

IN THE MATTER OF:

WHEATON HILLS COMMUNITY SIDEWALK CONSTRUCTION

(Galt Avenue, Blueridge Avenue, Dawson Avenue, Parker Avenue, Hardy Avenue and Henderson Avenue)

CIP Project No. 0506747/Annual Sidewalk Program

BEFORE: Gary Erenrich, Public Hearing Officer, Department of Transportation

PUBLIC HEARING OFFICER'S RECOMMENDATION

I. Background

The Montgomery County Department of Transportation (MCDOT) proposes to construct a sidewalk project that will provide safer pedestrian travel along multiple roadways throughout the Wheaton Hills community in Wheaton, Maryland. This project is located in the Wheaton/Silver Spring Planning Area within the Thirteenth Election District, of Montgomery County. Requests to construct sidewalks along six individual roadways within the Wheaton Hills community were initiated by multiple residents of the Wheaton Hills community, and are endorsed by the Wheaton Hills Civic Association (WHCA). MCDOT staff attended a WHCA meeting to provide details regarding the six proposed sidewalks. The proposed sidewalks will be five (5) feet wide concrete sidewalks with a variable greenspace of zero to three feet wide, and will be installed at the following locations.

- The east side of Galt Avenue from Veirs Mill Road/MD586 to Fenimore Road and the west side of Galt Avenue from Fenimore Road to 2608 Henderson Avenue;
- The south side of Blueridge Avenue from Parker Avenue to 2610 Blueridge Avenue;
- The north side of Dawson Avenue from Newport Mill Road to Galt Avenue;

- Missing segments on the east and west sides of Parker Avenue from Newport Mill Road to Avena Street;
- The north side of Hardy Avenue from 2901 Hardy Avenue to Ivanhoe Street; and
- The east and west sides of Henderson Avenue from 2611 Galt Avenue to Georgia Avenue/MD97.

A public hearing was held pursuant to Section 49-53, of the Montgomery County Code at Highland Elementary School All Purpose Room at 7:00 p.m. on Tuesday, April 18, 2017. The public record was held open for additional comments until Tuesday, May 9, 2017. Notice of the public hearing was provided to adjacent property owners and published in the *Washington Post* on April 6 and 13, 2017.

MCDOT presented displays at the public hearing showing the locations of the proposed sidewalks within the Wheaton Hills neighborhood and typical sections showing the planned sidewalks adjacent to the roadway. The entire project will cost an estimated \$1,267,666.00 including administrative and construction inspection costs. This project will be funded through the County's Annual Sidewalk Program - CIP Number 0506747. There are no properties considered to be specially benefitted by this project. Therefore, no assessment to any properties are expected.

II. Summary of Testimony, Written Comments and Exhibits

Project Description

An overall description of the project was presented by Mr. Bruce Johnston, Chief, Division of Transportation Engineering, MCDOT. Mr. Johnston detailed the project and the safety it will provide for the entire community. The new sidewalks will improve pedestrian access for children who reside in the Wheaton Hills community and are required to walk to and from Highland

Elementary, Newport Mill Middle, Sligo Middle and Einstein High Schools. Mr. Johnston provided a project vicinity map identifying the locations for the new sidewalks. The combined total length of sidewalks proposed along the six roadways is approximately 12,110 linear feet.

Galt, Blueridge, Hardy and Henderson Avenues all have 50 feet of available public right-of-way, and the roadway width is 26 feet. There is 12 feet of public right-of-way dedicated for public use along both sides of Galt, Blueridge, Hardy and Henderson Avenues.

Parker and Dawson Avenues each have 60 feet of available public right-of-way, and the roadway width is 26 feet wide. There is 17 feet of public right-of-way dedicated for public use along both sides of Parker and Dawson Avenues.

Testimony and Written Comments

Fifty-four attendees signed-in and were present at the hearing. Of those fifty-four, twenty-nine presented oral testimony. Overall, the oral testimonies were approximately two to one in support for the proposed sidewalks. Residents testified that students who attend the four local schools in the Wheaton Hills community are required to walk to and from school. No bus transportation is provided by MCPS for students. The new sidewalks will provide safer access to the schools as well increase pedestrian safety for the entire community. Safer pedestrian access to public transportation located on Veirs Mill Road and Georgia Avenues, and to nearby shopping at Wheaton Plaza will be created for the entire Wheaton Hills community.

Several speakers testified that the volume of vehicular traffic has increased in their neighborhood and it has become difficult to navigate between the many parked cars. Pedestrians are forced to walk in the roadway since two or more vehicles are parked on the street in front of most homes. Requests for the installation of stop signs and speed-bumps was made in an effort to help slow traffic throughout Wheaton Hills. Most homeowners testified that they endorsed the

sidewalk project and agreed that improving pedestrian safety in their neighborhood is needed. Many homeowners who testified requested the new sidewalks be constructed adjacent to the edge of curb, without a greenspace. This would result in less impacts to their properties and be more acceptable to the homeowner.

Mr. Jared Hautamaki, resident at 3002 Blueridge Avenue testified that he and several of his neighbors on his block, have a sink hole that needs to be addressed before a sidewalk is constructed in the public right-of-way adjacent to their property. Mr. Hautamaki stated he fully supports the proposed sidewalk project, but feels the sink hole poses a significant problem that needs to be corrected prior to installing a sidewalk.

The major opposition presented at the hearing was against installing a sidewalk on Dawson Avenue. Residents cited that a sidewalk on Dawson Avenue would be beneficial for pedestrian safety, but felt it may be more feasible to construct the sidewalk on the south side of the roadway versus the proposed north side. Another issue raised by some Wheaton Hills residents, is the amount of tree removal required to allow for installing the new sidewalks. Some residents expressed concern for the environmental impacts the large tree removal will have on their neighborhood. A few testified that if a sidewalk were constructed in front of their homes, they would lose their parking and driveway space. Thus, making it necessary to park additional vehicles on the roadway.

III. Conclusions and Recommendations

The purpose of public hearings for the construction of proposed sidewalks is to provide a sound, factual record. All the information submitted assists the public hearing officer when

developing a recommendation for the Director of the Department of Transportation. The Director's final decision is based on public need and appropriateness of the project.

Therefore, after complete review of the testimonies, exhibits and the submissions of record presented for this hearing, I find that installing the sidewalks on Galt Avenue, Blueridge Avenue, Dawson Avenue, Parker Avenue, Hardy Avenue and Henderson Avenue will improve pedestrian safety for the entire Wheaton Hills community. In my opinion, the proposed sidewalks were adequately demonstrated by MCDOT and are in the best public interest.

"Public interest" is a broad concept that manifests itself in a variety of contexts. When a construction project is involved, the project will be considered to be in the best public interest if it will do such things as promote the general health and safety of the residents, protect the environment, preserve open space or otherwise advance the community's quality of life. This includes providing for the safe and efficient flow of vehicular and pedestrian traffic. MCDOT has in recent years focused on the need for pedestrian safety through the creation of a pedestrian safety task force and implementation of various strategies to reduce collisions. Sidewalks are an established means of reducing pedestrian-vehicle conflicts.

Mr. Johnston's written testimony stated that sidewalks remove pedestrians from the roadway and away from the path of vehicular traffic. This project will provide safer access for the entire Wheaton Hills community to nearby shopping and public transportation. The proposed sidewalks will produce a network of sidewalks throughout the community and significantly improve the safety of students who are required to walk to and from school.

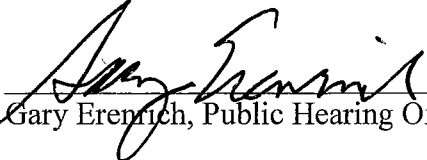
The Wheaton Hills sidewalk project is proposed under the Annual Sidewalk Program, which is a continuing Capital Improvement Program to provide safe pedestrian facilities

throughout the County. The testimonies and exhibits offered for this project provided adequate information regarding the construction of a five-foot wide concrete sidewalk with a variable width greenspace on Galt Avenue, Blueridge Avenue, Dawson Avenue, Parker Avenue, Hardy Avenue and Henderson Avenue. This project will be constructed entirely within the public owned right of-way, without needing acquisition of any additional property.

Upon thorough review of all the testimony and evidence presented into the public record, I conclude that there is sufficient basis to find that the Wheaton Hills community sidewalk project will be in the best public interest. However, in my opinion I feel that MCDOT's proposal to construct a five-foot wide concrete sidewalk with variable width greenspaces throughout the entire community should be reconsidered. I recommend all the proposed sidewalks be constructed adjacent to curb, without a grass buffer panel. By doing this, impacts to the adjacent properties would be minimized. In addition, I propose MCDOT coordinate with the impacted homeowners to establish modifications to retaining walls and tree removal, where necessary. Furthermore, the sidewalk in the 3000 block of Blueridge Avenue should be deferred until there is a resolution to the sink hole referred to in Mr. Jared Hautamaki's testimony.

Therefore, I recommend the Director of the Department of Transportation concur with the above cited adjustments, and authorize construction of the Wheaton Hills sidewalks project.

Respectfully submitted,

 8-17-17

Gary Erenrich, Public Hearing Officer

The Public Hearing Officer's Report and Recommendation for the Wheaton Hills community sidewalk construction project has been reviewed, and the project is hereby authorized for construction.

Date: 8/17/17

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Al Roshdieh, Director
Department of Transportation