

The M-NCPPC staff review, therefore, includes:

- A close, constant, review and advisory role on all day-to-day activities on the ICC through both the IAWG and Environmental Construction Management team.
- A regulatory role through the park permits process for any unanticipated needs for additional temporary park uses beyond those identified in the Record of Decision.

Our regulatory role in the park permit process is well established. We have already issued park permits to SHA representatives for certain preliminary geotechnical activities during the past year. Our guidance to SHA for technical review and park permitting is contained in Attachment G.

Staff recommends the standard processes of Technical Review and Park Permitting be a responsibility of the contractor during the detailed design phase for the functional areas of concern summarized in Attachment G: Our review would coincide with review submissions to the Maryland Department of the Environment (MDE) for the Erosion and Sediment Control (E&SC) and Storm Water Management (SWM) detailed design. M-NCPPC is committed to providing comments within two days of MDE comments to ensure this review does not delay the construction process.

The 1989 MOU anticipated both the technical and procedural concerns related to resource protection on active parklands. The 1989 MOU therefore specifies that all right-of-way needed for construction should be transferred from M-NCPPC prior to the start of construction, specifically to demarcate the zone wherein parkland regulatory responsibilities will begin and end. Staff concurs with the state's position that M-NCPPC approval requirements only apply should any requests be made for the use of parkland outside of the ROD Limits of Disturbance (LOD), consistent with the Planning Board's agreement in September 2005 to a parkland replacement strategy for those properties within the LOD that are currently designated as parkland but will be transferred to the state for their transportation use.

Conversely, the 1989 MOU also recognized that the need to continue collaboration on ICC details would be required through planning, design, and construction. Staff needs to be able to influence design and construction activities within the LOD in order to truly steward and protect the parkland adjacent to, but outside of the LOD.

The 1989 MOU identifies that the state will fund an M-NCPPC position to oversee all construction impacting parkland. The MOU states: "powers of this position will be spelled out in detail, but shall include ways to halt and/or modify construction activities as needed to protect the resource, especially in the case of episodic or emergency situations."

While staff recommends that the Planning Board complete the mandatory referral review by sending comments to MDOT within the 60-day review period, the MOU is perpetual and M-NCPPC and SHA should continue to review at staff levels and brief the Planning Board as necessary on staff progress and findings. Staff

recommends that the powers of M-NCPPC staff to review; modify; and halt, if necessary; the ICC construction process should be agreed upon prior to the completion of the Contract A RFP amendment process.

COMMENT #3: PARK PLANNING AGREEMENTS

The ROD describes the broad commitments to mitigate parkland impacts, but does not provide specific implementation details. Three specific elements require additional coordination and documentation as described below. For each of these elements, SHA and M-NCPPC staff are exploring alternative legal instruments by which to memorialize their agreements. Options could include an MOU or deed restrictions incorporated into property transfer. These elements therefore, need to be addressed prior to transfer of Section 4(f) parklands.

Implementation of Mitigation for Impacts to Active Use Facilities

The SHA and M-NCPPC staffs are coordinating to establish the process and schedule by which active park uses will be maintained while relocation and/or replacement facilities are being constructed. This requirement applies to all recreation elements, although three areas, all in the Northwest Branch stream valley parks, are of highest concern:

- The ballfields used by the Wheaton Boys and Girls Club in Northwest Branch Recreational Park,
- The National Capital Trolley Museum in Northwest Branch Recreation Park
- The soccer field at Layhill Local Park.

The state has committed to mitigating impacts for all of these sites, but details on schedule and process are yet to be negotiated. The FEIS and ROD describe the commitments agreed to by the state and M-NCPPC regarding ballfield replacement:

“The Llewellyn property would provide 23.2 acres of replacement adjacent to the Northwest Branch Recreational Park. The property would include construction of four baseball/softball fields, one soccer field, onsite parking, and restrooms. The replacement fields would be superior in quality than the existing fields because they are located in upland areas that are less prone to flooding.”

The state staff has suggested that replacement fields at the Llewellyn Property would be completed by the year 2010. The lack of a specific construction schedule to date has been due in part to the continuing M-NCPPC coordination with SHA regarding what the ultimate program of requirements for an active park on the Llewellyn Property should entail. Staff believes that space exists on the 23-acre Llewellyn Property to accommodate more ballfields than those required to be provided by SHA. For the past several months, staff has focused on facility planning activities for an ultimate program of requirements. With the publication of the ROD, the attention of both staffs is shifting from planning to implementation.

The ballfields used by the Wheaton Boys and Girls Club are not impacted by the ICC roadway that is the subject of this mandatory referral, but rather by one of the compensatory mitigation wetland creation projects identified as NW 128. The state would like to begin the construction of NW 128 prior to roadway construction in the same area, so the design of NW 128 has been accelerated ahead of the other CM/ES projects and a Planning Board mandatory referral for NW 128 is also anticipated in July 2006.

The state's construction schedule shown in Exhibit 1 indicates that mainline construction in Contract B across the Northwest Branch, displacing the Layhill Local Park soccer field and Trolley Museum, would begin in 2008.

Staff notes that the mitigation process to address impacts to the Trolley Museum is not well documented in the ROD. This is due in part to the fact that the Trolley Museum has been working to both expand their mission and relocate their facilities to move out of both the floodplain and the path of the ICC for nearly a decade.

The Trolley Museum expansion and relocation plans have been complicated by the 2003 carbarn fire and the availability of state enhancement funding, which in turn has been complicated by the ICC planning process. In correspondence during early 2004, the state recommended against providing all the enhancement funds requested by the Museum, in part because if Northwest Branch Option A were selected as the preferred alternative for the ICC, the state would need to relocate the affected portions of the Museum. This statement was reflected in the November 2004 DEIS. In 2006, the FEIS and ROD noted the impacts to the Trolley Museum but did not make equivalent statements to those in the DEIS regarding mitigation. Staff believes this to be an omission due to lack of clarity regarding the phasing of current Museum expansion plans.

With the May 29, 2006 publication of the ROD, the eventuality documented in 2004 has occurred. The Trolley Museum will be impacted by Northwest Branch Option A and the state needs to provide replacement facilities

For each of the active facilities identified above, M-NCPPC has asked SHA to identify:

- a schedule for vacating the current facilities,
- a schedule for completing the replacement facilities, and
- a program by which the active uses can be maintained to address any gaps between the two dates above.

Temporary or Perpetual Parkland Easement Agreements

As described elsewhere in this report, the ROD includes approximately 88 acres of Section 4(f) parkland property for which either a temporary easement is contemplated for erosion and sediment control or a perpetual drainage easement is contemplated. These areas were incorporated into the Section 4(f) impacts associated with the Planning Board's September 2005 acceptance of the Section 4(f) parkland mitigation package.

The Federal Highway Administration has determined that the proposed use of certain parklands for erosion and sediment control meets the Section 4(f) requirements for temporary use. Staff notes that while the use may be officially temporary, and while the impacts were accounted for and assumed in the development of a replacement parkland strategy, reducing the extent of forest clearing and grading on these areas remains desirable. As described in the section on environmental comments, staff encourages the state to adopt financial incentives to reduce the impacts to these areas. Where the impacts occur, M-NCPPC will need to determine what remediation activities are required to accept the temporary use impact. These remediation activities will need to be defined in the temporary construction easement.

Perpetual Maintenance and Liability for Park User Access to Right-of-way

The ICC has been designed to minimize impacts on parkland connectivity through the use of longer bridge spans than considered in prior studies and the specification of wildlife passage requirements for many of the culverts. Where the roadway is at-grade, continuous safety fencing is required to keep both people and wildlife from accessing the road.

Where the roadway passes above parkland on bridges, however, both the state and M-NCPPC are interested in continuing to foster connectivity between the remaining parkland on both sides of the MdTA right-of-way. The ICC bridges will pass above four designated Countywide Park Trails and other “people’s choice” trails, all of which should remain available for passive recreation use. Certain trails should also, when implemented by M-NCPPC in the future, be able to connect to the ICC shared-use path. The one trail for which this future connection has been agreed to with SHA is the planned North Branch of Rock Creek trail; the ICC shared-use path is the southern terminus for the hard-surface portion of the trail.

ROD Commitment #25 also includes to a pedestrian culvert at Station 174 to connect the Mill Creek and Founders Mill community sides of the Mill Creek Stream Valley Park. M-NCPPC also has a desire to continue to access property beneath the ICC for a variety of park maintenance activities. An agreement will be needed to manage maintenance and liability concerns with passive public use within these portions of the MdTA right-of-way and agreements to pursue future trail connections where feasible.

COMMENT #4: COMMUNITY INVOLVEMENT

The state has conducted formal public outreach activities per NEPA guidelines as described in Chapter VIII of the FEIS. More important, the state has also tailored coordination activities with individual communities, interest groups, and individual property owners to better understand the concerns of individual stakeholders and determine how these concerns might be incorporated within the ICC design. As indicated in FEIS Table VIII-11, the state held some 70 meetings with private organizations, including civic and community groups. The responsiveness of this tailored process are reflected in selected design elements, including:

- Establishment of the ICC alignment below, rather than above, Georgia Avenue in consultation with the Brooke Manor, Sycamore Acres, and Small's Nursery Preserve communities
- Consideration of a pedestrian overpass of the ICC in consultation with the Longmead community (ROD Commitment #142)
- Perpetual visual screening of the three-level US 29 interchange from the Avonshire and Tanglewood communities (ROD Commitment #18).

Substantial community concern exists, however, that the state is not sufficiently available or responsive to their needs. The state must follow through on the commitments to continue public involvement, such as ROD Commitment #147: "SHA will continue to meet with all individual communities and affected property owners that will be directly impacted by the ICC. This allows each community/property owner to have full and fair access to project-related information throughout the design and construction phases of the ICC."

During the planning process, the SHA coordination with adjacent communities and property owners was a predominantly a result of initiatives to resolve specific concerns of either community representatives or the SHA planning team. Staff applauds SHA's commitment to continue this informal coordination. However, community representatives remain concerned that more outreach is needed, particularly related to getting prepared for upcoming processes such as noise wall selection and in having continuing ready access to current design and construction schedule information.

Staff therefore recommends that SHA develop, document, and distribute information describing in much more detail how affected communities and property owners can stay informed and involved in the process, as well as how the state will apply the comments and requests received.

COMMENT #5: PROPOSAL REVIEW

The state will review the competitive bid proposals to select the winning proposal. The state will apply a "best value" review process which is designed to consider the quality of each proposal rather than requiring the selection of the lowest bidder who meets minimum qualifications. Staff has discussed three concerns about this process:

- That, by establishing minimum performance specifications, the best value process might need incentives to ensure that opportunities for quality enhancements are not overshadowed by opportunities for cost savings,
- That incentives for quality enhancements are similarly not overshadowed by incentives for speedy completion, and
- That the staff priorities among the many potential enhancement opportunities are clearly stated.

Staff recommends that the state commit to establishing a review process wherein the total contract dollar value is not a factor in the evaluation process to demonstrate the

commitment to seeking best value. One means could be to establish a fixed price for the contract and require all builders to find proposals to fully utilize the available funds. Another means would be to add “desired” specifications in addition to “minimum” specifications in many categories to allow the Design-Build respondents to aim for a variety of targets. Other means to achieve this objective should be considered as well.

In a similar vein, the staff review has focused on opportunities to enhance resource protection and community compatibility by recommending tougher specifications that, in many cases, would increase costs. Staff has not performed an estimate of the cost implications of the detailed recommendations in Attachment B. Because staff has not considered cost implications, two additional elements of policy guidance are offered to help the state in their consideration of the affordability of our recommendations.

First, staff has not focused on any performance incentives related to design and construction schedules, other than to note that an expedited construction schedule can have benefits in minimizing the duration of disruption, a usually desirable outcome for communities of any species. We do recommend, however, that if the state faces a choice between rewarding a contractor for either saving a resource or finishing the job early, that the resource protection incentive generally prevail.

Second, staff notes that neither the summary recommendations in Section 1 nor the many detailed comments in Attachment B are listed in any order of priority. To the extent that trade-offs may need to be made in considering “desired” versus “minimum” objectives, staff offers that our highest priority is in preserving Special Protection Area resources and our second highest priority is in protecting natural resources elsewhere in the study area. Even in considering landscaping recommendations, the highest priority should be to “keep it green”.

COMMENT #6: WATER QUALITY PLAN REVIEWS

The ICC passes through two Special Protection Areas (SPA), the Upper Rock Creek SPA and the Upper Paint Branch SPA. In these areas, County laws require all public and private development to consider means to maintain the high water quality needed to protect existing sensitive environmental resources. For projects with significant additions of impervious surface, Water Quality Plans must be developed to demonstrate how stormwater will be managed.

The fact that the ICC was a master planned roadway prior to the establishment of the two SPAs it affects was taken into account when SPA legislation was passed for Upper Paint Branch in 1997 and Upper Rock Creek in 2005. The SPA regulations are applied through an environmental overlay zone. In both cases, the requirements of the overlay zone apply to public projects although the intent of the law is not to preclude public projects like the ICC.

For most development projects, the first and most basic test of potential water quality impacts is the ratio of proposed impervious surface to the total lot area. The

environmental overlay zones specify impervious caps of 8% of lot area in the Upper Rock Creek SPA and 10% in the Upper Paint Branch SPA. The implementation of linear public works projects within Special Protection Areas (SPA) presents a challenge to all agencies in the application of County laws, regulations, and procedures. The County does not require property dedication or otherwise protect rights-of-way so that transportation elements can be master planned to meet impervious caps. The consideration of linear public works projects, therefore, typically requires additional, careful, consideration of water quality concerns beyond the basic impervious percentage.

Throughout the ICC planning process, the state has recognized the value of the water quality resources that are protected by SPA legislation. The selected alternative includes aggressive water quality treatment concepts designed to minimize impacts, including:

- the application of linear and underground stormwater management,
- control and treatment of bridge deck runoff, and
- diversion of a portion of runoff in the Good Hope tributary to the Northwest Branch watershed (including capturing runoff from the existing DWPT maintenance yard to the north).

In addition to minimizing and managing roadway runoff, the state has incorporated many of mitigation projects that are designed to improve water quality in SPAs, including:

- implementation of Best Management Practices to improve stormwater management control for existing development
- establishment of public parklands to be retained as conservation areas, reducing potential future impervious areas

Since the SPA legislation was passed, the State Highway Administration has previously honored the provisions of the law by submitting projects for review both by the Department of Permitting Services (DPS) as well as review by the Planning Board. The state intends to continue that working relationship as indicated by ROD Commitment #29, which states in part that water quality plans in SPAs will meet DPS criteria and gain DPS concurrence. The state has developed a conceptual approach to stormwater management in SPAs that is summarized in Attachment E.

The ROD does not specifically state that the water quality plan would conform to the established process of Planning Board review. Staff believes that the Planning Board review provides an essential function in informing the public of the components of the water quality plan. Typically this review would happen at the time of mandatory referral.

Due to the Design-Build nature of the project, there is insufficient detail at this time for either M-NCPPC or DPS staff to make a determination of the adequacy of the proposed process or specific elements of the plan. Further, neither M-NCPPC nor DPS staff have yet identified a process by which the current, reactive, review process can be converted into a proactive statement of performance specifications.

Staff believes that the necessary DPS expertise in reviewing water quality plans and the review and public outreach element provided by Planning Board review should be incorporated within a refined process to be developed specifically for the ICC project that will both meet the intent of the SPA water quality review legislation and the requirements of the Design-Build project. This process should be established in an agreement among all three agencies; SHA, DPS, and M-NCPPC.

This agreement should establish the points of involvement for DPS staff on the project, including consideration of their involvement as members of the IAWG. The agreement also needs to establish the process by which the functions of the Planning Board review will be incorporated and the timing for such review.

DPS has indicated their agreement with this approach in their June 28 letter included as Attachment F. Staff looks forward to working creatively and diligently with DPS and SHA to establish a process that comes as close as possible to the current review process while meeting the goals and desired outcomes of the SPA water quality plan process.

COMMENT #7: FOREST STAND IMPACT REDUCTION INCENTIVES

Exhibit 5 provides information on the locations of the highest quality forested areas within the project limits of disturbance. Within these areas, staff understands that the Design-Build contractor, under current DNR requirements and draft project performance specifications, would be allowed to clear all forested area.

Staff is interested in retaining any forest coverage available in these areas to further minimize impacts to the area ecology. Staff applauds the state's commitment in the draft performance specifications to provide financial incentives for wetlands avoidance and protection above and beyond the levels allowed by COE permits and the ROD design. Staff therefore recommends that a similar financial incentive be provided to minimize impacts to the most sensitive forested areas.

Exhibit 5 identifies two categories of forest area value:

- Category A is high quality mature forest within a Special Protection Area (SPA), or a forest with one or more of the following characteristics: extensive mature interior forest cover and connectivity; close proximity to Rare, Threatened, or Endangered (RTE) species; close proximity to Water Use Class III streams; forest within a Biodiversity Area and/or Best Natural Area; forest in proximity to excellent groundwater recharge.
- Category B is good quality forest adjacent to an extensive forest/park corridor.

In general, these areas are locations where “bump outs” exist in the LOD for the purposes of erosion and sediment control (E/SC) or permanent stormwater management (SWM) ponds. Staff has worked with the state over the past two years to identify impacts minimization necessary to satisfy NEPA requirements. However, in these cases, staff finds that there are potential alternative means to reduce, if not actually eliminate, the bump out areas described in Exhibit 5, including:

Exhibit 5. High Priority Forested Areas

Areas by ICC Station	Facility Shown on FEIS Plates	Natural Resources of Concern	Forest Retention Category
150-155 (N&S) Mill Creek	Culvert	Forested stream valley with amphibian populations and wetlands	A
160-164 (S) Mill Creek	Temp. E&SC & Culvert	Mature forest on steep slopes within stream valley buffer with amphibian crossing	B
172-177 (S) Mill Creek	Temp. E&SC & Culvert	Mature forest on steep slopes within stream valley buffer with amphibian crossing	A
240-243 (N) Rock Creek	Grading for Potential Construction Access	Mature forest within stream valley buffer in a bio-diversity area	A
246-250 (S) North Branch	SWM	Edge of interior forest buffer	B
*321-326 (N) (East of North Branch)	Grading	Mature Forest within Best Natural Area and Biodiversity Area	A
*320-324 (S) (East of North Branch)	Temp. E&SC	Mature Forest within Best Natural Area and Biodiversity Area	A
*323-326 (S) (West of North Branch)	SWM	Edge of interior forest buffer, Best Natural Area and Biodiversity Area	A
*333-340 (S) (East of North Branch)	Temp E&SC	Mature forest within stream valley buffer	A
537-540 (S) Northwest Branch	Temp. E&SC	Edge of mature forest buffer and adjacent to Biodiversity Area	B
564-569 (S) Northwest Branch	Temp. E&SC & Grading	Mature interior forest within a Biodiversity Area with amphibian populations	A
564-572 (N) Northwest Branch	Grading	Mature interior forest within a Biodiversity Area with amphibian populations	A
570-575 (N) Northwest Branch	Temp. E&SC	Mature interior forest within a Biodiversity Area with amphibian populations	A
580-590 (N) Northwest Branch	Temp. E&SC	Mature interior forest within a Biodiversity Area with amphibian populations	A
601-605 (N & S) Northwest Branch	Grading & retaining wall	Mature forest within Biodiversity Area. Adjacent to wetlands in stream valley	B
700-701 (S) Upper Paint Branch	Temp. E&SC	Mature interior forest within Special Protection Area, Biodiversity Area and Best Natural Area	A
732-740 (N) Gum Spring-Upper Paint Branch	Temp. E&SC	Mature forest within Special Protection Area, Biodiversity and Best Natural Area. Area of particular importance for water quality*	A
752-755 (S) Paint Branch	Temp E&SC	Mature forest within Special Protection Area, Biodiversity and Best Natural Area. Adjacent to wetlands.	B
754-759 (N) Paint Branch	SWM	Mature forest within Special Protection Area, Biodiversity and Best Natural Area.	A
858-875 (N) Little Paint Branch	SWM	Mature interior forest within stream valley buffer	A

Priority Preservation Category

Category A: High quality mature forest within a Special Protection Area or forest with one or more of the following characteristics; extensive mature interior forest cover and connectivity, RTE's, Water Use II stream, within a Biodiversity Area and/or Best Natural Area, or excellent groundwater recharge.

Category B: Good quality forest adjacent to an extensive forest/park corridor.

* Plate 12A shows a stationing equivalency around Station 313 that causes station numbers to repeat in this area.

- Shifting or reorienting the contemplated E/SC areas
- Consolidating E/SC and SWM areas
- Consolidating public and private SWM areas, or
- Utilizing underground SWM

For each area, the contractor should be rewarded for every acre of forest saved less than the amount within the LOD. Staff has considered alternative means for calculating the value of forest retention. Section 3.3.4.9 of the draft Environmental Performance Specifications (PS 310) indicates that the wetlands retention values will be set at \$450,000 per acre for wetlands within Special Protection Areas and \$300,000 per acre for wetlands elsewhere within the LOD. Staff suggests that similar values apply to forest retention in Category A and Category B areas, which are as valuable in our minds as the wetlands.

COMMENT #8: INVASIVE SPECIES MANAGEMENT

The ICC passes through many areas featuring the highest-quality natural resources. The theoretical value of the resource loss has been incorporated into the use of interior forest for calculating the ecological value of replacement parkland. Nevertheless, M-NCPPC is committed to minimizing the impact on those properties adjacent to the ICC ROW, including interior forest converted to edge forest.

The state has committed to a certain level of invasive species management as indicated in the FEIS (e.g., Pages IV-267 and VII-95), the ROD (e.g., Commitment #158), and the landscape performance specifications. Staff recommends additional actions to both prevent and manage the introduction of non-native invasive (NNI) species.

Appendix B comment PS301-1 provides additional guidance limiting the types of species allowed for planting throughout the project. Comment PS 301-2 describes an NNI monitoring and removal process for parkland to coincide with the two-year warranty period recommended by SHA for other landscape elements. M-NCPPC will use the experience provided by the contractor during the two-year warranty period will to develop a continuing plan for NNI management as part of our operating budget.

COMMENT #9: RESOURCE PROTECTION PRIORITIES

Attachment B contains additional specific comments covering a wide variety of environmental resource concerns, including:

- Drainage discharge onto parkland
- Interface between structures and natural resources
- Wildlife crossing treatments
- Erosion and sediment control
- Other construction practices

These comments are designed to supplement and foster the state's commitments to designing and constructing the ICC in an environmentally sensitive manner. As stewards of the park system, staff is both most knowledgeable, and protective, of the natural resources that will remain within the park system adjacent to the ICC. Preservation of these resources is our highest priority.

We recognize that the state is not required by law to incorporate mandatory referral comments, and that the varied comments in Attachment B will likely result in varying levels of acceptance by the state. We therefore suggest that, for any comment that the state feels may not be appropriate, the state consider that comment as applying to three geographic areas:

- First, the comment should be considered to apply to the entire portion of the Design-Build contract within Montgomery County,
- Second, the comment should be considered to apply to those portions of the Design-Build contract where the ICC right-of-way is bounded by parkland on both sides. These are generally areas where the ICC right-of-way traverses our stream valley parks and the areas of most sensitive natural resources,
- Finally, for any comment that the state does not find acceptable for application within the areas surrounded by stream valley parks, staff recommends consideration of the comment as applicable to the 25-foot-wide band of property within the Limit of Disturbance (LOD) closest to the park boundary. The 25-foot-wide band is an area that the state has considered as likely to be preserved between the toe of slope and the actual property boundary.

COMMENT #10: WESTERN MAINTENANCE FACILITY

The state determined the need to provide independent maintenance facilities for the ICC during spring of 2005 as they developed a position on a selected alternative. The state worked with County agencies during autumn 2005 to investigate options for this facility as described in the MdTA June 23, 2006 memorandum included as Attachment H. The development of the staff recommendation is summarized in the following paragraphs.

The proposed location of the Western Maintenance facility is on a 17-acre property owned by the Casey Foundation and referred to in the Shady Grove Sector Plan as Casey 7. The Shady Grove Sector Plan calls for either residential development of the site or the relocation of the County Service Park with industrial uses.

Conceptual drawings shown to M-NCPPC, DPW&T, and County Council staff in August 2005 through April 2006 depict approximately three acres of the Casey 7 property being utilized for the proposed Western Maintenance Facility. Considering proposed driveway access, wetland buffers, and forest conservation, however, the site would generally encumber closer to six acres.

Both agencies recognize that the proposed maintenance facility is not the highest and best use for the Casey 7 property on which it is proposed as it reduces the availability of valuable land needed to achieve Metro related development.

In the ICC FEIS issued on January 3, 2006, the western facility concept is described as follows:

“The Western Facility would provide the necessary functions for an ancillary, turnabout, and staging area. There would be a building with restrooms and breakroom for employees and small workrooms for police and operations personnel. The site would have a 72-foot salt dome, magnesium tanks, a two pump fueling area, small tractor shed, and staging areas for operations vehicles. The site area required for this facility would be about three acres (page III-57).”

The Montgomery County Council discussed the issue of the ICC Western Maintenance Facility during their September 6, 2005 worksession on the Sector Plan. The Shady Grove Sector Plan adopted on January 17, 2006 reflects the position described in the September 6, 2005 Council Worksession packet. The Sector Plan resolution states:

“The Plan provides land use options that help satisfy the community’s recreational needs and provide options for office, housing, or relocation of County facilities while respecting the environmental constraints. This Plan recommends:

- Considering the portion of land south of the existing stream buffer and adjacent to I-370 as a potential site for relocation of some County Service Park facilities
- Encouraging any ICC maintenance facilities to be located on state-owned land or on property that does not reduce the relocation opportunities for the County Service Park. Casey 6 and 7 are not preferred sites given the possibility that County Services may be relocated to these properties. If Casey 6 or 7 are the only feasible locations for the ICC’s maintenance facility, state facilities should be integrated with County facilities to maximize the efficiency of layout and avoid separate and duplicating facilities.”

The Sectional Map Amendment for the Shady Grove Sector Plan will establish the I-3 zone for the Casey 7 property with the possibility of housing on the site.

ROD Commitment #157 states: “The ICC will be designed to include two maintenance facilities required in order to operate and maintain the ICC. The western facility will be a satellite or turnabout facility located at the intersection of Shady Grove Road and Crabbs Branch Way and the eastern facility will be the primary facility located in the northeast quadrant of the ICC/Virginia Manor Road interchange. Coordination with both Counties will continue to refine the maintenance facility site design. Consideration is being given to reduce the visual impact of the facility through grading, screening, and aesthetics. These facilities will be constructed concurrently with the project.”

Interagency discussions from summer 2005 continued through April of 2006. Staff continued to urge MdTA to find alternate sites that would not compete for land specifically targeted to achieve transit-oriented development goals of the Shady Grove Sector Plan. As described in Attachment H, four alternative options were considered by the agency staffs:

- Use of the “Oakmont Site”, a triangular piece of right-of-way adjacent to and across the CSX sites from the state’s preferred location,
- Use of existing County or M-NCPPC maintenance facilities, either for interim use while further site selection activities occur or as a permanent site,
- Use of the park-and-ride lot at Georgia Avenue (MD 97) and Norbeck Road (MD 28), and
- Incorporation of the MdTA maintenance facility needs into the RFP for relocation of County Service Park uses.

As described in Attachment H, none of these options were found suitable to all of the agencies involved in the reviews. While the MdTA memorandum in Attachment H was received just a week prior to publication of this report, the material in Attachment H reflects what staff understood as MdTA’s position in April.

The concern in this regard is whether or not sufficient information has been provided to document that the Planning Board can review and comment on site selection for the Western Maintenance Facility.

The position of Community Based Planning staff, shown in Attachment L, is that insufficient information has been provided to support the proposed facility location on Casey 7, considering that:

- There has been no outreach to civic groups or property owners to specifically address the location of this facility
- The contract purchaser for the Casey 6 and Casey 7 properties, EYA LLC, has also recommended that the state seek alternate sites, both in February 2006 correspondence and in recent correspondence included in Attachment M
- The best location for such a facility has not been objectively sought or evaluated within the context of other land uses in the area. The decision to place the proposed Western Maintenance Facility on the Casey 7 property has had little public or agency input.

The three points above are all correct statements. Staff also notes that while the Western Maintenance Facility is part of this mandatory referral submission, it is not part of the Design-Build contract for the mainline ICC, so that there is some likelihood that the state could consider a limited deferral or extension of comments without causing undue delay in the project.

Both the contract purchaser and Community Based Planning staff have recently recommended that the Casey 6 property should be considered as an alternative site. Staff suggests that this recommendation could be considered as either an element of, or an alternative to, Comment #10 in Section 1 of this report.

However, staff finds that sufficient technical work has been done to establish both the need for a facility near the western ICC terminus and that a reasonable range of alternatives has been reviewed and analyzed. The issue has been discussed for a year without identification of a better site for all stakeholders. Staff supposes that neither a denial of the proposed site or a deferral on the site location pending further analysis would result in a different proposal, given more time on the matter.

Staff therefore recommends that the Planning Board comment on this site provide constructive guidance to the state regarding incorporation of planned future County Service Park uses on the site. This recommendation is consistent with the “backup” plan identified in the Shady Grove Sector Plan.

COMMENT #11: DESIGN ELEMENTS AND LANDSCAPING

The state’s proposed aesthetic design guidelines are intended to achieve a parkway design character. The concept is appropriate and desirable given the roadway’s relationship to the County’s parks and adjacent neighborhoods. The aesthetic design guidelines for the ICC were developed during the DEIS and FEIS review process and presented at public meetings in increasing levels of detail. The FEIS text summarizes the aesthetic design guidelines development process and FEIS Appendix H provides typical landscaping concept plans.

In May 2006, SHA prepared an Aesthetic Elements slide show demonstrating how the aesthetic design guidelines might be applied in more site-specific areas between I-370 and Georgia Avenue. This slide show is now stored on the M-NCPPC website as indicated in Attachment K. Staff comments reflect opportunities to improve upon that concept.

A parkway character is best achieved with extensive landscaping, interesting bridge detailing, visually receding noise walls softened by plantings and use of ornamental elements such as railings and lighting where appropriate. The achievement of parkway character in the limited right-of-way required by limiting community and environmental impacts is challenging.

There are a number of proposed elements and specification requirements that can be improved to better achieve the desired parkway character.

- Require an ashlar stone pattern for all precast elements throughout the project. This specific recommendation will better establish the parkway character and reduce the

- number of precast surface treatment options for bridges, retaining wall and noise barriers to better ensure compatible design relationships
- Specify a Federal Standard color reference for the color of the precast to achieve continuity between the different contracts
 - Improve the aesthetic character of all bridges with the use of balusters, ornamental lighting, and decorative railing except for those within the parks
 - Use wire mesh on a steel frame, powder coated black in color in areas instead of chain link fence
 - Specifications should be more detailed to ensure more adequate screening for the community and appropriate planting layouts for interchanges
 - Chain link fencing should be replaced by ornamental railings on bridges and by black powder coated wire mesh on retaining walls and culverts
 - Include detailed specifications for proposed ornamental lighting fixtures, poles, and railings to ensure continuity of treatment between contracts
 - Provide greater guidance to contract bidders by providing typical planting layouts for the various planting zone types in conjunction with the Landscape Concept Plan. This will help ensure that adequate screening and landscaping of walls, and other areas will be achieved.
 - Revise the specifications to provide additional space for plantings. Performance specification requirements appear to preclude landscaping in extensive sections of the roadway. Section 4.1 under the landscape specification should be revised to recognize that the use of guardrails, low barriers, swales and changes in topography can allow plantings closer to the roadway, achieving a “green road” concept
 - The recommended variety of proposed plant material is good and appropriate for the different situations. The proposed use of *Parthenocissus quinquefolia* (Virginia Creeper) can be supplemented by adding *Jasminun nudiflorum* (Winter Jasmine) to help “green up” the walls
 - Substantially increase the amount of plant material in order to adequately achieve a parkway character within a shorter time frame than the 15 to 20 years that would be required given the level proposed in the draft performance specifications. Exhibit 6 provides a comparison of the effect of the staff recommendations
 - New roadway lighting should include cut off fixtures to avoid unwanted glare

The community and some staff have expressed concerns regarding the application of overhead signing and toll gantries. Staff recognizes, however, that these elements are required to meet design standards and motorist expectations that contribute to motorist safety. Similarly, the use of steel-backed timber guardrail as an alternative to the proposed weathering steel guardrail would achieve more of a parkway character and should be considered, but is not a firm staff recommendation due to safety and maintenance concerns.

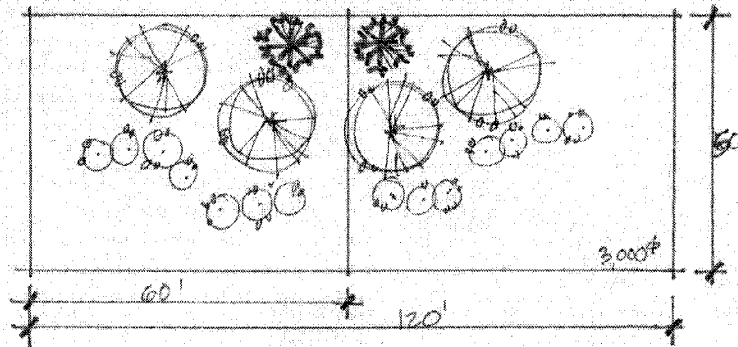
Noise walls need to visually recede and not have design patterns that call attention to the walls. SHA’s Option 3 (stone with concrete posts) achieves the best compatibility with the other precast walls and structures. Visual unity of the surface precast elements with the landscaping providing the visual interest and variation will be more attractive and compatible than a variety of different noise wall treatments. The specifications need to

Exhibit 6. Landscape Treatment Comparison

ICC Landscape Treatment Comparison of SHA and MNCPPC Proposals

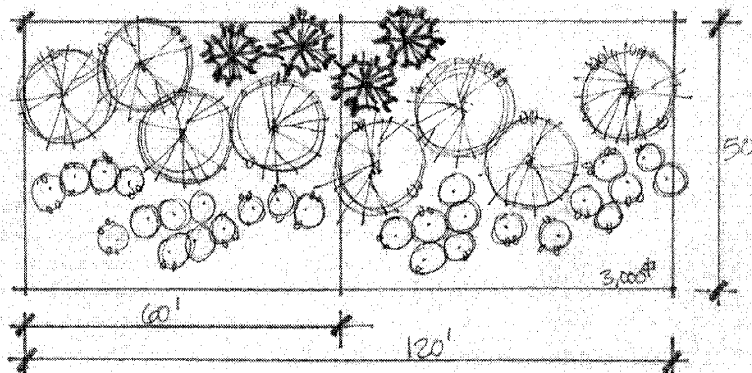
SHA Proposed Landscape Treatment

Provide: 1 evergreen tree, 2 shade trees and 7 shrubs for every 3,000 sq ft. of landscape planting zone area.



MNCPPC Proposed Landscape Treatment

Provide: 2 evergreen trees, 4 shade trees and 14 shrubs for every 3,000 sq ft. of landscape planting zone area.



clarify that different pre-approved wall types must be able to incorporate the desired surface treatment.

The state Design-Build process is designed to allow contractors to select from a variety of options for noise wall, retaining walls and bridge parapets and abutments. This approach allows too much flexibility in contractor's design decisions. SHA is at risk of losing control over the design relationships because so many options in the surface treatments of structures are permitted.

The Design-Build process should incorporate SHA approval of more specific landscape concept plans at the time of each contract signing. The staff recommendations also provide more specificity in the performance specifications to insure that the quality and control over the final design is achieved.

The May 2006 Aesthetic Elements document included in the mandatory referral submission proposes four types of bridge designs, two for roadways and two for park bridges. The design changes recommended by staff are intended to reduce the visual horizontal span of the bridges by introducing vertical elements such as intermittent balusters along the parapet wall and on Community Gateway bridges with bumped out balusters to receive the light poles. The MD 22 bridge over I-95 in Aberdeen, shown in Exhibit 7, is a good example of such treatment. These proposed design revisions add more ornamental railing and decorative lighting to ICC bridges that are viewed by the community.

Bridges that are not designated as Community Gateway Bridges need to be upgraded to provide a higher standard of treatment. Many of these ICC bridges pass over County roadways and attractive views of the bridges are important to the community. Bridge designs emphasize the horizontal length or visual "stretch" of the bridges. The overly simplified designs are not as visually interesting as they could be.

Staff recommends a cross-road classification scheme for bridge treatments described in Attachment B, comment PS 301-7. Three types of bridges; A, B, and C; should be used for community roadways depending upon the location and type of each road. The proposed staff design concepts for these types of bridges are shown in Exhibits 8 and 9

The level of design unity can be improved by reducing the number of precast surface treatment options in order in order to better control design relationships. Eliminate the proposed "granite" precast option and require the use of the stone-like patterns option as shown on page 7 of the May 2006 Aesthetics Elements document. Consider using the ashlar stone pattern with variation in size and color of the "stones" similar to what is used on the Baltimore-Washington Parkway.

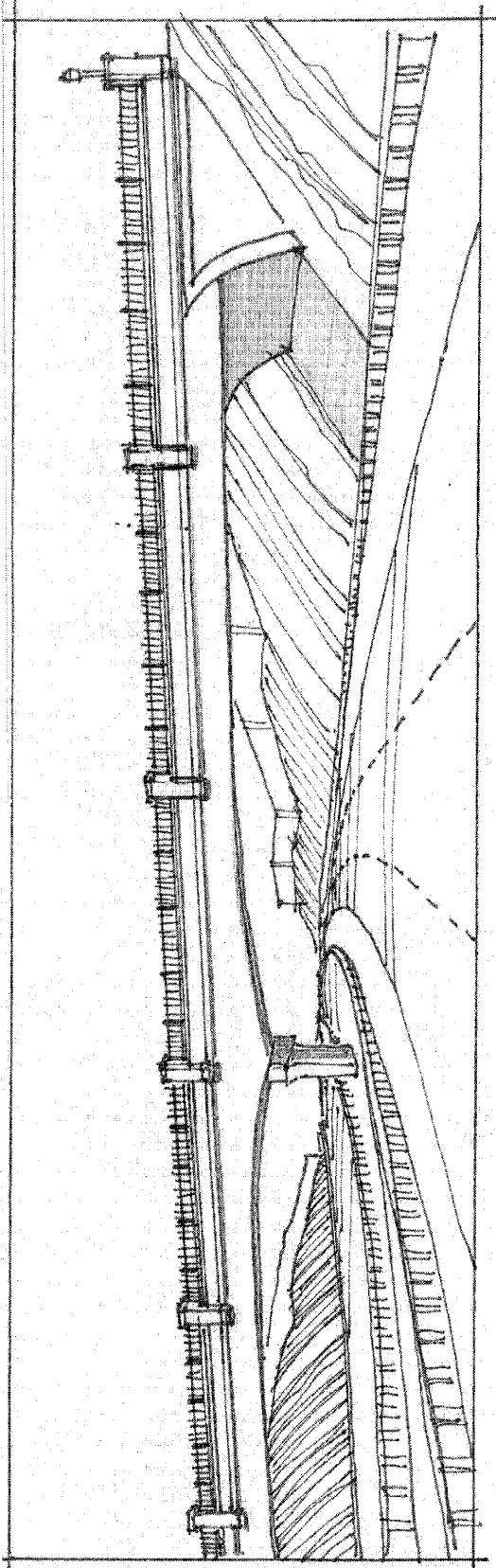
Exhibit 7. MD 22 Bridge Structure



ICC Bridge Design

Proposed Revisions to ICC Bridges over Roadways

Exhibit 8

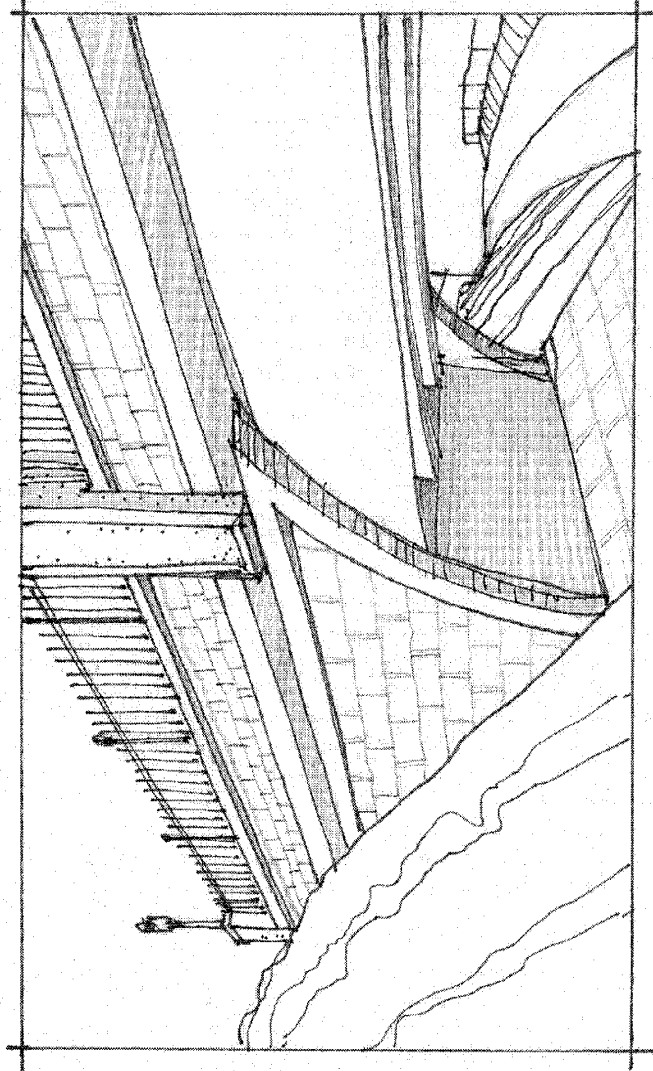


Type A: Bridges with low railing

- Use ashlar stone pattern on precast parapet wall with variation in size and color of stones.
- Use low ornamental railing with balusters to reduce visual horizontal span of the bridge and add visual interest.
- Add light poles to end posts to add visual interest and highlight bridge.

Type B: Bridges with high railing

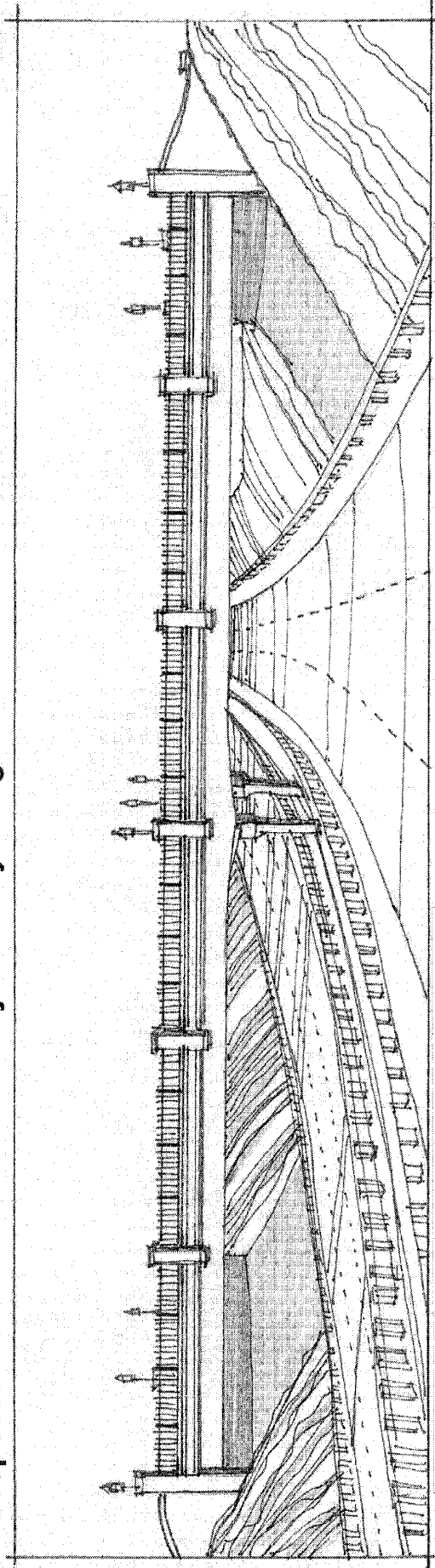
- Use same design as Type A and increase height of railing and balusters for pedestrian safety.



ICC Bridge Design

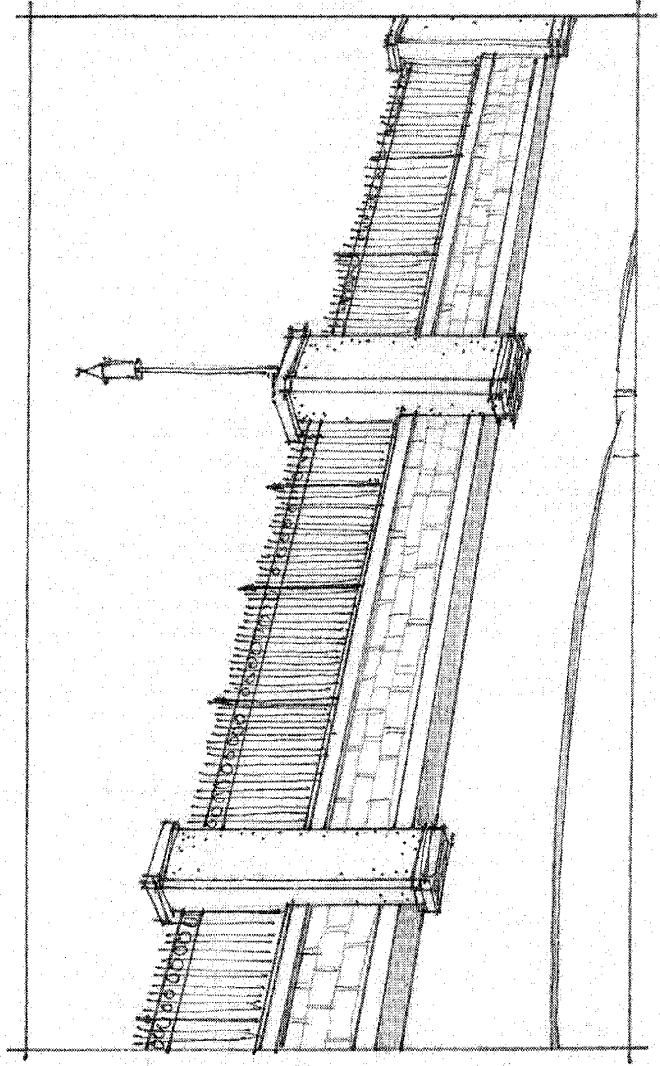
Proposed Revisions to Community Gateway Bridges

Exhibit 9



Type C: Bridges with lighting

- Use ashlar stone pattern on precast parapet wall with variation in size and color of stones.
- Use high ornamental railing with balusters to reduce visual horizontal span of the bridge and add visual interest.
- Reduce number of light poles while still achieving adequate light levels.



COMMENT #12: EAST-WEST TRAIL CONNECTIVITY

For more than two years, staff has been working with MDOT on incorporating the master planned shared use path as part of the ICC project. After considerable discussion and negotiation, the State committed to building 7.7 miles of the 18-mile master planned shared-use path, and assisting the County with not only implementing the unbuilt segments in the future (i.e., funding), but also with implementing an interim cross-county bicycle and trail system that generally serves as the desired east-west connectivity the full ICC bike path would have provided. Exhibit 10 shows the final bike path plan segments as selected by the state, a plan about 21 miles long from end to end.

The red segments on Exhibit 10 will be built by the state as part of the Design-Build contracts. Exhibit 10 also shows the full ICC bicycle and pedestrian plan for cross county, east-west connectivity. The state's proposed cross county route located outside the highway right of way is shown on the plan in yellow and blue segments.

The staff position on the overall hiker-biker trail master plan is that the State commit to ensuring that the future segments of the master planned path within the ICC right-of-way should not be precluded by the highway alignment and design (termed by bike advocates as the "no regrets" design). This concept applies to the remainder of the selected alternative, except for the Rock Creek Option C alignment.

Master Plan and Prior Planning Board and County Council Guidance

The ICC bike path is the primary east-west spine for the County's bikeway and hard surface trail network. Both the 1998 Countywide Park Trails Plan and the 2005 Countywide Bikeways Functional Master Plan include a recommendation for a shared-use path along the ICC right-of-way. The ICC bike path will connect to four regional hard surface trails and as many as 13 countywide bikeways. In addition, numerous community master plans recommended this facility, as well as bicycle and pedestrian connections to it, including the White Oak Master Plan, the Cloverly Master Plan, the Olney Master Plan and the Upper Rock Creek Area Master Plan.

The Planning Board last reviewed the bike path proposals at ICC Worksessions #5 and #6 in January and February 2005. On February 3, 2005, the Board endorsed the planning staff recommendation to ask the State to build all segments of the path between Needwood Road and the Prince George's County line, with the exception of the portion of the path that would have traversed the Upper Paint Branch Stream Valley Park in the SPA, which staff deemed too environmentally sensitive to include the path. The County Council, however, recommended including the segment through the Upper Paint Branch SPA. The Council further recommended that MDOT commit to locating and providing state or federal funding sources by 2010 to complete the remaining portions of the shared-use path included in the ICC Bicycle and Pedestrian Plan.

In short, there is now disagreement among technical staffs and civic leaders regarding the feasibility of the remaining portions of the original master plan bike path. **The master plan bike path and the ICC Bicycle and Pedestrian Plan will need to be more broadly re-evaluated in terms of three distinct measures:**

Cross County Connectivity. How well does the path provide for long-distance, cross county mobility? The Plan depicts a piecemeal approach to providing a 21-mile east-west network of paths alternating between segments along the ICC and segments on parallel roads, some of which already exist. The ICC project will implement only 7.7 miles of this network, while deferring indefinitely completion of the remaining segments. While the State is committed to helping the County implementing these gaps, it has made no commitment on funding or timing.

Connectivity to Parks. To what extent does the Plan provide connection to parks and park trails? The Plan does not preclude connections to parks, but it does not provide any direct connections either. Due to the State's logical termini position, the path ensures connections to roadways and sidewalks, but not to parks. Staff recommends further discussion about these connections during autumn 2005.

Connectivity to Communities. To what extent does the Plan afford connections to large population centers and major destinations? The Plan does not propose any direct connections from the new path segments to communities. The segments of path included in the ICC project pass through generally less populated areas where direct connections to communities are not as feasible.

Questions remain about how the full path will be implemented over time, especially where the path passes through parkland. **Staff proposes to schedule a Planning Board schedule a worksession during the fall**, during which representatives from the State, the County Executive and M-NCPPC would present sketch level concepts, discuss and make decisions on the following issues, which have varying levels of support:

- State commitments for implementing on-road and along-road bikeways that are included on the ICC Bicycle and Pedestrian Plan. (ROD Commitment #19)
- Master Planned path segment between I-370 and Redland Road, including pedestrian connections across the ICC at Stations 125 and 144
- Connection to Beach Drive (and ultimately to Shady Grove Metrorail Station) along Needwood Road
- Connection to Magruder High School along Needwood Road
- Connection to Meadowside Nature Center and/or Lake Frank, along Emory Lane and Muncaster Mill Road (MD 115). This connection is considered part of the Rock Creek Trail system
- Master planned path segment in highway ROW between Emory Lane and Georgia Avenue
- Master planned path segment in highway ROW between Layhill Road and Matthew Henson Trail

- Master planned path segment in highway ROW between Matthew Henson Trail and Notley Road (including provisions for a possible suspended trail bridge)
- Master planned path segment in highway ROW between New Hampshire Avenue and Briggs Chaney Road
- Connections from planned and future bike path segments in the highway ROW to communities and local destinations immediate adjacent to the highway, including schools and other public buildings/facilities.
- Agreements between the State, M-NCPPC and MCDPWT regarding planning, design and construction activity in the highway ROW for segments of the master-planned shared use path not built as part of this mandatory referral.

Staff recommends that these discussions begin with SHA, DPWT, and M-NCPPC agency staff and bike advocates in order to return to the Planning Board in the autumn to scope a potential FY 08 work program effort on remaining ICC bike path planning and implementation.

COMMENT #13: SHARED USE PATH DETAILS

Staff recommends certain specific changes to the Design-Build RFP to better accommodate the portions of the bike path to be implemented, as described below.

Crossing of Georgia Avenue (MD 97)

An at-grade crossing of Georgia Avenue needs to be incorporated into the shared-use path to connect the portion of the path along the ICC east of Georgia Avenue to the existing path (to be realigned) on the west side of Georgia Avenue. The current plan shows the nearest signalized crossing connection at Emory Lane, approximately one-half mile to the north, requiring a one-mile detour for users who wish to travel from the vicinity of Small's Nursery to the east along the ICC path.

This crossing should ideally be provided by replacing the half-signal on the north side of the interchange with a full signal. Alternatively, the trail should cross Ramps B and D at-grade to provide the crossing of Georgia Avenue at the signalized intersection on the south side of the intersection.

Crossing of Norbeck Road (MD 28)

The final path alignment as shown in the mandatory referral submission does not appear to fully connect the path segments approaching MD 28 from each direction to the new signal at Wintergate Drive. Staff recommends that the State to both provide the at-grade and the below-grade connections shown in the DEIS.

Crossing of Layhill Road (MD 182)

The final path alignment should include an adequate crossing of Layhill Road to connect to the Layhill Local Park as well as to the proposed park and ride facility. To ensure the

safest crossing not only to the local park and potential future Park-and-Ride lot, but also to the future on-road bicycle lanes and the future segment of the ICC path east of MD 182, the path should cross where the westbound on-ramp and off ramp intersect with Layhill Road.

Crossing of New Hampshire Avenue (MD 650)

The proposed interchange at New Hampshire Avenue is a single-point urban interchange (SPUI) configuration. In this configuration, pedestrian crosswalks are routinely provided for connections along the cross-street, but crosswalks are not routinely provided to cross the cross-street unless an exclusive pedestrian phase is provided. The nearest signalized intersection crossing of New Hampshire Avenue is at Bonifant Road, approximately one-half mile to the north. The configuration of the cul-de-sacs for Cape May Road and Old Bonifant Road also may direct pedestrians and bicycles to this interchange. A safe crossing of New Hampshire Avenue is required at this location, either via an exclusive pedestrian phase at the SPUI signal or via a grade separated connection.

Northwest Branch Bridge

Exhibit 10 shows that the state's bike plan includes a future crossing of Northwest Branch in the vicinity of the ICC bridge. This alignment provides the best connection between the ICC and the Matthew Henson trail, currently being implemented between Rock Creek Park and Alderton Drive. The ICC highway bridge over the easternmost crossing of the Northwest Branch mainstem (Stations 590 to 601) should therefore be engineered and designed in a manner that could accommodate a future trail bridge suspended under or otherwise attached to the highway bridge, similar the Belle Island Pedestrian Bridge in Richmond, Virginia, as indicated in Exhibit 11. Planning staff likely will be studying this option as part of the future planning for completing gaps in the ICC bike path as a way to avoid environmentally sensitive features in the stream valley and floodplain.

COMMENT #14: INTERCHANGE SEQUENCING PLAN

The ICC design plans demonstrate to the extent possible how the interchanges with Georgia Avenue (MD 97) and US 29 will link to the adjacent interchanges currently under design (Georgia Avenue at Norbeck Road and US 29 at Fairland Road). As indicated in the ROD, the Post-FEIS changes include revisions to the concept for the US 29 interchange with Fairland Road.

At both locations, the ICC is anticipated to open to traffic before construction begins on the adjacent interchange. SHA should prepare an interchange sequencing plan, for the benefit of both the ICC Design-Builder and the general public, that will demonstrate how the adjacent junctions will work in tandem, both when the ICC is open to traffic and in the ultimate planned configuration. Primary staff concerns relate to the safety for merging or weaving traffic, for pedestrian accommodations, and for opportunities to design the interim condition so that the subsequent adjacent interchange connections can be implemented while minimizing cost and community disruption.