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LOCATION/PUBLIC DESIGN HEARING

MARYLAND ROUTE 32 FROM

MD 108 TO I-70

(PUBLIC TESTIMONY)

THURSDAY, MARCH 18, 1999

Glenelg High School

14025 Burntwoods Road

Glenelg, Maryland

dlh

1 MR. FISHER:

2 I'm Bob Fisher, District Engineer for the State Highway
3 Administration for District VII. District VII includes Carroll, Frederick and
4 Howard Counties.

5 I will be the Hearing Officer this evening. Tonight's hearing is
6 being held jointly by the Maryland State Highway Administration and the
7 Federal Highway Administration. On behalf of the State Highway
8 Administration and the Federal Highway Administration, I am pleased to
9 welcome you to this combined location/design public hearing for the
10 project planning study on MD 32 from MD 108 to Interstate I-70.

11 The purpose of this evening's hearing is to acquaint you with
12 the project and to provide an opportunity for all interested persons to
13 present their views regarding the proposed location/design of the
14 alternatives under consideration.

15 Please direct your attention to the green brochure that has
16 been provided for your information. If you have not yet received one,
17 copies are available from our receptionist there in the front lobby. The
18 brochure is a summary of the information related to this project and
19 includes descriptions of the proposed improvements as well as an
20 environmental summary.

21 Please review this brochure to aid yourself in understanding
22 tonight's presentation. I would now like to introduce representatives from
23 the State Highway Administration who will participate in this evening's

1 hearing. We have Mr. Tom Hicks the Director of the Office of Traffic and
2 Safety, we have Mr. Frank Knapp, District 7 Right-Of-Way Chief, we have
3 Ms. Normetha Goodrum, who is the Equal Opportunity Officer for State
4 Highway and we also have Ms. Heather Murphy, the Project Manager and
5 also Ms. Allison Grooms, the Environmental Manager for the project.

6 Names and addresses and telephone numbers of the
7 members of the project planning team are listed in the green brochure
8 and questions and requests for information or materials regarding the
9 MD 32 planning study should be directed to Ms. Murphy.

10 I am also pleased this evening to acknowledge Mr. Peter
11 Kleskovic, the Federal Highway Administration representative here this
12 evening.

13 At this time, I am also pleased to invite any elected officials
14 to stand for recognition and also I understand that Senator McCabe and
15 Delegate Bob Flanagan are here this evening. Senator McCabe? He is
16 not here yet? Delegate Flanagan, did you have something you would like
17 to say before I get started?

18 MR. BOB FLANAGAN:

19 Good evening. Bob Flanagan here, I'm here with Bob
20 Kittleman and I know Senator McCabe is planning to attend. This is the
21 time of year when we get held up in Annapolis frequently with, with
22 hearings or, or voting sessions, so I'm sure he's on the way.

23 I'm here to listen tonight, not really to talk to you, but there is

1 just one issue that I did want to explain. We are all here trying to figure
2 out how we can preserve the quality of our community in light of the
3 tremendous traffic that we have, that we are seeing on Route 32.

4 When this issue first was discussed with the State Highway
5 Administration and this was some years ago, we got a commitment from
6 the then head of the State Highway Administration that they would
7 consider and explore ways of keeping Interstate truck traffic off of Route
8 32 in light of any improvements that were made.

9 The current administration has, has backed off of that
10 commitment and I'm here to tell you that I intend to do everything I can to
11 hold them to it and to oppose any development that, that would not take
12 into account the need to, to keep interstate truck traffic off the road. So
13 other than that, I'm, I just want to listen to what you have to say. Thank
14 you.

15 MR. FISHER:

16 Thank you, Delegate Flanagan. A formal notice was
17 published in the local newspapers listed in the brochure and public
18 service announcements were sent to the radio stations serving this area to
19 notify individuals of tonight's hearing and to encourage participation. In
20 addition, brochures and notices were sent to those on the project mailing
21 list.

22 Interested groups and individuals who are not already on
23 that mailing list are encouraged to submit their names to our receptionist.

1 This list will be used for notification of any subsequent public involvement
2 and for the distribution of project information.

3 This evening's proceedings are being recorded. The official
4 transcript of this public hearing will become part of the project record.
5 The transcript will be available in approximately 8 weeks for review and
6 copying at the District 7 office in Frederick and at the State Highway
7 Administration Headquarters in Baltimore.

8 Please confirm its availability by telephoning me or Ms.
9 Murphy at the telephone numbers provided in the green brochure.
10 Written comments and materials for inclusion in the transcript will be
11 accepted until April 30, 1999. Comments can also be submitted after this
12 date for consideration in project decisions.

13 Allow me to explain a minute the highway development
14 process. The Maryland State Highway Administration development
15 process consists of four distinct phases. The first phase is the project
16 planning phase, the second phase is the engineering or final design
17 phase, the third phase is the right-of-way acquisition phase and of course
18 the final phase is the construction phase.

19 Funding for this project has been programmed for the
20 project planning phase only. The MD 32 project is currently in a detailed
21 study stage of the project planning phase and during this stage, the
22 location and general design features along with the environmental
23 impacts are identified. Project planning activities during this stage

1 include engineering and environmental studies, coordination with other
2 state and federal agencies and public involvement.

3 The results of our analysis will be summarized for you this
4 evening. The next stage of this study will include the evaluation of public
5 suggestions, refinement of the alternatives as needed and
6 recommendations of alternatives or combination of alternatives to the
7 State Highway Administrator. A final environmental impact statement will
8 then be prepared discussing the selected alternative. The planning
9 phase concludes with the obtaining of location approval from the Federal
10 Highway Administration and design approval from the State Highway
11 Administrator.

12 Following the project planning phase, is the engineering or
13 final design phase. During this phase, construction drawings are
14 prepared and final right-of-way requirements are determined.

15 The right-of-way acquisition phase usually begins about half
16 way through the design phase. Representatives from our right-of-way
17 division are available tonight to answer questions regarding these
18 procedures and I think many of you have already had an opportunity to
19 talk to those there in the back.

20 Construction can only begin after the final design phase is
21 completed and environmental permits and right-of-way have been
22 acquired. A determination must also be made that the project complies
23 with the state's Smart Growth Act before state funds can be allocated for

1 construction.

2 We are pleased to have Ms. Heather Murphy, the Project
3 Manager, who will now describe the project and the alternatives that are
4 being considered for the MD 32 corridor study. Heather?

5 MS. HEATHER MURPHY:

6 Thank you, Bobby. I do want to clarify one point, I did not get
7 to Bobby before hand. We are extending the common period on our
8 environmental document from the April 30th date that he discussed until
9 May 21st, that will give you two months after this meeting to get formal
10 comments into us and at that point we will close the transcript and have
11 the official transcript ready probably 4 to 8 weeks after that date.

12 I'd like to start by the purpose of the project is to improve
13 safety and traffic operations along MD 32 between MD 108 and Interstate
14 70 with a minimum impact to local residents, businesses and the
15 environment. It involves the development and analyses of all reasonable
16 alternatives, including the no-build alternative, using forecasted traffic
17 volumes for the year 2020 as a base line for measure.

18 The MD 32 project is included in the Secondary
19 Development and Evaluation Section of the Maryland Department of
20 Transportation's Consolidated Transportation Program for fiscal years
21 1999-2004 and as Bobby said, it is currently funded only for project
22 planning.

23 The section of MD 32 between MD 108 and Interstate 70

1 completes the "Patuxent Freeway" system linking Annapolis to Interstate
2 70, a total distance of 40 miles. It is part of a high volume transportation
3 corridor that will provide a safe and efficient route to move people and
4 goods between the Eastern Shore and Western Maryland. This system
5 connects the North-South arterial routes leading to the major employment
6 centers of Washington, DC and Baltimore and is included in the 1993 long
7 range plan for the Baltimore region.

8 Close coordination with the public and environmental
9 regulatory agencies has been instrumental in the development of the
10 project alternatives being presented here tonight. Throughout the
11 planning process, the MD 32 study team has strived to minimize impacts
12 to the communities and environmental resources while addressing the
13 long-term transportation needs of the corridor.

14 Public and agency involvement has included:

- 15 - A series of focus group meeting in early 1996
- 16 - Numerous meetings with local residents, communities and
17 organized citizens' groups
- 18 - Coordination meetings and field visits with resource
19 agencies
- 20 - Public workshops in June of 1996 and June of 1998

21 Public and agency input has lead to significant changes in the
22 alternatives as the study has evolved. Since the workshop last June, the
23 MD 32 study team has continued to analyze and assess the impact of the

1 proposed alternatives. The results of these detailed analyses have been
2 compiled and are presented in the draft environmental impact statement,
3 which is now available for review and comment at the Howard County
4 Public Library and government offices as well as local SHA facilities.

5 Travel demand on MD 32 is projected to increase between
6 growth areas north and west of the study corridor and major employment
7 centers located in Eastern Howard County, Montgomery County and
8 Washington, D.C.

9 The existing average daily traffic volumes along MD 32 in
10 1997 ranged from approximately 16,000 vehicles per day to 18,000
11 vehicles per day. The projected no build 2020 average daily traffic ranges
12 from 27,000 to 30,000 vehicles per day, an increase of up to 68 percent.

13 Traffic volumes were analyzed in order to measure the level
14 of congestion during the morning and evening peak hours. Currently,
15 volumes on MD 32 within the study section are nearing capacity during
16 the peak periods, making left turns from unsignalized intersections and
17 driveways increasingly difficult. All of the intersections on MD 32 south of
18 MD 144 are experiencing failing conditions during the morning peak
19 period, including Ten Oaks Road where a signal was installed in 1997.
20 The intersection at Ten Oaks road is failing during the evening peak hour
21 as well.

22 Without improvements, the 2020 volumes on this section of
23 MD 32 will far exceed capacity during the peak periods, causing a

1 breakdown in the flow of traffic and a greater potential for accidents.

2 During the three-year accident study period, 1996-1998,
3 overall accident rates for the entire study corridor were within range of
4 statewide averages for similar type roadways. However, from Triadelphia
5 Road to I-70, the overall accident rate was significantly above the
6 statewide average . Also, during the course of the current project
7 planning study, there has been a significant increase in the overall
8 number of accidents, particularly in the last two years.

9 In 1995 and 1996 there were a total of 91 accidents
10 compared to 144 total accidents in 1997 and 1998. This represents a 58
11 percent increase over the last two years.

12 The fatal accident rate for this section of MD 32 is more than
13 three times the statewide average for similar type roadways. There were
14 six fatal accidents in 1997 and 1998 resulting in seven fatalities. There
15 were no fatal accidents in 1995 or 1996. As congestion on MD 32
16 increases, accident rates are expected to increase, as well.

17 This project is located outside a priority funding area as
18 described by state law and defined by Howard County under the Smart
19 Growth Act. Issues regarding both the compatibility of this project with
20 smart growth principles and the ability to spend state funds under the
21 priority funding statute are being investigated. Following this public
22 hearing the project will be evaluated to determine the extent of
23 improvements needed and how these improvements addresses the safety

1 issues and the exception clause to priority funding area restrictions.

2 SHA's current thinking is to implement a series of short term
3 and intermediate term safety measures short of full dualization of the
4 existing road. Some of these measures will be described by Mr. Hicks in
5 a few minutes as part of a safety action plan. However, based on
6 Maryland's and neighboring states experience with two lane, limited
7 access roadways, it may prove necessary in the long term to dualize the
8 roadway to address the safety problem.

9 Three alternatives are currently under consideration, the no-
10 build alternative, build alternative I and build alternative II.

11 No major improvements are proposed under the no-build
12 alternative. Various transportation system management measures are
13 included in this alternative. Other minor, short term improvements would
14 continue to occur as part of normal maintenance and safety operations.
15 Examples of the types of improvements which have been recently
16 completed within the study corridor include:

- 17 - Resurfacing, restriping and left turn lanes
- 18 - Intersection lighting at unsignalized intersections, and
- 19 - Traffic signals and protected left-turn acceleration and
20 deceleration lanes at East and West Linden Church Roads

21 Also programmed for implementation is the installation of traffic
22 signals on MD 32 at the intersections with the interstate 70 ramps.

23 These and other transportation system management

1 improvements that would occur as part of the no-build alternative are not
2 expected to address the long term needs of the corridor.

3 I will now describe the two long term build alternatives.

4 Both build alternatives propose reconstruction MD 32 to a
5 four-lane divided highway with a median width of 34 feet. A series of
6 interchange options and service roads have been developed for inclusion
7 with this alternative to fully control access on MD 32 between MD 108 and
8 Interstate 70. This means that there would be no direct driveway or local
9 road access to MD 32. All access to and from MD 32 would be via
10 interchange ramps. Roadside and median landscaping concepts that
11 could be incorporated within the footprint of the build alternatives have
12 also been developed.

13 Build Alternate I proposes interchanges at Linden Church
14 Road, Dayton Shop, Burnt Woods Road, Rosemary Lane, Nixon's Farm
15 Lane, MD 144 and changes to the 70 interchange.

16 The Linden Church Road Interchange would provide access
17 to and from MD 32 via Diamond Interchange ramps, Linden Church Road
18 would be bridged over MD 32. A portion of Greenberry Lane would be
19 relocated to the East to intersect with Linden Church Road at Broadwater
20 Lane.

21 The next interchange moving north would be located at the
22 Dayton Shop Maintenance Facility. Right-in/Right-out access to the
23 Dayton Shop from northbound MD 32 would be provided south of the

1 existing entrance. Diamond ramps would connect the southbound
2 roadway to a bridge crossing over MD 32, north of the existing shop
3 entrance.

4 The interchange at Burnt Woods Road would collect several
5 existing access points along MD 32 to safely provide access at a single
6 location. MD 32 would be shifted slightly to the east to flatten the existing
7 curve. A slightly relocated Burnt Woods Road would cross over MD 32 on
8 a bridge, connecting to East Ivory Road. Ivory Road, west of MD 32, would
9 be closed off with a cul-de-sac. Ten Oaks Road would be extended to
10 connect to a relocated Pfefferkorn Road and Burnt Woods Road at a four-
11 leg intersection. Low speed right-in/right-out ramps would provide access
12 to northbound and southbound MD 32.

13 The next interchange is proposed at Rosemary Lane. South
14 of Rosemary Lane, MD 32 would be shifted to the west, allowing a portion
15 of existing MD 32 to be used as a frontage road to connect Parliament
16 Place with Rosemary Lane. A frontage road on the west side of MD 32
17 would connect Rosemary lane to River Valley Chase. Low speed right-
18 in/right-out ramps would connect MD 32 and the frontage roads.

19 The next interchange would be at Nixon's Farm Lane is proposed
20 as part of Build Alternative I. This interchange would provide low speed
21 right-in/right-out access ramps between MD 32 and frontage roads. The
22 frontage roads would connect several private and common driveways on
23 both sides of the roadway to Nixon's Farm Lane, which would be

1 reconstructed to bridge over MD 32.

2 An alternative access option is being considered for the
3 driveways that currently have direct access to northbound MD 32, in the
4 vicinity of Nixon's Farm Lane. Under the alternative access option, those
5 driveways would access MD 32 from MD 144 via an extended Wellworth
6 Way.

7 The next interchange included in Build Alternative I is MD
8 144, Option 3 Modified. Access between MD 32 and MD 144 would be
9 provided with loop ramps and outer ramps located in the southeast and
10 southwest quadrants of the interchange. The ramps would be located
11 south of MD 144 in order to provide safe weaving distances to the ramps
12 at the Interstate 70 interchange. MD 144 would bridge over MD 32.
13 Roundabout would be constructed at the intersections of MD 144 with the
14 ramps.

15 Improvements to the existing interchange at Interstate 70 are
16 also proposed. Loop ramps would be constructed within the southwest
17 and northeast quadrants, inside the existing outer ramps, to provide free
18 flow access from southbound MD 32 to eastbound Interstate 70 and from
19 northbound MD 32 to westbound Interstate 70, respectively. These
20 represent the heaviest movements at the Interstate 70 interchange. The
21 left turning movements from the Interstate 70 off ramps to MD 32 would
22 be facilitated by signals. The right turning movements from the
23 Interstate off ramps to MD 32 would operate in free flow, as they do

1 today.

2 Build Alternative II contains all of the same elements,
3 mainline widening and interchange options, as Build Alternative I except
4 that it does not include an interchange option at Nixon's Farm Lane.

5 Under Build Alternative II, one interchange: MD 144 Option
6 4, would provide for all of the movements at MD 144 and Nixon's Farm
7 Lane. The configuration is similar to that used for Option 3 Modified,
8 however a frontage road would be provided on the west side of MD 32
9 connecting the driveways on that side of the roadway to MD 144. Low
10 speed right-in/right-out ramps would connect southbound MD 32 and the
11 frontage road. Roundabout would be provided at the MD 144
12 intersections with the frontage road and the interchange ramps east of
13 MD 32. In order to provide access to the driveways that currently have
14 direct access to northbound MD 32, in the vicinity of Nixon's Farm Lane,
15 low speed right-in/right-out ramps along northbound MD 32 may be
16 required south of the MD 144 interchange.

17 As with Build Alternative I, an alternative access option is
18 being considered for those driveways. Under the alternative access
19 option, those driveways would access MD 32 from MD 144 via an
20 extended Wellworth Way.

21 This concludes the project description. Mr. Tom Hicks will
22 now describe the safety action plan.

23 MR. TOM HICKS:

1 Thank you, Heather, and good evening. SHA has set up a safety action
2 plan as a result of the recent trend of increasing accidents that were pointed
3 out by Heather, also there's been an increase and severity of accidents
4 that concerns us and of course we are concerned about this section of
5 MD 32 from MD 108 to I-70. We are particularly concerned with the
6 accidents in the Triadelphia to MD144 area where 75% of the accidents
7 have occurred, 40%, and that's at 40% of the study limits. There were 68
8 rear end accidents attributed to the curves in the roadway, the many
9 driveways and the lacks of turning lanes and you will see in a moment
10 that is where we are concentrating our safety improvements.

11 SHA has examined the accident types and locations,
12 contributing factors and what possible actions SHA can take to reduce
13 the potential for and severity of future accidents.

14 Short range, medium range and potential staging of long
15 term improvements have been developed to address the accident
16 problems currently being experienced on this section of MD 32. Under
17 consideration for short range improvements are items such as:

18 A narrow painted median with rumble strips between a
19 separated double yellow line in the southern section. This is a solution
20 which has been tried in the State of California along similar roadways
21 and has been very highly successful in greatly reducing the accidents. It
22 will serve as a short range improvement, it is not really a long range
23 improvement but has proven to be very effective.

1 - A center turn lane in the northern portion. The center turn
2 lane of course helps the rear end accidents, it gets turning vehicles out
3 into the, left turning vehicles into the middle of the intersection and out of
4 harms way, into the middle of the roadway and out of harms way, sort of a
5 place to perch while waiting for a break in traffic. It also provides a space
6 for traffic to turn into from driveways.

7 - Hazard identification beacons very similar to what is in
8 southbound for Burnt Woods Road. Warning lights that warn of the
9 upcoming traffic signals and placed before the Linden Church Road
10 intersections northbound and southbound as well as before the Ten Oaks
11 Road intersection northbound and this provides extra time and it is tied in
12 with the traffic signals so there is opportunity to see that there is
13 something ahead and be able to slow down and watch for a que of traffic.

14 - Additional left turn bypass lanes where needed in the
15 northern portion.

16 - Rumble strips on the shoulders, the entire project length.

17 - Increased speed enforcement and increased truck
18 inspection locations are also being investigated.

19 At this point I would like to indicate that the Maryland State Police
20 are here tonight and they will be available after the meeting and they
21 have some experience and history on their safety inspections along MD
22 32 and also the department is considering and only considering because
23 it probably takes legislation to get it through, maybe again copying

1 something from the State of California a so called special enforcement
2 area where fines are doubled for speed and other traffic violations. That
3 seems to work well out there, perhaps it might work well here.

4 Under consideration for medium range improvements are
5 four lane undivided section between the Ten Oaks Road area and the
6 Pfefferkorn Road area to better facilitate the intersection flows in this
7 curved section of roadway and larger scale intersection improvements.

8 Under consideration for the staging of long term
9 improvements are gaining partial access controls and the construction of
10 service roads very much like identified by Heather previously in the
11 northern portion, construction of key interchanges before widening to a
12 four lane dual roadway, implementation of one of these may require a
13 planning study or the receipt of location and design approval for one of
14 the current build alternatives. These were described by her, they are in
15 your booklet and they are also on the displays in the back.

16 We welcome citizen comments on these potential
17 improvements to address the safety concerns on this section of MD 32.

18 This concludes the safety action plan discussion and now I'd
19 like to introduce Allison Grooms. Allison?

20 MS. ALLISON GROOMS:

21 Thank you, Tom. Good evening. A detailed environmental
22 analysis was performed to determine the environment consequences of
23 the proposed project. A comparison of impacts for each alternative is

1 shown in the summary of alternatives table in your brochure.

2 Non-tidal wetlands and waters of the United States
3 associated with the project area streams and their tributaries would be
4 affected by the proposed project. Wetland impacts resulting from either
5 build alternative would total less than 4 acres.

6 Impacts to the 100-year floodplains total approximately 14
7 acres. Approximately 9,000 linear feet of Terrapin Branch, Benson Branch
8 and Clyde's Branch, the Middle Patuxent River and its unnamed
9 tributaries would also be impacted.

10 These streams are all classified by the Maryland
11 Department of Natural Resources as Use I, which are streams that are
12 suitable for fish and other aquatic habitat, water contact and recreation.
13 These streams have an in-stream construction restriction from March 1 to
14 June 15, inclusive.

15 The time of year construction restrictions, sediment and
16 erosion control measures and stormwater management practices which
17 are all approved by the Maryland Department of the Environment, will be
18 strictly enforced during construction to minimize impacts to water quality
19 and wetlands.

20 There are no federal or state listed threatened or
21 endangered plant or animal or unique habitat identified in the study area.

22 Approximately 73 acres of woodlands would be removed by
23 the construction of the proposed build alternatives. Under the state

1 reforestation law, reforestation must occur at the 1:1 ratio within the
2 project limits, or off-site within the same watershed. For this project it is
3 anticipated that approximately three-quarters for the reforestation can
4 occur within the study limits.

5 The proposed alternatives are consistent with the 1990
6 Howard County General Land Use Plan. Existing and future land use
7 along the study portion of MD 32 consist of a mixture of rural residential,
8 employment commercial and rural conservation.

9 Between 89 to 101 acres of additional right-of-way would be
10 required with the build alternatives, 23 acres of which are active
11 farmlands. Approximately 9 residential relocations and one business
12 displacement would also be required.

13 Results of the air quality analysis conducted within the study
14 area indicated that no violations of the state or national ambient quality
15 standards for carbon monoxide will occur with either the no-build or build
16 alternatives in the design year 2020.

17 A noise impact analysis has been conducted for this area.
18 The State Highway Administration's sound barrier policy includes three
19 eligibility criteria that are especially relevant to this project.

20 - Predicted future noise levels must equal or exceed 66
21 decibels.

22 - A sound barrier must be able to reduce noise levels by 7 to
23 10 decibels at the most severely affected residences and; finally

1 - The cost of the sound barrier does not exceed \$50,000 per
2 residence benefitted.

3 There were 14 noise sensitive areas identified and
4 evaluated. The noise analysis indicated that noise levels at 10 of those
5 noise sensitive areas equaled or exceeded 66 decibels under the build
6 condition for the design year 2020, thus warranting consideration of noise
7 abatement.

8 Further analysis determined that a barrier at one of the
9 locations was not feasible, because it would not result in an effective
10 reduction in noise. Barriers at the other nine noise sensitive areas could
11 effectively reduce noise, however, they do not meet the required cost per
12 residence benefitted criteria. The cost per residence benefitted would
13 range from \$102,000 to \$500,000 for the 120 benefitted residences,
14 exceeding the \$50,000 threshold for reasonableness contained in the
15 Sound Barrier Policy.

16 Coordination with the Maryland Historical Trust has resulted
17 in the identification of 2 historic structures which are eligible for the
18 National Register of Historical Places. They are the Westwood Methodist
19 Episcopal Church and the Milton Shipley Farm Corncrib.

20 The Trust has determined that the proposed build
21 alternatives would have a no adverse effect on these two sites and
22 recommended that a landscaping buffer be maintained in the vicinity of
23 the corncrib.

1 would affect your property. At that time, the agent would also answer your
2 questions and explain the offer.

3 If the state and property owner cannot reach an agreement
4 through negotiations, the rights of the property owner would be protected
5 by acquiring property rights through the eminent domain process. This
6 process provides a means for the property owner's point of view to be
7 heard and permits the amount of just compensation to be established by
8 either a Board of Property Review, a Judge or jury based on testimony
9 given on behalf of both the owner and the state. I wish to assure you that
10 we will make every possible effort to deal with each property owner on an
11 amicable basis.

12 Your Land and Your Highway booklets that explain the land
13 acquisition process have been placed at the receptionist's table for you.
14 We have them on the table in the back of the room on my right.

15 Detailed right-of-way information for each alternative is
16 shown in the summary of alternates in the green brochure that you were
17 handed when you arrived.

18 I along with my Assistant Chief Mr. Pat Meneck will be
19 available following the hearing to answer any specific questions that you
20 may have regarding the proposed acquisition of properties for this
21 particular project. If at a later date questions arise, please feel free to
22 contact me at my office in Frederick. My address and phone number may
23 be found on page number 8 in the green brochure of the booklet entitled

1 Your Land and Your Highways also.

2 Ms. Normetha Goodrum will summarize the department's
3 Title VI program. Normetha?

4 MS. NORMETHA GOODRUM:

5 Thank you, Frank. I am the Title VI officer from the Office of
6 Equal Opportunity of the State Highway Administration. I will explain the
7 significance of Title VI and Executive Order 12898 - Environmental Justice-
8 as they relate to this public hearing.

9 Title VI is an amendment to the Civil Rights Act of 1964,
10 which prohibits discrimination on the grounds of race, color, or national
11 original in any program receiving federal financial assistance.
12 Supplemental legislation also prohibits discrimination on the basis of sex,
13 age, religion and physical and/or mental handicap.

14 To assure compliance with this important mandate, the State
15 Highway Administration established a Title VI unit. It is my responsibility
16 as the Title VI Officer to make sure that all phases of the MD 32 project are
17 conduct in a non-discriminatory manner from the initial planning stages
18 through the actual construction of the project.

19 The purpose of the Environmental Justice Executive Order is
20 to identify and address disproportionately high and adverse human
21 health or environmental effects on minority populations or low income
22 populations. An important objective of this order is to encourage public
23 participation by all groups in the planning process.

1 Your participation is essential to assist us with our
2 compliance efforts to ensure that all phases of the transportation process
3 are carried out successfully. For more specific information concerning
4 Title VI and environmental justice, brochures are available at the
5 receptionist's desk.

6 If you feel that you have been the recipient of any type of
7 discriminatory treatment, you may address your concerns in writing to Mr.
8 Walter Owens, Director of the Office of Equal Opportunity at the address
9 listed on page number 8 in the green brochure. If you have any questions
10 concerning Title VI or environmental justice as they relate to this project, I
11 will be available to address questions at the close of this hearing.

12 I will now turn the hearing back to Mr. Bobby Fisher, the
13 Hearing Officer. Bobby?

14 MR. BOB FISHER:

15 Thank you, Normetha. Again I'd like to have an opportunity
16 here to acknowledge Senator McCabe. Senator McCabe, did you have
17 something you would like to say, Senator? Please.

18 SENATOR MCCABE:

19 Thank you very much. I apologize for not being able to have
20 gotten here a little bit earlier, but I appreciate the couple moments jut to
21 make a few preliminary comments and look forward to, you know,
22 listening to the citizens voice their opinions on the proposed project.

23 My name is Chris McCabe and I represent District 14 in the

1 State Senate, the area in which this project is being planned. The District
2 includes Central Western Howard County and northeastern Montgomery
3 County. I really appreciate Parker Williams and the State Highway
4 Administration for working with the community to this point and for the
5 opportunity to conduct this presentation of the draft environmental impact
6 studies.

7 On behalf of Delegates Robert Killman and Robert Flanagan
8 who have already been introduced, I wish to reiterate first our desire that
9 the public comment hearing for the draft environmental impact statement
10 be extended for at least an additional 30 days. I have written to Mr.
11 Williams on that and I am waiting for a positive response so that citizens
12 do have an adequate time to consider what was done here at the hearing
13 and always conveyed and able to offer written comments, so I appreciate
14 your consideration on that.

15 My comments tonight however are multifold. I have worked
16 with the community and the State Highway Administration on potential
17 negative impacts of the expansion of Route 32 between Route 108 and 70
18 and continue to be concerned over noise impacts and you are certainly
19 well aware of our concern in that area.

20 A local state delegation has made several attempts to
21 address the potential noise by trucks caused by this potential expansion
22 and I understand Delegate Flanagan mentioned our position on that. In
23 addition the state will need to address the noise impacts on residents

1 even though the warrants for sound protection as just outlined here may
2 not be met. I hope that even though the cost for mitigation is prohibitively
3 high, that doesn't mean the State Highway Administration is going to
4 abandon meaningful and responsible noise mitigation for the residents
5 along this area.

6 I hope that this will not only pertain to the Route 32
7 expansion that we are talking about tonight, but also consideration on the
8 downstream impacts that will occur, which will likely occur in the
9 Columbia/River Hill area.

10 Finally I wish to address a significant design issue regarding
11 this project. I simply want to raise the issue first of the interchange at
12 Route 144 and 32 and reiterate my concern over property rights and the
13 value of the property that may be negatively impacted here.

14 Considering the major interchange at Route, excuse me, at
15 Interstate 70 and the proposed 7 or 8 new interchanges along Route 32, I
16 wish to ask the state to further document the necessity of 8 or 9
17 interchanges. Considering smart growth and considering the importance
18 of maintaining the basic rule of nature of this particular area, I would like
19 the State Highway Administration just to take a second look and see if
20 instead of interchanges, perhaps this project could be completed with,
21 you know, with requisite access roads, perhaps less interchanges than
22 you were originally proposing. I would appreciate that.

23 Finally I thank everybody here for their particular comments.

1 We as elected officials at the state level have been in contact with
2 individuals and groups that live in this particular area. Any road project is
3 controversial for some and we are trying to address the safety impacts of
4 Route 32 primarily and secondarily I think the, to facilitate the capacity
5 needs of the area.

6 So Mr. Fisher and Mr. Williams and others here tonight, I
7 appreciate the opportunity to make these comments known.

8 MR. BOB FISHER:

9 Thank you, Senator. I do want to reiterate the fact that the
10 extension originally I had said April 30, the date has been extended to
11 May 21 for comments. Thank you.

12 Thank you, ladies and gentlemen. This concludes our
13 formal presentation. If you have not already notified us if you wish to
14 speak this evening, please register with the receptionist there in the front
15 lobby.

16 For those of you who prefer to submit your written comments,
17 pre-addressed postage paid comment forms are available for your use in
18 the back of the brochure.

19 We will now receive your comments and we are sincerely
20 interested in hearing your views regarding the project, either as an
21 individual or as a representative of an organization or a community
22 association.

23 Please remember that we are recording the hearing so in

1 making comments, please speak directly into the microphone, give your
2 full name, address, and any organization that you may represent.

3 Also for convenience and for fairness to all involved, we like
4 to limit those comments to 5 minutes this evening to allow everyone a fair
5 opportunity to speak. We now have 42 speakers, so as you understand
6 that will take us some time if everyone takes the full 5 minutes, so for that
7 purpose we would like everyone to be limited to 5 minutes if they would,
8 please.

9 We will now begin with those who have registered to speak
10 and again, please state your full name, address and if you represent a
11 particular organization, please state that also.

12 The first individual this evening is Mr. Curt Fisher.

13 MR. STEVE CURTIS:

14 My name is Steve Curtis, 14000 Triadelphia Road, Dayton,
15 Maryland. In my statement I have several points tonight. First the
16 incompatibility of Howard County's General Plan with Smart Growth and
17 the proposed Route 32 build alternatives roles in enabling those anti-
18 smart growth aspects of the general plan.

19 Second, the apparent lack of data showing the effect of
20 recent safety improvements in reducing accident rates in terms of miles
21 driven along the roadway on the section of Route 32 that is under
22 discussion and additional safety improvements, some of which Mr .Hicks
23 talked that weren't included in the publicly available documents before

1 tonight that could be added in a no-build scenario.

2 Third, the present rules not allowing noise barriers where
3 noise levels would indicate they should be placed to rural residential
4 densities and fourth, the past history of underestimates of truck traffic on
5 previously, I guess you might call improved parts of Route 32.

6 The first point, the present 1990 Howard County General
7 Plan which currently guides development, the county calls for the
8 construction of an urban employment center in rural West Friendship and
9 for the possible redevelopment of the rural I-70 corridor...I-270 like
10 employment corridor when conditions permit.

11 The letter sent to the State Highway Administration by the
12 Howard County Director of Planning and Zoning is hardly
13 reassuring...potential developments. He simply states the proposed build
14 alternatives would not, would avoid strip development and does not
15 address the role that these alternatives would play enabling much denser,
16 urban mixed use type development.

17 He is a strong advocate of...urban mixed use centers being
18 placed in Howard County's rural areas, along the edge, and the proposed
19 build alternative should not be permitted until they can be shown to be
20 compatible with smart growth and in particular until the year 2000
21 Howard County General Plan which is just beginning its formulation
22 stages has been developed and shown to embody smart growth
23 principals.

1 Similarly, the county wide planning documents for Carroll
2 and Frederick County should be in accord with Smart Growth principals
3 before approval of the build alternatives is considered. Otherwise, the
4 Route 32 corridor will face the same planning debodicle as that of I-270
5 where despite plans of corridors is chocked now as it was before lanes
6 were added.

7 Western Howard County does not need a Class F limited
8 access highway that will be gridlocked during the day and become a
9 howling truck route at night. The present Class F two way road would be
10 fine by comparison.

11 The second point, the present case has not been made as to
12 the safety of Route 32 after recent improvements that were made in terms
13 of safety requirements. A longer term base...have been made and needs
14 to be examined, also further safety improvements could be made in no
15 build scenarios they discussed earlier and the effectiveness of these need
16 to be considered before arguments for no-build alternatives based on
17 alleged road hazards...credibly.

18 It is clear that the build alternatives might not result in a
19 higher accident rate giving concerns as I indicated with lack of Smart
20 Growth being incorporated and planned.

21 The third point, although the State Highway Administration
22 planning document for the proposed Route 32 build alternatives notes the
23 importance of low noise levels and the quality of life in rural areas, the

1 present cost rules for sound barriers will result in no relief for rural
2 residents on the Route 32 corridor.

3 Until these rules are changed to allow the barriers that were
4 indicated by noise levels and where rural densities are not discriminated
5 against, the build alternative should not be considered. The present rules
6 would not allow sound barriers no matter what the noise levels.

7 Fourth point, since the improvements of Route 32 east of 108
8 have been done, this is the other part that has already been....I had a
9 chance to talk to State Highway Administration staffers concerning
10 aggressive driving habits, the drivers of heavy trucks on that part of Route
11 32. They admitted that they underestimated the truck traffic and that any
12 attempts at lane restriction of heavy trucks, for example the right lanes
13 would be thwarted by a powerful truck lobby.

14 Hopefully estimates of heavy truck traffic will be more
15 reliable measures than asking truckers at I guess the weigh station at I-70
16 if they will use the road, I think they know what the correct answer is, from
17 my experience.

18 The build alternative should be considered, shouldn't be
19 considered until reliable truck traffic study has been completed and an
20 assessment of the increased risk to car drivers is made, otherwise I think
21 we'll just repeat our past mistakes. That's it, thank you.

22 MR. BOB FISHER:

23 Next we have Mr. and Ms. James Hudson, Jr. Is this, okay. I

1 don't know who that gentleman was. I'm sorry.

2 MR. CURT FISHER:

3 My name is Curt Fisher and I live at 4519 Rutherford Way. I
4 appreciate your efforts in coming tonight and what you've done. Although
5 I have real concerns to the manner in which it has been done.

6 I have to question was whenever I saw the Patuxent Freeway
7 put up, was there an all encompassing study done as far as
8 environmental impact statement or any of the studies you know, that you
9 mentioned.

10 It appears to me as though the state has sort of brought a lot
11 of this forward without the planning that should have been undertaken. I
12 think that it is incumbent on you folks to go back and take a look and
13 instead of just looking at from 108 north to 70, that we need to take a look
14 at that entire, the entire roadway as it was put in. I do know that at least in
15 the federal government whenever you segment your work, that is just a
16 means of getting around doing the studies that are required.

17 I guess I'm asking was that the purpose or is that the way
18 that this has been done?

19 MR. BOB FISHER:

20 Thank you, Mr. Fisher. Now we have Mr. and Ms. Jams
21 Hudson, Jr.

22 MS. VANESSA MCNEIL:

23 No, I'm not, that's my mom and dad.

1 MR. BOB FISHER:

2 Okay.

3 MS. VANESSA MCNEIL:

4 I probably am the next name on the list.

5 MS. BOB FISHER:

6 Okay. Ms. Vanessa McNeil?

7 MS. VANESSA MCNEIL:

8 Yes, that's it.

9 MR. BOB FISHER:

10 All right, thank you.

11 MS. VANESSA MCNEIL:

12 My name is Vanessa McNeil, I live at 16480 Route 144,
13 Woodbine, Maryland. Good evening. I would like to first thank you for the
14 opportunity to address you this evening. My name is Vanessa McNeil, I
15 am the eldest daughter of James Hudson, Jr. I wasn't that long.

16 I grew up in West Friendship on the family farm at the
17 intersection of Route 32 and 144. The farm is now in danger of being
18 hacked up and ultimately ceasing to exist as a viable farm. My family
19 doesn't dispute the need for the road expansion, but all of the designs that
20 involve bypass options are horrible. Examples of a complete and total
21 disregard for the long time citizens of the county.

22 My father, James Hudson, Jr., dad would you please stand up
23 for a moment, graciously agreed at the county's urging to enter into the

1 agricultural preservation program several years ago instead of selling out
2 to the development community.

3 His intent and Howard County's intent was to preserve the
4 farm rather than to sell it to be developed. My father could have made a
5 lot of money by selling the land for development, but he was convinced
6 that the farm could be preserved and that the citizens of Howard County
7 and my father were both pleased with their conscientious decision to
8 preserve the family farm.

9 Now with all due respect to the state and its intent to do what
10 is by its standards best for the citizens of the state, lets retain some focus
11 upon those benevolent citizens like my father whose sacrifices that have
12 made Howard County the desirable place to live that it is.

13 You have a distinct obligation to make decisions regarding
14 this project with some measure of social responsibility. I repeat, we are
15 empathetically opposed to any of the bypass options at Route 32 and 144,
16 those bypass options would result in a net loss of approximately 7 acres to
17 my father's farm with only 71 acres of its 96 being farmable.

18 You will make the farm which Howard County paid and my
19 father sacrificed to keep as a farm, far much less desirable as a farm.
20 Surely this is not your intent, lets be socially responsible here and
21 abandon the irresponsible designs for any bypass at Route 32 and Route
22 144.

23 The bypass options are environmentally, economically and

1 socially unacceptable. I thank you for your attention and consideration of
2 my testimony in this matter this evening.

3 MR. BOB FISHER:

4 Okay, next we have Ms. Denise Clark.

5 MS. DENISE CLARK:

6 Hi, my name is Denise Clark and I live on Triple Creek Farm.
7 Our family owned the farm since 1934, it has always been a working farm
8 with cattle and crops. We put the farm on farm preservation knowing that
9 it would always be a working farm.

10 I built my house on the farm to always be a part of that. My
11 concerns about your proposal are many. Number one, being that you are
12 taking an important part of the pasture, it is a great food source and
13 shelter and very secluded for the cattle and a favorite spot for the cows to
14 have their calves.

15 Number two, the plan will also effect my home and the local
16 wildlife. There will be a dramatic increase in the noise pollution, air
17 pollution and water pollution. Either one or two proposals will greatly
18 increase pollution into the wetlands and also greatly effect the wildlife
19 habitation and the environment.

20 The plan also has a poor traffic design. When the
21 fairgrounds is having any event right now, it can be a headache. So when
22 you put the two circles in in the way the ramps are set up, I can't see
23 where it could handle all the traffic.

1 We understand the need for a change in the 32/144
2 intersection, but we believe these plans are unacceptable. In the
3 newspaper the design consultant of 32 belittled us by saying we were just
4 part time farmers. Well to clear this up, 90% of all farmers in America
5 have jobs or businesses along with their farms, so no one is a part time
6 farmer unless you consider working on a farm for 40 to 50 hours is a part
7 time farm. Thank you.

8 MR. BOB FISHER:

9 Thank you. Next we have Mr. James W. Hudson, III.

10 MS. THERESA STONECYFER:

11 I had a sex change. I'm sorry, that's my brother and he is
12 detained at work and won't be here.

13 MR. BOB FISHER:

14 Okay, thank you. So you are Ms. Theresa Stonecyfer then?

15 MS. THERESA STONECYFER:

16 Yes. And I'm speaking on behalf of myself and my husband.

17 MR. BOB FISHER:

18 Thank you.

19 MS. THERESA STONECYFER:

20 I'm Theresa Stonecyfer and I live at 12865 Route 144 in West
21 Friendship. Those of you who don't know me now, I'm Theresa Stonecyfer
22 and I reside on our family farm with my husband, Gary and Eric, my son.

23 My brother resides also in the farmhouse in front of mine

1 where my grandparents lived and raised my father. My parents home is
2 east of ours and my younger sister's is behind theirs. There are also two
3 lots set aside for my bother and sister to build their homes in the future.

4 Our family settled in Howard County over 200 years ago.
5 Farming has been a way of life for many generations. Most of our
6 concerns have been voiced through the media and other means. A
7 neighbor though recently said I was well documented with State Highway
8 Administration as being against MD 32 upgrades.

9 This is untrue. I knew some of the teenagers and other
10 people that have lost their lives or been seriously injured on this road. I
11 was a school bus contractor for 11 years, besides hauling all the athletic
12 teams for bands and drill team for Glenelg, I had daily routes involving
13 Route 32 as well.

14 I may have more nightmare stories than most people here
15 tonight about this road. Our families believe that 32 needs to be
16 upgraded and made safer, but needs to be done correctly with minimal
17 impact to the property owners, taxpayers and the communities.

18 My family and I are opposed to the design of Route 32 and
19 144 interchange. If there was no fairgrounds, shopping and business
20 centers and a proposed public golf course with an adjacent county office
21 building in the works, maybe this design would work. The fairgrounds has
22 events year round with an average of at least 4 days a week some event is
23 taking place.

1 This brings more than everyday commuters who would not
2 be able to negotiate this mess. Not only the volume of traffic, but the
3 origin from which they come from all over the state and county will
4 impede this design. I also question the reason to come onto our
5 property....tributary and wetlands and damage our stream and property
6 when these protected areas are built on by developers and highways all
7 over the country.

8 It would also entail an extreme amount of grading causing
9 harsher run offs, it still goes through the wetlands, these particular
10 designs, and the crossing of streams in the Terrapin Branch. What
11 happens after this is built and it doesn't work? Do you buy the farm?

12 Our family wasn't wined to this upgrade as some new
13 citizens were. The state acquires land so long ago and had more than
14 ample room to expand without touching our farm, we were never
15 supposed to be an issue. We put the farm on preservation, sold the
16 development rights, practiced environmentally safe farming and have
17 voluntary fenced off our streams, put in watering system to even further
18 protect the water, our land, and our way of life.

19 I am encouraged though that a few weeks ago with meetings
20 with Heather Murphy and Vaughn Lewis, with my family, that the state has
21 agreed to replace our watering system if the plan does go in and have
22 been taking measures to accomplish this. They have also conceded that
23 the effected areas is more likely, a lot more than 3 acres and maybe

1 depending on the option, up to even closer to 7 acres.

2 You also have to consider that we may lose acreage to
3 upgrading Route 144 later on. Our newest neighbor may be a public golf
4 course that will effect our watering supply, too and to our south border
5 there is an unprotected farm that may be developed or commercialized.
6 How hard would it be to show that we cannot sustain a viable farm? Then
7 we will withdraw and develop with everyone else.

8 But God willing, one day my son, nephew, niece will be able
9 to have the chance to continue our farm. May you all consider this as you
10 travel home via 32.

11 MR. BOB FISHER:

12 Mr. James Walsh?

13 MR. JAMES WALSH:

14 Good evening, my name is James Walsh, my address is P.O.
15 Box 2196, Ellicott City, Maryland, 21041. To anyone who drives Route 32
16 during peak hours between I-70 and Route 108, it is obvious that the
17 existing road is handling a volume of traffic beyond its design capacity.

18 South of Route 108, 32 is also a freeway extending into
19 Annapolis so the segment under study provides an obvious connection to
20 I-70. Whatever is done or not done, a high increase in volume of traffic
21 will continue feeding into Route 32.

22 The current access to and from Route 32 in the study area
23 already adds the pressure for development. For these reasons it is clear

1 that the road needs to be widened. On the other hand, it is also clear that
2 building new roads often encourages additional traffic and new
3 development which soon overwhelms the gains achieved by new
4 construction.

5 I would like to strike a balance between the need for a new
6 road to handle through traffic without encouraging additional traffic and
7 development in nearby communities. My fear is that the current State
8 Highway Administration proposal to build six interchanges in a nine mile
9 stretch will intensify development pressures and increase traffic on local
10 roads. In short, the State Highway Administration proposal would product
11 a Route 100 in western Howard County contrary to both Howard County
12 planning goals for the area and the state's smart growth fact.

13 I believe that my proposed modification of State Highway
14 Administration's plans would accommodate the traffic volume while
15 eliminating, while providing minimal disruptions to adjoining
16 neighborhoods, eliminating local access to Route 32 would likely
17 decrease traffic on local roads from their current levels.

18 The area most likely to face the greatest impact from my
19 proposal, Glenelg, would still enjoy good access from Pfefferkorn, Ten
20 Oaks, Burntwoods, Triadelphia and Folley Quarter Roads. In summary,
21 my recommendations are that the entire segment should be upgraded to
22 a four lane limited access highway, eliminate all intersections, make a full
23 four leaf clover intersection at I-70 and Route 32 to eliminate left turns

1 cross traffic, but build only one interchange in the stretch between I-70
2 and Route 108 and that would be at 144.

3 I would even be reluctant to build that interchange, but I
4 think that it would be necessary for public safety reasons in order for
5 firefighters at the West Friendship Fire Station to have access to Route 32
6 in case of an accident. To provide local access, I would propose building
7 a series of service roads alongside Route 32 where necessary, first from,
8 on the west side of 32 from Route 144 to Nixon Farm Lane, possibly
9 building a service lane on Route 32 from Rosemary Lane down to Ivory
10 Road, building an overpass carrying Ivory Road to Pfefferkorn, Ten Oaks
11 Roads, extending Ten Oaks Road along the west side of Route 32 to
12 Pfefferkorn, build an overpass carrying Linden Church Road to Ten Oaks
13 Road or alternatively extending Broadwater Lane to Route 108 in
14 Clarksville.

15 The only tricky aspect that I haven't quite figured out yet is
16 what to do with the State Highway Administration and County garages
17 that sit right along Route 32, the only thing that I can come up with would
18 be to build a new road connecting those garages to Ten Oaks Road
19 possibly with an overpass over Route 32, but to limit access to Route 32 by
20 providing access to that road only for State Highway Administration and
21 Howard County vehicles.

22 I believe that this proposal as I said would provide for the
23 smooth flow of traffic, but not increase the development pressure and

1 would minimize disruptions in the neighborhood. Thank you.

2 MR. BOB FISHER:

3 Thank you. Next we have Ms. Barbara Webb.

4 MS. BARBARA WEBB:

5 Hi, I'm Barbara Solmer Webb, I live on Pot Belly Pig Farm It
6 17200 Melbourne Drive. I'd like to argue that this freeway segment should
7 not be built. First as Susan Gray will document later in the evening and
8 provide irrefutable evidence for in her considerable supplemental
9 material, this freeway conversion is based on a consistent pattern of
10 falsified land use predictions illegally increasing to substantially above
11 the maximum committed under the approved general plan plus
12 subsequent zoning.

13 Susan Gray will show how this was done both for the original
14 EIS in the late 1980's and again for the EIS of the current sprawl project in
15 the mid 90's. Susan Gray will further document how the current general
16 plan was also illegally approved because the citizens were repeatedly
17 refused their legal right to see the specific numbers the plan was based
18 on and instead were only provided green washed platitudes that
19 completely misrepresented the sprawl it permits.

20 Finally, Susan will also document a series of associated
21 under the table deals in which the fate of big bucks were illegally pre-
22 determined. So that is a preview of coming attractions for the legal
23 reasons for not building this segment.

1 Now I should stress that this freeway is no smart growth.
2 What it will do is encourage additional sprawl development in western
3 Howard County, in Carroll County and in Frederick County. It is the
4 opposite of smart growth, it is dumb growth.

5 Now let me emphasize that this road segment is not an entity
6 to itself, but is part of a much larger, very interconnected picture and...on
7 one segment influences all the other parts. Specifically we are talking
8 about this small segment right here. Let me see where I was.

9 Okay. We are talking about this small segment in State
10 Highway Administration's vision of the roadway system for the
11 Baltimore/Washington area. State Highway Administration calls it the
12 spider web plan. Now here I have to say that State Highway is 100%
13 correct on the actness of their biological metaphor and I feel highly
14 qualified to make this determination because I am a Professor Biological
15 Chemistry at the Johns Hopkins School of Medicine and a Professor of
16 Biology at Johns Hopkins University.

17 Now let us consider the role of a spider web in nature. A
18 spider web builds exactly this kind of intermeshed, circumferential and
19 radial segments for the expressed purpose of entrapping virtually all
20 living things that enter the area. The trapped innocent victims then suffer
21 an agonizing fate as they wither away while their blood and life are
22 literally sucked out of them.

23 Yes, I agree with State Highway Administration. A spider

1 web is the perfect analogy for what this freewaying of Route 32 and the
2 rest of their proposed sprawl highway network will do to us innocent
3 citizens.

4 MR. BOB FISHER:

5 Thank you. Mr. Lee Epstein?

6 MR. LEE EPSTEIN:

7 Good evening. My name is Lee Epstein and I direct the Land
8 Conservation Program of the Chesapeake Bay Foundation, the address of
9 the Chesapeake Bay Foundation is 162 Prince George Street in
10 Annapolis, Maryland.

11 Major highways and urban development are two issues of
12 vital importance to the restoration of the Chesapeake Bay and the 40,000
13 Maryland members of the Chesapeake Bay Foundation. As our
14 landscape is developed and residential and commercial sprawl, as
15 Maryland loses nearly 30,000 acres of farm and forestland each year, the
16 bay gets harder to save.

17 That is because what happens on the land has profound
18 impacts upon the water. Major highway expansions are often cause for
19 grave concern with respect to future land use change. The capacity
20 enhancement proposed for Maryland Route 32 is a prime example. We
21 base our comments tonight regarding proposed upgrades to Maryland
22 Route 32 on the draft environmental impact statement as this is the only
23 comprehensive public document available on the proposed project.

1 The Route 32 project is defined in the draft EIS falls far short
2 of addressing the transportation needs for Howard and Carroll Counties
3 in this area. The DEIS itself fails to provide the public with the information
4 necessary to understand what the environmental impacts of the proposed
5 action would be. The DEIS also fails to provide a clear statement of the
6 purpose and need for the project and fails to provide an analysis of a
7 reasonable set of alternatives.

8 The proposed two lane expansion and 6 or 7 interchanges
9 would have a significant effect on lane use. The DEIS utterly fails to
10 account for the new poorly controlled sprawl development that will be
11 enabled or encouraged by this new freeway link.

12 Defying logic and the law governing these kinds of analyses,
13 the DEIS states that the scatter rural residential development that is
14 fragmenting and converting open space will continue at the same pace in
15 Howard and Carroll Counties with or without the significant capacity
16 expansions and multiple interchanges proposed.

17 The Maryland Office of Planning has identified all of Howard
18 County and most of Carroll County's farmland as threatened by
19 development pressure. Recently MDOT itself identified this project as not
20 complying with the states new smart growth guidelines. The upgrade will
21 undermine Howard's efforts to save its farmland and to discourage
22 scattered, residential development in its rural zone as well as it will add
23 more traffic, congestion and demands for new urban services in the

1 already overburdened southern Carroll County.

2 The DEIS greatly underestimates the impacts to forests,
3 wetlands, streams and other resources by failing to include secondary
4 impacts due to induced land use change. The DEIS also fails to fully and
5 adequately evaluate air quality impacts with all of this uncontrolled
6 development and its intendment environmental degradation occur without
7 the freeway upgrade? Well what is certain is that the development trends
8 will continue as long as they are fed by a highway system that keeps
9 adding capacity.

10 If on the other hand the feasible alternatives for making
11 Route 32 a safe road and managing travel demand were actually
12 considered and if appropriate land use controls were put into place, the
13 time of over development in western Howard and southern Carroll
14 counties might be stemmed. Thank you for the opportunity to present this
15 summary tonight, please note that the Chesapeake Bay Foundation will
16 be filing extensive written comments in the future.

17 MR. BOB FISHER:

18 Thank you. Next we have Ms. Christine Forsythe or other
19 1,000 Friends of Maryland representatives. Okay, if there is no Ms.
20 Christine Forsythe or no representative here from that group, next we
21 have Ms. Debbie Issy.

22 MS. DEBBIE ISSY:

23 My name is Debbie Issy and I am the President of the grass

1 roots group Citizens Alliance for Rural Preservation. I live on Parliament
2 Place.

3 As a group we have for 2 1/2 years been opposing and have
4 come again tonight to ardently oppose the mammoth freeway being
5 presented with this plan. To begin with, the rationale behind building this
6 freeway is highly questionable. Originally the focus was to increase
7 capacity. This was based on the State Highway Administration's numbers
8 and in no way was directed by the Maryland Transportation Steering
9 Committee whose numbers do not project a congestion problem for the
10 horizon year 2020. Very recently though the focus of this project was
11 changed from one of increasing capacity to one of safety. However, even
12 with this drastic change in focus, the proposed plan has remained
13 unchanged. To spend 170 million plus dollars to make this section of
14 Route 32 safe is ludicrous, especially considering this was a very safe
15 road prior to the opening of the section south of MD 108.

16 To expand this section of Route 32 in the name of safety will
17 only have a domino effect causing the same safety hazards we are
18 experiencing now to occur on Route 32 north of I-70. Besides the dubious
19 reasoning behind this project, we strongly oppose this plan because of
20 the great negative impact it will have on the environment by axing 73
21 acres of mature trees, decimating wetlands, increasing run off into the
22 bay and use surping land that has already been put into preserved status.

23 We strongly oppose this freeway because of the great

1 negative impact it will have on our beautiful State of Maryland. A freeway
2 of this magnitude will undeniably increase vehicle miles traveled and
3 accelerate sprawl. This sprawl will spread Maryland's revenue thinner,
4 perpetuate the need to build more infrastructure and lead to the decaying
5 of urban areas and the abandonment of established neighborhoods.

6 Indeed this project is just creating a parallel freeway within 4
7 or 5 miles of the just completed Route 100. The 170 million dollars of
8 Maryland Transportation money that would be allotted to this project
9 could be more wisely utilized on other appropriate projects and highway
10 maintenance in Maryland.

11 We strongly oppose this plan because of the great negative
12 impact it will have on Howard County. The sprawl occurring as a result of
13 this freeway will encompass not only residential developments, but
14 commercial sprawl as well. Fast food chains and warehouse department
15 stores will soon tarnish the countryside of western Howard County. These
16 businesses do their homework. They strategically build in locations
17 where large number of cars go by.

18 Do not be fooled that zoning laws will protect us. Zoning
19 laws are changed relatively frequently and variances are given at the
20 drop of a hat as we have already seen on Route 32. This sprawl will also
21 overburden the Howard County schools which are already 20% over
22 capacity, will over tax our wells, depleting our water table, and most
23 alarmingly will lure crime to the area. Big highways traffic more than just

1 cars.

2 We strongly oppose this highway because of the great
3 negative impact it will have on the quality of life for those living in the
4 immediate vicinity. If built, this road is projected to cap out at 42,100
5 vehicles per day as opposed to 29,900 vehicles per day if not constructed.
6 This represents a 60% increase in vehicles per day with the no build
7 scenario, but it represents a 230% increase in vehicles per day if we go
8 forward with this plan and build.

9 We would be building nothing more than a bigger, faster,
10 congestion problem that local residents will have to live with every day.
11 Why would we want to spend 170 million dollars to do that? This freeway
12 will also act as a magnet to large trucks at all hours of the day. This
13 coupled with the congestion will make the noise levels far exceed 67
14 decibels as verified by the State Highway Administration studies.

15 But glaringly missing in this plan is sound mitigation.
16 Unconscionably, the State Highway Administration has financing policies
17 that prohibit sound mitigation here since the homes are too far apart, a
18 distance dictated by the zoning laws for this rural residential area.

19 Once again, the individual is treated like a pawn on a chess
20 board that can be sacrificed. Finally we strongly oppose this plan
21 because there are major flaws in it. The most obvious flaw is at the
22 intersection of Route 32 and I-70. The thrust of this whole project has been
23 to make all right on, right off accesses, no traffic lights, no exceptions.

1 The State Highway Administration though has deemed it
2 quite acceptable to have traffic lights at the one place where a full clover
3 leaf is needed, Route 32 and I-70. Another major problem is this plan
4 calls for seven bridges, but five of them will be concentrated in a 3.3 mile
5 section from Burnt Woods Road to I-70. We reiterate again CARP
6 strongly opposes this plan.

7 MR. BOB FISHER:

8 Ms. Ann Burchard?

9 MS. ANN BURCHARD:

10 I'm Ann Burchard, my address is 6005 Temina Downs in
11 Columbia. I am representing the Howard County Group of the Sierra
12 Club tonight. The Sierra Club favors the no build option for the Maryland
13 Route 32 project.

14 The reason that we don't want to have the alternative I or
15 alternative II build is that the building of the highways would favor
16 additional sprawl development. Building highways can directly lead to
17 the proliferation of sprawl development.

18 MD 32 safety problems can be addressed without making a
19 super highway for interstate trucking and sprawl development.
20 Expanding MD 32 will not only accelerate sprawl in western Howard
21 County, it will especially spur land development and traffic growth in
22 southern Carroll County, an area already overburdened with the worst
23 consequences of uncontrolled growth, congestion, rising taxes and

1 overcrowded schools.

2 This unnecessary and costly project will also damage or
3 destroy forest, wetlands and sensitive streams. A new freeway will also
4 spur the loss of green space and degrade local streams and pollute the
5 Chesapeake Bay. Thank you.

6 MR. BOB FISHER:

7 Thank you. Mr. William Kennedy?

8 MR. WILLIAM KENNEDY:

9 Good evening. My name is William Kennedy, I reside at
10 4491 Ten Oaks Road in Dayton, Maryland, 21036. I am just going to give
11 oral testimony and I will be sending my written testimony in in about 3 or 4
12 days.

13 I am here to state that the widening of Route 32 from
14 Clarksville to West Friendship is not needed and if built will have long
15 term negative impacts on the existing residential communities along the
16 corridor. The following are my reasons:

17 It has been reported in more than one regional local paper
18 and I think it has been agreed to by State Highway Administration that
19 this does not meet the Governor's Smart Growth criteria, it would not
20 connect two smart growth areas. To be fully clear, safety and traffic flow
21 are the only reasons for the proposed road widening.

22 I contend that safety issues associated with the project
23 understudy and the increased traffic flows along the corridor have been

1 exacerbated if not created by the initial widening of Route 32 east of
2 Route 108. Since that expanded section of the road was opened, the flow
3 of traffic has increased in the study area. The same can be said for safety
4 issues.

5 There has been an increase in the number of rear end
6 collisions, there is no question that the portion of Route 32 west of
7 Clarksville has become a more dangerous and congested road. But there
8 is a reason. The roadway has been a dramatic increase in heavy truck
9 traffic as well as automobiles because it is there. As it is said in the
10 movies, build it and they will come.

11 Commuters and truckers have altered their previous driving
12 patterns and are now using Route 32 when they did not before. Route 32
13 is fast becoming as you are saying, a major interstate throughway and in
14 fact it has become a fact that the Eastern Bypass around Washington DC,
15 all you do is connect Route 301 and Route I-70 and you will see the
16 Eastern Bypass.

17 If completed as planned, it will draw even more truck traffic
18 and automobile traffic and thus even greater congestion and safety risks.
19 I contend that safety issues can be partially mitigated by improving
20 intersections and decreasing speed limits. Traffic feeding onto Route 32
21 from secondary roads is presently a hazard and can be improved with
22 overpasses and ramps.

23 Also heavy traffic flows with subsequent back ups and

1 fender benders will subside when commuters from Carroll and Frederick
2 counties learn that the fast pace that they were used to on Route 32 is
3 going to come to a screeching halt.

4 In addition to safety and traffic flow issues, there are impacts
5 to local communities to consider. If the roadway is widened, the
6 increased traffic from trucks will impact the surrounding communities.
7 Heavy trucks which are notorious for using their air brakes are called jake
8 brakes on down grades instead of normal brakes which are generally
9 and properly maintained.

10 The consequent noise level which is increasing now will only
11 increase more. These trucks which travel mostly at night could be
12 carrying a variety of explosive, flammable and waste products which if
13 spilled can endanger nearby residents and travelers on Route 32.

14 The frequency and likelihood of disastrous spill from truck
15 accidents dramatically will increase with the widening of Route 32. To
16 support my contention, I would like to refer you to the recently completed
17 multi-state truck check that was performed in cooperation with State
18 Highway Administration and Maryland Department of the Environment
19 and other states in the northeast corridor which found a general pattern of
20 hauling waste products from the north, from New York, New Jersey area
21 through Maryland to Virginia and West Virginia.

22 As a footnote to this study, most of the trucks that were
23 stopped had improperly maintained brakes. I recommend consider

1 intersection improvements only, reduce speeds to 45, 50 miles an hour,
2 consider an HOV type center lane or third lane for peak use north and
3 south instead of widening. Waive the \$50,000 threshold for sound
4 barriers, institute a no zone for air brakes and I hope Senator McCabe
5 could pick up that flag and run with that and extend the time period for
6 the study to better evaluate the safety improvements that have been put in
7 place already. Thank you.

8 MR. BOB FISHER:

9 Thank you. Mr. Bill Belamy? Mr. Bill Belamy? Mr. Peter
10 Oswald?

11 MR. PETER OSWALD:

12 Good evening, my name is Peter Oswald, I reside at 8506
13 Beauford Drive in Fullton. I am here tonight representing the Southern
14 Howard Lane Use Committee which is a group composed of members
15 and representatives from 16 community associations in the southern part
16 of our county.

17 Our committee is opposed to the widening of Route 32
18 between 108 and Route 70 at this time and I'd like to emphasize at this
19 time. This project skirts the intent of smart growth objectives, it will
20 intensify pressure to develop areas along this new regional transportation
21 corridor and that can be accomplished without the extension of water and
22 sewer lines.

23 This project will add to other regional transportation

1 problems that we believe are higher priority concerns, while widening 32
2 may provide a temporary localized solution to congestion concerns, our
3 expectation is that it will increase downstream traffic along Routes 29 and
4 95. Route 29 for example is already experiencing gridlock conditions at
5 several intersections and State Highway Administration's plans to build
6 multiple 30 million dollar interchanges along that route are only going to
7 speed traffic to its ultimate gridlock at the infamous four corners
8 interchange at the Washington Beltway area.

9 We recommend that State Highway Administration explore
10 transportation alternatives that reduce vehicle travel. For example,
11 improve the frequency of an area served by rush hour bus transportation.
12 Projects such as this should also incorporate bicycle and pedestrian
13 access. More and bigger roads are simply not the answer and there is
14 some truth to the saying that if highways were the answer, Los Angeles
15 would be heaven.

16 In addition, State Highway Administration needs to address
17 the effect of its plans on the community and its quality of life. If noise
18 abatement is not a cost effective option and State Highway Administration
19 decides to proceed, truck traffic prohibitions should be considered.

20 Finally, we hope that Howard County excised tax dollars will
21 not be used once again to fund another State Highway Administration
22 project. Thank you.

23 MR. BOB FISHER:

1 Thank you. Ms. Pam Beanco?

2 MS. PAM BEANCO:

3 Hi, I'm Pam Beanco, I live at 3121 Fox Valley Drive, West
4 Friendship. I'm a realtor and a resident of the Fox Valley Estates
5 community. First of all I want to go on the record as being opposed to the
6 widening of 32 as it is now planned. The proposed widening will have a
7 negative effect on both property values and quality of life in the
8 neighborhoods surrounding the highway.

9 As a realtor with 15 years experience in Howard and the
10 surrounding counties, I feel qualified to state that there is no question that
11 this plan will have an immediate and lasting negative impact on the value
12 of homes and property in not only the immediate vicinity of 32, but also the
13 surrounding area.

14 The rural appeal of the area will be forever lost amid the
15 noise and additional traffic this new freeway will attract. Home buyers
16 who were in search of this more rural lifestyle will no longer find it. Thus
17 they will look elsewhere and as anyone in the real estate community will
18 agree, if you can see or hear a freeway from a property, the value of that
19 property is diminished significantly.

20 With the extension of this widened road, the number of
21 properties which fall into this category is incredible. Unlike the previous
22 leg of this extension, the homes were here first. Yes, most of us knew
23 when we bought that 32 would be improved someday. The need for some

1 improvement is not disputed. Does improvement necessarily mean a 4
2 lane highway with a 34 foot median and connecting service roads?

3 I do not believe that this is the only alternative. I believe this
4 is the choice made for those, by those least affected by the road for those
5 most affected. When the goal of the road expansion did not fit within the
6 smart growth guidelines, the goal was changed so that the construction
7 could move forward anyway.

8 My home backs directly to 32. I can attest to the fact that
9 traffic has decreased significantly since the opening of Route 100. There
10 has been no official study of the impact of Route 100 on the Route 32
11 traffic since it opened. It would be unreasonable to create a second
12 thoroughfare within 5 miles of Route 100 to accommodate the same
13 commuters.

14 From the reduction in traffic I surmise these commuters have
15 found that Route 100 is serving their needs quite well. Additionally truck
16 traffic has been noticeably reduced. Safety although not the original
17 target of the widening is definitely a concern. The proposed plan is one of
18 many ways to improve the safety on this road. Traffic signals, lowered
19 speed limits, center turn lanes and better lighting are several modes of
20 safety enhancement.

21 The proposed 34 foot wide median, grass median could be
22 replaced with a center island type median with trees and center turn
23 lanes for at grade intersections. The planned service roads are another

1 undesirable aspect of this plan and specifically addressing the service
2 road from the Rosemary Lane intersection to the Fox Valley Estates
3 neighborhood.

4 We as residents have opposed this from the beginning. We
5 were told by representatives of the State Highway Administration that if
6 we got a petition signed by the residents of the community that we could
7 get this service road eliminated from the plan. This appears to have been
8 a ploy to keep us amused while the State Highway Administration got
9 letters from emergency service providers stating that a community
10 needed the service road for our own safety. We don't need it and we don't
11 want it.

12 The reasons stated for the necessity of such a road was that
13 the response time to our homes in the event of an emergency would be
14 increased to an unacceptable level. Whose level? Certainly the total
15 response time would not be greater than the time that it takes to get to
16 other communities which are located further off the main road than ours.
17 This is a smoke screen.

18 The road will only cause problems to which emergency
19 vehicles would then need to respond. This connector would turn our
20 neighborhood, one full of children, into a cut through community for
21 commuters. I tremble at the thought of the potential mishaps when
22 children on bikes meet with cars racing to get home.

23 It is a disaster waiting to happen. If we are the ones

1 supposedly being serviced by the connector road and we don't want it,
2 why is it being pushed on us? This project has gone forward with little
3 attention being paid to the affected community's concerns up to this point.
4 We will no stand by and let big brother government push its agenda
5 without a fight. Stop this project and look at the alternatives now.

6 MR. BOB FISHER:

7 Thank you. Mr. Forrest Medley?

8 MR. FORREST MEDLEY:

9 Good evening, my name is Forrest Medley and I'm Vice
10 President of the Fox Valley Estates Homeowners Association. I am also a
11 concerned resident and parent of two young children and I live at 3151
12 River Valley Chase.

13 I have been asked by our Board of Directors to speak on
14 behalf of the residents of Fox Valley. We are a new community of 100
15 homes located just off Route 32, two miles south of I-70 and unfortunately
16 in the middle of the proposed expansion area. We are here tonight to
17 make sure that the State Highway Administration's plans for the future of
18 Route 32 minimize any negative impact on our community.

19 The Fox Valley Estates Homeowners Association would like
20 to go on record as opposing the drastic measures being taken to make
21 Route 32 a major thoroughfare. We feel it is not necessary to build such a
22 major highway through the middle of one of the county's only remaining
23 rural areas.

1 We feel further construction to widen Route 32 will
2 undoubtedly attract even more traffic away from the present existing
3 highways such as I-70, I-695, US29 and MD route 100 all of which were
4 designed to handle the heavy volumes of traffic and noise that result from
5 such a major highway.

6 We are particularly concerned about the safety issues and
7 noise that will result from substantially greater traffic volume, particularly
8 from heavy truck traffic if Route 32 is expanded. Furthermore, there
9 appear to be no plans for any restrictions on the transportation of Hazmat
10 shipments on the existing Route 32, let alone the proposed future Route
11 32.

12 As described by the proposed route, as described, the
13 proposed route would come within only a few feet from many of our
14 existing residences causing the chances for catastrophic injuries to result
15 in the event of an accident involving a truck transporting hazardous
16 materials.

17 For the record, present laws do not restrict any trucks from
18 transporting Hazmat shipments along Route 32 but it should be noted that
19 an expanded Route 32 would inevitably attract more trucks transporting
20 Hazmat's.

21 Hazardous materials including poisonous gas shipments,
22 Class A explosive shipments, radioactive shipments, flammable
23 shipments and many more. Because of Route 32's present conditions,

1 trucks are more likely to avoid the stopping and starting associated with
2 the existing traffic lights and are more likely to stick with the existing
3 major highways which are better designed to contain the deadly effects of
4 a Hazmat accident.

5 We are also very concerned about the result of an increase
6 in noise pollution that has not been adequately addressed by the State
7 Highway Administration in the existing plans. Obviously an existing noise
8 pollution problem will be made even worse if you consider the ongoing
9 complaints from the Columbia River Hill community. Even at its present
10 lower traffic volume, Route 32's resultant traffic noise already significantly
11 affects the quality of life of the surrounding residents' homes, not to
12 mention the adverse affects it will have on the value of our homes as
13 traffic and noise increase with the proposed expansion.

14 Since the possibility of the "no-build" option appears to be
15 waning, we would like to state for the record our concerns with the
16 proposed "build" options. Our greatest concern is the safety of our
17 children. Our community was not developed to be a pass through
18 neighborhood. We have narrow roads with no curbs or paved shoulders
19 and no center lines. We have no sidewalks or pathways. In order for our
20 children to get to and from school bus stops, they must walk in these
21 narrow streets.

22 If the access roads are built as planned, it would naturally
23 create a detour for commuter traffic to pass through our neighborhood.

1 Our neighborhood has already been used as a detour for re-routing traffic
2 around one of the many accidents that has occurred since the traffic has
3 increased on Route 32.

4 When the detour occurred, it was not only extremely
5 dangerous and noisy, it caused damage to our neighbor's yards as trucks
6 would try unsuccessfully to try and turn at our narrow corners. If the
7 access road is built as designed, it will bring the noise, traffic and
8 dangers extremely close to our houses. We also urge the State Highway
9 Administration to minimize the size of the median so that as much
10 distance as possible can remain between the traffic and our community.

11 A smaller median would leave more room to develop some
12 form of noise abatement and would further distance our homes from the
13 dangers of accidents and Hazmat incidents. Before the State Highway
14 Administration pushes forward with any plans that will increase the traffic
15 and noise along Route 32, we beg you to consider the negative impacts
16 on our community, our county, our state and our environment and the
17 negative impacts on our community and that this is a necessary major
18 highway and what it will create if it is built.

19 As a concerned community, we will continue to do what we
20 must to minimize the negative impact any future expansion will have on
21 our community. We expect that the State Highway Administration work
22 with us to make this happen. We will not be steamrolled into accepting
23 anything less. Thank you.

1 MR. BOB FISHER:

2 Thank you. Mr. Rick Gisell?

3 MR. RICK GISELL:

4 Hi, my name is Rick Gisell, I live at 3133 Fox Valley Drive,
5 West Friendship. I think it is clear to you guys by now that everybody
6 agrees that something needs to be done on MD 32. There is obviously
7 safety problems. I along with I think many other people believe that the
8 short term and intermediate term solutions that you guys providing are
9 enough. The basic problem is a lack of access and with access being
10 improved through acceleration and deceleration lanes, center turning
11 lanes for left hand turns and the other measures that you mentioned, I
12 think that would go a long way to improving safety for the foreseeable
13 future.

14 I think that access on that road can be addressed by looking
15 at the transportation system at a bigger level and I think that MD 100 has
16 been mentioned as a good alterative route. I think the problem right now
17 with MD 100 was that as typically happens with these construction
18 projects, you improve one problem and create five others. I think what
19 needs to be looked at is the area from I-70 to US 29 leading up to MD 100
20 and also I believe that the interchange at MD 32 and US 29 needs to be
21 taken care of and improved.

22 Prematurely as has been discussed prior, prematurely
23 widening MD 32 will only fuel growth in Carroll County. It will induce

1 greater traffic volumes and speeds and eventually lead to the very same
2 gridlock now occurring in MD 32 in Columbia. The congestion at
3 Columbia is not due to a lack of traffic lanes, main traffic lanes, it is due to
4 a lack of access. I believe if the same approach is taken in Columbia,
5 improving access, we could avoid the congestion that we have there.

6 On average a project like this I believe this is a national
7 average, within 3 years of completion, you are back to 95% of the original
8 capacity of the new road. This is just a continual cycle of congestion and I
9 believe in this case we have a situation in Carroll County where there is a
10 county that has demonstrated that it is able to contain growth itself.

11 The, if you read the papers, the Smart Growth legislation, the
12 knock on it is that there is too much reliance on county cooperation. This
13 is a situation right here where the state has complete control to determine
14 growth in Carroll County and I believe that the state has not looked at this
15 and is if anything is trying to find loopholes to get through the Smart
16 Growth legislation.

17 I believe that the fiscally, socially and environmentally
18 responsible way to address future need for additional capacity on MD 32
19 is to use a phase approach. The safety problems take care of today's
20 issues. If in fact by 2020 you need additional capacity, if it looks that way,
21 you have plenty of time by 2015 to start adding capacity. I believe a
22 phased approach is the best way to go.

23 My perception is that the current interstate design, the

1 insistence on not reducing truck traffic or eliminating which would go a
2 long way towards improving safety and the fact that the alternatives that
3 are being discussed tonight do not seem to meet the requirements the
4 State Highway Administration, I think all of these are being driven by the
5 fact that this road is part of the national highway system and that you guys
6 are looking towards federal funding for this project.

7 Ever since the second meeting the Federal Highway symbol
8 has been prominently displayed on everything that you guys are
9 presenting and I believe that that, that basically the fear is that if you don't
10 do things towards the cookbook recipe for the FHA that you're not going to
11 get the money. Well I've had some discussions with the FHA and with the
12 Maryland Office of Planning and I believe that the truth of the matter is
13 that it does allow for alternatives, but the state has to justify those
14 alternatives.

15 You could get trucks off of the roadway if you wanted to, you
16 would just have to come up with an alternative. The alternative for the
17 truckers is US 29 which was the alternative prior to the completion of 108
18 of MD 32.

19 I believe that the, the state's criteria for noise mitigation is, is
20 severely flawed. It is obviously directed towards avoiding mitigation and I
21 believe that one thing that needs to be changed and looked at is the total
22 cost of the project compared to the mitigation cost. If you can't afford less
23 than 5% of the total project to go towards mitigation, you can't afford to do

1 the project.

2 I believe that the bottom line is that MD 32 safety needs to be
3 improved, but the State Highway Administration sledgehammer approach
4 is the wrong way to do it. There are alternatives which manage
5 congestion without creating unacceptable levels of noise and air pollution
6 and reduce property values. An overall lower quality of life for residents
7 in the area.

8 Finally I'd just like to say that this state has received a lot of
9 national recognition for its progressive approaches to managing growth
10 and the state has also been invited to participate as part of the prestigious
11 thinking beyond the pavement program which is a national program. It is
12 very disturbing to think that a key agency responsible for putting these.....

13 MR. BOB FISHER:

14 Your time is up.

15 UNIDENTIFIED:

16 He can have my 5 minutes.

17 MR. BOB FISHER:

18 Okay, thank you. Who are you? I'm sorry?

19 MR. JIM DOYLE:

20 Jim Doyle.

21 MR. RICK GISELL:

22 Perhaps if you guys spoke a little less at the beginning we
23 could have gotten more in.

1 Anyway, my points, my last point is that it is very disturbing to
2 think that a key agency responsible for putting these principals into
3 practice obviously doesn't understand their value, looks for loopholes and
4 just plods along mindlessly offering 1950 solutions for 21st Century
5 problems.

6 MR. BOB FISHER:

7 Mr. Jamie Kendrick?

8 MR. JAMIE KENDRICK:

9 Good evening, my name is Jamie Kendrick, my address is
10 218 West Saratoga Street, Baltimore, Maryland, Fifth Floor, 21201. I
11 represent the Citizens Planning and Housing Association, a 58 year old
12 non profit citizen action organization whose members are dedicated to
13 improving the quality of life for people who live in the Baltimore Region.

14 We have several concerns with the proposed DEIS before us
15 this evening. Let me comment briefly on three and then expand on the
16 fourth. First, the DEIS does not provide an adequate analysis of the
17 regional context of the proposed action strictly in terms of transportation
18 land use and air quality. The boundary of the DEIS of the secondary and
19 cumulative effects area are incomplete because they do not encompass
20 the rapidly growing communities along MD 32 in Carroll County. In
21 particular, Sykesville and Eldersburg will bear the greatest effects from
22 this project as growth and traffic and pressure for development is
23 accelerated by the lure of reduced travel times to employment

1 destinations.

2 Second, the proposed action termed a safety improvement
3 does not substantially differ from a proposed action just a few weeks ago
4 known as a capacity improvement which MDOT deemed to be in violation
5 of the Maryland Smart Growth Act. As a group that was very involved in
6 the passage of the Smart Growth Act, we find this to be an egregious
7 violation of both the spirit and the intent of the Smart Growth Act.

8 Expanding highway capacity to serve rural areas and newly
9 developing areas far from existing job centers is contrary to the goals of
10 Smart Growth. The proposed action runs counter to re-investing in
11 established communities, the efficient use of existing infrastructure and
12 discouraging increases in single occupant vehicles and vehicle miles
13 traveled.

14 Finally because I'm running out of time, the DEIS fails to
15 consider regional social, economic and fiscal effects from the proposed
16 action. The DEIS considers far too narrow a scope of likely effects within
17 its environmental justice section from opposed action as I will describe
18 briefly.

19 Howard County employees in its western end...fiscal zoning
20 policy. We suggest that the expansion of MD 32 will reinforce this policy
21 and let me explain how. Last year Myron Orfield, Director of the
22 American Lane Institute's Metropolitan Area Program reported in a book
23 called Baltimore Metropolitics that the dynamic of fiscal zoning creates

1 three sets of mutually reinforcing relationships. First, the residential
2 exclusive suburbs with low tax rates continue to attract more and more
3 business, the presence of which continually lowers the tax rate. Because
4 of low social needs, these suburbs can provide a few high quality, local
5 services. Another reinforcing relationship includes those suburbs with
6 increasing social needs that lead to both declining consumer
7 demographics and increase taxes. Both of these factors are large
8 negatives in terms of attracting businesses and retaining businesses.

9 The third relationship concerns the developing suburbs that
10 lose the battle of fiscal zoning. Because they have not yet attracted
11 business or executive housing, these communities must pay for their
12 schools, police, parks, curbs and sewers with fewer resources. To keep
13 taxes from exploding, they are forced to build their lower valued homes
14 and multi family units rejected by the wealthier suburbs.

15 These decisions in the long run catch up with working class
16 suburbs as they become the declining suburbs of tomorrow. One need not
17 look far from the proposed Route 32 expansion to see where the areas of
18 disembezment described by Orfield are already occurring, the areas of
19 Fort Meade, Savage and Guilford are typical of this pattern.

20 Along the parallel corridor of Route 100, one look need no further than
21 Glen Burnie or Linthicum/Ferndale or Elkridge or even parts of Howard
22 County's beloved Ellicott City and Columbia to see the deliterious effects
23 of greater transportation access to areas further and farther away from

1 established communities.

2 We contend that West Columbia and Clarksville are likely to
3 suffer from this same pattern as a result of the proposed action. This cycle
4 cannot be allowed to occur and ought to be examined by the draft
5 environmental impact statement. Thank you very much.

6 MR. BOB FISHER:

7 Thank you. Ms. Nancy Peters?

8 MS. NANCY PETERS:

9 I decided to give my testimony to...

10 MR. BOB FISHER:

11 All right, thank you, Ms. Peters. Mr. James Martin? Mr.
12 James Martin? Rita Jenkins?

13 MS. RITA JENKINS:

14 It has all been said.

15 MR. BOB FISHER:

16 Okay, thank you. Richard Tulkin? Richard Tulkin? Charles
17 Bussing?

18 MR. CHARLES BUSSING:

19 Hi, my name is Charles Bussing and I'm kind of a new
20 resident in the area, I live at 2714 Route 32, right near 144 and Nixon
21 Farm. I have been really appreciate of all of the facts and figures, I'm not
22 really into this totally yet, but I just moved in in February and it is a great
23 concern of mine and I am definitely opposed to the expansion of 32.

1 I will see if I can get more people on the bandwagon also
2 here. What got me when I first came here in, I'll just give you a little
3 background, maybe I'll give you an emotional side to this. When I come
4 here I am looking at my future in Howard County in my house that I just
5 built.

6 It is incredible when I talk to a lot of the State Highway
7 Administration officials, I get this aura of a decision already made and
8 even the Senator portrayed a feeling of, excuse me, a feeling of, that there
9 is, it is going to happen and he talked about reducing truck traffic, but you
10 know I kind of got the feeling from him that it is, you know, it is on the
11 planning board.

12 Every official I talked to seemed to make sure that the
13 statement, you know, when I was talking to them in front of the posters
14 was well you know, if this is done, you know, this isn't for sure yet and all
15 these kinds of things, somehow I was getting the feeling I was being sold
16 for something and it didn't feel right.

17 I was listening to an older couple and they were finding their
18 house on this little map and they were trying to find it and I was listening
19 and they said oh my God, they are taking half our land and I don't think
20 they ever really realized it and this was the first time that they were going
21 to realize this and their jaws dropped and I can just imagine what they
22 were feeling inside.

23 The money spent on all this presentation and all the

1 literature that is going out gives me a feeling that it is a process and it is a
2 massive steamroller, it is going to affect all of us, it seems like it is
3 unstoppable. It has been done in other areas, you know, the process, you
4 know, the personal and emotional effects of everyone and it just comes in
5 and takes over and basically big brother does his thing.

6 We have to be realistic about this. You can propose and
7 draw pictures of trees and make all these different, you know, these things
8 seem nice, but you can sugar coat it to a point, but I think all of it, the
9 noise pollution, the air pollution and the steamroller effect is
10 unacceptable.

11 The communities along 32 at 108, you know, to 29 are not
12 happy with all of this either, I can see the congestion the one gentleman
13 was talking about. There is a lot of, I drive that route and there is a lot of
14 backing up and rear end collisions and so on and so forth and like you
15 said, it is not because of the increase of traffic, it is access. It is a very
16 good point.

17 At some point we have to stop creating these massive
18 highways, to put on an appearance that we are going to help our
19 community. What is going to help our community is being smart and
20 really thinking out the process and taking the people from the
21 community's considerations into their plans. Thank you.

22 MR. BOB FISHER:

23 Thank you. Gina Harding?

1 MS. GINA HARDING:

2report.

3 MR. BOB FISHER:

4 Okay, thank you, Ms. Harding. Dave Walter?

5 MR. DAVE WALTER:

6 Evening, folks. My name is Dave Walter, I live at 13881 Route
7 144 in West Friendship. I am coming off a cold, so excuse my voice. I
8 have heard a lot of wonderful testimony tonight, it kind of slights what I
9 have to say and believe me, I wouldn't want to be in any of your shoes.

10 One of the first things, I'd like to see the road stay as it is with far
11 less traffic on it. Now let me step out of that world and back into reality.
12 Something is going to happen and if the road is going to be improved, it
13 makes me sad that it will be improved to predominantly handle out of
14 county traffic that means county. It won't benefit me immediately if at all
15 and it also makes me sad that the possibility is there that several private
16 properties will be jeopardized of people and some of those whom I know.

17 The issue is safety, safety, safety. I have heard that so many
18 times tonight. I am glad that the State Police are here tonight or
19 represented in some way. I too am a school bus driver and boy can I tell
20 you I have seen some wonderful maneuvers out there on the roads. The
21 types of drivers that we have now I regard as the ones that have no regard
22 for speed, the speed limit, no courtesy or whose attention is not fully
23 focused on their driving.

1 I feel that there would be money well spent to address these
2 people not only on Maryland Route 32 but in the entire State of Maryland
3 if money can be allocated, if a way can be found to get people to pay
4 attention to the existing rules. You can have the worst road in the world,
5 but if drivers obeyed the limits, the speed limits, the laws, were courteous,
6 that road would be satisfactory.

7 A slight side note to the property value of my home, I bought
8 my home, built my home, I'm not concerned about the property value quite
9 as much as everybody else portrays here. I hope it retains a good value,
10 but it is not a big concern of mine because I intend to live there.

11 I do feel that improving Route 32 would be a catalyst for
12 additional growth and businesses and various enterprises. They will just
13 show up, they will find a way to do it. Whether the immediate community
14 wants them or not, they will come.

15 So basically I submit to you the problem as I see it is not
16 entirely the road between Route 70 and Route 108. Thank you.

17 MR. BOB FISHER:

18 Susan Gray?

19 MS. SUSAN GRAY:

20 Good evening, my name is Susan Gray. I am a member of
21 Basis, I don't know any of you all. This is a binder that is going to be given
22 to you, there is also probably about 20 more linear feet of documents that
23 will be delivered to you guys. I have been involved in the planning

1 process for 32 since 1988 as a citizen who lives in Highland and I was also
2 involved in the planning process for Route 100 beginning in 1991 as an
3 attorney working with the individuals over in the Hunter Estates
4 Community.

5 What I want to tell you about tonight is really pretty nasty. I
6 want to tell you about it because it effects my community, it effects
7 Clarksville which has been destroyed by State Highways, it effects Fulton
8 which is going to be destroyed in large measure as a result of the
9 planning process by State Highways and it effects western Howard
10 County.

11 Because of the additional growth, the seven interchanges
12 that you have in this plan have, six of which I might add are not on the
13 county's General Plan. What you may want to know as the result of a
14 referendum or charter amendment passed in 1994 is subject to the voters
15 in referendum. So based on what was told a bunch of us back in '88, you
16 can't even study something that is not on the general study. How can you
17 study it if it has to be passed by the voters and I don't think they are going
18 to pass it in Howard County.

19 But anyway, I have become fairly familiar with Federal
20 Highway regulations. I and I think many people are aware, there is a very
21 clear federally mandated planning process for designing these highways.
22 That process begins with the land use numbers that are part of the
23 General Plan, possibly updated by zoning of the local jurisdiction.

1 You are required under federal law to use those numbers to
2 plan your highways. Back in 1991 any number of Maryland Public
3 Information Act requests were filed, State Highway Administration was
4 sued for data on the 32 project. Information was asked for the Route 100
5 project and in the process of getting this information as well as
6 documentation that was provided by State Highways back in 1990, we
7 found that on the original EIS for the 32 project between 29 and 108 that
8 although the document says it was essentially based on the then General
9 Plan, that the land use forecast had been jacked up to include houses that
10 had been hoped for by the Rouse Company, but had not been zoned for it,
11 they had explicitly been denied.

12 Not only that, the forecast included an interchange at River
13 Hill which it was explicitly not part of the project. A year and a half later
14 the state did a study called the Clarksville Study. It was the study that
15 ended up becoming the basis for the design of the 32 project between 108
16 and 29. I was one of three community members who were involved in
17 that.

18 We repeatedly asked the state to define the land use that
19 was using for that study, the repeatedly said it was the Route 38 numbers
20 which were then officially adopted cooperative forecasts which were
21 supposedly representing the county's General Plan.

22 We went through a year and a half of suing the state and
23 county to try to find out what those numbers were and nobody would tell

1 us. We never, never got the assumptions underline those numbers. Why
2 did we want them? Because we thought there was a plan afoot to rezone
3 Highland, Clarksville and Fulton.

4 A General Plan was passed by the county in 1990, State
5 Highway Administration was intimately involved in the passage of that
6 General Plan. We as a community were told that the county was
7 essentially be down zoned. We sued, we got a set of numbers as the plan
8 was being passed, those numbers didn't, it looked like the county was
9 being up zoned.

10 A year later with the new County Exec we got the site
11 specific zoning assumptions. Areas we had been told were going to
12 remain rural all of a sudden had cities planned for them in them like
13 Fulton and the...center of 29 and 216.

14 The long and the short of it is I was sent SHA's computer
15 printouts for the study, the Clarksville study in 1990. In 1992 the Baltimore
16 Council of Government was abolished by William Donald Shafer for
17 about 2 weeks or 2 months, I don't recall which at this point. During this
18 period of time I sat down with the Planning Staff for Baltimore Council of
19 Governments and we took base studies on which the Clarksville Study
20 had been based, Baltimore County had done those studies and we
21 compared the print outs line by line for the Clarksville Study and we saw
22 that SHA had jacked up the trip tables in Highland, Clarksville and Fulton
23 for additional density which we had all been told in all these public

1 meetings was never going to happen.

2 Do I have anymore time or do I need to....

3 SPEAKER:

4 How much longer do you need, ma'am?

5 MS. SUSAN GRAY:

6 Maybe a minute or two.

7 SPEAKER:

8 Yes, go ahead.

9 MS. SUSAN GRAY:

10 Okay. In going back and looking at the Route 100 project,
11 we found the documents where the Route 100 project had been, the
12 numbers had been jacked up for projects from some of the same people
13 who owned land in Clarksville.

14 There is a water park there out by Win Kelly, former
15 Secretary of State. In this project if you look at the forecast for the amount
16 of traffic on 32, it is more than double than the amount of forecast for
17 almost the same year that was forecasted in the Clarksville Study in the
18 last SEIS. If you look at the numbers for the Route 5 forecast which
19 presumably are the forecasts underlying this document for the traffic
20 forecast, even though land use numbers say Route 5 forecast, the Route 5
21 cooperative forecast adds close to between 15,000 and 20,000 additional
22 households to the county in the year 2020. There is no relationship
23 between that number and the county's master plan.

1 It may be that the county has gotten smarter and is now
2 adding households to the cooperative forecast, but you can't do that, nor
3 can you add infrastructure such as interchanges. The problem is, is that
4 this county is saying that this is a preservation area while this county is
5 making this a development area.

6 If you look at the places where these interchanges are put in
7 this project, it interestingly enough happened to correspond or be very
8 close to land owned by some of the key players in the Route 100 land
9 deals. When I say Route 100 land deals, we are talking about a project or
10 two projects that are hand in hand in nastiness.

11 I will close by essentially describing what I consider to be
12 comparable set of deals to 32. This is a document, it is a memo written by
13 James S. Scouton, Assistant Regional Counsel for the Baltimore Federal
14 Highway Administration. It was written in September of 1987 to Robert
15 Gatz who was then Director for Planning who I might add when we
16 mentioned the stuff to him, put his hands, his head on his hands and
17 went oh my God, we knew about some of it but we couldn't do anything
18 about it.

19 The letter says that the material contained in the September
20 6, 1987 issue of the Howard County Sun is correct. It is difficult to see how
21 federal aid funds could ever be used for this project. The location has
22 been picked by SHA and construction started by developers. Land
23 apparently has been acquired by SHA in violation of the Uniform Act and

1 without agency approvals by FHWA.

2 A public hearing or NEPA document at this point would be
3 appear to be a farce. It is further noted that parklands have been or will
4 be acquired without a Section 4F determination. I could go through this
5 EIS with a fine tooth comb and I will do that and send you the
6 documentation.

7 A lot of the stuff that is talked about here is the same type of
8 stuff that is going on in this project. It has regional implications and the
9 mess that is created in Clarksville is only going to get worse if this
10 happens. There is a lot you can do in terms of safety and there is a whole
11 lot you can do about the planning process.

12 What I'm saying, if anybody is here from FHWA or if you guys
13 know the regs has severe implications, a potential implication for funding
14 for most of the highway projects in this state and it is about time that the
15 state clean up its act. I'm not directing any of this to any of you all, the low
16 level people who deal with all of this stuff I apologize up front, but there is
17 a problem and there has been a historical problem and it is a problem
18 that I can guarantee to you is not going to be swept under the rug on this
19 project. Thank you.

20 MR. BOB FISHER:

21 Jennifer Hash?

22 MS. JENNIFER HASH:

23 My name is Jennifer Hash, I live at 3134 Route 32 in West

1 Friendship. I feel like my comments are sort of insignificant after
2 everything we have heard here tonight, but I want to say them anyway.

3 First of all I want to say that I'm opposed to the expansion of
4 Route 32, I speak on behalf of myself and my family and from the sound of
5 it, most of my neighbors in the area. Along the lines of what another
6 gentleman said earlier today, it seems like we keep having these public
7 hearings, these public meetings to make us feel like we have a say or a
8 voice in these matters. Every meeting including this meeting seems to be
9 a majority opinion overwhelmingly against this project and yet it continues
10 to move forward.

11 As was also previously mentioned, we were told that if we
12 had a petition signed to eliminate some of the access roads, that would
13 be able to be accomplished. Again, I have the petition here in my hand
14 that was signed by majority of the homeowners in the Fox Valley
15 Development which when I called to follow up on submitting this to the
16 Director, Neal Peterson of the State Highway Administration, no one
17 seemed to be able to find the petition number one, then we got a letter
18 saying well thank you very much for your petition, we know what is better
19 for you and the access road will stay.

20 As far as your project need, your accidents that are
21 recorded in your booklet seem to be directly attributable to your
22 increasing the traffic volume since opening Route 32 to four lanes south of
23 108. Living directly on Route 32, we front Route 32, I challenge the

1 numbers that you relate to the truck traffic on Route 32 and I would
2 suggest that that truck traffic is much more significant than your numbers
3 would suggest.

4 As far as sound mitigation issues, again living on Route 32, I
5 live on a portion of Route 32 just south of Rosemary Lane and when those
6 trucks downshift coming down that hill from Fox Valley to Rosemary, I can
7 guarantee you they already are above 67 decibels. If we are still only in
8 the planning process as you all have reiterated to us tonight, why tonight
9 have you also taken the time to discuss the right-of-way acquisitions?
10 Wouldn't this seem a bit premature or is this project as was previously
11 stated, ...complete?

12 Whatever has happened to the rural nature of this corridor,
13 this widening of 32 would certainly destroy it and it would destroy not only
14 the quality of life for the residents, but wildlife as well. I would strongly
15 support some of the short term options such as putting in a center turn
16 lane and abandoning the build alternatives all together. I think State
17 Highway really needs to take a look at the dynamics involved in impacting
18 the entire community not just to serve commuters that do not live here on a
19 daily basis. Thank you.

20 MR. BOB FISHER:

21 Thank you. Josh Helshire?

22 MR. JOSH HELSHIRE:

23 Good evening. My name is Josh Helshire, I'm Vice Chair of

1 the River Hill Community Association in Columbia, 6330 Trotter Road. My
2 comments will touch on a great deal of the scope of the draft
3 environmental impact statement.

4 The River Hill Community Association is concerned about
5 the impacts on the community to be brought about by this project. We are
6 concerned about truck traffic that would exacerbate the current noise
7 problems which we have already at some residences above acceptable
8 levels. We are also concerned about safety levels or impacts of safety
9 that increased truck traffic might cause in the area.

10 We requested the River Hill Community Association filed
11 comments and requested that we be considered as an affected area
12 before the scoping process and during the scoping process not only
13 because the issues as laid out, but I think there is in fact an issue of the
14 adequacy of the supplemental environmental impact statement that was
15 done in 1989 when the road was being relocated. No one is there to really
16 comment for us or the folks that commented was the folks whose property
17 the road was going through.

18 To date there is only reference in the executive summary of
19 the environmental impact statement that there is an area of controversy
20 as to the downstream impacts. We are now asking again to be included
21 in the EIS and inclusion of course would require that mitigation be
22 addressed.

23 We might ask ourselves given the level of mitigation

1 provided right now that I'm talking about noise doesn't really put us very
2 well off. We would hope folks here that the draft environmental impact
3 statement includes much more than is currently provided in terms of noise
4 mitigation.

5 We also request that our comments, correspondence be
6 included in the public record. There is no record of our comments right
7 now in the draft environmental impact statement. I will submit, would like
8 to submit for the record our comments here.

9 Now to its credit, the state has performed a peripheral effect
10 study and we appreciate this, but this study is only looking at noise levels,
11 it is not looking at mitigation at all. Now we have some questions on this
12 study and we are meeting with State Highway Administration officials to
13 discuss the study, so we appreciate that.

14 Now personally I would prefer that the no action item be
15 implemented when we talk about, no action in term of the DEIS of course
16 the action you know, involves the Safety Action Plan. Now if one of the
17 build options is implemented, I think seriously issues, options need to be
18 addressed, mitigation options for noise, use of pavement, restriction of
19 truck traffic which the record shows is great support from the delegation
20 on that matter. Also the current DEIS, it shows nothing in the way of the
21 design, you have a great chart out there, perhaps you didn't have that
22 together when the DEIS was done, but instead of having tables I think you
23 should show folks what was looked at graphically, include those

1 schematics and you should have a serious action plan as to what should
2 happen.

3 Finally should these alternatives be implemented, I strongly
4 urge a much better coordination amongst the state and county officials
5 regarding planning. Part of what happened in River Hill the current
6 problems we expressed is related to a lack of coordination, a lack of
7 discussion on noise issues and a lot of the problems could have been
8 avoided.

9 We have heard discussion from, testimony from Ms. Gray
10 regarding planning and this is related to that and some of the
11 documentation by recently reviewed, I know I have read a discussion of,
12 of interface and it is required to take place between the state and county
13 officials regarding plan, regarding land use, it is not documented in the
14 DEIS or I don't know if in fact that needs to be documented, but I
15 encourage you to undertake very good planning and see that the county,
16 work with the county to see that they enforce their requirements and that
17 you not, that issues when you are building the road perhaps concurrent
18 with construction of other communities that you look into those issues and
19 try to get them resolved so problems, the problem that we have in River
20 Hill right now is not created again, regardless of what happens. Thank
21 you very much.

22 MR. BOB FISHER:

23 Thank you. Louis Toeth?

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MR. LOUIS TOETH:

Good evening, my name is Lou Toeth, I live in the Kings Grant Community on Regence Row, one of the unfortunate people who have a house that backs up to Route 32.

We have heard a tremendous amount of you know, testimony here saying how it is going to, you know, alot of legal information, a lot of back and forth about this, but I guess the bottom line is succinctly since Route 32 was opened up from Clarksville to Columbia, I can't let my kids play in the back yard because I'm afraid of a car or truck coming off of that road and nothing in your plan prevents that from happening. There is no boundaries, there is no barriers, there is no sound mitigation and I guess, I don't know if any of you live on a road like 32 where you can't let your kids play in the backyard, but think of our position when you make these decisions.

MR. BOB FISHER:

Thank you. Richard Tinker?

MR. RICHARD TINKER:

Good evening. I'm Richard Tinker, I currently live off Gold Ribbon Way in Columbia. I live there because it is a rental property. I moved here from another state last summer with the intent of building a home.

One of the things that I did was do some research in the various properties in the area and I noticed the track record that Howard

1 County had on both lot sizes as well as all of the land preservation. We
2 chose and did buy a lot in the West Side subdivision. I do have a lot that
3 backs right up against 32.

4 I was made somewhat aware of the plans to expand the
5 road, was not aware that the plans were at the level of a four lane
6 expressway as opposed to adding turn lanes and thing like that. So we
7 have picked that lot, we do have it, it is one of the lots that is right up
8 against the highway and all of the points that I wanted to make have been
9 covered by other people, so I want to go on record as also having said
10 everything that everybody else said because I agree with it.

11 I have not heard anything favorable about this. One of the
12 things though that I did want to say again and many people have said, I
13 am amazed at the criteria that went into the calculation for the sound
14 mitigation features. Again, we picked the area that we are in because it is
15 one of the last areas that has decent lot sizes.

16 The state we came from, property values or property prices
17 were much lower, were able to have larger lots, I would like to have keep
18 that same degree or same sizes that we were able to find in this county,
19 yet to hear that the calculation is based upon the cost per lot which for
20 somebody like a neighbor who a lot has not been sold to somebody who is
21 going to build a house yet, their lot is a rectangle and the long side of the
22 rectangle is along 32. The linear feet of wall or other mitigation that would
23 be constructed is naturally going to make that cost much higher for that

1 resident.

2 So I don't want to say that it is flawed or it is improper for the
3 calculation of these things to be on a per lot or per owner basis, I want to
4 say that they are downright asinine. I mean really it has got to be based
5 on something that is more equitable, either linear feet for the areas that
6 need it or percentage of the project cost, something that makes sense
7 rather than a per household basis.

8 So I am amazed not knowing much about Maryland and
9 how these processes work that something, a calculation could be made
10 on something that is so flawed. This state I have learned has one of the
11 highest reserves and I realize that this department covers is responsible
12 for the whole state, not just for this county, but because this state has one
13 of the highest reserves of all the 50 states of its money, I would like to see
14 some of that go back through the people, not another stadium or some
15 other big project, but to something like the sound mitigation assuming that
16 the project goes forward with one of the build options which I certainly
17 hope does not happen.

18 I also have an issue with the fact that the new lanes are
19 being built on the west side. My property being on that west side I see
20 nothing but non residential land use across the street from me and I
21 realize there is additional cost in swapping the lanes and shifting them
22 over, but I would still like some better consideration given to the new
23 building being on the other side or at least look at the residences, look at

1 how close they are to the road and do what makes sense if a build options
2 chosen.

3 I was told when I had some discussions earlier that some of
4 the reason that it was looked at for being on that side was because of the
5 land topology. Well I have seen earth movers move a lot of dirt and I don't
6 think that the cost of moving that dirt should be why the state chooses to
7 put the road on that side.

8 I was also unaware of the effect on some of the other farms
9 in this area because of the focus of my specific case, but I am very
10 displeased to hear how many different farms and how many different
11 properties are affected so adversely by this and I just hope that there is
12 some responsibility put in place based on everything that has been said
13 here tonight and I hope that this is looked at again seriously, not just
14 because it is a process and it will move forward, but I would really like to
15 hear that some of these other options are looked at in more detail. That's
16 it, thanks.

17 MR. BOB FISHER:

18 Thank you. Don Croshe?

19 MR. DON CROSHE:

20 Hi, my name is Don Croshe, my address is 3225 Parliament
21 Place in West Friendship, 21794. Thank you for the opportunity to present
22 my opposition to the proposed widening of Route 32 between Routes 108
23 and 70.

1 My opposition is based on a number of factors. First of all a
2 changing motivation for the proposed widening. When first introduced,
3 the rationale for widening was to handle the increased capacity
4 anticipated by the growth in Carroll County. We were told to simply follow
5 the marketplace is what the State Highway Administration people said
6 when they came to my home to discuss their plan with our neighborhood
7 referring to the growth in Carroll County.

8 Of course this is to the chicken and egg debate, but now
9 almost three years later the emphasis is on safety, but the process of
10 planning was not changed despite that dramatic change in the purpose.

11 A second factor is a lack of coordinated planning that
12 assures road development and housing development is consistent with
13 the character of the existing community. The residents of River Hill have
14 had to endure a tremendous amount of road traffic noise and reduced
15 quality of life in their homes due to the close proximity of their houses to
16 Route 32.

17 I have heard people say well they shouldn't have bought their
18 houses if they don't like it to which I question why were those houses even
19 built so close to the road in the first place? It is not like they didn't know
20 that the road was going, was going to be there, they were built, the houses
21 were built at the same time that that road was built.

22 The same is true at Fox Valley, the entrance was built many
23 feet back from the road long before those of us in the community right

1 across the street were even aware of the proposed widening of Route 32.
2 Perhaps this planning was indeed very well coordinated for the benefit of
3 a few individuals who stood to profit from this form of insider trading.

4 Of course now I get to pay for it in the form of reduced
5 quality of living and reduced property values. Another point I feel is a little
6 bit of public relation gamesmanship or just incompetence, a few months
7 after the stretch of Route 32 between Route 29 and 108 was complete,
8 State Highway Administration officials shared that they were surprised by
9 the amount of the increase in volume when the road opened up.

10 They were connecting a 4 lane divided highway that went
11 uninterrupted to Fort Meade with a 2 lane road that had no traffic lights
12 except right at Route 144 and no one from an organization of people who
13 deal with roads for a living could anticipate the volume of cars and trucks
14 that would hit the 2 lane road.

15 Of course now we can't change the fact that the stretch of 32
16 between Routes 29 and 108 that stretch, that has caused all the traffic
17 concerns for our stretch of 32 and now we have to find a solution to this
18 new problem, it just seems to be a clever tactic to create a problem so we
19 can create a solution.

20 Another point is the current plan is overkill and not
21 consistent with the rural atmosphere of the citizens that western Howard
22 County are trying to preserve. Despite the landscaping promises made
23 by the State Highway Administration, the massive amounts of roads,

1 bridges and deforestation will permanently change the character of our
2 community.

3 Another point is the lack of noise abatement is
4 unacceptable. Despite exceeding noise limits cost per homes affected,
5 regulations will prevent any noise abatements for our community. This
6 may prove to be a bargaining chip for State Highway Administration
7 where the cause for a legal challenge from concerned citizens.

8 Finally the reduction in my property value we heard from a
9 real estate agent earlier and I think that point seems to be pretty well
10 made, but the property value to me personally due to the safety concerns
11 associated with the Route 32 and of course the noise generated by the
12 cars and especially the trucks.

13 My personal recommendation is to reject the current plan
14 and ask to go back to the drawing board to devise a plan that addresses
15 the safety issues only for this stretch of Route 32. Thank you.

16 MR. BOB FISHER:

17 Thank you. Nancy Jenkins? Nancy Jenkins? Jeff Silverman?
18 Jeff Silverman? I apologize, I can't make out this first name, but the last
19 name is Perkins. Is there a Perkins that would like to speak? All right.
20 Bob Moore? Is there a Thomas Microck? Is that Mr. Moore?

21 MR. BOB MOORE:

22 Yes.

23 MR. BOB FISHER:

1 Okay, go ahead, Mr. Moore.

2 MR. BOB MOORE:

3 Bob Moore, 216 Longwood Road, Baltimore, Maryland,
4 21210. I'm representing the Bicycle Education Association of Maryland
5 which is an advocacy group for bicycling in Maryland and I'm a member
6 of the Maryland Bicycle Advisory Committee for the Baltimore area which
7 includes Howard County.

8 I'm just, I want to simply say that we oppose making Route 32
9 from 70 to 108 a continuing freeway because it denies bicycle access and
10 that's the first reason. The second reason is as you have heard from a
11 number of people, it will create sprawl and worsen conditions elsewhere
12 in the state. Thank you for allowing me to testify.

13 MR. BOB FISHER:

14 Thank you. Tom Microck?

15 MR. TOM MICROCK:

16 My name is Tom Microck, I'm clearly a minority here from
17 what I've heard of the previous testimony because I do favor this
18 improvement. I think it is a badly needed piece of roadway in this part of
19 Howard County.

20 I believe the Governor's concept of Smart Growth is a highly
21 flawed concept that is clearly not is what is being practiced by the people
22 of Maryland. One of the assumptions of it is the people that are going to
23 spend typically \$20,000 to \$50,000 on a, on their sport utility vehicle are

1 going to carpool and they are going to use transit and they are going to
2 use HOV lanes. I think this is quite contrary to what they actually do.

3 I would like to emphasize what people actually do, not what
4 they claim they are going to do and not what they want other people to do,
5 but what they actually do themselves.

6 Secondly, I think motorist safety is the main issue in this
7 case. It is, safety is maximized by the building of a multi lane divided
8 roadway with frequent interchanges that encourage people to get off the
9 local roadways, get onto the major roadways. Traffic is much safer on the
10 major roadways, we have lower accident rates on divided highways.

11 I personally don't want traffic driving on local roadways next
12 to residential neighborhoods. So in summary I'd like to say that I highly
13 favor this roadway and if there is anything I can do to help you speed this
14 up, I'd like to do that. Thank you.

15 MR. BOB FISHER:

16 Thank you.

17 MR. BOB MOORE:

18 My address is 3560 Countryside Drive, Glenwood.

19 MR. BOB FISHER:

20 Thank you.

21 MR. BOB MOORE:

22 My daughter graduated from this high school.

23 MR. BOB FISHER:

1 Hance Sullivan?

2 MR. HANCE SULLIVAN:

3 Hi, my name is Hance Sullivan, I live at 3620 Ivory Road.
4 Virtually I, there are some points here that are good points, everybody has
5 some association and got all this backing and lawyers and stuff, but the
6 real truth is I guess I should be really upset that all these people come into
7 my home. I have lived here for 36 years, so I guess that everybody that
8 built on 32, 32 has been there ever since I was born and it has always
9 carried truck traffic, it is a big road.

10 I do agree some things need to be done, there are safety
11 issues. My kids don't even get excited anymore when Shock Trauma
12 lands in the yard, I've had it in there four times. It is virtually you know, the
13 regular facts of life, you know, people are going to get killed, soon enough
14 it is going to be people I know.

15 I will have to commend State Road Association or State
16 Highway Administration, anytime I have had a question they have
17 answered me, they have answered my phone calls, they have visited, they
18 have come to my house, you know. Things you know, it is somebody is
19 going to have to do the job, you know. Of course everybody is going to
20 say you are wrong, stuff is going to be wrong. I mean it is a no win
21 situation.

22 I would like to commend the people that have worked it, they
23 have been very cooperative to us. Like I say I am not an association, I am

1 just a small guy, I make a phone call, they will return my calls. But I do
2 agree, you know, to look at the issues a little bit closer, hopefully to save
3 as much land as you can.

4 Gentlemen wanted to move the road on the other side on the
5 open land, but right away then he is telling me to save farm land, but I
6 guess the open land wasn't farm land. So I don't understand where some
7 of these people are getting off, you know, I guess we should just put a
8 fence around Howard County and kept them all out. Thank you.

9 MR. BOB FISHER:

10 Thank you. Our last speaker is Paul Byless?

11 MR. PAUL BYLESS:

12 The name is Paul Byless, I live at 4229 Buckskin Wood Drive
13 in Ellicott City, 21042. I am opposed to the widening of 32, I feel it will
14 contribute severely to suburban sprawl. Charlie Fiago was quoted in the
15 paper today as saying growth won't occur because we're not going to let,
16 if you don't let utilities bring, be brought out here.

17 Well if you build a road, growth will occur. Time after time
18 every road that has been built, the congestion and the sprawl just follows
19 it no matter what politicians may say. Route 66 was built to relieve
20 congestion, 5 minutes after it was built cement trucks were pouring
21 foundations for communities. Now it is a nightmare 7 days a week and
22 they are constantly widening it lane after lane to no avail.

23 Bottom line is if you folks love this country, if you love this

1 state, you have a moral responsibility to not build this road. Each and
2 every one of you know in your heart of hearts that if you expand this road,
3 you destroy the character and future of this county.

4 I ask you what point does the sprawl end? For the sake of
5 your children and future generations, do the right thing and break the no-
6 build option, choke off the sprawl at its core. Thank you.

7 MR. BOB FISHER:

8 Thank you.

9 MR. GERALD NEELY:

10 Hi, I'm Gerald Neely and I talked to Ms. Murphy yesterday
11 and she said I was number 20 on the list, but you must have somehow lost
12 my name. But I'll try and be quick and I'll try not to say anything that
13 people have said before.

14 My name is Gerald Neely and I'm here on behalf of the
15 Baltimore Regional Partnership which is a regional organization and I'm a
16 transportation planner. Basically just to reiterate one thing, bear with me,
17 the growth that has occurred on MD 32 in just the last couple of years
18 since, since the upgrade was done south of 108, that is an indication of
19 the degree to which traffic has flowed in this area.

20 You built one section of MD 32 and you have a huge
21 increase in traffic just to the north of there and the same thing will occur
22 again. If this section was built that we are talking about tonight between
23 108 and 70, there will be another huge increase as is born out by the

1 traffic projections that were included on the charts. That in turn will
2 generate an increase in traffic north of I-70 which up until recently was
3 actually doubled the traffic volume of south of 70, but the improvement is
4 being done south of 70.

5 So you have the situation where this improvement is going to
6 lead to another widening that is going to be needed north of I-70 and that
7 is already in the long range plan for 2020 from Baltimore Metropolitan
8 Council and also the State Highway Administration, they are already
9 going drawings of that project and that will take the upgrade of 32 to four
10 lanes just up to Liberty Road up in Eldersberg.

11 So that in turn will generate a huge bottleneck up at Liberty
12 Road and even though there is nothing on the plans right now, nothing on
13 the drawing board for an upgrade up at 32 and 26 up at Liberty Road in
14 Eldersberg, that will be necessary in the future and as a matter of fact
15 Carroll County is already planning for how they are going to feed traffic
16 into 32, they are using band aid projects right now, things like upgrading
17 Obrecht Road in Sykesville and a little road called McBeth Way in
18 Eldersberg which is now a little cul de sac residential road but will soon
19 become a major feeder into 32.

20 So you can see how the potential for traffic growth in this
21 area is really huge, we have also heard from people about the large area
22 of the traffic draws for 32, people coming from the Eastern Shore, people
23 coming from Western Maryland, people coming from just about all of

1 Frederick, Carroll, Howard, Anne Arundel Counties, all of that traffic is a
2 potential draw for this section of 32.

3 So there is just a huge potential for increase in traffic in this
4 area and you could come up with just about any traffic projection for this
5 section of 32 and it probably would be a self fulfilling prophecy whether it
6 is 60% or 230%, we have heard those numbers.

7 In addition to that because you have this dense highway
8 network in this area, there is a great deal of changeability between one
9 expressway and the next expressway. Maryland 100 from the
10 interchange of MD 32 and I-70 to Annapolis, it is only 2 miles longer on
11 MD 100 than it is on MD 32. So basically those two expressways are just
12 totally interchangeable. The traffic can use one or the traffic can use
13 another, so you can see how the traffic can increase just at the drop of a
14 hat, it can just, it can just increase overnight and there is really nothing in
15 the plans to how this is ever going to end, there is no ultimate project.

16 You know, one widening leads to another widening, you've
17 got other widening down on MD 32 that are proposed right now down in
18 the Columbia area, down in the Fort Meade area and it is just, somebody
19 said it is a domino effect and that's just about right.

20 So...this project is just another cog in the, in the wheel of
21 dominos and we have got to figure out a way of, of coming up with an
22 equilibrium and I think Mr. Hicks really did present a very good approach
23 in the safety concept that he came up with earlier and there is really a lot

1 that can be done to try and get the traffic to equalize, come up with
2 something that is safe and which has, which increases capacity a little bit,
3 thing like preventing left turns at various places and those things really
4 can create a stable traffic condition for this area.

5 That is what you really need instead of the wild increases
6 and diversions that are otherwise going to take place. Thank you.

7 MR. BOB FISHER:

8 Does anyone else wish to comment?

9 MR. JACK LOLAND:

10 Yes, I wish to address you, I wasn't able to get my name on
11 the list.

12 MR. BOB FISHER:

13 Okay, fine.

14 MR. JACK LOLAND:

15 I first want to take care of the polls for two things. Number
16 one there is the Nixon Interchange, it is totally unnecessary. The 20 million
17 dollars to be put into that interchange should be put into the I-70
18 interchange where we have another problem because ending this
19 winding at I-70 without addressing the problem of the traffic north of I-70 is
20 ludicrous. It is as bad as when you stop the dual lane at 108. It should
21 have never been stopped there.

22 Now for the people who are new in the area, one, two, three
23 years, I have been out here 25 years and for 17 years I drove from right

1 over here in Glen Lee to Fort Meade, 32 was a treacherous road and the
2 reason for the, I believe one of the major reasons for the dualization from
3 Fort Meade to 108 was to eliminate the treacherous bottleneck and
4 roadway down Guilford Road and on into Fort Meade.

5 Unfortunately in those 17 years I recall somewhere around
6 about 9 people losing their lives on Route 32 and it wasn't the road being
7 dualized that had the impact on the area, everybody was taking their life
8 in their hands to go down there because just like that gentleman who said
9 he lives out here for 36 years, he remembers the traffic on that road.

10 The truck traffic has always been here, there is no way to
11 stop it that I know of unless you gentleman are going to put National
12 Guard at the interchanges with bazookas and blow the trucks off the road
13 and I don't think that's about to happen.

14 So...is necessary, the traffic is there. I drive from Baltimore
15 City out to here, I have lived out here for 25 years and when I bought my
16 property out here I looked at the roadway systems and I didn't buy backed
17 up to Route 32 because I did a little bit of homework. I didn't want to
18 blame somebody else for my shortcomings. I knew exactly when I bought
19 the lot what was on either side of me, in back of me, the access, the
20 schools, the fire department and the police department. That is
21 something that I think a lot of people have not given thought to.

22 Before the Howard County Council there was a bill where a
23 suggestion made that in these new developments we should narrow the

1 roads to slow down the traffic. I just want to know what kind of statement
2 they are going to make to the people who are responsible for the roads
3 when their house catches on fire and because the roads are narrow and
4 the fireman can't get there to put it out, are they going to blame the fire
5 department? That seems to be the natural thing. Don't accept your
6 responsibility, blame the other guy. I am certainly opposed to that....for
7 safety, people have to be able to get in there and you say about safety
8 people, I have got two daughters that are on a fire department, I have a
9 future son-in-law who is a paid Howard County Fireman and the stories
10 that they bring home will eat your guts out.

11 We lost people right up here on 32 south of Linden Church Lane when
12 they cross the center line, they have learned this is dangerous as when I
13 lived in Halethorpe off of Route 1 was between Buttermilk Hill in Elkridge
14 and Laurel at the time was death Highway and I lived there for 35 years
15 and they killed people at every imaginable way possible. 32 being
16 widened is necessary. I paved Linden Light and drove six and a half
17 blocks of bumper to bumper traffic coming up this road from 108 on up to
18 Burnt Woods Road. Do you think that traffic is going to get away from
19 there? ..you are talking about urban sprawl, you are going to stop it
20 because you can.....stop this road. What about the 100 homes they are
21 building up there now? What about those 100 homes?urban sprawl? It
22 sure is. It has just been a lot of stuff that has been handed out. The
23 people have been killed on the road there, we have had people killed at

1 Parliament Place, the people in Parliament Place don't want the road
2 widened. There have been people killed at Ten Oaks Road. The traffic
3 light situation doesn't help. At Burnt Woods Road the right hand turn lane
4 is being used as a second lane of traffic and I don't mean just once. Burnt
5 Woods Road....I come out of Sharp Road and drive east on it, there is a
6 double yellow solid line and people who are new to this community are
7 passing on that double yellow solid line in front of the school.

8 You made a...presentation about safety and we need safety
9 and we need the road. The one thing that I forgot to tell you
10 about....roundabouts on 144. The two roundabouts on 144 are going to be
11 very, very.....to our fair goers. Howard County Fair, if you come out here at
12 any time, you will find out that that is where a lot of the traffic comes from,
13 it is coming out of the city.

14 I have one more thing.

15 MR. BOB FISHER:

16 Okay.

17 MR. JACK LOLAND:

18 I didn't like your one picture that you showed, Mr. Fisher. It
19 showed what exactly I mean by the interchange at I-70. There was one
20 car making a left hand turn to go west on I-70. You look at that picture
21 and I believe there are 5 or 6 cars that went straight. Knowing that this
22 meeting was coming up, I sat up there and counted the traffic.

23 There were 18 vehicles in one period of time, of those 18

1 vehicles, 10 of them made a left hand turn to go west on I-70. The other 8
2 went north to Carroll County. This road can't be built without that
3 interchange being changed because when I come out I-70 to get home,
4 believe me, in the evening first off, the people are going down the end of
5 the ramp, up 32, making a left, a u-turn and coming back down because
6 the traffic coming up will not permit them to make that left hand turn and
7 a stop light is not going to stop them. We need access.

8 MR. BOB FISHER:

9 I'm sorry, I didn't catch your name or your address.

10 MR. JACK LOLAND:

11 My name is Jack Loland, I live at 14077 Spear Valley Court
12 in....here.

13 MR. BOB FISHER:

14 Thank you, Mr. Loland.

15 MR. JACK LOLAND:

16 Thank you Mr. Fisher, for the time.

17 MR. BOB FISHER:

18 Thank you.

19 MR. JACK LOLAND:

20 You're welcome.

21 MR. BOB FISHER:

22 Yes, ma'am?

23 MS. BARBARA BROOK:

1 Good evening, my name is Barbara Brook, I live on Burnt
2 Woods Road and I can't believe that nobody has addressed what I want to
3 speak about. I could have been number 28, but I said somebody will
4 cover it.

5 I want to talk about Burnt Woods Road, it is 2 1/2 miles long,
6 it has a high school, three churches, at one end there is a middle school
7 and an elementary school at the other end there is an elementary school
8 newly built. This is a bedroom community and I can't think of maybe there
9 is one lot left to build on on this road.

10 Yet when one of the ladies, one of you ladies gave your
11 presentation, they said the interchange we would lump several roads
12 together there at that interchange and it seems to me after listening to all
13 these presentations that the gentleman that spoke about, he had dark hair
14 with a white spot up here, he talked about having less interchanges and
15 service roads. It seems to me that that would be the best way to improve
16 32 and keep plenty of overpasses to the service roads.

17 My question to you is why does the State Highway
18 Administration want to pour so much traffic onto a 2 1/2 mile road that has
19 three churches, one high school, three elementary schools on each end
20 and I would like to recommend that Triadelphia Road, you keep an
21 overpass there and have two ramps going east. This would be identical to
22 Gray Star Drive and I feel that Gray Star Drive does a great job for that
23 community and I would like to see Triadelphia Road handled the very

1 same way.

2 Then I have three short quickies. One is for my ^{friend Fran} muscro, she
3 is 88 years old and she has lived here forever, she was a teacher here for
4 probably 30 some years and she said "don't those people down in
5 Annapolis know that Burnt Woods Road is two words? It is called, it is
6 spelled B-U-R-N-T W-O-O-D-S Road, and if you don't have enough room
7 on the signs, you can put WDS.

8 Also valley, it seems to me that the abbreviation for that is
9 VLY and I think we've had a President that has messed up our English
10 language enough, so maybe we ought to use VLY instead of VAL. Also I
11 would like to talk about the double yellow lines. I am constantly having
12 people pass on the double yellow lines and there used to be signs that
13 said no passing on the double yellow lines and I think they should be re-
14 instituted by the State of Maryland and then policeman should pick up
15 people that do this. They don't do that anymore.

16 I think probably a lot of this about drivers that are
17 discourteous are because we don't have drivers education in the school
18 anymore. So thank you very much, I honor you for being here and I honor
19 your job. Thank you.

20 MR. BOB FISHER:

21 Thank you. Are there any other individuals who would like to
22 speak this evening?

23 If not, let the record show that no further comments were

1 offered. As mentioned earlier and as stipulated in the public notice, we
2 will hold formal record open until May 21st for written comments. I thank
3 each and every one of you for attending tonight's hearing, State Highway
4 Administration appreciates your interest that you have shown in this
5 project, the hearing is adjourned. Thank you.

6 (END)
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LOCATION/PUBLIC DESIGN HEARING

MARYLAND ROUTE 32 FROM
MD 108 TO I-70

(PRIVATE TESTIMONY)

THURSDAY, MARCH 18, 1999

Glenelg High School
14025 Burntwoods Road
Glenelg, Maryland

dlh

1 MR. MARTY PAVLOSKY:

2 Okay, my name is Marty Pavlosky, the address is 12525
3 Thitco Way in Sykesville, I live on the other side of where the current
4 proposal is at for road improvements, however I do travel 32 every day on
5 the way to work and have been for about the past 10 years.

6 I'd like to say that the no build option is not an option that
7 should be considered. Something has to be done on 32 between I-70 and
8 108 to improve it, a four lane highway is the way that we have to go. It has
9 to be a limited access four lane highway for both safety, for everyone who
10 travels on the road.

11 Entirely too many cars, entirely too much back up and like I
12 said, the no build option is not an option at all. The developments are
13 going to continue to flourish throughout the area and we have to do
14 something and it has to be done now. Something should have been done
15 10 years ago, so it is almost too late. Thank you.

16 MR. W. L. GLODT:

17 Okay, my name is William Glodt, 4015 Braxmill Court,
18 Glenwood, Maryland. We live on Route 97 which is getting like Route 32,
19 dangerous. Don't see any choice except to continue to put those other two
20 lanes in from 108 to I-70, it is just a must do.

21 Anyhow, looking at the plans for the entrance, exit from
22 Burnt Woods area, that looks extremely complicated and you may need
23 some kind of directional signs, I would hope that you could make it a little

1 bit simpler by turn directly from Burnt Woods onto 32 going east, I say
2 again going east, don't know whether you have room or not. I'm sure
3 there is a lot of consideration on it, but it looks awful complicated right
4 now.

5 The rest of it looks good. I like your bushes between the two
6 lanes to cut down the lights. Headlights on cars coming toward you are
7 really terrible, especially at night and you do need a good block in that
8 area.

9 The other item, suggesting headlights on in the day, don't
10 think that is wise because that kind of blinds you more than it helps you
11 see the car coming. If you have real low lights, that might help. Got
12 nothing more to say. Good luck.

13 MR. MARK UPDIKE:

14 My name is Mark Updike, I live at 12754 Maryvale Court,
15 Ellicott City, 21042. I'd like to express my appreciation for this dissertation
16 on the proposed improvements to Route 32 which I feel we desperately
17 need and it is overdue as you can tell by the automobile mishaps.

18 I am greatly in favor of it and I think that the alternate
19 number 1 would probably be the most beneficial long range. I appreciate
20 your patience with some people for whatever reason, they are not looking
21 at the long range necessity to the road and I don't think there is any
22 alternative but to proceed with it. Thank you so very much.

23 MR. RUDOLPH DURBANO:

1 My name is Rudolph Durbano, I live at 5321 Broadwater
2 Lane, Clarksville, Maryland. I oppose the extension of the widening of
3 Route 32 for several reasons. Increased traffic that is projected, it is a
4 magnet for more trucks to use it as opposed to going through to 29 out of
5 70 to 100 and across to 95. The noise levels are going to exceed the
6 maximum allowed by the federal government which is 67 decibels. You
7 are going to destroy the environment, decimate wetlands, you are going
8 to increase run off in the bay and you are going to take out some 73 plus
9 acres of existing trees, what happened about retaining rural
10 preservation?

11 You are creating a freeway just 4 or 5 miles of the just
12 completed Route 100. Again, I'm against the expansion of Route 32.
13 Thank you.

14 MS. NANCY PETERS:

15 My name is Nancy Peters, I live at 13350 Ridgewood Drive.
16 My husband Jack and I would like to go on record as being vehemently
17 opposed to the expansion of Route 32 as proposed. There is increased
18 traffic during the morning and evening rush hours which encompass
19 about 5 hours a day.

20 Even during those times, the traffic usually moves at 55 or
21 more miles per hour. During other times of the day and on weekends,
22 traffic moves at 60 to 65 miles per hour. It is an extremely excessive
23 solution to both perceived traffic congestion and safety to spend at least

1 170 million dollars to build a four lane freeway which includes seven
2 interchanges in an 8 mile section, a 34 foot median and access roads in
3 this rural residential area.

4 This road will cut a swath through the area destroying
5 wetlands and every tree along Route 32. It will be built not to alleviate
6 traffic congestion, but to attract more large trucks at all hours of the day
7 and development which brings with it more traffic.

8 By inviting more burden on this section of Route 32, we will
9 just exacerbate the situation of stop traffic south of Route 108 between
10 Route 29 and 95 and shift another traffic burden north of I-70. We know
11 unequivocally that building extra lanes is not the cure all to traffic flow.

12 The Baltimore beltway is the ultimate example of continuous
13 lane expansion with minimal or no positive results. Route 100 has already
14 been constructed. How many more freeways do we need going in the
15 same direction?

16 There has been no real consideration given to the thousands
17 of residents in communities in this area. Our quality of life has and will be
18 further disrupted by the freeway as our homes already have and will be
19 further devalued. In the one area which is sound mitigation that the State
20 Highway Administration could be of some assistance, they have flatly
21 refused to address our concerns.

22 State Highway Administration sound studies have shown
23 that the decibel level will exceed the threshold for mitigation but because

1 our houses are zoned for larger lots, we do not meet their payment
2 policies allowing for abatements.

3 We believe it is unconscionable that so little concern is
4 afforded residents and tax payers and that the state is dismissing every
5 rationale argument that has been presented.

6 Finally I'd like to go on record to say that I believe this is true
7 because there is a political agenda involved in construction of this road
8 which defies any persuasive, logic or well founded argument or other
9 suggested solutions.

10 MS. DIANE MAGRUDER:

11 Hi, my name is Diane Magruder and I live at 13363
12 Ridgewood Drive in Ellicott City, Maryland and I also would like to go on
13 record saying that I am vehemently opposed to the extension of Route 32.
14 It has been brought to my attention thus far that the traffic congestion was
15 one of the major problems and...safety.

16 Every road that I know of during rush hour is heavily traveled.
17 In fact, since Route 100 opened up, I find that traffic is much less. My
18 house backs up to 32 and I am paying very high property taxes and I feel
19 that I am paying to increase the roads which I think is wrong. Also it was
20 brought to my attention that safety was an issue and I would think that if
21 everybody pulled up the police reports, they would say it was drivers error
22 and nothing to do with the road situation.

23 I am really upset about this and I think that they should not,

1 and I also understand that we can't put barriers up because we are on a
2 three acre property and they say that is too big. Well why did they sell
3 these things in the first place? Why zone it that way?

4 I realize after reading the Sun today that I think this
5 testimony is absolutely useless because they have already made the
6 decision what they are going to do and I think the whole thing tonight is
7 going to be a charade. Thank you.

8 MR. RALPH HOYT:

9 The name is Ralph Hoyt, address is 3137 Fox Valley Drive,
10 West Friendship, Maryland. My comments are that I disagree completely
11 with this new proposed State Highway. The alternatives are not being
12 fully and thoroughly exhausted.

13 Simple things as not putting a, going strictly maybe with a
14 smaller four lane with a turn lane in the middle, multiple lights should be
15 considered versus a limited access highway and that or if in the process
16 straightening 32 out completely and going through rural farmlands versus
17 through developed neighborhoods.

18 I would like to put this in the record that this homeowner as
19 well as voter in the county and state completely disagrees with what is
20 happening at this proceeding. Thank you.

21 MS. SUSAN GRAY:

22 My name is Susan Gray, I reside at 6510 Paper Place in
23 Highland, Maryland. I am a planner and attorney by profession.

1 In the summer of 1988 I became involved in the project
2 planning process for Maryland 32 between Pindell School Road and 108
3 in Howard County. I became involved in the 32 planning process quite
4 inadvertently. In the summer of 1988 the then County Executive attempted
5 to change the Master Plan for Howard County to realign 108 in the area of
6 Clarksville.

7 The realignment would have gone directly through my front
8 yard. The realignment or the proposed realignment was done essentially
9 without any community notice and when I and many of my neighbors
10 found out about it, there was quite an uproar.

11 At the time we found out about this proposed realignment of
12 108, we were told by State Highways and we were told by Howard County
13 that this was a proposal that had no relationship to changes in land use
14 plans in the area. At the time we could not figure out what was going on
15 because the only traffic projections and the only things that this bypass of
16 Clarksville seemed to suggest was an upzoning of western Howard
17 County in the Clarksville, Highland, Fulton and River Hill area.

18 Hearings were held on this proposal in the summer of 1988
19 and the hearings were tied to the design location hearing of Maryland 32
20 which had been between Clarksville 108 and, 108 and Clarksville and 29
21 and that hearing had been held I believe it was in March of '88. At that
22 time the DEIS for the Route 32 project in Clarksville showed an
23 interchange at 108 and 32, a proposed interchange. The DEIS specified

1 that the project was for a 4 lane freeway between 29 and 108 with a new
2 interchange at 108. There was not supposed to be an interchange for
3 River Hill, although shown on the document was a small little circle which
4 said interchange may be built by others.

5 There was a tremendous amount of controversy when that
6 little circle showed up on the map at the design location hearing and
7 State Highway Administration officials swore that there was never going
8 to be an interchange, that the interchange was not planned for that
9 location.

10 Three or four months later when the proposal for the western
11 bypass came up, the western bypass 108 of Clarksville, I and many of my
12 neighbors tried to get information from State Highways in Howard County
13 for why this proposal was needed. We could not get any information, the
14 county would give us nothing, State Highways would give us nothing. We
15 finally managed through Freedom of Information Act requests to get very
16 limited data which indicated that the state's plan for an interchange in
17 Clarksville which it had presented at its design location hearing in March
18 I believe of '88 would not be workable.

19 The problem according to the state and the county was that
20 there would be five to seven traffic lights along 108 in the Clarksville area.
21 The other problem was that there was not enough spacing between the
22 proposed ramps of the interchange at 108 and 32 and the Ten Oaks Road
23 intersection. The Ten Oaks Road intersection is immediately south of the

1 proposed interchange and right below it is a national registry eligible
2 historic church called St. Louis Church.

3 At the time of the bypass proposal and for any number of
4 years prior to that, this church had been vehemently opposed to an
5 interchange in Clarksville. The Archdiocese of Baltimore had written
6 letters to State Highways expressing the view that an interchange in
7 Clarksville would have serious implications for the church and would
8 potentially become harm to the church and cause the widening of 108
9 below the Ten Oaks Road intersection in front of the church.

10 As I mentioned, hearings were held on the bypass proposal
11 in the summer of 1988 and allegations were made by the community that
12 the proposal was for nothing more than to re-zone a piece of property
13 owned by the Rouse Company which was supposed to be the planned
14 Village of River Hill and for rezoning the 108 for the properties off of 108
15 west of Clarksville, in the middle of Clarksville.

16 The state adamantly denied this, Howard County adamantly
17 denied this and for all practical purposes by the fall of 1988 politically the
18 bypass was dead. In the meantime, Neal Pedersen who was then
19 Director of Planning and who is now Director of Planning and Preliminary
20 Engineering for the State Highway Department asked a couple of us who
21 had been involved in the bypass proposal to get involved with the State
22 Highway Administration and further study the Route 32 project.

23 At the time of the bypass hearings, many of us had gotten the

1 official cooperative forecast from the Baltimore Counsel of Governments
2 for growth in the area and we had been extremely surprised at the
3 number of new homes that had been projected to go into the Clarksville
4 area by the year 2010. As one of the agreements and one of the
5 conditions that we, we established in order to get involved in the study
6 with State Highways, State Highways promised that they would make
7 known to us the growth assumptions for which the highway was being
8 built.

9 What that means is they would tell us how many jobs and
10 how many houses the county was planning to put in our area. We were
11 very concerned that the county was planning to upzone the entire area
12 and we thought that growth numbers might reflect that upzoning.

13 Beginning in the fall of 1988 we began working with State
14 Highways extensively on an unbiased study of the options for Route 32
15 between 108 and 29 and for accessing 108. These options included a
16 variety of western bypass and eastern bypass and interchange in
17 Clarksville and a series of variations of the above.

18 Again, one of the first things we did as part of one of our
19 initial meetings in October was we requested the land use assumptions
20 under which, for which this project was being developed. We were not
21 given those assumptions and in fact we were looked at like we had seven
22 heads for asking the question.

23 We asked the county at that point whether we could get the

1 land use assumptions underlying the study as well as underlying the
2 zoning for the county in this particular area. They refused. By December
3 of 1988, by the end of December, the first part of January the state had
4 come out with preliminary numbers for the study that was being done to
5 assess these alternatives, it was called the Clarksville Study done by
6 Johnson, Mearman and Thompson.

7 As part of the study team besides myself and two other, three
8 other community members, there was a Vice President of the Rouse
9 Company and a number of State Highway officials. In January of 1989 the
10 state produced a set of land use numbers for what it said was the
11 underlying land use for this study, the Clarksville Study. When I received
12 the land use numbers, I looked at them and they did not correspond to the
13 formal cooperative forecast.

14 Throughout the entire fall we had been told by Neal
15 Pedersen that the numbers that were being used were the round 3A
16 numbers which were the formal cooperative forecast for the Metropolitan
17 Planning Organization and we had told, we had been told by Mr.
18 Pedersen that these numbers were required to be used for project
19 planning in order for the state to get Federal Highway funds. So we
20 assumed that these numbers were being used.

21 However, by the time we got the numbers in January of 1989,
22 the numbers appeared to have problems. I wrote a letter asking and
23 mentioned to Mr. Pedersen that the numbers were wrong, that the

1 numbers appeared to reflect vast increases in growth in the area. Mr.
2 Pedersen and I wondered whether the county was doing something with
3 its modeling.

4 At the same time one of the other community members had
5 basically caught State Highways at a private meeting with the developer
6 of the Rouse Company and this gentleman wrote a letter saying that this
7 was outrageous and shouldn't happen again. By February of 1989, I
8 believe it was February, Mr. Pedersen had written back and said we were
9 right, that there was a problem with the numbers, he had corrected them
10 and everything was fine.

11 Throughout the spring of 1989 we basically did not hear
12 much from State Highways regarding their study. At that point the county
13 was in the process of doing a new General Plan and many of us that had
14 been involved in the Clarksville Study became involved in the political
15 process, but we kept asking for the land use assumptions underlying the
16 Clarksville Study as well as the land use assumptions that were
17 underlying the county's new General Plan that they hadn't come up with
18 that they were supposed to come up with and the county would not give us
19 any information.

20 We sued the county I believe it was in 1989 for some of this
21 information and the suit went on for a number of years and we got bits
22 and pieces of information but not much. By the spring of 1989 growth had
23 become a major issue in the election, in the upcoming elections and also

1 just in the county in general. In the County Executive, in May of 1989
2 declared a moratorium on development in order to implement a new
3 General Plan to preserve in large measure the western portion of the
4 county.

5 She said in enacting this general, this growth moratorium
6 that the round 3A numbers reflected build out, residential build out in the
7 county. By the fall of 1989 the county was seriously involved in doing its
8 General Plan process. We had been, we being the citizens had been
9 excluded from the study, the Clarksville Study for a period of about 6
10 months.

11 I had written the Federal Highway Administration's regional
12 office, Mr. Pedersen and cc's the Federal Highway Administration's
13 divisional office in the summer of 1989. The state had published its EIS in
14 its final form and was asking for approval of the record of decision. I
15 wrote the Federal Highway Administration and asked that they withhold
16 giving their approval on the record of decision pending the outcome of the
17 Clarksville Study.

18 I also raised a number of issues regarding controversy with
19 putting an interchange in Clarksville and potential ground water
20 contamination problems because of a ground water contamination that
21 was occurring at the interchange, or at the intersection of 108 and what
22 was supposed to be the new 32.

23 As I later found out, Federal Highways took these problems

1 as you may call them or allegations very seriously. They wrote to Mr.
2 Pedersen and Mr. Kassoff who was then the Administrator of State
3 Highways and they requested that these issues be addressed before the
4 record of decision would be issued.

5 At the same time this was going on, members of the
6 community were pressing State Highways in Howard County to tell us
7 what the new General Plan was going to be, what zoning assumptions
8 were going to be in place and how this would effect the proposed project
9 of extending 32 between 108 and 29 and Clarksville.

10 We were essentially totally ignored. In the fall of 1998 I
11 talked to someone in Federal Highways who told them that Mr. Pedersen
12 had sent a letter to them, a draft letter addressing the concerns I raised
13 and that they were not going to rule on that letter until, on the record of
14 decision until the final letter was sent by State Highways.

15 I wanted to see a copy of that letter so I filed a Freedom of
16 Information Act Request with State Highways, went in, I told them
17 specifically the letter I was looking for, they denied it existed. A month
18 later the record of decision was issued based on that letter. I found the
19 letter in State Highways files a number of months later, the letter was filled
20 with blatant misrepresentations which I can go into regarding the
21 planning for the project.

22 By 19, by the beginning of January, by December of 1989 I
23 believe we went to Federal Highways Administrator's Porter Barrows in

1 Baltimore and said there were major problems with the study, the
2 numbers just simply were not working. By 19, January of 1990 the county
3 introduced a new Master Plan. They refused, the Master Plan was rushed
4 through the public hearing process. The county refused to identify the
5 planning numbers underlying that Master Plan.

6 They had a public hearing, a number of public hearings and
7 at the public hearings the Master Plan was, the proposed Master Plan
8 was presented as a preservation document. The county explicitly told us
9 that they were decreasing the number of houses in the west and
10 decreasing the number of houses in other areas of the county.

11 We went to Federal Highways and we said we don't, I had
12 been, I had been given a copy of the planning numbers in secret by the
13 Board of Education in December with a promise that I would not share
14 with anyone that I had those numbers. The numbers that I was given
15 directly contradicted the testimony of both SHA and Howard County
16 related to the General Plan, the number showed vast increases in the
17 density, in the zoning in my area, it showed vast increases in the density
18 or the proposed density in Fulton and in Highland in the western portion
19 of the county.

20 Knowing this, I and others went to our delegation and
21 Senators and we tried to get them to put pressure on State Highways to
22 tell, and Howard County, to tell us what they were planning for for the 32
23 project in conjunction with the new General Plan. We also went to

1 Federal Highways and we said it was imperative under the Federal
2 Transportation Act that the feds make sure that the state and county told
3 us what they were planning for. We told them that we believed that there
4 would be, that they were upzoning this plan and that the state was lying to
5 us.

6 Federal Highways did nothing. Howard County ran through
7 its General Plan in 1990 telling the citizens of the county that it was a
8 preservation plan and the whole time the planning numbers suggested
9 that it was a plan that caused much, much higher levels of development
10 and much more intense, the need for a much more intense road structure
11 than was listed in the EIS.

12 As that plan was going through, I filed suit in Circuit Court of
13 Howard County and got a Circuit Court Judge to force the county to
14 release some of its planning numbers, however it didn't release the site
15 specific planning numbers which showed that it was planning to put
16 essentially a city of about 3,000 to 4,000 or 2,000 to 4,000 people with
17 approximately 6,000 to 7,000 jobs right at the corner of the project area for
18 32, the extension of 32 between 29 and 108.

19 This was an area that the county had told us was not going
20 to be re-zoned. There might be a little bit of an extension of the water and
21 sewer lines, but again it was part of the area where it was the west and
22 there weren't going to be any rezoning in the west.

23 I and other members in the community kept pushing during

1 the fall, during the spring of 1990 to get State Highways to tell us what the
2 impact of this General Plan was going to be on the community. There
3 were two community meetings that were held, one was held in December
4 of '89 and the other was held in January of '90 and in both instances State
5 Highways officials and Howard County officials stood up and said under
6 the new General Plan we are not increasing the density in your area. This
7 was a blatant lie.

8 Throughout the spring into the summer of 1990 I and others
9 met with State Highway officials again, met with our elected
10 representatives and continued to ask the question what was being built,
11 what was being planned for with 32, what was the zoning going to be, what
12 was the impact of the changes in the 1990 General Plan whatever they
13 were on the 32 project. No one would tell us anything.

14 By 1991 the Rouse Company, the owner of property of the
15 largest chunk of property in the Clarksville area had come in for
16 approvals to get the newest Village of River Hill built. As part of that
17 approval process, they had to show that the road network would be
18 adequate in the area.

19 I tried to get subpoenas issued for Mr. Pedersen for SHA and
20 for a number of other county officials to get them to testify as to how the
21 1990 General Plan changed the planning for the Route 32 project,
22 because remember throughout this entire process the state had been
23 claiming that their planning process was based on the 1982 General Plan

1 and the round 3 cooperative process, forecast.

2 As part of that planning process or that planning hearing for
3 the Rouse Company's Village of River Hill, Mr. Pedersen wrote a letter to
4 the Planning Board and indicated that the plan was based, that the
5 Clarksville Study was based on the round 3A numbers. This directly
6 contradicted the testimony of the Rouse Company's traffic consultant
7 which said that the plan was based on the 1990 General Plan.

8 Throughout this time period beginning at about 1989 and
9 continuing through 1990, the beginning of 1991, I and others in my
10 community had contacted the Baltimore Counsel of Governments
11 Transportation Planning Staff and had asked them for comparative
12 studies for the area. The idea was we could compare the studies that they
13 had done with the Clarksville Study to try to understand or get a feel or
14 extrapolate what the changes in the 1990 General Plan would mean to the
15 road project for the 32 road project.

16 In the process, the Baltimore COG Staff had taught me and
17 had taught a number of us quite a bit about transportation planning and
18 how to use those transportation forecasts. In looking at the forecast,
19 something called the Need Study which was done by Baltimore COG, it
20 was the baseline study, transportation study for the region. It is required
21 by federal law to be done and it was done using the round 3 cooperative
22 forecast, it was done I believe in 1987/88.

23 That study was the baseline study for the Clarksville Study.

1 The Clarksville Study was supposedly just a refinement of that Need Study
2 and that refinement was allowed under federal law as long as the round
3 3A numbers were used.

4 Well in sitting down and working and looking at some of
5 these numbers with some of the Baltimore COG staff, Counsel of
6 Government Staffs, it appeared that the Clarksville numbers were way out
7 of line with the round 3A numbers. According to documents I later found,
8 beginning in 1989 and continuing through the first part of 1990, Baltimore
9 COG staff started questioning SHA staff about why there were such
10 discrepancies in terms of the numbers.

11 The first thing that was said by SHA staff according to the
12 documents I found in Baltimore COG's files in the mid, in the beginning of
13 the 1990's was that the number of transportation zones were split in the
14 Clarksville Study very significantly and that somehow increased the
15 number of trips that were listed in the Clarksville Study above and beyond
16 the Need Study that the Baltimore COG staff had done.

17 Apparently that sufficed in terms of an explanation for
18 Baltimore COG or at least it appeared to suffice because I heard nothing
19 more from them. In 1991 or 1992, some time in that time frame, I wrote a
20 letter to Baltimore COG in response to their request for comments on the
21 state's compliance with the Clean Air Act and in that letter I again stated
22 that the General Plan had been passed essentially fraudulently, that the
23 text of the plan did not correspond with any of the planning numbers.

1 A new County Executive was elected in 1990 and in 1991 I
2 had been given the planning numbers for the 1990 General Plan. I had
3 been given a set of site specific zoning numbers which showed the city
4 that was proposed in Fulton, the same area where State Highways and
5 Howard County had said that there would be no development, no intense,
6 no rezoning and no increase in development during the plan and 32
7 hearing process that had occurred in 1989 and 1990.

8 I also found in the site specific zoning assumptions there
9 were also other areas where there were massive increases in density that
10 were planned. When I wrote to Baltimore COG regarding compliance
11 with the Clean Air Act, I mentioned that there was absolutely no
12 consistency and no correlation between the text in the 1990 plan and the
13 land use forecast that were part of that plan. I essentially got we don't
14 care as a response.

15 In the spring of 1992 I became involved with individuals on
16 the Route 100 project. It was another project that SHA had in Howard
17 County which was going through the project planning process and to
18 essentially make a long story short, that group of individuals filed massive
19 numbers of, or any number of Public Information Act requests with State
20 Highways, Baltimore COG and Howard County.

21 After suing State Highways in I believe it was February of
22 1992 for failing to provide the document in 1989 that went to the Federal
23 Highway Department based on my concerns that were raised in the

1 summer of '89, State Highways decided it was going to turn over or make
2 its documents available. At that point community members copied
3 someplace in the neighborhood of probably 20,000 pages of documents
4 on the 32 project and on the Route 100 project.

5 In copying those documents, what they found was
6 phenomenal numbers of deals, arrangements between SHA and
7 developers for the construction of Route 100, arrangements where there
8 were rezoning that certain developers at SHA was directly involved with.
9 One of the things that we found was that in 19 I believe it was '86 or '87 in
10 doing the Route 100 EIS, SHA had jacked up its numbers to include a
11 massive rezoning that was never planned for or found in the county's
12 General Plan or zoning at that point.

13 This was something that a developer wanted, it had massive
14 implications for the regional road network in terms of '95 and no one knew
15 anything about it. Once this was done for the EIS, the base forecast that
16 SHA used for Route 100 which included this rezoning were then identified
17 to the public as a forecast which reflected existing zoning.

18 At the same time we were finding this in SHA's files, we were
19 also finding the documents which explained how the Clarksville Study
20 had been done. I had been sent the computer print outs of the actual
21 study, all of the details of how the, the computer system was set up and
22 how it was operated and the numbers that came out of that system for the
23 Clarksville Study back in 1990. However, I didn't know anything about the

1 computer system, I did not know anything about what the base study was,
2 the numbers were Greek to me.

3 The numbers identified the study as being based on the
4 round 3A forecast and in one case there was a round 3A forecast and
5 there was another scenario that was done that supposedly added 400
6 households in the Village of River Hill. In the spring of 1992 the Baltimore
7 Counsel of Governments was abolished by I believe William Donald
8 Schaefer for a period of about a month.

9 During that period of time I visited the planning staff of
10 Baltimore COG and they indicated to me that I in part was one of the
11 reasons that the agency was abolished and I was not sure what that
12 referred to. But at that point in time I sat down with the Transportation
13 Planning people and we took the studies, the Clarksville Studies and the
14 printouts that I had gotten from SHA in 1990 and we compared the
15 number of trips that were generated for each little area in the study area
16 from the Clarksville Study to the study that Baltimore COG had done in
17 1996/97 which was supposedly the base study for the Clarksville Study.

18 What we found was that the state had gone into its
19 computers and for several traffic zones it had jacked up its numbers
20 apparently to reflect the new zoning that it had been planning for with the
21 county back in 1989. This was a year at least prior to the passage of the
22 county's new Master Plan.

23 We found that the numbers reflected vast increases in the

1 amount of trips that were being proposed in the Clarksville, Highland and
2 Fulton areas. This was, so what had happened was at the same time
3 State Highway Administration and Howard County officials were getting
4 up before hundreds of Howard County residents in December of 1989 and
5 in January of 1990 and telling us that they were planning, there were no
6 rezoning being planned for the Clarksville, Highland and Fulton areas.

7 They had already incorporated into their transportation
8 studies enough increases in density for all kinds of rezoning in the area.
9 Because of the way the computer system was set up, the adjustments
10 were made at the level of where the number of trips, vehicle trips that
11 came out of each zone, transportation zone, so we could not tell what the
12 land use changes were exactly.

13 We got somewhat of a feel for the magnitude of the changes
14 and it appeared the state had been modeling vastly more density in these
15 areas than was proposed. But we couldn't tell for sure.

16 In addition to finding out that the state had jacked up these
17 numbers for the Clarksville Study to reflect all kinds of density that had
18 not been part of the General Plan or comprehensive zoning and then had
19 misrepresented what they were planing for in the Clarksville Study, we
20 also found out in many of the documentation that the prior SEIS had had
21 many, many, many misrepresentations in it as well.

22 For example, in the transmittal letter for the FEIS for Route 32
23 between Pindell School Road and Route 108 in Howard County, there is a

1 letter dated May 20, 1989 signed by Neal Pedersen. The letter states that
2 the project will meet the transportation need for plan development in the
3 area. Implicit in this statement is that the project referred to is that which
4 is set out in the FEIS text which included the main line 32 and
5 interchanges at 108 and 32 and Pindell School Road and 32.

6 In the documents we found, we found numerous studies had
7 been done for SHA at that time and those studies had shown that the
8 proposal had serious operational difficulties. There was a study that was
9 done November 27, 1987 memo, Belomamagee Study and June 21, 1989
10 memo that all talked about how the proposed road network that was
11 shown at the design location hearing and it was listed in the FEIS would
12 not work. Despite the letter the FEIS said that the project was
13 operationally sound.

14 We found documentation where SHA, the administrator and SHA
15 and Howard County staff said that the project as defined did not meet the
16 transportation needs. Again, the July 6, 1988 memo a post meeting report
17 of July 13, 1988 memo from Liz Coleo, July 25, 1989 memo to John Leslie
18 and there was also a letter from Neal Pedersen to Joe Necker of the Rouse
19 Company saying how poorly the projects design would work. That letter
20 was not included in the EIS even though the EIS said that all
21 correspondence related to the project was included in the EIS.

22 Getting back to this, Howard County's formal comments
23 related to the, Howard County made formal comments raising the issue of

1 the land use and transportation forecast for the EIS in a letter dated May
2 3, 1988. Howard County sent its comments to SHA and these comments
3 were found two years later in SHA's files along with formal comments
4 from other agencies that were included in the FEIS, but Howard County's
5 comments which raised serious concerns with the forecast as well as with
6 the transportation, transportational operational efficiency of the proposed
7 plan were never included in the EIS despite the fact of statements that
8 they were.

9 The FEIS contains a short note which implied that everything
10 was fine and the, the FEIS also implied that the Trotter Road interchange
11 was not included in the FEIS that was then signed. The Trotter Road
12 interchange was not included as part of the NEPA hearings and in fact at
13 the design location hearing and in all kinds of letters between elected
14 officials and SHA staff, SHA explicitly said the Trotter Road interchange
15 was not included as part of the project.

16 Instead, the project was described as a relocation of main
17 line 32 between Pindell School Road and Route 108 with the two
18 interchanges, one at each end, the bridge at Cedar Lane and a bridge at
19 the Middle Patuxent River.

20 In looking back in the documentation, it is clear that it had
21 been SHA's intent all along in putting together the FEIS to include an
22 additional interchange in the vicinity of the Trotter Road, of Trotter Road
23 as part of the project until December '87 when this became too

1 controversial. They knew this interchange was needed based on the
2 traffic forecast in order to make the system work.

3 In looking at the FEIS forecast and in tracing back how the
4 forecast were generated, it became obvious that although the state said
5 that the Trotter Road interchange was not included in the FEIS, the traffic
6 forecast assumed the interchange was part of the project.

7 The other thing that we found in going through the data and
8 tracking down piece by piece how the numbers for the, forecast for the
9 FEIS were derived, we found that the forecasts were based on upzoning of
10 the River Hill property to include 400 additional houses and that upzoning
11 had not been approved by the county, in fact it had been denied but
12 nonetheless, the forecast and the FEIS were jacked up to include that
13 rezoning and they also included an interchange at Trotter Road.

14 Throughout the public process which in terms of the
15 Clarksville study had started in the fall of 1988 and continued through the
16 spring of 1990, while SHA and Howard County had sworn that there would
17 be no rezoning of the area, they had also described the project as having
18 a 5 lane bridge as part of the interchange at 108 and 32. They had also
19 said that the project would stop, the project boundaries ended at Ten
20 Oaks Road, that Ten Oaks Road would not be relocated and that there
21 would be no widening of 108 south of Ten Oaks Road, particularly in front
22 of the national registry eligible historic St. Louis Church.

23 During this entire time period while these public meetings

1 were held, citizens repeatedly asked State Highways for a description of
2 how many lanes would be on 108 and whether St. Louis Church would be
3 effected. At the same time St. Louis Church and its representatives
4 including the archdiocese of Baltimore wrote letters to SHA saying we
5 need to know that our church will not be affected, we need a commitment
6 that this road will not be, that 108 will not be widened below Ten Oaks,
7 south of Ten Oaks Road.

8 The church protested, continued to protest the interchange,
9 the placement of an interchange at 108 saying that there was no way that
10 the project could work without widening 108 below Ten Oaks Road. The
11 people in Highland were extremely concerned that increases in density in
12 the area would cause the need to widen 108 below Ten Oaks Road.

13 As part of the 4 year process that we engaged in in 1991 and
14 1992 and in looking at the computer documents from the Clarksville Study
15 in the spring of 1992 with Baltimore COG staff, we found that every single
16 study that had been done by SHA from the point we began participating
17 in the process in 1988 through 1992 had been done assuming that 108 was
18 widened south of Ten Oaks Road in front of St. Louis Church.

19 In terms of the federal planning process, this is a real
20 problem. St. Louis Church is a national registry eligible church . Under
21 the Federal Highway Administration's requirements and guidelines, you
22 cannot effect that church if there is no other, unless there is no other
23 reasonable alternative for a highway project. In the case of the 32 project,

1 there was a very reasonable alternative to widening 108 south of Ten
2 Oaks Road and that was going through an eastern bypass in an
3 undeveloped parcel of land owned by the Rouse Company for the Village
4 of River Hill. But as SHA staff later said, we wouldn't go through a
5 developers piece of land.

6 So the project, the Route 32 project was approved, the FEIS
7 project was approved with the state telling the Federal Highway
8 Administration and telling the community that 108 would not be widened
9 below Ten Oaks Road. Yet at the same time they had done all of their
10 studies assuming that 108 would be widened below Ten Oaks Road and
11 this widening was critically necessary to meet any type of transportation
12 demand in the area.

13 As I mentioned before, this widening below St. Louis Church
14 was absolutely critical to making the interchange at Clarksville work at
15 all. Unbeknownst to anyone in the community at the time, the Howard
16 County General Plan also had been changed in 1990 to call for widening
17 in that area. When this plan was being passed, citizens from across the
18 county had begged and pleaded for a listing of road projects that the
19 changes in the General Plan would necessitate and we begged and
20 pleaded for the state to identify the road projects that we would need.

21 The state refused to do this, the county refused to do this. In
22 fact the Director of Office of Planning and Zoning at the request of the
23 county council for the listing of road projects that would be needed for the

1 General Plan wrote a memo listing only about 4 or 6 road projects, these
2 were the 6 projects that had been in the state's transportation plan in the
3 past and did not represent any significant increase in transportation
4 improvements needed under the 1990 plan.

5 In 1991 when the new County Executive finally gave us the
6 documents showing the road network that was needed for the 1990
7 General Plan, we found that there were close to 1.2 billion dollars in
8 highway improvements that we had been, that we had not been told
9 about, that no one had been told about and had not been factored into
10 any of the cost studies regarding the General Plan.

11 In 1992 when we did the 4 year we also obtained copies of
12 the diskettes of the project planning traffic forecast that had been done in
13 1989 for another project in the area and that was the Route 216 area and
14 we found the documents which indicated that State Highways and
15 Howard County had again used numbers that had been jacked up and
16 had no relationship to the then in place 1982 General Plan but instead
17 they were using, they were using land use forecasts for what they pushed
18 through to be adopted in the 1990 General Plan a year prior to its
19 adoption.

20 These land use numbers included, included vast increases
21 in density in the areas where they had apparently promised these
22 developers rezoning. The network that was found, the transportation
23 network that was used for those road forecasts for the 216 project was

1 massive. It included many additional highway projects and additional
2 improvements that were not part of the county's 1982 General Plan which
3 was what the state was required to use by Federal Highway Admin
4 regulations at the time they were doing the study in 1988 and 1989.

5 In 1991 the, as I mentioned the Rouse Company came in for
6 a rezoning. I was one of the attorneys representing community members
7 at that rezoning hearing and at that rezoning hearing we again asked the
8 state, well we again asked the county what was being planned for under
9 the 1990 General Plan. We again did not get any type of information and
10 in fact the Director of Office of Planning and Zoning or the Assistant
11 Director at that point was a Mr. Joseph Rutter was sitting in during the
12 hearings on this project and the hearings occurred during October of
13 1991.

14 The central theme of the hearings was that 32, Route 32 between
15 Pindell School Road and 108 would be going to bid and going to
16 construction beginning in February of 1992 and the Rouse Company
17 indicated that its plan for the construction of the Village of River Hill was
18 contingent on the start of that project going to bid in February and that its
19 plan was staged to correspond with the construction stages of Route 32.

20 A day before the last hearing I went into State Highway
21 Administrations offices and literally sat on a desk until one of SHA's staff
22 gave me the state consolidated transportation plan for the upcoming
23 year. It was thrown in my face with the comment you will find out about

1 this soon enough and what I found out was that the 32 project had been
2 pulled from the state's plans, it wasn't going into construction in February
3 of 1992 as the Rouse Company representatives had been saying as
4 Howard County officials had been hearing and as Howard County
5 officials knew.

6 I was told later by State Highway Administration officials that
7 they had had a representative at the hearing, at all of those hearings and
8 they too had heard these misrepresentations regarding the central thesis
9 on...by the Rouse Company needed to get this plan through.

10 Suffice it to say that the Planning Board was livid when they
11 found out that the key element that was to be put in place to allow the
12 construction of this Village was not going into place and in an
13 unprecedented move in November or December of 1991, they issued a
14 decision and order which explicitly tied the construction of the Village, a
15 major section of the Village of River Hill, the first section of the Village of
16 River Hill to the completion and the construction of Route 32.

17 What makes it significant is that on September, by a letter
18 dated September 3, 1991 Hal Kassoff then Administrator of SHA wrote a
19 letter to Porter Barrows the Division Administrator of the Federal Highway
20 Administration asking to put a new interchange at essentially Trotter
21 Road and River Hill or very close to Trotter Road and in that letter he said
22 that the interchange was needed in part because the Rouse Company
23 had already approved or Howard County had already approved the

1 Rouse Company's construction of the Village of River Hill.

2 This was a blatant misrepresentation. It occurred at the
3 same time that the county was having hearings on this zoning and
4 approval of the, they were having hearings on the, through which this
5 Village would be approved and State Highway had apparently
6 representative actually there or at least they were getting feedback from
7 the county how these hearings were going.

8 Two or three months after this letter was written the Howard
9 County Planning Board explicitly said this Village would not be built until
10 32 was constructed. The letter also contains any number of other
11 misrepresentations. It says that this, at this time at the time of the June
12 15th preliminary field investigation that there were no changes from the
13 supplemental final environmental impact statement which was approved
14 by the Federal Highway Administration on May 5, 1989.

15 In going back to the correspondence and in going back
16 through the documentation from the state's files, it is very clear at that
17 point in time they were planning the interchange at River Hill, or Trotter
18 Road, wherever it ended up, that the SEIS included that interchange in its
19 traffic forecast. They also knew that they would need an additional lane
20 on Route, for the bridge at the interchange at 108 and 32 even though they
21 were telling the community that they were only putting 5 lanes in, they
22 knew they needed 6.

23 By 1993 State Highways was looking to get its final approvals

1 from the Department of Natural Resources for the construction of Route 32
2 between 108 and Pindell School Road and the Howard County
3 Preservation Association asked for a public hearing on that, on that
4 permit. They, in the request for the public hearing, in their letter of March
5 17, 1993 letter to Mike Slatery at the Maryland Department of Natural
6 Resources, they asked to have a number of issues addressed.

7 Specifically and I quote "The issues we wish to have
8 addressed for this hearing relate to the identification of the land use for
9 which this road is being planned and the full scope of improvements and
10 consequently the identification of the full scope of environmental impacts
11 needed to make this road network a viable transportation network as
12 required by the Federal Highway Administration regulations".

13 "We wish to discuss or have, discuss the reasons why one,
14 an interchange in the vicinity of Trotter Road River Hill was not included in
15 the SEIS for this project, two why the interchange at this location is now
16 being proposed and three, the environmental impacts of making this a full
17 instead of a partial interchange given that the internal SHA and Howard
18 County documents suggest that this interchange is ultimately intended to
19 be a full, not partial interchange".

20 "We additionally would like to discuss or have discussed the
21 changes made to the design of this project since the publication of the
22 SEIS in the area of Pindell School Road and Cedar Lane, Santa Road and
23 the Route 108/32 interchange so that the environmental impacts of these

1 changes can be identified."

2 "Finally we believe that it is imperative that before this permit
3 is granted, that if it is granted, that all of the environmental review
4 agencies, EPA, Fish and Wildlife, Army Core, etc. evaluate the secondary
5 impacts of this project on the local area as well as on the whole of the
6 Patuxent watershed. The minutes of the January 16, 1991 interagency
7 review meeting indicate that this was agreed to on that date."

8 "It is necessary that this review occur because we have
9 reason to believe that the following has transpired. One, that the land use
10 and consequently the traffic forecast use for the SEIS did not reflect the
11 projected land use in the county's General Plan at the time the SEIS was
12 prepared but instead reflected a "jacked up land use scenario of
13 increased development in the area of River Hill, a scenario which had
14 never been approved."

15 "Two, that contrary to the statements and the document that
16 the traffic forecast and the SEIS reflect a network which includes an
17 interchange in the vicinity of the Trotter Road and River Hill, three, that
18 Howard County with the assistance of SHA enacted a new General Plan
19 in 1990 which calls for vastly increasing the density in the area of the
20 Route 32 project and the whole of the Patuxent Watershed and that this
21 density, these density increases will have serious environmental
22 consequences to the whole of the watershed".

23 "Four, that SHA, Howard County and Howard County in an

1 attempt to hide from the public these planned increases in density have
2 either A, refused to take the density increases into account in designing
3 the Route 32 road network and consequently the project is insufficient to
4 meet the transportation needs and thus is likely to result in construction of
5 additional improvements not currently identified with consequential
6 environmental impacts or B, took these planned density increases in 1988
7 and 1989 but repeatedly misrepresented the land use study to federal and
8 state officials, the Howard County Planning Board and local residents for
9 a period of over 3 years"

10 These were the allegations, a hearing was held and these
11 allegations were essentially not addressed. The allegations were made,
12 SHA and Howard County staff as well as the Vice President of the Rouse
13 Company looked at community members like we had seven heads, they
14 denied any of the numbers were jacked up. They were explicitly asked
15 whether there were any changes in the project at that point and this is
16 1993 now, from the changes in the SEIS and they explicitly said there were
17 no changes.

18 The point the state officials and county officials were saying
19 there had been no changes in the design of the highway. The
20 documentation in fact suggested there had been four major design
21 changes to the project. One, a partial interchange had been added for
22 River Hill and Trotter Road and many of the exhibits including a July 23,
23 1990 memo from a guy named Foster Capizi and a January 6, 1988 letter

1 from Kassoff to Delegate Kittelman indicated that this interchange was
2 ultimately to be a full interchange even though at that point they were
3 saying it wasn't going to be.

4 An additional lane at that point had been added to the
5 design for Route 108 in the interchange area for Route 32, Old Guilford
6 Road, the design for Old Guilford Road had been changed so it would no
7 longer be a cul de sac north of Cedar Lane but would be left open to tie
8 into Martin Road and two additional lanes had been added to Pindell
9 School Road from 32 to Santa Road and an entirely new bridge to carry
10 32 over the Middle Patuxent River had been added at the, right after, east
11 of the interchange at Pendelschool Road and 108. In other words, major,
12 major, major changes had occurred in the project. At this point State
13 Highway still denied that they had plans to widen 108 south of Ten Oaks
14 Road in Clarksville.

15 At the time of the hearing, SHA also denied where the
16 forecast had come from for the EIS. Even though it was very clear at that
17 point that the forecast had come from forecasts that had been done in
18 1987 and then had been modified to include 400 additional households for
19 the Village of River Hill that also had not been zoned for or planned for,
20 the State Highway Department as well as the Rouse Company as well as
21 everybody in the room denied that that was the case.

22 The project was approved, the project went to construction,
23 the project was built and in all this period of time, the state continued to

1 say that, publicly that the project would work. The internal documents
2 said that the interchange at 108 and 32 would not work, that there was
3 not enough space between the interchange ramps at 108 and 32 and Ten
4 Oaks Road in particular.

5 In 1994 there was another zoning hearing for another section
6 of the Rouse Company's property. At this zoning hearing, again
7 community members tried to get Mr. Peterson subpoenaed because
8 again the issue was that the county has a new General Plan and the land
9 use for the Clarksville Study and fro the road that was being built was
10 based on the old General Plan. What was the impact of the rezoning on
11 the 32 road network?

12 The 32 road network as it had been presented in the
13 Clarksville Study in '89 was marginal at best in terms of its ability to
14 handle the traffic based on the round 3A numbers and so there was a real
15 question again one more time what did the 1990 General Plan bring? At
16 that point the allegations of what SHA did again were brought up, there
17 were concerns raised that the state was and the county was using the
18 wrong numbers in approving the plan, the Rouse company's plan and in
19 fact they were not doing noise studies for the new houses that were going
20 to be built alongside of Route 32.

21 Any number of years later, 1997, 1998, people moved into
22 those houses and by George, they had major problems with noise
23 because that wasn't taken into consideration. Or at least no one would

1 deal with the issue.

2 Also in 1993 I and some other folks were able to track down
3 the consultants who had done the Clarksville Study. Based on what we
4 had found at Baltimore COG the year before that SHA had gone into its
5 computers and jacked up its trip tables to add density that was never
6 planned for and that no one in the community knew about and the state
7 was lying about and the county was lying about, I did a taped interview
8 with that consultant and that consultant told me that yes, they had jacked
9 up the land use numbers because that was what the county wanted and
10 that was the new zoning that the county wanted in those areas. So this
11 individual confirmed one more time that that was true.

12 Several months ago I got ahold of the draft environmental
13 impact statement for this section of the Route 32 project. The first thing I
14 looked at was the forecast. The forecast, the traffic forecast. The forecast
15 for the section of Route 32 between 108 and I-70, the section that is
16 proposed for widening for the year 2015, 2020 is vastly more than the
17 forecasted level of traffic that was done for the EIS for 32, the SEIS for 32
18 between 108 and Pindell School Road, for the Clarksville Study and for
19 every other single study that I could find in State Highways files and I
20 found any number of them dating back to the 1970's.

21 The forecast and the SEIS at issue here the one between 32,
22 between 108 and Clarksville and I-70, the build alternative for the year
23 2020 shows 42,100 vehicle trips on that lane, on that stretch of the road per

1 day. The SEIS for the section of Route 32 that was done back in 1989 for
2 the one section between 108 and Pendelschool Road showed 13,800 trips
3 on the same section of road fro the year 2010. Remember the year 2010
4 was supposedly build out under the county's 1982 General Plan for
5 residential development and under the 1990 General Plan it was also
6 specified as build out.

7 The Clarksville Study which was done supposedly on the
8 same numbers as the EIS and the round 3A numbers showed about any
9 place between 23,000 and 26,000, slightly above, household or not
10 household, but vehicle trips on that same section of road, particularly
11 immediately west of 108 in Clarksville. So that's a big jump from the
12 13,000 that the SEIS showed for the year 2010 for that stretch, but that may
13 in fact and probably was in fact, it probably reflects the fact that the state
14 jacked up its trip table in the area of Highland, Clarksville and Fulton to
15 reflect the zoning that it wanted.

16 In looking at the new EIS for the new section, the new
17 proposed section of 32, my question was how come the numbers of trips
18 doubled essentially from the Clarksville Study which included jacked up
19 numbers to this new study? I was able to obtain a copy of the round 5 and
20 round 5A cooperative forecasts that were done by the Counsels of
21 Governments, the round 5 forecasts were done in 1994, the round 5A
22 forecasts were done apparently in 1997.

23 It appears that the forecast in the SEIS in question or the

1 draft EIS in question is based on the round 5 forecast. It appears also
2 from the documentation in the DEIS itself that the land use numbers are
3 based on the round 5A forecast. In looking at these forecasts I was
4 shocked that the round 5 forecast had no relationship whatsoever with the
5 county's 1990 General Plan.

6 This was a plan that folks in the community would have build
7 out again by the year 2010 in the western portion of the county as well as
8 the rest of the county. These round 5 numbers show an addition of
9 between 15,000 and 20,000 additional households in the county above and
10 beyond that in the 1990 General Plan by the year 2020.

11 This is, who knows where these households come from.
12 They, that increase has no relationship to the cooperative forecast or to
13 the numbers in the county's General Plan, nor to the text of the plan itself.
14 What that is is essentially adding almost the same number of homes that
15 would be in Columbia to Howard County, one more time over.

16 In looking at where these new houses are located, a large
17 number or a significant number of them are located in the western portion
18 of the county. About 2,000 of them appear to be located in the Fulton
19 area, this is the area that the state and the county swore in 1990 would not
20 be rezoned as part of the 1990 General Plan.

21 Another it appears 2,000 of them are located in the
22 Clarksville area in River Hill or in the area around River Hill, another area
23 that the county and the state swore in public hearings regarding the 32

1 project would not be upzoned. There is vast amount, a vast increase in
2 the number of jobs in the area. All in all, although Howard County for the
3 last 10 years along with State Highways has been saying that the western
4 portion of the county is to be a preservation area, the numbers refute that
5 and indicate that the county is planning a massive amount of growth in
6 this area.

7 The problem is that if this growth was agreed to through the
8 political process, this would be okay. But the jacking up the numbers
9 again, this time not through the computer runs but through the
10 cooperative forecast in a method which does not reflect the plan is totally
11 outside the planning process.

12 In 1994 the people of Howard County adopted a referendum
13 provision which requires that any changes to the Master Plan be subject
14 to referendum. The increase in density through the cooperative planning
15 process violates that referendum provision. Essentially what it does is it
16 allows the justification for increasing the widths of roads. In the case of
17 this project there are six interchanges listed in the project which are not
18 on the county's General Plan.

19 It apparently justifies them or tries to justify them without
20 going through the county planning process. Interestingly enough back in
21 1988 and 1989 when the first leg of 32 was being done through Clarksville,
22 the state and the county swore that they could not even consider road
23 improvements unless those road improvements were on the county's

1 General Plan. Now 10 years later they are considering massive road
2 improvements with a massive number of interchanges using land use
3 forecasts that have no relationship to the General Plan and they are
4 assuming interchanges that are part of this project that also are not on the
5 General Plan.

6 If the state wishes to, and the county, wishes to increase the
7 density in this area as these numbers suggest, there is a formal planning
8 process to go through at the local level to do this. By adding these
9 numbers at this point it violates federal law because the numbers are
10 inconsistent with the zoning and the General Plan and it also violates the
11 county's charter and referendum provisions.

12 I am making the assumption at this point that the numbers,
13 the vehicle trips listed in this document, the 42,100 are actually based on
14 some type of forecast that was done with round 5 numbers because that is
15 what the document indicates happened. However based on my
16 experience with the state and the studies in the past, particularly with
17 Route 100 where they also jacked up the numbers in the SEIS to reflect
18 projects that were not zoned for or in the county's Master Plan as well as
19 the EIS study or SEIS study for Route 32 between 108 and Pendelschool
20 Road and in the Clarksville Study I have no confidence that the number
21 42,100 was not picked out of the air and I have no confidence that it was
22 based on any type of study and that is part of the problem with all of this is
23 that given the massive misrepresentations that have occurred starting 10

1 years ago and continuing to the present, the planning process is a farce.

2 In 1993 and 1994 residents of Clarksville found out through
3 county officials that Howard County Maryland had entered into a
4 settlement agreement with a bank that owned land west of 108 and
5 Clarksville. In that settlement agreement, it was a settlement agreement
6 for groundwater contamination. In that settlement agreement the county
7 had agreed to extend public utilities west of 108.

8 This was the precise area where state and county officials
9 throughout 1989 and into 1990 had indicated to Clarksville and Highland
10 and Fulton residents that they were not going to rezone. Yet they had an
11 agreement in place to rezone all, or to extend public utilities at that point
12 in time and under Maryland law wherever you have public utilities you
13 have a growth area.

14 That area of the county was rezoned in 1994 despite massive
15 community protest and again despite massive pleas on the part of
16 community residence to assess what the impact of those rezoning would
17 have on the Clarksville interchange at 108 and 32. It was rezoned to allow
18 close to 123 acres of commercial development.

19 This is, prior to the rezoning there were approximately 10
20 acres of land zoned for commercial development. The Rouse Company's
21 property was rezoned in the 1990's to double the amount, I take that back,
22 to more than triple the amount of commercial development that was
23 planned under the county's 1982 General Plan and the zoning that was in

1 place at the time Howard County and SHA officials in 1989 and 1990
2 promised that there would be no rezoning.

3 Now the River Hill Complex has been approved for close to
4 400,000 square feet of office space, there is probably enough zone,
5 commercially zoned land west of 108 for half a million to a million square
6 feet of office space, commercial space. The road network in Clarksville,
7 the interchange at Clarksville does not work, the exactly where the state
8 said there would be problems in the year 2010, that is at the between the
9 ramps, the southern ramps at 108 and 32 and Ten Oaks Road, there is a
10 major problem and there are problems all up and down 108 because of
11 the lights. None of these problems have been dealt with.

12 Under the states Clarksville Study, an EIS study done 10
13 years ago, by the year 2010 the entire system around the Clarksville area
14 and the interchange was to be marginal if not failing at best. It doesn't
15 work now and that is, and now is a case where you have no place close to
16 the 42,100 cars that are projected by the year 2020 in this new EIS study.

17 The bottom line is if this road is built, it will overwhelm the
18 Clarksville Highland area, particularly the 108 and 32 interchange. There
19 is no question about it, all of the plans for 108 in the last 10 years have
20 been, have shown 108 being widened below Ten Oaks Road. That is
21 directly contrary to the commitments made to St. Louis Church, it is also
22 directly contrary to the FEIS for the 32 project between Pendelschool Road
23 and 108 and any widening of 32 between 108 and I-70 will cause that

1 system to come, essentially to, will cause severe impacts on that system.

2 There are also other very significant problems with this EIS.
3 The EIS does not show the 4F property that is all throughout this corridor.
4 The county has a 50 million dollar commitment to agricultural
5 preservation in this area. It has purchased the easements on any number
6 of farms in the area, including one that will be directly effected by this
7 project, that is 4F property and none of it is shown.

8 Not only is it not shown on this EIS, but with the development
9 that is apparently planned out in this area, it really brings into question
10 the continued validity of these easements although they are written in
11 perpetuity under Maryland law, there is a significant likelihood that if the
12 character of the entire area changes to a more urban character which is
13 what clearly is specified in those land use forecasts, the round 5 land use
14 forecasts, there is some precedent for individuals getting out of these
15 easements.

16 The speech that is constantly being given, the speech that is
17 being given in this EIS is that this whole section of the county between 108
18 and I-70 which is the western portion of the county, a part of it, is to be
19 preserved. The numbers and the forecasts, the traffic forecast and the
20 numbers in the land use forecast tell a totally different story and they tell a
21 story that is totally inconsistent with the text of the General Plan and
22 actually also inconsistent with the maps in the General Plan.

23 Now I believe it was 1997 Howard County staff came forward

1 to the Howard County Council and proposed an amendment to the
2 General Plan to increase the classification capacity for Route 32 between
3 108 and I-70 from an arterial to a, from a major arterial to a principal
4 arterial. In the testimony that was presented, Carl Balzer said that this
5 should have been in the county's Master Plan in 1990 and that it was a
6 mistake that it wasn't in the plan.

7 Having participated absolutely intimately closely with SHA
8 and Howard County in 1990 and having tried to get the information on
9 what was in the General Plan, it is incredible, it is impossible that there
10 was a mistake made on the classification of that road. Instead, this is just
11 another case where at that point in time it was totally politically untenable
12 to say that that road was going to become a freeway, particularly a
13 principal freeway and instead of telling anybody that that was going to
14 happen, the county just said that it wasn't going to happen and they didn't
15 show it on their General Plan.

16 The problem with this road is, or the proposed segment of
17 this road is the same problem that occurred with the prior segment
18 between 108 and 29. State Highway Administration officials and Howard
19 County officials are simply not telling people the truth, they are not telling
20 what is being planned for and they are not being consistent with what is
21 on the General Plan. Instead of accepting the planning numbers as
22 based on the General Plan and the zoning, they are jacking them up. I
23 don't know what for, but I can only guess.

1 Having looked at all of the documents, or many of the
2 documents fro the Route 100 project, it was patently obvious that the State
3 Highway Administration, a number of Howard County elected officials
4 such as Vernon Gray and a number of developers had entered into
5 agreements, all kinds of agreements which fixed the alignment for Route
6 100 years prior to the start of the planning process which required the
7 developers to build two lanes of Route 100 in certain areas with the state
8 agreeing to build the other four lanes.

9 There were all kinds of zoning decisions that went with that,
10 there were all kinds of land swaps, they were all done without public
11 knowledge and in fact without FHWA knowledge. In 1987 some of this
12 was brought to FHWA's attention. FHWA asked SHA all kinds of questions
13 and beginning in about November of 1987 there was a very significant
14 federal FHWA investigation of the Route 100 project.

15 All kinds of deals were uncovered and essentially what
16 came out of, one of the things that came out of that investigation or at
17 least the start of the investigation was a letter from James Scouton,
18 Assistant Regional Counsel of FHWA and in this letter which is dated
19 September 15, 1987 he said if the materials contained in the September 6,
20 1987 issue of the Howard County Sun are correct, it is difficult to see how
21 federal aid funds could ever be used for this project. The location has
22 already been picked by SHA and the construction has been started by the
23 developers, land apparently has been acquired by SHA in violation of the

1 Uniform Act without agency approvals by FHWA.

2 A public hearing and NEPA document at this point would
3 appear to be a farce. It is further noted that parklands have been or will
4 be acquired without a Section 4F determination. What Mr. Scouton was
5 describing in the Route 100 project is the same thing that has happened in
6 32. Probably on about the same scale, some of the issues are different,
7 but most of the issues are the same.

8 What is very interesting if one looks at the placement of the
9 interchanges between, that are set forth and proposed in the EIS in the
10 area of Nixon's Farm, 144 and I-70, there are three interchanges at less
11 than a mile. Those interchanges happen to be in areas that are very
12 close to property owned by certain individuals who are heavily, excuse
13 me, heavily involved in all of the deals and land swaps and arrangements
14 that were made under the table for the Route 100 project.

15 The question becomes if those arrangements were made in
16 Route 100, are these arrangements being made now? This document
17 doesn't make any sense, the forecast don't make any sense, they are
18 inconsistent with the Master Plan, the interchanges are inconsistent with
19 the Master Plan, the principal arterial designation is inconsistent with the
20 1990 Master Plan and there is a long history of the only word I can use is
21 fraud, intentional misrepresentation of material facts to the community, to
22 Federal Highways and to state and local agencies. Thank you.

23 As one footnote, in looking at the documents one often times

1 questions whether ones interpretation of the documents is right, no matter
2 how many documents you see and how often you look at them. However,
3 in 1997 I received what I think is very good confirmation that what I have
4 just said is precisely the case.

5 I had a conversation on or about August 14, 1997 with an
6 individual who had been, who had worked for Baltimore Counsel of
7 Governments in 1992. At that point in time he told me that the agency was
8 abolished for it was either a couple of weeks or a couple of months
9 because his agency had found out that on the Route 32 project, the Route
10 100 project and on a number of other projects apparently that the state
11 had been falsifying the data it had sent to Federal Highways, it had been
12 jacking up its forecast based on what this guy said were deals that had
13 been cut by then Governor William Donald Schaefer for rezoning in these
14 various corridors.

15 His agency had found out about it, he could not sign off on it,
16 he could not sign that the federally mandated planning process had been
17 followed and I asked him, I said are you telling me that what you found
18 could have jeopardized all of the federal funding for the State of Maryland
19 and he told me yes. He said his agency was abolished at that point and
20 then reconstituted in order to get rid of many of the staff who would not
21 sign off on this.

22 The agency has now been reconstituted and it is now
23 headed by a transportation planner who was a county council member in

1 Howard County at the time that all of this stuff was happening on Route 32
2 in 1990. The problems with the data, the questions regarding the land use
3 forecast were taken to this gentleman in 1990. He did nothing. If I as an
4 non traffic forecaster could figure out what the problem was, I have to
5 question whether there was any way under the sun he didn't know what it
6 was.

7 Given all of that and given the fact that the cooperative
8 forecasts are now being jacked up so that they don't match the Master
9 Plan of the jurisdiction, I have to wonder whether this continues to be done
10 across the state and whether the signature of the NPO certified that the
11 planning process is in compliance with federal law has any meaning
12 whatsoever.

13 As a footnote, since 1990 when all of the questions were
14 raised by the Clarksville Highland community regarding the 32 project,
15 Clarksville has been developed in a massive way. One of the key
16 projects, one of the key parcels has become what is supposed to be the
17 largest car dealership in the state I believe, it happens to be owned by
18 Winne Kelly who was Secretary of State while all of this stuff was going on
19 in the 1990's.

20 The players who participated in the land use deals and the
21 zoning deals of Route 100, the Graham Miller properties, the Meadow
22 Ridge properties, the Moxley's rezoning, any number of those players and
23 their attorneys were involved in the rezoning of Clarksville and the

1 community that was once a nice rural community, the state and county
2 officials essentially implicitly told us would remain that way has now
3 become a major strip of car dealers, used car dealers, banks, hardware
4 store, gas stations, fast food stores, fast food restaurants and everything
5 which the people of the community desperately tried to prevent.

6 DR. RAYMOND LITECKY:

7 My name is Dr. Raymond J. Litecky and I am a property
8 owner and resident of Western Howard County, 2710 Route 32, West
9 Friendship, Maryland. I am a father of two small children actively
10 involved in the community and with a small farm and we are, my family
11 and I are vehemently opposed to the options presented by the State
12 Highway Authority regarding the expansion of Route 32.

13 At this point I think the best option is a no build option with
14 safety upgrades. We feel that the options number 1 and options number 2
15 are going to significantly effect quality of life issues for the residents of
16 western Howard County as well as decrease property values.

17 Our property has significant wetlands as well as forestation
18 which will be lost in any development scenario. To restate our position
19 again, we are opposed to the current options listed for the development of
20 Route 32 between 108 and 70. Thank you very much.

21 MR. TOM BEDNARCZYK:

22 Hello, my name is Tom Bednarczyk and I live at 6449
23 Sundown Trail, Columbia, Maryland and the only comments I have that

1 the sooner they get this project started, the better. Thank you.

2 MS. GINA HARDING:

3 Okay, my name is Gina Harding and I live with my family on
4 3490 East Ivory Road in West Friendship. For the public record, I just
5 wanted to make a brief statement about our involvement with the
6 Maryland Route 32 Improvement Study.

7 The interchange that affects us and our neighborhood is the
8 Burnt Woods Road Interchange. On February 2, 1999 our neighborhood
9 had a meeting with the State Highway Administration at their Dayton
10 shop. We discussed our concerns with and our opposition to the current
11 option 2 plan for the Burnt Woods Road interchange along with some
12 possible alternative solutions that could be looked at.

13 Towards the end of the meeting, the State Highway
14 Administration team presented a possible option 3 for the Burnt Woods
15 Road interchange which they call the diamond ramp configuration. There
16 are still some negative impacts with the proposed diamond ramp option,
17 but on the whole it is a much better option for our neighborhood than the
18 previous option 2 was.

19 There are still a lot of question to be answered and items to
20 be addressed, but we feel that we are moving in the right direction and
21 meeting with the State Highway Administration team was a productive
22 one. I do have a couple of other things to add stemming from this meeting
23 on March 18th.

1 One concern that we do have, it is an additional concern
2 stemming from this meeting tonight, March 18th, the noise barrier
3 information that we received. We are actually in the 70's, our
4 neighborhood on East Ivory Road is the highest decibel of noise, it is like
5 in the 70's, but from what we can understand, there isn't enough money to
6 do anything about it.

7 It kind of seems like you are saying I know you need it, but
8 there is nothing we can do about it, sorry, so it is so, that is really totally
9 unacceptable to us because we are, I mean we are actually the noisiest
10 neighborhood on that whole section of Route 32 and we really feel that
11 something needs to be done about it.

12 The other concern we have stemming from tonight in the
13 new workbook, the Burnt Woods Road interchange option 2, it describes a
14 flattening out of the existing curve at the Burnt Woods Road interchange
15 moving the road to the east. Well we are the curve, our five acres, I mean
16 we are the curve in the road, so if you straighten it out, there we go.

17 So my question is are we being displaced and this was not
18 mentioned at our February 2nd meeting, so we were just concerned about
19 that also. We have some other concerns that I will probably either write to
20 Heather Murphy or to Mr. Vaughn Lewis and we will probably have
21 another meeting in the near future. Thank you very much.

22 MR. CHARLES HARDING:

23 Im Charles Harding, I live at 3490 East Ivory Road, just

1 adding to my wife's testimony there. I heard one gentleman tonight speak
2 something that pretty much would work for 32 and that is the greater
3 access lanes to existing 32 with no stop lights. In other words just improve
4 your 2 lane road north and south of you know, where we are from 70 to
5 108 and you'd have greater access lanes and go ahead with your
6 overpasses, just don't widen your highway any. Your traffic will eventually
7 build up to 50 and 55 with no stoppage at all and eliminate the...I have
8 always been against those, those just won't work.

9 My other concern is truck traffic. They have been
10 bombarded with truck traffic this, truck traffic that. Truck traffic is not the
11 problem, trucks don't make all that much noise if you can keep them
12 rolling. Some of the neighborhoods here they fail to understand that
13 trucks are viable, your bread comes that way, your septic systems are
14 cleaned out that way here in Howard County, I can tel you that.

15 But trucks are, you know, are not such a bad deal if people
16 know how to drive around them. I do drive a truck, most of the times you
17 would be amazed how many people pull out in front of you with a baby in
18 a car seat because they are going to save themselves 2 or 3 car lengths.
19 But trucks aren't as bad on 32 as we think they are and it is an interstate, I
20 mean not an interstate, I'm sorry, a state road, it is opened to trucks that
21 have got to have them. Thank you.

22 MR. BEN SHAHAB:

23 My name is Ben Shahab, I live on 5405 Broadwater Lane. I

1 moved there about a year ago, but I was unsure of this extension project
2 was going to go through and I'm very much disappointed on this whole
3 issue and I wish there was a way that this should not be, this project
4 should be stopped.

5 There are a lot of issues on safety that can, there are many
6 ways they can improve the safety for the people who travel this route and I
7 believe what is going to happen is the traffic is going to be even
8 increased, that there is going to be more trucks going on 32 even now the
9 noise is just unbearable since morning between 7 o'clock to 10 and then
10 in the evening hours after 3 to at least 8 o'clock is just unbearable noise.

11 I hope this project is just stopped right there and leave the
12 way the things are because it is just going to attract more traffic, more
13 growth and there is not enough....to handle that much traffic and there is
14 going to be more population in the schools and the taxes are going to be
15 increased and I wish this why it should be stopped right away. Thank you.

16 MR. GARY TAYLOR:

17 My name is Gary Taylor, I live at 13965 Triadelphia Road
18 here in Glenelg. We moved to this area just a little over 10 years ago, we
19 lived in Catonsville where there was due to the increased traffic on the
20 Baltimore Beltway there was a lot of increased crime, housing values
21 dropping, a lot of problems in schools and we have moved to the Glenelg
22 area to escape that.

23 I feel that we are going to face the very same thing when we,

1 if we see Route 32 widened. I think the state has continually
2 misrepresented their, their plans and proposals and information that they
3 have given to the public, I'm tired of this. I would support any law suit
4 against the state, I am grateful to all the people that have come to testify
5 this evening.

6 I have a family, I have young children, I think we are facing
7 increased truck traffic which is totally unnecessary because we have the
8 new Route 100, we are faced with increased auto traffic on Route 32. I
9 don't think there will be any real safety improvements in terms of lives
10 saved.

11 So I think that the state is misrepresenting this, I intend to
12 talk with Senator McCabe and anyone else to oppose this. I think we are
13 being misrepresented misled with all these numbers of traffic. I think we
14 will have increased crime, commercialism and just a generally much
15 lower quality of life here.

16 I came out here to Howard County to support the community
17 and I think the state is in effect raping the citizens. Thank you.

18 MR .THOMAS BUTLER:

19 My name is Thomas Butler, my address is 7352 Hopkins
20 Way, I live in Clarksville, Maryland 21029.

21 We moved into Howard County five years ago and where we
22 were it was a very, very quiet and since they have upgraded the section of
23 32 from 29 out to 108 and with the loss of forest, it is actually noisier at my

1 house now than when I used to live in Parkville which was inside the
2 beltway in Baltimore. I don't know if you know where that is or not, but it is
3 so noisy now that tractor trailers on 32 when they are downshifting and
4 using their air brakes are actually waking me up in my room at night and
5 I'm over a mile from 32.

6 We are on wells and septic in our area, there are fish in my
7 stream which is off of Santa Road, I'm also opposed to the Santa Road
8 project which I understand this is part of. This project I understand is also
9 incompatible with the state's program of Smart Growth. That's all I have
10 to say, thank you.

11 (END)

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PUBLIC NOTICE

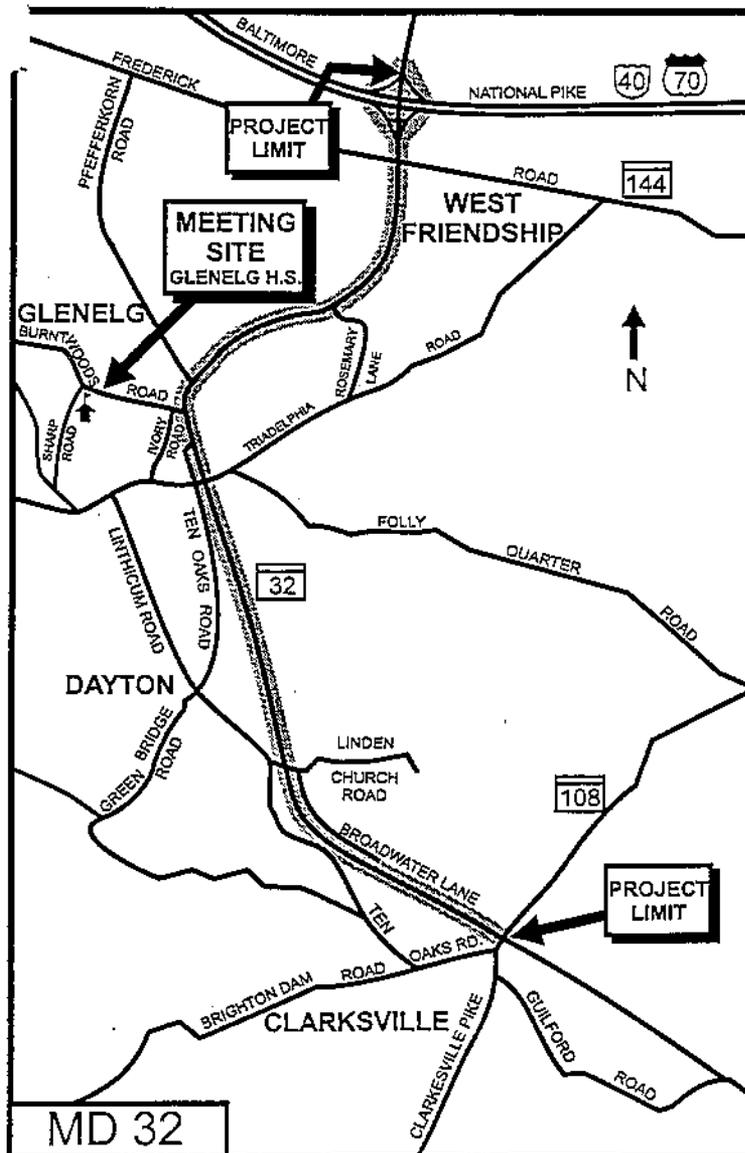
**MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
AND
FEDERAL HIGHWAY ADMINISTRATION**

**Will Conduct A
COMBINED LOCATION/DESIGN PUBLIC HEARING**

Thursday, March 18, 1999
Improvement proposals on public display starting at 5:30 p.m.
Presentation 7:00 p.m.

Glenelg High School
14025 Burntwoods Road
Glenelg, Maryland

MD 32 from MD 108 to I-70



This project, which is currently in the Project Planning phase, includes the development and evaluation of alternatives for improving Maryland Route 32, from MD 108 to I-70, in Howard County. The Project Planning phase begins with agency and public involvement, continues to engineering and environmental studies and concludes with the receipt of Location and Design Approvals. It involves the development and review of all reasonable alternatives, including the No-Build Alternative. The purpose of this study is to investigate alternatives that would improve safety and traffic operations along the MD 32 corridor, with minimum impact to local residents, businesses and the environment.

The purpose of this hearing is to afford all interested persons the opportunity to present their views regarding the proposed location and general design of the project, including the social, economic and natural environmental effects for both the build and no-build alternatives.

Beginning at 5:30 p.m., mapping depicting the project alternatives will be on display. Representatives of the State Highway Administration will be available to answer questions and receive your comments. Project information stations, with displays describing various aspects of the project, will be set up throughout the meeting hall.

A formal presentation lasting approximately 20 minutes will begin at 7:00 p.m. Information on the project alternatives, environmental features, right-of-way acquisition policies and procedures and Title VI of the Equal Opportunity Program will be presented. The receipt of public testimony will follow this presentation. State Highway personnel will again be available to answer questions following the receipt of formal testimony.

The State Highway Administration, in cooperation with the Maryland Historical Trust, has identified two (2) historic sites in the study area that are considered eligible for the "National Register of Historic Places". These sites are identified in the environmental document prepared for this project. In accordance with the section 106 procedures of the National Historical Preservation Act, this public hearing provides the opportunity for public input. It has been determined by the Maryland Historical Trust that there will be no adverse effect on these sites.

If requested in writing, you might be considered eligible to receive additional information which may be developed during the course of consultation with the Advisory Council and/or Maryland Historical Trust.

Persons wishing to give public testimony may submit a written request to be placed on the speaker's list, no later than March 17, to Ms. Heather Murphy, Project Manager, State Highway Administration, Mail Stop C-301, P.O. Box 717, Baltimore MD 21203-0717 or call 410-545-8571 or 1-800-548-5026. A sign-up sheet to be placed on the speaker's list will also be available at the receptionist's desk the night of the hearing. A court reporter will be available to receive private testimony.

Brochures and forms for written comments will also be available. If you are currently on the project mailing list you will receive a brochure in the mail. Written comments and requests to be included on the project mailing list may be submitted to Ms. Murphy. Written testimony must be received by April 30, 1999 to be included in the "Public Hearing Transcript".

Beginning February 12, 1999, the Draft Environmental Impact Statement describing the study will be available for inspection and copying, Monday through Friday, at the following locations:

State Highway Administration
District 7
5111 Buckeystown Pike
Frederick MD 21701

Howard County
Department of Planning and Zoning
3430 Court House Drive
Ellicott City MD 21043

State Highway Administration
Resource Center
707 N. Calvert Street
Baltimore MD 21211

Howard County Central Library
10375 Little Patuxent Parkway
Columbia MD 21044

State Highway Administration
Dayton Shop
4401 MD 32
Dayton MD 21036

Appropriate auxiliary aids and services for qualified individuals with disabilities will be provided upon request. If such aids are required, please contact Ms. Murphy or the Maryland Relay Service at 1-800-735-2258. Any requests for an oral or sign language interpreter must be received by March 11, 1999. To the extent this is feasible, an interpreter will be provided.

If the Howard County "Snow Emergency Plan" is in effect on the day of the hearing, or if the County public schools have been closed and evening activities canceled, this hearing will be postponed and rescheduled for Thursday, April 8, 1999.

February 18 & March 4, 1999
A-0181

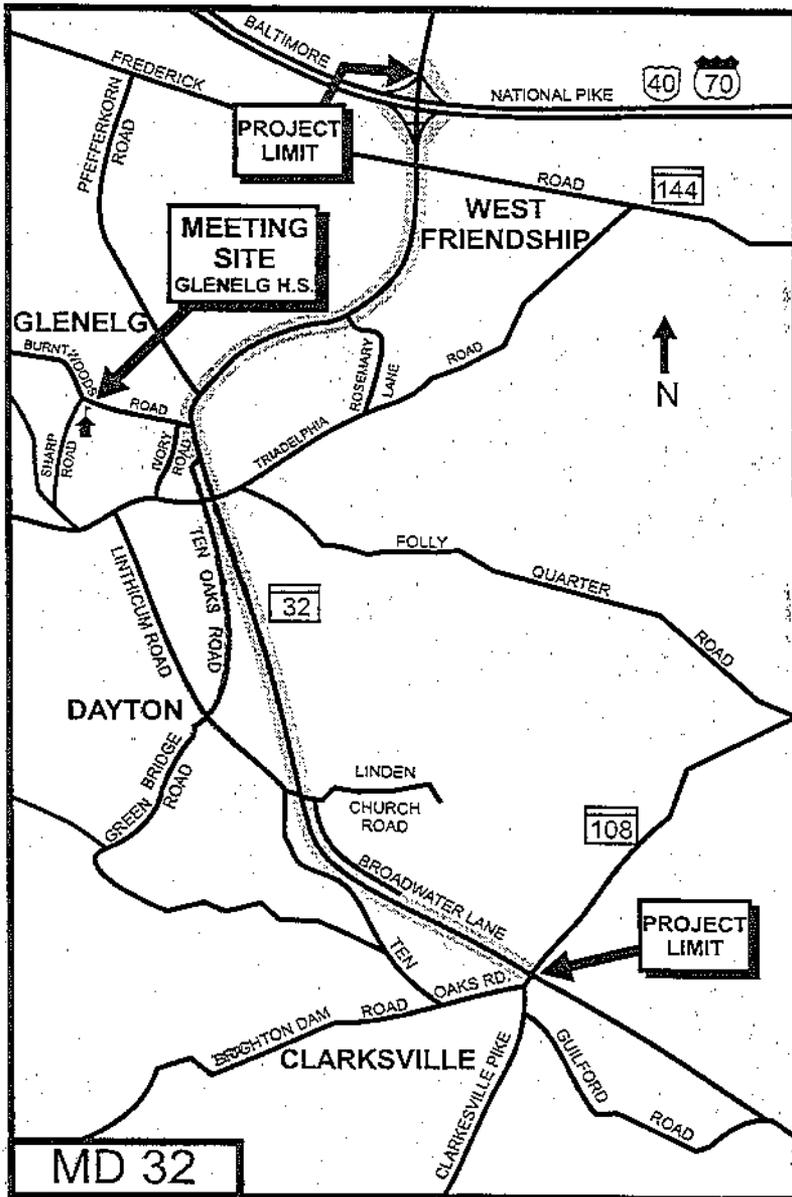
Parker F. Williams

Administrator



LOCATION / DESIGN PUBLIC HEARING

MARYLAND ROUTE 32 FROM MD 108 TO I-70



**THURSDAY
MARCH 18, 1999**

**Displays Available
5:30 PM**

**Presentation
7:00 PM**

Glenelg High School
14025 Burntwoods Rd.
Glenelg, MD

PROJECT PLANNING TEAM

If you have questions about this project, please feel free to contact one of the persons listed below:

Ms. Heather Murphy

Project Manager

Project Planning Division

Maryland State Highway Administration

Mailstop C-301

707 North Calvert Street

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410-545-8571, Toll Free in Maryland 1-800-548-5026

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Mr. Neil J. Pedersen, Director

Office of Planning and

Preliminary Engineering

Maryland State Highway Administration

Mailstop C-411

707 North Calvert Street

Baltimore MD 21202

Mr. Robert Fisher

District Engineer, District #7

Maryland State Highway Administration

5111 Buckeystown Pike

Frederick Maryland 21701

301-624-8101

We urge you to review this brochure to enhance your understanding of the proposed highway improvements being presented at the hearing. Names, addresses and telephone numbers of members of the project planning team are listed on the inside cover of this brochure. Inquiries should be directed to these persons for prompt attention.

PURPOSE OF THE STUDY

The purpose of this project planning study is to investigate alternatives that would improve safety and traffic operations along the MD 32 corridor, between MD 108 and I-70, with a minimum impact to local residents, businesses and the environment. It involves the development and analyses of all reasonable short term and long term alternatives, including the No-Build Alternative.

PURPOSE OF THE HEARING

The purpose of this hearing is to:

- Update the public on the status of the study
- Present results of detailed engineering and environmental analyses conducted on the project alternatives, as well as congestion management analysis on the MD 32 corridor
- Receive public comments on the proposed alternatives, including formal oral and written statements to be included in the official transcript of this Combined Location/Design Public Hearing

This hearing's proceedings will be recorded. The official public hearing transcript will be available for review and copying at the State Highway Administration's (SHA) District 7 office in Frederick and at SHA headquarters in Baltimore, approximately eight weeks from the hearing date.

Displays of the proposed improvements will be available beginning at 5:30 p.m. Project information stations related to specific topics and alternatives will be set up throughout the meeting room. SHA representatives will be available to answer questions and discuss the project.

A formal presentation, which will last approximately 20 minutes, will begin at 7:00 p.m. After the presentation, there will be an opportunity to formally comment on the project.

HOW TO COMMENT ON THE PROJECT

Public input and feedback is an integral part of the study. The public is encouraged to participate in the hearing and provide input regarding issues that may affect the decision making process.

To submit comments to be included in the official hearing transcript, you may choose any or all of the following methods:

- Register to speak following the formal presentation
- Submit comments in private to the court reporter at the hearing
- Fill out the pre-addressed, postage-paid comment form included in this brochure
- Write or e-mail the SHA Project Manager, Ms. Heather Murphy (See Project Planning Team on inside cover)

Written comments and material for inclusion in the transcript will be accepted until April 30, 1999.

You may add your name and address to the project mailing list by using the brochure comment form or by contacting Ms. Murphy. If you have received this brochure in the mail, you are already included on the mailing list.

PROGRAM STATUS

MD 32, from MD 108 to I-70, is included in the Development and Evaluation Section of the Maryland Department of Transportation Consolidated Transportation Program for Fiscal Years 1999-2004 and is currently funded for the planning phase only. Additional funding would have to be identified for the next phases of project development: Design, Right-of-Way Acquisition and Construction.

PROJECT HISTORY

Based on a Howard County priority letter, a planning study of all potential improvements on MD 32 north of Clarksville was initiated in July of 1995. In February 1996, a Focus Group comprised of area residents was formed to assist SHA in the development of preliminary improvement concepts.

In June 1996, SHA presented preliminary alternatives at an Alternates Workshop. Since then, the study team has coordinated extensively with communities throughout the project corridor, as well as Federal and State environmental regulatory agencies, in an effort to improve the preliminary alternatives by minimizing impacts to the human and natural environments as well as serving the transportation needs of the corridor.

An Informational Workshop was conducted in June 1998 to present the results of more detailed engineering for the alternatives and associated environmental analyses. The results of these analyses have been compiled and are presented in the Draft Environmental Impact Statement, which is now available for review and comment at the Howard County Library and Government offices as well as local SHA facilities.

EXISTING CONDITIONS

MD 32, between MD 108 and I-70, is a two-lane open section roadway with ten-foot shoulders. Within the study limits there are ten at-grade intersections, five of them are signalized. In addition, there are numerous private and common driveways with direct access to MD 32.

The existing State owned right-of-way between MD 108 and Burntwoods Road is 300 feet wide with partial access controls. There are public road intersections, but no private driveways.

North of Burntwoods Road to I-70, the existing State owned right-of-way is 150 feet wide with no controls of access. There are numerous access points along this section of MD 32, including driveways.

This nine-mile section of MD 32 represents the last two-lane and undivided section of the 40 mile Patuxent Freeway, which stretches from Annapolis to I-70 and includes portions of US 50, I-97 and MD 32 up to I-70. South of the study area, MD 32 is generally a four-lane, divided highway with a 54 foot median and full controls of access.

SMART GROWTH

This project is located outside the Priority Funding Area designated by Howard County under the Smart Growth Act. Issues regarding the compatibility of this project with Smart Growth principles and the ability to spend State funds under the priority funding statute are being investigated.

PROJECT NEED

Accidents/Safety

During the three-year study period, 1996 through 1998, the total accident rate was within the range of statewide averages for similar type roadways. Additionally, there were no High Accident Locations identified within the study limits for 1996 and 1997. High Accident Locations for 1998 are not currently available.

There was, however, a significant increase in the overall number of accidents in 1997 and 1998 compared to earlier years. 1998 data is unedited and might change slightly.

In 1997 and 1998 there were respectively 74 and 70 reported accidents on MD 32 within the study limits compared to 51 in 1996 and 40 in 1995. In addition, two fatal accidents in 1997 and four in 1998 have resulted in seven fatalities in the last two years. There were no fatal accidents in 1996 or 1995.

The number of rear end collisions has also significantly increased. There were 10 rear end collisions in 1996 and 11 in 1995. In 1997 and 1998 there were 27 and 31 rear end collisions, respectively.

The rates for fatal, property damage, rear end and truck related accidents are all significantly higher than the statewide average.

The increase in overall accidents since 1996 might be attributable to significant increases in Average Daily Traffic (ADT). Intersection congestion and driver expectancy may also be contributing factors, particularly with regard to the increase in rear end collisions. As congestion on MD 32 increases, accident rates are expected to increase.

Travel Demand/Congestion

Population and household growth is occurring rapidly in the areas north and west of the study corridor. Travel demand on MD 32 is projected to increase between these growth areas and major employment centers located in eastern Howard County, Montgomery County and Washington D.C.

The existing ADT volumes along MD 32 in 1997 ranged from 15,900 vehicles per day (vpd) between the intersections at MD 144 and Rosemary Lane to 18,300 vpd between the intersections at MD 108 and Linden Church Road. The projected 2020 ADT volumes for these areas are 26,700 and 29,900 vpd respectively, an increase of 63-68%. Truck traffic on MD 32 comprised 10% of the 1997 ADT.

Traffic volumes were analyzed in order to measure the level of congestion during the morning and evening peak hours. Currently, volumes on MD 32 within the study section are nearing capacity during the peak periods, making left turns from unsignalized intersections and driveways increasingly difficult.

All of the intersections along MD 32 south of MD 144 are experiencing failing conditions during the morning peak period. The intersection at Ten Oaks Road is failing during the evening peak hour as well. Without improvements, the 2020 volumes on this section of MD 32 will exceed capacity during the peak periods, causing a breakdown in the flow of traffic and a greater potential for accidents.

**ALTERNATIVES CURRENTLY
UNDER CONSIDERATION**

Congestion Management System

A Maryland Congestion Management System (CMS) study was conducted for a much larger transportation corridor (Corridor #24), which includes MD 32 from I-70 to Annapolis. The CMS study report recommended detailed consideration of highway improvements and indicated that strategies such as HOV lanes or enhanced public transit improvements would not address the long term travel demand within the limits of the MD 32 project planning study.

The CMS report also recommended the implementation of Transportation Systems Management (TSM) strategies, where feasible. These are small projects that address traffic safety and congestion problems through the improved management and use of existing transportation facilities, such as modified signal timing or intersection improvements.

A number of TSM measures have been developed and implemented by the State Highway Administration's District 7 Office during the course of this planning study. These improvements as well as other future TSM measures to be implemented by the District are a part of the No-Build Alternative.

To further address safety concerns in the short term, larger scale TSM measures and staging options of the long-term alternatives are being examined and will be presented at the Hearing.

This project supports the CMS recommendation to support Howard County's intention to prohibit extension of water and sewer facilities into the western part of the County by considering only options that include full control of access along MD 32, which will help the County limit development in the area.

Major Investment Study (MIS)

The MD 32 project has been developed consistent with MIS requirements. Consultation has been initiated with the Baltimore Regional Transportation Steering Committee.

No-Build Alternative

No major improvements are proposed under the No-Build Alternative. Various TSM measures are included in this alternative. The CMS report recommended the implementation of these types of measures, where feasible, in addition to the development of highway widening alternatives. Many of these improvements have already been completed, such as:

- Traffic signal and striping for left turn lanes at Ten Oaks Road
- Restriping for left-turn lanes at River Valley Chase/Parliament Place
- Resurfacing and raised pavement markers on various sections of MD 32
- Traffic signals and protected left-turn lanes at East and West Linden Church Roads
- Signs suggesting headlight usage during the day
- Lighting at all public street intersections along MD 32

In addition, the following improvements are programmed for future implementation:

- Traffic signals and lengthening of the left turn storage lanes on MD 32 at the intersections with the I-70 ramps.
- Resurfacing and raised pavement markers on MD 32 to be completed

Other minor, short-term improvements would continue to occur as part of normal maintenance and safety operations. These and future larger scale TSM improvements that may be implemented are not expected to address the long-term needs of the corridor.

Build Alternatives

Both build alternatives include dualizing existing MD 32, providing a 34-foot median and interchanges at various locations within the study limits (see Figure I). Conceptual roadside and median landscaping designs that could be incorporated within the proposed right-of-way of the build alternatives have also been developed.

Note that at the June 1996 workshop a mainline widening alternate that included a 54-foot median, Alternate 2, was presented. That alternate as well as several of the various interchange options that were presented at that time have been dropped from further consideration due to their adverse impacts to the human and natural environments. The costs and impacts associated with each of the current alternatives are summarized in the Summary of Impacts and Costs table (see Figure II).

Build Alternative I (See Map on Figure III)

MD 32 Mainline Widening

Build Alternative I proposes reconstructing MD 32 to a four-lane divided highway with a 34-foot wide median. A series of interchange options and service roads have been developed with this alternative to fully control access on MD 32 between MD 108 and I-70.

Linden Church Road Interchange - Option 2
Linden Church Road would be bridged over MD 32. Access between MD 32 and Linden Church Road would be via diamond interchange ramps. A portion of Greenberry Lane would be relocated to the east to intersect with Linden Church Road at Broadwater Lane.

Dayton Shop Interchange-Option 1 Modified
This interchange provides right-in/right-out access to the Dayton Shop from northbound MD 32 at a new entrance located south of the existing entrance. Diamond ramps would connect the southbound roadway to a bridge crossing over MD 32, north of the existing shop entrance.

Burntwoods Road Interchange - Option 2
This interchange would require shifting MD 32 to the east to flatten the existing curve. A slightly relocated Burntwoods Road would cross over MD 32 on a bridge, connecting to East Ivory Road. Ivory Road, west of MD 32, would be closed off with a cul-de-sac. Ten Oaks Road would be extended to connect to a relocated Pfefferkorn Road and Burntwoods Road at a four-leg intersection. Access to northbound and southbound MD 32 would be provided by low speed right-in/right-out ramps.

Rosemary Lane Interchange - Option 2
At the Rosemary Lane interchange, MD 32 would be shifted to the west, south of Rosemary Lane, allowing a portion of existing MD 32 to be used as a frontage road to connect Parliament Place with Rosemary Lane. A frontage road on the west side of MD 32 would connect Rosemary Lane to River Valley Chase. Low speed right-in/right-out ramps would provide access from MD 32 to the frontage roads.

Nixon's Farm Lane Interchange - Option 2

This interchange would include low speed right-in/right out access ramps between MD 32 and frontage roads. The frontage roads would connect several private and common driveways on both sides of the roadway to Nixon's Farm Lane, which would be reconstructed to bridge over MD 32.

An alternative access option is being considered for the driveways that currently have direct access to northbound MD 32, in the vicinity of Nixon's Farm. Under the alternative access option, those driveways would access MD 32 from MD 144 via an extension of Wellworth Way.

MD 144 Interchange - Option 3 Modified

Access between MD 32 and MD 144 would be provided with loop ramps and outer ramps located in the southeast and southwest quadrants of the interchange. The ramps would be located south of MD 144 in order to provide safe weaving distances to the ramps at the I-70 interchange. MD 144 would bridge over MD 32. Roundabouts would be constructed at the intersections of MD 144 and the ramps.

I-70 Interchange - Option 2

Loop ramps would be constructed within the southwest and northeast quadrants of the existing diamond interchange to provide free flow access from MD 32 to I-70. The left turning movements from the I-70 off ramps to MD 32 would be facilitated by signals. The right turning movements from the I-70 off ramps to MD 32 would operate in free flow, as they do today.

Build Alternative II (See Map on Figure III)

Build Alternative II contains all of the same elements, mainline widening and interchange options, as Build Alternative I except at those locations described below:

Nixon's Farm Lane Interchange

Build Alternative II does not include an interchange option at Nixon's Farm Lane.

MD 144 Interchange - Option 4

This option would provide one interchange for all of the movements at MD 144 and Nixon's Farm Lane. The configuration is similar to that used for Option 3 Modified, of Build Alternative I, however a frontage road would be provided on the west side of MD 32, connecting the driveways on that side of the roadway to MD 144. Low speed right-in/right-out ramps would connect southbound MD 32 and the frontage road. Roundabouts would be provided at the MD 144 intersections with the frontage road and the interchange ramps east of MD 32.

An alternative access option is being considered for the driveways that currently have direct access to northbound MD 32, in the vicinity of Nixon's Farm. Under the alternative access option, those driveways would access MD 32 from MD 144 via an extension of Wellworth Way.

ENVIRONMENTAL SUMMARY

A detailed analysis was performed to determine the potential socio-economic and natural environmental impacts of the alternatives under consideration. These impacts are summarized in the Summary of Impacts and Costs table.

Natural Resources

Non-tidal wetlands and Waters of the U.S. associated with study area streams and their tributaries would be affected by the proposed project. Wetland impacts resulting from either build alternative would total less than 4 acres, and impacts to 100-year floodplains total approximately 14 acres. Approximately 8,940 linear feet of Terrapin Branch, Benson Branch and Clyde's Branch, the Middle Patuxent River and its unnamed tributaries may also be affected. These streams are all classified by the Maryland Department of Natural Resources as Use I with an in-stream restriction from March 1 to June 15, inclusive. Time of year construction restrictions, sediment and erosion control measures and stormwater management practices, approved by the Maryland Department of the Environment, will be strictly enforced during construction to minimize impacts to water quality and wetlands.

No federal or state listed threatened or endangered plant or animal species or unique habitat has been identified in the study area. Approximately 73 acres of woodland areas would be impacted by the construction of either build alternative. Consistent with the State Reforestation Law, reforestation at a 1:1 ratio will be investigated within the project limits, or off-site within the same watershed.

Air and Noise

The State and National Ambient Air Quality Standards will not be exceeded under the no-build or the build alternatives.

The projected noise levels for the design year (2020) will approach or exceed the Federal Highway Administration's Noise Abatement Criteria (66 dBA) under both of the build and no-build conditions at 10 of the 14 Noise Sensitive Areas (NSAs).

Socio-Economic Resources

The proposed project is consistent with the 1990 Howard County General Land-Use Plan. There are no publicly owned parks or recreation areas in the project area. Existing and future land use along the study portion of the MD 32 corridor consists of a mixture of rural residential, employment commercial and rural conservation.

The build alternatives will require acquisition of additional right-of-way. Approximately 9 residential relocations and 1 business displacement would be required. A maximum of 155 acres of prime farmland soils and 23 acres of active farmlands could be impacted.

One archeological site was determined potentially eligible for the National Register of Historic Places. However, because the site is located outside of the proposed construction limits for the build alternatives, temporary fencing is recommended to protect this site during construction.

Coordination with the Maryland Historical Trust (MHT) has identified two historic standing structures, the Westwood Methodist Episcopal Church and the Milton Shipley Farm corncrib, which are eligible for the National Register of Historic Places. MHT has determined that the proposed build alternatives would have a no adverse effect on cultural resources, but has recommended that a landscaping buffer be maintained in the vicinity of the corncrib for mitigation.

**REMAINING STEPS IN THE
PROJECT PLANNING PROCESS**

- 1) Evaluate and assess public and agency comments from the hearing
- 2) Recommend preferred alternative to the State Highway Administrator
- 3) Complete and distribute the Final EIS addressing the selected alternative
- 4) Receive Location and Design Approvals

**REMAINING PHASES IN THE
HIGHWAY DEVELOPMENT PROCESS**

The receipt of Location and Design Approvals would complete Project Planning, the first of SHA's four phase Highway Development process. Note that the remaining three phases in the Highway Development process are NOT currently funded:

- Final Design
- Right-of-Way Acquisition
- Construction

**RIGHT-OF-WAY AND
RELOCATION ASSISTANCE**

For information regarding right-of-way and relocation assistance, please contact:

Mr. Frank Knapp, Chief
District 7 Right-of-Way
Maryland State Highway Administration
5111 Buckeystown Pike
Frederick MD 21701
Telephone (301) 624-8156

**NONDISCRIMINATION IN
FEDERALLY ASSISTED AND
STATE-AID PROGRAM**

Should you have any questions concerning non-discrimination in Federally assisted and State-Aid programs, please contact:

Mr. Walter Owens, Director
Office of Equal Opportunity
Maryland State Highway Administration
707 North Calvert Street
Baltimore MD 21202
Telephone (410) 545-0314

**MEDIA USED FOR
MEETING NOTIFICATION**

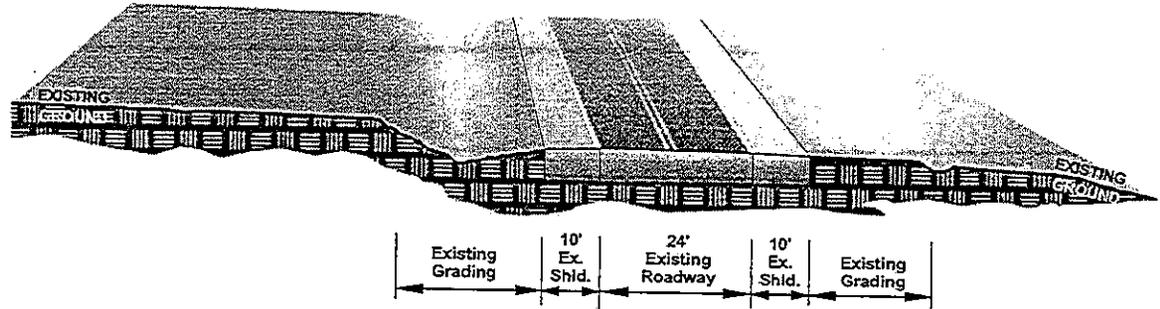
Advertisements were placed in the following newspapers:

Washington Post
Baltimore Sun
Howard County Times
Carroll County Times

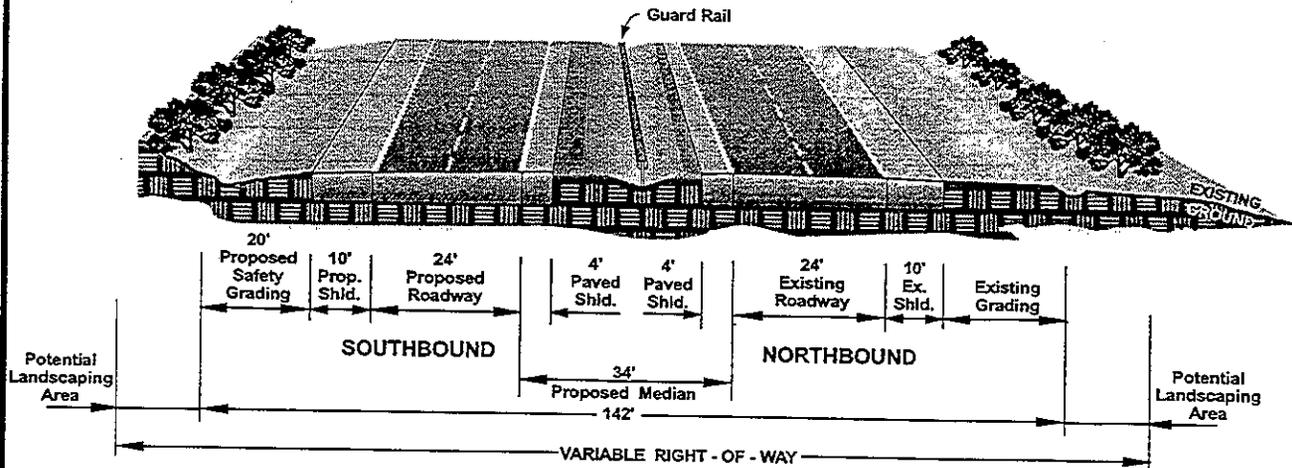
A news release was distributed to all local newspapers and public service announcements were furnished to radio stations serving the project area.

THANK YOU

Thank you for your participation in the MD 32 project planning study. Your feedback is important to us, so please do not hesitate to send us your comments. In addition, please feel free to call one of the project team members listed inside the front cover should you have any questions or concerns.



**EXISTING
TYPICAL SECTION**

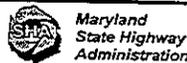


**PROPOSED
TYPICAL SECTION**

**MD 32 PLANNING STUDY
FROM MD 108 TO I-70**

**Build Alternatives I & II
Typical Sections**

The dimensions shown are for the purpose of determining cost estimates and environmental impacts and are subject to change during the final design phase.



March 1999

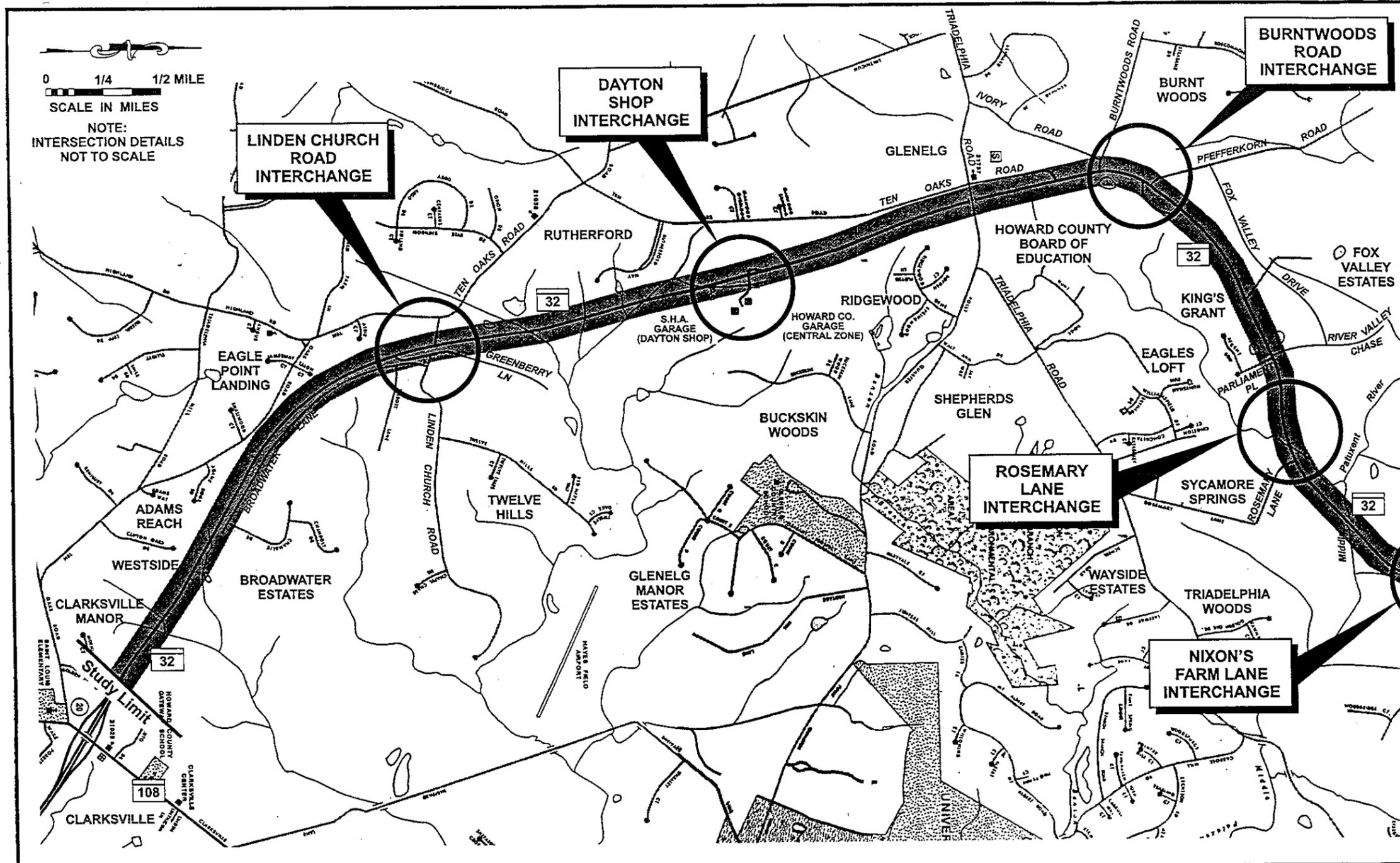
Figure I

MD ROUTE 32 PLANNING STUDY
SUMMARY OF IMPACTS AND COSTS

		NO BUILD ALTERNATIVE	BUILD ALTERNATIVE I	BUILD ALTERNATIVE II
DISPLACEMENTS	RESIDENTIAL	-	9	9
	BUSINESS	-	1	1
	TOTAL	-	10	10
PROPERTY AFFECTED (each)	RESIDENTIAL	-	58	58
	FARMLAND PARCELS	-	15	15
	COMMERCIAL	-	7	7
	INSTITUTIONAL	-	1	1
	CHURCH/SCHOOL	-	0	0
	PARKLAND	-	0	0
	TOTAL	-	81	81
REQUIRED R-O-W (acres)	RESIDENTIAL	-	74.0	63.5
	FARMLANDS	-	23.5	21.5
	COMMERCIAL	-	2.5	2.5
	INSTITUTIONAL	-	1.5	1.5
	TOTAL	-	101.5	89.0
ENVIRONMENTAL IMPACTS	WETLANDS (acre)	-	3.3	2.2
	100 YR. FLOOD PLAIN (acre)	-	14	14
	WOODLANDS (acre)	-	73.1	71.5
	HISTORIC (each)	-	0	0
	STREAM IMPACTS (LF)	-	8,940	8,360
	STREAM CROSSINGS (each)	-	20	20
TOTAL ESTIMATED COSTS (Millions of dollars) *		-	\$156-\$161	\$142-\$147

* Total estimated costs include right-of-way.

FIGURE II



LINDEN CHURCH ROAD INTERCHANGE - OPTION 2	DAYTON SHOP INTERCHANGE - OPTION 1M	BURNTWOODS ROAD INTERCHANGE - OPTION 2	ROSEMARY LANE INTERCHANGE - OPTION 2	NIXON'S FARM LANE INTERCHANGE - OPTION 2	MD 144 INTERCHANGE - OPTION 3M	MD 144 INTERCHANGE - OPTION 4	I-70 INTERCHANGE - OPTION 2
BUILD ALTERNATIVES I & II	BUILD ALTERNATIVES I & II	BUILD ALTERNATIVES I & II	BUILD ALTERNATIVES I & II	BUILD ALTERNATIVE I	BUILD ALTERNATIVE I	BUILD ALTERNATIVE II	BUILD ALTERNATIVES I & II

HOW ARE WE DOING?

In an effort to improve the effectiveness of our public involvement and outreach programs, we would appreciate it if you would take a few minutes to answer this questionnaire.

Please circle the most appropriate number

	Poor			Excellent	
Was the brochure well laid out and easy to follow?	1	2	3	4	5

Comments: _____

Was each part of the brochure easy to understand?	Poor			Excellent	
Purpose of Study	1	2	3	4	5
Purpose of Hearing	1	2	3	4	5
How to Comment on the Project	1	2	3	4	5
Program Status	1	2	3	4	5
Project History	1	2	3	4	5
Existing Conditions	1	2	3	4	5
Smart Growth	1	2	3	4	5
Project Need	1	2	3	4	5
Alternatives Currently Under Consideration	1	2	3	4	5
Environmental Summary	1	2	3	4	5
Remaining Steps in the Project Planning Process	1	2	3	4	5
Typical Sections	1	2	3	4	5

Which part of the brochure was the most valuable? _____

Which part of the brochure was the least valuable? _____

What suggestions do you have for improvement? _____

Thank you for answering this questionnaire. You may either leave it at the receptionist's table as you leave or return it by mail.



Ms. Heather Murphy
Project Manager
Project Planning Division
Maryland State Highway Administration
Mailstop C-301
707 North Calvert Street
Baltimore MD 21202

SUBJECT: Comments on Draft Environmental Impact Statement
Proposed Widening of MD Rte 32 between Route 108 and I-70

Dear Ms. Murphy:

On behalf of the River Hill Community Association, I am requesting that portions of Village of River Hill abutting Route 32 be addressed as an affected area in the Final Environmental Impact Statement (EIS).

We appreciate that SHA has performed a preliminary peripheral effects study, dated December 1998, to examine our concerns with respect to noise. We have concerns about some calculations that were used in presentation of the data, as well as the accuracy of the noise model used in making predictions. We hope that this study will be modified to address our concerns. This effects study should then be included in the EIS, along with the sensitivity analysis which Parker Williams, the SHA Administrator, has indicated would be performed. These items were discussed during an SHA presentation to the Board on March 15, 1999 and at follow-up meeting held with Charlie Adams (SHA) and Mike Kelly (Wilson T. Ballard).

We specifically request that the socioeconomic impacts of noise emanating from Route 32 upon our community be addressed in the Secondary Cumulative Effects Analysis (SCEA) section of the EIS. Noise levels are already excessive, and we feel that the Supplementary EIS performed in 1989 for relocated Route 32 failed to address adequately the noise impact upon our planned community. Noise and traffic levels in the River Hill community already exceed 2015 levels predicted by the EIS of 1989. In light of such discrepancies between predicted and measured variables, we feel that our inclusion in the final EIS is warranted.

Of great concern is noise from heavy trucks, which generate a disproportionate amount of noise, especially if they are poorly maintained and/or speeding. With the widening of Route 32, traffic volume will increase and the proportion of trucks in the traffic mix will certainly increase. The extent to which these increases will affect our community should be anticipated and studied.

In addition, we believe two other issues more broadly affecting River Hill and nearby communities should be addressed:

- traffic safety (concerns regarding heavy trucks and acceleration lanes)
- induced impacts on traffic flow in the Clarksville commercial area along Route 108 between Guilford Road (Old Rte 32) and Linden Linthicum Lane. Severe traffic congestion is likely to result at this

section of Route 108 and should be addressed as part of cumulative effects given the commercial development already in the works.

Please also include our past correspondence germane to our inclusion and concerns.

We want to stress the importance of the State cooperatively interfacing with Howard County, when and if a decision is made to proceed with expansion of Route 32. As proposed in the DEIS, the present preferred alternatives provide inadequate noise mitigation for the affected communities between Route 108 and I-70. The State should provide for more adequate noise mitigation by constructing noise walls in key locations and assuring that berms of sufficient height are installed. In addition, the State should make every effort to see that the County will enforce its policy and guidelines with respect to development in noise sensitive areas, and should work cooperatively with the County to provide noise mitigation during construction of the expansion, should it occur.

I hope that the State and County have learned from the mistakes made relative to the relocation of Rte 32 between Pindell School Road and Route 108, and will not repeat the same errors. The draft EIS does not provide an acceptable approach to noise mitigation and does not include our community in the SCEA section.

Thank you for extending the comment period from 45 to 60 days. We appreciate your consideration.

Sincerely,

Handwritten signature of Josh Heltzer in black ink, with the initials 'JMS' written at the end of the signature.

Josh Heltzer
Chair, Ad Hoc Noise Committee

Cc: Pam Stephenson, FHA (see address on inside cover of DEIS)
County Executive Robey
Jim Irvin, Director of Public Works
Joe Rutter, Director of Planning and Zoning
Senator Christopher McCabe
Delegates Kittleman and Flanagan
River Hill Village Board
A. Rich
Ad Hoc Com Members



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAY 21 1999

Ms. Pamela S. Stephenson
Federal Highway Administration
The Rotunda- Suite 220
711 West 40th Street
Baltimore, Maryland 21211

Re: Project Number HO756B11 (Maryland Route 32 From MD 108 to I-70)

Dear Mr. Ege and Ms. Stephenson:

In accordance with the National Environmental Policy Act (NEPA) and Section 309 of Clean Air Act, EPA has reviewed the subject Draft Environmental Impact Statement (DEIS) concerning the proposal to widen MD32 in Howard County, Maryland. The proposed project would expand the existing two lane highway to a four lane controlled access divided expressway. Based on our review of the DEIS, we have assigned a rating of EC-2 (Environmental Concerns and Insufficient Information) due to the potential impacts to aquatic resources. A copy of EPA's ranking system is enclosed for your reference.

Based on information received from the Chesapeake Bay Foundation, we understand that the Maryland Department of Transportation is concerned that this project may be inconsistent with Maryland Executive Order 01.01.1998.04 on Smart Growth and Neighborhood Conservation Policy. The EPA is concerned that the proposed project may promote development in open lands outside the designated Priority Funding Areas (PFAs). As you know, Maryland's Smart Growth Areas Act of 1997 is intended to direct development to existing towns, neighborhoods, and business areas by directing State infrastructure improvements to these places. We are concerned that the approval of this project as it is currently described in the DEIS could be counter to the Maryland Transportation Plan of serving designated growth areas and reinforcing locally defined limits on development outside designated growth areas. We are primarily concerned with the secondary and cumulative impacts associated with the increased access provided by the proposed project, including induced development and other land use issues.

EPA believes that a reevaluation of upgrade alternatives is warranted due to the concerns of the Maryland Department of Transportation and the Chesapeake Bay Foundation. We suggest that you investigate a number of the following improvements, including the addition of a center left turn lane, intersection improvements, access controls, and other minor roadway improvements. We believe that the enhancement of the existing highway may meet the project's purpose and need while considerably reducing impacts. In particular, the improvements to the existing highway would help to minimize impacts to palustrine forested wetlands, shrub/scrub wetlands, emergent wetlands and watershed quality.

Thank you for the opportunity to comment on this proposed project. We look forward to working with you to resolve our concerns. If you have any questions regarding our comments please feel free to contact me at (215) 814-2726.

Sincerely,

A handwritten signature in cursive script that reads "Denise M. Rigney". The signature is written in black ink and is positioned above the printed name.

Denise M. Rigney
Transportation Program Manager



Capital Office
1875 Connecticut Ave., N.W.
Washington, DC 20009
(202) 387-3500
Fax: 202-234-6049

May 19, 1999

Mr. Louis H. Ege, Jr.
Deputy Director
Office of Planning and Preliminary Engineering
Mailstop C-301
State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

RE: Draft Environmental Impact Statement MD 32 from MD 108 to I-70

Dear Mr. Ege:

On behalf of the Environmental Defense Fund and its members I am submitting the following comments on the Draft Environmental Impact Statement MD 32 from MD 108 to I-70. EDF and its members also join in the other comments being submitted in May 1999 by the Baltimore Regional Partnership organizations (Chesapeake Bay Foundation, Citizens Planning and Housing Association, Baltimore Urban League, and 1000 Friends of Maryland) on this DEIS.

The Environmental Defense Fund, a leading, national, NY-based nonprofit organization, represents 300,000 members, including more than 16,000 in Maryland. EDF links science, economics, and law to create innovative, economically viable solutions to today's environmental problems.

Summary

As I explain below, the MD 32 DEIS fails to meet the requirements of the National Environmental Protection Act which require consideration of alternatives and evaluation of cumulative and secondary impacts. I believe that a supplemental DEIS for MD 32

must be prepared that considers alternatives to address the traffic safety concern without widening this road to four lanes and that fully considers induced traffic and land use effects.

The failure to consider safer two-lane alternatives is a critical flaw in the January 1999 MD 32 DEIS. The Maryland Department of Transportation recently changed the purpose and need for the MD 32 project from capacity expansion and safety to safety alone, but this has not been reflected in the alternatives considered by the DEIS.

The DEIS is also critically flawed by its lack of consideration of how the proposed capacity expansion alternatives will affect the timing, location, and pattern of land development and traffic in the study area and beyond. Reasonable and available methods must be employed to reflect the differences between a no-build, a 2-lane safety improvement alternative, and a 4-lane highway expansion alternative, which will produce differences in driving time and generalized travel costs within the corridor and beyond. The same land use pattern was assumed for all scenarios examined in the DEIS, despite recent court decisions and numerous guidance letters from US EPA to highway agencies stating that it is not acceptable for NEPA reviews of major highway projects to ignore induced traffic and land use effects.

Expertise to Comment on General Effects of MD 32 Widening

Since 1993 I have served as Federal Transportation Director of the Environmental Defense Fund. In my expert opinion, the proposed expansion of MD 32 will in all likelihood have a significant and prolonged adverse affect on the environment due to induced driving, decentralized land development and increased emissions of air pollutants from vehicles, in particular, NOx, one of the two precursors of urban ozone. These impacts are all the more critical in view of the fact that the MD 32 corridor falls within the region's severe ozone non-attainment area.

I received a bachelor of science degree cum laude in 1978 and a master of science degree in 1978 in Civil and Urban Engineering, and a bachelor of arts degree cum laude in Sociology in 1978, all from the University of Pennsylvania. From 1979 to 1982, I provided assistance to local governments and transit agencies in the use of advanced computer transportation planning models as a Research Associate of Public Technology, Inc., the technical arm of the National League of Cities. From 1983 to 1992, I was

employed as Transportation Coordinator for the Maryland-National Capital Park and Planning Commission's Montgomery County Planning Department. There I was responsible for growth management and comprehensive transportation planning for a jurisdiction just north of Washington, D.C., with a population of approximately 800,000 persons. In that position I represented Montgomery County on technical committees and subcommittees of the Metropolitan Washington Transportation Planning Board from 1985 to 1992. I also served as the Chairman of the region's Travel Forecasting Subcommittee, which provides guidance and oversight to the transportation modeling systems used to meet federal analysis and planning requirements for the national capital region.

In these contexts, I acquired knowledge and experience with successive versions of the MOBILE model, the computer model prescribed by the Environmental Protection Agency ("EPA") for calculating emissions from transportation of volatile organic compounds ("VOCs"), nitrogen oxides ("NOx") and carbon monoxide ("CO"). I acquired extensive experience with transportation planning models used to estimate the effects of transportation plans and programs on land use and travel behavior.

Over the past decade, I have also frequently served as a consultant on transportation planning and/or computer modeling to the Federal Highway Administration, the World Bank, and state and local governments and public interest groups. In 20 years of professional practice, I have authored more than 150 articles, one book, and several major reports on a wide variety of topics in transportation planning. I am currently a member of the Transportation Research Board of the National Academy of Sciences. From 1993 to 1997, I was a member of the Federal Travel Model Improvement Program Review Panel, a joint advisory committee giving guidance to the US Department of Transportation, Department of Energy, and Environmental Protection Agency in their increasing research, development, and training programs related to transportation, land use, and emission computer modeling. I have been qualified to serve as an expert witness in several transportation environmental review cases.

From 1994 to 1995 I was a member of a National Academy of Sciences/Transportation Research Board expert panel which evaluated the effect of additional highway capacity on energy and the environment in a study sponsored by the U.S. Department of Transportation, the Environmental Protection Agency, and the

American Association of State Highway and Transportation Officials. In that capacity I reviewed extensive prior studies and literature pertaining to the effects of added highway capacity on travel demand and air pollution emissions. This literature review informed my professional judgement with the added findings of many other studies and the opinions of a diverse cross-section of researchers and professionals with expertise in this area.

Lack of Consideration of Land Use and Induced Traffic Effects

The DEIS states, "Although the build alternatives would change access routes to these proposed residential development, it would not negate or cause changes in planned land uses. Access to land areas adjacent to the study area would remain as they currently are, with or without the proposed project. Growth depends on the implementation of land use controls to focus potential growth into specific areas. The responsibility to guide development and land use rests with the Howard County Department of Planning and Zoning. (DEIS, pg. IV-6 and IV-7)." This assertion that the MD 32 project would not change land use is not properly supported.

The land use pattern traffic zone job and housing numbers for the DEIS 2020 horizon year were developed assuming that the 4-lane MD 32 expansion from MD 108 to I-70 would occur well before 2020 according to various sources, including SHA. However, if the road capacity in this corridor were constrained to two lanes with safety improvements, it is reasonable to assume that there would be at least somewhat less residential and commercial development in the corridor, in Southern Carroll County, and out the I-70 corridor. This would mean that the DEIS analysis overstates the traffic congestion levels on MD 32 in the no-build, 2-lane alternative.

"The Smart Growth Areas Act went into effect in October 1997. The intent of this legislation is to direct state funding for growth related projects to areas designated by local jurisdictions as Priority Funding Areas (PFAs)...This project is outside Howard County's PFA, therefore it will require approval by the Board of Public Works before State funds can be spent on construction. The Smart Growth Area Act allows for the approval of transportation projects outside Priority Funding Areas if the project provides a connection between PFAs and if adequate access controls are in place to prevent development inconsistent with the State's Smart Growth Policy. Upon completion this project would provide a fully

access controlled connection from PFAs situated along the Patuxent Freeway in Anne Arundel and Howard Counties to PFAs in Carroll and Frederick Counties and other points west. Both Howard and Carroll Counties have identified this link of MD 32 as the preferred location for such a connection to occur. Once completed, this facility will be capable of safely handling the projected demand to travel between these PFAs." (DEIS, pg. IV-7). By providing these high speed road connections, the proposed project will have a major influence on the projected demand for travel, but this is not appropriately evaluated by the DEIS.

Moreover, given common real estate dynamics it is reasonable to assume that if MD 32 is built to 4 lanes all the way to I-70, that there will be significant future pressure for rezoning to allow more intense development near the intersection of MD 32 and I-70, for example in and around the Howard County Fairgrounds to take advantage of this high access location. There will be significant future pressure for rezoning and added development in Carroll County, which just eliminated most of its planning department to reduce impediments to unplanned growth. These factors which would also yield differences in land use and travel demand between alternatives are not evaluated or considered in the DEIS, although they are foreseeable secondary and indirect impacts of the proposed project.

The DEIS asserts, but does not provide sound support for the statement that, "The amount of development anticipated to occur within the SCEA boundary is not influenced by the MD 32 project, therefore, secondary effects were not anticipated to occur." But the DEIS continues in the same paragraph: "In general, an improved transportation facility may result in future zoning change requests to allow higher density development in areas not currently zoned for such development. Among the indirect impacts associated with the proposed roadway improvements is the potential for secondary development. Secondary development is defined as the development that could potentially occur as a result of new highway construction. Although the potential for secondary development exists, there are physical conditions and land use controls that limit this development from occurring within the region."

The DEIS then goes on to describe how land will be protected from development in the corridor. However, the means of protection - zoning and current lack of access to public sewer and water - are all generally at best one County Council and County Executive

election cycle away from being changed or discarded, and do not for the most part involve more reliable vested purchase of development rights. "The MD 32 Planning Study is located in Western Howard County. A majority of the land in this area is zoned rural residential, rural conservation, or agricultural. Howard County is committed, through their future land use plans, to maintain this zoning. In support of this commitment, no water or sewer facilities exist or are planned for this region. Additionally, Howard County has initiated and expanded an agricultural preservation program. The goal of this program is to preserve 30,000 acres of farmland. To date over 17,500 acres have been preserved in Howard County west of Ellicott City and Columbia." (DEIS pg. IV-62 and IV-63). The DEIS fails to note that the Agricultural preservation program funding for purchase of easements ended in 1997 (Howard County Department of Planning and Zoning. Development Monitoring System Report. March 1999, p. 31), diminishing the likelihood of meeting the land protection goal stated.

The reality is that 17,630 acres are available for development within the SCEA boundary, projected to produce 7,567 new dwelling units, a 64 percent increase over the 1990 level of dwelling units in the SCEA boundary (DEIS, pg. IV-65). Additional development potential that is likely to be affected by whether or not MD 32 is widened to four lanes lies outside the study boundary near Sykesville in Carroll County and out I-70 to the west. It is implausible that developers and home buyers will seek to use this full development potential under current zoning by 2020 if MD 32 is not widened to 4 lanes between MD 108 and I-70. Some portion, possibly a considerable portion of this development potential is likely to choose a different location for residential development and home-buying if they face growing congestion delays on a safer, but two-lane MD 32. If MD 32 is made 4 lanes, this area will indeed be much more attractive to this projected 2 unit per acre and 3 unit per acre automobile-oriented sprawl residential development between now and 2020. This difference in projected timing, pattern, and location of development must be accounted for in the DEIS. If MD 32 is constrained to 2 lanes it is quite likely that future County and state governments will take further steps to reduce the now permissible sprawl development in this corridor to help manage long term traffic and emissions growth in the area...

The DEIS states that "Benefits [for the build alternative] would include...reduction in travel time," (DEIS, pg. IV-85), but

nowhere does it document the forecast travel time savings. However, given the large projected difference in level-of-service for the build vs. no-build alternatives, it is obvious that SHA projects a large difference in travel time, which could amount to 5, 10 or 15 minutes or more of delay. There is extensive scientific literature (e.g, Goodwin, Phil B. Empirical Evidence on Induced Traffic: A Review and Synthesis. Transportation. Vol.23, no.1. Feb. 1996; Mark Hansen, of University of California Berkeley Institute for Transportation Studies, was published in Transportation Research, Vol.31A, No. 3, 1997, pp. 205-218) supporting the contention that changes in generalized travel cost and time in a corridor produce changes in the location of land use, the length and destination of trips, the time-of-day of traffic, mode of travel, and propensity to travel.

The transportation analysis models and land use assumptions used for the DEIS do not take these well supported relationships into account, even though reasonable evaluation methods are available to SHA and its contractors to evaluate them. Again this renders implausible the assumption that future land development decisions are not in some way dependent on whether this road is widened or not.

As a result of this failure to consider secondary and cumulative effects of the proposed action vs no-action and a 2-lane safety alternative, the DEIS ignores and mis-states the likely impacts of the project and its alternatives, saying, "The transportation improvements proposed will improve traffic operations and are not expected to increase traffic in the region." (DEIS pg. IV-84). The DEIS fails to recognize how it would create an irreversible and irretrievable commitment of resource indirectly through changing regional land use and traffic patterns (DEIS, pg. IV-84). The erroneous assumptions that the project would have no effect on land use or the amount of traffic also render erroneous the analyses of air quality, noise, energy use, safety, the traffic level of service, and other elements of the DEIS that are dependent in any way on forecasts of traffic volumes for a particular alternative (DEIS pg. 30-58). These errors should be corrected through a supplemental DEIS.

The DEIS incorrectly assumed that the time-of-day of traffic is not in any way affected by the amount of traffic congestion (DEIS, pg. IV-31), assuming a fixed percent daily distribution traffic curve to estimate traffic flows for various times. There is substantial evidence that travelers facing substantial traffic delay tend to shift their trips earlier or later, or to other

less congested routes, or choose different destinations (provide cite). There is evidence from intensive official planning studies in neighboring Montgomery County, Maryland, that the peaking of traffic is related to both congestion levels and to the heterogeneity of land uses in an area (M. Replogle, "Computer Transportation Models for Land Use Regulation and Master Planning in Montgomery County," *Transportation Research Record 1262*, Wash., DC, 1989). Thus, the DEIS overstates congestion that would exist on MD 32 with a 2-lane no-build or 2-lane safety improvement alternative.

The DEIS does not provide adequate documentation of how SHA and its consultants evaluated the three projects outside the SCEA boundary that "may have potentially impacted development within the study area." (DEIS, pg. IV-61) These were relocated MD 32 from MD 108 to Pindell School Road (completed in 1996), the new 6-lane highway MD 100 from US 29 east to I-95 (completed November 1998), and widening from six to eight lanes US 29 from I-70 south to MD 103 (estimated to be complete in 2015). SHA asserts that its "review found that development within the SCEA boundary was not impacted by these projects. However each of these projects influenced the traffic volumes projected for the MD 32 study area. This impact is addressed in the direct impacts of the project. Impacts other than those considered within the direct impact analysis were not identified and therefore were not further considered in this analysis." (DEIS, pg. IV-61).

The recently opened MD 100 expressway can be expected to "relieve traffic conditions on the existing highway network and serve the growth areas of Northern Howard County." (DEIS, pg. IV-61) This project in particular, lying only four to five miles east of the MD 32 project, is having a significant effect on growth in the region, drawing new developments and traffic, providing an alternative to MD 32 to serve traffic coming from I-70 near MD 32 and headed towards the I-95 corridor and Anne Arundel County. Further documentation is needed to identify how this MD 100 project has affected projected traffic demand in the MD 32 corridor for the proposed alternative, no-build, and a 2-lane safety alternative. The Baltimore Metropolitan Commission's traffic analysis of the long range transportation plan shows MD 32 to be uncongested in 2020, suggesting that MD 100 may relieve much of the projected traffic demand even given current land use forecasts for the study area.

Effects of MD 32 Widening on Air Quality and Traffic

On the basis of that review and my 20 years of professional experience in transportation and land use planning and analysis, I am confident in concluding that widening MD 32 to four lanes from MD 108 to I-70 as proposed can be expected to produce several effects: an immediate and lasting increase in emissions of Nitrogen Oxides (NOx) and a gradual increase in motor vehicle trips and vehicle miles of travel (VMT) within a few years. This increase in motor vehicle use is likely to lead in the longer term to significantly increased emissions from this induced traffic of both Volatile Organic Compounds (VOC) and NOx, the two precursors of ozone or smog. These effects will delay the attainment of federal air quality standards in the Baltimore region.

It is now well recognized that additional highway capacity, whether SOV or HOV, frequently has the effect of stimulating additional travel, which increases air pollution emissions. Increased vehicle use will take several forms. First, some drivers who now schedule their trips to avoid peak congestion will likely respond to the additional capacity by changing their departure time for commute travel to the time of peak commuting, since the new capacity will reduce travel time in the peak period. This effect has not been accounted for with appropriate sensitivity in the SHA analysis, which relies on fixed hourly distributions of traffic. Second, some drivers will likely choose trip destinations and routes that take advantage of the additional capacity and added speed of travel to make longer trips. Third, in the longer term, additional highway capacity, especially in the form of high speed expressways and HOV lanes at the fringe of metropolitan areas is likely to facilitate the development of new homes, offices, and factories which can take advantage of the increased accessibility offered by the highway to low cost land at the metropolitan fringe. This fringe metropolitan development is likely to come at least partially at the expense of future development within the already built-up suburban and urban parts of the metropolitan area. Such fringe development is likely to be much more dependent on the automobile than equivalent development inside the existing envelope of metropolitan development.

Thus, the addition of the proposed MD 32 widening at the fringe of the metropolitan area is likely to stimulate a further increase in motor vehicle use which will lead to increased air pollution of VOC and NOx and delay timely attainment of air

quality in metropolitan Baltimore. The additional road capacity that this project would provide can be expected to stimulate significant additional development that would not occur over the next two decades, particularly in Howard, Carroll, and Frederick Counties, in the absence of the proposed road widening project. This additional development will increase not only emissions of VOC, NOx, PM-10, and CO, but will increase the average level of emissions per household and per job in the entire non-attainment area. If the proposed MD 32 project is not constructed, or is constructed as a 2-lane safety project, then some of this additional development will likely be relocated into other locations in the metropolitan area with better transportation accessibility, lowering total pollutant emissions.

Over the period covered by Clean Air Act planning requirements, the proposed MD 32 project can be anticipated to increase VMT, vehicle trips, vehicle trip length, and overall motor vehicle use significantly, due to its effects on land development patterns. This will create a significant further increase in air pollution emissions from motor vehicles. The air pollution and other environmental impacts of induced driving and altered, more decentralized patterns of development will, in all likelihood, be significant.

A supplemental DEIS is needed for the MD 32 project to take these relationships into account and disclose these potential impacts will be in a context in which other experts and members of the public have an opportunity to review, comment and critique these data, analyses and methodologies prior to a final Record of Decision. Without a supplemental DEIS for this project, it is highly unlikely that these analyses will be conducted or disclosed publicly, giving no systematic means for public comment or disclosure. Since this project will require a special exception from the Maryland Board of Public Works under the Smart Growth law, such information is vital to an informed state decision-making process as well as to meet federal legal requirements.

Alternatives That Should Be Considered

SHA has not adequately evaluated alternatives for addressing safety and congestion concerns in the MD 32 corridor, looking only at 4-lane and no-build alternatives, not at how to address the purpose and need with a better and safer 2-lane design and traffic operations plan. A major benefit of a supplemental DEIS

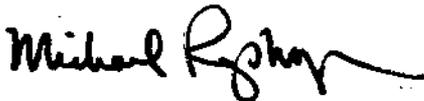
would be to allow for public review of reasonable alternatives, including safety and transportation demand management (TDM) measures, land use impacts, and smart growth options.

The other major statutory provision besides NEPA that requires consideration of alternatives to major capacity expansion to address congestion concerns is the major investment study (MIS) program of ISTEA/TEA-21. The July 1997 Maryland Congestion Management System Corridor #24 Report Mt. Airy/ Baltimore/ Annapolis, prepared by Maryland Department of Transportation, does not meet the MIS requirements. While MIS as a stand alone document is no longer required under TEA-21, that statute requires that all the elements of MIS reviews continue to be incorporated into the NEPA and planning process. An alternative scenario should combine safety options identified in the May 12, 1999 paper by Gerald Neily, "Transportation Analysis: MD 32 Draft Environmental Impact Statement and State Highway Administration MD 32 Safety Action Plan, An Assessment of Transportation Alternatives for MD 32 from MD 108 to Interstate 70," prepared for the Baltimore Regional Partnership.

A supplemental DEIS' should additionally consider travel demand management and Smart Growth strategies. These should include the effects of Commuter Choice Maryland transit tax credit and federal tax code changes for Commuter Choice and parking cash-out programs, along with park-and-ride lot development, vanpool and ridesharing service expansion, investments to improve pedestrian and bicycle access to transit, and promotion of transit/ pedestrian-oriented land use and street management in activity centers proximate to the study area. Improvements to paratransit services should complement transit service additions in this corridor's automobile-dependent suburbs.

Thank you for your consideration of these views.

Sincerely,



Michael Replogle
Federal Transportation Director

cc: John D. Porcari, Maryland Transportation Secretary
Michael McCabe, Regional Administrator, US EPA Region III
Nelson Castellanos, FHWA Maryland Division Administrator

STATE HIGHWAY ADMINISTRATION
QUESTIONS AND/OR COMMENTS

MD 32 from MD 108 to I-70
Combined Location/Design Public Hearing
Thursday, March 18, 1999
Glenn High School

PLEASE PRINT

NAME JONATHAN A. SCHULZ DATE 3/18/99

ADDRESS 6324 Angel Rose Ct

CITY/TOWN Columbia STATE MD ZIP CODE 21044

I/We wish to comment or inquire about the following aspects of this project:

I have great concerns about the need & impact of this project. I am particularly concerned w/ the "down stream" impact on the River Hill community w/ noise & added congestion. W/ the road now complete, the traffic on MD 32 has become horrendous. W/ the widening of 32 - this road will become more attractive to trucks & other commercial traffic, negating some of the positive impact of 100. \$167,000,000 seems to be a lot of money for a road being the affected communities seem to want. This project should be reconsidered.

*Persons who have received a copy of this brochure through the mail are already on the project Mailing List

Please add my/our name(s) to the Mailing List.

Please delete my/our name(s) from the Mailing List

6333 Daring Prince Way
Columbia, MD 21044

May 19, 1999

References: 1. FHWA Point Paper on Secondary and Cumulative Impacts
2. FHWA Environmental Policy Statement, 1994

Mr. Louis H. Ege, Jr.
Deputy Director
Office of Planning and Preliminary Engineering
Mailstop C-301
State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Dear Mr. Ege:

Subject: MD 32 from MD 108 to I-70 Draft Environmental Impact Statement (DEIS)

During scoping I provided comments on the proposal to widen Maryland Route 32 from MD 108 to I-70. My main comment was that the River Hill community along MD 32 from Cedar Lane to MD 108 should be included in the secondary cumulative effect analysis (SCEA) section of the new EIS. The Draft EIS states that the River Hill section was "reviewed" and that "development within the SCEA boundary was not impacted by these projects". What about noise and economic impacts to the River Hill section due to the new proposal to widen MD 32? In the past, the FHWA has conducted "limited treatment" of SCEA as indicated by the attached point paper. In 1992 the FHWA placed a "new emphasis" on conducting SCEA and after reviewing this DEIS I feel that the State Highway Administration (SHA) and FHWA are not complying with this "new emphasis" and with the FHWA's 1994 Environmental Policy (see attached) which states:

"It is FHWA policy to:

- Support efforts of Federal, State, and local agencies to control noise emissions at their source, to encourage land use planning and control to prevent noise-sensitive uses from developing in high-noise impact areas, or to ensure that such development is planned to minimize adverse effects."

Please address the following concerns/issues in the Final EIS:

1. The River Hill section of the widened MD32 has never been analyzed in a NEPA document. The 1989 EIS was prepared when the River Hill community was not present. The preparers of the present EIS refuse to include River Hill in the EIS under SCEA. Please explain in detail why River Hill was not included in the SCEA section and mitigations for noise and socioeconomic impacts were not presented.
2. How were the Logical Termini determined for this project? Why is splitting the project of widening/upgrading MD 32 from Pindell School Road to I-70 into two EISs not considered segmenting the action?
3. The EIS for the River Hill section was completed in 1989 but the road was not completed until 1996. Why wasn't the EIS reviewed to determine if the impacts were still valid? Is there a time constraint for when an EIS must be re-evaluated?
4. According to:
"CEQ Sec. 1502.1 Purpose
The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data.

Sec. 1502.2 Implementation.

To achieve the purposes set forth in Sec. 1502.1 agencies shall prepare environmental impact statements in the following manner:

- (a) Environmental impact statements shall be analytic rather than encyclopedic.
- (b) **Impacts shall be discussed in proportion to their significance.** There shall be only brief discussion of other than significant issues. As in a finding of no significant impact, there should be only enough discussion to show why more study is not warranted."

However, after reviewing the MD 32 DEIS I see no discussion whatsoever about the significance of the impacts. How can the public or the decisionmaker determine if the impacts described in the EIS are significant or not. Is it assumed that all impacts described in the EIS are significant? Include a discussion of how "significance" is determined i.e. % deviation of a qualitative or quantitative impact from an existing condition baseline.

5. Why are noise and socioeconomic impacts not included in the SCEA discussion? How are quality of life issues, i.e., noise, odor, safety, aesthetics, etc., analyzed and their impacts measured in this DEIS?
6. The EIS mentions that noise is an area of controversy for communities outside the study area but there is no quantification of the impacts and present possible mitigations for the decisionmaker to consider.
7. Who (agencies and individuals) was involved in the decisionmaking process to determine the extent of the SCEA boundary?
8. How does the River Hill community along MD 32 not meet the definition for SCEA as described in section Q (2) on page IV-59 of the Draft EIS?
9. Please expand section Q (3) c on page IV-60 to specifically identify what "factors" determined the SCEA boundary.
10. Are there "significant" noise impacts to the communities/receptors along the proposed MD 32 widening area addressed in the Draft EIS?
11. Looking at Figure IV-2, it is quite obvious that the western portion of Columbia should be included in the SCEA, especially since the area north of I-70 and Ellicott City were included in the SCEA (see attached). Why are Ellicott City and the portion north of I-70 included but not western Columbia?
12. How was the noise study recently completed for River Hill portion of MD 32 included in this EIS? If it was not included, WHY NOT?
13. Please address how this EIS meets the FHWA policy statements and SCEA point paper issues identified in the attachments.
14. Who will be responsible for funding the noise mitigations identified in the Record of Decision and in the DEIS noise analysis section?

I would like to reiterate the comments I made during the scoping process, especially since they were ignored in that no impacts were analyzed and mitigations addressed for River Hill. The residents of River Hill have already suffered tremendously from the opening of the new section of MD 32 between MD 29 and MD 108 as a result of the excessive noise from traffic. The traffic volumes and noise levels have already exceeded SHA noise estimates for the year 2010. Furthering widening of MD 32 from MD 108 to I-70 will only add to the existing problem no matter what the change in level of service (this is only common sense). In addition to the nuisance of noise, the additional traffic will further cause our property values to decrease. **In conclusion, the widening of MD 32 from MD 108 to I-70 will affect River Hill residents and noise and socioeconomic mitigations should be included as part of the EIS analysis.**

Sincerely,



David A. Carlisle

River Hill Resident/Ad Hoc Noise Committee Member

Attachments (3)

May 19, 1999

Ms. Heather Murphy
Project Manager
Project Planning Division
Maryland State Highway Administration
Mailstop C-301
707 North Calvert Street
Baltimore, MD 21202

Dear Ms. Murphy:

I am writing to comment on a specific project - the widening of R32 between R108 and R70. I live in the village of River Hill and I understand that the current Draft EIS (DEIS) does not include our village in the secondary cumulative effect analysis (SCEA) portion of the EIS. The DEIS states that the River Hill section was "reviewed" and that "development within the SCEA boundary was not impacted by these projects". I find it very difficult to believe that there will be no impact to the River Hill section due to the new proposal to widen MD 32.

My comment regarding this project has two parts. First, that the section of River Hill that abuts MD 32 presently should be included in the DEIS for the reasons I outline below. Second, I believe that the SHA has a responsibility to address our concerns if for whatever reason we are still excluded from the EIS in the final draft.

Point #1: River Hill should be included in the DEIS because:

The previous EIS (the one performed in 1989 for River Hill during the widening of MD 32 between 29 and 108) was flawed and did not study the problem accurately. Simply stating that our noise problem was addressed in the previous EIS is not sufficient. River Hill was not even built in 1989, the noise analysis was inaccurate (underestimated traffic) at best, and the SHA and FHWA need to recognize that this was a flawed study. You will not be setting a precedent for all other communities to be included as SCEA areas if you make the distinction that River Hill is being included in the current DEIS only because the EIS of 1989 did not address our noise problem properly.

I have seen a preliminary Peripheral Effects Study conducted by SHA and I would like to note that the preparers of the study are still in the process of explaining the data to myself and residents of River Hill. However, I can see that the general conclusion of the study is: "...the noise levels in River Hill are predicted to be so bad in the year 2020, the SHA model shows that even if MD 32 is widened, the increase in noise just due to the widening wouldn't make that much of a difference...". I am personally investigating exactly how this finding was made, but more importantly, I and many other residents are very disappointed that the SHA's attempt to study our problem resulted in what is perceived as a 'run-around', and a refusal to address the existing problem altogether. The preliminary analysis was difficult to understand and was contradictory without sufficient information. This peripheral effects analysis the SHA performed should be revised, expanded, more data should be collected, and it should be included in the DEIS.

Point #2: The SHA has a responsibility to explain why they refuse to include River Hill under SCEA. Specifically,

1. The River Hill section of the widened MD32 has never been analyzed in a NEPA document. The 1989 EIS was prepared when the River Hill community was not present. The preparers of the present EIS refuse to include River Hill in the EIS under SCEA. Please explain in detail why River Hill was not included in the SCEA section and mitigations for noise and socioeconomic impacts were not presented.

2. How were the Logical Termini determined for this project? Why is splitting the project of widening/upgrading MD 32 from Pindell School Road to I-70 into two EISs not considered segmenting the action?

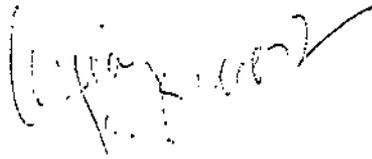
3. The EIS for the River Hill section was completed in 1989 but the road was not completed until 1996. Why wasn't the EIS reviewed to determine if the impacts were still valid? Is there a time constraint for when an EIS must be re-evaluated?

The residents of River Hill have already suffered tremendously from the opening of the new section of MD 32 between MD 29 and MD 108 as a result of the excessive noise from traffic. The traffic volumes and noise levels have already exceeded SHA noise estimates for the year 2010. Further widening of MD 32 from MD 108 to I-70 will only add to the existing problem no matter what the change in level of service (this is only common sense). In addition to the nuisance of noise, the additional traffic will further cause our property values to decrease.

In conclusion, the widening of MD 32 from MD 108 to I-70 will affect River Hill residents and noise mitigation should be included as part of the EIS analysis.

Sincerely,

Nina K. Burns, Ph.D.
River Hill Resident



The below referenced documents and tapes are available for review at Maryland State Highway Administration Headquarters located at 707 N. Calvert Street, Baltimore Maryland 21202. Please Call the Project Manager, Heather Murphy, to set up a time for reviewing the information. She can be reached at (410) 545-8571 or toll free at (800) 548-5026.

May 21, 1999

Maryland State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

Re: Comments: MD 32 SEIS (MD108-I-70)

To Whom It May Concern:

Enclosed please find documents and tapes submitted for the record for the above referenced project. These materials are in support of my statements made at the public hearing on this project.

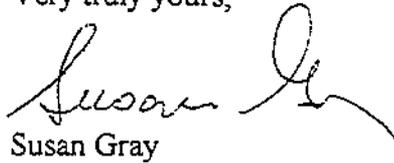
In addition to the comments made at that hearing, I would also like to make the following comments:

- 1) The Round 5 land use numbers stated as the growth forecast on which the EIS is based do not correspond to the county's General Plan, but instead reflect very significant increases in growth not called for in the county's plan.
- 2) The traffic forecasts do not correspond to BMC's forecast for Round 5 and there is no explanation in SHA files for the differences.
- 3) The statements that the freeway facility is consistent with the county's master plan and the long range transportation plan for the region are simply untrue. As the attached documents indicate, this facility has been planned as a four lane intermediate arterial, not a freeway, in the county's master plan and well as in BMC transportation studies.
- 4) The change in the functional classification of MD 32 to a principal arterial in 1996 was based on statements made by Howard County staff that the 1990 General Plan called for this road to be a principal arterial (freeway) and that the change was necessary because of a clerical error were untrue and resulted in a General Plan change based on misrepresentation.
- 5) The statements related to not extending water and sewer into the project area are incorrect. Much of the project area is already in the planned water and sewer area.
- 6) There are massive secondary impacts to this project which were not considered.

- 7) The traffic accident data do not correspond to the facility proposed.
- 8) There are 4f impacts to agricultural lands which are not identified.

Thank you for the opportunity to comment.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Susan Gray", with a long, sweeping flourish extending to the right.

Susan Gray

From: Bill Bellamy <wbellamy@bellatlantic.net>
To: MDSHAHQ.SHADGN (EMurphy)
Date: 5/21/99 6:06pm
Subject: MD Route 32 EIS

May 21, 1999

Ms. Heather Murphy
Project Manager
Project Planning Division
Maryland State Highway Admin.
Mailstop C-301
707 North Calvert Street
Baltimore, MD 21202

Dear Ms. Murphy,

I would like to explain why I believe the residents of the village of River Hill want the area of MD Route 32 between Pindell School Road and Route 108 to be included as an affected area for the EIS relating to expanding Route 32 to I70. This is not a new issue to you as many of us

have pleaded our case to you and other members of the State Highway Administration over the last 3 years. The information which I am including for your review may be new information which we consider to be

relevant to support our claim that we should be considered as a primary impact area of the further expansion.

First understand that many of the residents, in the area east of Great Star Drive, purchased and moved into our new homes before the actual work began for the re-alignment of Route 32. We did not have the luxury

of seeing the road and hearing the noise before moving in. Some of us went to the Howard County Planning and Zoning Department to seek out information relative to the road. We found that, if you didn't know exactly what to ask for, you might not have received all of the pertinent information required to make a good logical decision. In this

situation we had to have trust in the information we received from the builders and the county. We found that the information was, for the most part, minimal, inaccurate, and misleading. One example to demonstrate this claim is the fact that average daily traffic counts exceeded the 2010 estimates in the first year. Suffice it to say that no one expected what we got. The builders, SHA, and Howard County each contributed directly or indirectly to the poor information which the residents had for making an evaluation.

The attached information contains excerpts from records in the Howard County Planning and Zoning files relative to the MD Route 32 "re-alignment" project and the River Hill development. This information

develops a theme of mismanagement by the agencies involved in these conjoined projects and supports the claim by the residents that we

should not be subjected to the road noise and property value problems which we now have as a result of this mismanagement.

Federal Highway Administration, State Highway Administration, and Howard

County Guidelines all state that noise mitigation must be provided in projects similar to the "MD Route 32 Re-Alignment" project. Documentation supports the fact that all of the parties had knowledge of expected high noise levels. No noise mitigation was provided for this project.

SHA claimed that the "re-alignment" project was made public before plans for the River Hill development. The information in the Howard County files indicates that this is not the case. Land records of ownership by the Rouse Company and plans for the expansion of the Columbia village of River Hill pre-date the late 1980 announced re-alignment project by SHA. SHA's claim that they would not be responsible for providing noise mitigation in relation to this project because the road project was planned first is inaccurate and unfounded. Per FHA guidelines, SHA should have been responsible for providing noise mitigation for this project.

SHA has another stated policy of not supporting jurisdictions who do not

have policies dealing with providing noise mitigation. Howard County does have clearly defined policies on record, but they don't enforce those policies. The many examples in the information attached clearly demonstrates and supports this claim. During the planning and development phases of the River Hill Village, Howard County informed the

developer, Howard Research and Development, that they could not build in

certain areas because⁺ of the expected high levels of noise. These areas

were in the known 65dBA line area. The developer was informed to move the structures, provide mitigation solutions, etc. Nothing was done to address the noise levels and houses were built throughout the 65dBA areas. An unofficial, verbal agreement was made that allowed the developer to be relieved of all requirements for providing specific mitigation solutions by including a note on the development drawing explaining a noise problem in the area. Another project in the Route 100 area has just received the same waiver. Howard County does not enforce the SHA required guidelines for noise mitigation and therefore, on future projects, should not be given State funds.

I hope that after reviewing the attached Howard County file information you will understand why the affected residents are upset about the management of the project and conclude that we should be included in the

current EIS as a directly affected area for the purpose of receiving noise mitigation relief.

Thank you for your consideration in this matter.

William E. Bellamy

(Original to follow w/attachment)

	Date	Entry	F
1		Vicinity Map: Lots 1 - 106	F94
2		Noise Study prepared by STAINO Engineering, Inc. under P-92-13, P-92-15. Approved on 6/26/92 and 1/6/93 respectively.	F94
3		65dBA Contour line represents appx location for year 2015 based upon assumptions about actual conditions at that time. Based on SHA estimate for year 2015 highway traffic volume. The line is advisory as required by HC Design Manual III Chapter 5 revised 2/92.	F94
11		SHA Comments: "Discussed original full width improvements be constructed north of Guilford Rd but problem with Donald Parlette cooperating." "Fox Pause subdivision in 1977"	F94- P-94
59	0/0/0	MD RT32 SHA plats 52406 thru 52408	F95- F-93
37	9/25/86	Deed transfer from HRD to HRD Land Co	F-93
16	10/6/86	Deed HRD (grantor), HRD Land Company	2 of F94- P-94
38	10/6/86	Deed Liber 1535, Folio 193 HRD Corp & HRD Land Co	F95- F-93
31	6/21/91	HC Internal Memorandum to A. Ferragamo, Chief Land Dev Division ref.: River Hill Sec 2 "We reiterate that Design Manual requirements must be met."	2 of F-93
30	7/15/91	Comments: HCDP&Z S-91-03 VRH sec 2 item #5) "Required prior to approval of preliminary plan: (a). "Noise Study"	1 of F-93
29	7/17/91	Letter: from G. Klar (HRD) to HC Land Dev Division - A. Ferragamo, ref.: meeting 6/26/91.(example of form: "Application for Waver DCPLD WP-03-90 that was used)	F-93
28	7/18/91	Comments: HCDPW Traffic Study. Engr. CD, "Where is the noise impact study?"	1 of F-93
52	8/9/91	Notes: DPW S-91-03 Sec 2 item #11) "Traffic volumes shown in traffic study indicate that noise impacts from the proposed reading are likely to exceed an avg 65dBA. (sec 4.2.9.4 Design Manual vol III)	1 of F-93
		(note: I believe that the reference was incorrectly stated. Design Manual, vol III, sec 5.2.9.4 states; "At the discretion of the Chief, Bureau of Engineering, a noise study may be required for any proposed development where, based on unusual conditions, it is determined that noise impacts from an existing or proposed highway or rail line are likely to exceed an average of 65dBA.")	
51	10/28/91	Letter: SHA to Reutter Reference Growth Patterns traffic counts on Guilford Rd 1 8/24 - 26/88 32 W of WRGrace 21,031, 8/24 - 26/88 32 E of Hall Shop Rd 16, 813, 8/16 - 18/88 32 E MD108 10,582, 7/6 - 9/89 32 E Hall Shop Rd 5,330	F-93 2 of
47	1/16/92	Decision & Order, Planning Board Case #269 9/17/91, 10/1/91, 10/15/91 HRD petition of HRD approval of comprehensive Sketch Plan - Final Development Plan 209 criteriaSec 2 291 acres Robert Morris a traffic engineer for Howard Countians for Responsible Growth. Page 8 "Updated traffic data will be subitted and evaluated with the submission of the Preliminary Plan for each subsequent phase (II - IV). Should traffic conditions vary substantially from the projected in the initial traffic study, revised mitigation measures will be required before the individual Preliminary Plan is approved." (Grove/Slade Traffic Study)	F-93 2 of
48	2/27/92	Comments: DPW to DP&Z P-92-13 item # 8) "The noise study is unacceptable - report format guidelines. 14 barriers proposed - none are shown on the submittal." Item #9) "Based on the delineated 65dBA line shown on the plat, it does not appear feasible that a house can be located on lots 116, 115 and the other future lots close to Trotter Rd with the 50' curtilage requirements (Sec 4.2.9 Vol III)"	F-93 2 of

Notes from files located at Howard County Planning & Zoning, Development Engineering Division, July, 1998. File extractions on noise issues are from files: F-94-61, F-93-81, F-93-80, F-93-18.

	Date	Entry	F
49	3/6/92	Letter: Reutter to Klar item #17) The developer is advised the regulations of the DPW mandate that a 50' structure setback be maintained from the 65dBA line. This setback will preclude development in lots 115 - 116.	F-93 2 of
46	3/25/92	Letter: HRD to DP&Z comments item #17) "The relocation of the 65dBA line has eliminated any development restrictions on lots 112 - 114 along Rd K previously identified.	F-93 2 of
50	3/25/92	Letter: HRD to DP&Z item #14) "The 65dBA line shown on Preliminary Plan sheet 2 of 3 has been modified from the previous submission by proposing a berm in open space lot 128 behind 111 - 113...."	F-93 2 of
45	3/30/92	Memo: G. Klar "Copies of: 1) Traffic Noise Study by Polysonics, 2/27/92 2) Revised Noise Study by Polysonics, 3/18/92 Note: Revised study includes small berm behind lots 111 - 114 on Rd K." (the studies mentioned were not in file!!)	F-93 2 of
79	5/15/92	Letter: Reutter to G. Klar ref.: P-92-15 VRH 2/2 DPZ Comments: item #1) "The developer is advised that the final location of the State's right-of-way for MD R32 may impact the gross acreage of this section in, the lot configuration, the amount of open space, the location of the 65dBA noise line, and the available lot yield. The developer is advised to contact the SHA regarding their correspondence dated 3/9/92 which was issued in conjunction with P-92-13 for Section 2, Area 1." Item #5) "The developer is advised that the requirement of the DPW for a 50' building setback from the 65dBA noise line may preclude the development of proposed lots 60, 61, 87, 147-159, 163-165, and 199."	F-93
80	6/22/92	Letter: HRD to DP&Z ref.: Sec 2, Area 2 P-92-15 item #2) "The increase in single family lots..... the total number of lots approved by the Planning Board is 626 (prior to SHA's announced opening of new R32) item #4) "The wetland analysis and noise evaluation were submitted to HC under separate cover from the Preliminary Plan submittal. To DP&Z, DPW, Howard Soil Conservation." Item #5) The Preliminary Plan was submitted with the unmitigated 65dBA noise line which did not contemplate any noise mitigation measures. However, noise at the 65dBA line can be effectively mitigated by construction of walls within the right-of-way of R32. We have conducted preliminary studies to analyze the possible noise barrier location and subsequent revised 65dBA noise contour line, which do not encroach on the single family lots within this section of your project. The preliminary plans have been revised to incorporate this information. We will be discussing noise barriers with SHA as part of our negotiations on compensation for the R32 taking. Item #23) "The data used by Polysonics for the Stamina noise model was provided by HRD and utilized the SHA's traffic volumes for MD 32. These values are adjusted to the 2010 design year for the noise study."	F-93
43	6/26/92	Letter: HRD to Div of Community Planning & Land Dev E. Hilsemath item #11) "...Justification for all natural barriers....." "...by nose consultant Polysonics,	F-93 2 of
82	6/26/92	Inc Scott Harvey, Thomas Auyeung Memo: T. Augeung to Doug (?) - SHA "According to 1990 study for year 2015 MD R32 projected traffic @ Trotter Rd: 1) AM peak WBR 1260 2) EBR 3675 3) PM peak WBR 3620 4) EBR 1365 (?) mon> (?) 5% truck traffic (2%MT, 3% HT)	F-93
83	6/26/92	FORM: "Howard County DPW Traffic Impact Study Revision" (NO DATE ON FORM) (above named form contained no information - a blank form!)	F-93
81	6/29/92	Memo: Telephone conversation, T. Auyeung to G. Klag "informed him of the following:	F-93

Notes from files located at Howard County Planning & Zoning, Development Engineering Division, July, 1998. File extractions on noise issues are from files: F-94-61, F-93-81, F-93-80, F-93-18.

Date	Entry	F
	<ul style="list-style-type: none"> 1) Traffic data used in the Stamina study is low. 2) ? 5% truck traffic should be used (2% MT, 3% HT) 3) Use traffic information from traffic forecasting (?) (2015 design year). Greg said that he will use it and any deviation will support by written document." 	
44	<p>7/8/92 Note: ref.: Telephone conversation T. Auyeung to G. Klar "Haven't received required noise study" "The following input data has to change: <ul style="list-style-type: none"> 1) Traffic Data: % trucks, pass cars 2) Change noise berms to 420 not 425 3) Put Larrier out of SHA P/W (?) </p>	F-93 2 of
77	<p>8/6/92 Letter: from Reutter to G. Klar DP&Z comments ref.: P-92-15 VRH 2/2 item #4) "The developer is advised that detailed information regarding noise mitigation along R32 and Guilford Rd will be required with Final Plan submission. This detailed information must include location and type of all noise abatement measures and an outline of which party (SHA, or the Developer) will be responsible for their installation. The Developer is cautioned that the proposed mitigation must be deemed adequate or sub-division redesign may be mandatory."</p>	F-93
78	<p>9/10/92 Letter: HRD to Div Comm Planing& Land Dev item #4) "We acknowledge that detailed design information regarding noise measures along R32 will be required with the Final Plan submission. This information will also identify whether SHA or HRD will be responsible for the installation of this noise mitigation measures."</p>	F-93
35	<p>9/23/92 Recended Land Development Drawing.</p>	F-93 2 of
76	<p>10/26/92 Letter: from Reutter to G. Klar DP&Z comments 2 item #8) "The abatement of noise attributable to new Rt 32 must be addressed with the Final Plan submitted. The parties responsible for all abatement must be identified at that time."</p>	F-93
42	<p>11/12/92 Letter: HRD to Div of Community Planning & Land Dev E. Hilsenrath 2 item #6) references 1990 application for the Village of River Hill.</p>	F-93 2 of
75	<p>11/16/92 Letter: from G. Klar to E. Hilsenrath DEPARTMENT OF PUBLIC WORKS 2 item #2) "HRD will be responsible for the construction of any noise barriers that are deemed necessary." Item #3) "We acknowledge that the noise study and its coresponding investigation will be reviewed at the Final Plan stage."</p>	F-93
8	<p>12/7/92 Memo: ref.: Noise Study Attendees: J. Necker, G. Klar, M. Staino, JMI, CD. "Used 2010 not 2015 Mitigation. If it's reasonable, ...suggested to provide mitigation if it's 1 - 2 feet more for 2015. "May be ok with a note on the plat verifying the ?? of the noise situation (our standard note)."</p>	F94- P-94 F95-
41	<p>12/21/92 Letter: HRD to DP&Z E. Hilsenrath DPW 2 notes #2, #3 Enhancing existing berm 110 - 114.</p>	F-93 2 of
74	<p>1/5/93 Letter: from G. Klar to E. Hilsenrath item #8) "For the record, HRD will be responsible for all noise abatement measures adjacent to RT 32. We acknowledge that the analysis of traffic noise generated by RT 32 traffic will be reviewed during the Final Plan phase."</p>	F-93
9	<p>1/25/93 Memo: from M. Staino to G. Klar RH sec 2 Barrier Re-Analysis per Rouse Co. (Analysis used 2010 traffic) i.e. Lot 99 UM=65 M=65.</p>	F94- P-94 F95-
56	<p>1/28/93 Letter: HRD to DP&Z ref.: Final Plan submission</p>	F-93
73	<p>1/28/93 Letter: from G. Klar to E. Hilsenrath ref.: Final Plan Application "Noise study by Staiano Engr which superseded the original study by Polysonics, Inc. We intend to meet with DPW about technical issues brought to light by analyses and therefore are reluctant to submit these studies prior to meeting. The record plats will be revised to incorporate the oise data as soon as it is determined by DPW."</p>	F-93

Notes from files located at Howard County Planning & Zoning, Development Engineering Division, July, 1998. File extractions on noise issues are from files: F-94-61, F-93-81, F-93-80, F-93-18.

	Date	Entry	F
39	2/12/93	Development approved Sec 2, Area 1, Lots 1 - 130	F-93
69	2/16/93	Comments: from Bureau of Engr, Land Div to DP&Z ref.: Additional comments by Traffic Engineering - G. E. Frangos Page 8, item #4) "Need to clarify notation "Proposed Noise Wall (by others) on sheet 4 of 17."	2 of F-93
54	2/25/93	Comments: Page 2 (page 1 was missing) (footer: CSM"ab/comments\F9380.com) Road Construction Drawings item #2) "The developer must address the mitigation of noise attributable to future R32. The mitigated location of the 65dBA line must be indicated on both the plat and road drawings. All mitigation measures including landscaped berms or noise walls must be incorporated onto the road drawings."	F-93
67	2/25/93	Comments: HC ref.: Road Drawings item #3) "Indicate what abatement methods will be utilized for reducing the excessive noise levels described in the noise study."	F-93
71	2/25/93	Road Construction Drawings item #2) "The developer must address the mitigation of noise attributable to RT 32. The mitigation location of the 65dBA line must be indicated on both the plats and road drawings. All mitigation measures, including landscaped berms or noise walls, must be incorporated onto the road drawings."	F-93
55	4/2/93	Letter: HRD to Comm Planning & Land Dev Sec 2, Area 2, Phase I F-93-80 ref.: 3/8/93 HC comments. Road Construction Drawing comments, DP&Z: item #2) agreement HRD/DPW - HRD would provide as much earth berm protection as possible.....and landscaping said berms according to HRD typical landscaping standards in lieu of constructing any noise walls or barriers.areas will be turned over to Columbia Association who will maintain the open space as well as the berms and their associated landscaping."	F-93
72	4/2/93	Letter: from G. Klar to E. Hilsenrath comments ROAD CONSTRUCTION section item #2) (stated meeting held with DPW and it was agreed that "HRD would provide as much earth berm protection as possible...." And "landscape said berms according to HRD's typical landscape standards in lieu of constructing any noise walls or barriers" "It was also agreed that in those areas that have excessively steep slopes or mature woodlands that it would be counter productive to construct berms. HRD reserved open space areas adjacent to RT 32 right-of-way for this purpose. Also HRD requested that the landscaping not be required on the road construction plan."	F-93
68	4/6/93	Letter: from G. Klar to E. Hilsenrath ROAD DRAWINGS (section) item #3) "When possible, earth berms will be constructed along the open space strip adjacent to the new MD RT 32 right-of-way. These berms will be as high as possible except in those areas that would require existing tree clearing to construct them, No berms will be constructed at the expense of such trees. No other noise abatement methods are acceptable to DPW at this time and therefore no other methods are proposed." Item #15) "The proposed noise berms will be landscaped in accordance with HRD's landscaping standard." TRAFFIC ENGINEERING section Item #4) "The proposed noise walls (by others) has been removed from the plans."	F-93
66	5/6/93	Letter: from E. Hilsenrath to G. Klar ref.: F-93-81, VRH 2/2 Phase II item #7) "Will noise mitigation be provided along MD RT32? There is no indication of a 65dBA line on plats or mitigation measures on the grading plans for that area."	F-93
65	5/13/93	Letter: from E. Hilsenrath to G. Klar ref.: F-93-81 VRH 2/2, Phase II "Plans do not meet objectives for this area. Howard County asking for revised plans and written narrative including noise study"	F-93
70	5/17/93	Comments: from DP&Z ROAD DRAWINGS section item #2) "This division has determined that landscaping must be indicated within open space lot 240 between the proposed lots and right-of-way RT 32. Areas where berming is	F-93

Notes from files located at Howard County Planning & Zoning, Development Engineering Division, July, 1998. File extractions on noise issues are from files: F-94-61, F-93-81, F-93-80, F-93-18.

Date	Entry	F
	infeasible must be landscaped to provide a buffer for the future residents. This landscaping, which should be placed on the highest point between lots and the right-of-way, will be the responsibility of the developer and may not be deferred to Columbia Association."	
32	5/25/93 Letter: from G. Klar (HRD) to J. Irvin "HRD intends to use explanation note." (note was attached) "The note was amended to incorporate Irvin revisions." (requested affirmation of note)	F-93 2 of
64	5/28/93 Letter: from E. Hilsenrath to G. Klar ref.: WP-92-13, VRH sec 2 (Addendum) (...approving request to waive Section 16.134 to allow the deletion of sidewalks....)	F-93
61	6/7/93 Letter: from G. Klar to R. Blood DP&Z item #7) "...noise mitigation berms on sheets 15, 16 of 18. Berms only in non-wooded sections to minimize unnecessary tree clearing. 65dBA noise contour will be recorded on plats for residential lots only. This procedure was initiated and authorized by DPW in order to address section 5.2.9, chapter 5, vol III of HC Design Manual." (see note 52, this document - web) "In lieu of noise berms in wooded areas, we propose noise walls with maximum height of 8 ft. Location of walls and construction will be added to plans."	F-93
33	6/16/93 Letter: from J. Irvin to G Klar "...ref.: HRD intended use of explanation note. "Department has no objection to use it. However, make this note stand out. Contact C. Damers if any questions."	F-93 2 of
63	6/17/93 Letter: from E. Hilsenrath (ASLA) to G. Klar ref.: WP-92-13, VRH 2/2 (F-93-80, F-93-81) (approving HRD request to waive Section 16.116 (a) (1) and (2) to permit grading disturbances within wetlands....)	F-93
62	6/21/93 Comments: DP&Z ref." VRH 2/2 Phase II item #1) "Based upon final design for noise mitigation along MD Rt 32 being added directly to the original road construction drawings this division reserves the right to review and comment on the design prior to signature approval."	F-93
58	6/25/93 Letter: G. Klar to HCDP&Z E. Hilsenrath ".....have worked very closely with DPW to arrive at the noise mitigation solution that is both effective and aesthetically acceptable, and without maintenance or liability impact to Howard County."	F-93
26	7/7/93 HCDPW checklist Sec 2, area 3, 4 item #7 Noise Impact Study required by Sketch Plan comments per Design Manual (vol III, sec 4.2.9) page 5 of 5 "Preliminary Plan (Roads) checklist. "Traffic Impact Study Review" - (form included but not completed)	F94- P-94
25	7/8/93 Letter: from G. Klar (HRD) to R. Blood(HCDP&Z) Sec 2, area 3, 4 S-91-3 (sketch plan was submitted & approved by HC on 12/13/91)	F95- F94- P-94
24	8/5/93 Comments: HCDPW, P. Thompson P-94-01. item #7 "...based on 12/7/92 meeting ... item #3 "...Land Development Division will determine whether additional mitigation is required or not. Item #3).(b) "...a copy of the output data must be included in the study." (Note...requested an updated traffic study for additional lots and Trotter Rd connection to the network.)	F95- F94- P-94 F95- F94- P-94
23	8/11/93 Comments: DP&Z. item #17 "...lots 97-99 noise line is unacceptable. Relocate these lots or propose noise abatement measures."	F94- P-94 F95- F94- P-94
15	8/20/93 Maryland Route 32 Relocated Agreement	F95- F94- P-94
21	9/30/93 Letter: from G. Klar (HRD) to G. Terinnanzi (HCP&Z) Sec 2, Area 3, 4 P-94-01 ref.: lots 97 - 99 item #17 "...no other mitigation techniques are appropriate in this wooded area." Supplemental DATA section. item #7.(a) "...see pages 1 and 4 of 9/14/92 Noise Study." Item #7.(b) Staino noise study was not submitted for review because it was quite	F94- P-94 F95- F94- P-94

Notes from files located at Howard County Planning & Zoning, Development Engineering Division, July, 1998. File extractions on noise issues are from files: F-94-61, F-93-81, F-93-80, F-93-18.

	Date	Entry	F
		voluminous and not practicle to submit this review.”	
22	10/5/93	Comments on Preliminary Plan DPW, Dev Engr: TA, Traffic: Engr Division. “Noise analysis requires further clarification because: It would appear the noise analysis did not asses on-ramps/ off-ramps for MD R32 at Great Star Dr. Is there a reason for an exemption made for this case?”	F94- P-94 F95-
19	11/2/93	DP&Z Comments ref.: P-94-01 VRH 2/3, 2/4 item #5 “..previous correspondence 8/11/93 65dBA across lot 73 & 74 (2/3) is unacceptable. This dept cannot endorse the design of these lots. Relocate these lots or propose a means by which to reduce noise to acceptable levels.” item #15 “..Developer is responsible for providing berm landscaping for noise mitigation.”	F94- P-94 F95-
18	11/10/93	Review Subdivision Committee, review by HC Planning Board	F94- P-94 F95- F94
4	11/24/93	Preliminary Plan: Section 2, area 3, 4	F94
17	12/2/93	P-94-01 from G. Klar to DPW Preliminary Plan 11/17/93	F94- P-94 F95- F94
20	12/2/93	Letter: from G. Klar (HRD) to G. Terinnanzi (HCP&Z) Sec 2, Area 3, 4 P-94-01 item #5 “..acknowledged reluctance to endorse the creation of lots with 65dBA noise zone”. “..no practical way to protect this area from the noise contour due to the severity of the existing topography, as well as the existence of mature trees in the area. Therefore, we propose to provide the HRD noise clarification note on the final subdivision plats. This note was added to the village of River Hill, Section 2, area 2, phase I plats in order to alert prospective homeowners of the potential impacts of traffic noise on the lots. This note has been reviewed and approved by both DPW and DP&Z.”	F94- P-94 F95- F94
14	1/25/94	Item #15 (Tree Plantings) Landscaping of proposed noise berms. 1 1” caliper per 10 linear foot.	F94- P-94 F95- F94
13	1/31/94	Letter from G. Klar to P. Thompson (HCDPW) III 4 “General Note #7 modified per your directions. Noise Study was initially reviewed F93-18 Final Approval 12/21/92 (see note 16)”	P-94 F95- F94
12	2/8/94	F-94-61 (PLAT) VRH 2/3 Lots 1 - 144 “Financial Guarantee” Item #3provision for underground G&E services prior to recordation.	P-94 F95- F94
10	2/28/94	Letter: from G. Klar to G. Terinnanzi (HCP&Z) ref.: Landscaping.total 1500 LF of landscaping screening w/6’ - 8’ pines @ 10’ centers @ \$110 = \$16,500 proposed berms on north side of Morning Time Lane , east of Trotter Rd row south of Morning Time Lane to screen new home construction from Paul Parlette property. This commitment from HRD to provide landscape screening from lots <8k’. Lots: 38, 41.	P-94 F95-
53	5/11/94	Letter: HRD to DPW P. Thompson item #1 “Our project began construction in Aug 93, SHA began construction in Nov 93.	F-93
36	12/15/94	Final Plat checklist Deed dated 9/25/86 (McGregor - HRD VP)	F-93 2 of
40	12/15/94	Drawing: Sec 2, Area 1, Lots 105, 108, 112 Noise Mitigation Wall	F-93 2 of
34	5/12/95	Note: David Connolly 5311 Trotter Rd 301-595-9575 reviewed the files.	F-93 2 of
6	8/12/96	Memo: from Chuck Damers to Thomas. “Call from Bill Bellamy requesting modeling info.. (asked him to take care of it...) set up meeting on 8/30/6.”	F94- P-94 F95- F94
7	8/14/96	Memo: from Joe Reutter to CARROLLIENGINEER.chuck.	F94

Notes from files located at Howard County Planning & Zoning, Development Engineering Division, July, 1998. File extractions on noise issues are from files: F-94-61, F-93-81, F-93-80, F-93-18.

	Date	Entry	F
		"Joe was concerned about who should meet. Concerned that "he" will be asked his opinion of the noise. "You can have him cop out by saying he has too many meetings and projects in the office to go there unless it is authorized by you or me."	P-94 F95-
5	2/13/97	Copy of Josh letter requesting files. Note from Damers to Tom: "..work with Pat to get the below info by the 21st."	F94
27	3/11/97	Greenman Pederson, Inc GPI Engr Architect, Planners, Constr Engr & Inspector. Was retained by SHA to review all plans and documents. Charlie Rose	F-93 1 of
57	2/0/98	Drawing: Sec 2, Area 2, Noise Wall detail dwg: dated 11/92, revisions: 2/98	F-93
60	7/7/98	P. Thompson call from Mary about Design Manual Waiver Linda Ikleberger x2414 (DPW)	F-93

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May 21, 1999

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Re: MD 32 Planning Study - Draft Environmental Impact Statement

Dear Messrs. Frick and Pedersen:

These comments are submitted by the Baltimore Regional Partnership in response to the Draft Environmental Impact Statement (DEIS) for improvements to MD Route 32 from Md. Route 108 to I-70, in Howard County, Maryland. The Baltimore Regional Partnership (BRP) is a coalition of environmental and community organizations who are concerned about the planning for transportation improvements in the Baltimore Region. Its membership includes the Citizens Planning and Housing Association, the Baltimore Urban League, 1000 Friends of Maryland, the Environmental Defense Fund, and Chesapeake Bay Foundation.

The DEIS purports to evaluate the impacts of various options for addressing the purported deficiencies of a 9-mile segment of Md Route 32 from Md. Route 108 to I-70, pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. § 4332(2)(C). For the reasons discussed below, the Baltimore Regional Partnership asserts that the DEIS is a legally deficient document that fails to satisfy the NEPA obligations of the lead and cooperating agencies to consider an adequate range of alternatives to meet the area's transportation needs, or to fully evaluate the impacts of the "build" alternatives that were considered in the document. Accordingly, a new supplemental draft environmental impact statement should be prepared and circulated for public review and comment.

I. Dualization of MD 32 Is Not Needed to Address the Problems Identified in the Statement of Purpose and Need for the Project

The segment of MD 32 that is the subject of the DEIS is presently a two-lane highway, part of which is controlled access and part of which is uncontrolled access, traversing a predominantly rural area in western Howard County. As the Congestion Management System (CMS) analysis for the larger Corridor #24 notes, western Howard County consists of a mosaic of farmland, woodlands, and large lot (3 acre) developments designated in the County's land use plans as an area slated to remain in agricultural/open space use.

The need for the project is based on an assumption that added capacity is necessary to address projected growth in land development and traffic volume in the study area. Based on this projected growth, the DEIS projects a Level of Service (LOS) of "F" at eight of the ten intersections in 2020 if no highway improvements, other than modest "TSM" measures, are implemented. DEIS, at Table I-1. The proposed dualization of MD 32, while inducing thousands of additional vehicles per day to use the highway, is projected to improve the Level of Service to "D." DEIS, at Figure IV-1. However, the traffic justification for the project suffers from a number of flaws, including lack of sufficient data that would allow for any meaningful analysis of the need for this project. In fact, a number of the assumptions about the need for the project appear to be highly questionable.

First, the DEIS projects that the average daily traffic (ADT) volume that will use the highway will more than double in the next 20 years, if no improvements other than modest intersection and signal improvements are made. DEIS, at Figure IV-1. While the DEIS does not provide data on the rate of traffic growth over time, it does provide information about anticipated rate of development for the study area and identifies this as an important catalyst to traffic growth. The DEIS anticipates a build out of 7,567 dwelling units in by 2020 in the study area, based on an assumption that the rate of development will continue at the same rate it increased between 1991 and 1997. DEIS, at IV-67.

However, it is not valid to assume that traffic projections will increase in the next 20 years at the same rate of increase between 1991 and 1997, absent a major improvement to the capacity such as that contemplated by the dualization of MD 32. Between 1991 and 1997, major capacity to MD 32 was consistently added, which in turn influenced the rate of growth during that period. Most recently, a significant improvement to MD 32 was constructed from Pindell School Road to MD 108 in 1996. Once this segment was opened it experienced a significant increase in traffic volume and truck traffic. In order to anticipate the same pace over the last decade of development and traffic volume increases in the MD 32 study area, one would have to assume the same level of incremental increased capacity. By contrast, average daily traffic projections and development under a true "no build" scenario, *i.e.*, one that did not assume the same pace of highway capacity expansion, would in all likelihood show a much slower rate of increase.

Thus, this projected future development is likely to be induced by the additional access afforded a major increase in MD 32 highway capacity, which will create development pressures that

override the present growth controls. See discussion at p. ___, below. The DEIS nonetheless relied on this highway-induced development to project a doubling of traffic volumes in 2020 in calculated the so-called "no build" baseline scenario. This is not permissible. Highway agencies may not rely on development induced by the existence of the new road to develop traffic projects that, themselves, are used justify the need for new roadway capacity. As one recent court decision explained, "[h]ighways create demand for travel and expansion by their very existence." Sierra Club, Illinois Chapter v. U.S. Dep't of Transp., 962 F. Supp. 1037, 1043 (N.D. Ill. 1997) (invalidating EIS where need for highway was based on traffic projections that assumed highway would be built)

In addition, as the Baltimore Regional Partnership's transportation expert points out, the methodology used by the SHA for making these traffic projections is flawed in several respects. See Gerald Neily, "Transportation Analysis of MD 32 DEIS" (May 12, 1999) (attached hereto as Exhibit 1). First, the SHA arbitrarily assumes that a disproportionate number of trips within an extremely large area will use MD 32. In fact, according to 1988 Long Range Plan travel projections developed by the Baltimore Metropolitan Council (BMC), a much greater share of these trips are assumed to utilize the parallel MD 100. Due to a higher proportion of traffic assigned to MD 100 the BMC's travel projections shows no congestion on MD 32 even under a "no build" scenario through for 2020. This discrepancy calls into question the reliability of SHA's traffic projections. In addition, the SHA's 2020 peak hour traffic projections are too high a percentage of the daily traffic. According to the Baltimore Regional Partnership's transportation expert, more of the daily traffic is likely to travel in non-peak hours. When these adjustments are made, peak hour traffic projections under a "no build" scenario are likely to be much lower than projected by the DEIS.

The DEIS also assumes that added capacity is needed to improve the projected Level of Service (LOS) at the ten roadways intersecting with MD 32 (several of which are signalized intersections) which are expected to operate at a LOS of "F" in year 2020 based on projected peak hour volumes in that year. However, the projected peak hour volumes are not provided in the DEIS or as a technical appendix; instead BRP was forced to obtain this information from the SHA through independent means. Using SHA's own traffic projections for the year 2020 "no build" scenario at the intersection of MD 32 and MD 144, the critical lane volume is 1,110 and 1,253 vehicles in the respective a.m. and p.m. peak hours, which is in the range of LOS "C" or better. The SHA's own analysis confirms that this intersection will function at a LOS of "C." A grade separated interchange is therefore not needed to increase capacity at the intersection of MD 144.

On the two lane portion of MD 32 south of MD 144, however, turning movement conflicts at the signalized intersections do limit capacity. This can be addressed through modest intersection improvements and access control. By widening the roadway to four lanes and also providing the full grade separation and access control of an expressway, MD 32 is proposed to be upgraded far beyond the level that is needed to accommodate the future "no build" traffic projections. A much more modest increase in capacity is warranted.

Nor can the need to add four-lane capacity to this segment of MD 32 be deduced by the "accident history" supplied in the DEIS. No data are supplied on whether and how the proposed

transportation improvements will reduce traffic accidents, or whether improvements short of adding additional capacity would reduce accidents. In fact, accidents rates could be further reduced by undertaking a number of improvements that do not add capacity, many of which have already been identified in the SHA's Safety Action Plan for MD 32 from MD 108 to I-70. For example, head-on collisions can be reduced by construction of a median, and intersection improvements would reduce angle and rear end accidents. Widening MD 32 would not, of course, affect or reduce fixed object and animal-related accidents, which comprise a large percentage of the accidents on MD 32. The DEIS should evaluate the effectiveness of the measures identified in the Safety Action Plan and by the Baltimore Regional Partnership (see exhibit 1), and determine whether these measures would address the safety issues identified in the DEIS as creating a need for improvements to MD 32.

In general, the DEIS's reliance on conclusory statements about "level of service" or "accident history" without supporting data, including peak hour traffic volumes, showing the need for capacity enhancements to address these generalized concerns runs directly contrary to Federal Highway Administration (FHWA) guidance on developing "purpose and need" statements for highway projects. This guidance clearly states: "It is not sufficient to state that the project is needed to provide increased capacity and improve safety. *Supporting data must be provided.*" Memorandum from FHWA Acting Director, Office of Environmental Policy re "'Purpose and Need' in Environmental Documents," at 4 (Sept. 18, 1990) (emphasis added).

Given the lack of specificity with respect to the traffic and accident justifications for the project, what clearly emerges as the primary statement of project need is simply the assumption that widening this section of MD 32 will "provide continuity" with the remainder of the 40-mile Patuxent Freeway between Annapolis and I-70. However, there is no evidence that the Patuxent Freeway lacks "continuity" simply because the number of lanes varies to accommodate varying traffic volumes. Indeed, the concept that the lack of uniform number of lanes in a highway system regardless of traffic volume represents a flaw or deficiency appears to be wholly fabricated. The FHWA's own guidance material, which identifies the elements that may assist in explaining a project's purpose and need (e.g., capacity, safety, system linkage, economic development, etc.) fails to identify "continuity" in number of lanes as a possible element of project need. Providing a uniform number of lanes is a concept that is utterly lacking in support in any professional standard or guidance for evaluating highway capacity or identifying project need. *Id.*, Appendix; FHWA Technical Advisory T 6640.8A - "Guidance for Preparing and Processing Environmental and Section 4(f) Documents, at 14.

III. The DEIS Fails to Consider An Alternative Consisting Solely of Intersection and Other Targeted Improvements That Would Avoid Dualization of MD 32

As the FHWA's own guidance acknowledges, "the project purpose and needs drives the process for alternatives consideration, in-depth analysis, and ultimate selection." Memorandum from FHWA Acting Director, Office of Environmental Policy re "'Purpose and Need' in Environmental Documents," at 1 (Sept. 18, 1990). As noted above, the DEIS provides no basis for assuming that adding additional lanes to the entire length of this segment of MD 32 is the only capacity or roadway improvement that will satisfy the project need. To the contrary, the need presented for this project --

improving the Level of Service at intersections and reducing accident rates on MD 32 -- can be corrected by eliminating left turning movements and/or providing grade-separation at selected intersections in lieu of traffic signals.

Nonetheless, the DEIS rejects all improvement alternatives other than two "build" alternatives involving dualization of MD 32 and associated intersection improvements. Relying on a Congestion Management System (CMS) study for a much larger area known as Corridor #24 from Mount Airy to Annapolis, the DEIS concludes that "The TDM and TSM measures, by themselves, are insufficient in providing congestion relief and noticeable mobility improvement in the corridor." DEIS, at II-1.

However, the CMS analysis of Corridor #24 does not provide an adequate basis for eliminating all improvements alternatives short of additional through roadway capacity to MD 32. The CMS's analysis of future travel demand and congestion in the MD 32 corridor in the CMS Report for Corridor #24 is so narrow that MD 100, a parallel facility five miles apart from MD 32 is not part of consideration of MD 32 travel demand. As noted above, it is likely that much of the traffic assigned to MD 32 could just as easily be assigned to MD 100. In addition, growth management, economic, administrative and non-transportation measures such as land use planning, transportation demand management, and transit alternatives are given little substantive analysis. The CMS analysis and recommendations provide inadequate consideration of alternatives or fail to explain discrepancies between its traffic congestion forecasts and BMC's model. Thus, the CMS study cannot be relied on for eliminating road improvement alternatives short of full dualization of MD 32 from evaluation in the DEIS.

Moreover, the DEIS considered only a very limited number of highway improvements under the rubric of Transportation Systems Management (TSM). As the FHWA's technical guidance points out, TSM "is usually relevant only for major projects proposed in urbanized areas over 200,000 population." FHWA Technical Advisory T 6640.8A - "Guidance for Preparing and Processing Environmental and Section 4(f) Documents, at 15. As the DEIS points out, the study area population is presently only 5,170. DEIS, Table III-2. Instead, as noted above, capacity and LOS can be acceptably improved by making targeted improvements, rather than the full dualization of MD 32. The DEIS should therefore consider an alternative that reduces roadway congestion and improves safety by eliminating signalized intersections, improving access control and creating grade separations, rather than widening the roadway to a four lane expressway.

More importantly, full dualization of MD 32 generates so much additional traffic that the resulting increase in surplus capacity is marginal. The DEIS concedes that attraction of existing traffic to MD 32 from the MD 100 corridor and other locations will occur, but does not recognize the additional induced traffic that would result from such a major increase in the capacity of MD 32. This induced traffic is fully consistent with a growing body of research finding that additional highway capacity induces new trips, long trips, and diversions of transit, and ultimately does little to reduce congestion. See Surface Transportation Policy Project, "An Analysis of the Relationship Between Highway Expansion and Congestion in Metropolitan Areas" (Nov, 1998). An alternative that focuses solely on modest access control and safety improvements, by contrast, would improve the

Level of Service without inducing additional traffic or stimulating secondary development that is incompatible with the rural, character of the study area and with Howard County's General Plan. As noted above, the safety issues identified in the purpose and need statement can be readily addressed by making targeted improvements such as adding medians to the existing highway.

It is also important to note that an alternative calling for a set of well designed but modest roadway improvements would, in all likelihood, constitute a "minor capital project" or otherwise be permitted by Maryland's new Smart Growth Law. By contrast, the dualization of MD 32 is a "major capital project," as defined by that law. Maryland Code, Transportation Article, § 2-103.1(a)(4). Maryland's Smart Growth Law bars the state from funding major capital projects except in Priority Funding Areas. Maryland Code, State Finance & Procurement Article, §5-7B-04(A). The study area is not designated as a Priority Funding Area, nor has Howard County designated the study area as a "locally designated growth area." *Id.* §5-7B-02. To the contrary, as the DEIS concedes, the southern portion of the study area is designated by the 1990 Howard County General Plan as a greenbelt connecting parks, protected land areas, and stream valley corridors, and most of the land is zoned for Rural Residential. DEIS, at III-11. Dualization of MD 32 does not present the type of "extraordinary circumstances" that would permit the state to ignore this clear directive, nor would this admittedly capacity enhancing project otherwise qualify for an exemption from the Board of Public Works. Yet the DEIS gives only passing reference to this important law, and fails to address the project's consistency (or lack thereof) with the objectives and mandates of this law. DEIS, at III-13.

Accordingly, any deficiencies with the MD 32 can be corrected by making intersection and other improvements to the roadway rather than converting the highway into a major freeway. By contrast, the excessive capacity of the dualization proposal will attract thousands of additional motor vehicles and stimulate additional new development to the area that is incompatible with the Howard County's land use plans and the state's growth management objectives. This road improvement alternatives should therefore be evaluated in a new draft EIS, so that the public and the governmental decisionmakers can make an informed decision about the effectiveness and environmental consequences of this reasonable alternative.

III. The DEIS Fails to Adequately Evaluate the Project's Environmental Impacts.

The DEIS's evaluation of environmental impacts is fundamentally flawed for the following reasons: (1) the DEIS fails to acknowledge or evaluate the full range of MD 32's impacts from highway-induced development; (2) the DEIS improperly defers the required detailed study of numerous environmental impacts to a later stage of project planning; and (3) The DEIS's assessment of the project's impacts on water resources, air quality, or historic properties lacks sufficient detail or scientific basis. As a result, it is not possible to have any knowledge of what the likely direct, let alone secondary and cumulative, effects of the proposed actions will be. Since insufficient information was provided on the environmental impacts of the proposed actions, it is not possible to determine if those impacts can be further avoided, reduced or mitigated; or if they are outweighed by the project benefits. These concerns are described in more detail below, and in the comments from Chesapeake

Bay Foundation scientists Jennifer Aoisa and Kimberly Coble, attached hereto as Exhibit 2, and in the discussion below .

A. The DEIS Fails to Acknowledge or Evaluate The Full Range of MD 32's Impacts From Highway-Induced Development.

One of the most glaring deficiencies in the DEIS is its failure to acknowledge the extent to which the dualization of MD 32 will induce secondary and cumulative impacts that conflict with state and local land use policies. As Maryland's Growth Management Law clearly recognizes, a highway expansion project that adds additional through roadway capacity to MD 32 is likely to induce growth in this rural and environmentally sensitive area in western Howard County, as well as in adjacent areas of Carroll County. As noted above, the substantial state funding of the dualization alternative is squarely prohibited by Maryland's Growth Management Law.

The DEIS acknowledges that the immediate project area is likely experience substantial development and associated environmental impacts, projecting the development of 50 percent of all forested lands, 80 percent of agricultural land, and all of the 865 acres of palustrine wetlands, for a total of 17,629 acres. DEIS, Table IV-20. The DEIS further concedes that "[i]n general, an improved transportation facility may result in future zoning change requests to allow higher density development in areas not currently zoned for such development." DEIS, at IV-62. However, the DEIS then makes the completely contradictory statement that "[t]his potential for development is not dependent upon the roadway improvements proposed for MD 32." DEIS, at IV-63.

The DEIS's analysis of these secondary and cumulative impacts is severely flawed, for the following reasons: (1) the DEIS fails to acknowledge the role of MD 32 in inducing secondary development; (2) DEIS fails to define an sufficiently large geographic area -- particularly, Carroll County -- where secondary and cumulative impacts are likely to occur; (3) the DEIS fails to identify the extent or location of likely direct and secondary effects with any degree of specificity, and improperly assumes that these likely effects will be mitigated; (3) the DEIS omits a large range of potential secondary effects from analysis, including secondary effects associated with traffic and likely land use effects.

1. There is No Support for the DEIS's Claim that the Improvements to MD 32 Will Not Influence or Induce Development.

The DEIS states that "the amount of development anticipated to occur within the Secondary and Cumulative Effects Area (SCEA) boundary is not influenced by the MD 32 project, therefore, secondary effects were not anticipated to occur." DEIS, at IV-62. The DEIS contends that fully access-controlled interchanges will help limit development adjacent to MD 32. *Id.* at IV-7. This assertion is directly contrary to a growing body of literature. See, e.g. Hartgen, et al, "Growth at Rural Interchange: What, Where, Why." 1359 Transportation Research Record 141 (1992). While development of adjacent properties might not have direct access to MD 32, development of land nearby would be encouraged as travel times would be reduced by the interchanges. As one recent

study found, "[c]apacity improvements, additional interchanges, and construction in new locations generally have a greater potential for environmental effects than an upgrade of existing facilities." York, Marie, AICP, "Dealing with Secondary Environmental Impacts of Transportation," Vol. 51 Land Use Law 3, 7 (March, 1999).

The DEIS cites the number of residential permits issued from 1991 to 1997 in the SCEA (covering portions of Howard County only) as evidence that the average 257 with a modest standard deviation demonstrates that changes in highway capacity have not and will not effect this area. First, not examining land development trends in southern Carroll County makes this analysis incomplete. Second, this method fails to examine how increased travel efficiencies in rural areas newly proximate to regional employment centers and retail shopping districts are influenced by transportation projects. The DEIS, in fact, recognizes that scattered large lot development has occurred across Howard County's agricultural areas. DEIS, at II-10. Given current permissive zoning, this trend would be accelerated by the MD 32 project. See Comment of Alfred Barry, attached hereto as Exhibit 3.

The DEIS fails to assess the influence of travel efficiencies created by the MD 32 project on development occurring in western Howard County as well as rapidly growing southern Carroll County. The DEIS must make a good faith effort to assess secondary effects on land use patterns or explain why it cannot be assessed. A number of methodologies and models are available for this analysis. One example of a new methodology for analyzing secondary effects is being developed by the Maryland Office of Planning. See Maryland Office of Planning, "Draft Work Program - Concept: Integrating Transportation and Smart Growth, Transportation and Community and System Preservation Pilot Program" (March 9, 1999). This methodology will assess how transportation improvements effect land use and demographic change in both growth and preservation areas. The geographic extent of the potentially effected rural areas examined will depend on the geographic "reach" of improvement, as measured by travel efficiency. Thus, rural areas increasingly distant from the actual improvement would be included in the analysis as long as travel efficiencies to destinations of interest are estimated to have increased beyond a determined threshold. The threshold will be determined by considering common travel behaviors between residential areas and employment and retail service destinations. The threshold will be the point at which, based on these behaviors, it would be reasonable to conclude that increased travel efficiency might make development in an area considerably more attractive than was previously the case.

2. The Secondary and Cumulative Effects Area is Not Sufficiently Large.

As the DEIS recognizes, the cumulative and secondary impact analysis must include a detailed analysis of the project's impacts on a much larger area (the Secondary and Cumulative Effects Area, or SCEA) than the area of direct impacts. However, the SCEA identified by the DEIS is too small. The method for determining the boundary of the SCEA is not explained beyond stating that it is based on a number of factors, "including areas of traffic influence..." DEIS, at IV-60. The boundary ends at the northern border of Howard County, where Howard County's Rural Conservation district abuts Carroll County's growth areas of Sykesville and Eldersburg. Exclusion of the rapidly growing areas of southern Carroll County is a major oversight and

renders the SCEA scope incomplete. In fact, many trips on this segment of MD 32 originate in southern Carroll County, and the DEIS specifically identifies "traffic influence" as a criterion for determining the SCEA boundary. Accordingly, it is inconsistent and indefensible that the DEIS excludes southern Carroll County. The eastern portion of the SCEA also needs to be better examined as traffic and land development are greatly influenced by the new improvements to MD 100.

3. The DEIS Identifies Areas of Possible Impact from Development But Fails to Provide Any Meaningful Assessment of These Impacts.

The DEIS acknowledges the possibility that secondary development will affect soils, historic properties, water resources, wetlands, floodplains, etc., but repeatedly fails to provide any analysis of the extent to which these resources will be affected, or any specificity regarding the likely area within the SCEA where specific impacts will be experienced. For example, the DEIS makes a generalized statement that "[I]and use changes can pose a threat to the loss of prime and important farmland soils," but fail to identify how much and where that loss will occur. DEIS, at IV-70. The same cursory treatment is given to historic properties, floodplains, wetlands, and water resource impacts. Other impacts, such as visual and noise, are ignored altogether.

Instead of undertaking a detailed examination of the full range of likely secondary impacts, the DEIS simply assumes without basis that government regulatory or technical assistance programs will mitigate these impacts to a less-than-significant level. See e.g., DEIS, at IV-73, IV-75, IV-79. Likewise, the DEIS improperly relies on the existence of zoning in Howard County as evidence that scattered new development will not be generated by capacity enhancements and installation of interchanges on MD 32. See comments from Chesapeake Bay Foundation scientists Jennifer Aois and Kimberly Coble, attached hereto as Exhibit 3

This is not adequate. Local zoning and other controls cannot be relied on to control development, and thereby avoid or mitigate secondary and cumulative effects, given the dynamics of land use, human behavior, and capacity increasing projects. Local elected governments have "a huge incentive to accommodate development in an effort to boost the ad valorem tax base." York, Marie, AICP, "Dealing with Secondary Environmental Impacts of Transportation," Vol. 51 Land Use Law 3, 7 (March, 1999). In fact, the characteristics and independent assessments of Howard and Carroll County zoning indicate rural resources lands are highly vulnerable to development. In a statewide survey of agricultural lands, Maryland Office of Planning identifies Howard County's Rural Conservation District, with densities of 1:4.25 - 1:3 dwelling units per acre as "least protective" agricultural zoning. Maryland Office of Planning, Atlas of Agricultural Land Preservation in Maryland (1998), at 10. According to Maryland Office of Planning's analysis, *most* areas of Carroll County show significant development pressure while *all* of Howard County shows significant development pressure in areas zoned for agriculture. Id., at 17.

Moreover, contrary to the DEIS's citation of Howard County's "expansion" of its agricultural preservation program, neither the area's permissive zoning nor recent discontinuance of funding for

the purchase of easements through its Agricultural Preservation Program indicate sufficient protections against new development pressures. DEIS, at IV-62 and IV-63. Since 1997, the County as failed to purchase agricultural preservation easements as it has done so in the past, but has instead relied on development regulations for agricultural easement acquisition. Development regulations have yielded far fewer acres annually enrolled in the County prior to 1998. See Howard County Department of Planning and Zoning, Development Monitoring System Report. (March 1999), at 31. Thus farmland is likely to be more vulnerable to development pressures in the future.

In any event, these ostensible regulatory or planning restrictions on growth are not present in Carroll County. Unlike Howard, Carroll County has proposed massive conversions of agricultural lands to development. According to in its recent draft Freedom Area Comprehensive Plan, 1,975 acres in the southern Carroll plan area are recommended to be rezoned from agricultural use (1 dwelling unit to 20 acres) to higher intensity uses including: residential densities of 1 du/1 ac. to 4-6 du/ac., and commercial and industrial uses. See Carroll County, draft Freedom Area Comprehensive Plan (1998), at Chapter 6, 9. This proposal to convert half of the agriculturally zoned land in the Freedom/Sykesville Area to land for more intensive development is highly controversial among local residents and farmland preservationists, and is of great environmental concern as a large loss of resource lands. Given the current traffic volumes on MD 32 in the region, further expansion of sprawl development onto thousands of acres of farmland is dependent on a major increase in MD 32's capacity. Indeed, Carroll County's growth plans for the Freedom/Sykesville Area are candid in their reliance on the expansion of MD 32 to serve this anticipated development. The dualization of MD 32 from I-70 to MD 26 is identified as a "top priority" State road project in the plan, "once the Warfield Complex project gets started," (note: Warfield Complex is also known as the Springfield Hospital property). Id., at Chapter 6, 9.

Potential new commercial development in particular, is also likely to be promoted by an upgraded MD 32. A major employment center has been in Howard County's Plan for the intersection of I-70 and MD 32 although the area is not currently a Priority Funding Area. One can also reasonably expect numerous commercial rezoning applications along the various new intersections, justified by a "substantial change in the character of the neighborhood" finding required under Article 66B and promoted by both the highway improvements and the new residential population.

That increased highway capacity can lead to bolstering arguments for future rezoning applications is secondary, perhaps, to the circular appeal that improving such capacity often plays into the arguments of developers needing to overcome Adequate Public Facilities regulations. Both Howard and Carroll County developers stand to benefit in future cases where excess capacity would be an argument to allow more development than would otherwise be permitted to occur.

The failure to identify and assess secondary and cumulative impacts with the requisite degree of specificity has been criticized on numerous occasions by the courts. As one court explained, "[u]ncertainty about the pace and direction of development merely suggests the need for exploring in the EIS/R alternative scenarios based on these external contingencies." City of Davis v. Coleman, 521 F.2d 661, 676 (9th Cir. 1975). Indeed, the Council on Environmental Quality (CEQ) guidance

states that the agency must make an effort to predict the likely area and extent of development, explaining:

It will often be possible to consider the likely purchasers and the development trends in that area or similar areas in recent years; or the likelihood that the land will be used for an energy project, shopping center, subdivision, farm or factory. The agency has the responsibility to make an informed judgment, and to estimate future impacts on that basis, especially if trends are ascertainable or potential purchasers have made themselves known. The agency cannot ignore these uncertain, but probable, effects of its decisions.

CEQ, 40 Most Asked Question, Q & A 18 (emphasis added).

Likewise, it is not sufficient for the DEIS to avoid detailed evaluation of these secondary impacts based on the existence of a variety of state and county regulatory programs directed at mitigating development impacts. There is no evidence that these programs require the imposition of binding and enforceable measures to mitigate the impacts of highway-induced development to a less-than-significant measures. For that reason, the CEQ cautions that "agencies should use a broad approach in defining significance *and should not rely on the possibility of mitigation as an excuse to avoid the EIS requirement.*" CEQ Forty Most Asked Questions, Q & A 40 (emphasis added)

4. The DEIS Fails to Acknowledge Secondary Traffic and Land Use Effects.

In the DEIS section addressing potential secondary effects, traffic patterns affecting the project area are dismissed for analysis. DEIS, at IV-59-IV-85. Improvements to MD 32 from Pindell School Road to MD 108, completed in 1996, and the opening of a new section of MD 100, completed in November, 1998, are mentioned but the DEIS erroneously concludes that "[t]his review found that development within the SCEA boundary was not impacted by these projects." *Id.* at IV-61 to 62. In fact, according to SHA, the improvements to MD 32 from Pindell School Road to MD 108 have increased traffic volume and slightly increased truck traffic. Heather Murphy, MD 32 Project Manager, SHA, personal communication (February, 23, 1999). The increased volume is captured in the 1997 ADTs presented in the DEIS. DEIS, at IV-7 to IV-10. A subsequent reduction in volume due to the opening of the new segment of MD 100 (November 1998), however, are not included in traffic counts. SHA officials verbally acknowledge as much as a 10 percent reduction in volume on this segment of MD 32 has occurred since the completion of improvements to MD-100. *Id.* Thus, this assessment already includes the increase in volume and fails to acknowledge the impact that traffic has already had on the SCEA. While the full effects of the recent opening of a new section of MD 100 have yet to emerge, there can be little doubt that, based on past experience in the SCEA, they are likely. These likely land use changes should be identified, and the resulting impacts on the environment should be evaluated in the DEIS.

The DEIS provides no analysis of potential traffic effects from the project itself. In fact, as indicated by the attached analysis of transportation planner Gerald Neily, the build alternatives

only exacerbate roadway safety problems above the project area. The most immediate and serious secondary impact of build Alternatives I and II are serious safety problems generated north of the project. Converting MD 32 to a freeway from MD 108 to I-70 might reduce the accident rate in this area, but would surely lead to the same problem of motorist expressway expectations, if not worse, north of the I-70 expressway terminus. Whereas the current transition area north of MD 108 has full access control for about five miles, MD 32 has a high volume full four-legged intersection with MD 99 less than one mile north of I-70. If the intersection of MD 32 and MD 99 becomes the first at grade intersection on MD 32 beyond the freeway, there will be major safety problems.

Furthermore, the Baltimore Regional Transportation Plan calls for the future full dualization of MD 32 and widening to four lanes northward to MD 26 (Liberty Road) in Eldersburg in Carroll County. Once MD 32 is converted to an expressway south of I-70, it will attract more traffic north of I-70 as well, creating congestion and safety problems which will add to the pressure to extend the widening to the north. This is essentially a "domino" effect. Expanded capacity of MD 32 will also lead to an increased rate loss of agricultural land due to the lack of funding for the purchase of development program and concomitant dramatic decline in rate of farmland enrolled in the Agricultural Preservation Program.

The problem of increased attractiveness to traffic will reach its peak at the intersection of MD 32 and MD 26 in Eldersburg. At this intersection, there is no long range plan for significant widening, and no place to widen even if it was deemed desirable. The widening of MD 32 will funnel increased volume directly to a permanent bottleneck for which there is no solution, except to disperse the traffic onto local roads and streets throughout the Eldersburg community.

This is already evident in plans to improve country roads such as Obrecht Road, and to connect currently quiet suburban streets such as MacBeth Way and Piney Ridge Parkway. These so-called "improvements" will have a severe impact on the quality of life for nearby residents. MacBeth Way is now a quiet dead-end street that carries virtually no traffic. It will become the favorite short cut for anyone who wants to avoid the worsening bottleneck at the intersection of MD 32 and MD 26. In conclusion, the solution to the safety problem on MD 32 is not to escalate the problems by building an expressway. The solution is to identify and solve the safety problems directly.

C. The DEIS Improperly Defers The Required Detailed Study of Environmental Impacts To A Later Stage of Project Planning.

As the attached comment from Chesapeake Bay Foundation scientists Jennifer Aoisa and Kimberly Coble indicates, the DEIS mentions several times that although it is not providing specific information on the detailed and quantifiable environmental impacts of the project in this document, further study will be carried out at a later date. This is not proper. Rather, if exact location and design of the actions is not available until the final stage of project engineering, the DEIS should provide a range of the estimated quantified consequences of environmental impacts based on preliminary designs of the two build alternatives. Only the DEIS's analysis of wetlands impacts attempts to estimate specific impacts. The purpose of the DEIS is to provide the public

and decision-makers with thorough understanding of the environmental consequences of proposed actions so that informed decisions can be made in determining the most socially and environmentally beneficial course of action.

It is well established that an agency may not defer compliance with NEPA until after approval of a project. As one court noted, undertaking studies about a highway's environmental impacts after construction is like "locking the barn door after the horses are stolen." Lathan v. Volpe, 350 F. Supp. 263, 266 (W.D. Wa. 1972). See also State of Idaho v. ICC, 35 F.3d 585, 596 (D.C. Cir. 1994) ("[p]iecemeal enforcement of license conditions is no substitute for an overarching examination of environmental problems at the time the licensing decision is made."); LaFlamme v. FERC, 852 F.2d 389, 400 (9th Cir. 1988) (FERC's issuance of conditional license for hydroelectric plant requiring "post-licensing" study of environmental impacts "violates NEPA's very letter and purpose"). Accordingly, the assessment of these environmental impacts must be made in the DEIS.

D. The DEIS's Air Quality Analysis is Deficient.

The deterioration in air quality generated by the probable increase in vehicle miles traveled and vehicle trips generated is not considered in the DEIS. Only Carbon Monoxide (CO) impacts are highlighted in this DEIS. Limiting the analysis to CO is unacceptable by law, and it is unacceptable for the full presentation of impacts to decision-makers. The ostensible reason for such limited analysis of air pollutants and effects is because impacts to seasonal ozone levels from any of the build alternatives is lost in the "noise" of the air quality modeling of the regional Transportation Improvement Program (TIP). Unfortunately, that is the reason given for analytic limitations on every new regional roadway component - and when measured and inputted individually, indeed, such may be the results in a region that travels tens of millions of miles per day.

Increases in pollution by ozone precursors must be assessed cumulatively and collectively. The build alternatives contribute to will increases in area-wide Vehicle Miles Traveled (VMT) and vehicle trip numbers. The freeway alternatives will increase average speeds to the point that nitrogen oxide emissions will increase. In accordance with the federal Clean Air Act, as well as federal transportation law (Intermodal Surface Transportation Efficiency Act and TEA-21), these factors must be modeled and evaluated not only with respect to this particular proposed facility, but also must be used in regional modeling, together with other likely area-wide "improvements," so that a likely overall impact can be derived. To simply say that this or that road will not cause ozone exceedances within this air quality severe non-attainment area is disingenuous and unlawful.

E. The DEIS's Discussion of Impacts on Historic and Cultural Properties is Deficient.

The DEIS's discussion of impacts on historic and cultural properties is also deficient. The

DEIS discloses that at least two historic properties that are eligible for listing in the National Register of Historic Places are within 200 feet from the proposed highway. DEIS at III-17. However, the DEIS fails to assess the project's impact on these historic sites. In fact, the Milton Shipley House Corncrib, the only corn crib of its type in the entire state, is located within 100 feet of the portion of MD 32 to be widened. See Appendix A; Letter from Louis H. Ege, SHA to J. Rodney Little, MHT (Feb. 26, 1996). There is no evidence that any determination of the project's effect on this historic sites have been made by the FHWA, in consultation with the Maryland Historical Trust and the federal Advisory Council on Historic Preservation, as required by Section 106 of the National Historic Preservation, 16 U.S.C. 470f.

More importantly, the DEIS fails to indicate that any evaluation was undertaken of whether the project will result in a constructive use of these historic sites, pursuant to Section 4(f) of the Department of Transportation Act, 23 U.S.C. §303. One of the most stringent environmental laws ever enacted by Congress, Section 4(f) requires the Secretary of Transportation: to (1) avoid all use of parks, historic resources, recreational areas, and wildlife refuges unless there is no prudent and feasible alternative to doing so, and (2) undertake all possible planning to minimize harm to these protected resources. The circumstances under which an alternative can be rejected as not "feasible and prudent" under Section 4(f)(1) have been specifically and narrowly defined by the U.S. Supreme Court in Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402 (1971). The Secretary of Transportation is not permitted to "engage in a wide-ranging balancing of competing interests." Id. at 411. Rather, to find an alternative "not prudent" under Section 4(f) the Secretary must find that it presents "unique problems" -- that there are "truly unusual factors present," or that the cost or community disruption resulting from the alternative would reach "extraordinary magnitudes." Id. at 413.

In order to comply with Section 4(f)'s preservation mandate, the FHWA's regulations require it to determine the applicability of Section 4(f) "early in the development of the action when alternatives to the proposed action are under study." 23 C.F.R. §771.135(b). According to FHWA's own Section 4(f) policy, "[w]hether or not the historic integrity of the historic site or district is substantially impaired [*i.e.*, constructively used] should be determined in consultation with the SHPO and thoroughly documented in the project records." Section 4(f) Policy Paper, at 12. As one Court recently recognized, "Because the historic properties protected by Section 106 are similarly defined, *it follows that the agency must complete its section 106 determinations before it can comply with section 4(f).* Corridor H Alternatives, Inc. v. Slater, 166 F.3d 368, 371 (D.C. Cir., 1999) (emphasis added). We note as well that the recently enacted transportation law, TEA-21, now directs the FHWA to conduct its environmental reviews and approvals "whenever practicable . . . concurrently within a cooperatively determined time period." TEA-21, Section 1309. Accordingly, the FHWA needs to finish its Section 106 reviews, so that information from its Section 106 consultations is available in a timely manner to inform the FHWA's NEPA and Section 4(f) evaluations with respect to historic properties.

George Frick and Neil Pedersen

May 21 1999

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IV. Conclusion

In sum, the DEIS's evaluation of environmental impacts, and in particular, secondary and cumulative impacts of highway-induced development, associated with the dualization of MD 32 is so deficient that preparation of a supplemental draft environmental impact statement addressing these issues is required. The DEIS also fails to examine a reasonable alternative — making safety improvements to the existing two-lane highway — that could satisfy the transportation needs for the project in lieu of full dualization of MD 32. Moreover, selection of such an alternative would not result in induced traffic or development to the same degree as the dualization alternative, and would be consistent with Maryland's Growth Management Law.

Very truly yours,



Andrea C. Ferster

Enc.

cc: Michael McCabe, Region III Administrator, U.S. E.P.A.

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Transportation Analysis:

MD 32 Draft Environmental Impact Statement
and State Highway Administration
MD 32 Safety Action Plan

An assessment of transportation alternatives for MD 32
from MD 108 to Interstate 70.

by Gerald Neily
Transportation Planner

Prepared for:
Baltimore Regional Partnership
Citizens Planning and Housing Association • Baltimore Urban League
1000 Friends of Maryland • Environmental Defense Fund
Chesapeake Bay Foundation

May 12, 1999

Transportation Analysis: MD 32 Draft Environmental Impact Statement and SHA MD 32 Safety Action Plan

I. Overview

This paper presents an analysis demonstrating that a major widening of MD 32 between MD 108 and I-70 is unnecessary and inappropriate. The Build Alternatives proposed in the MD 32 Draft Environmental Impact Statement fail to adequately address the safety and traffic operation needs of the highway and fail to address the local community's and region's transportation needs. SHA's MD 32 Safety Action Plan, released to the public March 18, 1999, proposes a number of promising options for directly addressing the safety needs of the highway. This paper will analyze both the proposals put forth in the MD 32 DEIS and the SHA Safety Action Plan. As the two DEIS build alternatives are found to be inadequate, recommendations for creating a Safety Action Alternative based on SHA's Safety Action Plan are presented.

II. Summary Assessment of DEIS Build Alternatives

A major widening of MD 32 from MD 108 to I-70 is unnecessary from a transportation perspective for the following reasons:

1. **Traffic Assignment:** Travel on MD 32 is largely interchangeable with travel on MD 100. Having two parallel freeway corridors between I-70 and I-97 only 4 to 5 miles apart is excessive and wasteful.

2. **Traffic Volumes and Capacity:** If capacity enhancement is a legitimate goal, this can be accomplished without dualization and construction of an excessive number of interchanges. Roadway capacity can be increased to approximately 30,000 vehicles per day by eliminating the left-turn conflicts and thus the need for traffic signals, and without widening the roadway to four lanes. This should be sufficient to accommodate SHA's very high traffic projections under the 2020 "no build" scenario, at a Level of Service "D" during peak periods.

3. **Safety:** There are many better and easier ways to improve safety on MD 32 than widening to a four lane freeway. The current safety problem is due to the difficult transition from freeway to arterial north of MD 108. If the MD 32 freeway was extended northward to I-70, the unsafe transition zone would simply be shifted northward to the segment between MD 99 and MD 26, which would be much worse.

4. **Access:** The construction of six or seven new full interchanges to make local access to MD 32 easier would further increase traffic and encourage new development, beyond the effect of the highway itself. To the greatest possible extent, local access should be by way of local roads.

Each of these issues is elaborated as follows:

1. Traffic Assignment

The travel forecast for the MD 32 corridor conducted by the Baltimore Metropolitan Council for the most recent update of the Regional Long Range Transportation Plan yields quite a different result from the forecast of the State Highway Administration for the Draft Environmental Impact Statement. The BMC projects that the existing two lane roadway will be sufficient for the 2020 horizon year, and will operate without congestion. SHA, on the other hand, asserts that this section of MD 32 is congested now and will only get worse by 2020. This discrepancy between the two forecasts points out the inexactness of long range travel modeling.

BMC's model incorporated the entire region, including the Washington DC metro area east of the Potomac River. SHA used a technique that offered more network detail for the areas near MD 32, and less detail as the model got further away. SHA also engaged in the luxury of looking at the model results and making mathematical adjustments to account for professional judgment.

Two specific differences between the methodologies are identified below.

BMC used older and lower baseline traffic counts. Traffic on the study section of MD 32 increased greatly as soon as the freeway section was completed through the MD 108 interchange, and the BMC baseline results do not specifically account for this, although both models treated this highway improvement as part of the "existing and committed" baseline network. The SHA baseline counts are from 1997, more recent than the BMC counts, and after the MD 32 freeway extension through the MD 108 interchange was completed. On the other hand, both studies took place prior to the completion of MD 100 north to US 29. It is very likely that the current 1999 volume on MD 32 is actually lower than the 1997 SHA count, with some traffic having shifted back to MD 100.

Secondly, the BMC model, by considering the entire region at a relatively uniform level of detail, is likely to assign more traffic to MD 100 than the SHA model, in both the baseline and 2020 horizon years.

Traffic assignment is generally considered to be the least accurate and most sensitive component of the traffic forecast modeling chain. However, it is also the least critical from a policy standpoint. Specific traffic route assignments have little or no impact on the most critical regional travel forecast measurements, including total trips, modal split, vehicle miles of travel, and overall congestion. The most important result is that the traffic actually does get assigned somewhere in the network.

From a regional standpoint, there is little difference between an assignment of traffic to either MD 100 or MD 32. The two corridors are generally only four to five miles apart. The overall difference in the distance traveled for trips assigned to the two is quite

negligible. The distance between the interchange of MD 32 and I-97 and the interchange of MD 32 and I-70 is approximately 29 miles via MD 32 and 31 miles via MD 100. This extremely negligible difference is due to the fact that MD 32 has two long "S" curves, one near MD 170 in Odenton and one near Burnt Woods Road just south of MD 144. In contrast, MD 100 is relatively straight. Since the maximum distance advantage of MD 32 over MD 100 is only two miles, the number of trips which a computer model will assign to MD 32 could be quite sensitive to other seemingly minor differences detected in the model.

In real terms, the lack of a significant mileage difference is even more notable. This major upgrade to MD 32 is justified by SHA as an important link between the Eastern Shore and Western Maryland. Such trips are upward of a hundred miles, so a two mile difference is even less significant. Most of the higher density urban and suburban areas are closer to MD 100 than MD 32, so MD 100 will be that much more attractive than MD 32. The only instances where MD 32 will be substantially more attractive is for very short trips in the immediate vicinity of MD 32, where the two mile difference will be significant.

This also helps explain the large difference between SHA's traffic projections for the "build" and "no build" conditions. The large proposed capacity increase would make MD 32 much more attractive to through traffic from a wide surrounding area. Thus there can be no fixed, absolute projection of future traffic demand on MD 32.

The much more optimistic BMC model result, which predicts a generally congestion free condition on MD 32 north of MD 108 through the year 2020 without any widening, may not be more accurate than the more pessimistic prediction by SHA. However, the BMC result demonstrates that a less overbuilt and less congested future is feasible, and that the additional traffic projected by SHA may be a self-fulfilling prophecy. From the standpoint of planning for a roadway network that considers the needs and fulfills the policies of the entire region, rather than simply examining the MD 32 corridor in isolation, the more optimistic results of the BMC model runs may be considered more useful.

2. Traffic Volumes And Capacity

Traffic volumes and projections in the DEIS are expressed in terms of Average Daily Traffic. However, capacity is not a function of traffic conditions throughout an entire day. Obviously, the traffic volume during off-peak periods will be lower than that during peak periods, and therefore below capacity. It is therefore the standard practice in traffic planning to express capacity in terms of the peak hour. The "daily capacity", if such a term is to have any relevance at all, must be calculated by taking the peak hour capacity and dividing it by the percentage of daily traffic that occurs the peak hour.

Similarly, Level of Service is also a term that has no intrinsic meaning when applied over an entire 24 hour day. Obviously, the Level of Service will be "A" in the middle of the night under all scenarios. Level of Service assessments should therefore be

understood to be applicable to maximum volume conditions only. As such, the State Highway Administration has calculated the current percentage of daily traffic which is present at the peak hour as 9.52%. Thus, "daily capacity" is calculated by taking the peak hour capacity and dividing by 0.0952.

SHA does not provide an estimation of the existing peak hour capacity in the DEIS, which would have to incorporate an analysis of left-turn conflicts and traffic signal timing allocations. However, the easiest and most direct way to increase the capacity of MD 32 would be to eliminate the left-turn conflicts and thus the need for traffic signals. This would increase the capacity to approximately 1800 vehicles per hour per lane, calculated at Level of Service "D", which is a somewhat but not fully congested condition where traffic moves at an average speed of about 40 miles-per-hour. This approach would achieve essentially the same Level of Service as the higher impact dualization build Alternatives I and II. Level of service in design year 2020 for Alternatives I and II in the DEIS is "C/D."

To calculate daily capacity, this maximum 1800 vehicle per hour volume in the peak direction must be combined with the concurrent volume in the opposite non-peak direction. SHA estimates this volume for the year 2020 "no build" scenario as 940 vehicles per hour. The total peak hour capacity would therefore be 2740 vehicles per hour, and the "daily capacity" would be 28,800 vehicles. $(1800+940)/0.0952 = 28,800$.

At the current distribution of traffic over a 24 hour period, therefore, the capacity of MD 32 can be increased to 28,800 vehicles per day without widening to four lanes, by eliminating the left-turn conflicts and traffic signals. This is based on the current 9.52% of daily traffic at the peak hour.

SHA projects the peak hour percentage on the roadway to actually increase to over 11% for the 2000 no-build scenario, and remain at 10.25% for the 2020 no build scenario. This is inconsistent with usual trends, which generally result in a reduction in the peak hour percentage as traffic volumes increase. It would be more likely that the current 9.52% peak hour percentage would go down over time, perhaps stabilizing around 9%, which would increase the maximum daily capacity to over 30,000 vehicles.

This reduction should be further abetted by the availability of alternative roadways to increase motorists' flexibility in choosing routes, most notably the 1998 opening of MD 100 to US 29. Instead, SHA has projected a huge increase in traffic on MD 32 of over 18% (5.8% per year compounded) between 1997 and 2000 for the "no build" scenario. This is even greater than SHA's projected increase over the longer term, which is still a large 38% over the twenty year period from 2000 to 2020. New traffic counts on MD 32 should be taken which reflect the completion of MD 100, to determine if SHA's large projected traffic increase since 1997 has indeed occurred.

In conclusion, the capacity of MD 32 can be increased to approximately 30,000 vehicles per day by eliminating the left-turn conflicts and thus the need for traffic signals,

and without widening the roadway to four lanes. This should be sufficient to accommodate SHA's very high traffic projections under the 2020 "no build" scenario, at a Level of Service "D" during peak periods.

3. Safety

In the early and mid 1990's, MD 32 between MD 108 and I-70 was a fairly safe roadway. In the three years from 1991 to 1993, there were only 132 accidents, well below the statewide average in terms of per million vehicle miles. From 1995 to 1997, this had increased to 161 accidents or 113 per million vehicle miles, which was still below the statewide average rate. However, in less than two years from 1997 and part of 1998, there were six fatalities, compared to only four from 1991 to 1993, and none in 1995 or 1996.

The turning point was the completion of the MD 32 expressway south of MD 108 in 1996. Motorists now think of the entire roadway as a freeway, and drive it as if it was a freeway, despite the fact that it is simply a well designed two lane highway north of MD 108. Motorist high expectations have attracted them to MD 32, and has led them to drive faster and less carefully than they should.

Converting MD 32 to a freeway from MD 108 to I-70 might reduce the accident rate in this area, but likely lead to the same problem of motorist expectations, if not worse, north of the I-70 expressway terminus. Whereas the current transition area north of MD 108 has full access control for about five miles, MD 32 has a high volume full four-legged intersection with MD 99 less than one mile north of I-70. If the intersection of MD 32 and MD 99 becomes the first at-grade intersection on MD 32 beyond the freeway, there will be major safety problems.

Eventually, the Regional Long Range Transportation Plan calls for the full dualization of MD 32 and widening to four lanes northward to MD 26 (Liberty Road) in Eldersburg in Carroll County. Once MD 32 is converted to an expressway south of I-70, it will attract more traffic north of I-70 as well, creating congestion and safety problems which will add to the pressure to extend the widening to the north. This will further contribute to the continuous ongoing cycle of roadway capacity increases leading to traffic increases, which creates pressure for further capacity increases.

The problem of increased attractiveness to traffic will reach its peak at the intersection of MD 32 and MD 26 in Eldersburg. At this intersection, there is no long range plan for significant widening, and no place to widen even if it was deemed desirable. The widening of MD 32 will be aimed point blank at a permanent bottleneck for which there is no solution, except to disperse the traffic onto local roads and streets throughout the Eldersburg community.

This is already evident in plans to improve country roads in Carroll County such as Obrecht Road, and to connect currently low volume suburban streets such as MacBeth Way and Piney Ridge Parkway. These so-called "improvements" will have a severe impact

on the quality of life for nearby residents. MacBeth Way is now a quiet dead-end street that carries virtually no traffic. It will become a favorite short cut for many motorists who wants to avoid the worsening bottleneck at the intersection of MD 32 and MD 26. The solution to the safety problem on MD 32 is not to escalate use of the road by building an expressway. The solution is to identify and solve the safety problems directly.

If head-on collisions or left-turn movements are identified as a significant problem, a median can be constructed without widening the roadway to four lanes. The State Highway Administration already has experience with the construction of a two lane median divided roadway - MD 90 in Worcester County on the Eastern Shore. If passing needs to be accommodated, turnouts can be provided for slow moving vehicles at safe locations. However, most passing is not safe and should not be encouraged. This is hardly ever an issue of roadway capacity; maximum capacity is provided when speeds are as low as 30 miles per hour.

Another safety problem identified as significant is collisions with animals. More and better fencing along the right-of-way is the solution. For rear-end, turning and angle accidents, better access control is the answer. This is discussed in the section below.

Enforcement of traffic laws is always an important factor. A perfect road design cannot guard against all motorist abuses. MD 32 as it currently exists is a competently designed road that meets all reasonable safety standards. Enforcement of traffic laws will always be necessary to ensure that motorists do not drive beyond the limitations of any roadway.

4. Access

Access control is an important element in improving safety and capacity on MD 32 without widening the roadway. However, interchanges built in conjunction with access control simply open the surrounding land to more traffic-generating sprawl development which will use up the capacity increase, leaving congestion as bad as it was before the "improvements" were made.

Local traffic should rely most on local roads. If MD 32 is construed as the "front door" for much of western Howard County, increased traffic volumes and accelerated development will follow. Modifications to local roads in this area which will enable them to better serve the local residents should be identified. The State's proposal to connect Pfefferkorn, Burntwoods and Ten Oaks Roads appears to be a promising example of this. Currently, Pfefferkorn and Burnt Woods Road are potential spillover roads for through traffic on MD 32 that wishes to gain access to MD 97 and MD 144. Connecting these roads together, while severing their connection to MD 32, would allow them to serve local traffic rather than through traffic. Their traffic loads would be proportionate to the needs of the local users.

The DEIS refers to "right-of-way problems" associated with several proposed interchange configurations involving these roads. If the MD 32 widening and ramps connected to an overpass were eliminated from the plan, there would be much more extra room within the existing right-of-way to avoid any problems. Connections to MD 32, if they are desired at all, could be limited to inexpensive and inconspicuous right turn ramps to and from the roadway, without an overpass.

If one interchange is desired along this segment of MD 32, Triadelphia Road would be the best location because it has an existing overpass. Again, right-of-way problems are cited, but the elimination of the MD 32 widening would allow the ramps to be placed within the existing right-of-way. Alternatively, the ramps could be located at some distance from the existing bridge, which would still allow the bridge to connect local destinations on either side of the highway.

The other location where an interchange might make some sense is Rosemary Lane, since this would also create local access on both sides of the highway. Better still, right lane access could be provided to and from northbound Rosemary Lane, while southbound access is provided to Ten Oaks Road. Both would provide connections to each other via the existing Triadelphia Road overpass.

Perhaps the proposed interchange which is least justifiable is the one at Dayton Shop, which mostly serves only the dead end State Highway Administration property. Does this facility really justify a costly interchange? If State employees can't be trained to use alternative routes, who can?

Another alternative to interchanges is a concept called "dispersed movement intersections". This new concept is currently being planned in Howard County at the intersection of MD 175 and Dobbin Road in east Columbia. It allows at-grade intersections to carry almost as much traffic as a full interchange, without costly and disruptive overpasses, by dispersing turning movements in a manner that effectively eliminates conflicts between them. While traffic signals are generally installed at several locations within the intersection, none operate with more than two phases.

In conclusion, the interchanges don't really help a roadway to function any better. It is the elimination of existing driveway and intersection access, particularly left-turns, which improve the capacity and safety of the roadway, whether extra lanes are added or not. Two lane roadways can carry tremendous volumes of traffic when such conflicts are eliminated.

5. Overall Assessment of DEIS

The Draft Environmental Impact Statement for MD 32, despite its phone book size, does not present a true range of alternatives for meeting the challenges created by traffic and development pressures. The report also fails to present traffic data in a useful form. Peak hour traffic data, particularly turning movements, is necessary to accurately

assess the relationship between traffic volumes and capacity. It is hoped that the preceding discussion will begin to fill the need for investigation of a wider range of suitable alternatives.

III. Comments on SHA Safety Action Plan For MD 32

Proper implementation of many of the elements of the Safety Action (dated March 18, 1999) for MD 32 from MD 108 to I-70, in combination with additional recommendations below, should solve the safety problems that have been caused by the transition from the new expressway south of MD 108. Successful implementation of these measures will make the proposed two lane widening, six to seven interchanges and construction of service roads for MD 32 unnecessary. An expanded analysis should be conducted on a safety action alternative, excluding the proposed widening to four lanes and excessive six to seven interchanges proposed under the current "build" scenarios in the Draft Environmental Impact Statement.

1. Summary of key elements for a successful safety plan

A. Promising options from SHA's Safety Action Plan:

- **Median:** a properly designed median will eliminate virtually all accidents occurring by crossing over the centerline (cause of half the fatal accidents on this segment in the last 2 years). This is a long-term safety measure but it can be implemented relatively quickly, depending on design.
- **Center left-turn lane in northern portion:** this measure could improve short-term safety but the benefit is nullified if shoulder width is sacrificed. This is only a short-term safety measure that should be used until a limited number of interchanges can be constructed.
- **Additional left-turn bypass lanes:** this could be a helpful short-term measure until left-turns can be eliminated.
- **The other short-range options in the Safety Action Plan are also helpful.**
- **Consolidation of access points:** in conjunction with construction of one to three interchanges, this measure will improve safety. This measure should *not* be undertaken at at-grade intersections on MD 32 because concentration of turn maneuvers increases rear end collision potential and decreases capacity.

B. Additional Improvements to the Safety Action Plan:

- **Elimination of left-turns:** left-turns should be replaced by one to three interchanges and right-turn only connector roads. This measure can be implemented in the medium- or long-range and will provide a long-term solution.
- **Elimination of traffic signals:** this will substantially reduce rear end collisions potential.
- **Shoulder turn-outs for necessary passing :** a very limited amount of passing of slow moving vehicles can be accomplished by shoulder turn-outs.

- **Shoulder upgrade:** upgraded shoulders will improve safety for acceleration and deceleration while making right turns at driveways, while eliminating the need for service roads.
- **Jug-handle intersection:** a jug-handle intersection may be appropriate to enable left and U-turns on the section just south of MD 144.
- **Short four-lane section south of MD 144:** a short section of four-lane road may be appropriate for approximately two-thirds of a mile south of MD 144 to provide capacity for one at-grade intersection.

C. Safety Action Plan elements which do not improve safety and should be eliminated from consideration:

- **Construct service roads:** service roads are unnecessary with an upgraded shoulder. The loss of land and environmental destruction caused by service roads is avoidable with improved shoulders.
- **Construction of key interchanges prior to widening:** no major widening is necessary so the limited number of interchanges needed should be constructed within the right of way of the existing two-lane roadway.

2. **Discussion**

The key to a successful Safety Action Plan is the selection of the most effective possible median treatment, which will prevent unsafe passing and left-turn movements. SHA's proposed twelve-inch painted median with rumble strips, within five-inch double yellow lines containing raised pavement markers, appears to be an acceptable solution that can be installed quickly.

SHA should review and consider the full range of median designs that have been implemented on two-lane highways throughout the United States, such as MD 90 in Worcester County on the Eastern Shore and US 6 in Cape Cod, Massachusetts. Since the median and other minor improvements were installed on MD 90 in 1998, no fatalities have occurred. A similar solution was implemented on a 12 mile segment of Route 6 in Cape Cod, Massachusetts, where a raised barrier median with flexible plastic cones was installed, and a number of measures were installed to discourage passing in inappropriate places. Since these measures were installed eight years ago, the highway has maintained an extremely good safety record, performing better than the statewide average accident rate, with only one fatal accident. However, such a design may require a modest widening of the roadway and may not be implemented as quickly as the painted median.

Other elements included in SHA's short-range options also appear to be extremely helpful. Rumble strips on the shoulders, and stepped up enforcement of speed and sobriety laws will contribute to improving the safety performance of this road. The proposed center left-turn lane in the northern portion of the roadway could improve safety but is not a long-term solution. If a center left-turn lane is accommodated at the expense of reducing the width of the shoulders, the safety benefit would be nullified. It would be

far better to accommodate this turning lane by a modest widening, although as above, it will not be possible to implement this action as quickly. However, good shoulder widths provide long-term safety and access benefits. Given these considerations, this action needs to be carefully assessed.

In the medium- and long-range time frames, the goals should be to eliminate most or all left-turns from MD 32 between MD 144 and MD 108. This should be accomplished by constructing a very limited number of interchanges or right-turn-only connector roads that allow the use of the Triadelphia Road overpass or other local roads to provide alternatives to the current left-turn movements. At such a time, the center left-turn lane should be replaced by a raised median that prevents left-turns and passing. The limited amount of necessary passing of very slow moving vehicles could be accomplished by designating shoulder turn-outs for their use. The shoulder should also be upgraded at that time to improve driveway access, which would eliminate the need for separate service roads.

The proposed interchanges and/or connector roads will be much easier to construct if space does not need to be reserved for a future four-lane freeway, and can therefore be implemented in the medium-range time frame. Thus, the medium-range options specified by SHA should not be necessary. The proposed larger-scale intersection improvements and widening between Ten Oaks and Pfefferkorn Road would increase capacity, but their safety benefit is questionable.

Another viable alternative would be to widen MD 32 to four lanes for a limited distance south of MD 144 to provide sufficient capacity for one signalized at-grade intersection. A jug-handle intersection with a traffic-actuated signalized storage bays could be constructed at this intersections to accommodate left-turns and U-turns to and from the existing nearby driveways. This has been done in many locations such as on Route 70 in New Jersey. Unlike the existing at-grade intersections at Ten Oaks, Burnt Woods and Pfefferkorn, the turning movement volume at this section south of 144 would be sufficiently low to prevent safety and capacity problems. Moreover, the widening of MD 32 at this point would not increase capacity beyond what is available at the adjacent intersection of MD 144.

The spacing of a signalized jug-handle intersection should be governed by traffic signal timing to provide an appropriate progression speed between this intersection and the signal at MD 144. For example, for a 40 mile per hour signal progression and a 120 second signal cycle length, the optimum distance of the jug-handle intersection from MD 144 would be two-thirds of a mile. This would permit a vehicle to travel between the two signalized intersections in one minute, or one half of the cycle length. Also, the location of the jug-handle intersection as close as possible to MD 144 will enable it to serve the greatest possible number of driveways and enable the driveway traffic to avoid making U-turns at MD 144.

The section of MD 32 between MD 144 and Interstate 70 is not specifically addressed in SHA's Safety Action Plan, and this confirms our assessment that this segment is now operating in an acceptable manner, and will continue to do so. The intersection of MD 32 and MD 144 will not require an interchange, even under the full projected 2020 peak hour "no build" traffic volumes. Using SHA's traffic projections, the critical lane volume is 1,110 and 1,253 vehicles in the respective a.m. and p.m. peak hours, which is in the range of Level of Service "C" or better. Minor improvements to this intersection or the I-70 interchange may be justifiable in the future, but they do not need to be linked to an overall plan for the corridor.

3. **Recommendation: Provide a Safety Action Plan Build Alternative**

Based on the above analysis, we recommend a combination of the promising measures outlined in the Safety Action Plan and additional actions presented here to provide the basis for a long-term safety action alternative for this segment of MD 32. This safety alternative will eliminate the need for further consideration of the four-lane expressway "build" alternatives in the current Draft Environmental Impact Statement (DEIS).

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1977-1996 Department of Planning, Baltimore, Maryland

Produced a wide variety of planning studies and documents for the City of Baltimore such as a residential permit parking ordinance, an analysis of the reliability of the regional transit system, an access improvement system for the Bayview Research Park, and a Citywide bicycle route plan. Conducted traffic analyses for major roadway reconstruction projects, including Key Highway, Hilton Parkway, Cromwell Boulevard, Cold Spring Lane, and Hanover and Potee Streets.

1975-1976 Alfred Benesch and Company, Chicago, Illinois

Conducted transportation planning studies for locations such as downtown St. Charles IL (traffic and parking), Illinois Center in downtown Chicago IL (pedestrian flow), and a proposed Chicago Bears Football Stadium in Arlington Heights IL (traffic impact).

1973-1974 Barton-Aschman Associates, Washington, D.C.

Performed traffic impact analyses for site developments such as Georgia World Congress Center in Atlanta GA and Lakeforest Mall in Gaithersburg MD.

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References Available Upon Request

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MD 108 to I-70, Howard County, Maryland

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I. Introduction

The purpose of the DEIS is to provide the public and decision-makers with thorough understanding of the environmental consequences of proposed actions so that informed decisions can be made in determining the most socially and environmentally beneficial course of action. The Draft Environmental Impact Statement for MD 32 Planning Study, from MD 108 to I-70 does not present sufficient information or analysis of environmental impacts to provide the basis for assessing the trades-offs between the benefits of the proposed project and damage to environmental resources.

II. Summary of Comments

1. From a scientific perspective, the DEIS is woefully inadequate for estimating and evaluating the likely environmental consequences of the proposed actions.
2. It is inadequate for the DEIS to claim that more detailed study of environmental impacts will be done at a later stage of project planning when the DEIS makes no attempt to provide estimated effects.
3. Existing impaired conditions of environmental resources or predicted future trends of continued degradation of environmental resources do not justify the environmental degradation caused by the proposed actions.
4. Wetlands mitigation should not be confused with avoidance and reduction of impacts. Stormwater management "Best Management Practices" (BMPs) should not be confused with avoiding and reducing actions that disturb natural hydrologic systems.
5. The deterioration in air quality caused by an increase in vehicle miles traveled and vehicle trips generated by this project is not considered in the DEIS.

III. Discussion

1. From a scientific perspective, the DEIS is woefully inadequate for estimating and evaluating the likely environmental consequences of the proposed actions.

The DEIS lists potential environmental impacts from actions such as road building, culverting, devegetation, stream and floodplain encroachment etc., rather than quantifying and assessing the likely direct and indirect effects caused by the specific actions proposed. The DEIS lacks sufficient detail to assess the likely impacts of the proposed build alternatives. Based on the DEIS, it is impossible to have any knowledge of what the likely direct, let alone secondary and cumulative, effects of the proposed actions will be. Since insufficient information was provided on the environmental impacts of the proposed actions, it is not possible to determine if those impacts can be further avoided, reduced or mitigated; or if they are outweighed by the project benefits.

Examples of inadequate estimation of impacts:

Page IV-15-17. The DEIS presents an overview of types of adverse effects to surface water quality associated with construction activities from a generic viewpoint, however the specific adverse effects from this project are not presented. On page IV-16, the DEIS lists the linear feet of stream to be effected, and numbers of stream crossings and encroachments that would potentially occur under Build Alternative I and II, yet this information provides few details about the specific activities and fails to quantify the impacts associated with these activities. The DEIS makes no attempt to quantify the identified impacts for the Build Alternatives.

Page IV-17. The DEIS states that sediment and highway runoff can have effects on surface water quality, and that highway runoff contains an array of pollutants. The DEIS states that the degree of water quality impacts from roads is related to the amount of impervious surface, yet fails to quantify the amount of impervious surface proposed under Build Alternatives I and II, and thus fails to even estimate water quality impacts.

Page IV-18, Table IV-8: Mean Pollutant Concentrations in Highway Runoff from Urban and Rural Highways. This table provides virtually no usable information, as the DEIS has not quantified the amount of impervious surface that will be added by this project and the DEIS provides no information on how to apply the quantities of pollutants in the table in order to estimate project impacts.

Page IV-18-19. The DEIS states "Potential groundwater impacts from the project could conceivably include adverse effects upon groundwater recharge, availability (well yield), and water quality." The DEIS, presenting no analysis or data, concludes that this project would not "pose any substantial threat to groundwater resources." The DEIS claims that the added impervious surface would be small compared to the recharge area of the watershed. The DEIS should provide quantification of these claims.

Page IV-20. The DEIS states that changes in floodplain capacity caused by added impervious road surfaces will "not be a significant impact to the watersheds or the total storage of the floodplain associated with the streams in the project area." The DEIS offers no data or further

analysis to support this assertion. Secondary effects of increased impervious surface coverage caused by new development are not considered in the DEIS (see Page IV-75-76).

Page IV-74. No specific discussion of cumulative effects is provided in the DEIS. Instead, the DEIS cites State and federal laws related to water quality protection and ongoing programs to protect and improve water quality. Apparently, the authors provide this information as a secondary and cumulative effects analysis. No specific analysis of effects from the proposed project are provided.

2. It is inadequate for the DEIS to claim that more detailed study of environmental impacts will be done at a later stage of project planning.

The DEIS mentions several times that although it is not providing specific information on the detailed and quantifiable environmental impacts of the project in this document, further study will be carried out at a later date. If exact location and design of the actions is not available until the final stage of project engineering, the DEIS should provide a range of the estimated quantified consequences of environmental impacts based on preliminary designs of the two build alternatives. Only the DEIS's analysis of wetlands impacts attempts to estimate likely impacts. The purpose of the DEIS is to provide the public and decision-makers with thorough understanding of the environmental consequences of proposed actions so that informed decisions can be made in determining the most socially and environmentally beneficial course of action.

Examples from the text:

Page IV-15. The DEIS states "Type and size of stream encroachments (culverts and/or relocations) will be determined in later phases of this project."

Page IV-16. The DEIS states "The amount of stream impacts determined more definitively during the final design phase of the project."

Page IV-16. The DEIS States: "Detailed studies would be conducted during later stages of this project to select specific stream reaches...."

Page IV-18-19. The DEIS states "geotechnical and hydrogeologic studies would be performed to quantify those effects [on a well] before the construction phase of the project and remedial measures would be evaluated."

Page IV-19. The DEIS states "A technical hydrology and hydraulics engineering analysis of the actual floodplains within the impact study area would be conducted, as more detailed design data becomes available."

3. Existing impaired conditions of environmental resources or predicted future trends of continued degradation of environmental resources does not justify the environmental degradation caused by the proposed actions.

The DEIS constantly justifies the environmentally damaging consequences of the proposed actions by citing existing conditions such as impaired surface water quality, existing impervious surfaces generating polluted runoff, land development activities projected to destroy 805 acres of

palustrine wetlands in Howard County, etc. State law specifically call for anti-degradation. This means that the condition of the state's waters cannot be degraded further.

For example:

Page IV-16. The DEIS states that "With or without construction of this highway project, stream bank erosion, channel downcutting and bed material deposition are likely to continue...."

Page IV-75. The DEIS states that it is "reasonable to expect that as these [Tributary Strategies] programs become further implemented, anticipated development, including the MD 32 project, will have no cumulative effects on surface water resources, including the Terrapin Branch."

Contrary to the DEIS' assertion about Tributary Strategies activities, a recent study by Maryland Office of Planning, "Smart Growth Options for Maryland's Tributary Strategies," concludes that the greatest water quality benefits for Howard County are derived from concentrating growth in development districts in the eastern portion of the county and reducing development in the western portion.¹

Page IV-76. The DEIS states, "most of this project's impacts are the continuation or expansion of previous effects and are limited in severity and can be mitigated through typically-required design measures."

4. Wetlands mitigation should not be confused with avoidance and reduction of impacts. Stormwater management "Best Management Practices" (BMPs) should not be confused with avoiding and reducing actions that disturb natural hydrologic functions.

References to mitigation, avoidance and minimization of impacts to wetland and other natural resources are inconsistent with EPA and State mitigation sequencing rules. EPA defines mitigation sequencing as the following: (1) avoiding impacts, (2) reduce those impacts that cannot be reasonably avoided, (3) mitigation of impacts. Such sequencing is required of proposed impacts to wetlands and other natural resources.

The DEIS frequently discusses wetlands impacts mitigation and reduction in the same sentence, making no distinction between the order of consideration of these approaches to protection of the resource. The DEIS asserts that whatever impacts to wetlands or other aquatic resources are likely to occur from proposed actions, engineering solutions are interchangeable with protection of natural resource systems. The scientific and engineering literature demonstrates that this is not the case. These facile assertions call into question the scientific competency of this study and its proper sequence of consideration of alternative approaches to environmental impacts. Mitigation project often fail due to the difficulty inherent in replacing or recreating a natural system where one previously did not exist. The benefits of maintaining natural resource systems far surpass the benefit of mitigation.

Examples:

¹ Page 4-11-17, Maryland Office of Planning, Smart Growth Options for Maryland's Tributary Strategies, January 1998.

Page IV-16. The DEIS states, "Detailed studies would be conducted during later stages of this project to select specific stream reaches and to design restoration and remediation options using bioengineering techniques." This is an inappropriate sequence of addressing environmental effects of proposed actions. The first step is to avoid and minimize impacts. After opportunities for avoidance and minimization have been exhausted, unavoidable impacts are to be compensated by engineered management of impacts and other remediation measures including restoration.

Page IV-20. The DEIS states, "In designing stream crossings, all possible measures would be included to *reduce or mitigate* the impact of flooding" [emphasis added]. Both reduction of impacts and mitigation of unavoidable impacts must occur – not one or the other. From the DEIS, it is difficult to ascertain whether all possible avoidance and reduction of proposed impacts has been achieved. All impacts should be reduced. Only after reduction should mitigation be considered.

Page IV-17. The DEIS states that highways generate polluted runoff but that BMPs such as infiltration basins are highly effective in controlling runoff temperature and providing a high level of pollutant removal. Regardless of the efficacy of engineering measures to address increased runoff and pollutants generated by the project, the first order of assessing and addressing environmental effects is to avoid and minimize. To assert that BMPs are "very effective" provides no information about the environmental potential impacts associated with the project activities, nor does it truly demonstrate efforts to avoid/reduce impact altogether.

Page IV-81. The DEIS states, "while large scale actions may impact greater wetlands areas, mitigation measures, including wetland construction, offset resource and habitat losses with any given region." This is incorrect; mitigation is not a substitute for loss of natural wetlands, and usually results in some net resource and habitat loss.²

5. The deterioration in air quality generated by the probable increase in vehicle miles traveled and vehicle trips generated is not considered in the DEIS.

Only Carbon Monoxide (CO) impacts are highlighted in this DEIS. Limiting the analysis to CO is unacceptable by law, and it is unacceptable for the full presentation of impacts to decision-makers. The ostensible reason for such limited analysis of air pollutants and effects is because impacts to seasonal ozone levels from any of the build alternatives is lost in the "noise" of the air quality modeling of the regional Transportation Improvement Program (TIP). Unfortunately, that is the reason given for analytic limitations on every new regional roadway component – and when measured and inputted individually, indeed, such may be the results in a region that travel tens of millions of miles per day.

Increases in pollution by ozone precursors must be assessed cumulatively and collectively. The build alternatives *will* increase area-wide VMT and vehicle trip numbers. The freeway

² For an assessment of wetland mitigation in Maryland, see Chesapeake Bay Foundation, Maryland Nontidal Wetland Mitigation, August 1997.

alternatives *will* increase average speeds to the point that nitrogen oxide emissions will increase. In accordance with the federal Clean Air Act, as well as federal transportation law (Intermodal Surface Transportation Efficiency Act and TEA-21), these factors *must* be used in regional modeling, together with other likely area-wide "improvements," so that a likely overall impact can be derived. To simply say that this or that road will not cause ozone exceedances within this air quality severe non-attainment area is disingenuous and unlawful.

IV. Conclusion

The DEIS for MD 32 does not provide an adequate basis for assessing the likely environmental impacts of the proposed project. We suggest more detailed studies be conducted as part of a draft EIS and specific assessment of impacts caused by the proposed project be provided prior to any decision on a project of this magnitude.

JENNIFER AIOSA
412 Constitution Avenue, NE
Washington, DC 20002
202-546-4722
email:jaiosa@savethebay.cbf.org

WORK EXPERIENCE

Staff Scientist – Chesapeake Bay Foundation Maryland Office – 10/98 – present.
Provides technical review on legislative, regulatory and programmatic initiatives regarding wetlands, natural resources, nonpoint source pollution, water resources and agricultural issues. Prepares written and oral comments and testimony on proposed regulations, NEPA documents, proposed permits, and legislation. Researches technical information in support of organization efforts. Represents organization on several committees including the State On-Site Disposal System Task Force, the State Dredging Needs and Placement Options Program Management Committee, and the State Animal Waste Technology Fund Workgroup.

Natural Resources Planner/Technical Coordinator - Maryland Coastal Bays National Estuary Program – 7/97 –10/98.

Coordinated activities of Federal, State and local governments relevant to the development of a comprehensive conservation and management plan for the protection of water quality, restoration of habitat, and promotion of sustainable growth in Maryland's coastal bays watershed. Provided technical support to local government officials and staff, stakeholder groups and local citizens, and the Program's Habitat and Living Resources and Sustainable Growth subcommittees. Initiated and managed cooperative projects among participating agencies and local citizens including initiatives to curb non-point source pollution, promote large parcel nutrient management, and coordinate wetlands restoration and protection. Position included extensive writing and editing, public outreach and education, meeting facilitation, long-term programmatic planning and evaluation and research.

Special Assistant to U.S. Congressman Wayne T. Gilchrest, MD – 1/96 – 7/97.

Responsible for tracking Federal, State and local environmental legislation, policies and programs specifically related to water resources, wetlands, estuarine and marine issues; specific concentration on Chesapeake and Maryland coastal bays programs and policies. Acted as a liaison between State, local and Federal interests on wetlands, shellfish and water resources issues. Planned meetings and a statewide conservation forum, and conducted public education and response to citizen inquires. Position included extensive work with local and state governments, private citizens, nonprofit organizations and stakeholder groups.

Teaching Assistant, Urban Planning - Environmental Choices – 1/95 – 6/95.

Responsible for leading graduate and undergraduate students through critical thinking exercises regarding the economic, ecological and aesthetic consequences of short and long term environmental practices and policies. Facilitated group activities, goal setting and comprehensive project development.

Research Assistant - Microbial Ecology Laboratory, Charlottesville, Va. - 8/93 - 12/95. Extensive independent lab and field research investigating microbial mediated processes in a salt marsh ecosystem subjected to rising sea level. Planned and executed water column and soil analyses and presented research findings at scientific and management conferences through oral and poster presentations.

Research Assistant - Long-Term Ecological Research Program Water Quality Monitoring Project, Virginia Coastal Reserve - 9/93 - 8/94. Responsible for monthly water quality sampling and chemical and physical analyses as part of a long-term data collection project.

Research Assistant - 5/92 - 8/92. South Carolina Sea Grant Consortium sponsored investigation of chemical and physical characteristics associated with vegetation dieback in coastal salt marshes. Evaluated local land use changes, interviewed residents, and identified potential correlations between land uses and vegetation changes. Performed independent soil and porewater analyses in order to identify differences between healthy and unhealthy sites.

EDUCATION and HONORS

M.S. Environmental Sciences, University of Virginia, Charlottesville, VA 22903. May 1996.

Dean John A. Knauss Marine Policy Fellowship - Jan. 1996 - Jan. 1997 - US House of Representatives.

W.E. Odum Foundation Research Grant - May 1995. A single annual award to continue exemplary estuarine research.

Estuarine Research Federation/Hydrolab Corporation Student Presentation Award - November 1995. Estuarine Research Federation Conference, Corpus Christi, TX.

B.S. Marine Science, University of South Carolina, Columbia, SC 29208. May 1993.

Cum Laude, With Honors from the South Carolina Honors College.

ADDITIONAL EXPERIENCE

Horton's Kids, Inc. - 2/96 - present. Weekly tutoring and mentoring of at-risk youth.

Volunteer Coordinator 4/98 - present - responsible for coordinating weekly activities of 100 volunteers, volunteer recruitment and orientation for new volunteers, and management of volunteer information.

Horticulture Assistant, National Aquarium at Baltimore - Monthly work in aquarium's tropical rainforest.

REFERENCES

Available upon request.

KIMBERLY L. COBLE

1187 Green Holly Drive
Annapolis, MD 21401
(410) 974-1862

WORK EXPERIENCE:

Senior Scientist

Chesapeake Bay Foundation - Maryland Office, Annapolis, MD
10/96 - Present

Provide scientific perspective on issues regarding the impact of toxics and nutrients on water quality. Duties include coordinating the Chesapeake Bay Foundation's toxics campaign, commenting and testifying on proposed regulations and pending legislation, and reviewing State programs regarding toxics and nutrients. Serve as the news media contact person for Maryland on water quality issues relating to toxics and nutrients. Serve as the technical lead on *Pfiesteria* outbreaks in Maryland.

Senior Scientist

Chesapeake Bay Foundation - Virginia Office, Richmond, VA
1/93 to 10/96

Provide scientific review on regulatory issues regarding point source pollution and discharge of toxic pollutants into the waters of Virginia. Duties include commenting and testifying on proposed regulations, draft permits and enforcement actions. As a registered lobbyist for the Virginia General Assembly, have testified on pending legislation. Appointed by Governor Wilder to the Joint Legislative Committee on Pollution Prevention. Served on the Department of Environmental Quality Pollution Prevention Advisory Committee and served as the co-chair of the Water Quality Committee of the Elizabeth River Project. Frequent contact with news media on water quality issues relating to point source pollution and toxics.

Environmental Consultant

Richmond, VA
9/91 to 1/93

Wrote the environmental, health and safety section of a Tire Fire Contingency Plan for Tacoma- Pierce County. Served as lecturer on toxicology for health and safety training course at Virginia Commonwealth University.

Section Manager, Water Resources/hazardous Waste Section

Tacoma-Pierce County Health Department, Tacoma, WA
3/89 to 7/91

Managed the Water Resources/Hazardous Waste Section. Provided planning and direction for drinking water, surface water, ground water, hazardous waste and air quality program. Managed staff of 18 people, prepared and managed multimillion dollar annual budget, wrote successful proposals for several large state and local grants. Gave numerous public and professional presentations, served as news media and public relations contact for water and hazardous waste issues. Represented Section at Board of Health meetings, developed department policies based on interpretation of applicable federal, state and local laws, and provided assistance in drafting, reviewing and testifying on proposed state legislation.

Toxicologist

Tacoma-Pierce County Health Department, Tacoma, WA

4/88 to 3/89

Provided toxicological support to Environmental Health Division. Conducted technical review of health risk assessments, acted as Project Manager for grant, prepared and reviewed technical documents, served as media contact for technical information, and gave public and professional presentations.

Consultant

Environmental Protection Agency, Seattle, Washington

9/87 to 6/88

Supplied technical review of risk assessments for Superfund site managers and presented non-technical interpretation of risk assessment results at public meetings.

Senior Scientist

Environmental Toxicology International, Seattle, WA

12/86 to 9/87

Managed environmental and health assessment projects, presented toxicology training during health and safety training courses, served as community relations specialist for various projects, wrote proposals, study designs, budgets and final reports

Project Manager

University of Washington, Seattle, WA

11/83 to 11/86

Managed the Ruston-Vashon Island Arsenic Exposure Pathways Study. Worked with a team of scientists in designing and executing study protocols, managed million dollar budget, trained and supervised field operations unit, acted as liaison between study team and government agencies, and served as community relations specialist for study of arsenic exposure in the community around a copper smelter.

Environmental Consultant

Seattle, WA

6/83 to 8/86

Conducted a variety of projects for various organizations, including; Chemical Hazard Communication Training Program, Fred Hutchinson Cancer Research Center; Toxic Inventory and Evaluation Report, Seattle City Light; Household Hazardous Waste Brochure and Arsenic and Cadmium Garden Soil and Vegetable Study, Tacoma-Pierce County Health Department.

EDUCATION:

MSPH	Environmental Health/Toxicology University of Washington, Seattle, WA, 1985
BA	Biology, English Minor University of Puget Sound, Tacoma, WA 1979

LAND USE IMPLICATIONS
MD32 PLANNING STUDY
MD 108 TO I-70
HOWARD COUNTY, MARYLAND¹

The Draft Environmental Impact Study for the proposed MD32 Improvements was reviewed to determine if it adequately portrayed the expected land use impacts from the alternatives.

The study devoted little detailed attention to all of the land use implications from the widening of MD32, particularly since the impacted study area excludes the adjoining Carroll County growth area of Freedom/Sykesville. This represents a serious flaw in an Impact Study for a highway project designed to accommodate much of its traffic from that county. Further, the study simply assumes that the projected growth is going to occur regardless of the improvement and therefore is justified if acceptable levels of service and safety are to be maintained.

This assumption contradicts Howard County's own 1990 General Plan which acknowledged that the County was expressing "high levels of housing growth due to major highway extensions..." It further ignores the rational nexus between ease of commuting to job centers as influencing desirability of housing location.

MD32 runs through the western portion of Howard County which has been planned as a rural conservation zone in an attempt to discourage sprawl development. In addition to being outside the County's Priority Funding Area, several zoning techniques and a farmland preservation easement program have been implemented to maintain its existing rural character. Nevertheless, pre-existing subdivided lots and clustering would be expected to result in almost 7,567 potential new housing units according to the Draft Study. The study also contains assumptions that, for some reason, this does not constitute a continuation of "sprawl" since it follows Howard County's zoning code regulations designed to protect the area's rural character. These same regulations have been criticized by the Maryland Office of Planning's analysis of agricultural preservation regulations which rank Howard County's zoning system as a "development" system rather than a true preservation system. Thus, the use of the State's "Smart Growth" philosophy should be applied to projects such as MD32 if the stated goal of Howard County to protect its rural districts is to be met and not further weakened.

In addition to the impacts from the potential housing development in the region, the Study also ignores the potential new commercial development likely to be promoted by the development of an upgraded 32. A major employment center has been in Howard County's Plan for the intersection of I-70 and MD32. One can also easily expect numerous commercial rezoning applications along the various new intersections, justified by a "substantial change in the character of the neighborhood" finding required under Article 66B and promoted by both the highway improvements and the new residential population.

¹ Alfred W. Barry is the principal of AB ASSOCIATES, a private land planning firm begun in 1995. From 1998 to 1995 Mr. Barry was the Assistant Director of the Baltimore City Planning Department with management responsibility for zoning, transportation and environmental planning. He also has represented the City on the Baltimore Metropolitan Council's Transportation Steering Committee, the region's designated MPO

While advocates of increased highway capacity argue that these plans only anticipate predetermined growth patterns, the State's new Smart Growth strategy is designed to not reward those same patterns which have been determined to be counterproductive to a healthy and efficient region. Increased highway capacity should not be a reward or incentive for promoting housing in Howard's Western region, yet it appears that an upgraded MD32 will do just that.

The real issue concerning the proposed role of MD32 is how and if you accept its primary function as a commuter road for Carroll County. Again, the 1990 Howard County Plan recognized that Howard's strategic position between employment centers would lead to increased commuter traffic. The Plan also recognized that the paramount issue for the County's western roads was safety rather than capacity.

And it is the Study's failure to acknowledge the significant development shed of Carroll County that is its biggest mistake from a land planning perspective.

This section of Howard County abuts the Freedom/Sykesville area of Carroll County, an area experiencing large development growth in the last ten years and planned to be a major growth center in the County. MD32 runs right through the middle of the area and would reasonably be expected to significantly improve the commuting times of Carroll commuters as an alternative to I-70 to Rt. 29.

The Freedom/Sykesville Plan is encouraging substantial acreage (775) to be rezoned from an agricultural designation to promote new residential and commercial development. The Plan also calls for rezoning 535 acres to medium density residential outside the western/southern boundary and the redevelopment of the 1300 acre Springfield Hospital property into a major employment center. All of this activity has been ignored in the evaluation of potential impacts in the Study, except for the increases in traffic. In my opinion, MD32 as upgraded for "safety" reasons, is really the middle leg of a future extension into this growth area and which is being ignored for this study.

That increased highway capacity can lead to bolstering arguments for future rezoning applications is secondary, perhaps, to the circular appeal that improving such capacity often plays into the arguments of developers needing to overcome Adequate Public Facilities regulations. Both Howard and Carroll County developers stand to benefit in future cases where excess capacity would be an argument to allow more development than would otherwise be permitted to occur.

In summary, the Draft Impact Statement is substantially flawed for ignoring the impact of the significant pressures in adjoining Carroll County. It further fails to fundamentally underestimate the resultant development pressures resulting from an upgraded MD32 and its relationship to Maryland Smart Growth strategy.



MARYLAND *Office of Planning*
May 18, 1999

Teris A. Glendon
Governor

Ronald M. Spivey
Director

Louis H. Ege, Jr. Deputy Director
Office of Planning & Preliminary Engineering
State Highway Administration
P.O. box 717
Baltimore, Maryland 21203-0717

Dear Mr. Ege:

Staff at the Maryland Office of Planning have reviewed the Draft Environmental Impact Statement for the MD 32 Planning Study. We are providing abbreviated comments through the Maryland State Clearinghouse as well as this letter with more extensive comments for SHA's consideration.

As noted in the DEIS, the MD 32 project corridor is located in an area of Howard County designated in the General Development Plan for Rural Residential and Rural Conservation. This portion of the County is outside of the County's Certified Priority Funding Area (PFA). Therefore, in accordance with the Smart Growth Act, a significant increase in highway capacity outside of the PFA, will require certain determinations to be made by MDOT and OP and the granting of an exception by the State Board of Public Works.

Comments on the Summary

In 1995, when the original purpose and need statement for the project was prepared, system connectivity was the basis for the project need. At that time, and in this DEIS, it has been reported that there were no high accident locations within the study limits. Since 1996, SHA has noted that there has been a trend showing a substantial increase in the overall number of accidents in this section of MD 32. The DEIS states that the purpose of the project is "to improve traffic operations and safety conditions between MD 108 and I 70 and complete the MD 32 facility as a controlled access divided expressway."

OP staff attended the March 1999 Public Hearing and was made aware of the SHA's proposed Safety Action Plan with Short, Medium and Long Range improvements for this section of MD 32. We are as yet unclear how the proposed safety improvements affect the need for the capacity improvements included in Build Alternatives I and II. However, for the purpose of clarification, with regard to the Smart Growth Act, we have not found an indication that safety is the primary purpose of the project.

Detailed Comments

I. Purpose and Need

The project need analysis identifies future population/household growth in the "Project and Surrounding Vicinities" within Howard County to result in increasing travel demand on MD 32. It is apparent that the proposed MD 32 capacity expansion would serve to accommodate such growth. We therefore find it contradictory for the Secondary and Cumulative Effects Analysis to conclude that the MD 32 project does not affect the development in the vicinity. (p.IV-62).

III. Affected Environment - Land Use

- p. III-10, second paragraph Three-acre lot zoning in this rural part of Howard County would not effectively protect agriculture land and open spaces. It may actually be considered a "sprawl" residential development pattern.
- Table III-6 We recommend clarification that in the Howard County Rural Conservation zones, clustering is required only for those parcels larger than 20 acres.
- Table III-7 Since wetland definitions have changed during the time period, we recommend that the SHA consult resource agencies for the most accurate wetland data.
- Regrouping and editing the discussions of this Land Use section are needed to present the information in a logical way.
- The Figure III-3 and III-4 should be revised to better distinguish land use information from zoning information. Larger areas should be shown to present such information. We suggest that land use patterns be shown for the whole area on the maps.

IV. Environmental Consequences

- p. IV-6, 3 Land Use - This project will have to be evaluated for compliance with the Smart Growth Act. We recommend that a map showing the Howard County Priority Funding Area be included in the document.
- p. IV-61 The relationship between the already completed project on MD 32 (between MD 108 and Pindell School Road) and the current project study has not been adequately addressed. We are not clear how the completion of that project in 1996 affected the traffic volumes and the increase in accidents in the study corridor. Further, how would the proposed improvements affect the traffic and environment resources in the section of MD 32 between MD Route 108 and Pindell School Road?
- p. IV-62 We would like some additional information on how the completion of MD Route 100 has affected traffic on MD 32? In particular we are interested in changes in truck traffic. What traffic impacts on MD 32 are anticipated from the proposed widening of US 29 from I-70 to MD 103?
- It is important to consider how the proposed improvements on MD 32 from MD 108 to I-70 impact the MD 32 area north of I-70. Reference should be made to SHA's (February 1998) Feasibility Study for that segment to discuss the traffic impacts and the anticipated highway improvements. OP provided comments to SHA in June 1998 on the Scoping Approach for Cumulative Effects Assessment. We noted our concern that the cumulative effects boundary did not include southern Carroll County. The

secondary land use impacts in Carroll County have not been discussed.

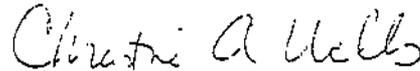
- p. IV-62 Secondary Impacts- Although the MD 32 project may not directly cause zoning changes in the project corridor it cannot be concluded that the project has no secondary development impacts. We anticipate that the proposed highway capacity improvements on MD 32 would facilitate the conversion of existing agriculture, forest/wood lands into residential and other uses under current zoning regulations. Such potential land use changes were analyzed in the DEIS. We consider such land use changes as secondary effects of the project.
- Figure IV-3 Use of the descriptor "Urban" should be re-considered since the development is more rural/suburban in nature.
- p. IV-63 The assumptions made about the transfer of development rights should be substantiated. Does Howard County find it to be a reasonable assumption that the TDR receiving areas for the development rights on 805 acres of palustrine wetlands would be within the boundary of this project's secondary and cumulative effects area? The statement that "this potential for development is not dependent upon the roadway improvements proposed for MD 32" contradicts the identified project need. (p.I-2).
- Table IV-20 Some land use categories and data do not correspond with the discussion on page IV-63. E.g, why are "Forest" and "Agricultural" lands described as "Developed Land?" Is "Committed Land" the same as "Committed Acreage" (p.IV-63)? Is "Urban" land the same as "Committed Acreage?" These references should be clarified.
- It should be noted if SHA has consulted with Howard County about the potential development analysis found on pp.IV-64 - 67.
- d. Surface Water Resources (p.IV-70) It would be helpful to include a sub-watershed map
- p. IV-75, second paragraph Based on the development potential analysis on pages IV-63 - 67, approximate 17,000 acres of land or 31% of the total SCEA area is potentially subject to development. Effects on environmental resources resulting from such a large scale development are inevitable. We cannot agree that anticipated development that the MD 32 project would facilitate will have no cumulative effects on surface water resources.
- p. IV-76 The basis for SHA's conclusion that there would be no cumulative effects on groundwater resources should be provided. Resource agencies confirming that finding should be identified.
- g. Wetland Since land use changes accounted historically for 44% of wetland impacts in the region (p.IV-80), the MD 32 project and development in the SCEA area would likely have cumulative effects on wetlands. There is no discussion in the DEIS regarding the projects potential cumulative effect on wetlands.
- h. Vegetation and Wildlife How could the potential conversion of 50% of forest lands and 80% of agricultural lands within the SCEA boundary (p.IV-63) not have a cumulative effect on "vegetation and wildlife?" Resource agency input on these conclusions seems necessary.
- Finally, we can not agree with the overall conclusion that the "proposed improvements

to MD 32 are not anticipated to affect the future land use of the area " (p.IV-83 - 84).
What is the basis for the statement that the proposed MD 32 improvements will not increase traffic in the region? Based on the information presented in Figure IV-1 (p.IV -7), the projected traffic on MD 32 for the 2020 build condition has a significant increase compared to the 2020 no-build condition.

We recommend the re-evaluation of the Secondary and Cumulative Effects of the project and the incorporation of strategies to mitigate the effects of the project in the DEIS.

Please contact me if you would like to discuss these comments. We anticipate coordination with SHA on the implementation of the Smart Growth Act requirements for this project.

Sincerely,



Christine A. Wells
Principal Planner

cc: Myra Barnes, OP Regional
Ron Young, OP
IAR Agencies



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REPLY TO
ATTENTION OF

MAY 20 1999

Operations Division

Subject: CENAB-OP-RX(MD SHA/MD 32 FROM MD 108 TO I-70/DEIS
COMMENTS)95-01083-12

Ms. Pamela Stephenson
U.S. Department of Transportation
Federal Highway Administration
711 W. 40th Street, The Rotunda - Suite 220
Baltimore, Maryland 21211

Dear Ms. Stephenson:

The U.S. Army Corps of Engineers (Corps) has completed its review of the Draft Environmental Impact Statement (DEIS) for MD 32 from MD 108 to I-70 and offers the following comments and recommendations:

a. Alternatives - All of the Build Alternatives found in the DEIS for MD 32 incorporate a 34-foot median design. Prior to the authorization of any proposed project under Section 404 (b)(1) of the Clean Water Act, the Corps is required to ensure that the applicant has considered practicable alternatives that would result in the least adverse effect on aquatic ecosystems. Therefore, the Corps recommends that the Maryland State Highway Administration should consider and include designs that would incorporate reduced medians combined with steeper side slopes to minimize aquatic impacts. Comparison tables should also be developed and included in subsequent environmental documentation that would compare all pertinent impacts between the 34-foot median designs and reduced width median designs.

b. Wetland mitigation - The replacement ratio for palustrine scrub/shrub (PSS) wetlands found on page IV-26 is incorrect, the typical replacement ratio for PSS begins at 2:1.

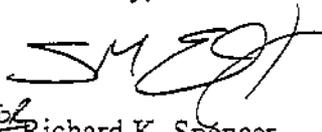
c. Stream mitigation - According to the Maryland Department of Natural Resources, the Middle Patuxent River contains three blockages that restrict the movement of anadromous fish species from the Patuxent River to the upper reaches of the Middle Patuxent River. The Corps recommends that in addition to pursuing the currently proposed improvements to local streams found in the DEIS, SHA should investigate the provision of fish passage downstream of MD 32 to the Patuxent River.

d. Crossings - Where applicable, all proposed crossings should be designed to allow for fish and animal passage.

e. MD 32 and Smart Growth Conformity – We were notified by letter from the Maryland Office of Planning dated June 10, 1998, that the currently proposed improvements to MD 32 do not conform with Maryland's Smart Growth Act. We have also been informed that the MD 32 project alternatives may be revised in a manner that is inconsistent with the existing purpose and need based on the Smart Growth issue in addition to opposition to the project's current design from the general public. Therefore, the Corps recommends that the MD 32 project be placed back into the NEPA/404 process to ensure all pertinent issues are adequately addressed.

If you have any questions regarding this matter, please contact Mr. Steve Elinsky of this office at (410) 962-4503.

Sincerely,


Richard K. Spencer
Acting Chief, Special Projects
Permits Section

cc: Jamie Stark, EPA Region 3
Bob Zepp, USFWS CBFO
John Nichols, NMFS
Elder Ghigiarelli, MDE
Greg Golden, DNR
J. Rodney Little, MHT
Cynthia Simpson, SHA
Joseph Kresslein, SHA



DEPARTMENT OF PLANNING & ZONING

Joseph W. Rutter, Jr., Director

May 22, 1999

Neil J. Pedersen, Director
Office of Planning & Preliminary Engineering
State Highway Administration
Mail Stop C-411
707 North Calvert Street
Baltimore, MD 21202

Dear Mr. Pedersen:

We are writing to provide comments on the Draft Environmental Impact Statement for the MD 32 Project Planning Study.

As noted in prior correspondence, Howard County supports the completion of the Study as a first step toward identifying and selecting improvements to MD 32 between I-70 and MD 108. The need for both safety and capacity improvements has been clearly established. Long range traffic forecasts and recent increases in traffic volumes and accident rates indicate that the current design of MD 32 in the Study Area is no longer sufficient. SHA's Safety Action Plan (SAP) for MD 32 addresses the most critical of the existing safety problems and should be implemented as expeditiously as possible.

With regard to the long range aspects of the Study, a number of concerns have been raised by Howard County residents and the Howard County Administration (see attached correspondence dated December 8, 1995 and October 3, 1996) which remain unresolved in the DEIS and unreconciled in the perception of many County residents. These issues include:

Noise Impacts

The DEIS indicates that no noise mitigation measures will be included although approximately 100 to 150 residences would be adversely impacted. SHA should attempt to resolve this issue. We recommend that the berming of all excess fill be evaluated.

Truck Traffic

Residents of adjacent communities as well as commuters from other jurisdictions continue to express concern about the rapid growth in truck traffic and consequent safety and noise issues on MD 32 south of I-70. The DEIS should identify and evaluate ways in which these concerns may be addressed.

Interchanges

Residents of communities adjacent to MD 32 have indicated concerns regarding the number and location of interchanges as well as specific access and design issues. In addressing these concerns, SHA should seek to balance the need to provide access to adjacent land uses with the need to accommodate regional commuter and truck traffic.

Property Acquisition

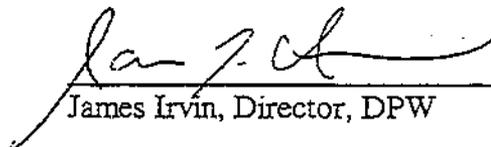
This Study proposes acquisition of property which is currently part of the County Agricultural Easement Program. Attached are comments from the County addressing this issue. Notwithstanding the issue of agricultural easements, the County supports the advanced acquisition by SHA of properties which will ultimately be acquired under any selected build option.

In summary, Howard County supports the planning and development of a design for MD 32 which provides an effective balance among access, mobility and safety needs, and which addresses environmental and community concerns. At present, however, many of these issues remain unresolved. The County, therefore, believes it is in the best interests of County residents and motorists who use MD 32 that the Draft Environmental Impact Statement remain open for further comment and revision until a practical consensus is achieved on the above referenced issues.

We will be happy to discuss these issues with you at your convenience.

Sincerely,


Joseph W. Rutter, Jr., Director, DPZ


James Irvin, Director, DPW

Attachment: A/S

JR/JI/BM/kkr/SHANeilP.let

cc: James N. Robey, Howard County Executive
Parker Williams, Administrator, SHA
Pam Stephensen, Environmental Protection Specialist, FHWA
Andy Daneker, Chief, Bureau of Highways
Ronald Lepson, Chief, Bureau of Engineering
Carl Balsler, Chief, Division of Transportation Planning
File: MD32



DEPARTMENT OF PLANNING & ZONING

Joseph W. Rutter, Jr., Director

December 8, 1995

Robert Sanders
Maryland State Highway Administration
Office of Planning and Preliminary Engineering
Project Planning Division
707 North Calvert Street
Baltimore, MD 21202

Dear Mr. Sanders:

Thank you for the opportunity to comment on the Interagency Field Review and the Purpose and Need Statement (PNS) for the MD 32 Project Planning Major Investment Study (MIS). Our comments are organized in two sections corresponding to the Field Review and the Purpose and Need Statement.

Interagency Field Review:

1. Impacts to existing land uses and developing uses - It is recommended that throughout the location and design phase of this project that aerial photography with alignment overlays be updated at regular intervals to indicate any ongoing development activity or design changes and that this mapping be available to review agencies. A number of developed properties as well as subdivisions in progress could be impacted by any widening, and it is important that accurate, up-to-date information is available to the public and decision makers.
2. Rather than utilizing only discrete receptor locations to indicate noise impacts, it is recommended that a noise impact contour line be established based on year 2020 forecasts similar to what is required by the Howard County Land Development and Subdivision Regulations.
3. The MD 32 corridor from MD 108 to I-70 has a scenic quality which is worth preserving. It is recommended that planning efforts to preserve this quality be incorporated as part of the MIS process.



DEPARTMENT OF PLANNING & ZONING

Joseph W. Rutter, Jr., Director

October 3, 1996

Robert Sanders, Project Manager
Project Planning Division
State Highway Administration
Office of Planning & Preliminary Engineering
707 North Calvert Street
Baltimore, MD 21202

Dear Mr. Sanders:

Unfortunately, because of a miscommunication between SHA and this Department, Howard County was not at the rescheduled MD 32 Team Director's review on September 17, 1996. Since we were not present, this letter summarizes several of the County's primary concerns which we had planned to express at that meeting.

1. As we have stated in the past, Howard County is concerned about the proposal to analyze a possible realignment and straightening of MD 32 across the Howard Hunt Club property. Construction of such an alignment could negatively impact pending school sites now being purchased by the Howard County Board of Education.
2. The proposal to analyze an interchange at MD 32 at Triadelphia Road is of concern to the County because of (a) likely negative impacts to the historic Westwood M. E. Church; (b) the potential for negative traffic impacts to communities east of MD 32 along Folly Quarter Road and Triadelphia Road; and (c) impacts on the surrounding community given the amount of right-of-way which would be needed to accommodate ramps for the grade separation.
3. Regarding future noise impact analysis, it is recommended that the 1995 MD 32 base traffic volumes be used because they give base noise conditions prior to the March 1996 completion of relocated MD 32 from MD 108 to Cedar Lane. Additionally, as indicated in previous correspondence from the County to the State Highway Administration (SHA), MD 32 north of Clarksville embodies rural scenic vistas with views of farmland, forest and other natural features. These scenic elements buffer adjoining residential communities along MD 32. Howard County urges SHA to apply appropriate planning, design and construction techniques to protect the scenic character and integrity of this corridor and the adjacent communities.



Howard County

Internal Memorandum

Subject:

MD Route 32 Draft EIS Review

To: Carl Balsler, Chief, Transportation Planning

Through: Bill O'Brien, Chief, Division of Comprehensive Planning and Zoning Administration *BOB*

From: Bill Pickens, Administrator, Agricultural Land Preservation Program *WP*

Date: February 11, 1999

The Draft Environmental Impact Statement (EIS) for the proposed widening of MD State Route 32 has been reviewed and the following comments forwarded for your consideration:

General

1. The limits of the study area, and particularly the design parameters of the MD Route 144 interchange, do not appear to take into account the traffic generated by the Howard County Fairgrounds, which is a year-round operation. Also, it does not take into account traffic generated by the development of West Friendship Park (Capital Improvements Project N3016, design and build stage; per Ken Albans, 02/10/99). The future development (possible) of Nixon's Farm in combination with the planned development of the park may require the access to Route 32 be redesigned in the future. Refer to pages S-12 (E.41, E.45), III-7.

Farmland and Agricultural Preservation Program

1. Summary of Environmental Impacts (page S-3) does not quantify acreage of productive agricultural land, or protected agricultural and environmental easement properties. Table S-1 (page S-6) does not have a line item for preserved lands (agriculturally or environmental).
2. "Areas of Controversy" (S-4) does not mention the condemnation of preserved land. While such an action by SHA is permitted under the State Code, it is inconsistent with County and State policies and programs.
3. The value of the agricultural easements on the remainders of easement properties will be reduced by more than just the acreage taken, due to the purchase methodology used by the County at the time of easement acquisition. The reduction in value (per acre) of the remaining easement land cannot be calculated until the final road design is established. Refer to E.33, page S-11.

4. "b. *Dayton Shop Interchange*" (page II-6) does not mention the impact to the adjacent preservation parcel.
5. The Land Use section (page III-10) has a general discussion paragraph on agricultural preservation, but does not mention that there are preservation properties affected by this project. It also does not clearly indicate that these easements are intended to be perpetual, according to Country and State Code, as well as by individual deeds.
6. The discussion of "*Existing Businesses*" (page IV-4) does not address the economic and operational impact on existing agribusiness operations affected by the project.
7. The form presented in the document (page IV-13) refers to Appendix C, which is appropriate based upon the form. However, Appendix C does not address possible mitigation to minimize or alleviate negative impacts to farm operations in the project corridor. Mention is made that each farm may have barns, water troughs, and other agricultural infrastructure in the area to be acquired or condemned, but no mention is made of replacement or other compensation.
8. "*Secondary and Cumulative Effects*" (page IV-60) lists "*farmland*" as a topic in the initial section, but the following text does not mention farmland or describe any potential "secondary and cumulative effects". Additional discussion should be added, rather than the removal of the topic "farmland".

Technical Accuracy

1. Figure III-4 is inaccurate. It is labeled as a "*Zoning Map*", but it appears to be based upon the 1990 General Land Use Map. The use of the official zoning maps will generate different values for the types of affected acreage, and will result in a different analysis. If the Land Use Map is to be used as the base, the title of this Figure should not be "Zoning".

Please call Bill Pickens at extension 4382 if you need additional information. Thank you.

cc: Brian Muldoon
Bill Pickens
AG Read File