transit Sign
- 43. Proposed Transit Bench
- 44. Existing Transit Bench
- 45. Proposed Transit Light
- 46. Existing Transit Light
- 47. Proposed Transit Tree
- 48. Existing Transit Tree
- 49. Proposed Transit Signage
- 50. Existing Transit Signage

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TYPICAL ROAD SECTION

3" BITUMINOUS CONCRETE SURFACE COURSE IN 2 - 1 1/2" LAYERS
3" BITUMINOUS CONCRETE BASE COURSE
APPROVED SUBGRADE

PAVING SECTION

GENERAL NOTES

1. REFER TO MARYLAND STATE HIGHWAY ADMINISTRATION SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.
2. SEE STANDARD NO. MC-811.01 - METHODS OF GRADING SIDE SLOPES.
3. TOP OF CURB ELEVATION = CENTERLINE ELEVATION +0.02' (FOR 6" CURB HEIGHT).
4. WHEN A TRAFFIC BARRIER IS WARRANTED HOLD A MINIMUM OF 7'-0" GREEN SPACE BETWEEN THE CURB AND THE SIDEWALK.

P:\DOTSTD\MC2101 6-24-94 7:54:33 am EST

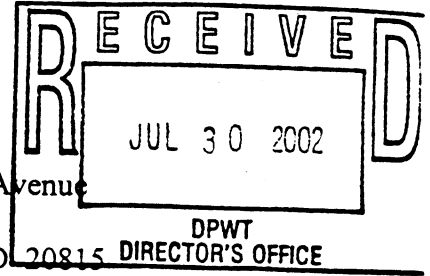
APPROVED <u>JAN 5 / 96</u> DATE	REVISED	MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION
<i>Leah M. ...</i> DIRECTOR, DEPT. OF TRANS.		SECONDARY RESIDENTIAL ROAD
<i>Edgar ...</i> CHIEF, DIV. OF ENG. SERVICES		STANDARD NO. MC-211.01

EXHIBIT 49

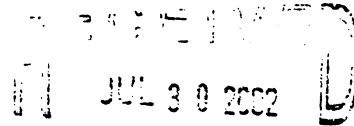


July 25, 2002

6708 Wisconsin Avenue
Suite 360
Chevy Chase, MD 20815



Albert J. Genetti, Jr.
Director
Department of Public Works and Transportation
Montgomery County
101 Monroe Street
Rockville, Maryland 20850



MCDPW&T DIVISION
OF ENGINEERING SERVICES

Re: Marvknoll Avenue Sidewalk Public Hearing (Executive Order 166-02)

Dear Mr. Genetti:

I am writing in support of the County's decision to construct a sidewalk on the north side of Maryknoll Avenue in Bethesda.

I have been a residential real estate professional for over 20 years in this area, have served as an expert witness in real estate court cases in the county, and am the owner and founder of a real estate company. Based on my experience as a real estate broker, I believe sidewalks enhance the value of a neighborhood since numerous clients of mine have stated that they prefer to purchase a home on a street with a sidewalk. When selling a home for a client, I promote all of the positive qualities of a home and neighborhood that includes the benefits of having a sidewalk for people to use.

I find that a wide range of my clients prefer to have sidewalks in a community, including families with children, people with dogs, runners, people with disabilities, members of certain religious organizations that must walk to worship services, and people that use public transportation. While I respect the feelings of certain homeowners that will be inconvenienced by the construction of the sidewalks or may not use the sidewalk themselves, I believe the benefits of a sidewalk for the whole community outweigh the drawbacks.

Please make my letter part of the record for the August 7th public hearing. I appreciate your attention to my comments, and thank you in advance for making our community's safety a top priority.

Sincerely,

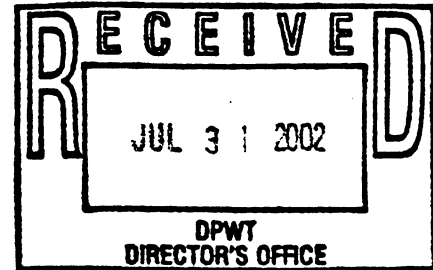
Kristin Gerlach

ATTACHMENT 5



July 29, 2002

Albert J. Genetti, Jr., Director
 Department of Public Works and Transportation
 Montgomery County
 101 Monroe Street
 Rockville, Maryland 20850



Re: Maryknoll Avenue Sidewalk Public Hearing (Executive Order 166-02)

Dear Mr. Genetti:

As a current Burning Tree Elementary School parent and real estate agent for the past nine years, it has come to my attention that the County approved construction of a sidewalk on Maryknoll Avenue. I am also aware of the recent controversy related to that decision.

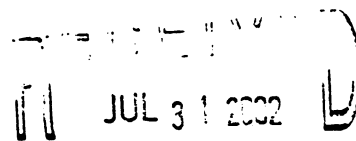
I understand that several residents opposed to sidewalk construction have expressed concerns that a sidewalk would decrease property values on their street. In my professional opinion, this concern is unfounded. In pricing a home for sale, I would advise a client no differently on a list price whether there was or was not a sidewalk in front of their home. However, many home buyers would prefer to see a sidewalk in their prospective neighborhoods; therefore a sidewalk would increase the *appeal* of a property for many families who are purchasing a home.

Considering that Maryknoll Avenue is situated between two esteemed public schools (Burning Tree and Pyle Middle School), the neighborhood attracts many families with children. Those same children would not have any bus service through high school, and parents are likely to be concerned for their children's safety as they walk to school. The high volume of traffic on Maryknoll (as it is a "cut-through" to Wilson Lane and River Road and route to the two schools) as well as the existence of speed humps is likely to raise concerns among prospective buyers with children of school age.

I thank you for your attention to my comments. Please submit this letter for the record of the August 7 public hearing.

Sincerely,

Ron Sitrin
 Realtor, Long and Foster



MCDPW&T DIVISION
 OF ENGINEERING SERVICES



MEMORANDUM

July 26, 2002

TO: Rick Earp,
Division of Engineering Services

FROM: Guy Turenne, Tree Maintenance Program Manager
Division of Highway Services

SUBJECT: Maryknoll Avenue Sidewalk Project

This memo is to follow up on our on site inspection conversation earlier today. It was my observation that with 17' of right-of-way behind the curb, there appeared to be sufficient room to locate the proposed sidewalk at the back edge of the right-of-way which would result in a "green space" between the curb and sidewalk of approximately 10'. For most of the existing trees on the right-of-way the resulting construction disturbance should be far enough from the trees to have little long term effect on the current health of the trees.

Several of the larger trees, in particular the Norway Maple and the Pin Oak we discussed may have significant roots in the construction area. In most cases it appeared there is sufficient grade change on the site to allow for the sidewalk to be "ramped" over the roots so no roots would have to be cut. Where practical, to minimize potential impacts to the existing trees, I would recommend ramping, snaking the sidewalk around trees or reducing the sidewalk width to the ADA minimum 3'. If these measures are employed, we should not experience any tree loss related to this project other than the handful of small trees we discussed.

There are currently the three trees we discussed that have pre-construction disease problems. The two Norway Maples and the Pin Oak will ultimately succumb to the respective diseases present. Whether the sidewalk is built or not will not affect their long term survivability.

I will not be in the office next week. If need be, I can go back on site and write down the addresses of the specific trees we discussed. For this and any other questions just give me a call at 7-7631.

7719 Maryknoll Avenue
Bethesda, MD 20817

January 8, 2001

Aruna Miller, Sidewalk Coordinator
Montgomery County Department of Public Works
and Transportation
Division of Engineering Services
Sidewalks Program
101 Monroe Street, EOB 9th Floor
Rockville, MD 20850-2540

Dear Ms. Miller:

This letter is to request approval for construction of a sidewalk along Maryknoll Avenue in Bethesda, connecting the existing sidewalks on Wilson Lane and Beech Tree Road. As the mother of a kindergartner and an 8 month old, I have experienced first-hand the dangerous and frightening walk to Burning Tree Elementary School along Maryknoll.

As you may know, the above-mentioned existing sidewalks provide access to Pyle Middle School and Burning Tree Elementary, respectively. Maryknoll is a direct route for students of all ages on their way to and from school, and bus service is not available to them from the elementary through high school years. Consequently, they are forced to walk in a busy roadway.

Maryknoll is also a common route for commuters to access the Ride On buses on Wilson Lane and the Metrobuses on River Road. Further, the existence of Burning Tree Park -- where Maryknoll intersects with Beech Tree Road -- lures many pedestrians through the area.

Unfortunately, despite the popularity and convenience of Maryknoll Avenue's location, the design of the street makes it extremely unsafe for pedestrians. For example, the street is narrow and winding; numerous parked cars exacerbate the problem, including those of residents and of Burning Tree families at drop-off and pick-up times. Further, the volume of moving traffic on Maryknoll is a serious concern: neighborhood residents, buses and families driving to and from school create a climate that is both frightening and hazardous. The risks are increased by the fact that many drivers speed on Maryknoll, despite the installation of speed bumps several years ago.

Two additional factors heighten the need for a sidewalk on Maryknoll. First, the potential construction of a new access road to the Holton-Arms School on Beech Tree Road could add considerable traffic to the situation described above. Perhaps most importantly, as required by

Montgomery County Schools, all schools must establish a crisis evacuation plan. In an emergency, Burning Tree students would walk up Maryknoll Avenue to re-locate at Pyle Middle School. Clearly, the safety of more than 500 young students plus the staff that accompanies them would be further threatened if they are forced to walk in a busy, crowded street.

I prefer that the County construct the sidewalk on the north side of the street. However, I realize the engineer will evaluate which side is most feasible, considering environmental matters and such safety factors as that of students entering the Burning Tree parking lot area. Further, it has come to my attention that many of the trees lining Maryknoll have been affected by some sort of blight, and I request that the arborist consider this problem when assisting in the evaluation process.

The communities of Burning Tree Elementary School and Pyle Middle School support this request for sidewalk construction. Therefore, I have enclosed a letter of support from the Burning Tree PTA; the Pyle PTSA has already submitted such a letter to your office, dated December 12, 2000.

Thank you for your time and attention to this matter. Please feel free to contact me if you have any questions regarding this request.

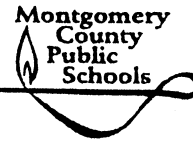
Sincerely,



Robin Shillman Rosenblum
301-320-1757

cc: The Honorable Howard Denis
Dr. Helen Chaset, Burning Tree Principal
Karen Judson, Burning Tree PTA President
Kim Schifrin, Burning Tree PTA President-Elect
Linda Bleadingheiser, Pyle PTSA Co-President
Anne Hutchens, Pyle PTSA Co-President
Bradley Boulevard Citizens Association

Thomas W. Pyle Middle School



6311 Wilson Lane
Bethesda, Maryland 20817
Telephone: (301) 320-6540
Fax: (301) 320-6647

Office of the Principal

January 25, 2002

Division of Engineering Services
101 Monroe Street, EOB 9th Floor
Rockville, Maryland 20850-2540
Attn: Sidewalks Program

To Whom It May Concern:

I am writing this letter as the principal of Thomas W. Pyle Middle School to request approval for construction of a sidewalk along Maryknoll Avenue in Bethesda. My PTSA has already written in support of this reasonable appeal.

We have many walkers, and I am in constant trepidation that one of these 11-13 year olds will be involved in an accident. It seems that this plea for keeping these children safe should be a priority before, and not after, a casualty.

I appreciate in advance your support in alleviating this dangerous and potentially fatal situation.

If I can be of further assistance, please call me at 301-320-6540.

Sincerely,

A handwritten signature in black ink that reads "Michael Doran".

Michael Doran
Principal

MD/mv

Cc: Robin Rosenblum
Burning Tree Elementary School

Thomas W. Pyle Middle School
6311 Wilson Lane
Bethesda, MD 20817

December 12, 2000

Division of Engineering Services
101 Monroe Street, EOB 9th Floor
Rockville, MD 20850-2540
Attn: Sidewalks Program


To Whom It May Concern:


This letter is written on behalf of the Parent Teacher Student Association (PTSA) of the Thomas W. Pyle Middle School. During a recent meeting, the Pyle PTSA voted to request approval for construction of a sidewalk along Maryknoll Avenue in Bethesda. It is our understanding that this sidewalk would connect the existing sidewalks on Wilson Lane and Beech Tree Road, and we believe that it would vastly improve the safety of students who walk to Pyle from that neighborhood.

Maryknoll Avenue is used by students of all ages on their way to and from school, and bus service is not available to them due to their proximity to Pyle. Without a sidewalk on Maryknoll, these students must walk in a busy roadway. The volume of traffic, narrowness of the street, and numerous parked cars, combine to create a very unsafe situation for pedestrians – especially for teenagers who do not always attend to safety.

We urge you to initiate construction of a sidewalk along Maryknoll Avenue. Please feel free to contact us for additional information or clarification.

Sincerely,


Linda Bleadingheiser
PTSA Co-President
301-229-3714


Anne Hutchens
PTSA Co-President
301-320-2220

cc: Dr. Michael Doran, Principal, Thomas W. Pyle Middle School
Ellen Berik, Recording Secretary, Pyle PTSA
Robin Rosenblum

**Parent-Teacher Association
Burning Tree Elementary School
7900 Beech Tree Road
Bethesda, Maryland 20817**

Ms. Aruna Miller, Sidewalk Coordinator
Montgomery County Department of Public
Works and Transportation
Division of Engineering Services
101 Monroe Street, EOB 9th Floor
Rockville, Maryland 20850-2540

Dear Ms. Miller,

This letter is being submitted on behalf of the Burning Tree Elementary School PTA. The Burning Tree PTA recently voted to support the effort underway to install sidewalks on at least one side of Maryknoll Avenue from Beech Tree Road to Wilson Lane. This would connect existing sidewalks on those two roads. Our parent community is deeply concerned that the lack of sidewalks on Maryknoll Avenue presents a significant safety hazard for our students as they walk to and from school.

Maryknoll Avenue is heavily traveled and in fact had speed bumps installed in response to a high volume of traffic moving at excessive speed. In spite of the speed bumps, traffic continues to travel swiftly down this narrow, winding road. Also, due to intersecting roads and curves in the road, there are several points at which driver visibility is poor.

We have approximately 150 students who walk to and from school each day, many along Maryknoll Avenue. These students, some as young as five years of age, live within one mile of Burning Tree and therefore are not eligible to ride a school bus. The students are forced to either walk across the property of homeowners along Maryknoll Avenue or walk in the street dodging numerous parked cars. There are times during the year when leaf piles and/or snow banks create additional obstacles. Students who walk down Maryknoll Avenue to Pyle Middle School, located on Wilson Lane, and students who walk this route on to Whitman High School face the same dangers.

As students approach Burning Tree in the morning or leave school grounds in the afternoon, they face another obstacle. Cars queue up on Maryknoll Avenue (on the left side if looking out from Burning Tree Elementary School) waiting to cross Beech Tree Road and enter the school's Kiss and Ride lane directly in front of the school. The school has no feasible alternative to this location for its drop off/pick up lane, due to the configuration of its property.

Two other factors make this request particularly urgent at this time. First, the Holton-Arms School has requested a second entrance to their campus, which, if approved, would be located at the intersection of Beech Tree and Burning Tree Roads. This second entrance would substantially increase the amount of traffic on Maryknoll Avenue as Holton-Arms students driving north on either Bradley Boulevard or River Road could exit at Wilson Lane and use Maryknoll Avenue to access Beech Tree Road. Second, as part of their crisis plans, all MCPS schools must identify an off-site destination should students need to be evacuated from their school grounds in an emergency. In the event of such an emergency, all Burning Tree students would be relocated to Pyle Middle School. Students and staff (over 500 people) would walk down Maryknoll Avenue from Burning Tree Elementary School towards Wilson Lane. Having sidewalks installed would help to ensure the safety of our students should such an emergency occur.

Again, we strongly support the installation of sidewalks on Maryknoll Avenue and would be happy to provide you with any other information you might find helpful. If at all possible we would like to be kept informed by your office as this process proceeds. We would appreciate being informed if sidewalks are approved and if approved, what the installation timetable would be, including when residents of Maryknoll Avenue would be notified. Thank you.

Karen Judson
Kim Schifrin
Co-PTA Presidents
Burning Tree Elementary School

February 5, 2002

Mr. Jim Stiles
Sidewalks Program Manager
Division of Engineering Services/Design Section
Department of Public Works and Transportation
Montgomery County Government
101 Monroe Street
Rockville, MD 20850-2540

Dear Mr. Stiles:

I am writing to support the installation of a sidewalk along the north side of Maryknoll Avenue between Beech Tree Road to Wilson Lane. This road is a major access and egress for Burning Tree Elementary School vehicular and pedestrian traffic. In fact, that section of the street serves as a queuing area for our drop off and pick up zone on Beech Tree Road. Having a sidewalk would ensure the safety for our students and their families as they walk to and from school and walk to cars parked in the school vicinity.

Additionally, the section of Maryknoll between Beech Tree Road towards Wilson also serves as the walking route for our school's Crisis Evacuation Plan. If, in the case of an emergency, there were a need to evacuate our students to Pyle Middle School, we would be walking that route without benefit of sidewalks. Having a sidewalk on Maryknoll will make for a safer evacuation route for the 495 Burning Tree students and their teachers.

I trust that your decision on whether or not to proceed with construction will consider the safety needs of Burning Tree students and families. Thank you.

Sincerely,

Helen S. Chaset, Ed.D.
Principal

June 13, 2002

The Honorable Douglas M. Duncan, County Executive
Executive Office Building
101 Monroe Street, 2nd Floor
Rockville, MD 20850-2540

Dear County Executive Duncan:

As co-presidents of the Burning Tree Elementary School PTA, we thank you for approving sidewalk construction along Maryknoll Avenue in Bethesda, between MD 188/Wilson Lane and Beech Tree Road. As you know, the newly-approved sidewalk would connect existing walkways servicing Burning Tree Elementary and Pyle Middle School.

As our initial letter of support indicated (see attached), our parent community is deeply concerned that the lack of sidewalks on Maryknoll Avenue presents a significant safety hazard for our students who walk to and from school. These students -- some as young as five years old -- live within one mile of Burning Tree and therefore are not eligible to ride a school bus from the elementary through high school years. Maryknoll Avenue's high traffic volume -- which includes school buses -- intersecting roads, and poor visibility make it an unsafe route for our students who are forced to walk.

Further, as you know, all MCPS schools are required to identify an off-site destination should students need to evacuate their school grounds in an emergency. Burning Tree designated Pyle as its off-site emergency destination, and Maryknoll Avenue is our emergency evacuation route. In the event of such an emergency, all Burning Tree students and staff (over 500 people) would walk down Maryknoll Avenue towards Pyle. A sidewalk is critical to our ability to move students safely in an emergency situation.

Again, we applaud your decision to build a sidewalk along Maryknoll Avenue and hope that construction will begin as planned. Doing so will ensure a safe beginning to the 2002-2003 school year, and is a great service to our children and our community.

Sincerely,

Kim Schifrin
Carley Lee
Co-PTA Presidents, Burning Tree Elementary School

CC: The Honorable Albert Genetti, Jr., P.E.
The Honorable William Bronrott
The Honorable Brian Frosh
The Honorable Howard Denis
The Honorable Constance Morella
Lori Gillen, Pedestrian Safety Coordinator, Montgomery County
Dr. Helen Chaset, Principal, Burning Tree Elementary School
Dr. Michael Doran, Principal, Thomas W. Pyle Middle School
Parent Teacher Student Association, Thomas W. Pyle Middle School

Attachment

June 13, 2002

The Honorable Albert J. Genetti, Jr., P.E., Director
Montgomery County Department of Public Works and Transportation
Executive Office Building, 101 Monroe Street, 9th Floor
Rockville, MD 20850-2540

Dear Director Genetti:

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Sincerely,

Kim Schiffrin
Carley Lee
Co-PTA Presidents, Burning Tree Elementary School

CC: The Honorable Douglas Duncan
The Honorable William Bronrott
The Honorable Brian Frosh
The Honorable Howard Denis
The Honorable Constance Morella
Lori Gillen, Pedestrian Safety Coordinator, Montgomery County
Dr. Helen Chaset, Principal, Burning Tree Elementary School
Dr. Michael Doran, Principal, Thomas W. Pyle Middle School
Parent Teacher Student Association, Thomas W. Pyle Middle School

Attachment

June 13, 2002

The Honorable Douglas M. Duncan, County Executive
Executive Office Building
101 Monroe Street, 2nd Floor
Rockville, MD 20850-2540

Dear County Executive Duncan:

As co-presidents of the Parent Teacher Student Association (PTSA) of the Thomas W. Pyle Middle School, we reiterate our support of your decision to construct a sidewalk on the north side of Maryknoll Avenue between MD188/Wilson Lane and Beech Tree Road.

As our attached letter from December, 2001 indicates, the Pyle PTSA believes that such a sidewalk would vastly improve the safety of students who are ineligible for bus service and are forced to walk to school. The volume of traffic, winding nature of the street and numerous parked cars combine to create a very unsafe situation for pedestrians, especially for teenagers who do not always attend to safety.

We thank you for your decision to build a sidewalk along Maryknoll Avenue and hope that construction will begin as scheduled. We look forward to welcoming our "walker" students safely in the upcoming school year.

Sincerely,

Abbie Eckland
Cathy Crouch
PTSA Co-Presidents, Thomas W. Pyle Middle School

CC: The Honorable Albert Genetti, Jr., P.E.
The Honorable William Bronrott
The Honorable Brian Frosh
The Honorable Howard Denis
The Honorable Constance Morella
Lori Gillen, Pedestrian Safety Coordinator, Montgomery County
Dr. Helen Chaset, Principal, Burning Tree Elementary School
Dr. Michael Doran, Principal, Thomas W. Pyle Middle School
Parent-Teacher Association, Burning Tree Elementary School

Attachment

June 13, 2002

The Honorable Albert J. Genetti, Jr., P.E., Director
Montgomery County Department of Public Works and Transportation
Executive Office Building
101 Monroe Street, 9th Floor
Rockville, MD 20850-2540

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Sincerely,

Abbie Eckland
Cathy Crouch
PTSA Co-Presidents, Thomas W. Pyle Middle School

CC: The Honorable Douglas Duncan
The Honorable William Bronrott
The Honorable Brian Frosh
The Honorable Howard Denis
The Honorable Constance Morella
Lori Gillen, Pedestrian Safety Coordinator, Montgomery County
Dr. Helen Chaset, Principal, Burning Tree Elementary School
Dr. Michael Doran, Principal, Thomas W. Pyle Middle School
Parent-Teacher Association, Burning Tree Elementary School

Attachment



DEPARTMENT OF POLICE

Douglas M. Duncan
County Executive

Charles A. Moose, Ph.D.
Chief of Police

July 31, 2002

Mrs. Robin Rosenblum
7719 Maryknoll Avenue
Bethesda, Maryland 20817

Dear Mrs. Rosenblum,

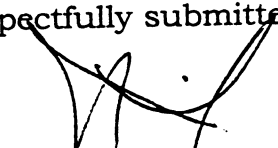
As per our conversation on Monday July 30, 2002 I am submitting a letter in our strong support for sidewalks in the Burning Tree Elementary School neighborhood. With the reduction of Montgomery County School Bus service to the school and increased traffic, sidewalks are necessary to insure the safety of the children who now walk to school. Sidewalks are the best "mode of transportation" for children who can and want to walk to their neighborhood school. Sidewalks just make "safety sense". Without sidewalks children are forced to walk in the street. Motorists and school children do not mix using the same thoroughfare.

At the intersection of Maryknoll Avenue and Beech Tree Road, located at the driveway entrance to Burning Tree Elementary School, approximately 30 to 50 school age children use this crosswalk assisted by a Montgomery County Crossing Guard. The crossing guard is needed to facilitate the safe flow of pedestrian and vehicular traffic at this intersection.

The School Safety Unit is committed to the safest possible routes to and from school for students and parents. It should also be noted that Maryknoll Avenue is the emergency evacuation route to Pyle Middle School. With the addition of the sidewalks, this would facilitate the safe walking route to the middle school in the case of an emergency.

This office is dedicated to the well-being of all school age children walking to and from school.

Respectfully submitted,


PO III John R. Sauriol, Coordinator
Bethesda District
School Safety Unit

JRS/lks



Community Services Division

ATTACHMENT 8



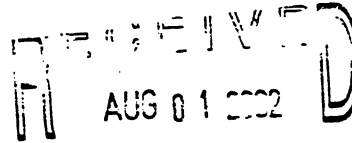
*Maryland Department of Transportation
State Highway Administration*

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

July 25, 2002



Ms. Robin Rosenblum
7719 Maryknoll Avenue
Bethesda, MD 20817

MCDPW&T DIVISION
OF ENGINEERING SERVICES

Dear Ms. Rosenblum:

In response to your request, we assembled a team consisting of several members of the Maryland School Zone Traffic Safety Task Force to perform a site evaluation of the pedestrian safety conditions along Maryknoll Avenue in Bethesda. The Maryland State Highway Administration created the School Zone Traffic Safety Task Force in 1991 to provide recommendations, guidelines, and resources that assist local communities to ensure safer trips to and from school for Maryland's school children.

The site evaluation team included Linda Zerbee-Darrall, a traffic engineer with the State Highway Administration (SHA), District 6; George Frangos, a traffic engineer with the Howard County Public Works Department; and myself, the Pedestrian and Special Programs Coordinator with the SHA's Maryland Highway Safety Office. Officer Denise Gill, a Community Policing Coordinator with the Montgomery County Police Department, also accompanied the site evaluation team in order to provide a law enforcement perspective.

The site evaluation team met with Dr. Helen Chaset, Principal of Burning Tree Elementary School, Dr. Michael Doran, Principal of Thomas Pyle Middle School, and Richard Earp of the Montgomery County Department of Public Works, and examined the length of Maryknoll Avenue. This street is not a State highway, but is maintained by, and is under the jurisdiction of, Montgomery County.

The team identified the lack of a sidewalk along Maryknoll Avenue as the principal deficiency relating to students and other pedestrians. The location of Maryknoll Avenue makes it a strong candidate for sidewalk installation as the street provides access to an elementary school at one end and a middle school at the other. The principals of the two schools estimate that up to 150 students use some portion of Maryknoll Avenue to access these schools. At least six school buses use Maryknoll Avenue to access Burning Tree Elementary School. Additionally, vehicles of parents dropping off students queue onto Maryknoll Avenue, causing further congestion and interference for walkers. Dr. Chaset stated that many parents have told her that they drive their child to school because of the lack of a sidewalk along Maryknoll Avenue. Finally, Maryknoll Avenue is the

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

ATTACHMENT 9

Ms. Robin Rosenblum
July 25, 2002
Page 2

designated emergency evacuation route for children from Burning Tree Elementary School to reach Thomas Pyle Middle School.

The site evaluation team recommends that the County install sidewalks along the length of Maryknoll Avenue. They would provide a substantial improvement in protection for school children and other pedestrians walking along this street and would further protect against vehicle-pedestrian conflicts on the section of the street adjacent to Burning Tree Elementary School.

The safety benefit of sidewalks has been demonstrated in numerous traffic safety studies in which the presence of sidewalks has been associated with a reduction in pedestrian accidents. Nationally recognized guidelines for street and highway design recommend sidewalks be constructed in areas with pedestrian concentrations, especially in residential and school areas.

If you have any questions, please feel free to contact me at 410-582-5578, 888-963-0307, or gbranyan@sha.state.md.us.

Sincerely,



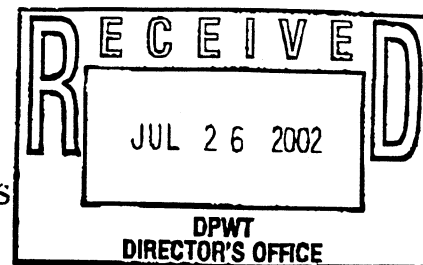
for George Branyan
Pedestrian and Special Programs Coordinator
Maryland Highway Safety Office

cc: Dr. Helen Chaset
Dr. Michael Doran
Mr. Richard Earp
Mr. George Frangos
Officer Denise Gill
Ms. Carolyn Roeding
Mr. Lee Starkloff
Ms. Linda Zerbee-Darrall



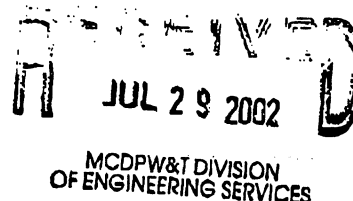


COMMISSION ON PEOPLE WITH DISABILITIES



July 26, 2002

The Honorable Douglas M. Duncan
County Executive
Executive Office Building
101 Monroe Street
Rockville, Maryland 20850



Dear Mr. Duncan:

On behalf of the Commission on People with Disabilities, I am writing to request that the County install a much needed sidewalk along Maryknoll Avenue. We are concerned because the neighborhood lacks needed accessibility not only for people with mobility impairments, but also for children to walk to school.

Without this much needed sidewalk, the neighborhood is effectively closed off to people with disabilities. Despite nearby bus stops (Ride-On stop at the corner of Wilson and Maryknoll, Metrobus stop at the corner of Wilson and River), and walkways on Wilson, access stops at the entrance of Maryknoll Avenue. The two choices people with disabilities have are either to try to navigate through yards, many of which are landscaped with thick ivy or impenetrable bushes and brush in place of front lawns, or down the middle of street which is dangerous to say the least.

This little road, less than one-half mile in length, also links two MCPS schools--Burning Tree Elementary School and Thomas Pyle Middle School. Because the neighborhood is within the distance mandated for walking to school, school bus pick-ups are not allowed. Since there is no sidewalk, children have no choice but to walk down the middle of the street. Most parents do not allow their children to walk and drive them to school instead. This puts more cars on the road, forcing additional traffic on our already congested roads. Moreover, those few students who are allowed to walk create terrifying moments for motorists who have to avoid hitting them as they try to direct their cars down the winding road. Maryknoll Avenue is a busy street as it is considered a "cut-through" street for motorists trying to avoid certain stretches of River Road and the Beltway.

We know you have a deep commitment to improving transportation and walkways in our community. We hope that the County will be able to install this much needed sidewalk so that



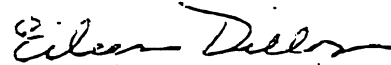
ATTACHMENT 10

Department of Health and Human Services

The Honorable Douglas M. Duncan
July 26, 2002
Page 2

Maryknoll Avenue becomes a neighborhood that is accessible to everyone. Please feel free to contact me if you have any further questions.

Sincerely,



Eileen Dillon
Chair

ED:bl

c: Albert J. Genetti, Jr., Director, Department of Public Works and Transportation

August 20, 2002

Mr. Russ Hammill
Hearing Examiner
In Care of: Mr. Bruce Johnston, Chief
Montgomery County Division of Engineering Services
101 Monroe Street, 9th Floor
Rockville, MD 20850

Dear Mr. Hammill:

As Chairman of Keep Montgomery County Moving Committee, I am writing to convey the Committee's support for the construction of a sidewalk on Maryknoll Avenue in Bethesda.

Keep Montgomery County Moving is a committee of environmental, civic and business leaders that meet regularly with the Director of the Department of Public Works and Transportation and his senior staff. KMCM provides feedback to the Director on matters of transportation and land use and formulates positions on associated issues that are then presented in appropriate forums. Pedestrian safety and access is a top priority of DPWT and this Committee.

The sidewalk construction project proposed for Maryknoll Avenue is an essential project for the mobility, safety and quality of life of the community. The use of public transportation will be greatly enhanced by this sidewalk, thereby making it easier, safer and more appealing for residents to take advantage of our extensive transit network instead of adding to vehicular traffic. This sidewalk, for example, will provide access to Ride On Bus Route 29, serving many important destinations such as the Bethesda and Friendship Heights Central Business Districts and Metro Stations as well as the Glen Echo National Park. It should also be noted that this sidewalk will serve many workers that use public transportation to access jobs in the homes of this area.

The exposure of school age residents to the hazards of walking to school in the street will be eliminated by the construction of this sidewalk. Safe and appealing walking routes to schools are a national and local priority. By offering a safe route to schools, this sidewalk will help reduce the morning rush hour traffic visited on residents by some of the approximately 20 percent of car trips generated by parents driving their children to school.

Access to the wealth of opportunities available in our communities including, homes, schools, recreational activities, jobs and services, is essential regardless of ones'

Mr. Russ Hammill c/o Bruce Johnston
Montgomery County DPWT
Engineering Services

August 20, 2002

Page 2

access to a car. The sidewalk under question is a well-designed enhancement to the neighborhood and a vital link in Bethesda's transportation network.

My experience of giving up my car 7 years ago, living in Bethesda, and working in Bethesda as a fire fighter has given me a keen sense of the lack of safe access for pedestrians and transit users represented by this case. On behalf of the Keep Montgomery County Moving Committee, I ask that you clear the way for the Maryknoll Avenue sidewalk to help make our communities safer and more walkable for all residents, especially our young people and transit users.

Sincerely,

Richard E. Hoye,
Chairman

cc: Steven Silverman, President, Montgomery County Council
Albert G. Genetti, Director, DPWT

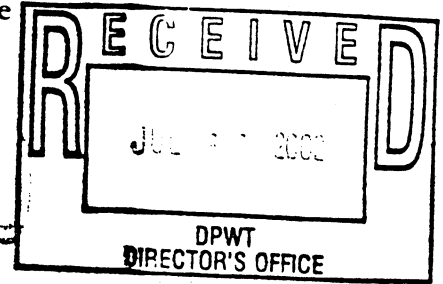
DisabilityGuide.org

EXHIBIT 79

July 24, 2002

The Washington D.C. Metro Area's
Number One Disability Information Resource

Mr. Al Genetti
Director
Department of Public Works and Transportation
101 Monroe Street
Rockville, MD 20850



Dear Mr. Genetti.

My name is Russ Holt, and I am the founder / President of DisabilityGuide.org. My organization publishes the annual Washington, DC Access Guide that provides accessibility information for the Metro area's attractions and restaurants (including many in Montgomery County).

I live in Montgomery County. I was appointed by County Executive Doug Duncan to serve as a member of the Montgomery County Commission on People with Disabilities. The Commission advises the County Executive and the County Council on matters relating to facilities and services for disabled County residents and legislation affecting people with disabilities. Members serve three-year terms without compensation.

As an advocate for the rights of persons with disabilities, and as a person who has had to face the consequences when there is not access to a public facility, a park or a neighborhood, I felt it important to weigh in on this issue. I was informed of the possibility of a sidewalk on Maryknoll Avenue recently, and wanted to voice my support.

My organization is often approached by people who ask, "Why build a ramp there? No one will use it!" or something similar. My answer is simple – a decision not to provide access is exclusion. In a society that for centuries did nothing to stop the exclusion of people with disabilities, the idea of more ways to integrate more people with disabilities into our community is refreshing.

A decision to not build a sidewalk on Maryknoll Avenue, which links two schools and provides easy access to Ride-On and Metrobuses, effectively excludes people with disabilities from this area of Montgomery County. It sends a message that Montgomery County doesn't want people with disabilities to live here and doesn't want them to visit anyone here either. I do not believe this is consistent with the values we hold or the policies our government promotes. Sidewalks are critical for the development of inclusive communities.

Thank you for your time!

Sincerely,

A handwritten signature in black ink, appearing to read "Russ Holt".

Russ Holt
President, DisabilityGuide.org
301-528-8664

ATTACHMENT 12



August 8, 2002

14280 Park Meadow Drive
Chantilly, VA 20151-2219
Fax 703/222-4049

Mr. Russ Hammill
Hearing Examiner
Maryknoll Avenue Case
% Bruce Johnston, Chief
Montgomery County Division of Engineering Services
101 Monroe Street, 9th floor
Rockville, MD 20850

Dear Mr. Hammill:

I am writing to express AAA Mid-Atlantic's strong support for sidewalks on Maryknoll Avenue in Bethesda.

AAA has long been involved in pedestrian safety, but most particularly the safety of school children as they travel daily between homes and schools. That is why for over 75 years we have been the sole sponsors of the AAA School Safety Patrols locally and nationwide. We have over 35,000 children currently enrolled as patrols in just this region alone. I also served on the County's Pedestrian Safety Task Force that just recently submitted its final report to the County. That report urged the County to do all it can to promote walking and safety, and urged many engineering and construction measures, including construction of more sidewalks and pedestrian crossings.

With traffic on our residential streets growing rapidly, providing sidewalks that will help separate children—and all other pedestrians—from that traffic, just makes good sense. As a lifelong county resident, I feel the argument that sidewalks will detract from—or destroy—our neighborhoods, as some are indicating, is without merit. We need to encourage walking and safety, and sidewalks do both.

We would urge the County to continue its efforts to create and promote walkable, livable and safe neighborhoods. The provision of sidewalks should certainly be a primary strategy for achieving this desirable goal. Maryknoll Avenue appears to be just the kind of street where sidewalks can do the most good. Traffic is growing while children and parents are walking to Burning Tree Elementary School on one end and Pyle Middle School at the other. Additionally, people frequently are hesitant to walk on their neighbors' lawns and therefore choose to walk in the streets when there are no sidewalks.

We urge you to uphold safety and common sense, and we urge the County to move forward with these sidewalks, and to continue to make provisions in both planning and budgeting for a robust sidewalk construction program in the County.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Lon Anderson".

Mahton G. "Lon" Anderson
Director, Public Affairs

cc Hon. Steve Silverman
President, Montgomery county Council
Al Genetti, Jr.,
Director, Dept. of Public Works and Transportation
✓ Don Mooers, Jr., Esq.
Trow & Kearney, P.C.

ATTACHMENT 13

Cole, Larry

From: Jill Hazan [jwhazan@hotmail.com]
Sent: Wednesday, September 11, 2002 8:50 PM
To: Cole, Larry
Subject: For the Record for the September 19th Hearing on Maryknoll Sidewalks

Dear Mr. Cole:

The following link is to a letter to the editor I wrote that was published on 9/11/02 concerning sidewalks on Maryknoll.
<http://www.gazette.net/letters/> I have also pasted a copy of the text at the bottom of this email.
Please include this letter in the record for the September 19th hearing.

Thank you very much.
Sincerely,
Jill Hazan
8001 Springer Rd
Bethesda

Following is the text from 9/11/02 letter to the editor.

Shame on the Maryknoll Avenue residents who value their bushes over the life of children -- my children!

I grew up on Maryknoll and now live around the corner. My parents still live on Maryknoll, and I often walk my two young children down the street to visit them. Clearly, Maryknoll is not the same quiet residential street I once knew. It is dangerous to walk with a stroller on that street.

It appalls me that my neighbors, the same neighbors I have had for much of my life, care more about their landscaping than the safety of our next generation.

Intent on fighting the sidewalks, the sidewalk opponents have hired a lawyer to represent them.

That lawyer has made two arguments against the sidewalk: that the process is flawed and, he asks, "Where is the accident list?"

He overlooked the fact that the county has allowed Maryknoll Avenue homeowners to comment on their decision. They requested comments early in the process, and most recently the county conducted a five-hour hearing at which 42 people spoke. More than 126 property owners on Maryknoll and neighboring streets signed a petition in favor of the sidewalk; 60 sent letters.

Concerning his question, "Where is the accident list?" What an awful question.

Must we must wait until a child dies or is seriously injured before they will allow 4 feet of county property to be used for sidewalks? I for one don't want to wait until someone dies before we all recognize what should be obvious: sidewalks are needed on this busy street.

Shame on them.

Jill Hazan, Bethesda

Join the world's largest e-mail service with MSN Hotmail.
<http://www.hotmail.com>

**7602 Maryknoll Avenue
Bethesda MD 20817**

August 19, 2002.

Public Hearing Officer
Maryknoll Avenue Sidewalk Public Hearing
101 Monroe Street
9th Floor
Rockville MD 20850

BY FAX: 240-777-7277

Dear Sir Or Madam:

As long time residents of Maryknoll Avenue who were not able to attend the public hearing on August 7, my wife and I would like to communicate our strong support for the proposed sidewalk. We were involved in the campaign for signatures in support of sidewalks several years ago—a campaign that led the county to introduce speed bumps on the street. Unfortunately, the speed bumps have not improved safety on the street, not least because the number of cars parked on the street, particularly near Burning Tree School, make it dangerous for pedestrians even when traffic is moving slowly. As a result, we did not allow our children to walk to school until fourth grade, even though we were inside the bus perimeter and thus had to drive the children to and from the school each day instead. A sidewalk would add immeasurably to the safety of all pedestrians, especially children, and we are pleased that the County proposed to build a sidewalk that has minimal impact on the landscaping which we all value. Our initial and somewhat selfish hope had been that the sidewalk would be built on 'our' (south) side or both sides of the street but we are no less supportive of current plans to build the sidewalk only on the north side. I hope that the recent campaign to halt this important improvement in the quality of the neighborhood will not prevail.

Thank you for your consideration.

Yours sincerely,

Michael E. Lamb
Kathleen J. Sternberg

September 6, 2002

Mr. Russell E. Hamill, Jr.
Hearing Examiner for the County Executive
51 Monroe Street, Suite 503
Rockville, MD 20850

RE: Maryknoll Avenue Sidewalk Public Hearing

Dear Mr. Hamill:

I have previously submitted comments on the necessity of sidewalks on Maryknoll Avenue. I incorporate those comments herein by reference.

My interest in commenting is that of a resident of the surrounding community and as a Burning Tree Elementary parent. Even if I were not so interested, the extreme danger of the situation and abuse of process surrounding this project would compel me by good conscience alone to make the following additional comments.

I. Do We Care About Our Children, Our Neighbors, Our Community?

Maryknoll Avenue is one of the county streets that, at one time, may have been a quiet neighborhood street. However, in 2002, the situation is drastically different. Maryknoll is now a street that is a convenient cut-through for commuters-- commuters with no regard for traffic restrictions and unmindful of pedestrians that are forced to use the street. Moreover, the street is curving, the residents park their cars on the street --forcing pedestrians to travel even more directly into the roadway--, and residents are not always receptive to children or adults using their lawns as footpaths. Bus traffic to Burning Tree, Pyle Middle School and Whitman High School is heavy on this street where small children are attempting to make their way to school safely. Moreover, the growing population of our area and attendant fill in construction has greatly increased traffic on this road over the past several years.

Both principals and PTA's of Burning Tree and Pyle have requested the construction of a sidewalk. Children also travel this street to reach field trip destinations at Pyle, and Maryknoll is the established emergency evacuation route by which Burning Tree students reach Pyle. A better case could not be made for a sidewalk. It is surprising that the county did not initiate this project on its own before the present application.

Some may claim that only a handful of children use the street to get to school. Not only is this statement clearly erroneous, but also more children would be permitted to walk to school if there were a safe route to do so. Many parents are driving very short distances rather than expose themselves and their children to danger on the way to school. The results are logjams and confusion in front of Burning Tree and Pyle, providing more

engineers do not make these decisions lightly, and that their budget restrictions only allow the most deserving projects to be recommended for approval.

In this instance, a sidewalk will greatly improve safety, from an engineering perspective it will not be difficult or costly relative to other projects, it will enhance the beauty of the neighborhood, promote pedestrian use of the street, and create a greater sense of community. I daresay the naysayers will, in the end, appreciate the results.

With these comments in mind, I respectfully request that you promptly approve the construction of a sidewalk on Maryknoll Avenue.

Sincerely,

Jacqueline A. Sincore
6318 Alcott Road
Bethesda, MD 20817

Cc: Chairman Derick P. Berlage
Parks and Planning

Robin -
Here's your copy
of the letters I sent
to Hamill and Berlage
today. Well done! And
thanks for your efforts
on all our behalfs. robin

7915 Springer Road
Bethesda, MD 20817

Re: Maryknoll Avenue Sidewalk Public Hearing (Executive Order 166-02)

Dear Mr. Hamill:

I am writing in support of the County's decision to construct a sidewalk on the north side of Maryknoll Avenue in Bethesda.

While I do not live on Maryknoll Avenue, I do live in the surrounding community and must use the street on a regular basis. As a parent of school-age children ineligible for bus service, I particularly welcome this long-overdue improvement. As you know, Burning Tree Elementary School is at one end of the street, and Thomas W. Pyle Middle School at the other. Yet, I am forced to drive my children to school because Maryknoll is too dangerous to walk. Not only does this deprive my children the benefits of walking to school, it also means one more car contributing to the traffic mess on Maryknoll.

I hope that the County will move forward with construction. I am not willing to wait until someone is injured or killed to prove that the sidewalk is a necessary safety precaution that would benefit the numerous students and other pedestrians who use Maryknoll on a regular basis.

Please make my letter part of the record for the August 7th (now September 13th) public hearing. I appreciate your attention to my comments, and thank you in advance for making our community's safety a top priority.

Sincerely,

Robin Gonzales

cc: Chairman Derick P. Berlage

8201 Wahly Drive
Bethesda, Md. 20817
Sept. 5, 2002

Russell E. Hamill, Jr.
Hearing Examiner for the County Executive
51 Monroe Street, Suite 503
Rockville, MD 20850

ATTN: Maryknoll Sidewalk Public Hearing

Dear Mr. Hamill:

We live on Wahly Drive not far from Maryknoll. We walk in the neighborhood daily, often on Maryknoll, as do many others. We strongly support the County's building a sidewalk on Maryknoll. We hope it can be built in a way that accommodates the concerns of residents.

Although our daughter is now through school, we would have been much more comfortable with her walking to and from Burning Tree and Pyle, as she did, had there been more sidewalks. With construction and lawn service traffic as well as school buses to avoid and parked cars to get around, we think children now attending these schools as well as older walkers would be safer with a sidewalk.

We are pleased that Montgomery County makes building sidewalks a priority.

Sincerely,

Will and Fran Irwin

THOMAS ALFANO, ESQ. AND YASMIN PANAHY, M.D.
8314 Thoreau Drive
Bethesda, Maryland, 20817
301-365-2566
thomasalfano@comcast.net

4 September 2002

Re: Maryknoll Avenue Sidewalk Public Hearing (Executive Order 166-02)

Dear Mr. Hamill:

I support of the Montgomery County's decision to construct a sidewalk along the north side of Maryknoll Avenue in Bethesda.

I live on Thoreau Drive and believe that the construction of a sidewalk on Maryknoll Avenue will dramatically improve the conditions affecting the safety of the children who attend Burning Tree Elementary School, including my own son, as well as any other pedestrians on that important street in our neighborhood. As you know, Burning Tree Elementary School is at one end of the street and Thomas W. Pyle Middle School is at the other; therefore, Maryknoll plays a critical role in pedestrian traffic to these schools. I am gratified to learn that the County recognizes that Maryknoll has an especially important role in the pedestrian traffic in our community.

I strongly encourage the County to move forward with construction as soon as possible. I have personally witnessed a numerous disturbing incidents involving vehicular traffic placing young children in immediate danger. I will never allow my child to walk to Burning Tree Elementary School without the safe passage provided by a sidewalk. I believe that the inconveniences visited upon the homeowners directly affected by the proposed construction are vastly outweighed by the enhancement of safety for all, especially the most vulnerable among us.

Please make my letter part of the record for the public hearing of 7 August 2002. Thank you for your attention to this matter.

Sincerely,

Thomas Alfano & Yasmin Panahy

cc: Chairman Derick P. Berlage

9/3/02

Chairman Derick P. Berlage
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910
ATTN: Maryknoll Sidewalk

Dear Chairman Derick P. Berlage

Please place a sidewalk on Merryknoll for the safety and health of our children and citizens,

I realize this will cause inconveniences to the residence of Merryknoll, but if a child gets hit by a car they will regret they did not put up with minor inconveniences.

I live on Winterberry Lane and walk my son to and from school everyday. Cars are parked on both sides of the road. Sometimes there are public service trucks that block the road. I have a choice walk in the road and possibly get hit or walk on the grass and have wet shoes.

~60% of Americans are overweight. A sidewalk would encourage people to walk. This will decrease cars on the road which will decrease air pollution too.

Let us be proactive before a child or parent is injured or killed.

Sincerely yours,

Linda Adelson RN BSN CWOCN
6932 Winterberry Lane
Bethesda, MD 20817-2909
301-229-6424

July 31, 2002



COPY

Maryknoll Avenue Citizens Association
Attn: William S. Dinsmore
7823 Maryknoll Avenue
Bethesda, MD 20817

At your request, I have visited your neighborhood to inspect the proposed site for the installation of sidewalks on the County easement. I noted the presence of numerous shade trees along the right-of-way ranging in size from 10-30 inches in diameter. The predominant species are Norway Maple (*Acer platanoides*) and Pin Oak (*Quercus palustris*). The trees range in health from fair to excellent with the majority of the trees in good health.

The vast majority of the trees are 25 years of age or older. These trees have lived many years beyond the average life expectancy of an urban street tree, which is twelve years. This can be attributed to the fact that these trees have had more than the usual allotment of ground space for street trees to grow and should continue to prosper.

The introduction of sidewalks at this time, using conventional construction methods, will result in a substantial loss of root mass (50% or greater) for the majority of the trees in question. The stresses imposed by the root loss and soil disturbance will weaken these trees and render the trees more susceptible to insects and disease pathogens. This will result in the decline and ultimately the death of these mature trees.

The injuries imposed by the proximity of the construction activities will also compromise the structural integrity of these healthy trees. The wounds resulting from the radical root pruning will become avenues for wood decay organisms. Trees with decaying roots can fail without notice. With the help of severe weather the results can be catastrophic. Whether deliberate or accidental, destruction of a trees root system can yield the same hazardous situation. Public safety and liability must not be ignored.

Trees are a valuable resource for many reasons. They beautifying the landscape, improve energy efficiency of homes, provide visual and sound barriers, attract wildlife, and improve water quality and our environment to name a few. It is my opinion that the plan to install a sidewalk along the Maryknoll Avenue right-of-way will result in the loss of substantial tree cover in the neighborhood. This will have a negative impact on property values and radically alter the quality and character of the neighborhood for years to come.

Please contact me if I can assist you further regarding these matters.

Sincerely,


Kevin P. Clair

iSA Certified Arborist, MA-0190

Chairman Derick P. Berlage
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910
ATTN: Maryknoll Sidewalk

RECEIVED
1347
SEP 04 2002

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Chairman Derick P. Berlage,

Please place a sidewalk on Merryknoll for the safety and health of our children and citizens,

I realize this will cause inconveniences to the residence of Merryknoll, but if a child gets hit by a car they will regret they did not put up with minor inconveniences.

I live on Winterberry Lane and walk my son to and from school everyday. Cars are parked on both sides of the road. Sometimes there are public service trucks that block the road. I have a choice walk in the road and possibly get hit or walk on the grass and have wet shoes.

~60% of Americans are overweight. A sidewalk would encourage people to walk. This will decrease cars on the road which will decrease air pollution too.

Let us be proactive before a child or parent is injured or killed.

Sincerely yours,



Linda Adelson RN BSN CWOCN
6932 Winterberry Lane
Bethesda, MD 20817-2909
301-229-6424

July 25, 2002
8316 Woodhaven Blvd.
Bethesda, Md. 20817

R E C E I V E
1355
SEP 05 2002

Albert J. Genetti, Jr.
Director, Department of Public Works and Transportation
Montgomery County
101 Monroe Street
Rockville, Md. 20850

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Re: Maryknoll Avenue Sidewalk Public Hearing (Executive Order 166-02)

Dear Mr. Genetti,

We are writing in support of the County's decision to construct a sidewalk on the north side of Maryknoll Avenue in Bethesda. We do not live on Maryknoll Avenue, but as residents of the surrounding community and as parents of children who attend Burning Tree Elementary School we drive Maryknoll Avenue on a regular basis.

Our children are not permitted to walk on Maryknoll Avenue because we believe Maryknoll Avenue is at present an unsafe street for pedestrians, particularly young pedestrians. It is heavily traveled, cars often move at excessive speed, and there are several points at which driver visibility is extremely poor.

Of special concern to us as parents of children who attend Burning Tree is the fact that in the event of an emergency requiring Burning Tree students to be evacuated from school grounds, students will be relocated to Pyle Middle School. Students will need to walk from Burning Tree down Maryknoll Avenue in the direction of Wilson Lane. Without the installation of a sidewalk this will be a hazardous undertaking should such an emergency occur.

During this time of increased focus on pedestrian safety, it makes sense to install a sidewalk on Maryknoll Avenue, a narrow, winding street that connects two schools and supports a high volume of traffic. Our children, our most vulnerable pedestrians, have the right to walk to and from school safely.

We request that our letter be made part of the record for the August 7th public hearing on this issue.

Sincerely,

Robert and Karen Judson

RECEIVED
1372
SEP 09 2002

Robin and David Gonzales
7915 Springer Road
Bethesda, MD 20817

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Re: Maryknoll Avenue Sidewalk Public Hearing (Executive Order 166-02)

Dear Mr. Hamill:

I am writing in support of the County's decision to construct a sidewalk on the north side of Maryknoll Avenue in Bethesda.

While I do not live on Maryknoll Avenue, I do live in the surrounding community and must use the street on a regular basis. As a parent of school-age children ineligible for bus service, I particularly welcome this long-overdue improvement. As you know, Burning Tree Elementary School is at one end of the street, and Thomas W. Pyle Middle School at the other. Yet, I am forced to drive my children to school because Maryknoll is too dangerous to walk. Not only does this deprive my children the benefits of walking to school, it also means one more car contributing to the traffic mess on Maryknoll.

I hope that the County will move forward with construction. I am not willing to wait until someone is injured or killed to prove that the sidewalk is a necessary safety precaution that would benefit the numerous students and other pedestrians who use Maryknoll on a regular basis.

Please make my letter part of the record for the August 7th (now September 13th) public hearing. I appreciate your attention to my comments, and thank you in advance for making our community's safety a top priority.

Sincerely,

Robin Gonzales

cc: Chairman Derick P. Berlage

Amy and Desmond Brown
6901 Winterberry Lane
Bethesda, MD 20817

RECEIVED
1373
SEP 09 2002

July 23, 2002

Albert J. Genetti, Jr.
Director
Department of Public Works and Transportation
Montgomery County
101 Monroe Street
Rockville, Maryland 20850

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Re: Maryknoll Avenue Sidewalk Public Hearing (Executive Order 166-02)

Dear Mr. Genetti:

We are writing to express our **STRONG SUPPORT** for the County's decision to construct a sidewalk on the north side of Maryknoll Avenue in Bethesda.

For the past two years we have lived on the southwest corner of Winterberry Lane and Maryknoll Avenue, which is approximately one block from the Burning Tree Elementary School. We have two young children who will be attending that school within the next year or two. We also use the community park next to Burning Tree Elementary School on a regular basis. Currently, on long stretches of Maryknoll, we have no choice other than to walk in the roadway itself, because access over some homeowners' properties is blocked by rows of trees or bushes, tall groundcover, or fences.

We believe the sidewalk will be a major improvement to the safety of our neighborhood. With Burning Tree Elementary School at one end of the street, and Thomas W. Pyle Middle School at the other, Maryknoll is an appropriate candidate for sidewalks. We thank the County for recognizing that our community - including those children walking to and from school - must be able to stay out of the busy, dangerous roadway.

From our property, we have observed the traffic on Maryknoll at busy times, which include workday and school mornings and workday evenings when commuters return home from work, and have personally witnessed the large numbers of cars on the road, not to mention the speed at which many of them travel. Both of us have walked on Maryknoll many times on workday mornings and evenings (to make use of public bus service on Wilson Lane) and do not feel safe walking in the roadway. We also observe many of our neighbors out walking or running in the roadway in the mornings and evenings. We are very concerned about the safety of our own family as well as our neighbors, both adults and children, walking or running in the roadway on Maryknoll.

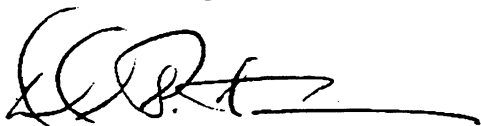
We hope that the County will move forward with construction. We are not willing to wait until someone is injured or killed to prove that the sidewalk is a necessary safety precaution that would benefit the numerous students and other pedestrians who use Maryknoll on a regular basis.

Please make our letter part of the record for the August 7th public hearing. We appreciate your attention to our comments, and thank you in advance for making our community's safety a top priority.

Sincerely,



Amy Brown



Desmond Brown

cc: Russell E. Hamill, Jr., Hearing Examiner
cc: Chairman Derick P. Berlage

September 6, 2002

Mr. Russell E. Hamill, Jr.
Hearing Examiner for the County Executive
51 Monroe Street, Suite 503
Rockville, MD 20850

RECEIVED
1374
SEP 09 2002

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

RE: Maryknoll Avenue Sidewalk Public Hearing

Dear Mr. Hamill:

I have previously submitted comments on the necessity of sidewalks on Maryknoll Avenue. I incorporate those comments herein by reference.

My interest in commenting is that of a resident of the surrounding community and as a Burning Tree Elementary parent. Even if I were not so interested, the extreme danger of the situation and abuse of process surrounding this project would compel me by good conscience alone to make the following additional comments.

I. Do We Care About Our Children, Our Neighbors, Our Community?

Maryknoll Avenue is one of the county streets that, at one time, may have been a quiet neighborhood street. However, in 2002, the situation is drastically different. Maryknoll is now a street that is a convenient cut-through for commuters-- commuters with no regard for traffic restrictions and unmindful of pedestrians that are forced to use the street. Moreover, the street is curving, the residents park their cars on the street--forcing pedestrians to travel even more directly into the roadway--, and residents are not always receptive to children or adults using their lawns as footpaths. Bus traffic to Burning Tree, Pyle Middle School and Whitman High School is heavy on this street where small children are attempting to make their way to school safely. Moreover, the growing population of our area and attendant fill in construction has greatly increased traffic on this road over the past several years.

Both principals and PTA's of Burning Tree and Pyle have requested the construction of a sidewalk. Children also travel this street to reach field trip destinations at Pyle, and Maryknoll is the established emergency evacuation route by which Burning Tree students reach Pyle. A better case could not be made for a sidewalk. It is surprising that the county did not initiate this project on its own before the present application.

Some may claim that only a handful of children use the street to get to school. Not only is this statement clearly erroneous, but also more children would be permitted to walk to school if there were a safe route to do so. Many parents are driving very short distances rather than expose themselves and their children to danger on the way to school. The results are logjams and confusion in front of Burning Tree and Pyle, providing more

opportunities for collisions and injuries. Is this what our county executive envisions when he speaks of creating a "pedestrian-friendly Montgomery County"?

II. An Abuse of Process

There has been much excitement on the part of some residents of Maryknoll over their real or contrived feelings of not being part of the decision process. In fact, they have been aware of what Ms. Rosenblum and others have been trying to do for the benefit of their street for several years. They have been apprised, polled and informed. Only now, that the county actually approved a sidewalk, do they scream "foul play!" when, in truth, it is they who are not playing fair. The county has bent over backward to give them opportunities to express their feelings, concerns, etcetera, despite the fact that the county's procedures for the application and approval of sidewalks does not include hearings. Yet county officials feel pressure to provide yet another hearing on this issue and to second guess its very capable group of engineers and urban planners that cannot but help to see that a sidewalk is warranted for Maryknoll Avenue.

A process exists for the construction of sidewalks. It has been followed. If others don't like the process, then separate from this project, they need to seek to change those rules. Moreover, by allowing these hearings to continue, the county is setting a dangerous precedent for the sidewalk program, and any other public improvement project undertaken by the county. Is this the way we want our tax dollars and the time and energy of our county officials to be spent?

Lastly, there has been and will be no taking of property here without due process. The county has a legal right, well known to all homeowners, to undertake needed projects on a strip of each lot abutting the road – such as, utility work, gas lines, tree removal. In this instance, it is the construction of a sidewalk. This is no different from any other legitimate government action. It may be a bit more controversial than some of the others; but like the others, it is being planned for the benefit and safety of all who live on and use Maryknoll Avenue.

III. Liability

An issue that the county should consider with regard to this project, and all the many roads where sidewalks are needed, is the county's liability to those who are injured because they are forced to walk in the road. It seems incomprehensible that children, especially elementary school children, should not be provided with bus service where there are no means provided for them to safely walk to school. With the county's budgetary restraints in mind, at least those streets that serve as the primary arteries to and from schools should have sidewalks installed.

With the preceding comments in mind, the county seems to open itself up to lawsuits from anyone injured walking to school on streets with no sidewalks. Even more clear-cut is this case, where county engineers have agreed that Maryknoll warrants a sidewalk. Having gone through this application process on my own street, I know that your

engineers do not make these decisions lightly, and that their budget restrictions only allow the most deserving projects to be recommended for approval.

In this instance, a sidewalk will greatly improve safety, from an engineering perspective it will not be difficult or costly relative to other projects, it will enhance the beauty of the neighborhood, promote pedestrian use of the street, and create a greater sense of community. I daresay the naysayers will, in the end, appreciate the results.

With these comments in mind, I respectfully request that you promptly approve the construction of a sidewalk on Maryknoll Avenue.

Sincerely,



Jacqueline A. Sincore
6318 Alcott Road
Bethesda, MD 20817

Cc: Chairman Derick P. Berlage
Parks and Planning

**7602 Maryknoll Avenue
Bethesda MD 20817**

August 19, 2002.

Public Hearing Officer
Maryknoll Avenue Sidewalk Public Hearing
101 Monroe Street
9th Floor
Rockville MD 20850

RECEIVED
1375
SEP 09 2002

**OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION**

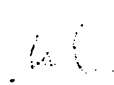
BY FAX: 240-777-7277

Dear Sir Or Madam:

As long time residents of Maryknoll Avenue who were not able to attend the public hearing on August 7, my wife and I would like to communicate our strong support for the proposed sidewalk. We were involved in the campaign for signatures in support of sidewalks several years ago—a campaign that led the county to introduce speed bumps on the street. Unfortunately, the speed bumps have not improved safety on the street, not least because the number of cars parked on the street, particularly near Burning Tree School, make it dangerous for pedestrians even when traffic is moving slowly. As a result, we did not allow our children to walk to school until fourth grade, even though we were inside the bus perimeter and thus had to drive the children to and from the school each day instead. A sidewalk would add immeasurably to the safety of all pedestrians, especially children, and we are pleased that the County proposed to build a sidewalk that has minimal impact on the landscaping which we all value. Our initial and somewhat selfish hope had been that the sidewalk would be built on 'our' (south) side or both sides of the street but we are no less supportive of current plans to build the sidewalk only on the north side. I hope that the recent campaign to halt this important improvement in the quality of the neighborhood will not prevail.

Thank you for your consideration.

Yours sincerely,


Michael E. Lamb
Kathleen J. Sternberg

Copy to...
...
...

Sept 9, 02

Mr. Derek Berlog

You already have my letter of Sept 3rd
Copy of that letter is forwarded (enclosed
with signatures of persons who
attended a neighborhood meeting last
evening. No attempt has been made
to get signatures of persons who
were not available for the meeting
but who oppose sidewalks on
Mary Knoll.

Bill Dinsmore

Staff Note:

Mr. Dinsmore's 9/3
letter has been replaced
with this one as the
wording is the same.

Larry Cole

RECEIVED
1385
SEP 10 2002

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

William and Laura Dinsmore
7823 Maryknoll Avenue
Bethesda, Maryland, 20817

August 28, 2002

Mr. Derek Berlage
Chairman, National Park & Planning Commission
Chairman, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland, 20910

This letter relates to the Planning Board hearing of September, 19th concerning the proposal to install a paved sidewalk along the North side of Maryknoll Avenue. Our purpose in writing is to register our opposition to this proposal. The balance of this letter states briefly the central reasons for our opposition. Supporting detail is provided in the attached materials including our letters to Douglas Duncan and to Hearing Officer, Russell Hamill. Additional supporting materials will be provided in submissions from other concerned home owners in our community.

MARYKNOLL SIDEWALK PROPOSAL INITIATED AND PURSUED WITHOUT ADEQUATE CRITERIA, PRIORITAZATION, OR REGARD FOR VIEWS OF AFFECTED CITIZENS.

Clear county-wide sidewalk construction public policy is needed covering how sidewalk proposals are initiated, evaluated and prioritized. The needed policy should also cover the method of obtaining participation by affected citizens and the relevance of their views in decision making.

A critical distinction should be made in the sidewalk construction policy between construction as part of new developments and retrofitting sidewalks in well established communities. The disruption, neighborhood alteration and added cost of imposing sidewalks in established areas should be recognized and accounted for by a requirement that proposals in such cases be approved only where very compelling conditions exist.

NO DEMONSTRATED NEED FOR SIDEWALKS--- VERY FEW WALKERS

Fewer than ten children walk to or from school using Maryknoll. 150 or so students at Burning Tree Elementary School do not qualify for busing to school. Contrary to earlier inferences by project supporters, these 150 students do not use Maryknoll. Far from it. A large portion of the 150 are regularly driven to and from school. Moreover, there are five corridors leading up to Burning Tree School. Maryknoll is one of the five. Two of the corridors have sidewalks and three do not. Thus of 150 non-busers, an estimated 65 to 75 walk using one of the five corridors. Maryknoll serves fewer walkers than the other routes resulting in what we observe every school day - i.e. fewer than ten walkers on Maryknoll.

The paucity of walkers on Maryknoll (and elsewhere) is, in large part, a result of societal change over recent years. (described elsewhere) The small number of walkers is a continuing fact that does not derive from the absence of a sidewalk on Maryknoll. Installing a sidewalk will not produce a measurable increase in the number of walkers.

It is relevant to say here that there have been no pedestrian accidents on Maryknoll Avenue in the 42 years of its existence.

RETROFITTING SIDEWALKS IN OUR LONG SETTLED NEIGHBORHOOD WILL SEVERLY DEGRADE ITS PLEASING SUBURBAN CHARACTER.

The chief concern under this heading is the serious, even fatal, injury that would be sustained by the 28 mature shade trees on the North side of the Avenue by the installation of sidewalks. Loss of many or most of these shade trees would seriously degrade the quality and character of our long settled neighborhood. The Department of Public Works and Transportation states that this is not a problem and that there are ways to protect tree root systems. No supporting information has been offered. Conversely, two registered and very credible arborists have stated that sidewalks imposed now would destroy a large portion of the established root systems causing the decline and death of these trees. (See attached letter with picture sent to the Hearing Officer as well as my testimony at the hearing and letter from Kevin Clair, founder and owner of Arbor Care Inc.)

Another serious adverse impact of sidewalks on our neighborhood applies in particular to those properties with especially short driveways. The intrusion of side walks reaching in as far as 15 feet from the curb would sharply reduce the useful length of these already short driveways with the result that more cars would have to be parked in the roadway thereby causing more impediment to traffic in the segment of Maryknoll nearest the school. (See testimony of Marilyn Glick - provided separately)

ALTERNATIVES TO SIDEWALKS ARE LESS INTRUSIVE, LESS COSTLY AND MORE DIRECTED TO TRAFFIC CONGESTION NEAR THE BURNING TREE ENTRANCE

Walking on the easement greenspace (grass walkways) is a highly feasible alternative to installing cement sidewalks. This was the established and required practice for school children coming along Maryknoll in years past when there were many more walkers. Student patrols assisted in enforcing this requirement. They took pride in their role and younger children looked up to them. It worked well and, of course, there were no accidents. (See testimony of Jean Colison- provided separately)

There is a problem of traffic congestion at Maryknoll and Beechtree at school arrival and dismissal times. This is largely the result of the cutback in school bus service and the societal change referred to earlier. These factors working together cause a large number of children being driven to school. Sidewalks would not do anything to relieve this traffic congestion problem. There are some traffic management steps that could alleviate the congestion situation. The testimony of Jeanne Chang (provided separately) identifies some of these steps which are more useful to the real problem than the proposed sidewalks.

AFFECTED HOME OWNERS STRONGLY OPPOSE PROPOSED SIDEWALKS

There are 27 property owners directly affected by the proposed sidewalk (i.e. on the affected North side of the Avenue) Of these 21 oppose the project and 5 support it. (one house is currently vacant) When the views of residents on the south side are included as very interested parties, there are again those who support and those who oppose. No complete count of this segment has been taken, but it is apparent that again the great majority oppose.

OTHER CONSIDERATIONS

There are some other important consideration which I will only allude to briefly:

- * Legal, procedural and public policy issues and shortcomings in the proposal as summarized in the statement provided to the Hearing Officer by Attorney Norman Knopf.
- * Attention to other higher priority sidewalk needs especially in new communities which are not long established.

* The cost estimate of \$78,000 does not seem realistic since it does not include the cost of moving a number of telephone pole guy wires or the cost of whatever tree root protection measures are planned by the Department of Public Works and Transportation. These costs would add very significantly. (See testimony of Joseph Falzon provided separately)

William S. Dinsmore

We endorse these statements:

Anthony Cray
Jean Colson
Wendy Jr. Allen

Gerard Carole

Carol B. Anderson

J. S. Cole

James Carey

Dennis

Lilly Linsen

Wesley Fabry

Marilyn Pick

8201 Wahly Drive
Bethesda, Md. 20817
Sept. 5, 2002

Chairman Derick P. Berlage
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RECEIVED
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SEP 10 2002

ATTN: Maryknoll Sidewalk Public Hearing

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Chairman Berlage:

We live on Wahly Drive not far from Maryknoll. We walk in the neighborhood daily, often on Maryknoll, as do many others. We strongly support the County's building a sidewalk on Maryknoll. We hope it can be built in a way that accommodates the concerns of residents.

Although our daughter is now through school, we would have been much more comfortable with her walking to and from Burning Tree and Pyle, as she did, had there been more sidewalks. With construction and lawn service traffic as well as school buses to avoid and parked cars to get around, we think children now attending these schools as well as older walkers would be safer with a sidewalk.

We are pleased that Montgomery County makes building sidewalks a priority.

Sincerely,

Will and Fran Irwin
Will and Fran Irwin

Alejandra Vallejo
7614 Winterberry Place
Bethesda, MD 20817

September 6, 2002

Chairman Derick P. Berlage
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RECEIVED
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SEP 10 2002

ATTN: Maryknoll Avenue Sidewalk Public Hearing (Executive Order 166-02)

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Chairman Berlage:

I am writing in support of the County's decision to construct a sidewalk on the north side of Maryknoll Avenue in Bethesda.

While I do not live on Maryknoll Avenue, I do live in the surrounding community and must use the street on a regular basis. Therefore, I welcome this long-overdue improvement to our neighborhood. With Burning Tree Elementary School at one end of the street, and Thomas W. Pyle Middle School at the other, Maryknoll is an appropriate candidate for sidewalks. I thank the County for recognizing that our community – including those children walking to and from school – must be able to stay out of the busy, dangerous roadway.

I hope that the County will move forward with construction. I am not willing to wait until someone is injured or killed to prove that the sidewalk is a necessary safety precaution that would benefit the numerous students and other pedestrians who use Maryknoll on a regular basis.

Please make my letter part of the record for the September 10th public hearing. I appreciate your attention to my comments, and thank you in advance for making our community's safety a top priority.

Sincerely,


Alejandra Vallejo

David and Erna Brown
7701 Maryknoll Ave.
Bethesda, MD 20817
(301) 229-0716

September 9, 2002

Mr. Derek Berlanga
Chairman, NCPPC & MCPB
8787 Georgia Ave.
Silvers Spring, MD 20910

RECEIVED
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SEP 10 2002

Re: Maryknoll Sidewalk Hearing

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Mr. Berlanga,

As affected residents, I am writing to present our comments against the proposal to build a sidewalk on the North side of Maryknoll Ave.

Little, if any, Safety Benefit. There are no studies that demonstrate that a sidewalk will increase safety on Maryknoll. Having heard arguments on both sides at neighborhood meetings, I remain convinced that a sidewalk would not significantly increase safety. There is very little pedestrian traffic along Maryknoll -- either by children or adults. Would more children walk if there was a sidewalk? This is unlikely because it appears at this time that fears about child abductions and the parental convenience of dual income families are the main reason why children are driven to school. Building a sidewalk would not change those considerations. The minimal number of people walking does not warrant construction of a sidewalk.

A Maryknoll Raceway? Maryknoll has a long downhill slope from Pawtucket to Fulbright. A sidewalk down this section would be the best downhill skate boarding ramp on a quiet street anywhere in this surrounding community. If kids throughout the neighborhood see this temptation and start using it that way, the sidewalk would increase, rather than reduce, safety problems. This is particularly a concern for us because the proposed alignment creates a straight down hill raceway along the steepest part of the Maryknoll hill (Pawtucket to Tranford) with skate boarders careening down this slope ending up face down in our yard.

There may be a case for sidewalks on both sides of Maryknoll in **the section closest to Burning Tree Elementary** -- not because of neighborhood kids walking to school but because of heavy traffic along this one section of Maryknoll during school drop off/pick-up periods. These times create short-term bursts of vehicular and pedestrian traffic on this one part of Maryknoll, sometimes as far as Winterberry. But there is no need for a sidewalk all along Maryknoll.

Is a sidewalk desirable? No. There are countervailing considerations that outweigh the need for a sidewalk. First, the county **budget** is again in deficit. There

are far more compelling educational, road, social and "homeland security" needs. We would prefer to see our tax dollars used for those priority needs.

Second, the proposed alignment of the sidewalk would significantly damage trees and shrubbery along Maryknoll, unnecessarily altering the appearance and hence **character of our street**. Many of the trees, both those planted by the county and by residents, will have their root systems damaged by the construction of the sidewalk. Inevitably these trees will in time fall on homes and power lines with homeowners bearing the inconvenience and costs of repair. As with all other aspects of this proposal, there is no evidence that the DPWT has made any study or assessment of these implications of their proposal.

Third, we are strong advocates of **limiting storm water run-off** into the Chesapeake Bay. Every square meter of new impervious surface only compounds the problem of restoring the health of the Bay. We don't have influence over shopping center parking lots unfortunately, but we do feel strongly about contributing to run-off by what is done in our front yard, particularly so when there is no demonstrated need.

Fourth, Be kind to us seniors when it comes to **snow removal**. There are more seniors than children along Maryknoll. Many of them, like us, increasingly find snow shoveling a challenge, if not impossible.

Priorities. In a time of budget stringency, tax payer dollars should be spent on the many educational, transportation, health and public safety projects which are of much higher priority than sidewalks., particularly projects which are not justified.

Thus there are clear costs and disadvantages from building a sidewalk, particularly as proposed by the Sidewalk Program. On balance, these costs outweigh the negligible and unproven benefits of a sidewalk.

A No Cost Alternative Our children, like many others in the past, walked to Burning Tree Elementary and Pyle Middle school by walking on the grass in front of homes. We and other homeowners along Maryknoll are willing to ensure that ivy, gardens or branches which impede walking on the grass in a couple of yards are removed so that those few children who wish to walk on the grass can do so easily. Doing this would not cost taxpayer dollars nor divert resources from higher priorities. Unfortunately, DPWT is staffed with engineers who believe pouring concrete is the only viable approach. This is not the case. There are many valid reasons why no cost, less invasive and equally safe alternatives to concrete should be pursued.

Sincerely,



David G. Brown

Terri Zweig 7613 Winterberry Place Bethesda MD 20817 301-320-6970

September 11, 2002

Russell E. Hamill, Jr.
Hearing Examiner for the County Executive
51 Monroe Street, Suite 503
Rockville, MD 20850

Dear Mr. Hamill:

I am writing to show my support of the County's decision to construct a sidewalk on the north side of Maryknoll Avenue in Bethesda.

I live nearby and walk to and from Burning Tree Elementary School with my two sons. I've always been concerned about the lack of sidewalks in our community. My sons and I avoid walking on Maryknoll Avenue because it is much too dangerous! With the carpool queue, cars parked on both sides of the street, and school buses approaching Burning Tree from this avenue, it is a pedestrian nightmare! I would greatly welcome this long-overdue improvement to our neighborhood.

Another reason why a Maryknoll sidewalk is a necessity is because Burning Tree Elementary School's emergency evacuation plan requires the students to walk to Thomas W. Pyle Middle School. Last year, my husband chaperoned a practice drill of first graders walking to Pyle from Burning Tree. It was an extremely nerve-racking experience. I believe Maryknoll Avenue is much too dangerous to accommodate vehicular and pedestrian traffic without a sidewalk.

I hope that the County will move forward with construction. I am not willing to wait until someone is injured or killed to prove that the sidewalk is a necessary safety precaution.

Please make my letter part of the record for the September 19th public hearing.

Thank you for taking the time to read my letter and for making our community's safety a top priority.

Sincerely,

Terri Zweig

cc: Chairman Derick P. Berlage

To: Russ Hamill, Jr., Hearing Examiner

From: Robin Rosenblum

RE: Pedestrian and Vehicular Traffic on Maryknoll Avenue

Date: 9/12/02

As my older son went home with a friend today, I was able to look out of my window and watch the pedestrian and vehicular traffic at Burning Tree Elementary School's pick-up time. From 3:20 p.m. – 3:50 p.m., I counted all vehicles and pedestrians traveling on Maryknoll near the intersection of Maryknoll and Fulbright Court (a feeder street which serves as access to Maryknoll from several side streets), which would include traffic traveling to and from Wilson Lane. Unfortunately, I cannot account for the usually heavy traffic traveling onto and off of Maryknoll via Winterberry Lane (the closest block before Maryknoll meets the school driveway), because it is not within view of my home. Here is what I found in those 30 minutes:

1. 107 vehicles (9/107 were school buses)
2. 26 pedestrians (includes children in strollers).

Clearly, there were a great number of both pedestrians and moving vehicles. Clearly, they should not be vying for the same space on our narrow, winding road. Drivers and walkers should not have to dodge one another in their attempt to get from one place to another through our neighborhood.

LAW OFFICES OF

KNOFF & BROWN401 EAST JEFFERSON STREET
SUITE 206
ROCKVILLE, MARYLAND 20850
(301) 545-6100

FAX: (301) 545-6103

E-MAIL KNOFF@KNOFF-BROWN.COM

WRITER'S DIRECT DIAL

(301) 545-6104

NORMAN G. KNOFF

September 12, 2002

VIA FACSIMILEMontgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910RE: **Mandatory Referral -
Maryknoll Sidewalk Proposal**

Dear Members of the Planning Board:

This letter is submitted on behalf of my clients, the Maryknoll Citizens Association and members of that Association, residents of Maryknoll Avenue, in opposition to the sidewalk proposal.

The proposed sidewalk project raises important public policy issues which should be resolved as part of the decision making process for the Maryknoll proposed sidewalk and for all proposed sidewalk projects.

The Mandatory Referral process is an appropriate one for raising these policy issues with the hope that the Board will acknowledge the merits of the issues and recommend to the Executive Branch of government that this sidewalk project not proceed until these issues are addressed.

These issues include:

1. Requests for sidewalks exceed funds available. What criteria and policies are in place to determine whether a sidewalk at a given location is warranted and, if warranted, what priority that particular location should be given compared to other locations for which requests for sidewalks are pending? At the public hearing before the Hearing Examiner, DPW & T made clear that there were no such criteria - a sidewalk to be used by only 7 persons was given the same importance and priority as one that would be used by 700.

2. If, as DPW & T asserts, safety is the principal purpose of sidewalks, what, if any, safety data should be required to justify constructing a sidewalk at a particular location? For example, would a street such as Maryknoll, with a history of no accidents, few pedestrians, speed bumps, and a wide grassy area on the unimproved right-of-way that may be used by pedestrians, require a sidewalk for safety reasons - and on a priority basis?

ATTACHMENT 15

Montgomery County Planning Board
September 12, 2002
Page 2

3. What consideration, if any, should be given to the destruction of mature trees, changes in character of the neighborhood due to such destruction and strong opposition of the residents on the street for which the sidewalk is proposed?

4. What consideration should be given to alternative safe pedestrian pathways which would save trees and not change the character of the neighborhood, such as asphalt, or a grass pathway, or "grass-crete", within the unimproved right-of-way; locating pathways to avoid harm to trees?

At the hearing before the Hearing Examiner, DPW & T made clear that essentially all it considers in deciding to go ahead with a sidewalk project is that a person asked for it. Thus, for example, no serious, if any, analysis was given to (1) using the existing 17-foot wide unimproved right-of-way along Maryknoll as a pedestrian pathway - leaving it grass; (2) using grass-crete; or (3) using asphalt, all alternatives to the proposed concrete walk, which is designed in a straight line oblivious to the mature trees.

These public policy issues were discussed in detail in my letter to the Hearing Examiner of August 16, 2002, a copy of which is attached to this letter for the Board's consideration.

As also noted in that letter, §49-33-A(a) of the County Code requires a County wide Master Plan for sidewalks and that sidewalks be constructed in accordance with that Master Plan. DPW & T was unable to identify any such Master Plan at the hearing before the Hearing Examiner.

Accordingly, we request that the Board recommend that no decision be made on the Maryknoll sidewalk project until each of the policy issues raised is addressed, standards adopted and then those standards applied to this (and all) sidewalk projects. We also request that your recommendation include an opportunity for the Board and the public to comment on these standards before final adoption.

Respectfully submitted,


Norman G. Knopf
Attorney for Maryknoll Citizens Association

cc: Wendy Meer, Maryknoll Citizens Association

LAW OFFICES OF

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WRITER'S DIRECT DIAL
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NORMAN G. KNOFF

August 16, 2002

Mr. Russell Hamill
Hearing Examiner
51 Monroe Street
Room 503
Rockville, MD 20850

Re: Maryknoll Sidewalk Proposal

Dear Hearing Examiner Hamill:

This letter is filed on behalf of my clients, the Maryknoll Citizens' Association and members of that Association, the residents of Maryknoll Avenue who appeared at the public hearing and testified in opposition to the sidewalk project.

At the end of the hearing, you advised that due to time constraints during the hearing, supplemental written remarks could be filed for the record and additional written questions.

The Maryknoll sidewalk project raises important issues of procedure and public policy. These issues relate to all sidewalk projects and their proper resolution here should serve as precedent to govern future sidewalks proposals.

1. It is uncontested, as conceded by Bruce Johnson, Chief, Division of Engineering Services, that the requests for sidewalks in the County exceed the funds available. Therefore, it is essential that criteria and policies be in place for determining whether a sidewalk at a given location is warranted and for prioritizing locations for such sidewalks when funds become available. The record reflects that there are no meaningful criteria or policies in place.
2. The absence of such criteria/policies perhaps is best demonstrated by Mr. Johnson's response to a question, at the end of the hearing. Whether 7 persons will use a sidewalk or 700 persons is immaterial to the department. Both would qualify equally for immediate construction of a sidewalk!
3. The department advises that the principal goals of constructing sidewalks are to provide safety for pedestrians and to encourage persons to walk, particularly to schools and public transportation. At a minimum, implementation of such goals should require objective data, such as by studies, showing:

Russell Hamill
Hearing Examiner
August 16, 2002
Page 2

- a. The number of cars using Maryknoll currently;
 - b. Average speed of cars currently; and
 - c. The number of pedestrians walking currently, particularly walking to school and to bus stops.
4. Data and analyses are also needed to determine whether the existence of sidewalks would be likely to increase pedestrian use.
5. Information and analyses are particularly crucial in the Maryknoll project.
- a. Extensive evidence of record was presented to show there is no pedestrian safety problem.
 - b. Extensive evidence of record was presented to show there is no speeding problem.
 - c. There was much evidence showing that there are very, very few walkers, including to school or the Ride-on stop. The number of walkers would not increase with sidewalks. This is due to families having two working parents, after school activities, and other factors totally apart from the existence of sidewalks, which lead parents to drive their children. An article in *The Washington Post*, August 7, 2002, noted that over the past 30 years the proportion of students walking has declined 67% to 10% - (despite an increase in sidewalks). Similarly, with regard to Ride-On bus stop, the uncontested testimony was that less than a handful of persons use the stop and that this number would not increase if sidewalks were constructed.
6. Further, in 1995 speed humps were installed on Maryknoll Avenue in lieu of sidewalk construction. The department's letter of May 25, 1995 to each property owner on Maryknoll advised that there would be no sidewalk construction because of the humps unless there was a determination that the speed humps were not reducing speed or providing for safer pedestrian passage. This representation to the property owners was relied upon by them. Nevertheless, the record reflects no reasonable basis for a determination that sidewalks are now necessary - e.g., no studies, surveys, etc. showing the humps were not achieving their goal. An outdated traffic date from prior to the installation of speed humps was used. No analysis after their installation. There should be an objective analysis demonstrating changed circumstances

Russell Hamill
Hearing Examiner
August 16, 2002
Page 3

requiring sidewalks. This is required not only to address whether the project is meritorious and deserves priority over other projects, but necessary not to breach the representations the government has made to its citizens.

7. The proponents of sidewalks, including the department, testified that some persons, particularly some school aged children, will use the sidewalk and this justifies the construction. This situation essentially exists anywhere in the County. The question is not whether someone will use the sidewalks, but locating such sidewalks in the highest priority areas first, given the limited budget constraints. Merely because a proposed sidewalk location is somewhere near a school does not necessarily translate into a need for a sidewalk or its extensive use. Each location must be analyzed based on the circumstances peculiar to that particular location in order to properly determine need, safety, use, etc. Criteria should be established for evaluating these results and prioritizing locations.

None of this was done here.

8. A proper analysis should include an evaluation of the detriments of constructing a sidewalk and weighed against the need/use of sidewalks. The record reflects these detriments including:
 - a. Whether property owners most impacted strongly oppose the sidewalks.
 - b. Removal of mature trees;
 - c. Placing at risk other mature trees;
 - d. Changing the character of the street from non-urban, tree-lined with shade canopy to a more urban environment;
 - e. Inconsistency with the strong County policy of preserving trees (Chapter 22A, Forest Conservation - Trees, § 22A-2); and
 - f. Possible adverse safety consequences of sidewalks by causing cars normally parked in driveways to park on street, making pedestrian street crossing less safe.

Russell Hamill
Hearing Examiner
August 16, 2002
Page 4

The record reflects no such analysis. A department arborist advised that "most" trees would not be affected. There was no information as to the total number of trees that would be placed at risk.

9. In prioritizing projects, cost should be another factor taken into consideration. The record reflects that the cost estimates are incomplete; no consideration was given to the considerable cost of moving utility poles and guy wires or removing/raising utility meters in the sidewalk's path.
10. Finally, a determination as to the need for a sidewalk given location and the priority it should be assigned, should include analysis of less intrusive and costly alternatives:
 - a. Use of a grass "sidewalk" within the 17 foot wide grass area right-of-way on either side of the street, with removal of any shrubbery obstructions;
 - b. Use of that right-of-way with the "improvement" by "grasscrete" - an esthetically unobtrusive plastic support that can withstand fire trucks so could easily support pedestrians;
 - c. Use of asphalt for the sidewalk - as has been done on Wilson Lane;
 - d. Relocation of sidewalk along areas of Maryknoll from the specific locations proposed so as to avoid destruction of mature trees;

Again, the record reflects that such alternatives were not given serious, if any, consideration.

11. Not only does common sense and responsible government require that the type of information, guidelines and policies discussed above be in place and applied to any sidewalk project, but the County Code mandates this. § 49-33-A(a) requires that there be a master plan for sidewalks County-wide before sidewalks are constructed. The record does not reflect any such master plan, no less one that approves and prioritizes this location. Further, § 49-33-A(b) requires, for sidewalks as part of road projects, that there be a finding as to whether safety requires such a sidewalk and further requires a consideration of whether the sidewalk is "disproportionate in cost to the need therefore or probable use thereof". Such considerations obviously should also apply to sidewalks constructed apart from a road project.

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12. The record reflects that not only the required data and analysis were not done for this project, but the record also reflects that it was only essentially after the department reached the determination that the sidewalk would be constructed and construction was about to commence that efforts were made to advance supporting reasons/information.
13. It is undisputed that in January the department's letter to property owners advised that it was considering building a sidewalk. In June it was announced that the sidewalk project would commence July 1st. Much of the documentation submitted by the department as reasons for the project was collected after this time period. At the public hearing, the department relied on testimony/information provided at that hearing as justification for its prior decision. Obviously, first should come the bases for requiring a sidewalk at this particular location, and what priority, if any, it should be given compared to other locations, analysis of alternatives and community impact. Then, there should be a determination to build it, not the reverse order.
14. Information cited by the department as reasons for constructing the sidewalk include a petition signed by scores of people in favor of the sidewalks. The petition states that the signers are "a resident and/or frequent user of Maryknoll Avenue." However, a review of the addresses of many of the petitioners reveals that they live nowhere near Maryknoll Avenue and the streets upon which they live have a more direct access to the schools than Maryknoll Avenue affords. Thus it is unlikely, to say the least, that the signers would ever use the proposed sidewalk.
15. Other letters from the schools and even the State Highway Administration list the number of students that attend a school that are not bussed, somehow implying, if not directly stating, that they would all be using Maryknoll to walk to school on sidewalks. This, of course, is absurd given the large geographic areas the schools serve with many coming in different directions than through Maryknoll. As noted on the record by one of the speakers, the principal of the elementary school had advised that only 4 families with children live on Maryknoll. Factual data as to the actual numbers of children of those families or other children who would walk to school via Maryknoll was non-existent.

In conclusion, we respectfully request that the Hearing Examiner recommend **DENIAL** of this project because the necessary information and analysis as to need, cost, adverse consequences, and prioritization, as discussed above, are absent. In the alternative, the project should be deferred subject to obtaining this information and providing another hearing once such information and analyses are compiled.

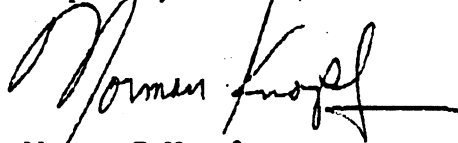
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QUESTIONS

In addition to the questions asked on the record, which remain unanswered, the following additional questions are posed:

1. For each of the alternatives to a concrete sidewalk listed above, why is that alternative not acceptable by the department?
2. What is the actual cost of the sidewalk project including all utility removals/relocations and tree protection measures?
3. What solutions are available to eliminate the traffic congestion at Beech Tree and Maryknoll due to parked cars/parent pick-up/bus stop all outside of the school property during school starting and closing time?
4. How would the construction of sidewalks at the Maryknoll/Beech intersection remedy the traffic congestion and make safer pedestrian access compared to using a 17 foot wide grass sidewalk?
5. How much safer, if at all, is a concrete sidewalk compared to a 17 foot wide grass sidewalk?
6. Identify the other locations at which sidewalks have been requested or recommended, but due to budgetary limitations will not be constructed or will be constructed after the Maryknoll sidewalks?
7. Are the safety needs and use needs greater at those locations than at Maryknoll and what studies and other data support this conclusion?

Respectfully submitted,



Norman G. Knopf
Attorney for Maryknoll Citizens' Association
and Maryknoll Homeowners in Opposition
To Proposed Sidewalk

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(a) In the interest of promoting alternative means of transportation and enhancing the health and welfare of the citizens of the county, the county executive, in cooperation with appropriate government agencies, shall develop, as soon as possible after the effective date of this section, a plan, which shall include necessary capital improvements programs for a system of bikeways and pedestrian walkways to be phased into existing road and transportation systems throughout the county. Such bikeways and pedestrian walkways shall be consistent with area master plans and transportation plans prepared by the county planning board. Following the development and approval of the plan for a program for bikeways and pedestrian walkways the county shall proceed as rapidly as possible with the implementation of that program.

(b) In addition to the phasing in of bikeways and pedestrian walkways with existing transportation systems pursuant to subsection (a) of this section, bikeways and pedestrian walkways shall be constructed along with the construction, reconstruction or relocation of any county road unless it is determined that such would not be in the interest of public safety or would not be feasible or would be disproportionate in cost to the need therefor or probable use thereof. Such bikeways and pedestrian walkways shall conform to approved capital improvements programs and shall be consistent with area master plans and transportation plans prepared by the county planning board.

(c) In order to promote the safety of bicycle and wheelchair travel throughout the county, the county executive shall establish, by written regulation adopted under method (3) of section 2A-15 of this Code, standards and specifications for the construction and maintenance of ramps at curbed intersections and for the construction and maintenance of storm water gratings and other openings along roads and streets of such a design and type as not to constitute a hazard to bicycle and wheelchair traffic. Such nonhazardous ramps, gratings and openings shall be constructed and maintained in connection with all projects implemented pursuant to subsections (a) and (b) of this section. (1974 L.M.C., ch. 35, § 2; 1984 L.M.C., ch. 24, § 48.)

ATTACHMENT 16