

Purple Line FEIS - RECORD #62 DETAIL

Comment Date : 9/16/2013
First Name : Ethan
Last Name : Goffman
Business/Agency/Association Name : Sierra Club Montgomery County Group
Address : 523 N Horners Ln
City : Rockville
State : MD
Zip Code : 20850
Email Address : ethan.goffman@maryland.sierraclub.org

Submission Content/Notes : The Montgomery County Sierra Club Group continues to support the preferred alternative to the Purple Line. We believe it will greatly reduce sprawl, reduce the number of car trips in the area, benefit the local and global environment, and help heal the regional east-west divide. We would particularly like to see development in the Langley Park area, including high quality jobs, to help support balanced growth.

E.11

Purple Line FEIS - RECORD #72 DETAIL

Comment Date : 9/17/2013
First Name : Rob
Last Name : Bindeman
Business/Agency/Association Name : Landmark Realty Inc
Address : 4827 Rugby Ave
Apt./Suite No. : Suite 201
City : Bethesda
State : MD
Zip Code : 20814
Email Address : rbindeman@aol.com
Submission Content/Notes : Having seen firsthand the LYNX in Charlotte, I believe the Purple Line is a much needed transportation and development solution for the Maryland suburbs. The public outreach efforts have been excellent and I applaud the MTA for their careful, diligent efforts to accommodate the many different perspectives on the development

Purple Line FEIS - RECORD #114 DETAIL

Comment Date : 9/29/2013
First Name : William
Last Name : Hanna
Business/Agency/Association Name : Action Langley Park
Address : 1500 Merrimac Drive
City : Langley Park
State : MD
Zip Code : 20783
Email Address : actionlangleypark@yahoo.com

Submission Content/Notes : 29 September 2013

Purple Line Decisionmakers: Re FEIS

Environmental Impact: Of course, the word "environment" can mean many different things. For instance, it can mean air pollution-which widespread use of the light-rail system would presumably reduce. It might mean forcing businesses and residential homes to be torn down to make way for rail lines, stations, and more. It can focus on vehicular and pedestrian movement. Thus the Purple Line FEIS reports that new traffic signals are planned in the Langley Park area for University Boulevard Intersections with

G.2

Merrimac Drive, Lebanon Street, 14th Avenue, Guilford Road, and 24th Avenue. It can mean disruption during construction (and that will certainly be a problem for several years), noise from light-rail operation, and more. The Langley Park area certainly will be impacted by new construction, the construction process, the noise and vibrations of operation, and more. But the social impact will be the greatest.

E.9

Social impact: There is a discussion of the habitat and wildlife, but little discussion that we have discovered about the human habitat or the human wildlife. There is an "environmental justice" section, and this conclusion: "No disproportionately high and adverse effects on environmental justice populations. However, many of the commercial areas in the corridor are in environmental justice communities; MTA understands small, local, and EI businesses will require some unique engagement."

E.14

It is noted that 53 residential units and 60 commercial facilities will be displaced, and 2,000 jobs will be created. (Reserved for local residents??) Here's a key sentence: "A potential indirect effect of the Purple Line to [low income] populations would be a reduction in affordable housing as a result of redevelopment of existing housing and increased commercial rents and property values." And elsewhere in the report: "Adverse effects [include] increasing rents for businesses [and] loss of affordable housing." That's environmental injustice. So residents and business people should get ready for the bulldozers and probably business failures.

Langley Park specifically: There is a section of the "Social Effects and Land Use Planning Technical Report" that focuses on "the Langley Park Neighborhood," but unfortunately the transit researchers don't know where Langley Park is! The report states: "The Langley Park neighborhood is primarily in Prince George's County, but two of its ten census tracts are in Montgomery County." In fact, Langley Park is entirely within Prince George's County, and it has only three census tracts. Check census.gov! And believe it or not, the map of the neighborhood has the correct three-tracks area. How can the researchers be so incompetent?

The report staff apparently doesn't know what "community facilities" are in the real Langley Park. The report lists the Greater Grace Church but puts it in Hyattsville; it is in Langley Park. And it lists the Chillum-Adelphi Fire Company but puts it in Adelphi; it is in Langley Park. But there is no mention of the Langley Park Community Center, the Langley Park Boys and Girls Club, the Langley Park McCormick Elementary School, the community police facility on New Hampshire Avenue, and who knows what else the staff missed.

In Conclusion: How can one trust anything in the FEIS given the incompetence of just a small section of the report. Surely some people should be fired.

There is no accusation here that the report staff was paid off by interested public and private sector stakeholders.

A research team that gives a damn about the impact on the quality of life of residents and business people in the alignment corridor would almost surely produce a different document.

Alas, regardless of the FEIS or other documents, if the money becomes available from the Federal government or the private sector, the Purple

Line will be built, and that initially will lead to some displacement and over time gentrification that will force many of the residents of the Langley Park area to leave either because they are priced out of space or their apartments and business buildings will be torn down and replaced with more costly buildings. It is just a matter of time. The money needs of the county government and business people will be served. Of course, governments need money and businesses need profits. It's just a shame that there will be lots of losers, and the FEIS seems to justify the planned change in a somewhat magical way. Given the likely construction, perhaps starting in 2015, let's hope that the eventual result will have a high ridership so that as

far as mass transit is concerned,
Sincerely, J A / j

project is a success. But social justice and environmental justice are unlikely.

Attachments :

Bill Hanna.pdf (110 kb)

Action Langley Park

A non-profit 501c3 (pending) neighborhood coalition of residents, laborers, businesspeople, members of the clergy, and their allies
Telephone 301 405-4005, Email actionlangleypark@yahoo.com, c/o LPCC 1500 Merrimac Dr., Langley Park 20783

•From the desk of ALP Executive Secretary William J. Hanna, Ph.D.*

29 September 2013

Purple Line Decisionmakers:
Re FEIS

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Given the likely construction, perhaps starting in 2015, let's hope that the eventual result will have a high ridership so that as far as mass transit is concerned, the project is a success. But social justice and environmental justice are unlikely.

Sincerely,



Purple Line FEIS - RECORD #126 DETAIL

Comment Date : 10/11/2013
First Name : Beth
Last Name : Cunningham
Business/Agency/Association Name : American Center for Physics
Address : One Physics Ellipse
City : College Park
State : MD
Zip Code : 20740

Submission Content/Notes : Mr. Michael Madden
Project Manager, Purple Line
Maryland Transit Administration
100 S. Charles Street
Baltimore, MD 21201

Dear Mr. Madden:

October 11, 2013

On behalf of the American Center of Physics, I bring to your attention a fundamental incompatibility between the Purple Line and the clear direction being set by Prince George's County and its citizens for future development in the College Park Riverdale Park Transit District through which the Purple Line will travel.

Prince George's County is in the midst of revising the existing Transit District Development Plan, so that the area surrounding the College Park Metro station will become a mixed use, transit-oriented, pedestrian-friendly community with on-street parking, narrow streets. The area will have an urban orientation that will encourage walking, biking, shopping and dining in the context of retail, office, restaurant and residential development. As examples of exemplary transit-oriented and mixed-use developments, the County and its development consultants have presented numerous sketches and pictures of light rail lines that are fully integrated into mixed-use neighborhoods. Recent workshops have elicited extensive public support for such a vision of this area.

Many of the light rail lines that enhance mixed-use urban environments are located within public roadways. The light rail lines share these roadways with public and private vehicles, and they are fully compatible with pedestrian movements. These light rail lines are an integral part of the vibrant street environment. They are welcomed by pedestrians, and they encourage a sense of place and personality.

In contrast to these visions of light rail that reinforce mixed-use transit-oriented development, the Purple Line is now planning to take an extensive amount of property along River Road in College Park and in Riverdale Park, precisely so that the line can avoid the public roadway. By moving ahead with this proposed alignment, the Purple Line will waste a unique opportunity to enhance the County's plans for this area.

If the Purple Line were to be aligned within the current roadway of River Road, then River Road would become a crucial link in the County's plan for a pedestrian-friendly transit-oriented district. Further, using the existing roadway would reduce significantly the need to otherwise take private and public property for the Purple Line.

Page 2 of 2

In its current configuration, River Road is too wide to encourage pedestrian traffic. Placing the Purple Line within the roadway will greatly ameliorate that problem. Placing the Purple Line on an adjacent and isolated roadbed will simply exacerbate that problem.

I also note here that the Purple Line will be located within the existing roadway on Paint Branch Parkway as it travels below the CSX and Metro tracks. Further, the Purple Line will be located within the existing

roadway on Kenilworth Avenue immediately adjacent to River Road. In fact, the Purple Line's off-road location on River Road is book-ended by on-road locations immediately prior to and immediately after River Road. There hardly seems to be a reason for departing from the on-road alignment only on River Road while leaving the adjacent rail lines within the existing roadways.

While I am sure there are impediments to the suggestion to place the Purple Line directly in the roadway on River Road, I am confident that such impediments can be overcome. An in-road alignment would improve dramatically the likelihood that the Purple Line will contribute to the transit-oriented, pedestrian-friendly, mixed-use development being sought by the local community, residents, land owners and policy makers in Prince George's County.

Thank you for your attention to this matter. Sincerely,

Beth Cunningham
President
American Center for Physics

cc:University of Maryland (President Wallace Loh, Vice President of Administration and Finance Carlos Colella)
City of College Park (Mayor Andrew Fellows, Planning Director Terri Schum) Town of Riverdale Park (Mayor Vernon Archer and Councilman Alan Thompson) Prince George's County Executive (Rushern Baker, Brad Frome)
Prince George's County Planning Department (Chad Williams)
American Center for Physics.pdf (173 kb)

Attachments :



American Center for Physics

One Physics Ellipse
College Park, MD 20740
TEL.: 301-209-3000
FAX: 301-209-0843

October 11, 2013

Mr. Michael Madden
Project Manager, Purple Line
Maryland Transit Administration
100 S. Charles Street
Baltimore, MD 21201

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MEMBERS

American Institute of Physics
The American Physical Society
American Association of
Physics Teachers

AFFILIATE MEMBER

American Association of
Physicists in Medicine

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While I am sure there are impediments to the suggestion to place the Purple Line directly in the roadway on River Road, I am confident that such impediments can be overcome. An in-road alignment would improve dramatically the likelihood that the Purple Line will contribute to the transit-oriented, pedestrian-friendly, mixed-use development being sought by the local community, residents, land owners and policy makers in Prince George's County.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Beth Cunningham".

Beth Cunningham
President
American Center for Physics

cc: University of Maryland (President Wallace Loh, Vice President of Administration and Finance Carlos Colella)
City of College Park (Mayor Andrew Fellows, Planning Director Terri Schum)
Town of Riverdale Park (Mayor Vernon Archer and Councilman Alan Thompson)
Prince George's County Executive (Rushern Baker, Brad Frome)
Prince George's County Planning Department (Chad Williams)

Purple Line FEIS - RECORD #453 DETAIL

First Name : David
Last Name : Sherman
Business/Agency/Association Name : Hamlet Place Cooperative
Email Address : djshermansk@hotmail.com

Submission Content/Notes : Purple Line FEIS Comments

Maryland Transportation Administration
Transit Development and Delivery
100 S. Charles Street
Tower Two, Suite 700
Baltimore, MD 21201

To Whom It May Concern:

Please accept the attached comments on the FEIS from the Hamlet Place Cooperative in accordance with your website on this subject. Hamlet Place Owners, Inc ('Hamlet Place') . is a community of 75 townhomes located in Chevy Chase, whose future existence is intrinsically linked to successful mitigation of our issues with your Purple Line project. We have participated in local meetings on this project in the past, but they have been of a regional nature and generally involved it's future and the relationship to the Chevy Chase Sector Plan. This FEIS is the first opportunity we have to readily see the full impact of the project on our community and comment on it.

After reviewing the FEIS we believe we are as impacted – if not more so- from a lifestyle and economic standpoint than any other community in its path. Hamlet Place is comprised of real taxpaying citizens of Maryland whom this FEIS is legally obligated to protect. Hamlet Place Cooperative ('Hamlet Place') has virtually all of its 75 townhomes within 500 'of the Proposed ROW, and , 50 within 300 feet. We have 30 townhomes within a distance of as little as 20 feet to 150 feet of the ROW. Yet, given this situation, our review of the FEIS finds- incredibly- that there is no mention of the Hamlet Place Cooperative in the entire document. We therefore reviewed the FEIS and commented on its general information and data relative to it's perceived impact on us. Further, we addressed potential mitigations for these impacts as we saw fit.

We have addressed all Sections of the FEIS in this manner, and especially point out the 'Commitments' Paragraph (4.20) and it's statement' to coordinate and consult with affected communities' as our opportunity to mitigate our impacts from this point forward. Our goal is to have a situation where we do not know the Purple Line exists either during construction or operation.

Sincerely,

David Sherman, President
Hamlet Place Owners, Inc.
3583 Hamlet Place
Chevy Chase, MD 20815
301 652-8630
djshermansk@hotmail.com

Purple Line FEIS Comments

Hamlet Place Owners, Inc., 3573 Hamlet Place, Chevy Chase, MD
20815

October 15, 2013

E.2

1.. Section 4.0, 'Environmental Resources , Impacts and Mitigation', Para 4.1 "Overview" states that for some impacts the study area extends a specified distance from the centerline (eg: 500'). Hamlet Place Cooperative ('Hamlet Place') has virtually all of its 75 townhomes within 500 'of the ROW, 50 within 300' and 30 extending from within as little as 20' to 150' of the ROW. Why is Hamlet Place Coop not a 'Study Area' given the impacts which are virtually assured and many other areas farther away – and not impacting actual homeowners - are included? How can Hamlet Place become a 'Study Area'?

E.5

E.7

2.. Para 4-9 Visual Impacts states the MTA will 'continue to consult with affected communities regarding aesthetic treatments of transitway elements'. Hamlet Place Coop has never been approached. How can this be remedied?

E.8

3.. Table 4-3 How does the 'Purple Line Functional Plan' address specific issues along the route ?

4.. Fig 4-2 Defines 16 neighborhoods as 'Study Areas'. Why is Hamlet Place Coop not included?

E.13

5.. Figure 4-3 Why is the open space east of Hamlet Place Coop not addressed ?

6.. Para 4.9 Visual Resources Why is Hamlet Place not designated as having 'High Visual effect' given the definition of extensive change due to the distance from the centerline?

J.1

7.. VAU 1 description and Table 4-22 address visual impacts and state that much of the existing vegetation and tree canopy would be removed, and the existing embankment lowered. A 4' high retaining wall as indicated is not considered adequate mitigation along the 540' common border of Hamlet Place and the ROW including adjacent properties given the distance of the townhomes from the ROW. A minimum 15' high wall and additional tree and vegetation plantings along the common border are required to mitigate the visual impact. Given the height of the trains and the nighttime operation, train riders can easily see into Hamlet Place living room and bedroom windows. Describe the effect the visual impact of a 10' or 15' wall on the overhead wiring of the trains or the impact of Purple Line lighting on Hamlet Place. What is the track grade above Hamlet Place ROW?

8.. Figure 4-18 depicting the completed Capital Crescent Trail grossly distorts the distance impacts experienced by Hamlet Place.

9.. Page 4-90 addresses collaboration with the Town of Chevy Chase on visual, noise and other effects. Hamlet Place Cooperative requests

equal collaboration given it is more impacted than the Town of Chevy Chase. Identify a method for the MTA to coordinate with Hamlet Place on impacts and mitigations.

10.. Para 4.10 Air Quality 4.10.1 How is Hamlet Place adequately addressed regarding the NAAQS in the Purple Line Design and construction given its distance from the ROW?

11.. Para 4.11 How is Hamlet Place adequately addressed regarding noise abatement in the Purple Line Design and construction given its distance from the ROW? It is well within the 700' corridor stated as the 'analysis study area'.

12.. Hamlet Place is shown at approximately Noise and Vibration Monitoring Station M-12 and S-6 on Figure 4-27. Para 4.11.3 and Table 4-29 state that based on analysis the 4' Noise Wall' will provide adequate mitigation. Provide the MTA analysis which shows this is acceptable when applied to Hamlet Place which is 20' from the ROW.

13.. Describe how Hamlet Place will be impacted by train horns and other noise during operations when trains approach the Connecticut Avenue Station.

14.. Describe the 'short term construction impacts' on Hamlet Place regarding noise which the EIS states in Section 4.12 will be 'limited'. Address specific mitigations for Hamlet Place involving the hours of construction operations, the duration of the construction schedule at Hamlet Place, and db levels during construction. Address any nighttime construction plans since the EIS states that daylight construction activities will be conducted 'whenever possible'.

15.. Para 4.14 Water Resources

Figure 4-28 Wetlands, waterways, and Flood Plains. This Figure shows the area around Hamlet Place impacted by WUS gb-3, gb-4 and Coquelin Run. What is in the design to direct surface water from the Purple Line during construction and operations away from Hamlet Place. What mitigations are planned along the Hamlet Place border and our adjacent townhouse groups? What are the plans to enhance the channel of Coquelin Run to accommodate this increased runoff? Describe the existing conditions and future impacts of the Purple Line on WUS gb-3 and gb-4, and any planned mitigations for this. Describe the impact of the lowered existing surface buffer along Hamlet Place on groundwater control, and proposed mitigations.

16.. Hazardous Materials

Regarding Table 4-38 Potential for Concern, Ranking Criteria, and number of sites within Study Area', since it is unclear from Figure 4-29, where does Hamlet Place fall within the 573 sites listed showing areas of medium/high potential? Provide details of the analysis of this? If it was not studied for hamlet Place— why not? What is the mitigation proposed for Hamlet Place for hazardous material from the Purple Line?

17.. Para 4.17 Utilities

Describe all utilities in the area around Hamlet Place which would be impacted by Purple Line construction and operations and mitigations planned.

18.. Visual effects, page 4-162. Describe the visual impact on Hamlet Place of any of the 10 VAU's investigated. Why is Hamlet Place not one of the three listed with High Visual impact given its proximity to the ROW (20 feet) ?

19.. Table 4-53 identifies 4 single family residences and one apartment building which would experience vibration effects. Why is Hamlet Place (20 feet off the ROW) not on this list? what mitigations are being implemented which keep it off the list?

20.. Paragraph 4-20 Commitments How is Hamlet Place addressed within these general commitments? . Specific examples are;
Visual para 4.9: Page 4-169 states' MTA will continue to coordinate and

consult with affected communities regarding aesthetic treatments of the transitway effects'. How is Hamlet Place to be specifically included in this effort?

Air Quality para 4.10 states 'MTA will require construction contractor to implement dust control measures'. How is Hamlet Place to be specifically included in this?

Noise Para 4.11 states 'Between Bethesda and Rock Creek Stream Valle Park a minimum 4' noise retaining wall will be constructed adjacent to residential areas'. Justify that Hamlet Place should not have a 15 foot high wall (in lieu of the 4 foot minimum) along it's ROW with the Purple Line and extending a significant distance in either direction of it's ROW.as a mitigation.

Vibration para 4.12 states 'MTA will perform site-specific (emphasis added) assessment of those areas in the FEIS as having potential vibratiokn impacts. MTA will develop appropriate mitigation strategies. MTA will Identify appropriate measures during construction.' What mitigations are planned specifically for Hamlet Place in regards to these statements?

Water Resources para 4.14 states 'MTA will mitigate project impacts to WUS including wetlands'. What mitigations are planned for these areas near Hamlet Place as identified in other sections of the FEIS?

Hazardous Materials para 4.16 What potential hazardous materials are possible for the area around Hamlet Place, and what are plans to mitigate these?

21.. Overview of Construction Activities Chapter 5.0
Where can the 'Purple Line Construction Activities Technical Report' be accessed by Hamlet Place ?

Section 5.1 When will Hamlet Place have access to a construction schedule of any level of detail showing activities in it's area in order that we can evaluate the continuing impact on our community over the 4 ½ years of construction? Table 5-1 is not adequate for this.

Section 5.1 indicates that construction could take place 6 days per week and up to 15 hours per day for above ground work. This is unacceptable to Hamlet Place given our proximity to the ROW and could include lighting work areas.. Advise of when this is planned, and nitigations proposed including the impacts of daylight work during weekdays only.

Describe the plans to use the Capital Crescent Trail as a haul route in the Hamlet Place area either to the east or to the west.

Table 5-2 Elements of Construction Areas 1 thru 9 shows that Hamlet Place is in

Construction Area 1 and it appears that our 540 feet of border would be

approximately 5% of the total 2 miles of planned transitway and 10% of the

transitway east of Connecticut Avenue. Section 5.2.1 describes only general

construction techniques planned for this area. Provide more detail including piles,

cut and refill with structural soil, grading, tree removal, concrete work, drainage,

lighting, noise control, etc. in order that we can evaluate impacts and mitigations on

our community. When will this level of detail be available if not now ? Figure 5.1

distorts the location of Hamlet Place relative to the Purple Line ROW.

Describe the new culvert at Coquelin Run.

How will Hamlet Place be impacted by construction of minimum 4 foot wall and

higher ones ?

How will the grading of the Purple Line in the Hamlet Place area be impacted by the

Connecticut Avenue overpass (eg where will the track begin to elevate for this

overpass)?

5.3 Transportation Management Plan. How will Chevy Chase Lake Drive be

impacted by Purple Line Construction ?

5.4 Environmental Compliance Plan: When will this Plan and it's updates be

available to Hamlet Place to evaluate impacts and mitigations to our community ?

Purple Line FEIS - RECORD #471 DETAIL

First Name : Melvin

Last Name : Tull

Business/Agency/Association Name : Silver Spring Urban District Advisory Committee

Email Address : mel@leedg.com

Submission Content/Notes : Please consider these few comments about the Purple Line in Silver Spring:

1. Pages 114 and 115. There is a need for installation of streetlights as part of the Purple Line project through the 900 block of Bonifant Street. The narrow existing sidewalk will be a pedestrian hazard with trains running so close beside it. The Purple line project needs to widen the sidewalk, reconstructing according to the brick sidewalk standard for the Silver Spring central business district.

2. The plan documents on these pages are not clear about the location of catenary poles in the 900 block of Bonifant St , but Page 319, Alignment Typical Section of Bonifant Street, Sta Trk 1 618+00 to Sta Trk 1 621+00, shows that the catenary poles are not between the tracks, but are located outside the tracks, on both sides, further crowding the narrow sidewalk pedestrian area.

3. The stippled background on the plan for the 900 block of Bonifant St might indicate concrete, or grass between the tracks. What is it and who/which agency will be responsible for maintenance.

4. Page 198. Why doesn't the track alignment profile show "Alley at-grade crossing' at the alley entrance on Bonifant Street east of Georgia Ave?

5. Page 4-34. Acquisitions section does not list the 315 properties where the Purple Line project would like to obtain easements or the size or duration of the easements. It is difficult for property owners to determine the impact on their properties in the absence of disclosure of the easement list.

Thanks for consideration of these observations. A response would be appreciated.
Mel

Melvin Tull
Chairman
Silver Spring Urban District Advisory Committee
301-717-2327

Purple Line FEIS - RECORD #523 DETAIL

First Name : Robert
Last Name : Posner
Business/Agency/Association Name : East Bethesda Community Association
Email Address : robertposner2@yahoo.com
Submission Content/Notes : Attached is the comment of the East Bethesda Community Association regarding the Purple Line's FEIS.

Robert Posner

EBCA

THE EAST BETHESDA COMMUNITY ASSOCIATION'S (EBCA) POSITION ON PROPOSED PURPLE LINE

C.3 The EBCA's past position on the possible conflict between the tree-lined Capital Crescent trail and the proposed Purple Line's use of the Trail was "Save the Capital Crescent Trail".

Now that the Final Environmental Impact Study (FEIS) was released by the State after several years in the making, there is sufficient information to clarify the EBCA position.

C.2 The State's plan is based on projected future ridership travelling east-west in Prince George County and Montgomery County. The Purple Line ends in Bethesda, near Bethesda Row. It does not effectively attack the growing congestion of commuter traffic around NIH and the Navy Medical Center.

E.11 The proposed Purple Line will remove the mature trees that shade walkers, runners, bicyclists and strollers on the Capital Crescent Trail during the heat of summer months and severely reduce our community's canopy. The Trail, as we know it, is to be replaced by an exposed 12 foot wide cement sidewalk separated from the noise and motion of light rail trains by a 4 foot high wall. The replacement sidewalk is to be 12 feet wide with 2 feet on either side of the cement for plantings.

The total effect of a combined sidewalk and train tracks is a concrete swath about 30 feet wide exclusive of retaining walls and fencing.

In effect, our community will lose the Capital Crescent Trail while massive north-south commute congestion on Wisconsin Avenue, Old Georgetown Road and Connecticut Avenue remains.

C.1 **PROPOSED: THAT EBCA REMAINS OPPOSED TO THE USE OF THE CAPITAL CRESCENT TRAIL RIGHT-OF-WAY BY THE PROPOSED PURPLE LINE AND URGES THE STATE TO ADDRESS TRAFFIC CONGESTION AROUND THE NIH AND NAVAL MEDICAL CENTER.**

September 18, 2013

Purple Line FEIS - RECORD #627 DETAIL

Comment Date : 10/21/2013
First Name : Shane
Last Name : Farthing
Business/Agency/Association Name : Washington Area Bicyclist Association
Address : 146 U Street, NE
City : Washington
State : DC
Zip Code : 20002
Email Address : shane@waba.org
Submission Content/Notes : Dear MTA:

A.1

WABA supports the Purple Line project because we believe it presents the most viable option for the improvement of the Georgetown Branch/Capital Crescent Trail connection between Bethesda and Silver Spring. The resulting paved trail with improved, grade-separated crossings of major arterials has long been the promise of this project for those members of the community who travel by bicycle. Therefore, we are pleased to see the long-awaited completion of the FEIS.

C.3

However, we are deeply concerned at the treatment of the trail in the FEIS. Rather than embracing the trail as an integral part of the work of all parties, MTA acknowledges a willingness to pursue only a single off-road and grade-separated alignment, before reverting to the lowest common denominator alternative of an "on-road trail." This is insufficient.

The trail component is integral to the project, and MTA must cooperate with MCDOT and other stakeholders to ensure appropriate collaboration on project goals, timelines, and deliverables to ensure that a paved, traffic-separated and grade-separated trail connection between the two downtowns is completed.

Therefore, we insist that the trail component of this project be given more than a single-shot attempt before MTA passes all responsibility to others. MTA must accept its responsibility for ensuring that an appropriately designed trail is integrated into the design, as must MCDOT and other entities.

We continue to support the Purple Line, but that support is largely due to the promise the Purple Line represents for the accompanying trail connection. It is the responsibility of MTA, as the lead agency of this project, to work with other necessary stakeholders to ensure that a paved, grade-separated trail results.

Commitments to the creation of a paved, separated trail have been made repeatedly by MTA representatives in statements and in renderings, and such commitments should similarly be included in the FEIS.

Sincerely,

Shane Farthing
Washington Area Bicyclist Association

Purple Line FEIS - RECORD #655 DETAIL

First Name : Ajay
Last Name : Bhatt
Business/Agency/Association Name : Save The Trail
Email Address : ajay.bhatt@savethetrail.org
Submission Content/Notes : Please see our attached PDF "FCCT FEIS Comment Letter (2013) Final.pdf" response to the Final Environmental Impact Statement.

Thank you,

Ajay Bhatt

President

Friends of the Capital Crescent Trail

w: <<http://www.savethetrail.org/>> SaveTheTrail.org | f:
<<https://www.facebook.com/pages/Friends-of-the-Capital-Crescent-Trail/204693696213931>> facebook.com/Friends of The Capital Crescent Trail | t:
<<https://twitter.com/SaveTheTrail>> twitter.com/savethetrail

e: <<mailto:Ajay.Bhatt@SaveTheTrail.org>>
Ajay.Bhatt@SaveTheTrail.org | p:
301-500-0124

Attachments : FCCT FEIS Comment Letter (2013) Final.pdf (825 kb)



Friends of the Capital Crescent Trail - PO Box 5803 - Bethesda, MD 20824

October 21, 2013

Via Electronic Submission (FEIS@purplelinemd.com)

Henry Kay
Maryland Transit Administration
Transit Development & Delivery
100 S. Charles Street
Tower Two, Suite 700
Baltimore, MD 21201

Daniel Koenig
Federal Transit Administration
1990 K Street, NW, Suite 510
Washington, DC 20006

Re: *Purple Line – Final Environmental Impact Statement and Draft Section 4(f) Evaluation*

Ladies and Gentlemen:

C.1

We appreciate the opportunity to respond to the request by the Maryland Transit Administration (“MTA”) and the Federal Transit Administration (“FTA”) for comments in connection with the above-referenced final environmental impact statement (“FEIS”). The FEIS describes and summarizes certain transportation and environmental impacts of building the Purple Line, a proposed east-west light rail transit service in Montgomery and Prince George’s Counties, Maryland. The purported purpose of the Purple Line is to: (1) provide faster, more direct, and more reliable east-west transit service connecting the major activity centers in the Purple Line corridor at Bethesda, Silver Spring, Takoma/Langley Park, College Park, and New Carrollton; (2) provide better connections to Metrorail services located in the corridor; and (3) improve connectivity to the communities in the corridor located between the Metrorail lines.

C.2

E.2

This comment letter is submitted on behalf of the Friends of the Capital Crescent Trail (“FCCT” or “we”) and other individuals and groups that support our cause.¹ The FCCT is a non-profit organization dedicated to preserving park land, open space and quality of life in Montgomery County, Maryland. We are *not* against mass transit and, in fact, fully support mass transit projects that are cost-effective, provide real benefits and do not irrevocably destroy park land uniquely situated in intensely developed residential and commercial areas. The Purple Line – in its *current* form – fails these three objectives, and we believe

E.5

¹ We have also submitted, in separate correspondence, the signatures of approximately 5,500 citizens that oppose the Purple Line in its current form.

E.7 the selection of the “preferred alternative”² has been an outcome-driven process without serious consideration of other, more cost effective forms of mass transit, including bus rapid transit (“BRT”) with traffic signal priority and dedicated and/or exclusive bus lanes.

E.8 We also believe that the FEIS fails to adequately assess, or fully and fairly discuss, the environmental and health impact of the Purple Line on the portion of the Capital Crescent Trail (“CCT”) between Bethesda and Lyttonsville, also known as the Georgetown Branch Trail (the “Georgetown Branch Trail” or the “Trail”), and the adjoining neighborhoods and their citizens. Nor has the FEIS adequately informed “decision-makers and the public of the reasonable alternatives which would avoid or minimize [these] adverse impacts or enhance the quality of the human environment.”³ For these and other reasons discussed in more detail below, the FEIS has failed to satisfy the legal requirements of the National Environmental Policy Act of 1969 (“NEPA”).

E.9 We strongly urge the MTA and FTA to reconsider the Purple Line in its current form. To that end, we request that the MTA issue a supplemental FEIS that corrects the deficiencies identified in this letter and provides a full and fair comparison of the attributes and deficiencies of the Preferred Alternative, No Build Alternative and Medium Investment BRT Option 1 (as defined below).

ABOUT THE TRAIL

E.11 The CCT is a linear park – a park utilized by over one million citizens each year, from Montgomery and Prince George’s Counties and other counties in surrounding areas.⁴ The CCT spans 11 miles, from Georgetown, DC to Silver Spring, MD. Montgomery County also identifies the CCT as a “special park” which is “heavily used at all times.”⁵ The Georgetown Branch Trail is a section of the CCT that runs for three miles between Bethesda and Lyttonsville. The Purple Line – in its *current* form – would *fundamentally* change the character of this magnificent park, and *irrevocably* destroy the mature forest and tree canopy that line a significant portion of the Georgetown Branch Trail.

E.12 The FEIS states that, as part of the Preferred Alternative, a permanent trail would be constructed within the Georgetown Branch Trail, along the Purple Line, and that the paved trail would “generally” be 12 feet wide with two-foot shoulders, “except that it may be narrower in locations where the width is constrained.”⁶ Of course, variations in topography along the Trail, as well as other physical impediments, would reduce the already limited space for a trail and guarantee that these measurements would not be maintained for the duration of the Trail. These changes would *fundamentally* affect the quantity or

E.14

² For purposes of this comment letter, the “Preferred Alternative” refers to the MTA’s current proposal (*i.e.*, the Purple Line in its current form).

³ 40 C.F.R. §1502.2.

⁴ See Capital Crescent Trail/Georgetown Branch Trail Survey Report, Maryland-National Capital Park & Planning Commission Department of Parks, May 2007, at 1 (“Over one million people use the popular Capital Crescent (CCT) and Georgetown Branch Trails each year.”) (the “2007 Survey”).

⁵ See MontgomeryParks.org, Trail Maps, Capital Crescent Trail, available at http://www.montgomeryparks.org/PPSD/ParkTrails/trails_MAPS/Crescent.shtm; see also MontgomeryParks.org, Park & Trail Directory, Capital Crescent Trail Special Park, available at http://www.montgomeryparks.org/parks_facilities_directory/capitalcrescenttrailsp.shtm.

⁶ FEIS, at p. 2-27.

quality of use of the Trail, depriving citizens of a nature sanctuary and an important buffer between commercial areas and adjoining residential neighborhoods. These changes could also introduce serious safety concerns for users of the Trail by, for example, forcing Trail users to cross Wisconsin Avenue – a busy six-lane road – to make the connection to the other portion of the Trail.

Before 1985, the CCT was a single-track freight line with a slow-moving train running once a day on the old Baltimore and Ohio Railroad right-of-way between Georgetown, Bethesda and Silver Spring. In 1988, Montgomery County purchased a portion of the right-of-way under the National Trails Systems Act, often called the “Rails-to-Trails Act.” Although this portion was purchased by the county for the purpose of providing both a trail *and* transitway, times, circumstances and priorities have changed. The seven-mile section of the CCT from Georgetown to Bethesda was built and formally dedicated in December 1996. Development of the Georgetown Branch Trail was approved by Montgomery County in August 1995 and dedicated in January 1997. In August 1998, the segment of trail passing through the tunnel underneath the Air Rights building, Wisconsin Avenue, and the Apex building entered into service to connect the two trail sections. In May 2003, repairs were completed to the historic Rock Creek Trestle and it was dedicated for trail use, closing the last major gap in the interim trail along the Georgetown Branch Rail Line Corridor.

The CCT, including the Georgetown Branch Trail, helps create and support the region’s culture of healthful living, outdoors enjoyment, and environmental awareness. These immeasurable benefits have already been bestowed on an entire generation and should remain for generations to come. The Trail should remain a first-class park encouraging recreation and respite from two thriving urban centers, Bethesda and Silver Spring, and afford citizens alternative forms of transportation by being able to run, walk or bike safely between these two locations.

ALTERNATIVES ANALYSIS

1. *Outcome-driven process without serious consideration of other, more cost effective forms of mass transit.*

We believe that the selection of the Preferred Alternative has been an outcome-driven process without serious consideration of other, more cost effective forms of mass transit, including BRT with traffic signal priority and dedicated and/or exclusive bus lanes. The regulations adopted by the Council on Environmental Quality (“CEQ”) implementing NEPA require that the alternatives discussion “rigorously explore and objectively evaluate all *reasonable* alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.”⁷ The regulations emphasize that the alternatives section “is the heart of the environmental impact statement,”⁸ and must “present the environmental impacts of the proposal and the alternatives *in comparative form*.”⁹ Moreover, the regulations adopted by the FTA and the Federal Highway Administration (“FHWA”) implementing NEPA also require that “the final EIS shall identify the preferred alternative and evaluate all *reasonable* alternatives considered.”¹⁰

In response to, and in anticipation of, the Alternatives Analysis and Draft Environmental Impact Statement (“AA/DEIS”), several commenters, including the Town of Chevy Chase, expressed concerns with respect to the alternatives considered and methodologies used by the MTA and FTA and recommended that the MTA and FTA consider other alternatives. One alternative – referred to in the FEIS as the “Medium Investment BRT Option 1” – would use BRT on Jones Bridge Road, between Bethesda and Jones Mill Road. According to the FEIS, the Medium Investment BRT Option 1, although providing a more direct service between Walter Reed National Military Medical Center (“WRNMMC”), would result in longer travel time and a loss of more than 2,000 daily riders.¹¹ The FEIS also claimed that the “travel market ... of downtown Bethesda is almost twice the size of the WRNMMC travel market.”¹² On this basis, the Medium Investment BRT Option 1 “was not carried forward” and was not sufficiently evaluated in the FEIS. However, we understand that a transportation engineer has raised serious concerns with respect to the methodology used by the MTA and FTA in the AA/DEIS, and requested the background data upon which they relied to support their conclusions.¹³ In addition, the AA/DEIS assessment was made *before* the full implementation of the Base Realignment and Closure (“BRAC”), and population and employment growth along the Jones Bridge Road alignment is expected to be higher

⁷ 40 C.F.R. §1502.14(a) (emphasis added).

⁸ 40 C.F.R. §1502.14.

⁹ *Id.* (emphasis added).

¹⁰ 23 C.F.R. §771.125(a)(1) (emphasis added).

¹¹ *See* FEIS, at p. 2-8; FEIS, Technical Report: Supporting Documentation on Alternatives (2013).

¹² *See* FEIS, at p. 2-8.

¹³ *See, e.g., Letter from Town of Chevy Chase to Diana Ratcliff, Director, Office of Planning, Maryland Transit Administration* (Jan. 13, 2009) (providing comments on the AA/DEIS); *Rebuttal to MTA’s White Paper Entitled “Medium Investment BRT Variations Serving Medical Center Purple Line AA/DEIS,”* Sam Schwartz Engineering (on file with authors); *Response to MTA’s White Paper entitled “Visitor Trips to the Walter Reed National Military Medical Center,”* Sam Schwartz Engineering (on file with authors).

than growth along the CCT alignment.¹⁴ Medium Investment BRT Option 1, a transit option that is less costly than the Purple Line and serves the travel needs of an area experiencing such tremendous growth, should have been given greater consideration by the MTA. All of these concerns and reasonable requests for additional information should have been addressed before circulation of the FEIS.

Without providing full and fair discussion of a reasonable alternative (*e.g.*, Medium Investment BRT Option 1), policymakers are denied the type of objective comparison that an environmental impact statement (“EIS”) must provide. This type of objective comparison is particularly critical considering: (1) the budgetary limitations of the federal government and the State of Maryland; and (2) that the cost of the Medium Investment BRT Option 1 is *substantially* less than the current estimated cost of the Purple Line, approximately \$2.2 billion.¹⁵ As most of our members are tax-paying citizens of the State of Maryland, we are also concerned that: (1) the cost of the Purple Line will continue to rise; and (2) the Purple Line will not generate sufficient revenue to cover annual operating expenses. Apparently, the FTA shares our concerns. According to the most recent “New Starts” project ratings, the Purple Line’s two lowest ratings – “medium-low” – relate to “Capital Cost Estimates, Assumptions and Financial Capacity” and “Operating Cost Estimates, Assumptions and Financial Capacity.” The FTA noted that: (1) “[r]evenue assumptions are optimistic when compared with historical data”; (2) “[t]he capital cost estimate is optimistic”; and (3) “[a]ssumed growth in operating expenses and farebox collections is optimistic when compared to historical experience.” The AA/DEIS and/or FEIS are further deficient in their failure to adequately assess potential revenue impacts with Medium Investment BRT Option 1 post-BRAC and the current expansion of WRNMMC and the National Institutes of Health (“NIH”), and the costs that could be avoided by implementing the Medium Investment BRT Option 1, including: (1) property acquisition costs; (2) tree removal and reforestation costs; (3) demolition of the Apex building; (4) construction of bridges over Connecticut Avenue and Rock Creek Park; and (5) the unnecessary risks to human health and safety by forcing Trail users to cross Wisconsin Avenue – a busy six-lane road – to make the connection to the other portion of the Trail.

2. *The FEIS fails to take the requisite “hard look” at the impact the Preferred Alternative will have on environmental resources.*

The FEIS fails to take the requisite “hard look”¹⁶ at the impact the Preferred Alternative will have on environmental resources because it fails to adequately consider other alternatives. The FEIS carried forward two alternatives from the AA/DEIS – the “Preferred Alternative” and the “No Build Alternative.” However, the FEIS omits detailed analysis or comparison of the No Build Alternative in the discussion of environmental resources, impacts and mitigation.

¹⁴ See Memorandum from Sam Schwartz, *Engineering to Town of Chevy Chase* (April 11, 2008) (citing Metropolitan Washington Council of Governments Round 7.1 Cooperative Forecasting: Employment, Population, and Household Forecasts by Traffic Analysis Zone (Jan. 9, 2008) (on file with authors).

¹⁵ See Maryland National Capital Purple Line Bethesda to New Carrollton, Maryland Project Development (Rating Assigned November 2012), available at http://www.fta.dot.gov/documents/MD_Maryl and_Purple_Line_Profile_FY14.pdf. We also note that the cost of the Purple Line has risen *significantly* since the selection of the Purple Line as the locally preferred alternative.

¹⁶ *Kleppe v. Sierra Club*, 427 U.S. 390, 410 n. 21 (1976).

The FEIS inadequately describes the No Build Alternative. For example, Chapter 2, which purports to discuss the alternatives considered, devotes less than one page to describing the No Build Alternative.¹⁷ Similarly, Chapter 4 provides only a cursory description of the impacts of the No Build Alternative in Section 4.1, “*Overview and Summary of Effects*.” The analysis of impacts in Chapter 4 lacks any discussion of the No Build Alternative, with the exception of Section 4.10 (comparing air quality effects of the Preferred Alternative to the No Build Alternative) and Section 4.17 (comparing energy use impacts of the Preferred Alternative to the No Build Alternative). This cannot satisfy the “detailed and rigorous consideration of alternatives” required by NEPA.¹⁸ The MTA apparently contends that such analysis is not required, because the FEIS instead states that “detailed assessment of the effects of the No Build Alternative projects will be the responsibility of each project sponsor at the time each project design is developed sufficiently to complete such an assessment.” Such an approach impairs the primary purposes of an EIS, which are to require an agency to consider the adverse environmental effects of a proposed project, and to ensure that the public has accurate information. Deferring responsibility for preparing a comparative analysis of the alternatives to some other entity to be performed at some later time fails to meet the “hard look” standard.¹⁹

What little discussion of the No Build Alternative does exist in the FEIS is fundamentally flawed. First, the FEIS states that the No Build Alternative has been updated since the publication of the AA/DEIS.²⁰ However, the FEIS fails to explain how the No Build Alternative has been updated, and it fails to explain what projects have been added or removed since the publication of the AA/DEIS. The documents included in the “*Technical Report: Supporting Documentation for Alternatives Development*” likewise do not detail how the No Build Alternative has been updated since the AA/DEIS. In particular, the “DEIS Re-Evaluation”²¹ prepared in 2012 purportedly evaluates the significance of new information or changed circumstances since the AA/DEIS was published in 2008. In fact, the DEIS Re-Evaluation only considers changes to the Preferred Alternative, and does not explain how the No Build Alternative has changed since the publication of the AA/DEIS.

The FEIS also claims that the No Build Alternative assumes all projects anticipated in the National Capital Region Transportation Planning Board’s (“TPB”) *Financially Constrained Long-Range Transportation Plan* (“CLRP”) (other than the Purple Line),²² yet elsewhere admits that unfunded

¹⁷ See FEIS, at pp. 2-18—2-20.

¹⁸ See, e.g., Rankin v. Coleman, 394 F. Supp. 6467 (E.D.N.C. 1975) (finding the alternatives analysis prepared in connection with an FHWA and North Carolina Department of Transportation project to be inadequate, because it was only 1-2 pages long and contained only conclusory statements).

¹⁹ See, e.g., Town of Matthews v. U.S. Dept. of Transportation, 527 F. Supp. 1055 (W.D.N.C. 1981) (finding that potential for a future development project cannot substitute for an analysis of its environmental effects in the EIS).

²⁰ See FEIS, at p. 2-18.

²¹ Under applicable law, if an acceptable final EIS is not submitted to the FTA within three years from the date of the circulation of the draft EIS, a written evaluation of the draft EIS must be prepared by the applicant, to determine whether a supplement to the draft EIS or a new draft EIS is needed. We understand that the MTA had prepared a re-evaluation of the AA/DEIS because of the passage of considerable time, which concluded that a supplemental EIS was not needed. We further understand that the FTA concurred with such findings. This finding is memorialized in, and is referred to herein as, the DEIS Re-Evaluation.

²² See FEIS, at p. 4-2.

“illustrative projects” included in the CLRP are excluded from the No Build Alternative.²³ Most significantly, the No Build Alternative does not include the proposed Montgomery County BRT network, which was approved by the Montgomery County Planning Board for transmittal to the County Council on July 11, 2013.²⁴ However, an FEIS’s no-action alternative must include a discussion of reasonably foreseeable development that would result from its adoption. In addition, CEQ has specified in guidance that where a choice of “no action” by the agency would result in predictable actions by others, this consequence of the “no action” alternative should be included in the analysis.²⁵ Despite this requirement, the FEIS does not consider at all whether the failure to construct the Purple Line would increase the likelihood that Montgomery County would adopt and fund the proposed BRT network, or the likelihood that the unfunded CLRP projects would proceed. This wrongly skews the comparison in favor of the Preferred Alternative.

Furthermore, the FEIS takes inconsistent approaches to including unfunded or unapproved projects, displaying another inappropriate bias in favor of the Preferred Alternative and a failure to provide a “full and fair” discussion of the alternatives.²⁶ The FEIS claims that the BRT network and “illustrative” CLRP projects should not be included in the No Build Alternative because they are unfunded or unapproved. On the other hand, the FEIS considers in the Preferred Alternative ancillary third-party development projects whose likelihood of beginning or continuing to completion are similarly uncertain.²⁷ The FEIS presents no discussion of the basis for including these planned developments in the analysis of the Preferred Alternative or the likelihood of construction or completion of these developments. Furthermore, the refusal to include the Montgomery County BRT network in the analysis of the No Build Alternative compromises the integrity of the data used to perform the comparison of air impacts and energy use in Sections 4.10 and 4.17 of the FEIS.

For these reasons, we request that the MTA issue a supplemental FEIS that corrects these deficiencies, by including:

- A full and fair evaluation of the Medium Investment BRT Option 1 that clearly discloses the methodology used to assess ridership and all other assumptions relied upon, and addresses the impact of BRAC and the substantial expansion of WRNMMC and NIH;
- A full and fair evaluation of the cost of the Purple Line and anticipated revenues from the Purple Line, addressing the concerns identified by FTA in the latest “New Starts” project ratings; and
- A full and fair evaluation of the No Build Alternative that clearly discloses the changes to the No Build scenario since the AA/DEIS was issued, applies the same assumptions regarding unfunded

²³ *Id.* at p. 2-18.

²⁴ *See* FEIS, at pp. 2-18—2-19, referencing the *Master Plan of Highways Bus Rapid Transit Amendment*, Montgomery County Planning Department, M-NCPPC (September 2011). The *Countywide Transit Corridors Functional Master Plan* (Planning Board Draft) (July 2013) was transmitted to the Montgomery County Council on July 11, 2013.

²⁵ *See* Council on Environmental Quality, “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations,” Question 3, 46 Fed. Reg. 18026 (1981), available at <http://energy.gov/sites/prod/files/G-CEQ-40Questions.pdf>.

²⁶ *See* 40 C.F.R. §1502.1.

²⁷ *See* FEIS, at p. 4-19 (Table 4-2).

projects as used to tout the assumed benefits of the Preferred Alternative, and addresses the reasonably foreseeable impacts of the Montgomery County BRT network.

NOISE

1. *The FEIS fails to take the requisite “hard look” at noise impacts.*

The FEIS fails to take the requisite “hard look”²⁸ at the noise impacts caused by the Preferred Alternative. In its response to comments on the AA/DEIS, the MTA confirmed that the Trail is “an important community asset” and that the Preferred Alternative would “add more noise.”²⁹ However, the FEIS (including the Noise Technical Report) includes no discussion of the noise impact of the Preferred Alternative to Trail users. Moreover, the MTA’s noise assessment included no measurement of ambient noise or estimation of the project-related noise along the Trail. This is surprising since comments submitted in response to the AA/DEIS expressed concern about noise along the Trail and the FTA’s noise assessment methodology cautions that “outdoor areas which are considered to be particularly noise-sensitive by the community” should be included as receivers of interest in the assessment.³⁰ Remarkably, despite having or presenting no data regarding existing or expected noise along the Trail, the FEIS audaciously responds to citizen concerns about noise impacts by stating: “the Preferred Alternative does not exceed FTA’s noise criteria along the Georgetown Branch right-of-way.”³¹ Apart from this falsehood, if the FEIS does not present existing noise measurements along the Trail, estimate the noise impact from the Preferred Alternative on those using the Trail, and compare such impacts to the FTA’s noise criteria, then it cannot have taken a “hard look” at the noise impacts caused by the Preferred Alternative.

This deficiency, alone, suffices to confirm the failure of the FEIS to comply with applicable law. A court will – and should – overturn an agency’s decision as arbitrary and capricious under the “hard look” review if the agency “failed entirely to consider an important aspect of the problem.”³² Nevertheless, the FEIS’s noise assessment fails to take the requisite “hard look” in several other respects. The FTA’s noise assessment methodology requires categorization of noise receptors.³³ Category 1 receptors are those tracts of land “where quiet is an essential element in their intended purpose.”³⁴ FTA recognizes that parks in urban areas can be “valued as havens from the noise and rapid pace of everyday city life and should be treated as noise-sensitive.”³⁵ While the FEIS failed to evaluate the noise impact of the Preferred Alternative on the Trail – the closest park/urban “haven” to the Preferred Alternative – it did offer noise information for 13 “park” receptors.³⁶ However, it categorized each of these 13 parks as Category 3,

²⁸ *Kleppe v. Sierra Club*, 427 U.S. 390, 410 n. 21 (1976).

²⁹ *See* FEIS, at Appendix A, pp. 11, 14.

³⁰ Transit Noise and Vibration Impact Assessment (FTA 2006), p. 6-5.

³¹ *See* FEIS, at Appendix A, p. 14.

³² *Sierra Club v. U.S. Army Corps of Engineers*, 295 F.3d 1209, 1216 (11th Cir. 2002) (citing *Motor Vehicle Mfrs.*, 463 U.S. 29, 43 (1983)).

³³ *See* Transit Noise and Vibration Impact Assessment (FTA 2006), p. 3-7.

³⁴ *Id.* at p. 3-5.

³⁵ *Id.* at p. 3-8.

³⁶ *See* FEIS, Noise Technical Report, p. 18 (2013).

rather than Category 1.³⁷ Category 3 receptors are “institutional land uses with primarily daytime and evening use,” with FTA’s noise criteria set 5 decibels higher than for Category 1 and Category 2 (residential) receptors.³⁸ Category 3 receptors are considered “less sensitive to noise” than Category 1 and Category 2 receptors.³⁹ The FTA’s noise assessment methodology recognizes that parks “are a special case” where noise-sensitivity depends on how the park is used and requires that each park’s noise sensitivity should “be determined on a case-by-case basis after carefully considering how each [park] is used.”⁴⁰ However, the FEIS fails to provide any explanation for why the MTA chose to treat each of these 13 parks as Category 3 receptors subject to more-forgiving FTA noise criteria. In fact, it offers no information concerning how each of the 13 parks is used and offers no rebuttal to the hypothesis that some or all of the 13 parks function as noise-sensitive urban “havens” “where quiet is an essential element in their intended purpose” (*i.e.*, Category 1 receptors). This omission demonstrates MTA’s failure to take a “hard look” at noise impacts.

This failure is compounded by evidence of an apparent attempt by the MTA to bias the results of its noise assessment in favor of the Preferred Alternative. Specifically, the FEIS re-categorizes parks along the Preferred Alternative from Category 1 to Category 3, without acknowledging that such re-categorization had occurred or providing a shred of information supporting the re-categorization. The AA/DEIS identified the entire Purple Line study area corridor as characterized by Category 2 residential use and “Category 1 land uses where quiet is an essential element,” noting that Category 3 uses were “interspersed along the alignments” but were “not differentiated from the more-sensitive residential uses.”⁴¹ Moreover, the AA/DEIS identified all of the seven (7) park receptor sites where noise impacts were evaluated as Category 1 parks “where quiet is an essential element in their intended use.”⁴² The seven (7) parks listed in the AA/DEIS as Category 1 receptors are among the 13 park receptors treated as Category 3 by the FEIS, with no explanation. The failure of the FEIS to provide any mention, let alone any justification, for the re-categorization can only lead to the conclusion that the MTA sought to bias the results of its noise assessment by comparing noise impacts at these parks to the less-stringent Category 3 criteria.

In the AA/DEIS, the ambient noise measured at the seven (7) park receptor sites ranged from 51 to 63 Leq (1hr) (dBA).⁴³ In the FEIS, the ambient noise measured at locations within these same seven (7) parks ranged from 60 to 69 Leq (1hr) (dBA).⁴⁴ The FTA’s noise assessment methodology acknowledges that as “the existing level of ambient noise increases, the allowable level of transit noise increases.”⁴⁵ Thus, the increase in ambient noise measured at these parks results in an increase in the amount of noise the Preferred Alternative may generate without exceeding the FTA’s noise criteria. The FEIS offers no

³⁷ *Id.*

³⁸ Transit Noise and Vibration Impact Assessment (FTA 2006), p. 3-5.

³⁹ *Id.*

⁴⁰ *Id.* at p. 3-8.

⁴¹ See AA/DEIS, Noise and Vibration Technical Report, p. 2-4 (2008).

⁴² *Id.* at p. 2-5.

⁴³ *Id.*

⁴⁴ See FEIS, Noise Technical Report, p. 18 (2013).

⁴⁵ Transit Noise and Vibration Impact Assessment (FTA 2006), p. 3-6.

explanation for why the ambient noise levels reported in the FEIS differed so greatly from those reported in the AA/DEIS. The FEIS does not even mention the difference.

2. *The FEIS fails to demonstrate the adequacy and impartiality of the noise assessment.*

A reader of the FEIS can only speculate as to the reason for the significant change in measured ambient noise. It might be attributable to where in each park the ambient noise was measured. FTA requires that the “basis for selecting measurement sites should be documented,” that the “[m]easurement procedures should be fully described,” and that the “[m]easurement periods, including time of day and length of time at each site should be shown to demonstrate adequate representation of ambient conditions.”⁴⁶ The FEIS Noise Technical Report provides the date of measurement and the distance of the measurement point from the center line of the proposed light rail tracks, but fails to describe the basis for selecting each site, the measurement procedures used, the length of measurement time at each site or the time of day when noise was measured.⁴⁷

FTA requires that for “parks and other significant outdoor use,” the criteria should be applied at the property line.⁴⁸ It also requires that for an urban park the noise measurement site should be the “closest point of active noise-sensitive use.”⁴⁹ Despite these requirements, the FEIS Noise Technical Report reflects that ambient noise at the 13 park receptor sites was measured at locations between 30 and 285 feet from the centerline of the proposed light rail tracks. For the park receptors also addressed in the AA/DEIS, the FEIS noise measurement distance ranged from 52 to 238 feet from the centerline of the Preferred Alternative tracks. A brief look at a map will confirm that for certain parks running perpendicular to the Preferred Alternative alignment, the noise receptor chosen by MTA could not possibly have complied with FTA’s requirement that the receptor be located at the “closest point of active noise-sensitive use.” For example, Rock Creek Park crosses the path of the Preferred Alternative, yet the FEIS noise measurement in Rock Creek Park was collected 233 feet away from the centerline of the light rail tracks. As noted above, FTA requires that an FEIS noise assessment provide a “[j]ustification for all assumptions used in the analysis, such as selection of representative measurement sites and all baseline conditions.”⁵⁰ The FEIS provided no such justification. These FEIS deficiencies confirm that the MTA failed to take the requisite “hard look” at noise impacts from the Preferred Alternative.

3. *The FEIS ignores the FTA’s recommendation to discuss maximum noise levels.*

Pursuant to the FTA’s methodology, the FEIS compares the expected noise impact from the Preferred Alternative to the FTA’s criteria in terms of Leq and Ldn, both of which describe the total amount of noise over a specified period of time, rather than the loudest noise (*e.g.*, a train whistle) during that period. However, the FTA acknowledges that although “the maximum noise level (Lmax) is not used in this manual as the basis for the noise impact criteria for transit projects, it is a useful metric for providing a fuller understanding of the noise impact from some transit operations.”⁵¹ For this reason, the FTA

⁴⁶ *Id.* at p. 13-2.

⁴⁷ *See* FEIS, Noise Technical Report, Table 3 & Table 5 (2013).

⁴⁸ Transit Noise and Vibration Impact Assessment (FTA 2006), p. 3-10.

⁴⁹ *Id.*, Appendix. C, p. C-3.

⁵⁰ Transit Noise and Vibration Impact Assessment (FTA 2006), p. 13-1.

⁵¹ *Id.* at p. 3-9.

recommends that maximum noise information “be provided in environmental documents to supplement the noise impact assessment and to help satisfy the ‘full disclosure’ requirements of NEPA.”⁵² For rail projects, in particular, FTA considers it desirable to include the maximum noise impact (Lmax) “because the noise from an individual train passby is quite distinguishable from the existing background noise” and “people can relate this metric with other noise experienced in the environment.”⁵³ However, the FEIS fails to include any information about the expected maximum noise impact from the Preferred Alternative. The FTA reports that the noise from rail transit at grade (50 mph) would be approximately 80 dBA, which is louder than a food blender or an air compressor.⁵⁴ FTA also reports that the noise from a rail transit horn would be 90 dBA, which is louder than a jack hammer.⁵⁵ Despite FTA’s recommendation, the FEIS fails to mention the maximum expected noise that will be experienced due to the Preferred Alternative. As elsewhere, this demonstrates MTA’s failure to take the requisite “hard look” at noise impacts.⁵⁶

Not only does the FEIS ignore the FTA’s recommendation to consider and discuss the maximum noise impact (Lmax) of the Preferred Alternative, it appears to rely on inaccurate hourly equivalent noise levels (Leq). Specifically, the Noise Technical Report reflects that the Leq was calculated using the following assumed train frequency:

Total daily operations were determined based on 6-minute headways during peak periods of the day (6 AM to 9 AM and 3:30 PM to 6:30 PM), 10-minute headways during off-peak periods (9 AM to 3:30 PM and 6:30 PM to 9 PM), and 12-minute headways during the late night and early morning periods (9 PM to 1:00 AM and 5 AM to 6 AM). This service frequency was used to predict future noise levels under the Preferred Alternative.⁵⁷

The FEIS Glossary clarifies that the term “headway” refers to the time between transit vehicles operating in the same direction.⁵⁸ Thus, the train frequency relied upon in the FEIS noise assessment appears to be only one-way. If so, the Leq estimated by the FEIS would only account for half the number of trains during the relevant hour period. In addition, the FEIS failed to account for the combined noise when two trains pass each other in opposing directions. Thus, the FEIS “failed entirely to consider an important aspect of the problem”⁵⁹ as required by law.

⁵² *Id.*

⁵³ *Id.* at p. 6-29.

⁵⁴ *Id.* at p. 2-16.

⁵⁵ *Id.*

⁵⁶ The maximum noise presents a safety concern for Trail users since it could prevent Trail users from hearing bikers’ alerts (*e.g.*, bell ringing or “on your left”).

⁵⁷ *See* FEIS, Noise Technical Report, p. 15 (2013).

⁵⁸ *See* FEIS, Appendix E.

⁵⁹ *Sierra Club v. U.S. Army Corps of Engineers*, 295 F.3d 1209, 1216 (11th Cir. 2002) (citing *Motor Vehicle Mfrs.*, 463 U.S. 29, 43 (1983)).

4. *The FEIS fails to adequately assess mitigation of noise impacts.*

The FTA requires that the mitigation section of the Noise Technical Report “begin with a summary of all treatments considered, even if some are not carried to final consideration.”⁶⁰ The MTA’s FEIS Noise Technical Report fails to comply with this requirement. The long-term noise mitigation section of that report consists of only four sentences:

MTA’s analysis found that the further minimization and mitigation of operational noise at impacted sites is not reasonable. Much of the noise impact is derived from use of transit warning horns at stations and crossings, and eliminating the transit horn is not possible due to safety concerns. Another common noise-reduction measure – construction of noise walls – is not feasible for this project because these barriers would block driveway access and pedestrian walkways, as well as introducing visual impacts. Therefore, these additional measures are not proposed.⁶¹

The FEIS fails to discuss whether any of the following mitigation methods described by FTA were evaluated and, if rejected, the basis for such rejection:

1. Resilient or damped wheels (can reduce rolling noise by 2dB and wheel squeal by 10-20 dB);
2. Rail lubricators; and
3. Use of wayside horns for at-grade crossings.⁶²

The FEIS also fails to explain why the proposed four-foot high walls will not be placed between the tracks and the Trail or why the walls will only be four-feet high when higher walls could provide greater noise mitigation. In addition, FTA indicates that certain maintenance measures (*e.g.*, spin-slide control, wheel truing and rail grinding) are necessary to prevent the noise generated by a rail project from increasing up to 10 dB due to use, but the FEIS fails to indicate whether these maintenance measures will be employed for the Preferred Alternative.⁶³ If they are not employed, the actual noise from the LRT could be 10 dB louder than predicted by the FEIS.

As quoted above, the FEIS claims that transit warning horns cannot be eliminated due to safety concerns. However, the FEIS provides no basis or supporting evidence for that conclusion. In fact, FTA guidance discusses the use of “supplemental safety measures” (*e.g.*, gates) and “alternative safety measures” instead of sounding horns.⁶⁴ The FEIS fails to explain whether these measures were considered and, if rejected, the basis for that decision.

⁶⁰ Transit Noise and Vibration Impact Assessment (FTA 2006), p. 13-3.

⁶¹ FEIS, Noise Technical Report, p. 22 (2013).

⁶² Transit Noise and Vibration Impact Assessment (FTA 2006), p. 6-37

⁶³ *Id.* at p. 6-37.

⁶⁴ *Id.* at pp. 6-39 & 6-40.

For these reasons, we request that the MTA issue a supplemental FEIS that corrects these deficiencies, by including:

- A full and fair evaluation of the noise impact from the project on users of the Trail that recognizes the Category 1 noise-sensitivity of the Trail and includes the results of new ambient noise measurements along the Trail;
- A full and fair evaluation of the noise impact from the project on the other affected parks and recreational spaces that: (1) clearly discloses and supports with sufficient evidence the classification of such parks and recreational spaces as either Category 1 or Category 3; (2) provides a reasonable and supported explanation for the accuracy of the significant difference between the noise levels measured prior to the AA/DEIS and those levels measured after the AA/DEIS; and (3) clearly describes the bases for selecting each measurement site, the measurement procedures used, and the measurement periods (including time of day and length of time at each site);
- A full and fair evaluation of maximum noise levels (Lmax) expected at each receptor site (including along the Trail) from the project;
- A full and fair evaluation of the hourly equivalent noise levels (Leq) expected at each receptor site (including the Trail) that includes and accounts for passing trains in both directions;
- A commitment to employ Green Tracks along the Trail;
- A commitment to employ spin-slide control, wheel truing and rail grinding to prevent the actual noise from the project increasing by up to 10 dB above the Leq predicted by the FEIS;
- A commitment to move the proposed four-foot walls on the north side of the tracks to a location between the tracks and the Trail;
- A commitment to employ, or a reasoned and supported discussion of why there is no reasonable need to employ, the following additional mitigation measures:
 - Resilient or damped wheels;
 - Rail lubricators;
 - Use of wayside horns for at-grade crossings;
 - Supplemental safety measures and/or alternative safety measures in lieu of transit warning horns; and
 - Walls higher than four feet.

ENVIRONMENTAL JUSTICE

1. *The FEIS overstates the assumed benefits of and understates the expected adverse effects of the Preferred Alternative on the Trail.*

The FEIS reports that 69% of the Purple Line corridor is located in Environmental Justice areas.⁶⁵ It also acknowledges that the Environmental Justice populations within the study area would experience “some

⁶⁵ See FEIS, at p. 4-160. Pursuant to an executive order, the U.S. Department of Transportation and the FTA are required “to make environmental justice (EJ) part of [their] mission by identifying and addressing, as

adverse effects from implementation of the Preferred Alternative.”⁶⁶ However, the FEIS fails to take the requisite “hard look” at the adverse effects of the Preferred Alternative on the Environmental Justice population. Moreover, it fails to provide the required “full and fair discussion” of those adverse effects.⁶⁷ This deficiency is most glaring in the context of the Trail. The FEIS admits that portions of the Trail are located in Environmental Justice communities,⁶⁸ but then overstates the assumed benefits of and understates the expected adverse effects of the Preferred Alternative on the Trail.

The FEIS overstates the assumed benefits of “replacing the existing Georgetown Branch Interim Trail between Bethesda and Stewart Avenue” and “providing a permanent trail, separate from the roadways, from Stewart Avenue into downtown Silver Spring.”⁶⁹ The FEIS assumes that this will lead “to increased physical activity” providing an “opportunity to improve the overall health of the users of the Purple Line corridor.”⁷⁰ However, the FEIS fails to provide any evidence supporting this assumption. In particular, it fails to explain and defend the assumption that clear-cutting the existing canopy of trees along the Trail and locating a noisy train immediately adjacent to the Trail will result in an increase in Trail usage, particularly by Environmental Justice populations. As elsewhere in the FEIS, the discussion of Environmental Justice fails to mention the significant difference between: (1) a trail through a serene natural environment with a tree canopy; and (2) an unshaded trail buffeted by train noise many times per hour. It also fails to address the extent to which Environmental Justice populations rely on the Trail as an antidote to urban environmental stimuli. As noted above, the FTA recognizes that parks in urban areas can be “valued as havens from the noise and rapid pace of everyday city life.”⁷¹

The FEIS also overstates the assumed benefits of the Preferred Alternative and fails to provide the “full and fair discussion” required by applicable regulation,⁷² by relying exclusively on the assumption that the Trail will be extended *off-street* beyond Stewart Avenue. Although the FEIS acknowledges that such off-street extension will require the acquisition of property rights from CSXT,⁷³ the FEIS fails to evaluate whether the assumed benefits of the Preferred Alternative would outweigh the adverse effects if CSXT decided not to grant those rights. In such case, a portion of the Trail would consist of a bike route on streets. The Environmental Justice section of the FEIS discloses this fact in a footnote, but does not attempt to determine or evaluate whether use of the Trail by the Environmental Justice community would

appropriate, disproportionately high and adverse human health or environmental effects of [their] programs, policies, and activities on minority populations and/or low-income populations” See Environmental Justice Policy Guidance for Federal Transit Administration Recipients FTA Circular 4703.1, Federal Transit Administration (Aug. 15, 2012), *available at* www.fta.dot.gov/documents/FTA_EJ_Circular_7.14-12_FINAL.pdf.

⁶⁶ *Id.* at p. 4-155.

⁶⁷ 40 C.F.R. §1502.1.

⁶⁸ *See* FEIS, at p. 4-158.

⁶⁹ *Id.*

⁷⁰ *Id.* at p. 4-159.

⁷¹ Transit Noise and Vibration Impact Assessment (FTA 2006), at p. 3-8.

⁷² 40 C.F.R. §1502.1.

⁷³ *See* FEIS, at p. 4-158.

be affected by that difference. The “hard look” standard requires more than “researching in a cursory manner” and “sweeping negative evidence under the rug.”⁷⁴

In addition to overstating the assumed benefits, the FEIS understates the expected adverse impacts from the Preferred Alternative on the Environmental Justice population. For example, the FEIS declares that the Preferred Alternative “would not result in a major change in ... neighborhood quality.”⁷⁵ This unsupported declaration ignores the “quality” enhancement to the Environmental Justice population of having ready access to a peaceful, natural trail. In addition, the FEIS mischaracterizes the results of the visual impact assessment in an apparent attempt to bias the Environmental Justice assessment. The FEIS admits that: (1) portions of the Trail are located in Environmental Justice communities⁷⁶; (2) “much of the existing vegetation would be removed and most of the existing tree canopy would be eliminated”⁷⁷; and (3) this destruction of natural resources would result in a “high level of visual impact.”⁷⁸ The FEIS then contradicts the admission that portions of the Trail are located in Environmental Justice communities by concluding that the visual impact will not affect an Environmental Justice population.⁷⁹

The FEIS reports that the “extent of adverse impacts must ... be weighed against the benefits.”⁸⁰ The FEIS cannot be said to have complied with the regulatory obligation to provide a full and fair discussion of impacts if it tips the scales by overstating assumed benefits and understating expected adverse impacts. In addition, the FEIS fails to adequately explain why it concludes that the Preferred Alternative “would not have ‘disproportionately high and adverse effects’ on [Environmental Justice] populations.”⁸¹ Disproportionately high and adverse effects are those that are either: (1) predominantly borne by a minority population and/or a low-income population; or (2) suffered by the minority population and/or low-income population and are appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low income population.⁸² Of the 53 residential displacements that will be caused by the Preferred Alternative, 41 (77%) will be in Environmental Justice areas.⁸³ Of the 60 commercial business displacements resulting from the Preferred

⁷⁴ National Audubon Soc’y v. Dept. of the Navy, 422 F.3d 174, 194 (4th Cir. 2005).

⁷⁵ See FEIS, at p. 4-159.

⁷⁶ *Id.* at p. 4-158.

⁷⁷ *Id.* at pp. 4-84, 4-85.

⁷⁸ *Id.*

⁷⁹ *Id.* at p. 4-162. The Environmental Justice section of the FEIS states, in relevant part: “Section 4.9 identified 10 [visual assessment units (“VAUs”)] within the corridor, based on cohesiveness of land use and development patterns. ... Three of the VAUs were identified as experiencing high visual effects. Of these, two include EJ populations. ... *The only VAU with a uniform high effect was not in an EJ population.*” *Id.* (emphasis added). The one VAU with a uniform high effect identified in Section 4.9 is the area of the Trail. (“VAU 1 is comprised of moderately to heavily developed urban land along the Georgetown Branch right-of-way from downtown Bethesda ... to Stewart Avenue in Lyttonsville, the eastern terminus of the Georgetown Branch Interim Trail”) *Id.* at 4-79.

⁸⁰ See FEIS, at p. 4-155.

⁸¹ *Id.* at p. 4-169.

⁸² *Id.* at p. 4-167.

⁸³ *Id.* at p. 4-160.

Alternative, 35 (58%) will be in Environmental Justice areas.⁸⁴ Five of the six areas (83%) where the Preferred Alternative is expected to produce noise impacts will be in Environmental Justice areas.⁸⁵ However, the FEIS fails to explain to the Environmental Justice audience why these expected impacts are not deemed to be “predominantly borne” by them.

2. *The MTA declined to commission a Health Impact Statement to identify the health effects of the Preferred Alternative.*

While the FEIS offers unsupported and superficial conclusions regarding the beneficial health effects of the Preferred Alternative, it does not reflect that the MTA conducted any actual investigation of those assumed health effects. The MTA was asked to commission a Health Impact Assessment (“HIA”), as was completed for the Red Line in Baltimore, but the MTA declined to do so.⁸⁶ While an HIA is not required by NEPA, the Environmental Protection Agency acknowledges that the “steps in an HIA can identify health disparities, which are a prime indicator of the existence of a disproportionate impact to minority, tribal or low-income communities.”⁸⁷ Even without a HIA, the MTA could have conducted a statistically significant survey of Trail users to determine whether and how their use would change based on implementation of the Preferred Alternative. Such survey could have assessed the impact on trail usage of the following: (1) refusal by CSXT to provide the property rights necessary to permit the Trail to continue on the CSXT corridor; (2) elimination of the tree canopy, related loss of natural habitat and proximity to the expected train noise; and (3) elimination of direct backyard access to the Trail from certain properties. NEPA requires “that the agency both investigate and acknowledge the impacts” of its proposed action.⁸⁸

For these reasons, we request that the MTA issue a supplemental FEIS that corrects these deficiencies, by including:

- A full and fair evaluation of the assumed benefits and expected adverse impacts to the Environmental Justice community from the following proposed changes to the Trail that clearly discloses and accounts for any assumptions regarding Trail usage: (1) the impact of complete tree canopy loss; and (2) the noise impacts to Trail users;
- A full and fair evaluation of the impact on MTA’s assumption of health benefits deriving from an extended off-street Trail if CSXT will not grant the land rights necessary to extend the Trail off-street beyond Stewart Avenue; and
- A Health Impact Assessment.

⁸⁴ *Id.*

⁸⁵ *Id.* at p. 4-162.

⁸⁶ See Letter from Mary S. Rivkin, Ph.D., Education Department, University of Maryland, Baltimore County to Michael D. Madden, Purple Line Manager, MTA (Feb. 2, 2013) and undated response from Mr. Madden (available on file from FCCT).

⁸⁷ See Environmental Justice Considerations in the NEPA Process, Environmental Protection Agency, available at <http://www.epa.gov/oecaerth/nepa/nepaej/>.

⁸⁸ See *National Audubon Soc’y v. Dept. of the Navy*, 422 F.3d 174, 194 (4th Cir. 2005).

VISUAL RESOURCES AND MITIGATION

With respect to visual resources, the FEIS acknowledges that the Georgetown Branch right-of-way would undergo a high level of visual impact: much of the existing vegetation would be removed, the tree canopy would be eliminated and the overall appearance of the right-of-way would be substantially changed from present conditions.⁸⁹ The FEIS also considers the Trail to be in an area with a high degree of visual sensitivity due to mature trees and the prominence of the natural environment.⁹⁰ However the FEIS inexplicably does not provide an analysis of strategies to mitigate the visual impacts the Preferred Alternative will have on the Trail in the section of the FEIS that discusses visual impacts, where a member of the public interested in visual impacts to the Trail would likely look for such analysis. CEQ regulations require that agencies include appropriate mitigation measures not already included in the proposed action or alternatives. More significantly, FHWA/FTA regulations specify that it is the policy of the agencies that “[m]easures necessary to mitigate adverse impacts be incorporated into the action.”⁹¹ These regulations further require that the applicant be responsible, in cooperation with the agency, “to implement those mitigation measures stated as commitments in the environmental documents prepared pursuant to this regulation.”⁹²

The FEIS, however, merely states that MTA will work with local stakeholders to identify minimization strategies and mitigation for visual impacts.⁹³ The failure of the FEIS to consider and discuss in reasonable detail any mitigation measures is a defect that is found throughout the document; it is particularly notable with respect to visual impacts on the Trail because the FEIS has designated that area as one of both high sensitivity and high impact. To claim that the MTA will continue to work with local stakeholders is misleading because it obscures the fact that the MTA cannot replace the canopy since it would interfere with the light rail tracks under the Preferred Alternative alignment. Such a statement furthermore does not meet the standard for a “full and fair” discussion of mitigation measures – the FEIS should, at a minimum, provide a more detailed discussion of the reforestation plan, and discuss other avoidance and minimization measures that may be taken. In addition, future coordination would be inadequate since it would occur *after* the issuance of a Record of Decision, leaving affected parties no clear mechanism to obtain binding commitments. This deficiency is compounded by the proposed use of a public-private partnership to finance the project, since the private partner will strive to minimize its costs and maximize its return by limiting any mitigation or other accommodations not set forth in the Record of Decision.

The FEIS cannot satisfy the “hard look” standard without a reasonably complete discussion of possible mitigation measures. Omission of such discussion “would undermine the ‘action-forcing’ function of NEPA. Without such a discussion, neither the agency nor other interested groups and individuals can properly evaluate the severity of the adverse effects.”⁹⁴ Even where mitigation measures may be outside the jurisdiction of the lead or cooperating agencies, such measures must be discussed if they are

⁸⁹ See FEIS, at pp. 4-84, 4-85.

⁹⁰ *Id.* at p. 4-80.

⁹¹ 23 C.F.R. §771.06(d).

⁹² *Id.* at §771.09(b).

⁹³ See FEIS, at p. 4-90.

⁹⁴ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989).

reasonable, relevant and could improve the project. The probability that such measures will in fact be implemented must also be discussed.⁹⁵ While the MTA may prefer not to identify specific mitigation measures in order to avoid triggering additional responsibilities to actually implement such measures under the FHWA/FTA regulations, the failure to discuss such measures in a “full and fair” manner is a violation of NEPA standards.

For these reasons, we request that the MTA issue a supplemental FEIS that corrects these deficiencies, by including:

- A full and fair evaluation of potential mitigation strategies to address the visual impacts from the project; and
- A commitment to employ, or a reasoned and supported discussion of why there is no reasonable need to employ, specific, detailed mitigation strategies.

PARKS, RECREATIONAL LAND AND OPEN SPACE

1. *The FEIS fails to adequately discuss the impacts on parks, recreational land and open space.*

The discussion of impacts to parks, recreational land and open space is severely deficient because it fails to recognize that the Trail *functions* as a park, and thus lacks any meaningful evaluation and discussion of the impact of the Preferred Alternative on the use of the Trail as recreational land and open space. This omission is particularly remarkable because the MTA elsewhere admits recreational use of the Trail, and that the Trail is “an important community asset” used by pedestrians and bicyclists.⁹⁶ The MTA even points to so-called “improvements” to the Trail and connections between the Trail and other trails as positive impacts that would result from the Preferred Alternative with respect to parks, recreational land and open space.⁹⁷ In addition, other documentation produced by the MTA in connection with the FEIS explicitly refers to the Trail as a park.⁹⁸ The Purple Line runs parallel along a significant portion of the Trail,⁹⁹ and its construction has the potential to significantly impact the use of the Trail. The discussion of impacts to parks, recreational land and open space only briefly mentions the Trail, indicating that the MTA will coordinate with the National Capital Planning Commission (“NCPC”) regarding the proposed alignment of the Trail in Rock Creek Park.¹⁰⁰ The discussion also briefly mentions that widening of roadways along park boundaries “generally would require removing trees.” This is a tremendous

⁹⁵ See Council on Environmental Quality, “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations,” Question 19a, 19b, 46 Fed. Reg. 18026 (1981), available at <http://energy.gov/sites/prod/files/G-CEQ-40Questions.pdf>.

⁹⁶ See FEIS, at Appendix A, at pp. 11, 12, 50.

⁹⁷ See FEIS, at p. 4-51; FEIS, at Appendix A, p. 38.

⁹⁸ See, e.g., FEIS, Technical Report: Supplemental Hazardous Materials, at p. 9 (2013) (referring to the Trail as a “public park”); FEIS, Technical Report: Social Effects and Land Use Planning, at p. 52 (2013) (“The Lyttonville station area also contains parkland associated with the Georgetown Branch Interim trail and Rock Creek Park.”).

⁹⁹ See FEIS, at Figures 1-2 and 2.11.

¹⁰⁰ See FEIS, at p. 4-51.

understatement with respect to the Trail, where construction of the Purple Line will require clear-cutting of the existing tree canopy.¹⁰¹

The FEIS is elsewhere inconsistent or conclusory in its evaluation of the impact the Preferred Alternative will have on park resources. In its analysis of sites eligible for the National Register of Historic Places (“NRHP”), the FEIS concludes that with respect to Rock Creek Park, “[w]hile the Preferred Alternative would introduce new visual elements (*i.e.*, the transitway including its overhead contact system, the Capital Crescent Trail, and the bridges carrying the transitway and the trail across Rock Creek), it would not diminish the park’s location, design, setting, materials, workmanship, feeling or association.”¹⁰² There is absolutely no basis set forth in the FEIS for this conclusion. On the contrary, other sections of the FEIS admit that the construction of the transitway and trail “would result in substantial changes in the viewshed of Rock Creek Park users and local residents. . . . The trail connection from the Capital Crescent Trail to the Rock Creek Trail would be a switchback path on the northeast side of the Preferred Alternative; while designed to minimize tree removal, it would nonetheless result in visual changes due to tree removal.”¹⁰³ The FEIS fails entirely to consider the impact the Preferred Alternative will have on the Trail as a recreational space. In addition, the conclusions in the FEIS with respect to the impacts that construction will have on other parks, such as Rock Creek Park, is simply not supported by evidence provided in the FEIS. Courts will overturn an agency decision as arbitrary and capricious under “hard look” review where “the agency failed entirely to consider an important aspect of the problem . . . [or] the agency offers an explanation which runs counter to the evidence.”¹⁰⁴

¹⁰¹ *Id.* at p. 4-85.

¹⁰² *Id.* at p. 4-71.

¹⁰³ *Id.* at p. 4-85.

¹⁰⁴ *Sierra Club v. U.S. Army Corps of Engineers*, 295 F. 3d 1209, 1216 (11th Cir. 2002) (citing *Motor Vehicle Mfrs.*, 463 U.S. 29, 43 (1983)).

2. *The FEIS fails to adequately consider the effects of compliance with regulations governing parks.*

The brief reference to coordination with the NCPC in Chapter 4 of the FEIS fails to adequately explain the regulatory context of such coordination, the required review and approval by NCPC and the impact such review may have on the Preferred Alternative. According to the FEIS, any proposed development within Rock Creek Park is subject to review by NCPC and review and approval by the Maryland-National Capital Park and Planning Commission (“M-NCPPC”). The FEIS concludes that the Purple Line is generally consistent with the NCPC’s *Comprehensive Plan for the National Capital: Federal Elements (2004)*,¹⁰⁵ but fails to discuss the basis for this determination, criteria for approval by NCPC or M-NCPPC, whether approval is likely to be granted, how long such review and coordination will take, whether NCPC or M-NCPPC may impose any conditions on development of the Preferred Alternative in Rock Creek Park, the environmental effects any such conditions may have, whether the Preferred Alternative alignment may need to be revised based on comments from NCPC or M-NCPPC, the environmental effects that may result from such revisions to the Preferred Alternative, and mitigation that may be undertaken to address any such effects. Here again, the MTA has failed to “consider an important aspect of the problem” in violation of NEPA.¹⁰⁶

For these reasons, we request that the MTA issue a supplemental FEIS that corrects these deficiencies, by including:

- A full and fair evaluation of the impact of the project on the use of the Trail as park or recreational land;
- A full and fair evaluation of the impact of the project on the other parks studied, including Rock Creek Park, that adequately supports any conclusion that the project will not diminish the positive attributes of such parks; and
- A full and fair evaluation of the review by NCPC and M-NCPPC and the need to obtain approval from NCPC and M-NCPPC for the alignment across Rock Creek Park, including the criteria for approval, the likelihood it will be granted, and conditions that could be imposed.”

HABITAT AND WILDLIFE

1. *The FEIS fails to provide a full and fair discussion of impacts to habitat and wildlife.*

The FEIS admits that the Trail is characterized by “the prominence of the natural environment.”¹⁰⁷ It also admits that as a result of the Preferred Alternative “much of the existing vegetation would be removed and most of the existing tree canopy would be eliminated.”¹⁰⁸ Despite these admissions, the FEIS argues that since “the Preferred Alternative would be largely constructed within existing roadway and

¹⁰⁵ See FEIS, at p. 4-51.

¹⁰⁶ *Sierra Club v. U.S. Army Corps of Engineers*, 295 F. 3d 1209, 1216 (11th Cir. 2002) (citing *Motor Vehicle Mfrs.*, 463 U.S. 29, 43 (1983)).

¹⁰⁷ See FEIS, at p. 4-80.

¹⁰⁸ *Id.* at p. 4-84.

transportation rights-of-way, potential effects on natural resources have been minimized.”¹⁰⁹ This is patently false. Since much of the Preferred Alternative alignment relies on the use of the Georgetown Branch right-of-way and the consequent *permanent* destruction of the existing vegetation and tree canopy, potential effects on natural resources have been increased. This patently false conclusion violates NEPA requirements by “sweeping negative evidence under the rug”¹¹⁰ and by failing to provide a “full and fair discussion” of the impacts.¹¹¹

Remarkably, while other parts of the FEIS mention the need to permanently remove the trees and other vegetation along the Trail, the section ostensibly devoted to a “full and fair discussion” of impacts to habitat and wildlife fails to do so. Instead, the FEIS relies on the following cryptic explanation of the long-term effects: “The impact of the Preferred Alternative on forest and specimen trees would primarily take the form of partial property acquisitions at the edges of forested habitat, affecting a total of 48 acres of forested habitat and 194 specimen trees.”¹¹² Nowhere in this long-term effects section does the FEIS clearly disclose that the tree canopy present along the Trail will be permanently removed.¹¹³ Moreover, the FEIS relies on the results of the *Forest Stand Delineation Report for the Purple Line Rapid Transit Connection* (2011), but fails to provide a copy of that document. That failure hinders the ability of the affected community to evaluate the accuracy and completeness of conclusions drawn in the FEIS and represents a failure of the FEIS to demonstrate evidentiary support for such conclusions.

The FEIS uses similar obfuscating language to address the issue of the Preferred Alternative’s impact on a colony of heron in the forested floodplain of Coquelin Run. The FEIS notes that the colony exists “in close proximity to the study area,” that such heronries “are a rare resource of particular interest that should be protected” and that disturbing such heronries through cutting nesting trees, cutting nearby trees or nearby construction that causes abandonment of chicks by the adults violates the Migratory Bird Treaty Act.¹¹⁴ However, the FEIS then uses selective language to minimize the reader’s perception of the potential adverse impact to the heronry. In a letter dated October 26, 2011, the Maryland Department of Natural Resources (“MDNR”) wrote that it would likely require a time-of-year restriction on work within ¼ mile of the heron colony.¹¹⁵ By letter to the MDNR dated February 27, 2012, the MTA admitted that the heron colony was within ¼ mile from the project site. Specifically, the MTA wrote:

¹⁰⁹ *Id.* at p. 4-175.

¹¹⁰ *National Audubon Soc’y v. Dept. of the Navy*, 422 F.3d 174, 194 (4th Cir. 2005).

¹¹¹ 40 C.F.R. §1502.1.

¹¹² *See* FEIS, at p. 4-117.

¹¹³ In addition, although NEPA requires a “full and fair discussion” of impacts, the FEIS fails to discuss or even mention the positive attributes afforded by the trees that the Preferred Alternative plans to permanently remove. As publicized by Montgomery County, trees: (1) remove pollutants from the air; (2) provide many ecological services that support reduced energy use and benefit the environment; (3) provide cooling through shade and evapotranspiration; (4) remove atmospheric CO₂ by sequestration; (5) benefit watersheds; (6) reduce stormwater runoff; (7) help soil stability; (8) help recharge groundwater supply; (9) lower crime rates; (10) help children concentrate; (11) increase the amount of time neighbors spend outside mingling with other neighbors; and (12) help reduce physiological stress. (See <http://www6.montgomerycountymd.gov/dectmpl.asp?url=/content/dep/climatechange/treeoverview.asp>)

¹¹⁴ *Id.* at p. 4-117.

¹¹⁵ *See* FEIS, Appendix G.

The project is located *within ¼ mile of the colony* but is buffered by the community that is located along Chevy Chase Lake Drive to the north, substantially diminishing the potential for direct impacts.¹¹⁶

However, in the FEIS the MTA wrote:

The project also would not result in long-term impacts to the heron colony located within Coquelin Run because *the colony is located outside the LOD approximately one-quarter mile from the proposed transitway alignment* and is buffered by an intervening roadway and residences.¹¹⁷

Unlike the candid correspondence with the MDNR, the FEIS fails to clearly acknowledge that the heron colony is located within the ¼ mile distance identified by MDNR as possibly leading to time of year restrictions on construction of the Preferred Alternative.

2. *The FEIS fails to support its assumptions and conclusions related to habitat and wildlife impacts.*

In connection with adverse impacts to habitat and wildlife, the FEIS fails to take the “hard look” required by NEPA, offering conclusions unsupported by any evidence. For example, the FEIS states that the aquatic species “expected to be impacted are acclimated to disturbed settings and would be likely to recolonize temporarily disturbed areas, though the communities are unlikely to be identical to those present prior to construction.”¹¹⁸ The FEIS does not identify what species would be impacted. It does not offer any support for the conclusion that such species are acclimated to disturbed settings. It does not offer any support for the conclusion that such species are likely to recolonize temporarily disturbed areas. It notes that almost one mile of stream habitat will be *permanently* destroyed, but confuses the issue by then discussing the mitigation afforded by potential recolonization of *temporarily* disturbed areas. The FEIS neglects to address potential mitigation of the permanent loss of aquatic habitat. Without an express evaluation of potential mitigation, “neither the agency nor other interested groups and individuals can properly evaluate the severity of the adverse effects.”¹¹⁹

Similarly, the FEIS fails to take a hard look at adverse impacts to terrestrial habitat and wildlife caused by the Preferred Alternative. The FEIS states that “[w]ildlife using terrestrial resources affected by the Preferred Alternative would be displaced (mobile species) or eliminated (non-mobile species) by the project.”¹²⁰ However, it does not offer any discussion of the extent and magnitude of the adverse impacts. It does not report that any effort was made to identify terrestrial wildlife populations in the study area. It does not estimate the severity of the impacts to those populations. It does not estimate how many terrestrial creatures will die or be displaced as a result of the Preferred Alternative. Moreover, as elsewhere, the FEIS turns a blind eye toward the natural habitat provided by the Trail. The FEIS

¹¹⁶ See FEIS, Appendix G (emphasis added).

¹¹⁷ See FEIS, at p. 4-118 (emphasis added).

¹¹⁸ See FEIS, at p. 4-118.

¹¹⁹ Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 352 (1989).

¹²⁰ See FEIS, at p. 4-117.

concludes that “[e]xisting wildlife corridors within the stream valley parks crossed by the transitway would be maintained.”¹²¹ However, the FEIS fails to acknowledge that the Trail is, itself, a wildlife corridor connecting the stream valley areas it transects. Accordingly, the FEIS fails “entirely to consider an important aspect of the problem” and violates NEPA requirements.¹²²

For these reasons, we request that the MTA issue a supplemental FEIS that corrects these deficiencies, by including:

- A full and fair evaluation of the impact of the project on the Trail that recognizes the significant natural environment provided by the Trail as well as the significant and permanent destruction of that natural environment;
- A copy of the *Forest Stand Delineation Report for the Purple Line Rapid Transit Connection* (2011);
- A full and fair evaluation of the impact of the project on the heronry located in Coquelin Run, including a discussion of the impact of time-of-year restrictions that could be imposed by MDNR; and
- A full and fair evaluation of the impact of the project on aquatic and terrestrial species that identifies the affected species, provides estimates of the number of organisms that will be lost, discusses available mitigation strategies, and commits to employ or provides a reasoned and supported discussion of why there is no reasonable need to employ, specific, detailed mitigation strategies.

LAND USE, PUBLIC POLICY AND ZONING

The FEIS concludes that the Preferred Alternative would be compatible with the existing mixed urban and suburban character of the study area land use. The FEIS states that “[t]he Preferred Alternative would be located on or along existing roadways, railroad rights-of-way, and the Georgetown Branch right-of-way,” and concludes that, “[t]herefore, it is not expected to substantially change the current land uses within the study area.”¹²³ There is no evidence to support the conclusion that current land use along the Trail would not be changed. In fact, the FEIS undertakes no analysis of whether restriction of access to the Trail to the proposed twenty-one paved access points, the destruction of tree canopy along the length of the Trail and construction of the Purple Line immediately adjacent to the Trail, would affect the quantity or quality of use of the Trail.

The FEIS lists the Planning Areas and most recent applicable policies and plans adopted by local, regional, state and federal authorities in Table 4-3.¹²⁴ The Georgetown Branch right-of-way is not included in the list, despite the fact that local plans for the Georgetown Branch have been established. In fact, MTA acknowledges in the response to comments to the AA/DEIS that “[t]he consideration of the Georgetown Branch right-of-way in this study took place against the backdrop of more than two decades

¹²¹ *Id.*

¹²² *See* *Sierra Club v. U.S. Army Corps of Engineers*, 295 F.3d 1209, 1216 (11th Cir. 2002) (citing *Motor Vehicle Mfrs.*, 463 U.S. 29, 43 (1983)).

¹²³ *See* FEIS, at p. 4-20.

¹²⁴ *Id.* at p. 4-21.

of planning by the County regarding the future use of that corridor” and that “[i]n January 1990, the Montgomery County Council approved the Georgetown Branch Master Plan Amendment, which officially designated the right-of-way for a combined transitway and trail.”¹²⁵ However, the FEIS misleadingly omits reference to the Georgetown Branch Master Plan Amendment in Table 4-3. Similarly, the Social Effects and Land Use Planning Technical Report cites the Master Plan Amendment in its list of references, but fails to include any discussion of the Master Plan Amendment.¹²⁶ These omissions loudly signal the failure of the MTA to “consider an important aspect of the problem” in violation of NEPA.¹²⁷

MTA repeatedly asserts in its response to comments on the AA/DEIS that the Trail was always intended to be used as both a trail and a transitway.¹²⁸ However, this oversimplification ignores the fact that the Georgetown Branch Master Plan Amendment explicitly recommended that there be no changes to the existing adopted land uses within 1,000 feet on either side of the Trail, and that “every effort possible be made to ensure that existing trees along the trolley/trail route are preserved wherever possible and that replacement of trees is of sufficient quantity and quality to preserve and enhance the environment.”¹²⁹ If the FEIS properly analyzed the Preferred Alternative in light of the Georgetown Branch Master Plan Amendment, it would: (1) evaluate whether the alignment selected is consistent with the Master Plan and discuss any inconsistencies; (2) analyze whether the displacement of existing commercial, residential and institutional uses caused by the Preferred Alternative¹³⁰ is consistent with the Georgetown Branch Master Plan Amendment; and (3) acknowledge that the Preferred Alternative, in contravention of the Master Plan Amendment, will require clear-cutting of trees along the Trail, and will not allow for replacement of trees in sufficient quantity and quality to preserve and enhance the environment, as required by the Master Plan Amendment. The FEIS provides no such analysis, and thus fails to provide a “full and fair” discussion of the impacts of the Preferred Alternative.¹³¹

For these reasons, we request that the MTA issue a supplemental FEIS that corrects these deficiencies, by including:

- A full and fair evaluation of how the project will change use of the Trail and the project’s inconsistency with the Georgetown Branch Master Plan Amendment.

AIR QUALITY

The discussion of the Preferred Alternative’s impacts on air quality in the FEIS is deficient in several respects. First, the FEIS relies on assumptions in concluding that the Preferred Alternative will have minimal impacts on air quality, without providing any evidence of a basis for these assumptions. For example, the FEIS concludes that Mobile Source Air Toxics (“MSATs”) emitted along the project

¹²⁵ See FEIS, at Appendix A, pp. 11, 14.

¹²⁶ See FEIS, Technical Report: Social Effects and Land Use Planning, at p. 74 (2013).

¹²⁷ *Sierra Club v. U.S. Army Corps of Engineers*, 295 F.3d 1209, 1216 (11th Cir. 2002) (citing *Motor Vehicle Mfrs.*, 463 U.S. 29, 43 (1983)).

¹²⁸ See, e.g., FEIS, at Appendix A, pp. 11, 20, 55.

¹²⁹ *Id.* at p. 1, 3.

¹³⁰ See FEIS, at p. 4-35 (Table 4.7).

¹³¹ 40 C.F.R. §1502.1.

corridor in the future would be proportional to the total Vehicle Miles Traveled (“VMT”) predicted under each alternative, assuming the vehicle mix does not change.¹³² The FEIS fails to consider whether the vehicle mix may, in fact, change, and particularly how the vehicle mix may be impacted by the various alternatives.

The FEIS further fails to account for the impact that new development resulting from the Preferred Alternative, including the Chevy Chase Lake development, will have on air quality. The FEIS touts the positive impact that the Preferred Alternative would have on economic growth and development in the area.¹³³ CEQ regulations require that an EIS consider both direct and indirect environmental effects of alternatives.¹³⁴ “Indirect effects” include those “which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable,” specifically “growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.”¹³⁵ While the FEIS takes into account the growth inducing effects of the Preferred Alternative when recounting the benefits of such effects, it fails to take into account these effects in projecting the impact the Preferred Alternative will have on air quality. NEPA requires an agency to consider the “incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions.”¹³⁶ By ignoring the impact such foreseeable development may have on air quality, the FEIS fails to provide a “full and fair” discussion of air quality impacts.

Additionally, the FEIS concludes that because the construction duration of the project is not anticipated to exceed five years in any single location, any impact incurred during construction would be considered a temporary impact, and therefore hot-spot analyses are not required. However, the FEIS fails to consider several factors that would recommend performing analysis of air impacts. First, the region is designated as non-attainment for PM_{2.5},¹³⁷ which would be a primary air quality concern during construction as a result of localized increase in the concentration of fugitive dust, as the FEIS admits.¹³⁸ Even temporary impacts may have a significant detrimental effect on air quality in a non-attainment zone. Second, the FEIS fails to consider that delays may cause the construction duration to exceed five years. According to the FEIS, the average time required for heavy construction activity alone is more than four years.¹³⁹ The total construction timeline for the Preferred Alternative is more than five years (July 2015 to late 2020).¹⁴⁰ The FEIS does not specify in its discussion of air quality whether those estimates account for delays that may be caused by the construction itself or by outside factors. In particular, as discussed more above, the MDNR has indicated that it would likely recommend a time-of-year restriction on work that falls within

¹³² See FEIS, at p. 4-97; FEIS, Technical Report: Air Quality, at p. 36 (2013).

¹³³ See FEIS, at 4-4.

¹³⁴ 40 C.F.R. §1502.16(a) and (b).

¹³⁵ 40 C.F.R. §1508.8(b).

¹³⁶ National Audubon Soc’y v. Dept. of the Navy, 422 F. 3d 174, 196 (4th Cir. 2005).

¹³⁷ See FEIS, at p. 4-96.

¹³⁸ *Id.* at p. 4-100.

¹³⁹ *Id.* at p. 5-2.

¹⁴⁰ *Id.* at p. 5-1.

¼ mile of a heron colony. Since it is reasonable to assume that MDNR will impose time-of-year restrictions on certain construction activities, it is also reasonable to assume that construction could exceed five years. Accordingly, hot-spot analyses for construction-related activities should be performed.

For these reasons, we request that the MTA issue a supplemental FEIS that corrects these deficiencies, by including:

- A full and fair evaluation of air quality impacts from the project, including consideration of vehicle mix changes, the effect of new development resulting from the project, and the likelihood that construction will take more than five years to complete.

WATER

With respect to water quality impacts, the FEIS presents at least partially contradictory conclusions. The FEIS acknowledges that “the project would increase impervious surfaces in the study area, which could increase the amount of surface runoff and potentially increase the level of contaminants such as heavy metals, salt, organic molecules and nutrients in the surface runoff.”¹⁴¹ However, it then concludes that “[s]ince the study area is already developed and the Preferred Alternative includes proposed infrastructure to effectively manage stormwater runoff generated by the project, increases in nutrient and sediment levels from the project are unlikely to affect overall TMDL management.”¹⁴² As elsewhere, the issue here is the failure of the FEIS to acknowledge the significant loss of natural habitat (*i.e.*, the study area is *not* already developed) or to provide evidentiary support for its conclusions. It does not attempt to estimate what the increase in stormwater runoff will be, what the nutrient and sediment levels in that additional runoff will be, or what impact those nutrient and sediment levels will have on the Chesapeake Bay Total Maximum Daily Load compliance.

For these reasons, we request that the MTA issue a supplemental FEIS that corrects these deficiencies, by including:

- A full and fair evaluation of water quality impacts from the project, including recognition that the project would significantly increase surface water runoff and contaminant loads to area waterways;
- A commitment to employ Green Tracks; and
- A commitment to employ, or a reasoned and supported discussion of why there is no reasonable need to employ, other specific detailed mitigation strategies.

* * * * *

The Purple Line – in its *current* form – would *fundamentally* change the character of the Capital Crescent Trail and *irrevocably* destroy the mature forest and tree canopy that line a significant portion of the Georgetown Branch Trail. We strongly urge the MTA and FTA to reconsider the Purple Line in its current form. To that end, we request that the MTA issue a supplemental FEIS that corrects the deficiencies identified in this letter and provides a full and fair comparison of the attributes and

¹⁴¹ See FEIS, at p. 4-127.

¹⁴² *Id.* at p. 4-128.

deficiencies of the Preferred Alternative, No Build Alternative and Medium Investment BRT Option 1. No matter what is suggested by artist renderings and MTA assurances, constructing and operating the Purple Line over the Trail will destroy permanently a unique, priceless, irreplaceable linear park between two bustling urban centers, forever depriving Silver Spring and residents east of Silver Spring of the many benefits derived from having this continuous park with its hiking, walking and biking trail.

Respectfully submitted,



Ajay Bhatt
President
Friends of the Capital Crescent Trail

cc: Roger Berliner, Councilmember, District 1, Montgomery County
Arthur Holmes, Jr., Director, Maryland Department of Transportation
Richard S. Madaleno, Jr., Maryland State Senator, Maryland's 18th District
Michael D. Madden, Purple Line Project, Maryland Transit Administration
Christopher Van Hollen, Jr., U.S. Representative, Maryland's 8th District

Purple Line FEIS - RECORD #666 DETAIL

First Name : Robert
Last Name : Elliot
Business/Agency/Association Name : Washington Real Estate Investment Trust
Email Address : mail@sf-notifications.com
Submission Content/Notes : WRIT FTP has sent you files.

*** Click here to download 13 1021_WRIT comments re Purple Line FEIS with exhibits.pdf <https://writ.sharefile.com/d/d32e48b6a04b4cd3>

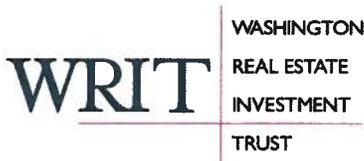
Note From WRIT:

Please find a link to Washington Real Estate Investment Trust's comments regarding the Purple Line FEIS. We have also sent this letter via FedEx and have attempted to send via direct e-mail.

ShareFile is a tool for sending, receiving, and organizing your business files online. It can be used as a password-protected area for sharing information with clients and partners, and it's an easy way to send files that are too large to e-mail.

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Attachments : 13 1021_WRIT comments re Purple Line FEIS with exhibits[1].pdf (18 mb)



6110 Executive Boulevard, Suite 800 main 301 984 9400
Rockville, Maryland 20852 fax 301 984 9610

October 21, 2013

Purple Line: FEIS Comment
Maryland Transit Administration
Transit Development & Delivery
100 S. Charles St
Tower Two, Suite 700
Baltimore MD 21201

To Whom It May Concern:

Washington Real Estate Investment Trust (WRIT) is the long-term owner of a 5.45 acre parcel of land that sits adjacent to the proposed Long Branch Purple Line Station. The property is presently improved with just over 50,000 SF of retail, including a Giant grocery store, Chevy Chase Bank, and the Montgomery Beauty School. Having owned the property since 1963, WRIT is invested in the community and its future success.

WRIT has reviewed the Final Environmental Impact Statement (FEIS) and has identified two main areas of improvement to the Arliss Street portion of the Purple Line – construction staging and long-term property access. While we are supportive of the Purple Line and look forward to its arrival, we believe that some minor changes to the plans are required in order to ensure the success of the Purple Line in Long Branch.

We should note that we are making these recommendations without the benefit of all of the drawings referenced in the Index of Drawings in Volume II of the FEIS. WRIT requested copies of the drawings relevant to our property from the Purple Line Project Manager on September 23, 2013, but thus far have not received any of the requested items. Some of these drawings, such as the maintenance of traffic plans and signalization plans, could have meaningful short and long-term implications for our property as well as the surrounding community, and as such, should have been included as part of the 30-day public review. While we recognize that the FEIS is a work in progress, we would note that the drawings included in the FEIS along Arliss Street lack consistency. For example, the Arliss Street alignment plans, Contract T-1042-0220, Drawing Sheets CV-30 and CV-31, represent our current understanding of the Purple Line plans with the train “side running” along the western side of Arliss Street. However, the corresponding cross sections, Contract T-1042-0220, Drawing Sheets TS-036 through TS-038, which are still dated 2012, show the train running through the median. For an adjacent property owner, a portion of whose land would be condemned as part of these plans, this inconsistency is significant; based on the provided sections, we have no reference for important design considerations such as retaining wall heights along Arliss Street, the cross section and design of the proposed Arliss Street station, or exactly how and where the train emerges from the tunnel portal. WRIT recommends that our comment period be extended until such time we have had the opportunity to review complete and coordinated drawings. At

this time, our comments respond to the FEIS document and drawings previously supplied by MTA. We reserve the right to further comment once all the referenced drawings are made available for our review.

Construction Staging

A. Parking

Sheet 12 of the Environmental Resource Map indicates that a substantial portion of WRIT's parking lot would be disturbed by the Purple Line. Without access to the requested maintenance of traffic plans referenced in the FEIS, we must reasonably infer that the limit of disturbance line shown on our parking lot reflects the extent of the construction staging area; this line is consistent with the staging diagram and the maintenance of traffic plans the Maryland Transit Administration (MTA) provided to WRIT this past spring (Exhibit A). The Plymouth Tunnel staging area/Stage 1 – which would remain in place for at least 30 months, with construction occurring 24 hours a day, 6 days a week (in order to maintain that schedule) – would have significant, detrimental impacts on the number of parking spaces available to our tenant, Giant, and on the turning movements of Giant's delivery trailers. We will further explain these impacts and then offer a number of alternative staging areas that would bare a lesser burden to both WRIT, WRIT's tenants, and the state of Maryland.

WRIT is contractually obligated to maintain the parking lot in its present configuration, which currently provides 372 parking spaces. Knowing that the construction of the Purple Line would impair a significant portion of the parking lot, we hired a respected traffic consultant, Kimley-Horn and Associates, Inc., to analyze the parking impacts to our property. Based on that analysis, it is estimated that the Stage 1 staging area would eliminate 182 parking spaces (49%) from use during this 3-year period of construction (that number includes additional spaces lost to allow for trailer turning movements).

The loss of parking spaces could prompt Giant to seek to terminate its lease and thereby significantly increase the valuation and community impacts of the taking of WRIT's property. Notwithstanding this potential outcome, Giant has informally indicated to us that it currently plans to continue to operate its store at this location provided that at least 200 spaces remain available *in front* of the store entrance. As you can see from the attached traffic diagrams (Exhibit B), only 129 spaces remain in front of the store during Stage 1 of construction. We note that the remaining phases of construction allow for adequate parking, but mitigation measures must be pursued to accommodate at least 71 additional spaces in Stage 1.

B. Truck Turning Movements

Each phase of construction poses unique challenges to Giant's delivery trailers, which measure up to 70 feet in length. Giant receives up to 4 deliveries per day, between the hours of 4AM and noon, and strongly prefers at least 2 options for ingress and egress. Today, trailers access the site via the northern entrance, which provides a short travel distance and easy access to the western loading bays. The tunnel staging area would eliminate entry from this access point, diverting trucks to the southern entrances. During Stage 1 construction, trucks would be required to enter from the southernmost entrance, circumnavigate the parking lot (Giant's safety standards do not allow trailers to cross in front of stores) and then access the

western loading bays – use of the eastern loading bays is not feasible as the turning movements of the trailers would block the only means of access to the front parking lot.

While the trucks could physically manage this atypical entry sequence, exiting the property would pose a greater challenge. On the Stage 1 turning movements diagram of Exhibit B, you can see that the truck path would impact an existing light pole on the northern end of the parking lot. In order to avoid this obstacle, a truck would need to use the drive aisle in front of the store, which as mentioned above, is prohibited by Giant's safety standards. A better, and in our mind, easier solution to this problem would be to adjust the southern edge of the staging area to allow trailers enough room to navigate this turn. As an alternate to adjusting the staging area, we have also illustrated how trucks could access our property through the gas station property that MTA intends to condemn. Please note that Giant would strongly prefer to have at least two separate means of ingress and egress.

During later phases of construction, trucks are able to access the loading bay via the newly-created northern entrance, however they may find exiting at that location challenging due to the proposed curb island. We would ask that MTA clarify the functionality of the northern entrance during construction versus the final condition. While the staging diagrams show multiple movements exiting the property at this location, the final condition permits right-hand turns only. We have provided turning movements for both scenarios. During Stage 4, tractor-trailers would be unable to avoid obstacles when exiting the property; leaving via the northern entrance impacts the curb island, and leaving via the southern entrance is not possible without utilizing a portion of the proposed staging area. Further, the narrow drive aisle does not permit two-way traffic. We have shown the exiting condition through the gas station site as a secondary option if the impact to the staging area at the southern entrance is not possible.

C. Minimizing Impacts

Both the parking issue and the tractor-trailer movement issue could be resolved by reducing the amount of space required for staging on WRIT's property. There are a number of alternative staging locations that we believe would be acceptable to MTA:

1. The parking lot at the southeastern quadrant of the intersection of Arliss Street and Flower Avenue (tax account # 03544464) – MTA is currently proposing to use half of this parking lot for staging purposes. We would suggest using the entire vacant parking lot and reducing the use of WRIT's property by a proportional area. In Table 4-1 of the FEIS, MTA states that it "will use vacant or publicly-owned property, rather than privately-owned, developed property, for temporary construction activities to the extent reasonably feasible." Whereas that parking lot sits vacant (and would for the foreseeable future given that the remaining half would be encumbered by staging), WRIT's parking lot is part of a developed property and required by Giant for use by its customers.
2. The Long Branch Public Library parking lot (tax account # 00980721) – this lot is public property and sits within close proximity of the staging area. The mitigation and minimization strategies outlined in the FEIS, and quoted above, should be followed. This site would be ideal for less active uses such as construction worker parking or materials storage.

3. The gas station site at the northwestern quadrant of the intersection of Arliss Street and Piney Branch Road (tax account # 00960710) – this property is slated for full property acquisition. In many other areas of the FEIS, MTA proposes staging areas on properties that would be acquired for the project. We would suggest acquiring this property sooner rather than later so that MTA may gain efficiencies by also using it as a Stage 1 staging area, rather than additionally paying WRIT for a construction easement.

For the avoidance of doubt, the potential economic impacts – to the community, to WRIT and to the state of Maryland – from the construction process are extensively exacerbated if Giant ceases its operation at the location. As a result, we would strongly urge MTA to carefully consider the parking lot and truck movement considerations raised by this letter. We have said before on numerous occasions – and feel compelled to state it once more – that **all parties will be significantly and adversely impacted if Giant ceases operation at our site.**

Long-Term Property Access

For the last 50 years, WRIT has enjoyed full movement – left and right-hand turns – onto and off of our property at three locations. As a retail center, this level of accessibility, and the perception of accessibility, is essential to the success of our tenants. The FEIS plans do not provide a full movement entrance at WRIT’s property, however, as noted, coordination between MTA and WRIT on this issue is still ongoing.

As part of that coordination effort, WRIT met with MTA this past June to discuss the feasibility of a full-movement, signalized intersection just north of the Long Branch station platform. Provided that the intersection would meet traffic signal warrants and that there would be room to add a dedicated left-hand turn lane, both MTA and WRIT agreed that a signal should be installed. Additionally, the Montgomery County Council recently approved a recommendation for a signalized, full-movement intersection at this location in the Long Branch Sector Plan. This modification to the Arliss Street plans would accomplish several objectives:

1. This intersection would provide WRIT close to the same level of access that it has enjoyed since 1963. As elsewhere provided in the FEIS, MTA should mitigate the impacts to the extent possible, which includes maintaining the same level of access that properties currently enjoy.
2. The signal would vastly improve pedestrian safety at this station. The FEIS notes that the proportion of Long Branch’s residents using public transportation is 28%, which is greater than both the Purple Line Study area (23%) and Montgomery County (15%) figures (Social Effects and Land Use Planning Technical Report, pg. 9). This statistic suggests that there is a high likelihood of a person accessing the Long Branch station by foot. The current designs for Arliss Street show direct station access at only one end of the platform (the signalized intersection at Piney Branch Road). The only way to safely cross to the northern end of the platform is via the library signal, almost 350 feet to the north. A signalized crossing just north of the Arliss Street Station platform (adjacent to several hundred existing units of apartments) would reduce the likelihood of unprotected, midblock crossings and in effect “hold” the trains so that pedestrians may cross.
3. A signalized intersection would vastly improve vehicular safety at the Long Branch Station. In order to further our coordination efforts with MTA, WRIT commissioned a signal warrant

analysis from Kimley-Horn in order to determine whether this intersection would meet the Montgomery County Department of Transportation's signal requirements. Based on the existence of the train crossing alone, Kimley-Horn finds that the intersection just north of the station platform satisfies the standards for Warrant 9 (Exhibit C). Without a signal, it is highly unlikely that a driver would be able to turn off of the property safely given the span and visibility of the crossing. There is also the risk that a driver would straddle the tracks while waiting to make a turn onto Arliss Street. The FEIS states that, "MTA's conceptual plans for the Purple Line include roadway and intersection improvements consistent with applicable design standards for safety, enabling the Purple Line and other transportation modes to operate together as efficiently and safely as possible" (ES-4). Given that signalization would allow this intersection to meet basic safety standards, its design should be included in future Purple Line plans.

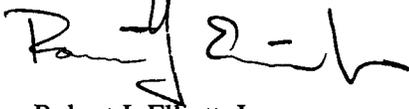
4. Creating greater accessibility to WRIT's property would further the redevelopment goals of the Long Branch Sector Plan. The FEIS notes that, "By 2040, employment growth is expected to occur in all study area neighborhoods except Long Branch" (4-41). Additionally, the Long Branch station has the lowest projected ridership of all of the proposed Purple Line stations (ES-5). The Long Branch Sector Plan seeks to change this trajectory by providing redevelopment incentives to the commercial properties within the Town Center. As MTA is aware, WRIT has explored several redevelopment options and would like to pursue densifying its property in the future. But without adequate access – access that WRIT has enjoyed since owning the property – the viability of any redevelopment becomes less certain. With over 1,000 feet of linear frontage, WRIT's property must have a full-movement, signalized intersection if it is going to attract the retail tenants and residents that will make redevelopment a reality. Other properties within the Town Center would also benefit from this intersection as many of them would connect to the proposed mid-block street whose eastern terminus is at this intersection. Commercial and residential growth at the Town Center will only bolster the ridership and success of the Long Branch station.

The adoption of a full-movement, signalized intersection just north of the Long Branch station ultimately rests on two components: meeting the warrants for a signal and also providing space for a dedicated left-hand turn lane. The results of Kimley-Horn's warrant study acknowledge the necessity for a signal at this intersection. The addition of the left-hand turn lane may be accommodated by switching the Long Branch station from a center platform to side platform format. As discussed during our meeting with MTA in June, enough space has been provided in the train right-of-way to allow for a train gate between the eastern tracks and the vehicular travel lanes. By opting for a side platform configuration, the space required for the gate could be provided in the same area as the eastern platform. This efficiency could create enough space for an additional vehicular travel lane within the overall right-of-way. In the event that additional space is still needed, WRIT would consider providing additional right-of-way on its property should no other viable alternative exist.

WRIT has worked diligently with MTA and Montgomery County for over a year in order to create a design that would best meet the needs of all parties and the greater Long Branch community. We believe that our recommendations regarding construction staging and long-term access will enhance the overall configuration of the Arliss Street alignment and also provide much needed mitigation for the short and long-term effects of the Purple Line. It is our hope that MTA will adopt these mitigation strategies rather than increase the financial burden on the state of Maryland.

If there are any questions, I can be reached directly at 301-255-0765 or belliott@writ.com. Thank you for your consideration, and we look forward to continuing to work with MTA on this exciting and transformative project.

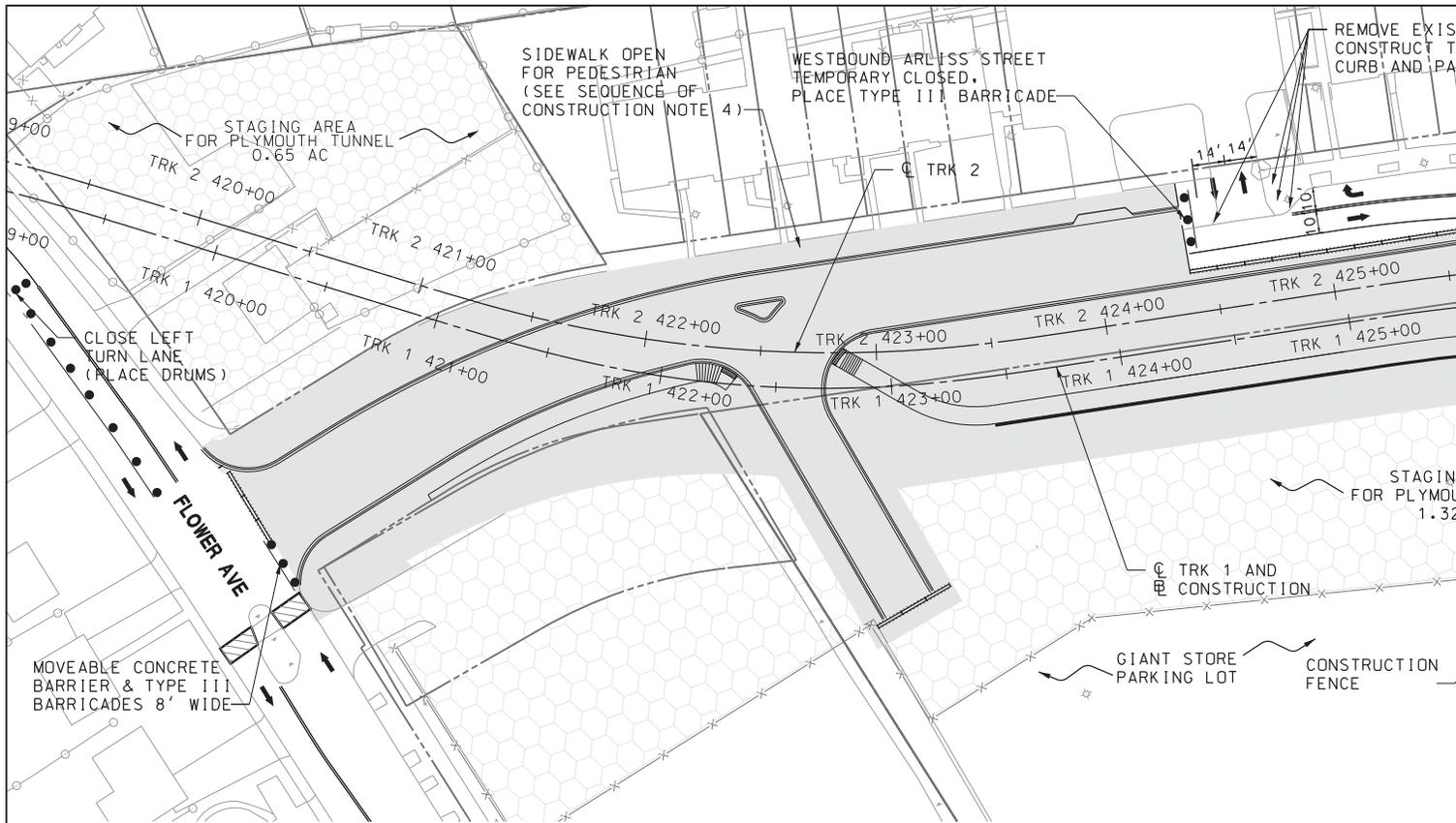
Sincerely,



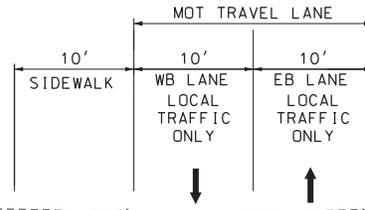
Robert J. Elliott, Jr.
Director of Development

Cc: Mr. Michael Madden, Project Manager, Purple Line
Mr. Rubin Bard, Director of Real Estate, Giant
The Honorable Jamin B. Raskin, Senator, District 20
The Honorable Sheila E. Hixson, Delegate, District 20
The Honorable Thomas Hucker, Delegate, District 20
The Honorable Heather R. Mizeur, Delegate, District 20
The Honorable Valerie Ervin, Councilmember, Montgomery County Council
The Honorable François Carrier, Chair, Montgomery County Planning Board
Ms. Melissa Williams, Senior Planner, M-NCPPC Montgomery County
Mr. Val Lazdins, Chief, Area 1, M-NCPPC Montgomery County
Mr. John Marcolin, Planner Coordinator, M-NCPPC Montgomery County
Mr. Tom Autrey, Supervisor, Functional Planning and Policy, M-NCPPC
Mr. David Anspacher, Planner/Coordinator, Functional Planning and Policy, M-NCPPC
Mr. Paul T. McDermott, President & CEO, WRIT
Mr. Thomas C. Morey, Senior VP and General Counsel, WRIT
Mr. Paul S. Weinschenk, VP and Managing Director of Retail, WRIT
Mr. Patrick L. O'Neil, Counsel, Lerch, Early & Brewer, Chtd.

EXHIBIT A



1. CLOSE ARLISS STREET AT THE INTERSECTION OF ARLISS STREET AND FLOWER AVENUE. PLACE TEMPORARY CONCRETE TRAFFIC BARRIER AND TYPE III BARRICADE. DETOUR ARLISS STREET EASTBOUND TRAFFIC TO SOUTH FLOWER AVENUE, AND PINEY BRANCH ROAD INTO NORTHBOUND ARLISS STREET. ACCESS TO ADJACENT PROPERTIES ON ARLISS STREET SHALL BE FROM PINEY BRANCH ROAD AND WALDEN ROAD.
2. INSTALL TEMPORARY BARRIER ALONG ARLISS STREET AS SHOWN. REMOVE EXISTING PAVEMENT MARKING AND RESTRIPE. SHIFT TRAFFIC TO NORTH SIDE STA TRK 1 424+50 TO STA TRK 1 427+00. PROVIDE ONE 10' LANE IN EACH DIRECTION FOR LOCAL TRAFFIC.
3. REMOVE EXISTING PAVEMENT MARKINGS AND RESTRIPE ARLISS STREET FROM STATION TRK 1 428+00 TO STATION TRK 1 433+50. PROVIDE A DEDICATED LEFT TURN LANE FOR TRAFFIC HEADING TO TEMPORARY ENTRANCE TO GIANT STORE / PARKING. SEE SHEET MT-502
4. DETOUR PEDESTRIAN TRAFFIC AT ARLISS AND FLOWER AVENUE TO NORTH SIDE OF ARLISS STREET. SOUTH SIDE SIDEWALK WILL BE CLOSED THIS PHASE. PEDESTRIAN DETOUR SHALL BE IMPLEMENTED IN ACCORDANCE WITH THE SHA STANDARD NOS. MD 104.06-09A, MD 104.06-09B, MD 104.06-09C AND MD 104.06-09D. MAINTAIN PEDESTRIAN ACCESS ALONG THE NORTH SIDE OF ARLISS STREET THROUGHOUT CONSTRUCTION OF STAGE 1. WHERE CONSTRUCTION INTERFERES WITH PEDESTRIAN MOVEMENTS, TAKE ADDITIONAL MEASURES INCLUDING TEMPORARY SIDEWALK OR CONSTRUCTING PERMANENT SIDEWALK IN PHASES. PROVIDE CLEAR GUIDANCE AND SIGNAGE TO PEDESTRIAN AT ALL TIMES.
5. RELOCATE ARLISS STREET UTILITIES AS SHOWN ON UTILITY PLANS.
6. CONSTRUCT PLYMOUTH TUNNEL, EMBEDDED TRACKS AND ARLISS STREET ROAD WIDENING. LIMIT ARLISS STREET WESTBOUND ROAD WORK FROM FLOWER AVENUE TO TEMPORARY MEDIAN BARRIER AT STATION TRK 1 427+00.



MOT LEGEND

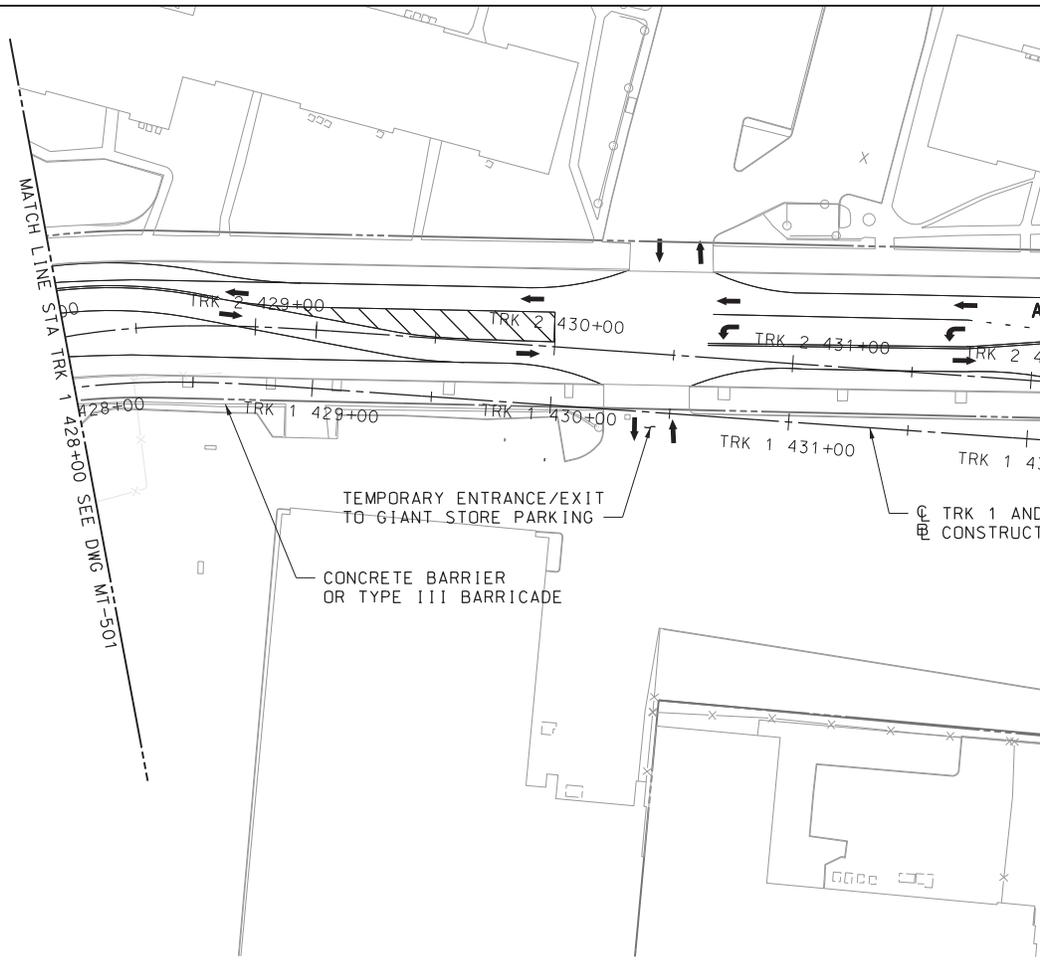
- TEMPORARY SIGN
- TEMPORARY CONCRETE BARRIER
- CHANNELIZING DEVICE
- TEMPORARY CRASH CUSHION (40 MPH DESIGN SPEED)
- CURRENT STAGE WORK AREA / PROPOSED CONSTRUCTION
- ARROW PANEL
- EXISTING TRAFFIC FLOW ARROW
- TEMPORARY TRAFFIC FLOW ARROW
- TYPE III BARRICADE
- IMPACT ATTENUATOR
- CONSTRUCTED PREVIOUS STAGES

MARYLAND DEPARTMENT OF TRANSPORTATION

PROFESSIONAL CERTIFICATION

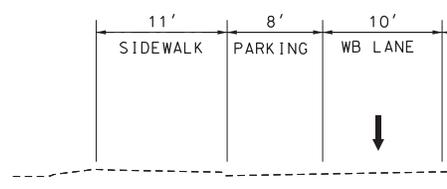
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland

License No. _____ Expiration Date _____



MOT LEGEND

-  - TEMPORARY SIGN
-  - TEMPORARY CONCRETE BARRIER
-  - CHANNELIZING DEVICE
-  - TEMPORARY CRASH CUSHION (40 MPH DESIGN SPEED)
-  - CURRENT STAGE WORK AREA / PROPOSED CONSTRUCTION
-  - ARROW PANEL
-  - EXISTING TRAFFIC FLOW ARROW
-  - TEMPORARY TRAFFIC FLOW ARROW
-  - TYPE III BARRICADE
-  - IMPACT ATTENUATOR
-  - CONSTRUCTED PREVIOUS STAGES



MARYLAND DEPARTMENT OF TRANSPORTATION

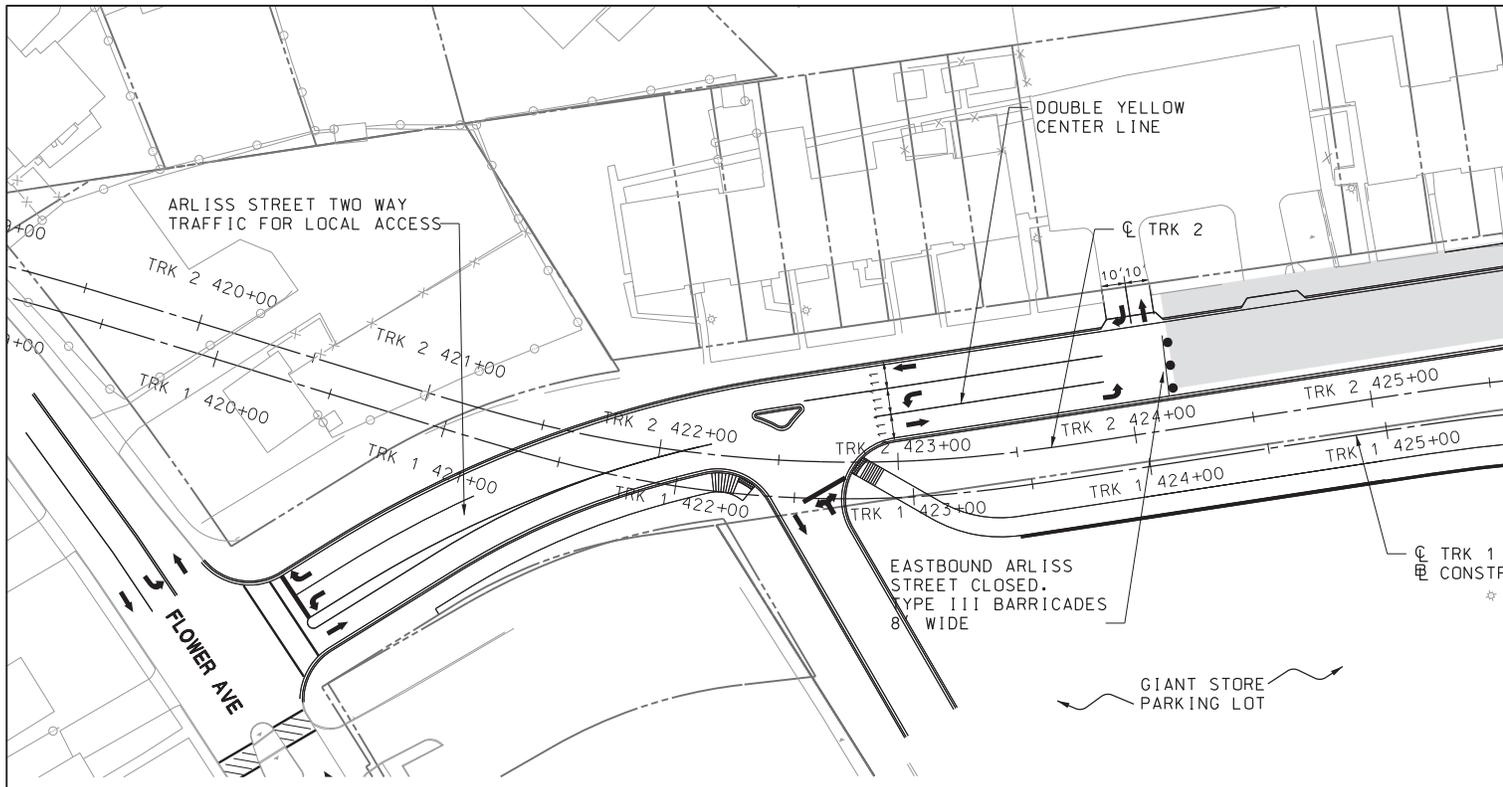





PROFESSIONAL CERTIFICATION

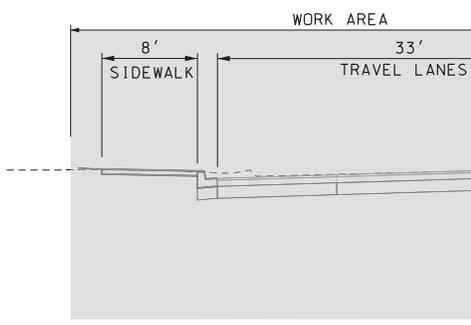
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SEQUENCE OF CONSTRUCTION - STAGE 2

1. CLOSE ARLISS STREET EASTBOUND AT STATION TRK 1 424+20. PLACE TYPE III BARRICADES. CLOSE ARLISS STREET AT STATION TRK 1 428+20. PLACE TEMPORARY CONCRETE BARRIER AS SHOWN.
2. PROVIDE 11' WIDE SINGLE TRAVEL LANE ON WALDEN ROAD AND GARLAND AVENUE FOR A TWO WAY TRAFFIC AS SHOWN ON PLAN. PROVIDE FLAG PERSONS AT BOTH END OF THE CONSTRUCTION AREA FOR TWO-WAY TRAFFIC CONTROL.
3. DETOUR GARLAND AVENUE AND WALDEN ROAD TRAFFIC THRU PLYMOUTH STREET AND FLOWER AVENUE FOR PINEY BRANCH ROAD ACCESS.
4. OPEN ARLISS STREET FROM FLOWER AVENUE INTERSECTION TO STATION TRK 1 424+20 FOR LOCAL ACCESS. PROVIDE 10' LANE IN EACH DIRECTION. OPEN GIANT STORE PARKING ACCESS DRIVEWAY.
5. OPEN ARLISS STREET EAST SIDE SIDEWALK FOR PEDESTRIAN TRAFFIC TO GIANT STORE. MAINTAIN SIDEWALK NORTH SIDE AND PROVIDE TEMPORARY PEDESTRIAN WALKWAY THROUGH THE WORK ZONE AREA DURING THE RECONSTRUCTION OF THE NORTH SIDE SIDEWALK. PROVIDE CLEAR GUIDANCE AND SIGNAGE TO PEDESTRIANS AT ALL TIMES.
6. RELOCATE ARLISS STREET UTILITIES AS SHOWN ON UTILITY PLANS.
7. CONSTRUCT WESTBOUND ARLISS STREET FROM STATION TRK 1 424+20 TO STATION TRK 1 428+20 INCLUDING ARLISS STREET / WALDEN ROAD / GARLAND AVENUE INTERSECTION.



TYPICAL

STA TRK 1 424+00
SCA

MOT LEGEND

	- TEMPORARY SIGN
	- TEMPORARY CONCRETE BARRIER
	- CHANNELIZING DEVICE
	- TEMPORARY CRASH CUSHION (40 MPH DESIGN SPEED)
	- CURRENT STAGE WORK AREA / PROPOSED CONSTRUCTION
	- ARROW PANEL
	- EXISTING TRAFFIC FLOW ARROW
	- TEMPORARY TRAFFIC FLOW ARROW
	- TYPE III BARRICADE
	- IMPACT ATTENUATOR
	- CONSTRUCTED PREVIOUS STAGES

MARYLAND DEPARTMENT OF TRANSPORTATION

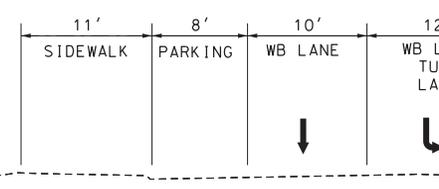
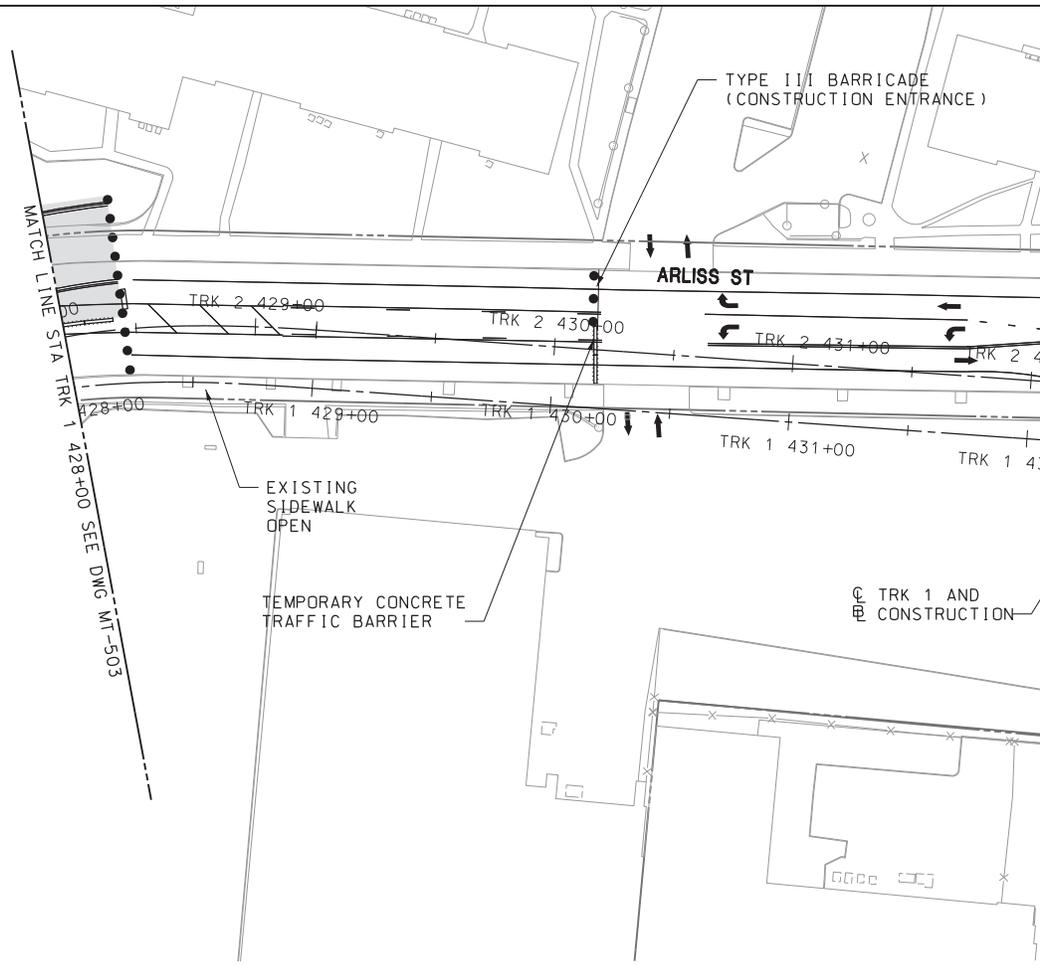
MTA Maryland

WR&A

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MOT LEGEND

-  - TEMPORARY SIGN
-  - TEMPORARY CONCRETE BARRIER
-  - CHANNELIZING DEVICE
-  - TEMPORARY CRASH CUSHION (40 MPH DESIGN SPEED)
-  - CURRENT STAGE WORK AREA / PROPOSED CONSTRUCTION
-  - ARROW PANEL
-  - EXISTING TRAFFIC FLOW ARROW
-  - TEMPORARY TRAFFIC FLOW ARROW
-  - TYPE III BARRICADE
-  - IMPACT ATTENUATOR
-  - CONSTRUCTED PREVIOUS STAGES

MARYLAND DEPARTMENT OF TRANSPORTATION





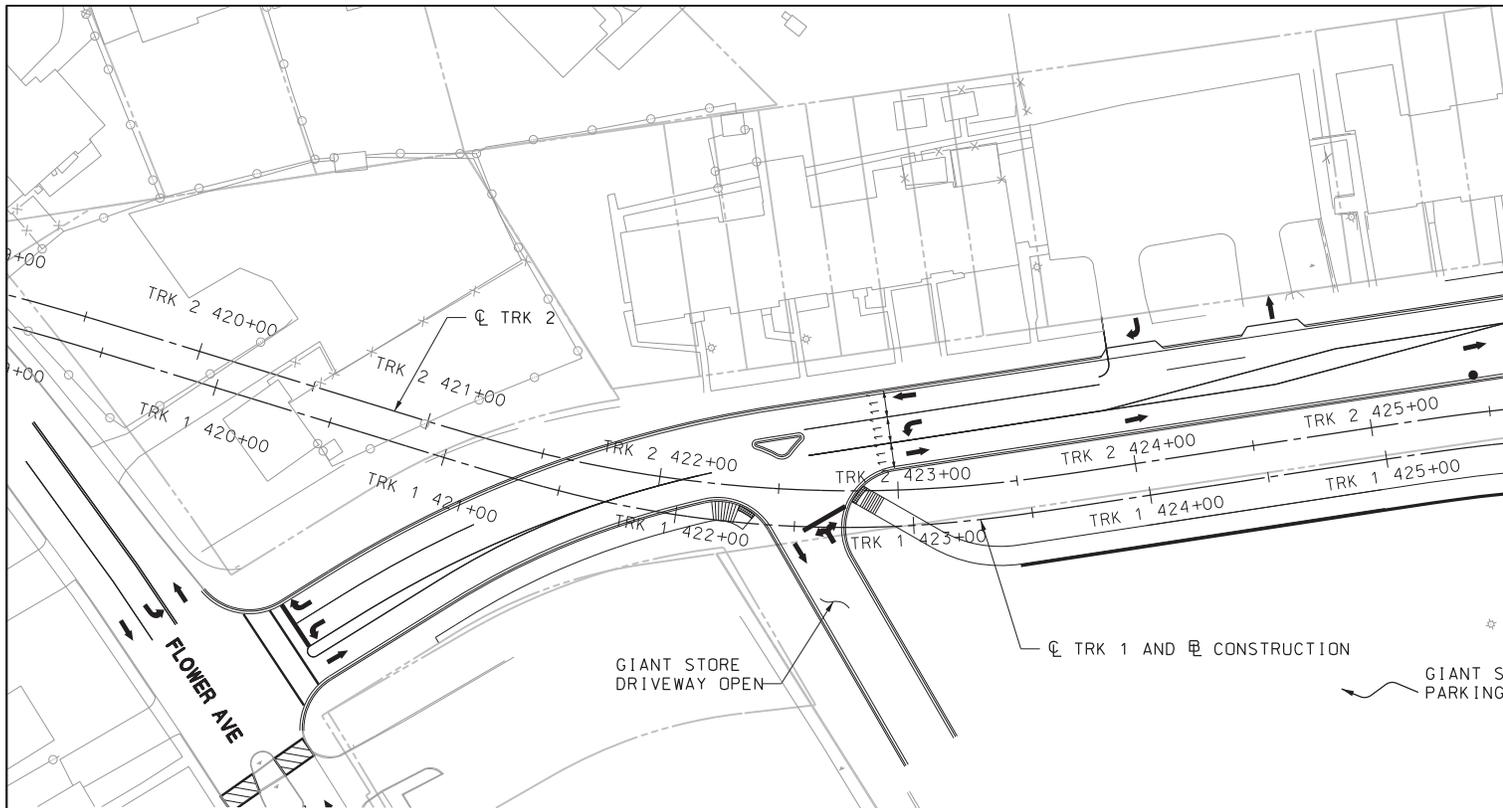

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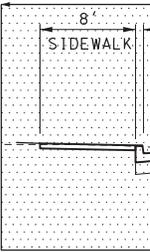
License No. _____ Expiration Date _____

TYPICAL
STA TRK 1 428+



SEQUENCE OF CONSTRUCTION - STAGE 3

1. CLOSE ARLISS STREET AT STATION TRK 1 427+30. CLOSE WALDEN ROAD AT GARLAND AVENUE INTERSECTION. PLACE TEMPORARY CONCRETE BARRIER AS SHOWN ON PLAN MT-506.
2. REMOVE PREVIOUS PAVEMENT MARKINGS AND RESTRIPE. OPEN ARLISS STREET FROM FLOWER AVENUE INTERSECTION TO GARLAND AVENUE / WALDEN ROAD INTERSECTION FOR LOCAL TRAFFIC.
3. REMOVE EXISTING PAVEMENT MARKINGS AND RESTRIPE EASTBOUND ARLISS STREET FOR TWO WAY TRAFFIC FROM STATION TRK 1 430+20 TO STATION TRK 1 434+00. INSTALL TEMPORARY CONCRETE BARRIER FROM STATION TRK 1 430+20 ALONG ARLISS STREET AND PINEY BRANCH ROAD AS SHOWN ON PLAN MT-506.
4. MAINTAIN PEDESTRIAN ACCESS ON BOTH SIDES OF ARLISS STREET SIDEWALKS CONSTRUCTED IN PREVIOUS PHASES. PROVIDE TEMPORARY PEDESTRIAN WALKWAY THROUGH THE WORK ZONE AREA DURING THE RECONSTRUCTION OF THE WALDEN ROAD SIDEWALK. PROVIDE CLEAR GUIDANCE AND SIGNAGE TO PEDESTRIAN AT ALL TIMES.
5. PROVIDE TEMPORARY SIDEWALK CONNECTION BETWEEN PREVIOUSLY CONSTRUCTED SIDEWALK AND EXISTING SIDEWALK AT STATION TRK 1 426+50+/-
6. RELOCATE UTILITIES ALONG EASTBOUND ARLISS STREET FROM STATION TRK 1 427+90 TO PINEY BRANCH ROAD INTERSECTION. CONSTRUCT ARLISS STREET WESTBOUND FROM STATION TRK 1 427+90 TO PINEY BRANCH ROAD INTERSECTION AS SHOWN ON PLAN.
7. SHIFT GARLAND AVENUE TRAFFIC SOUTH SIDE TO PREVIOUSLY CONSTRUCTED PAVEMENT. PROVIDE SINGLE LANE TWO WAY DIRECTION ON WALDEN ROAD AS SHOWN. PROVIDE FLAG PERSON AT BOTH END OF WALDEN ROAD CONSTRUCTION AREA FOR TRAFFIC CONTROL. CONSTRUCT WALDEN ROAD AND NORTH SIDE AND GARLAND AVENUE.
8. ARLISS STREET / GARLAND AVE / WALDEN RD INTERSECTION WILL BE STOP SIGN CONTROLLED DURING CONSTRUCTION STAGE.



MOT LEGEND

	- TEMPORARY SIGN
	- TEMPORARY CONCRETE BARRIER
	- CHANNELIZING DEVICE
	- TEMPORARY CRASH CUSHION (40 MPH DESIGN SPEED)
	- CURRENT STAGE WORK AREA / PROPOSED CONSTRUCTION
	- ARROW PANEL
	- EXISTING TRAFFIC FLOW ARROW
	- TEMPORARY TRAFFIC FLOW ARROW
	- TYPE III BARRICADE
	- IMPACT ATTENUATOR
	- CONSTRUCTED PREVIOUS STAGES

MARYLAND DEPARTMENT OF TRANSPORTATION

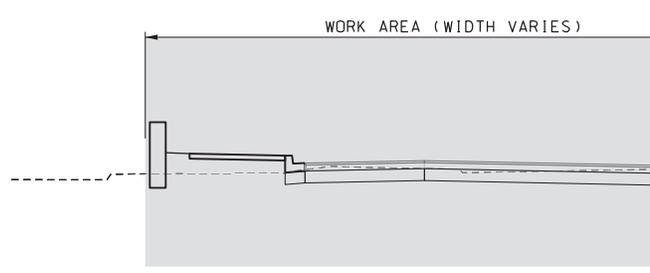
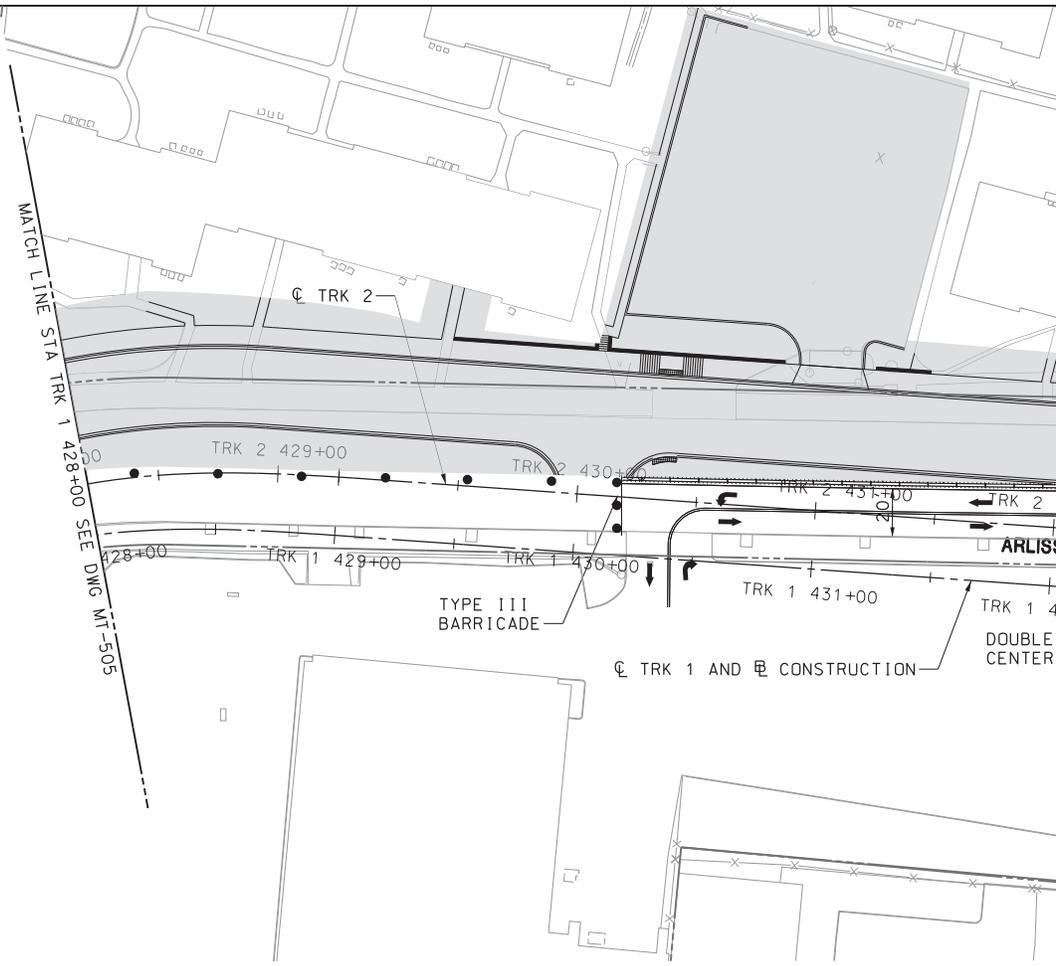
Gannett Fleming
WR&A

JACOBS

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License No. Expiration Date



MOT LEGEND

-  - TEMPORARY SIGN
-  - TEMPORARY CONCRETE BARRIER
-  - CHANNELIZING DEVICE
-  - TEMPORARY CRASH CUSHION (40 MPH DESIGN SPEED)
-  - CURRENT STAGE WORK AREA / PROPOSED CONSTRUCTION
-  - ARROW PANEL
-  - EXISTING TRAFFIC FLOW ARROW
-  - TEMPORARY TRAFFIC FLOW ARROW
-  - TYPE III BARRICADE
-  - IMPACT ATTENUATOR
-  - CONSTRUCTED PREVIOUS STAGES

TYPICAL
STA TRK 1 430-

MARYLAND DEPARTMENT OF TRANSPORTATION



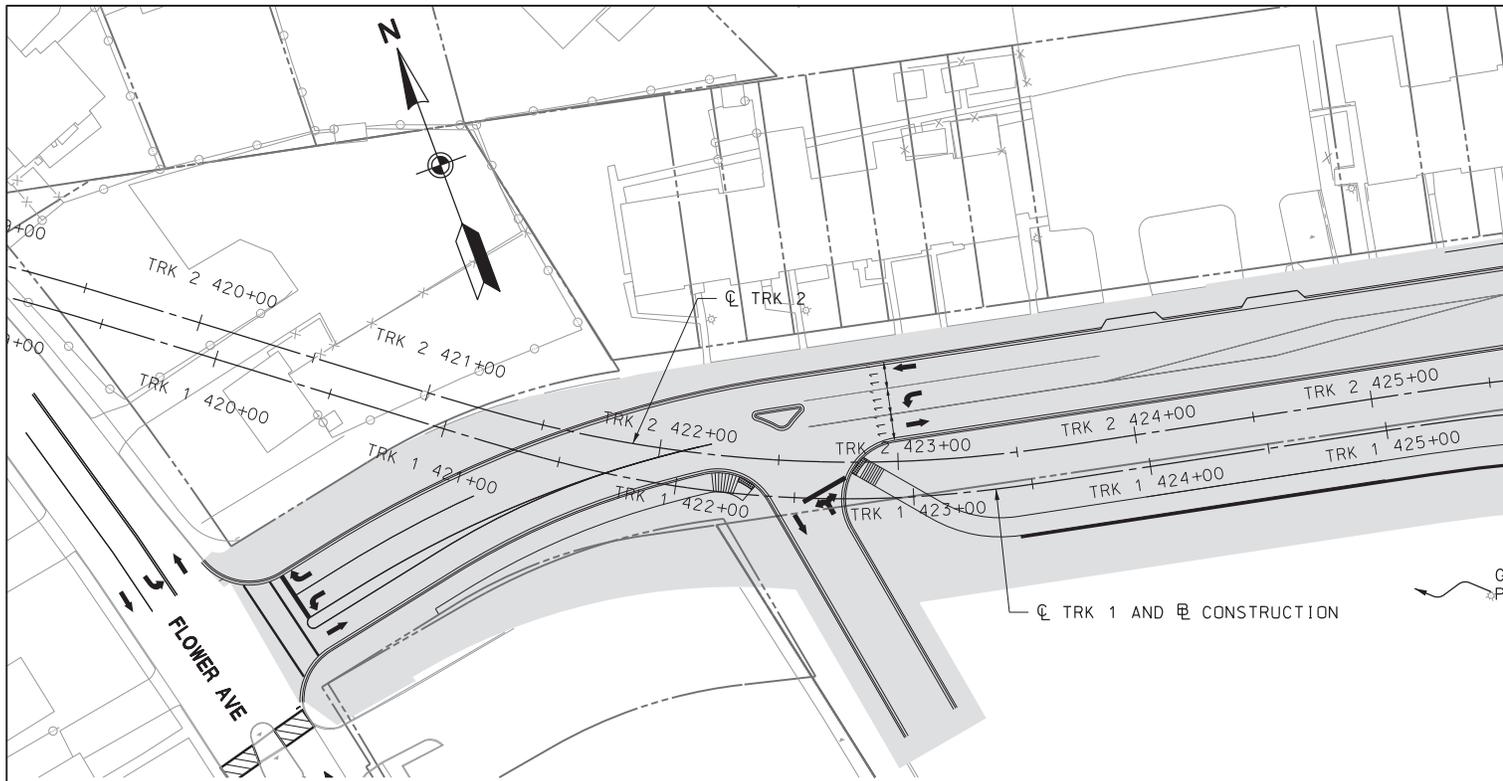



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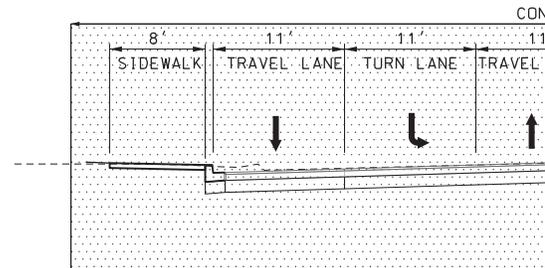
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SEQUENCE OF CONSTRUCTION - STAGE 4

1. INSTALL TEMPORARY CONCRETE BARRIER ALONG ARLISS STREET FROM STATION TRK 1 427+50 TO PINEY BRANCH ROAD INTERSECTION AS SHOWN. REMOVE PREVIOUS PAVEMENT MARKINGS AND RESTRIPE. SHIFT TRAFFIC TO PREVIOUSLY CONSTRUCTED ARLISS STREET. PROVIDING ONE 10' LANE IN EACH DIRECTION AS SHOWN.
2. CONSTRUCTION WORK IN THIS PHASE INCLUDE UTILITY RELOCATION ON ARLISS STREET. TRACK WORK FROM STATION TRK 1 427+00 TO STATION TRK 1 434+00 AND STATION PLATFORM.
3. DETOUR ARLISS STREET SOUTH SIDE PEDESTRIAN TRAFFIC TO NORTH SIDE AT THE PEDESTRIAN CROSSWALK SHOWN ON PLAN AT THE VICINITY OF STATION TRK 1 702+45.



MOT LEGEND

- TEMPORARY SIGN
- TEMPORARY CONCRETE BARRIER
- CHANNELIZING DEVICE
- TEMPORARY CRASH CUSHION (40 MPH DESIGN SPEED)
- CURRENT STAGE WORK AREA / PROPOSED CONSTRUCTION
- ARROW PANEL
- EXISTING TRAFFIC FLOW ARROW
- TEMPORARY TRAFFIC FLOW ARROW
- TYPE III BARRICADE
- IMPACT ATTENUATOR
- CONSTRUCTED PREVIOUS STAGES

MARYLAND DEPARTMENT OF TRANSPORTATION

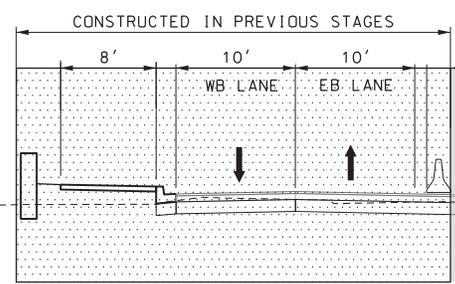
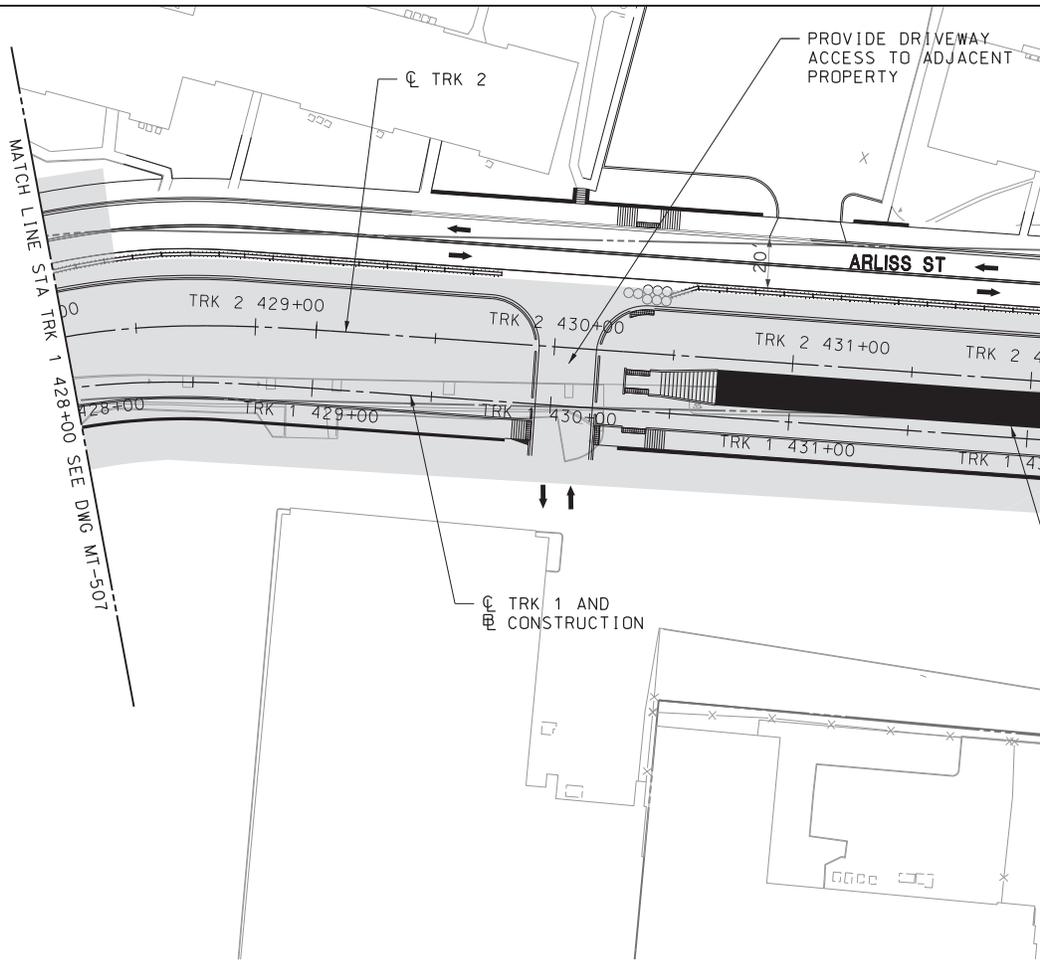


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-  - TEMPORARY CONCRETE BARRIER
-  - CHANNELIZING DEVICE
-  - TEMPORARY CRASH CUSHION (40 MPH DESIGN SPEED)
-  - CURRENT STAGE WORK AREA / PROPOSED CONSTRUCTION
-  - ARROW PANEL
-  - EXISTING TRAFFIC FLOW ARROW
-  - TEMPORARY TRAFFIC FLOW ARROW
-  - TYPE III BARRICADE
-  - IMPACT ATTENUATOR
-  - CONSTRUCTED PREVIOUS STAGES

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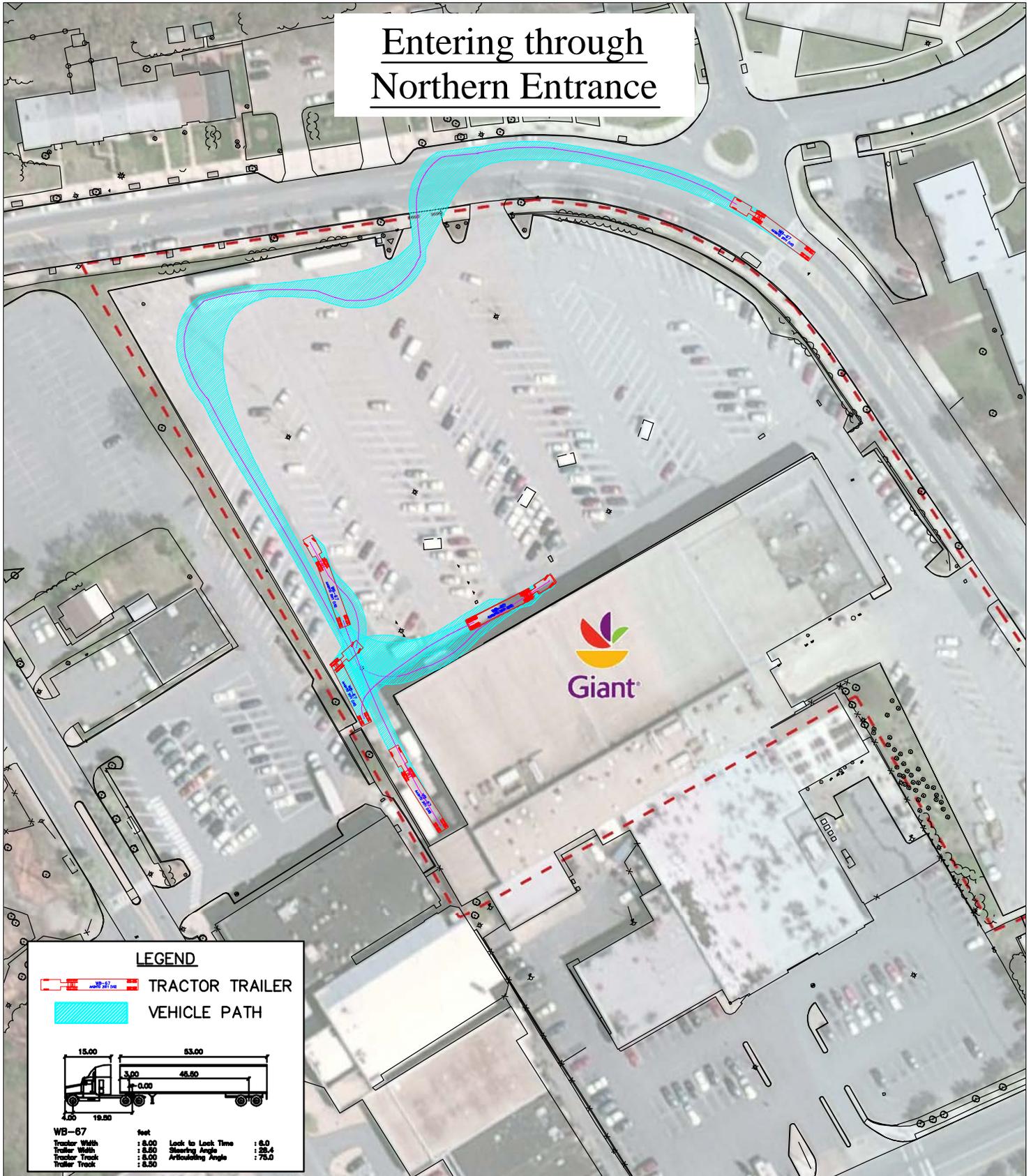
EXHIBIT B



 AUTOMOBILE AND TRUCK ROUTES

EXISTING CONDITIONS - PATHS OF INGRESS

Entering through Northern Entrance



Exiting through Northern Entrance





	PROPOSED CONSTRUCTION STAGING AREA
	AUTOMOBILE AND TRUCK ROUTES
	AUTOMOBILE ONLY ROUTES

PATHS OF INGRESS

PROPOSED STAGE 1 CONSTRUCTION
PURPLE LINE LIGHT RAIL

DATE: OCTOBER 17, 2013



8750 ARLISS ST.

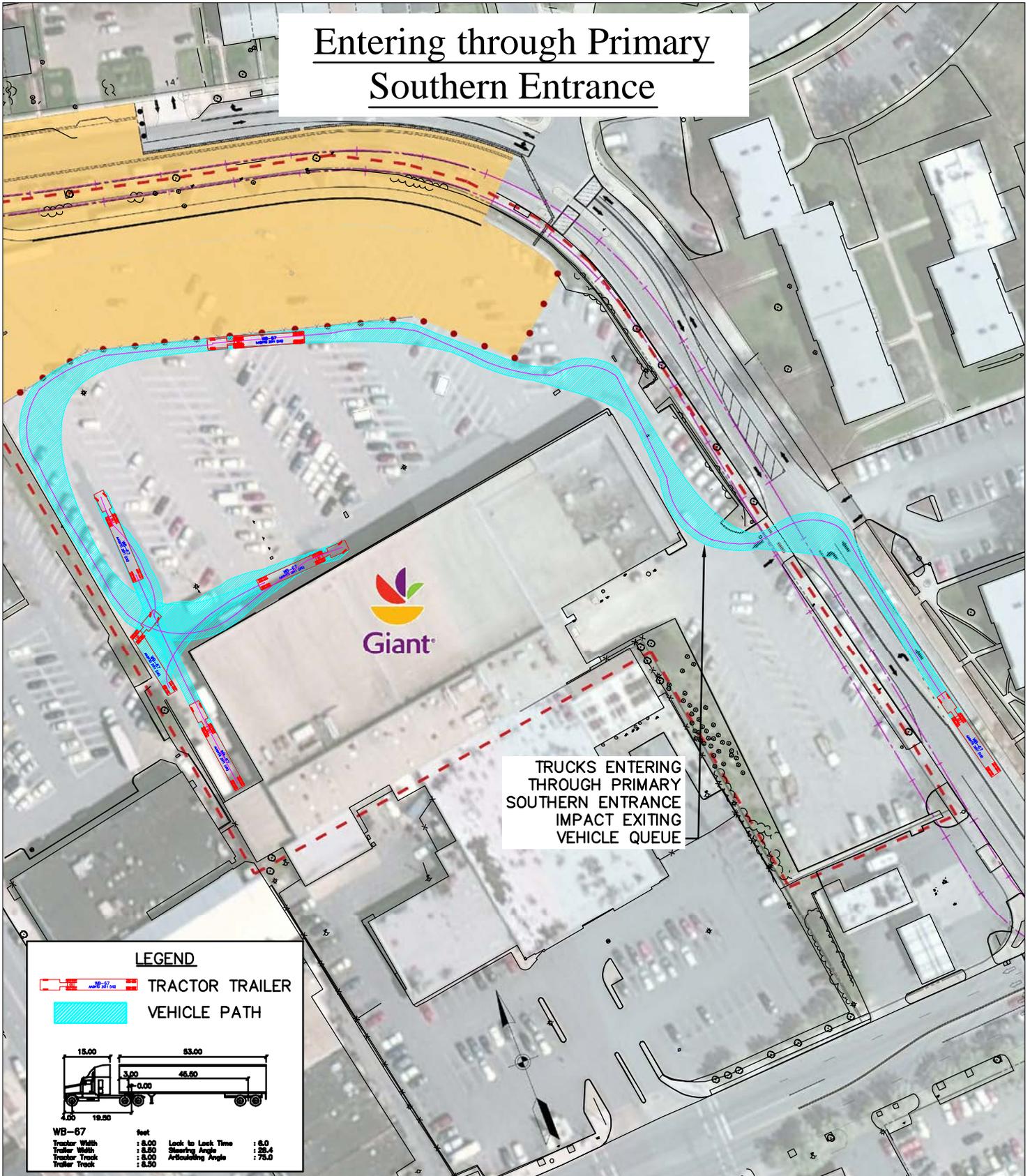
	PROPOSED CONSTRUCTION STAGING AREA
	STORE FRONT PARKING TO REMAIN
	OTHER EXISTING PARKING TO REMAIN
	EXISTING PROPERTY LINE
EXISTING SPACES IN RETAIL CENTER - 372	
SPACES LOST DURING STAGE 1 CONSTRUCTION - 182	
TOTAL PARKING SPACES REMAINING - 190	
STORE FRONT PARKING SPACES REMAINING - 129	
* PARKING COUNTS DO NOT INCLUDE CART KEEPERS	

**PROPOSED STAGE 1 CONSTRUCTION - PURPLE LINE LIGHT RAIL
PARKING TOTALS**

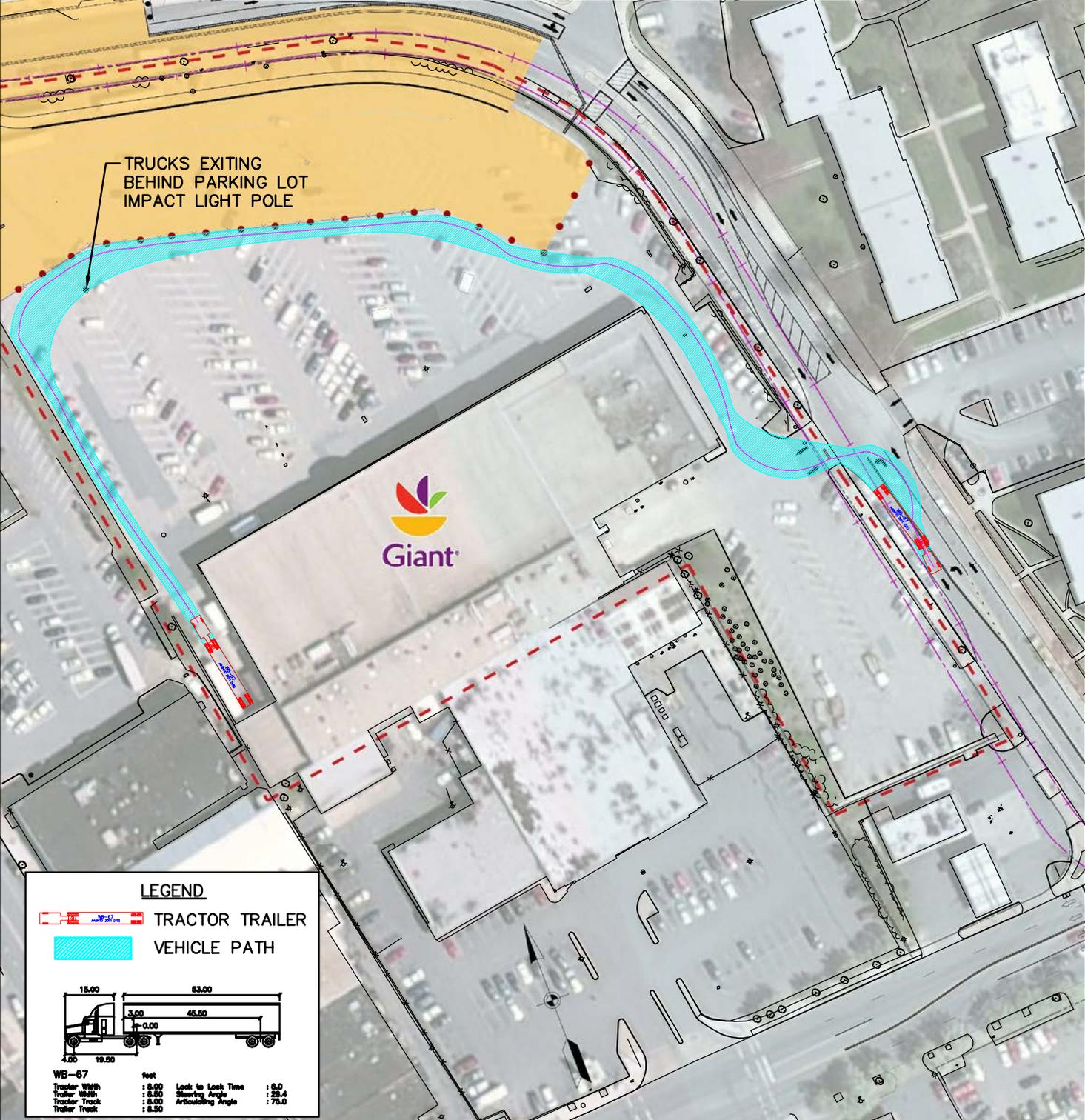
DATE: OCTOBER 17, 2013



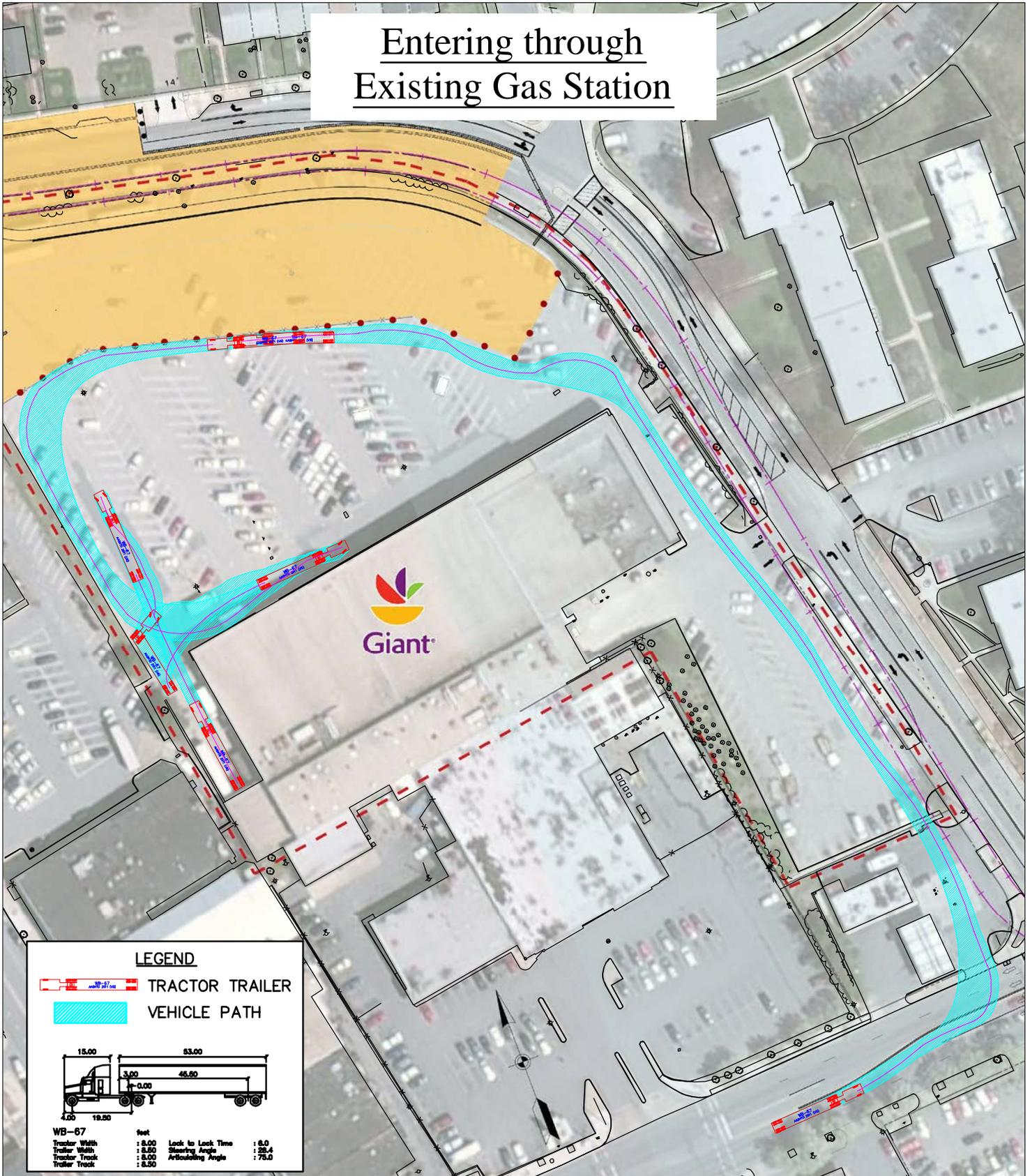
Entering through Primary Southern Entrance



Exiting Behind Parking Lot through Primary Southern Entrance

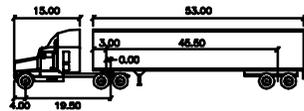


Entering through Existing Gas Station



LEGEND

-  TRACTOR TRAILER
-  VEHICLE PATH



WB-67	feet	Lock to Lock Time	: 8.0
Tractor Width	: 8.00	Steering Angle	: 28.4
Tractor Wheel	: 8.00	Articulating Angle	: 75.0
Tractor Track	: 8.50		



**Kimley-Horn
and Associates, Inc.**

8750 Arliss St .
Purple Line Light Rail
Date: October 17, 2013

Truck Turning
Stag



	PROPOSED CONSTRUCTION STAGING AREA
	AUTOMOBILE AND TRUCK ROUTES
	AUTOMOBILE ONLY ROUTES

PATHS OF INGRESS

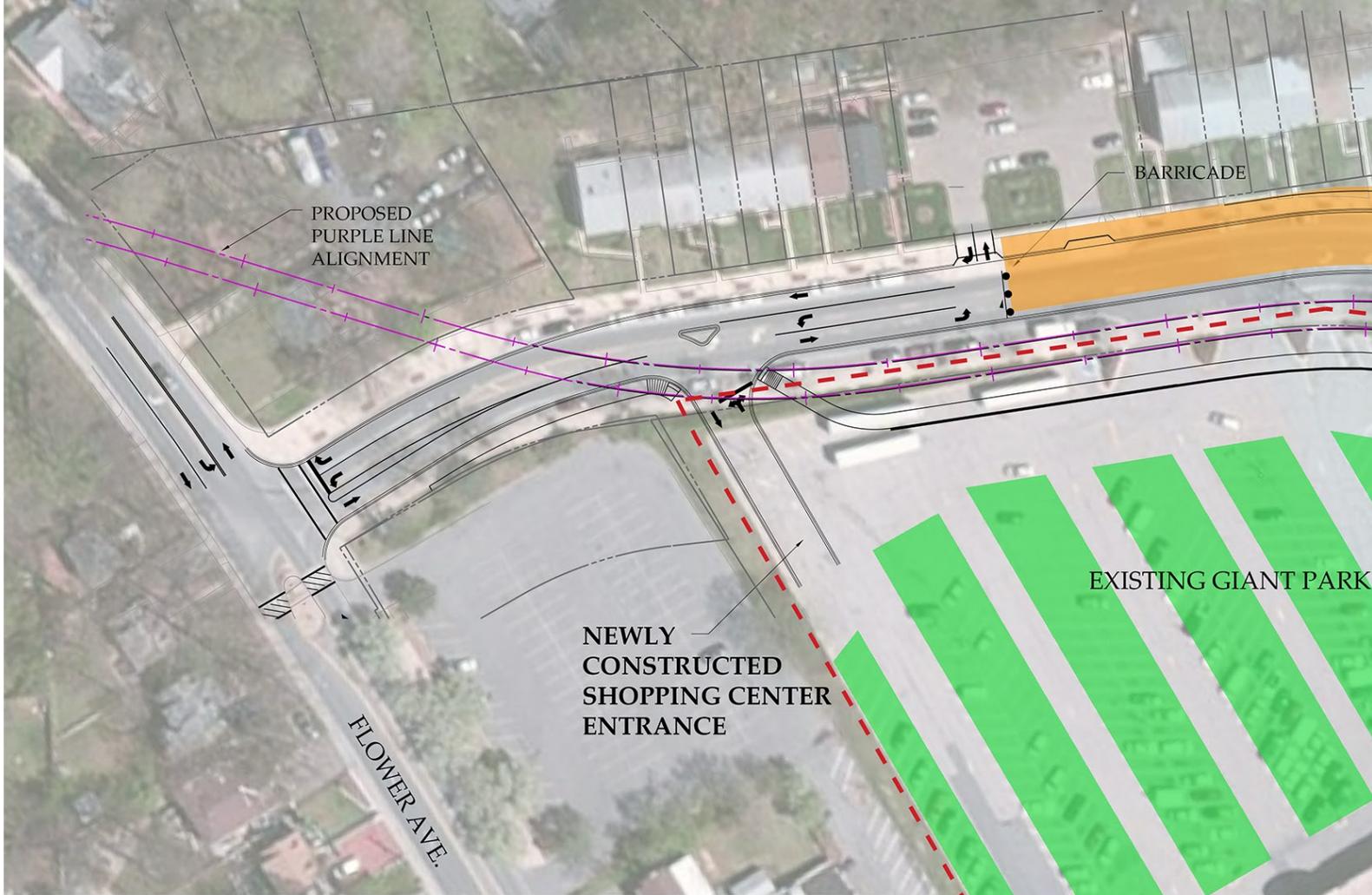
**PROPOSED STAGE 2 CONSTRUCTION
PURPLE LINE LIGHT RAIL**



Kimley-Horn
and Associates, Inc.

DATE: OCTOBER 17, 2013





8750 ARLISS ST.

	PROPOSED CONSTRUCTION STAGING AREA
	STORE FRONT PARKING TO REMAIN
	OTHER EXISTING PARKING TO REMAIN
	EXISTING PROPERTY LINE
EXISTING SPACES IN RETAIL CENTER - 372	
SPACES LOST DURING STAGE 2 CONSTRUCTION - 46	
TOTAL PARKING SPACES REMAINING - 328	
STORE FRONT PARKING SPACES REMAINING - 253	
* PARKING COUNTS DO NOT INCLUDE CART KEEPERS	

**PROPOSED STAGE 2 CONSTRUCTION - PURPLE LINE LIGHT RAIL
PARKING TOTALS**

DATE: OCTOBER 17, 2013

Entering through Northern Entrance

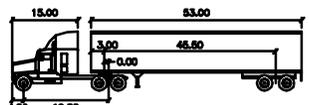
TRUCKS ENTERING THROUGH NORTHERN ENTRANCE WILL IMPACT PROPOSED CURB ISLAND OR CHANNELIZING DEVICE



LEGEND

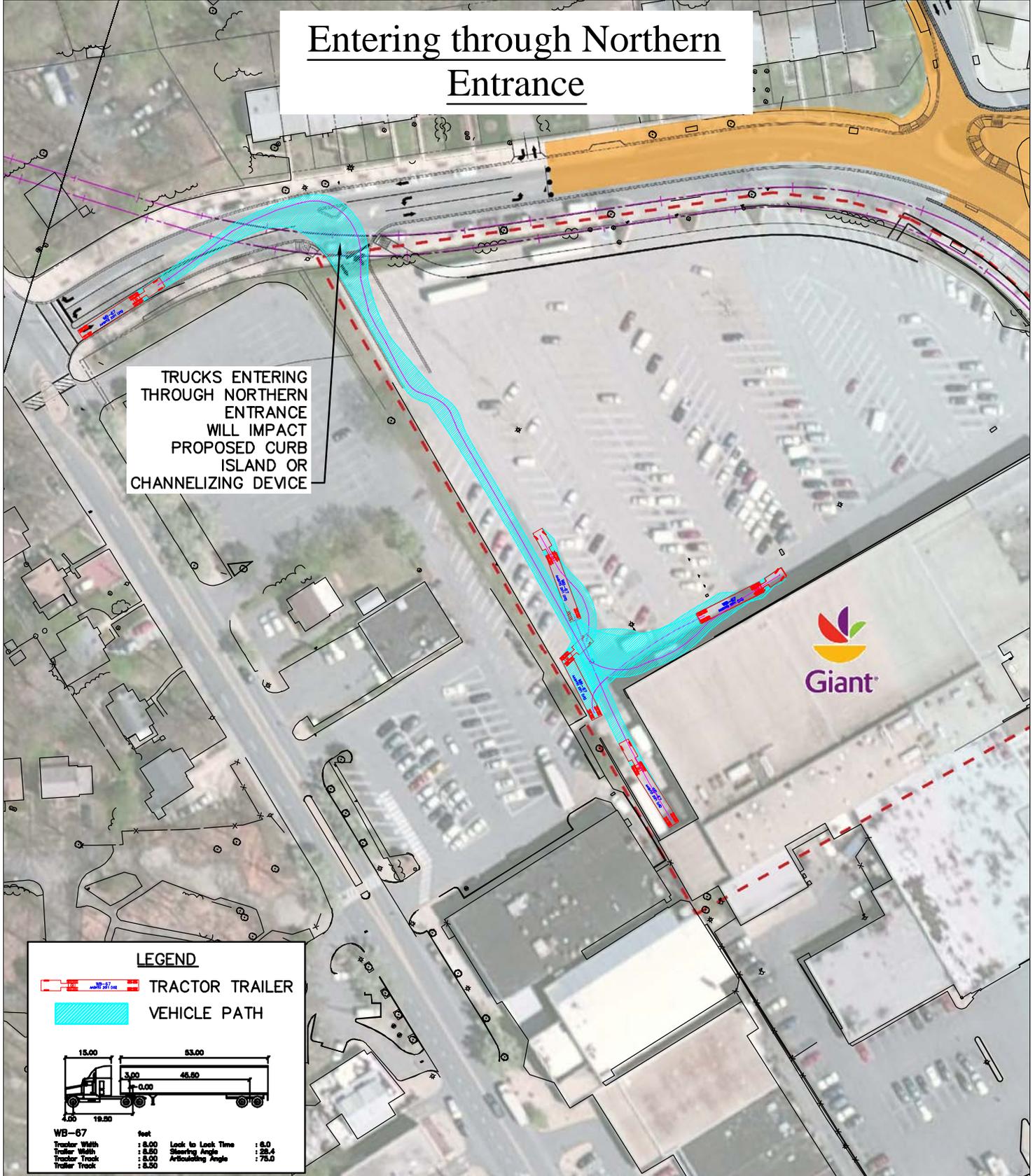
 TRACTOR TRAILER

 VEHICLE PATH



WB-67

Tractor Width	: 8.00	Lock to Lock Time	: 8.0
Trailer Width	: 8.50	Steering Angle	: 28.4
Tractor Track	: 8.00	Articulating Angle	: 75.0
Trailer Track	: 8.50		



Exiting through Northern Entrance

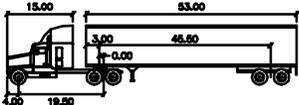
UNDER PROPOSED FINAL CONDITIONS AT THE ENTRANCE, EXITING VEHICLES MAY ONLY TURN RIGHT.



LEGEND

 TRACTOR TRAILER

 VEHICLE PATH



WB-67

Tractor Width	: 8.00	Lock to Lock Time	: 8.0
Trailer Width	: 8.50	Steering Angle	: 28.4
Tractor Track	: 8.00	Articulating Angle	: 75.0
Trailer Track	: 8.50		



Kimley-Horn and Associates, Inc.

8750 Arliss St .
Purple Line Light Rail
Date: October 17, 2013

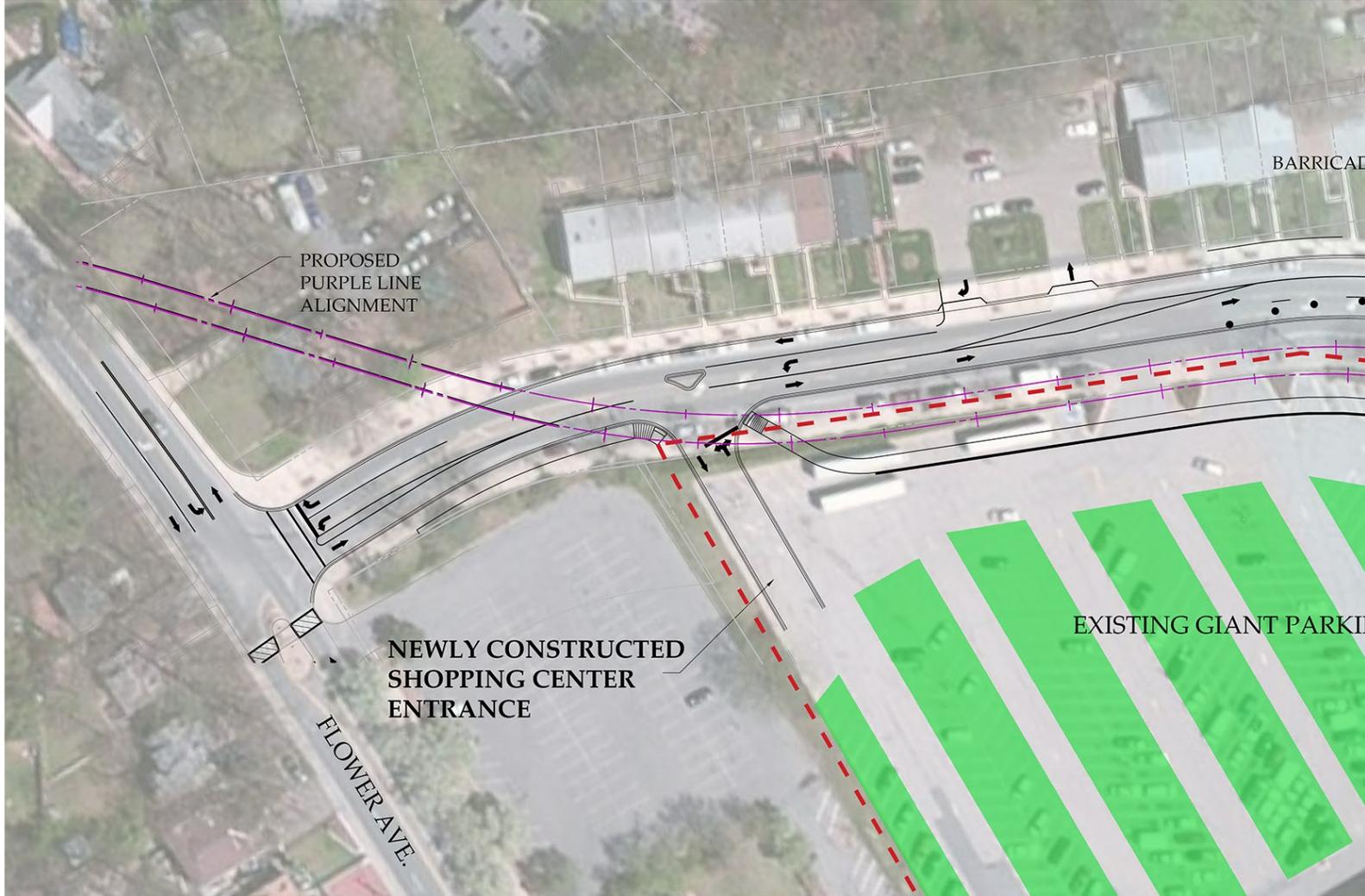
Truck Turning
Stag



	PROPOSED CONSTRUCTION STAGING AREA
	AUTOMOBILE AND TRUCK ROUTES
	AUTOMOBILE ONLY ROUTES

PATHS OF INGRESS

**PROPOSED STAGE 3 CONSTRUCTION
PURPLE LINE LIGHT RAIL**



8750 ARLISS ST.

	PROPOSED CONSTRUCTION STAGING AREA
	STORE FRONT PARKING TO REMAIN
	OTHER EXISTING PARKING TO REMAIN
	EXISTING PROPERTY LINE
EXISTING SPACES IN RETAIL CENTER - 372	
SPACES LOST DURING STAGE 3 CONSTRUCTION - 46	
TOTAL PARKING SPACES REMAINING - 328	
STORE FRONT PARKING SPACES REMAINING - 253	
* PARKING COUNTS DO NOT INCLUDE CART KEEPERS	

PROPOSED STAGE 3 CONSTRUCTION - PURPLE LINE LIGHT RAIL PARKING TOTALS

DATE: OCTOBER 17, 2013

Entering through Northern Entrance

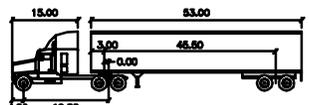
TRUCKS ENTERING THROUGH NORTHERN ENTRANCE WILL IMPACT PROPOSED CURB ISLAND OR CHANNELIZING DEVICE



LEGEND

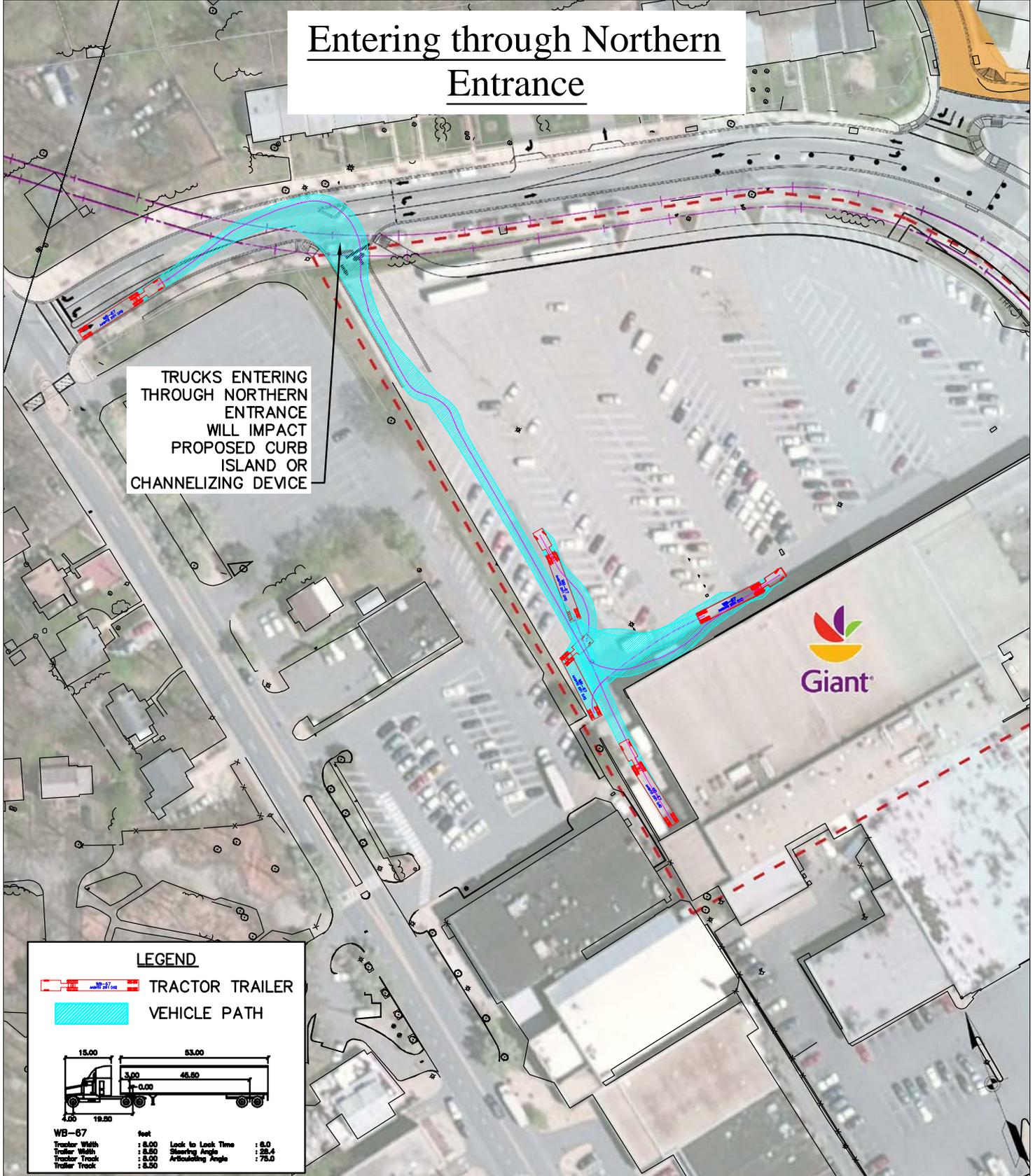
 TRACTOR TRAILER

 VEHICLE PATH



WB-67

Tractor Width	: 8.00	Lock to Lock Time	: 8.0
Trailer Width	: 8.50	Steering Angle	: 28.4
Tractor Track	: 8.00	Articulating Angle	: 75.0
Trailer Track	: 8.50		



Exiting through Northern Entrance

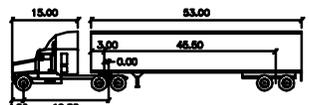
UNDER PROPOSED FINAL CONDITIONS AT THE ENTRANCE, EXITING VEHICLES MAY ONLY TURN RIGHT.



LEGEND

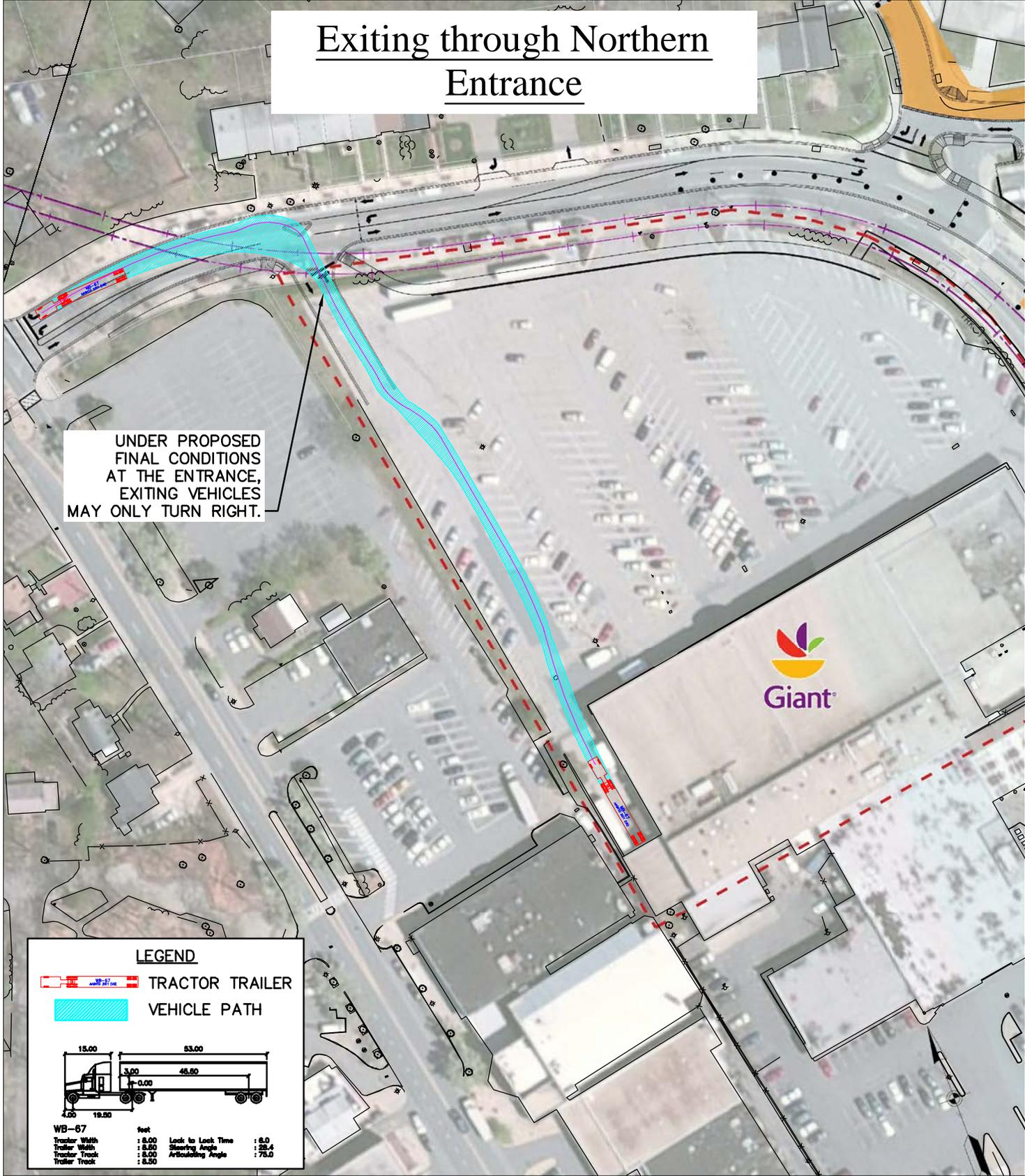
 TRACTOR TRAILER

 VEHICLE PATH



WB-67

Tractor Width	: 8.00	Lock to Lock Time	: 8.0
Trailer Width	: 8.50	Steering Angle	: 28.4
Tractor Track	: 8.00	Articulating Angle	: 75.0
Trailer Track	: 8.50		





	PROPOSED CONSTRUCTION STAGING AREA
	AUTOMOBILE AND TRUCK ROUTES

PATHS OF INGRESS

PROPOSED STAGE 4 CONSTRUCTION
PURPLE LINE LIGHT RAIL



8750 ARLISS ST.

	PROPOSED CONSTRUCTION STAGING AREA
	STORE FRONT PARKING TO REMAIN
	OTHER EXISTING PARKING TO REMAIN
	EXISTING PROPERTY LINE
EXISTING SPACES IN RETAIL CENTER - 372	
SPACES LOST DURING STAGE 4 CONSTRUCTION - 89	
TOTAL PARKING SPACES REMAINING - 283	
STORE FRONT PARKING SPACES REMAINING - 241	
* PARKING COUNTS DO NOT INCLUDE CART KEEPERS	

**PROPOSED STAGE 4 CONSTRUCTION - PURPLE LINE LIGHT RAIL
PARKING TOTALS**

DATE: OCTOBER 17, 2013

Entering through Northern Entrance

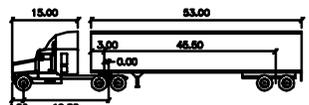
TRUCKS ENTERING THROUGH NORTHERN ENTRANCE FROM EITHER DIRECTION ON ARLISS ST WILL IMPACT PROPOSED CURB ISLAND OR CHANNELIZING DEVICE



LEGEND

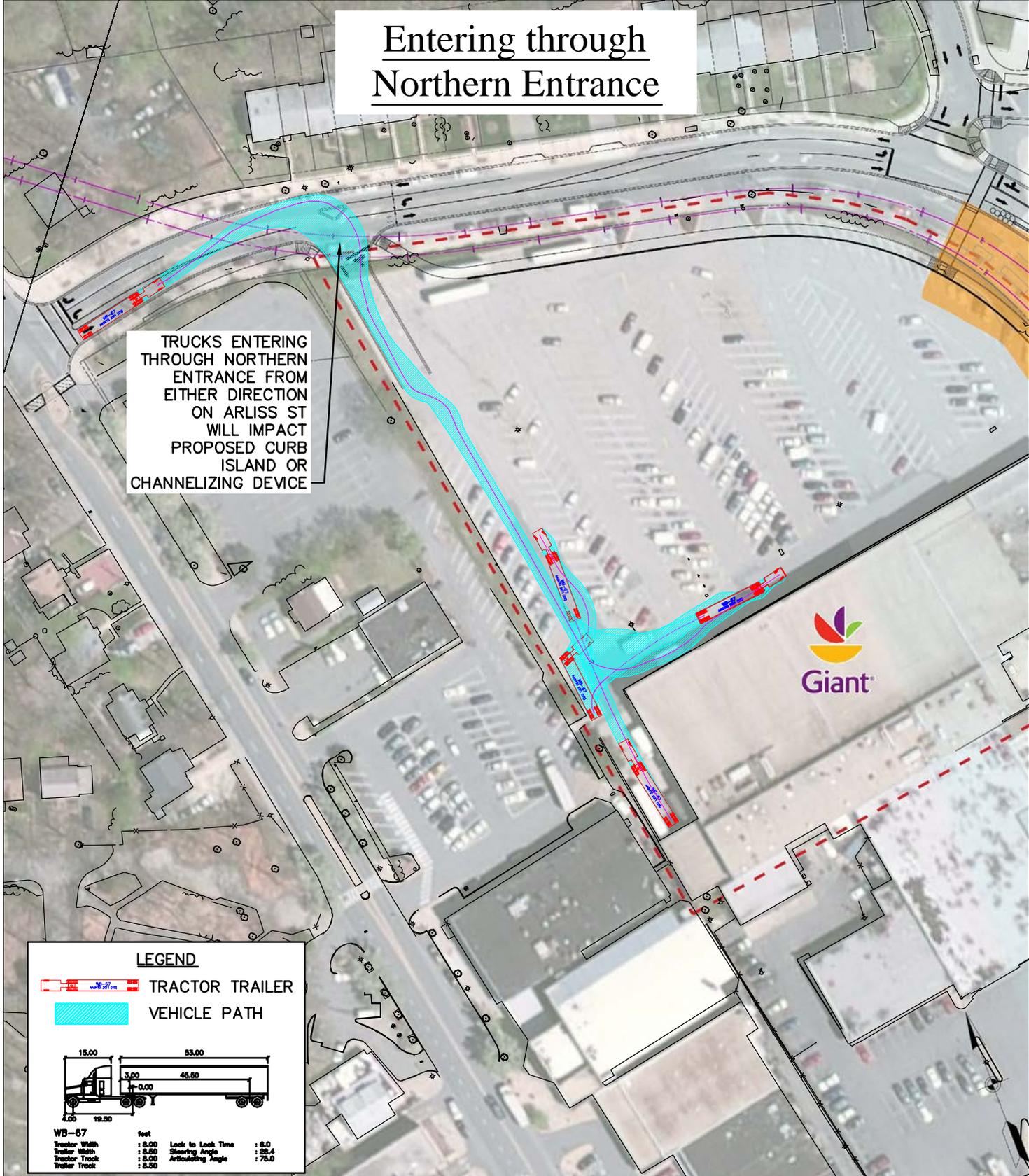
 TRACTOR TRAILER

 VEHICLE PATH



WB-67

Tractor Width	: 8.00	Lock to Lock Time	: 8.0
Trailer Width	: 8.50	Steering Angle	: 28.4
Tractor Track	: 8.00	Articulating Angle	: 75.0
Trailer Track	: 8.50		



Exiting through Northern Entrance

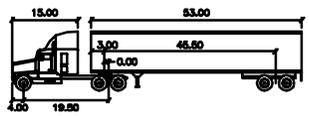
TRUCKS EXITING THROUGH NORTHERN ENTRANCE WILL IMPACT PROPOSED CURB ISLAND OR CHANNELIZING DEVICE



LEGEND

 TRACTOR TRAILER

 VEHICLE PATH



WB-67

Tractor Width	: 8.00	Lock to Lock Time	: 8.0
Trailer Width	: 8.50	Steering Angle	: 28.4
Tractor Track	: 8.00	Articulating Angle	: 75.0
Trailer Track	: 8.50		

Entering through Existing Gas Station

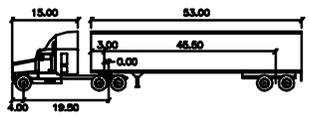
TEMPORARY DRIVE AISLE WIDTH DOES NOT ALLOW FOR TWO-WAY TRAFFIC



LEGEND

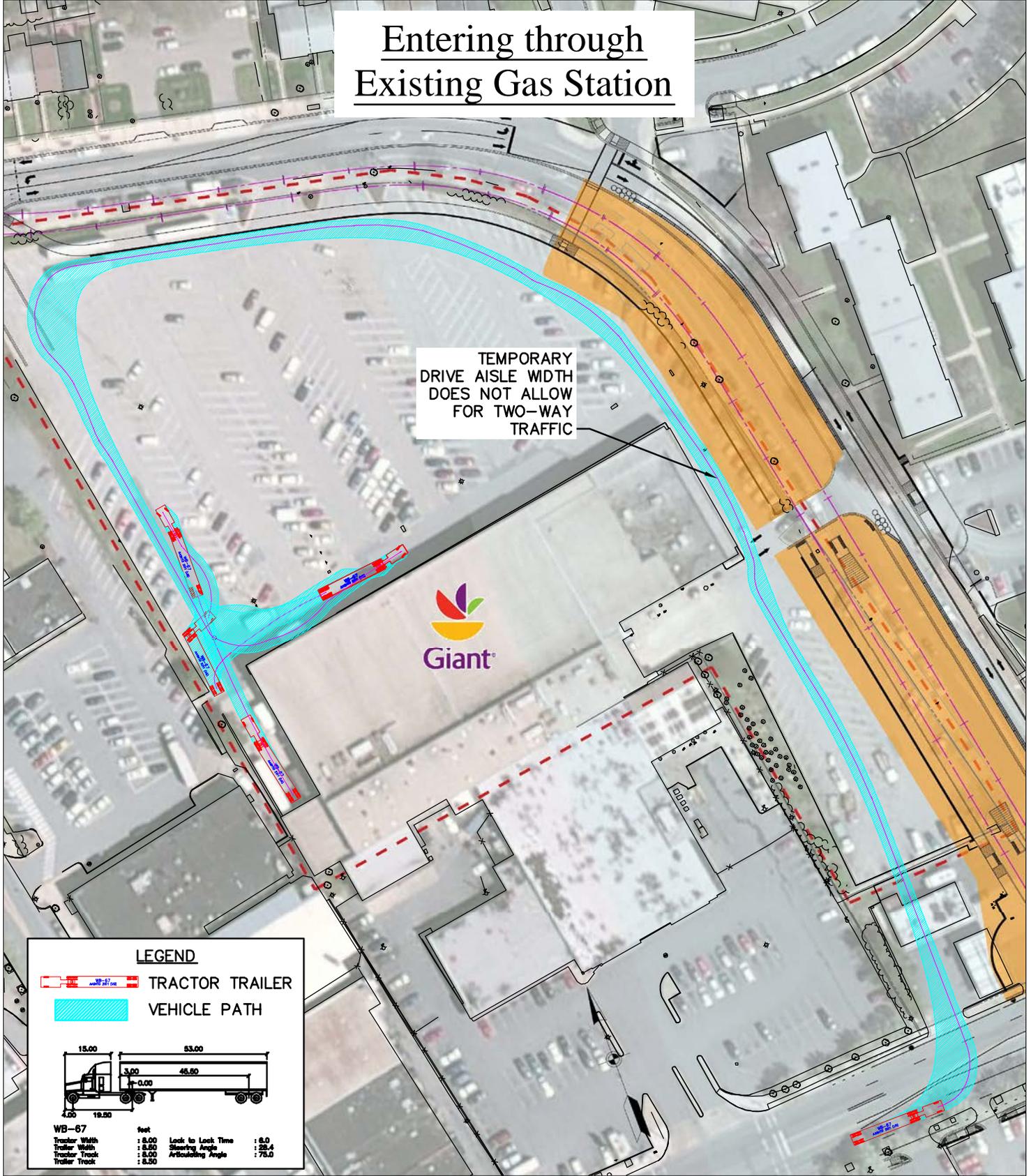
 TRACTOR TRAILER

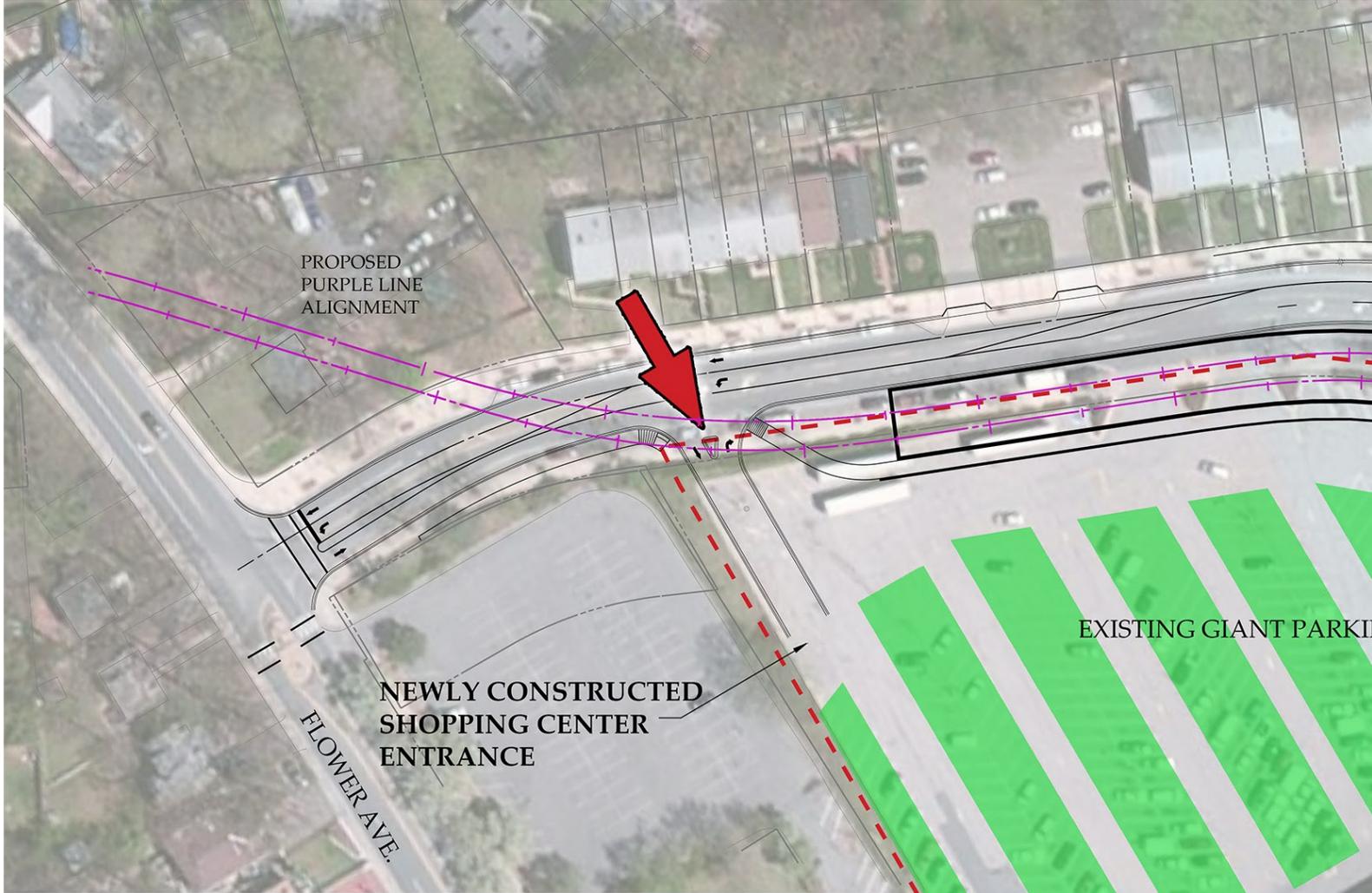
 VEHICLE PATH



WB-67

Tractor Width	: 8.00	Lock to Lock Time	: 8.0
Trailer Width	: 8.50	Steering Angle	: 28.4
Tractor Track	: 8.00	Articulating Angle	: 75.0
Trailer Track	: 8.50		





PROPOSED
PURPLE LINE
ALIGNMENT

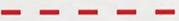


NEWLY CONSTRUCTED
SHOPPING CENTER
ENTRANCE

FLOWER AVE.

EXISTING GIANT PARKING

8750 ARLISS ST.

	REMAINING STORE FRONT PARKING
	REMAINING OTHER PARKING
	EXISTING PROPERTY LINE
EXISTING SPACES IN RETAIL CENTER - 372	
SPACES LOST AFTER FINAL CONSTRUCTION - 86	
TOTAL PARKING SPACES REMAINING - 286	
STORE FRONT PARKING SPACES REMAINING - 244	
* PARKING COUNTS DO NOT INCLUDE CART KEEPERS	

**PROPOSED FINAL CONDITIONS - PURPLE LINE LIGHT RAIL
PARKING TOTALS**

DATE: OCTOBER 17, 2013

EXHIBIT C

MEMORANDUM

TO: Theresa White
Washington Real Estate Investment Trust

FROM: Edward Y. Papazian, P.E. *EYP*
Danielle McCray, P.E. *DRM*
Andrew Smith, EIT *ATS*

DATE: October 17, 2013

SUBJECT: **8750 Arliss Street**
Traffic Signal Warrant Evaluation

■
Suite 400
11400 Commerce Park Drive
Reston, Virginia
20191

INTRODUCTION

This memorandum serves as an evaluation for a traffic signal at the new south entrance to service the retail center at 8750 Arliss Street (the “Shopping Center”). This evaluation is being performed as a result of changes to vehicle access proposed as part of the Purple Line.

The 8750 Arliss Street retail center is located along the west side of Arliss Street in the Takoma Park area. The development contains approximately 51,000 square feet of retail space, which includes a Giant Food store and a Capital One Bank and beauty school. The center’s frontage along Arliss Street extends from just east of Flower Avenue to just north of Piney Branch Road. The Maryland Transit Administration (MTA) is evaluating options for the Purple Line along Arliss Street along the property frontage. As part of the Purple Line, changes will be made to the vehicle access for the retail center. **Figure 1** shows the site location.

EXISTING AND FUTURE VEHICLE ACCESS AND LANE DESIGNATIONS

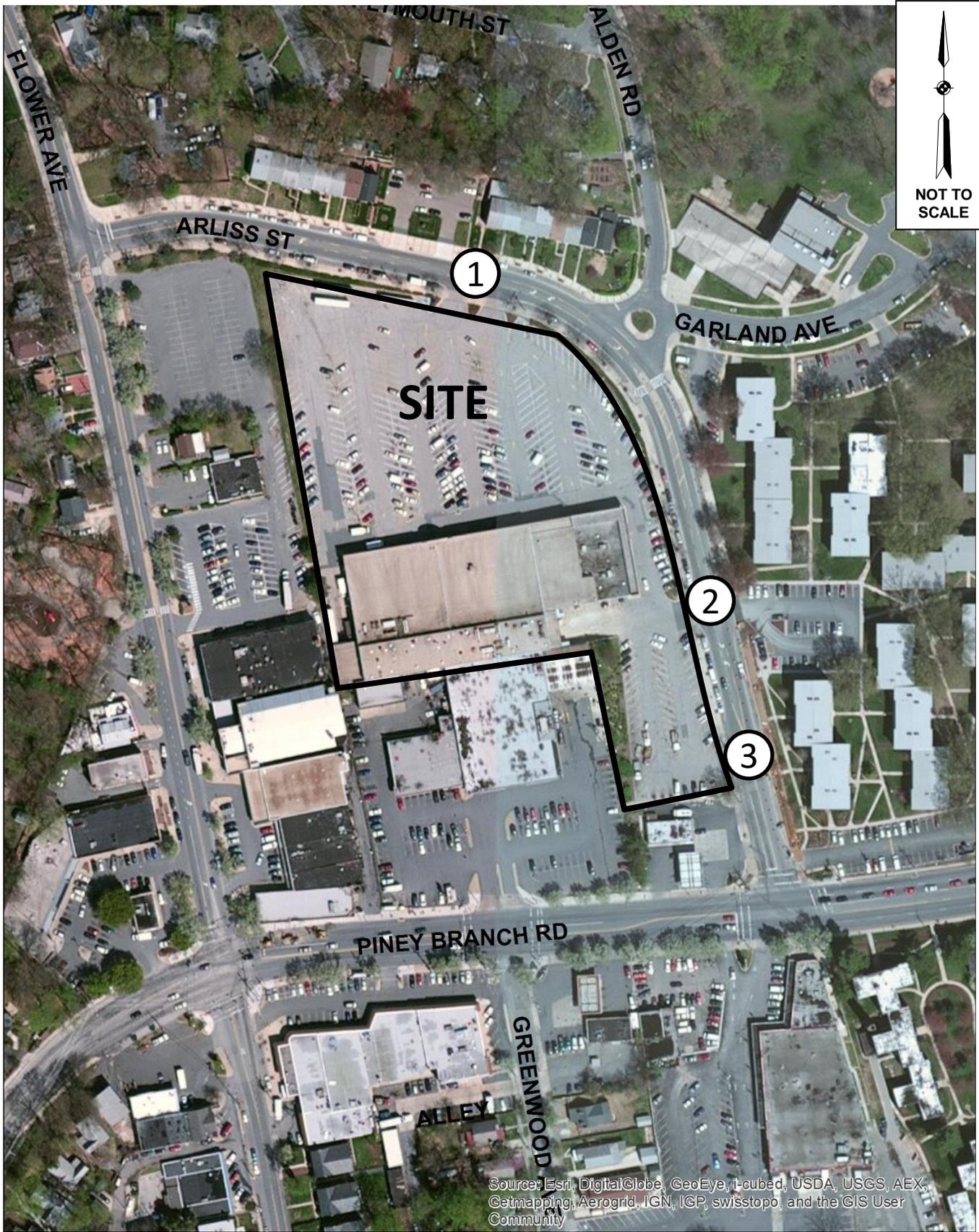
Currently, there are two access points and one auxiliary access point along Arliss Street that serve the retail center. These are labeled 1, 2, and 3 on **Figure 1**. To the north of the property, Driveway 1 provides full movement and has a single lane for entering and a single lane for exiting traffic, separated by a median. To the south of the property, Driveway 2 provides full movement with a single lane for entering and exiting traffic. Driveway 3 provides access to the retail center parking lot on the south side of the property and provides full vehicle movement. Existing lane designations and permitted turning movements at these driveways are shown in **Figure 2**.

The proposed Arliss Street alignment plan is contained within the submitted Final Environmental Impact Statement (FEIS) for the Purple Line. Two entrances to the retail

center are proposed as a part of this plan. The proposed North Entrance will be reconstructed approximately 250 feet west of the existing entrance (labeled Driveway 1 in **Figures 1 and 2**), and will permit left and right turns in and right turns out only. The proposed South Entrance will be reconstructed in approximately the same location as the existing primary South Entrance (labeled Driveway 2 in **Figures 1 and 2**), but will no longer be located directly across from the entrance to the private lot. The South Entrance will permit left and right turns out and right turns in only. The third driveway will be eliminated. This South Entrance is the subject of this signal warrant evaluation. Proposed lane designations and permitted turning movements are shown in **Figure 3**.

Future lane designations at the proposed South Entrance used for this analysis are the same as the proposed geometry in the FEIS plans. However, a northbound left turn lane is recommended to accommodate entering traffic at the South Entrance. This modification will eliminate the requirement that all northbound traffic enter the Shopping Center at only the North Entrance. The North Entrance is not visible to northbound drivers along Arliss Street due to topographic conditions.

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Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

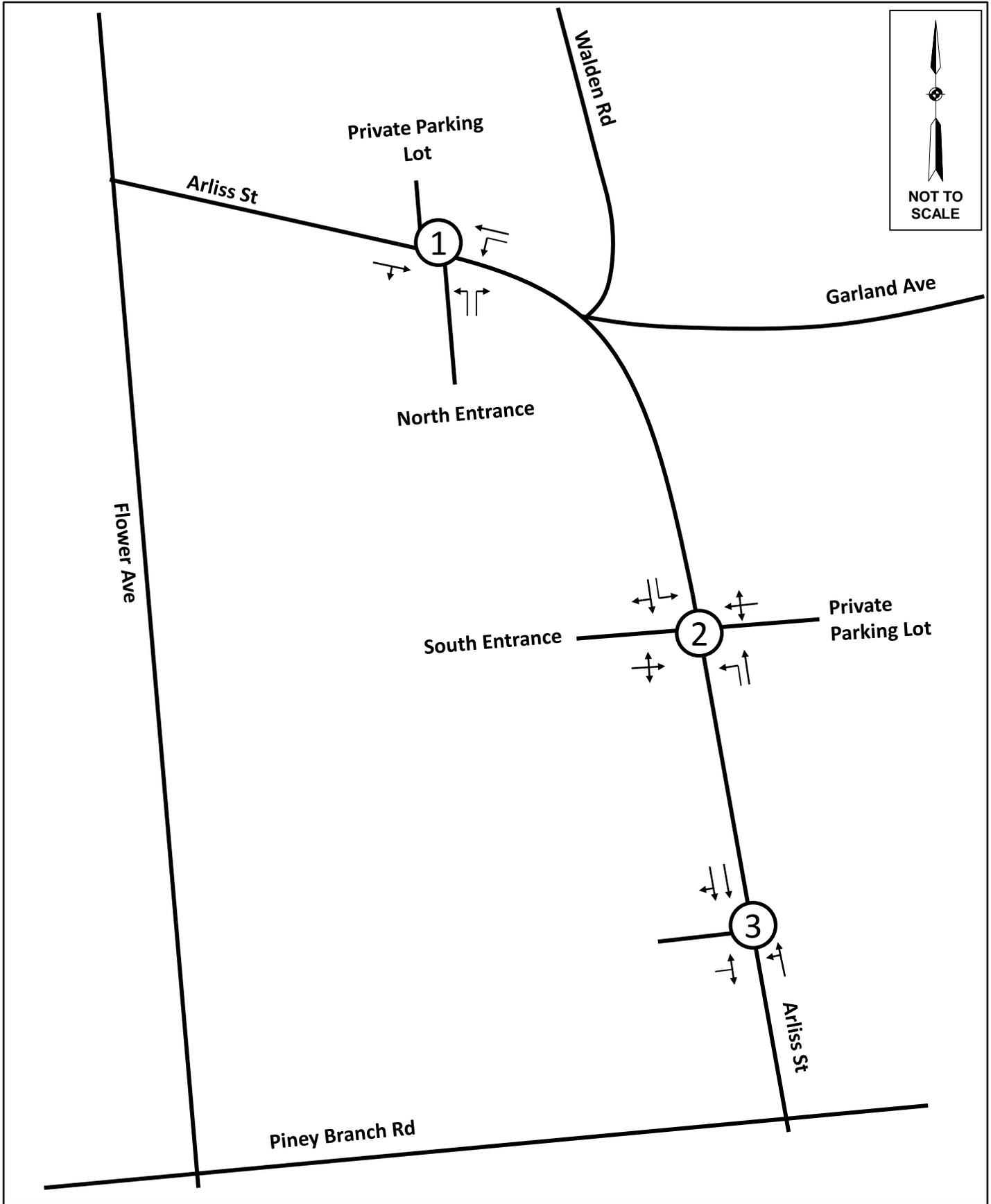


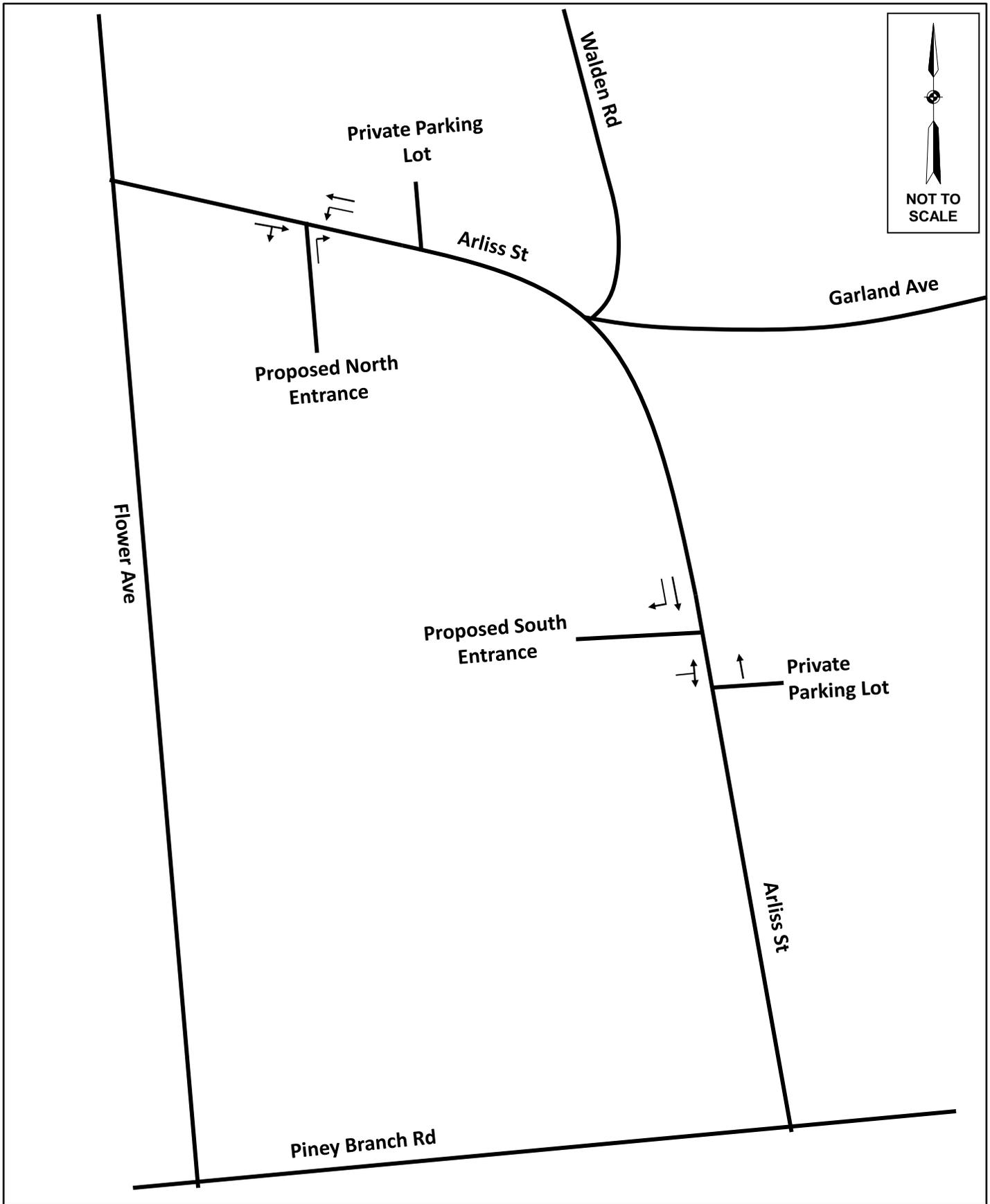
Kimley-Horn
and Associates, Inc.

Site Vicinity Map

Arliss Street, Takoma Park, Maryland

Figure 1





TRAFFIC VOLUMES

Traffic volumes used in this evaluation include the following components:

- Existing 2013 turning movement traffic counts
- Redistributed existing traffic volumes

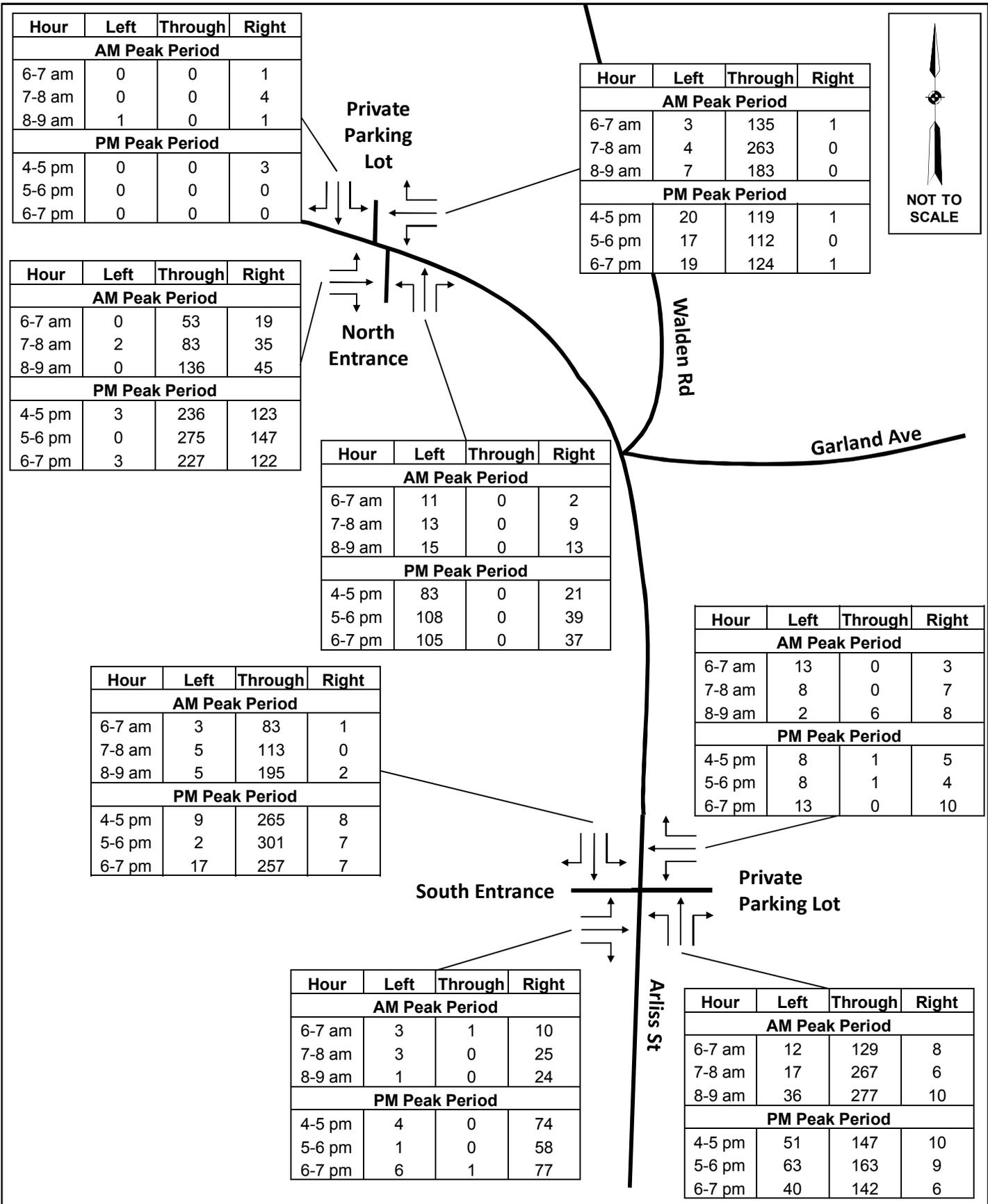
Existing Traffic Volumes

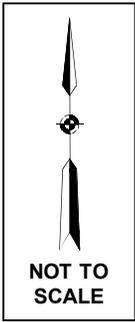
Traffic volume data used in this evaluation was obtained from the MTA. These include turning movement counts at existing Driveways 1 and 2 conducted during the AM and PM commuter peak hours. Traffic counts were not available for Driveway 3.

Traffic counts were obtained on Thursday, February 28th, 2013 between 6:00 AM to 9:00 AM and between 4:00 PM to 7:00 PM. **Figure 4** shows the existing weekday hourly traffic volumes for the morning and evening commuter peak periods.

Redistributed Traffic Volumes

Redistributed traffic volume represents traffic patterns that will occur once proposed construction of the Purple Line is completed. Existing traffic volumes were redistributed based on the planned geometric changes and permitted turning movements illustrated in **Figure 3**. The existing left turn exiting movement from the proposed North Entrance will be prohibited in the future conditions. That turning movement volume was redistributed to the exiting left turn from the South Entrance. The northbound left turn entering volume at the South Entrance will be prohibited in the future conditions. That turning movement volume was redistributed to the entering left turn movement at the North Entrance. In addition, the existing through movement entering the retail center at the South Entrance was redistributed to the entering left turn movement at the North Entrance. **Figure 5** shows the redistributed traffic at both intersections.





Hour	Left	Through	Right
AM Peak Period			
6-7 am	15	147	0
7-8 am	21	280	0
8-9 am	49	199	0
PM Peak Period			
4-5 pm	72	205	0
5-6 pm	81	220	0
6-7 pm	59	229	0

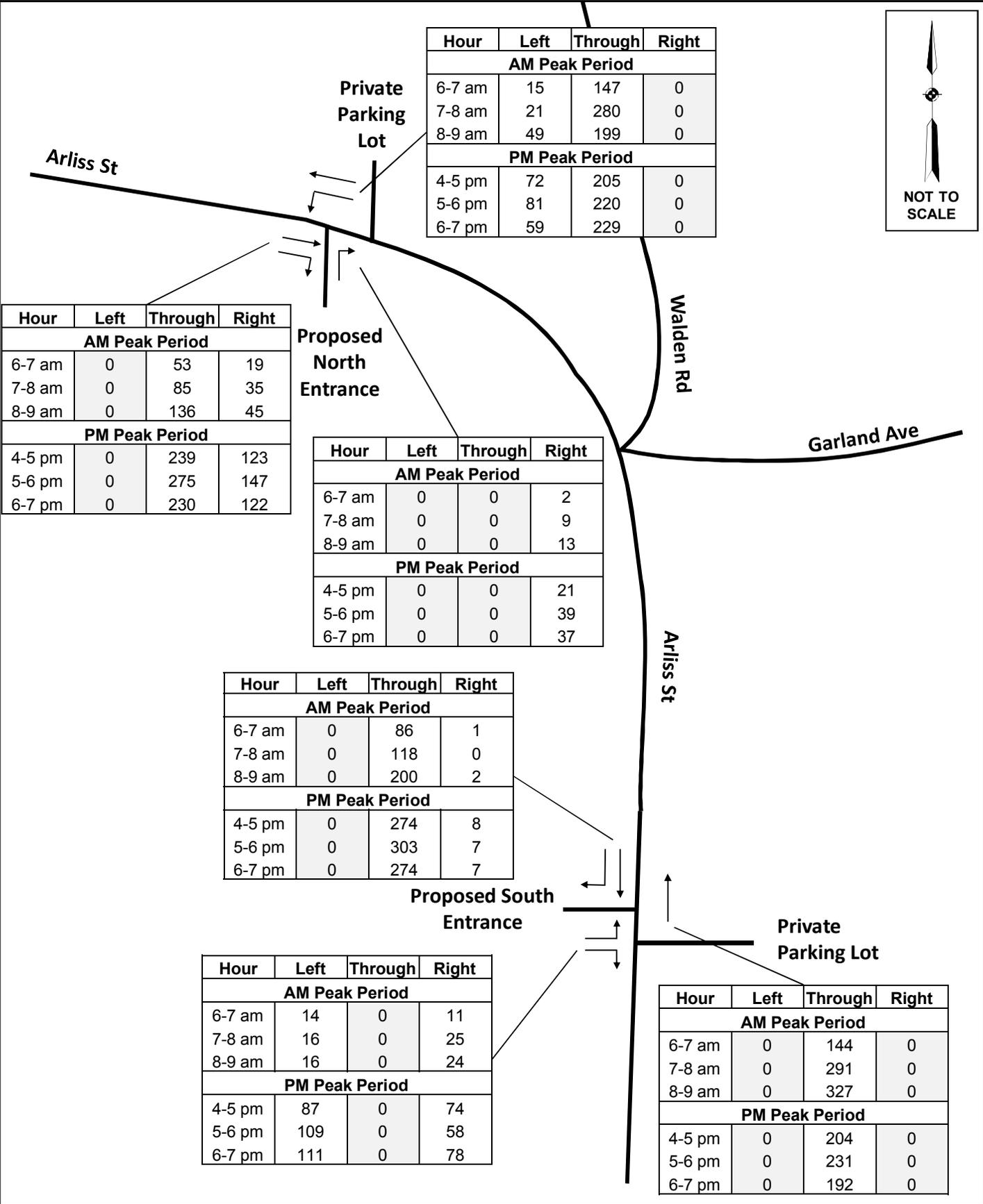
Hour	Left	Through	Right
AM Peak Period			
6-7 am	0	53	19
7-8 am	0	85	35
8-9 am	0	136	45
PM Peak Period			
4-5 pm	0	239	123
5-6 pm	0	275	147
6-7 pm	0	230	122

Hour	Left	Through	Right
AM Peak Period			
6-7 am	0	0	2
7-8 am	0	0	9
8-9 am	0	0	13
PM Peak Period			
4-5 pm	0	0	21
5-6 pm	0	0	39
6-7 pm	0	0	37

Hour	Left	Through	Right
AM Peak Period			
6-7 am	0	86	1
7-8 am	0	118	0
8-9 am	0	200	2
PM Peak Period			
4-5 pm	0	274	8
5-6 pm	0	303	7
6-7 pm	0	274	7

Hour	Left	Through	Right
AM Peak Period			
6-7 am	14	0	11
7-8 am	16	0	25
8-9 am	16	0	24
PM Peak Period			
4-5 pm	87	0	74
5-6 pm	109	0	58
6-7 pm	111	0	78

Hour	Left	Through	Right
AM Peak Period			
6-7 am	0	144	0
7-8 am	0	291	0
8-9 am	0	327	0
PM Peak Period			
4-5 pm	0	204	0
5-6 pm	0	231	0
6-7 pm	0	192	0



SIGNAL WARRANT EVALUATION

The following sections of this memorandum describe the signal warrant evaluation conducted for the intersection at Arliss Street and the proposed South Entrance.

Warrants

The Manual on Uniform Traffic Control Devices (MUTCD) outlines nine traffic signal warrants that consider factors related to the operation and safety at a potential intersection location. The nine traffic signal warrants are:

- Warrant 1, Eight-Hour Vehicular Volume.
- Warrant 2, Four-Hour Vehicular Volume.
- Warrant 3, Peak Hour.
- Warrant 4, Pedestrian Volume.
- Warrant 5, School Crossing.
- Warrant 6, Coordinated Signal System.
- Warrant 7, Crash Experience.
- Warrant 8, Roadway Network.
- Warrant 9, Intersection Near a Grade Crossing.

Due to the limited availability of data, a detailed analysis was not completed for each warrant. Review of the peak period traffic count data does not suggest that vehicular volume may support the conventional Eight-Hour, Four-Hour, nor Peak Hour Warrants. However, given the location of the planned Purple Line at grade crossing adjacent to the South Entrance, further investigation was conducted to evaluate potential need for a signal.

Evaluation of Signal Warrant 9 – Intersection Near a Grade Crossing

This warrant is intended for use at a location where none of the conditions in the other eight traffic signal warrants are met, but the proximity to the intersection of a grade crossing on an intersection approach controlled by a STOP or YIELD sign is the principal reason to consider installing a traffic control signal. Therefore, a traffic signal warrant analysis was performed for the intersection of Arliss Street and the South Entrance. Arliss Street is considered the major approach with one right turn lane and one through lane on the southbound approach and one through lane in the northbound direction. It is oriented north-south at this intersection. All northbound and southbound traffic volumes were included in the analysis of signal warrants. The South Entrance is considered the minor approach with a single exit lane that accommodates left and right turns. **Figure 6** is a schematic that shows the South Entrance and the at-grade crossing of the Purple Line tracks.

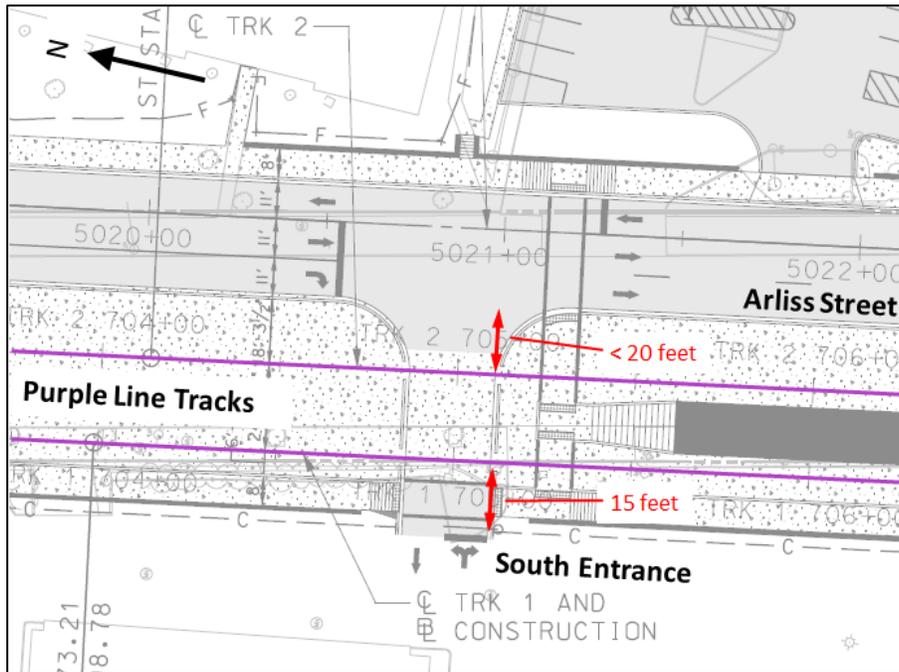


Figure 6: Schematic of South Entrance and Purple Line Tracks

Alternatives Considered

According to the MUTCD (Section 4C.10), this signal warrant should be applied only after adequate consideration has been given to other alternatives or after a trial of an alternative has failed to alleviate the safety concerns associated with the grade crossing. Among the alternatives that should be considered are:

- Providing additional pavement that would enable vehicles to clear the track or that would provide space for an evasive maneuver, or
- Reassigning the stop controls at the intersection to make the approach across the track a non-stopping approach.

Neither of the alternatives identified are feasible for this intersection. Conceptual preliminary engineering drawings of the Purple Line Light Rail show no opportunity for additional pavement near the grade crossing at the driveway. Stop controls are not reasonable on either approach of Arliss Street because of the volume of traffic in both directions.

Warrant Condition

The need for a traffic control signal shall be considered if both of the following criteria are met.

Condition A

Condition A is met if the grade crossing exists on an approach controlled by a STOP or YIELD sign and the center of the track nearest to the intersection is within 140 feet of the stop line or yield line on the approach.

Preliminary plans show a stop bar within 15 feet of the tracks on the shopping center side of

the grade crossing. Plans do not show a stop bar on the other side between the rail crossing and Arliss Street. However, given the necessary sight distance a motorist will require in order to make a turn from the driveway, it is expected that another stop bar closer to the intersection would be necessary. The available distance between the rail crossing and Arliss Street is less than 20 feet. Since this distance is significantly less than the minimum 140 feet between the stop line and the center of the tracks nearest the intersection, Condition A is met for the intersection.

Condition B

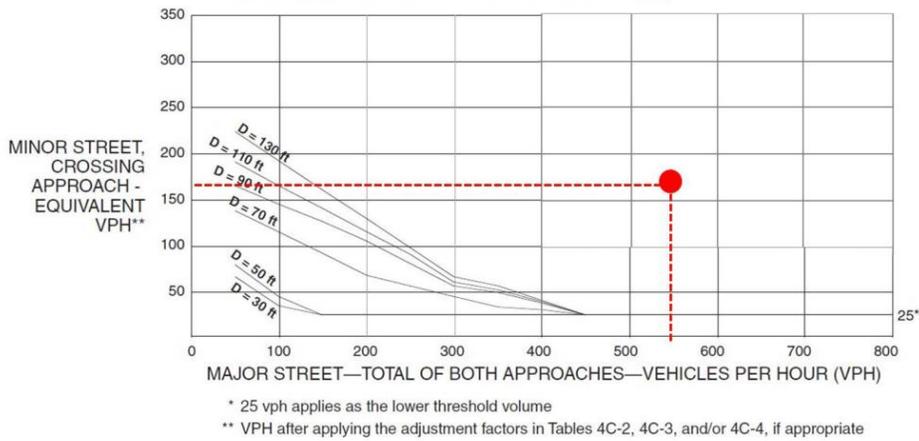
Condition B is met if, during the highest traffic volume hour during which rail traffic uses the crossing, the plotted point representing the vehicles per hour on the major street (total of both approaches) and the corresponding vehicles per hour on the minor-street approach that crosses the track (one direction only, approaching the intersection) falls above the applicable curve in Figure 4C-9 for the existing combination of approach lanes over the track and the distance D which is the clear storage distance. In this case, the clear storage distance is defined as the distance available for vehicle storage measured between six feet from the rail nearest the intersection to the intersection stop line or normal stopping point on the roadway. As mentioned in the previous paragraph, the available distance between the intersection and the rail crossing is less than 20 feet. The curve with lowest value for D is 30 feet, so this curve was used for the evaluation.

The major and minor street peak period redistributed volumes are shown in **Table 1**. Rail traffic volume data was not available for this evaluation, therefore the highest traffic volume hour data was used for the analysis. The highest traffic volume hour occurs between 5:00PM and 6:00PM. Major street volume (both directions of Arliss Street) and minor street volumes (South Entrance) were plotted as shown in **Figure 7**. With a major street volume of 541 vehicles per hour and a minor street volume of 167 vehicles per hour, the resulting point is well above the curve for the minimum distance D of 30 feet for clear storage. The highest traffic volume hour meets the requirements for Condition B.

Chapter 8 of the MUTCD describes the traffic control for light rail transit grade crossings similar to the planned Purple Line grade crossing at the South Entrance. Because of the number of variables to consider, no single standard system of traffic control devices is universally applicable for all light rail transit grade crossings. For safety, coordination, and integrity of operations by all users, traffic control devices and practices should be consistent with the design and application of standards documented in the MUTCD.

The appendix contains the appropriate excerpts from the 2009 MUTCD including a description of Warrant 9 (Section 4C.10) and standard practices at Highway-LRT Grade Crossings (Section 8A.03).

Table 1: Hourly Major and Minor Approach Volumes (Vehicles per Hour)		
<i>Hour Start Time</i>	<i>Total Redistributed Volume</i>	
	<i>Major Street (Arlliss)</i>	<i>Minor Street (Entrance)</i>
AM Peak Period		
6:00 AM	231	25
7:00 AM	409	41
8:00 AM	529	40
PM Peak Period		
4:00 PM	486	161
5:00 PM	541	167
6:00 PM	473	189



**Figure 7: Warrant 9, Intersection Near a Grade Crossing
(One Approach Lane at the Track Crossing)
(Source: 2009 MUTCD)**

CONCLUSIONS

As a result of this study, it is concluded that Signal Warrant 9, “Intersection Near a Grade Crossing,” is met for the intersection of Arliss Street and the proposed South Entrance. Conditions are satisfied under existing volumes redistributed as planned with the implementation of the Purple Line Light Rail.

Future lane designations at the proposed South Entrance used for this analysis are the same as the proposed geometry in the FEIS plans. However, a northbound left turn lane is recommended to accommodate entering traffic at the South Entrance. This modification will eliminate the requirement that all northbound traffic enter the Shopping Center at only the North Entrance. The North Entrance is not visible to northbound drivers along Arliss Street due to topographic conditions. The findings of the signal warrant analysis will remain the same if left turns entering the retail center were permitted at the South Entrance.

Appendix

Section 4C.10 Warrant 9, Intersection Near a Grade Crossing

Support:

01 The Intersection Near a Grade Crossing signal warrant is intended for use at a location where none of the conditions described in the other eight traffic signal warrants are met, but the proximity to the intersection of a grade crossing on an intersection approach controlled by a STOP or YIELD sign is the principal reason to consider installing a traffic control signal.

Guidance:

02 This signal warrant should be applied only after adequate consideration has been given to other alternatives or after a trial of an alternative has failed to alleviate the safety concerns associated with the grade crossing. Among the alternatives that should be considered or tried are:

- A. Providing additional pavement that would enable vehicles to clear the track or that would provide space for an evasive maneuver, or
- B. Reassigning the stop controls at the intersection to make the approach across the track a non-stopping approach.

Standard:

03 The need for a traffic control signal shall be considered if an engineering study finds that both of the following criteria are met:

- A. A grade crossing exists on an approach controlled by a STOP or YIELD sign and the center of the track nearest to the intersection is within 140 feet of the stop line or yield line on the approach; and
- B. During the highest traffic volume hour during which rail traffic uses the crossing, the plotted point representing the vehicles per hour on the major street (total of both approaches) and the corresponding vehicles per hour on the minor-street approach that crosses the track (one direction only, approaching the intersection) falls above the applicable curve in [Figure 4C-9](#) or [4C-10](#) for the existing combination of approach lanes over the track and the distance D, which is the clear storage distance as defined in [Section 1A.13](#).

Figure 4C-9 Warrant 9, Intersection Near a Grade Crossing (One Approach Lane at the Track Crossing)

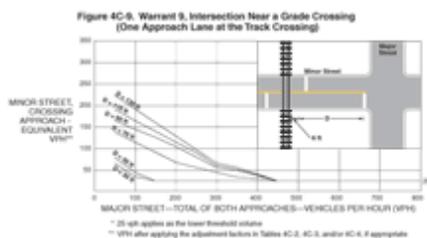
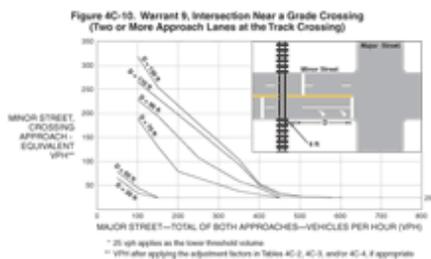


Figure 4C-10 Warrant 9, Intersection Near a Grade Crossing (Two or More Approach Lanes at the Track Crossing)



Guidance:

04 The following considerations apply when plotting the traffic volume data on [Figure 4C-9](#) or [4C-10](#):

- A. [Figure 4C-9](#) should be used if there is only one lane approaching the intersection at the track crossing location and [Figure 4C-10](#) should be used if there are two or more lanes approaching the intersection at the track crossing location.
- B. After determining the actual distance *D*, the curve for the distance *D* that is nearest to the actual distance *D* should be used. For example, if the actual distance *D* is 95 feet, the plotted point should be compared to the curve for *D* = 90 feet.
- C. If the rail traffic arrival times are unknown, the highest traffic volume hour of the day should be used.

Option:

05 The minor-street approach volume may be multiplied by up to three adjustment factors as provided in [Paragraphs 6](#) through [8](#).

06 Because the curves are based on an average of four occurrences of rail traffic per day, the vehicles per hour on the minor-street approach may be multiplied by the adjustment factor shown in [Table 4C-2](#) for the appropriate number of occurrences of rail traffic per day.

Table 4C-2. Warrant 9, Adjustment Factor for Daily Frequency of Rail Traffic

Rail Traffic per Day	Adjustment Factor
1	0.67
2	0.91
3 to 5	1.00
6 to 8	1.18
9 to 11	1.25
12 or more	1.33

07 Because the curves are based on typical vehicle occupancy, if at least 2% of the vehicles crossing the track are buses carrying at least 20 people, the vehicles per hour on the minor-street approach may be multiplied by the adjustment factor shown in [Table 4C-3](#) for the appropriate percentage of high-occupancy buses.

Table 4C-3. Warrant 9, Adjustment Factor for Percentage of High-Occupancy Buses

% of High-Occupancy Buses* on Minor-Street Approach	Adjustment Factor
0%	1.00
2%	1.09
4%	1.19
6% or more	1.32

* A high-occupancy bus is defined as a bus occupied by at least 20 people.

08 Because the curves are based on tractor-trailer trucks comprising 10% of the vehicles crossing the track, the vehicles per hour on the minor-street approach may be multiplied by the adjustment factor shown in [Table 4C-4](#) for the appropriate distance and percentage of tractor-trailer trucks.

Table 4C-4. Warrant 9, Adjustment Factor for Percentage of Tractor-Trailer Trucks

% of Tractor-Trailer Trucks on Minor-Street Approach	Adjustment Factor	
	D less than 70 feet	D of 70 feet or more
0% to 2.5%	0.50	0.50
2.6% to 7.5%	0.75	0.75
7.6% to 12.5%	1.00	1.00
12.6% to 17.5%	2.30	1.15
17.6% to 22.5%	2.70	1.35
22.6% to 27.5%	3.28	1.64
More than 27.5%	4.18	2.09

Standard:

09 **If this warrant is met and a traffic control signal at the intersection is justified by an engineering study, then:**

- A. The traffic control signal shall have actuation on the minor street;**
- B. Preemption control shall be provided in accordance with [Sections 4D.27](#), [8C.09](#), and [8C.10](#); and**
- C. The grade crossing shall have flashing-light signals (see [Chapter 8C](#)).**

Guidance:

10 *If this warrant is met and a traffic control signal at the intersection is justified by an engineering study, the grade crossing should have automatic gates (see [Chapter 8C](#)).*

Section 8A.03 Use of Standard Devices, Systems, and Practices at Highway-LRT Grade Crossings

Support:

01 The combination of devices selected or installed at a specific highway-LRT grade crossing is referred to as a Light Rail Transit Traffic Control System.

02 Because of the large number of significant variables to be considered, no single standard system of traffic control devices is universally applicable for all highway-LRT grade crossings.

03 For the safety and integrity of operations by highway and LRT users, the highway agency with jurisdiction, the regulatory agency with statutory authority, if applicable, and the LRT authority jointly determine the need and selection of traffic control devices and the assignment of priority to LRT at a highway-LRT grade crossing.

04 The normal rules of the road and traffic control priority identified in the "Uniform Vehicle Code" govern the order assigned to the movement of vehicles at an intersection unless the local agency determines that it is appropriate to assign a higher priority to LRT. Examples of different types of LRT priority control include separate traffic control signal phases for LRT movements, restriction of movement of roadway vehicles in favor of LRT operations, and preemption of highway traffic signal control to accommodate LRT movements.

Guidance:

05 *The appropriate traffic control system to be used at a highway-LRT grade crossing should be determined by an engineering study conducted by the LRT or highway agency in cooperation with other appropriate State and local organizations.*

Standard:

06 Traffic control devices, systems, and practices shall be consistent with the design and application of the Standards contained in this Manual.

07 The traffic control devices, systems, and practices described in this Manual shall be used at all highway-LRT grade crossings.

08 Before any new highway-LRT grade crossing traffic control system is installed or before modifications are made to an existing system, approval shall be obtained from the highway agency with the jurisdictional and/or statutory authority, and from the LRT agency.

Guidance:

09 *To stimulate effective responses from road users, these devices, systems, and practices should use the five basic considerations employed generally for traffic control devices and described fully in [Section 1A.02](#): design, placement, operation, maintenance, and uniformity.*

Support:

10 Many other details of highway-LRT grade crossing traffic control systems that are not set forth in [Part 8](#) are contained in the publications listed in [Section 1A.11](#).

Standard:

11 Highway-LRT grade crossings in semi-exclusive alignments shall be equipped with a combination of automatic gates and flashing-light signals, or flashing-light signals only, or traffic control signals, unless an engineering study indicates that the use of Crossbuck Assemblies, STOP signs, or YIELD signs alone would be adequate.

Option:

12 Highway-LRT grade crossings in mixed-use alignments may be equipped with traffic control signals unless an engineering study indicates that the use of Crossbuck Assemblies, STOP signs, or YIELD signs alone would be adequate.

Support:

13 [Sections 8B.03](#) and [8B.04](#) contain provisions regarding the use and placement of Crossbuck signs and Crossbuck Assemblies. [Section 8B.05](#) describes the appropriate conditions for the use of STOP or YIELD signs alone at a highway-LRT grade crossing. [Sections 8C.10](#) and [8C.11](#) contain provisions regarding the use of traffic control signals at highway-LRT grade crossings.

Maryland State Highway Administration
Highway Information Services Division
Turning Counts Study - Field Sheet

Request No.:
Job No.:

Location: Arliss St at Shopping Center Entrance (North)
Date: 2/28/2013 Thursday
Recorder: SB/GB
Interval (dd): 15
(In Minutes)

County: MONTGOMERY
Town: SILVER SPRING
Weather: CLEAR

PEAK HOURS	AM PERIOD 6:00AM-12:00PM	Start 07:45	End 08:45	Volume 480	PM PERIOD 12:00PM-7:00PM	Start 17:00	End 18:00	Volume 698
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Street Name--> HOURLY ENDING	Arliss St From North				Arliss St From South				Private Parking Lot From East				Shopping Center Ent (North) From West				GRAND TOTAL
	L	T	R	TOT	L	T	R	TOT	L	T	R	TOT	L	T	R	TOT	
00:15				0					0								0
00:30				0					0								0
00:45				0					0								0
01:00				0					0								0
01:15				0					0								0
01:30				0					0								0
01:45				0					0								0
02:00				0					0								0
02:15				0					0								0
02:30				0					0								0
02:45				0					0								0
03:00				0					0								0
03:15				0					0								0
03:30				0					0								0
03:45				0					0								0
04:00				0					0								0
04:15				0					0								0
04:30				0					0								0
04:45				0					0								0
05:00				0					0								0
05:15				0					0								0
05:30				0					0								0
05:45				0					0								0
06:00				0					0								0
06:15	0	13	5	18	0	33	0	33	0	0	1	1	2	0	0	2	54
06:30	0	10	2	12	0	29	1	30	0	0	0	3	0	1	4	46	46
06:45	0	9	4	13	0	37	0	37	0	0	0	2	0	0	2	52	52
07:00	0	21	8	29	3	36	0	39	0	0	0	4	0	1	5	73	73
07:15	0	14	9	23	0	54	0	54	0	2	2	2	4	3	5	84	84
07:30	1	18	9	28	1	55	0	56	0	1	1	3	0	3	6	91	91
07:45	0	19	7	26	1	85	0	86	0	1	1	3	0	2	5	118	118
08:00	1	32	10	43	2	69	0	71	0	0	0	5	0	1	6	120	120
08:15	0	36	13	49	2	66	0	68	0	0	0	2	0	6	8	125	125
08:30	0	29	8	37	1	61	0	62	1	0	1	7	0	2	9	109	109
08:45	0	43	12	55	4	56	0	60	0	0	1	6	0	5	11	126	126
09:00	0	28	12	40	0	0	0	0	0	1	1	0	0	0	0	41	41
09:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16:15	1	66	21	88	4	30	0	34	0	1	1	20	0	3	23	146	146
16:30	2	42	25	69	5	35	0	40	0	0	0	21	0	5	26	135	135
16:45	0	68	45	113	5	26	1	32	0	0	2	18	0	5	23	170	170
17:00	0	60	32	92	6	28	0	34	0	0	0	24	0	8	32	158	158
17:15	0	80	36	116	3	34	0	37	0	0	0	34	0	11	45	198	198
17:30	0	65	38	103	2	24	0	26	0	0	0	25	0	9	34	163	163
17:45	0	66	36	102	3	33	0	36	0	0	0	25	0	5	30	168	168
18:00	0	64	37	101	9	21	0	30	0	0	0	24	9	14	38	169	169
18:15	1	61	32	94	3	38	1	42	0	0	0	31	0	19	50	186	186
18:30	1	65	32	98	2	29	0	31	0	0	0	23	0	9	32	161	161
18:45	0	49	28	77	8	28	0	36	0	0	0	25	0	5	30	143	143
19:00	1	52	30	83	6	29	0	35	0	0	0	26	0	4	30	148	148
19:15				0				0				0				0	0
19:30				0				0				0				0	0
19:45				0				0				0				0	0
20:00				0				0				0				0	0
20:15				0				0				0				0	0
20:30				0				0				0				0	0
20:45				0				0				0				0	0
21:00				0				0				0				0	0
21:15				0				0				0				0	0
21:30				0				0				0				0	0
21:45				0				0				0				0	0
22:00				0				0				0				0	0
22:15				0				0				0				0	0
22:30				0				0				0				0	0
22:45				0				0				0				0	0
23:00				0				0				0				0	0
23:15				0				0				0				0	0
23:30				0				0				0				0	0
23:45				0				0				0				0	0
00:00				0				0				0				0	0
TOTAL	8	1010	491	1509	70	936	3	1009	1	0	9	10	335	0	121	456	2984
AM Peak Vol	1	140	43	184	9	252	0	261	1	0	0	1	20	0	14	34	480
PM Peak Vol	0	275	147	422	17	112	0	129	0	0	0	0	108	0	39	147	698

Maryland State Highway Administration
Highway Information Services Division
Turning Counts Study - Field Sheet

Request No.:
Job No.:

Location: Arliss St at Shopping Center Entrance (North)
Date: 2/28/2013 Thursday
Recorder: SB/GB
Interval (dd) : 15
(In Minutes)

County: MONTGOMERY
Town: SILVER SPRING
Weather: CLEAR

PEAK HOURS	AM PERIOD	Start	End	Volume	PM PERIOD	Start	End	Volume
	6:00AM-12:00PM	07:45	08:45	480	12:00PM-7:00PM	17:00	18:00	698

PEDESTRIAN SCHOOL CHILDREN & U-TURN BREAKDOWN

Hour Ending	Arliss St			Arliss St			Private Parking Lot			Shopping Center Ent (North)		
	BIKES	PED.	U.T.	BIKES	PED.	U.T.	BIKES	PED.	U.T.	BIKES	PED.	U.T.
00:15												
00:30												
00:45												
01:00												
01:15												
01:30												
01:45												
02:00												
02:15												
02:30												
02:45												
03:00												
03:15												
03:30												
03:45												
04:00												
04:15												
04:30												
04:45												
05:00												
05:15												
05:30												
05:45												
06:00												
06:15	0	0	0	0	0	0	0	0	0	0	0	0
06:30	0	0	0	0	1	0	0	1	0	0	0	0
06:45	0	0	0	0	1	0	0	1	0	0	1	0
07:00	0	0	0	0	2	0	0	2	0	0	0	0
07:15	0	0	0	0	3	0	0	1	0	0	0	0
07:30	0	0	0	0	0	0	0	0	0	0	0	0
07:45	0	0	0	0	2	0	0	1	0	0	0	0
08:00	0	0	0	0	3	0	0	1	0	0	0	0
08:15	0	0	0	0	1	0	0	1	0	0	1	0
08:30	0	1	0	0	1	0	0	5	0	0	1	0
08:45	0	0	0	0	1	0	0	1	0	0	0	0
09:00	0	0	0	0	0	0	0	1	0	0	0	0
09:15	0	0	0	0	0	0	0	0	0	0	0	0
09:30	0	0	0	0	0	0	0	0	0	0	0	0
09:45	0	0	0	0	0	0	0	0	0	0	0	0
10:00	0	0	0	0	0	0	0	0	0	0	0	0
10:15	0	0	0	0	0	0	0	0	0	0	0	0
10:30	0	0	0	0	0	0	0	0	0	0	0	0
10:45	0	0	0	0	0	0	0	0	0	0	0	0
11:00	0	0	0	0	0	0	0	0	0	0	0	0
11:15	0	0	0	0	0	0	0	0	0	0	0	0
11:30	0	0	0	0	0	0	0	0	0	0	0	0
11:45	0	0	0	0	0	0	0	0	0	0	0	0
12:00	0	0	0	0	0	0	0	0	0	0	0	0
12:15	0	0	0	0	0	0	0	0	0	0	0	0
12:30	0	0	0	0	0	0	0	0	0	0	0	0
12:45	0	0	0	0	0	0	0	0	0	0	0	0
13:00	0	0	0	0	0	0	0	0	0	0	0	0
13:15	0	0	0	0	0	0	0	0	0	0	0	0
13:30	0	0	0	0	0	0	0	0	0	0	0	0
13:45	0	0	0	0	0	0	0	0	0	0	0	0
14:00	0	0	0	0	0	0	0	0	0	0	0	0
14:15	0	0	0	0	0	0	0	0	0	0	0	0
14:30	0	0	0	0	0	0	0	0	0	0	0	0
14:45	0	0	0	0	0	0	0	0	0	0	0	0
15:00	0	0	0	0	0	0	0	0	0	0	0	0
15:15	0	0	0	0	0	0	0	0	0	0	0	0
15:30	0	0	0	0	0	0	0	0	0	0	0	0
15:45	0	0	0	0	0	0	0	0	0	0	0	0
16:00	0	0	0	0	0	0	0	0	0	0	0	0
16:15	0	1	0	0	0	0	0	0	0	0	1	0
16:30	0	0	0	0	0	0	0	0	0	0	0	0
16:45	0	0	0	0	2	0	0	3	0	0	0	0
17:00	0	0	0	0	0	0	0	2	0	0	0	0
17:15	0	0	1	0	2	0	0	0	0	0	0	0
17:30	0	0	0	0	0	0	0	1	0	0	0	0
17:45	0	0	0	0	0	0	0	0	0	0	0	0
18:00	0	0	0	0	2	0	0	1	0	0	0	0
18:15	1	0	0	0	1	1	0	1	1	0	0	2
18:30	0	0	0	0	1	0	0	0	0	0	0	0
18:45	0	0	0	0	3	0	0	2	0	0	0	0
19:00	0	0	0	0	1	0	0	1	0	0	0	0
19:15												
19:30												
19:45												
20:00												
20:15												
20:30												
20:45												
21:00												
21:15												
21:30												
21:45												
22:00												
22:15												
22:30												
22:45												
23:00												
23:15												
23:30												
23:45												
00:00												
TOTAL	1	2	1	0	27	1	1	26	0	0	6	0
AM Peak Vol	0	1	0	0	6	0	0	8	0	0	2	0
PM Peak Vol	0	0	1	0	4	0	0	2	0	0	0	0

Maryland State Highway Administration
Highway Information Services Division
Turning Counts Study - Field Sheet

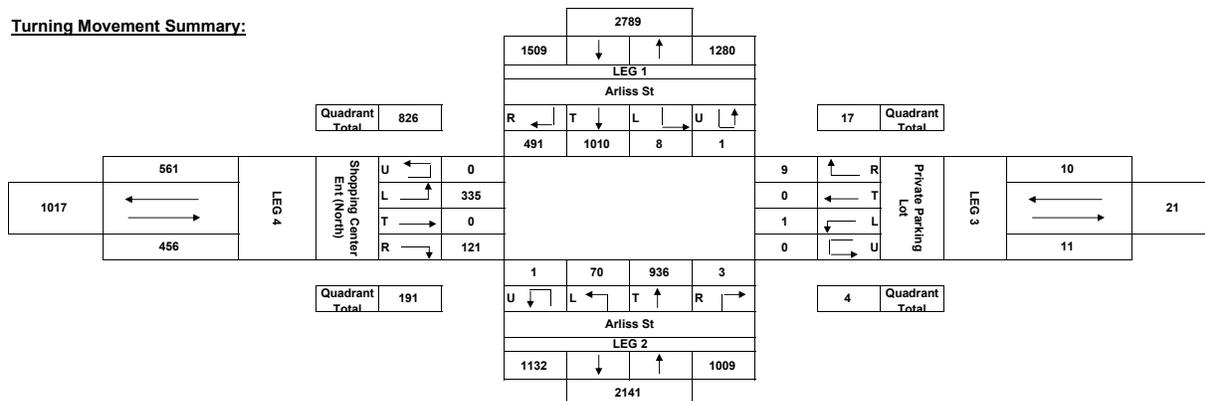
Request No.:
Job No.:

Location: Arliss St at Shopping Center Entrance (North)
Date: 2/28/2013 Thursday
Recorder: SB/GB
Interval (dd): 15
(In Minutes)

County: MONTGOMERY
Town: SILVER SPRING
Weather: CLEAR

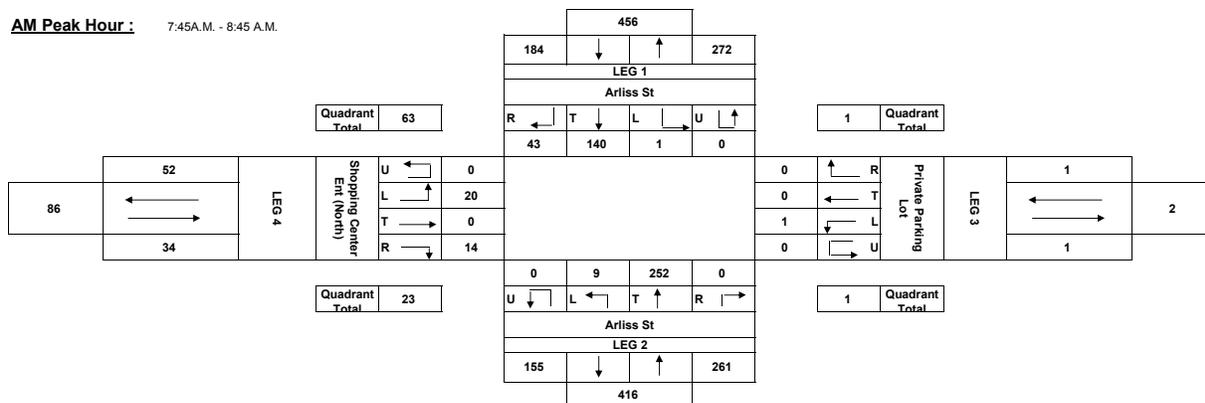
PEAK HOURS	AM PERIOD	Start	End	Volume	PM PERIOD	Start	End	Volume
	6:00AM-12:00PM	07:45	08:45	480	12:00PM-7:00PM	17:00	18:00	698

Turning Movement Summary:

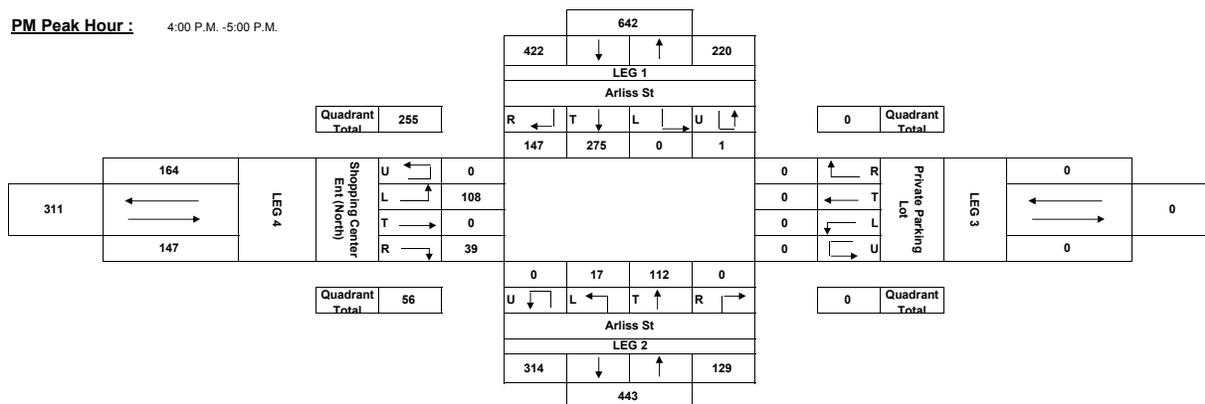


Comments:

AM Peak Hour: 7:45A.M. - 8:45 A.M.



PM Peak Hour: 4:00 P.M. - 5:00 P.M.



Maryland State Highway Administration
Highway Information Services Division
Turning Counts Study - Field Sheet

Request No.:
Job No.:

Location: Arliss St at Shopping Center Entrance (South)
Date: 2/28/2013 Thursday
Recorder: SB/GB
Interval (dd): 15
(In Minutes)

County: MONTGOMERY
Town: SILVER SPRING
Weather: CLEAR

PEAK HOURS	AM PERIOD 6:00AM-12:00PM	Start 07:45	End 08:45	Volume 673	PM PERIOD 12:00PM-7:00PM	Start 16:30	End 17:30	Volume 629
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Street Name--> HOURLY ENDING	Arliss St From North				Arliss St From South				Private Parking Lot From East				Shopping Center Ent (South) From West				GRAND TOTAL
	L	T	R	TOT	L	T	R	TOT	L	T	R	TOT	L	T	R	TOT	
00:15				0					0								0
00:30				0					0								0
00:45				0					0								0
01:00				0					0								0
01:15				0					0								0
01:30				0					0								0
01:45				0					0								0
02:00				0					0								0
02:15				0					0								0
02:30				0					0								0
02:45				0					0								0
03:00				0					0								0
03:15				0					0								0
03:30				0					0								0
03:45				0					0								0
04:00				0					0								0
04:15				0					0								0
04:30				0					0								0
04:45				0					0								0
05:00				0					0								0
05:15				0					0								0
05:30				0					0								0
05:45				0					0								0
06:00				0					0								0
06:15	2	17	0	19	1	23	6	30	6	0	2	8	1	0	2	3	60
06:30	0	18	0	18	2	31	1	34	2	0	0	2	1	0	2	3	57
06:45	1	15	1	17	3	34	0	37	3	0	1	4	0	1	3	4	62
07:00	0	33	0	33	6	41	1	48	2	0	0	2	1	0	3	4	87
07:15	1	28	0	29	2	52	0	54	6	0	1	7	1	0	8	9	99
07:30	0	21	0	21	7	53	3	63	0	0	2	2	0	0	8	8	94
07:45	1	29	0	30	2	87	2	91	2	0	4	6	1	0	4	5	132
08:00	3	35	0	38	6	75	1	82	0	0	0	0	1	0	5	6	126
08:15	1	46	2	49	3	63	2	68	0	0	3	3	1	0	6	7	127
08:30	0	44	0	44	13	86	3	102	1	0	2	3	0	0	6	6	155
08:45	2	79	0	72	13	60	3	76	1	6	1	8	0	0	9	9	165
09:00	2	35	0	37	7	68	2	77	0	0	2	2	0	0	3	3	119
09:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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14:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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16:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16:15	2	73	2	77	14	35	4	53	1	1	1	3	1	0	17	18	151
16:30	2	49	2	53	6	40	0	46	2	0	2	4	0	0	15	15	118
16:45	3	80	2	85	14	34	2	50	3	0	0	3	1	0	19	20	158
17:00	2	63	2	67	17	38	4	59	2	0	2	4	2	0	23	25	155
17:15	0	92	4	96	13	46	1	60	2	0	1	3	0	0	12	12	171
17:30	1	65	0	66	19	35	5	59	2	0	0	2	1	0	17	18	145
17:45	1	73	1	75	13	45	3	61	3	1	2	6	0	0	13	13	155
18:00	0	71	2	73	18	37	0	55	1	0	1	2	0	0	16	16	146
18:15	5	72	2	79	13	38	0	51	5	0	2	7	2	0	24	26	163
18:30	7	75	1	83	8	38	5	51	1	0	4	5	0	0	17	17	156
18:45	2	65	3	70	10	31	1	42	5	0	2	7	1	0	26	27	146
19:00	3	45	1	49	9	35	0	44	2	0	2	4	3	1	10	14	111
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23:15				0				0				0					0
23:30				0				0				0					0
23:45				0				0				0					0
00:00				0				0				0					0
TOTAL	41	1214	25	1280	219	1125	49	1393	52	8	37	97	18	2	268	288	3058
AM Peak Vol	6	195	2	203	35	284	9	328	2	6	6	14	2	0	26	28	573
PM Peak Vol	6	300	8	314	63	153	12	228	9	0	3	12	4	0	71	75	629

Maryland State Highway Administration
Highway Information Services Division
Turning Counts Study - Field Sheet

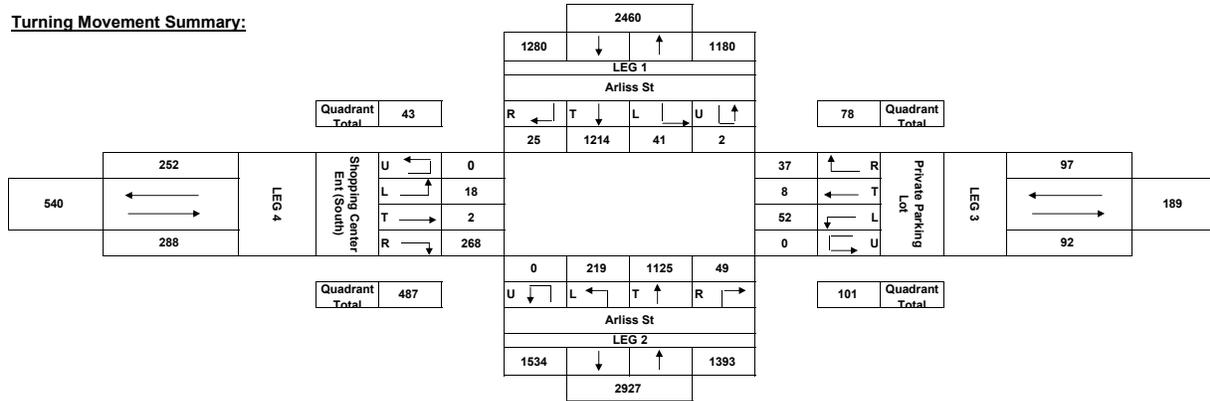
Request No.:
Job No.:

Location: Arliss St at Shopping Center Entrance (South)
Date: 2/28/2013 Thursday
Recorder: SB/GB
Interval (dd): 15
(In Minutes)

County: MONTGOMERY
Town: SILVER SPRING
Weather: CLEAR

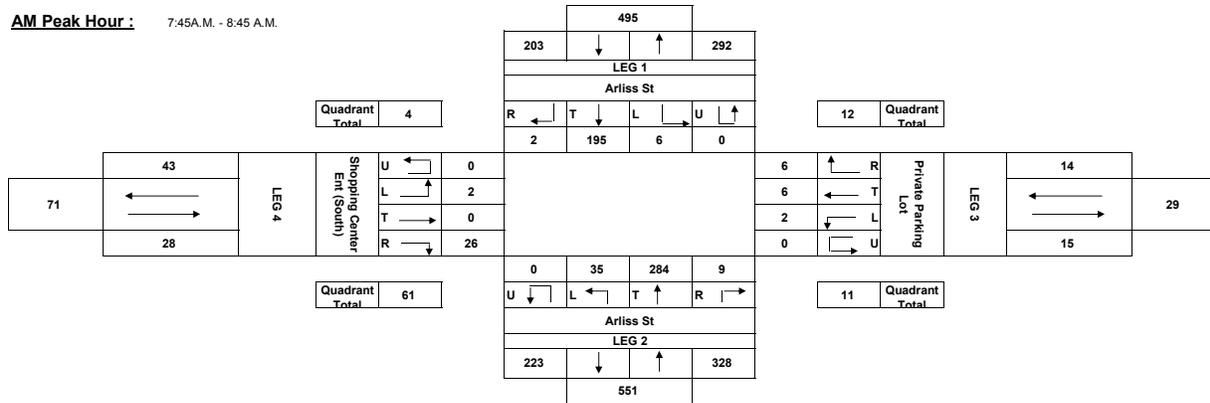
PEAK HOURS	AM PERIOD	Start	End	Volume	PM PERIOD	Start	End	Volume
	6:00AM-12:00PM	07:45	08:45	673	12:00PM-7:00PM	16:30	17:30	629

Turning Movement Summary:

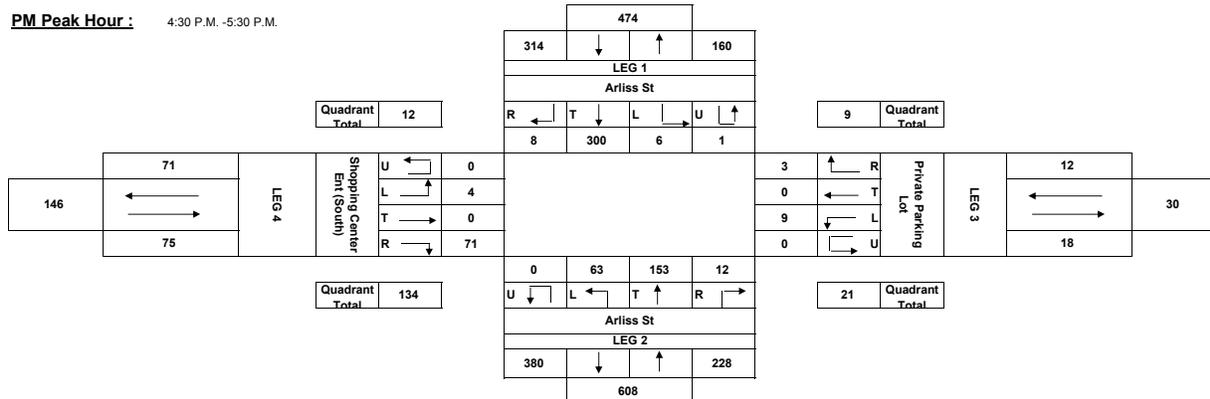


Comments:

AM Peak Hour: 7:45 A.M. - 8:45 A.M.



PM Peak Hour: 4:30 P.M. - 5:30 P.M.



Purple Line FEIS - RECORD #682 DETAIL

First Name : Jeff
Last Name : Dunckel
Business/Agency/Association Name : Montgomery County's Pedestrian, Bicycle, and Traffic Safety Advisory
Email Address : Jeff.Dunckel@montgomerycountymd.gov

Submission Content/Notes : Maryland Transit Administration,

Montgomery County's Pedestrian, Bicycle, and Traffic Safety Advisory Committee would like to offer the following comments on the Purple Line's Final Environmental Impact Statement. These comments were approved by the full committee on September 12, 2013. The Pedestrian, Bicycle, and Traffic Safety Advisory Committee is authorized under Montgomery County legislation to advise the County Executive and the County Council on issues pertaining to pedestrian safety in the County. Mike Madden of the Maryland Transit Authority made a presentation to the committee on July 11, 2013.

Action items following the presentation of the Purple Line project - July 11, 2013

D.3

It is not evident from available information that the Purple line has a clear vision to shift the County's mode share from single occupancy motor vehicle to transit, walking and bicycling. In many locations with dense development and population, wide multi-lane roads are illustrated on both sides of the light rail which doesn't further the TOD goals of the project (slide 4 of presentation) or match successful light rail systems in other cities. In many instances, additional travel or turn lanes are being constructed which is lengthening crossing distances, reducing safety for pedestrians, and is detrimental to the pedestrian environment. In order to create vibrant retail hubs in key centers along the Purple Line's path, the transit system needs to be effective and efficient, but also enticing to pedestrians with a street cross section that prioritizes transit, pedestrian and bicycle travel over motor vehicle travel. We don't see any illustrations that reflect successful light rail and TOD development in other cities like Portland (shown below).

MOTION: No Additional Lane Capacity

Voted, that the PBTSAC recommend to the County Executive and County Council that in central business districts, locations with other high capacity transit services (metro stations, bus hubs), locations with high pedestrian volumes and planned pedestrian generators, that no additional lane capacity be provided for motor vehicles, including no additional turn lanes. Instead, right of way should be dedicated to bicycle facilities, promenades with wide planting strips and street trees.

The motion was unanimously approved.

MOTION: Specifications for Crossings

Voted, that the PBTSAC recommend to the County Executive and County Council that anywhere the Purple Line travels through central business districts, locations with other transit services (metro stations, bus hubs), locations with high pedestrian volumes and planned pedestrian generators, crossings should include raised pedestrian refuge islands (that cross over the striped crosswalk), tight turning radii, and planting strips with street trees.

The motion was unanimously approved.

Thank you for accepting our comments pertaining to the Purple Line's design.

Erwin Mack, Chair

Pedestrian, Bicycle, and Traffic Safety Advisory Committee

8107 Chester Street

Takoma Park, Maryland 20912

Purple Line FEIS - RECORD #689 DETAIL

First Name : Richard
Last Name : Albores
Business/Agency/Association Name : North Woodside-Montgomery Hills Citizens Association
Email Address : ricky.albores@gmail.com

Submission Content/Notes : *North Woodside-Montgomery Hills*

Citizens Association (NWMHCA)

*P.O. Box** 8022*

*Silver Spring**, Maryland 20910*

October 21, 2013

Maryland Transit Administration
Transit Development & Delivery
100 S. Charles Street
Tower Two, Suite 700
Baltimore, MD 21201

Re: Purple Line Comments- Final Environmental Impact Statement

Dear Federal Transit Administration and Maryland Transit Administration:

On behalf of the North Woodside-Montgomery Hills Citizens Association (NWMHCA), I respectfully submit these comments to the Maryland Purple Line Final Environmental Impact Statement (FEIS).

NWMHCA is a vibrant community, established in 1890 and home to more than 350 families at all life stages. We are bordered by Seminary Road to our north, Georgia Avenue to our east, Sixteenth Street extended to our south and the CSX tracks to our west. Within our boundaries, we also host Woodlin Elementary School, the Yeshiva of Greater Washington, Rinaldi Funeral Services and Genesis Healthcare Woodside Center.

We work hard to preserve our hometown charm amidst a blustering and confusing transportation system of roads that bisect and burden us with non-local motor vehicle and bus traffic; dangerous and busy pedestrian crossings along our borders; and the noisy and unattractive railway right-of-way operated by CSX. We have enjoyed the rebirth of the Silver Spring CBD, the completion of the Walter Reed Army Institute of Research, and the recent redevelopment of the National Park Seminary Property - at all times raising our voices to seek protection from the adverse traffic implications that these modifications have imposed on our residential community.

In General, NWMHCA continues to support the Purple Line project as an East-West light rail public transit option with a multi-use path (MUP) connecting the East and West segments of the Capital Crescent Trail. This is consistent with the NWMHCA 2003 resolution that called for minimizing adverse impacts to the NWMHCA community in the implementation of the Purple Line project.

With that resolution in mind, NWMHCA would like to express significant

D.2

concerns with the FEIS as it relates to the proposed reconstruction of the Talbot Avenue Bridge. As currently proposed, the Talbot Avenue bridge would be reconstructed as a 40-foot wide bridge with two-way vehicle traffic and one lane of MUP. NWMHCA opposes this proposal. The proposal would increase motor vehicle cut-through traffic in the residential neighborhood and adversely affect the safety and quiet enjoyment of NWMHCA residents, especially those on Hanover Street and Grace Church Road which lead to and from the bridge. NWMHCA does not believe MTA has adequate and current traffic volume data for the bridge as currently configured and has not adequately analyzed the traffic burdens on the bridge. The FEIS also does not adequately analyze and discuss the traffic volumes or adverse impacts anticipated to occur when a reconstructed bridge allows two-way traffic and MUP usage.

Of the NWMHCA residents surveyed (55 homes, or approximately 15 percent), the majority have expressed a preference for building a new bridge that would maintain one lane of vehicular traffic (similar to the current operation of the bridge) and a one lane MUP. If MTA reconstructs the bridge as proposed, NWMHCA requests that:

- A) MTA conduct traffic studies to document current vehicular traffic volumes and adopt appropriate measures to minimize cut-through vehicular traffic;
- B) MTA include a ban of commercial truck and bus usage of the bridge; and
- C) MTA study and adopt all appropriate vehicular traffic mitigation measures to minimize cut-through vehicular traffic and promote safety (examples include speed cameras, traffic lights at the bridge, and volume-access restrictions).

Additionally, NWMHCA requests a noise abatement study be conducted for the portion of the Purple Line tracks that will abut our neighborhood along Luzerne Avenue, and implement any sound barriers necessary to address excessive noise from the construction and operation of the Purple Line.

Thank you for the opportunity. If you have any questions or concerns, please contact me at ricky.albores@gmail.com, or on 202-258-0429.

Sincerely,

/signed/

Ricky Albores, Member NWMHCA
Purple Line Talbot Bridge Subcommittee

cc: Governor O'Malley

Lt. Governor Brown

E.9

G.2

County Executive Ike Leggett

Montgomery County Council

Congresswoman Donna Edwards
Congressman Chris Van Hollen
Secretary James Smith

Bcc: NWMHCA list-serve

Purple Line FEIS - RECORD #693 DETAIL

First Name : Zorayda
Last Name : Moreira
Business/Agency/Association Name : CASA de Maryland
Email Address : zmoreira@casamd.org
Submission Content/Notes : Thank you.

Zorayda Moreira-Smith

Manager of Housing, Community and Economic Development

CASA de Maryland, Inc.

8151 15th Avenue

Langley Park, MD 20783

Phone: 240-491-5761

Fax: 301-408-4123

“*Tell me and I forget, teach me and I may remember, involve me and I learn*.”

- Benjamin Franklin

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Attachments : Community's Purple Line FEIS comments 10.21.2013.pdf (321 kb)

October 21, 2013

Purple Line: FEIS Comment
Maryland Transit Administration
Transit Development & Delivery
100 S. Charles Street
Tower Two, Suite 700
Baltimore, MD 21201
FEIS@purplelinemd.com

cc: Governor Martin O'Malley
Lt. Governor Anthony Brown
County Executive Ike Leggett
County Executive Rushern Baker
Congressman Donna Edwards
Congressman Chris Van Hollen
Secretary Dominick Murray
Secretary James Smith
Secretary Leonard Howie III
Secretary Raymond Skinner

Re: Purple Line Comments- Final Environmental Impact Statement

Dear To Whom It May Concern:

We, the undersigned, respectfully submit these comments to the Maryland Purple Line Final Environmental Impact Statement (FEIS). In general, we support the Purple Line. We strongly believe that the Purple Line development, if managed successfully, presents opportunities beyond ridership, including economic empowerment through jobs and small business growth, a healthy and attractive environment, an increase in affordable housing, and strengthening the fabric of our communities. Mismanaged, we are concerned that the Purple Line development will threaten our unique International Corridor community through upward pressure on housing and small business rents. And we will lose a once-in-a-lifetime opportunity to utilize infrastructure development to permanently improve skills and income for low-wage workers. We strongly recommend and urge the Maryland Transit Administration (MTA), and all stakeholders to create a Purple Line Compact that will include mitigation strategies to offset the adverse impacts of the Purple Line development.

Impact on Existing Small Businesses

The FEIS recognizes small business concerns regarding the loss of business during construction¹ and rent increases but fails to provide a substantive description of how those impacts will be mitigated. Instead, the FEIS argues that post-construction, the Purple Line

¹ The FEIS recognizes that "small businesses in particular would have difficulty [during construction] withstanding the resulting loss of commerce," (FEIS at 4-164).

increase economic activity without explanation of how our vibrant community of minority-owned small businesses will survive the 5-year construction period. The FEIS mentions a Business Impact Minimization Plan (Plan) but does not provide details. We support MTA's intent to develop this Plan and we strongly encourage them to involve the community and incorporate the Plan into the Purple Line Compact.

Affordable Housing

The FEIS acknowledges the potential impact of the Purple Line on increased property value, changes in the availability and affordability of housing stock, and changes in neighborhood character. ² The FEIS argues that the MTA has worked to address these indirect effects through meetings with community members, community organizations, local elected officials, and agencies. These activities should continue and be strengthened. However, talking about the problem is not a plan for mitigation. Our organizations have concrete proposals to alleviate some of these concerns and believe that their adoption should be discussed through a Purple Line Compact and specific commitments toward mitigation made.

Pathways from Poverty Through Employment

The FEIS does not address the large need for job opportunities for residents of low income census tracts surrounding the alignment. There are ten zip codes within the project impact zone that contain census tracts with median incomes under \$40,000. All but one of these zip codes have an unemployment rate that is higher than the statewide average of 7.3%. Moreover, each of these low-income zip codes contains multiple census tracts with above average unemployment, and at least one census tract with high unemployment of at least 150% of the statewide average. By implementing a well-crafted training and employment strategy for the upcoming Purple Line, Maryland can build viable career pathways for underemployed local workers, maximizing the impact of its transit investment by linking it to human capital development. The FEIS makes no mention of this issue other than to assume with no factual analysis that the jobs will simply go to local communities. Again, we hope that specific inter-agency commitments on training and jobs will be included in a Purple Line Compact process.

Conclusion

Our organizations have met with and organized with directly impacted residents and small businesses in the International Corridor for years. Our priorities around small business preservation, anti-displacement housing policies and investment, and job development are well-known and have been expressed across dozens of MTA-hosted and county-hosted meetings. We were very disappointed to see such scant reflection of these concerns in the FEIS and hope that these concerns will be seriously considered and addressed by the Federal Transit Administration and the Maryland Transit Administration.

² FEIS at 4-166.

If you have any questions, please contact Zorayda Moreira-Smith at zmoreira@casamd.org. Thank you.

Sincerely,

Bedford Station, Victoria Station, and Newbury Square Apartments Tenants Coalition
(Alicia Silva and Lidia Rivas, Tenant Leaders)

CASA de Maryland, Inc. (Gustavo Torres, Executive Director)

CHEER (Bruce Baker, Director)

Coalition for Smarter Growth (Cheryl Cort, Policy Director)

Iglesia Evangélica Mahanaim (Pastor Rosalio Garcia)

Iglesia Luterana La Sagrada Familia (Pastora Rosario Hernández)

International Academy of Football Club (Raúl Sosa, President)

Job Opportunities Task Force (Jason Perkins-Cole, Executive Director)

Langley Park Small Business Owner's Association (Jorge Sactic, President)

Latin American Youth Center/Maryland Youth Center (Luisa Montero, Director)

Long Branch Small Business Association (Carlos Perozo, President)

Long Branch Residents Council (Alvaro Cabrera and Flor Velasquez, Tenant Leaders)

Lyttonsville Community Civic Association (Charlotte Coffield, President)

Montgomery Housing Partnership (Robert Goldman, President)

Safe Silver Spring (Tony Hausner, Chair)

Shared Progress Collaborative (Paul Grenier, Community Economic Development Specialist)

Soccer League of Langley Park (Tobias Lopez, President)

St. Matthew's Episcopal Church (Father Vidal Rivas)

St. Miguel's Episcopal Church (Father Vidal Rival)

Templeton Knolls Civic Association (Alice Bishop, President)

Turner Memorial AME Church (Pastor William H. Lamar IV)

University Landing Apartments Tenants Association (Laura Pinto, Tenant Leader)

Individuals: Ann M. Collins, LSCW-C; Jean Cavanaugh; Justin W. Chappell; Terrill North; Tony Hausner; and Valerie Barr

Purple Line FEIS - RECORD #694 DETAIL

First Name : Zorayda
Last Name : Moreira
Business/Agency/Association Name : CASA de Maryland
Email Address : zmoreira@casamd.org
Submission Content/Notes : Attached are CASA's comments to the FEIS.

Thank you,
Zorayda

Zorayda Moreira-Smith

Manager of Housing, Community and Economic Development

CASA de Maryland, Inc.

8151 15th Avenue

Langley Park, MD 20783

Phone: 240-491-5761

Fax: 301-408-4123

“*Tell me and I forget, teach me and I may remember, involve me and I learn*.”

- Benjamin Franklin

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Attachments : CASA de Maryland's Purple Line FEIS Comments (signed) 10.21.2013.pdf (3 mb)
CASA de Maryland's Purple Line FEIS Comments 10.21.2013.pdf (274 kb)

October 21, 2013

Purple Line: FEIS Comment
Maryland Transit Administration
Transit Development & Delivery
100 S. Charles Street
Tower Two, Suite 700
Baltimore, MD 21201
FEIS@purplelinemd.com

cc: Governor Martin O'Malley
Lt. Governor Anthony Brown
County Executive Ike Leggett
County Executive Rushern Baker
Congressman Donna Edwards
Congressman Chris Van Hollen
Secretary Dominick Murray
Secretary John Smith
Secretary Leonard Howie III
Secretary Raymond Skinner

Re: Purple Line Comments- Final Environmental Impact Statement

To Whom It May Concern:

CASA de Maryland, Inc. ("CASA") respectfully submits these comments on the Maryland Purple Line Final Environmental Impact Statement ("FEIS").

CASA is Maryland's largest non-profit organization serving the immigrant community. We provide legal, social services, adult education, job training and placement assistance, and leadership development to our 43,000 members; day laborers, low income tenants, and domestic workers, among others. CASA is committed to the International Corridor. The International Corridor is home to an environmental justice community¹, minority and low-income populations². Its' residents represent over 150 countries and a vast array of minority-owned small businesses that compliment this diversity. CASA has seven centers, four of which are located on the proposed Purple Line corridor. Our headquarters sits just a block off the section of

¹ Environmental justice communities are commonly identified as those where residents are predominantly minorities or low-income; where residents have been excluded from the environmental policy setting or decision-making process; where they are subject to a disproportionate impact from one or more environmental hazards; and where residents experience disparate implementation of environmental regulations, requirements, practices and activities in their communities.

² The International Corridor meets MTA's definition of minority and low-income populations because over 50 percent of the population is minority and more than 16 percent households are below poverty level.



University Boulevard lying between the proposed Riggs Road and New Hampshire Avenue stops.

A.1

CASA supports the Purple Line because we strongly believe that the Purple Line has the potential to create opportunities for success beyond ridership. These opportunities include economic empowerment through the creation of jobs and strengthened small businesses, a healthy and attractive environment, and an increase in affordable housing. Mismanaged, we are concerned that the Purple Line development will threaten our unique International Corridor community through upward pressure on housing and small business rents. Without affordable housing and manageable commercial rents, the very individuals the Purple Line is meant to service will be forced from the area and denied the benefits of the transit investment.

These concerns have been voiced numerous times across years at Maryland Transit Administration (“MTA”) meetings, planning board meetings and hearings, county council meetings and hearings, and more. To date, these concerns have not been addressed and the FEIS brings us no closer. The Purple Line has a greater chance of success if it is designed and built in partnership with the communities, especially the most vulnerable, which lie along its right of way. We propose that government stakeholders work in partnership with impacted communities along the Purple Line to ensure that its construction builds families rather than displace them. We strongly urge MTA create a Purple Line Compact that will detail the solutions to the concerns that have been expressed. In Baltimore, the City, MDOT, MTA, and over 100 signatories came together to lift up a set of commitments to ensure that Red Line construction would garner critical benefits for its adjacent communities and avert the challenges that its construction may cause. We propose mirroring that success for Purple Line communities.

There are five critical manners in which the FEIS fails to adequately analyze and propose solutions for the challenges of Purple Line construction, particularly for minority and low-income communities.

1. The FEIS Fails to Discuss the Indirect Impacts on Low Income and Minority Renters in the Purple Line Corridor

CASA is concerned that the long-term, low income and minority populations that reside in the International Corridor will be forced from the area. The FEIS acknowledges that “potential indirect effects to environmental justice populations include increased business expenses (e.g., rents) from increased property values.” (FEIS at 7-14). The “benefit” of higher property values will not accrue to them, but rather work as a detriment to their ability to sustain their homes and places of business. As a result, the negative impact of Purple Line-spurred land use and development will be felt most acutely by the low income and minority populations who have made the International Corridor the culturally diverse place that it is today. The benefits associated with the Purple Line should not be reserved only for the wealthy who can afford to remain in an area when rents rise, but to all of those that make up the neighboring community that the Purple Line is meant to benefit. As the project is currently planned, there is inadequate mitigation in place in order to protect these families, individuals and small businesses from such

displacement that would prevent them from benefitting from the Purple Line. As such, the FEIS fails to take into account these negative effects in its cost-benefit analysis of the project.

CASA recognizes that the Purple Line will provide improved access to employment, educational, recreational, shopping and cultural opportunities. We support these benefits, each of which is important to the transit-dependent populations we represent. However, we strongly disagree with the FEIS' conclusion that these benefits "would accrue to a higher degree to minority and low-income populations due to their higher reliance on transit." (FEIS at 4-156). If minority and low income individuals are driven from the area due to increased property taxes and raised rents (and studies indicate increased property values in close proximity to transit stations), these benefits would not accrue to minority and low income populations at all, let alone to a higher degree. Basic protections against the harmful consequences that a project of this magnitude has on the low income population and the community cohesion must be ensured and have been ignored in the FEIS.

2. The Purple Line will Disparately Impact Low-Income and Minority Communities in the Purple Line Corridor

E.14

The FEIS wrongly assumes that although "sixty-nine percent of the block groups in the corridor are in environmental justice areas," this does not raise an environmental justice concern because "the adverse effects of the project are distributed propositionally between environmental justice and non-environmental justice areas." (FEIS at 4-168). This analysis is flawed in at least two ways. First, it fails to address whether the project could have been redesigned to travel through an area with a smaller low-income community. Considering only whether low-income and other communities within an artificially-selected site plan are affected in the same manner allows the FEIS to ignore an important aspect of the problem—namely, whether an alternative project location would have had a proportionally smaller impact on low-income and minority communities. Second, the FEIS ignores that the same impacts can affect low-income and high-income communities differently. Naturally, a rise in real estate value could be expected to harm a low-income community consisting primarily of renters while simultaneously benefitting a high-income community that consists primarily of home owners. Yet the FEIS simply states that the impacts of the project will be felt evenly across the project area, and fails to consider how those impacts might affect differently-situated communities.

We support infrastructure investment in underserved communities when the investment is planned properly, however, we will not support when the infrastructure investment is intended to economically and racially alter the neighborhood in which it lays. Price-driven displacement acknowledged as a possibility in the FEIS would be negligible if the Purple Line were planned for a wealthier area where the residents would be able to absorb such price increases. And in the proposed alignment, low-income and minority residents will be more disparately impacted in comparison to neighbors that are not low income. The disparate impact the low-income and minority community will suffer must be mitigated. The FEIS provides no mitigation strategies.

3. The FEIS Fails to Adequately Discuss the Direct Construction Impacts on Low Income and Minority Neighborhoods

The FEIS fails to provide a substantive analysis of the adverse impact that construction will have on small businesses located on the Purple Line corridor despite conceding that construction of the Purple Line will impact neighborhood quality along the corridor for a period up to five years. Construction will have negative impacts on some businesses, including loss of parking, difficulty accessing businesses, and disruption to deliveries. As the FEIS acknowledges, “[s]mall businesses in particular would have difficulty withstanding the resulting loss of commerce.” (FEIS at 4-164).

Despite acknowledging adverse impact, the FEIS lacks a complete analysis of that impact and how it will be mitigated. First, according to the FEIS, the adverse impact of the construction will be offset, at least in part, by the increased economic activity that the completed Purple Line will bring to the area – a new customer base and a larger overall customer market. However, that assumes that small businesses will still be around after five years of construction chaos to experience the offsetting benefits. Second, the FEIS fails to appropriately recognize and fully analyze the diminution of business revenue that will result during the construction of the Purple Line or the ability of small and minority business owners to withstand the impact to their businesses. Further consideration and additional mitigation of the construction impacts to small and minority owned business is necessary³.

E.4 Despite problems with its analysis, CASA supports the MTA’s intent to develop a Business Impact Minimization Plan (“Plan”). We strongly urge MTA to develop the Business Impact Minimization Plan in partnership with the community to ensure it is effective. We also encourage MTA to include the Business Impact Minimization Plan within the Purple Line Compact. The FEIS lists practices that *could* be included in the Plan. This language is not strong enough and does not commit to creating a plan with these practices. We believe that the following practices not only *could* be included, but *must* be included in order to help small and minority owned businesses survive the Purple Line construction:

- Maintaining Spanish-speaking outreach staff and a 24/7 construction hotline (in English and Spanish);

³ By way of example, the Central Corridor Light Rail Project between Minneapolis and Saint Paul, Minnesota involved the implementation of a wide range of mitigation measures to reduce the impact of construction on small businesses. Mitigation measures included: a construction access plan and contractor incentive program, special signage during construction, parking assistance programs, and business assistance programs. The business assistance program included a business support fund which provided no-interest forgivable loans in amounts up to \$20,000 to for-profit retail-oriented small businesses in the corridor that had experienced a decline in revenue due to the construction of the light rail. The loans could be used for basic business expenses, including payroll, inventory, rent, mortgage payments, utilities, taxes, marketing, and insurance. Similar mitigation measures are needed here.

- Ensuring access to businesses during construction for customers and deliveries;
- Posting sufficient, and sufficiently clear, directional signage, *translated where appropriate*;
- Developing “Open for Business” marketing and advertising tools for use during construction, *translated where appropriate*;
- Developing marketing and advertising tools for use after construction
- Promoting local businesses through a “Buy-Local” Campaign during and after construction;
- Fostering communication between the project outreach team and local businesses and local support and advocacy groups;
- Providing no-interest forgivable loans be provided; and
- Providing technical assistance to local small business owners.

Moving forward, development of the Business Impact Mitigation Plan should directly involve small and minority owned businesses and local groups. In this regard, CASA urges continued outreach to and engagement of Spanish-speaking business owners. Finally, MTA should continue to identify support services and resources available for small businesses *and* inform small businesses and local community groups of their availability.

4. Factual Inaccuracies in the FEIS

Because we are so concerned about displacement of minority-owned small businesses and low-income and minority communities, it is critical to note the many ways in which the FEIS has stated factual inaccuracies to obviate these specific direct and indirect impacts.

- MTA has *not* discussed any concerns regarding the preservation of affordable and low-income housing with Montgomery and Prince George’s Counties. (FEIS at 4-166). Instead, MTA has resisted acknowledging affordable housing as an issue that they should be addressing.
- MTA has *not* worked with the counties and advocacy groups to support the engagement of local elected officials regarding affordable housing and increased commercial rents resulting from increased property values as the project moves forward. (FEIS at 4-167). While MTA has attended meetings held by other parties including county officials and our organization, it has never meaningfully contributed to the conversation.
- The interim developments identified in the Sector Plan as candidates for redevelopment *are* in fact predicated upon construction of the Purple Line. (FEIS at 7-13). The Long Branch Sector Plan was initiated because of the Purple Line. The Sector Plan is centered on the Purple Line, “The Long Branch Sector Plan envisions a mixed-use, pedestrian-friendly, multi-cultural community that is served by the Proposed Purple Line. The Long

Branch Sector Plan is one in a series of land use plans for Purple Line station in Montgomery County.” (Long Branch Sector Plan, pg. 5)⁴

- The Montgomery County Council stopped the up-zoning of the residential areas during phase two because it recognized the impact on housing. (FEIS at 7-13).
- The Purple Line *will* be the primary driver for the social and economic change in Langley Park and Long Branch. (FEIS at 7-17).
- MTA has not supported the engagement of local elected officials regarding land use changes such as gentrification, nor has it worked with advocacy groups to engage local officials around these issues. (FEIS at 7-17). Instead, MTA has resisted acknowledging gentrification as a legitimate concern.
- MTA has *not* engaged small businesses in the Purple Line corridor in identifying opportunities and resources for technical assistance to businesses” (FEIS 7-18). MTA has merely handed out flyers regarding meetings, but has not made a good-faith attempt to engage the small businesses. The MTA has meaningfully engaged the property owners, not their commercial tenants.
- MTA is *not* “working with the counties, as well as residents and business leaders, in planning a future vision for communities in the Purple Line corridor and in developing strategies to build diverse and prosperous neighborhoods.” (FEIS 7-23). Indeed, MTA has to date refused our requests to join with the Counties in a meeting to lay out mitigation plans.

5. The FEIS Fails to Adequately Discuss Alternatives

Finally, the FEIS contains a legally-inadequate discussion of alternatives. The FEIS itself recognizes that there are a number of reasonable alternatives to the selected course of action, but explains that CEQ guidance does not require the state to present a large number of reasonable but redundant alternatives. The FEIS, however, does not include an analysis of any reasonable alternatives; it compares the selected alternative only to a “no action.” The “no action” alternative is not reasonable, because it plainly does not achieve the project’s purpose and need. The result is that the FEIS, while quite lengthy, contains no comparison at all between the selected alternative and any alternative that could address the project’s purpose, despite the FEIS’ own disclosure that such alternatives exist. CEQ guidance permitting the state to eliminate redundant alternatives in the scoping and draft stages cannot be relied on to justify comparing the selected alternative to no reasonable alternative.

In conclusion, MTA must increase its efforts to work with the affected county governments along the Purple Line corridor and with advocacy groups to promote the engagement of local

⁴

http://www.montgomeryplanning.org/community/longbranch/documents/LB_PH_draft_20121228_web.pdf



elected officials in developing policies to mitigate land use changes such as gentrification. Affordable housing and rents are crucial to maintaining the character of the corridor and allowing the benefits of the Purple Line to inure to the entire community—including the low income and immigrant populations who currently live there.

CASA supports the Purple Line but we also have deep concerns. To address these concerns, we strongly urge you to create a Purple Line Compact. If you have questions, contact Zorayda Moreira-Smith at zmoreira@casamd.org or 240-491-5761.

Sincerely,

A handwritten signature in black ink, appearing to read "Zorayda Moreira-Smith".

Zorayda Moreira-Smith
Manager of Housing, Community, and Economic Development



Purple Line FEIS - RECORD #713 DETAIL

Business/Agency/Association Name : Seven Oaks Evanswood Citizens Association

Email Address : soeca.board@gmail.com

Submission Content/Notes : Resending comments plus 1 appendix.

Jean Cavanaugh
Seven Oaks Evanswood Citizens Association

On Mon, Oct 21, 2013 at 4:14 PM, Seven Oaks / Evanswood Citizens' Association <soeca.board@gmail.com> wrote:

> See attached joint response from Park Hills Civic Association and
> Seven Oaks Evanswood Citizens Association, Silver Spring, MD
>
> --
> This message was sent on behalf of the Seven Oaks / Evanswood
> Citizens' Association by Jean Cavanaugh, Association President.
>

--
This message was sent on behalf of the Seven Oaks / Evanswood
Citizens' Association by Jean Cavanaugh, Association President.

Attachments :

PL_FEIS_joint_response_PHCA_SOECA_final_Oct_21_2013-1.pdf
(632 kb)
Wayne Ave TPSS Appendix 1 for FEIS Oct 2013.pdf (383 kb)

October 21, 2013

Purple Line FEIS Maryland Transit Administration
Transit Development & Delivery
100 S. Charles Street – Tower Two, Suite 700
Baltimore, MD 21201

Contact: Seven Oaks Evanswood Citizens Association, soeca.board@gmail.com
Park Hills Civic Association, melchris@erols.com

Comments about the Final Environmental Impact Statement from the Park Hills Civic Association and the Seven Oaks Evanswood Citizens Association, Silver Spring

Overview

Residents of the Park Hills and Seven Oaks Evanswood sections of Silver Spring and East Silver Spring, totaling about one thousand households, overwhelmingly support mass transit. We feel strongly that if we are to invest a significant sum of public funds to design and build a Purple Line light-rail system, one that will permanently impact our natural and built environment in profound ways, then it needs to be done right. Our response to the Purple Line Final Environmental Impact Statement addresses the following areas of concern:

- Noise and vibration issues
- Visual impacts on local environment
- Traction power substation
- Watershed impacts on Sligo Creek and Federal Clean Water Act Compliance
- Loss of mature tree canopy on Wayne / Impacts to school property
- Future Dale Drive Station
- Pedestrian and traffic safety challenges
- Mitigation during construction activity

For the record, we object to the short timeline for response to the very large, unwieldy and technical Purple Line FEIS. The FEIS introduces a lot of new issues that we have not discussed nor had time to closely review.

Our residential neighborhoods straddle the Wayne Avenue corridor between Fenton Street and Sligo Creek Parkway in Silver Spring. Our residents and patrons and employees of several neighborhood institutions will bear the brunt of the Purple Line's impact. Our neighborhoods, as well as nearby Sligo Branview neighborhood along Wayne Avenue, host the unique stretch of the 16-mile rail line where it is proposed that trains will travel close to front doors of homes in long-established neighborhoods while sharing lanes with cars on a smaller county road. As long-time observers of and participants in the local planning discussions, we are concerned that the high quality of investments are not being made equally across the length of the Purple Line system.

Furthermore, given that portions of Wayne Avenue have been designated “Environmental Justice” areas, we ask that the Maryland Transit Administration do more to significantly reduce impacts on residents, as well as employ sufficient mitigation measures to offset adverse effects including: noise and vibration, visual “noise” of catenary lines, nuisance of a large power substation in a tight residential area, watershed degradation and loss of verdant hillside on public school property due to road widening, elimination of nearly the entire mature tree canopy, loss of private property and right-of-way green space, vulnerability of upzoning for the residential area adjacent to a proposed station, potential for road traffic to collide with trains, and pedestrian dangers of complex intersections at Dale Drive and Sligo Creek Parkway – particularly for children attending the public middle and elementary schools located on Wayne Avenue.

Given that this proposed light-rail line will be the State of Maryland’s first foray into a significantly single-family residential community, it is in everyone’s interests that the Purple Line serve as a showcase for future light rail projects in sensitive and established neighborhoods. **Park Hills and Seven Oaks Evanswood communities request the MTA establish a working group with residents to meet monthly on design, implementation, construction and operation issues, with oversight of its progress outside of Purple Line staff, as we embark together on building this new transit system in our region.**

1. Noise & Vibration Issues

G.2 As residents who have attended, and in some cases convened, numerous meetings with the MTA Purple Line project team over the past 7 years, it is disconcerting to learn for the first time with the release of this FEIS in September of 2013, that noise impacts will extend to “500 feet of the planned route, both during construction and once trains began passing by 70 times a day,” as pointed out by the *Washington Post*. It was incumbent upon the State to inform residents of these detrimental impacts far earlier. We have had no time to react.

E.9 The same *Washington Post* article also revealed to local residents new details on the construction of the nearby Plymouth tunnel, a process that we are only now told will take 2½ years and one that will involve considerable noise, particularly during the blasting phase.

The FEIS does not document the current noise level in our neighborhood, which is very quiet at night. We are greatly concerned that too little attention was given in the FEIS technical report on the overall problem of noise with which we will have to live for decades; a total of only four sentences to address noise avoidance and minimization – a major quality-of-life issue for the hundreds of Park Hills and Seven Oaks Evanswood residents who live within 500 feet of the Purple Line, to wit:

- Given the steep grade of slope for one half mile on Wayne Avenue, as well as degree of curvature, wheel squeal is inevitable to some degree and a legitimate concern, and that is so identified by MTA. There are measures that can be used to minimize wheel squeal

that involve track lubrication (as in [San Diego's light rail](#), as well as Seattle's system); however, as pointed out by Gary Erenrich from Montgomery County's Department of Transportation, "it is unlikely that lubricating systems will be utilized on road surfaces that involve mixed traffic on a grade." .” That the County has already ruled out one of the only known remedies for wheel squeal known to be effective, and MTA knew for some time that it is ruled out for shared lanes on Wayne, this extremely serious consequence for residents should be addressed in depth in any FEIS but MTA gives it no attention whatsoever. This is engineering, this is environmental impact on thousands of residents, and it is a glaring absence in this FEIS.

- It is discouraging to learn, in an independent assessment from a professional engineering firm, that, (1) “the MTA analysis contains a highly questionable assumed benefit from vehicle skirts” and, (2) “over time, wheels can get ‘flat’ and tracks can become rough due to ‘rolling contact fatigue’ - thus, without rigorous maintenance (e.g., wheel ‘truing’ and rail ‘grinding’), light rail noise can increase 5–10 dBA. Continued community attention is reasonable.” This same engineer concluded that, “if wheel squeal is properly addressed in the design process and maintained when the system is in operation, wheel squeal is a solvable problem.”
- Finally, given that the tracks will be unheated, we are also concerned about the potential need to run the Purple Line continuously through the night during winter so that frozen precipitation does not adversely/prohibitively affect performance.

Our communities request a high level of attention to Purple Line noise; this is a fundamental quality of life issue for our residents. **Park Hills and Seven Oaks Evanswood need special assistance with wheel squeal on Wayne Avenue** - particularly eastbound between Cedar Street and where the road approaches Sligo Creek where braking and negotiating the curves on the downhill will cause severe squeal - **since lubrication of the tracks in mixed traffic is not an option**. Sound barrier walls are also not an option. At the very minimum, the Purple Line will have to travel very slowly through the Wayne Avenue corridor. If the Purple Line is funded through a Public Private Partnership (P3) mechanism, contract requirements must include the rigorous maintenance required to keep wheel noise to a minimum, and specific speed level requirements.

Additional noise from the “future” Dale Drive Station will adversely impact nearby neighbors. At least seventy trains are expected to stop at the station daily on each side, which will add to the noise from train signals and announcements. Special care must be taken to reduce both the sound of announcements, and arrival and departure signals that will impact the single family homes directly adjacent to the station, as well as the hundreds of homes within a half mile radius. **Acceptable noise levels for both the construction and operation of the Purple Line must meet not Federal standards as indicated in the FEIS, but the stricter more realistic standards of Montgomery County. We request a full review of noise mitigation options.**

2. Visual Impacts on Local Environment

E.7

MTA categorizes the Wayne Ave corridor a “high impact” area which means the visual impact of the Purple Line and its infrastructure will cause “an extensive change to the visual character” of our neighborhood.

The presence of catenary wires and their extensive supporting infrastructure, including power substations and their concomitant industrial strength, long, and high fencing truck-sized access for maintenance, will significantly degrade the visual environment of our residential, tree canopied, single family detached home neighborhood. Our neighborhoods are in the VAU-4 area in the FEIS.

MTA, after five years of engineering work, does not address, in the FEIS, visual impact mitigation for our high visual impact neighborhood, although it has done visual mitigation work in other sections of the route. Our neighborhoods expect stipulation if there is approval of this FEIS that MTA must remedy the visual impact in this VAU-4 area with comparable investment in budget and skill that it has expended for years in other sectors.

MTA renderings of the Purple Line on Wayne Avenue do not adequately or realistically capture the negative visual impact wrought by the light-rail line and its attendant hardware. We request MTA revisit options for a catenary-free systems like ones that are being employed in Europe and Asia. If a catenary system is used, we would like to see substantial investment by the County and State to minimize the effect of catenary wires.

The following visual impacts have neither been depicted on MTA drawings or maps, nor addressed with specific mitigation plans for residents in any aggregate matter. Most were discovered by residents only on September 7, 2013 when the FEIS volumes were released, and the existence of these items is buried in the data in the voluminous engineering conceptual drawings.

We urge that MTA is required to create visually accurate visuals depicting Wayne Avenue with the Purple Line and its infrastructure, showing how it will treat and mitigate, for the residences facing Wayne Avenue, the following elements which only appeared publicly in the FEIS fine print:

- Actual width of Wayne Avenue with Purple Line, showing before and after, when it is all built;
- Where, how many, and what kind of, Catenary Upright Poles and their wires, along residential Wayne Avenue in terms of frequency, color, height, placement;
- Whether catenary wires and new traffic signals are anchored to the sides of the street (in front yards) for the entire residential length of Wayne or are on a high chrome trusses across the street (which would also be anchored in front yards);

- Whether new traffic lights will span Wayne on large and high metallic trusses as happens for the light rail all around Baltimore, but unlike anything in this residential, verdant neighborhood;
- New “retaining walls” all the way along Wayne Avenue which appear in detail on some MTA blueprints but have not been discussed with residents;
- “New Signalized Pedestrian Crosswalks” MTA includes in its FEIS Chapter 4, 4.19.5 for residential Wayne Avenue, but never talked about with residents;
- Unacceptable clear-cutting of the scarce tree canopy along this Environmental Justice area on Wayne Avenue, the “before and after” all the old trees are removed, because – according to some MTA documents -- the MTA will destroy all trees along the route; MTA should revisit the Wayne Avenue route with the County’s ROW arborist and identify trees to save, which is possible with attentive planning;
- Sparse canopy for the next 20 years: MTA has never shown a tree replacement plan, actual heights of replacement trees, if and where they will be planted, plan for replacing those that don’t survive which statistics show are usually about 1 in 3, and what the route will look like in the next few decades, as it will take 15-20 years for any canopy to grow back;
- A half mile of new bright street lights all along residential Wayne resulting in powerful light pollution for residents and the seniors’ residential community that front the street;
- Dark spots where pedestrians are on foot approaching bright stations;
- The before and after plan for Sligo Creek Cabin Park and its trees and the rerouting of Sligo Creek itself;
- Significant change along Wayne Avenue for curbs and storm drainage along Wayne Avenue;
- Treatment of and impact on the more than 45 private driveways along Wayne Avenue;
- Retaining walls on school property and in front of single family homes.

We support the Art in Transit program where appropriate in our neighborhoods. We also urge MTA to work closely with the Montgomery County Planning Department in **redesigning the bridge over Sligo Creek to improve aesthetics that will mark this gateway to Silver Spring and homage to the natural feature of Sligo Creek and Sligo Creek Park.**

3. Traction Power Substation Nuisance

C.4

Park Hills and Seven Oaks Evanswood communities strongly urge MTA to move the traction power substation (TPSS) from its proposed site on Wayne Avenue at Cloverfield Road to another less residential location, and to bury that substation.

Given the significant expenditures that MTA is willing to make for other communities along the Purple Line (e.g., the optional [\\$40-50 million overpass](#) at Connecticut Avenue, sound baffling along the Capital Crescent Trail, two golf cart underpasses for the Columbia Country Club), we find the proposal to locate a traction power substation on Wayne Avenue near Cloverfield Road and “disguise” it with a high wall or “fake house” to be highly inadequate, particularly with respect to this residential area that MTA categorizes as a “design sensitive area.”

We are pleased that County Executive Ike Leggett and our 5th District Councilmember Valerie Ervin support residents’ desire to see this power substation relocated and buried. There is a growing movement among planners nationwide that substations and their settings must become more “neighborhood-friendly,” or power substations will never be let into established neighborhoods.

We are encouraged that MTA has engaged the Residential Wayne Avenue Working Group on Purple Line Design – representatives from four adjacent civic associations whose boundaries run along or near Wayne Avenue – on the issue of relocating the power substation. We have been waiting since April 2013 for assessment of power substation location options.

We endorse the study and recommendations by the Wayne Avenue Working Group on Purple Line Design calling for the traction power substation to be moved from the Cloverfield/Greenbrier location and buried, attached as Appendix 1 to this response.

4. Watershed Impacts on Sligo Creek and Federal Clean Water Act Compliance

E.11

Given the increased impervious surface due to road widening, as well as the installation of the paved hiker/biker “Green Trail” – in combination with significant loss of tree canopy along the Wayne Avenue corridor (see section below), the Purple Line route through the Sligo Creek watershed must be carefully designed and constructed through close coordination with M-

E.12

NCPPC Montgomery County Planning Department environmental staff, Department of Environmental Protection, Department of Permitting Services stormwater and sediment control permit review, with oversight and coordination from the Maryland Department of the Environment and Department of Natural Resources in order to fully comply with federal Clean Water Act mandates.

E.13

Montgomery County DEP is charged locally with administering the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit Program, an EPA regulatory program administered in Maryland by the Maryland Department of the Environment. The program is intended to reduce and eliminate pollution from rainfall runoff, which flows through storm drain systems to local streams, ponds, and other waterways. Specifically, the goal of the MS4 Permit program is to restore and maintain the chemical, physical, and biological integrity of the nation's waters, as defined in the Clean Water Act, by controlling previously uncontrolled sources of pollution across the landscape that are transported by rainfall runoff or stormwater.

Sligo Creek, in particular, is subject to pollutant loading limits defining maximum amounts of pollutants that it can receive in order to meet water quality standards. **MTA must work with DEP and the Montgomery County Planning Department to assure compliance with federally mandated Total Maximum Daily Loads (TMDLs) allowed under the Clean Water Act. During tunnel construction at Manchester and Wayne, bridge construction over Sligo Creek on Wayne, Best Management Practices and additional measures must be taken to completely control sediment and erosion, as well as restricting the flow of toxins, trash, and other materials that will impair Sligo Creek beyond the TMDLs set by the Environmental Protection Agency (EPA).**

Moving beyond the construction phase, use of “green tracks,” including infiltration under the tracks, in sensitive areas such as Sligo Creek will work to reduce heavy metals, salt, organic molecules, and nutrients from entering the creek.

According to Doug Redmond, Natural Resources Manager for the County’s Department of Parks, the environmental impact of mature tree loss, and their protective shade which helps keep temperatures cooler, can be significant. In addition to the environmental harm caused by the loss of tree canopy, imperviousness is probably the biggest single negative impact on an urban watershed: rainfall tends to run off into streams, with the water being warm and dirty. The good news is that under Maryland’s Stormwater Management Act of 2007, the requirement for stormwater management and sediment control for projects has changed its focus. As a result of the Purple Line project, there will be an opportunity to implement stormwater management practices that are presently absent. Additionally, Park Hills and Seven Oaks Evanswood residents will monitor - under the watchful eye of the County and State, we expect - the relocation of Sligo Creek both 180 feet upstream and downstream of the Wayne Avenue bridge.

We will also be depending on the Maryland Department of Natural Resources to **ensure that MTA’s project plans will comply with the statutory and regulatory requirements of the Maryland Scenic and Wild Rivers Act to assure that the Purple Line will not jeopardize the scenic value of the Sligo Creek stream valley.**

5. Loss of Mature Tree Canopy on Wayne / Impacts to School Property

Park Hills and Seven Oaks Evanswood greatly value our tree canopy for its aesthetics, health benefits, air cleaing, noise absorbing and stormwater management functions.

According to MTA representative Mike Madden in October 2010, MTA had not yet counted the number of trees that would be removed along the Wayne Avenue corridor, stating that the tree inventory would be done during the Preliminary Engineering phase. However, in July 2013 when asked at a community meeting about tree canopy loss, MTA declined to present the inventory. “We would like to present this information to the group at a future meeting,” MTA officials said. Our tree canopy is a major visual characteristic of our neighborhoods. **We urge**

E.11

MTA to start now to implement a local native canopy trees replacement plan to at least partially mitigate what will be a huge loss to our community.

We are also deeply saddened that the reconfiguration of the parking lot at the Silver Spring International Middle School will result in additional loss of tree canopy – green space that is enjoyed daily by students, parents, and teachers. Once again, we encourage MTA to release tree removal and replanting plans now to mitigate tree loss on MCPS property, ROW, and private property.

Montgomery County has recently passed legislation reflecting the replacement value of mature trees. We would like to see MTA go beyond required replacement minimums to mitigate for specimen tree loss throughout the ROW and on parkland. MTA, in removing valuable and irreplaceable mature tree canopy, must focus on planting native canopy trees to eventually mitigate that loss. If the Purple Line is funded through a Public Private Partnership (P3) arrangement, the contract requirements must include planting and monitoring of trees over a three year period, until the survivability of each tree is ascertained.

It is important to point out that road widening is only one reason for the loss of trees on Wayne Avenue; the paved hiker/biker “Green Trail” is the other. **The Residential Wayne Avenue working group has introduced the idea to county planners of planting new native canopy trees now, and to also look into planting on private lawns, where owners welcome the idea of hosting a tree. MTA should also fund removal of stumps so as to allow for additional tree planting. We will continue to work with MTA and the County on ways to minimize tree loss along Wayne Avenue.**

6. Future Dale Drive Station

F.1

Montgomery County councilmembers affirmed that a station at Dale Drive would not be constructed without “community consensus.” Councilmembers did not define “consensus” or establish a method for collecting that consensus. **We urge MTA to work with the Montgomery County Council to fund and collect data that will reflect community support – or a lack thereof - for a Dale Drive Station before determining whether to build that station.**

The Purple Line Functional Master Plan’s key features of the Dale Drive Station concept plan include:

- there is no intent or desire to change the zoning in the single-family residential neighborhoods in and around the Wayne Avenue/Dale Drive intersection, if a station is established at this location in the future;
- the station is not included in initial construction phase; the timing of implementation to be determined;
- platform in median of Wayne Avenue; and

- access for walk-up users and persons with disabilities only.

One major downside to the proposed plan is that four stations in quick succession from the Silver Spring Transit Center in the space of only about a mile and a half, combined with the route traveling comingled with traffic along a road with many intersections, residences facing the train, an elementary and middle school, will negatively impact the speed of the light-rail line.

A much larger downside to the proposed Dale Drive station is that the surrounding residential area would then be vulnerable to upzoning given that, as a current practice, high density around transit stops is desired to maximize both ridership and public investment in a major transit line. We are encouraged by both the County’s Purple Line Functional Master Plan and District 5 Councilmember Valerie Ervin’s assertion on behalf of County Council that, “there is no intent or desire” to develop the area around the proposed Dale station. Nevertheless, County residents have been given such assurances in the past regarding upzoning, only to see them forgotten. For this reason, the Residential Wayne Avenue working group will continue to work with County Council and Montgomery Planning Department staff to enact protective measures to ensure that the area around Dale and Wayne retains its single-family home residential character.

7. Pedestrian & Traffic Safety Challenges

D.2 Wayne Avenue is the only section of the Purple Line where it is proposed that trains will run on the street while sharing lanes with cars. In Park Hills and Seven Oaks Evanswood communities, Wayne Avenue runs for about a half mile from a commercial area in downtown Silver Spring, past single family homes, a multiunit retirement community of nearly 200 active seniors and staff, a public middle school and elementary school, 45 driveways to single family homes, and a very well used county park. Multiple county agencies oversee slices of these issues, but MTA has responsibility for the overall pie and has yet to offer a coordinated presentation of the aggregate pedestrian and traffic safety plan for all of these pieces.

D.3

D.5 Our first concern is the safety of our children, and the children of neighboring communities who traverse Wayne Avenue to go to school or downtown Silver Spring. Many of the children of Park Hills and Seven Oaks Evanswood, in addition to those from other communities along the Purple Line’s route, will cross Purple Line tracks or walk next to the tracks most days of the week while commuting to or from either Sligo Creek Elementary School or Silver Spring International Middle School. The County has suggested “safety fencing” all along the street, but the residents want other options rather than even more walls and hardware in our residential area. **MTA must work with Montgomery County Public Schools (MCPS) to implement a Purple Line safety education program for all children in the two schools in our neighborhood.**

Given the challenge and danger of having to cross the Purple Line, the Green Trail, local buses, and Dale Drive traffic, MCPS recommends consideration of a controlled signal intersection and using the best and most protective pedestrian safety engineering at Wayne Avenue and Dale

Drive. Park Hills and Seven Oaks Evanswood residents have also been informed that MTA, in conjunction with Montgomery County Park & Planning and the County Department of Transportation, has developed a working relationship with MCPS and already convened a number of meetings with representatives from both schools to work out various planning challenges related to the Purple Line – such as bus movements before and after school, automobile traffic at drop-off/pick-up times, and parking space for school staff. Park Hills and Seven Oaks residents are very concerned, however, that sidewalks along both sides of Wayne Avenue be given buffers to prevent pedestrians from being forced to walk immediately next to a widened road carrying vehicular traffic and a light-rail train.

Our communities are also concerned that the FEIS Transportation chapter neglects discussion of physical changes required for safety. We request MTA research and report on the maximum safe speed for the Purple Line on Wayne Avenue by providing data from the experience of other cities where light rail shares lanes, as the Purple Line will pass dozens of street front homes, 45 private driveways, seven neighborhood side streets, several churches, stores, parks, bus stops, schools as discussed above, a multi-unit resident for seniors, on a steeply sloped and curved, highly traveled road. Research is critical to determine a speed safe for sudden braking while traveling downhill on Wayne Avenue with a fully loaded train, in the event a child or out of control cyclist from the bike path suddenly appears in the road. These safety details are not covered in the FEIS.

Park Hills and Seven Oaks Evanswood communities would like to know if State or Federal law requires crossing gates at certain or all intersections, as are used in Baltimore. If crossing gates must be used, what is the noise level, infrastructure footprint, and physical space needed? Will additional traffic signals be installed on Wayne Avenue to better manage cross traffic?

We would like to see a discussion of these pedestrian and traffic safety questions in the FEIS:

- How will MTA manage pedestrian crossings which are now at uncontrolled intersections?
- Specifically, residents and employees of the Springvale Terrace retirement home must access the Ride On bus stop on the east side of Wayne Avenue at Springvale Road. Now, they cross at their peril at a marked but uncontrolled pedestrian crosswalk. How will MTA manage that pedestrian crossing?
- Where will other pedestrian crosswalks be placed on Wayne Avenue and what additional new pedestrian safety technology will be used?
- How does traffic moves if a car, truck or bus breaks down on Wayne Avenue.
- Will there be a system of fast response and removal in place?
- The same applies for trains breaking down. How will those trains be moved, and to where?
- What is the MTA requirement for train operators to hit their “warning clang” when vehicles, bicycles or pedestrians come too close to the train?

With increased traffic jams expected during construction and, at the least, early operation of the Purple Line, MTA must work with MCDOT and the Planning Department to protect the interior streets of single family home neighborhoods on either side of Wayne Avenue from cut-through traffic which is trying to circumvent heavy traffic. New “left turn lanes” may divert traffic off of Wayne Avenue onto Cedar Street and Dale Drive. MTA should work with County Department of Transportation to assess and propose traffic calming measures such as curb bump outs, speed tables or other devices that will discourage cut through traffic while keeping neighborhood residents and their children safe.

8. Mitigation During Construction Activity

We have the following general comments about the impact of Purple Line construction as they affect the Park Hills and Seven Oaks – Evanswood neighborhoods.

Temporary Construction Activities. We request that MTA use vacant or publicly-owned property, rather than privately-owned and developed property, for temporary construction activities. Moreover, we request that MTA restore properties affected through a temporary easement to an acceptable pre-construction condition following construction activities. We further request that, during construction that MTA provide parking facilities for County, MTA and contractor employees in a location or locations that do not adversely affect the quality of life of our residents.

Community Facilities within the Study Area. With regard to the significant public and private facilities — Sligo Creek Elementary School, Silver Spring International Middle School, Springvale Senior Community, and St. Michael’s church — within our neighborhoods, we request that there be regular and timely communication between the project contractor, MTA and other government agencies about any project activities that might adversely impact these facilities, with particular attention to the noise, vibration, traffic and construction impacts of construction activities. We would like to be kept timely informed of plans for the reconstruction of roadways, bicycle lanes, and the addition of new sidewalks

Proposed Staging Areas. With regard to the Proposed Staging Areas, we request that these areas be properties that will be acquired for the project.

Visual Assessment Units (VAU) (4-80). Because the Park Hills – Seven Oaks/Evanswood communities will be highly impacted by the project and as they considered an area of visual sensitivity, we request that the project contractor and the MTA use all means to improve the visual character of the project area, during construction and during project operations. We support the proposed use of the Art-In-Transit program to enhance key elements of the project.

Noise Sources Related to LRT Vehicle Operations (4-107). We request that MTA keep the community informed about its progress towards developing a a Bell & Horn Policy for the

Purple Line that would impact the Park Hills and Seven Oaks Evanswood communities. We would request a policy that both maximizes safety of our residents and visitors, but one that also takes into account the residential nature of our neighborhoods.

Noise During Construction. We request that MTA require the project contractor to take the following steps to minimize noise and vibration during construction:

G.1

- Notify the community of all blasting operations well before the activities commence.
- Schedule blasting or pile driving activities during hours that would least impact residents
- Divert heavy equipment and construction equipment movements away from sensitive receptors by utilizing roadways that contain a limited number of residential or sensitive structures.

G.3

- Hire a Blasting Consultant with adequate experience in performing controlled blasting.
- Set vibration limits for blasting
- Monitor the vibration of each blast.
- Conduct test blasts prior to full production blasts.
- Conduct pre-construction survey and post-construction survey in sensitive areas.

With regard to Project Construction (4-109), we urge

- MTA to conduct construction activities ONLY during the daytime
- Conduct truck loading, unloading and hauling operations in a manner that minimizes noise.
- Route construction equipment and other vehicles carrying spoil, concrete, or other materials over routes that would cause the least disturbance to residents in the vicinity of the activity.
- Locate site stationary equipment away from residential areas to the extent reasonably feasible with the site/staging area
- Employ the best available control technologies to limit excessive noise when working near residences.

Hazardous Materials 4.16 (4-134). According to MTA, in addition to impacts resulting from pre-existing contamination in the study area, the operation and the maintenance of the Purple Line could be associated with petroleum releases from the equipment and materials associated with the project. To this end, we request that MTA should release timely and publicly information on hazardous material encountered during construction, as well as information regarding the release of hazardous materials during operations. Moreover, MTA and the project contractor should take all possible means to secure any hazardous materials associated with construction or project operations so that they will not be a danger to the community. The Park Hills/Seven Oaks – Evanswood communities request that they be kept regularly informed about the storage

and use of hazardous materials in the Wayne Avenue corridor or anywhere in the project area adjacent to the Park Hills/Seven Oaks-Evanswood communities.

Conclusion

It is important to note that this is the first time MTA is building a light-rail line on shared streets through a single-family residential community. It is our fervent hope that the Purple Line serves as a showplace light-rail system. The Purple Line must be designed and constructed with great care devoted to all of the aesthetic, environmental, traffic calming, safety, noise abatement measures raised in our report. Otherwise, we fear that the Purple Line will result in a degraded Wayne Avenue corridor, which in turn will degrade the quality of life for the many nearby residents. We foresee the construction of other future light-rail projects in similarly sensitive residential areas, and it is critical that Maryland invest enough money, effort, and resources into the Purple Line so that other communities will want to emulate the example in Silver Spring.

Very sincerely yours,

Park Hills Civic Association
Alan Bowser, President
Chris Richardson, Vice-President
Paul Guinnessy, Secretary
Leslie Kramer Downey, Treasurer

Seven Oaks Evanswood Citizens Association
Jean Cavanaugh, President
Michael Gurwitz, Vice President
Tom Armstrong, Secretary
Bill Kaupert, Treasurer

Purple Line FEIS - RECORD #714 DETAIL

First Name : John
Last Name : Fitzgerald
Business/Agency/Association Name : Center for a Sustainable Economy
Email Address : johnmfitzgerald@earthlink.net

Submission Content/Notes : John M. Fitzgerald, J.D.

Christine Real de Azua

Dedun Ingram

And

John Talberth, Ph.D.

Senior Economist and President

Center for a Sustainable Economy

October 21, 2013

Submit the Following Comments

by email to: FEIS@purplelinemdÆcom

and via the US Postal Service to:

FEIS Comment

Maryland Transit Administration

Transit Development Delivery

100 S.E. Charles Street, Tower Two, Suite 700

Baltimore, MD 21201

Comments on the Environmental Impact Statement

For the Purple Line

Proposed by the Maryland Department of Transportation

Introduction

John M. Fitzgerald, Christine Real de Azua, Dedun Ingram and Center for Sustainable Economy (CSE) hereby offer the following comments on the Final Environmental Impact Statement (FEIS) for the proposed Purple Line Project. John M. Fitzgerald, Christine Real de Azua and Dedrun Ingram are individuals residing in the area affected by the Purple Line Project whose interests will be harmed by the project in a number of ways: the project will diminish the quality and the extent of their use and enjoyment of their homes on Elm Street, the street paralleling that portion the proposed Purple Line Capital Crescent Trail, the trail which they use often for recreation and fitness, Elm Street, Leland Center and Rock Creek Parks and the species, services and features thereof. Fitzgerald and Real de Azua are also active members of Center for Sustainable Economy.

Center for Sustainable Economy is a non-profit advocate for the transition to an economy based on principles of social, environmental, and economic sustainability. CSE has active members who reside in and around the project area who will be harmed by the loss of aesthetic, historic, ecological, and economic resources of urban forests, streams, and open spaces. CSE also has an interest in protecting these green infrastructure elements for their benefits in reducing water quality management costs downstream and generating a host of ecosystem services of great benefit to surrounding communities.

The Maryland State Department of Transportation is planning to seek Federal and private funding to build and operate a light railroad across Montgomery and Prince Georges Counties just north of the District of Columbia. It would cross Rock Creek Park and negatively and permanently affect Rock Creek Park, several other parks, forests, migratory birds, and the Rock Creek watershed that contains a highly endangered species, the Hay's Spring amphipod. This small crustacean is a key part of the ground water and creek ecosystems, turning leaves into nutrients for other species. It is highly sensitive to water pollution of the sort expected to be generated by the construction and operation of the Purple Line.

The primary publicly stated purpose for building the Purple Line, and for routing over the path of a former railroad and a hiking and biking trail is to alleviate east-west traffic congestion and strengthen east-west transit between College Park and Bethesda. However, the unstated, underlying driving force for the proposal is to enable large-scale residential and commercial development at Connecticut Avenue and along the Capitol Crescent Trail mainly to Silver Spring and to provide those new residents with access to Bethesda that is easier than taking a walk, a bike, a bus, a pedal cab or motor cab or a new dedicated bus line. Any of these could cost much less and lead to less net pollution and risk to the communities affected.

The direct cost to taxpayers of the construction can be measured in millions of dollars and five years of interruptions. The indirect, unavoidable costs of construction and operation include the lost opportunities to pay within existing tax rates for projects that are already built, and for several already planned as well as the potential losses inherent in an undrafted contract with private partners.

Maryland has committed similar errors in recent years primarily driven by one major private developer and for which citizens are still paying in the form of higher taxes, lost opportunities and lost ecosystems. A prime example is the InterCountyConnector, as set out in Bethesda Magazine in September 2013, for which traffic and revenue have turned out to be far lower than projected, and for which costs escalated from the initial estimate of \$1 billion to as much as \$4 billion including interest payments[1] --payments which are still today draining the State's Transportation Trust Fund.

In these comments we outline several fatal flaws in the Environmental Impact Statement for the Purple Line. The project proponent and the State may believe that the EIS standards need not be met due to an attempted waiver for similar projects in the 2012 Highway Act that has not yet been tested in court as applied to this project in particular. That waiver, however, does not waive the Federal and state requirements that such proponents comply with other laws and state fully, and without misleading or withholding, in any EIS or other such statements, all information relevant to government permits or funding. This EIS fails to meet that standard and places all agencies relying on it at risk.

Therefore, should the objections raised in these comments not be satisfactorily addressed in the near future, we will have to considering further action, beginning with a sixty days' notice of the intent of coauthors to sue to uphold the laws affected and prevent harm to the resources, wildlife, and people that the Purple Line project puts at risk.

Main Points

E.12

1) There are serious flaws in the EIS, including the failure to disclose the presence of a highly endangered species, the Hay's Spring amphipod, *Stygobromus hayi*, downstream in Rock Creek Park, which, through required interagency consultation by the Federal funding agency, and possible litigation by concerned citizens, including the coauthors of these comments, is likely to alter and/or delay and increase the cost of the project;

E.11

2) The EIS understates the extent and cost of the loss of tree canopy and natural green space and of its stormwater runoff and air and water pollution reduction, shade-providing, noise and wind buffering, and other

environmental services.

E.5

3) The above-ground option for the Purple Line would result in the degradation of Parks, in violations of Section 4(f) Park Protections in the Transportation Act – that are beyond the legal limit of De Minimus; and in hazards to school children -- from Nursery through High School -- that are beyond cavalier.

E.2

4) Migratory Bird Treaty Act – Some potential impacts and potentially illegal bird kills are ignored.

E.8

5) The Environmental Compliance Plan is not included as it is not yet developed – Proposed zoning changes and ensuing development associated with the Line are also not covered. Therefore the impact of the actions cannot be assessed based on this EIS and the EIS is inadequate as an legal assessment or as a basis for prior informed consent or decision-making per se.

In addition:

6) Key elements of any binding contract between public and private partners for the construction and operation of the Line are obviously not yet available nor ready for inclusion in the "request for qualifications" that will be sent out and lead to a joint application for that Federal funding;

7) Many other elements of the environmental and economic performance that will be required by State and Federal law in order to obtain Federal and state funding, including the Compliance Plan, are mere guesses at this stage, while the numbers have been arrayed so as to cast the project in the best light, which barely made it over the Federal standard for such matches at an earlier stage; and

8) Many better alternatives for inner east-west flow improvements are available (yet not assessed fully) and the costs of pursuing this one opportunity would preclude all of those and many other worthy transportation projects meeting additional and more pressing needs at lower risk and lower cost.

Discussion of Main Points

1) The EIS admits an impact on wetlands but ignores key wetlands and a highly endangered wetlands-dependent species.

The EIS admits that a Section 404 Clean Water Act permit will be required due to the apparent impact on wetlands but appears to ignore the impacts on some wetlands such as Coquelin Run in Chevy Chase and completely omits the threat to a highly endangered species downstream.

The EIS does not disclose that a wetlands-dependent endangered species, the Hay's Spring amphipod, has its only known population in and near Rock Creek. Rock Creek and its many tributaries to it, will have their sediment loads and pollutant loads increased for five years in all likelihood due to construction of the Purple Line. It is probable that Rock Creek's sediment and pollution loads will be increased to some extent for a considerably longer period.

Sediment and pollution were cited as primary threats to the endangered Hay's Spring amphipod and a potentially more rare relative, Kenk's amphipod, in the official Endangered Species Bulletin of the US Fish and Wildlife Service (which summarized scholarly articles and recent grants to the Maryland Department of Natural Resources for status surveys). See

<http://www.fws.gov/ENDANGERED/bulletin/2002/01-02/08-09.pdf>;

The report stated:

Obvious vulnerability comes from the narrow distribution in the specialized subterranean habitat, and threats come from potential groundwater pollution. The urban area surrounding the park poses potential risks due to toxic spills (such as oil and gas), nonpoint source inputs (such as fertilizers and pesticides), land disturbances, sewer leaks, and excessive stormwater flows that might adversely affect groundwater. Except for parklands, additional potential habitat where Hay's Spring amphipod populations may have occurred in the District has largely been lost to development.

Another vulnerable species, Kenk's amphipod (*Stygobromus kenki*), occurs in Rock Creek Park in two other springs and may be more rare than the Hay's Spring amphipod.[2]

Construction may cause rock fractures – allowing increased pollution of ground water downstream affecting the amphipod and possible leaks into the stations on the Metro Red Line

The 2009 letter in the appendices of the EIS, received from David Hayes of the DOI -- (the Regional Transportation Liaison, rather than the Deputy Secretary of the same name) notes that rock fractures from construction of the purple line could make leaks of water already occurring into the Red Line of the Metro system worse, leading to more shut downs in service or greater expenses for additional pumps, etc.

The potential problems brought on by increasing fractures in underground rock layers seemed not to be addressed in the Final EIS and it presents a serious risk not only on the Metro Stations the Purple Line is intended to serve but also to the Hay's Spring amphipod which depends on clean ground water as a major part of its habitat. New fractures in rock formations along the train tracks would likely lead to the leaching of hazardous wastes near ground level at various sites along the right of way, as marked in the maps of the EIS, that may have to date been contained by uncompromised or un-cracked layers of rock. That may result in the pollution of bodies of water near the waste sites, such as the pond and stream on the Chevy Chase Country Club adjacent to the hazardous waste site at the dry cleaners at the junction of the trail and Connecticut Avenue. Ironically, that is the lot that is at the center of the complex of buildings that is driving the proposal to route the Purple Line through the Capitol Crescent Trail. Therefore, the residents of the site may share with the birds, fish, snails and amphipods that depend on this water the increased levels of hazardous air and water pollution stirred up by the construction of the Purple Line.

The law cannot permit an agency action to jeopardize any listed species. There is hardly a better definition of jeopardy to a listed species within the realm of likely impacts in or near the District than the impact on wetlands and water set out, however incompletely, in the EIS. This potential negative affect upon a listed species, and in this case, rising to the point of jeopardizing the continued existence of a listed species due to the impact on the only known population on earth, calls for a biological assessment by the action agency and a formal biological opinion in return from the FWS before any Federal funds can be expended or irretrievably committed, and similarly requires a formal incidental taking statement or permit before any non-federal action affecting the species may legally take place.

State listed species of concern such as the Appalachian Spring snail (category S2) may also be present in the affected area. There is also the possibility that other Federally – listed species may be present in the areas affected, including downstream of the Purple Line route. All of these should be determined not to be affected before the project proceeds without formal permits addressing such species.

The EIS ignores the affirmative duty of the Federal agencies to enhance the recovery prospects of the Hay's Spring Amphipod if the project affects the species.

Furthermore, we note that to the extent that the Purple Line builders and operators rely upon Federal agency permits, actions or subsidies the standard of care is not just to avoid jeopardizing the likelihood of recovery but that there is also an affirmative duty to undertake actions that will be likely to lead to the recovery of the species, including protecting areas where the species may be re-introduced or may yet be found to have migrated in later status surveys. This duty is not just for wide-ranging species such as wolves or anadromous fish, but also for any listed species and has been found to exist and to protect listed amphipods in the path of Federally-subsidized

private actions. (See, *Sierra Club v. Glickman*, 5th Circuit, as discussed in by E Kristen in 27 Ecology LQ 699, 2000[3]).

This means that the potential effects of the Purple Line's construction and operation on the potentially useable amphipod habitat, including groundwater, springs and cave-like structures throughout the Rock Creek watershed should be considered and not allowed to negatively affect such areas.

Federal project partners must consult with the USFWS on the effects of the Purple Line on Hay's Spring amphipod

Because the Purple Line is likely to adversely affect Hay's Spring amphipod (*Stygobromus hayi*) and its habitat, the Federal Transit Administration, National Park Service, and the National Capital Planning Commission have a duty to consult with the U.S. Fish and Wildlife Service over these impacts and develop measures to avoid or mitigate harm. 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.14(a). Section 7 consultation is required for "any action [that] may affect listed species or critical habitat." 50 C.F.R. § 402.14. Formal consultation with the U.S. Fish and Wildlife Service (USFWS) must be initiated "at the earliest possible time" so as to avoid irreversible commitments of resources and to eliminate the possibility of the Purple Line causing an incidental take of this important indicator species for the health of the Rock Creek ecosystem.

Federal agencies have thus far erred in determining that there are no endangered species affected by the Purple Line Project. According to the FEIS, "[i]n the October 27, 2011 letter from USFWS, the USFWS stated that there are no federally proposed or listed endangered or threatened species known to exist within the project area; therefore, no Biological Assessment or further Section 7 Consultation with the USFWS is required" (FEIS at 4-117). But this determination was based on an incomplete project record provided by FTA. The information and studies cited herein, provide a more accurate assessment, and we trust that the federal agencies involved will now act expeditiously to initiate formal consultation in accordance with the procedures outlined in 50 C.F.R. § 402.14, work with USFWS to prepare a biological opinion, and develop measures to avoid incidental take.

Expeditious consultation will obviate the need for CSE and its members to take further legal action over this critical issue, including filing of a sixty-day notice of intent to sue under the ESA and subsequent litigation to enforce ESA's consultation and incidental take provisions.

2) The EIS understates the extent and cost of the loss of tree canopy and natural green space and of the environmental services they provide, including stormwater runoff, air and water pollution reduction, shade, and the buffering of noise and wind.

The EIS understates the loss of forest cover by covering the issue primarily in the cumulative effects section of the EIS. This appears to limit the analysis of forest cover loss to the arbitrarily drawn circles around the stations and leave most of the Trail and its environs between station circles uncounted. The EIS also appear to exclude the losses in Rock Creek Park by stating that the figures for the park were unavailable (see Table 7.7) (That the Park does not know its own forest is rather

hard to believe -- see the letter from the Park Service in the appendices and another from the National Capitol Planning Commission dated 4/29 and 1/16/09 respectively. The two letters list many faults in the Draft EIS that do not appear to be corrected or addressed in the final including insufficient information to allow the agencies to assess the many effects, beyond loss of trees, of the Purple Line on the Park. We address one of the issues they raise below on the threats posed by the construction process fracturing underground rock and leading to leakage and leaching.[4])

The Final EIS appears to admit to the cutting of 47.6 acres of forest, primarily along what is now the Capital Crescent Trail, which the EIS refers to as the Georgetown Branch Right of Way. The EIS also admits that this is on top of a 3% loss in the area from 2002-2010. The EIS fails to calculate the value of the services provided by these trees, and to report that loss as a cost to society in its section on "Benefits and Effects". For such a calculation the EIS could use the "itree" [5] program available from USDA to calculate the value of the ecosystem services that different tree types and ages provide. For example, the itree program presents and can calculate the storm water management, air and water purification and carbon capture services as high economic values provided by trees and entire urban forests, which will be lost to the Purple Line.

For users of the popular Capital Crescent trail, and residents of The Town of Chevy Chase, among others, the attractiveness of the neighborhoods will be dramatically reduced by the Purple Line and in particular by the loss of these trees and the linear park that they form, their shade, their contributions to air quality, water retention and purification, and other enhancements. Loss of the entire tree canopy in the corridor between Bethesda and Silver Spring will make any hiker-biker trail constructed along the rails unprotected from summer heat and force the thousands of people who use the trail each weekend to be exposed to more cancer causing UV rays and a higher potential for heat stroke. There will also be indirect losses in health as many people will cease to use the more constricted, noisy, and less pleasant trail.

Indeed, the section on Benefits and Effects, while noting job creation benefits of an above-ground Purple Line, fails to tally the job creation benefits and other genuine economic benefits of alternatives, including an underground Purple Line, and of completing the Capital Crescent Trail solely as a dedicated hiker-biker trail.

3) The above-ground option for the Purple Line would result in the degradation of Parks, in violations of Section 4(f) Park Protections in the Transportation Act – that are beyond the legal limit of De Minimus; and in hazards to school children -- from Nursery through High School -- that are beyond cavalier.

The EIS attempts to avoid the application of Section 4(f)

requirements of the Transportation Act of 1966 by omitting, minimizing or mischaracterizing description of the harms caused to Elm Street, the park at the Leland Center, called Leland Park it seems in the EIS, and Rock Creek Parks, among others. Section 4(f) prohibits any detrimental use of parks or historic properties by Federally supported transportation projects which can only be permitted if they are de minimus uses (49 USC 303, 23 CFR Part 774). The EIS representation of impacts on parks is not only inaccurate and thus not in compliance with NEPA, the Transportation Act and other planning laws, but also runs the risk of violating additional prohibitions against the withholding of or misrepresenting material facts in Federal proceedings or permitting procedures (e.g., 18 USC 1001 and 1505). Instead of alleviating the bursting demand for hiker-biker commuting and recreation trails in the area, above-ground construction of the Purple Line will discourage Capital Crescent Trail (CCTrail) use and make it hazardous. While it could be argued that the (CCTrail) is exempt from 4(f) (by virtue of the 1995 Montgomery County Resolution that declared its reservation as part of the park system to be temporary, which is debatable, particularly as to other jurisdictions affected), the affects on other parks are not exempted. For example, to assert that the sound and presence of pile drivers, earth moving machines and then 70 trips a day of trains with warning bells or horns sounding as they move through Chevy Chase and the other neighborhoods, in addition to the sounds and dangers of the trains themselves, is "de minimus", stretches the definition of the term "de minimus" which means of such small amount as not to be recognizable or noticeable in the law. It is wrong to apply it in this context in particular, for parks are specifically intended to provide quiet settings in which people can enjoy the benefits of a natural environment and the purpose of 4(f) is to protect that quiet enjoyment. The decibel levels and duration of the sounds themselves were not evident in my review and the cumulative noise levels were not provided in the EIS despite the duty to report on cumulative and associated impacts. (Expected noise levels of 70dB and above were reported to the Town of Chevy Chase.) Yet the EIS asserts that the "Bethesda Station would have no cumulative effects on resources of interest." (p. 7-11). Elm Street Park and Leland Park are per se, legal, or de jure, resources of interest, and the forest cover and water flows and noise levels in the area are certainly de facto resources of interest to all residents, caregivers, teachers and workers here.

Construction of the Purple Line will result in degradation of Elm Street Park because, among other things, a wide pathway will probably have to be built through it so that bikers and hikers displaced from the Capital Crescent Trail can reach Willow Lane, and because a portion of the park will be used during construction of the Purple Line. The EIS asserts that damage to the Park will not amount to adverse impacts to Elm Street Park in light of a presumed or planned total reconstruction of "the entire Park within the next few years as a requirement of nearby development". This is circular logic and also fails to recognize that the Park was created to protect the Town of Chevy Chase from such development and to mitigate and offset commercial development. The Park should be expanded rather than reduced in response to nearby development. (p. 6-27). On p. 6-28 the EIS misleadingly asserts there will be no noise vibration or visual effects and no "constructive use" (an indirect use of parks forbidden by Section 4(f) of the Transportation Act of 1966) of Elm Street Park while building ramps and overpasses near the Park) as follows:

The Preferred Alternative would not permanently use any part of Elm Street Urban Park. *The FEIS Chapter 4.0 assessment of effects indicates that the Preferred Alternative would not cause noise, vibration, or visual effects on Elm Street Urban Park that would constitute a constructive use; no substantial impairment of the activities, features or attributes—playgrounds, gazebo, picnic tables, benches, trails and public art—that qualify the park for protection under Section 4(f) would occur.**

* Note that the Purple Line plan was modified after release of the EIS: a “minor” zoning change was requested after the EIS release to allow the bike trail to run through and thus “use” Elm Street Park or on the road next to it, thus affecting Elm Street Park and using it permanently. In addition, in the zoning change request, the entire Elm Street Park is included as part of the Bethesda Purple Line Train Station and encircled in yellow as such. These are not minor changes legally as properly understood for the serious and permanent changes that they are, they are probably forbidden by Section 4(f) of the Transportation Act.

** Note however, that horns or bells of 70 approaching trains each day would be sounded as each approaches the Wisconsin Avenue underpass which is just a few feet away from the park. This is also a permanent degradation of the Park and thus probably in violation of Section 4(f).

Additionally, children playing in the park would be separated from serious injury by only a four-foot wall. That small barrier, combined with the attractive nuisance that the trains would represent to children are yet another serious risk in fact to the community and probably a violation per se of Section 4(f).

When the EIS admits to a greater level of impact or use of a Park, it seeks a temporary exclusion from the 4(f) requirements by asserting the impact will be temporary. This assertion is not correct; significant impacts will continue for the life of the Purple Line and they are not de minimus.

The EIS shows power stations, including one across from the

Town Hall of the Town of Chevy Chase and its Leland Street Park. The EIS indicates that noise and vibration monitors will be located south of the power station, on the property of a town resident. The presence of such monitors seems to anticipate that noise and vibration may be problematic, but we could not find any discussion of levels in the EIS summary sections (although they might be in the technical reports). However, at this point there appears to be no meaningful limitation on noise or vibration levels in the EIS as the Compliance Plan is to be developed later (See below).

Threats to schoolchildren and other pedestrians are understated

Beyond the noise levels are the threats to immediate safety of children of all ages who use and cross these parks and the trail. There are day care centers on and near the trail and children who cross the trail to get to school at numerous points. No discussion of covering the tracks with a light roof with walls that would prevent people from climbing over the tracks for the portion from Connecticut to Wisconsin was included. That would have reduced the threats.

With regard to safety issues beyond Elm Street Park many children and adults currently walk or otherwise cross the trail at Lynn Drive. The state promised that this crossing would remain but have reneged on this. They have not offered a viable solution and admit now that they can't let people cross the tracks here because it would be too dangerous. There is a curve in the path so the sight lines are poor and trains will be moving at 45 miles per hour here and they refuse to reduce the speeds. Children will have to walk along East West highway on a narrow sidewalk to get to school or they'll try to get over fences to get to school on time putting themselves in great danger.

4) Migratory Bird Treaty Act – Some potential impacts and potentially illegal bird kills are ignored.

The 47 acres or more of mostly mature canopy and natural green space that will be lost – an area almost twice the size of Dumbarton Oaks Park in Washington DC, provide shelter, habitat, food sources and other life support functions for many wildlife, some common and others less so, including birds that are listed and protected under the Migratory Bird Treaty Act.[6]

The following are examples of birds protected under the MBTA that use or live in the affected area and that the coauthors of these comments regularly see (or, in the case of the screech owl, hear) in that canopy

and green space on the trail or in properties along the trail and forming part of its network:

Archilochus colubris, Ruby-throated Hummingbird,

Zenaida macroura, Mourning Dove

Buteo lineatus, Red Shouldered Hawk

Megascops asio, Eastern Screech-Owl

Picoides pubescens, Downy Woodpecker

Dryocopus pileatus, Pileated Woodpecker

Baeolophus bicolor, Tufted Titmouse

Thryothorus ludovicianus, Carolina Wren

Pipilo erythrophthalmus, Eastern (Rufus-sided) Towhee

Junco hyemalis, Dark-eyed Junco

Carduelis tristis, American Goldfinch

Ardea herodias, Great Blue Heron

In addition to affecting and removing habitat, shelter, and food, the Purple Line would pose a potential danger: The issue of high power lines over the tracks, including what would appear to be un-insulated live wires to supply the trains passing underneath, presents the likelihood of migratory and other protected birds being electrocuted after alighting on the live, un-insulated wires if they make contact with other parts of the structure that create a circuit and thus electrocute them.

The FWS letter to the consultant in appendix G provides a link to guidelines for compliance with the MBTA but that appears to be in response to the felling of the many nesting trees and not in response to the permanent presence of high-power lines that are not insulated. Even insulated transmission and distribution wires are leading causes of death as birds still touch un-insulated portions where the wires join the poles. Even passing birds such as Bald Eagles may alight on the wires, especially over streams and creeks. They must be protected or the operators will potentially be in violation of the law.

There is also the question of bright lights during and after construction of the Purple Line at its service facilities and elsewhere.

As the FWS MBTA office has noted—

Migratory birds are a "trust resource" with 1,007 species protected by the Migratory Bird Treaty Act (MBTA). Bright lights have been extensively documented to attract and kill migratory birds, especially at night. Migratory birds are protected by the MBTA, which is a strict liability criminal statute. Each time a protected migratory bird is documented injured or killed at a lit structure such as this one -- most mortality occurring at night during migration, and an existing "conservation measure" is readily available to address it (i.e., turn the light off), then each incident represents a "take" that could have criminal consequences. [7]

No discussion of covering the tracks with a roof for any portions, such as the one from Connecticut to Wisconsin Avenues was included, for example. That would have reduced the threats to children and birds and reduced the "need" to cut trees away at an angle as some have heard, to avoid wet leaves falling on and accumulating on the live electric rail.

5) The Environmental Compliance Plan is not included as it is not yet developed. Proposed zoning changes and ensuing development associated with the Line are also not covered. Therefore the impact of the actions cannot be assessed based on this EIS and the EIS is inadequate as a legal assessment or as a basis for prior informed consent or decision-making per se.

Section 5.4 of the EIS states that the MTA will develop an Environmental Compliance Plan after the Record of Decision is issued. That would seem to miss the point of an EIS of informing decision makers of the likely impact of their decisions as to the preferred and alternative courses of action. Also absent from this Final EIS are the

changes that would follow proposed alterations in zoning announced after the EIS was published. Those changes would encourage the permanent conversion and reduction of part of Elm Street Park as noted above, and increasingly dense development, near the Purple Line and its stations. This is a classic example of segmented, piecemeal revelations and sleight of hand intended to by-pass the requirements of planning law and to fly under the radar of busy elected officials and citizens. Therefore, before funds are dedicated to the Purple Line, the preferred alternative and several reasonable alternatives should be reassessed and a supplemental EIS completed for them along with a complete description of all compliance steps required. It is necessary to do this, despite the 2012 streamlining of the Transportation Act requirements because other laws apply that have not changed or been preempted. These include the Endangered Species Act, the Migratory Bird Treaty Act (active nesting trees, etc.) the Clean Water and Historic Preservation Acts, and similar Maryland and potentially District of Columbia (e.g. water pollution and wildlife) laws.

Finally, any decision based on the EIS's limited and understated analysis and its lack of a compliance plan would seem to be arbitrary and capricious for purposes of federal or state administrative law alone given the serious financial, health and safety risks that are evident.

Sincerely,

John M. Fitzgerald, J.D.

On behalf of –

Christine Real de Azua

4502 Elm Street

Chevy Chase, MD 20815

Deborah Ingram

4411 Elm Street

Chevy Chase, MD

John Talberth, Ph.D.
President and Senior Economist
Center for Sustainable Economy
1112 16th St. NW, Suite 600,
Washington DC 20036

[1] <http://www.bethesdamagazine.com/Bethesda-Magazine/September-October-2013/The-Intercounty-Connector/>

[2] Sources cited by the FWS article include:

Culver, D.C., L. L. Master, M.C. Christman, and H. H. Hobbs III. 2000. Obligate cave fauna of the 48 contiguous United States. *Conservation Biology* 14:386-401.

Holsinger, J. R. 1978. Systematics of the subterranean amphipod genus *Stygobromus* (Crangonyctidae), par II: Species of the eastern United States. *Smithsonian Contributions to Zoology*, No. 266. Smithsonian Institution Press, Washington, D.C.

Holsinger, J. R. 1967. Systematics, speciation, and distribution of the subterranean amphipod genus *Stygonectes* (Gammaridae). *United States National Museum Bulletin*, No. 259. Smithsonian Institution Press, Washington, D.C.

Hubricht, L. and J. G. Mackin. 1940. Description of nine new species of fresh-water crustaceans with notes and new localities for other species.

American Midland Naturalist 23:187-218.

[3] HeironLine suggests that we “See Hay, supra note 57, at 1462 n.29 (citation omitted ... species on the endangered or threatened list include the Comal Springs dryopid beetle [Stugopamus comalensis), Comal Springs riffle beetle [Heterelmis comalensis} and Peck's cave amphipod [Stygobromus peckQ. ...”

[4] One DOI letter of 2009 noted that rock fractures from construction of the purple line could make leaks of water already occurring into the Red Line of the Metro system worse, leading to more shut downs in service or greater expenses for additional pumps, etc.

[5] <http://www.itreetools.org/index.php>

[6] US Fish and Wildlife Service:

<http://www.fws.gov/migratorybirds/regulationspolicies/mbta/taxolst.html>

[7] Email from Dr. Albert Manville of the USFWS, October 18, 2013, concerning a construction site light in the vicinity of Chevy Chase, MD.

Begin forwarded message:

Attachments :

JMF DDI CR + JT Purple Line Comments -- 10-21-4 pm.pdf (593 kb)

**John M. Fitzgerald, J.D.
Christine Real de Azua
Dedun Ingram**

And

**John Talberth, Ph.D.
Senior Economist and President
Center for a Sustainable Economy**

October 21, 2013

Submit the Following Comments

by email to: FEIS@purplelinemd.com

and via the US Postal Service to:

FEIS Comment
Maryland Transit Administration
Transit Development Delivery
100 S.E. Charles Street, Tower Two, Suite 700
Baltimore, MD 21201

**Comments on the Environmental Impact Statement
For the Purple Line
Proposed by the Maryland Department of Transportation**

Introduction

John M. Fitzgerald, Christine Real de Azua, Dedun Ingram and Center for Sustainable Economy (CSE) hereby offer the following comments on the Final Environmental Impact Statement (FEIS) for the proposed Purple Line Project. John M. Fitzgerald, Christine Real de Azua and Dedrun Ingram are individuals residing in the area affected by the Purple Line Project whose interests will be harmed by the project in a number of ways: the project will diminish the quality and the extent of their use and enjoyment of their homes on Elm Street, the street paralleling that portion the proposed Purple Line Capital Crescent Trail, the trail which they use often for recreation and fitness, Elm Street, Leland Center and Rock Creek Parks and the species, services and features thereof. Fitzgerald and Real de Azua are also active members of Center for Sustainable Economy.

Center for Sustainable Economy is a non-profit advocate for the transition to an economy based on principles of social, environmental, and economic sustainability. CSE has active members who reside in and around the project area who will be harmed by the loss of aesthetic, historic, ecological, and economic resources of urban forests, streams, and open spaces. CSE also has an interest in protecting these green infrastructure elements for their benefits in reducing water quality management costs downstream and generating a host of ecosystem services of great benefit to surrounding communities.

The Maryland State Department of Transportation is planning to seek Federal and private funding to build and operate a light railroad across Montgomery and Prince Georges Counties just north of the District of Columbia. It would cross Rock Creek Park and negatively and permanently affect Rock Creek Park, several other parks, forests, migratory birds, and the Rock Creek watershed that contains a highly endangered species, the Hay's Spring amphipod. This small crustacean is a key part of the ground water and creek ecosystems, turning leaves into nutrients for other species. It is highly sensitive to water pollution of the sort expected to be generated by the construction and operation of the Purple Line.

The primary publicly stated purpose for building the Purple Line, and for routing over the path of a former railroad and a hiking and biking trail is to alleviate east-west traffic congestion and strengthen east-west transit between College Park and Bethesda. However, the unstated, underlying driving force for the proposal is to enable large-scale residential and commercial development at Connecticut Avenue and along the Capitol Crescent Trail mainly to Silver Spring and to provide those new residents with access to Bethesda that is easier than taking a walk, a bike, a bus, a pedal cab or motor cab or a new dedicated bus line. Any of these could cost much less and lead to less net pollution and risk to the communities affected.

The direct cost to taxpayers of the construction can be measured in millions of dollars and five years of interruptions. The indirect, unavoidable costs of construction and operation include the lost opportunities to pay within existing tax rates for projects that are already built, and for several already planned as well as the potential losses inherent in an undrafted contract with private partners.

Maryland has committed similar errors in recent years primarily driven by one major private developer and for which citizens are still paying in the form of higher taxes, lost opportunities and lost ecosystems. A prime example is the InterCountyConnector, as set out in Bethesda Magazine in September 2013, for which traffic and revenue have turned out to be far lower than projected, and for

which costs escalated from the initial estimate of \$1 billion to as much as \$4 billion including interest payments¹ --payments which are still today draining the State's Transportation Trust Fund.

In these comments we outline several fatal flaws in the Environmental Impact Statement for the Purple Line. The project proponent and the State may believe that the EIS standards need not be met due to an attempted waiver for similar projects in the 2012 Highway Act that has not yet been tested in court as applied to this project in particular. That waiver, however, does not waive the Federal and state requirements that such proponents comply with other laws and state fully, and without misleading or withholding, in any EIS or other such statements, all information relevant to government permits or funding. This EIS fails to meet that standard and places all agencies relying on it at risk.

Therefore, should the objections raised in these comments not be satisfactorily addressed in the near future, we will have to considering further action, beginning with a sixty days' notice of the intent of coauthors to sue to uphold the laws affected and prevent harm to the resources, wildlife, and people that the Purple Line project puts at risk.

Main Points

- 1) There are serious flaws in the EIS, including the failure to disclose the presence of a highly endangered species, the Hay's Spring amphipod, *Stygobromus hayi*, downstream in Rock Creek Park, which, through required interagency consultation by the Federal funding agency, and possible litigation by concerned citizens, including the coauthors of these comments, is likely to alter and/or delay and increase the cost of the project;
- 2) The EIS understates the extent and cost of the loss of tree canopy and natural green space and of its stormwater runoff and air and water pollution reduction, shade-providing, noise and wind buffering, and other environmental services.
- 3) The above-ground option for the Purple Line would result in the degradation of Parks, in violations of Section 4(f) Park Protections in the Transportation Act – that are beyond the legal limit of *De Minimus*; and in hazards to school children -- from Nursery through High School -- that are beyond cavalier.

¹ <http://www.bethesdamagazine.com/Bethesda-Magazine/September-October-2013/The-Intercounty-Connector/>

² Sources cited by the FWS article include:

- 4) Migratory Bird Treaty Act – Some potential impacts and potentially illegal bird kills are ignored.
- 5) The Environmental Compliance Plan is not included as it is not yet developed – Proposed zoning changes and ensuing development associated with the Line are also not covered. Therefore the impact of the actions cannot be assessed based on this EIS and the EIS is inadequate as an legal assessment or as a basis for prior informed consent or decision-making *per se*.

In addition:

6) Key elements of any binding contract between public and private partners for the construction and operation of the Line are obviously not yet available nor ready for inclusion in the "request for qualifications" that will be sent out and lead to a joint application for that Federal funding;

7) Many other elements of the environmental and economic performance that will be required by State and Federal law in order to obtain Federal and state funding, including the Compliance Plan, are mere guesses at this stage, while the numbers have been arrayed so as to cast the project in the best light, which barely made it over the Federal standard for such matches at an earlier stage; and

8) Many better alternatives for inner east-west flow improvements are available (yet not assessed fully) and the costs of pursuing this one opportunity would preclude all of those and many other worthy transportation projects meeting additional and more pressing needs at lower risk and lower cost.

Discussion of Main Points

1) The EIS admits an impact on wetlands but ignores key wetlands and a highly endangered wetlands-dependent species.

The EIS admits that a Section 404 Clean Water Act permit will be required due to the apparent impact on wetlands but appears to ignore the impacts on some wetlands such as **Coquelin Run in Chevy Chase and completely omits the threat to a highly endangered species downstream.**

The EIS does not disclose that a wetlands-dependent endangered species, the **Hay's Spring amphipod**, has its only known population in and near Rock Creek. Rock Creek and its many tributaries to it, will have their sediment loads and pollutant loads increased for five years in all likelihood due to construction of the Purple Line. It is probable that Rock Creek's sediment and

pollution loads will be increased to some extent for a considerably longer period.

Sediment and pollution were cited as primary threats to the endangered Hay's Spring amphipod and a potentially more rare relative, Kenk's amphipod, in the official Endangered Species Bulletin of the US Fish and Wildlife Service (which summarized scholarly articles and recent grants to the Maryland Department of Natural Resources for status surveys). See <http://www.fws.gov/ENDANGERED/bulletin/2002/01-02/08-09.pdf>; The report stated:

Obvious vulnerability comes from the narrow distribution in the specialized subterranean habitat, and threats come from potential groundwater pollution. The urban area surrounding the park poses potential risks due to toxic spills (such as oil and gas), nonpoint source inputs (such as fertilizers and pesticides), land disturbances, sewer leaks, and excessive stormwater flows that might adversely affect groundwater. Except for parklands, additional potential habitat where Hay's Spring amphipod populations may have occurred in the District has largely been lost to development.

Another vulnerable species, Kenk's amphipod (*Stygobromus kenki*), occurs in Rock Creek Park in two other springs and may be more rare than the Hay's Spring amphipod.²

² Sources cited by the FWS article include:

Culver, D.C., L. L. Master, M.C. Christman, and H. Hobbs III. 2000. Obligate cave fauna of the 48 contiguous United States. *Conservation Biology* 14:386-401.

Holsinger, J. R. 1978. Systematics of the subterranean amphipod genus *Stygobromus* (Crangonyctidae), par II: Species of the eastern United States. *Smithsonian Contributions to Zoology*, No. 266. Smithsonian Institution Press, Washington, D.C.

Holsinger, J. R. 1967. Systematics, speciation, and distribution of the subterranean amphipod genus *Stygonectes* (Gammaridae). *United States National Museum Bulletin*, No. 259. Smithsonian Institution Press, Washington, D.C.

Hubricht, L. and J. G. Mackin. 1940. Description of nine new species of fresh-water crustaceans with notes and new localities for other species.

American Midland Naturalist 23:187-218.

Construction may cause rock fractures – allowing increased pollution of ground water downstream affecting the amphipod and possible leaks into the stations on the Metro Red Line

The 2009 letter in the appendices of the EIS, received from David Hayes of the DOI -- (the Regional Transportation Liaison, rather than the Deputy Secretary of the same name) notes that rock fractures from construction of the purple line could make leaks of water already occurring into the Red Line of the Metro system worse, leading to more shut downs in service or greater expenses for additional pumps, etc.

The potential problems brought on by increasing fractures in underground rock layers seemed not to be addressed in the Final EIS and it presents a serious risk not only on the Metro Stations the Purple Line is intended to serve but also to the Hay's Spring amphipod which depends on clean ground water as a major part of its habitat. New fractures in rock formations along the train tracks would likely lead to the leaching of hazardous wastes near ground level at various sites along the right of way, as marked in the maps of the EIS, that may have to date been contained by uncompromised or un-cracked layers of rock. That may result in the pollution of bodies of water near the waste sites, such as the pond and stream on the Chevy Chase Country Club adjacent to the hazardous waste site at the dry cleaners at the junction of the trail and Connecticut Avenue. Ironically, that is the lot that is at the center of the complex of buildings that is driving the proposal to route the Purple Line through the Capitol Crescent Trail. Therefore, the residents of the site may share with the birds, fish, snails and amphipods that depend on this water the increased levels of hazardous air and water pollution stirred up by the construction of the Purple Line.

The law cannot permit an agency action to jeopardize any listed species. There is hardly a better definition of jeopardy to a listed species within the realm of likely impacts in or near the District than the impact on wetlands and water set out, however incompletely, in the EIS. This potential negative affect upon a listed species, and in this case, rising to the point of jeopardizing the continued existence of a listed species due to the impact on the only known population on earth, calls for a biological assessment by the action agency and a formal biological opinion in return from the FWS before any Federal funds can be expended or irretrievably committed, and similarly requires a formal incidental taking statement or permit before any non-federal action affecting the species may legally take place.

State listed species of concern such as the Appalachian Spring snail (category S2) may also be present in the affected area. There is also the possibility that other Federally – listed species may be present in the areas

affected, including downstream of the Purple Line route. All of these should be determined not to be affected before the project proceeds without formal permits addressing such species.

The EIS ignores the affirmative duty of the Federal agencies to enhance the recovery prospects of the Hay’s Spring Amphipod if the project affects the species.

Furthermore, we note that to the extent that the Purple Line builders and operators rely upon Federal agency permits, actions or subsidies the standard of care is not just to avoid jeopardizing the likelihood of recovery but that there is also an affirmative duty to undertake actions that will be likely to lead to the recovery of the species, including protecting areas where the species may be re-introduced or may yet be found to have migrated in later status surveys. This duty is not just for wide-ranging species such as wolves or anadromous fish, but also for any listed species and has been found to exist and to protect listed amphipods in the path of Federally-subsidized private actions. (See, [Sierra Club v. Glickman](#), 5th Circuit, as discussed in by E Kristen in 27 Ecology LQ 699, 2000³).

This means that the potential effects of the Purple Line’s construction and operation on the potentially useable amphipod habitat, including groundwater, springs and cave-like structures throughout the Rock Creek watershed should be considered and not allowed to negatively affect such areas.

Federal project partners must consult with the USFWS on the effects of the Purple Line on Hay’s Spring amphipod

Because the Purple Line is likely to adversely affect Hay’s Spring amphipod (*Stygobromus hayi*) and its habitat, the Federal Transit Administration, National Park Service, and the National Capital Planning Commission have a duty to consult with the U.S. Fish and Wildlife Service over these impacts and develop measures to avoid or mitigate harm. 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.14(a). Section 7 consultation is required for “any action [that] may affect listed species or critical habitat.” 50 C.F.R. § 402.14. Formal consultation with the U.S Fish and Wildlife Service (USFWS) must be initiated “at the earliest possible time” so as to avoid irreversible commitments of resources and to eliminate the possibility of the Purple Line causing an incidental take of this important indicator species for the health of the Rock Creek ecosystem.

³ HeironLine suggests that we “See Hay, supra note 57, at 1462 n.29 (citation omitted ... species on the endangered or threatened list include the Comal Springs dryopid beetle [*Stugopamus comalensis*), Comal Springs riffle beetle [*Heterelmis comalensis*] and Peck’s cave amphipod [*Stygobromus peckQ*. ...”

Federal agencies have thus far erred in determining that there are no endangered species affected by the Purple Line Project. According to the FEIS, “[i]n the October 27, 2011 letter from USFWS, the USFWS stated that there are no federally proposed or listed endangered or threatened species known to exist within the project are; therefore, no Biological Assessment or further Section 7 Consultation with the USFWS is required” (FEIS at 4-117). But this determination was based on an incomplete project record provided by FTA. The information and studies cited herein, provide a more accurate assessment, and we trust that the federal agencies involved will now act expeditiously to initiate formal consultation in accordance with the procedures outlined in 50 C.F.R. § 402.14, work with USFWS to prepare a biological opinion, and develop measures to avoid incidental take.

Expeditious consultation will obviate the need for CSE and its members to take further legal action over this critical issue, including filing of a sixty-day notice of intent to sue under the ESA and subsequent litigation to enforce ESA’s consultation and incidental take provisions.

2) The EIS understates the extent and cost of the loss of tree canopy and natural green space and of the environmental services they provide, including stormwater runoff, air and water pollution reduction, shade, and the buffering of noise and wind.

The EIS understates the loss of forest cover by covering the issue primarily in the cumulative effects section of the EIS. This appears to limit the analysis of forest cover loss to the arbitrarily drawn circles around the stations and leave most of the Trail and its environs between station circles uncounted. The EIS also appear to exclude the losses in Rock Creek Park by stating that the figures for the park were unavailable (see Table 7.7) (That the Park does not know its own forest is rather hard to believe -- see the letter from the Park Service in the appendices and another from the National Capitol Planning Commission dated 4/29 and 1/16/09 respectively. The two letters list many faults in the Draft EIS that do not appear to be corrected or addressed in the final including insufficient information to allow the agencies to assess the many effects, beyond loss of trees, of the Purple Line on the Park. We address one of the issues they raise below on the threats posed by the construction process fracturing underground rock and leading to leakage and leaching.⁴)

The Final EIS appears to admit to the cutting of 47.6 acres of forest, primarily along what is now the Capital Crescent Trail, which the EIS refers to as

⁴ One DOI letter of 2009 noted that rock fractures from construction of the purple line could make leaks of water already occurring into the Red Line of the Metro system worse, leading to more shut downs in service or greater expenses for additional pumps, etc.

the Georgetown Branch Right of Way. The EIS also admits that this is on top of a 3% loss in the area from 2002-2010. The EIS fails to calculate the value of the services provided by these trees, and to report that loss as a cost to society in its section on “Benefits and Effects”. For such a calculation the EIS could use the “itree”⁵ program available from USDA to calculate the value of the ecosystem services that different tree types and ages provide. For example, the itree program presents and can calculate the storm water management, air and water purification and carbon capture services as high economic values provided by trees and entire urban forests, which will be lost to the Purple Line.

For users of the popular Capital Crescent trail, and residents of The Town of Chevy Chase, among others, the attractiveness of the neighborhoods will be dramatically reduced by the Purple Line and in particular by the loss of these trees and the linear park that they form, their shade, their contributions to air quality, water retention and purification, and other enhancements. Loss of the entire tree canopy in the corridor between Bethesda and Silver Spring will make any hiker-biker trail constructed along the rails unprotected from summer heat and force the thousands of people who use the trail each weekend to be exposed to more cancer causing UV rays and a higher potential for heat stroke. There will also be indirect losses in health as many people will cease to use the more constricted, noisy, and less pleasant trail.

Indeed, the section on Benefits and Effects, while noting job creation benefits of an above-ground Purple Line, fails to tally the job creation benefits and other genuine economic benefits of alternatives, including an underground Purple Line, and of completing the Capital Crescent Trail solely as a dedicated hiker-biker trail.

3) The above-ground option for the Purple Line would result in the degradation of Parks, in violations of Section 4(f) Park Protections in the Transportation Act – that are beyond the legal limit of *De Minimus*; and in hazards to school children -- from Nursery through High School -- that are beyond cavalier.

The EIS attempts to avoid the application of Section 4(f) requirements of the Transportation Act of 1966 by omitting, minimizing or mischaracterizing description of the harms caused to Elm Street, the park at the Leland Center, called Leland Park it seems in the EIS, and Rock Creek Parks, among others. Section 4(f) prohibits any detrimental use of parks or historic properties by Federally supported transportation projects which can only be permitted if they are *de minimus* uses (49 USC 303, 23 CFR Part 774). The EIS representation of impacts on parks is not only inaccurate and thus not in compliance with NEPA,

⁵ <http://www.itreetools.org/index.php>

the Transportation Act and other planning laws, but also runs the risk of violating additional prohibitions against the withholding of or misrepresenting material facts in Federal proceedings or permitting procedures (*e.g.*, 18 USC 1001 and 1505). Instead of alleviating the bursting demand for hiker-biker commuting and recreation trails in the area, above-ground construction of the Purple Line will discourage Capital Crescent Trail (CCTrail) use and make it hazardous. While it could be argued that the (CCTrail) is exempt from 4(f) (by virtue of the 1995 Montgomery County Resolution that declared its reservation as part of the park system to be temporary, which is debatable, particularly as to other jurisdictions affected), the affects on other parks are not exempted. For example, to assert that the sound and presence of pile drivers, earth moving machines and then 70 trips a day of trains with warning bells or horns sounding as they move through Chevy Chase and the other neighborhoods, in addition to the sounds and dangers of the trains themselves, is "*de minimus*", stretches the definition of the term "*de minimus*" which means of such small amount as not to be recognizable or noticeable in the law. It is wrong to apply it in this context in particular, for parks are specifically intended to provide quiet settings in which people can enjoy the benefits of a natural environment and the purpose of 4(f) is to protect that quiet enjoyment. The decibel levels and duration of the sounds themselves were not evident in my review and the cumulative noise levels were not provided in the EIS despite the duty to report on cumulative and associated impacts. (Expected noise levels of 70dB and above were reported to the Town of Chevy Chase.) Yet the EIS asserts that the "Bethesda Station would have no cumulative effects on resources of interest." (p. 7-11). Elm Street Park and Leland Park are per se, legal, or *de jure*, resources of interest, and the forest cover and water flows and noise levels in the area are certainly *de facto* resources of interest to all residents, caregivers, teachers and workers here.

Construction of the Purple Line will result in degradation of Elm Street Park because, among other things, a wide pathway will probably have to be built through it so that bikers and hikers displaced from the Capital Crescent Trail can reach Willow Lane, and because a portion of the park will be used during construction of the Purple Line. The EIS asserts that damage to the Park will not amount to adverse impacts to Elm Street Park in light of a presumed or planned total reconstruction of "the entire Park within the next few years as a requirement of nearby development". This is circular logic and also fails to recognize that the Park was created to protect the Town of Chevy Chase from such development and to mitigate and offset commercial development. The Park should be expanded rather than reduced in response to nearby development. (p. 6-27). On p. 6-28 the EIS misleadingly asserts there will be no noise vibration or visual effects and no "constructive use" (an indirect use of parks forbidden by Section 4(f) of the Transportation Act of 1966) of Elm Street Park while building ramps and overpasses near the Park) as follows:

The Preferred Alternative would not permanently

use any part of Elm Street Urban Park. *The FEIS Chapter 4.0 assessment of effects indicates that the Preferred Alternative would not cause noise, vibration, or visual effects on Elm Street Urban Park that would constitute a constructive use; no substantial impairment of the activities, features or attributes—playgrounds, gazebo, picnic tables, benches, trails and public art—that qualify the park for protection under Section 4(f) would occur.**

* Note that the Purple Line plan was modified after release of the EIS: a “minor” zoning change was requested after the EIS release to allow the bike trail to run through and thus “use” Elm Street Park or on the road next to it, thus affecting Elm Street Park and using it permanently. In addition, in the zoning change request, the entire Elm Street Park is included as part of the Bethesda Purple Line Train Station and encircled in yellow as such. These are not minor changes legally as properly understood for the serious and permanent changes that they are, they are probably forbidden by Section 4(f) of the Transportation Act.

** Note however, that horns or bells of 70 approaching trains each day would be sounded as each approaches the Wisconsin Avenue underpass which is just a few feet away from the park. This is also a permanent degradation of the Park and thus probably in violation of Section 4(f).

Additionally, children playing in the park would be separated from serious injury by only a four-foot wall. That small barrier, combined with the attractive nuisance that the trains would represent to children are yet another serious risk in fact to the community and probably a violation *per se* of Section 4(f).

When the EIS admits to a greater level of impact or use of a Park, it seeks a temporary exclusion from the 4(f) requirements by asserting the impact will be temporary. This assertion is not correct; significant impacts will continue for the life of the Purple Line and they are not *de minimus*.

The EIS shows power stations, including one across from the Town Hall of the Town of Chevy Chase and its Leland Street Park. The EIS indicates that noise and vibration monitors will be located south of the power station, on the property of a town resident. The presence of such monitors seems to anticipate that noise and vibration may be problematic, but we could not find any discussion of levels in the EIS summary sections (although they might be in the technical reports). However, at this point there appears to be no meaningful limitation on noise or vibration levels in the EIS as the Compliance Plan is to be developed later (See below).

Threats to schoolchildren and other pedestrians are understated

Beyond the noise levels are the threats to immediate safety of children of all ages who use and cross these parks and the trail. There are day care centers on and near the trail and children who cross the trail to get to school at numerous points. No discussion of covering the tracks with a light roof with walls that would prevent people from climbing over the tracks for the portion from Connecticut to Wisconsin was included. That would have reduced the threats.

With regard to safety issues beyond Elm Street Park many children and adults currently walk or otherwise cross the trail at Lynn Drive. The state promised that this crossing would remain but have reneged on this. They have not offered a viable solution and admit now that they can't let people cross the tracks here because it would be too dangerous. There is a curve in the path so the sight lines are poor and trains will be moving at 45 miles per hour here and they refuse to reduce the speeds. Children will have to walk along East West highway on a narrow sidewalk to get to school or they'll try to get over fences to get to school on time putting themselves in great danger.

4) Migratory Bird Treaty Act – Some potential impacts and potentially illegal bird kills are ignored.

The 47 acres or more of mostly mature canopy and natural green space that will be lost – an area almost twice the size of Dumbarton Oaks Park in Washington DC, provide shelter, habitat, food sources and other life support functions for many wildlife, some common and others less so, including birds that are listed and protected under the Migratory Bird Treaty Act.⁶

The following are examples of birds protected under the MBTA that use or live in the affected area and that the coauthors of these comments regularly see (or, in the case of the screech owl, hear) in that canopy and green space on the trail or in properties along the trail and forming part of its network:

Archilochus colubris, [Ruby-throated Hummingbird](#),

Zenaida macroura, Mourning Dove

⁶ US Fish and Wildlife Service:

<http://www.fws.gov/migratorybirds/regulationspolicies/mbta/taxolst.html>

Buteo lineatus, Red Shouldered Hawk

Megascops asio, Eastern Screech-Owl

Picoides pubescens, Downy Woodpecker

Dryocopus pileatus, Pileated Woodpecker

Baeolophus bicolor, Tufted Titmouse

Thryothorus ludovicianus, Carolina Wren

Pipilo erythrophthalmus, Eastern (Rufus-sided) Towhee

Junco hyemalis, Dark-eyed Junco

Carduelis tristis, American Goldfinch

Ardea herodias, Great Blue Heron

In addition to affecting and removing habitat, shelter, and food, the Purple Line would pose a potential danger: The issue of high power lines over the tracks, including what would appear to be un-insulated live wires to supply the trains passing underneath, presents the likelihood of migratory and other protected birds being electrocuted after alighting on the live, un-insulated wires if they make contact with other parts of the structure that create a circuit and thus electrocute them.

The FWS letter to the consultant in appendix G provides a link to guidelines for compliance with the MBTA but that appears to be in response to the felling of the many nesting trees and not in response to the permanent presence of high-power lines that are not insulated. Even insulated transmission and distribution wires are leading causes of death as birds still touch un-insulated portions where the wires join the poles. Even passing birds such as Bald Eagles may alight on the wires, especially over streams and creeks. They must be protected or the operators will potentially be in violation of the law.

There is also the question of bright lights during and after construction of the Purple Line at its service facilities and elsewhere.

As the FWS MBTA office has noted—

Migratory birds are a "trust resource" with 1,007 species protected

by the Migratory Bird Treaty Act (MBTA). Bright lights have been extensively documented to attract and kill migratory birds, especially at night. Migratory birds are protected by the MBTA, which is a strict liability criminal statute. Each time a protected migratory bird is documented injured or killed at a lit structure such as this one -- most mortality occurring at night during migration, and an existing "conservation measure" is readily available to address it (i.e., turn the light off), then each incident represents a "take" that could have criminal consequences.⁷

No discussion of covering the tracks with a roof for any portions, such as the one from Connecticut to Wisconsin Avenues was included, for example. That would have reduced the threats to children and birds and reduced the "need" to cut trees away at an angle as some have heard, to avoid wet leaves falling on and accumulating on the live electric rail.

5) The Environmental Compliance Plan is not included as it is not yet developed. Proposed zoning changes and ensuing development associated with the Line are also not covered. Therefore the impact of the actions cannot be assessed based on this EIS and the EIS is inadequate as a legal assessment or as a basis for prior informed consent or decision-making *per se*.

Section 5.4 of the EIS states that the MTA will develop *an* Environmental Compliance Plan after the Record of Decision is issued. That would seem to miss the point of an EIS of informing decision makers of the likely impact of their decisions as to the preferred and alternative courses of action. Also absent from this Final EIS are the changes that would follow proposed alterations in zoning announced after the EIS was published. Those changes would encourage the permanent conversion and reduction of part of Elm Street Park as noted above, and increasingly dense development, near the Purple Line and its stations. This is a classic example of segmented, piecemeal revelations and sleight of hand intended to by-pass the requirements of planning law and to fly under the radar of busy elected officials and citizens. Therefore, before funds are dedicated to the Purple Line, the preferred alternative and several reasonable alternatives should be reassessed and a supplemental EIS completed for them along with a complete description of all compliance steps required. It is necessary to do this, despite the 2012 streamlining of the Transportation Act requirements because other laws apply that have not changed or been preempted. These include the Endangered Species Act, the Migratory Bird Treaty Act (active nesting trees, etc.)

⁷ Email from Dr. Albert Manville of the USFWS, October 18, 2013, concerning a construction site light in the vicinity of Chevy Chase, MD.

the Clean Water and Historic Preservation Acts, and similar Maryland and potentially District of Columbia (*e.g.* water pollution and wildlife) laws.

Finally, any decision based on the EIS's limited and understated analysis and its lack of a compliance plan would seem to be arbitrary and capricious for purposes of federal or state administrative law alone given the serious financial, health and safety risks that are evident.

Sincerely,



John M. Fitzgerald, J.D.

On behalf of –

Christine Real de Azua
4502 Elm Street
Chevy Chase, MD 20815

Deborah Ingram
4411 Elm Street
Chevy Chase, MD



John Talberth, Ph.D.
President and Senior Economist
Center for Sustainable Economy
1112 16th St. NW, Suite 600,
Washington DC 20036

Purple Line FEIS - RECORD #721 DETAIL

First Name : Lynda
Last Name : Williams
Business/Agency/Association Name : Edgevale Community Association
Email Address : 3suns5@gmail.com

Submission Content/Notes : Edgevale Community Association
7112 Edgevale St.
Chevy Chase, MD 20815

October 23, 2013
Purple Line FEIS Comment
Maryland Transit Administration
Transit Development and Delivery
100 S. Charles Street
Tower Two, Suite 700
Baltimore, MD 21201

Re: Comments of the Edgevale Community Association on the Purple Line Final Environmental Impact Statement

Dear Sir/Madam:

Thank you for providing the Edgevale Community with an opportunity to review and comment on the Purple Line's Final Environmental Impact Statement (FEIS.) We are submitting for your consideration, our comments about the significant impact the project would have on our community, health and our homes.

The Edgevale community, which resides north of East West HWY, between the Columbia Country Club and the Sleaford Rd access junction, was established in 1950. It is nestled in the last existing stand of the old Columbia Forest, hence our name "Columbia" on maps, as well as the name of the Country Club. It is one of the largest parcels of forested green space in Montgomery County inside the beltway. The community comprises 23 single family homes, 43% of which border the Georgetown Branch right-of-way (aka the Capital Crescent Trail or simply, the Trail.) We chose to live below the mature tree canopy and in a park setting in the middle of an urban environment, and we are thus concerned about the Purple Line project and, particularly, the severe impact it will have on our community and the trail.

After review, we would like to share our perspective on several issues that directly impact us:

Trail/Transit Noise, Vibrations and Trail Safety
Visual Impact

Loss of Tree Canopy and Air Pollution

Access to the trail via the Sleaford Rd Access Junction

Trail/Transit Construction and Trail Availability

Increased pedestrian and automobile traffic at Edgevale St and East West HWY

Trail Aesthetics/Maintenance

Derailment

Sound Barrier

Noise, Vibrations and Trail Safety

Please note that FEIS mitigation methods of noise and vibrations should be mandated as part of the construction of the proposed Purple Line project from the beginning. Edgevale homeowners should also be given the same consideration that has been given to Columbia Country Club and the University of Maryland, namely that noise and vibration would be mitigated to the extent that it would not disturb people in the club house at Columbia CC or the students and researchers at the University of Maryland, even though the Dorms and Classroom buildings are located further away from the project line than our homes.

E.9

E.10

Vibrations: The high frequency of vibrating ground from a high volume

light rail line would be a significant problem for our community, especially for those with homes backing to the project. The project, for most of the line, will move at 20 - 30 MPH. What has been proposed uniquely for our area is a much more intense use of light rail, moving at 45 MPH, at most hours of the day, in the narrowest part of the rail project, in very close proximity to older homes. We are very concerned about the effects of all of these vibrations on our health (mental and physical) and on the integrity of our properties.

Noise: The Edgevale community reviewed the information in the FEIS regarding expected noise levels on the trail and the homes adjacent to the trail. We understand that MTA has computed these estimated noise levels via FTA criteria. These levels, however, have little bearing on the actual noise levels that Edgevale residents will experience when in one's back yard or using the trail. The actual peak noise level when a train passes by is almost 90 decibels. One cannot carry on a conversation, nor hear a bike bell alerting that a biker is passing, at 90 decibels. Edgevale residents at home or on the trail, would experience these peak noise levels as frequently as every three minutes at most hours of the day. The Edgevale community finds these extreme vibration and noise levels completely unacceptable and seek significant mitigation.

Trail users should not be exposed to peak noise levels approaching 90 decibels. Noise mitigation measures need to be factored into the trail/transit design. The Edgevale community endorses the construction of a noise barrier, at least 10 feet high, between the trail and the transit line, incorporated in the design so no property is taken. Such a barrier will help mitigate noise for trail users and Edgevale residents and ensure the separation of trail users from the transit line, facilitating safer trail use. [Please note: The wall height may need to be higher than 10 feet to account for noise emanating from electric catenary wires, a noise source which was totally ignored in the FEIS noise analysis.] Importantly, this type of noise mitigation will also significantly reduce noise exposures at the trail access points and for homes adjacent to these points. Access to the transit right-of-way, which are necessary in the event of an emergency, may be facilitated by creating occasional gates in the noise barrier.

Additionally, to further mitigate noise and vibration levels for Edgevale and surrounding areas, trains should reduce their speed and frequency during the early morning and evening hours. We also question proposed ridership demand that calls for the light rail to run so frequently in the early morning and late at night, and at such extreme hours.

Visual Impact

According to the FEIS, Edgevale ranks at the highest level in terms of negative visual impact to a community. The old freight train running 2x per day through our forested area at 20 MPH, was a minor visual impact. 270 trains per day at 45 MPH in a tree-less landscape, would be a huge negative visual impact. During the early morning and evening hours, there would be a substantial visual impact of train headlights and lighting in the train cabins whizzing by, as well as the near constant visual energy of trains racing by at most other hours, in very close proximity to resident's homes. Perhaps the best way to mitigate noise and visual impacts in this limited area is with a substantial masonry/concrete wall, much like what one would see along an interstate. Such a wall would also help guard against derailment (see item #9) and go a long way toward mitigating visual and noise impacts to those of us who would be immediate neighbors to the rail line. We also recommend special lights for the train to minimize light escape into the night sky.

3. Loss of Tree Canopy and Air Pollution

E.8

According to an American Forest (American Forest.org) analysis of the Interim Capital Crescent Trail and the proposed rail line found that with 75.4% of the Trail covered with trees, 1,683 pounds of air pollutants are absorbed from the air each year. They note that, "by absorbing and filtering out pollutants, trees perform a vital air cleaning service that directly affects the well-being of urban dwellers." This loss of pollution filtering will have direct health impact on Edgevale residents, yet there is no analysis of this impact or ways to attempt to mitigate it. The FEIS reports the area will be clear cut, with no attempt to conserve trees. Also not noted in the FEIS are the many trees that are on private property that may die when their root system is damaged during construction. We ask that an analysis be done to determine how take as few trees as possible, as well as to provide for the removal and replanting of trees directly and indirectly killed by the construction of the rail line, as close to the community as possible.

E.11

4. Access to the Trail via the Sleaford Rd Access Junction

The FEIS explains that there will be access from East West HWY to the trail along Sleaford Rd, and that this access includes a tunnel constructed under the trail/train. The Edgevale community is concerned about safety and aesthetic issues raised by a 50 - 60 foot tunnel in a residential neighborhood. We respectfully request that the tunnel not be lit at the intersection to the trail, so to avoid disturbing the adjacent residences and to keep from bringing unnecessary attention to the tunnel after dark. We understand that the tunnel should have lighting, we request that the lighting be confined to the tunnel itself. In addition, we request that the tunnel be equipped with a gate at each end to be opened no earlier than 6:00 a.m. and closed no later than 10 p.m. These accommodations would be the same as those used by the tunnel which runs under Wisconsin Ave. Currently, the Bethesda Urban Partnership takes responsibility for the Wisconsin Ave tunnel including daily gate opening and closing, general maintenance and graffiti removal. We would recommend a similar arrangement be made for the new tunnel.

Finally, the community requests that MTA and Montgomery County work with those individual home owners that would be impacted by the access trail and tunnel to make accommodations for safety, security, and aesthetics to meet homeowners concerns.

5. Trail/Transit Construction and Trail Availability

C.3

Information on the construction phase of the Purple Line is very limited in the FEIS. As the Edgevale community will not only be severely impacted by the construction of the train and access points, but as right-of-ways for construction vehicles as well, we request the following accommodations:

G.2

The Edgevale community requests active engagement with MTA and the construction contractor during the building phase. The community would provide a community representative(s) to participate in a community advisory board or at regular meetings in order to be updated on progress and to actively participate in the decision making process.

Construction in residential areas must be limited to the times of 8 a.m. to 5 p.m., weekdays and 9 a.m. to 4 p.m. on weekends.

Construction vehicles, of any sort, will not be allowed to idle at anytime. Heavy construction equipment will not be parked in the neighborhood, which includes the East West Hwy Conservation Area.

Construction access to the trail/transit right-of-way shall be from Connecticut Ave or Pearl Street.

Purple Line employees, unless visiting a particular home/s for an

appointment, will park at municipal lots, rather than park on Edgevale Street or Court.

All Purple Line employees working in our neighborhood and their vehicles will have clearly visible identification at all times. Necessary vehicles will abide by local parking rules.

All Purple Line employees working in our neighborhood will be held to a high degree of professional and personal conduct behavior. Monthly snail or email mail updates (depending on individual neighbor needs) on the status of construction activity and plans for the next month will be provided to the community representative/s and the homeowners adjacent to the trail.

Access to any private property must be requested by snail mail/email according to neighbor need, 72 hours in advance and must be explicitly made to the homeowner.

Finally, it is very important to the Edgevale community that the trail be available for use for the greatest extent possible during construction. It would be entirely unacceptable if the trail was unavailable for any significant period of time, as many of us use the trail for commuting to work and/or school, regular errands, and fitness.

6. Trail Aesthetics/Maintenance

The Edgevale Community understands that while MTA and its construction company will build the trail/transit complex, Montgomery County will finance trail construction and retain the responsibility to maintain the trail long-term. The Edgevale community believes that the trail should be a key consideration at the time of construction, With the construction of the Purple Line, Edgevale residents will lose the de facto quiet, linear park that is a neighborhood treasure. This permanent loss needs to be properly accounted for with ample investment in and careful consideration of the trail experience. To that end, we request that the following accommodations within the current Purple Line and trail footprint to enhance the post-Purple Line trail aesthetics and experience:

The conservation and/or re-planting of as many trees as possible to provide shade relief, absorb air pollution, as well as provide visual mitigation to the area, which according to the FEIS, will have major negative visual impact. This is the least MTA can do for this community. Shaded benches should be placed at equal intervals along the trail. Careful consideration should be given to drainage to avoid ponding of water on the trail and any negative impacts on plantings in the "green" median.

Edgevale is mostly downhill of the project. Storm water run-off must get careful attention.

As these matters will have to be discussed as part of the trail/transit construction, the Edgevale Community's interests should be adequately represented if our Association is afforded the opportunity to participate in a construction advisory committee, as noted above under item 5.

D.5

7. Increased pedestrian and automobile traffic at Edgevale St and East West HWY

D.3

As there is currently no public access to the trail from the Edgevale community and with the addition of the Sleaford Rd access, the Edgevale community anticipates increased automobile traffic within our neighborhood, as well as pedestrian traffic across East West HWY from neighboring communities, especially during weekends and holidays. Currently, given the topography of East West HWY at Edgevale St, it is VERY difficult to see traffic coming (as a motorist, bicyclist or pedestrian) from

G.1

either direction, especially given the high rate of speed at which cars, buses and trucks regularly travel. Despite the 35mph speed limit, vehicles regularly exceed 50mph as they travel downhill in the direction of Edgevale St. Individuals regularly cross East West HWY in order to use the Metro bus system, with bus stops located on each side of the HWY. We respectfully request that the following accommodations be made to ensure the safety and security of our residents: A traffic light should be installed at Edgevale St. and East West Hwy to allow for pedestrians to safely cross East West HWY. This light will additionally allow the residents of the Edgevale Community to safely exit onto East West HWY, especially during hours of peak congestion when it is difficult to turn onto East West HWY. As an added measure, the traffic light could be speed sensitive (similar to lights used in other jurisdictions, such as Arlington, VA) such that the light would automatically turn red for vehicles that were exceeding the speed limit in either direction. In Bethesda's Kenwood neighborhood, Brookside Dr. exits at River Road. A sensor reads that a car is waiting, and a light change is set.

We request a wider sidewalk be installed from the trail access point at the Sleaford/East West HWY intersection that includes a "green strip" between the curb of East West HWY and side walk, as has been installed up the road next to Columbia Country Club. Separation from the curb is a key to safety. Montgomery County's own transportation plan for East West HWY calls for the green strip. Additionally, to enable safe pedestrian egress from Edgevale St. to the tunnel, a short section of sidewalk on the east side of Edgevale Street along the East West Highway Conservation Area would improve pedestrian safety to the tunnel. We are aware that East West HWY is a state road. We ask MTA to work with the State Highway Administration to make these mitigations happen.

8. Derailing

We request that the possibility of both a derailment be considered and planned for. Normally, a light rail train, like those found all over Europe, is not a derailing concern because it moves at 20 or 30 MPH (often with traffic). However, the proposed design speed through our neighborhood is the highest on the entire proposed route. Trains will be moving at 50+ MPH. This type of speed, combined with the weight of the trains, causes legitimate concerns about derailing. The kinetic energy of trains moving at 45+ MPH is huge and, if they were to derail, they would destroy any house in its path. More space and setbacks would help guard against derailing. However, the Right of Way (ROW) is actually at its narrowest point in our neighborhood (66', by comparison, the ROW through CCC is about 100' wide). Perhaps the best way to guard against derailing is to either limit speed or provide physical design barriers to trap/channel a derailed train. We are not design engineers, but perhaps lowering/depressing the train route into the ground and providing a reinforced concrete wall of some appropriate height to help contain a derailed train. Also, if a derailed train were to strike the center poles carrying the overhead electric wire, it is conceivable that the wire could fall over and come into contact with the proposed barrier fence that MTA wants to put on top of the 4' sound walls, thereby charging the fence and creating an electrocution hazard. To help prevent such an occurrence we seek ways to "ground" fencing or otherwise insulate the electrical system.

K.5

Sound Barrier

According to the FEIS, a 4' sound barrier will be installed. However at the special community meeting for homes backing to the trail in

Edgevale and East Bethesda in August 2013, officials stated clearly that the wall in our area would be at least 6'. Please update the FEIS to honor this statement, as well as understand that the Edgevale community seeks a wall of 10' to try to mitigate the severe visual impact level, etc., as outlined above.

11. Conclusion

The Edgevale Community again appreciates the opportunity to provide these comments to MTA. Please contact Lynda Williams at 301-767-5044 or 3suns5@gmail.com, or Kate Detwiler at 703-351-8788 or Kate.Detwiler@gmail.com to address any questions you may have regarding the concerns of the Edgevale Community on these matters. Thank you for considering our perspectives.

Sincerely,
Lynda Williams
President, Edgevale Community Association

Cc:Mike Madden, Purple Line Project, MTA
Roger Berliner, Montgomery County Council Member, District 1
Rich Madaleno, MD Senator, District 18
Al Carr, MD State Representative, District 18
Chris Van Hollen, MD, 8th Congressional District
Arthur Holmes, Direct, Montgomery County DOT

Purple Line FEIS - RECORD #730 DETAIL

First Name : Ellen
Last Name : Mentzer
Business/Agency/Association Name : Sligo Branview Community Association
Email Address : ellenm612@starpower.net
Submission Content/Notes : All recipients:

The attachment contains the comments on the Purple Line FEIS of 28 August 2013 that were generated by the Sligo Branview Community Association of Silver Spring, MD 20901.

William R Mentzer Jr.

President,

Sligo Branview Community Association

<mailto:ellenm612@starpower.net> ellenm612@starpower.net

SLIGO-BRANVIEW COMMUNITY ASSOCIATION

Silver Spring, MD 20901

Sligo Branview Community Association (SBCA) Comments and Suggestions on the Purple Line (PL) Final Environmental Impact Statement (FEIS) signed 28 August 2013

C.4

Representatives of the SBCA¹ reviewed and discussed relevant sections of the Final FEIS for the proposed Purple Line (PL) light rail transit project. The proposed alignment for the project passes through or in close proximity to our neighborhood, at grade, in mixed traffic and through a tunnel, with 3 stations (Manchester Place, Long Branch, and Piney Branch) in our immediate vicinity. As such, residents and businesses in our neighborhood will be directly impacted not only during the construction phase but for decades to come. For this reason, we have studied the voluminous materials comprising the FEIS and have the following comments and concerns which we expect not only the Maryland Transit Administration (MTA) but also Montgomery County (MoCo) agencies and our representatives at the states and local levels to respond to. By response, we mean action – making appropriate adjustments to the preliminary plans and working with SBCA and the other affected civic associations and their members along the entire route as the process moves forward.

D.2

D.5

Traffic Management: The PL will be at grade, in mixed traffic along Wayne Ave. up to the tunnel east of Manchester Rd., and again from Arliss St. and Piney Branch Rd. to Piney Branch Rd. and University Blvd. The intersections at Sligo Creek Pkwy./Wayne Ave., Manchester Rd./Wayne Ave., Arliss St./Piney Branch Rd. and Flower Ave./Piney Branch Rd. are already heavily congested at peak hours and are failing. MTA's own traffic forecasts with the Purple Line, envision worsening congestion over the next two decades and beyond. At the same time, the time savings attributed to the PL between Dale Drive and Piney Branch stations Park are at odds with those traffic forecasts, (assuming trip times of less than 12 minutes versus present bus times of over 20 minutes at peak hours). Our concern is that the FEIS documents and discussions with MTA and MoCo representatives present woefully insufficient measures along this alignment to offset the negative congestion impacts the PL will exacerbate, especially at peak hours. These negative effects are due largely to the fact that the PL travels in mixed traffic in this area. Changes are called for regarding:

E.2

- **Roadway widening near congested intersections**
- **Changes to bus routes/schedules on congested roadways**
- **Traffic calming on side streets.**

While the FEIS documentation indicates some changes to the roadway along Wayne and Arliss to reduce congestion, those measures are partial and incomplete, largely comprised of right turn lanes added to a couple of intersections. Road widening to permit right and left turn lanes in addition to through lanes should be instituted at Wayne Ave./Sligo Creek Pkwy., in both directions, Wayne Ave. and Manchester Rd., and Arliss St./Piney Branch Rd. Regarding bus routes and schedules, there are currently 6 lines running along the most congested parts of

¹ The SBCA section of East Silver Spring totals over 940 single family homes plus 64 townhouses and some apartments.

E.9

Wayne Ave. which stop all along the street, especially at the choke point between Manchester Rd. and Sligo Creek Pkwy. The FEIS indicates only a single change (J4 metro bus) in routes/schedules leaving the PL to compete with all of the remaining lines for road space and headway through our community. Buses should be rerouted off of critical stretches of Wayne Ave. and Flower Ave. and/or their schedules reduced, not increased during peak hours. Beyond bus schedules and routes, the location of stops needs to be changed significantly to accommodate the PL. The drawings in Vol. II of the FEIS for Wayne Ave. are either vague or inappropriate regarding bus stop locations. Wayne Ave. between Sligo Creek Pkwy and the PL tunnel should be free of bus stops. Those stops should be moved to other streets (route changes) or further east on Wayne Ave. (above Manchester Pl.) and west on Wayne Ave. (west of Sligo Creek Pkwy.).

E.10

Congestion along Wayne Ave., Flower Ave. and Piney Branch Rd. at peak hours has given rise to growing “cut through” traffic on residential side streets (Eton Rd., Bradford Rd. - east and west of Wayne Ave., Plymouth St., Manchester Rd. - east and west of Wayne Ave., Manchester Pl. and Walden Rd.). These streets are narrow and cannot accommodate vehicles traveling at even moderate speeds to skirt traffic on the main roads. Traffic calming measures are called for, whether in the form of “right turn only” off of the main roadway at peak hours, speed bumps or similar measures. None of these appear to have been considered in the FEIS but must be in order for our neighborhood roads to remain just that, residential side streets.

K.5

Pedestrian Access and Safety: The drawings in the FEIS are not particularly informative about pedestrian access along the PL route and in and around the Manchester Place station. Where the PL crosses pedestrian crosswalks, either signals or “must stop” signage should be used. For the Manchester Place station, complete ADA compliant sidewalks on both sides of the station and to the entrances must be provided. FEIS drawings indicate pedestrians on Wayne Ave. cannot access the Manchester Place station directly from Wayne Ave which will seriously impact access to the station by the majority of potential users of that station, i.e., people residing in the multi-unit garden and high-rise apartments as well as single family homes on the north side of Wayne Ave. Moreover, quality and placement of lighting, stairways and elevators are not described but are of great concern to the community. Safety is also a major concern: the drawings indicate no barriers to entering the tunnel from Wayne Ave. nor from Plymouth St., merely retaining walls. The FEIS contains no analysis of maximum safe speeds in mixed traffic in hilly, residential neighborhoods such as those along Wayne Ave., nor of incident management in the event of sudden braking to avoid collision with pedestrians or cyclists crossing in its path. We implore the MTA’s PL team to spend more time (and money) on these access and safety issues than on ‘Art in Transit’ features and shrubbery choices.

Residential Parking: According to the FEIS, no parking facilities are to be provided at the Manchester Place, Long Branch, nor Piney Branch PL stations. The assumption is that all riders will walk or take buses to these stations, at all times of year, regardless of weather, distance or ambulatory ability. Many civic associations and their members have repeatedly expressed skepticism, indeed disbelief to MTA and MoCo transportation officials regarding this assumption. Many people in the area who plan to use the PL have explicitly indicated they would drive to the station and try to park on the side streets. The side streets in the SBCA neighborhood tend to be quite narrow, indeed narrower than those found elsewhere in East Silver Spring and are too narrow to accommodate parking on both sides and still permit safe passage of

vehicles traveling in two directions. At present, there are no parking restrictions on any side streets off of Wayne Ave., Flower Ave., Arliss St. or Piney Branch Rd. For the PL, parking is to be eliminated on Arliss St. For streets within 5 blocks of the Manchester Place stations (Eton Rd., Bradford Rd., Plymouth St., Reading Rd., Manchester Pl.), the county should institute permit parking for residents of those streets. For the Long Branch Station on Arliss Rd., permit parking should be instituted on Walden Rd., Garland Ave., and Plymouth St. Moreover, the county should provide public parking close to the Long Branch Station (which is recommended in the new draft Long Branch Sector Plan).

TPSS Station-Arliss: The FEIS proposes a Traction Power Substation (TPSS) on the north side of Arliss St. and Flower Ave. This is a long structure ~52 feet, which will “hum” 24/7, to be sited above grade in a highly visible location next to multi-family residences². The FEIS states that the TPSS will be ‘disguised’ as a windowless home, 10’ x 60’ with large gates for a truck entrance. This is visually unacceptable and invites crime (common with unoccupied structures). The intended site for this TPSS is adjacent to the PL Wayne Ave. - to - Arliss St. tunnel, near the Arliss St. end. This end of the tunnel is to be built by the open trenching method. Since this is the case and since this type of TPSS can be buried, as has been done in other US localities (eg Anaheim CA). The structure to house this TPSS should be incorporated into the tunnel structure near the intended site. By doing this, the TPSS access and water management concerns, which are similar to those for the train tunnel maintenance can be addressed concurrently. If this proves to be infeasible, the TPSS should be still be buried elsewhere on that site.

Noise and Vibration: The FEIS notes but does not adequately address noise produced by the PL trains: Wheel squeal, warning bells, horns and possibly train gate closures. The PL train will pass literally 100s of residencies in our neighborhood. As it does, it will generate noise from wheel squeal (especially at turning points of which there are several in our area), sound warning bells at all manner of crossings, and horns.³ The abatement methods suggested in the FEIS (train skirts) are inadequate and sound barriers are ineffective in mixed traffic. Experience from other Light Rail Transit (LRT) systems in the US indicates more effective methods including continuous track lubrication to deal with wheel squeal. Other means need to be identified for reducing the decibel level of warning bells and horns. There is no mention in the FEIS of ‘train gates’ yet these are currently used in Baltimore. Much more needs to be done to address these matters to comply fully with County standards on acceptable noise levels.

The SBCA and its members, together with other civic associations along Wayne Ave., Arliss St., and Piney Branch Rd. are sharing our strong concerns with you on these matters to ensure it fits well with our neighborhoods which it is ostensibly meant to serve. We are aware that some of the changes we are insisting on will cost money. However, the amounts in questions are modest by any standard, and relative to the costly changes recently incorporated into the design of the PL in Bethesda and Chevy Chase to mitigate negative impacts in those neighborhoods. The residents of our areas merit the same consideration. We are the riders and taxpayers who will use and pay

² The FEIS designates Wayne Ave as a ‘high impact’ area (chapter 4): “an extensive change to visual character constituting high visual effect would occur along ...Wayne Ave.....For visual impacts, continued coordination with EJ populations and assessment of design and aesthetic treatments...will be performed during further design development to address adverse visual impacts’

³ It is unclear whether train gates are to be used at signal crossings and other points along the alignment.

for this important project. Our concerns are valid and our proposals for modification should be acted upon by the MTA and by the relevant MoCo agencies.

Thank you for your consideration. We look forward to working with MTA and MoCo agencies to take the necessary actions to fully respond to these concerns.

William R. Mentzer Jr.

President
Sligo Branview Community Association
Silver Spring, Maryland 20901

Dist:

MTA Purple Line: FEIS@purplelinemd.com

Henry Kay, Maryland Transit Administration: hkay@mta.md.gov

Michael Madden, MTA Director, Purple Line Project: mmadden@mta.md.gov

State Delegate, Sheila Hixson: sheila.hixson.annapolis@house.state.md.us

State Delegate, Tom Hucker: tom.hucker@house.state.md.us

State Delegate, Heather Mizeur: heather.mizeur@house.state.md.us

State Senator, Jamie Raskin: jamie.raskin@senate.state.md.us

County Executive, Isiah Leggett: ocemail@montgomerycountymd.gov

Councilmember, Valerie Ervin: Councilmember.ervin@montgomerycountymd.gov

Gary Erenrich, Montgomery County Department of Transportation:

gerenreich@montgomerycountymd.gov

Ms. Francoise Carrier, Montgomery County Planning Board: MCP-Chair@mncppc-mc.org

Katherine Shaver: katherine.shaver@washpost.com

Aline Barros: abarros@gazette.net

Purple Line FEIS - RECORD #781 DETAIL

First Name : John A.
Last Name : Magarelli
Business/Agency/Association Name : WMATA
Email Address : JMagarelli@wmata.com
Submission Content/Notes : The Washington Metropolitan Area Transit Authority (WMATA) appreciates the opportunity to provide comments on the Purple Line FEIS. As the regional transit operator in the Washington metropolitan area, WMATA supports the efforts of the Maryland Transit Administration (MTA) to expand transit service in the Purple Line corridor and improve the quality of life for metropolitan area residents and visitors.

E.12

Please note the following comments:

1. Chapter 3- General: WMATA continues its capacity analysis of its Metrorail Silver Spring Station, in which the transfers between the MTA Purple Line and the WMATA Metrorail Line are being evaluated.
2. Chapter 4- General: The Silver Spring Station of the Purple Line should accommodate any future aerial connection to the WMATA's Metrorail Station in both design and construction of structure and utilities.
3. Chapter 5- General: While still in draft, the WMATA capacity analysis found that without a future aerial connection between the two Silver Spring Stations, both the Purple Line and Metrorail Station would experience increased congestion in the peak hour by 2020.
4. Chapter 3- General: MTA should use WMATA's recent report "Operations Plan for Metrobus in Bus Rapid Transit/Light Rail Transit/Streetcar Corridors" as guidance for the Purple Line's relationship to bus services in the corridor.
5. Chapter 4: WMATA does not agree with the statement "Within the cumulative impact study area, the only wetland known to be susceptible to foreseeable development is along the Indian Creek stream valley (Northeast Branch), where transit-oriented development at the Greenbelt Metrorail Station is a potential threat to the wetlands". Wetlands at the station will be protected, and not impacted by future transit-oriented development. Please revise noted statement accordingly.

We look forward to continued coordination with MTA on the next phases of this project.

Sincerely,

John A. Magarelli, P.E.
Senior Civil/Transit Engineer
Office of Real Estate & Station Planning
Washington Metropolitan Area Transit Authority
600 5th Street, N.W.
Washington, D.C. 20001
(202)962-1357

[cid:image003.png@01CA9903.12B47B50]

Purple Line FEIS - RECORD #783 DETAIL

First Name : Ralph
Last Name : Bennett
Email Address : ralph@bfmarch.com
Submission Content/Notes : This message is a response to the Final Environment Impact Statement as published on the MTA website.

A.1

Purple Line NOW is an advocacy group whose Founder, Harry Sanders, along with some foresighted Montgomery County residents first conceived of a light rail line between Bethesda and Silver Spring. As the organization has grown, so has the scope of the project. We include Chambers of Commerce, Businesses, Civic Groups and individuals among supporters of the project.

Purple Line NOW would like to convey to the federal decision makers the extraordinary unity of support for this project on the part of the elected officials from Prince George's and Montgomery Counties, the Governor and his administration, and the communities that the Purple Line will serve.

We would also like you to know that we applaud the manner in which the Maryland Transit Administration has done extensive community outreach and responded to local concerns as they have designed an outstanding project.

I wish to communicate enthusiastic support for the project and its conduct by the Maryland Transit Administration.

Ralph Bennett
President
Purple Line NOW

115 Southwood Avenue
Silver Spring, MD
20901
301.593.6411

Purple Line FEIS - RECORD #795 DETAIL

First Name : Wayne
Last Name : Phyllaier
Business/Agency/Association Name : Coalition for the Capital Crescent Trail
Email Address : phylla1@gmail.com

Submission Content/Notes : Please accept the Coalition for the Capital Crescent Trail comments on the Purple Line FEIS, attached as a pdf file.

The FEIS statements about CSXT right-of-way show a need for MTA and MCDOT to coordinate more carefully on the design of the Capital Crescent Trail. Some aspects of the proposed trail design point to a need for the MTA and MCDOT design team to bring in designers who have specific trail design training, experience, and responsibility.

Submitted by Wayne Phyllaier, on behalf of the CCCT Board

Attachments : FEIScomments.pdf (91 kb)



P.O. Box 30703, Bethesda, MD 20824-0703

October 21, 2013

TO: Purple Line FEIS Comment, Maryland Transit Administration
FROM: Ron Tripp, Chair, Coalition for the Capital Crescent Trail (CCCT)
RE: Completing the Capital Crescent Trail integral with the Purple Line

FEIS COMMENTS

C.3

The Coalition for the Capital Crescent Trail (CCCT) is an all volunteer organization founded as a 501c3 charitable organization. We organized in 1986 when the B&O Railroad ceased operations in the Georgetown Branch Corridor. Our mission is to convert the abandoned corridor into a high quality shared use trail, to complete the trail into Silver Spring, and to provide education and amenities to make the trail safe and attractive to use. We have over 2000 supporters and we are widely regarded as the leading regional organization to speak on behalf of trail users.

CCCT takes no position to support or oppose shared use of the trail with transit in the Georgetown Branch Corridor between Bethesda and Silver Spring, but if the public does choose to build the Purple Line then the CCCT insists that the trail be built integral with the Purple Line as a high quality, full width trail continuous from Bethesda to Silver Spring. The trail should be fully integrated into the Purple Line at all transit stations to develop the full potential of the trail to support pedestrian and cycling in mixed-mode transportation uses. The trail must be built in a manner consistent with its being a critical part of the regional shared use trail network.

CSXT right-of-way:

A right-of-way agreement is essential to the Purple Line/CCT project because the Purple Line and CCT are both planned to be in the CSXT operating corridor between Talbot Avenue and downtown Silver Spring. The FEIS states at Chapter 2, Alternatives Considered, pp. 25-27:

“The Preferred Alternative as shown in the FEIS includes completing the Capital Crescent Trail in CSXT right-of-way in accordance with the County’s plan. The completion of the trail along the CSXT corridor, however, is contingent on agreement

between Montgomery County and CSXT on the use of their property on the north side of the CSXT tracks for the trail. If agreement is not reached by the time the Purple Line construction occurs, MTA would construct the trail from Bethesda to Talbot Avenue. From Talbot Avenue to Silver Spring an interim signed bike route on local streets would be used...”

The FEIS implies that it is the responsibility of Montgomery County to get CSXT right-of-way for the trail. This is contrary to the understanding that the County Executive and MCDOT has always had with MTA on this issue, and is a position that is completely unacceptable to CCCT. County Executive Ike Leggett addressed this issue in an October 10, 2013 letter to the Montgomery County Council, stating in part:

“I am just as concerned as the County Council as to how this stalemate between MTA and CSXT occurred. It is clearly MTA’s responsibility to negotiate and obtain the necessary right-of-way from CSXT. The completion of a continuous Capital Crescent Trail has always been an integral part of the Purple Line project. After receiving your memorandum, I directed MCDOT to have discussions with MTA about our deep concerns and to explore ways to resolve the matter. The Department insisted on the position it was MTA’s full responsibility to complete these negotiations, requested additional engineering details and offered engineering assistance on the matter.”

The FEIS also implies that if CSXT right-of-way is not available then it would be necessary and acceptable for the trail to use a signed bike route on local streets. This is wrong. There are alternatives to using CSXT right-of-way that will support an off-road trail that would be far superior to an on-road route. Trail planners have known of these alternatives for many years. They were documented and approved by the Planning Board in the “Capital Crescent Trail/Metropolitan Branch Trail Facility Plan”, M-NCPPC 2001 report. Most recently these alternatives have been evaluated by the trail design consultants Toole Design Group (TDG) and reported in a Sept. 16, 2013 Memorandum to M-NCPPC: “Peer Review of Trail Projects – Capital Crescent Trail and Silver Spring Green Trail”. CCCT agrees with the finding of TDG in their “Peer Review” memorandum that the trail alignment in the CSXT right-of-way is to be preferred as giving the best and most direct trail, but an alignment that uses Lyttonsville Road and the west side of 16th Street is a feasible alternative. That alignment could avoid CSXT right-of-way and would support a reasonably good off-road trail.

MTA has recently received correspondence from CSXT that states it will allow the trail to use CSXT right-of-way, provided that a 50 foot offset is maintained. MTA has stated it can satisfy this requirement by making some adjustments in

the trail alignment, and is proceeding to develop the trail design along the CSXT corridor as shown in the Purple Line concept plan. The issue of completing the trail without CSXT right-of-way remains important, however, because right-of-way negotiations could still collapse. CSXT has been difficult to negotiate with and there are still significant issues such as cost and liability to be resolved. It is important that MTA accept responsibility to negotiate CSXT right-of-way. It is important that MTA be prepared to build an off-road trail on one of the alternative alignments in the unfortunate event that right-of-way negotiations collapse.

Trail design at Talbot Avenue:

MTA has recently presented Purple Line design drawings that show a new trail alignment in the vicinity of Talbot Avenue. This new alignment has the trail adjacent to the north side of Talbot Avenue and crossing the CSXT tracks on a new two-lane vehicle bridge across the CSXT tracks in the same area where the historic single-lane bridge is today. The trail would then continue east toward Silver Spring on Fourth Avenue. This new alignment avoids the problem of needing CSXT right-of-way that would violate the 50 foot offset requirement.

The Toole Design Group presented a technical assessment of the new trail design at Talbot Avenue in its Sept. 16 "Peer Review" memo to M-NCPPC. TDG notes that the nominal 10 foot wide trail is immediately against a wall on one side and the Talbot Avenue curb on the other, with no buffer or shy spaces. This seriously violates current trail design guidelines and best practices. The effective trail width would be only 6 feet here because two feet at the curb and also at the wall cannot be effectively used. This new proposed trail design is not acceptable and must be reworked.

TDG recommends several trail design alternatives at Talbot Avenue that would better meet trail design requirements. One alternative would use bike lanes on Talbot Avenue, another would use a "fully shared" redesigned Talbot Avenue for trail traffic. While CCCT agrees with TDG that these alternatives would be better than a trail with only a 6 foot effective width, nonetheless CCCT cannot support these proposed alternatives because a regional off-road trail like the CCT must be consistently off-road over its length to achieve its full potential.

TDG recommended another trail alternative at Talbot Avenue that can work, if modified. That is to return to an earlier concept that would use a new trail bridge built on a diagonal across the CSXT tracks several hundred feet west of the Talbot Avenue vehicle bridge. The trail would use some CSXT right-of-way and property from several private yards on the north side of the railbed to reach the trail bridge, and the bridge would land at Michigan Avenue on the south side. But this would violate the 50 foot offset rule for CSXT right-of-way. CCCT suggests a modification - the bridge can be built near Hanover Street on the north side, and land at Lanier Drive on the south side. This could avoid all CSXT right-of-way and would need property from only one private side yard. A trail ramp would be

needed along the north side of Talbot Avenue from Lanier Drive to Michigan Drive and beyond. We can modify this block of Talbot Avenue to become a one-way street to make space for a full width ramp.

CCCT is not advocating for this trail bridge alternative at this time – it needs to be evaluated by the MCDOT/MTA Purple Line design team. But CCCT strongly supports the TDG conclusion that the current trail design at Talbot Avenue is unacceptable and must be redone.

Bethesda Purple Line Station:

The FEIS presents only one design concept for the Purple Line and CCT at Bethesda. That concept would build the Purple Line station platform under the APEX building and would divert the CCT onto a surface route through Elm Street Park and across Wisconsin Avenue at-grade. CCCT believes this design concept fails badly. It does not preserve the off-road crossing of busy Wisconsin Avenue that the trail has today. An off-road crossing is needed for the trail in this heavily trafficked area.

The Montgomery County Planning Dept. is developing a Master Plan Amendment that would enable the APEX Building to be torn down before the Purple Line is built, and then be replaced by a new building designed to incorporate the station platforms, a larger, more open transit plaza and also a potential bike station. MTA has developed concept plans that show the Purple Line station would be much better if the APEX building is torn down before Purple Line construction begins. A new trail tunnel under Wisconsin Avenue would be possible with this concept. CCCT urges MTA to continue to work with Montgomery County to accommodate this new Bethesda Purple Line Station concept. While the trail tunnel at Wisconsin Avenue will be the responsibility of the County, it is in the interests of the Purple Line project to have this improved station design and to have a fully functional CCT that provides direct access to the Purple Line platforms.

Other CCT design issues:

There are many smaller CCT design details in the FEIS that should be improved if the Purple Line design proceeds to final design and construction. Many of these issues relate to local pedestrian and cyclist access between the CCT and the Purple Line stations along the route, and trail access to local streets. The TDG “Peer Review” addresses many of these access design issues. In general, sidewalks and trail ramps at access points are sometimes stingy in width or do not follow “desire lines” as well as possible. Bike parking at Purple Line stations and lighting along the trail are also identified as needing more attention.

While CCCT is not had time to examine the TDG recommendations and is not prepared to endorse their recommendations at this time, the TDG assessment does serve to show that more careful design work is needed at trail access points. We also agree with TDG that a more systematic evaluation of bike parking and trail lighting is warranted.

MCDOT/MTA trail design resources:

Several major trail design issues have surfaced in the FEIS that cause CCCT to ask whether the MCDOT/MTA design team has the commitment and the resources needed to properly design a multi-use trail of high regional importance like the CCT. MTA asserts in the FEIS that MCDOT has responsibility to get CSXT right-of-way, yet MCDOT strongly disputes this. Neither MTA nor MCDOT appear to realize there are better alternatives to using CSXT right-of-way than to dump the CCT onto local streets, even though off-road alternatives are apparent and have been known to many trail planners for years. MCDOT and MTA are proposing a trail design at Talbot Avenue that fails to meet basic trail design guidelines and best practices.

MCDOT has the responsibility to provide to MTA the trail design criteria for the CCT. MTA has the responsibility to negotiate right-of-way with CSXT, and to design and build the CCT integral with the Purple Line. Montgomery County is responsible for providing the funds to pay for the CCT. MCDOT and MTA must act well together as a CCT design team if we are going to realize the potential of the CCT. If the Purple Line proceeds to final design, the design team should include designers who have professional training and experience specific to multi-use trail design, and who have the responsibility to design the CCT to meet or exceed current trail design guidelines and best practices.

Thank you for the opportunity to comment on the FEIS.

On behalf of the CCCT Board:

Ron Tripp, CCCT Chair

Greg Drury, CCCT Light Rail Committee Chair

Wayne Phyllaier, CCCT Treasurer

cc. by email to:

County Executive Ike Leggett

MCDOT (Holmes, Erinrich)

Montgomery County Council

Montgomery County Planning Board

MTA (Madden)

M-NCPPC Planning (Anspacher, Autrey)

WABA (Farthing)

Purple Line FEIS - RECORD #797 DETAIL

First Name : Charlotte
Last Name : Coffield
Business/Agency/Association Name : Lyttonsville CommunityCivic Association
Email Address : cacoffield@aol.com

Submission Content/Notes :

J.1

Dear Maryland Transit Administration:

Thank you for the opportunity to comment on the Purple Line's Final Environmental Impact Statement (FEIS) on behalf of the Lyttonsville Community Civic Association. We do support the Purple Line, which runs through our community. Also we have a good relationship with the MTA staff and look forward to continuing that as the PL project moves forward. However, the FEIS document raises some concerns about the construction period and the long term operations.

Within our community are public institutions and parks, and the Pilgrim Baptist Church. The construction period does not appear to recognize the special needs of our community. The three required ways adverse environmental impacts must be addressed by FEIS are: Avoidance of identified adverse impacts; Minimization of adverse impacts; Mitigation of all/partial adverse impacts not avoided or minimized acceptably—noise, vibration, air pollution, water, traffic/roadbeds, etc.

However, FEIS does not include Lyttonsville or the rest of our Census Tract in its Section 4(f) segment (in Chapters 4, 5 and 6) even though this is an essential requirement for the Purple Line to receive up to one billion dollars of Federal funding.

Our population and residences are included within the Purple Line Corridor defined as 500 feet on either side of the light rail alignment and/or one-half mile radius of the future Lyttonsville Light Rail Station. Based on the FEIS study area demographic analysis, Lyttonsville is an environmental justice (minority) population that needs special attention from the MTA Purple Line project.

Our comments relate to the Purple Line short-term construction period and the long-term Purple Line operations.

Construction Period - 2015 - 2020

We request that MTA respond to the following issues related to adverse environmental impacts;

Construction period activities at and near the future Lyttonsville Rail Yard and Station are expected to create impacts on adjacent location.

-- Truck haulage of materials and spoil on a twenty-four-seven basis through our community.

-- Construction and operation of a construction period staging area on the future Lyttonsville Rail Yard and use of the staging area for construction activity six days a work week year round.

-- Construction of the Lyttonsville Station and Purple Line tracks including replacement of the Lyttonsville Place Bridge, replacement of the Talbot Avenue Bridge, and including a secondary staging area in the Lyttonsville community between Kansas Avenue and Michigan Avenue on CSX property.

-- Construction of a Purple Line Operations Center attached to Lyttonsville Place Bridge and the Lyttonsville Storage and Operations Yard.

-- Use of front and/or side yards of several homes along the alignment on Talbot Avenue, as well as facilities on the grounds of an apartment complex and the Albert Stewart Lane cul-de-sac.

--Address disturbance of animal habitat impact on the community due to vibration, noise and spoil removal.

-- We expect that the above-mentioned activities will cause adverse impact that calls for concurrent MTA avoidance, mitigations which may include compensation and offsetting accommodations and benefits, especially important in our environmental justice community.

These specifics are a description of our concerns:

G.2

Avoidance of noise, vibration, dust and harmful chemical compounds in the ambient environment and where avoidance is not possible, minimize noise, vibration and air pollution. What cannot be avoided or minimized, mitigate the effects by means of community accommodation in public facilities, parklands and recreation areas including the Gwendolyn Coffield Recreation Center, as well as the Pilgrim Baptist Church and the Rosemary Hills Elementary School.

Because of our community environmental justice status, additional accommodations and special attention by MTA is necessary for our community's well-being. To achieve this, we request that an MTA Purple Line working group be established with Lyttonville during the entire construction period. The purpose for this working group would be to negotiate acceptable levels of construction noise, vibration, air pollution and road traffic by Purple Line contractors hauling materials and spoil to and from staging areas in Lyttonville and re-routing traffic around closed bridges and roads during construction. If an acceptable noise level cannot be reached, it may be necessary to relocate some residents during construction.

The Rosemary Hills and Lyttonville Park and the Coffield Community Center will bear the burden of use of large numbers of off-duty construction contract workers during meal breaks and leisure-time activities as has happened in previous construction activities at the Montgomery County Ride-On bus depot, causing increasing amounts of refuse, litter and extra use of athletic fields, parks, and open area recreational facilities.

The Coffield Community Center is likely to have added use during the construction period which may require added park police duties and on-site extra staff for maintenance and upkeep of the Center. The parking lots may also be burdened with construction workers' personal vehicles as has happened in the past.

G.1

It is anticipated that noise from blasting, vibrations and spoil removal will drive animals and pests from their dwelling places and into the community and possibly into the homes of residents. There has been no discussion about how MTA will address that issue.

Environmental Justice - Direct community benefits

E.14

1. Compensation for use of front/side yards on Talbot Avenue during the construction period and returned in improved condition, as well as the yards of the Albert Stewart Lane cul-de-sachomes and the facilities on the grounds of the Claridge House Apartment complex.

C.4

2. Locate the substation to a site north of the Purple Line away from homes on Kansas Avenue.

3. Establish a working group between MTA and the Lyttonsville residents to meet monthly throughout the construction period.

4. Provide assistance to small businesses along Brookville Road to allow continued customer access.

5. Provide security around all construction sites to prevent entry by non-MTA authorized workers, especially children.

E.3

6. Acquire former E.C. Keys property at Brookville Road and Stewart Avenue for a permanent museum to house the Exhibit of the History of Lyttonsville and historic artifacts.

7. Preserve an historic portion of Talbot Ave Bridge for future use as part of the Lyttonsville community history.

8. (And lastly, the project must) adhere to ADA regulations and guidelines throughout the project.

C.3

Special Note: We agree with access to the Crescent Trail and the Lyttonsville Station via Stewart Avenue by residents of the community. However, the residents on Kansas Avenue are concerned about users of the Trail parking on that street to gain access to the trail. We request that MTA work with DOT to prevent that from happening.

For follow-up information, you may contact:

Charlotte A. Coffield

President, Lyttonsville Community Civic Association

301/ 587-5512

cacoffield@aol.com

Patricia A. Tyson

Secretary, Lyttonsville Community Civic Association

301/588-1475

patriciatysnnn@aol.com

Purple Line FEIS - RECORD #904 DETAIL

First Name : Andrew
Last Name : O'Hare
Business/Agency/Association Name : East Bethesda Citizens Association
Email Address : AOhare@cement.org
Submission Content/Notes : Sir/Madam,

Attached please find the comments of the East Bethesda Citizens Association on the Purple Line FEIS. I may be reached at (202) 270-0094 or aohare@cement.org<mailto:aohare@cement.org> to address any questions regarding the organization's views.

Regards,
Andy O'Hare
Chair, EBCA Capital Crescent Trail Committee

Attachments : EBCA Comments on FEIS 10-13.pdf (100 kb)

East Bethesda Citizens Association

P.O. Box 41020
Bethesda, MD 20824

October 21, 2013

Purple Line FEIS Comment
Maryland Transit Administration
Transit Development and Delivery
100 S. Charles Street
Tower Two, Suite 700
Baltimore, MD 21201

Re: Comments of the East Bethesda Citizens Association (EBCA) on the Purple Line Final Environmental Impact Statement

Dear Sir/Madam:

Thank you for providing EBCA with an opportunity to share the community's thoughts on the Purple Line Final Environmental Impact Statement ("FEIS"), released for comment on September 6, 2013. EBCA further appreciates the additional time provided by MTA for public comment on this very important document.

EBCA, founded in the 1930s, is one of Montgomery County, Maryland's original community associations. EBCA represents more than 1200 homeowners, residing north of East West Highway, east of Wisconsin Avenue, south of Jones Bridge Road and west of Columbia Country Club.

The Georgetown Branch right-of-way (aka the Capital Crescent Trail ("trail")), runs along the southern border of the community. More than 25-30 homes either abut or are across the street from the trail. In addition, hundreds of East Bethesda residents are regular trail users and appreciate the mature tree canopy and park like setting provided by the trail in the middle of an urban environment. Accordingly, EBCA and East Bethesda residents are very interested in the Purple Line project and, particularly, are concerned about the impact the Purple Line will have on the trail and trail experience.

EBCA has had the opportunity to review the FEIS and would like to share perspectives on a number of issues that directly impact the community, including:

- Access Points to the Trail
- Trail/Transit Construction and Trail Availability
- Trail/Transit Noise and Trail Safety

- Trail Aesthetics and Maintenance.

Prior to elaborating on EBCA's views on these topics in detail, please note that the comments of the Kentbury Drive Residents Group (KDRG) are hereby endorsed by EBCA and incorporated by reference.

1. Access Points to the Trail

C.3 The FEIS explains that there will be two access points to the trail along Kentbury Drive in East Bethesda, one at Kentbury Way and one at Sleaford Road. EBCA is pleased that these access points will be re-designed and engineered to make them more permanent for all trail users. We respectfully request that the access points not be lit at the intersections to the trail, so to avoid disturbing the adjacent homeowners and to keep from bringing unnecessary attention to these points after dark. While the trail is not officially closed at dark, these access points should generally be used only during daylight hours. If, however, lights are installed, they should be designed to avoid disturbing adjacent homeowners.

Regarding the Sleaford Road access point, we understand that there will be a tunnel constructed under the trail/transit to facilitate access to the trail from East West Highway. While EBCA does not oppose this improvement, the community is concerned about the safety issues posed by a 50-60 foot tunnel in a residential neighborhood. We realize that the tunnel will have to have lighting, though we request that the lighting be confined to the tunnel itself. In addition, the community requests that the tunnel be equipped with gates on both ends and that the tunnel be opened in the morning (no earlier than 6:00 a.m.) and closed at night (no later than 10:00 p.m.) to prevent loitering. These accommodations would be the same as those employed today for the trail tunnel under Wisconsin Avenue. The Bethesda Urban Partnership is currently under contract with Montgomery County for this daily open and close service. EBCA would suggest a similar arrangement be made here for this new tunnel. Finally, an emergency call box in the tunnel may be a good protective measure.

Lastly, we request that some type of privacy barrier be erected separating the trail access points from the adjacent homes to facilitate both safety and security. EBCA recommends that MTA and the county work with the adjacent homeowners to devise a solution tailored to the specific location and homeowner's desires. Regarding the Sleaford Road underpass, East Bethesda would welcome some park like improvements to this space in conjunction with trail/transit construction, including, low maintenance landscaping and perhaps benches.

2. Trail/Transit Construction and Trail Availability

Information on details related to how the trail and train will be constructed, the timing for construction and the staging of construction materials and personnel are very

limited in the FEIS. EBCA has a number of specific requests regarding construction, as follows:

- EBCA would like to be provided the opportunity to engage directly with MTA and its construction contractor, perhaps as part of a community advisory committee, on construction details and mitigation measures to address EBCA concerns, once the construction contractor is selected
- Construction in residential areas must be limited to the hours of 8 a.m. to 5 p.m., weekdays and 9 a.m. to 4 p.m. on weekends (if there will be work on the weekends)
- Construction vehicles, such as large dump trucks, will not be allowed to idle on neighborhood streets at any time
- Heavy construction equipment, such as front end loaders and bulldozers, will not be parked in neighborhoods, including Sleaford Park
- Construction access to the trail/transit right-of-way shall be from Connecticut Avenue or Pearl Street
- Construction employees will not be allowed to park on neighborhood streets
- All construction workers will have clearly visible identification
- Monthly updates on the status of construction activity and plans for the next month will be provided to EBCA and the homeowners adjacent to the trail.

Finally, it is very important to EBCA and all East Bethesda residents that the trail be available for use for the greatest extent possible during construction. EBCA would find it very objectionable for the trail through our community to be unavailable during the entire trail/transit construction period.

3. Trail/Transit Noise and Trail Safety

EBCA has reviewed the information in the FEIS regarding projected noise levels on the trail and in the area adjacent to the trail. EBCA further understands that the Federal Transit Administration’s noise assessment methodology targets an AVERAGE noise level over an extended period of time, thus allowing for noise peaks to be averaged with non-peak noise levels to compute an average number, which may then approach ambient noise levels. While MTA may have correctly computed the average noise levels using the FTA criteria, these averages have no bearing on the actual experience of individuals who may be using the trail or residing in areas adjacent to the trail.

E.9

G.2

EBCA understands that there will more than 139¹ trains running in both directions along the right-of-way during a typical day. The peak noise level when a train

¹ Table 4 in Technical Report: Noise, page 16. It is unclear whether this is only for one direction. If so, the impacts would be much more severe with almost 280 daily trips.

passes by is expected to be almost 90 decibels. One cannot comfortably carry on a conversation at 90 decibels. An individual using the trail will be exposed to these peak noise levels as frequently as every three minutes, and East Bethesda residents with homes adjacent to the right-of-way will permanently lose the benefit of quiet backyards. EBCA does not find this to be acceptable.

Trail users should not be exposed to peak noise levels approaching 90 decibels. EBCA believes that noise mitigation measures to minimize the noise exposures need to be factored into the trail/transit design. Specifically, EBCA endorses the construction of an acoustic noise barrier,² at least 10 feet high, between the trail and the transit line. This will help to mitigate noise for trail users and adjacent residents and ensure the separation of trail users from the transit line, facilitating safer trail use. **[Please note: The wall height may need to be higher than 10 feet to account for noise emanating from electric catenary wires, a noise source which was totally ignored in the FEIS noise analysis.]** Importantly, this type of noise mitigation will also significantly reduce noise exposures at the trail access points and for homes adjacent to these points in contrast to the current MTA plans of placing noise barriers at the interface between the trail and adjacent properties. This latter configuration would create breaks in the noise barriers at the trail access points. Lastly, access to the transit right-of-way, necessary should there be an emergency, may be facilitated by creating occasional gates in the noise barrier (perhaps every 100 yards or so).

EBCA is also aware that train speed is a significant contributor for the noise level and that noise levels decrease as train speed decreases. The projected 45 mph speed of trains through East Bethesda should be reduced to 30 mph or less to mitigate the noise levels in tandem with the recommended noise barrier designs.

4. Trail Aesthetics/Maintenance

EBCA understands that while MTA and its construction company will build the trail/transit complex, Montgomery County will finance trail construction and retain the responsibility to maintain the trail long-term. EBCA believes that trail aesthetics should be a key consideration at the time of construction. Through the construction of the Purple Line, EBCA and East Bethesda residents will lose the quiet linear park the community has become accustomed to over the past 25 years or so. This permanent loss needs to be properly accounted for with ample investment and careful consideration of the experience of future trail users and residents adjacent to the trail. To that end, EBCA respectfully requests that the following accommodations be made to enhance the post-Purple Line trail aesthetics and experience:

² EBCA encourages MTA to consider the application of barriers similar to those used on the Wilson Bridge to minimize noise exposures to bicyclists crossing the bridge adjacent to the highway.

- A “green” median should be installed between the wall separating the trail from the transit line and the trail itself. This may include perennial shrub and flower plantings and trees, that, at maturity, will be tall but not interfere with catenary wires
- Benches should be placed at equal intervals along the trail, perhaps every 50 yards
- Careful consideration should be given to proper engineering drainage for precipitation to avoid ponding of water on the trail and any negative impact on plantings in a “green” median, or adverse effects on adjacent homeowners.

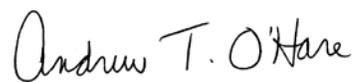
Regarding the interface between the trail and adjacent properties, EBCA believes that a privacy fence, complimented with landscaping between the fence and the trail, should be constructed. As these matters will have to be discussed as part of the trail/transit construction, EBCA’s interests should be adequately represented if the association and adjacent homeowners are afforded the opportunity to participate in a construction advisory committee, as noted above under Item 2.

5. Conclusion

EBCA again appreciates the opportunity to provide these comments to MTA. Please contact Andy O’Hare at (202) 270-0094 or aohare@cement.org to address any questions you may have regarding the views of EBCA on these matters. Thank you for considering our perspectives.

We believe that a meeting with MTA to review the community’s recommendations would be most helpful and EBCA will reach out to the project director to make the necessary arrangements.

Sincerely,



Andrew T. O’Hare
Chair, EBCA Capital Crescent Trail
Committee

Cc: Mike Madden, Purple Line Project, MTA
Roger Berliner, Montgomery County Councilmember, District 1
Rich Madaleno, MD Senator, District 18
Chris Van Hollen, MD 8th Congressional District
Arthur Holmes, Director, Montgomery County DOT

Purple Line FEIS - RECORD #962 DETAIL

First Name : Phil
Last Name : MacWilliams
Business/Agency/Association Name : Coquelin Run Citizens Association
Email Address : phil_macwilliams@hotmail.com
Submission Content/Notes : Attached please find the Coquelin Run Citizens Association's comments to the Purple Line FEIS. Any response can be directed to me at the address provided in the letter, and to my personal email address: phil_macwilliams@hotmail.com.

Thank you.

Phil MacWilliams, on behalf of the Coquelin Run Citizens Association
Attachments : Coquelin Run Comments to Purple Line FEIS.pdf (697 kb)

Coquelin Run Citizens Association

Coquelin Run Citizens Association
P.O. Box 151572
Chevy Chase, MD 20825
www.coquelinrun.org

Via Fed-Ex and Email

Purple Line FEIS Comment
Maryland Transit Administration
Transit Development and Delivery
100 S. Charles Street
Tower Two, Suite 700
Baltimore, MD 21201

October 17, 2013

Re: Comments on the Purple Line Final Environment Impact Statement (FEIS)

I. Introduction

The Coquelin Run Citizens Association (CRCA) is the local citizens association for the unincorporated residential area of Chevy Chase, Maryland that runs primarily along Jones Mill Road (between Park View Road and East West Highway) and Jones Bridge Road (between Jones Mill Road and Manor Road). Our community is largely nestled against Rock Creek Park and the Georgetown Branch Trail. In fact, there are over forty (40) homes in our community that are directly adjacent to the Georgetown Branch trail (between the wooded “paper road” of Coquelin Run Parkway and Rock Creek Park),¹ with dozens more in close enough proximity to be adversely impacted by the noise, vibration, and visual impacts of the Purple Line, as well as by the disruptions that will occur during the lengthy construction phase. In addition, there are hundreds of residents in our community that are regular trail users and appreciate the mature tree canopy and park-like setting provided by the trail in the middle of an urbanizing environment. Therefore, we have a strong interest in ensuring that the adverse impacts of the Purple Line, which is slated to run through our community over 200 times per day around the clock, are minimized.

Our review of the FEIS yields two overarching observations. First, the FEIS is deficient in that it fails to adequately describe the Purple Line’s impact to our community and the environment in terms of vibration levels, noise, tree loss, and other visual impacts. Second, the FEIS fails to contain sufficient and concrete commitments by the MTA to additional mitigation measures, including measures aimed at further reducing noise and vibration levels; preventing tree loss and damage; re-establishing the tree canopy following construction; placing reasonable limitations on construction activities; and by issuing clear design guidelines that will ensure all transitway elements are as aesthetically pleasing as possible.

¹ In particular, homes on Briery Court, Jones Bridge Road, Jones Bridge Court, Jones Mill Road, Susanna Lane, Coquelin Terrace, and West Coquelin Terrace.

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Therefore, before the Federal Transit Administration (FTA) issues a Record of Decision, it should require that the FEIS be supplemented to include: (1) the results of the additional studies and/or analyses demonstrated below as being necessary; and (2) clear and binding commitments to additional mitigation measures, as agreed to following a sufficient period of time for the MTA to meet with representatives of affected communities (including CRCA) and their elected representatives at the Federal, State, and County levels.

The latter is especially important. Vague promises by the MTA to further coordinate with affected communities during the Final Design phase simply will not do. By that point the Record of Decision (which sets forth the scope of work) will have already issued, and there will no longer be a clear mechanism for affected communities to obtain binding commitments to design changes and other mitigation measures. This concern is even greater now that the MTA plans to finance this project through a public-private partnership (P3). The MTA has acknowledged that the private company that constructs and operates the Purple Line will seek to maximize its return on investment by identifying so-called "efficiencies" that lead to lower construction and operation costs. The translation is obvious: find ways to do things cheaper. Under these circumstances, a private company will have no incentive whatsoever to depart from the scope of work as set forth in the Record of Decision and agree to design changes and mitigation measures aimed at reducing the impact to the community and making the project as aesthetically pleasing as possible.²

Indeed, as everyone is well aware, the MTA recently entered into a legally binding agreement with the Columbia Country Club in which certain design changes, mitigation measures, and limitations on construction activities were agreed to. We also understand that the MTA and the Chevy Chase Land Company also have reached a deal regarding the construction of a tunnel under the Purple Line to accommodate the Chevy Chase Land Company's desire for

² At least one County agency has wisely picked up on this issue and shares our exact concerns. As the Montgomery County Department of Parks observed in its comments to the FEIS:

Bids on the project will be based on the Scope of Work identified in the ROD and the contractor will be obligated to fulfill those commitments. Due to the fact that this will be a public private partnership, whereby MTA will continue to "own" the project, but a private contractor will be responsible for both constructing the project and operating the transit line, it will be difficult to negotiate additional mitigation and minimization measures during the design process that were not spelled out in the ROD.

Memorandum dated 10/14/2013 from Montgomery County Department of Parks to Montgomery County Parks Commission, at p. 2 (available at <http://www.montgomeryplanningboard.org/agenda/2013/agenda20131017e.html>)

This memorandum further observes: "One lesson learned from working on the Intercounty Connector (ICC) was that commitments for minimization and mitigation measures should be well defined during the FEIS process and confirmed in the record of decision (ROD)." (Ibid. at p. 3.)

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an interior road (between Manor Road and Chevy Chase Lake Drive) to facilitate the re-development of its shopping center. Therefore, fairness dictates that the MTA continue to work with affected communities and legally bind itself to additional mitigation measures by incorporating them into the FEIS. We trust that our elected representatives (copied on this letter) will see just how imperative it is that additional mitigation measures are developed soon and are committed to in writing in the FEIS, and that they will assist us in this effort.

With that said, our specific comments to the FEIS are as follows:

II. Comments to the FEIS

1. Vibrations

While the noise levels of the Purple Line have been a great source of concern for many communities (including ours), the FEIS reveals that perhaps an even greater threat to the well-being and quality of life of nearby residents is the vibrations caused by the Purple Line as it runs through our community over 200 times per day, at virtually all hours of the day and night. The MTA has often promoted the idea that light rail is quieter than heavy rail, but the same is not true with respect to vibrations. As the FEIS explains: "The Purple Line project would introduce LRT (light steel-wheel urban transit trains) into areas that currently do not have this source of vibration. Typical LRT trains produce similar vibration levels as heavy steel-wheel urban transit trains since they both have similar axle suspension systems." (FEIS Vol. III, Vibration Technical Report at p. 4.) The FEIS also states that this vibration can cause "windows, pictures on walls, and/or items on shelves to rattle" and that these occurrences can be "intrusive to building occupants." (Ibid.) The FEIS also acknowledges that train speed is a major cause of vibration.

Given that the MTA plans to run the train at top speed on the segment of the Georgetown Branch right-of-way that runs through our community, it appears that the homes in our community could be among those most affected by vibrations. Yet, the FEIS contains no assessments regarding the projected vibration levels to be experienced by the dozens of homes in our community that are adjacent to the Georgetown Branch right-of-way. The closest monitoring station (S6) was on Chevy Chase Lake Drive, close to the Connecticut Avenue Station. This failure to specifically study the expected vibration levels in our community leaves us in the dark as to what the vibration levels will be, how these vibration levels compare to existing conditions, and whether these vibration levels will be in excess of the Federal threshold of 72 VdB. If the vibration levels of the Chevy Chase Lake Drive monitoring station (S6) are any indication, it appears to be a virtual certainty that many homes in our community will experience a great increase in vibration over 200 times per day that will be very close to (and may very well exceed) the FTA's threshold for "unacceptable" levels of vibration.

Therefore, it is imperative that specific vibration analyses be performed for each of the homes in our community along the Georgetown Branch right-of-way (specifically, between Coquelin Run Parkway and Rock Creek). Based on the results of these studies, the MTA should evaluate what mitigation measures, such as speed restrictions, should be implemented.

Finally, it should be noted that the FEIS's characterization of vibration levels below 72 VdB as having "no impact" is extremely misleading. The FEIS explains that "[t]he human

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threshold of perception is around 65 VdB” and “human annoyance from vibration often occurs when vibration levels exceed the threshold of perception by only a small margin.” (FEIS Vol. III, Vibration Technical Report at p. 3.) Given the very low (indeed, practically non-existent) vibration levels that currently exist in our community along the trail, any perceptible vibration levels at all (especially when occurring over 200 times per day at levels that are near or above the federal threshold of 72 VdB) would be a drastic change to the current environment and certainly should be viewed as having an “impact” on one’s quality of life and well-being.

2. Noise

a. The Failure to Describe the Actual Noise Levels of the Purple Line

With respect to vibrations levels, the FEIS acknowledges that in terms of “human annoyance,” there is a “relationship between the number of daily events and the degree of annoyance caused by ground-borne vibration.” The same obviously is true when it comes to exposure to noise, but the FEIS speaks only in terms of average decibel levels throughout the day. By describing the noise of the Purple Line in terms of average decibel levels, the FEIS allows for noise peaks to be averaged with non-peak noise levels to compute an average number that is far lower than what nearby residents will actually hear at very regular intervals around the clock. (In fact, it appears that the actual noise levels of the Purple Line will be at least 87 decibels, even after accounting for noise panels and wheel skirts, which is much higher than the average decibel levels stated in the FEIS.) For that same reason, the FEIS’s description of the adverse impacts to health and well-being that occur at various decibel levels is not very helpful, as it does not answer the more pertinent question of what impacts to health and well-being occur when subjected to the actual noise levels of the Purple Line at the actual intervals at which the train passes by each day (in both directions).

Therefore, the FEIS needs to specify: (1) the actual decibel levels while the Purple Line is travelling through our community, and (2) the potential impacts to health and well-being of being subject to those particular noise levels at those particular intervals around the clock. It is this approach, rather than the approach used in the FEIS, that will more accurately demonstrate the noise impact of the Purple Line. Even if the approach used in the FEIS complies with the FTA’s regulations, the actual noise levels should be clearly stated so that residents and their elected officials will have a more realistic picture of the potential noise impacts of the Purple Line.

b. Additional flaws with the MTA’s noise analysis

Because of additional flaws with the MTA’s noise analysis, the noise levels of the Purple Line are not accurately stated in the FEIS. In particular:

1. First, the FEIS acknowledges that the noise created by the Purple Line could be even greater in certain spots where there are turns and/or the train is going up or down (and thus accelerating or braking). Certainly, there will be such spots in our community, considering that the train is to go under Jones Mill Road and then begin its ascent toward Connecticut Avenue. However, the FEIS does not specify where these spots are expected to be or what the increased noise levels are expected to be. Nor does the FEIS set forth any concrete commitment or

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procedures for identifying these spots and crafting appropriate mitigation measures before the Purple Line is built, or after construction if additional mitigation measures prove to be needed.

In fact, because the projected noise levels of the Purple Line are really just educated guesses, nobody knows for sure what exactly they will be when the Purple Line is operating. Certainly one can envision a situation where the noise levels will be higher than anticipated, thus calling for additional mitigation measures after the Purple Line is built. Therefore, the MTA should commit to studying the noise levels of the Purple Line along the Georgetown Branch right-of-way after it is built and fashioning additional noise mitigation measures where needed.

2. Second, the noise analysis does not account for any noise emanating from electric catenary wires, instead focusing only on noise emanating from the wheels.

3. Third, it is unclear from the FEIS what the noise levels will be when two trains are simultaneously passing the same spot (which is sure to happen numerous times throughout the day, given the frequency at which trains will be running).

These additional sources of noise need to be analyzed in order for the true noise levels of the Purple Line to be known.

It also should be noted that the summary of projected noise levels at each of the study areas along the Georgetown Branch right-of-way states that "green" tracks will be used (FEIS Volume III, Technical Report, Noise Table 5 at p. 18-20), leading the reader to believe that the use of green tracks has been committed to. However, the FEIS does not firmly commit to using green tracks along this segment of the route; rather, the FEIS only refers to green tracks as a possibility being looked into. Given that green tracks could reduce noise levels, the MTA should commit to using them throughout the entirety of the Georgetown Branch right-of-way.

3. Noise Mitigation Measures

a. Noise panels between the tracks and residences

The FEIS notes that the MTA will use four-foot tall noise panels along the Georgetown Branch right-of-way. It was extremely disappointing to see that these noise panels will result in only a reduction of four decibels, and that there was no analysis of the additional noise reduction that could be achieved through higher noise panels (e.g., at 6 feet, 8 feet, etc.). Likewise, there does not appear to be any evaluation of how alternative methods of sound reduction (such as by extending the retaining walls higher instead of affixing noise panels at the top) could further reduce the noise levels of the Purple Line. The MTA should analyze the extent to which further noise reduction could be achieved by higher noise panels and/or different materials.

b. Noise panels between the tracks and the trail

Given the frequency at which trains will be running and their peak noise levels, trail users cannot comfortably carry on a conversation or enjoy a walk, run, or bike ride in such an environment. Simply put, the trail experience following the construction of the Purple Line will stand in stark contrast to the current trail experience. Furthermore, such noise levels while using

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the trail is a safety issue, as trail users may not be able to hear other trail users, including warnings from fast-moving bicyclists, putting pedestrians (and particularly children) at risk.

Therefore, the MTA should implement the same noise mitigation devices between the trail and the transit line that it plans to implement between the transit line and adjacent properties. This type of noise mitigation will have the extra benefit of significantly reducing noise exposures for homes adjacent to the trail, as well as blocking the visual impacts of a train passing by every few minutes.

4. Tree Loss

a. Loss of trees in the Georgetown Branch right-of-way

The three-mile long Georgetown Branch right-of-way has been aptly described as a 20-acre, park-like woodland in a rapidly urbanizing environment. The construction of the Purple Line will result in the complete clear-cutting of hundreds of trees (far more than just the 143 "specimen trees" mentioned in the FEIS). However, the FEIS does not clearly identify the exact number of trees that will be lost along the Georgetown Branch right-of-way. This flawed approach raises two issues:

First, without a more accurate accounting of the tree loss caused by the construction of the Purple Line, the precise obligations of the MTA under applicable Federal, State, and local laws to mitigate tree loss and to perform re-forestation are not known (and, frankly, are probably being greatly underestimated at this point).

Second, while the Purple Line has been promoted as having the environmental benefit of taking cars off the road (and thus reducing pollution caused by driving), the MTA needs to quantify the already existing environmental benefits in terms of air pollution absorption and storm water retention currently provided by the trees in the Georgetown Branch right-of-way. The question of whether the Purple Line will be a net environmental benefit cannot be known until, among other things, the loss of the naturally occurring environment benefits provided by the trees currently in the Georgetown Branch right-of-way is more clearly quantified.

b. Trees on Private Land

The FEIS contains no survey of trees on private land adjacent to the Georgetown Branch right-of-way, nor does it analyze the extent to which such trees may be damaged or killed as a result of construction activity. Therefore, the MTA should: (1) conduct a tree survey to identify trees on private property whose critical root zones overlap the construction impact zone; (2) create tree protection measures (fencing, signage, etc.) in the plans and specifications for the construction contract; and (3) enact a monitoring system to ensure trees identified in the survey are not impacted by construction operations. To the extent privately owned trees are damaged during the construction process, the MTA must commit to compensating the landowner for the value of the tree, the cost to have it safely removed, and the cost of planting comparable replacement trees.

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5. Ridership Projections

The environmental benefits of the Purple Line turn in large part on its ridership (since the assumption is that ridership, to some extent, equals a reduction in car trips). However, the MTA's methodology for ridership projections remains a complete mystery to the reader of the FEIS. Moreover, simple math and local knowledge calls the ridership projections into question. For example, the MTA projects 2,300 boardings per day at the Connecticut Avenue station. However, the Chevy Chase Lake Sector Plan recently adopted by the Montgomery County Council calls for a net increase of about 1200 residential units within the sector, thus bringing the maximum possible number of residential units (over the next 20 years or so) within the entire sector (which extends far beyond those immediate areas in walking distance to the Purple Line) to not much more than the projected number of boardings at the station.

To put it in layman's terms, something just isn't adding up. It just does not seem possible for the number of boardings to be almost equal to the number of residential units within a one-mile radius. Even an assumption that only half of the nearby residents will use the Purple Line each day would be wildly optimistic. It is reasonable to believe that the same flaws probably exist for the ridership projections at other stations. Simply put, any sort of environmental benefits of the Purple Line cannot be known without knowing the ridership numbers; and how these ridership numbers have been calculated has yet to be explained in sufficient detail. Until this occurs (perhaps through commissioning an independent review of the MTA's methodology for calculating ridership), the question of how the environment benefits of the Purple Line stack up to the environmental degradation caused by its construction simply cannot be known.

6. Aesthetics

The FEIS acknowledges that the Georgetown Branch Trail area is a "visually sensitive area" because of the mature trees and the prominence of the natural environment." (FEIS Volume I, Chapter 4 at p. 78.). The FEIS also acknowledges that there will be a "high level" impact on the area due to the removal of mature trees and existing vegetation. (Ibid. at 84.) However, the FEIS fails to commit the MTA to identifying and preserving the mature trees within the Georgetown Branch right-of-way that can possibly be spared. The FEIS also fails to commit the MTA to a tree re-planting and landscaping plan to be implemented within any remaining portion of the right-of-way not utilized for this project. Even if there is only ten feet of right-of-way left over, that should provide ample space for tree planting.

Furthermore, the FEIS fails to provide any information about the visual characteristics of a number of aspects of this project, let alone commit the FTA to any design criteria. In particular, the FEIS does not specify the appearance of and materials to be used in "transitway elements" such as: (1) the retaining walls and noise barriers, (2) the fencing or other barriers to be built between the trail and tracks; (3) trail access points, including ramps, and (4) the elevated portion of the rail and trail as they ascend above grade towards Connecticut Avenue. Instead, the FEIS vaguely states that "MTA will continue to coordinate and consult with affected

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communities regarding the aesthetic treatment of the transitway elements.” (FEIS Volume I, Chapter 4, Table 4.1 at 4-6.)³

Therefore, the FEIS should include specific design criteria and mitigation measures that legally bind the MTA to the following:

1. All retaining walls and noise barriers should be designed in an aesthetically pleasing manner, including the use of natural stone, textures and designs that are compatible with the residential environment, and are designed with the intention of preserving as much as possible the wooded and rustic environment that currently exists and is intended to be achieved again once construction is complete. The precise design guidelines should be determined and committed to after consultation with representatives from affected communities along the Georgetown Branch right-of-way (including CRCA) and their elected officials at the Federal, State, and County level.
2. To the extent right-of-way remains unused for the rail or trail, commit to planting as many trees as is ecologically possible within the unused portion of the trail.
3. Provide funds to homeowners whose property is adjacent to the Georgetown Branch right-of-way for the purpose of planting trees and shrubs along the property lines abutting the right-of-way in order to replace the lost vegetation that currently provides a visual buffer from the trail.

7. Water runoff

The FEIS is silent as to the potential effects of the construction of the Purple Line on water runoff in the area of the Georgetown Branch right-of-way. The increase in impervious surfaces due to the construction of retaining walls, tracks, etc., and the effect of heavy construction has the potential to cause significant changes in, and potentially increase, the water run-off along our homes. Given that runoff from the project will flow directly into Coquelin Run and Rock Creek, this is a vitally important issue. Therefore, the MTA should commit to the surface of the new trail being a permeable material such as permeable asphalt or permeable concrete, and to the tracks being built on grass or another natural, permeable surface (which likely would help mitigate the noise and vibration issues described above).

8. Construction Activities

The FEIS is silent on the potential adverse effects from construction, including air and water pollution, the noise levels that residents are likely to experience from the trucks and heavy machinery, potential air pollution including exhaust fumes, dust or other particles, potential water contamination or other potential dangers. However, it is abundantly clear that the

³ The FEIS states only that “the right-of-way would have four foot retaining walls.” (FEIS Volume I, Chapter 4 at p. 85). However, due to the topography, several homes along the right-of-way (including several in our community) will have retaining walls at least 15 feet high near their backyards, dramatically changing the visual character of the wooded and secluded environment currently enjoyed.

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construction process for the Purple Line has the potential to create a significant negative effect on our residential community. According to Chapter 5 of the FEIS, construction of the Purple Line will take well over five years, not counting unanticipated delays. In addition, the FEIS states that surface and above ground construction will take place 6 days per week for 15 hours per day (7 days, 24 hours per day for underground / tunnel work). The transportation of materials by trucks also may take place 24 hours per day. Furthermore, the FEIS states that construction of the rail and trail in our community will require the use of heavy equipment such as cranes, excavators, bulldozers, loaders, dump trucks, and when necessary rigs to install piles.

Subjecting a quiet, residential community to this sort of noise and disruption is entirely unacceptable. Residents who live full time in these homes include individuals of all ages, and sleep disruptions likely to be caused by heavy construction that begins early in the morning and lasts late into the night will have serious health effects. Therefore, construction activities should be limited to 8:00 am through 5:00 pm on weekdays and 9:00 am through 4:00 pm on weekends.

III. Conclusion

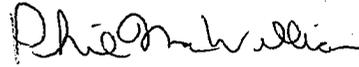
Before a Record of Decision is issued, the FEIS must be supplemented to include the results of the additional studies demonstrated above to be necessary, and to include firm commitments to various mitigation measures. In particular, the FEIS must be supplemented to include:

1. Vibration studies for the residences along the Georgetown Branch right-of-way;
2. A summary of the actual noise levels of the Purple Line (expressed in terms of the actual decibel levels at specific distances from the centerline of the rail), based on a noise analysis that take into account the additional noise created by the catenary wires and the increased noise levels that occur when two trains are in the same vicinity;
3. An analysis of the additional noise mitigation that can be achieved through the use of taller sound panels and/or different materials;
4. A commitment to using grass tracks in the segment of the project running along the Georgetown Branch right-of-way;
5. A more precise survey of the actual tree loss that will occur within the Georgetown Branch right-of-way as a result of construction;
6. A precise analysis of the environmental benefits currently provided by the trees within the Georgetown Branch right-of-way in terms of air pollution absorption and storm water retention;
7. A full disclosure and explanation of the methodology used to determine the ridership projections;
8. Following meetings with representatives of affected communities and their elected representatives, a firm and detailed commitment to a tree-loss prevention plan and tree re-planting plan (as more fully described above at pages 7-8), and a firm and detailed commitment to design criteria relating to the appearance of and materials to be used in various transitway elements (as more fully described above at pages 7-8); and

Coquelin Run Citizens Association

9. An agreement to limit construction activities according to the constraints set forth above at pages 8-9.

Sincerely,



Phil MacWilliams
President
Coquelin Run Citizens Association

cc (via email):

Christopher Van Hollen, Jr., U.S. Representative, Maryland 8th Congressional District

Richard S. Madaleno, Jr., Maryland State Senator, District 18

Ike Leggett, Montgomery County Executive

Roger Berliner, Montgomery County Councilmember, District 1

Michael Madden, Purple Line Project Manager, Maryland Transit Administration

Purple Line FEIS - RECORD #981 DETAIL

First Name : Tina
Last Name : Slater
Business/Agency/Association Name : Action Committee for Transit
Email Address : slater.tina@gmail.com
Submission Content/Notes : Resending (had misspelled FEIS e-mail address below).

----- Forwarded message -----
From: Tina Slater <slater.tina@gmail.com>
Date: Mon, Oct 21, 2013 at 5:44 PM
Subject: FEIS Comments - Action Committee for Transit Supports the Purple Line
To: FEIS@purplinesmd.com
Cc: county council <county.council@montgomerycountymd.gov>, county executive
leggett <ike.leggett@montgomerycountymd.gov>, sheila.hixson@house.state.md.us, Tom Hucker <tom.hucker@house.state.md.us>, Heather Mizeur <heather.mizeur@house.state.md.us>, Jamie Raskin <jamie.raskin@senate.state.md.us>, Governor Martin O'Malley <mom@gov.state.md.us>

Dear MTA:

The Action Committee for Transit was founded 27 years ago, primarily to push for the concept of a trolley line between Bethesda and Silver Spring. Since that time, the concept has grown into the 16-mile, Bethesda to New Carrollton, light rail Purple Line.

ACT eagerly awaits the funding and start of construction of this long awaited East-West transit project.

Please find our letter of comments attached.

--- Sincerely,
Tina Slater, President

Action Committee for Transit

www.actfortransit.org

slater.tina@gmail.com
301-585-5038

Attachments : ACT.Ltr.FEIS PL Comments.2013-10-21.pdf (63 kb)

A.1

Action Committee for Transit

www.actfortransit.org

P.O. Box 7074, Silver Spring, MD 20907

Purple Line
Maryland Transit Administration
100 S. Charles St., Tower Two, Suite 700
Baltimore, MD 20201

Dear MTA:

The Purple Line will provide a missing East-West, cross-suburban mass transit link. It will connect suburban communities and job centers, providing a quality alternative to driving on the congested Beltway. By linking major suburban centers and existing rail and bus lines, the Bethesda-to-New Carrollton light rail line will cut travel time for tens of thousands of area residents. For example, travel time from Langley Park to Bethesda will drop to about 22 minutes, far faster than is possible today by car or by bus. Trains will go between Silver Spring and Bethesda in 8½ minutes. Daily ridership on the Purple Line is projected to be 69,000 in 2030 and 74,500 in 2040.

The Purple Line will offer shorter commutes, less pollution, stations that support walkable communities, and the opportunity to "finish the trail" so that people can walk or bike between Silver Spring and Bethesda. Further, money spent to build and operate the Purple Line will stay close to home and pay wages to Marylanders, instead of going overseas to pay for imported oil.

The Purple Line supports Maryland's technology-based economic development strategy by linking the University of Maryland to the economic engines of Bethesda and Silver Spring. Residents near the Purple Line stops will have access to all these key job centers and their many thousands of jobs.

The gas tax increase voted by the legislature in March will provide the state's share of the cost, and is timed to yield maximum revenue in 2015 and 2016 when construction starts. Action Committee for Transit (ACT) will be following closely the various funding options that the State is reviewing. ACT eagerly awaits the beginning of Purple Line construction.

Sincerely,



Tina Slater, President
Action Committee for Transit

www.actfortransit.org

slater.tina@gmail.com

301-585-5038

Purple Line FEIS - RECORD #1023 DETAIL

Comment Date : 10/21/2013
First Name : Bob
Last Name : Colvin
Business/Agency/Association Name : East Silver Spring Citizen's Association (ESSCA)
State : MD

Purple Line FEIS Maryland Transit Administration
Transit Development & Delivery
100 S. Charles Street – Tower Two, Suite 700
Baltimore, MD 21201

D.3

East Silver Spring Citizen's Association (ESSCA) Comments On
The Final Environmental Impact Statement (FEIS) For The Purple Line

E.7

The Purple Line FEIS identifies Environmental Justice (EJ) areas which will be impacted by the Preferred Alternative route. We are concerned that MTA is not doing enough to mitigate the negative effects of the Purple Line on businesses in these Environmental Justice areas. In fact, we believe that MTA is putting less effort and money into these areas than they are into the impacted areas west of 16th Street.

E.9

The twenty one businesses (mostly minority owned) on Bonifant Street between Georgia Avenue and Fenton Street, are listed as being in an Environmental Justice (EJ) area and are of particular concern to us.

E J Areas Not Treated Fairly: The FEIS identifies large portions of the Preferred Alternative route east of 16th Street as Environmental Justice areas. The FEIS then dismisses concerns about the bulk of the negative impacts of the Purple Line being in these areas by stating that MTA is working with the County.

E.10

We have been intimately involved with the businesses on Bonifant Street and their meetings with MTA and in our experience, MTA has used this excuse to absolve itself of all financial responsibility, and give themselves license to skimp on design, down play impacts and omit information from the businesses, the community and possibly the County.

E.14

We object to MTA's characterization in the FEIS of "working" with the community. The changes MTA made to Bonifant Street to accommodate deliveries to the businesses is an example of how they "work" with communities. MTA was very dismissive when the businesses brought this problem to their attention. "Businesses come and go. We cannot design for your businesses," was the response. It was only through constant vigilance by the community and pressuring from the County that MTA reluctantly agreed to make the changes.

G

MTA is well aware that because of the space limitations on Bonifant Street, the impact on these businesses will be severe and many will not be able to continue to operate their businesses successfully. MTA needs to acknowledge this and financially help these businesses mitigate these impacts and if necessary to move to a nearby location. Most of these businesses have been in Silver Spring for over 20 years and while the County has agreed to help mitigate some of the impacts, without an honest acknowledgement by MTA of the severity of these impacts and without financial contributions from MTA, the community will have only limited success in lobbying the County for assistance.

K.5

MTA's cavalier attitude toward our community interests is not only counter to the purpose of the EJ directive, but especially offensive given the millions that they are spending on the west side of the route to build tunnels for golf carts and put bridges over roads and numerous other accommodations to lessen the impact on pedestrian and commercial interests. MTA needs to be compelled to put the same effort and financial investment into the businesses and

community in the Environmental Justice areas east of 16th Street and especially the 21 independent, majority, minority-owned businesses on Bonifant Street.

Noise Study Not Done: The FEIS states that noise studies were not done in commercial areas because they are not required by the Federal guidelines.

The Purple Line will run within 50 feet of the businesses on Bonifant Street, and in some cases as close as 4-5 feet on a very narrow street. Five of these businesses are restaurants and it is obvious to even casual observers, that noise could have a devastating effect on these businesses. It is imperative that these businesses know in advance the level of noise to expect in order to make appropriate plans for their continued operation.

To our knowledge, there is nothing in the Federal guidelines that prohibits MTA from doing the noise study on this commercial block of Bonifant Street. MTA needs to give the independent, small businesses on Bonifant Street a fighting chance, by completing a noise study for this block of Bonifant Street and sharing the results with the businesses.

Vibration Study Not Done: The FEIS states that vibration studies were not done in commercial areas. No reason was given but, presumably, it is for the same reason that the noise studies were not done.

At one of the first meetings MTA had with the businesses on Bonifant Street, the owner of the Quarry House which is located on the basement level at Georgia Ave and Bonifant Street, expressed concerns about the effect of the vibrations on its business. MTA assured the owner that a study would be done.

However, no study was done and again, the businesses cannot ask for or plan mitigation of any negative effect the vibrations will have on their ability to continue in business.

Visual Effects: The FEIS describes the Purple Line route from Colesville Road to Fenton Street as busy urban streets and concludes that this section, which includes Bonifant Street is designated as having a low degree of visual sensitivity. While the visual effect of poles and overhead wires may not be as noticeable on Colesville Road, because of the limited right of way, they could block business entrances and impede pedestrian traffic on Bonifant Street.

This block of Bonifant Street needs to be removed from the general downtown urban low visual impact designation. MTA needs to be especially creative and sensitive designing this leg of the Purple Line in order to minimize the negative impacts on the businesses and pedestrians.

Construction: The FEIS promise, that MTA will continue to work with communities to minimize the impacts of construction of the Purple Line is particularly troublesome and counter to our experience. The County has already had to step in and require MTA to commit to leaving sidewalks open and providing for deliveries to the businesses during construction, as MTA would not commit to this for the businesses. Even this directive by the County will require constant monitoring by the community because MTA has consistently tried to cut corners in their plans for our community.

Submitted By:

Bob Colvin, President
East Silver Spring Citizen's Association (ESSCA)
Board of Directors

Contact: Karen Roper, Chair of the ESSCA Purple Line Committee
7911 Chicago Ave, Silver Spring, MD 20910
301 588-7143
Karroper@aol.com

CC:

Representative Chris Van Hollen, U.S. House of Representatives
Daniel Koenig, Federal Transit Administration
Brigid Hynes-Cherin, Federal Transit Administration
Governor Martin O'Malley
Senator Jamie Raskin, Maryland General Assembly
Isiah Leggett, Montgomery County Executive Robert L. Smith, Maryland
Transit Administration Henry Kay, Maryland Transit Administration
Michael Madden, Maryland Transit Administration Valerie Ervin,
Montgomery County Council
Gary Erenrich, Montgomery County Department of Transportation
Reemberto Rodriguez, Silver Spring Regional Services Center
Francoise Carrier, Montgomery County Planning Board Chair
Judy Stephenson, Small Business Navigator, Dept of Economic
Development

Purple Line FEIS - RECORD #1033 DETAIL

Comment Date : 10/29/2013
First Name : Gerrit
Last Name : Knaap
Business/Agency/Association Name : National Center for Smart Growth at the University of Maryland
Address : Preinkert Field House
City : College Park
State : MD
Zip Code : 20742
Submission Content/Notes : To whom it may concern:

Preinkert Field House
College Park, Maryland 20742
301.405.6283 TEL 301.314.5639 FAX
<http://www.smartgrowth.umd.edu>

My name is Gerrit Knaap and I direct the National Center for Smart Growth at the University of Maryland, which also serves as the administrative home for the Purple line Corridor Coalition.

E.4

I have read most, though not all, the FEIS. I found it to be well prepared, clearly written, and reasonably complete. What I found lacking, however, was discussion of effects of the Purple line after it goes into operation, particularly with respect to resident and small business displacement, affordable housing, workforce development and jobs-housing balance. There are good examples of this kind of analysis from Minneapolis-St. Paul, Denver, and Seattle. Research from these metropolitan areas reveals that a lack of attention to these issues early in the process limits the overall benefits these kinds of large public investments are able to produce.

E.14

I know that other organizations have similar concerns and are submitting similar comments. Without implicating the National Center for Smart Growth, the University of Maryland, or other members of the Purple line Corridor Coalition, I want to express my personal accord with these concerns.

Sincerely yours,

Gerrit Knaap
Professor and Director

Attachments : UMD - Gerrit Knaap.pdf (37 kb)



UNIVERSITY OF MARYLAND

NATIONAL CENTER FOR SMART GROWTH RESEARCH AND EDUCATION

Preinkert Field House
College Park, Maryland 20742
301.405.6283 TEL 301.314.5639 FAX
<http://www.smartgrowth.umd.edu>

October 21, 2013

Purple Line: FEIS Comment
Maryland Transit Administration
Transit Development & Delivery
100 S. Charles Street Tower Two
Suite 700
Baltimore, MD 21201

To whom it may concern:

My name is Gerrit Knaap and I direct the National Center for Smart Growth at the University of Maryland, which also serves as the administrative home for the Purple Line Corridor Coalition.

I have read most, though not all, the FEIS. I found it to be well prepared, clearly written, and reasonably complete. What I found lacking, however, was discussion of effects of the Purple Line after it goes into operation, particularly with respect to resident and small business displacement, affordable housing, workforce development and jobs-housing balance. There are good examples of this kind of analysis from Minneapolis-St. Paul, Denver, and Seattle. Research from these metropolitan areas reveals that a lack of attention to these issues early in the process limits the overall benefits these kinds of large public investments are able to produce.

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Sincerely yours,

A handwritten signature in black ink, appearing to read "Gerrit Knaap".

Gerrit Knaap
Professor and Director

Purple Line FEIS - RECORD #1040 DETAIL

Comment Date : 11/21/2013
First Name : Kit
Last Name : Gage
Business/Agency/Association Name : Friends of Sligo Creek
State : MD
Email Address : kgage@verizon.net

Submission Content/Notes : Dear Mr. Kay:

We are writing you to express our general support for increased mass transit opportunities for Montgomery County. And yet we have several concerns about the plans for the Purple Line transit as it impacts the Sligo Creek watershed, which should be taken into account in construction and implementation of the Purple Line. These concerns include preservation of trees, reduction in the use of toxic substances in materials and construction of the Purple Line, stormwater retrofits, and mechanisms for improving the trail on Sligo Creek. As well, we regret the lack of specificity of the FEIS in addressing these concerns. We hope and anticipate that we will be engaged as a partner in these matters to address them appropriately as the Purple Line planning proceeds.

As you may know, the Friends of Sligo Creek is an all-volunteer organization dedicated to protecting, enhancing, and enjoying the ecological health of Sligo Creek Park and the wider watershed. Despite long-term damage from urbanization, the Creek has rebounded in the last fifteen years, thanks to informed, time-consuming, and expensive efforts by the County, the Park and Planning Commission, and citizen groups like ours. The beauty, water quality, forest cover, and wildlife habitat of the Park will continue to improve with concerted efforts by all parties. Please see our website: www.fosc.org.

Overall:

First, we would like to support and reinforce the comments of Tina Schneider of Area 1. Her general concern: "Staff requests MTA work closely with MNCPPC staff to resolve these outstanding concerns regarding design, engineering, and mitigation not found within the August 2013 FEIS." Among the concerns she notes are details of stormwater management facilities, habitat impact and mitigation, mitigation of specimen tree loss, and need to use 'green' safe materials for the tracks and other materials in parkland.

Stream Channel Modifications

E.12

General reference has been made to Sligo Creek channel modifications. Nowhere have we seen sufficient detail on what this would entail and how stream and parkland habitat would be protected. This is a serious issue. Sligo Creek is still in badly degraded state. Contiguous functional parkland is critical to support a healthy environment, so short-term damage or interruption of the creek and park could be outside in their damage. Such modifications could be devastating to our long efforts to bring back fish species, macroinvertebrates, and the rest of the biome if not done carefully. Well before construction, collaborative planning with MNCPPC and Friends of Sligo Creek must take place to minimize any damage to the biome, and mitigate any damage.

Tree Loss/Mitigation:

E.11

As Ms. Schneider also notes, MTA is not required to follow Montgomery County law, and Section 22A-12(b)(3) of the Montgomery County Forest Conservation law in particular. Regarding tree loss this is a particular concern. A project of this magnitude, just because it can, should not ignore this new and important protective law. We strongly recommend that tree loss be minimized, that existing trees near construction be protected to avoid construction-related death, and that any trees that are removed be replaced – nearby, in buffers and failing that, in parkland or rights of way.

Stormwater Projects:

Almost certainly there will be increased impervious surface as part of the Purple Line. While this addition will mandate state requirements for

stormwater catchment/mitigation, we strongly suggest that this be handled thru low impact development stormwater controls such as those being implemented by the county Department of Environmental Protection. These would include bioswales, porous surfaces and bioretention. Again, no project of this size should ignore or worsen efforts of the major county initiative to comply with federal Clean Water Act requirements. The best and most comprehensive guidelines should prevail.

D.3

Bike and Walking Paths

Others have noted that it's critical to safely mesh existing and new bike paths with Purple Line implementation. On Sligo Creek at Wayne Ave, there is an almost 20 year old walk/bike path. It is narrower than current design requirements would call for. Purple Line construction should expand these bike lanes where they intersect at Wayne and explore safer mechanisms for junctions of bike lanes and Purple Line and streets.

Thank you for your consideration of our concerns and efforts.

Kit Gage
Chair, Stormwater Committee
Friends of Sligo Creek

Attachments :

FOSC Purple Line Comments .pdf (236 kb)



October 29, 2013

Mr. Henry Kay
Maryland Transit
Administration
100 South Charles Street
Tower 2, Suite 700
Baltimore, MD 21201

Dear Mr. Kay:

We are writing you to express our general support for increased mass transit opportunities for Montgomery County. And yet we have several concerns about the plans for the Purple Line transit as it impacts the Sligo Creek watershed, which should be taken into account in construction and implementation of the Purple Line. These concerns include preservation of trees, reduction in the use of toxic substances in materials and construction of the Purple Line, stormwater retrofits, and mechanisms for improving the trail on Sligo Creek. As well, we regret the lack of specificity of the FEIS in addressing these concerns. We hope and anticipate that we will be engaged as a partner in these matters to address them appropriately as the Purple Line planning proceeds.

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Thank you for your consideration of our concerns and efforts.

Kit Gage

Chair, Stormwater Committee

Friends of Sligo Creek.