



June 22, 2006

Chairman Derick Berlage  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Mr Chairman:

I am writing to urge that the Planning Board do everything in its power to ensure that the Western Maintenance Facility for the Inter-County Connector not be located on Casey 7. Locating the Western Maintenance Facility on Casey 7 would destroy any ability to develop the site with a residential use and would create extreme and potentially insurmountable complications for the location of county facilities on the site. In short, placing the Western Maintenance Facility on Casey 7 will destroy the opportunity to redevelop Casey 7 in the manner envisioned in the recently adopted Shady Grove Sector Plan.

As you know, EYA is a Bethesda-based developer and homebuilder and the contract purchaser of two parcels of land located on Crabbs Branch Way at Shady Grove Road and know commonly as Casey 6 and Casey 7. These sites are near the western terminus of the ICC. The Final Environmental Impact Statement for the ICC shows the potential construction of a maintenance facility (referred to as the "Western Maintenance Facility") on the Casey 7 property. This facility was not included in the State Highway Administration's Draft Environmental Impact Statement for the ICC, but was included in the Final EIS.

The Shady Grove Sector Plan explicitly recommends against locating the ICC Maintenance Facility on Casey 7 because the site has been identified as a critical component in accomplishing the County's planning objectives. The Sector Plan provides two alternatives for the site: (1) part of Montgomery County's Service Park, now located directly adjacent to the Shady Grove Metro, would move to Casey 7, enabling the County's property to be developed with high density housing within walking distance of the Metro, or (2) Casey 7 itself would be used for transit oriented housing. While we await the issuance of an RFP for the relocation of the County Service Park, EYA has filed a Pre-Preliminary Plan for the development of Casey 7 and is awaiting a hearing before the Planning Board on this plan. In either case, locating a maintenance facility on

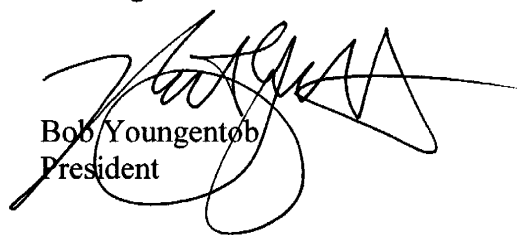
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the site would directly thwart both objectives and would be inconsistent with the smart growth policies of both the County and the State of Maryland.

Given the importance of Casey 7 to the successful implementation of the Shady Grove Sector Plan and the irrevocable damage that would be done by locating the Maintenance Facility on the site, EYA contacted the MDTA in April of 2006 and offered to work with them to locate the facility on another parcel, possibly Casey 6 so as to maximize Montgomery County's ability to implement the Sector Plan while meeting the state's need for a western maintenance facility. As you know, EYA controls both sites and is ready and willing to work to locate the Western Maintenance Facility on Casey 6. In fact, the Casey 6 property that EYA controls is just to the north of the current proposed maintenance facility location and would be a superior location to Casey 7. We believe there may also be room for the Maintenance Facility on land the State already owns which will not be utilized for the adjacent ICC off ramps behind the Grove Shopping Center.

We believe other site alternatives will meet the State Highway Administration's operational needs while allowing Montgomery County to pursue the smart growth and transit oriented development objectives that it and the State share. EYA has expressed our concerns to the SHA and MTA through the comment process for the Final EIS and have been in contact with numerous state officials to discuss locating the maintenance facility on Casey 6. To date, we have not received a response from the state. I urge you and the other members of the Planning Board to work with the state to ensure that the vision of the Shady Grove Sector Plan is not destroyed by placing the ICC Western Maintenance facility on Casey 7.

Best regards,



Bob Youngentob  
President

Cc Sue Edwards  
Dan Hardy

## MCP-Chairman

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**From:** Roger Plaut [rplau001@umaryland.edu]  
**Sent:** June 28, 2006 11:59 PM  
**To:** MCP-Chairman  
**Subject:** ICC Mandatory Referral

RECEIVED  
JUN 29 2006

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



Plaut comments.doc

Please accept the attached file as comments on the ICC mandatory referral application.  
Please attach the file to the 14 pages faxed to you earlier today.

Thank you.

Roger Plaut  
301-460-3369

M11

Mr. Derick P. Berlage  
Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Roger Plaut  
13915 Bauer Drive  
Rockville, MD 20853  
June 28, 2006

Dear Chairman Berlage:

I represent Longmead Crossing, in Silver Spring, a community of 5,000 people living in 2,000 homes. The community would be bisected by the Intercounty Connector. I am writing to comment on the mandatory referral application for the ICC.

On June 19, 2006, M-NCCPC staff convened a meeting at the Park and Planning building, at which staff members discussed the "Aesthetic Elements" of the ICC mandatory referral application with community members. Despite representing a community that would suffer severe and direct impacts if the ICC were built, I was not notified directly of this meeting, and I learned about it only on the afternoon of June 19, second-hand. I could not attend on such late notice. Although I was not present at the meeting, a copy of the minutes of the meeting was forwarded to me. I have submitted these minutes to you, in an effort to ensure that the Board considers the concerns of the community members who were present at the meeting.

To date, I have not yet had the opportunity to fully review the application myself. I will submit my comments on it at a later date. However, I would like to point out to the Board serious flaws in the process to this point.

On June 20, 2006, I emailed Dan Hardy, your Transportation Planning Supervisor. A copy of my note to Mr. Hardy is attached. In the email, I asked Mr. Hardy to email the mandatory referral application to me, or if that were not possible, to mail it to me. Mr. Hardy responded by email (also attached). He attached a copy of the public notice regarding the application, which was mailed to some homeowners associations (also attached). Mr. Hardy wrote, "As described in the attachment, the application is available for review here in Silver Spring; it is not in an e-mailable format."

I spoke to Mr. Hardy subsequently by phone. I pointed out to him that, in fact, neither the public notice nor the press release (dated June 14, 2006; also attached) explained that the application was available for review at the Park and Planning office. The public had no way of knowing this; even the story in the Gazette newspaper (June 21, 2006; also attached) did not mention this fact. I urged Mr. Hardy to contact the homeowners associations that were mailed the public notice, to inform them that the document was available to the public. To date, I do not believe that this has been done.

I again asked Mr. Hardy whether the application was in electronic format. He replied that it was not. He said that if I wanted to see it, I could go to the Park and Planning building, and that it could be photocopied for me for a fee.

On June 27, 2006, I went to the Park and Planning building. I told the staff in the transportation office that I wished to see the mandatory referral application for the ICC. Initially, staff showed me only the maps, which were sitting on top of the desk. When I insisted that there were other sections

to the application, staff found the rest behind the desk. I looked through it and asked for copies of selected pages.

Among the pages that was photocopied for me was the cover letter (attached) dated May 4, 2006, from Melinda Peters of SHA to Mr. Hardy. The letter states clearly that the application was provided to Mr. Hardy in electronic form as well as in print, contrary to his assertions to me.

I do not know why Mr. Hardy was unwilling to provide the application to me in electronic format; I do not know why the press release and public notice regarding the application did not mention that it was available for review at the Park and Planning office; nor do I know why I (or any homeowner in Longmead Crossing) was not among the community members contacted to meet with Park and Planning staff regarding the "Aesthetic Elements."

These are issues of fundamental fairness. If the Board wishes to encourage public participation, it must make every effort to reach out to the community. This was not done. Instead, a few individuals were contacted and asked to meet with staff regarding "Aesthetic Elements." There was no effort to open this meeting to the public at large. Similarly, the public was not informed that the mandatory referral application was available for review at Park and Planning. Furthermore, Mr. Hardy did not make any effort to provide the document to me in electronic format when I requested it.

I respectfully request that the Board take a step back on the mandatory referral process for the ICC. The Board should direct Park and Planning staff to provide print and electronic copies of the application to anyone requesting them. Staff should contact communities along the ICC right-of-way to notify them that the application is available for review. All interested parties should be invited to meet with staff to discuss staff recommendations. The public hearing should be postponed to allow the public adequate time to review the application materials.

Thank you for your consideration of this important matter.

Sincerely,

Roger Plaut  
Board Member, Longmead Crossing Community Services Association

attachments

cc:

Longmead Crossing Ad Hoc Committee on the ICC  
Rick Levine, President, Longmead Crossing Community Services Association  
Transportation Secretary Robert L. Flanagan  
State Highway Administrator Neil Pederson  
ICC Co-Project Manager Alan Straus  
ICC Co-Project Manager Wesley Mitchell  
State Senator Leonard H. Teitelbaum  
Delegate Henry B. Heller

Delegate Adrienne A. Mandel  
Delegate Carol S. Petzold  
Montgomery County Council President George Leventhal  
Councilmember Marilyn J. Praisner

From 301-460-3369

RECEIVED  
JUN 28 2006

**Fax**

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

**To:** Planning Board MNCPPC **From:** Roger Plaut

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**Fax:** 301-495-1320 **Pages:** 15 (including this page)

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**Phone:** **Date:** 07/28/06

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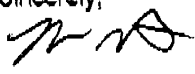
**Re:** Intercounty Connector Mandatory Referral **CC:**

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Dear Members of the Planning Board:

Please consider the attached documents as comments on the mandatory referral application for the Intercounty Connector.

Thank you very much.

Sincerely,  
  
 Roger Plaut  
 (home) 301-460-3369  
 (daytime) 410-706-0097

6/20/06

**ICC Aesthetic Elements  
Community Leaders Meeting held on June 19, 2006  
Summary of Comments**

A community meeting was held on June 19, 2006 for the purpose of receiving community comments on the State Highway Administration's proposed Inter County Connector's Aesthetic Elements. The agenda is attached. The following represents a summary of the issues and comments provided by residents.

**Process**

Many residents do not believe that there is adequate provision for community input into aesthetic design decisions under SHA's process and Design/built approach.

SHA's Aesthetics Core Team developed the Aesthetic Elements proposal without any resident input, according to Greg Hoer. The only opportunity for community comment is during the County's Mandatory Referral process and during the noise wall selection, according to Greg Hoer, with the ICC Corridor Partners. Given the number of choices for bridge design, noise wall treatments, and retaining walls allowed in the RFP under the Design/built process, no one in the community will know what the roadway or the community's side of noise walls will look like until after the SHA awards the contracts.

SHA's date of issuance for the RFP was also questioned. There is concern that the RFP will be released prior to the Planning Board's public hearing and comments to SHA. Greg Hoer, with the ICC Corridor Partners, said that he was not aware of this but would look into it.

Several architects from the community questioned the design/built process versus a design/bid process. There is less control over the design and final details under a design/built contract unless the performance specifications are tightly written and proprietary products are specified. However, the State cannot specify proprietary products because they must allow competitive bids from various vendors. Consequently, the architects questioned the State's ability to control the quality and detailed decisions under the design/built process.

SHA responded by saying they intend to provide "over the shoulder" reviews of the project elements after the contracts have been awarded.

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The proposed Aesthetic Elements document did not illustrate any of the options for the community's side of the noise walls. Residents wanted to know what is the public process for them to choose the surface treatment of noise walls in their neighborhoods. Also, if the Design/built contracts are already awarded, is there any opportunity for meaningful input?

And, finally, residents wanted to know why the roadway was being divided up into separate contracts. It was explained that the contract segments created more manageable contracts, expanded the number of companies that could bid on the contracts and would allow the contracts to proceed expeditiously.

**View  
of the Roadway**

Residents needed to see the entire roadway in one image to better understand the design concept and proposed aesthetic elements. It is hard to visualize overall concept in the roadway segments, page by page, as shown in the documents. Residents want an overview.

**Design Concept**

Overall, residents want a parkway character to the roadway that is heavily landscaped to mitigate the visual impacts of the roadway. This concept came out through the discussion of the various design elements. Many residents thought that SHA had promised them a parkway character and find that the proposal does not achieve this character primarily due to lack of space for landscaping, and the use of non parkway like elements such as high mounted signage and toll gantries.

**Special Bridge  
Treatment**

Only 5 bridges over the ICC are proposed for special treatment with a higher standard of detail, railings and lighting. There was some discussion about why only 5 bridges. The view of the ICC from the community's roads and parks is a major concern. In general, upgrading more bridges with lighting, ornamental railing and more landscaping, as depicted for Community Gateway Bridges, is desired for bridges that are adjacent to communities.

**Treatment of  
Precast Structures**

Residents see a need for visual interest and variety to avoid monotony. Many thought the variety could come from variety in the landscaping and bridge designs, an approach similar to what is recommended in the Aesthetic Elements proposal. Others questioned the ability of the State to control where to use the allowable variety of precast and were concerned that the different contracts would result in an uncoordinated, piecemeal pattern of

different treatments. The discussion over unity versus variety did not reach a consensus. However, everyone is concerned that the process may result in the inability to control the overall design relationships given the number of different options in the specifications. At a minimum, the variety of allowed wall treatments should not be permitted in the same area.

MNCPPC staff commented that given the Design/build process, it would be safer to require a unified precast treatment as a way to avoid unpredictable design relationships with mismatched patterns. Variety and visual interest could be achieved by the proposed landscaping in front of the walls.

The color of the precast structural element was also raised by several residents. One person pointed out that darker values visually recede and that the color of the bridges, noise walls and retaining walls should not be light in value. This resident feels that noise walls look less imposing if they are a darker value. Another resident suggested that variety in color also might be desirable and held up a picture of Smith Midland's precast, rusticated stone pattern. The arch bridge for the Rock Creek park should be less light in value to blend in with the park. A parkway-like character is best achieved in an ashlar stone pattern, staff pointed out.

#### Landscape

There was general agreement that the roadway should be as green as possible to mitigate the impact of walls and in many cases high walls. Extensive landscaping should also be used to screen the community's view of the other elements within the roadway such as signage, toll gantries and lighting. "I don't want to see the roadway's walls, signage and lighting from my home".

Greg Hoer presented the different planting zone treatments and explained how the Design/build contractor would submit an overall concept guided by the RFP's concept. A resident requested that the RFP's landscape concept be further developed specifically to give more guidance to the Interchange and other areas by providing an illustrative layout. There was concern that not even SHA will know how to control the outcome. And, residents will not actually see the planting plans under the current SHA process.

Questions about the Old Mill Run Deckover were raised about the drainage, the ability of plants to grow up on the deck and other maintenance concerns.

MNCPPC staff questioned the amount of proposed landscape. There is general consensus that the proposed landscape treatment

should be increased in order to achieve a parkway character and that the proposal is too minimal. Medians should also have landscaping in conjunction with guard rails. Where possible, trees need to be placed in the middle of the roadway to improve the parkway character.

Residents learned that SHA was extending the typical 1-year warranty to 2 years to ensure proper maintenance. A resident pointed out that given the attrition rate of highway plantings, increasing the amount of planting was a good idea.

Staff pointed out that the ability to plant the corridor was contingent upon achieving an offset from the retaining walls and noise barriers for planting purposes. Also, the performance specifications seem to preclude the ability to plant many areas due to the required minimum planting setbacks from the roadway.

- Bridge Railing** Residents want more bridge crossings to have ornamental railings and not chain link.
- Lighting** This element did not receive much discussion other than to note that the lighting should be confined to the interchanges and more ornamental lighting used on the bridges.
- Signage** The proposed overhead, interstate signage was not favorably received. All residents felt that it would be visually intrusive adjacent to their homes. They requested that the signs be located to the side of the roadway. Also, exit signage needed to be more clear at the actual exit point, repeating the name of the cross street previously stated in the main exit sign.
- Toll Gantries** The overhead location of the toll gantries was viewed as visually intrusive and unacceptable. There were offered a variety of different ways to locate the toll gantries ranging from locating them under bridges to placing them to the side of the road. US 81 in Virginia was given as an example of a roadside monitor. The SHA consultant explained that they could not be placed under the bridges due to vibration from the bridge.
- Conclusion of Meeting** Staff offered to hold another meeting if residents wished to do so. Residents were encouraged to send in their comments to Planning Board prior to June 28 in order to be included in the packet that is posted on the Web site. Staff reminded everyone that July 13 was the public hearing on the entire ICC proposal including the proposed design aesthetic elements.

**Roger Plaut and Mané Rebelo-Plaut**

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**From:** "Roger Plaut" <rplau001@umaryland.edu>  
**To:** <dan.hardy@mncppc-mc.org>  
**Sent:** Tuesday, June 20, 2006 4:47 PM  
**Subject:** ICC Mandatory Referral

Mr. Hardy:

I represent the Community of Longmead Crossing.  
I understand the referral application regarding the ICC is now available.  
Could you please email it to me?

If it must be mailed, my address is:

Roger Plaut  
13915 Bauer Dr  
Rockville, MD 20853

Thank you.

Roger Plaut  
[rplau001@umaryland.edu](mailto:rplau001@umaryland.edu)  
W 410-706-0097  
H 301-460-3369

6/28/2006

M20

**Roger Plaut and Mané Rebelo-Plaut**

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**From:** "Hardy, Dan" <Dan.Hardy@mncppc-mc.org>  
**To:** "Roger Plaut" <rplau001@umaryland.edu>  
**Sent:** Tuesday, June 20, 2006 5:51 PM  
**Attach:** icc mandatory referral public notice june06.pdf  
**Subject:** RE: ICC Mandatory Referral

Roger,

Thanks for contacting me. I'm attaching the public notice that we mailed to our Longmead Crossing Community Services contact; you may already have a copy of it, but if not, it will help explain our process and schedule.

As described in the attachment, the application is available for review here in Silver Spring; it is not in an e-mailable format. Some portions of the mandatory referral are duplicative of the ICC DEIS or FEIS materials. We can copy all, or portions of interest to you, but we do charge reproduction fees to cover costs. I'd be happy to talk with you further about the mandatory referral submission contents and how we can best answer your community's interests in this regard. Please contact me via phone (I'm in tomorrow morning but out during PM) or e-mail to discuss further.

Dan

Dan Hardy  
Transportation Planning Supervisor  
Montgomery County Department of Park and Planning  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4530 phone  
301-495-1302 fax  
[dan.hardy@mncppc-mc.org](mailto:dan.hardy@mncppc-mc.org)

-----Original Message-----

**From:** Roger Plaut [mailto:rplau001@umaryland.edu]  
**Sent:** Tuesday, June 20, 2006 4:47 PM  
**To:** Hardy, Dan  
**Subject:** ICC Mandatory Referral

Mr. Hardy:

I represent the Community of Longmead Crossing.  
I understand the referral application regarding the ICC is now available.  
Could you please email it to me?

6/28/2006

6/28/2006

M21

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
PRESS RELEASE**

**For immediate release:**

June 14, 2006

**For more information:**

Marion Joyce  
Manager, Community Outreach and Media Relations  
The Maryland-National Capital Park and Planning Commission  
The Montgomery County Planning Board  
301/495-4602

**PLANNING BOARD SEEKS COMMENT ON INTERCOUNTY CONNECTOR**

**SILVER SPRING, MD** – Montgomery County Planning Board will hold a public hearing on the **Intercounty Connector (ICC) on Thursday, July 13** at 8787 Georgia Avenue, Silver Spring. Public testimony will be strictly limited to two hours, and speakers are encouraged to sign up in advance by calling 301-495-4600. An approximate time for the hearing on the ICC, Mandatory Referral #06809-SHA-1, will be announced by June 30.

Copies of the staff recommendations to the Planning Board will be available by July 3 online at [www.mcparkandplanning.org](http://www.mcparkandplanning.org) or at the transportation planning office, located at 8787 Georgia Avenue, Silver Spring in room 105.

After receiving public testimony and hearing the staff's recommendations on July 13, the Board will deliberate at a later worksession tentatively scheduled for Thursday, July 20 and form its final recommendations to transmit to the Maryland Department of Transportation.

On May 29, the Federal Highway Administration issued a Record of Decision on the ICC authorizing MDOT to proceed with the Selected Alternative, Corridor 1.

"The Planning Board will focus on implementation details that reflect and reinforce the state and federal commitments to minimizing impacts to parkland, protecting environmental resources and minimizing disruption to communities along the ICC's path," said Planning Board Chairman Derick P. Berlage.

Included in the county's master plans for decades, the ICC is a proposed 18-mile toll road connecting I-370 near the Shady Grove Metrorail station to US 1 between Beltsville and Laurel designed to facilitate transportation between Montgomery and Prince George's counties.

For more information on the Planning Board's mandatory referral, those interested may call Dan Hardy 301/495-4525 or email [dan.hardy@mncppc-mc.org](mailto:dan.hardy@mncppc-mc.org). Details on the ICC project are available by contacting Melinda Peters of the State Highway Administration at 866/462-0020 or submitting comments via the project website at [www.iccstudy.org](http://www.iccstudy.org).

###

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If it must be mailed, my address is:  
Roger Plaut  
13915 Bauer Dr  
Rockville, MD 20853

Thank you.

Roger Plaut  
[rplau001@umaryland.edu](mailto:rplau001@umaryland.edu)  
W 410-706-0097  
H 301-460-3369

6/28/2006

M23

**You're Invited to testify to the Montgomery County Planning Board  
on the  
Intercounty Connector**

**THURSDAY, JULY 13, 2006**

The Montgomery County Planning Board invites members of the public and organizations to testify at an official Public Hearing on a mandatory referral case on the Intercounty Connector (ICC), Mandatory Referral #06809-SHA-1, on **Thursday, July 13, 2006**. The hearing, limited to two hours of testimony, will be held in the first floor auditorium of The Maryland-National Capital Park and Planning Commission auditorium located at 8787 Georgia Avenue, Silver Spring, Maryland. To sign up in advance to speak to the Planning Board on this item, you may call 301-495-4600.

The ICC is a proposed 18-mile controlled access toll road connecting I-370 near the Shady Grove Metrorail station to US 1 between Beltsville and Laurel. On May 29, 2006, the Federal Highway Administration's Record of Decision provided the Maryland Department of Transportation, the implementing agency, to proceed with the Selected Alternative, Corridor 1.

At a future date, tentatively Thursday, July 20, 2006, the Planning Board will review and discuss the public's comments and its staff's recommendations, before finalizing its comments and recommendations on the ICC within Montgomery County to the Maryland Department of Transportation, State Highway Administration.

To review the mandatory referral application file, to obtain information about proposed staff recommendations, or to offer your comments on the plan to staff, please contact Dan Hardy of the Montgomery County Planning Department at (301) 495-4525 or [dan.hardy@mncppc-mc.org](mailto:dan.hardy@mncppc-mc.org).

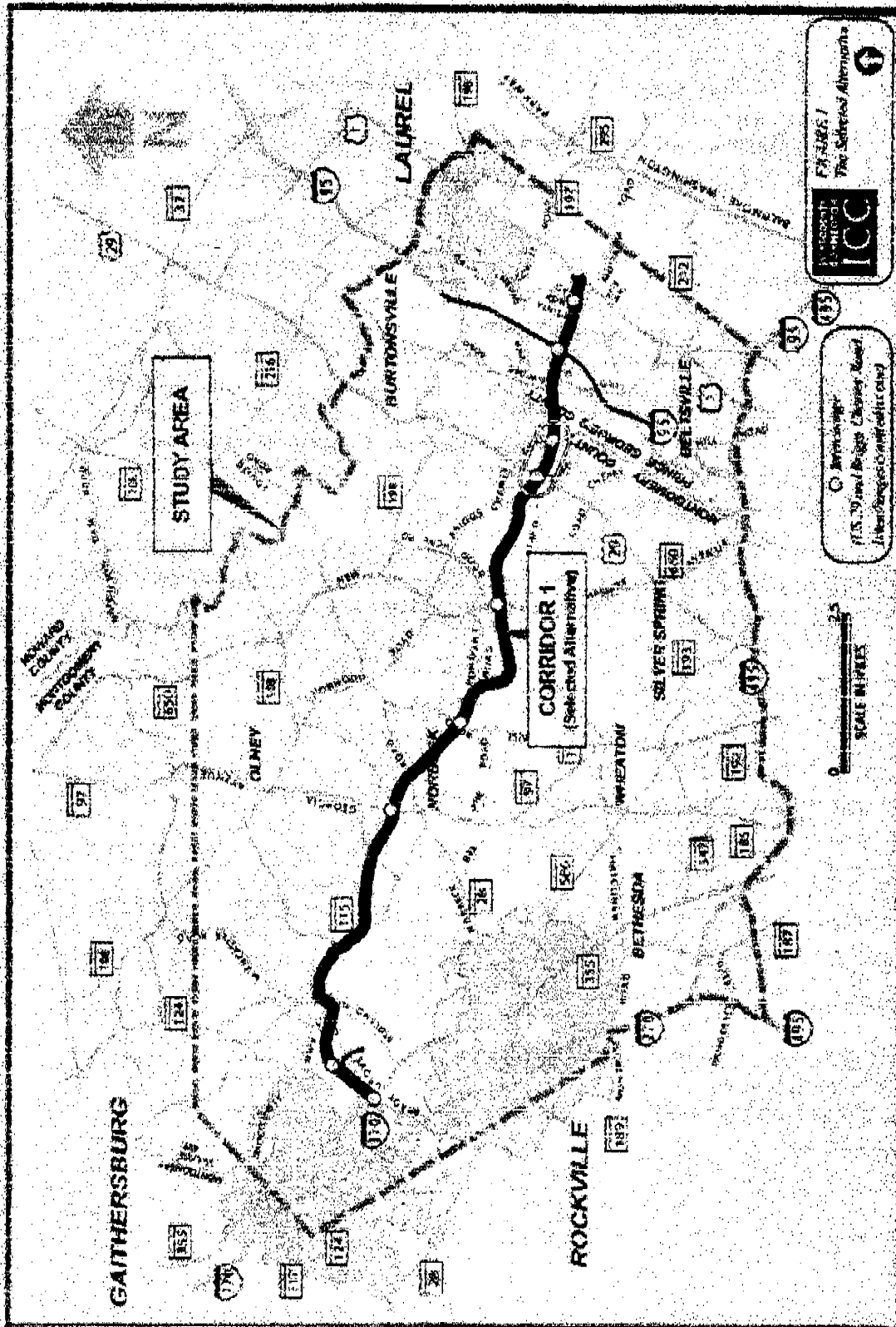
For questions on the Intercounty Connector project, please contact Melinda Peters of the Maryland State Highway Administration at (866) 462-0020 or submit comments via the project website at [www.iccstudy.org](http://www.iccstudy.org).

A staff recommendation will be available 10 days before the public hearing. You can obtain a copy in the Transportation Planning Office Room 105, between 8:30 a.m. and 4:30 p.m. or online at [www.mcparkandplanning.org](http://www.mcparkandplanning.org).

For an approximate time on this item on the Planning Board's agenda, please call (301) 495-4600, after Wednesday, July 5, 2006.

Thank you for your interest in Montgomery County's future.





## Planning Board will hold July 13 hearing on ICC details

Planners are soliciting comment on the controversial road's design elements

Wednesday, June 21, 2006

by Sean R. Sedam  
Staff Writer

The Intercounty Connector highway is coming, but exactly how it will look is up for discussion.

County planners will hold a hearing July 13 in Silver Spring to get the public's vision for the Intercounty Connector, including how to minimizing its impact on parkland, environmental resources and communities along the 18-mile toll road.

Planners are looking for comments on elements such as types of plants to use in landscaping and aesthetic elements such as noise barriers and retaining walls.

"This is when we move from the planning process for the ICC into the design process for the ICC," said Dan Hardy, a transportation planning supervisor with the county Department of Park and Planning.

Federal regulators approved the controversial six-lane highway last month.

The state has already selected many of the "big-picture" elements for the project, including the highway's path and where the state will give the county parkland to replace areas that will be disturbed by the road.

The hearing is about how to design and build the project, Hardy said. That includes how much leeway contractors have to change design elements, an issue that is tied to financial incentives.

The \$2.4 billion limited-access road will provide an east-west connection between Montgomery County's Interstate 270 corridor at I-370 with U.S. Route 1 and I-95 in Laurel.

Work is expected to begin this fall. Portions will be completed in 2010 and 2011.

The hearing will be part of the Planning Board's weekly meeting. Individuals will have three minutes to speak; organizations will have five minutes; government officials will have seven.

The Planning Board will hold a work session July 20 to finalize its design recommendations to the state. It is up to state planners to decide whether to incorporate the board's recommendations in the final design.

Planning Board staffers are already preparing some recommendations for the state. Those

**To weigh in \*What: Hearing on details for the Intercounty Connector**

**\*When: July 13 (time to be announced June 30)**

**\*Where: Planning Board, 8787 Georgia Ave., Silver Spring**

**\*To speak: Call 301-495-4600 to sign up in advance. For details, call Dan Hardy at 301-495-4525 or e-mail dan.hardy@mncppe-mc.org.**

**\*To comment: Send written comments to Derick P. Berlage, Planning Board Chairman, 8787 Georgia Ave., Silver Spring, MD 20910 or e-mail mcp-chairman@mncppe-mc.org.**

**\*Staff recommendations will be available July 3 at**

recommendations will be posted online by July 3 so [www.mcparkandplanning.org](http://www.mcparkandplanning.org), that the public may comment on them at the hearing.

The board will discuss only the 15 miles of the highway within Montgomery County.

Another element planners could address is the desire for a bike path. The ICC master plan calls for one running the entire length of the highway, but the state plans to construct only about seven miles of a bike path, almost all in Montgomery County.

Any more of the path will not come from construction of the ICC, Hardy said, but planners could recommend working toward adding to the path in the future.

"The real key is are there elements of particular design as to where these bike paths [terminate] and the priority for future pieces?" he said.

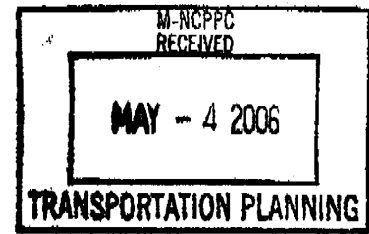
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Robert L. Ehrlich, Jr., *Governor*  
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*  
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation



May 4, 2006

Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Attention: Mr. Daniel Hardy  
Subject: Intercounty Connector  
Re: Mandatory Referral

Dear Mr. Hardy:

In reply to your e-mail dated March 14, 2006 and in accordance with our on-going coordination on the Intercounty Connector (ICC), enclosed for your review and distribution are ICC documents submitted in accordance with the M-NCPPC Mandatory Referral process. The enclosed items are for your use:

**1. Draft RFP Performance Specifications (PS)**

(Electronic copies on a CD and four paper copies)

- Drainage (PS 303)
- Roadway (PS 309)
- Environmental (PS 310)
- Structures (PS 308)
- Landscape Architecture (PS 301)
- Traffic (PS 305)

**2. Plans**

(Electronic copies on a CD and four paper copies)

- FEIS Plans with Refinements
- List of FEIS Refinements
- Typical sections
- Profiles

**3. Overview of ICC Aesthetics (PowerPoint Presentation)**

(Electronic copy on a CD and four paper copies)

- Updated following the January 30, 2006 presentation to M-NCPPC and Montgomery County staff

**4. Plans for the Western Maintenance Facility**

(Electronic copies on a CD and four paper copies)

**6. Supplemental Information on Noise Analyses and Traffic Analyses taken from the Final EIS.**

(Electronic copies; website addresses:

- Traffic Analysis and Technical Report, November 2004 <http://iccstudy.org/DEIS/index.php>
- Noise Report <http://pdf.iccstudy.org/FEIS/pdfs/tech/NoiseReport.pdf> and

<http://pdf.iccstudy.org/FEIS/pdfs/tech/NoiseAppendixG.pdf>

One copy of the Mandatory Referral Checklist for Transportation Projects is also included in this transmittal.

My telephone number/toll-free number is 410-545-8772

*Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free*

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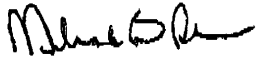
Maryland-National Capital Park and Planning Commission  
May 4, 2006  
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I understand that your receipt of this Mandatory Referral submittal will initiate the requisite 60-day M-NCPPC Mandatory Referral review process.

Please call me (410-545-8772) if you have any questions regarding the contents of this submittal.

Thank you.

Very truly yours,



Melinda B. Peters, P.E.  
Project Director  
Maryland State Highway Administration

Enclosures

CC: Raja Veeramachaneni, SHA  
Wesley Mitchell, SHA  
Alan Straus, GEC  
David Wallace, GEC

**Hardy, Dan**

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**From:** DOLORES MILMOE [dmilmoe@audubonnaturalist.org]

**Sent:** Wednesday, June 28, 2006 7:34 PM

**To:** mcp-chariman@mncppc-mc.org

**Cc:** Hamer, Faroll; Coleman, Joyce; Karen.Krumm@mncppc-mc.org; Hardy, Dan

June 28, 2006

**Re:** Formal Letter of Complaint Regarding Staffperson  
*Please copy all Planning Board Members*

To Chairman Berlage and Members of the Planning Board,

The Audubon Naturalist Society (ANS) would like to issue a formal complaint expressing our disappointment and frustration concerning staff interaction with committed, engaged citizens, and other organizations, including our own. This complaint follows upon a meeting regarding the ICC Aesthetic Elements Mandatory Referral Review on June 19, at Park and Planning. Specifically, your staff person Dan Hardy, has been blatantly unfair to citizens by ignoring their input, providing misinformation regarding the process, and censoring material for the Board's review.

The June 19 meeting was held to solicit feedback from civic representatives in the right of way communities on the ICC's Aesthetic Elements in order to inform your Board and State Highway Administration (SHA) regarding the Mandatory Referral Review. Follow up calls to staff after the meeting revealed that the minutes recounting important citizen input were not to be included in the Planning Boards' packet at Mr. Hardy's insistence. It is unconscionable that Mr. Hardy should undertake the role of censor in a process which is supposed to be open and inclusive. Many of the civic representatives present at this meeting are extremely knowledgeable about the ICC, have been closely following the process, and are intimately familiar with its impacts on their communities. We understand too, that Mr. Hardy also declined to forward the citizens' comments to SHA officials. This behavior by a Park and Planning staff person is unprofessional, unacceptable and stands as a clear example of disregard for public input and fair process, which the Commission has sought to overcome following Clarksburg.

Secondly, after the meeting, when another citizen contacted Mr. Hardy to inquire if the Aesthetic Elements materials could be provided electronically either on the M-NCPPC's Web site or by e-mail, Mr. Hardy claimed there were no electronic copies. Instead, he told the inquiring citizen that he would have to come to the Silver Spring to view the material in hard copy. When this individual came in to review the material, he noted a cover letter from SHA explaining that a CD containing the *AE* information was included in the package. It seems unlikely Mr. Hardy was unaware of the CD, and more likely he was not interested in assisting distribution of public information.

State law clearly indicates that projects such as the ICC shall not be "authorized, located, or constructed" without going through the agency review process which includes the Mandatory Referral Process. As a result, Mr. Hardy was questioned about the legality of SHA issuing RFPs in advance of completing the review process. Without denying that such bids would be offered prior to the Board's meeting in July, Mr. Hardy cast this question aside saying that the RFPs to be issued would not be out of order because they were drafts. While Mr. Hardy's legal interpretation can be questioned, his apparent lack of concern about both the public's input on the ICC's design guidelines is unsettling. In addition,

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following the meeting, he sought to further discredit the concern regarding the RFP's by blithely calling it an "assertion." In sum, these anecdotes paint a picture of a staff person lacking professionalism and commitment to serve the public. Perhaps Mr. Hardy is unaware that he is a public servant.

We must protest the apparent obfuscation of serious public concerns about the way in which the ICC will impact thousands of county residents—many of them unaware or unable to be advocates for their own cause. It falls on committed and engaged citizens to fill this role for the many who cannot. It is infuriating to watch such efforts stifled. Those of us who attended the June 19 meeting were astounded at the new information not previously made available to the public e.g., the massive steel gantries with lights extending well above sound barriers. Claims made by Mr. Hardy that the information about aesthetic details of the ICC was available at earlier SHA public workshops over two years ago are untrue. As participants of those workshops, we can attest that the information was vague at best and more focused on right of way options. Staff failed to shed light on specifics. We photographed all the exhibits. Not surprisingly, SHA officials have always been careful not to be specific or helpful on the "vision" of how the ICC would impact communities.

Finally, it is telling that all the Aesthetic Elements presented on June 19, were clearly focused on the ICC driving experience, all from a vehicular vantage point. We must protest that there were no community perspectives of noise walls, lights, gantries etc, nothing from impacted community's perspectives.

In an agency which is trying to mend its public image, Mr. Hardy's behavior should not be tolerated. The notes from the June 19 citizen meeting should be included in the record and duly transmitted to SHA. A follow up meeting which is adequately publicized, unlike the June 19 meeting, and properly staffed by SHA would not be out of order. We strongly urge you to push for more deliberate, inclusive oversight of the ICC and its impacts. You must demand the highest of standards if this project must go forward.

Sincerely,

Dolores Milmoie  
Maryland Conservation Advocate  
Audubon Naturalist Society

Brian Henry  
No ICC Campaign  
Audubon Naturalist Society